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Michael C. Watkins, Superintendent • 400 Encinal Street, Santa Cruz, CA 95060 • 831-466-5600 • FAX 831-466-5607 • www.santacruzcoe.org

August 8, 2017

Honorable Judge Gallagher  
Santa Cruz Courthouse  
701 Ocean St.  
Santa Cruz, CA 95060

Re: Santa Cruz County Office of Education Response to 2016-17 Civil Grand Jury Report

Dear Judge Gallagher,

The Santa Cruz County Office of Education has carefully reviewed and considered the Findings and Recommendations as set forth in the 2016-17 Santa Cruz County Grand Jury Report, "Assessing the Threat of Violence in our Public Schools." This letter shall serve as the official response of the Santa Cruz County Superintendent of Schools and the Santa Cruz County Office of Education (collectively, the "COE") to the Findings and Recommendations of the Santa Cruz County Grand Jury ("Grand Jury").

The COE and our partners in law enforcement, hold student and staff safety as our highest priority. We have begun meeting with all local school superintendents and county chiefs of police to coordinate the development of a Countywide Threat Assessment Plan for Schools. Our goal, in cooperation and collaboration with law enforcement and school districts, is to develop a comprehensive threat assessment plan that consists of policies, procedures, protocol, and professional development. Our process will include a thorough review of the findings and recommendations. This collaboration between school and law enforcement leaders will result in a countywide plan that will address the findings of the Grand Jury report, including communication protocols, guidance to districts, coordination with law enforcement, and professional development.

The Countywide Threat Assessment Plan for Schools will be completed by December 2017 and incorporated into all Comprehensive School Safety Plans in the 2017-18 school year. Implementation of the Plan will involve providing additional training in threat assessment to both law enforcement staff and school district employees during the upcoming 2017-18 school year. We are confident that our schools will have systems in place to address all issues put forth by the Grand Jury in the aforementioned report.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Michael Watkins', is written over a printed name and title.

Michael Watkins  
Superintendent



**The 2016–2017 Santa Cruz County Civil Grand Jury  
Requires that the  
Santa Cruz County Superintendent of Schools  
Respond to the Findings and Recommendations  
Specified in the Report Titled  
Assessing the Threat of Violence in our Public  
Schools  
by August 14, 2017**

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When the response is complete, please

1. Email the completed Response Packet as a file attachment to [grandjury@scgrandjury.org](mailto:grandjury@scgrandjury.org), and
2. Print and send a hard copy of the completed Response Packet to

The Honorable Judge John Gallagher  
Santa Cruz Courthouse  
701 Ocean St.  
Santa Cruz, CA 95060

## **Instructions for Respondents**

California law PC § 933.05 (included [below](#)) requires the respondent to a Grand Jury report to comment on each finding and recommendation within a report. Explanations for disagreements and timeframes for further implementation or analysis must be provided. Please follow the format below when preparing the responses.

### ***Response Format***

1. For the Findings included in this Response Packet, select one of the following responses and provide the required additional information:
  - a. **AGREE** with the Finding, or
  - b. **PARTIALLY DISAGREE** with the Finding and specify the portion of the Finding that is disputed and include an explanation of the reasons therefor, or
  - c. **DISAGREE** with the Finding and provide an explanation of the reasons therefor.
2. For the Recommendations included in this Response Packet, select one of the following actions and provide the required additional information:
  - a. **HAS BEEN IMPLEMENTED**, with a summary regarding the implemented action, or
  - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**, with a timeframe or expected date for implementation, or
  - c. **REQUIRES FURTHER ANALYSIS**, with an explanation and the scope and parameters of an analysis or study, and a timeframe for that analysis or study; this timeframe shall not exceed six months from the date of publication of the grand jury report, or
  - d. **WILL NOT BE IMPLEMENTED** because it is not warranted or is not reasonable, with an explanation therefor.

If you have questions about this response form, please contact the Grand Jury by calling 831-454-2099 or by sending an email to [grandjury@scgrandjury.org](mailto:grandjury@scgrandjury.org).

## Findings

**F1. In a threat situation, timely and specific communication from the school to the community can reduce fear, anxiety, anger, and frustration.**

**AGREE**  
 **PARTIALLY DISAGREE**  
 **DISAGREE**

**Response:** The COE agrees with this finding. Effective and timely communication is a necessary component of each district's threat assessment plan. The Countywide Threat Assessment Plan for Schools will include a description of communication protocols that will address how parents and community members receive information before, during, and after a threat situation.

