

Leadership Issues at San José Unified School District



2023-24 Santa Clara County Civil Grand Jury

June 10, 2024

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### **GLOSSARY AND ABBREVIATIONS**

**Administrators** School principals and assistant principals

CSBA California School Boards Association is the nonprofit

education association that represents elected officials who govern public school districts and county offices of education

CSSP Comprehensive School Safety Plans – Annual state-

mandated plans for schools in California. Plans include strategies aimed at the prevention of, and education about, potential incidents involving crime and violence on the school campus and aspects of social, emotional, and physical

safety for both youth and adults

The Board San José Unified School District Board of Education,

consisting of five elected Trustees, one student board

member, and one alternate student board member

Narcan The brand name for Naloxone, an FDA-approved medication

designed to rapidly reverse opioid overdoses

**Secondary Schools** Middle schools and high schools

**SCCOE** Santa Clara County Office of Education

SCO School-Connected Organization – a parent-led organization

focused on providing student enrichment opportunities with

extracurricular school activities

**SJUSD** San José Unified School District

**Trustees** The five elected members of the SJUSD Board of Education

Wellness Center An easily accessible location at a school where students can

access mental health support and services

### **SUMMARY**

The system of checks and balances between the Trustees and district leaders of the San José Unified School District (SJUSD) is broken and negatively impacting SJUSD's ability to fulfill its responsibilities to serve students, teachers, administrators, and the community. The 2023-24 Santa Clara County Civil Grand Jury (Civil Grand Jury) investigated complaints about several aspects of SJUSD operations and found significant areas of concern.

Over the past four years, schools across the country have faced unprecedented challenges with the COVID-19 pandemic shutdown, a quick pivot to remote learning, and the gradual reopening of schools. Since reopening, schools have had to deal with multiple challenges, including post-pandemic learning loss, a mental health crisis, student behavior issues, and the loss of staff. The Civil Grand Jury recognizes the dedication of school staff everywhere, including in SJUSD, in guiding schools through these changes and ensuring a safe learning environment for students.

This report details findings and recommendations on the following topics based on over 80 interviews (see Methodology Section):

- High turnover among principals and assistant principals at schools and management-level employees at the SJUSD district office driven by leadership culture issues.
- A lack of commitment to addressing the student mental health crisis with consistent, accessible mental health services.
- Gaps in school site safety planning, causing unnecessary risks to student safety.
- An inability or unwillingness to conduct thorough and prompt employee investigations.
- Problematic management hiring practices.
- SJUSD Board of Education (Board) meetings that are among the least accessible of any large district in the area.

Compounding the above-listed issues, the Civil Grand Jury heard many examples of SJUSD leaders and Trustees who seemed to lack sensitivity for the concerns of teachers, parents, and school administrators.

### **BACKGROUND**

SJUSD has a long and proud history as one of California's oldest school districts, with its origins dating back to 1853. Over the past 40 years, it has faced and overcome serious challenges—Chapter 9 bankruptcy in 1983, court-ordered desegregation in 1984, and the arrest of its superintendent in 1992. Today, SJUSD has 25,000 students, 2,700 employees, 41 schools, and an annual budget of \$439 million (California Department of Education, 2023a; San José Unified School District, 2023c). SJUSD is the seventh-largest school district in the Bay Area and the 35th-largest in the state, according to Niche.com, which compiles school information.

SJUSD is led by the five elected Trustees on the Board, each representing a separate geographic area. According to the California School Boards Association (CSBA), trustees are responsible for ensuring their school district is "responsive to the values, beliefs, and priorities of its community" (California School Boards Association, 2018). Trustees hire only one employee: the superintendent. The leadership structure of SJUSD is depicted in Figure 1.

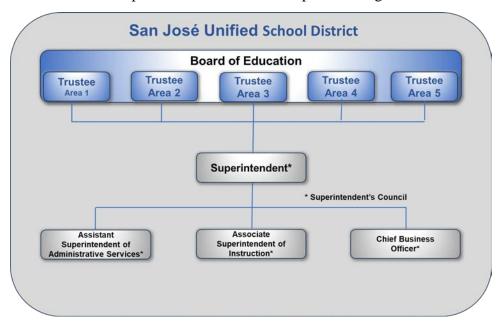


Figure 1: San José Unified School District (SJUSD) Leadership structure, January 2024

The California Department of Education explains local board control as follows:

California's educational system relies on local control for the management of school districts on the theory that those closest to the problems and needs of each individual district are the best able to make appropriate decisions on behalf of the district. In allocating their resources among the schools of the district, school district governing boards and district administrators must follow the law, but they also have the additional task of setting the educational priorities for their schools and weighing the importance and urgency of all of their education needs. (California Department of Education, 2023b)

CSBA states, "[c]itizen oversight of local government is the cornerstone of democracy in the United States" (California School Boards Association, n.d.). Local school boards elected by their constituents play a critical role in this oversight. The CSBA lists five major responsibilities of a school board:

- Setting direction.
- Establishing an effective and efficient structure.
- Providing support.
- Ensuring accountability.
- Providing community leadership as advocates for children, the district, and public schools. (California School Boards Association, n.d.)

SJUSD's Board Policy Manual codifies these responsibilities and expectations of the Board members. See generally, San José Unified School District BP 0200, BP 0400, BP 2000, BP 4000, BP 5142, BB 9000, and BB 9005.

An effective school board simultaneously supports the superintendent and holds them accountable. The two sides must work together to fulfill their responsibilities. SJUSD has codified these concepts and roles into its Board Policy Manual:

The Governing Board expects the administration to promote the creation of the best possible educational program and to maintain an environment conducive to learning. The Superintendent shall provide the vision and educational leadership in this effort and shall give top priority to meeting the needs of all students and actively helping teachers raise academic achievement.

The Superintendent shall develop decision-making processes which are responsive to the school community and to the specific needs of individual students. He/she shall provide means by which staff, students and parents/guardians at each school may participate in decisions related to school improvement and matters which the Board identifies as appropriately managed at the school site level. The administration shall provide professional advice to the Board and to citizen advisory committees. (San José Unified School District, BP 2000)

The roles and expectations regarding the Superintendent's responsibilities are further embodied in great detail in various Board policies. See generally, San José Unified School District BP 0400, BP 2000, BP 4000, and BP 5142. The relationships and information flows between all groups are depicted in Figure 2.

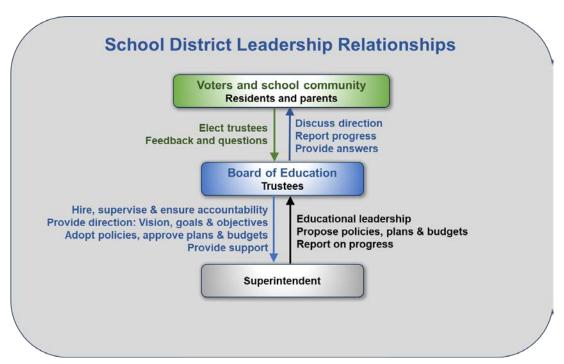


Figure 2: School District Leadership Relationships

### **METHODOLOGY**

During this investigation, the Civil Grand Jury completed more than 80 interviews. These interviews included:

- Current and former Board Trustees.
- Current and former SJUSD employees, including senior SJUSD executives, directors, principals, assistant principals, managers, assistant managers, counselors, and teachers.
- Leaders from eight other Santa Clara County school districts.
- Leaders at the Santa Clara County Office of Education (SCCOE).
- Parents of SJUSD students and members of the community.

The Civil Grand Jury reviewed nearly 500 emails and documents provided by SJUSD, and it collected data from nine other school districts in Santa Clara County to provide comparisons. Additional sources of information include:

- Listening to dozens of Board meeting recordings and in-person attendance at four Board meetings.
- Watching Board of Education meetings from more than 10 school districts in Santa Clara County, Oakland, and San Francisco.
- Reading more than a dozen recent Civil Grand Jury reports from other counties on the topics of school safety and school governance.

