

2002–2003 SANTA CLARA COUNTY CIVIL GRAND JURY

INQUIRY INTO HIRING PRACTICES FOR YOUTH SPORTS COACHES

Summary

Responding to an external complaint, the 2002-2003 Santa Clara County Civil Grand Jury (Grand Jury) inquired into the hiring policies and procedures of a select group of public schools and parks and recreation departments within Santa Clara County. As a result of the inquiry, it was discovered that there are two methods of checking on an applicant's criminal past. One is through the use of the database maintained by the Federal Bureau of Investigation (FBI) that will check for a criminal record using a nationwide database search. The second is through a search conducted by the California Department of Justice, which is only a statewide database search. In order to receive a teaching credential in California, a criminal record check is conducted using the FBI database.

During the course of interviews with the personnel of the parks and recreation departments, the Grand Jury learned that these departments require a record check to be run through the California Department of Justice. As a result of our inquiry, it is the belief of this Grand Jury that all volunteers and non-credentialed teachers in our schools and all employees of the parks and recreation departments should have a criminal record check using the FBI's national database and the California Department of Justice's statewide database.

Background and Discussion

The Grand Jury received a request from a citizen of Santa Clara County that it investigate organizations that hire coaches or recruit volunteers to coach young people in various sports. The complainant's concern was that these children might be vulnerable to molestation. The Grand Jury does not have jurisdiction over the many private not-for-profit organizations that serve our youth with sports programs. Penal Code 933.6 does give the Grand Jury the right to make inquiries or investigations into organizations that receive public monies. Clearly, school districts and parks and recreation departments are the recipients of public funds which enable them to offer many athletic programs to county youth. Thus, it was decided that the Grand Jury would conduct an inquiry into the hiring requirements of school districts and departments of parks and recreation.

The selected school districts and schools included the following: Palo Alto Unified School District (Gunn High School, Jordan Middle School), Campbell Union High School District (Del Mar High School), East Side Union High School District (Independence High School), San Jose Unified School District (Burnett Academy, a middle school), and Berryessa Union School

District (Morrill Middle School). Interviews were conducted with personnel from all of these schools and districts.

The Grand Jury inquiry also included selected parks and recreation departments that are run by our cities. The selected school districts and various parks and recreation departments were representative of the geographical breadth of the county. The Parks and Recreation Departments selected and interviewed were in Palo Alto, San Jose, and Morgan Hill.

The inquiry began with a phone call to the County Superintendent of Schools. The Grand Jury learned that the County Office of Education does not set forth any guidelines for the districts or the schools to follow when hiring staff. Individual school districts establish the hiring criteria for all staff, credentialed and non-credentialed.

The State of California establishes the criteria for an individual to receive a credential. An individual must be fingerprinted and have a criminal record check through the FBI's database. The Grand Jury inquiry determined that volunteers who assist teachers and non-credentialed coaches who work with children are only required to have a criminal record check processed through a statewide database system administered by the California Department of Justice. The California Department of Justice record check is generally completed in a matter of days. Thus, it is possible that a person convicted of a molestation charge in another state might be working with our children, either as a volunteer or as a non-credentialed coach/teacher.

In conducting the inquiry, the Civil Grand Jury found that all of the high schools and all of the middle schools, except one, use credentialed teachers who have gone through the nationwide FBI criminal record check to supervise their athletic programs; this eliminates the need for further record checks. The inquiry also established that all of the school districts studied require their volunteers and non-credentialed coaches be checked by the California Department of Justice but not by the FBI. The Palo Alto Unified School District proved the one exception to this finding. In Palo Alto the middle schools do not operate any athletic programs. All athletic programs for this age group are instead run by the city's Parks and Recreation Department. This removes the burden of hiring coaches and purchasing expensive insurance.

Finding I

In the school districts and associated schools that were interviewed, the Grand Jury discovered there are no guidelines that suggest or require the volunteers have a criminal record check using the FBI database. All credentialed teachers are checked by the FBI database. During the interviews with school and district personnel, it was learned that volunteers are fingerprinted, but only required to have a record check through the California Department of Justice database.

Recommendation

It is recommended that a criminal record search of all volunteers be required to be run through both databases, California Department of Justice and the FBI.

Finding II

During the course of our interviews with the representatives from Parks and Recreation Departments, it was learned that employees and volunteers of the associated city are required to be fingerprinted. All employees and volunteers are screened only by the California Department of Justice database.

Recommendation

It is recommended that all employees and volunteers be required to have record checks run through both the California Department of Justice and the FBI databases.

PASSED and ADOPTED by the Santa Clara County Civil Grand Jury on this 13th day of February, 2003.

Fred de Funiak
Foreperson

Ron R. Layman
Foreperson Pro Tem

Patricia L. Cunningham
Secretary

REFERENCES

Interviews

School Districts and Associated Schools

Berryessa Union School District, Geraldine M. Harge, Superintendent, 10/08/02.
Morrill Middle School, Ron Fairchild, Principal, 10/08/02.

Campbell Union High School District, Raymond Cutten, Assistant Superintendent, Human Resources, 9/13/02
Del Mar High School, Lisa J. Udell, Principal, 10/11/02.

East Side Union High School District, Joe Coto, Superintendent, 9/20/02.
Independence High School, Cari Vaeth, Principal, 9/27/02.

Palo Alto Unified School District, Mary Frances Callan, Superintendent, 9/26/02.
Gunn High School, Scott Laurence, Principal, 9/27/02.
Jordan Middle School, Suzanne Soloman, Principal, 10/14/02.

San Jose Unified School District, Luis Gonzales, Jr., PhD, Director, 9/20/02.
San Jose Unified School District, Don Iglesias, Deputy Superintendent, 9/20/02
Burnett Academy, Mike Baxter, Assistant Principal, 10/08/02.

Departments of Parks and Recreation

City of Morgan Hill Parks and Recreation Department, Mary Kaye Fisher, Human Resources Director, 10/18/02.

City of Palo Alto, Department of Community Services, A. Eric Christensen, Supervisor of Recreation Programs, 10/18/02.

City of San Jose Parks and Recreation Department, Jim Norman, Deputy Director, 10/17/02.

Others

Office of the Sheriff, Santa Clara County, Rich Reneau, Fingerprint Identification Director, 10/22/02.