

# **SWEETWATER UNION HIGH SCHOOL DISTRICT PROPOSITION BB**

## **SUMMARY**

The Grand Jury received several citizen complaints about the Sweetwater Union High School District. A majority of those complaints focused on the makeup and activities of the Bond Oversight Committee established to monitor the Proposition BB, a general bond issue approved by the voters in the election of November 7, 2000. Preliminary investigation showed that much of the problem came from the voters' misunderstanding of the requirements for passage of a bond issue. However, the Grand Jury noted that several aspects of the District's construction projects did merit an in-depth investigation. The Grand Jury ordered an audit of certain accounts related to the bond fund applications, particularly those already spent for three schools in the District: Mar Vista and Sweetwater High Schools and the Chula Vista Middle School.

That audit and other research conducted by the Grand Jury raised questions about actions taken by District officials though none were illegal. Major questions were: Why the construction of new gymnasiums and tennis courts at the two high schools when the local site committees—and the ballot—had asked for much-needed repairs and renovations? Why the priority given to constructing a new administration building at Chula Vista Middle School rather than replacing the kitchen, cafeteria, dining room and several classrooms destroyed by fire in 2000?

Given the frequent contradictions discovered by the Grand Jury through documents and conversations with teachers, administrators, parents, voters, board members, and District leadership, the jury reached this conclusion: Consistent communication between all the aforementioned is lacking.

The Grand Jury's recommendations, all addressed to the Sweetwater Union High School District, cover several areas found wanting and include the following:

- Improve communication processes between the District and its several stakeholders
- Revise the guidelines created for the Bond Oversight Committee
- Give greater consideration to the needs of each individual school, particularly those where academic progress is weak
- Implement a more effective, efficient, and detailed approach to financial planning

## **PURPOSE OF THE STUDY**

The 2002-2003 Grand Jury received a complaint concerning the Bond Oversight Committee (BOC) for the \$187 million school bond for the Sweetwater Union High School District (SUHSD). Initial investigation and subsequent complaints revealed several other issues targeted

by citizens ranging from accusations of inept project planning to egregious spending of bond monies. In response, the Grand Jury began an in-depth investigation to answer the following questions:

1. Did the School Board and the BOC act within legal bounds?
2. Were the first year's bond funds used in keeping with the District's promises to the voters?
3. Were the citizens informed and involved in the planning process?

The Grand Jury focused its investigations on the three SUHSD schools that were designated as Phase 1 of the bond-funded construction: Mar Vista, Sweetwater High School and the Chula Vista Middle School. Additional questions arose:

4. Were the high schools' new gymnasiums and tennis courts appropriate use of the bond funds?
5. Was the Chula Vista Middle School's new administration building appropriate use of the bond funds?
6. Was the insurance money from the Chula Vista Middle School's fire of February 7, 2000 used appropriately?
7. Did the SUHSD's bond-funded Phase 1 building program have a positive/negative impact on the students' academic performance?

## **BACKGROUND INFORMATION**

The SUHSD is the largest secondary school district in California. It serves approximately 38,000 students in grades 7-12 and 41,000 adult learners in the south San Diego County communities of Bonita, Chula Vista, East Lake, Imperial Beach, National City, Otay Mesa, San Ysidro/south San Diego. Students are required to attend schools in the area where they live; neither inter-school nor intra-school transfers are permitted.

Founded in 1920, the SUHSD now encompasses one junior high school, ten middle schools, eleven senior high schools, one continuation high school, four adult schools, and a Career Awareness/Regional Occupation Program Center. Over 50% of the students speak a language other than English at home and about 25% are Limited English Proficient.

A five-member Board of Trustees governs the SUHSD and establishes policies; a District Superintendent implements those policies and manages daily operations. There are approximately 4,000 full and part-time employees. The annual budget for the SUHSD is approximately \$280 million.

When a school district decides to raise money by asking the voters to approve a bond issue, that district actually creates the language that is submitted to the Registrar of Voters for inclusion in a forthcoming ballot. The district also decides which of two standards is to be used to determine whether or not the school bond will be passed or rejected. The two options are

(Option 1) . . . a 55% approval by the voters; this option triggers controls under California’s State Constitution<sup>1</sup> and the Education Code<sup>1</sup>. Those controls, among other things, clearly define the makeup and responsibilities of a mandatory Bond Oversight Committee as well as close supervision over the bond money disbursement.

