

**MINUTES**  
**REGULAR MEETING OF THE BOARD OF EDUCATION**  
**MT. DIABLO UNIFIED SCHOOL DISTRICT**  
**Monday, January 9, 2012 (7:30 p.m.)**

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 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 Sherry Whitmarsh at 6:05 p.m. in the Board room at the MDUSD Dent Center.

**ADJOURN TO CLOSED SESSION**

The Board adjourned to Closed Session at 6:07 p.m. in Room 6 at the Dent Center. In Closed Session the Board discussed negotiations, Superintendent's evaluation, General Counsel's evaluation, two cases of anticipated litigation, one case of existing litigation – Fardella v. MDUSD, and public employee discipline/dismissal/release/complaint. In closed session the Board of Education voted 5-0-0 to release employee #30420, effective December 20, 2011, and voted 5-0-0 to release employee #30458, effective December 16, 2011.

**RECONVENE OPEN SESSION AT 7:39 P.M.**

President Whitmarsh led the Pledge of Allegiance to the Flag and reported action taken in Closed Session.

**CONSENT AGENDA**

Mayo moved, Eberhart seconded, and the Board voted 5-0-0 to adopt the Consent Agenda, with the exception of Item 8.14 (pulled by Hansen) thereby approving the following.

**8.2 (Item #2) Minutes of the meeting of December 13, 2011**

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

Changes in status of certificated employees.

**8.4 (Item #4) Request to Increase and Decrease Full Time Equivalent (FTE) for the 2011-2012 School Year**

Positions are requested to be increased or decreased.

**8.5 (Item #5) Student Teacher Agreement Between Azusa Pacific University and Mt. Diablo Unified School District**

This agreement is to provide support for students in the Multiple Subject, Single Subject and Educational Specialist Credential programs at Azusa Pacific University.

**8.6 (Item #6) Recommended Action for Classified Personnel**

Changes in status of classified employees.

**8.7 (Item #7) Classified Personnel: Request to Create Positions for the 2011-12 School Year**

Positions requested to be created.

**8.8 (Item #8) Award of Architectural/Engineering Services Contract for the Design of Interim Housing Units at Loma Vista Adult Center for the 2010 Measure C Mechanical Improvement Program (Heating, Ventilating and Air Conditioning)**

It has been determined that it will be necessary to provide a limited number of interim housing units on site to support various educational programs during the construction/installation of the new heating, ventilating and air conditioning systems at Loma Vista Adult Center. Staff has negotiated a 'not to exceed' contract with PHd Architects for \$17,000.00 for the provision of comprehensive design, engineering and construction administration services necessary for the approval, installation and DSA closeout of these required interim units.

**8.9 (Item #9) Award of Contract for the Lease of Five (5) Interim Housing Units Necessary for the 2010 Measure C Mechanical Improvement Program (Heating, Ventilating and Air Conditioning) at Loma Vista Adult Center**

It has been determined that it will be necessary to provide a limited number of interim housing units on site to support various educational programs during the construction/installation of the new heating, ventilating and air conditioning systems at

Loma Vista Adult Center. Staff is recommending that a lease agreement in the amount of \$45,785.00 be executed with Mobile Modular for the delivery, set-up, six (6) month rental, take-down and removal of five (5) conventional 24'x40' DSA modular classrooms to be installed on the Loma Vista Adult site.

**8.10 (Item #10) Independent Contract for Translating Services Between Evelina Villa and Mt. Diablo Unified School District**

Contractor, Evelina Villa, will provide interpreting/translation services for various dates and for various school sites throughout the District for Spanish speaking parent/teacher conferences. This contract is not to exceed \$4,500.00. Because several departments contract with this provider, the cumulative costs exceed \$25,000, therefore Board approval is required.

**8.11 (Item #11) Independent Contract for Translating Services Between Advanced Interpreting Services and Mt. Diablo Unified School District**

Contractor, Advanced Interpreting Services, will provide interpreting/translation services for various dates at school sites throughout the District and in various languages for parent/teacher conferences. This contract is not to exceed \$10,000. Because several departments contract with this provider, the cumulative costs exceed \$25,000, therefore Board approval is required.

**8.12 (Item #12) Increase Purchase Order with Independent Contractor Evelina Villa for Spanish Language Interpreting and Document Translations for the Special Education Department for School Year 2011-12**

Evelina Villa provides interpreting services and document translations for Spanish speaking students and their families. The District currently has a contract with this vendor in the amount of \$24,500. As of January 3, 2012, we have used \$16,303 of her contract. Based on current projections, it is estimated that we will need an additional \$25,000 to cover services for the remainder of the school year. The annual cost is a decrease of \$5,100 from the 2010-2011 cost.

**8.13 (Item #13) Create Job Description for Administrator, School Support**

The Student Achievement and School Support (SASS) Department was restructured in Spring 2010. The tasks associated with this job description have been carried out by department staff over the past year under the supervision of the Assistant Superintendent, Student Achievement and School Support. Staff is requesting the creation of a job description for Administrator, School Support to describe the scope and responsibility of the person under the supervision of the Assistant Superintendent, SASS.

