Other Public Funded Agencies and Organizations: Responses to Final Report

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Response Matrix to 04-05 Final Report

The following matrix for the Grand Jury activities for 2004 – 2005 notes the agencies that were inspected/investigated. It denotes those agencies which are headed by an elected official and which have recommendations that the agency head needs respond to in a timely manner, [90 days of receipt of Final Report for county and city administered officials and 60 days or receipt for elected officials – Penal Code Sections 933 (c)]

<table>
<thead>
<tr>
<th>Agency</th>
<th>Headed by Elected Official?</th>
<th>Date Response Received</th>
<th>Location of Response</th>
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<tr>
<td>Auditor-Controller, Sutter County</td>
<td>Yes</td>
<td>8-24-05</td>
<td>Auditor-Controller’s Response, see attached, Board of Supervisors Response, pages 3-6 &amp; 9-10</td>
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<td>City of Yuba City Response, see attached</td>
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<td>City of Yuba City Response, see attached</td>
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<td>County Administration</td>
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<td>Encinal Elementary School</td>
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<td>No Child Left Behind Act of 2001</td>
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<td>7-18-05</td>
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The Honorable Robert H. Damron
Presiding Judge of the Superior Court of California
County of Sutter
446 Second Street
Yuba City, California 95991

Dear Judge Damron:

Submitted herewith is the Auditor-Controller’s Office response to the 2004-2005 Grand Jury Final Report. This response is submitted directly to you pursuant to Penal Code § 933.05(i).

I commend the individual members of the Grand Jury for their public service. The Grand Jury had a daunting assignment this year sorting out issues that date back to the public controversies that first came to light last year in January 2004 involving accountability of the Sutter County’s “Records Query Project”. Unfortunately, these issues were never satisfactorily resolved.

Penal Code sections 933(c) and 933.05(a) require my office to respond to the findings and recommendations of the grand jury. This is precisely what I have done. While it is difficult to refrain from correcting the many factual errors in the reports which are not included as part of the grand jury’s findings and recommendations, I have publicly set out the Auditor-Controller’s position on these allegations many times in the past.

The grand jury has sent a clear message: Public officials must work cooperatively for the benefit of the citizens of Sutter County. The commitment of my office to this goal is best demonstrated by responding only to the findings and recommendations of the grand jury as consistent with the statutory mandate. A response beyond that required by law would invite continued discord and divisiveness as other public officials who are required to respond will undoubtedly feel compelled to address my comments.

I invite the county administrator’s office and the Board to also confine their responses to the grand jury’s findings and recommendations. By doing so, these officials can demonstrate that they have also heard the grand jury’s message and are thereby prepared to move forward in a constructive and positive manner.

RECEIVED
AUG 24 2005

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SUTTER
CRIMINAL DIVISION

463 SECOND STREET • YUBA CITY, CALIFORNIA 95991 • (530) 822-7127 FAX 822-7439
By law I am also required to send a copy of this report to the Sutter County Board of Supervisors, after which they will have another 30 days to write their response. I am complying with that requirement. I trust that my response will likewise be distributed to all recipients of the Grand Jury’s report and all recipients of the Board of Supervisor’s response.

Sincerely,

[Signature]

Robert E. Stark, CPA
Auditor-Controller

Cc: Sutter County Board of Supervisors
SUTTER COUNTY AUDITOR-CONTROLLER'S RESPONSE
TO 2004-2005 GRAND JURY REPORT

INTRODUCTION

Three grand jury committee reports have been forwarded to the Auditor-Controller for a response to all findings and recommendations as provided for in Penal Code §§ 933 and 933.05. The grand jury reports include sections which allege facts which the Auditor-Controller’s Office disagrees with. The Auditor-Controller’s positions on these allegations have been publicly stated many times before the Board in public session and in memorandums.

The common theme emerging from the 2004-2005 grand jury report is concern over the divisiveness and lack of cooperation among county officials. It would be counterproductive and would lead to further divisiveness if the Auditor-Controller’s Office were to again reiterate its position on all of the allegations of past problems discussed in the grand jury report. Instead, in the spirit of cooperation and avoiding continuing divisiveness, the Auditor-Controller’s Office will respond only to the findings and recommendations of the grand jury, which is consistent with the statutory mandates.

SPECIAL AUDIT COMMITTEE

FINDINGS

The Auditor-Controller’s Office disagrees with the special audit committee findings.

Cooperation as Member of Team Sutter

The Auditor-Controller has always endeavored to be a cooperative member of Team Sutter and will continue to be. There have been significant disagreements between the Auditor-Controller’s Office and other public officials. The Auditor-Controller’s Office will continue to operate in a professional manner in interactions with all public officials in Sutter County and in particular desires to move forward in a positive and constructive manner irrespective of past public disagreements.

