

**MINUTES**  
**REGULAR MEETING OF THE BOARD OF EDUCATION**  
**MT. DIABLO UNIFIED SCHOOL DISTRICT**  
**Tuesday, June 15, 2010**

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

**CALL TO ORDER**

The Meeting of the Board of Education of the Mt. Diablo Unified School District (MDUSD) was called to order by Gary Eberhart at 6:00 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 MDUSD Dent Center. In closed session the Board discussed existing litigation in Heathorn v. MDUSD and Ceballos v. MDUSD and voted to non-reelect two certificated employees.

**RECONVENE OPEN SESSION**

The Board returned to Open Session at 7:50 p.m. at Monte Gardens Elementary School. Gary Eberhart led the pledge of allegiance and reported the action taken in closed session.

**EXPULSION RECOMMENDATIONS**

Expulsion Recommendation for Student #44-10

Mayo moved, Allen seconded and the Board voted 4-0-1 (Strange absent) that Student #44-10 be expelled from all schools and programs in the Mt. Diablo Unified School District for a term of one year and the expulsion will be suspended based on the conditions as enumerated in the rehabilitation plan. Student #44-10 will be allowed to attend any of the District's summer 2010 programs. Should Student #44-10 meet all of the conditions of the rehabilitation plan, Student #44-10 may reapply for readmission on or about January 1, 2011. The student's stipulated suspended expulsion order will remain in effect until all conditions of the rehabilitation plan have been met. Student #44-10 is ineligible to attend a District program until this order is cleared. If Student #44-10 commits a suspendible offense, the suspension of the expulsion order is ended and the student will serve the remaining time of the expulsion.

Expulsion Recommendation for Student #45-10

Whitmarsh moved, Mayo seconded and the Board voted 4-0-1 (Strange absent) that Student #45-10 be expelled from all schools and programs of the Mt. Diablo Unified School District. It is required that Student #45-10 participate in individual counseling, community service, the COPS Program for aggressive offenders, the District's Anger Management Workshop, and show evidence of a successful school experience earning 30 credits prior to applying for readmission after January 21, 2011.

Expulsion Recommendation Student #46-10

Mayo moved, Allen seconded and the Board voted 4-0-1 (Strange absent) that Student # 46-10 be expelled from all schools and programs in the Mt. Diablo Unified School District. It is also required that Student #46-10 participate individual counseling, community service, the COPS Program, and show evidence of a successful school experience with no suspendible behavior infractions earning at least 20 credits prior to applying for readmission after January 21, 2011.

Expulsion Recommendation Student #47-10

Allen moved, Whitmarsh seconded and the Board voted 4-0-1 (Strange absent) that Student # 47-10 be expelled from all schools and programs in the Mt. Diablo Unified School District. It is also required that Student # 47-10 participate in individual counseling, community service, the COPS Program, and show evidence of a successful school experience with no suspendible behavior infractions earning at least 20 credits prior to applying for readmission on January 21, 2011.

**CONSENT AGENDA**

Mayo moved, Allen seconded and the Board voted 4-0-1 (Strange absent) to approve the Consent Agenda with the exception of Items 9.17, 9.18, 9.19, 9.40, 9.41 and 9.42.

**9.2 (Item 2) Minutes of the May 11 meeting**

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

Changes in status of certificated employees.

**9.4 (Item 4) Approval of Variable Term Waiver for CBEST Request for 30-Day Substitute Teacher Permits for the 2010-2011 school year**

Approval of the annual resolution of the Governing Board allows the District to recruit and hire day-to-day substitute teachers who have a Bachelor's Degree but have not yet taken and passed CBEST.

**9.5 (Item 5) Request to increase and decrease Full Time Equivalent (FTE) positions for the 2009-2010 school year**

The positions are requested to be increased or decreased as described.

**9.6 (Item 6) Intern Teaching Agreement with CalStateTEACH**

The purpose of this agreement is to engage the Mt. Diablo Unified School District and CalStateTEACH in a partnership to support multiple subject student interns in their progress toward full state qualification and retention as highly qualified teachers.

**9.7 (Item 7) Request to increase and decrease Full Time Equivalent (FTE) for the 2010-2011 school year**

The positions are requested to be increased or decreased as described.

**9.8 (Item 8) Recommended Action for Classified Personnel**

Changes in status of classified employees.

**9.9 (Item 9) Reclassification of Classified Positions**

Pursuant to Article 39 of the Contractual Agreement between Mt. Diablo Unified School District and Public Employees Union, Local One, Maintenance, Operations and Facilities, Transportation, Warehouse, Food and Nutrition Services, Technology and Information Services Units, a reclassification review has been completed for classifications submitted by the Local One, M&O Unit. Based on this review, it is being recommended that two (2) existing Computer Systems Technician positions (Range 488) be reclassified to Technology Customer Help Desk Technician (Range 516). The job duties have evolved from providing service regarding the now defunct Osiris student information system to assisting with the implementation of the present Aeries system. The individuals disseminate information on how to use Aeries correctly which impacts the accuracy of the data that is used to complete District and state reports. The reclassifications will be effective July 1, 2010.

