1. **Call to Order**

The following individuals spoke about member Darcie Green’s appointment to Trustee Area 6:

- Andrew Singleterry *[Read excerpts from District Attorney’s letter (attached) dated 1/9/13]*
- Gerania Ayala

The following individuals spoke about the hazardous waste materials at the Tamien site:

- Jeannie Traback *(Read an excerpt from the City of San Jose’s Negative Declaration Appendix C)*
- Maria Hernandez

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
Julia Hover-Smoot, Area 7

b. **Adoption of Agenda**

MOTION #2112-1 by member Song to adopt agenda as submitted. Member Beauchman seconded the motion and it carried unanimously.

c. **Pledge of Allegiance**

President Mah asked Irene Aguilar, recipient of the Employee of the Month recognition, to lead the pledge of allegiance.

2. **Employee of the Month: Irene Aguilar (Administrative Assistant, Alternative Education, Student Services)**

Vice President Chang introduced Irene Aguilar, January’s Employee of the Month. He noted Irene’s contributions, presented a plaque and an engraved pen in recognition of her work. Ms. Yvette Irving, Alternative Education Director, spoke about Irene’s model of excellence and can do attitude. Irene said she was honored to receive the recognition and thanked everyone.
3. Public Comments of Persons Desiring to Address the Board or to Present Petitions

The following individuals from the Washington School community spoke against building Rocketship #8 at the Tamien site:

- Grizelda Montalvo
- Maribel Gonzalez
- Marlen Mearcy
- Yazmin Ballesteros
- Maria Marcelo
- Julian Lopez
- Zuyin Ortega
- Graciela Leon
- Juan Torrez
- Maria Vallejo
- Mark Phifer-Houseman
- Beatriz Perez
- Jesus Hernandez
- Brett Bymaster
- Maria Hernandez
- Lenica Fernandez
- Angela Bymaster

Chris Stampolis, Trustee —Santa Clara Unified School District, spoke to Closed Session 4C on the issue of the SJ2020 Vision Awards given to some under performing schools and why this has not been addressed, and on the issue of not disclosing communication to the public at the time it is provided to the Board.

CLOSED SESSION

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

a. Conference with Legal Counsel — Anticipated Litigation
   Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: One Case

b. Conference with Legal Counsel — Anticipated Litigation
   Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: One Case

c. 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

5. Report of actions taken in Closed Session

President Mah reported that in the matter of Closed Session Item 2A, Conference with Legal Counsel – Anticipated Litigation, there were no reportable actions.

President Mah reported that in the matter of Closed Session Item 2B, Conference with Legal Counsel – Anticipated Litigation, there were no reportable actions.

President Mah reported that in the matter of Closed Session Item 2C, Public Employee Performance Evaluation: Title County Superintendent of Schools, the item was tabled to the February 6, 2013 meeting.

6. Correspondence

a. Letter, 1/9/13, from Jolene Smith of First 5 Santa Clara County, Subject: Zoning Exemption for Rocketship Elementary School at Tamien
b. Letter, 1/10/13, from Deborah Benham, Speech/Language Pathologist—ACE Union Representative for SLPs, RE: Concern on contract negotiations being stalled
c. Email, 1/17/13, from Anna Song—Trustee Area 5, Subject: Questions and Written Communication Regarding Rocketship Tamien #8
d. Letter, 1/16/13, from Hermelinda Sapien—President/CEO of Center for Employment Training, RE: Urging the County Board of Education to approve a zoning exemption for the Rocketship Elementary School at Tamien
e. Email, 1/18/13, Anna Song—Trustee Area 5—County Board of Education, Subject: Rocketship Tamien #8 Analysis
f. Email, 1/18/13, from Anna Song—Trustee Area 5, Subject: Comprehensive questions after review of environmental and land use documents
g. Email, 1/23/13, Anna Song—Trustee Area 5, Subject: Middleton’s Legal Opinion—Written Communication to the Board
h. Letter, 1/22/13, Mayor Chuck Reed, Regarding his support of a pending Santa Clara County Board of Education action on January 23, 2013, related to a Zoning Exemption for the Rocketship Tamien Public School #8
i. Email, 1/23/13, Missy Vu—Academic Dean of Rocketship Los Sueños Academy, Subject: I Support a Zoning Exemption for Rocketship Tamien
j. Letter, 1/22/13, Eddie Garcia, President of Latino Leadership Alliance (LLA), Regarding LLA’s support of the Washington/Alma neighborhood’s opposition to Board approval of the zoning exemption
k. Email, 1/23/13, Jessica Garcia-Kohl, Subject: Following up on our conversation today
l. Letter, 1/22/13, Dr. Angela Bymaster, Brett Bymaster, Mrs. Maria Marcelo, Regarding their opposition to the Rocketship #8 at the Tamien site
m. Letter, 1/23/13, Carl Guardino—President and CEO of Silicon Valley Leadership Group, Regarding his approval of a zoning exemption for the Rocketship Elementary school at Tamien
7. Superintendent’s Report

Due to the length of the meeting, Dr. Xavier De La Torre, County Superintendent of Schools, forwent his Superintendent’s Report.

8. Consent Action Item

a. Request Approval of Minutes of Regular Board Meeting of December 12, 2012 (#2110)
b. Request Approval of Minutes of Regular Board Meeting of January 9, 2013 (#2111)
c. Approval of the County Superintendent’s Financial Activity Report on Travel/Conferences and Mileage Expenses for October through December, 2012 on Job-Related Expenditures
d. Request Approval to Submit the Annual Non-Competitive Head Start/Early Head Start Grant Application for 2013-14 Including Addendum
e. Request Approval of Purchase Order Over $100,000
f. Request Acceptance of the Title IV-E Reimbursement of Administrative Costs for Pre-Placement

MOTION #2112-2 by member Di Salvo that the Board approve Consent Action Items 8A through 8F. Member Hover-Smoot seconded the motion and it passed unanimously.

