

MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Monday, March 26, 2012 (6:45 PM)

Board Members: Sherry Whitmarsh, Linda Mayo, Gary Eberhart, and Cheryl Hansen. Board Member Lynne Dennler participated via teleconference from 40609 Millrun Road, Shaver Lake, California

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 at 6:00 p.m. in the Board room at the MDUSD Dent Center.

PUBLIC COMMENT

Mike Langley, MDEA

ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 6:01 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 6:47 p.m. in the Board Room. President Whitmarsh led the Pledge of Allegiance and reported action taken in Closed Session.

EXPULSION RECOMMENDATIONS

Expulsion Recommendation Student #19-12

Mayo moved, Eberhart seconded, and the Board voted 5-0-0 that Student #19-12 be expelled from all schools of Mt. Diablo Unified School District and that Student #19-12 may apply for readmission after January 25, 2013. It is required that Student #19-12 participates in twenty (20) hours of individual counseling to address anger, substance abuse and peer relations, complete 30 hours of community service, attend COPS Program for Drugs/Aggression, submit proof of negative drug test, attend District's Anger Management and Drug and Alcohol Workshops, and show evidence of a successful school experience with good attendance and at least 2.0 GPA, and earn 45 credits, prior to applying for readmission.

Expulsion Recommendation Student #20-12

Eberhart moved, Mayo seconded, and the Board voted 5-0-0 that Student #20-12 be expelled from all schools of the Mt. Diablo Unified School District and that Student #20-12 may apply for readmission after January 25, 2013. It is required that Student #20-12 participates in a minimum of 20 hours individual counseling program to address individual decision making skills; completion of 30 hours of community service; completion of the California Offender Program Services (COPS) for Aggressive Offenders; and show evidence of a successful school experience to include good attendance, no suspendible behavior infractions, a minimum of a C average, and 45 credits earned, prior to applying for readmission.

Expulsion Recommendation Student #21-12

Hansen moved, Mayo seconded, and the Board voted 5-0-0 that Student #21-12 be expelled from all schools of Mt. Diablo Unified School District and that Student #21-12 may apply for readmission after March 26, 2013. It is required that Student #21-12 participates in a minimum of 20 hours of individual counseling to address individual decision making skills; complete 30 hours of community service; complete the California Offender Program Services (COPS) for Aggressive Offenders; and show evidence of a successful school experience to include good attendance, no suspendible behavior infractions, a minimum of a C average, and 30 credits earned, prior to applying for readmission.

Expulsion Recommendation Student #22-12

Mayo moved, Eberhart seconded, and the Board voted 5-0-0 that Student #22-12 be expelled from all schools of Mt. Diablo Unified School District and that Student #22-12 may apply for readmission after January 25, 2013. It is required that Student # 22-12 participates in 20 hours of individual counseling to address substance abuse and decision making skills, complete 30 hours of community service, attend California Offender Program Service (COPS) – Drug and Alcohol Offender class, show proof of negative drug test and show evidence of a successful school experience to include good attendance, no suspendible behavior infraction, at least 2.0 GPA and earn 45 credits, prior to applying for readmission.

Expulsion Recommendation Student #23-12

Eberhart moved, Mayo seconded, and the Board voted 5-0-0 that Student #23-12 be expelled from all schools of Mt. Diablo Unified School District and that Student #23-12 may apply for readmission after January 25, 2013. It is required that Student #23-12 participates in 20 hours of individual counseling to address aggressive behavior and decision making skills, 30 hours of community service, completion of California Offender Program Service (COPS)– Aggressive Offender class, completion of MDUSD’s Teen Anger Management Workshop and show evidence of a successful school experience to include good attendance, no suspendible behavior infractions, a minimum of C average, and 30 credits earned, prior to applying for readmission.

CONSENT AGENDA

Mayo moved, Hansen seconded, and the Board voted 5-0-0 to approve the consent agenda as presented with the exception of Items #5 and #11, pulled by Hansen, thereby approving the following:

9.2 (Item #2) Minutes of the meeting of March 12, 2012

9.3 (Item #3) Recommended Action for Certificated Personnel

Changes in status of employees.

