

MINUTES  
REGULAR MEETING OF THE BOARD OF EDUCATION  
MT. DIABLO UNIFIED SCHOOL DISTRICT  
Monday, March 12, 2012 (7:30 PM)

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

Administrative Staff: Superintendent Steven Lawrence, Assistant Superintendents Julie Braun Martin, Mildred Browne, Rose Lock, General Counsel Gregory Rolon, and Chief Financial Officer Bryan Richards Gary Eberhart

**CALL TO ORDER**

The Meeting of the Board of Education of the Mt. Diablo Unified School District was called to order by Sherry Whitmarsh at 6:00 p.m. in the Board room at the MDUSD Dent Cent.

**ADJOURN TO CLOSED SESSION**

The Board adjourned to Closed Session at 6:00 pm. in Room 6 at the Dent Center. In Closed Session the Board discussed negotiations, expulsions, existing litigation; Thorton v. MDUSD and Velazquez v. MDUSD, one case of anticipated litigation, public employee discipline/dismissal/release/complaint, and Superintendent's evaluation.

**RECONVENE OPEN SESSION**

The Board returned to Open Session at 7:30 in the Multi-Purpose room at Monte Gardens Elementary School. President Whitmarsh led the Pledge of Allegiance to the Flag and reported action taken in Closed Session.

**EXPULSION RECOMMENDATIONS**

**Expulsion Recommendation Student #17-12**

Mayo moved, Eberhart seconded, and the Board voted 5-0-0 that Student #17-12 be expelled from all schools and programs of Mt. Diablo Unified School District and that Student #17-12 may apply for readmission after January 25, 2013. It is required that Student #17-12 participates in twenty (20) hours of individual counseling to address substance abuse (drugs and alcohol) and gang intervention, complete 30 hours of community service, attend COPS Program for Alcohol/Drug Offender Class, attend MDUSD's Drug and Alcohol Workshop, submit evidence of negative drug testing and show evidence of a successful school experience with at least 2.0 GPA and completion of 45 credits, prior to readmission.

**Expulsion Recommendation Student #18-12**

Hansen moved, Dennler seconded, and the Board voted 5-0-0 that Student #18-12 be expelled from all schools and programs of Mt. Diablo Unified School District and that Student #18-12 may apply for readmission after March 12, 2013. It is required that Student #18-12 participates in 20 hours of individual counseling to address substance abuse and decision making skills, attend COPS program for Alcohol/Drug Offender, submit proof of negative drug test, complete 30 hours of community service, attend MDUSD's Drug and Alcohol Workshop, and show evidence of a successful school experience with at least 2.0 GPA, good attendance and behavior, and earn 30 credits, prior to applying for readmission.

**CONSENT AGENDA**

**Public Comment**

Felicia Fernandez and Neil Kumar spoke to Item #5 Elimination of Full-Time Equivalent Positions for the 2012-13 School Year.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve the consent agenda as presented with the exception of Items #2, and #3, pulled by Hansen, and Item #21, pulled by Mayo.

**9.2 (Item #4) Recommended Action for Certificated Personnel**

Changes in status of employees.

**9.3 (Item #5) Elimination of Full-Time Equivalent Positions (FTE) for the 2012-13 School Year**

**9.4 (Item #6) Request to increase Full Time Equivalent (FTE) for the 2012-2013 school year**

**9.5 (Item #7) Request to increase and decrease Full Time Equivalent (FTE) for the 2011-2012 school year**

**9.6 (Item #8) Student Placement Agreement for Furnishing Clinical Experience and the Use of Clinical Facilities for the Speech Pathology Program with California State University, East Bay**

This agreement is to provide training and clinical experience for Speech Pathology students in the California State University, East Bay Program.

**9.7 (Item #9) Student Placement Agreement for Furnishing Clinical Facilities for the Nursing Program with the University of San Francisco**

This agreement is to provide training and clinical experience for students in the Nursing Program at the University of San Francisco.

**9.8 (Item #10) Recommended Action for Classified Personnel**

Changes in status of the classified employees.

