

MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Tuesday, August 23, 2011

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

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 6:02 p.m. in the Board room at the MDUSD Dent Center.

ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 6:02 p.m. in Room 6 at the Dent Center. In Closed Session the Board discussed negotiations, expulsions, one case of potential litigation, and public employee discipline/dismissal/release/complaint. In closed session the Board voted to readmit one student who had met his conditions of rehabilitation.

RECONVENE OPEN SESSION

The Board returned to Open Session at 7:33 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.

EXPULSIONS

8.1 Expulsion Recommendation Student 01-12

Whitmarsh moved, Hansen seconded and the Board voted 4-0-1 that Student # 01-12 be expelled from all schools and programs of Mt. Diablo Unified School District and that Student # 01-12 may apply for readmission after January 27, 2012. It is required that Student #01-12 participates in 20 hours of individual counseling to address anger, drugs and violence, 30 hours of community service, attend COPS for Weapons and Drugs, negative drug testing, attend MDUSD Teen Anger Management Workshop, and show evidence of a successful school experience to include good attendance, no suspendible behavior infractions, minimum of a 2.0 average, and earn 30 credits by January 27, 2012.

8.2 Expulsion Recommendation Student 02-12

Mayo moved, Whitmarsh seconded and the Board voted 4-0-1 that Student #02-12 be expelled from all schools and programs of Mt. Diablo Unified School District and that Student # 02-12 may apply for readmission after January 27, 2012. It is required that Student #02-12 participates in 20 hours of individual counseling to address anger, 30 hours of community service, attend COPS for Aggressive Offender Class, attend MDUSD Teen Anger Management Workshop, and show evidence of a successful school experience to include good attendance, no suspendible behavior infractions, minimum of a 2.0 average, and earn 30 credits by January 27, 2012. It is recommended that Family Counseling and Parent Project be considered by the family.

CONSENT AGENDA

Mayo moved, Whitmarsh seconded and the Board voted 4-0-1 to approve the Consent Agenda as presented, thereby approving the following:

9.2 (Item #2) Minutes of the meeting of June 14, 2011

9.3 (Item #3) Recommended Action for Certificated Personnel

Changes in status of certificated employees.

9.4 (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.

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

9.6 (Item #6) Student Placement Agreement between Saint Mary's College of California and Mt. Diablo Unified School District

The purpose of the Student Placement Agreement is to provide teacher training curricula and/or counselor or psychology training curricula whereby students may gain practical teaching, school counseling or school psychology.

9.7 (Item #7) Recommended Action for Classified Personnel

Changes in status of classified employees.

9.8 (Item #8) Classified Personnel: Request to Create Positions for the 2011-12 school year

9.9 (Item #9) Monthly Budget Transfer and/or Budget Increases/Decreases for the month of June 2011

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.

9.10 (Item #10) IFAS Vendor Warrant Report July 2011 IFAS Vendor Cancellations Warrant Report for July 2011

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

9.11 (Item #11) Food and Nutrition Services Purchase Order 2011-2012

Food and Nutrition Services requests approval to issue an open Purchase order to Sysco for the purchase of compostable lunch trays and supplies. Purchase order not to exceed \$134,000. This amount will allow purchase of trays and supplies for the 2011-2012 school year plus adequate stock to begin 2012-2013 (necessary due to lengthy delivery timeline). These products were bid and selected by the Alameda County Office of Education Cooperative Purchasing Program for Food Service Supplies.

9.12 (Item #12) Revision of AR 3541.1 - Transportation for School Related Trips

In order to allow parents to carpool and drive student athletes to and from athletic events, AR 3541.1 needs to be updated. The updates in AR 3541.1 will allow parents to carpool to events as well as allow student athletes with valid California Driver's License to drive themselves and siblings to and from athletic events. Attached to this item are the updated AR 3541.1, and Athletic Transportation Parent Permission Form which includes the Student Athlete Driver and Passenger Forms. Volunteer adult driver's will also need to complete the Transportation of Students in Privately-Owned Vehicles form and be finger printed.