9.4 (Item #4) Recommended Action for Classified Personnel

Changes in status of classified employees.

9.5 (Item #6) Disposal of District Surplus Vehicles

Inoperable and/or obsolete vehicles located in the Transportation Department. District staff recommends disposal of the vehicles by means of a public auction because of the condition of the vehicles. The vehicles are no longer suitable for school use. The vehicles are no longer used or no longer working. These items are all valued under \$2,500.00 per item. Please see the attached list of vehicles.

9.6 (Item #7) Award of Bid for Bid #1602 - Locker Replacement at Ygnacio Valley High School

Bid #1602 was called to provide locker replacement at Ygnacio Valley High School. The lowest responsible, responsive bidder is Inner Space Engineering Corporation for the total amount of \$103,525.00. The scope of work includes, but is not limited to: the removal of existing lockers, appropriate modification to the concrete base on which the new lockers will be installed to provide an adequate level surface on which to place the new lockers, touch up painting to match the existing color to provide an even and consistent appearance, provision and installation of new lockers, locks and other items to provide a fully complete project as shown in the district contract documents. The engineer’s estimate for this project is \$140,000.00

9.7 (Item #8) 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 verify that the installation of the new heating, ventilating and air conditioning(HVAC) systems at those sites identified in Phase I of the 2010 Measure C HVAC Improvement Program is completed in full compliance with all applicable codes and regulations. Staff is recommending that a contract be awarded to Alisha Jensen for a not to exceed fee of \$73,440.00 for the provision of said services. Project sites included in this contract are Ayers ES, Sun Terrace ES, Sequoia ES, Mt. Diablo ES, Foothill MS, Valley View MS, Loma Vista Adult Center and the administration building at Concord High School.

9.8 (Item #9) Adoption of the Mandarin I course of study

A committee of high school and middle school teachers and the World Language Coordinator from the SASS department met to develop the Mandarin I course of study. Mandarin I is a performance-based course that begins to develop language fluency. This course is designed as an elective for students and fulfills one year of the World Language/Fine Arts requirement.

9.9 (Item #10) Workforce Investment Act, Title II: Adult Education and Family Literacy Act, Section 231 and the English Literacy and Civics Education (EL Civics) supplemental funding

Mt. Diablo Adult Education (Adult Basic Education, Adult Secondary Education, GED, Adults with Disabilities and ESL) requests authorization to apply for a one year grant under Section 231 and EL Civics Education. The grant is intended to support instruction of students, the purchase of supplementary instructional materials and supplies, provide additional services to expand support(s) for scheduling and the management of classes, expand class locations and transportation, and provide additional staff development and childcare for children of adults attending classes under Section 231 and EL Civics Education.

9.10 (Item #12) Approval to submit and accept the Target Field Trip grant for Riverview Middle School

Staff requests authorization to submit and accept a Target Field Trip grant for \$700 for Riverview Middle School. Staff is proposing to take 150 students to three museums in San Francisco and Oakland. The three museums include The Mexican Museum, De Young Museum, and the Oakland Museum of Art. Riverview Middle School Art Teacher, Annemarie Baldauf hopes to utilize the field trip as a way to integrate course content and provide students with an enriched opportunity and experience. Total grant is for \$700 for the 2011-12 school year. This is a one-year grant.

9.11 (Item #13) Approval to apply for the Dow Chemical Foundation Grant

Riverview Middle School requests approval to apply for the Dow Chemical Foundation Community grant to implement the After School Robotics Enrichment Program. Riverview Middle will use the Lego MINDSTORMS materials to implement the Robotics Program to provide student exposure and access to Science, Technology, Engineering and Mathematics (STEM) curriculum. The Robotics Program will be implemented during the existing Mt. Diablo CARES After School Program which currently serves 110 students each day. The CARES After School Program provides daily academic, enrichment, recreation and nutrition activities from the end of the regular school day until 6:00 p.m. during the school year. If awarded, the grant will be used to purchase a class set of the Lego MINDSTORM materials. The grant will provide \$3,930 for one year.

