

SANTA CLARA COUNTY BOARD OF EDUCATION
1290 Ridder Park Drive
San Jose, California 95131

APPROVED
Regular Meeting #2056
Board Room
April 7, 2010
5:00 p.m.

1. CALL TO ORDER

President Song called the meeting to order at 5:05 p.m.

a. Roll Call

Board Members Present:

Grace Mah, Area 1
T.N. Ho, Area 2
Leon Beauchman, Area 3
Joseph Di Salvo, Area 4
Anna Song, Area 5
Craig Mann, Area 6
Jane Howard, Area 7 (*arrived at 5:15 p.m.*)

Board Members Absent:

Ricardo Gonzalez, student board member
Helen Yu, student board member

b. Pledge of Allegiance

President Song asked Vice President Mah to lead the pledge of allegiance.

c. Adoption of Agenda

MOTION #2056-1 by member Mann to adopt the agenda as presented. Member Beauchman seconded the motion and it carried 6-0-1 with member Howard absent.

2. PUBLIC COMMENTS OF PERSONS DESIRING TO ADDRESS THE BOARD OR TO PRESENT PETITIONS

President Song opened the hearing for public comment.

The following individuals shared their concerns on the difficulty of meeting the certification deadline under No Child Left Behind (NCLB) by special education aides:

- Matthew Cottrell, SEIU Local 521, spoke on behalf of all SEIU Local 521 educational aides and in particular Cecily Cattoor
- Lesbia Reclosado, SEIU Local 521

(Member Howard arrived at the meeting – 5:15 p.m.)

3. CORRESPONDENCE

- Letter dated March 18, 2010 from Ken Moore, Board President of Bullis Charter School, sent to the Board of Education, regarding student demand and facilities update

4. CONSENT ACTION ITEMS

- a. Request Approval of Regular Meeting of March 17, 2010 (#2055)
- b. Request Acceptance of Grant Award Notification
- c. Request Approval of County Superintendent's Monthly Expenses
- d. Request Approval to Submit Non-Competitive Grant for Region 5 Under the Regional School and District Support System (RSDSS)
- e. Request Approval to Submit Non-Competitive Grant for Afterschool Assistance Providers Connect (ASAPconnect) Project

President Song requested that the date on the first page of the March 17, 2010 minutes reflect March 17, 2010 instead of March 3, 2010.

MOTION #2056-2 by member Mann that the Board approve Consent Action Items A-E with noted amendment. Member Beauchman seconded the motion and it carried 7-0.

5. STUDY ACTION ITEMS

- a. Magnolia Science Academy-Santa Clara Charter Petition

The following individuals spoke in support of Magnolia Science Academy-Santa Clara:

- Michael Wegielewski, parent
- Eva Gomez, parent
- Mark Shields, parent
- Adila Saadat, parent
- Sylvester Rajasekaran, parent
- Ayub Patel, parent
- Tanuja Rao, parent
- Sophia Shtilmou, parent
- Craig Russell, parent
- Apoorva Karkhanis, parent
- Crystal Collier, parent

Dr. Lucretia Peebles, Director of the Charter Schools Department, presented a report on the petition. Rogelio Ruiz, the Board's attorney from Rehon & Ruiz LLP, provided background on the material violations.

Board members deliberated and asked clarifying questions. Mr. Ruiz and Lisa Corr, petitioner's attorney from Middleton, Young, & Minney LLP answered questions.

MOTION #2056-3 by member Beauchman that the Board approve the request for material revision to the charter petition and open the charter school in September of 2010 with the opening dates of its other schools extended out one year and approve the charter for a three-year period. The Board requires the petitioner to annual provide the Board with their Santa Clara County outreach plans. Vice President Mah seconded the motion and it carried 4-3 by a roll call vote with President Song and members Di Salvo and Ho voting no.

