

Placer County



Mountain Quarry Bridge

RESPONSES TO THE 2005-2006 GRAND JURY **FINAL REPORT**



PLACER COUNTY GRAND JURY

(530) 889-7469
Mailing Address:

FAX (530) 889-7447
11490 C Avenue, Auburn, CA 95603

November 2006

Honorable Eugene S. Gini, Jr.
Placer County Superior Court
Auburn, CA 95603

RE: Responses to the 2005-2006 Grand Jury Final Report

The 2006 – 2007 Placer County Grand Jury has received and reviewed all of the required responses as noted in the 2005-2006 Grand Jury Final Report. Please note that the responses pertaining to Auburn Recreation District and Sierra College have previously been published as part of the 2005-2006 Grand Jury Report.

We have assembled and published the remaining responses as required by the Penal Code for issuance to the public and the respondents. A copy of the publication has been enclosed for your reference. An electronic version will also be posted to the Grand Jury web site.

Sincerely,


John Wallauch
Foreman

INTRODUCTION

The Placer County Grand Jury Report 2005—2006 was published and distributed in June 2006. Copies may be found in all public libraries.

State law regarding responses to Grand Jury reports is described in California Penal Code Section 993 (3).

The government offices, agencies and local entities cited in the Final Report for a Response are required to respond to the Final Report within 60 days (elected officials who head county agencies) or 90 days (governing bodies of public agencies).

A Table of Contents is contained on the following pages. Each Respondent is listed with either the page number of their response or a no response received note.

Placer County Grand Jury

The following Placer County residents served on the 2005—2006 Grand Jury:

David Barnhill	Hazel R. Johnson	Annabell McCord
Dave Beasley	Ralph Krueger	Erik Nygaard
Pete Brink	Yvonne Lewis	Jerry Reeves
Larry Corbin	Bill Macho	Paul Ridgeway
Pat Fisk	Bill Martin	Sharon Theofelis
Peter Gilbert	Jon Mason	John Wallauch

The Grand Jury organized itself into nine Standing Committees for purposes of research, study and preparation of reports. The nine committees are as follows:

Audit & Finance	Cities	County Administration
Health & Welfare	Continuity	Schools & Libraries
Criminal Justice	Editorial	Special Districts

TABLE OF CONTENTS

Placer County Main Jail (Pages 9-12, 2005—2006 Final Report)

Respondent: Placer County Executive Officer	1
Respondent: Placer County Sheriff	3
Respondent: Placer County Counsel	5

Findings from Investigation of the Building Department (Pages 17-20, 2005—2006 Final Report)

Respondent: Community Development Resources Agency	7
Respondent: County Chief Executive Officer	9

Commendable Progress at Public Guardian's Office (Pages 21-26, 2005—2006 Final Report)

Respondent: Public Guardian Supervisor	11
Respondent: Director of Health and Human Services Department	11
Respondent: Placer County Executive Officer	21

Turtlegate and Microchips: Placer County Animal Control Department (Pages 27-32, 2005—2006 Final Report)

Respondent: Placer County Animal Control Department	15
Respondent: Placer County Director of Health and Human Services	15
Respondent: Placer County Executive Officer	23
Respondent: Placer County Sheriff	3

Review of Placer County Adult Residential Facilities

(Pages 33-38, 2005—2006 Final Report)

Respondent: Director of Health & Human Services	17
Respondent: Director of Adult System of Care	17
Respondent: Director of Personnel	25

Tahoe Justice Center

(Pages 39-44, 2005—2006 Final Report)

Respondent: Placer County Board of Supervisors	28
Respondent: Placer County Executive Officer	31

Survey of Placer County Charter Schools

(Pages 45-59, 2005-2006 Final Report)

Respondent: Superintendent of Schools	37
Respondent: Board of Newcastle Elementary School District	42
Respondent: Board of Ackerman Elementary School District	42
Respondent: Board of Auburn Union School District.....	49
Respondent: Board of Rocklin Unified School District.....	51



COUNTY OF PLACER

THOMAS M. MILLER
County Executive Officer

OFFICE OF COUNTY EXECUTIVE

RICHARD E. COLWELL, Chief Assistant CEO

175 Fulweiler Avenue / Auburn, California 95603
TELEPHONE: 530/889-4545
Fax: 530/889-4023
rcolwell@placer.ca.gov

August 2, 2006

The Honorable Frances Kearney
Presiding Judge of the Superior Court
County of Placer
11546 B Avenue
Auburn, CA 95603

FILED
PLACER COUNTY
SUPERIOR COURT OF CALIFORNIA

AUG 3 0 2006

JOHN MENDES
EXECUTIVE OFFICER & CLERK

By _____ Deputy

Dear Judge Kearney:

I am pleased to submit my response to the findings and recommendations contained in the FY 2005-06 Final Report of the Grand Jury related to the Placer County Main Jail. I have carefully considered the information and conclusions formulated by the Grand Jury regarding the facility construction issues of the Main Jail and have also consulted the Sheriff, County Counsel and the Director of Facilities Services on this matter. My responses follow below.

Placer County Main Jail – Placer County Sheriff's Department

Findings:

The time has come for the resolution of the remaining open construction deficiencies. If repairs are not initiated soon, additional damage to the building can result which may increase the cost of repairs.

Response:

The County Executive Officer agrees with the finding.

Findings:

The Placer Legal Department should initiate the necessary court actions to force completion of the needed repairs.

Response:

The County Executive Officer disagrees partially with the finding. As indicated from the response of the Placer County Counsel a lawsuit was filed on June 20, 2005 against the architect, contractor and two subcontractors. The lawsuit seeks money for the County from damage to the Main Jail building caused by the architect and the contractors.

Recommendations:

Close out all open facility construction issues by correcting the water leakage problems in the shower unit.

Response:

The recommendation has not yet been implemented but it will be implemented in the future. As indicated in the response from County Counsel a lawsuit has been filed against the architect and contractors responsible for the damage to the Main Jail Building. The lawsuit seeks a money judgment for damage to the building but in the event the County is not successful in its litigation, repairs to the building will be made by the County at its own expense to make the necessary corrections to the shower units and the exterior of the building to protect it from further damage. It is difficult to predict when the lawsuit will be settled so a specific date for the corrective work to begin is not possible to state at this time. The Director of Facility Services supports the decision of Counsel and the County Executive Officer to litigate this matter and he is also prepared to plan and schedule the corrective work soon after the litigation is resolved

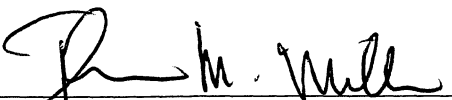
Begin removal and re-stuccoing of the outer walls of Unit 4 Building.

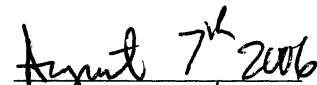
Response:

The recommendation has not yet been implemented but it will be implemented in the future. As stated in the response above the corrective repairs will be made after resolution of the lawsuit filed against the architect and contractors responsible for the damage to the building. The specific corrective measures used by the County to make these repairs will be determined by the Director of Facility Services and the professional staff of his department.

Sincerely,

COUNTY OF PLACER


Thomas M. Miller,
County Executive Officer


Date

TM:mp:bh



RECEIVED
JUL 08 2006
PLACER COUNTY
SHERIFF
CORONER-MARSHAL



MAIN OFFICE
P.O. BOX 6990
AUBURN, CA 95604
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

STEPHEN L. D'ARCY
UNDERSHERIFF

June 26, 2006

Presiding Judge of the Superior Court
County of Placer
11546 B Avenue
Auburn, CA 95603

**Response to Findings and Recommendations
2005 – 2006 Placer County Grand Jury**

After reviewing the Grand Jury's report and findings concerning the Main Jail, the Tahoe Justice Center, and issues within the Placer County Animal Control Department, we have prepared the following responses to the Grand Jury's recommendations.

Placer County Main Jail

Findings: Concur

Recommendation 1: Close out all open facility construction issues by correcting the water leakage problems in the shower unit.

Response: Concur. However, the County is involved in litigation against the contractor and architect responsible for the water leakage problems. We support County Counsel in the litigation against the contractor and architect and will act upon resolution.

Recommendation 2: Begin removal and re-stuccoing of the outer walls of Unit 4 Building.

Response: Concur. Again, these repairs are part of the litigation against the contractor and architect. We are awaiting resolution.

Turtlegate and Microchips – Placer County Animal Control

Findings: Concur

Recommendation 1: Animal control officers should not carry sidearms, and all firearms within the vehicles should be secured in a locked compartment.

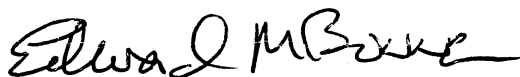
Response: Concur.

Recommendation 2: Field staff should be trained in accordance with the California Penal Code Section 832.

Response: Concur.

I wish to thank the members of the 2005-2006 Placer County Grand Jury for their dedication to the community and for all of their hard work during the past year.

Sincerely,



Edward N. Bonner
Sheriff-Coroner-Marshall

cc: Placer County Board of Supervisors
Foreperson of the Placer County Grand Jury

RECEIVED

JUL 26 2006

Placer County Grand Jury



Placer County Counsel

COUNTY ADMINISTRATIVE CENTER • 175 FULWEILER AVENUE
AUBURN, CALIFORNIA 95603-4581
(530) 889-4044 • FAX: (530) 889-4069

ANTHONY J. La BOUFF
County Counsel

GERALD O. CARDEN
Chief Deputy

August 3, 2006

RECEIVED

SEP 7 - 2006

Placer County Grand Jury

FILED
PLACER COUNTY
SUPERIOR COURT OF CALIFORNIA

AUG 11 2006

JOHN MENDES
EXECUTIVE OFFICER & CLERK

By _____ Deputy

The Honorable Frances Kearney
Presiding Judge of the Superior Court,
County of Placer County
11546 B Avenue
Auburn, California 95603

Re: Response to Findings and Recommendations,
2005 – 2006 Placer County Grand Jury

After reviewing the Grand Jury's report and findings concerning the Main Jail, Placer County Counsel's Office has prepared the following response to the Grand Jury's recommendations.

Placer County Main Jail

Finding: "The time has come for the resolution of the remaining open construction deficiencies. If repairs are not initiated soon, additional damage to the building can result which may increase the cost of repairs."

Response: County Counsel's Office agrees with the finding.

Finding: "The Placer Legal Department should initiate the necessary court actions to force completion of the needed repairs."

Response: County Counsel's Office partially disagrees with this finding. This office has previously initiated necessary court actions. A lawsuit was filed against the architect, contractor and two sub-contractors on the construction project. The lawsuit was filed on June 20, 2005, in Placer County Superior Court, case number SCV 17993. The lawsuit is an action for money damages.

Recommendation 1: Close out all open facility construction issues by correcting the water leakage problems in the shower unit.

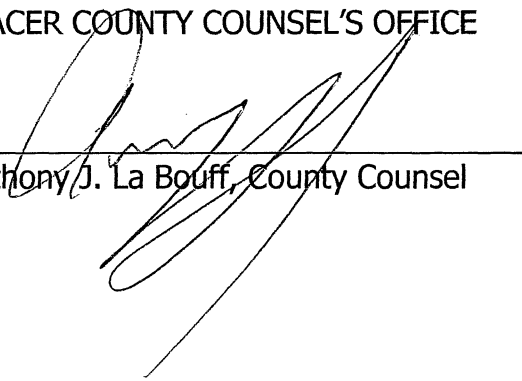
Response: County Counsel's office is informed that this recommendation has not yet been implemented, but will be implemented in the future. To the extent that the time frame for implementation of this recommendation is related to the lawsuit time line, the lawsuit is currently proceeding at a faster than usual pace via utilization of a special master. It can't be known ultimately whether the case will settle, or whether it will proceed to trial for resolution. Accordingly, it is not possible to predict when the litigation will finally conclude.