9.12 (Item #14) Approval of an amended contract between Napa County Office of Education CalSERVES and Mt. Diablo Unified School District CARES After School Program

Staff requests authorization to amend an existing contract approved on October 11, 2011 with the Napa County Office of Education CalSERVES to serve as a subcontractor to implement the Carol White Physical Education Program (PEP) grant. CalSERVES was awarded a three-year PEP grant (2010-13) from the U.S. Department of Education and will serve as the grants fiscal agent. Mt. Diablo Unified School District (MDUSD) CARES After School Program will serve as a subcontractor to CalSERVES to provide expanded physical activity and nutrition education programs within the after school program. Additional funding has become available to support the implementation of the Carol White Physical Education Program (PEP). CalSERVES is requesting MDUSD to expand services and staff time which includes increased communication, meeting time and data collection. To support this enhancement, CalSERVES has increased the existing contract by \$12,083. The original contract was for \$39,200. Funds will be used for program staff, coordination and materials.

9.13 (Item #15) Memorandum of Understanding (MOU) between Mt. Diablo Unified School District' CARES After School Program and STAND! For Families Free of Violence

Staff requests approval to enter into a Memorandum of Understanding (MOU) between Mt. Diablo Unified School District and STAND! For Families Free of Violence to conduct the Promoting Gender Respect leadership workshops at El Dorado Middle School's Mt. Diablo's CARES After School Program. The workshops will be offered over 10-12 weeks and are designed to raise students' awareness of what constitutes healthy and abusive relationships and equip students with skills to develop healthy relationships, including positive communication, anger management and conflict resolution. STAND! will provide a team of trained facilitators to implement the workshops within the after school program as well as use of the Consultant's proven curriculum and material. Mt.

Diablo CARES will provide the facilities, staff and recruitment of students. Parent permission will be obtained for participation. The workshops will be provided at no charge to the school or students.

9.14 (Item #16) Agreement between Mt. Diablo CARES After School Program and the Partnership for Children and Youth to implement the Summer STEM Pilot Project

Staff requests authorization to enter into a contract with The Partnership for Children and Youth (PCY) to implement the Summer Science Pilot Project. The Partnership for Children and Youth is requesting to partner with Mt. Diablo Unified School District (MDUSD) and Oakland Unified to build a set of summer learning programs focused on high quality, project-based science in low-income communities and supported by technical assistance in quality summer programming and in science, technology, engineering, and mathematics (STEM) teaching. The project combines the resources and experiences of PCY's Summer Learning Initiative and Techbridge's Afterschool Science Learning Community. It also links to the statewide STEM initiatives of the California Afterschool Network (CASN) and the California STEM Learning Network (CSLNet). The Summer Science project would serve at least 300 elementary school children for at least 120 hours in each of these two communities. The participating MDUSD sites include; Cambridge, Delta View, El Monte, Fair Oaks and Ygnacio Valley Elementary schools. Sites would be expected to provide at least 90 minutes of science activities per day, as well as physical activity, meals, and other summer camp enrichment activities. The Summer Science Project would be integrated into the existing summer Mt. Diablo CARES After School Program during a six hour a day four-week summer session in June-July. Program staff will be oriented to the project, goals, expectations and training/technical assistance March-June 2012. Staff will be trained on a variety of topics, including teaching inquiry-based science, promoting science career exploration, engaging families and community, and supporting equity in science programming. The curricula selected for the Summer Science Project are tailored to help students build on and revise their knowledge and abilities over time and projects will build upon each other over time so that kids can learn the basics of a topic and extend their understanding with more in-depth projects in subsequent units. Scientific inquiry and engineering design are not only embedded into the activities, but are also integral to this framework. The proposed 18-month pilot would inform a model for replication of Summer Science programs that includes training in hands-on science, technical assistance to support overall program quality, and a process for on-going improvement. The outcomes of the project are to increase young people's interest in STEM learning and knowledge of specific STEM topics and develop a replicable and sustainable system of technical assistance for summer STEM programs in other communities in California. Progress towards these outcomes will be measured through surveys and documents with support and advice from an external evaluator. If approved, Mt. Diablo CARES After School Program would receive \$80,000 from PCY and \$25,000 from Chevron Corporation for a total of \$105,000 to implement the Summer Science Pilot Project during summer 2012.

