

**MINUTES**  
**REGULAR MEETING OF THE BOARD OF EDUCATION**  
**MT. DIABLO UNIFIED SCHOOL DISTRICT**  
**Tuesday, June 14, 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 Greg Rolen, 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.

**CLOSED SESSION**

The Board adjourned to Closed Session at 6:01 p.m. in Room 6 at the Dent Center. In Closed Session the Board discussed negotiations, one case of anticipated litigation, and one case of existing litigation, CSEA v. Mt. Diablo Unified School District (PERB action). In closed session the Board voted to readmit four students and deny readmission of twenty students who did not meet the conditions of their rehabilitation process.

**RECONVENE OPEN SESSION**

The Board returned to Open Session at 7:32 p.m. in the Board Room at the MDUSD Dent Center. President Eberhart led the Pledge of Allegiance to the Flag and reported action taken in Closed Session.

**EXPULSION RECOMMENDATIONS**

**Student #23-11**

Mayo moved, Dennler seconded, and the Board voted 5-0-0 that Student #23-11 be expelled from all schools and programs of Mt. Diablo Unified School District and that Student #23-11 may apply for readmission after January 21, 2012. It is also required that Student #23-11 participates in 20 hours of individual counseling to address substance abuse issues and individual decision making skills, 30 hours community service, attend COPS Program for Alcohol/Drug Offender and Aggressive Offender Classes, attend Drug Counseling at Kaiser, Drug Free Testing, show evidence of a successful school experience with no suspendible behavior infractions, achieve a minimum of 2.0 average, and earn 40 credits prior to readmission.

**Student #25-11**

Whitmarsh moved, Hansen seconded, and the Board voted 5-0-0 that Student #25-11 be expelled from all schools and programs of Mt. Diablo Unified School District and that Student #25-11 may apply for readmission after January 21, 2012. It is also required that Student #25-11 participates in 20 hours counseling with a licensed therapist to address substance abuse issues and individual decision making skills, attend COPS - Alcohol/Drug Offender Class, 30 hours of community service, Drug Free Testing, show evidence of a successful school experience with no suspendible behavior infractions, and achieve 2.0 GPA, prior to 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 9.10, 9.16, 9.17, and 9.18, which were pulled by Ms. Hansen, thereby approving the following:

**9.2 (Item #2) Recommended Action of Certificated Personnel**

Changes in status of certificated employees.

**9.3 (Item #3) Request to increase and decrease Full Time Equivalent (FTE) for the 2011-2012 school year**

Positions are requested to be increased or decreased.

**9.4 (Item #4) Recommended Action for Classified Personnel**

Changes in status of classified employees.

**9.5 (Item #5) Classified Personnel: Request to Create/Eliminate Positions for the 2011-12 school year**

Positions are requested to be created/eliminated.

**9.6 (Item #6) Monthly Budget Transfer and/or Budget Increases/Decreases for the month of May 2011**

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.

**9.7 (Item #7) IFAS Vendor Warrant Report and IFAS Vendor Cancellations Warrant Report for the month of May 2011**

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

**9.8 (Item #8) Authorization to submit a Foster Youth Services (FYS) Core grant to California Department of Education**

Staff requests authorization to submit the Foster Youth Services (FYS) renewal grant application to the California Department of Education (CDE). The Mt. Diablo Unified School District Foster Youth Services (FYS) program is designed specifically to help foster youth with their educational needs. Services provided by MDUSD FYS include; enrollment assistance, appropriate educational placement, educational records and information, counseling and case management services, training and education of school district personnel, tutoring services, and program collaboration. FYS will receive \$315,298 annually and \$945,894 over three years.

**9.9 (Item #9) Authorize submission of the Network for Healthy California Grant to support nutrition and physical activity in the Mt. Diablo CARES After School Programs**

Staff requests approval to apply for a one year Network for Healthy California grant. The Network for Healthy California grant is for \$233,557 and provides funding to integrate nutrition and physical activity into the Mt. Diablo CARES After School Program Kindergarten through eighth grade. For the 2011-12 school year there will be 10 elementary and three middle school CARES after school programs. The district has been the recipient of the Network for Healthy California grant since 2001. Funding is provided by the California Department of Public Health Network for a Healthy California, USDA Food Stamp Program. Grant funds will continue to pay for a portion of after school program recreation, administration and clerical staff, garden educators at after school gardens, evaluation services, and supplies and materials. Through this grant participating after school students receive at a minimum seven hours of nutrition education and physical activity promotion each week. The Network for Healthy California grant will continue to provide valuable and essential resources to district student to support, develop and maintain a healthy lifestyle.

**9.10 (Item #11) Renewal of Independent Contract with David H. Costa for Courier Service for pick up and delivery from school sites to credit union**

Courier service provided by David H. Costa to pick up petty cash from various school sites and then deliver directly to credit union. This service is provided twice a week and the charge for the service is \$12.00 per site. There will be 33 school sites that depend on this service. Courier services will be for the 2011-12 school year and should not exceed \$35,000.

**9.11 (Item #12) Request to Approve Independent Contract for David H. Costa**

Staff requests approval of the independent contract between David H. Costa and Food & Nutrition Services. David H. Costa will provide courier services between sites for reports, deposits and related documents. He is bonded and insured.

