MINUTES

REGULAR MEETING OF THE BOARD OF EDUCATION MT. DIABLO UNIFIED SCHOOL DISTRICT

Tuesday, February 09, 2010 (7:30 PM)

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

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 the Dent Center at 7:30 p.m. President Strange led the Pledge of Allegiance to the Flag and reported action taken in closed session.

REPORT OF CLOSED SESSION

In closed session, the Board considered information and gave recommendations to staff regarding negotiations, anticipated litigation: one potential case, 12 readmissions, one expulsion, General Counsel's evaluation, and Public Employee Discipline/Dismissal/Release/Complaint: one classified employee.

Readmissions

Allen moved, Whitmarsh seconded, and the Board voted 5-0-0 to approve 12 readmissions.

Expulsion

Member (**Sherry Whitmarsh**) Moved, Member (**Richard Allen**) seconded, and the Board voted 5-0-0 to approve that Student #21-10 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student #21-10 be placed at Diablo Day Community School. It is required that Student #21-10 participate in individual counseling, community service, the COPS Program, the District's Teen Anger Management Workshop, the District's Alcohol and Drug Workshop, restitution, and show evidence of a successful school experience, prior to applying for readmission after June 14, 2010.

CONSENT AGENDA

Member (Gary Eberhart) Moved, Member (Sherry Whitmarsh) seconded to approve all items on the Consent Agenda as presented. The motion **CARRIED 5** - **0** - **0**.

9.2 (Item 2) Minutes of the January 12 and 26 Board meetings.

9.3 (Item 3) Recommended Action for Certificated Personnel

Changes in status of the certificated employees.

9.4 (Item 4) Request to increase and decrease various certificated positions funded by categorical and general funds.

Increase or decrease various certificated positions funded by categorical and general funds.

9.5 (Item 5) Recommendation for Clear Education Specialist: Mild/Moderate Teaching Credential with English Learner Authorization for former employee, Mark Reider.

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

9.6 (Item 6) Student Teacher Placement Agreement with the University of Southern California

The purpose of this agreement is to provide student teaching experience for students in The University of Southern California's Teacher Education Program. Cooperating district teachers that have a student teacher receive a stipend for their services.

9.7 (Item 7) Fieldwork Agreement with Brandman University, a division of the Chapman University System.

The Brandman University School Counseling program offers a program in school counseling for graduate students who wish to pursue a career counseling children and adolescents in K-12 public schools. Brandman graduate students are eligible to receive a California Pupil Personnel Services Credential in School Counseling (PPS) upon completing coursework and fieldwork requirements. The program is fully accredited by the Western Association of Schools and Colleges (WASC) and meets all requirements of the California State Commission on Teacher Credentialing (CTC). If approved, Brandman School Counseling Interns will be eligible to participate in field experience at designated District schools. Field experience provides the opportunity for counseling interns to learn and practice the functions of school counselors. Counseling interns will function under the supervision of a Brandman Fieldwork Instructor and a District Administrator or Student Services Coordinator with a PPS credential.

9.8 (Item 8) Approval of Variable Term Waiver Request

Variable term waivers provide applicants with additional time to complete certain requirements for the credential that authorizes the service. The waiver request is made when there is not a properly credentialed person available for the position.

9.9 (Item 9) Recommended Action for Classified Personnel

Changes in status of classified employees.

9.10 (Item 10) Monthly Budget Transfer and/or budget Increases/Decreases for the month of December, 2009.

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.

9.11 (Item 11) Amendment of Part I (pages 5-8 and 11-13), and Original Submission of Part II (pages 28-47) of the 2009-2010 Consolidated Application.

