

MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Monday, February 25, 2013 (7:30 PM)

Board Members: Cheryl Hansen, Barbara Oaks, Linda Mayo, Lynne Dennler, and Brian Lawrence Administrative

Staff: Superintendent Steven Lawrence, Assistant Superintendents Julie Braun Martin, Rose Lock, and Chief Financial Officer Bryan Richards. General Counsel Gregory Rolan (absent)

CALL TO ORDER

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

ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 6:01 p.m. In Closed Session the Board discussed negotiations and anticipated litigation. The Board voted to readmit 3 students and admit one student. The Board also voted to proceed with employee discipline/dismissal/release complaint for employee #14565.

RECONVENE OPEN SESSION

Open Session reconvened at 7:42 p.m. President Hansen led the Pledge of Allegiance to the Flag and reported action taken in Closed Session.

EXPULSION RECOMMENDATIONS

8.1 Expulsion Recommendation - Student #08-13

Mayo moved, Dennler seconded, and the Board voted 5-0-0 that Student #08-13 be expelled from all schools of Mt. Diablo Unified School District and that Student #08-13 may apply for readmission after February 25, 2014. It is required that Student #08-13 participates in twenty (20) hours of counseling to address substance abuse, complete California Offender Program Service (COPS) - Alcohol/Drug Offender class, show proof of drug free test, complete MDUSD's Drug & Alcohol Workshop, complete 30 hours of community service, and show evidence of a successful school experience with at least 95% attendance, no suspendible behavior infractions, minimum of 2.0 GPA and earn 60 credits prior to readmission.

8.2 Expulsion Recommendation - Student #09-13

Oaks moved, Mayo seconded, and the Board voted 5-0-0 that Student #09-13 be expelled from all schools of Mt. Diablo Unified School District and that Student #09-13 may apply for readmission on February 25, 2014. It is required that Student #09-13 participates in 20 hours of counseling to address substance abuse and decision making skills, complete California Offender Program Services (COPS) - Drug and Alcohol Offender class, show proof of drug free testing, complete MDUSD's Drug/Alcohol Workshop, complete 30 hours of community service and show evidence of a successful school experience with at least 95% attendance, no suspendible behavior infraction, maintain a minimum of 2.0 GPA, and earn 60 credits prior to readmission.

8.3 Expulsion Recommendation - Student #10-13

Dennler moved, Mayo seconded, and the Board voted 5-0-0 that Student #10-13 be expelled from all schools of Mt. Diablo Unified School District and that Student #10-13 may apply for readmission after February 25, 2014. It is required that Student #10-13 participates in 20 hours of counseling to address substance abuse and decision making skills, complete California Offender Program Services (COPS) - Drug and Alcohol Offender class, show proof of drug free testing, complete MDUSD's Drug/Alcohol Workshop, complete 30 hours of community service and show evidence of a successful school experience with at least 95% attendance, no suspendible behavior infraction, maintain a minimum of 2.0 GPA, and earn 70 credits prior to readmission.

CONSENT AGENDA

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve the Consent Agenda as presented with the exception of Item #12.

Public Comment

Willie Mims, ECNAACP/BPA, spoke in support of Item #18 - Mt. Diablo Unified School District Significant Disproportionality Coordinating Early Intervening Services (SD-CEIS) Plan. Mr. Mims also commented on Item #22 - Approval of the 2012-2013 Single Plans for Student Achievement (SPSA) and the Academic Program Surveys (APS) stating that he has concerns with Mt. Diablo Unified School District and other districts regarding problems with suspensions and referrals not written into the site plan.

9.2 (Item #2) Minutes of the Meeting of January 14, 2013

9.3 (Item #3) Recommended Action for Certificated Personnel

9.4 (Item #4) Request to Increase and Decrease Full Time Equivalent (FTE) for the 2012-2013 School Year

9.5 (Item #5) Recommended Action for Classified Personnel

9.6 (Item #6) Classified Personnel: Request to Increase Positions

9.7 (Item #7) Fiscal Transactions for the Month of January 2013

Payments have been made to meet the District's obligations for salaries, benefits, supplies, contract services equipment, capital improvements and other outgo.

