

MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Tuesday, August 24, 2010 (7:30 PM)

Board Members: Paul Strange, Gary Eberhart, Linda Mayo, and Sherry Whitmarsh. Richard Allen participated in open session from the River Princess, Main River, Germany

Administrative Staff: Superintendent Steven Lawrence, Assistant Superintendents Julie Braun-Martin, Mildred Browne, and Rose Lock; and General Counsel Gregory Rolen

CALL TO ORDER

The Meeting of the Board of Education of the Mt. Diablo Unified School District was called to order by Paul 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, one expulsion, and Public Employee Discipline/Dismissal/Release/Complaint.

RECONVENE OPEN SESSION

The Board returned to Open Session at 7:30 in the Board Room at the MDUSD Dent Center. President Strange led the Pledge of Allegiance and reported the action taken in Closed Session.

EXPULSION RECOMMENDATION

Student #02-11: Whitmarsh moved, Mayo seconded and the Board voted 5-0-0 that Student #02-11 be expelled from all schools and programs in the Mt. Diablo Unified School District and that Student #02-11 may apply for readmission after January 21, 2011. It is also required that Student #02-11 participate in individual counseling, community service, the COPS Program, and show evidence of a successful school experience prior to applying for readmission.

CONSENT AGENDA

Public Comment

Ron Hansen, retired employee, highlighted the retirement of Pete Pedersen, Assistant Superintendent of Administrative Services. He thanked him for his service and contributions to the District.

Mayo moved, Whitmarsh seconded, and the Board voted 5-0-0 to approve the consent agenda with the exception of item 9.6, thereby approving the following:

9.2 (Item 2) Minutes of the meeting of June 22, 2010.

9.3 (Item 3) Recommended Action for Certificated Personnel

Changes in status of certificated employees.

9.4 (Item 4) 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.

9.5 (Item 5) Request to increase and decrease Full Time Equivalent (FTE) for the 2010-2011 school year

9.6 (Item 7) Classified Personnel: Increase in Hours for a Site Tech. Support Tech. II at Oak Grove Middle School

Oak Grove Middle School is requesting an increase in hours for a part-time Site Technology Support Technology II position from 16 hours/week to 20 hours/week; 10 months. Incumbent #24925 will remain in this position.

9.7 (Item 8) Classified Personnel: Reinstate Hours for a Part-time Site Tech. Support tech. I Position at Ygnacio Valley Elementary School

Ygnacio Valley Elementary School is requesting to reinstate a part-time 24 hour/week; 10 month Site Technology Support Technology I position. Incumbent #24752 will remain in this position.

9.8 (Item 9) Approval of Cooperative Contract with Department of Rehabilitation

Cooperative Contract with Department of Rehabilitation for Transition Partnership Program
Staff recommends approval of a Cooperative Contract with the Department of Rehabilitation to provide vocational rehabilitation services through a Transition Partnership Program (TPP). This program would benefit Mt. Diablo Unified School District students who have Individualized Education Plans (IEPs) and have graduated with a diploma from high school. The Transition Partnership Program will prepare students with skills necessary to secure and maintain competitive employment in alignment with their Individual Plan for Employment (IPE). The Department of Rehabilitation has hired a counselor to work with the MDUSD WorkAbility I staff to ensure the students receive employment preparation, job development, job placement and follow up post high school. There is no cost to Mt. Diablo Unified School District.

9.9 (Item 10) Independent Contract for Barbara Granicher, Education Performance Services

Oak Grove Middle School is requesting approval of an independent contract. Barbara Granicher, Educational Performance Services will provide coaching, technical assistance, ongoing support, and guide Oak Grove Middle School as they continue to improve student achievement and increase the instructional capacity of all staff during the 2010-2011 school year.

9.10 (Item 11) Independent Contract for Priscilla Hopkins, Alameda County Office of Education

Ygnacio Valley Elementary is requesting approval of an independent contract. Priscilla Hopkins from the Alameda County Office of Education will provide coaching, technical assistance, and on-going support and monitoring to the site administrator and coaches, teachers, site leadership team, and to the Alternative Governance Team. These services are designed to maintain continuity at Ygnacio Valley Elementary School and to accelerate student performance on state API, Federal AYP measures, and to monitor program implementation and student achievement.

