

MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Tuesday, October 25, 2011 (7:00 PM)

Board Members: Gary Eberhart, Sherry Whitmarsh, Linda Mayo, Lynne Dennler, and Cheryl Hansen

Administrative Staff: Superintendent Steven Lawrence, Assistant Superintendents Julie Braun Martin, Mildred Browne, Rose Lock, General Counsel Gregory Rolan, and Chief Financial Officer Bryan Richards

CALL TO ORDER

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

PUBLIC COMMENT

Wendy Lack said she would like to see the District improve transparency by providing public access to the bargaining unit's Memoranda of Understanding on its website.

ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 6:03 p.m. in Room 6 at the Dent Center. In Closed Session the Board discussed negotiations.

RECONVENE OPEN SESSION

The Board returned to open session at 7:04 p.m. in the Board room. President Eberhart led the Pledge of Allegiance and reported action taken in Closed Session.

CONSENT AGENDA

Mayo moved, Whitmarsh seconded, and the Board voted 5-0-0 to adopt the Consent Agenda as presented with the exception of Item #7 (pulled by Mayo) and Item #16 (pulled by Hansen), thereby approving the following:

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

8.3 (Item #3) Recommended Action for Certificated Personnel

8.4 (Item #4) Student Placement Agreement for Furnishing Clinical Experience and the Use of Clinical Facilities with California State University, East Bay

This agreement provides training and clinical experience for School Psychology students in the California State University, East Bay Program.

8.5 (Item #5) Recommended Action for Classified Personnel

8.6 (Item #6) Revision of Job Description for Benefits Specialist

The District is requesting a revision of the job description for Benefits Specialist and to change the job from the CST Bargaining Unit to the Confidential Unit. The incumbent in this position performs highly technical and confidential work including working with each bargaining unit on their health benefits. Moving this position to the Confidential Unit more accurately describes the duties involved with this position. This job description was brought to the Board on October 11, 2011 for information only. It is now being brought forward for approval.

8.7 (Item #8) Contract Amendment: LSA Associates, Inc.

On June 28, 2011 the Board of Education awarded a professional services contract in the amount of \$47,440.00 to LSA Associates, Inc. for the provision of requisite CEQA (California Environmental Quality Act) 7consulting services related to the Board-approved Stadium Lighting project at Ygnacio Valley High School. Subsequently, the site indicated that they wished to expand project scope by adding a permanent public address system to the project. On September 27, 2011 the Board amended an existing design contract to incorporate this requested additional scope. So as to insure that the addition of the proposed public address system is properly analyzed and incorporated

in the CEQA process and associated documentation staff has negotiated a 'not to exceed' fee of \$5,530.00 with LSA Associates, Inc. for the provision of all consulting services necessary to adequately address the inclusion of the public address system in the greater lighting project. This contract amendment would increase the original contract value from \$47,440.00 to a revised contract value of \$52,970. The budget for this particular project is \$537,500.00

8.8 (Item #9) Contract Amendment for Engineering Consulting Services: Newcomb, Anderson and McCormick

On October 12, 2010 the Board of Education awarded a contract to Newcomb, Anderson and McCormick for the provision of engineering consulting services in support of the District's solar program. This contract was subsequently amended by the Board on March 15, 2011 to a revised contract value of \$88,660.00. Staff is now requesting approval of a contract amendment in the amount of \$30,000.00 for the provision of additional engineering and savings/performance verification services including those services associated with the modified Increment 3 designs. This contract amendment will result in a revised contract value of \$118,660.00.

8.9 (Item #10) Request to Approve Independent Services Contracts for Events to the T, Inc.

Concord High School and Clayton Valley High School are requesting that the District approve Independent Services Contracts for Events to the T, Inc., an event planning service, as follows: Concord High School - Junior/Senior Ball - \$13,000 Clayton Valley High School - Junior Prom - \$24,500 Clayton Valley High School - Senior Ball - \$13,500 Total amount of services: \$51,000 These events are for the 2011-12 school year.

