

MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Tuesday, November 08, 2011 (7:00 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 Rolon, and Chief Financial Officer Bryan Richards

CALL TO ORDER

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

ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 6:00 p.m. in Room 6 at the Dent Center. In Closed Session the Board discussed negotiations, expulsions, public employee discipline/dismissal/release/complaint and anticipated litigation.

RECONVENE OPEN SESSION

The Board returned to open session at 7:02 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.

EXPULSION RECOMMENDATIONS

Student #03-12

Whitmarsh moved, Hansen seconded, and the Board voted 5-0-0 that Student #03-12 be expelled from all schools and programs of Mt. Diablo Unified School District and that Student #03-12 may apply for readmission after June 14, 2012. It is required that Student #03-12 participates in 20 hours of individual counseling to address substance abuse and decision making skills, attend COPS program (Weapons), show proof of negative drug test, 30 hours of community service, attend Anger Management and Drug & Alcohol Workshops; and show evidence of a successful school experience with good attendance and behavior and 2.0 GPA, prior to applying for readmission.

Student #04-12

Mayo moved, Dennler seconded, and the Board voted 5-0-0 that Student #04-12 be expelled from all schools and programs of Mt. Diablo Unified School District and that Student #04-12 may apply for readmission after June 14, 2012. It is required that Student #04-12 participates in 20 hours of individual counseling to address grief and decision making, 30 hours of community service, attend COPS Program for Aggression, attend Anger Management Workshop, and show evidence of a successful school experience with 2.0 GPA and 95% attendance, prior to applying for readmission.

Student #05-12

Hansen moved, Mayo seconded, and the Board voted 5-0-0 that Student #05-12 be expelled from all schools and programs of Mt. Diablo Unified School District and that Student #05-12 may apply for readmission after November 8, 2012. It is required that Student #05-12 participates in 40 hours of individual counseling to address decision making skills and social behavior, attend COPS Program for Aggression, 30 hours of community service, and show evidence of a successful school experience with 2.0 GPA and no suspendible behavior infraction, prior to applying for readmission.

CONSENT AGENDA

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve the Consent Agenda as presented, with the exception of Items 11, 12, and 13, pulled by Hansen, thereby approving the following:

9.2 (Item #2) Minutes of the meeting of September 27, 2011

9.3 (Item #3) Recommended Action for Certificated Personnel

9.4 (Item #4) Internship Contract Agreement between Brandman University and Mt. Diablo Unified School District

This agreement is to provide support for students in the Multiple Subject, Single Subject and Education Specialist Internship Credential programs at Brandman University.

9.5 (Item #5) Student Placement Agreement between California State University, Sacramento College of Education and Mt. Diablo Unified School District

This agreement is to provide a partnership for the training and support of student teachers and interns for field work experience between California State University, Sacramento and Mt. Diablo Unified School District.

9.6 (Item #6) Request to increase and decrease Full Time Equivalent (FTE) for the 2011-2012 school year

9.7 (Item #7) Recommended Action for Classified Personnel

9.8 (Item #8) Classified Personnel: Increase of 0.0625 FTE for Benefits Specialist Position

A new job description for Benefits Specialist was approved at the October 25, 2011 Board meeting. This new job description moved this position from the CST unit to the DMA/Confidential unit. Administration is requesting that this position now be increased from 0.9375 FTE to 1.0 FTE. This is an increase in FTE of 0.0625. The incumbent in this position performs highly technical and confidential work including working with each bargaining unit on their health benefits. Moving this position to the Confidential Unit more accurately describes the duties involved with this position. Administration is requesting that this increase be retroactive to October 26, 2011.

9.9 (Item #9) IFAS Vendor Warrant Report September 2011 IFAS Vendor Cancellations Warrant Report for September 2011

Payments have been made to meet the District's obligations for salaries, benefits, supplies, contract services, equipment, improvements and other outgo.