**8.14 (Item #15) Create Job Description for Administrator, English Language (EL) and Socioeconomically Disadvantaged (SED) Student Support**

The Student Achievement and School Support (SASS) Department was restructured in Spring 2010. The tasks associated with this job description have been carried out by department staff over the past year under the supervision of the Assistant Superintendent, SASS. Staff is requesting the creation of a job description for Administrator for English Learners (EL) and Socioeconomically Disadvantaged (SED) Student Support to describe the scope and responsibility of the person under the supervision of the Assistant Superintendent, SASS.

**Public Comment**

Ernie DeTrinidad.

**8.15 (Item #16) Create Job Description for Assistant Director, Categoryals and School Support**

The Student Achievement and School Support (SASS) Department was restructured in Spring 2010. The tasks associated with this job description have been carried out by department staff over the past year under the supervision of the Assistant Superintendent, SASS. Staff is requesting the creation of a job description for Assistant Director, Categoryals and School Support to describe the scope and responsibility of the person under the supervision of the Assistant Superintendent, SASS.

**8.16 (Item #17) Create Job Description for Director of Secondary Support**

The Student Achievement and School Support (SASS) Department was restructured in Spring 2010. The tasks associated with this job description have been carried out by department staff over the past year under the supervision of the Assistant Superintendent, Student Achievement and School Support. Staff is requesting the creation of a job description for Director of Secondary Support to describe the scope and responsibility of the person under the supervision of the Assistant Superintendent, SASS.

**CONSENT ITEMS PULLED FOR DISCUSSION**

**PULLED 9.1 (Item #14) Create Job Description for Director of Elementary Support**

The Student Achievement and School Support (SASS) Department was restructured in Spring 2010. The tasks associated with this job description have been carried out by department staff over the past year under the supervision of the Assistant

Superintendent, SASS. Staff is requesting the creation of a job description for Director of Elementary Support to describe the scope and responsibility of the person under the supervision of the Assistant Superintendent, SASS.

Mayo moved, Dennler seconded and the Board voted 5-0-0 to approve the Job Description for Director of Elementary Support.

#### **PUBLIC COMMENT**

Lorie Robertson, Jean Sabolevsky, Janet Fitzpatrick, and A.J. Fardella.

#### **COMMUNICATIONS**

None.

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

Jon Isom of Isom Advisors, the District's financial advisor, reported on the recent refunding of the District's Election of 2002, Series 2004 General Obligation Bonds.

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

##### **13.1 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 is a new position which was created at the December 13, 2011 Board meeting.

Eberhart moved, Mayo seconded, and the Board voted 5-0-0 to appoint Lori Freeman as Program Specialist, Categorical Programs, Site Based position at Delta View.

##### **13.2 Review of 2011-2012 Single Plans for Student Achievement (SPSA) and the Academic Program Surveys (APS)**

Mayo moved, Hansen seconded, and the Board voted 5-0-0 to approve Single Plans for Student Achievement and the Academic Program Surveys.

##### **13.3 Title I Schoolwide-Delta View, El Monte, and Wren Avenue Elementary Schools**

The Student Achievement and School Support division is requesting the approval of the application for Delta View Elementary, El Monte Elementary, and Wren Ave. Elementary to conduct a Title I Schoolwide program. All three schools will operate a Schoolwide program for the remainder of the 2011-2012 school year. Currently, they operate Title I Targeted Assistance programs. A schoolwide program is designed to upgrade the educational program in a Title I school; its primary goal is to ensure that all students, particularly those who are low-achieving, demonstrate proficient and advanced levels of achievement on State academic achievement standards. In general, a Title I school may operate as a schoolwide program only if a minimum of 40 percent of the students in the school, or residing in the attendance area served by the school, are from low-income families. [Section 1114(a) of Title I ESEA]. Whereas Title I targeted assistance programs only provide educational services to identified individual students, schoolwide programs allow staff in schools with high concentrations of students from low-income families to redesign their educational programs to serve all students. The emphasis in schoolwide program schools is on serving all students, improving all structures that support student learning, and combining all resources, as allowed, to achieve a common goal. Schoolwide programs maximize the impact of Title I. Adopting this strategy should result in an ongoing, comprehensive plan for school improvement that is owned by the entire school community and tailored to its unique needs. A school operating a schoolwide program must conduct a comprehensive needs assessment that identifies the school's strengths and challenges in key areas that affect student achievement. [Section 1114(b)(1)(A) of Title I of ESEA]. (See Academic Program Survey for Delta View, El Monte, and Wren Ave. Elementary) The school must develop a comprehensive schoolwide plan that describes how it will achieve the goals it has identified as a result of its needs assessment [Section 114(b)(1)(B-J) and 34 CFR 200.27 of Title I ESEA]. (See Delta View, El Monte, and Wren Ave. Elementary Single Plan for Student Achievement). The schoolwide plan must: 1) Identify reform strategies aligned with needs assessment; 2) Provide instruction by highly qualified teachers; 3) Offer high-quality, ongoing professional development; 4) Create strategies to attract highly qualified teachers; 5) Create strategies to increase parental involvement; 6) Develop plans to assist preschool students through the transition from early childhood programs to local elementary school programs 7) Identify measures to include teachers in decisions regarding the use of academic assessments; 8) Conduct activities to ensure that students who experience difficulty attaining proficiency receive effective, timely, additional assistance; and 9) Coordinate and integrate Federal, State and local services and programs. Each school established a planning team that included the Schoolsite Council and English Language Advisory Committee, teachers and staff, and parents & community representatives to oversee the development of the Title I Schoolwide plan. The planning team gave input related to the comprehensive needs assessment (Academic Program Survey and other assessment data) and made

