

La Grange Elementary School District

P.O. Box 66, La Grange, CA 95329

August 29, 2008

RECEIVED

SEP 08 2008

The Honorable Donald E. Shaver
Presiding Judge
Stanislaus County Superior Court
P.O. Box 3488
Modesto, CA 95353

DES

Re: La Grange Elementary School District Board of Trustees Response to Stanislaus County Grand Jury Report

Dear Judge Shaver:

On or about June 5, 2008, the Stanislaus County Civil Grand Jury published its report following an investigation into allegations that the La Grange Elementary School District ("District") had submitted fraudulent attendance reports for the collection of funds, misused funds, housed staff and students in unsafe buildings, not complied with Department of Education mandates, and not received appropriate oversight from its Board of Trustees. These allegations arise mainly from the opening and operation of the La Grange Charter Academy, which utilizes portable classrooms and draws attendance from outside the District in the surrounding area. The Charter Academy is currently pending review by the Board to determine whether it will remain open or if it will close prior to the start of the 2008-2009 school year for budgetary reasons.

Overview of Board of Trustees Response

As with the sentiments expressed by the Superintendent in his written response to the Grand Jury's report, the Board of Trustees shares the Grand Jury's desire to ensure the highest quality of services and protection to the children whom we serve. While the Board joins the Superintendent in disagreement with some of the findings and recommendations below, the Board also recognizes that some errors were made in the opening and operation of the La Grange Charter Academy and that improvements can and will be implemented to ensure that the schools of the District operate efficiently and in compliance with the law. The Board appreciates the Grand Jury's interest in our District and students and will continue to cooperate with the Grand Jury and other individuals to implement the appropriate recommendations herein.

Finding No. 1

Relocatable classrooms were placed on the La Grange School site in the absence of Division of the State Architect (DSA) approval.

- (a) Plans were not submitted to the DSA nor did DSA approve plans or issue permits for relocatable classrooms to be placed on the La Grange school site, per EdC 17280 and EdC 17350 et seq.
- (b) No permits were issued by Stanislaus County, as that responsibility lies with the DSA.
- (c) Construction inspections were not performed or reported, per EdC 17311 and EdC 17312.
- (d) Final approval was not obtained before these buildings were put into use, per EdC 17315.

Recommendation No. 1

The Stanislaus County Civil Grand Jury recommends that:

- (a) DSA conduct an immediate inspection of the La Grange School facility to determine compliance with DSA requirements for construction on school sites.
- (b) SCOE shall require all school districts to notify SCOE of all construction and to submit copies of DSA construction approval requests.
- (c) SCOE shall require any district with no construction to submit an annual written report certifying no construction.
- (d) SCOE withhold funds for any school district construction until the district provides SCOE with evidence of DSA construction approval.
- (e) La Grange School District immediately applies to DSA for construction approval for the relocatable classrooms.
- (f) La Grange School District immediately requests an inspection from the California State Fire Marshal.
- (g) La Grange School District removes students from un-approved buildings until they are approved for student occupancy.

Response to Finding No. 1

The Respondent agrees with this finding. The Respondent's response to each finding is below:

- (a) The Superintendent ordered multiple portable (i.e., relocatable) buildings for use as classrooms which were advertised as DSA-approved from Mobile Modular. The Superintendent erroneously believed this meant these portable buildings complied with the requirements for DSA approval of construction/reconstruction of school buildings. In a letter dated April 3, 2008, a representative of DSA notified the District that two of the portable buildings on campus did not comply with the requirements for DSA approval of construction/reconstruction of school buildings, (**Exhibit A**)¹. The letter advised the Superintendent to secure the services of an architect to begin the process for formal DSA approval of the portable buildings on campus as soon as possible. The District retained an architect, Ted Brandvold from Commercial Architecture, Inc., in Modesto, California, and began the process to comply with the requirements for DSA approval of construction/reconstruction of school buildings.
- (b) It is unclear if this is a finding directed at an act or omission by the District. The District is unable to respond.
- (c) See response to Finding No. 1(a).
- (d) See response to Finding No. 1(a).

