

MINUTES  
REGULAR MEETING OF THE BOARD OF EDUCATION  
MT. DIABLO UNIFIED SCHOOL DISTRICT  
Monday, August 27, 2012 (6:30 PM)

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

Administrative Staff: Superintendent Steven Lawrence, Assistant Superintendents Julie Braun Martin and Rose Lock, General Counsel Gregory Rolan 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 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 expulsions and two cases of anticipated litigation. In Closed Session the Board voted to readmit one student.

**RECONVENE OPEN SESSION**

Open Session reconvened at 6:30 p.m. President Whitmarsh led the Pledge of Allegiance and reported action taken in Closed Session.

**EXPULSION RECOMMENDATIONS**

**Expulsion Recommendation - Student #01-13**

Mayo moved, Dennler seconded, and the Board voted 5-0-0 that Student #01-13 be expelled from all schools of Mt. Diablo Unified School District and that Student #01-13 may apply for readmission after January 25, 2013. It is required that Student #01-13 participates in a minimum of 20 hours of counseling program designed to address anger and aggressive behavior; complete 30 hours of community service; complete the California Offender Program Services (COPS) for Aggressive Offenders; complete MDUSD's Teen Anger Management Workshop and show evidence of a successful school experience to include at least 95% attendance, no suspendible behavior infractions, maintain a minimum of C average, and earn 30 credits, prior to applying for readmission.

**Expulsion Recommendation - Student #02-13**

Eberhart moved, Mayo seconded, and the Board voted 5-0-0 that Student #02-13 be expelled from all schools of Mt. Diablo Unified School District and that Student #02-13 may apply for readmission after January 25, 2013. It is required that Student #02-13 participates in 20 hours of counseling to address substance abuse and decision making skills, complete 30 hours of community service, complete California Offender Program Service (COPS) – Alcohol/Drug Offender class, complete MDUSD's Drug and Alcohol Workshop, submit proof of negative drug test and show evidence of a successful school experience to include good attendance, no suspendible behavior infractions, maintain a minimum of C average and earn 30 credits, prior to applying for readmission.

**Expulsion Recommendation - Student #03-13**

Dennler moved, Eberhart seconded, and the Board voted 5-0-0 that Student #03-13 be expelled from all schools of Mt. Diablo Unified School District and that Student #03-13 may apply for readmission after January 25, 2013. It is required that Student #03-13 participates in 20 hours of counseling to address anger and decision making skills, complete 30 hours of community service, complete California Offender Program Service (COPS) – Aggressive Offender class, complete MDUSD's Teen Anger Management Workshop, and show evidence of a successful school experience to include good attendance, no suspendible behavior infractions, maintain a minimum of C average, prior to applying for readmission.

**8.4 Expulsion Recommendation - Student #04-13**

Hansen moved, Dennler seconded, and the Board voted 5-0-0 that Student #04-13 be expelled from all schools of Mt. Diablo Unified School District and that Student #04-13 may apply for readmission after January 25, 2013. It is required that Student #04-13 participates in 20 hours of counseling to address drug abuse and decision making skills; complete 30 hours of community service; complete California Offender Program Services (COPS) Alcohol/Drug

Offender class; complete MDUSD's Drug and Alcohol Workshop; submit proof of negative drug test and show evidence of a successful school experience with a least a C average, good attendance, no suspendible behavior infraction and earn 25 credits, prior to applying for readmission.

#### **CONSENT AGENDA**

Citing a possible conflict of interest in regard to Item #10, General Counsel Greg Rolan removed himself from the dais and Board room during the vote. Associate Counsel Deborah Cooksey sat at the dais during the vote on the Consent Agenda items.