The Consolidated Application is used by the California Department of Education to distribute categorical funds from various state and federal programs to the District. In June of 2009 the District submitted Part I of the application to document participation in categorical programs and provide assurances that the District would comply with the legal requirements of each program. Part II of the application submitted for approval today contains the District's entitlements for each funded program. Out of each state and federal program entitlement, the District allocates funds for indirect costs of administration for programs operated by the District and for programs operated at schools. Programs included on the application are: Title I, Part A, Basic Grant (Low Income); Title I, Part A (Neglected); Title II, Part A (Teacher Quality); Title III, Part A (LEP Students); Title IV, Part A (Safe and Drug Free Schools and Communities); and Economic Impact Aid.

9.12 (Item 12) Fiscal Transactions for the month of January 2010.

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

<u>9.13 (Item 13) Appointment of Secretary to the Board of Education and filing of Amended Certificate of Signatures</u>

Due to recent personnel changes, an amended certificate of signatures needs to be filed with the Contra Costa County Office of Education. The Superintendent needs to be appointed as the Secretary to the Board of Education as well.

PUBLIC COMMENT

Gail Van Tassel, teacher at Delta View Elementary, shared her concerns regarding budget reductions and the need for strategic planning with the impact of the budget cuts. Debbie Hickey, school office manager and community member, spoke on behalf of her constituents and shared concerns with Board members comments regarding previous public speakers.

COMMUNICATIONS

Mice Noce, President of Mt. Diablo Education Association (MDEA), welcomed Superintendent Lawrence, He stated that March 4, 2010, is scheduled as "Action Day", when the California Teachers Association (CTA), MDEA, and all stakeholders in education are joining together for a massive statewide protest against further budget cuts to education. Mike requested that the district start this day for students by holding a state required disaster drill during the first hour of the day to symbolize what the state is doing to our schools which is a disaster. He stated that March 4th is the day for uniting against the state budget cuts.

Board Comment

Paul Strange asked that a resolution supporting the March 4, 2010 Action Day be presented to the Board at the February 23, 2010 Board meeting.

Linda Hutcherson, President of Mt. Diablo Managers Association (DMA), welcomed Superintendent Lawrence. Linda announced the 12 schools that received the California Business for Education Excellence 2009 Honor Roll awards.

STUDENT REPRESENTATIVES

The following student representatives reported on various events and activities at their schools: Jennie Butler, Clayton Valley High; Brandon Bratcher, Ygnacio Valley High; Sammy King, Ygnacio Valley High; Ariana Carpenter, Nueva Vista/Summit; Tericca Rosado, Olympic; Jinny Sun, Northgate; David Carson and Sonya Renteria, Prospect; Morgan Vlanancic, College Park High; Mike Sullivan, College Park High; Araceli Montoya, Mt. Diablo High; Kiara Nuno and Gianna Faulk, Concord High.

SUPERINTENDENT'S REPORT

Steven Lawrence reported that he had met with the parent advisory committee, had his first community meeting at College Park High, and began visiting school sites. He shared that he also plans to meet with city managers and chambers of commerce.

BUSINESS/ACTION ITEMS

15.1 Classified Personnel: Appointment of Payroll Manager

Member (**Linda Mayo**) Moved, Member (**Richard Allen**) seconded to approve the appointment of Carrie Wilhite for the position of Payroll Manager as presented. The motion **CARRIED 5 – 0 – 0.**

15.2 Appointment of Summer Programs Administrators

Interviews have been conducted and candidates have been selected to fill the Administrative Positions for Summer Programs 2010.

Member (**Richard Allen**) Moved, Member (**Gary Eberhart**) seconded to approve the appointments as presented. The motion **CARRIED** 5 - 0 - 0.

15.3 Public Hearing and Action on Additional Budget Reductions Including Flexibility Transfers Authorized by SBX3 4

As a result of additional reductions to funding for local school districts and declining enrollment, the Mt. Diablo Unified School District must make additional budget reductions. While budget forecasts show a positive ending balance for the current and following school year, by June 2012, the district budget shortfall will be about \$17 million. This projected deficit may increase depending on the Governor's budget proposal on January 8. Staff has identified specific program reductions in order to balance the budget in the

2011-12 year. Note that the Board may take action on any item on the list. List of Potential budget reductions located after last page of minutes.