**9.12 (Item #13) Renewal of Independent Service Contract Between MDUSD and Laurie Gulutzan MFT for Counseling Services at Crossroads High School**

Laurie Gulutzan has been a counselor with Crossroads High School for the past 11 years. For the first eight of these years she was associated with New Connections. Starting with the 2008 – 2009 school year she was independent of any agency, working under her own license. Laurie is a licensed MFT counselor and holds a Masters in Counseling Psychology from JFK University. She will be employed forty hours per week. Approximately thirty-four hours per week will include counseling, case management, administrative and other services provided at the school. The remainder of time will include consultation, training, and other indirect services. Counseling services have expanded to include couples counseling and family sessions held after school hours. Student success depends on many things. For the students of Crossroads High School a particular area of need is mental health enabling students to become effective parents in strong relationships.

**9.13 (Item #14) Pawar Transportation contract for the 2011-2012 school year**

Currently there are 87 students being transported by Pawar Transportation for the 2010-2011 school year. The projections for the 2011-2012 school year are based on the current student count. The current expenditure for the 2010-2011 school year totaled \$1,000,980.00. The attached documentation includes ESY and the total projected expenditure for the 2011-2012 school year is \$1,051,029.

**9.14 (Item #15) Approve contract between Mt. Diablo Unified School District (MDUSD) and AA Medtrans-Grove LLC to provide transportation during the 2011-2012 School Year**

This contract is used by the Special Education Department in the provision of transportation services for students participating in programs in Mt. Diablo Unified School District, Contra Costa County and Non Public Schools. ESY costs equal \$3,000 and the 2011-2012 school year costs equal \$27,000.

**9.15 (Item #19) CIF/North Coast Representatives for MDUSD High Schools 2011-2012**

Ratify position of principal, vice principal and athletic director from Concord, Clayton Valley, College Park, Mt. Diablo, Northgate, and Ygnacio Valley high schools to serve as 19 representatives to California Interscholastic Federation North Coast Section for the 2011-2012 school year.

**9.16 (Item #20) Foster Youth Board Policy and Administrative Regulation as Required by Newly Approved Legislation**

Existing Mt. Diablo Board Policy and Administrative Regulation related to Foster Youth must be updated to reflect current legislation. Education Code 48850-48859 (AB 490 Educational Rights and Stability Act of 2003) created obligations for districts regarding the education of foster youth, including the rights of foster youth to continue attending their school of origin. Education Code 51225.3, as amended by AB 167 (effective January 1, 2011) provides that foster youth who transfer into the district or between district schools in grades 11-12, shall be exempted from locally established high school graduation requirements. The Governing Board recognizes that foster youth may be at greater risk for poor academic performance due to their family circumstances, disruption of their educational program and emotional, social, and other health needs. The district shall provide such students with full access to the district's educational program and other support services necessary to assist them in achieving state and district academic standards.

**9.17 (Item #21) Independent Contracts with Alameda County Office of Education**

Riverview Middle School and Ygnacio Valley Elementary School are requesting approval of an Independent Contract with the Alameda County Office of Education. This contractor will continue the strong work of embedded professional development and monitoring of student achievement for the 2011-2012 school year. Sustained site-based professional development in the areas of data driven results, accountability and progress monitoring to increase and meet our AYP, API and Title III targets will be the focus of the work. In addition, there will be specific support for the Instructional Rounds process to improve learning for all students and especially for English Language Learners. Finally, the consultant will provide strategies to support building capacity for Turnaround leadership through planning and facilitation of site-based leadership teams.

**9.18 (Item #22) Independent Services Contract with Clark Consulting and Training**

Rio Vista Elementary School would like to implement a four-week High Intensity English Language Summer Academy to accelerate the English language learning and literacy development of English learners. They are proposing to retain the services of Clark Consulting and Training, Inc. to provide specialized services to support the design and implementation of the Summer Academy.

**9.19 (Item #23) Approval of increase to Independent Contract between Innovations Consulting and Ygnacio Valley High School**

Beginning in 2009, MDUSD received federal Title I ARRA funds to provide assistance to schools that have high concentrations of students from families living in poverty in order to help improve teaching and learning for students most at risk of failing to meet State standards. The additional funding is designed to enable districts to serve more students beyond those currently served within the current Title I program. One of the sites supported using ARRA funds during the last 2 years has been Ygnacio Valley High School (YVHS). In September 2010, YVHS began working with Innovations Consulting which has provided support for teachers and for the administration team as they work to develop as learning communities, identify essential standards, develop formative assessments, and analyze student data to improve classroom instruction to ensure that all students meet state standards. This support has also helped the site develop effective interventions for struggling students and enrichment opportunities for those students who have mastered core content standards. The amendment to the contract with Innovations Consulting is being presented for approval to provide an additional 3 days of support to YVHS, an increase of \$3530, which would exceed \$25,000 for this contract. The increase would be paid out of the site's ARRA budget which must be spent by September 30, 2011.

**CONSENT ITEMS PULLED FOR DISCUSSION**

**10.1 (Item #10) Request authorization to submit the School Improvement Grant (SIG) to the California Department of Education for Meadow Homes 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 2010-11 School Improvement Plans. Each school is eligible for up to \$2,000,000 each year for three years. If awarded MDUSD would receive \$11,142,818 over three years.

