



Foresthill Bridge

Photo Credit: Erik Bergen

# RESPONSES TO 2013-2014 FINAL REPORT

STATE OF CALIFORNIA  
PLACER COUNTY  
GRAND JURY

11532 B AVENUE  
AUBURN, CA 95603



## PLACER COUNTY GRAND JURY

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November 24, 2014

The Honorable Alan V. Pineschi  
Presiding Judge, Superior Court  
County of Placer  
P.O. Box 619072  
Roseville, CA 95661

The Honorable Jeffrey Penney  
Advising Grand Jury Judge, Superior Court  
County of Placer  
P.O. Box 619072  
Roseville, CA 95661

Citizens of Placer County

Re: Responses to the 2013-2014 Placer County Grand Jury Report

Dear Judge Pineschi, Judge Penney, and Citizens of Placer County:

The 2014-2015 Placer County Grand Jury has received and reviewed all the responses to the 2013-2014 Grand Jury Report.

All the Responses submitted to the Grand Jury, since the Final Report was published in June 2014 through November 12th, have been assembled and published in this Response Report. The report is being published primarily in electronic form and is available on the Superior Court's Placer County website at [www.PlacerGrandJury.org](http://www.PlacerGrandJury.org). Hard copies are being distributed as requested.

If you desire a hard copy, please email your request to the Placer County Grand Jury at [grandjury@placer.ca.gov](mailto:grandjury@placer.ca.gov). Include your contact name, title, agency name, department name, and complete mailing address.

Sincerely,

Sharon Stanners  
Foreperson, 2014-2015 Placer County Grand Jury

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2013-2014 Grand Jury Final Report

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**Findings and Recommendations**  
**2013-2014 Grand Jury Report**

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***HISTORIC COURTHOUSE HOLDING FACILITY***  
***Annual Inspection***

**Findings**

- F1. The Historic Courthouse holding facility is well maintained and well managed.
- F2. Some gang related graffiti was noted on one of the doors in the office area.
- F3. The rear area of the courthouse does not have security cameras in place.

**Recommendations**

The Grand Jury recommends:

- R1. The removal of gang-related markings by repainting the existing door, or by replacing the door.
- R2. The installation of security cameras in the rear parking areas so as to reduce the potential risk to court personnel.

**Responses:**

**Edward Bonner**, Sheriff-Coroner-Marshal

**Mary Dietrich**, Director, Facility Services





PLACER COUNTY  
**SHERIFF**  
CORONER-MARSHAL



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2929 RICHARDSON DR.  
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TAHOE CITY, CA 96145  
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**EDWARD N. BONNER**  
SHERIFF-CORONER-MARSHAL

**DEVON BELL**  
UNDERSHERIFF

August 22, 2014

Placer County Grand Jury  
11532 B Avenue  
Auburn, CA 95603

**RECEIVED**

AUG 27 2014

**PLACER COUNTY  
GRAND JURY**

**Re: Response to the 2013-14 Grand Jury Report**

Dear Foreperson:

After careful review of the findings and recommendations of the Placer County Grand Jury, I am pleased to submit the following responses to the 2013-14 Grand Jury Final Report.

**Report Title: Historic Courthouse Holding Facility**

**FINDINGS**

I agree with the findings, numbered F1, F2 & F3.

- **F1.** The Historic Courthouse holding facility is well maintained and well managed.
- **F2.** Some gang-related graffiti was noted on one of the doors of the office area.
- **F3.** The rear area of the courthouse does not have security cameras in place.

**RECOMMENDATIONS**

- **R1.** The Grand Jury recommends the removal of gang-related markings by repainting the existing door, or by replacing the door.

**Response:** Recommendation R1 has been implemented. The graffiti has been removed and/or painted over. More frequent checks of the cells will be conducted to remove new graffiti in the future.

- **R2.** The installation of security cameras in the rear parking areas so as to reduce the potential risk to court personnel.

**Response:** Recommendation R2 requires further analysis. The Sheriff's Office defers to the Administration of the Courts (AOC) for further analysis on this issue, as they would be responsible for the purchase and installation of video surveillance equipment for the rear parking lot of the Court. The Sheriff's Office will again advise the AOC of the Grand Jury recommendation.

Response to the 2013-14 Placer County Grand Jury Report  
Historic Courthouse Holding Facility  
August 22, 2014  
Page 2 of 2

I wish to thank the members of the 2013-14 Placer County Grand Jury for their dedication to the community, and for their work during the past year.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward N. Bonner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Edward N. Bonner  
Sheriff-Coroner-Marshal



**COUNTY OF PLACER  
FACILITY SERVICES DEPARTMENT**

Phone 530-886-4900 Fax 530-889-6809

www.placer.ca.gov

MARY DIETRICH, DIRECTOR  
VALERIE BAYNE, ADMIN. SVS. MANAGER  
MARK RIDEOUT, DEPUTY DIRECTOR  
BILL ZIMMERMAN, DEPUTY DIRECTOR  
SCOTT BATTLES, DEPUTY DIRECTOR

September 30, 2014

Placer County Grand Jury  
Albert Erkel, Foreman  
11532 B Avenue  
Auburn, CA 95603

**RECEIVED**

OCT 02 2014

**PLACER COUNTY  
GRAND JURY**

**Re: 2013-2014 Grand Jury Final Report  
Historic Courthouse Holding Facility**

Dear Mr. Erkel,

The Placer County Department of Facility Services appreciates this opportunity to respond to the Grand Jury's 2013-2014 Report addressing the Historic Courthouse Holding Facility. Facility Services respectfully submits this letter in response to the Findings and Recommendations identified for our response in the Grand Jury report.

**FINDINGS OF THE GRAND JURY**

**F1 The Historic Courthouse holding facility is well maintained and well managed.**

Facility Services' Response: The Department agrees with this Finding.

**F2 Some gang related graffiti was noted on one of the doors in the office area.**

Facility Services' Response: The Department agrees with this Finding.

**F3 The rear area of the courthouse does not have security cameras in place.**

Facility Services' Response: The Department agrees with this Finding.

## **RECOMMENDATIONS OF THE GRAND JURY**

- R1 The removal of gang-related markings by repainting the existing door, or by replacing the door.**

Facility Services' Response: This Recommendation has been implemented by the Building Maintenance Division by removal of the graffiti and painting of the holding cell area.

- R2 The installation of security cameras in the rear parking areas so as to reduce the potential risk to court personnel.**

Facility Services' Response: This Recommendation requires further analysis. Installation of a security camera system to enhance safety requires coordination with the Sheriff's Office and the Administrative Office of the Courts to determine scope, cost and funding.

Respectfully submitted,



Mary Dietrich  
Director of Facility Services

cc: Alan V. Pineschi, Presiding Judge to the Superior Court  
David Boesch, County Executive Officer  
Holly Heinzen, Chief Assistant County Executive Officer  
Edward Bonner, Sheriff-Coroner-Marshall

## **Findings and Recommendations**

### **2013-2014 Grand Jury Report**

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#### ***ROCKLIN CITY JAIL HOLDING FACILITY***

#### ***Annual Inspection***

#### **Findings**

F1. The Rocklin Police Department Jail is clean, well maintained and well managed.

#### **Recommendations**

The Grand Jury has no recommendations for the Rocklin Police Department Jail.

#### **Responses:**

No responses were required.



## **Findings and Recommendations**

### **2013-2014 Grand Jury Report**

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#### ***PLACER COUNTY JUVENILE DETENTION FACILITY***

#### ***Annual Inspection***

#### **Findings**

- F1. The JDF was clean and well maintained.
- F2. The JDF Staff exhibited a very good rapport with the detainees. They have implemented a merit/point system and their focus is preparing the juveniles for release and the reduction of repeat offenders.
- F3. During the outdoor exercise period(s) on the sport court, several juveniles migrated to the small area of the sport court with direct sunlight.
- F4. The large grass outdoor recreation area is not regularly used for detainee exercise or recreation. This lack of use is due to the fact that the area is less secure, more accessible to the street, and would require more staff to monitor activity.
- F5. The JDF has not experienced a PREA audit, but feel their policies and procedures fully comply with requirements.
- F6. Medications being taken by incoming detainees are reviewed and evaluated by the JDF Doctor. The JDF Doctor may consult with the detainee's physician and parents to determine the requirement for these medications. If the JDF Doctor authorizes the medication, it is delivered to the facility by the parents. The final decision is at the discretion of the JDF Doctor.

#### **Recommendations**

The Grand Jury recommends:

- R1. That the JDF identify the resources necessary to permit the regular use of the outdoor recreation/exercise area to supplement the activities currently conducted in the covered sport court, and then pursue the acquisition of these resources.

#### **Responses:**

**Marshall Hopper** , - Placer County Probation Department



**Marshall Hopper**  
Chief Probation Officer

**David McManus**  
Assistant Chief Probation  
Officer

Auburn Justice Center  
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Santucci Justice Center  
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Juvenile Detention Facility  
11260 "B" Avenue  
Auburn CA 95603  
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(530) 886-4588 (fax)

## COUNTY OF PLACER

## PROBATION DEPARTMENT

September 3, 2014

**RECEIVED**

SEP 10 2014

**PLACER COUNTY  
GRAND JURY**

The Honorable Alan V. Pineschi  
Presiding Judge of the Superior Court  
County of Placer County  
PO Box 619072  
Roseville, CA 95661

**Re: Response to the 2013-2014 Grand Jury Final Report**

Dear Judge Pineschi,

I would like to thank the 2013-2014 Grand Jury for their continued efforts with the annual inspection of the Placer County Juvenile Detention Facility (JDF). I have thoroughly reviewed the final report, findings and recommendations of the Grand Jury and have submitted my response below.

### **FINDINGS**

I agree with the findings, numbered F1 through F6:

- F1. The JDF was clean and well maintained.
- F2. The JDF staff exhibited a very good rapport with the detainees. They have implemented a merit/point system and their focus is preparing the juveniles for release and reduction of repeat offenders.
- F3. During the outdoor exercise period(s) on the sport court, several juveniles migrated to the small area of the sport court with direct sunlight.
- F4. The large grass outdoor recreation area is not regularly used for detainee exercise or recreation. This lack of use is due to the fact that the area is less secure, more accessible to the street, and would require more staff to monitor activity.
- F5. The JDF has not experienced a PREA audit, but they feel their policies and procedures fully comply with requirements.
- F6. Medications being taken by incoming detainees are reviewed and evaluated by the JDF Doctor. The JDF Doctor may consult with the detainee's physician and parents to determine the requirement for these medications. If the JDF Doctor authorizes the medication, it is delivered to the facility by the parents. The final decision is at the discretion of the JDF Doctor.

## RECOMMENDATIONS

- R1. That the JDF identify the resources necessary to permit the regular use of the outdoor recreation/exercise area to supplement the activities currently conducted in the covered sport court, and then pursue the acquisition of these resources.

## RESPONSE

Recommendation R1 will be implemented. A time line has not yet been established.

- Title 15 and 24 of the California Code of Regulations dictate the type and minimum size of recreation spaces and minimum time periods that minors are allowed to access those recreation areas. The Placer County JDF exceeds the minimum size requirements and typically exceeds the minimum required access time for outdoor recreation. The covered, all weather "Sports Court" referred to in the Grand Jury Report is considered to be an outdoor recreation area by the Board of State and Community Corrections.
- The large grass outdoor recreation area has not been regularly utilized for the reasons outlined in the Grand Jury Report. The Probation Department is working with other County agencies to remedy this by reconfiguring the dimensions and location of the grass field. The reduced configuration and realignment of fencing will provide for a higher level of security and less public access around the fence perimeter. The new configuration will exceed Title 24 minimum size requirements by approximately 46%.
- The department is working with Facility Services and the JDF fencing project will involve a coordinated effort with County agencies and the selected vendor awarded the contract to complete the new proposed Placer County Animal Services Center. The project is scheduled to begin in the spring of 2015. However, the timeline for completion of the JDF fencing project has not been established as it will be completed as part of a larger development plan in coordination with the project.

This addresses all of the required responses from the Probation Department. Again, I would like to express appreciation for the Grand Jury's steadfast effort in inspecting our Juvenile Detention Facility and we recognize the value that the Grand Jury brings to the citizens of Placer County.

Sincerely,



Marshall Hopper  
Chief Probation Officer

cc: Placer County Grand Jury  
Placer County Board of Supervisors  
David Boesch, County Executive Officer, Placer County

## Findings and Recommendations

### 2013-2014 Grand Jury Report

#### **PLACER COUNTY MAIN JAIL**

#### ***Annual Inspection***

#### **Findings**

- F1. The physical condition of the main jail is good. Automation is employed appropriately to enable the jail to be well managed, secure, and efficient.
- F2. Public safety realignment has presented some new and significant challenges to the County's system of jails. More sentenced inmates are being directed to County jails rather than State prisons and inmates are being sentenced for longer sentences to be served in County jails. This is creating overcrowding issues and requiring the early release of inmates to prevent the violation of Federal court orders. Inmates with longer sentences also change the array of medical services which must be available. Rehabilitation has not previously been a primary function of County jails since stays typically did not exceed one year. Now, with longer sentences, rehabilitation may need to play a bigger role in the function of the County jail.
- F3. The SPACF is not yet open and the initial opening plan will add some capacity to minimum security needs but do nothing, in the short term, to alleviate the overcrowding most impacted by realignment.

#### **Recommendations**

The Grand Jury recommends:

- R1. The County should prioritize the staffing and expansion of the SPACF beyond minimum security to enable that facility to absorb some of the impact of realignment. Given the nature and impact that AB 109 (The Public Safety Realignment Act) has had on the inmate population at the PCMJ (both in terms of total population and in terms of duration of stay), in order to maintain public safety and to ensure that the inmates serve, at the least, a significant portion of their sentence, the Board of Supervisors should carefully examine the funding for the Sheriff's Department to enable it to adequately staff both the PCMJ and the new SPACF.
- R2. The County should consider reviewing its 2011 Public Safety Realignment Act implementation plan. While plan revisions are not required by the State, many counties have updated their plans. With a couple of years of experience dealing with the challenges of realignment, the County is now in a better position to assess the impact and determine how public safety services can best be tailored to meet the challenges of realignment.

#### **Responses:**

##### **Placer County Board of Supervisors**

**David Boesch, CEO** ( No response received )

**Edward Bonner, - Sheriff-Coroner-Marshal**





## COUNTY OF PLACER

### BOARD MEMBERS

JACK DURAN  
District 1

JIM HOLMES  
District 3

ROBERT M. WEYGANDT  
District 2

KIRK UHLER  
District 4

JENNIFER MONTGOMERY  
District 5

## OFFICE OF COUNTY EXECUTIVE

David Boesch, County Executive Officer

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September 23, 2014

Alan V. Pineschi, Presiding Judge  
Placer County Superior Court  
P.O. Box 619072  
Roseville, CA 95661

RECEIVED

SEP 24 2014

PLACER COUNTY  
GRAND JURY

**Re: 2013-14 Grand Jury Final Report – *Placer County Main Jail***

Dear Judge Pineschi,

This letter is in response to the 2013-14 Grand Jury's Findings & Recommendations from the report titled *Placer County Main Jail*. The Placer County Board of Supervisors and County Executive Officer would like to thank the members of the 2013-14 Grand Jury for their efforts associated with the Placer County Main Jail review.

### Findings of the Grand Jury

1. The physical condition of the main jail is good. Automation is employed appropriately to enable the jail to be well managed, secure, and efficient.

**Board of Supervisors and County Executive Officer Response:** The Board of Supervisors and County Executive Officer agree with this Finding.

2. Public safety realignment has presented some new and significant challenges to the County's system of jails. More sentenced inmates are being directed to County jails rather than State prisons and inmates are being sentenced for longer sentences to be served in County jails. This is creating over-crowding issues and requiring the early release of inmates to prevent the violation of Federal court orders. Inmates with longer sentences also change the array of medical services which must be available. Rehabilitation has not previously been a primary function of County jails since stays typically did not exceed one year. Now, with longer sentences, rehabilitation may need to play a bigger role in the function of the County jail.

**Board of Supervisors and County Executive Officer Response:** The Board of Supervisors and County Executive Officer agree with this Finding.

3. The SPACF is not yet open and the initial opening plan will add some capacity to minimum security needs but does nothing, in the short term, to alleviate the over-crowding most impacted by realignment.

**Board of Supervisors and County Executive Officer Response:** The Board of Supervisors and County Executive Officer partially disagree with this Finding.

The South Placer Adult Correctional Facility (SPACF) has opened with 240 jail beds operational, and the Sheriff's Office has implemented their Phase 1 housing and staffing plan. The facility currently holds a maximum of 120 minimum security male inmates, 30 minimum security female inmates, and three additional pods of 30 medium to maximum security classifications inmates each. Implementation of Phase 1 has resulted in a system-wide net increase of 80 additional medium to maximum security classification jail beds.

### **Recommendations of the Grand Jury**

1. The County should prioritize the staffing and expansion of the SPACF beyond minimum security to enable that facility to absorb some of the impact of realignment. Given the nature and impact that AB109 (The Public Safety Realignment Act) has had on the inmate population at the PCMJ (both in terms of total population and in terms of duration of stay), in order to maintain public safety and to ensure that the inmates serve, at the least, a significant portion of their sentence, the Board of Supervisors should carefully examine the funding for the Sheriff's Office to enable it to adequately staff both the PCMJ and the new SPACF.

**Board of Supervisors and County Executive Officer Response:** This Recommendation has been partially implemented. Since the Grand Jury's inspection in November 2013, the Sheriff's Phase 1 housing and staffing plan for SPACF has opened 240 jail beds, and the Sheriff's FY 2014-15 Final Budget includes \$11 million for continued operations at the facility throughout the current year. At the time of the Grand Jury's report, the Placer County Mail Jail had a rated capacity of 486 beds. Since the inspection, six more beds have been added to the facility, raising the rated capacity to 492 beds. With the opening of 240 beds at SPACF, there are now a total of 732 rated jail beds system-wide.

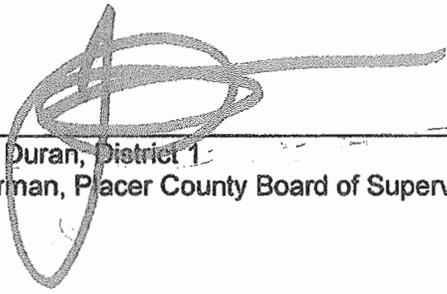
Placer County criminal justice officials are currently working on finalizing the Criminal Justice Master Plan to define system-wide needs with respect to alternative sentencing practices, jail bed requirements, rehabilitation programs, and the implementation of evidence based practices across the criminal justice system. The Board of Supervisors will continue to work with the County Executive Office to examine funding considerations system-wide, and with the Sheriff's Office specifically regarding the requirement for additional jail beds.

2. The County should consider reviewing its 2011 Public Safety Realignment Act implementation plan. While plan revisions are not required by the State, many counties have updated their plans. With a couple of years of experience dealing with the challenges of realignment, the County is now in a better position to assess the impact and determine how public safety services can best be tailored to meet the challenges of realignment.

**Board of Supervisors and County Executive Officer Response:** This Recommendation requires further analysis. The Community Corrections Partnership (CCP) was tasked by AB109 to develop the Public Safety Realignment Act Implementation plan. On January 10, 2012, the Placer County Board of Supervisors received, reviewed and accepted the CCP's recommended implementation plan. The CCP continues to review issues related to AB109 and to further refine Placer County's approach to meet the challenges of realignment. The Board of Supervisors is anticipating completion of the Criminal Justice Master Plan in January 2015, and will work with the County Executive and members of the Criminal Justice Policy Committee to implement the final recommendations.

The Board of Supervisors and the County Executive Officer appreciate the work of the 2013-14 Placer County Grand Jury in their report regarding the Placer County Main Jail.

Sincerely,



---

Jack Duran, District 1  
Chairman, Placer County Board of Supervisors

cc: Sharon Stanners, Foreperson of Placer County Grand Jury  
Edward N. Bonner, Sheriff-Coroner-Marshal





PLACER COUNTY  
**SHERIFF**  
CORONER-MARSHAL



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TAHOE SUBSTATION  
DRAWER 1710  
TAHOE CITY, CA 96145  
PH: (530) 581-6300 FAX: (530) 581-6377

**EDWARD N. BONNER**  
SHERIFF-CORONER-MARSHAL

**DEVON BELL**  
UNDERSHERIFF

**RECEIVED**

**AUG 27 2014**

**PLACER COUNTY  
GRAND JURY**

August 22, 2014

Placer County Grand Jury  
11532 B Avenue  
Auburn, CA 95603

**Re: Response to the 2013-14 Grand Jury Report**

Dear Foreperson:

After careful review of the findings and recommendations of the Placer County Grand Jury, I am pleased to submit the following responses to the 2013-14 Grand Jury Final Report.

**Report Title: Annual Inspection – Placer County Main Jail Auburn, California**

**FINDINGS**

I agree with the findings, numbered F1 & F2.

- **F1.** The physical condition of the main jail is good. Automation is employed appropriately to enable the jail to be well managed, secure, and efficient.
- **F2.** Public safety realignment has presented some new and significant challenges to the County's system of jails. More sentenced inmates are being directed to County jails rather than State prisons and inmates are being sentenced for longer sentences to be served in County jails. This is creating over-crowding issues and requiring the early release of inmates to prevent the violation of Federal court orders. Inmates with longer sentences also change the array of medical services which must be available. Rehabilitation has not previously been a primary function of County jails since stays typically did not exceed one year. Now, with longer sentences, rehabilitation may need to play a bigger role in the function of the County jail.

I partially disagree with the finding, numbered F3.

- **F3.** The SPACF is not yet open and the initial opening plan will add some capacity to minimum security needs but do nothing, in the short term, to alleviate the over-crowding most impacted by realignment.

**Response:** The South Placer Adult Correctional Facility (SPACF) or South Placer Jail (SPJ) has opened its doors and implemented the Phase 1 housing and staffing plan. The facility currently holds a maximum of 120 minimum security male inmates, 30 minimum security female inmates, and three pods of 30 inmates each of medium to maximum security classifications, for a total operational capacity of 240 inmates. The Phase 1 implementation resulted in a system-wide net

increase of 80 additional medium to maximum security classification beds. SPJ Phase 2 construction has also been completed.

## RECOMMENDATIONS

- **R1.** The County should prioritize the staffing and expansion of the SPACF beyond minimum security to enable that facility to absorb some of the impact of realignment. Given the nature and impact that AB109 (The Public Safety Realignment Act) has had on the inmate population at the PCMJ (both in terms of total population and in terms of duration of stay), in order to maintain public safety and to ensure that the inmates serve, at the least, a significant portion of their sentence, the Board of Supervisors should carefully examine the funding for the Sheriff's Office to enable it to adequately staff both the PCMJ and the new SPACF.

**Response:** Recommendation R1 has been implemented in part; with further implementation planned in the future. Since the creation of the Grand Jury Report, the SPJ facility has opened Phase 1. As stated above, the facility currently holds a maximum of 120 minimum security male inmates, 30 minimum security female inmates, and three pods of 30 inmates each of medium to maximum security classifications, for a total operational capacity of 240 inmates.

SPJ Phase 2 construction has also been completed. Phase 2 will open two additional housing units at SPJ – G-Pod for sheltered housing of up to 60 inmates, and Housing Unit 1 made up of A-Pod and B-Pod, each consisting of 60 celled beds. Phase 2 will result in additional housing at SPJ of 180 rated beds. The hope and plan of the Sheriff's Office is to receive adequate funding for Phase 2 at SPJ in the 15/16 fiscal year to open these additional 180 beds. With proper staffing, the total operational capacity for SPJ will be 420 beds at the completion of Phase 1 and Phase 2.

At the time of the report, the Placer County Mail Jail in Auburn had a rated capacity of 486 beds. Since the report, six more beds were added to the facility, raising the rated capacity to 492 beds. With the completed staffing of Phase 2 at the South Placer Jail, there will be a system-wide total of 912 beds, resulting in a net increase of 246 celled beds. The Sheriff's Office believes this increase in celled beds will greatly enhance our ability to ensure inmates serve a greater portion of their sentence, as well as to better retain pre-trial inmates who are deemed a public safety risk.

- **R2.** The County should consider reviewing its 2011 Public Safety Realignment Act implementation plan. While plan revisions are not required by the State, many counties have updated their plans. With a couple of years of experience dealing with the challenges of realignment, the County is now in a better position to assess the impact and determine how public safety services can best be tailored to meet the challenges of realignment.

**Response:** Recommendation R2 has been implemented in part. The Community Corrections Partnership (CCP) was tasked by AB109 to develop the Public Safety Realignment Act Implementation plan. The Placer County Sheriff's Office has one member on that committee. The establishment of the implementation plan was a one-time requirement. However, the CCP continues to review the response of the various criminal justice agencies to AB109 and to refine our approach. The Sheriff's Office concurs with the Grand Jury recommendation that, "...the County is now in a better position to assess the impact and determine how public safety services can best be tailored to meet the challenges of realignment." Those impacts continue to be addressed through the allocation of funding for correctional operations and projects in the County budget process and through collaborative efforts by each affected agency with the Criminal Justice Policy Committee (CJPC), the CEO's Office and the County Board of Supervisors.

The Sheriff's Office believes the collaborative efforts undertaken by the CCP and the CJPC address continuing issues concerning the 2011 Public Safety Realignment Act.

I wish to thank the members of the 2013-14 Placer County Grand Jury for their dedication to the community, and for their work during the past year.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward N. Bonner". The signature is fluid and cursive, with the first name "Edward" being the most prominent part.

Edward N. Bonner  
Sheriff-Coroner-Marshal



## Findings and Recommendations

### 2013-2014 Grand Jury Report

#### **AUBURN POLICE DEPARTMENT JAIL HOLDING FACILITY**

##### ***Annual Inspection***

#### **Findings**

- F1. The soft interview room was pleasantly decorated. However, it was noted by the Jurors that the heating/air system appeared not to be working, or inadequately designed for that room.
- F2. Jurors noted minor scuff marks on both floors and walls in various areas of the interior of the facility.
- F3. The Jurors were pleased to be informed of the various proactive steps the Department is taking to address concerns unique to the City of Auburn and its actions in coordinating with other regional police departments. Amongst those efforts are 1) a “panhandling solutions” campaign, intended to encourage people to donate to local homeless organizations, rather than giving money directly to panhandlers on the streets and/or Highway 49 intersections, and 2) computer coordination with other regional police departments through Internet access on computers located in certain police vehicles, which will allow officers “in the field” access to police department records of the Placer County Sheriff Department and the Roseville Police Department

#### **Recommendations**

The Grand Jury recommends:

- R1. The Department arrange for repair of the heating/air system in the “soft interview” room as soon as possible, and ensure the environmental conditions throughout the facility are adequately controlled and regulated.
- R2. As part of any Capital Facilities Plan (or its equivalent), the Department should review the interior facility for “wear and tear”/cosmetic issues associated with flooring and walls. This evaluation should occur before the end of this FY (June 30, 2014). Based upon this evaluation, the Department should, as the budget allows, put in place a schedule for repairs.
- R3. The Department should continue to explore opportunities for funding computer access to other regional police/fire departments by officers in the field, and for good coordination within its own dispatch center.

#### **Responses:**

**John Ruffcorn**, Chief of Police



# AUBURN POLICE DEPARTMENT

## JOHN F. RUFFCORN

Chief of Police  
1215 Lincoln Way  
Auburn, California 95603  
Phone (530) 823-4237 ext. 201  
Fax (530) 823-4224



INFO/NON-EMERGENCY 823-4234  
INVESTIGATIONS 823-4237 EXT. 221  
OPERATIONS DIVISION 823-4237 EXT. 203  
RECORDS 823-4237 EXT. 218

Placer County Grand Jury  
11532 B Avenue  
Auburn, CA 95603

**RECEIVED**

SEP 28 2014

**PLACER COUNTY  
GRAND JURY**

## **Re: 2013-2014 Placer County Grand Jury Report-Auburn Police Department Holding Area**

Dear Placer County Grand Jury,

I would like to thank you for your continued efforts with the annual inspections of the Auburn Police Department, and I am pleased to submit my response to your final report. I have carefully reviewed the findings and recommendations and I am pleased to provide you with the following response:

### **FINDINGS**

I **agree** with the findings of the Placer County Grand Jury in regards to the holding facility and building condition.

- F1) The soft interview room does have heating/air system nuances and is not the best design for that room.
- F2) There were minor scuffmarks on both floors and walls in various areas of the facility.
- F3) The Auburn Police Department is taking steps to address concerns unique to the City of Auburn and working with our regional partners.

### **RECOMMENDATIONS**

R1) The Department should arrange for repair of the heating/air system in the soft interview room as soon as possible, and ensure the environmental conditions throughout the facility are adequately controlled and regulated.

Response 1) The Auburn Police Department is housed in an older building.

We continue to fix the building as needed, but like any older structure, it is constantly being worked on. With limited space in our building, we think we are maximizing our usage of the building configuration.

R2) As part of any Capital Facilities Plan (or its equivalent), the Department should review the interior for "wear and tear"/cosmetic issues associated with flooring

## **PROTECTION - SERVICE - CONCERN**

The Auburn Police Department is committed to serving and supporting our community through education, crime prevention, transparency, and mentoring. We realize that our success is directly related to a collaborated effort with our entire community.

and walls. Based upon this evaluation, the Department should, as the budget allows, put in place a schedule for repairs.

Response 2) The City of Auburn does have a Capital Facilities Plan that encompasses all of its facilities, to include the police department. During the recession, the city did not have the funds to spend on several projects, but they did maintain all of their facilities. Now, as the economy continues to move forward, the city is dedicated to improving all of our facilities as the budget allows.

R3)The Auburn Police Department should continue to explore opportunities for funding computer access to other regional police/fire departments by officers in the field, and for good coordination within its own dispatch center.

Response 3) The Auburn Police Department continues to work with the Placer County Sheriff's Department on a joint Computer Aided Dispatch (CAD) and Records Management System (RMS). We have installed new computers in our patrol cars and we are in the process of getting them internet access; however, they do currently have access to state and local databases.

I again would like to thank the 2013-2014 Placer County Grand Jury for its report on the annual inspection of the Auburn Police Department and the opportunity to respond to the findings and recommendations. If you have any feedback or additional questions, I would be more than happy to talk with you or respond through a written correspondence.  
Sincerely,



John F. Ruffcorn, Chief of Police  
City of Auburn

cc: Mr. Tim Rundel, City Manager, City of Auburn

**PROTECTION - SERVICE - CONCERN**

The Auburn Police Department is committed to serving and supporting our community through education, crime prevention, transparency, and mentoring. We realize that our success is directly related to a collaborated effort with our entire community.

**Findings and Recommendations**  
**2013-2014 Grand Jury Report**

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***BURTON CREEK SHERIFF'S SUBSTATION JAIL AND HOLDING FACILITY***  
***Annual Inspection***

**Findings**

F1. The Grand Jury visiting committee found the Burton Creek Substation Court Holding/Jail to be adequate and very well maintained, considering its age

F2. The facility is not generally used as a jail with the exception being holiday weekends. It is primarily a court holding facility.

**Recommendations**

The Grand Jury has no recommendations for this facility.

**Responses:**

None required.



**Findings and Recommendations**  
**2013-2014 Grand Jury Report**

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**ROSEVILLE POLICE DEPARTMENT JAIL AND HOLDING FACILITY**  
***Annual Inspection***

**Findings**

- F1. The Roseville City Jail is well organized and maintained. The Roseville Police Department is to be commended for the administration of the jail facility.
- F2. The Sentenced Prisoner Program currently has brought in more than \$32,000 this calendar year.
- F3. The Public Service Program through Partners for a Safer America (posting of bail bond advertisements) has generated more than \$28,000 this calendar year.

**Recommendations**

The Grand Jury recommends:

- R1. The Sentenced Prisoner Program and the Public Service Program continue, as they provide a benefit for inmates and generate revenue for the City of Roseville, reducing the jail's cost.
- R2. The Roseville City Council strongly consider maintaining the City Jail, after the opening of the SPACF, as it provides additional revenue to the City and valuable services to the community such as the Roseville PD policy of detaining misdemeanor offenders.

**Responses:**

**Daniel Hahn**, Chief of Police

**Roseville City Council**





**Roseville Police Department**  
1051 Junction Blvd.  
Roseville, CA 95678  
**Daniel Hahn, Chief of Police**

**RECEIVED**

OCT 27 2014

**PLACER COUNTY  
GRAND JURY**

Placer County Grand Jury  
11532 B Avenue  
Auburn, CA 95603

October 1, 2014

**Re: 2013-2014 Placer County Grand Jury Report-Annual Inspection of the Roseville Police Department Jail and Holding Facility**

Dear Placer County Grand Jury,

I would like to thank the Placer County Grand Jury for your continued dedication to the citizens of Placer County. I am pleased to submit my response to the Grand Jury report.

**FINDINGS**

F1. I agree with Finding 1 that states: **The Roseville City Jail is well organized and maintained. The Roseville Police Department is to be commended for the administration of the jail facility.**

F2. I agree with Finding 2 that states: **The Sentenced Prisoner Program currently has brought in more than \$32,000 this calendar year.**

F3. I agree with Finding 3 that states: **The public Service Program through Partners for a Safer America (posting of bail bond advertisements) has generated more than \$28,000 this calendar year.**

**RECOMMENDATIONS**

R1. **The Sentenced Prisoner Program and the Public Service Program continue, as they provide a benefit for inmates and generate revenue for the City of Roseville, reducing the jail's cost.**

Response 1. The Roseville Police Department will continue to offer the Sentenced Prisoner Program (SPP) as long as our jail operations allow us to offer this program.

R2. **The Roseville City strongly consider maintaining the City Jail, after the opening of the SPACF, as it provides additional revenue to the City and valuable**

**services to the community such as the Roseville PD policy of detaining misdemeanor offenders.**

Response 2. We will continue to evaluate the operation of a jail and other alternatives, and make recommendations to the Roseville City Council, based upon our goal of improving the quality of life in our City and keeping our neighborhoods safe.

I again would like to thank the 2013-2014 Placer County Grand Jury for its report and service to the City of Roseville. If there is any additional information I can provide, I would be happy to speak with you or respond in writing.

Sincerely,



Daniel Hahn, Chief of Police  
City of Roseville



City Council  
311 Vernon Street  
Roseville, California 95678

**RECEIVED**

NOV 10 2014

**PLACER COUNTY  
GRAND JURY**

November 6, 2014

Foreperson  
Placer County Grand Jury  
11532 B Avenue  
Auburn, CA 95603

The Honorable Alan V. Pineschi  
Presiding Judge of the Superior Court  
County of Placer  
P.O. Box 619072  
Roseville, CA 95661

**Re: 2013-2014 Placer County Grand Jury Report-Annual Inspection of the Roseville Police Department Jail and Holding Facility**

Dear Honorable Judge Pineschi and Placer Grand Jury,

On behalf of the Roseville City Council, I would like to thank the Placer County Grand Jury for your continued dedication to the citizens of Placer County. I am pleased to submit our response to the 2013-14 Grand Jury Final Report.

Report Title: Roseville Police Department Jail and Holding Facility – Annual Inspection  
Report Date: 2013-2014  
Response by: Roseville City Council

**FINDINGS**

- I agree with the findings, numbered: F1-F3.

F1. The Roseville City Jail is well organized and maintained. The Roseville Police Department is to be commended for the administration of the jail facility.

F2. The Sentenced Prisoner Program currently has brought in more than \$32,000 this calendar year.

F3. The public Service Program through Partners for a Safer America (posting of bail bond advertisements) has generated more than \$28,000 this calendar year.

## RECOMMENDATIONS

- Recommendation numbered R2 requires further analysis.

R2. The Roseville City strongly consider maintaining the City Jail, after the opening of the SPACF, as it provides additional revenue to the City and valuable services to the community such as the Roseville PD policy of detaining misdemeanor offenders.

**Response:** Staff will continue to evaluate the operation of a jail and other alternatives, and make recommendations to the Roseville City Council, based upon our goal of improving the quality of life in our City and keeping our neighborhoods safe.

I again would like to thank the 2013-2014 Placer County Grand Jury for its report and service to the City of Roseville.

Sincerely,



Susan Rohan  
Mayor

cc: Roseville City Council  
Roseville City Attorney  
Roseville City Clerk  
Placer County Board of Supervisors  
Placer County Executive Officer

## **Findings and Recommendations**

### **2013-2014 Grand Jury Report**

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#### ***BILL SANTUCCI JUSTICE CENTER COURT HOLDING FACILITY***

#### ***Annual Inspection***

#### **Findings**

F1. The Bill Santucci Justice Center Court Holding Facility is clean, well maintained and well managed.

#### **Recommendations**

The Grand Jury has no recommendations for this facility.:

#### **Responses:**

None required.



**Findings and Recommendations**  
**2013-2014 Grand Jury Report**

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***THE SHERIFF'S DEPARTMENT'S SURPLUS HELICOPTER***

**Findings**

- F1. Notwithstanding, the DLA-LESO's denial of its request to sell the surplus helicopter, the Sheriff has not yet adopted a course of action for disposing o
- F2. In the internal discussions that have taken place thus far, the Sheriff's Department has expressed an interest in recouping some of the County's past costs related to the additional equipment that the County purchased and installed on the donated helicopter.
- F3. Since the denial of its request to sell the helicopter, the Sheriff's Department has not updated the Board of Supervisors on the status of its efforts on this issue.

**Recommendations**

The Grand Jury recommends:

- R1. The Sheriff's Department adopt a plan of action for Board of Supervisor consideration that includes one of the following options:
- Promptly make a second request to the DLA-LESO seeking permission to sell the Bell helicopter to another law enforcement agency that intends to use the aircraft for counter-drug and counter-terrorism activities, and then negotiate a price with the buying agency for the County installed equipment.
  - Compare the market value of the County purchased equipment that it has installed in the helicopter to the cost of having its helicopter maintenance vendor remove the equipment. If the market value of the equipment is sufficiently greater than the cost of removing the equipment, the County should remove the equipment and sell it. The County should then return the airframe and the spare parts package to the DLA-LESO

**Responses:**

**Edward Bonner, Sheriff-Coroner-Marshal**





PLACER COUNTY  
**SHERIFF**  
CORONER-MARSHAL



MAIN OFFICE  
2929 RICHARDSON DR.  
AUBURN, CA 95603  
PH: (530) 889-7800 FAX: (530) 889-7899

TAHOE SUBSTATION  
DRAWER 1710  
TAHOE CITY, CA 96145  
PH: (530) 581-6300 FAX: (530) 581-6377

**EDWARD N. BONNER**  
SHERIFF-CORONER-MARSHAL

**DEVON BELL**  
UNDERSHERIFF

**RECEIVED**

August 22, 2014

AUG 27 2014

Placer County Grand Jury  
11532 B Avenue  
Auburn, CA 95603

**PLACER COUNTY  
GRAND JURY**

**Re: Response to the 2013-14 Grand Jury Report**

Dear Foreperson:

After careful review of the findings and recommendations of the Placer County Grand Jury, I am pleased to submit the following responses to the 2013-14 Grand Jury Final Report.

**Report Title: The Sheriff's Department's Surplus Helicopter**

**FINDINGS**

I agree with the findings, numbered F2 & F3.

- **F2.** In the internal discussions that have taken place thus far, the Sheriff's Department has expressed an interest in recouping some of the County's past costs related to the additional equipment that the County purchased and installed on the donated helicopter.
- **F3.** Since the denial of its request to sell the helicopter, the Sheriff's Department has not updated the Board of Supervisors on the status of its efforts on this issue.

I disagree with the finding, numbered F1.

- **F1.** Notwithstanding, the DLA-LESO's denial of its request to sell the surplus helicopter, the Sheriff has not yet adopted a course of action for disposing of it.

**Response:** In June of 2012, the Sheriff's Office learned that the DLA was no longer approving sales of helicopters obtained under the 1028 program and interpreted the provisions of the 1033 program to be binding for all remaining unsold aircraft obtained under the 1208 program. Since that time, the Sheriff's Office has been working on constructing a trade agreement with a qualifying agency for the Sheriff's surplus helicopter. There has been no lapse in this effort. Since the Sheriff's Office was unable to find a suitable qualifying agency, the decision was made to hire a third party broker to accomplish the transaction.

## RECOMMENDATIONS

- **R1.** The Grand Jury recommends that the Sheriff's Department adopt a plan of action for Board of Supervisor consideration that includes one of the following options:
  - Promptly make a second request to the DLA-LESO seeding permission to sell the Bell helicopter to another law enforcement agency that intends to use the aircraft for counter-drug and counter-terrorism activities, and then negotiate a price with the buying agency for the County installed equipment.
  - Compare the market value of the County purchased equipment that it has installed in the helicopter to the cost of having its helicopter maintenance vendor remove the equipment. If the market value of the equipment is sufficiently greater than the cost of removing the equipment, the County should remove the equipment and sell it. The County should then return the airframe and the spare parts package to the DLA-LESO.

**Response:** Recommendation R1, part 1 has been implemented. Because we have been unable to find a suitable "buyer," that is for transfer of the helicopter and a purchase price for the additional equipment, the decision was made in early 2013 to hire a third-party broker to accomplish the transaction. Three aircraft brokers were contacted and declined to initiate a process to locate a potential 1033 program-qualified agency to trade the helicopter. In April 2014, Luxe Aviation was contacted for a proposal to broker a trade, as they possessed the experience with government entities. Luxe Aviation is a certified small business authorized by the State of California General Services as a supplier and has specific experience conducting complex aircraft transactions for individuals, corporations, and government agencies of various sizes. It is believed that Luxe will have a higher likelihood of success due to their national contacts in aviation brokerage services, having worked with government agencies in the past, and has a successful business record of completing complex transactions, such as this one facing Placer County. The contract with Luxe Aviation is scheduled to go before the Board of Supervisors on August 26, 2014, for consideration and approval.

Recommendation R1, part 2 will not be implemented. While the option to piecemeal the aircraft and sell the upgraded equipment, has been considered, it was decided that it would not be in the best interest of the County to pursue that option. Due to FAA inspection and certification requirements, it would be cost prohibitive to sell the equipment separately.

I wish to thank the members of the 2013-14 Placer County Grand Jury for their dedication to the community, and for their work during the past year.

Sincerely,



Edward N. Bonner  
Sheriff-Coroner-Marshal

**Findings and Recommendations**  
**2013-2014 Grand Jury Report**

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***DeWITT CENTER COSTCO LEASE***  
***AND***  
***ITS IMPACT ON SENIORS***

**Findings**

- F1. The Grand Jury found that the deed restriction for public use, originally recorded with the deed to the DeWitt Center, has been removed through a series of quitclaim deeds between the State and the County.
- F2. The Grand Jury found that the Placer County budget contains a DeWitt Center Enterprise Fund made up of revenue from buildings and land leased on the DeWitt campus. Enterprise monies left over at the end of each year are moved to reserve funds for future use. There are two of the reserve funds that have reserve balances that could be cancelled and appropriated to other purposes. They are the Assigned Capital Assets fund (\$784,204) and the Assigned Contingencies fund (\$568,539). The Board of Supervisors and the County CEO have the authority to cancel the present use of those funds and designate them for other purposes. The reserve funds can be cancelled as reserves and used for other County purposes with approval of the County Auditor.
- F3. The Grand Jury found that the County has no mandated requirement to provide services to the seniors of Placer County. There are a variety of services for seniors provided by the Health and Human Services (H&HS) Department of Placer County. There are a variety of non-profit organizations providing services funded by public donations and by Federal Government funding through contracts provided through Area 4 Agency on Aging. These funds are provided to the State through the Older Americans Act. The State then distributes funds to the Area on Aging Agencies.
- F4. The Grand Jury found no evidence of any long-term (five years or more) planning on the part of the County to identify the needs of the growing senior population, and the consolidation of resources to satisfy these needs.
- F5. The Grand Jury found that the staff of Placer County assisted the two senior organizations in an attempt to locate adequate and suitable facilities. This help consisted of providing them with a real estate consultant, and the identification of possible replacement facilities. They also set up meetings with owners of potential locations. In addition county staff negotiated that the Costco Foundation make a grant of \$530,000 to the Senior Center to assist in their relocation to new facilities.

**Recommendations**

The Grand Jury recommends:

- R1. Placer County consider the use of monies from the Enterprise Fund to offset the cost of relocation for Seniors First as the fund source is monies derived from leases and rental of space at the DeWitt

## **Findings and Recommendations**

### **2013-2014 Grand Jury Report**

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Center. Because the proposed lease with Costco will generate significant income to the County over the next 50 years, this relocation support is warranted.

R2. Placer County move proactively to create a five year plan for the creation of an umbrella organization that will bring together all governmental and non-profit organizations providing supportive senior services under one entity to County seniors, both able and disabled; and that the County Director of H&HS coordinate this effort on behalf of the County.

#### **Responses:**

**Placer County Board of Supervisors**

**Mary Dietrich, Director, Department of Facility Services**



## COUNTY OF PLACER

### BOARD MEMBERS

JACK DURAN  
District 1

JIM HOLMES  
District 3

ROBERT M. WEYGANDT  
District 2

KIRK UHLER  
District 4

JENNIFER MONTGOMERY  
District 5

## OFFICE OF COUNTY EXECUTIVE

David Boesch, County Executive Officer

175 FULWEILER AVENUE / AUBURN, CALIFORNIA 95603  
TELEPHONE: 530/889-4030  
FAX: 530/889-4023  
www.placer.ca.gov

September 23, 2014

Alan V. Pineschi, Presiding Judge  
Placer County Superior Court  
P.O. Box 619072  
Roseville, CA 95661

**RECEIVED**

SEP 24 2014

PLACER COUNTY  
GRAND JURY

**Re: 2013-14 Grand Jury Final Report – DeWitt Center Costco Lease**

Dear Judge Pineschi,

This letter is in response to the 2013-14 Grand Jury's Findings & Recommendations from the report titled *DeWitt Center Costco Lease and its Impact on Seniors*. The Placer County Board of Supervisors would like to thank the members of the 2013-14 Grand Jury for their efforts associated with the Costco Lease review.

### Findings of the Grand Jury

1. The Grand Jury found that the deed restriction for public use, originally recorded with the deed to the DeWitt Center, has been removed through a series of quitclaim deeds between the State and the County.

**Board of Supervisors Response:** The Board of Supervisors agrees with this finding.

2. The Grand Jury found that the Placer County budget contains a DeWitt Center Enterprise Fund made up of revenue from buildings and land leased on the DeWitt campus. Enterprise monies left over at the end of each year are moved to reserve funds for future use. There are two of the reserve funds that have reserve balances that could be cancelled and appropriated to other purposes. They are the Assigned Capital Assets fund (\$784,204) and the Assigned Contingencies fund (\$568,539). The Board of Supervisors and the County CEO have the authority to cancel the present use of those funds and designate them for other purposes. The reserve funds can be cancelled as reserves and used for other County purposes with approval of the County Auditor.

**Board of Supervisors Response:** The Board of Supervisors partially disagrees with this finding. As of FY 2014-15 the DeWitt Development Enterprise Fund no longer exists. In its place, an Internal Services Fund, Placer County Government Center Campus, has been established. The reserves noted in the report have been shifted to the new fund for the purpose of capital projects on the campus. The County will take into consideration the Grand Jury's recommendations and continue to review current fiscal policies.

3. The Grand Jury found that the County has no mandated requirement to provide services to the seniors of Placer County. There are a variety of services for seniors provided by Health and Human Services (H&HS) Department of Placer County. There are a variety of non-profit

organizations providing services funded by public donations and by Federal Government funding through contracts provided through Area 4 Agency on Aging. These funds are provided to the State through the Older American Act. The State then distributes funds to the Area on Aging Agencies.

**Board of Supervisors Response:** The Board of Supervisors agrees with this finding.

4. The Grand Jury found no evidence of any long-term (five years or more) planning on the part of the County to identify the needs of the growing senior population, and the consolidation of resources to satisfy these needs.

**Board of Supervisors Response:** The Board of Supervisors disagrees with this finding. The Board of Supervisors established the Older Adult Advisory Committee in 2004, in order to provide older adults with a voice on county matters. This committee advises the Board of Supervisors, as well as Health and Human Services, on the creation and delivery of services for this demographic. The Board of Supervisors also recently approved \$100,000 to be put towards a feasibility study of a multi-generational facility.

5. The Grand Jury found that the staff of Placer County assisted the two senior organizations in an attempt to locate adequate and sustainable facilities. This help consisted of providing them with a real estate consultant, and the identification of possible replacement facilities. They also set up meetings with owners of potential locations. In addition county staff negotiated that the Costco Foundation make a grant of \$530,000 to the Senior Center to assist in their relocation to new facilities.

**Board of Supervisors Response:** The Board of Supervisors agrees with this finding.

### **Recommendations of the Grand Jury**

1. Placer County consider the use of monies from the Enterprise Fund to offset the cost of relocation for Seniors First as the fund source is monies derived from leases and rental space at the DeWitt Center. Because the proposed lease with Costco will generate significant income to the County over the next 50 years, this relocation support is warranted.

**Board of Supervisors Response:** This recommendation requires further analysis. As noted previously, the DeWitt Development Enterprise Fund no longer exists. The creation of these funds was intended for improvements that would benefit all of the tenants of the DeWitt Center campus. The County is working to assist Seniors First in its relocation efforts and will take into consideration the Grand Jury's recommendation.

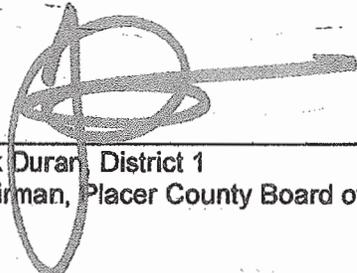
2. Placer County move proactively to create a five year plan for the creation of an umbrella organization that will bring together all governmental and non-profit organizations providing supportive senior services under one entity to County seniors, both able and disabled; and that the County Director of H&HS coordinate this effort on behalf of the County.

**Board of Supervisors Response:** This recommendation has not yet been implemented, but will be implemented in the future. The Board of Supervisors agrees that it is important to move

forward to create a plan in order to address the needs of the increasing population of seniors. Placer County's Health and Human Services Department will participate in this effort along with key stakeholder organizations, including the Placer County Older Adult Advisory Commission and Area 4 Agency on Aging. The Board of Supervisors does not however believe that there needs to be the creation of a new, potentially duplicative, umbrella organization, and instead suggests that working closely with existing organizations and groups dedicated to serving seniors would be a more effective and sustainable strategy.

The Board of Supervisors appreciates the work of the 2013-14 Placer County Grand Jury in their report regarding the DeWitt Center Costco Lease and its Impact on Seniors.

Sincerely,



---

Jack Duran, District 1  
Chairman, Placer County Board of Supervisors

cc: Sharon Stanners, Foreperson of Placer County Grand Jury  
David Boesch, Placer County Executive Officer  
Mary Dietrich, Director of Facility Services





**COUNTY OF PLACER  
FACILITY SERVICES DEPARTMENT**

Phone 530-886-4900 Fax 530-889-6809

www.placer.ca.gov

MARY DIETRICH, DIRECTOR  
VALERIE BAYNE, ADMIN. SVS. MANAGER  
MARK RIDEOUT, DEPUTY DIRECTOR  
BILL ZIMMERMAN, DEPUTY DIRECTOR  
SCOTT BATTLES, DEPUTY DIRECTOR

September 30, 2014

Placer County Grand Jury  
Albert Erkel, Foreman  
11532 B Avenue  
Auburn, CA 95603

**RECEIVED**

OCT 08 2014

PLACER COUNTY  
GRAND JURY

**Re: 2013-2014 Grand Jury Final Report  
Dewitt Center Costco Lease and Its Impact on Seniors**

Dear Mr. Erkel,

The Placer County Department of Facility Services appreciates this opportunity to respond to the Grand Jury's 2013-2014 Report addressing the Dewitt Center Costco Lease and its Impact on Seniors. Facility Services respectfully submits this letter in response to the Findings and Recommendations identified for our response in the Grand Jury Report.

**FINDINGS OF THE GRAND JURY**

**F1 The Grand Jury found that the deed restriction for public use, originally recorded with the deed to the DeWitt Center, has been removed through a series of quitclaim deeds between the State and the County.**

Facility Services' Response: The Department agrees with this Finding.

**F2 The Grand Jury found that the Placer County budget contains a DeWitt Center Enterprise Fund made up of revenue from buildings and land leased on the DeWitt campus. Enterprise monies left over at the end of each year are moved to the reserve funds for future use. There are two of the reserve funds that have reserve balances that could be cancelled and appropriated to other purposes. They are the Assigned Capital Assets fund (\$784,204) and the Assigned Contingencies fund (\$568,539). The Board of Supervisors and the County CEO have the authority to cancel the present use of those**

**funds and designate them for other purposes. The reserve funds can be cancelled as reserves and used for other County purposes with the approval of the County Auditor.**

Facility Services' Response: The Department partially agrees with this Finding. At the time of the Grand Jury's investigation, the DeWitt Enterprise Fund was a Fund in the County Budget and revenues were generated from County and private tenants in the Placer County Government Center. The DeWitt Enterprise Fund no longer exists, and this fund has been replaced with an Internal Services Fund (Placer County Government Center Campus). Reserves from the Enterprise Fund were shifted to this new fund for capital projects that benefit the Government Center Campus. Use of reserves for capital projects that broadly provide benefits to the occupants of the Campus is in keeping with the original campus-wide source of the revenues. The Department will cooperate with any policy decisions that are made relative to the use of reserves in this Internal Services Fund.

- F3 The Grand Jury found that the County has no mandated requirement to provide services to the seniors of Placer County. There are a variety of services for seniors provided by the Health and Human Services (H&HS) Department of Placer County. There are a variety of non-profit organizations providing services funded by public donations and by Federal Government funding through contracts provided through Area 4 Agency on Aging. These funds are provided to the State through the Older Americans Act. The State then distributes funds to the Area on Aging Agencies.**

Facility Services' Response: The Department is unable to respond to this Finding as the referenced services and funding sources are not under the purview of Facility Services.

- F4 The Grand Jury found no evidence of any long-term (five years or more) planning on the part of the County to identify the needs of the growing senior population, and the consolidation of resources to satisfy these needs.**

Facility Services' Response: The Department disagrees with this Finding. The Board of Supervisors established the Older Adult Advisory Commission in 2004 to provide a forum to bring the County, community organizations and representatives of the senior community together to discuss and identify existing or emerging needs. In 2008 the Commission completed an Assessment to ascertain the needs of the older adult community over a 20 year horizon. Additionally, the Placer County Board of Supervisors approved funding in the County's Fiscal Year 2014-15 budget in the amount of \$100,000 for the purpose of developing a feasibility study for a multi-generational facility.

**F5 The Grand Jury found that the staff of Placer County assisted the two senior organizations in an attempt to locate adequate and suitable facilities. This help consisted of providing them with a real estate consultant, and the identification of possible replacement facilities. They also set up meetings with owners of potential locations. In addition county staff negotiated that the Costco Foundation make a grant of \$530,000 to the Senior Center to assist in their relocation to new facilities.**

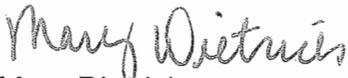
Facility Services' Response: The Department agrees with this Finding.

### RECOMMENDATIONS OF THE GRAND JURY

**R1 Placer County consider the use of monies from the Enterprise Fund to offset the cost of relocation for Seniors First as the fund source is monies derived from leases and rental of space at the DeWitt Center. Because the proposed lease with Costco will generate significant income to the County of the next 50 years, this relocation support is warranted.**

Facility Services' Response: The Department disagrees with this Recommendation. As noted above, the DeWitt Enterprise Fund no longer exists and its fund reserves were intended for use for improvements to benefit all of the occupants at the Government Center. The County has assisted the Seniors First relocation by identifying available properties available in the local market, the forgiveness of their last month's rent, and connection with the Probation Department who is now providing meal preparation for Seniors First.

Respectfully submitted,



Mary Dietrich  
Director of Facility Services

cc: Alan V. Pineschi, Presiding Judge to the Superior Court  
David Boesch, County Executive Officer  
Holly Heinzen, Chief Assistant County Executive Officer  
Jeff Brown, Director of Health and Human Services



## **Findings and Recommendations**

### **2013-2014 Grand Jury Report**

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#### ***PROVISIONAL LICENSED DRIVERS: SCHOOL POLICIES AND PROCEDURES***

##### **Findings**

- F1. There are no policies or procedures pertaining to provisional licensed drivers (VehicleCode Section 12814.6) in any Placer County high school student handbook.
- F2. There is no mention of Vehicle Code Section 12814.6 on any parking permit application form found online.
- F3. One high school principal was conflicted on the issue of enforcement of provisional license laws, stating it was impossible to enforce, and adding he allowed his own provisionally licensed children to drive their underage friends to social events.
- F4. The Grand Jury found no evidence of any high school offering assemblies, workshops or class meetings that mention the provisional driving law. There were, however, instances of events focused on topics such as driving distractions and buckling up.
- F5. More than one interviewee mentioned comparisons between driver education classes of yesteryear and the present, and the fact that driver education classes are no longer required for high school graduation.
- F6. One interviewee commented that the current vehicle code consequence for a first offense is not strict enough and expressed the opinion that it should result in temporary loss of the license

##### **Recommendations**

The Grand Jury recommends:

- R1. All Placer County high schools add a policy regarding VC 12814.6 to their student handbooks. This policy should include clear school disciplinary actions, as well as state-mandated consequences, should this law be violated on or near campus. This addition to the handbook would definitely heighten student awareness of the law.
- R2. The high schools make concerted efforts to involve parents to work together to enforce this important law.
- R3. All Placer County high schools institute a parking permit program. The parking permit program is the mechanism by which the school can better monitor the school parking lot and assign responsibility to individual student drivers per VC 12814.6.
- R4. All Placer County high schools assign separately colored parking permits for provisional licensed drivers and regular drivers. Permit contracts would have a reminder of VC 12814.6, signed by both

## Findings and Recommendations

### 2013-2014 Grand Jury Report

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student and the legal guardian(s), and clearly note the date when the provisional term expires. This parking permit would be exchanged for the permit of a different color when the driver has completed his/her provisional driving term.

- R5. All Placer County high school parking lots be posted with signs stating "California Vehicle Code Strictly Enforced, including VC 12814.6"

#### **Responses:**

**Gayle Garbolino-Mojica**, Placer County Supt. of Schools

**George Sziraki**, - Supt., Placer Union High School District

**Roger Stock**, - Supt., Rocklin Unified School District

**Ron Severson/Tony Monetti**, - Supt., Roseville Joint Union High School District

**Robert Leri**, - Supt., Tahoe-Truckee Unified School District

**Scott Leaman**, - Supt., Western Placer Unified School District

August 29, 2014

RECEIVED

SEP 02 2014

PLACER COUNTY  
GRAND JURY

**Board of Education**

Susan Goto  
Area 1

Suzanne Jones  
Area 1

Robert Tomasini  
Area 1

Kelli Gnile  
Area 2

David Patterson, Ed. D.  
Area 3

Lynn Oliver  
Area 4

E. Ken Tokutomi  
Area 4

The Honorable Alan V. Pineschi  
Presiding Judge of the Superior Court  
County of Placer  
PO Box 619072  
Auburn, CA 95603

Dear Judge Pineschi:

I would like to submit my response to the findings and recommendations contained in the 2013-14 Grand Jury Report pertaining to *Provisional Licensed Drivers: School Policies and Procedures*. I have carefully reviewed the information and recommendations formulated by the Placer County Grand Jury pertaining to student provisional drivers. After a thorough review, my responses are as follows:

**Superintendent's Cabinet**

Jerry Johnson  
Associate Superintendent  
Business Services

Renee Regacho-Anaclerio, Ed. D.  
Associate Superintendent  
Educational Services

Phillip J. Williams  
Associate Superintendent  
Student Services

Catherine Goins  
Assistant Superintendent  
Early Education & Administration

James L. Anderberg  
Executive Director  
Administrative Services

Mary Ann Garcia  
Executive Director  
Human Resources

FINDINGS

I agree with findings numbered 1, 2 and 5.

I disagree wholly or partly with findings numbered 3, 4 and 6.

Finding 3: PCOE is unable to comment on this finding since it is based upon one individual's opinion on enforcement of provisional licensed drivers.

Finding 4: I disagree wholly with this finding. High schools offer a variety of resources, including classroom instruction, to students who are seeking provisional driving licenses, including but not limited to optional online courses where students prepare themselves to obtain a provisional driver's license and the limitations there of.

Finding 6: PCOE is unable to comment on this finding. High schools are unable to change or enforce the consequences under the California Vehicle Code.

RECOMMENDATIONS

Recommendations numbered 3 and 5 require further analysis.

Recommendations numbered 1, 2 and 4 will not be implemented because they are not warranted or are not reasonable.

RECOMMENDATION #1:

All Placer County high schools add a policy regarding VC 12814.6 to their student handbooks. This policy should include clear school disciplinary actions, as well as

state-mandated consequences, should this law be violated on or near campus. This addition to the handbook would definitely heighten student awareness of the law.

RESPONSE:

*Recommendation 1 will not be implemented because it is not warranted and or is not reasonable.*  
The Placer County Office of Education has no jurisdiction over individual high schools and has no way of enforcing the consequences stipulated in the vehicle code and violations are absent from the California Education § 48900 which stipulate the conditions in which student may be disciplined.

RECOMMENDATION #2:

The high schools make a concerted efforts [sic] to involve parents to work together to enforce this important law.

RESPONSE:

*Recommendation 2 will not be implemented because it is not warranted and or is not reasonable.*  
The Placer County Office of Education has no jurisdiction in enforcing schools to address VC 12814.6 with parents. High schools make a concerted effort to work with parents on various issues including traffic safety.

RECOMMENDATION #3:

All Placer County high schools institute a parking permit program. The parking permit program is the mechanism by which the school can better monitor the school parking lot and assign responsibility to individual student drivers per VC 12814.6.

RESPONSE:

*Recommendation 3 will require additional analysis.*  
The Placer County Office of Education has no jurisdiction in enforcing high schools to design and implement a parking program described in the recommendation. Each high school and their respective parking lots are uniquely different and their process and procedures for student parking privileges meets those individual needs.

---

RECOMMENDATION #4:

All Placer County high schools assign separately colored parking permits for provisional licensed drivers and regular drivers. Permit contracts would have a reminder of VC 12814.6, signed by both student and the legal guardian(s), and clearly not the date when the provisional term expires. This parking permit would be

The Honorable Alan V. Pineschi  
August 29, 2014  
Page 3

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exchanged for the permit of a different color when the driver has completed his/her provisional driving term.

RESPONSE:

*Recommendation 4 will not be implemented because it is not warranted and or is not reasonable.*  
The Placer County Office of Education has no jurisdiction in requiring high schools to adopt new parking procedures and have no way of knowing when student has a clear driving record or a driving record that has violations of VC 12814.6. PCOE and high schools would have no way to monitor who in fact has a provisional license and who does not. This recommendation exceeds the scope and the authority of local school districts who cannot enforce vehicle codes.

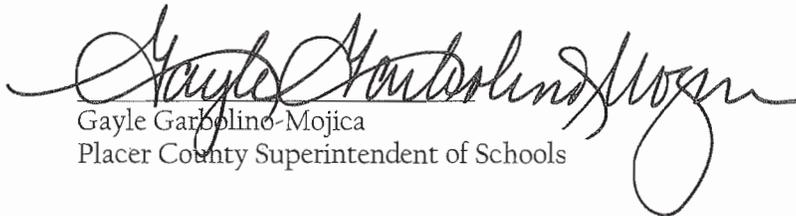
RECOMMENDATION #5:

All Placer County high school parking lots be posted with signs stating "California Vehicle Code Strictly Enforced". It could possibly also state "including VC 12814.6"

RESPONSE:

*Recommendation 5 will require additional analysis.*  
The Placer County Office of Education has no jurisdiction in enforcing schools to comply with VC 12814.6. This recommendation has a cost associated with it and local school districts will have to determine whether or not this is a priority for their district.

Respectfully submitted by:



Gayle Garbolino-Mojica  
Placer County Superintendent of Schools



**GEORGE S. SZIRAKI, JR. Ed.D.**  
SUPERINTENDENT  
**MR. DOUGLAS MARQUAND**  
ASSISTANT SUPERINTENDENT  
ADMINISTRATIVE SERVICES  
**MR. JEFFREY TOOKER**  
DEPUTY SUPERINTENDENT  
EDUCATIONAL SERVICES  
**MR. ERIC VEREYKEN**  
ASSISTANT SUPERINTENDENT  
OF HUMAN RESOURCES



**BOARD OF TRUSTEES**  
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**CHARLES WALLGREN**  
AREA 3/PLACER  
**RON OATES**  
AREA 4/DEL ORO  
**KATHLEEN GEARY**  
AREA 5/DEL ORO

*VIA CERTIFIED MAIL*

September 16, 2014

The Honorable Alan V. Pineschi, Presiding Judge  
Placer County Superior Court  
Post Office Box 619072  
Roseville, CA 95661-9072

**RECEIVED**

SEP 19 2014

**PLACER COUNTY  
GRAND JURY**

Placer County Grand Jury  
11532 B Avenue  
Auburn, CA 95603

RE: Response of the Superintendent of the Placer Union High School District

Dear Judge Pineschi:

I would like to submit my response to the findings and recommendations contained in the 2013-14 Grand Jury Report pertaining to *Provisional Licensed Drivers: School Policies and Procedures*. I have carefully reviewed the information and recommendations formulated by the Placer County Grand Jury pertaining to student provisional drivers. After a thorough review, my responses are as follows:

**FINDINGS**

I agree with findings numbered 1, 2 and 5.

I disagree wholly or partly with findings numbered 3, 4 and 6.

**Finding 3:** The PUHSD is unable to comment on this finding since it is based upon one individual's opinion on enforcement of provisional licensed drivers.

**Finding 4:** I disagree wholly with this finding. High schools offer a variety of resources, including classroom instruction, to students who are seeking provisional driving licenses, including but not limited to optional online courses where students prepare themselves to obtain a provisional driver's license and the limitations thereof.

**Finding 6:** The PUHSD is unable to comment on this finding. High schools are unable to change or enforce the consequences under the California Vehicle Code.

RECOMMENDATION #4:

All Placer County high schools assign separately colored parking permits for provisional licensed drivers and regular drivers. Permit contracts would have a reminder of VC 12814.6, signed by both student and the legal guardian(s), and clearly not the date when the provisional term expires. This parking permit would be exchanged for the permit of a different color when the driver has completed his/her provisional driving term.

RESPONSE:

*Recommendation 4 will not be implemented because it is not warranted and or is not reasonable.*

The Placer Union High School District has no jurisdiction in requiring high schools to adopt new parking procedures and have no way of knowing when student has a clear driving record or a driving record that has violations of VC 12814.6. PCOE and high schools would have no way to monitor who in fact has a provisional license and who does not. This recommendation exceeds the scope and the authority of local school districts who cannot enforce vehicle codes.

RECOMMENDATION #5:

All Placer County high school parking lots be posted with signs stating "California Vehicle Code Strictly Enforced". It could possibly also state "including VC 12814.6"

RESPONSE:

*Recommendation 5 will require additional analysis.*

The Placer Union High School District has no jurisdiction in enforcing schools to comply with VC 12814.6. This recommendation has a cost associated with it and local school districts will have to determine whether or not this is a priority for their district.

Respectfully submitted by:



---

George S. Sziraki, Jr., Ed.D., Superintendent  
Placer Union High School District

# Rocklin Unified School District

2615 Sierra Meadows Drive • Rocklin, CA 95677

Phone • (916) 624-2428 Fax • (916) 624-7246



Roger Stock, Superintendent  
Deborah Sigman, Deputy Superintendent

Barbara Patterson, Deputy Superintendent  
Colleen Slattery, Assistant Superintendent

VIA CERTIFIED MAIL

September 25, 2014

The Honorable Alan V. Pineschi  
Presiding Judge of the Superior Court  
County of Placer  
PO Box 619072  
Auburn, CA 95603

Placer County Grand Jury  
11532 B Avenue  
Auburn, CA 95603

RECEIVED

OCT 02 2014

PLACER COUNTY  
GRAND JURY

Re: Response of the Superintendent of the Rocklin Unified School District to the Grand Jury Report pertaining to ***Provisional Licensed Drivers: School Policies and Procedures***

Dear Judge Pineschi:

Pursuant to California Penal Code sections 933 and 933.05, the following is the Rocklin Unified School District's ("RUSD") formal response to the Grand Jury Report, entitled "***Licensed Drivers: School Policies and Procedures.***"

I have carefully reviewed the findings and recommendations formulated by the Placer County Grand Jury pertaining to student provisional drivers. After a thorough review, my responses are as follows:

## FINDINGS

I agree with findings numbered 1, 2 and 5.

I disagree wholly or partly with findings numbered 3, 4 and 6.

**Finding 3:** RUSD is unable to comment on this finding since it is based upon one individual's opinion on enforcement of provisional licensed drivers.

**Finding 4:** I disagree wholly with this finding. RUSD high schools offer a variety of resources, including classroom instruction, to students who are seeking provisional driving licenses, including but not limited to optional online courses where students prepare themselves to obtain a provisional driver's license and the limitations thereof.

**Finding 6:** RUSD is unable to comment on this finding. High schools are unable to change or enforce the consequences under the California Vehicle Code.

## RECOMMENDATIONS

Recommendations 1, 2 and 4 will not be implemented because they are not warranted/not reasonable.

Recommendation number 3 has been implemented.

Recommendations number 5 has not been implemented; however, further analysis will be done for possible implementation in the future.

### RECOMMENDATION # 1:

*"All Placer County high schools add a policy regarding VC 12814.6 to their student handbooks. This policy should include clear school disciplinary actions, as well as state-mandated consequences, should this law be violated on or near campus. This addition to the handbook would definitely heighten student awareness of the law."*

### RESPONSE to R1:

*Recommendation 1 will not be implemented because it is not warranted or is not reasonable.*  
RUSD has no way of enforcing the consequences stipulated in the vehicle code and violations are absent from the California Education § 48900 which stipulate the conditions in which student may be disciplined.

### RECOMMENDATION #2:

*"The high schools make a concerted effort to involve parents to work together to enforce this important law."*

### RESPONSE to R2:

*Recommendation 2 will not be implemented because it is not warranted or is not reasonable.*  
The RUSD has no jurisdiction in enforcing VC 12814.6 with parents. High schools make a concerted effort to work with parents on various issues including traffic safety.

### RECOMMENDATION #3:

*"All Placer County high schools institute a parking permit program. The parking permit program is the mechanism by which the school can better monitor the school parking lot and assign responsibility to individual student drivers per VC 12814.6."*

### RESPONSE to R3:

*Recommendation 3 has been implemented.*  
The RUSD high schools currently have a parking permit program. Each high school and their respective parking lots are uniquely different and their process and procedures for student parking privileges meets those individual school needs.

**RECOMMENDATION #4:**

*“All Placer County high schools assign separately colored parking permits for provisional licensed drivers and regular drivers. Permit contracts would have a reminder of VC 12814.6, signed by both student and the legal guardian(s), and clearly not the date when the provisional term expires. This parking permit would be exchanged for the permit of a different color when the driver has completed his/her provisional driving term.”*

**RESPONSE to R4:**

***Recommendation 4 will not be implemented because it is not warranted and or is not reasonable. The RUSD high schools already have a parking permit system in place. Schools have no way of knowing when a student has a clear driving record or a driving record that has violations of VC 12814.6. Schools would have no way to monitor who has a provisional license and who does not. This recommendation exceeds the scope and the authority RUSD employees who cannot enforce vehicle codes.***

**RECOMMENDATION #5:**

*“All Placer County high school parking lots be posted with signs stating “California Vehicle Code Strictly Enforced.” It could possibly also state “including VC 12814.6”*

**RESPONSE to R5:**

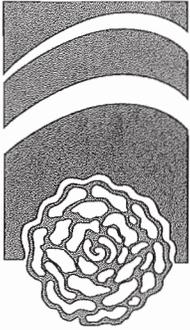
***Recommendation 5 will require additional analysis. The RUSD has no jurisdiction in enforcing VC 12814.6. This recommendation has a cost associated with it and will be considered when parking lot signage is replaced at district high schools.***

Sincerely,



Roger Stock  
Superintendent





# Roseville Joint Union High School District

1750 CIRBY WAY, ROSEVILLE, CALIFORNIA 95661  
Office (916) 782-8882 • Fax (916) 786-2681 • E-mail: rseverson@rjuhsd.us

RON SEVERSON, Superintendent

BOARD OF TRUSTEES

RENE AGUILERA  
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PAIGE K. STAUSS

**RECEIVED**

OCT 08 2014

**PLACER COUNTY  
GRAND JURY**

VIA CERTIFIED MAIL

September 30, 2014

Honorable Alan V. Pineschi, Presiding Judge  
Placer County Superior Court  
P.O. Box 619072  
Roseville, CA 95661-9072

Placer County Grand Jury  
11532 B Avenue  
Auburn, CA 95603

Re: Response of the Superintendent of the Roseville Joint Union High School District to the Grand Jury Report Entitled: Provisional Licensed Drivers: School Policies and Procedures”

Dear Judge Alan V. Pineschi:

Pursuant to California Penal Code sections 933 and 933.05, the following is the Roseville Joint Union High School District’s (RJUHS) formal response to the Grand Jury Report, entitled “Provisional Licensed Drivers: School Policies and Procedures”

**I. INTRODUCTION**

The Grand Jury requested a response from the Superintendent regarding Recommendations 1 through 5 by October 14, 2014. Accordingly, I am providing my response to those recommendations. I have also provided a response to each of the findings applicable to the RJUHS.

