

**County Board of Education**  
**Ronald L. Stewart Center**  
**77 Santa Barbara Road, Pleasant Hill, California**  
**May 11, 2005**

**ROLL CALL:** Pamela Mirabella, Area 1 Trustee; David Krapf, Area 2 Trustee; Daniel Gomes, Area 3 Trustee; Glenn Ruley, Area 4 Trustee; and Daniel Borsuk, Area 5 Trustee

**Absent:** None.

**Others:** Joseph A. Ovick, Ellen Elster, Ray Penning, Susan Magnone, Michael Bowers, Peggy Marshburn, Nicki Swenson, Marie McClaskey, Peter Simack, Diane Misasi, Lucille Madden, Claudia Ronaldson, Jane Shamieh, and Laura Dorsey Huerta, County Office staff; and Esther Mulberry, Deputy County Counsel; Student A-5/11/05 (and parents); Frank Acojido, Acalanes Union High School District (AUHSD); Elizabeth Estes, attorney for AUHSD. A partial list of attendees is on file at the County Office of Education.

**Presiding:** Daniel Borsuk, Board President

The regular meeting of the County Board of Education was called to order at 6:00 p.m. with the recitation of the Pledge of Allegiance.

**AGENDA REVIEW AND ADOPTION** The agenda was adopted as presented (M/S: Mirabella/Gomes).

**PUBLIC COMMENT** None.

**CLOSED SESSION**  
**Appeal of Student Expulsion**

The Board convened in closed hearing at 8:00 p.m. to consider the expulsion appeal of parents for their child, Student A-5/11/05, from the Acalanes Union High School District. After the parties made their presentations, the Board recessed to closed deliberation at 8:41 p.m. The Board reconvened to closed hearing at 9:01 p.m. and then to open session. On behalf of the Board, Deputy County Counsel Esther Mulberry announced that the Contra Costa County Board of Education voted unanimously to affirm the district board's decision to expel the Student and to deny the appeal. She further stated that the County Board found that the district board did not act without or in excess of its jurisdiction in expelling the student; there was evidence in the record to support the district board's findings that the student violated Education Code sections 48900(b) and (k) when the student brought a knife on campus; the student received a fair hearing before the administrative panel and the district board; the record showed that the student received advance notice of the hearing and of his hearing rights required by the Education Code including the right to inspect and obtain copies of all documents to be used at the hearing; the student had the opportunity to present documentary evidence and testimony at the administrative panel hearing and to question the district's witnesses; the district board did not commit a prejudicial abuse of discretion; there is evidence in the record to support the district board's findings that other means of correction have repeatedly failed to bring about proper conduct and that, due to the nature of the act of bringing a knife onto campus, the student's presence on campus would cause a continuing danger to his physical safety and that of others; there was no relevant and material evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the underlying expulsion hearing; the student had the opportunity to present evidence at the hearing before the administrative panel; additionally, the additional evidence submitted this evening would have been produced at the expulsion hearing, was not improperly excluded at the expulsion hearing, was not relevant, and, pursuant to the County Board of Education's policy, was not submitted ten days before this hearing. In addition, the Board authorized the Chairperson, pursuant to Education Code section 48923(c), to sign the Board's decision when it is reduced to writing.

**RECOGNITIONS**  
**Granting of Contra Costa County High School Diploma** The Board voted unanimously to grant a Contra Costa County High School Diploma to high school student DVHS 1-5/11/2005 (M/S: Mirabella/Gomes).

**PUBLIC HEARINGS & APPEALS** None.

**ADMINISTRATIVE ITEMS**

**SUPERINTENDENT**

**Report**

Dr. Joseph A. Ovick, County Superintendent of Schools, reported the following: The Williams Settlement review of the 55 schools in Contra Costa County is moving ahead well; by next week, the COE will have completed all 55 reviews; he expressed appreciation to staff members for their work on the Williams reviews and mentioned that he may invite them to a future Board meeting to recognize them publicly for a job well done; he is continuing to work with the County Administrator and others at the County regarding AB 3632; the shortfall for next year could be as much as \$3.6 million that the local districts, SELPAs, and COE would be asked to pick up; Jon Frank, retired Lafayette School District superintendent, is heading up the ACSA GATES project for veteran superintendents; former Superintendent of Public Instruction Delaine Eastin spoke at the last ACSA GATES session, and Vintage Foster, publisher of the *San Jose Business Times*, is scheduled to speak at the next session; at the end of 60 hours of class time, he will be presenting a portfolio that will include restructuring how business is done at the County Office of Education, and he informed the Board that he will share that portfolio with them; the East Bay Leadership Foundation, which provides scholarships to students in Oakland, Richmond, Vallejo, and Pittsburg and is developing a mentoring program for high school-age students, is currently revamping the high school program's curriculum; the Secondary Education Report from the Legislative Analyst's Office, prepared by Paul Warren, came out yesterday; he hopes to schedule a forum, hosted by Abe Doctolero, Dr. Susan Magnone, and himself, in the summer and invite Paul Warren to speak regarding his recommendations on the proposed restructuring of secondary education; tomorrow the Business-Education Collaborative will be honoring an array of business partners, students, and the COE's ROP program at the Concord Hilton, and he invited Board members to attend; he is making available to staff information on various fully accredited doctoral programs available in California. In response to a question from Mr. Ruley, Dr. Ovick discussed budgetary concerns with regard to the Mt. Diablo Unified School District, elaborating on the difficulties posed by a new financial software system and a rapid and continuous turnover of staff in payroll, human resources, and business. He noted that he requested that former COE District Business Services Director Linda Grundhoffer analyze the situation, and she spent nearly two weeks at Mt. Diablo USD. A FCMAT team is currently working with the district to help resolve the situation. Lastly, in response to a request from an individual who identified various practices in the area of business at Mt. Diablo USD that he felt were illegal, he ordered that an extraordinary audit take place; the fraud auditor from FCMAT, though, concluded that no illegal activity occurred.

