

West Sonoma County Union High School District

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ANALY HIGH SCHOOL ♦ EL MOLINO HIGH SCHOOL ♦ LAGUNA HIGH SCHOOL

September 27, 2007

GRAND JURY

SEP 27 2007

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

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Dear Judge Boyd:

On behalf of the West Sonoma County Union High School District (WSCUHSD), and in accordance with the requirements of California Penal Code Section 933C, I am responding to the 2006-2007 Final Report of the Sonoma County Civil Grand Jury. I wish to commend Foreperson Jerel Bagger and the other members of the Grand Jury on their diligent efforts to investigate and report on current issues that impact our public school students across Sonoma County.

Continuing to ensure the safety and security of our WSCUHSD students remains a top priority for the school board members, administrators, teachers, and classified staff in our school district.

After careful consideration of the Grand Jury's findings, conclusions, commendations and recommendations, I am pleased to enclose our District's response to recommendations R1, R4, R5, R6, R7, R8, R9, R10, R11, R13, R14, and R15, in accordance with subdivision (b) of Section 933 of the California Penal Code.

Respectfully,



Keller McDonald
District Superintendent

cc: Jerel Bagger, Grand Jury Foreperson

"The central mission of the West Sonoma County Union High School District is to provide high quality instruction, and student achievement is the highest district priority."

Recommendation 1:

Each public school district in Sonoma County should have at least one employee who is trained and authorized to access the 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.

WSCUHSD Response:

The WSCUHSD has two employees, the District Human Resources Director and the Human Resources Secretary, trained and authorized to access the DOJ website in an official capacity. These individuals understand the information from the DOJ website and DOJ notices sent by U.S. Mail; and are able to communicate the appropriate information in a timely and accurate manner to school and district administrators, while maintaining appropriate levels of confidentiality as required by law.

Recommendation 4:

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.

WSCUHSD Response:

The West Sonoma County Union High School District currently requires successful employee candidates to pay for their own fingerprinting and background responses from DOJ and FBI. The WSCUHSD reimburses the cost of fingerprinting and background responses for volunteer athletic coaches who serve in a volunteer capacity for an entire athletic season.

Recommendation 5:

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.

WSCUHSD Response:

The names of all school volunteers who serve as volunteer athletic coaches and volunteer chaperones for school trips, and volunteer drivers for school trips and other situations in which the volunteer may be working with students without the direct supervision of a school employee are made public and become a matter of public record when these volunteers are approved to serve in a volunteer capacity at a public meeting of the District Board of Trustees. The district believes that it would be unreasonably burdensome to publicly display the names of all volunteers who are limited to serving under the direct supervision of a credentialed school employee, such as classroom volunteers or dance chaperones.

Recommendation 6:

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.

WSCUHSD Response:

The WSCUHSD respectfully disagrees with this recommendation. Megan's Law websites are less comprehensive than DOJ and FBI fingerprinting and background checks. Megan's Law websites rely on the compliance of individuals required to register as sex offenders with law enforcement agencies. Individuals who are required to register, but do not comply, are still identified as registered sex offenders in a DOJ and FBI background check. The WSCUHSD does not allow volunteers to work with students unless they are under the direct supervision of a school employee, even if their fingerprints have been taken and their DOJ clearance is scheduled or being processed. As in Recommendation R5, WSCUHSD believes that it would be unreasonably burdensome to routinely search Megan's Law websites for the names of all volunteers for whom fingerprinting and a DOJ background check is not required, because these volunteers are limited to serving under the direct supervision of a credentialed school employee at all times.

Recommendation 7:

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

WSCUHSD Response:

The WSCUHSD respectfully disagrees with this recommendation. While this recommendation is clearly made with the intent to protect children, the recommendation is intrusive and does not protect the "innocent until proven guilty" assumption that is well established in our society. A criminal activity record from the Sonoma County Superior Court would not be required of employees of the school district who works directly with students. The interest of WSCUHSD students is better served by current policy and practice that does not allow volunteers to work unsupervised with students unless fingerprinting and a DOJ background check has been successfully passed.

Recommendation 8:

School districts should, individually or collectively, request 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 would at least give school districts some assurance that information trusted to the U.S. Main or electronic mail servers is actually being received.

WSCUHSD Response:

While it is unlikely that the Federal DOJ will change its practice at the request of a single school district or group of Sonoma County school districts, the WSCUHSD is considering whether to submit a request to the DOJ in keeping with this recommendation.

Recommendation 9:

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.

WSCUHSD Response:

The WSCUHSD respectfully disagrees with this recommendation. The DOJ recommends that it is only necessary and appropriate to have FBI checks on individuals who have lived in California for less than one year, and that DOJ checks without FBI checks are adequate and appropriate for those who have lived in California for more than one year. WSCUHSD intends to follow the recommendation of the DOJ regarding FBI checks.

Recommendation 10:

Schools 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.

WSCUHSD Response:

The WSCUHSD requires fingerprinting for all paid and volunteer athletic coaches. The district requires fingerprinting of designated chaperones for overnight field trips; but does not require fingerprinting for volunteers who are with students only under the direct supervision of a school employee. The district will consider changing district policy and regulations to require all individuals accompanying students on an overnight trip to be fingerprinted.

Recommendation 11:

School district should implement provisions of Education Code Sections 33193 and 45125.2 requiring that certain independent contractors and employees of contractors undergo fingerprinting and background checks.

WSCUHSD Response:

The WSCUHSD requires independent contractors and employees of contractors to undergo fingerprinting and background checks when they are appropriate and necessary because the contractor or contractor's employee will be working in proximity of students.

Recommendation 13:

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

WSCUHSD Response:

With specific exceptions, the WSCUHSD already complies with this recommendation. In the event that an employee's fingerprints have not cleared and the employee's services are essential to the business of the district (i.e. teaching), employees have been allowed to begin work under the direct supervision of a substitute teacher, administrator, or other certificated employee who has passed fingerprint clearance.

Recommendation 14:

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

WSCUHSD Response:

This recommendation is directed at the Sonoma County Sheriff's Office. The WSCUHSD welcomes information from the Sheriff's Office regarding services that would aid our district in determining if individuals should be approved as school volunteers.

Recommendation 15:

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.

WSCUHSD Response:

In the WSCUHSD, athletic volunteers sign a code of ethics, but the code does not state the consequences if broken. It is implied that the individual will be removed, as a volunteer if the code of ethics is not followed. The district does not believe it is necessary or beneficial to require other volunteers to sign an agreement that outlines expected behavior and consequences, as volunteers serve under the direct supervision or general supervision of district employees.