

County Board of Education
Ronald L. Stewart Center
77 Santa Barbara Road, Pleasant Hill, California
September 5, 2012

ROLL CALL: Pamela Mirabella, Area 1 Trustee; Ellen Elster (until 7:07 p.m.), Area 2 Trustee; Daniel Gomes, Area 3 Trustee; Richard Asadoorian, Area 4 Trustee; and Cynthia Ruehlig, Area 5 Trustee

Absent: None.

Others: Joseph Ovick, Karen Sakata, Pamela Comfort, Bill Clark, Peggy Marshburn, Mac Carey, Lindy Khan, and Laura Huerta, County Office staff; and parent of Student A-9/5/12 (and two family members), Student B-9/5/12's parent and brother; Robert Sanchez, Antioch Unified School District; and Gene Clare, Liberty Union High School District. A partial list of attendees is on file at the CCCOE.

Presiding: Cynthia Ruehlig, Board President

The regular meeting of the Contra Costa County Board of Education was called to order at 6:01 p.m. with the recitation of the Pledge of Allegiance.

AGENDA REVIEW AND ADOPTION The Board unanimously adopted the agenda as presented (M/S: Gomes/Elster).

PUBLIC COMMENT None.

CLOSED SESSION
Interdistrict Attendance Transfer Appeal of Student A-9/5/12
The Board heard the interdistrict attendance transfer appeal of Student B-9/5/12 prior to hearing the interdistrict attendance transfer appeal of Student A-9/5/12. The Board reconvened to Closed Hearing at 8:05 p.m. to consider the interdistrict attendance transfer appeal of a parent for a child, Student A-9/5/12 from the Antioch Unified School District to the Liberty Union High School District. The Board convened to closed deliberation at 8:32 p.m. The Board reconvened to closed hearing at 8:40 p.m. and immediately to open session. On behalf of the Board, Hearing Facilitator Lindy Khan announced that the Contra Costa County Board of Education voted 3-1 (Mirabella dissented; Elster absent) to deny the interdistrict attendance transfer appeal of Student A-9/5/12 based upon CCCOE Board of Education Administrative Regulation 5200(E)(3.2) (attendance of the student from out of the district would increase a district's maximum class size or negatively affect the existing collective bargaining contract).

Interdistrict Attendance Transfer Appeal of Student B-9/5/12
The Board convened in closed hearing at 7:19 p.m. to consider the interdistrict attendance transfer appeal of a parent for a child, Student B-9/5/12, from the Antioch Unified School District to the Liberty Union High School District. The Board convened to closed deliberation at 7:46 p.m. The Board reconvened to closed hearing at 8:00 p.m. and immediately to open session. On behalf of the Board, Hearing Facilitator Lindy Khan announced that the Contra Costa County Board of Education voted 4-0 (Elster absent) to deny the interdistrict attendance transfer appeal of Student B-9/5/12 based upon CCCOE Board of Education Administrative Regulations 5200(E)(3.2) (attendance of the student from out of the district would increase a district's maximum class size or negatively affect the existing collective bargaining contract) and (3.17) (Other: There was no documentation regarding the family's intended move to the district, nor was there documented evidence that there is a need for the student to enroll in a particular program in the desired district).

RECOGNITIONS
Contra Costa County High School Diplomas
The Board voted unanimously to grant a Contra Costa County High School Diploma to adult school student CCAS 1 09-05-12 (M/S: Mirabella/Gomes). The graduate was not present to receive his diploma.

ADMINISTRATIVE ITEMS

PUBLIC HEARINGS None.

