

**SEE DICK. SEE JANE.
SEE DICK AND JANE GO TO SCHOOL.
ARE THEY SAFE?**



Summary

Headlines from articles appearing in Press Democrat include:

- “Former Petaluma teacher seized in JonBenet killing”**
- “Wrestling volunteer pleads guilty”**
- “Sex offender listed as assistant coach in letter to parents”**
- “School background checks vary: no uniform policy for districts screening volunteers who work with children”**
- “Schools don’t check volunteers for molest records”**
- “L.A. school volunteer fired for sex record”**
- “Ex coach found guilty over sex with Sonoma teens”**

Concerns about these stories and school agency responses to them prompted the Sonoma County Grand Jury to initiate an investigation into the pre-employment and volunteer screening that is required and that is being practiced by local public school districts. In the course of the investigation the jury found that our school agencies are very concerned about who has contact with our children and under what circumstances. The jury learned that school districts rely very heavily on their employees, particularly their teachers, to provide the final hedge of protection to students after all laws and policies have been applied. The journey through this investigation was extremely complex and each interview created new questions, new concerns.

Reading through this report will reveal the complexities of policies and practices already in place, some laws that defy understanding and one that requires pre-knowledge but can only be known after the fact. The report will also show that despite the most careful and consistent application of known laws and additional policies, the possibility still exists that adults who may harm children can get access to them through our schools...but schools are working to make it harder for that to happen. There are arguments that the number of incidents in our county is so few that it is hardly a problem. Then there are the actual victims and their stories. What parent would want one of the few incidents to involve their child? Our social conscience calls us to a higher level of regard and care when young children are at risk. Perhaps even one incident should be sufficient.

School districts in Sonoma County appear to have implemented, for the most part, the California Education Code (Ed Code) with regard to background responses prior to employment. Because this is the method used, school districts are very dependent on our judicial system to adequately identify and successfully prosecute individuals in order that prior criminal activity may be disclosed. The reality is that individuals later arrested for molesting children may have been given access to them because of no prior criminal activity on their records.

Readers of this report will have a greater knowledge of what is currently being done to pre-screen, some costs attached to these efforts, and hopefully, readers may even be stirred to work for change. Although there are recommendations mainly addressed to school agencies, an unwritten recommendation to all readers would be to become even more aware and vigilant, to support school agencies increased efforts, and to be present and active in their children's lives. Simple acts of consistent parental commitment, such as picking students up on time and attending school events, can help to dissuade would-be molesters. Everyone plays an important role in protecting Sonoma County's most valuable asset – our children.

Reason for Investigation

The headlines above are from articles appearing in our local newspaper over the past few years. In one instance, a high profile arrest of an ex-substitute teacher in our local schools prompted concern about pre-employment screening practices by our local school districts. As citizens' concerns ramped up with an arrest of a wrestling coach for molesting a 13 year old wrestler, the issue broadened to include screening of volunteers because of his questioned status as a volunteer. Although legal requirements for background screening of potential employees is included in the education code and applies to all public school districts, many questions were being asked about adult volunteers and other non-employees who have access to young children through our schools. People were mystified that adults with such harmful intentions had been given access to children with no intervention by school agencies until allegations were made. The grand jury initiated a study to look into both the legal mandates that are already in place as well as the policies and practices of our local school districts in order to provide information that would hopefully be reassuring and comforting to parents and others.

A short time after this investigation was begun, the grand jury received a citizen's complaint that alleged that school districts were not following their own policies with regard to after-school coaches, both paid and volunteer, who had been accused and later convicted of crimes against minor students. An interview was held with the complainant and others that gave additional justification to the jury's interest and effort in this critical area.

Background

Public school districts in California have long been required by law to have prospective employees fingerprinted and any record of prior criminal activity evaluated. However, prior to the Michelle Montoya School Safety Act of 1997, not all employees had to be fingerprinted by law. This act amended California Education Code Sections 44237 and 45125 to require that even temporary or substitute employees in positions not requiring a credential must now be fingerprinted and a criminal record check (called a "response") performed. The Act also placed a fingerprint/background response mandate on districts which have contracts with or services provided by outside agencies if those services are janitorial, administrative, landscape, transportation, food-related and employees of those agencies who may come in contact with students. Implicit in this act is a higher level of screening of adults who may have any contact with minor students. Districts were now prohibited from employing anyone until the required background response was received and the individual was "cleared" to start work. Individuals who have convictions for serious felonies per Penal Code section 1192.7(c) or violent felonies per Penal Code section 667.5(c) are not allowed to be employed unless the person has obtained a certificate of rehabilitation and pardon under Title 6 of Part 3 of the Penal Code.