### **INVESTIGATION**

### **Leadership Turnover – Loss of Institutional Knowledge**

Staff turnover at all levels in the field of education, both nationally and locally, was exacerbated by the stresses of the COVID-19 pandemic. Further complicating the situation, school districts across the nation are suffering from a shortage of qualified candidates to fill job openings (Diliberti and Schwartz, 2023; Blad, 2023).

The Civil Grand Jury found an unusually high rate of leadership turnover at SJUSD schools and at SJUSD's district office, in which top-level, highly regarded, long-serving employees left voluntarily. The Civil Grand Jury also learned that SJUSD leadership turnover has been significantly higher than national and local turnover and that leadership culture significantly influenced employees' decisions to resign. Excessive turnover in any organization, public or private, is a leading indicator of underlying organizational issues (Young Entrepreneur Council, 2022; Fast Company, 2022).

This report defines "leaders" and "leadership" as SJUSD employees at the levels of principal and assistant principal at schools and employees at the SJUSD district office at the assistant manager level or higher. The Civil Grand Jury learned that leadership positions represent approximately 5% of all 2,700 total SJUSD positions. The term "turnover" is the rate at which employees leave a workforce (such as a school or school district) and are replaced.

Management Personnel Actions are included in the publicly available agendas of Board meetings and include items for Trustee consideration such as Public Employee Appointment, Public Employee Discipline/Dismissal/Release/Reassignment, Layoffs/Leaves of Absence/Resignation, and Public Employee Contracts. This data shows 62 leaders—44% of all SJUSD leadership positions—left their jobs between June 2021 (the end of the 2020-2021 school year) and December 2023. While a few of the departures were retirements, and a few may have been related to poor performance, the Civil Grand Jury found that the majority were voluntary resignations of long-serving, mid-career employees. Among the 62 departing leaders were 22 principals and 26 assistant principals from SJUSD's 41 schools.

Data provided by SJUSD show how the exodus of long-serving principals has resulted in a high percentage of schools with new principals (see Figure 3).

- At the beginning of the 2023-24 school year, 12 out of 14 (86%) of SJUSD secondary school principals had held the job for two or fewer years at their current school.
- At the beginning of the 2023-24 school year, 14 out of 27 (52%) of SJUSD elementary school principals had held the job for two or fewer years at their current school.

	2019-20	2020-21	2021-22	2022-23	2023-24
Total SJUSD Principals	41	41	41	41	41
Schools with new principals at the beginning of the school year	5	4	6	16	10
% Schools with new principals	12%	10%	15%	39%	24%
% Secondary New	14%	0%	21%	64%	21%
% Elementary New	11%	15%	11%	26%	26%

Figure 3: SJUSD schools with new principals at the beginning of the school year

To put the SJUSD data in context, the Civil Grand Jury collected data on the turnover of principals from nine neighboring school districts in Santa Clara County. Figure 4 tracks the rate of principals leaving their jobs for any reason over the past two academic years. The data shows that the percentage of principals leaving SJUSD has been much higher than in neighboring districts. The average turnover of principals over the past two years at these districts is only 22% versus 54% for SJUSD schools.

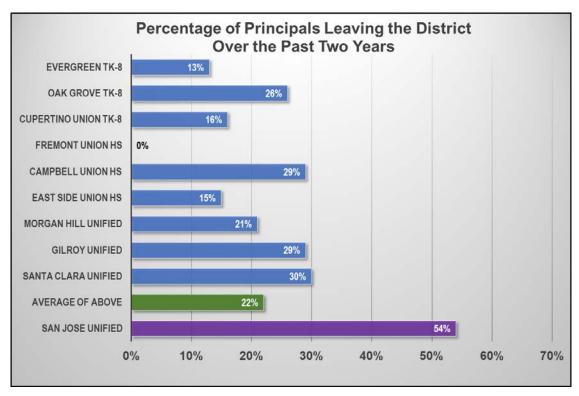


Figure 4: Turnover of Principals at Santa Clara County School Districts

(Note: TK-8 districts have students between Transitional Kindergarten and 8th grade)

The Civil Grand Jury learned the main drivers of such high rates of departure of school site staff were:

- Growing misalignment and disenchantment between personal values and SJUSD values and policies.
- Overly prescriptive, inflexible SJUSD processes.
- Lack of autonomy and micromanagement of experienced employees.
- Lack of support and respect.
- Fear of speaking up and asking questions to senior SJUSD leaders.

The Civil Grand Jury also learned that the culture at the SJUSD's district office is often contentious with a partisan atmosphere or leadership culture characterized by:

- Tolerance for verbally abusive behaviors.
- Unclear roles and responsibilities.
- Uncertainty over who makes decisions.
- Lack of a safe space to communicate.
- Strong factions, animosity, and favoritism.
- Low morale.

Trustees and SJUSD leadership report that employees left SJUSD to seek higher pay in nearby districts or left because of COVID-19 pandemic-related job burnout. Contrary to this assertion, the Civil Grand Jury found that neither of these reasons was the primary motivation for staff choosing to leave SJUSD. Instead, staff left for the reasons cited above. Some did receive promotions in their new positions, and some went to districts with higher salaries, but others did not. Some took a demotion to leave SJUSD or were so dissatisfied that they left without having a new job secured.

The Civil Grand Jury's extensive investigation did not find that pandemic burnout was a primary factor in the staff members' decision to leave SJUSD. On the contrary, staff remained with SJUSD to support their students and/or colleagues through the pandemic. Furthermore, the Civil Grand learned staff believed that SJUSD's compensation package, including medical and retirement benefits, made their total pay and benefits competitive with many other Santa Clara County districts and was not a primary motivation for voluntary resignations.

For many, the decision to leave SJUSD was not easy. The Civil Grand Jury heard stories of strong continuing loyalties to SJUSD, which made each decision to leave more difficult. Some who left SJUSD believed they would retire from the SJUSD. Many still have strong vested interests in the health of SJUSD, and some still have children attending district schools. They all want to see SJUSD succeed.

An annual School Climate Survey and SJUSD emails reveal that SJUSD leadership is aware of the leadership culture issues. SJUSD administers a lengthy School Climate Survey annually to

staff, parents, and students to measure feedback on various topics. The 2023 results for the two questions below (<u>Appendix 1</u>) are revealing.

- "The SJUSD culture is characterized by a high degree of trust:" 41% of all employees, 55% of all teachers, and 68% of all secondary teachers responded negatively to this question (Somewhat Disagree or Strongly Disagree).
- "I can share ideas and concerns with leadership without fear of retribution:" 33% of high school administrators with six-plus years of service responded negatively to this question (Somewhat Disagree or Strongly Disagree).

The SJUSD Superintendent has conducted small-group meetings over the past two years to understand organizational issues. The Civil Grand Jury learned that senior district leaders conducted internal research in 2022 to better understand the reasons behind what was described as a mass exodus of long-serving leaders. As outlined in Board meeting agenda packets, SJUSD has also paid \$350,000 over the past two school years for leadership coaches and organizational development consultants to help improve trust, promote team building, and instill a positive culture among leaders. This year, SJUSD is working with the Arbinger Institute, a Utah-based consulting firm, to develop an "outward mindset" or focus on collective rather than individual results (Arbinger Institute, n.d.).

Despite these efforts to improve the leadership culture, the Civil Grand Jury learned that tensions among many leaders remain high this school year. Since mid-2023 (the end of the 2022-23 school year), another 16 leaders have left SJUSD, primarily via voluntary resignations.

The departure of so many leaders during a short period represents a tremendous loss of institutional knowledge and relationships with the local school community. High turnover also means new administrators have fewer mentors to assist in their learning curves. New principals need to spend more time learning day-to-day tasks and building rapport and trust with their new community. This leaves less time for critical tasks like supporting instructional best practices in the classroom.

