

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

APPROVED
August 7, 2013
Minutes of Regular Meeting #2123
Board 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
Anna Song, Area 5
Darcie Green, Area 6 (*arrived at 5:25 p.m.*)

Member(s) Absent:

Julia Hover-Smoot, Area 7

b. Adoption of Agenda

Member Di Salvo requested to pull Consent Action Item 9.D. "*Request Adoption of Resolution in Supporting a Road Map to Citizenship for Aspiring Citizens of the United States*" be pulled for reading of the resolution.

MOTION #2123-1 by member Beauchman to adopt the agenda with noted request. Member Song seconded the motion and it carried 5-0-2 with members Hover-Smoot and Green absent.

c. Pledge of Allegiance

President Mah asked Dr. Kelly Calhoun, Chief Technology Officer, to lead the pledge of allegiance.

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

Rob Fagen, Los Altos School District parent who has a child in Bullis Charter School, informed the Board regarding Los Altos School District's lockout of Bullis Charter School teachers from their classrooms.

Doris Lopez, from the District Business and Advisory Services Department (DBAS) at the Santa Clara County Office of Education, spoke on behalf of the DBAS staff that signed their names on a letter dated June 12, 2013 addressed to the Board by Nimrat Johal. Ms. Lopez wanted to clarify the misunderstanding from the “*Unsigned by Choice*” individual who submitted a letter to the Board, dated July 17, that addresses Ms. Johal’s June 12 letter. Ms. Lopez stated that the DBAS employees signed the June 12 letter of their own free will.

3. Closed Session

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

- a. Subject Matter: Inter-District Transfer Appeal Filed on Behalf of Student
Resident District: Fremont Unified School District (Alameda County)
Desired District: Palo Alto Unified School District
- b. Subject Matter: Inter-District Transfer Appeal Filed on Behalf of Students
Resident District: Loma Prieta Joint Union
Desired District: Los Gatos Union School District
- c. Conference with Legal Counsel – Existing Litigation (Gov. Code Sec. 54956.9(d)(1))
San Jose Unified School District v. Santa Clara County Office of Education, et al.,
Santa Clara County Superior Ct., Case No: 113CV241695
- d. Conference with Legal Counsel – Existing Litigation (Gov. Code Sec. 54956.9(d)(1))
Bymaster v. Santa Clara County Office of Education, et al., Santa Clara County
Superior Ct., Case No: 113CV241932
- e. 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.)

(Darcie Green arrived at the meeting at approximately 5:25 p.m.)

4. Report of Actions Taken in Closed Session

President Mah reported that on the matter of Closed Session Item 3A, member Beauchman made a motion (#2123-2) to deny the appeal based on Factor 12 “*Other exceptional or extraordinary circumstance which would weigh heavily in favor of the affected school district.*” Member Song seconded the motion and it carried 5-1-1 with member Di Salvo voting no and member Hover-Smoot absent.

President Mah reported that on the matter of Closed Session Item 3B, member Di Salvo made a motion (#2123-3) to deny the appeal based on Factor 8 “*The financial impact of educating the pupil (district of desired attendance) or of losing the pupil (district of resident)*” and Factor 10 “*Lack of space for the pupil in the receiving district.*”

Vice President Chang seconded the motion and it carried 6-0-1 with member Hover-Smoot absent.

President Mah reported that in the matter of Closed Session Items 3C, 3D, and 3E, there were no reportable actions.

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

No one wished to address the Board.

6. Brown Act and Public Records Act Training

Jolie Houston, attorney from Berliner Cohen, facilitated the Brown Act and Public Records Act Training.

