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ROSA JUNQUEIRO, CLERK

By TRISAL MARTINEZ  
DEPUTY

**TRACY**  
UNIFIED SCHOOL DISTRICT

Hon. George J. Abdallah, Jr.  
Judge of the Superior Court  
Grand Jury - Courthouse  
222 East Weber Avenue-Room 303  
Stockton, California 95202

*"The future belongs  
to the educated"*

Re: CASE #0603 Tracy Unified School District

Dear Judge Abdallah:

Per your request, please find the Tracy Unified School District's Board of Trustee's response to the Grand Jury Report released to the public on June 30, 2004.

The Grand Jury found:

- 1 That THS was not in violation of their policies and procedures regarding suspensions.  
*Response-the Tracy Unified School District Board of Trustees agrees with the finding that THS was not in violation of their policies and procedures regarding suspensions.*
2. That the school does not have a current policy that requires an official to report the incident to a neutral third party, for the purposes of investigation. The incident was investigated by the Tracy High School Vice-Principal three days later. *Response- Tracy Unified School District Board of Trustees disagrees with the finding. The incident occurred on the evening of September 18, 2003, a Thursday. The Principal was informed that evening and the assistant principal started his investigation on September 19, 2003, a Friday. By September 22, 2003, the assistant principal had concluded his investigation. This incident was reported to a neutral third party, the Principal and the assistant principal. In addition, a complainant may further appeal to the Director of Student Services. The Director of Student Services would conduct a thorough and complete investigation and make an independent final decision on the appeal.*
3. The suspension notice given to the parents which referenced Education Code, Sections 48900 and 48915, were not quoted in its entirety.  
*Response- The Tracy Unified School District Board of Trustees agrees that the Education Code sections were not quoted in its entirety and specifically the education code violated.*

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- 4 TUSD Board Policy #5144, under the hearing 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 extend allowed by law." The term offenders tends to be one sided.
- Response- The Tracy Unified School District Board of Trustees agrees with the finding that Board Policy #5144 under the hearing of "Suspensions und 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 stuäents 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 extend allowed by law." However, the Tracy Unified School District Board of Trustees disagrees that the term offenders tends to be one sided. The specific wording cited is standard language adopted from the California School Boards Association's recommended wording for board policies. Any student who violates the Education Code by committing an act warranting suspension or expulsion would be considered an offender, not a participant.*

5. Two Tracy High School security personnel did not question our appearance on campus when we passed them.
- Response- The Tracy Unified School District Board agrees that security personnel did not question the three grand jury members appearance on campus when they passed by them.*

#### Recommendations-

1. A policy be developed that all physical confrontation, either on or off campus, be investigated immediately by a neutral third party i.e. School Administrators, Resource Officers, District Police, or City Agency.

*Response: The Tracy Unified School District Board of Trustees believes that the current policy is in complete compliance with Education Code und the process facilitates an appeal channel for any disciplinary action taken. The high school administration will continue to investigate these matters in a timely fashion*
2. The suspension notice should be revised to include in its entirety subsections of Education Code Sections 48900 and 48915 pertaining to suspension.

*Response: The Trucy Unified School District Board of Trustees has directed Tracy High School to cite Education Code sections in their entirety and specifically, in regard to suspension notices, the Education Code subsection violated.*
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.

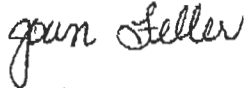
*Response. The Tracy Unified School District Board of Trustees will not amend The Tracy Unified School District "Zero Tolerance" policy to read "participant" rather than "offender." The specific wording cited is standard language adopted from the California School Boards Association's recommended wording for board policies. Any student who violates the Education Code by committing an act warranting a suspension or expulsion would be considered an offender, not a participant.*

4. A policy be developed and enforced that security personnel screen all visitors to the Tracy High School campus.

*Response: The Tracy Unified School District Board of Trustees has directed security at Tracy High School that all visitors entering campus be approached upon entering and directed to the school administrative office*

Please feel free to contact Tracy Unified School District Superintendent, Dr. Jim Franco, if you believe there is something else the District can do to assist.

Respectfully,



Joan Feller, President  
Tracy Unified School District Board of Trustees