

MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Monday, May 6, 2013 (7:30 p.m.)

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

Administrative Staff: Assistant Superintendent Julie Braun Martin, Assistant Superintendent Rose Lock, Interim Assistant Superintendent Kerri Mills, 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 Cheryl Hansen at 6:00 p.m. in the Board Room at the MDUSD Dent Center. President Hansen led the Pledge of Allegiance, and conducted Roll Call with all Board members present except Ms. Dennler, who will participate via teleconference from Paseo de la Marina Norte 585 Marina Vallarta, Puerto Vallarta, JAL, Mexico.

PUBLIC COMMENT

There was no Public Comment.

ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 6:02 p.m.

4.1 Negotiations - The Board may discuss negotiations or provide direction to its representatives regarding represented employees, pursuant to EERA (Govt. Code Section 3549.1) Agency negotiators: Julie Braun Martin and Deborah Cooksey. Agencies: MDEA, CSEA, Local One M&O, Local One CST, MDSPA, and Supervisory.

4.2 Conference with Labor Negotiators

4.3 Admission

4.4 Readmission

4.5 Public Employee Discipline/Dismissal/Release/Complaint

4.6 Anticipated Litigation

RECONVENE OPEN SESSION

Open Session reconvened at 7:40 p.m. The Mt. Diablo High School Color Guard led the Pledge of Allegiance, and President Hansen conducted Roll Call with all Board members present except Ms. Dennler, who is participating via teleconference. The Board will voice vote on action items, and Deborah Cooksey will enter Ms. Dennler's votes into Electronic School Board.

REPORT OUT ACTION TAKEN IN CLOSED SESSION

In Closed Session, the Board discussed negotiations and had conference with labor negotiators. The Board determined that the incoming Interim General Counsel and President Hansen will negotiate with the unrepresented employee, the Interim Superintendent.

The Board voted 5-0-0 to approve the admission of student #E-13. Student #E-13 will be placed on an extended suspension program through January 24, 2014, and will then be assigned to Diablo Community Day School for the remainder of the 2013-14 school year. The Board also voted to re-admit student #28-12 to the District.

In two cases of public employee discipline/dismissal/release/complaint for certificated employees, the Board took action on one case, and will continue discussing the second case at the special meeting on Wednesday, May 8th.

The Board received advice from counsel in one case of anticipated litigation.

CONSENT AGENDA

Items #10, #11, and #12 were pulled for discussion.

Mayo moved, Lawrence seconded, and the Board voted 5-0-0 via voice vote to approve as presented, with the exception of items #10, #11, and #12, thereby approving the following:

8.1 (Item #1) Items listed under Consent Agenda are considered routine and will be approved/adopted by a single motion. There will be no separate discussion of these items; however, any item may be removed from the consent agenda upon the request of any member of the Board and acted upon separately.

8.2 (Item #2) Recommended Action for Certificated Personnel

8.3 (Item #3) Approval of Provisional Internship Permit (PIP) Request

The California Commission on Teacher Credentialing is no longer issuing Emergency Permits. However, the Commission replaced the Emergency Permit with the Provisional Internship Permit (PIP) which provides applicants additional time to meet the subject matter competence requirement(s) needed to enter an internship program. A district may request a PIP only after a diligent search has been conducted and a fully credentialed teacher could not be found. The PIP is issued for one (1) year and is renewable one time only provided the teacher has taken all appropriate subject matter examinations, but has not yet passed those tests. All requests for a PIP must be presented to the Governing Board of a public school district for approval. Every PIP request that is submitted to the Commission on Teacher Credentialing must also include verification that a notice of intent to employ the named applicant is the identified position has been made public.

8.4 (Item #4) Request to Increase Full Time Equivalent (FTE) for the 2013-2014 School Year

8.5 (Item #5) Recommended Action for Classified Personnel

8.6 (Item #6) Classified Personnel: Request to Increase and Decrease Positions

8.7 (Item #7) Creation of a New Job Description for Administrator of Equity and Disproportionality

Staff is requesting the creation of a new job description for Administrator of Equity and Disproportionality. In July 2012, MDUSD was identified as Significantly Disproportionate for the over-identification of African American students for Emotional Disturbance. As such, MDUSD is responsible for creating a Coordinated Early Intervening Services (CEIS) Plan outlining how the district will address disproportionality and will re-allocate 15% of existing Individuals with Disabilities Education Act (IDEA) funds for the 2012-2013 school year to support this effort. This Plan has been approved by CDE. The Plan includes the creation of a multidisciplinary team of approximately five (5) staff members to provide direct support to site level staff and also assist in the development of appropriate practices and strategies that can be implemented district wide. The Plan also states that the planning, training and recruitment will take place in the spring of 2013, with full implementation at targeted sites during the 2013-14 school year. The job description was presented for information only at the April 22, 2013 Board meeting. It is now being brought forward for approval.

