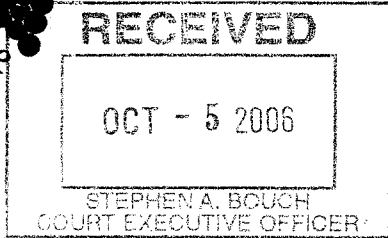


# St. Helena Unified School District

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Clerk of the Napa Superior Court

By: [Signature]  
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SUPERINTENDENT  
Allan Gordon

October 4, 2006

The Honorable Francisca P. Tisher, Presiding Judge  
Napa County Superior Court  
825 Brown Street  
Napa, CA 94599

Dear Judge Tisher:

Please accept this letter as a response to the 2005-2006 Grand Jury Final Report regarding the St. Helena Unified School District.

The St. Helena Unified School District wishes to commend the Grand Jurors on their commitment and dedication to a thankless task. The St. Helena Unified School District Board of Trustees is appreciative of their recognition of the necessity for safe schools for the children of the District and is always willing to examine recommendations that will enhance safety of students and staff.

Finding 1:

In spite of prior knowledge of the Fire Inspection date, each school had basic, easily corrected violations, with some repeated infractions from the previous year.

Recommendation 1:

Fire Safety violations at each of the schools must be corrected and compliance maintained with regulations and standards.

Response:

The Superintendent and Board agree with the finding and concur with the recommendation. The necessary corrections noted in the Grand Jury Report have been made, and are summarized below. We acknowledge, however, that some of these corrections were not completed in a timely manner. The District is committed to ensuring that this problem does not recur, and has taken the following steps to make sure that timely compliance is achieved and maintained:

- Hired a second full-time District maintenance person, thereby doubling staff capability to effect repairs and maintenance.

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Napa Superior Court

- Implemented a new work order system in which Health and Safety items are given the highest priority.
- Established weekly meetings between the District's Chief Business Official and Maintenance staff to review the status of open work orders, giving the District a single point of accountability for tracking compliance with regulations and standards.

#### Summary of Corrections:

Throughout the District, emergency lighting and Exit lights have been checked, repaired where necessary, and are being maintained on a regular schedule. The lead maintenance worker is charged with inspecting these items monthly.

Fire sprinkler systems have been inspected and documented as being up-to-date. All fire extinguisher safety and maintenance procedures have been reviewed with the lead custodian at each site. When annual servicing of fire extinguishers was completed in July 2006, the servicing company reviewed proper procedures with staff.

Staff has been notified about excess paper posted on classroom walls, and they will be reminded annually that the area covered by paper must not exceed 25% of the total wall surface. Classrooms have been inspected to ensure that evacuation plans are posted appropriately. A variety of storage and signage issues have been addressed and/or corrected.

All speed bumps have been removed, and gates previously cited for lacking "Knox Locks" have been left open for easy access. Additional "Knox Locks" have been ordered where required by the Fire Chief.

#### Finding 2:

There is pervasive lack of attention for years to Emergency Preparedness in SHUSD. The District did not begin to implement Emergency/Disaster Policy (BP0450) until the 2005-06 school year, leaving the students and staff vulnerable.

#### Recommendation 2:

SHUSD Administration develop and implement an updated, regulation compliant District-wide Emergency Disaster Plan, in addition to participating in NCOE's Project Prepared program.

#### Response:

The Superintendent and Board concur with the recommendation. It has been less than two years since the District experienced a nearly complete change in administrative leadership. In that time, we have encountered a number of challenges, not the least of which was the recognition that the District was not in compliance with State law, Board policy, and administrative regulations pertaining to emergency preparedness and safety. Rectifying this longstanding, inherited problem has been complicated by evolving, dual

sets of State and Federal requirements and standards pertaining to emergency preparedness. Until very recently, it was unclear how the integration of these sometimes overlapping State and Federal requirements impacted schools.

As the Grand Jury Report noted, California Government Code Section 8607, which became law in 1993, established the Standardized Emergency Management System (SEMS) as a statewide, universal response system for all California fire and law enforcement agencies, as well as other public and private entities, to work in a coordinated and standardized fashion in response to a disaster. The law is explicit about requiring state and local governments (including special districts such as schools) to respond to disasters using SEMS. It wasn't until 1998 that the Governor's Office of Emergency Services published guidelines for "School Emergency Response Using SEMS."

