

County Board of Education
Ronald L. Stewart Center
77 Santa Barbara Road, Pleasant Hill, California
February 15, 2006

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.

Absent: None.

Others: Joseph Ovick, Ellen Elster, Ray Penning, Susan Magnone, Michael Bowers, Peggy Marshburn, Bianca Bloom, Mac Carey, Jane Shamieh, Laura Dorsey Huerta, County Office staff; Student A-2/15/06 and parent; Mary Ann Mason, Deputy County Counsel; Dennis Regalado, Acalanes Union High School District (AUHSD); Richard Kashdan, Esq., counsel for Student A-2/15/06; Amy Levine, Esq., counsel for AUHSD. A partial list of attendees is on file at the County Office of Education.

Presiding: Pamela Mirabella, 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 with the following amendment: Item 8.1 (minutes of February 1, 2006) was removed from the Consent Agenda to be voted on separately by the Board (M/S: Borsuk/Gomes).

PUBLIC COMMENT None.

CLOSED SESSION
Expulsion Appeal

The Board convened in closed hearing at 7:17 p.m. to consider the expulsion appeal of a parent on behalf of a child, Student A-2/15/06, from the Acalanes Union High School District. The Board recessed to closed deliberation at 8:14 p.m. The Board reconvened to closed hearing at 9:06 and then immediately to open session. Deputy County Counsel Mary Ann Mason announced that, on the issue of timeliness, the Contra Costa County Board of Education voted 4-1 (with Mr. Borsuk dissenting) in finding that, although the appeal was filed one business day late, the appeal is considered timely because the late filing occurred as a result of the student's attorney's excusable mistake based on the form of the district's notice of expulsion decision and possible misinformation provided by County Office of Education staff about the filing period. In addition, the County Office of Education provided the district with notice of the potential appeal within the 30-day filing period. The Board found that it was appropriate to consider the student's appeal on the merits. Regarding the merits of the appeal, the County Board of Education unanimously made the following findings: the record reflects that the district determined the student did not have a disability and that his behavior was not a manifestation of a disability; the district made this determination before expelling the student; thus, the district board did not act in excess of its jurisdiction in expelling the student; the County Board of Education lacks jurisdiction to decide whether the district correctly determined that the student did not have a disability or that the student's behavior was not a manifestation of a disability; it is a decision for another body; the student was afforded a fair hearing before the district board; he was charged with a violation of Education Code section 48900(b) ("possessed, sold, or otherwise furnished any knife or other dangerous object"); there is evidence in the record to support the district board's determination that the student possessed and sold a knife or other dangerous object on school grounds in violation of Education Code section 48900(b) as found in the testimony of Mr. Mack, the incident report, the testimony of the student, the statement of the student, and the picture of the knife; there is evidence in the record to support the finding that the student willfully defied valid authority or disrupted school activities in violation of Education Code section 48900(k); the evidence is found in the testimony of Mr. Mack, the incident report, the testimony of the student, the state-ment of the student, the school district policy about weapons on campus, and the picture of the

knife. Mrs. Mason further stated that, in order to expel a student for violation of Education Code section 48900(b) or (k), the decision to expel must be based on one or both of the findings specified in Education Code section 48915 that either "other means of correction are not feasible or have repeatedly failed to bring about proper conduct" or "due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others." She stated further that the record does not reflect that the district board made these findings and noted that there is evidence in the record to support a finding under Education Code section 48915 that "other means of correction are not feasible or have repeatedly failed to bring about proper conduct" as it is in the testimony of Mr. Mack, the student's testimony, the student's discipline record, the student's statement, and the incident report. In this circumstance, Education Code section 48923 requires that the County Board of Education remand the matter to the district board for adoption of the required finding that "other means of correction are not feasible or have repeatedly failed to bring about proper conduct"; therefore, she reported that, pursuant to Education Code section 48923(b), the County Board of Education voted unanimously to remand the expulsion back to the district for adoption of the required finding that "other means of correction are not feasible or have repeatedly failed to bring about proper conduct." In addition, she stated that the Contra Costa County Board of Education has authorized its Chairperson, pursuant to Education Code section 48923(c), to sign this Board's finding and decision when they are reduced to writing.

RECOGNITIONS

None.

PUBLIC HEARINGS & APPEALS

None.