**9.9 (Item #11) Classified Personnel: Request to Create Positions for the 2012-13 school year.**

**9.10 (Item #12) Classified Personnel: Request to Increase Position for the 2011-12 school year.**

**9.11 (Item #13) Approval of contract with Exploring New Horizons for El Monte Elementary School**

Students at El Monte Elementary School will participate in Exploring New Horizons (ENH) Outdoor Education Program at Camp Loma Mar May 14-18, 2012. Board approval is required because several schools contract with ENH, thus exceeding the \$25,000 limit.

**9.12 (Item #14) Approval of contract with Exploring New Horizons for Silverwood Elementary School**

Students at Silverwood Elementary School will participate in Exploring New Horizons (ENH) Outdoor Education Program at Sempervirens Outdoor School April 30 - May 4, 2012. Board approval is required because several schools contract with ENH, thus exceeding the \$25,000 limit.

**9.13 (Item #15) Award of Design Services Contract: Exterior Painting of Ygnacio Valley High School**

On June 28, 2011 the Board of Education approved High School Enhancement Projects for each of the comprehensive high schools and Olympic High School. As part of this greater approval, the Board approved the exterior painting of Ygnacio Valley High School. Staff has negotiated a 'not to exceed' contract for \$7,949.00 with Charles Ham Architects for the provision of comprehensive design services necessary to satisfactorily complete this improvement project. The budget for this particular project is \$272,500.00

**9.14 (Item #16) Contract Amendment: Salas O'Brien Engineers, Inc.**

On June 28, 2011 the Board of Education awarded a contract to Salas O'Brien Engineers, Inc. for a 'not to exceed' value of \$30,000.00. This contract was issued for the provision of comprehensive design, administrative and construction administration support services necessary to secure requisite project approvals and satisfactory installation of stadium lighting at Ygnacio Valley High School. This contract was subsequently amended to a value to \$36,750.00 for additional design services necessary to incorporate a site-requested public address system. It has been determined that it is necessary for the District to take some additional action in an effort to mitigate the sound/noise generated by both the planned public address system and the projected attendance. Staff and the consultant team have ascertained that the construction of a masonry block sound wall behind the visitor's bleacher system represents the most cost efficient and effective strategy to mitigate the sound/noise to acceptable levels. Staff has negotiated a 'not to exceed' fee of \$11,770.00 for the provision of all necessary professional design services associated with this project component. This contract amendment would increase the original contract value from \$30,000.00 to a revised contract value of \$48,520.00.

**9.15 (Item #17) Notice of Completion for Bid #1578/C-902**

Bid No. 1578 was called to provide the Exterior Wall Repairs at Bancroft, Highlands, Mt. Diablo, Valhalla and Valle Verde Elementary Schools. The scope of the work includes, but is not limited to: the removal and replacement

of stucco and beams. In addition, the contractor was responsible for the removal and replacement of benches, seats, etc. Budget for this project was \$400,000

**9.16 (Item #18) Award of Bid for Bid #1599 - HVAC Renovation at Ayers, Mt. Diablo Elementary and Foothill Middle School**

Bid No. 1599 was called to provide HVAC renovation at Ayers, Mt. Diablo Elementary and Foothill Middle School. The lowest responsible, responsive bidder is Bell Products, Inc. for the total amount of \$3,480,000.00. The scope of work includes, but is not limited to: provide all tools, materials, labor and equipment necessary to complete installation of HVAC units including but not limited to, demolition of existing units, installation of equipment pads, site work, roof repairs and other items as it relates to the Drawings and Specifications. All spoils will be removed from the site. This contract includes, but is not limited to all work associated with the plans and specifications. The engineer's estimate for this project is \$3,900,000.00

**9.17 (Item #19) Award of Bid for Bid #1600 - HVAC Renovation at Loma Vista Adult Center and Concord High School**

Bid No. 1600 was called to provide HVAC renovation at Loma Vista Adult Center and Concord High School. The lowest responsible, responsive bidder is Bell Products, Inc. for the total amount of \$2,850,000.00. The scope of work includes, but is not limited to: provide all tools, materials, labor and equipment necessary to complete installation of HVAC units including but not limited to, demolition of existing units, installation of equipment pads, site work, roof repairs and other items as it relates to the Drawings and Specifications. All spoils will be removed from the site. This contract includes, but is not limited to all work associated with the plans and specifications. The engineer's estimate for this project is \$2,600,000.00

