

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

APPROVED

Board Minutes
December 13, 2017
Regular Meeting #2214
San Jose Room
5:00 p.m.

1. CALL TO ORDER

a. Roll Call

Member(s) Present:

Grace Mah, Area 1
Rosemary Kamei, Area 3
Joseph Di Salvo, Area 4
Anna Song, Area 5 (arrived at approximately 5:50 p.m.)
Darcie Green, Area 6
Claudia Rossi, Area 7

Member(s) Absent:

Michael Chang, Area 2

MOTION #2214-1 by member Rossi and seconded by member Mah to excuse President Chang from the December 13, 2017, board meeting. Motion carried 5-0-2 with President Chang and member Song absent.

b. Adoption of Agenda

Member Di Salvo requested that Consent Action Item 11.C. Resolution to Adopt the Declaration of Students Rights in Arts Learning be pulled for further discussion.

MOTION #2214-2 by member Green and seconded by member Di Salvo to adopt the agenda with noted request. Motion carried 5-0-2 with President Chang and member Song absent.

c. Pledge of Allegiance

Interim County Superintendent of Schools Dr. Mary Ann Dewan led the pledge of allegiance.

2. EMPLOYEE OF THE MONTH

Member Green introduced Aley Thomas, Employee of the Month. She noted Aley's contributions, presented a plaque and an engraved pen in recognition of her work. Member Green introduced Karen Casey, Director of Special Education, who spoke about Aley's caring and dedicated approach towards her students and others. Aley thanked the County Board of Education her colleagues for the recognition and spoke regarding the talented and dedicated staff she works with at the Santa Clara County Office of Education (SCCOE). She also recognized her students.

3. SPECIAL RECOGNITION

Vice-President Rosemary Kamei and Dr. Dewan introduced the SCCOE's Curriculum and Instruction Department's Science Technology, Engineering, Art and Math (STEAM) Initiative as the recipient of the California School Boards Association (CSBA) prestigious Golden Bell Award for 2017 for their "Innovative Professional Development Certificate Program." Esther Tokil, Director of the STEAM Initiative, thanked the Board for recognizing the STEAM program and acknowledged her team from Curriculum & Instruction and STEAM.

4. PUBLIC COMMENTS OF PERSONS DESIRING TO ADDRESS THE BOARD

There were no public comments.

5. CLOSED SESSION

The Board met in Closed Session on the following items:

- a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Section 54956.9) San Jose Unified School District v. Santa Clara County Office of Education, Santa Clara County Superior Court Case No. 113-CV-241695

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

- b. Interdistrict Attendance Appeal Filed on Behalf of Student, Resident District: Fremont Union High School District, Desired District: Santa Clara Unified School District
- c. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation (Government Code Section 54956.9(d)(1)) Ochoa Santa Clara COE, et. Al. Case #5:16-cv-03283-HRL.

6. OPEN SESSION

- a. Report of Actions Taken in Closed Session

Vice President Kamei reported on the following Closed Session items:

In the matter of Closed Session 5A, the Board voted not to join Rocketship in the filing of an appeal to reduce the award of attorney fees. MOTION #2214-3 was made by member Mah and seconded by member Rossi. Motion carried 5-0-2 with President Chang and member Song absent.

In the matter of Closed Session 5B, MOTION #2214-4 was made by member Di Salvo and seconded by member Rossi to up the appeal for the duration of high school years based on the following factors: Factor 1 The pupil's psychological or physical well-being, 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, and Factor 5 Other exceptional or extraordinary circumstances which would weigh heavily in favor of the appellant pupil. Motion carried 6-0-1 with President Chang absent.

In the matter of Closed Session 5C, there were no reportable actions.

7. ANNUAL ORGANIZATIONAL MEETING

- a. Election of President of the County Board of Education

Member Mah nominated Vice-President Kamei for the President's seat.

MOTION #2214-5 by member Mah and seconded by member Song to elect member Kamei as President. Motion carried 6-0 with former President Chang absent.

- b. Election of Vice-President of the County Board of Education

Member Song nominated member Rossi to the Vice-President seat, and member Green nominated member Di Salvo. Board members discussed the nominations.

MOTION #2214-6 by member Song and seconded by newly elected President Kamei to elect member Rossi as Vice-President. The motion failed by a vote of 3-0-3-1. President Kamei and members Song and Rossi voting yes; members Green, Di Salvo and Mah abstained, and member Chang absent.

MOTION #2214-7 by member Green and seconded by member Mah to elect member Di Salvo as Vice-President. The motion failed by the following vote of 3-2-1-1: members Di Salvo, Green and Mah voting yes, members Rossi and Song voted no, President Kamei abstained, and member Chang absent.

c. Request Approval of Revised Certification of Signatures for 2018

MOTION #2214-8 by member Song and seconded by member Rossi to approve the revised Certification of Signatures for 2018. Motion carried 6-0-1 with member Chang absent.

d. Adoption of Yearly Calendar for Regular County Board of Education Meetings for 2018

MOTION #2214-9 by member Mah and seconded by member Song to adopt the yearly calendar for regular County Board of Education meetings for 2018. Motion carried 6-0-1 with member Chang absent.

e. Discussion of Board Appointments to Subcommittees for 2018

President Kamei reviewed the subcommittee seats for 2018 and requested that members provide her with their choice of appointments for 2018. This 2018 subcommittee list will be provided at the January 2018 meeting.

f. Request Approval of Annual Addendum to Board Bylaw 9250 Approved Routine Travel Items for 2018

President Kamei provided an overview of approved routine travel items for 2018.

