

**MINUTES**  
**REGULAR MEETING OF THE BOARD OF EDUCATION**  
**MT. DIABLO UNIFIED SCHOOL DISTRICT**  
**Monday, February 6, 2012 (7:30 PM)**

Board Members: Sherry Whitmarsh, Linda Mayo, Gary Eberhart, 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 Sherry 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 negotiations, expulsions, and existing litigation – Roaldson v. MDUSD.

**RECONVENE OPEN SESSION AT 7:40 P.M.**

President Whitmarsh led the Pledge of Allegiance to the Flag and reported action taken in Closed Session.

In Closed Session on January 25, 2012 the Board discussed negotiations.

In Closed Session on February 2, 2012 the Board discussed General Counsel's evaluation.

**EXPULSION RECOMMENDATIONS**

**8.1 Expulsion Recommendation Student #13-12**

Staff recommends that Student #13-12 be expelled from all schools and programs of Mt. Diablo Unified School District and that Student #13-12 may apply for readmission after February 6, 2013. It is required that Student #13-12 participates in twenty (20) hours of individual counseling to address anger issues, thirty (30) hours of community service, attend COPS Program for Aggression, MDUSD's Anger Management Workshop, and show evidence of a successful school experience with at least 2.0 GPA and good attendance, prior to applying for readmission.

Eberhart moved, Mayo seconded and the Board voted 5-0-0 to approve the expulsion of Student #13-12.

**8.2 Expulsion Recommendation Student #14-12**

Staff recommends that Student #14-12 be expelled from all schools and programs of Mt. Diablo Unified School District and that Student #14-12 may apply for readmission after June 14, 2012. It is required that Student #14-12 participates in twenty (20) hours of individual counseling to address anger issues, thirty (30) hours of community service, attend COPS Program for Aggression, MDUSD's Anger Management Workshop, and show evidence of a successful school experience with at least 2.0 GPA, good attendance and earn 30 credits prior to applying for readmission.

Mayo moved, Dennler seconded and the Board voted 5-0-0 to approve the expulsion of Student #14-12.

**CONSENT AGENDA**

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to adopt the Consent Agenda, with the exception of Items 9.2 (pulled by Hansen) and 9.11 (pulled by Eberhart) thereby approving the following.

**9.2 (Item #3) Recommended Action for Certificated Personnel**

Changes in status of certificated employees.

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

Positions requested to be increased as described.

**9.4 (Item #5) Approval of Provisional Internship Permit (PIP) Request**

The California Commission on Teacher Credentialing is no longer issuing Emergency Permits. However, the Commission replaced the Emergency Permit with the Provisional Internship Permit (PIP) which provides applicants additional time to meet the subject matter competence requirement(s) needed to enter an internship program. A District may request a PIP only after a diligent search has been conducted and a fully credentialed teacher could not be found. The PIP is issued for one (1) year and is renewable one time only provided the teacher has taken all appropriate subject matter examinations, but as not yet passed those tests. All requests for a PIP must be presented to the Governing Board of a public school district for approval. Every PIP request that is submitted to the Commission on Teacher Credentialing must also include verification that a notice of intent to employ the named applicant is the identified position has been made public.

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

Changes in status of classified employees.

#### **9.6 (Item #7) Classified Personnel: Decrease Part-time Instructional Assistant-Computer Position at Strandwood Elementary School**

Strandwood Elementary School is requesting to decrease a 19 hour/week Instructional Assistant-Computer position to 4 hours/week. Incumbent #26711 will remain in this position.

#### **9.7 (Item #8) Independent Services Contract for Carol Teltschick-Fall**

College Park High School requests approval of an Independent Services Contract for Carol Teltschick-Fall to provide services as the Safe and Supportive Schools (S3) grant coordinator, work with S3 teams at the school and district level to coordinate all S3 activities; planning, implementation, monitoring, reporting and billing. The S3 coordinator is responsible for all S3 grant deliverables and is the liaison between the College Park S3 Team, the District, CDE, West Ed resources and all stakeholders. The S3 Coordinator participates in all team meetings, facilitates follow through on all team activities and responsibilities, conducts background research on strategies and programs for the team, and writes and edits all S3 materials for submission to CDE.

