

MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Tuesday, May 11, 2010

Board Members: Paul Strange, Gary Eberhart, Richard Allen, Linda Mayo and Sherry Whitmarsh
Administrative Staff: Superintendent Steven Lawrence, Associate Superintendent Alan Young (absent), 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 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 MDUSD Dent Center.

RECONVENE OPEN SESSION

The Board returned to Open Session in the Board Room at 7:30 p.m. President Strange reported action taken in closed session.

EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE/COMPLAINT

In closed session, the Board voted to reassign one employee and non-reelect two employees.

EXPULSION RECOMMENDATIONS

Expulsion Recommendation for Student #40-10

Whitmarsh moved, Eberhart seconded, and the Board voted 5-0-0 that Student #40-10 be expelled from all schools and programs in the Mt. Diablo Unified School District and that Student #40-10 participate in individual counseling, community service, the COPS Program, the District's Anger Management Workshop, the District's Drug/Alcohol Workshop, provide proof of a negative drug test, and show evidence of a successful school experience with no suspendible behavior infractions prior to applying for readmission.

Expulsion Recommendation Student #41-10

Mayo moved, Whitmarsh seconded, and the Board voted 5-0-0 that Student #41-10 be expelled from all schools and programs in the Mt. Diablo Unified School District. It is also required that Student #41-10 participate in individual counseling, community service, the COPS Program, the District's Anger Management Workshop, provide proof of a negative drug test, and show evidence of a successful school experience prior to applying for readmission.

Expulsion Recommendation Student #42-10

Allen moved, Mayo seconded, and the Board voted 5-0-0 that Student #42-10 be expelled from all schools and programs in the Mt. Diablo Unified School District. It is required that Student #42-10 participate in individual counseling, community service, the COPS Program, the District's Teen Drug/Alcohol Workshop, provide proof of a negative drug test, and show evidence of a successful school experience prior to applying for readmission.

Expulsion Recommendation Student #43-10

Eberhart moved, Allen seconded, and the Board voted 5-0-0 that Student #43-10 be expelled from all schools and programs in the Mt. Diablo Unified School District. It is required that Student #43-10 participate in individual counseling, community service, the District's Anger Management Workshop, the COPS Program, and show evidence of a successful school experience with no suspendible behavior infractions prior to applying for readmission.

CONSENT AGENDA

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

9.3 (Item 3) Recommended Action for Certificated Personnel.

Changes in status of certificated employees.

9.4 (Item 4) Supervised Fieldwork Agreement with Brandman University for the term of June 1, 2010 through June 1, 2015.

This agreement is to provide practice teaching to students enrolled in the teacher education program at Brandman University to help them acquire the skills and knowledge needed to become professional teachers. Cooperating teachers who serve as master teachers receive a stipend for their services.

9.5 (Item 5) Recommendation for Professional Clear Education Specialist: Mild/Moderate Teaching Credential with English Learner Authorization for certificated staff.

Upon completion of a District intern credentialing program, the Governing Board of the school District must recommend applicants for the professional clear teaching credential.

9.6 (Item 6) Recommendation for Preliminary Single Subject Credential with English Learner Authorization for certificated staff.

Upon completion of a District intern credentialing program, the Governing Board of the school District must recommend applicants for the preliminary teaching credential.

9.7 (Item 7) Decrease in Full Time Equivalent Position (FTE) for the 2009-2010 school year.

The following FTE is requested to be eliminated from General Fund for the 2009-2010 school year: Sun Terrace Elementary, Psych Intern .20 FTE.

9.8 (Item 8) Request to increase and decrease various certificated positions funded by categorical funds for the 2010-2011 school year.

Positions are requested to be increased or decreased as described.

9.9 (Item 9) Clarification of effective dates of request to increase and decrease various certificated positions funded by categorical and general funds for the 2009-2010 school year.

The positions were approved at the April 27, 2010 Board Meeting. The effective dates of the approved positions are in need of clarification.

9.10 (Item 10) Clarification of effective dates of request to increase and decrease various certificated positions funded by categorical funds for the 2010-2011 school year.

The positions were approved at the April 27, 2010 Board Meeting. The effective dates of the approved positions are in need of clarification.

9.11 (Item 11) Recommended Action for Classified Personnel.

Changes in status of the classified employees.

9.12 (Item 12) Classified Personnel: Revised increase in hours to a part-time Senior Instructional Assistant Position at Loma Vista Adult Education.

