

MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Tuesday, March 29, 2011 (7:00 PM)

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

Administrative Staff: Superintendent Steven Lawrence, Assistant Superintendents Julie Braun Martin, Mildred Browne, Rose Lock, General Counsel Gregory 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 Gary Eberhart at 6:00 p.m. in the Board room at the MDUSD Dent Center.

CLOSED SESSION

The Board adjourned to Closed Session at 6:01 p.m. in Room 6 at the Dent Center. Items discussed were: negotiations, one case of anticipated litigation. In Closed Session the Board voted to readmit one student.

RECONVENE OPEN SESSION

The Board returned to Open Session at 7:04 p.m. in the Board Room at the MDUSD Dent Center. President Eberhart led the Pledge of Allegiance and reported action taken in Closed Session.

CONSENT AGENDA

Public Comment

John Ferrante, asked for clarification of item 8.14 - Contract with Isom Advisors. Chief Financial Officer, Bryan Richards explained that this item is not something that the Measure A or Measure C committees would be involved in. Mr. Eberhart asked that Mr. Richards contact Mr. Ferrante at a later time to further discuss the item.

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

8.2 (Item #2) Minutes of the meetings of February 22, and March 1, 2011

8.3 (Item #3) Recommended Action of Certificated Personnel

Changes in status of certificated employees.

8.4 (Item #4) Request to increase and decrease Full Time Equivalent (FTE) for the 2010-2011 school year

These positions are requested to be increased or decreased as described.

8.5 (Item #5) Request to increase and decrease Full Time Equivalent (FTE) for the 2011-2012 school year

These positions are requested to be increased or decreased as described.

8.6 (Item #6) Recommended Action for Classified Personnel

Changes in status of classified employees.

8.7 (Item #7) Classified Personnel: Request to Eliminate Positions for the 2010-11 and 2011-12 school year

Positions requested to be eliminated.

8.8 (Item #8) Approve an amendment in Independent Service Contract (ISC) of Evelina Villa for Spanish language interpreting and translation services for the Special Education Department for School Year 2010-2011.

Evelina Villa provides interpreting services at the Robert R. Shearer Preschool Assessment Center for Spanish speaking students and their families for intake appointments, IEP meetings, screenings and testings, and scheduling and confirming appointments. Contractor also translates IEPs and other special education documents while at the Assessment Center. Contractor may also provide interpreter services and translation services on other dates and at other sites throughout the Mt. Diablo Unified School District on an as-needed basis. On June 15, 2010, the Board approved an ISC with Evelina Villa for \$37,808. As of March 17, 2011, she has used up \$30,285 of her total contract. We estimate that we will need an additional \$20,000 for the rest of the school year. We had a contract with this vendor last year costing \$58,635. The vendor has provided satisfactory and cost effective service.

8.9 (Item #9) Disposal of District Surplus Equipment and Vehicles

District staff recommends disposal of the equipment and vehicles by means of a public auction because of the condition of the equipment and vehicles. The equipment and vehicles are no longer suitable for school use. The equipment and vehicles are no longer used or no longer working. These items are all valued under \$2,500 per item. Request Board to declare the equipment and vehicles surplus and grant Staff the authority to utilize the best means of disposal in accordance with Education Codes 17545 and 17546.

8.10 (Item #10) Approval of contract between Napa County Office of Education CalSERVES and Mt. Diablo Unified School District CARES After School Program

Staff requests authorization to enter into a contract with the Napa County Office of Education CalSERVES to serve as a subcontractor to implement the Carol White Physical Education Program (PEP) grant. CalSERVES was awarded a three-year PEP grant from the U.S. Department of Education and will serve as the grants fiscal agent. Mt. Diablo Unified School District (MDUSD) CARES After School Program will serve as one of two subcontractors to CalSERVES to provide expanded physical activity and nutrition education programs within the after school program. In 2004, Mt. Diablo CARES After School Program, Cal SERVES (Sonoma) and World Fit for Kids (LA) were identified as three of the fourteen Healthy Behavior Initiative (HBI) after school centers in California by the Center for Collaborative (CCS) Solutions. Under the Healthy Behaviors Initiative, afterschool programs have been transformed into environments that support and encourage healthy behaviors and offer the afterschool community a guide to Developing Exemplary Practices in Nutrition, Physical Activity and Food Security in Afterschool Programs. The Centers coach and support other programs in their regions with resources and tools inspired by the Practices that result in healthier behaviors among their students and help reverse the childhood obesity trend. As an HBI after school program, the PEP grant will further support these three after school programs: CalSERVES, Mt. Diablo CARES and World Fit for Kids in strengthening programming and services to students and families. Funds will be used for program staff and coordination, supplies and materials. MDUSD will be eligible for \$39,200 for the 2010-11 school year and a total of \$132,480 over three years.

