

SJUSD RESPONSE TO 2023-24 SANTA CLARA COUNTY CIVIL GRAND JURY REPORT (“DISTRICT ADRIFT”)

July 24, 2024

INTRODUCTION

The truest part of the Civil Grand Jury’s (CGJ’s) report may be its use of the word “outlier” to describe San José Unified School District (SJUSD). SJUSD is the largest school district in Santa Clara County. The district’s 41 schools serve a range of students and communities with highly diverse characteristics. Importantly, SJUSD’s approach to preparing the 25,000 students it serves today to be the thinkers, leaders, and creators of tomorrow is informed by the lessons the district has learned from its unique history.

In the 1980s and early 1990s, SJUSD staff, teachers, and families faced some of their darkest days. The district was rocked by a desegregation court order, declared bankruptcy, and endured intense labor disputes. Adding to this turmoil, a superintendent faced felony charges, deeply fracturing trust within the community.

During the 1990s and early 2000s, SJUSD turned a corner and began a process to rebuild trust, ensure student-centered policies, and improve policy implementation. Groundbreaking changes included becoming the first district in California to set the University of California A-G requirements as the graduation standard for all students, developing a voluntary integration plan in response to the desegregation order, and adopting one of the nation’s first Board policies on equity. SJUSD recognized through this process that a collaborative partnership with labor groups, a clear, deliberate focus on consistent priorities, and a commitment to continual improvement were key to making progress. These three learnings are cornerstones of how SJUSD operates today.

Collaborative Partnership with Labor Groups

SJUSD’s collaboration with the San José Teachers Association (SJTA) in particular was instrumental in the district’s recovery from its rock-bottom period, as described in a [2017 report](#) from an American Institutes for Research-led consortium of district leaders, nonprofit executives, researchers, and philanthropists called the California Collaborative on District Reform (CCDR). In the early 1990s, the Superintendent and SJTA President began meeting regularly, both formally and informally, to work together and proactively solve problems. Today, the elected presidents of each of SJUSD’s four employee organizations – SJTA, Chapter 4 of the California School Employees Association (CSEA), Local 101 of the American Federation of State, County, and Municipal Employees (AFSCME), and the San José Administrators Association (SJAA) – serve on the Superintendent’s Cabinet. Leaders of each group also attend a shared meeting with SJUSD’s Superintendent’s Council and Labor Relations team and regular individualized meetings with the Labor Relations team, serve on SJUSD’s Health and Welfare Benefits Board, and communicate regularly with Superintendent’s Council, the Labor Relations team, and department leads outside of formal meetings to proactively work through issues together.

These partnerships help build trust, increase efficiency, lead to innovative policies and practices, and improve the likelihood that policy implementation will benefit students. As one example, SJUSD’s partnership with SJTA led to the joint development of SJUSD’s teacher evaluation

system, which provides a much higher level of support and accountability for teachers than typical evaluation systems through a rigorous process that involves shared responsibility for administrators and teachers. As another example, SJUSD's partnerships with both AFSCME and CSEA led in recent years to simultaneous improvements to career pathways, recruitment and retention efforts, and flexibility in deploying supports to schools and students through consolidations of job classifications and updated job descriptions.

Clear, Deliberate Focus on Consistent Priorities

In February of 2024, SJUSD's governance team was **highlighted** by the CCDR as a model in "keeping the main thing the main thing," meaning that the district's strategic plan and equity policy guide district priorities and initiatives. External factors such as expectations tied to specific funding streams or the concerns of some of the "best organized and most vocal members of the community" can often "complicate districts' efforts to work coherently toward set goals," as the CCDR notes, but in SJUSD, there is alignment of work at the Board of Education, district, and school levels to match a "longstanding public commitment to reducing disparities in opportunities among historically underserved students and their more advantaged peers." There is also a longstanding prioritization of investments in employees due to their centrality in shaping students' experiences. Before committing to specific courses of action, SJUSD staff carefully consider research, data, collective bargaining agreements, community input, legal requirements, and fiscal impacts to determine which investments and programs fit with district goals and can be operationalized to deliver the greatest possible benefit to students.

Commitment to Continual Improvement

SJUSD takes pride in asking the questions "why" and "what if." District leaders believe that practices without a compelling rationale should be reconsidered and new ideas with a compelling rationale should be entertained. SJUSD seeks input from a variety of educational partners on how to continually improve initiatives and programs. In addition to using the formal feedback structures that exist with employee groups, SJUSD takes the feedback from community members who formally participate on district and school committees seriously. SJUSD leaders also proactively seek and welcome feedback from individual students, families, staff, and community members during their everyday work. Because of SJUSD's commitments to serving all students and historically underserved students in particular, SJUSD leaders pay close attention to often-unspoken perspectives – including those in the silent majority – as well as the perspectives of the most vocal people.

SJUSD is disappointed that much of the CGJ's report consists of opinions that are not supported by specific and accurate examples, properly interpreted data, or rigorous research. However, SJUSD cares deeply about the broad areas of effective governance, culture, and safety and has decided to take the required response to the CGJ as an opportunity not just to correct the record, but also to explain how the SJUSD approach in these areas reflects the context described above.



SUMMARY OF RESPONSES TO FINDINGS AND RECOMMENDATIONS

SJUSD disagrees with Findings 1, 2, 3, 4, 5, and 6.

SJUSD partially agrees with Findings 7, 8, and 9.

Recommendations 2, 3, 4, 6c, and 9 will not be implemented.

Recommendations 1, 5, 6a, and 6b contain both mistaken premises and elements that have already been implemented.

Recommendation 7 contains a mistaken premise but requires further analysis.

Recommendation 8 will be implemented in part.

