

**MINUTES  
REGULAR MEETING OF THE BOARD OF EDUCATION  
MT. DIABLO UNIFIED SCHOOL DISTRICT  
Tuesday, September 27, 2011 (6:30 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 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 Gary Eberhart 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 6:01 p.m. in Room 6 at the Dent Center. In Closed Session the Board discussed negotiations and two cases of anticipated litigation. In Closed Session the Board voted 4-0-1 (Hansen absent for vote) to readmit one student who met the conditions of rehabilitation.

**RECONVENE OPEN SESSION**

The Board returned to open session at 6:33 p.m. in the Board room. President Eberhart led the Pledge of Allegiance and reported action taken in Closed Session.

**CONSENT AGENDA**

Mayo moved, Dennler seconded and the Board voted 5-0-0 to approve the Consent Agenda as presented with the exception of Item #2 (pulled by Hansen) and Item #7 (pulled by staff) thereby approving the following:

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

**8.3 (Item #4) Approval of Variable Term Waiver Requests**

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.

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

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

**8.6 (Item #8) Classified Personnel: Create a Part-time Site Technology Support Technology II Position for Delta View Elementary School**

Delta View Elementary School is requesting the creation of a 6 hour/week, 10 month Site Technology Support Technician II position. Incumbent #21356 will be reinstated from layoff into this position.

**8.7 (Item #9) Memorandum of Understanding between Mt. Diablo Unified and La Clinica de la Raza for free dental services in district schools**

Authorize La Clinica de la Raza to provide preventive oral health services at district schools. Services require parent / legal guardian permission.

**8.8 (Item #10) Contract Amendment: Salas O'Brien Engineers, Inc.**

On June 28, 2011 the Board of Education awarded a contract to Salas O'Brien Engineers, Inc. for a 'not to exceed' value of \$30,000.00. This contract was issued for the provision of comprehensive design,

engineering and construction administration support necessary to secure requisite project approvals and satisfactory installation of stadium (sports field) lighting at Ygnacio Valley High School. The site has indicated that they would like to incorporate a permanent public address system as part of this stadium improvement project. Staff has negotiated a 'not to exceed' fee of \$6,750.00 for the provision of all necessary professional design services associated with this project enhancement. This contract amendment would increase the original contract value from \$30,000.00 to a revised contract value of \$36,750.00. The budget for this particular project is \$537,500.00

**8.9 (Item #11) Contract Amendment: Capital Engineering Consultants, Inc.**

On June 28, 2011 the Board of Education approved the upgrade of the Heating, Ventilating and Air Conditioning (HVAC) system serving the administrative building at Concord High School. This particular project was part of the greater High School Facility Enhancement program approved by the Board of Education. Presently the District has a contract with Capital Engineering Consultants, Inc. which was originally approved in 2006 and amended multiple times, most recently for the provision of design services for those HVAC improvements identified in the 2010 Measure C Facilities Improvement Program. Staff has negotiated a 'not to exceed' fee of \$43,900 with Capital Engineering Consultants for the provision of comprehensive project approval, design and construction administration support services necessary to satisfactorily complete this project. The budget for this particular project is \$698,806.25.

**CONSENT ITEMS PULLED FOR DISCUSSION**

**9.1 PULLED (Item #7) Classified Personnel: Decrease a Part-time Campus Supervisor Position in Adult Education**

No action taken.

**9.2 (Item #2) Minutes of the meeting of September 13, 2011**

Ms. Hansen will submit corrections.

**RECOGNITIONS**

The following schools were recognized for their improvement on the Academic Performance Index (API)

<b>Bancroft</b> 892 - 912 Score improved 20 points	<b>Highlands</b> 856 - 877 Score improved 11 points	<b>Sequoia Elementary</b> 921 - 942 Improved by 21 points
<b>Bel Air</b> 646 - 671 Score improved 25 points	<b>Holbrook</b> 777 - 816 Score improved 39 points First time over 800	<b>Shore Acres</b> 659 - 672 Improved by 13 points
<b>Cambridge</b> 727 - 754 Score improved 27 points	<b>Meadow Homes</b> 648 - 701 Improved by 53 points First time over 700	<b>Silverwood</b> 828 - 839 Improved by 11 points
<b>Eagle Peak</b> 893 - 918 27 points First Time over 900	<b>Monte Gardens</b> 918 - 930 Improved by 12 points	<b>Ygnacio Valley El</b> 753 - 768 Improved by 15 points
<b>El Monte</b> 754 - 796 Score improved 42 points	<b>Rio Vista</b> 669 - 735 Improved by 66 points First time over 700	<b><u>Middle Schools</u></b> <b>Diablo View</b> 857 - 871 Improved by 14 points
<b>Hidden Valley</b> 851 - 895 Score improved 44 points		<b>El Dorado</b> 708 - 722 Improved by 14 points

