

**County Board of Education**  
**Ronald L. Stewart Center**  
**77 Santa Barbara Road, Pleasant Hill, California**  
**August 15, 2007**

**ROLL CALL:** Pamela Mirabella, Area 1 Trustee; David Krapf, Area 2 Trustee (arrived at 5:14. p.m.); Daniel Gomes, Area 3 Trustee; Glenn Ruley, Area 4 Trustee; and Daniel Borsuk, Area 5 Trustee

**Absent:** None.

**Others:** Joseph Ovick, Ellen Elster, Ray Penning, Susan Magnone, Mike Bowers, Peggy Marshburn, Jane Shamieh, Ruth Fernandez, and Laura Dorsey Huerta, County Office staff; Esther Milbury, Deputy County Counsel; Student A-8/15/07 and parent; Lauren Brady, Legal Services for Children, counsel for Student A-8/15/07; Molly Brennan, legal intern, Legal Services for Children; Student B-8/15/07 and family; Student C-8/15/07 and parent; Ed Sklar, counsel for West Contra Costa Unified School District; Alan Del Simone, West Contra Costa Unified School District. A partial list of attendees is on file at the County Office of Education.

**Presiding:** Glenn A. Ruley, Board Vice President until 5:14 p.m.; Dr. David Krapf, Board President, for the remainder of the meeting.

The regular meeting of the Contra Costa County Board of Education was called to order at 5:01 p.m. with the recitation of the Pledge of Allegiance.

**AGENDA REVIEW AND ADOPTION** The Board adopted the agenda with the following amendment: Item 8.1, Minutes of July 18, 2007, was removed in order for the Board to handle it separately (M/S: Borsuk/Mirabella; Krapf absent).

**PUBLIC COMMENT** None.

**CLOSED SESSION**

<b>Student Expulsion (Student A-8/15/07)</b>	A-	The Board convened in Closed Session at 6:03 p.m. to consider the expulsion appeal of a parent for her child, Student A-8/15/07, from the West Contra Costa Unified School District. After both parties made their presentations, the Board convened to closed deliberation at 6:29 p.m. The Board reconvened to closed hearing at 6:47 p.m. and then immediately to open session. Deputy County Counsel Esther Milbury, serving as the Board's legal counsel, announced that the Contra Costa County Board of Education had voted unanimously to affirm the district board's decision to expel Student A-8/15/07; as a preliminary matter, the County Board of Education decided to accept the two documents provided by the district this evening as part of the expulsion record; 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 decision to expel the student based upon a violation of Education Code section 48900(k) when the student defied the assistant principal when directed to leave campus and had to be escorted off campus by a police officer; 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 as required by Education Code section 48918(b); the district board did not commit a prejudicial abuse of discretion; there was substantial non-hearsay evidence in the record to support the expulsion based upon a violation of Education Code section 48900(k) and to support the secondary finding required by Education Code section 48915 that, due to the nature of the act, the student's presence on campus would cause a continuing danger to his physical safety or that of others; there was no relevant or material evidence which, in the exercise of reasonable diligence, could not have been produced or was improperly excluded at the underlying expulsion hearing; the County Board of Education, therefore, denied the appeal and affirmed the district board's decision to expel Student A-8/15/07. 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 decision when it is reduced to writing and that, pursuant to Education Code section 48919, it shall render its written findings and decision within three school days.
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**Student Expulsion (Student B-**  
**8/15/07)** The Board convened in Closed Session at 7:02 p.m. to consider the expulsion appeal of parents for their child, Student B-8/15/07, from the West Contra Costa Unified School District. After both parties made their presentations, the Board convened to closed deliberation at 7:22 p.m. The Board reconvened to closed hearing at 7:46 p.m. and then immediately to open session. Deputy County Counsel Esther Milbury, serving as the Board's legal counsel, announced that the Contra Costa County Board of Education voted three to two to reverse the district board's decision to expel Student B-8/15/07; as a preliminary matter, the County Board of Education found that the student's expulsion appeal was timely filed; the student did not receive a fair hearing before the administrative panel and the district board; the district did not introduce substantial non-hearsay evidence at the expulsion hearing that the student violated Education Code section 48900(o) and 48915(a)(1), (a)(2), and (c)(2); the district board committed a prejudicial abuse of discretion when it expelled the student based upon charges that the student violated Education Code section 48900(a) and 48915(a)(1), (a)(2), and (c)(2); Education Code section 48900(f) provides that the decision of the governing board to expel a pupil shall be based upon substantial evidence and that no evidence to expel shall be based solely upon hearsay evidence; the only evidence in the record that the student committed that was the basis for which he was charged was hearsay evidence; therefore, the Contra Costa County Board of Education affirmed the appeal and reversed the district board's decision to expel Student B-8/15/07. 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 decision when it is reduced to writing and that, pursuant to Education Code section 48919, it shall render its written findings and decision within three school days.

