

County Board of Education
Ronald L. Stewart Center
77 Santa Barbara Road, Pleasant Hill, California
April 16, 2008

ROLL CALL: Pamela Mirabella, Area 1 Trustee; David T. Krapf, Area 2; Daniel Gomes, Area 3 Trustee; and Daniel Borsuk, Area 5 Trustee

Absent: Glenn Ruley, Area 4 Trustee (excused absence due to illness)

Others: Joseph A. Ovick, Ellen Elster, Ray Penning, Susan Magnone, Michael Bowers, Peggy Marshburn, Launi Holland, and Laura Dorsey Huerta, County Office staff; Ruth Carver and Alisa MacCormac of Walnut Creek Schools Together Now; Esther Milbury, Deputy County Counsel; Student A-4/16/08 and parents; Student B-4/16/08's parents; Maryann Hussey and Debra Fogarty, Oakley Union Elementary School District (OUESD); Jan Tomsy, attorney for OUESD; Vickey Rinehart, Superintendent, and Theresa Estrada, Principal, Knightsen Elementary School District. A partial list of attendees is on file at the County Office of Education.

Presiding: Daniel Gomes, Vice President

The regular meeting of the Contra Costa County Board of Education was called to order at 6:56 p.m. with the recitation of the Pledge of Allegiance.

AGENDA REVIEW AND ADOPTION

The Board adopted the agenda as presented (M/S: Borsuk/Mirabella; Ruley absent).

PUBLIC COMMENT

Ruth Carver, representing Walnut Creek Schools Together Now, presented a resolution from the Walnut Creek City Council requesting that the County Committee on School District Organization schedule a hearing with regard to the petition to transfer schools from the Mt. Diablo Unified School District to the Walnut Creek School District and the Acalanes Union High School District. She also provided signatures from an unincorporated area and copies of a map, which were then retained by the Board Clerk. Mrs. Carver asked the County Committee to correct any possible procedural problems and study the petition that was submitted rather than require her group to gather signatures for a revised petition, since the original signature gathering required a huge volunteer effort. She stated that her group should not be required to ask the same voters to sign virtually the same petition again, since that would be a triumph of technicality over substance. She noted that if good cause is shown in a potential hearing on this matter, the County Office should prepare an objective study on the matter, and that, pursuant to the Walnut Creek resolution, she requested that a hearing be scheduled as soon as all of the Committee members could attend. She asked, however, that the hearing not be scheduled on June 25 because she might not be available on that date.

CLOSED SESSION

Interdistrict Attendance Transfer Appeal (Student A-4/16/08)

The Board convened in closed hearing at 7:52 p.m. to consider the interdistrict attendance transfer appeal of parents for their child, Student A-4/16/08, from the Oakley Union Elementary School District to the Knightsen Elementary School District. The Board recessed to closed deliberation at 8:59 p.m. The Board reconvened to closed hearing at 9:15 p.m. and immediately to open session. On behalf of the Board, Hearing Facilitator Launi Holland announced that the Contra Costa County Board of Education voted unanimously to grant the interdistrict attendance transfer appeal of Student A-4/16/08 based upon CCCOE Board of Education's Administrative Regulation 5200(D)(3.15) (continued enrollment in the desired district would promote an important level of continuity that is in the best interest of the student).

Interdistrict Attendance Transfer Appeal (Student B-4/16/08)

The Board convened in closed hearing at 9:19 p.m. to consider the interdistrict attendance transfer appeal of parents for their child, Student B-4/16/08 from the Oakley Union Elementary School District to the Knightsen Elementary School District. The Board recessed to closed deliberation at 10:04 p.m. The Board reconvened to closed hearing at 10:15 p.m. and immediately to open session. On behalf of the Board, Hearing Facilitator Launi Holland announced that the Contra Costa County Board of Education voted 3 to 1 to deny the interdistrict attendance transfer appeal of Student B-4/16/08 based upon CCCOE Board of Education's Administrative Regulation 5200(E)(3.17) (there is no basis to grant the appeal based on the Board's policies).

RECOGNITIONS

None.

PUBLIC HEARINGS

None.

