

MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Tuesday, February 22, 2011 (7:30 p.m.)

Board Members: Gary Eberhart, Sherry Whitmarsh, Linda Mayo, Lynne Dennler, and Cheryl Hansen

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

CALL TO ORDER

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

CLOSED SESSION

The Board adjourned to Closed Session at 6:01 p.m. in Room 6 at the Dent Center. Items discussed were negotiations, and public employee discipline/dismissal/release/complaint. The Board voted to non-reelect employees: 22608, 25677, 25732, 27558, 28457 and 28434.

RECONVENE OPEN SESSION

The Board reconvened open session in the multi-purpose room at Monte Gardens Elementary School at 7:30 p.m. President Eberhart led the Pledge of Allegiance to the Flag and reported action taken in Closed Session.

EXPULSION RECOMMENDATIONS

Mayo moved, Hansen seconded and the Board voted 4-1-0 (Dennler – No) that Student #09-11 be expelled from all schools and programs of the Mt. Diablo Unified School District. Student #09-11 may apply for readmission after February 22, 2012. It is required that Student #09-11 continue in counseling with the Kaiser Permanente Program beyond June 2011, 30 hours of community service, COPs for Drugs, MDUSD Workshops for Drug and Alcohol, show negative drug test prior to returning and earn 60 credits and have a successful school year prior to applying for readmission.

CONSENT AGENDA

Mayo moved, Whitmarsh seconded and the Board voted 5-0-0 to approve the consent agenda with the exception of items 9.4, 9.8, 9.9 and 9.10.

9.2 (Item 2) Minutes of the meeting of January 25, 2011

9.3 (Item 3) Recommended Action of Certificated Personnel

Changes in status of certificated employees.

9.4 (Item 5) Request to Increase and Decrease Full Time Equivalent (FTE) for the 2010-2011 school year

Positions are requested to be increased or decreased as described.

9.5 (Item 6) Recommended Action for Classified Personnel

Changes in status of classified employees.

9.6 (Item 7) Classified Personnel: Create a part-time Instructional Assistant Position for Strandwood Elementary School

Strandwood Elementary School has requested the creation of one (1) 5 hour/week Instructional Assistant, School Day Only, position to support their English Language Learner students.

9.7 (Item 11) Add funds to Purchase Order for CCCOE from budget 0913

Mt. Diablo Unified School District has added 9 administrators to the original three identified at the beginning of this school year, 2010-2011, who need to complete the AB430 Administrator Training given by CCCOE so they can clear their Preliminary Administrative Credential. The cost for the original three was \$4500.00 and the cost for added nine is \$13,500.00. Purchase order 77750 was created to pay the

invoices for the trainings. The Purchase Order needs to be increased to cover the additional participant costs. The funding is already in the 0913 budget.

9.8 (Item 12) Request approval of revised Introduction to Film Study and Advanced Film Study Courses of Study

Introduction to Film Study and Advanced Film Study course numbers have been revised to delineate whether an enrolled student will be receiving elective or visual performing arts credit towards meeting the University of California's admission requirements.

9.9 (Item 13) Updates and Revisions to AR 6159.11 - Independent Educational Evaluations

Staff has prepared revisions to the Administrative Rule as required by newly approved legislation and as a recommended corrective action by the California Department of Education Verification Review.

9.10 (Item 14) Updates and Revisions to AR 6164.4 - Identification and Evaluation of Individuals for Special Education

Staff has prepared revisions to the Administrative Rule as required by newly approved legislation and as a recommended corrective action by the California Department of Education Verification Review.

9.11 (Item 15) Updates and Revisions to Administrative Rule AR 6159 - Individualized Education Program

Staff has prepared revisions to the Administrative Rule as required by newly approved legislation and as a recommended corrective action by the California Department of Education Verification Review.

9.12 (Item 16) Creation of Board Policy - Special Education Least Restrictive Environment Education

Staff has prepared a new Board Policy as required by newly approved legislation and as a recommended corrective action by the California Department of Education Verification Review.

9.13 (Item 17) Creation of Board Policy - Special Education Infant Services/California Early Start

Staff has prepared a new Board Policy as required by newly approved legislation and as a recommended corrective action by the California Department of Education Verification Review.

