

County Board of Education
Ronald L. Stewart Center
77 Santa Barbara Road, Pleasant Hill, California
March 5, 2008

ROLL CALL: Pamela Mirabella, Area 1 Trustee; David T. Krapf, Area 2; 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, Michael Bowers, Peggy Marshburn, Bianca Bloom, Jane Shamieh, Marie McClaskey, Catherine Giacalone, Rebecca Corrigan, Kale Alderson, Lynn Mackey, Will Hyres, Yvette Gamon, and Laura Dorsey Huerta, County Office staff; Esther Milbury, Deputy County Attorney; Students GGCS 1-03/05/2008 and GGCS 2-03/15/2008 (and family and friends of the graduates); Student A-3/05/08 and parents; Jivaka Candappa, attorney for Student A-3/05/08; John Zamora, Antioch Unified School District (AUSD); Marleen Sacks, attorney for Antioch USD; Ruth Carver and Marlene Penuela-Mackouse of Walnut Creek Schools Together Now. A partial list of attendees is on file at the County Office of Education.

Presiding: Glenn A. Ruley, Board President

The regular meeting of the Contra Costa 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 Board adopted the agenda as presented (M/S: Borsuk/Krapf).

PUBLIC COMMENT

Ruth Carver spoke in support of a petition to transfer Walnut Creek schools from the Mt. Diablo Unified School District (MDUSD) to the Walnut Creek School District and Acalanes Union High School District. She encouraged the Board to schedule hearings and meetings of the Contra Costa County Committee on School District Organization in a timely manner to meet Education Code deadlines to qualify for the November 2008 ballot, and she requested that if the County Committee should decide to grant the petition, the hearing for the final recommendation be scheduled by July 3, 2008. Marlene Penuela-Mackouse spoke regarding the same matter and enumerated her concerns and the challenges faced by parents whose children's schools are presently in the Mt. Diablo Unified School District; she encouraged the Board's support for the proposal to move schools in Walnut Creek from the MDUSD to Walnut Creek SD and Acalanes UHSD.

CLOSED SESSION

Expulsion Appeal

The Board convened in closed hearing at 7:09 p.m. to consider the expulsion appeal of parents for their child, Student A-3/05/08, from the Antioch Unified School District. After both parties made their presentations, the Board convened to closed deliberation at 7:44 p.m. The Board reconvened to closed hearing at 8:07 p.m. and then immediately to open session. On behalf of the Board, Deputy County Counsel Esther Milbury announced that the Contra Costa County Board of Education voted 3 (Ruley, Krapf, and Gomes) to 2 (Mirabella and Borsuk) to affirm the district board's decision to expel Student A-3/05/08. She explained that, as a preliminary matter, the County Board of Education decided to admit the transcript submitted by the student into the record of the expulsion appeal. She further announced that the Board found that the district board did not act without or in excess of its jurisdiction in expelling the student; there is evidence in the record to show that the student violated Education Code Sections 48900(b) and (k) when the student was in possession of marijuana on school campus; the student was afforded a fair hearing before the administrative panel and the district board; the district board did not commit a prejudicial abuse of discretion; there was substantial evidence in the record to support the decision to expel the student based upon violations of Education Code Sections 48900(b) and (k) and the additional finding required by Education Code Section 48915 that all 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 from the hearing; therefore, the County Board of Education denied the appeal and affirmed the district board's decision to expel Student A-3/05/08. Lastly, she stated that the Chairperson is authorized to sign the findings once they are reduced to writing.

RECOGNITIONS

**Granting of Contra Costa County
High School Diploma**

The Board voted unanimously to grant Contra Costa County High School Diplomas to high school students GGCS 1-03/05/2008 and GGCS 2-03/05/2008 (M/S: Gomes/Borsuk). Principal Rebecca Corrigan introduced high school student GGCS 1-03/05/2008 and provided some background on the graduate's educational history. Principal Kale Alderson then introduced high school student GGCS 2-03/05/2008 and Teacher Will Hyres, who, in the absence of Teacher David Yeager, provided some information on the graduate's educational attainments. Dr. Joseph Ovick, County Superintendent of Schools, and Board President Glenn Ruley presented the graduate with his diploma and conveyed their congratulations. The graduates thanked their family, friends, and school staff for helping them along the way to their graduation.

PUBLIC HEARINGS

None.