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

**10.2 (Item #16) Approve contract between Mt. Diablo Unified School District (MDUSD) and AccentCare Home Care Services, Non Public Agency (NPA), for the 2011-2012 school year**

MDUSD, through the Individualized Education Plan (IEP) and Section 504 process, uses NPAs to provide specialized health care services. Services include diabetic monitoring, catheterization, and other medically

prescribed procedures. NPA assist the District in assuring compliance with all applicable federal and state laws and regulations. The NPA contract provides the costs required at this time for the 2011-2012 school year. Students are served under the terms and conditions of a Master Contract/Individual Service Agreement which is for the Board's approval on June 14, 2011.

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

**10.3 (Item #17) Contract between Mt. Diablo Unified School District (MDUSD) and Maxim Healthcare Services, Non Public Agency (NPA) for the 2011-2012 school year**

Non Public Agencies (NPA) are used by Special Education and Section 504 in the provision of specialized health care services. Services include diabetic monitoring, catheterizations, and other medically prescribed procedures. NPAs assist the District in assuring compliance with all applicable federal and state laws and regulations. The attached NPA contract provides the costs required for the 2011-2012 school year. For school year 2011-2012, we budgeted \$407,350.00. This is \$121,225.00 less than last year's expenditures. We are anticipating additional revenue through MAA funding to hire additional district positions to cover these specialized services. After a review of services and requirements, the contract is being brought forward for approval. Prior approval of positions with the district will considerably reduce the amount spent on contracted services.

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

**10.4 (Item #18) Approval of master contract between Mt. Diablo Unified School District (MDUSD) and Speech Pathology Group for Speech and Language services for the 2011 Extended School Year Program**

Speech Pathology Group is a Non-Public Agency (NPA) provider of Speech and Language Therapy services to the MDUSD. Students are served under the terms and conditions of a Master Contract to be approved by the Board on June 14, 2011. The contract amount covers costs associated with the Extended School Year Program.

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

**RECOGNITIONS**

The Board recognized Dr. Mildred Browne, who recently received the Association of California School Administrators (ACSA) Special Education Administrator of the Year Award.

**Public Comment**

Simon Makdessi, Vice President of Eagle Peak Montessori School, said that on March 15, 2010 Eagle Peak submitted a facilities request to the District. In the letter it states that Eagle Peak does not believe its facilities are reasonably equivalent to facilities in which the students would be accommodated if they were attending other schools in the District. He said that they have not received a response to their request. They hope to resolve this issue in a collaborative manner.

Dawn Wacker, parent, said that she is opposed to what appears to be the mandatory academies being proposed by the current principal at Mt. Diablo High School. She believes they have benefit, but students should have the option, beyond the basic graduation requirements, for taking the classes they are interested in and exploring their options.

**COMMUNICATIONS**

Annie Nolen, Vice President, CSEA, speaking on the elimination/reduction of Special Education Assistants (SEAs), asked that the correct job classification title be used when referring to these positions, so as not to cause confusion. She also asked the District to reconsider the reductions being proposed. She would like the Board to not vote on the SEA reductions at this time, but send it back to District staff to look for resources to keep the positions. Ms. Nolen shared that during Classified Employee Week in May, CSEA Chapter 43 showed appreciation for its members by giving a party where the members made quilts and brought in gift baskets for raffles. This year the money was donated to the Martinez Chapter of Blue Star Moms.

Jeff Adams, spoke on behalf of the United Mt. Diablo Athletic Foundation (UMDAF) and gave a brief report on the status for funding athletics for the past year and a prognosis for the coming year. They forecast that they will be able to contribute up to their \$200,000 commitment, depending on how all expenses turn out in the upcoming months for the previous school year. (*copies of the outline were provided to the Board*). He said that members of UMDAF have worked very hard over the last two years. He thanked Kent Caldwell and Pat Middendorf.

## **REPORTS/INFORMATION**

### **14.1 Pertussis Immunization Requirement For Students In Grades Seven Through Twelve**

Communication efforts and activities completed by Student Services Administrators, Nurses, Site Administrators and outside agencies.

Assembly Bill 354 was signed into law in September 2010. As a result, students entering or advancing to grades seven through eleven in the 2011-12 school year are required to be immunized with a pertussis (whooping cough) vaccine booster called Tetanus Toxoid, Reduced Diphtheria Toxoid and Acellular Pertussis (Tdap). The new requirement goes into effect July 1, 2011, for one year and affects all students - current, new, and transfers - in public and private schools. For the 2011-2012 school year, all students entering into grades 7th-12th will need proof of a Tdap shot before starting school. For 2012-2013 and future school years, all students entering into grade 7 will need proof of a Tdap shot before starting school.

Felicia Stuckey-Smith, Director of Student Services, highlighted Assembly Bill 354 and shared how the District will notify parents of the new immunization requirement, such as posting it on the website, School Messenger phone calls, and postcards sent to students' homes. Students who are not immunized by the beginning of school will not be allowed to attend. The District is also working in conjunction with the County Health Department and school nurses. Todos Santos Farmer's Market will have free immunizations on Thursdays during the summer months.

#### **Public Comment**

Willie Mims, BPA/ECNAACP, said that if the plan is implemented and the District does not allow students who have not received the Tdap immunization to attend school, there will be a nightmare with ADA (Average Daily Attendance). He said that the law allows waivers for certain groups of people, based upon religious beliefs or if they have trouble taking shots.

