

2015-2016 GRAND JURY REPORT

Temecula Valley Unified School District Board of Education

Background

Temecula Valley Unified School District (TVUSD) is located in southwest Riverside County adjacent to the Murrieta, Menifee, and Hemet Unified School Districts. TVUSD has 17 elementary schools, 6 middle schools, 3 high schools, 1 continuation school, 1 independent study high school, 1 high school academy, 3 charter schools, and 1 adult school. It has approximately 24,000 students with an annual operating budget in excess of \$250 million.

The Temecula Valley Board of Education (BOE) is regarded as an Administrative Agency of California State Government. Boards of education in California operate within laws and regulations set by the State Board of Education.

Methodology

Evidence to support this report was obtained through review of documents and non-sworn and sworn testimony with past and present administration and staff of TVUSD, the BOE, and the Riverside County Sheriff's Department. Documents reviewed included the following:

- a. Second written statement by the applicant (undated)
- b. Six employment applications submitted by the applicant for various positions within TVUSD
- c. Superior Court of California, County of San Diego North County Division Case Number CN286821 dated February 1, 2011
- d. BOE Agendas with Consent Calendars from 2013 and 2014
- e. Verification of employment from Pala Casino dated March 3, 2016

Individuals interviewed were:

- a. Superintendent of TVUSD (once non-sworn, once sworn)
- b. The former Director of Human Resources for classified personnel
- c. The Director of Human Resources for classified personnel (three interviews)
- d. The former classified substitute coordinator
- e. Two members of the BOE
- f. The former Assistant Superintendent for Human Resources (once non-sworn, once sworn)

- g. The Assistant Superintendent for Educational Services
- h. The applicant (once non-sworn, once sworn)
- i. The Director of Child Welfare and Attendance
- j. Two Directors of Curriculum, Instruction, and Assessment
- k. A former district middle school principal
- l. A representative of the Riverside County Sheriff's Department
- m. A citizen of Temecula (filed complaint)

Findings

1. The applicant is the daughter of the Superintendent of TVUSD. The daughter was charged with a felony and pled guilty to misdemeanor (PC §487(b) (3)) prior to seeking employment with TVUSD. Employment applications require an explanation (statement) if the applicant was previously convicted of a felony or a misdemeanor. Applicant's original application was for a classified (non-teaching) substitute position. The process for hiring a classified substitute requires a background verification, which results in a Department of Justice (DOJ) report finding. In this case, the DOJ report indicated a misdemeanor conviction.

According to interviews with the former Assistant Superintendent of Human Resources and the Director of Human Resources for classified personnel, a second statement was requested from the applicant. During both non-sworn and sworn interviews, the Superintendent said he delivered the applicant's second written statement to the Human Resources Department. This was corroborated in a sworn interview by the former Assistant Superintendent of Human Resources, and in non-sworn interviews by the Director of Human Resources for classified personnel. However, the applicant stated during two separate interviews that the statement was personally delivered to the Human Resources Department. This second statement indicated that the applicant was asked to leave a previous employer, Pala Casino that was not listed on the application. This omission was repeated on six subsequent applications for other positions within TVUSD. The applicant also checked "NO" to the question "Have you ever been dismissed or asked to resign from any position?" on the subsequent applications. Both the former Assistant Superintendent of Human Resources and the Director of Human Resources for classified personnel indicated that it was normal practice, but not written policy, to interview an individual when a positive DOJ report was received. In this instance, no interview was conducted to determine when or where the incident occurred or the outcome of the judicial proceedings.

The circumstances of the crime and her subsequent conviction have never been discussed with the applicant. According to Superior Court of California, County of San Diego North County Division Case Number

CN286821, the applicant pled guilty to misdemeanor charges. The court sentenced her to three years' summary (non-supervised) probation and five days public works (community) service, and she agreed to pay restitution in the amount of \$18,676.00 to Pala Casino. The former Assistant Superintendent of Human Resources met with the Superintendent to discuss the applicant's background, and was told by the Superintendent, "She would not hurt the district." The Superintendent corroborated this statement.

2. Consent Calendars for BOE meetings in January and March 2013 contained listings of classified substitutes being offered employment. The applicant's name did not appear on the Consent Calendar for the BOE meeting in April 2013, or anytime thereafter, prior to the applicant obtaining permanent employment with TVUSD in a classified position. When the applicant was initially hired for a permanent classified position, and promoted to another classified position, the applicant's name did appear on the Consent Calendar for the BOE meetings. No member of the BOE sought further clarification on the identical last names of the Superintendent and his daughter, nor did the Superintendent make it known to the BOE that the applicant was the daughter of the Superintendent. During interviews, two members of the BOE stated they did not read the Consent Calendar in detail and did not notice the same last name. The Superintendent stated he did not find it necessary to address this topic.
3. Prior to the academic year beginning in August 2012, the Superintendent was approached by representatives of the Riverside County Sheriff's Department (RCSD) to discuss the enrollment of undercover Sheriff's Department personnel into a high school in TVUSD to investigate possible violations of drug laws. The Superintendent agreed with RCSD to conduct the operation without seeking legal advice as to the potential liabilities to TVUSD.

Recommendations

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1. That TVUSD develop and follow written policy to ensure all applicants are treated equally in the screening of their applications. Said policy is to include step by step procedures that are followed in all situations.

That TVUSD develop a more comprehensive written policy on the employment of relatives. Immediate relatives of the Superintendent, Assistant Superintendents, or Department Directors be thoroughly vetted in accordance with written policy prior to being approved to work in the district offices avoiding the appearance of undue influence.

2. That TVUSD ensure all classified substitute applicants are listed on the Consent Calendar. Any relative of an existing employee be identified as an applicant, regardless of the supervisory or evaluation responsibility for the applied for position.
3. That the Superintendent seeks legal advice, to include potential liabilities, on all future requests for operations from law enforcement agencies.

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