There are also provisions to deny employment to individuals who have been convicted of certain sex offenses (Ed Code 44010) and controlled substance offenses (Ed Code 44011).

Under statute, once a school district causes a person's fingerprints to be forwarded to the California Department of Justice (DOJ) thereby generating a criminal activity response (which can be a "no record of offense" response), the DOJ must later notify that district if there is a subsequent arrest. The school districts are considered to be "retainable" agencies by DOJ meaning that a Notice of Subsequent Arrest must be issued informing the agency of such an arrest.

Education Code sections differentiate between individuals who are hired in positions that require certification (credential) and those that do not. Those not requiring certification are commonly referred to as classified employees. Although Ed Code requirements for pre-employment background screening appear to be the same for certificated and classified employees with regard to DOJ responses, school districts by law are required to have an FBI response only for classified employees. The DOJ is able to respond to agencies with information of criminal activity that occurs only in California. Any criminal activity outside California is not part of the DOJ response. Therefore agencies requesting a more thorough response, one that would include any criminal activity within the United States and outside of California, need to request an FBI response as well. However, the DOJ reported that Live Scan operators (agencies authorized to transmit fingerprints electronically) are not allowed to request an FBI response for a certificated employee.

It is important to note that although the DOJ is required to notify school agencies of any subsequent arrest, the FBI is not required to as it does not have such a system in place. Therefore any arrest outside of California, even one as close as Reno, Nevada or Ashland, Oregon would not come to the attention of our school agencies through official notification.

Ed Code section 45125 requires school districts to obtain a DOJ response for any new employee who is not required to have a credential. In addition, this section requires school districts to further obtain an FBI response:

- if the person has not resided in California for at least one year immediately preceding or,
- if the person has resided in California for more than one year but less than seven years and the person was convicted of certain sex offenses or use of controlled substances.

Ed Code section 44830 governing persons in positions requiring certification only requires a DOJ response. Ed Code sections 44340 and 44341 require FBI responses in order for California credentials to be issued and those responses go the Commission on Teacher Credentialing.

In addition to the Ed Code sections, school districts have adopted policies which reflect the Ed Code and can include even more stringent requirements than specified in statute. District policies may not require less than what is required by law.

Investigative Procedures

In early November, 2006 the grand jury sent a survey to the superintendent of every public school district in Sonoma County. A survey was also sent to the Sonoma County Office of Education (SCOE) and to the West County Transportation Agency. The total number of surveys sent out was 42. This survey requested cooperation in an effort to collect information regarding background clearances of adults having contact with minor students. Districts were asked to return the surveys no later than December 15, 2006. An offer from SCOE to do a coordinated combined response on behalf of all school districts was declined. The jury later learned that a mailing was sent out to all school districts from SCOE which included: a cover letter offering districts to participate in a consolidated response that SCOE would prepare; a pre-completed survey with answers supplied by the SCOE staff; a blank survey with the grand jury's return address removed and replaced with County Office of Education name and address for district use, and copies of SCOE employment forms and policies. Districts were also asked if they had any interest in SCOE organizing and operating a central clearance system for volunteers. Although each district did ultimately respond to the jury, many did so on survey forms that had been altered by SCOE and some appeared to use the SCOE language in their responses. The information about the SCOE mailing was not brought to our attention by SCOE staff.

The grand jury also sent forty (40) surveys out to private schools. Twenty (20) private schools responded to the jury's request.

In addition to surveys, the grand jury conducted interviews with:

- The California Department of Justice
- The Commission on Teacher Credentialing
- The Volunteer Center of Sonoma County
- A Fingerprint Technician (Live Scan Operator) at SCOE
- The Sonoma County Superintendent of Schools
- Employees from a total of eighteen (18) public school districts.