9.8 (Item #8) Approval of Contracts with Camp SEA Lab for Ayers Elementary and Westwood Elementary

Students at Ayers Elementary will participate in Camp SEA Lab Outdoor Education Program on March 18 - March 20, 2013 and students at Westwood Elementary will participate on March 25 - March 27, 2013.

9.9 (Item #9) Increase Purchase Order with Independent Contractor Dr. Sherry Burke

Mt. Diablo Unified School District utilizes Independent Service Contractors to fill needs established through the Individualized Education Plan (IEP) process. Dr. Sherry Burke provides Psychoeducational assessments and attends IEP meetings for special education students as needed. Dr. Burke also performs Independent Educational Evaluations (IEE) if parents disagree with a school district evaluation and request an independent IEE. Additional funds of \$21,000 are requested for the remainder of the 2012-13 School Year. This increase brings the total amount of the purchase order to \$45,000.

9.10 (Item #10) Approval of Non-Public School Adjustments

Non-Public School (NPS) contracts are reviewed and updated several times during the fiscal year. Changes to contracts are required due to changes in residency, students entering and leaving placements, increase/decrease in intensity of services, and corrective actions/settlement agreements to assure a free and appropriate public education. The details for these changes as well as rationale for the changes can be found in the attached documentation.

9.11 (Item #11) Adjustment to Agreement between Mt. Diablo Unified School District (MDUSD) and the Contra Costa County Office of Education (CCCOE) to provide Temporary One to One Assistant for Special Education Students during the 2012-2013 School Year

This is a request for an adjustment to the current agreement to fund 1:1 assistants for students served by the Contra Costa County Office of Education as designated in the students' IEPs. The board approved \$44,000 for the 2012-2013 school year during the August 27, 2012 board meeting. This action item would increase the total approved amount to \$83,350.00. Individual contracts are attached.

9.12 (Item #13) Manufacture, Fabrication/Assembly and Deliver Heating, Ventilating & Air Conditioning Equipment

On March 29, 2011 the Board of Education approved a resolution designating the specific materials and terminal equipment to be used in the 2010 Measure C Heating, Ventilating and Air Conditioning (HVAC) Improvement Program and authorized the pre-purchase of all end user HVAC equipment. Bid No. 1590 was issued in October, 2011, for the purpose of soliciting bids for the provision of all manufacturing, fabrication/assembly and delivery of all specified HVAC equipment to be utilized in the 2010 Measure 'C' HVAC Improvement Program. Bids were due, and opened on November 4, 2011. The lowest responsive and responsible bidder was Russell Sigler, Inc. This was the same vendor who provided all of the pre-purchased HVAC equipment in the recently completed Board-approved

Proposition 55 funded HVAC Improvement Program. On December 13, 2011, the Board of Education awarded this contract to Russell Sigler, Inc. This award carried a multi-year pricing structure for the purchase of all stipulated materials for the 2010 Measure 'C' HVAC Improvement Program. In an effort to effect a significant cost savings and to maintain a standard of HVAC equipment throughout the District staff is recommending that the District take advantage of our agreement with Sigler and pre-purchase all end-user HVAC equipment for the Portable Replacement, General Science and Chemistry Science Classrooms at guaranteed 2013 pricing. The total 'not to exceed' price submitted for the provision of all stipulated materials related to the 2013 Program sites (2013 - Hidden Valley ES, El Dorado MS, Valley View MS, Ygnacio Valley ES, Bel Air ES, Oak Grove MS, Riverview MS, Foothill MS, Mt. Diablo ES, Concord HS, College Park HS and Olympic HS) of the Measure 'C' Facility Improvement Program is \$618,515.95. The total 'not to exceed' price submitted for the provision of all stipulated materials related to the 2014 Program sites (2014 - Mountain View ES, Woodside ES, Ayers ES, Gregory Gardens ES, Silverwood ES, Strandwood ES, Eagle Peak MS, Pleasant Hill MS, Diablo View MS, Pine Hollow MS and Sequoia MS) of the Measure 'C' HVAC Improvement Program is \$577,714.52. Purchase includes labor, testing and full year service call-out as stipulated in the original solicitation. Purchasing all equipment necessary to complete next phase of building replacement is anticipated to save the District approximately \$24,000 in cost escalation (4.2%). Additionally, equipment purchase eligible and currently anticipated to result in rebates of approximately \$350,000, pending PG&E program funding.