**Riverview Middle  
670 - 682**

Score improved by 12 points

**High Schools  
Mt. Diablo High  
653 - 677**

Score improved by 24 points

**Olympic Continuation  
477 - 500**

Score improved by 23 points

**PUBLIC COMMENT**

John Ferrante asked questions regarding the Clayton Valley High School charter funding.

Speaking in favor of the Clayton Valley high school charter petition:

Scott Shackleton, Clayton Valley Charter High School Advisory Committee; David Shuey, Mayor of Clayton; Neil McChesney, teacher and co-lead petitioner; Joe Medrano, Clayton City Council Member, Sara Kommer, student; Clayton Martin, student.

Daniel Reynolds, teacher, shared that the American Library Association recognizes the last week of September as Banned Books Week. He invited the Board to attend the banned books read aloud in the Mt. Diablo High School quad next Thursday.

**Board Comment**

Ms. Hansen said she would like to place an item on the October 11 agenda for discussion and action that would be a review of and update on the Clayton Valley High School charter petition. She also said that at that meeting she will introduce a motion to rescind the Board action on the charter school with conditions, which occurred on September 13, 2011.

**COMMUNICATIONS**

Mona Ricard, President, Mt. Diablo Council of PTAs, gave an update on the Reflections Art Program. She said that more than three quarters of the schools being recognized for API improvement are PTA schools.

**SUPERINTENDENT'S REPORT**

Superintendent Lawrence thanked Felicia Stuckey-Smith, Director of Student Services, for her leadership in getting information to families regarding the Tdap shot. He said he was happy to report that 98% of the District's students who are required to receive the Tdap have done so.

Lawrence also thanked the Student Achievement and School Support team for facilitating the first data meeting last week and all the teachers that participated.

**BUSINESS/ACTION ITEMS**

**14.1 Appointment of Behaviorist Program Manager**

Mayo moved, Hansen seconded, and the Board voted 5-0-0 to appoint Lorien Quirk to the position of Behaviorist Program Manager.

**14.2 Appointment of Administrator, Special Education - Dispute Resolution**

Whitmarsh moved, Mayo seconded, and the Board voted 5-0-0 to appoint Bryan Cassin to the position of Administrator, Special Education – Dispute Resolution.

**14.3 Appointment of Occupational Therapist**

Mayo moved, Whitmarsh seconded, and the Board voted 5-0-0 to appoint Billy Torrez to the position of Occupational Therapist.

**14.4 Appointment of Supervisor, Trades**

Mayo moved, Whitmarsh seconded, and the Board voted 5-0-0 to appoint Kerry Wayne Larion to the position of Supervisor, Trades.

**14.5 Resolution of Intent to Dedicate an Easement at Pleasant Hill Education Center**

The Contra Costa Water District is requesting a grant of easement at Pleasant Hill Education Center. This easement is required for the installation, operation and repair of a new 4" water meter and associated

materials/equipment on MDUSD property. The installation of this new water meter and the subsequent, final connection to the domestic water main line on MDUSD property represent the final project increment of the fire line and domestic water service improvements identified in the 2002 Measure C modernization work scheduled for this site. Section 17556 of the Education Code authorizes the Mt. Diablo Unified School District to dedicate or convey an easement to any public entity through a process that involves: 1) a Resolution of Intent to Dedicate an Easement adopted in a regular open meeting by a two-thirds vote of the Board; 2) a Notice of Adoption of the resolution and the time and place of a scheduled public meeting/hearing regarding the resolution (posted in three public places not less than ten days prior to the scheduled meeting and published once in a newspaper of general circulation no less than five days before the scheduled hearing); and 3) a public hearing on the adopted resolution and final action on the resolution dedicating the easement by a two-thirds vote of the Board. The public hearing and request for Board action on this particular resolution will be scheduled and brought to the Board at the October 11, 2011 Board meeting pursuant to the provisions of Education Code Section 17556.