MOTION #2056-4 by Vice President Mah that the Board defer discussion of the initiating proceedings to revoke the charter petition to the April 21 meeting based on anticipated responses to Violation #5 from Magnolia Science Academy—Santa Clara. Member Ho seconded the motion and it carried 7-0.

Recess

The Board broke for recess at 7:22 p.m. and reconvened into Open Session at 7:36 p.m.

b. Decision on the Charter School Petition for Flex Academy Silicon Valley

The following individuals spoke in support of Flex Academy Silicon Valley:

- Dr. Michael Kirst, Professor at Stanford University
- Dr. Carlota del Portillo, Flex Academy Board Member

Dr. Charles Weis, County Superintendent of Schools, affirmed staff's recommendation for approval of the charter petition and presented a revised resolution which added "*and will open no later than Fall 2011*" in item #2 under *NOW, THEREFORE*. Member Ho suggested a further amendment to item #2 — the end should read: "*. . . shall expire 5 years after the start of operation.*"

MOTION #2056-5 by member Mann that the Board approve the charter school petition for Flex Academy Silicon Valley with existing deficiencies in the petition which can be addressed in a contract with the petitioner and with amendments made by Dr. Weis and member Ho. Member Di Salvo seconded the motion and it carried 7-0.

c. Request to Start the Process of Revocation of the Charter for South Bay Preparatory Charter School

The following individuals spoke in support of South Bay Preparatory Charter School:

- Tim Barnes, board member, South Bay Prep
- Kevin Sved, School Development Consultant, South Bay Prep
- Stephanie Brown, board president, South Bay Prep
- Marlee Benefiel, parent

The following individuals spoke against South Bay Preparatory Charter School:

- Brian McClimans, former teacher at South Bay Prep
- Charlene de Leon, former teacher at South Bay
- Dr. Ellen Welt, interim executive director

Dr. Weis presented background on South Bay Prep and Mr. Ruiz provided an explanation on the Brown Act rules regarding calling special board meetings.

Board members asked clarifying questions.

MOTION #2056-6 by member Mann that a 30-day notice to cure violations be submitted to South Bay Prep. Member Beauchman seconded the motion and it carried 7-0.

Recess

The Board broke for recess at 9:43 p.m. and reconvened into Open Session at 9:49 p.m.

(Member Ho left the meeting 9:43 p.m.)

d. Adopt the Budget Revisions for the Period Ending February 28, 2010

MOTION #2056-7 by member Mann that the Board adopt the budget revisions for the period ending February 28, 2010. Vice President Mah seconded the motion and it carried 6-0-1 with member Ho absent.

e. Accept the Monthly Financial Report for the Period Ending February 28, 2010

MOTION #2056-8 by member Mann that the Board accept the monthly financial report for the period ending February 28, 2010. Vice President Mah seconded the motion and it carried 6-0-1 with member Ho absent.

f. Request Approval of 2010-2011 Indirect Rates

MOTION #2056-9 by member Mann that the Board approve the 2010-2011 indirect rates. Member Di Salvo seconded the motion and it carried 6-0-1 with member Ho absent.

g. Request Approval of Purchase Order Exceeding \$100,000

MOTION #2056-10 by member Mann that the Board approve the purchase order for All Seasons Roofing. Vice President Mah seconded the motion and it carried 6-0-1 with member Ho absent.

Joe Cassibba, Director of General Services answered questions.

h. Request Approval of Purchase Order Exceeding \$100,000

MOTION #2056-11 by member Di Salvo that the Board approve **Study Action Items 5.H. through 5.L.** relating to the new construction at SCCOE's Special Education program at Gateway School in Gilroy. Vice President Mah seconded the motion and it carried 6-0-1 with member Ho absent.

i. Request Approval of Purchase Order Exceeding \$100,000

This item was approved. Refer to motion under Study Action Item 5.H.

j. Request Approval of Purchase Order Exceeding \$100,000

This item was approved. Refer to motion under Study Action Item 5.H.

k. Request Approval of Purchase Order Exceeding \$250,000

This item was approved. Refer to motion under Study Action Item 5.H.

l. Request Approval of Purchase Order Exceeding \$250,000

This item was approved. Refer to motion under Study Action Item 5.H.

m. Request Approval of 2010-2011 Comprehensive School Safety Plans

Dr. Weis gave a summary on the comprehensive school safety plans and explained how the plans were developed.

