

CONFIDENTIALITY STATEMENT



This report is
CONFIDENTIAL
until it is released to the public

Please note that section 933.05 of the California Code specifies that no officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to its public release. The report will be filed with the County Clerk and distributed on or after June 30, 2017.

Henry M. Rivera-Benavidez
Foreperson
Yolo County Grand Jury 2016/2017

RESPONSE REQUIRED

June 19, 2017

Jesse Ortiz, Ed.D.
Yolo County Superintendent of Schools
Yolo County Office of Education
1280 Santa Anita Court
Woodland, CA 95776

RE: *Are Yolo County Schools in Compliance with School Safety Plans?*

The 2016-2017 Yolo County Grand Jury herewith provides the referenced report for review and comments by the Yolo County Superintendent of Schools. The findings in this document report the conclusions reached by the Grand Jury. Although all the findings are based upon evidence, they are the product of the Grand Jury's independent judgment; some findings are the opinion of the Grand Jury rather than indisputable statements of fact.

In accordance with Penal Code Section 933.05(f), a copy of this report is being provided to affected agencies two working days prior to its public release and after being approved by the Advising Judge of the Superior Court. Please note that Section 933.05(f) specifies that no officer, agency, department or governing body of a public agency shall disclose any contents of the report prior to its public release. This report will be filed with the County Clerk and released to the public on June 30, 2017.

According to Penal code Section 933 and 933.05, you are required to respond in writing and in electronic form to the findings and recommendations of the Grand Jury report. By law, an elected official of a public agency must submit a response to the Yolo County Superior Court within 60 days. The written responses should be mailed to Honorable David W. Reed, Superior Court of California, Yolo County, 1000 Main Street, Woodland, CA 95695. The Grand Jury address is PO Box 2142, Woodland CA 95776. The electronic version can be e-mailed as an attachment to the Grand Jury (grand-jury@sbcglobal.net).

Sincerely,



Henry Rivera-Benavidez
Foreperson

Enclosures:

Grand Jury Report section
Response procedure form
California Penal Code §966 and §933.05

ARE YOLO COUNTY SCHOOLS IN COMPLIANCE WITH SCHOOL SAFETY PLANS?

SUMMARY

In the wake of several tragic and highly publicized school violence incidents, school safety and violence prevention are major national concerns. To address the issue of school safety, several states, including California, enacted legislation requiring the prioritization, development, and adoption of school safety and emergency plans. Because of this concern, the Yolo County Grand Jury (YCGJ) posed this question, "*Are Yolo County school districts in compliance with their respective safety plans?*" By means of site inspections and school district personnel interviews, the YCGJ surveyed the five school districts within Yolo County.

Of the five districts surveyed, several observations at various individual school sites raised safety concerns for the YCGJ, including:

- Open access from public parks and streets onto campuses
- Lack of required signage directing visitors to the school office
- Several access gates were unsecured during school hours
- Lack of campus safety training for staff and students
- Site safety plans in place, but not uniformly enforced
- Perimeter fencing lacking at many school sites
- At one observed site, during elementary school recess there were no identifiable adult monitors
- During site surveys, only one YCGJ group was approached by school staff and asked why they were on campus
- Students and staff opened locked doors to allow access to visitors
- District Safety Plan committees excluded input from the Fire Marshal, local law enforcement, Uniform Building Code officials, and the Office of Emergency Services
- The alarm annunciator does not differentiate different types of emergencies, i.e., earthquake, fire, campus intruder, etc.

BACKGROUND

Due to tragic school incidents over the last 20 years, school safety is an increasingly important issue. As a result, the California legislature enacted school safety laws requiring school districts as well as individual school sites to draft and implement comprehensive school safety plans. These plans address both the educational aspects of creating environments that are conducive to learning and the physical aspects of school sites' buildings and grounds. These plans are to be reviewed yearly and must be submitted in updated form in March of each calendar year to the California State Department of Education.

The existing law requires every school district and county office of education in California to be responsible for the overall development of a comprehensive school safety plan for each of their

schools. The existing law requires the comprehensive school safety plan to assess the current status of school crimes committed on school campuses and at school-related functions and to identify appropriate strategies and programs that will provide for or maintain a high level of school safety as specified.