8.8 (Item #8) Award of Request for Quotations for RFQ #1646: Schlage Lock Hardware

Request for quotation for RFQ #1646 was called to provide Schlage Lock Hardware. The lowest responsible, responsive bidder is Wilco Supply for the total amount of \$340,354.30. The scope of work includes, but is not limited to: furnish and deliver Schlage Lock Hardware per the terms, conditions and specifications of items requested. The budget for this project is \$450,000.

8.9 (Item #9) RFQ/RFP 1641 Approval of Preliminary Services Agreement for the Management, Coordination, Constructability Review, Value Engineering and Recommendations Related to Remodel of the Science Center at Ygnacio Valley High School

In April 2013, the District issued a Request for Qualifications from potentially qualified firms interested in entering into a lease-leaseback agreement for the modernization of existing science classrooms at Ygnacio Valley High School. Per previous Board recommendation, RFQ was publicly available with specific notification to no less than 15 potential contractors. This resulted in receipt of three qualified packages.

Staff is evaluated qualifications and is recommending the District enter into a Preliminary Services Agreement with Landmark Construction for a not to exceed fee of \$8,500 for the provision of preliminary services relating to the remodel of specified existing science center at Ygnacio Valley High School.

Services include, but are not limited to: management and coordination services, constructability review of the preliminary plans and specifications produced by Community Architecture, value engineering review(s) and any recommendation necessary to optimize project quality, delivery, budget development assistance, scheduling, and construction planning.

As authorized by California Education Code section 17406, a lease-leaseback contract structure is one in which the District can select a builder in a different manner other than just a "lowest bidder." For this project, the RFQ evaluated other factors including past K-12 experience, design, etc., including price. 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 new facility vests in the District as lease payments are made. The District has the option to make an early payment to the builder to buy out the facilities lease. In addition, the District selects/approves all plans and specifications and uses its own Architect of Record to submit the project to the Division of the State Architect for approval. Only after DSA approval can the District enter into the two leases. Since DSA approval is still a month away, the work the District would like Landmark Construction to begin can now be done under this preliminary services agreement.

8.10 (Item #13) Final Change Order: Hazardous Materials Testing and Field Observation Services Related to HVAC Installation at Various Sites: Enviro-Safety, Training And Resources, Inc.

On December 19, 2011, the District entered into a purchase order contract with Enviro-STAR, a certified hazardous materials consultant, to facilitate installation of new heating, ventilating and air conditioning systems at Loma Vista, Concord Administration Building, Ayers Elementary School, Mt. Diablo Elementary School, Foothill Middle School, Sequoia Middle School, Sun Terrace Elementary School, and Valley View Middle School. The scope of work of included said services included, but not limited to: the management of all abatement activities; surveillance of all abatement work activities; and air monitoring, sampling and testing; inspection; and certification. The contract was awarded in the amount not to exceed \$24,880. During demolition, staff encountered unforeseen conditions, including: asbestos flooring hidden beneath existing equipment and/or existing carpeting; hazardous window glazing materials; asbestos sheetrock taping material beneath existing ceiling tile; and asbestos lagging on existing piping elbows within wall. Each of these items was required to be removed in accordance with hazardous removal procedures and discoveries created a need for additional testing and monitoring during construction. To maintain the construction schedule, work proceeded based on unit rates pre-established and in accordance with referenced contract. The contract amendment that staff is recommending is for \$29,350. The contract amendment would increase the contract value to a revised total of \$54,230.

8.11 (Item #14) Notice of Completion for LLB #1604

Lease-leaseback #1604 was called to provide the Renovation of Classrooms at Mt. Diablo High School to accommodate the International Hospitality and Tourism Academy. The lowest responsible, responsive bidder was S & H Construction, Inc., for the award of \$453,000. The scope of work included, but was not limited to: construction, including remodeling and permanent improvements, upon property.

