

**Esau Ruiz Herrera**  
**Board of Trustees, Alum Rock Union School District**

In accordance with applicable law, I submit this response to the Civil Grand Jury Report dated June 21, 2018.

**Finding 1**

Disagree.

This is a political opinion masquerading as a finding of fact. Expressing such political opinions in a formal Grand Jury report is inconsistent with the the purpose and statutory authority of a Civil Grand Jury, and unworthy of its time and expenditure of its assets.

**Recommendation 1**

Disagree.

This recommendation is rather arrogant in its conclusion, as it maintains that the judgment of a few men — who do not reside in East San Jose nor send their children to East San Jose schools— should prevail and be substituted for the judgment of East San Jose parents.

**Finding 2**

Disagree.

This subcommittee of the Grand Jury has misread the relevant report of legal counsel, or perhaps the subcommittee was influenced by the political aspects surrounding the issue.

**Recommendation 2a & 2b**

Disagree.

Given the self-inflicted misunderstanding of legal counsel's report, this recommendation becomes inapplicable. The District currently has a General Counsel who has substantial experience in school law, and thus is more than capable of providing legal advice to the District on this issue.

**Finding 3**

Disagree.

The Board is regularly informed by the Superintendent and the Assistant Superintendent of Business that contracts are awarded according to law and Board regulation.

**Recommendation 3**

Disagree in part.

The Board is regularly informed by the Superintendent and the Assistant Superintendent of Business that contracts are awarded according to law and Board regulation. Competitive bidding for specific professional services is not required, nor necessarily recommended, for such services.

**Finding 4**

Disagree.

Such a practice is not uncommon and is recommended according to the needs of the particular public agency.

**Recommendation 4a & 4b**

Disagree. The Board should take action that is in the best interest of the District. It should not artificially limit its options because of the political differences of a limited number of adults.

**Finding 5**

Disagree.

The subcommittee of the Grand Jury is simply wrong on the facts, and thus is incorrect in its conclusion.

**Recommendation 5**

Agree. I have attended such training in each year of my service as a trustee, in addition to training on other educational issues. I am presently scheduled to attend a Brown Act specific training session in October.

(ENDORSED)

**FILED**  
SEP 19 2018

Clerk of the Court  
Superior Court of CA County of Santa Clara  
BY Janice Jones DEPUTY

**Finding 6**

Disagree.

The subcommittee of the Grand Jury is simply wrong on the facts, and thus is incorrect in its conclusion. The subcommittee reads into board regulations content that is simply not present, and so the subcommittee offers its own conclusion of what it feels should be the end result. Such an approach dangerously veers into political conclusions, and is inconsistent with the duty and authority of a Civil Grand Jury.

**Recommendation 6**

Disagree in part.

Signing a declaration as recommended by the subcommittee would accomplish very little, or nothing, to address the concern of having a trustee be acquainted with Board bylaws. Instead, the Board should schedule an annual Board retreat to provide training in all aspects of board governance, or ensure that trustees attend at least one training school board conference.

**Finding 7**

Disagree.

The Board had more than adequate time to review and assess the material submitted by General Counsel applicants. The sense of dissatisfaction and expression of related concerns are more political in nature, reflecting the political differences of adults.

**Recommendation 7**

Disagree.

The Board had more than adequate time to review and assess the material submitted by General Counsel applicants. The sense of dissatisfaction and expression of related concerns are more political in nature, reflecting the political differences of adults. Moreover, competitive bidding for such professional services is not necessarily a recommended best practice.

**Finding 8**

Neither agree nor disagree.

"Staying committed to improving student education and parental involvement" should be the minimum expectation of a school district Superintendent. Meeting such minimum expectations is not a substantial reason for commendation.

**Finding 9**

Disagree.

Only one trustee, Andres Quintero, engages in juvenile political tantrums during public meetings, talking and yelling over other trustees just to get his own political opinion out. If a student acted like that in a classroom, the teacher would quickly send that youngster to the Principal's office. If a member of the Superintendent's Cabinet acted in such a manner, the Superintendent would take steps to remove that offending adult from the educational team. It is somewhat bizarre that members of the subcommittee (who claim to have attended a number of board meetings) feel spiritually compelled to commend such behavior. Such "finding" does not inspire confidence in the dignity and credibility of the Civil Grand Jury.

*Esau Ruiz Herrera*