

# COLFAX ELEMENTARY SCHOOL DISTRICT

## Complaint 2001A-08

### Background

Colfax Elementary School District consists of two schools: Colfax Elementary School, with about 500 students, and Iowa Hill School with 4 - 10 students. The District has been managed at various times under a Superintendent/Principal and Vice Principal for Colfax Elementary versus a Superintendent and Principal (no Vice Principal) for the School. The latter system has been the method of management for the last several years. Iowa Hill School has one teacher that serves under the Superintendent. The current superintendent has been in his position for 22 years but is resigning as of June 30, 2002. The new principal began her term in June 2001. According to the school administration there have been four principals in seven years. Also it should be noted that the five-member School Board has had few elected members in recent years. Currently all Board members have been appointed.

The Placer County Grand Jury began an investigation of the District because of four written requests for action. The complaints centered mainly on parents' ethnicity forms being changed by teachers under order from the Superintendent, budget improprieties, Brown Act violations, and lack of good management. A Grand Jury Committee interviewed nine witnesses.

### Discussion

Testimony developed the following information:

1. Witnesses testified that demographic data in the Indian Education Program had been altered from that submitted by parents for submittal to the Federal Government.
2. Prior to hiring a business manager, budget data was confusing. Different data was used for different audiences. One set was apparently for public consumption and one for use with internal audiences.
3. There may have been violations of State provisions of the Brown Act. Witnesses also testified that there were alleged Brown Act violations.
4. The Colfax Elementary School Board has failed to provide leadership for the District and the Superintendent has dominated the board, according to witness testimony.

### Ethnicity Forms

Witnesses provided information that data sent to the Department of Education, Office of Indian Education, was altered substantially from that originally

submitted. In the fall, teachers were asked to make a count of students based on their ethnicity in the California Basic Educational Data System (CBEDS) report. The following spring teachers were asked to mark the ethnicity of each of their students on STAR/SAT 9 test forms. During school years 1998-99 and 1999-2000 these counts did not match, and the District hired an outside consultant to reconcile the figures. The differences were largely in the District's Native American count. The District has for many years received a substantial grant (2001-2002 grant is \$19,912) from the Department of Education, Office of Indian Education, for an "Indian Ed Program". The ethnicity question, as posed by the CBEDS count and the STAR/SAT 9 test form, asks with which ethnic group the students and/or parents "most closely associate" themselves. In the spring of 2001 the Superintendent gave teachers detailed, written instructions for completing the ethnic designation for each student:

1. Teachers were to use the District parent survey to gather the information directly from parents.
2. The parents' designation was to be used when filling out the student's form, EXCEPT, if the student was enrolled in the Indian Education Program he/she was to be designated as Native American regardless of the parents' designation.

There were objections to this policy on the basis of validity and ethics. The result was that in 1999, 69 students were reported as Native American out of a student body of 430, or about 16% of the student body. In the 2001-02 school year there are 99 students reported as Native American with an enrollment of 530, or 19%. The 2000 census shows that only about 1% of the Colfax area thinks of itself as Native American.

The Department of Education, Office of Indian Education, has investigated this situation, and its report (dated March 21, 2002) is attached. The government report seems inadequate, as it does not deal with changing of parents' ethnic designations.

### Budget Issues

Witnesses consistently testified that the Superintendent used two different sets of budget data to lead people to believe that certain needs had been budgeted. Later these funds disappeared in the official budget and upon questioning they reappeared. An example of this occurred in the 1997-98 school year when the District had a \$17,000 deficit in the SITE Improvement Program. This led to much consternation on the part of the teachers, parents, SITE Council, and Parent/Teacher organization.

There was a lack of diligence in budget oversight concerning the construction of a new school. The State claimed an overrun in excess of \$2 million for construction costs over the amount allocated by the State. This has resulted in an expenditure of \$36,000 per year from the school year 1994-95 to January 2, 2015 to repay a loan from the state.

### Brown Act

The Brown Act requires that any employee be given at least 24 hours written notice of any meeting intended to be held in closed session to hear charges or complaints against the employee, and the option to have the complaints or charges heard in open session. (Government Code Section 54957) Neither the Board nor the District gave the required written notice to one employee, although they heard and considered the complaints and charges in closed session. It also has been alleged that a Colfax School Board meeting was held in a private home.

### Management

On another matter, the Grand Jury felt that instead of providing leadership for the District, the School Board has consistently bowed to the wishes of the Superintendent. Witnesses indicated that, while well intentioned, the Board was weak and “in the Superintendent’s pocket”. In January 2002, the current Superintendent announced that he was retiring and the new person had been appointed without a job search. The management set-up was also changed from the Superintendent and Principal format to Superintendent/Principal and Vice-Principal.