**9.18 (Item #20) Award of Bid for Bid #1601 - HVAC Renovation at Sun Terrace, Sequoia Elementary and Valley View Middle School**

Bid No. 1601 was called to provide HVAC renovation at Sun Terrace, Sequoia Elementary and Valley View Middle School. The lowest responsible, responsive bidder is Taber Construction, Inc. for the total amount of \$3,800,000.00. The scope of work includes, but is not limited to: provide all tools, materials, labor and equipment pads, site work, roof repairs and other items as it relates to the Drawings and Specifications. All spoils will be removed from the site. This contract includes, but is not limited to all work associated with the plans and specifications. The engineer's estimate for this project is \$3,700,000.00

**9.19 (Item #22) Contra Costa County Employment and Human Services Department contract with Mt. Diablo Adult Education**

Contra Costa County Employment and Human Services Department would like to contract with Mt. Diablo Adult Education to expand outreach, service, and capacity in specially targeting, serving, and reporting attendance for CalWorks, Welfare-to-Work clients.

**9.20 (Item #23) Contra Costa County Employment and Human Services Department contract with Mt. Diablo Adult Education**

Contra Costa County Employment and Human Services Department would like to contract with Mt. Diablo Adult Education to provide a program (FOCUS) specifically for CalWorks clients, Welfare-to-Work clients, March 1 to June 30, 2012. The program design includes employability training, individual employment plan development and support, and career assessments.

**9.21 (Item #24) Increase the contract/ purchase order amount with Beyond the Words, Inc. for the services of Educational Interpreters for the Deaf for the school year 2011-2012**

At the beginning of the school year, an initial contract was for \$150,000 was signed with Beyond the Words, Inc. to cover the expense of substitute Educational Interpreters, with the hope that we would fill open positions. We were unable to fill the open positions; therefore the contract was then increased by \$100,000 to \$250,000 in December, 2011. This amount was not enough to cover the cost for substitute interpreters given the difficulty in finding qualified interpreters. It is necessary to increase the contract amount by \$95,000 for the remainder of the year. This brings the total of the contract to \$345,000. If the board approves this increase, a new contract will be drawn up to reflect the new total. Initial Contract \$150,000 First Increase \$100,000 Requested Increase \$95,000 New Total for Contract \$395,000 The Deaf and Hard of Hearing program serves thirty-one students at Westwood, twelve at El Dorado Middle School, and eleven at Concord High School, for a total of 54 students in the DHH program. Of those

students, sixteen come from other districts. Eleven of the out of district students are served in the elementary program, which is fully staffed. The five secondary students from out of district do impact district funds because of the added expense of educational interpreters. The district has a Memorandum of Understanding with the county SELPA and surrounding districts for these students, but it does not account for the increased costs. New MOUs are being drafted with each district to adjust the funding. If the sending districts do not agree to the additional costs, students will be returned to their home district. Additionally, we were able to negotiate with Beyond the Words. They have agreed to lower their rates from \$85 per hour to \$80 per hour effective March 12, 2012.

#### **Consent Items Pulled for Discussion**

##### **(Item #2) Minutes of the meeting of February 22, 2012**

Mayo moved, Dennler seconded, and the Board voted 4-1-0 (Hansen-no) to approved the minute of February, 22, 2012 as presented.

##### **(Item #3) Minutes of the meeting of February 27, 2012**

Eberhart moved, Dennler seconded, and the Board voted 4-1-0 (Hansen-no) to approve the minutes of February 27, 2012 as presented.

##### **(Item #21) Protect Funding for Mount Diablo Unified Foster Youth Services Program**

The Mt. Diablo Unified Board of Education expresses strong opposition to including Foster Youth Services Core Programs in the California Budget "Weighted Pupil Formula".

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

#### **PUBLIC COMMENT**

Michael Homes, teacher, Sequoia Middle School; Linda Ortega, teacher, El Monte Elementary; Ariel Owen, teacher, Foothill Middle; Gwendy Hayden, teacher, Delta View elementary; Anita Johnson; Teresa Estrada, parent; Liliana Hernandez, parent; Brian Lawrence; Dan Reynolds, teacher, Mt. Diablo High; and Wendy Lack.

