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EDUCATION

SCHOOL DISTRICT ACTIONS QUESTIONED BY COMMUNITY

BACKGROUND

In 1889, the Dinuba School District was established and all grades from one to eight were taught. Ten years later Dinuba Union High School was established and classes were held in the two-story elementary schoolhouse. In 1917, the Dinuba Unified School District was formed. Over the last 93 years the Dinuba School District has grown into a district of five elementary schools serving kindergarten through fifth grade, one sixth grade academy, one high school, one alternative high school, an adult school and an adult independent study program. The approximate number of students in the district is 5,700 with a demographic makeup that reflects that of the community and translates to 81% Hispanic, 16% Caucasian and 3% other.

Many parents actively participate in district committees, parent-teacher organizations, fund raising activities and volunteer programs.

The Dinuba Unified School District Board of Trustees (School Board) is elected by the community to provide leadership and citizen over-sight of the district's schools. The School Board works with the Superintendent to fulfill its major roles, one of which is ensuring accountability to the local community. This includes personnel, programmatic and fiscal accountability and serving as a judicial and appeals body as needed. Besides creating a complaint procedure that ensures due process and facilitates the progress of amenable resolution of issues, the School Board may convene to serve as a judicial and appeals body in accordance with law, School Board policies and negotiated agreements. The School Board may delegate fact-finding or hearing responsibilities in appropriate cases but remains the final decision-maker in these proceedings. Only the School Board has the legal authority for contracting with employees. They are guided by many rules, laws, school and government codes as well as the Brown Act when conferring about all things including student problems and employee negotiations.

REASONS FOR INVESTIGATION

The 2009-2010 Tulare County Grand Jury began an investigation into possible Brown Act violations by the Dinuba Unified School District Board of Trustees and their failure to answer questions from the community regarding the dismissal of an employee from Wilson Elementary School upon receipt of a Citizen's Complaint.

PROCEDURES FOLLOWED

1. Interviewed relevant witnesses

2. Reviewed relevant records and documents

FINDINGS

1. There was demonstrated community support for the Wilson Elementary School Principal in question.
2. The Wilson Elementary School Principal in question was not terminated, but reassigned.

3. The School Board answered all written and oral questions that were presented by the community.
4. The Grand Jury found no instances of Brown Act violations or improprieties by the School Board.
5. The contact person on the complaint had no knowledge that a complaint had been sent to the Grand Jury. The identity of the complainant remains unknown.
6. The return address on the complaint was Wilson Elementary School.

CONCLUSIONS

The Dinuba Unified School District Board of Trustees completed the Wilson Elementary School Principal selection process in a transparent and professional manner with ample opportunity for public comment.

RECOMMENDATIONS

None

RESPONSES REQUIRED

None

HIGH SCHOOL BULLIES

BACKGROUND

On January 1, 2008 Assembly Bill 394 (AB 394) and Senate Bill 777 (SB 777) were passed and became law. SB 777 simplifies and clarifies existing civil rights protections for California students by providing an explicit and clear list of all the prohibited bases of discrimination in publicly funded kindergarten through grade twelve schools. AB 394 provided California school districts with required resources to update their anti-discrimination materials and training process.

The 2008-2009 Tulare County Grand Jury sent questionnaires to 18 high schools in Tulare County to determine if they were in compliance with the Law. The Grand Jury concluded that not all high schools in our County had harassment programs and in their final report, Status of Harassment Policies in Tulare County High Schools, made several recommendations that would put them in compliance.

REASONS FOR INVESTIGATION

The 2009-2010 Tulare County Grand Jury after reading the above mentioned report and the responses for the required responders determined that a subject of this importance and magnitude deserved follow-up to insure compliance.

PROCEDURES FOLLOWED

1. Reviewed responses to the 2008-2009 final report, Status of Harassment Policies in Tulare County High Schools.
2. On October 22, 2009, a letter was sent requesting additional information regarding Bullying and Harassment Policies. This letter requested documentation of, but not limited to, brochures, handouts, student handbooks, employee education/briefings, policy manuals, required parent signatures, etc. from the following High Schools:

Alpaugh High School
Dinuba High School
El Diamante High School

Exeter High School
Farmersville High School
Golden West High School
Granite Hills High School
Lindsay High School
Mission Oaks High School
Monache High School
Mt Whitney High School
Orosi High School
Porterville High School
Redwood High School
Strathmore High School
Tulare Joint Union High School
Tulare Western High School
Woodlake High School

3. Follow-up letters were sent and site visits were made.
4. Replies to the October 22, 2009 letter were reviewed.
5. Relevant witnesses were interviewed.