9.10 (Item #10) Williams Quarterly Summary Report

The Williams legislation is a package of state laws resulting from the settlement of a class action lawsuit filed in San Francisco County Superior Court in 2000, Eliezer Williams et al, vs. State of California. The basis of the lawsuit was that agencies failed to provide public school students with equal access to instructional materials, safe and decent school facilities, and qualified teachers. The Contra Costa County Office of Education has requested quarterly reports on specific complaints designated in the Williams lawsuit settlement. Quarterly reports reflect complaints regarding textbooks and instructional materials, teacher vacancies or misassignments, facilities conditions and Valenzuela/CAHSEE support. This quarter's report includes the months of July through September 2011.

9.11 (Item #14) Award of Request for Quotation #1589: Unleaded Gasoline and Diesel Fuel

Request for Quotation #1589 was called to provide Unleaded Gasoline and Diesel Fuel District-Wide. The lowest responsible, responsive bidder is Hunt & Sons, Inc., for the total amount of \$625,000.00. The Mt. Diablo Unified School District maintains a fleet of vehicles in excess of 225 which uses unleaded gasoline and diesel fuel. The fleet composition consists of automobiles, both large and small; large trucks; school buses; and heavy motorized equipment. Three (3) proposals were received. A bid summary is attached of proposal pricing. This contract is for one (1) year with two (2) one year options to renew. Budget is \$625,000.00

9.12 (Item #15) Increase purchase order #80683 Michael's Transportation by \$80,000

The transportation department outstanding invoices currently total \$55,514.00. The additional funds will be applied to payment of any field trips taken between now and the end of the year.

CONSENT ITEMS PULLED FOR DISCUSSION

10.1 (Item #11) Request to submit a California Partnership Academy Planning and Implementation grant for Mt. Diablo and Northgate High Schools

Staff requests permission to submit a Clean Technology and Renewable Energy California Partnership Academy (CPA) Planning and Implementation grant to the California Department of Education for continued funding for the Construction Manufacturing and Engineering Academy (ACME), and new funding to develop the Engineering and Design Academy at Northgate High School. These two academies would serve 9th-12th grade students and would

ensure that every MDUSD high school would have a funded CPA. The CPA model is a three-year program (grades ten-twelve) structured as a school-within-a-school. The current grant application will serve 9-12th grade students. Academies incorporate integrated academic and career technical education, business partnerships, mentoring, and internships. The primary career focus area relate to Engineering as outlined in the California Career and Technical Education Model Curriculum Standards Grades Seven through Twelve. The CPA grant will support MDHS and NGHS in the expansion of smaller learning community structures and instructional strategies that address core academics, learner engagement, career relevancy and personal skill development. This grant is aligned and supports the District's Career Integrated Academics policy to assist students to be college and work ready when they graduate from high school. The grant provides funding for personnel to coordinate, develop and implement the program, professional development, consultation and planning for teachers, as well as program supplies and materials. If funded, the grant will provide \$15,000 for planning in 2011-12 and \$45,000 for implementation in 2012-13. This is a combined total of \$60,000 over two years (2011-13) for each school and \$120,000 across the District. Funding increases each year as grade levels are added. Total grant across the two schools would be \$160,000 for 2013-14, \$240,000 for 2014-15 and \$300,000 for 2014-15.

Whitmarsh moved, Mayo seconded, and the Board voted 5-0-0 to approve the authorization to submit a grant and acceptance if awarded.