Whitmarsh moved, Mayo seconded, and the Board voted 5-0-0 to adopt resolution 11/12-16 as presented.

#### **14.6 Approval of Revised ByLaws for the 2002 Measure C Citizens' Bond Oversight Committee**

Staff has worked with Bond Counsel in a review/update of existing bylaws and is requesting that revised bylaws be adopted for the 2002 Measure C Citizens' Bond Oversight Committee. The final date regarding the commencement of terms in Section 5.4 will be established when the Committee has been established and approved by the Board of Education.

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

#### **14.7 Resolution of the Board of Education of the Mt. Diablo Unified School District, Authorizing the Issuance and Sale of its General Obligation Refunding Bonds, 2002 Election, Series 2011b in an Aggregate Principal Amount Not To Exceed \$100 Million**

Jon Isom, Isom Advisors, showed a PowerPoint and explained the pros and cons of refinancing the District's Series 2004 general obligation bonds for the purposes of lowering interest payments and reducing taxes for District taxpayers as well as a Resolution for board action.

Mayo moved, Whitmarsh seconded, and the Board voted 5-0-0 to approve resolution authorizing the issuance of general obligation refunding bonds in a principal amount not-to-exceed \$100,000,000, establish a minimum savings threshold, and to monitor financial markets to ensure that the refunding achieves the desired savings.

#### **14.8 Award of Contract for Professional Master Planning/Programming Services For Bay Point Sites**

On May 9, 2011 the District issued RFP #1581 for comprehensive master planning/programming services at various District sites in Bay Point. The purpose of this RFP was to identify the most qualified architectural/master planning firm to assist the District in determining the optimal and efficient utilization of these facilities/properties both now and in the future. A total of fourteen (14) architectural firms submitted proposals in response to the RFP. Staff short-listed this larger group to five (5) final firms. Interviews with each of the firms were conducted and staff has determined that based on these interviews, proposal content and reference checks that Nacht and Lewis Architects (NLA) was the most qualified firm. Staff has negotiated a 'not to exceed' contract for \$160,750.00 for the provision of comprehensive master planning/programming services for all of the multiple site programming iterations identified in the RFP. Should the District elect to move forward with the master planning/programming of all iterations at time of contract execution the total cost would be discounted to \$108500.00.

#### **Public Comment**

Alicia Minyen said her main concern is to make sure new schools that are proposed for the Alves property and the conversion of Riverview Middle School are on the project list.

Mayo moved, Whitmarsh seconded, and the Board voted 4-1-0 (Hansen - no) to approve contract for master planning/programming services as presented.

#### **14.9 Approval of 2011/12 Independent Service Contracts for Sunrise and Alliance Mental Health Collaboratives**

The following consultants, Deborah McManus, Dr. Hector Rivera-Lopez and Carrier Frasier will be providing services, as listed below, to students at the Alliance Program and Sunrise School. Deborah McManus, LCSW. Deborah, who also speaks Spanish, is slated to provide individual and family therapy to a small number of students (2-3). She also provides dog therapy to the Sunrise students. She also provides individual supervision to the BHS staff. She co-facilitates the group supervision meeting for the BHS staff. She provides training to all campus staff. She participates in the Leadership meetings. Hector Rivera-Lopez, PhD. Dr. Lopez, who is bilingual (English/Spanish), will co-facilitate a group for parents of students who are monolingual. He will provide consultation to Sunrise staff regarding cultural sensitivity and how to incorporate this awareness into campus change that welcomes families and increases academic success. Part of Hector's time will also involve spending time at Alliance to assist staff in understanding and working with the students of color on campus. He will assist the Alliance staff in creating a culture that welcomes students and their families. This will increase attendance and academic learning. Carrie Frazier, LCSW. Carrie will provide individual supervision to BHS staff on the Alliance campus. Her ability to provide the BHS staff with a contextual understanding to school systems and clinical issues increases the quality of service provided to the students at Alliance. She also assists in providing BHS staff with a perspective that blends the clinical and academic aspects of the Alliance program.