9.13 (Item #13) Contract with Christy White Accountancy Corporation (CWAC) for Financial and Compliance

Proposition 39 requires financial and compliance audits for each measure passed under the proposition until the expenditures are fully completed. Originally, one financial and compliance audit incorporating all Proposition 39 measures issued was permitted. However, in recent years, bond counsel has opined that separate audits on each measure are advised. CWAC currently handles the District's external audit and received the contract for the 2010 Measure C audit.

9.14 (Item #14) Revision of Contract between Mt. Diablo Unified School District (MDUSD) and Maxim Healthcare Services, Non Public Agency (NPA) for the 2011-2012 school year

The Board approved the Master Contract of Maxim Healthcare Services last June 14, 2011 for \$407,350 for the school year 2011-2012. Maxim Healthcare Services requested revisions in the language on line numbers 16(Insurance) and 17 (Indemnification and Hold Harmless).

PUBLIC COMMENT

None

COMMUNICATIONS

Mike Langley, President of the Mt. Diablo Education Association ("MDEA") said that earlier this month the MDEA team met with District administrators to negotiate a solution to the State of California's decision to withhold School Improvement Grant (SIG) money from three of our schools. A Memorandum of Understanding ("MOU") was developed in 10 calendar days that the parties believe meet the state and federal requirements. He thanked the District team.

REPORTS/INFORMATION

Tim Cody, Assistant Program/Project Manager, gave a PowerPoint presentation giving an update on the Solar Project and thanked the team working on the Solar Project.

In answer to Board member questions, Mr. Cody explained that the construction areas would be consolidated when school opened and only small areas would be closed. There would be plenty of parking at the high schools. He also explained that the Division of State Architect ("DSA") is concerned with the wind load and the clip that allows the solar panels to be attached to a standing C-metal roof without any penetration into the roof is new to DSA. Testing has been done and the roofs can bear the weight of the solar panels. All electrical shutdowns will be coordinated with each site as well as TIS, Food Services and anyone else that may need to be notified.

SUPERINTENDENT'S REPORT

Superintendent Lawrence thanked Pete Pedersen, Program Manager, Tim Cody and the entire team for their work on the Solar Project. He thanked Mike Langley and the MDEA leadership team that worked with the District on the MOU. He also thanked Joanne Durkee, Rose Lock and Mildred Browne who oversaw the summer intervention programs. Dr. Lawrence shared that on August 11 & 12 the Leadership Institute was held at Northgate High School and the focus was Every Student Every Day. He announced that next Tuesday is the opening day of school. He thanked all support staff members and administrators who have been working diligently to get new students enrolled. Dr. Lawrence introduced Carolyn and Steve Curtis from Windermere Properties and thanked them for their donation of \$1,500 to the Mt. Diablo Hope Foundation which helps the District's Homeless students and students in dire need for clothing and school materials.

BUSINESS/ACTION ITEMS

15.1 Appointment of English Learner Services Director

Mayo moved, Whitmarsh seconded, and the Board voted 4-0-1 to appoint Jeanne Duarte-Armas to the position of English Learner Services Director.

15.2 Appointment of Director, Technology Support

Whitmarsh moved, Mayo seconded, and the Board voted 4-0-1 to appoint Joshua Wittman to the position of Director, Technology Support.

15.3 Appointment of Continuation School Vice Principal

Mayo moved, Hansen seconded, and the Board voted 4-0-1 to appoint Richard Correa to the position of Continuation School Vice Principal.

15.4 Appointment of Coordinator, Student Community Services 9-12

Hansen moved, Mayo seconded, and the Board voted 4-0-1 to appoint Robert Bass to the position of Coordinator, Student Community Services 9-12.

PULLED 15.5 Appointment of Coordinator, Student Community Services 9-12

15.6 Appointment of Assistant Director, Categoryicals and School Support

Whitmarsh moved, Hansen seconded, and the Board voted 4-0-1 to appoint Lori O'Brien to the position of Assistant Director, Categoryicals and School Support.

15.7 Appointment of Supervisor, Food and Nutrition Services

Mayo moved, Hansen seconded, and the Board voted 4-0-0 to appoint Tim Watson Williams to the position of Supervisor, Food and Nutrition Services.

15.8 Appointment of Assistant Project-Program Manager

Mayo moved, Whitmarsh seconded, and the Board voted 4-0-1 to appoint Kenya Chatman to the position of Assistant Project-Program Manager.

