

**County Board of Education**  
**Ronald L. Stewart Center**  
**77 Santa Barbara Road, Pleasant Hill, California**  
**February 18, 2009**

**ROLL CALL:** Pamela Mirabella, Area 1 Trustee; David T. Krapf, Area 2 Trustee; Daniel Gomes, Area 3 Trustee; Glenn Ruley, Area 4 Trustee; and Daniel Borsuk, Area 5 Trustee

**Absent:** None.

**Others:** Joseph A. Ovick, Ellen Elster, Karen Sakata, Michael Bowers, Peggy Marshburn, and Laura Dorsey Huerta, County Office staff; and Deputy County Counsel Esther Milbury, and Al Kirkman, El Sobrante. A partial list of attendees is on file at the County Office of Education.

**Presiding:** Daniel Gomes, 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/Mirabella).

**PUBLIC COMMENT**

Al Kirkman, who identified himself as the Community Education Watch for El Sobrante and a former counselor, spoke of his concerns regarding the closing of an El Sobrante school. He expressed the opinion that the district should be building more schools rather than closing schools; additionally, he stated that if everyone were to take a salary decrease, lay-offs would not be necessary.

**CLOSED SESSION**

**Conference with Legal Counsel**

The Board convened in Closed Session at 6:01 p.m. and reconvened to Open Session at 6:15 p.m. President Gomes reported that the Board had had a conference with legal counsel regarding existing litigation (D.E. v. Contra Costa County Office of Education, et al., Case No. N08-0960) and that the Board has been asked to comply with a court order regarding this matter. He noted that the Board would discuss this matter further and consider taking action under Item 7.3.1. Also, he reported that no action was taken during Closed Session.

**RECOGNITIONS**

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

The Board voted unanimously to grant a Contra Costa County Adult School Diploma to adult school student CCAS 1 02-18-09 (M/S: Mirabella/Krapf). The graduate was not present at the meeting.

**PUBLIC HEARINGS**

None.

**ADMINISTRATIVE ITEMS**

**SUPERINTENDENT Report**

Dr. Joseph A. Ovick, County Superintendent of Schools, reported the following: the Contra Costa Interfaith Supporting Community Organization has invited him to attend an evening meeting in Brentwood on February 24 to discuss the achievement gap and what steps the school districts and the County Office of Education have taken to attempt to eliminate it; he stated that he planned to attend the meeting; he distributed a packet of information from Congressman George Miller's office that speaks to the educational portions of the Stimulus Package and also distributed copies of an update on a CalPERS matter. Mr. Gomes inquired about how court costs of approximately \$1.5 million involving the CalPERS matter would be paid, and Dr. Ovick conjectured that it would probably be assessed through the size of each county and district based on ADA (e.g., the CCCOE is a Class 2 county); to date, he noted that the costs have been paid through monies from the California County Superintendents Educational Services Association (CCSESA) reserve. Mr. Borsuk added that Glenn Thomas was recently named the new Secretary of Education. Lastly, Dr. Ovick reported that the governing board of the Pittsburg Unified School District (PUSD) has asked him to take a look at how its district office is organized, and he has agreed to perform an organizational analysis of the district office at no charge; he noted that Dr. Magnone and he performed a similar study for the Community College District several years ago and that Dr. Magnone is also working with him on the PUSD analysis.

**BUSINESS & ADMINISTRATIVE  
SERVICES  
Staff Report**

Deputy Superintendent Ellen Elster gave the following report: Mt. Diablo USD Superintendent Gary McHenry has resigned and Dr. Richard Nicoll is currently the interim Superintendent of that district; Dr. Ovick and she will be meeting with Dr. Nicoll next week to receive an update on Mt. Diablo USD's budget; she will be meeting with Dr. Harter, Linda Grundhoffer, and Sheri Gamba to review West Contra Costa USD's budget, since that district has closed several schools while leaving others open; she informed the Board that the West Contra Costa USD wrote a plan to the county superintendent when they realized that their budget would be deemed "qualified," and in that plan they outlined what they would do to resolve their "qualified" status and to address their structural deficit; included in that plan was the intention to close schools, and, while the county superintendent did not tell the West Contra Costa USD to close schools, he accepted the district's plan and now the CCCOE is monitoring it; she reported that she attended a meeting last week, along with the superintendents and board presidents of the Oakley, Brentwood, Knightsen, and Byron districts, to discuss the possibility of merging the Knightsen School District with one or more districts; after that meeting, Dr. Rick Rogers of the Oakley Union Elementary School District (OUESD) sent a letter to the County Committee on School District Organization requesting that the Committee make a decision with regard to the petition submitted several years ago to transfer territory from the Knightsen School District to the OUESD; Deputy County Counsel Mary Ann Mason and Consultant Michael Winters believe that the petition no longer exists; she planned to draft a response to Dr. Rogers' letter shortly. Mr. Gomes asked how the Brentwood Union School District feels about the possible merger, and Mrs. Elster responded that the Brentwood district is still growing, with 8,200 students, and could easily absorb the Knightsen students as well as the debt (\$3.3 million) that is owed on Old River Elementary School. She also noted that the Knightsen student body is only comprised of 250 students who actually live in Knightsen, with all of the other students being there on interdistrict transfers; therefore, the Brentwood district would actually be absorbing some of its own students in addition to the 250 Knightsen students. Mrs. Mirabella asked for clarification on the process with regard to Knightsen and a possible merger, and Mrs. Elster responded that, if the Brentwood and Knightsen districts both wish to merge, their boards would adopt resolutions, the County Committee would hold hearings, and then, if approved by the County Committee, the matter would go before the voters. Mr. Borsuk expressed his dismay about Knightsen's pending merger with another district because of its excellent academic record and its unique K-8 structure. Mrs. Elster pointed out that while it is indeed sad, at least the district will be the master of its own fate rather than allowing the state to take the district over and make all the decisions, and Mrs. Mirabella agreed that the Knightsen district is acting in a proactive manner.

