

**MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Tuesday, September 13, 2011 (7:30 PM)**

Board Members: Gary Eberhart, Sherry Whitmarsh, Linda Mayo, Lynne Dennler, and Cheryl Hansen

Administrative Staff: Superintendent Steven Lawrence, Assistant Superintendents Julie Braun Martin, Mildred Browne, Rose Lock, General Counsel Gregory Rolen, and Chief Financial Officer Bryan Richards

CALL TO ORDER

The Meeting of the Board of Education of the Mt. Diablo Unified School District (MDUSD) was called to order by Gary Eberhart at 6:05 p.m. in the Board room at the MDUSD Dent Center.

ADJOURN TO CLOSED SESSION AT 6:00 P.M.

The Board adjourned to Closed Session at 6:06 p.m. in Room 6 at the Dent Center. In closed session the Board discussed negotiations and three cases of anticipated litigation. In closed session the Board voted to readmit one student who had met his conditions of rehabilitation.

RECONVENE OPEN SESSION

The Board returned to Open Session at 7:34 p.m. in the multi-use room at Monte Gardens Elementary School. President Eberhart led the Pledge of Allegiance and reported action taken in Closed Session.

CONSENT AGENDA

Whitmarsh moved, Mayo seconded, and the Board voted 5-0-0 to approve the Consent Agenda as presented, thereby approving the following:

8.2 (Item #2) Minutes of the meeting of June 28 and August 9, 2011

8.3 (Item #3) Recommended Action for Certificated Personnel

Changes in status of certificated employees.

8.4 (Item #4) Student Teacher Agreement with the Graduate School of Education, University of California, Berkeley

This agreement is to provide practice teaching to students enrolled in the teacher education program at the Graduate School of Education, UC Berkeley, to help them acquire the skills and knowledge needed to become professional teachers.

8.5 (Item #5) Memorandum of Understanding and Agreement to Provide Education Specialists, Pupil Personnel Services, School Counseling, Educational Therapy, School Psychology, School Administration and Teaching Interns with St. Mary's College of California

St. Mary's College of California requests approval to enter into a Memorandum of Understanding and Agreement with MDUSD to provide practical teaching, administrator or counseling experience for Education Specialists, Pupil Personnel Services, School Counseling, Educational Therapy, School Psychology, School Administration and Teaching interns.

8.6 (Item #6) Interagency Agreement for Provision of Services with San Francisco State University

San Francisco State University requests approval to enter into an Interagency Agreement with MDUSD to provide a Special Education internship program to place and train teachers for the Education Specialist Credential Program.

8.7 (Item #7) Approval of Provisional Internship Permit (PIP) Request

The California Commission on Teacher Credentialing is no longer issuing Emergency Permits. However, the Commission replaced the Emergency Permit with the Provisional Internship Permit (PIP) which provides applicants additional time to meet the subject matter competence requirement(s) needed to enter

an internship program. A District may request a PIP only after a diligent search has been conducted and a fully credentialed teacher could not be found. The PIP is issued for one (1) year and is renewable one time only provided the teacher has taken all appropriate subject matter examinations, but has not yet passed those tests. All requests for a PIP must be presented to the Governing Board of a public school district for approval. Every PIP request that is submitted to the Commission on Teacher Credentialing must also include verification that a notice of intent to employ the named applicant in/*66 the identified position has been made public.

8.8 (Item #8) Education Code 44258.2 - Board Authorization

Under Ed Code 44258.2, holders of Single Subject or Secondary credentials who have 12 lower division units or 6 upper division units in a subject can be authorized, by Board Authorization, to teach that subject(s) in a middle school for the current school year.

8.9 (Item #9) Education Code 44258.3 - Board Authorization

Under Ed Code 44258.3, holders of any California teaching credential can be authorized, by Board Authorization, to teach departmentalized classes with their consent in grades K-12, irrespective of the designations on their teaching credentials, as long as the teacher's competence is verified according to policies and procedures established by the governing board consistent with the language of the statute.

