

MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Tuesday, December 08, 2009 (7:30 PM)

Board Members: Gary Eberhart, Paul Strange, Richard Allen, Sherry Whitmarsh, Linda Mayo (Absent)
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

In closed session the Board discussed: Negotiations, Expulsions, Anticipated Litigation, Existing Litigation (Heathorn v. MDUSD), Public Employee Discipline/Dismissal/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 session.

REPORT OF CLOSED SESSION

In closed session the Board considered information and gave recommendations to staff regarding negotiations, one case of anticipated litigation, one case of employee discipline/dismissal/release complaint, and existing litigation (Heathorn v. MDUSD).

ORGANIZATIONAL MEETING

8.1 Annual Board of Education Organizational Meeting

Education Code Sections 35143 and 72125 require that the governing board of each school district hold an annual organizational meeting. In a year in which a regular election for governing Board members is held, the meeting shall be held on a day within a 15-day period that commences with the date upon which an elected governing board member takes office. Organizational meetings in years which no such regular election for governing Board members is conducted shall be held during the same 15-day period on the calendar. Current Board Policy 9100 calls for the election of a president and vice president at the annual organizational meeting of the Board.

8.2 Elect Board President

Member (**Gary Eberhart**) moved, Member (**Sherry Whitmarsh**) seconded to approve the appointment of Paul Strange as Board President. The motion **CARRIED 4 – 0 – 1. (Mayo, Absent)**

8.3 Elect Vice President

Member (**Sherry Whitmarsh**) moved, Member (**Paul Strange**) seconded to approve the appointment of Gary Eberhart as Board Vice President. The motion **CARRIED 4 – 0 – 1. (Mayo, Absent)**

8.4 Appoint Secretary and establish regular meeting dates, time and location; and adopt certificate of signatures.

Member (**Paul Strange**) moved, Member (**Richard Allen**) seconded to approve the appointment of Dick Nicoll as Board Secretary and establish regular meeting dates, time and location; and adopt certificate of signatures. The motion **CARRIED 4 – 0 – 1. (Mayo, Absent)**

Dick Nicoll presented Gary Eberhart with a Certificate of Accomplishments achieved during his term as Board President.

9.1 Expulsion Recommendation Student 11-10

Member (**Sherry Whitmarsh**) moved, Member (**Richard Allen**) seconded, and the Board voted 4 – 0 – 1 (Mayo, Absent) that Student # 11-10 be expelled from all schools and programs of Mt. Diablo Unified School District and that Student # 11-10 may apply for readmission after June 14, 2010. It is required that Student # 11-10 participate in individual counseling, community service, the COPS Program, the District's Teen Anger Management Workshop and show evidence of a successful school experience prior to applying for readmission.

9.2 Expulsion Recommendation Student 12-10

Member (**Paul Strange**) moved, Member (**Richard Allen**) seconded, and the Board voted 4 – 0 – 1 (Mayo, Absent) that Student # 12-10 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student # 12-10 may apply for readmission after June 14, 2010. It is required that Student # 12-10 participates in individual counseling, community service, the COPS program, the District's Teen Anger Management Workshop, and show evidence of a successful school experience prior to applying for readmission.

9.3 Expulsion Recommendation Student 13-10

Member (**Richard Allen**) Moved, Member (**Paul Strange**) seconded, and the Board voted 4 – 0 – 1 (Mayo, Absent) that Student # 13-10 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student # 13-10 may apply for readmission after June 14, 2010. It is required that Student # 13-10 participate in individual counseling, community service, the COPS Program, the District's Teen Anger Management Workshop and show evidence of a successful school experience prior to applying for readmission.

9.4 Expulsion Recommendation Student 14-10

Member (**Richard Allen**) moved, Member (**Paul Strange**) seconded, and the Board voted 4 – 0 – 1 (Mayo, Absent) that Student # 14-10 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student # 14-10 may apply for readmission after June 14, 2010. It is required that Student # 14-10 participate in individual counseling, community services, the COPS program, the District's Drug and Alcohol Workshop, the District's Teen Anger Management Workshop and show evidence of a successful school experience prior to applying for readmission.

9.5 Expulsion Recommendation Student 15-10

Member (**Paul Strange**) Moved, member (**Richard Allen**) seconded, and the Board voted 4 – 0 – 1 (Mayo, Absent) that Student # 15-10 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student # 15-10 may apply for readmission after June 14, 2010. It is required that Student # 15-10 participate in individual counseling, community service, the COPS Program, the District's Teen Anger Management Workshop, and show evidence of a successful school experience prior to applying for readmission.

