



Contra Costa County Office of Education

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Karen Sakata, Superintendent of Schools

August 16, 2016

Civil Grand Jury - Foreperson
725 Court Street
Martinez, CA 94553

Re: Response to 2015-2016 Contra Costa County Grand Jury Report No. 1611, "Maintaining a Stable Environment for our Special Education School Children and Staff"

Dear Foreperson:

Pursuant to California Penal Code 933.05(a), the Contra Costa County Superintendent of Schools and the Contra Costa County Board of Education files this response with regard to the 2015-2016 Grand Jury Report No. 1611, "Maintaining a Stable Environment for our Special Education School Children and Staff" findings and recommendations.

Findings

Finding #1

There are over three years of complaints about a hostile work environment at the Brentwood Special Education Schools operated by the COE (Brentwood Schools).

Response to Finding #1

The respondent agrees.

Finding #2

Complaints of a hostile work environment at the Brentwood Schools were made known to COE from at least 2012 through 2015, both verbally and in writing by various entities including the two labor unions representing staff at the school locations.

Response to Finding #2

The respondent agrees.

Finding #3

Although complaints continued to be made about a hostile work environment at the Brentwood Schools from at least 2012 through 2015, the complaints were not resolved to the complainants' satisfaction.

Response to Finding #3

The respondent agrees. Because there was insufficient evidence to support most of the claims, the complainants were dissatisfied with the results.

Finding #4

A vote of no confidence in September, 2015 by the Brentwood Schools teachers against the principal was passed by over 60 percent of CTA members.

Response to Finding #4

The County Superintendent agrees. The County Board of Education agrees to the extent that it was informed of this fact by the County Superintendent.

Finding #5

On at least two occasions, evidenced by audio recordings and the published CBOE meeting minutes, teachers appeared at the Board of Education public meetings to voice their complaints about the work environment at the Brentwood Schools.

Response to Finding #5

The respondents agree. The two occasions were the October and November 2015 board meetings.

Finding #6

Over forty teachers appeared at the COE/CBOE public meeting on October 21, 2015 and seventeen of those teachers were permitted to make public comment.

Response to Finding #6

The respondents partially disagree. Over forty teachers did appear at the CBOE public meeting to speak on multiple agenda items. Seventeen teachers were selected by the CTA to speak on the matter of the working environment in Far East County Special Education classrooms, in order to stay within a 30-minute timeframe as requested by the board.

Finding #7

The perceived hostile working environment at the Brentwood Schools may have had a detrimental impact on the students themselves, many of whom reportedly expressed signs of distress through body movement, sounds or facial expressions.

Response to Finding #7

The respondent partially disagrees. It is always possible that a student or students will be able to sense the anxiety that a staff member is experiencing for whatever personal reason. However, there has been no evidence presented to the CCCOE to indicate that students were distressed because of the personnel issues between employees.

Finding #8

There is no written protocol for staff of the Brentwood Schools to follow in deciding if, how, and when to file an incident report on any incident occurring in their classroom or facility.

Response to Finding #8

The respondent disagrees. The CCCOE follows a protocol for Incident Reporting established within our written SELPA policy.

Finding #9

Verbal instructions, but not written instructions, are given to staff of the Brentwood Schools at the beginning of each school year concerning when and how to file an incident report.

Response to Finding #9

The respondent agrees.

Finding #10

Incident reports are not logged into any central index either at the Brentwood Schools or the COE.

Response to Finding #10

The respondent disagrees. The CCCOE has a process to track and monitor Incident Reports, which are kept in a central file at the COE.

Finding #11

Incident reports are not tracked and trended for possible patterns or recurrent problems either by Brentwood Schools or the COE.

Response to Finding #11

The respondent disagrees. Site and county office staff track Incident Reports. Both the principal and director of special education receive all Incident Reports and review them to determine if there are any trends or patterns.

Finding #12

Neither the Brentwood Schools nor the COE have a written protocol concerning who should complete, review, and respond to incident reports.