**F2. Confusion over the disclosure of protected information regarding juveniles has been a barrier to the timely exchange of vital information between school districts and law enforcement, although FERPA permits disclosure of juvenile student information to law enforcement without parental consent.**

**AGREE**  
 **PARTIALLY DISAGREE**  
 **DISAGREE**

**Response:** The COE partially agrees that clarity is needed along with the flexibility that districts have in providing student information to law enforcement. Recently, broadened Family Educational Rights and Privacy Act (FERPA) regulations offer an emergency exception to sharing data with law enforcement. According to these regulations, if a school perceives an "articulable and significant threat" under the "totality of the circumstances" and documents this in a student's records access log, the school can then share the records. Many schools, but not all, follow these regulations.

School personnel who are responsible with communication with law enforcement in a threat situation will receive training as it relates to providing student information to law enforcement during a threat assessment situation.

**F3. Threat assessment is a necessary part of the comprehensive school safety plan, but very little direct guidance has been provided to school districts in how to go about doing it.**

**AGREE**  
 **PARTIALLY DISAGREE**  
 **DISAGREE**

**Response:** The COE partially agrees that all school districts need to receive guidance and support in the Comprehensive School Safety Plans. During the 2016-17 school year, the COE provided some guidance to the districts in relation to the development of their safety plans. This guidance included two School Safety collaborative meetings, a review of the new version of the Emergency Operations

Response Plan, an invitation to participate in training entitled “Effective Response to Student Threats of Violence Using Evidence based Method,” and monthly meetings of the Student Services Directors of each school district.

However, more can be done to provide guidance and support to school districts. The COE, in collaboration with law enforcement, will offer trainings on threat assessment to certificated, classified and administrative personnel. Further, the Countywide Threat Assessment Plan for Schools will define the process for districts to develop and incorporate threat assessment protocols into their Comprehensive School Safety Plans.

**F4. Investigating a threat may involve actions that can only be done by law enforcement, necessitating coordination and collaboration in formulating and implementing a threat assessment plan.**

**AGREE**  
 **PARTIALLY DISAGREE**  
 **DISAGREE**

**Response:** The COE agrees that law enforcement is a key partner in creating a positive outcome in a threat situation. The threat assessment process is a continuum that will involve law enforcement in different capacities. Generally, a threat assessment inquiry is initiated and controlled by school authorities (often with law enforcement consultation and participation). Evaluation of a threatening situation can proceed from a threat assessment inquiry, carried out by the school threat assessment team, to a threat assessment investigation, carried out by a law enforcement agency (if the initial inquiry determines that there is a valid threat of targeted school violence or that it is likely that a violation of law has occurred). Law enforcement personnel are key to the planning, training, and implementation of all aspects of a threat assessment process.

**F5. Seven of the ten districts have a specific threat assessment plan; those districts without a plan are less able to respond effectively to threats. All of these reported that local law enforcement was aware of their plan.**

**AGREE**  
 **PARTIALLY DISAGREE**  
 **DISAGREE**

**Response:** The COE agrees with this finding and believes that effective procedures are needed in every school district to assess threats which include establishing district-wide policies and procedures, creating interdisciplinary assessment teams, and educating the school community. The Countywide Threat Assessment Plan for Schools will ensure that every district in Santa Cruz County incorporate threat assessment components into their Comprehensive School Safety Plans.

**F6. Only one school district had a threat assessment plan that was created with the help of law enforcement, leaving all other districts at a disadvantage in addressing threats.**

**AGREE**  
 **PARTIALLY DISAGREE**  
 **DISAGREE**

**Response:** The COE agrees with this finding. Districts that have a threat assessment plan, developed in conjunction with law enforcement, are more likely to have an effective response to threats. The COE will support each of the 10 districts in building this relationship with law enforcement agencies.

Further, law enforcement personnel are involved in the planning and developing of the Countywide Threat Assessment Plan for Schools. School Safety Partnership meetings will ensure their ongoing participation in the development of the plan.

**F7. Three of the four districts with a single school lack the personnel to adequately assemble a threat assessment team.**

**AGREE**  
 **PARTIALLY DISAGREE**  
 **DISAGREE**

**Response:** The COE will work with small school districts to ensure that they have the ability to assemble a threat assessment team. Law enforcement personnel are committed to supporting all school districts in addressing threat assessment.

**F8. All threat assessment teams had training in the 2015-16 school year, but not all districts attended a professional threat assessment training held in the spring of 2017.**

**AGREE**  
 **PARTIALLY DISAGREE**  
 **DISAGREE**

**Response:** The COE agrees with this finding. Not all districts participated in the threat assessment training held earlier in 2017. It is important for all districts to participate annually in professional development as part of their threat assessment plan. Professional development for threat assessment teams and other personnel represents a fundamental component of a safety plan. The Countywide Threat Assessment Plan for Schools will identify appropriate training opportunities. The COE will work to plan professional development opportunities that encourage every school district to participate.