FINDINGS

1. Some of the schools required to respond to the 2008-2009 Final Report Status of Harassment Policies in Tulare County High Schools did not respond

and/or the response was inadequate.

2. Granite Hills and Strathmore High Schools did not provide the information requested in the October 22, 2009 letter.
3. None of High Schools named in the above "Procedures Followed" (number two) provided satisfactory verification of student, parent and/or staff training required by SB 777 and AB 394.
4. The Tulare County Office of Education's current statistical survey on how safe students and teachers feel at school indicates there are many students, teachers and staff who feel unsafe to some degree.
5. The data on harassment and bullying behavior incidents for all schools within Tulare County is available at the Tulare County Office of Education. Schools can access this information to update and improve existing harassment and bullying programs.
6. The Tulare County Office of Education offers certified instructors to facilitate free "train the trainer" instruction to any school within Tulare County. The only costs to the school are for training materials.

CONCLUSIONS

There is a need to reduce the number of harassment and bullying incidents to improve the quality of the learning environment and eliminate existing fear levels of students, staff and teachers.

RECOMMENDATIONS

1. Granite Hills and Strathmore High Schools provide the information

requested in the letter sent October 22, 2009.

2. All schools clearly document the training of students, parents and staff required by SB 777 and AB 394.
3. All schools contact the Tulare County Office of Education to schedule the offered "train the trainer" instruction on harassment and bullying.
4. All School Boards review the current harassment and bullying policies, procedures and training strategies for teachers, students and parents to ensure compliance with SB 777 and AB 394.
5. All School Boards budget to cover the initial and recurring costs for trainers, teacher, staff and student/parent training notebooks and exams.

REQUIRED RESPONSES

Tulare County Office of Education
 Alpaugh High School
 Dinuba High School
 El Diamante High School
 Exeter High School
 Farmersville High School
 Golden West High School
 Granite Hills High School
 Lindsay High School
 Mission Oaks High School
 Monache High School
 Mt Whitney High School
 Orosi High School
 Porterville High School
 Redwood High School
 Strathmore High School
 Tulare Joint Union High School
 Tulare Western High School
 Woodlake High School

SCHOOL DISTRICT BOARD MEETINGS

BACKGROUND

There are 43 Elementary School districts and 10 High School districts within Tulare County. Seven of these districts are unified creating 46 Elementary and High School districts with a total of 176 schools. Besides these 46 districts, there are other schools in Tulare County. These are as follows: one Vocational Education program, two Community Colleges, six Court and Community Schools, four Charter Schools, four Special Education Schools, one University Preparatory High School located at the College of Sequoias and 22 private schools with six or more students. This totals 214 schools in the County. Besides Tulare County School Districts, Fresno, Kern and Kings County have High School districts, which serve some of Tulare County's elementary schools bordering those respective counties.

Each School District has a Board of Directors/Trustees (School Board) which customarily adopts the annual budget and approves all expenditures; establishes district policy; authorizes employment of personnel; approves curriculum textbooks and courses of study; and makes decisions on all contracts. School Boards meet at least once a month and all meetings are public meetings as required by law. School Boards must follow all regulations required by the Ralph M. Brown Act as well as those established by themselves.

REASON FOR INVESTIGATION

While attending some School Board meetings the 2009 - 2010 Tulare County Grand Jury observed some irregularities and inconsistencies in the conduct of these public meetings.

PROCEDURES FOLLOWED

1. Attended 48 different School Board meetings
2. Used an evaluation checklist, which included agendas; timeliness; Board Member preparedness, demeanor and knowledge; and the meeting room amenities
3. Reviewed relevant information

FINDINGS

1. Of the 48 District meetings visited:
 - a. Thirty-seven started on time.

- b. The public was unable to hear at six meetings for some of the following reasons:
 - i. Public Address (PA) system was not used.
 - ii. Board Members spoke too softly.
 - iii. Translators speaking over the speaker.
- c. Forty-three sites posted the agenda in accordance with the Ralph M. Brown Act.
- d. Two districts did not have agenda's available for the public at meeting time.
- e. Six Boards did not follow their posted/distributed agenda.
- f. Public comment time was not on the agenda nor asked for at three meetings.
- g. Demeanor of Board Members was not always professional.
- h. Not all Board Members were prepared for their meeting.

