

Response to Grand Jury Report

Report Title: **3.1 Mendocino County Office of Education**

Report Date: **June 2, 2014**

Response by: **Paul Tichinin, Superintendent, Mendocino County Office of Education,**

We Share a Desire to Improve Morale and the Working Environment at MCOE

August 1, 2014

Findings

I (we) agree with the findings numbered: **F5, F10, F12, F22**

Please see the attached document for a detailed response.

I (we) disagree wholly or partially with the findings numbered: **F1, F2, F3, F4, F6, F7, F8, F9, F11, F13, F14, F15, F16, F17, F18, F19, F20, F21**

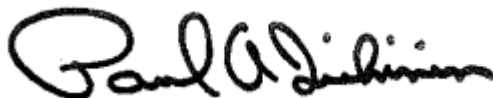
Please see the attached document for a detailed response.

Recommendations

Recommendations numbered **R1, R2, R3, R4, R5, R6, R7, R8, R9, R10 and R11** will not be implemented because they are not warranted or are not reasonable.

Please see the attached document for a detailed response.

Signature:



Date: August 1, 2014

Number of pages attached: 11

Mendocino County Office of Education

WE SHARE A DESIRE TO IMPROVE MORALE AND THE WORKING ENVIRONMENT AT MCOE

Paul A. Tichinin, Mendocino County Superintendent of Schools

August 1, 2014

Summary Reply

The civil grand jury's purpose is to provide an avenue for a lay review of public agencies and offices through two processes. One is the periodic review of selected public agencies and report on their operations providing findings, recommendations and commendations for their operation. The second is to research and follow up on confidential complaints about the operations of public agencies and elected official and their offices, providing the findings and recommendations to the public and the agency.

For the year 2013-14 in Mendocino County, the Grand Jury considered a complaint(s) filed about the Mendocino County Office of Education, the office of the elected County Superintendent of Schools and the County Board of Education. In their investigation and subsequent report they found some universal truths.

In hard economic times with declining revenues, schools and public agencies will have to reduce expenditures; there will be program reductions and layoffs and morale will suffer.

"Finding F1. Cuts in funding at River School have resulted in a number of classified employee layoffs."

Layoffs affect employees and their performance.

"Finding F12. Low employee morale affects job performance"

When the state legislature cuts funding to education, there will be a resulting reduction in services. When cuts occur and people are subject to layoffs there can be low morale among employees and this can cause a significant impact on an individual's performance.

Where this grand jury missed the mark is in accepting and honoring personal perception and opinions in place of the truth and the facts. This report, with its incomplete questions and incomplete information, led the grand jury to many inaccurate findings and conclusions and to inappropriate recommendations.

I invite and encourage the Grand Jury and the public to have an open mind to the truth - there are misperceptions and misinformation in the Grand Jury report.

The last several years have been very hard economically resulting in significant financial changes in education in Mendocino County and at the Mendocino County Office of Education. The role of County Offices of Education has shifted dramatically with the new funding model (LCFF) from direct student instruction to educational and financial support, compliance and oversight of school districts. This has resulted in some individuals' hard feelings and perceptions of inequity and poor action by the agency, the County Superintendent and the County Board of Education.

This is not the whole picture.

As County Superintendent I acknowledge that there have been individual employees experiencing low morale and some employees have felt they have not been heard. Unfortunately, some employees have misunderstood the administrative decisions, effects of layoffs and the organizational redesign necessary to meet the changing state funding and redefinition of functions for county offices of education and school districts in all of California. I accept responsibility for this situation and in February of 2013 started outreach to staff, Mendocino County Federation of School Employees (MCFSE) and individuals to improve this perception and the operation of the MCOE.

Following is the response to the Grand Jury's summary statement, findings and recommendations.

RIVER COMMUNITY SCHOOL

"MCOE reduced the funding for services and programs at River School.

At the start of the school year, River School had two classrooms, one for middle school students and one for high school students. This may be adjusted later, depending on enrollment. Students expelled, who must be enrolled at River School, contribute to over-crowding in those classrooms."

False.

There have been no reductions in services or programs at River School in the 2013-14 school year. In fact, since the 2010-11 school year, MCOE has continually operated two regular classrooms at River School. MCOE has opened a third classroom during the second semester when expulsion and other referrals deem it necessary. As enrollment increased during the second semester of this 2013-14 school year, the third classroom re-opened in March and served 11 students.

