

Responses to
The 2012-2013
Yuba County Grand Jury
Final Report

Responses to Jail Inspection



Yuba County Sheriff's Department
Steven L. Durfor, Sheriff-Coroner

215 5th Street, Suite 150, Marysville, CA 95901
Ph: 530-749-7777 • Fax: 530-741-6445



July 8, 2013

The Honorable Stephen W. Berrier
Yuba County Superior Court
215 5th Street, Suite 200
Marysville, CA 95901



RE: Response to 2012/2013 Grand Jury Findings and Recommendations

Dear Judge Berrier:

This letter, provided pursuant to California Penal Code Section 933, is the Yuba County Sheriff's Department's response to the 2012/2013 Grand Jury Final Report – Findings and Recommendations concerning the investigation into the Yuba County Jail.

We would like to express our thanks to the 2012/2013 Yuba County Grand Jury for their dedication and professional approach to their duties. It was a pleasure meeting with them and discussing our operations. We want to recognize and applaud the fact that the panel made a point of highlighting the good work done by the men and women of the Sheriff's Department, particularly those assigned to the Jail Division. Please accept the following response to the 2012/2013 Grand Jury Findings and Recommendations:

YUBA COUNTY JAIL

Recommendation 1: *The Yuba County Grand Jury recommends that the Sheriff Department Jail Division continue its policy of communications and cooperation with aligned agencies.*

Response to Recommendation 1: We take pride in our transparency and willingness to work with others, hence we are pleased to report that this recommendation continues to be implemented.

Conclusion

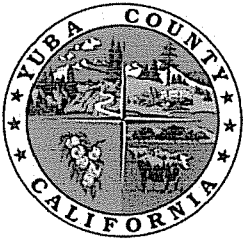
I would like to extend my thanks to the 2012/2013 Yuba County Grand Jury for their service and for the opportunity to respond to the findings and recommendations. I look forward to working with the 2013/2014 Grand Jury. If you have any questions, please feel free to contact me at 749-7779.

Sincerely,

Steven L. Durfor
Sheriff-Coroner

cc: Yuba County Board of Supervisors

Responses to
Juvenile Hall Inspection



**YUBA - SUTTER JUVENILE HALL
MAXINE SINGER YOUTH GUIDANCE CENTER
MEMORANDUM**



7-30-13
FILED
YUBA COUNTY SUPERIOR COURT
H/STEPHEN KONISHI
SUPERIOR COURT CLERK
BY [Signature]
Court Clerk

July 12, 2013

The Honorable Stephen W. Berrier
Yuba County Superior Court
215 5th Street, Suite 200
Marysville, CA 95901

RE: Response to 2012-2013 Grand Jury Findings and Recommendations

Dear Judge Berrier;

This letter, provided pursuant to California Penal Code Section 933, is the Yuba County Probation Department's response to 2012/2013 Grand Jury Final Report – Findings and Recommendations concerning the annual investigation into the operation of the Bi-County Juvenile Hall.

Please accept the following response to the 2012/2013 Grand Jury Findings and Recommendations:

Finding 1

The staff of Yuba-Sutter Juvenile Hall consists of dedicated professionals who provide excellent services with limited resources.

We agree with this finding.

Finding 2

The Yuba-Sutter Juvenile Hall offers supportive programs for confined youths.

We agree with this finding.

Facility staff members make every effort to help the youth improve themselves and make better decisions in life.

Finding 3

The Yuba-Sutter Juvenile Hall is well cared for yet the facilities gradually deteriorating due to inadequate funding for maintenance.

We agree with this finding.

The condition of the facility is reasonable given the year of construction; however, signs of deferred maintenance are becoming more apparent and will require attention in the near future.

Finding 4

The video surveillance systems are in poor condition and in need of an upgrade.

We agree with this finding.

An ongoing effort to research funding sources is in place. An upgrade to the video surveillance system in the juvenile facilities will be undertaken when funding is obtained.

Finding 5

Staffing in the Juvenile complex is only minimally adequate.

We agree with this finding.

Current staffing levels make it increasingly difficult to provide program and rehabilitative services.

Recommendation 1

Additional funding be made available for security systems upgrades.

Cost requirements for the project continue to be examined. Once final costs are determined, should alternate funding sources continue to be absent, Chief Arnold will present a request to the Board of Supervisors seeking any available funding for the expense.

Recommendation 2

Additional funds be made available for facilities maintenance.

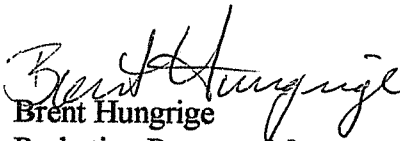
While funding is a determining factor in prioritizing maintenance issues, the totality of repairs and replacement costs of equipment that support the infrastructural operations of the maximum security detention facility are substantial. The possibility of obtaining state funding to support new construction is currently being reviewed.