9.6 Expulsion Recommendation Student 16-10

Member (**Richard Allen**) moved, Member (**Paul Strange**) seconded, and the Board voted 4 – 0 – 1 (Mayo, Absent) that Student # 16-10 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student # 16-10 may apply for readmission after June,14, 2010. It is required that Student # 16-10 participate in individual counseling, community service, the COPS Program, the District's Teen Anger Management Workshop and show evidence of negative drug testing and a successful school experience prior to applying for readmission.

CONSENT AGENDA

President Eberhart requested that Items 11 and 12 be pulled and brought back for consideration in January.

Member (**Richard Allen**) moved, Member (**Paul Strange**) seconded to approve all remaining items on the Consent Agenda as presented. The motion **CARRIED 4 – 0 – 1. (Mayo, Absent)**

10.2 (Item 2) Minutes of the November 10, 2009 Board meeting.

10.3 (Item 3) Minutes of the November 17, 2009 Board meeting.

10.4 (Item 4) Minutes of the November 20, 2009 Board meeting.

10.5 (Item 5) Recommended Action for Certificated Personnel

Changes in status of certificated employees.

10.6 (Item 6) Internship Contract Agreement with Brandman University (formerly Chapman University) for the term of January 1, 2010 until January 1, 2012.

The purpose of this agreement is to engage the Mt. Diablo Unified School District and Brandman University in a partnership to support student interns in their progress toward full state certification and retention as highly qualified teachers.

10.7 (Item 7) Approval of Variable Term Waiver Requests

Variable term waivers provide applicants with additional time to complete certain requirements for the credential that authorizes the service. The waiver request is made when there is not a properly credentialed person available for the position. All requests for a Variable Term Waiver must be presented for approval to the governing board of a public school district. Every waiver request submitted to the Commission on Teacher Credentialing must include verification that a notice of intent to employ the named applicant in the identified position has been made public.

10.8 (Item 8) Increase in Full Time Equivalent Position (FTE) for the 2009-2010 school year.

This FTE is requested to be added to the General Purpose Funds for the 2009-2010 school year: Ygnacio Valley Elementary: Psych Intern .40 FTE

10.9 (Item 9) Increase in Full Time Equivalent Position (FTE) for the 2009-2010 school year.

This FTE is requested to be added to Categorical Funds for the 2009-2010 school year: Northgate High: Teacher .20 FTE

10.10 (Item 10) Recommended Action for Classified Personnel

Changes in status of classified employees.

10.11 (Item 12) Classified Personnel: Create a Part-time Site Technology Support Technician I Position for Ygnacio Valley Elementary School

Ygnacio Valley Elementary School has requested the creation of an eight (8) hour/week, 10 month/year Site Technology Support Technician I position.

10.12 (Item 13) Classified Personnel: Increase and Transfer of Funding for 3.625 FTE Special Education Assistant Positions.

Special Education is requesting the creation of 3.625 FTE Special Education Assistants due to newly enrolled and recently diagnosed students with intensive medical/behavioral needs. Special Education is planning to transfer employees to the new positions: 1. One 30 hour/week; SEA2/CLS at Shadelands (#25998) 2. One 30 hour/week; SEA2/CLS at Shadelands (#25244) 3. One 30 hour/week; SEA2/CLS at Shadelands (#24161) 4. One 30 hour/week; SEA2/CLS at Shadelands (#23801) 5. One 25 hour/week; SEA2/CLS at Robert L. Shearer PK (#15500).

10.13 (Item 14) Fiscal Transactions for the months of October and November 2009.

Vendor warrant reports and vendor cancellations warrant report for October and November 2009. Payments have been made to meet the district's obligations for salaries, benefits, supplies, contract services, equipment, capital improvements and other outgo.

10.14 (Item 16) Approve the Purchase of Two (2) School Buses with Wheelchair Accommodations

An increase in the number of wheelchair students requiring transportation has created the need to purchase two (2) Type II buses with capacity for two (2) or more wheelchair students as well as ambulatory students. Staff is requesting award to A-Z Bus Sales, Inc., for a total value of \$142,225.36. The award will be made

"piggybacking" on the Waterford Unified School District's Bid Number 01/09. The District may "piggyback" on the contract per Public Contract Code 20118.

10.15 (Item 17) Contract for Maintenance of District's Measure C phone systems and voice mail.