Subsequently, an additional layer of federal requirements for emergency preparedness was added in the aftermath of 9/11. On September 8, 2004, the U.S. Department of Homeland Security issued a letter announcing its intention to release a new set of federal requirements for state and local governments to comply with the new National Incident Management System (NIMS), a nationwide standardized approach to emergency incident management and response. While the federal government's NIMS was designed largely from the template of California's SEMS, the two systems are not identical. SEMS compliance does not necessarily guarantee NIMS compliance, and vice-versa.

Along with other public education entities in California, the Napa County Office of Education (NCOE) recognized that schools faced a major challenge to become compliant with the new U.S. Department of Homeland Security requirements for emergency preparedness. At the same time, NCOE recognized that few, if any, of Napa County's schools were compliant with existing State requirements. Taking advantage of a U.S. Department of Education grant program established to address this need, NCOE applied for and was awarded funding through an Emergency Response and Crisis Management grant. The 18-month grant became effective on October 1, 2005, when NCOE established Project PREPARED to aid public and private schools in Napa County in attaining compliance with State and Federal laws pertaining to emergency preparedness, and to train them in emergency response and disaster management.

Less than a month after NCOE obtained its grant, SHUSD's Director of Health and Safety contacted Project PREPARED to request assistance developing the overdue SEMS-compliant Emergency Operations Plans (EOP's) for the District and its four schools. Work on the Plans began almost immediately, but Project PREPARED staff recommended waiting on finalization of the Plans until it could be assured they were compliant with the Federal government's NIMS as well as California's SEMS. Finally, in January 2006, the U.S. Department of Homeland Security published the guidelines it had promised in September 2004: "Local and Tribal NIMS Integration: Integrating the National Incident Management System into Local and Tribal Emergency Operations Plans and Standard Operating Procedures—Version 1.0."

For the first time, local government entities in California (including SHUSD) had the guidance they needed to make their Emergency Operations Plans compliant with *both*

State and Federal law. Over the next few months, staff at Project PREPARED developed a model template Emergency Operations Plan for schools, and vetted it with Napa County's School Emergency Advisory Council, made up of the County's top emergency management and public health officials. Once the model Plan was fully reviewed and deemed compliant with both SEMS and NIMS, it was released to SHUSD in draft format in April 2006. The first official release version of the template was published by Project PREPARED in August 2006 as "Model Emergency Operations Plan for Napa County Schools" Release Version 1.0. Because SHUSD's Director of Health and Safety had been already working with the April 2006 draft for several months, it took her only a few weeks to complete the Emergency Operations Plans for the District and its schools. As of September 1, 2006, St. Helena Unified School District is able to claim that it is one of the first Districts in the country to have Emergency Operations Plans for all of its schools that are fully compliant with both SEMS and NIMS.

The District declared September 6, 2006 a "minimum day" so that all certificated personnel could attend a half-day training session at which Project PREPARED staff gave an overview of the schools' Emergency Operations Plans, and then provided introductory training on SEMS, NIMS, and the Incident Command System. Upon completion of the training, participants were given two nationally standardized 25-question exams. Those who successfully completed the exams will receive certificates documenting compliance with NIMS training requirements. On September 14, 2006, training was provided for the District's classified personnel. To date, 174 District employees have been trained and the District is in compliance with emergency preparedness training requirements for local government. An additional advanced training will be administered in Fall 2006 by Project PREPARED, in conjunction with local emergency responders, for the District's four School Emergency Management Teams. This training will consist of a half-day earthquake "table top" exercise in which the District's senior emergency managers will use their Emergency Operations Plans to practice an initial response and subsequent operational planning for a major disaster.

In addition to meeting State and Federal training requirements, the District Superintendent and the Director of Health and Safety participated at the St. Helena City Emergency Operations Center during the county-wide earthquake drill on August 31, 2006, the largest multi-agency emergency drill ever conducted in Napa County. This is the first time SHUSD has participated in such a drill, and is an outgrowth of a resolution adopted in April 2006 by the SHUSD Board of Trustees. Under Resolution 05-13, the Board of Trustees authorized the District to join the Napa Operational Area Organization (NOAO), which was established under SEMS in 1997 to facilitate countywide coordination of efficiency, planning and response in the event of a disaster. By joining the NOAO, the District also fulfills a new Federal requirement "to adopt NIMS at the community level." In addition to meeting legal requirements, the Resolution is an indication of a new level of commitment by SHUSD to be a proactive participant in local government's emergency preparedness activities.

