

MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Tuesday, October 13, 2009 (7:30 PM)

Board Members: Gary Eberhart, Linda Mayo, Paul Strange, Sherry Whitmarsh,
Absent: Dick Allen

Administrative Staff: Interim Superintendent Dick Nicoll, Associate Superintendent Alan Young, Assistant Superintendent Gail Isserman, Rose Lock, Pete Pedersen, General Counsel Greg Rolan

CALL TO ORDER:

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

CLOSED SESSION

The Board adjourned to Closed Session at 6:05 p.m., in Room 6, at the Dent Center. Topics discussed included: Negotiations, Anticipated Litigation, and Public Employee Discipline/Release/Complaint.

RECONVENE OPEN SESSION

The Board returned to Open Session in the Board Room at the Dent Center at 7:30 p.m. President Eberhart led the Pledge of Allegiance to the Flag and reported action taken in Closed Sessions.

REPORT OF CLOSED SESSION – September 22, 2009

The Board voted 5-0-0 to readmit one (1) student. The Board directed staff in the case of Ceballos v. Mt. Diablo Unified School District. The Board voted 5-0-0 to release classified probationary employee 28065 and gave direction to staff. (This was reported out at the September 22 meeting.)

REPORT OF CLOSED SESSION – October 6, 2009

On October 6, 2009, the Board directed staff regarding negotiations.

REPORT OF CLOSED SESSION – October 13, 2009

The Board directed staff regarding negotiations.

The Board directed staff regarding public employee discipline/dismissal/release/complaint.

CONSENT AGENDA

Member (**Linda Mayo**) moved, Member (**Paul Strange**) seconded to approve all items on the Consent Agenda. The motion **CARRIED 4-0-1.**

8.2 (Item 2) Minutes of the meeting of September 22, 2009

Draft Minutes

8.3 (Item 3) Recommended Action for Certificated Personnel

Changes in status of certificated employees

8.4 (Item 4) Request to increase and decrease various positions funded by categorical and general funds.

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

8.5 (Item 5) Certification to Evaluate Teachers

Board Policy 4315.1 requires that certificated management personnel who evaluate teaching personnel be certified by the Board of Education. In accordance with that policy, certificated management personnel have demonstrated competence in instructional methodologies and teacher evaluation and are being recommended for certification.

8.6 (Item 6) Assembly Bill 948 - STRS Post-Retirement Earnings Limitation

Legislation was enacted which authorizes STRS to grant an exemption from the post-retirement earnings limitation of up to two years for members retired from service who are appointed as a trustee, administrator or fiscal advisor. STRS may grant post-retirement earnings limitations for up to one-half of the full-time equivalent for the position. Retired STRS member John L. Brown is providing service to the District to cover an administrative position that is vacant. This retired member will exceed the earnings limitation for the 2009-2010 school year while substituting in this position. The District is seeking an exemption to remain in compliance with the rules and regulations governing STRS.

8.7 (Item 7) Recommendation for Professional Clear Education Specialist: Mild/Moderate Teaching Credential with English Learner Authorization for Janell Banks of Mt. Diablo High School

Upon completion of a district intern credentialing program, the Governing Board of the school district must recommend applicants for the professional clear teaching credential.

8.8 (Item 8) Independent Services Contracts with John F. Kennedy University Counseling Services(JFK)

Mt. Diablo Unified has worked with John F. Kennedy University to provide student support services for over 10 years. Staff is requesting approval of two Independent Services Contracts for 2009-2010. The first Independent Services Contract authorizes JFK Counseling Center to provide counseling services for students and families referred by the Positive Behavior Team or the District Administrative Panel. The second Independent Services Contract continues the implementation of a comprehensive program that places JFK trainees/interns (Masters and Doctorial levels) at school sites for counseling services for violence prevention, anger management, substance abuse prevention and outreach, and emotional support services for at-risk youth.