**II. RESPONSES TO FINDINGS APPLICABLE TO LUSD**

**A. F1:** *“There are no policies or procedures pertaining to provisional licensed drivers (Vehicle Code Section 12814.6) in any Placer County high school student handbook.*

**Response to F1: RJUHS agrees. RJUHS does not currently have policies or procedures pertaining to provisional licensed drivers in student handbook.**

**B. F2:** *“There is no mention of Vehicle Code Section 12814.6 on any parking permit application form found online.”*

**Response to F2: RJUHSD agrees. RJUHSD schools do not currently mention Vehicle Code Section 12814.6 on any parking permit applications.**

C. **F3:** *“One high school principal was conflicted on the issue of enforcement of provisional license laws.*

**Response to F3: RJUHSD is unable to comment on one unnamed individuals opinion.**

D. **F4:** *“The Grand Jury found no evidence of any high school offering assemblies, workshops or class meetings that mention the provisional driving law. There were, however, instances of events focused on topics such as driving distractions and buckling up.”*

**Response to F4: RJUHSD disagrees in part. RJUHSD offers an online Driver Education course that many students take advantage of. The curriculum in the course covers the provisional driving law in detail. The District cannot vouch for the content of Driver Education course work that is part of private driver training programs in the area or that are offered by other districts.**

E. **F5:** *“More than one interviewee mentioned comparisons between driver education classes of yesteryear and the present, and the fact that driver education classes are no longer required for high school graduation.”*

**Response to F5: RJUHSD does not require a driver education course as a graduation requirement. As mentioned above, the district still offers an on-line course in driver education.**

F. **F6:** *One interviewee commented that the current vehicle code consequence for a first offense is not strict enough and expressed the opinion that it should result in temporary loss of the license.”*

**Response to F6: RJUHSD is unable to comment on this finding. High Schools are unable to change or enforce the consequences under the California Vehicle Code.**

### **III. RESPONSES TO RECOMMENDATIONS APPLICABLE TO LUSD**

A. **R1:** *“All Placer County high schools add a policy regarding VC 12814.6 to their student handbooks. This policy should include clear school disciplinary actions, as well as state-mandated consequences, should this law be violated on or near campus. The addition to the handbook would definitely heighten student awareness of the law.”*

**Response to R1: RJUHSD disagrees partially. The District will add provisions regarding provisional licenses to student handbooks. RJUHSD has no authority to enforce the consequences stipulated in the Vehicle Code and violations are**

**absent from the California Education Code 48900 which stipulate the conditions in which students may be disciplined.**

- B. R2:** “The high schools make concerted efforts to involve parents to work together to enforce this important law.  
**Response to R2: Partially disagree. As noted above, RJUHSD has no authority to enforce the provisional license law. All district schools work closely with their students, parents and their communities to ensure the safety of their parking lots. Each comprehensive campus and the continuation high school are assigned school resource officers, who are all law enforcement personnel. However, they serve under the jurisdiction of different law enforcement agencies (Roseville City Police, Sacramento County Sheriff, Placer County Sheriff). Those agencies have authority to enforce the vehicle code.**
- C. R3:** *“All Placer County high schools institute a parking permit program. The parking permit program is the mechanism by which the school can better monitor the school parking lot and assign responsibility to individual student drivers per VS 12814.6.”*  
**Response to R3: RJUHSD recommends further analysis. Each of the District’s sites have unique parking resources and issues. Many student drivers park off campus, on city and county roads. Providing the human resources to monitor parking lots would require extensive new resources or reassignment of current safety personnel from other higher priority safety issues. And, as noted above, RJUHSD does not have authority to enforce the California Vehicle Code.**
- D. R4:** *“All Placer County high schools assign separately colored parking permits for provisional licensed drivers and regular drivers. Permit contracts would have a reminder of VC 12814.6, signed by both student and the legal guardian(s), and clearly note the date when the provisional term expires. This parking permit would be exchanged for the permit of a different color when the driver has completed his/her provisional driving term.”*  
**Response to R4: RJUHSD will not implement because it is not warranted and it is not reasonable. The District has no way to monitor who in fact has a provisional license and who does not as this data changes daily. The color coded system outlined in the recommendation would require extraordinary human resources and would not account for hundreds of student drivers who park off campus. This recommendation exceeds the scope and the authority of local school districts who cannot enforce vehicle codes.**
- E. R5:** *“All Placer County high school parking lots be posted with signs stating “California Vehicle Code Strictly Enforced.” It could possibly also state, “including VC 12814.6.*

Honorable Alan V. Pineschi, Presiding Judge  
Placer County Grand Jury  
September 30, 2014  
Page 4 of 4

**Response to R5: Requires further analysis. RJUHSD will work with local law enforcement agencies to determine if a change in signage is warranted on each campus.**

Very truly yours,

A handwritten signature in cursive script that reads "Ron Severson".

Ron Severson  
Superintendent



**TAHOE TRUCKEE**  
**UNIFIED SCHOOL DISTRICT**

*"Pathways to Possibilities and Student Success"*  
Robert J. Leri, Ed.D., Superintendent Chief Learning Officer

September 30, 2014

**RECEIVED**

OCT 08 2014

The Honorable Alan V. Pineschi  
Presiding Judge of the Superior Court  
County of Placer  
P.O. Box 619072  
Roseville, CA 95661

Placer County Grand Jury  
11532 B Avenue  
Auburn, CA 95603

**PLACER COUNTY  
GRAND JURY**

Re: Response of Superintendent Chief Learning Officer of the Tahoe Truckee Unified School District to Grand Jury Report Entitled "Anti-Bullying Policies in Middle and High Schools: Are They Effective?"

Dear Judge Pineschi:

Please accept this letter as Tahoe Truckee Unified School District's ("District") formal response to the above referenced Grand Jury Report ("Report"). This response is submitted to you pursuant to Penal Code section 933.05. The District will respond to the Grand Jury Report entitled "Provisional Licensed Drivers: School Policies and Procedures" under a separate cover. I have thoroughly reviewed the information and recommendations contained in the Report pertaining to anti-bullying policies and respond as follows:

**FINDINGS**

F1: District cannot respond regarding the policies of PCOE.

F2: District cannot respond regarding the PCOE guidelines. However, the District maintains its own anti-bullying policies and resources. These include Board Policies 5131, 5131.2, 5145.3, and 5145.9 as well as the expectations outlined in the District's Discipline Guidelines and Student Handbook. Further, the District provides classroom curriculum, student assemblies, and staff professional development regarding bullying and cyberbullying.

F3: District agrees with this finding. The District's anti-bullying policies, including student discipline for bullying, comply with state laws and are published and distributed in student handbooks as well as other locations.

F4: District cannot respond regarding schools in other school districts, but agrees that not each student handbook at each of its schools states options for reporting bullying beyond reporting directly to a teacher, counselor, or administrator. However, the District provides many anti-bullying resources to students and staff alike. Additionally, the District utilizes a program called the "we tip hotline" which allows students to make anonymous reports regarding bullying and harassment. This provides for an alternative for direct reporting to adults at school and is known by all students as an option.

F5: District cannot respond regarding practices and policies at other schools in other school Districts. District policies do not explicitly require students to report bullying they've witnessed. However, the anti-bullying curriculum stresses the personal responsibility for by-standers to report. The District offers a "We Tip" anonymous hotline which accepts reports of bullying.

F6: District cannot respond regarding other schools in other school Districts. District disagrees with this finding as to itself. The District and its middle and high schools are constantly evaluating the effectiveness of their anti-bullying programs and policies. This is done through community forums, staff discussion, parent and student surveying, and collaboration with outside agencies with expertise on bullying. District has comprehensive anti-bullying policies which it believes to be effective. For example, see BP 4131, 5131, 5132.2, 5145.3, and 5145.0.

F7: District agrees with this finding. The Placer County Sheriff's Office as well as other local law enforcement agencies works closely with the District to address bullying and harassment.

### **RECOMMENDATIONS**

R1: This recommendation was implemented prior to the Report. As described above, the District maintains board policies, student handbooks, student discipline procedures, staff training, and an anonymous tip program to ensure its schools are safe for students to report bullying and cyberbullying.

R2: This recommendation has been partially implemented. At North Tahoe High School and Alder Creek Middle School, students and parents sign the student handbook which contains a student-teacher-parent contract which prescribes student conduct. The handbook also contains a "handbook test" which students must take in order to ensure they have read the handbook. These documents are maintained in the office at the school. During the current school year the District will discuss implementing a similar policy and practice at its other middle and high schools which do not currently use such a process.

R3: This recommendation was implemented prior to the Report. The District's high schools and middle schools utilize the resources of local law enforcement and community resource groups to educate students of the dangers and consequences of bullying and cyberbullying. The District provides anti-bullying assemblies as well as classroom presentations to its students.

R4: This recommendation was implemented prior to the Report. Professional development for teachers includes skills and strategies for establishing a climate that promotes respect, fairness, and discipline, including conflict resolution and intolerance and hatred prevention.

R5: This recommendation has been partially implemented and will be reviewed for full implementation within the current school year. District is committed to utilizing a comprehensive means to evaluate the effectiveness of its anti-bullying program and policies and has consistently participated in the California Healthy Kids Survey. The School Climate module, which specifically measures factors related to bullying, was added in the survey in spring of 2014. This survey is administered bi-annually. The data is used to support annual school site accountability plans that include a school climate goal. However, District is not convinced that the use of semi-annual anonymous surveys of the student body is the best way to measure the effectiveness of anti-bullying

efforts. District believes that a thorough and meaningful evaluation must include frank and open dialogue amongst all stakeholders including students, teachers and parents.

R6: The District disagrees with this recommendation and it will not be implemented. District currently posts the results from the bi-annual California Healthy Kids Survey. District is concerned that posting results of an anonymous semi-annual student survey may not provide an accurate picture of the school climate. Additionally, to the extent surveys provided sensitive details it could inadvertently reveal issues and student situations not otherwise publicly known to all and which may personally identify students.

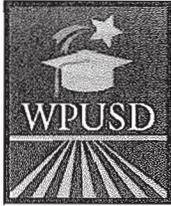
We thank the Grand Jury for their hard work reviewing this issue at the schools in Placer County. Thank you for the opportunity to respond.

Regards,



Robert J. Leri, Ed.D.  
Superintendent Chief Learning Officer  
Tahoe Truckee Unified School District





**WESTERN PLACER  
UNIFIED SCHOOL DISTRICT**

600 Sixth St, Suite 400, Lincoln CA 95648  
Ph: 916-645-6350

*Board of Trustees:* Paul Long  
Brian Haley  
Paul Carras  
Kris Wyatt  
Damian Armitage

*Superintendent:* Scott Leaman

September 30, 2014

The Honorable Alan V. Pineschi  
Presiding Judge of the Superior Court  
County of Placer  
P.O. Box 619072  
Roseville, CA 95661

Placer County Grand Jury  
11532 B Avenue  
Auburn, CA 95603

**RECEIVED**

OCT 06 2014

**PLACER COUNTY  
GRAND JURY**

Re: Response of Superintendent of Western Placer Unified School District to Grand Jury Report Entitled "Provisional Licensed Drivers: School Policies and Procedures"

Dear Judge Pineschi:

Please accept this letter as Western Placer Unified School District's ("District") formal response to the above referenced Grand Jury Report ("Report"). This response is submitted to you pursuant to Penal Code section 933.05. The District responds to the Grand Jury Report entitled "Anti-Bullying Policies in Middle and High Schools: Are They Effective?" under separate letter. I have thoroughly reviewed the information and recommendations contained in the Report pertaining to provisional drivers and respond as follows:

**FINDINGS**

F1: District cannot respond regarding high schools in other districts located in Placer County but agrees that the District's high school student handbooks do not specifically reference Vehicle Code section 12814.6.

F2: District cannot respond regarding high schools in other districts located in Placer County but agrees that the District's parking documents do not make specific reference to Vehicle Code section 12814.6

F3: District is unable to respond to this finding as it is based upon only one person's opinion and personal practice regarding provisional licensed drivers.

F4: District cannot respond as to other districts located in Placer County but disagrees with this finding as to the District. District's students receive information regarding provisional licenses from numerous sources, both on and off campus. Further, any student that obtains a provisional license must first pass a test demonstrating their understanding of the requirement of that license as well as other Vehicle Code requirements.

F5: District cannot respond regarding statements of a particular individual but agrees that drivers education is not required for high school graduation.

F6: District cannot respond to this finding as it is based upon only one person's opinion and seeks a penalty for a Vehicle Code violation which is wholly outside of the District's jurisdiction to impose or enforce.

### RECOMMENDATIONS

R1: This recommendation requires further analysis. While the District is not opposed to adding a reference to Vehicle Code section 12814.6 to the student handbooks to remind students that it applies while on school grounds, District does not have any jurisdiction to impose consequences based on violations on or near campus. Further, violation of this Vehicle Code section is not a ground for student discipline under Education Code section 48900 and 48915.

R2: This recommendation has not yet been implemented but will be implemented during the current school year. As described above, District does not have jurisdiction to impose consequences based on Vehicle Code section 12814.6. However, District will make a concerted effort to remind parents of the requirements and restrictions of the provisional license and seek their reinforcement of these restrictions at home. District already addresses issues of student safety and parking in the student handbooks as well as in board policy.

R3: This recommendation was implemented prior to the Report. The District's high school issues parking permits for a fee in order for students to park in school parking lots. Student parking lots are monitored and supervised and safety is strictly enforced.

R4: This recommendation will not be implemented because it is not warranted and/or is not reasonable. It would be extremely difficult, if not impossible, for the District to monitor the status of each student's driver's license. Further, student parking permits are not of such size, nor could they reasonably be, so that a person supervising or monitoring the parking lot could easily discern which drivers are driving with a provisional license and which are not. Implementation and enforcement of this recommendation would require the District to exceed the scope and authority of the District which cannot enforce Vehicle Code violations.

R5: This recommendation has not been implemented but will be reviewed for implementation within the current school year. District will review the current postings and signage at its high school parking lots to determine if the recommended language may be added.

We thank the Grand Jury for their hard work reviewing this issue at the schools in Placer County. Thank you for the opportunity to respond.

Regards,



Scott Leaman  
Superintendent



**Findings and Recommendations**  
**2013-2014 Grand Jury Report**

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**PLACER COUNTY FAIRGROUNDS AND ALL-AMERICAN SPEEDWAY**  
***Progress Report***

**Findings**

- F1. Two of the twelve After the Fact (ATF) permits have been issued.
- F2. Three other ATF permits for the scoreboard, sound fence, and a small building foundation are being addressed by the PCFA. These require some deconstruction in order to obtain engineering approval. The PCFA maintains that these are being addressed as funds are available. The remaining non-permitted facilities will not be used until permitted.
- F3. On July 9, 2013 the BOS approved an agreement with RCH Group, Inc. for a Placer County Fairgrounds Assessment Report. The objective of this assessment is to evaluate the long-term economic viability of a flexible community resource, which fosters economic growth in surrounding communities and operates in a self-sustaining manner. This assessment is projected to be available in early 2014, and at this writing is not yet available.
- F4. The PCFA maintains that the cost of a financial audit is approximately \$8,000 to \$12,000. They have elected to conduct a financial review every three years at a cost of approximately \$3,000. In 2014, they plan to conduct this financial review covering the previous three years.

**Recommendations**

The Grand Jury recommends:

- R1. The BOS promptly review the Placer County Fairgrounds Assessment Report by RCH Group, Inc. and develop a plan that encompasses the use of the Fairgrounds, how it is managed, and its impact on the surrounding community.
- R2. The BOS examine the 2014 financial review of the PCFA and verify whether or not funds are available to comply with the County's requirements
- R3. The 2014-2015 Grand Jury continue to monitor BOS compliance.

**Responses:**

**Placer County Board of Supervisors** ( No response received )

**Mary Dietrich**, Director, Department of Facility Services





**COUNTY OF PLACER  
FACILITY SERVICES DEPARTMENT**

Phone 530-886-4900 Fax 530-889-6809

www.placer.ca.gov

MARY DIETRICH, DIRECTOR  
VALERIE BAYNE, ADMIN. SVS. MANAGER  
MARK RIDEOUT, DEPUTY DIRECTOR  
BILL ZIMMERMAN, DEPUTY DIRECTOR  
SCOTT BATTLES, DEPUTY DIRECTOR

September 30, 2014

Placer County Grand Jury  
Albert Erkel, Foreman  
11532 B Avenue  
Auburn, CA 95603

**RECEIVED**

OCT 02 2014

**PLACER COUNTY  
GRAND JURY**

**Re: 2013-2014 Grand Jury Final Report  
Placer County Fairgrounds and All-American Speedway**

Dear Mr. Erkel,

The Placer County Department of Facility Services appreciates this opportunity to respond to the Grand Jury's 2013-2014 Report addressing the Placer County Fairgrounds and All-American Speedway. Facility Services respectfully submits this letter in response to the Findings and Recommendations identified for our response in the Grand Jury report.

**FINDINGS OF THE GRAND JURY**

**F1 Two of the twelve After the Fact (ATF) permits have been issued.**

Facility Services' Response: The Department of Facility Services disagrees with this Finding. By March 7, 2014, the Association satisfied five of the ATF issues by removing structures, and satisfied five additional ATF issues through Placer County Building Permit Final Inspections. Representatives of the Placer County Fair Association (PCFA) have indicated that structures associated with the two remaining ATF issues are not being used at this time.

- F2 Three other ATF permits for the scoreboard, sound fence, and a small building foundation are being addressed by the PCFA. These require some deconstruction in order to obtain engineering approval. The PCFA maintains that these are being addressed as funds are available. The remaining non-permitted facilities will not be used until permitted.**

Facility Services' Response: The Department of Facility Services agrees with this Finding. These three ATF issues were resolved through the Building Permit Final Inspections as described above. PCFA indicated that structures associated with the two remaining ATF issues are not being used at this time.

- F3 On July 9, 2013 the BOS approved an agreement with the RCH Group, Inc. for a Placer County Fairgrounds Assessment Report. The objective of this assessment is to evaluate the long-term economic viability of a flexible community resource, which fosters economic growth in surrounding communities and operates in a self-sustaining manner. This assessment is projected to be available in early 2014, and at this writing is not yet available.**

Facility Services' Response: The Department of Facility Services agrees with this Finding. The initial draft of the Fairgrounds Assessment was presented to the Board of Supervisors on September 9, 2014. Comments received by RCH Group will be incorporated into the final Report by November 1, 2014.

- F4 The PCFA maintains that the cost of a financial audit is approximately \$8,000 to \$12,000. They have elected to conduct a financial review every three years at a cost of approximately \$3,000. In 2014, they plan to conduct this financial review covering the previous three years.**

Facility Services' Response: The Department of Facility Services cannot agree or disagree with this Finding, as the discussion took place with PCFA and not with County staff.

## **RECOMMENDATIONS OF THE GRAND JURY**

- R1 The BOS promptly review the Placer County Fairgrounds Assessment Report by RCH Group, Inc. and develop a plan that encompasses the use of the Fairgrounds, how it is managed, and its impact on the surrounding community.**

Facility Services' Response: This Recommendation has been implemented. On September 9, 2014 the Board of Supervisor received a presentation of the Assessment Report by RCH Group. The Department will prepare future recommendations to the Board of Supervisors, which address information presented in the Report and topics raised during the Board's discussion on September 9<sup>th</sup>.

**R2 The BOS examine the 2014 financial review of the PCFA and verify whether or not funds are available to comply with the County's requirements.**

Facility Services' Response: This Recommendation cannot be implemented. The Department received the attached correspondence from the Placer County Fair Association that indicates it is financially unable to conduct the reviews of the previous three years at this time. As part of the Fairgrounds Assessment, RCH Group evaluated the financial documentation provided by the Association and found their financial condition to be tenuous. The Assessment revealed that as revenues and profitability have decreased, so has the Association's ability to fund maintenance activities beyond status quo.

**R3 The 2014-2015 Grand Jury continue to monitor BOS compliance.**

Facility Services' Response: This Recommendation cannot be implemented by the Department of Facility Services; however the Department will work with the Grand Jury as they continue to monitor this issue in 2014-1015.

Respectfully submitted,



Mary Dietrich  
Director of Facility Services

cc: Alan V. Pineschi, Presiding Judge to the Superior Court  
David Boesch, County Executive Officer  
Holly Heinzen, Chief Assistant County Executive Officer

Attachment: Placer County Fair Association Letter, dated September 18, 2014



800 All America City Boulevard • Roseville, CA 95678  
916.786.2023 voice • 916.786.2139 fax  
[www.placercountyfair.org](http://www.placercountyfair.org)

September 18, 2014

Placer County Board of Supervisors  
175 Fulweiler  
Auburn, CA 95603

Placer County Board of Supervisors:

The Placer County Fair Association is in possession of a copy of the Grand Jury's Progress Report.

In findings section, F4, it states that the Fair Association has planned to conduct a financial review in 2014, which would cover the previous three years. We are unsure where this plan came from, and had we known this sooner, we could have worked earlier in the year to have these reviews done. The last quarter of the calendar year for us is a very slow time, revenue wise. Due to the financial situation that we are facing, the Fair Association is financially unable to conduct the reviews of the previous three years at this time.

If you know of any programs that a non-profit association may qualify for to have the financial reviews conducted with no cost to us or a very minimal cost, we would be happy to look into this matter further.

Sincerely,

David Henry, Board President  
Placer County Fair Association

Sincerely,

Carrie Wimer, General Manager  
Placer County Fair Association

Cc: Mark Rideout, Department of Facility Services



## Findings and Recommendations

### 2013-2014 Grand Jury Report

#### ***LOW-FLOW FIRE HYDRANT AT THE NEWCASTLE ELEMENTARY SCHOOL***

##### Findings

- F1. The NESD has an evacuation plan for students and it would be implemented for the students to be evacuated while an emergency 911 call was being phoned in. It is expected that students would be evacuated before fire fighters arrived. The purpose of this report was to assess the risk to students as a result of a fire hydrant with below standard flow. Although the Grand Jury believes the low-flow hydrant issue should have been addressed years ago, the lower-than-standard flow is more an issue of rapid suppression of a fire to save facilities than a safety issue for students.
- F2. The NFPD fire station is approximately ¼ mile away, and reachable in four to six minutes, Students would most likely be evacuated within the time required for the first unit to arrive on scene. The initial responsibility of the first unit on scene is to assess the situation and rescue persons before connecting to the hydrant.
- F3. There would be sufficient water available to begin fire fighting until the tanker trucks from neighboring fire stations arrived.
- F4. The NESD has committed to completing temporary and permanent solutions to the low-flow hydrant problem but has, as of mid-May, failed to meet its commitments.
- F5. As of March 19, 2014, no applications or plans had been submitted to the PCWA for approval. NESD's schedule indicates that the plans were to have been submitted as of March 3, 2014.
- F6. NESD's schedule requires the district to advertise the project and possibly open bids before the required Development Agreement with the PCWA is approved.
- F7. Inaction and delays on the part of the NESD have jeopardized the likelihood of this project being completed prior to the start of the 2014 – 2015 school year.
- F8. As the Grand Jury understands it, the current plan will result in two fire hydrants with flow of about 1,200 gallons each for a total flow of 2400 gpm rather than the required one hydrant with a flow of 1500 gallons. This is a satisfactory resolution to the original problem. The upgrade will replace an old section of water pipe installed in the 1940s, thus increase reliability of the water delivery system.
- F9. A single line supply would leave the school with no water for fire fighting in case of catastrophic failure of the line. For this reason, the NFPD increased the 5000 gallon requirement that the NESD provide tanks on-site to a total of 15,000 gallons capacity as a backup measure to assure water availability in the event of catastrophic failure of the water supply source to the hydrants. A desirable loop connection from the Kentucky Greens development, which should also allow sufficient flow to meet the 1500 gpm minimum standard, will be planned for the future when future development is approved. Cost for that loop connection would be borne by the developer,

## **Findings and Recommendations**

### **2013-2014 Grand Jury Report**

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not the NESD. After a loop connection is made there will no longer be need for the 15,000 gallon on-site water storage because if one line has a failure, water will still flow through the other side of the loop.

F10. The fact there has been no action in regards to addressing the below standard flow of the fire hydrant is related to the facts that the school was originally constructed to standards in existence at the time of construction and the State School Board does not require upgrading to current fire code standards unless there is a compelling reason to do so.

F11. Parents of students volunteered to clear brush on school property and have partially cleared the brush. The NESD has approved a contract for brush removal.

#### **Recommendations**

The Grand Jury recommends:

R1. The NESD honor its commitment and complete the project of upgrading the fire hydrant system in accordance with the newest scheduled completion date (August 2014) as agreed to with NFPD and presented to the Grand Jury.

R2. The NESD and NFPD reach agreement that the as yet to be installed 15,000 gallon water storage connections, materials of construction and venting of tanks are adequate for use by the fire fighting units and would be utilized if the need arises. In addition, determine who is responsible for maintaining the system.

R3. The Placer County Superintendent of Schools monitor the progress of the project.

#### **Responses:**

**NESD Board of Directors**

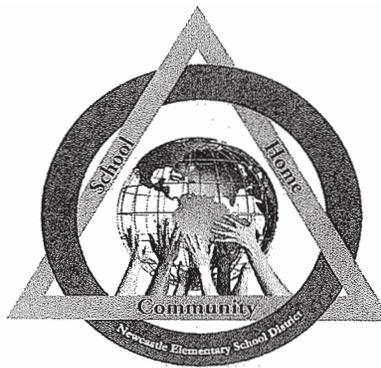
**Kathleen Daugherty**, - Superintendant of NESD

**Gayle Garbolino-Mojica**, - Placer County Supt. Of Schools

**KATHLEEN DAUGHERTY.**  
SUPERINTENDENT

**NANCY MCKENZIE**  
DIRECTOR OF FISCAL SERVICES

**SUE LATHAM**  
DIRECTOR OF SPECIAL EDUCATION



**BOARD OF TRUSTEES**

**JEFF SEVEY**

PRESIDENT

**SARAH GILLMORE**

CLERK

**LISA VITELLO**

**MICHAEL LEYDON**

**KEN HANSEN**

**RECEIVED**

OCT 02 2014

**PLACER COUNTY  
GRAND JURY**

450 MAIN ST. PO BOX 1018, NEWCASTLE, CA 95658  
916-259.2832 FAX: 916.259.2835  
<http://www.newcastle.k12.ca.us>

VIA CERTIFIED MAIL and PERSONAL DELIVERY

**September 26, 2014**

**Honorable Alan V. Pineschi, Presiding Judge**  
**Placer County Superior Court**  
**P.O. Box 619072**  
**Roseville, CA 95661-9072**

**Placer County Grand Jury**  
**11532 B Avenue**  
**Auburn, CA 95603**

Dear Judge Pineschi:

We would like to submit my response to the facts, findings and recommendations contained in the 2013-14 Grand Jury Report pertaining to **Low –Flow Fire Hydrant at the Newcastle Elementary School. Please accept this response on behalf of the Newcastle Elementary School District Board of Trustees and Kathleen Daugherty, Superintendent of Newcastle Elementary School District.** We have carefully reviewed the information and recommendations formulated by the Placer County Grand Jury pertaining to the hydrants. After a thorough review, our responses are as follows:

**INITIAL FACTS REPORTED**

The installation of the portable classrooms was completed in August of 2013.

**Actual Condition: There was one portable classroom installed. It was completed in September of 2013. Students were not able to use the portable for the first two weeks of school.**

On September 27, 2013 the NFPD provided written notice to the NESD that they were in violation of the National Fire Code, and also stated that the NESD had made little or no effort to provide an agreed upon 5000-gallon temporary storage tank on-site water supply.

**Actual condition: The temporary tanks were installed on August 15, 2013 under the supervision of the temporary fire chief, John Carr. All fittings were purchased according to his specifications. He supervised the filling of the tanks with PCWA.**

The newly installed portable classroom buildings block access to the rear of the school. The September 27, 2013 NFPD letter recommended that there be a compacted roadway to provide access, but has since determined there is insufficient space to provide safe access from the back of the school if such a roadway were available. Any fire truck would be too close to the structures and at risk if a fire resulted in building collapse. For that reason, the Grand Jury was informed fire trucks would not be allowed to utilize the rear access road even if it were available.

**Actual Condition: The access path was never a part of the initial request or agreement with NFPD. Based upon later conversations with the new fire chief, it was requested that an access path be created. This was done under the supervision of the current fire chief. The ball field was relocated and backstop was removed to honor this new request.**

The Grand Jury was informed that there was concern by parents about a buildup of brush adjacent to the schoolyard.

**Actual Condition: Parents did not express this concern. A member of NCA who does not reside in the District community and has no current or past affiliation with the school expressed the concern.**

### FINDINGS

**We agree with findings numbered 1, 2, 3, 6, 8, 9, 10.**

#### **# 4 Finding – Partially disagree-**

The NESD has committed to completing temporary and permanent solutions to the low-flow hydrant problem but has, as of mid-May, failed to meet its commitments.

We partially disagree with this finding. Newcastle Elementary School District committed and has met all of its commitments to date. Temporary water tanks were installed and filled under the supervision of the temporary NFPD fire chief in August of 2013. They were purchased and delivered to the campus on August 15 and full by August 30. Delays in filing were caused due to schedules of the chief, NFPD fire fighters and PCWA. Aside for the temporary tanks, all commitments were in process of being met and timelines were being honored. Documented meetings in December and January with new fire Chief, Mitch Higgins, and PCWA representatives identified the need for additional new engineering and modified plans from those presented in November to the committee at large (PCWA, NFPD Board member and Chief, NESD Board member, WLC architects, North Star Engineering, and Superintendent) which were based upon new flow information from PCWA, new requirements for flow from NFPD and new state regulations. New hydrant locations were identified and a new 15,000-gallon water storage tank was added to the requirements at this time. On February 14, 2014, a new timeline was developed and approval granted by NFPD. The construction timeline was presented to the NESD Board on February 12. In early April, on schedule, the project was advertised in Newspapers and on the website. On May 7 the district was notified that the PCWA Board approved final plans, submitted on April 8, 2014. On May 9<sup>th</sup> the pre-bid job walk took place and the final bid was awarded during the Board meeting on May 21. Construction as per the approved timeline began on June 9, 2014.

#### **# 5 Finding-Partially disagree-**

As of March 19, 2014, no applications or plans had been submitted to the PCWA for approval. NESD's schedule indicates that the plans were to have been submitted as of March 3, 2014.

We partially disagree with this finding. NESD adopted a schedule in February. The Schedule indicated a range of dates for plan submission; pending the time it took the engineers and architects to complete the

new drawings based upon meeting with the current fire chief. The plans were submitted in early April, the same time that the project went to bid as required by Education code.

#### **# 7 Finding- We fully Disagree.**

Inaction and delays on the part of the NESD have jeopardized the likelihood of this project being completed prior to the start of the 2014-2015 school year.

We disagree fully with this finding. NESD has documented ongoing meetings and a change in personnel of NFPD in late October/early November of 2013, which resulted in additional and significant changes and additions to requirements by NFPD, as well as additions to the requirements by PCWA. The approved timelines were followed and the two new hydrants were complete and operational prior to August 13, 2014, the start of the school year. In the August of 2013, NESD had temporary water storage tanks installed and filled. The 15,000- Gallon water tank arrived a week prior to the start of school (It was a special order which took 12-14 weeks to build and ship), a special pad was built and the tank installed prior to the start of school. It was filled under the supervision of PCWA and the current fire chief on September 3. The water was tested on the same day. The project, minus the filling of the tank was complete by the required date. The tank was tested and filled two weeks later. The timing of the tank filling was guided by the schedules of the fire chief and PCWA.

#### **# 11 Finding- We partially disagree**

Parents of students volunteered to clear brush on school property and have partially cleared the brush. The NESD has approved a contract for brush removal.

We partially disagree with this finding. Parents participate in regular campus beautification/cleanup days each fall and/or spring which includes weeding, trimming, new bark, spray-washing the amphitheater and limited brush removal on the hillside above the primary playground. Our custodial staff coordinates the work. NESD regularly hires extra grounds help each summer to clear brush, trim trees, and clear vegetation. This is done annually. In addition, this year, NESD entered into a contract with the California Conservation Core to clear vegetation on the nature trail. NCA members volunteered to clear/trim brush/trees in one section of the campus above the primary playground. They provided this service on the first Saturday in November, 2013.

## **RECOMMENDATIONS**

### **Responses to Recommendations.**

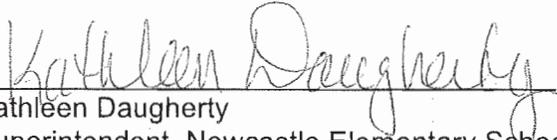
- R1. The NESD honor its commitment and complete the project of upgrading the fire hydrant system in accordance with the newest scheduled completion date (August 2014) as agreed to with NFPD and presented to the Grand Jury.

**Response to R1: The NESD has honored its commitment to NFPD, including new requirements added in by the new chief and PCWA. The project is complete and was more than 50% at the time this report was received.**

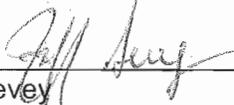
- R2. The NESD and NFPD reach agreement that the as yet to be installed 15,000 gallon water storage connections, materials of construction and venting of tanks are adequate for use by the fire fighting units and would be utilized if the need arises. In addition, determine who is responsible for maintaining the system.

**Response to R2: The 15000-Gallons water tank is fully installed and functional. It has been tested by both PCWA and the fire department for functionality and has the capacity to produce adequate flow for several hours when combined with the newly installed fire hydrant sitting three feet away. It will be maintained by NESD and used for fire suppression on the Newcastle Campus as per the original agreement.**

Respectfully submitted by:



Kathleen Daugherty  
Superintendent, Newcastle Elementary School District



Jeff Sevey  
NESD Board of Trustees, President

August 29, 2014

**Board of Education**

Susan Goto

Area 1

Suzanne Jones

Area 1

Robert Tomasini

Area 1

Kelli Gnile

Area 2

David Patterson, Ed. D.

Area 3

Lynn Oliver

Area 4

E. Ken Tokutomi

Area 4

**Superintendent's Cabinet**

Jerry Johnson

Associate Superintendent

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Renee Regacho-Anaclerio, Ed. D.

Associate Superintendent

Educational Services

Phillip J. Williams

Associate Superintendent

Student Services

Catherine Goins

Assistant Superintendent

Early Education & Administration

James L. Anderberg

Executive Director

Administrative Services

Mary Ann Garcia

Executive Director

Human Resources

The Honorable Alan V. Pineschi  
Presiding Judge of the Superior Court  
County of Placer  
PO Box 619072  
Auburn, CA 95603

Dear Judge Pineschi:

I would like to submit my response to the findings and recommendations contained in the 2013-14 Grand Jury Report pertaining to *Low -Flow Fire Hydrant at the Newcastle Elementary School*. I have carefully reviewed the information and recommendations formulated by the Placer County Grand Jury pertaining to the hydrants. After a thorough review, my responses are as follows:

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SEP 02 2014

PLACER COUNTY  
GRAND JURY

FINDINGS

I agree with findings numbered 1, 2, 3, 4, 5, 6, 8, 9, 10 and 11.

I disagree partly with finding number 7.

Finding 7: Inaction and delays on the part of the NESD have jeopardized the likelihood of this project being completed prior to the start of the 2014-2015 school year.

I disagree partly with this finding. In the past year, NESD has placed temporary water storage tanks and have constructed a permanent water storage tank on the property. To date, more than 95% of the project has been completed.

RECOMMENDATIONS

Recommendation number 3 will require further analysis.

RECOMMENDATION #3:

The Placer County Superintendent of Schools monitors the progress of the project.

RESPONSE:

*Recommendation 3 will require further analysis.*

Though student safety is a concern at all school sites throughout the county, building projects such as these are at the responsibility of the individual school district. However, given the potential cost associated with this type of building

The Honorable Alan V. Pineschi

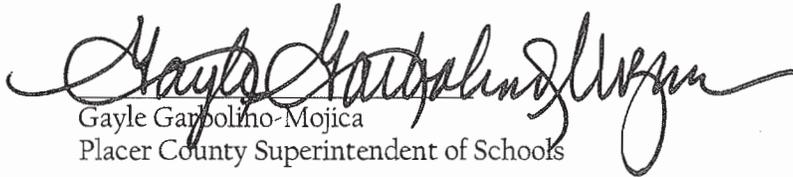
August 29, 2014

Page 2

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project, there will be a significant expenditure needing to be paid by NESD which may or may not have the funds to provide for the completion of the project. Fiscal oversight of school districts is a statutory function of the county superintendent, so we will keep apprised of the project's movement toward completion and will monitor the expenditures and funding necessary to carry out the project's intended goals.

Respectfully submitted by:



Gayle Garbolino-Mojica  
Placer County Superintendent of Schools

## Findings and Recommendations

### 2013-2014 Grand Jury Report

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#### ***PLACER COUNTY ANIMAL SERVICES FACILITY***

#### **Findings**

- F1. The "Needs Assessment" report prepared by George Miers & Associates based its recommendations on trends which have transpired within the domestic animal care industry over the past decade, instead of basing recommendations on the needs of Placer County and the deficiencies of the existing animal shelter.
- F2. The Grand Jury found that the existing animal shelter has met many of the goals defined in the "Needs Assessment" report.
- The current facility is not overcrowded. At the time of inspection less than 50% of the holding pens were in use.
  - Animals are never euthanized due to length of stay, only for disease or temperament that makes them unadoptable.
  - The current facility has a veterinary building for neutering and other surgeries.
- F3. The Grand Jury found that the existing animal shelter is deficient in:
- Adequate staff support areas.
  - A lobby of sufficient size to accommodate the adoption of animals and the surrender of unwanted animals.
- F4. The Grand Jury found that the existing facility is in compliance with California SB 1785. The facility is clean and the use of volunteers allowed the facility to be run with minimal staff.
- F5. The Grand Jury found no evidence that a "cost to fix" estimate or a "fix versus replace" analysis were conducted by the county staff.
- F6. The Humane Society of the United States Professional Animal Services Consultation Report dated June 22, 1999 (the "June 1999 Report") investigated, among other things, the existing animal shelter and made recommendations for improvements and repairs that were needed. The Grand Jury was informed that certain of the recommendations of the June 1999 Report have been implemented. However, the Grand Jury was unable to learn which specific recommendations were implemented. In addition, the June 1999 Report has not been updated to document the recommendations that were implemented, the improvements that may have been made, or new problems or deficiencies that may have surfaced subsequent to the June 1999 Report. Neither the January 6, 2014 memorandum received from Peggy Zarriello nor the January 7, 2014 memorandum from Mike Winters were, in the opinion of the Grand Jury, an update to the June 1999 Report.

#### **Recommendations**

The Grand Jury recommends:

- R1. The Board of Supervisors direct staff to conduct a "fix versus replace" cost analysis for the existing animal shelter.

## Findings and Recommendations

### 2013-2014 Grand Jury Report

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- R2. The Placer County Board of Supervisors ensure that, if a new shelter is warranted, that the design be focused on the needs of Placer County.
- R3. The June 1999 Report be updated to document the recommendations that were implemented, the improvements that may have been made, and new problems or deficiencies that may have surfaced subsequent to the June 1999 Report.

#### **Responses:**

**Placer County Board of Supervisors**

**Mary Dietrich, - Director, Department of Facility Services**



## COUNTY OF PLACER

### BOARD MEMBERS

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District 1

JIM HOLMES  
District 3

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District 5

## OFFICE OF COUNTY EXECUTIVE

David Boesch, County Executive Officer

175 FULWEILER AVENUE / AUBURN, CALIFORNIA 95603

TELEPHONE: 530/889-4030

FAX: 530/889-4023

www.placer.ca.gov

September 23, 2014

Alan V. Pineschi, Presiding Judge  
Placer County Superior Court  
P.O. Box 619072  
Roseville, CA 95661

RECEIVED

SEP 24 2014

PLACER COUNTY  
GRAND JURY

Re: 2013-14 Grand Jury Final Report – *Animal Services Facility*

Dear Judge Pineschi,

This letter is in response to the 2013-14 Grand Jury's Findings & Recommendations from the report titled *Placer County Animal Services Facility: In a Perfect World*. The Placer County Board of Supervisors would like to thank the members of the 2013-14 Grand Jury for their efforts associated with the Animal Services Facility review.

### Findings of the Grand Jury

1. The "Needs Assessment" report prepared by George Miers & Associates based its recommendations on trends which have transpired within the domestic animal care industry over the past decade, instead of basing recommendations on the needs of Placer County and the deficiencies of the existing animal shelter.

**Board of Supervisors Response:** The Board of Supervisors disagrees with this finding. The "Needs Assessment" that was prepared by George Miers & Associates, was an assessment of the needs of Placer County, projecting out human and domestic animal populations over the next 25 years. In 2012, the County completed another assessment by UC Davis Korett Shelter Medicine, updating human and domestic animal populations with more current information.

2. The Grand Jury found that the existing animal shelter has met many of the goals defined in the "Needs Assessment" report.
  - o The current facility is not overcrowded. At the time of inspection less than 50% of the holding pens were in use.
  - o Animals are never euthanized due to length of stay, only for disease or temperament that makes them unadoptable.
  - o The current facility has a veterinary building for neutering and other surgeries.

**Board of Supervisors Response:** The Board of Supervisors agrees with this finding. The current facility is not overcrowded, due to the reliance on outside non-profits assisting Placer County with animal placement. This reliance is also responsible for the County only euthanizing animals for behavioral issues. The current facility does not have adequate capacity in the event of a natural disaster or emergency such as a fire, and contributes to the spread of communicable diseases among the animals. The veterinary building that is located at the current facility is merely a refurbished trailer that is in serious disrepair.

3. The Grand Jury found that the existing animal shelter is deficient in:
  - o Adequate staff support areas
  - o A lobby of sufficient size to accommodate the adoption of animals and the surrender of unwanted animals.

**Board of Supervisors Response:** The Board of Supervisors agrees with this finding.

4. The Grand Jury found that the existing facility is in compliance with California SB 1785. The facility is clean and the use of volunteers allowed the facility to be run with minimal staff.

**Board of Supervisors Response:** The Board of Supervisors agrees with this finding.

5. The Grand jury found no evidence that a "cost to fix" estimate or a "fix versus replace" analysis were conducted by the county staff.

**Board of Supervisors Response:** The Board of Supervisors agrees with this finding. However, various assessments have been conducted over the years by outside consultants, conveying the need for a new facility. The current facility is deficient in size, and does not meet the needs and responsibilities of Placer County over the next 25 years, which are required by the State of California. The new facility will provide more space for adoptions as well as staff, and will enhance the health and humane treatment of animals.

6. The Humane Society of the United States Professional Animal Services Consultation Report dated June 22, 1999 (the "June 1999 Report") investigated, among other things, the existing animal shelter and made recommendations for improvements and repairs that were needed. The Grand Jury was informed that certain recommendations of the June 1999 Report have been implemented. However, the Grand Jury was unable to learn which specific recommendations were implemented. In addition, the June 1999 Report has not been updated to document the recommendations that were implemented, the improvements that may have been made, or new problems or deficiencies that may have surfaced subsequent to the June 1999 report. Neither the January 6, 2014 memorandum received from Peggy Zarriello nor the January 7, 2014 memorandum from Mike Winters were, in the opinion of the Grand Jury, an update to the June 1999 Report.

**Board of Supervisors Response:** The Board of Supervisors partially disagrees with this finding. Various repairs and improvements of the existing facility have been completed, as identified in the Humane Society report, including the conversion of the night drop area to shelter space, addition of a modular building for the Animal Control Officers and Dispatch, a vehicle wash-down area, a new cat room and food prep area, a new laundry and euthanasia room, as well as installation of a refurbished trailer and a 6 stall barn. The memorandums referenced were not meant to be an update to the 1999 report, but merely documentation of deficiencies expressed by the public in regards to noise, odors and pests.

### Recommendations of the Grand Jury

1. The Board of Supervisors direct staff to conduct a "fix versus replace" cost analysis for the existing animal shelter.

**Board of Supervisors Response:** This recommendation will not be implemented because they are not warranted or are not reasonable. The current facility is in need of serious repairs, many of which are not cost effective. The size and housing constraints of the existing facility are also of concern, as they do not address the needs of Placer County over the next 25 years, as mandated by the State of California. The Board of Supervisors approved the construction of the new animal shelter on August 26, 2014.

2. The Placer County Board of Supervisors ensures that, if a new shelter is warranted, that the design be focused on the needs of Placer County.

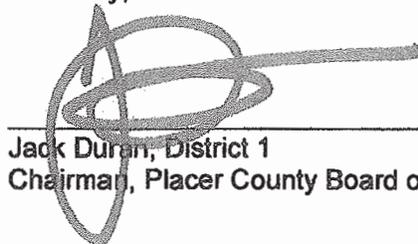
**Board of Supervisors Response:** This recommendation will not be implemented because they are not warranted or are not reasonable. The Shelter Capacity and Housing Recommendations report prepared by UC Davis Koret Shelter Medicine Program assessed the needs of Placer County now, and for the next 25 years. The new facility was designed based on this assessment, and in collaboration with the Humane Society and various local non-profits. The construction of the new facility, which was approved by the Board of Supervisors on August 26, 2014, realizes numerous efficiencies, and is being constructed based on current, as well as anticipated future County needs.

3. The June 1999 Report be updated to document the recommendations that were implemented, the improvements that may have been made, and new problems or deficiencies that may have surfaced subsequent to the June 1999 Report.

**Board of Supervisors Response:** This recommendation will not be implemented because they are not warranted or are not reasonable. The 1999 Report documented the fact that the existing facility has outlived its life expectancy, and highlighted the, "insufficient size and poor condition of the existing sheltering facilities." It goes on to state that, "spending resources on renovations to the current Auburn structure in an effort to mitigate the above concerns would not address the serious deficiencies found." The report concluded the need of a new facility and recommended that the County "relocate and construct within the Placer County governmental complex."

The Board of Supervisors appreciates the work of the 2013-14 Placer County Grand Jury in their report regarding the Animal Services Facility.

Sincerely,



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Jack Duran, District 1  
Chairman, Placer County Board of Supervisor

Sharon Stanners, Foreperson  
2013-14 Grand Jury Final Report - Annual Report Placer County  
September 23, 2014  
Page 4

**cc: Sharon Stanners, Foreperson of Placer County Grand Jury  
David Boesch, Placer County Executive Officer  
Mary Dietrich, Director of Facility Services**



**COUNTY OF PLACER  
FACILITY SERVICES DEPARTMENT**

Phone 530-886-4900 Fax 530-889-6809  
www.placer.ca.gov

MARY DIETRICH, DIRECTOR  
VALERIE BAYNE, ADMIN. SVS. MANAGER  
MARK RIDEOUT, DEPUTY DIRECTOR  
BILL ZIMMERMAN, DEPUTY DIRECTOR  
SCOTT BATTLES, DEPUTY DIRECTOR

September 30, 2014

Placer County Grand Jury  
Albert Erkel, Foreman  
11532 B Avenue  
Auburn, CA 95603

**RECEIVED**

OCT 02 2014

**PLACER COUNTY  
GRAND JURY**

**Re: 2013-2014 Grand Jury Final Report  
Placer County Animal Services Facility**

Dear Mr. Erkel,

The Placer County Department of Facility Services appreciates this opportunity to respond to the Grand Jury's 2013-2014 Report addressing the Placer County Animal Services Facility. Facility Services respectfully submits this letter in response to the Findings and Recommendations identified for our response in the Grand Jury report.

**FINDINGS OF THE GRAND JURY**

**F1 The "Needs Assessment" report prepared by George Miers & Associates based its recommendations on trends which have transpired within the domestic animal care industry over the past decade, instead of basing recommendations on the needs of Placer County and the deficiencies of the existing animal shelter.**

Facility Services' Response: The Department of Facility Services disagrees with this Finding. The initial Needs Assessment prepared by George Miers & Associates was based on Placer County human and domestic animal population projections over a 25 year planning horizon, as well as professional standards of practice and care. The final Needs Assessment, by UC Davis Korett Shelter Medicine was prepared in 2012, using updated human and domestic animal population data projections which reflect the current needs of Placer County.

- F2 The Grand Jury found that the existing animal shelter has met many of the goals defined in the “Needs Assessment” report.**
- **The current facility is not overcrowded. At the time of inspection less than 50% of the holding pens were in use.**
  - **Animals are never euthanized due to the length of stay, only for disease or temperament that makes them unadoptable.**
  - **The current facility has a veterinary building for neutering and other surgeries.**

Facility Services’ Response: The Department of Facility Services partially agrees with this Finding. While at the time of inspection, only 50% of the kennels and cages were occupied, the determination of shelter capacity is accomplished by analysis of the actual annual population data and projections. Additionally, the County’s ability to maintain excess capacity relies on the activities of private non-profit rescue groups and their efforts to assist in the adoption of healthy pets. The reliance on active participation of private non-profit rescue groups enables animals to be only euthanized for health and behavioral issues. The current facility does have a veterinary building in the form of a refurbished trailer, converted into a small veterinary suite. It is currently in a state of serious disrepair.

- F3 The Grand Jury found that the existing animal shelter is deficient in:**
- **Adequate staff support areas.**
  - **A lobby of sufficient size to accommodate the adoption of animals and the surrender of unwanted animals.**

Facility Services’ Response: The Department of Facility Services agrees with this Finding.

- F4 The Grand Jury found that the existing facility is in compliance with California SB 1785. The facility is clean and the use of volunteers allowed the facility to be run with minimal staff.**

Facility Services’ Response: The Department of Facility Services agrees with this Finding.

- F5 The Grand Jury found no evidence that a “cost to fix” estimate or a “fix versus replace” analysis were conducted by the county staff.**

Facility Services’ Response: The Department of Facility Services agrees with this Finding. Known site constraints associated with the existing Shelter, including adjacent residential development, roadway and County facilities limit this site to the area currently developed which would not support the size and quality of facility needed to meet Animal Services’ needs over the next 25 years and as required by the State of California.

**F6 The Humane Society of the United States Professional Animal Services Consultation Report dated June 22, 1999 (the “June 1999 Report”) investigated, among other things, the existing animal shelter and made recommendations for improvements and repairs that were needed. The Grand Jury was informed that certain of the recommendations of the June 1999 Report have been implemented. However, the Grand Jury was unable to learn which specific recommendations were implemented. In addition, the June 1999 Report has not been updated to document the recommendations that were implemented, the improvements that may have been made, or new problems or deficiencies that may have surfaced subsequent to the June 1999 Report. Neither the January 6, 2014 memorandum received from Peggy Zariello nor the January 7, 2014 memorandum from Mike Winters were, in the opinion of the Grand Jury, an update to the June 1999 Report.**

Facility Services’ Response: The Department of Facility Services partially disagrees with this Finding. A number of improvements were made, consistent with deficiencies found in the 1999 HSUS Report, including conversion of the night drop area to shelter space, addition of a modular building for the Animal Control Officers and Dispatch, a vehicle wash-down area, new cat room and food prep area, new laundry room, new euthanasia room, as well as installation of a refurbished trailer, donated by the Friends of the Auburn Animal Shelter as a veterinary facility. The final addition was a six stall barn in 2006.

The January 2014 memorandum authored by Animal Services’ staff were not intended as updates to the 1999 HSUS Report, but rather documentation of Shelter deficiencies and complaints regarding noise, odors and other nuisances.

## **RECOMMENDATIONS OF THE GRAND JURY**

**R1 The Board of Supervisors direct staff to conduct a “fix versus replace” cost analysis for the existing animal shelter.**

Facility Services’ Response:  
This Recommendation will not be implemented. The current site cannot support the size and quality of facility required to meet State mandates and County needs for the next 25 years. The 1999 HSUS Report identified serious deficiencies in the existing facility and identified that renovations to this structure would not address the serious deficiencies found. As recommended by the Department of Facility Services, the Board of Supervisors took action on August 26, 2014 to authorize construction of a new Animal Services Center in the Placer County Government Center.

**R2 The Placer County Board of Supervisors ensure that, if a new shelter is warranted, that the design be focused on the needs of Placer County.**

Facility Services' Response: This Recommendation has been implemented through the needs assessment contained in the 2012 Report prepared by UC Davis Korett Shelter Medicine. The design of the new Animal Services Center will incorporate recommendations from this assessment, input from local non-profit organizations, the Humane Society, as well as experts contracted by the County through the Design/Build process.

**R3 The June 1999 Report be updated to document the recommendations that were implemented, the improvements that may have been made, and new problems or deficiencies that may have surfaced subsequent to the June 1999 Report.**

Facility Services' Response: This Recommendation will not be implemented. The 1999 Report clearly documented that the existing Shelter facility has outlived its life expectancy and further stated that the Shelter was in need of replacement given the "problems and the insufficient size and poor condition of the existing sheltering facilities". As the Board of Supervisors took action on August 26, 2014 to move forward with the recommended design proposal resulting from the Design/Build solicitation, revisiting the deficiencies of the existing facility would not further this direction.

Respectfully submitted,



Mary Dietrich  
Director of Facility Services

cc: Alan V. Pineschi, Presiding Judge to the Superior Court  
David Boesch, County Executive Officer  
Holly Heinzen, Chief Assistant County Executive Officer  
Jeff Brown, Director of Health and Human Services

## Findings and Recommendations

### 2013-2014 Grand Jury Report

#### *CITY OF ROSEVILLE*

#### ***PENSION OBLIGATIONS ARE INCREASING RAPIDLY***

##### **Findings**

- F1. Roseville's annual payment to CalPERS to fund its pension plans have increased by 39% from FY 2009-10 to FY 2014-15.
- F2. Changes that CalPERS has recently made to key economic and demographic assumptions over the past three years have added to the City's annual contribution with more increases expected in 2016-17.
- F3. As shown in the chart below, based on the market value of the assets in the pension funds, Roseville's unfunded liability from 2007 to 2012 has increased by almost 400% to a total of \$252.7 million as of June 30, 2012.
- F4. While CalPERS would like to have the pensions totally funded at 100%, they understand that market conditions make that unlikely. Roseville's value of funded ratios for miscellaneous employees has dropped from 86.8% as of June 30 2007 to 59.7% as of June 30, 2012. For safety employees the funded ratios have decreased from 86.6% as of June 30, 2007 to 62.7% as of June 30, 2012. These funding ratios are below the 80% that is considered prudent for a defined benefit retirement plan.
- F5. Growth in the City's unfunded liability means that the value of the assets out of which benefits are paid has not kept pace with the increase in Roseville's pension obligations
- F6. Principal among the many factors that have contributed to the increase in the City's unfunded liability were CalPERS investment losses suffered in 2008 and 2009.
- F7. Other factors have also contributed to the unfunded liability, such as the negotiated MOUs with employee groups for a "golden handshake" that Roseville offered to its employees in 2009 and 2010, in which eligible employees who agreed to retire within a specified window of time, received a two year service credit added to their years of service which, of course, enhanced their pension benefit. Also, over the past five years, Roseville has experienced a higher number of retirements than in earlier years, partially as a result of those "golden handshakes."
- F8. CalPERS lowered the discount rate in 2012 from 7.75% to 7.5% adding to the City's unfunded liability.
- F9. To its credit, over the past five years, Roseville has taken a number of steps to ensure that it is able to continue to operate a sufficiently funded pension plan for its employees. These include:
- a. As early as 2011, Roseville employees began to pay a portion of their contribution to the pension fund. The employee contribution is 8% for miscellaneous employees and 9% for safety employees. Prior to this, the City paid both the employer and the full share of the employee contribution. As the employees continue to pay more of their employee contribution, the City should eliminate the past practice of treating the City's payment of the employee contribution to

## **Findings and Recommendations**

### **2013-2014 Grand Jury Report**

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the pension fund as income to the employee. This will reduce the City's pension cost for retiring employee's by reducing the employee's final salary in computing their retirement allowance.

- b. Over the past five years, Roseville experienced reductions in force of 170 personnel. Some employees were laid off while others resigned voluntarily or retired and were not replaced. This reduction in the City's workforce should help reduce its pension liability.

#### **Recommendations**

The Grand Jury recommends:

- R1. Continue to take steps to limit the growth of its annual required contribution and its unfunded pension liability by closely monitoring payroll growth, and continuing to negotiate with the employee unions over the amounts those employees will contribute to their pensions.
- R2. Continue the practice of briefing the City Council on the results of the annual actuarial evaluation of its pension plans prepared by CalPERS
- R3. Determine ways that the City could make additional payments to CalPERS to reduce the unfunded liability in its pension plans.

#### **Responses:**

**Ray Kerridge**, City Manager



City Manager  
311 Vernon Street  
Roseville, California 95678

September 1, 2014

RECEIVED

SEP 28 2014

PLACER COUNTY  
GRAND JURY

Foreperson  
Placer County Grand Jury  
11532 B Avenue  
Auburn, CA 95603

The Honorable Alan V. Pineschi  
Presiding Judge of the Superior Court  
County of Placer  
P.O. Box 619072  
Roseville, CA 95661

**RE: Response to the 2013-14 Grand Jury Report**

Dear Honorable Judge Pineschi and Placer Grand Jury,

After careful review of the findings and recommendations of the Placer County Grand Jury it is my pleasure to submit the City's responses to the 2013-14 Grand Jury Final Report.

Report Title: Pension Obligations Are Increasing Rapidly  
Report Date: 2013-2014  
Response By: Ray Kerridge, City Manager

**FINDINGS**

- I agree with the findings, numbered: F1-F9
- I disagree wholly or partially with the findings, numbered: N/A
- I disagree wholly or partially with the report as follows:
  - Under **Glossary**, a reference is made as follows:

**Safety Group** – Fire and Police employees (both sworn and non-sworn)  
For the record, *non-sworn* Police employees are included in the Miscellaneous Group.

**Under Background**, the following statement is made:  
In addition to pension benefits, the City provides retirees medical and dental coverage. For the record, the City provides retirees with only *medical* coverage.

**Under Facts**, the following statement is made:  
Each year, Roseville's retirees receive a cost-of-living increase based on that year's increase in the CPI (consumer price index) but no greater than 2%.

For the record, this statement is true with the exception of the Roseville Firefighters Association (RFF). RFF has negotiated that the increase can be no greater than 3%.

## RECOMMENDATIONS

- Recommendations numbered 1(R1), 2(R2), 3(R3) have been implemented.
  - **Report Recommendation 1 (R1)**: Continue to take steps to limit the growth of its annual required contribution and its unfunded pension liability by closely monitoring payroll growth, and continuing to negotiate with the employee unions over the amounts those employees will contribute to their pensions.

**Response**: Starting in July of 2011, the City began negotiating, through collective bargaining with labor unions, to have employees pay their share PERS, 8% for Miscellaneous and 9% for Safety. As of July 2014, all employees are paying their share of PERS. The following list details the timing of such agreements:

- Int'l Brotherhood of Electrical Workers (IBEW): 8% effective 7/30/2011
- Management and Confidential: 4% effective 1/14/2012, 8% effective 12/29/2012
- Roseville Firefighters Association: 9% effective 2/25/2012
- Stationary Engineers (Local 39): 8% effective 6/2/2012
- Roseville Police Officer Association (RPOA): 9% effective 6/15/2013
- Roseville Police Association (RPA): 5% effective 11/16/2013, 8% effective 7/12/2014

- **Report Recommendation 2 (R2)**: Continue the practice of briefing the City Council on the results of the annual actuarial evaluation of its pension plans prepared by CalPERS.

**Response**: Staff will continue its approach keeping the City Council informed of the PERS costs. Staff prepares several presentations pertaining to PERS costs and rates throughout the year to inform the Council during the Annual, Midyear, and Year-end budget adoptions, workshops and other staff reports.

- **Report Recommendation 3 (R3)**: Determine ways that the City could make additional payments to CalPERS to reduce the unfunded liability in its pension plans.

**Response**: The City has paid (and will continue to pay) all invoices from PERS regarding pension contributions and costs. PERS contribution rates (set by PERS) are built into our budgets prior to Council adoption and these contributions are designed to close the unfunded liability over a period of time.

As the City continues to recover from the recession, this will be one of several priorities that will be addressed. Other priorities include rebuilding reserves and adding certain expenses back into operations that were removed to help balance the budget during a period of time now referred to as the "great recession". Such expenses include Workers Compensation, Capital Improvement Project Rehab, Paving, and OPEB contributions.

- Recommendations numbered     N/A     have not yet been implemented, but will be implemented in the future.
- Recommendations numbered     N/A     require further analysis.
- Recommendations numbered     N/A     will not be implemented because they are not warranted or are not reasonable.

I want to thank the members of the 2013-14 Placer County Grand Jury for their dedication to the community, and for their work during this past year.

Respectfully,



Ray Kerridge  
City Manager

cc: Financial Executive  
Finance Director  
Roseville City Council  
City Attorney



**Findings and Recommendations**  
**2013-2014 Grand Jury Report**

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**CITY OF ROCKLIN**  
**PENSION OBLIGATIONS ARE INCREASING RAPIDLY**

**Findings**

- F1. Rocklin's annual payment obligation to CalPERS to fund its pension plans has increased by 19% between fiscal years 2009-10 and 2014-15. However, changes that CalPERS has made to key economic and demographic assumptions over the past three years have added to the City's annual contribution obligation with more increases beginning in 2016-17.
- F2. As noted in the following chart, the more than 300% increase in the City's unfunded liability for just the miscellaneous employees between 2007 and 2011 from \$3.6 million to \$15.7 million is a concern.
- F3. Data to trend the unfunded liability for Rocklin police and fire employees is not available since the retirement plans for these two smaller employee groups is pooled with employee groups of numerous other local governments. The Grand Jury did obtain data for 2011, and the unfunded liability for Rocklin's police and fire employees added another \$15 million. This makes the City's total unfunded liability over \$30 million for 2011.
- F4. Growth in the City's unfunded liability means that the value of the assets out of which benefits are paid has not kept pace with the increase in Rocklin's pension obligations. More specifically, the ratio of assets to pay benefits over the fund's liability for benefits has experienced a reduction for the miscellaneous employees from 88.6% in 2007 to 69.2% in 2011, which is less than the 80% funding ratio that is considered prudent for a defined benefit retirement plan.
- F5. Many factors have contributed to the increase in the City's unfunded liability including CalPERS investment losses suffered in 2008 and 2009, even though such investment losses (or gains) are recognized over long periods of time, such as twenty years (Actuaries refer to this as "smoothing").
- F6. Other factors have also contributed to the unfunded liability, such as the "golden handshake" that Rocklin offered to a group of its employees in 2009, in which eligible employees who agreed to retire within a specified window of time, received a two-year service credit added to their years of service which, of course, increased their pension benefit.
- F7. During the past five years, Rocklin has experienced a higher number of retirements than in earlier years.
- F8. CalPERS lowered the discount rate in 2012 from 7.75 to 7.5% adding to the City's unfunded liability.
- F9. The fact that over the past five years, Rocklin has reduced its overall payroll should have a moderating impact on its unfunded liability.
- F10. To its credit the City has taken a number of steps to ensure that it is able to continue to operate a sufficiently funded pension plan for its employees. These include:

## **Findings and Recommendations**

### **2013-2014 Grand Jury Report**

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- a. As early as 2010, Rocklin employees began to pay a portion of their employee contribution to the pension fund, 7% for miscellaneous employees and 9% for safety employees. Prior to this time, the City paid both the employer and the full share of the employee contribution.<sup>1</sup>
- b. The City eliminated the past practice of treating the City's payment of the employee contribution to the pension fund as income to the employee for the purposes of determining the pensionable base earnings.
- c. Rocklin initiated a tier two retirement plan for new miscellaneous and police safety employees with no prior CalPERS service credit. For employees hired after July 1, 2012, the miscellaneous employees contribute the full 7% employee share of CalPERS while the new public safety manager employees contribute their full 9% share of CalPERS.
- d. Over the past five years, Rocklin experienced a 74-employee reduction in force. Some of these employees were laid off, while other employees, who resigned voluntarily or retired, were not replaced. This reduction in the City's workforce should help reduce its pension liability.

#### **Recommendations**

The Grand Jury recommends:

- R1. Continue to take steps to limit the growth in its annual required contribution and its unfunded pension liability, by closely monitoring payroll growth, and continuing to negotiate with the employee unions over the amounts that employees will contribute to their pensions.
- R2. Continue the practice, begun in 2012, of briefing the City Council on the results of the annual actuarial evaluation of its pension plans.
- R3. Determine ways that it could make additional payments to CalPERS to reduce the unfunded liability in its pension plans, so that it attains the 80% funding level considered prudent for a defined benefit retirement plan.

#### **Responses:**

**Ricky Horst**, City Manager

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<sup>1</sup> 1 Although for three years (2010-2013), Rocklin firefighters paid a portion of the 9% employee share to the pension fund, they are not currently contributing.



August 20, 2014

**RECEIVED**

**AUG 29 2014**

**PLACER COUNTY  
GRAND JURY**

Albert Erkel, Foreman  
Placer County Grand Jury  
11532 B Avenue  
Auburn CA, 95603

Re: Response to the 2013-14 Grand Jury Report – Pension Obligations

Dear Foreman Erkel:

This letter is in response to the 2013-14 Grand Jury's Findings and Recommendations from the report titled *City of Rocklin – Pension Obligations are Increasing Rapidly*. The City of Rocklin would like to thank the members of the 2013-14 Grand Jury for their efforts related to this difficult and complex subject.

**Findings of the Grand Jury**

F1. Rocklin's annual payment obligation to CalPERS to fund its pension plans has increased by 19% between fiscal years 2009-10 and 2014-15. However, changes that CalPERS has made to key economic and demographic assumptions over the past three years have added to the City's annual contribution obligation with more increases beginning in 2016-17.

City Response: The City agrees in part with this finding. The annual payment obligation increased from \$3,572,396 in 2009-10 to \$4,305,467 in 2014-15, or ~20.6%. Additional increases are expected beginning in 2015-16.

F2. As noted in the following chart, the more than 300% increase in the City's unfunded liability for just the miscellaneous employees between 2007 and 2011 from \$3.6 million to \$15.7 million is a concern.

City Response: The City agrees in part with this finding. The June 30, 2011 valuation does show ~\$15.7 million in Unfunded Liability (UL). However, the June 30, 2007 valuation shows ~\$7 million in UL (copy attached). This resulted in a ~124% increase.

F3. Data to trend the unfunded liability for Rocklin police and fire employees is not available since the retirement plans for these two smaller employee groups is pooled with employee groups of numerous other local governments. The Grand Jury did obtain data for 2011, and the

unfunded liability for Rocklin's police and fire employees added another \$15 million. This makes the City's total unfunded liability over \$30 million for 2011.

City Response: The City agrees with this finding.

It should be noted that CalPERS has approved a change in the pooled Police and Fire Safety plans. In future valuations, CalPERS will calculate and provide each agency with Police and Fire funding information, including UL, specific to that agency.

F4. Growth in the City's unfunded liability means that the value of the assets out of which benefits are paid has not kept pace with the increase in Rocklin's pension obligations. More specifically, the ratio of assets to pay benefits over the fund's liability for benefits has experienced a reduction for the miscellaneous employees from 88.6% in 2007 to 69.2% in 2011, which is less than the 80% funding ratio that is considered prudent for a defined benefit retirement plan.

City Response: The City agrees with this finding.

It should be noted that one of the changes that CalPERS has implemented is intended to bring all plans to 100% funding status within the next 30 years, which is part of the escalation in required future contributions as noted in F1.

F5. Many factors have contributed to the increase in the City's unfunded liability including CalPERS investment losses suffered in 2008 and 2009, even though such investment losses (or gains) are recognized over long periods of time, such as twenty years (actuaries refer to this as "smoothing").

City Response: The City agrees with this finding.

It should be noted that UL is also affected by the interest rate charged to the City of Rocklin by CalPERS each year. The interest rate charged on the UL is set equal to the CalPERS discount rate (currently 7.5%).

F6. Other factors have also contributed to the unfunded liability, such as the "golden handshake" that Rocklin offered to a group of its employees in 2009, in which eligible employees who agreed to retire within a specified window of time, received a two-year service credit added to their years of service which, of course, increased their pension benefit.

City Response: The City agrees with this finding.

However, the overall payroll costs for the City decreased as a result of this action, and are part of the decrease noted in F9.

F7. During the past five years, Rocklin has experienced a higher number of retirements than in earlier years.

City Response: The City agrees with this finding.

F8. CalPERS lowered the discount rate in 2012 from 7.75 to 7.5% adding to the City's unfunded liability.

City Response: The City agrees with this finding.

F9. The fact that over the past five years, Rocklin has reduced its overall payroll should have a moderating impact on its unfunded liability.

City Response: The City agrees in part with this finding.

Because the City's overall payroll decreased, the dollar amount of the City's annual contribution paid to CalPERS decreased as well. A portion of the increase in the City's CalPERS rate occurred as a result of this (a smaller pool of current employees available to contribute toward reduction of the existing UL). In the short term, therefore, the CalPERS rate will be higher as a result of the reduction in overall payroll. However, in the long term the reduced payroll will have a moderating impact on the City's UL.

F10. To its credit the City has taken a number of steps to ensure that it is able to continue to operate a sufficiently funded pension plan for its employees. These include:

- a. As early as 2010, Rocklin employees began to pay a portion of their employee contribution to the pension fund, 7% for miscellaneous employees and 9% for safety employees. Prior to this time, the City paid both the employer and the full share of the employee contribution.
- b. The City eliminated the past practice of treating the City's payment of the employee contribution to the pension fund as income to the employee for the purposes of determining the pensionable base earnings.
- c. Rocklin initiated a tier two retirement plan for new miscellaneous and police safety employees with no prior CalPERS service credit. For employees hired after July 1, 2012, the miscellaneous employees contribute the full 7% employee share of CalPERS while the new public safety manager employees contribute their full 9% share of CalPERS.
- d. Over the past five years, Rocklin experienced a 74-employee reduction in force. Some of these employees were laid off, while other employees, who resigned voluntarily or retired, were not replaced. This reduction in the City's workforce should help reduce its pension liability.

City Response: The City agrees in part with these findings. The second tier, mentioned in item c, applies to new employees that already have CalPERS service credit. New employees with no CalPERS service credit are covered under PEPR legislation.

Other steps the City has taken to sufficiently fund the pension plan:

- In 2010, the City identified funds which could be used to pay off the \$4,517,258 liability in Police and Fire Safety Side Funds (\$2,651,914 for Police, \$1,865,344 for Fire). These Side Funds were being charged interest at a rate equivalent to the discount rate (7.5% - 7.75%) each year.
- Regarding item a, the City completed negotiations with our Fire unit in 2014; members have now begun paying 4% of the employee contribution rate and all members will contribute the full employee contribution rate of 9% by January 2015.

One additional note:

The City provides its retirees medical coverage only. Dental coverage is not provided.

### **Recommendations of the Grand Jury**

R1. Continue to take steps to limit the growth in its annual required contribution and its unfunded pension liability, by closely monitoring payroll growth, and continuing to negotiate with the employee unions over the amount that employees will contribute to their pensions.

City Response: The City will continue to monitor payroll growth. The City has implemented a 10 year budget forecast which incorporates, among other things, anticipated payroll and CalPERS rate increases in order to manage these costs effectively.

Additionally, the Fire and Police units now have Memoranda of Understanding which will result in the employee paying the full 7% or 9% employee share of CalPERS by January 2017. It is the City's goal to negotiate this with all employee groups by 2017.

R2. Continue the practice, begun in 2012, of briefing the City Council on the results of the annual actuarial valuation of its pension plans.

City Response: The City intends to continue this practice each year.

R3. Determine ways that it could make additional payments to CalPERS to reduce the unfunded liability in its pension plans, so that it attains the 80% funding level considered prudent for a defined benefit retirement plan.

City Response: CalPERS is implementing rate adjustments that are expected to bring all plans to 100% funded status within 30 years. In addition, the City of Rocklin has incorporated reduction of the existing UL into the adopted Rocklin Strategic Plan, Fiscal Stability Strategic Area, Objective 1.1, Research and recommend policies and procedures to further reduce pension liability. The City intends to review all available options including:

- Reviewing recommendations from CalPERS regarding pension liability reduction methods. These are expected later in 2014.

- Identifying any funds at the end of each budget year which could be used to make additional payments to CalPERS in order to reduce unfunded liability.

The City of Rocklin appreciates the work of the 2013-14 Placer County Grand Jury for their report and their service to the City of Rocklin.

Sincerely,



Rick Horst  
City Manager  
City of Rocklin

Attachment: Page 5 of the Miscellaneous Plan June 30, 2007 valuation

cc: Kim Sarkovich, Assistant City Manager/Chief Financial Officer

## Purpose of the Report

This report presents the results of the June 30, 2007 actuarial valuation of the MISCELLANEOUS PLAN OF THE CITY OF ROCKLIN of the California Public Employees' Retirement System (CalPERS). The valuation was prepared by the Plan Actuary in order to:

- set forth the actuarial assets and accrued liabilities of this plan as of June 30, 2007;
- certify the actuarially required employer contribution rate of this plan for the fiscal year July 1, 2009 through June 30, 2010 is 11.271%;
- provide actuarial information as of June 30, 2007 to the CalPERS Board of Administration and other interested parties; and
- provide pension information as of June 30, 2007 to be used in financial reports subject to Governmental Accounting Standards Board (GASB) Statement Number 27 for a Single Employer Defined Benefit Pension Plan.

Use of this report for other purposes may be inappropriate.

## Required Contributions

|  | Fiscal Year<br>2008/2009 | Fiscal Year<br>2009/2010 |
|--|--------------------------|--------------------------|
| <b>Required Employer Contributions</b>                 |                          |                          |
| Employer Contribution Required (In Projected Dollars)  |                          |                          |
| Payment for Normal Cost                                | \$ 1,021,832             | \$ 1,109,486             |
| Payment on the Amortization Bases                      | 479,542                  | 488,555                  |
| Total (not less than zero)                             | \$ 1,501,374             | \$ 1,598,041             |
| Annual Lump Sum Prepayment Option*                     | \$ 1,446,373             | \$ 1,539,499             |
| Employer Contribution Required (Percentage of Payroll) |                          |                          |
| Payment for Normal Cost                                | 7.745%                   | 7.825%                   |
| Payment on the Amortization Bases                      | 3.635%                   | 3.446%                   |
| Total (not less than zero)                             | 11.380%                  | 11.271%                  |
| <b>Required Employee Contributions (Percentage)</b>    | 7.000%                   | 7.000%                   |

## Funded Status

|                                     | June 30, 2006 | June 30, 2007 |
|-------------------------------------|---------------|---------------|
| Present Value of Projected Benefits | \$ 43,779,395 | \$ 48,722,649 |
| Entry Age Normal Accrued Liability  | 27,441,481    | 31,478,333    |
| Actuarial Value of Assets (AVA)**   | 20,516,145    | 24,483,254    |
| Unfunded Liability                  | \$ 6,925,336  | \$ 6,995,079  |
| Market Value of Assets (MVA)        | \$ 21,600,556 | \$ 27,879,256 |
| Funded Status (on an MVA basis)     | 78.7%         | 88.6%         |
| <b>Superfunded Status</b>           | No            | No            |

\* Payment must be received by CalPERS between July 1 and July 15.

\*\* The Actuarial Value of Assets is used to establish funding requirements, while the funded ratio based on the Market Value of Assets is a better indicator of the solvency of the plan.

**Findings and Recommendations**  
**2013-2014 Grand Jury Report**

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***PLACER COUNTY SPECIAL FIRE DISTRICTS:  
OPEN-MEETING AND ETHICS LAWS COMPLIANCE***

**Findings**

**Topic 1 – The Brown Act –Open-Meeting Laws**

- F1. General Training - Although it appears most Fire Districts understand they must comply with Brown Act/Open Meeting laws, training provided to newly elected board members and key personnel is inconsistent. Some Fire Districts require website training about the Brown Act through various sources, whereas others simply recommend review of a district policy manual, which may not necessarily be up to date. At least one Fire District avails itself of conferences on this subject.
- F2. Continuing Education - Some district personnel associated with conducting open meetings have been with their particular districts for ten years or more, and completed “Brown Act training” only upon entering their respective offices (and not after that). Laws related to the Brown Act are updated periodically. Most districts do not have a specific policy related to continuing education on this issue. General training is available at various websites including [www.csda.net](http://www.csda.net) (California Special Districts Association); [www.ca.ilg.org/AB1234](http://www.ca.ilg.org/AB1234) compliance (California Institute for Local Government); and [www.caag.state.ca.us](http://www.caag.state.ca.us). (State Attorney General’s Office). The State-approved FPPC Ethics Training for Local Officials includes training on the Brown Act.
- F3. Legal Advice - Most Fire Districts must rely on outside counsel to advise them on Brown Act issues since they generally believe they do not have access to the County Counsel’s Office. Most Fire Districts have a very limited budget, and may be reluctant to seek outside legal counsel on this law. Sometimes the same private law firms are answering the same basic compliance questions posed by District X which may have been answered (hypothetically) the day before to District Y. The County should consider ways in which to minimize this duplication of costs to Special Fire Protection Districts as it relates to basic training on the Brown Act.
- F4. Posting Agendas - The Fire Districts reviewed appear to be in substantial compliance with posting agendas at their respective physical locations per Brown Act requirements. However, some districts experienced “technical difficulties” and inconsistencies with regards to posting agendas online. A review of Fire Districts, which have websites, indicated that not all posted agendas are in substantial compliance with the Brown Act. At least two Fire Districts had ongoing website technical issues due to lack of availability of personnel with the necessary skills or technical support. Additionally, a third Fire District had specifically decided, outside of a public meeting and in violation of the Brown Act, not to post their agendas online.
- F5. Websites - Fire Districts have varying levels of sophistication related to maintenance of websites. Smaller districts which use volunteers do not necessarily have access to “webmasters” with technical expertise or time to create and maintain websites. Some districts use paid personnel, many use district board members, and others use relatives and volunteers. This inconsistency in

## **Findings and Recommendations**

### **2013-2014 Grand Jury Report**

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designated responsibility for this function, or the informality of it, sometimes results in certain districts' untimely online posting of agendas or no on-line posting the agendas at all.

