

MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Monday, January 14, 2013 (7:30 PM)

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

Administrative Staff: Superintendent Steven Lawrence, Assistant Superintendent Julie Braun Martin, Interim Assistant Superintendent Kerri Mills, and General Counsel Gregory Rolan

CALL TO ORDER

The meeting of the Board of Education of the Mt. Diablo Unified School District was called to order by President Hansen at 5:02 p.m. in the Board room at the MDUSD Dent Center.

ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 5:03 p.m. in Room 6 at the Dent Center. In Closed Session the Board discussed Superintendent's performance evaluation, negotiations, and two cases of anticipated litigation. The Board voted to readmit four students to the Mt. Diablo Unified School District and grant the request for a second extension of a District Administrative Panel for one student. The Board voted to release employee #31555 and support the possible release of three employees, #12073, #13628 and #23563.

RECONVENE OPEN SESSION

Open Session reconvened at 7:38 p.m. President Hansen led the Pledge of Allegiance and reported action taken in Closed Session.

STUDENT REPRESENTATIVES

Student representatives from the following sites reported on activities at their schools: Olympic, Ygnacio Valley, Concord, and College Park high schools, and Diablo Day School.

CONSENT AGENDA

Dennler moved, Mayo seconded, and the Board voted 5-0-0 to approve the Consent Agenda as presented with the exception of Item 8.12 pulled by staff and Item 8.15 pulled by Board Member Lawrence.

8.2 (Item #2) Minutes of the meeting of December 10, 2012

8.3 (Item #3) Recommended Action for Certificated Personnel

8.4 (Item #4) 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.

8.5 (Item #5) Request to increase and decrease Full Time Equivalent (FTE) for the 2012-2013 school year

8.6 (Item #6) Recommended Action for Classified Personnel

8.7 (Item #7) Classified Personnel: Request to Increase and Decrease Positions

8.8 (Item #8) Resolution 12/13-27 regarding accounting of development fees for the 2011-2012 fiscal year in the Capital Facilities Fund pursuant to Government Code Sections 66001(d) & 66006 (b)

The Board is required by the Government Code to adopt a resolution regarding the accounting for development fees collected and placed into the Capital Facilities Fund (SACS Fund 25, District Funds 11 and 21). The draft resolution and accounting must be publicly available on or before the 180th day after the close of the Fiscal Year (December

27th). A draft of the resolution and accounting was put on public display at the Developer Fees Counter in Fiscal Services December 26, 2012 through January 14, 2013.

8.9 (Item #9) 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 15-18, 2013. Because several elementary schools attend Walker Creek Ranch, cumulative costs will exceed \$25,000, thus Board approval is required.

8.10 (Item #10) Approval of Contracts with The YMCA at Camp Arroyo for Meadow Homes Elementary and Rio Vista Elementary

Students at Rio Vista Elementary will participate in the YMCA Outdoor Education Program at Camp Arroyo February 12-15, 2013 and Meadow Homes Elementary will participate March 11-15, 2013. Because cumulative costs to YMCA will exceed \$25,000, Board approval is required.

8.11 (Item #11) Approval of contract with Exploring New Horizons for Silverwood Elementary School

Students at Silverwood Elementary School will participate in Exploring New Horizons (ENH) Outdoor Education Program at Sempervirens Outdoor School April 30 - May 3, 2013. Board approval is required because several schools contract with ENH, thus exceeding the \$25,000 limit.

8.12 (Item #13) Approve contracts with Resource Development & Associates (RDA) for evaluation services for the School Improvement Grant (SIG) schools for the 2012-2013 school year

Staff requests approval to enter into two separate contracts with Resource Development and Associates for evaluation services for the 2012-13 school year for the School Improvement Grant (SIG) schools. The School Improvement Grant requires a comprehensive annual evaluation as part of the grant to measure program implementation and effectiveness. Funding is provided by the School Improvement Grant - Programs (3082 - BA, RV, SA) and (3083 - MHES & OGMS)

8.13 (Item #14) Membership Recommendation for Community Advisory Committee (CAC)

The Community Advisory Committee (CAC) is recommending a new member for consideration by the board. The committee is 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 exceptional needs. The applicant for consideration is: Janine Payne.