**9.10 (Item 10) Request approval of Local One, Clerical, Secretarial, Technical (CST) Reclassification Requests from Spring 2008 and job descriptions to be effective July 1, 2009**

In spring 2008, the reclassification requests went through the reclassification process outlined in the Local One, CST Collective Bargaining Agreement and were approved by the committee and the Director of Classified Personnel. They are now being brought to the Board of Education, along with the relevant job descriptions, for approval. These requests would be effective July 1, 2009.

**9.11 (Item 11) Classified Personnel: Increase in Hours for a part-time Special Education/General Education Assistant III Position**

Special Education has requested to increase hours for a part-time Special Education/General Education Assistant III position at Woodside Elementary School. This position is IEP driven to meet the needs of the student should be increased from 30 hours/week (.075 FTE), SDO to 32.5 (0.8125 FTE) hours/week, SDO. Incumbent #15420 will remain in the position with the increased hours.

**9.12 (Item 12) Monthly Budget Transfer and/or Budget Increases/Decreases for the month of April 2010**

Budget Revisions for the month of April 2010. Some revisions are a result of prior Board actions, changes in grant awards and changes in funding. Donations have been made to the District by private individuals and businesses. There are also deposits for payments to school sites for lab fees and other items for which the sites collect money. The appropriate revenue and expenditure budgets have already been increased by the amount of the donations.

**9.13 (Item 13) Fiscal Transactions for the month of May 2010**

IFAS Vendor Warrant Report and IFAS Vendor Cancellations Warrant Report for May 2010.

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

**9.14 (Item 14) Addendum to original contract with Tricia O'Hara, Collegial Coaching Consultant**

Independent Contracts for Ygnacio Valley Elementary (YVE) and Fair Oaks are being presented for approval because the total vendor cost exceeds the allowable \$25,000 limit due to multiple sites requesting services. The YVE contract, which was previously Board approved on 1-12-10, is being increased by \$2,000.00 on PR#59970.

**9.15 (Item 15) Award of Contract for Material and Inspection Services Related to the Construction of SMART Classrooms at Concord and College Park High Schools**

The development of the sites and the construction of the new SMART classrooms at Concord and College Park High Schools require the services of a certified testing and inspection consultant to oversee compliance with all the requirements of the drawings and specifications approved by the Department of the State Architect (DSA). Staff is recommending the award of a professional services contract to Consolidated Engineering Laboratories for a not to exceed fee of \$20,668.50 for the provision of testing and inspection services including, but not limited to, construction materials testing, geotechnical laboratory assessment/analytical services and the preparation of all necessary reports and affidavits. The budget for this particular project is \$2,293,550.00.

**9.16 (Item 16) Community Advisory Committee Renewal of Membership**

The Community Advisory Committee (CAC) has members whose membership has expired, and they wish to continue to serve the Board. Appointed members serve a two-year term at which time the membership may be renewed with the approval of the Board of Education. The CAC voted at their meeting of May 3, 2010 to recommend that the Board renew membership for the following persons: Connie Warner (Parent) Jim Warner (Parent) Suzanne Bauer (Parent) Lisa Huynh (Parent) Vi Ibarra (Parent) Melody Royal (Parent) Caroline Stimson (Parent) Tricia Tamura-Li (Parent) and Dorothy Weisenberger (Parent).

**9.17 (Item 20) Request approval to enter into a contract with Resources Development and Associates for evaluation services for the Tobacco-Use Prevention Education (TUPE) grant**

Contract with Resource Development and Associates to complete the TUPE grant evaluation. Staff requests approval to enter into a contract with Resources Development and Associates for evaluation services for the 6th-12th Tobacco-Use Prevention Education (TUPE) grant. The TUPE grant requires a comprehensive annual evaluation as part of the grant to measure program implementation and effectiveness.

**9.18 (Item 21) Increase of contract amount between Mt. Diablo Unified School District (MDUSD) and Paradigm HealthCare Services, Inc. for the 2009-2010 school year**

The California Department of Health Care Services (DHCS) has recently increased reimbursements to school districts in the process of correcting an error pertaining to the service reimbursement rates for Medi-Cal. Since 2006, incorrect reimbursement rates were being used. DHCS is now retroactively applying the higher reimbursement rates to past paid claims and sending out reimbursement checks to all Local Educational Agencies (LEA). In addition to the increase in Medi-Cal reimbursement mentioned above, the Federal Medical Assistance Percentage (FMAP) was increased due to the increase in unemployment in California. This also results in an increase in federal match reimbursement. These corrections result in additional revenue for the District. MDUSD has a contract with Paradigm HealthCare Services, Inc. (Paradigm) to prepare and submit Medi-Cal claims to DHCS for the reimbursement of health care services provided by MDUSD as a Local Education Agency (LEA). The cost of their services is calculated monthly by taking the approved Medi-Cal reimbursements and adjustments for the month and multiplying the amount by 11%. The monthly invoices are paid against the incoming revenue from Medi-Cal reimbursements; therefore, the costs of these services are cost neutral. The 2009-2010 contract was first approved by the Board on 5/26/09 for \$31,000. Since MDUSD is now receiving additional Medi-Cal reimbursements, there has been an increase in the cost for Paradigm services. The contract was increased to \$100,000 on February 23, 2010 and has covered the expenses up until April, 2010. Staff requests an additional \$22,000 to cover the remaining costs for the 2009-2010 fiscal year. This will bring the total Paradigm contract to \$122,000.