8.9 (Item 9) Recommended Action for Classified Personnel

Changes in status of classified employees.

8.10 (Item 10) Classified Personnel: Correct the FTE (Full-time Equivalent) for an Instructional Assistant Computer Position at Valhalla Elementary School

Correct the FTE (Full-time equivalent) for an instructional Assistant- Computer position at Valhalla Elementary school from .475 FTE .225 FTE.

8.11 (Item 11) Classified Personnel: Eliminate a part-time Special Education Assistant II-Classroom position and create a Special Education/General Ed. Assistant III Position

Special Education is requesting the elimination of a part-time 30 hour/week, School Day Only, Special Education Assistant II-Classroom position and the creation of a Special Education/General Ed. Assistant III, part-time, 30 hour/week, School Day Only position for Monte Gardens Elementary School. Incumbent #14529 will remain in this position.

8.12 (Item 12) Classified Personnel: Elimination of a part-time Site Technology Support Technician I Position at Woodside Elementary School

Woodside Elementary School has requested the elimination of a vacant, part-time 3 hour/week, 10 month, Site Technology Support Technician I position.

8.13 (Item 13) Classified Personnel: Elimination of a part-time Site Technology Support Technician II Position at Diablo View Middle School

Diablo View Middle School has requested the elimination of a vacant, part-time 8 hour/week, 10 month Site Technology Support Technician II position.

8.14 (Item 14) Classified Personnel: Create one (1) part-time Instructional Assistant-Computer Position for Woodside Elementary School.

Woodside Elementary School has requested the creation of one (1) part-time 12 hour/week, School Day Only, Instructional Assistant-Computer position.

8.15 (Item 15) Classified Personnel: Create one (1) part-time Instructional Assistant Position for Monte Gardens Elementary School.

Monte Gardens Elementary School has requested the creation of one (1) part-time 19 hour/week, School Day Only, Instructional Assistant position to support 1st - 3rd grade levels.

8.16 (Item 16) Classified Personnel: Create one (1) part-time Instructional Assistant-Bilingual Position for Glenbrook Middle School

Glenbrook Middle School has requested the creation of one (1) part-time, 30 hour/week, School Day Only, Instructional Assistant-Bilingual position.

8.17 (Item 17) Classified Personnel: Create three (3) part-time Instructional Assistant Positions for Woodside Elementary School.

Woodside Elementary School has requested the creation of three (3) part-time 12 hour/week, School Day Only, Instructional Assistant positions.

8.18 (Item 18) Classified Personnel: Create five (5) part-time Instructional Assistant Positions for Strandwood Elementary School

Strandwood Elementary School has requested the creation of five (5) part-time 5 hour/week, School Day Only, Instructional Assistant positions.

8.19 (Item 19) Classified Personnel: Create one (1) part-time Instructional Assistant Position for Ayers Elementary School.

Ayers Elementary School has requested the creation of one(1) 12 hour/week, School Day Only, Instructional Assistant position.

8.20 (Item 20) Classified Personnel: Create one (1) part-time Instructional Assistant Position for Ayers Elementary School

Ayers Elementary School has requested the creation of one (1) 12 hour/week, School Day Only, Instructional Assistant position.

8.21 (Item 21) Classified Personnel: Create one (1) part-time Instructional Assistant Position for Gregory Gardens Elementary School

Gregory Gardens Elementary School has requested the creation of one (1) 8 hour/week, School Day Only, Instructional Assistant position to support reading intervention.

8.22 (Item 22) Classified Personnel: Create one (1) part-time Instructional Assistant Position for Sequoia Elementary School.

Sequoia Elementary School has requested the creation of one (1) part-time 19 hour/week, School Day Only, Instructional Assistant position to support 1st - 3rd grade levels.

8.23 (Item 23) Classified Personnel: Create one (1) part-time Instructional Assistant-Computer Position for Ayers Elementary School.