9.14 (Item 18) Request approval of revised Exploratory Work Experience Course of Study

Mt. Diablo Unified School District high school students have the opportunity to participate in Work Experience as an elective course. Regular Work Experience Course of Study requires that students are employed and also attend a weekly Work Experience class. Given the current job market, students who don't already have a job are finding it particularly difficult to secure paid employment. Students enrolling in Work Experience with the intent of obtaining a job are finding, after weeks of a job search and attending the Work Experience class, they are not earning credit. However, for many of these students, the Work Experience curriculum is extremely valuable for their continuing job search and employability skill development. The Exploratory Work Experience Course of Study enables students to participate in non-paid work related activities and earn work experience credits but has not yet been utilized in MDUSD high schools. To provide students who need and want to conduct active job searches and gain employability skills, the Exploratory Work Experience Course of Study has been reviewed and is being presented with some minor changes for approval by MDUSD Board of Education. If approved, this revised course of study would go into effect for all students currently enrolled in Work Experience and not employed.

9.15 (Item 19) Contracts with Camp SEA Lab for Ayers and Westwood Elementary Schools

Students at Ayers and Westwood elementary schools will participate in Camp SEA Lab's study of oceanography in Seaside, CA March 21-23 and March 28-30, 2011, respectively. Board approval is required because costs may exceed \$25,000.

CONSENT ITEMS PULLED FOR DISCUSSION

PULLED

10.1 (Item 8) Food and Nutrition Services Purchase Order 2010 - 2011

Food and Nutrition Services requests approval from the Board of Education to issue a change order to increase Vendmart purchase order to \$240,000.00 for the purchase of 5 compartment compostable lunch trays. Original purchase order was in the amount of \$68,000.

10.2 (Item 9) Monthly Budget Transfer and/or Budget Increases/Decreases for January 2011

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

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

PULLED

10.3 (Item 10) Permission to Destroy Hard Copies of Personnel Files that have been Permanently Stored Electronically

The Superintendent is requesting permission to destroy hard copies of Personnel files that have been electronically stored. Under the California Code of Regulations, the District is only required to keep one copy of the permanent Personnel files. A permanent copy of all legal documents relating to employment is maintained in an electronic file per the California Code of Regulations, Sections 16020 (5CCR16020) and 16022 (5CCR16022) and Education Code 44031.

10.4 (Item 4) Creation and Elimination of Full-Time Equivalent Positions (FTE) for the 2011-12 School Year

The attached positions are requested to be created or eliminated as described for the 2011-12 school year.

Item will return on March 1 agenda.

COMMUNICATIONS

Dawn Winder, President Local One M&O, said that Local One members are standing united. They are willing to make concessions by accepting furlough days, share in the burden of rising health costs, accept no salary increases and have accepted a reduction in work staff and hours.

Judy Armstrong, President Local One CST, stated that members have already made concessions and to please treat them fairly and with respect.

STUDENT REPRESENTATIVES

The following student representatives reported on activities at their schools: Ygnacio Valley High, Namja Sadat; Clayton Valley, Joao Paulo (JP); Concord High, Mia Pricco; Mt. Diablo High, Zaharina Velazquez-Ramos; Northgate High, Stephanie Chang; and Prospect High School, Adrian.

REPORTS/INFORMATION

Superintendent Lawrence introduced teacher Dan Reynolds and students from the Human Rights Education class at Mt. Diablo High School. They reported on the District's recent change to purchasing only Fair Trade chocolate to be used in its on-site baking.

BUSINESS/ACTION ITEMS

Superintendent Lawrence gave a Power Point Presentation on school closures to: 1. Answer Board questions asked at the Tuesday, February 15, 2011 Board workshop; 2. Consider whether additional facilities need to be closed; 3. Consider consolidation or closure of Necessary Small High School programs and Diablo Community Day School; 4. Provide an opportunity for staff to make a recommendation to the Board.

Provided the Governor's Budget proposal is approved and District funding is only reduced by \$18.38 per student, staff recommends implementing the approved facility closures and:

- Develop a program at Glenbrook that will allow the District to reduce the number of special education students served by nonpublic schools;
- Redraw current boundary lines to minimize overflow transportation costs;
- Investigate ways to meet student needs the Necessary Small High Schools more efficiently; and
- Update the Independent Study\Horizon and Home study programs by providing online learning opportunities.