9.15 (Item #17) Memorandum of Understanding between Mt. Diablo Unified and the Food Bank of Contra Costa and Solano

Staff requests approval to enter into a Memorandum of Understanding (MOU) between Mt. Diablo High School and The Food Bank of Contra Costa & Solano in order to pilot an on-site school pantry that will provide food packages to children in need or in certain situations that put them at risk of hunger. This program will be provided at no cost to the school or the youth it serves. The Food Bank will deliver an assortment of donated, nutritious food items selected by the Food Bank to Mt. Diablo High School and Mt. Diablo High School will provide secured storage space for the food. Mt. Diablo High School will follow standard food storage practices and the food will be given to any student that states they are in need of food assistance. Food Bank staff will be available to provide technical assistance to aid in outreach, administration, and logistics for the pantry and the school will form a pantry committee of 3-5 people, so that the pantry operates in an open manner and is not an undue burden on one staff member. Mt. Diablo High School will assist the Food Bank in evaluating this pilot which may include brief customer satisfaction surveys, brief written descriptions of sample situations resulting in the use of the pantry, and/or an evaluation meeting before the end of the school year.

9.16 (Item #18) Resolution Confirming Costs of Sale Respecting Issuance of Mt. Diablo Unified School District General Obligation Refunding Bonds, 2002 Election, Series B-2

Consideration of a Resolution confirming the costs of issuance of the recently sold General Obligation Refunding Bonds, 2002 Election, Series B which were issued in order to decrease the interest rate and generate tax payers' saving on a portion of the District's General Obligation Bonds, Election of 2002, Series 2004. On March 7th Mt. Diablo Unified School District refinanced outstanding bonds from the Election of 2002, totaling \$42,750,000, and as a result will save taxpayer money. Much like a home refinancing for lower payments, the District's Financial

Advisor saw an opportunity to refinance bonds at lower rates for lower bond payments. The interest rate on the bonds before the refunding was 5.00% and after the refunding the new interest rate is 3.78%. As a result District will save over \$4.6 million in total interest cost over the remaining life of the bonds. This savings will be passed directly to the District's taxpayers. Leading up to this refinancing was a large drop in bond interest rates that started in late 2011 and culminated with historically low interest rates in February of 2012. In February, the District decided to take advantage of the low interest rate environment and refinance the existing bonds. To lock-in these low rates the District had to move quickly. The District, the Financial Advisor, and other professionals laid out a refinancing plan and shared it with Contra Costa County. The County provided input and worked with the District to make the refinancing a reality. Without the hard work of everyone involved to get the refinancing complete in a timely manner, the \$4.6 million in taxpayer savings might not have been realized.

9.17 (Item #19) Request to Include Three Positions on the Same Calendar as Fiscal, Benefits, and Personnel

At the April 27, 2010 meeting, the Board approved Resolution #09/10-59 (effective July 1, 2010), which defined the reduced work year for CST unit members. Due to the payroll, benefits, budget deadlines, and year-end processes which occur in July, the Fiscal Services, Personnel, and Benefits employees had their calendar reduced by ten days (spread throughout the year), rather than reduced by a half month in July. Both of these calendars have the same number of days. Two positions (0.9375 FTE Computer Operator in Technology & Information Services, held by #16034; and 0.9375 FTE Senior Account Clerk in Transportation, held by #12917) are needed in July to provide critical support to the July payroll process, and one position (0.9375 FTE Principal Clerk in Student Services, held by #22879) is needed in July to provide public accessibility to student records during a critical window of access. This action requests the Board to approve the calendar change for the above-listed positions effective July 1, 2012.

CONSENT ITEMS PULLED FOR DISCUSSION

10.1 (Item #5) Fiscal Transactions for the month of February 2012

IFAS Vendor Warrant Report and IFAS Vendor Cancellation Warrant Report for the month of February 2012. Payments have been made to meet the District's obligations for salaries, benefits, supplies, contract services equipment, capital improvements and other outgo.

Mayo moved, Eberhart seconded and the Board voted 5-0-0 to approve fiscal transactions for the month of February 2012.

