

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

APPROVED
Board Agenda
March 19, 2014
Regular Meeting #2135
San Jose Room
5:00 p.m.

1. 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 (*arrived approximately at 5:50 p.m.*)

Anna Song, Area 5

Darcie Green, Area 6

Julia Hover-Smoot, Area 7

b. Adoption of Agenda

MOTION #2135-1 by member Song to adopt the agenda as submitted. Member Mah seconded the motion and it carried 6-0-1 with member Di Salvo absent.

c. Pledge of Allegiance

President Beauchman led the pledge of allegiance.

2. Student Recognition: Christine Marie Watson of Live Oak High School, Regional Occupational Program (ROP)

Member Mah introduced Christine Marie Watson, recipient of the SCCOE student recognition, and presented her with an iPod and a plaque in recognition of her achievements. Member Mah introduced Sarah Fontana, Christine's instructor in Introduction to Criminal Justice, who commented on Christine being an exceptional and dedicated student. Christine introduced her parents and thanked them for their support.

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

Chris Stampolis, Trustee, Santa Clara Unified School District, submitted several items for the Board's consideration regarding Closed Session Item #4.A.

4. The Board held a Closed Session to consider the following items:

- a) Subject Matter: Expulsion Appeal Filed on Behalf of Student
Resident District: Santa Clara Unified School District

(Member Di Salvo arrived at approximately 5:50 p.m.)

- b) Conference with Real Property Negotiators
(Government Code Section 54956.8)
Property: 38 North Almaden Blvd., Unit 1800, San Jose, CA 95110
Agency Negotiator: Micaela Ochoa, Chief Business Officer, SCCOE
Under Negotiation: Price and Terms
- c) Consideration of Public Employee Appointment (Government Code 54957)
Title: Interim Superintendent
- d) Conference with Legal Counsel—Potential Litigation
Pursuant to Government Code Section 54956.9(d)(2) — Two Cases

5. Report of Actions taken in Closed Session

President Beauchman reported that in the matter of Closed Session Item 4.A. Motion #2135-2 by member Hover-Smoot and seconded by member Mah to uphold the expulsion, failed by a vote of 3 yeas (President Beauchman and members Hover-Smoot and Mah), 3 nays (Vice President Green and members Song and Chang) and one abstention (member Di Salvo). Motion #2135-3 by member Chang and seconded by Vice President Green to uphold the appeal, failed by a vote of 3 yeas (Vice President Green and members Song and Chang), 3 nays (President Beauchman and members Hover-Smoot and Mah) and one abstention (member Di Salvo).

President Beauchman reported that in the matter of Closed Session Items 4.B. and 4.D. there were no reportable actions. Closed Session Item 4.C. will be discussed after Item #12 *Future Agenda Items.*

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

The following Bullis Charter School (BCS) parents provided information and findings on BCS's Summer Bridge Camp program:

- Martha McClatchie
- Grace Yang

Patrick Kim, parent, commented on IEP and safety issues which his son is experiencing at Ruskin Elementary School. He thanked Trustee Anna Song and Dr. Mary Ann Dewan, Chief Schools Officer, for meeting with him regarding his family's challenges at Ruskin Elementary School.

7. Correspondence

- Email, March 3, 2014, Serge Bonte, Subject: LCFE/LCAP – When will the real work begin within the Santa Clara County Office of Education and its schools portfolio?
- Email, March 10, 2014, Leon Beauchman, Subject: RE: Sunrise Middle School
- Email, March 11, 2014, Teresa Robinson, Subject: Sunrise / rigor
- Email, March 11, 2014, Dave Cortright, Subject: BCS avoids Brown Act disclosure by directing the BCS foundation to spend money on its behalf

8. Superintendent's Report

There was no report.

9. Consent Action Items

- a) Request Approval of Minutes of Regular Board Meeting of March 5, 2014 (#2134)
- b) Request Approval of Proposed Donation from Charmaine Warmenhoven via Silicon Valley Education Foundation (SVEF) for 2014-15 Fiscal Year
- c) Request Approval for the Submission of an El Camino Hospital Community Benefit Program Grant Application
- d) Request Recognition of Gavilan College's Withdrawal from Regional Occupation Program (ROP)
- e) Request Approval to Accept the CaPROMISE Grant

MOTION #2135-4 by member Di Salvo to approve Consent Action Items 9A through 9E. Member Song seconded the motion and it carried unanimously.

10. Action Items

A. Decision on the Charter School Petition for Sunrise Middle School

President Beauchman explained the decision process. Toni Cordova, Chief Strategy Officer, presented staff's report and answered questions from the Board.

Petitioner, Teresa Robinson, responded to staff's report. Dr. Vincent Matthews, District Superintendent of San Jose Unified School District, responded to staff's report and answered questions.

