

**MINUTES**  
**REGULAR MEETING OF THE BOARD OF EDUCATION**  
**MT. DIABLO UNIFIED SCHOOL DISTRICT**  
**Tuesday, October 12, 2010 (7:30 PM)**

Board Members: Paul Strange, Gary Eberhart, Richard Allen, Linda Mayo, and Sherry Whitmarsh  
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 Paul Strange at 6:00 p.m. in the Board room at the 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, public employee discipline/dismissal/release/complaint, superintendent's evaluation, and existing litigation: McLennan v. Mt. Diablo Unified School District and Swystun v. Mt. Diablo Unified School District.

**RECONVENE OPEN SESSION**

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

**CONSENT AGENDA**

Public Comment

Dan Reynolds, teacher and site council chair at Mt. Diablo High School requested clarification regarding funding of 3.4 FTE through ARRA funds for MDHS (item 6 on the consent agenda). He said he believes the funding has not been approved by the Site Council and asked that the expenditure be reconsidered and reconciled before moving forward.

Mayo moved, Eberhart seconded, and the Board voted 5-0-0 to approve the Consent Agenda with the exception of items 6, 18, 21 and 22, thereby approving the following:

**8.2 (Item 2) Minutes of the Meeting of September 28, 2010**

**8.3 (Item 3) Recommended Action of Certificated Personnel**

Changes in status of certificated employees.

**8.4 (Item 4) 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. All requests for a Variable Term Waiver must be presented for approval to the governing board of a public school district. Every waiver request submitted to the Commission on Teacher Credentialing must include verification that a notice of intent to employ the named applicant in the identified position has been made public.

**8.5 (Item 5) Memorandum of Understanding with The Bernard School of Education of the University of the Pacific for the Employment of Deidre Rubcich as a Psychologist Intern**

This memorandum will allow Deidre Rubcich from the Bernard School of Education of the University of the Pacific to supplement her learning experience by working with district staff as a full-time psychologist intern. District staff will participate on an advisory and consulting basis.

**8.6 (Item 7) Request to Increase and Decrease Full Time Equivalent (FTE) for the 2010-2011 School Year**

Positions requested to be increased or decreased as described.

**8.7 (Item 8) Recommended Action for Classified Personnel**

Changes in status of the classified employees.

**8.8 (Item 9) Classified Personnel: Reinstate a Copy Machine Operator Position at Northgate High School**

Reinstate a part-time, 12 hour/week, 9.5 month Copy Machine Operator position at Northgate High School. Incumbent #15807 will be reinstated from layoff.

**8.9 (Item 10) Fiscal Transactions for the Month of September 2010**

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

**8.10 (Item 11) Monthly Budget Transfer and/or Budget Increases/Decreases for June 2010 End of the Year**

Budget Revisions for June 2010 End of the Year. 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.

**8.11 (Item 12) Award of Bid No. 1572: Smart Interactive Whiteboards and Electronic Equipment for Meadow Homes Elementary**

Bid No. 1572 was called to provide Smart Interactive Whiteboards and Electronic Equipment for Meadow Homes Elementary. The scope of work includes, but is not limited to: delivery and installation of smart boards, projectors, cameras, cables, speakers and wall mounts. Training is also included in this bid. The bid is being awarded to three (3) different companies who bid the lowest pricing for the equipment. They are as follows: CompView, Inc. Bid award amount including tax, installation and training: \$71,351.22 Troxell Communications, Inc. Bid award amount including tax: \$4,361.28 CCS Presentation, Inc. Bid award amount including tax: \$4,973.06. The budget for this project is \$85,000.00.

**8.12 (Item 13) Approval of Contract with Exploring New Horizons (ENH) for Hidden Valley Elementary School**

Students at Hidden Valley Elementary School will participate in the Exploring New Horizons (ENH) Outdoor Education Program at Camp Loma Mar the week of October 4, 2010. Other elementary schools also participate in the ENH Outdoor Education Program and the collective costs exceed \$25,000, therefore Board approval is required.

**8.13 (Item 14) Approval of Contract with Exploring New Horizons for Strandwood Elementary School**

Students at Strandwood Elementary School will participate in the Exploring New Horizons (ENH) Outdoor Education Program at Sempervirens Camp during the week of November 15, 2010. Because other elementary schools also participate in the ENH Outdoor Education Program and collective costs exceed \$25,000, Board approval is required.

**8.14 (Item 15) Approval of Contract with Exploring New Horizons (ENH) for Bancroft Elementary School**

Contract with Exploring New Horizons Certificate of Insurance  
Students at Bancroft Elementary School will participate in the Exploring New Horizons Outdoor School Program at Camp Loma Mar, CA, November 16-19, 2010. Board approval is required because costs will exceed \$25,000.

