

**County Board of Education**  
**Ronald L. Stewart Center**  
**77 Santa Barbara Road, Pleasant Hill, California**  
**December 6, 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 Trustee

**Absent:** None.

**Others:** Joseph A. Ovick, Ellen Elster, Ray Penning, Susan Magnone, Mike Bowers, Peggy Marshburn, Wendy Richard, Mary Lou Browning, Rebecca Corrigan, Daniel McCarthy, Catherine Giacalone, Mario Eguizabal, Launi Holland, Judy McCall, Sharilynn Russo, Patty Castro, John Hild, Barbara Berman, Mac Carey, Laura Griffin, Kevin Oda, Alis Reasoner, Julio Perez, Claudia Ronaldson, Kandi Gravenmier, Marie McClaskey, Janice Harski, Joan Sieczkowski, Lynn Mackey, Jean Wells, Shannon Swain, Laura Strachan, and Laura Dorsey Huerta, County Office staff; Elin, Bjorn, Marissa, Jon, and Robin Ovick; Carol, Kevin, and Pam Ruley (and Pam's husband Paul Podany); Leslie and Allison Borsuk; Jerry Okendo, LULAC; Laraine Domenico and Malisa Cochran, Contra Costa SELPA; Tom Blanks; and Evan J. Gravenmier. A partial list of attendees is on file at the County Office of Education.

**Presiding:** Pamela Mirabella, outgoing Board President, presided until after the election of new officers; she then passed the gavel to incoming Board President David Krapf, who presided for the remainder of the meeting.

The regular meeting of the Contra Costa County Board of Education was called to order at 6:02 p.m. with the recitation of the Pledge of Allegiance.

**Oaths of Office** Elin Ovick, who was deputized as a Deputy Clerk, administered the Oath of Office to her husband, Dr. Joseph Ovick, who was re-elected as the Contra Costa County Superintendent of Schools. Dr. Ovick expressed the hope that the next four years will be as successful and as positive as the last 37 years that he has been involved in education and introduced his sons and their wives, Jon and Robin Ovick and Bjorn and Marissa Ovick. Mrs. Ovick then administered the Oath of Office to re-elected Trustees David Krapf, Ed.D. (Area 2), Glenn Ruley (Area 4), and Daniel Borsuk (Area 5). Mr. Ruley introduced his daughter Pam and husband Paul, his son Kevin, and his wife Carol. Dr. Krapf then introduced his wife Laraine Domenico; Mr. Borsuk followed by introducing his wife Leslie and daughter Allison.

**Reorganization of the Board** Outgoing President Pamela Mirabella announced the opening of nominations for the 2006-07 Board Officers. Trustee Daniel Borsuk nominated the following slate of officers: Dr. David Krapf for president, Glenn Ruley for vice president, and Daniel Gomes for clerk. Mrs. Mirabella then passed the gavel to Dr. Krapf, Board vice president, before seconding the motion. There being no further names put forth, nominations for president, vice president, and clerk were closed; and the Board voted unanimously to approve the proposed slate of officers. Dr. Krapf then presided over the remainder of the meeting. Dr. Krapf presented Mrs. Mirabella with a card and a gift certificate on behalf of the Board as well as a centerpiece from the Teacher of the Year awards event with a plaque that read, "in recognition of your outstanding leadership and generous support for all learners in Contra Costa County during your fourth term as President of the Contra Costa County Board of Education, 2005-06." Mrs. Mirabella thanked the other Board members and stated that she felt privileged to sit on the Board for the past 16 years and that she was very proud of the work done by the CCCOE staff. Dr. Krapf then recessed the meeting for a brief reception.