**9.19 (Item 22) Request approval of an amended contract with Resources Development and Associates (RDA) for evaluation services for the 21st Century Community Learning Centers (21stCCLC) grant**

Staff requests approval to enter into a contract with RDA for evaluation services for the 21stCCLC grant. RDA has served as the outside evaluator for the Mt. Diablo CARES After School Program since 1999. The 21stCCLC grant requires a comprehensive annual evaluation as part of the grant to measure program implementation and effectiveness. Mt. Diablo CARES After School Program is partially funded by the 21stCCLC grant. The Delta View, Meadow Homes and Sun Terrace Elementary schools are required to complete this annual evaluation.

**9.20 (Item 23) Adjust existing contract between Mt. Diablo Unified School District (MDUSD) and Non Public Agency (NPA) for special education students receiving services for the 2009-2010 school year**

MDUSD, through the Individualized Education Plan (IEP) process, uses Non Public Agencies to serve students in various related services. The contracts were originally approved on June 30, 2009 by the Board Due to changes in the level of services for each student as required by the IEP, administrative placement or new placement, services can be changed or added. The Educational Support Services contract for the 2009-2010 school year needs to be increased by \$147,000.

**9.21 (Item 24) Food and Nutrition Services Purchases 2010 - 2011**

Food and Nutrition Services requests approval from the Board of Education to issue purchase orders to the following vendors to provide food, beverages and supplies for meal programs in district schools: Davi Produce \$160,000.00, Foster Farms Dairy \$625,000.00, Gold Star Foods \$2,600,000.00, Hayes Distribution \$660,000.00, Round Table Pizza \$100,000.00 and Rubino Produce \$164,000.00.

**9.22 (Item 25) Request to increase the amount paid on the existing Independent Services Contracts for The Event Group**

On February 23, 2010, the Board approved Independent Services Contracts for The Event Group, an event planning service, totaling \$133,140. On May 11, 2010, additional contracts were approved bringing the total for this contractor to \$165,106. Northgate High School has submitted an increase to their existing contracts as follows: Senior Ball \$4,834. This will bring the total amount for this contractor to \$169,940.

**9.23 (Item 26) Field Experience Participant/Student Teaching Agreement with CalState TEACH**

This agreement is to provide practice teaching to students enrolled in the teacher education program through CalState TEACH to help them acquire the skills and knowledge needed to become professional teachers.

**9.24 (Item 27) Agreement between Mt. Diablo Unified School District and Independent contractor - WestEd, Evaluator for the UC Berkeley History-Social Science Project**

WestEd will conduct an independent evaluation of the Teaching American History Grant "American Democracy in Word and Deed" (ADWD). The evaluation will use a mixed-method, quasi-experimental design to assess the impact of the ADWD project on teacher knowledge and practice as well as on student achievement. The design will be carried out each year with both cohorts of primary and secondary teachers. WestEd will measure teachers' history content knowledge by developing a teacher assessment, observe a sample of classrooms of both participating teachers and teachers in the District who are not ADWD participants, conduct group interviews with participating teachers every year in order to gain a thorough understanding of the process that they experience as they create more effective history lesson plans, and utilize the 8th and 11th grade students' scale scores on the History and English-Language Arts California Standards Tests (CST) to determine if the students in the participating teachers' classrooms exhibit higher achievement in history and language arts than those in comparison teachers' classrooms.

**9.25 (Item 28) Request to apply for additional funding from Contra Costa Community Services/Early Head Start Program Enhancement Services to provide support for the child care services offered to the teen parents at Crossroads High School**

On June 30, 2009 the Board approved the submission of a grant application and acceptance of funding from Contra Costa County Community Services/Early Head Start Program Enhancement Services to provide support for child care services offered to the teen parents at Crossroads High School. Additional funds have become available and staff requests permission to apply for funding in the amount of \$47,588. This funding will be provided for the period of May 1, 2010 through September 30, 2010.

**9.26 (Item 29) Request approval of a Worksite Agreement between Mt. Diablo Unified School District and the Contra Costa County Employment and Human Services Department on behalf of the Workforce Development Board**

Mt. Diablo CARES After School Program will provide employment placements to eligible youth participating in the Summer Youth Employment Program. The Workforce Development Board of Contra Costa County (WDB) is a recipient of the American Recovery and Reinvestment Act (ARRA) grant to fund its Summer Youth Employment Program (Summer Youth Program). The total funding available is \$45,000. This funding can provide placements for up to 30 students at a maximum of \$1500 per student.

**9.27 (Item 30) Approval to submit a CalStat Leadership Site grant for Valley View Middle School**

Staff requests permission to apply for funding to serve as a CalStat Leadership Site. Valley View Middle School has served as a Leadership Site since 2004. As a Leadership Site, Valley View will host ten professional development

and school visits each year. The CalStat Leadership Site is a capacity building model that provides in-depth training and coaching in order to improve academic outcomes for ALL students. Staff will focus on collaboration and behavior as core messages for the 2010-11 school year. Funds will pay for professional development, collaboration time and classroom instructional materials. The grant will provide \$9,000 for one year.

