



MENDOCINO COUNTY OFFICE OF EDUCATION

PAUL A. TICHININ, SUPERINTENDENT OF SCHOOLS

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July 19, 2010

Mendocino Grand Jury
Carol Rosenberg, Foreperson Pro Tem
P.O. Box 939
Ukiah, CA 95482

Dear Ms. Rosenberg,

In response to the Grand Jury Report entitled “**Respect Needed, A Report on Orr Creek School Special Education**” dated May 12, 2010, my responses are as follows:

Findings

I agree with the findings numbered: 2, 3, 4, 5, 6, 7, 8, part of 13, part of 14, 15, 16, 17, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35

I disagree either wholly or partially with the findings numbered: part of 13, part of 14, 18, 23, 30

13. Disagree with the statement that “salary decreases and layoffs without proportional decreases in management staff and their salaries” as management staff took a larger percentage reduction than any other employee group at MCOE in 2009/10
14. Disagree with the statement “employees reported experiencing retaliation if they utilized the grievance process”. I am unaware of any incidents of retaliation or grievances.
18. Disagree as no grievances were filed in 2009.
23. Disagree as this is a subjective statement and there are a variety of variables that determine public participation in board meetings.
30. The SELPA through the Superintendent’s Policy Council allocates funds to school districts and then the school district determines their own budget for special education services.

Unable to respond to the findings numbered: 1, 9, 10, 11, 12

1. I have no knowledge of the complaint referenced by the grand jury. Based on my experience and knowledge of the organization I disagree with this assertion.

9. I have no knowledge about the allegations made by the grand jury. Based on my experience and knowledge of the organization I disagree with this assertion.
10. No one has reported to me a concern about how they were treated by a supervisor. Based on my experience and knowledge of the organization I disagree with this assertion.
11. I have no information or knowledge regarding this allegation. Based on my experience and knowledge of the organization I disagree with this assertion.
12. I have no information or knowledge regarding this allegation. Based on my experience and knowledge of the organization I disagree with this assertion.

Recommendations

1. This recommendation is already in existence and being practiced at MCOE. As we are governed by the Rodda Act (effective July 1, 1976) which requires the employer and employee to meet and negotiate, thereby creating a collective bargaining atmosphere for public school employers.
2. This recommendation is a negotiated item and will not be implemented. Additionally it is not a reasonable request nor is it within the jurisdiction of the grand jury.
3. State law and the collective bargaining agreements are in place and are followed in MCOE's daily operations.
4. This recommendation is a negotiated item and will not be implemented. Additionally it is not a reasonable request nor is it within the jurisdiction of the Grand jury.
5. This recommendation has already been done for the year and is done on a regular basis.
6. Communications can always be improved, and that is something that we continually work on and build at MCOE. However, we already do monthly staff meetings, quarterly Administrative Council Meetings, bi-monthly newsletters, press releases and a variety of supplemental materials that are included with staff paychecks.
7. Management staff are considerate and professional when dealing with sensitive issues.
8. I agree and support the idea of educating the community and public at large about the complexities of providing special education services and the funding parameters. With regard to airing the meetings on local media access channels, I cannot agree to do so. Rights of students are private and it is inappropriate to single out special education students who are entitled by law to services regardless of funding limitations.
9. The County Board Meetings are scheduled at a time when community members can attend and address the County Board.
10. This recommendation is a negotiated item and will not be implemented. It is not a reasonable request nor is it within the jurisdiction of the grand jury.

In closing, I am extremely disappointed in this investigation and report by the Mendocino County Grand Jury. In the past, I have had the opportunity to meet with members of the Grand Jury to discuss their concerns, gather requested information and provide information about the K-12 educational system in Mendocino County. At no point was I interviewed about the allegations or cause for this investigation.

In the past, I have experienced a positive and productive relationship with the Grand Jury and welcomed the opportunity to share information and participate in their fact finding.

In my opinion, this report undermines and puts into question the integrity, ethics and the role of the Mendocino County Grand Jury. The report is filled with conflicts of interest on behalf of the Grand jury Foreman who is an MCOE employee, lead negotiator in the collective bargaining process and President of the Mendocino County School & Federated Employee's Union. At Orr Creek School, one of the teachers has been on the union negotiation team and has been active in asserting union issues such as binding arbitration.

Of the 35 findings, only 8 are specific to Orr Creek School which is of concern when the inflammatory title of the report implies it's all about the school. The remaining findings refer to special education issues at the local, state and federal level; and approximately 9 are specific to collective bargaining which is of concern when the grand jury indicated that a member had recused themselves from the report to avoid any conflict of interest. Clearly, that was not the case as are reflected in the 9 findings that refer to collective bargaining.

I would hope that in the future, the entire grand jury would scrutinize potential conflicts of interest when selecting members of the grand jury.

This completes my responses to the report, if I can be of further assistance, please contact my office at 467-5001.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul A. Tichinin". The signature is fluid and cursive, with a large initial "P" and "A".

Paul A. Tichinin
County Superintendent of Schools

PAT/kw