**Student Expulsion (Student C-**  
**8/15/07)** The Board convened in Closed Session at 7:52 p.m. to consider the expulsion appeal of a parent for her child, Student C-8/15/07, from the West Contra Costa Unified School District. After both parties made their presentations, the Board convened to closed deliberation at 8:10 p.m. The Board reconvened to closed hearing at 8:23 p.m. and then immediately to open session. Deputy County Counsel Esther Milbury, serving as the Board's legal counsel, announced that the Contra Costa County Board of Education had voted unanimously to affirm the district board's decision to expel Student C-8/15/07; the County Board of Education found that, although the student's expulsion appeal was filed three days after the time provided to file an appeal, due to a miscalculation of the dates, the appeal was accepted; thus, the County Board did not address the timeliness of the appeal and considered the appeal on its merits; 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 decision to expel the student based upon a violation of Education Code sections 48900(a)(1), (b), and (k) and 48900.4 when the student engaged in a fight with another student, threatened to kill the other student, and was in possession of scissors on school grounds; 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 her hearing rights as required by Education Code section 48918(b); the district board did not commit a prejudicial abuse of discretion; there was evidence in the record to support the secondary findings required by Education Code section 48915 that, due to the nature of the act, when the student engaged in a fight with another student and threatened to kill the other student, the student's presence on campus would cause a continuing danger to her physical safety or that of others; there was no relevant or material evidence which, in the exercise of reasonable diligence, could not have been produced or was improperly excluded at the underlying expulsion hearing; the County Board of Education, therefore, denied the appeal and affirmed the district board's decision to expel Student A-8/15/07. 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 decision when it is reduced to writing and that, pursuant to Education Code section 48919, it shall render its written findings and decision within three school days.

**RECOGNITIONS** None.

**PUBLIC HEARINGS** None.

**ADMINISTRATIVE ITEMS**

**SUPERINTENDENT  
Report**

Dr. Joseph Ovick, County Superintendent of Schools, reported that he arrived late to the meeting because he had been attending the Contra Costa Health Foundation meeting in Walnut Creek and noted that he serves on the Foundation's advisory board. He also reported that a number of attendees at the meeting had not been aware of the array of health-related career classes offered throughout the county through the ROP program and also did not know that ground was broken at an Antioch site only a few months ago for a high school focusing on health careers. Dr. Ovick then briefed the Board on the state budget and how, without appropriations coming from the state, the CCCOE may need to rely on the County Treasurer to underwrite its expenses and that he does not know how long the County Treasurer will be able to carry forward the cost of running the cities, the county government, and the 260 schools in the county. He also noted that he would be in Sacramento tomorrow and would learn of any new developments with regard to the budget. He then reported on the CCCOE's efforts to work with West Contra Costa Unified School District to move the community day schools to the Alvarado site and that the initial plans to do so may have to be abandoned due to neighbors' complaints about having these particular students in their neighborhood; the West Contra Costa USD's governing board would be making a decision on the matter this evening; he, Dr. Krapf, and Mrs. Mirabella plan to meet with the West Contra Costa USD's superintendent in September to discuss this matter further. Lastly, he reported that the back-to-school meeting with the COE's management staff took place earlier today and that managers are focusing on the book by Patrick Lencioni, "The Five Dysfunctions of a Team," and that Vintage Foster, publisher of the San Jose Business Times, also facilitated a portion of the meeting that looked at ways that the management and teaching staff might better mirror the rich diversity of the county's student population. Mr. Gomes took this opportunity to inquire if the districts and the COE would use their reserves to fill in until the state budget is approved, and Dr. Ovick responded that the COE is required to maintain a percentage of its budget in reserve and that the reserve is also very tight, making it too financially risky to rely on it. Mrs. Elster then briefly described how an apportionment that now is paid in July is helping school districts and the COE during this budget impasse. Mr. Borsuk stated that he thought that some state agencies have had to issue vouchers, and Mrs. Elster responded that those agencies must operate on a different basis than the school districts and the COE.

**BUSINESS AND ADMINISTRATIVE  
SERVICES**

**Grant from Dean & Margaret Leshar  
Foundation for High School  
Journalism Collaborative**

The Board voted to accept the grant (budget augmentation) in the amount of \$100,000 (\$50,000 in 2007 and 2008) from the Dean & Margaret Leshar Foundation for the continued support of the High School Journalism Collaborative (M/S: Borsuk/Mirabella; Krapf absent).