Response to Recommendation No. 1

The Respondent's response to the Grand Jury's recommendations are as follows:

- (a) This recommendation cannot be implemented because it is not within the District's jurisdiction to compel DSA to take the recommended actions.
- (b) This recommendation cannot be implemented because it is not within the District's jurisdiction to compel the Stanislaus County Office of Education to take the recommended actions.
- (c) This recommendation cannot be implemented because it is not within the District's jurisdiction to compel the Stanislaus County Office of Education to take the recommended actions.
- (d) This recommendation cannot be implemented because it is not within the District's jurisdiction to compel the Stanislaus County Office of Education to take the recommended actions.
- (e) The recommendation has been implemented. The Superintendent has met with DSA personnel and the District's architect, Ted Brandvold, to review the DSA approval

¹ In a second letter dated July 28, 2008, a representative of DSA notified the District of additional buildings that would need to comply with the DSA approval process; This has been incorporated into the ongoing compliance process that began with the two portables initially identified by DSA.

process and to proceed for approval of portable buildings to be used by the District for the 2008-2009 school year.

- (f) This recommendation will not be implemented because it is not warranted. Shirley Colemans, Fire Marshal, Stanislaus Consolidated Fire District, inspected the buildings in the District during the previous school year, and will do so in the future as required by law.
- (g) The recommendation has been implemented, and students will not be placed in unapproved buildings until they are approved for student occupancy.

Finding No. 2

Relocatable classrooms, without final approval and containing several safety concerns, were occupied by students, for classroom instruction over a multi-year period. (Ed. Code § 17295, Ed. Code § 81133, and Ed. Code § 81130, et seq.)

- (a) Fire inspections were not performed.
- (b) There were no fire alarm pulls or telephones for reporting fires or emergencies in these classrooms, per Education Code section 17077.10.
- (c) The central fire alarm could not be heard in these classrooms.
- (d) Hasps and padlocks were installed on the outside of the only door of a classroom that housed students.

Recommendation No. 2

The Stanislaus County Civil Grand Jury recommends that:

- (a) The La Grange Elementary School District immediately applies to the DSA for construction approval for the relocatable classrooms.
- (b) The La Grange Elementary School District immediately requests an inspection from the State Fire Marshal.
- (c) The La Grange Elementary School District removes students from un-approved classrooms until they are approved for student occupancy.

Response to Finding No. 2

The Respondent disagrees partially with this finding. The Grand Jury's citations to Education Code sections 81133 and 81130 et seq. are not relevant as they are intended to apply to postsecondary education institutions. The Respondent's response to each finding is below:

- (a) Annual fire inspections have been performed on all buildings on the La Grange Elementary School campus during the last two school years. Although the Grand Jury did not indicate the period of time they were reviewing, I have attached copies of the last four (4) fire inspection reports by the Stanislaus Consolidated Fire District, dated March 2, 2007, January 25, 2008, February 2, 2008, and February 28, 2008. **(Exhibit B.)**

The Stanislaus Consolidated Fire District's inspection on March 2, 2007, indicated no visible violations. Although the inspections on January 25, 2008, and February 2, 2008, revealed multiple violations, these were corrected by the time of a follow-up inspection on February 28, 2008. Annual inspections in previous years had been inconsistent due to administrative decisions within the Stanislaus Consolidated Fire District, however annual inspections resumed during the 2006-2007 school year. **(Exhibit C.)**

- (b) All buildings have functioning fire alarm pulls which are connected to the school's main fire alarm station in the office. The system has been inspected and approved by the Stanislaus Consolidated Fire District. **(See Exhibit B.)**

All classrooms, the kitchen, the cafeteria and the main office are equipped with two-way radios for emergency communication. In addition, all staff members are supplied with functioning two-way radios.

- (c) The central fire alarm can be heard throughout campus. The Respondent does not know of any facts that would have led the Grand Jury to a different conclusion.
- (d) Presumably the Grand Jury was referring to the hasps and padlocks installed on the computer lab door. Those were used for security in the evenings and other times when students were not present but have been removed consistent with the Grand Jury's concerns.

Response to Recommendation No. 2

The Respondent's responses to the Grand Jury's recommendations are as follows:

- (a) The recommendation has been implemented. The District has meetings scheduled with DSA beginning August 4, 2008, to coordinate the process for the approval of the portable classrooms being utilized on campus.
- (b) This recommendation will not be implemented because it is not warranted. The Stanislaus Consolidated Fire District inspected the buildings in the District during the previous school year, and will do so in the future as required by law.
- (c) The recommendation has been implemented, and no students will occupy a portable classroom until that classroom has been approved for student occupancy.

Finding No. 3

Safety drills and inspections were not regularly performed, reported, or recorded for several years.