9.13 (Item #14) Independent Services Contracts for The Event Group

Northgate High School is requesting approval of independent services contracts for The Event Group, an event planning organization, for their Junior Prom and Senior Ball. The Junior Prom will be held on March 23, 2013. The cost for this event will be \$21,600. The Senior Ball will be held on May 4, 2013. The cost for this event will be \$42,400.

9.14 (Item #15) Approval of Contract with Westminster Woods Outdoor Education Camp

Students at Sequoia Elementary School will participate in Westminster Woods Outdoor Education Camp March 4 - March 7, 2013.

9.15 (Item #16) Revise Job Descriptions for Child Attendant I and Child Attendant II and Increase Salary for Positions

Staff is requesting the revision of the job descriptions for Child Attendant I and Child Attendant II as noted on the attached job descriptions. Staff believes the proposed changes will better reflect the increased responsibilities associated with these two positions. Staff is also requesting an increase in salary for these positions due to the increased responsibilities associated with them.

9.16 (Item #17) Resolution 12/13-31 Request Permission to Submit a Bay Area Air Quality Management Low Emission School Bus Replacement Grant

Request permission to submit a lower emission grant to two (2), Clean Natural Gas (CNG) school buses to replace two 1986-1988 dirty diesel buses.

9.17 (Item #18) Approve Mt. Diablo Unified School District Significant Disproportionality Coordinating Early Intervening Services (SD-CEIS) Plan

The California Department of Education (CDE) has identified 50 local educational agencies (LEAs) as having significant disproportionality by race and ethnicity of students receiving special education services pursuant to the requirements of the Individuals with Disabilities Education Act (IDEA). Since 2010, MDUSD has been identified as a Disproportionate district for the over-identification of African American students in Special Education and in July 2012, MDUSD was identified as Significantly Disproportionate in the over-identification of African Americans as Emotionally Disturbed (ED). In the early stages of exploring this phenomenon MDUSD decided to pursue the issue of disproportionality in a broader context that would have a substantive impact on how the district does business in addressing the needs of all of its students and particularly those who were described as culturally different. This resulted in the creation of the Equity Advisory Team comprised of district and community stakeholders and the adoption of an equity agenda of which disproportionality was a part and Board policies were adopted for both equity and disproportionality in 2010 that ensured the district's commitment to solving this problem. The designation of Significantly Disproportionate requires MDUSD to broadly examine General Education systems to address the problem and to designate 15% of the existing Special Education budget allocation (approximately 1.1 million dollars) to address this area. In addition, MDUSD is required to develop a Significant Disproportionality –