8.12 (Item #15) Approval of Contract with MusicTrip.com and Mt. Diablo Unified School District for Services Provided for College Park High School Band Trip.

College Park High School Band will go on a Southern California tour, including Disneyland, May 30 - June 2, 2013.

8.13 (Item #16) Professional Services Contract for Provision of Comprehensive Architectural/Engineering Services Associated with Sports Medicine and Air Conditioning Modifications at Mt. Diablo High School

On June 25, 2012, the Board of Education approved the Measure C facility enhancement project list for Mt. Diablo High School. As part of their greater list, the site task force requested "physical education classroom upgrades including sports medicine room modernization" and "air conditioning". As such, the District requires architectural and engineering services for the design, construction, and certification of this proposed facility modernization. Per previous Board request, staff issued a Request for Qualifications (RFQ) to no less than 16 firms to facilitate required services. The District received two qualification packages for engineering/architectural services and found both firms qualified to complete the requisite work. The firm being recommended also submitted the lowest fee proposal. Accordingly, a contract with PHd Architects for the 'not to exceed' fee of \$37,500 for provision of comprehensive design, engineering, construction administration and certification services necessary for construction of the associated modifications to PE building at Mt. Diablo High School is provided for consideration.

8.14 (Item #17) Increase Total for Independent Services Contract for The Event Group

Northgate High School is requesting an additional \$1800 be added to their contract for the Senior Ball with The Event Group. The original contract was approved on March 11, 2013. This will bring the total for this vendor to \$179,950.

8.15 (Item #18) Approval of Additional Contract with Resource Development Associates, Inc. (RDA) to Revise and Administer the Title I Parent/Family Involvement Survey for the 13 Title I Schools.

Resource Development Associates, Inc. (RDA) will work with MDUSD staff to revise and administer a survey at the 13 Title I schools to solicit feedback on opportunities for parental involvement. This survey will leverage the tool and learnings from the 2011-2012 parent survey. This survey will be administered online in English and Spanish, with opportunities for parents to participate remotely or from MDUSD computer labs; we will also offer paper-based surveys as needed. RDA will analyze survey results both in the context of the current year and in comparison with the previous year's survey, and will compile a report summarizing the results.

8.16 (Item #19) Resolution 12/13-43 Classified Employees' Week

The Mt. Diablo Unified School District Board of Education wishes to adopt a resolution to recognize and honor the contribution of the classified school employee to quality education in the State of California and in the Mt. Diablo Unified School District and declare the week of May 19 – 25, 2013 as Classified School Employees' Week.

CONSENT ITEMS PULLED FOR DISCUSSION

Tim Cody gave a presentation on the District's contractor selection process covering all three items.

9.1 (Item #10) RFQ/RFP 1632 Award of Lease-Leaseback Agreement to Taber Construction, Inc. for HVAC Modernization at Bancroft, Mountain View, Silverwood and Valle Verde Elementary Schools

On February 18, 2013 the District issued a Request for Qualifications (RFQ) soliciting submissions from qualified firms interested in entering into a lease-leaseback agreement for the HVAC Modernization at Bancroft Elementary School, Mountain View Elementary School, Silverwood Elementary School and Valle Verde Elementary School. As a result of the RFQ process, staff is recommending that the District enter into a lease-leaseback agreement with Taber Construction, Inc. for a Guaranteed Maximum Project Cost of \$5,959,061.96 for the completion of all specified HVAC Modernization per approved plans and specifications.

The District solicited qualifications from 10 vendors and received two packages. Bay Area increase in construction opportunities may account for the number of invitees who decided not to propose on the project. Also, short duration scheduling for period when school is not in session is being viewed as too aggressive for many contractors. Further, the District pre-purchases equipment for HVAC projects, which negates contractors from including equipment markup in their proposal, resulting in an "installation" only project with lower profit potential. Based on information received, many of the larger firms made business decisions to pursue work/expend their resources on projects with more profit potential. The increase in business opportunities in the Bay Area could also be a reason for the escalation in the proposed number from the engineer's estimate. While the original scope of work was restricted to unconditioned classroom spaces, staff is recommending replacement of equipment at some sites where existing equipment is greater than five years old.

