

MINUTES  
REGULAR MEETING OF THE BOARD OF EDUCATION  
MT. DIABLO UNIFIED SCHOOL DISTRICT  
Monday, May 07, 2012 (6:30 PM)

Board Members: Sherry Whitmarsh, Gary Eberhart, Lynne Dennler, and Cheryl Hansen. Board Member Linda Mayo participated via teleconference from 777 Convention Way, Anaheim, California.

Administrative Staff: Superintendent Steven Lawrence, Assistant Superintendents Julie Braun Martin, Mildred Browne, Rose Lock, General Counsel Gregory Rolon, and Chief Financial Officer Bryan Richards

**CALL TO ORDER**

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

**ADJOURN TO CLOSED SESSION**

The Board adjourned to Closed Session at 6:00 p.m. in Room 6 at the Dent Center. In Closed Session the Board discussed expulsions, Stipulated Suspended Expulsion Agreement and Waiver of Student Expulsion Hearing and Agreement to Complete Rehabilitation Program for Student #29-12, one student readmission, and Public Employee Discipline/Dismissal/Release/Complaint.

**RECONVENE OPEN SESSION**

Open session reconvened at 6:42 p.m. President Whitmarsh led the Pledge of Allegiance and reported action taken in Closed Session. The Board voted to readmit one student who met conditions of rehabilitation. The Board voted to provide authority to staff to dismiss certificated employees or negotiate a resignation in lieu of dismissal if the PAR panel determines they are not making sufficient progress in the program for employees #20767,# 12148, #21191,# 23563, #24627 and #15253.

**EXPULSION RECOMMENDATIONS**

**Expulsion Recommendation Student #30-12**

Dennler moved, Mayo seconded, and the Board voted 5-0-0 that Student #30-12 be expelled from all schools of Mt. Diablo Unified School District and that Student #30-12 may apply for readmission after January 25, 2013. It is required that Student #30-12 participates in 20 hours of individual counseling to address substance abuse and decision making skills, completion of 30 hours community service, completion of California Offender Program Service (COPS) – Drug/Alcohol Offender class, completion of MDUSD’s Drug/Alcohol Workshop, submit negative drug test and show evidence of a successful school experience to include good attendance, no suspendible behavior infractions, a minimum of C average, and 40 credits earned, prior to applying for readmission.

**Expulsion Recommendation Student #31-12**

Eberhart moved, Dennler seconded, and the Board voted 5-0-0 that Student #31-12 be expelled from all schools of Mt. Diablo Unified School District and that Student #31-12 may apply for readmission after January 25, 2013. It is required that Student # 31-12 participates in 20 hours of counseling to address drugs and substance abuse, serve 30 hours community service, attend California Offender Program Services (COPS) for Drug/Alcohol Offender class, attend MDUSD’s Alcohol and Drug Workshop, show proof of negative drug test, and show evidence of a successful school experience to include 95% attendance, no suspendible behavior infractions, a minimum of C average and earn 45 credits, prior to applying for readmission

**PUBLIC COMMENT**

Jeanne Pierre Muzak, parent, Sun Terrace Elementary, spoke highly of principal Gretchen Jacobs.

**CONSENT AGENDA**

Eberhart moved, Mayo seconded and the Board voted 5-0-0 to approve the Consent Agenda as presented with the exception of Item 3 (pulled by Dennler) and Items 8 and 9 (pulled by Hansen), thereby approving the following:

**10.2 (Item #2) Recommended Action for Certificated Personnel**

Changes in status for the following certificated employees.

**10.3 (Item #4) Request to increase Full Time Equivalent (FTE) for the 2011-2012 school year.**

Position is requested to be increased as described.

**10.4 (Item #5) Request to increase and decrease Full Time Equivalent (FTE) for the 2012-2013 school year.**

Positions are requested to be increased or decreased as described.

**10.5 (Item #6) Recommended Action for Classified Personnel**

Changes in status of classified employees.

**10.6 (Item #9) Classified Personnel: Request to Create and Eliminate Positions for 2011-12 and 2012-13 Fiscal Years**

Positions are requested to be created and eliminated.