#### **COMMUNICATIONS**

Mike Langley, president, MDEA and Debbie Hickey, vice president, Local One, CST.

#### **SUPERINTENDENT'S REPORT**

Superintendent Lawrence announced that Highlands has been invited by the California Office of Education to apply for the California Distinguished School Award. He also shared that the State Board of Education met last week and approved the QEIA Waiver around Rule of 27 for Mt. Diablo High School.

#### **BUSINESS/ACTION ITEMS**

##### **14.1 Appointment of Administrator, Special Education**

Hansen moved, Eberhart seconded, and the Board voted 5-0-0 to appoint Carolyn Patton to the position of Administrator, Special Education

##### **14.2 Appointment of 2012 Extended Year Summer Program Administrator**

On January 23, 2012, Extended Year Summer Program Administrators were appointed for the summer of 2012. It has been determined that a Vice Principal will be necessary for the program at El Monte Elementary.

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

##### **14.3 Audit Report for the 2002 Measure C Bond Program: Fiscal Years 2010 and 2011**

The California Constitution requires that the District conduct an annual performance and an annual financial audit of the 2002 Measure C bond program. The Audit Report for the Fiscal Years ending June 30, 2010 and June 30, 2011 was conducted by Christy White, A Professional Accountancy Corporation, and will be presented to the Board by Christy White. Where a finding was identified the District submitted a response which is incorporated into the report itself. The Audit Report is submitted to the Board for acceptance.

Eberhart moved, Mayo seconded, and the Board voted 5-0-0 to approve the audit report Audit Report for fiscal years ending June 30, 2010 and June 30, 2011 as presented.

#### **14.4 Audit Report for the 2010 Measure C Bond Program: Fiscal Year 2011**

The California Constitution requires that the District conduct an annual performance audit and an annual financial audit of the 2010 Measure C bond program. The Audit Report for the fiscal year ending June 30, 2011 was conducted by Christy White, A Professional Accountancy Corporation, and will be presented to the Board by Christy White. Where a finding was identified the District submitted a response which is incorporated into the report itself. The Audit Report is submitted to the Board for acceptance.

Eberhart moved, Mayo seconded, and the Board voted 5-0-0 to approve the Audit Report for the Fiscal Year ending June 30, 2011 as presented.

#### **14.5 Second Interim Report**

The interim report presents revenue and expenditure projections to the end of the fiscal year and compares these projections to the budget. The projections are made by gathering the best information available at the time from a variety of sources, such as district administrators, county officials, state officials and School Services of California. The year-end projections are then compared to the budget to display the differences and to give the most up-to-date picture of how the district will end the year financially, as well as the two subsequent year.

Eberhart moved, Mayo seconded, and the Board voted 5-0-0 to adopt a qualified second interim report.

#### **14.6 Final Change Order for Bid #1578/C-902**

On May 24, 2011 the Board of Education awarded Bid 1578 to TPA construction for a contract value of \$350,000 for the repair of exterior multi-use room walls at Bancroft, Highlands, Mt. Diablo, Valhalla and Valle Verde Elementary schools. As a result of unforeseen damage at all the sites it was necessary to issue a single, final change order of \$70,204. This change order was for additional demolition and repair of beams and roofing that was beyond the original scope of work. This single, final change order will increase the original contract value from \$350,000 to a revised, final value of \$420,204. The construction budget for this project was \$400,000

Eberhart moved, Mayo seconded, and the Board voted 5-0-0 to approve the final change order as recommended.

#### **14.7 Adoption of AP French and AP German Textbooks**

A committee of high school AP World Language teachers and the World Language Coordinator from the SASS department went through a district process to recommend for adoption the following World Language texts and materials: • DENK MAL! – Deutsch ohne Grenzen (VISTA Higher Learning ), 2012 for AP German course • Allons au-delà! – LA LANGUE ET LES CULTURES DU MONDE GRANCOPHONE (PEARSON), 2012 and AP FRENCH – Preparing for the Language and Culture Examination (PEARSON), 2012 for AP French course The committee used the new 6 AP Themes and Modes to evaluate the resources to meet the AP Focus Standards. (all back up documents are available in Student Achievement and School Support Department)