15.9 Appointment of Assistant Construction Manager

Whitmarsh moved, Mayo seconded, and the Board voted 4-0-1 to appoint Melanie Koslow to the position of Assistant Construction Manager.

15.10 Membership Recommendations for 2010 Measure C Citizens Bond Oversight Committee

In an effort to fill a vacant seat on the 2010 Measure C Citizens' Bond Oversight Committee the Citizens' Bond Oversight Committee directed District staff to post an invitation for applications in spring 2010. Applications from two(2) qualified candidates were received, reviewed and subsequently 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' Oversight Committee effective immediately: Maria Vassileva, Parent/Guardian of District Student and Ralph Austin, Business Representative, Parent/Guardian of District Student.

Hansen moved, Mayo seconded, and the Board voted 4-0-1 to appoint Maria Vassileva and Ralph Austin to serve on the 2010 Measure C Citizens Bond Oversight Committee.

15.11 Award copier contract for Print Shop Copiers

Being presented is a 5-year contract for Xerox Corporation for the replacement of the Xerox DocuTech 6180 Publisher and 4110 Copier/Printer for the Print Shop with a Xerox Nuvera 144, and 4127 Copier/Printer, at a cost of \$8,588.77 per month. Currently the District pays \$13,536 per month when totaling the attached six invoices before tax. The District will realize a savings of \$4,947.23 per month or \$296,833.80 for the total contract. The District will utilize the terms and conditions of the State of Texas Solicitation number 10-02.

Public Comment

Brad Johnson, Ikon Office Solutions and Ricoh Production Printing, said that he wants to understand the procurement process. Mr. Johnson asked for an opportunity to bid on item 15.11 in a formal bid process.

Joe Estrada, Director of Technology and Information Systems, explained there was no RFP process. The District is piggybacking off an existing contract. He said it is the same vendor and same equipment that we have been using and there is no retraining of staff.

Board Direction

President Eberhart directed staff to call Mr. Johnson to explain how this process works.

Whitmarsh moved, Mayo seconded, and the Board voted 4-0-1 to approve a 5-year contract for Xerox Corporation for the replacement of the Xerox DocuTech 6180 Publisher and 4110 Copier/Printer for the Print Shop with a Xerox Nuvera 144, and 4127 Copier/Printer utilizing the terms and conditions of the State of Texas Solicitation number 10-02.

15.12 Approve NPA Behavioral Service Contract - Psychology, Learning and You (PLAY)

The Mt. Diablo Unified School District, through the Individual Education Plan (IEP) process utilizes Non- Public Agencies (NPA) to provide services to students with various special needs. Each year the Special Education Department brings contracts to the Board of Trustees which require their authorization. NPA services include assessment, on-going behavioral service, school site consultation and training. Due to the new structure in the Behavioral Services Department only one agency is needed to serve students this year. The NPA's contract is attached (only one agency contract is over \$25,000).

Mayo moved, Whitmarsh seconded, and the Board voted 4-0-1 to approve the contract as presented.

15.13 Approval of Independent Services Contracts - Cherri Duffy, Deiredre Ryan-Booth, Dr. Cynthia Peterson and Benjamin Fliemann

The Mt. Diablo Unified school District, through the Individual Education Plan (IEP) process utilizes Independent Services Contractors to provide services to students with various special needs. Each year the Special Education Department brings contracts to the Board of Trustees which require their authorization. Services include educational assessment, neuropsychological evaluation, reading assessment services and intense behavioral support. A list of contractors and their signed contracts are attached.

Mayo moved, Whitmarsh seconded, and the Board voted 4-0-1 to approve the contracts as presented.

15.14 Community Facilities District # 1 (Measure A)

A resolution is necessary to approve the annual Community Facilities District #1 tax report and to levy and apportion the special (Measure A) tax for fiscal year 2011/2012. The current Mt. Diablo Mello-Roos Tax, Measure A, was passed in November 1989 by a favorable vote of 71 percent. Almost \$90,000,000 of projects ranging from new multi-use buildings, new gymnasiums, new turf, repaired heaters, and restored restrooms have made the physical facilities for our students much more attractive and functional.

