

**County Board of Education
Ronald L. Stewart Center
77 Santa Barbara Road, Pleasant Hill, California
February 19, 2014**

ROLL CALL: Pamela Mirabella, Area 1 Trustee; Daniel Gomes, Area 3 Trustee; Richard Asadoorian, Area 4 Trustee; and Cynthia Ruehlig, Area 5 Trustee

Absent: Ellen Elster, Area 2 Trustee

Others: Joseph Ovick, Bill Clark, Peggy Marshburn, Mac Carey, Loreen Joseph, Jane Shamieh, Lynn Mackey, Katie Gaines and County Office staff. A partial list of attendees is on file at the CCCOE.

Presiding: The regular meeting of the Contra Costa County Board of Education was called to order by Vice President Gomes at 5:02 p.m. with the recitation of the Pledge of Allegiance.

AGENDA REVIEW AND ADOPTION Ms Ruehlig asked that the minutes be pulled from the consent agenda. Ms. Mirabella asked that item 7.7.3 be acted on before item 7.7.2.

Ms. Mirabella moved, Mr. Asadoorian seconded, and the Board voted 4-0-1 to approve the agenda as amended.

Ayes: Gomes, Asadoorian, Ruehlig, Mirabella
Noes: None
Absent: Elster
Abstain: None

PUBLIC COMMENT

Items on the Agenda

Giorgio Cosentino thanked the Board for considering appointing the superintendent. He said that as a voter it is impossible for him to make a meaningful performance assessment of the elected superintendent.

Ruth Carver spoke in support of items 7.7.2 and 7.7.3 appointing the superintendent. She said she feels the superintendent should be accountable at all times for his or her performance and not just every four years.

Items of Interest to the Public

Diana Perkovich, teacher and Contra Costa County Schools Education Association (CCCSEA) president said she wants to bring to the Board's attention issues of how management has been dealing with them regarding Common Core, LCFF and LCAP. She said its stated in the Education Code that teachers are supposed to be involved in any consultation committees. They have requested to bargain Common Core, but have been told that it is not negotiable.

Steve Repetto, teacher and vice president of CCCSEA, said that within Contra Costa County, Pittsburg, John Swett, and San Ramon school districts have MOUs on Common Core as a collaborative effort. He also wants the Board to be aware of the CCCOE pay scales, which is now surpassed by Alameda County. He said both sides are bargaining in good faith, but it is moving slowly. He hopes the Board will encourage the County Office to move quicker.

RECOGNITIONS/PRESENTATIONS #icanhelp

Kelly Basmagian, Principal, Excelsior Middle School, along with students and their teacher Kim Karr gave a PowerPoint presentation on the #icanhelp program which helps prevent and stop cyber-bullying. The students led an audience participation exercise and shared information on how to promote positive messages.

PUBLIC HEARINGS

None

ADMINISTRATIVE ITEMS

SUPERINTENDENT'S REPORT

Joseph Ovick, Ed.D. thanked the Excelsior students and staff for the presentation. He reported that the County Office of Education (COE) has been asked by school districts in Contra Costa County, the Community College, Cal State East Bay and the East Bay Leadership Council to be the fiscal agent for SB595. This is a three-year grant, and though it is not guaranteed that COE will receive the dollars, they are delighted to participate and take the lead.

Ms. Ruehlig shared she had read a news story regarding solitary confinement in juvenile hall. She asked if the COE receives daily rosters from juvenile hall and the Byron Boys Ranch. She also asked what COE's obligation is when rosters are received. Dr. Ovick explained that COE receives rosters daily of children that need to be in school that day and that probation lets COE know which students on any given day are eligible to attend school. Ms. Mirabella said that her concern is, when reading the article, what mental health services are provided at that site. Dr. Ovick answered that those services are provided primarily through the Department of Public Health. School psychologists and special education resource specialists are on board as well. He said that at the next regularly scheduled Board meeting a closed session will be scheduled to discuss litigation.