The jury contacted twelve schools in an effort to collect names of school volunteers for interview purposes but these requests were met with much objection from local school district officials. The purpose in interviewing school volunteers was to determine to what extent they were screened, trained, and depending on the level of their involvement, what safeguards they were aware of for student safety and wellbeing. Of the twelve schools contacted, the jury received responses from only two. Of these two, one then contacted the grand jury and asked the jury not to use the information that had been sent. The grand jury was later informed that this information can be treated as confidential by schools, at their discretion, and a decision was then made by the jury not to pursue this effort due to time constraints and little cooperation.



The grand jury also collected information on fingerprint expenses reported by individual school districts. Only about half of our county's school districts report this information as a separate line item on financial reports. Information for years 2001-02, 2005-06, and budgeted information for 2006-07 were collected from SCOE. These figures show a 35% increase in total costs for 06-07 over just five years ago.

In the interview with DOJ the jury sought to understand the process once DOJ receives the fingerprints. These fingerprints are most commonly transmitted via LiveScan, a digital image in real time, but can still be sent in on hard cards (a manual rolling of prints). The jury looked into the typical responses agencies might encounter, how they were notified, the time frames for responses, glitches or problems in the system, what DOJ does and does not do, and the subsequent arrest notification system.

The interview with Commission on Teacher Credentialing focused on laws and regulations for required background checks on individuals seeking a credential for the first time or renewing a credential.

The Volunteer Center has contracts with approximately ten school districts in the county and also the Sonoma County Office of Education to provide volunteers that have been screened and for whom appropriate background responses have been obtained.

The fingerprint technician at SCOE is the initial contact a prospective employee or volunteer meets with in order to get his/her fingerprints forwarded to the DOJ. The technician meets with the applicant personally and verifies identification with photo I.D. Although most of the school districts contacted use the SCOE service, some use other agencies in the county depending mostly for the convenience of the person to be printed.

Interviews were held with 18 school districts and the Sonoma County Office of Education. For the most part these interviews were with the individuals named on the survey sent in by the district. These interviews looked for a greater understanding of the district's policies and procedures as reported on the survey, as well as some insight into the staff's understanding of how and why certain processes are carried out. Districts responded to our requests for interviews quickly and in most cases interviews were easily accommodated. Only one district shared that they were waiting for our report and that they appreciated the work we were doing. That district also said they were aware of the challenges presented in not discouraging volunteers but also needing to keep all students safe. A different response received was that our survey gave school leaders the impression that they don't have enough common sense, concern or education to keep kids safe – that there have only been 1 or 2 incidents in the county and it was insulting to suggest that they don't place student safety #1.

Findings

F1. A SCOE Fingerprint Technician compares a picture I.D. to the applicant but has not been trained in how to detect a fraudulent I.D. Requests to local law enforcement for training have not been successful.

F2. A SCOE Fingerprint Technician does not actually ask applicants how long they have lived in California. Three signs in that office tell the applicant to say if they have lived in California for less than six (6) months.

F3. The LiveScan request form also does not ask about length of residence in California. Of the 36 district employment application forms sent in with surveys, only 10 included a question about length of time in California. One district reported that the DOJ knows how long someone has lived in California and the DOJ is responsible.

F4. The SCOE Fingerprint processing fee, charged to school districts, is the highest fee in the county. The SCOE fee of \$28-34 is high compared to fees as low as \$18 for AmeriPrints and \$20 for the Sebastopol Police Dept.

F5. A SCOE Fingerprint technician was asked to prepare a draft document of a Volunteers Guideline and did so utilizing San Diego County guideline already in place. This draft was sent out to school districts sometime in December, 2006.

F6. On surveys, some districts (13 out of 40) included on their surveys a reference to the length of time applicant has lived in California as a determination of whether FBI response is required. Of the 36 districts that sent in copies of their employment applications, only 10 included a question of the length of time applicant has lived in California.

F7. On surveys, not one district responded with the law requiring an FBI response if a person has lived in California less than seven years, more than one year, and has a sex offense conviction on record.

F8. On surveys, almost all (36 out of 40) districts knew of a contract with the DOJ for notification of any subsequent arrests. In interviews, the jury learned that school officials have widely different understandings of this process, including how the information should be sent and received, and what the district should do after receiving such a notice. One district had never even heard of an electronic response from the DOJ.