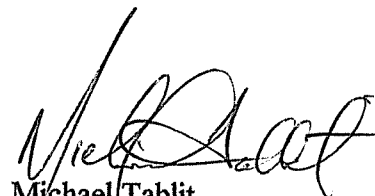
Recommendation 3

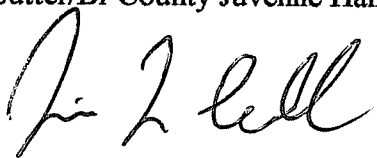
Additional funds be made available for additional staffing.

Increasing the staff allocation would benefit the quality of programming offered to the residents of the facilities. Additionally, it would alleviate current logistical problems that are encountered during various aspects of daily operations. In light of the current economic climate, funding for additional staffing is unlikely. Once the county coffers regain fiscal sustainability, increasing staffing allocations will be of the highest priority.

Respectfully Submitted,


Brent Hungrige
Probation Program Manager
Yuba-Sutter/Bi-County Juvenile Hall


Michael Tablit
Probation Program Manager
Maxine Singer Youth Guidance Center


James L. Arnold
Yuba County Chief Probation Officer

Responses to
Foothill Intermediate
School

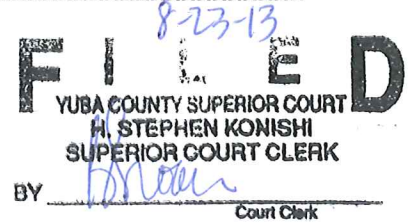


Marysville Joint Unified School District

Gay Todd, Ed.D. - Superintendent

1919 B Street • Marysville, CA • 95901 • (530) 749-6102 • FAX (530) 741-7894

August 22, 2013



The Honorable Stephen M. Berrier
Grand Jury Presiding Judge
Yuba County Superior Court
215 Fifth Street, Suite 200
Marysville, CA 95901

RE: Response by the Superintendent and on Behalf of the Marysville Joint Unified School District's Assistant Superintendent, Business Services, to the Final Report of the Yuba County Grand Jury 2012-13, Pages 15 - 23

The Honorable Stephen M. Berrier:

Pursuant to California Penal Code sections 933 and 933.05, on behalf of the Marysville Joint Unified School District ("District") and District's Assistant Superintendent, Business Services (collectively, the "Respondents"), I hereby submit the required formal response to the 2012-13 Grand Jury Final Report ("Report") on Foothill Intermediate School ("Foothill").

INTRODUCTION

Foothill is home to 10 of the District's 434 plus teachers, and approximately 194 of the District's 9,364 students. At Foothill, there is an expressed focus on the health, wellbeing, and safety of all students. Foothill's Safe School Plan is an important component in maximizing student achievement by creating a safe and secure environment for Foothill students. Student safety is a top priority.

Foothill frequently holds assemblies to ensure every student is clear on the school's expectations for ensuring a safe environment. A no-tolerance position is strictly enforced for drugs, weapons, and fighting. In addition, students and staff regularly practice emergency drills for a variety of situations including fire, earthquake, and on-campus intruders. After these drills, staff and administration debrief to ensure continuous improvement and effectiveness. Foothill administration has formed a strong partnership with local law enforcement to help ensure safety for all students and staff. Mutual respect, appropriate behaviors, and positive relationships are modeled at Foothill in an effort to ensure student safety.

The District, on behalf of Foothill, is pleased to accept the various commendations noted by the Grand Jury throughout its report. Those are indicative of the Foothill administration, staff, parents, students, and community's commitment to student safety, success, and achievement. While the District may not agree with or implement all of the Grand Jury's findings and recommendations, the District appreciates the Grand Jury's effort to assess and critique the complex and nuanced areas of public school safety, facility construction, and maintenance.

REQUIRED RESPONSES TO FINDINGS

A. Finding 1: "The Grand Jury finds that the administration and staff of Foothill Intermediate School have done a commendable job keeping up high academic standards in an outdated environment."

Response to Finding 1: Disagree in part.

The District agrees with the Grand Jury that the administration and staff at Foothill have done a tremendous job. The tradition of Foothill spans more than four decades. Its doors opened approximately 38 years ago in 1975. It is the second newest school in the District. Edgewater Elementary, which opened in 2009, is the newest. Since its inception, the District has judiciously and prudently updated and maintained the Foothill campus. By way of illustration, as acknowledged by the Grand Jury in Finding 3 below, in the last two years, Foothill has updated its computer/mathematics laboratory, parent conference room, and teacher work room, among other things. The District disagrees that the environment of Foothill is outdated.

B. Finding 2: "The Grand Jury finds that even though a new school may be built at least five years into the future, the current site needs upgrades for safety and security."

Response to Finding 2: Disagree in part.

The District does not disagree that a new school may be built five years from now. The District disagrees with the overly general and vague statement that "the current site needs upgrades for safety and security." The District disagrees with this statement because it cannot determine what upgrades the Grand Jury is referencing when it refers so broadly to "upgrades for safety and security."

