



March 10, 2023

RESPONSE TO 2022 FINAL REPORT CIVIL GRAND JURY

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to be the
thinkers,
leaders,
and creators
of tomorrow.

Dear Judge McGowen,

Please find below the San José Unified School District's ("District") response to the *2020 Santa Clara County Civil Grand Jury Report Recommendations: Read the Ballot, You've Been Duped*.

Initially, the District notes that the Civil Grand Jury recommendations do not appear to be "recommendations" as much as suggestions from the Grand Jury with an invitation for local agencies to agree or disagree with those items. The Grand Jury's recommendations do not appear related to any past actions of the District. With that in mind, the District offers the following responses:

Recommendation 1b

Governing entities within Santa Clara County should voluntarily submit their ballot questions to the County Counsel for review prior to submission to the Registrar of Voters, unless and until Recommendation 1d is implemented.

District Response:

The District disagrees with this recommendation. The Grand Jury contends that a county (and county counsel) is an objective third party. While a county is often a good community partner, it should not be put into a position to determine if another independent, local agency in the community (with its own bond counsel and legal counsel) has accurately described a ballot measure. What if a county is opposed to a ballot measure? What if a county recommends changes that a local agency disagrees with?

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To reiterate, a county is often a collaborative community peer, but that does not mean that any county should be empowered – a de facto veto power – to disagree with how a local agency words a ballot measure.

Recommendation 1c

Governing entities within Santa Clara County should, by March 31, 2023, adopt their own resolution or ordinance to require submission of their ballot questions to the County Counsel for review prior to submission to the Registrar of Voters, unless and until Recommendations 1d and 1e are implemented.

District Response:

The District disagrees with this recommendation for the same reason indicated in the District's response to Recommendation 1b.

Recommendation 1e

Governing entities within Santa Clara County should submit their ballot questions for review by the Good Governance in Ballots Commission pursuant to Recommendation 1d.

District Response:

The District disagrees with this recommendation for the same reason indicated in the District’s response to Recommendation 1b. The proposed “Governance” committee would be managed by the County and would, again, risk lacking objectivity when the County may disagree with the intent of a ballot measure.

Sincerely,



Nancy Albarrán
Superintendent