10.2 (ITEM #11) POST-COMMENCEMENT CHANGE ORDER: SUNPOWER CORPORATION, SYSTEMS

On October 26, 2010 the Board of Education approved a Design-Build contract with SunPower Corporation, Systems for \$65,604,398.00 for the design, procurement, installation, training, operation, maintenance, monitoring and 20 year guaranteed performance of Photovoltaic Systems at fifty-one (51) District sites. On March 15, June 28 and December 13 of 2011 the Board of Education approved Pre-Commencement change orders for Increment 1, 2 and 3 sites respectively. These approved Pre-Commencement change orders resulted in a current, revised contract value of \$75,002,009.53. These Pre-Commencement change orders were necessary as a result of a need to modify system designs to respond to: 1) District-directed increases in system size to address prospective Heating, Ventilating and Air Conditioning (HVAC) loads; 2) reconfigured solar array locations to accommodate established easements and emergency access routes; and 3) reconfigured array and inverter locations to accommodate site programs and hardcourt configurations. As a result of post-commencement, District-requested additions/modifications to designed systems, unforeseen site conditions (e.g. subterranean obstructions, extraordinary groundwater conditions) as well as necessary repairs made to arrays damaged by (and invoiced) to others, staff is recommending approval of a Post-Commencement change order in the amount of \$518,874.71 for all post-commencement changes associated with Increments 1 through 3A. This proposed change order will result in a revised contract value of \$75,520,884.24.

Public Comment

Alicia Minyen

Eberhart moved, Mayo seconded, and the Board voted 5-0-0 to approve Post-Commencement change order as presented.

RECOGNITIONS

The Board of Education recognized Teacher of the Year nominee: Mona Lisa Ricard. Ms. Ricard is a teacher at Sequoia Elementary School.

STUDENT REPRESENTATIVES

Student Representatives reported on activities at their schools.

PUBLIC COMMENT

John Ferrante, Linda Loza, Ralph Austin, Alicia Minyen, Jim McClelland, Carol Mishler, Ali Van der Heide, Colin Jones, Danny Prodoehl, Sandy Johnson-Shaw, Wendy Spencer, and Dan Reynolds.

COMMUNICATIONS

None

SUPERINTENDENT'S REPORT

Superintendent Lawrence shared that Diablo Magazine ranked Mt. Diablo Unified School District as the number one school district in the county for going green in its solar efforts. He thanked Dr. Joseph Ovick, County Superintendent of Schools, for his letter to the California Board of Education supporting the charter school waiver.

BUSINESS/ACTION ITEMS

16.1 Appointment of Program Specialist/Extended Year - Special Education

Mayo moved, Hansen seconded, and the Board voted 5-0-0 to appoint Samantha Espinosa to the position of Program Specialist/Extended Year – Special Education.

16.2 Contract extension for Reliance Communications to continue to provide District Automated Parental Notification Services

April 16, 2009, the District accepted proposals from ten (10) vendors for a new Automated Parental Notification System. Proposals were evaluated and vendors interviewed in accordance with the criteria specified in the RFP. Reliance Communications' School Messenger was deemed the most comprehensive parental notification system and as such staff is recommending that Reliance Communications be awarded a contract of \$75,651.68 per year. This contract price represents a savings of \$54,365.12 per year as compared to the annual costs for the present system used by the District. The scope of work in this contract includes the provision of an automated communication system with the ability to deliver voice, e-mail, or text-based messages to telephones, mobile phones, PDAs or any internet-enabled device. The system will support multiple languages, create reports and is compatible with the Aeries Student Information System. We would like to extend the current contract one more school year with a significant price reduction to \$50,780.06 for a price savings of \$24,871.62.

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

16.3 Contract to continue licensing of Destiny, the centralized library inventory and textbook management system software with Follett Software Company

A five year contract for our centralized library inventory and textbook management system was approved in 2007 for all elementary, middle and comprehensive high schools and expires the end of this year. We worked with Follett Software Company to ensure stable pricing for the next five years with no increase to the annual fees. Additionally, the District needs to add the textbook management software for the Small Necessary High Schools to support improved textbook inventory management at those sites.