Ayers Elementary School has requested the creation of one (1) part-time 18 hour/week, School Day Only, Instructional Assistant-Computer position.

8.24 (Item 24) Classified Personnel: Create one (1) Part-time Site Technology Support Technician II Position for Clayton Valley HS

Clayton Valley High School has requested the creation of one (1) part-time 8 hour/week, 10 month Site Technology Support Technician II position.

8.25 (Item 25) Classified Personnel: Create one (1) part-time Site Technology Support Technician II Position for Delta View Elementary School

Delta View Elementary School has requested the creation of one (1) part-time 6 hour/week, 10 month site Technology Support Technician II position. Employee #21356 will be reinstated from layoff into this position.

8.26 (Item 26) Classified Personnel: Create a part-time Instructional Assistant-Computer Position for Holbrook Elementary School

Holbrook Elementary School has requested the creation of one (1) part-time, 19.25 hour/week, School Day Only, Instructional Assistant-Computer position. Employee #11008 will be reinstated in this position from layoff.

8.27 (Item 27) Classified Personnel: Create a part-time Site Technology Support Technician II Position for Pine Hollow Middle School

Pine Hollow Middle School has requested the creation of one (1) part-time 13 hour/week, 10 month Site Technology Support Technician II position.

8.28 (Item 28) Classified Personnel: Create a part-time Site Technology Support Technician I Position for Bel Air Elementary School

Bel Air Elementary School has requested the creation of one (1) part-time 8 hour/week, 10 month Site Technology Support Technician I position.

8.29 (Item 29) Classified Personnel: Create a part-time Instructional Assistant-Computer Position for Sun Terrace Elementary School

Sun Terrace Elementary School has requested the creation of one (1) part-time, 19.5, School Day Only, Instructional Assistant-Computer position.

8.30 (Item 30) Classified Personnel: Increase the hours of an existing part-time Site Technology Support Technician II Position at Foothill Middle School

Currently Foothill Hill Middle School shares the position of a 12 hour/week, 10 month Site Technology Support Technician II position with Northgate High School. Foothill has requested to increase the hours of the Site Tech. II position by three (3) hours; from 12 to 15 hour/week, 10 months. This will create a full-time, 40 hour/week position. Incumbent #16173 will reinstate original hours from layoff.

8.31 (Item 31) Fiscal Transactions for the month of September, 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.

8.32 (Item 32) Request for Replacement of Outdated Warrants

County warrants issued to Paula Ash and Gertrude H. Clawson for extra compensation were not presented to the County Treasurer for payment within six months of date of issue and consequently void. Replacement is limited to two years from the date the original warrants were issued. It then becomes void as per Government code 29802, unless the Board directs reissuance of the warrants. New warrants are requested to be issued to the payees in replacement for the void warrants.

8.33 (Item 33) Final Change Order for Bid #1532/Purchase Order #52608

On January 13, 2009 the Board of Education awarded Bid 1532 in the amount of \$1,925,916.00 to Valair-CSD Northern California for the manufacture, fabrication, assembly and delivery of specified Heating, Ventilating and Air Conditioning Equipment at Fair Oaks and Shore Acres Elementary Schools, Pleasant Hill Middle School and Olympic High School. As a result of a need to accommodate site requested installation modifications it will be necessary to issue a single, final change order in the amount of \$3,347.23. This single, final change order will result in a final contract value of \$1,929,263.23. The budget for this project was \$10,232,252. The scope of work included, but was not limited to: Manufacturing and/or fabricating and/or purchase component parts and accessories necessary to provide complete assemblies of heating and air conditioning equipment, identification of the equipment and packaging for shipment, prepaid shipping to a warehouse selected by the District, cost of the warehouse storage and material handling into and out of the warehouse, and delivery and assembly of the equipment with components to all sites included in this bid.

