

**MINUTES**  
**REGULAR MEETING OF THE BOARD OF EDUCATION**  
**MT. DIABLO UNIFIED SCHOOL DISTRICT**  
**September 22, 2009**

Board Members: Gary Eberhart, Paul Strange, Linda Mayo, Sherry Whitmarsh, Dick Allen  
Administrative Staff: Interim Superintendent Dick Nicoll, Associate Superintendent Alan Young, Assistant Superintendents Gail Isserman, Rose Lock, Pete Pedersen, General Counsel Greg Rolan

**CALL TO ORDER:**

Gary Eberhart called the meeting to order at 6:00 p.m., in the Board room at the MDUSD Dent Center.

**PUBLIC COMMENT:**

Judy Armstrong, President of Local One CST Unit, and James Jones, Business Agent of Local One CST Unit, spoke on behalf of a unit member being considered for release during probationary status. The unit member also spoke.

**Readmissions**

Strange moved, Allen seconded, and the Board voted 5-0-0 to approve staff's recommendation for the readmission of one student who met the conditions of the rehabilitation plan.

**Existing Litigation**

Strange moved, Whitmarsh seconded, and the Board voted 5-0-0 directing staff in the case of Ceballos v. MDUSD.

**Public Employee Discipline/Dismissal/Release/Complaint**

Strange moved, Whitmarsh seconded, and the Board voted 5-0-0 release classified probationary employee #28065 effective September 23, 2009.

**Reconvene Open Session**

The Board returned to open session in the Board Room at the Dent Center at 7:38 p.m. President Eberhart led the Pledge of Allegiance to the Flag and reported action taken in Closed Session.

**CONSENT AGENDA**

Member (**Linda Mayo**) moved, Member (**Paul Strange**) seconded to approve all items on the Consent Agenda as listed 8.1 through 8.19. The motion **CARRIED. 5 – 0 – 0.**

**8.1 C-1 Minutes of the meeting of September 8, 2009**

Draft minutes.

**8.2 C-2 Recommend Action for Certificated Personnel**

Changes in status of certificated employees.

**8.3 C-3 Approve Post Retirement Contract for Math Coach at Oak Grove Middle School**

Oak Grove Middle School is seeking approval to hire Carol Snow, a retired administrator, as a math coach to provide support for math teachers in the classroom, support with peer observations, data analysis and pacing for new math teachers.

**8.4 C-4 Request to increase and decrease various positions funded by categorical and general funds.**

Increased and decrease of various positions funded by categorical and general funds.

**8.5 C-5 Amendment to Memorandum of Understanding with Project Pipeline and Mt. Diablo Unified School District as Fiscal Agent to extend agreement through August 31, 2014.**

Project Pipeline and the District collaborate in a district internship agreement for the credentialing training program for single subject and education specialist: mild/moderate teacher interns. This Fiscal Agent MOU is to authorize funds disbursed by the California Commission on Teacher Credentialing to be received by the District, and to flow through to Project Pipeline to administer the program.

**8.6 C-6 Recommended Action for Classified Personnel**

Changes in status of classified employees.

**8.7 C-7 Classified Personnel: Create Two (2) Part-time Instructional Assistant positions at Pleasant Hill Elementary School.**

Pleasant Hill Elementary School currently has a vacant, part-time 9.5 hour/week (0.2375) Instructional Assistant position. They would like to create two (2) part-time, 10 hour/week, School Day Only, Instructional Assistant positions. This will add 10.5 hours a week total (0.2625 FTE) to the existing hours to create the two (2) 10 hour/week positions.

**8.8 C-8 Classified Personnel: Revision to Walnut Acres Part-time Instructional Assistant Position FTE**

At the 9/8/09 Board Meeting, it was approved to create three (3) Instructional Assistant positions at .42850. The correct FTE should read .48250.

**8.9 C-9 Classified Personnel: Reduction in Hours for a Part-time Secretary Position at Concord High School**

Concord High School has requested the reduction in hours for a part-time, Secretary position from 20 hours to 10 hours/week; 10 month/year. Incumbent #27826 will remain in this position.

**8.10 C-10 Classified Personnel: Eliminate a Vacant Part-time School Family Resource Worker Position at Loma Vista Adult Education**

Loma Vista Adult Education is requesting the elimination of a Vacant Part-time 16 hour/week (.400 FTE) School Family Resource Worker position.

**8.11 C-11 Classified Personnel: Create a Part-time Instructional Assistant Computer Position for Pleasant Hill Elementary School**

Pleasant Hill Elementary School has requested the creation of a part-time 19.5 hour/week, School Day Only, Instructional Assistant Computer position.

