

MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Tuesday, February 23, 2010 (7:30 PM)

Board Members: Paul Strange, Gary Eberhart, Linda Mayo, Richard Allen, and Sherry Whitmarsh
Administrative Staff: Superintendent Steven Lawrence, Associate Superintendent Alan Young, Assistant Superintendents Gail Isserman, Rose Lock, Pete Pedersen, General Counsel Greg Rolan

CALL TO ORDER

The Meeting of the Board of Education of the Mt. Diablo Unified School District was called to order by Paul Strange at 6:00 p.m. in the Board room at the MDUSD Dent Center.

CLOSED SESSION

The Board adjourned to Closed Session at 6:01 p.m. in Room 6 at the Mt. Diablo Unified School District Dent Center.

RECONVENE OPEN SESSION

The Board returned to Open Session in the Multi Use Room at Monte Gardens Elementary School at 7:30 p.m. President Strange led the Pledge of Allegiance to the Flag and reported action taken in closed session.

REPORT OF CLOSED SESSION

In closed session the Board considered information and gave recommendations to staff regarding negotiations, anticipated litigation, readmissions, and public employee discipline/dismissal/release/complaint.

Readmissions

Mayo moved, Whitmarsh seconded and the Board voted 5-0-0 to readmit one student.

Readmission Denials

Eberhart moved, Mayo seconded and the Board voted 5-0-0 to deny the readmission of twenty-nine students.

Public Employee Discipline/Dismissal/Release/Complaint

Eberhart moved, Whitmarsh seconded, and the Board voted 5-0-0 to approve the Administrative Reassignment letter.

EXPULSION RECOMMENDATIONS

Expulsion Recommendation Student 22-10

Eberhart moved, Allen seconded, and the Board voted 5-0-0 that Student # 22-10 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student # 22-10 be placed at Diablo Day Community School. It is required that Student # 22-10 participates in individual counseling, community service, the COPS Program, the MDUSD Teen Anger Management Workshop, and show evidence of a successful school experience, prior to applying for readmission after June 14, 2010.

Expulsion Recommendation Student 23-10

Allen moved, Mayo seconded, and the Board voted 5-0-0 that Student # 23-10 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student # 23-10 be placed at Diablo Day Community School. It is required that Student # 23-10 participates in individual counseling, community service, the COPS Program, the MDUSD Teen Anger Management Workshop, and shows evidence of a successful school experience, prior to applying for admission after June 14, 2010.

Expulsion Recommendation Student 24-10

Whitmarsh moved, Eberhart seconded, and the Board voted 5-0-0 student # 24-10 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student # 24-10 be placed at

Diablo Day Community School. It is required that Student # 24-10 participate in individual counseling to address decision making and anger, community services, the COPS Program for aggressive offenders, participate in the District's Anger Management Workshop, and show evidence of a successful school experience earning 30 credits prior to applying for readmission after June 14, 2010.

Expulsion Recommendation Student 25-10

Mayo moved, Allen seconded, and the Board voted 5-0-0 that Student # 25-10 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student # 25-10 be placed at Golden Gate Community School. It is required that Student # 25-10 participate in individual counseling to address decision making and drug issues, community service, the COPS Program for drug offenders, participate in the District's Drug/Alcohol Workshop, show evidence of a negative drug test, and show evidence of a successful school experience with no suspendible behavior infractions, 2.0 minimum GPA, and earn 60 credits prior to applying for readmission after February 23, 2011.

Consent Agenda

Member (Sherry Whitmarsh) Moved, Member (Linda Mayo) seconded to approve the Consent Agenda as presented. The motion CARRIED 5-0-0

Ms. Mayo thanked staff for the work they did on the 6th and 9th grades Health Education Course of Study.

9.2 (Item 2) Minutes of the February 9 Board meeting.

9.3 (Item 3) Recommended Action for Certificated Personnel

Changes in status of the following certificated employees.

