

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

APPROVED
Regular Meeting #2037
Board Room
April 1, 2009
5:00 p.m.

1. CALL TO ORDER

The meeting was called to order by President Mann at 5:00 p.m.

a) Roll Call

Trustees Present:

Grace Mah, Area 1
T.N. Ho, Area 2
Leon Beauchman, Area 3
Joseph Di Salvo, Area 4
Anna Song, Area 5
Craig Mann, Area 6
Jane Howard, Area 7

b) Pledge of Allegiance

President Mann asked member Di Salvo to lead the pledge of allegiance.

c) Adoption of Agenda

MOTION #2037-1 by Vice President Song that the agenda be adopted as submitted. Member Di Salvo seconded the motion and it passed unanimously.

2. EMPLOYEE OF THE MONTH: Deborah Abello, Director of Migrant Education, Region 1, Student Services Branch

This item was tabled.

3. PUBLIC COMMENTS OF PERSONS DESIRING TO ADDRESS THE BOARD OR TO PRESENT PETITIONS

President Mann opened the hearing for public comment.

No one wished to address President Mann or Dr. Charles Weis, County Superintendent.

4. CORRESPONDENCE

There was no Board correspondence.

5. CONSENT ACTION ITEMS

- A. Request Approval of Minutes of Regular Meeting of March 18, 2009 (#2036)
- B. Request Approval of Purchase Order Exceeding \$100,000
- C. Request Acceptance of Grant Award Notifications
- D. Approval of County Superintendent's Monthly Expenses

MOTION #2037-2 by member Howard that the Board approve Consent Action Items A through D. Member Mah seconded the motion and it passed unanimously.

6. STUDY ACTION ITEM

- a. Adopt the Budget Revisions for the Period Ending February 28, 2009

Doug Coffman, Director of Internal Business Services, provided an overview of budget revisions for the period ending February 28, 2009.

MOTION #2037-3 by member Di Salvo that the Board adopt the budget revisions for the period ending February 28, 2009. Vice President Song seconded the motion and it passed unanimously.

- b) Accept the Monthly Financial Report for the Period Ending February 28, 2009

Mr. Coffman presented the monthly financial report for the period ending February 28, 2009.

MOTION #2037-4 by member Beauchman that the Board approve the monthly financial report for the period ending February 28, 2009. Member Mah seconded the motion and it passed unanimously.

- c. Request Approval for the Submission of "Closing the Middle School Achievement Gap in Mathematics through an In-School Strategy" Competitive Grant

Linda Aceves, Assistant Superintendent of Instructional Services, presented some background on the Algebra Success Initiative which would increase middle school teachers' mathematics content expertise. Ms. Aceves answered questions from the Board.

MOTION #2037-5 by Vice President Song that the Board approve the submission of the competitive grant. Member Howard seconded the motion and it passed unanimously.

d. Request Approval of Resolution Supporting Proposition 1A and 1B on the May 19, 2009 Special Election Ballot

Dr. Weis discussed the reason for supporting Proposition 1A and 1B and answered questions. (*Resolution attached.*)

MOTION #2037-6 by member Beauchman that the board adopt the resolution supporting Proposition 1A and 1B on the May 19, 2009 Special Election Ballot. Vice President Song seconded the motion and it passed unanimously.

The resolution was adopted by the following roll call vote:

AYES: President Mann, Vice President Song, members Beauchman, Howard, Mah, Ho and Di Salvo

NAYES: -none-

ABSTAIN: -none-

ABSENT: -none-

e. Resolution to Opt Out of Zoning Ordinances to Establish a School

Dr. Weis and Dr. Cary Dritz, Deputy Superintendent, explained the resolution to opt out of zoning ordinances to establish a school and answered questions. (*Resolution attached.*)

MOTION #2037-7 by member Howard that the board adopt the resolution to opt out of zoning ordinances to establish a school. Vice President Song seconded the motion and it passed unanimously.

The resolution was adopted by the following roll call vote:

AYES: President Mann, Vice President Song, members Beauchman, Howard, Mah, Ho and Di Salvo

NAYES: -none-

ABSTAIN: -none-

ABSENT: -none-

f. Renewal of the charter for Discovery Charter School

Don Bolce, Assistant Director for the Center for Educational Planning, presented staff's analysis on the Discovery Charter School and answered questions from the Board. Stephen Fiss, Superintendent and Executive Director of Discovery Charter School, also answered questions.