Mayo moved, Whitmarsh seconded and the Board voted 4-0-1 to adopt resolution 11/12-03 as presented.

15.15 Selection of a Director Representative to the Contra Costa County School Boards Association

Per the by-laws of the Contra Costa County School Boards Association (CCCSBA), the Director must be a current member of a school board and will serve as a representative to the Board of the CCCSBA. The term of office shall be appointed for one year. The Board of Directors shall meet upon call of the President of CCCSBA to further the purpose of the Association, fill vacancies in elected offices; and approve the program for one year. Active participation is important to meet the goals and objections of the Board. It is also this organization that selects the CIF representative.

Whitmarsh moved, Mayo seconded, and the Board vote 4-0-1 to select Gary Eberhart to serve as Director Representative to the CCCSBA.

15.16 Increase purchase order between Mt. Diablo Unified School District (MDUSD) and Speech Pathology Group for Speech and Language services for the 2011-2012 School Year

On June 14, 2011 the board approved a master contract with Speech Pathology Group for the amount of \$58,400 to cover speech/language costs associated with the Extended School Year Program. It is necessary to increase the purchase order by \$892,012 to cover expenses associated with the 2011-12 Regular School Year. Speech Pathology Group will staff current vacancies, cover the maternity leave of a District employee, assist with the administration of Private School Placements, and serve Non-Public School students per Individual Service Agreement.

Mayo moved, Whitmarsh seconded, and the Board voted 4-0-1 to approve as presented.

15.17 Approve contract/purchase order with My Therapy Company for bilingual Speech and Language services at Cambridge Elementary and Meadow Homes Elementary for the 2011-12 School Year

Due to existing District vacancies for Speech-Language Pathologists (SLPs), the Special Education Department continues to use Independent Contractors to meet student Individualized Education Program requirements. My Therapy Company has provided speech/language services to MDUSD for the previous two school years with the same therapist.

Whitmarsh moved, Mayo seconded, and the Board voted 4-0-1 to approve as presented.

15.18 Approval of master contract between Mt. Diablo Unified School District (MDUSD) and Augmentative Communication & Technology Services (ACTS) for the 2011-2012 School Year

Augmentative Communication & Technology Services is a Non-Public Agency (NPA) that will provide consultation services to severely speech impaired students who require augmentative /alternative communication systems and assistive technology for spoken and written communication. This agency helps the District maintain legal compliance related to the previous consent decree by assisting in the procurement of equipment through private insurers, providing staff training, and assisting with specialized curriculum development.

Mayo moved, Whitmarsh seconded, and the Board voted 4-0-1 to approve as presented.

15.19 Approve contract/purchase order with Marie Wyman, SLP for Speech and Language services at Foothill Middle and Northgate High School for the 2011-12 School Year

Due to existing District vacancies for Speech-Language Pathologists (SLPs), the Special Education Department continues to use Independent Contractors to meet student Individualized Education Program requirements. Marie Wyman, SLP has provided speech/language services to MDUSD for the previous three years.

Mayo moved, Whitmarsh seconded, and the Board voted 4-0-1 to approve as presented.

15.20 Approve contract/purchase order with Beyond the Words, Inc. for the services of Educational Interpreters for the Deaf for school year 2011-2012

Due to the difficulty in hiring qualified Educational Interpreters for the Deaf, the district has had to use staff contracted through an agency in order to meet student Individualized Education Program (IEP) requirements. There are currently limited substitutes available in the district for Educational Interpreters for the Deaf so contracted interpreters are also used as substitutes for absent district staff.

Whitmarsh moved, Mayo seconded, and the Board voted 4-0-1 to approve as presented.

15.21 School Closure Transition Plan

Superintendent Lawrence thanked Rose Lock who has led the entire process. He said closing a school is, if not the most difficult, at least one of the most difficult things a school district can do. He said Ms. Lock did a great job helping the parents transition from one school to another and that throughout the summer she has worked with Department leads to ensure all the equipment and materials from those sites were appropriately distributed so when school opens all the sites have enough desks, books and teaching materials.