Coordinating Early Intervening Services (SD-CEIS) plan, implemented over the 2012-14 school years. The Plan creates the opportunity to provide culturally responsive academic and behavioral interventions and supports to general education students thus reducing the need, or being identified as needing, special education services, thus helping to reduce disproportionate representation in special education. The SD-CEIS Plan outlines; Services and Supports Provided to ALL Students (general education), Professional Development, Use of Special Education Funds, and Program Evaluation. MDUSD's proposed SD-CEIS plan is aligned to existing district initiatives and was based on a three pronged approach to guide its analysis to identify root causes in order to address equity and disproportionality; analysis of disaggregated data , Self-Assessment of needs using the CREATE Wisconsin Annotated Checklist for Addressing Racial Disproportionality in Special Education and (3) a file audit review of African American students identified as eligible for special education under the criteria of Emotionally disturbed (ED). The proposed SD-CEIS Plan has identified three focus areas; Response to Intervention, Positive Behavior Intervention Supports (PBIS) and Culturally Responsive School Environments to address disproportionality in MDUSD. The 15% IDEA funds will support professional development for certificated and classified staff, coaching for classroom teachers on PBIS strategies district-wide, support classes and counseling for students with severe behavior issues, and staff to support the plan implementation, monitoring and evaluation to targeted schools. Annually the CDE will review district data to determine disproportionality. MDUSD will have until June 2014 to implement the SD-CEIS Plan.

9.18 (Item #19) Resolution 12/13-34 Week of the School Administrator

9.19 (Item #20) Resolution 12/13-33 Arts Education Month

9.20 (Item #21) Resolution 12/13-32 Women's History Month

9.21 (Item #22) Approval of the 2012-2013 Single Plans for Student Achievement (SPSA) and the Academic Program Surveys (APS)

Senate Bill 374 requires that as a condition of receiving funding for specified categorical programs, the school district will ensure that each school in the district operating those categorical programs consolidates any plans that are required by those programs into a single plan to be known as the Single Plan for Student Achievement. The following are requirements of Senate Bill 374 as it relates to the Single Plan for Student Achievement: • The plan is aligned with school goals for improving pupil achievement. • School goals are based upon an analysis of verifiable state data, including the Academic Performance Index developed pursuant to Section 52052, the California English Language Development Test, and may include any data voluntarily developed by districts to measure pupil achievement. • The plan addresses how funds provided to the school will be used to improve the academic performance of all pupils to the level of the performance goals as established by the API and AYP including Safe Harbor targets. • The plan identifies the schools' means of evaluating progress toward accomplishing the goals. • The plan addresses how state and federal law governing these programs will be implemented. • The plan is developed with the review, certification and advice of any applicable school advisory committees. • The plan is written, reviewed annually and updated by the school site council, including proposed expenditure of funds allocated to the school through the consolidated application. • The plan is reviewed and a request for approval is submitted to the governing board of the local education agency at a regularly scheduled meeting. To be compliant with state and federal regulations, all 2012-13 Single Plans for Student Achievement and the Academic Program Surveys are approved by School Site Councils. Copies of all site plans and surveys are available online at MDUSD.org.

CONSENT ITEMS PULLED FOR DISCUSSION

10.1 (Item #12) Award of Lease-Leaseback Agreement to North State Specialty Contracting, Inc. for the Construction of Window Replacement at College Park High School

On December 19, 2012 the District issued Request For Qualifications (RFQ's) soliciting submissions from qualified firms interested in entering into lease-leaseback agreements for the construction window replacement (Library, Wing H & J) at College Park High School. As a result of this RFQ process staff is recommending that the District enter into a lease-leaseback agreement with North State Specialty Contracting, Inc. for a Guaranteed Maximum Cost of \$347,530.00 for the construction of all specified work per approved plans and specifications. The lease-leaseback project delivery method is authorized by California Education Code 17406, and authorizes the governing board, without advertising for bids, to enter into a lease with a builder for the purpose of construction, including remodeling and permanent improvements, upon property. Under a lease-leaseback, the District leases property under a "site lease" to a builder for \$1. That builder constructs the facility and then leases the facility back to the District

under a "facilities lease". The District makes "tenant improvement payments" during construction and "lease payments" after construction. Title to the facility vests in the District as lease payments are made. The District has the option to make an early, balloon payment to the builder to buy out the facilities lease. In addition, the District determines all plans and specifications and uses its own Architect of Record to submit the project to the Division of the State Architect (DSA) for approval.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to award lease-leaseback agreement with North State Specialty Contracting, Inc. for the construction of window replacement at College Park High School as presented.