MOTION #2037-8 by member Howard that the Board approve the charter renewal for Discovery Charter School based upon the review using the nine criteria established in Education Code and Discovery Charter School Performance indicators for the period of July 1, 2009 through June 30, 2014. Member

Beauchman seconded the motion and it carried 5-2 with Vice President Song and member Di Salvo voting no.

CHANGE IN AGENDA

Recess

The Board broke for recess at 6:36 p.m. and reconvened at 6:43 p.m.

7. INFORMATION / DISCUSSION ITEMS

b) Models of Excellence for Alternative Schools

Dr. Weis provided an introduction to the models of excellence for alternative schools and Joe Fimiani, Assistant Superintendent of Student Services introduced staff: Paula Mitchell, Director of Alternative Schools Department (ASD); Carey Johnson, ASD Principal; Trucker Clark, ASD Principal; and Terry Marrow, Principal/Teacher from the Santa Clara Unified School District. Mr. Fimiani expressed his appreciation to the Board and to Dr. Weis for their support on the models of excellence for alternative schools and provided some history on alternative schools. Staff presented the new “community” school site vision and answered questions.

The following individuals spoke regarding their concerns on the issues surrounding the process of establishing the new community school site:

- Floyd McGaughy, ASD teacher
- Pablo Viramontes, educational advocate
- Ralph Wigginton, ASD teacher
- Cassandra Vickers, parent
- John Tweten , community member
- Isadora Constantino, parent
- Betzy Barron, ASD teacher
- John Malloy, People Acting in Community Together (PACT)
- Barbara Hansen, PACT
- Mia Tagano, PACT

Terry Peluso, Executive Director of Student Assessment from the Campbell Union High School District, voiced his appreciation on the new community school site vision and expressed his belief that this will meet students’ needs.

Board members discussed the concerns brought forth by the individuals who spoke on the new community school site vision.

(Member Di Salvo left the meeting – 8:44 p.m.)

Recess

The Board broke for recess at 8:47 p.m. and reconvened at 8:53 p.m.

(Member Ho left the meeting – 8:47 p.m.)

a) Human Resources Summary

Mark Miller, Director of Human Resources, presented a human resources summary

c) Selection of Attorney for Property Acquisition

President Mann reported that he has selected Mr. Rogelio Ruiz, founding partner with Garcia Calderón Ruíz, LLP to assist in property acquisition.

d) County Committee on School District Organization

Dr. Weis spoke about the response letter received from attorney Marguerite Leoni which addresses questions raised by the Board on a letter they received from N. “Aru” Arunasalam, Georgia Lee and Diane Shaff dated March 11, 2009. The Board provided Mr. Arunasalam, who was in attendance, a copy of the attorney’s response letter. Dr. Weis answered questions from the Board.

e) Board Committee Reports

Leon Beauchman

California County Boards of Education (CCBE)

California School Boards Association (CSBA)

- Participated in a CCBE teleconference
- Informed the Board that he will not be able to attend the May CSBA Delegate Assembly and Legislative Action Conference

Anna Song

Policy Development Subcommittee

- Informed the Board that a date for the policy development subcommittee meeting is still being worked on

Jane Howard

Budget Study Committee Meeting

- Attended a budget study committee meeting

T.N. Ho

Budget Study Committee Meeting

- Attended a budget study committee meeting

Craig Mann

Budget Study Committee Meeting

- Attended a budget study committee meeting

f) County Board of Education Member Reports

Leon Beauchman

- Attended the Oakgrove School District Dream Keepers awards event
- Announced an upcoming Santa Clara County Alliance of Black Educators' (SCCABE) program where the movie, "Crips & Bloods: Made in America" by Baron Davis, will be shown at Movimiento de Arte y Cultura Latino Americana (MACLA)
- AB12 (Jim Beale) Foster Youth – This bill would term out a child at the age of 21 instead of the current 18 years age.

Grace Mah

- Attended a lunch meeting with Muhammed Chaudhry, President & CEO of Silicon Valley Education (SVEF)

Jane Howard

- Attended a People Acting in Community Together (PACT) meeting at the Alum Rock School District

g) County Superintendent's Report:

Dr. Weis presented the following information relative to the activities of the Office:

Dr. Weis thanked Patti Murphy, Executive Director of the Communications Department, and her staff for their assistance in creating an ad for SCCABE which Dr. Weis is personally paying for.

