

**MINUTES**  
**REGULAR MEETING OF THE BOARD OF EDUCATION**  
**MT. DIABLO UNIFIED SCHOOL DISTRICT**  
**Tuesday, September 14, 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, and 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 (MDUSD) was called to order by President Strange 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, admission of two students, Public Employee Discipline/Dismissal/Release/Complaint, General Counsel's evaluation, and Superintendent's evaluation.

**RECONVENE OPEN SESSION**

The Board returned to Open Session at 7:41 p.m. in the Board Room at the MDUSD Dent Center. The JROTC Cadets from the Red Devil Battalion at Mt. Diablo High School presented the colors for the Pledge of Allegiance. President Strange reported action taken in closed session.

**nnCONSENT AGENDA**

Eberhart moved, Allen seconded, and the Board voted 5-0-0 to approve the Consent Agenda with the exception of item 24, thereby approving the following:

**8.2 (Item 2) Minutes of the Meetings of July 1, July 23, and August 24, 2010**

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

Changes in the status of certificated employees.

**8.4 (Item 4) Education Code 44258.2 - Board Authorization**

Amended Board Authorizations submitted to the Board at the August 10, 2010 Board Meeting.

**8.5 (Item 5) Request to Increase and Decrease Full Time Equivalent (FTE) for the 2010-2011 school year.**

Positions are requested to be increased or decreased.

**8.6 (Item 6) Request of 1.0 FTE for Special Education Teacher**

In fall 2010 it was necessary to create classrooms to continue to accommodate students currently enrolled in District programs. These classes have allowed us to bring back four students from NPS placements. The funding for these students has already been deducted from this year's NPS budget as part of the 2009-2010 budget reductions. In order to accommodate six additional severely-handicapped kindergarten students awaiting placement, we are requesting an additional 1.0 FTE.

**8.7 (Item 7) Recommended Action for Classified Personnel**

Changes in the status of the classified employees.

**8.8 (Item 8) Classified Personnel: Eliminate a Vacant Assistant to the Hearing Impaired II Position and Create an Assistant to the Hearing Impaired I for Special Education**

Special Education has requested the elimination of a vacant 30 hour/week, School Day Only, Assistant to the Hearing Impaired II position and the creation of a 30 hour/week, School Day Only, Assistant to the Hearing Impaired I position.

**8.9 (Item 9) Classified Personnel: Funding Change for a Part-time Community School Coordinator Position at Adult Education**

Adult Education has requested to change the funding for 50% (9 hours) of an 18 hour/week; 10.5 month/year, Community School Coordinator position.

**8.10 (Item 10) Classified Personnel: Resolution Relative to Elimination/Reduction of Classified Positions**

Program modifications and budgetary limitations make it necessary to eliminate/reduce certain classified positions.

**8.11 (Item 11) Classified Personnel: Creation of a Part-time Instructional Assistant-Computer Position at Mt. Diablo Elementary School**

Mt. Diablo Elementary School has requested the creation of a part-time, 15 hour/week, School Day Only, Instructional Assistant-Computer position to assist teachers and students in the computer lab.

**8.12 (Item 12) Classified Personnel: Creation of a Part-time Site Technology Support Technician I Position at Mt. Diablo Elementary School**

Mt. Diablo Elementary School has requested the creation of a part-time, 8 hour/week; 10 month/year, Site Technology Support Technician I position.

**8.13 (Item 13) Request of 9.375 FTE for Special Education Assistants (SEA) I and II**

In fall 2010 it was necessary to create classrooms to continue to accommodate students currently enrolled in District programs. These classes need additional assistants which will allow the District to bring back four students from NPS placements. The funding for these students has already been deducted from this year's NPS budget as part of the 2009-2010 budget reductions. In order to create these new positions, Special Education is requesting an additional 9.375 FTE.

**8.14 (Item 14) Fiscal Transactions for the Month of August 2010**

IFAS Vendor Warrant Report and IFAS Vendor Cancellation Warrant Report for the month of August 2010.