**SUPERINTENDENT
Report**

Joseph Ovick, Ed.D., County Superintendent of Schools, reported that he has nearly completed visiting all 20 Teachers of the Year in the county and that, over the past 16 years as County Superintendent, he has made 320 visits to the classrooms of Teachers of the Year. He then distributed copies of Susan Stuart's End-of-Session Legislative Summary and copies of a legal opinion issued from the County Counsel's Office regarding what constitutes a quorum and what is considered a majority of the quorum for voting purposes for the County Board of Education. He noted that it is expensive whenever the Board requests legal opinions, and he recommended that the Board exercise discretion when requesting opinions. He then explained that the County Board of Education does not follow the Education Codes that pertain to school district boards and pointed out that a motion can be passed with two votes if there is a quorum of three County Board members, whereas school district trustees cannot pass a motion when there is a quorum of three trustees unless all three vote in favor of the motion. Lastly, he reported that at a negotiating session today with the California Teachers Association (CTA), the County Superintendent of Schools declared impasse; he explained that attempts to negotiate a contract since 2010 have failed even though the following methods were used: interest-based bargaining, training for both management and bargaining unit teams on interest-based bargaining, the use of an agreed-upon facilitator, and the use of representatives to represent the two parties to fall back on positional bargaining (collective bargaining). He also described an offer made by the management team today, which he felt was a fair one in light of the current budget; however, after a three-hour caucus at the request of CTA, the CTA bargaining team returned with no response to the offer; therefore, impasse was declared and the County Superintendent of Schools' request is on its way to the Public Employee Relations Board (PERB) for its determination as to whether or not it concurs that the two parties are, in fact, at impasse; and if they concur, PERB will assign a mediator who will work with the two negotiating teams. He explained further that his past experience with impasses has shown that they can be successfully resolved; however, if an impasse cannot be resolved, fact-finding is used; and if fact-finding does not work, the employer can impose the last and final offer made by the management team. He mentioned that an e-mail would be sent to all employees shortly to inform them of the impasse. Mrs. Mirabella asked if the new policy on contacting legal counsel through a vote of the majority of the Board with regard to all requests would take care of Dr. Ovick's concerns about contacting legal counsel, and he responded that the request for information on quorums and voting requirements for county boards of education was made prior to the Board's passage of the new policy. Mrs. Mirabella noted that the new policy should prove helpful in reducing the number of requests to legal counsel in the future. Dr. Ovick then reminded the Board of the Ribbon-Cutting Ceremony at Clayton Valley Charter High School tomorrow evening and stated that he was asked to say a few words at the event. Mrs. Ruehlig asked for the timeline of a negotiating situation that has arrived at impasse, and Mrs. Sakata explained the process.

**BUSINESS SERVICES
Staff Report**

Bill Clark, Associate Superintendent, Business Services, reported that the unaudited actuals would be available for the Board's review on September 19 and that staff has taken a number of steps to reduce costs in the closing out of last year's financial activity, which means that the COE has been able to set aside some funds during negotiations with employee groups; additionally, he will share with the Board how staff has been able to reduce costs while increasing the salaries of some staff members who have assumed more responsibility. Mr. Clark also reported on the first Combined User Group meeting, which took place last week with 80 attendees and which represents the completion of the first successful "go live" of the new financial system; and he noted that his staff received a standing ovation from the districts in recognition of their efforts. Lastly, he reported that staff will now move onto training of a version upgrade of the financial software within the next 90 days. Mr. Asadoorian noted that he has been out of town and would like to know the revenue projections in the state, and Mr. Clark responded that the state revenues for July were significantly lower than projected. Mrs. Mirabella asked when the Board could expect to see the actuals, and Mr. Clark responded that the actuals report, as well as a variance analysis that shows the breakdown by object code, would be presented to the Board at its September 19 meeting. Mrs. Elster asked if the CTA negotiating team is aware that the CCCOE has some money set aside, and Mr. Clark stated that he did share with them the cost-saving efforts, which made some funds available, and he would go into specifics after sharing the budget with the Board. Mr. Clark noted that the CTA and management negotiating teams are very far apart with regard to the perception of how many dollars are available and how they can be used. Mrs. Ruehlig asked if the new upgraded version of software to which Mr. Clark had referred is used for the CCCOE's payroll services,

and Mr. Clark clarified that part of the purchase contract for the financial system's software includes free upgrades, and installing the new software is required every two years. Mrs. Ruehlig asked if there is also a requirement in the contract whereby the CCCOE must upgrade equipment, as well, and Mr. Clark responded that the operating systems must keep pace with the software versions to make them compatible, which may necessitate that some hardware be upgraded.