F9. According to the surveys, some districts fingerprint all volunteers, some print some volunteers, and some do not print any volunteers. From interviews the jury learned that factors in this decision include whether the volunteer is a parent, a parent of a child in the school where they are volunteering, the frequency and/or the duration of the volunteer's service.

F10. Whether or not a volunteer has been printed and is therefore eligible to be alone with a student is not general knowledge at the school site. Usually the principal and/or school office staff, and sometimes the teachers know. Only one district, which prints some but not all, responded that they assume all volunteers are not printed.

F11. School districts also have very different practices about fingerprinting requirements for contractors including vendors, assemblies, construction, etc.

F12. All school districts interviewed were emphatic that school personnel are empowered to ask strangers on campus who they are and what they are doing.

F13. Districts depend to a large extent on volunteers, vendors, private contractors, etc. to not be alone with students at any time. Common terms are "line of sight" and "under direct supervision." The meaning of these terms varies with some districts using them to describe the volunteer as being kept in line of sight and others using them to describe the students as always in line of sight. Because we were not able to speak directly with volunteers, the grand jury investigation does not know what an individual volunteer understands this to mean.

F14. On surveys, eight (8) out of 40 districts reported that they would allow a newly hired employee to begin work before all pre-employment requirements were completed, under certain circumstances such as:

- the district had unofficial copies of credential;
- if the new employee would be under direct supervision of another district employee;
- if the new employee would not have contact with students;
- if the work would be done when students are not present (i.e. summer). This is prohibited under law.

F15. The DOJ does not provide clearances. The DOJ provides Criminal Offender Record Information (CORI), responses based on prints provided. It is up to the hiring agency to clear or not. Many districts refer to the report from the DOJ as the “clearance” and say this means that the employee is cleared to go to work. The DOJ prefers that agencies use the word “response” when referring to the information they send.

F16. Although the Ed Code requires that the DOJ respond within 72 hours, often a DOJ response is received within hours. Others may take in excess of 30 days. Reasons for delays vary and can be due to unclear prints, missing court dispositions, or because the response requires manual handling.

F17. A DOJ response will never include criminal activity from outside the state of California. The DOJ used to combine criminal activity from outside California on the DOJ response but that stopped in early 1980’s. Most districts that the jury spoke with about the 12-month rule they follow for requesting FBI responses, indicated that they were told that DOJ would have all criminal activity on an individual once they had lived in California for at least 12 months. In other words, that criminal activity outside of California would have caught up with them by the time they had lived here for a year.

F18. The DOJ does not know how long someone has lived in California.

F19. The DOJ does not automatically launch an FBI response. According to the DOJ, school districts must know when to request an FBI response in addition to the DOJ response. More than one district reported to the jury that it is their understanding that it is up to the DOJ to decide whether or not to launch an FBI response.

F20. Although Ed Code Section 45125 requires an FBI response for persons who have lived in California for more than one year but not more than seven (7) years and who have a sex offense conviction, the DOJ was unable to explain how this Ed Code section could be followed. When asked how a school district would know this in order to request the FBI response, the DOJ responded that the school district must determine this. It is not up to the DOJ. The jury found that districts are not aware of this requirement.

F21. If the DOJ is unable to get a disposition from the court on an arrest, it is suppressed. There are many reasons why a disposition may be unavailable including that there is still action pending. For older arrests, court records may have been purged. The DOJ has no control over this. It is frustrating for them as well. The need to contact courts for dispositions is often the reason for a 30 day delay.

F22. The DOJ reports that applicants can often speed up the delay process by contacting the court directly and requesting the information be forwarded to the DOJ. In order for the DOJ to use this information, it must come from the courts, not from the applicant.

F23. The DOJ processes subsequent arrest data from law enforcement agencies daily, Monday through Friday. Subsequent arrest notifications are on those individuals whose prints have already been processed.

F24. When the subsequent arrest is of an individual linked to a retainable agency (e.g. school district), the DOJ notifies the retainable agency immediately. Notification is done via electronic notice to the DOJ's secured website or by U.S. mail. The DOJ never telephones an agency although the Ed Code allows for it. One district reported that all of their subsequent arrest notifications came via fax. Over half of the districts the jury interviewed reported that the notices come to them via the U.S. Mail.