ADMINISTRATIVE ITEMS

SUPERINTENDENT

Report

Dr. Joseph Ovick, County Superintendent of Schools, reported that much of his time since the last Board meeting has been focused on the state budget; he was in Sacramento yesterday and noted that there appears to be little urgency on the part of the Legislature to deal with the magnitude of the potential cuts and that perhaps it will take the May Revision to encourage anything of substance to happen. He noted that boards of education and superintendents across the state have been adopting resolutions that address the drastic cuts in public education, and he distributed copies of a resolution that was recently adopted by the Acalanes Union High School District. Upon Dr. Ovick's suggestion, it was a consensus of the Board to consider adopting a similar resolution at the next regularly scheduled Board meeting.

BUSINESS & ADMINISTRATIVE SERVICES

Staff Report

Deputy Superintendent Ellen Elster noted that the Board needs to respond to Ruth Carver's request, which was included in a packet of information sent to the County Committee members, to hold a meeting to discuss whether or not the County Committee on School District Organization wishes to study the boundary issue with regard to transferring several schools in the Mt. Diablo Unified School District to the Walnut Creek School District and the Acalanes Union High School District. She reported that she had checked with all of the affected school districts and that the first date all parties could attend a meeting was July 23. After a brief discussion and determining that four County Committee members would be able to attend, it was decided that the meeting would be scheduled for July 23. Mrs. Elster indicated that the purpose of the meeting would be for the County Committee to decide whether it wished to be the proponent of the proposed territory transfer. She clarified that the County Committee has never proposed to do this themselves, but, rather, the County Committee has reviewed petitions for such proposed transfers from either citizens or school districts. She also clarified that if the County Committee were to decide to initiate a study, the County Office of Education would have to pay for a study on how it would affect the involved school districts, hold all necessary hearings, and make a decision in the matter. Mrs. Mirabella asked how much a study of this type would cost, and Mrs. Elster responded that she has been quoted a figure of \$50,000. Mrs. Mirabella stated that she would be interested in scheduling a workshop to provide County Committee members with background on "ragged edges" and studies that have been done in the past with regard to school district boundaries. Mr. Gomes stated that he feels that he is already well informed about the matter involving Walnut Creek schools and that he would prefer to receive background material, listen to the cities' and districts' points of view, and focus on how to come to a decision as to whether or not the County Committee should be the proponent of the proposed transfer.

STUDENT PROGRAMS AND SERVICES

Staff Report

Ray Penning, Associate Superintendent, Student Programs and Services, gave the following report: because the California Youth Authority (CYA) is releasing some of its nonviolent youth offenders in order to return them to their local communities and because those local communities must provide them with a secure educational program, his department has been working with Juvenile Hall to establish such a secure educational program for approximately 30 students; he noted that this would begin during the summer months and continue through early next year on a statewide basis; he will be attending a meeting tomorrow with district superintendents to investigate the possibility of having the CCCOE operate a day treatment program for severely emotionally disturbed students from throughout the county; he updated the Board on the writ of mandate that has been filed with the Superior Court regarding the expulsion appeals involving the Antioch USD that were handled by the Board several months ago, and he mentioned that he would be attending a hearing on this matter on Friday morning; he also gave a brief report on anticipated interdistrict attendance transfer appeals. Mr. Borsuk asked if the Board might expect more interdistrict attendance transfer appeals involving Oakley UESD and Knightsen ESD, and Mr. Penning responded that the most recent transfer denials have involved the Acalanes UHSD, that the Oakley UESD is staggering its denials, so there may be appeals filed from that area in the future, and that there are appeals expected that involve the Antioch USD and the Oakley UESD.

EDUCATIONAL SERVICES

Staff Report

Dr. Susan Magnone, Associate Superintendent, Educational Services, reported that her department is working with the districts to identify ways in which the CCCOE can continue to support them during the state budget cuts. She noted that an example of a project for which her department has been approached by several districts involves forming a consortium, with the CCCOE serving as the leader, to apply for Safe and Drug-Free Schools funding, since districts must now apply competitively for such funds. Because there have been employee cutbacks and the districts do not have people to write the necessary grants, the districts are requesting that the CCCOE form a consortium under a countywide “umbrella” in order to apply for these funds. Dr. Magnone reported that she has someone heading up the project in quick response to this identified need by the districts. Lastly, she introduced Kevin Oda, who works for the CCCOE both in Technology Services and Educational Services. Mr. Penning noted that Mr. Oda has also been very helpful serving as a liaison between West Contra Costa USD and COE Student Programs, and Dr. Ovick mentioned that Mr. Oda also attends Cabinet meetings and is a member of the agency’s Diversity Task Force.

