

**Turlock Joint Union High School District
Grand Jury Case No. 02-08-C
July 8, 2002**

REASON FOR INVESTIGATION

The Civil Grand Jury received complaints from five (5) individuals against Turlock Joint Union High School District (TJUHSD) and/or Turlock High School (THS). The complaints were as follows:

1. TJUHSD has failed to monitor and insure adherence to policies established in the District's Philosophy and Goals.
2. TJUHSD has not enforced the standards of conduct for coaches by allowing improper conduct and by not establishing player safety and welfare as the highest priority.
3. THS has allowed instances of poor communication and mental abuse involving student athletes.
4. THS has allowed ineligible players to participate in interscholastic sports.

BACKGROUND

TJUHSD has jurisdictional responsibilities for THS, Roselawn High School, Freedom Alternative High School and Turlock Adult High School. Pittman High School, which will open in August 2002, is also within the jurisdiction of TJUHSD.

THS is an institution of approximately 3,600 students and 160 full-time teachers. The school maintains a comprehensive program of interscholastic sports in which approximately 800 students participate. Of the fifty (50) full-time coaches, ninety-five percent (95%) are fully-credentialed on-campus teachers. These coaches serve in eighty (80) coaching positions.

TJUHSD oversight responsibilities include all student curricular and extracurricular activities, including interscholastic athletics. District and school policies define eligibility requirements for participation in athletics based, in part, on rules of the California Interscholastic Federation (CIF). Adherence to these requirements is the responsibility of

both school administration and coaching staff.

District responsibilities applying to all athletics within their jurisdiction are based on Title 5, California Code of Regulations (CCR), Section 5596. This Section provides that each school district shall implement a specific standard of ethical conduct for each temporary, probationary, and permanent employee providing supervisory and instructional services in interscholastic athletic programs. The standards include the teaching and modeling of discipline, respect, fair play, good sportsmanship, safe use of equipment, and proper supervision of students.

PROCEDURES FOLLOWED

1. The Civil Grand Jury interviewed:

NON-TURLOCK HIGH SCHOOL DISTRICT EMPLOYEES

- a. The complainants.
- b. Two (2) CIF representatives.
- c. A high school principal.

TURLOCK HIGH SCHOOL DISTRICT EMPLOYEES

- a. School district administrator.
- b. Three (3) athletic coaching supervisors.

2. The Civil Grand Jury reviewed the following documents, records, and websites:

- a. California Education Code, including Sections 35179-35179.7.
- b. Title 5, CCR, including Sections 5590-5596.
- c. CIF Constitution and Bylaws.
- d. CIF 2000-2001 General Handbook.
- e. CIF miscellaneous publications.
- f. CIF program information for "Pursuing Victory With Honor."
- g. CIF website (www.cifstate.org/main.htm).
- h. CIF (Sac-Joaquin Section) Code of Conduct certifications signed by all 2000-2001 coaches.
- i. CIF (Sac-Joaquin Section) Code of Conduct certifications signed by all 2001-2002 coaches.
- j. CIF (Sac-Joaquin Section) Sportsmanship Resolution.
- k. CIF (Sac-Joaquin Section) Sportsmanship Preamble.
- l. CIF (Sac-Joaquin Section) Sportsmanship Contract and Eligibility/Bylaw

- 501.5 Form signed by prior principal for 2000-2001.
- m. CIF (Sac-Joaquin Section) Sportsmanship Contract and Eligibility/Bylaw 501.5 Form signed by current principal for 2001-2002.
- n. CIF program "Pursuing Victory With Honor" agreement signed by current principal for 2001-2002.
- o. TJUHSD Board Policy 0100 - Educational Philosophy and Instructional Goals.
- p. TJUHSD Board Policy 0200 - School District Goals.
- q. TJUHSD Board Policy 5121.1 - Curricular Activities, Extracurricular Activities, and Academic Eligibility Requirements.
- r. TJUHSD Board Policy 5141.3 - Health Examination and Immunizations, Medical Examinations, and Interscholastic Athletic Competition.
- s. TJUHSD Board Policy 5142 - Safety and Football Protective Equipment.
- t. TJUHSD Board Policy 6145.2 - Interscholastic Competition and Senior High Schools.
- u. TJUHSD Board of Trustee Minutes for Regular Meeting held July 17, 2001.
- v. THS Faculty Guide - Rules and Regulations.
- w. THS Coaches Handbook.
- x. THS 2001-2002 Student Handbook.
- y. THS Prospective Athlete Information Packet and Letter.
- z. THS Coaches Meeting and List of Participants for August 21, 2001.
- aa. THS documentation regarding participation in "Positive Coaching Alliance Workshop" and List of Participants for March 29, 2001.
- bb. THS Coaching Assignments for 2000-2001 and 2001-2002.
- cc. THS Listing of 2001-2002 Temporary Coaching Certifications.
- dd. Signed THS First Aid and CPR Temporary Coaching Certifications and Recertifications.
- ee. THS blank form for Student Athlete Medical History and Emergency Information.
- ff. THS blank form for Athletics - Physician's Sport Physical.
- gg. THS brochures, pamphlets, bulletins, announcements, and other communication memoranda.
- hh. THS website (www.turlock.k12.ca.us/th/index.html).
- ii. *The Modesto Bee* (10/12/01), "Turlock forced to forfeit matches."
- jj. *Turlock Journal* (10/12/01), "THS winning volleyball team under investigation."
- kk. *The Modesto Bee* (10/13/01), "Volleyball coach at Turlock resigns."
- ll. *The Modesto Bee* (10/16/01), "More Turlock forfeits."
- mm. *Turlock Journal* (10/16/01), "Internal audit finds three more THS athletes ineligible."
- nn. *The Modesto Bee* (10/23/01), "Modesto schools score high for sportsmanship."
- oo. *Turlock Journal* (10/24/01), "Fifth athlete found ineligible at Turlock High."
- pp. *The Modesto Bee* (10/25/01), "Turlock soccer coach resigns after forfeits."

