

**County Board of Education**  
**Ronald L. Stewart Center**  
**77 Santa Barbara Road, Pleasant Hill, California**  
**September 5, 2007**

**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 Ovick, Ellen Elster, Ray Penning, Susan Magnone, Mike Bowers, Peggy Marshburn, Jane Shamieh, Launi Holland, Judy Parker, and Laura Dorsey Huerta, County Office staff; Esther Milbury, Deputy County Counsel; Dan Ocheltree, Liberty Union High School District; Student A-8/15/07 and parents; Student B-8/15/07 and parent; Jeff Bornstein, counsel for Student B-8/15/07; Ron Leone, Antioch Unified School District; Marleen Sacks, counsel for Antioch Unified School District. A partial list of attendees is on file at the County Office of Education.

**Presiding:** Dr. David Krapf, Board President

The regular meeting of the Contra Costa County Board of Education was called to order at 5:30 p.m. with the recitation of the Pledge of Allegiance.

**AGENDA REVIEW AND ADOPTION** The Board adopted the agenda as presented (M/S: Borsuk/Ruley).

**PUBLIC COMMENT** None.

**CLOSED SESSION**

**Interdistrict Attendance Transfer Appeal (Student A-9/5/07)**

The Board convened in closed hearing at 6:35 p.m. to consider the interdistrict attendance transfer appeal of parents for their child, Student A-9/5/07, from the Antioch Unified School District to the Liberty Union High School District. The Board recessed to closed deliberation at 7:06 p.m. The Board reconvened to closed hearing at 7:30 p.m. and immediately to open session. On behalf of the Board, Facilitator Launi Holland announced that the Contra Costa County Board of Education voted four to one to uphold the interdistrict attendance transfer appeal of Student A-9/5/07 based upon CCCOE Board of Education's Administrative Regulation 5200(D)(3.12) (receiving school is geographically closer to the student's residence, and such proximity to the school is required for childcare services or other substantial family needs).

**Student Expulsion (Student B-9/5/07)**

The Board reconvened in closed hearing at 7:36 p.m. to consider the expulsion appeal of a parent for her child, Student B-9/5/07, from the Antioch Unified School District. After both parties made their presentations, the Board convened to closed deliberation at 8:11 p.m. The Board reconvened to closed hearing at 8:24 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 B-9/5/07; 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 officers' command; 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 evidence in the record to support the district board's finding that other means of correction were not feasible or had repeatedly failed to bring about proper conduct; there was no relevant and 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 B-9/5/07. 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**

**Public Hearings: Initial Proposal  
From the CCC Schools Education  
Assoc./CTA/NEA for Reopener  
Agreement; Initial Management  
Proposal for Reopener Agreement  
with Certificated Unit**

Board President Krapf opened the Public Hearings at 5:32 p.m. Relative to the Initial Proposal from the Contra Costa County Schools Education Association/CTA/NEA for Reopener Agreement and Relative to the Initial Management Proposal for Reopener Agreement with Representatives of the Certificated Unit. There was no public input, and the Dr. Krapf closed the hearings at 5:33 p.m.