8.10 (Item #11) Approval of Contract with Marin County Office of Education Outdoor School at Walker Creek Ranch for Valhalla Elementary School

Students at Valhalla Elementary School will participate in the Marin County Outdoor School Program at Walker Creek Ranch in Petaluma, CA April 2-5, 2012. Because several elementary schools attend Walker Creek, cumulative costs will exceed \$25,000, thus Board approval is required.

8.11 (Item #12) Approval of Contract with Exploring New Horizons for Bancroft Elementary School

Students at Bancroft Elementary School will participate in Exploring New Horizons (ENH) Outdoor Education Program at Camp Loma Mar November 14-17, 2011. Board approval is required because several schools contract with ENH, thus exceeding the \$25,000 limit.

8.12 (Item #13) Approval of Contract with Exploring New Horizons for Monte Gardens Elementary School

Students at Monte Gardens Elementary School will participate in Exploring New Horizons (ENH) Outdoor Education Program at Camp Loma Mar November 28 - December 2, 2011. Board approval is required due to several schools contracting with ENH, thus exceeding the \$25,000 limit.

8.13 (Item #14) Approval of Contract with Exploring New Horizons for Valle Verde Elementary School

Students at Valle Verde Elementary School will participate in Exploring New Horizons (ENH) Outdoor Education Program at Camp Loma Mar November 15-18, 2011. Board approval is required because several schools contract with ENH, exceeding the \$25,000 limit.

8.14 (Item #15) The WRITE Institute Contract

The WRITE Institute (San Diego County Superintendent of Schools), will send two trainers for three (3), two (2) day sessions during the 2011-2012 school years (dates to be determined), to deliver professional development for up to sixty (60) teachers from Meadow Homes Elementary School and Fair Oaks Elementary School. The training will offer culturally-linguistically responsive pedagogy and the first units of materials to successfully teach writing. The trainers will bring their own presentation materials and provide the instructional resources needed by teachers to deliver the instruction.

8.15 (Item #17) Revision of Administrative Rule: AR 6184.1

Draft Administrative Rule: AR 6184.1 was presented to the Board of Education on October 11, 2011. Mt. Diablo Unified has transitioned to Aeries and SEIS, electronic student information databases. This administrative rule has been revised to reflect use of these systems and will provide more security for student cumulative files. This item is returned for board approval.

8.16 (Item #18) Approve grant submission to the Pleasant Hill Community Foundation for Gregory Gardens

Staff requests authorization to submit a grant to the Pleasant Hill Community Education Foundation for Gregory Gardens Elementary. Michele Miller, 5th grade teacher and Director of the Great Gators Theater program at Gregory Gardens has developed an exemplary theater program for students. She has dedicated her time and effort to continuing to strengthen, grow and ensure performing arts opportunities are available to Gregory Garden students. These funds would pay for a "Follow Spot Light" to improve the school's stage lighting for student performances. If funded, the grant will provide \$1,000 for the 2011-12 school year.

8.17 (Item #19) Contract with Resource Development and Associates to complete the Tobacco-Use Prevention Education (TUPE) Grant evaluation

Staff requests approval to enter into a contract with Resources Development and Associates for evaluation services for the 2011-12 school year for the 6th-12th Tobacco-Use Prevention Education (TUPE) grant. RDA served as the evaluator for the TUPE grant for the previous two years. The TUPE grant requires a comprehensive annual evaluation as part of the grant to measure program implementation and effectiveness.

CONSENT ITEMS PULLED FOR DISCUSSION

9.1 (Item #7) Approval of Resolution - Native American Heritage Month

The California Department of Education has designated November as Native American Heritage Month. Ms. Mayo read the resolution aloud.

Mayo moved, Whitmarsh seconded, and the Board voted 5-0-0 to adopt Resolution 11/12-22 as presented.