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/ completes the renovation and then leases the facility back to the District under a "facilities lease". The District makes "tenant improvement payments" during construction and "lease payment s" after construction. Titles to facility vests in the District as lease payments are made. The District has the option to make an early 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. The scope of work includes, but is not limited to: provide all tools, materials, labor and equipment necessary to complete installation of HVAC unit s including but not limited to, demolition of existing units, installation of equipment pads, site work, roof repairs and other items as it relates to the Drawings and Specifications. All spoils will be removed from the site. This contract includes, but is not limited to all work associated with the plans and specifications.

Public Comment:

John Ferrante pointed out that the difference between the original estimate and the accepted bid was a cost increase of 28%.

J. Parker stated that there is a 27% difference between the low estimate and the next higher estimate. He asked why the District does not try harder to solicit more bid packages.

Ms. Mayo clarified that the three options for the Board are to either: accept this bid; consider a delay for re-bid and incur interim housing costs; or delay for a year to avoid interim housing costs.

Mayo moved, Dennler seconded, and the Board voted 3-2-0 (Hansen and Lawrence dissenting) via voice vote to approve as presented.

9.2 (Item #11) RFQ/RFP 1634 Award of Lease-Leaseback Agreement to Bell Products, Inc. for HVAC Modernization at Monte Gardens, El Monte, Shadelands, Sunrise and Westwood Elementary Schools

On March 7, 2013 the District issued a Request for Qualifications (RFQ) soliciting submissions from qualified firms interested in entering into a lease-leaseback agreement for the HVAC Modernization at Monte Gardens, El Monte, Shadelands, Sunrise and Westwood Elementary Schools. As a result of the RFQ process, staff is recommending that the District enter into a lease-leaseback agreement with Bell Products, Inc. for a Guaranteed Maximum Project Cost of \$6,902,055.32 for the completion of all specified HVAC Modernization per approved plans and specifications.

The District solicited qualifications from 10 vendors and received one fully qualified package. Bay Area increase in construction opportunities may account for the number of invitees who decided not to propose on the project. Also, short duration scheduling for the period when school is not in session is being viewed as too aggressive for many contractors. Further, the District pre-purchases equipment for HVAC projects, which negates contractors from including equipment markup in their proposal, resulting in an "installation" only project with lower profit potential. Based on information received, many of the larger firms made business decisions to pursue work/expend their resources on projects with more profit potential. The increase in business opportunities in the Bay Area could also be a reason for the escalation in the proposed number from the engineer's estimate. While the original scope of work was restricted to unconditioned classroom spaces, staff is recommending replacement of equipment at some sites where existing equipment is greater than five years old.

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/ completes the renovation and then leases the facility back to the District under a "facilities lease". The District makes "tenant improvement payments" during construction and "lease payment s" after construction. Titles to facility vests in the District as lease payments are made. The District has the option to make an early 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. The scope of work includes, but is not limited to: provide all tools, materials, labor and equipment necessary to complete installation of HVAC unit s including but not limited to, demolition of existing units, installation of equipment pads, site work, roof repairs and other items as it relates to the Drawings and Specifications. All spoils will be removed from the site. This contract includes, but is not limited to all work associated with the plans and specifications.

Public Comment:

John Ferrante pointed out that this bid is 72.6% higher than the engineer's original cost estimate.

J. Parker showed that after adding up the costs already paid plus the contractor's fees, the cost per ton is \$20,000. He asked why the District intends to replace HVAC units that are five to eight years old.

Ms. Hansen observed that school districts are held to a short timeline during the summer, limiting the number of options.

Mayo moved, Dennler seconded, and the Board voted 4-1-0 (Lawrence dissenting) via voice vote to approve as presented.

9.3 (Item #12) RFQ/RFP 1633 Award of Lease-Leaseback Agreement to Taber Construction, Inc. for HVAC Modernization at Gregory Gardens, Hidden Valley and Strandwood Elementary Schools

On February 18, 2013, the District issued a Request for Qualifications (RFQ) soliciting submissions from qualified firms interested in entering into a lease-leaseback agreement for the HVAC Modernization at Gregory Gardens, Hidden Valley and Strandwood Elementary Schools. As a result of the RFQ process, staff is recommending that the District enter into a lease-leaseback agreement with Taber Construction, Inc. for a Guaranteed Maximum Project Cost of \$4,369,879.88 for the completion of all specified HVAC Modernization per approved plans and specifications.

District solicited qualifications from 10 vendors and received two packages. Bay Area increase in construction opportunities may account for the number of invitees who decided not to propose on the project. Also, short duration scheduling for the period when school is not in session is being viewed as too aggressive for many contractors. Further, the District pre-purchases equipment for HVAC projects, which negates contractors from including equipment markup in their proposal, resulting in an "installation" only project with lower profit potential.