Ms. Mayo shared that health care providers will advise families of the requirements regarding waivers and the possible complications from preexisting illnesses.

## **SUPERINTENDENT'S REPORT**

None

## **BUSINESS/ACTION ITEMS**

### **16.1 Appointment of Vice Principal, Middle School**

We anticipate that the enrollment at Valley View Middle School will be well over 850 students next year. Therefore, they have the enrollment to justify an additional assistant principal. The increase enrollment is due to the closure of Glenbrook. Therefore, the estimated savings of \$1.25 million will be revised to \$1.14 million.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to appoint Margaret Norris to the position of Vice Principal, Middle School.

### **16.2 Appointment of Assistant Director, Student Services**

Whitmarsh moved, Mayo seconded, and the Board voted 5-0-0 to appoint Jonathan Roselin to the position of Assistant Director, Student Services.

### **16.3 Appointment of Principal, Continuation High School**

Mayo moved, Whitmarsh seconded, and the Board voted 5-0-0 to appoint Marc Lopes to the position of Principal, Continuation High School.

**16.4 Appointment of Principal, Elementary School**

Whitmarsh moved, Hansen moved, and the Board voted 5-0-0 to appoint Sherry Brauer to the position of Principal, Elementary School.

**PULLED 16.5 Appointment of Principal, Elementary School**

**16.6 Appointment of Vice Principal, High School**

Whitmarsh moved, Mayo seconded, and the Board voted 5-0-0 to appoint Jose Espinosa to the position of Vice Principal, High School.

**16.7 Appointment of Vice Principal, High School**

Hansen moved, Whitmarsh seconded, and the Board voted 5-0-0 to appoint Aline Lee to the position of Vice Principal, High School.

**16.8 Appointment of Vice Principal, High School**

Mayo moved, Hansen seconded, and the Board voted 5-0-0 to appoint Julene Robert to the position of Vice Principal, High School.

**16.9 Appointment of Vice Principal, High School**

Whitmarsh moved, Dennler seconded, and the Board voted 5-0-0 to appoint Julie Parks to the position of Vice Principal, High School

**PULLED 16.10 Appointment of Vice Principal, High School**

**PULLED 16.11 Appointment of Vice Principal, High School**

**PULLED 16.12 Appointment of Vice Principal, High School**

**16.13 Memorandum of Understanding Between Seneca Center and MDUSD to Operate a Non-Public School Program to Serve Students Who May Otherwise Require Residential Treatment**

Seneca Center currently offers a Non-Public School (NPS) program with intensive day treatment services for MDUSD students diagnosed with serious emotional disturbances. The two NPS/day treatment classrooms have been co-located with Seneca's intensive residentially-based treatment program at a facility in Concord, which closed this past March 31, 2011. With the closing of the residential component of this program, the two classrooms will continue to operate through the end of August. At that time, these students will be transferred to the new program, in addition to the students currently served in one of Seneca Center's classrooms located at the Riverview Middle School campus. These students will be served at one campus, with a dedicated rate structure that reflects a reduction in the State-approved NPS rate paid to Seneca Center. The desks in these classrooms will be dedicated to serve MDUSD students exclusively, thereby providing options for meeting the more intense needs of students and their families. In addition, this program will offer community-based treatment services to families with students currently placed out of state enabling the young people to return home and successfully integrate into the Seneca NPS program. With the transition of the responsibility of funding mental health services to school districts, it is unclear the extent to which funds will be realigned to cover the costs of these services. This program is designed to create a cost-effective service system that will maximize available District resources, while efficiently controlling costs. The program will provide a highly supportive educational setting for parents to consider in lieu of placing their children in expensive residential treatment programs.

**Board Comment**

Ms. Hansen shared her concern that the community was not involved with the plan of what will be done with the facility. She also said that the District needs to develop a comprehensive plan for use of the two closed school facilities, Glenbrook and Holbrook, to avoid piecemeal placement of programs. She would like to see this as an information item.

Mildred Browne, Assistant Superintendent, Pupil Services and Special Education shared that this will also be a magnet to serve some students, as far as an exchange rate with other districts, who are also in need of placement for their students. As more students are able to be transitioned back into the District, this will be a more cost effective way to serve more students who have behavioral needs.

Eberhart said he appreciated all the work that Dr. Browne, Superintendent Lawrence and General Counsel Rolan have done to put this plan into place.

Rolan explained that there is a one year cancellation on this agreement by either party with a 60 day notice. Flexibility has been built into the agreement.

Ken Berrick, CEO of Seneca Center, said that they have had a partnership with the District for many years. When AB3632 funding was vetoed it forced them to look at how they were using residential treatment in the context of students that need additional support services. This will not be a mainstream site, but will have staff that can follow students from the site back to a mainstream site and support them.

Whitmarsh moved, Dennler seconded, and the Board voted 4-1-0 (Hansen – no) to approve the Memorandum of Understanding as presented.