- i. Thirty-one districts provide benefits for their Board Members and fourteen pay their Board Members.
 - j. The length of meetings varied between ten minutes and four hours.
 - k. In five districts Board Members were late to the meeting.
 - l. Meeting rooms were a problem for five districts, they did not have a room for the meeting or the room was too small.
 - m. Two districts moved the meeting to another room without notification or leaving a notice at the original site where the meeting had relocated.
 - n. On at least two occasions, Board Members appeared to fall asleep.
2. Eight of the 48 districts have complied with Senate Bill 343 Chapter 298 (Government Code section 54957.5). This Senate Bill, which is an amendment to the Ralph M. Brown Act, became effective July 1, 2008 and requires that Board meeting agendas include a notice, that any agenda packet provided to Board Members is available for public inspection at the district office and/or the district's web site.

CONCLUSIONS

The majority of Tulare County School Board meetings are well run by organized, knowledgeable and supportive people. However, there are issues that need addressing in the preparation and execution of the School Board meetings.

RECOMMENDATIONS

- 1. All School Board Members in all Districts attend Government 101. (A training initiated by the Tulare County Board of Supervisors facilitated by County

Counsel and other local attorneys for all governing board members.)

- 2. School Districts:
 - a. Add to the agenda Senate Bill 343 Chapter 298 language and a place for public comment.
 - b. Post meeting agendas 72 hours before the Board meeting in a location where it is available for the public to review per the Ralph M. Brown Act.
 - c. When the agenda is full of business save extra presentations for another meeting.
- 3. School Board Members:
 - a. Read agenda packets before meetings.
 - b. Be on time.
 - c. Be professional and business-like, do not veer off the agenda or fall asleep.
 - d. Keep meetings under 2 hours in order to increase meeting participation.
 - e. Ensure all speakers can be heard by each and every person in attendance.
- 4. If a large group of parents, teachers, and visitors are expected to attend a meeting, find a room large enough to accommodate them before the meeting time.
- 5. If the scheduled meeting room is moved to another site, post a notice of the new location at the original site.

RESPONSES REQUIRED

Allensworth Elementary School District
 Alpaugh Unified School District
 Alta Vista Elementary School District
 Buena Vista Elementary School District
 Burton Elementary School District

Citrus South Tule Elementary School District
Columbine Elementary School District
College of the Sequoias
Cutler-Orosi Unified School District
Dinuba Unified School District
Ducor Elementary School District
Earlimart Elementary School District
Exeter Elementary School District
Exeter Union High School
Farmersville Unified School District
Hope Elementary School District
Hot Springs Elementary School District
Kings River Union Elementary School District
Liberty Elementary School District
Lindsay Unified School District
Monson-Sutlana Joint Union Elementary School District
Oak Valley Union Elementary School District
Outside Creek Elementary School District
Palo Verde Union Elementary School District
Pixley Elementary School District
Pleasant View Elementary School District
Porterville Unified School District
Richgrove Elementary School District
Rockford Elementary School District
Saucelito Elementary School District
Sequoia Union Elementary School District
Springville Union Elementary School District
Stone Corral Elementary School District
Strathmore Union Elementary School District
Sundale Union Elementary School District
Sunnyside Union Elementary School District
Terra Bella Union Elementary School District
Three Rivers Union Elementary School District
Tipton Elementary School District
Traver Joint Elementary School District
Tulare City School District
Tulare Joint Union High School District
Visalia Unified School District
Waukena Joint Union Elementary School District
Woodlake Union High School
Woodlake Union Elementary School District
Woodville Union Elementary School District
Tulare County Organization for Vocational Education (TCOVE)
Tulare County Office of Education (TCOE)

THE SKY IS FALLING ALPAUGH SCHOOL DISTRICT

BACKGROUND

When Alpaugh Elementary School first opened in 1906, classes were held in a tent. This all changed in 1908 when a two-room framed structure was opened and housed 30 elementary students. This structure was replaced by a two-story building which in 1930 was destroyed by fire and quickly rebuilt. The current building was built in the late 1950's and housed both elementary and high school students as it does to this day.

REASONS FOR INVESTIGATION

Members of the 2009-2010 Tulare County Grand Jury visited the Alpaugh School District in December of 2009. The Superintendent conducted a tour of the school grounds, which revealed the existence of deplorable conditions.

