



MARK WEST UNION SCHOOL DISTRICT

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Kay Schultz, Superintendent

SEP 10 2007

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September 6, 2007

The Honorable Robert S. Boyd
Presiding Judge
Sonoma County Superior Court
Hall of Justice
600 Administration Drive
Santa Rosa, CA 95403

Dear Judge Boyd:

On behalf of the Mark West Union School District and pursuant to the requirements of California Penal Code Section 933C, I have enclosed our required responses to the 2006-2007 Final Report of the Sonoma County Civil Grand Jury.

We have carefully reviewed the Grand Jury's findings, conclusions, commendations, and recommendations, and are pleased to enclose our response to the following recommendations: R1, R4, R5, R6, R7, R8, R9, R10, R11, R13, R14, and R15.

Respectfully Submitted,

Kay Schultz
Superintendent
Mark West Union School District

August 28, 2007

Mark West Union School District Response to Grand Jury Report “See Dick. See Jane. See Dick and Jane go to school. Are they Safe?”

Prepared by: Kay Schultz., Superintendent.

Reported to the Mark West Union School Board of Trustees on August 28, 2007

R1: Each public school district in Sonoma County should have at least one employee who is trained and authorized to access DOJ website within an official and specified schedule. This employee should fully understand the way in which information is to be communicated. Further in the absence of this employee, a suitable alternate person or system should be in place to responsibly retrieve valuable information as it is posted. This system should also cover notices from the DOJ sent via U.S. Mail.

The Mark West Union School District agrees with the finding.

The recommendation has not yet been fully implemented, but is in the process of being implemented.

Detail: We typically have two such employees. One recently retired (human resources clerk) and has been replaced. The new employee is being trained in this function. The finding should be fully implemented by the beginning of the 2007-08 school year.

R4: School districts should consider changing their policies to require successful employee applicants to pay for their own fingerprinting and background responses from DOJ and FBI. There is at least \$65,000 in 06-07 school district budgets for fingerprinting. As costs are shifted to paid employees, districts could use savings to fund costs for volunteers.

The Mark West Union School District partially disagrees with the finding. It is already difficult to find highly qualified employees in certain categories; we do not wish to make the application process more costly or cumbersome to potential applicants than it is already. Additionally, employment costs are negotiable conditions of employment (Public Employees Relations Board—PERB).

Currently, the district funds the costs of required background checks, TB clearance, and pre-employment physicals as required for employees and fingerprinting for volunteers chaperoning on overnight field trips and volunteer coaches. Classroom volunteers are supervised by appropriate employees while on-campus. We are shifting away from the use of private cars to school buses for fieldtrips which will result in volunteer chaperones being fully supervised.

R5: School districts should amend their policies, if needed, to allow for volunteers names to be public information and readily available so that a greater scrutiny is provided.

The Mark West Union School District feels that recommendation requires further analysis to determine what, exactly, the recommendation entails and to determine if there may be a Public Records Act issue. In any case, we would not be providing address or telephone information to the public, other than that in the district phone directory that is made for our current district parents. Our volunteers are the parents of current students, grandparents of current students, and Volunteer Center volunteers (Volunteer Center Volunteers undergo fingerprinting and DOJ background checks prior to being assigned to schools.)

R6: School should routinely check out names of adult volunteers on Megan's Law website (a public posing of sexual predators) even if fingerprinting is scheduled, and always do so if no fingerprinting is scheduled for that volunteer.

The Mark West Union School District partially agrees with this finding and will encourage principals and teachers to check for the names of their volunteers on the website, whenever practical and always when they have any suspicion about a potential volunteer. Additionally, we encourage our parents to check the Megan's Law website.

R7: School districts should request criminal activity record from the Sonoma County Superior Courts Records Division on any adult wanting to volunteer with students. This service is available at no cost to a district.

The Mark West Union School District partially disagrees with this finding.

This recommendation seems somewhat impractical to implement with all volunteers and unnecessary as we have approximately 425 parents volunteering in various capacities. Volunteers are supervised by district employees so for most volunteers, this recommendation would be unnecessary. We agree with and have implemented the recommendation for those chaperoning overnight field trips and volunteer coaches.

R8: School districts should, individual and collectively, request that the DOJ implement a system to confirm school district receipt of Notices of Subsequent Arrest. A system that would require the DOJ to follow up if no confirmation was received and would at least give school districts some assurance that information trusted to the U.S. Mail or electronic mail services is actually being received.

The Mark West Union School District agrees with this finding and agrees to assist the County Superintendent, Dr. Wong, in writing such a letter to the DOJ on behalf of all districts. Currently, we believe we get notices of subsequent arrest. SCOE also provides us with subsequent arrest notices on substitute teachers that work in our district.

R9: School districts should request FBI responses on all classified employees and volunteers that they do a DOJ response regardless of the time they have lived in California. The relatively small fee of \$24 to get prior criminal activity from a national database seems justifiable, reasonable and the right action to take.

The Mark West Union School District agrees to this finding and has already implemented the recommendation.

R10: School districts should require fingerprinting for all adults (paid and volunteer) involved in athletic programs, overnight field trips, off-campus field trips, and any school sponsored student activity that occurs outside of the normal school day or hours.

The Mark West Union School District partially agrees with this finding and has already implemented it for overnight trips and athletic activities.

R11: School districts should implement provisions of Ed. Code Section 33193 and 45125.2 requiring that certain independent contractors and employees of contractors undergo fingerprinting and background checks.

The Mark West Union School District agrees with this finding and has implemented it in that we require contractors to confirm that their employees have undergone background checks and they are supervised by district employees while students are on campus.

R13: School districts should not allow new employees to begin work until all pre-employment requirements are met. Most specifically, this means all fingerprinting and criminal history responses that are required must have been completed and properly evaluated.

The Mark West Union School District agrees to this finding and has already implemented the recommendation.

R14: The Sheriff's Office should make available to all school districts information on how to access services available to them through the Sheriff's Office that would aid districts in determining if individuals should be approved to serve as volunteers in our schools and at school sponsored activities.

The Mark West Union School District agrees to this finding and if the Sheriff's Office agrees would disseminate such information to all of my employees. (Our volunteers are parents or grandparents of current students, Volunteer Center volunteers, and middle/high school students on community service projects.)

R15: School districts should require all volunteers to sign an agreement that outlines behavior do's and don'ts and consequences if agreement terms are broken.

The Mark West Union School District agrees to this finding.

The recommendation has not yet been fully implemented. Currently, all parents receive the policy on volunteering within the Parent Annual Notification document that outlines consequences, etc. Some volunteers, such as Art Docents, go through an extensive training. This is a good idea for all volunteers that we will begin to implement this school year.