9.2 (Item #16) Contract increase for AA MedTrans and Powar Transportation

This year MDUSD assumed all transportation for MDUSD, County, State and NPS students. Our original contract of \$30,000 for AA MedTrans was based on 1 student being transported. The extensive medical needs of 20 of these students has necessitated transferring students to AA MedTrans for their transportation services. This results in the need to increase the contract by \$386,220. for a total contract amount of \$416,220.00. Powar Transportation was projected to transport 82 students, but with the increase of medical and behavioral needs of the students the ridership has increased to 121 students. Powar's original contract was for \$1,051,029. We are asking to increase the contract by \$297,382. for a total of \$1,348,411.

Hansen moved, Mayo seconded and the Board voted 1-4-0 to table Item #16 until November 8, 2011. Eberhart, Whitmarsh, Mayo and Dennler - no. Motion failed.

Whitmarsh moved, Mayo seconded, and the Board voted 4-1-0 to approve the contract increase as presented. Hansen – no. Motion passed.

STUDENT REPRESENTATIVES

The following student representatives reported on activities at their schools:
Aqieda Bayat, Clayton Valley High; Soroush Aboutaleb, College Park High; Zenet Yahya, Concord High; Adam Avalos, Northgate High; Blake Zappas, Summit/Nueva Vista/TLC; and Sarah Cefalu, Ygnacio Valley High.

PUBLIC COMMENT

Kevin King said the lights under the solar panels at Clayton Valley High shine into his and several neighbors' backyards. He would like some type of damper installed to dim the brightness. President Eberhart asked staff to contact Mr. King.

Debra Mason said she believes that there is misinformation in the backup on the Kaiser Block grant item which .was on the October 11 Board agenda.

COMMUNICATIONS

None

SUPERINTENDENT'S REPORT

13.1 Report on the Progress of the Clayton Valley Charter High School Final Approval

Superintendent Lawrence introduced Deborah Cooksey, Assistant General Counsel, who reported that she and staff met with the charter organizers last Tuesday

Public Comment

Speaking in support of the Clayton Valley High charter school proposal:

Jim Killonan; Leigh Kirmsse; Pat Middendorf, lead petitioner; Ted Meriem; April Winship, parent; Kendall Winship, student; Neil McChesney, lead petitioner; Jae Greenwald; Joe Medrano, Clayton City Council Member; Howard Geller; David Shuey, Mayor of Clayton; Gary Hood; Lynda Rush; Carolyn Obringer, California Charter School Association; Les Garaventa, and Chase Davenport, California Charter School Association .

Speaking against the Clayton Valley High charter school proposal:

John McMorris, Northgate High School Principal; Kish Rajan, Walnut Creek City Council Member; Kate McClatchy, Mt. Diablo High School Principal; Rebecca Jensen, Bill Morones, Ygnacio Valley High School Principal; Gordon Nadeau, Carmel Phillips, Deborah Heinzmann; Monica Fitzgerald; Shuleen Martin; and Cheryl Kolano, Gregory Gardens Principal.

BUSINESS/ACTION ITEMS

14.1 Appointment of Educational Consultant/Behavior Management Specialist

Mayo moved, Hansen seconded, and the Board voted 5-0-0 to appoint Anne Byrne to the position of Educational Consultant/Behavior Management Specialist.

14.2 Appointment of Educational Consultant/Behavior Management Specialist

Whitmarsh moved, Mayo seconded, and the Board voted 5-0-0 to appoint Cheri Worcester to the position of Educational Consultant/Behavior Management Specialist.

14.3 Classified Personnel: Increase of 14.050 Special Education Assistant Full-time Equivalent (FTE)

With the addition of 84 new Special Education students this school year from outside the District, it is necessary to add additional SDC classes and the additional support of Special Education Assistants. A number of these new students come with additional 1:1 support on their IEP's.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve an increase of 14.050 Special Education Assistant FTE as presented.