Based on information received, many of the larger firms made business decisions to pursue work/expend their resources on projects with more profit potential. The increase in business opportunities in the Bay Area could also be a reason for the escalation in the proposed number from the engineer's estimate.

While the original scope of work was restricted to unconditioned classroom spaces, staff is recommending replacement of equipment at some sites where existing equipment is greater than five years old.

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/ completes the renovation and then leases the facility back to the District under a "facilities lease". The District makes "tenant improvement payments" during construction and "lease payment s" after construction. Titles to facility vests in the District as lease payments are made. The District has the option to make an early 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. The scope of work includes, but is not limited to: provide all tools, materials, labor and equipment necessary to complete installation of HVAC unit s including but not limited to, demolition of existing units, installation of equipment pads, site work, roof repairs and other items as it relates to the Drawings and Specifications. All spoils will be removed from the site. This contract includes, but is not limited to all work associated with the plans and specifications.

Public Comment:

John Ferrante shared that his HVAC at home lasted 31 years. He urged the District not to replace equipment that is five to seven years old.

J. Parker pointed out that the Board never took action to make lease-leasebacks the standard for doing construction in the District. He stated that the perception of many contractors is that the District often uses the same vendor.

After a discussion, Mayo moved, Dennler seconded, and the Board voted 4-1-0 (Lawrence dissenting) to approve as presented.

PUBLIC COMMENT

Michael Langley pointed out that programs which are successful on a small scale are often unsuccessful on a larger scale.

Willie Mims urged teachers not to be afraid to file complaints under the Williams Act. He also voiced his concern that the Board violated the Brown Act by not properly notifying the public of recent special meetings.

COMMUNICATIONS

There were no Communications.

BUSINESS/ACTION ITEMS

12.1 Appointment of Administrator, School Support

Interviews have been conducted, and Christine Richardson has been selected to fill the position of Administrator, School Support. The incumbent in this position accepted another position outside the District.

Julie Braun Martin introduced the candidate.

Mr. Lawrence asked that candidate biographies and resumes be provided to the Board and public in advance.

Public Comment:

Willie Mims noted that no job description was included and asked when the job was posted.

Dennler moved, Mayo seconded, and the Board voted 5-0-0 via voice vote to approve the appointment of Christine Richardson to the position of Administrator, School Support.

12.2 Opportunity for Public Response to the Initial Successor Agreement Proposals for Public Employees Union Local #1 Clerical, Secretarial and Technical Units (CST) and Mt. Diablo Unified School District

At the April 22, 2013 meeting, the Successor Agreement Proposals for CST and the Mt. Diablo Unified School District were publicly presented. We are now presenting these proposals for public response.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 via voice vote to adopt as presented.

12.3 Opportunity for Public Response to the Initial Successor Agreement Proposals for Public Employees Union Local #1 Maintenance, Operations, and Facilities/Transportation/Landscape/Warehouse/Food and Nutrition Services/Technology and Information Services/Substitute Custodian and School Bus Driver Units (M&O) and Mt. Diablo Unified School District

At the April 22, 2013 meeting, the Successor Agreement Proposals for M&O and the Mt. Diablo Unified School District were publicly presented. We are now presenting these proposals for public response.

Oaks moved, Mayo seconded, and the Board voted 5-0-0 via voice vote to adopt as presented.

12.4 Opportunity for Public Response to the District's Initial Successor Agreement Proposal for California School Employees Association (CSEA)

At the April 22, 2013 meeting, the District's Successor Agreement Proposal to California Public School Employees Association (CSEA) was publicly presented. We are now presenting this proposal for public response.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 via voice vote to adopt as presented.

President Hansen announced that the Board will skip ahead to items 12.9 and 12.10.

12.9 Ratify the Appointment of Jayne Williams, of Meyers Nave, as Interim General Counsel from May 7, 2013-September 9, 2013

President Hansen stated that she wanted to put to rest any notion that the Board passed over Deborah Cooksey for a promotion to General Counsel, noting that Ms. Cooksey is very happy in her current position.

Lawrence moved, Dennler seconded, and the Board voted 5-0-0 via voice vote to approve as presented.

