

**MEETING OF THE BOARD OF EDUCATION  
MT. DIABLO UNIFIED SCHOOL DISTRICT  
Tuesday, January 11, 2011 (7:30 PM)**

Board Members: Gary Eberhart, Sherry Whitmarsh, Linda Mayo, Lynne Denmler, 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 6:02 p.m. in the Board room at the MDUSD Dent Center.

**CLOSED SESSION**

The Board adjourned to Closed Session at 6:03 p.m. in Room 6 at the Dent Center. Items discussed were negotiations.

**RECONVENE OPEN SESSION**

Open Session reconvened in the Board Room at 7:36 p.m. President Eberhart led the Pledge of Allegiance to the Flag and reported action taken in Closed Session.

**CONSENT AGENDA**

Public Comment: Will Bove, Psychologist, spoke in support of Item 10 - Adjustment to the Agreement between Mt. Diablo Unified School District (MDUSD) and Contra Costa County Health Services, Mental Health Division (CMHS) for the addition of 2.0 FTE School Psychologists (Child-Family Team Facilitators) positions to staff the Mt. Diablo WrapAround and Counseling Clinic Psychologists

Mayo moved, Whitmarsh seconded, and the Board voted 5-0-0 to approve the consent agenda as presented, with the exception of Item 10 thereby approving the following:

**8.2 (Item 2) Minutes of the meeting of November 17, 2010**

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

Changes in status of certificated employees.

**8.4 (Item 4) Board Authorization 44263**

Under Ed. Code 44263, holders of any California teaching credential who have 18 lower division units or 9 upper division units in a subject can be authorized, by Board Authorization, to teach that subject(s), full or part time. Teacher and site administrator completes Consent Form, and teacher supplies copies of transcripts verifying correct number of semester units completed in the subject area to be taught.

**8.5 (Item 5) Approval of Variable Term Waiver Request**

Variable term waivers provide applicants with additional time to complete certain requirements for the credential that authorizes the service. The waiver request is made when there is not a properly credentialed person available for the position. All requests for a variable term waiver must be presented for approval to the governing board of a public school district. Every waiver request submitted to the Commission on Teacher Credentialing must include verification that a notice of intent to employ the named applicant in the identified position has been made public.

**8.6 (Item 6) Request to increase Full Time Equivalent (FTE) for the 2010-2011 school year**

Positions are requested to be increased.

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

Changes in status of classified employees.

**8.8 (Item 8) Classified Personnel: Eliminate an Instructional Assistant-Bilingual Position at Sun Terrace Elementary School**

Sun Terrace Elementary School has requested to eliminate a 30 hour/week, School Day Only, Instructional Assistant-Bilingual position due to lack of funding. Incumbent #24083 will be affected by layoff effective February 28, 2011.

**8.9 (Item 9) Classified Personnel: Increase in Hours for a Part-time Instructional Assistant Position at Strandwood Elementary**

Strandwood Elementary School has requested to increase hours for a part-time, 6 hour/week, School Day Only, Instructional Assistant-Computer position to 19 hour/week, School Day Only. Incumbent #26711 will remain in the position.

**8.10 (Item 11) Monthly Budget Transfer and/or Budget Increases/Decreases for October 2010**

Some revisions are a result of prior Board actions, changes in grant awards and changes in funding. Donations have been made to the District by private individuals and businesses. There are also deposits for payments to school sites for lab fees and other items for which the sites collect money. The appropriate revenue and expenditure budgets have already been increased by the amount of the donations.

**8.11 (Item 12) Monthly Budget Transfer and/or Budget Increases/Decreases for November 2010**

Some revisions are a result of prior Board actions, changes in grant awards and changes in funding. Donations have been made to the District by private individuals and businesses. There are also deposits for payments to school sites for lab fees and other items for which the sites collect money. The appropriate revenue and expenditure budgets have already been increased by the amount of the donations.

