

Regular Meeting of the Board of Education
September 10, 2015 4:00 PM
Santa Clara Unified School District
Board Room

Attendance Taken at 4:08 PM:

Present:

Albert Gonzalez
Andrew Ratermann
Noelani Sallings
Christopher Stampolis

Absent:

Jim Canova
Jodi Muirhead
Dr. Michele Ryan

Updated Attendance:

Jodi Muirhead was updated to present at: 4:10 PM
Jim Canova was updated to present at: 4:10 PM
Dr. Michele Ryan was updated to present at: 5:32 PM

A. ORGANIZATIONAL ITEMS

1. CALL TO ORDER @ 4:00 PM

Minutes:

The meeting was called to order at 4:08 PM

1. ROLL CALL

2. APPROVAL OF THE AGENDA

Motion Passed: Motion to approve the agenda. Board vote 4 Yes, 0 No, 3 Absent. Passed with a motion by Noelani Sallings and a second by Andrew Ratermann.

Absent	Jim Canova
Yes	Albert Gonzalez
Absent	Jodi Muirhead
Yes	Andrew Ratermann
Absent	Dr. Michele Ryan
Yes	Noelani Sallings
Yes	Christopher Stampolis

3. ITEMS FROM THE PUBLIC PRIOR TO CLOSED SESSION

Minutes:

The Board listened to comments from the Public from:
Christopher Stampolis - Closed Session Item 4.1, 4.2 and 4.3

4. CLOSED SESSION @ 4:05 PM

Minutes:

The Board went into Closed Session at 4:14 PM

1. Conference With Legal Counsel - Existing Litigation, (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: Stampolis v. Santa Clara Unified School District, Santa Clara Superior Court, Case No. 1-15-CV284031
2. Conference with Legal Counsel - Anticipated Litigation, Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: One case.
3. CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (One (1) matter). Conference with District legal counsel regarding potential litigation initiated by the District against Board of Trustees member Chris Stampolis to compel Mr. Stampolis' compliance with conflicts of interest disclosure requirements under Government Code 1090 and the District's Bylaws and/or to compel Mr. Stampolis' recusal from all further Board considerations and actual/purported effort to influence other Board of Trustees members any relating to:
 - (i) Whether or not the District should consider entering into a potential Project Labor Agreement for the District's Measure H Projects ("PLA");
 - (ii) Terms or conditions of a PLA; and
 - (iii) If by action of other members of the Board of Trustees, the District elects to enter into a PLA: (a) administration of the PLA; (b) amendment of the PLA; or (c) enforcement of the PLA.
4. Conference with Legal Counsel-Anticipated Litigation, Possible Initiation of Litigation (Government Code Section 54956.9(d)(4)): (One Potential Case)
5. Conference with Legal Counsel Existing Litigation (Government Code 54956.9(d)(1)): Sharma, et al v. Successor Agency to the Redevelopment Agency of the City of Santa Clara, et al., Sacramento Superior Court Case No. 34-2013-800014396
6. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION, [Government Code sections 54956.9(a); 54956.9(d)(1)], Crandall v. Santa Clara Unified School District (14-5338 PSG)
7. Public Employee Appointment/Discipline/Dismissal/Release, Govt. Code 54957 and 54954.5(e)
8. Conference with Labor Negotiators, Govt. Code 54957.6 and 54954.5(f) Agency Representatives: Stanley Rose, Andrew Lucia, Michele Burchfiel; Employee Organizations: UTSC, CSEA, AFT, Unrepresented Employees and Management
9. Public Employee Appointments, Govt. Code 54957.6 and 54954.5(e); Management. Management Vice Principal, Santa Clara High School and Manager, Transportation

5. RESUME OPEN SESSION @ 7:00 PM

Minutes:

The Board resumed Open Session at 7:23 PM

Motion by Ms. Sallings, second by Mr. Ratermann to moved Items from the Public up in the agenda to precede Reports.

Motion Passed: Motion by Ms. Sallings, second by Mr. Ratermann to moved Items from the Public up in the agenda to precede Reports. Board vote: 7 Yes, 0 No Passed with a motion by Noelani Sallings and a second by Andrew Ratermann.

