

SANTA CLARA COUNTY BOARD OF EDUCATION

1290 Ridder Park Drive
San Jose, California 95131

APPROVED

Minutes of Regular Meeting #1089

Board Room

November 1, 2006

5:05 p.m.

Members Present: T.N. Ho, President
Gary Rummelhoff, Vice President
Bill Evers
Leon Beauchman
Anna Song
Jane Howard

Members Absent: Anthony Muñoz

The meeting was called to order by President Ho at 5:15 p.m.

Setting the Agenda

MOTION #1089-1 by Mr. Beauchman, seconded by Ms. Song, that the agenda be approved as submitted.

MOTION #1089-1 carried a 6-0-0-1 vote with member Muñoz absent.

Pledge of Allegiance

President Ho asked Dr. Joe Rudnicki, Superintendent of Sunnyvale School District, to lead the pledge of allegiance.

Recognition of COE Employee of the Month for November 2006: Don Bolce, Assistant Director, Center for Educational Planning

Ms. Howard introduced the November Employee of the Month, Don Bolce, Assistant Director, Center for Educational Planning. She noted Mr. Bolce's contributions and presented a plaque and an engraved pen in recognition of his award. Ms. Howard introduced Dr. Porter Sexton, Executive Director, Center for Educational Planning, who spoke of Mr. Bolce's talents and many connections throughout COE. Mr. Bolce spoke of his rewarding opportunities at COE, expressed his appreciation of the recognition and thanked Superintendent Wilcox, Dr. Sexton and his colleagues for their support.

Hearing of Persons Desiring to Address the Board or to Present Petitions

President Ho invited members of the public to address the Board.

Dr. Rudnicki read a letter from the Sunnyvale School District Board of Education and himself concerning the number of charter school approvals by the County Board of Education.

Consent Action Items

MOTION #1089-2 by Ms. Song, seconded by Ms. Howard, that the following Consent Action Item be approved:

- Request Approval of Minutes of Regular Meeting of October 18, 2006 (#1088)

MOTION #1089-2 carried a 6-0-0-1 vote with member Muñoz absent.

Study Action

Community Elementary Charter School Petition

President Ho invited members of the public to address the Board.

The following individuals spoke in support of Community Elementary Charter School Petition:

- Lisa Corr, Law firm of Spector, Middleton, Young & Minney
- Peter Loebe, Curriculum Consultant for Community Elementary Charter School
- Alfredo Villasenor, Executive Director, Community Childcare Council of Santa Clara County
- Mellissa Lamas, Community Child Care Council
- Michael Rasche, private citizen

The following individuals spoke against the Community Elementary Charter School Petition:

- Bonnie Piche, Assistant Superintendent, Instructional Services, Alum Rock Union Elementary School District
- Norma Martinez, Superintendent, Alum Rock Union Elementary School District
- John Yeh, Law firm of Miller, Brown & Dannis
- Kim Mesa, Board President, Alum Rock Union Elementary School District
- Diane Zeppa, parent, Alum Rock Union Elementary School District
- Glynis Salakka, parent, Alum Rock Union Elementary School District
- Michelle Flores, parent, Alum Rock Union Elementary School District

Petitioners and school district representatives answered questions from the Board.

Resolution 1089-1 by Dr. Evers, seconded by Ms. Song that the County Board of Education does hereby deny the charter petition as stated in the Resolution Denying the Charter Petition of Community Elementary Charter School. (*attached*)

The following roll call vote was taken:

AYE: President Ho, Vice-President Rummelhoff, members Song, Howard, Beauchman,
and Dr. Evers
NO: -none-
ABSTAIN: -none-
ABSENT: member Muñoz

Resolution 1089-1 carried a 6-0-0-1 vote with member Muñoz absent.

Approval to Shift Funds from Community Education Foundation to Inclusion Collaborative Department

Joe Fimiani, Assistant Superintendent, Student Services, explained the background of Warmenhoven Institute for inclusion. Superintendent Wilcox and Mr. Fimiani answered questions from the Board.

MOTION #1089-3 by Mr. Rummelhoff, seconded by Ms. Song, that the County Board of Education does hereby *accept the grant funds* from the Community Education Foundation for the Institute for Inclusion.

MOTION #1089-3 carried a 6-0-0-1 vote with member Muñoz absent.

Recess

The Board recessed at 6:47 p.m. and reconvened at 7:00 p.m.

Information Items

Santa Clara County Office of Education 2005-2006 Annual Financial Audit Report

Cathy Grovenburg introduced auditor Leonard Danna, CPA Partner, Vavrinek, Trine, Day & Co., LLP. Mr. Danna gave reported on the Annual Financial Audit. Mr. Danna, Ms. Grovenburg and Ms. Nimrat Johal, Controller, Internal Business Services, answered questions from the Board.

Teams Assisting Student Success (TASS)

(Anna Song left the meeting.)

Linda Aceves, Assistant Superintendent, Instructional Services, explained the TASS program's focus on Program Improvement schools. Louis Persson, Director, School Improvement Services, presented the TASS process, tools and achievement progress and answered questions from the Board.

Williams Complaints Update

Superintendent Wilcox presented the quarterly Williams Complaints report to the Board and answered questions.

Update on the Alternative Schools Accountability Model (ASAM)

This item was tabled.