F25. California is a closed state, meaning it has a privacy clause which protects against the irresponsible dissemination of criminal history information. Florida is an open state meaning that criminal history is openly available to anyone, at any time, for any reason. There is no federal level privacy clause. The closed state status adds to the complexity of the entire fingerprint response process.

F26. Agencies with electronic mail code must check the DOJ's secured website in order to receive notification of subsequent arrests. Agencies like school districts must have a process in place to check for these notices on regular basis. Some districts have a practice in place that provides for daily access to the website. Some check weekly and others are not even aware of the website. It varies from district to district with some having only one employee authorized to check the website. Some districts reported that when the authorized person is out of office, even for vacation, there is no provision for checking the DOJ website for notices of subsequent arrest.

F27. There is no follow up process on notices of subsequent arrest to make sure that they have been received. The DOJ does not require agencies to confirm receipt nor does the DOJ send a second notice. If sent via U.S. Mail, it is not certified or registered. Nothing further is sent from the DOJ once the subsequent arrest notice is sent. The DOJ assumes that if it is sent, it is received. Districts responded that they do not in fact have assurance that all notices sent by the DOJ have actually been received.

F28. One district reported that the DOJ denied the district's request for a listing of those individuals for whom the DOJ had that district as the retainable district. The DOJ responded that they could not provide that information.

F29. A subsequent arrest occurring outside of California would not generate a notice to school districts. Arrests must be in California for the DOJ to be notified.

F30. California law provides for a no-cost DOJ response for certain non-profits for them to process their volunteers. Public school districts are excluded and must pay the DOJ fee of \$32 for their volunteers.

F31. Although LiveScan has been used since 1998, the DOJ still receives some hard cards. The DOJ scans these prints. Old hard card submissions get U.S. mail notices of subsequent arrests. LiveScan submissions would trigger electronic notifications of subsequent arrests.

F32. The DOJ maintains that school districts cannot request an FBI response on certificated, credentialed individuals. FBI responses on these individuals only go to the Commission on Teacher Credentialing as part of the credentialing process. Yet districts routinely reported on the surveys that they request an FBI response for certificated employees based on time lived in California. Of the 19 districts interviewed, 5 districts reported that they never request an FBI response on any employees and 6 other districts reported that they didn't know if or when an FBI response is required.

F33. Separate agencies, such as the Commission on Teacher Credentialing and any public school district, are prohibited by law from sharing criminal activity information (CORI) with each other.

F34. Based on interviews with school district officials, it is commonly believed that criminal history from the FBI database is combined into the DOJ California database by the time an individual has lived in California for 12 months. One district specifies a 24 month period and one district specifies a 6 month period. One district specifies an FBI response if applicant has ever lived outside California. The understanding is that when the district requests a DOJ response and the individual has been in California for a year or longer, it is expected (erroneously) that the DOJ response will include all criminal activity whether it was in California or somewhere else.

F35. Many districts (13 out of 18 interviewed) sponsor after school athletic programs. Of those 13, only 8 require fingerprinting for all adult volunteers participating in after school athletic programs.

F36. Most districts (15 out of 18 interviewed) allow overnight field trips with adult chaperones/adult participation. Of those 15, only 5 require fingerprinting for all adult volunteers participating on overnight field trips.

F37. Most districts (16 of the 18 interviewed) allow parent driven field trips. Of those 16, only 1 requires fingerprinting for all adult volunteers participating in parent driven field trips.

F38. No district currently requires fingerprinting employees of field trip destinations.

F39. Two districts that the jury interviewed require employee applicants to pay the cost of their own fingerprinting and the DOJ response. One district requires that volunteers bear this cost. In other districts, these costs are borne by the school districts budgets.

F40. Districts reports of what the fees are vary but range as follows: cost to roll prints via LiveScan: \$18 - \$32; DOJ response: \$32-50; FBI response: \$0-56. However, the DOJ reported that their fee is always \$32 and that the FBI fee is always \$24. An FBI response is always run through the DOJ. SCOE reported that their fee ranges \$28-32 and most districts indicated that they pay SCOE a fee of \$28, with the higher fee due when an FBI response is also requested. Districts using AmeriPrints pay \$18 for that same service. The Sebastopol Police Department charges \$20.