The MCOE Alternative Education Program provides educational services beyond River Community School. In 2013-2014, MCOE provided instruction to incarcerated youth in the West Hills School at juvenile hall, instruction for students enrolled in the both Young Parent Program and Community School classroom at Ukiah High School, instruction at the New Beginnings classroom serving probation referred students and an Independent Study Program.

In school year 2008-09 the Average Daily Attendance (ADA) for Alternative Education was 214 students per day. By 2012-13 it had been reduced by almost half to 116 ADA. Fewer youth were being incarcerated in the juvenile hall, fewer students were being expelled by school districts, fewer students were being referred by school districts for truancy and school districts were providing intervention services to keep their students. In addition, Trinity School closed, at which MCOE operated two classrooms.

This dramatic drop in enrollment led to decreased funding by the state to the MCOE Alternative Education Program. During this period, five classrooms were closed, two Assistant Principal positions were eliminated and the program secretary position in the Alternative Education office was also eliminated. In 2013, the instructional paraprofessional position at the Young Parent Program was eliminated due to the limited number of students (an ADA of approximately 8 students) and the elimination of Cal SAFE funding.

CAREER TECHNICAL EDUCATION

"Career Technical Education (Tech Ed) provides training in technical skills which leads to employment, upgrading of skills, and advanced training for high school and adult students countywide. Tech Ed continually develops new classes to respond to the needs of students, schools, and the local labor market. Tech Ed programs include Regional Occupational Programs.

Before Local Control Funding Formula (LCFF), the State had already cut funding for Tech Ed by 20%. A fully equipped woodshop exists at the River School campus. Due to budget cuts, the woodshop is no longer being used."

False.

The woodshop was not closed due to budget cuts. The woodshop program was replaced by a Sustainable Agriculture program which is aligned to the Agriculture Program at Ukiah High School and better meets the needs of our students. Sustainable Agriculture is a growing industry sector in the region, leads to higher paying jobs and is articulated with Agriculture classes at Mendocino College via Ukiah High School. Our goal was to create a career pathway for our students.

YOUNG PARENT PROGRAM

"The Young Parent Program (YPP) was managed and administered by MCOE with a grant from the California School Age Families Educations Program (Cal-SAFE), a comprehensive, integrated, community-linked, school based program that serves expectant and parenting students and their children.

Cal-SAFE is not funded under LCFF. YPP is now managed and administered by individual school districts where applicable. Although the State is not looking at young parent students as MCOE's responsibility, MCOE will provide funding for child care for children of the students enrolled in YPP.

In the 2013-2014 school year, YPP is being funded by Ukiah Unified School District and held at its current location at Ukiah High School."

Partially Correct.

Cal SAFE no longer exists and is no longer funded by the State. MCOE has provided funding along with Cal Works to support the childcare center for young parents at Ukiah High School during the 2013-14 school year. MCOE also funded the teacher who provided for the students' education. Ukiah Unified School District (UUSD) did not fund the Young Parent Program during the 2013-14 school year. MCOE and Cal Works will continue to fund the childcare center during the 2014-15 school year. UUSD will provide the instruction for these students beginning in the 2014-15 school year.

Findings:

"F1. Cuts in funding at River School have resulted in a number of classified employee layoffs."

Disagree

There were no classified employee layoffs at River School for the 2013-14 school year. The teachers, instructional paraprofessionals, student accountability specialist and school counselor positions have been maintained at the same level for the last three years. Yes, a classified employee at River School suffered the effects of the layoff in another program -- the Young Parent Program (YPP) due to seniority and bumping. This layoff was later rescinded.

The reduction of incarcerated students in the juvenile hall, fewer referrals by juvenile probation, fewer expulsions by school districts and fewer referrals by school districts for truancy has decreased the enrollment in the overall Alternative Education Program. This reduction in enrollment necessitated the elimination of the Alternative Education classified program secretary position in 2012-2013. The elimination of this position is a result of the cumulative reduction of ADA over the last five years.

Due to a dramatic drop in enrollment, state funding to the MCOE Alternative Education has decreased. However, there have been no reductions in services or programs at River School in the 2013-2014 school year. In fact, since the 2010-11 school year, MCOE has continually operated two regular classrooms at River School. MCOE opened a third classroom during the second semester when expulsion and other referrals deem it necessary. As enrollment increased during the second semester of this 2013-2014 school year, the third classroom re-opened in March and served 11 students.

The MCOE Alternative Education Program provides educational services beyond River Community School. In 2013-2014 MCOE provided instruction to incarcerated youth at the West Hills School at juvenile hall, students enrolled in the both Young Parent Program and Community School classroom at Ukiah High School, the New Beginnings classroom serving probation referred students and an Independent Study Program.

