



2011-2012  
GLENN COUNTY GRAND JURY

Presiding  
Grand Jury Judge  
The Honorable  
Peter Billiou Twede



## GHOST TOWNS OF GLENN COUNTY

**BELVEDERE** was located 12 miles southeast of Willows. When settled, Belvedere was in Colusa County, but broke off with the remainder of Glenn County.

**FLOYD** was located 10 miles west of Orland on the road to Newville. A post office operated at Floyd from 1906 to 1911.

**MONROEVILLE** (also, Monroeville), named for its founder U. P. Monroe, was the county seat of Colusa County from 1851 to 1853. (*Glenn County was part of the larger Colusi County. Colusi County was comprised of Tehama, Glenn and Colusa Counties*) It was located 15 miles north of Butte City, near the mouth of Stony Creek in northeastern Glenn County. The people of the community of Colusa fought for and eventually won the right to become the County Seat in 1853. A post office operated at Monroeville from 1853 to 1862. The area containing Monroeville was eventually absorbed into Glenn County when that county was formed in 1891.

**REYNOLDS PLACE** was a former settlement in Glenn County, California. It lay at an elevation of 3533 feet.

**WINSLOW** (also, Bridgeport) was located 1 mile east of Elk Creek. A post office operated at Winslow from 1901 to 1915.

*A town begins to form when there is a need by its citizens for a community. When that need disappears, the town can over time disappear.*

*Although the physical evidence of these towns is no longer in view. Their impact is ingrained deep in the tap roots of what is now modern Glenn County.*





## GHOST TOWNS MADE BY THE RAILROAD

**KANAWHA** was located 4 miles west of Willows. A post office operated at Kanawha from 1871 to 1879. It was started when Captain Swift and Franklin Sears, cattle ranchers from what is now the Orland area, built a home for their cattlemen. In 1870 it had a hotel, saloon, black smith and a livery stable. It met its slow demise when the railroad was built through Willows.

**CHROME/MILLSAP** was organized as a convenient stopping place for settlers between Newville and Elk Creek. When automobiles came to Glenn County it eventually ended the existence of Chrome and Millsap. A post office operated at Millsap from 1894 to 1927. The place was named for George W. Millsap, an early settler.

**NEWVILLE** was one of Glenn Counties' first towns. In its day it was a major trading center for the Counties ranchers. When the railroad was built in Orland the auction and trading center was organized there. Newville slowly disappeared.

**OLIMPO** was located 6 miles northwest of Orland. A post office operated at Olimpo from 1872 to 1883.

**ST. JOHN** was built at the crossroads of the Old Shasta and the Newville roads. It too faded away when the railroad was built and a resting area for travelers was no longer needed.





## GHOST TOWNS ALONG THE RAILROAD

**FRUTO** was founded May 28, 1887 and was named for all of the fruit orchards that were there. It is the furthest location that the Willows Mendocino rail line was built. A lack of sufficient water doomed the fruit industry there.

**KURAND** was located on the Southern Pacific Railroad 9.5 miles east-southeast of Fruto. It still appeared on maps as of 1944.

**LOSA** was located on the railroad just west of Willows.

**LYMAN** was located on the Southern Pacific Railroad 3 miles north of Willows. Lyman still appeared on maps as of 1917.

**MALTON** was located on the Southern Pacific Railroad 3.5 miles north-northeast of Orland. Malton still appeared on maps as of 1917.

**MILLSHOLM** was located on the Southern Pacific Railroad 7 miles east-southeast of Fruto. Millsholm still appeared on maps as of 1944. Millsholm was on the West Side and Mendocino Railroad. Millsholm was named for Edgar Mills, who owned the site in the 1880s.



*"The most important political office is that of the private citizen."*



*Louis D. Brandeis*

2011-2012  
GLENN COUNTY  
GRAND JURY



FINAL REPORT  
OF  
FINDINGS AND RECOMMENDATIONS

JUNE 28, 2012

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2011-2012 Glenn County Grand Jury  
P.O. Box 1023  
Willows, California 95988

May 26, 2012

The Honorable Peter Billiou Twede  
Superior Court, County of Glenn  
526 West Sycamore Street  
Willows, CA 95988

Dear Judge Twede:

In accordance with California Penal Code, Section 933, The Glenn County Grand Jury serving 2011-2012, respectfully presents to the Court our final report of findings and recommendations.

All members of the Grand Jury were honored and pleased to serve our county this year. Our goal was united in assuring accountability and honesty of our local government.

We are proud to say that all agencies, officials and employees we interacted with this year were helpful and respectful. It is clear that most public servants strive to perform their duties with integrity and efficiency. All the members of the Grand Jury wish to express our appreciation to all the individuals we worked with.

We hope our efforts this year will be a positive contribution to the citizens of Glenn County.

Sincerely,



Cynthia Hunt, Foreperson  
2011-2012 Glenn County Grand Jury



2011-2012  
GLENN COUNTY GRAND JURY MEMBERS

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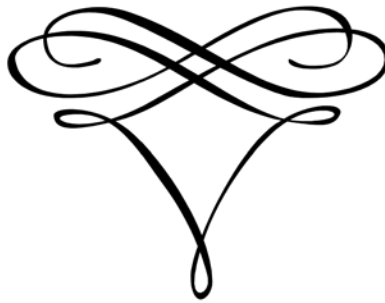
|                                |                            |
|--------------------------------|----------------------------|
| <i>Cynthia Hunt</i>            | <i>Foreman</i>             |
| <i>Stephen Shoop</i>           | <i>Foreman Pro-Tem</i>     |
| <i>Margaret Ansel</i>          | <i>Secretary</i>           |
| <i>Doc Bill</i>                | <i>Sergeant at Arms</i>    |
| <i>Wilfred "Pete" Burns</i>    | <i>Sergeant at Arms</i>    |
| <i>Jennifer Flowerdew</i>      | <i>Librarian/Historian</i> |
| <i>Franko Alberico</i>         |                            |
| <i>Claire Arano</i>            |                            |
| <i>Mark Bauska</i>             |                            |
| <i>John Fleming</i>            |                            |
| <i>Jeffrey Gray</i>            |                            |
| <i>Michael Hicks</i>           |                            |
| <i>Bobbe` Lewis</i>            |                            |
| <i>Jose Lopez</i>              |                            |
| <i>Tony Melo</i>               |                            |
| <i>Lester Messina</i>          |                            |
| <i>Del Oliver</i>              |                            |
| <i>Tami Thompson-Beauchamp</i> |                            |

# GRAND JURY MISSION STATEMENT

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The Glenn County Grand Jury serves as the ombudsman for citizens of  
Glenn County.

The primary function of the Grand Jury, and the most important reason for its existence, is the examination of all aspects of county government and special districts assuring honest, efficient government that serves the best interests of the people.



## DISCLAIMER

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During this Grand Jury year: Any Juror who had, or may appear to have had a conflict of interest in any report or investigation, was recused. Recusal includes, but is not limited to, exclusion from interviews, deliberations, discussions, report creation and plenary acceptance.



# THE ROLE OF THE GRAND JURY

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The Grand Jury is primarily an investigative body created by the United States Constitution's Fifth Amendment and the California Constitution.

In California Grand Juries are impaneled annually and are officers of the Court, but work independently. Nineteen residents of Glenn County are selected after interviewing 30 to 40 applicants. Most of the work is done by committees, which include Public Safety, Schools, Public Works, Health Services, City/County Government and Finance. Other committee may be appointed as needed.

The Grand Jury and committees meet several times a month. The Grand Jury meets with county and city officials, visits local government facilities, and conducts research on matters of interest and concern. The proceedings of the Grand Jury are kept confidential. Jurors may not discuss the business of the Grand Jury with other individuals.

The Grand Jury receives letters from citizens expressing concern over a particular matter of local government. Anyone may file a complaint with the Grand Jury. All complaints to the Grand Jury are confidential. Grand Jurors generally serve for one year although the law provides for holdovers for a second year to assure a smooth transition.

**Complaints must be in writing, signed, and addressed to:**

Glenn County Grand Jury Foreperson.  
P.O. Box 1023  
Willows, CA 95988

The Grand Jury chooses which complaints to investigate. The Grand Jury cannot investigate disputes between private parties.

All Grand Jury findings and recommendations are issued in written reports. Each report must be approved by at least 12 members of the Grand Jury. At the end of the term (June 30) the Jury issues its final report. Copies of the report are distributed to public officials, libraries, news media, and any entity that is the subject of a report. Within ninety days, following the issuance of the report, officials responsible for matters addressed are required to respond in writing.

# RESPONSE REQUIREMENTS AND INSTRUCTIONS

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Two working days prior to the release of the Final Report, the Grand Jury will provide a copy of the portion of the report to all affected agencies or persons.

**No officer, agency, department, or governing body of a public agency shall disclose the contents of the report prior to its public release.**

All affected agencies or persons shall respond to their specific portions of the Final Report.

**Responses are to be in writing, or on computer disk to assist with duplication, and are to be submitted in a timely manner.**

Section 933(c) of the Penal Code provides two different response times:

- (1) Public Agency: the governing body of any public agency must respond within 90 days. The response must be addressed to the presiding judge of the Superior Court.
- (2) Elective Officer or Agency Head: All elected officers or heads of agencies that are required to respond must do so within **60 days** to the presiding judge of the Superior Court, with an informational copy provided to the Board of Supervisors.

The legal requirements for responding to individual reports in the Grand Jury Final Report, as contained in the California Penal Code, Section 933.05, are summarized as follows:

**The responding entity or person must respond in one of two ways:**

- (1) That you agree with the finding.
- (2) That you disagree wholly or partially with the findings. The-response shall specify the part of the findings that are disputed and shall include an explanation of the reasons for the disagreement.

**Recommendations by the Grand Jury require action.**

**The reporting entity or person must report action on all recommendations in one of four ways:**

- (1) The recommendation has been implemented with a summary of the implemented action.
- (2) The recommendation has not been implemented but will be implemented in the near future with a time frame for implementation.



# RESPONSE REQUIREMENTS AND INSTRUCTIONS

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- (3) The recommendation requires further analysis. If an entity or person reports in this manner, the law requires a detailed explanation of the analysis or study and time frame not to exceed 6 months. In this event, the analysis or study must be submitted to the director of the agency being investigated.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation of the situation.

If either a finding or a recommendation deals with budgetary or personnel matters of a county department headed by an elected officer, both the elected officer and the Board of Supervisors shall respond if the Grand Jury so requests.

The Board of Supervisors' response may be limited, while the response by the department head must address all aspects of the findings or recommendations.

Mail or deliver all responses to:

Presiding Judge  
Superior Court, County of Glenn  
526 West Sycamore Street  
Willows, CA 95988

To request a response copy from responding elected officials or agency heads:

Glenn County Board of Supervisors  
526 West Sycamore Street  
Willows, CA 95988





Identify attempts made to correct this situation or issue as well as other agencies, person(s) contacted and approximate dates.

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Is there any additional information that you feel may be helpful in an investigation?

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**For Grand Jury Use Only:**

Date Received by Grand Jury: \_\_\_\_\_

Date Acknowledgement Letter Sent: \_\_\_\_\_

Committee Assigned: \_\_\_\_\_

Date Letter Given to Review Committee: \_\_\_\_\_

Date of Action: \_\_\_\_\_

Summary of Action Taken: \_\_\_\_\_

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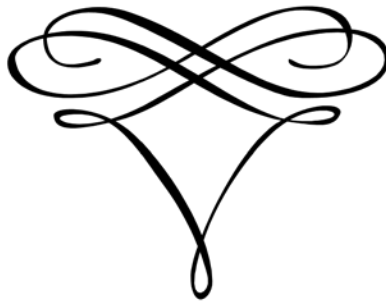
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*\*Form is available for use on the Glenn County Grand Jury Web page.\**

2011-2012 REPORTS  
OF THE  
GLENN COUNTY GRAND JURY



# 2011-2012 GLENN COUNTY GRAND JURY FINAL REPORT

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## Glenn County Board of Supervisors

### I. PURPOSE

To gain insight and explanations on a vast majority of issues and decisions affecting the Glenn County Board of Supervisors as well as the residents of the County.

### II. BACKGROUND

Over the course of several months, members of the Glenn County Grand Jury met with four of the five members of the Glenn County Board of Supervisors on an individual basis. After repeated efforts, the Grand Jury was unsuccessful in meeting with the supervisor from District Five.

The Board of Supervisors consists of five elected members each representing one of the five districts within Glenn County. Members are elected to four-year terms. The duties of the Board include: County policy making, administrative and legislative functions for County government, reviewing/approving departmental budgets, budgetary authority for County departments, as well as to examine State and Federal regulations that affect Glenn County.

The Supervisors responded to an identical list of questions and also had the opportunity to present additional concerns or issues to the Grand Jury.

### III. FINDINGS

**Conflict of Interest-** The Grand Jury finds that a conflict of interest exists with the County Counsel also serving as Interim Personnel Director. The majority of the Board agreed that the shared position is not ideal, but necessary for the time being due to a lack of funds to hire an additional employee. Although the Grand Jury did not interview County Counsel, several members stated that the County Counsel is aware of the problems that may ensue from the dual position and is ready to recuse himself and allow outside counsel on potentially conflicting issues. While this may protect the County from a legal basis, it would leave the county to pay outside legal fees, as well as the salary of the current County Counsel, from an already strained budget.

**Public Involvement-** Some Board members wish to have more input from the residents of the County in order to help them make more representative decisions. The position of the individual

Board member is sometimes limited to areas in which they are familiar, and new perspectives and ideas from the community could help in the decision-making process.

**Streamlining-** The general consensus of the Board is that streamlining, or merging of some city services or paperwork, would facilitate the licensing and permitting processes within the County. This could simplify many processes and serve as a more efficient means to bring new business to the County.

**Public Safety-** Public safety has been categorized as the number one priority of the Board. Decreases in revenue and budget cuts have caused the Board to cut funds from the Glenn County Sheriff's Office (GCSO). The GCSO is the County's largest expense, with 2/3 of the budget covering the associated costs of the department. Because of the large percentage of the budget the GCSO receives, the majority of cuts must happen within that department. Because of AB109, or Prison Realignment, the Probation Department was exempted from the last round of budget cuts in order to deal with the unknown financial strain and additional man hours that will be required under the State's Inmate Release/Realignment program.

The Board would like to incorporate more "out of the box" thinking by the sheriff's department to re-adjust to the reduction of revenues. Inter-county job sharing to reduce overtime and opportunities for volunteer programs should be considered.

**County resources-**All members of the Board of Supervisors emphasized their concern for monitoring, maintaining and managing the county's water resources.

#### **IV. CONCLUSIONS**

The members of the Board that met with the Jury were courteous, professional and forthcoming in their responses. They appear to be an effective governing body that is working hard to move the County through the current financial crisis.