**9.28 (Item 31) Approval to submit a grant to the Pleasant Hill Community Foundation for the Robert Shearer Preschool Program**

Staff requests approval to submit a grant to the Pleasant Hill Community Foundation for the Robert Shearer Preschool Program to purchase floor mats and climbing equipment in their physical therapy/motor room. The Robert Shearer Preschool serves children with special needs age three to five and is located adjacent to Gregory Gardens Elementary School. The equipment will develop and strengthen the preschool student's motor skills. The grant will provide \$992 for one year.

**9.29 (Item 32) Resolution #09/10-67 for Authorization to Award School Construction Bid Contracts**

Pursuant to Section 17604 of the California Education Code, the Board of Education may delegate its authority to the Superintendent and/or his designee to allow for the timely award of various summer bid contracts, which will be returned for ratification at the Board of Education meeting on August 10, 2010. Approval of this Resolution is necessary in order to proceed with contract work during the Board's summer recess.

**9.30 (Item 33) Approve increase of contract and request for more funding between Mt. Diablo Unified School District (MDUSD) and Pawar Transportation (Pawar) for the 2009/10 school year**

The Pawar contract approved on 10/27/09 is reviewed quarterly or as needed to determine any additional costs due to the increase in ridership. Special Education has had an increase of three (3) special education students receiving transportation from Pawar. The contract will need to be increased by \$53,685 bringing the contract total from \$405,440 to \$459,125. Administration is requesting a budget increase in program code 5411 in the amount of \$50,685.

**9.31 (Item 34) Approve contract/purchase order with Victor Gomez for Spanish language interpreting and translation services for the Special Education Department for School Year 2010-2011**

Victor Gomez provides Spanish translation services for Mt. Diablo Unified School District, Student Services Office, District Positive Behavior Team (DPBT), the Student Attendance Review Board (SARB) and the District Administrative Panel (DAP). Victor Gomez will also provide Spanish translation for the Special Education Department at IEPs and other school-related activities at various school sites on an on-call basis.

**9.32 (Item 35) Approve contract/purchase order with Evelina Villa for foreign language interpreting and translation services for 2010-2011 school year**

Contractor will provide interpreting services at the Robert R. Shearer Preschool Assessment Center for Spanish speaking students and their families at intake appointments, IEP meetings, screenings and testings, and scheduling and confirming appointments. Contractor may also translate IEPs and other special education documents while at the Assessment Center. In addition, Contractor will provide interpreting and translation services at other sites throughout the Mt. Diablo Unified School District on an as-needed basis.

**9.33 (Item 36) Independent Contract for Alameda County Office of Education**

Riverview Middle School is requesting approval of an independent contract for the Alameda County Office of Education. This contractor will provide coaching, technical assistance and on-going support and monitoring to site administrators, teachers, site leadership teams and/or Alternative Governance team related to use and analysis of data to from instructional priorities and interventions and to monitor program implementation and student achievement during the 2010-2011 school year.

**9.34 (Item 37) Independent Contract for DataWORKS Educational Research**

Delta View Elementary is requesting approval of an independent contract for DataWORKS Educational Research. This contractor will consult and work with teachers and administrators to demonstrate EDI lessons and coaching, StepUP Academy teacher training, StepUP Academy Lesson Development, StepUP Academy Classroom Coaching, Student handbook lessons, teacher manuals, and pre/post assessments.

**9.35 (Item 38) Declaration of Need for Fully Qualified Educators**

Regulations from the Commission on Teacher Credentialing require the District to submit an annual Declaration of Need form indicating the number of teachers we anticipate hiring under emergency permits for the 2010-11 school year. In the past, a Declaration of Need form was filed with each emergency permit submitted by the District.



### **9.36 (Item 39) Approval of Post Retirement Contract**

A retired administrator will perform duties of the CELDT Coordinator: 1) coordinate California English Language Development Test (CELDT) to all English Language Learners in the Mt. Diablo School District. 2) Provide CELDT training and testing from July 2010 through October 31, 2010. 3) Follow up paperwork through June 2011. Total contract amount \$23,000.00

## **CONSENT ITEMS PULLED FOR DISCUSSION**

### **10.1 (Item 17) Membership Recommendation for Community Advisory Committee**

The Community Advisory Committee (CAC) is recommending one (1) new member for consideration by the Board. The majority of the committee shall be composed of parents of students enrolled in schools participating in the local plan, and at least a majority of such parents shall be parents of individuals with exceptional needs. The Bylaws further provide that an applicant must attend two regular business meetings. The applicant has attended the required number of meetings and has completed the Membership Application. The applicant for consideration is Julie Barambani.

Mayo moved, Whitmarsh seconded and the Board voted 4-0-1 (Strange absent) to accept the recommendation of the Community Advisory Committee in appointing Julie Barambani as a member of the Community Advisory Committee.

### **10.2 (Item 18) Request authorization to submit the School Improvement Grant (SIG) to the California Department of Education**

School Improvement Grant (SIG) Assurances. Staff requests authorization to submit the School Improvement Grant (SIG) to the California Department of Education (CDE) for four eligible schools in the Mt. Diablo Unified School District. These schools include Bel Air, Rio Vista and Shore Acres Elementary and Glenbrook Middle School. 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. Principals that have been at a school less than three years are exempt from this requirement. The four 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 \$8,000,000 annually or \$24,000,000 over three years.

### **Public Comment**

Mike Langley, President of MDEA, asked the Board not to rush into approving temporary grants.