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

#### **14.8 Approve 2011-2012 Interagency Agreement #74-371-3 between MDUSD and Contra Costa County Services, Mental Health Division**

This agreement supports the District Behavior Health Specialist staff plus secretarial staff who provide support to the district students who require mental health services at the Alliance and Sunrise Programs, as well as District Psychologists at the Wrap-Clinic. The agreement funds the following: 9.4 FTE School Psychologist - Wrap-Clinic; 7.0 FTE Behavior Health Specialist I – Alliance; 7.0 FTE Behavior Health Specialist II – Alliance; .46875 FTE Secretary – Alliance; 8.0 FTE Behavior Health Specialist I – Sunrise; 4.0 FTE Behavior Health Specialist II – Sunrise; .46875 FTE Secretary. This agreement combines the Wrap-Clinic, Alliance and Sunrise programs into one budget, allowing more budget flexibility within the programs.

Mayo moved, Eberhart seconded, and the Board voted 5-0-0 to approve Interagency Agreement #74-371-3 with Contra Costa County Health Services, Mental Health Division.

**14.9 Approve Revised Contract for Dr. Mary Bacon with Pupil Services, Olympic High School, Alliance/Sunrise, and SPP-TA Grant**

Dr. Mary M. Bacon currently contracts with the district to provide professional development training and support to district staff on issues of equity, disproportionality and cultural competence. In August 2011, Dr. Mary Bacon provided the professional development session for all administrative staff, psychologists and mental health program staff. Dr. Bacon's contract amount was \$8,500.00 funded by program 3093 (Medi-Cal Healthy Start). The summary of this work is included on the attached contract. In December 2011, Dr. Bacon's contract was increased by \$11,000.00 funded by program 3669 (Mental Health Collaborative Medi-Cal Program) to provide staff development sessions at Sunrise Elementary School and the Alliance Program. Therefore, the total contract is presently \$19,500.00. An additional \$3,500.00 is needed for consultation, professional development and a summary report as described in the revised contract. This additional increase will be charged to program code 3093 (Medi-Cal Healthy Start). The second additional request for the increase for Dr. Bacon's contract is to comply with the State Performance Plan Technical Assistance (SPP-TA) project coordinated by the CDE and designed to assist local education agencies (LEAs) to improve educational results and functional outcomes for all children with disabilities and to ensure that LEAs meet compliance and performance SPP program requirements. In compliance with the SPP-TA grant, Dr. Bacon will assist Mt. Diablo Unified School District, addressing disproportionality in Special Education. Dr. Bacon will work with a district leadership team to select and implement the results of the self-assessment tool and provide customized staff development as appropriate to support the implementation and review of an improvement plan. The grant (program 3137, RCAT+ Certificate Program) will be used to fund this portion of Dr. Bacon's services. During the 2010-2011 school year, Dr. Bacon was paid directly by the state for Technical Assistance (TA) Facilitator services Mt. Diablo Unified received a grant for the 2011-12 school year. Given that Mt. Diablo Unified has received this grant the State Performance Plan Technical Assistance Project State Office has indicated districts will directly pay TA Facilitators for their work.

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

**14.10 Amended Resolution No. 11/12-34A to decrease the number of certificated employees due to a reduction or elimination of particular kinds of services**

Resolution No. 11/12-34 was brought to the Board on February 27, 2012 as part of the certificated layoff process to reduce or discontinue particular kinds of services for the next school year. We are bringing an amended resolution to the Board increasing the numbers previously presented due to recent budget considerations. This resolution will supersede Resolution No. 11/12-34 approved on February 27, 2012. Resolution No. 11/12-34A directs the Superintendent or his/her designee to send appropriate notices to all employees whose positions may be lost by virtue of the reduction or elimination of the particular kinds of services listed in the Resolution. The number of positions on this list will be reduced based on the State Board of Education's approval of the District's QEIA waiver for Mt. Diablo High School.

Eberhart moved, Mayo seconded, and the Board voted 5-0-0 to approve the Amended Resolution No. 11/12-34A to decrease the number of certificated employees due to a reduction or elimination of particular kinds of service.