### Finding 3:

Sick or injured High School students do not have a separate, private student healthcare room in which to rest or be treated, while maintaining confidentiality.

### Recommendation 3:

The District will establish a private room for student healthcare at the High School.

### Response:

The Superintendent and Board concur that it would be desirable to have a separate, private room devoted exclusively to student health care at St. Helena High School, but only if such a room can be continuously monitored by staff. A room offering privacy is available in the library, but it is in a relatively remote location and would require diverting staff from other duties to monitor the sick student(s). The District has weighed this option and concluded that, while student privacy might be enhanced, there would be an unacceptable increased risk to student safety should an acute medical emergency arise in a location where there may not be an adequate number of people around to lend assistance.

Until 1998, the District had access to a county-funded school nurse who was assigned to the high school one day per week. Sick students were monitored in a "nurse's room" in the main office area, opposite the Principal's office. On the four days per week when the nurse was not onsite, monitoring of sick students was performed by other office personnel. Currently, sick students are attended to in this same main office area. The former "nurse's room" is now the office of the Principal's secretary, and continues to be used to house ill students with the same level of privacy as in the past. The secretary or other staff member remains with the student until s/he is released to a parent or guardian. As was the case prior to 1998, acutely ill students (e.g., bleeding or vomiting) are accompanied by an adult and treated in one of the two office restrooms adjacent to the secretary's office.

The District recently engaged an architect to propose options for establishing a new, dedicated health care room in the main office area. Given the budgetary challenges facing the District, the need to prioritize resource allocation for educational needs, and the relatively few number of hours per year that a separate health care room is called for, we cannot at this time justify construction of a new room dedicated to this purpose. Should new revenue opportunities become available, the District will re-evaluate these options. Until then, we believe that student health and safety are best served by continuing to allow the office of the Principal's secretary to revert to its former function on an as-needed basis.

### Finding 4:

A licensed nurse is needed to fulfill the required training of healthcare providing staff, and to review each school's specific setting for medical safety, including disposal of hazardous waste.

### Recommendation 4:

The District will contract with a licensed nurse to perform the required staff training and annual medical safety review.

Response:

The Superintendent and Board agree with the finding and concur with the recommendation. The District currently contracts with a nurse to provide annual mandatory grade level health screenings for hearing, vision, and scoliosis. This nurse has agreed to an expansion of the contract to include the annual training of school site office staff in the proper administration of medications and the proper documentation, storage, and disposal of medication and sharps. The first of these trainings will be scheduled for late October/early November of 2006. The District's Director of Health and Safety will arrange for and document health care trainings and medical safety inspections, and will review at least annually the District's medical training needs, based on employee turnover and changing procedures. The Director of Health and Safety is working with a local hospital to obtain sharps container boxes for each campus, and to establish a procedure for disposal of sharps and any other medical hazardous waste.

Finding 5:

The District records indicate most of the staff certifications in CPR and/or First Aid are expired.

Recommendation 5:

CPR and FA certification of staff needs to be logged and tracked, with an assigned staff to monitor and alert staff before certification renewal is due.

Response:

The Superintendent and Board agree with the finding and concur with the recommendation. The Grand Jury is correct in pointing out that records of staff certification in CPR and first aid were inconsistent from school to school. To rectify this, the District's Director of Health and Safety has established a District-wide system for arranging annual certification training, for documenting those taking the training, and for alerting staff when certification renewal is due. In August 2006, 37 staff attended CPR, first aid, and bloodborne pathogen training. A tracking database has been established as recommended by the Grand Jury. The database will be used to ensure that at least one staff member at each school holds a valid certificate in these areas, in accordance with Board Policy; and to ensure that all high school coaches hold valid certificates in CPR and First Aid, in accordance with California Education Code Section 35179.1.

Finding 6:

SHUSD has limited food transportation vehicles and food warming units.

Recommendation 6:

SHUSD needs to provide sufficient professional transportation vehicles to distribute prepared foods to the receiving school kitchens; and needs backup warming unit(s) for times of impaired equipment.