**RECESS** A recess took place from 6:17 p.m. to 6:35 p.m.

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

**PUBLIC COMMENT**

Jerry Okendo of the League of United Latin American Citizens (LULAC) congratulated the reelected Board members and then addressed the Board with regard to Item 7.4.1 on his concerns with complaints filed by the individual school districts under the Williams Settlement. He stated that he would like to get a copy of the complaints that were filed and enumerated several concerns. He stated that the complaint forms are not made readily available to parents and students; the schools direct them to the school district office, and then the school district office directs them back to the school; LULAC would like a poster to be placed in the entryway where parents and students can see their rights and understand that they do not need to use a complaint letter, but can write a letter instead; he also stated that LULAC could make the complaint forms available if the school districts do not. He also voiced a concern with regard to schools filling teaching positions for 60-90 days with credentialed teachers, during which they receive no benefits, and then not hiring them. He stated that during that 60-to-90-day period, the districts can state in their reports that those positions are filled and meeting all the necessary requirements when what is actually happening is that, after that period, the teachers are replaced by substitutes who are there only until the district hires other teachers to fill these positions for another 60-to-90-day period; this situation, he stated, then repeats itself for the remainder of the school year. He also informed the Board that he is certain that if the forms were made more available to parents and students, there would be more complaints than what are shown in the reports. He also expressed concern that the students are being required to take exit exams and STAR tests; yet, they do not have the books and teachers that they need. He maintained that it appears that it is mainly the students of color who do not have books and who also have the substitute teachers, especially the English learners. An additional concern he voiced is that statistics indicate that the drop-out rate is now down to the ninth grade. Dr. Krapf thanked Mr. Okendo for his comments.

**RECOGNITIONS**

None.

**PUBLIC HEARINGS & APPEALS**

None.

**ADMINISTRATIVE ITEMS**

**SUPERINTENDENT**

**Report**

Dr. Joseph Ovick, County Superintendent of Schools, reported the following: he attended the California School Boards Association (CSBA) annual conference where he was introduced at the General Session as Chair of the CCSESA Legislative Committee and where he listened to the speaker, Sally Ride, who spoke on the need for more young people, especially young women, to consider careers in math and science and for educators to provide more opportunities so that this can happen; he had an opportunity to speak with former Assemblyman Joe Canciamilla, whose wife is a district board member; he stated that Mr. Canciamilla appeared interested in speaking before the Contra Costa County School Boards Association sometime in the future on "Why Sacramento Doesn't Work"; he had sent letters of congratulations to district board members and local legislators who have been reelected or newly elected; CCSESA Executive Director Sue Burr will be speaking before the CCCOE Education Leadership group tomorrow morning at which Mrs. Mirabella and Dr. Krapf will be in attendance; the theme of Ms. Burr's presentation is "Future Opportunities of County Offices"; SB 1133 was signed by the governor on the Quality Education Investment Act (QEIA), which will provide schools ranked in the 1-2 deciles with an opportunity to make a significant change in the way that they are providing education to the children who may not be achieving at the level they are capable of achieving; he stated that SB 1133 dovetails very nicely with SB 1209, which provides flexibility in teaching in terms of moving more senior teachers into positions that may be more challenging, but the bargaining groups would need to agree to this new approach; he will be meeting individually with the district superintendents who may have schools in their districts that may be eligible in order to encourage them to apply for the funds and to let them know that the CCCOE would provide whatever support is needed in order for them to be successful; he reported that SB 1133 also speaks to having two county offices of education becoming technical assistance centers to provide best practices in terms of dissemination throughout the state and that the CCCOE would be applying to be one of these centers; lastly, he reported that the State Superintendent of Public Instruction has selected former COE Director of District Business Services Linda Grundhoffer to take Fred Stewart's place as trustee of the West Contra Costa Unified School District effective in January 2007.

