

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

APPROVED
Regular Meeting #2046
Board Room
September 16, 2009
5:00 p.m.

1. CALL TO ORDER

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

a. Roll Call

Trustees Present:

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

b. Pledge of Allegiance

President Mann asked Josephine Dalit, SCCOE Teacher of the Year to led the pledge of allegiance.

c. Adoption of Agenda

President Mann suggested to move Item 7 “*Public Comments of Persons Desiring to Address the Board or to Present Petitions*” before Item 4 “*Per Education Code §45246 Announce the Board of Education’s Intent to Reappoint Mr. Nicholas Gervase to the Personnel Commission on October 21, 2009*” in order to accommodate public comments early on before a possible lengthy closed session.

MOTION #2046-1 by member Howard to adopt agenda with noted request.
Member Mah seconded the motion and it carried 6-0-1 with Vice President Song absent.

2. RECOGNITION OF COE TEACHER OF THE YEAR FOR 2009:
JOSEPHINE DALIT, HEAD START TEACHER, SANTEE SCHOOL

President Mann and Dr. Weis introduced the SCCOE Teacher of the Year for 2009 – Ms. Josephine Dalit, Head Start, Santee School. They spoke of Ms. Dalit’s accomplishments and brought Ms. Dalit to the podium. Ms. Dalit thanked the Board and her colleagues for the recognition and introduced her family.

3. DON CHRISTOPHER RECOGNITION

(Vice President Song arrived at meeting – 5:15 p.m.)

Dr. Weis introduced Don Christopher of Christopher Ranch and presented Mr. Christopher with a plaque in recognition for his many contributions to Head Start. Ana Trujillo, Head Start Director, provided some background on the ranch and thanked Mr. Christopher for making a great investment.

CHANGE IN AGENDA

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

President Mann opened the hearing for public comment.

Dr. Fernando Elizondo, former interim Luther Burbank Superintendent, introduced Becki Cohn-Vargas, newly appointed Luther Burbank Superintendent and thanked SCCOE staff for their past support.

Chris Neal, from Core Affordable Housing, addressed the Board regarding the Sunol Court Project.

Jim Marcus, Sunol Court property owner, spoke regarding his relationship with Foundry School personnel and discussed the positives of the proposed project.

Jane Emm, parent, requested a reconsideration on a previously closed session regarding an interdistrict transfer appeal which was not upheld.

Cassandra Vickers, parent, spoke about her concern regarding the Foundry School's site council issue. .

Deborah Arant, VP of the Shasta / Hanchett Park Neighborhood Association thanked the Board for their efforts on the Sunol Court Project.

Joe Solorzano, field representative from the Foundation for Fair Contracting, discussed documentation of non-compliance findings on the Terracoast / Foundry Relocatables.

4. PER EDUCATION CODE §45246, ANNOUNCE THE BOARD OF EDUCATION'S INTENT TO REAPPOINT MR. NICHOLAS GERVASE TO THE PERSONNEL COMMISSION ON OCTOBER 21, 2009

Mr. Gervase answered questions from the Board.

MOTION #2046-2 by Vice President Song, that the Board announce their intent to reappoint Mr. Nicholas Gervase to the Personnel Commission on October 21, 2009. Member Di Salvo seconded the motion and it carried 7-0.

5. CLOSED SESSION

The Board adjourned into Closed Session at 5:52 p.m. to hear the following items:

- a. Subject Matter: Interdistrict Transfer Appeal Filed on Behalf of Student (Resident District: Santa Clara Unified School District, Desired District: Milpitas Unified School District)
- b. Subject Matter: Expulsion Appeal Filed on Behalf of Student (Resident District: San Jose Unified School District)

OPEN SESSION – 7:35 p.m.

REPORT OF ACTIONS TAKEN IN CLOSED SESSION

In the matter of Agenda Item 5.a. *Interdistrict Transfer Appeal Filed on Behalf of Student (Resident District: Santa Clara Unified School district, Desired District: Milpitas Unified School District)*, there was a motion (#2046-3) by Vice President Song and seconded by member Di Salvo, to uphold the appeal for one school year based on Factor 2 “A substantial danger to the pupil’s health or safety.” Motion carried 5-2 with members Mah and Ho voting no.

The Board Adjourned into Closed Session at 7:40 p.m. to hear Closed Session Item 5.b.

OPEN SESSION – 8:35 p.m.

REPORT OF ACTIONS TAKEN IN CLOSED SESSION

In the matter of Agenda Item 5.b. *Expulsion Appeal filed on Behalf of Student (Resident District: San Jose Unified School District)*, there was a motion (#2046-4) by member Howard and seconded by Vice President Song, to deny the student’s request to extend the hearing appeal process. Motion carried 7-0. Another motion was made (#2046-5) by member Howard and seconded by member Beauchman to deny the appeal. Motion carried 7-0.

Recess

The Board broke for recess at 8:35 p.m. and reconvened into Open Session at 8:40 p.m.

