



Milpitas Unified School District
BOARD OF EDUCATION
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September 11, 2009

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

FILED

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

Dear Judge Jacobs-May:

Following is Milpitas Unified School District's response to the Santa Clara County Civil Grand Jury's Final Report, "*Who Really Benefits from Education Dollars? (Hint: It's Not the Students).*"

FINDING 1

Disagree for the following reasons:

- MUSD Board of Education trustees do not receive fully paid health benefits for themselves and their families. Trustees are eligible to receive the same health benefits as MUSD employees.
- MUSD trustees do not have excessive travel and conference costs. While some minor training and educational expenses are reimbursed to trustees, most trustee travel and conference costs were cut when the MUSD budget was cut two years ago.
- MUSD trustees do not receive pension contributions

Recommendation 1

This recommendation will not be implemented because it is neither warranted nor reasonable:

- MUSD trustees are eligible to receive the same health benefits as MUSD employees. Trustees also receive a stipend of \$250 per month for the duties they perform for the citizens in MUSD. It is very hard to retain veteran trustees and also hard to attract community members to run for positions on the MUSD Board of Education. Publicly elected trustees can volunteer over 20 hours a week on MUSD business, in addition to the two mandatory School Board meetings that trustees must attend and prepare for.

- The budget for MUSD trustee travel and conference expenses was cut from the budget two years ago. At this time there are minimal monies available on a case-by-case basis for local training of trustees. With the complex compliance issues facing education and trustees, what is being recommended is a short-sighted solution to meet the cuts facing education. Trustees who are unable to personally afford to attend state and local conferences /trainings can unintentionally cost their districts many times the amount needed for trainings and travel with one bad decision.
- MUSD trustees do not receive pension contributions

FINDING 2

Disagree for the following reasons:

- The MUSD Superintendent does not receive 12 of the 16 benefits listed in the Grand Jury Final Report
- The MUSD Board of Education requires that the Superintendent maintain membership in appropriate professional organizations, get comprehensive medical examination at least once a year and to attend nighttime and weekend school and community events. Since these are contractual items the Superintendent is reimbursed for these items, separate from his annual salary. This separation is required by Cal STRS, as including these items in the Superintendents salary would be considered “salary spiking” for retirement purposes and is not allowed.

Recommendation 2:

The recommendation will not be implemented because it is neither warranted nor reasonable:

- As stated above, the MUSD superintendent already does not receive 12 of the 16 listed benefits. The benefits that the MUSD superintendent does receive are reasonable and required by contract and by statute must be paid separate from the Superintendents salary. In order to make sure that the MUSD staff, students and community are led a competent and caring leader, the Board of education feels that the few benefits that the Superintendent receives are in line with the budget that we have to work with.

FINDING 3

Disagree for the following reasons:

- The MUSD Superintendent is evaluated by the Board of Education annually based on goals set the previous year. Closing the achievement gap while improving student achievement for all students has been one of the ongoing goals for our Superintendent.
- The salary of the MUSD Superintendent is below the average of all Santa Clara County (SCC) superintendents and also below the average of the 5 unified school districts in SCC.

Recommendation 3

This recommendation will not be implemented because it is neither warranted nor reasonable:

- As stated above the MUSD Superintendent's salary is already below average for SCC.
- Boards of Education are elected by their communities to oversee the education of their children. If a community feels that a Board or certain members of that Board are not doing their best, then the community has the right to contact the Board with their concerns and if needed be, to not re-elect members to the Board of Education. It has been the practice of the local newspaper to publish all the wages of MUSD employees, including the Superintendent's.

FINDING 4

Disagree for the following reason:

- By definition "costly" is of high price or value and/or entailing great loss or sacrifice. To hire an unbiased professional firm to quickly find experienced, capable candidates to lead a district seems to be a practical and inexpensive way to get this job done. The staff and community time and money wasted by not finding the correct candidates does not seem to be a very smart thing for a Board of Education to be doing.

Recommendation 4

This recommendation will not be implemented because it is neither warranted nor reasonable:

- If the occasion occurs and there is a need to find a Superintendent for MUSD, the past practice has been to not limit the Board's choices to in-house candidates or to personally recruit staff from neighboring districts. While in the past, the Board has chosen inside candidates to fill the Superintendent's position (those choices have performed admirably), it would be presumptuous to conclude that there is no one outside the district who might do a better job.
- For trustees to conduct a preliminary search within a local area and to go through all the community process needed to hire such a valuable community leader, it would be a waste of time and money to not include all viable candidates for the job.

FINDING 5

Disagree for the following reason:

- While attorneys' rates may seem tremendous, if the District acts on a legal issue incorrectly the costs could far outdistance the fees charged by a competent attorney.

Recommendation 5

This recommendation will not be implemented because it is not warranted or is not responsible:

- If all the districts in SCC used County Counsel then County Counsel would be overwhelmed and forced to contract out with private firms.

- There are many different reasons that school districts hire law firms and the ability to choose firms based on their area of expertise, instead of relying on County Counsel on a subject they may not have much experience in does not seem advisable. There are many issues which districts face each year, such as personnel issues, Workers Comp, special education, etc. It would be advisable to find attorneys that have more expertise in one area or another.

FINDING 6

Agree

Recommendation 6

This recommendation is already in place:

- MUSD is not one of the five K-12 districts with only one or two schools.
- It is a community's choice whether or not they want to be included in a larger, neighboring district. There is a system in place already to this, through the County Office of Education

Sincerely,



Michael J. Mendizabal
President
Milpitas Unified School District
Board of Education

/cc