9.11 (Item 12) Independent Contract for Solution Tree to provide Professional Development to Mt. Diablo High School

Mt. Diablo High School is requesting approval for Solution Tree, Independent Contractor to provide a series of professional development workshops from December 2010 - January 2012. The series of workshops are as follows: Assessment Workshop, PLC Culture Workshop, The Using Data Workshop, Customized Pyramid Response to Intervention Workshop, Why Culture Counts Workshop, PLC Interactive Video Conferencing, and PLC Progress Report. These workshops are designed to increase the instructional capacity of all staff which will accelerate student performance on State API and Federal AYP measures.

PULLED 9.12 (Item 13) Approval of Independent Contract for Victor Gomez

Victor Gomez provides Spanish translation services for Mt. Diablo Unified School District at various sites on an on-call basis.

9.13 (Item 14) Approval of Contract with Exploring New Horizons (ENH) for Pleasant Hill Elementary School

Exploring New Horizons Contract. Students at Pleasant Hill Elementary School will participate in the outdoor education program at ENH Sempervirens Outdoor School the week of September 14, 2010. Because the total cost will exceed \$25,000, Board approval is required.

9.14 (Item 15) Adjust existing contract between Mt. Diablo Unified School District (MDUSD) and Maxim Healthcare Services, Non Public Agency (NPA) for the 2010-2011 school year.

Due to changes in the level of services for each student as required by the IEP, administrative placement or new placement, services can be changed or added. The NPA contract needs to be increased by \$11,800 bringing the contract total to \$152,000.00.

9.15 (Item 16) Authorization to submit the U.S. Department of Education's Smaller Learning Communities grant for Mt. Diablo High and Ygnacio Valley High Schools.

SLC Abstract SLC Budget Staff requests authorization to submit the U.S. Department of Education's Smaller Learning Communities (SLC) grant for Mt. Diablo High and Ygnacio Valley High Schools. The SLC program awards discretionary grants to local educational agencies (LEAs) to support the implementation of SLCs and activities to improve student academic achievement in large public high schools with enrollments of 1,000 or more students. If awarded, the district will receive 4 million dollars over five years.

9.16 (Item 17) Request approval to enter into a contract with Resource Development and Associates for evaluation services for the Tobacco-Use Prevention Education for the 2010-11 school year.

Resource Development & Associates 2010-11 TUPE Evaluation Contract

Staff requests approval to enter into a contract for the 2010-11 school year with Resource Development and Associates (RDA) for evaluation services for the 6th-12th Tobacco-Use Prevention Education (TUPE) grant. The TUPE grant requires a comprehensive annual evaluation as part of the grant to measure program implementation and effectiveness.

9.17 (Item 18) Authorization to increase an existing contract with Imagine Learning at Cambridge Elementary to support English Learner students.

Staff request authorization to increase an existing contract with Imagine Learning at Cambridge Elementary to support English Learner students. Imagine Learning is a language/literacy software program that will be utilized with Kindergarten and First grade students identified as "beginners" plus some older "newcomer" students for English Language Development (ELD). Cambridge currently has 70 perpetual student license (license for five years), 70 annual licenses and student head sets. Due to a higher number students needing the resources, Cambridge requests purchasing an additional 30 perpetual student licenses. Total cost of additional licenses is \$24,000.

9.18 (Item 19) Request approval to adopt AP Macroeconomics Course of Study

The University of California Admissions' Office has requested that we change our current AP Economics (Macro/Micro) into two separate courses with separate course titles and course numbers. As a result the necessary changes were made to separate this course into two separate courses. One of these courses will now be called AP Macroeconomics. The AP course in Macroeconomics gives students an understanding of the principles of economics that apply to an economic system as a whole. This course places particular emphasis on the study of national income and price determination, and also develops students' familiarity with economic performance measures, economic growth, and international economics.

