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Complaint 06-07-01: Delhi Unified School District

Subject of Complaint: 2 counts

- 1) **Bill Baltazar**, District Superintendent, Delhi Unified School District
- 2) **Stephen Selph**, Delhi Unified School District Board President

Introduction:

1) Complainant alleges Bill Baltazar, District Superintendent, violated 273 e (f) of the Penal Code by "...willfully causing or permitting children to be placed in a situation where their person or health was endangered..."

Note: Actual section described by complainant should read:

273a. Any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of that child to be injured, or willfully causes or permits that child to be placed in a situation where his or her person or health is endangered, shall be punished by imprisonment in a county jail not exceeding one year, or in the state prison for two, four, or six years.

2) Complainant alleges Stephen Selph, Delhi Unified School District Board President, as a "mandated reporter," did not take action regarding the child endangerment allegation.

Events leading to these accusations include an organized student walkout at a local high school campus. Approximately 300-400 students left the closed campus in protest of a previous Board decision reassigning the school's Principal. Students walked approximately one mile to the Superintendent's office to discuss Board action. The complainant implied students would not have left the campus had the Superintendent come to the site to discuss actions taken. Complainant further suggested students were motivated to leave the campus after the school P.A. system announced the Superintendent would come to the campus but did not show.

Method of Investigation and Documentation:

The Grand Jury Health, Education and Welfare (HEW) Committee interviewed the complainant and four other witnesses in order to obtain additional information regarding the above allegations.

Documents viewed by committee include:

- Job descriptions:
School Resource Officer, Superintendent, Principal
- Bell Schedule – Delhi High School
- Merced County Sheriff Transmission Log (10-26-05)

- Merced County Sheriff Arrest Report (10-26-05)
- Merced County Sheriff – Taped video (10-26-05) documenting student walkout
- Independent Investigation Report – Hired by Delhi Unified School District Board

Findings:

1) This Grand Jury committee does not believe Bill Baltazar personally jeopardized student safety. Reviewed documents and testimony revealed Baltazar took appropriate action while keeping in communication with the district School Resource Officer (Merced County Sheriff Deputy) and others to keep a potentially dangerous situation from escalating to child endangerment.

The following substantiates these findings:

- Merced Sheriff Transmission Log – Eight (8) sworn peace officers responded to an escalated situation by prohibiting routine traffic flow, and physically escorting students as they peacefully walked to the district office. During the walkout students were additionally protected from a reckless driver when deputies promptly arrested him for endangerment.
- Merced Sheriff Video – Documentation showed organized walkout (protest signs) as students peacefully gathered during a lunch break to walk to the district office. Also observed in this video are the Vice-Principal, school probation officer and several civilian school officers accompanying students.
- Independent Report – Report concurs with Grand Jury findings regarding the walkout and allegations of neglect or endangerment by either the Superintendent or School Board.

2) This committee further questions the complainant's responsibility in this incident. At no time is the complainant seen in the video. It is other officials who attempt to control the crowd and/or accompany students to the district office. This committee questions the complainant's role relating to:

- Extent of attempts to de-escalate the situation
- Attempt to contain students to confines of the closed campus
- Omission in making contact with or remaining briefed by the assigned School Resource Officer

3) Witness testimony corroborated Baltazar's report that he acted on the advice of the sworn officer who was in attendance assessing the circumstances and advising the safest appropriate actions.

4) Consequences for students leaving campus should have been made known by school authorities prior to escalation of incident.

5) Allegations regarding Stephen Selph were unsubstantiated, especially given the Board independently hired an outside source to further investigate the incidents including the walkout, all allegations and several other complaints filed by the complainant.

Recommendations:

- 1) The School Board, Schools and District formulate a plan of action for future emergency situations involving student unrest and actions.
- 2) Plan of action formulated between School Resource Officer and District Principals regarding all school emergencies.

- 3) Plan of action between District principals and teachers in relation to teachers' role in de-escalating student unrest and/or disciplinary action for students instigating unlawful behavior.
- 4) Student by-laws to include due process whereby students have a voice and lawful plan of action for future dissidence. This committee commends the Superintendent and School Resource Officer for allowing student officers to represent the student body in discussion during the protest. The District Board has also initiated student representation at future monthly District Board meetings.