Recommendation 2: Begin removal and re-stuccoing of the outer walls of Unit 4 Building.

Response: County Counsel's office is informed that this recommendation has not yet been implemented, but will be implemented in the future. To the extent that the time frame for implementation of this recommendation is related to the lawsuit time line, the lawsuit is currently proceeding at a faster than usual pace via utilization of a special master. It can't be known ultimately whether the case will settle, or whether it will proceed to trial for resolution. Accordingly, it is not possible to predict when the litigation will finally conclude.

Respectfully submitted,

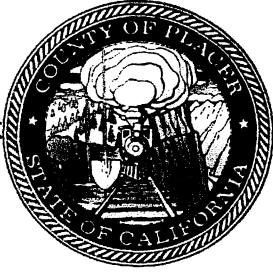
PLACER COUNTY COUNSEL'S OFFICE

By: 

Anthony J. La Bouff, County Counsel

AJL/dkp

Cc: Placer County Board of Supervisors
Placer County Grand Jury



COUNTY OF PLACER
Community Development Resource Agency

John Marin, Agency Director

August 1, 2006

The Honorable Frances Kearney
Presiding Judge of the Superior Court
County of Placer
11546 B Avenue
Auburn, CA 95603

FILED
PLACER COUNTY
SUPERIOR COURT OF CALIFORNIA

SEP 20 2006
JOHN MENDES
EXECUTIVE OFFICER & CLERK
By _____ Deputy

Subject: Grand Jury – Final Report 2005-2006 – CDRA

Dear Judge Kearney:

I am pleased to respond to the findings and recommendations contained in the FY 2005-2006 Final Report of the Grand Jury related to the Community Development Resource Agency. I have reviewed and considered the information contained in the Report. Following are my responses:

Recommendation:

1. The Building Department should adopt internal procedures and controls providing for the consistent and accurate inspection of building plans, and assuring all building permits are calculated at the rate shown in the Department informational handouts. Should the department management believe that exceptions to the percentage calculation rate are needed, then a formal policy change should be adopted and regulations approved.

Response:

The recommendation has been implemented. The Chief Building Official has indicated that all staff have been provided County ordinance information to consistently and accurately calculate building permit fees at a rate consistent with all handout material. Any exception to the percentage calculation rates will not be allowed unless formal policy changes occur.

Recommendation:

4. A "fast-track" schedule should be implemented for training staff on the new automated "PLUS" system to reduce errors and improve account auditing.

Response:

The recommendation has been implemented. A training schedule has been implemented prior to the occupancy of the new Community Development Resource Center building. All staff assigned to front counter duties have received PLUS system training. The Board of Supervisors has approved closure of the front counter on Wednesdays from 8:00 AM – 9:00 AM to complete training for all PLUS users and to provide consistent training for all users.

Recommendation:

6. A follow-up policy should be adopted for the return or collection of monies when permit errors are found.

Response:

The recommendation has not yet been implemented but it will be implemented in the future with the development of, or revisions to, a formal policy and procedures manual by the Building Department. Specifically, a follow-up policy for the return of monies when permit errors are found will include an immediate contact with the applicant. Upon determination that an error has occurred, a fourteen day return policy will be in effect.

Sincerely,



John Marin, Agency Director

cc: Placer County Grand Jury
Tom Miller, County Executive Officer



COUNTY OF PLACER

THOMAS M. MILLER
County Executive Officer

RECEIVED

SEP 12 2006

**OFFICE OF
COUNTY EXECUTIVE**

RICHARD E. COLWELL, Chief Assistant CEO

175 Fulweiler Avenue / Auburn, California 95603
TELEPHONE: 530/889-4545
Fax: 530/889-4023
rcolwell@placer.ca.gov

August 8, 2006

The Honorable Frances Kearney
Presiding Judge of the Superior Court
County of Placer
11546 B Avenue
Auburn, CA 95603

FILED
PLACER COUNTY
SUPERIOR COURT OF CALIFORNIA

AUG 30 2006
JOHN MENDES
EXECUTIVE OFFICER & CLERK
By _____ Deputy

Dear Judge Kearney:

I am pleased to submit my response to the findings and recommendations contained in the FY 2005-06 Final Report of the Grand Jury related to the Placer County Building Department. I have carefully considered the information and conclusions formulated by the Grand Jury concerning internal procedures related to building plans, permits and fee calculations and training and follow-up procedures for return of building fees under certain conditions. I have also reviewed the responses of the Director of Community Development and Resource Agency and the Chief Building Official to better understand the concerns expressed by the Grand Jury. My response follows below:

Placer County Building Department

Recommendation 1:

The Building Department should adopt internal procedures and controls providing for the consistent and accurate inspection of building plans, and assuring all building permits are calculated at the rate shown in the Department informational handouts. Should the department management believe that exceptions to the percentage calculation rate are needed, then a formal policy change should be adopted and regulations approved.

Response:

The recommendation has been implemented. As indicated from the responses of the Director of the Community Development and Resource Agency and the Chief Building Official, department staff has the necessary information and regulations to make accurate and consistent fee calculations for building permits and other fees. Any change in a fee, or calculation of a fee will require a change to the formal policy (ordinance) before this change may occur and staff will be advised of any such changes.

Recommendation 4:

A "fast-track" schedule should be implemented for training staff on the new automated "PLUS" system, to reduce errors and improving account auditing.

Response:

The recommendation has been implemented. As indicated from the response of the Director of the Community Development and Resource Agency and the Chief Building Official, all staff currently assigned to the public counter has completed the PLUS training. In addition, a formal and regular training schedule has been adopted for other users of the system and for training staff on updates or new features of the system.

Recommendation 6:

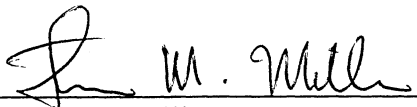
A follow-up policy should be adopted for the return or collection of moneys when permit errors are found.

Response:

The recommendation has not yet been implemented but it will be implemented in the future. The Director of the Community Development and Resource Agency has indicated that the Chief Building Official will begin development of a formal policy and procedures manual that will include provisions for handling refunds or collection of additional fees when errors are discovered in the calculation or application of permit fees.

Sincerely:

COUNTY OF PLACER



Thomas M. Miller,
County Executive Officer

August 8th 2006
Date

TM:MP:bh

County of Placer
DEPARTMENT OF HEALTH AND HUMAN SERVICES

RICHARD J. BURTON, M.D., M.P.H.

HEALTH OFFICER, AND
DIRECTOR OF HEALTH & HUMAN SERVICES



August 1, 2006

The Honorable Frances Kearney
Presiding Judge of the Superior Court
County of Placer
11546 B Ave.
Auburn, CA 95603

RECEIVED

AUG 04 2006

Placer County Grand Jury

Subject: Response to the Grand Jury Final Report 2005/2006

Dear Judge Kearney,

Following is the Health and Human Services (HHS) Department response to the *2005/2006 Grand Jury Final Report*.

Public Guardian's Office (PGO) _____

FINDINGS:

1. Considerable progress has been made at the PGO.

HHS agrees with this Finding.

a. *The New Client Services Supervisor is actively managing her staff and continues training.*

Response from Supervisor:

I agree. Since I was hired as the Supervisor of this office I have attended four trainings/conferences specific to the Public Guardian's Office.

- 9/05 & 3/06 - Public Administrator/Public Guardian/Public Conservator Conference
- 5/05 & 5/06 - Medi-Cal Administrative Activities/Targeted Case Management Conference

As a result of these conferences I have met with Supervisors of the Public Guardian Office throughout California and learned many things that have assisted me in my new position. Staff from El Dorado and Sacramento County Public Guardian Programs has been especially helpful in developing policies and procedures and setting up the storage facility.

Response from HHS Director:

HHS has worked closely with County Counsel and Personnel to make this programmatic transition as smooth as possible. Integration of the Public Guardian and Public Administrator staff experience and expertise has enhanced our services to clients and families. HHS fully supports all necessary trainings and staffing recommendations.

b. The three programs directed by the Client Services Supervisor are now collocated.

Response from Supervisor:

I agree. Since I no longer Supervise IHSS, the three programs I do supervise are Public Administrator, Public Guardian, and Adult Protective Services (APS), which all are now collocated.

Response from HHS Director:

Senior HHS management has worked diligently to assure that all staffing patterns and co-locations are efficient, effective and appropriate.

c. A "Policies and Procedures Manual" has been implemented including "Job Descriptions".

Response from Supervisor:

I agree. The "Policies and Procedures Manual" and "Job Descriptions" which were developed with input from County Counsel, PGO staff and Sacramento County have been implemented and will be updated as necessary when changes in the Probate and Women, Infants and Children (WIC) Codes or Adult Systems of Care Policies and Procedures occur.

Response from HHS Director:

Our Public Guardian Supervisor and her staff are to be commended for the excellent work product they have produced in a relatively short period of time. As this programmatic transition continues to evolve, HHS senior management will continue to provide all necessary support and guidance to assure the delivery of quality services.

d. The warehouse is housed in a proper, locked building with storage issues up to date.

Response from Supervisor:

I agree. The warehouse is now properly located in a locked building with storage issues continually updated as outlined in the policies and procedures. The Client Services Assistant (CSA) in this office has been a great help in this process. She provides assistance to the deputies by helping them move belongings in and out of the facility, box and label personal items, and keep a log of what is currently in storage.

Response from HHS Director:

Both Public Guardian staff and the Facilities Services Department are to be commended for their excellent work during this transition period.

e. All paperwork for closed cases has been completed and properly filed.

Response from Supervisor:

I agree. The CSA and the Senior Administrative Clerks have worked overtime on several occasions at the storage facility filing paperwork for closed cases and organizing the closed charts in a more manageable system. Additionally the CSA developed a database to more adequately track charts filed at the storage facility.

Response from HHS Director:

HHS recognizes the importance of appropriate records management. Again, the Public Guardian Supervisor and her staff are to be commended for their excellent work and measurable improvements in this area.

2. Understaffing persists as a significant problem.

HHS partially disagrees with this Finding.

a. Current case filing continues to be in backlog.

Response from Supervisor:

Current case filings are not backlogged. With the hiring of a second clerk and help from an extra help clerk, all of the case filings are up to date.

Response from HHS Director:

HHS recognizes that this has been a problem in the past. I am pleased to report that as a result of additional staff and updated Policies and Procedures, these problems have been addressed and resolved.

b. PGO finds it difficult to arrange for pairs of staff members to close homes.

Response from Supervisor:

At times, PGO does find it difficult to arrange for pairs of staff members to close homes, however the CSA is often available to provide the second staff person.

Response from HHS Director:

As stated above, creative staffing patterns and coverage assignments continue to address this issue. The integration of the Public Administrator and the use of a Client Services Assistant have made it possible to provide a second staff person in almost all cases. HHS senior management will continue to address staffing challenges.

c. When employees retire or quit, their vacancies are not always filled until payment of their accrued benefits have been paid (often consuming months). This is not a requirement of County personnel policy, and vacancies can be more promptly filled with active planning.