#### **Mental Health Services and Student Wellness Centers**

The mental health crisis among America's school-aged children is a disturbing and growing concern. The U.S. Surgeon General issued a public health advisory in 2021 calling on the nation to respond to a "Youth Mental Health" crisis (U.S. Department of Health and Human Services, 2021). School districts across Santa Clara County have responded to the crisis by increasing funding and staffing for mental health services. SJUSD has responded by increasing funding for third-party mental health professionals, adding social and emotional support to the role of existing academic counselors, and increasing the number of full-time behavior specialists (Appendix 2) who primarily support students in special education and Transitional Kindergarten. While these are positive steps by SJUSD, they pale in comparison to what other nearby districts have done to address the crisis.

For this investigation, the Civil Grand Jury focused on the introduction of wellness centers, a commonly accepted best practice for integrating school-based mental health services. SCCOE has created a toolkit to guide districts in implementing wellness centers. The SCCOE Superintendent defined and described the critical role that wellness centers have in schools by explaining:

Wellness centers can significantly reduce the stigma associated with seeking mental health services, as well as increase attendance and the likelihood of graduation. Wellness centers as easily accessible, designated safe spaces on school campuses are designed to support student's healthy development, wellness and mental health by offering integrated prevention, early intervention, peer support, access to School Linked Services, direct service programs and opportunities. Wellness centers promote an inclusive school culture and ensure school is a place where all youth belong and are welcomed. (Dewan, 2021)

The Civil Grand Jury investigated the issue of student mental health support with leaders from SJUSD, leaders from seven other larger school districts in Santa Clara County, and leaders at the SCCOE. Leaders agreed that increasing mental health services is an urgent priority and that wellness centers are the best way to organize and deliver school-based mental health services.

SJUSD leaders and Trustees have committed to opening wellness centers at every secondary school. Many nearby districts have already opened full-time wellness centers (usually staffed with at least two dedicated, full-time positions) at every secondary school. The nearby districts include East Side Union High School District, Campbell Union High School District, Morgan Hill Unified, Santa Clara Unified, and Palo Alto Unified. These districts (except Santa Clara Unified and Palo Alto Unified) have similar or lower per-pupil funding than SJUSD (see <u>Appendix 3</u>).

SJUSD has not achieved the same results. As of January 2024, among 14 secondary schools, SJUSD has only one fully staffed, full-time wellness center, with a dedicated coordinator and a dedicated clinician, open all school days. That wellness center is at Ohlone Middle School, which opened with partial staffing in January of 2022 and became fully staffed and open full-time in November of 2023. The Ohlone Middle School wellness center is entirely funded, staffed, and operated, not by SJUSD employees, but by SCCOE employees using a state grant.

Unlike SJUSD, nearby districts have hired new, full-time, dedicated positions to staff their wellness centers, and they have been creative in funding them. They have blended various funding sources, including general funds, to staff their wellness centers. Some leaders were candid about the near-term budget challenges of continuing to fully fund wellness centers when federal COVID-19 relief funds end in September 2024, but they were all committed to finding ways to keep their wellness centers operating beyond this date.

By contrast, SJUSD does not plan to hire or assign dedicated, full-time staff for its wellness centers. Instead, SJUSD is looking at adding to the duties of existing staff—such as academic counselors—to work part-time in wellness centers, and, where possible, using state and county grants to staff and operate wellness centers with non-district employees (like at Ohlone Middle School). Typically, grants do not provide a sustainable source of funding for wellness centers.

Available grants for wellness centers only provide funding for a limited time and/or for limited staffing, are usually competitively bid, and can impose cumbersome requirements.

Many dedicated SJUSD employees, both at the SJUSD district office and at school sites, have gone to great lengths to apply for grants or find funding within their school budgets to fund wellness centers. As of January 2024, the results are:

- One to two schools had part-time wellness centers with limited staffing.
- One school was awarded a grant through SCCOE several months ago but has had to delay opening its wellness center until SCCOE completes staffing (a common problem with some SCCOE grants).
- Three schools had just been awarded a two-year grant and were in the process of meeting more grant requirements before they could move forward. The grant was only enough to fund one position at each wellness center rather than the two needed to staff them fully. There are no clear plans to fund the second staff member.
- One wellness center was fully open for a time, lost its funding, and closed until the school could find a new funding source before it recently partially re-opened.
- For the six remaining secondary schools, little or nothing has been done to initiate the process of opening a wellness center.

Beyond these funding and staffing challenges, SJUSD has also formally created a set of prerequisites for opening wellness centers that are not found in other districts. These prerequisites are known as the SJUSD "model" for wellness centers. They include:

- The school must have Positive Behavioral Interventions and Supports and/or a Social Emotional Learning curriculum in place.
- The school must have staff "buy-in."
- The school must have all health services (such as the nurse's office) physically co-located together as part of the wellness center.

Other districts did not allow similar prerequisites to become de facto barriers and moved ahead with opening wellness centers, sometimes initially in less-than-ideal locations. Furthermore, the methods of measuring whether a school had met some of the prerequisites, such as staff buy-in, were unclear; therefore, the standard of meeting the prerequisites was arbitrary.

Regarding staff buy-in, SJUSD leaders are hesitant to trust teachers to use wellness centers appropriately. They indicated that teachers do not necessarily have the skills to determine which students should be referred to wellness centers for support services, rather than being sent there as a response to their negative classroom behavior. The Civil Grand Jury either did not hear this as an issue from other districts or heard it was easily addressed with basic staff training.

One further barrier imposed by SJUSD is that school principals or teachers, who are already overburdened, must take the initiative to apply for grants and other funding sources. Other districts made wellness centers a district-level priority and assigned central district staff to lead the process,

prepare the applications, and work with school administrators to plan for and fund new wellness centers. Applying for grants is complicated and time-consuming; streamlining this process at the district level ensures consistency, saves resources, and leads to more successful outcomes.

Wellness center plans have received attention at Board meetings. At its April 7, 2022, meeting, SJUSD announced plans to open five new wellness centers. On March 9, 2023, SJUSD updated its wellness center plans by announcing that three new sites would open in the fall of 2023 and two would begin planning an opening. As of the January 18, 2024, Board update on wellness centers, none of the above-announced plans have come to fruition. The Civil Grand Jury found no evidence that Trustees have ever held SJUSD leaders accountable for not meeting their publicly stated goals for opening wellness centers.

### **School Safety: Emergency Events**

School safety events have been in the local, state, and national news all too frequently. How to best protect our schools and students from harm is an active national debate, and the subject of many recent news reports and several recent Civil Grand Jury reports, including:

- 2024 San Francisco Chronicle: "S.F. Students Demand SFUSD Do More To Prevent School Shootings After Incidents Involving Guns"
- 2023 San Joaquin County Civil Grand Jury: "School Safety: A Shared Responsibility"
- 2023 Orange County Civil Grand Jury: "School Shootings: How Prepared are Orange County Schools?"
- 2019 San Diego County Civil Grand Jury: "School Safety in San Diego County"
- 2017 Santa Cruz County Civil Grand Jury: "Threat Assessment in Our Public Schools"

SJUSD has had its share of school site safety events over the past year, including a "swatting" incident (a prank to call emergency services) at a high school, a pellet gun fired at a middle school, a social media threat to kill students at a high school, a middle school student caught with a loaded gun, and a high school student caught with a loaded gun. In response to these incidents, a SJUSD teacher was interviewed for a *Washington Post* investigation into the proliferation of guns at schools. She described poor emergency communication and mixed messaging about barricading doors during lockdowns (Klemko et al., 2023).

Although no SJUSD students or staff were physically harmed in the incidents described above, these events may have affected staff attitudes. Teachers were asked to respond to the statement "I have been concerned about my physical safety at school" as part of the 2023 Climate Survey. Results showed that 47% of all teachers and 57% of teachers at secondary schools responded that they "Somewhat Agree" or "Strongly Agree" with the statement (see <u>Appendix 1</u>).