To the extent that the Grand Jury is referring to the Foothill security cameras, the District recognizes that they are ready for an upgrade. In fact, on or about May 24, 2013, the District submitted a facilities technology project to the Division of the State Architect ("DSA") to upgrade the Foothill security cameras, among other things. This project is currently pending approval with the DSA. Its application number is 02-113032, and its status can be tracked online at the DSA website.¹

C. Finding 3: "The Grand Jury finds that the current half-time principal has facilitated positive changes to the school facilities by the addition of a new well, computer/mathematics laboratory, parent conference room, and teacher work room."

Response to Finding 3: Agree.

The District agrees and commends the Principal, staff, and community at Foothill. Yet, the District notes that the Principal of Foothill is not "halftime." As a general matter, the Principal spends two-thirds of the time at Foothill while maintaining flexibility to adjust her schedule to spend more time as necessary depending on the needs of the school site.

D. Finding 4: "The Grand Jury finds that the current half-time principal has improved the school environment by aggressively addressing disciplinary issues; however, it is difficult to meet the needs of intermediate students with a half-time administrator. All other intermediate and high schools in the district have full-time principals as well as other student support.

Response to Finding 4: Disagree in part.

The District agrees that the current Principal of Foothill has improved the school environment in a number of ways, including addressing disciplinary issues.

The District disagrees with the finding that "it is difficult to meet the needs of the intermediate students with a half-time administrator." As stated in response to Finding 3 above, the Principal of Foothill is more than "halftime." Further, as stated, the Principal maintains scheduling flexibility to meet the needs of the school site on any given day. Additionally, there is a "Teacher-in-Charge" that assumes the administrative duties when the Principal is off campus. This practice is in place at all of the District's school sites. Also, the School Secretary keeps the Principal abreast of events as-they-happen at the site. If the Principal is needed at Foothill, the Principal is less than three quarters of a mile down the road at Loma Rica Elementary.² The District's Coordinator of Student Discipline is also readily available to provide assistance or direction on a student, staff, or parent matter if the Principal is unavailable.

Moreover, while Foothill is the only intermediate school site with a less-than-fulltime Principal, there are four other school sites with the same administrative framework as Foothill: (1) Cordua Elementary, (2) Browns Valley Elementary, (3) Dobbins Elementary, and (4) Yuba Feather Elementary. Therefore, the District disagrees because there is simply no factual basis to support the Grand Jury's finding that "it is difficult to meet student needs with a halftime administrator."

E. Finding 5: "The Grand Jury finds that the east side of the playground adjacent to the olive grove poses a risk of potential intruders entering the campus grounds or students going into the grove without supervision."

Response to Finding 5: Disagree.

The District is not aware of any incident or threat where an intruder has entered or a student has exited the east side of the playground through the olive grove. The Grand Jury Report provides no evidence or observation to the contrary. Again, the District disagrees because there is simply no factual basis to support this finding.

F. Finding 6: "The Grand Jury finds administration staff has been reduced since the 2010/2011 school year. Previously, there was a full-time principal and part-time counselor."

Response to Finding 6: Agree.

For the 2010-11 school year, Foothill was staffed with a full-time Principal. For the 2012-13 school year, the enrollment was lowered at Foothill because Cordua Elementary and Browns Valley Elementary expanded their respective school sites to include sixth grade students. In 2010-11 there were 254 students attending Foothill and one fulltime Principal. In 2012-13 there were 198 students and a two-thirds Principal.

¹ <https://www.apps.dgs.ca.gov/tracker/ApplicationSummary.aspx?OriginId=02&AppId=113032>

² Loma Rica and Foothill are 0.62 miles apart. Loma Rica Elementary, 5150 Fruitland Rd; Foothill, 5351 Fruitland Rd, Marysville, CA 95901.

REQUIRED RESPONSES TO RECOMMENDATIONS

A. **Recommendation 1:** "The Grand Jury recommends that the security cameras be repaired and a policy governing the districtwide use and placement of security cameras be established and implemented."

Response to Recommendation 1: Already implemented in part; will not implement in part because it is unreasonable or unwarranted at the present time.

As set forth in response to Finding 2 above, on or about May 24, 2013, the District submitted a facilities technology project to the Division of the State Architect ("DSA") to upgrade security cameras on the Foothill campus, among other things. This project is currently pending with the DSA awaiting approval. Its application number is 02-113032, and its status can be tracked online at the DSA website. Foothill's current analog security cameras have reached a point in their useful life where repair is not feasible at a reasonable cost. The above-referenced project, once approved, will upgrade Foothill's security camera system to a new digital system and will replace the non-functioning analog security cameras with new digital cameras.