9.19 (Item 20) Request approval to adopt AP Microeconomics Course of Study

University of California Admissions' Office has requested that we change our current AP Economics (Macro/Micro) into two separate courses with separate course titles and course numbers. As a result the necessary changes were made to separate this course into two separate courses. One of these courses will now be called AP Microeconomics. The AP course in Microeconomics gives students an understanding of the principles of economics that apply to the functions of individual decision makers, both consumers and producers, within the larger economic system. It places primary emphasis on the nature and functions of product markets, and includes the study of factor markets and the role of government in promoting greater efficiency and equity in the economy.

9.20 (Item 21) Independent Audit Contract reassigned from Nigro Nigro & White to respective firm Partner that is currently servicing Mt. Diablo Unified School District's account Christy White Accountancy Corporation

Independent Audit Contract - Christy White Accountancy Corporation

On August 2, 2010 Mt. Diablo Unified School District was notified that the owners of Nigro Nigro & White, PC have decided to move their practices into new and separate firms effective August 16, 2010. Mt. Diablo Unified School District's existing audit contract will be assigned to the respective firm of the Partner that is currently servicing Mt. Diablo Unified School District's account, Christy White. There will be no changes to staff assigned to the Mt. Diablo Unified School District audit as a result of the separation of the firms.

9.21 (Item 22) Award of Independent Service Contract for the Oversight of Hazardous Materials Abatement/Removal Related to the Renovation of the Aquatic Facilities at Mt. Diablo and College Park High Schools

The services of a certified hazardous materials management firm will be required during the demolition/construction phase of the renovation of the aquatic facilities at Mt. Diablo and College Park High Schools. The scope of such service includes, but is not limited to, the management of all abatement activities, surveillance of all abatement work activities and air monitoring, sampling and testing, inspection and certification. Staff is recommending that a contract be awarded to Enviro-S.T.A.R., Inc. for a 'not to exceed' value of \$5,000.00 for the provision of said services. The budget for this project is \$3,185,000.00.

9.22 (Item 23) Award of Bid for Bid #1562

Bid No. 1562 was called to provide the Swimming Pool Replacement at Mt. Diablo and College Park High Schools. The lowest responsible bidder is California Commercial Pools, Inc., for the total amount of \$1,809,000.00 (base bid and alternates 1 & 2). The scope of work includes, but is not limited to: demolition, installation of new construction, and associated concrete work required for decks and walkways, recirculation/filtration, sanitation systems, finish work as required for interior of swimming pool, and other items required by contract documents. The three (3) lowest bids received for this project are as follows and include base bid & alternates 1 & 2: \$1,809,000.00, California Commercial Pools Inc.; \$1,823,000.00, Waterworks Industries Inc; \$1,945,759.00, Tricon Construction Inc. The budget for this project is \$3,185,000.00

9.23 (Item 24) Request to Approve Independent Contract for David H. Costa

Staff requests approval of the independent contract between David H. Costa and Food and Nutrition Services. David H. Costa provides courier services between sites for reports, deposits and related documents. He is bonded and insured.

9.24 (Item 25) Renewal of Independent Contract with David Costa for Courier Service for Pick-up and Delivery from School Sites to Concord Diablo Federal Credit Union

Courier service has been provided by David Costa to pick-up petty cash from various school sites and then deliver directly to the Concord Diablo Federal Credit Union. This service is provided twice a week and the charge for the service is \$11.00 per site. Presently 33 school sites depend on this service. Staff is recommending that a contract for said services for the 2010-2011 school year be awarded to David Costa for a projected not to exceed cost of approximately \$35,000.00.

CONSENT ITEM PULLED FOR SEPARATE CONSIDERATION

10.1 (Item 6) Recommended Action for Classified Personnel

Recommended changes in status of the employees.

Public Comment

John Parker, parent, spoke of Pete Pedersen's professionalism and dedication to the District.

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

PUBLIC COMMENT

None

COMMUNICATIONS

Mike Langley, MDEA President, said the rep assembly will try to collect 1100 pounds of food for the Contra Costa Food Bank, which would beat last year's collection of 1000 pounds. The collection point will be at the Willow Creek Center.