8.10 (Item #10) Education Code 44263 - Board Authorization

Under Ed Code 44263, holders of any California teaching credential who have 18 semester lower division units or 9 upper division units in a subject can be authorized, by Board Authorization, to teach that subject(s), full or part time. Teacher and site administrator completes Consent Form, and teacher supplies copies of transcripts verifying correct number of semester units completed in the subject area to be taught.

8.11 (Item #11) Approval of 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.

8.12 (Item #12) Request to increase and decrease Full Time Equivalent (FTE) for the 2011-2012 school year

Positions are requested to be increased or decreased as described.

8.13 (Item #13) Recommended Action for Classified Personnel

Changes in status of the classified employees.

8.14 (Item #14) Classified Personnel: Request to Create/Eliminate Positions for the 2011-12 fiscal year

Positions are requested to be created/eliminated.

8.15 (Item #15) Classified Personnel: Range Omitted for SEAIIV, Behavior Assistant Job Description

On August 9, 2011, the Board approved the job description for SEAIIV, Behavior Assistant for Special Education; however, the salary Range was omitted. This position will be on the CSEA Salary Schedule at Range 478 (\$16.33 - \$21.88/hour).

8.16 (Item #16) Budget Development Calendar 2012-2013

Education Code 42127 requires the Board of Education to adopt a budget for the 2012-2013 school year and submit it to the County Superintendent of Schools by July 1, 2012. In order to ensure that the district meets this requirement, a calendar of the major budget development activities has been prepared.

8.17 (Item #17) IFAS Vendor Warrant Report and IFAS Vendor Cancellations Warrant Report for the months of July and August 2011.

IFAS Vendor Warrant Report and IFAS Vendor Cancellations Warrant Report for the months of July and August 2011. Payments have been made to meet the District's obligations for salaries, benefits, supplies, contract services, equipment, capital improvements and other outgo.

8.18 (Item #18) Authorization to submit the Safe and Supportive Schools (S3) grant

Staff requests authorization to submit the Safe and Supportive Schools (S3) grant to the California Department of Education (CDE) for all district comprehensive high schools. In October 2010, California became one of 11 states selected to receive a federal Safe and Supportive Schools (S3) grant. The grant is intended to target programmatic interventions that include school safety and bullying, positive relationships and other learning supports, and student engagement. All six Mt. Diablo Unified School District high schools are eligible to apply for the S3 grant based on the 2010-11 California Healthy Kids Survey (CHKS) results and the school's designated School Climate Index (SCI) score. The SCI assesses three domains: (1) student supports and engagement; (2) violence, victimization, and substance use at school; and (3) truancy rates. Schools were ranked in order of need and given a classification of Tier 1 or 2, with Tier 1 schools indicating the greatest need. Four MDUSD schools were classified as Tier I, Mt. Diablo, Clayton Valley, Ygnacio Valley and College Park High Schools and two classified as Tier 2, Concord and Northgate High Schools. School teams reviewed and analyzed the CHKS and SCI data over the summer in preparation for the S3 grant submission. Each school completed a comprehensive "Evidence of Readiness" narrative outlining site needs, past efforts and commitment to the S3 project. If awarded the grant, each school will participate in a mandatory data use training and action planning workshop and will complete a school work plan. Grants range from 125,000-150,000 (depending on school size) for a total of \$850,000 annually and \$2.5 million over three years. The S3 grants will pay for coordination staff, evaluation and implementation of programmatic interventions.

8.19 (Item #19) Staff request authorization to enter into a contract with the City of Concord for a Portable Lease Agreement for the Meadow Homes CARES After School Program

Staff request authorization to enter into a contract with the City of Concord for a Portable Lease Agreement for the Meadow Homes CARES After School Program. The Portable classroom will be used during the school day to for the intervention program and other school day activities and during the after school hours for the CARES After School Program. The district has used this portable since 2008 as part of the Community Development Block Grant (CDBD).