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RESPONSE TO FINDING AND RECOMMENDATION 1

SJUSD disagrees with Finding 1 because Trustees are fulfilling their basic responsibilities as members of the Board of Education.

Recommendation 1 contains a mistaken premise but has already been implemented because SJUSD has long “ensure[d that] Board meeting agendas reflect topics important to the community” and tracked progress regarding those topics.

SJUSD’s Approach

SJUSD is proud to “have developed a strong reputation among...peer superintendents as having highly functional superintendent-school board relations,” as described by the CCDR. The district relies on deliberate onboarding procedures, a clear vision, shared norms, and regular communication to ensure that Trustees become acquainted with and fulfill their responsibilities while serving on the Board.

Trustees spend significant amounts of time visiting schools, speaking with constituents, learning about district operations, and attending governance workshops and trainings through the California School Boards Association. The Superintendent and Board President collaboratively plan Board agenda topics in alignment with [Board Bylaw 9322](#) to ensure they are aligned with SJUSD’s vision of preparing today’s students to be the thinkers, leaders, and creators of tomorrow, responsive to the needs and interests of the diverse SJUSD community, and informed by both experience and research.

The table below shows agenda items the Board spent significant time discussing, beyond standard district business items such as budgetary updates, during the Board’s open session meetings over the past two years.

Board Meeting Date	Topic(s)
August 11, 2022	August Professional Development 2022-2023 Introduction of New Principals
August 25, 2022	Administrator Onboarding Update Process for Complaints Concerning the Schools
September 29, 2022	Social Emotional Supports and Chronic Absenteeism Enrollment Update
October 20, 2022	Elementary Mathematics and Student Academic Supports Student Support Teams
November 03, 2022	English Learner Master Plan
November 17, 2022	Transitional Kindergarten Expansion
January 19, 2023	2022 California State Dashboard and System of Supports Update



Board Meeting Date	Topic(s)
February 02, 2023	Update on High School Preference Process Update on SJUSD Uniform Grading and Reporting Policies
February 16, 2023	Summer Program Update
March 09, 2023	Mental Health Support Update
March 23, 2023	Graduation Rates and College and Career Readiness
April 06, 2023	Update on Ethnic Studies
April 27, 2023	Update on School Staffing
May 11, 2023	Special Education Update
May 25, 2023	Summer Learning Program Update Math Placement
June 15, 2023	School Safety Update
August 10, 2023	Administrator Onboarding Update School Behavior Supports Update
August 24, 2023	Human Resources Update
October 19, 2023	Creating and Supporting a Culture of Teaching and Learning
October 24, 2023	Special Session: District Vision and Resource Allocation
November 2, 2023	Certificated Employee Evaluation Process
November 16, 2023	Cultivating Excellence – The Power of Instructional Coaching for Teacher Professional Growth
January 18, 2024	SJUSD Wellness Center Update
February 15, 2024	Report by California Collaborative on District Reform, Keeping the Main Thing the Main Thing
April 25, 2024	Expanded Learning Opportunities Program (ELOP) Update

Throughout the year, Trustees are regularly informed about the Board’s policy direction and the progress on these items through formal Board meetings, weekly updates, and individual check-ins with the Superintendent. In closed session, the Trustees also discuss confidential information regarding litigation, labor negotiations, and the Superintendent’s evaluation, among other allowable topics.



Discussion of CGJ Analysis

The CGJ's assessment of Trustees' performance seems to be based entirely on the CGJ's view that there is a "disconnect between the Trustees' stated priorities and the realities of [the] issues" the CGJ discusses. The realities of the issues the CGJ discusses, however, are often not well understood by the CGJ, as described in responses to other findings below.

It is not particularly surprising that the CGJ lacks insight into these areas for two reasons. First, as alluded to above, Trustees discuss issues at confidential closed-session meetings related to some of the areas the CGJ covers. The CGJ is not privy to these meetings and Trustees are prohibited from disclosing confidential information, per [Board Bylaw 9011](#).

Second, the CGJ's methodology is narrow. Petitions, observations of public comments at Board meetings, and 80 interviews can provide only a limited window into SJUSD operations and community opinions, especially when the interviews are of an unrepresentative population (it is unclear exactly how many of SJUSD's approximately 2,700 employees and 25,000 families the CGJ interviewed, but even if the number is closer to 80 than the wording in the CGJ's Methodology section suggests, the CGJ does not appear to have spoken with any of SJUSD's approximately 1,200 classified staff nor conducted any interviews in a language other than English, and the examples discussed in the CGJ's report are heavily concentrated at just two schools). Trustees are responsible for considering a much broader view of SJUSD operations and community opinions; in fact, [Board Bylaw 9005](#) requires that "the diverse range of views in the community...inform Board deliberations." That said, given the importance of many of the areas the CGJ discusses, there is actually a fair amount of overlap between those areas and SJUSD Board meeting agenda topics.



RESPONSE TO FINDING AND RECOMMENDATION 2

SJUSD disagrees with Finding 2 both because the CGJ’s assessment of leadership turnover levels is superficial and because the available data contradicts the CGJ’s explanation for leadership turnover.

Recommendation 2 will not be implemented because SJUSD is already monitoring leadership turnover trends and invested in maintaining a positive leadership culture; an independent third-party assessment of employee turnover, even a more accurate one than the CGJ’s, is unwarranted.

SJUSD’s Approach

SJUSD values institutional knowledge and experience in leadership positions in addition to leadership skills and takes pride in the leadership pipeline it has built. Certificated staff, classified staff, assistant principals, principals, and district administrators are often promoted or hired laterally into other leadership positions in the district. Retirees also often come back to serve as substitute administrators.

