

MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Tuesday, October 27, 2009 (7:30 PM)

Board Members: Gary Eberhart, Paul Strange, Dick Allen, Sherry Whitmarsh, Linda Mayo (via teleconference call).

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

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, Expulsions, Readmissions, Anticipated Litigation, Superintendent's Evaluation.

RECONVENE OPEN SESSION

The Board returned to Open Session in the Multi-Use Room at Monte Gardens Elementary School at 7:30 p.m. President Eberhart led the Pledge of Allegiance to the Flag and reported action taken in Closed Session.

REPORT OF CLOSED SESSION

Readmission

Strange moved, Allen seconded, and the Board voted 5-0-0 to approved staff's recommendation to readmit one (1) student who has met the rehabilitation plan requirements.

Expulsion

Strange moved, Allen seconded, and the Board voted 5-0-0 that Student 07-10 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student 07-10- may apply for readmission after January 29, 2010. It is required that Student 07-10 participate in individual counseling 20 hours, 30 hours community service, the COPS Program, and Anger Management Program; and show evidence of a successful school experience, student must earn 30 credits prior to applying for readmission.

Consent Agenda

Dick Allen requested that Item 15 be pulled and voted on separately.

Member (**Paul Strange**) moved, Member (**Sherry Whitmarsh**) seconded to approve the remaining items on the Consent Agenda. The motion **CARRIED 5 – 0 - 0**

9.2 (Item 2) Minutes of the October 6, 2009 Public Hearing

Draft minutes

9.3 (Item 3) Minutes of the October 13, 2009 Board meeting.

Draft minutes

9.4 (Item 4) Recommend Action for Certificated Personnel

Changes in status of certificated employees.

9.5 (Item 5) Increase in Full Time Equivalent Position (FTE) for the 2009-2010 school year.

Additional FTE is requested to be added to the General Purpose Funds for the 2009-2010 only: Northgate: Librarian .40 FTE(School Library)

9.6 (Item 6) Increase of Full Time Equivalent Position (FTE) for the 2009-2010 school year.

Additional FTE is requested to be added to categorical funds for 2009-2010: Pleasant Hill Elementary: Psych Intern .20 FTE(SLIBG)

9.7 (Item 7) Approval of Variable Term Waiver Request for Jasmine Woods for a Speech Language Pathology Services Waiver at Concord High School.

Variable term waivers provide applicants with additional time to complete certain requirements for the credential that authorizes the services. The waiver request is made when there is not a properly credentialed person available for the position.

9.8 (Item 8) Education Code 44263 - Board Authorization for Ron Redding at Olympic for Guitar and Peri Curtis at Olympic for Algebra.

Under Ed Code 44263, holders of any California teaching credential who have 18 lower division units or 9 upper division units in a subject can be authorized, by Board Authorization, to teach that subject(s) full or part time. Teacher and site administrator completes Consent Form, and teacher supplies copies of transcripts verifying correct number of semester units completed in the subject area to be taught.

9.9 (Item 9) Memorandum of Understanding with The University of the Pacific, Bernard School of Education for the term of August, 2009 through June, 2010 for the employment of Melissa Riley and Hong Nguyen as full-time, paid school psychologist interns.

This agreement would allow students from the University's School Psychology Internship Program to fulfill requirements for obtaining their credential and provide them with diverse experience in school psychologists preparation in the form of all the activities normally expected of a district employed school psychologist.

9.10 (Item 10) Recommended Action for Classified Personnel

Changes in status of classified employees.

9.11 (Item 11) Request to change the layoff date for a secretarial position under Resolution No. 08/09-87 from October 31, 2009 to November 19, 2009 to allow the employee to remain in active status with no break in service.

At the June 30, 2009 Board Meeting, the Board approved the elimination of the .475 classified secretary position held by employee #23791. The district is requesting an amendment to the date of effective layoff from October 31, 2009 to November 19, 2009. On November 20, 2009, the employee will be able to assume a 1.0 secretarial position. Changing the effective layoff date to November 19, 2009 will allow the employee to remain in active status and not have any break in service.