In school year 2008-09 the Average Daily Attendance (ADA) for Alternative Education was 214 students per day. By 2012-13 it had been reduced by almost half to 116 ADA. Fewer youth were being incarcerated in the juvenile hall, fewer students were being expelled by school districts, fewer students were being referred by school districts for truancy and school districts were providing intervention services to keep their students. In addition, Trinity School closed at which MCOE operated two classrooms.

This dramatic drop in enrollment led to decreased funding by the state to the MCOE Alternative Education Program. During this period, five classrooms were closed, two Assistant Principal positions were eliminated and the program secretary position in the Alternative Education office was also eliminated. In 2013, the instructional paraprofessional position at the Young Parent Program was eliminated due to an ADA of approximately 8 students and the elimination of Cal SAFE.

"F2. Due to budgetary cuts, some services and programs have become unavailable to the River School students."

Disagree

Apart from the closing of one classroom in 2010 due to fewer referrals, there has not been a reduction of services provided to River School students by MCOE in the past three years.

"F3. The absence of woodshop classes is a loss to students, who could reap great benefits from them."

Disagree

The woodshop was not closed due to budget cuts. The woodshop program was replaced by a Sustainable Agriculture program which is aligned to the Agriculture Program at Ukiah High School and better meets the needs of our students. Sustainable Agriculture is a growing industry sector in the region, leads to higher paying jobs and is articulated with Agriculture classes at Mendocino College via Ukiah High School. Our goal was to create a career pathway for our students.

We have found the students enrolled in the current Agriculture classes at River School are also reaping great benefits. The Agriculture classes at River School are connected to Agriculture classes at Ukiah High School and South Valley Continuation High School. Students are also able to connect with community advisory groups such as the Community Gardens Project. Participating students are gaining knowledge in the study of natural resources, related technology, business and animal, plant and soil sciences. We are considering expanding our Agriculture Program to the New Beginnings and West Hills programs.

Vocational programs are to be responsive to industry and employment needs. This means that over time, programs will change to meet those developing needs.

"F4. Reductions in services in YPP have resulted in a waiting list of young parents who would like to enroll in the program."

Disagree.

Reduction in services at YPP did not cause a waiting list for young parents.

The Young Parent Program (YPP) was managed and administered by MCOE with a grant from the California School Age Families Educations Program (Cal SAFE), a comprehensive, integrated, community-linked, school based program that serves expectant and parenting students and their children.

Cal SAFE is not funded under LCFF. YPP is now managed and administered by individual school districts where applicable. Although the State is not looking at young parent students as MCOE's responsibility, MCOE will provide funding for child care for children of the students enrolled in YPP.

In the 2013-2014 school year, YPP was funded by Ukiah Unified School District student attendance and held at its current location at Ukiah High School.

Funding had no connection to a waiting list. The average daily enrollment since the 2010-11 school year has been approximately 8 students and 5 infants/toddlers. The child care center is regulated by Title V and Title 22 Regulations which apply to all Community Care Facilities and determines the adult to infant ratio. As the number of infants has increased, MCOE has hired additional staff to meet the regulations. The facility cannot provide child care for more than 11 infants per Title 22. A waiting list was created for students waiting for child care slots in September 2013 since the child care center was full and/or holding a slot for an enrolled student soon to give birth. Potential students could have enrolled in the Young Parent Program, but were not guaranteed a child care slot for the following

semester. Those students were offered other alternative educational settings: Ukiah Adult School, Ukiah High School, MCOE Independent Study, or South Valley Continuation High School. As of December 31, 2013, there has been no waiting list for child care at the Young Parent Program.

"F5. The MCOE contract language for its union employees does not state a requirement to further specify a "compelling personal concern" when a request is made for personal necessity leave."

Agree. The contract allows for paid leave for a "compelling personal concern" but does not specify the definition of a "compelling personal concern."

"F6. Employees have been denied personal necessity leave if they failed to supply a specific "compelling personal concern" which contract language protects and does not require."

Agree. Employees have been denied personal necessity leave if they failed to supply/identify a specific "compelling personal concern." That is the definition of personal necessity leave.

Disagree that the "contract language protects and does not require" a specific compelling personal concern. There have been no grievances on filed on this item.

"F7. The HR Director acted unprofessionally and without sensitivity, by delivering a notice of release of employment at the home of an employee on the evening before the employee's scheduled major surgery."

Disagree.

