

County Board of Education
Ronald L. Stewart Center
77 Santa Barbara Road, Pleasant Hill, California
March 7, 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: Ellen Elster, Ray Penning, Susan Magnone, Mike Bowers, Peggy Marshburn, Launi Holland, Rebecca Corrigan, Fran Curtis, and Laura Dorsey Huerta, County Office staff; Mary Ann Mason, Deputy County Counsel; Glen Holsclaw, Melissa Fries, and Anton Jungherr. 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 6:00 p.m. with the recitation of the Pledge of Allegiance.

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

PUBLIC COMMENT None.

CLOSED SESSION

**Interdistrict Attendance Transfer
Appeal of Student A-3/7/07**

It was agreed to by both parties involved in this appeal to start the hearing earlier than scheduled on the agenda. Therefore, the Board convened in closed hearing at 7:10 p.m. to consider the interdistrict attendance transfer appeal of parents for their child, Student A-3/7/07, from the Antioch Unified School District to the Liberty Union High School District. The Board recessed to closed deliberation at 7:50 p.m. The Board reconvened to closed hearing at 7:54 p.m. and subsequently to open session. On behalf of the Board, Hearing Facilitator Ray Penning announced that the Contra Costa County Board of Education voted unanimously to approve the interdistrict attendance transfer appeal based upon CCCOE Board of Education's Administrative Regulation 5200(E)(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 of Student B-3/7/07**

The Board convened in closed hearing at 8:01 p.m. to consider the interdistrict attendance transfer appeal of parents for their child, Student B-3/7/07, from the Mt. Diablo Unified School District to the Martinez Unified School District. The Board recessed to closed deliberation at 8:31 p.m. The Board reconvened to closed hearing at 8:40 p.m. and subsequently to open session. On behalf of the Board, Hearing Facilitator Launi Holland announced that the Contra Costa County Board of Education voted unanimously to deny the interdistrict attendance transfer appeal based upon CCCOE Board of Education's Administrative Regulation 5200(E)(3.17) (other reason for denying the appeal: the Martinez Unified School District's policy 5117.1(a), based on student discipline, "a student's interdistrict agreement may be revoked because of excessive truancy or continual disruption of the educational program").

RECOGNITIONS

**Contra Costa County High School
Diploma**

The Board voted unanimously to grant a Contra Costa County High School Diploma to high school student GG 1-03/07 (M/S: Mirabella/Borsuk). Golden Gate Community School, Region 3, Principal Rebecca Corrigan introduced the graduate's teacher, Fran Curtis, and she and Mr. Curtis provided some background regarding the graduate's education and career goals. Board President David Krapf and Associate Superintendent Ray Penning then congratulated the graduate and presented her with her diploma.

PUBLIC HEARINGS & APPEALS None.

ADMINISTRATIVE ITEMS

**SUPERINTENDENT
Report**

None.