8.34 (Item 34) Final Change Order for Bid/RFQ #1555

On August 11, 2009 the Board of Education ratified the Award of Bid/RFQ #1555 to Chain Link Fence and Supply, Inc. for \$37,476.00 for the installation of fencing improvements at Clayton Valley High School. As a result of several site requested enhancements and scope extensions an additive change order in the amount of \$30,503.00 is necessary. This final, additive change order will result in a final contract value of \$67,979.00. The budget for this project was \$45,000.00

8.35 (Item 35) Notice of Completion for Bid #1532/Purchase Order #52608

Bid No. 1532 was called to provide the Manufacturing, Fabricating and/or Assembly and Delivery of Heating, Ventilating and Air Conditioning Equipment at Fair Oaks and Shore Acres Elementary Schools; Pleasant Hill Middle School and Olympic High School. The lowest responsible, responsive bidder was Valair-CSD Northern California, for the total amount of \$1,925,916.00 (base bid \$1,916,216.00 and additive alternate \$9,700.00). There was a single additive change order in the amount of \$3,347.23. Work and services for this project have been satisfactorily completed for a total expenditure of \$1,929,263.23. Budget for this project: \$10,232,252.00 The scope of work included, but was not limited to: Manufacture and/or fabricate and/or purchase component parts and accessories necessary to provide complete assemblies of heating and air conditioning equipment, identification of the equipment and packaging for shipment, prepaid shipping to a warehouse selected by the District, cost of the warehouse storage and material handling into and out of the warehouse, and delivery and assembly of the equipment with components to all sites included in this bid.

8.36 (Item 36) Notice of Completion for Bid #1555

Bid/RFQ #1555 was called to provide Fencing Improvements at Clayton Valley High School. The lowest responsible, responsive bidder was Chain Link Fence and Supply, Inc. for the contract amount of \$37,476.00. The scope of work included, but was not limited to site work, concrete paving, asphalt concrete, fencing and gates. There was an additive change order in the amount of \$30,503.00. Work and services for the project have been satisfactorily completed for a final contract value of \$67,979.00. Budget for this project: \$45,000.00.

8.37 (Item 37) Approval of Independent Contract with Victor Gomez to provide interpreting and translation services.

School sites are mandated by law to provide student information to parents in their primary language. Victor Gomez provides translation and interpreting services at multiple sites.

8.38 (Item 38) Contract for Architectural/Engineering Services for the Design of Additional Classrooms at College Park and Concord High Schools

On August 11, 2009, the Board of Education approved the budget for the construction of four (4) conventional classrooms at Concord High School and one (1) specialized Chemistry classroom at College Park High School. The District requires architectural and engineering services related to the construction of these five (5) additional classrooms. Staff has negotiated a contract with PHd Architects for comprehensive architectural/engineering services for this project for a not to exceed fee of \$101,500.00. Because staff is interested in installing photovoltaic systems on these new classrooms, a separate design/installation contract will be brought to the Board at a subsequent date for the design and installation of these solar systems. All buildings will be designed to structurally accommodate these photovoltaic systems. The budget for this five (5) classroom project is \$2,220,349.00.

8.39 (Item 39) Annual Renewal of Bi-Tech Services Contract

The Annual Support Agreement between Bi-Tech and the District which provides for customer support and software updates for the Integrated Financial Administrative Solution System (IFAS) is due for renewal. The contract covers service from September 15, 2009 through September 14, 2010.

8.40 (Item 40) Request to submit an Enhancing Education Through Technology American Recovery and Reinvestment Act (ARRA) Competitive (EETT-C) grant to the California Department of Education.