12.10 Approve the Legal Services Contract of Jayne Williams, of Meyers Nave, as Interim General Counsel

Attached is the contract for legal services to be provided by Jayne Williams and Myers Nave. Ms. Williams will serve as the District's Interim General Counsel from May 7, 2013 – September 9, 2013. The scope of her work and that of Myers Nave will include, but not be limited to: providing services five days per week to the District; attending Board and Council meetings; addressing risk management and contract issues; overseeing litigation with an eye toward eliminating or substantially reducing litigation costs; managing the legal office; overseeing the Maintenance and Operations and Transportation Departments; and conducting an thorough needs analysis of the procedures of the General Counsel's office to determine whether better efficiencies can be had.

President Hansen announced that along with Ms. Williams, the District will also receive assistance from her colleague, attorney Rich Pio Roda. Mr. Lawrence stated that he hopes to gain a thorough accounting of the District's true legal costs.

Oaks moved, Dennler seconded, and the Board voted 5-0-0 via voice vote to approve as presented.

President Hansen noted that the Board will now return to item 12.5.

12.5 Request to Approve the Proposed Decision of the Administrative Law Judge and Implement the Certificated Layoff

As part of the certificated layoff process, a formal hearing was held on April 10, 2013. This hearing was conducted by an Administrative Law Judge appointed by the Office of Administrative Hearings as required by Education Codes 44955 and 44949. The purpose of this hearing was to determine the validity of the process that was used to establish the number of Full Time Equivalent (FTE) positions to be eliminated and the names of the specific employees to receive final lay off notices. Both the District and the Mt. Diablo Education Association were present at this hearing. Based on that process, it was affirmed that 87.22203 from the Mt. Diablo Education Association would be eliminated and specific individuals to receive final layoff notices were identified.

It was also determined that 5.60 FTE would be eliminated from certificated management and 2.10 FTE from School Psychologists would be eliminated and appropriate individuals would receive final lay off notices. It was also determined that four BCLAD teachers would have their lay off notice rescinded.

Julie Braun Martin updated the Board that many names on the list had been rescinded, and there are now 20 teachers remaining on the list. Deborah Cooksey clarified that it is true that the Administrative Law Judge ruled that the District could not lay off four senior BCLAD teachers, and the District has not gone back and told any less senior people that they will be laid off in their place.

Mayo moved, Oaks seconded, and the Board voted 5-0-0 via voice vote to approve as presented.

12.6 Boundary Modification for Bay Point Elementary Schools

This item was previously submitted for informational purposes on April 8 and April 22.

In March 2012, the District facilitated a community meeting at Riverview Middle School to begin discussion related to master planning of the Northeast (Bay Point) area. As a result of this meeting, the community requested formation of an informal committee to review demographic data, enrollment projections and provide recommendations to the community. As part of the process, Jack Schreder and Associates prepared an updated demographic analysis of the Northeast area to address changing demographics; including age based demographic shifts, economic factors, migration in and out of the community by various populations, birth rates and other demographic and land/facility use factors. This updated information was discussed by the committee on February 20, 2013. Based on committee discussion, it became obvious a reconsideration of existing boundaries was necessary to relieve overcrowding at Delta View Elementary School.

On March 13, 2013, the District again hosted a general meeting at Riverview, presented demographic data, and solicited community input on potential short-term solutions. As a result of this general meeting and community input, the Bay Point Committee again met March 27, 2013. The meeting was attended by nine parents, two community members, Principals of Delta View and Bel Air, the Office Manager of Delta View, a teacher from Bel Air and other District staff. The projected enrollment for Delta View in 2013-2014 is 932 with a capacity of 829 (if no boundary change). The number of students in the affected area for the proposed boundary change is 306. The following Committee recommendations from March 27, 2013 are provided for Board consideration:

1. Students in 3rd and 4th grades residing in the current affected Delta View attendance boundaries will be able to continue to attend Delta View for their 4th and 5th grade years, i.e. "grandfathered in."
2. Siblings of these 3rd and 4th graders will also be able to continue to attend Delta View through 5th grade. The criterion does not apply to future siblings who are not of school age.
3. 2nd grade students residing in the current affected Delta View attendance boundaries interested in continuing in Delta View at 3rd grade will enter a lottery this spring. These students will be "grandfathered in" based on lottery priority and available space at Delta View. Siblings of these students will be accepted based on available openings at their grades.
4. The district will conduct an address verification process for all Delta View students.
5. The district transfer process will be made available to affected families during a three- week window after the boundary change is approved by the Board. Students assigned to Rio Vista and Bel Air will be able to apply for an NCLB transfer to a district identified "choice" school with transportation available.