PROCEDURES FOLLOWED

1. Interviewed relevant witnesses.
2. Reviewed relevant documents.
3. Attended Alpaugh School District Board meetings.
4. Visited Alpaugh Elementary/High School.

FINDINGS

1. Funds allocated for repairs of the Alpaugh School Buildings (School) are not being adequately utilized.
2. The following conditions were observed on the December 2009 visit:
 - a. School corridor ceilings falling down, with the worse areas being fenced off.
 - b. Standing water, green with algae in several places.
 - c. Newly painted outside walls cracking and peeling.
 - d. Restrooms with cracks in the cement floors.

3. The Williams Settlement Compliance Findings¹ (for school facilities) report of 2009 gave the Alpaugh School an over all rating of POOR (59.38%) for the following reasons:

"Exterior of building, cracked and peeling paint; Walkways are cracking with holes and raised edges that pose an immediate danger to students...walkway covers show dry rot, boards bowed and hanging down; 2. There is evidence that alkali intrusion from the ground and cement is effecting the site's building foundations, walls and floors. This intrusion has caused cracking, peeling paint and probable structural deficiencies in the buildings. Although a foundation stress test was not included in the Williams inspection, there is evidence to conclude that the structural integrity of the site's buildings has been compromised due the alkali intrusion.; The septic system is antiquated. In rainy weather, the system flows back, creating puddles of sewage on the playground causing an immediate health danger to students."

4. The Alpaugh School Administration placed on their website (hosted by the Tulare County Office of Education) the following:
"Our school is in good repair, according

¹ The Williams Settlement Compliance Findings are generated by the Office of Public School Construction.

to the criteria established by the Office of Public School Construction. Our deficiencies are minor ones resulting from common wear and tear, and there are few of them. We scored between 90 and 99 percent on the 15 categories of our evaluation.”

5. The Uniform Complaint Form was not posted in all classrooms and public areas as required by California Education Code Section 35186.

CONCLUSIONS

The appalling conditions at the Alpaugh School are detrimental to the learning environment of students and the working environment of staff. The hazardous conditions at the School did not occur overnight. The withholding of designated maintenance funds, by the Administrative staff, to correct known unsafe and unhealthy conditions has exposed students and staff needlessly.

RECOMMENDATIONS

1. Use funds delegated for school building repairs to repair the school buildings.
2. Hire a licensed contractor to repair corridors, cracked walls, restrooms and any other areas that need repair or replacement.
3. Keep up with building repairs as they appear and do not let them go for years when it is almost impossible to repair.
4. Contact a California Occupational Safety and Health Administration (Cal/OSHA) Consultant Branch for assistance in correcting identified unsafe and unhealthful conditions.

5. Provide the public with accurate information relative to the existing conditions of school buildings, playgrounds, classrooms and overall facilities ratings.
6. Post Uniform Complaint Procedures in every classroom and areas accessible to the public as required by law.

REQUIRED RESPONSES

Alpaugh Unified School District
Tulare County Board of Education

WOODVILLE SCHOOL DISTRICT

BACKGROUND

Woodville Union Elementary School is one of the 46 School Districts within the umbrella of the Tulare County Board of Education. This School District is located west of Porterville and is a single school district. The school serves 605 students in grades K through 8 and has an average daily attendance of 594 students. The largest ethnic group of students (95.3%) is Hispanic with 14 % of the student body being children of migrant workers. The Woodville School Board (Board) of Trustees consists of five Board Members who receive compensation.

REASONS FOR INVESTIGATION

The 2009-2010 Tulare County Grand Jury received several complaints regarding but not limited to;

- Abuse of students
- Abuse of teachers
- Abuse of parents
- Possible altering of STAR (Standardized Testing And Reporting) test scores
- Misuse of School District funds by the school administration.

PROCEDURES FOLLOWED

1. Interviewed relevant witnesses.
2. Reviewed relevant documents.
3. Attended Board meetings.

FINDINGS

1. A teacher, after accusations of verbal and physical abuse of students, was placed on paid administrative leave which lasted over two years.
2. The Board decided that placing the teacher on paid administrative leave was less costly than the anticipated legal action if the teacher was dismissed.