(Option 2) . . . a 2/3 approval by the voters (i.e., 66.6%); this option allows the agency greater freedom to act, fewer restrictions on the projects for which how the bond money is spent or on accountability procedures in connection with the use of the funds.

This latter Option was chosen by the SUHSD for Proposition BB.

### **Earlier Issues**

The 1989-1990 Grand Jury investigated the management processes of the SUHSD. Their findings indicated that financial and general management in the District had many weaknesses, particularly in its basic record-keeping processes such as those related to inventory controls, payroll and personnel. It also pointed out the availability of professional training for various management personnel and for members of the Board of Trustees. On the basis of that Grand Jury’s recommendations, the District subsequently made many changes.

### **The Bond Issue That Failed**

On March 4, 1997, the SUHSD submitted a bond issue to the voters under the 2/3-voter approval standard (Option 2, above.) Identified as Proposition A, it was a request for a \$500 million school improvement bond. The ballot wording included the following: “To improve health and safety conditions and to demolish, repair, rehabilitate, construct and modernize schools throughout the School District, including wiring and technology . . .”

The voters did not approve the bond. The vote tallied with 62.6% in favor and 37.4% against. As a result of that failed bond proposition, SUHSD hired a consultant who specialized in developing school bond measures. Meanwhile, the condition of the SUHSD schools continued to deteriorate.

### **Renewed Planning for Improvements and Funding**

**January 2000:** The SUHSD authorized development of plans for the modernization of all schools in the District. One of the actions implemented was to gather input on what was needed

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<sup>1</sup> Article XIII A §1 (b) 3 (A) (B) (C) (D)  
<sup>1</sup> §15264

at each school; for this purpose, each school formed a site committee made up of school personnel, students, parents and other community members.

**February 2000:** A late afternoon fire at the Chula Vista Middle School seriously damaged a structure that included the kitchen, serving area and dining area of the cafeteria and a wing containing ten classrooms. The entire cafeteria area and four of the classrooms were completely destroyed along with their contents. The remaining six classrooms were so severely damaged that the entire structure was razed.

**May 2000:** A contract with an architect was signed, calling for modernization recommendations throughout the District.

**July 2000:** The actions initiated the previous January bore fruit when the *Facilities Improvement Plan: Report to the School Board and Community* (FIP) was distributed. That document includes one page for each school in the District (except the 3 newest ones) where the site committee presented its prioritized list of “most critical and urgent needs.”

**July 5, 2000:** The SUHSD Board of Trustees approved hiring a company to recommend site preparation for the three schools designated for construction during Phase 1 of the modernization plan. Also, the decision was made that another bond request would be placed on the November ballot.

**November 2000:** On the ballot of November 2000, a bond issue was submitted to the voters by the SUHSD; again under the 2/3 voter approval standard (Option 2, described on p. 3.) The ‘Argument in Favor’ that appeared in the voter’s information booklet included the statement that, “Strict priorities were established” for implementing the actions if the measure was approved.

- Prop BB-Request for a \$187 million general obligation bond. As the ballot stated, the purpose of the bond is:

*To relieve overcrowding, repair local schools and improve safety conditions for students in the Sweetwater Union High School District, serving the communities of Bonita, Chula Vista, Imperial Beach, National City, San Ysidro and portions of San Diego.*

- The ballot also asked the voters about specific areas of improvement to be implemented with the bond money:

*Shall the District repair and upgrade school facilities, adding classrooms; improving fire alarms; removing asbestos; upgrading electrical wiring; renovating water and sewer lines; improving heating and ventilation systems; renovating restrooms; and replacing worn roofs?*

- Further, while the law does not require the establishment of a Bond Oversight Committee when the ballot measure is based on a 2/3-voter approval, the wording of the ballot support material promised that such a committee would be established.

The voters approved the bond measure. The vote tallied with 72.4% in favor and 27.6% against.

