



COUNTY OF SAN BENITO BOARD OF SUPERVISORS

481 Fourth Street, Hollister, CA 95023
Phone: 831-636-4000 Fax: 831-636-4010

www.sanbenito.ca.us
sbcsuper@supervisor.co.sanbenito.ca.us

August 2, 2011

The Honorable Harry J. Tobias
Presiding Judge San Benito County Superior Court

Dear Judge Tobias:

This is the San Benito County formal response to the Grand Jury Report for FY 2010/2011. The County Board of Supervisors is responding to the following reports: San Benito County Planning and Building Department, Election Department, Health and Human Services, San Benito County Jail and Juvenile Hall.

This response fulfills Penal Code Section 933 that mandates a response to the Grand Jury Report within 90 days of the report.

Please extend our appreciation to the Grand Jury for their continued dedication and service to the community.

Sincerely,

Margie Barrios, Chair
San Benito County Board of Supervisors

Attachment: San Benito County Response

**San Benito County Board of Supervisor's Response to Grand Jury Report
In Reference to the San Benito County Planning and Building Department**

This is the formal San Benito County Response to two San Benito County Grand Jury Reports for FY 2010/2011 dated May 17, 2011. Both were titled "San Benito County Planning and Building Department. The report referenced the Precision contract for services on page 21 and the other referenced the Planning and Building Department on page 23. This response has been prepared pursuant to the California Penal Code Section 933 in regard to findings and recommendations made by the Grand Jury.

In reference to the Planning and Building Department and the Precision Contract on page 21:

FINDINGS

- F1. The County Administrative Officer and the Planning and Building Department answered all questions.*
- F2. No wrong doing was evident based on the information we received.*
- F3. Precision Inspection Company reduced the back log the County was experiencing and works well within the Planning and Building Department.*
- F4. No violation of the contract between the County and Precision was evident.*

Response of the County Board of Supervisors –

The County Board of Supervisors agrees with the findings and concurs with the responses of the Planning Director as presented.

RECOMMENDATIONS

- R1. Investigate the possibility of other companies providing services.*
- R2. If County employees are available they should be utilized first.*
- R3. Information regarding the permit process is readily available to anyone requesting the services of the planning and Building Department*
- R4. Precision Inspection Company and the County remain within the boundaries of the contract.*

Response of the County Board of Supervisors –

The recommendations have been implemented, and the Board of Supervisors concur with the summary regarding implemented actions as presented by the Planning Director.

In reference to the findings and recommendations in regard to the permit process at Planning and Building Department on page 23:

FINDINGS:

F1. The Planning and Building Department answered all questions.

F2. Based on the information the committee received, no wrong doing was evident

Response of the County Board of Supervisors –

The County Board of Supervisors agrees with the findings and concurs with the responses of the Planning Director as presented.

RECOMMENDATIONS:

R1. Ensure that staff properly informs applicants of full procedures in obtaining a permit.

Response of the County Board of Supervisors –

The recommendation had been implemented, and the Board of Supervisors concurs with the summary regarding implemented actions as presented by the Planning Director.

**San Benito County Board of Supervisor's Response to Grand Jury Report
In Reference to the San Benito County Election Department**

This is the formal San Benito County Response to San Benito County Grand Jury Reports for FY 2010/2011 dated May 17, 2011 to the titled report "San Benito County Department of Elections" on page 24. This response has been prepared pursuant to the California Penal Code Section 933 in regard to findings and recommendations made by the Grand Jury.

FINDINGS

F1. There was confusion by some of the election volunteers as to the process and appeared inadequately trained.

Response of the County Board of Supervisors –

The County Board of Supervisors concurs with the responses of the County Registrar of Voters as presented in his response, in regard to this finding.

F2. Lack of supervisory staff on site resulted in inappropriately marked ballots, which mandated costly hand counting.

Response of the County Board of Supervisors –

The County Board of Supervisors concurs with the responses of the County Registrar of Voters as presented in his response; and disagrees wholly or partially with the finding, as was explained by the Registrar of Voters to the specified and disputed findings.

RECOMMENDATIONS

R1. Additional training for poll workers and election volunteer prior to voting day, so as not to cause costly hand counting.

Response of the County Board of Supervisors –

The Board of Supervisors concurs with the response of the County Registrar of Voters; and the recommendation has not been implemented because it is not warranted or is not reasonable with an explanation therefore as presented.

**San Benito County Board of Supervisor's Response to Grand Jury Report
In Reference to the Health and Human Services Agency (HHS)**

This is the formal San Benito County Response to San Benito County Grand Jury Reports for FY 2010/2011 dated May 17, 2011 to the titled report "Health and Human Services Agency (HHS)" on page 25. This response has been prepared pursuant to the California Penal Code Section 933 in regard to findings and recommendations made by the Grand Jury.