8.20 (Item #20) Approval of Contract with Marin County Office of Education (COE) Outdoor School at Walker Creek Ranch for Walnut Acres Elementary School

Students at Walnut Acres Elementary School will participate in the Marin County Outdoor School Program at Walker Creek Ranch in Petaluma, CA October 17-21, 2011. Because several elementary schools attend Walker Creek and cumulative costs will exceed \$25,000, Board approval is required.

8.21 (Item #21) Approve Resolution between the Mt. Diablo Unified School District and the California Department of Public Health

Staff request authorization to approve a Resolution between the California Department of Public Health, Network for Healthy California and the Mt. Diablo Unified School District to provide nutrition education and physical activity promotion to United States Department of Agriculture (USDA) Supplemental Nutrition Assistance Program Education (SNAP-Ed) in accordance with the contract. The Mt. Diablo Unified School District's CARES After School Program has been the recipient of this contract since 2000 serving over 2,400 students at sixteen after school programs every school day and during a summer session. Participating students engage in nutrition education such as cooking and gardening classes, as well as physical activity such as recreational games and sports. This contract has assisted the district in supporting students and families develop healthy life skills and strengthening student learning.

8.22 (Item #22) Independent Services Contract with Dawn Guglielmino

Foothill Middle School requests approval of an Independent Services Contract with Dawn Guglielmino for services as a crisis counselor to support academic success of the students. Students will be referred by an

administrator, teacher or parents or students may request to see her. Ms. Guglielmino will work with the administrators, teachers and other professional staff to support student academic success.

8.23 (Item #23) Independent Services Contract with Victor Gomez

Victor Gomez, contractor, will be translating at various school sites during the 2011-2012 school year. These translations will be charged to the school site budget of EIA (3825).

8.24 (Item #24) Approval of Contract with Exploring New Horizons (ENH) for Hidden Valley Elementary School

Contract with Exploring New Horizons and Certificate of Insurance
Students at Hidden Valley Elementary School will participate in the Exploring New Horizons Outdoor Education Program at Camp Loma Mar in October 2011. Several elementary schools contract with Exploring New Horizons, exceeding the \$25,000 limit, thus Board approval is required.

8.25 (Item #25) Independent Service contract with John F. Kennedy University for Counseling Services at District Schools

Contract authorizes John F. Kennedy University to provide counseling services at district schools. Student participation in services requires prior parent/legal guardian permission.

8.26 (Item #26) Job Description for Administrator, Special Education/Dispute Resolution

The job description for Administrator, Special Education/Dispute Resolution is being revised to recognize the programs and departments of Special Education that interact with this position. The incumbent will remain in this position and no additional funding is required.

8.27 (Item #27) Approval of Contract with Exploring New Horizons (ENH) for Strandwood Elementary School

Students at Strandwood Elementary School will participate in the Exploring New Horizons Outdoor Education Program at Sempervirens Camp September 26-30, 2011. Several elementary schools contract with Exploring New Horizons, exceeding the \$25,000 limit, thus Board approval is required.

8.28 (Item #28) Hispanic Heritage Month Resolution

The California Department of Education has designated September 14 - October 14, 2011 as Hispanic Heritage Month. The resolution recognizes the many contributions made by the Hispanic people to the growth and development of California's heritage.

PUBLIC COMMENT

Janet Fitzpatrick, Instructional Media Assistant, said she would like to see the District continue its contract with Ikon for copier needs. She feels that Ikon has been top notch in providing service and supplies to the District. She urged the Board to choose them again for copier leases.

Mike Mayo, parent, said the school bus had not picked up his son from school four days in a row. He shared concern that the Transportation Department is experiencing severe problems in regard to picking up and dropping off students. He said he hopes the Board can bring a quick and prompt resolution to the issue.

President Eberhart asked staff to inform the Board on what is being done to resolve the transportation issues.

SUPERINTENDENT'S REPORT

Superintendent Lawrence thanked the Student Services Department for their efforts over the summer in getting students to come to school with their Tdap verification. He said that out of 15,672 that needed the shots, 14,707 have received them. Valley View Middle School was the first school to have 100% verification. The County Health Department will continue to administer free shots on Fridays at their central Concord location.