14.4 Request to Approve Tentative Agreement between Mt. Diablo School Psychologist Association (MDSPA) and Mt. Diablo Unified School District (MDUSD)

This tentative agreement is for the period July 1, 2010 - June 30, 2013.

Mayo moved, Hansen seconded, and the Board voted 5-0-0 to approve the tentative agreement as presented.

14.5 Award of Request for Proposal #1587: Copiers

Request for Proposal (RFP) No. 1587 was called to provide Copiers District Wide. The lowest responsible, responsive bidder is Ikon Office Solutions, for the total amount of \$1,410,960.00. Bidder will furnish rental replacement copiers with full service maintenance agreements at various sites throughout the District in accordance with the terms, conditions and specifications of the bid. Successful Bidder will provide 82 total copiers with the ability to scan, print, copy, and send prints jobs to other copiers. Each copier will have a standard universal print driver and will have a minimum of four (4) paper drawers. Eight companies responded to RFP #1587 and the two copier vendors with the lowest bid proposals were invited for testing of their two mid-level copiers. The copier vendors invited for testing were Toshiba Business Solutions and Ikon Office Solutions. Of the twelve District evaluators, all twelve passed the Ricoh copier and six of the twelve evaluators gave Toshiba a passing grade. Even though Toshiba was the lowest cost, the results of the testing compelled District staff to recommend award of the contract to Ikon Office Solutions, Inc. This is for a five (5) year straight rental agreement meeting District equipment specifications with terms that are most favorable to the District. Cost for the first year is: \$282,192.00 for monthly equipment and service.

Whitmarsh moved, Hansen seconded, and the Board voted 5-0-0 to approve the award of request for proposal as presented.

14.6 Public Hearing and Adoption of the Mt. Diablo Unified School District Special Education Local Plan (SELPA), the Certification of the Revised Annual Service Plan, the California Special Education Management Information System (CASEMIS) Service Descriptions, and the Service Plan Forms for the 2010-2011 School Year

As required by Ed Code Sections 56205, 56205(b)(2) and 56195.7, each SELPA Local Plan document requires a service plan component and a budget plan that are updated annually. In submitting the Local Plan documents, the following is required: the Certification of the Revised Annual Service Plan, and the CASEMIS Service descriptions and the Service Plan Forms for the 2010-2011 school year. These documents are due to the California Department of Education on or before November 1, 2011. Copies of these documents are attached for the Board of Education's review and approval. Due to a court case out of Los Angeles County, the California Department of Education (CDE) is requiring Special Education Local Plan Areas (SELPAs) to revise their 2011-12 Annual Service Plan to include students identified as special education who are in county jails. To document these services, all service plans must contain evidence that the SELPA has arranged for services, as needed, in community, court schools and county jails. SELPAs retain responsibility for services for all identified students to age 22 regardless of the student's placement. Even if the SELPA does not currently have any students in county jails or any other program mentioned above, each SELPA needs to have a plan in place to serve the students. The Annual Service Plan must include a complete detailed description of Special Education Services provided by each district and/or SELPA. The description must include the nature of the services, including related services and the physical location where the services are provided. The Service Plan description must demonstrate that all individuals with exceptional needs have access to services and instruction appropriate to meet their needs as specified in their individual education program. Accordingly, the Mt. Diablo Unified School District SELPA's Annual Service Plan has been updated and revised, as required by the California Department of Education. The completion of the process will be documented by evidence that a SELPA level public hearing has been held to adopt these items. The signed documents will be submitted to the California Department of Education along with evidence that a public hearing was held.

President Eberhart opened the Public Hearing opened at 9:27 p.m. There were no speakers. President Eberhart closed the Public Hearing closed at 9:27 p.m.

Hansen moved, Mayo seconded, and the Board voted 5-0-0 to approve the annual service plan revision as presented.