**BUSINESS AND ADMINISTRATIVE SERVICES**

**Staff Report**

Deputy Superintendent Ellen Elster distributed copies of COLA comparisons since 2002/03, which had been requested by Mrs. Mirabella at a previous meeting. She then described the process that will be followed at the County Committee hearing on May 19, 2005. With regard to the Oakley/Knightsen transfer of territory matter, she distributed two newspaper articles and informed the Board that she has learned that Knightsen Superintendent Vickey Rinehart has made a Public Records Act request to Oakley Union Elementary School District for copies of all interdistrict transfers that have been granted or denied by that district since 2000. Mrs. Elster also informed the Board that she would be providing copies of a study completed by former Deputy Superintendent John Hendrickson and the County Committee on School District Organization in 1989 regarding the school district boundaries along Reliez Valley and Grayson so that the historical background could be considered.

**STUDENT PROGRAMS AND SERVICES**

**Presentation on Special Education Programs and Services**

Dr. Nicki Swenson, Director, Special Education Department, introduced the following staff managers to the Board: Peter Simack (Principal), Diane Misasi (Principal), Lucille Madden (Principal), Dr. Claudia Ronaldson (Principal), Launi Holland (Assistant Principal), and Jane Shamieh (Coordinator of Student Programs and Services), who each presented an overview of their respective schools/programs by way of a Powerpoint presentation. The Board thanked them for their very complete report.

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**Presentation of Chevron Corporation-  
Contra Costa County Office of  
Education ROP Video**

Career Development Department Director Marie McClaskey presented a video of the CCCOE's Regional Occupational Program (ROP), which was produced by Trinity Productions and funded by the Chevron Corporation. Following the presentation of the video, Mr. Penning reminded the Board that the annual ROP awards ceremony is scheduled to take place tomorrow, Thursday, May 12, and invited the Board members to attend. Communications Director Peggy Marshburn directed the Board's attention to the new ROP's newsletter for Spring, which Mrs. McClaskey had distributed earlier, and noted that a number of the students that were highlighted in it would be recognized tomorrow at the awards event.

**Board Resolution No. 6-04/05**

Ray Penning, Associate Superintendent, Student Programs and Services, gave some background on this resolution. The Board then voted by the following roll call vote to adopt Board Resolution No. 6-04/05 in the matter of the Contra Costa County Board of Education authorizing a cooperative agreement between the State of California Department of Rehabilitation and the Contra Costa County Office of Education Regional Occupational Program for the Workability II Project and authorizing Ellen Elster, Deputy Superintendent, to sign said agreement: Mirabella, aye; Krapf, aye; Gomes, aye; Ruley, aye; and Borsuk, aye (M/S: Mirabella/Ruley).

**Staff Report**

Ray Penning, Associate Superintendent, Student Programs and Services, gave the following report: there was a grand opening of the new Juvenile Hall yesterday, and he remarked that the new facility is beautiful with brand-new classrooms; the wards will be moving to the new facility at the end of May at which time classes at the new facility will begin to operate; he missed the last Board meeting because he was attending a state training workshop in Sacramento on the new Individuals with Disabilities Education Improvement Act (IDEIA), which will go into effective on July 1, 2005; the regulations for this act will be developed following hearings; and he noted a change in the expulsion proceedings for Special Education students as a result of the new act. Lastly, he informed the Board that Acalanes UHSD has notified 75 students at Las Lomas High School that they may not return next year due to overcrowding there; therefore, there have been a number of inquiries made regarding appeals to the County Board of Education. Mr. Penning indicated that, as a result, there may be a high volume of requests for appeal hearings before the Board.

**EDUCATIONAL SERVICES**

**Staff Report**

Dr. Susan Magnone, Associate Superintendent, Educational Services Division, distributed copies of flyers on the "Engineering, Construction, and Manufacturing Summer Camp" and "Bio-Tech Summer Science Camp," which are a result of Louise Barbee's efforts in working with the business community; she commented on how these summer camps for teachers will offer opportunities for them to learn how to enrich their classrooms from the hands-on experiences they will observe and participate in. Dr. Magnone then distributed a flyer on "High School Reform, Region 4, Advancing Academic Literacy for ALL," which involves work by Curriculum & Instruction, particularly Director Abe Doctolero, to implement system-wide reform in the high schools; she informed the Board that the CCCOE is considered the leader in the seven Bay Area counties for putting together these types of training events.

