September 7, 2018

The Honorable Patricia Lucas
Presiding Judge
Santa Clara County Superior Court
191 North First Street
San Jose, CA 95113

Re: 2018 Civil Grand Jury - Response of the Santa Clara County Board of Education

Dear Presiding Judge Lucas,

Thank you for the June 19, 2018 Report from the Santa Clara County Civil Grand Jury entitled "Superintendent Turnover at the Santa Clara County Office of Education – Time to Elect the Superintendent" (hereinafter referred to as the "Report.") The Report highlighted interesting issues and resulted in the individual members of the Santa Clara County Board of Education ("Board of Education") having serious discussion regarding the findings and recommendations made by Civil Grand Jury.

Included herein is the Board of Education's response to the Report pursuant to California Penal Code §§ 933 and 933.05. The Grand Jury findings and recommendations were carefully reviewed and considered by the Board of Education.

We thank the Grand Jury for its interest in the Board of Education. Please do not hesitate to contact me at 408-453-6500, should you have any questions or concerns.

Sincerely,

Rosemary Kamei

Rosemary Kamei
President, Santa Clara County Board of Education

FINDINGS

[1] Finding 1a
There is an inherent jurisdictional conflict between an appointed superintendent and an elected Board of Education that fosters governance disunity.

The Board of Education disagrees with Finding 1a. The superintendent and Board of Education work collaboratively in the best interests of the students of Santa Clara County. The Board of Education believes that there is a greater opportunity for collaboration, cooperation and success when the Board of Education is able to appoint its Superintendent. There is no conflict; jurisdictional or otherwise. The California Education Code clearly delineates the roles and duties of an appointed superintendent and those of an elected Board of Education.

[2] Finding 1b
The previous four appointed Superintendents were separated from employment by the BOE in large part due to conflicts over BOE and Superintendent responsibilities.

The Board of Education disagrees with Finding 1b. The Board of Education cannot discuss confidential personnel matters in this forum.

[3] Finding 1c
The BOE has employed five Superintendents in the last 11 years, a high turnover rate compared to counties with an elected Superintendent.

The Board of Education disagrees with Finding 1c. Since 2007, the Board of Education has employed four, not five, superintendents. We do not agree that four superintendents in the last eleven years equates to a high turnover rate. An elected superintendent serving a four-year term would mean a county potentially having three superintendents in a twelve-year period. We recognize that many elected county superintendents run for reelection and can serve multiple terms. This estimate of three superintendents over twelve years does not account for superintendents retiring, or moving on to different educational positions, before their term is complete. As such, the Board of Education's employment of four superintendents in eleven years does not appear to be "high."

That being said, the Board of Education does recognize the clear economic and educational advantages to having highly-competent and motivated superintendents serving the students of Santa Clara County through longer tenures.

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[4] Finding 1d
The high Superintendent turnover has wasted more than $1 million of taxpayer money.

The Board of Education disagrees with Finding 1d. The Board of Education hired superintendents as vacancies arisen. It is the Board of Education's belief that to truly understand the economics behind the selection of superintendents, the costs associated with a general election for a superintendent must be examined. It is highly likely that the cost to taxpayers for the selection, rather than the election, of a superintendent, is significantly lower and results in a substantial cost savings to the citizenry of Santa Clara County.

[5] Finding 1e
The short tenure of the Superintendents has contributed to general dissatisfaction with the quality of services provided by the County Office of Education.

The Board of Education disagrees with Finding 1e. There is no general dissatisfaction with the quality of services provided by the Santa Clara County Office of Education ("SCCOE"). As previously stated, while the Board of Education does recognize the clear economic and educational advantages to having highly-competent and motivated superintendents serving the students of Santa Clara County through longer tenures, the County Office of Education, an organization of over 1500 employees, proudly serves the families and 275,000 students of Santa Clara County. The SCCOE is a state regional service agency that provides instructional, business, and technology services to the 31 school districts of Santa Clara County; directly serves students through special education programs, alternative schools, Head Start and State Preschool programs, migrant education, and Opportunity Youth Academy, provides academic and fiscal oversight and monitoring to school districts and the 23 county board authorized charter schools; and provides essential services and technical assistance throughout the region and statewide. The Board of Education is similarly proud of the quantity and quality of services provided by the SCCOE.

[6] Finding 2
Santa Clara County does not specify the manner of selecting the County Board of Education in its Charter or in any other manner as required by California Education Code, Section 1000.

The Board of Education agrees with Finding 2.

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RECOMMENDATIONS

[1] Recommendation 1a
The County Superintendent of Schools should be an elected office.

This recommendation does not indicate any action to be taken by the Board of Education. As such, the Board of Education is not in a position to implement Recommendation 1a nor direct that the Santa Clara County Board of Supervisors take any action.

However, the Board of Education does not believe that this recommendation should be implemented. The Superintendent and the Board of Education work collaboratively in the best interest of the students of Santa Clara County. This relationship is encouraged and reinforced in situations where the Board of Education appoints a superintendent. The duties and roles of the Superintendent are clearly delineated in California Education Code and remain the same whether appointed or elected.

[2] Recommendation 1b
The Santa Clara County Board of Supervisors should designate in a written provision of law the manner of selecting the County Superintendent of Schools by December 31, 2018, or if they elect to do so by Charter, by the 2020 primary election ballot.

This recommendation does not indicate any action to be taken by the Board of Education. As such, the Board of Education is not in a position to implement Recommendation 1b nor direct that the Santa Clara County Board of Supervisors take any action.

As a general matter, the Board of Education believes that the manner in which a superintendent is selected is sufficiently clear and transparent.

[3] Recommendation 2
The Santa Clara County Board of Supervisors should provide for the manner of selection of the County Board of Education by December 31, 2018, or if they elect to do so by Charter, by the 2020 primary election ballot.

This recommendation does not indicate any action to be taken by the Board of Education. As such, the Board of Education is not in a position to implement Recommendation 2 nor direct that the Santa Clara County Board of Supervisors take any action.

However, the Board of Education agrees that Recommendation 2 should be implemented and suggests that the Santa Clara County Board of Supervisors codify the manner of selection of the County Board of Education.

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