EDUCATIONAL SERVICES
Two Waivers to the California
Department of Education: Shared
School Site Council and Composition
of Members

Pamela Comfort, Ed.D., Associate Superintendent of Educational Services, explained that the School Site Council member composition requirements are tailored towards regular public elementary, middle, and high schools; therefore, it is fairly common for special schools, such as the CCCOE's Court and Community Schools where the student population is very transient, to apply for waivers. Mrs. Ruehlig questioned the number of members on the School Site Council for the County and Community Schools, and Dr. Comfort clarified that the CCCOE is requesting flexibility with regard to the number of members because of the small student population, poor parent participation (because sometimes students are only in the program for a few days), and the small number of staff at the schools. Mrs. Ruehlig asked how many members the CCCOE's programs currently have, and Dr. Lindy Khan emphasized that the CCCOE tries to recruit as many as possible and that membership is generally comprised of staff, the principals, some district representatives, and parents whenever possible; and she added that, with the community schools, the CCCOE tries to involve at least one student and that this year teleconferences and technology will be utilized to make participation easier. Mrs. Ruehlig asked if the School Site Council meets at one of the three sites listed, since it would be considered a shared council among the schools, and Dr. Comfort responded that establishing a shared council would enable the CCCOE to recruit more people to become involved and create better continuity in the membership. The Board then voted unanimously to approve the submission of the following two waivers to the California Department of Education: Shared School Site Council and Composition of Members Waivers (M/S: Gomes/ Asadoorian).

Staff Report

Pamela Comfort, Ed.D., Associate Superintendent of Educational Services, reported that she has been involved with making Williams Settlement visits and that they have been positive experiences by providing opportunities to see additional school sites in the county. She mentioned that an Education Leadership Council meeting took place last week where the group revisited some of the components of Continuous Quality in Education (CQE) and civility, learned how to stay on message and interact with the media, and received a technology update on tools that the group may not have been aware were available to them. She then reported that the Educational Services Division has been working in collaboration with some partners on planning its third Annual STEAM Colloquium, which will take place in February; planning the next round of Common Core Standards Bootcamp sessions in October; planning for a Common Core State Standards Summit later in the fall, which will be a regional event; and providing the ROP Fall Teacher In-Service, which will be held on September 21 at the Concord Senior Center. Mr. Asadoorian asked how the English Learner (EL) population's needs will be addressed with regard to the Common Core Standards, and Dr. Comfort explained that there are strategies and components of the Common Core Standards that address EL students and there are also new English Language Development standards that are in final development; she also noted that one CCCOE staff member has been involved with a team in Sacramento in translating some of the Common Core Standards for English Language Arts (ELA) into Spanish and that several CCCOE staff members are helping districts understand how to use some of the strategies that are implied in the Common Core Standards to support English Learners. She also emphasized that attention is being paid to English Learners and students with special needs to examine what it means for them in terms of the Common Core Standards and how to provide professional development to districts in these areas.

HUMAN RESOURCES
Incentive Award (Budget Augmenta-
tion

Karen Sakata, Assoc. Sup't., Human Resources, explained that annually the CCCOE has safety incentive goals/objectives, which include trainings, communicating safety to staff, safety meetings, participation by the CCCOE Safety Committee, participation in the countywide safety committee meeting with 16 school districts, developing and updating the Illness and Injury Prevention Plan, and having regular safety inspections of CCCOE sites. She noted that the CCCOE must annually submit an annual report to the Contra Costa County Schools Insurance Group (CCCSIG) on the CCCOE's progress towards its objectives, and the CCCOE has met all of them this time; therefore, it has received the incentive award, which will be used

for grants to sites or the Stewart building for safety purposes, and she described how the funds have historically been used. Mrs. Ruehlig asked if the incentive award represents the highest amount the CCCOE could earn, and Mr. Clark and Mrs. Sakata clarified that it is, in fact, the maximum because it is based on the number of employees at the CCCOE and the maximum objectives met. The Board then voted unanimously to accept an incentive award (budget augmentation) in the amount of \$6,989.10 from CCCSIG (M/S: Mirabella/Elster).