**HUMAN RESOURCES**

**Staff Report**

Michael Bowers, Assistant Superintendent, Human Resources, gave the following report: staff is working with COE principals to complete the hiring for the extended year program, with 95% of the staff already hired to date; there has also been a major recruitment effort to fill other positions.

**COMMUNICATIONS**

**Staff Report**

Peggy Marshburn, Communications Director, distributed flyers for the agency picnic that will take place on May 24, and she invited Board members to attend.

**BOARD**

**Legislative Update**

Dr. Ovick reported that there is a CCSESA Legislative Committee meeting scheduled for tomorrow. He suggested that Board members identify bills that they would be interested in having Susan Stuart track. Mr. Ruley mentioned that he plans to attend the CSBA Delegate Assembly meeting this weekend but that he would not be attending the Legislative Conference that would follow.

**Board Bylaw 9250**

Deputy Superintendent Ellen Elster introduced this item and stated that it was coming before the Board as a second reading because the changes in Board Bylaw 9250 are as a result of changes to the Education Code and to agency benefits. She mentioned that the Board members would be receiving the same coverage as the Management/Confidential staff, which is two-party medical, dental, and vision coverage. After a brief discussion, the Board voted unanimously to adopt Board Bylaw 9250 – Compensation and Reimbursement as presented for second reading (M/S: Ruley/Krapf). A question arose as to what other the county boards of education receive in the way of stipends. Staff agreed to collect this data and provide it to the Board prior to the meeting on May 18, 2005, and Board President Borsuk directed staff to place an agenda item be prepared to address increasing the Board's stipend in accordance with the Education Code.

**Adding Medical/Dental/Vision Benefits to Position of County Superintendent**

Deputy Superintendent Ellen Elster gave some background on this item and explained how the current formula used to determine the County Superintendent's compensation does not allow for increases in health benefits, since they were originally rolled into his total compensation; she stated that, as a result, the superintendent's compensation has not kept pace with the enormous rise in health benefit rates. Therefore, she recommended to the Board that it add medical, dental, and vision benefits to the position of County Superintendent. After a brief discussion, the Board voted unanimously to approve adding medical/dental/vision benefits to the position of County Superintendent of Schools (M/S: Mirabella/Gomes).

**Jt. Resolution No. 5-04/05**

The Board voted by the following roll call vote to adopt Jt. Resolution No. 5-04/05 in the Matter of Support of Senate Constitutional Amendment (SCA) 12: Mirabella, aye; Krapf, aye; Gomes, aye; Ruley, aye; and Borsuk, aye (M/S: Mirabella/Ruley).

**CONSENT ACTIONS**

**Minutes of 4/20/05; Temporary County Certificates; and a Contra Costa County Adult School Diploma**

The Board voted to accept/grant/approve the following Consent Actions: the minutes of 4/20/05; Temporary County Certificates, and a Contra Costa County Adult School Diploma to adult school student Gordon DeValois (M/S: Ruley/Krapf).

**CORRESPONDENCE/  
EVENTS CALENDAR**

**Correspondence:** Postcard received April 27, 2005, from Kaiser Permanente inviting Board members to a celebration of the placement of the final beam in its new hospital tower at the new Kaiser Permanente Antioch Medical Center on May 5; invitation to Daniel Gomes from Loni Hancock for Assembly 2006 received May 2, 2005, inviting him to a reception on May 15, 2005; a letter from CSBA to the Board President regarding Golden Bell Award nomination.

**Calendar of Events:** May 12 – ROP Awards Ceremony; May 17 – Teacher of the Year Reception; May 24 Staff Picnic, Pleasant Hill Park; May 25 – Central/East County Graduation Luncheon, Liberty Hotel, Pittsburg; May 26 – DVC Awards Ceremony – Valley View Middle School; Pleasant Hill; June 7 – Awards Ceremony, W.C.D.F.; June 15 – Awards Ceremony, Los Cerros School, Danville; June 10 – Awards Ceremony, Marchus School; June 17 – Awards Ceremony, Mt. McKinley School.

**BOARD REPORTS OF  
ACTIVITIES**

No written reports of activities were provided by Board members. Mrs. Mirabella reported that she attended the Chevron Corporation ROP event at Serendipity Restaurant, and she stated that the food was excellent. Dr. Krapf reported that he will be attending the Award Ceremony at Valley View Middle School.

**ADJOURNMENT**

There being no further business, the Board President adjourned the meeting at 9:02 p.m.

Joseph A. Ovick, Ed.D., Ex Officio Secretary  
County Board of Education

Copies of all resolutions adopted by the Board are on file in the Office of the Superintendent, Ex Officio Secretary of the Board of Education.

These unadopted minutes are summaries and excerpts from the regular meeting of May 11, 2005, and are subject to amendment and/or correction prior to the approval of the County Board of Education.