#### **V. RECOMMENDATIONS**

1. Remedy the conflict of interest that exists with County Counsel also serving as the Interim Personnel Director. This should be done by splitting the position to protect the County from potentially expensive litigation as well as relieving County Counsel from the heavy workload of two positions. In the meantime, the County should create a written policy that states situations from which Counsel should recuse himself.
2. Examine the possibility of rescheduling Board of Supervisor meetings to a time outside of normal business hours in order to maximize attendance by members of the County in order to receive more public input on issues before the Board. Consider using new forms of media



(i.e.: online survey via County web site or other online media)

3. Contact the Cities of Orland and Willows about streamlining licensing and permitting processes. The goal would be to establish identical processes and paperwork throughout the County in order to simplify the process for prospective businesses.

## **VI. RESPONSES REQUIRED**

Glenn County Board of Supervisors

Glenn County Counsel

Willows City Council

Orland City Council

Glenn County Sheriff

Planning and Public Works

# 2011-2012 GLENN COUNTY GRAND JURY FINAL REPORT

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## GLENN COUNTY WEBSITE INFORMATION

### **I. PURPOSE**

To insure that residents of Glenn County have access to current and correct County information, names and phone numbers.

### **II. BACKGROUND**

A Glenn County Grand Jury committee compared current correct information to the information contained on the Glenn County website checking for accuracy.

### **III. FINDINGS**

The Glenn County Grand Jury found that there were many county department websites whose information was incorrect and outdated.

### **IV. CONCLUSIONS**

The Glenn County Grand Jury sent a letter to each county department head, requesting they review and update their information.

### **V. RECOMMENDATIONS**

The Grand Jury recommends that all departments annually review and update their information.

### **VI. RESPONSES REQUIRED**

None

# 2011-2012 GLENN COUNTY GRAND JURY FINAL REPORT

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## HUMAN RESOURCES AGENCY

### I. PURPOSE

To investigate the hiring and advancement practices of the Glenn County Human Resources Agency as they pertain to qualifications and possible conflicts of interest.

### II. BACKGROUND

The Grand Jury received information alleging a possible conflict of interest in the hiring and promotion of two individuals within the Glenn County Human Resources Agency. Additional training, opportunities to attend conferences, and rapid advancement of some individuals over others was alleged due to familial and friendship ties to the head of the department in which they worked. Further, a lack of agency response to questions concerning such conflict of interest raised by employees is alleged.

The City/County Government Committee of the Glenn County Grand Jury conducted interviews with the person alleging the conflict of interest, the Deputy Director of Community Action Division of Glenn County Human Resource Agency, and the Director and Assistant Director of Glenn County Human Resource Agency. The Grand Jury researched minutes of pertinent meetings, internal memos concerning available job positions, and documents provided by the Human Resources Agency following the interview.

### III. FINDINGS

**Conflict of interest:** The personnel hired for the positions in question were either related by blood, or had friendship ties to members of the Community Action Division, as acknowledged by management during the interview.

It was explained that the rapid and multi-step advancement of some personnel was due to the expertise of the employee in the area of grant-writing, which was desired at that time.

The Glenn County Human Resources Agency's Policies and Procedures Manual Code 39, Conflict of Interest - Personnel Actions states:

**39.1 - Purpose:** The purpose of this document is to state the Agency policy with respect to conflicts of interest that may arise when individuals who are friends of other-wise related, either by blood or marriage, are employed at HRA.

**39.2 - Applicability:** This policy applies to all employees (including upper- and mid-management level staff) volunteers, agency representatives and work experience placements assigned to or working at the HRA.

**39.4 - Definitions:** For the purposes of this policy, conflict of interest is any situation where there is the potential for perceived favoritism or unethical activity in the hiring, evaluating, and/or promoting of an employee who is related to another employee at the HRA, or in the assignment of tasks to that employee.

**39.5 - Policy:** It is the policy of the HRA to ensure that ethical standards are in place and adhered to with respect to family members employed at HRA, including those who may work in the same unit or division. All HRA employees shall be subject to the same standards of work behavior in that no individual shall receive favored treatment during the course of the hiring process, the evaluation process, promotions or the assignment of tasks or responsibilities.

**39.6 - Procedure: Interviewing and Hiring -** When an individual who is related to, or friends with, an HRA employee is applying for work at the HRA, the current HRA employee will not be selected to participate in the interviewing and/or hiring process of the applicant. The current HRA employee shall not have access to the interview questions nor any applicable testing materials with respect to the hiring of the applicant.

**Supervision and Assignments -** In no case shall employees who are related, either by blood or by marriage, be permitted to supervise the employee to whom they are related. Furthermore, employees who are related or friends with one another shall not receive preferential treatment with regard to the assignment of tasks or duties.

If two related employees reside in the same division, a staff member from a different division shall act as the functional supervisor for the employee. This is to ensure that no conflict of interest occurs within the division and that the chain of command is not compromised.

**For example:** The SSD Fiscal Supervisor wants to hire someone who is related to another SSD employee. This is permissible, provided that the new SSD employee does not fall within their relative's chain of command.

**For example:** The SSD Fiscal Supervisor wants to hire someone who is related to the SSD Deputy. In this case, conflict of interest could exist by virtue of the fact that the



SSD Fiscal Supervisor (who will become the applicant's [SSD Deputy's relative] supervisor) is ultimately Supervised by the SSD Deputy. This scenario is only permissible if the applicant [SSD Deputy's relative] will be supervised by an employee from CAD.

**Evaluations** - Employees who are related either by blood or marriage shall not participate in or provide input to the evaluation process of the employee to whom they are related.

#### **IV. CONCLUSIONS**

It is the conclusion of the Glenn County Grand Jury that the hiring of the two individuals into the Glenn County Human Resources Agency did constitute a conflict of interest, as outlined in the Policies and Procedures of the agency.

As stated in an Executive Team Update to all HRA Staff and all CWS-CWS, the issue of conflict of interest was addressed, and a promise of a response was given. However, no response could be found, staff admitted that no response was given as a follow-up.

#### **V. RECOMMENDATIONS**

1. Review with all employees and staff the Human Resources Agency Code 39, Conflict of Interest, to ensure all employees and staff is aware of the code, and understands its contents.
2. When hiring personnel in the Human Resources Agency, make every effort to ensure that Code 39 is being followed.
3. To keep lines of communication between staff and employees open and clear, make every effort to follow up with responses to concerns and issues raised.
4. Review the assignment of a Functional Supervisor for those employees with familial or friendship ties to those in supervisory positions within the agency.

#### **VI. RESPONSE REQUIRED**

Glenn County Board of Supervisors  
Glenn County HRA Director  
Glenn County Counsel/Personnel Director

# 2011-2012 GLENN COUNTY GRAND JURY FINAL REPORT

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## GLENN COUNTY SHERIFF'S DEPARTMENT, ORLAND AND WILLOW POLICE DEPARTMENTS

### **I. PURPOSE**

To review established laws, policies, and procedures for the use of force by Law Enforcement agencies.

To review actual events where excessive use of force was reported by citizens via complaints over the past 18 months.

To review training policies and related documentation maintained by the three law enforcement agencies. To establish compliance to the laws and regulations established by the State.

### **II. BACKGROUND**

The Glenn County Grand Jury received citizen complaints and was otherwise made aware of alleged incidents of excessive physical force by officers used in the process of making arrests. The investigation targeted officer training, training documentation and compliance with state law and county policies.

A Grand Jury committee visited each of the three agency offices to review:

1. Training manuals
2. Individual officer training status for current compliance
3. Case files where physical force was used
4. Overall department arrest statistics.

Each office was asked to produce records, and all were made available to the committee.

It was noted that the Orland office was exceptionally organized and was able answer all inquiries quickly and with clear, concise data.

### **III. FINDINGS**

After a thorough review of the relevant arrest records, it was clear that the use of force was provoked by citizen actions in each case. The officers followed established procedures in the per-

formance of the arrests. The arrest records in every case were well-detailed and all were reviewed by department superiors.

Each department maintained training records that reflected ongoing training and officers are regularly evaluated and records updated.

#### **IV. CONCLUSIONS**

All three law enforcement agencies are operating under limited financial resources.

All records of arrest and officer training were up to date and readily available. All records were in compliance with state law and county policies and all officers are current within the standards set for them.

During the 18 month period, the Orland Police Department made 455 arrests, the Willows Police Department made 263 arrests, and the Glenn County Sheriff's Department made 471 arrests. The arrests where physical force was used numbered less than 1% of the total and no single jurisdiction exceeded that figure.

Reports of excessive force during arrests have been over dramatized from that which is actually experienced by the local and county Peace Officers.

#### **V. RECOMMENDATIONS**

1. The Grand Jury recommends each department make public an annual report of statistical arrest activity, to include categories of crime and the number of officers or man-hours used in the performance of their duties.
2. The Grand Jury recommends the staffs of the police departments and Sheriff's Department comply with the law and the policies set for them, and provide maximum public safety to the best of their ability.
3. Through the process of this review, it was noted by the committee that increased funding to these public safety departments would yield even safer communities.

#### **VI. RESPONSES REQUIRED**

Glenn County Sheriff's Department  
Orland Police Department  
Willows Police Department

# 2011-2012 GLENN COUNTY GRAND JURY FINAL REPORT

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## GLENN COUNTY JAIL INSPECTION

### I. PURPOSE

To review, audit, and assess the facilities of the Glenn County Jail.

### II. BACKGROUND

In January of 2012, members of the Glenn County Grand Jury visited and inspected the Glenn County Jail.

The members met with the Sheriff, a Lieutenant and Sergeant, as well as other members of the jail staff to conduct an annual inspection as required by California Penal Code 919(a) and (b).

Prior to the walk through of the facility, the Sheriff and his staff reviewed the changes in state law, particularly AB 109. AB 109 provides for the release of low level offenders back to local community jails and keeps new low-level offenders in local jails rather than transferring them to state-operated prisons.

The Sheriff discussed ideas to save in operating costs in the future, as well as his collaborative efforts with other counties to garner ideas in the sharing of resources as well as other cost saving ideas.

### III. FINDINGS

**In terms of manpower:** Four members of the Sheriff's staff are on long term disability. Over-time costs to compensate are not included in a normal budget.

Budget-versus-actual increases in operating costs have stifled hiring for those Positions lost to attrition. Due to the lean staffing, new recruits are typically trained in several office and correctional processes, making them a valuable commodity on the open market. Due to the lower rate of pay relative to more populous counties, the Glenn County Sheriff's Office has become a training ground for other jurisdictions. The frequency and cost of turnover presents a burden to the whole operation.



There is only one maintenance person for the facility and he shares duties and functions in several other facilities. He is highly experienced in the idiosyncrasies of the aging facility to the point of his inability to be absent without risk.

**In terms of the Facilities:** The HVAC systems are continually on the ragged edge of performance. The Outdated equipment requires continual attention during more extreme weather conditions. The swamp cooler above the kitchen leaks rain water through the ceiling due to severely corroded catch pans, interrupting food service processes and presenting potentially unsanitary and unsafe conditions. Covering the cooler on the roof as a preventative measure also stops normal air flow into the kitchen. On hot days, the cooling ability of the systems is inadequate, requiring sprinklers on the roof to hold the temperature within regulation limits.

There is currently one “safety cell” and more are needed to separate troubled Detainees from normal processes in the booking area. This presents an increased danger to the officers and inmates during times of higher traffic flow.

There is a requirement to transport multiple inmates by bus. There is no designated area to load and unload prisoners other than a public parking area. This presents a potential safety hazard for the public and inmates.

The entrance to the sally port used to receive or transport prisoners has two narrow roll-up doors which accommodates cars only. The entrance does not accept larger vehicles such as vans.

#### **IV. CONCLUSION**

Overall, the jury members observed a well-run jail. The facilities are clean and the staff is knowledgeable in their duties. It is clear the staff is operating under some duress, due in part to state law and budget shortfalls.

The Sheriff discussed ideas to save operating costs in the future, but all require some initial expense. The department is necessarily reactive versus proactive due to the decline in state funding and the questionable future availability of funds.

#### **V. RECOMMENDATIONS**

1. The jury recommends addressing the long-term impacts of AB 109, and the needs of long-term prisoners in respects to health care, dental care, education and other issues that arise from housing them long term.
2. Address the pay structure to keep staff in Glenn County, rather than being a “training ground” for staff to gain experience and leave for higher wages.

3. Consider a shared maintenance position between counties to avoid having only one staff person with knowledge of the jail maintenance issues.
4. Address staffing levels to ensure the safety of both inmates and staff.
5. Investigate alternative funding to create new programs to fix existing issues.

## **VI. RESPONSES REQUIRED**

Glenn County Board of Supervisors  
Glenn County Sheriff

# 2011 – 2012 GLENN COUNTY GRAND JURY

## FINAL REPORT

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### JANE HAHN JUVENILE HALL

#### **I. PURPOSE**

To review, inspect and assess conditions and staffing at the Jane Hahn Juvenile Hall Facility in Willows, California, as required by California Penal Code 919(b).

#### **II. BACKGROUND**

Members of the Glenn County Grand Jury visited the Jane Hahn Juvenile Detention Facility on March 20, 2012.

#### **III. FINDINGS**

The Grand Jury found the facility going through a change in administration. The staff was doing a great job, making sure each youth's needs were met according to State and Federal policies and procedures.

The facility was clean and orderly, and was up-to-date with new law changes and day-to-day operation. New cameras were being installed and the lighting system was being upgraded.

New opportunity programs are now offered. The Site Manager and staff are working within their budget, and were able to return some dollars at the end of the fiscal year. Probation employees work some overtime to fill in where support is lacking.

#### **IV. CONCLUSIONS**

The Jane Hahn Juvenile Detention Facility is operating within the allotted budget.

Its purpose and service to the community is very important.

The Site Manager, Juvenile Hall staff and educational staff work together to make a change in the life of each youth that comes through the facility.

## **V. RECOMMENDATIONS**

1. Whenever possible, make the Juvenile Hall a budgetary priority.
2. Hire a Site Manager in a timely manner.
3. Recruit support staff and institute a workable work schedule.

## **VI. RESPONSES REQUIRED**

Glenn County Board of Supervisors  
Glenn County Probation Department

# 2011-2012 GLENN COUNTY GRAND JURY

## FINAL REPORT

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### GLENN COUNTY OFFICE OF EDUCATION AND GLENN COUNTY BOARD OF EDUCATION

#### **I. PURPOSE**

To answer questions raised regarding policies associated with the Glenn County Office of Education (GCOE) and the Glenn County Board of Education (GCBE) as pertains to their policy for Charter school approval.

#### **II. BACKGROUND**

The Grand Jury looked at the current GCOE/GCBE policy for Charter School approval or denial (BP9600) and evaluated it against the State educational code.

#### **III. FINDINGS**

##### **Charter Schools – Policy BP9600:**

The Glenn County Board of Education believes that charter schools provide one opportunity to implement school-level reform and to support innovations which improve student learning. Charter schools operate under the provisions of Policy BP9600 (excerpted).

The charter school will serve students for whom Glenn County Office of Education would otherwise be responsible for providing direct education and related services.

The charter School operates as a countywide charter at one or more sites within the geographic boundaries of the county, to provide instructional services not generally provided by the Glenn County Office of Education. A countywide charter petition may only be approved if the Glenn County Board of Education finds that the educational services to be provided by the charter school will offer services to a student population that will benefit from those services and that cannot be served as well by a charter school that operates in only one school district in the county.