President Strange announced that the Board will consider and vote on recommended items individually.

Public Comment

Janet Fitzpatrick, Instructional Media Assistant II (IMA II), spoke in support of Instructional Media Assistant positions at College Park High and Concord High. Joan Martin, a Resource Specialist at Woodside Elementary, spoke against budget cuts to special education. She requested that a committee made up of SDC teachers, parents, and staff have the opportunity to review the data provided by the outside agency, prior to the Board making any decisions regarding the special education budget cuts. The following spoke in support of elementary school secretaries: Deanna Adams, Jean Sabolevsky, Lorie Roberts, and Ginny Chin. Gwendy Hayden stated concerns regarding the budget reductions and the amount set aside for the textbook adoption. Claudia Bogumil, parent of a special education student, spoke against budget cuts to the special education budget. She stated that the amount being spent in Physical Therapy services provided by outside contracts could be reduced. She also stated that a committee should be formed to review the areas that the special education budget could be streamlined. Kathy Lafferty spoke in support of the Cal Safe Support and Cal Safe Child Care Program funding.

Item 6d

Whitmarsh moved, Eberhart seconded, and the Board voted 5 - 0 - 0 to transfer funding for Community Based English Tutoring Program as presented.

Item 6f

Eberhart moved, Whitmarsh seconded, and the Board voted 5 - 0 - 0 to transfer funding for the CAHSEE Intervention Program as presented.

Item 6g

Eberhart moved, Whitmarsh seconded, and the Board voted 4 - 1 - 0 (Whitmarsh, No) to transfer funding for Supplemental School Counseling as presented.

Item 6i

Mayo moved, Eberhart seconded, and the Board voted 5-0-0 to transfer funding from the Instructional Materials Fund as presented.

Item 6

Eberhart moved, Whitmarsh seconded, and the Board voted 5-0-0 to transfer funding for the Pupil Retention Block Grant as presented.

Item 6n

Eberhart moved, Whitmarsh seconded, and the Board voted 5 - 0 - 0 to transfer funding for the Targeted Instructional Program to reduce .75 FTE Instruction Assistant vacant position only.

Item 60

Mayo moved, Eberhart seconded, and the Board voted 5-0-0 to transfer funding for School & Library Improvement Block Grant (SLIBG) as presented.

Item 6p

Transfer funding for Adult Education

Board Comment

Gary Eberhart requested that staff return with some additional clarification on how the remaining funding in the Adult Education budget is being spent to see if additional cuts can be made. He asked that the core responsibility be reviewed and an analysis be provided. Linda Mayo stated that Adult Education provides valuable services to the community, parents, and students in the district. Dick Allen stated that the Adult Education budget has already taken a 50% reduction from the State. He also stated that the Adult

Education program provides job training and a second chance for high school students. Paul Strange stated that the district look into what financial benefits exist as a result of Adult Education. He suggested that the revenue producing benefits such as rent, and self-funding programs be looked at.

Whitmarsh moved, Mayo seconded, and the Board voted 5 - 0 - 0 to transfer funding for the Adult Education program as presented.

Item 6q

Eberhart moved, Whitmarsh seconded, and the Board voted 5-0-0 to reduce Adult Education General Fund contribution in lieu of Lottery Funds as presented.

Eberhart moved, Whitmarsh seconded, and the Board voted 5 - 0 - 0 to reduced Staff Development AB466 funding as presented.

Board Comment

Gary Eberhart stated that he had previously suggested that the District reduce the graduation requirements to mimic the State of California requirements. He requested that staff revisit the policy that allows students in their senior year to have a four or five period day if they are on track and have completed the graduation requirements. He asked that this item be placed on the next Board agenda as a separate action item.

