

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

APPROVED  
Regular Meeting #2079  
Open Session 4:00 p.m. — Board Room  
May 18, 2011

1. Call to Order

President Di Salvo called the meeting to order at 4:03 p.m.

a. Roll Call

Members Present:

Grace Mah, Area 1  
Michael Chang, Area 2  
Joseph Di Salvo, Area 4  
Anna Song, Area 5  
Craig Mann, Area 6  
Julia Hover-Smoot, Area 7

Members Absent:

Leon Beauchman, Area 3

b. Pledge of allegiance

President Di Salvo asked Michelle Dimas, Assistant Superintendent of Educational Services from the Milpitas Unified School District, to lead the pledge of allegiance.

President Di Salvo dedicated the meeting to the women and men soldiers who died serving our country.

c. Adoption of Agenda

MOTION #2079-1 by member Mann that the agenda be adopted as submitted. Member Hover-Smoot seconded the motion and it carried 5-0-2 with member Song and Beauchman absent.

2. County Superintendent Report

*(Member Song arrived at the meeting at approximately 4:05 p.m.)*

1. Letter dated April 22, 2011 from Mohammad H. Qayoumi, President of the California State University East Bay (CSUEB), thanking Dr. Charles Weis for welcoming him as the new President of CSUEB
2. Letter dated April 30, 2011 from Paula Lacey, Board President of Loma Prieta Joint Union, thanking Dr. Weis for conducting a Brown Act training for her Board and staff
3. Attendance & Enrollment for Community Schools, April 13 – May 4, 2011
4. Memo from Michael Hulsizer, Chief Deputy for Governmental Affairs, Kern County Superintendent of Schools Office, Subject: Governor's May Budget Revisions for K-12 Education Unveiled
5. Article by John Fensterwald, dated May 18, 2011, entitled: "CTA's President-Elect Blesses Budget
6. Email from Kathy Sakai, dated May 18, 2011, subject: Thank you
7. Proposed Dates for a Board Retreat at Walden West
8. Inquiry on a potential Brown Act violation when charter school representatives request meetings with individual board members

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

April Carlson, President of the Association of County Educators (ACE) thanked Dr. Weis for his Op Ed on teacher recognition and spoke on behalf of the ACE members expressing their concern on the initial proposal from the County Superintendent of Schools to the Association of County Educators (ACE)/California Teachers Association (CTA), which was listed on the March 16 board agenda.

Don Renwick, of ACE, provided background on his career and expressed his concern on his teaching position being in jeopardy.

4. Correspondence

There was no correspondence.

5. Consent Action Items

- a. Request Approval of Minutes of Regular Board Meeting of May 4, 2011 (#2078)
- b. Request Approval of Purchase Order Exceeding \$100,000
- c. Accept the Monthly Financial Report for the Period Ending March 31, 2011
- d. Request Approval to Receive Leon M. Shortino Foundation Arts Education Grant Funds for Professional Development

MOTION #2079-2 by member Mann that the Board approve Consent Action Items 5.A. through 5.D. Member Hover-Smoot seconded the motion and it carried 6-0-1.

6. Action Items

a. Request Approval for Material Revision to Magnolia Science Academy—Santa Clara Charter Petition

Ms. Dimas addressed the Board and informed them that the Milpitas Unified School District has not been contacted by representatives of the Magnolia Science Academy Charter regarding their intent to locate a school in their school district.

Dr. Lucretia Peebles, Director of the Charter Schools Department, presented the material revision petition and answered questions.

MOTION #2079-3 by member Mann that the Board defer their decision on the material revision to Magnolia Science Academy—Santa Clara charter petition until the June 15 board meeting with three conditions: 1) Magnolia to enter into a meaningful contact with the Milpitas Unified School District 2) SCCOE staff to ensure that Magnolia is acting within the requirements of the law and assist them in applying the requirements of the law 3) Magnolia to present their outreach plan, which represents all county-wide outreach for the Milpitas site and not concentrate just on the Milpitas Unified School District. Member Mah seconded the motion and it carried 6-0-1 with member Beauchman absent.

b. Adopt the Budget Revision for the Quarter Ending March 31, 2011

MOTION #2079-4 by member Mann that the Board adopt the budget revision for the quarter ending March 31, 2011. Member Hover-Smoot seconded the motion and it carried 6-0-1 with member Beauchman absent.

7. INFORMATION ITEMS

a. SCCOE 2011-12 Proposed Program-Budget Study Sessions/Presentations Student Services Branch

Dr. Maurice Ghysels, Chief Schools Officer, presented the Student Services Branch program and answered questions.

b. Discussion on Congressman Mike Honda's Equity and Excellence Commission

This item was tabled to the June 1 Board meeting.

c. County Board of Education Member Reports

This item was tabled to the June 1 Board meeting

*(The Board broke for recess @ 6:07 p.m. and reconvened into Closed Session at 6:17 p.m.)*

8. Closed Session

The Board adjourned into Closed Session at 6:17 p.m. to hear the following items:

*(Vice President Chang left the meeting at approximately 6:17 p.m.)*

- A. Subject Matter: Inter-District Transfer Appeal Filed on Behalf of Student  
(Resident District: Campbell Union High School District  
Desired District: Fremont Union High School District)
  
- B. Subject Matter: Inter-District Transfer Appeal Filed on Behalf of Student  
(Resident District: Campbell Union High School District  
Desired District: Fremont Union High School District)

OPEN SESSION – 7:11 p.m.