Since 2003 Measure C and the Telecommunications budget have installed new NEC phone systems at all but seven schools in the Mt. Diablo School District. The warranty on the systems has or will be expiring, and we need to enter into a contract with Professional Convergence Solutions for Maintenance support. PCS has agreed to maintain the same price as last year even though they will be maintaining more phone systems. Maintenance on phone systems \$40,800 Maintenance on voice mail \$11,250.

10.16 (Item 18) Award of Contract for Geotechnical Engineering Study and Geologic Hazards Report for New Classrooms at Concord and College Park High Schools

A Geotechnical Engineering Study report must be completed for the new Board-approved classrooms at Concord and College Park High Schools. Additionally, Title 24 of the California Building Code requires preparation of Geologic Hazard reports for this type of construction. Staff is recommending the award of a professional services contract to Geosphere Consultants, Inc., for a not to exceed cost of \$21,600.00 for the preparation and submittal of these mandated reports. The scope of services to be provided under this contract includes, but is not limited to the assessment of all geotechnical and geologic data relative to the proposed building sites, field exploration and borings, soil sampling, all necessary testing, the preparation of all requisite reports and submittals and provision of consultation services during construction plan review.

10.17 (Item 19) Award of Inspector of Record (Project Inspector) Contract

The services of a State Certified Inspector of Record (Project Inspector) are required to oversee, inspect and to verify that the installation of the new, Board-approved Classrooms at Riverview Middle School is conducted in compliance with all DSA approved drawings, specifications and applicable codes and regulations. Staff is recommending that a contract be awarded to Alisha Jensen for a not to exceed fee of \$55,440.00 for the provision of said services.

10.18 (Item 20) Final Deductive Change Order for Bid #1534/Contract C-887

On January 13, 2009 the Board of Education awarded Bid # 1534 to Taber Construction, Inc. for \$5,340,950.00 for the provision of the removal of existing mechanical systems and the installation of new heating, ventilating and air conditioning systems at Fair Oaks and Shore Acres Elementary Schools, Pleasant Hill Middle School and Olympic High School. As a result of value engineering and a savings on unit pricing allowances staff was able to negotiate a final deductive change order for \$180,886.00. This deductive change order resulted in a final, decreased contract value of \$5,160,084.00. The budget for this particular project was \$10,232,252.00.

10.19 (Item 21) Final Additive Change Order for Bid #1546/Contract C-890

On May 26, 2009, the Board of Education awarded Bid #1546 to B Bros Construction, Inc, for a contract value of \$264,000.00, for the Installation of Playground Improvements at Cambridge, Meadow Homes, Sequoia, Strandwood and Valhalla Elementary Schools. As a result of an unforeseen need, 1) to remove excess, decomposed Fibar surfacing material in several over-excavated playboxes, and 2) redevelop grades and bases in these over-excavated areas, it is necessary to issue a single, final additive change order in the amount of \$25,908.87. This single, final change order will increase the original contract value of \$264,000.00 to a revised, final value of \$289,908.87.

10.20 (Item 22) Final Additive Change Order for Bid #1547/Contract C-891

On May 26,2009, the Board of Education awarded Bid #1547 to B Bros Construction, Inc., for the Installation of Playground Improvements at Mt. Diablo, Shore Acres, Sun Terrace, Wren Avenue and Ygnacio Valley Elementary Schools. As the result of an unforeseen need, 1) to remove excess, decomposed fibar in several over-excavated playboxes, and 2) redevelop grades and bases in these over-excavated areas, it is necessary to issue a single, additive final change order in the amount of \$16,084.94. This single, final change order will increase the original contract value of \$231,000.00, to a revised, final value of \$247,084.94.

10.21 (Item 23) Final Additive Change Order for Bid #1556/Contract C-896

On August 11, 2009, the Board of Education ratified the Award of Bid for Bid #1556/Contract C-896 for \$284,900.00 to Robertson Industries, Inc., for the Installation of Pour-in-Place Rubberized Surfacing at Cambridge, Meadow Homes, Mt. Diablo, Sequoia, Shore Acres, Strandwood, Sun Terrace, Valhalla, Wren Avenue and Ygnacio Valley Elementary Schools. As a result of 1) installation variances and staff's decision to increase surfacing square footage/fall zones; and 2) and a post-award decision to add Aliphatic Binder to the surfacing blend at several sites, a single, final additive change order in the amount of \$28,666.25 is necessary. This single, final change order will increase the original contract amount of \$284,900.00 to a final contract value of \$313,566.25. The budget for this particular project was \$585,000.00.