STUDENT REPRESENTATIVES

Student representatives reported on recent and upcoming activities at their schools.

PUBLIC COMMENT

John Parker said the District has a practice of terminating contracts for convenience and that it costs the taxpayers money.

Michelle Hammons, Principal, Eagle Peak Montessori School (EPMS) thanked the Board for the opportunity to have a Montessori school. Eagle Peak students, past and present, share what they like about the school.

Joanne Durkee, Director, Adult Education, announced the Business Education Summit which will take place on February 26 at Concord Hilton.

Willie Mims, EBNAACP/BPA, suggested the Board review the whole lease lease/back process.

COMMUNICATIONS

Lorrie Davis, President, Community Advisory Committee (CAC) shared highlights from the recent Adult Education and CAC mini conference.

Guy Moore, President MDEA, read a statement on the "Road Ahead" which pertains to Proposition 39.

REPORTS/INFORMATION

14.1 Common Core State Standards Presentation by Student Achievement and School Support (SASS)

Department

Presentation given by Rose Lock, Assistant Superintendent, Student Achievement, and School Support Administrators Hellena Postrk and Marie Schirmer.

14.2 School Climate Survey

Superintendent Lawrence shared that he met with Research Associates regarding a school climate survey and there are no legal ramifications in doing such a survey.

SUPERINTENDENT'S REPORT

15.1 Pleasant Hill and Concord City Initiatives to Support Schools

Superintendent Lawrence provided an overview of the Cities of Pleasant Hill and Concord's new initiatives to support schools and children in their communities.

BUSINESS/ACTION ITEMS

16.1 Appointment of Construction Manager I for Measure C

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve the appointment of Bert Balba to the position of Construction Manager I for Measure C.

16.2 Appointment of Construction Manager II for Measure C

Pulled by staff.

16.3 Appointment of Extended Year Summer Program Administrators

Students are eligible for Extended Year based on IEP team recommendations and decisions. Extended Year is an extension of the student's current school program. Services are provided if a student will regress and not maintain

progress during the Extended Year. Federal Law, Text of Code 5 CCR 3043 states: "Extended School Year services shall be provided for each individual with exceptional needs who has unique needs and requires special education and related services in excess of the regular academic year. Such individuals shall have handicaps which are likely to continue indefinitely or for a prolonged period and an interruption of the pupil's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the pupil will attain independence that would otherwise be expected in view of his/her handicapping condition." Each service must be reviewed by the IEP team. For example, for the SDC student who has speech and occupational therapy services, the IEP team must review each service to determine if regression and recoupment are issues. Interviews have been conducted and candidates have been selected to fill the Administrative Positions for Extended Year Summer Programs 2013.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve the appointment of the candidates as announced to Extended Year Summer Program Administrators as presented.

| <u>Administrator</u> | <u>ESY Position and Site</u> |
|----------------------|--|
| Terry McCormick | Principal, Pleasant Hill MS/HS |
| Ean Ainsworth | Principal, Sequoia MS |
| David Franklin | Principal, Sequoia Elementary/Robert Shearer |
| Angela Hotchkiss | Principal, Sun Terrace Elementary |
| Elizabeth Kim | Principal, Cambridge Elementary |
| Jenny Cronan | Vice Principal, Pleasant Hill MS/HS |

16.4 Resolution Determining District Needs for 2013-14 and Adopting Criteria for Determining Order of Seniority for Those Certificated Employees with the Same Date of First Paid Probationary Services

In accordance with Education Code 44955(b), the Board of Education must order the seniority of certificated employees who first rendered paid service to the district in a probationary position on the same date. The governing board must determine the order of seniority "solely on the basis of the needs of the district and the students thereof". The attached resolution establishes "the needs of the district and the students thereof" for 2013-14 and establishes the criteria for determining seniority for those certificated employees with the same date of first paid probationary service.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve the resolution determining district needs for 2013-14 and adopting criteria for determining order of seniority for those certificated employees with the same date of first paid probationary services.