Administrator training, support, and culture are priorities in SJUSD. Beginning with “Strategic Plan Days” before school starts and continuing throughout the year in the form of monthly “Leadership Network” meetings and assistant principal meetings, SJUSD regularly convenes administrators across the district to celebrate successes, share best practices, collaborate, plan, and develop professionally. Information is also shared through a weekly bulletin and virtual meeting that offers the opportunity for participants to ask questions and provide feedback. Supervisors and departments work hard to provide 1-on-1 support and guidance whenever it is needed. SJUSD management salaries trail management salaries in several neighboring districts due to the way schools are funded, but many administrators choose to stay with SJUSD anyway because of the district’s culture.

Discussion of CGJ Analysis

The CGJ says it defines turnover as “the rate at which employees leave a workforce (such as a school or school district) and are replaced.” However, some of the data points the CGJ cites seem to use an expanded definition of turnover that considers the number of employees in new positions – regardless of how long those employees have worked in the organization.

Turnover is not inherently negative. For example, turnover due to retirement is an occasion to celebrate a career dedicated to public service. Turnover due to promotion can be similarly positive for both the promoted individual and the organization, and turnover related to performance issues can result in improved culture. That said, SJUSD agrees that turnover can also reduce institutional knowledge and the availability of mentors, and increase the amount of time administrators must spend learning relative to executing.

SJUSD recognizes that turnover was high between the 2021-2022 and 2022-2023 school years. However, the CGJ’s attempted comparison of turnover in SJUSD to turnover in other districts is suspect; the CGJ’s SJUSD figure appears to both include administrators who did not leave SJUSD and use a calculation that does not match the text in the chart, and it’s impossible to assess from the information the CGJ disclosed whether the CGJ is making an apples-to-apples comparison to other districts. Moreover, while the CGJ paints the level of principal turnover



between the 2022-2023 and 2023-2024 school years as high, a closer look at the data tells a more nuanced story.

Principals Who Left Their Position Before 2022-2023 School Year

Promotion or Lateral Hire Within SJUSD	Voluntary Reassignment Within SJUSD	Resignation
4	0	12

New Principals in 2022-2023 School Year

Promotion or Lateral Hire Within SJUSD	Return of Former Employee to SJUSD	External Hire
12	0	4

Principals Who Left Their Position Before 2023-2024 School Year

Promotion or Lateral Hire Within SJUSD	Voluntary Reassignment Within SJUSD	Resignation
4	2	4

New Principals in 2023-2024 School Year

Promotion or Lateral Hire Within SJUSD	Return of Former Employee to SJUSD	External Hire
6	1	3

It is certainly true that the number of principal departures before the 2022-2023 school year resulted in a loss of institutional knowledge and potential mentorship opportunities. However, the degree to which institutional knowledge and potential mentorship opportunities declined, particularly between the 2022-2023 and 2023-2024 school years, is significantly overstated by the CGJ. New principals with experience in other SJUSD roles – the majority of new principal hires in each of the 2022-2023 and 2023-2024 school years – bring institutional knowledge with them into their principalships. In addition, the majority of the ten principals who left their positions before the 2023-2024 school year remained available for advice and support within SJUSD, and each of the three external hires for the 2023-2024 school year had prior principal experience elsewhere.

Heading into the 2024-2025 school year, principal turnover is even lower.

Principals Who Left Their Position Before 2024-2025 School Year

Promotion or Lateral Move Within SJUSD	Voluntary Reassignment Within SJUSD	Resignation
1	1	0

New Principals in 2024-2025 School Year

Promotion or Lateral Move Within SJUSD	Return of Former Employee to SJUSD	External Hire	Not Yet Hired
1	0	0	1



Especially since, as the CGJ acknowledges, “[s]taff turnover at all levels in the field of education, both nationally and locally, was exacerbated by the stresses of the COVID-19 pandemic,” high turnover the year after students returned to full-time in-person instruction that has now decreased to its lowest level in six years should not set off alarm bells.

Beyond the CGJ’s flawed depiction of turnover figures, the CGJ’s description of the “main drivers” of employee departures does not match departing employees’ employment separation forms. As the chart below shows, more principals and assistant principals who resigned between June 2021 and December 2023 (the time period the CGJ used in its attempt to compare turnover across districts) cited reasons related to higher pay or a job opportunity for leaving – explanations the CGJ dismisses – than cited a reason listed or alluded to by the CGJ.

Summarized Reasons for Resignations, June 2021 – December 2023

	Principals	Assistant Principals
lack of support, lack of positive culture, or conflict with colleague	4	1
compensation increase or job opportunity	5	6
retirement, family/housing, or moved out of area	5	7
other (including personal reasons) or no data	5	10

2023 School Climate Survey data also contradicts the CGJ’s narrative. The CGJ alleges administrators experience a “lack of support and respect” when 11 of the 76 administrators who responded to the 2023 School Climate Survey – or approximately 8% of all administrators – disagreed with the statement that “leadership knows what is happening at my work location and provides support when needed.” The CGJ cites low morale, but 7 out of the 76 administrators who responded to the 2023 School Climate Survey – or approximately 5% of all administrators – somewhat or strongly disagreed with the statement, “I have fun at work.”

None of that is to say that the experiences of SJUSD administrators who have experienced low morale or felt uncomfortable speaking up are not important, or that there is not room for SJUSD leadership to improve. SJUSD leadership has invested significant resources in trying to “improve trust, promote team building, and instill a positive culture among leaders,” as the CGJ notes, and remains committed to continuous improvement. There just is not any evidence that SJUSD is a negative outlier in terms of organizational culture; if anything, the data suggest that negative experiences among administrators in SJUSD are the exception, not the norm. However, especially because there is no way of knowing what the roughly 45% of administrators who did not respond to the survey would have said if they had answered these questions, SJUSD leadership is much more cautious about drawing positive conclusions from the data than the CGJ is about drawing negative conclusions from anecdotal evidence.