**F9. Countywide, only two of 11 SROs were included as members of a threat assessment team.**

- AGREE**
- PARTIALLY DISAGREE**
- DISAGREE**

School Resource Officers represent key members of a school's threat assessment team. Schools that do not have resource officers need to have law enforcement personnel assigned to support them when a threat situation occurs. During the 2017-18 school year, school districts will be partnered with law enforcement officers during the School Safety Partnership meetings.

## Recommendations

- R1. The County Superintendent of Schools should advocate school districts inform parents and guardians on how and when they will be contacted in the event of a threat. (F1)**

HAS BEEN IMPLEMENTED  
 HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE  
 REQUIRES FURTHER ANALYSIS  
 WILL NOT BE IMPLEMENTED

**Response:** The COE will ensure that all districts in Santa Cruz County participate in the development and implementation of the Countywide Threat Assessment Plan for Schools. This plan will provide guidance to ensure appropriate and timely communication with parents and guardians.

- R2. The County Office of Education (COE) and the County Sheriff's Office (CSO) should advocate that the threat assessment plan for each school district has a written agreement with law enforcement in which restricted information may be exchanged during the investigation of a threat. (F2)**

HAS BEEN IMPLEMENTED  
 HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE  
 REQUIRES FURTHER ANALYSIS  
 WILL NOT BE IMPLEMENTED

**Response:** The COE and CSO will work with each school districts and appropriate law enforcement agency to strengthen and clarify their mutual relationship as part of a comprehensive and effective threat assessment protocol.

- R3. The COE and the CSO should collaborate to develop a plan in which all school districts are prepared and capable of assessing a threat of targeted school violence. (F3, F5–F7)**

HAS BEEN IMPLEMENTED  
 HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE  
 REQUIRES FURTHER ANALYSIS  
 WILL NOT BE IMPLEMENTED

**Response:** As mentioned above, the Countywide Threat Assessment Plan for Schools will be completed by December 2017. The County Superintendent will work with school officials to incorporate components of the Countywide Threat Assessment Plan into all Comprehensive School Safety Plans in the 2017-18 school year.

**R4. The County Sheriff and the County Superintendent of Schools should act as boundary spanners to facilitate collaboration between the school districts and law enforcement in assessing threats. (F4)**

- HAS BEEN IMPLEMENTED
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE
- REQUIRES FURTHER ANALYSIS
- WILL NOT BE IMPLEMENTED

**Response:** The County Sheriff and the County Superintendent of Schools are committed to act as boundary spanners to facilitate the process of developing a Countywide Threat Assessment Plan for Schools and provide support for its effective implementation in every school district in Santa Cruz County.

**R6. The County Superintendent of Schools should advocate each school district receives periodic training in assessing threats of targeted school violence. (F8)**

- HAS BEEN IMPLEMENTED
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE
- REQUIRES FURTHER ANALYSIS
- WILL NOT BE IMPLEMENTED

**Response:** The Countywide Threat Assessment Plan for Schools will include a component that details annual professional development to ensure proper implementation of the plan and its protocols.

**R7. The COE should advocate each school district either has or has access to a multidisciplinary threat assessment team, including a representative from law enforcement. (F7, F9)**

- HAS BEEN IMPLEMENTED
- HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE
- REQUIRES FURTHER ANALYSIS
- WILL NOT BE IMPLEMENTED

**Response:** The COE will work with each school district to assist in the development of a multidisciplinary threat assessment team.

## **Penal Code §933.05**

1. For Purposes of subdivision (b) of §933, as to each Grand Jury finding, the responding person or entity shall indicate one of the following:
  - a. the respondent agrees with the finding,
  - b. the respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
2. For purpose of subdivision (b) of §933, as to each Grand Jury recommendation, the responding person shall report one of the following actions:
  - a. the recommendation has been implemented, with a summary regarding the implemented action,
  - b. the recommendation has not yet been implemented but will be implemented in the future, with a timeframe for implementation,
  - c. the recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of the publication of the Grand Jury report, or
  - d. the recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
3. However, if a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a County department headed by an elected officer, both the department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected department head shall address all aspects of the findings or recommendations affecting his or her department.
4. A Grand Jury may request a subject person or entity to come before the Grand Jury for the purpose of reading and discussing the findings of the Grand Jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
5. During an investigation, the Grand Jury shall meet with the subject of that investigation regarding that investigation unless the court, either on its own determination or upon request of the foreperson of the Grand Jury, determines that such a meeting would be detrimental.
6. A Grand Jury shall provide to the affected agency a copy of the portion of the Grand Jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. **No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.**