The Civil Grand Jury learned that SJUSD leaders have taken action since May 2023 with updated safety plans, a new communications app, and added staff training. However, interviews with

SJUSD officials, school administrators, teachers, and parents uncovered the following safety concerns:

- Inconsistencies in safety event preparedness.
- Inconsistencies in the execution of lock-down instructions.
- Gaps in the effectiveness of school site safety committees.
- Lack of knowledge of current safety best practices.
- Lack of clarity about who is in charge of school safety.
- An unwillingness to stock Narcan, an FDA-approved opioid overdose reversal medication, at schools.

**Barricades during lockdown.** A standard procedure during serious safety events, such as a gun on campus, is for a school to go into a lockdown with staff and students locking themselves in classrooms. The Civil Grand Jury heard of inconsistencies across SJUSD schools in lockdown instructions. Some administrators advised staff and students that building a barricade of furniture was a recommended defensive practice. Others advised that this was no longer recommended because of objections from the San José Fire Department. The Civil Grand Jury also understands that senior SJUSD leaders discussed using barricades with administrators during an August 2023 training event. However, the Civil Grand Jury learned that administrators who attended the August leadership event still heard differences of opinion about using barricades during lockdown drills.

Emergency drills. The Civil Grand Jury interviewed school leadership about their plans for emergency drills (for example, earthquake drills) and found that different administrators executed them differently. For example, the official 2022-23 SJUSD plan for all schools is to execute emergency drills throughout the year on specific dates at the same time of day. However, some of the more experienced administrators understand that emergency events can occur anytime, including during lunch or when students are between classes, and they plan their drills for different times throughout the school day. This inconsistency in the execution of drills underscores the need for strong district-level leadership as to how to best conduct drills to be prepared for a true emergency. Clear district guidance is particularly important given the high number of new school administrators in SJUSD.

**Inconsistent response.** An actual emergency event, such as a gun on campus, is the ultimate stress test of training and preparedness. SJUSD schools had several incidents last year where a lockdown had to be executed. Administrators, teachers, and parents with direct knowledge of these events reported many inconsistent reactions by those in charge. Some students were told to continue taking a standardized test, while others were told to continue to run laps during PE class while the school was under lockdown. Some students were told to barricade doors, and others were told not to. Some students had a substitute teacher who had no training in emergency events and did not know what to do.

School site safety plans. California Education Code section 32281 requires every kindergarten through grade twelve school, including charter, community, and court schools, to develop and maintain a Comprehensive School Safety Plan (CSSP). According to the California Department of Education, a CSSP is created to address campus risks, prepare for various emergencies, and establish a safe, secure learning environment for students and school personnel. The California Education Code goes on to designate stakeholders to be engaged in the creation and annual review process for CSSPs, including the responsibilities of School Site Councils and meeting the applicable requirements of California Education Code sections 32280–32289.5. The SJUSD Superintendent's June 15, 2023, presentation to Trustees stressed the importance of School Site Councils in SJUSD's safety improvement plans. The Civil Grand Jury learned that the School Site Councils, which are comprised of school site administrators, teachers, and parents, are often understaffed and/or ill-prepared to review and approve these critical safety plans.

Beyond template support, the Civil Grand Jury did not find evidence of SJUSD-led guidance from safety experts to help inform and educate the School Site Councils in preparing their safety plans. Finally, the Civil Grand Jury reviewed CSSPs for schools in other districts and found they contained more comprehensive detail. For example, the CSSP for San José High School, in SJUSD, has 21 pages, and the CSSP for Del Campo High School, in Fair Oaks (near Sacramento), has 119 pages (San Juan Unified School District, n.d.; San José Unified School District, 2023b). The Del Campo safety plan describes preventative actions and includes lengthy sections not found in the San José High School document, such as a Data Assessment of recent incidents and a Behavioral Threat Assessment section (San Juan Unified School District, n.d., pp. 6, 101).

**National organizations**. Because of the prevalence of gun incidents on campus in the U.S., many respected national organizations have formed to promote best practices for prevention, intervention, and protection. SCCOE also convenes groups of district safety leads to discuss best practices. Two best practices recommended by SCCOE are school- and district-level threat assessment teams and anonymous reporting systems. The Civil Grand Jury found that these best practices are not widely adopted across SJUSD. Representatives from 24 Santa Clara County districts attended an SCCOE-led training event in November 2022, where the main topic was threat assessment training, but no one attended from SJUSD. The Civil Grand Jury learned that SJUSD personnel rarely attend outside safety training events.

**Parents' petition.** Following campus safety incidents in spring 2023, a petition signed by 300 parents and teachers was submitted to the Board in May of that same year. The petition requested improvements in safety practices and the inclusion of parents and teachers in developing safety plans. Some SJUSD parents also organized the Why Wait Project to advocate for changes in safety practices. The Why Wait group, after extensive research, recommended:

- A district-wide safety plan is created.
- A revised school safety plan template (that is based on research and best practices) is provided to every SJUSD school.

- Schools receive support to modify school safety templates to meet the unique needs of their schools.
- There is clear accountability at the district level for school safety.
- The School Board regularly reviews status and progress at Board meetings. (Why Wait Project, 2023)

As of January 2024, these recommendations had not been implemented nor had the Board had any public discussion of these or any similar recommendations.

**Safety leadership**. The Civil Grand Jury learned there is no one single person responsible for all emergency event planning, preparedness, and response. When SJUSD leaders were asked to name who was responsible, the responses were many and varied:

- Some said responsibility depended on the type of emergency.
- Some named a recently hired risk manager whose primary job duties appear to be compliance-oriented.
- Some named a top SJUSD leader who has no apparent training on safety best practices.
- Some named the SJUSD Police Chief who is primarily in charge of School Resource Officers (SROs). This person lives in Southern California and works remotely most of the time.

Having a single well-trained district official designated as the focal point for all safety-related activities is a best practice recommended by SCCOE, and several local districts—including Gilroy, Santa Clara, and Palo Alto—have recently created the position of district safety manager to fulfill this need.

**Opioid Epidemic.** There is a nationwide epidemic of opioid use, overdoses, and deaths in the United States. Usage of opioids, especially fentanyl, has grown rapidly among all age groups, including adolescents. UCLA Health recently summarized the situation for adolescents:

- An average of 22 adolescents 14 to 18 years of age died in the U.S. each week in 2022 from drug overdoses, raising the death rate for this group to 5.2 per 100,000—driven by fentanyl in counterfeit pills, new research finds.
- Adolescent overdoses had more than doubled among this group between 2019 and 2020
  and have since intensified to such an extent that the death count equals a high school
  classroom each week and is now the third largest cause of pediatric deaths behind
  firearm-related injuries and motor vehicle collisions.
- Finally, naloxone should be available in schools, which should also adopt "noquestions-asked" pill-disposal programs as well as provide anonymous mechanisms such [as]messaging services that students can use to ask about counterfeit pills and substance use without risk of punishment or embarrassment. (UCLA Health, 2024)

In response to this epidemic, a growing number of government programs promote stocking antioverdose medications and training people on how to use them across communities, including at schools. The most widely known anti-overdose medication is Narcan, which is a brand name for the drug Naloxone. Locally, the County of Santa Clara Board of Supervisors approved funding to distribute Narcan in local schools in 2022 (County of Santa Clara, 2022). The San Mateo County Office of Education has created a "Naloxone for Schools Program and Toolkit" (Kortz and Love, n.d.).