Response from Supervisor:

The PGO Office was given permission to "over hire" for two positions. The first position, a deputy Senior Client Services Counselor, whose last day was May 5, 2006 but remains a Placer County employee until June 29, 2006 needed to be replaced. A new list for Senior Client Services Counselors was requested from Personnel. Personnel recently provided this list on June 12, 2006 and interviews will be conducted on July 7, 2006. In the meantime this position was creatively replaced as follows:

- First, on April 10, 2006 a retired Client Services Counselor familiar with the Public Guardian office was hired to assist the retiring deputy by conducting periodic reviews and completing paperwork. This extra help employee continues to work half time at the PGO and will continue to do so until a new deputy is hired.

- Second, a Senior Client Services Counselor who worked half time as a deputy began on May 12, 2006 and will continue to work full-time as a deputy in the PGO. This will provide three FTE Public Guardian Deputies (Senior Client Services Counselors) in the PGO, an increase of a .50 position.
- The second position, a Senior Admin Clerk, will retire on July 7, 2006. HHS requested and received permission to over hire. After requesting a list from Personnel, our office began the interview process. A replacement was chosen and she began working on June 5, 2006. In the interim, the second clerk (who began working in this office on February 27, 2006) was provided with training for some of the Senior Admin Clerk duties and to act as a back up when the Senior Admin Clerk retires and the new Senior Admin Clerk is still in the learning phase.

Response from HHS Director:

The Public Guardian Office was able to successfully and proactively address the last two position turnovers as addressed above. HHS is appreciative of the consistent creative support it receives from the CEO and the Personnel Department in addressing these transitional staffing challenges through "over-hire" approvals and temporary reassignments of existing staff.

RECOMMENDATIONS:

1. **To ensure full client support and a seamless transition for new staff, the PGO should hire needed staff workers well BEFORE the departure of experienced staff.**

This recommendation has been implemented

Response from Supervisor

I agree with this recommendation. It is always good practice to have new staff properly trained by experienced staff. I have sought approval to over hire when this cannot be accomplished with other staff employed in the same or similar positions.

Response from HHS Director:

HHS senior management understands the importance of proactive planning and we routinely utilize the knowledge of experienced staff for training of new staff. HHS managers utilize all available tools to proactively manage these transitional recruitment, hiring, and training challenges.

2. **To help resolve chronic understaffing, aggressive planning for staff recruitment is needed at the PGO and HHS department level to take advantage of the County's relatively new policies, which encourage anticipation of vacancies due to retirement and other needs.**

Response from Supervisor:

I agree with this recommendation. This is good practice. As soon as retiring staff provides the date they will be taking leave of their post, I will put in a request to over hire. When granted, I will ask for interviews to be arranged as soon as a list from personnel is available.

Response from HHS Director:

HHS senior management continues to work closely with the Personnel Department and embraces their new strategies for timely recruitment and hiring. HHS consistently incorporates all available strategies to address current and future vacancies.

Placer County Animal Control Department

RECOMMENDATIONS:

- 1. Animal control officers should not carry sidearms, and all firearms within the vehicles should be secured in a locked compartment.**

This recommendation has not yet been fully implemented but will be by August 31, 2006.

Response from Manager:

Placer County Animal Services (PCAS) is currently developing new Policies and Procedures that will replace sidearms with rifles. New gun racks and safety locks are scheduled to be installed in the cabs of all Animal Control trucks no later than July 21, 2006.

Response from HHS Director:

The Department has been working with CEO, the Sheriff's Office and the PPEO Union during the past several months to prepare for this transition. We have surveyed surrounding counties to assure that we have developed a "best practices" approach and have developed a timeline for this impending transition. HHS has already acquired the appropriate rifles, the storage safes and the locking truck cab mounts for these rifles. The Sheriff's Office will be providing the necessary training to our Animal Control Officers in July, and we expect to accomplish this transition by the end of August. HHS is confident that this transition is enhancing the tools and training provided to the Animal Control Officers and assists them in their vital service to the community.

- 2. Field staff should be trained in accordance with the California Penal Code Section 832.**

This recommendation is currently implemented.

Response from Manager:

All field staff are required to have completed training in an Arrest and Firearms, PC 832 course. This is a prerequisite to qualify for a position interview. All current staff have completed this training.

- 3. Written procedures and instructions should be provided for staff to follow when handling donations.**

This recommendation has been implemented.

Response from Manager:

New written procedures for handling donations have been developed and distributed to staff as part of the newly revised PCAS Policy and Procedure Manual.

Response from HHS Director:

As stated above, policies and procedures have been updated and reviewed with staff. These procedures are consistent with our departmental and County guidelines.

- 4. The authority level within the department and agency to accept donations, the process for documentation of donations, and, when requested, the process to direct the donations to the specified activities should be identified and documented.**

This recommendation has been implemented.

Response from Manager:

For accounting purposes, the Program Manager for Animal Control is responsible for accepting all donations over \$100.00. Regardless of whether a donation is over the counter, through the mail or from third party events, it is promptly recorded, receipted by the Administrative Clerk and acknowledged by a letter of thanks. If not specified, all donations are directed to the "Greatest Need" account. If specified, a journal entry is made in the peg-board accounting system and the donation directed to that activity.

Response from HHS Director:

As stated above, these policies and procedures are consistent with departmental and County guidelines. We have increased our efforts and improved our communication with potential donors to lessen any miscommunication regarding how an individual's donation might be used. If an individual has a particular request we will demonstrate to the donor how we will assure their desired application of their donation or arrive at some other mutually acceptable resolution.

- 5. Staff training on these new policies and procedures should be conducted.**

This recommendation has been implemented.

Response from Manager:

Staff training on the new *Accepting Donations* policy has been completed.

Response from HHS Director:

HHS is fortunate to have a highly qualified Animal Services Manager who was appointed earlier this year. One of his first priorities was to completely review and update the Animal Services Policy and Procedure Manual. While it is understood that this is a "living document" that requires continual reassessment to assure best practice and quality assurance, this extensive review has been completed. I am pleased to report that all of the above mentioned findings and recommendations have been addressed appropriately.

- 6. The Placer County Animal Control Department should consider a formal plan to recognize individuals and groups making donations to the Department.**

This recommendation has been implemented.

Response from Manager:

All current donors who contribute gifts valued at \$100.00 or more will receive a letter of appreciation from the Division Program Manager, and their names will appear in upcoming issues of Placer County Animal Services' quarterly *Newsletter*. All donors, regardless of the size of their donation, will receive a letter of recognition and thanks from the Animal Services Manager.

Response from HHS Director:

As stated above, HHS recognizes the value and importance of identifying those who support us in all aspects of our department-wide operations.

Adult Residential Facilities - Mental Health Services

FINDINGS:

- 1. Based on responses of supervisors and our observations of conditions at Rosewood and Cypress House, Placer County is not keeping pace with the mental health service demands of its growing population.**

HHS disagrees with this Finding.

Response from Adult System of Care (ASOC) Director:

Mental Health Service demands are increasing with the growing population but redesign efforts continue to provide critical services to residents through maximizing available resources.

Response from HHS Director:

HHS continues to work directly with our CEO and with our County Board of Supervisors to appropriately redesign our service delivery in response to our County's ever growing demographics. HHS is currently accessing all available State and Federal funds and is grateful for the general fund support that has consistently been provided by the Board of Supervisors. HHS will continue to work with the State and Federal Governments through our program, legislative and lobbying contacts to secure evolving funding streams. In the absence of additional State or Federal resources, any further enhancement of services would require either enhanced County general fund support or redirecting general funds currently supporting other crucial HHS services.

- 2. Quality of Placer County Mental Health Services has been negatively affected by the lack of nurses, training and other resources. There are too many staff vacancies, and they remain open too long.**

HHS agrees with this Finding.

Response from ASOC Director:

There have been high staff vacancies in the last year. Resources were re-allocated in order to minimize the affect of these vacancies on the quality of client services. New hiring practices will reduce the number of vacancies in the future.

Response from HHS Director:

HHS management consistently seeks to fill 100% of all currently funded and authorized positions and continues to work closely with our Personnel Department to develop recruitment strategies that will lead to more successful recruitment outcomes.

- 3. Rosewood and Cypress House staff members demonstrate an inspiring level of personal dedication and perseverance, performing with an admirable "can do" attitude amid difficult circumstances.**

HHS agrees with this Finding.

Response from ASOC Director:

The Rosewood and Cypress House staff members are dedicated to providing a high quality of service to those that they serve. Their efforts produce great outcomes for those persons receiving services in these programs.

Response from HHS Director:

The dedication and “can do” attitude exhibited by these employees is what provides the fuel that allows our department to serve our community in such a quality based manner. These employees serve as both a shining example and a representative group of the overall excellence of our HHS staff.

4. Filling out and filing insurance paperwork in support of benefit reimbursements is a time-consuming effort requiring a specialized expertise.

HHS agrees with this Finding.

Response from ASOC Director:

The processes of determining eligibility for benefits are complicated. The Department is coordinating the use of specialized staff positions to assist in these areas.

RECOMMENDATIONS:

1. The Health and Human Services Department should annually solicit budget input from the staff members who deliver services.

This recommendation has been implemented.

Response from ASOC Director:

Staff input is requested through regular meetings with management and supervisors who solicit input from staff. In addition, staff input is requested in scheduled staff meetings for this purpose (last occurring January 10th, and January 24th, 2006). The Department views this input as critical and will work to assure that staff are aware that their input is valued and utilized.

Response from HHS Director:

The budget process is a complicated and ongoing process. HHS management routinely works with and accepts suggestions and recommendations from all staff throughout the fiscal year. As we enter into our planning process in January of each year, input is solicited throughout the hierarchical organization – from management, through supervisors, to line staff. We value input from all levels and have a number of strategic meetings to assimilate all input and develop department-wide strategies that best meet our strategic vision. HHS recognizes that in the process of prioritization and operating within available funding, staff may have questions regarding the process and managerial logic, and HHS will continue to enhance proactive effective communication to address staff concerns.

2. Allocation of funds should be prioritized to delivery of services (i.e. medical and other trained professionals) before administrative functions.

This recommendation has been implemented.

Response from ASOC Director:

HHS prioritizes service delivery and recognizes that this is the core mission of the department. Each year the department reviews its services and administrative support to these services to determine the right mix in its service delivery system.

Response from HHS Director:

Our organizational mission is to serve our constituents. Every organization requires an administrative core to develop and implement its strategic plan and monitor the operational

effectiveness of its service delivery. HHS prides itself in its ability to accomplish this responsibility in a cost effective and quality based manner. I appreciate your recommendation and I can assure you that I will continue to monitor HHS operations to assure that we remain outcome focused, performance based and fiscally responsible in our daily operations.

3. **Sufficient full and part-time staff should be hired at Rosewood and Cypress House to end the excessive amounts of employee overtime, to ensure the timely and accurate filing of health insurance forms and to assure employees' weekends free from work responsibilities.**

The recommendation has not yet been fully implemented but will be implemented with FY 2006-2007 budget strategies.

Response from ASOC Director:

A consolidation of staff into one program and improved personnel recruitment processes will assure sufficient full and part time staff is in place. Our staffing picture is improving as a result of Personnel's attention and our programmatic redesign.

4. **Adequate washers and dryers should be purchased and maintained in working order at both facilities.**

This recommendation has been implemented.

Response from ASOC Director

A new washer and dryer were purchased for the Rosewood facility December 6, 2005. The Cypress facility appliances have been maintained in good working order.

5. **Rosewood and Cypress House staff should be commended and recognized for their outstanding dedication and considerable overtime in support of their patients.**

This recommendation has been implemented.

Response from ASOC Director:

Recognition was sent to all staff working in these specific programs on June 28, 2006.