### **16.14 Budget**

Over the past months, we have held several budget meetings involving many representatives from all district schools. Staff gathered and considered input on potential reductions and revenue enhancements. The recommendations identified on the spreadsheet are based on the budget meetings, the Governor's May revision and the Contra Costa County Office of Education budget recommendations. Attached to the agenda item are: 1) the budget reduction list that has been on the Board agenda for the past several months; 2) the recommended budget items that we are asking the Board to take action on; 3) four Excel spreadsheets that represent different budget scenarios; 4) recommendations around athletics. \$1.26 million of the revenue savings come from elimination of maintenance and operations positions and fully utilizing Measure A funds to pay for maintenance and grounds positions. These recommendations are based on tracking and analyzing site and department maintenance requests. By moving the additional positions to Measure A will allow us to continue to fund the identified positions. The District will continue to receive Measure A funds for the next six years. Staff also offers further recommendations so that we can continue to offer athletics programs. Through voluntary contributions and the outstanding work of the United Mt. Diablo Athletic Foundation (UMDAF) District students continue to participate in interscholastic sports. However, in order to achieve sustainability of this model, and offer athletics to all students, we recognize the need to reduce costs. Working collaboratively with not only representatives of UMDAF, but also the Athletic Advisory Committee staff conducted a comprehensive analysis of our athletic program and identified means to deliver athletics more efficiently. The document attached to the agenda identifies reductions in transportation, maintenance and facilities costs, and we recommend budgeting \$250,000 for District athletics.

Superintendent Lawrence explained the four budget scenarios attached to the agenda. The County Office of Education has recommended the District budget on the Governor's proposal, but create a reserve that allows up to a \$330 reduction per pupil. The proposed budget reduction list was put together by gathering information at several budget meetings and incorporating the suggestions. The District is also looking at ways to cut athletic costs. Also, being looked at is a way to continue to maintain meeting student's learning needs, but bring the special education budget more in line with other districts in the county.

### **Motion**

Whitmarsh moved and Dennler seconded to approve the recommended budget reductions, the reallocation of Measure A, and the changes to athletic funding including transportation and facility costs as presented.

### **Board Discussion**

Mayo asked for clarification on the volunteer transportation issue.



In response, Superintendent Lawrence said that he and General Counsel will review and update the Board policy so that it clearly states the age limits. Provisions in regard to drivers under and over 18 years of age will be confirmed with the Department of Motor Vehicles. The permission slip in Board policy will be amended as well. This will be reviewed on an annual basis to make sure all board policies are up to date and will be brought back to the board to let them know how it's working.

Amended Motion #1

Mayo moved, Dennler seconded, and the Board voted 3-2-0 (Eberhart and Dennler voted no) to approve the recommended budget reductions, reallocation of Measure A funds, and changes to athletic funding including transportation and facility costs and further to remove the 4<sup>th</sup> item on the list (the reduction of Special Education Assistant FTE) and the 14<sup>th</sup> item on the list (Inventory Storekeeper position).

Amended Motion #2

Mayo moved, Dennler seconded and the Board voted 3-2-0 (Hansen and Dennler voted no) to consider the proposal to reduce Special Education Assistants to .375 FTE as presented in agenda document. (This vote was taken after amended motion #3 was made).

Public Comment

Pam Leffen, Special Education Assistant and parent, said that her daughter would not have graduated without the help she received from SEAs. She asked that these services not be cut.

Kim Montano, CSEA, said that the SEAs help all students not just those in special education.

Denise Ingham, SEA, read a letter by Jackie Griffin, also an SEA, which states that she has to work a second job to supplement her income. She asked that the Board reconsider the reductions.

Mari Nist, SEA, said that they have given up cost of living adjustments over the years with money being given back to District to help offset their benefit costs.

Mike Langley, President of MDEA, shared two concerns about this item. First, members are telling him that they are having a difficult time operating with shortened hours that the SEA-Is have accepted. They are considered partners in the educational process of the children. A second concern is retention of attracting people to jobs that are 3 hours a day.

Joan Martin, Resource Specialist, spoke against further reduction in SEA hours. She said that to meet the needs of students in the collaborative service delivery model it is essential to have the supportive team of the Resource Specialist and the Special Education Assistant. The learning center model this year was made more difficult by cuts in hours to the SEAs.

Ellie McQuade, Special Education teacher, said that she has worked with a number of fabulous assistants. She asked the Board to reconsider the reductions.

Rachel Shirley, spoke regarding one-to-one assignments of instructional aides and nurses. She said that most placements are made on seniority and she worries each year that her daughter's nurse will be replaced.

President Eberhart asked staff to update them on Ms. Shirley's situation.

Deb Heinzmann, asked if all sixty positions are SEAs. If not, then a two tier system is being created.

Amended Motion #3

Mayo moved, Hansen seconded, and the Board voted 1-4-0 (Eberhart, Mayo, Dennler and Whitmarsh voted no) to delay action on the item to reduce Special Education Assistants until June 28 so that it could be discussed further and the Board could receive more information from Chief Financial Officer Bryan Richards.

*(The Board then returned to amended motion #2 for the vote).*

Amended Motion #4

Mayo moved, Whitmarsh seconded, and the Board voted 5-0-0 to eliminate 1.0 FTE Inventory and Materials position as presented.