PUBLIC COMMENT

The following speakers shared their concerns regarding the school closure options that would affect their school sites.

Speaking on behalf of Westwood Elementary School remaining open: Anthony Bibbs, Susan Hartwig, Katrina Fehring, and Clayton Bailey.

Speaking on behalf of Silverwood Elementary School remaining open: Tracy Rivas, Julie Pamer, Mary Jane Reyes, and Yasman Oldham.

Speaking on behalf of the Small Necessary High Schools remaining open: Thomas Lorch and Sterling Stevenson.

Speaking on behalf of leaving the Concord High, El Dorado Middle and Westwood Elementary feeder pattern in place: Becca Dell, Samantha Bergum, Kimberly Dell, Sheila Bergum and Lanette Stanziano.

Speaking on behalf of rescinding the decision to close Glenbrook Middle School: Berta Shatswell.

Speaking on behalf of Diablo Day remaining open: Tiffany Cottrell, Rocio Pescador, and Billy Becker

Jennifer Roe, Eric Bailey and Willie Mims, BPA and NAACP, and Darnell Turner asked the Board to take more time in making decisions to close schools.

Whitmarsh moved, Mayo seconded and the Board voted 5-0-0 to approve staff's recommendation to not close any additional schools at this time.

16.2 Creation of a Construction Manager II Position

On September 14, 2010 the Board of Education approved the creation of a resident program management team for the delivery and oversight of the 2010 Measure C Facilities Improvement Program. As the District now begins the initial programming and design phase for the scheduled Heating, Ventilating and Air Conditioning improvements as well as the more detailed coordination of the approved Solar program, staff is requesting creation of a Construction Manager II position to provide management and support related to both of these program elements. Staff is requesting creation of this 1.0 FTE position effective April 1, 2011.

Pete Pedersen, special project director of Measure C, will provide a list of positions that are to be created and what has been filled so the Board can see the remaining positions to be filled.

Mayo moved, Whitmarsh seconded and the Board voted 5-0-0 to approve the Construction Manager II position.

16.3 Public Hearing and Adoption of the Mt. Diablo Unified School District Special Education Local Plan (SELPA) Annual Budget Plan, the Certification of the Annual Service Plan, the California Special Education Management Information System (CASEMIS) Service Descriptions, and the Service Plan Forms for the 2010-2011 School Year.

1) Annual Budget Plan 2) Annual Service Plan 3) Public Notice (English and Spanish)

As required by Ed Code Sections 56205, 56205(b)(2) and 56195.7, each SELPA Local Plan document requires a service plan component and a budget plan that are updated annually. In submitting the Local Plan documents, the following is required: the Annual Budget Plan, the Certification of the Annual Service Plan, and the CASEMIS Service descriptions and the Service Plan Forms for the 2010-2011 school year. These documents are due to the California Department of Education on or before March 31, 2011. Copies of these documents are attached for the Board of Education's review and approval. The Completion of the process will be documented by evidence that a SELPA level public hearing has been held to adopt these items. The signed documents will be submitted to the California Department of Education along with evidence that a public hearing was held.

Public hearing was opened at 9:47 p.m., there were no speakers. The public hearing was closed at 9:45 p.m.

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

16.4 Resolution #10/11-47 of the Board of Education of the Mt. Diablo Unified School District, Authorizing the Issuance and Sale of its General Obligation Bonds, 2010 Election, 2011 Series C (Federally Taxable Qualified School Construction Bonds – Direct Payment) and General Obligation Bonds, 2010 Election, 2011 Series D in an Aggregate Principal Amount not to Exceed Eleven Million Dollars

A Resolution authorizing the third and fourth series of bonds under the June 8, 2010 bond election. The proceeds of the bonds would be used to finance capital improvements. The District received an allocation from the California Department of Education to issue Qualified School Construction Bonds (“QSCBs”) in the amount of \$3,860,000. One series of the bonds would be issued as QSCB which receive a subsidy from the federal government which would be used to offset the interest payable on the bonds.