10.22 (Item 24) Notice of Completion for Bid #1534/Contract C-887

Bid No. 1534 was called to provide for the Removal of Existing Mechanical Systems and Provide New Heating, Ventilation and Air Conditioning at Fair Oaks and Shore Acres Elementary Schools; Pleasant Hill Middle School; and Olympic High School. The lowest responsible, responsive bidder was Taber Construction, Inc., awarded on January 13, 2009, for the bid award amount of \$5,340,950.00. The scope of work included, but was not limited to: selective demolition and construction necessary for the installation and support of new heating and air conditioning in existing buildings. Work includes no less than site work, architectural, structural, plumbing, mechanical and electrical work as indicated in the drawing and specifications. Generally, these categories of work involve site work for installation of new exterior utility services or equipment, interior and exterior building material demolition and alteration, architectural finishes/features patching and painting, demolition and/or modification and/or relocation of existing cabinetry and casework, roof covering demolition and patching, interior and exterior finish patching and painting, plumbing and mechanical work for installation of District furnished heating, ventilation and air conditioning equipment. Additionally, electrical and low voltage demolition, alteration and new work for this same equipment is a responsibility of the contractor. There was a single, deductive change order of \$180,866.00 which will result in a decreased, final contract value of \$5,160,084.00. The budget for this project was \$10,232,252.00.

10.23 (Item 25) Notice of Completion for Bid #1546/Contract C-890

Bid #1546 was called to provide the Playground Improvements at Cambridge, Meadow Homes, Sequoia, Strandwood and Valhalla Elementary Schools. The lowest responsible bidder was B Bros Construction, Inc., for the bid award amount of \$264,000.00. The scope of work included, was but was not limited to: removal and disposal of existing playground structure and playbox. Grading of existing and installation of owner supplied equipment. Contractor was responsible for the receiving of delivered equipment. There was an additive final change order on this project in the amount of \$25,908.87. Work and services for this project have been satisfactorily completed for a total expenditure of \$289,908.87. The budget for this project was \$1,500,000.00.

10.24 (Item 26) Notice of Completion for Bid #1547/Contract C-891

Bid #1547 was called to provide the Playground Improvements at Mt. Diablo, Shore Acres, Sun Terrace, Wren Avenue and Ygnacio Valley Elementary Schools. The lowest responsible bidder was B Bros Construction, Inc., for the bid award amount of \$231,000.00. The scope of work included, was but was not limited to: removal and disposal of existing playground structure and playbox. Grading of existing and installation of owner supplied equipment. Contractor was responsible for the receiving of delivered equipment. There was an additive final change order on this project in the amount of \$16,804.94. Work and services for this project have been satisfactorily completed for a total expenditure of \$247,084.94. The budget for this project was \$1,500,000.00.

10.25 (Item 27) Notice of Completion for Bid #1556/Contract C-896

Bid #1556 was called to provide the Pour-in-Place Rubberized Surfacing at Cambridge, Meadow Homes, Mt. Diablo, Sequoia, Shore Acres, Strandwood, Sun Terrace, Valhalla, Wren Avenue and Ygnacio Valley Elementary Schools. The lowest responsible, responsive bidder was Robertson Industries, Inc., for the bid award amount of \$284,900.00. The Board of Education ratified the award to Robertson Industries, Inc., on August 11, 2009. The scope of work included, but was not limited to the following: installation of 3-1/2" of

rubberized pour-in-place surfacing. There was a single, final additive change order in the amount of \$28,666.25 Work and services for this project have been satisfactorily completed for a total expenditure of \$313,566.25. Budget for this project: \$585,000.00.

10.26 (Item 28) Request to submit a California Partnership Green Academy Planning grant for Concord and Clayton Valley High School.

Staff requests permission to submit a California Partnership Green Academy Planning grant to the California Department of Education for funding to support the development of two new academies; one at Concord High School and the other at Clayton Valley High School. This grant will support the development of smaller learning community structures and instructional strategies that address core academics, learner engagement, career relevancy and personal skill development. This grant is aligned and supports the district's Career Integrated Academics policy to assist students to be college and work ready when they graduate from high school. The grant provides funding for personnel to coordinate, develop and implement the program, professional development, consultation and planning for teachers, as well as program supplies and materials. If funded, the grant will provide \$29,000 for planning in 2009-10, \$42,000 year one, \$72,000 year two and \$81,000 year three for a total of \$224,000 per school. This is a combined total of \$448,000 over four years.