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

**8.15 (Item 15) Agreement Between Mt. Diablo Unified School District (MDUSD) and the Contra Costa County Office of Education (CCCOE) to Provide Temporary One-to-One Assistants for Special Education Students During the 2010-2011 School Year**

This agreement is used by the Special Education Department in the provision of instructional assistants for students participating in the Contra Costa County Office of Education Special Day Class.

**8.16 (Item 16) Raymond Foundation Application for a Grant to Mt. Diablo Adult Education's Program for Asperger's Syndrome**

Mt. Diablo Adult Education requests approval to submit a grant proposal to the Raymond Foundation in the amount of \$20,000 to purchase assistive technology for the Transition Options Program (program for adult with Asperger's Syndrome and related disorders). The assistive technology will enhance/support student learning to help students achieve their goals of transitioning to work and/or higher education.

**8.17 (Item 17) Diablo Valley Community College, Contra Costa Community College District, agreement for Mt. Diablo Adult Education funding, effective July 1, 2010 to May 30, 2011.**

Staff requests Board approval to enter into a contract with Contra Costa Community College District, Diablo Valley College. Mt. Diablo Adult Education will provide certification training in phlebotomy. Diablo Valley College will provide up to \$30,000 in funding for program start up costs, and to support student participation.

**8.18 (Item 18) Independent Contracts for Alameda County Office of Education**

The District is requesting approval of three contracts with the Alameda County Office of Education. These three contracts, in conjunction with others brought forward previously, are in excess of \$25,000. The contracts are for: Riverview Middle School: \$7,000 - Math Coaching Title 1 Elementary Schools: \$5,000 - Math Coaching High Schools - \$5,000 - Math Coaching Total amount for these contracts: \$17,000.

**8.19 (Item 19) Final Change Order: Bid 1558/Contract C-897: Magnum Construction, Inc.: Construction of New Classroom Buildings at Riverview Middle School**

On December 8, 2009 the Board of Education awarded Bid 1558/Contract C-897 to Magnum Construction, Inc. for a contract value of \$702,195.00 for all necessary site work and construction of two (2) new classrooms at Riverview Middle School. As a result of a need to 1) install a limited trench drainage system; 2) relocate the point of connection for a domestic water line; and 3) negotiate a pricing deduction related to a de-scoping of some low voltage work, a single, final additive change order in the amount of \$12,381.61 is necessary. This single, final change order will increase the original contract value of \$702,195.00 to a revised, final value of \$714,584.61.

**8.20 (Item 20) Notice of Completion for Bid #1558/Contract C-897**

Bid No. 1558 was called to provide the Site Work and Classroom Construction at Riverview Middle School. The lowest responsible, responsive bidder was Magnum Construction, Inc., for the bid award amount of \$702,195.00. The scope of work included, but was not limited to: all portions of Increment I and portions of Increment II. This included site work, concrete paving, asphalt concrete, new construction, electrical, mechanical, finishes, and protections and fencing. There was an additive change order on this project in the amount of \$12,389.61. Work and services for this project have been satisfactorily completed for a total expenditure of \$714,584.61. Budget for this project: \$1,760,907.00

**8.21 (Item 21) Contract for Architectural Structural Engineering Services for the Design of Necessary Repairs for the Multi-Use facilities at Valle Verde, Bancroft, Hidden Valley, Mt. Diablo and Highlands Elementary Schools**

Assessments conducted by a structural engineer have revealed dry rot damage to structural elements at several locations in the multi-use facilities at Valle Verde, Bancroft, Hidden Valley, Mt. Diablo and Highlands Elementary Schools. Interim measures have been recommended by the structural engineer and implemented by the District. The District now requires architectural and structural engineering services to provide designs for the permanent repair of these facilities and to obtain approval from the Department of the State Architect (DSA). Staff has negotiated a contract with PHd Architects for comprehensive architectural/engineering services for said work for a not to exceed fee of \$28,000. This fixed fee is fully inclusive of all work associated with the interim repairs, DSA submittals/approvals, construction administration and closeout.

