



**TEMECULA VALLEY**  
**Unified School District**

SUPERINTENDENT  
Timothy Nitter

BOARD OF EDUCATION

Robert Brown

Vincent O'Neal

Dr. Allen Pulspher

Dr. Kristi Rutz-Robbins

Hick Shafter

May 24, 2011

Manuel J. Jimenez, Foreperson  
Riverside County Grand Jury  
County of Riverside  
PO Box 829  
Riverside, CA 92502

Dear Mr. Jimenez:

The purpose of this letter is to comply with the requirements of California Penal Code Section 933.05 which outlines the appropriate response for grand jury recommendations. Your report was issued to the Temecula Valley Unified School District on March 28, 2011 with a response due date of ninety days from that date of issuance.

The District's response is as follows:

**Background**

In the third paragraph of this section you note that the District "would not release additional documents or allow the Grand Jury to interview additional employees without subpoenas thus delaying the investigation." Much of the inquiry made by the Grand Jury involved information that was of a confidential nature and/or involved personnel records. The District is under an obligation to uphold confidentiality requirements. Therefore, under advice of legal counsel, administration asked the Grand Jury to provide a subpoena for the records and staff testimony it sought. The District complied with all subpoenas cooperatively.

**Finding Number 1 – Management:**

*Several bus drivers testified that a document given to the Grand Jury by TVUSD management as a released document (Approved and Controlled) had not been disseminated to the bus drivers.*

**The District disagrees with this finding.**

An employee handbook was developed by the transportation department administration and distributed to employees in 2007. This handbook was subsequently retracted after issues arose as to its implementation. These issues were between management and the California School Employees Association (CSEA) Chapter 538 – the labor union. These issues became the subject of negotiations and were never resolved. Management continues to provide a package of materials at the beginning of the school year which informs employees of rules and regulations related to their job function.

**Finding Number 2 – Management:**

*The guidebook does not show controlling information that most of the other documents contain, (example: date released, approval by, reviewed date to verify continued accuracy, etc.). The guidebook given to the Grand Jury could not be verified that it was current or had been reviewed or approved by anyone.*

The District agrees with this finding.

The District believes that the “guidebook” referred to in this finding is the handbook referenced in finding number 1. The packet of materials in use does not have controlling documentation that shows approval or proof of receipt by the recipients. Management developed the handbook and disseminated the information.

**Finding Number 3 – Management:**

*Several of the employees interviewed stated they had made verbal and/or written complaints to the Director of Transportation in accordance with Administration Regulation and never received a response on the investigation of their complaints.*

The District disagrees with this finding.

The finding is unspecific and cannot be addressed as written. Without specific examples of complaints, either written or verbal, we cannot confirm whether or not the Director of Transportation addressed them. However, the District affirms its commitment to adhere to policies, regulations and procedures it has in place to address complaints.

**Finding Number 4 – Management:**

*When asked, several of the personnel in the Transportation Department did not know to whom they reported. Many said they guessed it was the Director of Transportation. When asked who is assigned the responsibility and authority for the department when commitments require the Director to be absent, the Grand Jury learned many were not sure. The Grand Jury found there is no supervisor for the Transportation Department as there is for the Maintenance Department, which has two supervisors reporting to the director of the Maintenance Department.*

The District disagrees partially with this finding.

The Director is the only person in the Transportation Department that holds a management level position and thus supervises the entire department. Temecula Valley Unified School District job descriptions indicate clearly to whom each employee reports. In addition, the transportation department has a procedure for “on-call” personnel when help is needed after hours. The “on-call” staff member’s information is displayed on the field trip assignment board each week. The District affirms there is no supervisor in the department – only the Director.

**Finding Number 5 – Working on Personal Property:**

*Several of the employees interviewed stated that it was permissible to work on personal property on their off duty time if they notified the Director of Transportation. This is in violation of the “Annual Employee Notification Packet 2010-2100”. The document on page 72 of 76, addressing Board Policy 3512, first paragraph states: “School equipment may be used by staff members and/or students only for school-related task. District equipment may not be used for personal reasons”. It’s also stated within the document page 73 of 76, Administrative Regulation 3512(a) first paragraph “Employees and/or students shall use District equipment only for school-related task. The superintendent or designee shall ensure that all employees understand that personal use of District property is prohibited and that violation may be cause for disciplinary action”.*

The District disagrees with this finding

This finding is unspecific and cannot be addressed with specific examples of how Board Policy 3512 or Administrative Regulation 3512 is alleged to have been violated. The District annually notifies its employees of the requirements of these policies and regulations and enforces their implementation.

