

SANTA CLARA COUNTY BOARD OF EDUCATION

1290 Ridder Park Drive
San Jose, California 95131

APPROVED

Minutes of Regular Meeting #2010

San Jose Room

November 26, 2007

5:00 p.m.

Members Present: Gary Rummelhoff, President
Jane Howard, Vice President
Craig Mann
Leon Beauchman
T.N. Ho
Grace Mah
Anna Song

The meeting was called to order by President Rummelhoff at 5:05 p.m.

Setting the Agenda

President Rummelhoff suggested that Study Action Item 7.A. *ACE Charter School Petition* be placed before Public Hearing 6.A. *Public Hearing on the Revision of the Bullis Charter School Charter*.

MOTION #2010-1 by Mr. Mann, seconded by Ms. Song, that the agenda be approved with the suggested amendment.

MOTION #2010-1 carried unanimously: 7-0-0-0

Pledge of Allegiance

President Rummelhoff asked Vice President Howard to lead the pledge of allegiance.

Hearing of Persons Desiring to Address the Board or to Present Petitions

President Rummelhoff invited members of the public to address the Board.

No one wished to address the Board at this time.

Consent Action Items

MOTION #2010-2 by Mr. Mann, seconded by Vice President Howard that the following Consent Action Items be approved:

- Request Approval of Minutes of Regular Meeting of November 7, 2007 (#2009)
- Request Approval to Submit Non-Competitive Grant for Enhancing Education Through Technology (EETT)

MOTION #2010-2 carried unanimously 7-0-0-0.

CHANGE IN AGENDA

Study Action Items

ACE Charter School Petition

Mr. Dick Noack, attorney from Hopkins & Carley, presented COE's staff report. Mr. Noack and Ms. Linda Aceves, Assistant Superintendent, Instructional Services, answered questions from the Board. (*resolution attached*)

The following individuals spoke in support of ACE Charter School:

- Mr. Greg Lippman, Petitioner, ACE Public School Network
- Ms. Linda Murray, Board Trustee, ACE
- Ms. Blanca Alvarado, County Supervisor
- Mr. Ryan Ford, representing Councilmember Nora Campos
- Father Frances Rios, Pastor, Our Lady Star of the Sea Parish
- Ms. Mary Dominguez, Parent
- Ms. Darcie Green, representing Office of Assemblymember Joe Coto
- Mr. Gustavo Gonzalez, Board Trustee, Alum Rock Union School District

The following individuals spoke against the ACE Charter School:

- Mr. Frank Chavez, Board Trustee, Alum Rock Union School District
- Mr. John Yeh, Attorney for ACE Charter School–Miller, Brown & Dannis
- Ms. Norma Martinez, Superintendent, Alum Rock Union School District
- Ms. Patricia Potter, Board Trustee, Alum Rock Union School District
- Mr. Abelardo Morales, Parent
- Ms. Tanya Freudenberger, Board President, Alum Rock Union School District

Board Members asked questions of both the Alum Rock Union School District and Petitioner.

MOTION #2010-3 by Mr. Mann, seconded by Ms. Song, that the Board conditionally approve the charter petition of ACE Charter School. Petitioners must submit the revised plans and policies to the Interim County Superintendent of Schools and obtain the approval of the Interim County Superintendent of Schools in the form of a signed MOU that incorporates the revised plans by April 1, 2008.

The following roll call vote was taken:

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

NOES: -none-

ABSTAIN: -none-

ABSENT: -none-

MOTION #2010-3 carried unanimously 7-0-0-0.

Recess

The Board broke for recess at 6:35 p.m. and reconvened at 6:48 p.m.

Public Hearing

Public Hearing on the Revision of the Bullis Charter School Charter

President Rummelhoff reviewed the process for the public hearing and opened the hearing for public comment.

Mr. Noack gave an overview of COE's staff report and answered questions.

The following petitioners from Bullis Charter School gave a presentation on the merits of their revision request:

- Ms. Ann Marie Gallagher, Board Trustee, Bullis Charter School
- Mr. Paul Minney, Attorney for Bullis Charter School–Spector, Middleton, Young & Minney
- Mr. Martin Neiman, Board Trustee, Bullis Charter School

The following representatives from the Los Altos School District gave a brief presentation on their opposition to the petition:

- Ms. Marilyn Cleveland, Attorney for District, Miller Brown and Dannis
- Mr. Mark Goines, Board Vice President
- Mr. David Pefley, Board Clerk

The following individuals spoke in support of the revision to the Bullis Charter School:

- Ms. Joan Mellea, Parent
- Mr. Chris Vargas, Parent

Mr. Bill Cooper, President of the Board of Los Altos School District, spoke against the revision to the Bullis Charter School.

