

**STANISLAUS COUNTY CIVIL GRAND JURY
2007-2008**

CASE #08-04

LA GRANGE ELEMENTARY SCHOOL DISTRICT

SUMMARY

A complaint was submitted to the Stanislaus County Grand Jury alleging that the La Grange Elementary School District had submitted fraudulent attendance reports for the collection of funds, misused funds, housed staff and students in unsafe buildings, not complied with Department of Education mandates, and not received appropriate oversight from its Board of Trustees.

The methods of investigation included the following:

- A review of documents from the La Grange School District to appropriate education agencies
- On-site visits to the school
- Personal interviews with the complainants, key school personnel, and Stanislaus County Office of Education (SCOE) personnel
- Information gathered from relevant California state agencies having oversight or jurisdiction in school matters
- Comparison with relevant portions of the California Education Code (EdC).

Through the investigation, a number of specific findings were developed, summarized here.

- The La Grange Elementary School District administration did not fully and properly accomplish the tasks required by law.
- The La Grange Elementary School District Board of Trustees did not exercise the appropriate oversight of District educational, operational, personnel and financial matters.
- Students and staff were housed in classrooms that lacked adequate safety features, including fire alarms and communication systems. Mandated school safety inspections were not requested of the appropriate local fire jurisdiction. Mandated school safety exercises, fire drills, and planning were not carried out or documented.
- There were discrepancies in several mandated reports submitted to SCOE and the California Department of Education (CDE).
- The annual School Accountability Report Card (SARC) was not prepared.
- The District administration leased and sited relocatable classroom buildings without sufficient and appropriate approvals from the Division of the State Architect (DSA) and without mandated inspections during the construction.

INTRODUCTION

Issues

The issues raised in the complaint centered on the following:

- Improper use of school finances, including the inappropriate accounting of students for Average Daily Attendance (ADA), and inappropriate expenditure of grant funds
- Safety of teachers and students
- Lack of fire drills, lack of fire alarms, and lack of fire inspections
- Lack of appropriate school board oversight
- Failure to follow state regulations regarding school construction
- Failure to conduct the business of the School District in accordance with the EdC.

Background

The La Grange School District is an independent elementary school district governed by a three member Board of Trustees. It is classified as a "small school district." The Board of Trustees is ultimately responsible for the operation of district schools, to be conducted in accordance with applicable provisions of the EdC.

The principal/superintendent is one position. For several years, the principal/superintendent was the only classroom teacher, and served as the administrator. In 2005-06, the La Grange School District added the La Grange Charter School to its campus. This resulted in growth from approximately 15 students in two classrooms to approximately 77 students. Owing to this growth, six relocatable, or portable, classrooms were added to the La Grange School site.

In California, Special Education services for students, who are defined as having special needs, can be obtained by contracting with the local county office of education, or by being provided by credentialed onsite personnel. In this school, the principal/superintendent is also the provider of student Special Education services by virtue of a credential.

Justification for the Investigation

With the addition of the Charter School, the La Grange School District required more room for students and teachers. Several relocatable classrooms were leased and sited on the school property "allegedly without mandated approvals and inspections.

The complaint also alleged that school officials did not request most of the mandated periodic safety inspections.

In addition, the complaint alleged that the classrooms and other buildings had neither a properly functioning fire alarm system nor a properly functioning emergency communication system. The complaint further alleged that few fire drills were conducted on the school site.

Sworn testimony alleged that falsified student attendance records were kept and submitted to the SCOE for transmittal to the State Department of Education. Some of these allegedly false attendance figures were based on an improper method of accounting for absent students.

Additional sworn testimony alleged that categorical funds were expended without the appropriate oversight by a Schoolsite Council.

In addition, sworn testimony alleged that neither were Special Education services appropriately provided, nor were all the required Special Education conferences and meetings held. Further, it was alleged that the state-mandated annual School Accountability Report Card (SARC) was not produced.

Appropriate provisions of the EdC govern all of these functions. Relevant, individual citations are shown in the Findings and Recommendations section of this report.

METHODS OF INVESTIGATION

The Stanislaus County Civil Grand Jury examined the allegations posed by using the following methods:

- Requests for pertinent documents from appropriate organizations and individuals with involvement in these matters
- Review of pertinent reports and documents from the La Grange School District including payroll records, students' attendance records, and classroom re-admit slips
- Review of pertinent reports with the SCOE personnel
- Review of pertinent reports with the CDE personnel
- Review of documents provided by witnesses.

Sworn interviews with:

- The complainants
- La Grange School personnel
- La Grange School District administration
- La Grange School District Board of Trustees
- SCOE personnel
- Stanislaus County Special Education Local Plan Area (SELPA) personnel
- Stanislaus County Fire Warden personnel
- Stanislaus County Consolidated Fire Protection District personnel
- Pertinent witnesses to the planning and construction at the La Grange School.