Mayo moved, Allen seconded and the Board voted 4-0-1 (Strange absent) to approve as presented.

### **10.3 (Item 19) Restructuring Plans for Four (4) Schools Eligible for the School Improvement Grant (SIG)**

Bel Air, Rio Vista, Shore Acres and Glenbrook have been identified by the CA Department of Education in Tier I of the state's list of persistently lowest achieving schools. Each school has developed a restructuring plan with improvement activities that will accelerate the achievement of students to make adequate yearly progress and meet API targets. These plans were presented for information at the May 11, 2010 Board meeting. They will be included in the upcoming School Improvement Grant application.

### **Public Comment**

Mike Langley, President of MDEA, said he would give the Board another chance and said "ditto."

Allen moved, Whitmarsh seconded and the Board voted 4-0-1 (Strange absent) to approve as presented.

**10.4 (Item 40) Classified Management: Appointment of Transportation Services Coordinator**

Interviews have been conducted and a candidate has been selected to fill the Transportation Services Coordinator position.

Mayo moved, Allen seconded and the Board voted 4-0-1 (Strange absent) to approve Angie Goke as Transportation Services Coordinator.

**10.5 (Item 41) Classified Management: Appointment of Supervisor, Warehouse**

Interviews have been conducted and a candidate has been selected to fill the Supervisor, Warehouse position.

Allen moved, Mayo seconded and the Board voted 4-0-1 (Strange absent) to approve April Arnold as Supervisor of the Warehouse.

**10.6 (Item 42) Classified Management: Appointment of Supervisor, Print Shop**

Interviews have been conducted and a candidate has been selected to fill the Supervisor, Print Shop position.

Mayo moved, Allen seconded and the Board voted 4-0-1 (Strange absent) to approve Tom Sullivan as Supervisor of the Print Shop.

**PUBLIC COMMENT**

Kim Mantano, union leader for CSEA, business owner, classroom assistant and parent of a former resource student, spoke about her concerns of assistants being cut and students not getting the assistance they need.

Mike Noce, teacher at Foothill Middle, congratulated and thanked all the people who worked hard to pass Measure C: the steering committee, consultants TRWB, Kish Rajan, Council Member of Walnut Creek and Linda Mayo who attended every meeting and put in countless hours along with the Superintendent. He also spoke about community trust and how and everyone is needed to make Mt. Diablo a great District.

Gail Szehner, SEA II at Pine Hollow Middle School, spoke regarding the cutting of SEA hours and that she feels it is cutting valuable instruction time for special needs students.

Erin Doran, teacher, thanked the Board for keeping Linda Schuler at Bancroft.

Debbie Birnbaum, teacher at Sun Terrace Elementary, said she hopes we can find a way that we can all work together.

Adam Davis, Special Education Assistant, Bridge Program, and former resource student in the District, spoke in support of assistants and how he probably would not have been able to finish school without their help nor achieve his many other accomplishments.

Nicolas Holmes, President of Students for a Democratic Society, and a graduate of the Mt. Diablo Unified School District, spoke in support of Item 15.9 Classified Personnel: Resolution Relative to Elimination/Reduction of Classified Positions.

David Cantando, representing Contra Costa Literacy Coalition and various Rotary Clubs of Contra Costa, spoke about how important it is to teach our students and community members to read. He asked the Board to approve the distribution of a flyer at all school sites publicizing the 5<sup>th</sup> Annual Races for Literacy and how the District has an opportunity to raise \$100,000.00 this fall that can be used for reading programs. The Concord Hilton Hotel will provide a certificate of insurance naming the District as additionally insured and fund 100% of the expenses.

Deb Heinzmann, parent, expressed her concern about the United Mt. Diablo Athletic Foundation (UMDAF) proposal and how it may affect high school athletics because not all high schools will be able to raise the funds to pay for students in the free and reduced lunch program.

**COMMUNICATIONS**

Allan Clark, President of the California School Employees Association, spoke about the organization they have formed called California Advocates United to Save Education whose goal is to fix the California funding process and return California funding from the bottom five to the top ten.

Rollie Katz, Public Employees Local One, spoke about the tough economic times and understands that the District does not want to make cuts. He said they are willing to make sacrifices for the short term and they want to get back to the negotiating table.

Michael Langley, President of MDEA, announced Jo Carson was elected to finish the one-year term of the Vice President of MDEA.

## **REPORTS/INFORMATION**

### **13.1 Budget Update - Governor's May 2010 Revise**

Bryan Richards, Director of Fiscal Services, gave a presentation on the Governor's May Revise and its effects on the District's 2010/11 budget.

## **SUPERINTENDENT'S REPORT**

Superintendent Lawrence expressed appreciation to Mike Noce and Mike Langley for thanking volunteers that served on the Measure C Committee. They were also part of the Citizens United for Excellent Schools (CUES) Committee along with Linda Ortega as representatives from MDEA and they were a tremendous help in passing the bond. Members of the CUES Committee will be invited to the next Board meeting to publicly thank them.

Principal changes were announced for the 2010/11 school year: Nancy Klinkner, Principal of Highlands, will be the Principal of Bel Air. Nancy Baum, Principal of Ayers, will be the Principal of Delta View and Cynthia Goins is coming back from a leave and will be the Principal of Wren Avenue.