If the charter petition is denied by the governing board of a school district within the Glenn County Board of Education's jurisdiction, the petition is then submitted to the Glenn County Board of Education within 180 calendar days of the school district governing board's denial.

To be considered by the Glenn County Board of Education, all charter petitions, except petitions of establish countywide charters, shall comply with the requirements of Education Code 47605.

*The Glenn County Board of Education shall ensure that every approved charter contains adequate processes and measures for monitoring and holding the charter schools accountable for fulfilling the terms of its charter and for complying with all applicable laws. Such processes and measures include, but are not limited to, fiscal accountability systems, multiple measures for evaluating the educational program, and inspections and observations of any part of the charter school, may be included in one or more Memoranda of Understanding between the County Board and the charter school. Any meeting of the County Board at which the granting, revocation, appeal, or renewal of a charter petition is to be discussed shall be subject to the state open meeting laws. (Education Code 47608).*

#### **IV. CONCLUSIONS**

Glenn County Office of Education has adopted a policy for Charter School approval following existing state policy.

*See Appendix for complete Education Codes Used for this report*

#### **V. RECOMMENDATIONS**

None

#### **VI. RESPONSES REQUIRED**

Glenn County Office of Education  
Glenn County Board of Education



# 2011-2012 GLENN COUNTY GRAND JURY

## FINAL REPORT

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### GLENN COUNTY OFFICE OF EDUCATION

#### **I. PURPOSE**

To answer questions raised regarding policies associated with the Glenn County Office of Education (GCOE) and the Glenn County Board of Education (GCBE) in two specific areas:

1. The checks and balances that exist between the GCOE and the GCBE.
2. What harassment training is received by GCOE employees, and whether it meets the requirements of their insurer?

#### **II. BACKGROUND**

##### **Policies and Procedures:**

The Glenn County Office of Education has been the subject of previous Grand Jury investigations, dating back to the 2006/2007 Grand Jury, which concluded that the working relationship between the Superintendent of Schools, the Office of Education, and the Board of Education lacked an effective system of checks and balances, and neither the Business Office or the Board of Education were sufficiently involved in protecting the financial status of the school system.

Responses received from the Board President were deemed unacceptable as they lacked any indication that they were approved by the entire Board before submission. Responses from the Superintendent and the Business Manager were accepted.

The 2007/2008 Grand Jury set out to “review the governance procedures and the working relationship between the GCOE and the school districts it supports”. They concluded that the community and students were not being well-served by the GCOE or by the GCBE, citing discord between the parties as a distraction, preventing them from performing their duties and threatening the GCOE’s ability to provide cost-effective special education programs and to support the individual districts.

##### **Recommendations of the 2007/2008 Grand Jury included:**

1. Hold a mandatory training session for all Board members and GCOE staff.

2. The Board and the Superintendent define the topics to be covered. Suggested topics were.
  - a. Roles and Responsibilities of Board members, and Policies and Procedures for the GCOE/GCBE.
  - b. Board and Superintendent should cooperate and retain common counsel to review and resolve legal issues.
  - c. Board should follow established policies and procedures to set and adjust the salary of the Glenn County Superintendent of Schools. It is especially important to establish a base salary that is published prior to the filing period for an upcoming election.

### **III. FINDINGS**

#### **Policies:**

With the election of a new Superintendent in 2010, policies and procedures are taking shape, and the GCBE has created a sub-committee to address policy issues and implement them as soon as possible.

The current Superintendent stated he follows the California School Board Association Governance and Policy Handbook (2008) for routine matters of administration and policy development when questions arise.

*A link to their site on the web is located at*

<http://www.csba.org/AboutCSBA.aspx>.

*A full review of policy services offered is located at*

<http://www.csba.org/Services/Services/PolicyServices/PolicyAnalysis.aspx>.

#### **Harassment Training – AB1825:**

California employers of 50 or more employees, including those outside California, are required to provide supervisors within the state of California with two hours of sexual harassment training every two years. The minimum employee count of 50 includes temporary service employees and “persons providing services pursuant to a contract” in its workforce. The latter are called “contractors” and must be counted if they provide services for each working day in 20 consecutive weeks in the current calendar or preceding year.

Training must be provided to all employees in California who have “supervisory authority”, a broadly defined term in California. It generally includes anyone having the authority to exercise independent judgment to:

Hire, transfer, suspend, lay-off, recall, promote, discharge, assign, reward or discipline other employees; and direct the work of other employees or adjust their grievances.

The insurer of GCOE is Golden State Risk Management (GSRM). An interview with them revealed the following:

1. GSRM does not require harassment training; it only provides it as a service to educate their members.
2. It is up to the department to follow the law for supervisor harassment training.
3. GSRM has no authority over any county office and cannot demand employees are trained.
4. In the event there is a harassment suit filed, any and all county employees trained or not, will not be denied coverage.
5. Other than people in supervisory positions, other staff may receive peer training, but it is not a requirement of GSRM.

A request of GCOE to provide the status of harassment training to all current supervisory personnel revealed that of the 49 eligible management position (as of 3/1/2012), 8 have been completed, with the remainder to be completed by June 30, 2012.

GCOE does not offer peer-to-peer harassment training to subordinates.

#### **IV. CONCLUSIONS**

Checks and balances between the Glenn County Office of Education and the Glenn County Board of Education have improved over the past few years, with ongoing development of policies that dictate their interactions.

Harassment training is acceptable from the standpoint of GCOE meeting the requirements of the state and their insurer.

#### **V. RECOMMENDATIONS**

Although the Glenn County Office of Education and the Glenn County Board of Education are working on policies that will improve their interactions, there is not a concise one-stop review of approved and/or pending policies available to be reviewed by the public. The Grand Jury recommends the development of a binder that contains all adopted policies and is kept in one location.

#### **VI. RESPONSES REQUIRED**

Glenn County Office of Education  
Glenn County Board of Education

# 2011-2012 GLENN COUNTY GRAND JURY

## FINAL REPORT

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### WILLOWS/ORLAND PUBLIC LIBRARIES

#### I. PURPOSE

To re-evaluate the ongoing effectiveness of employing a full time person to the position of Library Director for both the Willows and Orland Libraries.

#### II. BACKGROUND

In September, 2010, the cities of Orland and Willows agreed to a shared Library Director position in order to conserve financial resources. In 2011, members of the Glenn County Grand Jury met with the Library Director at the library in Willows to evaluate the early effectiveness of the shared position. Currently, the Director continues her schedule of Monday, Wednesday and half of Friday at the Orland location; Tuesday, Thursday and the remainder of Friday is spent in Willows. The Library Director's duties include budget preparation, allocation of budget funds, personnel matters, selection of materials, and public relations.

#### III. FINDINGS

**Space** – The Director reports no issues with space at the Willows Library. However, the Orland Library is much too small, and its size was reported to be one of Orland Library's most pressing issues.

**Door Counts/Circulation** – Circulation of materials in both libraries increased during the past year. Door counts monitor the hours in which people utilize library services, as well as how many people enter the library during the hours of operation. The Director reported that door counts for the previous year stayed about the same in Orland, but increased in Willows.

**Outreach** – Outreach is being conducted in various ways; story times at local pre-schools; reading programs with incentives to elementary school students; visits to local retirement homes; as well as a community resource fair. The Director stated that a number of library volunteers give their time to the Senior Center. They are able to help make seniors aware of the library resources available to them.

**Materials** – The Willows Library has a budget for the purchase of new books and other materials. They also rely on book donations from the public, in which they either add to the collection, or give to Friends of the Library, a group of volunteers that provide various types of support to the libraries. The Friends of the Library will sell many of the donated books to raise money for the libraries to purchase new materials. The Orland Library does not have a book budget and relies heavily on donations from the public and the Friends of the Library for materials.

**Staffing** – Staffing at the Willows Library continues to be a problem, with part-time and volunteer staff, but only one full-time employee. Orland staff levels are adequate, with three full-time employees.

#### **IV. CONCLUSIONS**

Although not ideal, the shared Library Director position continues to be effective. The Director was very knowledgeable, professional and should be commended for her work. Budget cuts continue to be a worry for both libraries because they are already working with minimum funding to sustain current operational levels.

The Director remains positive and stated that libraries operating with minimum funding do not allow for wastefulness.

#### **V. RECOMMENDATIONS**

1. Continue to research/pursue grants and additional funding.
2. During public outreach, make known the importance of book donations and how they benefit the Friends of the Library, which in turn supports the libraries.

#### **VI. RESPONSES REQUIRED**

None

# 2011-2012 GLENN COUNTY GRAND JURY

## FINAL REPORT

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### STATUS OF PAST RECOMMENDATION

#### **I. PURPOSE**

To review past responses from former Grand Jury investigations to determine if the recommendations were being followed and implemented.

#### **II. BACKGROUND**

A committee of Grand Jury members reviewed Grand Jury reports and recommendations from 2008/2009, 2009/2010, and 2010/2011. Departments and agencies were interviewed to determine whether the recommendations were able to be implemented.

#### **III. FINDINGS**

1. Most departments and agencies were actively attempting to implement the prescribed recommendations.
2. Some recommendations cannot be implemented due to lack of funding.
3. Some are still “works in progress”.

#### **IV. CONCLUSIONS**

The Grand Jury is pleased that all county entities took seriously the recommendations of past Grand Juries.

#### **V. RECOMMENDATIONS**

*See individual reports*

#### **VI. RESPONSES REQUIRED**

*Based on individual reports*

Glenn County Board of Supervisors

Orland City Council

Glenn County Sheriff's Department

Glenn County Human Resource agency

Glenn County Council

Glenn County Personnel Director



# 2011-2012 GLENN COUNTY GRAND JURY

## FINAL REPORT

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### STATUS OF PAST RECOMMENDATION

#### Glenn County Jail

#### **I. Former Report Year**

The Grand Jury performs yearly inspections.

#### **II. Former Issues**

1. Staffing
2. Sally Port Entrance
3. Air Conditioning Unit
4. Safety Cell
5. Surveillance Camera
6. Computer

#### **III. Findings**

1. The Jail works under conditions of severe underfunding.
2. All issues are addressed based on funding and priority.
3. The new State re-alignment provides further burden on the Jail facility.

#### **IV. Conclusions**

All issues are funding related.

#### **V. New Recommendations**

1. The Sheriff's Department must be innovative and flexible in dealing with staffing needs and stability.
2. Look into contract hiring to reduce overtime costs.
3. Create and establish a coalition between the Board of Supervisors and the Sheriff's Department to investigate long term solutions.

## **VI. Response Required**

Glenn County Board of Supervisors  
Glenn County Sheriff's Department

**2011-2012 GLENN COUNTY GRAND JURY**  
**FINAL REPORT**

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**STATUS OF PAST RECOMMENDATION**

**Jane Hahn Juvenile Hall**

**I. Former Report Year**

Every year the Grand Jury inspects the facility.

**II. Former Issue**

Staffing and record keeping issues

**III. Findings**

1. Improved training of all staff members has been implemented.
2. Record keeping has been improved and is now up-to-date.

**IV. Conclusions**

All former issues have been addressed and resolved.

**V. New Recommendations**

Implement yearly internal evaluations of staff, records, and facility.

**VI. Response Required**

Probation Department Director  
Director of the Jane Hahn Juvenile Hall

**2011-2012 GLENN COUNTY GRAND JURY**  
**FINAL REPORT**

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**STATUS OF PAST RECOMMENDATION**

**Glenn County Sheriff's Department**

**I. Former Report Year**

2009-2010

**II. Former Issue**

The mishandling and destruction of a citizen's firearm

**III. Findings**

Issue was investigated and citizen was notified to file a claim.

**IV. Conclusions**

Sheriff's Department has improved storage and records of personal property used as evidence.

**V. New Recommendations**

All claims should be addressed in a timely manner.

**VI. Response Required**

None

**2011-2012 GLENN COUNTY GRAND JURY**  
**FINAL REPORT**

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**STATUS OF PAST RECOMMENDATION**

**Orland City Council**

**I. Former Report Year**

2008-2009

**II. Former Issue**

1. Orland Police Department is under staffed
2. Assign an officer on the Narcotics Task Force

**III. Findings**

The Grand Jury met with the City Manager at the Mayors request. The City Manager stated there were no funds for more officers at this time. Staffing is the same as 2008-2009.

**IV. Conclusions**

The Orland Police Department needs to be fully staffed to include an officer to the Narcotics Task Force.

**V. New Recommendations**

Increase the Orland Police Department funding to allow for full staffing.

**VI. Response Required**

Orland City Council

Orland City Manager

Orland Chief of Police

# 2011-2012 GLENN COUNTY GRAND JURY

## FINAL REPORT

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### STATUS OF PAST RECOMMENDATION

#### Glenn County Human Resource Agency

#### **I. Former Report Year**

2008-2009, 2009-2010

#### **II. Former Issues**

1. Hostile work environment
2. Permanent Director
3. Drug and alcohol testing
4. Open door policy
5. Promotional testing

#### **III. Findings**

1. Hostile work environment: The department had accomplished training in communications between employees and supervisors. It has ongoing training programs in place on communications for employees.
2. Director: The agency has a current Director.
3. Drug and alcohol testing: All employees are tested when hired.
4. Random drug testing is performed.
5. Open door policy: The director is open to all employees and the public.
6. Promotional testing: Testing is done through the California State Merit System. The agency is to hire from the top five scores, or to show a reason for why they did not use the top five lists.

#### **IV. Conclusions**

While progress is slowly being made in the HRA department, many management improvements are still needed.



## **V. New Recommendations**

1. Higher standards by the HRA leadership must be met.
2. A fair promotion practice policy must be written, defined, and adhered too.

## **VI. Response Required**

Glenn County Board of Supervisors

HRA Director

County Council

Personnel Director

**2011-2012 GLENN COUNTY GRAND JURY**  
**FINAL REPORT**

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**STATUS OF PAST RECOMMENDATION**

**Glenn County Public Works Department**

**I. Former Report Year**

2009-2010

**II. Former Issue**

Funding and staffing for road repair.

**III. Findings**

The Grand Jury Committee found the same problems still exist. The department is short of funds and staff.

**IV. Conclusions**

Public Works is doing a good job maintaining the county's infrastructure given their limited crews and materials .

**V. New Recommendations**

None

**VI. Response Required**

None

# 2011-2012 GLENN COUNTY GRAND JURY

## FINAL REPORT

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### STATUS OF PAST RECOMMENDATION

#### Glenn County Land Fill/Public Works Department

#### **I. Former Report Year**

2009-2010

#### **II. Former Issue**

Where does waste management stand since the Shaw Environmental report.

#### **III. Findings**

The land fill will be closed. The date of closure at this time is unknown.

#### **IV. Conclusions**

Public works is working with several agencies to take care of the county's solid waste needs.

#### **V. New Recommendations**

1. Investigate all options for solid waste needs for the county.
2. Keep the public advised on all possible options available.

