

Regular Meeting of the Board of Education

September 12, 2017 5:30 PM

Santa Clara Unified School District

Board Room

Attendance Taken at 5:30 PM:

Present:

Noelani Hunt

Jodi Muirhead

Mark Richardson

Dr. Michele Ryan

Absent:

Jim Canova

Albert Gonzalez

Andrew Ratermann

Updated Attendance:

Andrew Ratermann was updated to present at: 5:32 PM

Albert Gonzalez was updated to present at: 5:34 PM

Jim Canova was updated to present at: 6:20 PM

A. ORGANIZATIONAL ITEMS

1. CALL TO ORDER @ 5:30 PM

Minutes:

Vice President Noelani Pearl Hunt called the meeting to order at 5:30 PM.

1. ROLL CALL

2. REVIEW AND ACCEPTANCE OF AGENDA ITEMS

Motion Passed: Motion to approve agenda items. Board vote: 4 YES (Hunt, Muirhead, Richardson, Ryan), 0 NOES, 0 ABSTAIN, 3 ABSENT (Canova, Gonzalez, Ratermann), 0 RECUSE. Passed with a motion by Dr. Michele Ryan and a second by Jodi Muirhead.

Absent Jim Canova

Absent Albert Gonzalez

Yes Noelani Hunt

Yes Jodi Muirhead

Absent Andrew Ratermann

Yes Mark Richardson

Yes Dr. Michele Ryan

3. ITEMS FROM THE PUBLIC PRIOR TO CLOSED SESSION

Minutes:

There was no public comment at this time.

4. CLOSED SESSION @ 5:35 PM

Minutes:

Vice President Hunt moved to Closed Session at 5:31 PM.

1. Public Employee Discipline/Dismissal/Release, Govt. Code 54957 and 54954.5(e)

2. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of section 54956.9: Claim to resolve a dispute concerning special education placement and services. Student name withheld to protect confidentiality of pupil records, (Student D.2). Legal Counsel Representative from Atkinson, Andelson, Loya, Ruud & Romo will be available via phone conference.

3. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of section 54956.9: Claim to resolve a dispute concerning special education placement and services. Student name withheld to protect confidentiality of pupil records, (Student AAA.2). Legal Counsel Representative from Atkinson, Andelson, Loya, Ruud & Romo will be available via phone conference.

4. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of section 54956.9: Claim to resolve a dispute concerning special education placement and services. Student name withheld to protect confidentiality of pupil records, (Student BBB.2). Legal Counsel Representative from Atkinson, Andelson, Loya, Ruud & Romo will be available via phone conference.

5. Conference with Labor Negotiators, Govt. Code 54957.6 and 54954.5(f) Agency Representatives: Stanley Rose, Andrew Lucia, Kevin Keegan, David Torres; Employee Organizations: UTSC, CSEA, AFT, Unrepresented Employees and Management

6. PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Pursuant Govt. Code 54957. Agency designated representative, Board President Andy Ratermann. Title: Superintendent

5. RESUME OPEN SESSION @ 7:00 PM

Minutes:

President Ratermann resumed Open Session at 7:16 PM.

President Ratermann requested to pull Consent Item E.1 and move it to Action Item F.19.

1. PLEDGE OF ALLEGIANCE

Minutes:

Andrew Lucia, Assistant Superintendent of School Support and District Development, lead the Pledge of Allegiance.

2. REPORT FROM CLOSED SESSION Govt. Code Section 54957.1

Minutes:

President Ratermann reported on Closed Session:

Item 4.1 - Discussion

Item 4.2 - Discussion - Student D.2 - The Board approved a settlement agreement prior to the initiation of a quasi-judicial proceeding. The matter was resolved with the District agreeing to reimburse parents for placement at a private school in exchange for the release of certain

education claims. Motion made by Hunt, Seconded by Ryan, vote 6 YES (Gonzalez, Hunt, Muirhead, Ratermann, Richardson, Ryan) 0 NOES, 0 ABSTAIN, 1 ABSENT (Canova), 0 RECUSE.

Item 4.3 - Discussion - Student AAA.2 - The Board approved a settlement agreement prior to the initiation of a quasi-judicial proceeding. The matter was resolved with the District agreeing to reimburse parents for past transportation costs, and prospectively transport Student and/or bear costs of transportation, in exchange for the waiver of certain educational claims. Motion made by Hunt, Seconded by Gonzalez, vote 6 YES (Gonzalez, Hunt, Muirhead, Ratermann, Richardson, Ryan) 0 NOES, 0 ABSTAIN, 1 ABSENT (Canova), 0 RECUSE.