9. Report of Actions Taken in Closed Session

President Di Salvo reported that in the matter of Agenda Item 8.A. *Subject Matter: Interdistrict Transfer Appeal Filed on Behalf of Student (Resident District: Campbell Union High School District, Desired District: Fremont Union High School District)* a Motion (#2079-5) was made by member Hover-Smoot and seconded by member Di Salvo that the Board uphold the appeal based on 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 12 “Other exceptional or extraordinary circumstances which would weigh heavily in favor of the appellate pupil.” Motion failed 2-3-2 (members Song, Mah and Mann dissented). A written decision and order will be issued to the parties within three school days.

President Di Salvo reported that in the matter of Agenda Item 8.B. *Subject Matter: Interdistrict Transfer Appeal Filed on Behalf of Student (Resident District: Campbell Union High School District, Desired District: Fremont Union High School District)* a Motion (#2079-6) was made by member Mann and seconded by member Song to deny the appeal based on Factors 8 – “The financial impact of educating the pupil (district of desired attendance) or of losing the pupil (district of residence); Factor 10 – “Lack of space for the pupil in the receiving district and Factor 12 – “Other exceptional or extraordinary circumstances which would weigh heavily in favor of the affected school district.” Motion carried 4-1-2 (member Hover-Smoot dissented). A written decision and order will be issued to the parties within three school days.

10. The Board held an Open Session to hear the following item:

- A. Subject Matter: Expulsion Appeal Filed on Behalf of Student (Resident District: Fremont Union High School District)
- B. The Board adjourned into Closed Session at 8:12 p.m. to hear the matter on 10.A.

OPEN SESSION – 8:19 p.m.

11. Report of Actions Taken in Closed Session

President Di Salvo reported that in the matter of Agenda Item 10.B. *Subject Matter: Expulsion Appeal Filed on Behalf of Student* a Motion (#2079-7) was made by member Mann and seconded by member Hover-Smoot to uphold the Fremont Union High School District decision based on their findings. Motion carried 5-0-2. A written decision and order will be issued to the parties within three school days.

12. The Board adjourned into Closed Session at 8:21 p.m. to hear the following item:

- A. Subject Matter: Expulsion Appeal Filed on Behalf of Student (Resident District: Franklin-McKinley School District)

OPEN SESSION – 9:30 p.m.

13. Report of Actions Taken in Closed Session

President Di Salvo reported that in the matter of Agenda Item 12.A. *Subject Matter: Subject Matter: Expulsion Appeal Filed on Behalf of Student (Resident District: Franklin-McKinley School District)* a Motion (#2079-8) was made by member Song and seconded by member Mann to uphold the Franklin-McKinley School District decision based on their findings. Motion carried 5-0-2. A written decision and order will be issued to the parties within three school days.

14. The Board held an Open Session to consider the following items:

- A. Subject Matter: Expulsion Appeal Filed on Behalf of Student (Resident District: Morgan Hill Unified School District)
- B. Subject Matter: Expulsion Appeal Filed on Behalf of Student (Resident District: Morgan Hill Unified School District)

15. Report of Actions Taken in Closed Session

President Di Salvo reported that in the matter of Agenda Item 14.A. *Subject Matter: Expulsion Appeal Filed on Behalf of Student (Resident District: Morgan Hill Unified School District)* a Motion (#2079-9) was made by member Hover-Smoot and seconded by President Di Salvo to grant the appeal and reverse the decision of the governing board due to a lack of records of the hearing and expunge the record of expulsion. Motion carried 4-1-2 (member Son dissented). A written decision and order will be issued to the parties within three school days.

President Di Salvo reported that in the matter of Agenda Item 14.B. *Subject Matter: Expulsion Appeal Filed on Behalf of Student (Resident District: Morgan Hill Unified School District)* a Motion(#2079-10) was made by President Di Salvo and seconded by member Mah to grant the appeal and reverse the decision of the governing board due to a lack of records of the hearing and expunge the record of expulsion. Motion carried 4-1-2 (member Song dissented). A written decision and order will be issued to the parties within three school days.

16. FUTURE AGENDA ITEMS

- Champions for Leadership Program (Grace Mah)
- Board meeting at an SCCOE school site (Grace Mah)
- Report on the effects of Early Learning as students enter kindergarten (Anna Song)
- Discussion on having a meeting between the County Board of Education and the County Board of Supervisors
- County Superintendent Contract Extension (Board of Education)

13. ADJOURNMENT

The meeting adjourned at 10:50 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Charles Weis".

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

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