16.5 Award of E-rate Contract to Provide High Speed Internet at Seventeen Sites

Two proposals in response to an E-rate form 470 were evaluated and the lowest responsible bidder was ATT for high speed internet to seventeen sites.

Dennler moved, Oaks seconded, and the Board voted 5-0-0 to approve the award of E-rate Contract to Provide High Speed Internet at Seventeen Sites.

16.6 Contract Extension of CALNET II State Contract to June 30, 2014

On January 29, 2014, the contract with CALNET II expires. CALNET II was a contract awarded to multiple vendors for telecommunications services in 2008 through a State request for proposals. Since 2008 MDUSD has utilized the voice and Data provisions of the contract which was awarded to ATT. This contract allows school district to enjoy reduced pricing, and it is recognized by the Schools and Libraries Program for additional E-rate discounts. The State is currently taking bids for a new contract called CALNET III, but the winning bids will not be awarded before the end of the E-rate filing deadline of March 14, 2013. An E-rate form 470 has been filed soliciting bids for voice and data services for a period extending to June 30, 2014 with only one viable response which was ATT.

Dennler moved, Mayo seconded, and the Board voted 5-0-0 to approve Contract Extension of CALNET II State Contract to June 30, 2014.

16.7 Approval of Contract with #1 At-Home Tutors, Inc., a State Approved Provider of Supplemental Educational Services (SES), to Provide Tutoring Services to Eligible Students at the Nine Title I schools, as follows: Bel Air, Cambridge, Fair Oaks, Meadow Homes, Rio Vista, Shore Acres and Ygnacio Valley Elementary; and Oak Grove, and Riverview Middle Schools

Supplemental Educational Services (SES) are additional academic instruction designed to increase the academic achievement of students in Title I schools in the second year or beyond of program improvement, corrective action, or restructuring. Students from low-income families at continuing Program Improvement schools, whose parents did not select a public school option, are eligible for free SES. These services are classes or tutoring which occur outside the regular school day with educational providers approved by the State Board of Education. The goal of SES is to increase eligible students' academic achievement in a subject that the State includes in its Elementary and Secondary Act of 1965 (ESEA) assessments under Section 1111, which must include reading/language arts, mathematics, and science, as well as English language proficiency for students with limited English proficiency (LEP).

Dennler moved, Mayo seconded, and the Board voted 5-0-0 to approve the contract with #1 At-Home Tutors, Inc., a State Approved Provider of Supplemental Educational Services (SES), to provide tutoring services to eligible students at the nine Title I schools.

16.8 Experian ProtectMyID Elite Invoice Payment

On December 1, 2012, District staff discovered that a laptop computer that potentially contained sensitive material had been stolen. Consequently, the District implemented Security Breach Notification protocols. All the potentially affected individuals were notified and provided extensive credit reporting, identity theft protection, resolution and insurance by way of a membership in ProtectMyID Elite from ConsumerInfo.com an Experian Company. Experian was a vendor recommended by the Beasley Syndicate of Lloyds of London who provided and administered the District's Cyber-Liability insurance policy. The District is responsible for paying Experian within the \$100,000 Self Insured Retention set forth in the cyber liability policy. On the date of the invoice 1,002 people had enrolled. At a unit price of \$27.50 per person, the District's initial expenditures were \$27,555. As was reported at the January 14, 2013, Board Meeting, over 1,743 people opted to receive the credit protection plan. Consequently, the District expects further invoices from Experian.

Public Comment

Mike Langley shared his recent experience with Experian and said he was pleased with the result.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve payment for the Experian ProtectMyID Elite Invoice as presented.