#### **9.8 (Item #9) Approval of Conference Attendance for Wren Ave. Staff**

A team of staff members at Wren Ave. Elementary would like to attend the Professional Learning Communities at Work Institute sponsored by Solution Tree. The Institute will be held in Orlando, Florida on July 25-27, 2012. After reviewing the training opportunities in San Diego, New Orleans and Orlando it was found that the training in Orlando was most cost effective. The Professional Learning Community (PLC) process is increasingly recognized as one the most powerful strategies for sustained, substantive school improvement. This institute will provide the team with the knowledge and tools to implement this powerful process at the school site. The institute will delve deep into the three major ideas of a PLC-focus on learning; build a collaborative culture; and results orientation. The team at Wren Ave. will build the PLC capacity at all grade levels by implementing a plan of action designed to strengthen a school-wide culture of collaboration for the purpose of improving teaching and learning. On-going support by district-level staff will be provided in order to monitor progress.

#### **9.9 (Item #10) Contracts with Dataworks Educational Research for College Park and Ygnacio Valley High Schools**

College Park and Ygnacio Valley High Schools are requesting approval of their contracts with Dataworks Educational Research to provide Explicit Direct Instruction (EDI) training which provides teachers with strategic instructional practices to help design and deliver lessons that meet Common Core State requirements. Because Dataworks is one of the District's regular vendors and the cumulative amounts exceed \$25,000, Board approval is required.

**9.10 (Item #12) Request for Replacement of Outdated Warrant**

A County payroll warrant issued to Pat Spada was not presented to the county Treasurer for payment within six months of date of issue and consequently is void. Replacement is limited to two years from the date the original warrant becomes void as per Government code 29802, unless the Board grants an exception to the request that a new warrant be issued to the payee in replacement of the voided warrant. A new warrant is requested to be issued to the payee in replacement for the voided warrant.

**9.11 (Item #13) Increase Purchase Order/Contract Between Mt. Diablo Unified School District (MDUSD) and Independent Service Contractor, Cynthia Peterson**

Mt. Diablo Unified School District utilizes Independent Service Contractors to fill needs established through the Individualized Education Plan (IEP) process. Dr. Cynthia Peterson offers Neuropsychological assessments and attends IEP meetings for special education students as needed. Dr. Peterson also performs Independent Educational Evaluations (IEE) if parents disagree with a school district evaluation and request an independent IEE. This 2011/12 contract with Dr. Cynthia Peterson was originally approved by the Board of Education on August 23, 2011 for \$35,000.00. An increase of \$13,500.00 is requested at this time, bringing the total contract amount to \$48,500.00. This aligns the contract with actual expenditures with this contractor for 2010/11 year.

**Public Comment**

John Parker

**CONSENT ITEMS PULLED FOR DISCUSSION**

**10.1 (Item #11) Award of Design Services Contract for the Design of Gymnasium Improvements at Ygnacio Valley High School**

On June 28, 2011, the Board of Education approved High School Enhancement Projects for each of the comprehensive high schools and Olympic High School. As part of this greater approval, the Board approved the installation of multiple improvements to the interior of the gymnasium at Ygnacio Valley High School. Included in those identified improvements was the replacement of the existing ceiling system. Staff has negotiated a 'not to exceed', fully inclusive contract with Charles Ham Architects for the provision of comprehensive engineering, architectural and administrative (DSA) services necessary to satisfactorily complete these specified improvements for a fixed fee of \$20,522.00

**Amended Motion**

Eberhart moved, Dennler seconded and the Board voted 5-0-0 to approve award of design services contract, \$20,522 not to exceed number if it goes to DSA and a reduction commensurate if it does not go to DSA.

**10.2 (Item #2) Minutes of the meeting of January 23, 2012**

Dennler moved, Mayo seconded and the Board voted 4-1-0 (Hansen – no) to approve the minutes as presented.

**PUBLIC COMMENT**

John Parker, Anita Johnson, Savannah Ridgley, William Maldonado, Vanessa Lopez, Jeffrey Mosher, Charles Campos, Diane Ridgley, Wendy Spencer, Stephanie Sliwinski, Patrick Oliver, and Dan Reynolds.