#### **VI. Response Required**

None

**2011-2012 GLENN COUNTY GRAND JURY**  
**FINAL REPORT**

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**STATUS OF PAST RECOMMENDATION**

**Glenn County Building Department/Code Enforcement**

**I. Former Report Year**

2009-2010

**II. Former Issue**

1. Staffing Shortage
2. Funding
3. Back log of work

**III. Findings**

Code Enforcement is still a part-time position. Without increased funding and a full time staff position, this position will only have the ability to respond to complaints in the order they are received. Proactive enforcement is not existent.

**IV. Conclusions**

This cannot change without increased funding.

**V. New Recommendations**

Expand position to full time

**VI. Response Required**

Glenn County Board of Supervisors

**2011-2012 GLENN COUNTY GRAND JURY**  
**FINAL REPORT**

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**STATUS OF PAST RECOMMENDATION**

**Glenn County Mosquito Abatement District**

**I. Former Report Year**

2008-2009

**II. Former Issue**

Overlaying districts

**III. Findings**

Definite boundaries and District agreements have been established.

**IV. Conclusions**

The district is operating well.

**V. New Recommendations**

None

**VI. Response Required**

None

**2011-2012 GLENN COUNTY GRAND JURY**  
**FINAL REPORT**

---

**STATUS OF PAST RECOMMENDATION**

**Glenn County Office of Education**

**I. Former Report Year**

2010-2011

**II. Former Issue**

Inter District Transfer Policies

**III. Findings**

The committee met with the Superintendent of School, January 31, 2012. At that time all county school districts, except Capay, had on file a current and board approved inter district transfer policy. GCOE will be following up with Capay.

The committee was also given a copy of the new Glenn County Board of Education appeals regulation. This was adopted and approved by the Board, January 10, 2012

**IV. Conclusions**

The committee feels the Superintendent and the Board of Education are diligently working on updating all of their records and policies.

**V. New Recommendations**

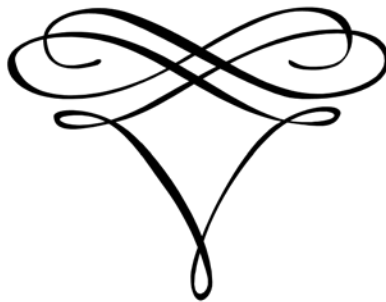
None

**VI. Response Required**

None



# RESPONSE REPORTS



2010-2011

GLENN COUNTY GRAND JURY

FINAL REPORT

**RESPONSE TO THE 2010-2011 GLENN COUNTY  
GRAND JURY  
FINAL REPORT**

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**I. Department or Agency:**

Glenn County Sherriff Department/County Jail  
*2010-2011 Grand Jury Report - page 10*

**II. Recommendations:**

1. Continue to upgrade with in the budget.
2. Keep the inmates safety a top priority.
3. Recruit additional staff to assist with scheduling of overtime.

*Responses required by:*

*Glenn County Board of Supervisors  
Glenn County Sheriffs Department  
Planning and Public Works Department*

**III. Responses Received:**

Glenn County Board of Supervisors  
Glenn County Sherriff Department  
Planning and Public Works Department

**IV. 2010-2011 Grand Jury Review of Response:**

Response accepted

**RESPONSE TO THE 2010-2011 GLENN COUNTY  
GRAND JURY  
FINAL REPORT**

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**I. Department or Agency:**

Glenn County Office of Education  
*2010-2011 Grand Jury Report - page 22*

**II. Recommendations:**

1. Request updated Inter-district transfer policies if they have been changed.
2. Request all districts submit their approved policies.

*Responses required by:*

*Glenn County Office of Education Superintendent*

**III. Responses Received:**

Glenn County Office of Education Superintendent

**IV. 2010-2011 Grand Jury Review of Response:**

Response accepted

# APPENDIX



2011-2012

GLENN COUNTY GRAND JURY

FINAL REPORT



**GLENN COUNTY  
BOARD OF SUPERVISORS**

Willows Memorial Hall, 2<sup>nd</sup> Floor  
525 West Sycamore Street, Suite B-1  
Willows, CA 95988

*John K. Viegas, District 1  
Dwight Foltz, District 2  
Steve Soeth, District 3  
Michael Murray, District 4  
Leigh W. McDaniel, District 5*

September 20, 2011

The Honorable Peter Billiou Twede  
Assistant Presiding Judge of the Superior Court  
526 West Sycamore Street  
Willows, CA 95988

Dear Judge Twede:

**SUBJECT: RESPONSE OF THE BOARD OF SUPERVISORS TO THE 2010/11 FINAL  
GRAND JURY REPORT**

The Board of Supervisors would like to thank the Grand Jury for their time and effort in researching and coming up with thoughtful and meaningful recommendations in their 2010/11 Final Report.

Pursuant to Penal Code Section 933.05, the Board of Supervisors respectfully submits the attached responses to the recommendations set forth in the 2010/11 Final Grand Jury Report. In addition, the Board has reviewed responses received by County Departments and in general concurs with their comments and conclusions. More specific responses are on the attached pages by area of concern.

Please contact our office if you have any questions.

Sincerely,

GLENN COUNTY BOARD OF SUPERVISORS

  
Steve Soeth, Chairman

cc: Cynthia Hunt, 2011/12 Grand Jury Foreperson  
Sheryl Thur, County Clerk





LARRY HINES  
Sheriff/Chief  
Glenn County Sheriff's Office

### GLENN COUNTY SHERIFF'S OFFICE

Sheriff, Coroner, Civil Process, Office of Emergency Services, Animal Control  
*"Commitment to Service Dedication to Community"*

29Aug2011

The Honorable Peter Billiou Twede  
Assistant Presiding Judge of the Glenn County Superior Court  
526 West Sycamore Street  
Willows, CA 95988

GLENN COUNTY  
CLERK OF THE BOARD  
2011 AUG 29 PM 3:51

Reference: 2010/11 Grand Jury Report/Glenn County Jail

First of all, we would like to take this opportunity to thank the members of the Glenn County Grand Jury (GJ) for their diligent efforts in performing their duties. In our contact with the GJ, the members have been very attentive, professional, and ask insightful questions.

With regard to the inspection of the Glenn County Adult Detention Facility the GJ made specific recommendations:

- a.) Reference additional cameras: A new solid state operating system with increased memory has been purchased and installed. Cameras have been replaced as they fail and an additional monitor screen has been placed in the tower for more efficient surveillance capabilities. As funds become available, additional cameras will be installed.
- b.) Reference the safety cell: The safety cell has been completely refurbished and is operational.
- c.) Reference up-graded water system: This has also been completely repaired with an entire new computer operating system and controllers. This will provide electronic control of water delivery systems throughout the facility to include restrooms.

543 W. Oak Street • Willows, CA 95988  
Administration (530) 924-6441 • Fax (530) 924-6475  
24 Hour (SSO) 924-6431 • (530) 865-1122 • Fax (530) 924-6439  
Jail (530) 924-6428 • Fax (530) 924-6427

Attachment A

- d.) Provide further staffing: The Glenn County Adult Detention Facility continues to operate without a sufficient number of correctional officers. This is historically problematic. As of 01Oct2011 AB109 will become effective and county jails throughout the State of California will then house inmates which would have been sentenced to state prison. This will place an even more hazardous burden on correctional personnel. This is a monumental paradigm change as we now must operate like a state prison; which our facility was never designed to do. The Glenn County Board of Supervisors realize this situation and it will be incumbent upon all of us to seek ways to place additional correctional officers inside the facility to meet this new challenge.

It should also be noted that the Glenn County Jail is just over twenty years old. It is a documented fact that hitting this age in a jail triggers many issues. Jail structures, wiring, internal and external systems fail, because of the twenty-four-seven, three-hundred and sixty-five continuous demands placed on the facility. As the age of the Glenn County Adult Detention Facility rises; so will the cost to maintain it at the high standard with have come to expect.

In your service,



Sheriff Larry Jones, Glenn County

Cc: Glenn County Board of Supervisors





**GLENN COUNTY  
PLANNING & PUBLIC WORKS AGENCY**

Willows, California 95988  
John F. Linhart, Director



July 18, 2011

The Honorable Peter B Twede  
Superior Court  
c/o Glenn County Board of Supervisors  
525 W. Sycamore St.  
Willows, CA 95988

PUBLIC WORKS DIVISION  
125 S. Murdoch Av./P.O. Box 1070  
Willows, CA 95988  
Tel: (530) 934-6541  
Fax: (530) 934-6715

2011 JUL 21 PM 4:27  
GLENN COUNTY  
CLERK OF THE BOARD

Re: Agency Response to the 10/11 Grand Jury Report

Dear Judge Twede:

I am writing in response to the request made on Page 11 of the 10/11 Grand Jury Final Report to address concerns noted about the refurbishing the safety cell at the County Jail. Please be advised that the Sheriff Department performs repairs and remodeling within the County Jail except for some electrical and computer work. If the Sheriff requests the assistance of the Facilities department, we are available to assist with any repairs and remodeling subject to availability of funds.

Please let me know if you have any other questions or concerns regarding this matter.

Sincerely,

John Linhart  
Director

Attachment B

Airports, Boat Launch Facilities, Building Inspection, Capital Projects, County Parks, County Surveyor, Engineering, Facilities Maintenance, Fleet Services, Flood Control, LAFCo, Memorial Halls, Planning, Public Transit, Transportation, Road & Bridge Maintenance, Solid Waste



# Glenn County Office of Education

## Office of the Superintendent

Tracey Quarne, Superintendent  
511 South Villa Avenue • Willows, California 95988  
(530) 934-6575 Ext. 3061 FAX (530) 934-6111

July 18, 2011

The Honorable Peter Billiou Twede  
Glenn County Grand Jury Presiding Judge  
Superior Court, County of Glenn  
526 W Sycamore St  
Willows, CA 95988

GLENN COUNTY  
CLERK OF THE BOARD  
2011 JUL 18 AM 10:15

RE: Response to the 2010-2011 Glenn County Grand Jury Report

Dear Judge Twede:

During September of 2010, the Glenn County Grand Jury (GCGJ) conducted an interview with the previous County Superintendent of Schools requesting a copy of the 'inter-district transfer policy' of the school districts served by the Glenn County Office of Education (GCOE). The GCGJ was correctly informed the GCOE does not have copies of said policies on file. However, the GCOE does have a policy regarding inter-district transfers (approved January 17, 1990), two (2) separate informational hand-outs available for students and/or parents, and a fairly exhaustive checklist employed by the Glenn County Board of Education (GCBE) when hearing an appeal (enclosed).

The GCGJ is correct in recommending the GCOE maintain a copy of the individual district's inter-district transfer appeal policies. To this end, please find enclosed an example letter being sent to the districts requesting said copies.

On behalf of the GCOE, please extend our appreciation to the GCGJ for engaging a most worthwhile yet thankless endeavor. Were their task not addressed, our community would be lessened measurably!

With appreciation and best wishes for your continued success, I am,

Sincerely yours,

Tracey J Quarne, Superintendent  
Glenn County Office of Education

CC: Glenn County Board of Supervisors ✓  
Glenn County Board of Education  
Glenn County School Districts

*"An Equal Opportunity Provider"*

**TITLE:**

Education Code Section 48200 provides that students should attend school in the district where their parents or guardians reside. At the same time, Education Code Sections 48600 et. seq. authorizes parents or guardians to request a permit to attend a district other than the district of residence. A parent or legal guardian may appeal the failure or refusal to approve an inter-district attendance request to the Glenn County Board of Education. The Board shall grant or deny an appeal on its merits.

**A. Conditions Under Which an Appeal May be Made**

1. Inter-district attendance permit sought for current school year:  
if within thirty (30) calendar days after the parent or legal guardian of a student has so requested, the governing board of either school district fails or refuses to approve an inter-district attendance request, an appeal may be made to the County Board of Education.
2. Inter-district attendance permit sought for subsequent school year:  
If, within fourteen (14) calendar days after the start of the new school year in each school district, and the parent or legal guardian of a student has requested of each district thirty (30) calendar days or more prior to the start of that school year, the governing board of either district fails or refuses to approve an inter-district attendance request, an appeal may be made to the County Board of Education.
3. Students who are under consideration for expulsion, or who have been expelled pursuant to Education Code Sections 48915 and 48918, may not appeal inter-district attendance denials while expulsion proceedings are pending, or during the term of the expulsion.
4. Students who are denied a transfer to a district within the boundaries of which the student's parent or guardian is employed under Education Code Section 48204(b) may not appeal the denial by the district of employment.
5. Students who are denied a transfer to a School District of Choice (also known as an "open enrollment district") under Education Code Section 48300 et seq. may not appeal the denial by the receiving district.
6. Students who are denied a transfer under the Open Enrollment Act (also known as the "Romero Bill") pursuant to Education Code sections 48350 et seq. may not appeal the denial to the County Board of Education.
7. Revocation of an inter-district attendance permit may not be appealed to the County Board of Education.

**B. Procedures for Filing an Appeal**

1. An appeal shall be made within thirty (30) calendar days after either district fails or refuses to approve an inter-district attendance request. Failure to appeal within the required time is good cause for denial of an appeal.
2. The appeal shall be made in writing on a form prescribed by the County Superintendent of

Schools. The appeal shall include a copy of the original "Request for Inter-district Attendance Permit."

3. The appeal shall be accepted only upon verification by the County Superintendent that appeals within the districts have been exhausted.
4. If the appeal contains new evidence or grounds for the request, the County Superintendent shall refer the person appealing back to the district denying the request for further consideration and/or board action. Following further consideration by the district, the parent retains the right to appeal to the County Board of Education.

#### C. Hearing Date

1. The County Board of Education shall, within thirty (30) calendar days after the appeal is filed, hear the appeal and determine whether the student should be permitted to attend in the district of desired attendance and the applicable period of time.
2. In the event that meeting the time requirement for determining the appeal is impractical, the County Board of Education or the County Superintendent of Schools or designee may, for good cause, extend the time period for an additional five (5) school days.
3. The County Board of Education may grant a continuance to any party upon a showing of good cause. Such continuances shall result in an extension of the time line for a determination by the County Board of Education equal to the number of days of the granted extension.

#### D. Preparation for Hearing the Appeal

1. The County Superintendent of Schools serve as the contact person and liaison among the student's representative, the districts involved, and other appropriate parties
2. Upon receiving the appeal, the County Superintendent shall inform the person appealing of their rights and the procedures by which the appeal will be heard.
3. The County Superintendent shall inform both school districts involved of the appeal and invite them to have representatives at the hearing to speak on their position regarding the appeal.
4. The County Superintendent shall provide adequate notice to all parties of the date and time of the scheduled hearing, the opportunity to submit written statements and documentation, the date upon which any documentation is due, and the option of being represented by legal counsel.
5. The County Superintendent shall investigate and provide any additional information deemed useful to the Board in reaching a decision.
6. The County Superintendent will assist all parties to obtain local resolution prior to the hearing. If a hearing is necessary, the County Superintendent shall no later than one week prior to the hearing, provide the County Board with the following information to assist the Board in reaching a decision:
  - a. Copies of the original inter-district attendance request, local governing board minutes

pertaining to action taken on the request, and the inter-district attendance request appeal;

- b. A copy of both districts' policy on inter-district attendance;
  - c. Materials and documentation relevant to the inter-district attendance request; and
  - d. Case summary and results or conferences pertaining to the case.
7. Copies of all information provided to the County Board shall be distributed to all parties involved prior to the hearing.

