

**MINUTES**  
**REGULAR MEETING OF THE BOARD OF EDUCATION**  
**MT. DIABLO UNIFIED SCHOOL DISTRICT**  
**Tuesday, April 13, 2010 (7:30 p.m.)**

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

**CALL TO ORDER**

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

**CLOSED SESSION**

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

**RECONVENE OPEN SESSION**

The Board returned to Open Session in the Board Room at 7:31 p.m. The JROTC Cadets from the Red Devil Battalion at Mt. Diablo High School presented the colors for the pledge of allegiance. President Strange reported action taken in closed session.

**REPORT OF CLOSED SESSION**

In closed session the Board considered information and gave recommendations to staff regarding negotiations, seven (7) expulsions, two (2) readmissions, anticipated litigation and reassignment of three (3) certificated administrators.

Employee Discipline/Dismissal/Release/Complaint

Eberhart moved, Mayo seconded and the Board voted 4-0-1 (Whitmarsh absent), to reassign employee number 11382 to a teaching position for the 2010-11 school year.

Allen moved, Mayo seconded and the Board voted 4-0-1 (Whitmarsh absent), to reassign employee 16075 to a teaching position for the 2010-11 school year.

Eberhart moved, Allen seconded and the Board voted 4-0-1 (Whitmarsh absent) to table this item.

Readmission

Mayo moved, Eberhart seconded and the Board voted 4-0-1 (Whitmarsh absent) to readmit two students.

**EXPULSION RECOMMENDATIONS**

Expulsion Recommendation for Student #32-10

Mayo moved, Eberhart seconded, and the Board voted 4-0-1 (Whitmarsh absent) that Student # 32-10 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student # 32-10 may apply for readmission after January 21, 2011. It is required that Student #32-10 participates in individual counseling, community service, the COPS Program, the District's Teen/Alcohol Workshop, show a negative drug test, and show evidence of a successful school experience earning 45 credits prior to applying for readmission.

Expulsion Recommendation for Student #33-10

Allen moved, Mayo seconded, and the Board voted 4-0-1 that Student # 33-10 be expelled from all schools and programs in the Mt. Diablo Unified School District and that Student # 33-10 may apply for readmission after April 13, 2011. It is required that Student # 33-10 participate in individual counseling, community service, the COPS Program for drug offenders, the District's Teen Drug Workshop, show evidence of a negative drug test and show evidence of a successful school experience earning 30 credits prior to applying for readmission.

Expulsion Recommendation for Student #34-10

Eberhart moved, Allen seconded, and the Board voted 4-0-1 (Whitmarsh absent) that Student # 34-10 be expelled from all schools and programs in the Mt. Diablo Unified School District and that Student # 34-10 may apply for readmission after January 21, 2011. It is required that Student # 34-10 participate in individual counseling, community service, the COPS Program for aggressive offenders, the District's Anger Management Workshop, write a three page essay regarding what he learned from this experience, and show evidence of a successful school experience earning 45 credits prior to applying for readmission.

Expulsion Recommendation for Student #35-10

Mayo moved, Eberhart seconded, and the Board voted 4-0-1 (Whitmarsh absent) that Student # 35-10 be expelled from all schools and programs in the Mt. Diablo Unified School District and that Student # 35-10 may apply for readmission after January 21, 2011. It is required that Student # 35-10 participate in individual counseling to address decision making skills and anger issues, the COPS Program for aggressive offenders, community service, the District's Anger Management Workshop, and show evidence of a successful school experience with no suspendible behavior infractions with a "C" average and earning 45 credits prior to readmission.

Expulsion Recommendation for Student #36-10

Allen moved, Mayo seconded, and the Board voted 4-0-1 (Whitmarsh absent) that Student # 36-10 be expelled from all schools and programs in the Mt. Diablo Unified School District and that Student # 36-10 may apply for readmission after January 21, 2011. It is required that Student # 36-10 participate in individual counseling to address decision making and anger issues, the COPS Program for aggressive offenders, community service, and show evidence of a successful school experience with no suspendible behavior infractions with a 2.0 minimum GPA prior to applying for readmission.