SJUSD is a distinct outlier in not stocking Narcan at schools as a preventative measure against opioid overdoses and death. Nearly all other major Bay Area school districts, except SJUSD, are now stocking Narcan at secondary schools, and training staff to administer it. Some districts are even training students on how to use Narcan. SJUSD officials have stated that they rely on SROs who may or may not be at each campus, to carry and administer Narcan. In interviews, several leaders stated that there was no need to stock Narcan because no SJUSD student has yet suffered a fentanyl overdose. Additionally, SJUSD leaders cited challenges to developing a Narcan program to prevent fatal opiate overdoses, such as:

- Providing Narcan at school sites would be an inappropriate use of resources.
- Employee unions might have objections.
- Tracking Narcan inventory and expiration dates would be cumbersome.

The same challenges have not prevented other Bay Area school districts from determining how to train staff and stock Narcan at secondary schools (Nickerson, 2023).

### **Employee Investigations**

The Civil Grand Jury learned of reports about issues with the handling of internal employee investigations, which are conducted to assure staff, students, parents, and the community that schools are safe. Conducting prompt investigations also ensures that SJUSD employees and SJUSD staff overall are operating at the highest legal and ethical standards. Lastly, internal investigations are an important way to reduce the risk of legal proceedings and judgments against a school district.

For employees, the investigation process can ensure due process as prescribed by labor agreements. Internal investigations are often performed when school employees are accused of engaging in activities prohibited by SJUSD policies. Investigations must be conducted with the highest integrity, impartiality, diligence, and speed to maintain trust within the school community. However, the Civil Grand Jury learned of recent cases of improper or unaddressed investigations that raise questions about the competence and integrity of SJUSD's investigation processes.

**Home and School Club alleged theft case**. In June 2023, an SJUSD Home and School Club from one of its schools discovered missing funds adding up to hundreds of thousands of dollars. Bank

statements, reimbursement requests, and copies of handwritten checks appeared to show funds had been allegedly misappropriated for several years under the prior club officers, which had included two parents who were both school employees.

Home and School Clubs are parent-led organizations at individual schools that raise funds to support educational or extracurricular programs that are not covered by the school budgets. At SJUSD, these clubs are generically known as School-Connected Organizations (SCOs) and are governed by Board Policy 1230 and the Handbook for School-Connected Organizations (San José Unified School District, BP 1230). The handbook expressly states, "School employees and personnel are not to serve as SCO officers or as signatories for SCO banking accounts, invoices, or purchase authorizations" (San José Unified School District, 2023a, p. 11).

In July 2023, members of a SCO brought their concerns along with copies of financial records to the attention of the SJSUD Superintendent and senior SJUSD leaders. SJUSD responded that they would not intervene and that the SCO members should file a police report. The Civil Grand Jury learned that SJUSD would not independently investigate the allegations against the employees while a criminal police investigation was underway.

By refusing to conduct its own investigation, SJUSD failed to investigate whether its employees had violated internal policies, thus leaving critical issues unresolved. For instance, the school principal signed off approving the employees as SCO officers. Board Policy 1230 states that to "to protect the district and students, the Superintendent or designee shall establish appropriate controls for the relationship between such organizations and the district." One of those established controls is that school employees are not permitted to be officers of SCOs. This issue has never been investigated.

Further, officials also declined to audit the club's books even though SJUSD's right to audit SCO club financial records is explicitly highlighted in Board Policy 1230 (San José Unified School District, BP 1230). A financial audit and review of possible policy violations by the principal is beyond the scope of a criminal inquiry into the conduct of the two employees' alleged embezzlement. Further, the criminal investigation may take years to resolve. Criminal and administrative investigations can and should work in tandem with an appreciation for not interfering with the criminal aspects of the case.

In an effort to understand SJUSD's lack of action against employees alleged to violate SJUSD policies, the Civil Grand Jury learned from other district leaders that in a situation involving alleged employee theft, the school should either immediately put the employees on paid administrative leave pending a formal investigation or temporarily have them reassigned away from the school. None of the officials would wait for a police report to act when serious district policies may have been violated. The Civil Grand Jury also reviewed the applicable California School Employees Association (CSEA) Collective Bargaining Agreement. Section 27425 clearly states that an employee may be relieved of duties without loss of pay at the district's option, and sections 27200 and 27300 state that the district can take disciplinary actions, including suspension

or reassignment (San José Unified School District California School Employees Association Collective Bargaining Agreement, 2023).

SJUSD repeatedly stressed that employees are innocent until proven guilty. The Civil Grand Jury agrees and takes no position on the merits of the allegations or culpability of the parties involved. In fact, a swift investigation by SJUSD can have the benefit of clearing the alleged wrongdoer. The Civil Grand Jury is focused on the appropriateness of SJUSD's investigatory approach.

For instance, when an investigation is opened that involves possible criminal conduct, leaders from other school districts cited administrative leave as a possible and appropriate measure to complement investigations raising serious issues. SJUSD's failure to independently investigate these allegations or use an administrative leave remedy differs from its actions for past similar cases of theft in 2015 at San José High School, in 2011 at Trace Elementary School, and in 2005 at Bret Harte Middle School (Nguyen, Wagner and Villareal, 2015; Gomez, 2011; Herel, 2005).

This departure from educational and internal norms is especially concerning given the principal's alleged involvement in approving parent-staff members to be officers of the SJUSD Home and School club. As of January 2024, SJUSD had still taken no independent actions to investigate violations of its own policies. The employees alleged to have stolen the funds continue to work at the school, and the Civil Grand Jury learned that one employee continues to have access to school funds.

**Teacher arbitration case.** A newly promoted assistant principal accused a high school teacher of violating SJUSD policies during an October 2021 confrontation between students and a small group of anti-LGBTQ+ demonstrators affiliated with an outside religious organization. The assistant principal circumvented standard procedures and filed a formal complaint against the teacher directly to SJUSD Human Resources officials, rather than first sending the complaint to the school principal. Responding to the assistant principal's report, SJUSD suspended the teacher without pay for five days. The San José Teachers Association (SJTA) contested the suspension, and the case went to the unusual step of a formal arbitration hearing.

In April 2023, the final arbitration decision was released. The arbitration report clearly sided with the teacher by rescinding the suspension and restoring the five days' pay. The Civil Grand Jury views this report as an example of SJUSD's failure or inability to conduct fair and thorough employee investigations as the arbitrator wrote a strongly worded report indicating:

- The SJUSD leader who conducted the investigation failed to thoroughly investigate the case, which called into question the recommended discipline.
- The SJUSD leader reached a conclusion without adequate evidence and failed to conduct a thorough investigation before issuing the charge.

**High school football coach case**. At a September 2023 football game, an SJUSD high school head football coach/teacher was filmed appearing to shove a sideline official who was a parent from the opposing school. The video showing the behavior in question was circulated on social media. The

workday following the incident, the coach/teacher resumed normal duties at school. Later in the week, SJUSD suspended the coach/teacher from coaching the next football game and waited for a ruling from Central Coast Section (CCS) athletic conference officials investigating the incident. Shortly afterward, the CCS officials suspended the individual from coaching for the remainder of the football season, and then SJUSD did the same.

The Civil Grand Jury has no opinion regarding the culpability of the coach/teacher but, rather, takes issue with SJUSD's investigatory approach. Shortly after the incident, SJUSD publicly stated that it was "investigating the incident" (Sabredra, 2023). When the Civil Grand Jury investigated whether an actual investigation was opened by SJUSD (as opposed to CCS), SJUSD's responses were ambiguous. Typically, an entity will disclose whether it plans to investigate but will keep the results confidential to protect the privacy of the employee. In this case, it appears that SJUSD simply followed the lead of the CCS decision, leading the Civil Grand Jury to, once again, question whether SJUSD understands its separate role in conducting independent investigations focused on its own rules and policies, as opposed to piggybacking on the findings of another agency that has a different role and rules.