SJUSD will continue to work closely with the elected leaders of SJAA, who represent SJUSD management employees, to study trends and collaboratively improve. The district will also continue to review separation of employment forms and solicit feedback from employees on how to create the best leadership culture possible.



RESPONSE TO FINDING AND RECOMMENDATION 3

SJUSD disagrees with Finding 3 because the “fair and objective multi-stage [hiring] process” that the CGJ acknowledges SJUSD has for the positions of manager, director, and above is implemented in almost all cases and alternate processes are implemented with integrity in rare situations. The CGJ’s analysis is vague and unsupported by evidence.

Recommendation 3 will not be implemented because SJUSD’s hiring process for the positions of manager, director, and above, like its hiring processes for other management positions, is strong and continually evaluated for potential areas of improvement. An independent third-party assessment of management hiring processes is unwarranted.

SJUSD’s Approach

SJUSD’s management hiring process, which has been continually improved over the years, is a comprehensive and multi-stage journey modeled after the Executive Search Services process used by School Services of California Inc., a widely respected business, financial, management, and advocacy company for educational agencies in California. Each step of the process, from developing job descriptions based on specific skill needs to disseminating vacancy announcements widely, is meticulously planned to attract a diverse pool of applicants.

Interviews at the manager, director level, or above include directors, department staff, principals, and employee group presidents. All interview panels have a facilitator to assist with the process. Interviewees may need to complete a performance task in addition to answering specific questions. After candidates have interviewed, panel members rank candidates individually. Panel members then use their initial rankings to engage in a discussion of candidates’ strengths and weaknesses as a group before deciding which candidates to advance to a final interview round with the Superintendent’s Council and signing a confidentiality agreement. If panels cannot agree, they may decline to send any candidates forward and recommend instead that the position be reposted.

Panels decide who to advance and the Superintendent’s Council decides who to hire based on numerous factors, including the needs of the district and candidates’ interview performance, experience, references, and performance in other settings. These elements comprehensively reflect candidates’ leadership skills, job-related skills, and potential to excel in new positions. Including a diverse set of partners in the interview process minimizes the potential impact of individual people’s biases and promotes a balanced evaluation of candidates.

Over the past five years, SJUSD has condensed the interview process on limited occasions due to time constraints and/or the number of qualified candidates. SJUSD has appointed people at the manager, director level, or above without an interview two times. Both appointments were at the director level and due to an organizational restructuring that included adding additional duties to an existing manager’s role (along with an elimination of other management positions in one case), as explained to all management employees at the time of each appointment.

Discussion of CGJ Analysis

The CGJ provides no evidence to support its allegation that “interviews at the level of manager, director, and above, have, at times, been unfairly altered to promote or demote specific candidates for management openings.” There have been disagreements among interviewers about



the right candidate for the job at times, of course, but individual people's dissatisfaction with a candidate who is selected by a group of interviewers during a multi-stage hiring process does not suggest that the process failed to "meet its own guidelines for integrity and impartiality" or that there is a "list of favored and disfavored employees."

It is curious, given the CGJ's acknowledgment that "[m]anagement hiring often involves subjective factors," that the CGJ implies that poor interview performance is both an objective assessment that all interviewers will agree about and a disqualifying criterion in and of itself. Similarly, the CGJ incorrectly implies that the SJUSD management hiring process includes "skills tests" that, if failed, indicate that a candidate should not move forward in the process. The reality is that both a candidate's performance in interviews and a candidate's performance on certain tasks required as part of the hiring process – such as when a candidate is asked to conduct data analysis in Microsoft Excel, write a communication to an educational partner, or deliver a presentation about a fictitious scenario – are "factored into the determination of finalists" but are just two criteria among many that may indicate a candidate's readiness for the job.

Still, while the CGJ's claims are unsubstantiated, SJUSD takes any concerns about its hiring processes seriously and remains dedicated to the integrity of the hiring process. To ensure that everyone involved in management interviews understands the process and their responsibilities, SJUSD will spend more time grounding interview panels in the desired qualities and characteristics for each position, emphasizing that the panel has the option of sending candidates forward that they support or recommending that the position be reposted, explaining what will happen during the final interview round with the Superintendent's Council, and reinforcing the confidentiality agreement. SJUSD will continue to solicit feedback from candidates and interviewers on other improvements that can be made to the process moving forward.



RESPONSE TO FINDING AND RECOMMENDATION 4

SJUSD disagrees with Finding 4 because its assessment is based on inaccurate and/or incomplete information about confidential processes.

Recommendation 4 will not be implemented because SJUSD already takes its investigatory responsibilities seriously. SJUSD collaborates closely on investigations with legal counsel (and, when applicable, law enforcement) and is working with its employee groups to ensure its investigation processes appropriately balance the due process rights of their members and accountability. An independent third-party review of past investigation processes is unwarranted.

SJUSD's Approach

SJUSD always aims to uphold confidentiality, protect due process rights, ensure accountability, adhere to the law, and maintain a safe and ethical environment for students and staff throughout the investigation process. Investigations at school districts can take many forms and often involve numerous witnesses, multiple sources of information, and incomplete or contradictory information. To ensure that SJUSD central office staff who lead and/or support with investigations are equipped with the knowledge necessary to complete investigations, they are trained in the matter by Dannis Woliver Kelley (DWK), a prestigious law firm, and consult with DWK every step of the way during major investigations.

SJUSD continually reviews what can be learned from investigations and whether there are ways to improve SJUSD practices.