FINDINGS

- F1. The staff of HHS is very knowledgeable regarding programs available for those who require them.*
- F2. The agency, even short-handed due to cut backs, does all it can to meet the needs of the applicants.*

Response of the County Board of Supervisors –

The County Board of Supervisors agrees with the finding and concurs with the responses of the HHS Director as presented in her response regarding these findings.

RECOMMENDATIONS

- R1. No recommendations at this time.*

Response of the County Board of Supervisors –

The Board of Supervisors concurs with the response of the HHS Director; and no recommendations were made at this time.

**San Benito County Board of Supervisor's Response to Grand Jury Report
In Reference to the San Benito County Jail Review**

This is the formal San Benito County Response to San Benito County Grand Jury Reports for FY 2010/2011 dated May 17, 2011 to the titled report "The San Benito County Jail Review" on page 29. This response has been prepared pursuant to the California Penal Code Section 933 in regard to findings and recommendations made by the Grand Jury.

FINDINGS

- F1. The Jail is well-run and well-maintained. An orderly, clean environment is the norm.*
- F2. The safety of prisoners is assured and there have been no murders, suicides or escapes since the Jail's inception.*
- F3. The Jail staff is well-trained and experienced. Professional development opportunities are ongoing.*
- F4. Prisoners are treated with respect.*
- F5. There are a variety of support services available.*
- F6. The Jail is currently operating at maximum capacity.*

Response of the County Board of Supervisors –

The County Board of Supervisors agrees with the findings made by the Grand Jury in regards to the Jail operation.

RECOMMENDATIONS

- R1. Personnel are stretched too thin due to budget cuts and non-replacement of Deputies. Basic current needs include the hiring of at least four additional Deputies*

Response of the County Board of Supervisors –

The Board of Supervisors concurs with the response made by the Sheriff. The recommendation will not be implemented due to budget constraints in FY 2010-2011.

- R2. The office of Medical Services is extremely cramped and a larger space should be considered.*

Response of the County Board of Supervisors –

The Board of Supervisors concurs with the response made by the Sheriff. The recommendation will not be implemented due to budget constraints in FY 2010-2011.

**San Benito County Board of Supervisor's Response to Grand Jury Report
In Reference to the San Benito County Juvenile Hall Review**

This is the formal San Benito County Response to San Benito County Grand Jury Reports for FY 2010/2011 dated May 17, 2011 to the titled report "The San Benito County Juvenile Hall Review" on page 33. This response has been prepared pursuant to the California Penal Code Section 933 in regard to findings and recommendations made by the Grand Jury.

FINDINGS

- F1. The Juvenile Hall is operating in a safe, secure and effective manner. Staff members are exceptionally caring, involved and committed.*
- F2. The washing machine has been replaced as a result of the 2009-2010 Gran Jury recommendation.*
- F3. On-going maintenance and daily janitorial tasks are performed by residents and staff..*
- F4. The Juvenile Hall continues to offer limited rehabilitative/treatment programs for those entrusted to its case.*
- F5. Two videos developed by the facility staff and San Benito High School students – one for purpose of orientating parents and residents, and another for sentencing/reporting have received state awards and the models are being used by other juvenile hall facilities.*
- F6. Currently providing onsite open houses for the community in order to be transparent.*
- F7. Facility staff conducts parenting classes at the Presbyterian Church.*
- F8. A Community Advisory Board has been established.*

Response of the County Board of Supervisors –

The County Board of Supervisors agrees with the findings and concurs with the responses made by the County Probation Officer, as presented in his response regarding these findings.

RECOMMENDATIONS

- R1. No recommendations at this time.*

Response of the County Board of Supervisors –

The Board of Supervisors concurs with the response made by the County Probation Officer, as no recommendations were made at this time.

SAN BENITO COUNTY
Planning and Building Inspection Services
3224 Southside Road
Hollister, CA 95023



Phone: (831) 637-5313

Fax: (831) 637-5334

June 30, 2011

Honorable Harry J. Tobias, Presiding Judge
San Benito County Superior Court
440 Fifth Street, Room 205
Hollister, CA 95023

SUBJECT: Response to recommendations from 2010-2011 Final Grand Jury Report

Honorable Judge Tobias:

The Planning and Building Inspection Services Department of San Benito County is providing the required response to the Grand Jury Final Report 2010-2011. We have read the report and specifically the findings and recommendations on Pages 21 and 23 of 55 related to the Planning and Building Department.

We agree with the Findings F1 through F4 on Page 21 and F1 and F2 on Page 23 presented and have complied with the recommendations. The Board of Supervisors voted to extend our contract with Precision Inspection Company for a five year period on March 1, 2011, following a public hearing.

All recommendations have been implemented and we will continue to follow the ongoing portions of the recommendations.