Response from HHS Director:

Senior management recognizes that as a Health and Human Services organization, "we are people delivering services to people". We understand that employee recognition for a job well done is not only good business practice but essential and consistent with our organizational mission. We participate in Placer County's Annual Employee Recognition Awards process and each of our divisions provides several opportunities throughout the year to recognize employees through lunches, picnics and recognition days. Many of our employees receive recognition throughout the year at Board of Supervisors meetings regarding special initiatives and accomplishments and finally through retirement functions. We remain committed to expressing our gratitude to our dedicated and loyal employees.

- 6. Aggressive planning for staff recruitment is needed at the department level to take advantage of the County's relatively new policies, which encourage anticipation of vacancies due to retirement and other needs. This requires effective communication of needs between management and staff personnel.**

This recommendation has been implemented.

Response from ASOC Director:

HHS management will utilize the improved recruitment policies and procedures in order to have critical positions in place prior to departure of staff due to retirement.

Response from HHS Director:

As stated both above and below, HHS continues to partner and work closely with the Personnel Department to address these challenges.

Sincerely,



Richard J. Burton, M.D., M.P.H.

cc: Placer County Grand Jury
Placer County Board of Supervisors
Placer County Executive Office



COUNTY OF PLACER

THOMAS M. MILLER
County Executive Officer

OFFICE OF COUNTY EXECUTIVE

RICHARD E. COLWELL, Chief Assistant CEO

175 Fulweiler Avenue / Auburn, California 95603
TELEPHONE: 530/889-4545
Fax: 530/889-4023
rcolwell@placer.ca.gov

August 2, 2006

The Honorable Frances Kearney
Presiding Judge of the Superior Court
County of Placer
11546 B Avenue
Auburn, CA 95603

FILED
PLACER COUNTY
SUPERIOR COURT OF CALIFORNIA

AUG 3 0 2006

JOHN MENDES
EXECUTIVE OFFICER & CLERK

By _____ Deputy

Dear Judge Kearney:

I am pleased to submit my response to the findings and recommendations contained in the FY 2005-06 Final Report of the Grand Jury related to the Office of the Public Guardian. I have carefully considered the information and conclusions formulated by the Grand Jury regarding the staffing issues of the Public Guardian's Office and I have also reviewed the responses from the County Health Officer and Director of the Health and Human Services Department, Richard Burton, M.D. and the Supervisor of the Public Guardian Office. My responses follow below.

Public Guardian's Office

Finding:

When employees retire or quit, their vacancies are not always filled until payment of their accrued benefits have been paid (often consuming months). This is not a requirement of County personnel policy, and vacancies can be more promptly filled with active planning.

Response:

I disagree partially with the finding. As indicated in the response from the Supervisor of the Public Guardian's Office an active approach to identifying and developing solutions to vacant positions has been adopted. Two examples include the recent action of the department to request and receive approval to "over fill" these vacant positions immediately. In addition, and as an interim measure, Supervisor also hired an experienced retired employee on an extra help basis and increased the hours of another existing employee to help maintain staffing levels.

Recommendation:

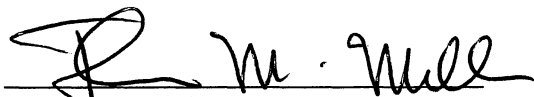
To help resolve chronic understaffing, aggressive planning for staff recruitment is needed at the PGO and HHS department level to take advantage of the County's relatively new policies, which encourage anticipation of vacancies due to retirement and other needs.

Response:

The recommendation has been implemented. The Supervisor of the Public Guardian Office will on a continuous basis identify and project staffing needs due to retirements and other leave situations and request over-hire authority in advance of the leave to maintain existing staffing levels to meet the work demand of the Office. My staff will support such requests, on a case-by-case basis, to assist the department in meeting its service delivery goals. Other recruitment efforts and methods by the Personnel Department that includes continuous recruitment of critical, high demand positions, inter-agency hires, reinstatement of retired employees and as extra help may also be applied to the Public Guardian Office to help solve the vacancy problem.

Sincerely,

COUNTY OF PLACER



Thomas M. Miller,
County Executive Officer

August 7th, 2006
Date

TM:mp:bh



COUNTY OF PLACER

THOMAS M. MILLER
County Executive Officer

**OFFICE OF
COUNTY EXECUTIVE**

RICHARD E. COLWELL, Chief Assistant CEO

175 Fulweiler Avenue / Auburn, California 95603
TELEPHONE: 530/889-4545
Fax: 530/889-4023
rcolwell@placer.ca.gov

RECEIVED

SEP 7 - 2006

Placer County **FILED**
PLACER COUNTY
SUPERIOR COURT OF CALIFORNIA

AUG 11 2006

JOHN MENDES
EXECUTIVE OFFICER & CLERK

By _____ Deputy

July 31, 2006,

The Honorable Frances Kearney
Presiding Judge of the Superior Court
County of Placer
11546 B Avenue
Auburn, CA 95603

Dear Judge Kearney:

I am pleased to submit my response to the findings and recommendations contained in the FY 2005-06 Final Report of the Grand Jury related to the Placer County Animal Control Department. I have carefully considered the information and conclusions formulated by the Grand Jury regarding staff training and the proper handling of donations for the benefit of animals housed at the Shelter. I have also reviewed the responses from the County Sheriff, the County Health Officer and Director of the Health and Human Services Department and from the Manager of the Animal Services Division. My responses follow below.

Placer County Animal Control Department:

Recommendation:

Field staff should be trained in accordance with the California Penal Code Section 832.

Response:

The recommendation has been implemented. As indicated in the response of the Manager of Animal Services all field staff have completed training under Penal Code Section 832 (Arrest and Firearms) and all prospective candidates for a field position must complete this training before they receive an invitation for an interview.

Recommendation:

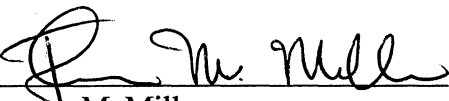
The authority level within the department and agency to accept donations, the process for documentation of donations, and, when requested, the process to direct the donations to the specified activities should be identified and documented.

Response:

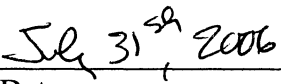
The recommendation has been implemented. As indicated from the response of the Manager of Animal Services, formal policy has been established to designate receipt of donations by the Manager and documentation to establish and acknowledge the donors' request and direction that the donation will be used for a specific purpose or activity. This policy is consistent with the departmental and county policy regarding donations and contributions.

Sincerely,

COUNTY OF PLACER



Thomas M. Miller,
Placer County Executive Officer



Date

TM:mp:bh



PLACER COUNTY

CIVIL SERVICE COMMISSION
SYLVIA BESANA
JOHN COSTA
RON LE DOUX
ALAN SHUTTLEWORTH
LARRY WEBBER

175 FULWEILER AVENUE, ROOM 505

AUBURN, CALIFORNIA 95603-4578

Placer County Grand Jury PERSONNEL DEPARTMENT

TELEPHONE (530) 889-4060
www.placer.ca.gov/jobs
PERSONNEL DIRECTOR
Nancy Nittler

July 18, 2006

The Honorable Frances Kearney
Presiding Judge of the Superior Court
County of Placer
11546 B Avenue
Auburn, CA 95603

FILED
PLACER COUNTY
SUPERIOR COURT OF CALIFORNIA

AUG 14 2006

JOHN MENDES
EXECUTIVE OFFICER & CLERK

By _____ Deputy

Response to Placer County Grand Jury Report 2005-2006 Review of Placer County Adult Residential Facilities Mental Health Services

The 2005-2006 Grand Jury Report on the Review of Placer County Adult Residential Facilities/Mental Health Services identified Personnel issues in regards to hiring practices and aggressive planning for staff recruitment. The Grand Jury requested the Director of Personnel respond to recommendations #3 and #6. The following information is being provided regarding those recommendations.

Recommendation 3: Sufficient full and part-time staff should be hired at Rosewood and Cypress House to end the excessive amounts of employee overtime, to ensure the timely and accurate filing of health insurance forms and to assure employees' weekends free from work responsibilities.

Response: The Personnel Department component of this recommendation has been implemented. The Personnel Department will continue to explore and support all efforts to maintain full and part-time staffing levels. The following is a summary of new recruitment processes Personnel has implemented to address staffing needs Countywide that are assisting the Adult System of Care Rosewood and Cypress House programs.

1. *Continuous Recruitment:* Placer County Personnel has implemented continuous recruitments for the classifications that are routinely used to fill vacancies in these programs, specifically the Client Services Assistant I/II, Client Services Counselor I/II, and Client Services Practitioner I/II. These three classifications are critical to the operations of these residential programs. Continuous recruitments remain open throughout the year and are screened for new applicants every 30 days. New

applicants are then certified to the Adult System of Care for interview and potential hiring. Prior to implementing this action, recruitments were typically initiated by the department when a vacancy occurred thereby extending the length of time a position remained vacant.

2. *Public Agency Eligible List:* Placer County Personnel has implemented a Public Agency Eligible List (PAEL) in an effort to recruit applicants who hold or have held status in the classified service of a California public agency in a substantially similar job assignment and responsibility. This new process enables the department to hire candidates into vacancies using the testing and process of the other public agency, similar to a lateral transfer process. This is a new resource for fulfilling the staffing needs in the Rosewood and Cypress House as well as Countywide in other departments.
3. *Reinstatement:* The reinstatement rule has been revised to allow employees who previously worked for Placer County and left in good standing to reinstate for up to five years into a vacancy. Previously, employees could only reinstate within two years of leaving County employment. This process allows qualified employees to return to the workforce more expeditiously.

In regards to assuring employees' weekends free from work responsibilities, it should be noted that given the nature of Rosewood and Cypress House programs as a twenty-four hour, seven day a week operation, some employees of these programs will be required to work weekends regardless of vacancies. The implementation of these new recruitment processes will not impact the need for some staff to work weekends, however, it has and will continue to reduce the need for additional work hours.

A current review of overtime hours in the Adult System of Care do not reflect an inordinate amount of overtime being worked by staff. It is the County's expectation that all overtime worked be compensated.

Recommendation 6: Aggressive planning for staff recruitment is needed at the department level to take advantage of the County's relatively new policies which encourage anticipation of vacancies due to retirement and other needs. This requires effective communication of needs between management and staff personnel.

Response: The personnel component of this recommendation has been implemented. The Personnel Department supports efforts to be proactive and anticipate vacancies due to retirements and other staffing needs especially in anticipation of the upcoming retirements. At the beginning of the year, the original estimate of anticipated retirements for 05/06 was cited to be 146. However, as of March 2006, 146 Health and Human Services employees had already contacted Personnel to retire. It is reasonable to assume an additional 50 employees will retire this year.

In addition to the improved processes for hiring staff mentioned in our response to #3, the County and Personnel has expanded the team assigned to the Department of Health and Human Services by four positions, effectively doubling resources assigned to the department. The team works with the divisions in the department to anticipate workforce planning/retirement/vacancy issues and streamline recruitment processes. The Personnel Analysts have daily communication with managers and formalized meetings/reporting with division managers to discuss current vacancies and proactively plan to fill others anticipated.

This process includes discussing options related to requesting overhire approval from the County Executive Office for overlap staffing between the new hire and the retiring employee as appropriate.

Training sessions are being developed to educate staff in the Department of Health and Human Services regarding hiring practices and to further develop ideas for streamlining the process and to proactively meet the needs of the department.