Board members asked clarifying questions of both the petitioners and the school district.

Study Action Items

Bullis Charter School Charter Revision

Board members deliberated.

MOTION #2010-4 by Mr. Mann, seconded by Ms. Song that the Board approve the charter revision of Bullis Charter School. (*resolution attached*)

The following roll call vote was taken:

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

NOES: President Rummelhoff, member Mah

ABSTAIN: -none-

ABSENT: -none-

MOTION #2010-4 carried by a vote of 5-2-0-0.

Request Adoption of the Resolution to Transfer Territory

Ms. Suzanne Carrig, Senior Research Analyst, Center for Educational Planning, provided an overview of the proposal to transfer territory and answered questions from the Board. (*resolution attached*)

MOTION #2010-5 by Vice President Howard, seconded by Mr. Beauchman, that the Board approve the adoption of the resolution to transfer territory.

MOTION #2010-5 carried unanimously 7-0-0-0.

Ad Hoc Committee Recommendations on Search Firm for County Superintendent

Vice President Howard presented an overview of the request for proposals process for selecting a search firm for the County Superintendent position. The following search firms presented the merits of their service and answered questions from the Board: (*resolution attached*)

- Ms. Molly McGee Hewitt, Director, and Dr. Fernando Elisondo, Search Advisor–California School Boards Association (CSBA) Executive Search Services
- Ms. Gayle Alcama, Consultant–Hazard, Young and Attea
- Mr. Michael Caston, Partner, and Ms. Marty Butt–Leadership Associates

Ms. Ellen Wheeler, Board Trustee, Mountain View Whisman School District, spoke in favor of California School Boards Association.

Information Items

Board Committee Reports

T.N. Ho

- Attended an Ad Hoc Committee meeting to review request for proposals from search firms for the County Superintendent position

Grace Mah

- Attended an Ad Hoc Committee meeting to review request for proposals from search firms for the County Superintendent position

Jane Howard

- Attended an Ad Hoc Committee meeting to review request for proposals from search firms for the County Superintendent position

County Board of Education Reports

Anna Song

- Attended a Head Start Planning meeting

Gary Rummelhoff

- Attended a Fit for Learning Advisory Committee meeting
- Attended a People Acting in Community Together (PACT) Luncheon

Leon Beauchman

- Attended a People Acting in Community Together (PACT) Luncheon
- Attended a SEIU Local 521 meeting

Grace Mah

- Attended a People Acting in Community Together (PACT) Luncheon

T.N. Ho

- Attended a Cupertino Veterans' Memorial Dedication Ceremony
- Attended a fundraiser for Friends of Children with Special Needs

Craig Mann

- Attended an Evergreen Community Round Table meeting

Superintendent's Report

Interim Superintendent Fimiani will be forwarding his report to the Board later in the week.

Adjournment

The meeting was adjourned at 11:05 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Fimiani".

Joe Fimiani, Interim Superintendent
Ex-Officio Secretary

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**RESOLUTION CONDITIONALLY APPROVING THE CHARTER PETITION
OF ACE CHARTER SCHOOL**

**SANTA CLARA COUNTY BOARD OF EDUCATION
RESOLUTION NO. 2010-1**

RESOLVED by the Santa Clara County Board of Education, County of Santa Clara, State of California, that:

WHEREAS, pursuant to the procedures set forth in Education Code Section 47605 and its implementing regulations, petitioners for the ACE Charter School presented their Petition to establish a charter school to the County Office of Education on October 11, 2007, having been denied by the Alum Rock Union Elementary School District Board of Education on October 5, 2007; and the County Board of Education held a public hearing on this matter on November 7, 2007; and

WHEREAS, the County Board of Education reviewed the petition taking into consideration the testimony and documents submitted, including the ACE Charter Petition to the County Board of Education; the testimony presented at the public hearing; additional materials received from petitioners, the Alum Rock Union Elementary School District and the public; and the review of County Office of Education staff; and