- (a) The La Grange Elementary School District did not have a policy for conducting fire drills as required by Education Code section 32001.
- (b) Fire drills were not conducted on a regular basis, per Education Code section 32001.
- (c) Mandated inspections by the Fire Marshal were neither requested nor conducted as required. A fire inspection in March 2007 showed "no violations observed." A fire inspection in January 2008 revealed many violations. A follow-up fire inspection in February 2008 showed that these had been cleared.
- (d) Teachers had neither an adequate nor a reliable way of reporting a fire or emergency without leaving their classes unattended, per Education Code section 17077.10.
- (e) Teachers had neither an adequate nor a reliable way of knowing if a fire or emergency was occurring elsewhere on campus.

Recommendation No. 3

The Stanislaus County Civil Grand Jury recommends that:

- (a) The State Fire Marshal immediately conduct an inspection of the buildings on the La Grange Elementary School campus.
- (b) The La Grange Elementary School is put on a State Fire Marshal priority list for regular safety and fire inspections.
- (c) The La Grange Elementary School District installs a hardwired connection to a public, switched telephone network in each new or modernized classroom, per Education Code section 17077.10.

Response to Finding No. 3

The Respondent disagrees partially with this finding. The Respondent's response to each finding is below:

- (a) The District complies with the statutory requirement in Education Code section 32001 of conducting a fire drill at least once every month at the elementary school level. Section 32001 does not require that a policy exist in writing, only that the practice is consistent with the requirements of that section.
- (b) Fire drills were conducted on a regular basis during the 2007-2008 school year. Education Code section 32001 requires an elementary school to conduct a fire drill not

less than once per month and during the 2007-2008 school year, there were 14 fire drills on campus (**Exhibit D**). Fire drills were conducted as follows:

1. September 26, 2007; 10:45 a.m.
2. October 24, 2007; 9:35 a.m.
3. November 21, 2007; 8:45 a.m.
4. December 19, 2007; 9:00 a.m.
5. January 25, 2008; 8:40 a.m.
6. February 2, 2008; 10:15 a.m.
7. February 5, 2008; 9:45 a.m.
8. February 19, 2008; 1:00 p.m.
9. February 28, 2008; 10:16 a.m.
10. March 20, 2008; 2:16 p.m.
11. April 30, 2008; 11:02 a.m.
12. May 30, 2008; 5:30 p.m. (during the After School Program)
13. June 20, 2008; 2:00 p.m.
14. July 26, 2008; 1:30 p.m.

During the previous school year, fire drills were not conducted in every calendar month, but as noted above, the current practice is for *at least* one fire drill per month.

- (c) Mandated inspections by the Fire Marshal resumed during the 2006-2007 school year after inconsistent inspections in previous years due in part to administrative decisions within the Stanislaus Consolidated Fire District (**see Exhibit C**). Although the fire inspections on January 25, 2008, and February 2, 2008, revealed multiple violations, these were corrected by the time of a follow-up inspection on February 28, 2008. (**See Exhibit B.**)
- (d) All teachers have functioning two-way radios to report a fire or other emergency without having to leave their classrooms unattended. The District is not aware of facts which would lead to the Grand Jury's finding in this regard.
- (e) As noted above, all buildings have functioning fire alarm pulls which are connected to the school's main fire alarm station in the office. Additionally, all teachers have functioning two-way radios to report a fire or other emergency without having to leave

their classrooms unattended. The District is not aware of facts which would lead to the Grand Jury's finding in this regard.

Response to Recommendation No. 3

The Respondent's responses to the Grand Jury's recommendations are as follows:

- (a) This recommendation will not be implemented because it is not warranted. The Stanislaus Consolidated Fire District has inspected the buildings in the District three times during the 2007-2008 school year (see **Exhibit B**). Additional inspections beyond regularly scheduled annual inspections would be redundant.
- (b) This recommendation cannot be implemented because it is not within the District's jurisdiction to compel the State Fire Marshal to take the recommended actions.
- (c) This recommendation will not be implemented because it is not warranted. La Grange Elementary School District utilizes two-way wireless radio which permits staff to communicate with each other similar to a public switched telephone network, in compliance with Education Code section 17077.10.

Finding No. 4

Categorical Funds were allotted to and spent by La Grange Elementary School District without having the required Schoolsite Council formed to oversee or authorize these expenditures.

Recommendation No. 4

The Stanislaus County Civil Grand Jury recommends that:

- (a) La Grange Elementary School District form a Schoolsite Council and document its formation and operation, per Education Code section 52850, et seq.
- (b) SCOE verify that the La Grange Schoolsite Council has approved the expenditure of categorical funds, per Education Code section 41572.
- (c) The CDE conduct an immediate audit of these expenditures by the La Grange Elementary School District and place the district on a priority list for future annual reviews.