Discussion of CGJ Analysis

The CGJ wrongly asserts that SJUSD “refus[ed] to conduct its own investigation” in the “Home and School Club alleged theft case” (HSC case) and incorrectly implies that “an actual investigation was [not] opened by SJUSD” in the “High school football coach case.” SJUSD investigated both of these cases. Due to the confidential nature of personnel matters, SJUSD is unfortunately not at liberty to correct many of the CGJ’s erroneous and/or incomplete statements of fact regarding the details of the investigations, but the district can provide some general insight into factors that SJUSD considers when conducting investigations.

The appropriate course of action in any given investigation is highly sensitive to the individual situation’s details. SJUSD does not have subpoena power and must often cooperate with external agencies. Immediate employee suspensions without pay should only occur when there is an “immediate threat” to student or staff health or safety, as stated in SJUSD’s collective bargaining agreements, and employee suspensions without loss of pay must be used with caution given their potential impact on the work environment, affected employee, labor relationships, and external investigations. Even though the CGJ asserts that it “takes no position on the merits of the allegations or culpability of the parties involved” in the cases it discusses, the CGJ’s analysis misses crucial considerations and details and appears to reflect a belief that specific outcomes were warranted.

SJUSD acknowledges that there are sometimes gray areas when weighing complex questions during investigations and that reasonable people may occasionally disagree about appropriate interventions and outcomes. SJUSD also recognizes that there is always room for improvement.



During the HSC case investigation, SJUSD updated relevant documents, training, and processes regarding school-connected organizations; in addition, SJUSD has been engaged in ongoing conversations with its employee groups about how to best ensure that investigations across a wide range of issues are thorough, fair, and appropriate. SJUSD will continue reviewing and improving its investigation procedures because improvements are always possible, even in the best of systems.

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RESPONSE TO FINDING AND RECOMMENDATION 5

SJUSD disagrees with Finding 5 because it is based on only two data points, one of which the CGJ inaccurately describes and the second of which is misleading. While SJUSD acknowledges that some employees may have a low level of trust in SJUSD leadership, there is no evidence to support the CGJ’s implication that low trust levels are endemic to SJUSD.

Recommendation 5 contains a mistaken premise but has already been implemented to the degree it can be because SJUSD is already engaged in trust-building efforts.

SJUSD’s Approach

SJUSD is a relationship-driven organization that has built trust informally for decades. Since the COVID-19 pandemic, SJUSD leadership has begun to formalize trust-building structures to improve the resiliency of relationships and maintain trust when there are organizational stressors and/or transitions in key roles. SJUSD leadership recently collaborated with the leaders of all four of SJUSD’s employee organizations – SJTA, CSEA, AFSCME, and SJAA – to develop [Guiding Principles for District-Employee Group Relations](#) that apply to relationships at all sites and all levels of the organization (e.g., between site administrators and teachers, a director and office specialists, or the Superintendent and a principal). SJUSD is engaged in ongoing work with its employee groups to determine how to best support the implementation of these guiding principles throughout the organization and ensure that everyone is held accountable to them. Part of that work includes identifying next steps in the ongoing process of trust-building.

Discussion of CGJ Analysis

In 2023, just like in prior years, the majority of employees who took the 2023 School Climate Survey either somewhat or strongly agreed with the statement, “The SJUSD culture is characterized by a high degree of trust.” By conflating employee survey respondents with all employees – as in other districts, many employees do not fill out climate surveys each year and employee survey respondents cannot be assumed to be representative of the employee population as a whole – the CGJ significantly overstates the percentage of SJUSD employees who somewhat or strongly disagreed with this statement. The percentage of all employees who disagreed is actually under 20% and consistent with historical norms (the approximate percentage of teachers who somewhat or strongly disagreed was 30% and the approximate percentage of secondary teachers who somewhat or strongly disagreed was 36%).

The percentage of employees who “have a low level of trust in SJUSD leadership” may be even lower. Disagreement with the statement that “the SJUSD culture is characterized by a high degree of trust” might, for example, reflect a belief that the SJUSD culture is characterized by a normal degree of trust or that factors other than trust levels are more relevant to characterizing the SJUSD culture, and it might have nothing to do with trust in SJUSD leadership (a category which the CGJ defines broadly to include assistant principals, principals, assistant managers, and managers as well as senior SJUSD leaders) at all.

Even more egregiously, the CGJ’s other data point – that “33% of high school administrators with six-plus years of service” disagreed when asked if they could “share ideas and concerns with leadership without fear of retribution” – reflects the survey responses of 3 people. SJUSD has roughly 140 administrators districtwide and 83% of the 76 who took the 2023 School



Climate Survey somewhat or strongly agreed that they can “share ideas and concerns without fear of retribution.”

There are also large majorities of employee survey respondents who somewhat or strongly agreed with statements such as “SJUSD makes student learning its top priority,” “I see a clear link between my work and the district’s goals,” “I have adequate resources to get my job done effectively,” and “I have fun at work.” Especially since it is impossible to know the opinions of employees who did not respond to the 2023 School Climate Survey, 2023 School Climate Survey responses cannot be taken as proof of *high* levels of trust, morale, and alignment. They do show, however, that the CGJ’s conclusions about employee attitudes are unsubstantiated.

All of that said, SJUSD believes in the importance of continually building trust (as described in the section above) and takes the potential concerns of any employee seriously. SJUSD will continue to work with employee groups to engage in cycles of improvement.

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RESPONSE TO FINDING 6 AND RECOMMENDATIONS 6A, 6B, AND 6C

SJUSD disagrees with Finding 6 because SJUSD's research-based model for and rollout of wellness centers, as discussed by the Board of Education at several meetings, is consistent with SJUSD's long history of prioritizing student mental health and wellness.