Shortly after the incident, a parent organization, representing the high school's student-athletes, strongly protested the coach/teacher's suspension to SJUSD leaders and Trustees. The group's statements in support of the coach/teacher indicated their belief that there was no real investigation by SJUSD officials. The group stated at a Board meeting that contradictory evidence of the incident was ignored and no witnesses at the game were interviewed. The parents' statements support the Civil Grand Jury's conclusion that SJUSD failed both the coach/employee and the community in its investigatory responsibilities.

Proper investigations are a key component of maintaining trust and integrity in the school community and protecting an entity from risk. The Civil Grand Jury is concerned that this further underscores that SJUSD lacks a structure and standards for investigating significant incidents. Employees deserve their full due process, which means SJUSD cannot abdicate its investigative responsibilities pending the outcome of third-party investigations when serious violations of its code are alleged. SJUSD must conduct fair, swift, and thorough investigations to protect the school community and its own employees. One example cited in this report resulted in swift consequences from a flawed investigation, while in other cases, SJUSD failed in its responsibility to complete an internal investigation, leading to an unfair and uneven process for all involved.

### **Management Hiring Process**

SJUSD's hiring process is expected to be transparent, objectively identify the top candidates for job openings, and ensure equal opportunity for all candidates. The California Education Code sets forth the specifics regarding the rights, benefits, and burdens of non-teacher employees of school

districts. (Ed. Code §§45103-45139.) SJUSD has codified requirements for the recruitment and selection of staff. In particular, Board Policy 4111 requires that the "Superintendent or designee shall develop recruitment and selection procedures" (San José Unified School District, BP 4111). Those procedures must include an assessment of the SJUSD's needs for specific skills and the development of job descriptions. With respect to recruitment, Board Policy 4111 also requires that vacancy announcements are disseminated in a manner that ensures a wide range of candidates. The screening procedures must be designed to identify the best possible candidates for interviews. And, for the interview process, the procedures must be designed to determine "the best qualified candidate for recommendation to the Board." (San José Unified School District, BP 4111).

The Civil Grand Jury heard testimony and reviewed documents about the structure of SJUSD's management hiring process. When the process works as designed, it appears to be a fair and objective multi-stage process to identify the top candidates for final interviews by the Superintendent's Council, including the Superintendent, the Associate Superintendent of Instruction, the Assistant Superintendent of Administrative Services, and the Chief Business Officer.

Hiring processes, especially for management positions, are difficult to investigate. Management hiring often involves subjective factors that cannot always be summarized in a single number on an interview score sheet. However, the Civil Grand Jury learned that interviews at the level of manager, director, and above, have, at times, been unfairly altered to promote or demote specific candidates for management openings. The changes were inconsistent with the prescribed process, causing a perception of arbitrary favoritism by those leaders who made the final decision to hire candidates. The Civil Grand Jury learned:

- In several cases, a senior management-level candidate, often a school principal, performed poorly in initial interviews but was moved to the final round and hired for the job.
- A senior management-level candidate failed the required skills test but was still moved to the final round and was hired for the position.
- There is no consistency when management openings are open for a full interview process as opposed to direct placement without interviews.
- Some senior leaders have an informal list of favored and disfavored employees, with no
  clear basis in merit or performance. Interviewees explained that both the favored and
  disfavored employees knew who they were; favored candidates would be successful in
  obtaining a management position and unfavorable candidates would not.

Beyond legal and equity requirements, SJUSD's hiring process must meet basic standards of integrity to ensure employees, job candidates, and the school community can trust the process to be fair in selecting the most qualified person for a job. The lack of consistent practices creates a high degree of skepticism about the fairness of the process, thereby damaging employee trust.

#### **Trustee and Board of Education Practices**

A well-functioning school board is fundamental to a school district's accountability to the public. Trustees must work together as a governance team to ensure community trust and quality leadership. SJUSD's Board Policy 0100 states:

Accountability for the district's programs and operations is shared by the entire educational community, with the ultimate accountability resting with the Board as the basic embodiment of representative government. (San José Unified School District, BP 0100)

The Trustees are passionate about SJUSD schools—especially the schools in their Trustee areas—and education in general. However, throughout its investigation, the Civil Grand Jury repeatedly saw a disconnect between the Trustees' stated priorities and the realities of issues such as leadership turnover, wellness centers, employee investigations, responses to safety concerns, and inaccessible Board meetings.

**High turnover**. Trustees were aware of turnover among experienced SJUSD leaders and site administrators but were unaware that it was much higher than in neighboring districts. They did not express alarm that the turnover rate has been 44% over the past 2-1/2 years and, like SJUSD leadership, cited pandemic burn-out or lower compensation compared to other districts as the primary causes of departures at the levels of assistant principal, principal, and SJUSD district office leaders. The Trustees are unaware that poor leadership culture is the primary reason staff are leaving.

Wellness centers. Trustees acknowledged the critical need for mental health support at every school site and for the opening of wellness centers. Trustees know about SJUSD plans as stated in Board meeting presentations. Trustees did not know that there was only one fully operating wellness center in the district, or that all the neighboring districts have opened many more wellness centers at their secondary schools.

**Policy Violations.** Trustees were aware, to some extent, of the alleged SCO theft case but they were not concerned by SJUSD leadership's decision to not conduct its own investigation of the employees' alleged violation of its policies while waiting for the results of the police investigation. The Trustees did not appreciate SJUSD's responsibility to investigate the possible violation of its own rules, separately from a criminal investigation, or investigation by another entity.

**Parents' petition.** As a result of serious on-campus safety incidents, the Board was presented with a letter in May 2023 signed by 300 concerned parents and teachers. The Civil Grand Jury found no meaningful outreach from the Board to the parents to acknowledge their concerns or to partner with them in a meaningful manner. Trustees' failure to publicly acknowledge the parents' petition appealing for a district/community task force to consider best practice school safety measures indicates a failure of the Board's function to advocate for parents, students, and families. The Trustees relied on the Superintendent to address the issue; however, the Superintendent was

dismissive of the parents even though many of them had an impressive level of knowledge on the topic of school safety.

The ongoing debate on SJUSD's approach to school safety issues was highlighted in the June 20, 2023, *San José Spotlight* article, "San José Unified District Put Safety Onus on Each Campus" (Gabbert, 2023).

The SJUSD parents' petition and Trustees' response contrasts with similar circumstances at East Side Union High School District (East Side Union), where students and staff were assaulted by outsiders in two incidents at a high school in August and September 2023. Similar to the SJUSD meetings in May and June of 2023, many passionate speakers attended subsequent East Side Union Board of Trustees meetings demanding action to improve school safety. Unlike the SJUSD Board, the East Side Union Board of Trustees and district leaders quickly established a school safety task force with teachers, administrators, Board of Trustee members, students, and parents to develop recommendations to improve school safety. The safety task force delivered an interim update to the East Side Union Board of Trustees in December 2023 (East Side Union High School District, 2023).

**Board meetings.** The Civil Grand Jury found significant barriers to public viewing and participation in SJUSD Board meetings such as:

- SJUSD Board meetings are neither livestreamed nor video-recorded, but rather only audio-recorded and later posted to their website. All of the larger school districts in Santa Clara County and a sample of neighboring school districts from San Francisco and Alameda counties, except for Fremont Union High School District, offer livestreaming and video recordings of board meetings, complete with remote public participation. Several superintendents from these neighboring districts said the cost and complexity of moving to livestreamed and video-recorded meetings were minimal.
- Public comment at SJUSD Board meetings is limited to those who can attend in-person
  meetings at the SJUSD district office. No online commenting is allowed. SJUSD provided
  remote access to Board meetings during COVID-19 restrictions. Remote participation was
  popular, but the Board no longer makes this option available.
- SJUSD's website does not include links to informational presentations made at Board meetings, even though these presentations often provide critical context to the audio recordings.

The Trustees were unaware that SJUSD Board meetings were outliers in terms of technology or access, nor did any Trustee express concern over this situation.