8.11 (Item #11) Authorization to accept the Open Circle Foundation grant for Riverview Middle School

Staff requests authorization to accept the Open Circle Foundation grant to create six (8 by 12) large student hand-made tile mosaics for the Riverview Middle School gymnasium. Riverview Middle School teacher, Annemarie Baldauf applied and was successfully awarded an \$8,000 grant to implement the mosaic project. Ms. Baldauf's ceramic class will make the tiles, impress designs and textures to each tile and glaze them so there is a palette of colors to make the mosaics. The project is anticipated to be completed by August 1, 2011. Staff will complete the Volunteer Work/Project Authorization form prior to completing the work.

8.12 (Item #12) Request to submit a California Partnership Academy Planning grant for Mt. Diablo High School's Medical and Biotechnology Academy (MBTA).

Staff requests permission to submit a California Partnership Academy (CPA) Planning grant to the California Department of Education for funding to support the development of the Medical and Biotechnology Academy (MBTA) at Mt. Diablo High School (MDHS). This would be the fourth CPA

grant at MDHS. The CPA model is a three-year program (grades ten-twelve) structured as a school-within-a-school. Academies incorporate integrated academic and career technical education, business partnerships, mentoring, and internships. The primary career focus area relates to Health Science and Medical Technology Industry Sector as outlined in the California Career and Technical Education Model Curriculum Standards Grades Seven through Twelve. Pathways include, Biotechnology Research and Development, Diagnostic Services, Health Informatics, Support Services and Therapeutic Services. The academy is a logical choice for MDHS, based on a strong 10-year pre-existing partnership with John Muir Health and other private medical professionals whom have supported MDHS. Strong market factors also reveal Health care and Biotechnology careers rank as the largest and fastest growing industries in the United States and employ over 10 million individuals. It is anticipated that the fastest growing area of health care employment will be allied health, with a projected 63 percent increase between 2010 and 2030. Between new job creation and need to replace workers who retire or otherwise leave the field, the state will need to train nearly 1 million more allied health workers by 2030. The CPA grant will support MDHS in the expansion of smaller learning community structures and instructional strategies that address core academics, learner engagement, career relevancy and personal skill development. This grant is aligned and supports the district's Career Integrated Academics policy to assist students to be college and work ready when they graduate from high school. The grant provides funding for personnel to coordinate, develop and implement the program, professional development, consultation and planning for teachers, as well as program supplies and materials. If funded, the grant will provide \$15,000 for planning in 2010-11 and \$42,000 for implementation in 2011-12. This is a combined total of \$57,000 over two years.

8.13 (Item #13) "Policy to Performance Pilot Project" Grant Application to California Department of Education/Adult Education Division by April 1, 2011

Mt. Diablo Adult Education requests approval to submit an application for funding from California Department of Education/Adult Education Division to participate in a statewide Policy to Performance Pilot (P2P). The P2P initiative was launched by the U.S. Department of Education's Office of Vocational and Adult Education and is designed to support Transitioning Adults to Opportunity. California is one of eight states participating in the initiative. The initiative supports the broad goals of the American Recovery and Reinvestment Act of 2009 and also aligns with the President's American Graduation Initiative. The P2P Pilot Project will have two phases: development and implementation within July 1, 2011 – June 20, 2012. If funded, Mt. Diablo Adult Education will use these funds to provide additional supports to Adult Secondary Education (HS Diploma/GED) students in their endeavor to transition to post-secondary education. Supports will include elements such as Individual Action Plan (as prescribed by CDE), career decision making, mentoring, and other supports.

8.14 (Item #14) Contract with Isom Advisors and Mt. Diablo Unified.

Isom Advisors will annually review District's Continuing Disclosure requirements and submit to MSRB and CDIAC the necessary filings and documentation in order to remain compliant with Continuing Disclosure requirements. Mt. Diablo Unified will fully cooperate and assist Isom Advisors in providing appropriate data for the development of the Annual Report on behalf of the District.