Recommendation 6a contains a mistaken premise but has already been implemented because SJUSD already provides regular public updates about the state of wellness centers at secondary schools.

Recommendation 6b contains a mistaken premise but has already been implemented to the degree it can be because sustainable funding is already embedded and will continue to be emphasized as an important element of SJUSD's wellness center model and plan.

Recommendation 6c will not be implemented because trying to accelerate full wellness center implementation before all the necessary components are in place would be unlikely to benefit students. SJUSD already has a research-based model for wellness centers and a plan that involves coordination with principals.

SJUSD's Approach

SJUSD has long recognized the integral role students' mental health and wellness play in students' capacity to learn and achieve academic success. SJUSD's investments reflect this recognition. SJUSD has approximately 75 full-time-equivalent, credentialed counselors on staff, including school site counselors, child welfare and attendance counselors, and district-level counselors (including those who work on SJUSD's crisis support team). The district also employs approximately 30 school psychologists, more than two dozen registered nurses (RNs), and the health office staff at each school. Almost all school-based health office staff are now licensed health technicians (LHTs).

In recent years, SJUSD has responded to increased mental health and wellness needs arising from the COVID-19 pandemic by:

- partnering with SJTA to reduce student-to-counselor ratios and increase the amount of social and emotional support that counselors provide,
- partnering with SJTA to reduce student-to-nurse ratios,
- partnering with CSEA to update the LHT job description,
- expanding a social emotional learning curriculum into secondary schools,
- adding new Board Certified Behavior Analysts (BCBAs),
- streamlining data collection and reporting on counseling,
- revamping its Student Services department to provide improved practical support to schools, and
- substantially increasing partnerships with external counseling providers.

SJUSD has also been implementing its wellness center model, which it began researching and planning prior to COVID-19, and aims to enhance existing services through a deliberate, coordinated, and sustainable approach.



The SJUSD wellness center model is based on what SJUSD learned from both other school districts' successful approaches and Santa Clara County Office of Education resources. The model relies on the co-location of services, including the services of counselors, nurses, and health office staff, to reduce the potential stigma of requesting mental health services. It designates a wellness center staff member who supports and triages students. It also ties to a positive school climate by ensuring that students self-refer to the wellness center and, while staff members may refer students to counseling, staff do not refer students to the wellness center as a result of behavioral issues. To ensure sustainability, it is staffed primarily with SJUSD employees and may also include contract positions that come with a reliable funding stream.

Secondary schools with SJUSD-funded counseling and health services: All

Secondary schools with the SJUSD wellness center model in place during the 2023-2024 school year: Broadway High, Herbert Hoover Middle, Muwekma Ohlone Middle

Secondary schools scheduled to have the SJUSD wellness center model in place during the 2024-2025 school year: Abraham Lincoln High, John Muir Middle, Pioneer High, San José High

SJUSD will continue to analyze best practices and partner with both employee groups and school communities to refine its model and deliver the best possible mental health and wellness supports for students.

Discussion of CGJ Analysis

SJUSD appreciates the CGJ's acknowledgment of some of the steps SJUSD has taken to support student mental health and wellness in recent years (even though the CGJ links to an inaccurate job description for the BCBA positions to which SJUSD believes the CGJ is referring). However, the CGJ's assertion that these steps "pale in comparison to what other nearby districts have done" is confusing and seems to be based on a superficial tally of how many wellness centers districts say they have rather than a careful review of what student mental health and wellness supports look like.

All secondary schools in SJUSD have a location for students to access counseling and mental health services and many schools have added calming spaces. Because most schools have not co-located services yet, SJUSD does not define them as fully functioning wellness centers even though other organizations do. For example, Valley Health Foundation (VHF) recently denied SJUSD a grant to support wellness centers at Gunderson High, Herbert Hoover Middle, and Pioneer High because, in VHF's view, "wellness centers are in existence at each of the three school sites." Similarly, unlike the CGJ, SJUSD does not believe the wellness center model is being fully implemented when it is opened "in less-than-ideal locations" or without a plan for "continuing to fully fund wellness centers when federal COVID-19 relief funds end in September of 2024."

The CGJ's assertion that "[t]he Ohlone Middle School wellness center is entirely funded, staffed, and operated, not by SJUSD employees, but by SCCOE employees using a state grant" is inaccurate. The Muwekma Ohlone Middle wellness center is, in reality, staffed with SJUSD-employed counselors and health office staff. The grant pays for the wellness center liaison and



one additional mental health specialist provided by SCCOE, which allows for enhanced services. However, if the grant funding were to end, Muwekma Ohlone Middle would continue to be able to operate the SJUSD wellness center model.

Overall, the CGJ’s complaint that SJUSD leaders have “not [met] their publicly stated goals for opening wellness centers” mischaracterizes those publicly stated goals. Trustees understand that labeling something a wellness center is not an end in of itself and that wellness centers are instead a means to the end of providing excellent mental health and wellness supports for students. SJUSD leaders and Trustees will continue to analyze and discuss the status of mental health and wellness supports – including wellness centers – at Board meetings to ensure progress and accountability in this vitally important area.

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RESPONSE TO FINDING AND RECOMMENDATION 7

SJUSD partially agrees with Finding 7 because it is accurate to state that SJUSD does not have *one* employee who is accountable for *all* safety planning, preparedness, and emergency response efforts. SJUSD has several qualified leaders who manage an integrated system and are accountable for safety planning, preparedness, and emergency response efforts.

Recommendation 7 contains a mistaken premise but requires further analysis. As stated above, SJUSD has several qualified leaders who manage an integrated safety planning, preparedness, and emergency response system. SJUSD also believes that site administrators remain the appropriate on-site leaders for emergency response teams and already reintroduced a dedicated staff position before the start of the 2023-2024 school year, the Assistant Manager of Risk Management, who coordinates *most* of the CGJ's listed safety planning, preparedness, and emergency response activities districtwide. However, SJUSD will further analyze roles and distribution of responsibilities related to safety planning and emergency response to determine what, if any, additional changes are warranted by December 10, 2024.