This is incorrect information. The Executive Director, Human Resources, did not deliver a notice of release to an employee under these circumstances. The layoff referenced involved two employees who individually and in sequence exercised their bumping rights in accordance with the classified employees' contract. The notice of release to the third employee was personally delivered by the program manager to the employee rather than sending it via certified mail. This is consistent with MCOE's procedure of meeting with an employee who is affected by a layoff rather than have them be notified by mail. This was considered to be a more personal and thoughtful approach. The timing was unfortunate, but unavoidable since timelines are established by law.

"F8. Leadership does not follow the HR Division's Mission Statement in the way it treats its contract employees."

Disagree.

MCOE does not agree with this statement; there is no proof to substantiate this accusation.

"F9. The HR Director failed to follow the contract when a Supplementary Time Card was altered to the detriment of an employee."

Disagree.

The Executive Director, Human Resources, together with the Business Office, rectified an error on a submitted timecard and made sure that proper procedure and policy were followed and that the employee was correctly paid their daily rate.

"F10. At the Board's discretion, the superintendent has the opportunity to receive a salary increase yearly, regardless of the availability of funds for increases for any other employees."

Agree.

"F11. For three consecutive years, the superintendent increased the salaries of more than 20 managers, directors, and supervisors, who also received step and column increases. During that time, contract employees received only step and column increases."

Disagree.

Managers were never given more increases than other staff. Both managers and staff who take on more responsibility or new duties are appropriately compensated. Teachers, managers and staff who have had their contract days increased work more days and were paid more for the additional days worked. This results in an increase in salary but not a raise in their hourly/daily rate.

"F12. Low employee morale affects job performance."

Agree.

"F13. MCOE administrators' dismissive behavior toward employees and their concerns contributes to the employee low morale."

Disagree.

MCOE administrators are not dismissive in their behavior towards employees. No evidence has been presented to support this finding.

"F14. Feeling fear of retribution for voicing one's concerns is unacceptable."

Agree with this statement; **Disagree** as a "finding."

In spite of numerous requests, we never have been given an example of an employee suffering retribution for voicing their opinion.

"F15. The administration's disrespectful treatment of contract employees has caused an increase in grievance."

Agree. Grievances have increased. **Disagree** that it is in direct relation to alleged disrespectful treatment of employees.

"F16. The self-evaluation process is not being used for the betterment of employees."

Disagree.

The Superintendent is not aware of any issues with self-evaluation. Administrative evaluations and self-evaluations do not always agree. Self-evaluation is only one part of the whole process.

"F17. Administration is not making two-way communication with employees a priority."

Disagree.

All-staff meetings have been changed to allow for all staff to attend and they are video-conferenced to off-campus locations. We offered to meet with MCFSE regarding morale and work environment five months ago and continue to extend the offer for facilitated work sessions.

"F18. The Grand Jury was unable to obtain needed information when potential witnesses declined to be interviewed for fear of being identified."

MCOE has no information to determine whether or not this is true.

"F19. The Board President does not have a working knowledge of MCOE functions."

Disagree.

The Board President is very knowledgeable about the limits and scope of the role of a County Board member and the functions of the Mendocino County Office of Education. The Board President is always well prepared, rarely absent, and is well-informed about the programs and functions of MCOE. The main responsibility of the Board is the budget and we have received excellent audit reports for several years.

"F20. The Board President is not aware of staff morale."

Disagree.

A large part of the referenced low morale of the MCOE employees is because of the continual cuts to our programs due to less state funding. Furthermore, other existing MCOE programs appear to be slated to

be eliminated or transitioned to districts, due to the new state funding model (LCFF). The Board President is well aware of this situation.

"F21. The Board President voted to approve cuts to programs and services, but did not fully understand the ramifications of the cuts."

Disagree.

The budget process is very inclusive and transparent. Please note earlier clarification of the program reductions and rational.

"F22. The majority of Board meetings occur when neither staff nor working parents can attend them."

Agree.

A majority of the Board meetings occur during business hours. Just like the Mendocino County Board of Supervisors, which holds its meeting in Ukiah and during the day hours, the Mendocino County Board of Education is a county-wide elected board. The Mendocino County Board of Education (MCOE) holds 1/6th of its meetings after work and school hours, over 30% of its regular meetings in individual school districts around the county, and all County Board meetings are video-taped for rebroadcast on public access rebroadcast and digital online access.