Response:

The Superintendent and Board agree with the finding and concur with the recommendation. To address these concerns, the Food Services Director and Chief Business Official have performed a systematic review of the District's food preparation, transportation, and serving processes. As a result of this review, they have developed specifications and made a recommendation to the Board of Trustees to approve the purchase a new food transport van with a lift gate of sufficient size and capacity for loading and unloading hot and cold food carts. They will also recommend purchase of at least one, and possibly two, additional food warming units. These recommendations have been forwarded to the Board of Trustees for consideration at their October, 2006 meeting. Upon the anticipated approval of the Board, the new equipment should be placed in service prior to the end of 2006.

Finding 7:

SHUSD Middle School's kitchen is too small and lacks an enclosed area for ordering food and a cafeteria for eating.

Recommendation 7:

To improve food service at the Middle School, SHUSD needs to provide it with a more appropriate size and designed kitchen, having a corresponding protected cafeteria for student use.

Response:

The Superintendent and Board are in partial disagreement with the finding and recommendation. We agree with the Grand Jury Report (p. 38) that "the Middle School's kitchen is very small." The kitchen would indeed be too small to adequately serve a school of this size as a *food preparation* facility, but it is not used as such. Food is prepared offsite (see Finding 6) and transported to the Middle School kitchen, which is used solely as a serving station. As a serving station, the Middle School kitchen is appropriately sized. There is no record of health or safety concerns at this facility, as evidenced by the fact that it consistently receives "A" grades for health and safety conditions from the Napa County Department of Environmental Health.

The area in which students line up, order, and receive food consists of a roof-covered veranda, open on one side. This covered veranda is seven feet wide, and provides ample space so that students are not forced to stand outside unprotected in bad weather. To address the concerns of the Grand Jury, however, the District is evaluating a reconfiguration of the serving area to allow the service of food directly into the gym, which doubles as the school's cafeteria during inclement weather. If this reconfiguration can be effected without compromising health and safety standards and student confidentiality, it will be implemented by November 1, 2006.

Finding 8:

Significant safety concerns are found on each campus.

### Recommendation 8 (a):

Assign one (1) or two (2) staff persons per site to weekly survey the school for a safe environment. Provide a tracking and reporting process to assure the concerns are reviewed and resolved.

### Response:

The Superintendent and Board agree with the finding and concur with the recommendations. Fire safety concerns are addressed elsewhere in this Response (see Finding 1). The other safety concerns noted in the Grand Jury Report (p. 39) can be categorized in three ways:

1. Items that can be rectified with simple, one-time actions.
2. Items that can be addressed only through a collaborative, community-based effort.
3. Items that must be addressed systemically, through a change in focus and procedures.

Items in the first category have been completed. For example, a new ADA-compliant water fountain has been installed at the Elementary School to replace a substandard water fountain that had existed previously. A bulldozer, which had been temporarily parked behind the Middle School, has long since been moved. At the High School, specific concerns noted by the Grand Jury have been corrected at eyewash stations, welding hood stations, and science storage areas.

Items in the second category include instances of campus vandalism, particularly at the Elementary School. This is a long-standing community problem, and one that occurs almost exclusively during non-school hours. To address the problem, the District is working with the St. Helena Police Department to increase its community policing presence at the site. In the past several months, for example, police have established a greater patrol presence and issued a number of warnings and citations to skateboarders, loiterers, and others found to be using the site inappropriately. In addition, the site custodian now conducts a physical "sweep" inspection of the campus beginning at 6 a.m. of each school day, looking for fresh signs of vandalism, graffiti, body waste, or other issues that may compromise the health and safety of students and/or staff. When necessary, the Police Department is contacted, and in most instances, corrective actions (e.g., graffiti is removed, broken windows are repaired) are taken prior to the arrival of students.

Items in the third category require a new focus on the general safety of all facilities in SHUSD. As noted previously, the District experienced a nearly complete change in administrative leadership over the past 18 months, including the loss of the long-time Director of Maintenance and Operations. One negative result of this transition is that, as the Grand Jury Report noted (p. 29), "sometimes the daily operations that provide the safe environment for learning have been neglected or overlooked." A positive result is that the transition presented the opportunity to restructure and enhance the District's approach to safety, and thereby clarifying responsibilities and accountability. The District has done this by taking the following three steps:



1. Augmented Maintenance and Operations staff.
2. Clarified the primary responsibility of principals, as site administrators, for identifying health and safety issues at the individual campuses.
3. Established a work order system that ensures tracking and monitoring of issues from identification to resolution.