**8.22 (Item 22) Approve Roll-Out of Basics2 Curriculum Framework as a Supplemental Material for Students with Moderate-to-Severe Disabilities for the 2010-2011 School Year**

The District has not had a comprehensive District-wide, K-12 curriculum for its population of students taking the California Alternative Performance Assessment (CAPA). The MGT Report recommends that such a curriculum be put into place. Basics 2 is designed for students who have IEPs indicating that their instructional program will provide them with a Certificate of Completion at the age of 22. The instructional domains target skills in the areas of functional academics, life skills, vocation, and recreation. The District has utilized monies from a federal grant to purchase the materials needed for this roll-out.

**8.23 (Item 23) Approve Resolution No. 10/11-14 Authorizing the District to Issue a Purchase Order for Limited Demolition and Installation of Interim Repairs to Multi-Use Facilities**

Approve a resolution authorizing the District to issue a purchase order to Magnum Construction, Inc., for the emergency demolition and interim repair of damages resulting from dry rot to the Multi-Use Facilities at Bancroft, Hidden Valley, Highlands and Mt. Diablo Elementary Schools. Public Contract Codes Sections 22035 and 22050 provide an exception to the bidding requirements contained in Public Contract Code 22002, when the governing board determines that an emergency will not permit a delay resulting from a competitive solicitation of bids, and that the action is necessary to respond to the emergency.

**8.24 (Item 25) Independent Contract for DataWORKS Educational Research**

Sun Terrace Elementary is requesting approval of an Independent Contract with DataWORKS Educational Research. The Explicit Direct Instruction workshop is a two-day staff development in effective lesson design and delivery that have imbedded English Learner strategies. Administrators will attend to learn what the teachers are learning and to support effective and ongoing implementation.

**8.25 (Item 26) Approve Independent Contractor Agreement Between Mt. Diablo Unified School District (MDUSD) and Carrie Frazier to Provide Clinical Supervision**

Carrie Frazier has worked with MDUSD over five years and will be working for the District providing clinical supervision of the Behavioral Health Specialists I and II at the Alliance program for Extended School Year 2010.

**CONSENT ITEM PULLED FOR SEPARATE CONSIDERATION**

**9.1 (Item 24) Approve MOU between K to College School Supply Initiative and Mt. Diablo Unified School District**

Staff requests approval to enter into a MOU between K to College and the Mt. Diablo Unified School District to provide canvas totes and school supplies to twenty-one District schools. The K to College School Supply Program (SSI) provides free canvas totes filled with school supplies to students who are at or below 200% of the federal poverty level. K to College, a volunteer based non profit, has identified 21 schools in the MDUSD to receive the totes. They include Bel Air, Cambridge, Delta View, El Monte, Fair Oaks, Holbrook, Meadow Homes, Rio Vista, Shore Acres, Sun Terrace, Westwood, Wren, Ygnacio Valley Elementary, Sunrise, El Dorado, Glenbrook, Oak Grove and Riverview Middle, as well as Crossroads, Diablo Day and Olympic. MDUSD participated in this program last spring at ten of the 21 schools. The SSI Program is funded by the American Reinvestment and Recovery Act and allocates funds to pay for the cost of the totes. In MDUSD, 9,864 students will be given the totes and supplies. The total retail value of the backpacks is \$600,000. To ensure equity, MDUSD has requested that ALL students at the 21 participating schools be issued a tote. The

District will use a combination of business and county partnership funding and categorical program funds to cover the price difference. The price difference is \$55,968. As part of the MOU, the District agrees to report the percentage of students eligible for the “free totes” and the percentage of students that received the backpacks by other funding.

Mayo moved, Whitmarsh seconded, and the Board voted 5-0-0 to approve the MOU with K to College.

#### **PUBLIC COMMENT**

Rachael Shirley expressed concern regarding the lack of air conditioning in the special education classroom at Highlands Elementary. She asked about the possibility of using volunteers as crossing guards because of the safety issue for students.

#### **COMMUNICATIONS**

Michael Langley, MDEA President, shared that the MDEA representative assembly. He announced that Connie Gillan will be the new representative on the bargaining team which will be meeting on September 15 to set up dates and begin the bargaining process.