Response to Finding No. 4

The Respondent disagrees partially with this finding. The District had a functioning School Site Council through the 2003-2004 school year. For the 2004-2005 school year and the 2005-2006 school year, there was no School Site Council due to disinterest within the District and the community, which is not uncommon in a District that serves a population as small as

La Grange's. The District followed the previously approved expenditure plan for categorical funds.

During the 2006-2007 school year, no categorical funds were expended because attempts to form a School Site Council were still unsuccessful due to disinterest within the District and the community. A School Site Council was formed for the 2007-2008 school year and expenditures of categorical funds were approved by the committee. We have been advised by legal counsel that in future years where there is not enough interested individuals to form a School Site Council, the appropriate action is to apply for a waiver from the State Board of Education, pursuant to Education Code section 52863.

Response to Recommendation No. 4

The Respondent's responses to the Grand Jury's recommendations are as follows:

- (a) The recommendation was implemented in August 2007 and a School Site Council was operating during the 2007-2008 school year.
- (b) This recommendation cannot be implemented because it is not within the District's jurisdiction to compel the Stanislaus County Office of Education to take the recommended actions.
- (c) This recommendation cannot be implemented because it is not within the District's jurisdiction to compel the CDE to take the recommended actions.

Finding No. 5

Evaluation, reporting and delivery of services to Special Education students was inconsistent and appeared to be out of compliance with CDE requirements.

- (a) It appeared that Special Education services were not provided in accordance with the CDE requirements, per Education Code section 56340 et seq., and Education Code section 56360 et seq.
- (b) It appeared that required members were not present at student Individual Education Plan (IEP) evaluation meetings, per Education Code section 56341(b).
- (c) Classroom teachers of Resource Specialist Program (RSP) students were neither advised of IEP meetings nor included in those meetings, per Education Code section 56341(b)(2).

Recommendation No. 5

The Stanislaus County Civil Grand Jury recommends that:

- (a) CDE conduct audits of the SELPAs within Stanislaus County.

- (b) Stanislaus County SELPA audit the La Grange Elementary School District Special Education program and submit a copy of the audit report to SCOE and the Stanislaus County Civil Grand Jury.
- (c) That SCOE develop a procedure to monitor the Special Education programs of its districts, with oversight for small school districts that do not contract with SCOE to deliver these Special Education services.

Response to Finding No. 5

The Respondent disagrees partially with the finding. The Respondent's response to each finding is below:

- (a) Based on the District's investigation, the District is not aware of any instance where special education services were not provided to eligible students when required by law.
- (b) There were two IEP meetings during the 2007-2008 school year where the required members were not present. In the first, for Student No. 5040991642, the student's IEP meeting was rescheduled during the summer recess at the family's request due to a family emergency prior to the scheduled IEP meeting, and some members of the IEP team were unavailable. In the second, for Student No. 9062420501, the IEP was held at the family's home, at their request, at a time when a required member of the IEP team was unavailable. It is not illegal to conduct an IEP meeting without all the required members present if the parent agrees that it is not necessary for that individual(s) to be present.
- (c) See response to Finding No. 5(b), above. The District is not aware of any individual required to be at an IEP team meeting who was not properly noticed, unless the IEP team meeting occurred in the summer, outside of the teachers' contracted work year.

Response to Recommendation No. 5

The Respondent's responses to the Grand Jury's recommendations are as follows:

- (a) This recommendation cannot be implemented because it is not within the District's jurisdiction to compel the CDE to take the recommended actions.
- (b) This recommendation cannot be implemented because it is not within the District's jurisdiction to compel the Stanislaus County SELPA to take the recommended actions.
- (c) This recommendation cannot be implemented because it is not within the District's jurisdiction to compel the Stanislaus County Office of Education to take the recommended actions.

Finding No. 6

A Safe School Plan was neither properly prepared, distributed, nor maintained.

- (a) The required Safe School Plan was not available in the La Grange Elementary School office, per Education Code section 32280 et seq.
- (b) The Safe School Plan was not filed with SCOE, per Education Code section 32280.

Recommendation No. 6

The Stanislaus County Civil Grand Jury recommends that:

- (a) SCOE develop a program to oversee and ensure compliance with Education Code section 32280 et seq.
- (b) SCOE report failure to comply with the Safe School Plan development requirements.
- (c) The La Grange School District develop a comprehensive Safe School Plan, per Education Code section 32280 et seq.