Effective Performance of Duties

The findings do not specifically identify how the Auditor-Controller’s Office “is not performing [its] duties effectively”. The most recent independent audit of the Sutter County financial statements resulted in an unqualified opinion - - the highest statement of confidence which may be afforded to the financial books of a public or private entity.

Costs to Sutter County Tax Payers
The findings do not specifically identify in what respect grand jurors concluded that the Auditor-Controller’s Office has cost Sutter County taxpayers a “significant” amount of money. To the contrary, the Auditor-Controller’s Office believes that it has contributed in a positive way to sound fiscal management for Sutter County.

RECOMMENDATIONS

- The Sutter County Grand Jury has recommended that the Auditor-Controller “become a participating member of Team Sutter, communicating with all Sutter County departments in a professional manner.” This recommendation has been implemented already in the sense that the Auditor-Controller’s Office will continue, as it always has, to communicate effectively with all Sutter County departments in a professional manner. In addition, in the spirit of the grand jury report which seeks to foster cooperation among public officials in Sutter County, the Auditor-Controller’s Office pledges its commitment to professionalism and effective communication with an emphasis on constructively resolving any future disagreements with other public officials.

- The recommendation that the Auditor-Controller’s Office “prepare a policy and procedures manual to avoid problems in the future” has been partially implemented. The Auditor-Controller’s Office this year and for the last several years has requested additional staff to begin the process of documenting procedures and writing a policy and procedures manual for the county. The Board of Supervisors did not approve either position. As time allows and as necessary, procedures are being documented to the extent that they can be agreed upon with other public officials. Appropriate written documentation of procedures is being compiled in permanent files maintained for each fund, the management correspondence file and e-mail files. To the extent that the grand jury recommendation might be directed at preparation of a single comprehensive policy and procedures manual for Sutter County, the recommendation cannot be implemented at this time unless the Board of Supervisors determines that it warrants the requested additional staff necessary to accomplish this project. The Auditor-Controller’s Office supports the Board of Supervisors’ which must make this policy decision as to the best use of public funds where other competing needs must be considered.

- The recommendation that transfer voucher documents reflect fund department, program, and account numbers necessary to process journal entries so that both documents are reconciled is unclear. The general ledger and budget accounts are not integrated in Sutter County. Transfer voucher documents currently reflect fund department, program, and account numbers for the Sutter County budget. The Auditor-Controller’s Office has stepped up the review and audit requirements for budget transfers. Documents are reviewed for adequate documentation both for internal processing purposes and compliance with state and federal law. Departments are notified when documentation is inadequate and processing is not authorized until adequate documentation is received or corrections are made.
Journal entries are subject to a similar process to ensure that the correct accounts in the county's general ledger are adjusted after a budget amendment has been approved by the Board.

- The recommendation that the Board of Supervisors split the Office of Auditor-Controller to allow for a county appointed controller with the auditor as an elected official is directed to the Board of Supervisors. However, the law forecloses this recommendation from being implemented by the Board. The Board of Supervisors wisely created the office of controller as authorized by Government Code §§ 26881-26886 to enhance the office of the county auditor. Government Code § 26880 states that "the office of the county controller shall be held ex-officio by the county auditor." Government Code § 24000 sets forth the same requirement.

**COUNTY GOVERNMENT COMMITTEE**

**FINDINGS**

The Auditor-Controller's Office disagrees with the county government committee's finding. The Auditor-Controller's Office acted at all times in accordance with generally accepted accounting principles and the requirements of law. The Auditor-Controller's Office was hampered by the refusal of Sutter County Counsel to provide advice and counsel concerning payment of employees from an insolvent department fund. The Auditor-Controller was required to resort to outside counsel for legal advice. County employees were timely paid in accordance with the law. Professional behavior of the Auditor-Controller's Office requires compliance with generally accepted accounting principles and the requirements of law.

**RECOMMENDATIONS**

- The recommendation that the Auditor-Controller, the Board of Supervisors, and the county administrator take action to work out their differences can only be implemented through mutual cooperation. The Auditor-Controller's Office is prepared to continue to work cooperatively with the Board of Supervisors and the county administrator. While the Auditor-Controller's Office believes that it has always been a cooperative member of Team Sutter, the office also recognizes the concerns raised by the grand jury are legitimate. The Auditor-Controller's Office pledges to move forward in a constructive, positive and professional manner in its continuing work with the Board of Supervisors and the county administrator.