In several instances, documents requested by the Stanislaus County Civil Grand Jury of the La Grange School District were not provided. This resulted in alterations to investigation strategy and extensive time delays in the investigation.

Testimonies of witnesses and personnel with jurisdiction, and the allegations, were compared to appropriate sections of the EdC.

An on-site inspection by grand jury members of the La Grange School buildings and campus was performed in December 2007.

Relevant information was gathered online and through telephone calls from the DSA, SCOE, the California Department of General Services, the State Fire Marshal's Office, and online sources containing the EdC and the Public Contract Code.

FINDINGS and RECOMMENDATIONS

FINDING 1

Relocatable classrooms were placed on the La Grange School site in the absence of Division of the State Architect (DSA) approval.

- a) Plans were not submitted to the DSA nor did DSA approve plans or issue permits for relocatable classrooms to be placed on the La Grange school site, per EdC 17280 and EdC 17350 et seq.
- b) No permits were issued by Stanislaus County, as that responsibility lies with the DSA.
- c) Construction inspections were not performed or reported, per EdC 17311 and EdC 17312.
- d) Final approval was not obtained before these buildings were put into use, per EdC 17315.

RECOMMENDATION 1

The Stanislaus County Civil Grand Jury recommends that:

- a) DSA conduct an immediate inspection of the La Grange School facility to determine compliance with DSA requirements for construction on school sites.
- b) SCOE shall require all school districts to notify SCOE of all construction and to submit copies of DSA construction approval requests.
- c) SCOE shall require any district with no construction to submit an annual written report certifying to no construction.
- d) SCOE withhold funds for any school district construction until the district provides SCOE with evidence of DSA construction approval.
- e) La Grange School District immediately applies to DSA for construction approval for the relocatable classrooms.
- f) La Grange School District immediately requests an inspection from the California State Fire Marshal.
- g) La Grange School District removes students from un-approved buildings until they are approved for student occupancy.

FINDING 2

Relocatable classrooms, without final approval and containing several safety concerns, were occupied by students, for classroom instruction over a multi-year period. EdC 17295, EdC 81133, and EdC 81130, et seq.

- a) Fire inspections were not performed.
- b) There were no fire alarm pulls or telephones for reporting fires or emergencies in these classrooms, per EdC 17077.10
- c) The central fire alarm could not be heard in these classrooms.
- d) Hasps and padlocks were installed on the outside of the only door of a classroom that housed students.

RECOMMENDATION 2

The Stanislaus County Civil Grand Jury recommends that:

- a) The La Grange School District immediately applies to the DSA for construction approval for the relocatable classrooms.
- b) The La Grange School District immediately requests an inspection from the State Fire Marshal.
- c) The La Grange School District removes students from un-approved classrooms until they are approved for student occupancy.

FINDING 3

Safety drills and inspections were not regularly performed, reported, or recorded for several years.

- a) The La Grange School District did not have a policy for conducting fire drills as required by EdC 32001.
- b) Fire drills were not conducted on a regular basis, per EdC 32001.
- c) Mandated inspections by the Fire Marshal were neither requested nor conducted as required. A fire inspection in March 2007 showed no violations observed. A fire inspection in January 2008 revealed many violations. A follow-up fire inspection in February 2008 showed that these had been cleared.
- d) Teachers had neither an adequate nor a reliable way of reporting a fire or emergency without leaving their classes unattended, per EdC 17077.10.
- e) Teachers had neither an adequate nor a reliable way of knowing if a fire or emergency was occurring elsewhere on campus.

RECOMMENDATION 3

The Stanislaus County Civil Grand Jury recommends that:

- a) The State Fire Marshal immediately conducts an inspection of the buildings on the La Grange campus.

- b) The La Grange School is put on a State Fire Marshal priority list for regular safety and fire inspections.
- c) The La Grange School District installs a hardwired connection to a public, switched telephone network in each new or modernized classroom, per EdC 17077.10.

FINDING 4

Categorical Funds were allotted to and spent by La Grange School District without having the required Schoolsite Council formed to oversee or authorize these expenditures.

RECOMMENDATION 4

The Stanislaus County Civil Grand Jury recommends that:

- a) La Grange School District form a Schoolsite Council and document its formation and operation, per EdC 52850, et seq.
- b) SCOE verify that the La Grange Schoolsite Council has approved the expenditure of categorical funds, per EdC 41572.
- c) The CDE conduct an immediate audit of these expenditures by the La Grange School District and place the district on a priority list for future annual reviews.