9.4 (Item 4) Variable Term Waiver Request

Variable term waivers provide applicants with additional time to complete certain requirements for the credential that authorizes the service. The waiver request is made when there is not a properly credentialed person available for the position. All requests for a Variable Term Waiver must be presented for approval to the governing board of a public school district. Every waiver request submitted to the Commission on Teacher Credentialing must include verification that a notice of intent to employ the named applicant in the identified position has been made public.

9.5 (Item 5) Student Teaching Agreement with Western Governors University.

The purpose of this agreement is to provide student teaching experience for students in the Western Governors University Teacher Education Program. Cooperating district teachers who host a student teacher receive a stipend for their services.

9.6 (Item 6) Recommended Action for Classified Personnel

Changes in status of classified employees.

9.7 (Item 7) Increase in Full Time Equivalent Position (FTE) for the 2009-2010 school year.

The following FTE is requested to be added to Categorical Funds for the 2009-2010 school year: Concord High: Teacher .20 FTE

9.8 (Item 8) Classified Personnel: Increase in Hours for a Part-time Campus Supervisor II Position at El Dorado Middle School.

El Dorado Middle School has requested an increase in hours for a part-time 22.5 hour/week, School Day Only, Campus Supervisor II position to 30 hour/week, School Day Only to insure more supervision and safety on campus. Incumbent #16070 will remain in this position with the increased hours.

9.9 (Item 9) Classified Personnel: Create a Part-time Instructional Assistant-Bilingual Position for Sun Terrace Elementary School

Sun Terrace Elementary School has requested the creation of a part-time, 30 hour/week, School Day Only, Instructional Assistant-Bilingual position.

9.10 (Item 10) Classified Personnel: Transfer of funds for a part-time Site Technology Support Technician II Position at Valle Verde Elementary School

Valle Verde Elementary School has requested a transfer of funds for a part-time, 30 hour/week, 10 month Site Technology Support Technician II position.

9.11 (Item 11) Classified Personnel: Eliminate a vacant, part-time Senior Instructional Assistant position at Loma Vista Adult Education

Loma Vista Adult Education has requested the elimination of a part-time, 18 hour/week, 12 month, Senior Instructional Assistant position as of July 1, 2009. There is no additional savings for this fiscal year because the savings was already transferred prior to the first interim.

9.12 (Item 12) Approval of Contract with Alliance Redwoods Conference Grounds (ARCG) for Highlands Elementary School

Contract with Alliance Redwoods Certificate of Insurance

Students at Highlands Elementary School will participate in the ARCG program March 9-12, 2010. Because the costs exceed \$25,000, Board approval is required.

9.13 (Item 13) Request to Approve Independent Services Contracts for The Event Group

College Park High School and Northgate High School are requesting that the District approve Independent Services Contracts for The Event Group, an event planning service, as follows: College Park High School - Senior Ball - \$33,600 College Park High School - Junior Prom - \$29,200 Northgate High School - Senior Ball - \$46,340 Northgate High School - Junior Prom - \$24,000 Total amount of services: \$133,140 These events are for the 2009-2010 school year.

9.14 (Item 14) Monthly Budget Transfer and/or Budget Increases/Decreases For the month of January 2010.

Some revisions are a result of prior Board actions, changes in grant awards and changes in funding. Donations have been made to the District by private individuals and businesses. There are also deposits for payments to school sites for lab fees and other items for which the sites collect money. The appropriate revenue and expenditure budgets have already been increased by the amount of the donations.