F41. Most schools require visitors and/or volunteers to sign in at the school office. Many issue badges or stickers. Some collect these at the end of the visit when visitor or volunteer signs out. Some schools escort visitors while they are on campus, but usually only for the first time. Vendors, service, or repair people, while they are on campus, may be placed under supervision of a school employee

F42. A few school districts maintain databases that record which volunteers have been fingerprinted and are therefore allowed to be alone with students.

F43. Some districts rely on the SCOE to notify them of criminal activity including subsequent arrests of district employees.

F44. The SCOE is the responsible agency for certificated substitutes (substitute teachers) throughout the county as far as fingerprinting and credential verification. This is allowed under the Ed Code as it eliminates the need for an individual substitute teacher to have to undergo a fingerprinting process for each individual school district.

F45. One district reported hearing that the SCOE may offer a program of reduced fee (1/2 off) for districts to have their volunteers printed on certain days.

F46. Of the 18 school districts the jury interviewed, 5 reported that they had used the SCOE template mailed to them in November 2006 to complete the survey they returned to the grand jury.

F47. Of the forty (40) surveys sent to private schools in the county, the jury received twenty (20) back. They showed that all but one school require a fingerprinting background check of all new employees.

F48. Many private schools use the SCOE department for their fingerprinting requirements.

F49. Not one of these 20 private schools ever allows an employee to work before all pre-employment requirements are met.

F50. Fourteen (14) of the 20 private schools require fingerprinting of at least some of their school volunteers, six (6) of whom require printing of adults involved in field trips.

F51. Three (3) private schools reported that they require their vendors to be printed.

Conclusions

School districts in Sonoma County appear to have implemented, for the most part, the education code with regard to background responses prior to employment. The authenticity of each district's separate response to the grand jury survey may have been compromised however by the mailing sent out by the SCOE which included language for answers to questions posed in the survey.

School districts paid out at least \$60,000 in 05-06 for fingerprinting, DOJ and FBI fees, and budgets for 2006-07 are in excess of \$65,000. It appears that some districts may be requesting FBI responses based on length of time living in California but without regard to whether the

individual is credentialed or not. Others are not aware of any requirements at all to do an FBI level search.

All districts were asked to indicate any other safeguards they may use. No school district reported that they accessed the Megan's Law website or in any way used this website as a resource for determining whether an individual who is not being fingerprinted should be allowed to volunteer around children. No district responded that they contact local law enforcement or the Sonoma County court system to check on prospective volunteers, although the Sheriff's Office and court records are both available with information at no cost.

An individual without any prior criminal activity is allowed to work and/or volunteer in our schools. This supports the purpose and expense of a background check to the extent of what it can tell us about an individual. The sad truth is that individuals arrested for molesting children may have been given access to them because they had no prior criminal activity. Even the most assiduously applied fingerprint policy would not have eliminated them.

An individual with prior criminal activity that does not preclude their being hired may be cleared to work in our schools. This provision starts to muddy the waters a bit as it leaves it up to the school district to interpret the severity of the offenses, how old the offenses are, how many, etc, and it also assumes that the offenses have not been suppressed by the DOJ. Common responses from school districts indicate that criminal records are mostly "just DUIs" and one district reports that DUIs are not the district's business. The jury thinks they are of interest.

The Ed Code includes a provision that an individual with prior criminal activity that would preclude their being employed (even a violent or serious felony) shall not be denied employment if the person has obtained a certificate of rehabilitation and pardon. Although no one we spoke with had ever seen such a certificate, this provision of law seems not to be in the best interest of our children.

The Ed Code also provides that an individual convicted of a serious felony that is not also a violent felony shall not be denied employment if that person can prove to the sentencing court of that offense that he or she has been rehabilitated for the purposes of school employment for at least one year. Here again, this provision of law appears to give the applicant more consideration and protection than it does our children.

Given these existing laws and statutes, a school district is very dependent on our judicial system to adequately identify and successfully prosecute individuals in order that criminal activity may be disclosed. Schools and school districts have a difficult challenge in exercising their protective oversight responsibilities. Circumstances, such as the following, can occur.