Response to Finding #12

The respondent disagrees. The CCCOE follows the SELPA written protocol outlining who shall complete, review and respond to incident reports.

Finding #13

At times, incident reports at the Brentwood Schools have not been given to the school psychologist for review prior to being finalized, as required in the verbal briefings to school staff.

Response to Finding #13

The respondent agrees. The practice of the CCCOE is to have the psychologist review and sign each incident report. On some occasions, this may not have happened.

Finding #14

Currently Incident Reports are only filed in the student's personnel folder and a copy is forwarded to the COE, but no copy is maintained elsewhere at the Brentwood School.

Response to Finding #14

The respondent agrees. Incident Reports are not currently maintained in a central file at each school site.

Finding #15

The incident report form used at the Brentwood Schools requires the class teacher of the student involved in the incident, school psychologist, and principal to sign the form.

Response to Finding #15

The respondent agrees.

Finding #16

Incident reports at the Brentwood Schools were sometimes completed by an Instructional Assistant.

Response to Finding #16

The respondent agrees. It is appropriate for the employee most directly involved in the incident to complete an Incident Report. Instructional assistants can complete the report, but the CCCOE practice is that they are reviewed and signed by the teacher, psychologist and principal.

Finding #17

It was reported that police were called to the Brentwood Schools on a number of occasions.

Response to Finding #17

The respondent agrees. The police are called to schools for a variety of reasons including mandated reporting, campus intruders, psychiatric emergencies, etc.

Finding #18

There is no written protocol requiring the Brentwood Schools to maintain a record of police visits, nor to require them to report the event to the CCCOE.

Response to Finding #18

The respondents partially disagree. The individual school sites have not previously maintained a log of police visits. However, police reports made by staff members are required to be reported to the CCCOE, and a recently implemented process requires logs at school sites.

Finding #19

The Brentwood Schools do not provide their staff with a handbook to inform them of school protocols and complaint procedures.

Response to Finding #19

The respondent agrees. The CCCOE provides employees with an employee orientation handbook when they are hired. Teachers and Instructional Assistants in the Far East County classrooms do not have site specific staff handbooks.

Finding #20

Instructional Assistants at the Brentwood Schools are not provided a handbook concerning rules and requirements related to the job.

Response to Finding #20

The respondent partially disagrees. The CCCOE provides instructional assistants with an employee handbook when they are hired, which includes information regarding rules and requirements related to the job. Teachers and Instructional Assistants in the Far East County classrooms do not have site specific staff handbooks.

Finding #21

Instructional Assistants at the Brentwood Schools are not required to attend orientation meetings at the beginning of each school year.

Response to Finding #21

The respondent agrees.

Finding #22

The Brentwood Schools have no protocol that would allow school staff to make anonymous suggestions concerning how to improve the school environment.

Response to Finding #22

The respondent disagrees. When the leadership at the Far East County classrooms changed nine months ago, the principal installed an anonymous suggestion box at the sites.

Finding #23

There is no procedure or mechanism that allows staff at the Brentwood Schools to anonymously report concerns to the COE about issues with peer staff and Peter [sic] supervisors, such as personality conflicts, favoritism, nepotism, or hostile work environment.

Response to Finding #23

The respondent partially disagrees with the finding. While best practices in personnel management encourage complaints to be signed, in order to assist with thorough investigations – there is nothing to prohibit the submission of anonymous complaints.

Finding #24

The Brentwood Schools, the COE, and the CBOE do not maintain a record by special education school location for the reason of staff turnover, e.g., transfer, resignation, retirement, etc.

Response to Finding #24

The respondents agree.

Finding #25

The COE publishes School Accountability Report Cards (“SARC”) on its website that provide an annual picture of the schools in the County under the auspices of the COE.

Response to Finding #25

The respondent agrees.

Finding #26

While there are published SARCs for several special education locations, the data published, other than the front page, does not accurately pertain to the schools named.

Response to Finding #26

The respondent disagrees. The data in the SARCs is pre-populated by the California Department of Education (CDE). There are some types of data that do not pertain to the CCCOE individual special education school sites. In addition, some of the data that pertain to a group of fewer than ten students is not reported by the state, in order to maintain student confidentiality and data reliability.

