



## Board of Education

701 N. Madison Street  
Stockton, CA. 95202  
Phone: (209) 933-7070 Fax: (209) 933-7071

### Board of Education

Gloria Allen  
David L. Midura  
Kathleen Garcia  
Colleen Keenan  
Sal Ramirez  
Steve Smith  
David Varela

August 13, 2014

Via Hand-Delivery

Hon. Lesley Holland, Presiding Judge  
San Joaquin County Superior Court  
222 E. Weber Street, Room 303  
Stockton, CA 95202

Re: District's Responses to Grand Jury Reports

Dear Judge Holland:

In May 2014, the Stockton Unified School District Board of Education received two reports from the San Joaquin County Grand Jury. During its open session Board meeting of August 12, 2014, the Board of Education adopted its response to each report by unanimous vote. On behalf of the Board of Education, I submit the attached responses to the Grand Jury.

Sincerely,

Kathy Garcia, Board President

Attachments

cc: Board of Education  
Dr. Steven Lowder, Superintendent  
Marie A. Nakamura, Legal Counsel  
Trisa Martinez ([grandjury@courts.san-joaquin.ca.us](mailto:grandjury@courts.san-joaquin.ca.us))

## I. SUMMARY

On May 12, 2014, the San Joaquin County Grand Jury released its report involving the Stockton Unified School District ("District") and the after school community partners in the District's After School Education and Safety ("ASES") program. The ASES program provides an opportunity to merge school reform strategies with community resources. The goal is to support local efforts to improve assistance to students and broaden the base of support for education in a safe, constructive environment. It is the intent of ASES program legislation to encourage schools and school districts to provide safe and educationally enriching alternatives for children and youth during non-school hours. The program creates incentives for establishing locally driven before and after school education and enrichment programs.

The ASES program involves collaboration among parents, youth, representatives from schools and governmental agencies, such as local law enforcement and local parks and recreation departments, and individuals from community-based organizations and the private sector. Programs are created through partnerships between schools and local community resources to provide literacy, academic enrichment, and safe, constructive alternatives for students in grades K-9.

The 2013-2014 Civil Grand Jury investigated the hiring practices of the ASES Community Partners and the monitoring of the Partners by the District. Therein the Grand Jury recommended that the District develop procedures that will enable the District to regularly audit documentation held by the Community Partners to ensure those working with the District's students are qualified.

Pursuant to the statutory authority of the Grand Jury, the Board of Education was directed to respond to its findings within ninety (90) days. Penal Code §933.05 requires that the Board respond as follows:

*(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:*

*(1) The respondent agrees with the finding.*

*(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.*

*(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following*

(1) *The recommendation has been implemented, with a summary regarding the implemented action.*

(2) *The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.*

(3) *The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.*

(4) *The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.*

Pursuant to the requirements of the Penal Code, for each finding below the Board indicates whether it agrees or disagrees, and if it disagrees in part or wholly, the Board explains why. For each recommendation below, the Board indicates whether the recommendation has been adopted, will be adopted with analysis and a time line, or will not be adopted with reasons therefor.

## **II. BOARD OF EDUCATION RESPONSE TO GRAND JURY**

Below are the Grand Jury's findings and recommendations, and the Board of Education's responses to each finding and recommendation of the Grand Jury.

**Grand Jury Finding #1: Not all Community Partners receive complete and timely background information from the California Department of Justice which would enable them to guarantee that all of their employees are legally eligible to work with children.**

- **District Response to Finding #1:**

The District agrees that the Grand Jury found that not all Community Partners received complete and timely background information from the Department of Justice ("DOJ"). Because the DOJ reports are sent directly to the Community Partners, the District relies on the Community Partners to inform the District accurately that a Community Partner employee is legally eligible to work with the District's students.

**Grand Jury Recommendation #1: By November 1, 2014, Stockton Unified School District is to require all Community Partners to have their own unique contract with the California Department of Justice so that each Community Partner receives fingerprint reports and Subsequent Arrest Notifications.**

- **District Response to Recommendation #1:**

This recommendation has been implemented and the District is requiring that each Community Partner has its own unique contract with the California Department of Justice guaranteeing Subsequent Arrest Notifications as of July 1, 2014.

**Grand Jury Finding #2:** *Community Partner administrators do not have expertise in applying the procedures to verify the No Child Left Behind requirements that resulted in unqualified employees working in the after-school programs.*

- **District Response to Finding #2:**

The District agrees that some Community Partners did not have the expertise to verify NCLB qualifications.

**Grand Jury Recommendation #2:** *By August 1, 2014, Stockton Unified School District is to provide expertise to the Community Partners in applying NCLB requirements through on-going training and/or consultation.*

- **District Response to Grand Jury Recommendation #2:**

This recommendation has been implemented. In July 2014, Personnel Analyst Brenda Blythe provided training to District After School Administrator Janet Yarbrough regarding how to confirm and ensure that the employees of the Community Partners meet NCLB requirements. The training included how to read high school and college transcripts; how to check if schools are accredited; and how to obtain a paraprofessional certificate. Also, a checklist has been created to assist both Ms. Yarbrough and the Community Partners to ensure NCLB compliance. (Exhibit A.) If partners have questions throughout the year, SUSD's Human Resources Department or Ms. Yarbrough will provide assistance.

**Grand Jury Finding #3.1:** *Some of the Community Partners included in the investigation allowed employees to work with students without having reviewed DOJ reports. As a result, the District was potentially exposed to liability and students were potentially endangered.*

- **District Response to Finding #3.1:**

The District agrees that the Grand Jury found that some of the Community Partners allowed employees to work with students without the Community Partners first reviewing the DOJ reports.