- Letter from Muhammed Chaudhry, President & CEO of Silicon Valley Education Foundation, dated March 18, 2009, thanking Dr. Weis for speaking at SVEF's Education Forum
- Letter from Jack O'Connell, State Superintendent of Public Instruction, dated March 25, 2009, thanking Dr. Weis for his insight and compassion for California's education system.
- Letter from Congresswoman Anna Eshoo, dated March 18, 2009, to Dr. Weis regarding the distribution of funds in the American Recovery and Reinvestment Act (ARRA)

- Letter to Governor Schwarzenegger, Dr. Glenn Thomas and Jack O'Connell, dated March 17, 2009, regarding "who should decide how local educational agencies spend State Fiscal Stabilization Funds allocated by the American Recovery and Reinvestment ACT (ARRA)" – signed by various representatives

 - Letter from Carol Larson, President and CEO of the David and Lucile Packard Foundation, informing Dr. Weis that the Foundation has approved a grant in the amount of \$150,000 to the Santa Clara County Office of Education.
 - *Retirement vs. Layoffs*, Joseph Di Salvo's Blog in San Jose Inside, March 17, 2009
 - *El Portal Failing Academically and Financially*, Gilroy Dispatch, March 16, 2009
 - *Public Education in 'Peril,' State Superintendent Tells Panel*, Campbell Report, March 29, 2009
 - *East Side Schools Ignore Wise Money-Saving Ideas*, Mercury News, March 22, 2009
 - *District Superintendents Rally in Sacramento to Stop School Cuts*, Ventura County Star, March 24, 2009
 - Head Start/Early Head Start PIR Performance Indicators, Progress Report as of March 16, 2009
 - Agreement for Provision of Community Schools Services
 - Statement by the California County Superintendents Educational Services Association (CCSESA) Regarding Pending Dispute with CalPERS, February 12, 2009
 - Alternative Education Collaborative News Item, April 1, 2009
 - LAO Interview Questions for SCCOE
 - Santa Clara County School Boards Association's 25th Anniversary Hoffman Awards Dinner, Wednesday, April 22, 6:00 p.m. social hour, 7:00 p.m. dinner, Michaels at Shoreline Blvd.
 - Chandler Tripp Carnival, Friday, May 29, 10:00 a.m. to 1:00 p.m.
 - Was interviewed on the LA Times, Mercury News and Education Week on the use of federal funds and its impact
8. FUTURE AGENDA ITEMS
- Fiscal Oversight: AB139, AB1200 & AB2756 – May 20 (Grovenburg & Johal)
 - Gang Prevention Efforts – April 15 (Mitchell & Fimiani)
 - High School Dropout Prevention Planning – May 6 (Fimiani)
 - Evaluation for Head Start Program & Standard Kindergarten Readiness – May 20 (Fimiani & Trujillo)

9. ADJOURNMENT

The meeting was adjourned at 9:33 p.m.

Respectfully submitted,



Dr. Charles Weis, County Superintendent of Schools
Ex-Officio Secretary

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**RESOLUTION SUPPORTING
Proposition 1A and Proposition 1B on the May 19, 2009 Special Election Ballot
SANTA CLARA COUNTY BOARD OF EDUCATION**

RESOLUTION NO: 2037-1

WHEREAS, Democrats and Republicans in the Legislature and the Governor agreed to a state budget for 2008-09 and 2009-10 that closed a \$42 billion deficit through a combination of spending cuts, including over \$8 billion to public schools, along with increases in state taxes; and

WHEREAS, the long-term effects of a “cuts only” state budget would have been detrimental to the state and Santa Clara County schools; and

WHEREAS, Proposition 1A and Proposition 1B are two of the five propositions placed on the ballot as a part of the budget deal; and

WHEREAS, Proposition 1B is entitled “Education Funding Repayment” and ensures that schools will be repaid \$9.3 billion in cuts made to K-adult schools that otherwise may not be repaid; and

WHEREAS, the \$9.3 billion would come available to schools commencing 2011-12 and would be approximately \$1.5 billion per year (for an estimated six years) in addition to any other Proposition 98 funds; and

WHEREAS, Proposition 1A is entitled “State Stabilization Fund,” creating a larger state “rainy day” fund, temporary increase in a number of state taxes and a permanent spending cap that excludes the Proposition 98 funding calculation for schools; and

WHEREAS, Proposition 1A and Proposition 1B are double-joined and contingent upon the passage of each other; and

WHEREAS, Proposition 1A provides the funding mechanism for Proposition 1B; and

WHEREAS, Together, Proposition 1A and Proposition 1B are crucial components of the state’s ability to fund obligations to public schools in the future; and

WHEREAS, Proposition 1A and 1B are not ideal solutions, but without them the state will likely be forced to reopen the budget deal and surely subject public schools to further mid-year and budget year reductions;

NOW, THEREFORE, BE IT RESOLVED, that the Santa Clara County Board of Education does hereby resolve to endorse and declare support for Propositions 1A and 1B and encourages voters to support them on May 19, 2009.