- Even in the high profile arrest of John Mark Karr in connection with the molestation and murder of young JonBenet Ramsey in Colorado, his lack of recorded criminal activity had allowed him to obtain a substitute teachers credential and thereby access to many young students in our county.
- An article appearing in the local Press Democrat issue of February 5, 2007 detailed how a man, convicted of two felony sexual batteries involving a 3 yr old, and listed on California's sex offender registry, obtained a ruling from a Los Angeles Superior Court commissioner giving him permission to volunteer in an elementary school. The school allowed him to be in the classroom. The school thought they were doing the right thing. And yes, he is a parent, often excluded from fingerprint process.

- In the Press Democrat issue of March 3, 2007 it was reported that the mayor of Los Angeles, who had endorsed legislation (AB 1804) while he was an assemblyman, was taking issue with that same legislation when applied to him. AB 1804 requires volunteers who want to mentor students to undergo fingerprinting, an FBI check, a TB check, and an interview with the school principal. Now wanting to mentor someone himself, he was frustrated by these same requirements not being waived for him. He lashed out at the school district saying "It's another example of a school district that does everything it can to refuse the assistance it needs to make our schools good." He likened it to "losing the forest for the trees."

School districts rely heavily on volunteers. Parents and non parents whether they are in the classroom, out on the playing fields, helping in the libraries, or chaperoning special events contribute to the richness of the education and the educational experiences we want for our children. They are not the mainstay of the educational program, and certainly the educational program would continue even if all volunteers were banned tomorrow. However, with a general ban on volunteers not desirable or very likely to happen, school districts must continue to accept responsibility for those adults they allow to have access to our children. This responsibility should not include confidential lists of volunteer names and addresses. Trustworthy adults volunteering in our schools do not have an entitlement to confidentiality. How does such confidentiality serve our children?

In addition, schools must ensure that their prevailing culture allows for students to question adult behavior when it "feels wrong." Schools must ensure that all reports of questionable adult behavior are taken seriously and that those who report it are not harassed because of it. When students who are harassed, taunted, teased, or ostracized for having "told" on someone, this retaliatory behavior must be addressed and not left to simply die out. In today's society there are great ranges of thinking on what is acceptable behavior. It is incumbent on our public agencies, especially those who serve our children, to always strive for a balance so that one extreme is not catered to at the expense of the other extreme. It is difficult to avoid stepping on toes in today's world.

Clear cut policies and consistent follow through are key contributors to making sure that everyone knows what will not be tolerated and the consequences if it happens. Adults (parents and non-parents alike), who are unwilling to undergo a background check and/or read and sign a code of conduct with regard to acceptable behavior around young children which includes immediate consequences, if broken, should not be allowed access to our children. Maybe years ago, but not today. Everyone needs to be vigilant and aware in order that children are not victimized. No one should worry that their concern will be ridiculed or that they will suffer retaliation if they bring it forward. The appearance of being tolerant is not more important than our children's safety and well-being.

Commendations

The grand jury commends school districts that have taken steps to more adequately assure the safety and well-being of their students by instituting fingerprinting requirements for their adult volunteers, especially those involved with athletic programs, overnight field trips, and parent driven field trips.

The grand jury commends SCOE for preparing the draft of the Volunteer Guideline in that it offers good suggestions and valuable information such as how to access the California Megan's Law Sex Offender Locator site where one can search by name for a specific volunteer.

The grand jury commends the effort being made by the SCOE to provide low-cost fingerprinting clinics for school volunteers.

The grand jury commends those who spoke with the jury who were not defensive, who were willing to step forward, who were not locked into their bureaucracy, and who spoke honestly and courageously to help make our schools a safer place to educate our society's greatest asset.

Recommendations

R1. Each public school district in Sonoma County should have at least one employee who is trained and authorized to access DOJ website within an official and specified schedule. This employee should fully understand the way in which information is to be communicated. Further, in the absence of this employee, a suitable alternate person or system should be in place to responsibly retrieve valuable information as it is posted. This system should also cover notices from the DOJ sent via U.S. Mail.