MOTION #2056-12 by member Mann that the Board approve the 2010-2011 comprehensive school safety plans. Member Beauchman seconded the motion and it carried 6-0-1 with member Ho absent.

n. Request Approval of the Title 1, Part A, Waiver Application and the Corresponding Waiver Plan

Dr. Weis explained that the State Board of Education requires Board approval for SCCOE's participation in the waiver application for flexibility in the use and time requirements of Title 1, Part A fund under the American Recovery and Reinvestment Act (ARRA).

Jesse Ramos, Coordinator of Categorical and Special Projects, answered questions from the Board.

MOTION #2056-13 by member Mann that the Board approve the Title 1, Part A, waiver application and the corresponding waiver plan. Vice President Mah seconded the motion and it carried 6-0-1 with member Ho absent.

o. Request Approval on Resolution in Support of Local Parcel Tax Measures

Vice President Mah reported on the couple of requests she received from local school districts to support their parcel tax measures. (*resolution attached*)

MOTION #2056-14 by member Mann that the Board approve the resolution in support of local parcel tax measures. Member Di Salvo seconded the motion and it carried 6-0-1 with member Ho absent. (*resolution attached*)

p. Request Approval on Resolution in Support of Local Bond Measures

MOTION #2056-15 by member Mann that the Board approve the resolution in support of local bond measures. Member Beauchman seconded the motion and it carried 6-0-1 with member Ho absent. (*resolution attached*)

(*Member Howard left the meeting – 10:06 p.m.*)

6. INFORMATION

a. Update – Alternative Schools

This item was tabled to the April 21, 2010 meeting.

b. Report on SCCOE’s American Recovery and Reinvestment Act (ARRA) Expenditure Funding

Dr. Weis provided an overview of the ARRA expenditures as of mid-March 2010. Mr. Coffman answered questions from the Board.

c. Discussion on Resolution in Support of the Local Control of Local Classrooms Funding Act

This item was tabled to the April 21 meeting to allow members Ho and Howard an opportunity to participate in the discussion.

d. County Committee on School District Organization

There were no reports.

e. Board Committee Reports

Dr. Weis

- Announced the upcoming Budget Study Committee meeting of April 21 from 3:00 p.m. to 4:00 p.m.

Grace Mah

- Attended a Policy Development Subcommittee meeting on March 3, 2010. CSBA will assist in reviewing SCCOE policies.
- Announced an upcoming April 21 meeting on Joint Committee on Child Care (JCCC)

Leon Beauchman

- Attended a Joint Legislative Advisory Committee (JLAC) meeting on April 7, 2010. Majority of the conversation dealt around the State budget.
- Announced an upcoming CSBA Delegate Assembly and Legislative Action Conference on May 22-24, 2010

Anna Song

- Attended a Policy Development Subcommittee meeting on March 3, 2010. (Member Di Salvo was also present at this meeting.)

f. County Board of Education Member Reports

Joseph Di Salvo

- Attended a graduation at Blue Ridge High School
- Announced his upcoming National School Boards Association (NSBA) conference on April 10-12, 2010 in Chicago

Grace Mah

- Attended two 'Masters in Governance' classes through California School Boards Association (CSBA) – HR and Setting Directions classes
- Visited South Bay Prep
- Attended a SJ2020 meeting with Dr. Weis
- Suggested that a governance team meeting be held during an upcoming regular board meeting