At the April 13, 2010 Board meeting, it was approved to decrease a Senior Instructional Assistant-Adult Ed. position from 25 hours/week (.625 FTE) to 24 hours/week (.600). Loma Vista is requesting to revise this change to reflect an increase of (.0125 FTE) from 24 hours/week (.600 FTE) to 24.5 hours/week (.6125 FTE). This change will be effective July 1, 2010. Incumbent #14498 will be affected by this change.

9.13 (Item 13) Classified Personnel: Revised Decrease in hours to a (vacant) part-time Senior Instructional Assistant Position at Loma Vista Adult Education.

At the April 13, 2010 Board meeting, it was approved to decrease a part-time Senior Instructional Assistant position from 35 hour/week (.875 FTE) to 28.5 hour/week (.7125 FTE). Loma Vista Adult Ed. is requesting to further decrease this position to 14 hours/week (.350 FTE).

9.14 (Item 14) Fiscal Transactions for April 2010.

IFAS Vendor Warrant Report and IFAS Vendor Cancellations Warrant Report for April 2010. Payments have been made to meet the District's obligations for salaries, benefits, supplies, contract services, equipment, capital improvements and other outgo.

9.15 (Item 15) Award of Inspector of Record (Project Inspector) Contract.

The services of a State Certified Inspector of Record (Project Inspector) are required to support the site development/utility infrastructure and the construction of the new 'smart' classrooms at College Park and Concord High Schools. Staff is recommending a contract be awarded to Alisha Jensen not to exceed \$34,000.00 for the provision of said services. The budget for this project is \$2,293,850.00.

9.16 (Item 16) Developer Fee Justification Study.

Jack Schreder & Associates has prepared a Developer Fee Justification Study dated April 2010 in order to justify the continued collection of the current developer fees of \$2.97 per square foot for residential development and \$0.47 per square foot for commercial/industrial construction (with the exception of mini-storage which has been reduced from \$0.23 to \$0.17 per square foot). The State Allocation Board's biennial inflation adjustment maintains the current level of fees to be collected as authorized by Education Code Section 17620 and Government Code Section 65995.

9.17 (Item 17) Request authorization to submit the Tech Prep Demonstration Site Grant to the California Department of Education for Mt. Diablo High School's International Hospitality and Tourism Academy (IHTA).

Staff requests authorization to submit the Tech Prep Demonstration Site Grant to the California Department of Education for Mt. Diablo High School's International Hospitality and Tourism Academy (IHTA). The Tech Prep Demonstration Site Grant provides opportunities to technical preparation consortia to demonstrate a successful program by creating a comprehensive Program of Study for a designated pathway. MDUSD will partner with Diablo Valley College and local business to develop and implement the ServSafe industry certification as part of IHTA. Funding will be used to pay for program supplies and materials, certification fees, staff and coaching and professional development. If awarded, the grant will provide \$100,000 to implement the program for one year.

9.18 (Item 18) Request to Approve Independent Services Contract for Hyatt Hotels & Resorts.

Mt. Diablo High School is requesting approval for an Independent Services Contract for Hyatt Hotels & Resorts for the junior/senior prom. The total cost for this combined event will be \$35,000.

9.19 (Item 19) 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. Additional contracts have been submitted as follows: College Park High School Junior Prom - \$7,566.00; College Park High School Senior Ball - \$8,900.00; Northgate High School Senior Picnic - \$13,500.00; and Northgate High School Senior Ball Increase - \$2,000.00. This would bring the total amount for this contractor to \$165,106.00.

9.20 (Item 20) Williams Quarterly Summary Report, April 30, 2010.

The Williams legislation is a package of new state laws resulting from the settlement of a class action lawsuit filed in San Francisco County Superior Court in 2000, Eliezer Williams et al, vs. State of California. The basis of the lawsuit was that agencies failed to provide public school students with equal access to instructional materials, safe and decent school facilities, and qualified teachers. The Contra Costa County Office of Education has requested quarterly reports on specific complaints designated in the Williams lawsuit settlement. Quarterly reports reflect complaints regarding textbooks and instructional materials, teacher vacancies or misassignments, facilities conditions and Valenzuela/CAHSEE support. This quarter's report includes the month of February through April 2010.

9.21 (Item 21) Classified Personnel: Resolution Relative to Elimination/Reduction of Classified Positions.

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

9.22 (Item 22) Release of Temporary Certificated Employees

In accordance with Education Code 44954, the District requests that all certificated employees on temporary contracts for the 2009-2010 school year who have not been re-employed for 2010-2011 be released at the end of the 2009-2010 school year. Education Code 44954 states: Governing boards of school districts may release temporary employees requiring certification qualifications under the following circumstances: (a) At the pleasure of the board prior to serving during one school year at least 75 percent of the number of days the regular schools of the district maintained. (b) After serving during one school year the number of days set forth in subdivision(a), if the employee is notified before the end of the school year of the district's decision not to reelect the employee for the next

succeeding year. This action is taken annually in an effort to provide the District with maximum flexibility in staffing for the next succeeding school year.

