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Chief Executive Officer/Clerk,
Superior Court of CA County of Santa Clara
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July 20, 2010

Honorable Jamie Jacobs-May, Presiding Judge
Santa Clara County Superior Court
191 North First Street
San Jose, CA 95113

To Whom It May Concern:

Attached are responses from the Oak Grove School District regarding the Grand Jury's Final Report, "**Looking at Policies Our Schools Use to Find and Place Employees.**"

Finding 1

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

Response: The Oak Grove School District disagrees with the findings. Internal employees in certain "classes" or positions of jobs may only apply if they meet the Board of Trustees' approved job description and minimum requirements. Objective processes are in place to allow those qualified for the position to be interviewed and considered. Positions in which the District believes better qualified candidates may be found are posted for internal and external candidates.

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.

Response: The recommendation will not be implemented. The Oak Grove School District's CBAs with classified employees in the CSEA and AFSCME units allow for the District to hire only those qualified and competent and meet the requirements to be considered for a position. California Government Code 19170 allows for termination of a classified employee within the first six months of an assignment if competency is not shown. Certificated employees must pass probationary periods to continue in their assignment and all CBAs reflect District rights to terminate in accordance with Education Code.

Tony Garcia, Superintendent
Board of Trustees: Yvonne Cook, Dennis Hawkins, Dianne Lemke, Jeremy Nishihara, Mary Noel
An Equal Opportunity/Affirmative Action Employer

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.

Response: The Oak Grove School District agrees with the finding that PAUSD has this process in place, but disagrees that this part of their hiring process, if not incorporated in Oak Grove, results in a less quality teacher. The largest hiring pool Oak Grove has comes from its university intern and student teacher partnerships, internal substitute pool, and veteran teachers coming from other school districts wishing to be part of Oak Grove. Oak Grove has the opportunity to observe more than once, and in many instances, a year-long observation of many teaching lessons prior to hiring. This observation is done by qualified site administrators and/or district office personnel.

Recommendation 2

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

Response: The Grand Jury recommendation will not be implemented or formally adopted because it is not warranted. Oak Grove has practices and options in place to observe candidates prior to selection.

Finding 3

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

Response: The Oak Grove School District agrees with the findings.

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.

Response: The recommendation has been partially implemented, in the fact that our current Board Policy, BP 4012.8, mandates that no employee shall be appointed to a position where an immediate family member maintains direct supervisory or evaluation responsibilities for the position. As recommended by the Grand Jury, the most qualified should be considered and no issues have risen to the level of concern of having relatives work in Oak Grove.

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 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*

Response: The Oak Grove School District agrees with the findings.

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.

Response: This recommendation has been implemented with Board Policy 4012.8

Finding 5

The following 18 Districts allow the Superintendent to override the policy of not permitting relatives to be placed in direct reporting relationships to current employees, on a case-by-case basis:

- *Alum Rock Union*
- *Campbell Union*
- *Campbell Union High School*
- *East Side Union*
- *Franklin-McKinley*
- *Loma Prieta Joint Union*
- *Los Altos*
- *Los Gatos-Saratoga Joint Union*
- *Los Gatos Union*
- *Moreland*
- *Mountain View-Los Altos*
- *Oak Grove*
- *Orchard*
- *Palo Alto Unified*
- *San Jose Unified*
- *Saratoga Union*
- *Sunnyvale*
- *Santa Clara County Office of Education*

Response: The Oak Grove School District agrees with the findings.

Recommendation 5

Boards should adopt a policy of reviewing all Superintendent decisions that override the policy that pertains to the placement of related employees in direct reporting positions.

Response: The recommendation has been implemented. Board Policy 4012.8 mandates that an employee shall not be appointed to a position where an immediate family member maintains direct supervisory or evaluation responsibilities for the position. The Superintendent in Oak Grove can only approve of an employee working in the same department, but cannot be supervised by an immediate family member.

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
- East Side Union
- Franklin-McKinley
- Fremont Union
- Gilroy Unified
- Loma Prieta Joint Union
- Moreland
- Morgan Hill Unified
- Mount Pleasant
- Mountain View-Los Altos
- Oak Grove
- Palo Alto Unified
- San Jose Unified
- Santa Clara Unified
- Santa Clara County Office of Education

Response: The Oak Grove School District agrees with the findings.

Recommendation 6

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

Response: The recommendation will not be implemented because it is not warranted. The Oak Grove School District hiring process requires that hiring managers follow the nepotism policy (BP 4012.8); family relationships in the District have not been an issue, and hiring managers are fully aware of this issue in hiring.

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.

Response: The Oak Grove School District agrees with the findings.

Recommendation 7

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

Response: The recommendation will not be implemented because it is not warranted. As stated by the Grand Jury, the most qualified candidates should be considered. Related employees cannot have direct supervisory roles, and this has not been an issue in Oak Grove; therefore, will not be implemented.

Sincerely,



Dianne J. Lemke
President, Board of Trustees

DL:TG:cm