**BUSINESS AND ADMINISTRATIVE
SERVICES**

**Petition to Establish the Making
Waves Academy Charter School and
Resolution No. 9-06/07**

Dr. Krapf introduced this item and invited questions and comments from the Board. Mr. Borsuk reported that he had had an opportunity to visit the Making Waves program and was overwhelmingly pleased and impressed with what he saw. He stated that he wished that the public schools could replicate what is going on there and that, according to the Education Code, they meet all the necessary criteria. He also noted that, although there are special education matters to be addressed later on in the process, he is in favor of this charter school being established. Further, he stated that this is an opportunity for the Board to fill a need in a community that really needs something like this and that he would like to give a lot of credit to the Making Waves administrative staff and board of directors for doing an outstanding job. He described seeing students' acceptance letters to colleges plastering the walls of the program's lobby and stated that it is this kind of success that exemplifies what education should be. Mr. Gomes echoed Mr. Borsuk's comments and stated that he has no concerns about Making Waves Academy Charter School based on their petition, which includes a good fiscal plan and a good curriculum plan, and upon their experience in working with middle school and high school students through their tutoring and mentoring programs. Mrs. Mirabella reported that she also visited the program, and she stated that she has no concerns with regard to the petition and their track record. She noted that she observed the younger children arriving by bus at 4:00 p.m. and becoming fully engaged in their work. She thanked Mrs. Elster for meeting with her and being so patient with all of her questions, and she requested that Mr. Penning explain to the Board the due process and the expulsion hearing process, since it dealt more with special education in the petition than regular education. Mr. Penning referred her question to Mary Ann Mason, Deputy County Counsel, who explained that the Education Code is quite clear that charter schools are not subject to the vast majority of laws that apply to school districts, including the provisions regarding expulsion appeals. She noted, however, that charter schools are subject to the constitutional standards of ensuring due process and to federal laws that deal with special education students. Dr. Krapf asked for clarification on references to "the IEP team or school site committee" on page 79 and stated that he assumed the EIP team is what is meant throughout the process as the law would require, and Mr. Penning responded that he was correct. Mrs. Mirabella noted that another matter that she explored in depth with staff was special education, since it is an extremely complicated area, and, therefore, she would like to see some type of memorandum of understanding with regard to special education, since she is concerned whether there would be a commitment with West County to be the SELPA, which would seem appropriate especially with regard to severely handicapped students since the charter would not be able to accommodate those kinds of students. Mr. Penning responded that, although he knows of Mrs. Mirabella's desire for a memorandum of understanding, he did not feel it would be appropriate to negotiate an agreement with the SELPA before granting the charter. He added that Dr. Harter, Superintendent of West Contra Costa Unified School District, has given him every assurance that the West Contra Costa SELPA would work to serve the program as its SELPA. In addition, he explained that the reason why Making Waves Academy would wish to have a SELPA membership is that they would probably not be able to serve the severely multiply handicapped and, therefore, must become part of a continuum of services. He noted, as well, that if an agreement with West Contra Costa SELPA were unsuccessful, it might be possible for Making Waves to work through Contra Costa SELPA. Mrs. Mirabella stated that this, too, was her understanding after speaking with Mrs. Elster and Mrs. Mason, but she had wanted the other Board members to know about her concerns regarding special education. She also noted that she had called staff regarding the length of the agreement, four years versus five, and she pointed out a copy of the corrected resolution, which indicates five years. She advised the Board that its policy with regard to charter schools needs to be updated, and she requested that the Board update its policy as soon as the current petition is sanctioned. Mrs. Mirabella expressed concern as to whether or not there exists a signed lease for the facility listed in the petition. Mr. Holsclaw asked to be permitted to respond to her

concerns, and she invited him to do so. Mr. Holsclaw stated that, while there is no signed lease to date, there is a letter of intent as the attorneys involved work toward completing the document; however, he stated that everything is on track for the school to take possession on July 1, 2007. The Board then voted by the following roll call vote to approve the Petition to Establish the Making Waves Academy Charter School: Mirabella, aye; Gomes, aye; Ruley, aye; Borsuk, aye; and Krapf, aye (M/S: Ruley/Mirabella). Following this vote, the Board voted by the following roll call vote to adopt Resolution No. 9-06/07 reflecting approval of the Petition: Mirabella, aye; Gomes, aye; Ruley, aye; Borsuk, aye; and Krapf, aye (Mirabella/Gomes).

Mr. Holsclaw expressed, on behalf of the Making Waves community and the students of Richmond and West Contra Costa Unified School District, his gratitude to the Board and staff for allowing them to move forward with this opportunity, and he stated that they looked forward to working with them to create a model urban public charter school for not only the local community, but for the state of California.

Staff Report

Deputy Superintendent Ellen Elster reported that a petition has been received requesting a transfer of territory from the Knightsen Elementary School District to the Oakley Union Elementary School District. In response to her request for a hearing date, it was the consensus of the Board to schedule a hearing on this matter on April 18, 2007, which would take place at Iron House Elementary School in Oakley and at Knightsen Elementary School. Mrs. Mason, Deputy County Counsel, informed the Board that it may be necessary for the Board to seek a waiver from the State Department of Education to remove the 180-day timeline requirement due to some CEQA issues and that she is working with a consultant on this.

STUDENT PROGRAMS AND SERVICES

Staff Report

Ray Penning, Associate Superintendent, Student Programs and Services, reported that two expulsion appeals are pending and will probably be heard by the Board at its March 21, 2007, meeting.