BUSINESS/ACTION ITEMS

13.1 Appointment of Coordinator, Student Community Services 9-12

Mayo moved, Whitmarsh seconded, and the Board voted 5-0-0 to appoint Elaine Velissaratos-Kratsas to the position of Coordinator, Student Community Services 9-12.

13.2 Appointment of Coordinator, Student Services 6-8

Mayo moved, Whitmarsh seconded, and the Board voted 5-0-0 to appoint Theodora Pappas to the position of Coordinator, Student Services 6-8.

13.3 Appointment of Program Specialist, Categorical Programs, Site Based

Whitmarsh moved, Mayo seconded, and the Board voted 5-0-0 to appoint Linn Kissinger to the position of Program Specialist, Categorical Programs, Site Based.

13.4 Clayton Valley High School (CVHS) Charter Petition

Deborah Cooksey, Assistant General Counsel, explained the charter school review process and shared a PowerPoint presentation. She also explained the three options for the Board to consider: grant the petition unconditionally; grant it with conditions; or deny it based on identified deficiencies.

Pat Middendorf, lead charter petitioner, said that the charter was written as a framework and is not intended to be a detailed list of what will be done next year.

Neil McChesney, lead charter petitioner, said that the charter is modeled after successful programs. He said the charter has been built around core values of uniting stakeholders to prepare students for the 21st century. There is emphasis on creating a healthy competition among District schools as well as fostering a collegial partnership between the charter and the District.

Paul Minney, legal counsel for the charter school petitioners, went over the highlights of their rebuttal, which was given to the District today. He said the District can only approve or deny the charter, it can not approve with conditions. The petitioners have rewritten the second element to meet the standards that the state would accept. They are requesting a 5-year approval.

Marshall Mayotte, Vice President of ExED., said that the financials that were prepared last May used worse case scenarios. According to the District's financial statement, they overstated by nearly \$1 million. He is confident they can meet the financial expectations of the school.

Public Comment

Speaking in favor of the charter petition being approved without conditions:

Chase Davenport, California Charter School Association; Howard Geller, Vice Mayor of Clayton; Dr. Grant Bazan; Ted Hall, student; Pete Laurence, former Mayor of Clayton; Julie Pierce, Clayton City Council; Mundy Viar, teacher; Cate Sundling, teacher; Barb Johnson, on behalf of Congressman George Miller; Dick Ellis, retired teacher; Kevin King, Clayton Valley Charter High School board member; Les Garaventa, coach and parent; Joe Medrano, Clayton City Council; David Shuey, Mayor of Clayton; Lisa Corr, partner, Middleton, Young & Minney; Gregory Hile, teacher, Amber Lineweaver, teacher.

Opposed to the charter petition being approved:

Deb Heinzmann

Mr. Minney readdressed the Board to suggest that the motion be modified to approve the proposal tonight with the condition that staff and the charter work on the conditions and bring it back to the September 27 Board meeting.

Board Comment

Ms. Hansen said she believes that some of this is a work in progress although it is not explicitly detailed. Some areas she would like to see more flushed out, particularly around curriculum and instruction. She also said that because this is an overwhelming list of requirements, she would like to hold a study session so the Board and the charter committee can have time to process some of those things.

Ms. Dennler said she feels there is a systemic problem in the District and is not unique to CVHS. There is a need to address how we can simplify communication with the district office to quickly solve issues.

Ms. Mayo said she appreciates the effort that the community has undertaken. Several of her concerns were confirmed through the staff report that was released on Friday. One particular concern is with the financial information that was provided and that there would not be enough cash in the month of April each year. Another concern is whether or not the existing staff has clearly discussed the ramifications of their positions with the charter school. With a shortfall of \$870,000 in the first year, the budget would have to be balanced either through staff attrition, change of staff to a less expensive staff composition, massive fund raising, or more loans. She said she will be closely reviewing the results in February 2012.