Response to Finding No. 6

The Respondent disagrees wholly with the finding. The Respondent's response to each finding is below:

- (a) The District has always had a properly prepared, distributed and maintained Safe School Plan, including one for the 2007-2008 school year. (**Exhibit E.**) Plans are revised and adopted by the Board on an annual basis. Plans are also distributed and posted in every room on campus. The plans are reviewed with staff members during a workshop prior to the start of each school year, including the 2007-2008 school year. (**Exhibit F.**) The Safe School Plan was not available in the La Grange Elementary School District office on the day of the Grand Jury's visit on January 10, 2008, because I believe they had been removed by someone on or about that day, presumably anticipating that the Grand Jury was scheduled to visit the campus. New copies of the Plan were distributed and posted in all rooms as soon as I was notified they were missing.
- (b) The District did not file its Safe School Plan with the Stanislaus County Office of Education because it is not required to do so. Education Code section 32280, cited in the Grand Jury's report, does not require that the District file its Safe School Plan with the Stanislaus County Office of Education.

Response to Recommendation No. 6

The Respondent's responses to the Grand Jury's recommendations are as follows:

- (a) This recommendation cannot be implemented because it is not within the District's jurisdiction to compel the Stanislaus County Office of Education to take the recommended actions.

- (b) This recommendation cannot be implemented because it is not within the District's jurisdiction to compel the Stanislaus County Office of Education to take the recommended actions.
- (c) This recommendation will not be implemented because it is not warranted. The District already has a properly prepared, distributed and maintained safe School Plan. (See **Exhibit E.**)

Finding No. 7

The School Accountability Report Cards (SARCs) were neither produced nor administered as required by Education Code section 33126 and Education Code section 35256.

Recommendation No. 7

The Stanislaus County Civil Grand Jury recommends that:

- (a) The CDE audit the production of SARCs by school districts.
- (b) SCOE develop a system for oversight to ensure compliance by all school districts with this requirement.
- (c) The La Grange Elementary School District immediately develop and implement a policy to ensure compliance with this requirement, per Education Code section 33126 and Education Code section 35256.

Response to Finding No. 7

The Respondent agrees partially with this finding. While the School Accountability Report Cards (SARCs) were not timely produced for the 2006-2007 school year, the SARC for the 2007-2008 school year is typically not developed until the beginning of the following school year and therefore is not currently due.

Response to Recommendation No. 7

The Respondent's responses to the Grand Jury's recommendations are as follows:

- (a) This recommendation cannot be implemented because it is not within the District's jurisdiction to compel the CDE to take the recommended actions.
- (b) This recommendation cannot be implemented because it is not within the District's jurisdiction to compel the Stanislaus County Office of Education to take the recommended actions.

- (c) The recommendation has not yet been implemented, but will be implemented during the 2008-2009 school year. The District has contracted with a private company AXIOM, Inc., to complete the 2005-2006 and 2006-2007 SARC, with the 2007-2008 SARC to be completed during the upcoming school year. The 2005-2006 SARC is scheduled to be completed by September 30, 2008, while the 2006-2007 SARC is scheduled to be completed by August 31, 2008.

Finding No. 8

Attendance accounting procedures were irregular.

- (a) Documentation justifying attendance reports was not provided, per Education Code section 46000 et seq.
- (b) Reported attendance showed irregularities in the multi-year pattern, per Education Code section 41601 et seq.
- (c) There are no provisions for excusing student absences, to receive ADA for absent students, in the State Attendance Reporting procedures, per Education Code section 46300 et seq.
- (d) Absent students were marked as present when the missed day's work was assigned to them by their teacher. The daily class work assignment program did not meet the requirements of an independent study program, making the reporting of these students as present out of compliance with CDE attendance reporting procedures.
- (e) Education Code section 46300(e)(1) and Education Code section 46300(e)(2) define independent study programs as lasting five consecutive school days or more.

Recommendation No. 8

The Stanislaus County Civil Grand Jury recommends that:

- (a) CDE conduct an audit of the attendance procedures and reporting of the La Grange Elementary School District for the last four school years.
- (b) CDE place the La Grange Elementary School District on a priority list for the conduct of all mandated attendance audits and reviews.
- (c) SCOE review the attendance reporting procedures of the La Grange Elementary School District and establish a program for oversight of future reports.