16.9 Baker & Hostetler Invoice Payment

On December 1, 2012, District staff discovered that a laptop computer that potentially contained sensitive material had been stolen. Consequently, the District implemented Security Breach Notification protocols. The District had cyber liability insurance coverage through CSAC. A component of the coverage was legal assistance with security breach notification. Baker Hostetler, a venerated law firm, was recommended as a nationally recognized expert in security breach notification law. Baker Hostetler provided valuable legal assistance not only in complying with California's security breach notification law, but also complying with similar regulations and 47 different jurisdictions. For their service they are billing the district \$9,743.49. The District is responsible for paying this portion within the \$100,000 self-insured retention on the cyber liability policy.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve payment of the Baker & Hostetler Invoice as presented.

16.10 Immersion Invoice Payment

On December 1, 2012, District staff discovered that a laptop computer that potentially contained sensitive material had been stolen. Consequently, the District implemented Security Breach Notification protocols. The District worked with Immersion, a vendor recommended by the Beasley Syndicate of Lloyds and London, who provides and administers the District's cyber liability policy. Approximately 17,000 individuals were notified and informed of their legal rights as well as the credit monitoring and identity theft protections provided by the District. The notification process involved address lists management, accessing the National Change of Address database, locating all involved individuals, printing, inserting and mailing the notifications. Also, Immersion provided call

center services to help answer affected individuals' questions as well as obtaining credit monitoring and theft protection services. As was reported at the January 14, 2013, Board meeting, Immersion has submitted two invoices for a total of \$43,500.96. The District is responsible for paying this portion within the \$100,000 self-insured retention on the cyber liability policy.

Dennler moved, Mayo seconded, and the Board voted 5-0-0 to approve payment of the Immersion Invoice as presented.

16.11 Legal Services Contracts

Contracts for legal services to be provided by Tomislav Peraic, Attorney at Law, Orbach, Huff & Suarez LLP, and Olson, Hagel & Fishburn LLP. Orbach, Huff & Suarez LLP is currently under contract with the District and they have been dedicated to Measure C. Orbach, Huff & Suarez LLP will be expanding the scope of their legal work for the District thus the reason for bringing them back to the Board with the previously approved contract. By adding these three (3) firms, there will now be nine (9) law firms that will serve the District.

Tabled – will return at the March 11 meeting.

16.12 Replace MDUSD Special Education bus V42 that was destroyed in an accident.

Replace MDUSD Special Education Bus V42 that was destroyed in an accident on January 10, 2013. Purchase used bus from A-Z Bus Sales in the amount of \$31,697.20. Stock#U080S.

Dennler moved, Oaks seconded, and the Board voted 5-0-0 to approve the replacement of MDUSD Special Education bus V42 that was destroyed in an accident.

16.13 2013 California School Board's Association (CSBA) Delegate Assembly Election

There are three vacancies in Subregion 7-A for membership on the 2013 CSBA Delegate Assembly. The candidates are: Teresa Gerringer (Lafayette ESD) Yolanda C. Pena-Medrek (Liberty Union HSD) Charles Ramsey (West Contra Costa USD)

Hansen moved, Oaks seconded, and the Board voted 5-0-0 to approve casting votes for Theresa Gerringer and Yolanda C. Pena-Medrek.

New Motion

Lawrence moved, Dennler seconded, and the Board voted 4-1-0 (Hansen – no) to cast vote for Charles C. Ramsey.