In answer to a question from Mr. Asadoorian, Dr. Ovick explained that the COE's court school are the only program that is required to have an LCAP. Currently the COE's special education programs are not required to be part of the LCAP. Special education students need to be addressed in the local school district's Local Control Funding Formula (LCFF) plan. COE is working with the district superintendents to try and work out, without a rubric from the state, how to evaluate the LCAP. He said an LCAP is basically an IEP for a school district or a county where you take assessment, look at current levels and begin to plan an academic program and identify how the dollars are going to be used to make a difference in the lives of the children.

BUSINESS SERVICES

Consider approval of amended Memorandum of Understanding between the Contra Costa County Board of Education and the Summit Public School: K2 Charter School

Jane Shamieh, Controller, Business Operations, explained the five Summit MOU changes, most of which were at the request of the Board. She explained that on April 1, 2014, and each subsequent year for the term of the charter, petitioners will submit to the COE and Board a report that will include the ratio ethnic composition of the student enrollment. If enrollment does not meet the requirements of Ed Code, petitioners will submit a plan for achieving a racial and ethnic balance that is reflective of the general population residing within the territorial jurisdiction of the school district. She said that Ed Code and the COE can not mandate the composition of a school. Ms. Shamieh said that the MOU is like a contract. The petitioners are agreeing to its terms and COE cannot ask them to meet the terms of the contract before it is signed. COE staff and the charter school have reviewed the MOU and staff recommends that it be signed.

Ms. Ruehlig asked who determines the breakdown of the general population. Ms. Shamieh responded that the petitioners get the information from the US Census, which is online. There is always confusion that it is the district, but the district is not always reflective of the general population.

Ms. Mirabella said she thinks the problem with the petition is that the lottery system doesn't provide for an ethnic racial balance and if you really want to do that, you need to either do Title I or a weighted lottery. She said that this charter has the capacity to not have the composition that is expected, and if so, it should not open. Also, she feels the location for the school should be outside of El Cerrito. She stated she will vote against the charter MOU.

Ruehlig moved to approve the MOU as presented. The motion died for lack of a second.

Ms. Mirabella moved, Mr. Asadoorian seconded, and the Board voted 3-1-1 to deny the MOU until the Board receives clarification of the ethnic balance and know by April 1 that they are according to law.

Ayes: Gomes, Asadoorian, Mirabella
Noes: Ruehlig
Absent: Elster
Abstain: None

Ms. Shamieh will work on getting those numbers to the Board.

**Consider Acceptance of fiscal analysis
of Clayton Valley Charter High School**

Mr. Clark shared that staff has reviewed this item, which is a follow up with Clayton Valley Charter High School to address the fiscal impact of the charter conversion. The analysis was based on cost reduction and revenue transfer. It was found that it did not significantly impact the school district and also because the LCFE funding model eliminates the transfer requirement on a go-forward basis. It is felt that the combination of those things did reduce a significant impact on the school district. Ms. Ruehlig said she received an email from Clayton Valley Charter saying they are adding 1000 students because of their waiting list which goes beyond what was approved in the Charter. Mr. Clark said there have been a number of efforts by the Charter recently to address the waiting list requirement. He hasn't received anything asking to modify the Charter.

Mr. Asadoorian moved, Ms. Mirabella seconded, and the Board voted 4-0-1 to approve the acceptance of the fiscal analysis of Clayton Valley Charter High School.

Ayes: Gomes, Asadoorian, Mirabella, Ruehlig
Noes: None
Absent: Elster
Abstain: None

Staff Report

Bill Clark, Associate Superintendent, Business Services, shared that the Secretary of State and IRS non-profit status of Making Waves Charter has not changed as a result of the changes in the governance structure. Ms. Ruehlig said she will make her own inquiry. In regard to the overlapping Board membership question from Ms. Ruehlig, Mr. Clark said there are two members out of five that overlap.

Mr. Clark provided information on the Knightsen charter lease. The document included their petition which shows the grade span authorization covering grades K-12. Ms. Ruehlig said it is Ed Code that an authorizer must be able to serve that scope. An elementary school district can only authorize elementary charter schools. Ms. Shamieh shared that information regarding the petition to establish a charter school may not be approved to serve pupils in a grade level that is not served by school district of the governing board considering the petition unless the petition proposes to serve pupils in all of the grades served by the school district. She explained that means elementary can not grant a charter for a high school, but they can grant a charter for a K-12. Ms. Ruehlig thanked her for the clarification.