Sincerely,



Nancy Nittler
Personnel Director

cc: Placer County Board of Supervisors
Foreperson of the Placer County Grand Jury
Placer County Civil Service Commission
Thomas Miller, County Executive Officer

County of Placer

Board of Supervisors

175 FULWEILER AVENUE
AUBURN, CALIFORNIA 95603
530-889-4010 • FAX: 530-889-4009
PLACER CO. TOLL FREE # 800-488-4308

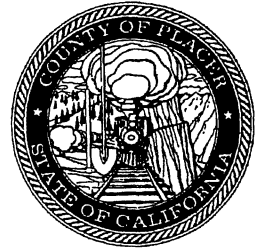
BILL SANTUCCI
District 1

ROBERT M. WEYGANDT
District 2

JIM HOLMES
District 3

EDWARD "TED" M. GAINES
District 4

BRUCE KRANZ
District 5



September 7, 2006

The Honorable Frances Kearney
Presiding Judge of the Superior Court
County of Placer
11546 B Avenue
Auburn, CA 95603

RECEIVED
OCT 17 2006
Placer County Grand Jury

FILED
PLACER COUNTY
SUPERIOR COURT OF CALIFORNIA

SEP 26 2006
JOHN MENDES
EXECUTIVE OFFICER & CLERK
By _____ Deputy

Dear Judge Kearney:

On behalf of the Placer County Board of Supervisors I am pleased to submit our response to the findings and recommendations contained in the FY 2005-06 Final Report of the Grand Jury concerning the Tahoe Justice Center. We have carefully reviewed and considered the information and conclusions of the Grand Jury related to the current condition of the justice center facility and its effect on law enforcement operations in the Tahoe area. We have also consulted the County Executive Officer regarding the conclusions and recommendations of the Report to gain his insights and possible remedies to help plan for a replacement Justice Center in the Tahoe area. The specific responses of the Board follow below:

Tahoe Justice Center

Finding:

1. The Placer County law enforcement operations in Eastern Placer County are inefficient due to inadequate facilities.

Response:

We disagree partially with the finding. It is possible that peak efficiency in law enforcement operations is affected by separation of patrol and the investigations unit and also due in part to transporting prisoners to more distant locations (Truckee, Auburn) as a result of the limitations of the current facility. However, in our view, the overall law enforcement operations in this area are effective and adequately serves the needs of the citizens of the County.

Finding:

2. There are direct costs in dollars and man-hours and potential financial costs due to unnecessary additional exposures that can be attributed to these inefficiencies.

Response:

We disagree partially with the finding. Although peak efficiency may be affected by the condition of the current facility, e.g., separation of some functions and prisoner transports, the overall operations are effective and adequate. Also, the findings by the Grand Jury have not quantified the degree of extra expense or cost, if any, that may occur as a result of the condition of the current facility.

Finding:

3. The Grand Jury supports the Site Analysis Report, and we believe that the time has come to move the planning and construction process forward.

Response:

We disagree partially with the finding. As indicated in the response of the County Executive Officer, the "Site Analysis Report" is a study conducted by a consultant to the Sheriff for capital projects with assistance from staff of the Facility Services Department. This study provides useful information with thoughtful reasoning and recommendations regarding various options to replace the current Justice Center. It offers another planning tool to help develop a replacement facility, however, further study and analysis is required before a replacement facility may be constructed.

Finding:

4. A new all inclusive Tahoe Justice Center at Burton Creek would encourage a dynamic synergy among personnel, improve efficiency, lessen liability exposure and serve the citizens of Eastern Placer County.

Response:

We agree with the finding. A new Justice Center may improve the level of efficiency and effectiveness of law enforcement functions relative to the current facility. In addition, a new facility may also reduce costs over the long term resulting in better service to the citizens of Placer County and the local community.

Finding:

5. Our County Sheriff is concerned for the residents and his employees in the Tahoe area and supports a new modern facility for his operations.

Response:

We agree with the finding that the Sheriff has submitted a letter to the Grand Jury expressing his concern about the current facility and his support for a new or replacement Justice Center in Tahoe.

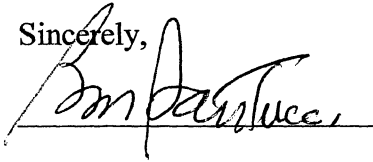
Recommendation:

This grand Jury strongly urges the County to proceed promptly with planning and construction on the all-inclusive law enforcement facility for the citizens and taxpayers of eastern Placer County and Lake Tahoe.

Response:

The recommendation has been implemented. On July 24, 2006 the Placer County Board of Supervisors approved a comprehensive Capital Facilities Financing Plan that includes a multi-year, phased project to plan, design and construct a replacement Justice Center in Tahoe by 2010 for an estimated cost of twenty million dollars (\$20,000,000). The proposed financing plan for FY 2006-07 includes an appropriation of one million dollars (\$1,000,000) to initiate planning and preliminary design work for this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Santucci", written over a horizontal line.

Bill Santucci, Chairman,
Placer County Board of Supervisors

Cc

Thomas M. Miller, County Executive Officer
Mike Boyle, Assistant County Executive Officer
Edward Bonner, Placer County Sheriff
Anthony La Bouff, County Counsel
Jim Durfee, Director, Facility Services
Mary Dietrich, Assistant Director, Facility Services



COUNTY OF PLACER

THOMAS M. MILLER
County Executive Officer

OFFICE OF COUNTY EXECUTIVE

RICHARD E. COLWELL, Chief Assistant CEO

175 Fulweiler Avenue / Auburn, California 95603
TELEPHONE: 530/889-4545
Fax: 530/889-4023
rcolwell@placer.ca.gov

August 2, 2006

The Honorable Frances Kearney
Presiding Judge of the Superior Court
County of Placer
11546 B Avenue
Auburn, CA 95603

FILED
PLACER COUNTY
SUPERIOR COURT OF CALIFORNIA

AUG 3 6 2006

JOHN MENDES
EXECUTIVE OFFICER & CLERK

By _____ Deputy

Dear Judge Kearney:

I am pleased to submit my response to the findings and recommendations contained in the FY 2005-06 Final Report of the Grand Jury related to the Tahoe Justice Center. I have carefully considered the information and conclusions formulated by the Grand Jury concerning the current justice center facilities and its impacts on law enforcement operations. I have also consulted with the Director of Facility Services to gain insights on possible solutions and remedies to develop plans for a replacement Justice Center in the Tahoe area. My response follows below:

Tahoe Justice Center

Finding:

The Placer County law enforcement operations in Eastern Placer County are inefficient due to inadequate facilities.

Response:

I disagree partially with the finding. Although some inefficiency in law enforcement operations may occur due to separation of functions between patrol and investigations and due to jail transports to off-site locations (City of Truckee, Auburn) as a result of the limitations of the current facility, the overall law enforcement operations in this area are effective and serve the needs of the citizens of the County.

Finding:

There are direct costs in dollars and man-hours and potential financial costs due to unnecessary additional exposures that can be attributed to these inefficiencies.

Response:

I disagree partially with the finding. While there may be inefficiencies resulting from separations of functions or duties and from more distant and longer prisoner transports and this may cause greater expense, the overall law enforcement operations are effective relative to the constraints of the facility and available resources. Also, the findings have not quantified the degree of the extra expense that may occur as a result of the limitations of the present facility.

Finding:

The Grand Jury supports the Site Analysis Report, and we believe that the time has come to move the planning and construction process forward.

Response:

I disagree partially with the finding. The "Site Analysis Report" is a study conducted by a consultant to the Sheriff for capital projects with assistance from staff of the Facility Services Department. It provides information and thoughtful reasoning and recommendations regarding various options to replace the current Justice Center. This study offers another planning tool to help develop a replacement facility, however, further detailed study and analysis is required before a replacement facility may be constructed.

Finding:

A new all inclusive Tahoe Justice Center at Burton Creek would encourage a dynamic synergy among personnel, improve efficiency, lessen liability exposure and serve the citizens of Eastern Placer County well.

Response:

I agree with the finding. A new Justice Center would, in some degree, improve internal law enforcement functions and efficiency and it may reduce overall costs in the long-run and result in better service to citizens of the County and the local community.

Finding:

Our County Sheriff is concerned for the residents and his employees in the Tahoe area and supports a new modern facility for his operations.

Response:

I agree with the finding that the Sheriff has submitted a letter to the Grand Jury expressing his concern about the current facility and his support for a new or replacement Justice Center in Tahoe.

Recommendation:

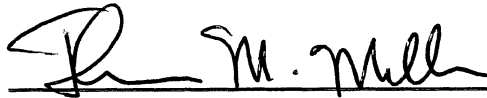
This Grand Jury strongly urges the County to proceed promptly with planning and construction on the all-inclusive law enforcement facility for the citizens and taxpayers of eastern Placer County and Lake Tahoe.

Response:

The recommendation has been implemented. On July 24, 2006 the Placer County Board of Supervisors approved a comprehensive Capital Facilities Financing plan that includes a multi-year, phased project to plan, design and construct a replacement Justice Center in Tahoe by 2010 for an estimated cost of twenty million dollars (\$20,000,000). The proposed financing plan for FY 2006-07 includes an appropriation of one million dollars (\$1,000,000) to initiate planning and preliminary design work for this project.

Sincerely,

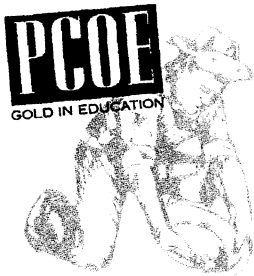
COUNTY OF PLACER



Thomas M. Miller,
County Executive Officer

Aug 7th 2006
Date

TM:mp:bh



Placer County Office of Education
360 Nevada Street
Auburn, CA 95603

530.889.8020
530.888.1367 FAX
www.placercoe.k12.ca.us

RECEIVED
JUN 15 2006
Placer County Grand Jury

Alfred "Bud" Nobili
Superintendent of Schools

June 14, 2006

Larry Mozes, Ed. D.
*Deputy Superintendent
Student Services*

Maureen Burness
*Assistant Superintendent
Placer SELPA*

Thomas Hall
*Assistant Superintendent
Administrative Services*

Joan E. Kingery
*Assistant Superintendent
Business Services*

Debi Pitta
*Assistant Superintendent
Curriculum and Instruction*

Randi Scott
*Assistant Superintendent
Educational Program Services*

Karen Chizek
*Executive Director
Special Education Services*

Catherine Goins
*Executive Director
Child Development Services*

The Honorable Frances Kearney
Presiding Judge of the Superior Court
County of Placer
11546 B Avenue
Auburn, CA 95603

**Re: 2005-2006 Placer County Grand Jury Final Report
Response to Findings and Recommendations**

Dear Judge Kearney:

Please accept the following as my response to the Findings and Recommendations of the 2005-2006 Placer County Grand Jury Report (pages 45-59) Survey of Placer County Charter Schools.

Findings

5. The adoption of charters by the Newcastle Elementary School District and the Ackerman Elementary School District was a transparent attempt to exploit the Charter Schools Act to achieve a purpose for which it was not intended, namely to allow unrestricted interdistrict transfers.

Response

I agree with this finding.

6. The Superintendent of Schools of Placer County recognized the illegitimacy of the Bowman and Newcastle Charter Schools, and attempted unsuccessfully to gain California Department of Education attention to the matter virtually as soon as these charters began to operate.

Response

I agree with this finding.

County Board of Education
Don Brophy
Rich Colwell
Norman Fratis, Jr.
Scott Gnile
Carole Onorato
Kenneth Sahl
E. Ken Tokutomi

*An Equal
Opportunity Employer*

Findings

7. The Newcastle and Ackerman Districts felt forced to adopt charters arising from a restrictive interdistrict transfer policy adopted in February 2005 by the Auburn Union School District.

Response

I agree with this finding.