Ms. Lock said that Julie Braun Martin was a great partner in facilitating. She said this was a collaborative effort that pretty much involved every department across the District and thanked everyone for their efforts. She shared a transportation grant was received in May 2011 which will allow bus routes to help transport some of the former Glenbrook students to El Dorado and Valley View. She shared that she met with the City of Concord Transportation Manager who came out to assess the traffic patterns at the schools which now have more students and work with the principals in terms of necessary signs. The City of Concord and the Traffic Department will help monitor those schools particularly at the beginning of the school year. The Glenbrook facilities are being used for Seneca which is a Non-Public School serving some of our students. The Measure C team is based at Holbrook. In response to Cheryl Hansen's concern for a reflection piece, Lock said that after school starts they will bring the transition team back together again and evaluate the whole process and make sure there is a binder prepared for the future if needed.

Ms. Mayo thanked the school closure team for their efforts.

Gary Eberhart said he appreciates the report and knows there is continued work to continue managing these sites and continuing to ensure that the activities that occur at these sites are successful as well as ensuring the success of those students previously attending Holbrook and Glenbrook. He said he appreciates the Superintendent and his staff for their continued work in trying to secure funding to provide transportation for some of those students.

15.22 Public presentation of the Board's Successor Agreement proposal for Mt. Diablo Education Association (MDEA)

By law, school districts are required to "sunshine" collective bargaining proposals in an open session of the Board. The attached proposal from the Board for Mt. Diablo Education Association (MDEA) must first be submitted as an information item and then returned at a later meeting for action.

15.23 Change of Board Meeting Nights

Every December the Board approves its meeting calendar for the next calendar year. Historically, the District has held its meetings on Tuesday evenings; however, because of other meeting conflicts staff is requesting that the Board consider moving the Board meetings to Monday, Wednesday or Thursday. If the meetings are moved to Monday staff would post agenda and materials by the prior Thursday. If we move the Board meeting to Wednesday or Thursday staff would try to get all Board agenda items posted by the previous Friday. The dialogue tonight is

whether the Board is agreeable to moving the night of Board meetings and if so what night. This will allow the district to notify the community of the change in meeting nights several months prior to the actual change.

Board Discussion

Cheryl Hansen would prefer the Board meetings to be on a Thursday but said any day would be fine as long as there was more time to review the agenda. Gary Eberhart, Linda Mayo and Sherry Whitmarsh would prefer the Board meetings to be on Monday.

Board Direction

Bring this item back as information and discussion.

15.24 Strategic Planning Update

Sherry Whitmarsh said the Board needs to review the information on the website and in her opinion the Board should be looking at those items represented by the public that are good and choose maybe 3-5. The Board needs to look at the goals and objectives the community has placed there and come up with what we like and what we don't like. It is our individual rough draft. Sherry Whitmarsh said and we would get the Board's opinion and before the Board voted on it, we would recycle it via some schools and some committee members that exist so people could have one more round of looking at it.

Cheryl Hansen agreed and said we should look at a timeline for that review and bringing this back. Hansen said it was agreed that our final stage would be with the Board helping widdle that down from the community and group input.

Board Direction

Schedule a study session for Monday, September 26, to discuss the Strategic Plan.

BOARD MEMBER REPORTS

Cheryl Hansen attended the two-day Leadership Institute that the District held. She said she enjoyed the speakers, small group format, and that it was nice to have a consistent focus for the two days.

Linda Mayo also attended the Leadership Institute and said she enjoyed the presentations and felt that our administrators were very committed to the initiatives that were discussed. She also attended the Contra Costa County School Board meeting. Ms. Mayo encouraged everyone to take a moment to review the Superintendent of Public Instruction's blueprint for schools that is posted on the California Department of Education website. There will be a webinar in late September and then official launch in early October.

Sherry Whitmarsh thanked all staff for getting ready for the beginning of school, doing interviews to get teachers in classrooms, hiring administrators, getting all the contracts set up for our special needs students, and getting us through the school closure process and all that it entailed.

Gary Eberhart thanked John Ferrante and John Parker from the Measure C Committee for the work they did last night in leading the meeting. He said it was an informative meeting and there was a lot of great information which has been posted on the website and available for our community to look at so they can look at the questions that have been posed. President Eberhart participated in Ygnacio Valley High School's 30-year reunion last weekend.

The meeting adjourned at 9:25 p.m.