9.23 (Item 23) Approval of an extension of the services between Mt. Diablo Unified School District and Contra Costa County Health Services, Mental Health Division (CMHS) for 7.4 FTE School Psychologists (Child-Family Team Facilitators) positions to staff the Mt. Diablo WrapAround and Counseling Clinic Psychologists.

This agreement supports the District's school psychologists who provide Child-Family Team (CFT) facilitation and Counseling Clinic services to District students and families who require mental health services. The Board of Education first approved this agreement in 2001. The program has grown from a .50 FTE school psychologist position to 5.4 FTE school psychologists' positions. Administration recommends two additional psychologists be funded to provide support for additional students and their families. District psychologists bill for their services through County Mental Health Medi-Cal. It is anticipated that all salaries and expenses for these services will continue to be covered by the monthly billings generated by the school psychologists to Medi-Cal and SB90, a claiming mechanism for students who qualify for services under AB3632. This collaboration with the District and Contra Costa Health Services, Mental Health Division is considered a model program in the state. In November 2007, the Contra Costa County Board of Supervisors recognized this program for its exemplary service to students.

9.24 (Item 24) Approval of an extension of the agreement between Mt. Diablo Unified School District and Contra Costa County Health Services, Mental Health Division to staff 14.475 FTE at the Alliance Program and 12.5 FTE at the Sunrise Program.

This agreement supports the District Behavior Health Specialist staff plus secretarial staff who provide support to district students who require mental health services at the Alliance Program and at the Sunrise Program. The MHC uses what is known as a "braided" funding model to fiscally support the program. Students qualify for services based on their respective eligibility status. The revenue sources include: Mt. Diablo Unified School District, Early Periodic Screening Diagnosis and Treatment (Medi-Cal), and SB90, a claiming mechanism for students who qualify for services under AB3632. ALLIANCE PROGRAM 7.0 FTE Behavior Health Specialist I 7.0 FTE Behavior Health Specialist II .475 FTE Secretary SUNRISE PROGRAM 9.0 FTE Behavior Health Specialist I 3.0 FTE Behavior Health Specialist II .5 FTE Secretary Both the Behavioral Health Specialist I and Behavioral Health Specialist II positions generate revenue by billing for their services using the County as a medium for drawing the blended revenue streams listed above. Using current reimbursement rates, revenue generation for Sunrise and Alliance/Olympic is estimated at \$3,985,524. Program costs including salaries and expenses are estimated at \$3,238,991. To implement this program model, Behavioral Health Specialists I and Behavioral Health Specialists II are recruited and hired to provide services outlined above.

9.25 (Item 25) Approval of an extension to the Agreement between Mt. Diablo Unified School District (MDUSD) and Contra Costa Health Services, Mental Health Division

The Board of Education approved the development and funding for the Mental Health Collaborative (MHC) on April 10, 2001. The Mental Health Collaborative is funded with a "braided" funding model to fiscally support the program. Students qualify for services based on their respective eligibility status. The revenue sources include: Mt. Diablo Unified School District, Early Periodic Screening Diagnosis and Treatment (Medi-Cal) and SB90, a claiming mechanism for AB3632 students. Services are provided by District staff, County Mental Health staff, and the staff of Families First, Inc., Fred Finch Youth Center and Seneca Center. The total cost of these services would be \$5.5 million if the District were to attempt to provide these intensive mental health services to students independent of Contra Costa Mental Health.

9.26 (Item 26) Adjust contracts/purchase orders between Mt. Diablo Unified School District (MDUSD) and Independent Service Contractors for the 2009/2010 school year.

MDUSD, through the Individualized Education Plan (IEP) process, uses Independent Service Contractors to serve students in various related services. The contracts were originally approved on June 30, 2009 by the Board. Due to the frequent need of evaluation/assessments and the changes in level of services that each student requires by the IEPs, administrative placements and new placements, the contracted services need to be reduced or increased. Three (3) contracts will need to be increased and four (4) will need to be decreased resulting an increase of \$55,072.

9.27 (Item 27) Adjust existing contracts between Mt. Diablo Unified School District (MDUSD) and Non Public Schools (NPS) for special education students receiving services for the 2009-2010 school year.