qq. *Turlock Journal* (10/25/01), "New eligibility guidelines set at THS."

COMPLAINTS #1-3:

1. TJUHSD has failed to monitor and insure adherence to laws established in the District's Philosophy and Goals.
2. TJUHSD has not enforced the standards of conduct for coaches by allowing improper conduct and by not establishing player safety and welfare as the highest priority.
3. THS has allowed instances of poor communications and mental abuse involving student athletes.

FINDINGS

1. THS and TJUHSD staff cooperated fully during the Grand Jury investigation of the allegations.
2. THS conduct of interscholastic athletic activities, including coaching, is based upon the Education Code (Sections 35179-35179.7) and Title V, CCR, Sections 5590-5596. These legal policies, procedures, and practices are incorporated into bylaws, rules, and codes of conduct by the CIF, the Central California Conference League, and by TJUHSD and THS administrations.
3. TJUHSD Board of Education has established and published policies and procedures regarding its philosophy, goals, and safety standards affecting curricular and extracurricular activities within the district.
4. THS coaching certification requirements include knowledge in basic first aid, CPR, and coaching theory and techniques.
5. THS coaches annually sign CIF certifications stipulating to their knowledge and understanding of policies and regulations governing their responsibilities.
6. In compliance with Title 5, CCR, Section 5593, the THS principal must submit verification annually that active coaches have successfully completed certification requirements.
7. In compliance with Title 5, CCR, Section 5593, the TJUHSD Board President annually reviews and signs THS certification verifications. The certification

- verifications are then mailed to the State Board of Education in Sacramento and a copy is mailed to the Superintendent of the Stanislaus County Office of Education.
8. THS employs a full-time athletic trainer to work with the school's teams. This individual is certified by the National Athletic Trainers Association (NATA) and has served as THS trainer for nearly four years.
 9. THS is a participant in the CIF program "Pursuing Victory With Honor." The program specifies standards that coaches, athletic directors, and administrators of participating schools agree to support. The program's sixteen (16) principles are designed to promote sportsmanship and character building in interscholastic athletics.
 10. All participants are required to sign an agreement indicating their understanding of this program's principles and objectives, however, the "Pursuing Victory With Honor" agreement was only signed by the THS principal.
 11. In 2001, all THS coaching staff attended the "Positive Coaching Alliance" workshop.
 - a. The workshop was conducted by a nonprofit organization based at Stanford University.
 - b. The program focuses on developing life skills for athletes that will serve them beyond the playing field.
 - c. One of its goals is to assist sports organization leaders, coaches, and parents to provide a positive and favorable athletic environment.
 12. District policy provides that, prior to taking part in interscholastic activities, all participants must be examined by a physician and medically approved for such participation.
 13. Student athletes who are under eighteen (18) years of age require the permission of a parent to participate in THS sports.
 14. Student athletes participate in preconditioning sessions prior to engaging in scheduled THS sports.
 15. THS coaches are responsible for the conditioning, well being, and safety of student athletes under their supervision.
 16. To recognize and prevent injuries or illness to student athletes, coaches are required to attend continuing education training conducted by the athletic trainer or district-approved organizations. Such training includes issues relating to athlete conditioning and health.

17. In July 2001, allegations of inappropriate behavior by some coaches were presented to TJUHSD Board of Trustees at a regularly scheduled meeting. These allegations purported that student athletes were being placed at risk for physical injuries and emotional trauma.
18. TJUHSD investigated allegations presented to the Board of Trustees at its July 2001 meeting with no conclusive action made known to the Civil Grand Jury.
19. Student athletes in water polo use the term "Hell Week" to refer to the week of intensive conditioning and practice prior to the opening of the school term.
20. The term "Gauntlet," as defined by THS, is a team-imposed disciplinary action taken against a student athlete making a mistake in a swim meet resulting in a penalty. This practice has been discontinued and is no longer allowed.
21. One (1) student athlete sustained a medical condition that resulted in hospitalization after preconditioning sessions which were held over a two and one-half (2-1/2) day period.
22. This student athlete did not communicate with coaching staff that he was feeling ill and could not continue practice.
23. THS teachers, counselors, coaches, and administrative personnel communicated and worked together to fulfill this student's request for transfer from one high school to another.