Staff requests authorization to submit an Enhancing Education Through Technology American Recovery and Reinvestment Act (ARRA) Competitive (EETT-C) grant for 4th and 5th grade students and teachers at nineteen elementary schools in the district. The schools include, Holbrook, Sun Terrace, Delta View, Wren Avenue, El Monte, Mt. View, Westwood, Silverwood, Gregory Gardens, Ayers, Cambridge, Shore Acres, Meadow Homes, Bel Air, Rio Vista, Fair Oaks, Ygnacio Valley, Hidden Valley and Highlands. The grant provides funds for personnel to coordinate and implement the grant program staff have named "Reading to Learn", provide professional development for 102 participating teachers, purchase curriculum, software, and technology such as LCD projectors, laptops, document cameras and computers on wheels "COWs". If funded, the grant will provide \$936,300 over two years.

8.41 (Item 41) Approve increase of contract amount between Mt. Diablo Unified School District (MDUSD) and Paradigm HealthCare Services, Inc. for the 2009/10 school year.

The California Department of Health Care Services (DHCS) has recently increased reimbursements to school districts in the process of correcting an error pertaining to the service reimbursement rates for Medi-Cal. Since 2006, the wrong reimbursement rates were being used. DHCS is now retroactively applying the higher reimbursement rates to past paid claims and sending out reimbursement checks to all Local Educational Agencies (LEA). In addition to the increase in Medi-Cal reimbursement mentioned above, the Federal Medical Assistance Percentage (FMAP) was increased due to the increase in unemployment in California. This also results in an increase in federal match reimbursement. Mt. Diablo Unified has a contract with Paradigm HealthCare Services, Inc. to prepare and submit Medi-Cal claims to DHCS for the reimbursement of health care services provided by MDUSD as a Local Education Agency (LEA). The 2009/10 contract was approved by the Board on 5/26/09 for \$31,000. Under our contract, our service charges are based on a percentage of our reimbursements. Since MDUSD is now receiving an additional amount of reimbursement, there has been an increase in service charges from Paradigm HealthCare Services, Inc. Staff requests an increase of \$31,000 to bring the total Paradigm HealthCare Services, Inc. contract to \$62,000.

8.42 (Item 42) Request authorization for Mt. Diablo High School's Digital Safari Academy to participate in the U.S. Department of Education's "Career Academies Project".

Staff requests authorization for Mt. Diablo High School's Digital Safari Academy (DSA) to participate in the U.S. Department of Education's "Career Academies Project". The "Career Academies Project" includes two academies in the U.S. who have the opportunity to participate in the development and demonstration of a state-of-the-art career development program aimed at (1)Strengthening the career development and work-based learning activities that they can offer their students; and (2)Improving their retention of high-needs students and expanding these students' access to career development and work-based learning activities. DSA will receive \$70,000 over two years to pay for a part time Coordinator, professional development and technical assistance, access to curriculum and implementation guides.

PUBLIC COMMENT

Norman Barry, a parent, spoke regarding an incident with his son that occurred last school year at Clayton Valley High.

COMMUNICATIONS

Jeff Adams, United Mt. Diablo Athletic Foundation, reported that over the passed 6 months, the Foundation obtained corporate status, organized committees, met with parents, obtained sponsors from businesses, and established a website. He shared that they had 750 registrants for the Foundation's Newhall park 5K run fundraising event scheduled for October 18th and that a concert event is being planned for next spring. He said that the Foundation's goal is to raise \$1.2 million dollars. He commended Pat Middendorf for all of her efforts and support.

STUDENT REPRESENTATIVES

The following students reported on various activities at their schools including homecoming events, campus clean up days, and the 5K run fundraiser for athletics: Sammy King and Brandon Bratcher, Ygnacio Valley High; Araceli Montoya, Mt. Diablo High; Jenny Butler, Clayton Valley High; Sonya Renteria and Dowid Carson, Prospect High; Ariana Carpenter, Nueva Vista and Summit High schools; Jenny Sun, Northgate High; Mike Sullivan and Morgan Vlanancic, CPH; and Terrica Rosado, Olympic.

REPORTS/INFORMATION

The Intra and Interdistrict Transfer Report for 2009-2010 will be presented at the next board meeting.