16.14 Public Input and Information Meetings

Public Input and Information Meetings Summary: On February 6, 2012, the Board approved holding six Public Input and Informational Meetings. On February 22, 2012, General Counsel expressed concerns about the public agenda for those meetings. On March 12, 2012, the superintendent and general counsel proposed a format for those input meetings that focused only on the strategic plan; however, that proposal was not approved. On September 10, 2012 as Information Item 5.2 Public Prioritization on Strategic Plan, one of those meetings was identified as being utilized for that purpose. As of this date, at least four of these approved Public Input and Informational Meetings remain approved and the meeting format and dates still need to be determined. Since their approval in February, Trustee Hansen has proposed a variety of uses for these meetings including a State of the District report, gathering input regarding what we're doing well and what we can improve, holding meetings in different cities, attendance and boundary issues, Bay Point School Planning, Measure C projects and updates, among others. At the January 28, 2013 meeting, Board members brainstormed ideas for those public input meetings. Proposals for Four Public Input and Informational Meetings: MEETING #1: President Hansen met recently with both Mayor Michael Harris and Vice Mayor Jack Weir to discuss the city's educational initiatives and determine how the Board and the City Council can work together. As a result, the proposal is for the MDUSD Board and the Pleasant Hill City Council to use one of these approved Public Input meetings to hold a joint meeting to be held in Pleasant Hill. The purpose will be to seek input and ideas that will increase our communication, our awareness of local educational issues and ideas, and our responsiveness and support. MEETING #2: President Hansen also met recently with Concord Mayor Dan Helix. A similar meeting will be held with the Concord City Council and community. MEETING #3: A similar meeting will be held with the Pittsburg/Bay Point City Council and community. MEETING #4: A similar meeting will be held with the Clayton City Council and community.

Public Comment

Willie Mims, ECNAACP/BPA, asked what input was received from the community.

Hansen moved, Lawrence seconded, and the Board voted 5-0-0 to approve these four public input meetings and add two more meetings to allow for joint meetings with Walnut Creek and Martinez if there is an interest.

16.15 Video System to Broadcast Board Meetings

Joe Estrada, Director, Technology and Information Services presented the vendor comparison list. Ms. Hansen asked that a proposal be brought back to the Board as an action item.

MEETING EXTENSION

Mayo moved, Hansen seconded and the Board voted 5-0-0 to extend the meeting to 11:40 p.m.

16.16 MDUSD 1st Annual Academy Awards Sponsored by Mt. Diablo Education Association (MDEA) and the Greater MDUSD Communities

MDEA's goal is to celebrate and recognize the great work being done by Mt. Diablo Unified teachers and employees that contributes to enriching the lives of our students while also meeting the needs of the communities that we serve. The event will have a variety of awards honoring 12 teachers, employees, and a parent for their positive contributions. Date: May 17, 2013 Time: 5:30 to 9:00 PM (Dinner begins at 6:30 PM) Location: Centre

Public Comment

Guy Moore, President, MDEA shared information on the upcoming event.

16.17 Security on Portable Devices

Joe Estrada shared that the District is currently working on a technology use policy and guidelines for students and employees and will bring it back to the Board in April.

16.18 General Counsel's Handling of Specific Legal Matters

General Counsel, Greg Rolan, will address and discuss procedures for informing the Board and the public about how his office handles and addresses legal issues and procedures including lawsuit filings and Public Records Act requests.

Pulled by President Hansen.

16.19 Public Access to and Release of the FCMAT Reports

Questions: 1. What is the district's procedure and rationale for seeking, releasing, and acting upon FCMAT reports? 2. How many FCMAT reports has the district requested in the past two years, and for what purpose has each report been requested? 3. What is the cost for each of these FCMAT reports? 4. What is the status of the Special Education FCMAT report? a. When will it be released to the public? b. What is the reason for the delay in the release of this report? c. What does the district intend to do with this report? How will it be used?

Public Comment

Willie Mims, ECNAACP/BPA, asked how long the District had the report.

Superintendent Lawrence answered questions from the Board and shared that the report will be posted on the website.

16.20 Update on the Review Process for the Five District Administrators' Contracts

Not discussed.

FUTURE AGENDA ITEMS

None

BOARD MEMBER REPORTS

None

The meeting adjourned at 11:42 p.m. in memory of Madeline Kissinger Beemer.