**Finding Number 6 – Fueling Safety Information Missing From Compressed Natural Gas (CNG) Buses:**

*Bus drivers and a driver trainer testified there were plaques on the CNG buses to caution/remind drivers on fueling safety. The fueling process is different from other types of fuel and if done incorrectly could result in an explosion. These plaques have been removed and are now missing from the buses.*

The District disagrees with this finding

The compressed natural gas buses that were acquired by the District have all signs and/or "placards" in place as they were delivered by the vehicle dealer this past winter. Please see attached photographs.

**Finding Number 7 – Lack of Clarification for Recess Work Assignments:**

*The Collective Bargaining Agreement between Temecula Valley Unified School District and California School Employees Association (CSEA) Chapter 538, Article 7, subparagraph 7.9.7 states "the work shall be offered to unit members on an equitable basis" and "in making determinations regarding the assignment, management will consider the following non-order criteria: qualification for position, personnel needs of the District, seniority." Following the instructions listed within the Recess Work Assignments Article 7, subparagraph 7.9.7 is not based on an equitable basis.*

The District disagrees with this finding

The finding is un-specific and cannot be addressed without specific examples of how recess work assigned under Article 7 of the collective bargaining agreement between Temecula Valley Unified School District and CSEA was assigned on an un-equitable basis.

**Recommendation 1:**

*Annually, the TVUSD Director of Transportation should provide an approved copy of the guidebook to each bus driver and obtain signature verification.*

This recommendation has not been implemented, but it is in process. Please note that the District does not intend to issue a "guidebook" but does intend to issue a "handbook." Management is engaged in a review of the existing handbook's contents and a re-write/update of its contents. The District intends to issue a handbook in the 2011-12 fiscal year.

**Recommendation 2:**

*The TVUSD Director of Transportation should complete the development of the guidebook for bus drivers. Obtain and document necessary approval for the guidebook from the appropriate District manager and CSEA.*

The handbook is not the subject of negotiations and therefore the District will not seek the approval of CSEA or its representatives. The Director of Transportation will work with his supervisor and other upper level management as appropriate to ensure that the handbook is fully approved before it is issued.

**Recommendation 3:**

*The TVUSD Director of Transportation should investigate each complaint raised by the complainant and respond to the complainant regarding the resolution of the complaint, in accordance with their Administrative Regulation.*

This recommendation has been implemented in that the Director of Transportation has investigated and will continue to investigate complaints in accordance with existing board policy and administrative regulations.

**Recommendation 4:**

*TVUSD administrators should hire a front line transportation supervisor or designate a person with responsibility and authority to provide supervision for the Transportation Department employees during the absence of the Director of Transportation.*

This recommendation matches up with action already taking place within the District. The District would like the Grand Jury to understand that in these very difficult budget times, had this particular position not already been a priority, budgetary concerns would have been such that this would have been deemed an unreasonable recommendation by the Grand Jury. That having been said, the District hopes to have a new supervisor in place by the end of the summer of 2011.

**Recommendation 5:**

*TVUSD Transportation Department employees should comply with Board Policy 3512 and Administrative Regulation 3512(a) that prohibits employees from using District equipment and District property, respectively.*

The District has implemented this policy in that each year employees are notified of the requirements of Administrative Regulation 3512.

The District has also expanded video surveillance capability in the mechanic's shop area to better monitor work that is performed by district staff.

**Recommendation 6:**

*TVUSD Director of Transportation must ensure fueling safety training for "CNG" bus drivers and reinstall "Fueling Plaques" on CNG buses to remind bus drivers of fueling safety.*

This recommendation has been implemented in that the District never removed any of the signs or placards associated with fueling from the CNG buses. In addition, training on the proper fueling of the CNG buses was provided to personnel before the district's CNG fueling system was opened for operation.

**Recommendation 7:**

*TVUSD management in collaboration with CSEA revise Article 7, subparagraph 7.9.7 regarding Recess Work Assignments for bus drivers considering that all bus drivers must be qualified for the type of bus they drive. As currently written, "non-ordered criteria" does not appear to be an equitable basis.*

This recommendation is the subject of negotiations and can only be enacted with the cooperation of CSEA at the bargaining table. The District has "opened" this subject for discussion during negotiations and intends to address many issues over which it has concern within the bargaining unit agreement as it pertains to the transportation department. However, there is no guarantee that can be made by the District with regard to CSEA's cooperation in this matter.

Sincerely,

TEMECULA VALLEY UNIFIED SCHOOL DISTRICT



Lori Ordway-Peck, Assistant Superintendent  
Business Support Services

LOP:de