Eberhart moved, Dennler seconded, and the Board voted 5-0-0 to approved the Consent Agenda as presented with the exception of Item #10 (pulled by Eberhart) thereby approving the following:

#### **9.2 (Item #2) Minutes of the meeting June 25, 2012**

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

#### **9.4 (Item #4) Request to increase Full Time Equivalent (FTE) for the 2012-2013 school year**

#### **9.5 (Item #5) Recommended Action for Classified Personnel**

#### **9.6 (Item #6) University of the Pacific Internship Agreement with Mt. Diablo Unified School District**

This agreement is to provide supervision for interns in the University of the Pacific's Educational and School Psychology program.

#### **9.7 (Item #7) IFAS Vendor Warrant Report and IFAS Vendor Cancellations Warrant Report for the month of July 2012**

Payments have been made to meet the District's obligations for salaries, benefits, supplies, contract services, equipment, capital improvements and other outgo.

#### **9.8 (Item #8) Approve Independent Contract with Strategies of Success, Kathryn Catania for services at Meadow Homes Elementary**

Contractor will provide technical assistance, professional development and leadership coaching of the SIG grant implementation. Advanced Professional Development for both teachers and administrators in the use of data, inquiry cycle, and coordination of support/intervention services/RtI. The coaching will include training in structured student engagement strategies, analysis of assessments, development of formative assessments, training in academic coaching techniques for all coaches, teachers on special assignment, and Instructional Program Specialists.

#### **9.9 (Item #9) Agreement between Mt. Diablo Unified School District (MDUSD) and the Contra Costa County Office of Education (CCCOE) to provide Temporary One to One Assistant for special education students during the 2012-2013 school year**

This agreement is used to provide for 1:1 assistants as designated in their Individual Education Plans (IEPs) for MDUSD students served in CCOE programs.

#### **9.10 (Item #11) Contract between Mt. Diablo Unified School District (MDUSD) and Maxim Services, Non Public Agency (NPA) for the 2012-2013 school year**

Non Public Agencies (NPA) are used by students in Special Education and Section 504 who require specialized health care services. Services include diabetic monitoring, catheterizations, and other medically prescribed procedures. NPAs assist the District in assuring compliance with all applicable federal and state laws and regulations. The attached NPA contract provides the costs required at this time for the 2012-2013 school year.

#### **9.11 (Item #12) Approval of Contract with Exploring New Horizons (ENH) for Pleasant Hill Elementary School Outdoor Ed Program**

Students at Pleasant Hill Elementary School will participate in the Exploring New Horizons Outdoor Schools - Sempervirens Camp September 18-21, 2012. Because several of our schools contract with Exploring New Horizons, the cumulative total will exceed \$25,000, thus Board approval is required.

**9.12 (Item #13) Creation of Administrative Regulation - AR 5131.2 (Bullying)**

Effective July 1, 2012, AB 9 (2011) requires districts/COEs to adopt policy prohibiting gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation or any other characteristic listed in Penal Code 422.55 or Education Code 220, or association with a person or group with one or more of these actual or perceived characteristics. Staff created AR 5131.2 to comply with AB 9.

**9.13 (Item #14) Adoption of the French Honors Course of Study**

A committee of high school and middle school World Language teachers and the World Language Coordinator from the SASS department went through a district process to revise and rename the French V Honors Course of Study and the French IV Honors course, combining both into French Honors. The French Honors course aligns with the Common Core State Standards and preparation for the new focus on the AP level course.

**9.14 (Item #15) Resolution #12/13-3 Hispanic Heritage Month**

**CONSENT ITEMS PULLED FOR DISCUSSION**

**10.1 (Item #10) Approve contract/purchase order with Advanced Interpreting Services for foreign language interpreting and translation services for school year 2012-2013**

Due to lack of District foreign language interpreters, it is necessary to hire contract interpreters. Advanced Interpreting Services (AIS) will provide foreign language interpreters on an on-call basis to act as interpreters for non-English speaking parents to access educational programs and activities, and for assessment of limited English speaking students.

Public Comment

Carmen Terrones, CST Local 1, said that she believes this contract is a conflict of interest even though it will be temporary.