F6. Agendas/Websites/Consolidation - The website posting of agendas for the Board of Supervisors (as overseen by the County Administrative Office) is a model of excellence. However, many Fire Districts are experiencing financial difficulties and do not have the financial resources to employ consultants to maintain websites as it relates to their legal obligations for posting agendas online. The public could have better access to information, and Fire Districts could have better accountability, if each Fire District could send its agendas to the County Administrative Services department for website posting. E-mailing agendas to one technical expert group within the County for posting would likely reduce technical issues, assist in keeping specific fire districts on track as it relates to time-line obligations, and make it easier for members of the public to go to the district's website for fire district agenda information. As an alternative, if Fire District agendas are maintained in-house, it is critical that they have access to technical support as may be supplied by County Administrative Services.

#### **Topic 2 – AB 1234/ Ethics Training**

F7. Ethics Training/ County Executive Office Records - When requesting training records from the County Executive's Office (CEO) pursuant to the County Code ("AB 1234 Ethics Training for Elected Officials"), the Grand Jury was provided information for only the members of the Board of Supervisors and two other elected officials. Records are not maintained by the CEO's Office for any Fire District elected officials. If a member of the public were to request such records today, they might reasonably conclude that the CEO's Office has those records based upon the County Ordinance which states that the CEO's office is required to maintain AB 1234/Ethics Training certifications for elected officials.

F8. Fire Districts' Maintenance of Records - With the exception of one Fire District (which erroneously believed the Board of Supervisors oversaw and maintained records on AB 1234 Ethics Training), the Fire Districts interviewed claimed that they maintain their own records of training in-house.

F9. Ethics Training Compliance - The most commonly used online courses keep track of the time which the "local official/trainee" is reviewing course material. The purpose of this is to meet the two hour requirement that the State deems sufficient to reasonably participate in training given the volume of the subject matter. When reviewing a sample of elected Fire District board members' compliance with Ethics Training, nearly half of the compliance certificates indicated training occurred shortly after the Grand Jury's formal request for records. Furthermore, many records provided by the Fire Districts indicate training was outdated and/or overdue. Other certificates indicate participants logged in less than the two hour required training, one of whom took only as little as 19 minutes to complete the course. Accordingly, the Grand Jury concludes that there is a serious lack of consistency in compliance with the State mandate of AB 1234 training requirements.

## Findings and Recommendations

### 2013-2014 Grand Jury Report

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- F10. Brown Act training as related to AB 1234 - The State-approved AB 1234/Ethics Training for local officials includes government transparency/Brown Act training basics. On-line training is available at numerous web sites (see F2 above).
- F11. Confusion regarding "Ethics" Training - Most of the districts sampled appear to be aware of AB 1234 requirements. However, a few district representatives seemed to confuse their Ethical Behavior policies with the State-mandated AB 1234/Ethics Training requirement. For instance, one Fire District directed the Grand Jury to a policy manual regarding "cordiality in public meetings" and "use of credit cards" as satisfying Ethics Training. One Fire District did not have a policy and was unaware of the mandated two year requirement for update of Ethics Training.
- F12. Responsibility for Ethics Training/Records - Often it is the fire chief or board secretary who takes responsibility for reminding and keeping records of board members' completion of Ethics Training. It can be an awkward situation when district employees have to oversee their board members. It might be helpful if one County entity were responsible for assuring Ethics Training requirements are complied with rather than a specific employee of the Fire District. For instance, the County Clerk's Office does a fine job in overseeing that all required officials (including Special Fire Protection District personnel) provide required annual Form 700 (Financial Disclosure Statements). Since the Clerk's Office is the department that collects Form 700 (Assuming Office Statements) for newly elected officials, it seems logical for it to oversee reminders and maintenance of records pertaining to Ethics Training for all elected officials in the County, rather than the CEO's Office, or each individual Fire District.

#### **Topic 3 – Miscellaneous Administrative Functions**

- F13. Policies and Procedures - There is a wide disparity between what is included in the Policies and Procedure manuals of the Fire Districts. Generally, personnel policies for firefighting and emergency rescue services of the various Fire Districts are thorough and consistent. However, policies regarding Board member activity and training are not always included.
- F14. Consolidation of administrative services - The majority of interviewees expressed a need for some sort of consolidation of the Fire Districts in Placer County, at least in regards to combining administrative functions. This process has already begun with the sharing of fire chiefs in a few of the small, single fire station districts.

#### **Recommendations**

The Grand Jury recommends:

- R1. Training Policies - Each Fire District Board ensure that there is a written policy mandating elected board members receive an overview of the Brown Act requirements upon assuming office. This policy would also dictate that board members take the AB 1234/Ethics Training as available through State approved entities (including, but not limited to, those websites mentioned in F2) as soon as practicable upon assumption of office, and every two years thereafter. In addition, as part of this

## Findings and Recommendations

### 2013-2014 Grand Jury Report

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policy, each Board consider whether or not to mandate training for other key personnel who could benefit from such training (fire chiefs, secretaries of the board, etc.).

This policy should designate a specific officer/employee for collecting information regarding compliance with Brown Act and AB 1234/ Ethics training. The policy regarding responsibility for this should be by designated officer, and not by a named individual. This same officer could be the “designated expert” who could answer questions as the need arises and also be the main point of contact for seeking legal advice on behalf of the Board.

R2. Consolidation of Training Records on AB 1234/Ethics Training - The County Clerk- Recorder/Registrar of Voters assume the responsibility for reminders and maintenance of records of AB 1234/Ethics Training (which includes Brown Act training) for all elected officials in Placer County, including elected board members of Special Districts. The rationale for this recommendation is: a) State law mandates this Ethics Training occur within 1 year of an elected official taking office; b) the Clerk’s office is aware of when officials are newly elected; and c) the Clerk’s Office continually monitors Form 700 filings. This recommendation does not require that the Clerk’s Office oversee whether this training was “properly done.” That responsibility would be up to each individual local entity. However, if this recommendation is adopted, public records regarding training would be available through one entity (i.e. the County Clerk’s Office).

R3. County Code Amendment - To eliminate confusion, rewrite Placer County Code, Article 2.04.050, which currently seems to require that all Placer County elected officials’ records of Ethics Training be maintained by the County CEO’s office. The change in the ordinance could designate that the County Clerk’s Office (in accordance with R 2 above) be responsible for collecting and maintaining, in addition to Form 700s, AB 1234/Ethics Training Certifications.

R4. Legal Advice - In the interest of avoiding costs incurred by multiple Fire Districts for duplicative functions, County Counsel may consider ways to make legal training and advice about basic Brown Act requirements available to the Boards of Special Fire Protection Districts.

Although County Counsel seems to have no explicit obligation to advise Special Fire Protection Districts, such service could be an administrative means of minimizing legal costs to Special Fire Protection Districts within the County. This could be accomplished in many different ways; i.e. (1) annual conferences which are available to all County governing boards, including Special Fire Protection Districts, (2) County website training with Frequently Asked Questions (FAQs), (3) an allocated number of phone inquiries per year, (4) specific retained counsel to be utilized by all districts, etc. If County Counsel adopts any of these recommendations, it should be clearly communicated that the service is available to all Special Fire Protection Districts.

R5. Website/Consolidation - Eliminate the “technical difficulties” identified in F4 and F5 (associated with some districts’ websites) by each Special Fire Protection District entering into an arrangement for technical assistance with the Placer County Administrative Services Department for online postings of agendas and minutes of their respective Board meetings.

## **Findings and Recommendations**

### **2013-2014 Grand Jury Report**

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#### **Responses:**

**Placer County Board of Supervisors**

**Gerald Carden**, Placer County Counsel

**Jim McCauley**, - Clerk-Recorder-Elections Officer

**David Boesch**, - County Executive Officer (No response received )

**Board of Directors**, - Alta Fire Protection District

**Board of Directors**, - Foresthill Fire Protection District

**Board of Directors**, - Loomis Fire Protection District

**Board of Directors**, - Newcastle Fire Protection District

**Board of Directors**, - North Tahoe Fire Protection District

**Board of Directors**, - Penryn Fire Protection District

**Board of Directors**, - Placer Hills Fire Protection District

**Board of Directors**, - South Placer Fire Protection District

**Board of Directors**, - Truckee Fire Protection District





## COUNTY OF PLACER

### BOARD MEMBERS

JACK DURAN  
District 1

JIM HOLMES  
District 3

ROBERT M. WEYGANDT  
District 2

KIRK UHLER  
District 4

JENNIFER MONTGOMERY  
District 5

## OFFICE OF COUNTY EXECUTIVE

David Boesch, County Executive Officer

175 FULWEILER AVENUE / AUBURN, CALIFORNIA 95603  
TELEPHONE: 530/889-4030  
FAX: 530/889-4023  
www.placer.ca.gov

September 23, 2014

Alan V. Pineschi, Presiding Judge  
Placer County Superior Court  
P.O. Box 619072  
Roseville, CA 95661

RECEIVED

SEP 24 2014

PLACER COUNTY  
GRAND JURY

**Re: 2013-14 Grand Jury Final Report – Placer County Special Fire Districts: Open-Meeting and Ethics Laws Compliance**

Dear Judge Pineschi,

This letter is in response to the 2013-14 Grand Jury's Findings & Recommendations from the report titled *Placer County Special Fire Districts: Open-Meeting and Ethics Laws Compliance*. The Placer County Board of Supervisors and County Executive Officer would like to thank the members of the 2013-14 Grand Jury for their efforts associated with the Placer County Special Fire Districts.

### Findings of the Grand Jury

1. **General Training.** Although it appears most Fire Districts understand they must comply with Brown Act/Open Meeting laws, training provided to newly elected board members and key personnel is inconsistent. Some Fire Districts require website training about the Brown Act through various sources, whereas others simply recommend review of a district policy manual, which may not necessarily be up to date. At least one Fire District avails itself of conferences on this subject.

**Board of Supervisors and County Executive Officer Response:** The Board of Supervisors and County Executive Officer are unable to respond to a finding related to the Special Fire Districts. The Special Fire Districts are separate legal entities, not County departments or agencies.

2. **Continuing Education:** Some district personnel associated with conducting open meetings have been with their particular districts for ten years or more, and completed "Brown Act training" only upon entering their respective offices (and not after that). Laws related to the Brown Act are updated periodically. Most districts do not have a specific policy related to continuing education on this issue. General training is available at various websites including [www.csda.net](http://www.csda.net) (California Special Districts Association); [www.ca.ilg.org/AB1234compliance](http://www.ca.ilg.org/AB1234compliance) (California Institute for Local Government); and [www.caag.state.ca.us](http://www.caag.state.ca.us) (State Attorney General's Office). The State-approved FPPC Ethics Training for Local Officials includes training on the Brown Act.

**Board of Supervisors and County Executive Officer Response:** The Board of Supervisors and County Executive Officer are unable to respond to a finding related to the Special Fire Districts. The Special Fire Districts are separate legal entities, not County departments or agencies.

3. **Legal Advice:** Most Fire Districts must rely on outside counsel to advise them on Brown Act issues since they generally believe they do not have access to the County Counsel's Office. Most Fire Districts have a very limited budget, and may be reluctant to seek outside legal counsel on this law. Sometimes the same private law firms are answering the same basic compliance questions posed by District X which may have been answered (hypothetically) the day before to District Y. The County should consider ways in which to minimize this duplication of costs to Special Fire Protection Districts as it relates to basic training on the Brown Act.

**Board of Supervisors and County Executive Officer Response:** The Board of Supervisors and County Executive Officer partially agree with this finding. A majority of the duplication referenced is due to the nature of attorney-client legal advice given to individual clients. The Placer County Counsel has previously advised Fire Districts they are able to provide limited legal services and advice through a contract, should a fire district wish to enter into an inter-governmental agreement or contract for those services. In response to specific requests from special districts and Municipal Advisory Councils (MACs), County Counsel has recently begun to provide general training on the Brown Act. Additionally, County Counsel has advised they will be conducting an annual training session on the Brown Act, the California Public Records Act, and conflict of interest laws during the current fiscal year, and will advise the local special districts of the date, time and place of that training.

4. **Posting Agendas:** The Fire Districts reviewed appear to be in substantial compliance with posting agendas at their respective physical locations per Brown Act requirements. However, some districts experienced "technical difficulties" and inconsistencies with regards to posting agendas online. A review of Fire Districts, which have websites, indicated that not all posted agendas are in substantial compliance with the Brown Act. At least two Fire Districts had ongoing website technical issues due to lack of availability of personnel with the necessary skills or technical support. Additionally, a third Fire District had specifically decided, outside of a public meeting and in violation of the Brown Act, not to post their agendas online.

**Board of Supervisors and County Executive Officer Response:** The Board of Supervisors and County Executive Officer are unable to respond to a finding related to the Special Fire Districts. The Special Fire Districts are separate legal entities, not County departments or agencies.

5. **Websites:** Fire Districts have varying levels of sophistication related to maintenance of websites. Smaller districts which use volunteers do not necessarily have access to "webmasters" with technical expertise or time to create and maintain websites. Some districts use paid personnel, many use district board members, and others use relatives and volunteers. This inconsistency in designated responsibility for this function, or the informality of it, sometimes results in certain districts' untimely online posting of agendas or no on-line posting the agendas at all.

**Board of Supervisors and County Executive Officer Response:** The Board of Supervisors and County Executive Officer are unable to respond to a finding related to the Special Fire Districts. The Special Fire Districts are separate legal entities, not County departments or agencies.

6. **Agendas/Websites/Consolidation:** The website posting of agendas for the Board of Supervisors (as overseen by the County Administrative Office) is a model of excellence. However, many Fire Districts are experiencing financial difficulties and do not have the financial resources to employ

consultants to maintain websites as it relates to their legal obligations for posting agendas online. The public could have better access to information, and Fire Districts could have better accountability, if each Fire District could send its agendas to the County Administrative Services department for website posting. E-mailing agendas to one technical expert group within the County for posting would likely reduce technical issues, assist in keeping specific fire districts on track as it relates to time-line obligations, and make it easier for members of the public to go to the district's website for fire district agenda information. As an alternative, if Fire District agendas are maintained in-house, it is critical that they have access to technical support as may be supplied by County Administrative Services.

**Board of Supervisors and County Executive Officer Response:** The Board of Supervisors and County Executive Officer partially agree with this finding. As previously mentioned, Special Fire Districts are separate legal entities, not County departments or agencies. However, similar to options identified in the response to F3 above with respect to the potential for contracted legal services to be provided by the County, the services identified in F6 can also be provided by the County Administrative Services Department, should a fire district wish to enter into an inter-governmental agreement or contract for those services.

7. **Ethics Training/County Executive Office Records:** When requesting training records from the County Executive's Office (CEO) pursuant to the County Code ("AB 1234 Ethics Training for Elected Officials"), the Grand Jury was provided information for only the members of the Board of Supervisors and two other elected officials. Records are not maintained by the CEO's Office for any Fire District elected officials. If a member of the public were to request such records today, they might reasonably conclude that the CEO's Office has those records based upon the County Ordinance which states that the CEO's office is required to maintain AB 1234/Ethics Training certifications for elected officials.

**Board of Supervisors and County Executive Officer Response:** The Board of Supervisors and County Executive Officer partially agree with this finding. Placer County Code Section 2.04.050 applies specifically to elected officials under the supervision and budget control of the Board of Supervisors, but not to the elected officials of separate legal entities within the County of Placer, as any legislative body of a public entity can only legislate as to matters within that body's jurisdiction. California State law specifically requires each public agency to be responsible for maintaining its own records of compliance in this area. The Board of Supervisors has no legal authority to require elected officials of a special fire district to file AB 1234 training records with the County Executive Office, or any other County department or agency.

8. **Fire Districts' Maintenance of Records:** With the exception of one Fire District (which erroneously believed the Board of Supervisors oversaw and maintained records on AB 1234 Ethics Training), the Fire Districts interviewed claimed that they maintain their own records of training in-house.

**Board of Supervisors and County Executive Officer Response:** The Board of Supervisors and County Executive Officer are unable to respond to a finding related to the Special Fire Districts. The Special Fire Districts are separate legal entities, not County departments or agencies.

9. **Ethics Training Compliance:** The most commonly used online courses keep track of the time which the "local official/trainee" is reviewing course material. The purpose of this is to meet the two hour requirement that the State deems sufficient to reasonably participate in training given the volume of

the subject matter. When reviewing a sample of elected Fire District board members' compliance with Ethics Training, nearly half of the compliance certificates indicated training occurred shortly after the Grand Jury's formal request for records. Furthermore, many records provided by the Fire Districts indicate training was outdated and/or overdue. Other certificates indicate participants logged in less than the two hour required training, one of whom took only as little as 19 minutes to complete the course. Accordingly, the Grand Jury concludes that there is a serious lack of consistency in compliance with the State mandate of AB 1234 training requirements.

**Board of Supervisors and County Executive Officer Response:** The Board of Supervisors and County Executive Officer are unable to respond to a finding related to the Special Fire Districts. The Special Fire Districts are separate legal entities, not County departments or agencies.

10. Brown Act training as related to AB 1234: The State-approved AB 1234/Ethics Training for local officials includes government transparency/Brown Act training basics. On-line training is available at numerous web sites (see F2 above).

**Board of Supervisors and County Executive Officer Response:** The Board of Supervisors and County Executive Officer are unable to respond to a finding related to the Special Fire Districts. The Special Fire Districts are separate legal entities, not County departments or agencies.

11. Confusion regarding "Ethics" Training: Most of the districts sampled appear to be aware of AB 1234 requirements. However, a few district representatives seemed to confuse their Ethical Behavior policies with the State-mandated AB 1234/Ethics Training requirement. For instance, one Fire District directed the Grand Jury to a policy manual regarding "cordiality in public meetings" and "use of credit cards" as satisfying Ethics Training. One Fire District did not have a policy and was unaware of the mandated two year requirement for update of Ethics Training.

**Board of Supervisors and County Executive Officer Response:** The Board of Supervisors and County Executive Officer are unable to respond to a finding related to the Special Fire Districts. The Special Fire Districts are separate legal entities, not County departments or agencies.

12. Responsibility for Ethics Training/Records: Often it is the fire chief or board secretary who takes responsibility for reminding and keeping records of board members' completion of Ethics Training. It can be an awkward situation when district employees have to oversee their board members. It might be helpful if one County entity were responsible for assuring Ethics Training requirements are complied with rather than a specific employee of the Fire District. For instance, the County Clerk's Office does a fine job in overseeing that all required officials (including Special Fire Protection District personnel) provide required annual Form 700 (Financial Disclosure Statements). Since the Clerk's Office is the department that collects Form 700 (Assuming Office Statements) for newly elected officials, it seems logical for it to oversee reminders and maintenance of records pertaining to Ethics Training for all elected officials in the County, rather than the CEO's Office, or each individual Fire District.

**Board of Supervisors and County Executive Officer Response:** The Board of Supervisors and County Executive Officer are unable to respond to a finding related to the Special Fire Districts. The Special Fire Districts are separate legal entities, not County departments or agencies.

13. **Policies and Procedures:** There is a wide disparity between what is included in the Policies and Procedure manuals of the Fire Districts. Generally, personnel policies for firefighting and emergency rescue services of the various Fire Districts are thorough and consistent. However, policies regarding Board member activity and training are not always included.

**Board of Supervisors and County Executive Officer Response:** The Board of Supervisors and County Executive Officer are unable to respond to a finding related to the Special Fire Districts. The Special Fire Districts are separate legal entities, not County departments or agencies.

14. **Consolidation of administrative services:** The majority of interviewees expressed a need for some sort of consolidation of the Fire Districts in Placer County, at least in regards to combining administrative functions. This process has already begun with the sharing of fire chiefs in a few of the small, single fire station districts.

**Board of Supervisors and County Executive Officer Response:** The Board of Supervisors and County Executive Officer are unable to respond to a finding related to the Special Fire Districts. The Special Fire Districts are separate legal entities, not County departments or agencies.

#### Recommendations of the Grand Jury

1. (R3) **County Code Amendment:** To eliminate confusion, rewrite Placer County Code, Article 2.04.050, which currently seems to require that all Placer County elected officials' records of Ethics Training be maintained by the County CEO's office. The change in the ordinance could designate that the County Clerk's Office (in accordance with R2 above) be responsible for collecting and maintaining, in addition to Form 700s, AB 1234/Ethics Training Certifications.

**Board of Supervisors and County Executive Officer Response:** This Recommendation has not yet been implemented, but will be partially implemented in the near future. In order to further clarify the intent and purpose of Placer County Code section 2.04.050, County Counsel will prepare an Ordinance amendment requesting Board of Supervisors approval to revise the phrase "elected officials" to "County Elected Officials" or "Elected Officials in County service."

2. (R4) **Legal Advice:** In the interest of avoiding costs incurred by multiple Fire Districts for duplicative functions, County Counsel may consider ways to make legal training and advice about basic Brown Act requirements available to the Boards of Special Fire Protection Districts.

Although County Counsel seems to have no explicit obligation to advise Special Fire Protection Districts, such service could be an administrative means of minimizing legal costs to Special Fire Protection Districts within the County. This could be accomplished in many different ways; i.e. (1) annual conferences which are available to all County governing boards, including Special Fire Protection Districts, (2) County website training with Frequently Asked Questions (FAQs), (3) an allocated number of phone inquiries per year, (4) specific retained counsel to be utilized by all districts, etc. If County Counsel adopts any of these recommendations, it should be clearly communicated that the service is available to all Special Fire Protection Districts.

**Board of Supervisors and County Executive Officer Response:** This Recommendation has not yet been implemented, but will be partially implemented in the near future. As noted

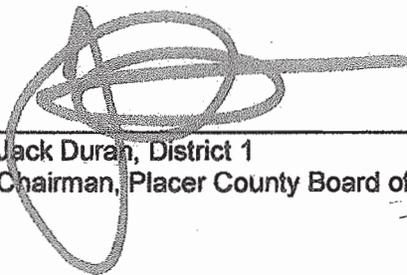
in the response to F3 above, at the specific request of special districts and Municipal Advisory Councils (MACs), the Placer County Counsel has recently begun to provide general training on the Brown Act. Additionally, County Counsel has advised they will be conducting an annual training session on the Brown Act, the California Public Records Act, and conflict of interest laws during the current fiscal year, and will advise the local special districts of the date, time and place of that training.

3. (R5) Website/Consolidation: Eliminate the "technical difficulties" identified in F4 and F5 (associated with some districts' websites) by each Special Fire Protection District entering into an arrangement for technical assistance with the Placer County Administrative Services Department for online postings of agendas and minutes of their respective Board meetings.

**Board of Supervisors and County Executive Officer Response:** This Recommendation requires further analysis. As noted in the response to F6 above, special districts may obtain these services from the County Administrative Services Department, should they wish to enter into an inter-governmental agreement or contract for the services.

The Board of Supervisors and the County Executive Officer appreciate the work of the 2013-14 Placer County Grand Jury in their report regarding the Placer County Special Fire Districts.

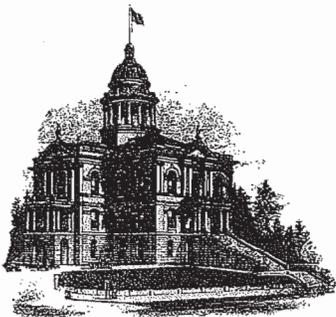
Sincerely,



---

Jack Duran, District 1  
Chairman, Placer County Board of Supervisors

cc: Sharon Stanners, Foreperson of Placer County Grand Jury  
Gerald O. Carden, Placer County Counsel  
Jerry Gamez, Director of Administrative Services



## PLACER COUNTY COUNSEL

GERALD O. CARDEN, COUNTY COUNSEL

VALERIE D. FLOOD, CHIEF DEPUTY

175 Fulweiler Avenue  
Auburn, California 95603  
Telephone: 530-889-4044  
Facsimile: 530-889-4069  
[www.placer.ca.gov](http://www.placer.ca.gov)

September 24, 2014

RECEIVED

SEP 28 2014

PLACER COUNTY  
GRAND JURY

The Honorable Alan Pineschi  
Presiding Judge  
Placer County Superior Court  
10820 Justice Center Drive  
Roseville, CA 95661

Re: County Counsel's Response to the 2013-14 Grand Jury Report  
Placer County Special Fire Districts: Open-Meeting and Ethics Laws Compliance

Dear Judge Pineschi:

I appreciate the opportunity to respond to the above-identified Grand Jury report ("Report"). This office will work closely with the County Executive Offices to address the Grand Jury's recommendations. My office is currently working with the County Executive Officer to present amendments suggested by the Grand Jury for the County Code to the Board of Supervisors for consideration and adoption. With respect to the specific findings and recommendations in the Report, I wish to respond as follows:

### Findings

*F3. Legal Advice - Most Fire Districts must rely on outside counsel to advise them on Brown Act issues since they generally believe they do not have access to the County Counsel's Office. Most Fire Districts have a very limited budget, and may be reluctant to seek outside legal counsel on this law. Sometimes the same private law firms are answering the same basic compliance questions posed by District X which may have been answered (hypothetically) the day before to District Y. The County should consider ways in which to minimize this duplication of costs to Special Fire Protection Districts as it relates to basic training on the Brown Act.*

I partially agree with this finding. Unfortunately, much of the duplication referred to is the result of the attorney-client nature of legal advice to an independent special district, or any other client. In addition, this office has advised fire districts in the past that if they

would like our office to provide legal services to the District, we would require a written contract that details both the costs and the scope of services we can provide. While our office does provide some level of general subject matter to our clients, the training has been in smaller groups and with a mix of training and legal advice. We have begun to provide general training on the Brown Act in response to specific requests from a few special districts and for some of our Municipal Advisory Councils. We are planning to offer an annual training session on the Brown Act, the California Public Records Act and conflict of interest laws during the current fiscal year, and we can advise the local fire districts, as well as other local special districts of the date, time and place of that training.

*F7. Ethics Training/ County Executive Office Records - When requesting training records from the County Executive's Office (CEO) pursuant to the County Code ("AB 1234 Ethics Training for Elected Officials"), the Grand Jury was provided information for only the members of the Board of Supervisors and two other elected officials. Records are not maintained by the CEO's Office for any Fire District elected officials. If a member of the public were to request such records today, they might reasonably conclude that the CEO's Office has those records based upon the County Ordinance which states that the CEO's office is required to maintain AB 1234/Ethics Training certifications for elected officials.*

I partially agree with this finding. While a member of the public could be confused about the applicability of the term "elected officials," in the context of Placer County Code section 2.04.050, only elected officials under the supervision and budget control of the Board of Supervisors are bound by that provision. The legislative body of a public entity can legislate only as to matters within that body's jurisdiction. State law in this area requires that each public agency is responsible for monitoring and maintaining its own records of compliance. The County Board of Supervisors has no authority to compel members of independent special districts to file AB 1234 training records with the County Executive Office. We will clarify the scope and intent of the County ordinance as recommended below.

#### Recommendations

*R3. County Code Amendment - To eliminate confusion, rewrite Placer County Code, Article 2.04.050, which currently seems to require that all Placer County elected officials' records of Ethics Training be maintained by the County CEO's office. The change in the ordinance could designate that the County Clerk's Office (in accordance with R 2 above) be responsible for collecting and maintaining, in addition to Form 700s, AB 1234/Ethics Training Certifications.*

The recommendation will be implemented in the near future. In order to further clarify the intent and purpose of Placer County Code section 2.04.050, an ordinance amendment will be brought to the Board of Supervisors to revise the phrase "elected officials" to "county Elected Officials" or "Elected Officials in county service."

*R4. Legal Advice - In the interest of avoiding costs incurred by multiple Fire Districts for duplicative functions, County Counsel may consider ways to make legal training and advice about basic Brown Act requirements available to the Boards of Special Fire Protection Districts. Although County Counsel seems to have no explicit obligation to advise Special Fire Protection Districts, such service could be an administrative means of minimizing legal costs to Special Fire Protection Districts within the County. This could be accomplished in many different ways; i.e. (1) annual conferences which are available to all County governing boards, including Special Fire Protection Districts, (2) County website training with Frequently Asked Questions (FAQs), (3) an allocated number of phone inquiries per year, (4) specific retained counsel to be utilized by all districts, etc. If County Counsel adopts any of these Recommendations, it should be clearly communicated that the service is available to all Special Fire Protection Districts.*

This recommendation will be partially implemented. (1) As noted above, our office is planning on conducting general training on the Brown Act, the California Public Records Act and conflict of interest laws open to all county Boards, Commissions and Committees. We will invite members of fire districts and other independent special districts to attend. However, fire districts already have available to them such training through their state fire association and related Joint Power Authorities (JPAs). The Fire District Association of California (FDAC), in conjunction with the Fire Agencies Insurance Risk Authority (FAIRA) and the Fire Agencies Self Insurance System (FASIS) exist and are designed to provide such support to independent fire agencies. The FDAC, FAIRA and FASIS websites indicate that they provide training, certification and written materials in many areas including the Brown Act. One purpose of these associations and JPAs are to provide cost-effective education, training and other support to their members, recognizing that their members often lack the financial ability to provide these services in-house.

(2) An excellent Brown Act FAQ has been created by the California Attorney General and is available at no charge on the A.G.'s website. This office could work with the Placer County website manager to make this and related links available on the County's Fire and Transparency web pages.

(3) The most difficult issue with responding to telephone inquiries from special districts is that attorneys in the County Counsel's Office are subject to the same California State Bar rules of conduct as all attorneys practicing law in California. Accordingly, if any attorney in this office provides legal advice to anyone, an attorney-client relationship has been created as to the subject matter of that particular issue. The attorney-client relationship would necessarily be created before or during the phone conferences. While County Counsel's Office could participate in a dialog with each of the fire districts along the lines suggested in the report, such a relationship necessarily raises a number of considerations which go beyond the scope of this report. Primarily, with the creation of an attorney-

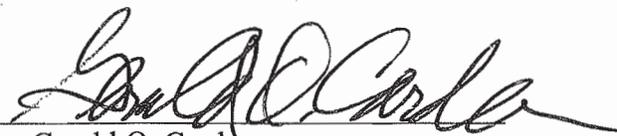
client relationship comes the potential of conflicts occurring between this office and the other fire districts, or more importantly between the fire districts and our primary client - the County. The law has granted to County Counsel Offices great latitude in representing its statutory clients in the face of potential and actual conflicts. In its discussion of Government Code section 27645, the report acknowledges the circumstances under which County Counsel may provide statutory representation of fire districts. If the Placer County Counsel's Office provides legal services outside of the statutory scheme, this increases the potential for conflicts which are not easily reconcilable.

(4) The primary tool that the County Counsel's Office has in dealing with potential conflicts between statutory clients is the number of attorneys in the office. Potential conflicts have to be assigned to different attorneys. The Placer County Counsel's Office is a small to mid-sized law office with limited attorney resources. This complicates the potential conflict issue discussed above. It also complicates the overall attorney staffing issue. The staffing issue exists regardless of whether legal services are provided by this office to fire districts at little or no charge, or are provided with the fire districts paying a standard rate. This office would need to employ an adequate number of attorneys to be available to meet the legal demands of its clients and the increased demands of the fire districts. This office does not have sufficient attorney resources to adequately handle the additional demand for legal services. If funding to hire an additional attorney assigned to the fire districts became available, the funding would need to be stable enough to keep the attorney on staff when the fire districts are not actively utilizing the attorney. As with the previous recommendation, this office could explore this possibility with the fire districts, but there are a number of considerations that would need to be addressed.

Again, I appreciate the opportunity to respond to this report. Should you or any member of the Grand Jury have questions regarding the above responses, please do not hesitate to contact me.

Very truly yours,

PLACER COUNTY COUNSEL'S OFFICE

By:   
Gerald O. Carden  
Placer County Counsel

cc: Foreperson, Placer County Grand Jury  
Placer County Board of Supervisors, c/o Clerk of the Board

**JIM MCCAULEY**

COUNTY CLERK-RECORDER-REGISTRAR OF VOTERS

**RYAN RONCO**

ASSISTANT RECORDER-REGISTRAR

**LISA CRAMER**

ASSISTANT COUNTY CLERK



**OFFICE OF CLERK- RECORDER**

FINANCE ADMINISTRATION BUILDING

2956 RICHARDSON DRIVE

AUBURN, CA 95603

PHONE: 530-886-5690

FAX: 530-886-5683

## PLACER COUNTY CLERK-RECORDER-ELECTIONS

August 29, 2014

The Honorable Alan V. Pineschi  
Presiding Judge, Placer County Superior Court  
PO Box 619072  
Roseville CA 95661

**RECEIVED**

SEP 02 2014

**Re: Response to the 2013-14 Grand Jury Report**

**PLACER COUNTY  
GRAND JURY**

Dear Judge Pineschi:

After careful review of the findings and recommendations contained in the 2013-14 Placer County Grand Jury Final Report, the following is my response regarding the report Placer County Special Fire Districts: Open-Meeting and Ethics Laws Compliance.

### FINDINGS OF THE GRAND JURY

- **F12. Responsibility for Ethics Training/Records** – Often it is the fire chief or board secretary who takes responsibility for reminding and keeping records of board members' completion of Ethics Training. It can be an awkward situation when district employees have to oversee their board members. It might be helpful if one County entity were responsible for assuring Ethics Training requirements are complied with rather than a specific employee of the Fire District. For instance, the County Clerk's Office does a fine job in overseeing that all required officials (including Special Fire Protection District personnel) provide required annual Form 700 (Financial Disclosure Statements). Since the Clerk's Office is the department that collects Form 700 (Assuming Office Statements) for newly elected officials, it seems logical for it to oversee reminders and maintenance of records pertaining to Ethics Training for all elected officials in the County, rather than the CEO's Office, or each individual Fire District.

**Response:** I agree in part with Finding F12. I would like to thank the Grand Jury for their compliments regarding how the Clerk-Recorder-Elections Office administers the Fair Political Practices Commission's Conflict of Interest (Form 700) mandated filings. State law and county code direct my office to be involved with the distribution and maintenance of these records. It would follow that it seems logical for my office to oversee reminders and maintenance of ethics training records, but I am unable to find a state law that would authorize this practice. AB 1234 states that the local agency that requires its local agency officials to complete the ethics training is required to maintain the records of that training.

## RECOMMENDATIONS OF THE GRAND JURY

- **R2.** *Consolidation of Training Records on AB 1234/Ethics Training – The County Clerk-Recorder/Registrar of Voters assume the responsibility of reminders and maintenance of records of AB 1234/Ethics Training (which includes Brown Act training) for all elected officials in Placer County, including elected board members of Special Districts. The rationale for this recommendation is: a) State law mandates this Ethics Training occur within 1 year of an elected official taking office; b) the Clerk’s office is aware of when officials are newly elected; and c) the Clerk’s Office continually monitors Form 700 filings. This recommendation does not require that the Clerk’s Office oversee whether this training was “properly done.” That responsibility would be up to each individual local entity. However, if this recommendation is adopted, public records regarding training would be available through one entity (i.e. the County Clerk’s Office).*

**Response:** I believe Recommendation R2 requires further analysis. I would gladly serve as the repository of the AB1234 ethics training records, however it is questionable if the Board of Supervisors has the legal authority to place these independent local jurisdictions under my oversight. State law requires the special districts to maintain the AB1234 ethics training records and I do not have authority to require compliance from local agencies. Therefore, this recommendation could create a situation where some special districts may decide to send me these records and other special districts may decline to send me these records. If this happens, the public may be misled into thinking that missing ethics forms means the district is not in compliance with the law, when in fact it could mean that the district chooses not to submit the compliance records to my office.

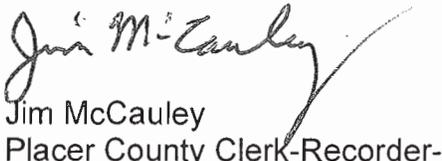
Furthermore, it appears that you are primarily concerned about fire protection districts in your report. However, recommendation R2 states that “...all elected officials in Placer County, including elected board members of Special Districts” will be part of this requirement. There are currently 50 different, independently-elected special districts in Placer County (this number excludes school districts and cities). While my office has the expertise necessary to perform this task, it takes my staff roughly 600 man-hours to administer the Conflict of Interest program for Placer County. I suspect that it would take roughly the same amount of time to implement and oversee this additional workload for all elected officials. Since the staffers who manage the Conflict of Interest paperwork have other duties to perform, I would likely need to have my staff augmented to accomplish this additional assignment.

Finally, as my office does not have the authority to require compliance with the Grand Jury’s recommendation with respect to special districts, it seems appropriate that the Placer County Organizational Development Department

continue to remain the custodian of the Placer County elected officials' (specifically the Placer County Board of Supervisors and elected department heads) ethics training records.

I appreciate the Grand Jury's deliberative and innovative proposals regarding this issue and I thank them for all of their hard work during the past year.

Sincerely,

A handwritten signature in black ink that reads "Jim McCauley". The signature is written in a cursive style with a long, sweeping tail that extends to the right.

Jim McCauley  
Placer County Clerk-Recorder-Registrar of Voters

CC: Foreperson, Placer County Grand Jury  
David Boesch, County Executive Officer



# Response to Grand Jury Report Form

Report Title: Open Meetings & Ethics Laws Compliance

Report Date: \_\_\_\_\_

Response By: Ed Snider

Title: Vice Chairman

## FINDINGS

- I (we) agree with the findings, numbered: 1, 2, 3, 4, & 5.
- I (we) disagree wholly or partially with the findings, numbered: \_\_\_\_\_.  
*(Describe here or attach a statement specifying any portions of the findings that are disputed or not applicable; include an explanation of the reasons therefore.)*

## RECOMMENDATIONS

- Recommendations numbered 1, 2, 3, & 5 have been implemented.  
Alta Fire Protection District is in compliance with these items.
- Recommendations numbered 4 have not yet been implemented, but will be implemented in the future.

Alta Fire Protection District will contact the County immediately and work in coordination with County staff on the implementation of this recommendation (R4) as stated in the report

- Recommendations numbered \_\_\_\_\_ require further analysis.  
*(Describe here or attach 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 director 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 (6) months from the date of publication of the grand jury report.)*
- Recommendations numbered \_\_\_\_\_ will not be implemented because they are not warranted or are not reasonable.  
*(Describe here or attach an explanation.)*

Date: 9/24/2014

Signed: 

Number of pages attached 0.





**BOARD OF DIRECTORS**  
**Foresthill Fire Protection District**  
P.O. Box 1099 Foresthill, CA 95631  
Office: (530) 367-2465 Fax: (530) 367-3498

DISTRICT BOARD  
CHRIS REAMS  
PRESIDENT  
TYLER HARKNESS  
VICE PRESIDENT  
RICHARD ARTHUR  
DIRECTOR  
KEVIN GREENE  
DIRECTOR  
WALTER REED  
DIRECTOR

## RESPONSE TO GRAND JURY REPORT

Report Title: PLACER COUNTY SPECIAL FIRE DISTRICTS  
OPEN-MEETING AND ETHICS LAWS COMPLIANCE

Report Date: Response Due By October 1, 2014

Response By: Foresthill Fire Protection District – Board of Directors

### FINDINGS

- I (we) agree with the findings, numbered: 1,2,3,5,6,8,10,12,14
- I (we) disagree wholly or partially with the findings, numbered:4,7,9,11,13

### RECOMMENDATIONS

- Recommendations numbered -- have been implemented.
- Recommendations numbered 1 - 5 have not yet been implemented, but will be implemented in the future.
- Recommendations numbered -- require further analysis.
- Recommendations numbered -- will not be implemented because they are not warranted or are not reasonable.

Date: 9-2-2014 Signed:   
Chris Reams, President

Number of pages attached 8

**RECEIVED**

SEP 04 2014

PLACER COUNTY  
GRAND JURY



**Board of Directors**  
**Foresthill Fire Protection District**  
 P.O. Box 1099 Foresthill, CA 95631  
 Office: (530) 367-2465 Fax: (530) 367-3498

DISTRICT BOARD  
 CHRIS REAMS PRESIDENT  
 TYLER HARKNESS VICE PRESIDENT  
 RICHARD ARTHUR DIRECTOR  
 KEVIN GREENE DIRECTOR  
 WALTER REED DIRECTOR

| <b>Summary of Grand Jury Comments and Recommendations, and FFPD Responses/Actions</b> |  |  |                                   |   |
|---|--|--|-----------------------------------|---|
| #   | Finding or Recommendation Comment (by Grand Jury)  | Agree<br>Disagree<br>Wholly Disagree<br>Partially Disagree | HBI:<br>HNY-BWB:<br>RFA:<br>WNBI: | FFPD Comments/Actions.  |
| F1  | <p>General Training - Although it appears most Fire Districts understand they must comply with Brown Act/Open Meeting laws, training provided to newly elected board members and key personnel is inconsistent. Some Fire Districts require website training about the Brown Act through various sources, whereas others simply recommend review of a district policy manual, which may not necessarily be up to date. At least one Fire District avails itself of conferences on this subject.</p>  | Agree  | <b>HNY-BWB</b>                    | <p>All current Board members have had training on the Brown Act. Brown Act information is furnished to new board members. Board members will, by policy, be required to do training on the Brown Act.</p> |
| F2  | <p>Continuing Education - Some district personnel associated with conducting open meetings have been with their particular districts for ten years or more, and completed "Brown Act training" only upon entering their respective offices (and not after that). Laws related to the Brown Act are updated periodically. Most districts do not have a specific policy related to continuing education on this issue. General training is available at various websites including <a href="http://www.csda.net">www.csda.net</a> (California Special Districts Association); <a href="http://www.ca.ilg.org/AB1234">www.ca.ilg.org/AB1234</a> compliance. (California Institute for Local Government); and <a href="http://www.caag.state.ca.us">www.caag.state.ca.us</a>. (State Attorney General's Office). The State-approved FPPC Ethics Training for Local Officials includes training on the Brown Act.</p> | Agree  | <b>HNY-BWB</b>                    | <p>All current Board Members have had training this year. Updates to the Brown Act will be distributed to the District Board members as they become available.</p>  |
| F3  | <p>Legal Advice - Most Fire Districts must rely on outside counsel to advise them on Brown Act issues since they generally believe they do not have access to the</p>  | Agree  | <b>RFA</b>                        | <p>The District would utilize County Counsel, if available, when appropriate.</p>   |



**Board of Directors  
Foresthill Fire Protection District**

P.O. Box 1099 Foresthill, CA 95631

Office: (530) 367-2465 Fax: (530) 367-3498

DISTRICT BOARD  
CHRIS REAMS PRESIDENT  
TYLER HARKNESS VICE PRESIDENT  
RICHARD ARTHUR DIRECTOR  
KEVIN GREENE DIRECTOR  
WALTER REED DIRECTOR

|    |   |                    |     |  |
|----|---|--------------------|-----|--|
|    | <p>County Counsel's Office. Most Fire Districts have a very limited budget, and may be reluctant to seek outside legal counsel on this law. Sometimes the same private law firms are answering the same basic compliance questions posed by District X which may have been answered (hypothetically) the day before to District Y. The County should consider ways in which to minimize this duplication of costs to Special Fire Protection Districts as it relates to basic training on the Brown Act.</p>  |                    |     |  |
| F4 | <p><u>Posting Agendas</u> - The Fire Districts reviewed appear to be in substantial compliance with posting agendas at their respective physical locations per Brown Act requirements. However, some districts experienced "technical difficulties" and inconsistencies with regards to posting agendas online. A review of Fire Districts, which have websites, indicated that not all posted agendas are in substantial compliance with the Brown Act. At least two Fire Districts had ongoing website technical issues due to lack of availability of personnel with the necessary skills or technical support. Additionally, a third Fire District had specifically decided, outside of a public meeting and in violation of the Brown Act, not to post their agendas online.</p> | Disagree Partially | HBI | District strives to post agendas and public meetings onsite and online in a timely manner, usually 5 days prior to meeting, and therefore before Brown Act requirements. |
| F5 | <p><u>Websites</u> - Fire Districts have varying levels of sophistication related to maintenance of websites. Smaller districts which use volunteers do not necessarily have access to "webmasters" with technical expertise or time to create and maintain websites. Some districts use paid personnel, many use district board members, and others use relatives and volunteers. This inconsistency in designated responsibility for this function, or the informality of it, sometimes results in certain districts' untimely online posting of agendas or no on-line posting the agendas at all.</p>  | Agree              | HBI | District strives to post agendas and public meetings onsite and online in a timely manner, usually 5 days prior to meeting, and therefore before Brown Act requirements. |



**Board of Directors  
Forest Hill Fire Protection District**

P.O. Box 1099 Forest Hill, CA 95631

Office: (530) 367-2465 Fax: (530) 367-3498

DISTRICT BOARD  
CHRIS REAMS PRESIDENT  
TYLER HARKNESS VICE PRESIDENT  
RICHARD ARTHUR DIRECTOR  
KEVIN GREENE DIRECTOR  
WALTER REED DIRECTOR

|                          |   |  |                               |  |
|--------------------------|---|--|-------------------------------|--|
| <p align="center">F6</p> | <p><u>Agendas/Websites/Consolidation</u> - The website posting of agendas for the Board of Supervisors (as overseen by the County Administrative Office) is a model of excellence. However, many Fire Districts are experiencing financial difficulties and do not have the financial resources to employ consultants to maintain websites as it relates to their legal obligations for posting agendas online. The public could have better access to information, and Fire Districts could have better accountability, if each Fire District could send its agendas to the County Administrative Services department for website posting. E-mailing agendas to one technical expert group within the County for posting would likely reduce technical issues, assist in keeping specific fire districts on track as it relates to timeline obligations, and make it easier for members of the public to go to the district's website for fire district agenda information. As an alternative, if Fire District agendas are maintained in-house, it is critical that they have access to technical support as may be supplied by County Administrative Services.</p> | <p align="center">Agree</p>              | <p align="center">HNY-BWB</p> | <p>If developed/provided, the District would likely utilize the County-provided website and agenda posting services.</p> |
| <p align="center">F7</p> | <p><u>Ethics Training/ County Executive Office Records</u> - When requesting training records from the County Executive's Office (CEO) pursuant to the County Code ("AB 1234 Ethics Training for Elected Officials"), the Grand Jury was provided information for only the members of the Board of Supervisors and two other elected officials. Records are not maintained by the CEO's Office for any Fire District elected officials. If a member of the public were to request such records today, they might reasonably conclude that the CEO's Office has those records based upon the County Ordinance which states that the CEO's office is required to maintain AB 1234/Ethics Training certifications for elected officials.</p>   | <p align="center">Disagree Partially</p> | <p align="center">HBI</p>     | <p>District Board Member Ethics Training records are maintained and available in the District office.</p>                |



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WALTER REED DIRECTOR

|     |   |                    |                    |   |
|-----|---|--------------------|--------------------|---|
| F8  | <p><u>Fire Districts' Maintenance of Records</u> - With the exception of one Fire District (which erroneously believed the Board of Supervisors oversaw and maintained records on AB 1234 Ethics Training), the Fire Districts interviewed claimed that they maintain their own records of training in-house.</p>   | Agree              | HBI                | District Board Member Ethics Training records are maintained and available in the District office.                          |
| F9  | <p><u>Ethics Training Compliance</u> - The most commonly used online courses keep track of the time which the "local official/trainee" is reviewing course material. The purpose of this is to meet the two hour requirement that the State deems sufficient to reasonably participate in training given the volume of the subject matter. When reviewing a sample of elected Fire District board members' compliance with Ethics Training, nearly half of the compliance certificates indicated training occurred shortly after the Grand Jury's formal request for records. Furthermore, many records provided by the Fire Districts indicate training was outdated and/or overdue. Other certificates indicate participants logged in less than the two hour required training, one of whom took only as little as 19 minutes to complete the course. Accordingly, the Grand Jury concludes that there is a serious lack of consistency in compliance with the State mandate of AB 1234 training requirements.</p> | Disagree Partially | HBI                | Board Member Ethics Training records are current, comply with AB 1234, and are maintained available in the District office. |
| F10 | <p><u>Brown Act training as related to AB 1234</u> - The State-approved AB 1234/Ethics Training for local officials includes government transparency/Brown Act training basics. Online training is available at numerous web sites (see F2 above).</p>  | Agree              | No comment needed. | No comment needed.  |
| F11 | <p><u>Confusion regarding "Ethics" Training</u> - Most of the districts sampled appear to be aware of AB 1234 requirements. However, a few district representatives seemed to confuse their Ethical Behavior policies with the State-mandated AB 1234/Ethics Training requirement. For instance, one Fire District directed the Grand Jury to a policy manual</p>   | Disagree Partially | HBI                | Board Member Ethics Training records are current, comply with AB 1234, and are maintained available in the District office. |



**Board of Directors**  
**Foresthill Fire Protection District**

P.O. Box 1099 Foresthill, CA 95631

Office: (530) 367-2465 Fax: (530) 367-3498

DISTRICT BOARD

CHRIS REAMS PRESIDENT  
 TYLER HARKNESS VICE PRESIDENT  
 RICHARD ARTHUR DIRECTOR  
 KEVIN GREENE DIRECTOR  
 WALTER REED DIRECTOR

|            |  |  |  |
|------------|--|--|--|
|            | <p>regarding "cordiality in public meetings" and "use of credit cards" as satisfying Ethics Training. One Fire District did not have a policy and was unaware of the mandated two year requirement for update of Ethics Training.</p>  |  |  |
| <p>F12</p> | <p><u>Responsibility for Ethics Training/Records</u> - Often it is the fire chief or board secretary who takes responsibility for reminding and keeping records of board members' completion of Ethics Training. It can be an awkward situation when district employees have to oversee their board members. It might be helpful if one County entity were responsible for assuring Ethics Training requirements are complied with rather than a specific employee of the Fire District. For instance, the County Clerk's Office does a fine job in overseeing that all required officials (including Special Fire Protection District personnel) provide required annual Form 700 (Financial Disclosure Statements). Since the Clerk's Office is the department that collects Form 700 (Assuming Office Statements) for newly elected officials, it seems logical for it to oversee reminders and maintenance of records pertaining to Ethics Training for all elected officials in the County, rather than the CEO's Office, or each individual Fire District.</p> | <p>Agree</p> <p>HNY-BWB</p>            | <p>If developed/provided, the District would likely utilize the County-provided Ethics Training and record-keeping services.</p> |
| <p>F13</p> | <p><u>Policies and Procedures</u> - There is a wide disparity between what is included in the Policies and Procedure manuals of the Fire Districts. Generally, personnel policies for firefighting and emergency rescue services of the various Fire Districts are thorough and consistent. However, policies regarding Board member activity and training are not always included.</p>  | <p>Disagree Partially</p> <p>HBI</p>   | <p>Board Bylaws have been adopted.</p>   |
| <p>F14</p> | <p><u>Consolidation of Administrative Services</u> - The majority of interviewees expressed a need for some sort of consolidation of the Fire Districts in Placer County, at least in regards to combining administrative functions. This</p>  | <p>Agree</p> <p>No comment needed.</p> | <p>No comment/response necessary.</p>  |



**Board of Directors**  
**Foresthill Fire Protection District**  
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 CHRIS REAMS PRESIDENT  
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 RICHARD ARTHUR DIRECTOR  
 KEVIN GREENE DIRECTOR  
 WALTER REED DIRECTOR

|    |  |       |         |  |
|----|--|-------|---------|--|
| R1 | <p>process has already begun with the sharing of fire chiefs in a few of the small, single fire station districts.</p> <p><u>Training Policies</u> - Each Fire District Board ensure that there is a written policy mandating elected board members receive an overview of the Brown Act requirements upon assuming office. This policy would also dictate that board members take the AB 1234/Ethics Training as available through State approved entities (including, but not limited to, those websites mentioned in F2) as soon as practicable upon assumption of office, and every two years thereafter.. In addition, as part of this policy, each Board consider whether or not to mandate training for other key personnel who could benefit from such training (fire chiefs, secretaries of the board, etc.).</p>   | Agree | HNY-BWB | <p>Board Member Ethics Training is mandated by District policy and records are current, and maintained available in the District office.</p> <p>Brown Act information is furnished to new board members.</p> |
| R2 | <p>This policy should designate a specific officer/employee for collecting information regarding compliance with Brown Act and AB 1234/ Ethics training. The policy regarding responsibility for this should be by designated officer, and not by a named individual. This same officer could be the "designated expert" who could answer questions as the need arises and also be the main point of contact for seeking legal advice on behalf of the Board.</p> <p><u>Consolidation of Training Records on AB 1234/Ethics Training</u> - The County Clerk- Recorder/Registrar of Voters assume the responsibility for reminders and maintenance of records of AB 1234/Ethics Training (which includes Brown Act training) for all elected officials in Placer County, including elected board members of Special Districts. The rationale for this recommendation is: a) State law mandates this Ethics Training occur within 1 year of an elected official taking office; b) the Clerk's office is aware of when officials are newly elected; and c) the Clerk's Office</p> | Agree | HNY-BWB | <p>If developed/provided, the District would likely utilize the County-provided Ethics Training and record-keeping services.</p>   |



**Board of Directors  
Forest Hill Fire Protection District**

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WALTER REED DIRECTOR

|    |   |       |         |  |
|----|---|-------|---------|--|
|    | <p>continually monitors Form 700 filings. This recommendation does not require that the Clerk's Office oversee whether this training was "properly done." That responsibility would be up to each individual local entity. However, if this recommendation is adopted, public records regarding training would be available through one entity (i.e. the County Clerk's Office).</p>  |       |         |  |
| R3 | <p><u>County Code Amendment</u> - To eliminate confusion, rewrite Placer County Code, Article 2.04.050, which currently seems to require that all Placer County elected officials' records of Ethics Training be maintained by the County CEO's office. The change in the ordinance could designate that the County Clerk's Office (in accordance with R 2 above) be responsible for collecting and maintaining, in addition to Form 700s, AB 1234/Ethics Training Certifications.</p>  | Agree | HNY-BWB | If developed/provided, the District would utilize the County-provided Ethics Training and record-keeping services. |
| R4 | <p><u>Legal Advice</u> - In the interest of avoiding costs incurred by multiple Fire Districts for duplicative functions, County Counsel may consider ways to make legal training and advice about basic Brown Act requirements available to the Boards of Special Fire Protection Districts.</p> <p>Although County Counsel seems to have no explicit obligation to advise Special Fire Protection Districts, such service could be an administrative means of minimizing legal costs to Special Fire Protection Districts within the County. This could be accomplished in many different ways; i.e. (1) annual conferences which are available to all County governing boards, including Special Fire Protection Districts, (2) County website training with Frequently Asked Questions (FAQs), (3) an allocated number of phone inquiries per year, (4) specific retained counsel to be utilized by all districts, etc. If County Counsel adopts any of</p> | Agree | HNY-BWB | If developed/provided, the District would utilize the County-provided Legal services, when/where available.        |



**Board of Directors**  
**Foresthill Fire Protection District**

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 KEVIN GREENE DIRECTOR  
 WALTER REED DIRECTOR

|    |   |       |         |  |
|----|---|-------|---------|--|
|    | <p>these recommendations, it should be clearly communicated that the service is available to all Special Fire Protection Districts.</p>   |       |         |  |
| R5 | <p><u>Website/Consolidation</u> - Eliminate the "technical difficulties" identified in F4 and F5 (associated with some districts' websites) by each Special Fire Protection District entering into an arrangement for technical assistance with the Placer County Administrative Services Department for online postings of agendas and minutes of their respective Board meetings.</p> | Agree | HNY-BWB | <p>If developed/provided, the District would likely utilize the County-provided website and agenda posting services.</p> |

HBI: Have Been Implemented  
 HNY-BWB: Have Not Yet Been Implemented But Will Be  
 RFA: Requires Further Analysis  
 WNBI: Will Not Be Implemented





# LOOMIS FIRE PROTECTION DISTRICT

P.O. BOX 606  
LOOMIS, CALIFORNIA 95650  
(916) 652-6813  
FAX (916) 652-8472

Lawrence Bettencourt, Fire Chief  
Barbara Leak, District Secretary

DIRECTORS  
John Shearer, President  
Chris Gibson, Vice President  
Russ Kelley  
Thomas W. Millward  
William M. Tudsbury

September 16, 2014

Placer County Grand Jury  
11532 B Avenue  
Auburn, Ca. 95603

**RECEIVED**

SEP 24 2014

**PLACER COUNTY  
GRAND JURY**

**Report Title:** Placer County Special Districts – Open Meeting and Ethics Laws Compliance

**Report Date:** 2013-2014 Grand Jury

**Response by:** Fire Chief Lawrence Bettencourt, Loomis Fire Protection District

**Findings:** Loomis Fire Protection District agrees with Findings 1-14.

**Recommendation R1 has not been implemented, but will be implemented:**

R1 – Staff will recommend to the Board of Directors at the October 2014 meeting to revise Policy 4080 – “Membership in Associations, Training, Education, and Conferences” The revisions will include language on mandatory AB1234 Ethics and Brown Act Training as well as identifying the District secretary as the “designated training coordinator” for the Board of Directors.

**Recommendations numbered R2, R3, R4, & R5 require analysis:**

R2 & R3 – The recommendations are good, the only question is possible charges from Placer County to local fire districts for reminders and record maintenance.

R4 – Fire District Board Members attended Brown Act Training from Kingsley Bogard & Thompson Inc. at South Placer Station 17 in 2014 free of charge. Directors from Loomis and South Placer Fire Districts attended the 2 hour training. All attendees were given written material as a reference to use when creating agendas that meet all aspects of the Brown Act. The consolidation of training sounds good, the District is concerned with cost of Placer County Services and flexibility in scheduling.

The Fire District is very concerned with the Placer County providing legal counsel to the Fire District. At the end of the day, legal counsel works for the

# LOOMIS FIRE PROTECTION DISTRICT

P.O. BOX 606  
LOOMIS, CALIFORNIA 95650  
(916) 652-6813  
FAX (916) 652-8472

entity that pays the bill. What may be in the best interest of Placer County may not be in the best interest of Loomis Fire Protection District.

R5 – Loomis Fire Protection District updated the District website in August 2014, the Board Secretary can post Board meeting minutes and agendas for all meetings. The District is concerned with additional charges form Placer County for any website assistance in the future or impractical time lines to post meeting agendas on the County website.

cc: The Honorable Alan V. Pineschi



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AUG 22 2014

PLACER COUNTY  
GRAND JURY

## NEWCASTLE FIRE PROTECTION DISTRICT

PO Box 262, 9211 CYPRESS ST, NEWCASTLE, CA 95658

916-663-3323 FAX 916-663-3907

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AUG 22 2014

PLACER COUNTY  
GRAND JURY

BOARD OF DIRECTORS

Jim Jordan  
Janita Elder  
Eric Sprouse  
Isaak Egge  
Robin Enos

An Organization Committed To Serving The Community Of The Newcastle Fire Protection District

### Response to Grand Jury Report Form 2013 – 2014 Placer County Grand Jury Report

**Report Title:** Newcastle Fire Protection District  
Open Meeting and Ethics Laws Compliance

**Report Date:** 2014

**Response By:** Jim Jordan                      **Title:** Chair, NFPD Board of Directors

#### FINDINGS:

- I (we) agree with the findings, numbered F1 through F 14.

#### RECOMMENDATIONS:

##### **R1 – Training Policies**

We have implemented a written training policy (see attached) regarding the Brown Act and AB1234/Ethics training for all Board members. We will also designate the Fire Chief as the “designated officer” for collecting compliance information.

##### **R2 – Consolidation of Training Records on AB 1234/Ethics Training**

While we believe that consolidation of training records is an excellent idea, the implementation of this recommendation is dependent on the County Clerk to agree. Jim McCauley’s secretary will give us further information on implementation when County Clerk, McCauley, determines if consolidation of records is feasible for his office. In the meantime, the Newcastle Fire Protection District’s Fire Chief will continue to issue reminders to Board members and maintain records of AB 1234/Ethics Training in our office for our Board members. These records will continue to be available to the public upon request.

**R3 – County Code Amendment**

While we believe that this is a sound recommendation, Newcastle Fire Protection District is unable to rewrite Placer County Code.

**R4 – Legal Advice**

Again, we believe that this is a sound and very welcome recommendation. Last year, at our request, the assistant Placer County Council provided Brown Act Training for the Newcastle Fire Protection District at one of our regular Board Meetings. The training was very well prepared and to the point. In addition, the taxpayers at our meeting were provided with the opportunity to further understand the Brown Act and the protection that it provides for their rights. We would be very grateful to receive this training again after the November election when our three new board members are in place.

The Newcastle Fire Protection District would greatly appreciate any legal advice that the Placer County Council's office would be willing to provide.

**R5 – Website/Consolidation**

The Newcastle Fire Protection District would appreciate having the Placer County Administrative Services Department provide technical assistance for our website. In the meantime, we will continue to maintain and improve our website.

Recommendations R2 through R5 are dependent upon Placer County for implementation. The Newcastle Fire Protection District would be glad to implement these recommendations upon the agreement of Placer County to provide the services necessary for implementation.

Date: 8/21/2014 Signed: 

Number of pages attached: 2

## Response to Grand Jury Report Form

Report Title: PLACER COUNTY SPECIAL FIRE DISTRICTS

Report Date: 2013/2014 GRAND JURY

Response By: NEWCASTLE FIRE PROT. DIST.

Title: CHAIR

### FINDINGS

- I (we) agree with the findings, numbered: R1, R2, R4, R5.
- I (we) disagree wholly or partially with the findings, numbered: R-3.  
(Describe here or attach a statement specifying any portions of the findings that are disputed or not applicable; include an explanation of the reasons therefore.)

### RECOMMENDATIONS

- Recommendations numbered R-1 have been implemented.  
(Describe here or attach a summary statement regarding the implemented actions.)
- Recommendations numbered \_\_\_\_\_ have not yet been implemented, but will be implemented in the future.  
(Describe here or attach a timeframe for the implementation.)
- Recommendations numbered R-2, R5 require further analysis.  
(Describe here or attach 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 director 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 (6) months from the date of publication of the grand jury report.)
- Recommendations numbered \_\_\_\_\_ will not be implemented because they are not warranted or are not reasonable.  
(Describe here or attach an explanation.)

Date: 8/21/2014

Signed: 

Number of pages attached 2.



**P.O. Box 5879  
222 Fairway Dr.  
Tahoe City, CA 96145  
530.583.6913  
Fax 530.583.6909  
schwartz@ntfire.net**



October 20, 2014

Placer County Grand Jury  
11532 B Avenue  
Auburn, CA 5603

RE: Placer County Grand Jury Report: Special Fire District

I appreciate the opportunity to provide comment on the Placer County Grand Jury Report – Special Fire Districts: Open-Meeting and Ethics Laws Compliance. Please accept our late response. We have had a very busy fire season and the unexpected growth and proximity of the “King Fire” in late September delayed our response.

Generally speaking, we agree with the Findings in the report and welcome Placer County’s participation in bringing uniformity to Special Fire Districts’ compliance with the Brown Act and Ethics Training. North Tahoe Fire District’s meeting policy is in compliance with the Brown Act and we consult as needed with the District’s counsel as Brown Act compliance issues are noted. All members of the Board of Directors are current with bi-annual Ethics training as mandated by AB 1234 and North Tahoe policy.

The following includes responses to Recommendations outlined in the report.

R2. – The District awaits notification from Placer County Clerk-Recorder/Registrar of Voters has assumed responsibility for reminder and maintenance of records related to AB 1234. We do not have a timeline when this will occur.

R3. – The District supports County Code Amendment and corresponding Ordinance which would designate the County Clerk’s Office’s as responsible for collecting and maintaining AB 1234 training certifications. We do not have a timeline when this will occur.

R4. – The District welcomes any and all legal training and advice regarding basic Brown Act requirements from Placer County Counsel. We do not have a timeline when this will occur.

R5. – The District is willing to consider entering into an arrangement for technical assistance with Placer County Administrative Services Department for online postings of Agendas and minutes of our Board Meetings. Our only concern is the process be sufficiently expeditious to avoid adding to lead time for posting using County services. We do not have a timeline when this will occur.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael Schwartz".

Michael Schwartz  
Fire Chief

Response to Grand Jury Report Form

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OCT 27 2014

PLACER COUNTY  
GRAND JURY

Report Title: Placer County Special Fire Districts

Report Date: 2013-2014

Response By: Michael Schwartz Title: Fire Chief

FINDINGS

- I (we) agree with the findings, numbered: F1 through F14.
- I (we) disagree wholly or partially with the findings, numbered: \_\_\_\_\_  
*(Describe here or attach a statement specifying any portions of the findings that are disputed or not applicable; include an explanation of the reasons therefore.)*

RECOMMENDATIONS

- Recommendations numbered R1 have been implemented.  
*(Describe here or attach a summary statement regarding the implemented actions.)*
- Recommendations numbered \_\_\_\_\_ have not yet been implemented, but will be implemented in the future.  
*(Describe here or attach a timeframe for the implementation.)*
- Recommendations numbered R2, R3, R4, R5 require further analysis.  
*(Describe here or attach 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 director 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 (6) months from the date of publication of the grand jury report.)*
- Recommendations numbered \_\_\_\_\_ will not be implemented because they are not warranted or are not reasonable.  
*(Describe here or attach an explanation.)*

Date: 10-21-14 Signed: 

Number of pages attached 1

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AUG 22 2014

PLACER COUNTY  
GRAND JURY



# PENRYN FIRE PROTECTION DISTRICT

PO BOX 219, 7206 CHURCH ST., PENRYN, CA 95663  
916-663-3389 FAX 916-663-1262

## BOARD OF DIRECTORS

Aaron Willson  
Tom Bowling  
Michael Posehn  
Brian Myers  
Randy Neifer

An Organization Committed To Serving The Community Of The Penryn Fire Protection District

### Answers to Grand Jury questions

R1.

Each member of the Board of Directors of the Penryn Fire Protection District was in compliance with the requirements of AB1234/Ethics training before the Grand Jury report became public. We were all aware of the training requirements but they are not institutionalized in our Bylaws. At our September 2014 Board meeting we are scheduled to amend our Bylaws to specifically require AB1234/Ethics Training of all Board members and Board members-elect as set forth in Government Code Section 53234 et sec. We will also designate the Fire Chief as the "designated officer" for collecting compliance information.

R2.

We would cooperate with the County Clerk-Recorder/Registrar of Voters should that office assume responsibility for reminders and maintenance of records of AB 1234/Ethics Training.

R3.

The re-writing of the Placer County Code is not within the jurisdiction of the Board of Directors of the Penryn Fire Protection District.

R4.

We would cooperate with the County Counsel's office should they offer legal services to our district.

R5.

We would cooperate with the Placer County Administrative Services Department should they offer technical website services to publicize agendas and minutes of meetings.

Signed: \_\_\_\_\_

A handwritten signature in black ink, appearing to be 'A. Willson', written over a horizontal line.

Title: \_\_\_\_\_

Chairman

Date: \_\_\_\_\_

8/19/14

## Response to Grand Jury Report Form

Report Title: Placer County Special Fire Districts

Report Date: 2013/2014 Grand Jury

Response By: Pearson Fire Protection

Title: Chairman, Board of Directors

### FINDINGS

Brian Myers  
District

- I (we) agree with the findings, numbered: R1 R2 R4 R5
- I (we) disagree wholly or partially with the findings, numbered: R3

*(Describe here or attach a statement specifying any portions of the findings that are disputed or not applicable; include an explanation of the reasons therefore.)*

### RECOMMENDATIONS

- Recommendations numbered R-1 have been implemented.  
*(Describe here or attach a summary statement regarding the implemented actions.)*
- Recommendations numbered \_\_\_\_\_ have not yet been implemented, but will be implemented in the future.  
*(Describe here or attach a timeframe for the implementation.)*
- Recommendations numbered R2-R5 require further analysis.  
*(Describe here or attach 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 director 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 (6) months from the date of publication of the grand jury report.)*
- Recommendations numbered \_\_\_\_\_ will not be implemented because they are not warranted or are not reasonable.  
*(Describe here or attach an explanation.)*

Date: 8/19/14

Signed: 

Number of pages attached 1



Established 1949

# PLACER HILLS FIRE PROTECTION DISTRICT

*Prevention • Education • Protection*

## Response to Grand Jury Report Form

**RECEIVED**

SEP 06 2014

**Report Title:** Placer County Special Fire Districts  
Open-Meeting and Ethics Laws Compliance

PLACER COUNTY  
GRAND JURY

**Report Date:** Response Due By October 1, 2014

**Response By:** Placer Hills Fire Protection District – Board of Directors

### FINDINGS

- I (we) agree with the findings, numbered: 1,2,3,5,6,8,10,12,14
- I (we) disagree wholly or partially with the findings, numbered:4,7,9,11,13

### RECOMMENDATIONS

- Recommendations numbered -- have been implemented.
- Recommendations numbered 1 - 5 have not yet been implemented, but will be implemented in the future.
- Recommendations numbered -- require further analysis.
- Recommendations numbered -- will not be implemented because they are not warranted or are not reasonable.

