



Cupertino Union School District

Superintendent Phil Quon  
Board of Education Anjali Kausar  
Ben Liao  
Josephine Lucey  
Gary McCue  
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September 23, 2010

**FILED**

SEP 28 2010

DAVID H. YAMASAKI  
Chief Executive Officer/Clerk,  
Superior Court of CA County of Santa Clara  
BY D. ALDYCKI

Angie Cardoza, Foreperson  
2009-2010 Santa Clara Civil Grand Jury  
Superior Court Building  
191 North First Street  
San Jose, CA 95113

Dear Ms. Cardoza:

This letter is the Cupertino Union School District's response to your June 24, 2010, correspondence to Board of Education President, Ben Liao. *Please note that the current Board of Education President is Josephine Lucey.*

As required by California Penal Code section 933.05(a,b), the Cupertino Union School District's response to the Findings and Recommendations from the Civil Grand Jury's Final Report, "Looking at Policies Our Schools Use to Find and Place Employees" is enclosed for your reference.

Should you have questions, I may be reached at (408) 252-3000, Extension 200.

Sincerely,

Phil Quon  
Superintendent

PQ:jn

Enclosure

Cupertino Union School District  
Response to the Santa Clara County Grand Jury's Final Report  
"Looking at Policies Our Schools Use to Find and Place Employees"

**Finding 1**

*Per the Districts' current CBA's, internal applicants are given priority over external applicants who may be better qualified for the job.*

The Cupertino Union School District partially agrees with this finding. As per the District's Collective Bargaining Agreements, *qualified* internal job applicants are given priority *consideration*. However, internal applicants must meet or exceed stringent application criteria and have prior satisfactory work performance, before being considered for a vacancy. These requirements ensure that the better qualified candidate is hired.

**Recommendation 1**

*Each Board should revisit this subject in future CBA negotiations to ensure that competency is the determinant factor in the job candidate selection process.*

The Cupertino Union School District already bases its employee selection processes and practices on objective and demonstrable competency criteria. Additionally, a lengthy probationary period follows employee selection, during which time the employee's job performance is continuously monitored and evaluated. Therefore, the implementation of Recommendation 1, is not warranted, because competency is currently the determinant factor in the job candidate selection process.

**Finding 2**

*The PAUSD utilizes a process that requires teacher job applicants to teach demonstration lessons which are subsequently scored by a qualified review team. The scores are utilized as significant factors in hiring decisions.*

The Cupertino Union School District agrees with this finding, that Palo Alto Unified School District utilizes the scoring of teacher candidate demonstration lessons as a factor in its hiring decisions.

**Recommendation 2**

*All Districts should consider adopting interview practices like PAUSD which provide opportunities for applicants to demonstrate their teaching skills.*

The Cupertino Union School District will not implement this recommendation because it is not warranted. The District has various other effective practices and procedures in place to observe teaching candidates demonstrate their qualifications and skills prior to hiring. One demonstration lesson provides only a snapshot of a candidate's competencies. More reliable is the District's strong recruitment program involving our student teachers, interns and substitute teachers—who are observed and mentored over time both in the classroom and in the larger context of a school community. Additionally, candidates are interviewed at both the district and site levels using standardized instruments; and background checks are completed prior to offering a

Cupertino Union School District  
Response to the Santa Clara County Grand Jury's Final Report  
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teacher position. The District reviews and revises its hiring procedures annually to increase our ability to recruit, select, hire and retain highly effective teachers.

**Finding 3**

*Twenty-two of the 32 Districts have policies covering the hiring of employee and Board member relatives.*

The Cupertino Union School District agrees with this finding.

**Recommendation 3**

*All Boards should formulate and implement policies covering the hiring of relatives, including the disclosure of any familial relationships to the Board, to avoid the appearance of bias or favoritism in the recruitment and job assignment processes.*

The Cupertino Union School District will implement this recommendation in part. As recommended by the Grand Jury, only the most qualified candidates should be considered. To date, no issues have risen regarding relatives (known or unknown) hired to work in the Cupertino Union School District's 25 schools and district office. However, in an effort to avoid even the appearance of bias or favoritism, the Cupertino Union School District is currently developing and adopting a formal Board Policy that addresses direct supervisory and/or evaluation responsibilities involving relatives. Even though there are no known instances in the District currently of a board member or supervisor/evaluator being related to a subordinate employee, a policy would help to ensure that this potential conflict would never become an issue. This policy will be adopted no later than December 31, 2010.

**Finding 4**

*Twenty-two of the 32 Districts do not permit employees to be placed in direct reporting relationships to their relatives. The following 10 Districts stated they do not have a written policy regarding the direct supervisory relationship of related employees.*

- *Berryessa Union*
- *Cambrian*
- *Cupertino Union*
- *Evergreen*
- *Luther Burbank*
- *Milpitas Unified*
- *Morgan Hill Unified*
- *Mount Pleasant*
- *Mountain View Whisman*
- *Union*

The Cupertino Union School District agrees with this finding.

**Recommendation 4**

*The Boards of the Districts listed in Finding 4 should formulate and implement a policy prohibiting direct employee supervision of spouses and other relatives.*

The Cupertino Union School District is currently developing and adopting a formal Board Policy that addresses the concerns surrounding direct reporting of an employee who is a relative of supervisory personnel. Even though there are no instances of this situation currently in the district, a policy would help to ensure that this potential conflict would never become an issue. This policy will be adopted no later than December 31, 2010.

**Finding 6**

*Fourteen of the 32 Districts are aware of and/or document the number and names of related employees. The following Districts do not document this information.*

- Alum Rock Union
- Berryessa Union
- Campbell Union
- Cupertino Union
- Eastside Union
- Franklin McKinley
- Fremont Union
- Gilroy Unified
- Loma Prieta Joint Union
- Moreland
- Morgan Hill Unified
- Mount Pleasant
- Mountain View-Los Altos Union
- Oak Grove
- Palo Alto Unified
- San Jose Unified
- Santa Clara Unified
- Santa Clara County Office of Education

The Cupertino Union School District agrees with this finding.

**Recommendation 6**

*The Boards of the Districts listed in Finding 6 should implement a policy of identifying familial relationships and tracking such data.*

The Cupertino Union School District will not implement this recommendation because it is not warranted. The Cupertino Union School District is currently developing and adopting a formal Board Policy that addresses the concerns surrounding an employee who would be hired and directly report to a relative. Even though there are no instances

Cupertino Union School District  
Response to the Santa Clara County Grand Jury's Final Report  
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of this situation currently in the district, a policy would help to ensure that this potential conflict would never become an issue. Once in place, all hiring managers will be required to follow the policy. This policy will be adopted no later than December 31, 2010.

**Finding 7**

*Only Los Gatos-Saratoga Joint Union and the Palo Alto Unified Districts responded that they ask about familial relationships on their job applications.*

The Cupertino Union School District agrees with this finding.

**Recommendation 7**

*All Boards should implement measures to identify familial relationships during the hiring process.*

The Cupertino Union School District will not implement this recommendation because it is not warranted. The District is committed to hiring the most qualified candidate for each position; and hiring decisions based on whether or not a family member is a district employee or board member may unfairly favor or illegally discriminate against a job candidate. The District will seek legal counsel on this issue.