Mt. Diablo Unified School District (MDUSD), through the Individualized Education Plan (IEP) process, places students in Non Public Schools. On June 2, 2009 the Board approved designated amounts for each NPS based on placements known at that time. Due to graduation, discharges, transfers, administrative placements and new IEP placements, NPS contracts need to be decreased, increased, cancelled or created.

9.28 (Item 28) Approval of 2010-2011 Master Contract and Individual Services Agreement (ISA) 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 uniform 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 accept the 2010-2011 rates due to the uncertainty of the state budget. 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. Several supporting documents including a copy of the Master Contract, Individual Services Agreement, and full list of approved NPS/NPA providers is attached for the Board's perusal. The providers' list includes a list of 2010-11 rates, contract days/services and any relevant notes about the rates.

9.29 (Item 29) Request to eliminate three (3) 183 day Speech Language Pathologist positions and create three (3) 205 day Speech Language Pathologist positions.

In order to provide students with consistent coverage from Speech and Language Pathologists and to reduce costs of contracted services, it is necessary to eliminate three (3) 183 day Speech Language Pathologist positions and create three additional 205 day Speech Language Pathologist positions. The district currently has four (4) 205 day Speech Language Pathologist positions.

PUBLIC COMMENT

Joseph Partansky spoke regarding the public's ability to add or remove items from the Consent Agenda, Alisa Rosillo spoke about Augmentative and Alternative Communication (AAC) for Extended School Year (ESY), Linda Castleton, teacher, spoke about Response to Intervention (RTI), and Gloria Magleby spoke about working with the District to improve Bay Point schools. The following people spoke in opposition to Measure C: Mark Ross, Richard Markuson, Western Electrical Contractors, Jose Radzinsky, Associated Builders and Contractors, Inc., Golden Gate Chapter (ABC-GGC), Phil Stites, ABC-GGC, Debbie Allen, construction business owner, Nicole Goeliner, ABC-GGC, Eric Christen, The Coalition for Fair Employment in Construction (CFEC), Matt Davey, Kris Hunt, Contra Costa Taxpayers Association. John Parker spoke in support of Measure C.

Mr. Eberhart spoke in response to the opponents of Measure C.

COMMUNICATIONS

Annie Nolen, Vice President of CSEA, spoke on CSEA members inability to volunteer in positions. Mike Langley, Vice President of MDEA, spoke about their member survey. Dorothy Weisenberger, Community Advisory Committee (CAC), spoke about Special Ed reductions.

SUPERINTENDENT'S REPORT

Steven Lawrence read a letter of appreciation for all teachers in recognition of Day of the Teacher.

BUSINESS/ACTION ITEMS

14.1 Resolution 09/10-62 Classified Employees' Week

The Mt. Diablo Unified School District Board of Education wishes to adopt a resolution to recognize and honor the contribution of the classified school employee to quality education in the State of California and in the Mt. Diablo Unified School District and declare the week of May 17 – 21, 2010 as Classified School Employees' Week.

Eberhart moved, Allen seconded and the Board voted 5-0-0 to approve as presented.

14.2 Restructuring Plan for Four 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.

Mike Noce spoke regarding support of schools and teachers at low performing schools. Willie Mims encouraged the District to support families at low performing schools.

Power Point presentations were made by each principal and the representatives from their sites.

14.3 Special Education Budget Plan

On March 9, 2010 the Board of Education approved a reduction of \$2.8 million from Special Education. After review of the MGT Study, the attached budget plan is being recommended.

Joseph Partansky suggested getting more input from outside groups. Jeanne Lilley spoke regarding reduction of assistants. Willie Mims spoke regarding the elimination of positions and expressed concerns about work overload to staff.

Whitmarsh moved, Mayo seconded and the Board voted 5-0-0 to approve with the exception of Item 4 which was tabled.