Annie Nolen, CSEA Vice President, thanked Pete Pedersen for always helping her and her members. She also asked the Board to make sure that Principals and Teachers be reminded that CSEA members can not work past their assigned times. She thanked Personnel Services for the work they did during the recent bidding process for positions.

SUPERINTENDENT'S REPORT

Superintendent Lawrence noted that school starts tomorrow, August 25. He encouraged parents leave for school a little early to ensure that children arrive safely.

BUSINESS/ACTION

14.1 Appointment of Vice Principal, Continuation School

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

14.2 Appointment of Director, Student Services

Mayo moved, Eberhart seconded, and the Board voted 5-0- to appoint Felicia Stuckey-Smith to the position of Director, Student Services.

14.3 Appointment of Social Work Specialist

Whitmarsh moved, Mayo seconded ,and the Board voted 5-0-0 to appoint Derek Wang to the position of Social Work Specialist.

14.4 Request to Add 2.3 FTE Elementary Vocal Music FTE

In spring 2009 as part of the budget reductions related to the increasing of class sizes in grades K-3 for the 2009/10 school year, the Board authorized the reduction of 2.43 FTE in elementary vocal music effective 7/1/2010 as we were past the March 15, 2009 deadline to enact the cut for the 2009/10 school year. During the 2009/10 school year, since the FTE was not needed to provide elementary vocal music due to the reduction of the number of K-3 classrooms, 2.3 FTE out of the 2.43 FTE available were utilized to offer additional elementary instrumental music to handle a large cohort of 5th grade students taking music as the elementary instrumental music program entered its final year. During the budget cuts in spring 2010 for the 2010/11 school year, this higher level of 5th grade instrumental music FTE was taken to the Board as a cut, effectively cutting the same 2.3 FTE a second time. This request is to add 2.3 FTE elementary vocal music FTE into position control to cover the positions that were removed from the budget twice in error.

Eberhart moved, Mayo seconded, and the Board voted 5-0-0 to approve the addition of 2.3 FTE Elementary Vocal Music FTE.

14.5 Rolling Laptop Stations for Meadow Homes Elementary School

Meadow Homes would like to purchase rolling laptop stations which will accelerate student achievement by giving students access to computer-based intervention programs, individualized learning systems, and standards-based support and acceleration opportunities. The funds need to be spent before September 30, 2010.

Whitmarsh moved, Mayo seconded, and the Board voted 5-0-0 to approve the purchase of rolling laptop stations.

14.6 Independent Contractor Agreement with Region IV System of District and School Support (R4SDSS)

The District is requesting approval of an Independent Contract for Region IV System of District and School Support (R4SDSS). Region IV will provide ongoing professional development, coaching and support

services to District level and site administrators in the areas of instructional program monitoring, assessment and data analysis practices, and strategic restructuring implementation.

Mayo moved, Whitmarsh seconded, and the Board voted 5-0-0 to approve the independent services contract with Region IV.

14.7 Independent Contractor Agreements with Region IV System of District and School Support (R4SDSS)

The District is requesting approval of an Independent Contract for Region IV System of District and School Support (R4SDSS) in order to provide intensive and targeted assistance to Bel Air, Cambridge, Meadow Homes, Rio Vista and Shore Acres elementary schools, and Glenbrook Middle School. Region IV will provide training to site staff in the areas of assessment and data analysis, implementation of rigorous standards based instructional strategies, and restructuring monitoring.

Whitmarsh moved, Eberhart seconded, and the Board voted 5-0-0 to approve the independent services contract with Region IV.

14.8 Legal Services Contracts

Contracts for legal services to be provided by Matt Juhl-Darlington & Associates, Law Offices of Peter H. Bonis, Crosby & Rowell LLP, Attorneys at Law, Edrington Schirmer & Murphy LLP, Attorneys at Law, Fagen Friedman & Fulfroost LLP, and Haight, Brown & Bonesteel, LLP. Each of the aforementioned firms has served the District with distinction at an extremely competitive billable hourly rate. In recognition of their highly competent service, the billable hourly rate is being maintained or lowered at \$185-\$240 per hour, which remains significantly below billable hourly rates in the Bay Area legal community.