Ms. Whitmarsh shared that she has many of the same concerns as her fellow board members. She hopes that staff can come up with a charter that meets the conditions that have been put on them. She said that would greatly alleviate the fears of the Board and some parents in the District that have expressed concern.

Mr. Eberhart said there is an amazing energy in trying to make positive changes at CVHS. The charter needs to bring back specificity so that it can get under way for the 2012-13 school year. The Board has the moral and legal responsibility to insure good solid planning. He stressed that working together is critical and that this could be an amazing opportunity for this District and community.

Whitmarsh moved, Mayo seconded and the Board voted 5-0-0 to adopt resolution 11/12-14 (Option 2) granting, with conditions, the charter for the establishment of the Clayton Valley Charter High School.

13.5 Opportunity for public response to the Board's Successor Agreement proposal to Mt. Diablo Education Association (MDEA).

At the August 23, 2011 meeting, the Board's Successor Agreement to Mt. Diablo Education Association (MDEA) was publicly presented. We are now presenting this proposal for public response.

Mayo moved, Whitmarsh seconded, and the Board voted 5-0-0 to formally adopt the District's initial proposal.

13.6 Approve additional contract with Red Schoolhouse Software (OARS)

Electronic elementary report card with OARS Interface. Additional module to the Red Schoolhouse Software (OARS) system is needed to produce an on-line report card at the elementary level. Teachers will prepare and print report cards through the OARS system.

Whitmarsh moved, Mayo seconded, and the Board voted 5-0-0 to approve the contract as presented.

PULLED 13.7 Certification of the District's 2010-2011 Unaudited Actual Financial Report

The 2010-2011 Unaudited Actual Financial Report will be submitted under separate cover. This report includes the actual revenues and expenditures for the 2010-2011 fiscal year. It also includes the original budget for 2011-2012.

PULLED 13.8 Resolution 11/12-13 Adopting the District's 2010-2011 GANN Appropriations Limit

Proposition 4 of 1979 requires the Board to annually approve a resolution adopting the District's revised appropriations limit for the preceding year and the projected limit for the new fiscal year based on the adopted budget. The calculations are now part of the Unaudited Actuals report on form GANN, however the resolution must be taken as a separate action item.

13.9 Resolution 11/12-11 Restore Flexibility Needed as a Result of AB114

AB 114 requires local education agencies to ignore the possibility of mid-year budget cuts in planning their own budget. Therefore, the Mt. Diablo Unified School District request that the and governor restore the decision making and budgetary flexibility needed to deal with mid-year budget cuts, should they occur.

Whitmarsh moved, Mayo seconded, and the Board voted 5-0-0 to adopt resolution 11/12-11 as presented.

BOARD MEMBER REPORTS

Ms. Dennler visited Pleasant Hill Elementary School yesterday with Ms. Mayo and Ms. Lock. She said the school is very fortunate to have parents support its foundation.

Ms. Hansen shared that she visited the classroom of the Mt. Diablo Unified School District Teacher of the Year Sue Noce and was extremely impressed. She announced that the County Office of Education Teacher of the Year Dinner will be held this Thursday. She congratulated Ms. Noce on her incredible effort as a Spanish teacher at Foothill Middle School.

Ms. Mayo attended the Mt. Diablo Council of PTAs meeting. She said that more individuals are attending these meetings. She also attended the Community Advisory Committee where she heard concerns expressed by parents regarding Special Education transportation. She is glad to hear they will receive a report from the Superintendent regarding a resolution.

Ms. Whitmarsh reported that she is getting used to the traffic now that school is back in session. She has heard positive comments from students who like parking under the shade provided by the solar panels.

Mr. Eberhart visited Ayers elementary and said he was amazed at what is going on in the classroom already. Students are engaged, reading, writing, and have homework. He spoke to students regarding the solar project. He thanked the bus drivers that are making sure the vast majority of students are getting where they need to be. He said we still have some transportation struggles and he looks forward to seeing staff's solution.

The meeting adjourned at 10:09 p.m.