**8.12 (Item 13) IFAS Vendor Warrant Report and IFAS Vendor Cancellations Warrant Report for the month of December 2010**

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

**8.13 (Item 14) Request for Replacement of Outdated Warrant**

County warrant issued to Victoria M. Irby for extra compensation was not presented to the County Treasurer for payment within six months of date of issue and consequently void. Replacement is limited to two years from the date the original warrant was issued. It then becomes void as per Government code 29802, unless the Board directs reissuance of the warrant. A new warrant is requested to be issued to the payee in replacement for the void warrant.

**8.14 (Item 15) Permission to Destroy Documents**

These records have been retained for the legal period of time as per Article 2, Sections 16023 through 16028, of Article 4, California Code of Regulations. There is no further need to retain these records for use in the District. The Superintendent respectfully requests permission to destroy the documents.

**8.15 (Item 16) Award of Request for Quotations for RFQ #1576**

Request for Quotations No. 1576 was called to provide the Fire System Testing for Various Sites. The lowest, responsible, responsive bidder is Quality Sound, for the total amount of \$89,500.00. The scope of work includes, but is not limited to: performing complete fire alarm system annual inspections as required by SB575. These inspections include, but are not limited to all site duct detectors, heat detectors, smoke detectors, strobe devices, fire alarm boxes, electromechanical releasing devices and all fire detection devices. A complete site written report will be required. This is for a one (1) year fixed contract. The budget for this project is \$110,000.00.

**8.16 (Item 17) Approval of 2010-2011 Single Plans for Student Achievement (SPSA) and the Academic Program Surveys (APS)**

Senate Bill 374 requires that as a condition of receiving funding for specified categorical programs, the school district will ensure that each school in the district operating those categorical programs consolidates any plans that are required by those programs into a single plan to be known as the Single Plan for Student Achievement. The plans include grade level or department action plans integrated with the overall school

wide plans. The following are requirements of Senate Bill 374 as it relates to the Single Plan for Student Achievement: • The plan is aligned with school goals for improving pupil achievement. • School goals are based upon an analysis of verifiable state data, including the Academic Performance Index developed pursuant to Section 52052, the California English Language Development Test, and may include any data voluntarily developed by districts to measure pupil achievement. • The plan addresses how funds provided to the school will be used to improve the academic performance of all pupils to the level of the performance goals as established by the API. • The plan identifies the schools' means of evaluating progress toward accomplishing the goals. • The plan addresses how state and federal law governing these programs will be implemented. • The plan is developed with the review, certification and advice of any applicable school advisory committees. • The plan is written, reviewed annually and updated by the school site council, including proposed expenditure of funds allocated to the school through the consolidated application. • The plan is reviewed and a request for approval is submitted to the governing board of the local education agency at a regularly scheduled meeting. To be compliant with state and federal regulations, all 2010-11 Single Plans for Student Achievement are approved by School Site Councils. Copies of all site plans and surveys are available online on the MDUSD.org website under Our Schools.

**8.17 (Item 18) Open Enrollment Act Transfer BP5118, AR 5118**

Establish a new Board Policy to address SBX5 4, Education Code 48350-48361 that creates the Open Enrollment Act allows a student attending a "low-achieving school" to transfer to another school that has a higher Academic Performance Index (API) than the school in which the student was enrolled. BP 5118 and AR 5118 were presented at the December 14, 2010 Board meeting for first reading and is now returned for adoption.

**8.18 (Item 19) BTSA Induction Support to Charter/Private School Teachers**

The Beginning Teacher Support and Assessment (BTSA) Induction Program is a state-funded program, co-sponsored by the California Department of Education (CDE) and the Commission on Teacher Credentialing (CCTC) designed to support the professional development of newly-credentialed, beginning teachers and fulfill the requirements for the California Clear Multiple and Single Subject Credentials. Mt. Diablo Unified operates a fully approved program which allows the District to receive funding for each eligible BTSA Induction teacher. Though state funding is not available to charter/private school teachers for BTSA Induction, they are allowed to be served by an approved program in their vicinity with funding for support services to be provided by the private institution. Eagle Peak Montessori Charter School (at 800 Hutchinson Road, Walnut Creek) is located within the boundaries of Mt. Diablo Unified and currently has one teacher in need of BTSA Induction. A formal Memorandum of Understanding describing payment structure and agreements is necessary in order for the Mt. Diablo Unified BTSA Induction Program to provide support.