STUDENT REPRESENTATIVES

Students from TLC/Nueva Vista/Summit, College Park, Ygnacio Valley and Northgate high schools reported on events and activities at their schools.

PUBLIC COMMENT

None

COMMUNICATIONS

None

SUPERINTENDENT'S REPORT

Superintendent Lawrence introduced Mt. Diablo High School student Mark Reifenheiser, who took second place at the recent State Poetry Out Loud competition. Mark read The Charge of the Light Brigade.

BUSINESS/ACTION ITEMS

14.1 Appointment of Project Coordinator for Measure C

Interviews have been conducted and a candidate has been selected to fill the position of Project Coordinator for Measure C.

Mayo moved, Whitmarsh seconded, and the Board voted 5-0-0 to appoint Marc Fabie to the position of Project Coordinator for Measure C.

14.2 Resolution 10/11-53 In Support of Senate Constitutional Amendment 5 (SCA 5)

Resolution 10/11-52 supports SCA 5 which reduces the two-thirds vote requirement on parcel taxes to a 55 percent vote.

Whitmarsh moved, Mayo seconded, and the Board voted 5-0-0 to adopt Resolution 10/11-53 as presented.

14.3 Resolution Regarding Designation of Specific Material, Product, Thing or Service on Construction Projects

So as to ensure product consistency and standardization of service parts and maintenance protocol the Board of Education, on October 24, 2006, approved a Resolution Regarding the Designation of Specific Material, Product, Thing or Service pertaining exclusively to the equipment and materials to be used in the Proposition 55 Heating, Ventilating and Air Conditioning (HVAC) Improvement Program. Plans and specifications for new HVAC systems for the twenty-eight (28) sites identified in the 2010 Measure C Facility Improvement Program are presently being developed and the District is on track for a spring/summer 2012 project start for the Group I sites. In an effort to once again ensure that the District obtains the highest quality, most efficient and maintainable products and materials, staff is again recommending that 1) the District adopt a resolution designating the specific materials to be used in the Measure C HVAC Improvement Program and 2) the District pre-purchase all end user HVAC equipment. Public Contract Code Section 3400 allows school districts to call for specific material(s) by brand or product name 1) in order to match other products in use on a particular public improvement either completed or in the course of completion (PCC 3400[b][2]) and 2) in order to obtain a necessary item that is only available from one source (PCC 3400 [b] [3]). In order to retain and ensure product consistency with existing, recently installed equipment and to address the unique applications in district facilities, staff is recommending specifying the following products as being the only acceptable products for use in the 2010 Measure C HVAC Improvement Program: - Carrier #48HC Ultra High Efficiency Package Units - Team Air Custom Equipment Enclosures - Mitsubishi City Multi #PURY Heat Reclaim Variable Refrigerant Flow (VRF) Heat Pump Split Systems

Pete Pedersen explained that this would eliminate the need for natural gas at school sites.

Mayo moved, Whitmarsh seconded, and the Board voted 5-0-0 to adopt Resolution 10-/11/52 as presented.

14.4 Membership Recommendations for 2010 Measure 'C' Citizens' Bond Oversight Committee

On August 10, 2010 the Board of Education approved the appointment of sixteen (16) applicants to the 2010 Measure C Citizens' Bond Oversight Committee. Since the date of those appointments two appointees have asked to vacate their assigned seats on the Committee: 1)the representative from a bona fide taxpayers' association and 2)the representative from a senior citizens' organization. Applications for and information regarding participation in the Committee in these capacities were posted and distributed. Applications from two qualified candidates were received, reviewed and approved by the 2010 Citizens' Bond Oversight Committee. The Committee is now respectfully recommending to the Board of Education that the following individuals be appointed to the 2010 Measure C Citizens' Bond Oversight Committee effective immediately: -Constance Schulte: Senior Citizens' Organization representative -Alicia Minyen: Taxpayers' Association representative

Mayo moved, Hansen seconded, and the Board voted 5-0-0 to appoint Alicia Minyen to serve on the Measure C Citizens' Bond Oversight Committee.