Staff Report

Karen Sakata, Assoc. Superintendent, Human Resources, distributed flyers for the CCCOE's Health, Wellness & Benefit Fair that will take place on Monday, September 17, from 3:00 p.m. to 5:00 p.m. at the Stewart Building. She also distributed flyers announcing the 2013 CCCOE Open Enrollment period (September 10 to October 5, 2012). Mrs. Sakata then reported on a joint professional development meeting, which included 38 attendees, including business and human resources administrators, on negotiations that took place on August 23. She then distributed copies of the "Summary of the Conference Committee Report on Public Employee Pensions."

COMMUNICATIONS

Staff Report

Chief Communications Officer Peggy Marshburn reported that her department has been very busy with coordinating and documenting Williams Settlement visits, since all of the 57 school visits must occur within the first four weeks of the school year, and she described the reporting process that is followed. She reported that her staff is also busy with the Teacher of the Year Program, and she informed Mrs. Ruehlig that she would be provided with a script shortly for her part in the Teacher of the Year Awards Dinner program; and she reminded Board members to submit their RSVPs for the event. Lastly, she reported that her staff has been working on website updates, beginning-of-school activities, and the updated online and printed versions of the Public Schools Directory. Mrs. Ruehlig noted that Board members have been receiving complaints from parents that fall under the Uniform Complaint Procedure, and she asked Mrs. Marshburn if the Williams Settlement requires that notices regarding parents' rights must be posted in particular places. Mrs. Marshburn stated that posting of the Uniform Complaint Procedure is required of all schools, regardless of whether or not they fall under the Williams Settlement. Mrs. Ruehlig asked if there is a standard form that is used throughout Contra Costa County or whether each school can post its own notification, and Mrs. Marshburn responded that the notification that is to be used by all schools is provided by the California Department of Education (CDE); however, it is not required for parents to use a particular form to submit a complaint. She further clarified that when complaints come in with regard to the Williams Settlement, they must relate to requirements under the Williams Act (e.g., facilities or instructional materials), and she briefly discussed a complaint that had been sent to the Board members and to the CCCOE that had alleged Williams Settlement violations. Mrs. Ruehlig stated that she was now satisfied that the matter was fully investigated.

TECHNOLOGY SYSTEMS

Staff Report

Mac Carey, Chief Technology Officer, reported that the CCCOE has entered into a three-year California Microsoft Agreement (CAMSA) with Microsoft this year, which permits the CCCOE to license its software for Microsoft Office and the operating systems and gives the CCCOE access to Microsoft's IT Academy; he noted that this would not necessitate any hardware upgrades, and he described what is included in the new agreement.

BOARD

Legislative Update

Mr. Gomes referenced a Fiscal Report that he had brought to the Board's attention at its August 15 meeting regarding the passage of a resolution by boards of education in support of the November tax initiatives, and he asked if the Board is in favor of considering a board resolution or a joint resolution on this matter. Mrs. Mirabella asked Dr. Ovick for his advice, since she wondered if a resolution could be fairly written when everyone has different opinions on this matter, and Dr. Ovick responded that if a resolution is passed supporting one or both tax initiatives, the resolution could only be distributed to the agencies to which the Board normally sends such resolutions; otherwise, if it is shared with additional parties, doing so could be perceived as advocating for a political position. He stated that he personally is in support of the Governor's tax initiative and not in support of the Molly Munger's tax initiative, and he offered to speak before the Board in the future to provide his reasons in this regard. Additionally, he stated that if the Board passes a resolution in support of the Molly Munger tax initiative, it could do so in a board resolution and that if the Board passes a joint resolution in support of the Governor's tax initiative, he would be pleased to sign such a resolution. Mr. Asadoorian asked for further clarification on restrictions on the Board when it comes to passing resolutions regarding political positions, and Dr. Ovick explained that the Education

Code sets forth that the Board may not use dollars directed for educational purposes for political influence. A brief discussion took place on inviting advocates for the Governor's tax initiative and the Munger tax initiative to speak before the Board at a future meeting. Mrs. Mirabella and Dr. Ovick agreed to work on scheduling the presentations.