**CITIZEN'S COMPLAINT -- BOARD OF SUPERVISORS**

**FINDINGS**

The "findings" concerning the citizen's complaint against the Board of Supervisors appear to be more in the nature of opinions than any findings of fact. For
example, the grand jury states: “If the public would carefully read the agenda and supporting documents before the meetings, maybe these public outbursts would not be necessary.” This seems to be more in the nature of a speculative opinion than a finding of fact. The findings are not reasonably susceptible of agreement or disagreement by the Auditor-Controller’s Office. To the extent that the findings suggest that the grand jury finds that the Board of Supervisor’s meetings have at times demonstrated discord and unprofessional exchanges, the Auditor-Controller’s Office agrees with this finding.

RECOMMENDATIONS

- The recommendation appears to require a response from the Auditor-Controller’s Office only concerning the portion of the recommendation that the Board of Supervisors and Sutter County department heads and/or employees attending the Board of Supervisor’s meetings act in a professional manner. The Auditor-Controller has always conducted himself, as have his employees, in a professional manner. Consistent with the spirit of the grand jury report and recommendations, the Auditor-Controller’s Office pledges to work toward open and constructive communications and continued professionalism in all appearances before the Board of Supervisors.
July 20, 2005

The Honorable Robert H. Damron
Presiding Judge
Superior Court of California
County of Sutter
Courthouse West, 446 Second Street
Yuba City, CA 95991

Dear Judge Damron:

The City of Yuba City is in receipt of the final report from the 2004-05 Grand Jury. We would like to thank the Grand Jury for their efforts in reviewing Yuba City’s activities. The City received three reports, one for the Police Department, the Utilities Department, and the Community Development Department.

Regarding the Police Department, the City is very cognizant of maintaining safety in our holding cells both for the officers and for those detained. The Police Department continues to provide the latest technologies in the holding cells to provide for safety.

Regarding the comments received from the Grand Jury on the City’s water treatment plant, while the Grand Jury commented on our vulnerability report, the City wants to assure the Grand Jury that we take the safety of our water treatment plant very seriously. In accordance with the Bioterrorism Act, we do maintain a plan to address terrorism acts against our water treatment plant. The Act under Public Law 107-188, Section (a)(3), clearly states that the vulnerability report is exempted from disclosure. It makes it a misdemeanor for any information in the vulnerability assessment to be provided to non-designated individuals.

The Grand Jury also notes there were large barrels of chlorine. These were 5-gallon containers of pool chlorine that could be purchased by anyone. The containers were properly labeled and have the appropriate precautions regarding their content. They are used to chlorinate our pool and fountain at the water treatment plant.

Regarding the other comments made by the Grand Jury about security at our water treatment plant, they will be taken into consideration where appropriate.
Regarding the Community Development Department, the City has evaluated the Community Development Department functions. We are in the process of reorganizing that department. All City employees go through an employee orientation which provides them with procedures and expectations and rules involving the City. Building inspectors currently do wear a uniform shirt identifying them as Yuba City employees.

Again, I want to thank you and the Grand Jury for your time and comments related to the City of Yuba City. As a City, we look for continuous improvement in our operation and are open to comments from the public on how we might be able to improve our level of service to the citizens we serve.

Sincerely,

Jeffrey G. Foltz
City Manager

JF: cw

cc: City Council
August 9, 2005

The Honorable Robert Damron
Presiding Judge, Sutter County
446 Second Street
Yuba City, CA 95991

Re: Response to Sutter County Grand Jury Report 2004-2005

Dear Judge Damron:

I would like to express my appreciation on behalf of Fremont-Rideout Health Group for the opportunity to meet with members of the Grand Jury to discuss the mission of the Hospitals. Fremont-Rideout Health Group feels it is important to explain how we serve the community and the importance of quality health care for our area. I also note that there were certain recommendations that were made by the Grand Jury in their most recent report and I want to assure you that the Hospitals will give their consideration to those recommendations. It should be pointed out, however, that the Fremont-Rideout Health Group is a private non-profit benefit corporation and is not a county department, a special legislative district or a corporation which county officers are serving in the exofficio capacity; and, as such, is not subject to the provisions of California Penal Code §925 et.seq.

Once again, I would like to thank the members that we met with for their expressed interest in the Hospitals and the work that we do in the community.

Very truly yours,

Thomas P. Hayes
Chief Executive Officer

RECEIVED
AUG 1 5 2005

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SUTTER
CRIMINAL DIVISION

989 Plumas Street
Yuba City, CA 95991
530/751-4010
The Honorable Judge Robert H. Damron
Superior Court of California
County of Sutter
446 Second Street
Yuba City, California 95991

Re: Meridian Fire Protection District Resolutions
MFPD 10-12-2005
MFPD 10-12-2005a

Dear Judge Damron:

Please find the two resolutions regarding the Meridian Fire Protection District Board, as requested by the Sutter County Grand Jury.

In addition to the resolutions, the Grand Jury’s recommendations also suggested some repair to the Meridian Fire Association’s fire house. I briefly discussed the two items with Meridian’s Fire Chief Cooper. His response to the two items:

- Broken and uneven concrete has been repaired
- Garage area will be painted this winter

If any additional information is required, please feel free to contact the board.