**February 2001:** First meeting of the Bond Oversight Committee held.

**March 2001:** \$38 million of bonds sold. The District also modified the modernization plan so that the work on the first three schools would be completed in two stages, Phase 1A and Phase 1B, with \$32 million designated for Phase 1A.

**February 25, 2002:** Contract negotiations begun for Phase 1B.

## **PROCEDURES EMPLOYED**

The Grand Jury took the following steps:

- Interviewed the President of the Sweetwater School Board, the Chairperson of the Bond Oversight Committee, and citizens who had submitted complaints to the Grand Jury
- Visited and toured the Mar Vista and Sweetwater High Schools, and the Chula Vista Middle School
- Observed classes in session and talked with administrators, teachers, and students at each of the three schools visited
- Reviewed the minutes of pertinent public meetings of the SUHSD Board of Trustees and of the BOC
- Examined other documents, including statistical reports issued by various academic offices
- Requested and subsequently reviewed an audit of specific areas of concern within the SUHSD, conducted by the County of San Diego's Auditor and Controller

## **FACTS AND FINDINGS**

While many aspects of the SUHSD operations have been investigated for this Grand Jury report, several other conditions have not been examined in-depth due to time constraints.

## **Issues NOT Investigated In-Depth**

Some of the topics are listed below as an apology to those citizens who showed their concern and took the time to file complaints with the Grand Jury. These areas concern the Grand Jury because it may be that the District's need for additional funding could lead to unwise fund-raising compromises that might jeopardize the health and welfare of the students. While the Grand Jury recognizes the never-ending need to provide funding for programs that benefit the students, the following are some of the areas of concern that may warrant in-depth investigation:

- Health issues related to the suitability of Pepsi-Cola vending machines on school campuses
- The handling of money (about \$40,000/yr) returned to the District by sales from the Pepsi-Cola machines
- Money issues related to other vendor contracts such as senior class rings.
- A bank representative authorized to appear on a high school campus to offer students credit card enrollment

## **A Special Audit Is Ordered**

On November 20, 2002, the Grand Jury decided that, given the size and complexity of the SUHSD, a formal audit would prove useful to the investigation. In January 2003, Grand Jurors met with auditors from the County's Office of Audits & Advisory Services. Much of the information that follows has been drawn from their report, delivered to the Grand Jury on April 25, 2003. Audit areas reviewed and discussed in this Grand Jury report include:

- Assessment of the Proposition BB modernization project planning effort
- Appropriateness of Prop BB bond expenditures
- Activities of the Prop BB Bond Oversight Committee
- Disposition of Insurance Payments related to the fire at the Chula Vista Middle School

## **Establishing Priorities**

One of several factors the Grand Jury investigated is that bond funds were used to build new gymnasiums and tennis courts at both of the two high schools designated for improvement in Phase 1. The Grand Jury heard several conflicting ideas on the issue. According to several SUHSD officials interviewed, the two Phase 1 high school site committees had, prior to the 2000 elections, declared that gymnasiums were top priority. One District official told the Grand Jury that the gymnasiums were important as a highly visible demonstration to the community that the bond money was being used. Another added that the public couldn't see what's happening inside the school buildings.

Yet, in the prioritized lists of needs shown in the FIP—the ideas of each school's site committee—"modernizing physical education facilities" was listed 12<sup>th</sup> (of 13) needs by Mar

Vista HS and 11<sup>th</sup> (of 12) by Sweetwater HS. Nowhere in the FIP, nor on the BB Bond ballot, were the words *new gymnasiums* or *new tennis courts* used. Further, one Board Member is quoted in the press<sup>2</sup> as saying, “Why gyms first? . . . I was under the impression that it was going to start with the classrooms for science and technology.”

Although the Grand Jury could find nothing illegal in the way the first phase of the bond project was completed, we did find that very few projects of the type indicated by the BB Bond ballot were completed. The majority of projects listed in the FIP were not completed!

### **School Board’s Planning Process**

According to the April 25, 2003, Audit Report, initial planning conducted by the SUHSD to produce estimated costs for the completion of the identified repair, modernization, and overcrowding needs at each school site was not based on a detailed analysis of factors that affect the modernization project costs. Consequently, the FIP did not present an accurate description of the funding needed for its implementation. That funding amount was the basis for the BB Bond request. As a result of those inadequate projections, the entire modernization project has been under-funded. Ultimately, the SUHSD is now incurring additional expenses to produce a more accurate Long-Range Facilities Master Plan (LRFMP). (See attached Appendix for details).

