1. Public Comments of Persons Desiring to Address the Board or to Present Petitions

No one wished to address the County Board of Education or the County Superintendent of Schools.

2. Recognition of Former Board Member Craig Mann, Trustee Area 6

President Di Salvo introduced former Trustee Craig Mann. He noted Mr. Mann’s contributions to the County Board of Education as an advocate to all children and presented him a plaque in recognition of his work. Vice President Hover-Smoot recognized Mr. Mann for his years of service to the Santa Clara County Board of Education and presented him with a beautiful bouquet of flowers. She said Mr. Mann’s keen eye and sensitivity to injustice has most educated and inspired her in the past two years. Mr. Mann introduced his wife whom he paid tribute to; spoke about his current endeavors and thanked the board for the recognition. (*Attached, to the minutes, are Vice President Hover-Smoot’s words of recognition to Mr. Mann.*)

CLOSED SESSION

3. The Board convened into Closed Session to hear the following items:

A. Hearing
   Subject Matter: Expulsion Appeal Filed on Behalf of Student
   Resident District: Campbell Union High School District

B. Hearing
   Subject Matter: Inter-District Transfer Appeal Filed on Behalf of Student
   Resident District: East Side Union High School District
   Desired District: San Jose Union High School District

C. Conference with Real Property Negotiator (Government Code Section 54956.8)
   Negotiator: Lozano Smith Attorneys at Law
   Property: 38 N. Almaden Blvd #1800, San Jose, CA 95110
4. **Report of actions taken in Closed Session**

In the matter of Closed Session Item 3.A., Expulsion Appeal Filed on Behalf of Student, President Di Salvo reported that a motion (#2106-1) was made by member Beauchman and seconded by Vice President Hover-Smoot to uphold the appeal. The Board reversed the decision of the district governing board and requested that the student’s record be expunged. Vote carried 6-0.

In the matter of Closed Session Item 3.B., Inter-District Transfer Appeal on Behalf of Student, President Di Salvo reported that a motion (#2106-2) was made by Vice President Hover-Smoot and seconded by member Mah to uphold the appeal based on the following factors: **Factor 3**: A specialized and specific academic program or service, unavailable in the district of residence, but necessary to the pupil’s career or academic objectives; **Factor 5**: A severe and demonstrated hardship to parents or guardians which could affect the pupil’s success in school; and **Factor 12**: Other exceptional or extraordinary circumstances which would weigh heavily in favor of the appellate pupil. The appeal was granted for all four years of high school. Vote carried 6-0.

In the matter of Closed Session Item 3.C., Conference with Legal Counsel – Anticipated Litigation (Gov. Code Section 54956.9(c)), Deciding whether to Initiate Litigation: One (1) Potential Matter, President Di Salvo reported that the Board has directed legal counsel to contact Dr. Charles Weis, to negotiate a recovery of monetary damages to the Office of Education. If Dr. Weis is unwilling to resolve this matter to the Board’s satisfaction, the Board has directed legal counsel to pursue all available legal remedies.

5. **Call to Order**

A. **Roll Call**

   Member(s) Present:
   - Grace Mah, Area 1
   - Michael Chang, Area 2
   - Leon Beauchman, Area 3
   - Joseph Di Salvo, Area 4
   - Anna Song, Area 5
   - Julia Hover-Smoot, Area 7

B. **Adoption of Agenda**

   MOTION #2106-3 by Vice President Hover-Smoot that the Board approve the agenda as presented. Member Mah seconded the motion and it carried 6-0.

C. **Pledge of Allegiance**

   President Di Salvo asked Discovery Charter School students to lead the pledge of allegiance.
6. **Employee of the Month Recognition: Reyna Reyes, Student Services, Para-Educator—Special Education (Chandler Tripp Preschool)**

Member Song introduced Reyna Reyes, October’s Employee of the Month. She noted Reyna’s contributions, presented a plaque and an engraved pen in recognition of her work. Ms. Taura Anderson, principal at Chandler Tripp Special Education Cluster, expanded on Reyna’s contributions and said that Reyna is the kind of person you would want by your side. Reyna thanked the Board for the nomination and introduced her family and friends.

7. **Public Comments**

Mr. Frank Throckmorton, Discovery Charter School, invited the board to an upcoming talk by Dr. Jane Nelson. Dr. Nelson will be speaking on *Positive Discipline* on October 18 from 7:00 p.m. to 9:00 p.m. at West Gate Church in San Jose, CA.