The following is provided per California Penal Code Sections 933 and 933.03:

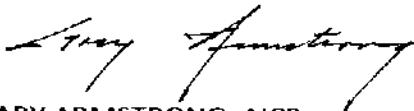
Page 21:

- R1. Investigate the possibility of other companies providing this service.
RESPONSE: *The Respondent has complied with the recommendation. Informal inquiries with other companies were conducted by telephone in 2010 and 2011. Due to the economic climate, Precision's confirmation of no increase or modification to their original contract, the County extended the contract to June 30, 2016.*
- R2. If County employees are available they should be utilized first.
RESPONSE: *The Respondent has complied with the recommendation. The County Building Inspector is always the primary inspector. The County Inspector also conducts some plan check services. Precision Inspection provides inspection services when the County Inspector is absent, ill, or on vacation or furlough. In some instances, the County Inspector is not qualified to perform services performed by Precision Inspection such as engineering services.*
- R3. Information regarding the permit process is readily available to anyone requesting the services of the Planning & Building Department.
RESPONSE: *The Respondent has complied with the recommendation. The Department is open 8:00 AM to 5:00 PM daily including the lunch hour. The Department telephones are not automated.*
- R4. Precision Inspection Company and the County remain within the boundaries of the contract.
RESPONSE: *The Respondent has complied with the recommendation. Precision Inspection has provided excellent service and conducts business on behalf of San Benito County under the direction of the Department Head.*

Page 23:

- R1. Ensure that staff properly informs applicants of full procedures in obtaining a permit.
RESPONSE: *The Respondent has complied with the recommendation. As procedures and fees change, staff is continually updated with information to be provided to the public. Planning application and Building permit fees are public documents. Both the application fee summaries and the San Benito County Code are available on the County website.*

Sincerely,



GARY ARMSTRONG, AICP
Director – Department Head

cc: Rich Inman, County Administrative Officer



JOE PAUL GONZALEZ
CLERK, AUDITOR & RECORDER
REGISTRAR OF VOTERS
E-Mail: jgonzalez@auditor.co.san-benito.ca.us

Telephone: Auditor: (831) 636-4090
Auditor Fax: (831) 635-9340
Co. Clerk: (831) 636-4029
Elections: (831) 636-4016
Recorder: (831) 636-4046
Facsimile: (831) 636-2939


**OFFICE OF THE COUNTY CLERK,
RECORDER & REGISTRAR OF VOTERS**
440 Fifth Street, Room 206
Hollister, California 95023

OFFICE OF THE AUDITOR
481 Fourth St., 2nd Floor
Hollister, California 95023

Website: <http://sbcvote.us>

COUNTY OF SAN BENITO

TO: Honorable Harry J. Tobias, Presiding Judge
San Benito County Superior Court
440 Fifth Street, Room 205
Hollister, CA 95023

FROM: Joe Paul Gonzalez 
County Registrar of Voters

DATE: July 6, 2011

SUBJECT: Response to 2010-2011 Grand Jury Report

As mandated by law, the County Registrar of Voters (ROV) is hereby submitting the following responses to pertinent findings and recommendations from the 2010-2011 Grand Jury Report. The subsequent responses will pertain only to the Election's Office of the County Clerk/Auditor/Recorder/Elections Department.

Grand Jury "**Findings**" followed by Department's response:

"F1. There was confusion by some of the election volunteers as to the process and appeared adequately trained." (Note: It has been assumed that the word "adequately" is a typographical error and that the Grand Jury meant "inadequately" in this finding.)

R1. The Election's Office goal is to enhance every election experience for the voters of San Benito County by providing at each election, well managed and trained Poll Workers that are friendly, courteous and knowledgeable.

The Election Division continues to recruit and train seasoned Poll Workers and Inspectors for Election Day. Several of these volunteers have worked on Precinct Boards for over 10 years and others have over 35 years of election volunteer experience. It is the policy of the Registrar of Voters to require each Poll Worker and Inspector, regardless of experience, to attend a detailed training prior to each election. Without fail, we offer two sessions of this specific election training just before each Election Day. During the training, we review with all Poll Workers the detailed Poll Worker Manual, which clarifies the pertinent processes and provides our volunteers with immediate step by step instruction on Election Day requirements.

Roaming observers receive additional one-on-one training to deal with more technically related election processes. These individuals visit and monitor each polling place throughout the day for compliance to federal, state and local laws and standards. Each polling place Inspector is issued a cell phone to facilitate contact with ROV Election Staff at all times. When calls are received from the various precincts at the Election office with issues or just simple requests for additional supplies, the Roaming Observer is immediately dispatched to the polling location. In addition, the County's Chief Elections Official personally visits and roams each polling place on Election Day.

The Election's Office also continues to evaluate and work to identify areas of confusion with volunteers (Poll Workers) to enhance the trainings in these specific areas and to assure that all volunteers are informed and educated in the election process pertinent to their participation. We have also incorporated a more hands-on training approach that allows the poll workers to experience and share learning opportunities from actual experiences. A new "What's New in Elections" section has been incorporated in each election training to assist new and veteran Poll Workers to apply these changes at their polling location. These scheduled three and one-half hour training classes are conducted prior to each election.