Sincerely,

[Signature]
E. Lyle Callaway, Jr.
Board Member, MFPD

CC: SCGJ
MFA
MFPD File

RECEIVED
OCT 26 2005
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SUTTER
CRIMINAL DIVISION
MERIDIAN FIRE PROTECTION DISTRICT

1100 THIRD STREET
MERIDIAN, CA 95957

Resolution No. MFPD 10-12-2005/MFPD 10-12-2005a

WHEREAS, the local Governing Board of the Meridian Fire Protection District, in order to comply with any legal requirements, held a public hearing on October 12, 2005; and

WHEREAS, the local Governing Board provided at least ten days notice of the public hearing posted in three public places within that stated time, place and purpose of the hearing; and

WHEREAS, the local Governing Board encouraged participation by the Community in the public hearing; and

WHEREAS, the information requested within the Final Report of the Sutter County Grand Jury 2004 – 2005 be provided to the Presiding Judge of the Superior Court

Month of Board of Directors Officers elections

MFPD 10-12-2005
NOW, THEREFORE, BE IT RESOLVED that the local Governing Board of the Meridian Fire Protection District shall hold elections for Board officers during the regular December meeting each and every year

Scheduled Meeting of the Board of Directors

MFPD 10-12-2005a
NOW, THEREFORE, BE IT RESOLVED that the local Governing Board of the Meridian Fire Protection District shall meet for their regular monthly meeting on the second Wednesday of each month at seven (7:00) PM

I HEREBY CERTIFY that the foregoing is a true copy of the resolution adopted by the Governing Board of the Meridian Fire Protection District, in a meeting held on October 12, 2005, by the following vote:

AYES 3
NOES 0
ABSENT 2

Kevin ReamBurger
Chairperson, Governing Board

Lavern Reische
Secretary
Sutter County Superior Court
Courthouse West - Criminal Division
Kathy Grove, Foreperson
446 Second St.
Yuba City, CA 95991

Dear Foreperson Grove:

I am in receipt of your Grand Jury report for the 2004-05 year. Your summary, findings, and recommendations regarding schools implementing the No Child Left Behind Act of 2001 (NCLB) are most insightful and will be challenging to implement by our office and the school districts in Sutter County.

Your recommendation that schools/districts in the county continue to “request more flexibility with respect to how No Child Left Behind is implemented” by working with the California Department of Education (CDE), has been an ongoing process for our office on behalf of the school districts in our county. We work closely with CDE, the legislature, the California County Superintendents Educational Services Association (CCSESA), and the federal government to address the challenges schools face in improving student performance.

I have enclosed a copy of a county-wide joint letter sent to key politicians on behalf of all our districts earlier this year. As you can see, the letter details the issues our districts face in implementing NCLB. Though the federal mandate is not easily implemented by schools, I feel the basic premise of improved student performance and accountability is not unreasonable.

Our county’s education community constantly deals with state and federal mandates and I believe we have done an outstanding job in meeting expectations. I appreciate your recognition of the tasks we face and that the schools of Sutter County have met or exceeded the guidelines as established by NCLB.

If I can be of any further assistance, please do not hesitate to contact my office.

Sincerely,

Jeff Holland
County Superintendent

JH/jp
Enclosure
c: District Superintendents
Sutter County, California

Statement of Superintendents
Regarding: No Child Left Behind

January 2005

The undersigned Superintendents of school districts in Sutter County have come together to voice their support, as well as their concerns, regarding the positive and negative impact of the federal No Child Left Behind (NCLB) legislation on our schools and students. It is clear that the premise of this legislation is powerful, and appropriate; however, significant difficulties and inconsistencies relative to its implementation have led to frustration and, if left unresolved, will serve only to negatively impact the overall effectiveness for the students of our county, state, and nation.

It is without question that setting high standards and providing equal opportunity for every child is the purpose and mission of public education. It is our hope that the following will serve to provide the necessary adjustments to the NCLB legislation that are requested by our county superintendents. We are supportive of AJR 88 which calls for Congress to amend NCLB to allow California to use its own Academic Performance Index (API) in favor of the NCLB’s Annual Yearly Progress (AYP). The resolution calls for Washington to accommodate California’s rigorous teacher credentialing standards and student participation rates for testing. We also support resolutions that call for full funding to implement the federal mandates imposed on the state by NCLB.