**8.12 C-12 Fiscal Transactions for the month of August, 2009.**

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

**8.13 C-13 Continuation of Mandated Costs Consultant Services Contract**

On June 24, 2008, the Board entered into a 3 year contract with MGT of America, Inc., for mandated costs services. The vendor mistakenly believed the Board had only agreed to a 1 year contract. They brought forward their proposal for the next three years at a savings of \$10,500 per year from the previous rates. They have agreed to honor the offer of the lower rates despite the district already agreeing to the 3 year contract last year.

**8.14 C-14 Deductive Change Order for Bid #1554/Contract C-895**

On August 11, 2009, the Board of Education ratified the Award of Bid 1554 in the amount of \$114,317.00, for the Paving of Fire Road Access Road at Riverview Middle School. As the result of a user/site request to delete some minor fencing which was included in the originally designed scope of work, a deductive change order in the amount of \$3,906.00 was issued. This deductive change order will result in a final contract value of \$110,441.00. Budget for this project: \$1,760,907.00

**8.15 C-15 Notice of Completion for Bid #1550/Contract C-894**

Bid No. 1550 was called to provide the Clock System Replacement at Rio Vista and Sequoia Elementary Schools. The lowest responsible, responsive bidder is RAN Electric, Inc., for the bid award total amount of \$235,000.00. The scope of work included, but was not limited to: the removal of existing clock systems and installation of new clock system. There were no change orders on this project. Work and Services for this project have been satisfactorily completed for a total expenditure of \$235,000.00. Budget for this project: \$250,000.00

**8.16 C-16 Notice of Completion for Bid #1548/Contract C-892**

Bid No. 1548 was called to provide the Window Replacement at College Park High School. The lowest responsible, responsive bidder is Ionian Construction, Inc., for the bid award amount of \$331,000.00. The scope of work included, but was not limited to: removal and disposal of existing windows and the installation of retro fit windows. There were no change orders on this project. Work and services for this project have been satisfactorily completed for a total expenditure of \$331,000.00. Budget for this project: \$400,000.00

**8.17 C-17 Notice of Completion for Bid #1554/Contract C-895**

Bid No. 1554 was called to provide the Paving of Fire Access Road at Riverview Middle School. The lowest responsible, responsive bidder is B & B Grading & Paving, Inc., for the bid award amount of \$114,317.00. The scope of work included, but was not limited to: site work, concrete paving, asphalt concrete and fencing. There was a deductive change order on this project in the amount of \$3,906.00. Work and services for this project have been satisfactorily completed for a total expenditure of \$110,441.00. Budget for this project: \$1,760,907.00

**8.18 C-18 Approval of Exploring New Horizons (ENH) Service Agreement for Strandwood Elementary School**

Students at Strandwood Elementary will participate in the district's Outdoor Education Program at Exploring New Horizons during the week of November 16, 2009. An initial fee of \$21,789 is required by November 7, 2009. A final payment of approximately \$7,801 will be due upon receipt of the final invoice. Because the total will exceed \$25,000, approval is required per Board Policy 3600. The Outdoor Education Program is self-supporting.

**8.19 C-19 Approval of Marin County Office of Education Service Agreement for Walnut Acres Elementary School**

Students at Walnut Acres Elementary will participate in the district's Outdoor Education Program at Marin County Outdoor School (Walker Creek) the week of October 26, 2009. Because the total cost will exceed \$25,000, approval is required per Board Policy 3600.

**RECOGNITIONS**

Interim Superintendent Nicoll announced that 42 schools in the district had increased their overall Academic Performance Index (API) scores by at least 10 points, or had achieved scores of 800, 900 or higher.

President Eberhart and the members of the Board of Education presented Certificates of Achievement to the following Elementary Schools: Bancroft, Bel Air, Cambridge, Delta View, Eagle Peak, El Monte, Fair Oaks, Gregory Gardens, Hidden Valley, Highlands, Holbrook, Meadow Homes, Monte Gardens, Mt. Diablo, Pleasant Hill, Rio Vista, Sequoia, Silverwood, Strandwood, Sunrise, Sun Terrace, Valhalla, Valle Verde, Walnut Acres, Westwood, Woodside, and Wren; Middle Schools: Diablo View, Foothill, Glenbrook, Oak Grove, Pine Hollow, Pleasant Hill, Riverview, Sequoia, and Valley View; High Schools: Clayton Valley, College Park, Concord, Northgate, Olympic Continuation, and Summit Continuation.

**PUBLIC COMMENT**

Joan Miller spoke on behalf of the Mt. Diablo Music Education Association and the work that is being done to support fourth and fifth grade music, and other music district-wide music programs.