**BUSINESS AND ADMINISTRATIVE  
SERVICES**

**2006-2007 First Period Interim  
Report  
of the County School Service Fund  
Budget**

Deputy Superintendent Ellen Elster noted that the 2006-2007 First Period Interim Report of the County School Service Fund was sent to Board members in their packets and stated that Administrative Business Services Director Wendy Richard would be pleased to answer any questions they might have. Mr. Gomes stated that he had read the report and congratulated Mrs. Richard on doing a good job. At the request of Dr. Krapf, Mrs. Richard provided a quick overview of the report. Mrs. Mirabella asked about the unmet criteria and standards on page 55, especially the deficit spending. Mrs. Richard responded that ROP has had a rather large ending fund balance in the past, and the majority of the deficit spending is coming from the ROP program even though the COE is consciously spending it down by opening up new classes. Mrs. Elster reminded the Board that deficit spending means you spend more than you get in that year, but if you have a large fund balance from a prior year that can be spent, that is still considered deficit spending. The Board then voted unanimously to approve the 2006-2007 First Period Interim Report of the County School Service Fund Budget (M/S: Mirabella/Borsuk). Mrs. Elster took this opportunity to inform the Board that the Pacheco bill requires that she report out during the first period interim report any contracts that exceed \$25,000; therefore, she reported that the CCCOE contracted for \$30,001 to have the parking lot asphalt repaired and replaced. Also, she reported that Chevron provided funds to develop a DVD on "Why I Need to Know Algebra," and the CCCOE contracted with Trinity Media for \$50,000 to make that DVD. Mr. Gomes asked if these contracts would be brought to the Board, and Dr. Ovick responded that the law only requires that the CCCOE share with the Board all contracts entered into by the agency and signed by him, as County Superintendent, that exceed \$25,000. He noted that such contracts do not require Board approval. Mr. Gomes asked what the difference was with regard to these two contracts from the contracts that the Board has approved in the past, such as the contract for energy conservation. Dr. Ovick stated that the energy conservation contract had come before the Board because the Board owns the real property, and the contract was modifying the real property. Mr. Gomes asked if by approving the budget, the Board is automatically approving contracts; Dr. Ovick stated that the Board approves the money in the budget to be used for contracts and that the Board is kept informed of contracts exceeding \$25,000. Mr. Gomes contended that the Board should have some oversight over such contracts since details, such as whether or not competitive bidding took place, should be brought before the Board. Dr. Ovick responded that the agency is required to follow the law, and, as an elected official, he has the fiduciary responsibility to do what Mr. Gomes just stated. Mr. Gomes maintained that the Board does, as well, but Dr. Ovick clarified that the Board does not have that authority. Mr. Borsuk mentioned an agenda item that dealt with a policy regarding a threshold that sets forth when competitive bidding is required. Mrs. Elster clarified that that policy covers all bids done by the CCCOE; for example, the asphalt contract fell under that policy. Mrs. Mirabella asked if the difference has to do with Dr. Ovick, as the County Superintendent, being the employer. Mrs. Elster replied that this was the case and that the Board's future workshop on the roles and responsibilities of the Board would clear up any misunderstandings regarding this matter.

**County School Service Fund (CSSF)  
Investment Activities**

Administrative Business Services Director Wendy Richard gave a summary of the County School Service Fund (CSSF) Investment Activities for the quarter ending September 30, 2006. Mr. Borsuk asked why the County School Service Fund No. 01 showed \$951,016 in red, and Mrs. Richard responded that, as of that day (September 30), the cash in that fund was negative, which is typical due to the advance on taxes. The Board thanked Mrs. Richard for the update.

**Board Resolution No. 5-06/07**

Deputy Superintendent Ellen Elster introduced this Board resolution and stated that all districts and county offices of education adopt this resolution at their annual reorganization meeting. The Board then voted by the following roll call vote to adopt Board Resolution No. 5-06/07 to verify Certificate of Signatures of person or persons authorized to sign orders drawn on the funds of the county office and Notice of Employment as defined on the Certificate: Mirabella, aye; Gomes, aye; Ruley, aye; Borsuk, and; and Krapf, aye (M/S: Mirabella/Borsuk).

**Staff Report**

Deputy Superintendent Ellen Elster reported that the districts' first period interim reports are due to the County Office of Education on December 15, though some have already arrived. She noted that it is anticipated that all districts will receive positive certifications on their first period interim reports. Mrs. Elster also reported that she did not believe that the Board would be receiving the charter school application that had been expected. Mr. Gomes asked which charter school was involved, and Mrs. Elster replied that it was called Making Waves Foundation, which currently runs a very successful charter school in San Francisco.