#### **E. Conduct of the Hearing**

1. The Board President shall preside over the hearing which will be conducted in closed session unless it is requested by the parent to be conducted in open session.
2. A verbatim transcription of the hearing shall be made, if the hearing is conducted in open session.
3. Strict rules of evidence as required in court proceedings shall not be applied. Evidence may include witnesses and written materials. Hearsay evidence is admissible, but cannot be the sole basis for a finding. All evidence and testimony must be relevant to the issue.
4. The Board President may recognize any concerned parties at any time during the hearing to ask questions or to add information.
5. All parties are expected to conduct themselves in a courteous and businesslike manner.
6. The format for the hearing shall be substantially as follows:
  - a. The Board President will introduce the matter for the record and all parties present will identify themselves;
  - b. The Board President will review the scope of the County Board's role and receive written evidence regarding the matter;
  - c. The student's representative will be invited to make a presentation. An opportunity to ask questions of the representative will be provided;
  - d. The representative of the district which failed or refused to approve the inter-district attendance request will be invited to make a presentation. An opportunity to ask questions of the representative will be provided;
  - e. The representative of the other district involved will be invited to make a presentation. An opportunity to ask questions of the representative will be provided; and,



- f. At the conclusion of presentations and questioning, the Board will first deliberate the matter in closed session, then render a decision and issue an order accordingly in open session.

**F. Scope of Review and Decision of the Board**

1. The Board shall consider evidence and information presented by all parties and the County Superintendent in granting or denying the appeal. The party requesting the inter-district transfer shall have the burden of proof and the responsibility to present sufficient evidence to justify the transfer. The requesting party shall be required to provide clear and convincing evidence that the transfer is necessary based upon certain criteria including, but not limited to, the following:
  - To meet the child care needs of the student;
  - To meet the student's special mental or physical health needs as certified by a physician, school psychologist, or other appropriate school personnel;
  - When the student has a sibling attending school in the receiving district; to avoid splitting the family's attendance;
  - To allow the student to complete a school year when his/her parents/guardians have moved out of the district during that year;
  - To allow the student to remain with a class graduating that year from an elementary, junior, or senior high school;
  - To allow a high school senior to attend the same school he/she attended as a junior, even if his/her family moved out of the district during the junior year;
  - When the parent/guardian provides written evidence that the family will be moving into the district in the immediate future and would like the student to start the year in the district;
  - When the student will be living out of the district for one year or less;
  - When recommended by the school attendance review board or by county child welfare, probation, or social service agency staff in documented cases of serious home or community problems which make it inadvisable for the student to attend the school of residence;
  - When there is valid interest in a particular educational program not offered in the district of residence; and/or
  - To provide a change in school environment for reasons of personal and social adjustment.

The Board may only grant an appeal based on the better interest of the child's education or social/emotional needs, or other considerations as allowed by California Education Code.

2. If new evidence or grounds for the request are introduced, the Board may remand the matter for further consideration by the district or districts. In all other cases, the appeal shall be granted or denied on its merits.
3. Without limiting its discretion in deciding the appeal on its merits, the Board may consider the following factors:
  - a. Welfare of the student;
  - b. Impact upon the family; and,
  - c. Impact upon the district(s).

4. Failure to appeal within the required time is good cause per denial of an appeal.
5. If the Board determines that the student should be permitted to attend in the desired district, the student shall be admitted without delay for the school year for which the inter-district attendance transfer was requested. The Board may order attendance in a district, but not a specific school.
6. If the appeal is granted, attendance in the desired district shall be subject to the inter-district attendance policies and regulations of the district in which the inter-district attendance permit was requested and any applicable inter-district attendance agreement. If no such inter-district policies, regulations and/or attendance agreement exist, attendance in the desired district shall be governed by applicable state and federal laws.
7. Written notice of the decision by the Board shall be mailed to the parent or legal guardian and to the governing boards of each district within three school days of the closure of the hearing unless the person who filed the appeal requests a postponement of the issuance of the decision.
8. The administrative decision of the Board shall be final, and no reconsideration or rehearing by the Board shall be permitted.
9. In the notification of the administrative decision, the parties shall be advised that, should either party desire to seek a judicial review of the county board's administrative decision, that such judicial review must be requested within ninety (90) calendar days of the date of the Board's determination.

*cf. BP 5119(a), 9320(a), 9321(a), 9321.1(a), 9323(a)*

*Legal Reference; Education Code sections 46600, 46601, 46602, 48350 et. Seq., Code of Civil Procedure section 1094.6; CA Atty. General Opinion No 98-908*

01/10/12

5

## *Plaza Elementary School District*

*Board of Trustees:*  
*Brian Bly*  
*Darin Titus*  
*Robert Young*

7322 County Road 24  
Orland, CA 95963  
Phone (530) 865-1250 Fax (530) 865-1252

*Superintendent/Principal*  
*Grant Sandro*

October 26, 2011

Cynthia Hunt, Foreperson  
Glenn County Grand Jury  
P. O. Box 1023  
Willows, California 95988

RE: 2010-2011 Grand Jury Report, pages 22-23

Dear Ms. Hunt:

I have enclosed another copy of AR 5117 adopted by the Plaza Board of Trustees on September 21, 2011. I am sorry the copy sent earlier was incomplete.

Sincerely,

  
Grant Sandro  
Superintendent  
Plaza Elementary



**INTERDISTRICT ATTENDANCE****Interdistrict Attendance Permits**

The Superintendent/Principal or designee may approve an interdistrict attendance permit for a student for any of the following reasons:

1. To meet the child care needs of the student

Such students may be allowed to continue to attend the district school only as long as they continue to use a child care provider within district boundaries.

2. To meet the student's special mental or physical health needs as certified by a physician, school psychologist, or other appropriate school personnel

*(cf. 6159 - Individualized Education Program)*

3. When the student has a sibling attending school in the receiving district, to avoid splitting the family's attendance
4. To allow the student to complete a school year when his/her parents/guardians have moved out of the district during that year
5. To allow the student to remain with a class graduating that year from an elementary, junior, or senior high school
6. To allow a high school senior to attend the same school he/she attended as a junior, even if his/her family moved out of the district during the junior year
7. When the parent/guardian provides written evidence that the family will be moving into the district in the immediate future and would like the student to start the year in the district
8. When the student will be living out of the district for one year or less
9. When recommended by the school attendance review board or by county child welfare, probation, or social service agency staff in documented cases of serious home or community problems which make it inadvisable for the student to attend the school of residence

*(cf. 5113.1 - Chronic Absence and Truancy)*

10. When there is valid interest in a particular educational program not offered in the district of residence
11. To provide a change in school environment for reasons of personal and social adjustment

**INTERDISTRICT ATTENDANCE (continued)**

An interdistrict attendance permit shall not exceed a term of five years. Each permit shall stipulate the terms and conditions established by both districts under which interdistrict attendance shall be permitted, denied, or revoked, and any standards for reapplication. (Education Code 46600)

Once a student is enrolled in the district school, he/she shall not be required to reapply for an interdistrict transfer and shall be allowed to continue to attend the school unless reapplication standards are otherwise specified in the permit. Existing interdistrict attendance permits shall not be rescinded for students entering grade 11 or 12 in the subsequent school year. (Education Code 46600)

The Superintendent/Principal or designee may deny initial requests for interdistrict attendance permits if school facilities are overcrowded at the relevant grade level or based on other considerations that are not arbitrary. However, once a student is admitted, the district may not deny him/her continued attendance because of overcrowded facilities at the relevant grade level.

Within 30 days of a request for an interdistrict permit, the Superintendent/Principal or designee shall notify the parents/guardians of a student who is denied interdistrict attendance regarding the process for appeal to the County Board of Education as specified in Education Code 46601. (Education Code 46601)

*(cf. 5143.6 - Parental Notifications)*

Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials or decisions while expulsion proceedings are pending or during the term of the expulsion. (Education Code 46601)

*(cf. 5119 - Students Expelled from Other Districts)*

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

Regulation  
approved: September 21, 2011

PLAZA ELEMENTARY SCHOOL DISTRICT  
Orland, California  
BP 5119(a)

# HAMILTON UNIFIED SCHOOL DISTRICT

September 19, 2011

620 Canal Street  
P.O. Box 488  
Hamilton City, CA 95951

Honorable Peter Billion Twede  
Glenn County Grand Jury, Presiding Judge  
Of the Superior Court, County of Glenn  
526 West Sycamore Street,  
P.O. Box 391  
Willows, CA 95988

Dear Judge Twede:

(530) 826-3261  
Fax: (530) 826-0440  
[www.hamiltonusd.org](http://www.hamiltonusd.org)

The Hamilton Unified School District Governing Board has received and reviewed the findings of the Glenn County Grand Jury Report which addressed a concern regarding inter-district transfer policies for all schools within Glenn County. As superintendent, I am assigned to answer the concerns addressed in the aforementioned report.

#### Findings and Recommendations:

Governing Board  
Bill Boone, President  
Tomas Loera, Clerk  
Tim Anderson  
Gabriel Leal  
Judy Twede

1. All school districts should yearly develop, update, review and have a board certified inter-district transfer policy.

Hamilton Unified has active board policies and an administrative regulation that governs the processes of all inter-district transfers within our district. (See attached Board Policy, 5117 (a)-(e) and Administrative Regulation 5117 (a) and (b))

2. Policies should be clear and Comprehensive.

A review of the policies, BP 5117 and the accompanying AR, demonstrates a clear process for accepting or allowing students to exit our district.

3. All districts should review all of the other districts inter-district transfer policies.

Our district will request the Glenn County Superintendent of Schools to provide copies of the inter-district policies throughout the county in each school district.

4. Glenn County Office of Education should review and have a copy of each school district's inter-district transfer policy.

A copy of this letter and the attached copies of BP 5117 and the accompanying AR will be supplied to the Glenn County Superintendent for his review and distribution.

I would welcome an opportunity to answer any further questions that may arise from the Court or the Grand Jury.

Sincerely,



Charles Tracy  
Superintendent

Cc: Mr. Tracy Quame  
Superintendent of Schools

ent:eds



*The Hamilton Unified School District will provide a safe, rigorous, and engaging educational experience  
That promotes student academic success, respect, and citizenship in a caring environment.*

**INTERDISTRICT ATTENDANCE****General Provisions**

In general, students must attend school in the district where their parents/guardians reside (their district of residence). This Governing Board, however, recognizes justifiable reasons for interdistrict transfers. Upon request, this Board will consider accepting non-resident students under the guidelines of BP 5111.1 and may allow resident students to attend out-of-district schools.

**Procedure for Requesting an Interdistrict Attendance Agreement**

1. **Transfer of Non-Resident Students to the Hamilton Unified School District (HUSD)**
  - a. Parents/guardians who desire to transfer their child/children from an out-of-district school to the HUSD must file a written request for an Interdistrict Attendance Agreement (Agreement), along with all necessary documentation, with their district of residence. An Agreement, which is valid for one year, verifies approval by the district of residence for the student's interdistrict transfer. Approval of an Agreement by the district of residence does not guarantee approval by the HUSD and does not obligate the HUSD to place a student in a particular school. The Agreement becomes valid only when signed by an authorized representative of the HUSD.
  - b. Once the district of residence has issued an Agreement, the parent/guardian shall file the following documents with the HUSD:
    - (1) A copy of the student's Agreement, which has been approved by the district of residence
    - (2) A signed copy of Terms and Conditions of Interdistrict Attendance Agreement
    - (3) Any other necessary documentation
  - c. Requests submitted will be acted upon in a timely manner. If a request has not been acted upon in a timely manner, parents making the request may appeal to the county Board of Education. (See Notice to Parent/Guardian of Rights Regarding Requests for Interdistrict Attendance Agreements.)
2. **Release of Resident Students to Out-of-District Schools**

**INTERDISTRICT ATTENDANCE (continued)**

- a. Parents/guardians who wish to transfer their child/children from the HUSD to an out-of-district school must file a written request for an Interdistrict Attendance Agreement with the HUSD. Approval or denial of the Agreement will be made in accordance with this Board policy.
- b. Requests submitted will be acted upon in a timely manner. If a request has not been acted upon in a timely manner, parents making the request may appeal to the county Board of Education. (See Notice to Parent/Guardian of Rights Regarding Requests for Interdistrict Attendance Agreements.)

**Acceptance of Non-Resident Students**

**1. Reasons for Possible Approval**

Agreements may be approved for the following reasons, which are listed in descending order of priority:

- a. Students residing within the Copay district outside the attendance boundaries of the HUSD.
- b. Students residing outside the attendance boundaries of the HUSD that have siblings currently attending a school within the HUSD.
- c. Children of employees who reside outside the attendance boundaries of the HUSD.
- d. Educational reasons deemed appropriate by the HUSD.
- e. Students residing outside the attendance boundaries of the HUSD that have no siblings attending a school within the HUSD.

**2. Reasons for Possible Denial**

Reasons for which Agreements may be denied include, by way of illustration and not limitation:

- a. The student is receiving Special Education services through a Resource Specialist Program and the size of the HUSD program exceeds 24 students. (The State cap is 28.)
- b. The student's transfer would necessitate the creation of a new program or service to serve that student.

**INTERDISTRICT ATTENDANCE (continued)**

- c. The HUSD determines that the cost of educating the transferring student would exceed the amount of additional state aid received as a result of the transfer.
- d. A student who resides within the HUSD attendance area or who is currently enrolled in the HUSD would be displaced.
- e. A student's transfer would negatively impact educational programs (in the opinion of the HUSD) by unreasonably increasing class size.

**Post Interdistrict Transfer**

## 1. Assessments

- a. If an assessment is requested for the purposes of determining whether a student is entitled to special education, the assessment shall be conducted by the district of residence.
- b. If, after an assessment by the district of residence, the HUSD determines that the cost of educating the student exceeds the amount of additional state aid received as a result of the transfer, the student's Agreement may be revoked. In such instances, the student's "stay put" placement is the class to which they would have been assigned pursuant to the assessment by their district of residence.

## 2. Revocation

The HUSD may, at its sole discretion, revoke an Agreement when the district determines it is in the best interest of the student or the district. In such cases, the student will be immediately transferred to the district of residence. Reasons for revocation include, by way of illustration and not limitation:

- a. Student misconduct, whether or not it constitutes grounds for suspension or expulsion as described in the Education Code
- b. Failure of the student to maintain a satisfactory record of attendance
- c. Failure of the student to maintain grades of "C" or better in all classes. "D," "F," "Incomplete," or "No Mark" are all considered unsatisfactory grades



**INTERDISTRICT ATTENDANCE (continued)**

**Release of Resident Students to Out-of-District Schools**

The HUSD may deny the release of a resident student to an out-of-district school if the HUSD has already released five percent of its current year estimated average daily attendance.