API vs. AYP

It is understood that API is a growth and compensatory model, as opposed to the absolute measure at a point in time (status bar model) that is used by the AYP. The advantage of the API model is that it recognizes where schools are currently performing and then establishes a growth target for that school, by applying at least a 5% growth-to-target factor. Schools that are farther from the target have a higher expectation of progress to be demonstrated than schools that are very close to the established target. In addition, there is recognition that students and schools may be performing higher in one content area than another, which allows for a compensation consideration between content areas, such as English language arts and mathematics. This is a model California schools have used for several years and sees greater value in its continuance than the use of AYP.

As you are aware, the AYP has an absolute value that a school and each subgroup must reach to be deemed as making their AYP. Schools that begin far below that threshold are expected to reach the established target regardless of how much below that target they are at the outset. In contrast, schools that have scores above the established target are not required to make any progress until the target moves higher and is actually above the scores being produced by the school.

Although the API is not a perfect means to measure the performance of our schools, it is preferable to the methodology set forth for the AYP. The API establishes a continuous improvement model and establishes a goal that is achievable, both in terms of the annual, as well as the ultimate, statewide target. It also recognizes that it will take longer for some schools to reach the goal, while others may have a population that is already close to the goal level.

California has been using a growth model of accountability since 1999. We believe that the growth model California developed in response to the Public Schools Accountability Act should be recognized as an appropriate means to demonstrate accountability of our schools.
Sutter County, California

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January 2005

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year of attendance, whether or not they have acquired sufficient English language to produce valid and reliable results. Students are to be tested in their grade-level of placement (usually based on age for new arrivals). It should be noted that an option has been provided to test students no more than one year below the grade placement level. However, out-of-level tested students scores are adjusted downward as a result.

California's NCLB Accountability Workbook allows English Language Learners to be calculated with this sub-group until they have achieved three years of English Language Arts proficiency on the CST. Very simply put, only those students without English language proficiency are included in this sub-group. Therefore, it is clearly impossible for this sub-group to achieve its 100% proficient AYP goal if the only students who are included in this sub-group are those who are not proficient.

Special Education Students
Federal regulations allow severely cognitively delayed students to be assessed by alternate means. California has developed the CAPA exam which should work well for this sub-population. Mildly delayed and learning disabled students, however, are required to take the same standards-based tests as non-disabled peers. Students are to be tested in their grade-level of placement (usually based on age). It should be noted that California State Board policy provides an option for such students to be administered the CST no more than one year below the grade placement level. However, out-of-level tested students scores are adjusted downward as a result of exercising such an option. Given these policies and the nature of this sub-population of students with learning disabilities, it would appear to be impossible to achieve 100% proficiency even with superhuman effort. Additionally, students with disabilities who no longer require active Special Education services (have reached academic proficiency) are withdrawn from this subgroup. As with the ELL subgroup above, it is clearly impossible for the Special Education sub-group to achieve its 100% proficient AYP goal if the only students who are included in this sub-group are those who are not proficient.

Highly Qualified Teachers
We support the concept of highly qualified teachers and the intention of ensuring that all schools have fully credentialed staff, rather than the lowest socio-economically disadvantaged schools having staff that are predominantly on emergency permits and/or waivers. However, this goal, as it has been translated in federal and state laws and regulations, has gone far beyond the goal. The requirements established for highly qualified teachers will be difficult for all districts to meet, but it will be particularly difficult for rural school districts, special education programs, alternative education, and schools with high numbers of English Language Learners. We appreciate the current efforts to address some of these situations, but believe that more work is necessary to ensure that we can continue to attract and retain qualified staff. We believe that California's rigorous credentialing system (and BTSA program) should be adequate to meet federal requirements related to highly qualified teachers without additional burdens being placed upon our teaching staff.

Alternative Schools Accountability Model (ASAM)
Within California, we have approximately 1,200 schools that are identified as "ASAM" schools. These schools include alternative, continuation, community day, court, community, and county schools serving high-risk populations. These schools are identified not only by the "high risk" population they serve, but also by virtue of the fact that the placement of a student at the school is generally outside the control of the school itself. ASAM schools are distinguished from other schools because their population is a select group of students who, in all likelihood, are experiencing significant academic and perhaps behavioral challenges. Many of the difficulties with the implementation of NCLB that have been highlighted above are accentuated with ASAM schools. For example, the issues described with highly qualified teachers, graduation rates, and sub-groups are particularly pertinent for ASAM schools. However, there are other issues that arise when you consider how the implementation of the NCLB sanctions will be applied in ASAM schools.

First, given the population served by the majority of the ASAM schools, it is extremely likely that they will be identified as "program improvement/under performing" (PI) in the near future. This is due to the selective population, and does not consider how hard the dedicated staffs work at these schools. Once an alternative
The Honorable Robert H. Damron
Presiding Judge, Sutter County Superior Court
463 Second Street
Yuba City, CA 95993

Dear Judge Damron:

The California Highway Patrol (CHP) has reviewed the 2004-2005 Sutter County Grand Jury Final Report. Per Section 933(c) of the California Penal Code, the CHP is providing the following findings and recommendations relative to traffic conditions at Encinal Elementary School located at 6484 Larkin Road. Because the Grand Jury Report presented concerns regarding safety, the CHP has implemented some of its recommendations immediately.