**10.7 (Item #10) Request to increase the amount paid on the existing Independent Services Contract for Events to the T, Inc.**

On October 25, 2011, the Board approved Independent Services Contracts for Events to the T, Inc., an event planning service, totaling \$51,000 for Concord High School and Clayton Valley High School. Clayton Valley High School has submitted an increase to the existing contract as follows: Senior Ball: \$41,400. This is an increase of \$27,900 for this event bringing the total amount for this contractor to \$78,900.

**CONSENT ITEMS PULLED FOR DISCUSSION**

**(Item #3) Request to Approve the Proposed Decision of the Administrative Law Judge and Implement the Certificated Layoff**

In order to conserve District and MDEA resources, the parties agreed to submit stipulated facts and briefs in lieu of holding a layoff hearing. As part of the certificated layoff process, stipulated facts and separate briefs were submitted to the Office of Administrative Hearings on April 20, 2012. The purpose of the stipulated facts and briefs 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 layoff notices. Based on the Administrative Law Judge's decision, the Board will determine the number of final layoff notices to issue to members of the Mt. Diablo Education Association, certificated management, and the Mt. Diablo School Psychologists Association.

Dennler moved, Mayo seconded, and the Board voted 5-0-0 to approve the decision of the Administrative Law Judge to eliminate an appropriate number of FTE from MDEA membership, DMA membership and MDSPA membership as indicated by the Administrative Law Judge's decision and authorize the Superintendent/Designee to give appropriate notice on or before May 14, 2012 to the individuals named in or affected by the decision.

**(Item #7) Classified Personnel: Resolution of Reduction or Discontinuance of Classified Employees (Classified Layoff) Resolution No. 11/12-42**

Under state law, school districts are required to provide not less than 45 day notice to classified employees of a layoff. The notice includes the effective date of the layoff, and the displacement and reemployment rights of the noticed employee. Resolution 11/12-42 lists the classified positions that are ending due to the expiration of funding. With the adoption of Resolution 42, the Assistant Superintendent of Personnel Services will be directed to send notices to affected classified employees informing them that their services will not be required for the 2012-13 school year. The resolution also adopts the criteria that Personnel Services will use to determine whether employees whose services are being eliminated have sufficient experience and qualifications to bump less senior employees. Finally, the resolution directs that layoff notices be sent to the appropriate classified employees in order to effectuate a reduction of the classified staff in an amount equal to the number of full-time equivalent positions listed on the resolution in accordance with Education Code.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to adopt resolution of reduction or discontinuance of Classified employees (Classified Layoff) Resolution No. 11/12-42.

**11.3 (Item #8) Classified Personnel: Resolution of Reduction or Discontinuance of Classified Employees at Clayton Valley High School (Classified Layoff) Resolution No. 11/12-43**

With the conversion of Clayton Valley High to a Charter School (effective 7/1/12), the following positions were approved for elimination at the March 12, 2012 Board Meeting with an effective date of June 30, 2012. Some members of the CST, CSEA and M&O units have chosen to retire or to resign and accept employment with the Charter High School. Personnel Services has offered available positions in the various units for transfer to those classified employees who expressed a desire to stay with the Mt. Diablo Unified School District. However, at this point in time there are still employees who have not been placed due to a lack of positions available for transfer. Therefore, it is necessary to provide not less than 45 days notice to the affected employee(s) of this District pursuant to District rules and regulations and applicable provisions of the Education Code. With the adoption of Resolution 43, the Assistant Superintendent of Personnel Services will be directed to send notices to affected classified employees informing them that their services are being eliminated at Clayton Valley High School and those with sufficient experience and qualifications may bump less senior employees. Finally, the resolution directs that layoff notices be sent to the appropriate classified employees in order to effectuate a reduction of the classified staff in an amount equal to the number of full-time equivalent positions listed on the resolution in accordance with Education Code.

Dennler moved, Mayo seconded, and the Board voted 5-0-0 to adopt resolution 11/12-43 reduction or discontinuance of Classified employees at Clayton Valley High School (Classified Layoff) Resolution No. 11/12-43.

**BUSINESS/ACTION ITEMS**

**12.1 Resolution 11/12-40 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 20 – 26, 2012 as Classified School Employees' Week.

Eberhart moved, Mayo seconded, and the Board voted 5-0-0 to adopt resolution 11/12-40.

The meeting adjourned at 7:07 p.m.