Regarding the recommendation that the District implement a policy for districtwide use and placement of security cameras, there are no funds allocated to implementing such a large project. The District currently maintains 22 school sites and myriad other District properties. The total cost to implement security cameras districtwide would be enormous and is prohibitive. Further, to the District's knowledge, there is no current information or evidence to support the Grand Jury's assertion that it is necessary for the District to implement security cameras districtwide. The District continually assesses the safety and security of all of its properties and facilities. To the extent additional security measures are necessary, the District takes action to implement appropriate measures. In fact, in December 2012 the District undertook a comprehensive review of its school safety measures and emergency preparedness. That review reinforced that all District schools, including but not limited to Foothill, are safe.

B. **Recommendation 2:** "The Grand Jury recommends that a fence be erected on the east side of the campus next to the olive orchard to reduce the potential of intruders entering the grounds or students exiting the grounds."

Response to Recommendation 2: Will not implement because it is unreasonable or unwarranted at the present time.

No incidents of either concern mentioned by the Grand Jury (i.e., intruders entering or students exiting campus) have been observed or reported. Accordingly, the District finds the Grand Jury's recommendation to be unwarranted. Further, the cost of a new fence is unreasonable without any evidence to justify the need for such an expenditure.

C. **Recommendation 3:** "The Grand Jury recommends the halls be widened on the sixth grade side of the building to allow for safe passage in case of an emergency."

Response to Recommendation 3: Will not implement because it is unreasonable or unwarranted at the present time.

Regarding hallway width, the California State Building Code, provides:

Every corridor and hallway serving an occupant load of 10 or more shall not be less than 44 inches (1118 mm) in width. Corridors and hallways serving an occupant load of less than 10 shall not be less than 36 inches (914 mm) in width.

(Cal. Code Regs., tit. 24, § 1133B.3.1.)

Building Code compliance may not necessarily be required for hallways and corridors in existing school facilities. Nevertheless, Foothill's hallway is 51 inches wide and clearly in compliance with the State Building Code.

Further, Foothill regularly conducts emergency drills. As part of these drills, the students and staff are required to use emergency exit routes to exit the facility in a simulated emergency and regroup on the ball field in the northwest quadrant of campus. No issues or incidents have been reported concerning the width of any Foothill hallways. Accordingly, neither the law nor the institutional experiences of the District and Foothill indicate that the hallway at Foothill needs to be widened. The District finds the Grand Jury's recommendation to be unwarranted. Further, the cost of widening the hallway is unreasonable without any evidence to justify the need for such an expenditure.

D. Recommendation 4: "The Grand Jury recommends that an emergency exit door be installed in the classroom at the end of the sixth grade hallway."

Response to Recommendation 4: Will not implement because it is unreasonable or unwarranted at the present time.

As set forth in response to Recommendation 3, the emergency exit routes at Foothill are regularly tested and no actual problems have been reported with exiting the sixth grade hallway. The District finds the Grand Jury's recommendation to be unwarranted. The cost of making such a significant structural change to an exterior wall is unreasonable without any evidence to justify the need for such an expenditure.

E. Recommendation 5: "The Grand Jury recommends that all classrooms have doors that can be locked in accordance with established school safety plans found in the Comprehensive Safe School Plan Template as required by the California Education code, section 32282."

Response to Recommendation 5: Will not implement because it is unreasonable or unwarranted at the present time.

Foothill was designed as a facility that promotes team-teaching. As a result, there are blocks of classrooms with an open concept floor plan necessary to the team-teaching approach. These classrooms were built without interior doors for a purpose. Yet, the safety of the facility is not compromised. All exterior doors lock. No instances of breaches in safety or security at Foothill have been reported due to the lack of a locking mechanism.

Further, current school construction law does not require all doors to lock. Specifically, Education Code section 17075.50 requires only that new school construction after 2011 have doors that lock from the inside for all classrooms or other rooms with an occupancy of five or more. Foothill was constructed prior to 2011 and is not bound by Section 17075.50. Moreover, Foothill's School Safety Plan, developed pursuant to Section 32282, simply does not recommend or require what the Grand Jury suggests in this recommendation.

Accordingly, neither the law nor the institutional experiences or plans of the District and Foothill indicate that the doors or locking mechanisms at Foothill require modification or compromise safety. The District finds the Grand Jury's recommendation to be unwarranted. Further, the cost of installing new doors and locks would easily range in the tens of thousands of dollars likely from \$40,000 to \$70,000. Such a large expenditure is unreasonable without any evidence or legal requirement to justify the need for such an expenditure.

F. Recommendation 6: "The Grand Jury recommends that sound damping panels be installed to reduce ambient noises that affect student learning in classrooms."

Response to Recommendation 6: Will not implement because it is unreasonable or unwarranted at the present time.

The Grand Jury's recommendation suggests that learning at Foothill has been affected by ambient noise in the classrooms. However, the facts and numbers simply do not bear out this finding. For the last three reported school years (i.e., 2009-10 through 2011-12), the Standardized Testing and Reporting ("STAR") scores for Foothill students have been tremendous. I am proud to report that for each of the last three reported school years, in each and every subject area, Foothill students far surpassed the state and District averages for students scoring proficient or advanced. Similarly, I am also proud to report that for the 2011-12 school year Foothill's Academic Performance Index increased by 32 points and ranks within the top 40 percent of schools statewide.