GRAND JURY FINDINGS AND RECOMMENDATIONS
The Grand Jury Education Committee reported that speeding traffic on Larkin Road was a “deep concern” and recommended better enforcement of speed limits while school is in session. The Final Report suggested the CHP reduce the speed limit on Larkin Road near Encinal School. They also requested that immediate steps be taken “before a tragedy occurs.”

RESPONSE
The CHP concurs with the Grand Jury’s findings relative to speeding traffic near Encinal School. Indeed, the Department is concerned with many traffic issues surrounding multiple school facilities within the unincorporated areas of Sutter County. In recent years, the Yuba-Sutter CHP has made it a practice to convene at local schools, particularly at the beginning of the school year, to create a visible presence and alleviate traffic issues which seem to present themselves at that time. Unfortunately, reduced staffing coupled with increased growth and congestion have drained the Department’s resources and made such services more challenging. However, we will continue to seek out new and innovative methods and funding sources to provide the necessary services to this community.

In response to the Grand Jury’s report, the California Highway Patrol has significantly increased its presence in the area, particularly during Encinal Elementary School ingress and egress. This has been accomplished through increased patrol and the placement of the Department’s radar trailer on Larkin Road which advises drivers of their traveling speed. The CHP has also educated its officers regarding the traffic concerns in the area. The concerns have been relayed during daily briefings prior to officers deploying for their assigned shifts. Further, CHP management has directed uniformed personnel to provide a visible presence in the area whenever...

Safety, Service, and Security
The Honorable Robert H. Damron  
Page 2  
September 1, 2005

possible. The CHP has also reallocated a significant portion of federal grant resources to specifically assign an officer in the area for enforcement purposes during pre-designated time periods.

The CHP has met with the Encinal School Administration to discuss the traffic related issues surrounding the school and possible solutions. The CHP has also recommended one or more safety presentations be made by our Public Affairs Officer to the children of Encinal Elementary School regarding pedestrian and bicycle safety. Additionally, the CHP has noted that a significant percentage of the violators contacted in the months of August and September were either parents of children who attend Encinal School and/or Encinal School Employees. This fact leads us to believe an adult oriented public awareness campaign should be developed to remind both parents and employees of the potential traffic safety issues in the area. The CHP will work with the Encinal School Administration to meet this goal.

The CHP has reviewed and discussed the Grand Jury Report with the Sutter County Sheriffs’ Department and our two agencies will continue to work together to provide a safe environment for those traveling in the area of Encinal School. Additionally, the CHP has been working with the Sutter County Public Works Department in the preparation of a proposal to install radar signs and/or flashing yellow signals to warn motorists of the speed limit and impending dangers in the area. This same proposal would also seek grant funding for additional enforcement and increased public awareness campaigns.

In regards to the reduction of speed limits in the area, such a step would be handled by the Sutter County Public Works Department. However, the CHP would support such a change.

The CHP is very concerned with the issues presented by the Sutter County Grand Jury and is prepared to take a proactive stance to alleviate the traffic problems in the area of Encinal School. Should you have any questions, please do not hesitate to call me at (530) 674-5141 to discuss this or any other matter of concern.

S. SIMSBEE, Captain  
Commander  
Yuba-Sutter Area

cc: Staci, Kaelin, Principal, Encinal Elementary School  
    Jim Denny, Sheriff-Coroner, Sutter County Sheriffs’ Department  
    George Musallam, Director, Sutter County Public Works Department  
    Larry T. Combs, County Administrative Officer
FINAL REPORT
OF
THE SUTTER COUNTY
GRAND JURY
2004-2005

Kathy Grove  Foreperson

Presiding Judge

June 8, 2005  Date
EDUCATION COMMITTEE

ENCINAL SCHOOL

INTRODUCTION

The Grand Jury of 2003-04 recommended that the current Grand Jury Education Committee re-visit the Encinal School in the Live Oak School District. The 2004-05 Grand Jury Education Committee visited Encinal School on November 9, 2004. The school is located south of Live Oak at 6484 Larkin Road and is the K-8 school of 80 students.

SUMMARY

The Sutter County Grand Jury Education Committee found the school to be well run, clean, orderly and secure within the grounds. The recommendations of the 2003-2004 Grand Jury have been acted upon. The kitchen is well staffed, clean and efficiently run. The storage building is secure and in view of the office staff at all times. The playground is still in need of repair with cracks running the length and breadth of the asphalt.