**ADMINISTRATIVE ITEMS**

**SUPERINTENDENT**

**Report**

Dr. Joseph Ovick, County Superintendent of Schools, reported the following: CCSESA has informed him that AB 131, which would allow county offices of education to receive the supplemental counseling monies that school districts receive for high school and middle school students who are the children at greatest risk, is being threatened with nonpassage in the Senate Appropriations Committee; he made a call to Senator Perata's office and identified the points to reconsider (they are the most needy students, the CCCOE has a successful track record with those students, the CCCOE's revenue limit is less than a typical school district's, and the money needed is that which was not spent during last year); two bills (one for San Ramon Valley USD and another for Antioch USD) that would help with year-round funding and facilities did not make it through Senate Appropriations, even though staff members from Senator Torlakson's and Assembly DeSaulnier's office had assured him that neither bill would have a problem passing; two CCCOE community day classes will be held at Gompers High School in West Contra Costa USD, and he lauded WCCUSD Superintendent Bruce Harter for the part he played in helping to establish these classes; he mentioned that at some time in the future the County Committee on School District Organization might consider commissioning a study to examine the advantages of breaking up the WCCUSD into smaller districts. Mr. Gomes asked if the County Committee would have the authority to initiate such a study, and Dr. Ovick responded that the County Committee does indeed have the authority to do so. Dr. Ovick also reported on the fact that Cabinet members and he will be looking at identifying certain CCCOE programs for consideration by the California County Boards of Education (CCBE) to receive CCBE Exemplary Program Awards; additionally, Associate Superintendent Ray Penning has submitted a proposal for a presentation on the Board's and staff's roles in the expulsion and interdistrict appeal processes. He also reported on a visit last week from David Pollack, who is a board member of the Moorpark School District in Ventura County, although his visit was as a result of his role as the senior director of program development for governance and policy services for CSBA; Mr. Pollack wished to discuss whether there were any dysfunctional school boards in Contra Costa County and what role CSBA could provide; however, Dr. Ovick informed him that the county school board is doing well and that he needed to speak with the various district superintendents about their district boards. Lastly, he reported that tomorrow Secretary of Education Dave Long has scheduled a regional meeting to discuss the Year of Educational Reform 2008 and that he, along with Mt. Diablo USD Superintendent Gary McHenry and Contra Costa Council Vice President Terry Shoaf, will be attending the meeting. He also noted that Associate Superintendent Ray Penning has been receiving mail from the group of neighbors that are in opposition to having a softball field built at Mauzy School, and he informed the Board that he had personally visited the site; as a former Little League coach and president of a Little League association, he stated that he must agree that the site is not appropriate in exactly the way the immediate neighbors have cited and that all their concerns are quite valid. Mr. Ruley inquired after SB 81, and Dr. Ovick noted that Amy Castro, who works for Senator Perata, and another state senate staff member visited

Juvenile Hall several months back and were impressed that the students were performing so well academically; the primary concern in meeting with Senator Perata's staff was to show that integrating nonviolent criminals from the California Youth Authority with Juvenile Hall youth might not be a good idea.

**BUSINESS AND ADMINISTRATIVE  
SERVICES**

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

Judy Parker, Interim Director III, Administrative and District Business Services, answered Board members' questions with regard to an update on the County School Service Fund (CSSF) Investment Activities for the quarter ending June 30, 2007. Mr. Gomes mentioned that the Board members recently received a pamphlet regarding the post-retirement liabilities that public agencies face, and he asked if the CCCOE has begun allocating funds toward Fund 20. Mrs. Parker responded that the CCCOE has already begun allocating funds, and, at present, there is \$400,000 in the fund. Mr. Gomes noted that the program itself seems very complex and that the pamphlet suggests that agencies might need a consultant to set up the program. Dr. Ovick clarified that the pamphlet had been prepared by Gary Kraft, a consultant, for the Contra Costa Economic Partnership and Contra Costa Counsel, to do a study of unfunded liability for the County, and he noted that the CCCOE was erroneously not included in the pamphlet with the exception that the school districts need to report to the CCCOE after they receive their actuarial studies; therefore, an errata sheet is forthcoming. Mrs. Elster further clarified that the CCCOE Board had taken action to set aside funds, and the CCCOE has an actuarial study that determines that the agency's unfunded liability is to \$11 million. Mr. Borsuk asked to what extent these funds might be invested in any subprime mortgages, and Mrs. Elster responded that the County Treasurer does not allow those types of investments, since they would be considered too risky. Mrs. Mirabella asked what types of changes have been made, both good and bad, and specifically asked about the child development funds, and Mrs. Parker indicated that money will be coming in soon to cover those funds. Mrs. Parker also informed the Board that the agency has more money in its cash accounts because it received over \$600,000 last year in interest, and she noted that in the future she would add the actual amount of interest received.