10.2 (Item #12) Request authorization to submit the School Improvement Grant (SIG) Cohort 2 to the California Department of Education for Meadow Homes Elementary and Oak Grove Middle Schools

Staff requests authorization to submit the School Improvement Grant (SIG) to the California Department of Education (CDE) for the two remaining eligible schools in the Mt. Diablo Unified School District. These schools include Meadow Homes Elementary and Oak Grove Middle School. MDUSD was awarded the School Improvement Grant in July 2010 for the four other eligible schools: Bel Air, Rio Vista and Shore Acres Elementary and Glenbrook Middle Schools. Based on the priorities for Race To The Top (RTTT) federal funding, SIG funds will focus on California's "Tier I" and "Tier II" schools. In keeping with federal requirements, California has defined "persistently lowest-achieving schools" as those that are determined to have been among the lowest five percent of schools in Program Improvement (PI) in terms of their average three-year proficiency rate for English-language arts and mathematics in the three previous school years (2006-07, 2007-08, and 2008-09). SIG, authorized under Section 1003(g) of Title I, Part A, of the Elementary and Secondary Education Act (ESEA), provides funding, through state educational agencies (SEAs), to local educational agencies (LEAs) that receive Title I funds and have at least one school identified in Tier I, II, or III. These funds are for identified and approved schools that demonstrate the greatest need and the strongest commitment to use the funds. The intent of SIG is to provide adequate resources in order to raise substantially the achievement of students to enable the schools to make adequate yearly progress and exit improvement status. The state will also work to ensure that schools successfully implement one of the four intervention models by promoting District partnerships to share expertise and lessons learned in ways that can build upon and sustain success. MDUSD has chosen to implement the "transformation" model. The Transformation Model includes replacing the principal and increasing instructional time, as well as other required school improvement activities. The two eligible schools will use the SIG to assist in implementing their School Improvement Plans. Each school is eligible for up to \$2,000,000 each year for three years. If awarded MDUSD would receive \$12,000,000 over three years.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve the authorization to submit grant and acceptance if awarded.

10.3 (Item #13) Approve contract with Resource Development Associates, Inc. (RDA) for evaluation services for the School Improvement Grant (SIG)

Staff requests approval to enter into a contract with Resource Development Associates, Inc. (RDA) for evaluation services for the 2011-2012 school year for the School Improvement Grant (SIG). The School Improvement Grant requires a comprehensive annual evaluation as part of the grant to measure program implementation and effectiveness.

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

PUBLIC COMMENT

Willie Mims, ECNAACP/BPA said that he expects there will be many speakers on item 14.1 and requested that other items under Business be moved up on the agenda.

Jeremy Dantzer, tutor with Foster Youth Services, asked that the information items regarding disproportionality and equity board policies be moved up on the agenda.

COMMUNICATIONS

Denise Lambert, Community Advisory Committee, said the committee has several concerns with the continuation of special education services if Clayton Valley High School becomes a charter high school.

SUPERINTENDENT'S REPORT

Superintendent Lawrence shared that First Interim Report Guidelines from the County Office of Education are posted on the District's website. The letter from Financial Crisis and Management Assistance Team (FCMAT) is on the website as well. He introduced James Wogan, Administrator, School Linked Services, who gave an overview of the District's HOPE program which helps homeless and foster youth.

BUSINESS/ACTION ITEMS

Please note change in order

14.6 New Board Policy on Disproportionality

In June 2010, Mt. Diablo Unified School District, along with 84 other school districts in California, was identified by the California State Department of Education as being disproportionate in the number of ethnic minority students who are in special education, overly represented in designated eligibility categories within special education, and students who are disproportionately suspended and put forward for expulsion. While MDUSD is not alone in facing this statewide and nationwide problem in terms of "disproportionality," addressing this challenge is critical in order to meet the District goal of ensuring success for every student in our schools. MDUSD convened a disproportionate representative advisory stakeholder group called the Equity Advisory Team. They met March 21, April 5, June 19 and October 18. At the April 19 Board Study Session, draft policies were presented for review. The Board asked that the policy be shared with additional role groups. This policy was shared at The Leadership Institute for all District administrators, MDEA leadership, Nurses, Special Education staff, Psychologist, CAC and other role groups. All role groups agreed this final draft policy will guide our District in decision-making related to over representation and over-identification of ethnic minority children in special education.

Public Comment

Willie Mims, ECNAACP/BPA, said that the NAACP is in support of this board policy.

Presented as information only. This will be returned for action.