Mr. Clark said he will sign the contract in the event the Board takes action on the selection of a legal counsel in regard to the legality of placing Mr. Gomes resolution on the ballot. Ms. Mirabella asked why Sonoma shows that November is a cheaper month to put a ballot measure on than the primary. Mr. Clark explained that each county has the latitude in terms of how they cover the cost. In Contra Costa, a larger, more complex operation, they expect those election costs to be shared by the entities that participate.

Mr. Gomes said that he and Ms. Mirabella visited the elections office. He came away with the idea that primary elections are cheaper than general elections. Mr. Gomes explained that if the voters decide to elect, that listed below the resolution, there will be a list of candidates from which to choose. There would be one ballot measure.

Mr. Clark explained that as the second interim reporting period is approaching, in the event the Board moves forward with the ballot measure, he will be required to include the \$930,000 cost estimate. He said the amount is the most authoritative estimated they will receive from the Elections Office.

In response to a question from Ms. Ruehlig, Mr. Clark explained that the \$930,000 would be for the general election and that the agency would incur the cost regardless of the outcome. He said he was not clear what the primary cost would be as it was not part of his discussion with the Elections Office. Mr. Gomes shared that the resolution has been modified to request that it be put on the June 3 ballot. Ms. Mirabella noted she would like to wait to hear from the attorney as to what the rights of the Board are for placing this on the ballot.

Mr. Clark explained that the 2005 study indicates the Contra Costa County Counsel had reviewed this same question on two separate occasions. One in 1982 and again in 1983 reaching the same conclusion that there is no statutory authority permitting the placement of this on the ballot and in fact state legislature has to act before this kind of action moves forward. Mr. Gomes said he made a provision that in the revised resolution that the District Attorney will review the resolution and proposed ballot measure for legal proficiency, not County Counsel, because they have a conflict of interest. Mr. Clark said that there is no budget provision at this time for either the primary or the general election. Mr. Clark stated that COE is facing a deficit, therefore the election cost was eliminated in order to maintain the fund balance. Ms. Ruehlig asked if the ballot were on the primary would the money have to be used from the current budget. Mr. Clark stated that the COE does not have the funds to put it into the current budget, so it would require analysis that would result in reductions to staff or programs. The only other way to pay for it would be to spend the reserve down past the established reserve. Mr. Clark explained that COE took the position that it would be an uncontested election. He believes the Elections Office made the same assumption. Mr. Gomes said there would be a cost for the printing and distributing for an uncontested contest for both superintendent and board members. The minimum cost will have to be paid for one way or another. Mr. Clark said that if the positions are not contested, COE would have no share of the cost. Ms. Ruehlig said that the county superintendent, whether contested or not, has to be on the ballot for the primary. The Board does not have to be on the ballot unless they have an opponent. Mr. Asadoorian asked if the Board had approved the deletion of that amount. Mr. Clark said that yes, it is an interim assumption. Mr. Clark was not sure if there is a cost for the Superintendent's part of the election. Ms. Mirabella heard it was \$400,000 and that the text analysis would be \$270,000. She asked Mr. Clark to get clarification by the February 26 meeting.

Mr. Gomes suggested that they either approve the resolution in concept or delay it until February 26 and take action on it as soon as they find out if they have the legal authority to do so. The Board agreed to table the item.

Ms. Ruehlig asked Mr. Clark for an explanation how the Teeter system works. Mr. Clark explained that the County Treasurer's Office allows cash advances from the county pool of cash to school districts to cover short term deficits. In many cases when the State was deferring revenues, districts and other counties had to go out to the investment community and sell short term securities to borrow cash to cover their year-end cash flow. COE was able to set up similar kinds of cash borrowing from the Treasurer's Office at almost cost and very low interest. It saved interest rate and interest expense because of the way our County Treasurer supports the school districts for short term borrowing.