**8.15 (Item 16) Approval of Contract with Exploring New Horizons for Silverwood Elementary School**

Students at Silverwood Elementary School will participate in the Exploring New Horizons (ENH) Outdoor Education Program at Sempervirens Outdoor School in Boulder Creek, CA, May 2-6, 2011. Board approval is required because costs exceed \$25,000.

**8.16 (Item 17) Approval of Contract with Marin County Outdoor School at Walker Creek Ranch for Walnut Acres Elementary School**

Students at Walnut Acres Elementary School will participate in the Marin County Outdoor School Program at Walker Creek Ranch in Petaluma, CA, October 25-29, 2010. Board approval is required because costs will exceed \$25,000.

**8.17 (Item 19) CAC By-Laws**

The Community Advisory Committee (CAC) approved their revised By-Laws at their September 13, 2010 meeting. The By-Laws are being recommended for approval by the Board of Education.

**8.18 (Item 20) Adjustment for Existing Contract Between Mt. Diablo Unified School District (MDUSD) and Non-Public Agencies (NPA) for Special Education Students Receiving Services for the 2010-2011 School Year**

MDUSD, through the Individualized Education Plan (IEP) process, uses NPAs to serve students in various related services. The list of NPAs was originally approved on June 22, 2010 by the Board. Due to the frequent changes in

the level of services that each student requires by the IEPs, administrative placements and new placements, the services are changed or added. Psychology, Learning and You (PLAY) needs to be increased from \$5,700 to \$81,600, a \$75,900 increase to the originally approved contract.

**8.19 (Item 23) Workforce Development Board of CCC contract amendment with Mt. Diablo Adult Education**

Mt. Diablo Adult Education requests permission to amend its existing, previously approved, contract with the Workforce Development Board of Contra Costa for the purpose of adult education providing additional Microsoft Office Training to clients referred by EastbayWORKS Career Centers in Contra Costa County. The training is to be provided at five different adult schools at an agreed upon schedule between October 25, 2010 and June 30, 2011. Mt. Diablo Adult Education would continue to function as the lead agency for the purposes of this contract with additional Memorandums of Understanding with Liberty Adult Education, Pittsburg Adult Education, Martinez Adult Education, and West Contra Costa Adult Education. In addition, the Workforce Development Board has amended the contract to include phlebotomy training by Mt. Diablo Adult Education for clients referred by Eastbay WORKS Career Centers in Contra Costa County and the addition of a MS Office class for clients of the Senior Employment program.

**8.20 (Item 24) Award of Contract to Newcomb, Anderson and McCormick for Energy Engineering and Consulting**

In an effort to render a well-informed and technically accurate recommendation with respect to a design/build vendor for the District's Solar program, it was essential to solicit and retain the services of an impartial energy consultant. In addition to the provision of professional services related to the technical evaluation of design/builder proposals and the comprehensive financial modeling necessary to properly evaluate said proposals, the District has requested access to, and participation from an energy consultant during the critical contract negotiation phase. Staff has negotiated a not to exceed contract for \$33,660 with Newcomb, Anderson and McCormick for the provision of comprehensive energy and engineering consulting services during both the proposal evaluation phase as well as the contract negotiation process.

**CONSENT ITEMS PULLED FOR DISCUSSION**

**9.1 (Item 18) Membership Recommendation for Community Advisory Committee (CAC)**

The Community Advisory Committee (CAC) is recommending three (3) new members for consideration by the board. The committee shall be composed of parents of students enrolled in schools participating in the local plan, and at least a majority of such parents shall be parents of individuals with exceptional needs.

Mayo moved, Whitmarsh seconded, and the Board voted 5-0-0 to approve Theresa Buhlman, Audra McDonald, and Julie Nibblett as new members to the CAC as presented.

**PULLED 9.2 (Item 21) Contract with Resource Development and Associates to complete the Tobacco-Use Prevention Education (TUPE) Grant evaluation.**

Staff requests approval to enter into a contract with Resources Development and Associates for evaluation services for the 2010-11 school year for the 6th-12th Tobacco-Use Prevention Education (TUPE) grant. RDA served as the evaluator for the TUPE grant for the 2009-10 school year. The TUPE grant requires a comprehensive annual evaluation as part of the grant to measure program implementation and effectiveness.

**PULLED 9.3 (Item 22) Approve contract with Resource Development & Associates (RDA) for evaluation services for the School Improvement Grant (SIG).**

Staff requests approval to enter into a contract with Resources Development and Associates for evaluation services for the 2010-11 school year for the School Improvement Grant (SIG). The School Improvement grant requires a comprehensive annual evaluation as part of the grant to measure program implementation and effectiveness.

**9.4 (Item 6) 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.

Eberhart moved, Allen seconded and the Board voted 5-0-0 to approve the item as presented with the exception of the Mt. Diablo High School teaching positions.