Recommendations

2. The Superintendent of Schools of Placer County should consider taking specific note of the level of academic attainment being accomplished at the Rocklin Academy and should consider encouraging other districts as appropriate to evaluate the Core Knowledge Sequence. It would perhaps be appropriate to distribute the monograph, "Filling the Void, Lessons from Core Knowledge Schools" to every county school board and also a referral to the website www.coreknowledge.org for further information on the Core Knowledge Sequence.

Response

While the Office of the County Superintendent of Schools periodically makes recommendations to school districts on matters of curriculum and instruction, the material suggested by the Grand Jury has not been reviewed by the Curriculum and Instruction Department, nor is it state adopted material. Since we have no knowledge of or experience with this monograph or website, I will simply make district superintendents aware of your recommendation should they be interested in pursuing it further.

3. The Superintendent of Schools of Placer County should persist in his attempt to obtain a ruling from CDE concerning the legality of student co-mingling at the Bowman Charter School and the Newcastle Charter School. He is to be congratulated for his persistence to date in the face of inexplicable delays in response from CDE.

Response

The Superintendent of Schools is persisting in attempts to obtain a Legal Opinion and direction from CDE. As noted in correspondence with CDE attorneys and officials, there has been no response from the State Superintendent of Public Instruction or his staff, as of this date. (See attached letter)

4. The Board of the Ackerman School District should consider vacating the charter of the Bowman Charter School at the earliest practicable time. Other, more legitimate, means should be sought to make the school available to out of district parents who wish to education their children there.
5. The Board of the Newcastle Elementary School District should consider vacating the charter of the Newcastle Charter School at the earliest practicable time. Other, more legitimate, means should be sought to make the school available to out of district parents who wish to education their children there.

Response

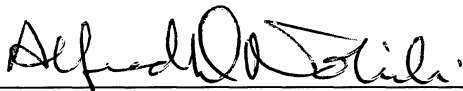
I agree with both of these recommendations and have previously recommended that the district boards consider such. (See attached letters)

6. The Board of the Auburn Union School District should consider that a restrictive interdistrict transfer policy is an ineffective long-term solution to addressing its problem of declining enrollment. It should consider modifying its policy at the earliest practicable time to be less restrictive.

Response

The issue of restrictive Interdistrict Transfer policies was a major focus of discussion at the County Superintendents' Retreat held in April 2006. School Districts interdistrict policies have also been listed for discussion at two other Superintendents' meetings. As you will note on the attached document titled *Interdistrict Attendance Issues*, the discussions by district superintendents resulted in a number of agreements. However, the degree to which a district will restrict students to leave their district is dependent upon local policies and procedures.

Sincerely,



ALFRED D. NOBILI
COUNTY SUPERINTENDENT OF SCHOOLS

ADN/ma
Enclosures



Placer County Office of Education

360 Nevada Street
Auburn, CA 95603

530.889.8020
530.888.1367 FAX
www.placercoe.k12.ca.us

June 5, 2006

Alfred "Bud" Nobili
Superintendent of Schools

Larry Mozes, Ed. D.
*Deputy Superintendent
Student Services*

Maureen Burness
*Assistant Superintendent
Placer SELPA*

Thomas Hall
*Assistant Superintendent
Administrative Services*

Joan E. Kingery
*Assistant Superintendent
Business Services*

Debi Pitta
*Assistant Superintendent
Curriculum and Instruction*

Randi Scott
*Assistant Superintendent
Educational Program Services*

Karen Chizek
*Executive Director
Special Education Services*

Catherine Goins
*Executive Director
Child Development Services*

Jack O'Connell, Superintendent of Public Instruction
California Department of Education
1430 N Street
Sacramento, CA 95814

Dear Superintendent O'Connell:

I would like to share with you the recently released 2005-06 Placer County Grand Jury report which contains the results of their investigation of Charter Schools located in Placer County.

I call your attention to pages 45, 47 and 53 through 58. As you will note, while five charter schools were investigated, the report findings and recommendations for the Newcastle and Bowman Charter Schools are of particular interest.

As you are aware, these were "in district" charters approved without an in depth review and given a school designated number by the California Department of Education. These two district charters have been the subject of requests for a **Legal Opinion and direction** from the CDE by me. In this report, the Grand Jury states that the adoption of these charters **"was a transparent attempt to exploit the charter school act to achieve a purpose for which it was not intended, namely to allow unrestricted interdistrict transfers"** (No. 5, page 57). As noted in finding No. 7, page 57, **"The Newcastle and Ackerman districts felt forced to adopt charters arising from a restrictive transfer policy adopted in February 2005 by the Auburn Union School District"**.

Having reviewed the original charter documents for both school districts the Grand Jury concluded that **"Both charters are perfectly transparent as their basic objective"**. They cite page 4 on both charter documents. On page 56, the Grand Jury expresses the view **"that validating the concept of allowing districts to form charter schools for the principal objective of avoiding interdistrict transfer rules has the potential to make a mockery of the charter school concept"**. It further states, **"the Grand Jury firmly believes that the creation of phantom charter schools must not be used as a surrogate to addressing the underlying issues of diminishing student population in an area where there are too many fragmented school districts struggling to survive"**. And, on page 58 (Nos. 4 and 5), they recommend that the Boards of Ackerman and Newcastle consider vacating the charters at the earliest practicable time.

This report also points out the ongoing attempts by me to obtain **direction from the California Department of Education since September 2005**. To date, I have been unable to get a written response to the questions and concerns which have been raised.

County Board of Education
Don Brophy
Rich Colwell
Norman Fratis, Jr.
Scott Gnile
Carole Onorato
Kenneth Sahl
E. Ken Tokutomi

*An Equal
Opportunity Employer*

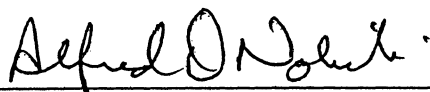
Jack O'Connell, Superintendent of Public Instruction
June 5, 2006
Page 2

It has been clear in my mind and that of our legal counsel and FCMAT that these charters were not established according to the spirit and intent of charter law. In addition, the practice of co-mingling students clearly demonstrates that there is **no** difference between "charter" and "district" programs. The Grand Jury came to the same conclusions.

At this point I ask again, where is CDE on these specific issues? As County Superintendent of Schools I have done what I feel is right in monitoring these charters. I have not certified attendance and I have simply asked CDE for guidance. While I feel I have exercised caution regarding these charter schools, I am beginning to question whether or not I will ever get a response from CDE. I wonder, as do many of my colleagues, whether the Department has adopted a "hands off" attitude toward charter school questions or concerns which might reflect negatively on the charter schools. I fully understand the department may be short staffed and overworked, but there is no excuse for a county superintendent to constantly be left adrift when guidance is requested. It makes our jobs difficult if not impossible.

While I have a personal opinion as to the legality of these charters, from the beginning I have stated I can accept the decision of the Department. I cannot accept a continued lack of response and direction on the part of the California Department of Education and ask again for your guidance on this matter.

Sincerely,



ALFRED D. NOBILI
PLACER COUNTY SUPERINTENDENT OF SCHOOLS

ADN/ma
Enclosure

c: Gavin Payne, Chief Deputy Superintendent
Marta Reyes, Director, Charter Schools Division
Marsha Bedwell, General Counsel, Legal and Audits Branch and Office of Equal Opportunity
David Girard, Counsel for Placer County Office of Education
Glen Thomas, CCSESA
Joel Montero, FCMAT
Barbara Dean, FCMAT
California County Superintendents



Placer County Office of Education

360 Nevada Street
Auburn, CA 95603

530.889.8020
530.888.1367 FAX
www.placercoe.k12.ca.us

January 19, 2006

Alfred "Bud" Nobili
Superintendent of Schools

Larry Mozes, Ed. D.
*Deputy Superintendent
Student Services*

Maureen Burness
*Assistant Superintendent
Placer SELPA*

Thomas Hall
*Assistant Superintendent
Administrative Services*

Joan E. Kingery
*Assistant Superintendent
Business Services*

Debi Pitta
*Assistant Superintendent
Educational Services*

Randi Scott
*Assistant Superintendent
Educational Program Services*

Karen Chizek
*Executive Director
Special Education Services*

Marilyn Gilbert - Superintendent
Ackerman Elementary School District
13777 Bowman Road
Auburn, CA 95603

Dear Marilyn:

Enclosed you will find a copy of a letter I have sent today to the California Department of Education regarding the non certification of attendance for the Ackerman Elementary Charter School.

We have previously discussed your district's practice of co-mingling students and I have advised you that it appeared that the practice was not legal. The enclosed two legal opinions support that belief. I am, therefore recommending that you discuss this with the Board and give serious consideration to modifying the district's charter school practice of co-mingling students.

As I have stated previously, I have a serious concern that it is very possible that the district could face serious implications should the practice result in the non allocation of funds for ADA, categorical or other programs.

You indicated that the district has a legal opinion which states that what you are doing is within the guidelines for charter schools. I have not seen this and would appreciate receiving a copy.

Should you wish to discuss this matter, please contact me.

Sincerely,

ALFRED D. NOBILI
COUNTY SUPERINTENDENT OF SCHOOLS

County Board of Education
Don Brophy
Rich Colwell
Norman Fratis, Jr.
Scott Gnile
Carole Onorato
Kenneth Sahl
E. Ken Tokutomi

*An Equal
Opportunity Employer*

ADN/ma
Enclosures
c: Charles Miles, Board President
Members of the Board



Placer County Office of Education

360 Nevada Street
Auburn, CA 95603

530.889.8020
530.888.1367 FAX
www.placercoe.k12.ca.us

Alfred "Bud" Nobili
Superintendent of Schools

Larry Mozes, Ed. D.
*Deputy Superintendent
Student Services*

Maureen Burness
*Assistant Superintendent
Placer SELPA*

Thomas Hall
*Assistant Superintendent
Administrative Services*

Joan E. Kingery
*Assistant Superintendent
Business Services*

Debi Pitta
*Assistant Superintendent
Educational Services*

Randi Scott
*Assistant Superintendent
Educational Program Services*

Karen Chizek
*Executive Director
Special Education Services*

January 19, 2006

Kathy Daugherty, Superintendent
Newcastle Elementary S. D.
8951 Valley View Drive
Newcastle, CA 95658

Dear Kathy:

Enclosed you will find a copy of a letter I have sent today to the California Department of Education regarding the non certification of attendance for the Newcastle Elementary Charter School.

We have previously discussed your district's practice of co-mingling students and I have advised you that it appeared that the practice was not legal. The enclosed two legal opinions support that belief. I am, therefore recommending that you discuss this with the Board and give serious consideration to modifying the district's charter school practice of co-mingling students.

As I have stated previously, I have a serious concern that it is very possible that the district could face serious implications should the practice result in the non allocation of funds for ADA, categorical or other programs.

Should you wish to discuss this matter, please contact me.

Sincerely,

ALFRED D. NOBILI
COUNTY SUPERINTENDENT OF SCHOOLS

County Board of Education
Don Brophy
Rich Colwell
Norman Fratis, Jr.
Scott Gnile
Carole Onorato
Kenneth Sahl
E. Ken Tokutomi

An Equal
Opportunity Employer

ADN/ma
Enclosures
c: Steve Peck, Board President
Members of the Board

Interdistrict Attendance Issues

Items discussed included:

- Placer County Board of Education position on hearing appeals which come before them.
- Problems related to different district practices and policies.
 - Some districts approve all requests for students wanting to for leave their districts, others do not.
 - Individual district policies differ as to entering and exiting criteria and standards.
- Problem of parents obtaining verbal or written approval to **enter** a district **prior** to being granted approval to leave a district.
- General discussion of impact of loss of students by both declining enrollments districts and growing districts.