**Recommendations:** The District appears to have now adopted planning methodologies—that is, the LRFMP effort—that should result in more accurate estimates of the cost to implement identified modernization needs at each school site. Nonetheless, the Grand Jury recommends that SUHSD officials consider the following:

- Take additional action to further strengthen and improve its effort to inform the community on the status of the projects funded with the proceeds from the sale of Proposition BB bonds by expanding periodic updates to the public.
- Issue reports of bond expenditures; modernization project status; and estimated project timelines to the Bond Oversight Committee so that body could make them available to the press and to interested community members
- Provide Proposition BB Bond updates to school administrative and teaching staff who have direct contact with parents and the community

By strengthening communication with the community regarding the status of modernization projects, the District could benefit from increased support for ongoing and future projects.

### **Bond Oversight Committee**

Complainants to the Grand Jury pointed out that, when the BOC was established, it did not meet several specific mandates of the law. That accusation was unjustified since the complainants were referring to Education Code sections<sup>4</sup> that only apply when a bond issue is passed by the voters under the 55% option (described earlier, on p. 2.) Even there a BOC is an advisory group

only, serving the Board of Trustees, which is solely responsible for making decisions and setting policy. A “Bond Oversight Committee Structure and Operating Guidelines” was developed and issued by the SUHSD Board of Trustees in 2001 and revised in September 2002. The Grand Jury found that, in general, the BOC has adhered to those Guidelines.

The BOC has been diligent in its efforts to have an impact, despite its legal limitations. For example, on April 16, 2001, they suggested that the two gymnasiums should be postponed for a while. In response, the BOC was told it was too late to change the plans to build the gyms first because the “bidding had commenced.” And, on September 10, 2001, when the BOC questioned another SUHSD action, they were told that the tennis courts were added to the bid packages “after the estimates were completed.”

The District allowed the spouse of a Board member to serve in the Proposition BB Bond Oversight Committee. The selection of the initial members of the oversight committee was done before the District established its guidelines. According to the committee’s Chairman, each initial committee member was selected by a Board member through an informal process. Although the District is not breaking any laws because a spouse of a Board member is serving on the oversight committee, such a relationship could inhibit the committee’s ability to engage in open and frank discussions and diminish the effectiveness of the oversight committee because of the direct relationship of one of its members to a member of the District’s Board of Trustees. In fact, some committee members have expressed these concerns to the Audit Team. (See Appendix, pg. 7).

**Recommendations:** Even though the Bond Oversight Committee and District activities are aligned with all applicable laws and regulations, the Grand Jury recommends that the SUHSD officials do the following:

- Revise and strengthen its Guidelines for the Bond Oversight Committee member selection process to ensure that situations are avoided which can be perceived as inappropriate by the community can be avoided
- Open a regular formal dialog with the Bond Oversight Committee that gives more consideration to that body’s advice and recommendations and the rationale for them.

### Mar Vista and Sweetwater High Schools: Athletics or Academics?

The Grand Jury’s site investigations raised another question in the Jurors’ minds: With the \$38 million from the initial sale of BB Bonds used to build new gymnasiums and tennis courts, were academics being neglected in favor of athletic concerns? This question was explored by the Grand Jurors.

**Athletics:** As mentioned in an earlier section of this Grand Jury Report (see p. 7), athletic concerns were not neglected in the FIP. In fact, the following quote from that document demonstrates a clear awareness that gymnasiums have an important role in the curriculum:



*Physical education facilities including gymnasiums and athletic fields will be upgraded as needed. Gyms will have wood floors reconditioned, or when necessary, replaced. Upgrades will include easy-to-operate bleachers, replacement of damaged stationary equipment and sound systems as needed. Shower/locker rooms will be upgraded, including improved accessibility and ventilation. Hard court [tennis courts] areas and stadiums will be reconstructed as needed. Drainage and irrigation issues will be addressed to improve safety.*