The California Education Code outlines a specific set of guidelines that each district must follow. Additionally, each district school site must have a school site council that includes the principal, credentialed staff, certificated staff, parents, students and interested community members. The school site council is charged with reviewing the site's readiness and preparing a safety plan that encompasses the overall district plan. The plan must also include any aspects particular to the site that are necessary to address site-specific safety issues. Each site must review and revise this plan yearly and submit the site plan to the district so that it can be incorporated into the district's Safety Plan that is ultimately submitted to the State.

Every school district must follow the *California Office of Education Compliance Checklist for a Comprehensive School Safety Plan*, (attached as Appendix 1), California Education Code Sections 32280-32289 (attached as Appendix 2), *California State Board of Education Policy #01-02*, (attached as Appendix 3), Comprehensive School Safety School Self-Monitoring Tool (attached as Appendix 4).

Specifically, California Education Code section 32280 states in part:

- All California public schools must develop a comprehensive school safety plan that addresses the safety concerns identified through a systematic planning process.
- A Safety Plan is a developed plan of strategies that are coordinated with first responders and law enforcement agencies aimed at the prevention of, education about, and response to potential incidents involving natural disasters, crime, and violence on or near a school campus.

California Education Code section 32282 states in pertinent part:

- The comprehensive school safety plan shall include but is not limited to identifying appropriate strategies and programs that will provide or maintain a high level of school safety.

METHODOLOGY

The Grand Jury reviewed California State Education Code guidelines for school safety and visited school sites within each of the five districts. Interviews were conducted with school personnel responsible for school safety within the districts. Such responsibility can include, but is not limited to, the drafting, compiling and submitting the yearly district-wide School Safety Plan to the State as required under the California Interagency School Safety Act of 1985, Article 5, School Safety Plan (Education Code sections 32280-32289). Persons charged with responsibility within each district include the district superintendent, the school safety officer, the student and family support services officer, and other personnel charged with responsibility for school safety.

Grand Jury representatives visited school sites to evaluate and document safety concerns and procedures. The purpose of the visits was to determine the safety procedures in place for unannounced visitors to campus sites. Security varied from district to district. The YCGJ made notations of observations at each site and recorded the findings which are included in this report.

From site observations and interviews, the YCGJ has made recommendations for improvements in the Safety Plan procedures followed by the five districts within Yolo County. The YCGJ site visits as well as input from at least three different district spokespersons demonstrated that securing school sites is an issue that needs attention. Additionally, this issue was noted by the independent outside safety consultants hired by two Districts.

Washington Unified School District

Washington Unified School District (WUSD) contains 10 campuses. The YCGJ's overall impression was that Washington Joint Unified School District's sites offer safe and secure environments with well-established safety guidelines prominently posted on all district locations and is an exemplar. The District has a current District Safety Plan that is in compliance with the Education Code requirements. The Fire Marshal, a Uniform Building Code official, and a County Office of Emergency Services official were included in the District's comprehensive safety planning process. A District administrator is specifically responsible for the Safety Plan, annual Plan updates, staff training that includes the substitute teachers, and regularly scheduled campus safety training updates.

The District utilizes an Emergency Guide that is in the form of an easy-to-use plastic laminated flip chart booklet. All references are clearly tabbed and labeled for specific emergency scenarios and respective responses. The flip-chart guide has removable inserts that can be updated annually without the necessity of reprinting and replacing the entire guide. The guide is prominently placed in every classroom, all administrative offices, the cafeterias and multi-purpose rooms.

Within the District, all school sites must meet safety standards as described in the District Safety Plan and have in place school site-specific standards that address situations that are unique to the site. Each school site has a communication system consisting of an intercom, phones and portable radios.

The District sites visited by the Grand Jury were surrounded by fencing with public access only to the site's front office. Signage containing instructions directing all visitors to report to the office was visible and placed at the main entry point. All gates were secured and locked from the exterior. Panic bars are located on the interior of all gates.