Deb Cooksey, Associate General Counsel, updated the Board at the request of the Superintendent. She said CSEA has come to the District and has agreed to file a joint declaration acknowledging both are at impasse. The District is at impasse with CST Local One and M&O.

## **BUSINESS/ACTION ITEMS**

### **15.1 Public Hearing and Adoption of Resolution Accepting Final Environmental Impact Report for the Northgate High School Stadium Lighting Project**

The District's consultant prepared and circulated a draft Environmental Impact Report (EIR) pursuant to the provisions of the California Environmental Quality Act, Public Resources Code Section 21000, et seq. (CEQA) for the proposed Northgate High School Stadium Lighting Project. Public comments received during the public review period are addressed in the Final Environmental Impact Report. An Initial Study Checklist was included in the Environmental Impact Report and focused on those issues which could involve significant impacts from the project: traffic and circulation, noise, air quality, aesthetics/light and glare.

Pete Pedersen explained that all the necessary California Environmental Quality Act (CEQA) work has been done to complete the project and the Board is being asked to certify the final Environmental Impact Report for the Northgate Lighting Project.

The following people spoke in support of the Northgate Stadium Lighting Project:

Northgate Community Pride Foundation: Kara Navolio, Kassie Wenzell, Mike Wenzell, Tim Jochner, Rich Ergo, Ralph Austin, Caron Weeks, Northgate High School parent and graduate; Nancy Schott, Northgate parent; Craig Eller, Northgate coach; Suzy Moore, Northgate parent; Max Moore, parent and Northgate student; Bob Krueger, Northgate parent and graduate; and John McMorris, Principal of Northgate High School.

The following people spoke in opposition of the current EIR and Northgate Stadium Lighting Project and not having ample time to review:

Linda Locke, Northgate parent and neighbor; Roger Miller, Northgate Neighborhood Network; George Kohut, Northgate neighbor and member of the Brook Tree at the Park Neighborhood Association.

There was discussion by the Board and staff regarding CEQA requirements with regard to notice of the public hearing and publication of the final EIR.

Allen moved, Whitmarsh seconded and the Board voted 4-0-1 (Strange absent) to approve as presented.

### **15.2 Approval of Northgate High School Stadium Lighting Project**

Final plans and specifications for the Northgate Stadium Lighting Project have been submitted to the District on behalf of the Northgate Community Pride Foundation. These plans and specifications detail the construction and



installation of lighting and bleacher/press box systems as well as associated site improvements as they are additionally discussed in a formal Environmental Impact Report. Staff has reviewed and commented on these drawings and specifications and determined that they are fully conforming to District standards and design criteria. As such, staff is recommending approval of the Northgate Stadium Lighting Project as it would be installed by the Northgate Community Pride Foundation as an extension/amendment to the existing Site and Facility Lease agreements between MDUSD and the Northgate Community Pride Foundation, approved by the Board of Education on October 9, 2007.

Linda Locke, Northgate parent and neighbor, stated concerns about dimensions of the project which she described as not clear in the EIR. Roger Miller, Northgate Neighborhood Network, expressed concerns about notification of the final EIR. Caron Weeks, Northgate parent, spoke in support of the lights. Kassie Wenzell spoke regarding the communication with the neighbors and how the number of hours was determined when the lights will be on; Ralph Austin, explained how transparent they have been with the community and neighbors.

Pete Pedersen explained that now that the Board has certified the Environmental Impact Report, we need to be more specific and select one of the four alternatives listed in the EIR or the Board may create another alternative. Staff recommends the Board consider adoption of the mitigated project.

Whitmarsh moved, Allen seconded and the Board voted 4-0-1 (Strange absent) to approve as presented.

### **15.3 Appointment of High School Principal**

Interviews have been conducted and a candidate has been selected to fill the High School Principal position.

Whitmarsh moved, Mayo seconded and the Board voted 4-0-1 (Strange absent) to approve Bill Morones as High School Principal. He will be assigned at Ygnacio Valley High School.

Bill Morones thanked everyone for the opportunity to lead the outstanding Ygnacio Valley. He is extremely thankful to become a part of the Mt. Diablo Unified School District family.

### **15.4 United Mt. Diablo Athletic Foundation (UMDAF) Financial Plan**

2010-11 Funding Plan from UMDAF – presentation of their financial plan to support athletics for the 2010-11 school year.

Kent Caldwell, Northgate parent and board member of the United Mt. Diablo Athletic Foundation presented their new funding plan and fundraising as part of the plan. There is concern about the contributions from the six high schools being significantly unbalanced and five years down the road becoming fund raiser fatigued. She said there are three things are needed from the District: 1) Approve the funding plan presented; 2) Approve the plan for all three seasons now because it has been proven that the money can be raised and all sports will need to start fundraising in the fall; and 3) Approve the proposed banner policy. Jeff Adams thanked Kent Caldwell for putting the financial plan together and thanked members of the foundation and volunteers for the thousands of hours they have donated.

There was discussion with the Board and the requirements around the free and reduced lunch identified students. Gary Eberhart said at the last Athletic Advisory Committee, there were a number of recommendations that came out of that meeting and he would like those to be on the agenda for the next meeting.