**STUDENT PROGRAMS AND SERVICES**

**Staff Report**

None.

**EDUCATIONAL SERVICES**

**Fall 2006 Williams Settlement School Visitations**

Dr. Susan Magnone, Associate Superintendent, Educational Services, reported that the official report of the Fall 2006 Williams Settlement school visitations would be released and shared with the Board of Supervisors next week; however, Dr. Ovick wished to have the report shared first with the County Board of Education. She then introduced Dr. Barbara Berman, Special Projects Coordinator, who presented the results of the Fall 2006 Williams Settlement school visitations and outlined the process that she follows regarding facilities issues. Mr. Borsuk inquired about whether the term "appropriately qualified" means highly qualified, and Dr. Berman responded that the term "highly qualified" falls under the federal requirements of No Child Left Behind (NCLB), which requires teachers to be subject-matter competent; therefore, a teacher could be considered appropriately qualified under California law but not compliant under NCLB. Mr. Gomes asked Dr. Berman to comment on the issue that was brought to the Board's attention by Mr. Jerry Okendo during Public Comment, which indicates that districts may be "gaming" the system by appointing teachers on a temporary basis, discharging them after 60-90 days, hiring substitutes, hiring teachers again for 60-90 days, and then repeating this cycle. Dr. Ovick responded that 37 years ago, when he first started teaching, his teaching assignments followed a similar pattern and, technically, it was legal to do so. Mr. Bowers clarified that a substitute may teach in a particular classroom for 30 days a year, or 20 days a year in a special education classroom; therefore, it is not legal to work for a longer period in the same classroom. He did note, however, that some districts are experiencing difficulties with the availability of teachers with the appropriate credentials, but they are doing all they can to find and hire properly credentialed teachers. Dr. Ovick offered to provide an overview on credentialing requirements and the work done by the CCCOE, as well as the sanctions that can be placed on a school district, at a future Board meeting. Mr. Gomes asked if the practice he described was actually considered lawful, and Mr. Bowers stated that as part of the CCCOE's assignment-monitoring process, when this practice is noted as occurring, that district is informed and given an opportunity to remediate the problem; and if remediation does not take place, the CCCOE then reports that information to the CTC, which may then enact penalties. Mr. Gomes asked why the CCCOE does not withhold money from districts that are out of compliance with teacher assignments until the noncompliance is corrected, and Mrs. Elster responded that the CCCOE does not have that authority. Dr. Ovick clarified that the CCCOE does notify the State Department of Education when it has verified that something illegal is occurring, and then typically that district's revenue is reduced in the next fiscal year. The Board then thanked Dr. Berman for her presentation.

**Staff Report**

None.

**HUMAN RESOURCES**

**Staff Report**

Michael Bowers, Associate Superintendent, Human Resources, clarified further that, with regard to the assignment-monitoring process, the Human Resources Department does monitor all the districts in the county on a four-year revolving cycle so that each year one large district and several smaller districts are monitored; however, if a problem is occurring with a particular district, the CCCOE does have the right to monitor them out of the cycle or in consecutive years; additionally, all schools on the Williams Settlement list are monitored on a yearly basis. He reiterated that monetary penalties are possible through the assignment-monitoring process if a district, in fact, does not have properly credentialed staff teaching in their classrooms.

**COMMUNICATIONS  
Staff Report**

Chief Communications Officer Peggy Marshburn reported that last Friday she attended a conference on behalf of Dr. Ovick at Stanford University on economics and education; she noted that Superintendent of Public Instruction Jack O'Connell and Congressman George Miller spoke at the conference in addition to a number of interesting speakers. Mrs. Marshburn addressed a concern that Mr. Gomes had expressed at the last Board meeting with regard to immunizations for whooping cough; she noted that the Board has policies in place that follow California state school law that requires children to be immunized before they start school, unless the parents sign a waiver for medical or religious reasons; under those circumstances, children are allowed to attend public schools; however, if they are near an outbreak of a particular disease against which they are not immunized, they can be excluded from school and only allowed back into school when the County Health Department decides that they are eligible to return. With regard to specifically whooping cough, she learned from Erica Jensen, who is the immunization control staff member at Health Services, that there is presently a higher incidence of whooping cough across the state than has occurred in over 30 years; therefore, adults and adolescents are being encouraged to get immunization boosters for tetanus/diphtheria/pertussis.