Trustees are responsible for setting direction for SJUSD, ensuring accountability of district leaders to follow the direction set by the Board, and providing community leadership as champions for children. Each of the areas detailed in this section indicates that there is a disconnect at the Trustee level about what is happening in their schools, a lack of awareness of management norms and best practices, as well as a non-responsiveness to the school community and the students of SJUSD.

#### CONCLUSION

The SJUSD Board is elected by voters to serve an oversight function for Trustees' individual representative areas and over SJUSD as a whole. Included in their role is the expectation that the community's priorities will be heard, and concerns be seriously considered and addressed.

This report details many failures of SJUSD leadership which ultimately fall under the responsibilities and the direction of the Board. The Board's response or lack of response to these issues has caused a breakdown of trust within the SJUSD community and has jeopardized the performance of one of the oldest school districts in California.

The Board has a duty to fully understand and to address the large number of voluntary resignations of high-level leaders, which has resulted in the loss of institutional knowledge, and to examine the fairness and integrity of management-level hiring practices.

The Board has a duty to fully understand and to address why a district that has claimed for years that mental health is a priority has only one fully staffed, full-time working wellness center.

The Board has a duty to fully understand and to address why there are so many inconsistencies in district-wide school safety planning and why SJUSD is the only school district in Santa Clara County that refuses to stock Narcan at secondary schools, even though SCCOE has recognized that the County of Santa Clara is in an opioid epidemic.

Lastly, the Board has a duty to its constituents not to be an outlier and to ensure maximum accessibility to its Board meetings where Trustees can explain how they are addressing the community's concerns and holding SJUSD leaders accountable.

Throughout its lengthy history, SJUSD has shown its ability to pivot and create positive change. Additionally, it has the flexibility of resources that smaller districts do not possess. Going forward, the Board should correct course and ensure that SJUSD leaders view the district's size as an asset and not an obstacle to achieving their stated goals and priorities.

#### FINDINGS AND RECOMMENDATIONS

### Finding 1

Trustees are not meeting their basic responsibilities for ensuring accountability and providing community leadership in a number of critical areas detailed in this report. These include SJUSD leadership turnover, trust in leadership, student mental health services, safety plans, stocking Narcan, employee investigations, and hiring processes. Trustees too often accept SJUSD leadership explanations and justifications, which may be inaccurate or incomplete; do not sufficiently question SJUSD results; do not require detailed follow-up to ensure progress; and too rarely ask for SJUSD performance relative to external benchmarks or relative to other school districts within Santa Clara County.

#### **Recommendation 1**

SJUSD should ensure Board meeting agendas reflect topics important to the community, including those detailed in this report. These topics should be regularly reviewed at public Board meetings, with detailed plans for follow-up to track progress. This recommendation should be implemented by December 31, 2024.

### Finding 2

The unusually high levels of leadership turnover since 2021 has been exacerbated by poor leadership practices and low morale.

#### **Recommendation 2**

SJUSD should authorize an independent third-party assessment, with participant anonymity, to investigate the causes of high turnover over the past three years. The assessment should provide SJUSD with recommendations to reduce turnover, a means to track ongoing turnover as compared to neighboring school districts, and a means to objectively assess the leadership culture. This recommendation should be implemented by December 31, 2024.

### Finding 3

On numerous occasions, SJUSD has failed to ensure its management hiring processes meet its own guidelines for integrity and impartiality leading to mistrust in the process.

#### **Recommendation 3**

SJUSD should authorize an independent third-party assessment of the management hiring process over the past three years with a particular focus on:

• impartiality in determining which candidates are selected as finalists.

- ensuring results from job skills tests are factored into the determination of finalists.
- consistency in determining when management job openings are filled by direct placement versus a full open interview process.

This recommendation should be implemented by December 31, 2024.

### Finding 4

SJUSD has failed to conduct appropriate or complete internal investigations in multiple instances over the past three years. These failures call into question SJUSD's understanding of its investigatory responsibilities and have undermined trust among leadership, employees, and the community.

#### **Recommendation 4**

SJUSD should authorize an independent third-party review of the completeness and correctness of past investigation processes, to identify missteps, and recommend process or policy improvements. This recommendation should be implemented by December 31, 2024.

### Finding 5

Based upon multiple data points, SJUSD employees have a low level of trust in SJUSD leadership.

#### **Recommendation 5**

SJUSD should assess the causes of low levels of trust in the SJUSD leadership and develop a plan and timeline for improvements. This recommendation should be implemented by December 31, 2024.

### Finding 6

SJUSD's current plans to open wellness centers are inadequate and inconsistent with its publicly stated priority for expanded student mental health services. Current plans do not meet the objective of putting a wellness center in all secondary schools. There is inadequate funding for the wellness centers and the planning has largely been left to individual school administrators as opposed to an SJUSD-led plan. Trustees are unaware of SJUSD's lack of progress relative to other school districts.

#### **Recommendation 6a**

SJUSD should conduct a comprehensive review of the current state of wellness centers at secondary schools and prepare a detailed public report on the status of the implementation of those centers with specific timelines for implementation. This recommendation should be implemented by September 30, 2024.

#### **Recommendation 6b**

If SJUSD is to fulfill its stated priority to fund mental health services for students, SJUSD should provide a long-term sustainable funding plan for fully staffed full-time wellness centers at all secondary school sites. This recommendation should be implemented by December 31, 2024.

#### **Recommendation 6c**

SJUSD should provide an accelerated implementation plan with a clear timeline to achieve the objective of fully staffed full-time wellness centers at all secondary school sites. SJSUD staff should lead the plan in coordination with principals. This recommendation should be implemented by December 31, 2024.

### Finding 7

SJUSD does not have a well-qualified, local, district-wide leader who is accountable for all safety planning, preparedness, and emergency response efforts.

#### **Recommendation 7**

SJUSD should create a dedicated staff position to lead and coordinate all safety planning and emergency response activities across SJUSD. This role can be modeled after similar positions in other Santa Clara County districts. Responsibilities should include, but not be limited to:

- Act as the on-site leader for emergency response teams, including emergency communications.
- Update safety protocols based on accepted best practices.
- Train staff on safety drills.
- Ensure implementation of the most current best practices for school safety plans.
- Assist school site teams to improve their plans.
- Manage community engagement to increase involvement in safety plans.

This recommendation should be implemented by September 30, 2024.

### Finding 8

SJUSD does not stock Narcan or an alternative naloxone medication at its schools. SJUSD does not provide training for all staff on how to administer Narcan, creating an unnecessary risk of oncampus opioid overdose deaths and placing students and staff in jeopardy.

#### **Recommendation 8**

SJUSD should ensure that Narcan is widely available at all secondary school sites and train all school site and SJUSD district office staff on how it is administered. This recommendation should be implemented by September 30, 2024.

### Finding 9

SJUSD does not offer any livestream or video recordings of its Board meetings. Some materials presented at the meetings are not available to the public. The meetings are among the least accessible of any district in Santa Clara County, thus reducing the transparency of its actions and engagement with SJUSD constituents.

#### **Recommendation 9**

SJUSD should implement hybrid-style Board meetings that include:

- Online viewing of meetings.
- Remote comments during meetings.
- Video recording of meetings.
- Online access to all Board presentations.

This recommendation should be implemented by December 31, 2024.