**COMMUNICATIONS**

Carmen Terrones, Local One, CST.

**SUPERINTENDENT'S REPORT**

Jon Isom, Isom Advisors, reported on bond refinancing.

## **BUSINESS/ACTION ITEMS**

### **14.1 Walnut Creek Sister Cities International Program**

Walnut Creek Sister Cities International Program involves people and organize groups at all levels of our society in personal diplomacy. It provides a vehicle for planned and continuous contact between school communities to be actively involved in the rewarding field of international relations at the local level. The goal of the Student Exchange Program is to make a significant contribution to global peace through the exchanges of people, ideas, and cultures. Through the Student Exchange Program, Foothill Middle School will participate in an exchange of students and teachers with Siofok, Hungary. As an integral and initial part of this program, Margaret Elliott, a teacher at Foothill MS, will be traveling to Siofok, Hungary, February 11-19, 2012. Board approval is requested for Ms. Elliott to participate in the program.

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

### **Public Comment**

Walter Schick and April Bush.

### **14.2 New Board Policy - Transitional Kindergarten**

New Board Policy 6170.1 is required for the establishment of a Transitional Kindergarten program. This item was an informational item on the January 9, 2012 Board agenda and is now being brought forward for approval.

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

### **14.3 Revision to Administrative Rule 5111 - Admission**

Changes in language to AR 5111 are necessary to meet California Senate Bill 1381 age requirements for Transitional Kindergarten, kindergarten and first grade. This item was on the January 9, 2012 Board agenda for information and is now being brought forward for approval.

Eberhart moved, Dennler seconded and the Board voted 5-0-0 to approve AR 5111 as presented.

### **14.4 Resolution Determining District Deeds for 2012-13 and Adopting Criteria for Determining Order of Seniority for those Certificated Employees with the Same Date of First Paid Probationary Services**

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 2012-13 and establishes the criteria for determining seniority for those certificated employees with the same date of first paid probationary service.

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

### **14.5 Williams Quarterly Summary Report**

The Williams legislation is a package of state laws resulting from the settlement of 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 months of October through December 2011.

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

#### **14.6 Clayton Valley High School Attendance Area**

Determine how we will assign students to high schools who currently live in the Clayton Valley High School attendance area and choose not to attend the Charter.

#### **Amended Motion**

Eberhart moved, Mayo seconded and the Board voted 5-0-0 to designate the Clayton Valley High School attendance area as an open attendance area for the 2012-13 school year, and allow families to complete and submit the CVHS Option Form.

#### **14.7 Public Input and Informational Meetings for Board and Superintendent**

Open communication with the public is critical to develop and maintain a responsive, informed School Board and superintendent. Therefore, we need to give the public multiple opportunities and venues for input with the goal of helping both the Board and the superintendent reflect upon what we are doing as a district and as a Board that is working and what we could do to improve. To help make this happen, Ms. Hansen proposes that the Board offer sessions that follow the private sector model of a shareholders' meeting in which the Board of Directors and CEO talk to the shareholders to share information and seek input and direction from the community. Our Board and superintendent could provide the same model for our stakeholders and community by holding a series of meetings in different geographic locations throughout the district (for example, Bay Point, Concord, and Walnut Creek) that allow the public to question the Board and superintendent directly about our actions and decisions and for the superintendent and Board members to directly address any issues from the public. We should certainly begin this informational process in February 2012.

#### **Public Comment**

John Parker, Michael Langley, Brian Lawrence, and Dan Reynolds.

#### **Amended Motion**

Eberhart moved, Hansen seconded and the Board voted 5-0-0 to approve the Board and superintendent hold and participate in input sessions at all six high schools and Bay Point prior to May 15 that include open discussion and question and answer sessions with the public to encourage conversation and reflection.

#### **14.8 2012-2013 School Calendar**

The draft of the 2012-2013 school calendar has been approved by the Mt. Diablo Education Association (MDEA) and shared with all bargaining units and department heads. We are now bringing this forward for Board approval.