**COMMUNICATIONS**

None

### **REPORTS/INFORMATION**

Margot Tobias gave a powerpoint presentation on the current year's enrollment data. Gail Isserman reported on the status of rehiring teachers from layoff.

### **SUPERINTENDENT'S REPORT**

Interim Superintendent Nicoll announced that Holbrook and Sun Terrace Elementary schools received Governor's Fitness Awards.

### **BUSINESS/ACTION ITEMS**

#### **15.1 Classified Management - Appointment of Associate General Counsel**

Member (**Linda Mayo**) moved, Member (**Richard Allen**) seconded to approve the appointment of Sandra Smith to the position of Associate General Counsel as presented. The motion **CARRIED 5 - 0 - 0**.

#### **15.2 Certification of the District's 2008-09 Unaudited Actual Financial Report**

Bryan Richards gave a powerpoint presentation on the 2008-09 Unaudited Actual Financial Report. Member (**Paul Strange**) moved, Member (**Richard Allen**) seconded to approve the Certification of the District's 2008-09 Unaudited Actual Financial Report. The motion **CARRIED 5 - 0 - 0**.

#### **15.3 Resolution adopting the District's 2008/09 Gann Appropriations Limit**

Proposition 4 of 1979 requires the Board to annually approve a resolution adopting the District's revised appropriations limit for the preceding year and the projected limit for the new fiscal year based on the adopted budget. The calculations are now part of the Unaudited Actuals report on form GANN, however the resolution must be taken as a separate action item.

Member (**Paul Strange**) moved, Member (**Linda Mayo**) seconded to approve the Resolution Adopting the District's 2008/09 Gann Appropriations limit as recommended. The motion **CARRIED 5 - 0 - 0**

#### **15.4 Legal Services Contract with Height Brown & Bonesteel**

Member (**Paul Strange**) moved, Member (**Sherry Whitmarsh**) seconded to approve the legal services contract as recommended. The motion **CARRIED. 5 - 0 - 0**

#### **15.5 Hold public hearing and request approval of Educational Interpreter Certification Waiver through June 30, 2010.**

Mt. Diablo Unified School District is requesting a waiver of the state regulations for Educational Interpreters under 5 CCR 3051.16(b)(3)- Specialized Services for Low Incidence Disabilities. The District employs seventeen Educational Interpreters and three substitute Educational Interpreters. Eight of the seventeen have met the minimum certification qualifications. Therefore, the District is requesting a waiver for nine Educational Interpreters, Danielle Adams, Marina Brame, Bianca Coronado, Stefanie Herin, Azora Telford, Lisa Vergara, Sarah Vitale, Kathy Weiner, Denise Zeigler and three substitutes, Catalina Bulatao, Brittany Parker, Geoffrey McAnnally. This waiver, if approved by the State Department of Education, will allow them to continue to serve students through June 30, 2010 while completing the certification requirements.

President Eberhart opened the public hearing. There was no public comment.

Member (**Richard Allen**) moved, Member (**Paul Strange**) seconded to approve the Educational Interpreter Certification Waiver through June 30, 2010 as presented. The motion **CARRIED 5 - 0 - 0**

#### **15.6 Resolution of Intent to Dedicate an Easement at Sequoia Middle and Loma Vista Adult Center**

The Contra Costa Water District is requesting a grant of easement at Sequoia Middle School and Loma Vista Adult Center. The easements are required to replace and upgrade existing below grade facilities that are not performing properly and to perform future routine maintenance on them. Section 17556 of the Education Code authorizes the Mt. Diablo Unified School District to dedicate or convey an easement to any public entity through a process that involves: 1) a Resolution of Intent to Dedicate an Easement adopted in a regular open meeting by a two-thirds vote of the Board; 2) a Notice of Adoption of the resolution and the time and place of a scheduled public meeting/hearing regarding the resolution (posted in three public places not less than ten days prior to the scheduled meeting and published once in a newspaper of general

circulation no less than five days before the scheduled hearing); and 3) a public hearing on the adopted resolution and final action on the resolution dedicating the easement by a two-thirds vote of the Board. The public hearing and request for Board action on this particular resolution will be scheduled and brought to the Board at the October 13, 2009 Board meeting pursuant to the provisions of Education Code Section 17556.