Item 4.4 - Discussion - Student BBB.2 - The Board approved a settlement agreement prior to the initiation of a quasi-judicial proceeding to reimburse parents for the cost of a noncertified residential treatment center, as well as related travel costs, and parents agreeing to assessments and waiver of certain educational claims. Motion made by Hunt, Seconded by Gonzalez, vote 5 YES (Canova, Gonzalez, Hunt, Muirhead, Ratermann) 1 NOES (Richardson), 0 ABSTAIN, 0 ABSENT, 1 RECUSE (Ryan).

Item 4.5 - Discussion

Item 4.6 - Discussion

B. RECOGNITIONS

C. REPORTS

1. REPORTS FROM UNION PRESIDENTS

Minutes:

Michael Hickey, UTSC President reported on union activities and events.

2. REPORT FROM SUPERINTENDENT

Minutes:

Dr. Rose, Superintendent discussed various meetings and events he has participated in since the last Board meeting.

3. REPORT FROM DIRECTOR OF BOND PROJECTS

Minutes:

Larry Adams, Director of Bond Projects updated the Board members on the various projects taking place in the district.

4. REPORT FROM DIRECTOR OF FACILITY DEVELOPMENT PLANNING

Minutes:

Michal Healy, Director of Facility Development Planning, reported on various developments throughout the city and the district along with possible future developments. She also reported out on the Safe Routes to Schools and the grant money that is available.

5. Report Regarding MetroEd

Minutes:

Superintendent Alyssa Lynch from Metro Ed provided a presentation and a report regarding MetroEd and what they offer our students.

6. Report on 2017 Summer Programs

Minutes:

Lorena Tariba, Director of English Learner & Supplement Programs reported on the 2017 Summer Program.

7. Report of Website Transition

Minutes:

Jennifer Dericco, Public Relations Officer reported on the transition of the Website and what the website will look like in the future.

D. ITEMS FROM THE PUBLIC

Minutes:

Vicki Fairchild spoke during Items from the Public.

E. CONSENT CALENDAR

Motion Passed: Motion to approve Consent Items E.2 - E.13. Board vote: 7 YES, 0 NOES, 0 ABSTAIN, 0 ABSENT, 0 RECUSE. Passed with a motion by Noelani Hunt and a second by Dr. Michele Ryan.

Yes Jim Canova
Yes Albert Gonzalez
Yes Noelani Hunt
Yes Jodi Muirhead
Yes Andrew Ratermann
Yes Mark Richardson
Yes Dr. Michele Ryan

1. Personnel Items Summary

Minutes:

Consent Item E.1 was pulled from the Consent Agenda and is now Action Item F.19

Motion Passed: Motion to approve F.19 Personnel Summary. Board vote 6 YES (Canova, Gonzalez, Hunt, Muirhead, Richardson, Ryan), 0 NOES, 0 ABSTAIN, 0 ABSENT, 1 RECUSE (Ratermann). Passed with a motion by Jodi Muirhead and a second by Dr. Michele Ryan.

Yes Jim Canova
Yes Albert Gonzalez
Yes Noelani Hunt
Yes Jodi Muirhead
Yes Andrew Ratermann
Yes Mark Richardson
Yes Dr. Michele Ryan

2. Approval of Minutes of the Regular Board Meeting of August 24, 2017.

3. Approval to Inactivate Asset Items from Inventory

4. Approval of the Disposal of Obsolete Equipment

5. Acceptance of Donations

6. Accept Warrant Register and Purchase Order Report for August 2017

7. Accept County of Santa Clara Treasury Investment Portfolio Quarterly Report as of June 30, 2017

8. Approval of the 2017-2018 Non Public Agency Agreement Between Gateway and the Santa Clara Unified School District.

9. Approval of the 2017-2018 Non Public School Agreement Between Mission Bay and the Santa Clara Unified School District.

10. Approval of the 2017-2018 Non Public School Agreement Between Beacon School and the Santa Clara Unified School District.

11. Approval of the Addendum to the After School Education and Safety Program (ASES) contract with Boys and Girls Club of Silicon Valley

12. Approval of Student Overnight Field Trips for Wilcox High School and Bracher Elementary School

13. Approval of the School City Contract for 2017-18

F. ACTION ITEMS

1. Approve Revised and Updated Bond Master Plans and Resultant Cash Flows for the Issuance of the Second Series of Measure H-2014 General Obligation bonds.