7. Correspondence

- Email from Craig Mann, dated July 16, 2013, Subject: Your letter to the SCCBOE
- Letter from “Unsigned by Choice,” dated July 17, 2013, Subject: Letter submitted by Nimrat Johal
- Letter to the Milpitas Unified School District and City Manager of City of Milpitas, dated July 22, 2013 regarding the appointment of Ms. Nimrat Johal as the alternate representative on the Milpitas RDA Successor Agency Oversight Board
- Letter to the Morgan Hill Unified School District and City Manager of City of Morgan Hill, dated July 22, 2013 regarding the appointment of Mr. Kolvira Chheng as the primary representative to the Morgan Hill RDA Successor Agency Oversight Board

8. Superintendent’s Report

- Hosted the Leadership Team Workshop, August 2, 2013
- Met with the Leadership Team Advisory Council, July 29, 2013
- Joined Ana Trujillo, Director of Head Start—Early Head Start, at the Head Start Parent Policy Council Dinner meeting, July 23, 2013
- Joined Tom Torlakson, State Superintendent of Public Instruction, at La Raza’s Round Table discussion, July 26, 2013
- Announced the upcoming Educare Facilities visit in Arizona, August 12, 2013
- Announced the invitation by Tom Torlakson to serve on the Board of Directors of Corporation for Education Network Initiatives in California (CENIC)

9. Consent Action Items

- a. Request Approval of Minutes of Regular Board Meeting of July 17, 2013 (#2122)
- b. Request Approval of Minutes of Special Board Meeting of July 22, 2013 (#2122-S1)
- c. Acceptance of Donations

- e. Request Approval of Purchase Order Exceeding \$100,000
- f. Adoption of California State Teachers' Retirement System Resolution for Cupertino Unified School District (*resolution attached*)
- g. Request Approval for Travel Reimbursement of Expenditures for Board Members' Attendance to the Annual Asian APAICS National Policy Summit

MOTION #2123-4 by Vice President Chang to approve Consent Action Items 9A. through 9C and 9E through 9G. Member Di Salvo seconded the motion and it carried 6-0-1 with member Hover-Smoot absent.

- d. Request Adoption of Resolution in Supporting A Road Map to Citizenship for Aspiring Citizens of the United States

Member Di Salvo read the resolution Supporting A Road Map to Citizenship for Aspiring Citizens of the United States.

MOTION #2123-5 by member Green to adopt the resolution Supporting A Road Map to Citizenship for Aspiring Citizens of the United States. Member Di Salvo seconded the motion and it carried 6-0-1 with member Hover Smoot absent. (*resolution attached*)

10. Action Items

- a. Request Approval of Contract Exceeding \$250,000 for Via Services, Inc.

Dr. Angelica Ramsey, Chief Academic Officer, introduced Richard Reid, Supervisor—Business Operations/Support Services at Walden West, who answered questions from the Board.

MOTION #2123-6 by member Di Salvo to approve the contract for Via Services, Inc. for \$666,175. Vice President Chang seconded the motion and it carried 6-0-1 with member Hover-Smoot absent.

- b. Strategic Plan 2013-2016

Dr. Xavier De La Torre, County Superintendent of Schools, presented background information on the Strategic Plan 2013-2016 and answered questions from the Board.

MOTION #2123-7 by member Song to approve the Strategic Plan 2013-2016. Member Green seconded the motion and it carried 6-0-1 with member Hover-Smoot absent.

11. Information Items

a. Parent Participation in the SCCOE Alternative Education Community Schools

Dr. De La Torre introduced Yvette Irving, Director of Alternative Education Schools, who presented an update on the strategies used to increase parent participation in the Alternative Education Department Community Schools during the 2013-14 school year.

(Vice President Chang left the meeting at approximately 10:20 p.m.)

b. SCCOE 2013-14 45-Day Budget Update

This item was tabled to the August 21 meeting.

c. Board Committee Reports

This item was tabled to the August 21 meeting.

d. County Board of Education Members Reports

This item was tabled to the August 21 meeting.