14.5 Title I Schoolwide - Holbrook Elementary and Sun Terrace Elementary

The Student Achievement and School Support division is requesting the approval of the application for Holbrook Elementary and Sun Terrace Elementary to conduct a Title I Schoolwide program. Holbrook will operate a schoolwide program for the remainder of the 2010-2011 school year. Sun Terrace will operate an on-going schoolwide program. Currently, Holbrook and Sun Terrace operate Title I Targeted Assistance programs. A schoolwide program is designed to upgrade the educational program in a Title I school; its primary goal is to ensure that all students, particularly those who are low-achieving, demonstrate proficient and advanced levels of achievement on State academic achievement standards. In general, a Title I school may operate as a schoolwide program only if a minimum of 40 percent of the students in the school, or residing in the attendance area served by the school, are from low-income families. [Section 1114(a)(1) of Title I ESEA]. Whereas Title I targeted assistance programs only provide educational services to identified individual students, schoolwide programs allow staff in schools with high concentrations of students from low-income families to redesign their educational program to serve all students. The emphasis in schoolwide program schools is on serving all students, improving all structures that support student learning, and combining all resources, as allowed, to achieve a common goal. Schoolwide programs maximize the impact of Title I. Adopting this strategy should result in an ongoing, comprehensive plan for school improvement that is owned by the entire school community and tailored to its unique needs. A school operating a schoolwide program must conduct a comprehensive needs assessment that identifies the school's strengths and challenges in key areas that affect student achievement. [Section 1114(b)(1)(A) of Title I of ESEA]. (See Academic Program Survey for Holbrook and Sun Terrace) The school must develop a comprehensive schoolwide plan that describes how it will achieve the goals it has identified as a result of its needs assessment [Section 1114(b)(1)(B-J) and 34 CFR 200.27 of Title I of ESEA]. (See Holbrook and Sun Terrace revised Single Plan for Student Achievement). The schoolwide plan must: 1) Identify reform strategies aligned with needs assessment 2) Provide instruction by highly qualified teachers; 3) Offer high-quality, ongoing professional development; 4) Create strategies to attract highly qualified teachers; 5) Create strategies to increase parental involvement; 6) Develop plans to assist preschool students through the transition from early childhood programs to local elementary school programs 7) Identify measures to include teachers in decisions regarding the use of academic assessments; 8) Conduct activities to ensure that students who experience difficulty attaining proficiency receive effective, timely, additional assistance; and 9) Coordinate and integrate Federal, State and local services and programs. Each school established a planning team that included the Schoolsite Council and English Language Advisory Committee, teachers and staff, and parents & community representatives to oversee the development of the Title I Schoolwide plan. The planning team gave input related to the comprehensive needs assessment (Academic Program Survey and other assessment data) and made recommendations for the comprehensive plan (Single Plan for Student Achievement). The plans were approved by the Board of Education on January 11, 2011. To ensure that these plans are aligned to the required components of a Title I Schoolwide plan, each school has highlighted those components in bold with the corresponding reference numbers.

Whitmarsh moved, Mayo seconded, and the Board voted 5-0-0 to approve the application for Holbrook Elementary and Sun Terrace Elementary to conduct a Title I Schoolwide program.

14.6 Adjustments to Contracts/Purchase Orders Between Mt. Diablo Unified School District (MDUSD) and Non-Public Schools (NPS) for Special Education Students Receiving Services for the 2010-2011 School Year.

MDUSD, through the Individualized Education Plan (IEP) process, uses independent service contractors to serve students in various related services. The contracts were originally approved on June 22, 2010 by the Board. Due to graduation, discharges, transfers, administrative placements and new IEP placements, NPS contracts need to be increased, decreased, canceled or created. The details of these changes are reflected in the attached chart.

Mayo moved, Whitmarsh seconded, and the Board voted 4-1-0 (Hansen – no) to amend the contracts as presented.

14.7 Approve Amendment in Master Contract between Mt. Diablo Unified School District (MDUSD) and The Speech Pathology Group for the 2010-2011 school year.

Due to existing vacancies for speech-language pathologists (SLPs), the Special Education Department continues to use Independent Contractors and agency providers to meet student Individualized Education Program (IEP) requirements. On July 1, 2010, the Board approved a Master Contract with The Speech Pathology Group to fill SLP positions at a total cost of \$777,700. This figure included costs associated with the 2009-10 Extended School Year Program as well as Private School Consultant costs. It is necessary to increase the approved amount by \$166,750 to cover costs associated with a District SLP non-work related injury, 3 legal agreements, and coverage of bilingual services.