14.7 Public Hearing regarding Sufficiency of Textbooks and Instructional Materials for 2011/2012 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 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 opened at 9:28 p.m. There were no speakers. President Eberhart closed the Public Hearing at 9:28 p.m.

Whitmarsh moved, Hansen seconded, and the Board voted 5-0-0 to adopt the 2011/2012 Resolution of Sufficiency of Textbooks and Instructional Materials.

14.8 Creation of Fiscal Analyst I position for the 2010 Measure C Facilities Improvement Program

As the 2010 Measure C Program scope evolves to initiate the design/installation of the remaining program facets (HVAC, Technology, Modernization) the demands associated with the fiscal management of the greater program become increasingly complex and time consuming. And as was the case with the 2002 Measure C Program, the need for services associated with the support of this fiscal administration have now increased to the point where a dedicated staff position is necessary to assure the accurate and timely management of the program itself. As such, staff is requesting the creation of a twelve (12) month Fiscal Analyst I position effective 1/1/2012. The cost of this requested position for the 2011-12 Fiscal Year would be \$32,673.00. The cost for this position in the 2012-13 Fiscal

Year would be \$59,268.00. As with all positions funded through the 2010 Measure C Program, the term of this position would not exceed the duration of the program itself.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve the creation of a Fiscal Analyst I position, effective 1/1/2012 as presented.

14.9 Procurement of Classroom Technologies and Surveillance System Enhancements for Concord High School

On June 28, 2011, the Board of Education approved High School Enhancement Projects for each of the comprehensive high schools and Olympic High School. As part of this greater approval, the Board approved the procurement and installation of classroom technologies as well as additional security cameras at Concord High School. Staff is now requesting permission to purchase and install these approved enhancements through Decotech Systems through State of California Multiple Award Schedule ("CMAS") contracts, the 2011 California PEPPM (Pennsylvania Education Purchasing Program for Microcomputers) and as open market items as follows: CMAS #3-07-70-2382A: \$144,901.81 (classroom technology) California PEPPM: \$75,135.38 (classroom technology) CMAS #3-10-70-1602M: \$59,914.74 (classroom technology) CMAS #3-09-70-1602K: \$7,990.25 (surveillance system upgrade) Open Market: \$56,963.43 (classroom technology) The total cost of the procurements is \$344,905.61. The approved budgets for these items were: Proposition 55 Funds- \$32,619.95, 2010 Measure C Funds- \$381,227.72.

Whitmarsh moved, Dennler seconded, and the Board voted 5-0-0 to approve as presented.

14.10 Change of Board Meeting Nights

Every December the Board approves its meeting calendar for the next calendar year. Historically, the District has held its meetings on Tuesday evenings; however, because of other meeting conflicts staff is requesting that the Board consider moving the Board meetings to Monday, Wednesday or Thursday. If the meetings are moved to Monday staff would post agenda and materials by the prior Thursday. If we move the Board meeting to Wednesday or Thursday staff would try to get all Board agenda items posted by the previous Friday. The dialogue tonight is whether the Board is agreeable to moving the night of Board meetings and if so what night. This will allow the District to notify the community of the change in meeting nights several months prior to the actual change.

Presented as information only. This will be brought back to the December 13, 2011 meeting for action.

BOARD MEMBER REPORTS

Ms. Hansen attended the Celebration of Success awards.

Ms. Mayo visited Fair Oaks and Mt. Diablo elementary schools. She also attended the Equity Advisory Team meeting. She shared that Common Sense Media and the California PTA have created a cyber-bullying tool kit. It can be found at www.commonencemedia.org/pta. The Healthy Families Program has created an online registration process. National Education Association (NEA) is actively promoting the Breakfast First Program.

Ms. Dennler attended the Celebration of Success awards. She also joined the English Learner Task Force and attended a meeting last week.

Mr. Eberhart attended the Celebration of Success awards.

Meeting adjourned at 9:52 p.m.