The numbers reflect the commitment from administration, staff, parents, students, and the community to student safety, success, and achievement at Foothill. Further, this empirical data simply does not support the Grand Jury's theory that student learning at Foothill has been affected by ambient noises. The District finds the Grand Jury's recommendation to be unwarranted.

G. Recommendation 7: "The Grand Jury recommends the purchasing of new cafeteria tables to replace the unsafe and hazardous tables currently in use."

Response to Recommendation 7: Already implemented.

In or about April 2013, per standard protocol, the District inventoried the seating and dining equipment in the Foothill cafeteria. The District found no problems with any of the cafeteria tables; however, several seats at the tables had been broken or damaged. The District promptly ordered and installed new seats to replace the broken or damaged seats. Entirely new tables, as recommended by the Grand Jury, are simply not warranted since the tables and majority of seats are in good condition. Nevertheless, the concerns expressed by the Grand Jury have been resolved by the replacement of the broken or damaged seats.

H. Recommendation 8: "The Grand Jury recommends that a full-time administrator be assigned."

Response to Recommendation 8: Will not implement because it is unreasonable or unwarranted at the present time.

As discussed in response to Recommendation 6, the students at Foothill are thriving. The Grand Jury notes in its report, more than once, that the Foothill Principal is doing a marvelous job with student discipline. Moreover, as discussed in response to Finding 4, the Principal maintains scheduling flexibility to meet the needs of the school site on any given day. When the Principal is not physically present at Foothill, she is at most .62 miles away and can return to Foothill urgently if needed. At all times during the school day, either the Principal is at the school site or the Teacher-in-Charge is the Acting Administrator. There is no time when Foothill is without an administrator during the school day. The District finds that the Grand Jury's recommendation that the District assign one full-time administrator to Foothill is unwarranted or alternatively has already been implemented.

I. Recommendation 9: "The Grand Jury recommends that the district place increased emphasis on the search for a suitable location for a new school."

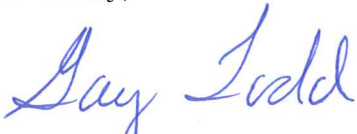
Response to Recommendation 9: Will not implement because it is unreasonable or unwarranted at the present time.

The District is unclear what the Grand Jury is recommending. What is "increased emphasis"? The District is currently devoting prudent resources to negotiating for and securing a suitable location for a new school. Real estate acquisition is a fickle and complex process. When the right property is identified for the right value, the District will make every effort to acquire it. The District will not compromise its position in negotiations or its suitability requirements, nor will it spend outside its means. The District is hopeful that this process will be completed sooner rather than later. On the other hand, the District is confident that due diligence will be conducted and valuable property will be acquired. The District finds that the Grand Jury's recommendation is unwarranted or alternatively has already been implemented.

CONCLUSION

I appreciate that the Grand Jury for taking the time to review and observe Foothill Intermediate School. I thank you for your findings and recommendations. The District, administration, staff, parents, students, and community will strive to continue to provide exemplary education to the students of Foothill.

Sincerely,



Dr. Gay Todd
Superintendent

c: Board of Trustees, Marysville Joint Unified School District
Assistant Superintendent, Business Services

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Responses to
Marysville Joint Unified
School District Security
and Safety

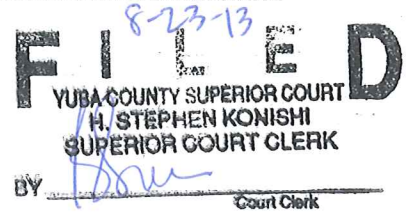


Marysville Joint Unified School District

Gay Todd, Ed.D. - Superintendent

1919 B Street • Marysville, CA • 95901 • (530) 749-6102 • FAX (530) 741-7894

August 22, 2013



The Honorable Stephen M. Berrier
Grand Jury Presiding Judge
Yuba County Superior Court
215 Fifth Street, Suite 200
Marysville, CA 95901

RE: Response by the Superintendent of the Marysville Joint Unified School District to the Final Report of the Yuba County Grand Jury 2012-13, Pages 25 - 30

The Honorable Stephen M. Berrier:

Pursuant to California Penal Code sections 933 and 933.05, on behalf of the Marysville Joint Unified School District ("District"), I hereby submit the required formal response to the 2012-13 Grand Jury Final Report ("Report") on "Marysville Joint Unified School District Security and Safety."

INTRODUCTION

On May 1, 1992, a former student walked onto the campus of Lindhurst High School carrying firearms and ammunition. He killed 4 people, wounded 10 more people, and held more than 80 students hostage for more than 8 hours. Two decades later, that incident still resonates with District stakeholders who are responsible for drafting, reviewing, and approving school safety measures. While the District has always focused on student safety, that incident heightened everyone's awareness. The District is extremely focused on campus safety and security. As explained herein, this focus is clearly reflected in District policy and practice.