**Incentive Award from CCCSIG**

Deputy Superintendent Ellen Elster provided some background on the incentive award received from the Contra Costa County Schools Insurance Group (CCCSIG). The Board then voted to accept the incentive award (budget augmentation) in the amount of \$8,518 from CCCSIG (MS: Mirabella/Ruley). Mrs. Elster informed the Board that this incentive award was the result of the hard work of people like Human Resources Specialist Pat McDougale and all of the employees at the sites who followed the criteria to earn this incentive award, which is equal to 1% of the premium.

**Lease Agreement Between CCC  
Board of Education and 1370 Realty  
Corp.**

Associate Superintendent Ray Penning explained that this location is necessary to provide office space for administrative staff so that they are not forced to share classroom space with parolees or prisoners. Mr. Borsuk asked whether the two statewide programs through the California Department of Corrections and Rehabilitation are for drugs and education or something else. Mr. Penning clarified that the programs are for substance abuse intervention or basic academic remediation but that there are 30-day and 90-day substance abuse programs in addition to literacy labs. The Board voted unanimously to approve a Lease Agreement between the Contra Costa County Board of Education and 1370 Realty Corp., A New York Corporation, for office space to be utilized by the Calif. Dept. of Corrections and Rehabilitation Program (CDCR) at 14545 Friar Street, Van Nuys, CA 91411 (M/S: Ruley/ Gomes).

**Lease Agreement Between CCC  
Board of Education and AP-Fresno  
Airport LLC**

The Board voted unanimously to approve a Lease Agreement between the CCC Board of Education and AP-Fresno Airport LLC, a Delaware Limited Liability Company, for office space to be utilized by the Calif. Dept. of Corrections and Rehabilitation Program (CDCR) at 1951 North Gateway Boulevard, Suite #105, Fresno, CA (M/S: Mirabella/Ruley).

**Staff Report**

Deputy Superintendent Ellen Elster reported that the Stewart Building is currently being repainted, since the original paint job was completed 20 years ago. Additionally, she informed the Board that many people have worked hard to secure the two community day classrooms at Gompers High School and that, last week, a facilities crew from the CCCOE spent two days readying the rooms for the students and staff. She thanked the Board for their efforts, as well.

**STUDENT PROGRAMS AND SERVICES**

**Staff Report**

Ray Penning, Associate Superintendent, Student Programs and Services, reported that the two teachers assigned to the community day classes at Gompers High School have been enrolling students, meeting students' parents, and preparing to teach classes. He also shared with the Board that the Adequate Yearly Progress report information has been released but that the CCCOE did not make its Adequate Yearly Progress as an agency or district because of the CCCOE's participation rate with severely handicapped students; he noted that in all of the academic performance areas, the CCCOE's programs did fine, so he will be examining more closely how to increase the participation rate from 93% to 95%. Regarding interdistrict attendance transfer appeals, he mentioned that by waiting 14 days after the school year starts, school districts are better able to determine whether there is enough space to accommodate such transferees; therefore, as a result of waiting the 14 days, several districts have reversed their decisions with regard to previously denied transfer requests. Mr. Ruley asked if any of the appeals to Acalanes UHSD involved the issue of GPA, and Mr. Penning responded that there were a variety of different issues involved, such as attendance, GPA, etc.