15.4 Revisions to Board Policy and Administrative Regulation 5141

Through a partnership with Contra Costa County and American Medical Response ("AMR") the District has the opportunity to obtain Automated External Defibrillators ("AEDs") for many District sites. AMR will provide staff and volunteers training in the use and maintenance of these devices. AEDs are simple devices used for cardiopulmonary resuscitation that have been installed in public schools throughout the country and have saved many lives. Furthermore, Health and Safety Code section 1797.196 provides that a person or entity that acquires an AED is not liable for civil damages resulting from acts or omissions in rendering emergency care. Staff has prepared revisions to the Board Policy and the Administrative Regulation to facilitate receipt, installation, training and availability of the AEDs in an expeditious manner. The revisions are consistent with CSBA sample policy.

Board Comment

Linda Mayo stated the importance of maintaining all the requirements for the devices. Gary Eberhart requested that the implementation of the program be done as expeditiously and carefully as possible and that the Board be provided with the list of schools as they complete the training and devices are installed.

Member (**Gary Eberhart**) Moved, Member (**Richard Allen**) seconded to approve the revisions to Board Policy and Administrative Regulations 5141 as presented. The motion **CARRIED 5** – **0** – **0**.

15.5 Mt. Diablo Adult Education Contract and MOU's for Microsoft Office Training.

Contra Costa Workforce Development Board would like to contract with Mt. Diablo Adult Education, as lead agency, to provide Microsoft Office training for referred clients of Contra Costa EastbayWORKS Career Centers. The training is to be provided at five different adult schools at an agreed upon schedule between February 16, 2010 and October 18, 2010. Mt. Diablo Adult Education would function as the lead agency for the purposes of this contract and would, in turn, enter into Memorandums of Understanding with Liberty Adult Education, Pittsburg Adult Education, Martinez Adult Education, and West Contra Costa Adult Education. All five adult schools have identified dates for training to be provided at each of the sites and have agreed upon the training curriculum, duration, assessments and certification. Attached is the Interagency Agreement as proposed by the Workforce Development Board. The Contra Costa Workforce Development Board will be presenting this agreement to the Contra Costa County Board of Supervisors for approval on February 9, 2010.

Member (**Linda Mayo**) Moved, Member (**Richard Allen**) seconded to approve Mt. Diablo Adult Education entering into an interagency agreement with Contra Costa Workforce Development Board and Memorandums of Understanding with West Contra Costa Adult Education, Martinez Adult Education, Pittsburg Adult Education, and Liberty Adult Education. The motion **CARRIED 5** - **0** - **0**.

15.6 Resolution of the Governing Board of the Mt. Diablo Unified School District denying the charter Petition of Flex Public Schools for the establishment of the K12 Academy Mt. Diablo charter school and written findings in support thereof.

Flex Public Schools submitted a charter Petition to offer a new model of education using primarily online curriculum for high school and middle school students. The Petition has been evaluated under the requirements of Education Code sections 47600 et. seq. District staff conducted a comprehensive evaluation of the Petition and submits the proposed Resolution and recommended findings of fact that are incorporated into the Resolution. The Resolution would deny the charter Petition based on the findings set forth in Exhibit A.

Public Comment

Mark Kushner, from Flex Public Schools, spoke in support of the charter petition and requested that if the Board voted against the charter, that the reasons for voting against it be provided. Paul Minney, an attorney representing Flex Public Schools, spoke in support of the charter petition and requested that the Board consider a conditional approval.

Member (**Gary Eberhart**) Moved, Member (**Richard Allen**) seconded to approve the Resolution as presented. The motion **CARRIED** 5 - 0 - 0.

15.7 Resolution 09/10-39 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.

Member (**Linda Mayo**) Moved, Member (**Richard Allen**) seconded to approve the resolution as presented. The motion **CARRIED 5** - **0** - **0**.

15.8 Collaborative Agreement between Mt. Diablo Unified School District and Martinez Unified School District

Martinez Junior High School, of the Martinez Unified School District ("MUSD") was recently identified for program improvement. Pursuant to the No Child Left Behind Act ("NCLB"), MUSD must provide students enrolled in Martinez Junior High School the option of transferring to another school that has not been identified for program improvement. Since Martinez Junior High School is the only MUSD middle school they must establish a cooperative agreement allowing students to transfer to a neighboring district. Valley View Middle School and Pleasant Hill Middle School have been identified as potential transfer options for the students. Approval of this Cooperative Agreement will give MUSD students the option of transferring to Valley View Middle School and Pleasant Hill Middle School in accordance with the NCLB.