**Grant from Citigroup Foundation**

The Board voted to accept the grant (budget augmentation) in the amount of \$10,000 from the Citigroup Foundation for the Regional Occupational Programs: Career Connections Program in support of the career activities in ROP classrooms at Pittsburg High and Richmond High Schools (MS: Borsuk/Gomes, Krapf absent).

**Staff Report**

Deputy Superintendent Ellen Elster reported that the District Business Services Department has been reviewing all of the district budgets for the 2007/08 school year, and all of them have been approved; Dr. Ovick has signed and sent letters to all of the districts' Board presidents; and all of them have been sent to the California Department of Education. Mr. Borsuk asked if the fact that the state budget has not yet been approved would affect the school districts' budgets, and Mrs. Elster responded that after the state budget is approved, the Education Code provides that school districts have 45 days in which to adjust their budgets and take them back to their boards for approval, if necessary. She noted that although she does not anticipate that the Governor will be making any major changes on the educational side of the budget, she would bring the budget back to the board and report on any changes. Mr. Borsuk asked how far the school districts and county offices of education could go if a state budget is not adopted, and Mrs. Elster stated that monies would continue to flow to them.

**STUDENT PROGRAMS AND  
SERVICES**

**Staff Report**

Ray Penning, Associate Superintendent, Student Programs and Services, reported the following: the Contra Costa Adult School Program (County detention facilities) and Contra Costa Court School Program (Juvenile Hall and Delta Vista High School at the Byron Boys Ranch) both received six-year accreditations through WASC, which is the maximum accreditation that a program may receive without interim reviews; he noted that this represents

quite a testimony to the quality of these COE programs; lastly, he reported that he attended a meeting yesterday that was hosted by the Secret Service on threat assessment in the schools, managing threatening situations, and maintaining safe school climates.

## **EDUCATIONAL SERVICES**

### **“Preschool Makes a Difference Plan”**

Dr. Susan Magnone, Associate Superintendent, Educational Services, introduced Ruth Fernandez, Manager, Educational Services, who gave a presentation on the “Preschool Makes a Difference Plan” for Contra Costa County. Ms. Fernandez distributed copies of “Preschool Makes a Difference: Strategic Plan Highlights” to the Board and presented a general overview of the strategic plan. She also noted that although there is no funding for Preschool Makes a Difference, since Proposition 82 was not successfully passed by the voters, funding possibilities are being investigated by a number of local groups and work done by Preschool Makes a Difference has established a foundation for standards that can be used in any future pilot programs. Mr. Borsuk asked if there would be another state proposition supportive of preschool in the near future, and Ms. Fernandez responded that there is some legislation that addresses child development even though it does not specifically address the matter of preschool, but it would allow for expansion of services. She noted that AB 172 is currently being funded through the county for preschool expansion. The Board thanked Ms. Fernandez for her presentation.

### **Staff Report**

None.

## **HUMAN RESOURCES**

### **Labor Agreement Proposals: Initial Proposal from Contra Costa Co. Schools Educ. Assoc./CTA/NEA for Reopener Agreement; Initial Mgmt. Proposal for Reopener Agreement With Representatives of the Certificated Unit**

Michael Bowers, Associate Superintendent, Human Resources Department, presented the following Labor Agreement Proposals: Initial Proposal from the Contra Costa County Schools Education Association/CTA/NEA for Reopener Agreement; Initial Management Proposal for Reopener Agreement with Representatives of the Certificated Unit.

### **Staff Report**

Michael Bowers, Associate Superintendent, Human Resources Department, gave the following report: on September 6, the COE will be hosting a meeting with the human resources administrators from districts in the county and from colleges and universities to begin instituting the teacher clearinghouse process and the district intern program. He noted that the CCCOE will be working in partnership with the Solano County Office of Education, as the CCCOE is with the CSET program; their goal is to support and assist interns throughout the county this school year.

## **COMMUNICATIONS**

### **Staff Report**

Communications Officer Peggy Marshburn gave some background on the Dean and Margaret Leshner grant for the High School Journalism Collaborative, which was approved earlier in the evening by the Board, and noted that the grant would be used for three pilot schools; she would be working with several of the ROP high school journalism classrooms and the principals responsible for those classrooms to try to determine which three schools will eventually end up being chosen as one of the three pilot schools; once the school year begins in late August, she will have a better idea which three schools will be chosen; at that point, she will meet with the Leshner Foundation, the Contra Costa Times, and the journalism group that will be providing the professional development. Mrs. Marshburn also reported on the Williams Settlement process, which has recently begun, and noted that the visits to the 57 affected schools must be completed within the first four weeks of school. Lastly, she reported that on Monday the three finalists for Teacher of the Year will be making presentations in front of nine judges at the Mt. Diablo USD New Teacher Orientation at Northgate High School; she noted that Dr. Ovick continues to make visits to the districts’ Teachers of the Year (22 teachers in total) and that these efforts will culminate at the Teacher of the Year Dinner and Awards Ceremony on September 20; and she described the planned entertainment for the event.