Larkin Road remains a deep concern to the 2004-2005 Grand Jury. The speed and apparent disregard of traffic around the K-8 school is very troublesome and appears to be an accident just waiting to happen.

REPORT

The 2003-04 Grand Jury made several recommendations regarding the school kitchen and food preparation pursuant to California Health and Safety Code, Section 114020 (a) and (b). The 2003-04 Grand Jury also made recommendations concerning the Library and the need to repair the asphalt on the school playground as well as the lack of security of a storage shed on the premises.

FINDINGS

At the time of the Education Committee visit, the kitchen was spotlessly clean, and the cook and a trainee were both wearing hairnets and had gloves readily available to use when lunch was served pursuant to California Health and Safety Code, Section 114020 (a) and (b). No open food containers were observed. The luncheon being prepared was nutritious and the serving methods were organized. The Encinal School cook prepares food for Nuestro School as well as Encinal students and faculty in a very small kitchen.

The Library at Encinal School is a multi-purpose room. It is used primarily as a library but also as a teacher’s workroom and a GATE (Gifted and Talented Students) classroom. Many books were visible on the shelves, and all classrooms systematically use the library. The library was well laid out to accommodate its many uses.
The Grand Jury found the asphalt on the playground is still severely cracked and in need of repair. The Grand Jury was assured that every effort is being made to secure funding to re-surface the playground.

The storage building mentioned in the 2003-2004 Grand Jury report was clean, orderly and within clear view of office staff for security purposes.

The 2004-05 Grand Jury is deeply concerned about the traffic on Larkin Road. The committee observed cars and large trucks exceed the posted speed limit within the school boundaries of twenty-five (25) miles per hour, indeed some cars and trucks seemed to our observation to exceed the fifty-five (55) miles per hour speed limit of Larkin Road beyond the school boundaries. Although signs are posted to announce a school zone, the committee did not observe traffic slowing at all. Although resourceful and diligent, efforts of the school principal, teachers and parents have had little impact on the problem.

**RECOMMENDATIONS**

- The asphalt on the playground should be repaired as soon as funding becomes available.

- The 2004-2005 Grand Jury recommend better enforcement of speed limits by Sutter County Sheriff’s Department during the time school is in session and that the school and parents continue to work together to have the California Highway Patrol reduce the speed limit of that section of Larkin Road where Encinal School is located. The 2004-05 Grand Jury recommends immediate steps to be taken by the Sutter County Sheriff’s Department and the California Highway Patrol before a very avoidable tragedy occurs.

**RESPONDENTS**

Steven Hiscock, Live Oak Unified School District.
California Highway Patrol
Sutter County Sheriff’s Department
June 28, 2005

To: Robert H. Damron, Presiding Judge, Superior Court of California-County of Sutter

From: Jim Denney, Sheriff-Coroner-Public Administrator

Subject: Response to the 2004-2005 Grand Jury Final Report

The following are the responses of the Sheriff-Coroner-Public Administrator to the findings and recommendations of the 2004-2005 Sutter County Grand Jury Final Report. This response is also on behalf of the respondents identified in the report pertaining to the Sheriff’s Department, including Sheriff Jim Denney, Undersheriff Bill Grove, and Captain Dearth Skinner.

Criminal Justice Committee Report (pages 13-14)

Finding:

*The Sheriff’s Department is a well-run organization. All Sutter County residents should appreciate the Department’s attention to community service.*

Response:

The Sheriff-Coroner-Public Administrator concurs with the finding. We would like to commend the Grand Jury for their thorough review of the sheriff’s department operation and we are extremely grateful for the Grand Jury’s complimentary finding. It is a true testament to the hard work of the 141 full-time personnel, as well as numerous reserve and volunteer personnel, who are dedicated to providing quality public safety services to the citizens of Sutter County.

Education Committee Report (pages 24-25)

Finding:

The Grand Jury found that traffic, specifically speeding traffic on Larkin Road near Encinal School, was of particular concern.
Response:

The Sheriff-Coroner-Public Administrator concurs with the Grand Jury finding and agrees that speeding is a problem in the area.

The recommendations of the Grand Jury for the Sheriff’s Department were as follows:

1. "...better enforcement of speed limits by Sutter County Sheriff’s Department during the time school is in session..."

2. "Immediate steps to be taken by the Sutter County Sheriff’s Department and the California Highway Patrol before a very avoidable tragedy occurs."

Response:

The Sheriff-Coroner-Public Administrator and the members of the Sheriff’s Department take traffic matters surrounding schools seriously and concur with the Grand Jury recommendations. At the present time, the Sheriff’s Department is charged with law enforcement responsibility for over 20 schools in 10 different school districts from Live Oak to Pleasant Grove. All of these schools create a demand for service. Although this stretches available resources, we do realize that some schools have traffic problems that are more acute than other schools. The Sheriff’s Department notes that Encinal School is located in a rural rather than residential district, it is on a long straight section of roadway (Larkin Road), and its buildings are in close proximity to the roadway. Encinal is a school that has acute environmental traffic problems.