9.12 (Item 12) Classified Personnel: Increase in Hours for a part-time Instructional Assistant-Computer Position at Valhalla Elementary School.

Valhalla Elementary School is requesting to increase an existing 9 hour/week, School Day Only, Instructional Assistant-Computer position to 19 hour/week, School Day Only position.

9.13 (Item 13) Classified Personnel: Create one (1) part-time Typist Clerk for Fair Oaks Elementary School

Fair Oaks Elementary School has requested the creation of one (1) 12 hour/week, School Day Only, Typist Clerk position.

9.14 (Item 14) Request authorization to submit a grant application for the "Carl Moyer On-Road Heavy-Duty Diesel Emission Reduction Project: Retrofit Application" to the Bay Area Air Quality Management District.

The reduction of diesel exhaust emissions is imperative to reducing exposure for all Californians to cancer-causing and smog forming compounds. School age children are an especially vulnerable segment of our population to the affects of air pollution. Fleet Rule for Public Agencies and Utilities requires that diesel-fueled school buses above 14,000 pounds will need to install a Verified Particulate Matter (PM) retrofit device meeting the requirements of Title 13 California Code of Regulations, sections 2022 and 2022. The "percentage" compliance deadline dictates the following; January 1, 2011 = 25% of applicable vehicles January 1, 2012 = 50% of applicable vehicles January 1, 2013 = 75% of applicable vehicles January 1, 2014 = 100% Of applicable vehicles MDUSD has just over 50 vehicles that fall under the current mandate with a potential cost of over \$825,000.00 to retrofit and maintain the fleet. Almost half of our vehicles fall under the criteria set by the Carl Moyer On-Road Heavy-Duty Diesel Emission Reduction Project that offer funds to meet the regulation. Staff request authorization to submit a grant application for the program. The grant will allow the district to install particulate matter trap retrofits to up 24 school buses and maintenance equipment to meet Federal emission standards. The Carl Moyer Grant will provide up to \$478,272.00 to make these retrofits.

CONSENT ITEMS PULLED FOR DISCUSSION

10.1 (Item 15) Resolution 09/10-22 Compensation for Board Members

Education Code section 35120 authorizes the District to pay a member who is absent from a district board meeting if, at the time or the meeting, the member is performing services outside the meeting for the District, he or she is ill or on jury duty, or the absence is due to a hardship deemed acceptable by the Board. On October 13, 2009, Board Member Richard Allen was absent due to an illness. Member **(Paul Strange)** moved, Member **(Sherry Whitmarsh)** seconded to approve Resolution 09/10-22. The motion **CARRIED 4 - 0 - 1 Abstain (Dick Allen).**

PUBLIC COMMENT

Norman Barry, parent of a Clayton Valley High student, addressed the Board regarding an incident that occurred last year. Vanessa Flores, kindergarten parent, shared concerns regarding the time element to meet the requirements of the new fingerprint policy for volunteers. Ms. Flores said that it takes months to be able to get a fingerprint appointment in Personnel. Alany Helmantoler, special ed. parent, spoke regarding the placement of her children in district programs.

COMMUNICATIONS

Ron Hansen presented the Public Employees Local One Maintenance & Operations unit proposal for the July 2010 successor agreement.

SUPERINTENDENT'S REPORT

Superintendent Nicoll shared that he had attended two great events: Celebration of Success for Special Ed. programs at Ygnacio Valley High and the celebration of 10 years of After School program which was held at the Centre Concord. He also participated in and shared pictures from the College Park homecoming parade and the United Mt. Diablo Athletic Foundation 5K Run at which over 2,000 people participated and raised over \$100,000.