Response to Finding No. 8

The Respondent disagrees wholly with this finding. The Respondent's response to each finding is below:

- (a) The Superintendent provided the Grand Jury with sufficient documentation regarding the recording and reporting of attendance, including classroom attendance registers, copies of the monthly attendance reports submitted to the Stanislaus County Office of Education, and a detailed presentation on the content of these documents and the District's attendance recording and reporting procedures.
- (b) Fluctuations in reported attendance in recent years is attributable the increase in enrollment during the years the charter school was operating. The Superintendent is unaware of any other attendance irregularities that the Grand Jury could be referring to. Additionally, April Spencer, Fiscal Support Services Supervisor, Stanislaus County Office of Education, audited the District's attendance reporting procedures and concluded that the District's methods were legal and in the best interests of the District. **(Exhibit G.)**
- (c) The District does not excuse student absences in order to receive ADA.
- (d) The Superintendent has never authorized a teacher or other staff member to mark absent students as present when the missed day's work was assigned to them by their teacher, nor is there any written directive or policy/regulation which authorizes District staff to do so.
- (e) The Superintendent agrees that independent study programs are required to last five consecutive school days or more, pursuant to the Education Code, and has never authorized a teacher or other staff member to count as independent study a program that did not meet this minimum threshold.

Response to Recommendation No. 8

The Respondent's responses to the Grand Jury's recommendations are as follows:

- (a) This recommendation cannot be implemented because it is not within the District's jurisdiction to compel the CDE to take the recommended actions.
- (b) This recommendation cannot be implemented because it is not within the District's jurisdiction to compel the CDE to take the recommended actions.
- (c) Although the District does not have the authority to compel SCOE to implement this recommendation, the District is currently working with SCOE to audit its attendance reporting. The initial audit completed by SCOE, dated July 29, 2008, concluded that attendance for the 2005-2006 fiscal year was calculated in a legally appropriate manner.

Finding No. 9

Duties of the principal/superintendent were neither specified, nor evaluated, or known.

- (a) There was no La Grange Elementary School Board of Trustees policy for evaluating the principal/superintendent's performance.
- (b) Some La Grange Elementary School Board members were unaware of the principal/superintendent's duties and responsibilities.
- (c) The La Grange Elementary School Board renewed the principal/superintendent's contract without it having been seen by some La Grange Elementary School Board members and without conducting any evaluation of or accountability for the principal/superintendent's performance.
- (d) There was neither school board policy requiring staff and teachers to be informed of the absence of the principal/superintendent, nor who the credentialed person in charge was, nor how the principal/superintendent could be reached in an emergency.

Recommendation No. 9

The Stanislaus County Civil Grand Jury recommends that:

- (a) The La Grange Elementary School Board develop policies and procedures outlining the principal/superintendent's duties and responsibilities.
- (b) The La Grange Elementary School Board members immediately seek training on their duties, responsibilities and functions.
- (c) SCOE provide the La Grange Elementary School Board with information on the Commission on Teacher Credentialing (CTC) requirements for credentialing administrators.
- (d) The La Grange Elementary School Board evaluate the principal/superintendent's performance annually and keep written personnel records of them, with one of the evaluations taking place within the 90-day period immediately preceding contract renewal.

Response to Finding No. 9

The Respondent disagrees partially with this finding. The Respondent's response to each finding is below:

- (a) There was no La Grange Elementary School Board of Trustees policy for evaluating the principal/superintendent's performance. The Board is currently developing a formal policy for evaluating the principal/superintendent's performance and expects to adopt such policy by the start of the 2008-2009 school year.

- (b) Each member of the Board of Trustees is aware of the principal/superintendent's general duties and responsibilities. The Grand Jury has not identified a particular board member, nor particular duty or responsibility unknown by one or more Board members, therefore the Board cannot respond in greater detail.
- (c) The Board of Trustees does not take formal actions on matters before it without a majority present or otherwise required by law. With regard to the evaluation of the principal/superintendent's performance, while a formal evaluation policy is pending (see response to Finding No. 9(a)), the Board has thoroughly considered the principal/superintendent's performance prior to any renewal of his contract.
- (d) While there is no District policy/regulation relative to procedures in the absence of the Superintendent, all staff members are notified when the Superintendent will be off campus via the daily staff sign-in sheet. When the Superintendent is off campus during school hours, there is always a certificated individual in charge and designated to make decision in the event of an emergency. All staff members have been given the Superintendent's cell phone number to be contacted when he is off campus in the event of an emergency.

Response to Recommendation No. 9

The Respondent's responses to the Grand Jury's recommendations are as follows:

- (a) The recommendation has not yet been implemented, but will be implemented in the future. Board members have begun the process of reviewing sample Superintendent evaluation models and policies, one of which will be chosen and implemented by the start of the 2008-2009 school year.
- (b) The recommendation has been implemented, in that Board members regularly receive training on particular aspects of their duties, responsibilities, and functions. These trainings will continue to be scheduled as necessary.
- (c) This recommendation cannot be implemented because it is not within the District's jurisdiction to compel the Stanislaus County SELPA to take the recommended actions.
- (d) The recommendation has been implemented. The Superintendent's updated contract requires that the Board evaluate the Superintendent annually, up to three (3) times during the contract year (**Exhibit H**).