Mayo moved, Whitmarsh seconded and the Board voted 5-0-0 to adopt Resolution #10/11-47 as presented.

16.5 Resolution #10/11-44 to decrease the number of certificated employees due to a reduction or elimination of particular kinds of services

As part of the certificated layoff process, Education code section 44955 permits the Governing Board, through a resolution, to reduce or discontinue particular kinds of services for the next school year. This reduction or elimination of particular kinds of services may necessitate the termination of employment of certain certificated employees at the end of the current school year. The criteria for the order of termination among employees who rendered first paid probationary service on the same date was established by the Board on February 8, 2011 in Resolution No. 10/11-38. These criteria were based solely on the needs of the District and the students thereof. Resolution No. 10/11-44 states that it will be necessary to retain the services of certain certificated employees for the 2011-2012 school year, regardless of seniority, who possess qualifications needed for specific programs. Resolution No. 10/11-44 also directs the Superintendent or his/her designee to send appropriate notices to all employees whose positions may be lost by virtue of the reduction or elimination of the particular kinds of services listed in the Resolution.

Mayo moved, Whitmarsh seconded and the Board voted 5-0-0 to adopt Resolution #10/11-44 as presented.

16.6 Award of E-rate Contract to Provide High Speed Internet at Thirty Sites

Three proposals in response to an erate form 470 were evaluated and the most responsible bidder was ATT for high speed internet to thirty sites.

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

16.7 2011 California School Board's Association (CSBA) Delegate Assembly Election

There are two vacancies in Subregion 7-A for membership on the 2011 CSBA Delegate Assembly. The candidates are: Arthur Clarke, Walnut Creek SD Teresea Gerringer, Lafayette SD Antonio Medrano, West Contra Costa USD Jerrold M. Parson, John Swett USD.

Mayo moved, Whitmarsh seconded and the Board voted 5-0-0 to cast votes for Arthur Clark and Teresea Gerringer for the CSBA Delegate Assembly Election.

16.8 Resolution #10/11-46 In Appreciation of the Black Families Association of Contra Costa County

Mt. Diablo Unified School District recognizes the Black Families Association of Contra Costa County for over 35 years of service to the community.

Whitmarsh moved, Mayo seconded and the Board voted 5-0-0 to adopt Resolution #10/11-46 as presented.

16.9 Resolution - Week of the School Administrator - March 6 - 12, 2011

Mayo moved, Whitmarsh seconded and the Board voted 5-0-0 to adopt Resolution #10/11-45 as presented.

16.10 Resolution - Women's History Month

The California Department of Education has designated March as Women's History Month. The attached resolution recognizes the many contributions made by women in the information of America's history

Whitmarsh moved, Hansen seconded and the Board voted 5-0-0 to adopt Resolution #10/11-42 as presented.

16.11 Resolution - Arts Education Month

The California Department of Education has designated March as Arts Education Month. The attached resolution recognizes the importance of celebrating the arts with meaningful student activities and programs.

Whitmarsh moved, Hansen seconded and the Board voted 5-0-0 to adopt Resolution #10/11-43 as presented.

BOARD MEMBER REPORTS

Linda Mayo visited Wren Avenue and Monte Gardens Elementary schools with Ms. Dennler and Ms. Lock. She also attended the CARES After School Crab Feed at Sun Terrace and represented the District at the 32nd Founders Day PTA luncheon at Serendipity. Ms. Mayo announced the Black Families Association Scholarship Dinner to be held on March 5 at the Marriott Hotel.

Cheryl Hansen announced the mock trial competition. Northgate and Clayton Valley high schools are participating in the county event at the Superior Court. She visited Olympic High School and attended a meeting with Lynne Dennler and the library media teachers.

Sherry Whitmarsh attended a presentation by the California Symphony at the Leshner Theater in Walnut Creek with 5th graders. The presentation was to help get children interested in music.

Gary thanked staff for all the time they have spent in gathering all the information presented to the Board and thanked those that come early to setup.

ADJOURNMENT

The meeting adjourned at 10:12 p.m. in remembrance of Milt Lambertson, former School Board member and Don Farley, retired District employee.