9.15 (Item 15) Approve MOU between East Bay Community Scholarship Fund and Mt. Diablo Unified School District

Staff request approval to enter into a MOU between the East Bay Community Scholarship Fund and the Mt. Diablo Unified School District to provide backpacks and school supplies to eleven district schools. The K to College School Supply Program (SSI) provides free backpacks filled with school supplies to students who are at or below 200% of the federal poverty level. The East Bay Community Scholarship Fund, a volunteer based non profit, has identified 11 schools in the MDUSD to receive the backpacks. They include; Bel Air, Cambridge, Delta View, Fair Oaks, Meadow Homes, Rio Vista, Shore Acres and Ygnacio Valley Elementary and Glenbrook, Oak Grove and Riverview Middle. MDUSD is one of seven school districts in Contra Costa County to receive these supplies. The SSI Program is funded by the American Reinvestment and Recovery Act and allocates funds to pay for the cost of the backpacks. In MDUSD, 5,707 low income students will be given the backpacks and supplies. The total retail value of the backpacks is \$340,000. To ensure equity, MDUSD has requested that ALL students at the 11 participating schools be issued a backpack. The district will use a combination of business and county partnership funding and categorical program funds to cover the price difference. The price difference is \$13,380. As part of the MOU, the district agrees to report the percentage of students eligible for the "free backpacks" and the percentage of students that received the backpacks by other funding.

Mr. Allen reported that he had volunteered to help assemble some of the backpacks and there will be another assembly on March 7.

9.16 (Item 16) Request to revise Administrative Rule 4217.3 (Classified Personnel Layoff/Rehire) to comply with current law.

The District requests that the Board revise the timelines in Administrative Rule 4217.3 (Classified Personnel Layoff/Rehire) to reflect current law. Administrative Rule 4217.3 (Classified Personnel

Layoff/Rehire) was brought before the Board on February 9, 2010 for information only. It is now being returned for action. The Board Policy does not need to be changed but is included for your information.

9.17 (Item 17) Memorandum of Understanding with STAND Against Domestic Violence, Community Agency

Memorandum of Understanding and Certificate of Insurance

Staff recommends approval of a Memorandum of Understanding (MOU) with STAND Against Domestic Violence, Community Agency to provide counseling services addressing violence at designated District schools. Providers are licensed mental health clinicians or interns supervised by licensed mental health clinicians with experience working in public schools. Counseling services will be provided at no cost to the District. If approved, STAND will provide services at Holbrook Elementary and Cambridge Elementary at this time and possibly Hidden Valley Elementary in the near future.

9.18 (Item 18) Request approval to adopt Sixth Grade Health Education Course of Study

A committee of Middle School Science and Physical Education Teachers and the Curriculum Specialist met to write the Sixth Grade Health Education Course of Study. This course provides for development, instruction, and evaluation of planned sequential health curriculum for sixth grade students. It is designed to increase student awareness, attitudes, skills, and behaviors related to health. The main theme, creating health literacy, is reinforced by the three content areas of the Health Education Standards.

9.19 (Item 19) Request approval to adopt Ninth Grade Physical Education Course of Study

A committee of High School Physical Education Teachers and the Curriculum Specialist met to revise the Ninth Grade Physical Education Course of Study to align it with the California Content Standards for Ninth Grade Physical Education. This course is designed to give students the opportunity to learn through a comprehensive sequentially planned Kinesiology and Physical Education program in accordance with the California Content Standards for Physical Education. Students will be empowered to make choices, meet challenges and develop positive behaviors in fitness, wellness, and movement activity for a lifetime. Students will gain an awareness of the career paths related to sports and fitness.

9.20 (Item 20) Contract for Architectural/Engineering Services for the design of High Efficiency (SMART) Prototypical Classrooms

On September 22, 2009 the Board of Education approved budgets for a two (2) year Facilities Improvement Plan which included portable replacements at two (2) middle schools. In light of the fact that the District desires to enjoy full and exclusive re-use rights to a highly efficient and energy conserving classroom design for immediate and future use, the District requires architectural/engineering services to provide DSA approved designs and specifications for multiple iterations/configurations of such highly efficient occupancies. Once approved, these designs would be deemed 'Pre-checked' by DSA and future approvals for site adaptation would then be significantly expedited. A budget of \$3,818,410 has been approved for the current portable replacement project which included the cost of a 'Pre-Checked' design which could be site adapted for installation at multiple sites. Staff has negotiated a 'not to exceed', fully inclusive contract for the provision of comprehensive design services with PHd Architects for said services for a fixed fee of \$15,500.00.