**Date:** SEPTEMBER 23, 2014 **Signed:**

Peter R. Hills, Board Chairman

Number of pages attached 8



PLACER HILLS FIRE PROTECTION DISTRICT

Prevention • Education • Protection

Established 1949

| Summary of Grand Jury Comments and Recommendations, and PHFPD Responses/Actions |   |   |                                |  |
|---|---|---|--------------------------------|--|
| #   | Finding or Recommendation Comment (by Grand Jury)   | Agree, Disagree Wholly, or Disagree Partially | HBI<br>HNY-BWB<br>RFA<br>WNBI: | PHFPD Comments/Actions.  |
| F1  | <p><u>General Training</u> - Although it appears most Fire Districts understand they must comply with Brown Act/Open Meeting laws, training provided to newly elected board members and key personnel is inconsistent. Some Fire Districts require website training about the Brown Act through various sources, whereas others simply recommend review of a district policy manual, which may not necessarily be up to date. At least one Fire District avails itself of conferences on this subject.</p>  | Agree   | HNY-BWB                        | Brown Act information will be furnished to new board members   |
| F2  | <p><u>Continuing Education</u> - Some district personnel associated with conducting open meetings have been with their particular districts for ten years or more, and completed "Brown Act training" only upon entering their respective offices (and not after that). Laws related to the Brown Act are updated periodically. Most districts do not have a specific policy related to continuing education on this issue. General training is available at various websites including <a href="http://www.csda.net">www.csda.net</a> (California Special Districts Association); <a href="http://www.ca.ilg.org/AB1234">www.ca.ilg.org/AB1234</a> compliance. (California Institute for Local Government); and <a href="http://www.caag.state.ca.us">www.caag.state.ca.us</a>. (State Attorney General's Office). The State-approved FPCC Ethics Training for Local Officials includes training on the Brown Act.</p> | Agree   | HNY-BWB                        | Updates to the Brown Act will be distributed to the District Board members as they become available. |
| F3  | <p><u>Legal Advice</u> - Most Fire Districts must rely on outside counsel to advise them on Brown Act issues since they generally believe they do not have access to the</p>  | Agree   | RFA                            | The District would utilize County Counsel, if available, when appropriate.                           |



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| Summary of Grand Jury Comments and Recommendations, and PHFPD Responses/Actions |  |   |                       |   |
|---|--|---|-----------------------|---|
| #   | Finding or Recommendation Comment (by Grand Jury)  | Agree, Disagree Wholly, or Disagree Partially | HBI HNY-BWB RFA WNB1: | PHFPD Comments/Actions.   |
|   | County Counsel's Office. Most Fire Districts have a very limited budget, and may be reluctant to seek outside legal counsel on this law. Sometimes the same private law firms are answering the same basic compliance questions posed by District X which may have been answered (hypothetically) the day before to District Y. The County should consider ways in which to minimize this duplication of costs to Special Fire Protection Districts as it relates to basic training on the Brown Act.  |   |                       |   |
| F4  | <u>Posting Agendas</u> - The Fire Districts reviewed appear to be in substantial compliance with posting agendas at their respective physical locations per Brown Act requirements. However, some districts experienced "technical difficulties" and inconsistencies with regards to posting agendas online. A review of Fire Districts, which have websites, indicated that not all posted agendas are in substantial compliance with the Brown Act. At least two Fire Districts had ongoing website technical issues due to lack of availability of personnel with the necessary skills or technical support. Additionally, a third Fire District had specifically decided, outside of a public meeting and in violation of the Brown Act, not to post their agendas online. | Disagree Partially                            | HBI                   | District strives to post agendas and public meetings online in a timely manner. |
| F5  | <u>Websites</u> - Fire Districts have varying levels of sophistication related to maintenance of websites. Smaller districts which use volunteers do not necessarily   | Agree   | HBI                   | District strives to post agendas and public meetings online in a timely manner. |



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|   | <p>have access to "webmasters" with technical expertise or time to create and maintain websites.</p> <p>Some districts use paid personnel, many use district board members, and others use relatives and volunteers. This inconsistency in designated responsibility for this function, or the informality of it, sometimes results in certain districts' untimely online posting of agendas or no on-line posting the agendas at all.</p>   |   |                       |  |
| F6  | <p><u>Agendas/Websites/Consolidation</u> - The website posting of agendas for the Board of Supervisors (as overseen by the County Administrative Office) is a model of excellence. However, many Fire Districts are experiencing financial difficulties and do not have the financial resources to employ consultants to maintain websites as it relates to their legal obligations for posting agendas online. The public could have better access to information, and Fire Districts could have better accountability, if each Fire District could send its agendas to the County Administrative Services department for website posting. E-mailing agendas to one technical expert group within the County for posting would likely reduce technical issues, assist in keeping specific fire districts on track as it relates to time-line obligations, and make it easier for members of the public to go to the district's website for fire district agenda information. As an alternative, if Fire District agendas are maintained in-house, it is critical that they have access to</p> | Agree   | HNY-BWB               | If developed/provided, the District would utilize the County-provided website and agenda posting services. |



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| Summary of Grand Jury Comments and Recommendations, and PHFPD Responses/Actions |  |   |                       |  |
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| #   | Finding or Recommendation Comment (by Grand Jury)  | Agree, Disagree Wholly, or Disagree Partially | HBI HNY-BWB RFA WNBI: | PHFPD Comments/Actions.  |
|   | technical support as may be supplied by County Administrative Services.  |   |                       |  |
| F7  | <u>Ethics Training/ County Executive Office Records</u> - When requesting training records from the County Executive's Office (CEO) pursuant to the County Code ("AB 1234 Ethics Training for Elected Officials"), the Grand Jury was provided information for only the members of the Board of Supervisors and two other elected officials. Records are not maintained by the CEO's Office for any Fire District elected officials. If a member of the public were to request such records today, they might reasonably conclude that the CEO's Office has those records based upon the County Ordinance which states that the CEO's office is required to maintain AB 1234/Ethics Training certifications for elected officials. | Disagree Partially                            | HBI                   | District Board Member Ethics Training records are maintained and available in the District office.       |
| F8  | <u>Fire Districts' Maintenance of Records</u> - With the exception of one Fire District (which erroneously believed the Board of Supervisors oversaw and maintained records on AB 1234 Ethics Training), the Fire Districts interviewed claimed that they maintain their own records of training in-house.   | Agree   | HBI                   | District Board Member Ethics Training records are maintained and available in the District office.       |
| F9  | <u>Ethics Training Compliance</u> - The most commonly used online courses keep track of the time which the "local official/trainee" is reviewing course material. The purpose of this is to meet the two hour requirement that the State deems sufficient to reasonably participate in training given the volume of the subject matter. When reviewing a   | Disagree Partially                            | HBI                   | PHFPD Board Member Ethics Training records are current, and maintained available in the District office. |



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|---|---|---|-----------------------|--|
| #   | Finding or Recommendation Comment (by Grand Jury)   | Agree, Disagree Wholly, or Disagree Partially | HBI HNY-BWB RFA WNBI: | PHFPD Comments/Actions.  |
|   | sample of elected Fire District board members' compliance with Ethics Training, nearly half of the compliance certificates indicated training occurred shortly after the Grand Jury's formal request for records. Furthermore, many records provided by the Fire Districts indicate training was outdated and/or overdue. Other certificates indicate participants logged in less than the two hour required training, one of whom took only as little as 19 minutes to complete the course. Accordingly, the Grand Jury concludes that there is a serious lack of consistency in compliance with the State mandate of AB 1234 training requirements. |   |                       |  |
| F10   | Brown Act training as related to AB 1234 - The State-approved AB 1234/Ethics Training for local officials includes government transparency/Brown Act training basics. On-line training is available at numerous web sites (see F2 above).   | Agree   | No comment needed.    | No comment needed.   |
| F11   | Confusion regarding "Ethics" Training - Most of the districts sampled appear to be aware of AB 1234 requirements. However, a few district representatives seemed to confuse their Ethical Behavior policies with the State-mandated AB 1234/Ethics Training requirement. For instance, one Fire District directed the Grand Jury to a policy manual regarding "cordiality in public meetings" and "use of credit cards" as satisfying Ethics Training. One Fire District did not have a policy and was unaware of the mandated two year requirement for update of Ethics Training.  | Disagree Partially                            | HBI                   | PHFPD Board Member Ethics Training records are current, and maintained available in the District office. |



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| Summary of Grand Jury Comments and Recommendations, and PHFPD Responses/Actions |  |   |                                |  |
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| #   | Finding or Recommendation Comment (by Grand Jury)  | Agree, Disagree Wholly, or Disagree Partially | HBI<br>HNY-BWB<br>RFA<br>WNBI: | PHFPD Comments/Actions.  |
| F12   | <p><u>Responsibility for Ethics Training/Records</u> - Often it is the fire chief or board secretary who takes responsibility for reminding and keeping records of board members' completion of Ethics Training. It can be an awkward situation when district employees have to oversee their board members. It might be helpful if one County entity were responsible for assuring Ethics Training requirements are complied with rather than a specific employee of the Fire District. For instance, the County Clerk's Office does a fine job in overseeing that all required officials (including Special Fire Protection District personnel) provide required annual Form 700 (Financial Disclosure Statements). Since the Clerk's Office is the department that collects Form 700 (Assuming Office Statements) for newly elected officials, it seems logical for it to oversee reminders and maintenance of records pertaining to Ethics Training for all elected officials in the County, rather than the CEO's Office, or each individual Fire District.</p> | Agree   | <b>HNY-BWB</b>                 | If developed/provided, the District would utilize the County-provided Ethics Training and record-keeping services. |
| F13   | <p><u>Policies and Procedures</u> - There is a wide disparity between what is included in the Policies and Procedure manuals of the Fire Districts. Generally, personnel policies for firefighting and emergency rescue services of the various Fire Districts are thorough and consistent. However, policies regarding Board member activity and training are not always included.</p>  | Disagree Partially                            | <b>HNY-BWB</b>                 | PHFPD Board Bylaws are in the final stages of development and approval/implementation.                             |



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|---|--|---|--------------------------------|--|
| #   | Finding or Recommendation Comment (by Grand Jury)  | Agree, Disagree Wholly, or Disagree Partially | HBI<br>HNY-BWB<br>RFA<br>WNBI: | PHFPD Comments/Actions.  |
| F14   | <p><u>Consolidation of Administrative Services</u> - The majority of interviewees expressed a need for some sort of consolidation of the Fire Districts in Placer County, at least in regards to combining administrative functions. This process has already begun with the sharing of fire chiefs in a few of the small, single fire station districts.</p>  | Agree   | No comment needed.             | No comment/response necessary.   |
| R1  | <p><u>Training Policies</u> - Each Fire District Board ensure that there is a written policy mandating elected board members receive an overview of the Brown Act requirements upon assuming office. This policy would also dictate that board members take the AB 1234/Ethics Training as available through State approved entities (including, but not limited to, those websites mentioned in F2) as soon as practicable upon assumption of office, and every two years thereafter.. In addition, as part of this policy, each Board consider whether or not to mandate training for other key personnel who could benefit from such training (fire chiefs, secretaries of the board, etc.).</p> <p>This policy should designate a specific officer/employee for collecting information regarding compliance with Brown Act and AB 1234/ Ethics training. The policy regarding responsibility for this should be by designated officer, and not by a named individual. This same officer could be the "designated expert" who could answer questions as the</p> | Agree   | HNY-BWB                        | <p>PHFPD Board Bylaws are in the final stages of development and approval/implementation. Brown Act information will be furnished to new board members.</p> <p>PHFPD Board Member Ethics Training is mandated by District policy and records are current, and maintained available in the District office.</p> |



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| Summary of Grand Jury Comments and Recommendations, and PHFPD Responses/Actions |   |   |                                |  |
|---|---|---|--------------------------------|--|
| #   | Finding or Recommendation Comment (by Grand Jury)   | Agree, Disagree Wholly, or Disagree Partially | HBI<br>HNY-BWB<br>RFA<br>WNBI: | PHFPD Comments/Actions.  |
|   | need arises and also be the main point of contact for seeking legal advice on behalf of the Board.  |   |                                |  |
|   | <u>Consolidation of Training Records on AB 1234/Ethics Training</u> - The County Clerk- Recorder/Registrar of Voters assume the responsibility for reminders and maintenance of records of AB 1234/Ethics Training (which includes Brown Act training) for all elected officials in Placer County, including elected board members of Special Districts. The rationale for this recommendation is: a) State law mandates this Ethics Training occur within 1 year of an elected official taking office; b) the Clerk's office is aware of when officials are newly elected; and c) the Clerk's Office continually monitors Form 700 filings. This recommendation does not require that the Clerk's Office oversee whether this training was "properly done." That responsibility would be up to each individual local entity. However, if this recommendation is adopted, public records regarding training would be available through one entity (i.e. the County Clerk's Office). | Agree   | <b>HNY-BWB</b>                 | If developed/provided, the District would utilize the County-provided Ethics Training and record-keeping services. |
| R3  | <u>County Code Amendment</u> - To eliminate confusion, rewrite Placer County Code, Article 2.04.050, which currently seems to require that all Placer County elected officials' records of Ethics Training be maintained by the County CEO's office. The change in the ordinance could designate that the County Clerk's Office (in accordance with R 2 above) be responsible for collecting and maintaining, in  | Agree   | <b>HNY-BWB</b>                 | If developed/provided, the District would utilize the County-provided Ethics Training and record-keeping services. |



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|---|---|---|--------------------------------|---|
| #   | Finding or Recommendation Comment (by Grand Jury)   | Agree, Disagree Wholly, or Disagree Partially | HBI<br>HNY-BWB<br>RFA<br>WNBI: | PHFPD Comments/Actions.   |
|   | addition to Form 700s, AB 1234/Ethics Training Certifications.  |   |                                |   |
|   | <u>Legal Advice</u> - In the interest of avoiding costs incurred by multiple Fire Districts for duplicative functions, County Counsel may consider ways to make legal training and advice about basic Brown Act requirements available to the Boards of Special Fire Protection Districts.  |   |                                |   |
| R4  | Although County Counsel seems to have no explicit obligation to advise Special Fire Protection Districts, such service could be an administrative means of minimizing legal costs to Special Fire Protection Districts within the County. This could be accomplished in many different ways; i.e. (1) annual conferences which are available to all County governing boards, including Special Fire Protection Districts, (2) County website training with Frequently Asked Questions (FAQs), (3) an allocated number of phone inquiries per year, (4) specific retained counsel to be utilized by all districts, etc. If County Counsel adopts any of these recommendations, it should be clearly communicated that the service is available to all Special Fire Protection Districts. | Agree   | <b>HNY-BWB</b>                 | If developed/provided, the District would utilize the County-provided Legal services, when/where available. |
| R5  | <u>Website/Consolidation</u> - Eliminate the "technical difficulties" identified in F4 and F5 (associated with some districts' websites) by each Special Fire Protection District entering into an arrangement for technical assistance with  | Agree   | <b>HNY-BWB</b>                 | If developed/provided, the District would utilize the County-provided website and agenda posting services.  |



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**Summary of Grand Jury Comments and Recommendations, and PHFPD Responses/Actions**

| # | Finding or Recommendation Comment (by Grand Jury)   | Agree, Disagree Wholly, or Disagree Partially | HBI<br>HNY-BWB<br>RFA<br>WNBI: | PHFPD Comments/Actions. |
|---|---|---|--------------------------------|-------------------------|
|   | the Placer County Administrative Services Department for online postings of agendas and minutes of their respective Board meetings. |   |                                |                         |

HBI: Have Been Implemented  
 HNY-BWB: Have Not Yet Been Implemented But Will Be  
 RFA: Requires Further Analysis  
 WNBI: Will Not Be Implemented





# South Placer Fire District

6900 Eureka Road  
Granite Bay, California 95746  
Ph (916) 791-7059 Fax (916) 791-2199  
www.southplacerfire.org

## Board of Directors

Mike DeLaurentis  
Terri Ryland  
Gregary Grenfell  
Sean Mullin  
David Harris

## Fire Chief

Lawrence Bettencourt

*An Organization Committed To The Well-Being Of The South Placer Community*

September 16, 2014

Placer County Grand Jury  
11532 B Avenue  
Auburn, Ca. 95603

**RECEIVED**

SEP 24 2014

**PLACER COUNTY  
GRAND JURY**

**Report Title:** Placer County Special Districts – Open Meeting and Ethics Laws Compliance

**Report Date:** 2013-2014 Grand Jury

**Response by:** Fire Chief Lawrence Bettencourt, South Placer Fire District

**Findings:** South Placer Fire District agrees with Findings 1-14.

**Recommendation R1 have not been implemented, but will be implemented:**

R1 – Staff will recommend to the Board of Directors at the November 2014 meeting to revise Policy 2260 – “Training, Education, and Conferences.” The revisions will include language on mandatory AB1234 Ethics and Brown Act Training as well as identifying the board secretary as the “designated training coordinator for the Board of Directors.

**Recommendations numbered R2, R3, R4, & R5 require further analysis:**

R2, R3 & R5 - What, if anything, will Placer County charge local fire districts for reminders, website assistance and record maintenance? The fire district could perform this function in house should the charge seem out of line.

R4 – The Fire District currently pays Kingsley Bogard & Thompson Inc. for Brown Act Training every two years. Directors from Loomis and South Placer Fire Districts attended the 2 hour training session in 2014. All attendees are given written material as a reference to use when creating agendas that meet all aspects of the Brown Act. The consolidation of training sounds good, the District is concerned with cost of Placer County Services and flexibility in scheduling.

The Fire District is very concerned with the Placer County providing legal counsel to the Fire District. Legal counsel represents the entity that employs them. What may be in the best interest of Placer County may not be in the best interest of South Placer Fire District.

cc: The Honorable Alan V. Pineschi





**Truckee Fire Protection District**  
*Proudly providing service to portions of both Nevada and  
Placer Counties and the Town of Truckee*

**Board of Directors**  
*Victor R. Hernandez  
Gerald W. Herrick  
Ronald E. Perea  
Robert E. Snyder  
Paul D. Wilford*

**Fire Chief**  
*Robert W. Bena*

August 20, 2014

The Honorable Alan V. Pineschi  
Presiding Judge of the Superior Court  
County of Placer  
P.O. Box 619072  
Roseville, CA 95661

Placer County Grand Jury  
11532 B Avenue  
Auburn, CA 95603

CERTIFIED MAIL  
7012 3050 0000 3088 5387

**RECEIVED**

SEP 04 2014

**PLACER COUNTY  
GRAND JURY**

CERTIFIED MAIL  
7012 3050 0000 3088 5370

Re: Placer County Grand Jury 2013 – 2014 Report: Placer County Special Fire Districts

Dear Judge Pineschi and Grand Jury Members:

Pursuant to Penal Code §§933 and following, the Truckee Fire Protection District responds to the above-referenced Placer County Grand Jury Report. As explained below, it has been determined that it is more appropriate to utilize this letter form for response as opposed to the one page form provided by the Grand Jury.

This District is unable to agree with any of the findings. This does not mean that we dispute the findings, but merely point out that the Report did not identify which Districts did or did not take certain actions as alleged in that Report. Due to the inability to identify if any of the allegations relate to this responding District, we simply cannot agree with them due to the lack of specificity in the allegations.

Additionally, it is noted that we are not aware that any person associated with this District, Board Members, staff or public were ever contacted or interviewed by the Grand Jury. Likewise, we are not aware of any records being requested by or being provided to the Grand Jury. Due to the apparent lack of investigation of this District, we believe that any allegations or recommendations must relate to other fire protection districts.

Further, it is noted that we are a bi-county district; our primary county is Nevada County. With that in mind, we note that the 2013 – 2014 Nevada County Grand Jury did make an investigation of this District, interviewed certain individuals associated with the District, and reviewed documentation that was requested and provided. A copy of that Grand Jury report, entitled “A Job Well Done” is attached to this response.

Again, because the Nevada County Grand Jury made an actual investigation of our District, unlike the Placer County Grand Jury, and commended us for a job well done, we again cannot agree to any of the findings or recommendations of the Placer County Grand Jury as it pertains to this District.

Judge Pineschi  
Placer County Grand Jury  
August 20, 2014  
Page 2 of 2

We do disagree with the recommendation that this District provide Placer County with our Agenda inasmuch as it is regularly posted on our website in compliance with the Brown Act. Because the county seat is in approximately 65 to 70 miles from this District and because Placer County is a secondary county for this District, we doubt that posting our Agenda or other information on the Placer County website would assist the public because it would be rare for a person interested in this District to be looking at the Placer County website for information.

Of course, we do intend to continue with the procedures that have received commendations from our principal and investigating Grand Jury from Nevada County.

Yours truly,



VICTOR HERNANDEZ  
Board Chairman

Enclosure

We concur:



GERALD HERRICK  
Director



BOB SNYDER  
Board Vice-Chairman



RON PEREA  
Director



PAUL WILFORD  
Director

RECEIVED  
APR 28 2014  
TRUCKEE FIRE DISTRICT



**GRAND JURY**  
**COUNTY OF NEVADA**  
**Eric Rood Administration Center**  
950 Maidu Avenue  
Nevada City, California 95959  
Phone Number: 530-265-1730  
Email: grandjury@nevadacountycourts.com

April 23, 2014

Victor Hernandez, Chairman  
Truckee Fire Protection District  
Board of Directors  
10049 Donner Pass Road  
Truckee, California 96160

Dear Chairman Hernandez;

Herewith is a copy of the report prepared by the Nevada County Grand Jury on the subject of the Truckee Fire Protection District. This report will be published on April 30, 2014, at 11:00 A.M. when it will be published on the Grand Jury's website, [www.civilgrandjury.com](http://www.civilgrandjury.com). To view, please click on the "Reports" link.

Please be aware that the California Penal Code section 933.05 prohibits disclosure of any portion of this report prior to its publication by the Grand Jury.

The California Penal Code requires any responses to Grand Jury reports must be addressed as follows;

The Honorable Thomas M. Anderson  
Presiding Judge of the Grand Jury  
Nevada County Superior Court  
210 Church Street  
Nevada City, California 95945

In this instance, there is no response required to this report. The Nevada County Grand Jury appreciates your assistance and cooperation.

Sincerely,

Keith Overbey, Foreman  
Nevada County Grand Jury 2013-2014

# **Truckee Fire Protection District Board of Directors**

## **A Job Well Done**

### **Summary**

The Truckee Fire Protection District is an independent special district responsible for fire protection and emergency medical transportation services in and around Truckee, California. The Truckee Fire Protection District is governed by a Board of Directors elected by the district's voters.

The 2010-2011 Nevada County Grand Jury found the Truckee Fire Protection District Board of Directors lacked education and training in the roles and responsibilities of Board members. The Board of Directors failed to follow their policies and procedures. The Board lacked personal engagement, independent thinking and had insufficient communication with the district staff and the public.

The 2013- 2014 Nevada County Grand Jury found all recommendations from the Grand Jury's Report of June 21, 2011 have been implemented. The Truckee Fire Protection District has made substantive improvements to the quality of service to district personnel as well as to the public and taxpayers of their district.

The members of the Board of Directors are now trained and knowledgeable of their roles and responsibilities. The Truckee Fire Protection District's finance policy now requires close review of all expenditures. Last, but certainly not least, the Truckee Fire Protection District is in active partnership with the community to actively communicate and to restore the public image of the Truckee Fire Protection District.

The Nevada County Grand Jury finds that significant and positive changes have taken place at Truckee Fire Protection District and recommends that the Truckee Fire Protection District continue on its current positive direction.

### **Reasons for Investigation**

On June 21, 2011, the 2010-2011 Nevada County Grand Jury (2010-2011 Jury) issued a report regarding the Truckee Fire Protection District (TFPD) Board of Directors (Board). The report listed numerous facts, findings, and recommendations that the Jury felt would benefit the TFPD and the citizens and taxpayers they serve. The 2013-2014 Nevada County Grand Jury (2013-2014 Jury) decided to conduct a follow-up investigation to determine whether the previous recommendations had been implemented, and if so, how the implementation has benefitted the citizens and taxpayers of the TFPD.

The Jury has the authority to investigate special purpose assessment or taxing districts, including those commonly known as special districts in Nevada County.

## **Background**

In California, special districts are a form of local government created by a community to meet a specific need. Most of California's special districts perform a single function such as sewage, water, fire protection, pest management, or cemetery management. There are approximately 2,300 independent special districts in California. Each is governed by an independent board of directors elected by the voters of their district or appointed to a fixed term of office by either a city council or a county board of supervisors. There are 24 independent special districts in Nevada County.

The TFPD is an independent special district supported by public funds. The TFPD is made up of 49 full-time personnel and nine part-time/volunteer members. The TFPD's budget for the 2012-2013 fiscal year was approximately nine million dollars. The TFPD is responsible for 125 square miles and is one of the oldest fire districts in the Truckee-Tahoe area of Northern California.

The TFPD is governed by a five-member board elected by district voters during the general elections held in November. The Board is responsible for setting policy and general administrative procedures.

The 2010-2011 Nevada County Grand Jury found the Board lacked education and training in the roles and responsibilities of Board members. The Board failed to follow their policies and procedures. The Board lacked personal engagement, independent thinking and had insufficient communication with the district staff and the public.

## **Procedures Followed**

The 2013-2014 Jury conducted an interview with a TFPD Board member and reviewed documents relating to the recommendations from the 2010-2011 Jury's report, published June 21, 2011.

## **Facts**

- Fa. 1** On August 31, 2011, the TFPD submitted a response to the 2010-2011 Jury's report.
- Fa. 2** The TFPD agreed with all ten findings of the 2010-2011 Jury.
- Fa. 3** The TFPD agreed with the 2010-2011 Jury's recommendations #1 (improved Board training), #3 (improved communications with personnel), and #4 (improve public image) and responded, "the recommendations have been implemented."
- Fa. 4** On Recommendation #2 (improve finance policy), the TFPD responded, "the recommendation has not yet been implemented, but will be adopted and implemented by October 31, 2011."
- Fa. 5** Recommendation #2 has since been implemented by the TFPD.

- Fa. 6** All members of the Board have now attended training regarding the roles and responsibilities of board members in special districts.
- Fa. 7** The Board has developed and implemented a finance policy which requires the thorough review of checks to be signed and detailed supporting documentation for all TFPD expenditures.
- Fa. 8** The Board has improved on existing policy to facilitate open and ongoing communication with TFPD personnel.
- Fa. 9** The Board, TFPD management and staff have developed and implemented an active partnership in the rebuilding of the TFPD's public image and in actively communicating with their constituents to restore and maintain the public's trust.

### **Findings**

- Fi. 1** After an inquiry, the 2013-2014 Jury finds that significant and positive changes have taken place at TFPD.

### **Recommendations**

- R. 1** The 2013-2014 Jury commends the TFPD for its significant achievements and recommends that the TFPD continue to follow its current positive direction.

### **Responses**

No response is required.

**Findings and Recommendations**  
**2013-2014 Grand Jury Report**

---

**PLACER COUNTY MEALS ON WHEELS**

**A FAILURE TO COMMUNICATE**

**Findings**

- F1. No documented policy or procedure exists that defines the relationship between the BOS and its appointed commission representative to ensure that the BOS receives complete and timely information.
- F2. There was a Placer County BOS representative present at the A4AA meeting at which requests for financial assistance from the counties was made.
- F3. The BOS and the county CEO's office stated they never received any requests for interim support loans from either A4AA staff or their appointed A4AA representatives; although, the A4AA minutes of October 11, 2013 clearly state that they are requesting financial assistance from each county until federal dollars are received. In addition, the minutes state A4AA staff is in active communication with county supervisors.
- F4. Due to the lack of an interim support loan, the Placer County seniors MOW service was changed from the delivery of a daily hot meal by SF to a once weekly delivery of five frozen meals by ACC. ACC purchases its frozen meals from Bateman. This change also had the unintended result that the daily personal contact and needs assessment of the seniors being serviced, as provided by the SF delivery staff, were not being accomplished.

**Recommendations**

The Grand Jury recommends:

- R1. The Board of Supervisors should establish a documented understanding between itself and its appointees regarding the expected information flow to ensure that it receives complete, timely and accurate information from its appointees. This flow should be bi-directional and conducted on a routine schedule.

**Responses:**

**Placer County Board of Supervisors**





## COUNTY OF PLACER

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OFFICE OF  
COUNTY EXECUTIVE  
David Boesch, County Executive Officer

175 FULWEILER AVENUE / AUBURN, CALIFORNIA 95603  
TELEPHONE: 530/889-4030  
FAX: 530/889-4023  
www.placer.ca.gov

September 23, 2014

Alan V. Pineschi, Presiding Judge  
Placer County Superior Court  
P.O. Box 619072  
Roseville, CA 95661

RECEIVED

SEP 24 2014

PLACER COUNTY  
GRAND JURY

Re: 2013-14 Grand Jury Final Report – *Meals on Wheels*

Dear Judge Pineschi,

This letter is in response to the 2013-14 Grand Jury's Findings & Recommendations from the report titled *Placer County Meals on Wheels: A Failure to Communicate*. The Placer County Board of Supervisors would like to thank the members of the 2013-14 Grand Jury for their efforts associated with the Meals on Wheels review.

### Findings of the Grand Jury

1. No documented policy or procedure exists that defines the relationship between the BOS and its appointed commission representative to ensure that the BOS receives complete and timely information.

**Board of Supervisors Response:** The Board of Supervisors agrees with this finding. The County is in the process of clarifying the communication channels between the Board of Supervisors and its representatives for the future.

2. There was a Placer County BOS representative present at the A4AA meeting at which requests for financial assistance from the counties made.

**Board of Supervisors Response:** The Board of Supervisors agrees with this finding. The representative was present at the meeting; however the Placer County Supervisor, who serves as an alternate, was unable to attend.

3. The BOS and the CEO's office stated they never received any requests for interim support loans from either A4AA staff or their appointed A4AA representatives; although, the A4AA minutes of October 11, 2013 clearly state that they are requesting financial assistance from each county until federal dollars are received. In addition, the minutes state A4AA staff is in active communication with county supervisors.

**Board of Supervisors Response:** The Board of Supervisors partially disagrees with this finding. Although a representative was present at the meeting where the intent to request financial assistance was raised, a formal written request for financial assistance by A4AA was not received by the Placer County Board of Supervisors.

4. Due to the lack of an interim support loan, the Placer County seniors MOW service was changed from the delivery of a daily hot meal by SF to a once weekly delivery of five frozen meals by ACC. ACC purchases its frozen meals from Bateman. This change also had the unintended result that the daily personal contact and needs assessment of the seniors being serviced, as provided by the SF delivery staff, were not being accomplished.

**Board of Supervisors Response:** The Board of Supervisors is unable to respond to this finding. While we understand that A4AA conducted a RFP that resulted in a new delivery model, the Board of Supervisors is unable to comment on the decision making process for that action.

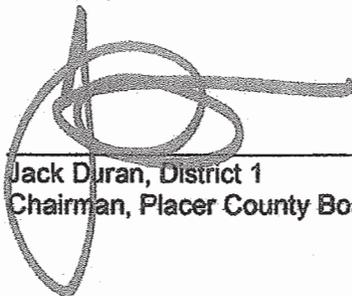
### Recommendations of the Grand Jury

1. The Board of Supervisors should establish a documented understanding between itself and its appointees regarding the expected information flow to ensure that it receives complete, timely and accurate information from its appointees. This flow should be bi-directional and conducted on a routine schedule.

**Board of Supervisors Response:** This recommendation has not yet been implemented, but will be implemented in the future. The County is in the process of defining the roles of representatives to provide for more effective communication. The Supervisor serving as an alternate representative on the A4AA Governing Body, continues to attend as many meetings as his schedule permits, and is finalizing appointment of a new representative to the A4AA Governing Body.

The Board of Supervisors appreciates the work of the 2013-14 Placer County Grand Jury in their report regarding Placer County Meals on Wheels.

Sincerely,



---

Jack Duran, District 1  
Chairman, Placer County Board of Supervisors

cc: Sharon Stanners, Foreperson of Placer County Grand Jury  
David Boesch, Placer County Executive Officer  
Mary Dietrich, Director of Facility Services

## **Findings and Recommendations**

### **2013-2014 Grand Jury Report**

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#### ***ANTI-BULLYING POLICIES IN MIDDLE AND HIGH SCHOOLS: ARE THEY EFFECTIVE?***

##### **Findings**

- F1. PCOE has not updated its bullying policy since 2003, even though the individual school districts update their policies annually.
- F2. Although the individual schools we investigated do promote their own anti-bullying events, currently, PCOE has no district guidelines with which to promote bullying awareness, such as guest speaker programs/presentations to students, bullying awareness weeks, and other events in which students can participate in order to facilitate positive solutions to the problem.
- F3. Every high school and middle school has a written policy against bullying, which includes graduated enforcement policies that could result in suspension or expulsion of a student for bullying. All the policies appear to comply with state laws and are published and distributed in student handbooks. Although the terminology used in the student handbooks differs, each handbook clearly describes the types of prohibited behavior and the consequences of bullying.
- F4. Not all student handbooks state which options are available to students to report bullying other than reporting incidents directly to a teacher, counselor, or administrator. Some schools have peer-to-peer resources, i.e., student mentors that staff a peer-bullying hotline and an “anti-bullying club.”
- F5. Several handbooks state that a student who is a witness to bullying is required to report the incident. At least one school has a “secret witness” program that offers reporting anonymity and a reward for reporting. At least one school considers a student who witnesses bullying, but fails to report it, as being part of the problem.
- F6. No school was identified as having a comprehensive program to evaluate the effectiveness of its anti-bullying programs and policies. Anti-bullying policies are widely implemented, but not widely evaluated. Most schools do not have a program that surveys students anonymously on the prevalence and types of bullying that they experience or witness.
- F7. The Grand Jury was impressed by anti-bullying material and programs available to schools through the Placer County Sheriff’s Office.

##### **Recommendations**

The Grand Jury recommends:

- R1. High schools and middle schools provide an environment that is safe for reporting both bullying and cyber bullying.
- R2. Schools implement a policy that requires that both parents/legal guardian and students sign a document that acknowledges that they have read and understood the sections in the handbook

## **Findings and Recommendations**

### **2013-2014 Grand Jury Report**

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pertaining to bullying and cyberbullying. These documents need to be kept in the student's file for possible reference.

- R3. High schools and middle schools utilize resources such as the Placer County Sheriff's School's Resource Department program, semi-annual student assemblies, and classroom seminars in order to educate students of the dangers and consequences of bullying and cyberbullying for both the bully and the bullied
- R4. Professional training for all teachers for identifying the bullying victim and the bully before an incident occurs, and to deal with bullying incidents in the event they do occur.
- R5. Schools should develop a comprehensive means to evaluate the effectiveness of their anti-bullying programs and policies. Schools should conduct semi-annual anonymous surveys of the student body to measure the effectiveness of anti-bullying programs. In addition to gathering information regarding the amount and type of bullying that the student has experienced, the survey should seek student perceptions of the attitudes of teachers and administrators toward bullying.
- R6. The results of the semi-annual evaluations and student surveys should be posted on school websites.
- R7. PCOE should update its bullying policy.

#### **Responses:**

**Gayle Garbolino-Mojica** , - Placer County Supt. Of Schools

**George Sziraki** , - Supt., Placer Union High School District

**Roger Stock** , - Supt., Rocklin Unified School District

**Ron Severson/Tony Monetti** , - Supt., Roseville Joint Union High School District

**Robert Leri** , -Supt., Tahoe-Truckee Unified School District

**Scott Leaman** , - Supt., Western Placer Unified School District

**Brad Tooker** , - Supt., Dry Creek Joint Elementary school District

**Laura Grassmann** , - Supt., Auburn Union School District

**Linda Rooney** , - Supt., Eureka Union School District

**Shannon Jacinto** , - Supt., Foresthill Union School District

**Gordon Medd** , - Supt., Loomis Union School District

**Kathleen Daugherty** , - Supt., Newcastle Elementary School District

**Derk Garcia** , - Supt., Roseville City School District



GOLD IN EDUCATION

Gayle Garbolino-Mojica  
County Superintendent of Schools

August 29, 2014

RECEIVED

SEP 02 2014

PLACER COUNTY  
GRAND JURY

**Board of Education**

Susan Goto  
Area 1

Suzanne Jones  
Area 1

Robert Tomasini  
Area 1

Kelli Gnile  
Area 2

David Patterson, Ed. D.  
Area 3

Lynn Oliver  
Area 4

E. Ken Tokutomi  
Area 4

The Honorable Alan V. Pineschi  
Presiding Judge of the Superior Court  
County of Placer  
PO Box 619072  
Auburn, CA 95603

Dear Judge Pineschi:

I would like to submit my response to the findings and recommendations contained in the 2013-14 Grand Jury Report pertaining to *Anti-Bullying Policies in Middle and High Schools: Are They Effective?* I have carefully reviewed the information and recommendations formulated by the Placer County Grand Jury pertaining to anti-bullying policies. After a thorough review, my responses are as follows:

FINDINGS

I agree with findings numbered 3, 4, 5 and 7.

I disagree with findings numbered 1, 2 and 6

Finding #1: PCOE disagrees with the Grand Jury that it does not have an updated policy on bullying. At this time, PCOE is unable to identify the 2003 document noted by the Placer County Grand Jury as our outdated bullying policy as such policy was not given to the Grand Jury by the county superintendent or her staff with whom have knowledge of current policies.

Rather, PCOE has many updated policies that reference a prohibition on bullying. In addition to a student handbook that is given to students enrolled in our schools (both Court/Community Schools and our Pathways Charter Schools) in academic year 2014-15, the handbook cites Education Code 48900(r) which specifically details that students who bully will be subjected to suspension/expulsion procedures delineated in 48900. "Bullying" is any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils directed toward one or more pupils that have or can be reasonably predicted to have a negative effect on the bullied student.

In addition, The Placer County Board of Education has recently updated many board policies that reference a prohibition on bullying. For example Board Policy 0410 "Nondiscrimination in District Programs and Activities" was updated in 2014; Administrative Regulation 0450 "Comprehensive Safety Plan" was updated in 2013; Board Policy and Administrative Regulation 1312.3 "Uniform Complaint Procedures" was updated in 2013.

**Superintendent's Cabinet**

Jerry Johnson  
Associate Superintendent  
Business Services

Renee Regacho-Anaclerio, Ed. D.  
Associate Superintendent  
Educational Services

Phillip J. Williams  
Associate Superintendent  
Student Services

Catherine Goins  
Assistant Superintendent  
Early Education & Administration

James L. Anderberg  
Executive Director  
Administrative Services

Mary Ann Garcia  
Executive Director  
Human Resources

Superintendent's Policy 5131.2 "Bullying" was recently adopted by the County Superintendent and a complementary Placer County Board of Education Policy has been drafted and is awaiting approval of the Placer County Board of Education at its upcoming meeting. This policy incorporates the principles of AB 256 that was signed by Governor Brown at the end of 2013 which provides schools greater authority to intervene and address cyberbullying, even when it occurs away from school, during non-school hours.

**Finding #2:** PCOE has implemented in its programs and in numerous schools throughout the county a PBIS (Positive Behavioral Intervention and Support) program which is a research-based program that focuses on positive school culture and the elimination of negative student behaviors, including bullying. PCOE has focused on comprehensive school climate programs to address bullying, not program speakers or presentations. Though they may raise awareness, these types of one time programs do very little to curb bullying behavior.

**Finding #6:** PCOE programs and schools that participate in the PBIS program are required to analyze and evaluate the effectiveness of the program using the School Wide Information System, developed by the University of Oregon. The data analysis on movement towards a positive school culture is then reviewed by the county office of education staff who oversees the research-based program of PBIS. The data is used by each school team PCOE supports to make real time decision making regarding school climate and behavior.

### RECOMMENDATIONS

Recommendations numbered 1, 2, 3 and 7 were implemented prior to the Grand Jury's report.

Recommendations numbered 4 and 5 require future analysis.

Recommendation number 6 will not be implemented because it is not warranted or is not reasonable.

#### RECOMMENDATION #1 -

High schools and middle schools provide an environment that is safe for reporting both bullying and cyberbullying.

---

#### RESPONSE:

*This recommendation was implemented prior to the Grand Jury Report.*

High schools and middle schools in Placer County do provide an environment that is safe for reporting bullying and cyberbullying.

RECOMMENDATION #2:

Schools implement a policy that requires that both parents/legal guardian and students sign a document that acknowledges that they have read and understood the sections in the handbook pertaining to bullying and cyberbullying. These documents need to be kept in the student's file for possible reference.

RESPONSE:

*This recommendation was implemented prior to the Grand Jury Report.*

Schools in Placer County typically have a practice of reviewing a student handbook and/or set of behavior expectations and requiring parental signature from the parents that the student and the child have read and understood the expectations of the school which include the prohibition of bullying. These signed papers are typically kept at the school site and it is unknown whether or not they are placed in the student's cumulative file.

RECOMMENDATION #3:

High schools and middle schools utilize resources such as the Placer County Sheriff Schools Resource Department program, semi-annual student assemblies, and classroom seminars in order to educate students of the dangers and consequences of bullying and cyberbullying for both the bully and the bullied.

RESPONSE:

*This recommendation was implemented prior to the Grand Jury Report.*

Placer County high schools and middle schools utilize a variety of resources from federal, state, local, nonprofit and for profit organizations that illustrate the harmful effects of bullying. Ten districts in Placer County have begun training in Positive Behavior Interventions and Supports (PBIS) with 42 schools being involved in training. All schools involved in PBIS hold sessions for teaching rules and expectations to students as well as to staff. This is done through a variety of mediums and often blended to meet the needs of the students.

RECOMMENDATION #4:

Professional training for all teachers for identifying the bullying victim and the bully before an incident occurs, and to deal with bullying incidents in the event they do occur.

RESPONSE:

*This recommendation requires further analysis.*

There are a variety of ways in which professional school staff is educated on bullying and how to identify it. Many schools in the county participate in BEST (Building Effective Schools Together) or PBIS (Positive Behavioral Intervention and Support) which focuses on positive school climate and eliminating negative behaviors such as bullying. These holistic systemic approaches to turn around a climate of fear and disengagement at schools are researched-based and have much better outcomes than one single in-service on bullying.

RECOMMENDATION #5:

Schools should develop a comprehensive means to evaluate the effectiveness of their anti-bullying programs and policies. Schools should conduct semi-annual anonymous surveys of the student body to measure the effectiveness of anti-bullying programs. In addition to gathering information regarding the amount and type of bullying that the student has experienced, the survey should seek student perceptions of the attitudes of teachers and administrators toward bullying.

RESPONSE:

*This recommendation requires further analysis.*

The researched-based programs of BEST and PBIS which are utilized in many of our county schools, do have a data analysis component to their programs that provide a variety of useful data to determine where problem areas and behaviors for school staff to analyze. That analysis is then used to proactively monitor and/or implement changes at the school site that will reduce identified negative behavior – such as bullying. In a recent study involving PBIS, the researchers concluded, “Analyses indicated that children in schools that implemented SWPBIS [School Wide Positive Behavior Intervention and Support] displayed lower rates of teacher-reported bullying and peer rejection than those in schools without SWPBIS. A significant interaction also emerged between grade level of first exposure to SWPBIS and intervention status, suggesting that the effects of SWPBIS on rejection were strongest among children who were first exposed to SWPBIS at a younger age.”<sup>1</sup>

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<sup>1</sup> Waasdorp, T., Bradshaw, C., & Leaf, P., (2012) The Impact of School-wide Positive Behavioral Interventions and Supports on Bullying and Peer Rejection: A Randomized Controlled Effectiveness Trial. *Archive of Pediatric Adolescent Medicine*. 2012;166(2):149-156

RECOMMENDATION #6:

The results of the semi-annual evaluations and student surveys should be posted on the school websites.

RESPONSE:

*This recommendation will not be implemented because it is not warranted or is not reasonable.* PBIS schools analyze student behavior data on a much more frequent basis – at times weekly or monthly. In addition, this past year school districts are required to adopt a Local Control Accountability Plan (LCAP) that provides data on school climate such as suspensions, expulsions, attendance, truancies, etc. This data is collected through various means and based upon the data provided, the schools must set achievable goals and identify funds to implement those goals. This LCAP is then forwarded to the county superintendent for approval and is available on school districts' websites. This information on school climate is much more useful than a single stand-alone survey on bullying.

RECOMMENDATION #7:

PCOE should update its bullying policy.

RESPONSE:

*This recommendation has and was implemented prior to the Grand Jury Report.* PCOE disagrees with the Grand Jury that it does not have an updated policy on bullying. At this time, PCOE is unable to identify the 2003 document noted by the Placer County Grand Jury as our outdated bullying policy.

PCOE has many updated policies that reference a prohibition on bullying. In addition to a student handbook that is given to students enrolled in our schools (both Court/Community Schools and our Pathways Charter Schools) in academic year 2014-15, the handbook cites Education Code 48900(r) which specifically details that students who bully will be subjected to suspension/expulsion procedures at delineated in 48900. "Bullying" is any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils directed toward one or more pupils that have or can be reasonably predicted to have a negative effect on the bullied student.

In addition, The Placer County Board of Education has recently updated many board policies that reference a prohibition on bullying. For example Board Policy 0410

The Honorable Alan V. Pineschi  
August 29, 2014  
Page 6

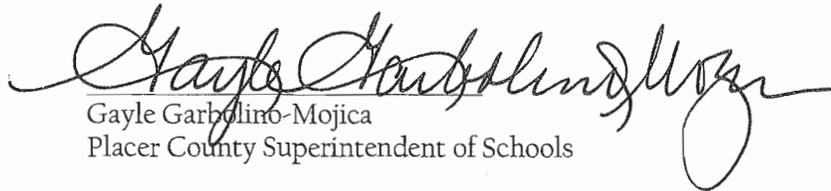
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“Nondiscrimination in District Programs and Activities” was updated in 2014;  
Administrative Regulation 0450 “Comprehensive Safety Plan” was updated in 2013;

Board Policy and Administrative Regulation 1312.3 “Uniform Complaint Procedures”  
was updated in 2013.

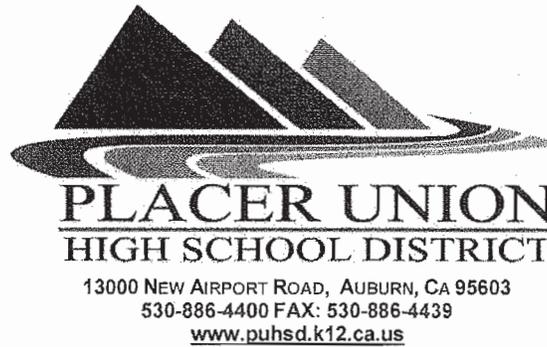
Superintendent’s Policy 5131.2 “Bullying” was recently adopted by the County  
Superintendent and a complementary Placer County Board of Education Policy has  
been drafted and is awaiting approval of the Placer County Board of Education at its  
upcoming meeting. This policy incorporates the principles of AB 256 that was  
signed by Governor Brown at the end of 2013 which provides schools greater  
authority to intervene and address cyberbullying, even when it occurs away from  
school, during non-school hours.

Respectfully submitted by:



Gayle Garbolino-Mojica  
Placer County Superintendent of Schools

**GEORGE S. SZIRAKI, JR. Ed.D.**  
SUPERINTENDENT  
**MR. DOUGLAS MARQUAND**  
ASSISTANT SUPERINTENDENT  
ADMINISTRATIVE SERVICES  
**MR. JEFFREY TOOKER**  
DEPUTY SUPERINTENDENT  
EDUCATIONAL SERVICES  
**MR. ERIC VEREYKEN**  
ASSISTANT SUPERINTENDENT  
OF HUMAN RESOURCES



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**RON OATES**  
AREA 4/DEL ORO  
**KATHLEEN GEARY**  
AREA 5/DEL ORO

**VIA CERTIFIED MAIL**

September 16, 2014

**RECEIVED**

SEP 19 2014

**PLACER COUNTY  
GRAND JURY**

The Honorable Alan V. Pineschi, Presiding Judge  
Placer County Superior Court  
Post Office Box 619072  
Roseville, CA 95661-9072

Placer County Grand Jury  
11532 B Avenue  
Auburn, CA 95603

RE: Response of the Superintendent of the Placer Union High School District

Dear Judge Pineschi:

Pursuant to California Penal Code Sections 933 and 933.05, the following is the Placer Union High School District's (PUHSD) formal response to the Placer County Grand Jury's report entitle, "*Anti-Bullying Policies in Middle and High Schools: Are they Effective?*"

**I. Introduction**

The Placer County Grand Jury requested a response from the Superintendent regarding Recommendations 1 through 6 by October 14, 2014. Accordingly, I am providing my response to those recommendations. I have also provided a response to each of the findings applicable to the PUHSD.

The PUHSD agrees with the Grand Jury that bullying is a serious problem—especially given technology and social media. It creates negative impacts for all victims. Because of this, the PUHSD takes bullying seriously, and acts expediently and effectively to curb any bullying activities in its schools.

The Grand Jury's report does not contain a definition of bullying. It can sometimes be difficult to differentiate bullying from a single acts of aggression. Accordingly, the PUHSD has provided this response based on the definition of bullying set forth at Education Code Section 49800, subdivision (r)(1). Subdivision (r)(1) defines bullying as follows:

“Bullying” means any severe or pervasive physical or verbal act of conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

- (A) Placing a reasonable pupil or pupils in fear of harm to that pupil’s or those pupils’ person or property.
- (B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
- (C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.
- (D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

Certain types of bullying, especially via social media/social networking, cannot be addressed by the PUHSD, because they occur off campus and are unrelated to school activities or school attendance. (Ed. Code, § 49800, subd. (s).) If these actions are not taken on school time and/or do not create a disruption for the school site, the PUHSD cannot impose discipline.

## II. RESPONSES TO FINDINGS APPLICABLE TO THE PUHSD

- A. **F2:** *“Although individual schools we investigated do promote their own anti-bullying events, currently, PCOE has no district guidelines with which to promote bullying awareness, such as guest speaker programs/presentations to students, bullying-awareness weeks, and other events in which students can participate in order to facilitate positive solutions to the problem.”*

### **Response to F2: Disagree in that the PUHSD Acts Autonomously to Develop Policies**

School districts in California operate independently, governed by their own governing boards. While county offices of education oversee certain aspects of school districts, such as certain fiscal matters, county offices do not provide guidelines to districts with regard to student discipline or bullying. The PUHSD has created and implemented its own bullying guidelines, as well as anti-bullying education programs. (See PUHSD Board Policies 0450, 1114, 5131.2, 5144, 5144.1, 5145.3 and 6145.2 and Administrative Regulations 5145.3 and 6145.2)

- B. **F3:** *“Every high school and middle school has a written policy against bullying, which includes graduated enforcement policies that could result in suspension or expulsion of a student for bullying. All the policies appear to comply with state laws and are published and distributed in student handbooks. Although the terminology used in the student handbooks differs, each handbook clearly describes the types of prohibited behavior and the consequences of bullying.”*

---

1  
Findings 1, 2 and 7 apply to the Placer County Office of Education, and other findings apply to other districts.

### **Response to F3: Concur**

The PUHSD's bullying policy and regulations, and the related provisions in school handbooks comply with state law. In addition, the prohibited behaviors and consequences are clearly described.

**F4:** *"Not all student handbooks state which options are available to students to report bullying other than reporting directly to a teacher, counselor, or administrators. Some schools have peer-to-peer resources, i.e., student mentors that staff a peer-bullying hotline and an "anti-bullying club."*

### **Response to F4: Cannot Respond as to Districts Other than the PUHSD but Concur that the PUHSD Maintains Peer-to Peer Resources**

All student handbooks for all of the PUHSD sites outline expectations and conflict resolution processes. Some schools in the PUHSD have peer-to-peer conflict management programs.

Further, all PUHSD student handbooks have the following: *The PUHSD has a policy of nondiscrimination on the basis of a person's actual or perceived ethnicity, religion, sex, gender, gender identity, gender expression, color, race, ancestry, national origin, physical or mental disability, age or sexual orientation or association with a person or a group with one or more of these actual or perceived characteristics, in any of its policies, practices or procedures programs or activities. PUHSD's nondiscrimination policies comply with the requirements of Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Individuals with Disabilities Education Improvement Act of 2004, AB 1266, and other related state and federal laws. Pupils or parents or any other individual having questions or concerns regarding these nondiscrimination and harassment policies or who may wish to file a complaint should contact the office of Mr. Jeff Tooker, Deputy Superintendent, Placer Union High School District, 13000 New Airport Road, Auburn, CA 95603 (530-886-4400)(BP 5145.3; AR 5145.3; AR 6145.2)*

- A. F5:** *"Several handbooks state that a student who is a witness to bullying is required to report the incident. At least one school has a "secret witness" program that offers reporting anonymity and a reward for reporting. At least one school considers a student who witnesses bullying, but fails to report it, as part of the problem.*

### **Response to F5: Cannot Respond as to Districts Other than the PUHSD, but Concur in Regarding Witness Failure to Report**

The PUHSD agrees that a student who witnesses bullying but fails to report it is part of the problem. This concern can be overcome through education of students, as the PUHSD has done in the past, and will continue to do. This includes, by way of illustration and not limitation, anti-bullying assemblies, anti-bullying classroom presentations, and routine conversations with students regarding a witness' role in reporting bullying. The PUHSD continues to be proactive in identifying and addressing this problem.

- B. F6:** *"No school was identified as having a comprehensive program to evaluate the effectiveness of its anti-bullying programs and policies. Anti-bullying policies are widely implemented, but not widely evaluated. Most schools do not have a program that surveys students anonymously on the prevalence and types of bullying that they experience or witness."*

**Response to F6: Cannot Respond as to Districts Other than the PUHSD, but Disagree in Part as to the PUHSD**

The PUHSD does not, as the Grand Jury notes, have an anonymous survey for students regarding bullying. In the PUHSD's experience, anonymous surveys tend to have a lower validity rate than other types of surveys. Further, the PUHSD believes that high school students have the maturity levels to report acts of bullying and other behavior issues and all student/parent handbooks, parent notifications and the PUHSD include resources to address these types of issues as well as references to the PUHSD's anti-bullying and anti-discrimination policies. (See PUHSD Board Policies 0450, 1114, 5131.2, 5144, 5144.1, 5145.3 and 6145.2 and Administrative Regulations 5145.3 and 6145.2)

- C. **F7:** *"The Grand Jury was impressed by anti-bullying material and programs available to schools through the Placer County Sheriff's Office."*

**Response to F7: Concur**

The PUHSD works closely with the Placer County Sheriff's resource office to report and investigate any student harassment and/or bullying that requires law enforcement intervention.

**III. RESPONSES TO RECOMMENDATIONS APPLICABLE TO THE PUHSD**

- A. **R1:** *"High schools and middle schools provide an environment that is safe for reporting both bullying and cyberbullying."*

**Response to R1: Concur in Part**

The PUHSD agrees, philosophically and as a policy matter, with the recommendation that high schools and middle schools should provide an environment that is safe for reporting all forms of bullying. The PUHSD believes, however, that it has provided such an environment for all of its students, regardless of grade level. Board Policies 0450, 1114, 5131.2, 5144, 5144.1, 5145.3 and 6145.2 and Administrative Regulations 5145.3 and 6145.2) provide strong anti-bullying policies.

- B. **R2:** *"Schools implement a policy that requires that both parents/legal guardians and students sign a document that acknowledges that they have read and understood the sections in the handbook pertaining to bullying and cyberbullying. These documents need to be kept in the student's file for possible reference."*

**Response to R2: Already Implemented**

The PUHSD requests all parents and students to review their student handbooks and provides direction to the school and district websites for further resources.

- C. **R3:** *"High Schools and middle schools utilize resources such as the Placer County Sheriff's School Resource Department program, semi-annual student assemblies, and classroom seminars in order to educate students of the dangers and consequences of bullying and cyberbullying for both the bully and the bullied."*

**Response to R3: Already Implemented in Part; Concur in Part**

As noted above, the PUHSD works closely with the Placer County Sheriff's Resource Officer to address bullying incidents. The PUHSD also provides annual anti-bullying assemblies and classroom presentations to its students.

- D. **R4:** *"Professional Training for all teachers for identifying the bullying victim and the bully before an incident occurs, and to deal with bullying incidents in the event they do occur."*

**Response to R4: Already Implemented in Part; Disagree in Part**

The PUHSD agrees that districts must train teachers to address bullying incidents if they occur, and the PUHSD provides such training in its professional development programs for teachers. With regard to identification of bullying victims and bullies prior to bullying incidents, there is no identified, nationally recognized professional training that provides educators specific skills in such identification. There is some danger in labeling students as potential bullies or victims, and doing so may negatively impact low performing students.

If, however, the Grand Jury has a recommendation for a nationally recognized program which provides such training for educators, the PUHSD would be interested in investigating possible implementation of the program.

- E. **R5:** *"Schools should develop a comprehensive means to evaluate the effectiveness of their anti-bullying programs and policies. Schools should conduct semi-annual anonymous surveys of the student body to measure the effectiveness of anti-bullying programs. In addition to gathering information regarding the amount and type of bullying that the student has experienced, the survey should seek student perceptions of the attitudes of teachers and administrators toward bullying."*

**Response to R5: Already Implemented in Part; Concur in Part**

The PUHSD conducted the California Healthy Kids survey in the past (every two years) as well as the Coalition for Placer Youth survey and have plans to develop our own survey expected to be conducted this school year (2014/15). The audience is students, and it will have questions pertaining to school environment—which include feeling safe, as well as questions pertaining to bullying.

Each school throughout the PUHSD must develop a Safe School Plan annually. A safety committee, which includes staff, parents, and students, reviews the plan from the prior year and creates the new plan for the current year. A component of this plan includes addressing bullying on campus (reporting, discipline).

In addition, schools conduct bullying workshops such as "Breaking Down the Walls" and "Point Break." Surveys are conducted at the end of each event. Further, data queries and reports through the "Aeries" system to identify bullying issues and patterns are regularly produced throughout each school year.

F. R6: "The results of the semi-annual evaluations and student surveys should be posted on school websites."

**Response to R6: Disagree**

The PUHSD disagrees with this recommendation for two reasons. First, the age of the students surveyed makes the topic sensitive. Second, because of the low validity rate of anonymous surveys, the surveys should be used only for internal purposes. The PUHSD will, however, provide the results to its Board, principals, and staff and will annually create programs to address the results of the surveys.

G. R7: "PCOE should update its bullying policy."

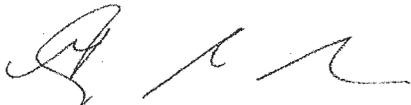
**Response: Cannot Address PCOE Actions; Already Implemented by the PUHSD**

The PUHSD regularly updates bullying policies, as required. The PUHSD is unable to address PCOE policies.

**IV. CONCLUSION**

The PUHSD recognizes that bullying is an increasing problem in public schools, and one that can be difficult to identify and address. The PUHSD takes this problem seriously, and follows all statutes and regulations regarding bullying and student due process and discipline. The PUHSD appreciates the Grand Jury's recognition of its efforts to curb bullying in its schools, and will continue to implement research-based, effective, and creative methods to cease bullying in its schools.

Respectfully submitted by:



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George S. Sziraki, Jr., Ed.D., Superintendent  
Placer Union High School District

# Rocklin Unified School District

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Phone • (916) 624-2428 Fax • (916) 624-7246



Roger Stock, Superintendent  
Deborah Sigman, Deputy Superintendent

Barbara Patterson, Deputy Superintendent  
Colleen Slattery, Assistant Superintendent

VIA CERTIFIED MAIL

September 25, 2014

The Honorable Alan V. Pineschi  
Presiding Judge of the Superior Court  
County of Placer  
PO Box 619072  
Auburn, CA 95603

Placer County Grand Jury  
11532 B Avenue  
Auburn, CA 95603

RECEIVED

OCT 02 2014

PLACER COUNTY  
GRAND JURY

Response of the Superintendent of the Rocklin Unified School District (RUSD) to the Grand Jury Report Entitled: *Anti-Bullying Policies in Middle and High Schools: Are They Effective?*

Dear Judge Alan V. Pineschi:

Pursuant to California Penal Code sections 933 and 933.05, the following is the Rocklin Unified School District's ("RUSD") formal response to the Grand Jury Report, entitled "*Anti-Bullying Policies in Middle and High Schools: Are They Effective?*"

I have carefully reviewed the findings and recommendations formulated by the Placer County Grand Jury as they pertain to RUSD anti-bullying policies at our middle and high schools.

## FINDINGS

I agree with findings numbered 3, 4, and 5.

I disagree wholly or partly with findings numbered 2 and 6.

**Finding 2:** Disagree in that RUSD Acts Autonomously to Develop Policies. School districts in California operate independently, governed by their own governing boards. While county offices of education oversee certain aspects of school districts, such as certain fiscal matters, county offices do not provide guidelines to districts with regard to student discipline or bullying. The RUSD has created and implemented its own bullying guidelines, as well as anti-bullying education programs, under the guidelines and guidance of California School Board Association (CSBA) Gamut Online/Manual Maintenance (See RUSD Board Policy 5137 - Positive School Climate, RUSD Board Policy 5131 - Conduct, RUSD Board Policy/Administration Regulation 5144.1 – Suspension and Expulsion/Due Process).

**Finding 6:** RUSD Does Evaluate Anti-Bullying Programs and Policies via Surveys. RUSD does not, as the Grand Jury notes, have an “anonymous” survey for students regarding bullying; however, the district does conduct both parent and employee surveys. Parent surveys include questions about safe schools. Teacher surveys include questions about expectations related to student behavior and issues with technology use. In addition, to the extent parents have expressed concerns regarding bullying, RUSD has addressed their concerns. The surveys reflect that parents believe that previously listed concerns have been addressed. RUSD agrees that it widely implements anti-bullying policies. (See RUSD Board Policy 5137 - Positive School Climate, RUSD Board Policy 5131 - Conduct, RUSD Board Policy/Administration Regulation 5144.1 – Suspension and Expulsion/Due Process).

### **RECOMMENDATIONS**

I agree with Recommendations 1, 2, and 3.

I agree with Recommendation 4, in part.

Recommendation 5 will be implemented (in preparation for the 2015-16 school year).

I disagree with Recommendation 6.

#### **RECOMMENDATION # 4:**

*“Professional Training for all teachers for identifying the bullying victim and the bully before an incident occurs, and to deal with bullying incidents in the event they do occur.”*

#### **Response to R4:**

**RUSD agrees that districts must train teachers to address bullying incidents and RUSD provides such training in its professional development programs for teachers. With regard to identification of bullying victims and bullies prior to bullying incidents, there is no identified, nationally recognized professional training that provides educators specific skills in such identification. There is some danger in labeling students as potential bullies or victims, and doing so may negatively impact low performing students. If, however, the Grand Jury has a recommendation for a nationally recognized program which provides such training for educators, RUSD would be happy to investigate implementing the program.**

#### **RECOMMENDATION #5:**

*“Schools should develop a comprehensive means to evaluate the effectiveness of their anti-bullying programs and policies. Schools should conduct semi-annual anonymous surveys of the student body to measure the effectiveness of anti-bullying programs. In addition to gathering information regarding the amount and type of bullying that the student has experienced, the survey should seek student perceptions of the attitudes of teachers and administrators toward bullying.”*

**Response to R5:**

RUSD agrees that districts should develop a comprehensive means to evaluate the effectiveness of anti-bullying programs and policies. Staff will be working on developing surveys with the goal of gathering information regarding the amount and type of bullying, including student perceptions of teacher/administrator attitudes towards bullying (goal is to implement the surveys in the 2015-16 school year).

**RECOMMENDATION #6:**

*“The results of the semi-annual evaluations and student surveys should be posted on school websites.”*

**RESPONSE to R6:**

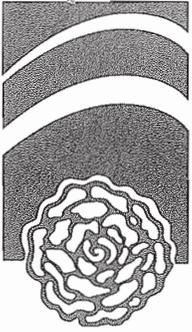
RUSD believes providing the information to the Board of Trustees, administration, and staff members is sufficient (as opposed to posting on district webpages). However, parents may request the information, should they so desire. Should the Grand Jury dictate that the surveys/evaluations be posted to websites, the district will comply.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Stock', with a large, sweeping flourish extending to the right.

Roger Stock  
Superintendent





# Roseville Joint Union High School District

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RON SEVERSON, Superintendent

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VIA CERTIFIED MAIL

September 30, 2014

**RECEIVED**

**OCT 08 2014**

**PLACER COUNTY  
GRAND JURY**

Honorable Alan V. Pineschi, Presiding Judge  
Placer County Superior Court  
P.O. Box 619072  
Roseville, CA 95661-9072

Placer County Grand Jury  
11532 B Avenue  
Auburn, CA 95603

Re: Response of the Superintendent of the Roseville Joint Union High School District to the Grand Jury Report Entitled: "Anti-Bullying Policies in Middle and High Schools: Are They Effective?"

Dear Judge Alan V. Pineschi:

Pursuant to California Penal Code sections 933 and 933.05, the following is the Roseville Joint Union High School District's (RJUHS) formal response to the Grand Jury Report, entitled "Anti-Bullying Policies in Middle and High Schools: Are They Effective?"

## **I. INTRODUCTION**

The Grand Jury requested a response from the Superintendent regarding Recommendations 1 through 6 by October 14, 2014. Accordingly, I am providing my response to those recommendations. I have also provided a response to each of the findings applicable to the RJUHS.

RJUHS agrees with the Grand Jury that bullying is a serious problem, especially given technology and social media. It creates negative impacts for all victims. Because of this, RJUHS takes bullying seriously, and acts expediently and effectively to curb any bullying activity in its schools.

The Grand Jury's report does not contain a definition of bullying. It can sometimes be difficult to differentiate bullying from a single act of aggression. Accordingly, the District has provided this response based on the definition of bullying set forth at

Education Code section 49800, subdivision (r)(1). Subdivision (r)(1) defines bullying as follows:

“Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

(A) Placing a reasonable pupil or pupils in fear of harm to that pupil’s or those pupils’ person or property.

(B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.

(C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.

(D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

Certain types of bullying, especially via social media/social networking, cannot be addressed by RJUHSD in certain circumstances, because they occur off campus and are unrelated to school activities or school attendance. (Ed. Code, § 49800, subd. (s).) If these actions are not taken on school time and/or do not create a disruption for the school site, the District cannot impose discipline.

## II. RESPONSES TO FINDINGS APPLICABLE TO RJUHSD

A. **F2:** *“Although individual schools we investigated do promote their own anti-bullying events, currently, PCOE has no district guidelines with which to promote bullying awareness, such as guest speaker programs/presentations to students, bullying-awareness weeks, and other events in which students can participate in order to facilitate positive solutions to the problem.”*

### **Response to F2: Disagree in that RJUHSD Acts Autonomously to Develop Policies**

School districts in California operate independently, governed by their own governing boards. While county offices of education oversee certain aspects of school districts,

such as certain fiscal matters, county offices do not provide guidelines to districts with regard to student discipline or bullying. The RJUHSD has created and implemented its own bullying guidelines, as well as anti-bullying education programs. (See EXHIBIT A RJUHSD Board Policies/Staff Rules 5131.4, 5144 and 5144.1)

- B. F3:** *“Every high school and middle school has a written policy against bullying, which includes graduated enforcement policies that could result in suspension or expulsion of a student for bullying. All the policies appear to comply with state laws and are published and distributed in student handbooks. Although the terminology used in the student handbooks differs, each handbook clearly describes the types of prohibited behavior and the consequences of bullying.”*

**Response to F3: Concur**

The District’s bullying policy and regulations, and the related provisions in school handbooks comply with state law. In addition, the prohibited behaviors and consequences are clearly described.

- C. F4:** *“Not all student handbooks state which options are available to students to report bullying other than reporting directly to a teacher, counselor, or administrators. Some schools have peer-to-peer resources, i.e., student mentors that staff a peer-bullying hotline and an “anti-bullying club.”*

**Response to F4: Cannot respond as to Districts Other than RJUHSD, but Concur that RJUHSD Maintains Peer-to Peer Resources and clubs that focus on anti-bullying efforts.** One site reported: Students are often assisted in resolving peer conflict through the use of social work inters or administrators. Another site reported: Students are also encouraged to utilize a conflict resolution process through counselors, administrators, and/or Learning Support Specialists, although it is still an informal process. At another site a section in the student handbook on Positive Behavior Intervention and Support tells students of school-wide expectations and who to contact to resolve conflict.

Not all forms of bullying are appropriate for peer-to-peer reporting, however. The severity of the incident(s) dictate whether a report to an adult is appropriate.

- D. F5:** *“Several handbooks state that a student who is a witness to bullying is required to report the incident. At least one school has a “secret witness” program that offers reporting anonymity and a reward for reporting. At least one school considers a student who witnesses bullying, but fails to report it, as part of the problem.*

**Response to F5: Cannot Respond as to Districts Other than RJUHSD, but Concur in Regarding Witness Failure to Report**

RJUHSD agrees that a student who witnesses bullying but fails to report it is part of the problem. This concern can be overcome through education of students, as RJUHSD has done in the past, and continues to do. This includes, by way of illustration and not limitation, anti-bullying assemblies, anti-bullying classroom presentations, and routine conversations with students regarding a witness' role in reporting bullying. RJUHSD continues to be proactive in identifying and addressing this problem.

- E. **F6:** *“No school was identified as having a comprehensive program to evaluate the effectiveness of its anti-bullying programs and policies. Anti-bullying policies are widely implemented, but not widely evaluated. Most schools do not have a program that surveys students anonymously on the prevalence and types of bullying that they experience or witness.”*

**Response to F6: Cannot Respond as to Districts Other than RJUHSD, but Disagree in Part as to RJUHSD.**

RJUHSD does not, as the Grand Jury notes, have an anonymous survey for students regarding bullying. In our experience, anonymous surveys tend to have a lower validity rate than other types of surveys.

The District does, however, conduct student, parent and employee surveys. Parent surveys include questions about safe schools. Teacher surveys include questions about expectations related to student behavior and issues with technology use. As part of the accreditation process, all of the schools in the RJUHSD survey students and parents on an array of issues, including bullying and school safety. In addition, the California Healthy Kids Survey (CHKS) is administered bi-annually. The CHKS survey includes a number of questions about bullying and student safety.

RJUHSD agrees that it widely implements anti-bullying policies. (See EXHIBIT A RJUHSD Board Policies/Staff Rules 5131.4, 5144, and 5144.1)

- F. **F7:** *“The Grand Jury was impressed by anti-bullying material and programs available to schools through the Placer County Sheriff's Office.”*

**Response to F7: Concur**

RJUHSD works extremely closely with the Placer County Sheriff's resource office to report and investigate any student harassment and/or bullying that requires law enforcement intervention. In addition, the District's schools work closely with the

Roseville City Police Department and the Sacramento County Sheriff's Department. A School Resource Officer (SRO) is assigned to each of the comprehensive high schools and the continuation school in the District for four days a week (Tuesday-Friday). Additionally, schools in the RJUHSD have used social work interns to address some of the conflicts that have arisen on campus. Speakers and presentations have been scheduled to discuss bullying, harassment, racism, Campus Life, Breaking Down the Walls, Ripple Effect, and a "Social Networking/Cyberbullying" Presentation by Roseville Police Department. Schools with a Peer Helping Program also train students in conflict resolution. The District-wide PBIS Program is centered on respect, responsibility, integrity, and active engagement and has had a significant positive impact on the overall school culture and created an atmosphere of respect on a number of campuses.

### III. RESPONSES TO RECOMMENDATIONS APPLICABLE TO LUSD

- A. **R1:** *"High schools and middle schools provide an environment that is safe for reporting both bullying and cyberbullying."*

**Response to R1: Concur**

RJUHSD agrees, philosophically and as a policy matter, with the recommendation that high schools and middle schools should provide an environment that is safe for reporting all forms of bullying. The District believes that it has provided such an environment for all of its students. Board Policies/Staff Rules 5131.4, 5144, and 5144.1 provide strong anti-bullying policies, as well as the programs listed above in F7.

- B. **R2:** *"Schools implement a policy that requires that both parents/legal guardians and students sign a document that acknowledges that they have read and understood the sections in the handbook pertaining to bullying and cyberbullying. These documents need to be kept in the student's file for possible reference."*

**Response to R2:** Currently, at most sites, families are sent key documents during the registration process electronically. Parents/families acknowledge specific documents have been read. Families are not able to move forward in the registration process until they acknowledge reading every document that requires an acknowledgement. Once the family checks the box electronically indicating they have read the documents, that acknowledgement is kept in our student tracking system called AIRES. At other sites, parents sign a paper document with the same acknowledgements.

- C. **R3:** *"High Schools and middle schools utilize resources such as the Placer County Sheriff's School Resource Department program, semi-annual student assemblies, and*

*classroom seminars in order to educate students of the dangers and consequences of bullying and cyberbullying for both the bully and the bullied.”*

**Response to R3: Already Implemented in Part; Concur in Part**

As noted above, RJUHSD works closely with the school resource officers from each of our law enforcement agencies to address bullying incidents. RJUHSD also provides annual anti-bullying assemblies, classroom presentations to its students, and evening parent workshops.

- D. R4:** *“Professional Training for all teachers for identifying the bullying victim and the bully before an incident occurs, and to deal with bullying incidents in the event they do occur.”*

**Response to R4: Already Implemented in Part; Disagree in Part**

RJUHSD agrees that districts must train teachers to address bullying incidents if they occur, and RJUHSD provides such training in its professional development programs for teachers. With regard to identification of bullying victims and bullies prior to bullying incidents, there is no identified, nationally recognized professional training that provides educators specific skills in such identification. There is some danger in labeling students as potential bullies or victims, and doing so may negatively impact low performing students.

If, however, the Grand Jury has a recommendation for a nationally recognized program which provides such training for educators, RJUHSD would be happy to investigate implementing the program.

- E. R5:** *“Schools should develop a comprehensive means to evaluate the effectiveness of their anti-bullying programs and policies. Schools should conduct semi-annual anonymous surveys of the student body to measure the effectiveness of anti-bullying programs. In addition to gathering information regarding the amount and type of bullying that the student has experienced, the survey should seek student perceptions of the attitudes of teachers and administrators toward bullying.”*

**Response to R5: Already Implemented in Part; Concur in Part**

The RJUHSD conducts both parent and employee surveys. Parent surveys include questions about safe schools. Teacher surveys include questions about expectations related to student behavior and issues with technology use. Each site has an active safety committee as well. Students are surveyed in a number of ways. Bullying and safety issues are part of the student surveys for the WASC accreditation process. The State Healthy Kids surveys also include information related to bullying. The

individual sites survey students in a variety of approaches. The district will evaluate whether a more consistent approach to surveying students will garner information that will be helpful in improving campus safety.

RJUHSD agrees that student perceptions of teacher and administrator attitudes toward bullying are important. RJUHSD is concerned that anonymous surveys have a low validity rate.

- F. **R6:** *“The results of the semi-annual evaluations and student surveys should be posted on school websites.”*

**Response to R6: Disagree**

RJUHSD disagrees with this recommendation. Because of the low validity rate of anonymous surveys, the surveys should be used only for internal purposes. RJUHSD will, however, provide the results to its Board, principals, and staff and will annually create programs to address the results of the surveys.

- G. **R7:** *“PCOE should update its bullying policy.”*

**Response: Cannot Address PCOE Actions; Already Implemented by RJUHSD**

RJUHSD updates bullying policies, as required. RJUHSD is unable to address PCOE policies.

**IV. CONCLUSION**

RJUHSD recognizes that bullying is an increasing problem in public schools, and one that can be difficult to identify and address. The District takes this problem seriously, and follows all statutes and regulations regarding bullying and student due process and discipline. RJUHSD appreciates the Grand Jury’s recognition of its efforts to curb bullying in its schools, and will continue to implement research-based, effective, and creative methods to cease bullying in its schools.

Very truly yours,



Ron Severson  
Superintendent





*"Pathways to Possibilities and Student Success"*  
Robert J. Leri, Ed.D., Superintendent Chief Learning Office

**RECEIVED**

SEP 28 2014

**PLACER COUNTY  
GRAND JURY**

September 18, 2014

The Honorable Alan V. Pineschi  
Presiding Judge of the Superior Court  
County of Placer  
P.O. Box 619072  
Roseville, CA 95661

Placer County Grand Jury  
11532 B Avenue  
Auburn, CA 95603

Re: Response of Chief Learning Officer/Superintendent of Tahoe Truckee Unified School District to Grand Jury Report Entitled "Provisional Licensed Drivers: School Policies and Procedures"

Dear Judge Pineschi:

Please accept this letter as Tahoe Truckee Unified School District's ("District") formal response to the above referenced Grand Jury Report ("Report"). This response is submitted to you pursuant to Penal Code section 933.05. The District responds to the Grand Jury Report entitled "Anti-Bullying Policies in Middle and High Schools: Are They Effective?" under separate cover. I have thoroughly reviewed the information and recommendations contained in the Report pertaining to provisional drivers and respond as follows:

### FINDINGS

F1: District cannot respond regarding high schools in other districts located in Placer County but agrees that the District's high school student handbooks do not specifically reference Vehicle Code section 12814.6. However, our high school handbooks reference that the laws that govern the roads and highways apply to the student parking lots and that students are expected to follow all state laws.

F2: District cannot respond regarding high schools in other districts located in Placer County but agrees that the District's parking documents do not make specific reference to Vehicle Code section 12814.6

F3: District is unable to comment on this finding as it is based upon only one person's opinion and personal practice regarding provisional licensed drivers.

F4: District cannot respond as to other districts located in Placer County but disagrees with this finding as to the District. District's students receive information regarding provisional licenses from numerous sources, both on and off campus. Further, any student that obtains a provisional license must first pass a test demonstrating their understanding of the requirement of that license as well as other Vehicle Code requirements.

F5: District cannot respond regarding statements of a particular individual but agrees that drivers education is not required for high school graduation.

F6: District is unable to comment on this finding as it is based upon only one person's opinion and personal practice regarding provisional licensed drivers.

### RECOMMENDATIONS

R1: This recommendation requires further analysis. While the District is not opposed to adding a reference to Vehicle Code section 12814.6 to the student handbooks to remind students that it applies while on school grounds, District does not have any jurisdiction to impose consequences based on violations on or near campus. Further, violation of this Vehicle Code section is not a ground for student discipline under Education Code section 48900 and 48915.

R2: This recommendation has not yet been implemented but will be implemented during the current school year. As described above, District does not have jurisdiction to impose consequences based on Vehicle Code section 12814.6. However, District will make a concerted effort to remind parents of the requirements and restrictions of the provisional license and seek their reinforcement of these restrictions at home. District already addresses issues of student safety and parking in the student handbooks as well as in board policy.

R3: This recommendation was implemented prior to the Report. The District's high schools issue parking permits in order for students to park in school parking lots. Student parking lots are monitored and supervised and safety is strictly enforced.

R4: This recommendation will not be implemented because it is not warranted and/or is not reasonable. It would be extremely difficult, if not impossible, for the District to monitor the status of each student's driver's license. Further, student parking permits are not of such size, nor could they reasonably be, so that a person supervising or monitoring the parking lot could easily discern which drivers are driving with a provisional license and which are not. Implementation and enforcement of this recommendation would require the District to exceed the scope and authority of the District which cannot enforce Vehicle Code violations.

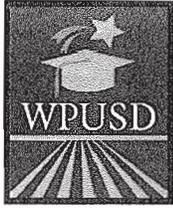
R5: This recommendation has not been implemented but will be reviewed for implementation within the current school year. District will review the current postings and signage at its high school parking lots to determine if the recommended language may be added.

We thank the Grand Jury for their hard work reviewing this issue at the schools in Placer County. Thank you for the opportunity to respond.

Regards,



Robert J. Leri  
Superintendent Chief Learning Officer  
Tahoe Truckee Unified School District



**WESTERN PLACER  
UNIFIED SCHOOL DISTRICT**

600 Sixth St, Suite 400, Lincoln CA 95648  
Ph: 916-645-6350

**Board of Trustees:** Paul Long  
Brian Haley  
Paul Carras  
Kris Wyatt  
Damian Armitage

**Superintendent:** Scott Leaman

September 30, 2014

**RECEIVED**

OCT 06 2014

The Honorable Alan V. Pineschi  
Presiding Judge of the Superior Court  
County of Placer  
P.O. Box 619072  
Roseville, CA 95661

Placer County Grand Jury  
11532 B Avenue  
Auburn, CA 95603

**PLACER COUNTY  
GRAND JURY**

Re: Response of Superintendent of Western Placer Unified School District to Grand Jury Report Entitled "Anti-Bullying Policies in Middle and High Schools: Are They Effective?"