## **BOARD**

### **Legislative Update**

None.

**Increase in Board Member  
Compensation**

Mr. Borsuk noted that he had asked to have this matter brought before the Board for discussion and a vote and spoke to the appropriateness of approving up to a 5% increase in compensation due to the increased volume of work placed on the Board. Mr. Gomes commented that, although a \$21 increase would neither make nor break any of the members presently sitting on the Board, it might be a good idea to make the stipend more attractive in order to encourage a more diverse group of candidates to run for the office in the future. He also noted that the CCCOE Board should try to keep pace with the stipends paid to other county board members and that Board members' stipends should reflect the time and energy Board members contribute to the position, such as conducting hearing expulsion appeals, setting policy, and overseeing a \$70 million budget. Mrs. Mirabella agreed with Mr. Borsuk and Mr. Gomes with regard to the increased workload of the Board, including the work of the County Committee, and she noted that the increased stipend may help compensate any future Board member from her trustee area (West Contra Costa) for the extra driving time. Board members discussed the matter of when to make the increased stipend effective, and it was noted that the increase could be retroactive to July 1, 2007, which was the beginning of the fiscal year. The Board then voted to increase Board member compensation by 5% (from \$420 to \$441 per month), pursuant to Board Bylaw 9250, retroactive to July 1, 2007 (M/S: Mirabella/Gomes; Ruley abstained). This action may be rejected by a majority of the voters in the county voting in a referendum established for that purpose, as prescribed by Chapter 3 (commencing with Section 17200) of Part 2 of division 17 of the Elections Code.

**Nominations for CCBE President and  
Vice-President**

After a brief discussion, the Board took no action on this item.

**Nominations for CSBA Director-at-  
Large, American Indian, and  
Director-at-Large, Black**

The Board took no action on this item.

**Nominations for CSBA Director-at-  
Large, County**

The Board took no action on this item.

**CONSENT ACTIONS**

**Minutes of July 18, 2007**

The Board voted to approve the minutes of the July 18, 2007, Board meeting (M/S: Mirabella/Borsuk; Krapf abstained)

**Minutes of August 8, 2007 (Special  
Board Meeting); Temporary County  
Certificates; High School  
Diplomas; and Adult School Diplomas**

The Board voted to approve/accept/grant the following Consent Actions: applications for Temporary County Certificates; the minutes of August 8, 2007 (Special Board meeting); granting of Contra Costa County High School Diplomas to high school students GG1-8/15/07, GG2-8/15/07, GG3-8/15/07, GG4-8/15/07; granting of a Contra Costa High School Diploma to adult school student CCAS 1-8/15/07; and granting of Contra Costa County Adult School Diplomas to adult school students CCAS 2-8/15/07 and CCAS 3-8/15/07 (M/S: Ruley/Borsuk).

**CORRESPONDENCE/  
EVENTS CALENDAR**

**Correspondence:** Letters dated July 15, 2007, to Board members from Pamela Aguilar, Executive Director, Central Labor Council, AFL-CIO, and Greg Feere, CEO, Contra Costa Building Trades Council requesting that the Board members purchase an ad in their tribute book for the Labor to Labor Dinner. Mr. Ruley brought up the topic of the Board members contributing for the Labor to Labor event ad, and Mrs. Mirabella responded that this request for donations was not from Local One, which is the usual organization to which the Board members contribute and that she had left a message of inquiry with the AFL-CIO concerning their request. She then asked if Board members would be willing to donate \$20 for an ad for Local One if a request from them were forthcoming, and it was the consensus of the Board to individually contribute \$20 upon request.

**Calendar of Events:** September 7 – Staff Development Day, El Campanil, Antioch; September 20 – Teacher of the Year Dinner, Hilton Concord.

**BOARD REPORTS OF  
ACTIVITIES**

No written reports of activities were submitted by Board members. Mrs. Mirabella reported on a board meeting she attended at the West Contra Costa Unified School District regarding El Cerrito and a middle school.

**RECESS**

The Board recessed at 5:48 p.m. and convened in Closed Session at 6:03 p.m.

County Board of Education  
August 15, 2007

**ADJOURNMENT**

There being no further business, the Board adjourned at 8:25 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 August 15, 2007, and are subject to amendment and/or correction prior to the approval of the County Board of Education.