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

14.8 Adjust existing contracts 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 Non-Public Agencies to serve students in various related services. The contracts were originally approved on May 11, 2010 by the Board. Due to the frequent changes in level of services that each student requires by the IEP, administrative placements and new placements, the services are changed or added. The NPA contracts will be increased by \$202,851.55. The details of these changes are reflected in the attached chart. Also attached is a document listing the duties and responsibilities of Agency Behavior Assistants.

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

14.9 Approval of District's Final Proposition 39 Facility Offer and Use Agreement to Flex Charter School for 2011/12

In accordance with Education Code section 47614 and Title 5 of the California Code of Regulations, sections 11969.1 through 11969.11, the District is required to allocate space to Flex Public Schools, a charter school, for the 2011/12 school year by issuing a final Facility Offer and Use Agreement no later than April 1, 2011. The District is required to allocate space sufficient for the instruction of 121 in-District 9-12 grade students. The District offers Flex partial use of Glenbrook Middle School as its final facility offer.

In response to questions from Board members, General Counsel Deborah Cooksey explained that the District would offer five classrooms at Glenbrook Middle School to the Flex Academy. Glenbrook was chosen because it will have the appropriate classrooms and is comparable to high school sites in regard to fields and ability to provide science labs. It would also provide the opportunity for growth if needed. Charter schools need to apply each year if they choose to continue at the site. However, the District needs only provide space if it is available. If the charter school does not make the payment schedule they can be assessed a penalty.

Whitmarsh moved, Dennler seconded, and the Board voted 5-0-0 to approve the final Proposition 39 Facility Offer and Use Agreement as presented.

14.10 Update on District Goals and Objectives

This is an information item around the District Goals and Objectives and Student Achievement and School Support Division.

Assistant Superintendent Rose Lock, Director of Elementary Support Susan Peterson and Director of Secondary Support Denise Rugani gave a PowerPoint presentation on how the Student Achievement and School Support team is focusing on site support in order to help all students achieve.

Public Comment

John Ferrante, said that he would like to see the District offer vocational training for students who will not attend college. He suggested that one of the District high schools become a magnet school for vocational studies.

14.11 Strategic Planning

This agenda item was requested by the Board to provide them an opportunity to discuss Strategic Planning. Attached is a proposed timeline developed by Ms. Hansen and Ms. Whitmarsh of events to gather input from the community.

Ms. Whitmarsh shared that she and Ms. Hansen had met twice for several hours. They began the process of putting together a draft Strategic Plan by looking at plans at a variety of other school districts.

Ms. Hansen said the draft is a work in progress and the intent is to get this done through the next 6 months or so. The goal is to get beyond areas of academic achievement.

A list of meeting dates, times and locations will be gathered and the agenda will be posted so all Board members can attend. This item will be brought back in May so the Board can give feedback on the meetings.

14.12 Budget Reductions

The Board President has asked that Budget Reductions be on subsequent agendas as information.

Mr. Eberhart asked that all information for each item be added to the list.

Presented as information.

14.13 School Closure Transition Plan

The Board President has asked the School Closure Transition Plan be on subsequent agendas as information.

Mr. Eberhart asked that the plan for closing Holbrook Elementary and Glenbrook Middle Schools be added to the list. Ms. Hansen said that she is still getting questions about how much money is being saved by closing the two sites.

Presented as information.

Board Member Reports

Ms. Hansen acknowledged teacher Anne Marie Baldouf who received grant funding to create six mosaics at Riverview Middle School. She also spoke regarding the new program in career and technical education at Mt. Diablo High. She attended the Clayton Valley High Eagle Arts Expo which was put together by volunteer parents and staff.

Linda Mayo visited Sun Terrace and El Monte elementary schools. She also attended the initial WASC meeting at Concord High and the Parent Institute for Quality Education Graduation at Shore Acres Elementary School.

Sherry Whitmarsh visited Valhalla Elementary. She also attended the feeder pattern music concerts.

Gary Eberhart went on a field trip with his 2nd grade daughter to the San Francisco Exploratorium. He also attended the recent Apple Symposium. He mentioned that two Clayton Valley High graduates landed roles on a Comedy Central program.

The meeting adjourned at 10:37 p.m.