12. FUTURE AGENDA ITEMS

- Office of Innovative Schools: Countywide Charter School Guidelines, White Paper and Annual Presentation Template, Aug 21 (President Mah)
- Update on Fiscal Oversight of Gilroy Unified School District, Aug 21 (Member Beauchman)
- SCCOE Comparability Study, Sept 18 (President Mah)
- Update on Migrant Education at SCCOE, September 4 (President Mah)
- Strategic Planning Group, Nov/Dec (President Mah)
- Update on Revolution Foods, Jan 15 (Member Di Salvo)
- Monthly Monitor Progress on Goals and Objectives—Strategic Plan
- Quarterly Update on Universal Preschool (Member Green)
- STRIVE and Collective Impact (Joseph Di Salvo)

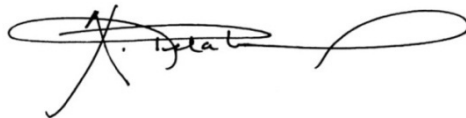
Requested Future Agenda Items:

- Discussion on Strategic Plan with Respect to Serving Districts and Supporting Charter Schools (Member Green)
- Alternative Education Department (AED) Academic and Counseling Resources Over Weekends (Member Di Salvo)

13. ADJOURNMENT

The meeting adjourned at 10:25 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "X. De La Torre", with a large, sweeping flourish extending to the right.

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

:ca



RESOLUTION
ALLOWING CUPERTINO UNIFIED SCHOOL DISTRICT TO REPORT DIRECTLY TO
CALIFORNIA STATE TEACHERS' RETIREMENT SYSTEM

SANTA CLARA COUNTY BOARD OF EDUCATION
RESOLUTION NO: 2123-1

Employers who report contributions data and remittance directly to the California State Teachers' Retirement System (CalSTRS) are required to comply with California Education Code sections 23000 - 23010, and are subject to penalties as outlined in Title 5, Division 3, Chapter 1, Article 15.5 of the California Code of Regulations.

WHEREAS, the Cupertino Unified School District (hereinafter "District") desires to become a direct report source that reports Defined Benefit Plan contributions data and remittance directly to CalSTRS; and

WHEREAS, the CalSTRS Deputy Chief Executive Officer of Benefits and Services, authorizes the District to report directly to CalSTRS; and

WHEREAS, if at any time, CalSTRS terminates the District as a direct reporter, the Santa Clara County Office of Education (hereinafter "County Office of Education") will immediately resume reporting contribution data and remittance for the District to CalSTRS; and

THEREFORE, BE IT RESOLVED that the County Office of Education does hereby:

- I. Affirm that on June 18, 2013 the District elected to report directly to CalSTRS effective on July 1, 2013.
- II. Affirm the District met CalSTRS eligibility requirements, including:
 - a. Is fiscally independent per California Education Code section 42647;
 - b. Has a payroll system independent of the County Office of Education and access to historical data to 1980;
 - c. Is in full compliance with the F496 File Specifications;
 - d. Has been issued an unqualified opinion on its annual financial audit and the management letter does not contain any material weaknesses/misstatements and significant deficiencies with its internal controls within the last five years;
 - e. Has not been on One-Year Probationary Accreditation Status with a Required In-depth Progress Report and Two-Day Visit, or had its Accreditation Status Withheld by the Accrediting Commission for Schools, in the last five years;

- f. Has taken District Board action to agree to submit contributions to CalSTRS on a pre-tax basis;
 - g. Has taken District Board action to be a CalSTRS direct report source effective July 1, 2013;
- III. The County Office of Education has not been and will continue to not be responsible for submitting contribution data and remittance including adjustments and reporting made prior to the effective date of direct reporting.
 - IV. The County Office of Education has not been and will continue not to be responsible for any penalty assessments for data reported by the District as a direct reporter subsequent to the effective date of direct reporting.
 - V. The County Office of Education agrees to notify CalSTRS within three business days of revocation should the District's fiscal independence be revoked; and immediately resume reporting contribution data and remittance on behalf of the District.

THEREFORE, BE IT RESOLVED that the Santa Clara County Board of Education authorizes the Cupertino Unified School District to report directly to CalSTRS and is absolved of all reporting requirements for Cupertino Unified School District, until such time as CalSTRS terminates direct reporting by the District.