Motion Passed: Motion to approve the Master Plan for expenditure of Measure H-2014 Bond funds by Bond Project List Category, allocating funds of up to \$94,866,584 from projects listed as "On Hold" to construction of a first phase of a comprehensive high school on the Agnews Campus, with the corresponding estimated cash flow showing total projected expenditures of \$350,898,877 by October, 2020. Board vote 7 YES, 0 NOES, 0 ABSTAIN, 0 ABSENT, 0 RECUSE. Passed with a motion by Noelani Hunt and a second by Dr. Michele Ryan.

Yes Jim Canova
Yes Albert Gonzalez
Yes Noelani Hunt
Yes Jodi Muirhead
Yes Andrew Ratermann
Yes Mark Richardson
Yes Dr. Michele Ryan

2. Approve the Facilities Department Reorganization and Staffing Plan

Motion Passed: Motion to approve the Facilities Department Reorganization and Staffing Plan. Board vote: 7 YES, 0 NOES, 0 ABSTAIN, 0 ABSENT, 0 RECUSE. Passed with a motion by Noelani Hunt and a second by Albert Gonzalez.

Yes Jim Canova
Yes Albert Gonzalez
Yes Noelani Hunt
Yes Jodi Muirhead
Yes Andrew Ratermann
Yes Mark Richardson
Yes Dr. Michele Ryan

3. Approval of Updated Job Description: Adult Education Program Supervisor

Motion Passed: Motion to approve of the updated job description for Adult Education Program Supervisor. Board vote: 7 YES, 0 NOES, 0 ABSTAIN, 0 ABSENT, 0 RECUSE. Passed with a motion by Noelani Hunt and a second by Dr. Michele Ryan.

Yes Jim Canova
Yes Albert Gonzalez
Yes Noelani Hunt
Yes Jodi Muirhead

Yes Andrew Ratermann
Yes Mark Richardson
Yes Dr. Michele Ryan

4. Approval of New Job Description-Director of Grounds, Maintenance and Operations

Motion Passed: Motion to approve the new job description - Director of Grounds, Maintenance and Operations. Board vote: 7 YES, 0 NOES, 0 ABSTAIN, 0 ABSENT, 0 RECUSE. Passed with a motion by Noelani Hunt and a second by Dr. Michele Ryan.

Yes Jim Canova
Yes Albert Gonzalez
Yes Noelani Hunt
Yes Jodi Muirhead
Yes Andrew Ratermann
Yes Mark Richardson
Yes Dr. Michele Ryan

5. Approval of New Job Description-Maintenance Manager

Motion Passed: Motion to approve the new job description - Maintenance Manager. Board vote: 7 YES, 0 NOES, 0 ABSTAIN, 0 ABSENT, 0 RECUSE. Passed with a motion by Noelani Hunt and a second by Dr. Michele Ryan.

Yes Jim Canova
Yes Albert Gonzalez
Yes Noelani Hunt
Yes Jodi Muirhead
Yes Andrew Ratermann
Yes Mark Richardson
Yes Dr. Michele Ryan

6. Approval of New Job Description-Grounds Manager

Motion Passed: Motion to approve the new job description - Grounds Manager. Board vote: 7 YES, 0 NOES, 0 ABSTAIN, 0 ABSENT, 0 RECUSE. Passed with a motion by Noelani Hunt and a second by Dr. Michele Ryan.

Yes Jim Canova
Yes Albert Gonzalez
Yes Noelani Hunt
Yes Jodi Muirhead
Yes Andrew Ratermann
Yes Mark Richardson
Yes Dr. Michele Ryan

7. Approval of New Job Description-Custodial Manager

Motion Passed: Motion to approve the new job description -Custodial Manager. Board vote: 7 YES, 0 NOES, 0 ABSTAIN, 0 ABSENT, 0 RECUSE. Passed with a motion by Noelani Hunt and a second by Dr. Michele Ryan.

Yes Jim Canova
Yes Albert Gonzalez
Yes Noelani Hunt
Yes Jodi Muirhead
Yes Andrew Ratermann
Yes Mark Richardson
Yes Dr. Michele Ryan

8. Approval of Resolution #17-25, My Name, My Identity National Campaign Support

Motion Passed: Approval of Resolution #17-25, My Name, My Identity National Campaign Support. Roll Call vote 7 YES (Canova, Gonzalez, Hunt, Muirhead, Ratermann, Richardson, Ryan), 0 NOES, 0 ABSTAIN, 0 ABSENT, 0 RECUSE. Passed with a motion by Noelani Hunt and a second by Dr. Michele Ryan.