Finding No. 10

The La Grange School District Board of Trustees has not served with oversight and appears unaware of its responsibilities and liabilities in the conduct of district management and operations. Areas of concern include the following items:

- (a) The scheduling, conducting, and reporting of safety drills were not performed, per EdC32001.
- (b) The procurement of, construction of, permits for, and inspections of facilities and equipment placed or constructed on the La Grange School site, were not completed, per EdC 17263, 17267.
- (c) Students were housed in classrooms without proper fire alarms having been approved by the DSA and the State Fire Warden's office, as required by EdC 17074.52(c) and (e).
- (d) Students were housed in classrooms without proper emergency communication devices having been approved by the DSA and the State Fire Warden's office, as required by EdC 17077.10.
- (e) The La Grange School Board did not require any reports or notifications of compliance with CDE mandates in the areas of construction, safety drills and activities, or the formation of committees, councils, programs, and activities.
- (f) The La Grange School Board allowed the La Grange School District to function without adequate operational and personnel policies.
- (g) The La Grange School Board provided inadequate supervision and oversight of the activities, decisions, and conduct of the principal/superintendent.
- (h) The La Grange School Board did not practice the required oversight in the chain of command for decision-making, management, and operations, between the La Grange School Board and the principal/superintendent. It may or may not have been in a policy.
- (i) The La Grange School Board neither provided for nor practiced adequate controls on funds expenditures, per EdC 42630 et seq.
- (j) The La Grange School Board did not make mandated visits to school each term, per EdC 35292.

Recommendation No. 10

The Stanislaus County Civil Grand Jury recommends that:

- (a) The La Grange School District immediately adopt and implement a policy requiring all school board members attend available training for school boards offered by SCOE, California School Boards Association (CSBA), and/or other sources on the Brown Act and the California Education Code.
- (b) La Grange School District adopt a Board training policy that applies to the existing board members and to all future elected board members.

- (c) The La Grange School Board immediately develop and adopt a policy, requiring the principal/superintendent to make monthly reports to the Board of any required safety drills, actions and activities, and compliance with same, of all mandated requirements from all agencies that pertain to the operation of the La Grange School District.
- (d) SCOE develop and implement a program of semi-annual in-service board meetings, in January and August, for all school districts in the county. Further, that SCOE solicit and agendaize training items from the districts in advance, with items not addressed during the meetings to be addressed with the submitting district as soon as possible after the meeting. SCOE, through district superintendents, should stress the need and importance of this in-service meeting and encourage attendance.

Response to Finding No. 10

The District disagrees partially with this finding. The District's response to each finding is below:

- (a) The Board disagrees with this finding. As stated in the response to Finding No. 3(b), herein, fire drills were conducted on a regular basis during the 2007-2008 school year pursuant to Education Code section 32001.
- (b) See response to Finding No. 1 (a).
- (c) The Board disagrees with this finding. As stated in the response to Finding No. 2(b), herein, all buildings have functioning fire alarm pulls which are connected to the school's main fire alarm station in the office. The system has been inspected and approved by the Stanislaus Consolidated Fire District. **(See Exhibit B)**.
- (d) The Board disagrees with this finding. As stated in the response to Finding No. 3(d), herein, all teachers have functioning two-way radios to report a fire or other emergency without having to leave their classrooms unattended.
- (e) See response to Finding No. 1 (a). With regard to reports or notifications of the formation of "committees, councils, programs, and activities", this category of items is too broad for the Board to respond substantively, nor did the Grand Jury identify any particular "committees, councils, programs, and activities" that the Board could respond substantively to.
- (f) During the Grand Jury's investigation, the District learned that some of its operational and personnel policies were outdated. The District is currently in the process of reviewing and, where necessary, updating its operational and personnel policies. Generally the District's policies will be updated consistent with California School Boards Association model policies, though when necessary the District will revise particular provisions to reflect its unique needs and requirements, consistent with law.