Prior to 2004, site custodians were responsible for grounds maintenance and facility maintenance, in addition to their custodial and cleaning duties. If a maintenance issue arose that was beyond the custodian's ability, it would be referred to the District's Director of Maintenance and Operations. This system worked well enough, because the Director of Maintenance and Operations had worked for the District for many years and was intimately familiar with each facility. The system ceased to function as well as it had in the past, however, when this employee left the employ of the District. In particular, some of the more complex maintenance issues were deferred or overlooked, resulting in some cases, in a failure to correct important safety infractions.

The District recognized the need to redefine specific health and safety responsibilities at each site. To accomplish this, the first step taken by the District was to augment its Maintenance and Operations staff by hiring a new dedicated grounds employee and relieving custodial staff of grounds maintenance duties. The District also hired a second Maintenance and Operations employee, thereby doubling the capacity to make necessary repairs. One result is that custodial staff is now responsible solely for cleaning and surveying campuses each day for new problems, and reporting any that arise to the site administrator. In the second step, the District has clarified the responsibility of principals for monitoring all issues pertaining to the safety of their particular school environment. In addition to the daily surveys performed by custodial staff, principals will also personally survey the school safety environment at least once a week. Finally, a new work order system is available for use by principals to report, document, and monitor the progress of identified issues until they are resolved.

Recommendation 8 (b):

Provide staff with an annual safety precautions and standards in-service, including the charge to develop and use their "safety eyes" by periodically looking at the campus with the focus of ensuring school safety.

Response:

The Superintendent and Board concur with the recommendation. District administration conducts bi-weekly management meetings, which includes review of health and safety issues. All principals attend these meetings and report on the status of health and safety issues at their sites. In addition, the District holds a three-day management meeting every August, during which health and safety issues are discussed, including information on any new developments, precautions, and/or standards. In each case, principals are conduits of the information between the District and their respective staffs, and vice-versa. The principals also work with the Director of Health and Safety to evaluate the need for, and provide, in-service trainings as needed. Recent examples have included emergency response training and CPR, first aid, and bloodborne pathogen training.

Finding 9:

Appropriate attention to safety is missing within SHUSD, as evidenced by the lack of implementation of district policies, the noted safety hazards on the school campuses and the High School's poor Fire Inspection record.

Recommendation 9 (a):

SHUSD will establish and implement a comprehensive district wide safety plan.

Response:

The Superintendent and Board agree with the finding and concur with the recommendation. The District acknowledges the need to update its comprehensive District-wide safety plan, which was initially established and implemented in 2000. As a first step in this process, the Superintendent solicited a broad representation of stakeholder groups and convened a District-wide school safety committee on Sept. 1, 2006. The meeting was attended by 26 people, including District administrators, teachers, and classified staff. A broad cross-section of the community was represented as well, including parents, St. Helena's mayor, city manager, fire chief, police chief, and local representatives of the Red Cross. The group discussed the status of emergency and safety compliance issues; the status of campus emergency supplies, equipment, and communications; and the potential for conducting comprehensive campus safety and security audits. The District's Director of Health and Safety will work with the safety committee to update the comprehensive District wide safety plan during the 2006-2007 academic year.

Recommendation 9 (b):

To ensure compliance not only with legal mandates but the district's own policies, staff must be held accountable for job responsibilities and performance.

Response:

The Superintendent and Board concur with the recommendation. The District has taken steps to increase accountability for health and safety at all levels. With respect to fire and other safety maintenance issues, the District has revamped and committed to automating its maintenance work order system; augmented its Maintenance and Operations staff; and elevated issues of health and safety to the highest priority for maintenance and repairs. Additionally, the District has established points of accountability for:

- Surveying each school's safety environment at least once per week.
- Monitoring and tracking corrections and repairs identified in facility safety inspections.
- Establishing compliance with emergency preparedness standards and regulations.

- Establishing and training school emergency management teams at each campus.
- Conducting and documenting medical care trainings and medical safety inspections at each campus.
- Logging and tracking training certification for CPR and first aid.
- Updating the District-wide comprehensive safety plan.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Allan E. Gordon". The signature is written in a cursive style with a large, stylized initial "A".

Allan E. Gordon  
Superintendent