WHEREAS, the County Board of Education finds that the proposed charter school will offer services to pupils who have performed at an average or below average level, and that such pupils will benefit from those services; and

WHEREAS, the County Board of Education finds that the deficiencies identified by staff review can be addressed by corrections and additions to the charter petition materials and incorporated into the standard County Office of Education Memorandum of Understanding (MOU);

NOW, THEREFORE, the County Board of Education does hereby conditionally approve the petition, and does hereby grant the charter, with the stipulation that the charter granted by the County Board of Education differs from the original petition document in the following respects:

1. The charter document approved is the document entitled *Proposed Charter Document*, found in the *ACE CHARTER SCHOOL PETITION* document (green booklet) presented to the County Board of Education dated November 7, 2007.
2. The charter is approved for an initial period of three years of school operation, commencing July 1, 2008 and continuing through June 30, 2011.
3. Petitioners must develop and submit the following plans for the approval of the Interim County Superintendent of Schools: (a) financial plan, (b) plan for student academic performance, (c) recruitment and enrollment plan, (d) personnel policies, (e) plan for English Language Learners, and (f) maintenance, safety and long-term facility plan. Petitioners must submit the revised plans and policies to the Interim County Superintendent of School, and obtain the approval of the Interim County Superintendent of Schools in the form of a signed MOU that incorporates the revised plans. The County Board of Education directs the Interim County Superintendent of Schools to negotiate such an MOU with ACE

Charter School consistent with the standard MOU established by Santa Clara County Office of Education Administrative Regulation 6234. Failure to successfully negotiate such a MOU by April 1, 2008, shall be considered grounds for revocation of the charter.

PASSED AND ADOPTED by the Santa Clara County Board of Education at a meeting held on this 26th day of November, 2007 by the following vote:

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

NOES: -none-

ABSTENTION: -none-

ABSENT: -none-



Joe Fimiani
Interim County Superintendent of Schools



Gary Rummelhoff, President
Santa Clara County Board of Education

**RESOLUTION APPROVING THE CHARTER REVISION
OF BULLIS CHARTER SCHOOL**

**SANTA CLARA COUNTY BOARD OF EDUCATION
RESOLUTION NO 2010-2**

RESOLVED by the Santa Clara County Board of Education, County of Santa Clara, State of California, that:

WHEREAS, pursuant to the procedures set forth in the Bullis Charter School Charter and Education Code Section 47605 and its implementing regulations, the Board of Directors of Bullis Charter School presented their request to revise the Bullis Charter School Charter at the County Office of Education meeting on November 7, 2007; and the County Board of Education held a public hearing on this matter on November 26, 2007; and

WHEREAS, the County Board of Education reviewed the requested revision taking into consideration the testimony and documents submitted, including the proposed charter revision; the testimony presented at the public hearing; additional materials received from Bullis Charter School, the Los Altos Elementary School District and the public; and the review by County Office of Education staff; and

NOW, THEREFORE, the County Board of Education does hereby approve the charter revision, with the stipulation that the revision granted by the County Board of Education differs from the proposed charter revision in the following respects:

1. The charter revision approved reads as follows (inserted as preference #2):

For no more than half the total available openings for *each grade level*, students who reside within the boundaries of the former Bullis-Purissima Elementary School attendance area, as drawn by Los Altos School District in the 2002-2003 school year (the "Former Bullis Attendance Area").

2. The charter revision is approved for submission to the California Department of Education (CDE). The charter revision shall apply to the Bullis Charter School Charter commencing with the 2008-09 school year.

PASSED AND ADOPTED by the Santa Clara County Board of Education at a meeting held on this 26th day of November, 2007 by the following vote:

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

NOES: President Rummelhoff and member Mah

ABSTENTION: -none-

ABSENT: -none-



Joe Fimiani
Interim County Superintendent of Schools



Gary Rummelhoff, President
Santa Clara County Board of Education

**SANTA CLARA COUNTY BOARD OF EDUCATION
RESOLUTION No. 2010-3
ORDER TO TRANSFER TERRITORY FROM
FRANKLIN MCKINLEY AND EAST SIDE UNION HIGH SCHOOL DISTRICTS TO
SAN JOSE UNIFIED SCHOOL DISTRICT AND FROM
SAN JOSE UNIFIED SCHOOL DISTRICT TO
FRANKLIN MCKINLEY AND EAST SIDE UNION HIGH SCHOOL DISTRICTS**