10.27 (Item 29) Mt. Diablo Adult Education requests permission to enter into a Memorandum of Understanding with Catholic Charities of the East Bay (CCEB) for the purpose of adult education providing an English as a Second Language (ESL) – Early Childhood Education (ECE) class, as a “bridge” class for intermediate level and above ESL students to prepare for entry into community college in order to pursue courses in Early Childhood Education.

CCEB would like Mt. Diablo Adult Education to provide an English as a Second Language (ESL) – Early Childhood Education (ECE) “bridge” class for intermediate level and above ESL students in the Monument Corridor for the express purpose of preparing these students to enroll at local Contra Costa County Community Colleges to pursue licensing/credentialing in Early Childhood Education (ECE). The program is to be provided at the First 5 Contra Costa Center at 1736 Clayton Rd., Concord, California 94520, commencing Monday, January 11, 2010 and continuing until Wednesday, July 30, 2010. Curriculum will be provided by CCEB and the teacher delivering said curriculum will be employed by Mt. Diablo Adult Education.

10.28 (Item 30) Withdrawal from the Schools Excess Liability Fund (SELF) Excess Liability Program effective July 1, 2010.

The Mt. Diablo Unified School District (“District”) is required to give notice of withdrawal to SELF. A Board Resolution must be received by SELF by close of business on December 31, 2009. If the District decides to rejoin SELF, a New Member Excess Liability application must be completed before June 30, 2010. A three-year commitment to remain with SELF would apply if the District rejoins. Withdrawing from SELF will allow the District to seek alternative quotes. The Excess Liability policy increased 33.5% effective on July 1, 2009.

CONSENT ITEMS PULLED

The following items were not voted on. They will be returned for consideration in January.

11.1 (Item 11) Classified Personnel: Reduction in Hours of one (1) Part-time Assistant to the Hearing Impaired Position at Westwood Elementary School

Special Education is requesting a reduction in hours for an Assistant to the Hearing Impaired position from 30 hour/week, to 20 hour/week, School Day Only at Westwood Elementary School. (#16431).

11.2 (Item 15) Monthly Budget Transfers and/or Budget Increases/Decreases For the Months of July, August, September, and October 2009.

The Budget Revision Report by Fund reflects the First Interim Report for July, August, September and October 2009. These transactions are routine in nature and are an established practice of the District's operational procedures. Some revisions are a result of prior Board actions, changes in grant awards and changes in funding. Donations have been made to the district by private individuals and businesses. There are also deposits for payments to school sites for lab fees and other items for which the sites collect money.

The appropriate revenue and expenditure budgets have already been increased by the amount of the donations.

PUBLIC COMMENT

Jim Koutsoubinas, representing College Park High athletics, spoke in support of after-school sports. He asked the Board to place Spring sports on the next agenda for consideration. On behalf of the Public Employees Local One CST Unit, James Jones, Business Agent, announced that the Sunshine proposal for contract negotiations was being presented.

COMMUNICATIONS

Ron Hansen, President of Public Employees Local One Maintenance and Operations, spoke on behalf of Judy Armstrong, President of the Local One CST Unit and presented a donation of \$1,000 from the CST Unit to the Special Education department for special education students. Mike Noce, President of the Mt. Diablo Education Association (MDEA) recognized the Board for accepting the MDEA sunshine proposal.

STUDENT REPRESENTATIVES

The following students reported on activities at their schools. Jennie Butler, Clayton Valley High; Brandon Bratcher and Sammy King, Ygnacio Valley High; Ariana Carpenter, Nueva Vista/Summit; Tericca Rosado, Olympic; Jinny Sun, Northgate; David Carson and Sonya Renteria, Prospect; Mike Sullivan and Morgan Vlanancic, College Park High; Araceli Montoya and Kiara Nuno, Mt. Diablo High; Gianna Faulk, Concord High.

REPORTS/INFORMATION

Alex Evans from EMC Research, and Jared Boigon from TBWB Strategies, presented a report on the parcel tax public opinion poll.

SUPERINTENDENT'S REPORT

Dick Nicoll shared pictures from Pine Hollow's "Jessica" fundraising event.

BUSINESS/ACTION ITEMS

17.1 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: Wendy Citron

Member (**Paul Strange**) moved, Member (**Richard Allen**) seconded to approve the new member as presented. The motion **CARRIED 4 – 0 – 1. (Linda Mayo, Absent)**

17.2 Request Board approval of proposed Athletic Advisory Committee.

In response to the Board recommendation at the June 30, 2009, Board Meeting, item 9.12 Establishment of an Athletic Advisory Committee, a proposed athletic Advisory Committee has been created. The Athletic Advisory Committee will establish quarterly meetings and submit reports to the Board of Education when appropriate.