SUPERINTENDENT'S REPORT

Interim Superintendent Nicoll shared that Olympic High received \$250 for science supplies from the Concord Diablo Federal Credit Union and \$4,000 for sports and summer programs from Tesoro.

BUSINESS/ACTION ITEMS

15.1 Disability Awareness Month

Resolution No. 09/10-19

October has been designated as Disability Awareness Month. The Special Education Department and the Mt. Diablo Unified School District wish to affirm its support of the importance of an appreciation for the diversity of all people. The Mt. Diablo Unified School District also recognizes the contributions made by people with disabilities throughout history and encourages schools to participate in activities that enhance awareness of and sensitivity to individuals with disabilities.

Member (**Sherry Whitmarsh**) moved, Member (**Linda Mayo**) seconded to approve the Resolution to designate October 2009 as Disability Awareness Month. The motion **CARRIED 4 – 0 – 1.**

15.2 Proclamation of October 23-31, 2009 as "Red Ribbon Week"

During Red Ribbon Week, schools and many community agencies throughout California will join together to highlight their commitment to a drug and tobacco free society. Through this proclamation, the MDUSD Board of Education urges all students, staff, parents, and members of our community to wear a red ribbon or bracelet during Red Ribbon Week and to support efforts to make our schools and community drug and tobacco free.

Member (**Linda Mayo**) moved, Member (**Sherry Whitmarsh**) seconded to approve the proclamation of October 23-31, 2009 as "Red Ribbon Week" in the Mt. Diablo Unified School District. The motion **CARRIED 4 – 0 – 1.**

15.3 Membership Recommendation for Community Advisory Committee

The Community Advisory Committee (CAC) is recommending one (1) new member for consideration by the Board. The Bylaws of the CAC provide that the committee shall have at least twelve (12), but not more than (24) members. The majority of the committee shall be composed of parents of students enrolled in schools participating in the local plan, and at least a majority of such parents shall be parents of individuals with special needs. Currently, the CAC has twelve (12) members and eight (8) of those members are parents of individuals with special needs. The Bylaws further provide that the applicant must attend two regular business meetings. The applicant has attended the required number of meetings and completed the Membership Application. The applicant for consideration is: Denise Lambert.

Member (**Paul Strange**) moved, Member (**Sherry Whitmarsh**) seconded to approve the new member as presented. The motion **CARRIED 4 – 0 – 1.**

15.4 Certification of the District's 2008-09 Amended Unaudited Actual Financial Report

This report includes the actual revenues and expenditures for the 2008-09 fiscal year. It also includes the original budget for 2009-10.

Member (**Paul Strange**) moved, Member (**Linda Mayo**) seconded to approve the Certification of the Amended Unaudited Actual Financial Report as recommended. The motion **CARRIED 4 – 0 – 1.**

15.5 Public Hearing regarding Sufficiency of Textbooks and Instructional Materials for 2009/2010 for Pupil Textbook and Instructional Materials Incentive Program and Williams Settlement Instructional Materials Funds

The local governing board is required to make an annual determination of the sufficiency of textbooks or instructional materials, consistent with the content standards adopted pursuant to Education Code Section

60605. All MDUSD schools have determined text needs. Site councils have participated in any plans to remedy shortages within two months, as required by law, unless the school is a Williams School requiring immediate remedy of shortage.

President Eberhart opened the public hearing. Rose Standifer spoke regarding ensuring textbook sufficiency.

Member (**Paul Strange**) moved, Member (**Linda Mayo**) seconded to approve the Adoption of 2009/2010 Resolution of Sufficiency of Textbooks and Instructional Materials. The motion **CARRIED 4 – 0 - 1**.