FINDING 5

Evaluation, reporting and delivery of services to Special Education students was inconsistent and appeared to be out of compliance with CDE requirements.

- a) It appeared that Special Education services were not provided in accordance with the CDE requirements, per EdC 56340 et seq. and EdC 56360 et seq.
- b) It appeared that required members were not present at student Individual Education Plan (IEP) evaluation meetings, per EdC 56341 (b).
- c) Classroom teachers of Resource Specialist Program (RSP) students were neither advised of IEP meetings nor included in those meetings, per EdC 56341 (b) (2).

RECOMMENDATION 5

The Stanislaus County Civil Grand Jury recommends that:

- a) CDE conduct audits of the SELPAs within Stanislaus County.
- b) Stanislaus County SELPA audit the La Grange School District Special Education program and submit a copy of the audit report to SCOE and the Stanislaus County Civil Grand Jury.
- c) That SCOE develop a procedure to monitor the Special Education programs of its districts, with oversight for small school districts that do not contract with SCOE to deliver these Special Education services.

FINDING 6

A Safe School Plan was neither properly prepared, distributed, nor maintained.

- a) The required Safe School Plan was not available in the La Grange School office, per EdC 32280 et seq.
- b) The Safe School Plan was not filed with SCOE, per EdC 32280.

RECOMMENDATION 6

The Stanislaus County Civil Grand Jury recommends that:

- a) SCOE develop a program to oversee and ensure compliance with EdC 32280 et seq.
- b) SCOE report failure to comply with the Safe School Plan development requirements to CDE with a recommendation for suitable penalties.
- c) The La Grange School District develop a comprehensive Safe School Plan, per EdC 32280 et seq.

FINDING 7

The School Accountability Report Cards (SARCs) were neither produced nor administered as required by EdC 33126 and EdC 35256.

RECOMMENDATION 7

The Stanislaus County Civil Grand Jury recommends that:

- a) The CDE audit the production of SARCs by school districts.
- b) SCOE develop a system for oversight to ensure compliance by all school districts with this requirement.
- c) The La Grange School District immediately develop and implement a policy to ensure compliance with this requirement, per EdC 33126 and EdC 35256.

FINDING 8

Attendance accounting procedures were irregular.

- a) Documentation justifying attendance reports was not provided, per EdC 46000 et seq.
- b) Reported attendance showed irregularities in the multi-year pattern, per EdC 41601 et seq.
- c) There are no provisions for excusing student absences, to receive ADA for absent students, in the State Attendance Reporting procedures, per EdC 46300 et seq.
- d) Absent students were marked as present when the missed day's work was assigned to them by their teacher. This daily class work assignment program did not meet the requirements of an independent study program, making the reporting

of these students as present out of compliance with CDE attendance reporting procedures.

- e) EdC 46300 (e) (1) and EdC 46300 (e) (2) define independent study programs as lasting five consecutive school days or more.

RECOMMENDATION 8

The Stanislaus County Civil Grand Jury recommends that:

- a) CDE conduct an audit of the attendance procedures and reporting of the La Grange School District for the last four school years.
- b) CDE place the La Grange School District on a priority list for the conduct of all mandated attendance audits and reviews.
- c) SCOE review the attendance reporting procedures of the La Grange School District and establish a program for oversight of future reports.

FINDING 9

Duties of the principal/superintendent were neither specified, evaluated, nor known.

- a) There was no La Grange School Board of Trustees policy for evaluating the principal/superintendent's performance.
- b) Some La Grange School Board members were unaware of the principal/superintendent's duties and responsibilities.
- c) The La Grange School Board renewed the principal/superintendent's contract without it having been seen by some La Grange School Board members and without conducting any evaluation of or accountability for the principal/superintendent's performance.
- d) There was neither school board policy requiring staff and teachers to be informed of the absence of the principal/superintendent, nor who the credentialed person in charge was, nor how the principal/superintendent could be reached in an emergency.

RECOMMENDATION 9

The Stanislaus County Civil Grand Jury recommends that:

- a) The La Grange School Board develop policies and procedures outlining the principal/superintendent's duties and responsibilities.
- b) The La Grange School Board members immediately seek training on their duties, responsibilities and functions.
- c) SCOE provide the La Grange School Board with information on the Commission on Teacher Credentialing (CTC) requirements for credentialing administrators.
- d) The La Grange School Board evaluate the principal/superintendent's performance annually and keep written personnel records of them, with one of the evaluations taking place within the 90-day period immediately preceding contract renewal.