PASSED AND ADOPTED by the Santa Clara County Board of Education at a meeting held on April 1, 2009, by the following vote:

AYE: President Mann, Vice President Song, members Beauchman, Di Salvo, Mah, Ho and Howard

NAE: -none-

ABSTENTION: -none-

ABSENT: -none-

Signed by:



Charles Weis, Ph.D.
County Superintendent of Schools



Craig Mann, President
Santa Clara County Board of Education

**SANTA CLARA COUNTY BOARD OF EDUCATION
RESOLUTION NO. 2037-2**

**RESOLUTION EXEMPTING COMMUNITY SCHOOL FROM LOCAL ZONING
ORDINANCES PURSUANT TO GOVERNMENT CODE SECTION 53094**

WHEREAS, the Santa Clara County Office of Education (“SCCOE”) operates community schools within Santa Clara County and intends to construct and operate one or more additional community school(s) within the County and/or City of San Jose (all current and future SCCOE community schools together will hereinafter be referred to as “Community Schools”);

WHEREAS, the Community Schools are composed of classroom facilities, and are used to educate students and administer programs in accordance with Education Code sections 1980, *et seq.*;

WHEREAS, if the SCCOE were compelled to comply with city or county zoning ordinances with relation to the Community Schools, the SCCOE could be subject to conflicting requirements, to the detriment of its educational mission;

WHEREAS, Education Code section 1984 states that for the purposes of establishing and maintaining a county community school, a county board of education shall be deemed to be a school district;

WHEREAS, Government Code section 53094 permits a school district to render city or county zoning ordinances inapplicable to its proposed use of a property, unless the proposed use of property is for nonclassroom facilities;

WHEREAS, the California Attorney General has confirmed that when a county board of education is establishing or maintaining a community school, the board is deemed a school district, and is authorized to exempt property from city or county zoning ordinances pursuant to Government Code section 53094 (see 79 Ops.Cal.Atty.Gen. 155, 157-158);

WHEREAS, staff from the City of San Jose have also confirmed that California law permits a county board of education to exempt community schools from local zoning ordinances pursuant to Government Code section 53094;

WHEREAS, the Community Schools are integrally related to the SCCOE’s efforts to educate and benefit the inhabitants of Santa Clara County;

WHEREAS, it is therefore in the public interest to render the relevant county and city zoning ordinances inapplicable to the Community Schools;

**NOW, THEREFORE, THE SANTA CLARA COUNTY BOARD OF EDUCATION FINDS,
DETERMINES AND RESOLVES** as follows:

1. The foregoing recitals are true and correct.

2. By this Resolution, the SCCOE renders the zoning ordinances of the County of Santa Clara and the City of San Jose inapplicable to the Community Schools.

3. The Board adopts each ground and each statement in the Recitals and as set forth herein as a separate finding in support of its action and reserves the right to establish, expand upon, and include additional documentation not already referenced in support of this Resolution.

4. Any and all written documents, communications and resolutions, including all planning with respect to the Community Schools, that are not privileged, are incorporated by reference as evidence in support of the findings set forth herein, including any and all staff reports relating to this Resolution.

5. The Superintendent, or his authorized representative, is directed to notify the County of Santa Clara and the City of San Jose of this action within ten (10) days by delivering a copy of this Resolution to each agency.

6. This Resolution, including findings in support of the Resolution and reasons therefore, and evidence cited here (including all documents incorporated herein by reference), is adopted, under the authority of the Government Code sections 1984 and 53094 and applicable law, by at least a two-thirds (2/3) vote of the members of the County Board of Education.

7. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Santa Clara County Board of Education at its meeting held on April 1, 2009, as follows:

AYES: President Mann, Vice President Song, members Beauchman, Di Salvo, Howard, Ho and Mah

NAYES: -none-

ABSENT: -none-

ABSTAINED: -none-



President
Santa Clara County Board of Education

Attest:



Secretary,
Santa Clara County Board of Education