Of the five districts visited, the Washington Unified School District had the largest number of secured school sites, an outstanding working safety plan, and regularly scheduled safety training exercises. This District will be used as the benchmark for this report.

Woodland Joint Unified School District

Woodland Joint Unified School District (WJUSD) contains 14 campuses. The Safety Plan is updated yearly and was last updated on November 30, 2016. The staff receives safety training at the beginning of each school year.

Woodland School District engaged the services of Emergency Preparedness Group, Inc., a New York consulting firm, to evaluate the district's school safety issues and to assist in updating the school safety plan.

Each school site council received a report from the consultants containing recommendations specific to that particular school. Woodland's Safety Plan Coordinator is aware of improvements needed and is open to ideas on improving various campus sites. One step toward improved safety is that during school hours, selected personnel are issued walkie talkies for communication purposes.

Issues noted by the consulting group include the following:

- Improve signage on the campuses, not only for regulation notification but for the purpose of supporting visitors.
- Better secured perimeters of campuses to minimize intruder access and improve supervision.
- Increase campus supervision.
- Treat visitors in a consistent manner throughout the district.
- For safety reasons, District personnel reported that some district schools have already changed the school office location from the middle of the building to the front of the building.

Davis Joint Unified School District

Davis Joint Unified School District (DJUSD) contains 18 campuses. The District has an active Safety Plan that is current and is updated annually. At the beginning of each year, all District personnel receive training on emergency procedures that is conducted by the Director of Student Support Services.

In lieu of formal safety training, substitute teachers are given a folder that contains safety information. In the case of an emergency, substitutes receive back-up from the site administrative office. In addition, substitutes provide their cell numbers to receive information by text message from the administration.

With the exception of one campus, Davis Unified schools display proper signage directing visitors to the office prior to accessing the campus. Only one site approached Grand Jury visitors. During elections when schools are used as polling places, school personnel are posted onsite to ensure that voters don't stray from the designated polling station.

The City of Davis Police Department supports the Davis schools and conducts active shooter training on all DJUSD campuses when students are not present. One Staff Resource Officer (SRO) is assigned to the district by the Davis Police Department and spends most assigned time at the high school.

The district hired an outside safety consultant in 2015. The consultant group emphasized the problem of the campuses' proximity to public bicycle trails and city parks. The consultant's survey raised District awareness to necessary safety changes such as appropriate fencing that limits public accessibility during school hours. The district agrees that modifications are needed concerning public open spaces adjacent to some of its campuses. As of May 2017, the YCJG committee noted that at one site there was progress toward additional fencing to limit access from the public bike path.

Esparto Unified School District

Esparto Unified School District (EUSD) contains four campuses. It has a safety plan that was updated in March 2017. Grand Jury visits to Esparto campuses noted concerns with fencing and open gates.

The District is aware of safety issues. Safety concerns expressed by Esparto District personnel include:

- State Highway 16/Yolo Avenue, which is the main street, does not have easily visible, designated crosswalks marked with proper signs
- Repeated failure by the County to maintain existing crosswalks
- Lack of traffic signals on Highway 16/Yolo Avenue adjacent to the high school
- Increased traffic on Highway 16 and County Road 22, which fronts the driveway to Esparto Middle School
- Increased traffic safety risks resulting from students shopping at the new Dollar Store which fronts Highway 16
- Growing concerns with casino traffic traveling through Esparto
- Some of these drivers may be sleep-deprived or impaired

The District has an emergency plan that is updated annually. This plan, which was maintained in hard copy format for many years and is now also stored digitally, was updated to reflect the most recent changes in language regarding school emergencies. Even though the District conducts personnel safety training every August, the District believes it should focus on more training for newer staff. The district also discussed safety training and determined a need to implement pre- and post-safety training surveys to gain better knowledge about training effectiveness and what improvements can be made.

To limit access to the junior high school, the district would like to install a new, more secure gate at the school's entrance. The playing fields at this site are surrounded by a low (4 foot) fence.

To improve safety, the district installed flashing lights at crosswalks. There are crossing guards who control traffic for the elementary school, but there are no crossing guards posted for the junior high or high schools.