Absent	Jim Canova
Yes	Albert Gonzalez
Absent	Jodi Muirhead
Yes	Andrew Ratermann
Absent	Dr. Michele Ryan
Yes	Noelani Sallings
Yes	Christopher Stampolis

1. PLEDGE OF ALLEGIANCE

Minutes:

Lorena Tariba, Director of Supplemental and EL Programs led the Pledge of Allegiance.

2. REPORT FROM CLOSED SESSION Govt. Code Section 54957.1

Minutes:

In Closed Session the Board:

4.1 - received an update

4.2 - received an update

4.3 – "The Board requested that counsel offer Trustee Stampolis an opportunity to disclose and if needed recuse himself, by the next regular Board meeting [September 24]," said Board President Albert Gonzalez. "If this action is fully complied with the Board will have counsel stop the legal action authorized." The Board authorized and directed legal counsel for the District to initiate proceedings (whether of legal, equitable or administrative nature) to compel Trustee Stampolis' compliance with conflicts of interest disclosure requirements under Government Code section 1090 and the District's Board of Trustees Bylaws and/or to compel Trustee Stampolis' recusal from all further Board considerations and actual or purported efforts to influence other Board of Trustees members in any way relating to: (i) Whether or not the District should consider entering into a potential Project Labor Agreement for the District's Measure H Projects ("PLA"); (ii) Terms or conditions of a PLA; and (iii) If by action of other members of the Board of Trustees, the District elects to enter into a PLA; (a) administration of the PLA; (b) amendment of the PLA; or (c) enforcement of the PLA. This was authorized by all 6 trustees with the exclusion of Trustee Stampolis."

4.4 - Motion by Ms. Sallings, second by Dr. Ryan to initiation litigation. Motion passed. Board vote: 7 Yes, 0 No.

4.5 - received an update

4.6 - Motion by Mr. Ratermann, second by Ms. Sallings to approve a settlement. Motion passed; Board vote: 7 Yes, 0 No.

4.7 - item not addressed

4.8 - received information from staff

4.9 - was briefed by staff

B. RECOGNITIONS - none

C. REPORTS

1. REPORTS FROM UNION PRESIDENTS

Minutes:

Brian Darby, Secretary, AFT; Patty Picard, CSEA Chapter 350 President and Michael Hickey, UTSC President discussed recent activities and concerns.

2. Ed. Services/Assessment Department Report on California Assessment of Student Performance and Progress (CAASPP/Smarter Balanced) Results

Minutes:

Coordinator of Assessment, Research and Program Evaluation, Elizabeth Gordon-Stoll presented an overview of how the district is providing access to CAASPP/SBA results including recent evening parent information meetings and a "first glance" at the just release data from the state.

The Board listened to the following member of the Public: Michael Hickey.

3. Andrew Lucia, Assistant Superintendent of Human Resources will report regarding Central Park School Elementary School

Minutes:

Director of Bond Projects, Larry Adams and Assistant Superintendent of Human Resources, Andrew Lucia provided an update about Central Park School.

D. ITEMS FROM THE PUBLIC

Minutes:

The Board listened to Items from the Public from:

Amber Wacht - classroom temperatures

Leslie Bulbuk - proposed language change to BP 5145.7

Judy Rickard - proposed language change to BP 5145.7

Josue Garcia - PLA's

Christopher Stampolis - textbooks, student fees, response to report out from Closed Session

E. CONSENT CALENDAR

Minutes:

Dr. Ryan requested Item E.12 Approve Amended Lease Agreements with Stratfold Schools for Facility Use at Curtis Intermediate School be moved to the Action agenda for discussion.

Motion Passed: Motion to approve Consent Calendar Items E.1 through E.11. Board vote: 7 Yes, 0 No
Passed with a motion by Noelani Sallings and a second by Andrew Ratermann.