**8.19 (Item 20) Assembly Bill 948 - STRS Post-Retirement Earnings Limitation**

Legislation was enacted which authorizes STRS to grant an exemption from the post-retirement earnings limitation of up to two years for members retired from service who are appointed as a trustee, administrator, or fiscal advisor. STRS may grant post-retirement earnings limitations for up to one-half of the full-time equivalent for the position. Retired STRS member Bernadine Yeghoian is providing service as the Administrator, Necessary Small High School/Vice Principal to cover the vacancy created as the result of a resignation. The District is seeking an exemption to remain in compliance with the rules and regulations governing STRS.

**8.20 (Item 21) Diablo Valley Community College Memorandum of Understanding with Mt. Diablo High School International Hospitality and Tourism Academy (IHTA) for Tech Prep Grant**

Staff requests Board approval for Mt. Diablo High School IHTA to enter into a MOU with Diablo Valley Community College for January 1 – May 30, 2011, to provide faculty support to IHTA staff and students in the form of math tutoring for students and coaching/support for IHTA faculty, as part of the Tech Prep grant awarded to IHTA. Diablo Valley Community College will be compensated no more than \$26,000 for these services.

## **CONSENT ITEMS PULLED FOR DISCUSSION**

### **9.1 (Item 10) Adjustment to the Agreement between Mt. Diablo Unified School District (MDUSD) and Contra Costa County Health Services, Mental Health Division (CMHS) for the addition of 2.0 FTE School Psychologists (Child-Family Team Facilitators) positions to staff the Mt. Diablo WrapAround and Counseling Clinic Psychologists**

This agreement supports the District's school psychologists who provide Child-Family Team (CFT) facilitation and Counseling Clinic services to District students and families who require mental health services. The Board of Education first approved this agreement in 2001. The program has grown from a .50 FTE school psychologist position to 7.4 FTE school psychologist' positions. Administration recommends an additional 2.0 FTE school psychologist positions, bringing the total to 9.4 FTE. The new positions will allow the program to provide Medi-Cal services to clients who are now being referred to the County clinic, thereby increasing Medi-Cal revenue to the WrapAround Clinic. This addition will also eliminate the costs associated with paying the County to provide mental health services to Mt. Diablo students.

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

## **RECOGNITIONS**

### **10.1 Concord High School Football Team - North Coast Section Division 2 Champions**

The Board presented the Concord High School football team with a certificate of recognition and congratulated Coach Brian Hamilton and the players on their win. Championship medals were presented to the players by Principal Gary McAdam.

## **PUBLIC COMMENT**

Marianne Callahan, teacher at Silverwood Elementary, encouraged the Board not to close neighborhood schools.

Tracy Rivas, teacher and parent at Silverwood, shared her concern that increased vandalism may occur at vacant school sites.

Yasmin Oldham, parent and PTA President at Silverwood said that she chose to send her children to their neighborhood school because of the sense of community it has. She shared her concern that students would have to cross busy streets to get to school if Silverwood is closed.

Gavin O'Connor, parent at Silverwood shared that his experience with the school has been positive. He has great trust in the staff and teachers there.

## **COMMUNICATIONS**

Lorrie Davis, Community Advisory Committee Chairperson, spoke regarding item 14.3 which requests the reassignment of 14 assistants from autism classes and the hiring of 6.2375 FTE to cover other needs. She expressed appreciation to Dr. Browne and staff for working closely with teachers and parents to determine which classes could reduce support in order to cover new staffing needs. In regard to Items 14. 4 and 14. 9 which address the reduction of AB 3632 funding, she said parents will continue to write to legislatures and work with advocacy groups to request they reinstate this funding immediately. Ms. Davis asked that the CAC have a chance to review the Board Policies that are on the agenda for information (Items 14.10 – 14.14) before being brought back for action.

