

**FINAL REPORT**  
**CASE #0603 TRACY UNIFIED SCHOOL DISTRICT**

**REASON FOR INVESTIGATION:**

The 2003-2004 San Joaquin County Civil Grand Jury (Grand Jury) received a citizen complaint alleging that Tracy Unified School District (TUSD) was discriminating against and failed to follow procedures regarding suspension of a student at Tracy High School (THS).

**BACKGROUND:**

THS whose motto is "A school with pride and tradition" and TUSD whose vision statement is "Will allow students to become the leaders of tomorrow." were alleged to have been discriminatory and not following policies and procedures during a suspension of two high school students. During an after school sports activity at a Stockton Unified School District campus two students engaged in a verbal argument that led to a physical confrontation resulting in their suspension.

**METHOD OF INVESTIGATION:**

**The Grand Jury:**

- Reviewed the complaint letter and supporting documentation sent by the complainant. Interviewed by telephone the complainant.
- Interviewed by telephone THS Vice Principal Joe Williams.
- Visited the THS campus and interviewed THS Principal Gordon Lindquist.
- Visited the TUSD campus and interviewed the TUSD Director of Student Services Rebecca Frame.
- Reviewed TUSD policies and procedures, THS Student Handbook, and California State Education Codes regarding Suspensions.

**FINDINGS:**

The Grand Jury:

1. Found that THS was not in violation of their policies and procedures regarding suspensions.
2. Found that the school does not have a current policy that requires an official to report the incident to a neutral third party, for purposes of investigation. The incident was investigated by the Tracy High School Vice-Principal three days later.

3. The suspension notice given to the parents which referenced Education Code, Sections 48900 and 48915, were not quoted in its entirety.
4. TUSD Board Policy #5144, under the heading of "Suspensions and Expulsions/Due process" subheading 'Zero Tolerance' states "The Board supports a zero tolerance approach to serious offenses. This approach makes the removal of potentially dangerous students from the classroom a top priority. It ensures fair and equal treatment of all students and requires that all offenders be punished to the fullest extent allowed by law." The term offenders tends to be one sided.
5. Two Tracy High School security personnel did not question our appearance on campus when we passed them.

### **RECOMMENDATIONS:**

The Grand Jury recommends

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1. A policy be developed that all physical confrontations, either on or off campus, be investigated immediately by a neutral third party i.e.: School Administrators, Resource Officers, District Police or City Agency.
2. The suspension notice should be revised to include in its entirety subsections of Education Code Sections 48900 and 48915 pertaining to suspensions.
3. Amend the Tracy Unified School District "Zero Tolerance" policy to change the word 'offender' to 'participant' so that there is no misunderstanding that all parties are covered under said policy.
4. A policy be developed and enforced that security personnel screen all visitors to the Tracy High School campus.

### **RESPONSE REQUIRED:**

Pursuant to Section §933.05 of the Penal Code:

Tracy Unified School District Board of Trustees shall report to the Presiding Judge of the San Joaquin Superior Court, in writing and within 90 days of publication of this report, with a response as follows:

As to each finding in the report a response indicating one of the following:

- a. The respondent agrees with the finding.
- b. The respondent disagrees with the finding, with an explanation of the reasons therefore.

As to each recommendation, a response indicating one of the following:

- a. The recommendation has been implemented, with a summary of the action taken.
- b. The recommendation has not yet been implemented, but will be with a time frame for implementation.
- c. The recommendation requires further analysis, with an explanation of the scope of the analysis and a time frame not to exceed (6) six months.
- d. The recommendation will not be implemented, with an explanation therefore.