MOTION #2214-10 by member Mah and seconded by member Di Salvo to approve the annual addendum to Board Bylaw 9 Approved Routine Travel Items for 2018. Motion carried 6-0-1 with member Chang absent.

g. Appointment to CSBA Delegate Assembly and CCBE Board of Directors

President Kamei expressed her desire to continue as the County Board of Education's representative to the CSBA Delegate Assembly and CCBE Board of Directors.

MOTION #2214-11 by member Mah and seconded by member Rossi to reappoint President Kamei to the CSBA Delegate Assembly and CCBE Board of Directors for an additional term beginning April 1, 2018, through March 31, 2020. Motion carried 6-0-1 with member Chang absent.

8. SUPERINTENDENT'S REPORT

- Attended the Opportunity Youth Academy graduation
- Attended the Joint Youth Foster Youth Task Force meeting
- Participated in a series of meetings and continued support of early care and education in partnership with First 5 in the development of strategic plans for Alum Rock School District and the Franklin-McKinley School District's prenatal to third-grade health and early learning system
- Held a series of meetings related to expansion efforts of Data Zone including those with First 5 to build out dashboard for the 0 to 5 population
- Reached out to the six school districts in Santa Clara County who have been identified for differentiated assistance to discuss plans and next steps in working with those districts regarding the state's accountability system

9. COUNTY BOARD OF EDUCATION MEMBER REPORTS

This item was tabled. Member Mah submitted her report via email the day after the meeting.

Grace Mah

- Attended the annual CSBA conference
- Attended the Golden Bell Awards ceremony at the CSBA conference
- Attended the Silicon Valley Community Foundation's (SVCF) Choose Children gubernatorial breakfast
- Attended the Funding the Next Generation (FNG) meeting
- Attended a Strong Start meeting
- Attended a Big Lift meeting in South Mateo County

10. PUBLIC HEARING

a. Public Hearing on the Spark Charter School Renewal Petition

Present Kamei explained the public hearing process and Khristel Johnson, Director of Charter Schools, provided an opening statement from staff.

Petitioner, Christopher Mahoney, spoke regarding the merits of the petition. Superintendent Benjamin Picard of the Sunnyvale School District and his Deputy Superintendent Mike Gallagher addressed their district's concerns with the Spark Charter School renewal petition.

The following individuals commented on the renewal petition:

O = Oppose, S = Support

1. Nancy Newkirk, (O)
2. Ante Silovic, (S)
3. Angela Buchner, (S)
4. Reid Myers, (O)
5. Sita Vemuri, (S)
6. Sree Vemuri, (S)
7. Jeff Arnett, (O)
8. Teresa Siguenza, (S)
9. Laura Stuchwsky, (S)
10. Shannon Herdemann, (S)
11. Jovita Contreras, (S)
12. Jason Miller, (S)
13. Joshua Moss, (S)
14. Stanley Sherman, (S)
15. Janet Bueno, (S)
16. Brylan M., (S)
17. Melissa Hasan, (S)
18. Raelyn McFarland, (S)
19. Tim Tegarden, (S)
20. Daniela Stuchwsky, (S)
21. Ishita Patel, (S)
22. Alexandra Zdravkenic, (S)
23. Kieu-Vi O'Brien, (S)
24. Heather Mumy, (O)
25. Rob Smiley, (O)
26. Elizabeth Perez, (S)
27. Brandie Wibberley, (S)
28. David O'Brien, (S)

Board members asked clarifying questions.

11. CONSENT ACTION ITEMS

- a. Request Approval of Minutes of Special Board Meeting of November 8, 2017 (#2212-S1)
- b. Request Approval of Minutes of Regular Board Meeting of November 15, 2017 (#2213)
- d. Request Second Reading and Adoption of Board Policy 0410 – Nondiscrimination in SCCOE Programs and Activities and Board Policy 1312.3 – Uniform Complaint Procedures
- e. Request Acceptance of Donations to the Santa Clara County Office of Education

MOTION #2214-12 by member Song and seconded by member Mah to approve Consent Action Items 11A, 11B, 11D, and 11E. Motion carried 6-0-1 with member Chang absent.

- c. Request Adoption of Resolution for the Declaration of Students Rights in Arts Learning

Member Di Salvo highlighted the resolution on the Declaration of Rights of All Students to Equity in Arts Learning. He stressed the importance of all children in Santa Clara County having a visual and performing arts curriculum at their public schools.

Superintendent Steve Betando of the Morgan Hill Unified School District provided an overview of his district's music program at the request of member Rossi.