Lorie Davis, Community Advisory Committee Chair, spoke about the Special Education teacher vacancies and reduction of hours for the assistants. Ms. Davis requested there be no more reductions of staff, hours or benefits.

#### **SUPERINTENDENT’S REPORT**

Superintendent Lawrence gave a Power Point presentation celebrating the API scores in the District.

#### **BUSINESS/ACTION**

##### **13.1 Appointment of Vice Principal, Middle School**

Allen moved, Mayo seconded, and the Board voted 5-0-0 to appoint Christopher Clausen to the position of Vice Principal, Middle School. Mr. Clausen will be assigned to Diablo View Middle School.

##### **13.2 Appointment: Education Consultation and Behavior Management Specialist**

Mayo moved, Eberhart seconded, and the Board voted 5-0-0 to approve the appointment of Michael Kullman to the position of Education Consultation and Behavior Management Specialist.

##### **13.3 Resolution 10/11-17 National Adult Education and Family Literacy Week**

National Adult Education and Family Literacy week highlights the need for our government to support efforts to ensure each and every citizen has the necessary literacy skills to succeed at home, at work, and in society.

##### **Public Comment**

Maria Valera, literacy student, spoke about her personal experiences and how learning English through the Adult Education Program has made a difference to her and her family.

Mayo moved, Eberhart seconded, and the Board voted 5-0-0 to adopt Resolution 10/11-17.

##### **13.4 Hispanic Heritage Month Resolution**

The California Department of Education has designated September 14 - October 15, 2010 as Hispanic Heritage Month. The attached resolution recognizes the many contributions made by Hispanic people to the growth and development of California's heritage.

Mayo moved, Allen seconded, and the Board voted 5-0-0 to adopt resolution 10/11-11 recognizing September 14 - October 15, 2010 as Hispanic Heritage Month.

##### **13.5 Board Consideration/Approval of Proposed Implementation Schedule for the 2010 Measure 'C' Facilities Improvement Program**

Staff has proposed an implementation schedule for the delivery of facility improvement projects included in the 2010 Measure 'C' Bond Program and is requesting Board consideration and adoption of the proposed schedule.

Eberhart moved, Mayo seconded, and the Board voted 5-0-0 to approve the schedule for the 2010 Measure “C” Facilities Improvement Program.

##### **13.6 Request to Create Resident Program Management Team for the Implementation and Oversight of the 2010 Measure 'C' Facilities Improvement Program: Creation of three(3) Assistant Program Manager/Project Manager Positions, One (1) Secretary Position and One (1) Project Coordinator Position**

Recognizing 1) the demonstrated success and enhanced program delivery enjoyed through the recruitment and assignment of qualified District staff to assume in-house management of large, multi-faceted, complex facility improvement programs; and 2) the clear economic benefit of reducing costs associated with the dependence upon outside program/construction management firms, staff is proposing the creation of an initial, five (5) person program in-house management team to assume tasks related to the critical pre-design/design phase of the 2010 Measure 'C' program. A core management team is critically needed to begin developing the formal Program Management Plan (PMP), establish design standards, craft communication/action protocols, implement a management information system, refine engineering specifications, solicit and negotiate consulting contracts and meet with site representatives to identify site needs and site specific program elements. The five (5) position team being requested consists of: three (3.0 FTE) Assistant Program Manager/Project Manager positions (two positions effective 9/1/10 or as early as possible, and one position effective 1/1/11); one (1.0 FTE) Secretary position (effective 11/1/10) and one (1.0 FTE) Project Coordinator position (effective 12/1/10).

Whitmarsh moved, Eberhart seconded, and the Board voted 5-0-0 to approve the Resident Program Management Team for the Implementation and Oversight of the 2010 Measure "C" Facilities Improvement Program.

### **13.7 Certification of the District's 2009-10 Unaudited Actual Financial Report**

The 2009-10 Unaudited Actual Financial Report will be submitted under separate cover. This report includes the actual revenues and expenditures for the 2009-10 fiscal year. It also includes the original budget for 2010-11.