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

14.9 Post Retirement Contract for Pete Pedersen

Pete Pedersen will be retiring August 31st. Mr. Pedersen has served the District in many capacities over the past 33 years, most recently he was the Assistant Superintendent Administrative Services. Mr. Pedersen was instrumental in overseeing the implementation of both Measure A and C. Through his efforts we received \$110 million in State matching funds during the implementation of the 2002 Measure C bond. His leadership over the facilities improvement project allowed us to complete all of the projects on the priority one list, and allowed the District to begin to complete projects off of the priority two list. Through his intimate knowledge of all of our sites and the school bidding and construction process, we will be able to optimize our new Measure C funding to maximize the learning opportunities at all of our school sites.

Public Comment

John Ferrante, spoke in support of the post retirement contract for Pete Pedersen.

Eberhart moved, Mayo seconded, and the Board voted 5-0-0 to approve the post retirement contract for Pete Pedersen.

14.10 Public Hearing Utilizing Flexibility Authorized by SBX3 4.

SBX3 4 provides limited fiscal flexibility for the fiscal years 2010-11 through 2012-13 to allow school districts to utilize funding received from the state budget act for "Tier 3" categorical programs for any educational purpose. Additionally balances from June 30, 2008 can be transferred prior to closing the books for June 30, 2010. Mt. Diablo Unified School District will utilize the flexibility provided through SBX3 4 to transfer the remaining combined fund balance of \$106,001.33 prior to closing of fiscal year 2009/2010 in the California High School Exit Examination Instructional Materials Fund (\$20,831.47 - resource 7056), the K-8 Instructional Materials Fund (\$3,938.88 - resource 7155), and the Williams Instructional Materials Fund (\$81,230.98 - resource 7158) to the Unrestricted General Fund (program 0924 - SBX3 4 Sweep) for any educational purpose.

President Strange opened the public hearing at 8:04 p.m. There were no speakers. The public hearing was closed.

14.11 Resolution to Utilize Flexibility Authorized by SBX3 4.

SBX3 4 provides limited fiscal flexibility for the fiscal years 2010-11 through 2012-13 to allow school districts to utilize funding received from the state budget act for "Tier 3" categorical programs for any educational purpose. Additionally balances from June 30, 2008 can be transferred prior to closing the books for June 30, 2010. Mt. Diablo Unified School District will utilize the flexibility provided through SBX3 4 to transfer the remaining combined fund balance of \$106,001.33 prior to closing of fiscal year 2009/2010 in the California High School Exit Examination Instructional Materials Fund (resource 7056), the K-8 Instructional Materials Fund (resource 7155) and the Williams Instructional Materials Fund (resource 7158) to the Unrestricted General Fund (program 0924 - SBX# 4 Sweep) for any educational purpose.

Eberhart moved, Whitmarsh seconded and the Board voted 5-0-0 to adopt resolution 10/11-12 as presented.

14.12 Public Hearing and Resolution of Dedication of Easement Gregory Gardens Elementary

The Contra Costa County Water District is requesting an additional easement to relocate fire service improvements installed at Gregory Gardens Elementary School. This additional easement is required as the pipeline in the area requested was installed outside the original easement provided by the District. Pursuant to the process specified under Section 17556 of the Education Code regarding dedication of easements to any public entity, the Board of Education approved the Resolution of Intent to Dedicate Easement to the Contra Costa Water District on June 15, 2010.

President Strange opened the public hearing at 8:05 p.m. There were no speakers. The public hearing was closed.

Eberhart moved, Mayo seconded, and the Board voted 5-0-0 to adopt resolution 10/11-13 as presented.

BOARD MEMBER REPORTS

Ms. Mayo visited College Park High and Pleasant Hill Middle. Sherry Whitmarsh welcomed staff and the community back to school.

Gary Eberhart expressed appreciation of all that District staff has done to prepare for the opening of school.

ADJOURNMENT

The meeting was adjourned at 8:10 p.m. in memory of Dierdra Golden Katz, former employee and volunteer.