Yes Jim Canova

Yes Albert Gonzalez

Yes Jodi Muirhead

Yes Andrew Ratermann

Yes Dr. Michele Ryan

Yes Noelani Sallings

Yes Christopher Stampolis

1. Approval of Minutes of the Regular Board Meeting of August 13, 2015

2. Approval of Change to Board of Education Meeting Schedule for October 2015

3. Approval of Routine Personnel Items

4. Approval of Student Overnight Field Trip for Wilcox High School

5. Approval of Renewal of Contract for Creative Learning Center

6. Authorize filing notices of completion for construction contracts

7. Approve an extension of the Contract to First Security Services for security and fire watch services at the Agnews Campus

8. Approve Change Order to a Construction Contract

9. **Approve a contract to ARC Document Solutions to digitally scan and archive construction documents from Bond Program projects.**
10. **Approve a one-year extension to an agreement with Green Goat Landscapers, Inc. for vegetation maintenance at the Agnews Campus.**
11. **Approve an extension of a temporary use agreement with Sprint Spectrum L.P. for use of a portion of the Agnews Campus for cellular service equipment until June 30, 2016.**
12. **Approve Amended Lease Agreements with Stratford Schools for Facility Use at Curtis Intermediate School.**

Minutes:

At the request of Dr. Ryan, Consent Item E.12 was moved to the Action Items agenda becoming Action Item F.10

Discussion regarding the end date of the lease extension and potential district facility needs to accommodate growth.

Motion Passed: Motion by Mr. Gonzalez, second by Ms. Muirhead to approve the amended Lease Agreements with Stratford Schools for Facility Use at Curtis Intermediate School.

Priority Motion by Mr. Ratermann, second by Dr. Ryan to table this item until the second Board meeting in October (Oct. 27, 2015). Board vote: 7 Yes; 0 No Passed with a motion by Andrew Ratermann and a second by Dr. Michele Ryan.

Yes Jim Canova
 Yes Albert Gonzalez
 Yes Jodi Muirhead
 Yes Andrew Ratermann
 Yes Dr. Michele Ryan
 Yes Noelani Sallings
 Yes Christopher Stampolis

F. ACTION ITEMS

1. Announcement of Vice-Principal--Santa Clara High School

Motion Passed: Motion to approve the administrative appointment of Angela Kretsch as Vice Principal at Santa Clara High School. Board vote: 7 Yes, 0 No Passed with a motion by Andrew Ratermann and a second by Christopher Stampolis.

Yes Jim Canova
 Yes Albert Gonzalez
 Yes Jodi Muirhead
 Yes Andrew Ratermann
 Yes Dr. Michele Ryan
 Yes Noelani Sallings
 Yes Christopher Stampolis

2. Announcement--Manager of Transportation

Motion Passed: Motion to approve the administrative appointment of Eugene Soares as Manager of Transportation. Board vote: 7 Yes, 0 No Passed with a motion by Noelani Sallings and a second by Christopher Stampolis.

Yes Jim Canova

Yes Albert Gonzalez
Yes Jodi Muirhead
Yes Andrew Ratermann
Yes Dr. Michele Ryan
Yes Noelani Sallings
Yes Christopher Stampolis

3. BTSA Coordinator (TOSA) Job Description

Motion Passed: Motion to approve the BTSA Coordinator (TOSA) job description. Board vote: 7 Yes, 0 No Passed with a motion by Christopher Stampolis and a second by Noelani Sallings.

Yes Jim Canova
Yes Albert Gonzalez
Yes Jodi Muirhead
Yes Andrew Ratermann
Yes Dr. Michele Ryan
Yes Noelani Sallings
Yes Christopher Stampolis

4. Formal Appointment of Reps to SBCAE Steering Committee

Motion Passed: Motion to appoint Kathy Martarano, Educational Options Director as primary SCUSD representative to the Steering Committee of SBCAE and Christine Berdiansky, Adult Education Program Supervisor as alternate. Board vote: 7 Yes, 0 No Passed with a motion by Christopher Stampolis and a second by Albert Gonzalez.