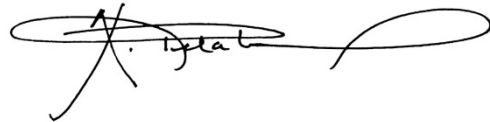
BE IT FURTHER RESOLVED that the Cupertino Unified School District elected to be a CalSTRS direct report source as of: Effective Date: July 1, 2013.

PASSED AND ADOPTED by the Santa Clara County Board of Education at a meeting held on August 7, 2013 by the following vote:

AYES: President Mah, Vice President Chang, members Beauchman, Green, Song and Di Salvo
 NOES: -none-
 ABSTAIN: -none-
 ABSENT: member Hover-Smoot



Grace Mah, President
 Santa Clara County Board of Education



Xavier De La Torre, Ed.D.
 County Superintendent of Schools

Approved by the California State Teachers' Retirement System

PEGGY A. PLETT
 Deputy Chief Executive Officer
 Benefits and Services Branch

Date

Santa Clara County  Office of Education

SCCOE RESOLUTION
SUPPORTING A ROAD MAP TO CITIZENSHIP FOR ASPIRING CITIZENS OF THE UNITED STATES
SANTA CLARA COUNTY BOARD OF EDUCATION
RESOLUTION NO: 2123-2

WHEREAS: Children of immigrants currently comprise 1 in 4 of all children in the U.S. and represent the fastest growing segment of the child population; Children have historically been disregarded and often excluded in U.S. immigration policy decisions; Children have few special protections under current immigration law and their best interests are often considered irrelevant,

WHEREAS: Both children who are immigrants themselves as well as U.S. citizen children with immigrant parents continue to face high rates of family separation, emotional trauma, economic instability, poor educational outcomes and limited access to critical services and programs,

WHEREAS: 5.5 million children in the U.S. live in mixed-legal status families and are at risk of being separated from a parent at any time; half of California children aged 12-17 have an immigrant parent; in Santa Clara County immigrants and their children make up 60% of the county population,

WHEREAS: Over 1 million undocumented children under the age of 18 face limited access to higher education and only temporary legal means to join the work force

WHEREAS: SCCOE believes in equity, access and inclusion and recognizes that a strong and vibrant democracy requires that all men and women, regardless of their skin color or where they were born, participate meaningfully in our society with full rights and equal protections;

AND WHEREAS: American's future prosperity will depend on our ability to ensure that all children have a fair shot at achieving their full potential.

THEREFORE BE IT RESOLVED: SCCOE remains committed to working on the side of justice & equity for all, along with our community partners, including unions, civil rights, human rights and immigrant rights organizations, to pass comprehensive immigration reform that encompasses these principles and strengthens our democracy; that SCCOE which represents the voices of many citizens and immigrants calls upon Congress to pass common-sense immigration reform that includes a humane, practical path to citizenship for undocumented immigrants and the reform of temporary worker programs that exploit immigrant workers and lower wages and working conditions for all workers;

BE IT FURTHER RESOLVED: That this board urges the 113th Congress to swiftly enact comprehensive immigration reform that includes the following elements: (1) a plan for providing a clear, fair and affordable path to citizenship for undocumented immigrant who are currently residing in the United States, (2) family reunification, (3) prioritizing worker protections & immigrant integration into our communities.

AND BE IT FINALLY RESOLVED: The SCCOE will continue to work with its students; staff faculty, residents and community organizations to promote comprehensive immigration reform based on the principles outlined in this resolution and will communicate this position to California's congressional delegation.

PASSED AND ADOPTED by the Santa Clara County Board of Education in San Jose, California at a meeting held on August 7, 2013 by the following vote:

AYES: President Mah, Vice President Chang, members Song, Beauchman, Green, Di Salvo

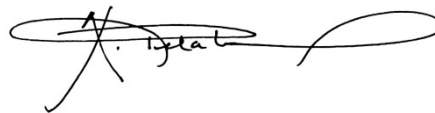
NOES: -none-

ABSTAIN: -none-

ABSENT: member Hover-Smoot



Grace Mah, President
Santa Clara County Board of Education



Xavier De La Torre, Ed.D.
County Superintendent of Schools