Whereas, California Education Code Section 35756 provides the county board of supervisors with the responsibility to make an order to create or change school districts upon receipt of proper evidence that an action to reorganize school district has been approved as provided by law; and

Whereas, pursuant to California Education Code Section 1080 and 1604, and by resolution of both the Santa Clara County Board of Supervisors and Board of Education, all functions of the county committee on school district organization, which have been provided to the Santa Clara County board of Supervisors by the California Education Code, have been transferred to the Santa Clara County Board of Education; and

Whereas, on September 19, 2007, the County Committee on School District Organization voted 5-2 to approve the transfer of said property; and

Whereas, the Santa Clara County Board of Education has received proper evidence that the County Committee on School District Organization voted to approve the transfer;

Therefore be it resolved that, by adoption of this resolution, the Santa Clara County Board of Education makes an order to transfer said territories from Franklin McKinley School District and East Side Union High School District to San Jose Unified School District and from San Jose Unified School District to Franklin McKinley School District and East Side Union High School District in Santa Clara County; and

Therefore be it further resolved that the Santa Clara County Board of Education directs staff of the Santa Clara County Office of Education to file said order pursuant to California Education Code Section 35756 and California Government Code Section 54900 et seq.

Adopted and approved on November 26, 2007 by the Santa Clara County Board of Education by the following vote:

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

NOES: -none-

ABSTENTIONS: -none-

ABSENT: -none-



Joe Fimiani
Ex-Officio Secretary



Gary Rummelhoff, President
Santa Clara County Board of Education

RESOLUTION
TO SELECT A SEARCH FIRM TO CONDUCT A NATIONWIDE SEARCH FOR SCCOE
COUNTY SUPERINTENDENT OF SCHOOLS

SANTA CLARA COUNTY BOARD OF EDUCATION

RESOLUTION No. 2010-4

WHEREAS, the Santa Clara County Office of Education (SCCOE) intends to conduct a nationwide search to hire a County Superintended of Schools; and

WHEREAS, the SCCOE issued a Request for Proposal (RFP), soliciting proposals from numerous executive search firms to conduct the search; and

WHEREAS, in the RFP, the SCCOE identified the following primary criteria that each prospective search firm should address in the proposal

- Background information about your firm
- Describe searches conducted for County Offices of Education, Regional Service Centers or large urban school districts; include the average length of time the candidates remained on the jobs.
- Provide resumes of key members of the project team, specifically the team leader assigned to facilitate this proposal.
- Provide the names, addresses, phone numbers, and email address of three past or current clients who may be contacted to attest to your ability to perform the requested services.

WHEREAS, in response to the RFP, the SCCOE received proposals from five search firms: 1) Executive Search Services (CSBA); 2) Greenwood & Associates; 3) HYA; 4) Leadership Associates; 5) Ray & Associates.

WHEREAS, the President of the County Board of Education (Board) appointed an advisory Ad Hoc Committee consisting of three members of the Board to review proposals submitted by the search firms and to recommend to the Board the search firms to interview, consistent with the selection criteria identified in the RFP; and

WHEREAS, on November 26, the County Board of Education chose to interview three of the firms that submitted proposals to the SCCOE: 1) Executive Search Services (CSBA); 2) HYA; 3) Leadership Associates; and

WHEREAS, the recommendation of the Ad Hoc Committee is advisory to the Board and the Board may choose to select one of the two search firms recommend by the Ad Hoc Committee, or it may choose to select a firm from among the first firms that submitted a proposal to the SCCOE, or it may choose not to award a contract to any of the firms that submitted a proposal to the SCCOE, or it may choose not to award a contract to any of the firms that submitted such proposals, all within the sound discretion of the Board.

NOW, THEREFORE, BE IT RESOLVED that the Santa Clara County Board of Education hereby selects: Leadership Associates

to conduct a nationwide search for the County Superintendent of Schools. The selection of the above-named search firm is hereby confirmed by a majority voice vote of the membership of the Board wherein each member of the Board has specifically voted for their search firm of choice.

PASSED AND ADOPTED by the Board of Education at a meeting held on November 26, 2007 by the following vote:

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

NOES: -none-

ABSTAIN: -none-

ABSENT: -none-

Signed by:



Joe Fimiani
Interim County Superintendent of Schools



Gary Rummelhoff, President
Santa Clara County Board of Education