SJUSD's Approach

The safety and security of students, employees, and the community is a top SJUSD priority. SJUSD's holistic approach to safety encompasses three areas: building a positive climate, investing in student supports, and responding to challenging situations, including emergencies. In response to internally identified areas for improvement during the COVID-19 pandemic and both employee and community feedback following some extreme incidents that occurred on school campuses during the 2022-2023 school year, SJUSD has taken significant steps over the past few years to improve the third area, which includes emergency planning, preparedness, and responses.

One of these steps included revamping its approach to comprehensive school safety plans (CSSPs) to remove inaccuracies, improve clarity, separate public and confidential emergency response information, ensure compliance with the law, and increase the support schools receive with the CSSP process. In addition, over the past year, SJUSD has developed and trained schools in a site emergency action planning process; updated emergency communication protocols; held regular district-level meetings to enhance emergency planning, preparedness, and responses; and reintroduced a Risk Management team that collects feedback from and coordinates ongoing training and provides support to schools.

The principal or designee serves as the Incident Commander and has ultimate responsibility for all local decisions in an emergency or disaster situation (excluding an order from an agency with superseding authority). Depending on the nature of the emergency or disaster, various teams throughout SJUSD collaborate with site staff and external agencies to determine what to prioritize and how to respond.

Any member of the public can read a detailed overview of SJUSD's [Safety Protocols and Emergency Response procedures](#), which the district published and sent to all SJUSD families in August of 2023.



Discussion of CGJ Analysis

It is surprising that the CGJ did not interview two key employees regarding this critical area: the Assistant Manager of Risk Management and the manager who led the revamp of SJUSD's approach to CSSPs. If not for this oversight, the CGJ may have learned why SJUSD prioritized CSSP and site emergency action plan quality over CSSP length, who trains SJUSD administrators on threat assessments (the Federal Bureau of Investigations, or FBI), and how most of the safety planning and emergency response responsibilities the CGJ lists have in fact been overseen under the Assistant Superintendent of Administrative Services. SJUSD's Assistant Manager of Risk Management is responsible for coordinating resources, including the SJUSD Chief of Police, San José Police Department School Liaison Unit, and district safety committee, in order to "update safety protocols based on accepted best practices," "train staff on safety drills," "ensure implementation of the most current best practices for school safety plans," and "assist school site teams to improve their plans." Depending on the nature of the emergency, the Assistant Manager of Risk Management leverages expertise in other departments, which SJUSD believes to be the appropriate approach. SJUSD disagrees with the CGJ's conclusion that the existence of a single position is indicative of the effectiveness of the system.

Emergency drills during the 2023-2024 school year were run in a way that is fully consistent with what the CGJ recommends. The results of a safety survey SJUSD administered in November of 2023, after SJUSD had begun to implement its site emergency action planning process, also contradict the CGJ's claims. For example, while the CGJ implies that there is widespread confusion about lockdown procedures across SJUSD schools, only approximately 9% of elementary school students (12% of those who responded to the survey), approximately 6% of secondary students (11% of those who responded to the survey), and approximately 2% of staff (5% of those who responded to the survey) said they didn't know or were not sure what to do if they "hear an announcement the school is going into lockdown." Only approximately 3% of school-based SJUSD staff (7% of those who responded to the survey) said they "sometimes" or "never" "feel safe" at school (as opposed to feeling safe "most of the time" or "always").

The available data thus indicates that, while emergencies are inherently unpredictable and it is not possible for anyone to guarantee either that emergencies won't occur or that they will always be responded to in a perfectly consistent fashion, SJUSD has implemented effective safety planning, preparedness, and emergency response practices after engaging in continual improvement in this area in recent years. As referenced above, many of these practices were informed by feedback received during listening sessions with employees and community members, including members of the "Why Wait" group the CGJ discusses, after some extreme incidents that occurred during the 2022-2023 school year. SJUSD will continue to ensure that its CSSPs are compliant with Education Code sections 32280-32289.5 and that site emergency action plan processes are consistently implemented across sites.

SJUSD will also continue to study research and other districts' approaches to safety planning, preparedness, and emergency response efforts. While SJUSD is disappointed that the CGJ did not provide more insight into specific best practices that are implemented elsewhere and why they might be appropriate in the SJUSD context, SJUSD is always interested in exploring if its work could be better organized.



RESPONSE TO FINDING AND RECOMMENDATION 8

SJUSD partially agrees with Finding 8 because, while it is true that SJUSD does not currently provide all of its 2,700 staff with training on how to administer naloxone hydrochloride nor maintain its own stock of naloxone hydrochloride, SJUSD's approach to dealing with potential opioid overdoses is designed to ensure safety for students and staff.

Recommendation 8 will be implemented in part because SJUSD has already been working to identify the appropriate staff to train to administer naloxone hydrochloride and manage naloxone hydrochloride supplies in line with the legal requirements schools must follow. SJUSD is also already in the process of stocking naloxone hydrochloride at all school sites. These elements are planned to be implemented by December 31, 2024.

SJUSD's Approach

SJUSD treats the risk of opioid overdose, like all risks to student health, in a comprehensive manner that emphasizes prevention and education. SJUSD also aims to collaborate with its employee groups to develop and implement policies and procedures that address risks in a systematic and sustainable way.