9.21 (Item 21) Memorandum of Understanding with La Clínica De La Raza

Memorandum of Understanding and Certificate of Insurance

Staff recommends approval of a Memorandum of Understanding (MOU) with La Clínica De La Raza, Inc. La Clínica De La Raza, Inc. will provide the Youth Promotores Program (YPP) at designated District schools. The YPP program supports academic success and encourages students to seek careers in the medical professions/health care industry. La Clínica De La Raza, Inc. staff is trained to provide services in public schools. Services will be provided in District schools at no cost to the District.

PUBLIC COMMENT

None

COMMUNICATIONS

Mike Langely, Vice President MDEA presented the Board with \$23 from the "Million Dollar" cupcake sale. He thanked the Board for supporting the March 4 Stand Up For Schools Day of Action. He gave a description of the activities taking place on that day and invited everyone to participate in the after school activities.

Superintendent's Report

Superintendent Lawrence reported on the Ygnacio Valley High School band's recent trip to New Orleans.

BUSINESS/ACTION ITEMS

14.1 Approval of Resolution - Arts Education Month

The California Department of Education has designated March as Arts Education Month. The attached resolution recognizes the importance of celebrating the arts with meaningful student activities and programs.

Member (Gary Eberhart) Moved, Member (Richard Allen) seconded, and the Board voted 5-0-0 to adopt the resolution as presented.

14.2 Approval of Resolution - Women's History Month

The California Department of Education has designated March as Women's History Month.

Member (Linda Mayo) Moved, Member (Gary Eberhart) seconded, and the Board voted 5-0-0 to adopt the resolution as presented.

14.3 Resolution #09/10-44 Endorsing March 4, 2010 Day of Action

Resolution in support of Start the Day for Students events of the California Teachers Association, its local chapters, the California School Boards Association, the Association of California School Administrators, parents, other organizations and labor unions to protect schools and other essential services from more drastic state budget cuts.

Member (Sherry Whitmarsh) Moved, Member (Gary Eberhart) seconded, and the Board voted 5-0-0 to approve adopt the resolution as recommended.

14.4 Public Hearing and Action on Additional Budget Reductions Including Flexibility Transfers Authorized by SBX3 4

Currently, the Board has approved utilizing Tier 3 flexibility for all of the IMFRP funds from the 2010-11 school year and \$200,000 from each of the 2011-12 and 2012-13 school years. We are recommending that the Board sweep \$900,000 from the 2009-10 IMFRP funds and an additional \$900,000 from each of the 2011-12 and 2012-13 school years. The remaining IMFRP funds and Proposition 20 restricted lottery funds will allow us to meet the Williams textbook requirements through the 2012-13 school year.

Public Comment

The following spoke in favor of maintaining classes and programs in the Adult Education Program: Joe Martin, David Cantando, Jim Rodgers, Jennifer Grayson, Lisa Raffel, Annie Nolen, Jason Ruderman, Elva Cruz, Alma Gomez, Dorann Brown, Elena Bernal, Sharon Smith, Lynn Deckert, Mary Ng, Marty Campbell, Shari Wildschutte, Maribel Gomez, David Moore, Noelle Brown, Louis Mazur, Rachele Marlar, Karen Lingernfelter-Carman, Debra Silverman, Courtney, Fraser, Marty Andrews, Meeyng Coffey, Walter Cable, Sahna Wicks, and Adriana DeLeon.

Lisa Allphin spoke on behalf of keeping the pilot reading program at Oak Grove Middle School.

Member (Gary Eberhart) Moved, Member (Richard Allen) seconded, and the Board voted 5-0-0 to approve as presented.

14.5 Discussion - Mt. Diablo Unified School District Graduation Requirements

Dr. Lawrence gave an overview of the District's graduation requirements. The Board requested a comparison to other schools in Contra Costa County including what course requirements and credit requirements they have as well as what schedule they are on.