**Grand Jury Finding #3.2:** *Some of the Community Partners included in the investigation allowed employees who had not met NCLB requirements to work with students thus jeopardizing the funding from the California After School Education and Safety Program grant.*

- **District Response to Finding #3.2:**

The District agrees with this finding.

**Grand Jury Recommendation #3.1:** *No later than December 31, 2014, and not less than annually thereafter, the Stockton Unified School District is to audit the hiring practices of its Community Partners to determine whether they have received and reviewed Department of Justice reports prior to placing personnel in Stockton Unified School District schools.*

- **District Response to Grand Jury Recommendation #3.1:**

This recommendation has been implemented. The revised contracts with the ASES Community Partners require quarterly Certificates of Compliance with DOJ and District fingerprinting and hiring requirements. (See sample contract attached hereto as Exhibit B.)

**Grand Jury Recommendation #3.2:** *No later than December 31, 2014, and not less than annually thereafter, the Stockton Unified School District is to audit the hiring practices of the Community Partners in order to determine whether all personnel hired by the agencies meet the contractual NCLB requirements.*

- **District Response to Grand Jury Recommendation #3.2:**

This recommendation has been implemented. The revised contracts with the ASES Community Partners require quarterly Certificates of Compliance with NCLB requirements.

**Grand Jury Recommendation #3.3:** *No later than December 1, 2014, Stockton Unified School District is to review its contracts with the providers of after-school programs to ensure the District's ability to monitor the providers' compliance with all employee eligibility requirements.*

- **District Response to Grand Jury Recommendation #3.3:**

This recommendation has been implemented. The standard agreement between the District and the ASES Community Partners has been revised to ensure the District's ability to monitor the provider's compliance with all employee eligibility requirements.

**Grand Jury Finding #4:** *The District's exclusion of the word "and" at the end of #1 and the word "or" at the end of #2 in contract language found in Exhibit G allows these requirements to be interpreted differently than intended and may lead applicants to believe that they meet NCLB requirements when they do not.*

- **District Response to Grand Jury Finding #4:**

The District agrees with this finding.

**Grand Jury Recommendation #4: *By September 1, 2014, the Stockton Unified School District is to modify the contract language of Exhibit G so that is identical to the actual NCLB qualifications.***

- **District Response to Grand Jury Recommendation #4:**

This recommendation has been implemented. Please see Exhibit B.

## I. SUMMARY

On May 22, 2014, the San Joaquin County Grand Jury released its report involving the Stockton Unified School District ("District") and whether the District's Superintendent violated District Board Policy and California Education Code by unlawfully hiring an Interim Police Chief.

The 2013-2014 Civil Grand Jury found that the Superintendent violated the Education Code and Board Policy by permitting the Interim Police Chief and Interim Police Captain to begin work prior to receiving the required Department of Justice fingerprint clearance report.

Pursuant to the statutory authority of the Grand Jury, the Board of Education was directed to respond to its findings within ninety (90) days. Penal Code §933.05 requires that the Board respond as follows:

*(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:*

*(1) The respondent agrees with the finding.*

*(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.*

*(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:*

*(1) The recommendation has been implemented, with a summary regarding the implemented action.*

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*(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.*

Pursuant to the requirements of the Penal Code, for each finding below the Board indicates whether it agrees or disagrees, and if it disagrees in part or wholly, the Board explains why. For each recommendation below, the Board indicates whether the recommendation has been adopted, will be adopted with analysis and a time line, or will not be adopted with reasons therefor.

## II. BOARD OF EDUCATION RESPONSE TO GRAND JURY

Below are the Grand Jury's findings and recommendations, and the Board of Education's responses to each finding and recommendation of the Grand Jury.

**Grand Jury Finding #1.1:** *District HR being left out of the hiring process of the Interim Chief caused confusion thus the pre-employment requirements for the positions were not met.*

- **District Response to Finding #1.1:**

The District agrees with this finding.

**Grand Jury Finding #1.2:** *The District violated California Education Code Section 45125 by not first receiving and reviewing the DOJ report before allowing the Interim Chief and the Interim Captain to begin work.*

- **District Response to Finding #1.2:**

The District agrees with this finding.

**Grand Jury Recommendation #1.1:** *The District Board is to develop and implement a policy/procedure no later than November 1, 2014 to insure the District HR is involved in the hiring process of police personnel to properly vet the applicant according to the current state law and district board policy.*

- **District Response to Recommendation #1.1:**

The District implemented this recommendation. On February 4, 2014, Assistant Superintendent Craig Wells issued the Pre-employment Requirements Memo to all staff responsible for the paperwork induction process with guidance to complete all required pre-employment steps before any employee starts work. (Exhibit A.) The memo was accompanied by a copy of Education Code 44237, which speaks to the requirement. The District further implemented this recommendation by codifying District hiring procedures for classified employees on March 14, 2014. The guidelines include directions to complete fingerprint clearance before an employee may start work.



Further, procedures have been established between Human Resources and Stockton Unified School District Police Department to return hiring responsibilities to HR and use established recruitment techniques and screening procedures. In addition, the Police Department has also instituted background procedures consistent with state regulations for hiring of peace officers, and no officer is sworn in or starts work until all those requirements are met. As such, Human Resources will not employ a peace officer as an employee until the Chief of Police certifies that the process is complete. Notable required steps (among others) include: DOJ and FBI clearances (fingerprinting—beyond what a regular school employee/volunteer gets); credit check; psychological exam and medical exam.

**Grand Jury Recommendation #1.2: The District Board is to direct the Superintendent to adopt a procedure for training and implementation of the requirements of Education Code section 45125 and Board Policy 4212 by all involved employees no later than September 1, 2014.**

- **District Response to Recommendation #1.2:**

The District Board has not yet implemented this recommendation, but will provide such direction and a plan for training at its Board meeting on August 26, 2014.