#### **PUBLIC COMMENT**

Brian Lawrence, candidate for school board, thanked Jeff Adams, member of the United Mt. Diablo Athletic Foundation (UMDAF), for his involvement with the second annual 5K run and walk which took place on October 10. He also thanked the parents, athletes, and community members that were involved.

Jeff Adams, candidate for school board and member of the UMDAF board, shared that preliminary numbers indicated 1,635 people participated in the recent 5K race.

The following shared concerns regarding the proposed proration of health benefits for CSEA members: Suzanne Sprague, CSEA member; Cyndi Hill, Special Education Assistant; Maria Viscogliosi, Special Education Assistant; Patricia Gardiner, Special Education Assistant and parent, and Rebecca West, Sign Language Assistant.

#### **DISTRICT ORGANIZATIONS**

Kim Montano, CSEA informed the Board that CSEA members have voted not to accept the increase in medical benefits.

#### **SUPERINTENDENT'S REPORT**

Superintendent Lawrence reported that the District sold \$110 million in bonds recently, \$59.5 million were in Clean Renewal Energy Bonds (CREBs) and \$50 million in General Obligation Bonds. He introduced Jon Isom who shared a summary of the bond program and Measure C.

#### **BUSINESS/ACTION ITEMS**

##### **13.1 Appointment(s) of Coordinator, Student/Community Services 9-12**

Interviews have been conducted and a candidate(s) has been selected to fill the position(s) of Coordinator, Student/Community Services 9-12.

Allen moved, Eberhart seconded, and the Board voted 5-0-0 to appoint Aline Lee to the position of Coordinator, Student/Community Services 9-12. Ms. Lee will be assigned to College Park High School.

Mayo moved, Whitmarsh seconded, and the Board voted 5-0-0 to appoint Julie Parks to the position of Coordinator, Student/Community Services 9-12. Ms. Parks will be assigned to Mt. Diablo High School.

##### **13.2 Proclamation of October 23-31, 2010 as "Red Ribbon Week"**

During Red Ribbon Week, schools and many community agencies throughout California will join together to highlight their commitment to a drug and tobacco free society. Through this proclamation, the MDUSD Board of Education urges all students, staff, parents, and members of our community to wear a red ribbon during Red Ribbon Week and to support efforts to make our schools and community drug and tobacco free.

Mayo moved, Allen seconded, and the Board voted 5-0-0 to proclaim October 23-31, 2010 as Red Ribbon Week.

##### **13.3 Classified Personnel: Resolution Relative to Elimination/Reduction of Classified Positions**

We reluctantly place on the agenda for information purposes the reduction and/or elimination of the positions listed on the attached resolution. Skyrocketing medical insurance premiums continue to be the primary source of the District's budget deficit. The Kaiser rate for medical insurance increased 6.84% from the 2010 rate and if it remains uncapped, the District will pay \$23,027,792 in 2011 and approximately \$27,224,287 by 2013. Meanwhile, our District has suffered a 16.76% reduction in revenue limit funding over the past three years and revenue limit funding is estimated to decrease by \$1,937,339 in the 2011-2012 fiscal year. Notwithstanding revenue reductions, the District has continued to cover all increased benefit costs for employees. We simply can no longer afford to continue doing so. Certificated personnel are not subject to mid year layoffs due to contract provisions. Managers and supervisors are not on the list because they have already agreed to cap the District's contribution to their benefits beginning in January 2011. We have been unable to negotiate a similar cap with its other employee units. Accordingly, we must have the flexibility to achieve budget savings by reducing or eliminating positions as described on the attached resolution. The District and CSEA entered into a Tentative Agreement on September 28,

2010. The union will vote on whether or not to ratify the agreement on October 12, 2010. Therefore, we are not proposing any further CSEA reductions or eliminations.

This was presented as information only.

#### Public Comment

Jean Sabolevsky, Secretary, asked for clarification on where the \$6.45 million received from the federal government has been spent.

Mary Anne Shaw, Student Resource Technician, said that she will have to retire if her work day is cut to 3-1/2 hours.

Yondi Spark, Special Education Assistant and a parent, asked the Board to reconsider the cuts to benefits for Special Education Assistants.

Laurie Martin, Special Education Assistant, said she understands there are cuts across the board but does not see the fairness and equity spread out.

Julie Nibblett, parent, spoke about her concerns that the Special Education Assistants that help their children are losing hours and benefits and asked the Board to reconsider.

Debbie Hickey, Office Manager, said that there have been no increase to wages for members of CST, CSEA or M&O, but more work had been given to each of those units.