A fundamental tenant of the District's educational philosophy is that "[a] safe, nurturing environment is necessary for learning." (Board Policy 0100. Philosophy.) The District's number one goal is to "maintain safe and orderly campuses which promote learning." (Board Policy 0200. Goals.) The District's Board of Trustees has stated in no uncertain terms that:

Students and staff have the right to a safe and secure campus where they are free from physical and psychological harm. The Board is fully committed to maximizing school safety and to creating a positive learning environment that teaches strategies for violence prevention and emphasizes high expectations for student conduct, responsible behavior, and respect for others.

(Board Policy and Administrative Regulation 0450. Comprehensive Safety Plan.)

In accordance with Board Policy 0450, each school site annually reviews and revises its School Safety Plan in conjunction with the School Site Council. This necessarily involves detailed review and input from local stakeholders including District and site administration, teachers,

classified staff members, parents, community members, and local law enforcement, all of whom have intimate institutional knowledge of the particular school site and local safety risks and concerns. These stakeholders walk and work their respective school site grounds and local community every day of every school year.

To ensure the compliance and effectiveness of the individual School Safety Plans, the District's Board of Trustees annually reviews and approves each and every plan at a properly noticed meeting. With that in mind, the District provides the following required responses to the Grand Jury's Findings and Recommendations concerning safety and security at five (5) District schools, including Lindhurst High School ("Lindhurst High"), Marysville High School ("Marysville High"), Yuba Gardens Intermediate School ("Yuba Gardens"), Anna L. McKenney Intermediate School ("McKenney"), and Foothill Intermediate School ("Foothill").

REQUIRED RESPONSES TO FINDINGS

A. **Finding 1:** "The Yuba County Grand Jury finds that according to the California Healthy Kids survey of 2011, a majority of students have a positive and rewarding experience with their teachers during school activities at Lindhurst High School and McKenney Intermediate School."

Response to Finding 1: Agree.

B. **Finding 2:** "The Yuba County Grand Jury finds that for the 3,592 students enrolled this current school year, at the schools visited, there are 33 administrative/support staff, excluding teachers. This gives a ratio of approximately 109 students per administrative staff. At Foothill Intermediate there is only a half-time principal for 210 students."

Response to Finding 2: Disagree.

The District disagrees with the Grand Jury's Finding that for the 2012-13 school year, there were 3,592 students enrolled in McKenney, Foothill, Lindhurst High, Marysville High, and Yuba Gardens. In fact, the total students enrolled in these schools were 3,149. The following chart sets forth the actual student count as of June 6, 2013:

<u>School Name</u>	<u>Grand Jury Finding on Enrollment</u>	<u>Actual Enrollment</u>
Lindhurst High	1,252	984
Marysville High	936	851
Yuba Gardens	674	640
McKenney	520	480
Foothill	210	194
<u>Totals</u>	3,592 students	3,149 students

Because the Grand Jury's Report misstates the total number of students, the ratio is also incorrect. Concomitantly, the District disagrees with the Grand Jury's ratio determination. Further, it is not clear how the Grand Jury calculated the sum of 33 administrative/support staff. Nevertheless, the District's figures do not match the Grand Jury's figures. The following chart sets forth the actual administrative and support staff count at each school site as of June 6, 2013:

<u>School Name</u>	<u>Prin.</u>	<u>Asst. Prin.</u>	<u>Counselor</u>	<u>PASS</u>	<u>Library</u>	<u>Security</u>	<u>Yard Duty</u>	<u>Supp. Spec.</u>	<u>Total</u>
Lindhurst High	1	2	3	1	1	2.75	0	1	11.75
Marysville High	1	2	2	1	1	2	0	0	9.0
Yuba Gardens	1	1	0	1	1	0	0	2	6
McKenney	1	1	1	1	1	0	2	1	8
Foothill	0.7	0	0	0	0.7	0	0	0	1.4
Total	-	-	-	-	-	-	-	-	36.15

The District also disagrees with the Grand Jury's Finding that the Principal of Foothill is "halftime." As a general matter, the Principal spends two-thirds of the time at Foothill while maintaining flexibility to adjust her schedule to spend more time as necessary depending on the needs of the school site. Additionally, there is a "Teacher-in-Charge" that assumes the administrative duties when the Principal is off campus. Thus, the District disagrees with the Grand Jury's Finding that there is "only a half-time principal" at Foothill.

C. Finding 3: "The Yuba County Grand Jury finds that multiple security and safety plans are in effect for all of the schools visited. These include plans for handling situations from man-made crises to natural disasters."

Response to Finding 3: Agree.