The Grand Jury questions, however, the accuracy of using the words *up-grade* and *repairs and renovations* as being equivalent to building new facilities. When this particular issue was pursued, some very contradictory views came to light. The following statements were made by various interviewees who expressed great pride in the new constructions:

- “The public needs something very visible, to show that we’re concerned about the students and the entire community.”
- “It improves the image of the school.”
- “Sports are important; they attract a lot of high-risk kids who would drop out of school.”
- “The school has won lots of awards for athletics. And that helps the students’ self-esteem.”
- “The gyms are classrooms, there’s learning going on in PE classes.”
- “Both of the gyms—they’re identical—have a couple of classrooms for dance and for Special Education students.”
- “They’re state-of-the-art, they even have retractable bleachers, and can serve as auditoriums for special events; now we can host volley ball, wrestling; even a football team.”

Other observers—many parents and teachers, in particular—reported that they did not agree with the concept of building a new athletic complex when other safety and academic-related needs of the established, in-use classroom buildings are deteriorating.

### **Academic Status of High Schools**

The District’s philosophy, that ‘gymnasiums are classrooms’, may be correct but, to the parent or teacher with expectations that the improvements listed in the FIP and on the ballot were going to be implemented quickly, the Phase 1 constructions may have been a disappointment. This issue is particularly pertinent to the situation at the high schools where the new gyms and tennis courts were built.

The Superintendent and the School Board President, as well as the school principals, frequently reminded the Grand Jury that the SUHSD has received “many awards”. The Grand Jurors found that most of the awards at the two schools in question were for athletics, music, art and ROTC. Few were for academic success. The following figures indicate that the two schools with the new gymnasiums had some of the lowest academic scores in the SUHSD and in San Diego County.<sup>5</sup> While these test scores may have improved since 2000, it is important to note that these were the scores available at the time when the decision was made to build the new gymnasiums.

**Figure 1. Stanford 9 Comparative Test Results for 2000:  
Students at or Above National Average in Mathematics**

| High Schools<br>Year 2000 | Grade 9 Math | Grade 10 Math | Grade 11 Math |
|---------------------------|--------------|---------------|---------------|
| All San Diego County      | 58           | 52            | 54            |
| All Sweetwater Union      | 50           | 46            | 48            |
| Mar Vista                 | 50           | 41            | 47            |
| Sweetwater                | 37           | 23            | 28            |

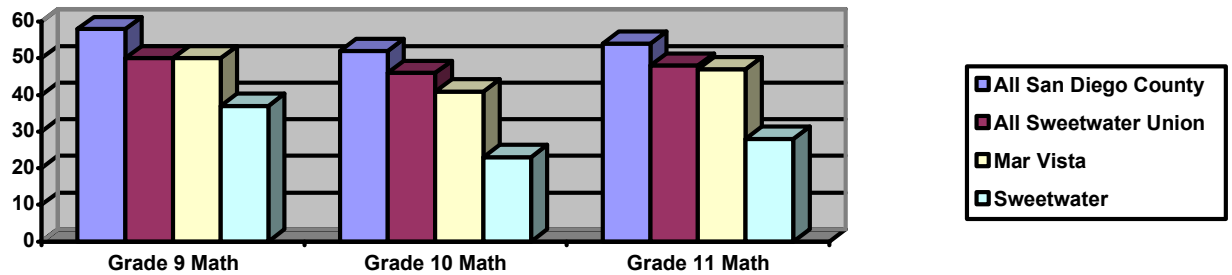


Figure 1 shows data from the Stanford 9 test results for mathematics during the 1999-2000 school year. It is presented in table format and, for visual clarification, the same information appears in bar-graph format. Specifically, as demonstrated here, the two high schools tested below the averages of both the SUHSD and the entire County of San Diego in grades 9-11.