15.6 Approval of Adult Education course titles for 2009-2010

Courses Approved for 2009-2010 Community Education Classes 2009-2010

Mt. Diablo Adult Education wishes to offer the attached list of classes to meet the needs of our communities' adult learners. The California Department of Education requires that course titles be approved annually. These titles have been previously approved but need to be re-authorized for 2009-2010. A job market survey justifies the continuation of career technical education classes. Course outlines are on file for all courses currently being offered. Job market surveys are also on file for career technical education courses. Additionally, Mt. Diablo Adult Education provides Community Education Classes for which no state revenues are collected. These course titles are also being presented for MDUSD Board approval.

Member (**Paul Strange**) moved, Member (**Linda Mayo**) seconded to approve the list of course titles as provided. The motion **CARRIED 4 – 0 - 1**.

15.7 Extension of Existing Construction Management II Position

Presently, the District enjoys the services of a single in-house Construction Manager II position which provides construction management oversight to Proposition 55 funded projects. Approved by the Board of Education in an effort to reduce costs associated with the management of the Measure C/Proposition 55 modernization programs, this position was originally designated for elimination effective January 1, 2009. On October 18, 2008, the Board approved a one year extension of this Proposition 55-funded position until December 31, 2009 to provide cost effective in-house construction management for the final phase of the Proposition 55 Heating, Ventilating and Air conditioning program. Given the need for construction management services associated with Board approved Proposition 55-funded projects including, but not limited to: the aquatic facilities renovations at Mt. Diablo and College Park High Schools; the construction of new classrooms at Riverview Middle School; the construction of new classrooms at Concord High School; and a Chemistry classroom at College Park High School, as well as the implementation of those major projects identified in the September 22, 2009 approved 'Two(2) Year Facility Improvement Plan', staff is recommending that the term of the existing Construction Manager II position be extended through December 31, 2010. All costs for construction management have already been incorporated into the individual Proposition 55 project budgets approved by the Board. At a fully inclusive twelve (12) month cost of \$130,389.00 (not including any health plan increases from 7/1/10 through 12/31/10) approval of this position would yield a savings in excess of \$262,000.00 as compared to the cost of outside construction management services.

Member (**Linda Mayo**) moved, Member (**Sherry Whitmarsh**) seconded to approve the extension of term of existing Construction Manager II position. The motion **CARRIED 4 – 0 - 0**.

15.8 Request for the Creation of Two (2) Additional School Bus Driver Positions and the Purchase of Two (2) Wheelchair Vans

The District has experienced an unprecedented 30.7% year-to-year increase in the number of wheelchair students requiring transportation. This single year increase from twenty-six (26) students/12 routes in 2008-09 to a present ridership of thirty-four (34) students/13 routes has significantly reduced the Transportation Department's capacity to provide efficient and timely transportation service to the greater special needs population. While the department has attempted to mitigate the effect of the increased wheelchair ridership through the creation of an impermanent thirteenth wheelchair route by assigning a dedicated substitute School Bus Driver to drive one (1) of only two (2) available serviceable spare vans, this is a temporary remedy that masks an increasingly patent resource problem. Documented increases in protracted student

ride times and a multi-site inability to arrive at schools in a timely manner reflect the extent to which this problem is serving to overwhelm the capacity of the District's greater special needs transportation program. In an attempt to address the critical shortage of wheelchair vans and to provide essential relief to the greater special needs program, staff is requesting the creation of two (2) permanent School Bus Driver positions (effective 10/15/09) and the purchase of two (2) new wheelchair vans. The fully benefited cost for the two (2) requested School Bus Driver positions for this fiscal year would be \$48,222.00. The cost for the two (2) requested vans would be approximately \$137,000.00.

Member (**Paul Strange**) moved, Member (**Linda Mayo**) seconded to approve the creation of School Bus Driver positions and purchase of wheelchair vans. The motion **CARRIED 4 – 0 – 1**.

15.9 Public Hearing and Adoption of Resolution of Dedication of Easement at Sequoia Middle School 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. Pursuant to the process specified under Section 15556 of the Education Code regarding dedication of easements to any public entity, the Board of Education approved the Resolution of Intent to Dedicate Easements to the Contra Costa Water District as detailed above on September 22, 2009.