D. Finding 4: "The Yuba County Grand Jury finds that of all the schools visited, physical security measures such as cameras, door locks, and public address (PA) systems are either missing, inadequate, or lacking maintenance. Most of the doors observed could not be locked from the inside, a serious deficiency in emergencies. Some classrooms are missing doors altogether."

Response to Finding 4: Disagree in part.

The District disagrees with the Grand Jury's Finding that "at all schools visited, physical security measures...are either missing, inadequate, or lacking maintenance." To begin, the Grand Jury's Report simply does not provide facts to support this Finding. For instance, regarding Yuba Gardens, the Report describes absolutely no deficiencies in physical security measures. Further, regarding Lindhurst High, the Report notes only 1 inoperable security camera out of 114 security cameras identified on campus. It is a far stretch to say that one inoperable camera somehow renders the site's physical security measures as missing, inadequate, or lacking maintenance.

Regarding Foothill, Marysville High, and McKenney, the District acknowledges that several identified security cameras are inoperable or in need of repair. To that end, the District submitted an application for a facilities technology project to the Division of the State Architect ("DSA") for approval. That project includes plans for replacing the inoperable security cameras at these sites, among other things. Its application number is 02-113032, and its status can be tracked online at the DSA website.

The District disagrees with the Grand Jury's Finding that doors that cannot be locked from the inside create a "a serious deficiency in emergencies." A number of school emergencies (e.g., fire) require that students and staff exit the building. In these situations, interior locks are immaterial, and in fact could be a safety hazard. For other emergencies, such as a campus lockdown, all buildings have exterior doors that contain operable and suitable locking mechanisms to protect the interior classrooms from an intruder.

The District also disagrees with the Grand Jury's assertion that any classroom is "missing" a door. A number of classrooms at Foothill and Lindhurst High in particular were designed with an open floor plan to facilitate team-teaching and were intentionally constructed without doors. All classrooms that are intended to have doors do have doors. Those that do not have doors were intentionally constructed that way. No doors are "missing."

The last physical security measure noted by the Report is the public address ("PA") system at McKenney. Since the construction of the new gymnasium, the PA system at McKenney has experienced technical problems which affect its reliability. During the 2012-13 school year, the PA system worked intermittently. Currently, District staff are working to fix the problems with the PA system at McKenney.

E. Finding 5: "The Yuba County Grand Jury finds that there is no comprehensive district-wide policy governing the use and placement of security cameras."

Response to Finding 5: Disagree in part.

The District agrees with this Finding to the extent that it finds that the District has not implemented security cameras at every District property and school site districtwide.

The District notes, however, that with regard to the security cameras in existence, the District's longstanding policy is to comply with state and federal laws, rules, and regulations applicable to security cameras used in public locations, employment settings, and school settings (e.g., U.S. Const., 4th Amend.; Family Education Rights and Privacy Act; Ed. Code, §§ 44031, 49061, 49076, 51512; Pen. Code, § 632). Moreover, the District has a districtwide policy on the use and placement of security cameras on school buses. That is Board Policy and Administrative Regulation 5131.1 and can be located online at: <http://www.mjUSD.k12.ca.us/board/policies>.

F. Finding 6: "The Yuba County Grand Jury finds that the administrative staff of MJUSD has failed to respond in a timely manner to known security issues at some of the schools visited."

Response to Finding 6: Wholly disagree.

Without any noted justification, the Report "finds" the District administration has failed to promptly respond to security issues. However, the Report does not provide a single fact to support this statement. The District finds this offensive and an unwarranted abuse of the Grand Jury's reporting obligations and powers. The District strenuously disagrees because there are simply no facts to support this Finding.

REQUIRED RESPONSES TO RECOMMENDATIONS

A. Recommendation 1: "The Yuba County Grand Jury recommends that teachers and staff of MJUSD schools be commended for their diligence, creativity, and dedication to their students in the face of budgetary constraints and financial limitations."

Response to Recommendation 1: Already implemented.

The District commends its teachers and staff for all that they do to make District schools a better place for our students to live, learn, and be happy. The District further commends the administration, parents, students, and community members who are also integral components in making the District's schools exemplary educational institutions.

B. Recommendation 2: "The Yuba County Grand Jury recommends that a districtwide policy governing the use and placement of security cameras and other recording devices be

drawn and adopted and the security camera systems in all of the schools be installed, repaired and/or modernized. This policy should include district procedures covering student and educator privacy rights, as well as the storage and use of recorded information. The formation of the policy should include input from site administrators, staff, and law enforcement, as per needs of individual schools.”

Response to Recommendation 2: Already implemented in part; will not implement in part because it is unreasonable or unwarranted at the present time.

Regarding the recommendation that the District implement a policy for districtwide use and placement of security cameras, the District currently maintains 22 school sites and numerous other District properties. The total cost to implement security cameras districtwide would be enormous and is prohibitive. Further, to the District’s knowledge, there is no current information or evidence to support the Grand Jury’s assertion that it is necessary for the District to implement security cameras districtwide. The District continually assesses the safety and security of all its school sites, properties, and facilities. Furthermore, safety and security assessments at each school site include input from local stakeholders including District and site administration, teachers, classified staff members, parents, community members, and local law enforcement.