**Revocation by Receiving District Other Than the HUSD**

For a student who is transferring from the HUSD to another school district, the receiving district shall stipulate how and why the Agreement may be revoked.

**Appeals of Interdistrict Attendance Decisions to the Glenn County Board of Education (Education Code 46601: Appeals of Interdistrict Attendance Decisions to County Board of Education; Expelled Students)**

1. If, within 30 calendar days after the person having legal custody of a student has so requested, the Board of either school district fails to approve interdistrict attendance in the current term, or, in the absence of an agreement between the districts, fails or refuses to enter into an agreement, the district denying the agreement, or, in the absence of an agreement, the district of residence, shall advise the person requesting the agreement of the right to appeal to the county board of education.
2. If, within 14 calendar days after the commencement of instruction in a new term in each of the school districts, respectively, when the person having legal custody of a pupil has so requested separately of each district not later than 30 calendar days prior to the commencement of instruction in that term in that district, the Board of either district fails to approve interdistrict attendance in that term, or, in the absence of an agreement between the districts to permit that attendance, fails or refuses to enter an agreement, the district denying the Agreement, or, in the absence of an Agreement, the district of residence, shall advise the person requesting the Agreement of the right to appeal to the county board of education.
3. Notifying districts shall also, in all instances, advise persons making unsuccessful requests for interdistrict attendance of all of the following:
  - a. The person having legal custody may appeal, within 30 calendar days of the failure or refusal to issue an Agreement, or to enter into an Agreement allowing the attendance, to the county board of education having jurisdiction over the district of residence of the parent or legal guardian or person having legal custody. Failure to appeal within the required time is good cause for denial of an appeal.

INTERDISTRICT ATTENDANCE (continued)

- b. The county board of education shall, within 30 calendar days after the appeal is filed, determine whether the student should be permitted to attend in the district in which the pupil desires to attend and the applicable period of time.
- c. If the interdistrict attendance involves school districts located in different counties, the county board of education having jurisdiction over the district denying an Agreement, or refusing or failing to enter into an agreement to allow for the issuance of an Agreement, shall have jurisdiction for purposes of an appeal.
- d. Students who are under consideration for expulsion, or who have been expelled, may not appeal interdistrict attendance denials or rescissions while expulsion proceedings are pending, or during the term of the expulsion.

*Legal Reference:*

EDUCATION CODE

46600-46611 *Interdistrict attendance agreements*  
48204 *Residency requirements for school attendance*  
48300-48315 *Student attendance alternatives*  
48915 *Expulsion; particular circumstances*  
48915.1 *Expelled individuals: enrollment in another district*  
48918 *Rules governing expulsion; procedures*  
48960 *Notice at beginning of term*  
52317 *ROP, enrollment of students, interdistrict attendance*

GOVERNMENT CODE

6250-6270 *Public Records Act*

ATTORNEY GENERAL OPINIONS

84 *Ops.Cal.Atty.Gen. 198 (2001)*

87 *Ops.Cal.Atty.Gen. 132 (2004)*

COURT DECISIONS

*Crawford v. Huntington Beach Union High School District, (2002) 98 Cal App.4<sup>th</sup> 1275*

*Management Resources:*

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

Policy  
adopted: September 21, 2009

HAMILTON UNIFIED SCHOOL DISTRICT  
Hamilton City, California



**INTERDISTRICT ATTENDANCE**

This Agreement must be read and signed by the parent and student before the Governing Board or designee will consider approval of any interdistrict attendance agreement.

I agree to the terms and conditions set forth below if the Hamilton Unified School District (HUSD) approves my interdistrict attendance agreement.

**Interdistrict Attendance Agreement**

Non-resident students who have been admitted to the Hamilton Unified School District (HUSD) pursuant to an Interdistrict Attendance Agreement (Agreement) in accordance with Board Policy 5111.2 shall be admitted only for the regular school year for which the approval is granted. (See \* below) All Agreements must be renewed annually. However, the Board reserves the right to revoke a student's Agreement at any time, or to deny renewal of the Agreement for the succeeding school year without cause. In such cases, the student will be immediately transferred to the district of residence.

\* When a student's Agreement has been approved based upon child care needs, such student shall be permitted to remain continuously enrolled in the HUSD subject to Education Code 48204(f)(1-6) and compliance with this Terms and Conditions of Interdistrict Attendance Agreement. Agreement requests due to childcare or employment must be accompanied by written verification from the child care provider or from the employer.

It is the responsibility of the parent/guardian to file a written request for renewal of the Agreement in accordance with BP 5111.2 if continued attendance is desired the following school year.

**Revocation of Agreements**

1. The HUSD may, at its sole discretion, revoke an Agreement when the HUSD determines it is in the best interest of the student or the HUSD. In such cases the student will be immediately transferred to the district of residence. Reasons for revocation include, by way of illustration and not limitation:
  - a. The student is receiving Special Education services through a Resource Specialist Program and the size of the HUSD program exceeds 24 students. (The State cap is 28.)
  - b. The student's transfer would necessitate the creation of a new program or service to serve that student.
  - c. The HUSD determines that the cost of educating the transferring student would exceed the amount of additional state aid received as a result of the transfer.

**INTERDISTRICT ATTENDANCE (continued)**

- d. A student who resides within the HUSD attendance area or who is currently enrolled in the HUSD would be displaced.
- e. A student's transfer would negatively impact educational programs (in the opinion of the HUSD) by unreasonably increasing class size.

**Automatic Agreement Revocation**

A student who engages in misconduct for which he/she could be recommended for suspension or expulsion as described in the Education Code will have his/her Agreement immediately revoked and shall be transferred to the district of residence.

**Procedure for Requesting an Interdistrict Agreement**

See BP 5111.2.

I HAVE READ AND UNDERSTAND THE ABOVE INFORMATION. I AGREE TO ADHERE TO ALL OF THE TERMS AND CONDITIONS IF THE HAMILTON UNIFIED SCHOOL DISTRICT APPROVES MY AGREEMENT.

Parent Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Student Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# LETTERS OF RESPONSE TO FOLLOW-UP INQUIRIES

## GLENN COUNTY Planning & Public Works Agency

P.O. Box 1070 / 777 N. Colusa Street  
Willows, CA 95988  
530.934.6530 Fax 530.934.6533  
[www.gcppwa.net](http://www.gcppwa.net)



"It is our mission to model excellence in local government through accountability and fiscal responsibility."

John W. Linhart, Director

The Honorable Donald C. Byrd  
Superior Court  
c/o Glenn County Board of Supervisors  
525 W. Sycamore St.  
Willows, CA 95988

February 23, 2012

RE: Follow up to 2009/2010 Grand Jury report

Dear Judge Byrd:


I was recently approached by the 11/12 representatives for the Grand Jury and asked to provide a follow-up letter explaining the current status of the Glenn County Landfill.

At this time, the Glenn County Landfill is slated to reach capacity within the next few years. Based on the Board of Supervisors decision in late 2011 to not pursue a landfill expansion in favor of a Transfer Station option, the waste hauling contract was extended until 2016 and the Planning and Public Works Agency was directed to close the landfill and develop plans and specifications for the design of a Transfer Station to facilitate the removal of Glenn County Solid Waste to a legally permitted landfill in another location.

In order to provide the greatest amount of flexibility with Transfer Station design and location, it is anticipated that the actual closure of the landfill will occur in approximately 2-3 years and a temporary Transfer Station will be constructed on-site. This will be followed with the design for a permanent Transfer Station either on site or at a remote location and possibly in combination with the KVD Waste-to-Energy project.

Please let me know if you have any other questions or concerns regarding these matters.

Sincerely,

  
John Linhart  
Director



Airports, Boat Launch, Facilities, Building Inspection, Capital Projects, County Parks, County Surveyor, Engineering, Facilities Maintenance,  
Fleet Services, Flood Control, L&C, Memorial Hall, Planning, Public Transit, Road & Bridge Maintenance, Solid Waste

**GLENN COUNTY MOSQUITO & VECTOR CONTROL DISTRICT**  
165 Co. Road G – Willows Airport  
Willows, CA 95988

Phone: 530-934-4025

Fax: 530-934-5971

E-Mail – [gcmvd@now2000.com](mailto:gcmvd@now2000.com)

*To the Honorable Glenn County Grand Jury:*

On January 11, 2012, the Glenn County Mosquito & Vector Control District staff met with [REDACTED] and [REDACTED] members of the Grand Jury and had a follow-up discussion on the 2008 – 2011 grand jury reports concerning the problems and issues with the overlapping and duplication of mosquito control efforts within the Hamilton City Community Service District boundary. The issues and problems were resolved in a meeting with Matt Ball -Manager of the Butte County Mosquito & Vector Control District. It was agreed that all mosquito control efforts within the Hamilton City Community Service District Boundary be done by the Butte County Mosquito & Vector Control District and all other mosquito control efforts out side of the Hamilton City Community Service District be done by the Glenn County Valley-wide Mosquito Control District. Butte & Glenn County Mosquito & Vector Control Districts meet on a yearly bases to discuss all control efforts in and around Hamilton City, so that we do not overlap or duplicate any mosquito control work. The two District's share information and work closely along our shared District boundaries.

Sincerely:   
Jack F. Cavier Jr. - District Manager

**AGREEMENT BETWEEN THE COUNTY OF GLENN AND THE  
GLENN COUNTY MOSQUITO AND VECTOR CONTROL DISTRICT**

This memorandum dated for convenience July 1, 2011, is entered into by and between the County of Glenn (hereafter "County"), California and the Glenn County Mosquito and Vector Control District (hereafter "District"), governmental entities of the State of California.

**Section 1. Recitals**

1. The District has trained personnel and all required equipment to provide mosquito abatement and vector control services to the County.
2. The County wishes to enter into an Agreement with the District to provide such services.
3. The District is willing to provide such services on the terms set forth below. For and in consideration of the mutual promises herein exchanged, the County and the District agree as follows.

**Section 2. Services to be Provided**

The District shall assist, as time allows and according to availability, the Glenn County Health Services Agency in providing mosquito abatement services in the portions of the County that are not included within the boundaries of a mosquito abatement district. The scope of the services provided shall be determined by the District manager in consultation with Glenn County Health Services Agency.

**Section 3. Payment for Services**

The County shall pay to the District for services rendered. The County Health Director and District Manager shall agree on a fee schedule for all Services, Supplies and Indirect costs. All payments shall be submitted to the County Department of Finance in accordance with County Policy. The total cost, including all District expenses, shall not exceed \$60,000.

**Section 4. Compliance with Applicable Laws**

The District agrees it will comply with all applicable local, state and federal laws while providing services under this Agreement.

**Section 5. Amendment**

This Agreement may be amended only in writing and only with the approval of the Boards of both the County and the District.

**Section 6. Jurisdiction**

This Agreement shall be governed and construed in accordance with the laws of the State of California.



**Section 7. Original Contracts**

An original copy of this Agreement and any modification or amendments thereto shall be filed with the Clerk of the Board of Supervisors of County and the Clerk of District.

**Section 8. Indemnification and Insurance**

To the fullest extent permitted by law, District shall indemnify and hold harmless County, County's agents, officers and employees against and from any and all claims, lawsuits, actions, liability, damages, losses, expenses and costs (including but not limited to attorney's fees), brought for, or on account of, injuries to or death of any person or persons, including employees of District or injuries to or destruction of property, including the loss of use thereof, arising out of, or alleged to arise out of, or resulting from negligence arising out of breaking the law, the failure to follow regulations or licensing caused in whole or in part by any negligent or intentional act or omission of District or any person employed by or acting on behalf of the District.

To the fullest extent permitted by law, County shall indemnify and hold harmless District, District's agents, officers and employees against and from any and all claims, lawsuits, actions, liability, damages, losses, expenses and costs (including but not limited to attorney's fees), brought for, or on account of, injuries to or death of any person or persons, including employees of County or injuries to or destruction of property, including the loss of use thereof, arising out of, or alleged to arise out of, or resulting from acts due to the delivery of the County's Abatement Program including, but not limited to the use pesticides, fogging, adulticiding, larvaciding, the use of mosquito fish, collection of dead birds, trapping and other related acts.

The County will, to the maximum extent allowed by the joint powers authority, provide to the district an amendment of those policies naming district as an additional insured on the County's policy of Insurance. Such policy of insurance shall not be less than (\$1,000,000.00). Such policy amendments shall be provided to the District prior to commencing of any work by the District under this agreement.

District shall procure and shall maintain, during the term of this Agreement, all insurance required herein. Certificates of insurance evidencing the issuance shall be submitted to and approved by County prior to the execution of this Agreement by County. The certificates of insurance shall contain a provision that coverage afforded under the policies will not be cancelled until at least 30 days prior written notice has been given to County. Together with the certificates of insurance, District shall deliver to County as "additional insured endorsement" naming County, its officers, employees and agents as additional insured under the policy required under subparagraph b. below.

- a. **Worker's Compensation Insurance.** District shall procure and shall maintain during the life of this Agreement, Worker's Compensation Insurance for all District's employees to be engaged in work.
- b. **Public Liability and Property Damage Insurance.** District shall maintain comprehensive general liability insurance, covering all of District's operations with a combined single limit of not less than \$1,000,000.00. District shall

maintain property damage insurance in an amount of not less than \$1,000,000.00.

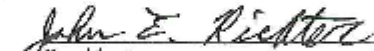
**Section 9. Term**

This Agreement shall expire on June 31, 2012 subject to renewal through a written agreement approved by the Boards of both the County and the District unless earlier terminated. While a request for renewal is pending, this Agreement shall continue on a month-to-month basis until one or both Boards take action. This Agreement may be terminated at any time by either party upon 30-day written notification of such intent to the customary business address of the non-canceling party. In addition, the District may suspend services to the County for whatever reason upon twenty-four hours notice to the Director of the Health Services Agency.

**Section 10. Entire Agreement**

This document contains the entire and complete Agreement of the parties with regard to the subject matter contained herein, and supersedes all previous oral or written communications, representations or correspondence.

GLENN COUNTY MOSQUITO AND  
VECTOR CONTROL AND ABATEMENT DISTRICT


  
\_\_\_\_\_  
President


Date: *Aug. 2, 2011*

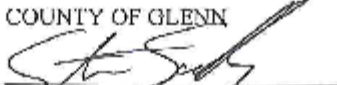
ATTEST:

  
\_\_\_\_\_  
District Clerk


Health Services Agency:

 Approved by Chief Deputy Director

 Approved by Deputy Director

COUNTY OF GLENN  
  
\_\_\_\_\_  
Chair, Board of Supervisors  
County of Glenn

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Huston T. Carlyle, County Counsel  
County of Glenn

**SEE ATTACHED EXHIBIT A**

**GLENN COUNTY MOSQUITO & VECTOR CONTROL DISTRICT**  
165 Co. Road G – Willows Airport  
Willows, CA 95988

Phone: 530-934-4025

E-Mail [gcmvcd@now2000.com](mailto:gcmvcd@now2000.com)

Fax: 530-934-5971

**Exhibit A: 2011 Reimbursement Rate Charges for Labor and Equipment**

Manager weighted hourly Labor Rate is: \$70.16/hr.