Items agreed to and suggestions for future consideration:

- Suggest a school/district not sign (give approval) to enter a district unless the student has been approved to leave
- Districts should revise their ID permit form to assure it includes exclusion language of IEP's
- Suggest that districts remove any "Allen Bill" language from ID policies (residence by employment)
- Suggest that district **administrators** not approve ID requests based upon negative reasons aimed at district or school of residence, thus not reinforcing perception that administration agrees with the perception and the request is "justified". (Let these go to district board for decision and County Board thereafter if necessary)
- Tad will revise the IDA Master Agreement and present it to district superintendents for approval.
- Tad will revise the IDA Appeal form to capture additional information on the district response form.
 - Re: If district appeal to Board was in closed session, what were some of the issues raised by parents and a copy of findings and order following deliberation at district Board level.
 - Need for **district** to specify "reasons" for not granting appeal.

I suggest that each district provide copies of this correspondence to those individuals responsible for developing calendars and Interdistrict Agreements.

I thank you all for your input and the open discussion we held on these topics. Should you or your staff have any questions, please feel free to contact me or Tad Kitada.

LIEBERT CASSIDY WHITMORE

A PROFESSIONAL LAW CORPORATION

LOS ANGELES | FRESNO | SAN FRANCISCO

153 TOWNSEND STREET, SUITE 520
SAN FRANCISCO, CALIFORNIA 94107
T: (415) 512-3000 F: (415) 856-0306

LSCHULKIND@LCWLEGAL.COM
(415) 512-3000

August 30, 2006

VIA FEDERAL EXPRESS

Paul Ridgeway, Foreman
2005-2006 Placer County Grand Jury
11490 C Avenue
Auburn, California 95603

RECEIVED

SEP 1 - 2006

Placer County Grand Jury

Re: *Response of the Newcastle Elementary School District and Ackerman Elementary School District to the 2005-2006 Grand Jury Report, Survey of Placer County Charter Schools*

Dear Mr. Ridgeway:

We are counsel to the Newcastle and Ackerman Elementary School Districts in the above matter, and pursuant to Penal Code sections 933.05(a)(2), 933.05(b) and 933(c), we respectfully submit this response to the Grand Jury Report, Survey of Placer County Charter Schools.

I. INTRODUCTION

The Grand Jury Report ("Report") opines that a charter school with a principle objective of enabling interdistrict transfers without interference from a student's district of residence, does not comply with either the spirit or the letter of California Charter School law. The Newcastle and Ackerman Elementary School Districts respectfully submit that the Report is wrong on both accounts.

II. BACKGROUND

Both the Newcastle Elementary School District ("Newcastle") and Ackerman Elementary School District ("Ackerman") have historically and consistently provided a meaningful educational alternative to families in the surrounding school districts. In the past, these families have utilized the interdistrict transfer process to effectuate their educational choices. These families have come to rely on Newcastle and Ackerman to offer them high achieving K-8 schools, which are not available to them in several of the surrounding districts. In the 04-05 year, several of these school districts indicated that they would no longer permit students to leave their district via the interdistrict transfer process. In response, Newcastle and Ackerman each

created a charter school, since interdistrict transfers are not required to enroll students in a charter school.

In doing so, both Newcastle and Ackerman properly implemented the process for establishing a charter school. Each district's plan was reviewed by the California Department of Education, Charter School Division, and each charter was granted by the State Board, and given a number. Both Newcastle and Ackerman were entirely candid with the California Department of Education (CDE), the County Office of Education, their teachers and communities throughout the process of developing their charter schools.

III. RESPONSE TO FINDINGS

Finding 5: The adoption of charters by the Newcastle Elementary School District and the Ackerman Elementary School District was a transparent attempt to exploit the Charter Schools Act to achieve a purpose for which it was not intended, namely to allow transfers.

Response: The Boards of Trustees of the Newcastle and Ackerman School Districts disagree with Finding 5. Neither the letter of the law nor the intent of the law substantiate this finding.

Compliance with the Letter of the Law

The Charter Schools Act contains provisions regarding the formation of a charter school, such as obtaining parent and teacher signatures in support of the creation of the charter school, not compelling any pupil to attend or teacher to instruct at the charter school and obtaining approval and a charter school number from the State Board. (See Ed. Code § 47605, § 47602.) Newcastle and Ackerman both complied with all of these provisions, and the Report does not allege otherwise. The Report correctly states that both districts received state approval to operate a charter school beginning in September 2005. (2005-2006 *Grand Jury Report - Survey of Placer County Schools*, p. 10.) In fact, both districts properly implemented the process for establishing a charter school by, among other things: (1) preparing the required petition; (2) drafting a legally sufficient charter; (3) holding the required public hearing and receiving approval from their respective Board of Trustees; and, (4) receiving State approval for the charter, and a charter number. As such, neither Newcastle nor Ackerman violated California Charter School Law, or any law, when they created their respective charter schools.

What appears to trouble the Grand Jury is that Newcastle and Ackerman organized their charter schools to allow charter and non-charter students to attend school side-by-side. However, our search of the Charter Schools Act finds no provisions that prohibit fashioning a charter school in this manner. The California Education Code is permissive, meaning that anything that is not explicitly prohibited is permitted. (Ed. Code § 35160.) Because nothing in the Charter Schools Act, Education Code 47600 et seq., prohibits forming a charter school in this manner, it is permitted. Indeed, the Report correctly states, the Charter Schools Act does not contain a definition of "school" and as such a charter school may be an existing school, a school

within a school, or could involve classrooms at a number of sites within a district. (2005-2006 *Grand Jury Report - Survey of Placer County Schools*, p. 2.)

The Report appears to base its critique on Newcastle's and Ackerman's motivation to attract and retain out-of-district students. However, if charter schools were considered unlawful if motivated by the desire to attract out-of-district students without need to resort to interdistrict transfers, many existing charters would be implicated. Further, Newcastle and Ackerman find it noteworthy that interdistrict transfers are not required to attend an out-of-district charter school. Had the Legislature wished to preclude districts from using the creation of charter schools to bypass the interdistrict transfer process, it would have required interdistrict transfers in this context. However, this is clearly not the case. It is both lawful and pervasive that California charter schools enroll students from outside their home districts.

Newcastle and Ackerman are aware that certain language in Education Code section 47602, subdivision (a)(1), has likely been brought to the Grand Jury's attention. This language disallows counting as separate charter schools, programs that are located at the same site and provide similar programs to similar populations. However, this provision relates to the regulation of the maximum number of charter schools and has no bearing on the relationship between a charter school and its authorizing district.

Newcastle and Ackerman are also aware that the Grand Jury has likely considered arguments, articulated in opinion letters solicited by the Placer County Office of Education, that discuss Education Code section 47601. These opinions suggest that the current arrangement fails because charter schools are required to operate independently from the school district structure. However, this argument relies on generalized intent language and fails to consider the many ways in which both Newcastle and Ackerman are fulfilling the intent of California's charter school scheme by providing meaningful options and competition through creative and flexible educational programming. (See Ed. Code § 47601, subd. (e), subd. (g).) Indeed, if charter schools were illegal if they did not operate independently from their authorizing districts, the many district-sponsored charters that have been authorized throughout the State would be called into question.

Compliance with the Spirit of the Law

The creation of the Newcastle Charter School and Bowman Charter School by their respective districts actually *further*s two central goals of the Charter School Act: to give parents a choice about the kind of educational environment they want for their child; and to provide vigorous competition within the public school system. Charter schools were conceived largely to encourage educational choice and healthy competition in the public school system. Section 47601 of the Charter Schools Act states that in enacting the Charter Schools Act the Legislature intended to "[p]rovide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system" and "[p]rovide vigorous competition within the public school system to stimulate continual improvements in all public

schools.” (Ed. Code § 47601, subd. (e), subd. (g).) This is precisely what the Newcastle and Ackerman School Districts have accomplished in establishing their charter schools.

The Report concedes that charter schools were instituted to provide parents and students greater choice in the kind of education they desire. (2005-2006 *Grand Jury Report - Survey of Placer County Schools*, p. 1.) The Report fails to acknowledge, however, that by establishing their charter schools, Newcastle and Ackerman further this goal by allowing parents and students the choice to continue enrolling their child in their preferred school. For example, as the Report correctly points out, many parents initially chose the Newcastle and Ackerman School Districts because they preferred the K-8 small school environment at Newcastle and Bowman, over the middle school approach of the Auburn Union School District. (2005-2006 *Grand Jury Report - Survey of Placer County Schools*, p.10.)

The Newcastle and Bowman charter schools also offered unique programming and educational opportunities—infusing public education with creative options as intended by the Charter Schools Act. For example, parents are attracted to the Newcastle Charter School, as it is high achieving, focuses on project-based learning and fine arts, and is perceived to have a safer and more positive school climate for students and families. Similarly, parents are attracted to Bowman School for many reasons which include but are not limited to its Distinguished School status; outstanding vocal and instrumental music program; technology program; library program; garden program and incredible teaching staff.

When the neighboring school districts effectively blocked interdistrict transfers to these exciting K-8 alternatives, it eliminated parents’ ability to choose what kind of education they wanted for their child and insulated these districts from healthy competition. In response, Newcastle and Ackerman were faced with the upset and disappointment of parents and students who were being forced to leave, as well as potentially devastating consequences to their finances.

The creation of the Newcastle and Bowman charter schools also promotes healthy competition within the public schools, another important objective of the Charter Schools Act. Both charter schools offer academically rigorous and challenging educational experiences to families who have chosen to educate their children outside of their local traditional public schools and district. They also offer educational programs tailored to the needs and desires of their charter school communities—and provide options not available in these families’ home districts. This is *precisely* the sort of innovation and competition that the Charter School Act envisions. In other words, allowing out-of-district students the choice to attend Newcastle Charter School provides competition within the Placer County public school system and helps to stimulate improvements in all public schools.

Finding 7: The Newcastle and Ackerman Districts felt forced to adopt charters arising from a restrictive transfer policy adopted February 2005 by the Auburn Union School District, and surrounding districts.

Response: The Boards of Trustees of the Newcastle Elementary School District, and the Board of Trustees of the Ackerman Elementary School District agree with Finding 7.

IV. RESPONSE TO RECOMMENDATIONS

Recommendation 4: The Board of the Ackerman School District should consider vacating the charter of the Bowman Charter School at the earliest practicable time. Other, more legitimate, means should be sought to make the school available to out-of-district parents who wish to educate their children there.

Response: The Board of the Ackerman Elementary School District respectfully rejects the Report's recommendation that the charter of the Bowman Charter School should be vacated.

First, for the reasons outlined in response to Finding 5, the Board believes it has acted lawfully. Second, even if the current configuration of the Bowman Charter School were unlawful, immediate revocation of the charter is not warranted here. Immediate revocation of the charter would have a tremendous, negative impact on the children attending Bowman Charter School and their families. The children should not be the ones made to suffer because of a legal dispute devoid of bad faith or fraud. There has been no bad faith or subterfuge, and the entire process has been transparent and above board. As the Report points out, the Ackerman Elementary School District was straightforward about both its motive for developing a charter school and that all students, charter and non-charter, would be attending school side-by-side. (2005-2006 *Grand Jury Report - Survey of Placer County Schools*, p. 10 -11.) In fact, the District was entirely candid with the California Department of Education, the County Office of Education, its teachers and community throughout the process of creating the charter school. Under these transparent conditions, the Ackerman Elementary School District received approval from the State, and immediate revocation is not the appropriate remedy if the charter school is found to violate legal requirements.