The current Board is an appointed one. Colfax has not held a competitive election for school board members since 1996.

Witnesses consistently characterized the relationship of the administration with teachers and some parents as strained and lacking in trust. This is reflected in the fact that Colfax Elementary School has had four principals in the past seven years. Labor relations have been tense between staff and management. The latter is demonstrated by the survey of documents showing more than \$30,000 in legal fees expended by the District in the past several years to resolve labor relations issues.

### **Finding 1**

It was alleged that inappropriate data relative to Native American census data might have been submitted to the United States Department of Education.

### **Recommendation 1**

Colfax Elementary School District should continue to investigate the validity of the numbers submitted for its Indian Education Program.

### **Finding 2**

There was a lack of diligence in budget oversight concerning the construction of a new school.

### **Recommendation 2**

The Colfax Elementary School Board needs to exercise more oversight in budgetary functions. The District Business Manager should advise the Board in budgetary matters. The Board needs to be apprised of overruns.

### **Finding 3**

Colfax Elementary School Board does not appear to have a full understanding of the provisions of the Brown Act as it relates to the proper workings of boards.

### **Recommendation 3**

The attorney for the school district should meet with the School Board and the Superintendent and go over the requirements of the Brown Act.

### **Finding 4**

The Colfax Elementary School Board has consistently failed to provide critical leadership to the district.

### **Recommendation 4**

The Colfax Elementary School Board needs to educate itself through a class, on the functions and responsibilities of board membership. It is recommended that Board members attend State and County School Board conferences to further their knowledge of current issues and more closely define the role of school boards. The whole community of Colfax School District residents needs also to take a greater interest in the functioning of their school district.

**Respondents**

Colfax Elementary School Board  
Superintendent, Colfax Elementary School District  
Placer County Superintendent of Schools

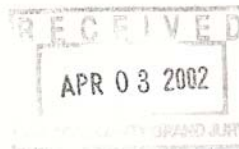
**RESPONSE REQUIRED WITHIN 90 DAYS TO:**

The Honorable James D. Garbolino  
Presiding Judge of the Superior Court  
County of Placer  
Historic Court House  
101 Maple Street  
Auburn, California 95603



UNITED STATES DEPARTMENT OF EDUCATION

WASHINGTON, D.C. 20202- \_\_\_\_\_



March 21, 2002

Mr. Alan Shuttleworth  
Superintendent  
Colfax Elementary School District  
24825 Ben Taylor Road  
Colfax, CA 95713

Dear Superintendent Shuttleworth:

On February 21, 2002, staff from the Office of Indian Education (OIE) of the U.S. Department of Education conducted an on-site review of the Colfax Elementary School District's Title IX Formula Grant Program to Local Educational Agencies (LEAs). The purpose of the review was to provide technical assistance on program specific issues.

The enclosed report summarizes the observations and recommendations of the review team.

Thank you and your staff for the cooperation and assistance given to OIE in the preparation and implementation of the onsite review. We look forward to continuing our partnership that seeks ways to improve the educational achievement of all American Indian and Alaska Native students.

Sincerely,

A handwritten signature in cursive script that reads "Cathie Martin".

Cathie Martin  
Acting Director  
Office of Indian Education

Enclosure

cc: Project Director  
Parent Committee

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## INTRODUCTION

**The purpose of on-site reviews is to provide technical assistance to grantees and to assist them in making improvements in their programs.** In order to provide technical assistance, the Office of Indian Education (OIE) of the U.S. Department of Education selects a sample of projects funded by the Title IX, Part A, Subpart 1, Formula Grants to Local Education Agencies (LEAs). These reviews are designed to examine the LEAs effective implementation of the approved program. The overall review emphasizes:

- Effectiveness, efficiency and quality of program to meet the needs of the Indian students;
- Comprehensive coordination and collaboration with other program activities and services;
- Program integrity to ensure compliance with the Title IX legislation; and
- Technical assistance needed by the LEA on program issues.

During the review, OIE staff held discussions and interviews with school staff and the parent committee of the Colfax Elementary School District. **No exceptions or findings were noted during the visit.**

## STUDENT COUNT

Requirements of the Program:

- The LEA must maintain a Title IX Student Eligibility Certification Form (506 Form) for each Indian child for whom the LEA counts to generate funding under the Formula Grant program. The form must contain at a minimum: (1) the name of the child, (2) the name of the tribe or band of Indians, and (3) the dated signature of the parent or guardian of the child (Section 9116(b)(2)).
- Certification of a student as an Indian is determined by the minimum information required and the parent's signature on the ED 506 form. (Note: There is no Indian blood quantum requirement for eligibility for this program.)
- The certification forms are effective for the duration of a student's enrollment in a school district.
- Indian student eligibility forms (ED 506 forms) are confidential student data and must be appropriately secured and maintained as other student records. Generally, forms may be destroyed three years after the end of the project.