3. Some Board Members understood that the teacher had agreed to retire after the 2009-2010 school year.
4. The teacher was given a letter dated February 16, 2010, with instructions to return to school August 3, 2010 for assignment to a classroom for the 2010-2011 school year.
5. Board Members had no knowledge of the February 16, 2010 letter that was authored by the District Superintendent/Principal. Board Members never voted to return the teacher to the classroom.
6. The Board's By-Laws state, "Any person is eligible to be a Board of Trustee member, without further qualifications, if he/she is 18 years of age or older, a citizen of the state, a resident of the school District, a registered voter and not legally disqualified from holding civil office. (Education Code 35107)"
7. One Board Member has lived outside the District since 2007 and has continued to serve on the Board.
8. The above Board Member's vote was the deciding vote necessary to hire

the current Superintendent on February 16, 2010 for the 2010-2011 school year.

9. Board Members, employees and consultants who participate in the government decision-making process are prohibited from making a contract in which they are financially interested, pursuant to Government Code Section 1090.
10. Several Board Members had not read the contracts between the School District and Superintendent/Principal before or after approving them. None of the Board Members were aware of the terms and conditions of these contracts including salary, leave and retirement benefits.
11. The Woodville Union School District Parent Handbook contains a Parent Complaint Form with completion instructions to be found on a particular page. These instructions are not found on the page number indicated in the Parent/Student Handbook; however they are on a different page.
12. In 2004, a Superintendent was hired and his wife was hired as Principal.
13. In 2008, the Superintendent retired and recommended to the Board that his wife assume his Superintendent duties as well as her duties as Principal in 2009. The Board complied with the recommendation and hired her without posting a job opening.
14. On April 9, 2010, the Superintendent/Principal submitted her resignation papers, requesting

paid leave for the remainder of the school year.

15. A petition was submitted to the Board on April 13, 2010 containing 253 signatures requesting the removal of the Superintendent/Principal for harassing, bullying and threatening members of the community and teachers who are afraid to come forward for fear of reprisal.
16. This petition was delivered to the Board on April 13, 2010 and was not read by any Board Member.
17. On February 16, 2010 the Superintendent recommended the Vice-Principal be hired as the new Superintendent/Principal for the 2010-2011 school year. The Board took immediate action that evening on this recommendation and voted to hire the Vice-Principal without any knowledge of the terms and conditions of the employment agreement.
18. Some Board Members have never attended school board training. Others have not attended training for over 20 years.
19. Evidence of STAR test scores being altered was not found.
20. California Education Code Sections 52852, 52852.5 and 62002.5 require schools to have an elected School Site Council. There is no data to support the existence of a School Site Council.

CONCLUSIONS

Although the School Board of Trustees are elected by the registered voters within

Woodville School District and given the responsibility for ensuring accountability to the local community, the evidence shows otherwise. The Board Members have not fulfilled their required responsibilities. They appear to be a rubber stamp used by the two prior school Superintendents.

An apparent typographical error in the Parent/Student Handbook would not seem to be important, except when 200 or more parents want to file a complaint. This could lead to complaint forms not being completed and serious problems not being reported.

RECOMMENDATIONS

1. Board Members comply with California Education Code Section 35107 and Government Code Section 1770, related to Board Member's residency within the Woodville School District boundaries.
2. At least 72 hours before all regular meetings, the Board of Trustees, or its designee, post and distribute agenda packets as required by Government Code Sections 54954.1 and 54954.2.
3. Board Members read and adhere to the Board By-Laws and operating procedures.
4. Establish a School Site Council as required by California Education Code.
5. Board Members read all agenda packets prior to the start of Board meetings.
6. Board independently review and evaluate all legitimate complaints submitted to the Board.
7. Update Parent/Student Handbook to comply with all procedures required by law.
8. Board Members and School Administrators, comply with Government Code Section 1090 regarding conflict of interest.
9. Board Members attend training available for School Board Members as soon as possible after election and every two years thereafter.
10. Tulare County District Attorney perform a further investigation to determine whether a violation of Government Code Section 1090 occurred.

RESPONSES

Tulare County Board of Education
 Tulare County District Attorney
 Woodville Union Elementary School District Board of Trustees
 Woodville Union Elementary School District Board Member, Nick Serafin
 Woodville Union Elementary School District Board Member, Felipe Guerrero Jr.
 Woodville Union Elementary School District Board Member, Juan Valencia
 Woodville Union Elementary School District Board Member, Javier Serna
 Woodville Union Elementary School District Board Member, Andrew Castaneda
 Interim Superintendent, Andrea M. Perez