14.6 Public presentation of the Board's Successor Agreement proposal for Mt. Diablo Education Association (MDEA).

By law, school districts are required to "sunshine" collective bargaining proposals in an open session of the Board. The attached proposal from the Board for Mt. Diablo Education Association (MDEA) must first be submitted as an information item and then returned at a later meeting for action.

This was presented as information only and will be returned for action.

14.7 Public presentation and Board's acknowledgement of receipt of Mt. Diablo School Psychologist Association (MDSPA) Successor Agreement proposal. Public presentation of Board's Successor Agreement proposal.

By law, school districts are required to "sunshine" collective bargaining proposals in an open session of the Board. The attached proposal from Mt. Diablo School Psychologist Association (MDSPA) must first be submitted as an information item and then returned at a later meeting for action. The Board's Successor Agreement proposal is also attached for public presentation.

This was presented as information only and will be returned for action.

14.8 LEA Title I Waiver Application

The US Department of Education has invited states to participate in the submission of specific waivers pertaining to Title I, Part A of the Elementary and Secondary Education Act (ESEA) given the significant funding for programs provided by the American Recovery and Reinvestment Act (ARRA) allocations for 2009-2010. Mt. Diablo Unified is applying to the California Department of Education for a waiver to exclude all of the Title I, Part A ARRA funding from the 20% mandatory set aside requirement for Supplemental Educational Services (SES) and school-choice transportation. This \$742,029 mandatory set aside is in addition to the \$1 million currently set aside from Title I Part A to cover the cost of SES and school-choice transportation. Each LEA interested in accessing these waiver options must develop and submit a Title I, Part A Waiver Application and Plan Template to the California Department of Education. It is important to note that Mt. Diablo Unified has met all of the demands for SES and school-choice transportation as listed on page 7 in Section II (a) of the Title I Part A Waiver Application.

Member (Sherry Whitmarsh) Moved, Member (Gary Eberhart) seconded, and the Board voted 5-0-0 to approve as presented.

14.9 Resolution Relative to Elimination of Classified Positions

Program modifications and budgetary limitations make it necessary to eliminate classified positions. The leadership of Local One CST and M&O have been advised regarding this matter.

Member (Sherry Whitmarsh) Moved, Member (Gary Eberhart) seconded, and the Board voted 5-0-0 to approve as presented.

14.10 Interdivisional Reorganization of Maintenance and Operations and Technology and Information Services Departments

In an effort to preserve the delivery of both Maintenance and Operations and Technology and Information Services, while affecting a modest level of relief to the General Fund, staff is proposing an interdivisional reorganization between Maintenance and Operations and Technology and Information Services. This proposed reorganization involves a reallocation of existing staffing resources and consists of the following actions: 1) Elimination of the 'frozen' Director of Technology Applications position and creation (effective 7/1/10) of a permanent Integrated Systems Program Manager position; 2) Elimination (effective 1/1/11) of the District Custodial Supervisor, Grounds and Facilities Assessment Manager and one (1) Area Facility

manager positions, and the creation of a Building and Grounds Manager classification/position and an Assistant Building and Grounds Manager classification/position.

Member (Sherry Whitmarsh) Moved, Member (Richard Allen) seconded, and the Board voted 5-0-0 to approve as presented.

14.11 Adjust existing contracts between Mt. Diablo Unified School District (MDUSD) and Non Public Schools (NPS) for special education students receiving services for the 2009-2010 school year.

Chart

Mt. Diablo Unified School District (MDUSD), through the Individualized Education Plan (IEP) process, places students in Non Public Schools. On June 2, 2009 the Board approved designated amounts for each NPS based on placements known at that time. Due to graduation, discharges, transfers, administrative placements and new IEP placements, NPS contracts need to be decreased, increased, cancelled or created. The details of the changes to the existing contracts are reflected in the attached chart.