Recommendations

Recommendation #1

The COE should consider tracking and trending complaint data at the Brentwood Schools by location to better identify the nature and extent of staff concerns, and to respond to such complaints promptly; after identifying funds to do so.

Response to Recommendation # 1

The recommendation has not yet been implemented, but will be implemented in the future. The CCCOE will take the following actions beginning in the 2016-17 school year: 1) conduct a comprehensive climate survey at all special education sites; 2) have an outside consultant interview staff regarding climate; 3) implement a new home-to-school agency-wide communications tool; 4) address any and all issues that come forth related to the climate and culture at the sites; and 5) create a log to track complaint data, by site, in order to quickly identify and address any trends.

Recommendation #2

The COE should provide all Brentwood Schools' staff with written instructions as to when, how, and to whom incident reports should be copied and routed.

Response to Recommendation # 2

The recommendation has been implemented. Furthermore, the CCCOE will print and share the policy, along with a written memorandum reminding all Special Education staff of the protocol related to if, how, when and where to file and maintain reports. Site and county staff will continue to monitor, determine patterns, and consider actions needed based on Incident Reports.

Recommendation #3

The COE should require each of the Brentwood Schools to maintain a log of incident reports, in addition to filing a report in a student's personnel file. The COE should require that each incident report and any accompanying analysis be forwarded to the COE for their review to decide the appropriate follow-up action, if any.

Response to Recommendation # 3

The recommendation will not be implemented as worded because it is not warranted or is not reasonable to reduce the reports to a log. Site and county staff will continue to monitor, determine patterns, and consider actions needed based on a central file of the actual Incident Reports at the school site and at the COE.

Recommendation #4

The COE should require that instructions for completing incident reports provide that the incident report be completed only by the class teacher before being forwarded to the school psychologist, principal and the COE.

Response to Recommendation # 4

The recommendation will not be implemented because it is not warranted or is not reasonable. The SELPA written protocol allows that the person most directly involved with the incident complete the report. Instructional assistants can complete the report, but the CCCOE practice is that they are reviewed and signed by the teacher, psychologist and principal.

Recommendation #5

The COE should consider establishing a written protocol to require a log of incident reports and require each of the Brentwood Schools to maintain a file of incident reports so that they may be easily retrieved.

Response to Recommendation # 5

The recommendation will be partially implemented. The CCCOE will print and share the policy, along with a written memorandum reminding all Special Education staff of the protocol related to if, how, when and where to file and maintain reports. Site and county staff will continue to monitor, determine patterns, and consider actions needed based on central files of Incident Reports.

Recommendation #6

The COE should consider regularly reviewing incident reports from the Brentwood Schools to determine any patterns, needed corrective action, and follow up necessary to ensure such corrective action was accomplished, and requiring school principals to do the same; after identifying funds to do so.

Response to Recommendation # 6

The recommendation has been implemented.

Recommendation # 7

The COE should consider producing an employee handbook for the Brentwood Schools which is reviewed and approved by the COE, and regularly updated; after identifying funds to do so.

Response to Recommendation #7

The recommendation has not yet been implemented, but will be implemented in the future. In addition to providing a new employee orientation handbook, the CCCOE will assemble handouts and publications related to school protocols, complaint procedures, rules and regulations into a single handbook which will be distributed to staff and instructional assistants in the Far East County special education classrooms by December 31, 2016, and at the first staff training/orientation meeting of each subsequent school year. Additionally, the CCCOE is in the process of revising the new employee orientation video which includes information about harassment, complaint procedures, retaliation and related policies. The handbook will include, and the video will refer, to the CCCOE's newly revised Discrimination, Harassment and Retaliation Prevention Policy (currently in draft form).

Recommendation #8

The COE should require that all staff of the Brentwood Schools receive a copy of a handbook for employees, and updated copies.

Response to Recommendation #8

The recommendation has not yet been implemented, but will be implemented as described in the response to Recommendation 7.