Expulsion Recommendation for Student #37-10

Eberhart moved, Allen seconded, and the Board voted 4-0-1 (Whitmarsh absent) that Student # 37-10 be expelled from all schools and programs in the Mt. Diablo Unified School District and that Student # 37-10 may apply for readmission after April 13, 2011. It is required that Student # 37-10 participate in individual counseling for substance abuse issues and individual decision making skills, community service, the COPS Program for drug offenders, show evidence of a negative drug test, and show evidence of a successful school experience with no suspendible behavior infractions with a 2.0 minimum GPA earning 60 credits prior to applying for readmission.

Expulsion Recommendation for Student #38-10

Eberhart moved, Mayo seconded, and the Board voted 4-0-1 (Whitmarsh absent) that Student # 38-10 be expelled from all schools and programs in the Mt. Diablo Unified School District and that Student # 38-10 may apply for readmission after January 21, 2011. It is required that Student # 38-10 participate in individual counseling to address decision making skills and anger issues, community service, the COPS Program for aggressive offenders, the District's Anger Management Workshop, and show evidence of successful school experience with no suspendible behavior infractions with a "C" average earning 45 credits prior to applying for readmission.

**CONSENT AGENDA**

Mayo moved, Eberhart seconded and the Board voted 4-0-1 (Whitmarsh absent) to approve the Consent Agenda as presented.

**9.2 (Item 2) Minutes of the March 9 and 23 Board meetings.**

**9.3 (Item 3) Recommended Action for Certificated Personnel**

Changes in status of certificated employees.

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

Changes in status of classified employees.

**9.5 (Item 5) Classified Personnel: Eliminate an Instructional Assistant Visually Impaired I and Create an Educational Interpreter**

Special Education has requested the elimination of an eight (8) hour/week, School Day Only Instructional Assistant Visually Impaired I position and the creation of an eight (8) hour/week, School Day Only, Educational Interpreter position.

**9.6 (Item 6) Classified Personnel: Eliminate a vacant Assistant to the Hearing Impaired II Position and create an Assistant to the Hearing Impaired I.**

Special Education has requested the elimination of a vacant 25 hour/week, School Day Only, Assistant to the Hearing Impaired II position at Robert Shearer Preschool and the creation of a 25 hour/week, School Day Only, Assistant to the Hearing Impaired I position at Diablo View Middle School.

**9.7 (Item 7) Classified Personnel: Increase in hours for a part-time Special Education Assistant II/IEP Position at Northgate High School.**

Special Education has requested an increase in hours from 30 hours/week, School Day Only, to 32.5 hours/week, School Day Only, Special Education Assistant II/IEP position at Northgate High School. Incumbent #24521 will remain in this position.

**9.8 (Item 8) Classified Personnel: Creation of 6.5 FTE Part-time Special Education Assistants**

Special Education has requested the creation of 6.5 FTE Special Education Assistants due to an influx of students with 1-1 assistants documented on their IEP's and a need for increased classroom assistants to provide additional behavioral support. The following positions are being requested: 4 - SEA1/IEP at 25 hours/week, School Day Only 1 - SEA2/IEP at 30 hours/week, School Day Only 4 - SEA1/CLS at 25 hours/week, School Day Only 1 - SEA2/CLS at 30 hours/week, School Day Only

**9.9 (Item 9) Revision of Board Policy 6158 and Administrative Rule 6158**

Staff has revised Board Policy 6158 and Administrative Rule 6158 to reflect language in the current Code of Regulations and to specify the number of work samples to be kept on file.