**STUDENT PROGRAMS AND  
SERVICES**

**Expulsion Appeal—Comply with  
Court Directives**

The Board voted by the following roll call vote to set aside the Board's decision regarding the expulsion appeal of Student A-3/5/08 and to order that the school district expunge the expulsion from the student's records: Mirabella, aye; Krapf, aye; Ruley, aye; Borsuk, aye; and Gomes, aye (M/S: Ruley/Mirabella).

**Staff Report**

Associate Superintendent Karen Sakata reported the following: Dolan DNA Learning Center, which is out of New York, received a grant to offer workshops to science teachers, and they are presenting a workshop on two topics ("Genes to Cognition" and "Inside Cancer") this week to Contra Costa Biology teachers and ROP Biotechnology and Forensic Science teachers; these trainings are being presented at no charge; she noted that this start-of-the-art science information has been excellent for the teachers, and she invited Board members to visit the ROP Biotechnology classes to see how innovative they are.

**EDUCATIONAL SERVICES**

**Staff Report**

None.

**HUMAN RESOURCES**  
**Presentation of 2009-2010 Staff**  
**Calendars**

Michael Bowers, Associate Superintendent, Human Resources, presented the proposed 2009-2010 Contra Costa County Office of Education staff calendars for Management/Confidential and Professional/Administrative, Certificated, and Classified employees. Mr. Borsuk asked if the calendars would change when the State adopts a budget, since a five-day shorter school year has been proposed. Mr. Bowers responded that such a statutory change would probably require a change in the Education Code to enable school districts to adhere to the 175-day proposal; otherwise, such a change would need to be negotiated, but he has not heard much interest from any districts in the state regarding this proposed change. Mr. Borsuk asked if this change is part of the proposed state budget, and Mr. Bowers stated that it was an option that was discarded. However, he noted that a number of districts have historically had longer school years but that the extra days have been used for professional development days; therefore, some of those districts, such as the Oakley Union Elementary School District, have now chosen to furlough employees for two or three of those days.

**Staff Report**

Michael Bowers, Associate Superintendent, Human Resources, reported that next week Dr. Ovick, Mrs. Elster, and he would be meeting with the presidents of the Local One and CTA unions to provide an update of the economy, the financial outlook for the CCCOE, and possible changes in store for the coming year, which might involve potential lay-offs for the Classified employees and precautionary lay-offs for Certificated employees (some of them based on possible non-renewal of grants/contracts), which would mean that March 15 noticing of teachers and administrators may be required. Mr. Gomes asked if bumping privileges would be part of the lay-off plan, and Mr. Bowers responded that these rights are outlined in the Classified contract, and he explained the process. Mr. Gomes also asked if the same process is followed with the Certificated employees, and Mr. Bowers clarified that any Certificated layoffs would take place strictly on a seniority basis.

**COMMUNICATIONS**  
**Staff Report**

Communications Officer Peggy Marshburn reported that the Academic Decathlon has been completed and informed the Board that the team from Acalanes High School won this year's competition; that team will now go on to represent Contra Costa County schools at the state level; however, she noted that there is some question about whether there is adequate funding to send the team to the state competition this year; she reported an update on the Mock Trial competition, which is currently underway, and noted that the students are doing a remarkable job; over 100 attorneys and judges have volunteered to participate, including Deputy County Counsels Esther Milbury and Mary Ann Mason and CCCOE Director Jane Shamieh, JD, who have served as Mock Trial scorers; she invited Board members to view the Mock Trial proceedings at the Courthouse in Martinez. Mrs. Marshburn also reported that the high school journalism grant through the Leshner Foundation and Y & H Soda has afforded 42 students and teachers the opportunity to attend the National High School Scholastic Journalism Conference in Phoenix, Arizona, and will pay for registration, hotel, food, and transportation costs; and she highlighted the fact that this trip serves as an example of one of the positive things that students are experiencing during these financially difficult times.