Member (**Paul Strange**) Moved, Member (**Sherry Whitmarsh**) seconded to approve the establishment of the Athletic Advisory Committee and direct committee to prepare recommendation regarding continuation of Spring sports as soon as possible. The motion **CARRIED 4 – 0 – 1. (Mayo, Absent)**

17.3 Opportunity for public response to Mt. Diablo Education Association (MDEA) and the Board's Successor Agreement proposals.

At the November 17, 2009 meeting, Mt. Diablo Education Association (MDEA) and the Board's Successor Agreement proposals were publicly presented. We are now presenting these proposals for public response.

Board Comment: President Eberhart stated that with the state budget news becoming progressively worse for the school district, he recommended that the Board opt to table this item before signing a three year contract until additional information about the budget is available.

Member (**Gary Eberhart**) moved, Member (**Richard Allen**) seconded to approve the motion to table the Mt. Diablo Education Association (MDEA) and Board's successor agreement proposals. The **motion CARRIED 3 – 1 – 1. (Whitmarsh, No) (Mayo, Absent)**

Board Point of Privilege Comment

Paul Strange stated that the decision to table this item does not have a significant financial impact on the district one way or the other. The district would be in the same position if we had moved forward under the terms of the current agreement proposal. The district would still have to stand by the financial, legal and language aspects of the contract until such time as a new successor agreement is obtained. Operating under the terms of the current agreement, we would still be required to make budget cuts.

17.4 Opportunity for public response to Public Employees Union, Local One (M&O) and the Board's Successor Agreement proposals.

At the November 10, 2009 meeting, Public Employees Union, Local One (Maintenance, Operations, and Facilities/Transportation/Landscape/Warehouse/Food and Nutrition Services/Technology and Information Services/Substitute Custodian and School Bus Driver units) and the Board's Successor Agreement proposals were publicly presented. We are now presenting these proposals for public response.

Member (**Richard Allen**) moved, Member (**Paul Strange**) seconded to provide opportunity for public response to Public Employees Union, Local One (M&O) and the Board's Successor Agreement proposals and formally adopt the District's initial proposal. The motion **CARRIED 4 – 0 – 1. (Mayo, Absent)**

17.5 2008-09 Audit Report

Christy White, from Nigro, Nigro & White, presented the 2008-09 Audit Report.

Member (**Paul Strange**) moved, Member (**Sherry Whitmarsh**) seconded to approve the Audit Report for the year ending June 30, 2009. The motion **CARRIED 4 – 0 – 1. (Mayo, Absent)**

17.6 First Interim Report

The District presents its First Interim Report covering transactions through October 31, 2009. This report, upon board approval, will be filed with the County Office of Education by December 15, 2009.

Bryan Richards presented the First Interim Report.

Member (**Paul Strange**) moved, Member (**Richard Allen**) seconded to approve the First Interim Report as presented. The motion **CARRIED 4 – 0 – 1. (Mayo, Absent)**

17.7 Budget Reductions

The First Interim Report identifies a significant shortfall in the year 2011-12 that must be addressed. Balancing the budget will require additional reductions beyond those already approved by the Board of Education. Staff recommends consideration of reductions for the 2010-11 school year beginning with the January 12 Board Meeting.

Dick Nicoll presented the budget reduction list of items totaling \$17 million.

Board Discussion:

Gary Eberhart stated that Items 13, 14, 15, & 16 on the list all have to be negotiated. He shared that health care costs go up about \$2 million a year and that we need to find a way to get control of costs. He suggested that the Health Care committee and bargaining units work together. He asked staff to provide an analysis on positions that were cut previously and any subsequent costs that may have incurred. He stated that each recommended item be looked at closely and work with the community.

17.8 Request approval to adopt Sixth Grade Physical Education Course of Study

A committee of Sixth Grade Physical Education Teachers and the Curriculum Specialist met to revise the Sixth Grade Physical Education Course of Study to align it with the California Content Standards for Sixth Grade Physical Education. This course provides students the opportunity to learn through a developmentally appropriate, comprehensive sequentially planned physical education program aligned with the Physical Education Model Content Standards for California Public Schools. In sixth grade, the content standards emphasize working cooperatively to achieve a common goal. Presented at the November 10, 2009 meeting for information only.