## **REQUIRED RESPONSES**

Pursuant to California Penal Code section 933(b) et seq. and California Penal Code section 933.05, the 2023-24 Santa Clara County Civil Grand Jury requests responses from the following governing body:

Responding Agency	Findings	Recommendations
San José Unified School District	1, 2, 3, 4, 5, 6, 7, 8, 9	1, 2, 3, 4, 5, 6a, 6b, 6c, 7, 8, 9

### **APPENDIX 1**

### San José Unified School District Climate Survey (2023)

"Trust in district culture..." – All Employees

Role	(AII)	▼			
Location	(AII)	▼			
Years at SJUSD	(AII)	▼			
Department	(AII)	▼			
Count of Value	Column Labels	▼ <mark></mark>			
Row Labels	Somewhat agree	Somewhat disagree  Somewhat disagree	Strongly agree?	Strongly disagree	<b>Grand Total</b>
The SJUSD culture is characterized by a high degree of trust.	37.70	% <b>21.79</b> %	21.35%	19.16%	100.00%
Grand Total	37.70	% 21.79%	21.35%	19.16%	100.00%

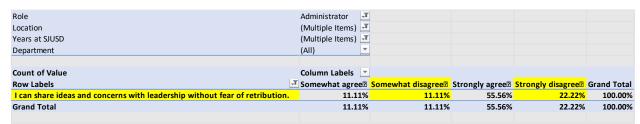
"Trust in district culture...." – All Teachers

Role	Teacher				
Location	(AII)				
Years at SJUSD	(AII)				
Department	(AII)				
Count of Value	Column Labels				
Row Labels	■ Somewhat agree ②	Somewhat disagree	Strongly agree2	Strongly disagree	<b>Grand Total</b>
The SJUSD culture is characterized by a high degree of trust.	34.56%	27.01%	10.91%	27.52%	100.00%
Grand Total	34.56%	27.01%	10.91%	27.52%	100.00%

"Trust in district culture..." - Secondary Teachers

Role	Teacher				
Location	(Multiple Items) 🝱				
Years at SJUSD	(AII)				
Department	(AII)				
Count of Value	Column Labels 🔼				
Row Labels	Somewhat agree?	Somewhat disagree	Strongly agree?	Strongly disagree	<b>Grand Total</b>
The SJUSD culture is characterized by a high degree of trust.	27.18%	29.77%	5.18%	37.86%	100.00%
Grand Total	27.18%	29.77%	5.18%	37.86%	100.00%

"...I can share ideas and concerns with leadership without fear of retribution" – Experienced High School Principals and Assistant Principals



"... concerned about my physical safety" - All Teachers

Role	Teacher				
Location	(AII)				
Years at SJUSD	(AII)				
Department	(AII)				
Count of Value	Column Labels				
Row Labels	■ Somewhat agree ②	Somewhat disagree2	Strongly agree?	Strongly disagree?	<b>Grand Total</b>
I have been concerned about my physical safety at my school.	32.44%	20.74%	14.88%	31.94%	100.00%
Grand Total	32.44%	20.74%	14.88%	31.94%	100.00%

"... concerned about my physical safety" - All Secondary School Teachers

Role	Teacher	T			
Location	(Multiple Items)	T			
Years at SJUSD	(AII)	<b>*</b>			
Department	(AII)	<b>-</b>			
Count of Value	Column Labels	<u>-</u>			
Row Labels	▼ Somewhat agree	Somewhat disagree	Strongly agree	Strongly disagree2	<b>Grand Total</b>
I have been concerned about my physical safety at my school.	37.94	<mark>%</mark> 21.54%	18.97%	21.54%	100.00%
Grand Total	37.94	% 21.54%	18.97%	21.54%	100.00%

#### **APPENDIX 2**

### SJUSD Behavior Specialist Job Description



Eliminating the Opportunity Gap and Providing the Finest 21st Century Education

#### Job Description Behavior Specialist

San José Unified School District (SJUSD) is an award-winning school system with the mission to eliminate the opportunity gap and provide all of our students the finest 21st century education. SJUSD is the largest school district in Silicon Valley, and has earned the reputation as the region's innovative education leader. We welcome instructional and support staff who are interested in making a difference in the lives of San José children. The school district serves 32,000 students enrolled in 41 schools across diverse communities from downtown San José to the Almaden Valley.

Job Type/Classification: Behavior Specialist

Compensation: Appropriate placement on SJTA Salary Schedule

Reports to: Principal

#### Position Summary:

Leads design, implementation, and evaluation of comprehensive Behavior Support Programs, coordinating amongst various stakeholders to meet individual student needs. Behavior Specialist assesses and provides direct student services, as well as trains and supports school staff in implementing research-based individual interventions, classroom systems, and school-wide behavior support strategies. Behavior Specialist may work at the site or district level.

#### Essential Duties and Responsibilities:

- Appropriately assess and apply current, research-based behavior strategies to effectively meet individual student needs
- Train, coach and support school staff in implementing individual interventions, classroom systems, and school-wide behavior support strategies
- Facilitate cross-disciplinary stakeholders to design, implement and assess appropriate Behavior Interventions Plans (BIP), as well as school-wide practices
- Collaborate with staff to adapt instructional strategies to support the behavioral and social-emotional needs of students in alignment with BIPs and school-wide strategies
- Implement tools to assist students in evaluating their own work and behavior
- · Collect appropriate data on programs and student progress, using information to refine strategies
- Effectively engage families in their students' behavior intervention plans, empowering parents with skills
  and techniques to support the positive behavior development of their children
- Consult with community members relevant to the student, such as a social worker, outside counselor, mental health service providers, physicians, and teachers
- · Engage in various professional development to stay current in evidence-based practices
- Assist in accomplishing campus, department and District goals
- Maintain regular and punctual attendance to fully meet work responsibilities
- · Perform other duties related to the job or department, as assigned

#### Qualifications:

#### Education and Experience:

- · Bachelor's Degree from an accredited college or university required
- 2-3 years of experience in Applied Behavior Analysis preferred

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### **APPENDIX 3**

### Per Pupil Spending for Santa Clara County School Districts

California Department of Education Ed-Data information was used for this table as it is a consistent data source based on data supplied by all school districts. The Civil Grand Jury acknowledges school funding is a complex topic and this is just one way to make a comparison of district spending.

Source: CA Ed Data

http://www.ed-data.org/district/Santa-Clara/San-Jose-Unified

nttp://www.ea-data.org/distr	log Carita C	2021-22	2021-22	2021-22
	Grade	Avg. Daily	Gen'l Fund	Current
	Levels	Attendance	Revenue Per	Expense Per
		(#ADA)	Student (#ADA)	Student (#ADA)
Mt. View / Los Altos	9-12	4,131	\$28,941	\$27,833
Los Gatos / Saratoga	9-12	3,165	\$22,093	\$20,283
Fremont Union	9-12	9,689	\$20,946	\$19,525
East Side High School	9-12	19,806	\$16,669	\$16,042
Campbell Union High	9-12	7,935	\$17,710	\$15,988
Palo Alto Unified	TK-12	9,826	\$30,071	\$28,299
Sana Clara Unified	TK-12	13,014	\$26,083	\$24,827
San Jose Unified	TK-12	23,249	\$18,839	
Gilroy Unified	TK-12	9,603		\$15,137
	TK-12	9,588	\$15,817	
Milpitas Unified	TK-12		\$14,758	\$14,365
Morgan Hill Unified	IK-12	7,329	\$15,024	\$13,666
Sunnyvale	TK-8	5,142	\$24,095	\$22,320
Alum Rock Elementary	TK-8	7,606	\$20,577	\$18,218
Oak Grove	TK-8	8,123	\$16,506	\$14,943
Cupertino Union	TK-8	13,508	\$14,722	\$14,699
Evergreen	TK-8	8,783	\$14,404	\$13,977
CA Average All				\$17,021
CA Unified Average				\$17,299
9.				,

<sup>\*</sup> Per Ed Data website: By law, the "current expense of education" must be calculated annually for every district. It is a measure of the cost of direct educational services to students. This figure is then matched with average daily attendance (ADA) for the district to arrive at an expenditure-per-pupil figure. Since the current expense figure excludes food services, facilities acquisition and construction, and certain other expenditures, the current expense per ADA amount is lower than the total expenditure per ADA shown in the table above (General Fund Expenditure per Pupil).

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This report was **ADOPTED** by the 2023-24 Santa Clara County Civil Grand Jury on this  $10^{\rm th}$  day of June, 2024.

Karen Enzensperger

Foreperson