**Nominations for CCBE 2012
Legislator of the Year Award**

The Board considered proposing nominations for the California County Boards of Education (CCBE) 2012 Legislator of the Year Award. Mrs. Elster noted that it is difficult to single out one legislator when it is important for the County Superintendent to work cooperatively with all of them. Mrs. Mirabella mentioned that Assembly Members Susan Bonilla and Joan Buchanan have introduced a number of education bills in the past year; however, at the suggestion of Mr. Asadoorian, it was the consensus of the Board to take no action on this item.

**Nominations for CSBA Directors-at-
Large, Asian/Pacific Islander and
Hispanic**

The Board considered proposing nominations for California School Boards Association (CSBA) Directors-at-Large, Asian/Pacific Islander and Hispanic, and it was the consensus of the Board to take no action on this item.

**CONSENT AGENDA
Minutes of August 8 and August 15,
2012**

The Board voted by the following roll call vote to approve the Consent Actions: Minutes of the Special Board meeting of August 8, 2012, and the minutes of the August 15, 2012, Board meeting (M/S: Elster/Gomes).

**CORRESPONDENCE/
EVENTS CALENDAR**

Correspondence: Letter dated August 29, 2012, from EBMUD Ward 7 Director Frank Mellon inviting Board members to attend a breakfast meeting on September 19, 2012.

Calendar of Events: **Sept. 12** – Qtlly Awards Ceremony, W. Co. Det. Facility, 11:00-11:45 a.m.; **Sept. 13** – Qtlly Awards Ceremony, Marsh Creek Det. Fac., 10:00-10:45 a.m.; **Sept. 14-16** – CCBE 2012 Fall Conference, Monterey; **Sept. 20** – Teacher of the Year Dinner Celebration, 6:00-9:30 p.m., Concord Hilton; **Nov. 29 – Dec. 1** – CSBA 2012 Annual Education Conference, San Francisco; **Dec. 5** – Qtlly Awards Ceremony, W. Co. Det. Fac., 11:00-11:45 a.m.; **Dec. 6** – Qtlly Awards Ceremony, Marsh Creek Det. Fac., 10:00-10:45 a.m.

**BOARD REPORTS OF
ACTIVITIES**

No written reports were submitted by Board members, but the following oral reports were presented: Mrs. Elster reported that she recently visited the campus of Los Medanos College and admired the newly constructed buildings. Mrs. Mirabella reported that she gave a presentation before the El Cerrito Democratic Club (ECDC) where she distributed copies of an updated CCCOE brochure that Mrs. Marshburn had provided to her for distribution at her presentation; she then distributed copies of the brochure to the Board members as well as ROP class offerings that she also provided to the ECDC audience. Mrs. Mirabella noted that she would like to provide a more in-depth presentation to the El Cerrito Democratic Club (perhaps in the form of a Powerpoint presentation) in the future on what the CCCOE does and what it offers. She thanked Mrs. Marshburn for updating and printing the CCCOE brochure for her use at her ECDC presentation. Mrs. Mirabella requested that staff update the Board next year on the topic of teacher evaluation. Mrs. Ruehlig shared a flyer from the Contra Costa Transportation Authority offering free bus tickets for East and Central County students in grades 6-12.

RECESS

The Board recessed from 7:07 p.m. to 7:19 p.m. prior to convening to Closed Session.

ADJOURNMENT

There being no further business, the Board adjourned at 8:43 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, 2012, and are subject to amendments and/or correction prior to the approval of the County Board of Education.