Yes Jim Canova
Yes Albert Gonzalez
Yes Noelani Hunt
Yes Jodi Muirhead
Yes Andrew Ratermann
Yes Mark Richardson
Yes Dr. Michele Ryan

9. Adoption of Resolution #17-27, Week of the School Administrator

Motion Passed: Motion to approve Resolution #17-27, Week of the School Administrator. Roll Call vote: 7 YES (Canova, Gonzalez, Hunt, Muirhead, Ratermann, Richardson, Ryan) 0 NOES, 0 ABSTAIN, 0 ABSENT, 0 RECUSE. Passed with a motion by Noelani Hunt and a second by Dr. Michele Ryan.

Yes Jim Canova
Yes Albert Gonzalez
Yes Noelani Hunt
Yes Jodi Muirhead
Yes Andrew Ratermann
Yes Mark Richardson
Yes Dr. Michele Ryan

10. Adoption of Resolution #17-28, Red Ribbon Week, October 23-31, 2017

Motion Passed: Motion to approve Resolution #17-28, Red Ribbon Week, October 23-31, 2017. Roll Call vote: 7 YES (Canova, Gonzalez, Hunt, Muirhead, Ratermann, Richardson, Ryan) 0 NOES, 0 ABSTAIN, 0 ABSENT, 0 RECUSE. Passed with a motion by Jodi Muirhead and a second by Dr. Michele Ryan.

Yes Jim Canova
Yes Albert Gonzalez
Yes Noelani Hunt
Yes Jodi Muirhead
Yes Andrew Ratermann
Yes Mark Richardson
Yes Dr. Michele Ryan

11. Approve the 2016-17 Unaudited Actuals Financial Report, SACS Forms and Revised 2017-18 Budget

Motion Passed: Motion to approve the 2016-2017 Unaudited Actuals Financial Report, SACS Forms and Revised 2017-2018 Budget. Roll Call vote: 7 YES (Canova, Gonzalez, Hunt, Muirhead, Ratermann, Richardson, Ryan) 0 NOES, 0 ABSTAIN, 0 ABSENT, 0 RECUSE. Passed with a motion by Jodi Muirhead and a second by Dr. Michele Ryan.

Yes Jim Canova
Yes Albert Gonzalez
Yes Noelani Hunt
Yes Jodi Muirhead
Yes Andrew Ratermann
Yes Mark Richardson
Yes Dr. Michele Ryan

12. Approve Resolution 17-29 Adoption of the 2017-18 Gann Limit and the 2016-17 Recalculation

Motion Passed: Motion to approve Resolution #17-29, Adoption of 2017-2018 Gann Limit and the 2016-2017 Recalculations. Roll Call vote: 7 YES (Canova, Gonzalez, Hunt, Muirhead, Ratermann, Richardson,

Ryan) 0 NOES, 0 ABSTAIN, 0 ABSENT, 0 RECUSE. Passed with a motion by Noelani Hunt and a second by Dr. Michele Ryan.

Yes Jim Canova
Yes Albert Gonzalez
Yes Noelani Hunt
Yes Jodi Muirhead
Yes Andrew Ratermann
Yes Mark Richardson
Yes Dr. Michele Ryan

13. Resolution #17-30 in Solidarity with Charlottesville Counterprotestors, Condemning and Calling for Action against Racism and Hate-Inspired Violence

Minutes:

Once the Board voted to move this action item to the next Board Meeting, Dr. Rose informed the Board that this item will not be able to make the next Board meeting agenda deadline of Friday, September 15, 2017. This item will need to come back to an October 2017 Board meeting in order to solicit the information from the other Board members.

Motion Passed: Motion to move Action Item F.13 to next Board meeting to solicit information from other Board members. Board vote 7 YES, 0 NOES, 0 ABSTAIN, 0 ABSENT, 0 RECUSE. Passed with a motion by Andrew Ratermann and a second by Albert Gonzalez.

Yes Jim Canova
Yes Albert Gonzalez
Yes Noelani Hunt
Yes Jodi Muirhead
Yes Andrew Ratermann
Yes Mark Richardson
Yes Dr. Michele Ryan

14. Adoption of the Updated Board Policies Recommended by the Board Policy Committee for 2016 and May 2017.

Motion Passed: Motion to approve the updated Board Policies recommended by the Board Policy Committee from 2016 and May 2017. Board vote: 7 YES, 0 NOES, 0 ABSTAIN, 0 ABSENT, 0 RECUSE. Passed with a motion by Noelani Hunt and a second by Dr. Michele Ryan.