Response to Report 06-07-01

The Board of Trustees received the report from the Grand Jury dated November 1, 2006 stating the results of its investigation into complaints against the Superintendent and President of the Board of the School District. It was gratifying to note that the complaints against the two individuals were deemed unsubstantiated and unfounded.

The Grand Jury made the following recommendations:

1. School Board, Schools and District collaborate and formulate a plan of action for future emergency situations involving student unrest and actions.
2. Plan of action formulated between School Resource Office and District Principals regarding all school emergencies.
3. Plan of action between District principals and teachers in relation to teachers' role in de-escalating student unrest and/or disciplinary action for students instigating unlawful behavior.
4. Student by-laws to include due process whereby students have a voice and lawful plan of action for future dissidence.

The recommendations made at the end of the report have been carefully considered the process followed to implement the recommendations proceeded as follows.

RECOMMENDATION NO. 1

Shortly after the District received the Grand Jury Report, the District staff began to develop a collaboration plan to evaluate the existing emergency protocols for situations involving student unrest and to consider modifications. Between November 20 and November 27, 2006, the school principals analyzed the present School Site Safety Plans and particularly the emergency procedure for Civil Disturbance, which covers situations involving student unrest. It was determined that the present Civil Disturbance emergency procedures were generally appropriate, but a draft of additions and modifications to the protocols were developed to clarify and enhance effectiveness. Between November 27 and December 4, 2006, the school principals shared the draft of the revised procedures with representatives of the teaching staffs. The School Board reviewed the revision of the emergency procedures on December 12, 2006, at a regular meeting of the School Board. The revised, renamed Student Unrest Or Civil Disturbance emergency plan will replace the original in the Site Safety Plans.

RECOMMENDATION NO. 2

The local School Resource Office gave direct input into the process described above and offered several suggested modifications to the procedures to facilitate effective coordination between school personnel and law enforcement personnel. These have been included in the new emergency plan. Arrangements have been made for the Resource Office and principals to evaluate similar adjustments to all the emergency procedures in the Site Safety Plans.

RECOMMENDATION NO. 3

Principals presented the draft of protocol revisions to the teachers, including preventative steps to be followed by administrators and teachers to de-escalate any student unrest and/or to contain it. Further discussions will occur this year to clarify teachers' responsibilities, and the revision establishes yearly orientation of staff to review everyone's professional responsibilities in these situations.

RECOMMENDATION NO. 4

Student councils exist at Delhi High School and Delhi Middle School. Both principals have indicated their commitment to open dialog and exchange of ideas between students, teachers and administrators regarding concerns and perceived campus problems. The High School Principal has met with the Student Council to begin discussions about drafting by-law language to address issues of due process access to official dialog for student grievances and appropriate behavior expectations for student demonstrations.

SUMMARY

The District staff has found this structured review and evaluation of its emergency plan for situations of student unrest to be a positive, constructive process. It is a part of our school site safety plan structure to periodically review all school site safety plans and revise as needed. This recent process has accomplished:

1. Collaboration between principals, teachers, Resource Office, District staff and the School Board has occurred to refine the student unrest emergency plan. The revised protocols now include preventative and follow up procedures as well as maintaining the action plan in case a student protest erupts. The Board of Trustees approved the revision on December 12, 2006.
2. The Resource Officer has had in the past and will continue to have direct input into the establishment of procedures for all types of emergencies.
3. An ongoing review of teacher responsibilities is in place to be aware of pending student unrest, attempt to de-escalate irritations, and supervise organized protests.
4. A policy of a 3-5 day suspension will be established for students who willfully disobey counsel and instigate or encourage unlawful behavior by students in the course of a student protest. Such policy will be added to each school site discipline plan, and students will be advised of such consequences during beginning-of-the-year orientation and prior to and during any outbreak of unlawful behavior.

5. Student councils are involved in the due process for student grievances. Student councils will be encouraged to accept a responsibility to become viable conduits to discuss and address student campus concerns, which hopefully will help to prevent unlawful behavior by students.

A copy of the revised Student Unrest Or Civil Disturbance emergency plan is attached as an addendum to this report. Also attached is a copy of the existing School Site Safety Plan for the Educational Park (High School and Middle School).

If the Grand Jury has any further questions about the District response, please contact me at 656-2000.

Respectfully,

Bill Baltazar, Superintendent