Recommendation #9

The COE should consider requiring that instructional assistants at the Brentwood Schools attend the part of the annual orientation for teachers that relates to Instructional Assistants; after identifying funds to do so.

Response to Recommendation #9

The recommendation will not be implemented as worded because it is not warranted or is not reasonable. Requiring assistants to attend the teacher orientation meeting, requires negotiation of the union contract. However, to address the perceived intent of the recommendation, the CCCOE will consider requiring Instructional Assistants to attend an annual orientation that is job specific.

Recommendation #10

The COE should consider requiring each of the Brentwood Schools to maintain a suggestion box to provide a mechanism for staff to anonymously provide ideas concerning how each school environment could be improved.

Response to Recommendation #10

The recommendation has been implemented. When the leadership at the Far East County classrooms changed nine months ago, the principal installed an anonymous suggestion box at the sites.

Recommendation #11

The COE should consider regularly reviewing with Brentwood Schools' administration suggestions received to determine if there are any transferable best practices that could be shared with other schools.

Response to Recommendation #11

The recommendation has not yet been implemented, but will be implemented during the 2016-17 school year. The director of special education will meet with the principal to review suggestions.

Recommendation #12

The COE should consider immediately drafting a written protocol that will allow Brentwood Schools' staff to bring concerns to the attention of the COE in a timely manner and without fear of

possible retaliation so as to preclude further escalation to a grievance or vote-of-no-confidence level; after identifying funds to do so.

Response to Recommendation #12

The recommendation has not yet been implemented, but will be implemented in the future. The CCCOE will assemble handouts and publications related to school protocols, complaint procedures, rules and regulations into a single handbook which will be distributed to staff and instructional assistants as soon as possible during the 2016-17 school year, and at the first staff training/orientation meeting of each subsequent school year. Additionally, the CCCOE is in the process of revising the new employee orientation video which includes information about harassment, complaint procedures, retaliation and related policies. The handbook will include, and the video will refer, to the CCCOE's newly revised Discrimination, Harassment and Retaliation Prevention Policy (currently in draft form). It is anticipated that the new policy will be implemented beginning in September 2016.

Recommendation #13

The COE should create a form that can be used in a staff exit interview that clearly indicates the reason for terminating employment with the Brentwood Schools.

Response to Recommendation #13

The recommendation has not yet been implemented, but will be implemented in the future. Whenever a staff member leaves the Superintendent's employment, he or she is offered the opportunity to have an exit interview, which includes a chance to provide any information related to his or her employment experience and reason for leaving. Not all employees accept the offer for the interview. By December 31, 2016, the CCCOE will create a written exit survey to be sent to all employees who leave or request transfers. The Superintendent will review a log of data from the surveys to identify any trends.

Recommendation #14

The COE should consider requiring that information in forms completed during exit interviews concerning reasons for employment termination at the Brentwood Schools be categorized so that specific trends can be detailed for use in recruiting and retaining employees and this accumulated data can be reduced to an annual report to the CBOE and made available to the public; after identifying funds to do so.

Response to Recommendation #14

The recommendation will be partially implemented in the future. Part of the recommendation will not be implemented because it is not warranted. By December 31, 2016, the CCCOE will create a written exit survey to be sent to all employees who leave or request transfers. The Superintendent will review a log of data from the surveys to identify any trends (if there are a statistically significant amount of data available). Since the Superintendent is the employer, it is appropriate for the review of data from these surveys to be undertaken by the Superintendent. Personnel matters do not fall under the purview of the County Board of Education.

Recommendation #15

The COE should consider creating SARCs applicable to Special Education programs that track data such as performance, progress of the special education programs and IEP goals met to give a true picture of the programs offered.

Response to Recommendation #15

The recommendation will not be implemented because it is not warranted or is not reasonable. The SARCs are California Department of Education (CDE) created and mandated documents. The COEs do not create SARCs.

Respectfully submitted,



Karen Sakata, County Superintendent of Schools



Christine Deane, Board President