recommendations for the comprehensive plan (Single Plan for Student Achievement). The plans will be considered for approval by the Board of Education on January 9, 2012.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve the Title I schoolwide applications as presented.

### **13.4 Public Hearing and Approve QEIA Waiver Request to the State Board of Education**

The Mt. Diablo Unified School District (MDUSD) is requesting a waiver, on behalf of Mt. Diablo High School, to waive Quality in Education Investment Act (QEIA) Education Code section 52055.740 (C)(i). Specifically, Mt. Diablo High School is requesting waiving exit from QEIA based on the Rule of 27. The term of the waiver being requested is July 1, 2010 - June 30, 2012. Mt. Diablo High School Site Council approved the submission of the waiver request on December 23, 2012.

Public Hearing was opened 8:20 p.m.

#### **Public Comment**

Dan Reynolds

The Public Hearing was closed at 8:21 p.m.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve the QEIA Waiver Request to the State Board of Education.

### **13.5 Protocol for Action Items**

The Board will adopt a protocol for action items that requires discussion prior to any motion being presented. This will allow the Board to consider all pertinent information in order to assist in making well-informed decisions and motions and to allow the public to hear Board thinking and commentary.

Hansen moved . Motion failed for lack of second.

### **13.6 Composition of the Agenda**

The Board will revise the agenda process and format as follows: • Include the following standing agenda items: 1) Approval of the Agenda, and 2) Future Agenda Items. • The agenda category currently entitled “Business/Action Items” will be renamed to read “”Reports, Discussion, Information, and Action Items”.

Hansen moved. Motion failed for lack of second.

### **13.7 Amendment of Board Bylaw 9322 - Agenda/Meeting Materials**

Draft Board Bylaw Current Board Bylaw: Proposed changes to Board Bylaw 9322.

Hansen moved. Motion failed for lack of second.

### **13.8 Public Input Meetings for Board and Superintendent Evaluations**

Open communication with the public is critical to develop and maintain a responsive, informed School Board and superintendent. Therefore, we need to give the public multiple opportunities and venues for input with the goal of helping both the Board and the superintendent reflect upon what we are doing that is working and what we could do to improve. To help make this happen, Ms. Hansen proposes that the Board offer sessions that follow the private sector model of a shareholders’ meeting in which the Board of Directors and CEO talk to the shareholders to seek input, direction, and evaluation of performance. Our Board could provide the same model for our stakeholders and community by holding a series of meetings in different geographic locations throughout the District (for example, Bay Point, Concord, and Walnut Creek) that allow the public to question the Board and superintendent directly about our actions and decisions and for the superintendent and Board members to directly address any issues from the public. In addition, these meetings would provide useful information to evaluate the performance of and provide direction for both the superintendent and Board. We should certainly begin this process as early as January 2012.

This item is postponed until the January 23, 2012 Board meeting.

### **13.9 MDUSD Board Action Accountability Progress Report**

Adoption of this tool will increase the Board and District’s public accountability by allowing the Board to explicitly monitor and give or receive reports on progress of all Board actions, decisions, and projects. At the first Board meeting of each month, the person or persons accountable for the implementation, completion, and/or resolution of an action and/or project

shall give a progress report that addresses the categories included on the Accountability Progress Report tool; e.g., summary of projected outcomes, cost to date, an update on the completion date. When the work is completed, the person or persons accountable shall give a summative report to the Board at a public Board meeting. In addition, this progress report will be posted and available for public viewing on the District's web site.

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

**13.10 Revision to Administrative Rule 5111 - Admission**

Changes in language to AR 5111 are necessary to meet California Senate Bill 1381 age requirements for Transitional Kindergarten, kindergarten and first grade.

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

**13.11 BP 6170.1 - New Board Policy Required for the Establishment of a Transitional Kindergarten Program**

New Board Policy is required for the establishment of a Transitional Kindergarten program.

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

**13.12 AR 5121 - Grades/Evaluation of Student Achievement**

Changes in language are necessary to provide alignment with the new elementary report card, the Elementary Report of Student Progress.

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

**13.13 Revision to Board Policy and Rule 5123 - Promotion/Retention/Acceleration**

**BP/AR 5123**

Changes in language are necessary to provide alignment with the new elementary report card, the Elementary Report of Student Progress.

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

**BOARD MEMBER REPORTS**

Sherry Whitmarsh, Linda Mayo and Lynne Dennler.

The meeting adjourned at 9:20 p.m. in memory of District employee Patricia Baioni.

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Steven Lawrence, Secretary