14.8 New Board Policy on Equity

In June 2010, Mt. Diablo Unified School District, along with 84 other school districts in California, was identified by the California State Department of Education as being disproportionate in the number of ethnic minority students who are in special education, overly represented in designated eligibility categories within special education, and students who are disproportionately suspended and put forward for expulsion. While MDUSD is not alone in facing this statewide and nationwide problem in terms of "disproportionality," addressing this challenge is critical in order to meet the district goal of ensuring success for every student in our schools. MDUSD convened a disproportionate representative advisory stakeholder group called the Equity Advisory Team. They met March 21, April 5, June 19 and October 18. At the April 19 Board Study Session, draft policies were presented for review. The Board asked that the policy be shared with additional role groups. This policy was shared at The Leadership Institute for all district administrators, MDEA leadership, Nurses, Special Education staff, Psychologist, CAC and other role groups. All role groups agreed this draft policy will guide our District in decision-making related to ensuring equal access to quality educational opportunities for all students.

Public Comment

Willie Mims, ECNAACP/BPA, said he is in support of the board policy.

Jerry Dantzler, tutor, said that the policy will help keep every student on the path to success.

Presented as information only. This will be returned for action.

14.1 Final Acceptance or Denial of Clayton Valley Charter High School Petition

Representatives from the District and the charter high school committee have held a series of meetings since September 13, 2011 to address the conditions that the Board approved at the September 13 meeting. Prior to November 8, 2011, District staff will have completed its final review and be prepared to present their summative recommendations to the Board for approval or denial of the charter petition. Final vote to approve or deny based on staff recommendations will be held on November 8, 2011.

Deborah Cooksey, Associate General Counsel, said that staff recommends denial because the charter school petition does not meet all fiscal conditions. Bryan Richards, Chief Business Officer, presented the findings of Exhibit A. He shared that six of the conditions were either not met or only partially met.

Public Comment

Speaking in support of the Clayton Valley High School charter petition:

Neil McChesney, lead petitioner; Megan Kommer, parent; Amber Lineweaver, teacher; Briana Miller, student; Lauri Arbour, Speech Pathologist; Jacob Ben-Shmuel, student; Kendall Winship, student; April Winship, parent; Misha Safran, parent and teacher; Sara Kommer, student; Susan Safipour; David Shuey, Mayor of Clayton; Dylan Pereira, teacher; Pat Middendorf, lead petitioner; Barb Johnson, District Director for Congressman George Miller; Julie Pierce; Jamie Terry; Kelly Cooper; Joe Medrano, Clayton City Council; Paul Minney, legal counsel; Chase Davenport, Charter School Association; Luke Middendorf, former student; Marshall Mayotte, ExED.

Speaking in opposition to the Clayton Valley High School charter petition:

Adam Hastings, student; John McMorris, Principal of Northgate High School; Isabel Lara, Child Welfare and Attendance; Socorro Lomas; Kara Yu, teacher; Estaphany Mejia read a letter on behalf of her classmate; Steven Accatino, teacher; Dan Reynolds, teacher; Willie Mims, ECNAACP/BPA; Kelly Cooper, teacher; Dorothy Weisenberger, parent; Kish Rajan, Walnut Creek Council Member; Deb Heinzmann, parent; Terry McCormick, Principal of Pleasant Hill Middle School; Joan Miller, parent and President of the Mt. Diablo Music Education Foundation; and Bill Morones, Principal of Ygnacio Valley High School.

John Salazar, parent, said he is neither for nor against the Clayton Valley charter high school petition.

First Motion

Hansen moved, Dennler seconded, and the Board voted 2-3-0 (Mayo, Whitmarsh, and Eberhart – no) to approve the charter school without conditions. Motion failed.

Second Motion

Hansen moved, Mayo seconded, and the Board voted 4-1-0 (Hansen – no) to deny the Clayton Valley charter high school proposal. Motion passed.