Leon Beauchman

- Attended the Oak Grove School District 'Dream Keeper' awards ceremony
- Presented at a class of potential administrators from San Jose State
- Attended a National Service Learning conference
- Concurred with President Song's sentiments on the recent San Jose Mercury News article on Dr. Weis
- Attended a Juvenile Justice Systems Collaborative meeting – April 7, 2010

Craig Mann

- Announced he had no contact with Magnolia Science Academy or South Bay Prep charter petitioners – Mr. Mann did meet with Mark Kushner, petitioner of Flex Academy Silicon Valley
- Provided minor revisions to Dr. Dritz' incident report on Novo Community School

Anna Song

- Announced the upcoming Closed Session of April 21 on the Superintendent's mid-year performance evaluation. This Closed Session was planned far in advance and is not in response to the recent article on Dr. Weis found in the San Jose Mercury News. President Song acknowledged the difficulty of reading this kind of article and provided Dr. Weis with morale support. President Song clarified that she did not contact the Mercury News nor did she provide any documents to the reporter. She is committed to working as a team and moving forward.

g. County Superintendent's Report:

Dr. Weis presented the following information relative to the activities of the Office:

- Probationary I's and II's and Non-Reelects — ACE/CTA
- Follow-Up of the AB139 Audit of East Side Union High School
- Digital School Board Project Timelines
- Provided an update on Verizon Wireless' participation in SJ2020

7. FUTURE AGENDA ITEMS

- Discussion on how to increase the number of math teachers in Silicon Valley – July (Joseph Di Salvo)
- Presentations on SCCBOE's approved charter schools (Grace Mah)

8. ADJOURNMENT

The meeting adjourned at 10:45 p.m.

Respectfully submitted,



Dr. Charles Weis, County Superintendent of Schools
Ex-Officio Secretary

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RESOLUTION APPROVING THE CHARTER PETITION
OF FLEX ACADEMY SILICON VALLEY CHARTER SCHOOL

SANTA CLARA COUNTY BOARD OF EDUCATION
RESOLUTION NO: 2056-1

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 47605.6 and its implementing regulations, petitioners for the FLEX Academy Silicon Valley Charter School presented their Petition to establish 3 (three) charter schools in 3 districts to the County Office of Education on December 14, 2009, and the County Board of Education held a public hearing on this matter on February 3, 2010 and March 17, 2010; and

WHEREAS, the County Board of Education reviewed the Petition taking into consideration the testimony and documents submitted, including the FLEX Academy Silicon Valley Charter School Petition to the County Board of Education; the testimony presented at the public hearing; additional materials received from petitioner; and the review of County Office of Education staff; and

WHEREAS, the County Board of Education finds that the proposed charter school will offer services to pupils, and that such pupils will benefit from those services; and

WHEREAS, the County Board of Education finds that the deficiencies identified by staff review will be corrected and incorporated into a contract with the petitioner;

NOW, THEREFORE, the County Board of Education does hereby approve the petition, and does hereby grant the charter, with the stipulation that the charter granted by the County Board of Education differs from the original petition document in the following respects:

1. The charter document approved is the document entitled FLEX Academy Silicon Valley Charter School dated December 14, 2009.
2. The charter is approved for an initial period of five years of school operation, and will commence July 1 of the year school operations commence, and will open no later than Fall 2011, and shall expire 5 years after the start of operation.
3. The County Board of Education directs the County Superintendent of Schools to negotiate a contract that includes the provisions to address the deficiencies with FLEX Academy Silicon Valley Charter School consistent with the Santa Clara County Office of Education Administrative Regulation 6234. Failure to successfully negotiate such a contract by June 4, 2010, shall be considered grounds for revocation of the charter.