9. Action Items


President Mah explained the decision process and Ms. Toni Cordova, Chief Strategy Officer, presented the staff report. Ms. Micaela Ochoa, Chief Business Officer, answered clarifying questions from the Board. Ms. Gloria Chou, Assistant Controller, was also present to answer any questions.

Dr. Mehmet Argin, CEO, Magnolia Public Schools and Mr. Serdar Orazov, Finance Manager, Magnolia Public Schools, answered questions from the Board.

The following individuals spoke in support of Magnolia Science Academy (MSA):
- Umit Yapanal
- Sarang Ambalakkar
- Nancy Escaber
- Sedet Altyn
- Brian LaFetra
- Abraham Alvarez
- Wally Aguilar
- Bilou Temel
Board members deliberated.

MOTION #2112-3 by member Beauchman to approve the petition for Magnolia Science Academy—Santa Clara for the period July 1, 2013 through June 30, 2018 for the reasons set forth in the Staff Report that the noted deficiencies be corrected by Magnolia Public Schools (MPS) and approved by the County Office of Education before a Memorandum of Understanding (MOU) is signed and also with direction to Staff to incorporate into the MOU, a set of expectations and safeguards to ensure the financial viability of the school for the five-year renewal period as outlined in the Staff Analysis. Member Hover-Smoot seconded the motion and it carried 5-1-1 with member Song voting no and member Green abstaining.

(The Board broke for Recess at 10:25 p.m. and reconvened into Open Session at 10:35 p.m.)

b. Discussion / Action on Rocketship Education’s Request to the Santa Clara County Board of Education to use the Santa Clara County Office of Education’s Zoning Exemption

Dr. De La Torre welcomed everyone to the meeting and acknowledged the interest and participation of the community on the issue of the zoning exemption. He reminded all that the discussion was not on Rocketship Charter schools and their innovative programs but on whether or not the Board of Education supported the plan to build on the property in question.
Jessica Garcia-Kohl, Director of Community Development—Rocketship Education spoke about giving parents more opportunities to send their children to high achieving schools, such as Rocketship Education.

The following individuals opposed the zoning exemption:
- Vincent Matthews, Superintendent—San Jose Unified School District
- Teresa Castellanos, Trustee—San Jose Unified School District
- Paula (no last name given)
- Jesus Hernandez
- Maria Marcelo
- Tien Robinson
- Ina Bendis, Trustee—Santa Clara Unified School District
- Don Renwick, President—Association of County Educators
- Brett Bymaster [read excerpts from Christopher Schumb’s letter attached]
- Maria Hernandez [stated there were about 500 letters written in opposition of the zoning exemption]
- Marilia Assad-Nakamoto
- Chris Stampolis, Trustee—Santa Clara Unified School District

The following individuals supported the zoning exemption:
- Edith Vasquez
- Andrew Gonzalez
- Maryane Guzman
- Miguel Buragan
- Joe Lucero
- Antonio Orozco
- Dione Johnson Tyson
- Natalia Navarro
- Evee Cerda
- Leonardo Alonzo
- Andrew Gonzalez
- Cintya Hernandez
- Marcos Basilio
- Veronica Salinas
- Blanca Carbajal
- Fabio Gonzalez

Board members deliberated. Member Song cited the hazardous materials found at the Tamien site, which was in a report from Rocketship Education’s consultant. Mr. Erik Shoennauer, Land Use Consultant, for Rocketship Education, responded to the report read by member Song.

MOTION #2112-3 by member Beauchman to approve the resolution exempting Rocketship 8 Countywide Charter School from local zoning ordinances pursuant to Governance Code
Section 53094. Member Hover-Smoot seconded the motion and it carried 5-1-1 with the following roll call vote:

AYE: President Mah, Vice President Chang, members Beauchman, Hover-Smoot and Di Salvo
NO: Member Song
ABSTAIN: Member Green
ABSENT: None

c. Request Approval of Contract Exceeding $250,000

Dr. De La Torre explained the contract exceeding $250,000 and Ms. Linda Aceves, Chief Schools Officer, answered questions.

MOTION #2112-5 by member Di Salvo to approve the contract exceeding $250,000 with Autism Center for Education (PACE). Member Hover-Smoot seconded the motion and it carried 5-0-2 with member Green and Song abstaining.

10. Information Items

a. Santa Clara County Board of Education’s Quarterly Expenses

This item was tabled to the February 6, 2013 meeting.

b. County Board of Education Member Requests

This item was tabled to the February 6, 2013 meeting.

11. Future Agenda Items

• District Alignment Study, February 6 (Leon Beauchman)
• Dr. Kelly Calhoun’s Report on the CA 21st Century District Project given at the December 2012 CSBA Conference, February 6 (Anna Song)
• Chinese Xiamen Program Debrief, February 6 (Anna Song)
• Alternative Education Update, March 6 (Joseph Di Salvo)
• Common Core, February 20 (Leon Beauchman)
• SJ/SV 2020 Presentation at the NSBA April 2013 Conference, March 20 (Grace Mah)
• Series of Strategic Planning Process Workshops, First meeting in April (Dr. De La Torre)

12. 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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