Superintendent Lawrence shared that the District has seen a 16.4% revenue decrease since 2007-08 and an increase in benefit costs of 29.8%. If the District can not begin a cap starting in January, 2011, then more budget cuts will need to be made. In response to a question by Mr. Strange regarding bringing back class size reduction, he said that it would be less expensive and more beneficial to the students to bring it back at a cost of \$3.4 million than to give up the \$5 million in funding the District receives.

Gary Eberhart said we have to find ways to make reductions so we can cap expenses moving forward. The District is required by law to balance a budget within 45 days of the State signing their budget into law.

President Strange recognized the excellent work done by staff and the support given by the Board to come up with creative ways to get revenue into this District or at least cost savings.

#### **13.4 Public Hearing regarding Sufficiency of Textbooks and Instructional Materials for 2010/2011 for Pupil Textbook and Instructional Materials Incentive Program and Williams Settlement Instructional Materials Funds**

The local governing board is required to make an annual determination of the sufficiency of textbooks or instructional materials, consistent with the content standards adopted pursuant to Education Code Section 60605. All MDUSD schools have determined text needs. Site councils have participated in plans to remedy shortages within two months, as required by law, unless the school is a Williams School requiring immediate remedy of shortage.

Allen moved, Mayo seconded and the Board voted 5-0-0 to adopt the Resolution of Sufficiency of Textbooks and Instructional Materials.

#### **13.5 Approval of Adult Education Course Titles for 2010-2011**

Mt. Diablo Adult Education wishes to offer the list of classes to meet the needs of our communities' adult learners. The California Department of Education requires that course titles be approved annually. These titles have been previously approved but need to be re-authorized for 2010-2011. A job market survey justifies the continuation of career technical education classes. Course outlines are on file for all courses currently being offered. Job market surveys are also on file for career technical education courses. Additionally, Mt. Diablo Adult Education provides Community Education Classes for which no state revenues are collected.

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

### **13.6 Recommend Approval of Renewal - Edusoft Assessment Management System Contract**

Edusoft Assessment Management System provides Mt. Diablo Unified School District web based system to collect, analyze and act on student performance data learning. It is a system that houses both teacher created and publisher assessments that inform instructional decisions by teachers. It is supported by the District's system Aeries for the purposes of maintaining and updating student rosters and student performance data. Using Edusoft, teachers can create worksheets and have access to assessments and worksheets created by others. The data stored may be analyzed for an individual student, a small group of students or a whole class. Edusoft provides both item analysis and error analysis on the assessments administered through the assessment management system and is crucial in supporting the goals of the District's Local Education Agency Plan (LEAP), the Education Technology Plan and multiple data requirements for state and federal programs that support many of our schools.

Eberhart moved, Allen seconded, and the Board voted 5-0-0 to approve the renewal of the Edusoft Assessment Management System Contract.

### **13.7 Request For Board Direction With Respect to Establishing Final Sequence of Installation for Replacement Heating, Ventilating and Air Conditioning Systems Under The 2010 Measure C Facilities Improvement Program**

On April 25, 2006 the Board of Education approved the partial implementation of a heating, ventilation and air conditioning retrofit plan using available Proposition 55 funding. This 2006 implementation plan detailed a proposed site by site project sequence. On September 14, 2010 staff proposed a modified 2010 Measure C implementation plan for the heating, ventilation and air conditioning retrofit of those twenty-eight (28) remaining sites that had not yet been retrofitted. Staff is now requesting direction from the Board regarding which installation sequence should be adopted in the 2010 Measure C program.

Eberhart moved, Allen seconded, and the Board voted 5-0-0 to approve the implementation plan that was adopted in 2006.

### **BOARD MEMBER REPORTS**

Sherry Whitmarsh thanked staff for the Site Council training at Centre Concord. Ms. Whitmarsh also thanked Ygnacio Valley Elementary for her recent visit to the site.

Dick Allen attended Eleanor Bisso's 100<sup>th</sup> birthday party at Stonebrook Health Center with Linda Mayo, Gary Eberhart and Rose Lock. Mr. Allen asked for a memo stating the balance of Proposition 55 monies. He reminded everyone about the 5<sup>th</sup> Annual Day of the Races for Literacy which will be held October 30 from 8:30 to 2:00 at the Concord Hilton.

Gary Eberhart also attended Ms. Bisso's party. He shared that she was a 1928 Mt. Diablo High School graduate and certainly one of the pioneers of Concord and our community and worked as a teacher for our District.

Linda Mayo thanked Diablo View Middle School and Walnut Acres Elementary School for allowing her to visit recently. She also attended the Contra Costa County Literacy Council meeting. Ms. Mayo acknowledged the four candidates for school board that were in the audience, Jeff Adams, Cheryl Hansen, Brian Lawrence, and Roy Larkin.

President Strange adjourned the meeting at 9:06 p.m. in honor of Ms. Mayo's 40<sup>th</sup> Anniversary which took place on October 10.