To the extent additional security measures are necessary, the District takes action to implement appropriate measures. In fact, in December 2012, the District undertook a comprehensive review of its school safety measures and emergency preparedness. That review reinforced that all District schools have appropriate safety and security measures in place. Accordingly, the District finds that a districtwide policy for the use and placement of security cameras is unwarranted and fiscally unreasonable.

Moreover, as set forth in response to Finding 5 above, the District’s current policy on the use and placement of security cameras is to comply with state and federal laws, rules, and regulations applicable to security cameras in public locations, employment settings, and school settings, including but not limited to the Fourth Amendment to the United States Constitution; Family Education Rights and Privacy Act; Education Code sections 44031, 49061, 49076, and 51512; and Penal Code section 632. These laws, and their interpretation by the federal and state courts, set forth student and employee privacy rights, as well as the requirements for retention and use of recorded information. Moreover, the District has a districtwide policy on the use and placement of security cameras on school buses. That is Board Policy and Administrative Regulation 5131.1 and can be located online through the following link: <http://www.mjUSD.k12.ca.us/board/policies>.

Regarding the installation, repair, and/or modernization of security cameras, as set forth in response to Finding 4 above, the District currently has a facilities technology project pending approval with the Division of the State Architect (“DSA”) to install and repair/modernize security cameras on the Marysville High, Yuba Gardens, McKenney, and Foothill campuses, among other things. This project is currently pending with the DSA awaiting approval. Its application number is 02-113032. Its status can be tracked online at the DSA website. (See footnote 1.)

C. ***Recommendation 3:*** “The Yuba County Grand Jury recommends that all classrooms, gymnasiums, cafeterias, and any other rooms where staff and students may assemble have doors that can be locked from the inside and outside. According to the state of California’s emergency plan template, all students must be locked inside a classroom or other secured area during an emergency. Therefore, all school classrooms must have doors per Education Code Section 32280-32288.”

Response to Recommendation 3: Already implemented in part; will not implement in part because it is unreasonable or unwarranted at the present time.

The current School Safety Plans for District schools comply with the requirements set forth in Education Code section 32280 et seq. Notably absent from those Education Code provisions is any requirement that "all students must be locked inside a classroom or other secured area during an emergency." In fact, in myriad emergency situations (e.g., fire) students and staff must assemble outside. Yet, to the extent necessary in an emergency, each school site has at least one location with locking exterior and/or interior doors where all students may be secured during an emergency. Therefore, to the extent that the Grand Jury's recommendation is that the District take reasonable measures to ensure that all students have a safe place to assemble and/or be secured in an emergency, the District and each school site has already implemented School Safety Plans that account for such measures.

To the extent that the Grand Jury is suggesting the District should replace the locks on all classroom doors that do not lock from the inside, the District finds this recommendation to be unreasonable and unwarranted at this time. The cost of installing new locks and doors or both at a single school site would easily range in the tens of thousands of dollars per site, likely from \$40,000 to \$70,000. Moreover, the District is not aware of any instances or facts that evidence such measures are necessary within the District's schools. Such a large expenditure is unreasonable without any evidence or legal requirement to justify the need for such an expenditure.

D. Recommendation 4: "The Yuba County Grand Jury recommends that increased support staff be available so that an equitable ratio of student to administration/support is implemented at Foothill Intermediate School and Marysville High School."

Response to Recommendation 4: Already implemented.

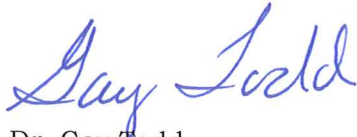
The Grand Jury suggests that administrative staff at school sites should be based entirely on a ratio of student to administrator. Such a ridged and inflexible application of school staffing ignores the diverse nature of the local community needs at each school site, as well as the presence of teachers and other classified employees. On the other hand, the District's current staffing ratios, organizational structure, staff assignments, and administrator placements were developed by seasoned school administrators with in-depth knowledge, training, and experience in educational philosophy, administration, and the local needs particular to this District and each of its school sites.

The District will not implement the recommended approach to school district organization because at worst it will result in inequitable treatment of the District's most needy schools while at best it will result in overextending resources and precious funding at other schools. The District has considered, in detail, the individualized needs of its school sites, their student demographics and population, and community needs in making its school site staffing determinations. To that extent, the District has already implemented an equitable distribution of administrative and support staff at each and every school site in its jurisdiction, including, but not limited to, Foothill and Marysville High.

CONCLUSION

Thank you for your concern. The District will continue to implement its established philosophy and goals to keep all Marysville Joint Unified School District schools operating as a safe and nurturing environment which is necessary for learning.

Sincerely,



Dr. Gay Todd
Superintendent

c: Board of Trustees, Marysville Joint Unified School District

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