EDUCATIONAL SERVICES

Staff Report

Dr. Susan Magnone, Associate Superintendent, Educational Services, announced that the COE's Ed1stop has earned an Apple of Excellence Award from the California County Boards of Education (CCBE) as an outstanding program that could be replicated and that the Ed1stop team would receive their award at the CCBE/PTA/CCSESA conference in Palm Springs later this month. She thanked Communications Officer Peggy Marshburn for bringing the nomination application for this particular award to her attention.

HUMAN RESOURCES

Staff Report

Michael Bowers, Associate Superintendent, Human Resources, reported that the Teacher/Certificated Staff Recruitment Fair that took place on February 24 was well attended and all of the districts, except for Canyon School District, participated; many interviews took place and the feedback from the districts has been excellent; he expressed gratitude to Alhambra High School, Martinez USD Human Resources Director Rick Rubino, and Principal Mirkovich, who brought along approximately 40 of Alhambra High School's leadership students; the students made a major difference with regard to set-up, clean-up, and being available to the districts throughout the day. Lastly, he provided an update on the mediation process with Local One.

COMMUNICATIONS

Staff Report

Chief Communications Officer Peggy Marshburn reported that, at the April 9 Public Information Network meeting, media expert Norm Hartman is scheduled to present a full-day "Spokesperson Training" workshop; to date, 80 people have registered and there is now a waiting list; as part of a teacher recruitment project that Dr. Ovick has been working on, website pages are now up and running that provide access to all of the universities and colleges that are participating with the COE in addition to access job opportunities at the COE and the various districts; also, she reported that, during the month of April, a 15-second animated advertisement will run in all seven movie theater complexes in the Tri-Valley area and Contra Costa County to promote opportunities for jobs to help teach the 165,000 K-12 students in this county; she stated that she would show the advertisement to the Board when it is completed.

**BOARD
Legislative Update**

None.

Regulation 4213

Deputy Superintendent Ellen Elster informed the Board that she had presented this regulation for a second reading because only some wording was revised to reflect current guidelines for substitute status. The Board then voted unanimously to approve Regulation 4213: Personnel – Classified – Substitute Status (M/s: Mirabella/Gomes).

CONSENT ACTIONS

**Contra Costa County Adult School
Diplomas; Public Gifts**

The Board voted to approve/accept/grant the following Consent Actions: Contra Costa County Adult School Diplomas to Glenn F. Wilson and Christopher Luis Angulo; and the following public gift that has been donated to the Contra Costa County office of Education: a donation of \$125 from Karen Tischer for Floyd Marchus Special Education Programs (M/S: Mirabella/Gomes).

**CORRESPONDENCE/
EVENTS CALENDAR**

Correspondence: Letters dated February 28, 2007, from Dennis M. Diemer, General Manager, East Bay Municipal Utility District, to Board members regarding the 2006 EBMUD Annual Report: *The EBMUD Way*; letters dated February 21, 2007, from Marsha Corbett Walker and Kevin Ring, Co-Chairs, Valley Leadership Prayer Breakfast, to Board members inviting them to the 18th Annual Valley Leadership prayer Breakfast on April 6.

Calendar of Events: March 13 – Awards Ceremony, West County Detention Facility, 9:30 – 11:00 a.m., WCDF, Richmond; 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. Mrs. Mirabella reported that she had distributed copies earlier to the Board of an article that had been published in the *West County Times* regarding a vote before the West Contra Costa USD board this evening on providing sites for their charter school sites under Proposition 39. She then asked Dr. Magnone whether charter schools fell under the Williams Settlement if they have been identified as being in the 1-3 deciles. Dr. Magnone responded that charter schools have a unique opportunity in that three years ago they had the opportunity to choose whether to be covered by the Williams Settlement or not; therefore, if they chose not to participate, they did not receive visitations and did not receive additional funding to purchase textbooks.

ADJOURNMENT

There being no further business, the Board adjourned the meeting in memory of former COE Assistant to the Superintendent/Clerk to the Board Patricia Meehan and Pleasanton Unified School District Board Member and past-President of CSBA Juanita Haagen at 8:42 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 7, 2007, and are subject to amendment and/or correction prior to the approval of the County Board of Education.