Allen moved, Mayo seconded, and the Board voted 5-0-0 to approve the 2009-10 Unaudited Actual Financial Report.

### **13.8 Resolution #10/11-15 Adopting the District's 2009-10 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.

Allen moved, Mayo seconded, and the Board voted 5-0-0 to adopt Resolution 10/11-15.

### **13.9 Agreement between Mt. Diablo Unified School District (MDUSD) and the Contra Costa County Office of Education (CCCOE) to provide transportation with Durham School Services for Special Education Students During the 2010-2011 School Year.**

This agreement is used by the Special Education Department in the provision of transportation services for students participating in programs in Contra Costa County and Non-Public Schools. During school year 2009-2010, we transported an average of 108 students a month with a total cost of \$1,033,605.89. The cost for 2010-2011 school year is projected at \$1,560,300 as indicated on the attached document. The CCCOE agreement assumes that in the 2010-2011 school year the county office will receive 80% of its Special Education apportionment from the State. With the apportionment, the projected cost for MDUSD will decrease approximately \$400,000 bringing the total projected amount to \$1,160,300.

Whitmarsh moved, Mayo seconded, and the Board voted 5-0-0 to approve the Agreement with the CCCOE to provide transportation with Durham School Services.

### **13.10 District Goals and Objectives**

Starting 2010/2011, the Board will review and adopt District Goals and Objectives that will help focus and drive the efforts of the District. The Goals and Objectives will include measureable performance targets and strategies that will ensure that all Mt. Diablo Unified students will master the California standards for their grade level by the end of each year. The purpose of the performance targets is to provide the Board and the District administration with the information needed to monitor how well schools are meeting the identified targets. Students need to 1) master the California standards for their grade level, 2) learn to read with fluency and comprehension by the end of third grade, 3) demonstrate proficiency in mathematics, 4) English Learners need to become fluent in reading and writing skills, 5) pass the California High School Exit Exam, 6) attend school regularly, 7) graduate from high school, and 8) take and pass courses that provide the knowledge and skill necessary for our high school graduates to be successful in their future endeavors. Schools will report progress on the identified performance targets in order to monitor the effectiveness of our District's programs. In order to support these performance targets District-wide strategies have been identified. For example, • The use of periodic District benchmarks and other common assessments that measure student progress towards mastery of grade level standards and provide information about the effectiveness of instruction. These assessments will also provide critical feedback to staff regarding where instruction needs to be modified to improve student achievement results. • Collaborative grade level and subject specific teams will meet to use data to identify students' learning needs and respond through targeted instruction and intervention. • Instructional schedules will be developed that has designated time for English learners to focus on their English language development

skills. • Staff will utilize online gradebook and HomeLink to report student progress in grades 6-12. The current draft of the District Goals and Objectives as well as a draft of the Cycle of Inquiry is what the Board and District will annually follow to ensure that Goals and Objectives reflect the current realities and needs of the District. The creation of explicit District goals and a cycle of inquiry is our first step in developing a District-wide strategic plan.

This was presented as information and will be returned for action.

#### **BOARD MEMBER REPORTS**

Linda Mayo attended the Community Advisory Committee (CAC) meeting on September 13 where concerns were shared about the number of vacancies in Special Education and the CAC is sympathetic to the budget crisis. The CAC also approved their revised By-Laws. Ms. Mayo announced she will attend the Teacher of the Year dinner to be held September 23 and the You Make a Difference Awards will be held on October 7.

Sherry Whitmarsh attended Back-to-School night at Oak Grove Middle School and will begin site visits in the next week as she has done for the last year and a half.

Gary Eberhart requested staff to find out about formal communications from the Consent Decree Administrator and follow up on any communications received. Mr. Eberhart asked that schools send out a message to the parent community about being vigilant regarding their students being safe in the community as well as at the site whenever there is a report made of "stranger danger." Mr. Eberhart announced there will be a study session held on October 5 at 7:00 p.m. regarding strategic planning for the District.

#### **ADJOURNMENT**

The meeting adjourned at 10:01 p.m.