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

Member (**Paul Strange**) moved, Member (**Linda Mayo**) seconded to approve the Public Hearing and Adoption of Resolution as presented. The motion **CARRIED 4 – 0 – 1**.

15.10 Recommend approval of Memorandum of Understanding between Alameda County Office of Education and Mount Diablo Unified School District for Oak Grove Middle School SAIT II Year 2

Beginning in 2004, Oak Grove Middle School was placed in the School Assistance and Intervention Team (SAIT) process by the California Department of Education. The school, with the assistance of Barbara Granicher and the Alameda County Office of Education produced a Corrective Action Plan aligned to the California Department of Education requirements. The services being provided under this contract cover the monitoring and implementation of specific activities and actions of the Corrective Action Plan.

Member (**Paul Strange**) moved, Member (**Sherry Whitmarsh**) seconded to approve the Memorandum of Understanding between Alameda County Office of Education and Mt. Diablo Unified District for Oak Grove Middle School SAIT II Year 2 as presented. The motion **CARRIED 4 – 0 – 1**.

15.11 Recommend approval of Memorandum of Understanding between Alameda County Office of Education and Mount Diablo Unified District for the following Program Improvement schools Year 4 and above: Meadow Homes Elementary, Bel Air Elementary, Shore Acres Elementary, Fair Oaks Elementary and Riverview Middle School.

This contract provides services to monitor and implement support for the No Child Left Behind (NCLB) Alternative Governance option selected by the school staff and parent community. The services outlined have been selected based on a thorough review of the data from each school and interviews with the Principals and District School Liaison Team (DSL) members.

Member (**Linda Mayo**) moved, Member (**Paul Strange**) seconded to approve the Memorandum of Understanding between Alameda County Office of Education and Mt. Diablo Unified School District for the Program Improvement Schools listed as presented. The motion **CARRIED 4 – 0 – 1**.

15.12 Adoption of English Language Development Textbooks

We are including support documentation to our request for Adoption of English Language Development Materials. The following is included: Recommended Materials for adoption: Detailed list of 6-8 and 9-12 textbooks recommended for adoption. Executive Summary: Rational for adoption. District Adoption Process for Sec. ELD: Description of process followed to help district personnel make an informed, and

objective recommendation to the Board. Secondary ELD Item analysis: Result of teacher review of piloted materials.

Due to the fact that our English learner students have not met their AYP targets for the last 3 years, Mt. Diablo was required to develop a Title III: LEA Improvement Plan Addendum which described how the district would improve their program for English learners. Developing this plan required an evaluation of the instructional materials being used in English Language Development (ELD) classes. The adopted materials currently being used in the secondary ELD classes are 7 years old and were published prior to the adoption of the California English Language Development Standards. The Title III: LEA Improvement Plan Addendum submitted to the California State Department addressed the issue of non-standards based ELD materials by identifying as an action item the pilot of new ELD materials for 6-8th and 9th-12th grades. During 2008-2009 9-12 grade teachers participated in a pilot of new ELD materials to be used in English Language Development classes. 6-8 grade teachers conducted a review of the State adopted ELD materials. After the pilot and the evaluation of the materials EDGE by National Geographic/Hampton Brown and INSIDE by National Geographic/Hampton Brown exceed expectations and are now brought for Board approval.

This item is being presented for information only and will be returned for approval at a subsequent Board meeting.

16.1 Board reports.

Linda Mayo and Sherry Whitmarsh reported that they had visited several school sites. They encouraged participation in the United Mt. Diablo Athletic Foundation (UMDAF) 5K run fundraising event which is scheduled for this Sunday, October 18, at 9:00 a.m., Newhall Park, Concord.

ADJOURNMENT

President Eberhart adjourned the meeting at 8:30 p.m.

Richard Nicoll, Interim Superintendent