**Figure 2. Stanford 9 Comparative Test Results for 2000:  
Students at or Above National Average in Reading**

| High Schools | Grade 9 Reading | Grade 10 Reading | Grade 11 Reading |
|--------------|-----------------|------------------|------------------|
|--------------|-----------------|------------------|------------------|

<sup>5</sup> The *San Diego County K-16 Report 2001*. San Diego County Office of Education: August, 2001

| Year 2000            |    |    |    |
|----------------------|----|----|----|
| All San Diego County | 42 | 40 | 43 |
| All Sweetwater Union | 29 | 29 | 31 |
| Mar Vista            | 28 | 20 | 28 |
| Sweetwater           | 15 | 12 | 17 |

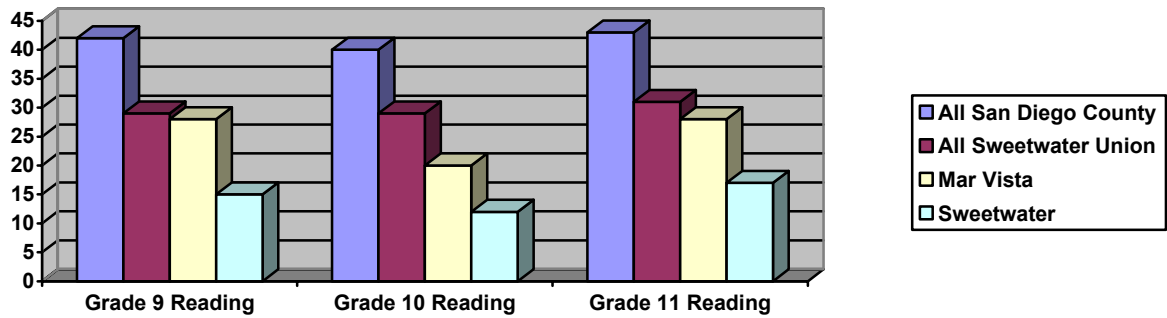


Figure 2 shows that the same two high schools also tested below the average of both the SUHSD and the entire County of San Diego in grades 9-11 for reading skills.

**Figure 3. Scholastic Assessment Test (SAT 1)  
Comparative Scores, 1999-2000 School Year**

| High Schools Averages | SAT Verbal Score | SAT Math Score | SAT Total Score |
|-----------------------|------------------|----------------|-----------------|
| U.S. National         | 505              | 514            | 1019            |
| California            | 492              | 517            | 1009            |
| San Diego County      | 490              | 506            | 997             |
| Sweetwater Union      | 449              | 465            | 914             |
| Mar Vista             | 427              | 450            | 877             |

|            |     |     |     |
|------------|-----|-----|-----|
| Sweetwater | 404 | 427 | 831 |
|------------|-----|-----|-----|

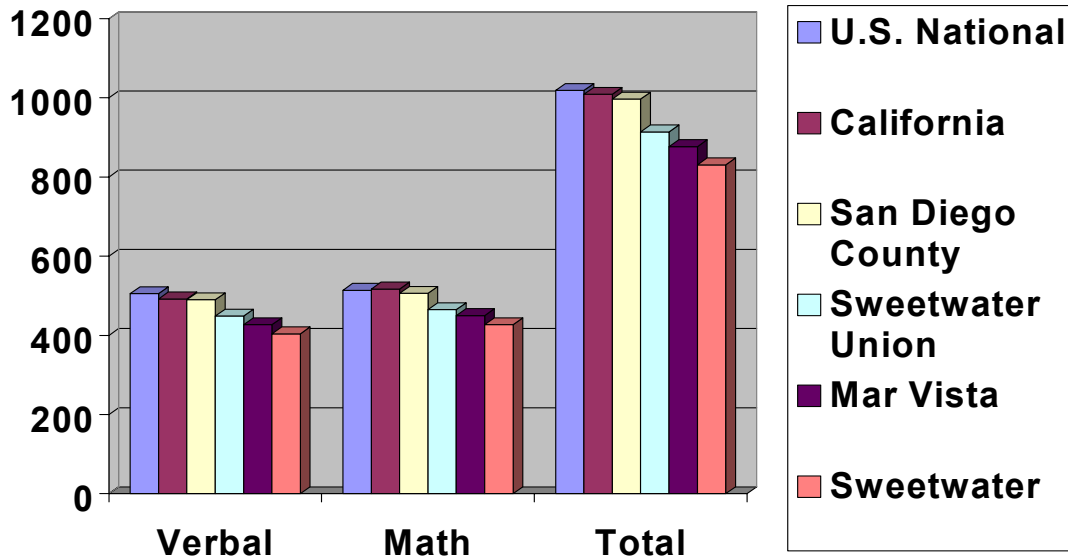


Figure 3, the SAT 1 results for the 1999-2000 school year, shows that Mar Vista and Sweetwater High Schools' averages—in verbal and math skills as well as overall score—ranked below the averages for all high schools

- in the SUHSD
- in San Diego County
- in the State of California
- and in the entire United States!