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

*Note: change in the order of items 14.10 and 14.11*

#### **14.11 Certification of the District's 2010-2011 Unaudited Actual Financial Report**

The report includes the actual revenues and expenditures for the 2010-2011 fiscal year. It also includes the original budget for 2011-2012.

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

#### **14.10 Resolution #11/12-13 Adopting the District's 2010-2011 GANN Appropriations Limit**

Proposition 4 of 1979 requires the Board to annually approve a resolution adopting the District's revised appropriations limit for the preceding year and the projected limit for the new fiscal year based on the adopted budget. The calculations are now part of the Unaudited Actuals report on form GANN, however the resolution must be taken as a separate action item.

Whitmarsh moved, Dennler seconded, and the Board voted 5-0-0 to adopt Resolution 11/12-13 as presented.

#### **14.12 Annual Renewal of Bi-Tech Services Contract**

The Annual Support Agreement between Bi-Tech and the District which provides for customer support and software updates for the Integrated Financial Administrative Solution System (IFAS) is due for renewal. The contract covers service from October 1, 2011 through September 30, 2012.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve the annual renewal agreement as recommended.

#### **14.13 Create Job Description and Position for Administrator Related Services**

The Administration is requesting the creation of the position of Administrator Related Services and the elimination of the position of Occupational and Physical Therapy manager. In June 2010 the Board of Education eliminated the position of Administrator for Special Education Resource Program and Related Services. This elimination was based on a recommendation of the MGT study in which it was recommended that administrative duties relating to oversight and support for related services be consolidated with support for the special education management system. The Administration is requesting the position's salary range be changed to Range 19 due to the increase in responsibility and breadth of the new position.

Presented as information only. This item will be returned for action.

**14.14 Create Job Description and Position for Administrator Special Education**

The Administration is requesting the creation of the position of Administrator Special Education and the elimination of the position of Administrator Special Day Class. In Spring, 2010, the Board of Education eliminated the position of Administrator for Special Education Resource Program and Related Services. This elimination was based on a recommendation of the MGT Study where it was recommended that some of the duties of Administrator for Special Education Resource Program and Related Services be added to the position of Administrator Special Day Classes. During the 2010-11 school year, Mary Ann Tucker was reassigned duties related to the oversight of Resource Specialist Programs in the district. Therefore, with this increase in duties, the title of Administrator Special Education more appropriately captures the actual tasks of the position. Over the last six years, the Administrator for Special Day Classes, while only a 207 day position, worked a summer schedule on a time sheet basis. Every year, work in the summer is necessary to assure students are placed, staff is recruited, and a student transportation documentation is updated for the start of the new school year. This position requires a 248 day calendar. This position will remain at salary range 25.

Presented as information only. This item will be returned for action.

**BOARD MEMBER REPORTS**

Ms. Hansen recently attended the Teacher of the Year dinner where Sue Noce, teacher at Foothill Middle School, was recognized. She congratulated Bill Morones, Principal of Ygnacio Valley High School, for creating a positive school culture.

Ms. Mayo attended the Teacher of the Year dinner and acknowledged College Park High School teacher Nicole Hackett who was a District Teacher of the Year nominee. She visited Highlands Elementary, Pleasant Hill Elementary, and Eagle Peak Montessori Charter School.

Ms. Dennler visited Eagle Peak Montessori School. She encouraged everyone to look at MDEA's site climate survey.

Ms. Whitmarsh reported that this Friday, Saturday, and Sunday, Kinders Meats will donate 15% of their sales to the Mt. Diablo Music Education Foundation. She announced that the United Mt. Diablo Athletic Foundation Fun Run fundraiser will take place on October 9. She also attended the Walnut Festival Parade in Walnut Creek where bands and cheer squads from the District's high schools were represented.

President Eberhart attended the Charter School meeting at Clayton Valley High school. This week the State Superintendent of Schools released the Schools of the Future report which he worked on with other districts from around the state. He also attended the Measure C meeting and thanked John Ferrante for leading the discussion at the meeting.

The meeting adjourned at 8:49 p.m.

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Steven Lawrence, Secretary