R2. The Sonoma County Office of Education, on behalf of county school districts, should determine when a school district must actually initiate an FBI level response on a new certificated employee applicant who is fully credentialed and clearly communicate that to all school districts.

R3. The Sonoma County Office of Education should modify its fingerprint rolling fee of \$28-34 to school districts in order to bring it more in line with other fees in the county for comparable service. A higher fee for an applicant who must also have FBI response does not seem justifiable as the work required from SCOE is not more than for a DOJ response.

R4. School districts should consider changing their policies to require successful employee applicants to pay for their own fingerprinting and background responses from DOJ and FBI. There is at least \$65,000 in 06-07 school district budgets for fingerprinting. As costs are shifted to paid employees, districts could use savings to fund costs for volunteers.

R5. School districts should amend their policies, if needed, to allow for volunteers names to be public information and readily available so that a greater scrutiny is provided.

R6. Schools should routinely check out names of adult volunteers on Megan's Law website (a public posting of sexual predators) even if fingerprinting is scheduled, and always do so if no fingerprinting is scheduled for that volunteer.

R7. School districts should request criminal activity record from the Sonoma County Superior Court Records Division on any adult wanting to volunteer with students. This service is available at no cost to a district.

R8. School districts should, individually or collectively, request that the DOJ implement a system to confirm school district receipt of Notices of Subsequent Arrest. A system that would require the DOJ to follow up if no confirmation was received would at least give school districts some assurance that information trusted to the U.S. Mail or electronic mail servers is actually being received.

R9. School districts should request FBI responses on all classified employees and volunteers that they do a DOJ response regardless of the time they have lived in California. The relatively small fee of \$24 to get prior criminal activity from a national database seems justifiable, reasonable and the right action to take.

R10. School districts should require fingerprinting for all adults (paid and volunteer) involved in athletic programs, overnight field trips, off-campus field trips, and any school sponsored student activity that occurs outside of the normal school day or hours.

R11. School districts should implement provisions of Education Code Sections 33193 and 45125.2 requiring that certain independent contractors and employees of contractors undergo fingerprinting and background checks.

R12. The Sonoma County Sheriff's Office (S.O.) shall provide training to fingerprint technicians at the SCOE in how to detect a fraudulent I.D. If they cannot provide the training, they should be able to refer SCOE to another agency for that training.

R13. School districts should not allow new employees to begin work until all pre-employment requirements are met. Most specifically, this means that all fingerprinting and criminal history responses that are required must have been completed and properly evaluated.

R14. The S.O. should make available to all school districts information on how to access services available to them through the S.O. that would aid districts in determining if individuals should be approved to serve as volunteers in our schools and at school sponsored activities.

R15. School districts should require all volunteers to sign an agreement that outlines behavior do's and don'ts and consequences if agreement terms are broken.

Requested responses to Recommendations

State of California, Department of Justice: R8

Required responses to Recommendations

Superintendents of All Sonoma County Public School Districts (individually):

- Alexander Valley Union School District
- Bellevue Union School District
- Bennett Valley Union School District
- Cinnabar School District
- Cloverdale Unified School District
- Cotati-Rohnert Park Unified School District
- Dunham School District
- Forestville Union School District
- Fort Ross School District
- Geyserville Unified School District
- Gravenstein Union School District
- Guerneville School District
- Harmony Union School District
- Healdsburg Unified School District
- Horicon School District
- Kashia School District
- Kenwood School District
- Liberty School District
- Mark West Union School District
- Monte Rio Union School District
- Montgomery School District
- Oak Grove Union School District
- Old Adobe Union School District
- Petaluma City School District and Petaluma Joint Union High School District
- Piner-Olivet Union School District
- Rincon Valley Union School District
- Roseland School District
- Santa Rosa City School District and Santa Rosa City High School District
- Sebastopol Union School District
- Sonoma Valley Unified School District
- Twin Hills Union School District
- Two Rock Union School District
- Waugh School District
- West Side Union School District
- West Sonoma County Union High School District
- Wilmar Union School District
- Windsor Unified School District
- Wright School District:

R1, R4, R5, R6, R7, R8, R9, R10, R11, R13, R14, R15

Sonoma County Office of Education: R2, R3, R12

Sonoma County Sheriff's Office: R12, R14