Santa Clara Unified School District
Special Meeting of the Board of Education

Date and Time:  Tuesday, December 18, 2012
Call to Order, 5:30 pm
No Closed Session,
Regular Session, 5:35 pm

Meeting Place:  Santa Clara Unified School District
District Office Board Room
1889 Lawrence Rd.
Santa Clara, CA  95051

Agenda

A. ORGANIZATIONAL ITEMS

1. Call to Order – 5:30 pm
   1.1 Roll Call
      Ina Bendis
      Jim Canova
      Albert Gonzalez, Vice President
      Christine Koltermann, President
      Andrew Ratermann
      Michele Ryan
      Christopher Stampilis

2. Review and Acceptance of Agenda Items

MOTION:_________ SECONDED: __________ DISCUSSION VOTE:_____

The Board of Trustees may take other actions relating to the issues as may be determined
following consideration of the matter and discussion of the recommended actions

Persons requiring auxiliary aides, who plan on attending the Board meeting,
must notify the District Office 24 hours before the meeting at 408-423-2005.

Agenda materials distributed less than 72 hours before a Board meeting
can be inspected at the Superintendent’s Office, 1889 Lawrence Road, Santa Clara
3. Open Session – 5:35 pm

4. Pledge of Allegiance

5. Correspondence

B. ACTION ITEMS

B.1 Approval for the SCUSD Board of Trustees to initiate a process for its Superintendent search.

MOTION:_________SECONDED: ___________DISCUSSION VOTE:_____

B.2 Approval for the SCUSD Board of Education to initiate a process to improve access to Board meetings by all members of the public.

MOTION:_________SECONDED: ___________DISCUSSION VOTE:_____

C. FUTURE BOARD MEETINGS

C.1 January 10, 2013, 6:30 pm, Regular Board meeting, District Office Board Room.

C.2 January 24, 2013, 6:30 pm, Regular Board meeting, District Office Board Room.

C.3 February 14, 2013, 6:30 pm, Regular Board meeting, District Office Board Room.

C.4 March 14, 2013, 6:30 pm, Regular Board meeting, District Office Board Room.

C.5 March 28, 2013, 6:30 pm, Regular Board meeting, District Office Board Room.

D. ADJOURNMENT
Date: December 18, 2012

TO: Dr. Bobbie Plough, Superintendent
FROM: Dr. Christine E. Koltermann, SCUSD Board President
PREPARED BY: Dr. Christine E. Koltermann, SCUSD Board President
Dr. Ina K. Bendis, SCUSD Trustee
SUBMITTED: December 16, 2012
MEETING DATE: December 18, 2012 (Special Meeting)
RE: Back-up for Agenda Action Items

TITLE: Approval for the SCUSD Board of Education to initiate a process for its Superintendent search.

ADMINISTRATIVE SUMMARY:

On December 13, 2012 our SCUSD Superintendent Dr. Bobbie Plough submitted to the Board of Trustees a letter dated December 12, 2012, informing the Board that she is retiring in June 2013. To maximize our ability to retain the services of the desirable search consultants before their calendars fill with commitments to other clients, the Board must adopt a process for initiating our search for a new Superintendent, forthwith.

RECOMMENDATION:

It is recommended that the Board approve the initiation of a search for our new Superintendent. Unless the Board chooses an alternative approach, the President will appoint a three-Trustee task force charged with communicating requests for proposals to firms which have the expertise to assist SCUSD with our new search.
DATE: December 18, 2012

TO: Dr. Bobbie Plough, Superintendent

FROM: Dr. Christine E. Koltermann, SCUSD Board President

PREPARED BY: Dr. Christine E. Koltermann, SCUSD Board President
Dr. Ina K. Bendis, SCUSD Trustee

SUBMITTED: December 16, 2012

MEETING DATE: December 18, 2012 (Special Meeting)

RE: Back-up for Agenda Action Items

TITLE: Approval for the SCUSD Board of Education to initiate a process to improve access to Board Meetings by all members of the public.

ADMINISTRATIVE SUMMARY:

The Board President has received complaints that the December 13, 2012 Regular Meeting of the SCUSD Board of Education was not equally accessible to members of the public, including members of protected classes. The following is a non-exhaustive list of the kinds of complaints received.

[1] Seating in the district Board room was almost exclusively reserved by staff for other staff members, forcing parents and other community members to stand in the lobby and the hall.

[2] The volume and clarity of the sound system available in the lobby and hall was insufficient to enable members of the public who could not enter the Board room to hear the proceedings;

[3] The background noise level in the lobby and hall due to private conversations precluded even members of the public who stood within what normally would have been hearing distance of the speakers, to hear the proceedings;

[4] Disabled members of the public who could not stand for long periods of time due to their disabilities, were unable to remain long enough to listen to the Board's discussion and exercise their right to address the Board on matters of interest to them, because they did not have access to the seating they required due to their disabilities;

[5] Latino members of the public who lack proficiency in English, and whose "protected class" ethnicity comprises more than 30% of District residents, could not understand the proceedings or contribute their input to the Board, regardless of whether they were among the fortunate few non-employees to achieve seating within the Board room.

[6] The repeated outbreaks of applause, hand waving and spontaneous oral outbreaks by District employees who'd obtained preferential access

B.2.1
to seating in the boardroom compared to members of the public who'd been excluded from the boardroom due to "Reserved" signs on seats, denied the physically-excluded individuals equal access to similarly communicate their own support for views expressed by others, outside of the time reserved for public comment and, in addition, may have violated Govt. Code 54957.9 and SCUSD Policy 7370. In addition to this specific civil rights concern, the refusal of those engaging in this conduct to cease it when requested by the Board President also subverted the purpose of Board Policies designed to encourage parent and community participation at Board meetings; enable the Board's access to all points of view without minority view-holders' fear of intimidation or embarrassment; and provide students with Employee role models for conduct that supports decorum and affirmatively demonstrates respect for all.

RECOMMENDATION:

The board will take action to initiate a process through which SCUSD will ensure equal access to all individuals who wish to attend our Board meetings, with particular attention to ensuring the civil rights of all Constitutionally-protected classes, to creating an atmosphere of decorum conducive to the Board carrying out its business as efficiently as possible, and to proactively avoid an atmosphere that would tend to suppress expression of minority views. Unless the Board chooses an alternative approach, the President will appoint a three-Trustee task force charged with researching the constitutional issues in play; inviting/receiving input from parents, community members, employees, bargaining units, and other stakeholders; and formulating an action plan to ensure civil rights protection, for presentation to the Board at a later meeting.