Member (Gary Eberhart) Moved, Member (Linda Mayo) seconded, and the Board voted 4-0-1 (Abstain – Allen) to approved as presented.

14.12 Approve increase of contract amount between Mt. Diablo Unified School District (MDUSD) and Paradigm HealthCare Services, Inc. for the 2009/10 school year.

The California Department of Health Care Services (DHCS) has recently increased reimbursements to school districts in the process of correcting an error pertaining to the service reimbursement rates for Medi-Cal. Since 2006, the wrong reimbursement rates were being used. DHCS is now retroactively applying the higher reimbursement rates to past paid claims and sending out reimbursement checks to all Local Educational Agencies (LEA). In addition to the increase in Medi-Cal reimbursement mentioned above, the Federal Medical Assistance Percentage (FMAP) was increased due to the increase in unemployment in California. This also results in an increase in federal match reimbursement. These corrections result in additional revenue for the District. MDUSD has a contract with Paradigm HealthCare Services, Inc. (Paradigm) to prepare and submit Medi-Cal claims to DHCS for the reimbursement of health care services provided by MDUSD as a Local Education Agency (LEA). The cost of their service is calculated monthly by taking the approved Medi-Cal reimbursements and adjustments for the month and multiplying the amount by 11%. The monthly invoices are paid against the incoming revenue from Medi-Cal reimbursements; therefore, the costs of these services are cost neutral. The 2009/10 contract was first approved by the Board on 5/26/09 for \$31,000. Since MDUSD is now receiving additional Medi-Cal reimbursements, there has been an increase in cost for Paradigm services. On October 13, 2009 the Board approved a \$31,000 contract increase to cover the additional cost. Since then MDUSD has received more additional reimbursements than had previously been anticipated; therefore the cost for Paradigm services is higher. Staff requests an additional increase of \$38,000 to cover the cost. This will bring the total Paradigm contract to \$100,000.

Member (Linda Mayo) Moved, Member (Gary Eberhart) seconded, and the Board voted 5-0-0 to approve as presented.

14.13 Board discussion regarding pursuing a Parcel Tax or General Obligation (Facilities) Bond

The Board discussed pursuing a Parcel Tax and/or GO Bond. Direction was given to the Superintendent to prepare a resolution for the March 9 Board meeting that would move forward with a June GO bond election. Concurrently, a poll will be taken and if the results show that it wouldn't be favorable to pursue a bond in June, it may be postponed until the November election.

14.14 Agreement between Mt. Diablo Unified School District and Independent contractor - UC Berkeley History-Social Science Project

A Five Year Grant: The American Democracy in Word and Deed (ADWD) project will provide a rigorous professional development program targeting Mt. Diablo teachers in low performing schools designed to deepen teacher content knowledge, increase student understanding of and appreciation for American history, improve student content literacy, and encourage active involvement in the American democratic process. Goals for professional development: Deepen teachers' knowledge of American History content and

historical thinking skills. Enhance teachers' ability to translate this knowledge to support student learning through the use of expository reading and writing strategies.

Member (Gary Eberhart) Moved, Member (Richard Allen) seconded, and the Board voted 5-0-0 to approved as presented.

BOARD MEMBER REPORTS

Linda Mayo visited Ayers Elementary. She also visited Hidden Valley Elementary during their Distinguished School Visit. She attended several of the Superintendent's Community Meetings. She announced that there will be a countywide rally for education on April 24 and an upcoming PTA rally in Sacramento. She reminded everyone of a signature gathering campaign that would reduce the voting threshold for parcel taxes for schools to 55%. The website is www.improveschoolfunding.org.

Dick Allen asked for information of on graduating seniors as to where they will attend school.

Sherry Whitmarsh thanked the teachers and staff at schools she's visited recently.

Gary Eberhart expressed his appreciation of the community support. He thanked staff for moving the meeting on such short notice.

The meeting adjourned at 10: 30 p.m.

Steven Lawrence, Secretary