Dear Judge Pineschi:

Please accept this letter as Western Placer Unified School District's ("District") formal response to the above referenced Grand Jury Report ("Report"). This response is submitted to you pursuant to Penal Code section 933.05. The District will respond to the Grand Jury Report entitled "Provisional Licensed Drivers: School Policies and Procedures" under separate letter. I have thoroughly reviewed the information and recommendations contained in the Report pertaining to anti-bullying policies and respond as follows:

**FINDINGS**

F1: District cannot respond regarding the policies of PCOE.

F2: District cannot respond regarding the PCOE guidelines. However, the District maintains its own anti-bullying policies and resources. These include Board Policies 5131, 5131.2, and 5145.3 as well as the expectations in the schools' student handbooks. The District utilizes Positive Behavioral Intervention and Supports (PBIS) which is a data-driven behavior program which teaches students the expectations and behaviors to be fostered at our schools. This program identifies problem areas and then collaborates with administration and staff to provide increased supervision and behavior modification. PBIS also includes reinforcement of positive behaviors and rewards with "Zebra Pride" passes and recognition. The District does also provide student assemblies and staff professional development regarding bullying and cyberbullying.

F3: District agrees with this finding. The District's anti-bullying policies, including student discipline for bullying, comply with state laws and are published and distributed in student handbooks as well as other locations.

F4: District cannot respond regarding schools in other school districts, but agree that not each student handbook at each of its schools states options for reporting bullying beyond reporting directly to a teacher, counselor, or administrator. However, the District provides many anti-bullying resources to students and staff alike.

F5: District cannot respond regarding practices and policies at other schools in other school Districts. District policies do not require students to report bullying they've witnessed. However, Lincoln High School's student handbook does provide that "To be a Fighting Zebra is to understand that being a quiet bystander to bullying is just as offensive as being the actual bully. Any incidents involving bullying, hazing or harassment should be reported immediately to a faculty member."

F6: District cannot respond regarding other schools in other school Districts. District disagrees with this finding as to itself. The District and its middle and high schools are constantly evaluating the effectiveness of their anti-bullying programs and policies. This is done through staff discussion, student input, and collaboration with outside agencies with expertise on bullying. District has comprehensive anti-bullying policies which it believes to be effective. For example, see BP 4131, 5131, 5132.2, and 5145.3. Also, as described above, District utilizes PBIS which is analyzed and evaluated for effectiveness.

F7: District agrees with this finding. The Placer County Sheriff's Office as well as other local law enforcement agencies work closely with the District to address bullying and harassment.

### **RECOMMENDATIONS**

R1: This recommendation was implemented prior to the Report. As described above, the District maintains board policies, student handbooks, student discipline procedures, PBIS, and staff training to ensure its schools are safe for students to report bullying and cyberbullying.

R2: This recommendation has been partially implemented. During the current school year the District will discuss implementing a similar policy and practice each of its middle and high schools which do not currently use such a process.

R3: This recommendation was implemented prior to the Report. The District's high schools and middle schools utilize the resources of local law enforcement and community resource groups to educate students of the dangers and consequences of bullying and cyberbullying. The District provides anti-bullying assemblies as well as classroom presentations to its students. The District also uses PBIS which provides training and expectations for students and staff alike.

R4: This recommendation was implemented prior to the Report. Professional development for teachers includes skills and strategies for establishing a climate that promotes respect, fairness, and discipline, including conflict resolution and intolerance and hatred



prevention. Additionally, the District utilizes PBIS which focuses on positive school climate and eliminating negative behaviors such as bullying.

R5: This recommendation has not been implemented but will be reviewed for implementation within the current school year. District is committed to utilizing a comprehensive means to evaluate the effectiveness of its anti-bullying program and polices. However, District is not convinced that the use of semi-annual anonymous surveys of the student body is the best way to measure the effectiveness of anti-bullying efforts. District believes that a thorough and meaningful evaluation must include frank and open dialogue amongst all stakeholders including students, teachers, and parents. Further, PBIS has a data analysis component which provides a variety of useful data to determine where problem areas and behaviors exist for school staff to analyze. This analysis is used to proactively monitor and/or implement change at the school site that will reduce identified negative behavior such as bullying.

R6: District disagrees with this recommendation and it will not be implemented. District is concerned that posting results of an anonymous student survey may not provide an accurate picture of the school climate. Additionally, to the extent surveys provided sensitive details it could inadvertently reveal issues and student situations not otherwise publicly known to all and which may personally identify students.

We thank the Grand Jury for their hard work reviewing this issue at the schools in Placer County. Thank you for the opportunity to respond.

Regards,



Scott Leaman  
Superintendent



VIA CERTIFIED MAIL

September 26, 2014

Honorable Alan V. Pineschi, Presiding Judge  
Placer County Superior Court  
P.O. Box 619072  
Roseville, CA 95661-9072

**RECEIVED**

**SEP 29 2014**

**PLACER COUNTY  
GRAND JURY**

Placer County Grand Jury  
11532 B Avenue  
Auburn, CA 95603

Re: Grand Jury Report Entitled: "Anti-Bullying Policies in Middle and High Schools:  
Are They Effective?"

Dear Judge Alan V. Pineschi:

On behalf of the Dry Creek Joint Elementary School District (DCJESD), I am submitting a response to the findings and recommendations contained in the 2013-14 Grand Jury Report pertaining to *Anti-Bullying Policies in Middle and High Schools: Are They Effective?*

### FINDINGS

We agree with findings numbered 1, 3, 4, 5 and 7.

We disagree with findings numbered 2 and 6.

**Finding #1:** DCJESD is unable to respond to and comment on PCOE policies. However, DCJESD does have updated bullying policies which were all Board approved between February 2012 through May 2014. (See Board Policies 1114, 5131.2, and 5145.3, and Administrative Regulations 0450 and 5144.1.)

**Finding #2:** The DCJESD acts autonomously to develop policy and has created and implemented its own bullying guidelines, as well as anti-bullying education programs. (See Board Policies 1114, 5131.2, and 5145.3, and Administrative Regulations 0450 and 5144.1.)

**Finding #3:** DCJESD's bullying policy and regulations, and the related provisions in school handbooks comply with state law. In addition, the prohibited behaviors and consequences are clearly described.

**Finding #4:** All student handbooks for all DCJESD sites outline expectations and conflict resolution processes. Some schools in the DCJESD have peer-to-peer conflict management programs. These programs are for students in grades four (4) through eight (8).

Not all forms of bullying are appropriate for peer-to-peer reporting, however. The severity of the incident(s) will dictate whether a report to an adult is appropriate. In addition, the methods of reporting must be age appropriate. DCJESD is an elementary district, K-8. As a result of the age of DCJESD students, primary communication occurs with parents. (The Grand Jury appears to have recognized that such a program would not be age appropriate for grades kindergarten through five (5), as the Report focuses on middle and high school levels only.)

**Finding #5:** DCJESD agrees that a student who witnesses bullying but fails to report it is part of the problem. This concern can be overcome through education of students, as DCJESD has done in the past, and will continue to do. This includes, by way of illustration and not limitation, anti-bullying assemblies, (Rachel's Challenge, Power Of One, A Touch of Understanding, anti-bullying classroom presentations, (Rescue and Report, You Are Not the Boss of ME, Talk the Walk and Sticks and Stones), classroom lessons, (Second Step and Steps to Respect) the Bully BUSTER program based upon research from educational psychologist, Michele Borba, and routine conversations with students regarding a witness' role in reporting bullying. DCJESD continues to be proactive in identifying and addressing this problem.

**Finding #6:** DCJESD agrees with the Finding that anti-bullying policies are widely implemented, but disagrees with the Finding that there is no method to survey students or evaluate the effectiveness of programs. DCJESD does conduct parent, student (4-8) and employee surveys. Parent surveys include questions about school safety and climate. Teacher surveys include questions about expectations related to student behavior and the appropriate use of technology. Student surveys do ask several questions related to bullying and each School Site Council reviews these results and targets programs and education that will address these concerns. To the extent parents have expressed concerns regarding bullying, DCJESD has addressed their concerns.

DCJESD currently has five of our nine schools actively involved in the PBIS process and content with our four other schools on the investigation phase. Positive Behavior Intervention System, (PBIS) is a nationally recognized comprehensive behavior support and bully prevention system, which is endorsed by anti-bully experts and authors such as Emily Bazelon in her book "Sticks and Stones" which we have utilized as a training tool for staff. PBIS also tracks reported data in order for schools to monitor and evaluate implementation effectiveness.

In addition, DCJESD is currently meeting with and investigating a partnership with an organization (Sprigeo) that does evaluate anti-bullying efforts with survey data to better inform, educate, and equip our schools to address bullying issues across all grade levels.

DCJESD agrees that it widely implements anti-bullying policies. (See DCJESD Board Policies 1114, 5131.2, and 5145.3, and Administrative Regulations 0450 and 5144.1.)

**Finding #7:** DCJESD works closely with the Placer County Sheriff's Department to report and investigate any student harassment and/or bullying that requires law enforcement intervention.

## **RECOMMENDATIONS**

Recommendations numbered 1, 2, 3, and 4 were implemented prior to the Grand Jury's report.

Recommendation number 5 was implemented in part prior to the Grand Jury Report and requires further analysis in part.

Recommendation number 6 will not be implemented because they are not warranted or are not reasonable.

### **Recommendation #1 ~**

*"High schools and middle schools provide an environment that is safe for reporting both bullying and cyberbullying."*

### **Response:**

*This recommendation was implemented prior to the Grand Jury Report.*

DCJESD agrees, philosophically and as a policy matter, with the recommendation that high schools and middle schools should provide an environment that is safe for reporting all forms of bullying. DCJESD believes that it has provided such an environment for all of its students, regardless of grade level. Board Policies 1114, 5131.2, and 5145.3, and Administrative Regulations 0450 and 5144.1 provide strong anti-bullying policies, and DCJESD also provides annual anti-bullying assemblies and classroom presentations.

### **Recommendation #2 ~**

*"Schools implement a policy that requires that both parents/legal guardians and students sign a document that acknowledges that they have read and understood the sections in the handbook pertaining to bullying and cyberbullying. These documents need to be kept in the student's file for possible reference."*

### **Response:**

*This recommendation was implemented prior to the Grand Jury Report.*

DCJESD requires parents and students to sign the student handbook and acknowledge that they have read and understood the handbook requirements, including disciplinary policies. DCJESD keeps each parent and student signature for the duration of the student's attendance at DCJESD schools.

### **Recommendation #3 ~**

*"High Schools and middle schools utilize resources such as the Placer County Sheriff's School Resource Department program, annual student assemblies, and classroom seminars"*

*in order to educate students of the dangers and consequences of bullying and cyberbullying for both the bully and the bullied.”*

**Response:**

*This recommendation was implemented prior to the Grand Jury Report.*

DCJESD works closely with the Placer County Sheriff’s Resource Officer, as well as the Placer County Office of Education, to provide resources to our schools. When necessary, DCJESD works closely with the Placer County Sheriff’s Department to address bullying incidents. DCJESD also provides annual anti-bullying assemblies and classroom presentations to its students.

DCJESD currently has five of our nine schools actively involved in the PBIS process and content with our four other schools on the investigation phase. Positive Behavior Intervention System, (PBIS) is a nationally recognized comprehensive behavior support and bully prevention system, which is endorsed by anti-bully experts and authors such as Emily Bazelon in her book “Sticks and Stones” which we have utilized as a training tool for staff. PBIS also tracks reported data in order for schools to monitor and evaluate implementation effectiveness.

**Recommendation #4 ~**

*“Professional Training for all teachers for identifying the bullying victim and the bully before an incident occurs, and to deal with bullying incidents in the event they do occur.”*

**Response:**

*This recommendation was implemented prior to the Grand Jury Report.*

DCJESD agrees that districts must train teachers to address bullying incidents if they occur, and DCJESD provides such training in its professional development programs for teachers. With regard to identification of bullying victims and bullies prior to bullying incidents, we believe that being proactive helps to minimize bullying incidents. Assisting staff in their ability to identify the bullying victim and bully before the incident occurs may provide a greater likelihood that the bullying incident can be avoided. As stated already, DCJESD utilizes effective programs such as PBIS, Character Counts in the lower elementary grades, as well as a student discipline program, to establish a comprehensive and common understanding among the staff and students regarding acceptable behavior, including anti-bullying. When bullying does occur, staff is able to address it quickly and consistently due to the well-established school-wide rules and consequences.

**Recommendation #5 ~**

*“Schools should develop a comprehensive means to evaluate the effectiveness of their anti-bullying programs and policies. Schools should conduct semi-annual anonymous surveys of the student body to measure the effectiveness of anti-bullying programs. In addition to gathering information regarding the amount and type of bullying that the student has experienced, the survey should seek student perceptions of the attitudes of teachers and administrators toward bullying.”*

**Response:**

*This recommendation was implemented in part prior to the Grand Jury Report and requires further analysis in part.*

DCJESD agrees that student perceptions of teacher and administrator attitudes toward bullying are important. DCJESD plans to review our current teacher and student surveys to ensure that our anti-bullying questions elicit the kind of data that informs and serves as a means of evaluating our overall school programs.

DCJESD does conduct parent, student (4-8) and employee surveys. Parent surveys include questions about school safety and climate. Teacher surveys include questions about expectations related to student behavior and the appropriate use of technology. Student surveys do ask several questions related to bullying and each School Site Council reviews these results and targets programs and education that will address these concerns. To the extent parents have expressed concerns regarding bullying, DCJESD has addressed their concerns.

As stated already, DCJESD utilizes effective programs such as PBIS, Character Counts in the lower elementary grades, as well as a student discipline program, to establish a comprehensive and common understanding among the staff and students regarding acceptable behavior, including anti-bullying. PBIS also tracks reported data in order for schools to monitor and evaluate implementation effectiveness. When bullying does occur, staff is able to address it quickly and consistently due to the well-established school-wide rules and consequences.

In addition, DCJESD is currently meeting with and investigating a partnership with an organization (Sprigeo) that does evaluate anti-bullying efforts with survey data to better inform, educate, and equip our schools to address bullying issues across all grade levels. The system allows for anonymous, online reporting of bullying by anyone connected with the school which could include students, teachers, other school staff, and parents.

**Recommendation #6:** ~

*"The results of the semi-annual evaluations and student surveys should be posted on school websites."*

**Response:**

*Recommendation will not be implemented because it is not warranted or is not reasonable.*

DCJESD disagrees with this recommendation for two reasons. First, the age of the our student makes the survey topic sensitive. Second, because of the low validity rate of anonymous surveys, the surveys should be used only for internal purposes. DCJESD will continue to provide the results to its Board, principals, and staff. Our staff will continue to analyze and evaluate current program effectiveness on a yearly basis to address the results of the surveys and to make necessary program changes or improvements.

PBIS schools analyze student behavior data on a much more frequent basis – at times weekly or monthly. In addition, this past year school districts are required to adopt a Local

Control Accountability Plan (LCAP) that provides data on school climate such as suspensions, expulsions, attendance, truancies, etc. This data is collected through various means and based upon the data provided, the schools must set achievable goals and identify funds to implement those goals. This LCAP is then forwarded to the county superintendent for approval and is available on our district website. In addition, information on bullying from parent and student surveys is included in school plans and posted on school and district websites.

In closing, the DCJESD recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. We have established student safety as a high priority, do not tolerate bullying of any student and take this issue very seriously. Strategies and programs for bullying prevention and intervention will continue to be developed and implemented. We appreciate the Grand Jury's inquiry into the effectiveness of anti-bullying policies and programs in our schools.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad Tooker', with a long horizontal flourish extending to the right.

Brad Tooker  
Superintendent



AUBURN UNION SCHOOL DISTRICT  
155 EPPERLE LANE  
AUBURN, CA 95603  
PHONE 530.885.7242  
FAX 530.885.5170

VIA CERTIFIED MAIL

September 4, 2014

Honorable Alan V. Pineschi, Presiding Judge  
Placer County Superior Court  
P.O. Box 619072  
Roseville, CA 95661-9072

Placer County Grand Jury  
11532 B Avenue  
Auburn, CA 95603

Re: Response of the Superintendent of the Auburn Union School District to the Grand Jury Report Entitled: "Anti-Bullying Policies in Middle and High Schools: Are They Effective?"

Dear Judge Pineschi:

Pursuant to California Penal Code sections 933 and 933.05, the following is the Auburn Union School District's ("AUSD") formal response to the Grand Jury Report, entitled "Anti-Bullying Policies in Middle and High Schools: Are They Effective?" (hereafter referred to as "Report").

I. INTRODUCTION

The Grand Jury requested that the Superintendent of the AUSD provide a response regarding Recommendations 1 through 6 of the Report by October 14, 2014. Accordingly, I am providing my response to Recommendations 1 through 6 of the Report, and to each of the findings applicable to AUSD.<sup>1</sup> AUSD is a K-8 school district. This response focuses on its one middle school, E.V. Cain S.T.E.M. Charter School ("E.V. Cain"), as the Report is directed only to middle and high school students.

AUSD appreciates the Grand Jury's interest in this matter. Bullying has become a serious problem in schools throughout the state and country. AUSD has taken a proactive approach to preventing and addressing bullying in its schools,

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<sup>1</sup> Finding 2 applies only to the Placer County Office of Education, and other findings apply to other districts.

including the use of the Positive Behavioral Interventions and Supports (PBIS) program, which is more fully discussed below.

The Grand Jury's Report does not contain a definition of bullying. It can sometimes be difficult to differentiate bullying from a single act of aggression. Accordingly, AUSD has provided this response based on the definition of bullying set forth in Education Code section 49800, subdivision (r)(1). Subdivision (r)(1) defines bullying as follows:

"Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

(A) Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.

(B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.

(C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.

(D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

Certain types of bullying, especially via social media/social networking, cannot be addressed by AUSD, because they occur off campus and are unrelated to school activities or school attendance. (Ed. Code, § 49800, subd. (s).) If these actions are not taken on school time and/or do not create a disruption for the school site, AUSD cannot impose discipline.

## II. RESPONSES TO FINDINGS APPLICABLE TO AUSD

- A. **F2:** *“Although individual schools we investigated do promote their own anti-bullying events, currently, PCOE has no district guidelines with which to promote bullying awareness, such as guest speaker programs/presentations to students, bullying-awareness weeks, and other events in which students can participate in order to facilitate positive solutions to the problem.”*

### **Response to F2: Disagree in that AUSD Acts Autonomously to Develop Policies**

School districts in California operate independently, governed by their own governing boards. While county offices of education oversee certain aspects of school districts, such as certain fiscal matters, county offices do not provide guidelines to districts with regard to student discipline or bullying. AUSD has created and implemented its own bullying guidelines, as well as anti-bullying education programs. AUSD Board Policies 0450, 1114, 5131, 5131.2, 5137, and 5145.3, and Administrative Regulations 0450, 1114, and 5144.1 (Attachments A-I) demonstrate AUSD’s commitment to preventing and/or addressing bullying in its schools.

- B. **F3:** *“Every high school and middle school has a written policy against bullying, which includes graduated enforcement policies that could result in suspension or expulsion of a student for bullying. All the policies appear to comply with state laws and are published and distributed in student handbooks. Although the terminology used in the student handbooks differs, each handbook clearly describes the types of prohibited behavior and the consequences of bullying.”*

### **Response to F3: Cannot Respond as to Districts Other than AUSD, but Concur With Regard to AUSD**

AUSD maintains appropriate and legal policies and regulations with regard to student behavior, student discipline, bullying, and related topics. All policies and regulations meet Education Code requirements for discipline for bullying. (See Ed. Code, § 48900, subd. (r).) In addition, E.V. Cain’s Code of Conduct publishes information about the District’s anti-bullying policy and regulation. (See Attachment J, Code of Conduct at p. 3; Attachment K, School Guidelines at p. 11.)

- C. **F4:** *“Not all student handbooks state which options are available to students to report bullying other than reporting directly to a teacher, counselor, or*

*administrators. Some schools have peer-to-peer resources, i.e., student mentors that staff a peer-bullying hotline and an “anti-bullying club.”*

**Response to F4: Cannot Respond as to Districts Other than AUSD. AUSD’s Student Handbook and School Guidelines State that Bullying Should Be Reported to an Adult**

E.V. Cain’s Code of Conduct and School Guidelines both state that bullying and harassment should be reported to an adult. (See Attachment J, Code of Conduct at p. 3; Attachment K, School Guidelines at p. 11.) AUSD does not maintain peer-to-peer reporting programs, but students often work in groups with a counselor to resolve issues.

Not all forms of bullying are appropriate for peer-to-peer reporting. The severity of the incident(s) dictate whether a report to an adult is appropriate.

- D. **F5:** *“Several handbooks state that a student who is a witness to bullying is required to report the incident. At least one school has a “secret witness” program that offers reporting anonymity and a reward for reporting. At least one school considers a student who witnesses bullying, but fails to report it, as part of the problem.*

**Response to F5: Cannot Respond as to Districts Other than AUSD, but Concur in Regarding Witness Failure to Report**

AUSD agrees that a student who witnesses bullying, but fails to report it, is part of the problem. This concern can be overcome through education of students, as AUSD has done in the past, and will continue to do. This includes, by way of illustration and not limitation, anti-bullying assemblies, anti-bullying classroom presentations, and routine conversations with students regarding a witness' role in reporting bullying. AUSD continues to be proactive in identifying and addressing this problem.

- E. **F6:** *“No school was identified as having a comprehensive program to evaluate the effectiveness of its anti-bullying programs and policies. Anti-bullying policies are widely implemented, but not widely evaluated. Most schools do not have a program that surveys students anonymously on the prevalence and types of bullying that they experience or witness.”*

**Response to F6: Cannot Respond as to Districts Other than AUSD, but Disagree in Part as to AUSD**

For the 2013/2014 school year, AUSD provided anonymous surveys to students regarding “school connectedness.” While these surveys were not specifically about bullying, they touched on bullying incidents. For the 2014/2015 school year, the District has contracted with WestEd to perform the Healthy Kids Survey. This anonymous student survey addresses bullying and related issues.

AUSD agrees that it widely implements anti-bullying policies. (See Attachments A-I, AUSD Board Policies 0450, 1114, 5131, 5131.2, 5137, and 5145.3, and Administrative Regulations 0450, 1114, and 5144.1.)

- F. **F7:** *“The Grand Jury was impressed by anti-bullying material and programs available to schools through the Placer County Sheriff’s Office.”*

**Response to F7: Concur**

AUSD will be happy to review and consider use of anti-bullying material and programs provided by the Placer County Sheriff's Office.

### III. RESPONSES TO RECOMMENDATIONS APPLICABLE TO AUSD

- A. **R1:** *“High schools and middle schools provide an environment that is safe for reporting both bullying and cyberbullying.”*

#### **Response to R1: Concur in Part**

AUSD agrees, philosophically and as a policy matter, with the recommendation that high schools and middle schools should provide an environment that is safe for reporting all forms of bullying. AUSD believes, however, that it has provided such an environment for all of its students, regardless of grade level. Board Policies 0450, 1114, 5131, 5131.2, 5137, and 5145.3, and Administrative Regulations 0450, 1114, and 5144.1 provide strong anti-bullying policies and procedures. (See Attachments A-I.)

The District’s implementation of the PBIS program is a tool that attempts to prevent incidents of bullying, and has been successful. (See Attachment L, PBIS Flow Chart.) The program provides for both positive recognition and intervention to prevent or stop negative behaviors. Rather than focusing simply on discipline, PBIS also provides for alternative interventions, such as counseling, behavior contracts, and tutoring to assist students who demonstrate behavior issues.

AUSD also provides annual anti-bullying assemblies and classroom presentations, staff development, and posts “No Bully Zone” signs in all gyms and in other school site locations.

- B. **R2:** *“Schools implement a policy that requires that both parents/legal guardians and students sign a document that acknowledges that they have read and understood the sections in the handbook pertaining to bullying and cyberbullying. These documents need to be kept in the student’s file for possible reference.”*

#### **Response to R2: Already Implemented**

All E.V. Cain students and their parents must sign and return a Partners in Learning Contract in which students agree to read and understand the Student Handbook<sup>2</sup> (also called a “Time Tracker”) and agree to abide by all school rules and policies. (See Attachment, K, School Guidelines at pp. 5-6.)

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<sup>2</sup> The Student Handbook and School Guidelines are one and the same.

This includes the anti-bullying requirements. AUSD retains each parent and student signature for the duration of the student's attendance at AUSD schools.

- C. **R3:** *"High Schools and middle schools utilize resources such as the Placer County Sheriff's School Resource Department program, semi-annual student assemblies, and classroom seminars in order to educate students of the dangers and consequences of bullying and cyberbullying for both the bully and the bullied."*

**Response to R3: Already Implemented in Part; Concur in Part**

As noted above, AUSD will be happy to review and consider use of anti-bullying material and programs provided by the Placer County Sheriff's Office. Currently, E.V. Cain is working with the Auburn Police Department regarding the presentation of a Cyberbullying/Anti-Bullying assembly for all students.

In addition, E.V. Cain recently provided the following anti-bullying presentations:

1. In December 2013, Guest speaker Keith Hawking addressed bullying in a school-wide assembly.
  2. In February 2014, Keith Hawkins provided additional information in the Touch of Class luncheon.
  3. In the Spring of 2014, E.V. Cain Leadership addressed anti-bullying with skits performed for sixth graders. The skits included information about school resources (counselors, administration, teachers, aides) and the importance of being safe at school.
  4. In May 2014, the Take Note Troupe provided E.V. Cain's sixth graders with an anti-bullying assembly.
  5. In August 2014, on the second day of school, E.V. Cain's administration presented to all students on school policies and expectations, including with regard to bullying and harassment. (See Attachment M, PowerPoint Presentation.)
  6. In August 2014, administration held a staff meeting, which included discussions of PBIS and School Safety. (See Attachment N, E.V. Cain Staff Meeting Agenda.)
- D. **R4:** *"Professional Training for all teachers for identifying the bullying victim and the bully before an incident occurs, and to deal with bullying incidents in the event they do occur."*

#### **Response to R4: Already Implemented in Part; Disagree in Part**

AUSD agrees that districts must train teachers to address bullying incidents if they occur, and AUSD provides such training in its professional development programs for teachers, as well as during faculty meetings and in other school and AUSD presentations. In addition, in its ARIES student information system, the District tracks discipline, including witness and victim information about students. This information is available to teachers and administrators in an attempt to prevent future bullying incidents.

With regard to identification of bullying victims and bullies prior to bullying incidents, AUSD's overall policy is to avoid labeling students, as that can lead to negative consequences for such students in the future.

- E. **R5:** *"Schools should develop a comprehensive means to evaluate the effectiveness of their anti-bullying programs and policies. Schools should conduct semi-annual anonymous surveys of the student body to measure the effectiveness of anti-bullying programs. In addition to gathering information regarding the amount and type of bullying that the student has experienced, the survey should seek student perceptions of the attitudes of teachers and administrators toward bullying."*

#### **Response to R5: Already Implemented**

For the 2013/2014 school year, AUSD provided anonymous surveys to students regarding "school connectedness." While these surveys were not specifically about bullying, they touched on bullying incidents. For the 2014/2015 school year, the District has contracted with WestEd to perform the Healthy Kids Survey. This anonymous student survey addresses bullying and related issues.

- F. **R6:** *"The results of the semi-annual evaluations and student surveys should be posted on school websites."*

#### **Response to R6: Already Implemented**

The results of AUSD's Healthy Kids survey, performed by WestEd, will be made public as a part of AUSD's obligations under the Local Control Accountability Plan ("LCAP").

IV. CONCLUSION

AUSD appreciates the Grand Jury's interest in this troubling and difficult issue. AUSD has acted proactively to prevent bullying in its schools, and continues to look for new ways to address bullying and its related negative outcomes.

AUSD intended to comprehensively address the Grand Jury's Report in this response. If, however, the Grand Jury needs additional information, please contact me.

Very truly yours,



Laura Grassmann, Ph.D.  
Superintendent

Attachments:

- A AUSD Board Policy 0450, Comprehensive Safety Plan
- B AUSD Board Policy 1114, District-Sponsored Social Media
- C AUSD Board Policy 5131, [Student] Conduct
- D AUSD Board Policy 5131(a), Bullying
- E AUSD Board Policy 5137, Positive School Climate
- F AUSD Board Policy 5145.3, Nondiscrimination/Harassment
- G AUSD Administrative Regulation 0450, Comprehensive Safety Plan
- H AUSD Administrative Regulation 1114, District-Sponsored Social Media
- I AUSD Administrative Regulation 5144.1, Suspension and Expulsion/Due Process
- J E.V. Cain Code of Conduct 2013-2014
- K E.V. Cain School Guidelines 2014-2015
- L Positive Behavior Interventions Support (PBIS) Flow Chart
- M PowerPoint Presentation regarding E.V. Cain school policies and expectations
- N E.V. Cain Staff Meeting Agenda for August 12, 2014

**ATTACHMENT A**

**ATTACHMENT A**

## Auburn Un SD | 0000 | BP 0450 Philosophy, Goals, Objectives and Comprehensive Plans

### **Comprehensive Safety Plan**

The Board of Trustees recognizes that students and staff have the right to a safe and secure campus where they are free from physical and psychological harm. The Board is fully committed to maximizing school safety and to creating a positive learning environment that includes strategies for violence prevention and high expectations for student conduct, responsible behavior, and respect for others.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 3515 - Campus Security)

(cf. 3515.2 - Disruptions)

(cf. 3515.3 - District Police/Security Department)

(cf. 5131 - Conduct)

(cf. 5131.4 - Student Disturbances)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5136 - Gangs)

(cf. 5137 - Positive School Climate)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

The school site council at each district school shall develop a comprehensive school safety plan relevant to the needs and resources of that particular school. New school campuses shall develop a safety plan within one year of initiating operations. (Education Code 32281, 32286)

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

The school safety plan shall take into account the school's staffing, available resources, and building design, as well as other factors unique to the site.

Each school shall forward its comprehensive safety plan to the Board for approval. (Education Code 32288)

The comprehensive safety plan(s) shall be reviewed and updated by March 1 of each year. (Education Code 32286)

The Board shall review the comprehensive safety plan(s) in order to ensure compliance with state law, Board policy, and administrative regulation and shall approve the plan(s) at a regularly scheduled meeting.

(cf. 0500 - Accountability)

(cf. 9320 - Meetings and Notices)

By October 15 of each year, the Superintendent or designee shall notify the California Department of Education of any schools that have not complied with the requirements of Education Code 32281. (Education Code 32288)

#### Tactical Response Plan

Notwithstanding the process described above, any portion of a comprehensive safety plan that includes tactical responses to criminal incidents that may result in death or serious bodily injury at the school site, including steps to be taken to safeguard students and staff, secure the affected school premises, and apprehend the criminal perpetrator(s), shall be developed by district administrators in accordance with Education Code 32281. In developing such strategies, district administrators shall consult with law enforcement officials and with a representative of an employee bargaining unit, if he/she chooses to participate.

When reviewing the tactical response plan, the Board may meet in closed session to confer with law enforcement officials, provided that any vote to approve the tactical response plan is announced in open session following the closed session. (Education Code 32281)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

#### Public Access to Safety Plan(s)

The Superintendent or designee shall ensure that an updated file of all safety-related plans and materials is readily available for inspection by the public. (Education Code 32282)

(cf. 1340 - Access to District Records)

However, those portions of the comprehensive safety plan that include tactical responses to criminal incidents shall not be publicly disclosed.

Legal Reference:

#### EDUCATION CODE

200-262.4 Prohibition of discrimination

32260-32262 Interagency School Safety Demonstration Act of 1985

32270 School safety cadre

32280-32289 School safety plans

32290 Safety devices

35147 School site councils and advisory committees

35183 School dress code; uniforms

35291 Rules

35291.5 School-adopted discipline rules

35294.10-35294.15 School Safety and Violence Prevention Act

41510-41514 School Safety Consolidated Competitive Grant Program

48900-48927 Suspension and expulsion

48950 Speech and other communication

49079 Notification to teacher; student act constituting grounds for suspension or expulsion

67381 Violent crime

#### PENAL CODE

422.55 Definition of hate crime

626.8 Disruptions

11164-11174.3 Child Abuse and Neglect Reporting Act

#### CALIFORNIA CONSTITUTION

Article 1, Section 28(c) Right to Safe Schools

#### CODE OF REGULATIONS, TITLE 5

11987-11987.7 School Community Violence Prevention Program requirements

11992-11993 Definition, persistently dangerous schools

UNITED STATES CODE, TITLE 20

7101-7165 Safe and Drug Free Schools and Communities

7912 Transfers from persistently dangerous schools

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

Management Resources:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, Third Edition, October 2011

Community Schools: Partnerships Supporting Students, Families and Communities, Policy Brief, October 2010

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2010

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Safe Schools: A Planning Guide for Action, 2002

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Practical Information on Crisis Planning: A Guide for Schools and Communities, January 2007

Early Warning, Timely Response: A Guide to Safe Schools, August 1998

U.S. SECRET SERVICE AND U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates, 2002

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Safe Schools: <http://www.cde.ca.gov/ls/ss>

California Emergency Management Agency: <http://www.calema.ca.gov>

California Healthy Kids Survey: <http://chks.wested.org>

Centers for Disease Control and Prevention: <http://www.cdc.gov/ViolencePrevention>

Federal Bureau of Investigation: <http://www.fbi.gov>

National Alliance for Safe Schools: <http://www.safeschools.org>

National Center for Crisis Management: <http://www.schoolcrisisresponse.com>

National School Safety Center: <http://www.schoolsafety.us>

U.S. Department of Education: <http://www.ed.gov>

U.S. Secret Service, National Threat Assessment Center: [http://www.secretservice.gov/ntac\\_ssi.shtml](http://www.secretservice.gov/ntac_ssi.shtml)

Policy AUBURN UNION SCHOOL DISTRICT

adopted: January 15, 2014 Auburn, California

**ATTACHMENT B**

**ATTACHMENT B**

Auburn Un SD | 1000 | BP 1114 Community Relations

### **District-Sponsored Social Media**

The Board of Trustees recognizes the value of technology such as social media platforms in promoting community involvement and collaboration. The purpose of any official district social media platform shall be to further the district's vision and mission, support student learning and staff professional development, and enhance communication with students, parents/guardians, staff, and community members.

(cf. 0000 - Vision)

(cf. 0440 - District Technology Plan)

(cf. 1100 - Communication with the Public)

(cf. 1112 - Media Relations)

(cf. 1113 - District and School Web Sites)

(cf. 6020 - Parent Involvement)

(cf. 6145.5 - Student Organizations and Equal Access)

The Superintendent or designee shall develop content guidelines and protocols for official district social media platforms to ensure the appropriate and responsible use of these resources and compliance with law, Board policy, and regulation.

#### **Guidelines for Content**

Official district social media platforms shall be used only for their stated purposes and in a manner consistent with this policy and administrative regulation. By creating these official sites and allowing for public comment, the Board does not intend to create a limited public forum or otherwise guarantee an individual's right to free speech.

(cf. 5145.2 - Freedom of Speech/Expression)

(cf. 6145.5 - Student Organizations and Equal Access)

The Superintendent or designee shall ensure that the limited purpose of the official district social media platforms is clearly communicated to users. Each site shall contain a statement that specifies the site's purposes along with a statement that users are expected to use the site only for those purposes. Each site shall also contain a statement that users are personally responsible for the content of their posts.

Official district social media platforms may not contain content that is obscene, libelous, or so incites students as to create a clear and present danger of the commission of unlawful acts on school premises, violation of school rules, or substantial disruption of the school's orderly operation.

(cf. 5131 - Conduct)

Staff or students who post prohibited content shall be subject to discipline in accordance with district policies and administrative regulations.

(cf. 4040 - Employee Use of Technology)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 6163.4 - Student Use of Technology)

Users of official district social media platforms should be aware of the public nature and accessibility of social media and that information posted may be considered a public record subject to disclosure under the Public Records Act. The Board expects users to conduct themselves in a respectful, courteous, and professional manner.

(cf. 1340 - Access to District Records)

(cf. 9012 - Board Member Electronic Communications)

#### Privacy

The Superintendent or designee shall ensure that the privacy rights of students, parents/guardians, staff, Board members, and other individuals are protected on official district social media platforms.

Board policy pertaining to the posting of student photographs and the privacy of telephone numbers, home addresses, and email addresses, as specified in BP 1113 - District and School Web Sites, shall also apply to official district social media platforms.

(cf. 5125.1 - Release of Directory Information)

Social media and networking sites and other online platforms shall not be used by district employees to transmit confidential information about students, employees, or district operations.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5022 - Student and Family Privacy Rights)

(cf. 5125 - Student Records)

#### Legal Reference:

#### EDUCATION CODE

32261 School safety, definitions of bullying and electronic act

35182.5 Contracts for advertising

48900 Grounds for suspension and expulsion

48907 Exercise of free expression; rules and regulations

48950 Speech and other communication

49061 Definitions, directory information

49073 Release of directory information

60048 Commercial brand names, contracts or logos

## GOVERNMENT CODE

3307.5 Publishing identity of public safety officers

6250-6270 Public Records Act, especially:

6254.21 Publishing addresses and phone numbers of officials

6254.24 Definition of public safety official

54952.2 Brown Act, definition of meeting

## UNITED STATES CODE, TITLE 17

101-1101 Federal copyright law

## UNITED STATES CODE, TITLE 20

1232g Federal Family Educational Rights and Privacy Act

## UNITED STATES CODE, TITLE 29

157 Employee rights to engage in concerted, protected activity

794 Section 503 of the Rehabilitation Act of 1973; accessibility to federal web sites

## CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

## COURT DECISIONS

Page v. Lexington County School District, (2008, 4th Cir.) 531 F.3d 275

Downs v. Los Angeles Unified School District, (2000) 228 F.3d 1003

Aaris v. Las Virgenes Unified School District, (1998) 64 Cal.App.4th 1112

Perry Education Association v. Perry Local Educators' Association, (1983) 460 U.S. 37

Board of Education, Island Trees Union Free School District, et.al. v. Pico, (1982) 457 U.S. 853

#### NATIONAL LABOR RELATIONS BOARD DECISIONS

18-CA-19081 Sears Holdings, December 4, 2009

Management Resources:

#### FACEBOOK PUBLICATIONS

Facebook for Educators Guide, 2011

#### WEB SITES

CSBA: <http://www.csba.org>

California School Public Relations Association: <http://www.calspra.org>

Facebook in Education: <http://www.facebook.com/education>

Facebook for Educators: <http://facebookforeducators.org>

Facebook, privacy resources: <http://www.facebook.com/fbprivacy>

#### Policy AUBURN UNION SCHOOL DISTRICT

adopted: January 15, 2014 Auburn, California

ATTACHMENT C

ATTACHMENT C

## Auburn Un SD | BP 5131 Students

**Conduct**

The Board of Trustees believes that all students have the right to be educated in a positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, going to or coming from school, at school activities, or using district transportation.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5131.1 - Bus Conduct)

(cf. 5137 - Positive School Climate)

(cf. 6145.2 - Athletic Competition)

The Superintendent or designee shall ensure that each school develops standards of conduct and discipline consistent with Board policies and administrative regulations. Students and parents/guardians shall be notified of district and school rules related to conduct.

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others, including, but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5142 - Safety)

2. Discrimination, harassment, intimidation, or bullying of students or staff, including sexual harassment, hate-motivated behavior, cyberbullying, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption

(cf. 5131.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

3. Conduct that disrupts the orderly classroom or school environment

(cf. 5131.4 - Student Disturbances)

4. Willful defiance of staff's authority

5. Damage to or theft of property belonging to students, staff, or the district

(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 5131.5 - Vandalism and Graffiti)

The district shall not be responsible for students' personal belongings which are brought on campus or to a school activity and are lost, stolen, or damaged.

6. Obscene acts or use of profane, vulgar, or abusive language

(cf. 5145.2 - Freedom of Speech/Expression)

7. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drugs

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.62 - Tobacco)

(cf. 5131.63 - Steroids)

8. Possession or use of a laser pointer, unless for a valid instructional or other school-related purpose (Penal Code 417.27)

Prior to bringing a laser pointer on school premises for a valid instructional or school-related purpose, a student shall obtain permission from the principal or designee.

9. Use of a cellular/digital telephone, pager, or other mobile communications device during instructional time

Such devices shall be turned off in class, except when being used for a valid instructional or other school-related purpose as determined by the teacher or other district employee, and at any other time directed by a district employee. Any device with camera, video, or voice recording function shall not be used in any manner which infringes on the privacy rights of any other person.

No student shall be prohibited from possessing or using an electronic signaling device

that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to purposes related to the student's health. (Education Code 48901.5)

10. Plagiarism or dishonesty on school work or tests

(cf. 5131.9 - Academic Honesty)

(cf. 6162.54 - Test Integrity/Test Preparation)

(cf. 6162.6 - Use of Copyrighted Materials)

11. Inappropriate attire

(cf. 5132 - Dress and Grooming)

12. Tardiness or unexcused absence from school

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

13. Failure to remain on school premises in accordance with school rules

(cf. 5112.5 - Open/Closed Campus)

Employees are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or receive a report of a violation of these standards, to immediately intervene or call for assistance. If an employee believes a matter has not been resolved, he/she shall refer the matter to his/her supervisor or an administrator for further investigation.

When a school official suspects that a search of a student or his/her belongings will turn up evidence of the student's violation of the law or school rules, such a search shall be conducted in accordance with BP/AR 5145.12 - Search and Seizure.

(cf. 5145.12 - Search and Seizure)

When a student uses any prohibited device, or uses a permitted device in any unethical or illegal activity, a district employee may confiscate the device. The employee shall store the item in a secure manner until an appropriate time.

Students who violate district or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, referral to a student success team or counseling services, or denial of participation in extracurricular or cocurricular activities or other privileges in accordance with Board policy and administrative regulation. The Superintendent or designee shall notify local law enforcement as appropriate.

(cf. 1020 - Youth Services)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5127 - Graduation Ceremonies and Activities)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 6020 - Parent Involvement)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Success Teams)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

Students also may be subject to discipline, in accordance with law, Board policy, or administrative regulation, for any off-campus conduct during nonschool hours which poses a threat or danger to the safety of students, staff, or district property, or substantially disrupts school activities.

Legal Reference:

#### EDUCATION CODE

200-262.4 Prohibition of discrimination

32280-32289 Comprehensive safety plan

35181 Governing board authority to set policy on responsibilities of students

35291-35291.5 Rules

44807 Duty concerning conduct of students

48900-48925 Suspension and expulsion

51512 Prohibition against electronic listening or recording device in classroom without permission

#### CIVIL CODE

1714.1 Liability of parents and guardians for willful misconduct of minor

#### PENAL CODE

288.2 Harmful matter with intent to seduce

313 Harmful matter

417.25-417.27 Laser scope or laser pointer

647 Use of camera or other instrument to invade person's privacy; misdemeanor

653.2 Electronic communication devices, threats to safety

#### VEHICLE CODE

23123-23124 Prohibitions against use of electronic devices while driving

CODE OF REGULATIONS, TITLE 5

300-307 Duties of students

UNITED STATES CODE, TITLE 42

2000h-2000h6 Title IX, 1972 Education Act Amendments

COURT DECISIONS

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094

LaVine v. Blaine School District, (2000, 9th Cir.) 257 F.3d 981

Emmett v. Kent School District No. 415, (2000) 92 F.Supp. 1088

Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675

New Jersey v. T.L.O., (1985) 469 U.S. 325

Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503

Management Resources:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lss>

Center for Safe and Responsible Internet Use: <http://cyberbully.org>

National School Boards Association: <http://www.nsba.org>

National School Safety Center: <http://www.schoolsafety.us>

U.S. Department of Education: <http://www.ed.gov>

Policy AUBURN UNION SCHOOL DISTRICT

adopted: February 19, 2014 Auburn, California

**ATTACHMENT D**

**ATTACHMENT D**

**BULLYING**

The Board of Trustees recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

No student or group of students shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any other student or school personnel.

*(cf. 5131 - Conduct)*

*(cf. 5136 - Gangs)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

*(cf. 5145.9 - Hate-Motivated Behavior)*

*Cyberbullying* includes the transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

*(cf. 5145.2 - Freedom of Speech/Expression)*

Strategies for bullying prevention and intervention shall be developed with involvement of key stakeholders in accordance with law, Board policy, and administrative regulation governing the development of comprehensive safety plans and shall be incorporated into such plans.

*(cf. 0420 - School Plans/Site Councils)*

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*

*(cf. 6020 - Parent Involvement)*

**Bullying Prevention**

To the extent possible, district and school strategies shall focus on prevention of bullying by establishing clear rules for student conduct and strategies to establish a positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for perpetrators of bullying.

*(cf. 5137 - Positive School Climate)*

*(cf. 6164.2 - Guidance/Counseling Services)*

**BULLYING** (continued)

The district may provide students with instruction, in the classroom or other educational settings, that promotes effective communication and conflict resolution skills, social skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

*(cf. 6142.8 - Comprehensive Health Education)*  
*(cf. 6142.94 - History-Social Science Instruction)*  
*(cf. 6163.4 - Student Use of Technology)*

School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies.

*(cf. 4131 - Staff Development)*  
*(cf. 4231 - Staff Development)*  
*(cf. 4331 - Staff Development)*

Based on an assessment of bullying incidents at school, the Superintendent or designee may increase supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, and cafeterias.

**Intervention**

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

School staff who witness bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When appropriate, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators. He/she also may involve school counselors, mental health counselors, and/or law enforcement.

**Complaints and Investigation**

Students may submit to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying. Complaints of bullying shall be investigated and resolved in accordance with the district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures.

*(cf. 1312.3 - Uniform Complaint Procedures)*

**BULLYING** (continued)

When a student is reported to be engaging in bullying off campus, the Superintendent or designee shall investigate and document the activity and shall identify specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.

When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee shall file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

**Discipline**

Any student who engages in bullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline, which may include suspension or expulsion, in accordance with district policies and regulations.

*(cf. 5138 - Conflict Resolution/Peer Mediation)*

*(cf. 5144 - Discipline)*

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*

*(cf. 6159.4 - Behavioral Interventions for Special Education Students)*

*Legal Reference: (see next page)*

**BULLYING** (continued)

*Legal Reference:*

EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

48900-48925 Suspension or expulsion

48985 Translation of notices

PENAL CODE

647 Use of camera or other instrument to invade person's privacy; misdemeanor

647.7 Use of camera or other instrument to invade person's privacy; punishment

653.2 Electronic communication devices, threats to safety

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

COURT DECISIONS

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094

Lavine v. Blaine School District, (2002) 279 F.3d 719

*Management Resources:*

CSBA PUBLICATIONS

Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Bullying at School, 2003

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Harassment and Bullying, October 2010

WEB SITES

CSBA: <http://www.csba.org>

California Cybersafety for Children: <http://www.cybersafety.ca.gov>

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/ss>

Center for Safe and Responsible Internet Use: <http://cyberbully.org>

National School Boards Association: <http://www.nsba.org>

National School Safety Center: <http://www.schoolsafety.us>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>



Auburn Un SD | BP 5137 Students

### **Positive School Climate**

The Board of Trustees desires to enhance student learning by providing an orderly, caring, and nurturing educational and social environment in which all students can feel safe and take pride in their school and their achievements. The school environment should be characterized by positive interpersonal relationships among students and between students and staff.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 3515 - Campus Security)

(cf. 3515.2 - Disruptions)

(cf. 5030 - Student Wellness)

(cf. 5131.4 - Student Disturbances)

(cf. 5142 - Safety)

(cf. 5145.3 - Nondiscrimination/Harassment)

All staff are expected to serve as role models for students by demonstrating positive, professional attitudes and respect toward each student and other staff members. Teachers shall use effective classroom management techniques based on clear expectations for student behavior.

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

Staff shall consistently enforce Board policies and regulations which establish rules for appropriate student conduct, including prohibitions against bullying, cyberbullying, harassment of students, hazing, other violence or threats of violence against students and staff, and drug, alcohol, and tobacco use.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 4020 - Drug and Alcohol-Free Workplace)

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.6 - Alcohol and Drugs)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5136 - Gangs)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 5145.2 - Freedom of Speech/Expression)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

The district's curriculum shall include age-appropriate character education which includes, but is not limited to, the principles of equality, human dignity, mutual respect, fairness, honesty, and citizenship. Teachers are encouraged to employ cooperative learning strategies that foster positive interactions in the classroom among students from diverse backgrounds.

(cf. 5131.9 - Academic Honesty)

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6142.94 - History/Social Science Instruction)

(cf. 6142.3 - Civic Education)

(cf. 6142.4 - Service Learning/Community Service Classes)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

The Superintendent or designee may develop other strategies to enhance students' feelings of connectedness with the schools, such as campus beautification projects, graffiti removal, development of extracurricular activities and after-school programs, pairing of adult mentors with individual students, recognition of student achievement, and encouragement of strong family and community involvement in the schools.

(cf. 1240 - Volunteer Assistance)

(cf. 5126 - Awards for Achievement)

(cf. 5131.5 - Vandalism and Graffiti)

(cf. 5148.2 - Before/After School Programs)

(cf. 6020 - Parent Involvement)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.5 - Student Organizations and Equal Access)

Students shall have opportunities to voice their concerns about school policies and practices and to share responsibility for solving problems that affect their school.

The schools shall promote nonviolent conflict resolution techniques in order to encourage attitudes and behaviors that foster harmonious relations. As part of this effort, students shall be taught the skills necessary to reduce violence, including communication skills, anger management, bias reduction, and mediation skills.

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 6164.2 - Guidance/Counseling Services)

Staff shall receive professional development designed to improve classroom management, conflict resolution techniques, and communications with students and parents/guardians including persons of diverse backgrounds.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Legal Reference:

#### EDUCATION CODE

233-233.8 Hate violence prevention

32280-32289 School safety plans

32295.5 Teen court programs

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

44807 Teachers' duty concerning conduct of students

48900-48925 Suspension and expulsion

Management Resources:

#### CSBA PUBLICATIONS

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

Protecting Our Schools: Governing Board Strategies to Combat School Violence, rev. 1999

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

Creating Safe and Drug-Free Schools: An Action Guide, 1996

#### U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Preventing Bullying: A Manual for Schools and Communities, 1998

#### WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Learning Support: <http://www.cde.ca.gov/ls>

National School Safety Center: <http://www.schoolsafety.us>

U.S. Department of Education, Office of Safe and Drug-Free Schools: <http://www.ed.gov/offices/OESE/SDFS>

Policy AUBURN UNION SCHOOL DISTRICT

adopted: February 19, 2014 Auburn, California

**ATTACHMENT F**

**ATTACHMENT F**

Auburn Un SD | 5000 | BP 5145.3 Students

## **Nondiscrimination/Harassment**

The Board of Trustees desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, harassment, intimidation, and bullying of any student based on the student's actual race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

This policy shall apply to all acts related to school activity or to school attendance occurring within a district school. (Education Code 234.1)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

- (cf. 5137 - Positive School Climate)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6164.6 - Identification and Education Under Section 504)

Prohibited discrimination, harassment, intimidation, or bullying includes physical, verbal, nonverbal, or written conduct based on one of the categories listed above that is so severe or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

The Board also prohibits any form of retaliation against any student who files a complaint or report regarding an incident of discrimination, harassment, intimidation, or bullying.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. He/she shall provide training and information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the educational program. He/she shall report his/her findings and recommendations to the Board after each review.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 1330 - Use of Facilities)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6164.2 - Guidance/Counseling Services)

Students who engage in discrimination, harassment, intimidation, bullying, or retaliation in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline. Any employee who permits or engages in prohibited discrimination, harassment, intimidation, bullying, or retaliation shall be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 5145.2 - Freedom of Speech/Expression)

Legal Reference:

#### EDUCATION CODE

200-262.4 Prohibition of discrimination

48900.3 Suspension or expulsion for act of hate violence

48900.4 Suspension or expulsion for threats or harassment

48904 Liability of parent/guardian for willful student misconduct

48907 Student exercise of free expression

48950 Freedom of speech

48985 Translation of notices

49020-49023 Athletic programs

51500 Prohibited instruction or activity

51501 Prohibited means of instruction

60044 Prohibited instructional materials

## CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

## PENAL CODE

422.55 Definition of hate crime

422.6 Crimes, harassment

## CODE OF REGULATIONS, TITLE 5

432 Student record

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

## UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

## UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended

2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

## CODE OF FEDERAL REGULATIONS, TITLE 34

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

## COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

Management Resources:

#### CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, Auburn, California

Interim Guidance Regarding Transgender Students, Privacy, and Facilities, September 27, 2013

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

#### FIRST AMENDMENT CENTER PUBLICATIONS

Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006

#### NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004

#### U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Harassment and Bullying, October 2010

Notice of Non-Discrimination, January 1999

#### WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

California Safe Schools Coalition: <http://www.casafeschools.org>

First Amendment Center: <http://www.firstamendmentcenter.org>

National School Boards Association: <http://www.nsba.org>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

#### Policy AUBURN UNION SCHOOL DISTRICT

adopted: March 5, 2014 Auburn, California



Auburn Un SD | 0000 | AR 0450 Philosophy, Goals, Objectives and Comprehensive Plans

## Comprehensive Safety Plan

### Development and Review of Comprehensive School Safety Plan

The school site council shall consult with local law enforcement in writing and developing the comprehensive school safety plan. When practical, the school site council also shall consult with other school site councils and safety committees. (Education Code 32281, 32282)

(cf. 0420 - School Plans/Site Councils)

The school site council may delegate the responsibility for developing a comprehensive safety plan to a school safety planning committee. This committee shall be composed of the following members: (Education Code 32281)

1. The principal or designee
2. One teacher who is a representative of the recognized certificated employee organization
3. One parent/guardian whose child attends the school
4. One classified employee who is a representative of the recognized classified employee organization
5. Other members, if desired

(cf. 1220 - Citizen Advisory Committees)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

Before adopting its comprehensive safety plan, the school site council or school safety planning committee shall hold a public meeting at the school in order to allow members of the public the opportunity to express an opinion about the plan. (Education Code 32288)

The school site council or safety planning committee shall notify, in writing, the following persons and entities of the public meeting: (Education Code 32288)

1. The local mayor
2. A representative of the local school employee organization
3. A representative of each parent organization at the school, including the parent teacher association and parent teacher clubs

(cf. 1230 - School-Connected Organizations)

4. A representative of each teacher organization at the school

(cf. 4140/4240/4340 - Bargaining Units)

5. A representative of the school's student body government
6. All persons who have indicated that they want to be notified

In addition, the school site council or safety planning committee may notify, in writing, the following entities of the public meeting: (Education Code 32288)

1. Representatives of local religious organizations
2. Local civic leaders
3. Local business organizations

(cf. 1700 - Relations Between Private Industry and the Schools)

#### Content of the Safety Plan

Each comprehensive safety plan shall include an assessment of the current status of school crime committed on campus and at school-related functions. (Education Code 32282)

The assessment may include, but not be limited to, data on reports of school crime, suspension and expulsion rates, and surveys of students, parents/guardians, and staff regarding their perceptions of school safety.

(cf. 0500 - Accountability)

(cf. 0510 - School Accountability Report Card)

The plan also shall identify appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including all of the following: (Education Code 32282)

1. Child abuse reporting procedures consistent with Penal Code 11164

(cf. 5141.4 - Child Abuse Prevention and Reporting)

2. Routine and emergency disaster procedures including, but not limited to:

- a. Adaptations for students with disabilities in accordance with the Americans with Disabilities Act

(cf. 6159 - Individualized Education Program)

- b. An earthquake emergency procedure system in accordance with Education Code 32282

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 3516.3 - Earthquake Emergency Procedure System)

- c. A procedure to allow public agencies, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare

(cf. 1330 - Use of School Facilities)

(cf. 3516.1 - Fire Drills and Fires)

(cf. 3516.2 - Bomb Threats)

(cf. 3516.5 - Emergency Schedules)

(cf. 3543 - Transportation Safety and Emergencies)

3. Policies pursuant to Education Code 48915(d) for students who commit an act listed in Education Code 48915(c) and other school-designated serious acts which would lead to suspension, expulsion, or mandatory expulsion recommendations

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

4. Procedures to notify teachers of dangerous students pursuant to Education Code 49079

(cf. 4158/4258/4358 - Employee Security)

5. A policy consistent with the prohibition against discrimination, harassment, intimidation, and bullying pursuant to Education Code 200-262.4

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

6. If the school has adopted a dress code prohibiting students from wearing "gang-related apparel" pursuant to Education Code 35183, the provisions of that dress code and the definition of "gang-related apparel"

(cf. 5132 - Dress and Grooming)

7. Procedures for safe ingress and egress of students, parents/guardians, and employees to and from school

(cf. 5142 - Safety)

8. A safe and orderly school environment conducive to learning

(cf. 5137 - Positive School Climate)

9. The rules and procedures on school discipline adopted pursuant to Education Code 35291 and 35291.5

(cf. 5144 - Discipline)

10. Hate crime reporting procedures

(cf. 5145.9 - Hate-Motivated Behavior)

Among the strategies for providing a safe environment, the school safety plan may also include:

1. Development of a positive school climate that promotes respect for diversity, personal and social responsibility, effective interpersonal and communication skills, self-esteem, anger management, and conflict resolution

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

2. Disciplinary policies and procedures that contain prevention strategies, such as strategies to prevent bullying, hazing, and cyberbullying, as well as behavioral expectations and consequences for violations

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5131 - Conduct)

(cf. 5136 - Gangs)

3. Curriculum that emphasizes prevention and alternatives to violence, such as multicultural education, character/values education, media analysis skills, conflict resolution, community service learning, and education related to the prevention of dating violence

(cf. 6142.3 - Civic Education)

(cf. 6142.4 - Service Learning/Community Service Classes)

(cf. 6142.8 - Comprehensive Health Education)

4. Parent involvement strategies, including strategies to help ensure parent/guardian support and reinforcement of the school's rules and increase the number of adults on campus

(cf. 1240 - Volunteer Assistance)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

5. Prevention and intervention strategies related to the sale or use of drugs and alcohol which shall reflect expectations for drug-free schools and support for recovering students

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.61 - Drug Testing)

(cf. 5131.62 - Tobacco)

(cf. 5131.63 - Steroids)

6. Collaborative relationships among the city, county, community agencies, local law enforcement, the judicial system, and the schools that lead to the development of a set of common goals and community strategies for violence prevention instruction

(cf. 1020 - Youth Services)

7. Procedures for responding to the release of a pesticide or other toxic substance from properties located within one-quarter mile of the school

(cf. 3514.1 - Hazardous Substances)

(cf. 3514.2 - Integrated Pest Management)

8. Procedures for receiving verification from law enforcement that a violent crime has occurred on school grounds and for promptly notifying parents/guardians and employees of that crime

(cf. 5116.1 - Intradistrict Open Enrollment)

9. Assessment of the school's physical environment, including a risk management analysis and development of ground security measures such as procedures for the closing campuses to outsiders, installing surveillance systems, securing the campus perimeter, protecting buildings against vandalism, and providing for a law enforcement presence on campus

(cf. 1250 - Visitors/Outsiders)

(cf. 3515 - Campus Security)

(cf. 3515.3 - District Police/Security Department)

(cf. 3530 - Risk Management/Insurance)

(cf. 5112.5 - Open/Closed Campus)

(cf. 5131.5 - Vandalism and Graffiti)

10. Crisis prevention and intervention strategies, which may include the following:

a. Identification of possible crises that may occur, determination of necessary tasks that need to be addressed, and development of procedures relative to each crisis, including the involvement of law enforcement and other public safety agencies as appropriate

(cf. 3515.2 - Disruptions)

(cf. 3515.5 - Sex Offender Notification)

(cf. 5131.4 - Student Disturbances)

b. Threat assessment strategies to determine the credibility and seriousness of a threat and provide appropriate interventions for the potential offender(s)

c. Assignment of staff members responsible for each identified task and procedure

d. Development of an evacuation plan based on an assessment of buildings and grounds and opportunities for students and staff to practice the evacuation plan

e. Coordination of communication to schools, Board of Trustees members, parents/guardians, and the media

(cf. 1112 - Media Relations)

(cf. 9010 - Public Statements)

f. Development of a method for the reporting of violent incidents

g. Development of follow-up procedures that may be required after a crisis has occurred, such as counseling

11. Staff development in violence prevention and intervention techniques, including preparation to implement the elements of the safety plan

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Regulation AUBURN UNION SCHOOL DISTRICT

approved: January 15, 2014 Auburn, California

**ATTACHMENT H**

**ATTACHMENT H**

Auburn Un SD | 1000 | AR 1114 Community Relations

## **District-Sponsored Social Media**

### Definitions

Social media means any online platform for collaboration, interaction, and active participation, including, but not limited to, social networking sites such as Facebook, Twitter, YouTube, LinkedIn, or blogs.

Official district social media platform is a site authorized by the Superintendent or designee. Sites that have not been authorized by the Superintendent or designee but that contain content related to the district or comments on district operations, such as a site created by a parent-teacher organization, booster club, or other school-connected organization or a student's or employee's personal site, are not considered official district social media platforms.

(cf. 1230 - School-Connected Organizations)

(cf. 1260 - Educational Foundations)

### Authorization for Official District Social Media Platforms

The Superintendent or designee shall authorize the development of any official district social media platform. Teachers and coaches shall obtain approval from the principal before creating an official classroom or team social media platform.

### Guidelines for Content

The Superintendent or designee shall ensure that official district social media platforms provide current information regarding district programs, activities, and operations, consistent with the goals and purposes of this policy and regulation. Official district social media platforms shall contain content that is appropriate for all audiences.

(cf. 0440 - District Technology Plan)

(cf. 0510 - School Accountability Report Card)

(cf. 1100 - Communication with the Public)

(cf. 1112 - Media Relations)

(cf. 1113 - District and School Web Sites)

(cf. 6020 - Parent Involvement)

(cf. 6145.5 - Student Organization and Equal Access)

The Superintendent or designee shall ensure that copyright laws are not violated in the use of material on official district social media platforms.

(cf. 4132/4232/4332 - Publication or Creation of Materials)

(cf. 6162.6 - Use of Copyrighted Materials)

The Superintendent or designee shall ensure that official district social media platforms are regularly monitored. Staff members responsible for monitoring content may remove posts

based on viewpoint-neutral considerations, such as lack of relation to the site's purpose or violation of the district's policy, regulation, or content guidelines.

Each official district social media platform shall prominently display:

1. The purpose of the site along with a statement that users are expected to use the site only for those intended purposes.
2. Information on how to use the security settings of the social media platform.
3. A statement that the site is regularly monitored and that any inappropriate post will be promptly removed. Inappropriate posts include those that:
  - a. Are obscene, libelous, or so incite students as to create a clear and present danger of the commission of unlawful acts on school premises, violation of school rules, or substantial disruption of the school's orderly operation
  - b. Are not related to the stated purpose of the site, including, but not limited to, comments of a commercial nature, political activity, and comments that constitute discrimination or harassment

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 1160 - Political Processes)

(cf. 1325 - Advertising and Promotion)

4. Protocols for users, including expectations that users will communicate in a respectful, courteous, and professional manner.
5. A statement that users are personally responsible for the content of their posts and that the district is not responsible for the content of external online platforms.
6. A disclaimer that the views and comments expressed on the site are those of the users and do not necessarily reflect the views of the district.
7. A disclaimer that any user's reference to a specific commercial product or service does not imply endorsement or recommendation of that product or service by the district.
8. The individual(s) to contact regarding violation of district guidelines on the use of official district social media platforms.

Appropriate Use by District Employees

District employees who participate in official district social media platforms shall adhere to all applicable district policies and procedures, including, but not limited to, professional standards related to interactions with students.

(cf. 4040 - Employee Use of Technology)

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

When appropriate, employees using official district social media platforms shall identify themselves by name and district title and include a disclaimer stating that the views and opinions expressed in their post are theirs alone and do not necessarily represent those of the district or school.

All staff shall receive information about appropriate use of the official district social media platforms.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Regulation AUBURN UNION SCHOOL DISTRICT

approved: January 15, 2014 Auburn, California

**ATTACHMENT I**

**ATTACHMENT I**

Auburn Un SD | 5000 | AR 5144.1 Students

## **Suspension And Expulsion/Due Process**

### Definitions

Suspension from school means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following: (Education Code 48925)

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Board of Trustees for students of the same grade level.
2. Referral to a certificated employee designated by the principal to advise students.
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910. Removal from a particular class shall not occur more than once every five school days.

Expulsion means removal of a student from the immediate supervision and control or the general supervision of school personnel. (Education Code 48925)

Day means a calendar day unless otherwise specifically provided. (Education Code 48925)

School day means a day upon which the schools of the district are in session or weekdays during the summer recess. (Education Code 48925)

Principal's designee means one or more administrators or, if there is not a second administrator at one school site, a certificated person specifically designated by the principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office. (Education Code 48911)

School property, for the purposes described in Education Code 48900, includes, but is not limited to, electronic files and databases. (Education Code 48900(u))

### Notice of Regulations

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, including suspension and expulsion. (Education Code 35291, 48900.1, 48980)

(cf. 5144 - Discipline)

(cf. 5145.6 - Parental Notifications)

### Grounds for Suspension and Expulsion

Acts for which a student, including a student with disabilities, may be suspended or expelled shall be only those specified as follows:

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

1. Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury (Education Code 48900(a) and (t))

2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence (Education Code 48900(b))

(cf. 5131 - Conduct)

(cf. 5131.7 - Weapons and Dangerous Instruments)

3. Unlawfully possessed, used, sold, otherwise furnished, or was under the influence of any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind (Education Code 48900(c))

(cf. 5131.6 - Alcohol and Other Drugs)

4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as such controlled substance, alcoholic beverage, or intoxicant (Education Code 48900(d))

5. Committed or attempted to commit robbery or extortion (Education Code 48900(e))

6. Caused or attempted to cause damage to school property or private property (Education Code 48900(f))

7. Stole or attempted to steal school property or private property (Education Code 48900(g))

8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing his/her own prescription products (Education Code 48900(h))

(cf. 5131.62 - Tobacco)

9. Committed an obscene act or engaged in habitual profanity or vulgarity (Education Code 48900(i))

10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5 (Education Code 48900(j))

11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties

(Education Code 48900(k))

(cf. 5131.4 - Student Disturbances)

12. Knowingly received stolen school property or private property (Education Code 48900(l))

13. Possessed an imitation firearm (Education Code 48900(m))

Imitation firearm means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))

14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4 (Education Code 48900(n))

15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness (Education Code 48900(o))

16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma (Education Code 48900(p))

17. Engaged in, or attempted to engage in, hazing (Education Code 48900(q))

Hazing means a method of initiation or pre-initiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. Hazing does not include athletic events or school-sanctioned events.

18. Engaged in an act of bullying (Education Code 48900(r))

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student in fear of harm to himself/herself or his/her property; cause the student to experience a substantially detrimental effect on his/her physical or mental health; or cause the student to experience substantial interferences with his/her academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school.

Bullying shall include any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 (items #21-23 below), that has any of the effects described above on a reasonable student.

Electronic act means the creation or transmission of a communication originated on or off school site, including but not limited to, a message, text, sound, image, or post on a social network Internet web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. A post on a social network Internet web site shall include, but is not limited to, the posting or creation of a burn page or the creation of a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above.

Reasonable student means a student, including, but not limited to, a student who has been identified as a student with a disability, who exercises average care, skill, and judgment in conduct for a person of his/her age, or for a person of his/her age with his/her disability. (Education Code 48900(r))

(cf. 1114 - District-Sponsored Social Media)

(cf. 5131.2 - Bullying)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

(cf. 6164.6 - Identification and Education under Section 504)

19. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31. (Education Code 48900(t))

20. Made terrorist threats against school officials and/or school property. (Education Code 48900.7)

A terrorist threat includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out. (Education Code 48900.7)

A student in grades 4-12 is also subject to suspension or recommendation for expulsion when it is determined that he/she:

21. Committed sexual harassment as defined in Education Code 212.5 (Education Code 48900.2)

Sexual harassment means conduct which, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 212.5, 48900.2)

(cf. 5145.7 - Sexual Harassment)

22. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233 (Education Code 48900.3)

Hate violence means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating a victim, interfering with the exercise of a victim's civil rights, or damaging a victim's property because of the victim's race, ethnicity, religion, nationality, disability, gender, gender identity, gender expression, or sexual orientation; a perception of the presence of any of those characteristics in the victim; or the victim's association with a person or group with one or more of those actual or perceived characteristics. (Education Code 233; Penal Code 422.55)

(cf. 5145.9 - Hate-Motivated Behavior)

23. Intentionally engaged in harassment, threats, or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting

classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment (Education Code 48900.4)

(cf. 5145.3 - Nondiscrimination/Harassment)

#### Removal from Class by a Teacher and Parental Attendance

A teacher may remove a student from his/her class for the remainder of the day and the following day only for acts specified in Education Code 48900 and listed under "Grounds for Suspension and Expulsion" above. (Education Code 48910)

When removing a student from his/her class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. If that action requires the continuing presence of the student at school, he/she shall be appropriately supervised during the class periods from which he/she has been removed. (Education Code 48910)

As soon as possible after the teacher decides to remove the student, he/she shall ask the student's parent/guardian to attend a parent-teacher conference regarding the removal. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if either the parent/guardian or teacher so requests. (Education Code 48910)

A student removed from class shall not be returned to class during the period of removal without the approval of the teacher of the class and the principal or designee. (Education Code 48910)

A student removed from class shall not be placed in another regular class during the period of removal. However, a student assigned to more than one class per day may continue to attend other regular classes except those held at the same time as the class from which he/she was removed. (Education Code 48910)

The teacher of any class from which a student is removed may require the student to complete any assignments and tests missed during the removal. (Education Code 48913)

Pursuant to Board policy, a teacher may require the parent/guardian of a student whom the teacher has removed to attend a portion of a school day in his/her child's classroom. When a teacher makes this request, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is requested pursuant to law. (Education Code 48900.1)

The notice shall:

1. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternate date
2. State that if the parent/guardian does not have a means of transportation to school, he/she may ride the school bus with the student
3. Direct the parent/guardian to meet with the principal after the visit and before leaving school
4. Direct the parent/guardian to contact the school if there are reasonable factors that would prevent him/her from complying with the attendance requirement

## Suspension by Superintendent, Principal, or Designee

The Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity to be: (Education Code 48915(c))

1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife as defined in Education Code 48915(g)
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4
5. Possessing an explosive as defined in 18 USC 921

In addition, the Superintendent, principal, or designee may impose a suspension upon a first offense if he/she determines that the student violated any of items #1-5 listed under "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons. (Education Code 48900.5)

For all other offenses, a student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct in the student. (Education Code 48900.5)

When other means of correction are implemented prior to imposing suspension or supervised suspension upon a student, the Superintendent, principal, or designee shall document the other means of correction used and retain them in the student's record. (Education Code 48900.5)

(cf. 5125 - Student Records)

### Length of Suspension

The Superintendent, principal, or designee may suspend a student from school for not more than five consecutive school days unless the suspension is extended pending expulsion. (Education Code 48911)

A student may be suspended from school for not more than 20 school days in any school year. However, when a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class for the purpose of adjustment, he/she may be suspended for not more than 30 school days in a school year. The district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code 48903, 48911, 48912)

(cf. 6184 - Continuation Education)

These restrictions on the number of days of suspension shall not apply when the suspension is extended pending an expulsion. (Education Code 48911)

## Due Process Procedures for Suspension

Suspensions shall be imposed in accordance with the following procedures:

1. **Informal Conference:** Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action, presented with the evidence against him/her, and given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911)

This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists involving a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of the conference. The conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such a case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911)

2. **Administrative Actions:** All requests for student suspension are to be processed by the principal or designee. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)

3. **Notice to Parents/Guardians:** At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. (Education Code 48911)

This notice shall state the specific offense committed by the student. (Education Code 48900.8)

In addition, the notice may state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may add that state law requires the parent/guardian to respond to such requests without delay.

4. **Parent/Guardian Conference:** Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

Although the parent/guardian is required to respond without delay to a request for a conference about his/her child's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied reinstatement solely because the parent/guardian failed to attend the conference. (Education Code 48911)

5. **Extension of Suspension:** If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision. (Education Code 48911)

Any extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may

be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension. Extension of the suspension may be made only if the Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

If the student involved is a foster youth, the Superintendent or designee shall notify the district liaison for foster youth of the need to invite the student's attorney and a representative of the appropriate county child welfare agency to attend the meeting. (Education Code 48853.5, 48911, 48918.1)

(cf. 6173.1 - Education for Foster Youth)

In addition to suspending a student, the Superintendent, principal, or designee may provide services or require the student to participate in an alternative disciplinary program designed to correct his/her behavior and keep him/her in school.

#### Suspension by the Board

The Board may suspend a student for any of the acts listed under "Grounds for Suspension and Expulsion" above and within the limits specified under "Suspension by Superintendent, Principal, or Designee" above. (Education Code 48912)

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester if any of the acts listed under "Grounds for Suspension and Expulsion" occurred. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold a closed session if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 49073-49079. (Education Code 35146, 48912)

(cf. 9321 - Closed Session Purposes and Agendas)

The Board shall provide the student and his/her parent/guardian with written notice of the closed session by registered or certified mail or personal service. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session. (Education Code 35146, 48912)

#### Supervised Suspension Classroom

A student for whom an expulsion action has not been initiated and who poses no imminent danger or threat to the school, students, or staff may be assigned to a supervised suspension classroom in a separate classroom, building, or site for the entire period of suspension. The following conditions shall apply: (Education Code 48911.1)

1. The supervised suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.

3. The supervised suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. The student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to a supervised suspension classroom, the principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification shall be made in writing. (Education Code 48911.1)

#### Authority to Expel

A student may be expelled only by the Board. (Education Code 48918(j))

The Board shall expel, as required by law, any student found to have committed any offense listed below under "Mandatory Recommendation and Mandatory Expulsion." (Education Code 48915)

For all other grounds listed above under "Grounds for Suspension and Expulsion," the Board shall order a student expelled, upon the recommendation of the Superintendent, principal, or designee, only if the Board makes a finding of either or both of the following: (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct
2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

#### Superintendent, Principal, or Designee's Authority to Recommend Expulsion

Unless the Superintendent, principal, or designee determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct, he/she shall recommend a student's expulsion for any of the following acts: (Education Code 48915(a))

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife as defined in Education Code 48915(g) or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance as listed in Health and Safety Code 11053-11058, except for (a) the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis, or (b) the student's possession of over-the-counter medication for his/her use or other medication prescribed for him/her by a physician
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

In determining whether or not to recommend the expulsion of a student, the Superintendent, principal, or

designee shall act as quickly as possible to ensure that the student does not lose instructional time. (Education Code 48915)

#### Mandatory Recommendation and Mandatory Expulsion

The Superintendent, principal, or designee shall recommend that the Board expel any student found at school or at a school activity to be: (Education Code 48915(c))

1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the firearm from a certificated school employee, with the principal or designee's concurrence

However, possession of an imitation firearm, as defined in Education Code 48900(m), shall not be regarded as an offense requiring a mandatory recommendation for expulsion and mandatory expulsion.