Member (Sherry Whitmarsh) Moved, Member (Gary Eberhart) seconded to approve the Cooperative Agreement as presented. The motion CARRIED 5-0-0.

15.9 Agreement of Collaboration between the California Department of Education, the Ministry of Education of Spain and Mt. Diablo Unified School District for the 2010-2011 school year.

This Agreement of Collaboration is established pursuant to the Memorandum of Understanding established February 17, 2000, and updated November 11, 2004, between the California Department of Education and the Ministry of Education of Spain. The purpose of this agreement is to place visiting teachers from Spain into bilingual classrooms within the Mt. Diablo Unified School District.

Member (**Gary Eberhart**) Moved, Member (**Linda Mayo**) seconded to approve the Agreement of Collaboration between the California Department of Education, the Ministry of Education of Spain and Mt. Diablo Unified School District as presented. The motion **CARRIED 5** – **0** – **0**.

15.10 Resolution determining district needs for 2010-2011 and adopting criteria for determining order of seniority for those certificated employees with the same date of first paid probationary service.

In accordance with Education Code 44955(b), the Board of Education must order the seniority of certificated employees who first rendered paid service to the district in a probationary position on the same

date. The governing board must determine the order of seniority "solely on the basis of the needs of the district and the students thereof". The attached resolution establishes "the needs of the district and the students thereof" for 2010-2011 and establishes the criteria for determining seniority for those certificated employees with the same date of first paid probationary service.

Member (**Gary Eberhart**) Moved, Member (**Linda Mayo**) seconded to approve Resolution 09/10-37 as presented. The motion **CARRIED 5** - **0** - **0**.

15.11 Request approval to adopt Investigative Science Course of Study

A committee of Science Teachers and the Curriculum Specialist met to write the Investigative Science Course of Study. Investigative Science Course is designed to provide a laboratory based hands-on interdisciplinary curriculum to students. This course will focus on standards from the five science disciplines-Biology, Chemistry, Physics, Environmental Science, and Earth Science. In addition this course will place a heavy emphasis on the literacy and math skills necessary for success in science.

Member (**Gary Eberhart**) Moved, Member (**Linda Mayo**) seconded to approve to adopt Investigative Science Course of Study. The motion **CARRIED 5** - **0** - **0**.

15.12 Revision of Administrative Rule 5166.1: Intradistrict Open Enrollment

Staff has revised Administrative Rule 5166.1 per Board request and to reflect current practice. Board Policy 5166.1 is not revised but included for reference.

Member (**Sherry Whitmarsh**) Moved, Member (**Gary Eberhart**) seconded to approve the Revision of Administrative Rule 5166.1: Intradistrict Open Enrollment as presented. The motion **CARRIED 5** – 0 – 0.

15.13 Adoption of 10th through 12th grade novel Slumdog Millionaire by Vikas Swarup for the Extended Core Literature list

A Site Literature Committee at Concord High School read and prepared Slumdog Millionaire for adoption for the Extended Core Literature list. This novel supports the following Language Arts standards: Literary Response and Analysis: 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.11, 3.12 Writing Applications: 2.1, 2.2, 2.4, 2.5 Listening and Speaking Strategies: 1.0 Summary of novel: The book is the story of an Indian boy's life, as told in segments as they relate to his answers to a television game show. The answer to each question is a part of a stage in his growing up years, with extraordinary tales of the people he interacted with, his experiences, and what factors created him to be the person he has become. This was presented at the January 12, 2010 meeting for information only.

Public Comment

Anna McFadden, parent, spoke against the adoption of the Slumdog Millionaire book. She stated that the content in the book is too graphic for high school students. She provided the Board with a petition against the adoption of the book with 125 signatures.