HUMAN RESOURCES

Staff Report

None.

COMMUNICATIONS

Staff Report

Peggy Marshburn, Chief Communications Officer, reported that last Thursday the CCCOE hosted a very successful Contra Costa County Public Information Network training on “Working with the Media: Avoiding Minefields,” which served as an excellent refresher course for her and for the approximately 60 other attendees from all over the county and throughout the region on how to deal with the media; tomorrow she will be the keynote speaker at a countywide pandemic flu planning meeting at Stanislaus COE being held for their local school districts; on Friday, she will be attending a Bay Area cross-sector exercise on pandemic flu in San Francisco in order to be kept up to date on this subject.

BOARD

Legislative Update

None.

CONSENT ACTIONS

**Minutes of April 2, 2008;
Applications for Temporary County
Certificates; and a Public Gift**

The Board voted to approve/accept/grant the following Consent Actions: minutes from the April 2, 2008, Board meeting; applications for Temporary County Certificates; and acceptance of the following public gift, which was donated to the Contra Costa County Office of Education: \$100 from the GFWC Danville Women’s Club for the Central County Special Education Los Cerros classroom (M/S: Borsuk/Krapf; Ruley absent).

**CORRESPONDENCE/
EVENTS CALENDAR**

Correspondence: None.

Calendar of Events: April 25 – East County School Based Special Olympics, 9:30 a.m. – 2:00 p.m.; May 8 – ROP Awards of Excellence Event, Pleasant Hill Comm. Center, 3:30-5:00 p.m.; May 16 – Central County School Based Special Olympics, 9:30 a.m. – 2:00 p.m.; June 2 – Teacher of the Year Reception, 3:00-5:00 p.m., CCCOE Board Room; June 6 – CEP Graduation & Awards Ceremony, 12:00 – 2:00 p.m., Marchus School; September 5 – Staff Development Day, 8:30 – 11:30 a.m., El Campanil Theatre, Antioch, September 25 – Teacher of the Year Dinner Celebration, Concord Hilton.

**BOARD REPORTS OF
ACTIVITIES**

No written reports of activities were submitted by Board members. Mr. Borsuk reported that he attended an event for Tom Torlakson, which was well attended by local elected officials and others and at which Senator Torlakson announced his intentions to run for the Assembly and for State Superintendent of Public Instruction. Mrs. Mirabella reported that El Cerrito Councilperson Janet Abelson called her today to ask her to participate on a panel for the Bay Council PTA in April, but because she would be out of town, she suggested that Ms. Abelson contact Dr. Ovick because they need a speaker on the state budget and she felt that he would be the perfect person to deliver such a speech; former 14th District Assemblyman Bob Campbell called her to ask that she speak with Dr. Phil Polakoff, who is running for the 14th Assembly District; she did speak with Dr. Polakoff and provided him with the contact information for two people who could discuss health and education issues; she has also asked Dr. Ovick to speak to Dr. Polakoff about state legislation; she spoke to him directly about her views concerning West Contra Costa; on April 11, she met with several constituents who wanted her to listen to the proposal they have put together for a petition to divide the West Contra Costa USD's board into five trustee areas; Dr. Harter, superintendent of West Contra USD, recently sent her an e-mail asking for her support for and attendance at the EdFund event on May 16, but she will be out of town, so she offered the invitation to any Board member who would like to attend; lastly, she discussed a letter that was sent to Board members on the CCBE Platform Committee in which CCBE asked whether boards would like to add a new section on the federal education issues (e.g., IDEA and NCLB); she requested that this matter come before the Board at its next meeting so that the Board's input could be provided to CCBE. It was the consensus of the Board to place this matter on its next agenda. Mrs. Elster noted at this time that the Board might consider placing on a June agenda the matter of appointing a board liaison to The Making Waves Academy.

RECESS

The Board recessed from 7:29 p.m. to 7:50 p.m. for a dinner break prior to hearing the appeals. No business was conducted during this time.

ADJOURNMENT

There being no further business, the Board adjourned at 10:16 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 April 16, 2008, and are subject to amendment and/or correction prior to the approval of the County Board of Education.