Update on Recommendations of the Huskey Report

Mr. Fimiani provided an update on the recommendations from the Huskey Report and answered questions from the Board.

Santa Clara County Board of Education Reports on Visits and Interactions with District Boards

Jane Howard

Ms. Howard met with each individual Superintendent from her Area 7 district.

T.N. Ho

Mr. Ho met with individual Board members from his Area 2 district and attended various district events and board meetings.

Gary Rummelhoff

Mr. Rummelhoff met with individual Board members from Area 4 school districts.

Bill Evers

Dr. Evers addressed all of the Area 1 District Boards.

Board Committee Reports

There were no board committee reports.

County Board of Education Travel

Bill Evers

- Met with a school board member from Santa Monica
- Attended the COE Distinguished Schools event
- Attended Senator Joe Simitian's public charter school hearing
- Attended a National Association of Charter School Authorizers (NACSA) conference
- Attended the annual Santa Clara County School Board Association (SCCSBA) dinner
- Attended the California History Social Science Project in Davis

Gary Rummelhoff

- Attended Senator Joe Simitian's public charter school hearing
- Attended the annual Santa Clara County School Board Association (SCCSBA) dinner
- Continues to be involved with the Leland High School foundation

T.N. Ho

- Attended the North County Regional Occupational Program (NCROP) executive committee meeting
- Attended Cary Matsuoka's, the new Los Gatos-Saratoga Joint High School superintendent, reception
- Attended Senator Joe Simitian's public charter school hearing
- Attended a Fremont Union High School District Foundation banquet
- Attended the COE Distinguished Schools event
- Met with Superintendent Wilcox

Jane Howard

- Attended the annual Santa Clara County School Board Association (SCCSBA) dinner
- Attended the COE Distinguished Schools event
- Attended Governor Romney's luncheon
- Served as a panelist for the Gilroy Dispatch Editorial Board Forum for the Gilroy Unified School District candidates
- Met with Superintendent Wilcox

Leon Beauchman

- Attended the annual Santa Clara County School Board Association (SCCSBA) dinner
- Attended Senator Simitian's public charter schools hearing
- Attended La Raza's Roundtable monthly meeting
- Attended the Silicon Valley Leadership Group Education committee meeting

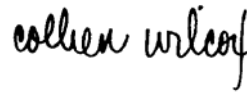
Superintendent's Report

There was no superintendent report.

Adjournment

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,



Colleen B. Wilcox, Ph.D., Superintendent
Ex-Officio Secretary

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**RESOLUTION DENYING THE CHARTER PETITION
OF COMMUNITY ELEMENTARY CHARTER SCHOOL**

**SANTA CLARA COUNTY BOARD OF EDUCATION
RESOLUTION NO. 1089-1**

RESOLVED by the Santa Clara County Board of Education, County of Santa Clara, State of California, that:

WHEREAS, pursuant to the procedures set forth in Education Code Section 47605 and its implementing regulations, petitioners for the Community Elementary Charter School presented their Petition to establish a charter school to the County Office of Education on August 15, 2006, having been denied by the Alum Rock Union Elementary School District Board of Education on July 20, 2006; and the County Board of Education held a public hearing on this matter on October 4, 2006; and

WHEREAS, the County Board of Education reviewed the Petition taking into consideration the testimony and documents submitted, including the Charter Petition to the County Board of Education, received August 15, 2006; the testimony presented at the public hearing held on October 4, 2006; additional materials received from petitioners, the Alum Rock Union Elementary School District and the public; and the review of County Office of Education staff; and

WHEREAS, the charter petition fails to meet the criteria established by Education Code Section 47605, specifically:

A. the petition does not contain the required signatures, in that the signatures are for a petition with different provisions for special education;

B. the petition does not contain a reasonably comprehensive description of the required elements, in that many details were incorrect or omitted in areas of (1) instructional calendar, (2) curriculum, (3) modification of instruction, (4) improvement of instruction, (5) employee leave, (6) facility maintenance and safety, and (7) English language development;

C. the petition presents an unsound educational program in the areas of (1) academics, (2) facilities, (3) governance, (4) dispute resolution, (5) admissions preferences and (6) fiscal accountability;

D. petitioners have demonstrated an unlikelihood to successfully implement the program by (1) failing to follow directions in the submission of the petition, (2) failing to address findings of the Alum Rock Union Elementary Board, and (3) proposing conditions outside the authority of a school charter;

E. the petition fails to meet legal requirements for facility location and students served; and

F. the petition's proposed fiscal accountability procedures may not conform to statute;

NOW, THEREFORE, the County Board of Education does hereby DENY the Petition.

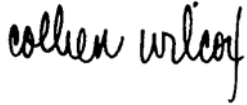
Passed and adopted by the Santa Clara County Board of Education at a meeting held on this 1st day of November, 2006 by the following vote:

AYES: President Ho, Vice-President Rummelhoff, members Song, Howard, Beauchman and Dr. Evers

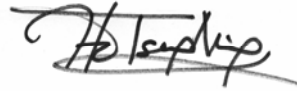
NOES: -none-

ABSTENTIONS: -none-

ABSENT: member Muñoz



Colleen B. Wilcox, Ph.D.
County Superintendent of Schools



T. N. Ho, President
Santa Clara County Board of Education