ADMINISTRATIVE ITEMS

SUPERINTENDENT

Report

Dr. Joseph A. Ovick, County Superintendent of Schools, reported that last Friday the CCCOE co-sponsored a well-attended Contra Costa County Youth Obesity Symposium; besides the CCCOE, the event was co-sponsored by Kaiser Permanente, Contra Costa County Health Services, and the Mt. Diablo Region YMCA; he reported that his presentation at the event included information provided by Mr. Ruley on free school breakfasts and lunches. He also reported that he, Dr. Krapf, and Dr. Magnone had a meeting at St. Mary's College today with the new Dean of the School of Education and the Provost to look at some of the partnering activities in which the CCCOE has been involved with the college; he informed the Board of St. Mary's strong support for the BTSA program, as well as the partnering activities with interns and student teachers and the placement of students upon graduation; one of the focuses that the partnership will now take is improving the image of public education and teachers since there is an anticipated need for new teachers and administrators in the next four to five years because the first wave of the "Baby Boomers" will be retiring; he explained that there is a need to create a positive image of how well students are learning and teachers' successes in the classroom; therefore, St. Mary's College and the CCCOE will be considering a marketing strategy, possibly funded by one or more local corporations, to effect a massive recruitment effort that would encourage young people and others in mid-career to consider education as a very rewarding career. Lastly, he distributed copies from federal advocate Bob Canavan listing the programs that the administration in Washington, D.C., is proposing to eliminate at the federal level. Mr. Ruley took this opportunity to report that the National Hunger Study, which is completed every four years, will be released in mid-March. Dr. Ovick also mentioned that the state report on BTSA was published in today's paper, and the CCCOE and St. Mary's College would like to follow up on that article with a local report on how successful BTSA is in retaining teachers and the support that the program provides; therefore, Mrs. Marshburn and Dr. Magnone will be working with the public relations person from St. Mary's College and the local education reporter from the *Contra Costa Times* on this matter.

BUSINESS AND ADMINISTRATIVE SERVICES

Presentation on High Speed Network

Technology Systems Director Mac Carey presented a PowerPoint presentation to the Board on the K-12 High Speed Network (HSN). His presentation included some historical background on the HSN, the mission of the program, statistics on Internet usage by students, Internet services and applications in the future, Web-streaming, the vast resources made available to students and teachers, the HSN's connectivity with school districts and colleges, online courses, and Webcasting. He also showed sample videos of a videoconference that took place

at the CCCOE to show the Network's capabilities, an instructional program on animation where students could hear immediate feedback from professionals, and a traditional videoconference on math that simultaneously connected classes from four schools. Mr. Carey also noted that there is another project that features Webcasting of park rangers' instructional programs, and very favorable feedback has been received from students and teachers who have participated. After a question-and-answer period, the Board thanked Mr. Carey for his informative and interesting presentation.

Staff Report

None.

STUDENT PROGRAMS AND SERVICES

Local Education Agency (LEA) Plan

Administrator Jane Shamieh introduced this item, and Mr. Penning and she answered Board members' questions. The Board then voted unanimously to approve the Local Education Agency (LEA) Plan (M/S: Ruley/Gomes). The LEA Plan is required by the No Child Left Behind (NCLB) Act and describes the educational services for all students that can be used to guide implementation of federal and state-funded programs, the allocation of resources, and reporting requirements.

Single Plan for Student Achievement at Contra Costa County Court Schools

Dr. Bianca Bloom, Director, and Administrator Jane Shamieh presented this item to the Board and answered Board members' questions. The Board voted unanimously to approve the Single Plan for Student Achievement at the Contra Costa County Court Schools (M/S: Borsuk/ Ruley).

Staff Report

Ray Penning, Associate Superintendent, Student Programs and Services, informed the Board that, with regard to the upcoming expulsion appeal hearing, the issue of timeliness would be addressed during deliberations.

EDUCATIONAL SERVICES

Staff Report

Dr. Susan Magnone, Associate Superintendent, Educational Services, distributed copies of a flyer for a "Safe Schools and Crisis Response" workshop and an events calendar from the Educational Services Division. She indicated that the events calendar reflects that the Educational Services Division is currently very busy coordinating large events, such as trainings and other activities.