Tiffany Maciel addressed the need to assist school districts to be more inclusive of students with disabilities. Ms. Maciel thanked Dr. Dewan for reaching out to the six districts in Santa Clara County who have been identified for differentiated assistance.

MOTION #2214-13 by member Di Salvo and seconded by member Song to adopt the resolution for the Declaration of Student Rights in Arts Learning. Motion carried 6-0-1 with member Chang absent.

12. ACTION ITEMS

a. Decision on Independent, District Appeal Voices College-Bound Language Academy at Morgan Hill Charter Petition Renewal for the term of July 1, 2018, through June 30, 2023

President Kamei explained the decision process and Ms. Johnson provided an opening statement from staff.

Frances Teso, petitioner and Juan Carlos Villasenor, principal, at Voices Academy, responded to staff's analysis.

Superintendent Betando provided comments regarding the renewal petition.

The following individuals spoke in support of the renewal petition:

1. Maricel Segura
2. Mayra Figueroa
3. Brad Stark
4. Eliza de Los Santos
5. Erika Ramirez
6. Margarita Jarquin
7. Reyna Orozco
8. Victor Rodriguez
9. Aaron Gallardo
10. Edit Duran
11. Tania Martinez
12. Laura Corona
13. Lydia Rigas
14. Alicia Jarquin
15. Judith Rodriguez

Board members deliberated.

MOTION #2214-14 by member Mah and seconded by member Di Salvo to approve the Voices College-Bound Language Academy at Morgan Hill Charter petition renewal for the term of July 1, 2018, through June 30, 2023. The following roll call vote was taken.

- | | |
|--------------------|--------|
| 1. Grace Mah | Yes |
| 2. Rosemary Kamei | Yes |
| 3. Joseph Di Salvo | Yes |
| 4. Darcie Green | Yes |
| 5. Michael Chang | Absent |
| 6. Anna Song | No |
| 7. Claudia Rossi | No |

Motion carried 4-2-1.

(Member Green left the meeting at approximately 10:34 p.m.)

(The Board broke for Recess at approximately 10:34 and reconvened into Open Session at 10:43 p.m.)

b. Decision on the Independent, Countywide Summit Public Schools: Denali Charter Petition Renewal for the term of July 1, 2018, through June 30, 2023

President Kamei explained the decision process.

Dr. Dewan introduced Ms. Johnson. Dr. Dewan stated that staff has implemented the County Board policy on charter school for the work with Summit Denali and have entered into an MOU that has been signed by the petitioner and has not yet been signed by herself as Interim County Superintendent. Her signature is pending the Board's actions. Dr. Dewan stated that the MOU does address the requirements, policy, and deficiencies in the petition as dictated by the Board. However, if other items are determined to be necessary, the process would be to develop an addendum to the MOU to address those items.

Ms. Johnson provided an opening statement from staff.

Kevin Bach, the petitioner, provided comments.

The following individuals spoke in support of the renewal petition.

1. Sherri Taylor
2. Kaitlyn Kanuth
3. Tasmin Taylor
4. Monse Guzman

MOTION #2214-15 by member Song and seconded by member Rossi to approve the Countywide Summit Public Schools: Denali Charter petition Renewal for the term of July 1, 2018, through June 30, 2023. Motion carried 5-0-2 with members Chang and Green absent.

c. Request Approval of the 2017-18 First Interim Financial Report

Meagan Reilly, Chief Business Officer, answered questions from the Board.

MOTION #2214-16 by member Rossi and seconded by member Mah to approve the 2017-18 First Interim Financial Report Motion carried 5-0-2 with members Chang and Green absent.

d. Request Approval of the Budget Revisions for the Month of November 2017

MOTION #2214-17 by member Mah and seconded by member Song to approve the budget revisions for November 2017. Motion carried 5-0-2 with members Chang and Green absent.

e. Discussion/Action on Annual Board Compensation Increase per California Education Code 1090

MOTION #2214-18 by member Di Salvo and seconded by member Song to increase board compensation by 5 percent per California Education Code 1090 effective January 1, 2018. Motion carried 5-0-2 with members Chang and Green absent.

f. Request Approval of Interim County Superintendent of Schools Employment Agreement

MOTION #2214-19 by member Song and seconded by member Mah to approve Interim County Superintendent of Schools employment agreement. Motion carried 5-0-2 with members Chang and Green absent.

The Board had no questions on the following information items, which can be found in BoardDocs.

13. INFORMATION ITEMS

a. Charter Schools Update

- b. Employee Compensation Increase Exceeds the EC 1302(a) Limit
- c. Contracts \$100K - \$250K
- d. Contracts Over \$250K – Leftridge Transportation, Inc.
- e. Head Start/Early Head Start Monthly Board Reports

14. BOARD COMMITTEE REPORTS

This item was tabled.

15. FUTURE AGENDA ITEMS

This item was tabled.

16. ADJOURNMENT

The Board adjourned at approximately 11:12 p.m.

Respectfully submitted,

Mary Ann Dewan, Ph.D.
Interim County Superintendent of Schools
Ex-Officio Secretary

: ca