



Serving the communities of Mountain View, Los Altos and Los Altos Hills

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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 Members of the Grand Jury:

Please find the Mountain View Los Altos High School District responses to 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.

MVLA Response: The respondent disagrees with the finding. There is no language in our current CBA that requires hiring internal candidates over external applicants. Selection of the best qualified applicant is the only consideration for the MVLA District.

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.

MVLA Action: The recommendation will not be implemented because it is not warranted. Neither our classified nor certificated CBA's contain any language that prescribes priority selection of internal candidates over external applicants for any position.

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.

MVLA Response: The respondent agrees with the finding as we assume that the grand jury finding is based upon factual evidence.

Recommendation 2

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

MVLA Action: The recommendation requires further analysis. The MVLA district currently implements this practice when practicable. Timing of vacancies and availability of staff preclude requiring this practice at all times. MVLA will review when and how it is currently implemented and determine what adjustments might need to be made.

Finding 3

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

MVLA Response: The respondent agrees with the finding as we assume that the grand jury finding is based upon factual evidence.

Recommendation 3

All Boards should formulate and implement policies covering the hiring of relatives, including disclosure of any familial relationships to the Board, to avoid the appearance of bias or favoritism in the recruitment and job assignment process.

MVLA Action: The recommendation will not be implementing a new policy because it is not warranted. The MVLA Board adopted BP 4112.8 on October 9, 2006, and revised the policy on May 12, 2008. This Board policy covers the hiring of relatives and includes a requirement for disclosure of any familial relationships to Board members prior to hiring.

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 that they do not have a 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.

MVLA Response: The respondent agrees with the finding as it assumes that the grand jury finding is based upon factual evidence.

Recommendation 4

The Board of the District listed in Finding 4 should formulate and implement a policy prohibiting direct employee supervision of spouses and other relatives.

MVLA Action: The recommendation will not be implemented because a new policy is not warranted. The MVLA District is not one of the districts listed in Finding 4 and does have a policy that addresses supervisory relationships of related employees.

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, and Santa Clara County Office of Education.

MVLA Response: The respondent agrees with the finding as it assumes that the grand jury finding is based upon factual evidence.

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.

MVLA Action: The Superintendent will always inform the Board of Trustees prior to any decision to override the policy before implementation. We will also review our processes and regulations.

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, and Santa Clara County Office of Education.

Recommendation 6

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

MVLA Action: We have policies concerning the supervising of relatives. The MVLA District is concerned that identifying such relationships could be the source of adverse discrimination in the district and would have no constructive use for the information. For these reasons, the District declines to implement this recommendation.

Finding 7

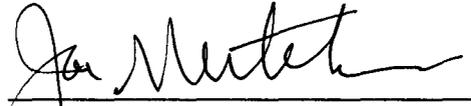
Only Los Gatos-Saratoga Joint Union and the Palo Alto Unified Districts responded that they ask about familial relationships on their job applications.

MVLA Response: The respondent agrees with the finding as it assumes that the grand jury finding is based upon factual evidence.

Recommendation 7

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

MVLA Action: All interviewing and hiring recommendations are based upon the use of an interview committee consisting of varied stakeholders. All recommendations for hiring are reviewed by the Personnel department. Knowledge of familial relations during the application and interviewing process could interfere with the objective identification of the most qualified individual. The MVLA District is concerned that hiring decisions be made on the basis of selecting the best qualified candidate. The issue of defining specific familial relationships that must be disclosed is also somewhat problematic in today's society. Before the school board takes action to hire, the district does have a list of the applicant's immediate family.



Joe Mitchner, Board President
Mountain View Los Altos Union High School District

9/22/2010

Date