2. Brandishing a knife as defined in Education Code 48915(g) at another person

3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058

4. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4

5. Possessing an explosive as defined in 18 USC 921

Upon finding that the student committed any of the above acts, the Board shall expel the student. (Education Code 48915)

#### Student's Right to Expulsion Hearing

Any student recommended for expulsion shall be entitled to a hearing to determine whether he/she should be expelled. The hearing shall be held within 30 school days after the Superintendent, principal, or designee determines that the student has committed one of the acts listed above under "Grounds for Suspension and Expulsion." (Education Code 48918(a))

The student is entitled to at least one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion. (Education Code 48918(a))

If the Board finds it impractical during the regular school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. (Education Code 48918(a))

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (Education Code 48918(a))

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (Education Code 48918(a))

### Stipulated Expulsion

After a determination that a student has committed an offense listed above under "Grounds for Suspension and Expulsion" for which expulsion is permitted or mandatory, the Superintendent, principal, or designee shall offer the student and his/her parent/guardian the option to waive a hearing and stipulate to the expulsion. The offer shall be made only after the student or his/her parent/guardian has been given written notice of the expulsion hearing pursuant to Education Code 48918.

The stipulation agreement shall be in writing and shall be signed by the student and his/her parent/guardian. The stipulation agreement shall include notice of all the rights that the student is waiving, including the waiving of his/her right to have a full hearing, to appeal the expulsion to the County Board of Education, and to consult legal counsel.

A stipulated expulsion shall be effective upon approval by the Board.

### Rights of Complaining Witness

An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental, or emotional needs of a student who is the complaining witness. (Education Code 48918.5)

Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of his/her right to: (Education Code 48918.5)

1. Receive five days' notice of his/her scheduled testimony at the hearing
2. Have up to two adult support persons of his/her choosing present at the hearing at the time he/she testifies
3. Have a closed hearing during the time he/she testifies

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending. (Education Code 48918.5)

### Written Notice of the Expulsion Hearing

Written notice of the expulsion hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include: (Education Code 48900.8, 48918(b))

1. The date and place of the hearing.
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based.
3. A copy of district disciplinary rules which relate to the alleged violation.

4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).

(cf. 5119 - Students Expelled from Other Districts)

5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a nonattorney advisor.

Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

Nonattorney advisor means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

6. The right to inspect and obtain copies of all documents to be used at the hearing.

7. The opportunity to confront and question all witnesses who testify at the hearing.

8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.

#### Additional Notice of Expulsion Hearing for Foster Youth

At least 10 days prior to a hearing to determine if a student who is a foster youth as defined under Education Code 48853.5 should be expelled for an offense not requiring a mandatory recommendation for expulsion, the Superintendent or designee shall notify the student's attorney and a representative of an appropriate county child welfare agency. If the hearing is pursuant to an offense requiring a mandatory expulsion recommendation, the Superintendent or designee may provide the same notification. The notice shall be provided by the most cost-effective method possible, including by email or a telephone call. (Education Code 48918.1)

#### Conduct of Expulsion Hearing

1. Closed Session: Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such a request is made, the meeting shall be public unless another student's privacy rights would be violated. (Education Code 48918(c))

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student also shall be allowed to attend the closed session. (Education Code 48918(c))

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/her testimony heard in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the

threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c))

2. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))

3. Subpoenas: Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20. (Education Code 48918(i))

Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be considered by the Board in closed session, or in open session if so requested by the student, before the meeting. The Board's decision in response to such an objection shall be final and binding. (Education Code 48918(i))

If the Board determines, or if the hearing officer or administrative panel finds and submits to the Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below. (Education Code 48918(i))

4. Presentation of Evidence: Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion" above. (Education Code 48918(h))

Findings of fact shall be based solely on the evidence at the hearing. Although no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (Education Code 48918(f))

In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record.

5. Testimony by Complaining Witnesses: The following procedures shall be observed when a hearing involves allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)

- a. Any complaining witness shall be given five days' notice before being called to testify.
- b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during his/her testimony.
- c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.

- d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
- e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.
- f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
- g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.

(1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.

(2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.

(3) The person conducting the hearing may:

(a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness

(b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours

(c) Permit one of the support persons to accompany the complaining witness to the witness stand

6. Decision: The Board's decision as to whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. Alternatively, the Board may appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled. (Education Code 48918(d))

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures applicable to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing," including the requirement to issue a decision within 40 school days of the student's removal from school, unless the student

requests that the decision be postponed. (Education Code 48918(a) and (d))

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not

recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated. The Superintendent or designee shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with district staff, including the student's teachers, and with the student's parent/guardian. The decision to not recommend expulsion shall be final. (Education Code 48918(e))

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order. (Education Code 48918(f))

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion for a period of one year. (Education Code 48917, 48918)

#### Final Action by the Board

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer, or an administrative panel or is waived through the signing of a stipulated expulsion agreement, the final action to expel shall be taken by the Board at a public meeting. (Education Code 48918(j))

(cf. 9321.1 - Closed Session Actions and Reports)

If the Board conducts the hearing and reaches a decision not to expel, this decision shall be final and the student shall be reinstated immediately.

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for any act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916)

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include: (Education Code 48916)

1. Periodic review, as well as assessment at the time of review, for readmission
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs

With parent/guardian consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school. (Education Code 48916.5)

#### Written Notice to Expel

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion" (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 (Education Code 48918)

#### Decision Not to Enforce Expulsion Order

In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion order, the Board shall take into account the following criteria:

1. The student's pattern of behavior
2. The seriousness of the misconduct
3. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program

The suspension of the enforcement of an expulsion shall be governed by the following:

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code 48917)
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code 48917)
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the district's rules and regulations governing student conduct. (Education Code 48917)

4. When the suspension of enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. (Education Code 48917)
6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of his/her status with the expelling district, pursuant to Education Code 48915.1(b). (Education Code 48918(j))
7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. (Education Code 48917)

#### Right to Appeal

The student or parent/guardian is entitled to file an appeal of the Board's decision with the County Board. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion order is suspended and the student is placed on probation. (Education Code 48919)

The student shall submit a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the County Board. The district shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)

#### Notification to Law Enforcement Authorities

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (Education Code 48902)

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance. In addition, law enforcement authorities shall be notified regarding any acts by students regarding the possession, sale, or furnishing of firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(1) or (5) or Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering, or sale of controlled substances, alcohol, or intoxicants of any kind. (Education Code 48902)

#### Post-Expulsion Placements

The Board shall refer expelled students to a program of study that is: (Education Code 48915, 48915.01)

1. Appropriately prepared to accommodate students who exhibit discipline problems
2. Not provided at a comprehensive middle, junior, or senior high school or at any elementary school, unless the program is offered at a community day school established at such a site
3. Not housed at the school site attended by the student at the time of suspension

(cf. 6158 - Independent Study)

(cf. 6185 - Community Day School)

When the placement described above is not available and when the County Superintendent so certifies, students expelled for acts described in items #6-13 and #21-23 under "Grounds

for Suspension and Expulsion" above may be referred to a program of study that is provided at another comprehensive middle, junior, or senior high school or at an elementary school. (Education Code 48915)

The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12. (Education Code 48916.1)

#### Readmission After Expulsion

Readmission procedures shall be as follows:

1. On the date set by the Board when it ordered the expulsion, the district shall consider readmission of the student. (Education Code 48916)
2. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference, the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
3. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 49073- 49079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.
4. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.
5. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)
6. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school. (Education Code 48916)
7. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for

denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

No student shall be denied readmission into the district based solely on the student's arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other such contact with the juvenile justice system. (Education Code 48645.5)

#### Maintenance of Records

The district shall maintain a record of each suspension and expulsion, including its specific cause(s). (Education Code 48900.8)

Expulsion records of any student shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon written request by that school. (Education Code 48918(k))

The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (Education Code 48915.1)

(cf. 5119 - Students Expelled from Other Districts)

Regulation AUBURN UNION SCHOOL DISTRICT

approved: June 11, 2014 Auburn, California



**WILDCATS**  
**are**  
**SAFE, RESPECTFUL & RESPONSIBLE**

**E. V. Cain STEM**  
*(Science, Technology, Engineering, Mathematics)*  
**Charter Middle School**

**Code of Conduct**  
**2013 -2014**

*"It's a great day to be a Wildcat!"*

150 Palm Avenue  
Auburn, CA 95603  
Telephone: (530) 823-6106  
Website: <http://www.auburn.k12.ca.us/ev-cain/index.htm>

Mission Statement: We will provide a comprehensive program and supportive environment that guides all students to realize their highest potential.

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## **Aerosol Sprays**

Aerosol sprays (e.g. AXE) pose a serious health risk to our students with asthma, and are not permitted at E. V. Cain. Spraying aerosols anywhere on campus will be met with disciplinary action. Aerosol containers will be confiscated.

## **Anti-Harassment/Anti-Bullying Policy**

Harassment is defined as unwelcome verbal or physical advances, name calling or bullying. It may be related to race, ethnicity, sexual orientation, gender, or religion. The district prohibits harassment at school, and/or at school-sponsored or school-related activities. Anyone who engages in harassment will be subject to disciplinary action. Staff members will clearly communicate to students that harassment is prohibited, and will advise students to report any harassment that they experience or observe to an adult. The harassment of witnesses or students who report harassment is prohibited by California Education Code and will result in disciplinary action.

## **Arrival/Departure**

Please refer to the Bell Schedule for arrival and departure times. Please do not arrive before 7:50 a.m., as there is **no** adult supervision until that time. Staff members are on duty from 7:45 a.m. – 8:10 a.m. **E. V. Cain STEM Charter Middle School is a closed campus, and students may not leave school grounds once they are on school property. If students are caught leaving campus, they will be subject to disciplinary consequences.**

At the end of the day, staff members are on duty for 15 minutes. Students are expected to leave campus after the final bell sounds unless they have permission to remain on campus (e.g., Detention, After School Tutoring, Athletics, etc.). Students are not to remain on campus past 2:55 p.m. unless under the direct supervision of a staff member.

Bus drivers will unload and load students in the bus lane in front of the school. Students riding home in a car need to be picked up at school. Parents should remain in their vehicle when picking up their student(s).

*Dropping students off at the library or at local businesses is strongly discouraged. Students who are dropped off and picked up outside the E. V. Cain STEM Charter Middle School campus are subject to disciplinary consequences if their behavior is found to be unsafe, disrespectful, or irresponsible.*

## **Assembly Behavior**

Wildcats are expected to exhibit **safe, respectful, and responsible** behavior during assemblies. Students are expected to abide by the following guidelines:

1. Enter and exit the gymnasium in an orderly fashion.
2. Sit with their class in an area designated by their teacher, or administrator.
3. Always be courteous to guests and presenters. Students shall avoid shouting or stomping unless it is a designated activity (e.g. during a Rally).
- 4.

## **Athletics**

Representing E. V. Cain STEM Charter Middle School as an athlete is a privilege. It is an opportunity for Wildcats, who are maintaining good citizenship by honoring the three Wildcat Values (**safe, respectful, and responsible**), to showcase their athletic prowess and teamwork while demonstrating good sportsmanship. Athletics are available to all E. V. Cain students who maintain good citizenship. Students who meet the following requirements will be eligible to participate in athletics:

- Maintain a minimum grade point average (GPA) of 2.0. Students not meeting the minimum grade point average may be placed on probation and be required to attend mandatory study hall upon approval of an administrator. Students may be required to submit weekly progress reports to the athletic director and their coach in order to remain eligible to play.

- ❑ Complete a “Partners in Learning” contract (see page 5).
- ❑ Attend at least 4 periods on game day and have an excused absence for periods missed on the day of a game.

An administrator may waive the above requirements for special circumstances.

## **Attendance**

E. V. Cain STEM Charter Middle School’s attendance number is 823-6106, extension 2.

**It is the responsibility of the parent/guardian to report the absence of a student on the day of the absence.**

Daily school attendance is critical for a student’s success. By law, parents are obligated to send their child to school daily. Parents are strongly encouraged to schedule medical appointments during non-school hours. Whenever possible, a student who is absent for a reason other than illness should attend at least part of the school day.

**The following reasons are legally excused absences (*Education Code 48205*):**

- 1..... Personal illness or injury
- 2..... Quarantine under the direction of a county or city health officer
- 3..... Medical, dental, optometric, or chiropractic services rendered
- 4..... Attendance at funeral services for a member of the immediate family
- 5..... Personal court appearance
- 6..... Exclusion for failure to present evidence of immunization
- 7..... Exclusion from school because student is either the carrier of a contagious disease or not immunized for a contagious disease
- 8..... Religious observance or exercise
- 9..... Pupils in grades 7 – 12 who leave school (with prior approval of the principal or his/her designee) to obtain confidential medical services. The pupil is to return a copy of the medical professional’s appointment verification form. (*Education Code 46010.1*).

School absences are monitored carefully throughout the year. If a student has more than fourteen absences in a year for illness, a physician must verify further absences for illness.

Students who are habitually absent or tardy may be referred to the School Attendance Review Board (SARB). This is a truancy mediation program operated by the county’s district attorney, probation office and/or juvenile court. **Chronically absent and/or tardy students may be required to attend Saturday school in an attempt to provide instructional minutes and/or remediation for low grades and/or low scores on standards-based, grade level assessments.**

Pre-arranged absences may be approved for Travel Study. At least five (5) school days prior to this type of absence, a request must be made by a parent/guardian and the absence must be approved by the school administration. Whenever it is known that a student will miss school please request a Travel Study form to prevent loss of learning for the student and loss of revenue for the school. The Travel Study form must be completed and returned to the main office within three school days after a student’s return (*Education Code 48200*).

## **Behavior Expectations and Discipline**

E. V. Cain has only three rules: Be Safe, Be Responsible, and Be Respectful. We maintain behavior standards in accordance with the California Education Code and Wildcat Values. Students are expected to comply with the prescribed course of study for their grade level and treat themselves and others with respect and dignity. School rules reinforce these values.

E.V. Cain Stem Charter is a place of business and as such **public displays of affection** (pda) are not respectful. Hand-holding, hugging and kissing are not allowed.

The resolution of academic and behavior problems is a joint effort between the students, parents, teachers, and school administrators. Subsequently, communication between students, parents, teachers, and school administrators shall be completed in a timely and respectful manner.

### **Classroom Interventions**

Minor student disciplinary problems such as excessive talking, not bringing materials to class, homework-related issues, along with other posted classroom rules, will be dealt with by teachers, teams, and parents. Teachers, teams, and administrators will follow these progressive discipline steps when working with students and their families:

### **Academic Interventions**

**Level 1:** Missing assignments causing a student to earn a "D" or "F" grade, and the student is not taking the initiative to fix the problem.

- Parent signs a notice or progress report.
- If missing assignments are not cleared up in a timely manner, student is referred to Level 2.

**Level 2:** Teacher calls the parent, and refers the student to an administrator.

- Student enrolled in intervention class in lieu of elective.
- Student attends after school detention in either the teacher's classroom or an alternate detention location.
- If the academic issues are not resolved at this level, student is referred to Level 3.

**Level 3:** Teacher schedules a conference with the parent, student, and administrator. Student may be assigned to mandatory Saturday school.

### **Behavior Interventions**

**Level 1:** Warning issued to the student.

- Student takes Behavior Slip home to be signed by the parent and returned to teacher the following day.

**Level 2:** Student earns a detention.

- Student takes Behavior Slip home to be signed by parent and returned to the teacher the following day.
- Student serves a 30-minute detention, either before or after school, within four school days of the incident.

**Level 3:** Classroom Suspension (California Education Code 48910).

- Teacher calls ALC to notify ALC supervisor that a student is on the way.
- Teacher will call a parent/guardian before the teacher leaves for the day. The teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension.
- Teacher will inform an administrator.
- Student serves his/her classroom suspension in ALC for up to two of the days that follow, during that class period.

**Level 4:** Administrative Referral.

- Student sent to an administrator with a completed Behavior Slip.
- Administrator issues a disciplinary consequence and contacts the parent/guardian.

For serious infractions, administrators may waive levels 1 and 2.

## BEHAVIOR SLIP

Classroom teachers and staff members use behavior slips to document his/her progressive, classroom and campus-related disciplinary actions. An example of a behavior slip is displayed below:

| <i><b>Cain Wildcat Behavior Report</b></i>   |   |  |
|--|---|--|
| Student Name: _____ Grade: _____ Date: _____ Time: _____   |   |  |
| Referring Staff Member: _____ Location: _____  |   |  |
| Behavior was (circle): NOT Safe NOT Respectful NOT Responsible   |   |  |
| <b>Staff Managed Behavior (Minor)</b><br><input type="checkbox"/> - Inappropriate Language<br><input type="checkbox"/> - Physical Contact/Horseplay<br><input type="checkbox"/> - Disrespect/Defiance Dress Code- <input type="checkbox"/><br><input type="checkbox"/> - Technology Violation Tardy - <input type="checkbox"/><br><input type="checkbox"/> - Property Misuse Disruption - <input type="checkbox"/><br><input type="checkbox"/> - Other _____                                   | <b>Referral to Admin. - Office Managed Behavior (Major)</b><br><input type="checkbox"/> - Verbally or physically threatening<br><input type="checkbox"/> - Fighting/Assault/Physical Aggression<br><input type="checkbox"/> - Disrespect/Defiance/Disruption<br><input type="checkbox"/> - Harassment/Bullying<br><input type="checkbox"/> - Vandalism<br><input type="checkbox"/> - Possession of Prohibited Item<br><input type="checkbox"/> - Forgery/Plagiarism<br><input type="checkbox"/> - Lying/Cheating<br><input type="checkbox"/> - Theft<br><input type="checkbox"/> - Technology Violation<br><input type="checkbox"/> - Other _____ |  |
| Explanation (What happened?): _____  |   |  |
| Suspected Motivation (circle one): Peer/Adult Attention Anger Avoidance Other: _____   |   |  |
| Consequences Given By _____ Date(s) of Consequence(s): _____   |   |  |
| <input type="checkbox"/> - Time in Office <input type="checkbox"/> - Conference with Student <input type="checkbox"/> - Parent Phone Call<br><input type="checkbox"/> - Loss of Privilege _____<br><input type="checkbox"/> - Class Suspension (Days: _____) <input type="checkbox"/> - Out of School Suspension (Admin. Only) (Days: _____)<br><input type="checkbox"/> - Detention (circle which time) M-TH AM (7:30-8:00) PM (2:30-3:00) Must be served within four days of behavior report |   |  |
| Date Detention Served _____ Signature of Detention Supervisor: _____   |   |  |
| Parent's signature below is required in order for student to attend detention.   |   |  |
| Student Signature: _____ Parent Signature: _____   |   |  |
| <i>White Copy: Office                      Yellow Copy: Home with Student for Signature/Return                      Pink: Referring Adult</i>  |   |  |

If a student earns a behavior slip, he/she is expected to review the behavior slip with his/her parent(s) that evening. Parents are expected to sign the behavior slip that evening, and the student is expected to return the signed form to his/her teacher the following day. Parents are encouraged to contact their son's/daughter's teacher, in a timely manner, if they have any questions. Telephone, email, or comments written on the behavior slip would be considered appropriate ways to communicate with your son's/daughter's teacher(s).

### Suspension from School

Serious behavior infractions may result in a suspension at home, suspension in school (i.e. time in the Alternative Learning Center), or a combination of these options, as determined by a school administrator or designee. A student may accrue no more than twenty days of suspension within a school year. If a student does reach twenty days of suspension, he or she will be considered for expulsion from the school district.

Students who are suspended at home will typically have a long term behavior contract. A student who violates a behavior contract may be considered for expulsion from the school district.

Some violations of the California Education Code will automatically lead to consideration for expulsion.

Students may be suspended from school by administrator or designee for any of the following violations of California Education Code 48900:

A pupil shall not be suspended from school or recommended for expulsion, unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive:

- (a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person.  
(2) Willfully used force or violence upon the person of another, except in self-defense.
- (b) Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object, unless, in the case of possession of an object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.
- (c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- (d) Unlawfully offered, arranged, or negotiated to sell a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
- (e) Committed or attempted to commit robbery or extortion.
- (f) Caused or attempted to cause damage to school property or private property.
- (g) Stolen or attempted to steal school property or private property.
- (h) Possessed or used tobacco, or products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products.
- (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- (k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
- (l) Knowingly received stolen school property or private property.
- (m) Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- (n) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.
- (o) Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.
- (p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- (q) Engaged in, or attempted to engage in, hazing. For purposes of this subdivision, "hazing" means a method of initiation or pre-initiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this subdivision, "hazing" does not include athletic events or school-sanctioned events.
- (r) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel.

(s) A pupil shall not be suspended or expelled for any of the acts enumerated in this section, unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of the following:

- (1) While on school grounds.
- (2) While going to or coming from school.
- (3) During the lunch period whether on or off the campus.
- (4) During, or while going to or coming from, a school sponsored activity.

### **Bicycles, Scooters, Skateboards, Roller Blades**

Any student that chooses to ride his/her bicycle to school must abide by the following rules:

1. Students shall ride bicycles in a safe manner at all times.
2. Students shall observe all traffic rules and laws.
3. Students must wear helmets and provide their own locks.
4. Bicycles shall not be ridden on campus, and shall be stored in the designated bicycle area during school hours.
5. When leaving, bicycles must be walked off campus.

If a student violates any of the above rules and regulations, his/her bicycle riding privileges may be suspended. Parents will be notified of each offense, and students may be cited by law enforcement for repeat violations of bicycle-related laws. If a student continues to violate bicycle rules, he or she may not be allowed to ride his or her bicycle to school for a period of time designated by an administrator.

The purpose of this policy is not to discourage bicycle riders, but rather to encourage and promote safety for the welfare of all students.

Skateboards, roller blades, wave boards, rip sticks, skate shoes (e.g. "Heelies"), and scooters are **NOT PERMITTED** on school grounds. Students violating this policy may have their item confiscated until claimed by a parent.

### **Bus Rules**

Students must have a valid bus pass in their possession to ride the bus. Students may only ride the bus to and from school from their designated bus stop on their assigned bus. This means that students may not change buses, get off at a different bus stop or ride a bus other than their assigned bus.

A bus transportation fee will be charged for students who ride the bus to and from school. The only students exempted from the transportation fee are students who have transportation stipulated in their Individual Educational Plan. Families may qualify for free or reduced transportation rates based on family income as defined by state and federal guidelines. For more information about transportation, please call the **district office (885-7242) or Durham Transportation (887-9909)**.

The following bus rules have been developed to ensure safe bus transportation. These rules are to be followed whenever a student rides on a bus. Parents are asked to review bus rules with their child and encourage their child to act safely by following the bus rules.

1. Riders follow the bus driver's instructions and directions at all times.
2. Riders should arrive at the bus stop on time and stand in a safe place to wait quietly for the bus.
3. Riders shall enter the bus in an orderly manner and go directly to their seats.
4. Riders shall remain seated while the bus is in motion and shall not obstruct the aisle with their legs, feet or other objects. When reaching their destination, riders shall remain seated until the bus stops and only then enter the aisle and exit in an orderly manner.
5. Riders should be courteous to the driver and fellow passengers.
6. The following actions are prohibited on buses and may lead to suspension of riding privileges: loud talking, laughing, yelling, singing and whistling. Scuffling, throwing objects, smoking, eating, drinking, standing and changing seats are also prohibited.
7. No part of the body should be outside a bus window. Nothing shall be thrown from a bus window.
8. Riders shall help keep the bus and the area around the bus stop clean. Riders shall not damage or deface the bus or tamper with bus equipment.
9. No animals shall be allowed on the bus without express permission from an administrator.
10. Riders should be alert for traffic when leaving the bus.

Riders who do not follow the bus rules, or school rules on the bus, may be reported to the school's administration, and students may receive a citation from the bus driver. **If a student receives a citation from a bus driver, the parent may contact Durham Transportation at 887-9909.** Camera mounts may be installed on buses for video surveillance. Videotapes may be used to provide evidence of student misconduct. The principal will determine the severity of the misconduct and take action accordingly. In all instances of misconduct, the rider and his/her parent shall be given notice and warning. In cases of a severe violation or repeated offenses, the rider may be denied transportation for a period of time that is determined by the driver and the principal (California Code of Regulations, Title 5, Section 14103).

Disciplinary action taken by the Durham Transportation, and supported by the Auburn Union School District, will be as follows:

| <i>1<sup>st</sup> Referral</i> | <i>2<sup>nd</sup> Referral</i>       | <i>3<sup>rd</sup> Referral</i>        | <i>4<sup>th</sup> Referral</i>         | <i>Additional</i>  |
|--------------------------------|--------------------------------------|---------------------------------------|--|--|
| Warning                        | Suspension from the bus for two days | Suspension from the bus for two weeks | Suspension from the bus for two months | Serious behavior may result in immediate suspension from the bus |

### **Cell Phones**

Cell phones may be used before first bell and after the last bell, and must be turned off throughout the entire school day. The only exception is if a student has received permission and is being supervised by a staff member. If a cell phone is found in the "on" position or used during the school day, it may be confiscated by a staff member. Parents may pick up their son's/daughter's confiscated cell phone from the teacher. Students who chronically violate our cell phone policy may be required to turn in their cell phones to the main office during the school day, or may not be permitted to have it on campus for the remainder of the school year.

### **Cheating**

Cheating is defined as any use or attempt to use the work efforts of another student, with or without the consent of that student, or any previously published material to benefit their grade status. This includes plagiarism. All students involved in the incident will be held accountable for their actions. Students involved in cheating on examinations may be referred to a school administrator for disciplinary action. [See Board Policy 5131.9]

## **Dances**

Dances are a privilege and serve as a means of rewarding students who are maintaining good citizenship by honoring the three Wildcat Values. Dances are available to all E. V. Cain students, maintaining good citizenship, for a nominal fee. Students who meet the following requirements will be eligible to participate in a school dance:

- Clear all debts three (3) school days prior to the event (e.g. cafeteria, athletic uniforms, textbooks).
- Attend at least 4 periods on the day of the dance and have an excused absence for any periods missed

Students who are placed on shortened day schedules or behavior contracts may lose their extracurricular activities as a consequence for violating the Wildcat Values of safe, responsible, and respectful behavior.

When students choose to attend a school dance, they will be expected to adhere to the following expectations. Students may lose the privilege of attending dances for failing to abide by these expectations. In addition, students may be required to call their parents to either pick them up, or fix the problem (e.g. bring a change of clothing):

1. Students must bring their current year student/school identification card as well as a parent-signed dance ticket.
2. Students must follow school dress code guidelines.
3. Students need to make arrangements for pick up prior to the dance.
4. Students will be admitted to the dance up to 30 minutes after the start time. Students arriving after the dance commences must be accompanied by their parent(s).
5. Students will not be permitted to leave the dance prior to its end unless they are picked up by their parent(s).
6. All students must be picked up within 15 minutes after the dance ends. Students not picked up on time may not be allowed to attend the next school dance.
7. School dances are for E. V. Cain STEM Charter Middle School students only.

Forms of suggestive/explicit dancing are strictly prohibited. Students participating in these forms of dancing may be removed from the dance, parents may be called, and the students involved may be sent home.

## **Dress Code Policy**

Dress appropriately. Dress or appearance which, in the view of the teaching or administrative staff, substantially disrupts the educational process will be addressed. Students may be required to go home and change if alternate clothing is unavailable. If you have any questions regarding this policy, please call the school office at 823-6106.

- ❑ Bandanas may not be worn or displayed at school.
- ❑ Any clothing depicting or promoting violence, drugs, alcohol, or tobacco, is gang related, or can be considered as sexually harassing or suggestive in nature is unacceptable.
- ❑ Clothing that promotes racism, hate, violence, or contributes to a hostile learning environment is unacceptable.
- ❑ At no time shall private body parts or undergarments be exposed or displayed for others to view.
- ❑ All tops must have two straps, and each strap must be at least two (2) inches in width. The top must cover the chest, midriff, sides, and back. Tube tops, backless tops, one shoulder tops, and spaghetti straps are not permitted at school.
- ❑ Tops and pants must meet, and no underwear or midriff shall be showing.
- ❑ Shoes must be worn at all times and must be safe. Athletic shoes are required for physical education.
- ❑ Spiked jewelry and large size chains are prohibited.

- ❑ Pajamas shall not be worn to school unless it is an approved “pajama day” by the administration.
- ❑ Hats may be worn to school, as a form of sun protection. Caps must not be worn backwards or sideways. Teacher discretion will be used in individual classrooms.
- ❑ Shorts/Skirts must pass the following test in order to be considered acceptable: Standing, with arms relaxed at your side, the ends of your thumbs shall touch the bottom of your shorts/skirt. If not, your skirt/shorts are too short and considered unacceptable school attire.

### **End of the Year Incentive Trips**

End of the Year Incentive Trips are a privilege and serve as a means of rewarding students who are maintaining good citizenship by honoring the three Wildcat Values of **safe, respectful,** and **responsible** behavior. Students who meet the following requirements, listed below, by 3:00 p.m., three school days prior to the trip will be eligible to participate in their Incentive Trip. Incentive Trips typically include a sixth grade barbeque, a seventh grade picnic at the Auburn Recreation Park, and an eighth grade Sun Splash trip. **NO late payments will be accepted, NO refunds will be provided, and NO exceptions will be made.** In order to be eligible, students must meet all of the following requirements during the third trimester:

1. Clear all debts (i.e., library books, athletic uniforms, textbooks, P.E. locks, etc.).
2. Maintain an attendance rate of at least 85%.
3. Achieve at least a 2.0 grade point average for the third trimester.
4. Receive no more than one (1) “F” on the third trimester report card.
5. Administrator approval
6. All permission slips are turned in and event-related fees are paid in full.

Students on behavior and/or shortened day contracts may forfeit their Incentive Trip. A student’s eligibility will be determined by an administrator after reviewing the student’s progress on his/her behavior and/or shortened day contract. An administrator may waive the above requirements for special circumstances.

### **Gum**

E.V. Cain STEM Charter Middle School prides itself in keeping and maintaining a clean, healthy environment for all to enjoy. All trash, including gum, must be disposed of properly. Gum chewing is restricted. Each student is responsible for following classroom rules regarding chewing gum. Teachers may create and implement classroom rules for chewing gum, and may assign consequences for violating gum-chewing rules. Improperly disposing of gum, such as leaving it on furniture or the floor is absolutely prohibited.

### **Health/Medication**

A health assistant is on duty in the Health Office during the school day. The district recognizes that students may have special medical needs. The California Education Code 49407 outlines conditions for administering medications at school.

**Medications can only be given if there are written instructions from a medical doctor and permission from the parent/guardian. Written instructions must be renewed at the start of each school year. Medication must be labeled and in the original over-the-counter or pharmacy container.**

Medications are placed in a locked cabinet in the Health Office. Specific guidelines must be followed for students to consume medication at school. Any student who carries required medication must have the proper consent form on file in the health office.

### **iPods and other media devices**

iPods may be used before the first bell, during lunch, and after the last bell of the school day. Physical Education teachers may, at their discretion, permit students to use their iPods during selected physical education class activities. Use of iPods in classrooms will be at the discretion of teachers. Some textbooks are available for downloading onto an iPod. It is important that iPods are kept in a safe location – for example, a clothing pocket, a closely watched backpack, or a locked P.E. locker.

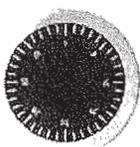
### **Physical Education Program (Seventh and Eighth Grade Students)**

Students change into E. V. Cain physical education attire (e.g., grey t-shirt, black shorts, and athletic shoes) and participate daily. Shirts, shorts and sweats may be purchased at orientation in the main office, or at any clothing store. **Students may not write on, draw on, or alter their P.E. clothing in any way.** Students have five minutes to change into PE attire at the beginning of class, and five minutes to change into their school clothes at the end of class.

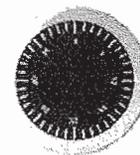
If students are ill or injured, they must provide a parent note for each day of the illness or injury. If students are injured or ill for three or more consecutive days, they must provide their physical education teacher with an official note from a doctor to cover the duration of the illness or injury.

Grades are determined by participation, which includes dressing in E. V. Cain physical education attire. A limited number of 'loaner' uniforms are available in the Health Clerk's Office. Students who chronically choose to either not bring their PE clothes to school, or chronically borrow 'loaner' uniforms, may be required to serve lunch detention or Saturday School for demonstrating irresponsible or defiant behavior.

Unfortunately, items are occasionally taken from the locker room. It is imperative that **all** possessions (e.g. cell phones and iPods) are stored in lockers during the P.E. class, and that the lockers are locked securely. Backpacks and valuables should not be left in the locker room without being locked in a locker. This includes during afterschool events such as team sports.



**Students who fail to lock personal possessions  
in the provided lockers will be  
subject to disciplinary action.**



If students have any questions regarding how to lock their locks in a secure manner, they must ask one of the P.E. teachers for assistance.

Physical Education teachers may, at their discretion, permit student to use their iPods during selected activities.

Parents should contact their student's P.E. teacher with any questions regarding the class or current grades. Teachers may be reached by telephone or email.

## **Positive Recognition Program**

Students at E. V. Cain are recognized for positive school achievement in academics, effort, attendance, and citizenship. Students may be recognized in more than one area. We will hold trimester recognition assemblies. Students are also recognized throughout the school year in other ways.

- ❑ **Academic Honors:** Students can qualify for academic honors as a result of the grade point average (GPA) that they achieve:
  - ✓ **Principal's Honor Roll**                      **3.5 – 4.0 GPA**
  - ✓ **E.V. Cain Honor Roll**                      **3.0 – 3.49 GPA**
  
- ❑ **Perfect Attendance:** Student attendance and academic achievement are closely related to one another. At the end of each trimester, teams will recognize students with perfect attendance. Students who have tardies or go on Independent Study are not eligible for Perfect Attendance.
  
- ❑ **Outstanding Students of the Trimester:** Each trimester, one male and female student from each team will be selected as the "Outstanding Student of the Trimester." Students will receive a certificate. Teachers will select the students based on effort, attitude, and achievement.
  
- ❑ **Other Trimester Awards:** Teams may challenge other teams to spirit and other creative competitions, and they may hold drawings for special prizes such as a front of the line passes or treats to local favorites like Fosters Freeze, In-N-Out Burger, and Starbucks. If you want to have fun, you need to be an active member of your team. We believe in rewarding students for their excellence!
  - ✓ **Wildcat Bucks** – distributed to students for exhibiting safe, responsible, and/or respectful behavior. They are awarded at staff members' discretion to recognize exemplary behavior that improves our school culture. Students may place their Wildcat Bucks in raffles that are held each trimester for items such as restaurant gift certificates, gift cards, movie tickets, etc.

## **Prohibited Items**

We want to do everything possible to create a safe and orderly learning environment at E. V. Cain STEM Charter Middle School. To accomplish this, we prohibit certain items from our campus, school activities, and on our buses. **This is not an all-inclusive list, but contains items that have a potential for causing problems. These items will be confiscated and returned only to parents. The school is not responsible for the theft of these items, and they may not be brought to school or on a school bus:**

Items that disrupt the education process such as but not limited to:

|   |                  |  |               |
|---|------------------|--|---------------|
| Aerosol sprays (e.g. AXE)                         | Glass Containers | Stink Bombs/Poppers                              | Energy Drinks |
| Water Balloons                                    | Matches/Lighters | Nuts/Seeds with Shells                           | Skateboards   |
| Squirt Guns (except at a school-sanctioned event) | Laser Pointers   | Permanent Markers (larger than extra fine point) | Weapons       |
|   | Bandanas         |  |               |

**Confiscated items are turned in to the main office, and will be returned to parents, or students if unique circumstances exist. The school is not responsible for personal property (e.g. iPods, jewelry, cell phones, etc.).**

**Please leave your valuables at home.**

## **Promotion Activities (Eighth Grade)**

The Eighth Grade Promotion Ceremony takes place in our Life Lab on campus in the late afternoon/early evening on the last day of school. Promotion activities include the End of the Year Incentive Trip, Promotion Dance, and Promotion Ceremony. These activities are designed to encourage and reward eighth grade students for their efforts and achievements. **Students must be eligible for promotion in order to participate in any promotion activities.**

- **Promotion Dance:** Students must meet the following requirements to be eligible for the dance:
  - ✓ Clear all debts by 3:00 p.m., three school days prior to the dance (e.g. library books, athletic uniforms, textbooks, etc.).
  - ✓ Attend at least 4 periods on the day of the dance and have an excused absence for any periods missed
  - ✓ Attendees must be E. V. Cain students. Guests are not permitted to attend the promotion dance.
  - ✓ Have no serious suspensions, ongoing behavior issues, or recent behavior issues, as determined by the school administration.

*Please note that students on behavior contracts and/or a shortened day schedule may not be eligible to participate in the promotion dance. The student and his/her parents shall schedule an appointment with an administrator to review the student's contract at least one week prior to the promotion dance.*

- **Promotion Ceremony:** Students must meet the following requirements to be eligible for the ceremony:
  - ✓ Maintain a minimum grade point average of 2.0 for **the third trimester.**
  - ✓ Clear all debts (e.g. library books, athletic uniforms, textbooks, etc.) by 3:00 p.m., three school days prior to the ceremony.
  - ✓ Maintain an annual attendance rate of at least 85%.
  - ✓ Have no more than one (1) F on his/her **third trimester report card.**
  - ✓ Have no serious suspensions, ongoing behavior issues, or recent behavior issues, as determined by the school administration.
  
- **Promotion Ceremony ~ Attire:** Please keep this dress code in mind when selecting clothing for the promotion ceremony. Appropriate dress for the promotion ceremony is the same as the dress code for the school year, except girls' dresses must have two straps (e.g. no halter tops, no strapless dresses) and boys' shirts must be tucked in.

## **Tardies**

Students who are not seated in their assigned classroom seat when the second bell rings are tardy. Teachers may issue a consequence for irresponsible and disrespectful behavior if students are chronically tardy.

Students who arrive at school after the second morning bell must report to the attendance office for a Late Slip. Teachers/Teams may, at their discretion, assign chronically tardy students to after school detention, classroom clean-up, Saturday School, Lunch Detention for the duration of their lunch period, or another reasonable consequence. The teacher/team may make arrangements, if necessary, with the student's parent(s) and administrators, when necessary, prior to implementing after school or weekend consequences.

## **Tobacco and Drug Free Zone**

The use of alcohol, tobacco or other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences. Therefore, all schools and district facilities are tobacco, alcohol and drug free sites. **The use of any alcohol, tobacco, or other drug products is prohibited within any district property, facility, or vehicle.** This prohibition also applies to all individuals attending events on school campuses or representing the district at school-sponsored activities that are held at locations other than district property.

### **Valuables from Home**

Valuables from home are not required at school. E. V. Cain STEM Charter Middle School and the Auburn Union School District are not responsible for any damage to or theft of these items, and may not assist students with their recovery. These items include, but are not limited to, the following: Cell phones, cameras, iPods, laptops, tablets, clothing, shoes, jewelry, and toys.

**Please leave your personal valuables at home.**

### **Wildcat Values**

The school staff is committed to reinforcing **safe**, **responsible**, and **respectful** behavior in our students. **The expected behaviors on campus will be taught to all students and consistently reinforced by all staff members.** This will provide a safe, orderly, and caring learning environment.

### **Zeros Aren't Permitted (Z.A.P.)**

If students come to class without completed homework, the student will be expected to attend a lunch study hall (ZAP) in order to complete it that day. Students with any missing assignments are also expected to attend Z.A.P. until assignments have been completed. We provide Z.A.P. during lunch Monday – Friday. Students are provided time to get their lunch during Z.A.P.

**ATTACHMENT K**

**ATTACHMENT K**

**WILDCATS**  
**are**  
**SAFE, RESPECTFUL & RESPONSIBLE**

**E. V. Cain STEM**  
*(Science, Technology, Engineering, Mathematics)*  
**Charter Middle School**

**School Guidelines**  
**2014 -2015**

*"It's a great day to be a Wildcat!"*

150 Palm Avenue  
Auburn, CA 95603  
Telephone: (530) 823-6106  
Website: <http://www.auburn.k12.ca.us/ev-cain/index.htm>

Mission Statement:

We will provide a comprehensive program and supportive environment that guides all students to realize their highest potential.

This agenda belongs to:

NAME \_\_\_\_\_

GRADE \_\_\_\_\_

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Dear Parents/Guardians,

Throughout the year, your child will be asked to do a variety of homework assignments. How can you help your child with homework? Let him/her know that you think homework is important, and that you value his/her effort. Here are some suggestions to make homework easier and meaningful:

\*Schedule a time each afternoon or evening just for completing homework. This should be quiet time, not in front of the TV or other distractions.

\*Find a quiet place to work and have supplies like pencil and paper handy.

\*Be available to look over papers and discuss your child's questions and concerns. If your child has attempted an assignment several times and is "stuck," give him/her some help, but don't do the work yourself.

\*When you observe your child displaying good homework habits, reinforce this behavior with praise.

\*When possible, relate homework to everyday skills such as taking responsibility, following directions, beginning and completing a task, and managing time.

\*Read to your child and invite your child to read to you, particularly if your child struggles with reading. Let your child see you reading, as you are a most powerful role model in your child's life.

What happens when students come to E.V. Cain without completing their homework? They will be expected to do homework at lunch. We run a ZAP Program (Zeroes Aren't Permitted) program Monday – Friday during lunchtime. Students with incomplete homework will be given a ticket to ZAP by their teacher. The student's name will go on a list and be given to the administrators in charge of ZAP. Students will be expected to stay for 30 minutes, and then will be permitted to get their lunch. We also have intervention study hall Mondays through Fridays from 2:30pm to 3:30 p.m.

Individual teachers also provide tutoring help for their students. Specific information will be sent home by the teachers, about the afternoons they are available.

Get to know your child's friends and find an afterschool activity your child might be interested in.

At E.V. Cain STEM Charter Middle School we want all of our students to be successful learners and achieve to the best of their abilities. Failure is not an option. Students are most successful when we all work as a team. If we can support you or your child in any way, please call or email your child's teachers, our school counselor or Mr. Schaffer, Mrs. Garcia, or our new principal (to be hired).

Sincerely,

*EV Cain Administration Team*

**E. V. Cain STEM Charter Middle School: Partners in Learning Contract**

We believe that children learn from adults and that love, care, encouragement, positive support and a wholesome nurturing environment are critical to the healthy development of your every child. We are committed to working together with each of us doing our best to promote the achievement of \_\_\_\_\_.

**As a student, I pledge to:**

- Tell the truth, be responsible for myself, treat others with respect and work cooperatively to resolve problems.
- Work as hard as I can and complete all of my school and homework assignments.
- Talk to my parents about what I am learning in school.
- Ask my teachers for help when I don't understand something.
- Follow my classrooms' and school's rules and procedures.
- Arrive at class on time and prepared to work.
- Read and understand the Time Tracker/Student Handbook.

**As a parent, I pledge to:**

- Provide a quiet study time at home and encourage good study habits.
- Talk with my child about his/her activities every day.
- Play an active role in my child's education by attending conferences, looking at school work, contacting/speaking with my child's teachers, read the Cat Pause newsletter and volunteering when available.
- Ensure my child arrives at school on time and keeps regular attendance.
- Provide an environment that includes adequate food and rest so my child is ready to learn.
- Encourage my child to read and monitor internet activities and television viewing.
- Read and understand the Time Tracker / Student Handbook

**As teachers, we pledge to:**

- Provide motivating and interesting learning experiences in our classrooms
- Explain our goals, expectations and grading systems to students & parents.
- Use teaching methods and materials that work best for each student.
- Explain assignments so my students have a clear understanding.
- Hold high expectations for every student's achievement.
- Teach and practice classroom and school behavioral expectations and review the Time Tracker.
- Work with parents to ensure that their children receive the best possible education we can provide.
- Provide a safe and positive atmosphere for learning.

**As administrators, we pledge to:**

- Create a welcoming and positive learning environment at our school.
- Talk with students and parents about the schools mission and goals.
- Provide a safe, orderly learning environment.
- Support the partnership between parents, student and staff.
- Provide appropriate in-service and training for teachers and parents.

*TBH, Principal*  
*Steve Schaffer, Vice Principal*  
*TJ Garcia, Vice Principal*

We have read the E.V. Cain STEM Charter Middle School Time Tracker and discussed its contents and agree that we will promote safe, respectful and responsible behavior.

|                                  |      |
|----------------------------------|------|
| First Period Teacher's Signature | Date |
| Student's Signature              | Date |
| Parent's Signature               | Date |

**Please sign and return this page to your first period teacher.**

## Escuela de E. V. Cain STEM Charter: Asociados de Aprender

Creemos que los niños aprenden de los adultos y que el amor, cuidado, estímulo, apoyo positivo y un ambiente son y acogedor son esenciales para el sano desarrollo de cada niño. Estamos comprometidos a trabajar juntos, con cada uno de nosotros hacer nuestro mejor esfuerzo para promover el logro de \_\_\_\_\_.

### Como un estudiante, yo me comprometo a:

- Decir la verdad, ser responsable de mi mismo, tratar a los demás con respeto, y trabajar en cooperación para resolver los problemas.
- Trabajar tan duro como puedo y completar todos los de mi escuela y las tareas
- Hable con mis padres acerca de lo que estoy aprendiendo en la escuela.
- Pida a mis maestros en busca de ayuda cuando no entiendo algo.
- Siga mis clases de la escuela y las reglas y los procedimientos.
- Llegar a clase a tiempo y preparado para trabajar..
- Lea y entienda el "Time Tracker" o Manual del Estudiantes.

### Como un padre me comprometo a:

- Proporcionar un tiempo de estudio tranquilo en casa y fomentar buenos hábitos de estudio.
- Hable con mi hijo acerca de sus actividades todos los días.
- Desempeñar un papel activo en la educación de mi hijo, asistiendo a conferencias, ver el trabajo de la escuela, ponerse en contacto con hablar con los maestros de mi hijo, la lectura del boletín Pauso Gato, y el voluntariado cuando este disponible.
- Asegúrese de que mi hijo llegue a la escuela a tiempo..
- Proveer un ambiente que incluye una alimentación adecuada y el resto para que mi hijo esta listo para aprender todas lo mañanas.
- Animar a mi niño a leer, y monitorear sus actividades en Internet y ver televisión.
- Lea y entienda al "Time Tracker" o Manual del estudiantes.

### Como maestros nos comprometemos a:

- Proporcionar motivación e interesantes experiencias de aprendizaje en nuestro salones de clase.
- Explicar los objetivos, expectativas, y los sistemas de clasificación a los estudiantes y padres de familia.
- Utilizar los métodos de enseñanza y materiales que funcionan mejor para cada estudiante.
- Explicar las tareas para que mis alumnos tienen una comprensión clara
- Tenga expectativas altas para los logros de cada estudiante.
- Enseñar y practicar las expectativas en el aula y la escuela de comportamiento y revisar el manual del estudiantes.
- Trabajar con los padres para asegurarse de que sus hijos reciban la mejor educación posible que podamos ofrecer.
- Proveer un ambiente seguro y positivo para el aprendizaje.

### Como administradores, nos comprometemos a:

- Crear un ambiente de aprendizaje acogedor y positivo en nuestra escuela.
- Hable con los estudiantes y padres de familia acerca de la misión de la escuela y sus objetivos.
- Proveer un ambiente de aprendizaje seguro y ordenado.
- Apoyar la colaboración entre padres, estudiantes y personal.
- Proporcionar a los trabajadores en empleo y la formación de maestros y padres de familia.

Hemos leído el Manual del estudiantes de Escuela de E.V. Cain STEM Charter y discutido su contenido y estoy de acuerdo que vamos a promover un comportamiento seguro, respetuoso y responsable.

\_\_\_\_\_  
Firma de Maestro de Primer Clase

\_\_\_\_\_  
Fecha

\_\_\_\_\_  
Firma de estudiante

\_\_\_\_\_  
Fecha

\_\_\_\_\_  
Firmas de Padres

\_\_\_\_\_  
Fecha

*TBH, Director*

*Steve Schaffer, Sub-Directora*

*TJ Garcia, Sub-Director*

Después de firmar esta página, separarla, y volvera a su maestro de Primer clase.

## Staff Contact Information

All staff members can be reached by dialing 530-823-6106 plus their extension. You may also reach staff members via email.

| Staff Member       | Position               | Room        | Extension | Email  |
|--------------------|------------------------|-------------|-----------|--|
| Addison, Brooke    | Teacher                | 31          | 3381      | <a href="mailto:baddison@auburn.k12.ca.us">baddison@auburn.k12.ca.us</a>   |
| Albrecht, Jeanette | Teacher                | 20          | 3394      | <a href="mailto:jalbrecht@auburn.k12.ca.us">jalbrecht@auburn.k12.ca.us</a> |
| Arsenith, Sharon   | Teacher                | 8           | 3359      | <a href="mailto:sarsenith@auburn.k12.ca.us">sarsenith@auburn.k12.ca.us</a> |
| Call, Melinda      | School Counselor       | Office      | 8837      | <a href="mailto:mcall@auburn.k12.ca.us">mcall@auburn.k12.ca.us</a>         |
| Conn, Olivia       | Teacher                | 4           | 3354      | <a href="mailto:oconn@auburn.k12.ca.us">oconn@auburn.k12.ca.us</a>         |
| Cooke, Michelle    | Attendance Clerk       | Office      | 3348      | <a href="mailto:mcooke@auburn.k12.ca.us">mcooke@auburn.k12.ca.us</a>       |
| Dutro, Kirstyn     | Teacher                | 23          | 3373      | <a href="mailto:kdutro@auburn.k12.ca.us">kdutro@auburn.k12.ca.us</a>       |
| Francis Carol      | Health Clerk           | Office      | 3391      | <a href="mailto:cfrancis@auburn.k12.ca.us">cfrancis@auburn.k12.ca.us</a>   |
| *Garcia, TJ        | Teacher/Vice Principal | 17/Office   | 3347      | <a href="mailto:tgarcia@auburn.k12.ca.us">tgarcia@auburn.k12.ca.us</a>     |
| Gail, Jeffrey      | Teacher                | 32          | 3382      | <a href="mailto:jgail@auburn.k12.ca.us">jgail@auburn.k12.ca.us</a>         |
| Gail, Pamela       | Teacher                | 33          | 3383      | <a href="mailto:pgail@auburn.k12.ca.us">pgail@auburn.k12.ca.us</a>         |
| Holmes, Dawna      | Teacher                | 34          | 3384      | <a href="mailto:dholmes@auburn.k12.ca.us">dholmes@auburn.k12.ca.us</a>     |
| Howe, Steve        | Teacher                | Locker Room | 3399      | <a href="mailto:showe@auburn.k12.ca.us">showe@auburn.k12.ca.us</a>         |
| James, Jeff        | Teacher                | 19          | 3369      | <a href="mailto:jjames@auburn.k12.ca.us">jjames@auburn.k12.ca.us</a>       |
| James, Stacy       | Teacher                | TBD         | TBD       | <a href="mailto:sjames@auburn.k12.ca.us">sjames@auburn.k12.ca.us</a>       |
| Kepfer, Jim        | Teacher                | Music Room  | 3371      | <a href="mailto:jkepfer@auburn.k12.ca.us">jkepfer@auburn.k12.ca.us</a>     |
| Leeds, Carol       | Teacher                | 6           | 3356      | <a href="mailto:cleeds@auburn.k12.ca.us">cleeds@auburn.k12.ca.us</a>       |
| Loveall, Kelly     | Admin. Ass't           | Office      | 3346      | <a href="mailto:kloveall@auburn.k12.ca.us">kloveall@auburn.k12.ca.us</a>   |
| Metrock, Mathew    | Teacher                | 35          | 3385      | <a href="mailto:mmetrock@auburn.k12.ca.us">mmetrock@auburn.k12.ca.us</a>   |
| Olsen, Lindsey     | Teacher                | MPR         | 3399      | <a href="mailto:lolsen@auburn.k12.ca.us">lolsen@auburn.k12.ca.us</a>       |
| Paris, Shirley     | Teacher                | 9           | 3359      | <a href="mailto:sparis@auburn.k12.ca.us">sparis@auburn.k12.ca.us</a>       |
| Pelle, Katherine   | Teacher                | MPR         | 3367      | <a href="mailto:kpelle@auburn.k12.ca.us">kpelle@auburn.k12.ca.us</a>       |
| Pierce, Charlie    | Teacher                | 37          | 3397      | <a href="mailto:cpierce@auburn.k12.ca.us">cpierce@auburn.k12.ca.us</a>     |
| Randall, Tanya     | Teacher                | 18          | 3368      | <a href="mailto:trandall@auburn.k12.ca.us">trandall@auburn.k12.ca.us</a>   |
| *Rojo, Javier      | Teacher                | 12          | 3362      | <a href="mailto:jrojo@auburn.k12.ca.us">jrojo@auburn.k12.ca.us</a>         |
| Salatino, Carol    | Teacher                | 7           | 3357      | <a href="mailto:csalatino@auburn.k12.ca.us">csalatino@auburn.k12.ca.us</a> |
| Salatino, Lou      | Teacher                | 13          | 3363      | <a href="mailto:lsalatino@auburn.k12.ca.us">lsalatino@auburn.k12.ca.us</a> |
| Sarradet, Tom      | Teacher                | 25          | 3378      | <a href="mailto:tsarradet@auburn.k12.ca.us">tsarradet@auburn.k12.ca.us</a> |
| Schaffer, Steve    | Vice Principal         | Office      | 3349      | <a href="mailto:sschaffer@auburn.k12.ca.us">sschaffer@auburn.k12.ca.us</a> |
| Scott, Don         | Teacher                | 28          | 3390      | <a href="mailto:dscott@auburn.k12.ca.us">dscott@auburn.k12.ca.us</a>       |
| *Scotten, Suzanne  | Teacher                | 5           | 3387      | <a href="mailto:sscotten@auburn.k12.ca.us">sscotten@auburn.k12.ca.us</a>   |
| Stack, Trez        | Teacher                | Locker Room | 3398      | <a href="mailto:tstack@auburn.k12.ca.us">tstack@auburn.k12.ca.us</a>       |
| Swayze, Kim        | Teacher                | 22          | 3372      | <a href="mailto:kswayze@auburn.k12.ca.us">kswayze@auburn.k12.ca.us</a>     |
| Swesey, Nate       | Teacher                | 3           | 1213      | <a href="mailto:nswesey@auburn.k12.ca.us">nswesey@auburn.k12.ca.us</a>     |
| Thompson, Chelsey  | Teacher                | 2           | 3388      | <a href="mailto:cthompson@auburn.k12.ca.us">cthompson@auburn.k12.ca.us</a> |
| Wells, Gary        | Teacher                | 21          | 3390      | <a href="mailto:qwells@auburn.k12.ca.us">qwells@auburn.k12.ca.us</a>       |
| Uno, Kari          | Teacher                | 6           | 3370      | <a href="mailto:kuno@auburn.k12.ca.us">kuno@auburn.k12.ca.us</a>           |
| Young, Kelly       | Teacher                | 29          | 3365      | <a href="mailto:kyoung@auburn.k12.ca.us">kyoung@auburn.k12.ca.us</a>       |

\* Podemos hablar en español.

## Important School Calendar Dates 2014 - 2015

| MINIMUM DAYS<br>(Early Dismissal)   | NO SCHOOL FOR STUDENTS<br>& SCHOOL HOLIDAYS  | GRADING PERIODS   |
|---|--|---|
| <p><u>Every Monday</u> has been set aside for Positive Learning Community Activities for our teachers. School will be released at 1:33pm.</p> <p style="text-align: center;">November 18 - 21<br/>December 19<br/>June 2 - 5</p> <div style="text-align: center; margin-top: 20px;">  </div> | <p>September 1 – Labor Day</p> <p>November 10 Staff Development<br/>November 11 Veteran's Day<br/>November 17 Conference Day<br/>November 24 – 28 Thanksgiving Break</p> <p>December 19 – Jan 2 Winter Break</p> <p>January 5 Staff Development<br/>January 19 M.L. King Holiday</p> <p>February 16 President's Day<br/>February 17-19 Student Recess<br/>February 20 Lincoln's Birthday</p> <p>March 30 – April 3 Spring Break<br/>April 4 Snow Day (if needed)</p> <p>May 25 Memorial Day</p> <p><small>Note - if a snow day is called during the school year, students will be required to attend school April 6, 2015.</small></p> | <p><b>School Starts August 14, 2014</b></p> <p><b>School Ends June 5, 2015</b></p> <p><b><u>FIRST TRIMESTER</u></b></p> <p><b>August 13 – October 24, 2015</b></p> <p><b><u>SECOND TRIMESTER</u></b></p> <p><b>October 27, 2015 -<br/>February 27, 2015</b></p> <p><b><u>THIRD TRIMESTER</u></b></p> <p><b>March 2, 2015 - June 5, 2015</b></p> |

| Regular Day Schedule |                                   |                 |      | Minimum Day Schedule |                                   |                 |      |
|----------------------|-----------------------------------|-----------------|------|----------------------|-----------------------------------|-----------------|------|
|                      | 6 <sup>th</sup> & 7 <sup>th</sup> | 8 <sup>th</sup> |      |                      | 6 <sup>th</sup> & 7 <sup>th</sup> | 8 <sup>th</sup> |      |
| Bell                 | 8:04                              | 8:04            | Bell | Bell                 | 8:04                              | 8:04            | Bell |
| HR/1                 | 8:09 – 9:04                       | 8:09 – 9:04     | HR/1 | HR/1                 | 8:09 – 8:48                       | 8:09 – 8:48     | HR/1 |
| 2                    | 9:08 – 9:59                       | 9:08 – 9:59     | 2    | 2                    | 8:52 – 9:27                       | 8:52 – 9:27     | 2    |
| 3                    | 10:03 – 10:54                     | 10:03 – 10:54   | 3    | 3                    | 9:31 – 10:06                      | 9:31 – 10:06    | 3    |
| 4                    | 10:54 – 11:38                     | 10:58 – 11:49   | 4    | 6                    | 10:06 – 10:45                     | 10:10 – 10:45   | 6    |
| 5                    | 11:42 – 12:33                     | 11:49 – 12:33   | 5    | 4                    | 10:44 – 11:19                     | 10:45 – 11:24   | 4    |
| 6                    | 12:37 – 1:28                      | 12:37 – 1:28    | 6    | 5                    | 11:23 – 11:58                     | 11:23 – 11:58   | 5    |
| 7                    | 1:32 – 2:23                       | 1:32 – 2:23     | 7    | 7                    | 12:02 – 12:37                     | 12:02 – 12:37   | 7    |

| Wildcat Day Schedule (Most Tues & Thurs) |                                   |                 |                            | Mondays & Rally Schedule |                                   |                 |      |
|--|-----------------------------------|-----------------|----------------------------|--------------------------|-----------------------------------|-----------------|------|
|  | 6 <sup>th</sup> & 7 <sup>th</sup> | 8 <sup>th</sup> |                            |                          | 6 <sup>th</sup> & 7 <sup>th</sup> | 8 <sup>th</sup> |      |
| Bell                                     | 8:04                              | 8:04            | Bell                       | Bell                     | 8:04                              | 8:04            | Bell |
| HR/1                                     | 8:09-8:59                         | 8:09-8:59       | HR/1                       | HR/1                     | 8:09 – 8:57                       | 8:09 – 8:57     | HR/1 |
| WCP                                      | 9:03-9:29                         | 9:03-9:29       | WCP                        | 2                        | 9:01-9:45                         | 9:01-9:45       | 2    |
| 2  | 9:33-10:19                        | 9:33-10:19      | 2                          | 3                        | 9:49-10:33                        | 9:49-10:33      | 3    |
| 3  | 10:23-11:09                       | 10:23-11:09     | 3                          | 4                        | 10:33-11:10                       | 10:37-11:21     | 4    |
| 4  | 11:09-11:53                       | 11:13-11:59     | 4                          | 5                        | 11:14-11:58                       | 11:21-11:58     | 5    |
| 5  | 11:57-12:43                       | 11:59-12:43     | 5                          | 6                        | 12:02-12:46                       | 12:02-12:46     | 6    |
| 6  | 12:47-1:33                        | 12:47-1:33      | 6                          | 7                        | 12:50-1:33                        | 12:50-1:33      | 7    |
| 7  | 1:37-2:23                         | 1:37-2:23       | Rally Days add 1:37 – 2:23 |                          |                                   |                 |      |

## **Aerosol Sprays**

Aerosol sprays (e.g. AXE) pose a serious health risk to our students with asthma, and are not permitted at E. V. Cain. Spraying aerosols anywhere on campus will be met with disciplinary action. Aerosol containers will be confiscated.

## **Activities**

### **Band**

Band is a yearlong elective class for 6th, 7th and 8th graders. The groups participate in on and off campus performances and activities throughout the school year. Please contact the band director, Mr. Kepfer, for additional questions regarding band.

### **Builders' Club**

Builders Club is a club for young people who want to take positive, constructive action to build a better world for themselves and others. Members learn by doing. They learn organization, teamwork, and leadership. Most importantly, they learn that concerned individuals working together can make a positive difference.

Membership in the club is open to all interested middle school students. Students meet with an adult sponsor during rotating lunch periods. Builders Club members:

- Working together in service to school and community.
- Develop leadership potential.
- Foster the development of strong moral character.
- Demonstrate loyalty to school, community, and nation.

Builders Club is sponsored by Kiwanis, a worldwide organization of business and professional men and women dedicated to community service.

### **Dances**

Dances are a privilege and serve as a means of rewarding students who are maintaining good citizenship by honoring the three Wildcat Values. Dances are available to all E. V. Cain students, maintaining good citizenship, for a nominal fee. Students who meet the following requirements will be eligible to participate in a school dance:

- Clear all debts three (3) school days prior to the event (e.g. cafeteria, athletic uniforms, textbooks).
- Attend at least 4 periods on the day of the dance and have an excused absence for any periods missed.

Students who are placed on shortened day schedules or behavior contracts may lose their extracurricular activities as a consequence for violating the Wildcat Values of safe, responsible, and respectful behavior.

When students choose to attend a school dance, they will be expected to adhere to the following expectations. Students may lose the privilege of attending dances for failing to abide by these expectations. In addition, students may be required to call their parents to either pick them up, or fix the problem (e.g. bring a change of clothing):

1. Students must bring their current year student/school identification card as well as a parent-signed dance ticket.
2. Students must follow school dress code guidelines.
3. Students need to make arrangements for pick up prior to the dance.
4. Students will be admitted to the dance up to 30 minutes after the start time. Students arriving after the dance commences must be accompanied by their parent(s).
5. Students will not be permitted to leave the dance prior to its end unless they are picked up by their parent(s).
6. All students must be picked up within 15 minutes after the dance ends. Students not picked up on time may not be allowed to attend the next school dance.

- School dances are for E. V. Cain STEM Charter Middle School students only.

Forms of suggestive/explicit dancing are strictly prohibited. Students participating in these forms of dancing may be removed from the dance, parents may be called, and the students involved may be sent home.

### Leos' Club

*Leos' Club is sponsored by the Auburn Host Lion's Club, an affiliate of Lion's Club International. The purpose of the Leo's Club is:*

- To network with like-minded students who support the spirit of volunteering and service.*
- To find projects that promote school pride and make a positive impact on our campus.*
- To encourage service for the benefit of our local community.*
- To provide leadership opportunities and responsibilities.*
- To encourage continued service as members of the Placer High School Leos' Club.*

### Student Council/Leadership

Student Council is comprised of the elected members of the Leadership elective class. The Student Council positions include: President, Vice President, Secretary, Treasurer, Grade-Level Commissioners, Historian/Public Relations, and Student Government Representative. They are elected in the spring and must make a year-long commitment to fulfill their Leadership duties. The class involves learning project planning, effective meeting procedures, presentation skills, conflict resolution, and team building. The class promotes a positive school climate where students are encouraged to present their ideas in a respectful atmosphere. Student Council is also responsible for planning many of the fun activities for our Wildcats.

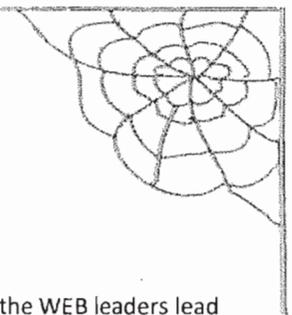
### WEB:

#### Welcome Everybody



#### Belongs

WEB is a middle school transition program that welcomes sixth grade students and makes them feel comfortable throughout the first year of their middle school experience. Built on the belief that students can help students succeed, WEB trains members of the eighth grade to be WEB leaders. As positive role models, WEB leaders are motivators, leaders and teachers who guide sixth grade students to discover what it takes to be successful in middle school.



A year with WEB begins with an orientation at the start of the school year. After a general assembly, the WEB leaders lead the sixth grade students through a series of fun, positive activities to help them all get to know each other as well as learn important campus information.

WEB leaders and the sixth grade students will be involved in activities that help build connections, positive relationships and academic success. GET CAUGHT IN THE WEB!

### After School Programs

**The Boys & Girls Club** is available, for a nominal fee, to all students. Parent permission and registration is required. The Boys & Girls Club has a facility on campus, on the blacktop near the basketball courts. The Boys & Girls Club offers Power Hour Tutoring after school in addition to their other enrichment activities. Applications are available by contacting the *Boys & Girls Club of Auburn* at:

679 Lincoln Way  
Auburn, CA 95603  
530-889-2273

<http://www.bgcplacercounty.org>

**After School Tutoring** is available for each grade level, and individual tutoring is available on an as needed basis when an appointment is made with a teacher.

**Mandatory After School Intervention** is required for all students who do not meet a 2.0 grade point average, or have an excessive number of missing assignments. A student is no longer required to participate in Mandatory After School Study Hall once the student's grade point average exceeds 2.0 and the student has met with an administrator to confirm this.

### **Alternative Learning Center (A.L.C.)**

The Alternative Learning Center (A.L.C.) is a designated classroom for students who need to complete assessments, time outs, classroom suspensions, in school suspensions, or independent study.

### **Anti-Harassment/Anti-Bullying Policy**

Harassment is defined as unwelcome verbal or physical advances, name calling or bullying. It may be related to race, ethnicity, sexual orientation, gender, or religion. The district prohibits harassment at school, and/or at school-sponsored or school-related activities. Anyone who engages in harassment will be subject to disciplinary action. Staff members will clearly communicate to students that harassment is prohibited, and will advise students to report any harassment that they experience or observe to an adult. The harassment of witnesses or students who report harassment is prohibited by California Education Code and will result in disciplinary action.

### **Arrival/Departure**

Please refer to the Bell Schedule for arrival and departure times. Please do not arrive before 7:50 a.m., as there is **no** adult supervision until that time. Staff members are on duty from 7:45 a.m. – 8:10 a.m. **E. V. Cain STEM Charter Middle School is a closed campus, and students may not leave school grounds once they are on school property. If students are caught leaving campus, they will be subject to disciplinary consequences.**

At the end of the day, staff members are on duty for 15 minutes. Students are expected to leave campus after the final bell sounds unless they have permission to remain on campus (e.g., Detention, After School Tutoring, Athletics, etc.). Students are not to remain on campus past 2:55 p.m. unless under the direct supervision of a staff member.

Bus drivers will unload and load students in the bus lane in front of the school. Students riding home in a car need to be picked up at school. Parents should remain in their vehicle when picking up their student(s).

*Dropping students off at the library or at local businesses is strongly discouraged. Students who are dropped off and picked up outside the E. V. Cain STEM Charter Middle School campus are subject to disciplinary consequences if their behavior is found to be unsafe, disrespectful, or irresponsible.*

### **Assembly Behavior**

Wildcats are expected to exhibit **safe, respectful, and responsible** behavior during assemblies. Students are expected to abide by the following guidelines:

1. Enter and exit the gymnasium in an orderly fashion.
2. Sit with their class in an area designated by their teacher, or administrator.
3. Always be courteous to guests and presenters. Students shall avoid shouting or stomping unless it is a designated activity (e.g. during a Rally).

## Athletics

A parent booster club provides volunteer and fundraising support for our athletic program. If you are interested in helping the booster club, please contact one of the athletic directors, Mr. Howe or Mr. James.

E. V. Cain STEM Charter Middle School participates in the Foothill Intermediate Schools Athletic League (F.I.S.A.L.). E. V. Cain competes with other schools in the league that are located in Lincoln, Roseville, Rocklin, and Antelope.



Students have the opportunity to participate in a variety of sports. So, lace-up those tennis shoes and let's see what you can do!

Students must be enrolled at E.V. Cain STEM Charter or E.V. Cain Homeschool in order to participate in all extracurricular activities.

| <u>Sport</u>      | <u>Season</u>       | <u>Open To</u>   |
|-------------------|---------------------|--|
| Flag Football     | August – October    | 7 <sup>th</sup> & 8 <sup>th</sup> Boys and Girls                     |
| Cross Country     | September – October | 6 <sup>th</sup> , 7 <sup>th</sup> , & 8 <sup>th</sup> Boys and Girls |
| Girls' Volleyball | September – October | 7 <sup>th</sup> & 8 <sup>th</sup> Girls                              |
| Boys' Soccer      | Fall                | 6 <sup>th</sup> , 7 <sup>th</sup> , & 8 <sup>th</sup> Boys           |
| Dance Team        | September – May     | 6 <sup>th</sup> , 7 <sup>th</sup> , & 8 <sup>th</sup> Boys and Girls |
| Boys' Basketball  | October – November  | 7 <sup>th</sup> & 8 <sup>th</sup> Boys                               |
| Wrestling         | December – March    | 6 <sup>th</sup> , 7 <sup>th</sup> , & 8 <sup>th</sup> Boys and Girls |
| Girls' Basketball | December – February | 7 <sup>th</sup> & 8 <sup>th</sup> Girls                              |
| Boys' Volleyball  | February – April    | 7 <sup>th</sup> & 8 <sup>th</sup> Boys                               |
| Girls' Soccer     | Spring              | 6 <sup>th</sup> , 7 <sup>th</sup> , & 8 <sup>th</sup> Girls          |
| Track & Field     | March – May         | 6 <sup>th</sup> , 7 <sup>th</sup> , & 8 <sup>th</sup> Boys and Girls |
| Girls' Softball   | March – May         | 7 <sup>th</sup> & 8 <sup>th</sup> Girls                              |

**"GO WILDCATS!"**



Representing E. V. Cain STEM Charter Middle School as an athlete is a privilege. It is an opportunity for Wildcats, who are maintaining good citizenship by honoring the three Wildcat Values (**safe**, **respectful**, and **responsible**), to showcase their athletic prowess and teamwork while demonstrating good sportsmanship. Athletics are available to all E. V. Cain students who maintain good citizenship. Students who meet the following requirements will be eligible to participate in athletics:

- Maintain a minimum grade point average (GPA) of 2.0. Students not meeting the minimum grade point average may be placed on probation and be required to attend mandatory study hall upon approval of an administrator. Students may be required to submit weekly progress reports to the athletic director and their coach in order to remain eligible to play.
- Complete a "Partners in Learning" contract (see page 5).
- Attend at least 4 periods on game day and have an excused absence for periods missed on the day of a game.



An administrator may waive the above requirements for special circumstances.

## Attendance

E. V. Cain STEM Charter Middle School's  
attendance number is 823-6106, extension 2.

**It is the responsibility of the parent/guardian to report the  
absence of a student on the day of the absence.**

Daily school attendance is critical for a student's success. By law, parents are obligated to send their child to school daily. Parents are strongly encouraged to schedule medical appointments during non-school hours. Whenever possible, a student who is absent for a reason other than illness should attend at least part of the school day.

**The following reasons are legally excused absences (*Education Code 48205*):**

- 1..... Personal illness or injury
- 2..... Quarantine under the direction of a county or city health officer
- 3..... Medical, dental, optometric, or chiropractic services rendered
- 4..... Attendance at funeral services for a member of the immediate family
- 5..... Personal court appearance
- 6..... Exclusion for failure to present evidence of immunization
- 7..... Exclusion from school because student is either the carrier of a contagious disease or not immunized for a contagious disease
- 8..... Religious observance or exercise
- 9..... Pupils in grades 7 – 12 who leave school (with prior approval of the principal or his/her designee) to obtain confidential medical services. The pupil is to return a copy of the medical professional's appointment verification form. (*Education Code 46010.1*).

School absences are monitored carefully throughout the year. If a student has more than fourteen absences in a year for illness, a physician must verify further absences for illness.

Students who are habitually absent or tardy may be referred to the School Attendance Review Board (SARB). This is a truancy mediation program operated by the county's district attorney, probation office and/or juvenile court. **Chronically absent and/or tardy students may be required to attend Saturday school in an attempt to provide instructional minutes and/or remediation for low grades and/or low scores on standards-based, grade level assessments.**

Pre-arranged absences may be approved for Travel Study. At least five (5) school days prior to this type of absence, a request must be made by a parent/guardian and the absence must be approved by the school administration. Whenever it is known that a student will miss school please request a Travel Study form to prevent loss of learning for the student and loss of revenue for the school. The Travel Study form must be completed and returned to the main office within three school days after a student's return (*Education Code 48200*).

## ***Behavior Expectations and Discipline***

E. V. Cain has only three rules: Be Safe, Be Responsible, and Be Respectful. We maintain behavior standards in accordance with the California Education Code and Wildcat Values. Students are expected to comply with the prescribed course of study for their grade level and treat themselves and others with respect and dignity. School rules reinforce these values.

E.V. Cain Stem Charter is a place of business and as such **public displays of affection** (pda) are not respectful. Hand-holding, hugging and kissing are not allowed.

The resolution of academic and behavior problems is a joint effort between the students, parents, teachers, and school administrators. Subsequently, communication between students, parents, teachers, and school administrators shall be completed in a timely and respectful manner.

### **Classroom Interventions**

Minor student disciplinary problems such as excessive talking, not bringing materials to class, homework-related issues, along with other posted classroom rules, will be dealt with by teachers and parents. Teachers and administrators will follow these progressive discipline steps when working with students and their families:

#### **Academic Interventions**

**Level 1:** Missing assignments causing a student to earn a "D" or "F" grade, and the student is not taking the initiative to fix the problem.

- Parent signs a notice or progress report.
- If missing assignments are not cleared up in a timely manner, student is referred to Level 2.

**Level 2:** Teacher calls the parent, and refers the student to an administrator.

- Student enrolled in intervention class in lieu of elective.
- Student attends after school detention in either the teacher's classroom or an alternate detention location.
- If the academic issues are not resolved at this level, student is referred to Level 3.

**Level 3:** Teacher schedules a conference with the parent, student, and administrator. Student may be assigned to mandatory Saturday school.

#### **Behavior Interventions**

**Level 1:** Warning issued to the student.

- Student takes Behavior Slip home to be signed by the parent and returned to teacher the following day.

**Level 2:** Student earns a detention.

- Student takes Behavior Slip home to be signed by parent and returned to the teacher the following day.
- Student serves a 30-minute detention, either before or after school, within four school days of the incident.

**Level 3:** Classroom Suspension (California Education Code 48910).

- Teacher calls ALC to notify ALC supervisor that a student is on the way.
- Teacher will call a parent/guardian before the teacher leaves for the day. The teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension.
- Teacher will inform an administrator.
- Student serves his/her classroom suspension in ALC for up to two of the days that follow, during that class period.

**Level 4:** Administrative Referral.

- Student sent to an administrator with a completed Behavior Slip.
- Administrator issues a disciplinary consequence and contacts the parent/guardian.