FINDING 10

The La Grange School District Board of Trustees has not served with oversight and appears unaware of its responsibilities and liabilities in the conduct of district management and operations. Areas of concern include the following items:

- a) The scheduling, conducting, and reporting of safety drills were not performed, per EdC 32001.
- b) The procurement of, construction of, permits for, and inspections of facilities and equipment placed or constructed on the La Grange School site, were not completed, per EdC 17263, 17267.
- c) Students were housed in classrooms without proper fire alarms having been approved by the DSA and the State Fire Warden's office, as required by EdC 17074.52(c) and (e).
- d) Students were housed in classrooms without proper emergency communication devices having been approved by the DSA and the State Fire Warden's office, as required by EdC 17077.10.
- e) The La Grange School Board did not require any reports or notifications of compliance with CDE mandates in the areas of construction, safety drills and activities, or the formation of committees, councils, programs, and activities.
- f) The La Grange School Board allowed the La Grange School District to function without adequate operational and personnel policies.
- g) The La Grange School Board provided inadequate supervision and oversight of the activities, decisions, and conduct of the principal/superintendent.
- h) The La Grange School Board did not practice the required oversight in the chain of command for decision-making, management, and operations, between the La Grange School Board and the principal/superintendent. It may or may not have been in a policy.
- i) The La Grange School Board neither provided for nor practiced adequate controls on funds expenditures, per EdC 42630 et seq.
- j) The La Grange School Board did not make mandated visits to school each term, per EdC 35292.

RECOMMENDATION 10

The Stanislaus County Civil Grand Jury recommends that:

- a) The La Grange School District immediately adopt and implement a policy requiring all school board members attend available training for school boards offered by SCOE, California School Boards Association (CSBA), and/or other sources on the Brown Act and the California Education Code.
- b) La Grange School District adopt a Board training policy that applies to the existing board members and to all future elected board members.
- c) The La Grange School Board immediately develop and adopt a policy, requiring the principal/superintendent to make monthly reports to the Board of any required safety drills, actions and activities, and compliance with same, of all mandated requirements from all agencies that pertain to the operation of the La Grange School District.

- d) SCOE develop and implement a program of semi-annual in-service board meetings, in January and August, for all school districts in the county. Further, that SCOE solicit and agendaize training items from the districts in advance, with items not addressed during the meeting to be addressed with the submitting district as soon as possible after the meeting. SCOE, through district superintendents, should stress the need and importance of this in-service meeting and encourage attendance.

FINDING 11

The principal/superintendent of the La Grange School District has not fully met the duties and responsibilities of the position.

RECOMMENDATION 11

The Stanislaus County Civil Grand Jury recommends that:

- a) SCOE develop and implement a program, or expand and existing programs, to train small school principals and superintendents, per EdC 44681 et seq.

FINDING 12

In several instances, documents requested by the Stanislaus County Civil Grand Jury of the La Grange School District were not provided.

Explanations from the La Grange School District office varied:

- a) Some of the records were not available
- b) Some of the records did not exist
- c) Some of the records were lost in a computer theft
- d) For some of the records, there was no explanation.

RECOMMENDATION 12

The Stanislaus County Civil Grand Jury recommends that:

- a) The La Grange School District develops and implement policies and procedures to collect, maintain, and safely store appropriate school and district records.

RESPONSES REQUIRED

The Stanislaus County Civil Grand Jury requires that the following agencies provide written responses to the pertinent findings in this report no later than September 1, 2008.

1. La Grange School District administration
2. La Grange School District Board of Trustees
3. Stanislaus County Office of Education
4. Stanislaus County Consolidated Fire Protection District
5. Stanislaus County Special Education Local Plan Area (SELPA)
6. California State Department of Education
7. California Division of the State Architect

APPENDIX

California Education Codes, EdC

<http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=edc&codebody=&hits=20>

California State Fire Marshal

<http://osfm.fire.ca.gov/>

California Department of Education, CDE

<http://www.cde.ca.gov/>

California Division of the State Architect, DSA

<http://www.dsa.dgs.ca.gov/default.htm>

California School Boards Association, CSBA

<http://www.csba.org/>

Individualized Education Plan, IEP

<http://www.ed.gov/parents/needs/speced/iepguide/index.html>

Safe School Plan

<http://www.fresno.k12.ca.us/divdept/emergency/SafeSchoolPlanTemplate.html>

School Accountability Report Card, SARC

<http://www.cde.ca.gov/ta/ac/sa/>

Stanislaus County Consolidated Fire Protection District

<http://www.scfpd.us/index.cfm?Section=1&pagenum=197&titles=0>

Stanislaus County Office of Education, SCOE

<http://www.stancoe.org/>

Stanislaus County Special Education Local Plan Area, SELPA

<http://www.stanselpa.org/>

State Attendance Reporting, ADA

<http://www.doe.state.in.us/sservices/sao.htm>