"F2. Lack of supervisory staff on site resulted in inappropriately marked ballots, which mandated costly hand counting."

R2. This Grand Jury finding is unclear. Due to voter privacy, only the voters may mark their ballots. Accordingly, we do not review or supervise the voter during the ballot marking process. The following provides the circumstances for the process of duplicating inappropriately marked ballots, the hand counting of ballots as required by law, and to explain the roles of supervisory staff during these processes.

When voters have improperly marked their ballots, the duplicating of the cast ballot is required for machine counting by the 400C optical tally machines. In addition to an improperly marked ballot or other action/defect that damages the ballot and prevents the original ballot from being read by a ballot tabulating machine, the ballot must be duplicated in order to properly process and count the votes originally cast by the voter. The duplicating process occurs in the Office of the Registrar of Voters as prescribed by law. (EC 15210 provides the method by which a duplicate ballot must be created.)

To reduce improper marking of ballots by voters, voting instructions on how to mark a ballot are displayed and provided to voters in a number of ways. During an Election, instructions on how to mark a ballot is posted in each voting booth, printed in the Sample Ballot/Voter Information Pamphlet, and is provided with each Vote by Mail ballot. In addition, we are enhancing our voter education efforts and outreach in the community to assist voters as changes occur in the election and voting processes.

With regard to the second part of the finding F2, "mandated costly hand counting"; it is unclear why the Grand Jury observer(s) presumed that ballots during the Election day process were at any time being hand counted. The following standard processes and legal requirements mandate hand counting of ballots but only after all eligible and cast precinct, Vote by Mail (VBM) and provisional ballots are machine counted.

After Election Day, manual or hand counting occurs, during the Official Canvass:

- a) 1% Manual Recount of the Optical Scan Ballots (EC 15360)
- b) 100% Manual Recount of the DRE (Direct Recording Electronic Voting System)

Manual verification and preparation of eligible and cast provisional ballots occurs after Election Day as follows:

- a) Voter casts a provisional ballot and the voter's eligibility is confirmed with the voter's choice clearly marked; the vote shall be counted.
- b) Voter casts a provisional ballot for a precinct other than the precinct in which the voter was legally entitled to vote, all votes properly cast in contests for which the voter was legally entitled to vote will be counted. This would cause a ballot to be duplicated prior to processing through the ballot tabulating machine. (EC 14310)

Election Day Polling Place Supervision includes the Precinct Inspector and the Roaming Observers all of which are trained and re-trained prior to each election. The supervision of the VMB (formerly Absentee) Board is by either the Election Department's Staff or experienced temporary Election Staff. All of these

individuals work closely with the VMB Board and review the policies and procedures for processing inappropriately marked ballots.

Pursuant to Section 301 (a)(6) of the Help America Vote Act (HAVA) of 2002, the Secretary of State developed the "California Vote Counting Standards" to define the circumstances under which "marking" of a ballot constitutes a vote and when a vote will or will not count for each category of voting systems certified and in use in California. The Elections Division continues to educate voters on the correct process in which to "mark" and cast a ballot. We are committed to continuing our efforts in voter education and outreach for all San Benito County voters.

It would be a pleasure to work with any Grand Jury observer(s) that may be interested in learning more about the election and voting processes. Please don't hesitate to contact the Election's Office with any questions regarding this response.



KATHRYN FLORES
DIRECTOR

ALVARO GARZA, M.D., M.P.H.
HEALTH OFFICER

SAN BENITO COUNTY

HEALTH & HUMAN SERVICES AGENCY

1111 SAN FELIPE ROAD, SUITE 206
HOLLISTER, CALIFORNIA 95023

July 6, 2011

Honorable Harry J. Tobias, Presiding Judge
San Benito County Superior Court
440 Fifth Street, Room 205
Hollister, CA. 95023

Honorable Judge Tobias:

Pursuant to the California Penal Code 933 (c), below is the Health and Human Services Agency response to the Grand Jury Report dated May 9, 2011.

Health and Human Services Agency concurs with the Grand Jury's findings, noted on page 25 of 55.

The Health and Human Services Agency notes the Grand Jury's "No recommendations at this time" on page 25 of 55.

HHSA is appreciative of the interest in its services shown by the Grand Jury. We will continue to strive to meet the needs of our customers, especially in these economically challenging times.