BUSINESS/ACTION ITEMS

14.1 Appointment of High School Vice Principal(s)

Member **(Paul Strange)** moved, member **(Richard Allen)** seconded to approve the appointment of Jon Campopiano to the position of Vice Principal. He will be assigned to Northgate High School. The motion **CARRIED 5 - 0 - 0.**

Member **(Dick Allen)** moved, member **(Paul Strange)** seconded to approve the appointment of Leigh Daniels to the position of Vice Principal. She will be assigned to Mt. Diablo High. The motion **CARRIED 5- 0 - 0.**

14.2 Appointment of Social Work Specialist

Member (**Paul Strange**) moved, Member (**Richard Allen**) seconded to approve the appointment of Benedict O'Meara to the position of Social Work Specialist. The motion **CARRIED 5 – 0 – 0**.

14.3 Appointment of Educational Consultant/Behavior Management Specialist

Pulled

14.4 Request Board Approval to continue high school athletics through the winter season based on the progress of the high school donation program.

On June 16, 2009, the Board of Education approved the High School Athletics Donation Program. The plan represents a joint effort between the District and the United Mt. Diablo Athletic Foundation to secure funding for the district's Interscholastic Educational Athletics. The plan required staff to monitor the revenue and make a recommendation to the Board regarding the continuation of athletics beyond the fall season. The attached status report of sports' funds contributions as of October 21, 2009 (Clayton Valley and Concord as of 10/16/09) show that the six comprehensive high schools have collected \$315,122.00. This amount does not include additional funds raised through the United Mt. Diablo Athletic Foundation (UMDAF) who will also give a fundraiser report at the October 27, 2009 Board Meeting.

Alan Young introduced Pat Middendorf, Athletic Director at Clayton Valley High, and president of the United Mt. Diablo Athletic Foundation. Pat Middendorf presented the athletic foundation's fundraiser report.

Public Comment:

The following spoke in support of the continuation of athletics beyond the fall season: Cathie Van Buskirk and the CHS Girl's basketball team; Bob Agnew, media representative of the United Mt. Diablo Athletic Foundation; Jeremy Riddle, former Oakland Raider; and Jim Koutsoubinas, College Park High Boosters.

Member (**Sherry Whitmarsh**) moved, Member (**Paul Strange**) seconded to approve the recommendation to continue high school athletics through the winter season as presented. The motion **CARRIED 5 – 0 – 0**.

14.5 Approval of Resolution – Native American Heritage Month

The California Department of Education has designated November as Native American Heritage Month. The attached resolution recognizes the many contributions made by Native Americans to the American Heritage.

Public Comment: Alany Hermantoler spoke in support of Native American Heritage history.

Member (**Sherry Whitmarsh**) moved, Member (**Paul Strange**) seconded to approve the resolution as presented. The motion **CARRIED 5 - 0 – 0**.

14.6 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.

Member (**Paul Strange**) moved, Member (**Sherry Whitmarsh**) seconded to approve the adoption of ELD materials recommended for 6-8 and 9-12 English Language Development classes as presented. The motion **CARRIED 5 – 0 – 0.**

14.7 Request Board approval to submit an updated Secondary District Plan and Application for Work Experience. (WEE) to the California Department of Education.

Staff requests Board approval to submit an updated Secondary District Plan and Application for Work Experience Education aligned with existing laws and regulations to the California Department of Education.

Member (**Paul Strange**) moved, Member (**Richard Allen**) seconded to approve the recommendation to submit an updated Secondary District Plan and Application for Work Experience as presented. The motion **CARRIED 5 - 0 – 0.**

14.8 License Agreements with T-Mobile West Corporation

T-Mobile West Corporation seeks a license to transmit and receive communication signals and the installation, operation, and maintenance of related equipment at the James Dent Center campus and the Riverview Middle School campus. T-Mobile West will be responsible for all construction costs, environmental compliance, City permitting, State Architect approval and any other required governmental authorizations. T-Mobile West will mount their equipment as described in Exhibit 1 in each license agreement. The initial term will be 5 years and will automatically renew for four additional 5 year terms unless terminated by either party.

