

1 [Board of Supervisors response to the 2007-2008 Civil Grand Jury Report entitled "San  
2 Francisco Kindergarten Admissions: Back to the Drawing Board"]

3 **Resolution responding to the Presiding Judge of the Superior Court on the findings  
4 and recommendations contained in the 2007-2008 Civil Grand Jury Report entitled "San  
5 Francisco Kindergarten Admissions: Back to the Drawing Board."**

6  
7 WHEREAS, Under California Penal Code Section 933 et seq., the Board of  
8 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior  
9 Court on the findings and recommendations contained in Civil Grand Jury Reports; and

10 WHEREAS, In accordance with Penal Code Section 933.05(c), if a finding or  
11 recommendation of the Civil Grand Jury addresses budgetary or personnel matters of a  
12 county agency or a department headed by an elected officer, the agency or department head  
13 and the Board of Supervisors shall respond if requested by the Civil Grand Jury, but the  
14 response of the Board of Supervisors shall address only budgetary or personnel matters over  
15 which it has some decision making authority; and

16 WHEREAS, The 2007-2008 Civil Grand Jury Report entitled "San Francisco  
17 Kindergarten Admissions: Back to the Drawing Board" is on file with the Clerk of the Board of  
18 Supervisors in File No. 080926, which is hereby declared to be a part of this resolution as if  
19 set forth fully herein; and

20 WHEREAS, The Civil Grand Jury has requested that the Board of Supervisors respond  
21 to both Findings and Recommendations Nos. 9 and 10 contained in the subject Civil Grand  
22 Jury report; and

23 WHEREAS, Finding No. 9 states: "Some members of the Board of Education appear to  
24 have student diversity as their first priority for the District;" and

1           WHEREAS, Recommendation No. 9 states: "During the Grand Jury's inquiry the  
2 recurring theme from parents, teachers, principals, leaders of support groups and school  
3 officials alike was the need to create good schools system wide. This would provide the  
4 equity that all students deserve and these leaders seek. The Jury heard that student diversity  
5 is desirable, but not as important as quality schools for all, whatever the setting. With a new  
6 Superintendent and two new Board of Education members to be elected in the fall joining  
7 three recently elected members, now is the time to refocus on creating quality schools  
8 throughout the District;" and

9           WHEREAS, Finding No. 10 states: "The District needs to make crucial decisions about  
10 surplus school property, updating 30 year old and now obsolete school attendance zones, and  
11 establishing policy to guide decisions to shut failed schools. Voters faced with future requests  
12 for funding from the District will react favorably to the District's efforts to streamline their  
13 property management activities and to convert these non-performing assets into resources  
14 that support District educational activities;" and

15           WHEREAS, Recommendation No. 10 states: "Practice better resource management as  
16 an example of prudent stewardship, particularly now in the facing of funding cuts. By year-  
17 end 2008 the City should devise a plan for reducing the number of under utilized properties  
18 and failing schools;" and

19           WHEREAS, in accordance with Penal Code Section 933.05(c), the Board of  
20 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior  
21 Court on both Findings and Recommendations Nos. 9 and 10 contained in the subject Civil  
22 Grand Jury report; now, therefore, be it

23           RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the  
24 Superior Court that it disagrees wholly or partially with both Finding and Recommendation No.  
25 9. That is, except for the assertion of one elementary school principal, the subject Civil Grand

1 Jury report provides no factual support for Finding and Recommendation No. 9. Indeed, on  
2 May 27, 2008, the San Francisco Board of Education adopted a new Strategic Plan entitled  
3 "Beyond the Talk: Taking Action to Educate Every Child Now" that outlines the District's  
4 priorities. This plan is organized into three initiatives: (1) Performance Management Initiative  
5 (to increase the personal and professional capacity of all District employees); (2) Equity  
6 Centered-Professional Learning Initiative (to create and sustain professional learning  
7 communities); and (3) 21<sup>st</sup> Century Curriculum Initiative (to provide classroom instruction that  
8 is personalized, relevant, meaningful and engaging for each student). The Strategic Plan  
9 does not identify diversity as the first priority of the District; and, be it

10 FURTHER RESOLVED, the Board of Supervisors reports to the Presiding Judge of the  
11 Superior Court that regarding both Finding and Recommendation No. 10, the San Francisco  
12 Unified School District ("SFUSD") is a state agency that is governed by the San Francisco  
13 Board of Education. The City and County of San Francisco does not have jurisdiction over  
14 SFUSD facilities or programs. In addition, it is important to note that the Board of Education  
15 has already taken steps to determine the best uses of surplus property and to guide school  
16 closures. On May 22, 2005, the Board adopted Resolution 53-22SM1 "School Consolidation  
17 Policy;" on August 23, 2005, it adopted Resolution 56-14A9 "Feasibility of Selling, Leasing or  
18 Subleasing Surplus Real Property;" and, on May 13, 2007, it adopted Resolution 71-23Sp2  
19 "Establishing a District Policy for General Public Notification Regarding Changes in Uses of  
20 District-Owned Properties;" and, be it

21 FURTHER RESOLVED, Pursuant to Penal Code Section 933.05(c), the Board of  
22 Supervisors responds to the findings and recommendations to which it agrees by hereby  
23 urging the SFUSD to cause the implementation of accepted findings and recommendations.  
24  
25



City and County of San Francisco

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1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Tails  
Resolution

File Number: 081093

Date Passed:

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2007-2008 Civil Grand Jury Report entitled "San Francisco Kindergarten Admissions: Back to the Drawing Board."

April 7, 2009 Board of Supervisors — ADOPTED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 081093

I hereby certify that the foregoing Resolution was ADOPTED on April 7, 2009 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo  
Clerk of the Board

4/17/09

UNSIGNED

Date Approved

Mayor Gavin Newsom

Date: April 17, 2009

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.

Clerk of the Board