Supervisor weighted hourly Labor Rate is: \$47.07/hr.

Weighted hourly rate for Certified Technician is: \$19.18/hr.

Weighted hourly rate for Seasonal Operator is: \$18.54/hr.

Seasonal night time Helpers Labor Rate is: \$16.62 /per hour.

Mileage Rate: is the IRS rate as set each year.

Hourly Rate for ULV Fogger and other Specialize Equipment is: \$54.17 /per hr. -/per unit

Also will include 3.5%, to be added to each invoice for General Overhead Costs as agreed, on April 21, 2008.



## EDUCATION CODE

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### EDUCATION CODE SECTION 47605-47608

47605. (a) (1) Except as set forth in paragraph (2), a petition for the establishment of a charter school within a school district may be circulated by one or more persons seeking to establish the charter school. A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. A charter school may propose to operate at multiple sites within the school district, as long as each location is identified in the charter school petition. The petition may be submitted to the governing board of the school district for review after either of the following conditions are met:

(A) The petition has been signed by a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation.

(B) The petition has been signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation.

(2) A petition that proposes to convert an existing public school to a charter school that would not be eligible for a loan pursuant to subdivision (b) of Section 41365 may be circulated by one or more persons seeking to establish the charter school. The petition may be submitted to the governing board of the school district for review after the petition has been signed by not less than 50 percent of the permanent status teachers currently employed at the public school to be converted.

(3) A petition shall include a prominent statement that a signature on the petition means that the parent or legal guardian is meaningfully interested in having his or her child or ward attend the charter school, or in the case of a teacher's signature, means that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition.

(4) After receiving approval of its petition, a charter school that proposes to establish operations at one or more additional sites shall request a material revision to its charter and shall notify the authority that granted its charter of those additional locations. The authority that granted its charter shall consider whether to approve those additional locations at an open, public meeting. If the additional locations are approved, they shall be a material revision to the charter school's charter.

(5) A charter school that is unable to locate within the jurisdiction of the chartering school district may establish one site outside the boundaries of the school district, but within the county in which that school district is located, if the school district within the jurisdiction of which the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools and the Superintendent are notified of the location of the charter school before it commences operations, and either of the following circumstances exist:

(A) The school has attempted to locate a single site or facility to house the entire program, but a site or facility is unavailable in the area in which the school chooses to locate.

(B) The site is needed for temporary use during a construction or expansion project.

(6) Commencing January 1, 2003, a petition to establish a charter school may not be approved to serve pupils in a grade level that is not served by the school district of the governing board considering the petition, unless the petition proposes to serve pupils in all of the grade levels served by that school district.

(b) No later than 30 days after receiving a petition, in accordance with subdivision (a), the governing board of the school district shall hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the district, other employees of the district, and parents. Following review of the petition and the public hearing, the governing board of the school district shall either grant or deny the charter within 60 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension. In reviewing petitions for the establishment of charter schools pursuant to this section, the chartering authority shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged. The governing board of the school district shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice. The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

(1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.

(2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

(3) The petition does not contain the number of signatures required by subdivision (a).

(4) The petition does not contain an affirmation of each of the conditions described in subdivision (d).

(5) The petition does not contain reasonably comprehensive descriptions of all of the following:

(A) (i) A description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.

(ii) If the proposed school will serve high school pupils, a description of the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the "A" to "G" admissions criteria may be considered to meet college entrance requirements.

(B) The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program.

(C) The method by which pupil progress in meeting those pupil outcomes is to be measured.

(D) The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement.

(E) The qualifications to be met by individuals to be employed by the school.

(F) The procedures that the school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in Section 44237.

(G) The means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.

(H) Admission requirements, if applicable.

(I) The manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.

(J) The procedures by which pupils can be suspended or expelled.

(K) The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.

(L) The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.

(M) A description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school.

(N) The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter.

(O) A declaration whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.

(P) A description of the procedures to be used if the charter school closes. The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.

(c) (1) Charter schools shall meet all statewide standards and conduct the pupil assessments required pursuant to Sections 60605 and 60851 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.

(2) Charter schools shall, on a regular basis, consult with their parents, legal guardians, and teachers regarding the school's educational programs.

(d) (1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of the characteristics listed in Section 220. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or legal guardian, within this state, except that an existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.

(2) (A) A charter school shall admit all pupils who wish to attend the school.

(B) However, if the number of pupils who wish to attend the charter school exceeds the school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the district except as provided for in Section 47614.5. Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law.

(C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and in no event shall take any action to impede the charter school from expanding enrollment to meet pupil demand.

(3) If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information. This paragraph applies only to pupils subject to compulsory full-time education pursuant to Section 48200.

(e) The governing board of a school district shall not require any employee of the school district to be employed in a charter school.

(f) The governing board of a school district shall not require any pupil enrolled in the school district to attend a charter school.

(g) The governing board of a school district shall require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the school, including, but not limited to, the facilities to be utilized by the school, the manner in which administrative services of the school are to be provided, and potential civil liability effects, if any, upon the school and upon the school district. The description of the facilities to be used by the charter school shall specify where the school intends to locate. The petitioner or petitioners shall also be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cash flow and financial projections for the first three years of operation.

(h) In reviewing petitions for the establishment of charter schools within the school district, the governing board of the school district shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically low achieving pursuant to the standards established by the department under Section 54032 as it read prior to July 19, 2006.

(i) Upon the approval of the petition by the governing board of the school district, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition, to the applicable county superintendent of schools, the department, and the state board.

(j) (1) If the governing board of a school district denies a petition, the petitioner may elect to submit the petition for the establishment of a charter school to the county board of education. The county board of education shall review the petition pursuant to subdivision (b). If the petitioner elects to submit a petition for establishment of a charter school to the county board of education and the county board of education denies the petition, the petitioner may file a petition for establishment of a charter school with the state board, and the state board may approve the petition, in accordance with subdivision (b). A charter school that receives approval of its petition from a county board of education or from the state board on appeal shall be subject to the same requirements concerning geographic location to which it would otherwise be subject if it re-

ceived approval from the entity to which it originally submitted its petition. A charter petition that is submitted to either a county board of education or to the state board shall meet all otherwise applicable petition requirements, including the identification of the proposed site or sites where the charter school will operate.

(2) In assuming its role as a chartering agency, the state board shall develop criteria to be used for the review and approval of charter school petitions presented to the state board. The criteria shall address all elements required for charter approval, as identified in subdivision (b) and shall define "reasonably comprehensive" as used in paragraph (5) of subdivision (b) in a way that is consistent with the intent of this part. Upon satisfactory completion of the criteria, the state board shall adopt the criteria on or before June 30, 2001.

(3) A charter school for which a charter is granted by either the county board of education or the state board based on an appeal pursuant to this subdivision shall qualify fully as a charter school for all funding and other purposes of this part.

(4) If either the county board of education or the state board fails to act on a petition within 120 days of receipt, the decision of the governing board of the school district to deny a petition shall, thereafter, be subject to judicial review.

(5) The state board shall adopt regulations implementing this subdivision.

(6) Upon the approval of the petition by the county board of education, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition to the department and the state board.

(k) (1) The state board may, by mutual agreement, designate its supervisory and oversight responsibilities for a charter school approved by the state board to any local educational agency in the county in which the charter school is located or to the governing board of the school district that first denied the petition.

(2) The designated local educational agency shall have all monitoring and supervising authority of a chartering agency, including, but not limited to, powers and duties set forth in Section 47607, except the power of revocation, which shall remain with the state board.

(3) A charter school that has been granted its charter through an appeal to the state board and elects to seek renewal of its charter shall, prior to expiration of the charter, submit its petition for renewal to the governing board of the school district that initially denied the charter. If the governing board of the school district denies the school's petition for renewal, the school may petition the state board for renewal of its charter.

(l) Teachers in charter schools shall hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold. These documents shall be maintained on file at the charter school and are subject to periodic inspection by the chartering authority. It is the intent of the Legislature that charter schools be given flexibility with regard to noncore, noncollege preparatory courses.

(m) A charter school shall transmit a copy of its annual, independent financial audit report for the preceding fiscal year, as described in subparagraph (I) of paragraph (5) of subdivision (b), to its chartering entity, the Controller, the county superintendent of schools of the county in which the charter school is sited, unless the county board of education of the county in which the charter school is sited is the chartering entity, and the department by December 15 of each year. This subdivision does not apply if the audit of the charter school is encompassed in the audit of the chartering entity pursuant to Section 41020.

**47605.1.** (a) (1) Notwithstanding any other provision of law, a charter school that is granted a charter from the governing board of a school district or county office of education after July 1, 2002, and commences providing educational services to pupils on or after July 1, 2002, shall locate in accordance with the geographic and site limitations of this part.

(2) Notwithstanding any other provision of law, a charter school that is granted a charter by the State Board of Education after July 1, 2002, and commences providing educational services to pupils on or after July 1, 2002, based on the denial of a petition by the governing board of a school district or county board of education, as described in paragraphs (1) and (2) of subdivision (j) of Section 47605, may locate only within the geographic boundaries of the chartering entity that initially denied the petition for the charter.

(3) A charter school that receives approval of its charter from a governing board of a school district, a county office of education, or the State Board of Education prior to July 1, 2002, but does not commence operations until after January 1, 2003, shall be subject to the geographic limitations of the part, in accordance with subdivision (e).

(b) Nothing in this section is intended to affect the admission requirements contained in subdivision (d) of Section 47605.

(c) Notwithstanding any other provision, a charter school may establish a resource center, meeting space, or other satellite facility located in a county adjacent to that in which the charter school is authorized if the following conditions are met:

(1) The facility is used exclusively for the educational support of pupils who are enrolled in non-classroom-based independent study of the charter school.

(2) The charter school provides its primary educational services in, and a majority of the pupils it serves are residents of, the county in which the school is authorized.

(d) Notwithstanding subdivision (a) or subdivision (a) of Section 47605, a charter school that is unable to locate within the geographic boundaries of the chartering school district may establish one site outside the boundaries of the school district, but within the county within which that school district is located, if the school district where the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools is notified of the location of the charter school before it commences operations, and either of the following circumstances exist:

(1) The school has attempted to locate a single site or facility to house the entire program but such a facility or site is unavailable in the area in which the school chooses to locate.

(2) The site is needed for temporary use during a construction or expansion project.

(e) (1) For a charter school that was granted approval of its charter prior to July 1, 2002, and provided educational services to pupils before July 1, 2002, this section shall only apply to any new educational services or school sites established or acquired by the charter school on or after July 1, 2002.

(2) For a charter school that was granted approval of its charter prior to July 1, 2002, but did not provide educational services to pupils before July 1, 2002, this section shall only apply upon the expiration of a charter that is in existence on January 1, 2003.

(3) Notwithstanding other implementation timelines in this section, by June 30, 2005, or upon the expiration of a charter that is in existence on January 1, 2003, whichever is later, all charter schools shall be required to comply with this section for school sites at which education services are provided to pupils prior to or after July 1, 2002, regardless of whether the charter school initially received approval of its charter school petition prior to July 1, 2002. To achieve

compliance with this section, a charter school shall be required to receive approval of a charter petition in accordance with this section and Section 47605.

(4) Nothing in this section is intended to affect the authority of a governmental entity to revoke a charter that is granted on or before the effective date of this section.

(f) A charter school that submits its petition directly to a county board of education, as authorized by Sections 47605.5 or 47605.6, may establish charter school operations only within the geographical boundaries of the county in which that county board of education has jurisdiction.

(g) Notwithstanding any other provision of law, the jurisdictional limitations set forth in this section do not apply to a charter school that provides instruction exclusively in partnership with any of the following:

(1) The federal Workforce Investment Act of 1998 (29 U.S.C. Sec. 2801 et seq.).

(2) Federally affiliated Youth Build programs.

(3) Federal job corps training or instruction provided pursuant to a memorandum of understanding with the federal provider.

(4) The California Conservation Corps or local conservation corps certified by the California Conservation Corps pursuant to Sections 14507.5 or 14406 of the Public Resources Code.

(5) Instruction provided to juvenile court school pupils pursuant to subdivision (c) of Section 42238.18 or pursuant to Section 1981 for individuals who are placed in a residential facility.

**47605.2.** The Delta Charter High School, located in the County of Santa Cruz, is exempt from the geographic and site limitations contained in subdivision (a) of Section 47605.

**47605.3.** Notwithstanding subdivision (d) of Section 47605, a charter school with a school site physically located in the attendance area of a public elementary school in which 50 percent or more of the pupil enrollment is eligible for free or reduced price meals may give a preference in admissions to pupils who are currently enrolled in that public elementary school and to pupils who reside in the elementary school attendance area where the charter school site is located. This section is not intended to affect the requirement contained in subdivision (d) of Section 47605 that a public school converting partially or entirely to a charter school adopt and maintain a policy that gives an admission preference to pupils who reside within the former attendance area of that public school.

**47605.5.** A petition may be submitted directly to a county board of education in the same manner as set forth in Section 47605 for charter schools that will serve pupils for whom the county office of education would otherwise be responsible for providing direct education and related services. Any denial of a petition shall be subject to the same process for any other county board of education denial of a charter school petition pursuant to this part.

**47605.6.** (a) (1) In addition to the authority provided by Section 47605.5, a county board of education may also approve a petition for the operation of a charter school that operates at one or more sites within the geographic boundaries of the county and that provides instructional services that are not generally provided by a county office of education. A county board of education may approve a countywide charter only if it finds, in addition to the other requirements of this section, that the educational services to be provided by the charter school will offer services to a pupil population that will benefit from those services and that cannot be served as well by a

charter school that operates in only one school district in the county. A petition for the establishment of a countywide charter school pursuant to this subdivision may be circulated throughout the county by any one or more persons seeking to establish the charter school. The petition may be submitted to the county board of education for review after either of the following conditions are met:

(A) The petition has been signed by a number of parents or guardians of pupils residing within the county that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation and each of the school districts where the charter school petitioner proposes to operate a facility has received at least 30 days' notice of the petitioner's intent to operate a school pursuant to this section.

(B) The petition has been signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation and each of the school districts where the charter school petitioner proposes to operate a facility has received at least 30 days' notice of the petitioner's intent to operate a school pursuant to this section.

(2) An existing public school may not be converted to a charter school in accordance with this section.

(3) After receiving approval of its petition, a charter school that proposes to establish operations at additional sites within the geographic boundaries of the county board of education shall notify the school districts where those sites will be located. The charter school shall also request a material revision of its charter by the county board of education that approved its charter and the county board shall consider whether to approve those additional locations at an open, public meeting, held no sooner than 30 days following notification of the school districts where the sites will be located. If approved, the location of the approved sites shall be a material revision of the school's approved charter.

(4) A petition shall include a prominent statement indicating that a signature on the petition means that the parent or guardian is meaningfully interested in having his or her child or ward attend the charter school, or in the case of a teacher's signature, means that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition.