EDUCATIONAL SERVICES
Staff Report

None. Dr. Comfort was not in attendance.

HUMAN RESOURCES
Staff Report

None. Ms. Sakata was not in attendance.

COMMUNICATIONS

Staff Report

Peggy Marshburn, Chief Communications Officer, reported that Distinguished School visits start Thursday. Twenty-four elementary schools applied and all are eligible. Mock trial quarter finals were completed Tuesday night. The semi-finals will be held Thursday. Thursday, February 27, the Mock Trial Awards will be held in the Board Room. She commented that the students have done exceptionally well. She reported that there are two teams from the Academic Decathlon in Contra Costa County that are going to the State Championships the weekend of March 30. In answer to a question from Mr. Gomes she explained that the COE puts on Model UN for a beginner group, which is held at Diablo Valley College.

TECHNOLOGY SYSTEMS

Staff Report

Mac Carey, Chief Technology Officer, reported that Technology Systems has completed replacing the agency data storage systems that stored centralized computerized systems, such as financial system, Ed1Stop, sub system, help desk, and email systems along with user electronic documents. The previous equipment was five years old, out of life and no longer supported by the vendor. All data has been successfully migrated to the new equipment and is being replicated to off-site storage. Ms. Ruehlig asked how long emails are stored. Mr. Carey explained that COE is required to have an email retention policy. The policy states that COE will retain eighteen months of emails. An email that come into or is sent from an individual's email mailbox is retained. He further explained that there are filters in place to block viruses.

BOARD

Legislative Update

None

The County Board of Education seeks to obtain an independent legal opinion regarding the Board authority to call for an election to determining the selection process for the County Superintendent of Schools

The proposed contract was distributed to the Board and staff. Ms. Mirabella shared that she was referred to Mr. Olson by CSBA. The specific question is whether the County Board of Education has the legal authority to take any action in the first instance and whether the election be held in June 2014 or November 2014. Based on the hourly rates, the opinion will cost approximately \$7500. She asked Mr. Clark if he had reviewed the contract. He responded that it looks like a standard agreement. Ms. Mirabella has already sent her 1994 term paper on the topic and the 1982-93 grand jury's thoughts and code to Mr. Olson. She will send other documents as well.

Mr. Asadoorian moved to accept item 7.7.3. Ms. Mirabella amended that the Board is hiring Olson, Lance, Hagel and Fishburn. Mr. Asadoorian accepted the amended, Mirabella seconded, and the Board voted 3-1-1.

Ayes: Gomes, Asadoorian, Mirabella
Noes: Ruehlig
Absent: Elster
Abstain: None

Board Member Gomes is presenting to the Contra Costa County Board of Education (CCCBOE) a resolution ordering an election that would give the voters of Contra Costa County the opportunity to vote on whether the CCCBOE should appoint the county superintendent of schools or the electorate should continue to elect the superintendent of schools, and requesting that the County Costa County Board of Supervisors place the item on the general election ballot in November 2014 – Resolution #11-13/14

Mr. Gomes said the main change is substituting the June primary election to any reference of the November general election. Mr. Asadoorian asked for a point of order, and said he believes the item is being tabled. Mr. Gomes said it is his understanding that the Board wishes to suspend this vote and table it and forward it to the February 26 special board meeting, where there will be a formal vote after it is determined if the Board has the legal authority to move this forward as a ballot measure. Ms. Ruehlig gave a written statement to Board members and asked that it be included in the minutes. In it she states her belief that this would be too expensive and the COE does not have the funds to spend on this type of issue. She cited the study that states that this has never succeeded. Even if put on the ballot, it will most likely fail. She said she believes the issue stems from a communication problem between the Board members and Superintendent and to spend this amount of money to solve the problem does not solve the issue. She asked that it be put on the record that she sees this as a waste and does not wish to be associated with it.