14.4 District Office Restructuring

Pete Pedersen has informed me that he will be retiring on September 30, 2010. Pete's retirement will be a great loss for the school district. His dedication to the children of the Mt. Diablo Unified School District over the past 33 years has been exemplary. Due to Pete's retirement, we will need to reorganize the Personnel and Administrative Services Departments. In Personnel, my recommendation is to promote Julie Braun Martin to Assistant Superintendent of Personnel and move Melinda Hall into the Director of Personnel position. If Measure C passes, we would be able to offer Mr. Pedersen a half-time position to come back and manage the Measure C construction projects. The departments that currently report to Mr. Pedersen will be distributed between Greg Rolon, Bryan Richards and Rose Lock. I also propose to restructure our Curriculum and Instruction division into the Student Achievement and School Support division under Assistant Superintendent Rose Lock. The current Curriculum and Instruction team has done an admirable job to support our schools through the implementation of State Standards and Federal and State Accountability systems. As the expectations and demands increase on all our schools, we need instructional leaders who have successfully moved schools forward to help support and coach other principals and school staffs. The list of proposed positions to be created is attached. In order to compare apples to apples, I compared the Salary Step 5 for all of the current positions in C&I and the Director of Alternative Education to the cost at Step 5 for the recommended positions. In order to restructure and save funding, the recommendation is based on taking nine positions and replacing them with eight positions. Please see the attached flow chart and Excel spreadsheet. Through this restructuring, we will achieve an estimated \$45,347 in savings. However, because many of these positions are funded through a combination of categoricals and general funds the full \$45,347 will not be a savings in the general fund. There will also be savings due to the reduction of the summer school secretary position who currently works under the Director of Alternative Education. The position is recommended to be eliminated on September 1, 2010. The current responsibilities of the Director of Alternative Ed will be distributed to the new positions listed above as well as the Special Education Department. Dr. Browne will be given responsibility for supporting and evaluating the alternative education programs in the district. Responsibility for after school and summer intervention programs will be under Rose Lock. The members of this new department will be annually evaluated based on criteria that also include: 1. Whether or not the schools they support meet or exceed the growth targets identified by the State for school-wide and subgroup API data; 2. Whether or not the EL students in the schools they support make annual progress on the CELDT. Our goal is that all EL students are redesignated English proficient within six years of entering our schools. 3. Whether or not all students are making measurable gains on district benchmark assessments that measure students' progress toward mastery of the State standards; 4. Whether or not our high schools are increasing the graduation rate, increasing the number of students completing CTE pathways, increasing the percentage of students taking AP classes and achieving a 3 or better on the end of course assessments, increasing the percentage of students taking the SAT/ACT, and increasing the SAT/ACT scores for all subgroups of students on an

annual basis. 5. Annual principal surveys that focus on whether or not principals feel supported in moving their schools forward.

Mike Langley spoke regarding the restructuring and hopes there will not be large salary increases.

Whitmarsh moved, Mayo seconded and the Board voted 5-0-0 to approve with the exception of restructuring C&I which will be brought forward to the next Board Meeting.

14.5 Request to approve the proposed decision of the Administrative Law Judge and implement the certificated layoff.

As part of the certificated layoff process, a formal hearing was held on April 27, 2010. This hearing was conducted by an Administrative Law Judge appointed by the Office of Administrative Hearings as required by Education Codes 44955 and 44949. The purpose of this hearing was to determine the validity of the process that was used to establish the number of Full Time Equivalent (FTE) positions to be eliminated and the names of the specific employees to receive final lay off notices. Both the District and the Mt. Diablo Education Association were present at this hearing. Based on that process, it was affirmed that 199.36 FTE from the Mt. Diablo Education Association would be eliminated and specific individuals to receive final lay off notices were identified. It was also determined that 3.0 FTE would be eliminated from certificated management and appropriate individuals will receive final lay off notices.

Joseph Lyons, parent of Northgate High School student, spoke in opposition to the layoff of Greg Brown, band teacher. Mike Noce asked how students would be served if 199.36 FTE of teachers is eliminated.

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

14.6 Request Approval of New Job Description for Intervention and Instructional Support Teacher

In an effort to continue 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.

Tabled.

14.7 Consider Approval of Master Investment Banking Agreement

At the April 27, 2010, School Board meeting the Board approved the underwriting team of Stone & Youngberg, George K. Baum & Co., and Brandis Tallman LLC subject to Board approval of a Master Contract. Attached is the Master Investment Banking Agreement for your consideration. The Master Investment Banking Agreement sets forth the scope of service, compensation, and other general provisions of the agreement between the underwriting team and the District.

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

BOARD MEMBER REPORTS

Linda Mayo attended the California State PTA Board of Managers event with over 2,600 participants. Sherry Whitmarsh thanked Woodside Elementary where she recently visited the Augmentative Alternative Communication classroom. She will attend the Mt. Diablo Music Education Foundation event at the Sleep Train Pavilion. Gary Eberhart responded to Mr. Partansky and stated the public is allowed to have input on the Consent Agenda. He thanked John Parker for being an exemplary supporter of MDUSD. Eberhart attended the Mountain View Elementary and Mt. Diablo Elementary school auctions. Paul Strange announced Northgate High School will be performing at Yoshi's and they have an excellent music program at Northgate. He will attend the event.

Meeting adjourned at 10:39 p.m.