Moreover, the Ackerman Elementary School District has identified various other vehicles for continuing to offer an educational alternative to out-of-district students in the event that the current configuration of its charter school is determined to be unlawful. For example, the Report could spark renewed collaborative efforts among the districts of Placer County, or the District could shift to an all-charter District. Given the flexibility afforded to districts by California's permissive Education Code, and Ackerman's readiness to explore other options if necessary, it is highly likely that it will continue to be able to offer an education alternative to out-of-district students in some lawful form. Thus, the District believes that the better—less educationally disruptive—course of action would be to permit school to continue while these other avenues are explored.

Recommendation 5: The Board of the Newcastle Elementary School District should consider vacating the charter of the Newcastle Elementary Charter School at the earliest practicable time. Other, more legitimate, means should be sought to make the school available to out-of-district parents who wish to educate their children there.

Response: The Board of the Newcastle Elementary School District respectfully rejects the Report's recommendation that the charter of the Newcastle Elementary Charter School should be vacated.

First, for the reasons outlined in response to Finding 5, the Board believes it has acted lawfully. Second, even if the current configuration of the Newcastle Charter School were unlawful, immediate revocation of the charter is not warranted here. Immediate revocation of the charter would have a tremendous, negative impact on the children attending Newcastle Charter School and their families. The children should not be the ones made to suffer because of a legal dispute devoid of bad faith or fraud. There has been no bad faith or subterfuge, and the entire process has been transparent and above board. As the Report points out, the Newcastle Elementary School District was straightforward about both its motive for developing a charter school and that all students, charter and non-charter, would be attending school side-by-side. (2005-2006 *Grand Jury Report - Survey of Placer County Schools*, p. 10 -11.) In fact, the District was entirely candid with the California Department of Education, the County Office of Education, its teachers and community throughout the process of creating the charter school. Under these transparent conditions, the Newcastle Elementary School District received approval from the state, and immediate revocation is not the appropriate remedy if the charter school is found to violate legal requirements.

Moreover, the Newcastle Elementary School District has identified various other vehicles for continuing to offer an educational alternative to out-of-district students in the event that the current configuration of its charter school is determined to be unlawful. For example, the Report could spark renewed collaborative efforts among the districts of Placer County, or the District could shift to an all-charter District. Given the flexibility afforded to districts by California's permissive Education Code, and Newcastle's readiness to explore other options if necessary, it is highly likely that it will continue to be able to offer an education alternative to out-of-district students in some lawful form. Thus, the District believes that the better—less educationally disruptive—course of action would be to permit school to continue while these other avenues are explored.

Recommendation 6: The Board of the Auburn Union School District should consider that a restrictive interdistrict policy is an ineffective long-term solution to addressing its problem of declining enrollment. It should consider modifying its policy at the earliest practicable time to be less restrictive.

Response: Recommendation 6 does not address the Newcastle or Ackerman Elementary School Districts. Therefore, the Districts respond only generally that less restrictive interdistrict

policies in all of Placer County would serve everyone's interests, and welcomes working collaboratively with other districts to create unrestrictive transfer policies designed to meet the needs of our communities.

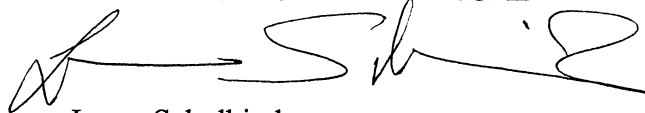
V. CONCLUSION

The Boards of the Newcastle and Ackerman Elementary School Districts respectfully disagree with Finding 5 of the Report, that the Newcastle and Bowman charters were adopted for a purpose outside of Charter School Law, as there is nothing in either the letter or the intent of the law that substantiates this finding. The District Boards agree with Finding 7 that the creation of the Newcastle and Bowman charter schools arose out of a restrictive interdistrict transfer policy adopted by the Auburn Union School District as well as surrounding districts.

Immediate revocation of the Newcastle and Bowman charters is not warranted—even if the current configuration of the charter schools does not comply with the Charter Schools Act—for the reasons outlined above. Finally, the Boards of the Newcastle and Ackerman Elementary School Districts would both welcome the opportunity to work with neighboring districts to create a less restrictive approach to interdistrict transfer requests, so as to maximize parent's ability to choose the appropriate school environment for their child.

Respectfully,

LIEBERT CASSIDY WHITMORE

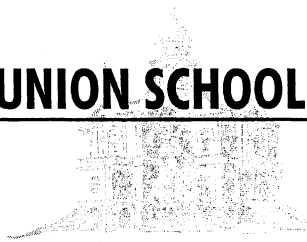
A handwritten signature in black ink, appearing to read 'Laura Schulkind', written over a horizontal line.

Laura Schulkind

LJS/ak

36452.1 NE009-003

AUBURN UNION SCHOOL DISTRICT



Michele Schuetz
District Superintendent

255 EPPERLE LANE

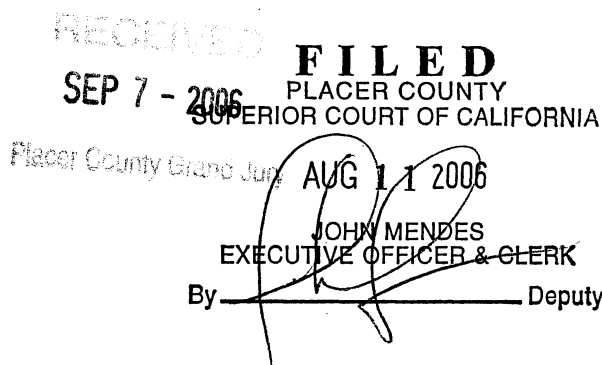
PHONE (530) 885-7242
AUBURN, CALIFORNIA 95603-3745
FAX (530) 885-5170

July 27, 2006

The Honorable Frances Kearney
Presiding Judge of the Superior Court
County of Placer 11546 B Avenue
Auburn, California 95603

Dear Judge Kearney:

Reference: 2005-2006 Grand Jury Report
Survey of Placer County Charter Schools
California Penal Code
Section 933.05



This letter is in response to the 2005-2006 Grand Jury Report, Survey of Placer County Charter Schools dated May 31, 2006. The Board of Trustees and Superintendent of the Auburn Union School District concur with Findings # 5 of the Grand Jury that the adoption of a charter school by the Newcastle Elementary School District and the Ackerman Elementary School District was to allow unrestricted interdistrict transfers.

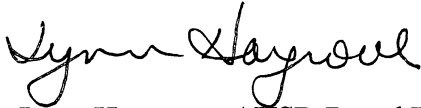
The Auburn Union School District Board of Trustees and Superintendent also concur with Findings #7 of the Grand Jury that the Newcastle and Ackerman District adopted charter schools in response to a more restrictive interdistrict transfer policy adopted in February 2005 by the Auburn Union School District.

The Grand Jury Recommendation # 6 was that the Auburn Union School District should consider that a restrictive interdistrict transfer policy is an ineffective long-term solution to addressing its problem of declining enrollment. The Grand Jury recommended the District should consider modifying its policy at the earliest practicable to be less restrictive. The Auburn Union School District annually reviews their Interdistrict policy to evaluate its effectiveness for the District and for families within the District. Following the Grand Jury's direction in response to its recommendation the Auburn Union School Board Interdistrict Policy requires further analysis and will be reviewed in September 2006.

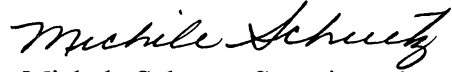
It is the desire of the Auburn Union School District's Board of Trustees to have an

Interdistrict Policy that supports the families and the District. We will continue to have a working relationship with our neighboring districts to best support students and families.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lynn Hargrove".

Lynn Hargrove, AUSD Board President
Shana Mc Donald, Clerk
Sandy Amara, Trustee
Linda Beasley, Trustee
David Bischel, Trustee

A handwritten signature in cursive script, appearing to read "Michele Schuetz".

Michele Schuetz, Superintendent

Rocklin Unified School District

2615 Sierra Meadows Drive • Rocklin, CA 95677
Phone • (916) 624-2428 Fax • (916) 624-7246

RECEIVED

AUG 08 2006



Paul J. Carras, Deputy Superintendent
Barbara Patterson, Associate Superintendent

Kevin Brown, Superintendent

David Pope, Assistant Superintendent
Larry Stark, Assistant Superintendent

RECEIVED

JUL 17 2006

PLACER COUNTY
SUPERIOR COURT

July 11, 2006

FILED
PLACER COUNTY
SUPERIOR COURT OF CALIFORNIA

JUL 25 2006

JOHN MENDES
EXECUTIVE OFFICER & CLERK

The Honorable Frances Kearney
Presiding Judge of the Superior Court
County of Placer
11546 B Avenue
Auburn, CA 95603

By *[Signature]* Deputy
For the CEO
DONALD E. SCHELL A/CEO

RECEIVED

JUL 17 2006

PLACER COUNTY
SUPERIOR COURT

Your Honor:

I am responding on behalf of the Rocklin Unified School District (District) Board of Trustees to the Grand Jury's recommendation Item #1. The recommendation states that the "school district should consider, as its priorities permit, assisting the Rocklin Academy in reaching its goal of offering a K-8 Core Knowledge Sequence Curriculum in a single location."

The Board of Trustees and staff have worked diligently over the past 18 months with the Rocklin Academy (RA) to provide them with a site to accomplish their goal. We have done likewise with the Maria Montessori Charter Academy resulting in their award of over \$5 million to build their own campus. These services have also been offered to the RA.

Outlined below is a summary of several proposals and discussions that are under study by both the District and RA. The first two specifically address the recommendation of the Grand Jury.

District's Proposal to the RA:

1. The District would assist RA in identifying funding, selecting land, and constructing their own school. In addition, the District would make a contribution toward the cost of building this facility as well as guide RA through all state applications, building requirements, EIR's, etc.
2. The District would work with the RA to create its own school on land owned by the District, located across from Rocklin High School, and referred to as the Rocklin High Annex. The District offered to have its architects design a layout that would meet the needs of a K-8 school and also provide some funding along with the RA financing to create this school.

3. The District offered additional space at Parker Whitney to house RA's growth for next year. In addition, the District made a second offer to house all K-3 students at Ruhkala and all 4-6 students at Parker Whitney. The District also offered to lease facilities for the non-Rocklin students.

RA's Proposal to the District:

1. Bring relocatables onto the Ruhkala campus allowing the RA to expand to 420 students. (The campus is designed for 650 students and Ruhkala is expected to grow to 400 students. Adding 420 RA students would bring total enrollment on this campus to 820 students. The infrastructure and safety of students would not support a campus of this size.)
2. Change the Ruhkala attendance boundary sending affected district students to Rock Creek and/or Twin Oaks. (The District's position has been that these students have a right to stay at their neighborhood school and should not be redirected.)
3. Review all elementary attendance boundaries and redefine them in such a way that one elementary school would be vacated and become available for the RA to house its K-8 program. (The schools suggested were Rocklin Elementary or Parker Whitney. This would require the District to eliminate a neighborhood school and disrupt every attendance boundary in the District.)
4. Move Victory High School students off their campus into the Rocklin High School Annex relocatables located across the street from Rocklin High School. (This would allow the RA to take over Victory High School and house their K-8 program.)

We are continuing our joint effort to assist Rocklin Academy in reaching its ultimate goal. Under current law there is no obligation to provide a single K-8 site location. However, it is the intent of both parties to find a mutual solution which meets the needs, resources, and educational priorities of both school districts.

Sincerely,



Kevin Brown
Superintendent

KB:ch

cc: Board of Trustees
Barbara Patterson
Larry Stark