Mayo moved, Eberhart seconded, and the Board voted 5-0-0 approve the continuation of the license for the Destiny program with Follett Software Company.

16.4 2012 Community Clean Water Initiative

The Contra Costa Clean Water Program proposes an annual fee to improve water quality in Contra Costa County. If approved, a separate fee would be assessed to each parcel belonging to the Mt. Diablo Unified School District. The District has received sixty (60) ballots. The fee will expire after ten years. The ballot may be signed by any person authorized by law to make contracts for the agency or by resolution of the agency's Governing Board. The ballots must be returned to the Board of Contra Costa County Supervisors by April 6, 2012.

Hansen moved, Eberhart seconded, and the Board voted 4-1-0 (Mayo – no) to vote no on the Community Clean Water Initiative.

16.5 Cyber High Online Learning Pilot Program

In order to establish a cost effective credit recovery program, staff is recommending that the Board approve a pilot program using Cyber High for credit recovery in our comprehensive and necessary small high schools as well as our Special Education Extended Year program. The approval of this pilot is only for the spring of 2012 and this summer's extended year program. Under the pilot, schools would be provided enough funding to have a computer lab staffed by a teacher two hours a day after school Monday-Thursday. Some schools are also considering opening a lab as part of their Saturday school program. During this pilot window staff will gather input from the school teams in order to provide the Board a follow-up report in June 2012. As part of the report staff will make recommendations for the 2012-13 school year. Cyber High is a comprehensive electronic curriculum that is aligned with the Content Standards and Frameworks of the State of California. All courses are accredited through the Fresno Unified School District of which Roosevelt High School in Fresno, California, is the sponsoring entity. Many courses meet the college prep a-g requirements of the University of California. Cyber High will be used for credit recovery as a pilot to give students an opportunity to make up credits and graduate with their class.

Public Comment

Michael Langley

Mayo moved, Eberhart seconded, and the Board voted 5-0-0 to approve the Cyber High Online Learning Pilot Program as presented.

16.6 Approval of District's Final Proposition 39 Facility Offer to Clayton Valley Charter High School (CVCHS) and Eagle Peak Montessori Charter School (EPMCS) for the 2012/13 School Year

Final Prop 39 Offer and Site Map - CVCHS 2012/13 Draft Facilities Use Agreement - CVCHS 2012/13 Final Prop 39 Offer and Site Map - EPMCS 2012/13 Charter Facilities Agreement by and between MDUSD and EPMCS
In accordance with Education Code section 47614 and Title 5 of the California Code of Regulations, sections 11969.1 through 11969.11, the District is required to allocate space to charter schools for the 2012/13 school year by issuing a final Facility Offer no later than April 1, 2012. The District is required to allocate space sufficient for the instruction of in-District students. The District offers CVCHS use of Clayton Valley High School, 1101 Alberta Way, Concord as its final facility offer. The District offers EPMCS the use of 800 Hutchinson Road, Walnut Creek as its final facility offer.

Mayo moved, Eberhart seconded, and the Board voted 5-0-0 to approve final Proposition 39 Facility Offers.

16.7 Consider changes to Board Bylaw 9324 - Minutes and Recordings

Presented as information.

16.8 Televised Board Meetings

The Board requests the Superintendent to investigate and develop a plan of action to televise to the public all regular and special Board meetings, either through video streaming or through Contra Costa Television (CCTV). This plan will include a working budget that itemizes both start up and ongoing costs. The Superintendent will make his report of findings and recommendation to the Board at a future Board meeting.

Presented as information.

16.9 Health Benefits for Board Members

MDUSD has been in the unfortunate position of making ongoing fiscal cuts in an effort to keep our district solvent. Many staff members have experienced not only a loss of work hours but an accompanying loss of health benefits. In recognition of this sacrifice, all MDUSD School Board members will be eligible for medical coverage capped at the Kaiser premium one-party health plan rate. This cap on all Board members' health benefits and resulting savings to the district will become effective July 1, 2012.

Presented as information.

BOARD MEMBER REPORTS

Board members shared highlights from their recent school site visits and community activities.

ADJOURNMENT

The meeting adjourned at 9:11 p.m.