Yes Jim Canova
Yes Albert Gonzalez
Yes Jodi Muirhead
Yes Andrew Ratermann
Yes Dr. Michele Ryan
Yes Noelani Sallings
Yes Christopher Stampolis

5. Approve the 2014-15 Unaudited Actuals Financial Report, SACS Forms and Revised 2015-16 Budget

Motion Passed: Motion to approve the 2014-15 Unaudited Actuals Financial Report, SACS forms and revised 2015-16 budget. Board vote: 6 Yes, 1 No Passed with a motion by Jodi Muirhead and a second by Andrew Ratermann.

Yes Jim Canova
Yes Albert Gonzalez
Yes Jodi Muirhead
Yes Andrew Ratermann
Yes Dr. Michele Ryan
Yes Noelani Sallings
No Christopher Stampolis

6. Approve Resolution 15-32 Adoption of the 2015-16 Gann Limit and the 2014-15 Recalculation (Roll Call Vote)

Motion Passed: Motion to approve Resolution 15-32 adopting the 2014-15 recalculated Gann Limit and establish the 2015-16 Gann Limit and appropriations subject to limitation. In a roll call vote the Board voted: 7 Yes, 0 No Passed with a motion by Christopher Stampolis and a second by Albert

Gonzalez.

Yes Jim Canova
Yes Albert Gonzalez
Yes Jodi Muirhead
Yes Andrew Ratermann
Yes Dr. Michele Ryan
Yes Noelani Sallings
Yes Christopher Stampolis

7. Approve a Project Assignment for Architectural Services to IBI Group Architecture for facility renovation work to re-open Central Park Elementary School.

Motion Passed: Motion to approve a Project Assignment under a Master Agreement for Architectural Services for facility renovation work to reopen Central Park Elementary School. Board vote: 6 Yes, 1 No Passed with a motion by Noelani Sallings and a second by Andrew Ratermann.

Yes Jim Canova
Yes Albert Gonzalez
Yes Jodi Muirhead
Yes Andrew Ratermann
Yes Dr. Michele Ryan
Yes Noelani Sallings
No Christopher Stampolis

8. Approve a project to install two classroom portables at Scott Lane Elementary School.

Motion Passed: Motion to approve plans to install two portable classrooms at Scott Lane Elementary School and declare the project Categorical Exempt under the California Environmental Quality Act. Board vote: 7 Yes, 0 No Passed with a motion by Noelani Sallings and a second by Andrew Ratermann.

Yes Jim Canova
Yes Albert Gonzalez
Yes Jodi Muirhead
Yes Andrew Ratermann
Yes Dr. Michele Ryan
Yes Noelani Sallings
Yes Christopher Stampolis

9. Approve a project to install one temporary portable classroom building at Cabrillo Middle School.

Motion Passed: Motion to approve plans to install one temporary portable classroom building at Cabrillo Middle School and declare the project Categorical Exempt under the California Environmental Quality Act. Board vote: 7 Yes, 0 No Passed with a motion by Noelani Sallings and a second by Andrew Ratermann.

Yes Jim Canova
Yes Albert Gonzalez
Yes Jodi Muirhead
Yes Andrew Ratermann
Yes Dr. Michele Ryan
Yes Noelani Sallings
Yes Christopher Stampolis

G. PLANNING ITEMS

1. CSBA Policy Manual Maintenance Update Recommendations

Minutes:

Ms. Sallings requested changes to BP 5145.7 and that all references to students in Board policies as "he/she" be changed to "their."

A brief discussion followed.

The Board listened to comments from the following member of the Public: Patty Picard.

The Board requested BP 5145.7 Sexual Harassment be returned to the Policy Committee for further review.

The remaining policies and regulations will come back for Action at the next Board meeting.

2. Naming of the Wilcox High School Main Gym

Minutes:

The Board listened to comments from the following member of the Public: Patty Picard.

3. Assistive Technology Job Description

H. DISCUSSION ITEMS

I. ITEMS FROM THE BOARD AND STAFF

1. REPORT FROM SUPERINTENDENT AND STAFF

ADJOURNMENT

Motion Passed: Motion to adjourn. Board vote 7 Yes, 0 No. Passed with a motion by Andrew Ratermann and a second by Noelani Sallings. Meeting adjourned at 11:44 PM

Board President, Albert Gonzalez

Superintendent, Stanley Rose III