Winters Joint Unified School District

Winters Joint Unified School District (WJUSD) contains four campuses. An updated District Comprehensive Safety Plan does not exist. The last known safety plan was compiled in 2002 and has not been revised since that time. Each school site maintains an individual site safety plan, formulated by the school's Site Council.

The district has been out of compliance with yearly updates to the Comprehensive Safety Plan (California Education Code sections 32280 through 32289) for fifteen years, which could subject the district to monetary fines. The district acknowledges issues surrounding its safety plan and is working toward completing a new comprehensive Safety Plan by the end of the 2018 school year. A Winters Joint Unified School District representative stated that the district has made updating the 2002 District Safety Plan a priority. A district ad hoc safety committee was recently formed to update the 2002 District Comprehensive Safety Plan.

A 2007 joint use agreement between the Yolo County Public Library, a non-school site, allows the use of the library by both the public and the District during school hours. This represents a safety issue for students using the library, since the public is given unfettered access. This situation conflicts with the State's mandate that all visitors to a school facility check in with the office prior to entering a campus. The district noted this issue should be addressed.

FINDINGS

- F1 With the exception of Winters Joint Unified School District, all Districts are in compliance with the yearly update and reporting per the Education Code Requirements for Comprehensive School Safety Plans.
- F2 School Districts regularly conduct safety training for all school employees, usually at the beginning of the school year. Some Districts provide more comprehensive training throughout the school year.
- F3 Washington Unified School District does an exemplary job with its Comprehensive School Safety Plan and execution on all campuses.
- F4 There is a lack of regular and on-going communication among the five Yolo County School Districts regarding School Safety Plan issues that would affect all Districts. Meeting regularly and discussing shared concerns would allow ideas and solutions to be presented.

- F5 Access to many campuses within some districts is not restricted by fencing. Public walkways/bike paths run directly through some of the campuses. Gates at some campuses are not secured during school hours.
- F6 Visitors to campuses are not properly instructed to safety procedures to be followed. Check- in procedures for visitors are often not adequately clarified at some campuses.
- F7 Students are not made aware of the importance of safety plan compliance and their role in assuring a safe school environment.
- F8 Access allowed only to the office area of campuses with all other areas secured within fencing is not provided at many campuses within the districts. Campus offices are not always located at the main entrance to campuses
- F9 Appropriate signage directing visitors to the office areas is lacking at several district campuses.
- F10 Washington Unified School District utilizes an organized emergency procedures flip chart that was designed by the District Safety Committee. The flip chart features easy-to-follow safety directives as well as a format that can be modified without recreating the entire flip chart. Although costly to produce at the outset, the flip chart's versatility represents a dedication to school safety with the added bonus of long term cost savings.
- F11 The use of the Winters Public Library by students and the general public during school hours without established safety procedures at that facility is of concern to the Grand Jury.
- F12 Current use of alternate communication devices, for example walkie talkies, for selected staff improves the safety of all campuses when other forms of communication such as phones, the internet, and intercoms are not functioning.
- F13 The Yolo County Board of Supervisors needs to address and correct traffic safety issues along Yolo Avenue in Esparto for Esparto Joint Unified District students accessing all campuses.

RECOMMENDATIONS

- R1 By December 2018, all schools that do not have perimeter fencing will complete feasibility studies for the installation of appropriate fencing around school property to prevent access to the public. In compliance with California State Building Codes, gate hardware should have locked access from the entry side and unlockable (panic hardware) from the exit side.
- R2 By October 1, 2017, all schools will keep existing fencing and gates locked during school hours.