Eberhart moved, Dennler seconded and the Board voted 5-0-0 to approve the 2012-13 School Calendar as presented.

#### **14.9 Discussion of Board Policy 3290 - Gifts and Bequests**

Education Code sets forth that charter schools are entitled to equivalent materials and facilities. The Code also states donated items are the property of a school district. Accordingly, the Governing Board has the discretion and authority to distribute donated materials in an equitable manner. Staff recommends that the Board exercise its discretion under Board Policy 3290 and that items donated to Clayton Valley High School by individuals or groups including parent clubs, booster organizations, or the Associated Student Body remain at the site. Items such as the radio station license and tower will be addressed through the Proposition 39 negotiations process.

#### **Public Comment**

Michael Langley.

This item was presented as information only.

#### **14.10 Draft MDUSD Board Action Progress Report**

The adoption of this tool will allow the Board and community to monitor progress made on significant Board actions, decisions, and directives. All Board actions that exceed \$100,000 in expense as well as other significant actions where the Board takes action to place items on the progress report will be maintained on the report until such time as the item is completed. Once an item is completed, it will be contained in a separate electronic file dedicated to continuously archive Board actions which have been completed. That file shall be archived in perpetuity and shall be available to the Board and community via the District web site. Items which will typically be excluded from the report are actions to hire employees, actions to enter into food service contracts and actions to expend facility dollars. Hiring an employee as well as food purchase agreements are tracked very well in our budget and do not require progress tracking on this document. Most facility improvement decisions receive bond oversight committee review. The Board and public receive regular progress reports on facility expenditures and facility improvement progress. As is outlined above, the Board can always place any item on the progress report by Board action. At the first Board meeting of each month, the progress report will be included as an information item on the agenda. This will allow the Board and the public to review progress regularly and to ask questions and discuss progress at Board meetings. In addition, this progress report will be posted and available for public viewing on the district's web site. All items that have not been completed by the due date will be highlighted in yellow and staff shall provide an oral report on all highlighted items during Board discussion of the progress report. If Board Members have specific questions regarding any item contained in the progress report, Board Members shall forward those questions to the Superintendent prior to the Board meeting to ensure that District Staff is prepared to discuss specific questions at the Board meeting.

#### **Public Comment**

John Parker.

This was presented as information only. This item will be placed on the next Board agenda as an action item.

#### **14.11 Graduation Requirements**

On March 9, 2010, the Board of Education approved the elimination of Summer School in an effort to save \$400,000 and preserve full-time employee positions. The summer school program allowed students to repeat three classes during the summer program and earn passing grades in classes they had failed. Therefore, due to the elimination of Summer School, the Board of Education approved the reduction of high school graduation requirements beginning with the class of 2011 as follows: 1) Reduce math requirements from 3 years (30 credits) to 2 years (20 credits) 2) Reduce the total number of credits needed for graduation from a comprehensive high school from 230 credits to 200 credits. 3) Reduce the total number of credits needed for graduation from an alternative/adult education high school to 180 credits. Since the new requirements have been in place for a year and half the Board would like the following questions answered: 1. Has the district actually saved the anticipated \$400,000? 2. Has the changes in graduation requirements reduced the percentage of students completing the UC a-f requirements? 3. What has been the impact of the change in math requirements? 4. How do our current requirements compare to surrounding districts in Contra Costa County? 5. What are the implications of raising the graduation requirements to 210, 220, or 230? 6. What classes did students historically take for credit recovery in summer school, and are there less expensive ways for credit recovery besides summer school?

This item was presented as information only.

#### **14.12 Meeting Extension**

Eberhart moved, Dennler seconded and the Board voted 5-0-0 to extend the meeting to 11:35 p.m.

#### **BOARD MEMBER REPORTS**

Cheryl Hansen, Lynne Dennler, Gary Eberhart, Linda Mayo and Sherry Whitmarsh.

**ADJOURNMENT**

Open Session was closed at 11:14 p.m. in memory of District employee Johnny Applegate. The Board adjourned to Closed Session to discuss General Counsel's evaluation.

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Secretary, Board of Education