



Santa Clara County Office of Education

Charles Weis, Ph.D.
County Superintendent of Schools

FILED

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

September 21, 2010

Angie M. Cardoza, Foreperson
2009-2010 Civil Grand Jury
C/O The Honorable Jamie Jacobs-May
Presiding Judge, Santa Clara County Superior Court
191 North First Street
San Jose, CA 95113

Dear Ms. Cardoza:

I am responding to your June 24, 2010 letter to Anna Song, president of the Santa Clara County Board of Education, and to the Santa Clara County Office of Education, regarding the Grand Jury Report, "Looking at Policies Our Schools Use to Find and Place Employees." As required, our responses to the requested Findings and Recommendations 1, 2, 3, 5, 6 and 7 are submitted in compliance with California Penal Code 933.05.

Please note that in several cases our responses are categorized as either "Classified" or "Certificated," since separate policies and collective bargaining agreements apply.

As you review our response, please keep in mind that the Santa Clara County Office of Education operates differently, with different mandates, than do county school districts. One important difference in the context of this report is that I, as the County Superintendent of Schools, am the employer of Office of Education staff. The County Board of Education has no statutory authority over personnel and related matters.

Should you have any questions related to the enclosed response, or to education-related matters in general, please do not hesitate to contact me at (408) 453-6511.

Sincerely,

Charles Weis, Ph.D.
County Superintendent of Schools

Enclosure

**Response to June 2010 Grand Jury Report:
“Looking At Policies Our Schools Use To Find and Place Employees”
September 2010**

Finding 1

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

CLASSIFIED and CERTIFICATED: The Santa Clara County Office of Education (SCCOE) disagrees with the finding. While internal candidates may be considered, competition between internal and external candidates is concurrent to identify the best qualified individual.

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.

CLASSIFIED AND CERTIFICATED: The recommendation will not be implemented because it is not warranted. Competency is already the determining factor in the SCCOE 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.

CLASSIFIED: Finding 2 does not apply to classified position openings.

CERTIFICATED: The Santa Clara County Office of Education agrees with this finding.

Recommendation 2

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

CLASSIFIED: Recommendation 2 does not apply to classified position openings.

CERTIFICATED: The recommendation has been implemented. Teachers who apply and interview for a position in the SCCOE Alternative Education Program are required to teach a model lesson. The success of that lesson is used as a significant criterion in the hiring decision. SCCOE will examine the possibility of implementing the same process in the hiring of special education teachers.

Finding 3

Twenty-two of the 32 districts have policies covering the hiring of employees and Board member relatives.

CLASSIFIED and CERTIFICATED: The Santa Clara County Office of Education agrees with the 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.

CLASSIFIED AND CERTIFICATED: The recommendation has been implemented (but not by the County Board). The Santa Clara County Office of Education has an existing policy in place that addresses the hiring of employees and Board member relatives.

Finding 5

Eighteen Districts (including the Santa Clara County Office of Education) 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.

The Santa Clara County Office of Education agrees with this finding.

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.

The recommendation will not be implemented because it is not warranted, as it does not apply to the Santa Clara County Office of Education. For clarification, the County Superintendent of Schools is the employer. The County Board of Education has no statutory authority over personnel and related matters.

Finding 6

Fourteen of the 32 Districts are aware of and/or document the number and names of related employees. The Santa Clara County Office of Education does not document this information.

The Santa Clara County Office of Education agrees with this finding.

Recommendation 6

The Boards of the Districts listed in Finding 6 (including the Santa Clara County Office of Education) should implement a policy of identifying familial relationships and tracking such data.

The recommendation will not be implemented because it is not reasonable, due to budgetary and staffing constraints as well as competing programmatic needs; and because the definition of a familial relationship as stated by the Grand Jury is too broad and would make the policy unmanageable given the size of the County Office of Education.

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.

CLASSIFIED: The Santa Clara County Office of Education partly disagrees with the finding. For classified position openings, the traditional, paper classified employment application requires applicants to identify any relative already employed with the Office; however, the online application does not require applicants to identify familial relationships.

CERTIFICATED: The Santa Clara County Office of Education agrees with the finding.

Recommendation 7

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

(For clarification, the County Superintendent of Schools is the employer for both certificated and classified staff. The County Board of Education does not have statutory authorization over personnel.)

The recommendation will be implemented in the future. The Santa Clara County Office of Education will amend the existing classified and certificated online applications to require job applicants to identify family members and list familial relationships. The online application will be revised within 60 days of this response.