Sincerely,

Kathy Flores
Director

Cc: Honorable Board of Supervisors
Rich Inman, CAO

ELIGIBILITY SERVICES
831.636.4180

SOCIAL SERVICES
831.636.4190

INVESTIGATIONS
831.636.4158

CALWORKS RESOURCES
831.634.4196

ADMINISTRATION
831.636.4180

HEALTH SERVICES
831.637.5367



SAN BENITO COUNTY SHERIFF'S OFFICE

Post Office Box 700 • HOLLISTER, CALIFORNIA 95024-0700
PHONE: 831-636-4080 • FAX: 831-636-1416

DARREN THOMPSON
SHERIFF-CORONER

June 30, 2011

TO: San Benito County Grand Jury

From: Darren Thompson, Sheriff / Coroner

A handwritten signature in black ink, appearing to be "DT", written over the printed name.

RE: 2010 – 2011 Grand Jury Report and Response, County Jail

The following is my response to the conclusions and recommendations of the Grand Jury:

1. Personnel are stretched too thin due to budget cuts and non-replacement of Correctional Deputies. Basic current needs include the hiring of at least four additional Correctional Deputies.

While I would agree the Jail is understaffed and support any intent to replace Correctional Deputies, the Department will not be able to act on these recommendations due to budget constraints for fiscal year 2011-2012.

2. The office for Medical Services is extremely cramped and a larger space should be considered.

The inmate population would likely support a larger Medical Services space however the Department will not be able to act on these recommendations due to budget constraints for fiscal year 2011-2012.

MISSION STATEMENT

TO SERVE THE PUBLIC BY ESTABLISHING A PARTNERSHIP WITH THE COMMUNITY; TO PROTECT LIFE AND PROPERTY,
PREVENT CRIME AND SOLVE PROBLEMS



San Benito County Probation Department

400 Monterey Street
Hollister, CA 95023
831-636-4070
831-636-5682 FAX

Brent Cardall
Chief Probation Officer

San Benito County Probation Department Response to Grand Jury Report In Reference to San Benito County Juvenile Hall

This is the formal San Benito County Response to the Grand Jury Report 2010-2011, dated May 9, 2011, titled, "San Benito County Juvenile Hall Review Report". This response has been prepared by the San Benito County Chief Probation Officer pursuant to the California Penal Code Section 933 in regard to findings and recommendations made by the Grand Jury.

The following findings and recommendations were made in the Grand Jury Report dated May 9, 2011, titled "San Benito County Juvenile Hall Review Report". For the purpose of subdivision (b) of Section 933, as to each Grand Jury findings, and recommendations, the respondent offers the following responses.

FINDINGS

Page 34

F1. Juvenile Hall is operating in a safe, secure and effective manner. Staff members are exceptionally caring, involved and committed...

Response of the San Benito County Chief Probation Officer –
The respondent agrees with the findings.

F2. The washing machine has been replaced as a result of the 2009-2010 Grand Jury recommendation.

Response of the San Benito County Chief Probation Officer –
The respondent agrees with the findings.

F3. Ongoing maintenance and daily janitorial tasks are performed by residents and staff.

Response of the San Benito County Chief Probation Officer –
The respondent agrees with the findings.

F4. *Juvenile Hall continues to offer limited rehabilitative/treatment programs for those entrusted to its care.*

Response of the San Benito County Chief Probation Officer –
The respondent agrees with the findings.

F5. *Two videos developed by the facility staff and San Benito High School students – one for the purpose of orientating parents and residents, and another for sentencing/reporting- have received state awards and the models are being used by other juvenile hall facilities.*

Response of the San Benito County Chief Probation Officer –
The respondent agrees with the findings.

F6. *Currently providing on-site open houses for the community in order to be transparent.*

Response of the San Benito County Chief Probation Officer –
The respondent agrees with the findings.

F7. *Facility staff conducts parenting classes at the Presbyterian Church.*

Response of the San Benito County Chief Probation Officer –

The respondent agrees with the findings. The probation department commenced classes at the Presbyterian Church; but has since moved the location of the parenting classes to the Hollister Recreation Community Center and the Probation Department.

F8. *A Community Advisory Board has been established.*

Response of the San Benito County Chief Probation Officer –
The respondent agrees with the findings.

RECOMMENDATIONS

R1. The Grand Jury has no recommendations at this time.

FINAL SUMMARY

I greatly appreciate the Grand Jury's cooperation and feedback and I agree with the report. The Grand Jury is a very valuable organization that gives excellent feedback and recommendations. I appreciate their hard work and diligence for the fiscal year 2010-2011.

Thank you for taking the time to review this response.



San Benito High School District

1220 Monterey Street, Hollister, CA 95023
Phone (831) 637-5831 ext. 134 Fax (831) 637-3046
www.sbhsd.k12.ca.us

SUPERINTENDENT
STAN ROSE

June 30, 2011

Honorable Harry J. Tobias, Presiding Judge
Superior Court, State of California, County of San Benito
440 Fifth Street, Room 205
Hollister, CA 95023-4057

RE: Response to Findings and Recommendations of the Grand Jury Report, 2010-2011, San Benito High School District

Dear Honorable Steven Sanders:

Enclosed please find responses to the San Benito County Grand Jury Final Report 2010-2011, San Benito High School, Findings and Recommendations, conducted by the Health, Education, and Welfare Committee of the San Benito County Civil Grand Jury. The responses contained herein are submitted as responses of both the San Benito High School District Superintendent and the San Benito High School District Board of Trustees.