The following individuals spoke in support of Sunrise Middle School (SMS):

- Doug Campbell, substitute teacher, SMS
- Janelle Ruley, attorney for SMS (Young, Minney and Corr, LLP)
- Andy Silvert, financial advisor for SMS
- Joe Albers, principal at Cristo Rey San Jose High School
- Mo Chen, science teacher, SMS
- Margarita Castillo, parent
- Luis Martinez, student

- Gabriel Clark, Board Member—Vice Chair, SMS
- Anne Alec, teacher, SMS
- Miriam Peirano, enrollment clerk, SMS
- Rita Swencionis, parent
- Ruby Lopez, parent
- Melissa Strawn, parent
- Mariana Ayala, parent

The Board asked clarifying questions and deliberated.

John Yeh, from the law firm of Burke Williams & Sorenson LLP, and legal counsel for San Jose Unified School District, raised concerns about the proposed Memorandum of Understanding, stating that the County Board of Education was legally required to take action on the Petition before it that evening. The Board's General Counsel Maribel Medina clarified for the records, that the SCCOE Board had determined that Sunrise Middle School charter met at least one of the required criteria in the Education Code, specifically that Sunrise Middle School's academic performance was at least equal to the academic performance of San Jose Unified School District. The MOU, agreed to by the charter was above and beyond the statutory requirements and therefore was permissible.

MOTION #2135-5 by member Di Salvo to approve the charter petition from Sunrise Middle School to renew the charter for a five-year term on July 1, 2014, and as agreed to by Sunrise Middle School, requiring an MOU with the SCCOE, which will include a presentation before the SCCOE Board of Education in two (2) years. Member Hover-Smoot seconded the motion and the vote carried 5-2 with Vice President Green and member Song voting no.

(The Board broke for recess at 11:05 p.m. and reconvened at 11:16 p.m.)

B. Approve or Deny a Contribution toward the PlayGarden – Rotary Club Centennial Project

Dr. Mary Ann Dewan, Chief Schools Officer, introduced the contribution toward the PlayGarden—Rotary Club Centennial project and answered questions.

MOTION #2135-6 by member Di Salvo to approve a contribution of \$600,000, which will be paid out \$300,000 in year one and \$300,000 in year two from the Facilities Fund. Vice President Green seconded the motion. Motion carried unanimously.

C. Request Approval of Contract Exceeding Prior Board Approved Amount

MOTION #2135-7 by member Hover-Smoot to approve contract exceeding prior Board approved amount with Second Start Learning Disabilities Program, Inc. Member Mah seconded the motion. Motion carried unanimously.

D. Request Approval of Contract Exceeding Prior Board Approved Amount

MOTION #2135-8 by member Hover-Smoot to approve contract exceeding prior Board approved amount with Beacon School. Member Mah seconded the motion. Motion carried unanimously.

11. Information Items

A. Head Start Monthly Board Reports

Dr. Dewan presented the Head Start Monthly Board Report and announced that the Santa Clara County Office of Education Head Start and Early Head Start program has received notification of full compliance from their February 2014 monitoring review from the Administration for Children and Families (ACF).

B. First Reading of Revised Board Policy 0460 – Local Control and Accountability Plan

The Board reviewed first reading of revised Board Policy 0460 – Local Control and Accountability Plan.

C. First Reading of Revised Board Policy 3513.3 – Tobacco Free Schools

The Board reviewed first reading of revised Board Policy 3513.3 – Tobacco Free Schools.

D. First Reading of Revised Board Policy 5131.62 – Tobacco (Students)

The Board reviewed first reading of revised Board Policy 5131.62 – Tobacco (Students).

E. First Reading of Revised Board Bylaw 9010 – Public Statements

The Board reviewed first reading of revised Board Bylaw 9010 – Public Statements.

F. County Board of Education Members Reports

There were no County Board of Education member reports.

CHANGE IN AGENDA

4. The Board held a Closed Session to consider the following item:

- c) Consideration of Public Employee Appointment (Government Code 54957)
Title: Interim Superintendent

5. Report of Actions taken in Closed Session

President Beauchman reported that in the matter of Closed Session Item 4.C., the Board unanimously voted to appoint Dr. Mary Ann Dewan to serve as Interim Superintendent effective, Friday, March 21, 2014.

13. FUTURE AGENDA ITEMS

Requested items by Board members may be addressed at this time.

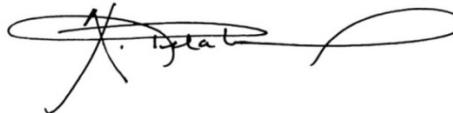
- Kids in Common, April 9 (Vice President Green)
- Update on Alpha Middle School 2 MOU, April 23 (Vice President Green)
- Come Back Kids Program ... Riverside COE, April 23 (President Beauchman)
- Update on Discovery Charter School 1, May 21 (Member Chang)
- Update on Alternative Education Lunch Services, June 4 (Member Di Salvo)
- Update on the Alternative Education Department's After-Hours Family Mental Health Services Pilot, June 4 (Member Mah)

- Drop Out Recovery – Magic Johnson Program (Member Di Salvo)
- STRIVE and Collective Impact (Member Di Salvo)

14. Adjournment

The meeting adjourned at 12:24 a.m.

Respectfully submitted,



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

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