(b) No later than 60 days after receiving a petition, in accordance with subdivision (a), the county board of education shall hold a public hearing on the provisions of the charter, at which time the county board of education shall consider the level of support for the petition by teachers, parents or guardians, and the school districts where the charter school petitioner proposes to place school facilities. Following review of the petition and the public hearing, the county board of education shall either grant or deny the charter within 90 days of receipt of the petition. However, this date may be extended by an additional 30 days if both parties agree to the extension. A county board of education may impose any additional requirements beyond those required by this section that it considers necessary for the sound operation of a countywide charter school. A county board of education may grant a charter for the operation of a school under this part only if the board is satisfied that granting the charter is consistent with sound educational practice and that the charter school has reasonable justification for why it could not be established by petition to a school district pursuant to Section 47605. The county board of education shall deny a petition for the establishment of a charter school if the board finds one or more of the following:

(1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.



(2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

(3) The petition does not contain the number of signatures required by subdivision (a).

(4) The petition does not contain an affirmation of each of the conditions described in subdivision (d).

(5) The petition does not contain reasonably comprehensive descriptions of all of the following:

(A) (i) A description of the educational program of the school, designed, among other things, to identify those pupils whom the school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.

(ii) If the proposed charter school will enroll high school pupils, a description of the manner in which the charter school will inform parents regarding the transferability of courses to other public high schools. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered to be transferable to other public high schools.

(iii) If the proposed charter school will enroll high school pupils, information as to the manner in which the charter school will inform parents as to whether each individual course offered by the charter school meets college entrance requirements. Courses approved by the University of California or the California State University as satisfying their prerequisites for admission may be considered as meeting college entrance requirements for purposes of this clause.

(B) The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and aptitudes specified as goals in the school's educational program.

(C) The method by which pupil progress in meeting those pupil outcomes is to be measured.

(D) The location of each charter school facility that the petitioner proposes to operate.

(E) The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement.

(F) The qualifications to be met by individuals to be employed by the school.

(G) The procedures that the school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in Section 44237.

(H) The means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.

(I) The manner in which annual, independent, financial audits shall be conducted, in accordance with regulations established by the State Board of Education, and the manner in which audit exceptions and deficiencies shall be resolved.

(J) The procedures by which pupils can be suspended or expelled.

(K) The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.

(L) The procedures to be followed by the charter school and the county board of education to resolve disputes relating to provisions of the charter.

(M) A declaration whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code).

(N) Admission requirements of the charter school, if applicable.

(O) The public school attendance alternatives for pupils residing within the county who choose not to attend the charter school.

(P) A description of the rights of an employee of the county office of education, upon leaving the employment of the county office of education, to be employed by the charter school, and a description of any rights of return to the county office of education that an employee may have upon leaving the employ of the charter school.

(Q) A description of the procedures to be used if the charter school closes. The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of public records.

(6) Any other basis that the board finds justifies the denial of the petition.

(c) A county board of education that approves a petition for the operation of a countywide charter may, as a condition of charter approval, enter into an agreement with a third party, at the expense of the charter school, to oversee, monitor, and report to the county board of education on the operations of the charter school. The county board of education may prescribe the aspects of the charter school's operations to be monitored by the third party and may prescribe appropriate requirements regarding the reporting of information concerning the operations of the charter school to the county board of education.

(d) (1) Charter schools shall meet all statewide standards and conduct the pupil assessments required pursuant to Section 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.

(2) Charter schools shall on a regular basis consult with their parents and teachers regarding the school's educational programs.

(e) (1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of ethnicity, national origin, gender, gender identity, gender expression, or disability. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or guardian, within this state.

(2) (A) A charter school shall admit all pupils who wish to attend the school.

(B) However, if the number of pupils who wish to attend the charter school exceeds the school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the county except as provided for in Section 47614.5. Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law.

(C) In the event of a drawing, the county board of education shall make reasonable efforts to accommodate the growth of the charter school and in no event shall take any action to impede the charter school from expanding enrollment to meet pupil demand.

(f) No county board of education shall require any employee of the county or a school district to be employed in a charter school.

(g) No county board of education shall require any pupil enrolled in a county program to attend a charter school.

(h) The county board of education shall require that the petitioner or petitioners provide information regarding the proposed operation and potential effects of the school, including, but not limited to, the facilities to be utilized by the school, the manner in which administrative services of the school are to be provided, and potential civil liability effects, if any, upon the school, any school district where the charter school may operate, and upon the county board of education. The petitioner or petitioners shall also be required to provide financial statements that include a proposed first-year operational budget, including startup costs, and cash flow and financial projections for the first three years of operation.

(i) In reviewing petitions for the establishment of charter schools within the county, the county board of education shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioner or petitioners as academically low-achieving pursuant to the standards established by the State Department of Education under Section 54032.

(j) Upon the approval of the petition by the county board of education, the petitioner or petitioners shall provide written notice of that approval, including a copy of the petition, to the school districts within the county, the Superintendent of Public Instruction, and to the State Board of Education.

(k) If a county board of education denies a petition, the petitioner may not elect to submit the petition for the establishment of the charter school to the State Board of Education.

(l) Teachers in charter schools shall be required to hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold. These documents shall be maintained on file at the charter school and shall be subject to periodic inspection by the chartering authority.

(m) A charter school shall transmit a copy of its annual, independent, financial audit report for the preceding fiscal year, as described in subparagraph (I) of paragraph (5) of subdivision (b), to the county office of education, State Controller, and the State Department of Education by December 15 of each year. This subdivision shall not apply if the audit of the charter school is encompassed in the audit of the chartering entity pursuant to Section 41020.

**47605.7.** (a) A petition for the establishment of a charter school shall not be denied based on the actual or potential costs of serving individuals with exceptional needs, as that term is defined pursuant to Section 56026.

(b) Notwithstanding subdivision (a), this section shall not be construed to prevent a school district from meeting its obligation to ensure that the proposed charter school will meet the needs of individuals with exceptional needs in accordance with state and federal law, nor shall it be construed to limit or alter the reasons for denying a petition for the establishment of a charter school pursuant to subdivision (b) of Section 47605.

**47605.8.** (a) A petition for the operation of a state charter school may be submitted directly to the state board, and the state board shall have the authority to approve a charter for the operation of a state charter school that may operate at multiple sites throughout the state. The State Board of Education shall adopt regulations, pursuant to the Administrative Procedure Act (Chapter 5 commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code)

for the implementation of this section. Regulations adopted pursuant to this section shall ensure that a charter school approved pursuant to this section meets all requirements otherwise imposed on charter schools pursuant to this part, except that a state charter school approved pursuant to this section shall not be subject to the geographic and site limitations otherwise imposed on charter schools. The petitioner shall submit a copy of the petition, for notification purposes, to the county superintendent of schools of each county in which the petitioner proposes to operate the state charter school. The petitioner also shall ensure that the governing board of each school district in which a site is proposed to be located is notified no later than 120 days prior to the commencement of instruction at each site, as applicable.

(b) The state board shall not approve a petition for the operation of a state charter school pursuant to this section unless the state board makes a finding, based on substantial evidence, that the proposed state charter school will provide instructional services of statewide benefit that cannot be provided by a charter school operating in only one school district, or only in one county. The finding of the state board in this regard shall be made part of the public record of the proceedings of the state board and shall precede the approval of the charter.

(c) The state board, as a condition of charter petition approval, may enter into an agreement with a third party, at the expense of the charter school, to oversee, monitor, and report on, the operations of the state charter school. The state board may prescribe the aspects of the operations of the state charter school to be monitored by the third party and may prescribe appropriate requirements regarding the reporting of information concerning the operations of the state charter school to the state board.

(d) The state board shall not be required to approve a petition for the operation of a state charter school, and may deny approval based on any of the reasons set forth in subdivision (b) of Section 47605.6.

**47606.** (a) A school district may convert all of its schools to charter schools under this part only if it meets all of the following conditions:

(1) Fifty percent of the teachers within the school district sign the charter petition.

(2) The charter petition contains all of the requirements set forth in subdivisions (b), (c), (d), (e), and (f) of Section 47605 and a provision that specifies alternative public school attendance arrangements for pupils residing within the school district who choose not to attend charter schools.

(b) Notwithstanding subdivision (b) of Section 47605, the districtwide charter petition shall be approved only by joint action of the Superintendent of Public Instruction and the State Board of Education.

**47607.** (a) (1) A charter may be granted pursuant to Sections 47605, 47605.5, and 47606 for a period not to exceed five years. A charter granted by a school district governing board, a county board of education or the state board, may be granted one or more subsequent renewals by that entity. Each renewal shall be for a period of five years. A material revision of the provisions of a charter petition may be made only with the approval of the authority that granted the charter. The authority that granted the charter may inspect or observe any part of the charter school at any time.

(2) Renewals and material revisions of charters are governed by the standards and criteria in Section 47605, and shall include, but not be limited to, a reasonably comprehensive descrip-

tion of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.

(b) Commencing on January 1, 2005, or after a charter school has been in operation for four years, whichever date occurs later, a charter school shall meet at least one of the following criteria prior to receiving a charter renewal pursuant to paragraph (1) of subdivision (a):

(1) Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years, or in the aggregate for the prior three years.

(2) Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years.

(3) Ranked in deciles 4 to 10, inclusive, on the API for a demographically comparable school in the prior year or in two of the last three years.

(4) (A) The entity that granted the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.

(B) The determination made pursuant to this paragraph shall be based upon all of the following:

(i) Documented and clear and convincing data.

(ii) Pupil achievement data from assessments, including, but not limited to, the Standardized Testing and Reporting Program established by Article 4 (commencing with Section 60640) for demographically similar pupil populations in the comparison schools.

(iii) Information submitted by the charter school.

(C) A chartering authority shall submit to the Superintendent copies of supporting documentation and a written summary of the basis for any determination made pursuant to this paragraph. The Superintendent shall review the materials and make recommendations to the chartering authority based on that review. The review may be the basis for a recommendation made pursuant to Section 47604.5.

(D) A charter renewal may not be granted to a charter school prior to 30 days after that charter school submits materials pursuant to this paragraph.

(5) Has qualified for an alternative accountability system pursuant to subdivision (h) of Section 52052.

(c) A charter may be revoked by the authority that granted the charter under this chapter if the authority finds, through a showing of substantial evidence, that the charter school did any of the following:

(1) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.

(2) Failed to meet or pursue any of the pupil outcomes identified in the charter.

(3) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.

(4) Violated any provision of law.

(d) Prior to revocation, the authority that granted the charter shall notify the charter public school of any violation of this section and give the school a reasonable opportunity to remedy the violation, unless the authority determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils.

(e) Prior to revoking a charter for failure to remedy a violation pursuant to subdivision (d), and after expiration of the school's reasonable opportunity to remedy without successfully remedying the violation, the chartering authority shall provide a written notice of intent to revoke and notice of facts in support of revocation to the charter school. No later than 30 days after providing the notice of intent to revoke a charter, the chartering authority shall hold a public hearing, in the normal course of business, on the issue of whether evidence exists to revoke the charter. No later than 30 days after the public hearing, the chartering authority shall issue a final decision to revoke or decline to revoke the charter, unless the chartering authority and the charter school agree to extend the issuance of the decision by an additional 30 days. The chartering authority shall not revoke a charter, unless it makes written factual findings supported by substantial evidence, specific to the charter school, that support its findings.

(f) (1) If a school district is the chartering authority and it revokes a charter pursuant to this section, the charter school may appeal the revocation to the county board of education within 30 days following the final decision of the chartering authority.

(2) The county board may reverse the revocation decision if the county board determines that the findings made by the chartering authority under subdivision (e) are not supported by substantial evidence. The school district may appeal the reversal to the state board.

(3) If the county board does not issue a decision on the appeal within 90 days of receipt, or the county board upholds the revocation, the charter school may appeal the revocation to the state board.

(4) The state board may reverse the revocation decision if the state board determines that the findings made by the chartering authority under subdivision (e) are not supported by substantial evidence. The state board may uphold the revocation decision of the school district if the state board determines that the findings made by the chartering authority under subdivision (e) are supported by substantial evidence.

(g) (1) If a county office of education is the chartering authority and the county board revokes a charter pursuant to this section, the charter school may appeal the revocation to the state board within 30 days following the decision of the chartering authority.

(2) The state board may reverse the revocation decision if the state board determines that the findings made by the chartering authority under subdivision (e) are not supported by substantial evidence.

(h) If the revocation decision of the chartering authority is reversed on appeal, the agency that granted the charter shall continue to be regarded as the chartering authority.

(i) During the pendency of an appeal filed under this section, a charter school, whose revocation proceedings are based on paragraph (1) or (2) of subdivision (c), shall continue to qualify as a charter school for funding and for all other purposes of this part, and may continue to hold all existing grants, resources, and facilities, in order to ensure that the education of pupils enrolled in the school is not disrupted.

(j) Immediately following the decision of a county board to reverse a decision of a school district to revoke a charter, the following shall apply:

(1) The charter school shall qualify as a charter school for funding and for all other purposes of this part.

(2) The charter school may continue to hold all existing grants, resources, and facilities.

(3) Any funding, grants, resources, and facilities that had been withheld from the charter school, or that the charter school had otherwise been deprived of use, as a result of the revocation of the charter shall be immediately reinstated or returned.

(k) A final decision of a revocation or appeal of a revocation pursuant to subdivision (c) shall be reported to the chartering authority, the county board, and the department.

**47607.5.** If either a school district governing board or a county board of education, as a chartering agency, does not grant a renewal to a charter school pursuant to Section 47607, the charter school may submit its application for renewal pursuant to the procedures pertaining to a denial of a petition for establishment of a charter school, as provided in subdivision (j) of Section 47605.

**47608.** All meetings of the governing board of the school district and the county board of education at which the granting, revocation, appeal, or renewal of a charter petition is discussed shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Division 2 of Title 5 of the Government Code).

## **California Education Code Section 47611.5**

(a) Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code shall apply to charter schools.

(b) A charter school charter shall contain a declaration regarding whether or not the charter school shall be deemed the exclusive public school employer of the employees at the charter school for the purposes of Section 3540.1 of the Government Code. If the charter school is not so deemed a public school employer, the school district where the charter is located shall be deemed the public school employer for the purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of the Government Code.

(c) If the charter of a charter school does not specify that it shall comply with those statutes and regulations governing public school employers that establish and regulate tenure or a merit or civil service system, the scope of representation for that charter school shall also include discipline and dismissal of charter school employees.

(d) The Public Employment Relations Board shall take into account the Charter Schools Act of 1992 (Part 26.8 (commencing with Section 47600)) when deciding cases brought before it related to charter schools.

(e) The approval or a denial of a charter petition by a granting agency pursuant to subdivision (b) of Section 47605 shall not be controlled by collective bargaining agreements nor subject to review or regulation by the Public Employment Relations Board.

(f) By March 31, 2000, all existing charter schools must declare whether or not they shall be deemed a public school employer in accordance with subdivision (b), and such declaration shall not be materially inconsistent with the charter.