As per 933.05 (b) (2), the following actions will be taken with the following time line:

1. At the beginning of the 2005/06 school year, the Sheriff’s Department will place the portable radar trailers in the area or utilize other radar surveys as time and resources permit but at least on a monthly basis. These trailers record the number of automobiles passing, the times of their passing and their speeds.

2. Based on the computer readouts of the times and speeds recorded by the radar surveys, the Sheriff’s Department will conduct an on-going radar speed enforcement action in the area of Encinal School as time and resources permit, but shall give priority to Encinal School.

3. The Sheriff’s Department will assign the school resource deputies to contact the Encinal School administration at the beginning of the school year in order to put on a traffic awareness and safety program for the students.

4. The Sheriff’s Department will forward a copy of these recommendations to the California Highway Patrol for their notification and for any possible assistance in
speed enforcement in the area of Encinal School that may be available.

5. A copy of this response will be forwarded to Encinal School recommending the installation of solar powered speed notification radar signs that are operational when school is in session. These signs have been installed and can be observed at Tierra Buena School on Buttehouse Road and appear to be effective.

6. If this is not attainable, a flashing yellow light on the school zone signs that is controlled by the school administration would be beneficial.

7. A copy of this response will be forwarded to Sutter County Public Works Department with the recommendation of increased signage including a warning sign that speeds will be enforced by radar.

This concludes the responses of the Sheriff-Coroner-Public Administrator and the Sutter County Sheriff’s Department. As always, should any questions arise from this or any other issue, please do not hesitate to contact me at (530) 822-7312.

Sincerely,

JIM DENNEY
SHERIFF-CORONER

cc: Sutter County Board of Supervisors
Larry T. Combs, County Administrative Officer
Captain Scott Silsbee, Commander, CHP-Yuba/Sutter Office
Staci Kaelin, Principal, Encinal Elementary School
George Musallam, Director, Sutter County Public Works Department
July 25, 2005

The Honorable Robert H. Damron
Presiding Judge of the Superior Court of California
County of Sutter
4446 Second Street
Yuba City, California 95991

Dear Presiding Judge Damron:

Re: Response to the Report of the 2004-2005 Sutter County Grand Jury

The Yuba City Unified School District (District) submits the following responses to the report, findings, and recommendations of the 2004-2005 Sutter County Grand Jury.

Report (pages 26 through 28)

The District accepts the Grand Jury’s report except to clarify that King Avenue Elementary is also identified as a Program Improvement school under the criteria established through Adequate Yearly Progress.

Findings (page 28)

The District shares in the dismay of the Committee regarding the emphasis and reliability on a single objective test to gauge the learning of Sutter County students. Staff, students, and parents demonstrate exceptional diligence to meet the accountability goals set forth by No Child Left Behind in accordance with the guidelines established by the California State Board of Education.

Recommendations (page 28)

The District joins the California Department of Education in supporting a more flexible growth model for No Child Left Behind accountability.

Respectfully submitted,

Nancy H. Aaberg
Interim Superintendent

Educating Today’s Students To Succeed In Tomorrow's World
Dear Judge Damron,

This letter is in response to the portion of the 2004-2005 Sutter County Grand Jury Report (REPORT), Education Committee Report: No Child Left behind Act of 2001, which pertains to the investigation of the Sutter County Grand Jury Education Committee of the impact of the Federal Government’s No Child Left Behind Act of 2001 and its effect on the Sutter County Schools

Kathy Grove prepared the section of the REPORT dated June 8, 2005, and I received the REPORT on June 27, 2005.

**Response to the NCLB 2001 Recommendations**
The Grand Jury recommended that, “schools in Sutter County ... request more flexibility with respect to how No Child Left Behind is implemented in California schools.”

The Live Oak Unified School District has always believed in a “growth model” for student achievement and academic improvement. To that end, our district Strategy Map and overarching goal identify that incremental student improvement each year is a true measure of our district’s success. To support our goals, we have joined with other districts in Sutter County to send letters to the Department of Education and other legislators in hopes that they can have an impact on the federal policies guiding NCLB. Additionally, the superintendent and staff have participated in workshops and open forums designed to identify ways to meet NCLB requirements within the confines of our State’s accountability system involving the Academic Performance Index.

**Summary**
The Live Oak Unified School District is committed to providing the best educational environment possible so that our students can be successful. To that end, we will continue to work diligently to support efforts by our state to implement a “growth model” for our school accountability system as it pertains to meeting the requirements of NCLB.

Sincerely,

Tom Pritchard,
LOUSD Superintendent