**BOARD**  
**Legislative Update**

After reviewing Congressman Miller's recovery plan for IDEA, Mrs. Mirabella pointed out that she did not see anything that would prevent the state from supplanting federal funds, and Dr. Ovick replied that it is not addressed in the summary. He also noted that he has not yet seen the actual Stimulus Package nor the latest write-up of IDEA, but Congressman Miller did indicate an increase in funding for IDEA. Dr. Ovick added that he would have Dr. Jane Shamieh take a look at the matter since she is the CCCOE's special education expert.

**2009 CSBA Region 7 Delegate**  
**Assembly**

The Board voted to cast a vote for Dr. David Krapf to serve as the 2009 Region 7 CSBA Delegate Assembly representative (M/S: Borsuk/Mirabella; Krapf abstained).

**CONSENT ACTIONS**  
**Minutes of February 4, 2009,**  
**and Public Gifts**

The Board voted to approve/accept/grant the following Consent Actions: minutes of the February 4, 2009, Board meeting and the following public gifts, which were donated to the CCCOE: \$20 from Mr. and Mrs. Peter Smith for East county Student Programs Community Based Instruction Program's Silver Spur field trip and \$36.40 from Gerri Olk (Employee Recognition Award) for East County Student Programs (M/S: Borsuk/Ruley).

**CORRESPONDENCE/**  
**EVENTS CALENDAR**

**Correspondence:** Letter dated February 10, 2009, from the Reverend Jerry Brown of the Contra Costa Interfaith Supporting Community Organization inviting Board members to attend a Town Hall Meeting on Education on February 24 at 7:00 p.m. at Immaculate Heart of Mary

Church, Brentwood; memorandum dated February 10, 2009, from County Counsel Silvano B. Marchesi regarding an amendment to the Ralph M. Brown Act effective January 1, 2009.

**Calendar of Events:** February 28 – CCCOE 2009 Teacher/Certificated Staff Recruitment Fair, 8:30 a.m. to 11:30 a.m., Alhambra High School gymnasium, Martinez; March 6 – East County School Based Special Olympics (basketball), Freedom High School, Oakley, 9:30 a.m. – 2:00 p.m.; March 13 – Central County School Based Special Olympics (basketball), Los Cerros Middle School, Danville, 9:30 a.m. to 2:00 p.m.; September 11 – CCCOE Staff Development Day; September 24 – 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 also received the invitation for the Town Hall meeting hosted by the Contra Costa Interfaith Supporting Community Organization, and he indicated that he might attend. Mrs. Mirabella reported that Mr. Kirkman called her at her home and she reiterated at that time and when he spoke to her after the last Board meeting that decisions about school closures in West Contra Costa were not something that was initiated from the County Office of Education (COE), but, rather, resulted from the West Contra Costa USD budget; she noted that the closures were addressed in the two-year plan of the West Contra Costa USD budget and that the COE was simply holding the district accountable; she mentioned that Mr. Kirkman told her that he would like to start a charter school in El Sobrante and that he would seek support on that venture from the COE; she advised him to approach the West Contra Costa USD to request a charter through them as it would be inappropriate to approach the County Board first. Mrs. Elster noted that Mr. Kirkman would first have to draft a charter proposal, and Mrs. Mirabella mentioned that staff has already provided documentation to Mr. Kirkman on how to establish a charter school. Lastly, Mrs. Mirabella reported that she met today with Ruth Carver, Linda Loza, and Alisa MacCormac, who discussed with her the 25% petition that their group is considering submitting to the County Committee on School District Organization; she suggested that perhaps it would be appropriate for them to meet with Mr. Gomes, Mrs. Elster, and herself and possibly newly appointed Associate Superintendent of Business Bill Clark; she stated that she would be willing to share the group's list of questions on how to identify boundaries and address the various criteria of their petition prior to meeting with them. Mrs. Elster pointed out that one thing that will not change is that none of the three school boards that would be affected by the petition would be supportive of the petition, and Mrs. Mirabella stated that she made that point very clear to the group. Mr. Gomes discussed his own meeting with the same group previously, and he stated that he felt that it is up to the group to do the necessary work and that he does not need to meet with them again. Mrs. Elster also noted that Dr. Winters' study would not be changing, and Mrs. Mirabella stated that she would need to go back to review his study with regard to certain criteria. Mr. Ruley stated that the group has asked to meet with every member of the Board individually, he believes, for lobbying purposes; therefore, he refused to meet with them. Mr. Gomes stated that he had suggested to the members of the group that they should become acquainted with the members of the affected school districts over a period of time, since it is a political campaign and needs to be carried out as such. Mrs. Mirabella agreed with Mr. Gomes' statement and mentioned that she, too, had advised the group to build some community desire for its position. She then discussed the possible option of a parcel tax in districts similar to that used by AC Transit; she also plans to discuss with Senator Torlakson a bill he introduced on dividing districts into separate areas (e.g., by cities) that could vote to have their own parcel taxes. Mr. Ruley shared with the Board that he spent under \$250 to purchase a notebook computer and that if the Board should ever be interested in offering electronic agendas and board packets, this might be an inexpensive computer option for Board members to use.

## **ADJOURNMENT**

There being no further business, the Board adjourned at 6:59 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 February 18, 2009, and are subject to amendments and/or correction prior to the approval of the County Board of Education.