The presented data on the comparative academic status of Mar Vista and Sweetwater High Schools seem to indicate that there is a need for greater emphasis on basic academic instruction. Poor science labs and poor classrooms (among other factors) are doing a disservice to many students in the SUHSD.

The SUHSD does deserve recognition for its other, positive efforts: The Grand Jury learned that 19 of the 23 schools in the District have received the Distinguished School Award in the past 10 years. That Award is based on a school-generated application that includes an extensive 'self-analysis report' and a confirmation visit by State inspectors. The report covers 4 areas: curricula, school safety, parental involvement, and professional development.

### **Chula Vista Middle School**

Built in 1930, the Chula Vista Middle School (CVMS) is one of the oldest in the SUHSD. There are 5 elementary 'feeder' schools, one just across the street. CVMS has a total student population of 1300. About 150 are English Language Deficient students and about 450 are Limited English Proficient. About 72-73% of the students are on the State-funded free/reduced lunch program. In 1996 CVMS won a Distinguished School Award and it has also received

awards for the creative and performing arts. Academically it is on the rise: The average API score for the 2001-02 school year increased 34 points, to 592.

**Insurance payment:** CVMS received \$2.7 million as the insurance settlement following the fire in February 2000. The amount was based on a detailed analysis from construction experts (retained by the insurance company) who estimated that it would cost \$2,182,437 to replace the cafeteria. The remaining funds were for the classrooms and their contents.

**The new Administration Building:** The Grand Jurors were very impressed with the fine Administration Building on the first visit to the site on November 21, 2002. We also noted the large plaque by the front door declaring that the building had been built with BB Bond funds.

On October 23, 2002, *The San Diego Union-Tribune* reported that teachers at CVMS picketed in front of the school to protest the building of an administration building before a student cafeteria. California Education Code 17573 states: *“The governing board of every school District shall provide a warm, healthful place in which children who bring their own lunches to school may eat the lunches.”* The newspaper also cited District officials as saying that the insurance money was not enough to build a new cafeteria. This is contradicted in the Audit Report provided to the Grand Jury by the County of San Diego’s Auditor and Controller. The District officials added that a new multi-purpose building currently in the planning stage would include a state-of-the-art cafeteria facility. Staff and faculty at CVMS indicated that a cafeteria is a priority for their school. A District spokesperson was also cited in the newspaper as saying that “the renovated and expanded administration building isn’t just for the comfort of the principal. It is the welcoming center for parents and community members.”

When the old Administration Building was torn down, two structures were installed to serve as temporary offices during construction; those now house new classrooms. In total, 16 classrooms have been added since the fire—that’s 6 more than were lost.

**The cafeteria facilities in November, 2002:** When touring the campus, Grand Jurors viewed at an open area holding about 20 old, splintery benches that might seat perhaps 100 students. This area is provided for students who bring their lunch. Asking where students ate when it rained, we were told that they sat on the floor in hallways and in sheltered walkways. This, we were told, is only a temporary cafeteria area; students who did not bring lunch were not mentioned. Nearby was a white structure with two food-service carts in front of it. An old sign near the door to the building said that it was the metal shop classroom. Actually, the building served as a temporary kitchen. There were a pass-through window and two small rickety food service carts in front.

**The cafeteria facilities, 6 months later:** The Audit Report delivered in late April 2003 spoke of sheltered seating areas and “a state-of-the-art” kitchen facility. So, on May 13, 2003, the Grand Jury returned to see those changes.

The rows of splintery benches have increased in number, now seating an estimated 300 students, based, Grand Jurors were told, on ten children per bench. That number may be overstated. A

bench might hold ten if they were primary age and sat straight and still. A more realistic count might be six middle school youngsters while eating.