Member (**Paul Strange**) moved, Member (**Richard Allen**) seconded to approve the adoption of Sixth Grade Physical Education Course of Study as presented. The motion **CARRIED 4 – 0 – 1. (Mayo, Absent)**

17.9 Request approval to adopt Seventh Grade Physical Education Course of Study

A committee of Seventh Grade Physical Education Teachers and the Curriculum Specialist met to revise the Seventh Grade Physical Education Course of Study to align it with the California Content Standards for Seventh Grade Physical Education. This course provides students the opportunity to learn through a developmentally appropriate, comprehensive sequentially planned physical education program aligned with the Physical Education Model Content Standards for California Public Schools. The focus of this course is the application of movement skills and knowledge to individual and group physical activities. Presented at the November 10, 2009 meeting for information only.

Member (**Sherry Whitmarsh**) moved, Member (**Paul Strange**) seconded to approve the adoption of Seventh Grade Physical Education Course of Study as presented. The motion **CARRIED 4 – 0 – 1. (Mayo, Absent)**

17.10 Request approval to adopt Eighth Grade Physical Education Course of Study

A committee of Eighth Grade Physical Education Teachers and the Curriculum Specialist met to revise the Eighth Grade Physical Education Course of Study to align it with the California Content Standards for Eighth Grade Physical Education. This course provides students the opportunity to learn through a developmentally appropriate, comprehensive sequentially planned physical education program aligned with the Physical Education Model Content Standards for California Public School. In Eighth grade, the content standards emphasize working as a team to solve problems. Presented at the November 10, 2009 meeting for information only.

Member (**Paul Strange**) moved, Member (**Richard Allen**) seconded to approve the adoption of Eight Grade Physical Education Course of Study as presented. The motion **CARRIED 4 – 0 – 1. (Mayo, Absent)**

17.11 Award of Bid #1558

Bid No. 1558 was called to provide the Site Work and Classroom Construction at Riverview Middle School. The lowest responsible, responsive bidder is Magnum Construction, Inc., for the total amount of \$702,195.00 (base bid of \$697,995.00 and alternate #1 of \$4,200.00). The scope of work includes, but is not limited to: all portions of Increment I and portions of Increment II. Including site work, concrete paving, asphalt concrete, new construction, electrical, mechanical, finishes, and protection and fencing. Budget for this project is \$1,400,000.00.

Member (**Paul Strange**) moved, Member (**Sherry Whitmarsh**) seconded to approve the Award of Bid #1558 as presented. The motion **CARRIED 4 – 0 – 1. (Mayo, Absent)**

17.12 Approve contract between Mt. Diablo Unified School District (MDUSD) and Maxim Healthcare Services, Non Public Agency (NPA), for the 2009-2010 school year.

Non Public Agencies are used by Special Education and Section 504 in the provision of specialized health care services. Services include diabetic monitoring, catheterizations, and other medically prescribed procedures. NPA's assist the District in assuring compliance with all applicable federal and state laws and

regulations. The NPA contract provides the costs required at this time for the 2009-2010 school year. After a review of services and requirements the contract is being brought forward for approval. Prior approval of positions within the district will considerably reduce the amount spent on contracted services.

Member (**Paul Strange**) moved, Member (**Sherry Whitmarsh**) seconded to approve the Maxim Healthcare Services contract as presented. The motion **CARRIED 4 – 0 -1. (Mayo, Absent)**

17.13 Approval of contract with the Marine Science Institute to provide the Discovery Voyage Program aboard the Research Vessel Brownlee to the 5th grade students for the 2009-2010 school year.

The Mt. Diablo Unified School District began contracting with the Marine Science Institute to provide the Discovery Voyage Program in 2003 when the Crago was retired. The program is jointly sponsored by the Mt. Diablo Unified School District, Contra Costa Water District, Delta Diablo Sanitation District, Contra Costa Sanitation District, the Dean and Margaret Leshner Foundation and Dow Chemical. Last year the program involved 41 trips, 105 teachers, and 2,672 5th grade students.

Member (**Paul Strange**) moved, Member (**Sherry Whitmarsh**) seconded to approve the Marine Science Institute contract as presented. The motion **CARRIED 4 – 0 -1. (Mayo, Absent)**

17.14 Contract for School Loop to utilize free school web page development and hosting.

School Loop is a company that provides free easy to develop web pages and hosting services. Many schools do not have access to funding or personnel to ensure their web pages are available and up to date. School Loop provides such services at no cost to the District.