ADMINISTRATIVE ITEMS

SUPERINTENDENT

Report

Joseph A. Ovick, Ed.D., County Superintendent of Schools, reported that the CCCOE Cabinet continues to meet with the new district superintendents in the county (Dr. Joe Jaconette from Orinda SD and Dr. Merrill Grant from Brentwood USD); the CCBE/PTA/CCSESA Spring Conference began today with a meeting of CCSESA members, which he attended, and he planned to return to tomorrow for the business portion of the CCSESA meeting; on Friday, CCCOE staffers Ray Penning, Jane Shamieh, and Launi Holland will be presenting at the conference on the appeal process; he noted that, in the Brentwood Press, a recently published article on the anticipated deficits of each Far East County school district noted that Oakley Union Elementary School District expected a zero deficit, but he explained that that district superintendent had moved money from the district's reserves into next year's budget, had changed the district's schools from a year-round schedule to a modified-traditional schedule, and six positions were eliminated because personnel have either retired or resigned; however, he noted that it was reported in such a way, that those readers who did not know about these changes might think that all 900+ districts in California are being reduced by the governor's budget except for Oakley, which is not true. Lastly, he reported that last week he had the honor of attending the PTA Founder's Day Dinner and introducing the Countywide Teacher of the Year, who gave a marvelous presentation. Mr. Gomes asked if districts were allowed to move money from their reserves into their budgets for next year, and Dr. Ovick responded that they could with board approval, but it would still be considered deficit spending.

**BUSINESS & ADMINISTRATIVE
SERVICES**

Staff Report

Deputy Superintendent Ellen Elster added to Dr. Ovick's report by sharing with the Board that another way in which the Oakley Union Elementary School District planned to save money is to deny interdistrict attendance transfer requests. She also noted that the other Far East County districts have been putting together new policies for approving and denying such interdistrict attendance transfer requests to address the loss-of-ADA problem. Mrs. Elster then asked the Board to consider scheduling a meeting of the Contra Costa County Committee on School District Organization on Wednesday, April 9, and it was the consensus of the Board to set the meeting for that date. She then reported the following: the CCCOE has completed its Second Interim Report, and the CCCOE is doing well since the governor is giving county offices of education the same revenue limit as last year and because the anticipated COLA of 4.53% will help because special education receives the COLA on ADA; also, she noted that the new SELPA fiscal formula will go into effect next year and the large cuts in the "other purpose" budget during the past year have resulted in a small financial cushion; ROP is doing well because it will receive property taxes from last year; Director Marie McClaskey has a plan to add 33 new sections of mostly ROP science, biotechnology, and engineering classes through- out the county; court and community schools will be fine because they will be receiving the same revenue limit as last year; therefore, staff will be bringing the Second Interim Report to the Board for a positive certification at its March 19 meeting. Mr. Gomes asked if staff has heard anything from Mt. Diablo USD, Walnut Creek SD, or Acalanes UHSD with regard to the proposed transfer of territory, and Mrs. Elster responded that a resolution has been received from Mt. Diablo USD's board and a letter has been received from the City of Concord opposing the measure; she also stated that she is expecting to hear what the impact would be on the Walnut Creek SD and the Acalanes UHSD from those districts' superintendents.

STUDENT PROGRAMS AND SERVICES

Foster Youth Services Program and McKinney Vento Program

Ray Penning, Associate Superintendent, introduced Project Manager Catherine Giacalone and her assistant, Yvette Gamon, who distributed a brochure, "What Families Need to Know About Homeless," and began their presentation with a short film on homelessness followed by a Powerpoint presentation on the Foster Youth Services program and the McKinney Vento program for homeless children and families. Following their presentation, Ms. Giacalone recognized Beth Bottorff, Carol Regalado, and Somasha Adams (foster youth liaisons) and Sharon Baugh and Pamela Miller (homeless liaisons), who were seated in the audience. Board members and staff thanked Ms. Giacalone for her very informative presentation.

Staff Report

Ray Penning, Associate Superintendent, Student Programs and Services, reported the following: his department has received quite a few calls from Knightsen parents and others regarding interdistrict attendance transfers, and he has been referring these inquiries back to school districts and their boards in hopes that these matters can be resolved locally; he met with the superintendent of the Byron Union School District, who explained that his district planned to make its programs more attractive in order to encourage students to return to that district; the Oakley Union Elementary School District may be taking another approach to interdistrict attendance transfer appeals; and there is currently a situation occurring where students who have been discovered using illegal addresses to register at schools are applying for interdistrict attendance transfers.

EDUCATIONAL SERVICES

Staff Report

Dr. Susan Magnone, Associate Superintendent, Educational Services, reported that she is facilitating meetings to bring together all staff members at the CCCOE who work with preschool activities. She explained that, as a result of these meetings, the different departments are able to support each other with regard to an exchange of information, services, and training. Dr. Magnone also reported on the activities of the P-16 Academy, a group comprised of a coalition of representatives from local school districts, the University of California—East Bay, the University of California's Office of the President, and Diablo Valley College involved with planning for students in preschool through grade 16. Currently, the P-16 Academy has been examining how to encourage more students to pursue a path that leads to college, and one of the projects that the group has taken on this year is to work with middle schools; along those lines, they are working with the principals and staff at Antioch Middle School, Glenbrook Middle School in Mt. Diablo USD, and Adams Middle School in West Contra Costa USD to develop a "college-going culture," expose students to what it is like to attend college, bring in counselors to discuss how to prepare to go to college, and encourage children in the middle grades to begin thinking that they might go to college. She shared with the Board that research indicates that middle school is a critical time for students when it comes to considering college. Dr. Ovick noted that the P-16 Academy was formed eight years before the one that was formed by Superintendent of Public Instruction Jack O'Connell.