Alan Young stated that students on the free and reduced lunch program this year were asked to do what they could towards providing contributions. They did receive waivers for the transportation fees because the fees were mandatory and they could not be mandated for students on the free and reduced lunch program. He stated that the District has to be consistent with parents and explain why we need their support; “we can’t mandate an amount they cannot afford.” Alan Young thanked everyone for coming and presenting and thanked staff for all they provided in this effort.

### **15.5 Request approval to adopt the following Courses of Study**

A Committee of High School and Middle School Teachers and Curriculum Specialists met to revise and/or write the following Courses of Study: Work Experience Education, English Language Development Mathematics, English Language Development IA, English Language Development IB, English Language Development II, English Language Development IIA, English Language Development III, English Language Development IV, Dance I, Dance II, Dance III, Personal Fitness Level I, Personal Fitness Level II, Woodworking Technology I, Woodworking

Technology II, Academic Literacy Level I, Academic Literacy Level II, Aerobics I, Aerobics II, Bowling Level I, Bowling Level II, Individual & Dual Activities Level I, Individual & Dual Activities Level II, Racquetball Level I, Racquetball Level II, Team Sports I, Team Sports II, Weight Training I, Weight Training II, Personal Finance, Geometry, Introduction to Business Finance, Statistics (AP), Algebra II/Trigonometry, Algebra I, Algebra II, Advanced Math Topics, Calculus AB (AP), Introduction to Algebra I, Pre-Calculus Honors, Principles of Engineering, Introduction to Engineering Design, Middle School English Language Development I, Middle School English Language Development II, Middle School English Language Development III, Middle School English Language Development IV, Photography Arts I, Photography Arts II.

Superintendent Lawrence thanked the team for working with staff members from all of our sites and taking the new state standards, taking old course adoptions and updating them to meet the criteria of the new standards.

Gary Eberhart directed the Board and anyone having questions to call the Superintendent's office and their questions would be given to the appropriate staff to answer before the next board meeting where the courses of study will be action items under the Consent Agenda.

### **15.6 Restructuring Plans for Seven (7) Schools on the State's List of Persistently Low Achieving Schools or with API Below 700**

Restructuring Plans PowerPoint Presentations

Cambridge, Fair Oaks, Meadow Homes, Ygnacio Valley Elementary, El Dorado, Oak Grove and Riverview are identified as Tier I or Tier III persistently low achieving schools or below 700 API. Each school has developed a restructuring plan with improvement activities that will accelerate the achievement of students to make adequate yearly progress and meet API targets.

Superintendent Lawrence explained the process and purpose of the restructuring plans. He thanked the principals and staff at the schools for all their hard work. He also thanked Rose Lock, Stephanie Roberts and Jennifer Sachs who worked as a team with all the schools.

#### **Public Comment**

Scott Borchardt, parent at Meadow Homes, spoke about his concerns that the restructuring may take away from children in the long term and there would be less science and social studies.

Mike Noce, teacher at Foothill, hopes the plans are successful and serve the comprehensive needs of all our students and the resources are given to truly support the plans.

The Board discussed the concerns and Sherry Whitmarsh asked Superintendent Lawrence if the schools could come back and informally give an interim report as to the progress of the plans. Superintendent Lawrence stated that the schools should be able to provide feedback by mid year.

Gary Eberhart asked staff to address the comments he has seen via email regarding the science and social studies instruction reduction and increased ELD instruction and whether it was an accurate statement.

Rose Lock shared that some common elements in all the plans focus on language arts, math and ELD as well as intervention.

Superintendent Lawrence stated the research is pretty clear that if students don't have an academic reading level by the time they leave third grade, they are not retaining the science and math. The hope and goal is that they will build those skills so in the middle school years they will be able to read and access the textbooks and assignments they are given in the middle grades.

Allen moved, Mayo seconded and the Board voted 4-0-1 (Strange absent) to approve as presented.

### **15.7 Request Approval of New Job Description for Intervention and Instructional Support Teacher**

In an effort to provide support services to students who need additional academic assistance, the District is proposing a new job description for an Intervention and Instructional Support Teacher.

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

### **15.8 Resolution 09/10-68 Specification of Election Order**

The Governing Board of the Mt. Diablo Unified School District must advise the County Registrar how the winner will be determined in the event of a tie vote in the November 2, 2010 election. The Board must also specify rules for candidates' statements. A resolution is presented which states that a tie vote will be determined "by lot" and that candidates will pay for their own statements (maximum of 300 words).

Linda Mayo thanked staff for bringing this forward and announced she will be running for the School Board in November.

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

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

Program modifications and budgetary limitations make it necessary to eliminate/reduce certain classified positions.

#### **Public Comment**

D'Anne Weitzman, teacher at College Park High, spoke in support of assistants. Math, English and History classes have increased from 20-34. Without the paraprofessionals in the classrooms, many students would not be passing Algebra and graduating. She asked the Board to not eliminate or reduce the assistant positions.

Allen moved, Mayo seconded and the Board voted 4-0-1 (Strange absent) to approve as presented.

### **15.10 District Office Restructuring**

Propose to restructure our Curriculum and Instruction division into the Student Achievement and School Support division. See attached supporting documents.