Member (**Paul Strange**) moved, Member (**Richard Allen**) seconded to approve the School Loop contract as presented. The motion **CARRIED 4 – 0 – 1. (Mayo, Absent)**

17.15 Contract for new primary Domain Name Service NeuStar.

The registrar for the K12.CA.US domain has been changed to Neustar inc. (www.neustar.com). Neustar Inc., under contract to the US. Department of Commerce, has been given responsibility for the .us name space, which includes k12.ca.us. Ultimately this will have little, if any, affect to current domain ownerships. It does mean that any school district or County Office of Education that currently uses .k12.ca.us must submit the following documentation to Neustar. · Signed letter (city/organization letterhead) requesting the update or change. · A completed template signed and notarized by a notary public. · A completed .US Domain Registration Agreement.

Member (**Paul Strange**) moved, Member (**Sherry Whitmarsh**) seconded to approve the Domain Name Service NeuStar contract as Presented. The motion **CARRIED 4 – 0 – 1. (Mayo, Absent)**

17.16 Request for increase in funding of a previously approved contract and purchase order with My Therapy Company.

Due to the inability to hire qualified speech-language pathologists (SLP) to fill all vacancies, the Special Education Department has had to use Independent Contractors in the provision of direct and consultative services in Mt. Diablo Unified School District (MDUSD) to meet student's Individualized Education Program (IEP) requirements. A contract and purchase order for My Therapy Company in the amount of \$24,500.00 was approved on September 23, 2009 to provide a bilingual speech language pathologist for the school year 2009-2010. We will need an additional \$77,420.00 for the remainder of the school year bringing the contract to \$101,920 for the 2009-2010 school year.

Member (**Paul Strange**) moved, Member (**Sherry Whitmarsh**) seconded to approve the increase in funding of contract and purchase order with My Therapy Company. The motion **CARRIED 4 – 0 – 1. (Mayo, Absent)**

17.17 Recession of Elimination of Data Base Administrator Position

The Data Base Administrator position is scheduled for elimination effective June 30, 2010. This position is pivotal as it is dedicated to support implementation and maintenance of the California Longitudinal Pupil

Achievement Data Systems(CALPADS)program as required by SB1453 and NCLB mandates. Failure to maintain and submit accurate and timely demographic, program, local enrollment, resolution of Statewide Student Identifiers (SSID) and exit data to CALPADS will result in significant financial consequences for the District. As a result of Mt. Diablo Unified's participation in the "Best Practices Cohort Project", jointly administered by the Fiscal Crisis and management Team (FCMAT) and California School Information Services (CSIS), Mt. Diablo Unified is eligible to receive \$303,679.35 to be used for costs associated with building local data management capacity. Staff is requesting that the elimination of the Data Base Administrator position be rescinded and that \$92,314.00, (the full cost of extending the Data Base Administrator position through June 30, 2011), be transferred from the CSIS budget (Program 3788) to the Student Information Budget(Program 5090). There is no impact to the General Fund.

Board Discussion:

Board recommended that the item be tabled and that staff provide more backup information.

Member (**Sherry Whitmarsh**) Moved, Member (**Paul Strange**) seconded to approve the motion to table the item until on or about March 15, 2010 and allow staff time to return with more information. The motion **CARRIED 4 – 0 – 1. (Mayo, Absent)**

17.18 Call for Nominations for California School Board’s Association (CSBA) Delegate Assembly

Nominations for CSBA’s Delegate Assembly will be accepted until January 7, 2010. Any CSBA member K-12 school district is eligible to nominate Board members within their geographic region or subregion. Each Board may nominate as many individuals as it chooses. All nominees must serve on a CSBA member board. CSBA delegates serve two-year terms. Those elected will serve from April 1, 2010, through March 31, 2012.

No action taken

17.19 Appointment to California School Board’s Association (CSBA) Delegate Assembly

Based on the Average Daily Attendance (ADA) of the Mt. Diablo Unified School District, the board is entitled to two representatives to CSBA’s Delegate Assembly. The delegates have two-year terms, with the positions expiring in alternate years. The position currently held by Gary Eberhart expires in 2010. CSBA has requested the name of the board representative who will serve the term April 1, 2010 through March 31, 2012.

Member (**Paul Strange**) Moved, Member (**Sherry Whitmarsh**) seconded to approve to reappoint Gary Eberhart for the two year term which expires 2012. The motion **CARRIED 4 – 0 – 1. (Mayo, Absent)**

ADJOURNMENT

The meeting was adjourned at 10:19 p.m.

Richard Nicoll, Interim Superintendent