HUMAN RESOURCES

Staff Report

Michael Bowers, Associate Superintendent, Human Resources Department, reported that a tentative settlement has been reached with Local One for a three-year agreement and that the bargaining unit members would be voting on ratification of the agreement on Monday, March 10. He noted that this means that, if the agreement is ratified, negotiations have been completed with all of the CCCOE bargaining units.

COMMUNICATIONS

Staff Report

Communications Officer Peggy Marshburn reported that her office is currently working with activities associated with the Leshner Foundation's high school journalism grant; they are sending 20 high school students and their teachers to Anaheim for the National High School Journalism Conference in April at which the students will participate in interesting workshops and contests; the students who will be participating in the conference represent Ygnacio Valley HS, Northgate HS, Pittsburg HS, and Clayton Valley HS; the Mock Trials event has been completed, with Miramonte High School being proclaimed the winner in Contra Costa County and being allowed to compete at the State Mock Trial event.

BOARD

Legislative Update

None.

County Board of Education
March 5, 2008

CONSENT ACTIONS

**Minutes of February 20, 2008;
Contra Costa County High School
Diploma; and Public Gifts**

The Board voted to approve/accept/grant the following Consent Actions: approval of the minutes from the February 20, 2008, Board meeting; granting of a Contra Costa County High School Diploma to high school student GGCS 3-03/05/2008; and the following public gifts, which were donated to the Contra Costa County Office of Education: \$50.00 from Ken McNamara and \$50.00 from Mr. and Mrs. McGuiness to the Floyd Marchus Special Education Programs (M/S: Borsuk/Gomes).

**CORRESPONDENCE/
EVENTS CALENDAR**

Correspondence: None.

Calendar of Events: March 7-8 – CCBE/PTA/CCSESA Annual Spring Conference, Berkeley.

**BOARD REPORTS OF
ACTIVITIES**

No written reports of activities were submitted by Board members. Mr. Borsuk reported that he would be attending the CCBE/PTA/CCSESA Annual Spring Conference later in the week, and he participated in the teleconference hosted by Senator Tom Torlakson; he noted that Dr. Ovick had provided a great deal of background information during the teleconference, which he appreciated; and he briefly described what occurred during the teleconference. Mr. Gomes reported that he continues to receive e-mails from citizens on both sides of the issue with regard to the petition for territory transfer from the Mt. Diablo USD to the Walnut Creek SD and Acalanes UHSD, and he believes that he has received over 200 e-mails to date. Mrs. Mirabella noted that she, too, has received over 200 e-mails on the same subject, but she stated that, without seeing the petition, she cannot respond to them; therefore, she looks forward to hearing the matter on April 9. She also reported that would be attending the CCBE/PTA/ CCSESA Annual Spring Conference and that she has decided not to stay overnight; she expressed regret at missing Senator Torlakson's teleconference; she listened to the career technology hearing with Senator Tom Torlakson, CCCOE Director Marie McClaskey, and other staff from the CCCOE; staff made an excellent presentation on the career technology program in the county, representatives from the state and the Riverside COE spoke, and several students from Mt. Diablo High School spoke highly about their ROP academies; she noted that Senator Torlakson has authored two bills that would increase schools' ability to provide career technology and development for K-16 students. She also expressed her frustration over the lack of an ROP program in West Contra Costa that is as viable as the Mt. Diablo USD one, and she requested that staff consider new strategies to encourage West Contra Costa USD to enlarge their ROP program; she also asked for a presentation on the current program in that district so that the Board might be apprised of what is needed. Lastly, Mrs. Mirabella expressed sadness and amazement that there are so many homeless children in West Contra Costa, and she stated that she continues to be very interested in trying to make a difference with regard to homeless students and alternative education opportunities. Mr. Ruley reminded Board members that the general membership meeting of the California County Boards of Education (CCBE), which had been scheduled for Saturday afternoon, was moved Thursday evening (tomorrow).

RECESS

The Board recessed from 7:00 p.m. to 7:09 p.m. prior to hearing the expulsion appeal.

ADJOURNMENT

There being no further business, the Board adjourned at 8:09 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 March 5, 2008, and are subject to amendment and/or correction prior to the approval of the County Board of Education.