Member (**Paul Strange**) moved, Member (**Richard Allen**) seconded to approve the Adoption of the Resolution of Intent to Dedication an Easement at Sequoia Middle and Loma Vista Adult Center as presented. The motion **CARRIED 5 – 0 - 0**

**15.7 Request for Budgets for Two(2)Year Facility Improvement Plan**

Recognizing the District's commitments to 1) enhance student and staff safety and security; 2) provide adequate student housing and 3) provide a consistently high level of facility maintenance, staff is proposing the implementation of a two (2) year Facility Improvement Plan and requesting budgets necessary for full implementation of the plan itself. Comprised of high priority facility projects addressing prominent safety, security, housing and deferred maintenance facility needs, this proposed plan was strategically developed to optimize and leverage the existing, unallocated Measure C, Deferred Maintenance and Proposition 55 fund balances in such a way as to concurrently satisfy all identified needs while conforming to the restrictions and legal project limitations associated with each particular funding source. Projects identified within the proposed plan include, but are not limited to: • Comprehensive retrofit of all remaining classroom and administrative area doors with 'Columbine'-style locking hardware • Installation of video surveillance systems at the remaining 22 sites not presently protected by such systems • Retrofit of the existing DOS based security dispatch/ monitoring and reporting systems and all site master panels • Installation of new voice mail systems at those sites not addressed in the Measure C program • Replacement of a total of nine (9) sub-standard portable classrooms at El Dorado and Valley View Middle Schools • Renovation of unsafe/unusable concrete, lawn, turf and landscaped areas at designated sites as well as those pre-identified, flooring, roofing and intercom needs identified in our Deferred Maintenance Plan • Installation of supplemental security fencing. The Measure C Oversight Committee has reviewed the proposed Two Year Facility Improvement Plan and has unanimously endorsed recommendation of the expenditures with the exception of the security fencing which was included by staff subsequent to the Measure C committee review.

**PUBLIC COMMENT:**

Ariel Owen discussed the need for air-conditioning at Foothill Middle School.

Board discussion followed. President Eberhart asked staff if Clayton Valley High school should have been listed for landscape improvements. Pete Pedersen responded that Clayton Valley High was included in the cost estimate for the two-year facility improvement plan.

Member (**Paul Strange**) moved, Member (**Richard Allen**) seconded to approve the budgets for the Two (2) Year Facility Improvement Plan as presented. The motion **CARRIED 5 - 0 - 0**

**15.8 Adoption of Ender's Game by Orson Scott Card for the 9th grade Extended Core Literature list.**

A Site Literature Committee from Clayton Valley High School worked with a curriculum specialist to read and evaluate Ender's Game and recommend it for adoption for the 9th grade Extended Literature list.

**PUBLIC COMMENT:**

Kevin Cline, Clayton Valley High, introduced himself to the Board and said that he was present to answer any questions.

Member (**Paul Strange**) moved, Member (**Sherry Whitmarsh**) seconded to approve the Adoption of Ender's Game by Orson Scott Card for the 9<sup>th</sup> Grade Extended Core Literature as presented. The motion **CARRIED 5 – 0 - 0**

**15.9 Extend contract service period and increase value of contract between Mt. Diablo Unified School District (MDUSD) and Pawar Transportation LLC (Pawar) to provide transportation for special education students during the extended school year (ESY) 2009 and regular school year 2009-10.**

Pawar is used by the Special Education Department in the provision of transportation services for students participating in programs at Mt. Diablo Unified School District, Contra Costa County and Non-Public Schools. The original two (2) contracts for ESY 2009 were approved by the Board on 6/11/09. On 8/11/09, the Board approved the extension of the service period and increase of contract amount for both contracts. A Request for Proposal (RFP) is required before contracting a vendor for transportation of special education students for the regular school year 2009-10. RFP #1557 for Special Education Students Supplemental Transportation Services for the regular school year 2009-10 has been distributed and vendor proposals for this RFP are being reviewed. The contract was to be awarded at the 9/22/09 Board meeting, but the proposals for the RFP are still under review. The contract will now be awarded at the Board meeting on 10/27/09. Transportation service with the selected vendor is projected to start on 11/08/09. The two (2) Pawar ESY 2009 contracts will need to be extended from ESY 2009 to 11/07/09 and the value increased by \$98,400.00 between the two (2) contracts. The increased amount for each contract is shown in the attached chart.

Member (**Paul Strange**) moved, Member (**Sherry Whitmarsh**) seconded to approve the amendments to the Pawar Transportation LLC contract services as presented. The motion **CARRIED 5 – 0 - 0**

#### **BOARD MEMBER REPORTS**

Linda Mayo reported that the Mt. Diablo Council of PTA's will be meeting on October 19, 2009 regarding the impact of budget reductions. She also shared that the Mt. Diablo Council 32nd District of PTA's will be having their leadership training on October 26, 2009. Sherry Whitmarsh shared that at the twilight parade for the Walnut Festival there were outstanding performances by the high school bands that had participated: Clayton Valley High, Concord High, Northgate High, and Ygnacio Valley High school.

#### **ADJOURNMENT**

President Eberhart adjourned the meeting to closed session at 9:45 p.m.

---

Richard Nicoll, Interim Superintendent