Annie Nolen, CSEA, shared an experience a member recently had with regard to payroll. She has since met with Bryan Richards and Julie Braun Martin to resolve the problem.

## **SUPERINTENDENT'S REPORT**

Superintendent Lawrence will attend the School Services of California's budget workshop in Sacramento next Friday with some of the District's union representatives as well as the Board President. He will also be attending Dr. Willard Daggett's workshop on new core standards at Clayton Valley High tomorrow night. He congratulated Gregory Gardens Elementary School for receiving the National PTA Family Engagement Award.

## **BUSINESS/ACTION ITEMS**

### **14.1 Appointment of Principal, Continuation School**

Whitmarsh moved, Mayo seconded, and the Board voted 5-0-0 to appoint Leyla Benson to the position of Principal, Continuation School.

### **14.2 Appointment of Program Specialist, Categorical Programs, Site Based**

Interviews have been conducted and a candidate has been selected to fill the position of Program Specialist, Categorical Programs, Site Based. This position was created from funds from the School Improvement Grant and is funded for three (3) years.

Whitmarsh moved, Mayo seconded, and the Board voted 5-0-0 to appoint Mignon Perkins to the position of Program Specialist, Categorical Programs, Site Based. Ms. Perkins will be assigned to Bel Air Elementary School.

### **14.3 Classified Personnel: Increase Special Education Assistants by 6.2375 full time equivalent**

Special Education has requested to reassign 14.9875 Special Education Assistants which would offset 6.2375 full time equivalent positions as described in the memorandum attached to the agenda, due to additional new students requiring services.

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

### **14.4 Request for Funding to Support Costs Under AB3632**

On December 12, 2010, the Board requested that individual contracts be provided to them for approval. The contracts are included for Board review in this docket. In addition, a worksheet has been provided explaining the increases in costs. Since 1984, County Mental Health has been mandated to provide mental health services to seriously emotional disturbed students through a legislative act called AB3632. On October 8, 2010 the Governor suspended the AB3632 mandate, thereby dismantling the claiming process employed by the County for reimbursement of room and board, and outpatient mental health services for the District's special education students. County Mental Health and Social Services, has, therefore, discontinued funding for AB3632 students effective December 31, 2010. Mt. Diablo Unified School District will therefore require funding to support existing outpatient mental health services; residential room and board at in-state and out-of-state facilities; and case management for clients in out-of-state placement, including travel expenses.

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

### **14.5 Adjust existing contract between Mt. Diablo Unified School District (MDUSD) and Maxim Healthcare Services, Non Public Agency (NPA) for the 2010-2011 school year**

The California Court of Appeal issued an important ruling in June 2010, affecting all California schools, which held that only licensed nurses can administer insulin to diabetic children. The new decision clarifies that school staff, other than licensed nurses, may no longer administer insulin. This school year there has been an increase in the number of medically fragile students enrolled in the District. There are nineteen (19) Section 504 students and eighteen (18) Special Education students who are medically fragile or diabetic. Twenty-one (21) of these students require blood sugar monitoring, and insulin administration or monitoring. In school year 2009-2010, there were two 504 students and three special education students who required contracted nursing services. This is a stark contrast with the 37 students for the 2010-2011 school year. Attached you will find the documentation of those students requiring diabetic, seizure and medically fragile monitoring. In addition, we have three (3) Muscular Dystrophy students and one (1) Mitochondria defect that are degenerative and require a heightened level of ongoing medical support. With the dramatic rise in student needs and contracted expenses, District staff is auditing the individual medical needs of the students to determine the cost savings of hiring additional District LVNs. The NPA contract for \$152,000 was approved August 24, 2010. The NPA contract needs to be increased by \$376,575 to \$528,575.