**16.15 Classified Personnel: Resolution of Reduction or Discontinuance of Classified Employees (Classified Layoff) Resolution No. 10/11-67**

Under state law, school districts are required to provide not less than 45 days notice to classified employees of a layoff. The notice includes the effective date of the layoff, and the displacement and reemployment rights of the noticed employee. Resolution No. 10/11-67 lists the classified positions that are ending based on program modifications and budgetary limitations such as funding sources ending, school closures, and actions taken at previous Board meetings. With the adoption of Resolution 67, the Assistant Superintendent of Personnel Services will be directed to send notices to affected classified employees informing them that their services will not be required for the 2011-12 school year. The Resolution also adopts the criteria that Personnel Services will use to determine whether employees whose services are being eliminated have sufficient experience and qualifications to bump less senior employees. Finally, the Resolution directs that layoff notices be sent to the appropriate classified employees in order to effectuate a reduction of the classified staff in an amount equal to the number of full-time equivalent positions listed on the Resolution in accordance with Education Code.

Public Comment

Willie Mims, BPA/ECNAACP, asked why the SEA item was voted on separately? He said his organizations do not support these cuts.

Whitmarsh moved, Mayo seconded, and the Board voted 5-0-0 to adopt resolution 10/11-67 as presented.

**MEETING EXTENSION**

At 10:59 p.m. Ms. Mayo made the motion to extend the meeting until 12:30 a.m. Whitmarsh seconded. Eberhart amended the motion to change the meeting extension time to 11:30 a.m. Whitmarsh seconded the amendment and the Board voted 4-0-1 (Hansen – no) to approve the extension.

**16.16 Workforce Investment Act, Title II: Adult Education and Family Literacy Act, Section 231 and the English Literacy and Civics Education (EL Civics) supplemental funding**

Mt. Diablo Adult Education (Adult Basic Education, Adult Secondary Education, GED, Adults with Disabilities and ESL) requests authorization to apply for a one year grant under Section 231 and EL Civics Education. The grant is intended to support instruction of students, the purchase of supplementary instructional materials and supplies, provide additional services to expand support(s) for scheduling and the management of classes, expand class locations and transportation, and provide additional staff development and childcare for children of adults attending classes under Section 231 and EL Civics Education.

Mayo moved, Whitmarsh seconded, and the Board voted 5-0-0 to authorize Adult Education to apply for Section 231 and EL Civics Grant funds for the 2011-2012 school year.

**16.17 Approval of School Site Comprehensive School Safety Plans for 2011-2012**

In accordance with Education Code 32280-32288 staff is requesting approval of Comprehensive School Site Safety Plans in order to ensure compliance with California Education Code Board Policy and Administrative Regulations 0450(a)(b). All Comprehensive School Site Safety Plans have been approved by School Site Councils. The plans have been reviewed by the Student Services Department using the attached Safety Plan Rubric. Three Comprehensive Site Safety Plans have been submitted as examples of the quality and content of the plans. The plans are from Fair Oaks, Sequoia Middle School and Concord High School. Copies of all Comprehensive School Site Safety Plans are kept on file at the Student Services Office.

Dennler moved, Hansen seconded, and the Board voted 5-0-0 to approve as presented.

**16.18 Creation of an Assistant Construction Manager Position**

On September 14, 2010 the Board of Education approved the creation of a resident program management team for the delivery and oversight of the 2010 Measure C Facilities Improvement Program. As the District is now entering the active construction management phase of the Solar program staff is requesting creation of an Assistant Construction Manager position to provide management and administrative support to the program/project team. Staff is requesting creation of this 1.0 FTE position effective July 1, 2011.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve the creation of an Assistant Construction Manager position as presented.

**16.19 Rescinding Layoff for Database Administrator 06/30/2011**

A database administrator position is currently scheduled to end on June 30, 2011. The retention of this position is essential to support the implementation and maintenance of student assessment software OARS (Red School House Software), and the implementation and maintenance of CALPADS as required by SB1453 and NCLB. It is the responsibility of the LEA (MDUSD) to maintain accurate and timely reporting of demographic, program, local student enrollment and exit data to CALPADS, along with timely resolution of Statewide Student Identifiers (SSID) anomalies with other LEAs. Failure to comply with state law by not meeting CALPADS reporting requirements may result in zero enrollment counts for official state and federal reports and public posting on official websites. Zero enrollment counts will result in a loss of any funding based on official enrollment.

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

**16.20 Approval of contract between Mt. Diablo Unified School District (MDUSD) and Daly Physical Therapy Services for District-Wide Physical Therapy services for the Extended School Year Program, 1.0 FTE Registered Physical Therapist position for the 2011-2012 School Year, and to provide Physical Therapy services for six students placed in a Contra Costa County Office of Education program at Mauzy School**

Daly Physical Therapy Services has been a Non-Public Agency (NPA) provider of Physical Therapy services to the MDUSD for the previous three years. The Registered Physical Therapist provides direct treatment, consultation, and evaluations to students according to their Individualized Education Plans (IEP). Services are provided per the provisions of a Master Contract. The breakdown of the contracted amount includes Extended school Year costs of \$10,560, 1.0 F.T.E. for 2011-12 School Year \$95,040, and Mauzy School coverage \$17,952. The total contract amount represents an increase of \$10,912 compared to 2010-11 amount. This increase is due to one additional student at Mauzy School and the Extended School Year caseload was serviced by another agency last year.