In drafting this response, the Board and Superintendent reviewed appropriate policies, codes and guidelines, actions taken or contemplated, and applied all to the Grand Jury's Findings, Recommendations, and comments. Each Grand Jury Finding and Recommendation is identified and located immediately above the corresponding Superintendent and Board response.

If there is any need for clarification, please feel free to contact me directly by phone at 831-637-5831, extension 133, by email at rose@sbhsd.k12.ca.us, or directly by mail. An information copy of this response will be issued to the San Benito County Board of Supervisors.

In the meantime, on behalf of the Board, I would like to thank the Court for providing this opportunity to respond to the Findings and Recommendations contained in the Report that pertain to San Benito High School.

Yours very truly,

Dr. Stanley Rose, III
Superintendent

Copy: Board of Trustees
San Benito County Board of Supervisors

Evelyn Muro

Mary Encinias

BOARD OF TRUSTEES
William G. Tiffany

Raymond Rodriguez

Tim Shellito

The mission of San Benito High School is to educate all students to their highest potential so they will have the greatest range of personal options upon graduation.

**FINDINGS AND RECOMMENDATIONS FROM THE
REPORT, COUNTY OF SAN BENITO CIVIL GRAND
JURY, FINAL REPORT,**

2010-2011:

**RESPONSES FROM SAN BENITO HIGH SCHOOL
DISTRICT**

FINDINGS

Finding F1. The six surveillance cameras are well-situated and appear to be a deterrent to gang issues and graffiti.

District Response: *SBHSD agrees with the Finding.*

Finding F2. The School does not have a campus-wide public address system.

District Response: *The District agrees with the Finding.* It is significant that the infrastructure to support such a system has been installed incrementally since 2007. The District continues to seek options for systems, balancing those options against the extreme financial exigencies of the day. One such system is a one-wire phone system with universal messaging capability over the phone speakers. Another is a public address system that has a wireless capability, to be located in critical areas around campus. Both systems require infrastructure to implement, and the District has been installing infrastructure in the form of fiber "backbone" to create the ability to house the chosen system. In the meantime, the District has installed two other systems to communicate with staff and community, in addition to our Outlook email system. One is School Loop, a web-based communication device to both home and school participants, including employees. The other is the Connect-ED system for communicating via message by voice or email to students' families and/or staff. Staff will continue to consider options for the best system in light of the financial difficulties under which public school systems must live in 2011.

Finding F3. All classroom doors have been up-graded so that they can now be locked from the inside in the event of an emergency or lockdown drill.

District Response: *The District agrees with the Finding.*

Finding F4. The American flag is displayed on a pole at the front of the school. Daily recitation of the Pledge of Allegiance (or other "patriotic equivalent" per Ed Code §52720) is expected by each class at the beginning period of the school day but teacher compliance varies and this topic is currently under discussion by the various departments.

**FINDINGS AND RECOMMENDATIONS FROM THE
REPORT, COUNTY OF SAN BENITO CIVIL GRAND
JURY, FINAL REPORT,**

2010-2011:

**RESPONSES FROM SAN BENITO HIGH SCHOOL
DISTRICT**

District Response: *The District partially disagrees with the Finding.* Education Code §52720 states in pertinent part, as follows:

In every public secondary school there shall be conducted daily appropriate patriotic exercises. The giving of the Pledge of Allegiance to the Flag of the United States of America shall satisfy such requirement. Such patriotic exercises for secondary schools shall be conducted in accordance with the regulations which shall be adopted by the governing board of the district maintaining the secondary school.

San Benito High School District Board Policy 5150 states, in pertinent part, "The Pledge of Allegiance to the flag shall be conducted once daily in all classrooms during the first block of the day.

San Benito High School District Board of Trustees holds in Board Policy 5150 that the Pledge of Allegiance is to be conducted during the first block of the day each school day. The District acknowledges that Federal courts have held that individuals may not be compelled to salute the flag or to stand during the salute (West Virginia State Board of Education et al v. Barnette et al.). The Board's position relative to the Pledge, recognizing the rights of individuals, remains as stated in its Board Policy 5150 that the Pledge of Allegiance shall be conducted during the first block of each school day.

It is an expectation of school administration that, per Education Code §52720 and Board Policy 5150, the Pledge of Allegiance is to be conducted during the first block of each school day.

Finding F5. Student restrooms appear to be adequate, hygienic and well maintained.

District Response: *The District agrees with the Finding.*

Finding F6. The library and cafeteria are bustling with activity and staff members are committed to providing quality programs and services for students.