CONCLUSIONS

The Civil Grand Jury concluded that:

1. The coaching personnel interviewed appeared to be experienced, knowledgeable, professional and fully cognizant of their responsibilities.
2. THS conducts a program of interscholastic athletics requiring rigorous physical preparation of student athletes for effective competition.
3. Intensive training for optimal athletic performance has caused stress on some student athletes to the extent that incidents of vomiting, dehydration, and overheating have been reported.
4. The school's employment of a full-time, credentialed athletic trainer for the interscholastic athletic program has been effective in the prevention, treatment, and

minimizing of athletic injuries.

5. "Hell Week" is not used in any official capacity, and there is no evidence it is sanctioned by THS staff or administration.
6. No credible evidence was presented that coaches knowingly utilized coaching or conditioning methods which they believed would endanger a student's health and/or safety.
7. No credible evidence was presented that coaches failed to respond to athletes' complaints of undue stress or illness during practices.
8. The allegations made against THS coaches and TJUHSD administration could not be substantiated.
9. Based on this investigation, coaches, high school personnel, and school district administration are adhering to laws, regulations, policies, procedures, and bylaws governing the supervision of student athletes.

RECOMMENDATIONS

The Civil Grand Jury recommends that:

1. TJUHSD and THS administrators maintain their emphasis of providing continuing education in student athlete conditioning, as well as the tenets of good sportsmanship.
2. TJUHSD and THS continue to encourage communications among teachers, coaching staff, student athletes, administration, and parents.
3. All TJUHSD coaches and student athletes sign and support the "Pursuing Victory With Honor" agreement.
4. TJUHSD and THS educate students and coaches to recognize athletes' physical limitations and encourage athletes to notify the proper authority of any health problems.

COMPLAINT #4:

THS allowed ineligible players to participate in interscholastic sports.

FINDINGS

1. In October 2001, it was found that extracurricular eligibility requirements, as established by school regulations, were violated on five (5) occasions.
2. THS administration self-identified the eligibility breaches.
3. These violations resulted in some THS volleyball and soccer game forfeitures.
4. The coaches responsible for the eligibility infractions resigned.
5. THS took corrective action by redefining and implementing its eligibility monitoring procedures, which have been in place now for approximately six (6) months.
6. At the request of concerned student athletes and/or their parents, letters were issued explaining the basis for the game forfeitures.

CONCLUSIONS

The Civil Grand Jury concluded that:

TJUHSD took appropriate steps to prevent a recurrence of eligibility infractions.

RECOMMENDATIONS

The Civil Grand Jury recommends that:

TJUHSD continue to review and monitor student athlete eligibility policies and procedures.

RESPONSE REQUIRED

per Section 933 [c] and 933.05 of the California Penal Code:

Turlock Joint Union High School District.

Turlock High School.

This Final Report will be available for public review on the Civil Grand Jury website located at: <http://www.co.stanislaus.ca.us/COURTS/courts/grandjury/index.html> and at the Stanislaus County Main Library 1500 I Street, Modesto, California 95354.

§933. Comments and Reports on Grand Jury Recommendations

- [c] No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elective county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All such comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

§933.05 Response to Grand Jury Recommendations--Content Requirements

- A. Section 933.05 of the California Penal Code requires that a responding person or entity shall indicate one of the following:
- (1) The respondent agrees with the finding(s); or
 - (2) The respondent disagrees wholly or in part with the finding(s). If this response is chosen, the respondent will specify that portion of the finding(s) which is disputed and shall include an explanation of the

reasons for the disagreement.

- B. As to each Grand Jury recommendation, the responding public officer or agency shall indicate one of the following:
- (1) The recommendation has been implemented and set forth a summary of the implemented action;
 - (2) The recommendation has not been implemented but will be implemented in the future with a time frame for implementation;
 - (3) The recommendation requires further analysis with an explanation as to the scope of the analysis and a time frame for the matter to be prepared for discussion by the officer or director of the agency or department or governing body being investigated. The time frame shall not exceed six (6) months from the date of publication of the Grand Jury report; and
 - (4) The recommendation will not be implemented because it is either not warranted or not reasonable with an explanation as to why the recommendation will not be implemented.
- C. If a finding or recommendation addresses budgetary or personnel matters of a department headed by an elected official, both the Department Head and the Board of Supervisors will respond. The Board of Supervisors response shall be limited to those budgetary or personnel matters over which it possesses decision making authority.

RESOLUTION

WHEREAS, the 2001-2002 Stanislaus County Civil Grand Jury has conducted an investigation and has reached certain conclusions and made recommendations; and

WHEREAS, the Stanislaus County Civil Grand Jury desires to make its *FINAL REPORT* thereof;

THEREFORE BE IT RESOLVED, by the Stanislaus County Civil Grand Jury that the report is hereby adopted as *FINAL REPORT, PART FIVE*.

Robert E. Johnson
Civil Grand Jury Foreperson
Fiscal Year 2001-2002
Released on July 8, 2002