- (g) The Board disagrees with this finding. The Grand Jury did not specify its criteria or benchmarks for concluding that the Board provided inadequate supervision and oversight of the activities, decisions, and conduct of the principal/superintendent. The Board recognizes that there are areas it can improve its practices relating to the supervision and oversight of the principal/superintendent, however the Board has provided the necessary supervision and oversight to the degree necessary to ensure the orderly and efficient operation of the District.
- (h) The Board disagrees with this finding. The Grand Jury did not specify when or for what decisions the Board did not exercise the required oversight, but to the extent known by the Board, where decisions of the principal/superintendent required Board approval, the Board consulted with the principal/superintendent.
- (i) The Board disagrees with this finding. The Grand Jury did not specify when or for what expenditures the Board did not exercise the required oversight or control, but the standard practice in the District is for all expenditures to be approved by the Board through budget development and adoption. Monthly expenditure reports are reviewed and approved at monthly board meetings.
- (j) The Board disagrees with this finding. Throughout the year, Board members would individually observe the management and conditions of the schools of the District. While Education Code section 35292 specifies that the governing board of any school district shall visit each school in its district at least once each term, it does not specify a manner or method by which Board members must conduct their visit.

Response to Recommendation No. 10

The District's response to the Grand Jury's recommendations are as follows:

- (a) This recommendation will not be implemented because the Grand Jury's recommendation is vague and impractical, particularly to its reference for training on unspecified subject matter areas within the 2,000+ page California Education Code. The La Grange School Board of Trustees, collectively, or individual trustees, attend trainings throughout their terms. When a particular need is identified the Board, collectively, or individual trustees will attend the necessary training. It is not necessary nor, to the Board's knowledge, common practice for school boards to adopt policies mandating training for a particular subject matter, regardless of the Board's existing knowledge of the subject.
- (b) See the response to Recommendation No. 10(a), above.
- (c) This recommendation will not be implemented because the Grand Jury's recommendation is vague and impractical, particularly to its reference for monthly reports on "all mandated requirements from all agencies" as they relate to the operation of the District. Where the principal/superintendent is required by law or District policy to notify the Board of a mandated requirement, he or she will do so. However there are

mandated requirements in the Education Code and other statutes relating to matters as significant as school construction to matters as routine as the format of a student discipline report. To require monthly reports on “all mandated requirements from all agencies”, without a more narrowly defined scope, would be administratively impractical, particularly for a small school district with the limited resources of La Grange Elementary School District.

- (d) This recommendation cannot be implemented because it is not within the District’s jurisdiction to compel the Stanislaus County Office of Education to take the recommended actions.

Finding No. 11

The principal/superintendent of the La Grange Elementary School District has not fully met the duties and responsibilities of the position.

Recommendation No. 11

The Stanislaus County Civil Grand Jury recommends that:

- (a) SCOE develop and implement a program, or expand any existing program, to train small school principals and superintendents, per Education Code section 44681 et seq.

Response to Finding No. 11

The Respondent disagrees partially with the finding. The Grand Jury did not specify its criteria or benchmarks for concluding that the Superintendent has not fully met the duties and responsibilities of the position. To the extent deficiencies have been identified by the Grand Jury, they will be corrected, however, the Superintendent has adequately met the duties and responsibilities of the position, including, but not limited to, the orderly and efficient operation of the District.

Response to Recommendation No. 11

The Respondent’s responses to the Grand Jury’s recommendations are as follows:

- (a) This recommendation cannot be implemented because it is not within the District’s jurisdiction to compel the Stanislaus County Office of Education to take the recommended actions.

Finding No. 12

In several instances, documents requested by the Stanislaus County Civil Grand Jury of the La Grange Elementary School District were not provided.

Explanations from the La Grange Elementary School District office varied:

- (a) Some of the records were “not available.”
- (b) Some of the records did not exist.
- (c) Some of the records were lost in a computer theft.
- (d) For some of the records, there was no explanation.

Recommendation No. 12

The Stanislaus County Civil Grand Jury recommends that:

- (a) The La Grange Elementary School District develop and implement policies and procedures to collect, maintain, and safely store appropriate school and district records.

Response to Finding No. 12

The Respondent disagrees partially with this finding. There were several requested documents requested by the Grand Jury that were not available, for the reasons stated in Finding No. 12, however, Respondent cannot respond to the disposition of any particular document without specific identification of each unavailable document by the Grand Jury.

Response to Recommendation No. 12

The recommendation has not yet been implemented, but will be implemented in the future. Board members have begun the process of reviewing sample document maintenance policies, one of which will be chosen and implemented by the start of the upcoming school year.

If you have any questions or if the Board can be of any additional assistance, please do not hesitate to contact us.

Respectfully submitted by vote of the Governing Board as follows:

AYES:	2
NOES:	0
ABSTENTIONS:	0
ABSENT:	1

Sincerely,



Joseph Magnu,
Superintendent/Secretary to the Governing Board

JM/

Attachments: Exhibits A-H