**9.10 (Item 10) First 5 Family-Friendly Community Grant Application.**

Mt. Diablo Adult Education requests approval to submit an application to Contra Costa First 5 for a Family-Friendly Community Grant in the amount of \$5,000, for the 2010-2011 school year. These funds will be used to provide family events that promote literacy and pre-reading skills for children age five and younger at Cambridge and Meadow Homes Family Literacy Centers. These events will provide families with instruction and/or tips on how to help develop children's love of books and promote parents' capacity and confidence in reading to their children.

**9.11 (Item 11) Department of Justice - Open Purchase Order**

An open purchase order to the Department of Justice for the cost of fingerprinting employees and volunteers was approved by the Board at the August 11, 2009 meeting for \$73,000. Due to the increased demand for fingerprinting, the District has exceeded that amount. In order to finish out the school year, we are requesting to increase this amount by \$52,000 to bring the total purchase order amount to \$125,000. The District is reimbursed the cost of fingerprinting by new employees and volunteers.

**9.12 (Item 12) Renewal of Memorandum of Understanding - John Muir Community Health Alliance Nurse**

Staff requests renewal of a Memorandum of Understanding through the 2011-2012 school year with John Muir Community Health Alliance to continue to provide, at no cost to District, a Community Nurse supporting District School Nurses for Meadow Homes Elementary School and Cambridge Elementary School. The Community Nurse provided under this Memorandum of Understanding will continue to provide community outreach and access to health-related services for a maximum of forty (40) hours per week, divided equally, between the two schools. It is the intention of the Memorandum of Understanding that the duties of the Community Nurse support the currently funded school nurse position(s) within the District.

**9.13 (Item 13) Extend Educator-on-Loan Agreement with Alameda County Office of Education**

Arantxa Alvarez is a teacher with Mt. Diablo Unified School District. She has been on loan to the Alameda County Office of Education for the 2009-2010 school year. Alameda County Office of Education is requesting that we extend the Educator-on-Loan Agreement for one more year. Mt. Diablo Unified School District continues to pay the full salary and is reimbursed by the Alameda County Office of Education for the salary and all associated costs.

**9.14 (Item 14) Request to approve Independent Services Contract for The Regents of the University of California on behalf of its Lawrence Hall of Science**

The Regents of the University of California on behalf of its Lawrence Hall of Science performs many field trips and independent contract services for several schools in Mt. Diablo Unified School District throughout the school year. At this time, the total amount of services for this vendor is almost at the \$25,000 mark with several more field trip dates and presentations scheduled until the end of the school year. The District is requesting approval to pay this vendor up to \$45,000 until the end of the 2009-2010 school year.

**9.15 (Item 15) Request authorization to submit a grant to the California Department of Education for the Quality Education Investment Act (QEIA) School Improvement Grant.**

Staff requests authorization to submit a grant to the California Department of Education for the Quality Education Investment Act (QEIA) School Improvement Grant (SIG) for the district's five eligible schools (Cambridge, Meadow Homes, and Ygnacio Valley Elementary, and Oak Grove and Riverview Middle). Section 1003(g) of Title I of the Elementary and Secondary Education Act (ESEA), also known as School Improvement Grant (SIG), authorizes funds to help Local Education Agencies (LEAs) address the needs of schools in improvement, corrective action, and restructuring in order to improve student achievement. Through the passage of Assembly Bill (AB) 56, the Governor and the Legislature established that the state's priority for the use of these funds would be to provide funding to LEAs with schools participating in the Quality Education Investment Act (QEIA). The state has identified LEAs with QEIA schools that are in program improvement (PI) as most in need of funding and to have shown the greatest commitment to improvement based on their continued participation in QEIA. These funds are intended to support research-based and proven effective, sustainable school improvement activities that increase the likelihood that students learn challenging academic content, achieve proficiency and that schools move out of PI. MDUSD schools are eligible for \$2,255,193. MDUSD QEIA schools will use these funds to pay for professional development, personnel, leadership and teacher coaching, assessment tools and data analysis, technology equipment and infrastructure and to offer summer school for students with the highest need at the five schools. All funds must be expended by September 30, 2010.