8. CORRESPONDENCE

- Email dated September 4, 2009 from Terri Balandra, addressed to the Board of Education and Dr. Weis, titled “Wednesday’s Board Meeting Regarding Item 9B, Sunol Court”
- Letter dated September 3, 2009, addressed to Dr. Charles Weis and the Board of Education, regarding prime contractor: Terracoast Incorporated, Project: Foundry Relocatables

Board members discussed clarification of their position on the Sunol Court Project.

9. CONSENT ACTION ITEM

- a) Request Approval of Minutes of Regular Meeting of September 2, 2009 (#2045)

Member Ho requested that a correction be made to Item 1.A. *Roll Call*. Minutes should reflect members Ho and Howard absent. Member Di Salvo requested that Item 13 *Future Agenda Items* should read: Alternative Schools – New Vision, November 18.

MOTION #2046-6 by member Ho that the Board approve Consent Action Item A with noted corrections. Member Howard seconded the motion and it carried 5-0-2 with members Ho and Howard abstaining.

10. PUBLIC HEARING AND ACTION

Public Hearing to Change Tier III Program Funds to Unrestricted Accounts and Approve a Change in Use of Funds for Specific Programs

President Mann opened the hearing for public comment. No one wished to address the Board or Dr. Weis.

Dr. Weis explained the change in Tier III program funds to unrestricted accounts and the change in use of funds for specific programs and answered questions from the Board.

MOTION #2046-7 by Vice President Song that the Board approve new uses of funds for the specified programs presented to the Board on attachment B. Member Mah seconded the motion and it carried 7-0.

11. STUDY ACTION ITEMS

a. 2009-10 State Budget Revision and Workers Compensation Reserve Refund

Dr. Weis reported on revisions in revenues that will be made to the SCCOE's budget in order to reflect the funding included in the Budget Act.

MOTION #2046-8 by member Ho that the Board approve the proposed solutions to use Fund 920, 940, 990 reserves and Fund 800 surplus and the workers compensation refund to all programs. Vice President Song seconded the motion and it carried 7-0.

b. Second Reading of New Board Policies 6000 Instruction

MOTION #2046-9 by member Howard that the Board approve the Second Reading of New Board Policies 6000 Instruction. Member Beauchman seconded the motion and it carried 7-0.

c. Second Reading of New Board Policy 6146.1 on High School Graduation Requirements

MOTION #2046-10 by Vice President Song that the Second Reading of New Board Policy 6146.1 on High School Graduation Requirements be tabled to the upcoming October 7, 2009 meeting. Member Di Salvo seconded the motion and it carried 7-0.

d. Request Approval of Bridge Financing for Foothill High School project

Dr. Weis reminded the Board that at the August 12 Board meeting, purchase orders relating to new construction at Foothill High School campus for SCCOE's special education facilities was discussed. At that time, SCCOE learned that the Office of Public School Construction (OPSC) had approved SCCOE money for the Foothill High School education project but that the Department of Finance earlier restricted OPSC from releasing funds for approved projects until the current budget situation was resolved. SCCOE has sufficient funds available in Fund 801 – *Unrestricted Facilities Fund* to support an interfund transfer for the amount needed to complete the Foothill project.

MOTION #2046-11 by member Ho that the Board approve bridge financing for an interfund transfer from Fund 801 to Fund 350 for completion of the Foothill High School project. Member Mah seconded the motion and it carried 7-0.

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

MOTION #2046-12 by Vice President Song that the Board approve Study Action Items E through J relating to the school construction of the Santa Clara County Office of Education at Foothill High School. Member Howard seconded the motion and it carried 7-0.

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

Carried 7-0. Please refer to Motion #2046-12 under Study Action 11.E.

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

Carried 7-0. Please refer to Motion #2046-12 under Study Action 11.E.

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

Carried 7-0. Please refer to Motion #2046-12 under Study Action 11.E.

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

Carried 7-0. Please refer to Motion #2046-12 under Study Action 11.E.

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

Carried 7-0. Please refer to Motion #2046-12 under Study Action 9.E.

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

MOTION #2046-13 by member Ho that the Board approve the purchase order exceeding \$250,000 for Western Blue. Member Howard seconded the motion and it carried 7-0.

