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July 30, 2007

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

Dear Judge Boyd:

On behalf of the Windsor Unified School District, and pursuant to the requirements of California Penal Code Section 933C, I have enclosed the required responses to the 2006-2007 Sonoma County Civil Grand Jury Final Report. The District's administrative team has carefully reviewed the findings and made a concerted effort to respond factually to the best of our ability and knowledge.

Since 2005, the Windsor Unified School District has been upgrading its volunteer fingerprint requirements. We have provided our parents information about the "Megan" website and encouraged staff and parents to review it. Student safety is important to Windsor employees, and we have emphasized their mandated reporting responsibilities.

Public schools have had many "extra" responsibilities placed upon them besides their basic mission of education. We respect the work of the Grand Jury, but several recommendations require policing actions that go beyond our authority, scope, and financial resources. Given our limited staff and resources, we have tried to develop responses and protocols within our means and ability.

Let me assure you and the members of the Grand Jury that we follow all current laws and procedures as required. Enclosed you will find our responses to recommendations R1, R4-R11, and R13-15.

Respectfully submitted,


Steven D. Herrington, Ph.D.
Superintendent

Enclosure

cc: Assistant Superintendent Jeff Harding
County Superintendent Carl Wong, Ed.D
Windsor Unified School District Governing Board of Trustees



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Windsor Middle School • Cali Calmécac Charter School • Windsor Oaks Academy • Windsor High School

August 7, 2007

Windsor Unified School District Response to Grand Jury Report “See Dick. See Jane. See Dick and Jane go to school. Are They Safe?”

Prepared by: Steven D. Herrington, Ph.D, Superintendent and Jeff Harding, Assistant Superintendent

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 Windsor Unified School District agrees with the finding.

The recommendation is currently in practice. The Confidential Personnel Analyst and the Assistant Superintendent are trained in this practice.

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 Windsor Unified School District 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. Secondly, employment costs are negotiable conditions of employment (Public Employees Relations Board – *PERB*).

The District currently funds the costs of required background checks, TB clearances, and pre-employment physicals for employees. Fingerprinting for volunteers who chaperone on overnight field trips is absorbed into the cost of the fieldtrip. The District funds the cost of fingerprinting other volunteers such as volunteer coaches.

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 Windsor Unified School District disagrees with this finding and refers the County Grand Jury to the Public Records Act. Parents generally know who are the classroom volunteers in their child’s classes.

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

The Windsor Unified School District partially agrees with this finding.

Staff will be encouraged to check the Megan’s Law website when practical and feasible, or whenever they have a reasonable suspicion about a volunteer, in accordance with Penal Code 11166 relating to child abuse reporting.

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 Windsor Unified School District partially disagrees with this finding.

This recommendation seems somewhat impractical to implement with all volunteers as we have approximately 1000 parents volunteering in various capacities. Volunteers are supervised by district employees when they are working with students so for most volunteers, this recommendation would be unnecessary. We agree with and have previously implemented the recommendation of fingerprinting those volunteers chaperoning overnight field trips.

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 Windsor Unified 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, the District receives regular subsequent arrest notifications. SCOE also provides us with subsequent arrest notices on substitute teachers that work with our students.

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 Windsor Unified School District disagrees with this finding. The District complies with the current law as it relates to residency requirements. Paying this additional fee per volunteer can be cost-prohibitive in larger districts.

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 Windsor Unified School District partially agrees with this finding and has already implemented it for volunteers on night trips and volunteer athletic coaches. The many off-campus field trips and school sponsored student activities involve hundreds of volunteers who are supervised by district employees.

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 Windsor Unified School District agrees with this finding and has implemented it in that we require contractors to annually confirm that their employees have undergone background checks. The District's vendor contract requires fingerprinting of contracted employees.

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 Windsor Unified School District agrees to this finding and has been standard practice with all new employees.

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 Windsor Unified School District agrees to this finding and, if the Police Department agrees, would disseminate such information to all District employees. The Windsor Police Chief and the Superintendent have regular public safety meetings and this request will be forwarded.

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 Windsor Unified School District agrees to this finding.

The District currently employs six (6) Volunteer Coordinators to service each of the major school sites. These Coordinators serve as liaisons to the 1000 volunteers and provide them with information and expectations appropriate to each school site and the specific needs of students at that grade level. Volunteers who violate school expectations will be excluded from volunteering in the future.