For serious infractions, administrators may waive levels 1 and 2.

## BEHAVIOR SLIP

Classroom teachers and staff members use behavior slips to document his/her progressive, classroom and campus-related disciplinary actions. An example of a behavior slip is displayed below:

| <i>Cain Wildcat Behavior Report</i>   |  |  |
|---|--|--|
| Student Name: _____ Grade: _____ Date: _____ Time: _____  |  |  |
| Referring Staff Member: _____ Location: _____   |  |  |
| Behavior was (circle): NOT Safe NOT Respectful NOT Responsible  |  |  |
| <b>Staff Managed Behavior (Minor)</b><br><input type="radio"/> - Inappropriate Language<br><input type="radio"/> - Physical Contact/Horseplay<br><input type="radio"/> - Disrespect/Defiance Dress Code- <input type="radio"/><br><input type="radio"/> - Technology Violation Tardy - <input type="radio"/><br><input type="radio"/> - Property Misuse Disruption - <input type="radio"/><br><input type="radio"/> - Other _____                                   | <b>Referral to Admin. - Office Managed Behavior (Major)</b><br><input type="radio"/> - Verbally or physically threatening<br><input type="radio"/> - Fighting/Assault/Physical Aggression<br><input type="radio"/> - Disrespect/Defiance/Disruption<br><input type="radio"/> - Harassment/Bullying<br><input type="radio"/> - Vandalism<br><input type="radio"/> - Possession of Prohibited Item | <input type="radio"/> - Forgery/Plagiarism<br><input type="radio"/> - Lying/Cheating<br><input type="radio"/> - Theft<br><input type="radio"/> - Technology Violation<br><input type="radio"/> - Other _____ |
| Explanation (What happened?): _____<br>_____  |  |  |
| Suspected Motivation (circle one): Peer/Adult Attention Anger Avoidance Other: _____  |  |  |
| Consequences Given By _____ Date(s) of Consequence(s): _____  |  |  |
| <input type="radio"/> - Time in Office <input type="radio"/> - Conference with Student <input type="radio"/> - Parent Phone Call<br><input type="radio"/> - Loss of Privilege<br><input type="radio"/> - Class Suspension (Days: _____) <input type="radio"/> - Out of School Suspension (Admin. Only) (Days: _____)<br><input type="radio"/> - Detention (circle which time) M-TH AM (7:30-8:00) PM (2:30-3:00) Must be served within four days of behavior report |  |  |
| Date Detention Served _____ Signature of Detention Supervisor: _____  |  |  |
| Parent's signature below is required in order for student to attend detention.  |  |  |
| Student Signature: _____ Parent Signature: _____  |  |  |
| <i>White Copy: Office                      Yellow Copy: Home with Student for Signature/Return                      Pink: Referring Adult</i>   |  |  |

If a student earns a behavior slip, he/she is expected to review the behavior slip with his/her parent(s) that evening. Parents are expected to sign the behavior slip that evening, and the student is expected to return the signed form to his/her teacher the following day. Parents are encouraged to contact their son's/daughter's teacher, in a timely manner, if they have any questions. Telephone, email, or comments written on the behavior slip would be considered appropriate ways to communicate with your son's/daughter's teacher(s).

## Suspension from School

Serious behavior infractions may result in a suspension at home, suspension in school (i.e. time in the Alternative Learning Center), or a combination of these options, as determined by a school administrator or designee. A student may accrue no more than twenty days of suspension within a school year. If a student does reach twenty days of suspension, he or she will be considered for expulsion from the school district.

Students who are suspended at home will typically have a long term behavior contract. A student who violates a behavior contract may be considered for expulsion from the school district.

Some violations of the California Education Code will automatically lead to consideration for expulsion.

Students may be suspended from school by administrator or designee for any of the following violations of California Education Code 48900:

A pupil shall not be suspended from school or recommended for expulsion, unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive:

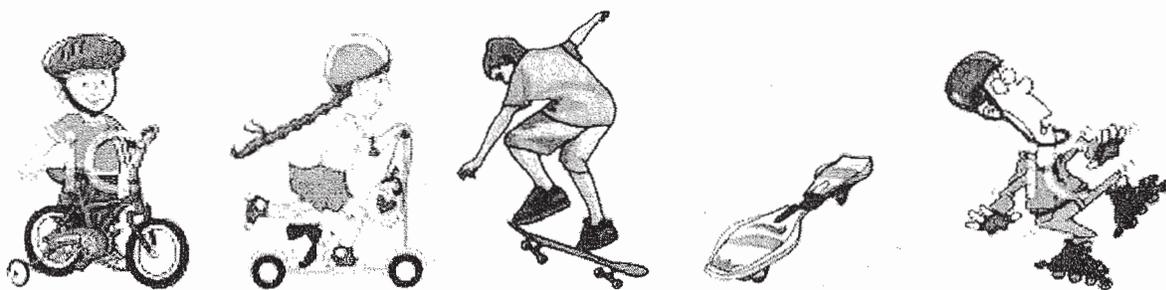
- (a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person.  
(2) Willfully used force or violence upon the person of another, except in self-defense.
- (b) Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object, unless, in the case of possession of an object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.
- (c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- (d) Unlawfully offered, arranged, or negotiated to sell a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
- (e) Committed or attempted to commit robbery or extortion.
- (f) Caused or attempted to cause damage to school property or private property.
- (g) Stolen or attempted to steal school property or private property.
- (h) Possessed or used tobacco, or products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products.
- (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- (k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
- (l) Knowingly received stolen school property or private property.
- (m) Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- (n) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.
- (o) Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.
- (p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.

(q) Engaged in, or attempted to engage in, hazing. For purposes of this subdivision, "hazing" means a method of initiation or pre-initiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this subdivision, "hazing" does not include athletic events or school-sanctioned events.

(r) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel.

(s) A pupil shall not be suspended or expelled for any of the acts enumerated in this section, unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of the following:

- (1) While on school grounds.
- (2) While going to or coming from school.
- (3) During the lunch period whether on or off the campus.
- (4) During, or while going to or coming from, a school sponsored activity.



### ***Bicycles, Scooters, Skateboards, Roller Blades***

Any student that chooses to ride his/her bicycle to school must abide by the following rules:

1. Students shall ride bicycles in a safe manner at all times.
2. Students shall observe all traffic rules and laws.
3. Students must wear helmets and provide their own locks.
4. Bicycles shall not be ridden on campus, and shall be stored in the designated bicycle area during school hours.
5. When leaving, bicycles must be walked off campus.

If a student violates any of the above rules and regulations, his/her bicycle riding privileges may be suspended. Parents will be notified of each offense, and students may be cited by law enforcement for repeat violations of bicycle-related laws. If a student continues to violate bicycle rules, he or she may not be allowed to ride his or her bicycle to school for a period of time designated by an administrator.

The purpose of this policy is not to discourage bicycle riders, but rather to encourage and promote safety for the welfare of all students.

Skateboards, roller blades, wave boards, rip sticks, skate shoes (e.g. "Heelies"), and scooters are **NOT PERMITTED** on school grounds. Students violating this policy may have their item confiscated until claimed by a parent.

## ***Bus Rules***

Students must have a valid bus pass in their possession to ride the bus. Students may only ride the bus to and from school from their designated bus stop on their assigned bus. This means that students may not change buses, get off at a different bus stop or ride a bus other than their assigned bus.

A bus transportation fee will be charged for students who ride the bus to and from school. The only students exempted from the transportation fee are students who have transportation stipulated in their Individual Educational Plan. Families may qualify for free or reduced transportation rates based on family income as defined by state and federal guidelines. For more information about transportation, please call the **District Office (885-7242)** or **Durham Transportation (887-9909)**.

The following bus rules have been developed to ensure safe bus transportation. These rules are to be followed whenever a student rides on a bus. Parents are asked to review bus rules with their child and encourage their child to act safely by following the bus rules.

1. Riders follow the bus driver's instructions and directions at all times.
2. Riders should arrive at the bus stop on time and stand in a safe place to wait quietly for the bus.
3. Riders shall enter the bus in an orderly manner and go directly to their seats.
4. Riders shall remain seated while the bus is in motion and shall not obstruct the aisle with their legs, feet or other objects. When reaching their destination, riders shall remain seated until the bus stops and only then enter the aisle and exit in an orderly manner.
5. Riders should be courteous to the driver and fellow passengers.
6. The following actions are prohibited on buses and may lead to suspension of riding privileges: loud talking, laughing, yelling, singing and whistling. Scuffling, throwing objects, smoking, eating, drinking, standing and changing seats are also prohibited.
7. No part of the body should be outside a bus window. Nothing shall be thrown from a bus window.
8. Riders shall help keep the bus and the area around the bus stop clean. Riders shall not damage or deface the bus or tamper with bus equipment.
9. No animals shall be allowed on the bus without express permission from an administrator.
10. Riders should be alert for traffic when leaving the bus.

Riders who do not follow the bus rules, or school rules on the bus, may be reported to the school's administration, and students may receive a citation from the bus driver. **If a student receives a citation from a bus driver, the parent may contact Durham Transportation at 887-9909.** Camera mounts may be installed on buses for video surveillance. Videotapes may be used to provide evidence of student misconduct. The principal will determine the severity of the misconduct and take action accordingly. In all instances of misconduct, the rider and his/her parent shall be given notice and warning. In cases of a severe violation or repeated offenses, the rider may be denied transportation for a period of time that is determined by the driver and the principal (California Code of Regulations, Title 5, Section 14103).

Disciplinary action taken by the Durham Transportation, and supported by the Auburn Union School District, will be as follows:

| <b><i>1<sup>st</sup> Referral</i></b> | <b><i>2<sup>nd</sup> Referral</i></b> | <b><i>3<sup>rd</sup> Referral</i></b> | <b><i>4<sup>th</sup> Referral</i></b>  | <b><i>Additional</i></b>   |
|---------------------------------------|---------------------------------------|---------------------------------------|--|--|
| Warning                               | Suspension from the bus for two days  | Suspension from the bus for two weeks | Suspension from the bus for two months | Serious behavior may result in immediate suspension from the bus |

## **Cell Phones**

Cell phones may be used before first bell and after the last bell, and must be turned off throughout the entire school day. The only exception is if a student has received permission and is being supervised by a staff member. If a cell phone is found in the "on" position or used during the school day, it may be confiscated by a staff member. Parents may pick up their son's/daughter's confiscated cell phone from the teacher. Students who chronically violate our cell phone policy may be required to turn in their cell phones to the main office during the school day, or may not be permitted to have it on campus for the remainder of the school year.

## **Change of Address**

Please inform the main office of any change in address, telephone number, and/or emergency number. This will enable us to contact parents in a timely manner. Upon enrollment, the parent(s) enrolling the student will be considered the "primary contact." In cases of joint custody, the primary contact parent is expected to share student/school information with the other parent. The parents should provide the school with a written request if both parents request mailings, along with a supply of self-addressed, stamped envelopes. **If a restraining or other court order is in effect, it is the parent's responsibility to provide the school's administration with a copy of the order in a timely manner.**

## **Cheating**

Cheating is defined as any use or attempt to use the work efforts of another student, with or without the consent of that student, or any previously published material to benefit their grade status. This includes plagiarism. All students involved in the incident will be held accountable for their actions. Students involved in cheating on examinations may be referred to a school administrator for disciplinary action. [See Board Policy 5131.9]

## **Closed Campus**

To ensure student safety and their supervision, the Board of Trustees established a closed campus policy at all district schools. Once students arrive on the school grounds, they must remain on campus until the end of the school day unless there is a note from the parent or guardian and permission from school office staff. If a student leaves school grounds without this permission, a student is considered truant and is subject to disciplinary action [Education Code 44808.5]. Parents must sign students out of school in the main office.

The following exceptions apply:

|  |  |
|--|--|
| Appointments                               | <b><u>If a student must leave school for any reason during the school day, the student must have a note with him/her to give to the teacher stating at what time the student should be waiting in the office.</u></b> Students will only be released to a parent/guardian or emergency contact person listed on the Emergency Card. Students will not be removed from their classroom until the parent/guardian or emergency contact person is present in the main office. |
| Illness/Injury                             | Students who become ill or receive an injury will obtain a pass from their teacher prior to reporting to the nurse's office. Students will only be released to a parent/guardian or emergency contact person listed on the Emergency Card. Students are required to report all injuries to the health assistant.   |
| Field Trips and Extracurricular Activities | Students will not participate in field trips unless they have given their teacher a completed permission slip. Students must also meet behavior/citizenship requirements in order to be eligible for field trips and extracurricular activities.   |

## **Communication**

Teachers communicate with students and parents in the following manner:

### Daily Communication

Telephone  
Email

### Homework

Daily *Time Tracker* Entries  
www.schoolnotes.com

### Grades

Thursday Progress Reports  
Assignment Printouts  
Grades Online

Administrators communicate with students and parents in the following manner:

### Daily Communication

Telephone  
Email

### Monthly

**CAT PAUSE Newsletter**  
(This is posted on our website, but  
please call 823-6106 to request a copy  
of CAT PAUSE to be mailed home)

### As Needed

Recorded telephone messages to all or  
selected families

## **Dress Code Policy**

Dress appropriately. Dress or appearance which, in the view of the teaching or administrative staff, substantially disrupts the educational process will be addressed. Students may be required to go home and change if alternate clothing is unavailable. If you have any questions regarding this policy, please call the school office at 823-6106.

- Bandanas may not be worn or displayed at school.
- Any clothing depicting or promoting violence, drugs, alcohol, or tobacco, is gang related, or can be considered as sexually harassing or suggestive in nature is unacceptable.
- Clothing that promotes racism, hate, violence, or contributes to a hostile learning environment is unacceptable.
- At no time shall private body parts or undergarments be exposed or displayed for others to view.
- All tops must have two straps, and each strap must be at least two (2) inches in width. The top must cover the chest, midriff, sides, and back. Tube tops, backless tops, one shoulder tops, and spaghetti straps are not permitted at school.
- Tops and pants must meet, and no underwear or midriff shall be showing.
- Shoes must be worn at all times and must be safe. Athletic shoes are required for physical education.
- Spiked jewelry and large size chains are prohibited.
- Pajamas shall not be worn to school unless it is an approved "pajama day" by the administration.
- Hats may be worn to school, as a form of sun protection. Caps must not be worn backwards or sideways. Teacher discretion will be used in individual classrooms.
- Shorts/Skirts must pass the following test in order to be considered acceptable: Standing, with arms relaxed at your side, the ends of your thumbs shall touch the bottom of your shorts/skirt. If not, your skirt/shorts are too short and considered unacceptable school attire.

## ***Emergency Procedures***

Emergency drills (e.g. fire and lock down) are required by law, and teachers practice emergency drills with their students on a trimester basis. Students are expected to listen to and cooperate with staff members during emergency procedures. Teachers receive training for fire drills, lockdowns, and evacuations. Copies of the fire, lockdown, and evacuation plans are posted in each classroom. Teachers are responsible for making this information accessible to substitute teachers.

Students will be disciplined for disrupting emergency drills and/or misusing fire alarm devices. A referral to law enforcement may be made.

## ***End of the Year Incentive Trips***

End of the Year Incentive Trips are a privilege and serve as a means of rewarding students who are maintaining good citizenship by honoring the three Wildcat Values of **safe**, **respectful**, and **responsible** behavior. Students who meet the following requirements, listed below, by 3:00 p.m., three school days prior to the trip will be eligible to participate in their Incentive Trip. Incentive Trips typically include a sixth grade barbeque, a seventh grade picnic at the Auburn Recreation Park, and an eighth grade Sun Splash trip. **NO late payments will be accepted, NO refunds will be provided, and NO exceptions will be made.** In order to be eligible, students must meet all of the following requirements during the third trimester:

1. Clear all debts (i.e., library books, athletic uniforms, textbooks, P.E. locks, etc.).
2. Maintain an attendance rate of at least 85%.
3. Achieve at least a 2.0 grade point average for the third trimester.
4. Receive no more than one (1) "F" on the third trimester report card.
5. Administrator approval
6. All permission slips are turned in and event-related fees are paid in full.

Students on behavior and/or shortened day contracts may forfeit their Incentive Trip. A student's eligibility will be determined by an administrator after reviewing the student's progress on his/her behavior and/or shortened day contract. An administrator may waive the above requirements for special circumstances.

## ***Field Trips***

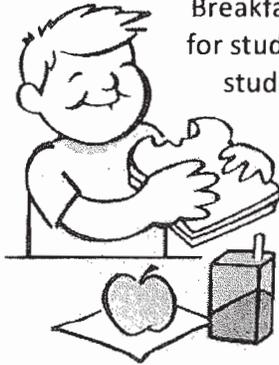
Sixth, seventh, and eighth grade students have the opportunity to participate in a variety of field trips. Most field trips are for one day, but there are some overnight field trips.

Students who ride the bus to a field trip location must return to school on the bus. Students who do not honor the Wildcat Values of **safe**, **respectful**, and **responsible** behavior may not be permitted to attend class, grade level, and team field trips. Teachers may, at their discretion, permit these students to attend a field trip provided that the student's parent(s) accompany him/her on the field trip.

Students who will not be participating in a field trip activity, whether it is a one-day field trip or an overnight field trip, are still required to attend school. Teachers will arrange for students who are not attending a field trip to work in an alternate classroom during the school day. Students who do not attend on the day(s) of a field trip will accrue unexcused absences for the day(s) that they miss.

Parents must pick up students promptly after field trips. If a student is not picked up promptly, teachers are required to call the authorities to take your child home. Parents attending field trips must be cleared (get fingerprinted, etc.) before doing so. Please call E. V. Cain's main office or the district office for more information.

## Food/Cafeteria



Breakfast is available at Cain Station from 7:45 a.m. to 8:00 a.m. The cost of breakfast for students is \$1.50. Lunch is available during the lunch periods, and the cost for students is \$2.75. If costs increase, families will be notified in a timely manner.

Eligibility for free or reduced-price meals is based on federal guidelines.

Application forms for free or reduced price lunches are available in the beginning of the year packets, or at the school office, and must be renewed annually.

Students must have their identification cards with them when they are purchasing meals. Students may put money on their cafeteria accounts and withdraw the daily cost from their accounts, or they may pay cash. However, students who pay cash for their meals must wait at the end of the lines. Please review the cafeteria information in the beginning of the year packet for additional details.

## Gum



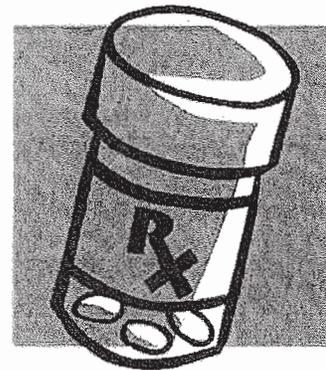
E.V. Cain STEM Charter Middle School prides itself in keeping and maintaining a clean, healthy environment for all to enjoy. All trash, including gum, must be disposed of properly. Gum chewing is restricted. Each student is responsible for following classroom rules regarding chewing gum. Teachers may create and implement classroom rules for chewing gum, and may assign consequences for violating gum-chewing rules. Improperly disposing of gum, such as leaving it on furniture or the floor is absolutely prohibited.

## Health/Medication

A health assistant is on duty in the Health Office during the school day. The district recognizes that students may have special medical needs. The California Education Code 49407 outlines conditions for administering medications at school.

Medications can only be given if there are written instructions from a medical doctor and permission from the parent/guardian. Written instructions must be renewed at the start of each school year. Medication must be labeled and in the original over-the-counter or pharmacy container.

Medications are placed in a locked cabinet in the Health Office. Specific guidelines must be followed for students to consume medication at school. Any student who carries required medication must have the proper consent form on file in the health office.



## Homework

Students should use their Time Trackers to record their daily and long-term homework assignments. Homework is considered an extension or practice of what was learned in school. Students are expected to complete and hand in homework in a timely manner. Homework is a vital part of a student's education and serves to teach responsibility as well as reinforce skills. We ask that parents communicate with their child's teachers so that reasonable accommodations can be made to assist their sons and daughters if an issue outside of school is interfering with a student's ability to complete homework assignments.

Students who miss school due to an excused absence will be given the opportunity to complete comparable homework assignments and get full-credit if work is completed satisfactorily and within a reasonable amount of time (EC 48205). Students who miss schoolwork due to unexcused absences may be given the opportunity to complete comparable homework assignments for either partial or full-credit.

### ***E. V. Cain STEM Charter Middle School's Teacher & Parent Homework Partnership:***

- If a student is chronically not submitting homework in a timely manner, the teacher should contact the parent(s), in a timely manner, to discuss the situation. A conference, telephone conversation, or a returned email are all considered forms of parent contact.
- It is the parent's responsibility to check [www.schoolnotes.com](http://www.schoolnotes.com) and/or a student's Time Tracker to monitor classroom assignments. Parents are encouraged to contact their son's/daughter's teachers in a timely manner regarding questions and/or discrepancies.

The amount of homework assigned shall be related to the maturity and ability level of the students in each class. Homework is a vital part of a student's education and serves to teach responsibility as well as reinforce skills.

### ***Extended Absences:***

- If a student will be out for three (3) or more days, parents may request homework through the main office. Please allow 24 hours from the time of the request so that teachers may prepare a complete packet. Students out for fewer than three (3) days are encouraged to use a homework buddy or check online for assignments.
- If a student will be out for an extended period of time (i.e. five or more school days) a parent must notify the main office three days before the student leaves, so a Travel Study contract can be completed for the duration of the absence.

### **Zeros Aren't Permitted (Z.A.P.)**

If students come to class without completed homework, the student will be expected to complete it during a lunch study hall in order to complete it that day. We provide Z.A.P. during lunch Monday – Friday.

## Homeschool Study

E.V. Cain STEM charter runs a fantastic homeschool program. This program is overseen by Donna Mulsow and families wishing more information can contact her at 530-745-8813.

## Independent Study

Independent Study is a school-based program designed for students in need of an alternate educational option. It will be coordinated through an administrator and evaluated each trimester. The goal of the Independent Study program is to assist struggling students with one or more of their course offerings, so that they are able to successfully function in the traditional educational setting.

## Intramurals

Intramurals are athletic activities that are organized during the lunch periods for sixth, seventh, and eighth grade students. Some of the Intramural sports that we offer include soccer, basketball, volleyball, badminton, and ultimate frisbee. The goal of intramurals is to provide a safe, fun, team-oriented option for students during the lunch period.

## ***iPods***

iPods may be used before the first bell, during lunch, and after the last bell of the school day. Physical Education teachers may, at their discretion, permit students to use their iPods during selected physical education class activities. Use of iPods in classrooms will be at the discretion of teachers. Some textbooks are available for downloading onto an iPod. It is important that iPods are kept in a safe location – for example, a clothing pocket, a closely watched backpack, or a locked P.E. locker.

## ***Library***

The school library will be open during the lunch period, and made available to a limited number of students due to space constraints. Students must obtain a pass from a noon duty staff member or make arrangements with the Alternative Learning Center supervisor. Students will be able to study, use the library's resources, play a quiet game, read, or relax during their lunch period.

The Placer County Library is also available for student use during the week and on weekends. They can be reached in the following ways:

Auburn Branch  
350 Nevada Street  
Auburn, CA 95603  
530-886-4500  
<http://www.placer.ca.gov/library/>

## ***Lost and Found***

Many articles become lost or are left unclaimed. All personal belongings should be marked, and found items should be turned in to the lost and found located in the main interior hallway. Items not claimed by the end of each trimester will be given to a local charity.

## ***Lunch Procedures***

Students enter Dragila Gym through designated doors, according to grade level. Sixth graders sit quietly in the lower sections of the bleachers, and are dismissed by row to the lunch line. Seventh graders form a single file line along the north side of the gymnasium. Eighth graders may line up in the center of Dragila Gym. Students must have their student identification cards or money ready.

If students choose to get their lunches from Cain Station, they do not need to enter Dragila Gym.

Lunches are eaten in Cain Station and the amphitheater unless an administrator designates it as a rainy day schedule. Food and plastic bottles may not be taken onto the blacktop. Remember, glass containers of any sort are not allowed on campus.

During the lunch periods, restrooms are available in Dragila Gym. Backpacks may not be taken into the restrooms.

Students may enjoy listening to their iPods during their lunch period.

## ***Messages and Deliveries***

The office staff is not expected to deliver personal messages or items. Parents are encouraged to let students assume responsibility for remembering lunches, school items, homework, etc. **Items that may be distracting the learning environment (e.g. balloons) may not be delivered to the classrooms until seventh period.**

## Passes

All students are expected to have a pass either when leaving a classroom during scheduled class time, or when leaving the office. Students are expected to show passes at the request of a school employee. Students will be directed back to their classroom if they do not have a pass. Teachers may use their students' designated section of their time tracker/planner as a pass.

We do not use "all year" passes. If a student plans to get help from a teacher before school or during lunch on a particular day, he/she must have a pass for a specific day and time. Students will not be permitted access to the hallways without a pass.



## Physical Education Program (Seventh and Eighth Grade Students)

Students change into E. V. Cain physical education attire (e.g., grey t-shirt, black shorts, and athletic shoes) and participate daily. Shirts, shorts and sweats may be purchased at orientation in the main office, or at any clothing store. **Students may not write on, draw on, or alter their P.E. clothing in any way.** Students have five minutes to change into PE attire at the beginning of class, and five minutes to change into their school clothes at the end of class.

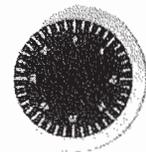
If students are ill or injured, they must provide a parent note for each day of the illness or injury. If students are injured or ill for three or more consecutive days, they must provide their physical education teacher with an official note from a doctor to cover the duration of the illness or injury.

Grades are determined by participation, which includes dressing in E. V. Cain physical education attire. A limited number of 'loaner' uniforms are available in the Health Clerk's Office. Students who chronically choose to either not bring their PE clothes to school, or chronically borrow 'loaner' uniforms, may be required to serve lunch detention for demonstrating irresponsible or defiant behavior.

Unfortunately, items are occasionally taken from the locker room. It is imperative that **all** possessions (e.g. cell phones and iPods) are stored in lockers during the P.E. class, and that the lockers are locked securely. Backpacks and valuables should not be left in the locker room without being locked in a locker. This includes during afterschool events such as team sports.



**Students who fail to lock personal possessions in the provided lockers will be subject to disciplinary action.**



If students have any questions regarding how to lock their locks in a secure manner, they must ask one of the P.E. teachers for assistance.

Physical Education teachers may, at their discretion, permit student to use their iPods during selected activities.

Parents should contact their student's P.E. teacher with any questions regarding the class or current grades. Teachers may be reached by telephone or email.

## Positive Recognition Program

Students at E. V. Cain are recognized for positive school achievement in academics, effort, attendance, and citizenship. Students may be recognized in more than one area. We will hold trimester recognition assemblies. Students are also recognized throughout the school year in other ways.

- **Academic Honors:** Students can qualify for academic honors as a result of the grade point average (GPA) that they achieve:
  - ✓ **Principal's Honor Roll**                      **3.5 – 4.0 GPA**
  - ✓ **E.V. Cain Honor Roll**                      **3.0 – 3.49 GPA**
- **Perfect Attendance:** Student attendance and academic achievement are closely related to one another. At the end of each trimester, teams will recognize students with perfect attendance. Students who have tardies or go on Independent Study are not eligible for Perfect Attendance.
- **Outstanding Students of the Trimester:** Each trimester, one male and female student from each team will be selected as the "Outstanding Student of the Trimester." Students will receive a certificate. Teachers will select the students based on effort, attitude, and achievement.
- **Other Trimester Awards:** Classes may challenge other classes to spirit and other creative competitions, and they may hold drawings for special prizes such as a front of the line passes or treats to local favorites like Fosters Freeze, In-N-Out Burger, and Starbucks. We believe in rewarding students for their excellence!
  - ✓ **Wildcat Bucks** – distributed to students for exhibiting safe, responsible, and/or respectful behavior. They are awarded at staff members' discretion to recognize exemplary behavior that improves our school culture. Students may place their Wildcat Bucks in raffles that are held each trimester for items such as restaurant gift certificates, gift cards, movie tickets, etc.

## Progress Reports

Official progress reports will be distributed midway through each trimester

Parents and students are encouraged to check grades online. Detailed instructions about checking grades are available on the E.V. Cain STEM Charter Middle School website: <http://www.auburn.k12.ca.us/ev-cain/index.htm>

For those without internet access, weekly progress reports are available in the main office and require a parent's signature before a teacher will complete the form. Students are responsible for taking their weekly progress reports to their teachers on THURSDAYS.

## Prohibited Items

We want to do everything possible to create a safe and orderly learning environment at E. V. Cain STEM Charter Middle School. To accomplish this, we prohibit certain items from our campus, school activities, and on our buses. This is not an all-inclusive list, but contains items that have a potential for causing problems. These items will be confiscated and returned only to parents. The school is not responsible for the theft of these items, and they may not be brought to school or on a school bus:

Items that disrupt the education process such as but not limited to:

|   |                  |  |               |
|---|------------------|--|---------------|
| Aerosol sprays (e.g. AXE)                         | Glass Containers | Stink Bombs/Poppers                              | Energy Drinks |
| Water Balloons                                    | Matches/Lighters | Nuts/Seeds with Shells                           | Skateboards   |
| Squirt Guns (except at a school-sanctioned event) | Laser Pointers   | Permanent Markers (larger than extra fine point) | Weapons       |
|   | Bandanas         |  |               |

Confiscated items are turned in to the main office, and will be returned to parents, or students if unique circumstances exist. The school is not responsible for personal property (e.g. iPods, jewelry, cell phones, etc.).

Please leave your valuables at home.

## **Promotion Activities (Eighth Grade)**

The Eighth Grade Promotion Ceremony takes place in our Life Lab on campus in the late afternoon/early evening on the last day of school. Promotion activities include the End of the Year Incentive Trip, Promotion Dance, and Promotion Ceremony. These activities are designed to encourage and reward eighth grade students for their efforts and achievements. **Students must be eligible for promotion in order to participate in any promotion activities.**

- **Promotion Dance:** Students must meet the following requirements to be eligible for the dance:
  - ✓ Clear all debts by 3:00 p.m., three school days prior to the dance (e.g. library books, athletic uniforms, textbooks, etc.).
  - ✓ Attend at least 4 periods on the day of the dance and have an excused absence for any periods missed
  - ✓ Attendees must be E. V. Cain students. Guests are not permitted to attend the promotion dance.
  - ✓ Have no serious suspensions, ongoing behavior issues, or recent behavior issues, as determined by the school administration.

*Please note that students on behavior contracts and/or a shortened day schedule may not be eligible to participate in the promotion dance. The student and his/her parents shall schedule an appointment with an administrator to review the student's contract at least one week prior to the promotion dance.*

- **Promotion Ceremony:** Students must meet the following requirements to be eligible for the ceremony:
  - ✓ Maintain a minimum grade point average of 2.0 for **the third trimester.**
  - ✓ Clear all debts (e.g. library books, athletic uniforms, textbooks, etc.) by 3:00 p.m., three school days prior to the ceremony.
  - ✓ Maintain an annual attendance rate of at least 85%.
  - ✓ Have no more than one (1) F on his/her **third trimester report card.**
  - ✓ Have no serious suspensions, ongoing behavior issues, or recent behavior issues, as determined by the school administration.
- **Promotion Ceremony ~ Attire:** Please keep this dress code in mind when selecting clothing for the promotion ceremony. Appropriate dress for the promotion ceremony is the same as the dress code for the school year, except girls' dresses must have two straps (e.g. no halter tops, no strapless dresses) and boys' shirts must be tucked in.

## **Student Identification Cards**

Students are issued photograph identification cards at the beginning of the school year. Identification cards are used for student identification purposes, such as entrance to special events, evening activities and sporting events, checkout of materials, etc. Students are required to have their identification cards at all times. The first identification card is free and replacement identification cards are available for a nominal fee.

**Students MAY NOT use another student's identification card.**

**Defaced and/or damaged identification cards will be confiscated and students will need to purchase a new one, at their own expense, at the main office.**

### ***Student Records***

Parents or legal guardians may access and/or have copies of their student's permanent, cumulative records. Please make an appointment with an administrator in order to access student records.

### ***Substitute/Guest Teachers***

Substitute teachers shall receive safe, respectful, and responsible behavior from all Wildcats while they are on our campus. This is our opportunity to show pride in our school to outside visitors. Please help by making our visitors feel welcome.

### ***Tardies***

Students who are not seated in their assigned classroom seat when the second bell rings are tardy. Teachers may issue a consequence for irresponsible and disrespectful behavior if students are chronically tardy.

Students who arrive at school after the second morning bell must report to the attendance office for a Late Slip. Teachers/Teams may, at their discretion, assign chronically tardy students to after school detention, classroom clean-up, Saturday School, Lunch Detention for the duration of their lunch period, or another reasonable consequence. The teacher/team may make arrangements, if necessary, with the student's parent(s) and administrators, when necessary, prior to implementing after school or weekend consequences.

### ***Telephone Usage***

Students may use the office phone provided they ask for permission from a staff member. The office phone is typically reserved for emergency reasons.

Classroom telephones should be used for detention, forgotten homework, or to notify parents of deviations from a pre-arranged plan. Classroom telephone usage will be at the teacher's discretion.

Cell phones may be used until the school day begins, and may be used after the last class of the day is dismissed. Cell phones must not be turned on or used during the school day, unless the student has received permission from and is being supervised by a staff member. This includes lunchtime and passing periods.

### ***Tobacco and Drug Free Zone***

The use of alcohol, tobacco or other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences. Therefore, all schools and district facilities are tobacco, alcohol and drug free sites. The use of any alcohol, tobacco, or other drug products is prohibited within any district property, facility, or vehicle. This prohibition also applies to all individuals attending events on school campuses or representing the district at school-sponsored activities that are held at locations other than district property.

### ***Valuables from Home***

Valuables from home are not required at school. E. V. Cain STEM Charter Middle School and the Auburn Union School District are not responsible for any damage to or theft of these items, and may not assist students with their recovery. These items include, but are not limited to, the following: Cell phones, cameras, iPods, laptops, tablets, clothing, shoes, jewelry, and toys.

***Please leave your personal valuables at home.***

### ***Visitors***

All visitors, guests, and parents must check in at the main office front desk before entering any part of our campus.

### ***Wildcat Values***

The school staff is committed to reinforcing safe, responsible, and respectful behavior in our students. **The expected behaviors on campus will be taught to all students and consistently reinforced by all staff members.** This will provide a safe, orderly, and caring learning environment.

### ***Yearbooks***

The school yearbook serves as a reminder of the school year. It contains pictures of students and faculty engaged in a wide variety of activities. Yearbook pre-sales are from August through November. **Students may submit their orders to their the main office.** Deliveries will be made at the end of the school year. Please order ahead of time, as quantities are limited.



**ACADEMIC VOCABULARY**  
*Practice All Vocabulary Every day Really fast*

| <b>PAVER SET #1</b>  |  |
|----------------------|--|
| <b>Word</b>          | <b>Definition</b>  |
| ANALYZE              | (v) to look at something very carefully to find out what it is made of or to understand it |
| ESTABLISH            | (v) to find out facts that will prove that something is true.                              |
| ASSESS               | (v) to make a judgment about something after thinking it through carefully                 |
| INDICATE             | (v) to point out or direct attention to  |
| DEFINE               | (v) to correctly explain the meaning of a word or concept                                  |
| SIGNIFICANT          | (adj) important; having an affect or influence, especially on the future                   |
| RELEVANT             | (adj) directly connected to the subject or problem being discussed                         |
| SOURCE               | (n) the cause of something, especially a problem; the place where it starts                |
| CONTEXT              | (n) part of the text that helps you understand words you don't know                        |
| INTERPRET            | (v) to explain the meaning of something  |
| <b>PAVERS SET #2</b> |  |
| <b>Word</b>          | <b>Definition</b>  |
| AFFECT               | (v) to do something that produces a change in something or someone                         |
| EFFECT               | (n) the way in which an event, action or person changes someone or something               |
| SPECIFIC             | (adj) one particular thing, person, or group   |
| CONCLUDE             | (v) to decide something is true or false after considering all the information             |
| EVALUATE             | (v) to judge how good, useful or successful something is (assess)                          |
| OBJECTIVE            | (n) something that you are trying to achieve, a goal                                       |
| STRATEGY             | (n) a planned series of actions for achieving a goal                                       |
| EVIDENCE             | (n) words or facts that prove or disprove something  |
| DISTINCT             | (adj) clearly different than others, or belonging to a different type                      |

**ACADEMIC VOCABULARY**  
*Practice All Vocabulary Every day Really fast*

| <b>PAVER SET #3</b>  |   |
|----------------------|---|
| <b>Word</b>          | <b>Definition</b>   |
| JUSTIFY              | (v) to give a reason or support for something   |
| IMPLY                | (v) to suggest that something is true, without saying it directly                                     |
| INFER                | (v) to form an opinion based on information that you have   |
| DEMONSTRATE          | (v) to show or prove something clearly  |
| OMIT                 | (v) to leave out  |
| VALID                | (adj) officially acceptable   |
| SEQUENCE             | (n) the order in which things happen  |
| OUTCOME              | (n) the final result  |
| DISTINGUISH          | (v) to recognize and understand the difference between two or more things.                            |
| VERIFY               | (v) to discover whether something is correct or true  |
| <b>PAVERS SET #4</b> |   |
| <b>Word</b>          | <b>Definition</b>   |
| COMPARE/<br>CONTRAST | (v) compare= to show similarities; Contrast = to show differences                                     |
| CITE                 | (v) to give the exact words of something that has been written to support an opinion or prove an idea |
| SUMMARIZE            | (v) to make a short statement giving only the main information  |
| CLARIFY              | (v) to make something clearer or easier to understand   |
| PROVE                | (v) to show that something is true by providing facts, information, etc.                              |
| SUPPORT              | (v) to show or prove that an idea is correct by providing evidence                                    |
| CLAIM                | (v) to state that something is true, even though it has not been proved                               |
| RESPOND              | (v) to react to a situation or prompt   |
| CHARACTERISTICS      | (n) a quality or feature of something or someone that is typical of them and easy to recognize        |
| COMPONENT            | (n) one of several parts that together make up a whole  |



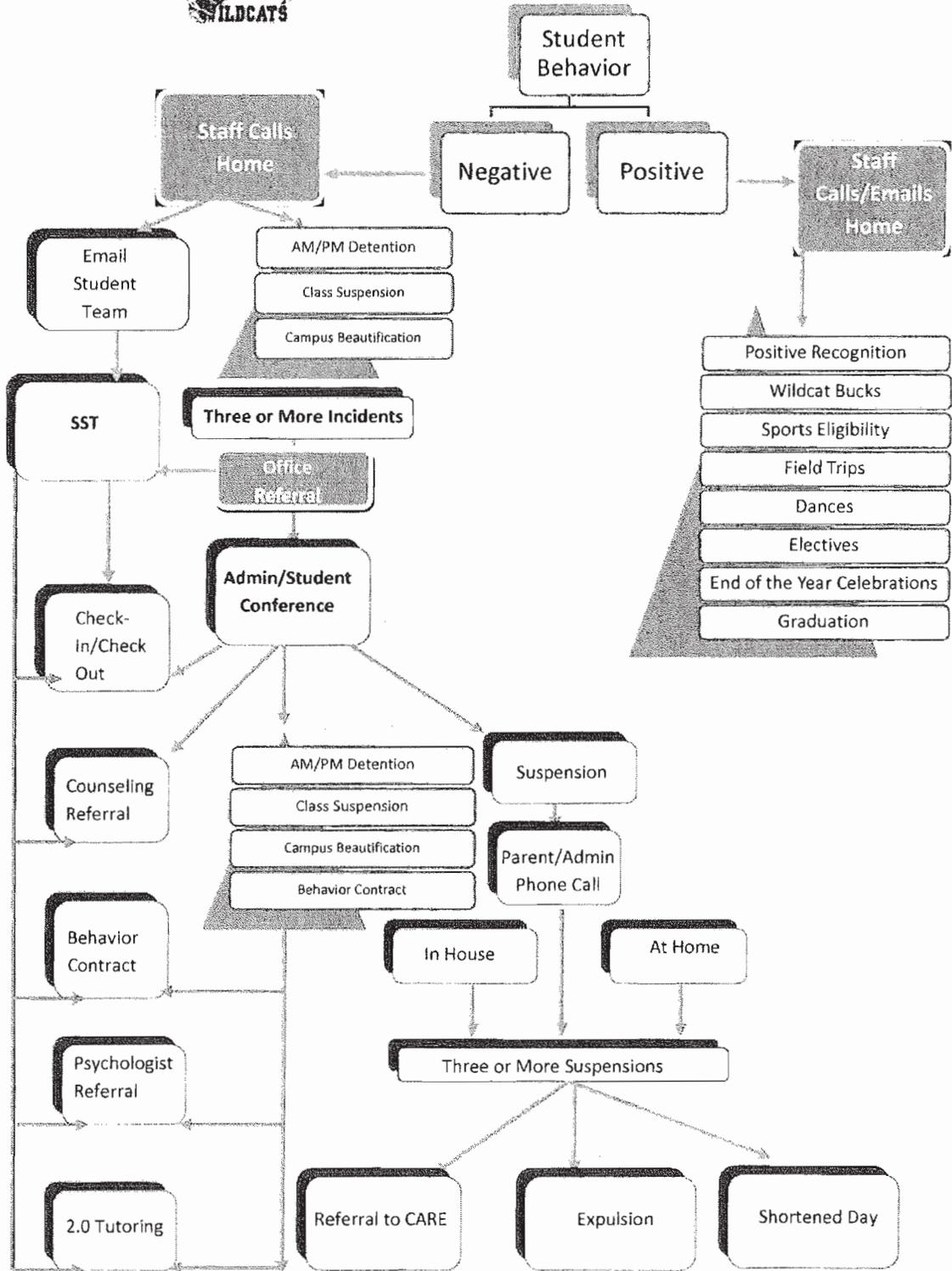


**ATTACHMENT L**

**ATTACHMENT L**



# Wildcat Behavior Expectations Chart



**ATTACHMENT M**

**ATTACHMENT M**

E. V. Cain STEM  
Charter Middle School



*Home of the Wildcats!*

# *Wildcat Pride*

Safe, Respectful, Responsible

- Do your best – every day in every way!
- Get Involved!
- Ask for help; offer to help others!
- Positive recognition opportunities!

## *Safety First*

- In the event of a fire drill all students will always line up in alphabetical order behind their first period class number, on the basketball courts.
- In the event of a lockdown students will remain in their classroom or seek cover in the nearest classroom.
- No one leaves the room once the door is locked, even if fire alarm goes off. Students sit quietly on the floor and turn off cell phones.

## *Locker Room Expectations*

1. Students are to lock up their valuables in their lockers every day.
2. Students are not to share their lock combinations with others.
3. Lockers or locks are **NOT** to be defaced in any way.
4. Aerosol or pump sprays of any type are **NOT** allowed in the locker room or at school.
5. “Pantsing” another student is considered sexual harassment and will result in appropriate consequences.

## ***Anti-Bullying & Harassment Policy:***



- Students have the right to be free from threats, intimidation, inappropriate teasing and name-calling that create an intimidating and/or hostile school environment.

## *Bullying/Harassment:*

- We are committed to maintaining a school environment that is free from bullying and harassment. We take all reports of bullying, harassment and retaliation seriously.  
(Education Code 48900).

## Bullying

Bullying can take many forms including physical, verbal, psychological, relational, or cyberbullying. Cyberbullying is bullying using electronic information or communications (text or images) to humiliate, harass, tease, intimidate, threaten, or slander one or more students.



## *Harassment:*

Harassment is one or more specific, unrelenting and unwanted acts related to race, gender, sexual orientation, disability, etc., which creates a hostile school environment. Harassment can occur even if the behavior is not directed at the individual who was harassed.



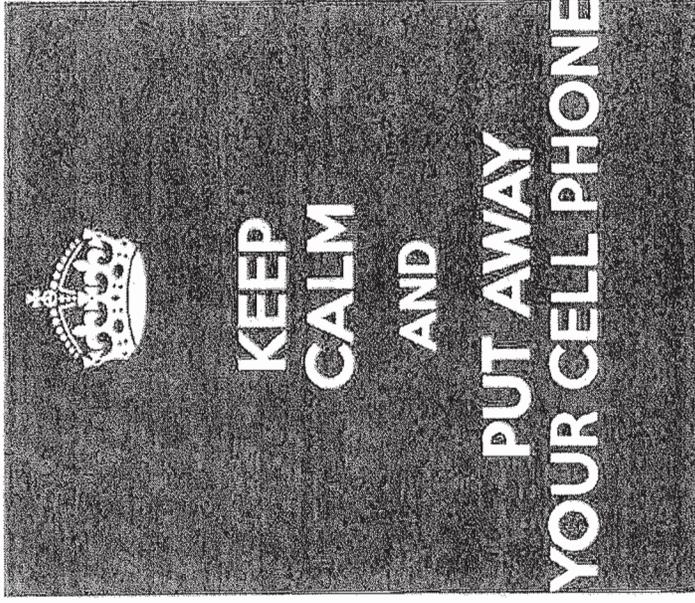
## *Personal Electronics Policy*

- What are personal electronics?
  - \*cell phones\* tablets\*
  - \*hand-held gaming devices\*
  - \*iPods\*mp3 players\*
  - netbooks\*
  - \*laptops\*cameras\*

Cell phones and electronic devices are brought at a student's own risk and must be kept under your control at all times.

Security for cell phones is the responsibility of the owner of the phone.

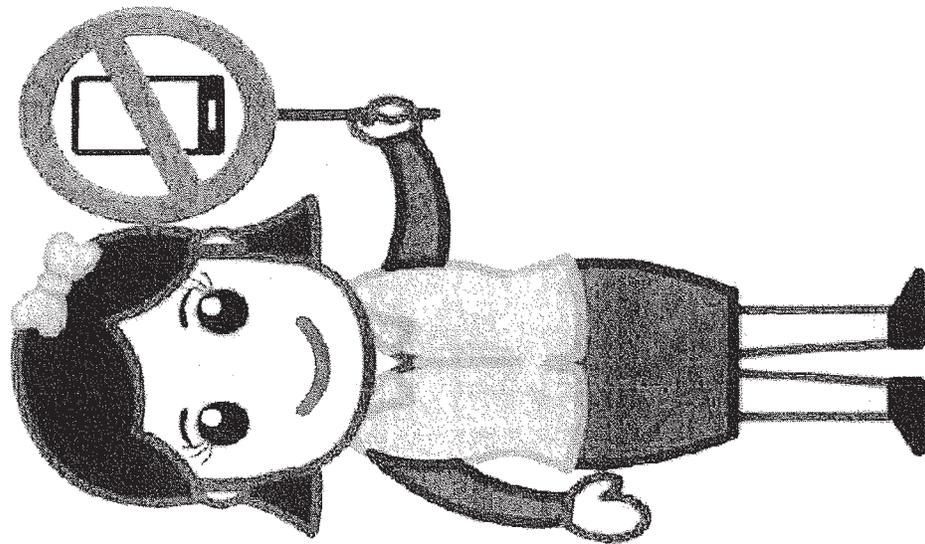
The school is **not**



- Students must follow the Auburn Union School District Acceptable Use Policy at all times.

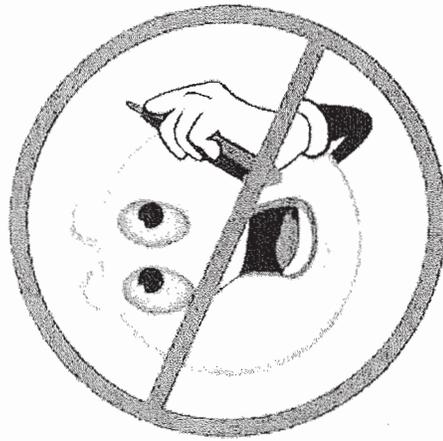


- Violation of the Acceptable Use Policy may result in disciplinary action and the denial of network privileges.



- If a phone is found in the “on” position or used without permission it may be confiscated by a staff member and parents will be asked to pick it up from the office.
- Cell phones may not be used or visible in the locker room, on the field, or in the bathrooms at any time.

Students who chronically violate cell phone policy *may* be required to turn their phones in to the school office before school and then the phone returned at the end of the day.



## When Can I Use My Personal Electronics?

- Before the first bell and after the last bell of the school day—lunchtime will be determined by student behavior.
- Phones must be turned off during the school day and in classrooms unless directed by a staff member. Teachers will tell you if you are allowed to use cell phones and electronic devices in class for educational purposes.



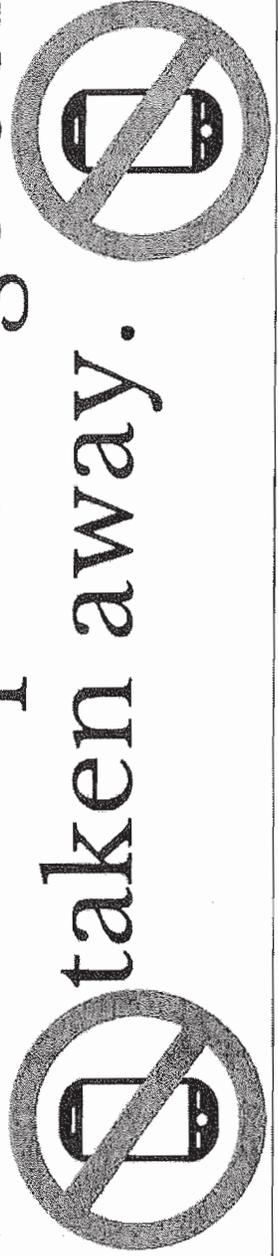
## Free Wi-Fi Access at Lunch—*really?*

Students *may* have the opportunity to use their cell phones during lunch. Requirements for this

**PRIVILEGE:**

**FOLLOW THE**  
**RULES!**

Messages that are viewed, sent  
or received that are  
pornographic, unethical,  
illegal, racist, use  
inappropriate language,  
and/or are considered  
bullying or harassment will  
result in this privilege being



taken away.



**ATTACHMENT N**

**ATTACHMENT N**



# E.V. Cain STEM Charter Middle School

## Staff Meeting Agenda

August 12, 2014

7:30 Refreshments in Staff Room

9:00 – 11:00 Staff Meeting in Room 24 - New Science Lab

| <u>Agenda Item</u>                               | <u>By Whom</u> | <u>Notes</u> |
|--|----------------|--------------|
| 1. Welcome Back!                                 |                |              |
| o Introductions                                  | Cindy          |              |
| ▪ 3-2-1 Activity to Cindy by 8/15                |                |              |
| o Compliments/Celebrations/Summer News           | All            |              |
| 2. Back to School Business                       |                |              |
| o Setting Team Norms                             | Cindy          |              |
| o Communication                                  | Cindy          |              |
| o Facilities Update                              | Cindy          |              |
| ▪ 3 Computer Labs & codes                        |                |              |
| ▪ Facilities use sign-up                         |                |              |
| o School Safety                                  | Steve          |              |
| ▪ New Fire Drill Procedure                       |                |              |
| ▪ Drills Schedule (See next page)                |                |              |
| ▪ Emergency Packets Update                       |                |              |
| ▪ Attendance Submission                          |                |              |
| ▪ Sub Plans Folder Needs                         |                |              |
| o PBIS – Review of Practice                      | Steve          |              |
| o Student Discipline                             | TJ             |              |
| ▪ Referrals Process                              |                |              |
| ▪ Positive Student Recognition                   |                |              |
| o Classroom Visitation                           | Cindy          |              |
| o Goals/Observations/Evaluations                 | Cindy          |              |
| o Independent Study                              | Cindy          |              |
| o Student Time Tracker Use                       | Cindy          |              |
| o Supervision Schedule                           | Steve          |              |
| 3. Meetings and Committees                       | Cindy          |              |
| o PLC Mondays                                    |                |              |
| ▪ 3 <sup>rd</sup> Wednesday of the Month         |                |              |
| o Staff Meetings                                 | Cindy          |              |
| ▪ Location, Focus, Attendance                    |                |              |
| 4. What we are...Where we want to be... Activity | All            |              |
| o STEM Integration Goals                         |                |              |
| o Collaboration Goals                            |                |              |
| o Academic Improvement Goals                     |                |              |

**Agenda Item****By Whom****Notes****5. Program News/Announcements**

- Counseling Update
- 504 Plans
- Intervention
- Athletics Update
- Leadership
- Website

Melinda  
TJ  
Steve  
Jeff  
Kari  
Tom

**6. First Day/Week/Month**

- First Day HELP!
  - Schedule Distribution
  - Traffic Flow (First Week)
- Forms to collect – Page 5/6 from planner only
- Back to School Night 8/19 6-8:30pm
- Fire Drill Thursday, 8/21
- SILT 8/21 2:30 Room 24
- Picture Day 8/22 during PE
  - Staff Pictures & ID card

Cindy

**7. Inspiration or Entertainment!**

All

**8. Other Feedback/Questions**

- AUTA Update

All

**Proposed Drill Schedule  
2014-2015**

| <b>When</b>       | <b>Time</b> | <b>What</b>                      |
|-------------------|-------------|----------------------------------|
| August 21, 2014   | 8:30am      | Fire Drill                       |
| September 4, 2014 | 10:10am     | Lockdown                         |
| October - TBD     | TBD         | Off-Site AUSD Evacuation         |
| November 4, 2014  | 9:15am      | Earthquake & Fire Drill          |
| December 9, 2014  | ?           | Lockdown                         |
| January 23, 2015  | ?           | Fire Drill & Possible Evacuation |
| February, 2015    | ---         | ---                              |
| March 11, 2015    | ?           | Lockdown                         |
| March – TBD       | TBD         | AUSD & Community Partners Drill  |
| April, 2015       | ---         | ---                              |
| May, 2015         | ---         | ---                              |
| June, 2015        | ---         | ---                              |

All dates are flexible as weather, state testing dates, district drill dates, and school activities are calendared.



RECEIVED

SEP 29 2014

PLACER COUNTY  
GRAND JURY

Response to Grand Jury Report Form

Report Title: Response of the Superintendent of the Eureka Union School District to the Grand Jury Report  
Report Date: September 19, 2014  
Response By: Linda Rooney Title: Superintendent

FINDINGS - see attached

- I (we) agree with the findings, numbered: \_\_\_\_\_.
- I (we) disagree wholly or partially with the findings, numbered: \_\_\_\_\_.  
(Describe here or attach a statement specifying any portions of the findings that are disputed or not applicable; include an explanation of the reasons therefore.)

RECOMMENDATIONS - see attached

- Recommendations numbered \_\_\_\_\_ have been implemented.  
(Describe here or attach a summary statement regarding the implemented actions.)
- Recommendations numbered \_\_\_\_\_ have not yet been implemented, but will be implemented in the future.  
(Describe here or attach a timeframe for the implementation.)
- Recommendations numbered \_\_\_\_\_ require further analysis.  
(Describe here or attach 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 director 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 (6) months from the date of publication of the grand jury report.)
- Recommendations numbered \_\_\_\_\_ will not be implemented because they are not warranted or are not reasonable.  
(Describe here or attach an explanation.)

Date: September 19, 2014 Signed: Linda Rooney

Number of pages attached 47.

# EUREKA UNION SCHOOL DISTRICT

5455 Eureka Road  
Granite Bay, CA 95746  
Phone: (916) 791-4939  
Fax: (916) 791-5527  
[www.eurekausd.org](http://www.eurekausd.org)



Superintendent:  
Linda Rooney  
Chief Business Officer:  
Melody Glaspey  
Director of Human Resources:  
Tom Janis  
Director of Student Services:  
Kristi Ellison

VIA CERTIFIED MAIL

September 19, 2014

Honorable Alan V. Pineschi, Presiding Judge  
Placer County Superior Court  
P.O. Box 619072  
Roseville, CA 95661-9072

Placer County Grand Jury  
11532 B Avenue  
Auburn, CA 95603

Re: Response of the Superintendent of the Eureka Union School District to the Grand Jury Report  
Entitled: "Anti-Bullying Policies in Middle and High Schools: Are They Effective?"

Dear Judge Alan V. Pineschi:

Pursuant to California Penal Code sections 933 and 933.05, the following is the Eureka Union School District's ("EUSD") formal response to the Grand Jury Report, entitled "Anti-Bullying Policies in Middle and High Schools: Are They Effective?"

## I. INTRODUCTION

The Grand Jury requested a response from the Superintendent regarding Recommendations 1 through 6 by October 1, 2014. Accordingly, I am providing my response to those recommendations. I have also provided a response to each of the findings applicable to the EUSD<sup>1</sup>.

EUSD agrees with the Grand Jury that bullying and cyberbullying is an issue of focus on our school sites and in society today. It creates negative impacts for all victims. As a result, EUSD takes bullying seriously, and acts expediently, proactively and effectively to address any bullying activity in our schools. It is important for the Grand Jury to know that EUSD developed its first Local Control Accountability Plan (LCAP) during the 2013-14 school year, with many opportunities for including valuable input from our stakeholders throughout the community. Five goals were developed which will guide the district in setting priorities for budget and program development for the next three years. Goal #3 is focused upon student safety and Goal #5 focuses upon student engagement, both of which support the need for our students to feel safe and supported while at school and while attending school-sponsored functions. Many actions are included in the LCAP in support of our students, including the addition of a .8 Full Time Equivalent (FTE) counseling position, increased administrative support for students at our Junior High Schools, and a commitment to maintaining our low class sizes which reduces the ratio of students to adults, and offers a greater number of caring adults to support our students.

The Grand Jury's report does not contain a definition of bullying. It can sometimes be difficult to differentiate bullying from a single act of aggression and/or conflict between individuals.

<sup>1</sup> Findings 1, 2, and 7 apply only to the Placer County Office of Education, and other findings apply to other districts.

Accordingly, EUSD has provided this response based on the definition of bullying set forth at Education Code section 49800, subdivision (r)(1). Subdivision (r)(1) defines bullying as follows:

“Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

(A) Placing a reasonable pupil or pupils in fear of harm to that pupil’s or those pupils’ person or property.

(B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.

(C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.

(D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

Certain types of bullying, especially via social media/social networking, may not be legally addressed by EUSD, because they occur off campus and are unrelated to school activities or school attendance. (Ed. Code, § 49800, subd. (s).) However, if these actions occurring outside of the school day create a disruption to student learning and/or create a negative impact upon the school site, appropriate action will be taken and EUSD will impose appropriate levels of discipline. It is noted that the school day includes the time during which students leave their homes to come to school and the time during which they depart our campuses on their way home from school daily.

## II. RESPONSES TO FINDINGS APPLICABLE TO EUSD

A. **F2:** *“Although individual schools we investigated do promote their own anti-bullying events, currently, PCOE has no district guidelines with which to promote bullying awareness, such as guest speaker programs/presentations to students, bullying-awareness weeks, and other events in which students can participate in order to facilitate positive solutions to the problem.”*

### **Response to F2: Disagree in that EUSD Acts Autonomously to Develop Policies**

School districts in California operate independently, governed by their own governing boards. While county offices of education oversee certain aspects of school districts, such as certain fiscal matters, county offices do not provide guidelines to districts with regard to student discipline or bullying. The EUSD has created and implemented its own bullying guidelines, as well as anti-bullying education programs. (See EUSD Board Policies 1112, 5131, and 5145.3, and Administrative Regulations 0450 and 5144.1.)

B. **F3:** *“Every high school and middle school has a written policy against bullying, which includes graduated enforcement policies that could result in suspension or expulsion of a student for bullying. All the policies appear to comply with state laws and are published and distributed in*

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*student handbooks. Although the terminology used in the student handbooks differs, each handbook clearly describes the types of prohibited behavior and the consequences of bullying.”*

**Response to F3: Concur**

EUSD’s bullying policy and regulations, and the related provisions in school handbooks comply with state law. In addition, the prohibited behaviors and consequences are clearly described.

- C. **F4:** *“Not all student handbooks state which options are available to students to report bullying other than reporting directly to a teacher, counselor, or administrators. Some schools have peer-to-peer resources, i.e., student mentors that staff a peer-bullying hotline and an “anti-bullying club.”*

**Response to F4: Cannot Respond as to Districts Other than EUSD, but Concur that EUSD Maintains Peer-to Peer Resources**

At the present time, EUSD is studying available and appropriate on-line reporting options for students. As well, EUSD is pursuing possible opportunities to initiate proactive peer-to-peer conflict management programs that will meet the needs of our students. EUSD would be interested in receiving further research-based information from the Grand Jury regarding recommended programs for our further consideration.

- D. **F5:** *“Several handbooks state that a student who is a witness to bullying is required to report the incident. At least one school has a “secret witness” program that offers reporting anonymity and a reward for reporting. At least one school considers a student who witnesses bullying, but fails to report it, as part of the problem.*

**Response to F5: Cannot Respond as to Districts Other than EUSD, but Concur in Regarding Witness Failure to Report**

EUSD agrees that a student who witnesses bullying but fails to report it is part of the problem. This concern can be overcome through education of students, as EUSD has done in the past, and will continue to do. This includes, by way of illustration and not limitation, anti-bullying assemblies, anti-bullying classroom presentations, and routine conversations with students regarding a witness’ role in reporting bullying. EUSD continues to be proactive in identifying and addressing this issue.

- E. **F6:** *“No school was identified as having a comprehensive program to evaluate the effectiveness of its anti-bullying programs and policies. Anti-bullying policies are widely implemented, but not widely evaluated. Most schools do not have a program that surveys students anonymously on the prevalence and types of bullying that they experience or witness.”*

**Response to F6: Cannot Respond as to Districts Other than EUSD, but Disagree in Part as to EUSD**

EUSD does administer an anonymous survey for students regarding bullying. EUSD’s Board of Trustees has entered into a Memorandum of Understanding with the Coalition for Placer Youth (CPY) to cooperatively work in partnership to administer this anonymous survey, which clearly addresses bullying and cyberbullying to students in grades 5 and 7 every other year. The first

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survey was administered in Fall, 2013. CPY is developing a longitudinal study of all available data county-wide as part of their service through this MOU.

EUSD also conducts both parent and employee surveys. Parent surveys include questions about safe schools. Teacher surveys include questions about expectations related to student behavior and issues with technology use. Additionally, EUSD offers parent trainings such as “Love and Logic” and other parental educational opportunities during the school year.

EUSD agrees that it widely implements anti-bullying policies. (See EUSD Board Policies 1112, 5131, and 5145.3, and Administrative Regulations 0450 and 5144.1.)

- F. **F7:** *“The Grand Jury was impressed by anti-bullying material and programs available to schools through the Placer County Sheriff’s Office.”*

**Response to F7: Concur**

EUSD works extremely closely with the Placer County Sheriff’s resource office to report and investigate any student harassment and/or bullying that requires law enforcement intervention. EUSD employs, in partnership with the Placer County Sheriff’s Office, a School Resource Officer, Deputy Gregg Hopping. Deputy Hopping serves a member of our professional staff, supporting students, parents, families and staff members in his support role. Additionally, Deputy Hopping has created curricular materials and presentations that he regularly provides to our students through his classroom visits which provide a focus upon anti-bullying policies and practices. Deputy Hopping works together with our administrative team to ensure that all issues are addressed appropriately and expeditiously.

**III. RESPONSES TO RECOMMENDATIONS APPLICABLE TO EUSD**

- A. **R1:** *“High schools and middle schools provide an environment that is safe for reporting both bullying and cyberbullying.”*

**Response to R1: Concur in Part**

EUSD agrees, philosophically and as a policy matter, with the recommendation that high schools and middle schools should provide an environment that is safe for reporting all forms of bullying. EUSD believes, however, that it has provided such an environment for all of its students, regardless of grade level. Board Policies 1112, 5131, and 5145.3, and Administrative Regulations 0450 and 5144.1 provide strong anti-bullying policies, and EUSD also provides annual anti-bullying assemblies and classroom presentations. Morning bulletins, including a Junior High School script which is developed, produced and shown electronically regularly focuses upon anti-bullying, for example.

- B. **R2:** *“Schools implement a policy that requires that both parents/legal guardians and students sign a document that acknowledges that they have read and understood the sections in the handbook pertaining to bullying and cyberbullying. These documents need to be kept in the student’s file for possible reference.”*

**Response to R2: Already Implemented**

EUSD requires parents and students to sign the student handbook and acknowledge that they have read and understood the handbook requirements, including disciplinary policies annually. EUSD maintains parent and student signatures on file in the school offices each year.

- C. **R3:** *“High Schools and middle schools utilize resources such as the Placer County Sheriff’s School Resource Department program, semi-annual student assemblies, and classroom seminars in order to educate students of the dangers and consequences of bullying and cyberbullying for both the bully and the bullied.”*

**Response to R3: Already Implemented in Part; Concur in Part**

As noted above, EUSD works closely with the Placer County Sheriff’s Resource Officer to address bullying incidents. EUSD also provides annual anti-bullying assemblies and classroom presentations to its students.

- D. **R4:** *“Professional Training for all teachers for identifying the bullying victim and the bully before an incident occurs, and to deal with bullying incidents in the event they do occur.”*

**Response to R4: Already Implemented in Part; Disagree in Part**

EUSD agrees that districts must train professional and support staff to address bullying incidents if they occur, and EUSD provides such training in its professional development programs for teachers. With regard to identification of bullying victims and bullies prior to bullying incidents, there is no identified, nationally recognized professional training that provides educators specific skills in such identification. There is some danger in labeling students as potential bullies or victims, and doing so may negatively impact low performing students.

If, however, the Grand Jury has a recommendation for a nationally recognized program which provides such training for educators, EUSD would be happy to investigate implementing the program.

- E. **R5:** *“Schools should develop a comprehensive means to evaluate the effectiveness of their anti-bullying programs and policies. Schools should conduct semi-annual anonymous surveys of the student body to measure the effectiveness of anti-bullying programs. In addition to gathering information regarding the amount and type of bullying that the student has experienced, the survey should seek student perceptions of the attitudes of teachers and administrators toward bullying.”*

**Response to R5: Already Implemented in Part; Concur in Part**

EUSD conducts both parent and employee surveys. Parent surveys include questions about safe schools. Teacher surveys include questions about expectations related to student behavior and issues with technology use. In addition, to the extent parents and teachers have expressed concerns regarding bullying, EUSD has addressed their concerns. The surveys reflect that the majority of parents believe that previously listed concerns have been addressed. Staff also report in recent surveys that they feel that bullying and cyberbullying is being appropriately addressed to the degree that it is not impacting student learning and the positive school environment.

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The data from the CPY surveys of students in grades 5 and 7 demonstrated a strong system of support for students on our campuses. Student responses indicated that the programs to support anti-bullying are effective and that our students feel safe within their school environments.

- F. **R6:** *“The results of the semi-annual evaluations and student surveys should be posted on school websites.”*

**Response to R6: Disagree**

EUSD disagrees with this recommendation, as the ages of the students surveyed makes the topic sensitive and there is a relatively low rate of survey participation by our parent community. Therefore, the surveys should be used for internal program evaluation purposes. Posting this information on websites does not allow for appropriate discussion and/or further clarification of the data. There would be no opportunity for us to further facilitate discussion nor interaction regarding our responses to the data. EUSD does, however, provide the results to our Board of Trustees, School and District level administrators, professional and support staff.

**R7:** *“PCOE should update its bullying policy.”*

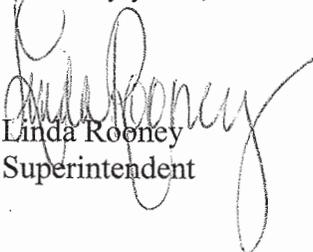
**Response: Cannot Address PCOE Actions; Already Implemented by EUSD**

EUSD regularly updates bullying policies, as required. EUSD is unable to address PCOE policies.

IV. **CONCLUSION**

EUSD recognizes that bullying is an increasing issue to be addressed in public schools and in our society, which can be difficult to identify and address. EUSD proactively addresses this issue seriously, and follows all statutes and regulations regarding bullying, student due process and discipline. EUSD appreciates the Grand Jury’s recognition of its efforts to curb bullying in its schools, and will continue to implement research-based, effective, and creative methods to cease bullying throughout the District.

Sincerely yours,



Linda Rooney  
Superintendent

Board of Trustees:

Eric J. Bose ♦ Jerri Davis ♦ Ryan Jones ♦ Renee Nash ♦ Andrew Sheehy

# Eureka Union SD

## Board Policy

### Media Relations

BP 1112

### Community Relations

The Board of Trustees respects the public's right to information and recognizes that the media significantly influence the community's understanding of school programs. In order to develop and maintain positive media relations, the Board and the Superintendent desire to reasonably accommodate media requests for information and to provide accurate, reliable and timely information.

Media representatives are welcome at all Board meetings and shall receive meeting agendas upon request.

(cf. 9322 - Agenda/Meeting Materials)

Staff may provide the media with student directory information, including, but not limited to, the name of a student, school of attendance, grade level, honors, and activities, unless the student's parent/guardian has submitted a written request that such information not be disclosed. The district shall not release information that is private or confidential as required by law, Board policy or administrative regulation. No other access to student records or personally identifiable student information may be provided without written parent/guardian permission.

(cf. 1340 - Access to District Records)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

(cf. 9010 - Public Statements)

(cf. 9321.1 - Closed Session Actions and Reports)

### Interviewing and Photographing Students

The district shall not impose restraints on students' right to speak freely with media representatives at those times which do not disrupt students' educational program. However, interviews of students may not create substantial disorder or impinge on the rights of others. Therefore, in order to minimize possible disruption, media representatives who wish to interview students at school are strongly encouraged to make prior arrangements with the principal. At their discretion, parents/guardians may instruct their children not to communicate with media representatives.

(cf. 5145.2 - Freedom of Speech/Expression)

The Superintendent or designee shall include local law enforcement and media representatives in the crisis planning process.

Legal Reference:

EDUCATION CODE

32210-32212 Willful disturbance of public school or meeting

35144 Special meetings

35145 Public meetings

35160 Authority of governing boards

35172 Promotional activities

EVIDENCE CODE

1070 Refusal to disclose news source

PENAL CODE

627-627.10 Access to school premises

COURT DECISIONS

Lopez v. Tulare Joint Union High School District, (1995) 34 Cal.App.4th 1302

ATTORNEY GENERAL OPINIONS

95 Ops.Cal.Atty.Gen. 509 (1996)

Management Resources:

CSBA PUBLICATIONS

911: A Manual for Schools and the Media During a Campus Crisis, 2001

WEB SITES

CSBA: <http://www.csba.org>

Policy EUREKA UNION SCHOOL DISTRICT

adopted: September 21, 1999 Granite Bay, California

revised: December 10, 2013

# Eureka Union SD

## Board Policy

### Conduct

BP 5131

#### Students

The Board of Trustees believes that all students have the right to be educated in a positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, while going to or coming from school, while at school activities, and while on district transportation.

(cf. 5131.1 - Bus Conduct)

Conduct is considered appropriate when students are diligent in study, careful with school property, courteous, and respectful toward their teachers, other staff, students, and volunteers.

The Superintendent or designee shall ensure that each school site develops standards of conduct and discipline consistent with district policies and administrative regulations. Students and parents/guardians shall be notified of district and school rules related to conduct.

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5136 - Gangs)

(cf. 5142 - Safety)

2. Conduct that disrupts the orderly classroom or school environment

(cf. 5131.4 - Student Disturbances)

3. Harassment of students or staff, including bullying, intimidation, so-called "cyberbullying," hazing or initiation activity, ridicule, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause bodily harm or emotional suffering

Cyberbullying includes the posting of harassing messages, direct threats, social cruelty, or other harmful text or images on the Internet, social networking sites, or other digital technologies, as well as breaking into another person's account and assuming that person's identity in order to damage that person's reputation or friendships.

(cf. 5145.3 - Nondiscrimination/Harassment)  
(cf. 5145.7 - Sexual Harassment)  
(cf. 5145.9 - Hate-Motivated Behavior)

4. Damage to or theft of property belonging to students, staff, or the district

(cf. 3515.4 - Recovery for Property Loss or Damage)  
(cf. 5131.5 - Vandalism, Theft and Graffiti)

5. Possession or use of laser pointers on school premises, unless used for a valid instructional or other school-related purpose, including employment (Penal Code 417.27)

Prior to bringing a laser pointer on school premises, students shall first obtain permission from the principal or designee. The principal or designee shall determine whether the requested use of the laser pointer is for a valid instructional or other school-related purpose.

6. Use of profane, vulgar, or abusive language

(cf. 5145.2 - Freedom of Speech/Expression)

7. Plagiarism or dishonesty in school work or on tests

(cf. 5131.9 - Academic Honesty)  
(cf. 6162.54 - Test Integrity/Test Preparation)  
(cf. 6162.6 - Use of Copyrighted Materials)

8. Inappropriate attire

(cf. 5132 - Dress and Grooming)

9. Tardiness or unexcused absence from school

(cf. 5113 - Absences and Excuses)  
(cf. 5113.1 - Truancy)

10. Failure to remain on school premises in accordance with school rules

11. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drug in violation of school rules

(cf. 5112.5 - Open/Closed Campus)

Employees are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or receive a report of a violation of these standards, to immediately intervene or call for assistance. If an employee believes a matter has not been resolved, he/she shall refer the matter to his/her supervisor or administrator for further investigation.

Students who violate district or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs in accordance with Board policy and administrative regulation, and contact with local law enforcement as appropriate.

Students also may be subject to discipline for any off-campus conduct during nonschool hours which poses a threat or danger to the safety of students, staff, or district property, or substantially disrupts the educational program of the district or any other district in accordance with law, Board policy, or administrative regulation.

(cf. 1020 - Youth Services)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 6020 - Parent Involvement)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

#### Possession of Cellular Phones and Other Mobile Communications Devices

No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to health-related purposes. (Education Code 48901.5)

Students may possess or use on school campus personal electronic signaling devices including, but not limited to, pagers, beepers, and cellular/digital telephones, as well as other mobile communications devices including, but not limited to, digital media players, personal digital assistants (PDAs), compact disc players, portable game consoles, cameras, digital scanners, and laptop computers, provided that such devices do not disrupt the educational program or school activity and are not used for illegal or unethical activities such as cheating on assignments or tests.

If a disruption occurs or a student uses any mobile communications device for improper activities, a school employee shall direct the student to turn off the device and/or shall confiscate it. If a school employee finds it necessary to confiscate a device, he/she shall return it at the end of the class period or school day.

In accordance with the Board's policy and administrative regulation on search and seizure, a school official may search a student's mobile communications device, including, but not limited to, reviewing messages or viewing pictures.

A student who violates this policy may be prohibited from possessing a mobile communications device at school or school-related events and/or may be subject to discipline in accordance with

Board policy and administrative regulation.

### Bullying/Cyberbullying

The Board desires to prevent bullying by establishing a positive, collaborative school climate and clear rules for student conduct.

(cf. 5137 - Positive School Climate)  
(cf. 5138 - Conflict Resolution/Peer Mediation)  
(cf. 6164.2 - Guidance/Counseling Services)

The district may provide students instruction in the classroom or other school settings that promotes communication, social skills, and assertiveness skills and may involve parents/guardians, staff, and community members in the development of strategies to prevent and respond to bullying.

(cf. 1220 - Citizen Advisory Committees)

School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies. Parents/guardians and students also may be provided with similar information.