District Response: *The District agrees with the Finding.*

**FINDINGS AND RECOMMENDATIONS FROM THE
REPORT, COUNTY OF SAN BENITO CIVIL GRAND
JURY, FINAL REPORT,
2010-2011:
RESPONSES FROM SAN BENITO HIGH SCHOOL
DISTRICT**

Finding F7. The "fuel access issue" between San Benito High School and other districts appears to have been resolved.

District Response: *The District agrees with the Finding.*

Finding F8. In general, students, teachers and staff members appeared well-prepared for the lockdown drill and reacted immediately by locking doors, blocking doorways, collecting cell phones, covering glass doors and windows with paper or other materials, and keeping students quiet/away from windows.

District Response: *The District agrees with the Finding.*

Finding F9. Approximately 60 students (mostly "tardy") were unable to achieve access to the locked classrooms and subsequently wandered campus knocking on doors / appearing to be unsure of what they were supposed to do / where they were to go in order to be safe.

District Response: *The District disagrees with the Finding.* Students are trained on how to respond to lockdown situations by their teachers in accordance with the San Benito High School Emergency Action Plan, revised in July, 2010. The plan is formulated with input from law enforcement, through the San Benito County Sheriff's Department and its School Resource Officer. The emergency protocols are based on research-based best practices from those who have studied response protocols subsequent to the Columbine, Colorado disaster several years ago. Students who find themselves outside and unable to enter a building are taught a specific protocol to support their safety, while not negatively impacting the safety of others. The High School will continue to follow procedures recommended to it by law enforcement and emergency guidelines, thereby assuring the greatest degree of student safety possible in cases where circumstances are dire.

Finding F10. The issue of tardiness seemed a minimal concern to the students arriving late, most of whom indicated that there are few, if any, consequences and that it was easy to get detention signed-off by coaches or teachers.

District Response: *The District disagrees with the Finding.* The issue of tardiness is taken very seriously by San Benito High School administration. One indication that attendance at school is emphasized is the attendance rate experienced by the High

**FINDINGS AND RECOMMENDATIONS FROM THE
REPORT, COUNTY OF SAN BENITO CIVIL GRAND
JURY, FINAL REPORT,**

2010-2011:

**RESPONSES FROM SAN BENITO HIGH SCHOOL
DISTRICT**

School. The rate of attendance has been increasing since the implementation of an automatic dialer system that sends messages home to parents during class time when their students are missing from classes.

Tardiness may be converted by teachers into misconducts, a disciplinary measure requiring students to serve detention time to make up for the missing time at school. Tardiness is reported to parents at each grading period, and attendance records, including tardiness, are available to parents via School Loop, within each student's account. Saturday School is a means for students to make up time and get academic support at the same time. Finally, Support Manager must approve means by which students can make up time with teachers to support meaningful make-up time. Coaches may not sign off detention time, unless they are also teachers and the makeup activity is supported by students' Support Managers.

Finding F11. The school telephone (in the main office) was not answered during the lockdown drill and when one concerned neighbor got no answer, she came across the street into the (unlocked) main hall to try to find out what was going on.

District Response: *The District disagrees with the Finding.* San Benito High School follows protocols established by law enforcement for the safety of students during cases of extreme emergency. Those procedures were followed on the day of the lockdown witnessed by the Grand Jury visit. Grand Jury members understandably may be unaware of such procedures. San Benito High School District respectfully refers the Grand Jury to San Benito County Sheriff's Office for a review of law enforcement protocol during lockdown.

Finding F12. The air raid siren initiated the lockdown drill but was then shut off. The lockdown drill lasted 40 minutes. During the last 39 minutes of the drill, tardy students, delivery persons, staff arriving at work, and parents coming to pick up their children had no knowledge there was a lockdown drill going on and appeared confused/unsure of what to do.

District Response: *The District disagrees with the Finding.* The purpose of the lockdown drill in question was to emphasize readiness and preparedness for staff and student population. Therefore, no advance notice was given about the drill. Had this been an actual incident, law enforcement procedures would have resolved any issues for people attempting to approach the campus. Lockdown drills continue to be

**FINDINGS AND RECOMMENDATIONS FROM THE
REPORT, COUNTY OF SAN BENITO CIVIL GRAND
JURY, FINAL REPORT,
2010-2011:
RESPONSES FROM SAN BENITO HIGH SCHOOL
DISTRICT**

reviewed by law enforcement and school administration after each occurrence. Follow up evaluation is accomplished by school administration in an effort to be ever better prepared in the event of an extreme emergency on campus. San Benito High School administration is ever grateful to San Benito County Sheriff's Office and Hollister Police Department for their support of these emergency drills and pre and post planning that occurs around them.

RECOMMENDATIONS

Recommendation R1. Continue to discuss/make plans in the budget for additional surveillance cameras.