- R3 By October 1, 2017, all schools will limit access to the campus. All visitors will be required to check in at each school's main office; all other areas are to be secured.
- R4 By October 1, 2017, all schools will display permanent signage and entry instructions at all schools that provides instruction to all visitors directing them to report to the main office to obtain a Visitor's Badge or ID prior to entry of the campus.
- R5 By October 1, 2017, when school is in session and children are present, all sites will use identifiable adult monitors where fencing and gates are open and unsecured.
- R6 By October 1, 2017, provide training and increase safety awareness among District personnel and students.
- R7 By October 1, 2017, all Districts will comply with the California Education Code concerning school safety.
- R8 By October 1, 2017, Yolo County Districts should consider networking with each other on a regular basis to discuss and share ideas on the most effective ways to construct, initiate and utilize school safety plans.
- R9 By October 1, 2017, modify, as necessary, the 2007 Memorandum of Understanding for Joint Use with Winters Joint Unified School District and the Yolo County Public Library to address the safety of students using the Winters Public Library during school hours.
- R10 By January 1, 2018, the Yolo County Board of Supervisors will establish procedures to address the Yolo Avenue safety issues confronting Esparto Joint Unified District students.

REQUEST FOR RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requests responses as follows:

From the following elected official:

- Yolo County Superintendent of Schools – F1, F11; R8, R9

From the following governing bodies:

- Yolo County Board of Supervisors – F13; R10
- Yolo County Board of Education – F1, F11; R8, R9
- Board of Education, Davis Joint Unified School District – F1, F2, F4-F10, F12; R1-R8
- Board of Education, Esparto Unified School District – F1, F2, F4-F10, F12; R1-R8
- Board of Education, Washington Unified School District – F1-F10, F12; R1-R8
- Board of Trustees, Winters Joint Unified School District – F1, F2, F4-F12; R1-R9
- Board of Trustees, Woodland Joint Unified School District – F1, F2, F4-F10, F12; R1- R8

From the following individuals:

- District Superintendent, Davis Joint Unified School District – F1, F2, F4-F10, F12; R1-R8
- District Superintendent, Esparto Unified School District – F1, F2, F4-F10, F12; R1-R8
- District Superintendent, Washington Unified School District – F1-F10, F12; R1-R8
- District Superintendent, Winters Joint Unified School District – F1, F2, F4-F12; R1-R9
- District Superintendent, Woodland Joint Unified School District – F1, F2, F4-F10, F12; R1-R8

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to notice, agenda, and open meeting requirements of the Brown Act.

BIBLIOGRAPHY

In preparing this report, the Grand Jury reviewed the following:

- California Education Code
- Yolo County School Districts' Safety Plans
- District Board of Education Minutes pertaining to Safety
- Interviews with school district personnel
- Yolo County School Districts' web-sites
- Prior Yolo County Grand Jury school reports

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.

RESPONSE PROCEDURE

RESPONSE TO GRAND JURY REPORT

The governance of responses to the Grand Jury Final Report is contained in Penal Code §933 and §933.05. Responses must be submitted within 60 or 90 days. Elected officials must respond within sixty (60) days, governing bodies (for example, the Board of Supervisors) must respond within ninety (90) days. Please submit all responses in writing and digital format to the Advising Judge and the Grand Jury Foreperson.

Report Title: _____ Report Date: _____

Response by: _____ Title: _____

FINDINGS

☐ I (we) agree with the findings numbered: _____

☐ I (we) disagree wholly or partially with the findings numbered: _____

RECOMMENDATIONS

☐ Recommendations numbered: _____
have been implemented (attach a summary describing the implemented actions).

☐ Recommendations numbered: _____
require further analysis (attach an explanation of the analysis or study, and the time frame for the matter to be prepared by the officer or director of the agency or department being investigated or reviewed; including the governing body where applicable. The time frame shall not exceed six (6) months from the date of the Grand Jury Report).

☐ Recommendations numbered: _____
will not be implemented because they are not warranted and/or are not reasonable (attach an explanation).

Date: _____ Signed: _____

Total number of pages attached _____

PENAL CODE SECTION 933

CALIFORNIA PENAL CODE, Title 4

§933. (a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report. (b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity. (c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years. (d) As used in this section "agency" includes a department.

§933.05. (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following: (1) The respondent agrees with the finding. (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor. (b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions: (1) The recommendation has been implemented, with a summary regarding the implemented action. (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation. (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report. (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor. (c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decisionmaking authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department. (d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release. (e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental. (f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.