HUMAN RESOURCES

Staff Report

Michael Bowers, Associate Superintendent, Human Resources, reported that his department has been using international videoconferencing to interview teacher candidates, as well as speech therapist and nurse candidates, in the Philippines. He noted that representatives from the Mt. Diablo Unified School District, Pittsburg Unified School District, and the West Contra Costa Unified School District were at the CCCOE this week to interview candidates from the Philippines via videoconferencing. Currently, the CCCOE is sharing its videoconferencing capability, but the districts are being encouraged to arrange for this capability at their own facilities. He emphasized how this important resource is being utilized to recruit and hire teachers in specialized fields. Mr. Bowers also reminded the Board that the Education Job Fair is scheduled to take place on Saturday, February 25, 8:30 a.m. to noon, and he distributed a news release prepared by Chief Communications Officer Peggy Marshburn that provides information on the event.

COMMUNICATIONS

Staff Report

Chief Communications Officer Peggy Marshburn reported on Project READ, which involves having volunteers partner with first- and second-graders during half-hour reading sessions, and she is currently recruiting CCCOE staff members to volunteer at several schools; thus far, there are ten such volunteers willing to spend one half-hour per week for a period of eight to ten weeks. She noted that a number of partners are involved with Project READ, such as Shell Oil Company, Bank of America, John Muir Medical Center, and Chevron as well as other businesses that volunteer for schools in the Mt. Diablo USD and Martinez USD. At the end of the eight or ten weeks, the volunteers then give their reading buddies a hardback book that they can take home and also provide an additional copy for the school library. She informed the Board that Project READ is included as one of the CCCOE's Partners in Education goals.

BOARD

Legislative Update

None.

Regulation 1312.4

Deputy Superintendent Ellen Elster informed the Board that Regulation 1312.4: Community Relations—Williams Uniform Complaint Procedures has been revised to reflect changes in the Education Code and that the Board Policy Committee has recommended it for second reading since the changes are minor ones that resulted from updated legislation. The Board then voted unanimously to approve Regulation 1312.4, as revised (M/S: Ruley/Gomes).

Policy and Regulation 6171

Associate Superintendent Ray Penning introduced this item and invited Administrator Jane Shamieh to review Policy and Regulation 6171: Instruction – Title I Programs, which were presented for first reading. After Ms. Shamieh’s review, Mr. Gomes expressed concern regarding wording related to identifying race or ethnicity as barriers to greater participation by parents and guardians. Ms. Shamieh clarified that the wording is based on Title I law under the No Child Left Behind Act and seeks to identify groups of students who traditionally, for whatever reason, have tended to score lower on tests and who tend to be considered a disadvantaged group. Mr. Gomes requested that the language be reviewed to see if using such language could be avoided.

Minutes of February 1, 2006

The Board removed this item from the Consent Agenda to be voted on separately. The minutes of February 1, 2006, were then approved as presented (M/S: Krapf/Gomes; Ruley and Borsuk abstained).

CONSENT ACTIONS

Temporary County Certificates

The Board voted unanimously to approve the applications for Temporary County Certificates (M/S: Borsuk/Ruley).

**CORRESPONDENCE/
EVENTS CALENDAR**

Correspondence: Letters dated January 30, 2006, to the Board from the East Bay Municipal Utility District with copies of their Water Conservation and Water Recycling Fiscal Year 2005 Annual Report; letters dated February 3, 2006, to Trustees Mirabella, Ruley, and Borsuk from Veterans of Contra Costa County regarding a resolution that came before the Board of Supervisors for a vote.

Calendar of Events: February 25 – CCCOE’s Annual Teacher/Certificated Staff Job Fair; Feb. 28 – Safe Schools and Crisis Response Workshop, Hilton Hotel; March 17 – CCBE workshop, “Effective Governance,” Sacramento; April 4 – Awards Ceremony, Mt. McKinley School; May 10 – ROP Spring Awards Celebration, 3:30-5:00 p.m., Pleasant Hill Community Center; June 23 – Awards Ceremony, Mt. McKinley School.

**BOARD REPORTS OF
ACTIVITIES**

No written reports of activities were submitted by Board members. Mr. Gomes reported that he also received the letter dated February 3 from the veterans’ organization and that he had sent his copy of the letter to Supervisor DeSaulnier. He then asked that staff distribute copies of Mr. DeSaulnier’s response to the other Board members.

RECESS

The Board recessed from 7:12 to 7:17 p.m. prior to hearing the expulsion appeal in Closed Session.

ADJOURNMENT

There being no further business, the Board adjourned the meeting at 9:17 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 February 15, 2006, and are subject to amendment and/or correction prior to the approval of the County Board of Education.