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

**PUBLIC COMMENT**

Jessica Preciado, teacher, shared her experience of being on unpaid leave and her attempt to return to work part time.

**COMMUNICATIONS**

Guy Moore, President, MDEA, shared that new teachers are not paid to attend the two-day New Teacher Orientation.

**SUPERINTENDENT'S REPORT**

Superintendent Lawrence shared results from the California High School Exit Exam. He also explained how to access Measure C solar project information on the District website. James Wogan, Administrator, School Linked Services introduced Steve and Carol Curtis of Windermere Real Estate who presented Project HOPE with a check in the amount of \$1500.

**BUSINESS/ACTION ITEMS**

**14.1 Appointment of Interim Superintendent Pupil Services and Special Education**

Hansen moved, Eberhart seconded, and the Board voted 1-4-0 (Mayo, Eberhart, Dennler, Whitmarsh – no) to strike Item 12 from the contract.

In response to concerns that Ms. Hansen expressed regarding the contract, Mr. Eberhart asked that the Board adjourn to Closed Session to discuss the contract. The Board adjourned to Closed Session at 6:57 p.m.

The Board reconvened at 7:02 p.m. and Ms. Whitmarsh reported that in Closed Session, the Board discussed the contract.

Public Comment

Denise Lambert, CAC, said she would like the CAC to be part of the evaluation of the appointee.

Mayo moved, Dennler seconded, and the Board voted 4-1-0 (Hansen – no) to approve the appointment and contract of Kerri Mills as presented.

#### **14.2 Execution of Non Public School Contracts for 2012-13 School Year**

Mt. Diablo Unified School District's (MDUSD) Execution of Non Public School Placements for the 2012-2013 School Year Program. Request for funds includes basic education, related services, and room & board/mental health services for students in residential placements.

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

#### **14.3 Recommendation for limited Use of Radio Station KVHS-FM 90.5 (“station”) and radio classroom S-2 at Clayton Valley Charter High School (“CVCHS”) during 2012-13 school year with contingencies**

The District does not have a current R.O.P. radio teaching program for the 2012-13 school year at CVCHS. The District is, however, exploring moving the station and classroom to another District high school for 2013-14. Additionally, the District was recently approached by KQED for a possible purchase of the station. The District will need to have a professional assessment performed to determine the value of the noncommercial license we own. In the interim, staff proposes that CVCHS be allowed to use the classroom S-2 and radio station pursuant to all rules of our FCC non-commercial license for the 2012-13 school year and upon the following caveats: 1. An appropriately credentialed instructor with at least two years of broadcast experience is hired to teach the classes; 2. All students must receive at least six 2-hour sessions of in-studio station operation training and FCC noncommercial station operation training aligned with the ROP- approved curriculum and instruction guidelines; 3. All students must be constantly monitored by the appropriately credentialed instructor at all times while they are on the air and in the broadcast studio; 4. Melissa Foster-Wilson shall remain a consultant to the District to operate the radio station for broadcast programming and FCC requirements. The District retains full ownership of the station during CVCHS use. In the event that discussions with KQED or another buyer make a sale appear imminent, the District would then give CVCHS 90 days’ notice of the sale. This 90 days’ notice period would allow CVCHS to secure another location and studio facilities to finish the remainder of the 2012-13 school year. If no sale of the station occurs, the District may decide to move the radio program to another site for the 2013-14 school year.

#### **Public Comment**

Former students of KVHS Rick Bartlett, Matthew Boggs and Karen Kiazynski encouraged the Board to keep the radio station.

Deb Cooksey explained the proposed conditions and answered questions from the Board.

#### **Amended Motion**

Hansen moved, Mayo seconded, and the Board voted 5-0-0 to strike “in the event that discussions with KQED or another buyer make a sale appear imminent, the District would then give CVCHS 90 days’ notice of the sale. This 90 days’ notice period would allow CVCHS to secure another location and studio facilities to finish the remainder of the 2012-13 school year.” and replace with “no sale or disposition of KVHS FM shall be considered until the conclusion of the MDUSD 2012-2013 academic school year.”