Board Comment

Gary Eberhart stated that this book was presented for adoption for reading in an educational setting. Paul Strange requested that Board members be provided with a copy of books to be adopted.

Member (**Sherry Whitmarsh**) Moved, Member (**Linda Mayo**) seconded to approve the Adoption of 10^{th} through 12^{th} grade novel Slum Dog Millionaire by Vikas Swarup for the Extended Core Literature Unit The motion **CARRIED 5 – 0 – 0.**

15.14 Williams Quarterly Report, January 31, 2010

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 months of November and December 2009 and January 2010.

Member (**Gary Eberhart**) Moved, Member (**Linda Mayo**) seconded to Ratify the Williams Quarterly Summary Report, January 31, 2010 on Williams Uniform Complaints. The motion **CARRIED 5 – 0 – 0.**

15.15 Request approval to adopt Sixth Grade Health Education Course of Study

A committee of Middle School Science and Physical Education Teachers and the Curriculum Specialist met to write the Sixth Grade Health Education Course of Study. This course provides for development, instruction, and evaluation of planned sequential health curriculum for sixth grade students. It is designed to increase student awareness, attitudes, skills, and behaviors related to health. The main theme, creating health literacy, is reinforced by the three content areas of the Health Education Standards.

This item is presented for information only and will be returned for action.

Board Comment

Gary Eberhart discussed with the Board that the superintendent had suggested that items that are placed on the agenda for information only be placed on the consent agenda rather than as action items since these items are brought back for action at subsequent Board meetings. The Board discussed this suggestion and agreed that these items be placed on the consent agenda.

15.16 Request approval to adopt Ninth Grade Physical Education Course of Study

A committee of High School Physical Education Teachers and the Curriculum Specialist met to revise the Ninth Grade Physical Education Course of Study to align it with the California Content Standards for Ninth Grade Physical Education. This course is designed to give students the opportunity to learn through a comprehensive sequentially planned Kinesiology and Physical Education program in accordance with the California Content Standards for Physical Education. Students will be empowered to make choices, meet challenges and develop positive behaviors in fitness, wellness, and movement activity for a lifetime. Students will gain an awareness of the career paths related to sports and fitness.

This item is presented for information only and will be returned for action.

15.17 Request to revise Administrative Rule 4217.3 (Classified Personnel Layoff/Rehire) to comply with current law.

The District requests that the Board revise the timelines in Administrative Rule 4217.3 (Classified Personnel Layoff/Rehire) to reflect current law. The Board Policy does not need to be changed but is included for

This is presented for information only and will be returned for action on February 23, 2010.

15.18 Request to revise Administrative Rule 4113.11 (Staffing Ratios) to reflect reductions made through Board actions through 2009.

Over the past several years, the Board has taken action to adjust staffing ratios. The revisions to Administrative Rule 4113.11 (Staffing Ratios) that are attached reflect the most updated Board actions through 2009.

This is presented forward for information only and will be returned for action on February 23, 2010.

BOARD MEMEBER REPORTS

Linda Mayo reported that she visited two schools and attended several district committee meetings. She encouraged public support for the California State PTA approved School Funding Initiative for changing the voting requirements from two-thirds to 55% for local parcel tax measures. She stated that to participate and endorse this initiative, website information is available at improved school funding.com. She also stated that judges are needed for the Contra Costa Science and Engineering Fair, to be held on March 26, at Los Medanos Community College.

Gary Eberhart requested clarification and review regarding the criteria for insurance requirements for independent contract services. He also requested that when training has been completed at school sites, that staff prepare a Press Release to inform the public regarding the availability of the AED (Automated

External Defibrillators). Gary Eberhart asked for a review regarding the parcel tax and ideas relating to a General Obligation (G.O.) Bond.
ADJOURNMENT The meeting was adjourned at 10:07 p.m.

Steven Lawrence, Superintendent