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

**16.21 Approval of 2011-2012 Master Contract and Individual Services Agreement for Non-Public Schools and Agencies**

The Bay Area Special Education Local Planning Area Collaborative is a group of fourteen districts and Special Education Local Plan Areas (SELPAs) who meet on an annual basis to enhance and maintain a consistent fiscal relationship with Non Public Schools (NPS) and Non Public Agencies (NPA) which serve children with special needs. This Collaborative continues to work together to establish contracts and negotiate rates for NPS/NPA providers. The goals of the Collaborative are to maintain a system for consideration of rate increase requests, maintain a contract/service agreement format, and achieve uniformity in rates. Within this system representatives of Non Public Schools and Non Public Agencies may also engage in a negotiation process to request more than the funded COLA. The establishment of final rates for each upcoming year may not be finalized until July. However, the NPS/NPA providers have been asked to rollover the 2010-11 rates. If there is a change to the rates, they will be brought back to the Board for approval. Over the next few weeks, the Bay Area Collaborative develops a Master Contract and ISA for all member districts who place students in a certified NPS or use an NPA provider. The contracts contain provisions to ensure all legal requirements are met. The Master Contract and ISA have been reviewed by the District's General Counsel. The NPA and NPS rates are attached for the Board's perusal.

Mayo moved, Whitmarsh seconded, and the Board voted 5-0-0 to approve the Master Contract, Individual Services Agreement and rate structure for Non-Public Schools/Agencies.

**16.22 Approval of master contract between Mt. Diablo Unified School District (MDUSD) and Progressus Therapy Services to provide District-Wide Occupational/Physical Therapy Services for the 2011-2012 school year and Extended School Year Program**

Progressus Therapy LLC. has been the primary Non-Public Agency (NPA) provider of Occupational/Physical Therapy services to the MDUSD since the 2001-2002 school year. Registered Occupational/Physical Therapists provide direct treatment, consultation, and evaluations to students according to their Individualized Education Plans (IEP). The requested amount is a decrease of \$6,394 from the 2010-11 School Year contract due to a decrease in the Physical Therapy caseload serviced by this vendor.

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

**16.23 Request for Approval to Begin Construction on District-Wide Solar Project**

On October 26, 2010, pursuant to Government Code Sections 4217.10 et seq., the Board of Education approved a Resolution of Findings and the design/build contract with SunPower Corporation for the design, installation, operation and maintenance of a district-wide solar system located at fifty-one (51) district sites. Since the date of approval staff has continued to monitor and adhere to necessary legal requirements for the project, has worked with the contractor through the various design development and approval phases and is presently poised to begin construction on the approved system. Staff is requesting that the Board of Education authorize commencement of construction of the district-wide solar system. The District has complied with all applicable laws for the solar project, including Government Code Section 53091 (d) which permits the District to begin construction without additional approvals. ("Building ordinances of a county or city shall not apply to the location or construction of facilities for the production, generation, storage, treatment or transmission of water, wastewater, or electrical energy by a local agency.")

**Public Comment**

Willie Mims, BP/ECNAACP asked the Board to please remember that if you're going solar, trees serve a valuable purpose to the community. He asked if it is necessary to have solar put at the sites that are closing.

President Eberhart explained there will still be operations on the closed school campuses and that by installing solar it will reduce the general fund outlay that the District is paying PG&E.

Whitmarsh moved, Mayo seconded, and the Board voted 5-0-0 to approve the authorization to begin construction on District-wide solar system pursuant to the provisions of Section 53091 (d) of the California Government Code as presented.

**16.24 Strategic Planning**

Next steps.

Whitmarsh moved, Mayo seconded, and the Board voted 5-0-0 to approve the new motion, next steps for Strategic Plan beginning May 2, thirteen strategic plan sessions were conducted with parents, community members, students, and staff. Two more sessions are planned this week. During these sessions participants reviewed the strategic intents and goals. Each participant was able to make comments concerning additions to the goals, changes to the goals, concerns about the intent or the goal, and to list goals that were important. The data has been collected and themes are developing. It is my recommendation that the board review all of the raw data that has been collected (it will be available by the end of June). A subset of the board can review the data to develop the themes around each strategic intent. In August the board should conduct a study session, either a separate meeting or part of a planned meeting, which discusses the data. It would be decided by the board to adopt the strategic intents and to vote on which goals will be used for 2011 – 2015. The process could be completed by the end of August. In September staff could begin the tactical planning, including developing SMART goals, for the strategic intents. Staff would be encouraged to review the data collected during the input sessions to understand our communities' objectives.