#### **14.4 Revision to Board Policy 5116 - School Attendance Boundaries**

Staff is working on a report for Board members containing the following information: • Number of students overflowed in the 2011-12 school year • The schools that students were overflowed from and to in the 2011-12 school year • Projected overflow numbers for the 2012-13 school year and schools students will be overflowed from and to.

Dennler moved, Mayo seconded, and the Board voted 5-0-0 to approve the amended motion that students who attend Title 1 elementary school and overflowed more than 1.5 miles from their home school will be provided transportation.

#### **14.5 Board Approved Superintendent Evaluation Targets**

Ms. Hansen reported that she left the July 16 and August 20 Closed Session meetings because she felt the meetings were misrepresented.

Presented as information.

#### **14.6 Amendment to Board Bylaw 9322 - Agenda Dissemination to Members of the Public**

If a document is distributed to the Board less than 72 hours prior to a meeting, the Superintendent or designee shall make the document available for public inspection at the time the document is distributed to a majority of the Board provided that the document is a public record under the Public Records Act and relates to an agenda item for an open session of a regular Board meeting. Revisions below: If it becomes necessary to include new or revised documents less than 72 hours prior to the meeting, the Superintendent or designee shall implement the following protocol: 1. The original document shall remain posted publicly along with any new or revised documents and be clearly identified as the original document. 2. Each new or revised document shall clearly indicate that it has been added or revised and include the date and time of posting. 3. At the beginning of open session, the Superintendent or designee shall announce publicly, by agenda item, that new or revised documents have been posted less than 72 hours prior to the meeting. 4. The Superintendent or designee shall explain a) the reason the documents were not included on the original agenda, b) the reason for any revisions to the documents, and c) the differences between the original and revised documents. 5. In addition to posting the new or revised documents prior to the meeting, the Superintendent or designee shall ensure that hard copies of these documents are available to the Board and public at the start of that open session. 6. If the new or revised document relates to an action item, then any action will be postponed until the next meeting to ensure that all Board members and the public have an opportunity to review the new and/or revised documents. However, the Board by a two-thirds vote may opt to act on the item at that meeting. If the new or revised document refers to an information item only, no postponement will be required.

Presented as information.

#### **14.7 Mt. Diablo USD Mayoral Council**

The Board will establish a council comprised of the mayors (or their designees) of all cities served by the Mt. Diablo Unified School District, the MDUSD Board, and the MDUSD superintendent for the purpose of expanding communication, identifying and addressing mutual issues and concerns, and building community support and relationships. The MDUSD Mayoral Council shall meet in special meetings once every three months. The superintendent shall provide a written and verbal summary of the Council's discussions to the Board and public at the first Board meeting following each MDUSD Mayoral Council meeting.

Presented as information.

#### **14.8 Consider Board Resolution in Support of Proposition 30, 38, or Both**

##### Public Comment

Mike Langley, Guy Moore, MDEA and Dan Reynolds, teacher said they are in support of Proposition 30.

Presented as information. This will return as two separate agenda items.

#### **14.9 Public Information Officer Position**

Does the Board want to consider adopting an updated Public Information Officer position that would focus on the utilization of technology to better inform our community about what is going on in our schools and district?

Board Direction – Develop job description.

Presented as information.

#### **14.10 Revision to Board Policy 5131 - Possession of Cellular Phone and Other Personal Electronic Signaling Devices**

Consider change to Board policy which would allow students to use their cell phones during the school day.

Presented as information.

**BOARD MEMBER REPORTS**

Board members shared highlights from their recent school site visits and community activities.

The meeting adjourned at 9:43 p.m.

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Steven Lawrence, Secretary