12. INFORMATION / DISCUSSION ITEMS

a. First Reading of New Board Policies 6000 Instruction

Vice President Song presented the new Board Policies 6000 Instruction.

b. First Reading of New Board Bylaw 9150 and Revised Board Bylaw 9110

Vice President Song presented the new Board Bylaw 9150 and Revised Board Bylaw 9110 and answered questions.

c. First Reading of Revised Board Bylaw 9250 (formerly Board Bylaw 8260)

Vice President Song explained the revised Board Bylaw 9250 and answered questions.

d. County Committee on School Districts Organization

Dr. Weis reported on the activities of the County Committee on School Districts Organization and answered questions.

e. Board Committee Reports

Anna Song

Policy Development Subcommittee

- Announced the upcoming October 7 meeting

Dr. Charles Weis

Joint Legislative Advisory Committee

- Mentioned that a JLAC meeting should be arranged sometime after his Washington D.C. trip

Jan Howard

Santa Clara County Regional Occupational Program (SCCROP) Operations Committee

- Announced an upcoming meeting in October

Grace Mah

Head Start Policy Council

- Announced an upcoming Risk Management meeting

Leon Beauchman

California County Board of Education (CCBE) Board of Directors

- Announced the upcoming Sept 25-26 meeting in Monterey, CA

h. County Board of Education Member Reports

T.N. Ho

- Attended the annual meeting of the California Chinese Unit of the American Cancer society – has been invited to be a board member
- Announced the upcoming September 19 Santa Clara forum of the Bay Area chapter of the Asian Pacific Islander American Public Affairs Association (APAPA)

Leon Beauchman

- Attended the Anne Darling School ribbon-cutting ceremony event
- Attended the Silicon Valley Leadership Group's Projections conference

Anna Song

- Attended a Charter Schools Task Force meeting

Joseph Di Salvo

- Attended the Anne Darling School ribbon-cutting ceremony event
- Attended the Silicon Valley Leadership Group's Projections conference
- Announced he is on two charter school subcommittees for the Charter School Task Force

Grace Mah

- Attended a Charter Schools Task Force meeting and signed up for a charter school subcommittee
- Attended the Anne Darling School ribbon-cutting ceremony event
- Attended a lunch meeting with Dr. Cary Dritz, Deputy Superintendent

Jane Howard

- Announced the upcoming Gilroy Business Education Partnership breakfast – will launch new website *gilroyworkforce.com*
- Mentioned an article, found in Gilroy Today, which featured her husband who raises exotic birds

Craig Mann

- Announced his possible schedule conflict for the December Board meeting
- Announced his Back-To-School night where he teaches
- Apologized to member Beauchman for his earlier testy response to member Beauchman's Sunol Court Project inquiry

g. County Superintendent's Report:

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

- Letter dated September 4, 2009 from President Mann, addressed to Jody Hall Esser, SCC Department of Planning and Development addressing the Sunol Court Project (*Note: letter was incorrectly sent to SCC Dept of Planning, but then sent to correct addressee ... SJ City Planning Dept*)
- Letter dated September 9, 2009 by Rogelio Ruiz, addressed to Joseph Horwedel and Lesley Xavier of San Jose City's Department of Planning, Building and Code Enforcement, addressing the Sunol Court Project.
- Email dated September 15, 2009 from Rogelio Ruiz, addressed to Dr. Weis and Dr. Dritz, titled "Sunol Project."
- Email dated September 15, 21009 from Chris Neale, addressed to Dr. Weis and Rogelio Ruiz, titled "Sunol Court."
- Email dated September 16, 2009 from President Mann, addressed to Dr. Weis and Rogelio Ruiz, titled "Sunol: Next Steps."
- Email dated September 16, 2009 from President Mann, addressed to Chris Neal, Rogelio Ruiz and Dr. Weis, titled "Sunol Affect on Foundry."
- Career Technical Education brochure
- The Road to Success brochure

- Email dated September 10, 2009 addressed to Dr. Cary Dritz, Deputy Superintendent, from Atif Saleem, providing positive feedback regarding Walden West
- Letter dated September 9, 2009 addressed to Dr. Weis from Mark Teeters, Vintage High School Music Department, thanking Dr. Weis (on behalf of the students) for attending the recent SC21 dinner.
- “APR: Some Local Schools Make Big Gains”, SCCOE News Release, September 15, 2009
- “API Test Scores: Valley’s Latino and Black Students Lag Other Areas”, Mercury News, September 15, 2009
- “API Scores Increase for Peninsula Schools”, Palo Alto Daily News, September 15, 2009
- Email dated September 14, 2009 from Linda Aceves, titled SCCOE Student Program Results
- “Facing the Challenge in California,” Techniques, September 2009
- “Learning to Teach,” Joseph Di Salvo, Inside San Jose blog, September 15, 2009
- Attendance & Enrollment for Community Schools – reports dated: August 26, September 2, 9

13. CLOSED SESSION

The Board adjourned into Closed Session at 10:10 p.m. to discuss a “Public Employee Performance Evaluation” Title: County Superintendent of Schools (*Government Code Section 54957(b)(1) permits Boards to conduct a closed session for evaluation of performance of a public employee.*)

OPEN SESSION – 10:30 p.m.

14. REPORT OF ACTIONS TAKEN IN CLOSED SESSION

President Mann reported that, in the matter of Agenda Item 13, “*Public Employee Performance Evaluation, Title: County Superintendent of Schools*” there were no reportable actions.

15. FUTURE AGENDA ITEMS

- Alternative Schools –New Vision, November 18

16. ADJOURNMENT

The meeting adjourned at 10:30 p.m.

Respectfully submitted,



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

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