**9.16 (Item 16) Approval of the Hourly Rate of Pay for Test Examiner/Proctor**

The job description for Test Examiner/Proctor was approved on March 23, 2010. The district is requesting that the hourly rate of compensation for people working in this position be set at \$18 an hour.

**Recognitions**

**11.1 Recognition of National Board Certified Teacher - Nancy Kracjar**

The Board recognized Nancy Kracjar, Olympic High School teacher, for achieving National Board Certification. Ms. Kracjar stated it was a very intense and rewarding process. She was presented a certificate from the Board.

**Public Comment**

Janet Gay, Librarian, spoke about what librarians do and how essential they are to the District.

Kit Hein, Librarian, presented the Board with items in honor of National Library Week.

Colleen Prawicki, school library volunteer, spoke about the importance of a weekly class in library education and how volunteers are no substitute for a librarian.

Shelley Pho, teacher at Bel Air Elementary, shared information about many exciting programs at Bel Air and invited the Board to visit.

**COMMUNICATIONS/ORGANIZATIONS**

Annie Nolen, CSEA Vice President, announced that 22 Special Education Assistants recently attended a Paraeducator Conference. She discussed the various training classes and opportunities for further training of District employees. Annie thanked the schools that sent their assistants to the conference.

James Jones, Local 1 Business Agent, spoke about the CST Local 1 reduction in hours and calendar contract year 2010-11 and how the reductions should be spread out evenly across the unit. He asked for reconsideration of how the reductions are made.

Superintendent's Report

Superintendent Lawrence announced that Delta View Elementary and Hidden Valley Elementary have both had a visit for California Distinguished Schools. We are anticipating positive calls on both schools tomorrow.

**BUSINESS/ACTION ITEMS**

**15.1 Approval of contract for Financial Advisory Services with Isom Advisors.**

The District has recently undertaken a bond election. It is necessary to have a financial advisor to assist with the sale of general obligation bonds and other relevant work. The individuals of this firm have one of the best track records in the State in implementing successful bond programs. Their contract is contingent upon a successful bond election, and fees are paid from bond proceeds. There are no out-of-pocket costs to the District's general fund.

The Board discussed how this is different from previous bond programs and counsel included in the past.

Mayo moved, Eberhart seconded and the Board voted 4-0-1 (Whitmarsh absent).

**15.2 Approval of bond and disclosure counsel.**

Matt Juhl-Darlington & Associates recently associated with Special Counsel, Meredith B. Johnson. Ms. Johnson has eight years experience as bond and disclosure counsel for school districts and community college districts throughout California. An engagement letter is attached. The current legal bill auditing oversight and District Billing Standards remain in effect.

Eberhart moved, Allen seconded and the Board voted 4-0-1 (Whitmarsh absent).

**15.3 Approval of Timeline, Evaluative Criteria, and Composition of Committee Related to the School Closure/Consolidation Process**

On January 12, 2010, the Board of Education approved an on-going budget reduction of \$1,500,000, commencing in the 2011-1012 fiscal year, to be realized through the consolidation/closure of schools. Staff is proposing: 1) a set of evaluative criteria to be employed in the identification of candidate sites; 2) a timeline for the site consolidation/closure process; and 3) a structure/composition for the School Closure committee (SCC) that will be charged with evaluating data and input, and ultimately forwarding recommendations for Board consideration.

Superintendent Lawrence stated he has been working with Rose Lock and Pete Pedersen evaluating what other school districts have done with regard to closure of schools and putting together a Superintendent's group to take a look at school closures within our District.

Pete Pedersen explained that the Board took action January 2010 approving an ongoing budget reduction of \$1.5 million to be realized through the closure and consolidation of schools. In a Power Point presentation he reviewed the criteria and timeline with respect to how the process will move forward.