8. **Correspondence**

- Various correspondences from the Tamien Community were received regarding the proposed Rocketship #8 Tamien site

9. **Superintendent’s Report**

- Spoke at the Santa Clara County Alliance of Black Educators’ *Back to School* celebration event on September 25, 2012
- Spoke at the College Day kickoff at San Jose State University on September 27, 2012
- Welcomed the Career Technical Education participants on September 27, 2012
- Hosted the Teacher Recognition Celebration held at the Heritage Theatre in Campbell on September 27, 2012
- Spoke at the La Raza Roundtable event on September 28, 2012
- Announced an upcoming meeting with People Acting in Community Together (PACT)

10. **Consent Action Items**

A) **Approval of Minutes of Regular Board Meeting of September 19, 2012 (#2105)**

MOTION #2106-4 by Vice President Hover-Smoot to approve Consent Action Item 10.A. Member Song seconded the motion and it carried unanimously.
11. Public Hearing

A. Public Hearing on the Countywide Charter School Petition for Discovery Charter School II

President Di Salvo opened the public hearing, explained the hearing process, and invited staff to present a report on the countywide charter school petition for Discovery Charter School II. Dr. Lucretia Peebles, Director of the Charter Schools Department, presented the report on Discovery Charter School II.

Lead petitioner, Dale Jones, spoke on the merits of Discovery Charter School II.

The board asked clarifying questions.

The following individuals spoke in support of Discovery Charter School II:

- Arielle Kurtze
- Kish Dill
- Sam Bushell
- Sierra Weston
- Tova Sweet
- Joseph Carter Sindelar
- Salim Kizaraly
- Julie Sizelove
- Brent Seybold
- Julian Jaramillo
- Michelle Pirooz

(The Board broke for a recess at 9:09 p.m. and reconvened into Open Session at 9:23 p.m.)

12. Public Hearing and Action

A. Public Hearing on 2012-2013 Gann Appropriations Limit and Adoption of Resolution Establishing 2012-13 Gann Appropriations Limit

President Di Salvo opened the public hearing and no one wished to address the Board or the County Superintendent of Schools.

Ms. Micaela Ochoa, Chief Business Officer, introduced the 2012-13 Gann Appropriations Limit and Mr. Cal Scheid, Director of Internal Business Services, reported on the calculations of the 2012-13 Gann Appropriations Limit and answered questions from the Board.
MOTION #2106-5 by Vice President Hover-Smoot to conduct a public hearing on the 2012-13 Gann Appropriations Limit for the Santa Clara County Office of Education and to adopt the resolution establishing the 2012-13 Gann Appropriations Limit. Member Chang seconded the motion and it carried unanimously.

B. Public Hearing and Adoption of Resolution Regarding Sufficiency of Textbooks and Instructional Materials

President Di Salvo opened the public hearing and no one wished to address the Board or the County Superintendent of Schools.

Ms. Linda Aceves, Chief Schools Officer, informed the Board that upon verification it was determined sufficient supplies exist at all sites operated by the Santa Clara County Office of Education and that the Office has adopted textbooks and instructional materials that are consistent with the state curricular frameworks and standards.

MOTION #2106-6 by Vice President Hover-Smoot to conduct a public hearing and adopt the resolution regarding sufficiency of textbooks and instructional materials. Member Beauchman seconded the motion and it carried unanimously.

13. Information Items


Ms. Ochoa provided an introduction to the 2011-12 Annual Financial Report with Unaudited Actuals through June 30, 2012 and Mr. Scheid presented highlights of the report. Ms. Ochoa and Mr. Scheid answered questions.

(Vice President Hover-Smoot left the meeting at approximately 10:09 p.m.)

B. Revised Conflict of Interest BB 9270 and Exhibit 9270, First Reading

Dr. Xavier De La Torre, County Superintendent of Schools, presented the first reading on the Revised Conflict of Interest BB 9270 and Exhibit 9270 for the Board’s review.

C. Revised Board Compensation, Benefits and Travel Reimbursement BB 9250 and Exhibit 9250.1, First Reading

Dr. De La Torre, briefed the Board on the first reading on the Revised Board Compensation, Benefits and Travel Reimbursement BB 9250 and Exhibit 9250.1.
D. Guidelines for Considering a Charter School Zoning Exemption Request Workshop

Dr. De La Torre provided an introduction to the Guidelines for Considering a Charter School Zoning Exemption Request Workshop and Mr. Thomas Morell, Associate Attorney at Berliner Cohen, presented the guidelines and answered questions from the board members.

The following individuals provided their thoughts on the guidelines and the process:

- Stefen Boyd, parent
- Bret Bymaster, community member
- Jessica Garcia-Kohl, Rocketship

This item will be brought back for another discussion on November 7, 2012.

E. County Board of Education Member Reports

Joseph Di Salvo
- Met with the ad hoc committee to review applications for the seat vacancy from Board Trustee Area 6

Grace Mah
- Met with the ad hoc committee to review applications for the seat vacancy from Board Trustee Area 6

Anna Song
- Met with the ad hoc committee to review applications for the seat vacancy from Board Trustee Area 6

14. Future Agenda Items
- Alternative Education Update, November 7 (Joseph Di Salvo)
- Early Childhood Education Update, November 7 (Joseph Di Salvo)
- Office of Public School Construction Prop 55 Projects, November 28 (Joseph Di Salvo)
- Foster Youth Update, First Quarter in 2013 (Joseph Di Salvo)

15. ADJOURNMENT

The meeting adjourned at 11:23 p.m.

Respectfully submitted,

Dr. Xavier De La Torre, County Superintendent of Schools
Ex-Officio Secretary

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