To date, SJUSD's opioid overdose response protocol has relied on San José Police Department officers who serve as campus police officers at SJUSD secondary schools and are equipped with naloxone hydrochloride, as well as first responders, to administer naloxone hydrochloride in the event of an opioid overdose. While there is no legal requirement to stock naloxone hydrochloride at schools, SJUSD has been working through its district safety committee and with its health office leadership to leverage the training best practice in SCCOE's [Naloxone Training Resource Guide \(NTRG\)](#) and develop a long-term, sustainable opioid overdose response protocol that will mitigate risk even further during the 2024-2025 school year and beyond.

The NTRG recommends that school districts design "training that addresses the[ir] unique characteristics and needs," and that districts identify "the individuals who need training and their level of existing knowledge on the subject." As referenced above, SJUSD invests heavily in RNs and LHTs (who, at a minimum, are licensed vocational nurses, or LVNs). These staff members are able to provide licensed medical care to students and SJUSD trains school staff to call health office staff immediately in the event of a medical emergency. SJUSD has preliminarily identified RNs and LHTs as the appropriate staff to train in the administration of naloxone hydrochloride. SJUSD will collaborate with SJTA and CSEA with the goal that, by December 31, 2024, each school site will have naloxone hydrochloride and a trained medical staff member available to respond in the event of a suspected opioid overdose.

Discussion of CGJ Analysis

The CGJ's analysis and conclusion on the stocking and administration of naloxone hydrochloride at schools does not take into account two critical factors that must be considered in evaluating a school district's approach to this important topic.

First, school districts must implement additional measures that exceed those mandated for the



general public when carrying and administering naloxone hydrochloride. These requirements are summarized in the NTRG:

“The school nurse, other qualified supervisor of health, or district administrator shall obtain a prescription of naloxone or another opioid antagonist for each school from an authorized physician and surgeon.

1. The school nurse, other qualified supervisor of health, or district administrator shall be responsible for stocking the naloxone hydrochloride or another opioid antagonist and shall restock the medication as soon as reasonably possible but no later than two weeks after it is used. In addition, the medication shall be restocked before its expiration date.
2. The superintendent or designee shall monitor the supply of naloxone hydrochloride or another opioid antagonist and ensure the destruction of expired medication.
3. The superintendent or designee shall maintain records regarding the acquisition and disposition of naloxone hydrochloride to another opioid antagonist for a period of three years from the date the records were created.
4. The school nurse or other supervisor of health shall keep the supply of naloxone hydrochloride or another opioid antagonist in a secure location.
5. The school nurse or other supervisor of health must maintain detailed distribution logs and reversal reporting documentation.”

Although these requirements certainly do not preclude districts from stocking and ensuring trained staff are available to administer naloxone hydrochloride, they do require significant consideration to operationalize. Unfortunately, the CGJ’s report includes neither an analysis of these requirements nor examples of how other school districts are meeting them in a sustainable manner.

Second, the CGJ’s analysis overlooks the fact that mandatory training requirements may be subject to collective bargaining with employee groups. All SJUSD employees recognize the risk of opioid overdoses and want to ensure schools are equipped to respond to them. However, the CGJ fails to consider how the positions a district has might influence the decisions district and employee group leaders might reasonably make about the training requirements for various staff and the way to ensure the district implements a sustainable, effective opioid overdose response protocol.



RESPONSE TO FINDING AND RECOMMENDATION 9

SJUSD partially agrees with Finding 9 because, while SJUSD Board meetings, agendas, audio recordings, and supporting documents are accessible and transparent, it is true that SJUSD does not livestream or video-record meetings and has not historically published the presentations used at Board meetings.

Recommendation 9 will not be implemented because hybrid-style Board meetings may risk compromising the purpose of Board meetings without significantly benefiting the public. SJUSD will, however, provide online access to the presentations used at Board meetings.

SJUSD's Approach

The dates of SJUSD's regular session Board meetings for each school year are adopted and published in December of the preceding school year to ensure that any community member who wishes to attend and observe can easily plan to do so. SJUSD provides simultaneous Spanish interpretation during each meeting and accommodates anyone with a disability who needs special assistance. Agendas for regular session meetings are posted publicly at least 72 hours in advance in accordance with state open meeting laws and often accompanied by supporting documents. Minutes and an audio recording are published publicly after the meeting to ensure transparency in the public record.

The purpose of a Board meeting is for the Board to conduct its business in public, not for the Board to engage in dialogue with members of the public who attend. So while SJUSD recognizes the right of all members of the public to make public comments, SJUSD encourages people who desire a back-and-forth about district operations and/or policy to engage through the formal channels available to them.

Discussion of CGJ Analysis

SJUSD recognizes that the Civil Grand Jury's recommendation for hybrid-style Board meetings is meant to boost public participation and transparency. However, after thorough evaluation and careful consideration, SJUSD finds that the benefits of hybrid meetings do not justify their costs and potential issues.

Hybrid meetings promise increased public participation through remote comments, but Board meetings are designed to conduct district business transparently, not as forums for extensive public dialogue. [The Brown Act](#) limits back-and-forth discussions during these meetings, often leading to public frustration.

While hybrid meetings are touted for enhancing transparency and engagement, they come with significant challenges. Technical glitches, security breaches, and disruptions, frequently highlighted in ProPublica's series "[Chaos at the School Board](#)," detract from meeting effectiveness. Televised meetings often shift focus from productive discussions to grandstanding, undermining the Board's serious work. SJUSD commits to transparency by providing audio recordings and making presentations publicly available, serving the same purpose without hybrid meetings' issues.

Furthermore, hybrid meetings require substantial technical and logistical support, including real-time captioning and accessible digital platforms. These measures entail significant costs,



diverting resources from critical areas impacting student achievement. Therefore, SJUSD believes hybrid meetings would hinder rather than enhance the Board's function.

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