**16.25 LEA Addendum**

Mt. Diablo Unified School District has been awarded School Improvement Grant (SIG) funds from the US Department of Education for Bel Air Elementary, Rio Vista Elementary, Shore Acres Elementary, and Glenbrook Middle School. MDUSD is also planning on applying for grant funds for Meadow Homes Elementary and Oak Grove Middle School. Under the Sub-grant Conditions and Assurances, all districts that receive funding must ensure that the identified strategies and related activities referenced within the SIG application are incorporated into a revised LEA Plan Addendum and into the Single Plans for Student Achievement. Specifically, the addendum must address fundamental teacher and learning needs of schools in the LEA, define specific measurable achievement goals and targets for each of the student subgroups who struggle to meet Adequate Yearly Progress targets, incorporate strategies grounded in scientifically based research that will strengthen instruction in core academic areas, provide for high quality professional development for instructional staff that focuses primarily on improved instruction, and include strategies to promote effective parent involvement. Working collaboratively with the Tricounty Consortium Group, MDUSD staff met with Board members, district office administrators, site administrators, teachers, and parents to complete a set of comprehensive needs assessments, including Academic Program Surveys, the Least Restrictive Environment Survey, the English Learner Self Assessment Survey, the Inventory of Services and Supports, and the District Assessment Survey. Input was also collected from the District English Language Advisory Committee and the Parent Advisory Committee. The draft provided by the consultants was reviewed by the School Achievement and School Support Division and by site principals. The LEA Addendum is considered by the California Department of Education to be a fluid document which can be revised in response to student achievement data, district allocation fluctuations, staffing changes, and/or Board directives.

This document was presented as an informational item and will be returned for action.

**16.26 Title I Policy MDUSD Proposed BP/AR 6171**

LEAs who accept Title I funds are expected to develop policies regarding comparability, parent involvement, program evaluation, assessment, and the revision process of the LEA plan. Board Policy 6171 describes the coordination of these general categorical assurances to ensure that students from economically disadvantaged families are provided coordinated support. These restricted categorical funds are to provide supplemental services that reinforce the core curriculum and assist students in attaining proficiency on state academic standards and assessments. District staff and all Title I Schoolsite Councils have reviewed the proposed board policy and were provided the opportunity for input.

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

**16.27 Resolution 10/11-66 Drinking Water for Students in Schools**

Senate Bill 1413 states that a school district is to provide access to free, fresh drinking water during meal times in school food service areas by July 1, 2011. This provision can be waived if the governing board of the school district adopts a resolution stating that it is unable to comply with this requirement due to fiscal constraints or health and safety concerns. This resolution would be required to be publicly noticed on at least two consecutive meeting agendas and approved by a majority of the governing board. Currently, ten (10) sites fail to meet this directive. Based upon a budgetary estimate of \$300,000, the District is fiscally unable to comply with this directive.

Ms. Whitmarsh said she wants to make sure the community understands that there are drinking faucets at all sites. This is only for schools whose drinking faucets are not within a certain number of feet from the multiuse/cafeterias.

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

**16.28 School Closure Transition Plan**

The Board President has asked that this item be on this and subsequent agendas as information.

Superintendent Lawrence thanked Rose Lock and Julie Braun Martin for their work on the transition plan. In response to a question asked by Ms. Dennler, he said that the District has received one year of funding in the amount \$50,000 from 511 Contra Costa to help pay for transportation.

Presented as information only.

**16.29 Board Policy 3100 -- Budget Development and Adoption Process, Budget Criteria and Standards, Fund Balance and Long-Term Financial Obligations**

The Governmental Accounting Standards Board (GASB) issued Statement 54 effective for the closing of the books for the 2010/2011 fiscal year. The statement changes the way districts report fund balances, replacing the term fund balance designations with committed fund balance and assigned fund balances. GASB 54 requires the Board to establish adjustments to board policy related to fund balances. Board Policy 3100 is brought forward to implement these changes.

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

**16.30 Governmental Accounting Standards Board (GASB) has adopted Statement Number 54 (GASB 54), Fund Balance Reporting and Governmental Fund Type Definitions, that is effective in fiscal year 2010-2011 requiring adjustment to the board policy on fund balances and adoption of a resolution establishing authority to commit or assign fund balances.**

Pursuant to revised Board Policy 3100 the Board must adopt a resolution setting forth the types of fund balance establishing that the Board as the highest decision making body may make commitments of fund balance and designating who in the organization may make assignments of fund balance. The resolution also formalizes the minimum reserve the Board will set.

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

**BOARD MEMBER REPORTS**

Ms. Hansen reported that she visited Holbrook Elementary and Glenbrook Middle before the end of the school year. She congratulated the leadership at both schools for their outreach to students and parents. She also attended an alumni barbeque for Glenbrook. She acknowledged retiring principals Barbara Oaks, College Park High, and Gary Swanson, Clayton Valley High.

Ms. Mayo reported that she along with Ms. Lock and Ms. Dennler visited Meadow Homes, Valle Verde, Woodside, Sunrise and Eagle Peak schools. She attended the BTSA year-end ceremony. She also attended ten of the twelve graduation ceremonies. She thanked school staff and everyone that helped coordinate the graduation activities. She attended several strategic plan meetings. She shared that the Pleasant Hill Education Foundation has awarded \$40,000 in grants to Pleasant Hill schools. Ms. Mayo asked that the meeting be adjourned in memory of Ralph Foltz, retired U.S. Navy Commander, who walked the Pleasant Hill precincts for Measure D and Measure C.

Ms. Dennler reported that she is excited about the new report card that will make sense to parents.

Ms. Whitmarsh reported that she worked at this years' Grad Night. She invited those who have not attended before to visit the preview next year.

Mr. Eberhart reported that he was very impressed with this year's graduations. He said there is a lot of talent, both students and staff, in the District. He announced that the Board meetings are not being broadcast any longer. He will work with the Superintendent to look into what the cost would be to provide a quality broadcast.

Meeting adjourned at 11:23 p.m. in memory of Ralph Foltz.

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Steven Lawrence, Secretary