District Response: *The District regularly evaluates its budget needs in light of economic circumstances and its charge to educate students. San Benito High School District budget has been cut by over \$1.8 million since 2008. The Board, Superintendent, and staff all work to assure the best possible education in the safest school environment possible. California schools rank among the lowest in the nation in per student funding, even given California's economy, one of the largest economies in the world.*

Recommendation R2. Continue to investigate and budget for a school-wide public address system.

District Response: *The District regularly evaluates its budget needs in light of economic circumstances and its charge to educate students. San Benito High School District budget has been cut by over \$1.8 million since 2008. The Board, Superintendent, and staff all work to assure the best possible education in the safest school environment possible. California schools rank among the lowest in the nation in per student funding, even given California's economy, one of the largest economies in the world.*

Recommendation R3. Re-open/pursue discussion with the City of Hollister and San Benito County regarding the closure of Nash Road to automobile traffic during school hours.

District Response: *The District has no jurisdictional authority in this area. Traffic mitigation activities in the form of a crosswalk, signage, and lighting were accomplished*

**FINDINGS AND RECOMMENDATIONS FROM THE
REPORT, COUNTY OF SAN BENITO CIVIL GRAND
JURY, FINAL REPORT,**

2010-2011:

**RESPONSES FROM SAN BENITO HIGH SCHOOL
DISTRICT**

in summer 2008, thanks to cross-governmental cooperation and additional District funds. Reports to the City of Hollister predated this mitigation and resulted in the Council of Governments' partnership with SBHSD to accomplish these mitigation efforts. This was reported to the Grand Jury in 2009, and no jurisdictional changes have occurred to the best knowledge of the District.

Recommendation R4. Review/refine Code Red policies and procedures regarding where students should go in they [the] event they are "locked out" or arrive at school after the lockdown drill has begun.

District Response: *The San Benito High School administration is ever grateful to San Benito County Sheriff's Office and Hollister Police Department for their support of these emergency drills and pre and post planning that occurs around them. Continued review of procedures seeks to maintain the best possible and most current thinking on the part of law enforcement for the safety of all concerned.*

Recommendation R5. Review/refine Code Red policies and procedures regarding continued communication with the public during the lockdown drill (eg., taped message on phone system, and/or setting off air raid siren or some other warning device every few minutes throughout the duration of the drill).

District Response: *The San Benito High School administration is ever grateful to San Benito County Sheriff's Office and Hollister Police Department for their support of these emergency drills and pre and post planning that occurs around them. Continued review of procedures seeks to maintain the best possible and most current thinking on the part of law enforcement for the safety of all concerned.*

Recommendation R6. Review and improve enforcement procedures regarding student tardiness, with a view to making students more accountable for arriving at school/class on time.

District Response: *The issue of tardiness is taken very seriously by San Benito High School administration. One indication that attendance at school is emphasized is the attendance rate experienced by the High School. The rate of attendance has been increasing since the implementation of an automatic dialer system that sends messages home to parents during class time when their students are missing from classes.*

**FINDINGS AND RECOMMENDATIONS FROM THE
REPORT, COUNTY OF SAN BENITO CIVIL GRAND
JURY, FINAL REPORT,**

2010-2011:

**RESPONSES FROM SAN BENITO HIGH SCHOOL
DISTRICT**

Tardiness may be converted by teachers into misconducts, a disciplinary measure requiring students to serve detention time to make up for the missing time at school. Tardiness is reported to parents at each grading period, and attendance records, including tardiness, are available to parents via School Loop, within each student's account. Saturday School is a means for students to make up time and get academic support at the same time. Finally, Support Manager must approve means by which students can make up time with teachers to support meaningful make-up time. Coaches may not sign off detention time, unless they are also teachers and the makeup activity is supported by students' Support Managers. Part of an effective attendance system in any county is the consequences that accrue from a School Attendance Review Board (SARB), a panel that deals with excessive absences, then next step in the graduated ladder of tardiness and absences.

Recommendation R7. Ensure compliance by each teacher with California Education Code section 52720.

District Response: *The San Benito High School District Board of Trustees holds in Board Policy 5150 that the Pledge of Allegiance is to be conducted during the first block of the day each school day. The District acknowledges that Federal courts have held that individuals may not be compelled to salute the flag or to stand during the salute (West Virginia State Board of Education et al v. Barnette et al.). The Board's position relative to the Pledge, recognizing the rights of individuals, remains as stated in its Board Policy 5150 that the Pledge of Allegiance shall be conducted during the first block of each school day.*

It is an expectation of school administration that, per Education Code §52720 and Board Policy 5150, the Pledge of Allegiance is to be conducted during the first block of each school day.

San Benito High School administration evaluates teachers on performing their professional responsibilities, including conducting this exercise at the beginning of each day. The Pledge will be included at the top of each day's bulletin as a reminder to staff that the Pledge is a required activity, per Board Policy 5150. The Policy will be distributed to teachers during back to school activities in August.