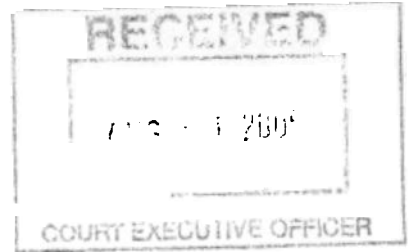


NAPA COUNTY OFFICE  
of  
Education



**July 28, 2005**

*Barbara G. Nemko, Ph.D.*  
*Superintendent*  
*(707) 253-6810*

**The Honorable Richard A. Bennett  
Presiding Judge  
Napa County Superior Court  
825 Brown Street  
Napa, CA 94559**

*Business Services*  
*(707) 253-6819*

*Fiscal Services*  
*(707) 253-6833*

*General Services*  
*(707) 253-6828*

*Human Resources*  
*(707) 253-6824*

**Dear Judge Bennett,**

**Enclosed is a copy of the Napa County Office of Education's response to Recommendation #13 of the Grand Jury's 2004-2005 report.**

*Educational Services*  
*(707) 253-6810*

*Courts & Community Schools*  
*(707) 253-6817*

*Curriculum & Instruction*  
*(707) 253-6099*

*Early Childhood Services*  
*(707) 253-6914*

*Regional Occupational  
Program*  
*(707) 253-6830*

*SELPA*  
*(707) 253-6807*

*Special Education  
Services*  
*(707) 253-6804*

**We appreciate the time and effort that went into all phases of the Grand Jury's work. I am heartened to know that there are still so many local citizens willing to donate their time to ensure that our institutions are doing the best possible job for all of us.**

**Sincerely,**

A handwritten signature in cursive script that reads "Barbara Nemko".

**Barbara Nemko, Ph.D.  
Napa County Superintendent of Schools**

**cc: Board of Supervisors**

**FILED**

AUG - 1 2005

Clerk of the Napa Superior Court  
*[Signature]*  
Deputy

# Response to Grand Jury Findings 2005

The NCOE appreciates the hard work and time that Grand Jury members devoted to their charge. Although the NCOE was not reviewed this year, we were included in one of the recommendations regarding Napa Valley Unified School District because of our oversight role.

The Grand Jury identified one area in which they believed the NCOE should have acted. The following are the findings and recommendations of the Grand Jury and NCOE's response:

## **Finding #13**

NVUSD staff, at both the district and school levels, are placing students at significant health and safety risk, as evidenced by the lack of communication, supervision, management, and accountability. Equally, lack of management and accountability over NVUSD rests with the NCOE.

## **Recommendation #13**

NVUSD management must thoroughly examine their organization at all levels to review, update, develop, and implement policies and procedures. Following this, district administration must establish and maintain clean, concrete mechanisms of accountability for improving communication, oversight, or management and for implementing these ideas. Both NVUSD and NCOE must supervise and hold all staff accountable for their assigned responsibilities.

Response: The Grand Jury report notes that NCOE is an intermediate agency between the California Department of Education and the local school districts. While the County Superintendent of Schools does have the responsibility to "superintend" the schools in the county, there are very specific areas of responsibility. The NCOE has fiscal oversight over the budget, and credentials. Authority for the organizational structure of a district, and the methods of communication within the district, however, are strictly within the purview of the district superintendent and the elected district school board.

In the area of health and safety of students, the recent (2004) Williams lawsuit against the State of California dealt with this issue. For the first time, the ruling gave County Superintendents of Schools the responsibility to specifically review schools that score in Deciles 1-3 on the STAR test to insure that their facilities are "clean, safe, and functional." In the case of NVUSD, there were four schools that fell into the Decile 1-3 category requiring inspection; they were McPherson, Shearer, Bel Aire Park, and

Carneros. (Napa Valley Language Academy, although a Decile 1-3 school, was able to opt out of the review because they are a charter school and therefore exempt.) The schools were given an Interim Evaluation Checklist, and asked to do a self-evaluation of their facilities. This was followed up by a team of three from the NCOE, including the County Superintendent of Schools, who visited the four sites in May and June and reviewed their facilities according to the State-approved checklist. In each case, the facilities passed the inspection and were found to be clean, safe, and functional. The schools will be inspected again during the first four weeks of the 2005-2006 school year according to the terms of the lawsuit.

Although not mentioned specifically in Finding and Recommendation #13, the Grand Jury report also mentioned the lack of School Resource Officers at each site, due to budget constraints. The NCOE has assisted the NVUSD by writing and obtaining a Safe Schools, Healthy Students federal grant, which provided funding for a half-time SRO at American Canyon Middle School. This funding was matched by the American Canyon Police Force, and a full-time SRO is now in place on that campus. The NCOE continues to seek and prepare grant applications to provide funding for essential safety personnel who cannot be provided through the district's budget-crisis reduced general fund, and we are submitting a grant application to help the schools develop an emergency response and crisis management plan to address the Grand Jury's finding that NVUSD was non-compliant with California Government Code 8607 requiring schools to respond to disasters using the Standardized Emergency Management System (SEMS).

The last item that the Grand Jury cited as an area that should have been overseen by the NCOE is the issue of accounts receivable that were not collected. State law limits the fiscal oversight role of the NCOE to a determination of whether or not a district will be able to meet its overall financial obligations for the current year and two subsequent years. This oversight focuses on the budget year and projections for two future years.

School districts prepare a final year-end report of all expenditures and revenues, and that report is forwarded to the State and the Independent Auditor for review. Schools are on a "modified accrual" basis of accounting, which means the accounts receivables and payables are recorded as part of the year-end report. When the auditor releases the audit, and there are exceptions, such as accounts receivable deficits, the Education Code then authorizes the NCOE to monitor and certify that exceptions are resolved. Although this was an area that was discussed between the two agencies before the audit report was issued, the NCOE had no authority to make or insist on any changes. When the audit report was released in January, 2005, we requested spreadsheets from NVUSD, and had extensive discussions with them. We are currently monitoring the NVUSD in their efforts to collect and clean up receivables, and we certified to the State on April 15 that NVUSD had developed a plan to rectify the problem.