CONSENT ITEMS PULLED FOR DISCUSSION

9.1 (Item #12) Contract for Architectural/Engineering Services for New Modular Gym and Multi-Use Room Modifications at Concord High School

Pulled by staff – no vote taken

9.2 (Item #15) Purchase of Replacement Special Education School Bus

Replace MDUSD Special Education bus that was damaged by fire. Purchase new bus from A-Z Bus Sales in the amount of \$60,206.91. Stock #10S342.

Angie Goakey, Coordinator Transportation Services, explained the need to purchase a replacement Special Education school bus.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve the purchase of a Special Education bus as presented.

PUBLIC COMMENT

Jack Weir, Pleasant Hill City Council Member and Vice Mayor congratulated the Board on its willingness to listen to what the public has to say.

John Ferrante, spoke in regard to the District laptop that was recently stolen recently. He said that having sensitive information on a portable device is irresponsible considering there are encryption devices that inexpensive or free.

Willie Mims, ECNAACP/BPA wished everyone a happy new year and said he hopes this year will be better than last year.

COMMUNICATIONS

Ernie DiTrinidad, District English Learner Advisory Committee (DELAC) introduced Sun Terrace Elementary School representative Nestor Guadron and gave an overview of the committee.

Annie Nolen, CSEA, said the District has lost much of its history because so many employees have left.

SUPERINTENDENT'S REPORT

School Site Safety Plan

Superintendent Lawrence shared that he is meeting with the District's principals and police chiefs to look over the School Site Safety plans.

Security Update – Computer Theft

General Counsel Greg Rolan and Director of Technology and Information Services Joe Estrada responded to the areas of concern regarding the computer theft that took place in December.

Graduation Requirements Committee Update

Superintendent Lawrence shared that the District may be able to raise graduation credits again, but the Governor's budget needs to be looked at before making a final recommendation.

BUSINESS/ACTION ITEMS

14.1 Membership Recommendations for 2010 Measure C Citizens' Bond Oversight Committee

Since Committee creation, several of the originally approved members of the 2010 Measure C Citizens' Bond Oversight Committee have vacated their seats. Two (2) qualified candidates presently serving on the 2002 Measure C Citizens' Bond Oversight Committee have now offered to serve on the 2010 Committee. Staff is now respectfully recommending to the Board of Education that the following individuals be appointed to the 2010 Measure C Citizens' Bond Oversight Committee effective immediately: - Linda Loza: Parent/Guardian active in a Parent/Teacher Organization, Parent/Guardian with child in the District - Gareth Ashley: Parent/Guardian active in a Parent/Teacher Organization

Mayo moved, Lawrence seconded, and the Board voted 5-0-0 to approve the appointments of Linda Loza and Gareth Ashley to serve on the Measure C Oversight Committee.

14.2 Brown Act and Cure and Correct General Overview: Namita Brown

Public Comment

Alicia Minyen commended the Board for taking steps to correct the alleged Brown Act violations.

Namita Brown, Fagen Friedman and Fulfroost, shared a PowerPoint presentation and gave an overview of the Brown Act.

14.3 Consideration of Two Cure and Correct Demands a) Consideration of Wendy Lack's Cure and Correct Demand b) Consideration of Alicia Minyen's Cure and Correct Demand

Motion

Hansen moved to place the five contracts on the January 28, 2013 agenda for the purpose of curing and correcting any Brown Act violations. Lawrence seconded for the purpose of discussion.

Board Discussion

President Hansen said she feels that this is a defining moment for the new Board to act transparently and build public trust.

Ms. Dennler said she believes that the contracts are binding and does not want to see them brought back to the table.

Substitute Motion

Mayo moved, Dennler seconded to:

1. Write letters to Lack and Minyen
 - a. Denying the "cure and correct" demands of Lack's December 10 complaint and Minyen's December 21 complaint; and further;
 - b. thank citizens Lack and Minyen for their steadfast commitment to the Brown Act and oversight of public agencies throughout Contra Costa County; and further
 - c. Sign the board's letters in a public session on January 28, 2013, and further
2. That the Board of Education participate in trainings on
 - a. The Brown Act, and
 - b. Administrator contracts - including, but not limited to, legal requirements, model language, and Brown Act procedures related thereto.

Board Discussion

Ms. Mayo stated that she believes the action taken by the Board in open session on April 23, 2012 is binding and that no Brown Act violation occurred.