Member (**Paul Strange**) moved, Member (**Sherry Whitmarsh**) seconded to approve the license agreements with T-Mobile West Corporation as presented. The motion **CARRIED 5 – 0 – 0.**

14.9 Award of Contract for Special Education Student Supplemental Transportation Services

In early August, 2009 a Request for Proposal (RFP #1557) was issued by the District, soliciting proposals for the provision of transportation services for special education students participating in programs at Mt. Diablo Unified School District, Contra Costa County and Non-Public Schools and programs for the 2009-10 school year. Four (4) proposals were submitted, and subsequently reviewed and assessed by District Special Education and Transportation Services staff. Each of the submitting firms was interviewed by the District evaluation team. Based on the evaluative criteria identified in the RFP itself, staff is recommending that a contract be awarded to Pawar Transportation, LLC for \$342,900.00 for the provision of special education student supplemental transportation services for the 2009-2010 school year.

Member (**Paul Strange**) moved, Member (**Richard Allen**) seconded to approve the contract for Special Education Student Supplemental Transportation Services and increase the budget as recommended. The motion **CARRIED 5 – 0 – 0.**

14.10 Request authorization to submit the 2010-2015 Technology Plan to the California Department of Education

Request authorization to submit the Mt. Diablo Unified School District 2010-2015 Technology Plan to the California Department of Education (CDE). Mt. Diablo Unified is required by CDE to have an approved Technology Plan to be eligible to receive formula, grant and E-Rate funding. The plan is comprised of nine components: district summary, curriculum, professional development, research-based strategies, stakeholder involvement, collaboration with Adult Education, monitoring and evaluation, infrastructure and budget. The following documents served as the framework for the development of the 2010-2015 plan: • No Child Left Behind (NCLB)-Title II Part D “Enhancing Education Through Technology” • National Education Technology Standards (NETS) for students, teachers and administrators • District’s Local

Education Agency (LEA) Plan • Each school's Single Plan for Student Achievement (SPSA), A variety of stakeholders were involved in the development, review and modification of the proposed 2010-2015 Technology Plan. Requests were made to students, staff, parents and community members to provide input and feedback on the technology plan which is available on the district's website and at each school. The plan was reviewed at the following meetings; principal, Technology Integration Leaders (teacher representative at each school), Educational Services, Career Integrated Academic (CIA), and Parent Advisory Committee to gather input to modify and strengthen the plan. Additionally, student representatives from secondary schools met to provide input on how technology can support their learning. If approved by CDE, the plan will be in effect from July 1, 2010 through June 30, 2015. The plan will be revisited and modified annually by Technology Advisory Committee and presented to the school board for approval.

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

Presentations were made by Joe Estrada, Director of Technology & Information Services, Stephanie Roberts, Director of Development/Grant Writer, and Melinda Hall, Director of Curriculum & Instruction.

14.11 Approval of Powerspeak French 4 Course for 2009-10 including satisfaction of a-g and/or AP requirements

Powerspeak provides a computer-based instructional alternative for subjects that do not have sufficient enrollment to offer a traditional course section. This year, there has been an interest in allowing students to take the Powerspeak French 4/AP course in schools where French 4 is not offered. As a result, district teachers have compared the Powerspeak curriculum to the district course of study. Although the College Board has approved Powerspeak French 4/AP as meeting advanced placement requirements, Mt. Diablo teachers disagreed with this conclusion based on their match of the district and course materials. We do recommend approval of the course as satisfying the University of California a-g requirements because it is comparable to other college prep curriculum in the district. Staff further recommends course approval for a one-year period with Mt. Diablo teacher supervision on an independent study or other appropriate basis.

Public Comment

Susan Blumer spoke against the Powerspeak French online course. The following spoke in favor: Chris Steiger-Maquire, Monica Fitzgerald, and Linda Loza.

Member (**Paul Strange**) moved, Member (**Sherry Whitmarsh**) seconded to approve the Powerspeak French 4/AP course for both a-g and AP designation on an on-going basis and also to approve to bring back annually for review. The motion **CARRIED 5 – 0 – 0.**

BOARD REPORTS

Sherry Whitmarsh visited Cambridge and Westwood elementary schools. She encouraged participation for the online voting for district high school games at KTVU.com/Sports focus.

ADJOURN MEETING

The meeting was adjourned at 10:10 p.m.

Richard Nicoll, Interim Superintendent