Yes Jim Canova
Yes Albert Gonzalez
Yes Noelani Hunt
Yes Jodi Muirhead
Yes Andrew Ratermann
Yes Mark Richardson
Yes Dr. Michele Ryan

15. Approval of Additional Funding for Administration of the New English Learner Assessment

Motion Passed: Motion to approve additional funding for administration of the New English Learner Assessment. Board vote: 7 YES, 0 NOES, 0 ABSTAIN, 0 ABSENT, 0 RECUSE. Passed with a motion by Noelani Hunt and a second by Dr. Michele Ryan.

Yes Jim Canova
Yes Albert Gonzalez
Yes Noelani Hunt
Yes Jodi Muirhead
Yes Andrew Ratermann
Yes Mark Richardson
Yes Dr. Michele Ryan

16. Approval of Variable Term Waiver Request

Motion Passed: Motion to approve Variable Term Waiver Request. Board vote: 7 YES, 0 NOES, 0 ABSTAIN, 0 ABSENT, 0 RECUSE. Passed with a motion by Jodi Muirhead and a second by Dr. Michele Ryan.

Yes Jim Canova
Yes Albert Gonzalez
Yes Noelani Hunt
Yes Jodi Muirhead
Yes Andrew Ratermann
Yes Mark Richardson
Yes Dr. Michele Ryan

17. Approve an Amendment to an Agreement with Strawn Construction Management and Development, Inc. for Construction Management Services Related to installation of four portable buildings at Don Callejon School.

Motion Passed: Motion to approve an amendment to an agreement with Strawn Construction Management and Development, Inc. for Construction Management services related to installation of four portable buildings at Don Callejon School. Board vote: 7 YES, 0 NOES, 0 ABSTAIN, 0 ABSENT, 0 RECUSE. Passed with a motion by Noelani Hunt and a second by Dr. Michele Ryan.

Yes Jim Canova
Yes Albert Gonzalez
Yes Noelani Hunt
Yes Jodi Muirhead
Yes Andrew Ratermann
Yes Mark Richardson
Yes Dr. Michele Ryan

18. Approve the purchase of supplemental Owners Protective Professional Indemnity and Protective Contractors Pollution Insurance for the design and construction of the new schools at the Agnews Campus.

Motion Passed: Motion to approve the purchase of a Supplemental Owners Protective Indemnity and Protective Contractors Pollution Insurance Policy from Berkley Assurance Company for the design and Construction of the new schools at the Agnews Campus with an Aggregate Claim Limit of \$25,000,000, with Defense Costs Outside the Limit Coverage of \$500,000, at a construction value of \$441,652.00; which may be increased at a later date at a corresponding rate to cover the possible construction value of a comprehensive high school. Board vote: 7 YES, 0 NOES, 0 ABSTAIN, 0 ABSENT, 0 RECUSE. Passed with a motion by Noelani Hunt and a second by Dr. Michele Ryan.

Yes Jim Canova
Yes Albert Gonzalez
Yes Noelani Hunt
Yes Jodi Muirhead
Yes Andrew Ratermann
Yes Mark Richardson
Yes Dr. Michele Ryan

G. PLANNING ITEMS

H. DISCUSSION ITEMS

I. PROPOSED FUTURE AGENDA ITEMS

J. ITEMS FROM THE BOARD AND STAFF

1. REPORT FROM STAFF

2. REPORT FROM BOARD

K. RESUME CLOSED SESSION

L. REPORT

1. Report from Closed Session, Govt. Code Section 54957.1

M. FUTURE BOARD MEETING DATES

1. September 28, 2017, 6:30 PM, Regular Board Meeting, District Office, Board Room

2. October 12, 2017, 6:30 PM, Regular Board Meeting, District Office, Board Room

3. October 26, 2017, 6:30 PM, Regular Board Meeting, District Office, Board Room

N. ADJOURNMENT

Motion Passed: Motion to adjourn the meeting at 10:16 PM in honor of the victims of 9/11. Board vote: 7 YES, 0 NOES, 0 ABSTAIN, 0 ABSENT, 0 RECUSE. Passed with a motion by Mark Richardson and a second by Noelani Hunt.

Yes Jim Canova
Yes Albert Gonzalez
Yes Noelani Hunt
Yes Jodi Muirhead
Yes Andrew Ratermann
Yes Mark Richardson
Yes Dr. Michele Ryan

Board President, Andy Ratermann

Superintendent, Stanley Rose III