**BOARD**

**Legislative Update**

None.

**2007 Proposed Schedule of Regular Meetings**

The Board voted unanimously to adopt its 2007 Proposed Schedule of Regular Meetings (M/S: Borsuk/Gomes).

**Policy and Regulation 6200**

Deputy Superintendent Ellen Elster briefed the Board on Policy and Regulation 6200: Instruction – Adult Education, which are both newly developed to reflect Education Code guidelines for adult education. She also noted Director Mary Lou Browning will be present at the next Board meeting to answer any questions prior to the Board's voting on Policy and Regulation 6200. There were no questions or comments from the Board at this time.

**Policy and Regulation 6146.2**

Deputy Superintendent Ellen Elster introduced Regulation 6146.2: Instruction – High School Equivalency Certificate/GED, which has been submitted for second reading and approval. Mrs. Elster informed the Board that this regulation was revised to reflect changes in the Education Code regarding equivalency certificate scoring. After a brief discussion, the Board voted unanimously to approve Regulation 61456.2 as revised (M/S: Mirabella/Borsuk).

**Policy 6162.5**

Deputy Superintendent Ellen Elster introduced Policy 6162.5: Instruction – Student Assessment, which has been submitted for second reading and adoption. Mrs. Elster explained that this policy was revised to reflect changes in the Education Code regarding student assessment. The Board then voted unanimously to approve Policy 6162.5 as revised (M/S: Borsuk/Ruley).

**CONSENT ACTIONS**

**Minutes of November 15, 2006;  
Contra Costa County Adult School  
Diploma; and Temporary County  
Certificates**

The Board voted to approve/accept/grant the following Consent Actions: minutes from the November 15, 2006, Board meeting; a Contra Costa County Adult School Diploma to high school student Raheem Ahmad Hanif; and applications for Temporary County Certificates (M/S: Mirabella/Borsuk).

**CORRESPONDENCE/  
EVENTS CALENDAR**

**Correspondence:** Letters to Board members from Dennis Diemer of East Bay Municipal Utility District (EBMUD) dated November 16, 2006, regarding the shutdown of the Claremont tunnel pipeline and EBMUD's Seismic Improvement Program.

**Calendar of Events:** January 11, 2007 – Public Information Network meeting, "Redefining Readiness," 10:00 a.m. – noon, CCCOE Board Room; May 10 – ROP Spring Award Celebration, 3:30 – 5:00 p.m., Pleasant Hill Community Center

**BOARD REPORTS OF  
ACTIVITIES**

No written reports of activities were submitted by Board members. Mr. Borsuk reported that he attended an interesting session of the CSBA Annual Education Conference on Saturday having to do with the early assessment program. Mr. Ruley reported that he, too, attended the CSBA Annual Education Conference and the Delegate Assembly that took place just prior to the conference; he noted that he had the opportunity to meet Sally Ride, and she signed the program from her presentation; he shared some materials that he received at the conference from CSBA and CCBE; he noted that charter schools are a hot topic right now in California and that the Governor does not appear to have an education-priority agenda this next year. Lastly, Mr. Ruley reported that the Alameda County Board of Education has not nominated anyone from its board to be the next representative to the CSBA Delegate Assembly; however, he expressed an interest in being appointed to serve again in the Delegate Assembly and expected that that might happen once it is recognized that the Alameda County Board of Education has chosen not to act on this matter.

**ADJOURNMENT**

There being no further business, the Board adjourned the meeting in memory of Mrs. Floyd Marchus at 7:46 p.m. after a moment of silence.

Joseph A. Owick, 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 December 6, 2006, and are subject to amendment and/or correction prior to the approval of the County Board of Education.