Mr. Asadoorian said he appreciates her editorializing, but wonders if she is out of order. He doesn't feel it is appropriate to get into a debate about this since they are asking for an attorney to see if they have the legal authority to do this. Mr. Gomes said Mrs. Ruehlig's notes and comments will be part of the record and well taken. He said he can only defend his actions in 2010 and now as exercising his right to express his views upon a broader constituency that may have the same opinion that he has. He stated that it will be expensive, but he doesn't believe it will be as much as \$930,000.

He said he wants to be supreme, take responsibility and be accountable, so the people understand where to go if they have problems or concerns.

Dr. Ovick explained that whether or not the county superintendent has an opponent, the position is always on the ballot. So, the public knows there is a choice. However, there is a double standard because if a board member does not have an opponent, it is not on the ballot. If the voters choose, that whoever sits in the board seats shall select the county superintendent, then the Board should be on the ballot every four years.

Mr. Gomes said he will suggest, at a future meeting, that the board positions be put on the ballot and if they begin appointing the superintendent position, they should still be on the ballot so people know who they are.

Mr. Asadoorian said the decision to try and put this on the ballot has nothing to do with Dr. Ovick personally. Also, that money should not be the issue.

Ms. Mirabella, said the primary reason for wanting to do this now is because the roles and responsibilities of the superintendent are changing. The issue is whether the public wants more accountability by having five people versus one. As far as cost is concerned, she couldn't go for the November ballot at \$930,000. Ms. Ruehlig asked for a comparative analysis of the total compensation that is being received by managers in comparison to other counties.

Item tabled and action suspended until February 26, 2014.

PUBLIC COMMENT

Steve Repetto said he did not bring the information forward to politicize it. He wanted the Board to be aware of what the compensation package is for employees that work for the county compared to those that work for other districts.

CONSENT AGENDA

Ms. Ruehlig moved, Mr. Asadoorian seconded, and the Board voted 4-0-1 to approve the minutes as amended by Ms. Ruehlig.

Ayes: Mirabella, Asadoorian, Gomes, Ruehlig
Noes: None
Absent: Elster
Abstain: None

Asadoorian moved, Mirabella seconded and the Board voted 4-0-1 to approve the Consent Agenda as follows: Minutes of the meeting of February 5, 2014; Temporary County Certificates (TCCs); and granting of high school diplomas to students MM 1-02/19/2014; MM 2-02/19/2014; MM 3-02/19/2014; CCAS 1-02/19/2014; and MM 4-02/19/2014.

Ayes: Mirabella, Asadoorian, Gomes, Ruehlig
Noes: None
Absent: Elster
Abstain: None

**CORRESPONDENCE/EVENTS
CALENDAR**

Correspondence: None

Calendar of Events:

Mock Trial Schedule

Quarter Finals, February 18, 5:00–8:30 p.m., Bray Bldg. courthouse and annex, Martinez

Semi Finals, February 20, 5:00–8:30 p.m., Bray Bldg. courthouse and annex, Martinez

Finals, February 25, 5:00–8:30 p.m., Bray Bldg. courthouse and annex, Martinez

Mock Trial Awards, February 27, 6:00–8:00 p.m., CCCOE Board Room

East County Student Programs, Spring Fashion Show, February 28, 11:30 a.m., Brentwood City Hall

March 20, CCCSBA, Legislators Dialogue Roundtable, 7:00 p.m., Serendipity/Mt. Diablo High

March 25 – Qtly Awards Ceremony, WCDF, 11:00 a.m. – 11:45 p.m.; **March 27** – Qtly Awards Ceremony, MCDF 10:00 a.m. – 10:45 a.m.; **June 25**, Qtly Awards Ceremony, WCDF 11:00 a.m. – 11:45 a.m.; **June 26**, Qtly Awards Ceremony, MCDF 10:00 a.m. – 10:45 a.m.

BOARD REPORTS OF ACTIVITIES

Mr. Asadoorian shared that he has received positive feedback on Deer Valley High Schools' early childhood education class.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:00 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 19, 2014, and are subject to amendments and/or correction prior to the approval of the County Board of Education.

For further information, contact Loreen Joseph, 925/942-3380, ljoseph@cccoe.k12.ca.us.