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

**14.6 Award of Purchase Order for Legal Services Related to the 2010 Measure C Facilities Improvement Program**

The District has, and will continue to have need of legal services related to issues associated with the implementation of the 2010 Measure C Facilities Improvement Program. Staff is recommending that a purchase order be awarded to Fagen, Friedman and Fulfrosted LLP for a not to exceed value of \$175,000.00 for the provision of legal services related exclusively to the 2010 Measure C Facilities Improvement Program. Services requested and provided under this purchase order for additional legal services will be governed by those terms, conditions and stipulations memorialized in the Contract, Billing Standards and Letter of Engagement approved by the Board of Education on August 24, 2010.

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

**14.7 Contract for Maintenance of District's Measure C phone systems and voice mail**

Since 2003 Measure C and the Telecommunications budget have installed new NEC phone systems at all but seven schools in the Mt. Diablo School District. The warranty on the systems has or will be expiring, and we need to enter into a contract with Professional Convergence Solutions for Maintenance support. PCS has agreed to maintain the same price as last year even though they will be maintaining more phone systems. Maintenance on phone systems is \$40,800 and Maintenance on voice mail is \$11,250

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

**14.8 2011-2012 School Calendar**

The draft of the 2011-2012 school calendar has been approved by the Mt. Diablo Education Association (MDEA) and shared with all bargaining units and department heads. We are now bringing this forward for Board approval.

Whitmarsh moved, Mayo seconded, and the Board voted 4-1-0 (Hansen – no) to approve the 2011-2012 school calendar as presented with the following amendment: the last day of school prior to Winter break would be December 21, 2011, and to make up the two days lost in December, the school year would be extended to June 15, 2012.

The adopted calendar will be shared with MDEA. If there are concerns with the changes it will be brought back to a future Board meeting.

**14.9 Resolution 10/11-35 In Support of Full Funding of County Mental Health Services for Students with Disabilities**

Attached is a resolution urging the Governor and State Legislature to immediately provide full funding for AB 3632/1984 county mental health services to children with disabilities.

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

**14.10 Creation of Board Policy - Special Education Infant Services/California Early Start**

Staff has prepared a new Board Policy as required by newly approved legislation and as a recommended corrective action by the California Department of Education Verification Review. This was presented as information only and will be returned for action.

**14.11 Creation of Board Policy - Special Education Least Restrictive Environment Education**

Staff has prepared a new Board Policy as required by newly approved legislation and as a recommended corrective action by the California Department of Education Verification Review.

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

**14.12 Updates and Revisions to Administrative Rule AR 6159 - Individualized Education Program**

Staff has prepared revisions to the following Administrative Rule as required by newly approved legislation and as a recommended corrective action by the California Department of Education Verification Review.

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

**14.13 Updates and Revisions to AR 6164.4 - Identification and Evaluation of Individuals for Special Education**

Staff has prepared revisions to the following Administrative Rule as required by newly approved legislation and as a recommended corrective action by the California Department of Education Verification Review.

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

**14.14 Updates and Revisions to AR 6159.11 - Independent Educational Evaluations**

Staff has prepared revisions to the following Rule as required by newly approved legislation and as a recommended corrective action by the California Department of Education Verification Review.

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

**BOARD MEMBER REPORTS**

Ms. Hansen recently visited Shore Acres Elementary School. She said the principal is doing a good job improving school climate.

Ms. Mayo visited Cambridge and Westwood elementary schools, and Glenbrook Middle School. She encouraged parents to attend Clayton Valley High tomorrow night to hear Dr. Daggetts' presentation on New Core Standards.

Ms. Dennler visited sites with Ms. Mayo.

Ms. Whitmarsh said it's great that the Governors did not cut K-12 funding. She encouraged parents to get involved by writing legislators regarding the June ballot initiatives. She requested a mid year report by early February on how lower performing School Improvement Grants (SIG) funds are being used.

Mr. Eberhart shared that State Superintendent of Schools Tom Torlakson was sworn into office at Mt. Diablo High School on January 3. He commended the school for doing an amazing job representing the District.

The meeting adjourned at 9:23 p.m.