(cf. 4131 - Staff Development)  
(cf. 4231 - Staff Development)  
(cf. 4331 - Staff Development)

Students may submit a verbal or written complaint of conduct they consider to be bullying to a teacher or administrator and may also request that their name be kept in confidence. The Superintendent or designee may establish other processes whereby students may submit anonymous reports of bullying. Complaints of bullying or harassment shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7 - Sexual Harassment.

When a student is suspected of or reported to be using electronic or digital communications to engage in cyberbullying against other students or staff or to threaten district property, the investigation shall include documentation of the activity, identification of the source, and a determination of the impact or potential impact on school activity or school attendance. Students shall be encouraged to save and print any messages sent to them that they feel constitutes cyberbullying and to notify a teacher, principal, or other employee so that the matter may be investigated.

Cyberbullying conducted using district-owned equipment or on school premises, as well as off-campus cyberbullying that impacts school activity or school attendance, may be subject to discipline in accordance with district policies and regulations. If the student is using a social networking site or service that has terms of use that prohibit posting harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the

material removed.

(cf. 5145.12 - Search and Seizure)  
(cf. 6163.4 - Student Use of Technology)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32261 Bullying

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

44807 Duty concerning conduct of students

48900-48925 Suspension or expulsion, especially:

48908 Duties of students

51512 Prohibition against electronic listening or recording device in classroom without permission

CIVIL CODE

1714.1 Liability of parents and guardians for willful misconduct of minor

PENAL CODE

288.2 Harmful matter with intent to seduce

313 Harmful matter

417.25-417.27 Laser scope

647 Use of camera or other instrument to invade person's privacy; misdemeanor

647.7 Use of camera or other instrument to invade person's privacy; punishment

653.2 Electronic communication devices, threats to safety

VEHICLE CODE

23124 Use of cellular phones provisional license holders

CODE OF REGULATIONS, TITLE 5

300-307 Duties of pupils

UNITED STATES CODE, TITLE 42

2000h-2000h6 Title IX, 1972 Education Act Amendments

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

COURT DECISIONS

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094

LaVine v. Blaine School District, (2000, 9th Cir.) 257 F.3d 981

Emmett v. Kent School District No. 415, (2000) 92 F.Supp. 1088

Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675

Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503

Management Resources:

CSBA PUBLICATIONS

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Digital Discipline: Off-Campus Student Conduct, the First Amendment and Web Sites, School Law in Review, 2001

NATIONAL SCHOOL SAFETY CENTER PUBLICATIONS

Bullying in School: Fighting the Bullying Battle, 2006

WEB SITES

CSBA: <http://www.csba.org>

California Cybersafety for Children: <http://www.cybersafety.ca.gov>

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lr/ss>

Center for Safe and Responsible Internet Use: <http://cyberbully.org>

National School Boards Association: <http://www.nsba.org>

National School Safety Center: <http://www.schoolsafety.us>

U.S. Department of Education: <http://www.ed.gov>

Policy EUREKA UNION SCHOOL DISTRICT

adopted: March 9, 2010 Granite Bay, California

# Eureka Union SD

## Board Policy

### Nondiscrimination/Harassment

BP 5145.3

#### Students

District programs and activities shall be free from discrimination, including harassment, with respect to a student's actual or perceived sex, ethnic group identification, religion, gender, color, race, ancestry, national origin, and physical or mental disability, age or sexual orientation.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6164.6 - Identification and Education under Section 504)

The Board of Trustees shall ensure equal opportunities for all students in admission and access to the educational program, guidance and counseling programs, athletic programs, testing procedures, and other activities. Eligibility for choral and cheerleading groups shall be determined solely on the basis of objective competencies. School staff and volunteers shall carefully guard against segregation, bias and stereotyping in instruction, guidance and supervision. The district may provide male and female students with separate shower rooms and sexual health and HIV/AIDS prevention classes in order to protect student modesty.

(cf. 1240 - Volunteer Assistance)

(cf. 6145.2 - Athletic Competition)

(cf. 6162.5 - Student Assessment)

The schools shall provide male and female students with separate shower rooms and sex education classes in order to protect student modesty. In physical education, when objective standards have an adverse effect on students because of their gender, race, ethnic group or disability, other standards shall be used to measure achievement and create comparable educational opportunities.

The Board prohibits intimidation or harassment of any student by any employee, student or other person in the district. Staff shall be alert and immediately responsive to student conduct which may interfere with another student's ability to participate in or benefit from school services, activities or privileges. Prohibited harassment includes physical, verbal, nonverbal, or written conduct based on one of the categories listed above that is so severe and pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the purpose or effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects the student's educational opportunities.

(cf. 5145.2 - Freedom of Speech/Expression: Publications Code)  
(cf. 5145.7 - Sexual Harassment)

School staff and volunteers shall carefully guard against segregation, bias, and stereotyping in the delivery of services, including, but not limited to, instruction, guidance, and supervision.

The principal or designee shall develop a plan to provide students with appropriate accommodations when necessary for their protection from threatened or potentially harassing or discriminatory behavior.

Students who harass other students shall be subject to appropriate discipline, up to and including counseling, suspension and/or expulsion. An employee who permits or engages in harassment may be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Suspension/Disciplinary Action)  
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)  
(cf. 5144 - Discipline)  
(cf. 5144.1 - Suspension and Expulsion/Due Process)  
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

The Board hereby designates the following position as Coordinator for Nondiscrimination:

Assistant Superintendent, Personnel  
5455 Eureka Road  
Granite Bay, California 95746  
(916) 791-4939

Any student who feels that he/she is being harassed should immediately contact either the nondiscrimination coordinator or the principal or any other staff member. Any student who observes an incident of harassment should report the harassment to a school employee, whether or not the victim files a complaint.

(cf. 1312.1 - Complaints Concerning District Employees)  
(cf. 1312.3 - Uniform Complaint Procedures)

Employees who become aware of an act of harassment shall immediately report the incident to the Coordinator for Nondiscrimination. Upon receiving a complaint of discrimination or harassment, the Coordinator shall immediately investigate the complaint in accordance with site-level grievance procedures specified in AR 5145.7 - Sexual Harassment. Where the Coordinator finds that harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and address its effects on the victim.

The Coordinator shall also advise the victim of any other remedies that may be available. The Coordinator shall file a report with the Superintendent or designee and refer the matter to law enforcement where required.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination  
48900.3 Suspension or expulsion for act of hate violence  
48900.4 Suspension or expulsion for threats or harassment  
48904 Liability of parent/guardian for willful student misconduct  
48907 Student exercise of free expression  
48950 Freedom of speech  
49020-49023 Athletic programs  
51500 Prohibited instruction or activity  
51501 Prohibited means of instruction  
60044 Prohibited instructional materials

CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

PENAL CODE

422.55 Definition of hate crime  
422.6 Crimes, harassment

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform Complaint Procedures  
4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended  
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

CODE OF FEDERAL REGULATIONS, TITLE 34

100.3 Prohibition of discrimination on basis of race, color or national origin  
104.7 Designation of responsible employee for Section 504  
106.8 Designation of responsible employee for Title IX  
106.9 Notification of nondiscrimination on basis of sex

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567  
Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

Management Resources:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

California Student Safety and Violence Prevention - Laws and Regulations, April 2004

FIRST AMENDMENT CENTER PUBLICATIONS

Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004  
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS  
Notice of Non-Discrimination, January 1999

WEB SITES

CSBA: <http://www.csba.org>

California Safe Schools Coalition: <http://www.casafeschools.org>

California Department of Education: <http://www.cde.ca.gov>

First Amendment Center: <http://www.firstamendment.org>

National School Boards Association: <http://www.nsba.org>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

Policy EUREKA UNION SCHOOL DISTRICT

adopted: April 12, 2011 Granite Bay, California

# **Eureka Union SD**

## **Administrative Regulation**

### **Development And Review Of School Site Safety Plan**

AR 0450

#### **Philosophy, Goals, Objectives and Comprehensive Plans**

The school site council shall write and develop a comprehensive safety plan relevant to the needs and resources of that particular school. The site council shall consult with local law enforcement in the writing and development of the plan, as well as other school site councils and safety committees, when practical. (Education Code 35294.1, 35294.2)

(cf. 0420 - School Plans/Site Councils)

In addition, the school site council may consult with other local agencies as appropriate, including health care and emergency services.

(cf. 1400 - Relations between other Governmental Agencies and the Schools)

The school site council may delegate the responsibility for writing and developing a school safety plan to a school safety planning committee. This committee shall be composed of the following members: (Education Code 35294.1)

1. The principal or designee
2. One teacher who is a representative of the recognized certificated employee organization
3. One parent/guardian whose child attends the school
4. One classified employee who is a representative of the recognized classified employee organization
5. Other members, if desired

Before adopting its comprehensive school safety plan, the school site council or school safety planning committee shall hold a public meeting at the school in order to allow members of the public the opportunity to express an opinion about the school safety plan. (Education Code 35294.8)

(cf. 1220 - Citizen Advisory Committees)

The school site council or safety planning committee shall evaluate, and amend as necessary, the safety plan at least once a year to ensure that the plan is properly implemented. (Education Code 35294.2)

The school site council or safety planning committee shall notify, in writing, the following persons and entities of the public meeting: (Education Code 32288)

1. A representative of the local school employee organization
2. A representative of each parent organization at the school site, including the parent teacher association and parent teacher clubs
3. A representative of each teacher organization at the school site
4. A representative of the student body government
5. All persons who have indicated that they want to be notified

The school site council or safety planning committee may consider incorporating into the plan the following "three essential components" and/or the strategies recommended in Education Code 35294.21:

1. Assuring each student a safe physical environment
2. Assuring each student a safe, respectful, accepting, and emotionally nurturing environment
3. Developing each student's resiliency skills

#### Contents of the Safety Plan

The school site safety plan shall include an assessment of the current status of school crime committed on campus(es) and at school-related functions. (Education Code 32282)

The plan also shall identify appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety and shall include the development of all of the following: (Education Code 32282)

1. Child abuse reporting procedures consistent with Penal Code 11164  
(cf. 5141.4 - Child Abuse Prevention and Reporting)
2. Routine and emergency disaster procedures including, but not limited to:
  - a. Adaptations for students with disabilities in accordance with the Americans with Disabilities Act

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 6159 - Individualized Education Program)

b. An earthquake emergency procedure system in accordance with Education Code 32282

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 3516.3 - Earthquake Emergency Procedure System)

c. A procedure to allow a public agency, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare

(cf. 1330 - Use of School Facilities)

(cf. 3516.1 - Fire Drills and Fires)

(cf. 3516.2 - Bomb Threats)

(cf. 3516.5 - Emergency Schedules)

(cf. 3543 - Transportation Safety and Emergencies)

3. Policies pursuant to Education Code 48915(c) and other school-designated serious acts which would lead to suspension, expulsion, or mandatory expulsion recommendations

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

4. Procedures to notify teachers of dangerous students pursuant to Education Code 49079

(cf. 4158/4258/4358 - Employee Security)

5. A discrimination and harassment policy consistent with the prohibition against discrimination pursuant to Education Code 200-262.4

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

6. If the school has adopted a dress code prohibiting students from wearing "gang-related apparel," the provisions of that dress code and the definition of "gang-related apparel"

(cf. 5132 - Dress and Grooming)

7. Procedures for safe ingress and egress of students, parents/guardians, and employees to and from school

(cf. 5142 - Safety)

8. A safe and orderly school environment conducive to learning

(cf. 5131 - Conduct)

(cf. 5137 - Positive School Climate)

9. The rules and procedures on school discipline adopted pursuant to Education Code 35291 and 35291.5

(cf. 5144 - Discipline)

10. Hate crime reporting procedures

(cf. 5145.9 - Hate-Motivated Behavior)

Among the strategies for providing a safe environment, the plan may also include:

1. Development of A positive school climate that promotes respect for diversity, personal and social responsibility, effective interpersonal and communication skills, self-esteem, anger management and conflict resolution.

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

2. Disciplinary policies and procedures that contain prevention strategies, such as strategies to prevent bullying and hazing, and cyberbullying, as well as behavioral expectations and consequences for violations.

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5113 - Absences and Excuses)

(cf. 5136 - Gangs)

(cf. 5145.12 - Search and Seizure)

3. Curriculum that emphasizes prevention and alternatives to violence, such as multicultural education, character/values education, media analysis skills, conflict resolution and community service learning.

(cf. 6141.6 - Multicultural Education)

(cf. 6142.4 - Learning through Community Service)

4. Parent involvement strategies, including strategies to help ensure parental/guardian support and reinforcement of the school's rules and increase the number of adults on campus.

(cf. 1240 - Volunteer Assistance)

(cf. 5020 - Parent Rights and Responsibilities)  
(cf. 6020 - Parent Involvement)

5. Prevention and intervention strategies related to the sale or use of drugs and alcohol which shall reflect expectations for drug-free schools and support for recovering students.

(cf. 5131.6 - Alcohol and Other Drugs)  
(cf. 5131.61 - Drug Testing)  
(cf. 5131.62 - Tobacco)

6. Collaborative relationships among the city, county, community agencies, local law enforcement, the judicial system and the schools that lead to the development of a set of common goals and community strategies for violence prevention instruction.

(cf. 1020 - Youth Services)

7. Procedures for responding to the release of a pesticide or other toxic substance from properties located within one-quarter mile of the school

8. Procedures for receiving verification from law enforcement that a violent crime has occurred on school grounds and for promptly notifying parents/guardians and employees of that crime

9. Assessment of the school's physical environment, including a risk management analysis and development of ground security measures such as procedures for the closing of campuses to outsiders, securing the campus perimeter, and protecting buildings against vandalism. In addition, methods for effective enforcement and prevention may be considered, including the presence of law enforcement on campus.

(cf. 1250 - Visitors/Outsiders)  
(cf. 3515 - Campus Security)  
(cf. 3515.3 - District Police Department)  
(cf. 3530 - Risk Management/Insurance)  
(cf. 5112.5 - Open/Closed Campus)  
(cf. 5131.5 - Vandalism, Theft and Graffiti)

10. Crisis intervention strategies, which may include the following:

a. Identification of possible crises that may occur, determination of necessary tasks that need to be addressed, and development of procedures relative to each crisis, including the involvement of law enforcement and other public safety agencies as appropriate

(cf. 3515.2 - Disruptions)  
(cf. 3515.5 - Sex Offender Notification)  
(cf. 5131.4 - Campus Disturbances)

- b. Assignment of staff members responsible for each identified task and procedure
- c. Development of an evacuation plan based on an assessment of buildings and grounds and opportunities for student and staff to practice the evacuation plan
- d. Coordination of communication to schools, Board of Trustees members, parents/guardians and the media

(cf. 1112 - Media Relations)  
(cf. 9010 - Public Statements)

- e. Development of a method for the reporting of violent incidents
- f. Development of follow-up procedures that may be required after the crisis has occurred, such as counseling

11. Staff training in violence prevention and intervention techniques, including preparation to implement the elements of the safety plan

(cf. 4131 - Staff Development)  
(cf. 4231 - Staff Development)  
(cf. 4331 - Staff Development)

Regulation EUREKA UNION SCHOOL DISTRICT  
approved: February 9, 2010 Granite Bay, California

# Eureka Union SD

## Administrative Regulation

### Suspension And Expulsion/Due Process

AR 5144.1  
**Students**

#### Definitions

Suspension from school means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following: (Education Code 48925)

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Board of Trustees for students of the same grade level
2. Referral to a certificated employee designated by the principal to advise students
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910. Removal from a particular class shall not occur more than once every five school days.

Expulsion means removal of a student from the immediate supervision and control, or the general supervision, of school personnel. (Education Code 48925)

Day means a calendar day unless otherwise specifically provided. (Education Code 48925)

School day means a day upon which the schools of the district are in session or weekdays during the summer recess. (Education Code 48925)

Student includes a student's parent/guardian or legal counsel. (Education Code 48925)

Principal's designee means one or more administrators or, if there is not a second administrator at one school site, a certificated person specifically designated by the principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office. (Education Code 48911)

School property, for the purposes described in Education Code 48900, includes, but is not limited to, electronic files and databases. (Education Code 48900(s))

Notice of Regulations

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, suspension and expulsion. (Education Code 48900.1, 48980)

(cf. 5144 - Discipline)

(cf. 5145.6 - Parental Notifications)

#### Grounds for Suspension and Expulsion

A student may be subject to suspension or expulsion when it is determined that he/she:

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon the person of another, except in self-defense. (Education Code 48900(a))

A student who aids or abets the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31, may be suspended, but not expelled. However, a student may be suspended or expelled pursuant to Education Code 48900(a) once he/she has been adjudged by a juvenile court to have committed, as an aider or abettor, a crime of physical violence in which the victim suffered great or serious bodily injury. (Education Code 48900(s))

Pursuant to Penal Code 417.27, students are prohibited from possessing a laser pointer on school premises, except for a valid instructional or other school-related purpose. See BP 5131 - Conduct.

2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence. (Education Code 48900(b))

(cf. 5131 - Conduct)

(cf. 5131.7 - Weapons and Dangerous Instruments)

3. Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of, any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind. (Education Code 48900(c))

(cf. 5131.6 - Alcohol and Other Drugs)

4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid, substance or material and represented same as controlled substance, alcohol beverage or intoxicant. (Education Code 48900(d))

5. Committed or attempted to commit robbery or extortion. (Education Code 48900(e))
6. Caused or attempted to cause damage to school property or private property. (Education Code 48900(f))
7. Stole or attempted to steal school property or private property. (Education Code 48900(g))
8. Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This restriction shall not prohibit a student from using or possessing his/her own prescription products. (Education Code 48900(h))
9. Committed an obscene act or engaged in habitual profanity or vulgarity. (Education Code 48900(i))
10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5. (Education Code 48900(j))
11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))
12. Knowingly received stolen school property or private property. (Education Code 48900(l))
13. Possessed an imitation firearm, i.e., a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))
14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4. (Education Code 48900(n))
15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness. (Education Code 48900(o))
16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. (Education Code 48900(p))
17. Engaged in, or attempted to engage in, hazing as defined in Education Code 48900(q). (Education Code 48900(q))
18. Made terrorist threats against school officials and/or school property. (Education Code 48900.7)

A terrorist threat includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out. (Education Code 48900.7)

A student in grades 4 through 8 is also subject to suspension or recommendation for expulsion when it is determined that he/she:

19. Committed sexual harassment as defined in Education Code 212.5 (Education Code 48900.2)

Sexual harassment means that conduct, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 212.5, 48900.2)

(cf. 5145.7 - Sexual Harassment)

20. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233 (Education Code 48900.3)

Hate violence means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating another person, interfering with the exercise of a person's civil rights, or damaging a person's property because of the person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation. (Education Code 233)

(cf. 5145.9 - Hate-Motivated Behavior)

21. Intentionally engaged in harassment, threats or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment (Education Code 48900.4)

(cf. 5145.3 - Nondiscrimination/Harassment)

22. Engaged in an act of bullying, including, but not limited to, bullying by means of an electronic act, directed toward a student or school personnel. (Education Code 48900(r))

Bullying means one or more acts by a student or group of students that constitutes sexual harassment pursuant to Education Code 48900.2, as defined in item #19 above; hate violence pursuant to Education Code 48900.3, as defined in item #20 above; or harassment, threats, or intimidation pursuant to Education Code 48900.4, as defined in item #21 above. (Education Code 32261)

Electronic act means the transmission of a communication, including, but not limited to, a message, text, sound, or image by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. (Education Code 32261)

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at any district school under the jurisdiction of the Superintendent or principal or within any other school district, including but not limited to the following circumstances: (Education Code 48900)

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus
4. During, going to, or coming from a school-sponsored activity

The Superintendent or principal may use his/her discretion to provide alternatives to suspension or expulsion for a student subject to discipline under this administrative regulation, including, but not limited to, counseling and an anger management program. (Education Code 48900(r))

(cf. 5138 - Conflict Resolution/Peer Mediation)

Alternatives to suspension or expulsion will be used with students who are truant, tardy, or otherwise absent from assigned school activities.

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Truancy)

#### Removal from Class by a Teacher/Parental Attendance

A teacher may suspend any student from his/her class for the remainder of the day and the following day for any act listed in "Grounds for Suspension and Expulsion" above. (Education Code 48910)

A teacher also may refer a student to the principal or designee for consideration of suspension from school. (Education Code 48910)

When removing a student from his/her class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. The student shall be appropriately supervised during the class periods from which he/she has been removed.

As soon as possible, the teacher may ask the student's parent/guardian to attend a parent-teacher conference regarding the removal. A counselor or psychologist should attend the conference if

it is practicable, and a school administrator may attend if either the parent/guardian or teacher so requests.

A student removed from class shall not be returned to class during the period of removal without the approval of the teacher of the class and the principal. (Education Code 48910)

A student removed from class shall not be placed in another regular class during the period of removal. However, if a student is assigned to more than one class per day, he/she may be placed in any other regular classes except those held at the same time as the class from which the student was removed. (Education Code 48910)

The teacher of any class from which a student is removed may require the student to complete any assignments and tests missed during the removal. (Education Code 48913)

Pursuant to Board of Trustees policy, a teacher may provide that the parent/guardian of a student whom the teacher has removed attend a portion of a school day in his/her child's classroom. When a teacher makes this request, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is requested pursuant to law. (Education Code 48900.1)

This notice shall also:

1. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternate date
2. State that if the parent/guardian does not have a means of transportation to school, he/she may ride the school bus with the student
3. Ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by Education Code 48900.1

#### Suspension by Superintendent, Principal or Principal's Designee

The Superintendent, principal or principal's designee may suspend a student from a school for not more than five consecutive school days unless the suspension is extended pending expulsion. (Education Code 48911)

The Superintendent or designee shall immediately suspend any student found at school or at a school activity to be: (Education Code 48915)

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife, as defined in Education Code 48915(g), at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058

4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above

5. Possession of an explosive as defined in 18 USC 921

Explosive means a destructive device and includes, but is not limited to, any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine or similar device. A destructive device includes any other type of weapon (except a shotgun or shotgun shell recognized by the United States Secretary of Army as suitable for sporting purposes) which might be converted to project an explosive. (18 USC 921)

Suspension also may be imposed upon a first offense if the Superintendent, principal or designee determines the student violated items #1-5 listed in "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48900.5)

A student may be suspended from school for not more than 20 school days in any school year, unless for purposes of adjustment a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion. (Education Code 48903, 48912)

The Superintendent or designee may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which a student may be suspended in any school year. (Education Code 48903)

Suspensions shall be initiated according to the following procedures:

1. Informal Conference: Suspension shall be preceded by an informal conference conducted by the principal, designee or the Superintendent with the student and, whenever practicable, the teacher, supervisor or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against him/her; the student shall be given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911(b))

This conference may be omitted if the principal, designee or the Superintendent determines that an emergency situation exists. An emergency situation involves a clear and present danger to the lives, safety or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference. The conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911(c))

2. Administrative Actions: All requests for student suspension are to be processed by the principal or designee of the school in which the student is enrolled at the time of the misbehavior. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee.

3. Notice to Parents/Guardians: At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. (Education Code 48911)

This notice shall state the specific offense committed by the student. (Education Code 48900.8)

In addition, the notice may state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may add that state law requires the parent/guardian to respond to such requests without delay.

4. Parent/Guardian Conference: Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the causes and duration of the suspension, the school policy involved and any other pertinent matter. (Education Code 48914)

While the parent/guardian is required to respond without delay to a request for a conference about a student's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied readmission solely because the parent/guardian failed to attend. (Education Code 48911)

5. Extension of Suspension: If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision. (Education Code 48911(g))

Any extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension. Extension of the suspension may be made only if the Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

#### Suspension by the Board

The Board may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above and within the limits specified in "Suspension by Superintendent, Principal or

Principal's Designee" above. (Education Code 48912)

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester if any of the acts listed in "Grounds for Suspension and Expulsion" occurred. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

When the Board is considering a suspension, disciplinary action or any other action (except expulsion) against any student, it shall hold closed sessions if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 49073-49079.

(cf. 9321 - Closed Session Purposes and Agendas)

The Board shall provide the student and his/her parent/guardian with written notice of the closed session by certified mail. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session. (Education Code 35146, 48912)

#### On-Campus Suspension Program

Students for whom an expulsion action has not been initiated and who pose no imminent danger or threat to the school may be assigned to a separate, supervised suspension classroom for the entire period of suspension. The following conditions shall apply: (Education Code 48911.1)

1. The supervised suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The supervised suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. Each student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to a supervised suspension classroom, the principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification shall be made in writing. (Education Code 48911.1)

#### Authority to Expel

A student may be expelled only by the Board. The Board shall expel, as required by law, any

student found to have committed certain offenses listed below under "Mandatory Recommendation and Mandatory Expulsion."

The Board may also order a student expelled for any of the acts listed above under "Grounds for Suspension and Expulsion" upon recommendation by the principal, Superintendent, hearing officer or administrative panel, based on finding either or both of the following: (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct
2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

#### Mandatory Recommendation for Expulsion

Unless the principal, Superintendent or designee finds that expulsion is inappropriate due to particular circumstances, the principal, Superintendent or designee shall recommend a student's expulsion for any of the following acts: (Education Code 48915(a))

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife as defined in Education Code 48915(g), explosive or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance, as listed in Health and Safety Code 11053-11058, except for the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

#### Mandatory Recommendation and Mandatory Expulsion

The principal, Superintendent or designee shall recommend that the Board expel any student found at school or at a school activity to be: (Education Code 48915(c))

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife as defined in Education Code 48915(g) at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058

4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above
5. Possessing an explosive as defined in 18 USC 921

Upon finding that the student committed any of the above acts, the Board shall expel the student. (Education Code 48915)

#### Student's Right to Expulsion Hearing

The student is entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the principal or Superintendent or designee determines that one of the acts listed under "Grounds for Suspension and Expulsion" has occurred. (Education Code 48918(a))

The student is entitled to one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion. (Education Code 48918(a))

If the Board finds it impractical during the school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. (Education Code 48918(a))

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (Education Code 48918(a))

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (Education Code 48918(a))

#### Rights of Complaining Witness

An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental or emotional needs of a student who is the complaining witness. (Education Code 48918.5)

Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of his/her right to: (Education Code 48918.5)

1. Receive five days' notice of his/her scheduled testimony at the hearing.

2. Have up to two adult support persons of his/her choosing present in the hearing at the time he/she testifies

3. Have a closed hearing during the time he/she testifies

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending (Education Code 48918.5)

#### Written Notice of the Expulsion Hearing

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include: (Education Code 48900.8, 48918(b))

1. The date and place of the hearing.

2. A statement of the specific facts, charges and offense upon which the proposed expulsion is based.

3. A copy of district disciplinary rules which relate to the alleged violation.

4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).

(cf. 5119 - Students Expelled from Other Districts)

5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a nonattorney advisor.

Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

Nonattorney advisor means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case, and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

6. The right to inspect and obtain copies of all documents to be used at the hearing.

7. The opportunity to confront and question all witnesses who testify at the hearing.

8. The opportunity to question all evidence presented and to present oral and documentary

evidence on the student's behalf, including witnesses.

### Conduct of Expulsion Hearing

1. Closed Session: Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such request is made, the meeting shall be public unless another student's privacy rights would be violated. (Education Code 48918(c))

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student shall also be allowed to attend the closed session. (Education Code 48918(c))

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/h in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c))

2. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))

3. Subpoenas: Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with the Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20 (formerly 11525). (Education Code 48918(i))

Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be considered by the Board in closed session, or in open session if so requested by the student, before the meeting. The Board's decision in response to such an objection shall be final and binding. (Education Code 48918(i))

If the Board determines, or if the hearing officer or administrative panel finds and submits to the Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below. (Education Code 48918(i))

4. Presentation of Evidence: While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which

reasonable persons can rely in the conduct of serious affairs. The decision of the Board hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (Education Code 48918(f) and (h))

In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record.

5. Testimony by Complaining Witnesses: The following procedures shall be observed when hearings involve allegations of sexual assault or sexual battery by a student: (Education Code 48918)

- a. Any complaining witness shall be given five days' notice before being called to testify.
- b. Any complaining witness shall be entitled to have up to two adult support persons, including but not limited to a parent/guardian or legal counsel, present during his/her testimony.
- c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
- d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
- e. If one or both support persons are also witnesses, the hearing shall be conducted according to Penal Code 868.5.
- f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
- g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.
  - (1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
  - (2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.

- (3) The person conducting the hearing may:
- (a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
  - (b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours
  - (c) Permit one of the support persons to accompany the complaining witness to the witness stand
6. Decision Within 10 School Days: The Board's decision on whether to expel a student shall be made within 10 school days after the conclusion of the hearing, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))
7. Decision Within 40 School Days: If the Board does not meet on a weekly basis, its decision on whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. Alternatively, the Board may appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled. (Education Code 48918(d))

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures as apply to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing."

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the student shall be immediately reinstated. The Superintendent or designee shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with district staff, including the student's teachers and with the student's parent/guardian. (Education Code 48918(e))

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order. (Education Code 48918(f))

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion for a period of one year.

The Board shall make its decision about the student's expulsion within 40 school days after the date of the student's removal from school unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

#### Final Action by the Board

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer, or an administrative panel, the final action to expel shall be taken by the Board at a public meeting. (Education Code 48918(j))

(cf. 9321.1 - Closed Session Actions and Reports)

If the Board conducts the hearing and reaches a decision not to expel, this decision shall be final and the student shall be reinstated immediately.

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for an act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during the summer session, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session in which the expulsion occurred. (Education Code 48916)

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include: (Education Code 48916)

1. Periodic review as well as assessment of the student at the time of review for readmission
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service and other rehabilitative programs

With parent/guardian consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school. (Education Code 48916.5)

#### Written Notice to Expel

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed in Education Code 48900(a)-(p), Education Code 48900.2-48900.4 and Education Code 48915(c) (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board of Education (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 (Education Code 48918)

#### Decision Not to Enforce Expulsion Order

In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion, the Board shall take into account the following criteria:

1. The student's pattern of behavior
2. The seriousness of the misconduct
3. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program

The suspension of the enforcement of an expulsion shall be governed by the following:  
(Education Code 48917)

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program.
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status.
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the district's rules and regulations governing student conduct.

4. When the suspension of the enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order.

5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings.

6. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board of Education.

7. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall also inform the parent/guardian of the right to appeal the expulsion to the County Board of Education. (Education Code 48918(j))

#### Right to Appeal

The student or parent/guardian is entitled to file an appeal of the Board's decision to the County Board of Education. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion action is suspended and the student is placed on probation. (Education Code 48919)

The student shall submit a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the County Board of Education. The district shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)

#### Post-Expulsion Placements

The Board shall refer expelled students to a program of study that is: (Education Code 48915, 48915.01)

1. Appropriately prepared to accommodate students who exhibit discipline problems
2. Not provided at a comprehensive middle, junior or senior high school or at any elementary school, unless the program is offered at a community day school established at such a site
3. Not housed at the school site attended by the student at the time of suspension

(cf. 6185 - Community Day School)

When the placement described above is not available, and when the County Superintendent of Schools so certifies, students expelled for acts described in items #6 through #13 and #18

through #20 under "Grounds for Suspension and Expulsion" above may be instead referred to a program of study that is provided at another comprehensive middle, junior, or senior high school, or at an elementary school. (Education Code 48915)

The program for a student expelled from any of grades kindergarten through 6 shall not be combined or merged with programs offered to students in any of grades 7 through 12. (Education Code 48916.1)

### Readmission After Expulsion

Readmission procedures shall be as follows:

1. On the date set by the Board when it ordered the expulsion, the district shall consider readmission of the student. (Education Code 48916)
2. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met.

School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.

3. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 49073-49079. If a written request for open session is received from the parent/guardian, it shall be honored.
4. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.
5. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)
6. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school. (Education Code 48916)
7. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

### Maintenance of Records

The Board shall maintain a record of each expulsion, including the specific cause of the expulsion. The expulsion record shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon receipt of a written request by the admitting school. (Education Code 48900.8, 48918(k))

The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (Education Code 48915.1)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5125 - Student Records)

#### Notifications to Law Enforcement Authorities

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (Education Code 48902)

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance or possession of weapons or firearms in violation of Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering or sale of controlled substances, alcohol or intoxicants of any kind. (Education Code 48902)

#### Outcome Data

The Superintendent or designee shall maintain the following data: (Education Code 48900.8, 48916.1)

1. The number of students recommended for expulsion
2. The specific grounds for each recommended expulsion
3. Whether the student was subsequently expelled
4. Whether the expulsion order was suspended
5. The type of referral made after the expulsion
6. The disposition of the student after the end of the expulsion period

Regulation EUREKA UNION SCHOOL DISTRICT  
approved: March 9, 2010 Granite Bay, California



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PLACER COUNTY  
GRAND JURY

September 16, 2014

Honorable Alan V. Pineschi, Presiding Judge  
Placer County Superior Court  
P.O. Box 619072  
Roseville, CA 95661-9072

Placer County Grand Jury  
11532 B Avenue  
Auburn, CA 95603

Re: Response of the Superintendent of the Foresthill Union School District to the Grand Jury Report Entitled: "Anti-Bullying Policies in Middle and High Schools: Are They Effective?"

Dear Judge Alan V. Pineschi:

Pursuant to California Penal Code sections 933 and 933.05, the following is the Foresthill Union School District's ("FUSD") formal response to the Grand Jury Report, entitled "Anti-Bullying Policies in Middle and High Schools: Are They Effective?"

## I. INTRODUCTION

The Grand Jury requested a response from the Superintendent regarding Recommendations 1 through 6 by October 14, 2014. Accordingly, I am providing my response to those recommendations. I have also provided a response to each of the findings applicable to the FUSD<sup>1</sup>.

FUSD agrees with the Grand Jury that bullying is a serious problem, especially given technology and social media. It creates negative impacts for all victims. Because of this, FUSD takes bullying seriously, and acts expediently and effectively to curb any bullying activity in its schools.

The Grand Jury's report does not contain a definition of bullying. It can sometimes be difficult to differentiate bullying from a single act of aggression. Accordingly, FUSD has provided this response based on the definition of bullying set forth at Education Code section 49800, subdivision (r)(1). Subdivision (r)(1) defines bullying as follows:

"Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

<sup>1</sup> Findings 1, 2, and 7 apply only to the Placer County Office of Education, and other findings apply to other

(A) Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.

(B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.

(C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.

(D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

Certain types of bullying, especially via social media/social networking, cannot be addressed by FUSD, because they occur off campus and are unrelated to school activities or school attendance. (Ed. Code, § 49800, subd. (s).) If these actions are not taken on school time and/or do not create a disruption for the school site, FUSD cannot impose discipline.

## II. RESPONSES TO FINDINGS APPLICABLE TO LUSD

A. **F2:** *“Although individual schools we investigated do promote their own anti-bullying events, currently, PCOE has no district guidelines with which to promote bullying awareness, such as guest speaker programs/presentations to students, bullying-awareness weeks, and other events in which students can participate in order to facilitate positive solutions to the problem.”*

### **Response to F2: Disagree in that FUSD Acts Autonomously to Develop Policies**

School districts in California operate independently, governed by their own governing boards. While county offices of education oversee certain aspects of school districts, such as certain fiscal matters, county offices do not provide guidelines to districts with regard to student discipline or bullying. The FUSD has implemented its own bullying guidelines, as well as anti-bullying education programs “Too Good for Violence” series in K-8<sup>th</sup> grades. This program incorporates conflict resolution, handling emotions and handling bullying. (See FUSD Board Policies 1114, 5131.2, and 5145.3, and Administrative Regulations 0450 and 5144.1.)

- B. F3:** *“Every high school and middle school has a written policy against bullying, which includes graduated enforcement policies that could result in suspension or expulsion of a student for bullying. All the policies appear to comply with state laws and are published and distributed in student handbooks. Although the terminology used in the student handbooks differs, each handbook clearly describes the types of prohibited behavior and the consequences of bullying.”*

**Response to F3: Concur**

FUSD’s bullying policy and regulations, and the related provisions in school handbooks comply with state law. In addition, the prohibited behaviors and consequences are clearly described.

- C. F4:** *“Not all student handbooks state which options are available to students to report bullying other than reporting directly to a teacher, counselor, or administrators. Some schools have peer-to-peer resources, i.e., student mentors that staff a peer-bullying hotline and an “anti-bullying club.”*

**Response to F4: Cannot Respond as to Districts Other than FUSD, but Concur that FUSD Maintains Peer-to Peer Resources**

All student handbooks for all FUSD sites outline behavior expectations as well as the discipline process. Peer to Peer conflict resolution is taught through FUSD’s “Too Good for Violence” program.

Not all forms of bullying are appropriate for peer-to-peer reporting, however. The severity of the incident(s) dictate whether a report to an adult is appropriate. In addition, the methods of reporting must be age appropriate. FUSD is an elementary district. As a result of the age of FUSD students, primary communication occurs with parents. (The Grand Jury appears to have recognized that such a program would not be age appropriate for grades kindergarten through five (5), as the Report focuses on middle and high school levels only.)

- D. F5:** *“Several handbooks state that a student who is a witness to bullying is required to report the incident. At least one school has a “secret witness” program that offers reporting anonymity and a reward for reporting. At least one school considers a student who witnesses bullying, but fails to report it, as part of the problem.*

**Response to F5: Cannot Respond as to Districts Other than FUSD, but Concur in Regarding Witness Failure to Report**

FUSD agrees that a student who witnesses bullying but fails to report it is part of the problem. This concern can be overcome through education of students, as FUSD has done in the past, and will continue to do. This includes, by way of illustration and not limitation, anti-bullying assemblies, anti-bullying classroom presentations, and routine conversations with students regarding a witness' role in reporting bullying. FUSD continues to be proactive in identifying and addressing this problem.

- E. **F6:** *“No school was identified as having a comprehensive program to evaluate the effectiveness of its anti-bullying programs and policies. Anti-bullying policies are widely implemented, but not widely evaluated. Most schools do not have a program that surveys students anonymously on the prevalence and types of bullying that they experience or witness.”*

**Response to F6: Cannot Respond as to Districts Other than FUSD, but Disagree in Part as to FUSD**

FUSD does not, as the Grand Jury notes, have an anonymous survey for students regarding bullying. In FUSD's experience, anonymous surveys tend to have a lower validity rate than other types of surveys.

FUSD does, however, conduct both parent and employee surveys. Parent surveys include questions about safe schools. Teacher surveys include questions about expectations related to student behavior and issues with technology use. In addition, to the extent parents have expressed concerns regarding bullying, FUSD has addressed their concerns. The surveys reflect that parents believe that previously listed concerns have been addressed.

FUSD agrees that it widely implements anti-bullying policies. (See LUSD Board Policies 1114, 5131.2, and 5145.3, and Administrative Regulations 0450 and 5144.1.)

- F. **F7:** *“The Grand Jury was impressed by anti-bullying material and programs available to schools through the Placer County Sheriff's Office.”*

**Response to F7: Concur**

FUSD works extremely closely with the Placer County Sheriff's resource office to report and investigate any student harassment and/or bullying that requires law enforcement intervention.

**III. RESPONSES TO RECOMMENDATIONS APPLICABLE TO LUSD**

- A. **R1:** *“High schools and middle schools provide an environment that is safe for reporting both bullying and cyberbullying.”*

**Response to R1: Concur in Part**

FUSD agrees, philosophically and as a policy matter, with the recommendation that high schools and middle schools should provide an environment that is safe for reporting all forms of bullying. FUSD believes, however, that it has provided such an environment for all of its students, regardless of grade level. Board Policies 1114, 5131.2, and 5145.3, and Administrative Regulations 0450 and 5144.1 provide strong anti-bullying policies, and FUSD also provides annual anti-bullying assemblies and classroom presentations.

- B. R2:** *“Schools implement a policy that requires that both parents/legal guardians and students sign a document that acknowledges that they have read and understood the sections in the handbook pertaining to bullying and cyberbullying. These documents need to be kept in the student’s file for possible reference.”*

**Response to R2: Already Implemented**

FUSD requires parents and students to sign the student handbook and acknowledge that they have read and understood the handbook requirements, including disciplinary policies. Students in grades six through eight are intellectually sophisticated enough to understand what their signature represents. (Students in lower grades are not equipped to recognize what such a signature means.) *[Note to Gordon: do K-5 students sign the handbook acknowledgement?]* FUSD keeps each parent and student signature for the duration of the student’s attendance at FUSD schools.

- C. R3:** *“High Schools and middle schools utilize resources such as the Placer County Sheriff’s School Resource Department program, semi-annual student assemblies, and classroom seminars in order to educate students of the dangers and consequences of bullying and cyberbullying for both the bully and the bullied.”*

**Response to R3: Already Implemented in Part; Concur in Part**

As noted above, FUSD works closely with the Placer County Sheriff’s Resource Officer to address bullying incidents. FUSD also provides annual anti-bullying assemblies and classroom presentations to its students.

- D. R4:** *“Professional Training for all teachers for identifying the bullying victim and the bully before an incident occurs, and to deal with bullying incidents in the event they do occur.”*

**Response to R4: Already Implemented in Part; Disagree in Part**

FUSD agrees that districts must train teachers to address bullying incidents if they occur, and FUSD provides such training in its professional development programs for teachers. With regard to identification of bullying victims and bullies prior to bullying incidents, there is no identified, nationally recognized professional training that provides educators specific skills in such identification. There is some danger in labeling students as potential bullies or victims, and doing so may negatively impact low performing students.

If, however, the Grand Jury has a recommendation for a nationally recognized program which provides such training for educators, FUSD would be happy to investigate implementing the program.

- E. **R5:** *“Schools should develop a comprehensive means to evaluate the effectiveness of their anti-bullying programs and policies. Schools should conduct semi-annual anonymous surveys of the student body to measure the effectiveness of anti-bullying programs. In addition to gathering information regarding the amount and type of bullying that the student has experienced, the survey should seek student perceptions of the attitudes of teachers and administrators toward bullying.”*

**Response to R5: Already Implemented in Part; Concur in Part**

FUSD conducts both parent and employee surveys. Parent surveys include questions about safe schools. Teacher surveys include questions about expectations related to student behavior and issues with technology use. In addition, to the extent parents and teachers have expressed concerns regarding bullying, FUSD has addressed their concerns. The surveys reflect that sixty percent (60%) of parents believe that previously listed concerns have been addressed. Eighty percent (80%) of teachers have responded that LUSD has addressed the concerns they noted in previous surveys.

FUSD agrees that student perceptions of teacher and administrator attitudes toward bullying are important. FUSD is concerned that anonymous surveys have a low validity rate. Notwithstanding that belief, however, FUSD is willing to implement surveys regarding student perceptions of teacher and administrator attitudes toward bullying in grades six through eight. (Younger students are not intellectually able to participate in such surveys. Given that the Grand Jury Report focuses on middle and high schools, however, surveys of students in grades six (6) through eight (8) are within the recommendations made.) The District will implement the by Spring 2016.

- F. **R6:** *“The results of the semi-annual evaluations and student surveys should be posted on school websites.”*

**Response to R6: Disagree**

FUSD disagrees with this recommendation for two reasons. First, the age of the students surveyed makes the topic sensitive. Second, because of the low validity rate of anonymous surveys, the surveys should be used only for internal purposes. FUSD will, however, provide the results to its Board, principals, and staff and will annually create programs to address the results of the surveys.

**G. R7:** *“PCOE should update its bullying policy.”*

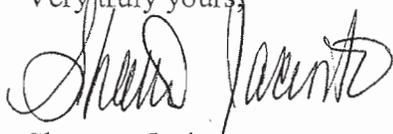
**Response: Cannot Address PCOE Actions; Already Implemented by FUSD**

FUSD updates bullying policies, as required. FUSD is unable to address PCOE policies.

**IV. CONCLUSION**

FUSD recognizes that bullying is an increasing problem in public schools, and one that can be difficult to identify and address. FUSD takes this problem seriously, and follows all statutes and regulations regarding bullying and student due process and discipline. FUSD appreciates the Grand Jury’s recognition of its efforts to curb bullying in its schools, and will continue to implement research-based, effective, and creative methods to cease bullying in its schools.

Very truly yours,



Shannon Jacinto  
Superintendent



1  
**RECEIVED**

OCT 07 2014

PLACER COUNTY  
GRAND JURY

## Response to Grand Jury Report Form

**Report Title :** Anti-Bullying Policies in Middle and High Schools: Are they effective?

**Report Date:** 2013-2014

**Response By:** Gordon Medd

**Title:** Superintendent

### FINDINGS

- I (we) agree with the findings, numbered : 3, 4, 5, 7.
- I (we) disagree wholly or partially with the findings, numbered : 2, 6.  
(Describe here or attach a statement specifying any portions of the findings that are disputed or not applicable; include an explanation of the reasons therefore.)

### RECOMMENDATIONS

- Recommendations numbered 1, 2, 3, 4 have been implemented.  
(Describe here or attach a summary statement regarding the implemented actions.)
- Recommendations numbered 5 have not yet been implemented, but will be implemented in the future.  
(Describe here or attach a timeframe for the implementation.)
- Recommendations numbered \_\_\_\_\_ require further analysis.  
(Describe here or attach 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 director 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 (6) months from the date of publication of the grand jury report.)
- Recommendations numbered 6, 7 will not be implemented because they are not warranted or are not reasonable.  
(Describe here or attach an explanation.)

**Date:** 9/10/13/14

**Signed:** 

Number of pages attached 7.



## *Loomis Union School District*

3290 Humphrey Road, Loomis, CA 95650 (916) 652-1800

[www.loomis-usd.k12.ca.us](http://www.loomis-usd.k12.ca.us)

*Building Excellence in Education since 1856*

Gordon T. Medd, Superintendent

VIA CERTIFIED MAIL

October 3, 2014

Honorable Alan V. Pineschi, Presiding Judge  
Placer County Superior Court  
P.O. Box 619072  
Roseville, CA 95661-9072

Placer County Grand Jury  
11532 B Avenue  
Auburn, CA 95603

Re: Response of the Superintendent of the Loomis Union School District to the Grand Jury Report Entitled: "Anti-Bullying Policies in Middle and High Schools: Are They Effective?"

Dear Judge Alan V. Pineschi:

Pursuant to California Penal Code sections 933 and 933.05, the following is the Loomis Union School District's ("LUSD") formal response to the Grand Jury Report, entitled "Anti-Bullying Policies in Middle and High Schools: Are They Effective?"

### I. INTRODUCTION

The Grand Jury requested a response from the Superintendent regarding Recommendations 1 through 6 by October 14, 2014. Accordingly, I am providing my response to those recommendations. I have also provided a response to each of the findings applicable to the LUSD<sup>1</sup>.

LUSD agrees with the Grand Jury that bullying is a serious problem, especially given technology and social media. It creates negative impacts for all victims. Because of this, LUSD takes bullying seriously, and acts expediently and effectively to prevent and curb any bullying activity in its schools.

The Grand Jury's report does not contain a definition of bullying. It can sometimes be difficult to differentiate bullying from a single act of aggression. Accordingly, LUSD has provided this response based on the definition of bullying set forth at Education Code section 49800, subdivision (r)(1). Subdivision (r)(1) defines bullying as follows:

<sup>1</sup> Findings 1, 2, and 7 apply only to the Placer County Office of Education, and other findings apply to other districts.

“Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

(A) Placing a reasonable pupil or pupils in fear of harm to that pupil’s or those pupils’ person or property.

(B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.

(C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.

(D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

Certain types of bullying, especially via social media/social networking, cannot be addressed by LUSD, because they occur off campus and are unrelated to school activities or school attendance. (Ed. Code, § 49800, subd. (s).) If these actions are not taken on school time and/or do not create a disruption for the school site, LUSD cannot impose discipline.

## II. RESPONSES TO FINDINGS APPLICABLE TO LUSD

A. F2: *“Although individual schools we investigated do promote their own anti-bullying events, currently, PCOE has no district guidelines with which to promote bullying awareness, such as guest speaker programs/presentations to students, bullying-awareness weeks, and other events in which students can participate in order to facilitate positive solutions to the problem.”*

### **Response to F2: Disagree in that LUSD Acts Autonomously to Develop Policies**

School districts in California operate independently, governed by their own governing boards. While county offices of education oversee certain aspects of school districts, such as certain fiscal matters, county offices do not provide guidelines to districts with regard to student discipline or bullying. The LUSD has created and implemented its own bullying guidelines, as well as anti-bullying education programs. (See LUSD Board Policies 1114, 5131.2, and 5145.3, and Administrative Regulations 0450 and 5144.1.)

B. F3: *“Every high school and middle school has a written policy against bullying, which includes graduated enforcement policies that could result in suspension or expulsion of*

*a student for bullying. All the policies appear to comply with state laws and are published and distributed in student handbooks. Although the terminology used in the student handbooks differs, each handbook clearly describes the types of prohibited behavior and the consequences of bullying.”*

**Response to F3: Concur**

LUSD’s bullying policy and regulations, and the related provisions in school handbooks comply with state law. In addition, the prohibited behaviors and consequences are clearly described.

- C. **F4:** *“Not all student handbooks state which options are available to students to report bullying other than reporting directly to a teacher, counselor, or administrators. Some schools have peer-to-peer resources, i.e., student mentors that staff a peer-bullying hotline and an “anti-bullying club.”*

**Response to F4: Cannot Respond as to Districts Other than LUSD, but Concur that LUSD Maintains Peer-to Peer Resources**

All student handbooks for all LUSD sites outline expectations and conflict resolution processes. Some schools in the LUSD have peer-to-peer conflict management programs. These programs are for students in grades four (4) through eight (8).

Not all forms of bullying are appropriate for peer-to-peer reporting, however. The severity of the incident(s) dictate whether a report to an adult is appropriate. In addition, the methods of reporting must be age appropriate. LUSD is an elementary district. As a result of the age of LUSD students, primary communication occurs with parents. (The Grand Jury appears to have recognized that such a program would not be age appropriate for grades kindergarten through five (5), as the Report focuses on middle and high school levels only.)

- D. **F5:** *“Several handbooks state that a student who is a witness to bullying is required to report the incident. At least one school has a “secret witness” program that offers reporting anonymity and a reward for reporting. At least one school considers a student who witnesses bullying, but fails to report it, as part of the problem.*

**Response to F5: Cannot Respond as to Districts Other than LUSD, but Concur in Regarding Witness Failure to Report**

LUSD agrees that a student who witnesses bullying but fails to report it is part of the problem. This concern can be overcome through education of students, as LUSD has done in the past, and will continue to do. This includes, by way of illustration and not limitation, anti-bullying assemblies, anti-bullying classroom presentations, and routine conversations with

students regarding a witness' role in reporting bullying. LUSD continues to be proactive in identifying and addressing this problem.

- E. **F6:** *“No school was identified as having a comprehensive program to evaluate the effectiveness of its anti-bullying programs and policies. Anti-bullying policies are widely implemented, but not widely evaluated. Most schools do not have a program that surveys students anonymously on the prevalence and types of bullying that they experience or witness.”*

**Response to F6: Cannot Respond as to Districts Other than LUSD, but Disagree in Part as to LUSD**

LUSD does not, as the Grand Jury notes, have an anonymous survey for students regarding bullying. In LUSD's experience, anonymous surveys tend to have a lower validity rate than other types of surveys.

LUSD does, however, conduct both parent and employee surveys. Parent surveys include questions about safe schools. Teacher surveys include questions about expectations related to student behavior and issues with technology use. In addition, to the extent parents have expressed concerns regarding bullying, LUSD has addressed their concerns. The surveys reflect that parents believe that previously listed concerns have been addressed.

LUSD agrees that it widely implements anti-bullying policies. (See LUSD Board Policies 1114, 5131.2, and 5145.3, and Administrative Regulations 0450 and 5144.1.)

- F. **F7:** *“The Grand Jury was impressed by anti-bullying material and programs available to schools through the Placer County Sheriff's Office.”*

**Response to F7: Concur**

LUSD works extremely closely with the Placer County Sheriff's resource office to report and investigate any student harassment and/or bullying that requires law enforcement intervention.

**III. RESPONSES TO RECOMMENDATIONS APPLICABLE TO LUSD**

- A. **R1:** *“High schools and middle schools provide an environment that is safe for reporting both bullying and cyberbullying.”*

**Response to R1: Concur in Part**

LUSD agrees, philosophically and as a policy matter, with the recommendation that high schools and middle schools should provide an environment that is safe for reporting all forms of bullying. LUSD believes, however, that it has provided such an environment for all of its students, regardless of grade level. Board Policies 1114, 5131.2, and 5145.3, and Administrative Regulations 0450 and 5144.1 provide strong anti-bullying policies, and LUSD also provides annual anti-bullying assemblies and classroom presentations.

- B. R2: *“Schools implement a policy that requires that both parents/legal guardians and students sign a document that acknowledges that they have read and understood the sections in the handbook pertaining to bullying and cyberbullying. These documents need to be kept in the student’s file for possible reference.”*

**Response to R2: Already Implemented**

LUSD requires parents and students to sign the student handbook and acknowledge that they have read and understood the handbook requirements, including disciplinary policies. Students in grades six through eight are intellectually sophisticated enough to understand what their signature represents. (Students in lower grades are not equipped to recognize what such a signature means.) LUSD keeps each parent and student signature for the duration of the student’s attendance at LUSD schools.

- C. R3: *“High Schools and middle schools utilize resources such as the Placer County Sheriff’s School Resource Department program, semi-annual student assemblies, and classroom seminars in order to educate students of the dangers and consequences of bullying and cyberbullying for both the bully and the bullied.”*

**Response to R3: Already Implemented in Part; Concur in Part**

As noted above, LUSD works closely with the Placer County Sheriff’s Resource Officer to address bullying incidents. LUSD also provides annual anti-bullying assemblies and classroom presentations to its students.

- D. R4: *“Professional Training for all teachers for identifying the bullying victim and the bully before an incident occurs, and to deal with bullying incidents in the event they do occur.”*

**Response to R4: Already Implemented in Part; Disagree in Part**

LUSD agrees that districts must train teachers to address bullying incidents if they occur, and LUSD provides such training in its professional development programs for teachers. With regard to identification of bullying victims and bullies prior to bullying incidents, there is no identified, nationally recognized professional training that provides educators specific skills in such identification. There is some danger in labeling students as potential bullies or victims, and doing so may negatively impact low performing students.

If, however, the Grand Jury has a recommendation for a nationally recognized program which provides such training for educators, LUSD would be happy to investigate implementing the program.

- E. R5: *“Schools should develop a comprehensive means to evaluate the effectiveness of their anti-bullying programs and policies. Schools should conduct semi-annual anonymous surveys of the student body to measure the effectiveness of anti-bullying*

*programs. In addition to gathering information regarding the amount and type of bullying that the student has experienced, the survey should seek student perceptions of the attitudes of teachers and administrators toward bullying.”*

**Response to R5: Already Implemented in Part; Concur in Part**

LUSD conducts both parent and employee surveys. Parent surveys include questions about safe schools. Teacher surveys include questions about expectations related to student behavior and issues with technology use. In addition, to the extent parents and teachers have expressed concerns regarding bullying, LUSD has addressed their concerns. The surveys reflect that sixty percent (60%) of parents believe that previously listed concerns have been addressed. Eighty percent (80%) of teachers have responded that LUSD has addressed the concerns they noted in previous surveys.

LUSD agrees that student perceptions of teacher and administrator attitudes toward bullying are important. LUSD is concerned that anonymous surveys have a low validity rate. Notwithstanding that belief, however, LUSD is willing to implement surveys regarding student perceptions of teacher and administrator attitudes toward bullying in grades six through eight. (Younger students are not intellectually able to participate in such surveys. Given that the Grand Jury Report focuses on middle and high schools, however, surveys of students in grades six (6) through eight (8) are within the recommendations made.) The District will implement the by Spring 2016.

- F. R6: *“The results of the semi-annual evaluations and student surveys should be posted on school websites.”*

**Response to R6: Disagree**

LUSD disagrees with this recommendation for two reasons. First, the age of the students surveyed makes the topic sensitive. Second, because of the low validity rate of anonymous surveys, the surveys should be used only for internal purposes. LUSD will, however, provide the results to its Board, principals, and staff and will annually create programs to address the results of the surveys.

- G. R7: *“PCOE should update its bullying policy.”*

**Response: Cannot Address PCOE Actions; Already Implemented by LUSD**

LUSD updates bullying policies, as required. LUSD is unable to address PCOE policies.

**IV. CONCLUSION**

LUSD recognizes that bullying is an increasing problem in public schools, and one that can be difficult to identify and address. LUSD takes this problem seriously, and follows all statutes and regulations regarding bullying and student due process and discipline. LUSD appreciates the Grand Jury’s

recognition of its efforts to curb bullying in its schools, and will continue to implement research-based, effective, and creative methods to cease bullying in its schools.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Gordon Medd', with a long horizontal flourish extending to the right.

Gordon Medd  
Superintendent

**KATHLEEN DAUGHERTY,**

SUPERINTENDENT

**NANCY MCKENZIE**

DIRECTOR OF FISCAL SERVICES

**SUE LATHAM**

DIRECTOR OF SPECIAL EDUCATION



**BOARD OF TRUSTEES**

**JEFF SEVEY**

PRESIDENT

**SARAH GILLMORE**

CLERK

**LISA VITELLO**

**MICHAEL LEYDON**

**KEN HANSEN**

450 MAIN ST. P.O. BOX 1018, NEWCASTLE, CA 95658

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VIA CERTIFIED MAIL and PERSONAL DELIVERY

September 26, 2014

Honorable Alan V. Pineschi, Presiding Judge  
Placer County Superior Court  
P.O. Box 619072  
Roseville, CA 95661-9072

Placer County Grand Jury  
11532 B Avenue  
Auburn, CA 95603

Re: Response of the Superintendent of the Newcastle Elementary School District to the Grand Jury Report Entitled: "Anti-Bullying Policies in Middle and High Schools: Are They Effective?"

Dear Judge Alan V. Pineschi:

Pursuant to California Penal Code sections 933 and 933.05, the following is the Newcastle Elementary School District's ("NESD") formal response to the Grand Jury Report, entitled "Anti-Bullying Policies in Middle and High Schools: Are They Effective?"

**I. INTRODUCTION**

The Grand Jury requested a response from the Superintendent regarding Recommendations 1 through 6 by October 14, 2014. Accordingly, I am providing my response to those recommendations. I have also provided a response to each of the findings applicable to the NESD<sup>1</sup>.

NESD agrees with the Grand Jury that bullying is a serious problem, especially given technology and social media. It creates negative impacts for all victims. Because of this, NESD takes bullying seriously, and acts expediently and effectively to curb any bullying activity in its schools.

The Grand Jury's report does not contain a definition of bullying. It can sometimes be difficult to differentiate bullying from a single act of aggression. Accordingly, NESD has provided this response based on the definition of bullying set forth at Education Code section 49800, subdivision (r)(1). Subdivision (r)(1) defines bullying as follows:

<sup>1</sup> Findings 1, 2, and 7 apply only to the Placer County Office of Education, and other findings apply to other districts.

“Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

(A) Placing a reasonable pupil or pupils in fear of harm to that pupil’s or those pupils’ person or property.

(B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.

(C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.

(D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

Certain types of bullying, especially via social media/social networking, cannot be addressed by NESD, because they occur off campus and are unrelated to school activities or school attendance. (Ed. Code, § 49800, subd. (s).) If these actions are not taken on school time, are not related to a school situation and/or do not create a disruption for the school site, NESD cannot impose discipline.

## II. RESPONSES TO FINDINGS APPLICABLE TO NESD

A. **F2:** *“Although individual schools we investigated do promote their own anti-bullying events, currently, PCOE has no district guidelines with which to promote bullying awareness, such as guest speaker programs/presentations to students, bullying-awareness weeks, and other events in which students can participate in order to facilitate positive solutions to the problem.”*

### **Response to F2: Disagree in that NESD Acts Autonomously to Develop Policies**

School districts in California operate independently, governed by their own governing boards. While county offices of education oversee certain aspects of school districts, such as certain fiscal matters, county offices do not provide guidelines to districts with regard to student discipline or bullying. The NESD has created and implemented its own bullying guidelines, as well as anti-bullying education programs. (See NESD Board Policies 1114, 5131.2, and 5145.3, and Administrative Regulations 0450 and 5144.1.)

- B. F3:** *“Every high school and middle school has a written policy against bullying, which includes graduated enforcement policies that could result in suspension or expulsion of a student for bullying. All the policies appear to comply with state laws and are published and distributed in student handbooks. Although the terminology used in the student handbooks differs, each handbook clearly describes the types of prohibited behavior and the consequences of bullying.”*

**Response to F3: Concur**

NESD’s bullying policy and regulations, and the related provisions in school handbooks comply with state law. In addition, the prohibited behaviors and consequences are clearly described.

- C. F4:** *“Not all student handbooks state which options are available to students to report bullying other than reporting directly to a teacher, counselor, or administrators. Some schools have peer-to-peer resources, i.e., student mentors that staff a peer-bullying hotline and an “anti-bullying club.”*

**Response to F4: Cannot Respond as to Districts Other than NESD, but Concur that NESD Maintains Peer-to Peer Resources**

All student handbooks for all NESD sites outline expectations and conflict resolution processes. Some schools in the NESD have peer-to-peer conflict management programs. These programs are for students in grades four (4) through eight (8).

Not all forms of bullying are appropriate for peer-to-peer reporting, however. The severity of the incident(s) dictate whether a report to an adult is appropriate. In addition, the methods of reporting must be age appropriate. NESD is an elementary district. As a result of the age of NESD students, primary communication occurs with parents. (The Grand Jury appears to have recognized that such a program would not be age appropriate for grades kindergarten through five (5), as the Report focuses on middle and high school levels only.)

- D. F5:** *“Several handbooks state that a student who is a witness to bullying is required to report the incident. At least one school has a “secret witness” program that offers reporting anonymity and a reward for reporting. At least one school considers a student who witnesses bullying, but fails to report it, as part of the problem.*

**Response to F5: Cannot Respond as to Districts Other than NESD, but Concur in Regarding Witness Failure to Report**

NESD agrees that a student who witnesses bullying but fails to report it is part of the problem. This concern can be overcome through education of students, as NESD has done in the past, and will continue to do. This includes, by way of illustration and not limitation, anti-bullying assemblies, anti-bullying classroom presentations, and routine conversations with students regarding a witness’ role in reporting bullying. NESD continues to be proactive in identifying and addressing this problem.

- E. **F6:** *"No school was identified as having a comprehensive program to evaluate the effectiveness of its anti-bullying programs and policies. Anti-bullying policies are widely implemented, but not widely evaluated. Most schools do not have a program that surveys students anonymously on the prevalence and types of bullying that they experience or witness."*

**Response to F6: Cannot Respond as to Districts Other than NESD, but Disagree in Part as to NESD**

NESD does not, as the Grand Jury notes, have an anonymous survey for students regarding bullying. In NESD's experience, anonymous surveys tend to have a lower validity rate than other types of surveys.

NESD does, however, conduct both parent and employee surveys. Parent surveys include questions about safe schools. Teacher surveys include questions about expectations related to student behavior and issues with technology use. In addition, to the extent parents have expressed concerns regarding bullying, NESD has addressed their concerns. The surveys reflect that parents believe that previously listed concerns have been addressed.

NESD agrees that it widely implements anti-bullying policies. (See NESD Board Policies 1114, 5131.2, and 5145.3, and Administrative Regulations 0450 and 5144.1.)

- F. **F7:** *"The Grand Jury was impressed by anti-bullying material and programs available to schools through the Placer County Sheriff's Office."*

**Response to F7: Concur**

NESD works extremely closely with the Placer County Sheriff's resource office to report and investigate any student harassment and/or bullying that requires law enforcement intervention.

**III. RESPONSES TO RECOMMENDATIONS APPLICABLE TO NESD**

- A. **R1:** *"High schools and middle schools provide an environment that is safe for reporting both bullying and cyberbullying."*

**Response to R1: Concur in Part**

NESD agrees, philosophically and as a policy matter, with the recommendation that high schools and middle schools should provide an environment that is safe for reporting all forms of bullying. NESD believes, however, that it has provided such an environment for all of its students, regardless of grade level. Board Policies 1114, 5131.2, and 5145.3, and Administrative Regulations 0450 and 5144.1 provide strong anti-bullying policies, and NESD also provides annual anti-bullying assemblies special classroom presentations and regular instruction using the Board adopted program Second Steps at all grade levels.

- B. **R2:** *"Schools implement a policy that requires that both parents/legal guardians and students sign a document that acknowledges that they have read and understood the sections in the handbook pertaining to bullying and cyberbullying. These documents need to be kept in the student's file for possible reference."*

**Response to R2: Already Implemented**

NESD requires parents and students to sign the student handbook and acknowledge that they have read and understood the handbook requirements, including disciplinary policies. Students in grades six through eight are intellectually sophisticated enough to understand what their signature represents. (Students in lower grades are not equipped to recognize what such a signature means.) NESD keeps each parent and student signature for the duration of the student's attendance at NESD schools.

- C. **R3:** *"High Schools and middle schools utilize resources such as the Placer County Sheriff's School Resource Department program, semi-annual student assemblies, and classroom seminars in order to educate students of the dangers and consequences of bullying and cyberbullying for both the bully and the bullied."*

**Response to R3: Already Implemented in Part; Concur in Part**

As noted above, NESD works closely with the Placer County Sheriff's Resource Officer to address bullying incidents. NESD also provides annual anti-bullying assemblies, special classroom presentations and regular instruction using the Board adopted program Second Steps at all grade levels

- D. **R4:** *"Professional Training for all teachers for identifying the bullying victim and the bully before an incident occurs, and to deal with bullying incidents in the event they do occur."*

**Response to R4: Already Implemented in Part; Disagree in Part**

NESD agrees that districts must train teachers to address bullying incidents if they occur, and NESD provides such training in its professional development programs for teachers. With regard to identification of bullying victims and bullies prior to bullying incidents, there is no identified, nationally recognized professional training that provides educators specific skills in such identification. There is some danger in labeling students as potential bullies or victims, and doing so may negatively impact low performing students.

If, however, the Grand Jury has a recommendation for a nationally recognized program, which provides such training for educators, NESD would be happy to investigate implementing the program.

- E. **R5:** *"Schools should develop a comprehensive means to evaluate the effectiveness of their anti-bullying programs and policies. Schools should conduct semi-annual anonymous surveys of the student body to measure the effectiveness of anti-bullying programs. In addition to gathering information regarding the amount and type of bullying that the student has experienced, the survey should seek student perceptions of the attitudes of teachers and administrators toward bullying."*

**Response to R5: Already Implemented in Part; Concur in Part**

NESD conducts both parent and employee surveys. Parent surveys include questions about safe schools. Teacher surveys include questions about expectations related to student behavior and issues with technology use. In addition, to the extent parents and teachers have expressed concerns regarding bullying, NESD has addressed their concerns. The recent surveys, 1/23/14 and 4/4/14, reflect that ninety-three percent (93%) of parents believe that NESD listens to

concerns and that their children feel safe on NESD campuses. Ninety-nine percent (99%) of teachers have responded that NESD provides safe campuses and their students feel safe and connected to school.

NESD agrees that student perceptions of teacher and administrator attitudes toward bullying are important. NESD is concerned that anonymous surveys have a low validity rate. Notwithstanding that belief, however, NESD is willing to implement surveys regarding student perceptions of teacher and administrator attitudes toward bullying in grades six through eight. (Younger students are not intellectually able to participate in such surveys. Given that the Grand Jury Report focuses on middle and high schools, however, surveys of students in grades six (6) through eight (8) are within the recommendations made.) The District will collaborate with other Placer County districts and implement the recommendation by Spring 2016.

- F. **R6:** *"The results of the semi-annual evaluations and student surveys should be posted on school websites."*

**Response to R6: Disagree**

NESD disagrees with this recommendation for two reasons. First, the age of the students surveyed makes the topic sensitive. Second, because of the low validity rate of anonymous surveys, the surveys should be used only for internal purposes. NESD will, however, provide the results to its Board, principals, and staff and will annually create programs to address the results of the surveys.

- G. **R7:** *"PCOE should update its bullying policy."*

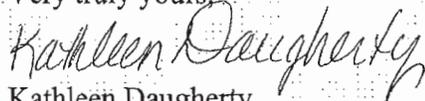
**Response: Cannot Address PCOE Actions; Already Implemented by NESD**

NESD updates bullying policies, as required and as laws change. NESD is unable to address PCOE policies.

**IV. CONCLUSION**

NESD recognizes that bullying is an increasing problem in public schools, and one that can be difficult to identify and address. NESD takes this problem seriously, and follows all statutes and regulations regarding bullying and student due process and discipline. NESD appreciates the Grand Jury's recognition of its efforts to curb bullying in its schools, and will continue to implement research-based, effective, and creative methods to cease bullying in all its schools.

Very truly yours,



Kathleen Daugherty  
Superintendent

RECEIVED

SEP 28 2014

PLACER COUNTY  
GRAND JURY

**Response to Grand Jury Report Form**

**Report Title:** Anti-Bullying Policies in Middle and High Schools: Are They Effective?

**Report Date:** September 10, 2014

**Response By:** Derk Garcia

**Title:** Superintendent

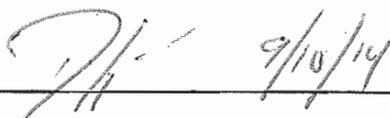
**FINDINGS**

- I (we) agree with the findings, numbered: F3, F4, F5.
- I (we) disagree wholly or partially with the findings, numbered: F6.  
*(Describe here or attach a statement specifying any portions of the findings that are disputed or not applicable; include an explanation of the reasons therefore.)*

**RECOMMENDATIONS**

- Recommendations numbered R1, R2, R3, R4 have been implemented.  
*(Describe here or attach a summary statement regarding the implemented actions.)*
- Recommendations numbered R5 have not yet been implemented, but will be implemented in the future.  
*(Describe here or attach a timeframe for the implementation.)*
- Recommendations numbered \_\_\_\_\_ require further analysis.  
*(Describe here or attach 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 director 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 (6) months from the date of publication of the grand jury report.)*
- Recommendations numbered R6 will not be implemented because they are not warranted or are not reasonable.  
*(Describe here or attach an explanation.)*

**Date:** 9/10/14

**Signed:**  9/10/14

Number of pages attached 4.

September 19, 2014

Honorable Alan V. Pineschi, Presiding Judge  
Placer County Superior Court  
P.O. Box 619072  
Roseville, CA 95661-9072

Placer County Grand Jury  
11532 B Avenue  
Auburn, CA 95603

Re: Response by the Superintendent of the Roseville City School District to the Grand Jury Report Entitled: "Anti-Bullying Policies in Middle and High Schools: Are They Effective?"

Dear Judge Alan V. Pineschi:

Pursuant to California Penal Code sections 933 and 933.05, the Grand Jury requested a response from the Superintendent regarding the Findings and Recommendations by October 1, 2014. Accordingly, I am providing my response to each of the Findings and Recommendations applicable to the Roseville City School District.

The Roseville City School District agrees with the Grand Jury that bullying is a serious matter. Concerns regarding bullying have been heightened by the increase in the availability and use of technology including social media. Because of this, the Roseville City School District acts expediently and effectively to curb any bullying activity in its schools.

**Roseville City School District Response to Findings**

- F1. Not applicable to the Roseville City School District*
- F2. Finding as stated is not applicable to the Roseville City School District but do agree that individual schools do promote anti-bullying.*

All middle schools in the Roseville City School District have implemented the Positive Behavioral Intervention and Support (PBIS) program. This is a research-based program that focuses on positive school culture and positive student interaction. The program includes clear guidelines for response to bullying-type behaviors. PBIS aligns with guidelines provided in RCSD Board Policies and Administrative Regulations. In addition, programs promoting positive peer interaction including Seven Habits Character Education, Point Break and Act Now are being utilized in schools in the District.

*F3. Agree with this finding*

Roseville City School District policies and regulations regarding bullying comply with state law. Handbooks contain PBIS behavior expectations and Education Code describing prohibited behaviors and resulting consequences.

*F4. Agree with this finding*

Although options available for students to report bullying are not stated in school handbooks, schools do educate students regarding avenues for reporting of bullying in classroom and whole school presentations and assemblies. Peer-to-Peer resources including conflict management programs are utilized at school sites. The District will include options for reporting bullying in student handbooks beginning with the 2015/2016 school year.

*F5. Agree with this finding*

Through PBIS student training and other classroom presentations and school assemblies, students in the Roseville City School District are educated regarding the impact of bullying behavior and the importance of reporting bullying behavior when it is observed. Students are informed they too could be disciplined if they condone bullying behavior.

*F6. Disagree in part with this finding*

Schools in the Roseville City School District do not utilize an anonymous student survey regarding bullying. Schools do survey staff and parents regarding school safety.

All middle schools utilize the PBIS program and are required to utilize the School Wide Information System (SWIS) to track behaviors. The data is utilized to evaluate incidents that occur including time of day and location in order to evaluate changes to promote a positive school culture.

*F7. Not applicable to the Roseville City School District*

Although the Roseville City School District has limited interaction with the Placer County Sheriff's Office, the Roseville City School District does work closely with the Roseville Police Department to address bullying behaviors that require law enforcement intervention. In addition, Roseville Police provide parent education nights addressing cyber-bullying.

**Roseville City School District Response to Recommendations**

*R1. Has been implemented*

All schools in the Roseville City School District, K through 8, provide a safe environment for reporting bullying and cyber-bullying. Students are educated and informed through PBIS, Character Traits and other positive student interaction programs as well as school assemblies and classroom presentations.

R2. *Has been implemented*

Student handbooks are reviewed with all middle school students. Students and parents are required to sign that they have read and understand the contents of the handbook including expectations for student behavior and discipline policies. Signature pages are kept at the school sites.

R3. *Has been implemented\**

As noted above, the Roseville City School District works closely with the Roseville Police Department to address bullying behaviors. In addition, PBIS, Character Education programs, school assemblies and classroom discussions address the dangers and consequences of bullying and cyber-bullying for the bully and the bullied.

R4. *Has been implemented in part*

All staff members participate in training for PBIS and/or Character Traits programs which includes the promotion of positive interactions between students and staff and the development of a positive school culture. More research would be needed to identify a program that would provide training on the identification of a bully and bully victim before an incident occurs.

R5. *Has been implemented in part*

All middle schools in the Roseville City School District collect and analyze data through the SWIS component of PBIS. The SWIS data collection and analysis component provides a means to evaluate the effectiveness of school response to all student behaviors including bullying. PBIS team meets regularly to review data to identify areas for growth in the development of positive student interaction and school culture. In addition, Intervention Teams meet regularly to review student data to identify students needing individual attention.

At present the Roseville City School District conducts surveys with staff and parents regarding school safety. Student surveys regarding bullying are not conducted. Development and implementation of a student survey will take further analysis. Analysis to be completed by December 31, 2014.

R6. *Has not been implemented*

Student survey does not exist so results have not been posted.

R7. *Not applicable to the Roseville City School District*

Roseville City School District updates policies as required.

**Conclusion**

The Roseville City School District recognizes the importance of creating a healthy atmosphere that promotes positive interaction for all students in all of our schools. RCSD is committed to the implementation of PBIS and supporting Character Traits programs ensuring students are provided with continual education regarding positive behaviors.