Recommendations:

"R1. The reinstatement of woodshop classes at River School be made a priority. (F2, F3)"

The woodshop was not closed due to budget cuts. The woodshop program was replaced by a Sustainable Agriculture program which is aligned to the state priority of CTE courses being part of a career pathway. The River School Sustainable Agriculture class is aligned to the Agriculture Programs at Ukiah High School and South Valley Continuation High School. The Agriculture program at River School meets the academic needs of our students and promotes teamwork and critical thinking skills. Students in the Sustainable Agriculture classes make use of the on-grounds certified organic gardens and the student constructed Cob greenhouse. The Sustainable Agriculture program is very closely aligned with the Community Gardens Project of Mendocino County. Sustainable Agriculture is a primary leading industry sector in our Northern California region, leads to higher paying jobs (Viticulture or Landscape Design) and is articulated with agriculture classes at Mendocino College via Ukiah High School. The Agriculture program at River School is connected by similar curriculum and a program of study to six other high schools in our county. Our goal was to create a career pathway for our students by replacing the woodshop with agriculture classes that are aligned to the newly state board of education adopted model Career Technical Education curriculum standards. The Alternative Education Program, including River School, recently received notification of WASC accreditation for its programs and operations. As a result of the above, this recommendation will not be implemented.

"R2. Young Parent Program classes be funded according to the number applicants for the classes, thus eliminating the need for a waiting list. (F4)"

There was never a waiting list for student enrollment, only a waiting list for child care slots that are limited by state law. Funding had no connection to a waiting list. The average daily enrollment since the 2010-11 school year has been approximately eight students and five infants/toddlers. The child care center is regulated by Title V and Title 22 Regulations which apply to all Community Care Facilities and determines the adult to infant ratio. As the number of infants has increased, MCOE has hired additional staff to meet the regulations. The facility cannot provide child care for more than 11 infants per Title 22. A waiting list was created for students waiting for child care slots in September 2013 since the child care center was full and/or holding a slot for an enrolled student soon to give birth. Potential students could have enrolled in the Young Parent program but could not be guaranteed a child care slot for the following semester. Those students were offered other alternative educational settings: Ukiah Adult School, Ukiah High School, MCOE Independent Study, or South Valley Continuation High School. As of December 31, 2013, there has been no waiting list for child care at the Young Parent Program.

"R3. Human Resources follow contract language. (F5, F6, F9)"

We believe we have followed the contract language and we have expressed a desire to clarify this section of the contract with Mendocino County Federation of School Employees (MCFSE).

"R4. Human Resources read and abide by the MCOE Human Resources Division's Mission Statement. (F6, F7, F8, F17)"

The Superintendent and the Executive Director, Human Resources, believe they do abide by the MCOE Human Resources Division's mission statement.

"R5. When considering the superintendent's salary, the Board also consider the availability of funds for all employees, programs, and services. (F1, F2, F3, F4, F10)"

The Board does exactly this and that is why they have never approved a salary increase for the superintendent greater than that provided to employees.

"R6. When considering the salaries for directors, managers, and supervisors, the superintendent also consider the availability of funds for all contract employees, programs and services. (F1, F2, F3, F4, F11)"

The Superintendent and administration do exactly this through an open and transparent budget process. The role of County Offices of Education has shifted dramatically with LCFF from direct student instruction to educational and financial support, compliance and oversight of school districts. This, by its nature, requires more supervisors, managers and directors.

"R7. The superintendent, directors, managers, supervisors, and the Human Resources Division abide by the MCOE Human Resources Mission Statement in their relationships with employees. (F12, F13, F14, F15)"

MCOE leadership believes we do this; the Human Resources Division's mission statement is modeled after the MCOE mission statement.

"R8. Human Resources use the employee self-evaluation process for the betterment and/or improvement of the employee's work performance. (F16)"

The Superintendent, Executive Director of Human Resources and all management believe we do use the self-evaluation tool as part of the total evaluation process to support and improve an employee's work performance.

"R9. All MCOE employees in positions of authority or supervision of others make it a priority to improve communication and relationships with employees. (F12, F13, F14, F15, F16, F17, F18)"

As noted earlier, the Superintendent has moved the monthly all-staff meetings to after school hours and is video conferencing to two county-wide off-site locations. Leadership offered to meet with MCFSE regarding morale and working environment five months ago and we continue to extend the offer for a facilitated work session on these topics. We have and are providing professional development training for all managers.

"R10. All MCOE Board members have an in depth and working knowledge of all programs and services provided by MCOE. (F19, F20)."

This is an on-going process. Board liaisons for various programs meet regularly and report back to the full Board monthly to keep all members current and informed on the status and changes of programs and services.

"R11. All MCOE Board members take the time to understand the state of employee morale. (F8, F9, F10, F11, F12, F13, F14, F15, F16, F17)"

The Board is open to this, but are partially limited to the legal scope of their authority in personnel issues.