There was discussion with the Board with regard to evaluations and job descriptions of the new positions. Superintendent Lawrence thanked Susan Petersen, Denise Rugani, Jennifer Sachs, Patt Hoellwarth, Lorie O'Brien, Susan Hukkanen, Hellena Postrk and Carmen Garces who will make up the team in this department working with Assistant Superintendent Rose Lock.

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

### **15.11 Resolution of Intent to Dedicate Easement at Gregory Gardens Elementary School**

The Contra Costa Water District is requesting an additional easement to correctly reflect the fire service improvements installed at Gregory Gardens Elementary School. This additional easement is required as the pipeline in the area requested was installed outside the original easement provided by the District. Section 17556 of the Education Code authorizes the Mt. Diablo Unified School District to dedicate or convey an easement to any public entity through a process that involves: 1) a Resolution of Intent to Dedicate an Easement adopted in a regular open meeting by a two-thirds vote of the Board; 2) a Notice of Adoption of the resolution and the time and place of a scheduled public meeting/hearing regarding the resolution (posted in three public places not less than ten days prior to the scheduled meeting and published once in a newspaper of general circulation no less than five days before the scheduled hearing); and 3) a public hearing on the adopted resolution and final action on the resolution dedicating the easement by a two-thirds vote of the Board. The public hearing and request for Board action on this particular resolution will be scheduled and brought to the Board at the August 10, 2010 Board meeting pursuant to the provisions of Education Code Section 17556.

Mayo moved, Allen seconded and the Board voted 4-0-1 (Strange absent) to approve as presented.

### **15.12 Proposed Budget Reduction: Reduction in Use of Contracted Security Services Through the Creation of two (2.0 FTE) Additional Security Operations Worker Positions**

While District staff has, over the past two years, implemented multiple strategies intended to reduce expenditures related to the use of contract security services for the regular and ongoing roving inspection of District facilities, the continued use of said services has become increasingly problematic. Staff is proposing that the regular use of contracted security services for traveling or roving site inspections be eliminated, effective 7/1/2010 and supplanted through the use of two (2) additional Security Operations Worker positions. Through the rescission of the 1/26/2010 elimination of one (1.0 FTE) Security Operations Worker position and the creation of an additional (1.0 FTE) Security Operations Worker position the District will realize an estimated savings of approximately \$62,849 in the Building Security budget (Program 5221) for FY 2010-11 and will enjoy enhanced reliability and manageability of the District Security Operations program.

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

**15.13 Revise Board Policy 4112.2 to reflect changes required by the Compliance Monitoring Intervention Sanctions (CMIS) report**

Board Policy 4112.2 is being revised to reflect changes required by the CMIS report to meet Equitable Distribution for No Child Left Behind requirements.

Allen moved, Mayo seconded and the Board voted 4-0-1 (Strange absent) to approve as presented.

**15.14 Request to Review Revised Management Job Descriptions**

On November 13, 2009, and February 23 and May 11, 2010, the Board of Education approved significant reductions and restructuring of the Maintenance, Operations and Facilities Department as well as the Personnel Department. In light of these changes, and in order to provide adequate and appropriate oversight to the departments and work production, the District is requesting that the following revised management job descriptions be reviewed: Director of Personnel - Range 32; Director of Facilities, Operations and Resource Conservation - Range 25; Building and Grounds Manager - Range 8; and Assistant Building and Grounds Manager - Range 6.

Presented as information only.

**15.15 Homework Board Policy BP 6154 (a)(b)and AR 6154**

The draft of the Mt. Diablo Unified School District homework policy is presented by the Homework Policy work group. This group of teachers, parents/guardians, Board members and administrators met over a four-month period to research, discuss, review, edit and finalize these documents. The policy and administrative rule will provide our school sites and parents/guardians with a context and guidelines for the development of a homework plan. Site discussions will be guided by research into best practices pertaining to the nature and purpose of homework and the amount of time that best supports the identified grade levels. Additionally, the administrative rule outlines the responsibilities of administrators, teachers, parents and students pertaining to homework.

Presented as information only.

**15.16 Revision of Policies and Administrative Rules: AR5123, BP5144, BP6146, BP6146.1, AR6164.2, AR 6184, AR 6184.1**

Draft Policies and Administrative Rules: AR5123, BP5144, BP6146, BP6146.1, AR6164.2, AR 6184 and AR 6184.1 were presented to the Board of Education. On March 9, 2010, The Board took action to revise the credit requirements for graduation effective for the 2010-2011 school year. These policies and administrative rules have been revised to reflect that action.

Presented as information only.

**15.17 Meeting Extension**

Mayo moved, Allen seconded and the Board voted 4-0-1 (Strange absent) to extend the meeting time to 12:30 a.m. on June 16, 2010.

**BOARD MEMBER REPORTS**

Sherry Whitmarsh enjoyed attending the high school graduations.

Linda Mayo congratulated Mr. Parker in being recognized as the outstanding parent at the flagship school of Mt. Diablo High School

Gary Eberhart thanked teachers and staff at the schools especially where his daughters attend. The experiences he had this year were the experiences that many parents have had with great teachers and support staff. He enjoyed the graduations and last night there were more students graduating from Olympic than he had ever seen. In addition, he thanked everyone for all their efforts on Measure C and Ms. Mayo for an outstanding effort on Measure C volunteering tons of time.

**ADJOURNMENT**

Meeting adjourned at 11:26 p.m.