For the 2013-2014 school year, the Delta View enrollment will include 626 students from the "new" Delta View boundaries and 40 current 4th grade and 42 current 3rd grade students "grandfathered in." Additionally, there are 52 siblings to be "grandfathered in." These bring the projected total enrollment to 760. This number could be increased to accommodate current 2nd graders from the lottery list.

Rose Lock gave a presentation updating the Board on address verifications and crossing guard options.

Public Comment:

Willie Mims voiced his concern that the District will be creating an elite school with this boundary change.

Debra Mason noted that the walking trails in Bay Point are not safe for children walking to school. She said that at the Bay Point Municipal Advisory Committee (MAC) meeting tomorrow she will pursue the possibility of adding additional crossing guards at Bailey Road.

Keri Niepraschk reaffirmed that the boundary changes were a community decision, and stated that there were numerous opportunities for parents to be involved in the process. She pointed out that these are the original boundaries for these schools, and the most logical place to draw them.

Ms. Oaks voiced her concern over the safety of students walking to school, and asked the Board to consider continuing to offer bus transportation to students attending Rio Vista Elementary School.

Ms. Mayo asked staff to report back on the feasibility of extending the traffic signals at key intersections during the time that students are walking to and from school.

Lawrence moved, Dennler seconded, and the Board voted 5-0-0 via voice vote to approve as presented.

12.7 Approve Separation Agreement of Superintendent

President Hansen announced that there is nothing to report, discussions are continuing.

12.8 Approve Separation Agreement of General Counsel

President Hansen announced that there is nothing to report, discussions are continuing.

12.11 Approve the Legal Services Contract of Latisha McCray, Contract Attorney

Ms. McCray is a first-year attorney who has volunteered her time at the District three days per week since January to determine whether she wants to be a school attorney. She has proven herself indispensable. She is skilled in legal research and has been trained over the last few months by the lawyers in the Counsel's office to conduct workplace investigations and employee training, respond to advice calls from school sites, and address a myriad of other issues. Given the recent transitions of the General Counsel's office, the Associate General Counsel will be assuming some of the duties of the outgoing General Counsel. Therefore, Ms. McCray's services are required to back-fill for some of the Associate General Counsel's duties, such as: assisting with workplace investigations; trainings; conducting legal research; and taking basic advice calls from school sites.

Deborah Cooksey presented biographical information about Ms. McCray.

Public Comment:

J. Parker said that he meant to comment on item 12.10, to say that the cost of the contract is too high.

Willie Mims stated that because Ms. McCray has been volunteering her time, it would be prudent for the District to pay her when her services are needed during this transition period.

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

12.12 Meeting Extension

No Meeting Extension was required.

BOARD MEMBER REPORTS

Mr. Lawrence shared that he visited Mt. Diablo High School to visit several of the academies, and enjoy lunch provided by teacher Cindy Gershon. He noted that the District needs to determine what the Academy model should look like. Mr. Lawrence asked that at a future meeting the Board discuss an initiative around an "electronic first" methodology of disseminating information.

Ms. Mayo noted that Wednesday is the Day of the Teacher and the Classified Credentialed School Nurse, and that the Board approved the resolution marking May 19-25 as Classified Employees' Week. Ms. Mayo announced that the MDEA Academy Awards ceremony will be held on May 17th, and the District retirement celebration will be held on May 14th. Ms. Mayo visited Foothill Middle School and Robert Shearer Preschool at Gregory Gardens Elementary School. She participated in the Teen California for Healthy Kids partnering meeting, and attended the California State PTA Convention last week.

Ms. Oaks had the opportunity to go to Legislative Day with members of the Community Action Committee. She also attended an elementary school field trip, and was impressed by the quality of the school bus and driver.

Ms. Hansen highlighted future agenda items, including graduation requirements and conversations around the Mt. Diablo High School academy model and linked learning. She announced that the Board will be meeting again on Wednesday, May 8th at 3:00 p.m.

CLOSED SESSION

The Board did not return to Closed Session.

ADJOURNMENT

The meeting adjourned at 9:58 p.m.

*All times marked are approximate.

DRAFT

Respectfully submitted,

Nellie Meyer, Ed.D.
Superintendent