Ms. Hansen said that by taking action to place the contracts on the agenda, it will correct and eliminate the possibility of any and all lawsuits from community members that Brown Act violations have occurred.

Namita Brown, Fagen Friedman and Fulfroost, urged the Board to consider having a closed session prior to having an open session meeting on this particular issue.

Motion

Ms. Mayo moved to close debate on this item and all pending items. Dennler seconded.

Ms. Brown, urged the Board to table the item until Associate General Counsel, Deborah Cooksey returns to advise the Board regarding the appropriateness of pending matters, pending votes, and seconded motions.

Ms. Mayo withdrew her motion to close debate. Ms. Dennler agreed.

Motion

Mayo moved, Dennler seconded an the Board vote 4-1-0 (Hansen – no) to table action on the item, both the Wendy Lack and Alicia Minyen complaints until the Board has another Closed Session under anticipated litigation.

This item will be added to the already scheduled Closed Session meeting on Friday, January 18.

14.4 Board Committee Assignments & Descriptions

Each year Board members are assigned to serve on several types of committees: Board Policy, Management, and Representation and Liaison Committees. Depending upon the type of committee, these assignments allow Board members the opportunity to provide direction, to contribute advice and Board perspective, or to provide representation with other organizations and agencies

Public Comment

John Ferrante asked that the title that now reads "Measure C Advisory Committee" be corrected to read "Measure C Oversight Committee".

Mayo moved, Lawrence seconded, and the Board voted 5-0-0 that the trustee assignments as presented by the Board president be ratified and further that the supporting document entitled Board Committee Assignments and Committee Descriptions be amended by substitution to the following: rename the second gray bar entitled Management Committees to Board Advisory/Standing Committees and insert a new gray bar entitled Management Committees beneath the Board Advisory/Standing Committees section and following a review of Board minutes, place each committee beneath its appropriate title noting the date of Board action establishing advisory/standing committees on the descriptions of the document and place the resulting documents as a consent agenda item on the January 28 agenda.

Meeting Extension

Mayo moved, Lawrence seconded, and the Board voted 5-0-0 that the meeting be extended until 11:45 p.m.

14.5 GRADUATION SCHEDULE – BOARD ASSIGNMENTS

Presented as information.

14.6 Broadcasting and Archiving Board Meetings

Recently the Board has expressed interest in Broadcasting Board Meetings, and has asked that we explore what other public agencies are doing. Granicus is a company that specializes in Governance Application Solutions which includes broadcasting and archiving public meetings.

Maryann Mooney, Regional Sales Executive, gave a brief overview of Granicus. Joe Estrada, Director, Technology and Information Services answered questions from the Board.

President Hansen asked Mr. Estrada to investigate any new options and report back at the January 28 board meeting.

Public Comment

Willie Mims, said he is in support of taping board meetings.

Please note change in order of items

14.9 Crossing Guards

Some municipalities have reduced traffic control support in these difficult budgetary times. Accordingly, some district employees and parent groups have offered to provide crossing guard support at our elementary sites. Consequently, in order to create a consistent policy the Board shall discuss the merits and implications of providing either District based or volunteer crossing guards.

Superintendent Lawrence shared that he has met with the City of Concord and they will provide training should the District approve using volunteers. Ayers Principal, Charla Hernandez shared that she is waiting for approval from the Board before implementing the program. General Counsel Rolan shared that the District could be exposed to liability, but is willing to work with the City to find a way to equitably share responsibility.

Staff will bring information to the Board on January 28.

14.7 Public Input and Informational Meetings

On February 6, 2012, the Board approved holding six Public Input and Informational Meetings. On February 22, 2012, concerns arose around ensuring that those meetings had specific topics which could be placed on a public agenda. Consequently, 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, attendance and boundary issues, Bay Point School Planning, Measure C projects and updates, among others. The current Board needs to determine how best to define and conduct these remaining Public Input and Informational meetings.

Public Comment

Willie Mims said he would like to know what items will be discussed at the informational meetings.

This item will be put on the January 28 agenda as in information item.

14.8 Board Retreat 2013

Dr. Lawrence will collect available dates from the Board members to set the date for the Board retreat.

Meeting adjourned at 11:46 p.m.