#### Overview and Observations:

- For the 2001-2002 school year's project, the district submitted a count of 99 Indian students. The count verified by OIE on-site was 102.
- Suggestions were made on how to simplify the organization/maintenance of student eligibility forms.

### **PARENT COMMITTEE**

#### Requirements of the Program:

- In order to be eligible for Title IX funding, LEAs are required to form a parent committee. The LEA must obtain a written approval by the parent committee on all new and continuation applications.
- The committee is to be composed of, and selected by, parents of Indian children in the LEA's schools, teachers and a secondary student, if there is a secondary school receiving funds.
- The parent committee is required to adopt by-laws that govern the actions of the committee and must be approved by the school district.
- More than one-half of the members of the committee must be parents of Indian children.
- The LEA has the responsibility to develop the application in open consultation with the parent committee and secure the written approval of the committee. The LEA is also required to share the assessment results of the students to the parent committee and the Indian community (Section 9114(c)(4)).

#### Overview and Observations

- The parent committee was interviewed during the on-site visit. Questions of the parent committee and staff were answered.
- The committee's by-laws were discussed and are considered by OIE to be appropriate for the activities of the committee. Suggestions were also offered by OIE on ways the committee may enhance the by-laws in future revisions, including: staggering terms of members to ensure experience and continuity on the committee; criteria, if situations warrant, for removing members who are non-



participatory or are adversely affecting the progress of the committee and the LEA; suggested intervals for reviewing and/or revising the by-laws. Note: These suggestions are not specific to any situation currently at the school district but are common suggestions made to LEAs and parent committees during an on-site visit.

- The discussion also included some of the programmatic changes that OIE would be implementing for next school year as a result of the new legislation authorizing the program, including: programs will be required to base their objectives on meeting state standards and suggestions on how programs can include their culturally related activities in addressing state standards.

Note: The recommendations and suggestions provided in this report are not binding on the LEA and should be considered only if the LEA feels they may be useful in making program improvements.

OIE Staff Conducting On-Site Review:

Mary Brayboy, Group Leader  
Cathie Martin, Acting Director

DEPARTMENT OF EDUCATION  
OFFICE OF INDIAN EDUCATION  
WASHINGTON, DC 20202

STUDENT ELIGIBILITY CERTIFICATION  
Elementary and Secondary Education Act, Title IX, Part A

Public Reporting Burden Notice on Reverse Side

**Parents:** In order to apply for a formula grant under the Indian Education Program, your child's school must determine the number of Indian children enrolled. Any child who meets the following definition from the Act may be counted for this purpose. You are not required to complete or submit this form to the school. However, if you choose not to submit a form which contains at least the child's name, the name of the tribe, band or group, and your dated signature, your child cannot be counted by the school for funding under the Act. Please return completed form to your child's school.

**Definition:** Indian means any individual who is (1) a member (as defined by the Indian tribe, or band) of an Indian tribe, or band, including those Indian tribes, bands, or groups terminated since 1940, and those recognized by the State in which they reside; or a descendant, in the first or second degree, of such member; or (2) considered by the Secretary of the Interior to be an Indian for any purpose; or (3) an Eskimo or Aleut or other Alaska Native; or (4) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as it was in effect October 19, 1994.

NAME OF CHILD \_\_\_\_\_ Date of Birth    /    /     
(As shown on school enrollment records)

School Name \_\_\_\_\_ Grade \_\_\_\_\_

NAME OF TRIBE, BAND or GROUP \_\_\_\_\_

Tribe, Band or Group is: (check one)

\_\_\_\_\_ Federally Recognized, \_\_\_\_\_ State \_\_\_\_\_ Organized Indian  
\_\_\_\_\_ including Alaska Native \_\_\_\_\_ Recognized \_\_\_\_\_ Terminated \_\_\_\_\_ Group meeting  
#4 of the definition

Membership is in the name of: \_\_\_\_\_

Above individual is (check one): \_\_\_\_\_ Child \_\_\_\_\_ Child's parent \_\_\_\_\_ Child's grandparent

Proof of membership, as defined by tribe, band, or group:

A. Membership or enrollment no. (if readily available) \_\_\_\_\_ OR

B. Other (explain) \_\_\_\_\_

Name and address of organization maintaining membership data for the tribe, band or group:  
\_\_\_\_\_

I verify that the information provided above is accurate:

PARENT'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

Mailing Address \_\_\_\_\_ Telephone \_\_\_\_\_

Optional: I give my permission for the school to release this form to the Indian Education Parent Committee. (This form will not be released without your approval).

Parent Signature \_\_\_\_\_

J2