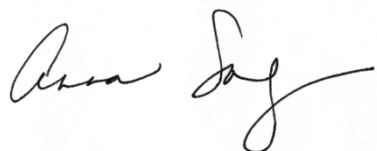
Passed and adopted by the Santa Clara County Board of Education at a meeting held on this 7th day of April 2010 by the following vote:

AYE: President Song, Vice President Mah, members Beauchman, Ho, Howard, Di Salvo and Mann

NO: -none-

ABSTENTION: -none-

ABSENT: -none-



Anna Song, President
Santa Clara County Board of Education



Charles Weis, Ph.D.
County Superintendent of Schools

RESOLUTION
IN SUPPORT OF LOCAL PARCEL TAX MEASURERS

SANTA CLARA COUNTY BOARD OF EDUCATION
RESOLUTION No. 2056-2

WHEREAS, State General Fund revenues have been unstable and unpredictable for school districts and county offices of education; and

WHEREAS, parcel tax revenues can provide a stable, predictable source of local school funding; and

WHEREAS, parcel tax revenues allow local voters to make investments in their community schools in addition to state funding; and

WHEREAS, parcel tax revenues can be spent according to local priorities and are not subject to state control; and

WHEREAS, the Santa Clara County Board of Education supports local control and authority among its member Districts; and

WHEREAS, Fremont Union High School District, Lakeside USD, Loma Prieta USD, Milpitas USD, Mount Pleasant SD, Oak Grove SD, Palo Alto USD and Union SD have placed new or renewed parcel tax measures on the May and June 2010 ballots for consideration by their local voters.

NOW, THEREFORE, BE IT RESOLVED, that the Santa Clara County Board of Education expresses its support for local parcel tax measures and encourages all citizens concerned with lack of adequate financial resources for schools to vote "yes."

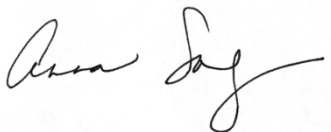
PASSED AND ADOPTED by the Santa Clara County Board of Education at a meeting held on April 7, 2010, by the following vote:

AYES: President Song, Vice President Mah, members Beauchman, Mann, Di Salvo and Howard

NOES: -none-

ABSTAIN: -none-

ABSENT: member Ho



Anna Song, President
Santa Clara County Board of Education



Charles Weis, Ph.D.
County Superintendent of Schools

**RESOLUTION
IN SUPPORT OF LOCAL BOND MEASURERS**

**SANTA CLARA COUNTY BOARD OF EDUCATION
RESOLUTION No. 2056-3**

WHEREAS, State General Fund revenues have been unstable and unpredictable for school districts and county offices of education; and

WHEREAS, General Obligation Bond revenues can provide a stable, predictable source of local school funding for facilities and capital improvements; and

WHEREAS, General Obligation Bond revenues allow local voters to make investments in their community schools in addition to state funding; and

WHEREAS, General Obligation Bond revenues can be spent according to local priorities for facilities and capital improvements and are not subject to state control; and

WHEREAS, the Santa Clara County Board of Education supports local control and authority among its member Districts; and

WHEREAS, Los Gatos Union SD and Mountain View/Los Altos UHSD have placed new or extended General Obligation Bond measures on the June 2010 ballot for consideration by their local voters.

NOW, THEREFORE, BE IT RESOLVED, that the Santa Clara County Board of Education expresses its support for these local General Obligation Bond measures and encourages all citizens concerned with lack of adequate financial resources for school facilities and capital improvements to vote "yes."

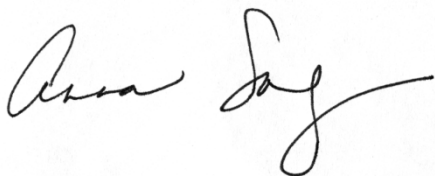
PASSED AND ADOPTED by the Santa Clara County Board of Education at a meeting held on April 7, 2010, by the following vote:

AYES: President Song, Vice President Mah, members Beauchman, Mann, Di Salvo and Howard

NOES: -none-

ABSTAIN: -none-

ABSENT: member Ho



Anna Song, President
Santa Clara County Board of Education



Charles Weis, Ph.D.
County Superintendent of Schools