Another outdoor eating area with rows of benches is now in place across from the front of the building that houses the kitchen. It seats another 300 students—on similar old benches—we were told. (Perhaps another overstatement.) This dining area has two joined tent-peaked tarpaulin covers, installed about February 15, 2003. We were told that a roll-down ‘wall’ is in storage until they decide which side of the structure needs the protection. So it is that the school now has two outdoor eating areas seating, by their count, some 1200 students (600 x 2 lunch periods.) School officials considered it adequate for the school population of 1300. It was also mentioned that “these kids don’t like to eat indoors; they like this outdoor arrangement.”

The Grand Jurors did not recognize the old metal shop and were astonished at the improvements since the last visit: The building now houses a bright, expansive kitchen with large (apparently new) windows high on a side wall but no pass-through window. It truly does merit the description as “state of the art” and includes a dining area for staff/teachers. In front of the building, under a roof extension, is an organized area of four molded-plastic food-service carts, one with an umbrella. All appear quite new—or very well maintained.

Jurors asked when the kitchen was refurbished and were told that it was done 2-3 months after the fire; i.e., some two years earlier. Yet, Grand Jurors who participated in both visits did not see this new kitchen on their first visit. The SUHSD released a newsletter called the “*School Bond Update*” (dated Winter 2003) reporting that, “A new covered lunch shelter will temporarily replace the cafeteria destroyed by fire two years ago.” Who is to be believed? Did the Grand Jury’s November visit trigger some much-needed action?

### **The New Long-range Facilities Master Plan**

In February 2002, *The San Diego Union-Tribune* reported that the “Architect Hired to Prepare Long-range Facilities Master Plan”: expected the Plan to be delivered in July 2003. The article continues, saying that the new Plan will consider the present and future needs of the District’s ten middle schools and ten high schools, look for future sites and for the support facilities needs of the district, and establish facility standards for educational programs and materials. It will replace the original Facilities Improvement Plan.

The Grand Jury found that the SUHSD is committed to a total of \$309,250 for this LRFMP and that Proposition BB funds will pay for that bill. The Grand Jury now wonders what will happen during the interim, pending receipt of the LRFMP, to the repair and improvement processes already in progress? What about other actions already initiated on the basis of the original intentions?

**Recommendations:** Given the demographic and economic differences between the various schools in the Sweetwater Union High School District, the Grand Jury recommends that the SUHSD officials do the following:

- Work closely with the developer(s) of the new Long-range Master Facility Plan to assure that individual schools' needs are met.

## RECOMMENDATIONS

**The 2002-2003 San Diego County Grand Jury recommends that the Sweetwater Union High School District:**

**03-85: Strengthen and improve efforts to inform the community on the status of the projects funded with the proceeds from the sale of Proposition BB bonds by expanding its periodic updates to the public.**

**03-86:** Issue reports of bond expenditures; modernization project status; and estimated project timelines to the Bond Oversight Committee so that body can make them available to the press and to interested community members.

**03-87:** Provide Proposition BB bond updates to school administrative and teaching staff who have direct contact with parents and the community.

**03-88:** Revise its Guidelines for the Bond Oversight Committee members selection process to ensure that situations which can be perceived as inappropriate by the community are avoided.

**03-89:** Open a regular formal dialog with the Bond Oversight Committee that gives more consideration to that body's advice and recommendations and the rationale for them.

**03-90:** Work closely with the developer(s) of the new Long-range Master Facility Plan to assure that individual schools' needs are met.

**03-91:** Comply with California Education Code 17573 for Chula Vista Middle School.

## REQUIREMENTS AND INSTRUCTIONS

The California Penal Code §933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors. Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

As to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding
  - (2) 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.
- (a) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
- (1) The recommendation has been implemented, with a summary regarding the implemented action.
  - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
  - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
  - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (b) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or 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 agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code §933.05 are required by the date indicated from:

| <b><u>RESPONDING AGENCY</u></b>              | <b><u>RECOMMENDATIONS</u></b> | <b><u>DATE</u></b> |
|----------------------------------------------|-------------------------------|--------------------|
| <b>SWEETWATER UNION HIGH SCHOOL DISTRICT</b> | <b>03-85 through 03-91</b>    | <b>09/25/03</b>    |



**Filed: June 27, 2003**