14.2 Approval of Adult Education Course Titles for 2011-2012

Mt. Diablo Adult Education wishes to offer classes to meet the needs of our communities' adult learners. The California Department of Education requires that course titles be approved annually. These titles have been previously approved but need to be re-authorized for 2011-2012. A job market survey justifies the continuation of career technical education classes. Course outlines are on file for all courses currently being offered. Job market surveys are also on file for career technical education courses.

Mayo moved, Hansen seconded, and the Board voted 5-0-0 to approve the list of course titles as provided.

14.3 Approval of an Amendment to the Agreement Between Mt. Diablo Unified School District and Contra Costa County Health Services, Mental Health Division

This agreement supports the District Behavior Health Specialist staff plus secretarial staff who provide support to the District students who require mental health services at the Alliance Program and at the Sunrise Program. The Mental Health Collaborative uses what is known as a braided funding model to fiscally support the program. Under

this model, the county is billed for the entire cost of the program (\$3,046,705) and reimburses the District in program 3669 - County Medi-Cal. With the change to the AB 3632 funding model, the county then bills the District for the costs of students ineligible for Medi-Cal, and this is charged to program 1655 (the former AB 3632 funding). Students qualify for services based on their respective eligibility status. The revenue sources for 2011-2012 include: For Medi-Cal students, Early Periodic Screening Diagnosis and Treatment (EPSDT). For non-Medi-Cal students, Mt. Diablo Unified School District, Individuals with Disabilities Education Act (IDEA), one-time funding from Mental Health Services Act (MHSA), and State Reallocation Funds based on an amount yet to be determined. Alliance Program: 7.0 FTE Behavior Health Specialist I 7.0 FTE Behavior Health Specialist II 0.46875 FTE Secretary Sunrise Program 8.0 FTE Behavior Health Specialist I 4.0 FTE Behavior Health Specialist II 0.46875 FTE Secretary Both the Behavioral Health Specialist I and Behavioral Health Specialist II positions generate revenue by billing Medi-Cal through the County. For non-Medi-Cal students, Special Education will access funding through the above revenue streams. Program costs including salaries and expenses are estimated at \$3,046,705.00. To implement this program model, Behavioral Health Specialists I and Behavioral Health Specialists II are recruited and hired to provide services outlined above.

Mayo moved, Whitmarsh seconded, and the Board voted 5-0-0 to approve an amendment to the agreement with Contra Costa County Health Services, Mental Health Division.

14.4 Create Job Description for Elementary English Learner Support Teacher

Based on the English Learner Audit Report received by the Board on May 24, 2011, Administration is requesting the creation of a job description for Elementary English Learner Support Teacher. This job description would replace the description of Traveling English as a Second Language (ESL)/Bilingual Education Teacher. The new job description will more appropriately capture the actual tasks of the position as required by the audit.

Presented as information only. This will return for action.

14.5 Create Job Description for Secondary English Learner Support Teacher

Based on the English Learner Audit Report received by the Board on May 24, 2011, Administration is requesting the creation of a job description for Secondary English Learner Support Teacher. This job description would replace the description of Traveling English as a Second Language (ESL)/Bilingual Education Teacher. The new job description will more appropriately capture the actual tasks of the position as required by the audit.

Presented as information only. This will be returned for action.

14.7 Board Policy 5126 Awards for Achievement

This update to BP 5126 identifies the Golden State Seal Merit Diploma and Biliteracy Seal Award as recognition of student academic achievement at graduation from high school. An AR was developed for these awards to further define eligibility requirements.

Presented as information only. This will be returned for action.

BOARD MEMBER REPORTS

Ms. Hansen attended the Career Integrated Academics (CIA) meeting as the Board representative.

Ms. Mayo congratulated Dr. Browne for receiving the Association of California School Administrators (ACSA) Special Education Administrator of the Year award. She also visited Bel Air Elementary and attended the Bay Point After School Garden open house at Riverview Middle School.

Meeting adjourned at 10:12 p.m.