



LUTHER BURBANK SCHOOL DISTRICT

Established in 1906

Jan Kaay
Superintendent

July 2012 Response of the Luther Burbank School District to Findings, Recommendations and Responses of the Civil Grand Jury report "LUTHER BURBANK SCHOOL DISTRICT MISSES THE MARK IN ITS RESPONSE TO THE GRAND JURY"

Issue Statement

The Luther Burbank School District was the subject of a 2010-2011 Civil Grand Jury (last year's Grand Jury) report entitled, *Burbank Revisited: A Faltering District Shows Little Improvement* (Report). Because the LBSD response to the Grand Jury contained statements that were critical of the Grand Jury and its investigatory process and report, the 2011-2012 Grand Jury (the current Grand Jury) revisited last year's Grand Jury's fact-finding in relation to the findings and recommendations and evaluated LBSD's Response criticizing that Report.

Findings, Recommendations and Responses

2011 Finding 1

LBSD's Response was based on information from Mr. Rodriguez, a person with a bias. His information misled or misinformed LBSD, resulting in a Response that was not objective or accurate with respect to Report Findings 1 and 7.

2011 Recommendation 1A

LBSD should prepare a revised response to Findings and Recommendations 1 and 7 that corrects misstatements and is based on information obtained from objective sources.

FILED

OCT 18 2012

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

Board of Trustees

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2010 Finding 1

Mr. Rodriguez was overly influential in LBSD governance as a consultant. His consultant contract was overly broad and placed inadequate limits on the scope of his duties. Despite his having only a consultant status, Mr. Rodriguez was permitted to exercise direct authority over staff and was given unlimited access to confidential records.

2010 Recommendation 1a

The Board should limit consultant contracts to specific purposes and specific time frames.

2010 Recommendation 1b

The Board should ensure that consultants have no direct authority over staff.

2010 Recommendation 1c

The Board should ensure that consultants have no access to confidential records, except for matters within the specific and limited scope and purpose of their contract, and in such cases only under supervision of LBSD staff.

2011 Recommendation 1A**Revised response to Civil Grand Jury Finding #1, 2010 Recommendation 1a, 1b, and 1c**

The district agrees that all three recommendations of 2011 Finding 1 are good practice, and have incorporated these into procedures related to all consultants. The Board of Trustees has no intent to solicit a consultant to help with governing the district. Any consultant contracts will be limited to specific purposes and specific time frames. Consultants will have no direct authority over staff. Consultants will not have access to confidential records except for matters within the specific and limited scope and purpose of their contract, and in such cases only under supervision of LBSD staff.

2010 Finding 7

Mr. Rodriguez misled a Board member and members elect by suggesting that they could meet and reach consensus on matters coming before the Board. His email dated November 7, 2010 proposed meeting with Board members as a group prior to their swearing in. This email uses language which indicates an effort to circumvent the Brown Act.

2010 Recommendation 7

All LBSD administrators and Board members should be trained to understand

their responsibilities and obligations with respect to the Brown Act and abide by them.

2011 Recommendation 1A

Revised response to Civil Grand Jury Finding #7, 2010 Recommendation 7

The district agrees that better processes and procedures should have been used in 2010. The district will pay particular attention to the Brown Act in their business of governing the district, and solicit the advice of counsel if there is a question about properness or protocol. This process is in place with the current Governing Board. It is the intent of the district and Board of Trustees to conduct the business of the district openly and in public, and to follow the legal requirements of the state and federal governments.

The district agrees that all LBSD administrators and Board members should be trained to understand their responsibilities and obligations with respect to the Brown Act and abide by them. The last training was in November 2011. Incoming members are coached by the Superintendent and Board President. The next training will take place in early fall of 2012.

2011 Recommendation 1B

Future LBSD responses to the Grand Jury should be thoroughly researched, written and verified by knowledgeable, objective persons.

The district agrees with this recommendation of the Civil Grand Jury. Responses should be thoroughly researched, written and verified by knowledgeable, objective persons.

The district is committed to strengthening and communicating procedures, conserving resources for effective use, and building collegial relationships to provide a quality education for the young people in our care.

We appreciate the consideration of the members of the Civil Grand Jury in attending to issues that were important to people in our community.

Sincerely,

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