**EDUCATIONAL SERVICES**

**Staff Report**

Dr. Susan Magnone, Associate Superintendent, Educational Services, distributed a summary of services that her department has provided to every district in the county for the past year and copies of more detailed reports that listed services provided separately to each district, including every school in each district that has received services and exactly what those services were. She noted that her department uses this information to determine whether or not certain training experiences and other services are needed or wanted by the school districts and whether her department's future services and offerings need to be reevaluated. She then distributed copies of a back-to-back list of services offered this year, and she noted that it was printed on hard stock and provided to each school in the county as a reference sheet to be used to contact CCCOE staffers in Educational Services for the various services. She also distributed copies of an article entitled, "Why Teach?" She explained that the article was published in a magazine by St. Mary's College, pointed out a photo of COE Director Abe Doctolero, and explained that Board President David Krapf had facilitated the discussion. Additionally, Dr. Magnone reported that Ruth Fernandez had asked her to remind Board members to save the date of October 20 for the Young Children's Issues Forum, and she invited the Board members to attend. She also shared with the Board that the CCCOE is the proud recipient of a grant from the California Department of Education that is being put through CCSESA whereby the CCCOE will serve as the lead county for the Bay Region (the seven counties around the Bay) for the English Learner District Assistance Program; the CCCOE will have a position that spends 50% of the time working with districts that have schools with English learners who are not making Adequate Yearly Progress (all of whom are currently in San Mateo County); the other 50% of the position will be spent working with all districts in Contra Costa County that have English language learners, regardless of whether or not they are reaching their Adequate Yearly Progress; in a survey that Dr. Ovick conducted with the district superintendents, the resulting comments included a desire from super-intendents that Curriculum & Instruction provide leadership with regard to English learners; with this grant, the CCCOE is in a position to now assist more in that capacity.

**HUMAN RESOURCES**

**Staff Report**

Michael Bowers, Associate Superintendent, Human Resources Department, reported that administrators from all the school districts in the county will be joining him at a CCCPAC meeting tomorrow to begin implementing the district intern program; he noted that 11 of the local colleges, as well as Project Pipeline, have accepted invitations to be partners in kicking off this intern program; he noted that this would serve as an opportunity for intern teachers to receive additional support throughout their internship; and he informed the Board that the CCCOE is also partnering with the Solano County Office of Education on this program. Lastly, he reported that there was recently a lawsuit filed that challenges the No Child Left Behind Act's determination that intern teachers can be considered highly qualified under the Act, and he described how intern teachers do meet the criteria established for being considered highly qualified.

**COMMUNICATIONS  
Staff Report**

Communications Officer Peggy Marshburn reminded the Board that Staff Development Day is scheduled for the upcoming Friday, September 7, at the El Campanil Theatre in Antioch, and she invited Board members to attend; she noted that Frosty Troy is the scheduled motivational speaker for that event. Mrs. Marshburn also reported the following: the Teacher of the Year Awards Dinner will take place on September 20, and Board President David Krapf is scheduled to speak briefly that evening; she has been invited to participate on an expert panel at the Center for Disease Control in Atlanta, Georgia, in the middle of October on pandemic flu preparedness in schools.

**BOARD**

**Legislative Update**

None.

**CONSENT ACTIONS**

**Minutes of August 15, 2007; Contra  
Costa County High School Diplomas;  
Contra Costa County Adult School  
Diplomas**

The Board voted to approve/accept/grant the following Consent Actions: the minutes of the August 15, 2007, Board meeting; granting of Contra Costa County High School Diplomas to adult school students CCAS 1-9/5/07 and CCAS 3-9/5/07 and high school student MM 1-9/5/2007; and granting of a Contra Costa County Adult School Diploma to adult school student CCAS 2-9/5/07 (M/S: Mirabella/Gomes).

**CORRESPONDENCE/  
EVENTS CALENDAR**

**Correspondence:** None.

**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 that Dr. Bianca Bloom and she attended the West Contra Costa USD's board meeting on August 27 to listen to public comment from parents in the Vista area, and she noted that the community appeared to be very upset about putting the community day classes in that location; she discussed some of the concerns that were expressed by the community and the fact that there was only one advocate present at the meeting who spoke in favor of the location; but the vote of the governing board was three to two against having the classes there. She also asked that the next time the County Committee on School District Organization meets, she would like the Committee to consider the matter of having a study prepared that would address the possibility of breaking the West Contra Costa Unified School District into smaller districts.

**RECESS**

The Board recessed at 6:18 p.m. and convened in Closed Session at 6:35 p.m.

**ADJOURNMENT**

There being no further business, the Board adjourned at 8:27 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 September 5, 2007, and are subject to amendment and/or correction prior to the approval of the County Board of Education.