**14.11 Public Input and Informational Meetings for Board and Superintendent**

On February 6, 2012, the Board approved Docket No. 14.7 providing that the Board hold a series of informational meetings whereby the Board and Superintendent share information and seek input from the community. On February 22, 2012, the Board had a dialogue concerning their expectations about the format, subject matter, and procedures for the aforementioned Public Input and Informational Meetings in light of the Ralph M. Brown Act. The Board directed staff to clarify processes and procedures so the Board could effectuate the spirit and purpose of the meetings while remaining compliant with the Ralph M. Brown Act. The Board has spent considerable time developing a Draft Strategic Plan. In order to finalize the Strategic Plan the Board will hold public meetings utilizing the following process: 1. Allow community members an opportunity to provide input concerning where they see district strengths and areas for growth under each of the five main themes and strategies. 2. Once the input has occurred, the public will be given two dots for each theme to help the Board and staff prioritize the importance of the various strategies. Based on this input some strategies may even be eliminated. 3. The input will be used by staff to develop action plans to address the prioritized strategies.

Amended Motion

Hansen moved, Dennler seconded, and the Board vote 5-0-0 to amend the subject to “Public Input and Informational Meetings for the Strategic Plan”.

Motion

Eberhart moved, Dennler seconded, and the Board voted 2-3-0. Eberhart, Mayo and Whitmarsh-no) to approve as presented . Motion failed.

**14.12 Transportation and Boundaries**

Presented for information and discussion.

**14.13 Adoption of the Mandarin I course of study**

A committee of high school and middle school teachers and the World Language Coordinator from the SASS department met to develop the Mandarin I course of study. Mandarin I is a performance-based course that begins to develop language fluency. This course is designed as an elective for students and fulfills one year of the World Language/Fine Arts requirement.

Presented as information.

**14.14 2012 Community Clean Water Initiative**

The Contra Costa Clean Water Program proposes an annual fee to improve water quality in Contra Costa County. If approved, a separate fee would be assessed to each parcel belonging to the Mt. Diablo Unified School District. The District has received sixty (60) ballots. The fee will expire after ten years. The ballot may be signed by any person authorized by law to make contracts for the agency or by resolution of the agency's Governing Board. The ballots must be returned to the Board of Contra Costa County Supervisors by April 6, 2012.

Presented as information.

**14.15 Continue the conversation around the change in graduation requirements that began with Item 14.11 at the February 6 Board meeting**

On March 9, 2010, the Board of Education approved the elimination of Summer School in an effort to save \$400,000 and preserve full-time employee positions. The summer school program allowed students to repeat three classes during the summer program and earn passing grades in classes they had failed. Therefore, due to the elimination of Summer School, the Board of Education approved the reduction of high school graduation requirements beginning with the class of 2011 as follows: 1) Reduce math requirements from 3 years (30 credits) to 2 years (20 credits) 2) Reduce the total number of credits needed for graduation from a comprehensive high school from 230 credits to 200 credits. 3) Reduce the total number of credits needed for graduation from an alternative/adult education high school to 180 credits. Since the new requirements have been in place for a year and half the Board would like the following questions answered: 1. Has the district actually saved the anticipated \$400,000? 2. Has the changes in graduation requirements reduced the percentage of students completing the UC a-f requirements? 3. What has been the impact of the change in math requirements? 4. How do our current requirements compare to surrounding districts in Contra Costa County? 5. What are the implications of raising the graduation requirements to 210, 220, or 230? 6. What classes did students historically take for credit recovery in summer school, and are there less expensive ways for credit recovery besides summer school?

Presented as information.

At 11:00 p.m. Hansen moved to extend the meeting until 11:20 p.m.. The motion died for lack of a second.

**14.16 Consider changes to Board Bylaw 9324 - Minutes and Recordings**

Information item. Not discussed.

**14.17 Televised Board Meetings**

The Board requests the Superintendent investigate and develop a plan of action to televise to the public all regular and special Board meetings, either through video streaming or through Contra Costa Television (CCTV). This plan

will include a working budget that itemizes both start up and ongoing costs. The Superintendent will make his report of findings and recommendation to the Board at a future Board meeting.

Information item. Not discussed.

**ADJOURNMENT**

The meeting adjourned at 11:00 p.m.