There was discussion by the Board about how many representatives from various committees will serve on the School Closure Committee, the application process for those wanting to serve on the committee, the criteria to be used for closing a site, ranking of the sites, holding community meetings for the school sites designated as possible closures prior to the Board making a final decision on which sites will be closed.

This was presented as information.

**15.4 Public presentation of additional items to Public Employees Union, Local One, Clerical, Secretarial & Technical Unit (CST) Successor Agreement proposal.**

Public Employees Union, Local One, Clerical, Secretarial & Technical Unit (CST) has requested the opportunity to add additional items to their original Successor Agreement proposal which was brought to the Board on January 26, 2010. This was presented as information.

**15.5 Revised Reduction List for Local One, Clerical, Secretarial, Technical (CST)**

At the March 23, 2010, Board meeting, the Board approved a list of budget reductions for positions within the Local One, CST bargaining unit to be effective July 1, 2010. These reductions implemented the \$1,200,000 reduction to the CST bargaining unit approved by the Board on March 9. Upon further reflection, the District would like to revise

the CST reductions. The revised reductions would still represent a \$1,200,000 savings to the General Fund effective July 1, 2010.

#### Public Comment

Janet Fitzpatrick, Instructional Media Assistant (IMA), spoke about the IMA reductions and the impact it will have next year.

Patty Cochran, Office Manager, Foothill Middle School, asked for clarification with regard to the reduction list of March 5.

Sharon Graham, Attendance Secretary, Sequoia Middle School, spoke about how much she loves her job and students. Graham asked the Board to reconsider their cuts to be more equitable.

Strange moved, Eberhart seconded to approve the new motion to table the item and return for consideration and final action on April 27, 2010. The Board voted 4-0-1 (Whitmarsh absent).

The Board gave direction to staff to return with the current proposal; the adopted action which was prepared and submitted on March 23; and a new proposal.

#### **15.6 Classified Personnel: Resolution Relative to Elimination/Reduction of Classified Positions**

Eberhart moved, Mayo seconded and the Board voted 4-0-1 (Whitmarsh absent).

#### **15.8 El Monte Elementary Voluntary School Uniform Dress Code**

Board Policy 5132 and Administrative Rule 5132 provide the policy and procedures for implementing a voluntary uniform dress code. As required by the Policy and Rule, El Monte Elementary School notified parents multiple times of the proposed voluntary uniform dress code and actively solicited parental involvement. Of the 133 families responding to the dress code survey, 75% indicated support for the voluntary uniform dress code. The El Monte Elementary School voluntary uniform dress code will be implemented in fall 2010. The principal, staff and parents/guardians have jointly selected the specific uniform to be worn. Procedures are being developed to make uniforms available to low-income families (fall visit to Operation School Bell (OSB), donated uniforms by OSB and Uniform Direct store, PTA uniform scholarships and uniform exchange at Walkthrough) and to determine student eligibility for financial assistance (uniform scholarships). The voluntary uniform dress code will be included as part of the comprehensive school safety plan. Multiple notices will be provided in English and Spanish to the El Monte Elementary School community between approval of the plan and the implementation in fall 2010.

Allen moved, Eberhart seconded and the Board voted 4-0-1 (Whitmarsh absent).

#### **15.9 Classified Personnel: Job Description for Educational Interpreter**

This job description has been updated to include new regulations that were established on July 1, 2008 by the Office of Administrative Law, American Sign Language (ASL) Interpreter Certification Legislation Bill Number: AB 2912. This position will remain at Range 506A (\$19.62/hour \$23.84/hour, School Day Only, of the CSEA Salary Schedule. This revised job description was presented as a first reading. It will be brought back at the next meeting for action.

#### **Board Member Reports**

Linda Mayo reported that her site visits to elementary schools is concluded for the year. She assisted with the Contra Costa Science and Engineering Fair and all entries were outstanding. There were winners from Clayton Valley and Ygnacio Valley High Schools.

Meeting adjourned at 9:32 p.m.

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Steven Lawrence, Secretary