

MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Tuesday, March 15, 2011 (7:30 p.m.)

Board Members: Gary Eberhart (participated via teleconference from 685 Manzanita Court, Chico, CA 95926), Sherry Whitmarsh, Linda Mayo, Lynne Dennler, and Cheryl Hansen

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

CALL TO ORDER

The meeting of the Board of Education of the Mt. Diablo Unified School District was called to order by Vice President Sherry Whitmarsh at 6:00 p.m. in the Board Room at the MDUSD Dent Center.

CLOSED SESSION

The Board adjourned to Closed Session at 6:01 p.m. in Room 6 at the Dent Center. Items discussed were negotiations, employee discipline/dismissal/release/complaint, and readmissions. The Board voted to release employee 28724 The Board voted 5-0-0 to readmit seven (7) students.

RECONVENE OPEN SESSION

The Board reconvened open session in the multi-purpose room at Monte Gardens Elementary School at 7:34 p.m. Sherry Whitmarsh led the Pledge of Allegiance to the Flag and reported action taken in Closed Session.

8.1 Expulsion Recommendation Student #10-11

Mayo moved, Hansen seconded and the Board voted 5-0-0 that student #10-11 be expelled from all schools and programs in the Mt. Diablo Unified School District and that Student #10-11 may apply for readmission after January 3, 2012. It is also required that Student #10-11 participate in 20 hours of counseling to address individual decision making and substance abuse, 30 hours of community service, the COPS Program, Drug Free Testing Drug and Alcohol Workshop, Parent Project, 60 credits with 2.0 GPA, and shows evidence of a successful school experience, prior to applying for readmission.

8.2 Expulsion Recommendation Student #11-11

Mayo moved, Hansen seconded and the Board voted 5-0-0 that Student #11-11 be expelled from all schools and programs in the Mt. Diablo Unified School District and that Student #11-11 participate in 30 hours of counseling to address substance abuse and decision making skills, COPS - Aggression, Drug Testing, 30 hours of community service, successful school experience, good attendance, 2.0 GPA and complete 30 credits by June 2011 to graduate, Parent Project, Anger Management Workshop.

8.3 Expulsion Recommendation Student #12-11

Hansen moved, Mayo seconded and the Board voted 5-0-0 that Student #12-11 be expelled from all schools and programs in the Mt. Diablo Unified School District and that Student #12-11 participate in 20 hours counseling to address decision making, COPS - Aggression, 30 hours community service, Anger Management Workshop, successful school experience with 2.0 GPA in all classes, good behavior and attendance, and Parent Project.

8.4 Expulsion Recommendation Student #13-11

Mayo moved, Hansen seconded and the Board voted that Student #13-11 be expelled from all schools and programs in the Mt. Diablo Unified School District and that Student #13-11 participate in 20 hours counseling to address decision making, COPS - Aggression, 30 hours of community service, Anger Management Workshop, successful school experience with good behavior and attendance, 2.0 GPA in all classes and Parent Project.

CONSENT AGENDA

Mayo moved, Dennler seconded and the Board voted 5-0-0 to approve the consent agenda as presented with the exception of 9.14. Item 9.14 pulled by Hansen.

9.2 (Item #2) Minutes of the meeting of February 8, 2011.

9.3 (Item #3) Recommended Action of Certificated Personnel

Changes in status of certificated employees.

9.4 (Item #4) Request to increase and decrease Full Time Equivalent (FTE) for the 2010-2011 School Year

Positions requested to be increased or decreased as described.

9.5 (Item #5) Recommended Action for Classified Personnel

Changes in status of classified employees.

9.6 (Item #6) Classified Personnel: Funding Change for an Instructional Assistant-Computer Position at Valhalla Elementary School

Valhalla Elementary School is requesting to change the funding source for a 19 hour/week, School Day Only, Instructional Assistant-Computer position. This position was funded partially by Parent Faculty Club and partially by School & Library Improvement Grant (SLIBG). Due to the uncertainty of the SLIBG funding, this portion of the position (9 hours) was eliminated. Valhalla is now requesting to restore the nine (9) hours under SLIBG funding. The funding for this position will revert/return back to Parent Faculty Club funds for the 2011-12 fiscal year. Incumbent #13388 will remain in the position.

9.7 (Item #7) Classified Personnel: Funding Change for a Site Technology Support Technician II Position at Walnut Acres Elementary School

Walnut Acres Elementary School is requesting to change a portion (5 hours/week) of the funding source for a 32 hour/week, 10 month/year, Site Technology Support Technician II position. Five (5) hours/week will be moved from Parent Faculty Club and charged to School & Library Improvement Grant (SLIBG) retroactive to 8/17/10 for all of 2010-11 fiscal year. Incumbent #11510 will remain in this position.

9.8 (Item #8) Classified Personnel: Create a Part-time Site Technology Support Technician II Position for Shore Acres Elementary School

Shore Acres Elementary School is requesting the creation of an 8 hour/week, 10 month/year, Site Technology Support Technician II position to support technology at the site.

9.9 (Item #9) Monthly Budget Transfer and/or Budget Increases/Decreases for the month of February 2011

Some revisions are a result of prior Board actions, changes in grant awards and changes in funding. Donations have been made to the District by private individuals and businesses. There are also deposits for payments to school sites for lab fees and other items for which the sites collect money. The appropriate revenue and expenditure budgets have already been increased by the amount of the donations.

9.10 (Item #10) IFAS Vendor Warrant Report and IFAS Vendor Cancellations Warrant Report for the month of February 2011

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

9.11 (Item #11) Food and Nutrition Services Purchase Order 2010-2011

Food and Nutrition Services requests approval from the Board of Education to issue an open Purchase Order to Vendmart for the purchase of compostable lunch trays. Purchase Order not to exceed \$93,000. This amount will allow purchase of trays for the remainder of this school year plus adequate stock to begin 2011/12 (necessary due to lengthy delivery timeline). This product was bid and selected by the Alameda County Office of Education Cooperative Purchasing Program for Food Service Supplies (documentation attached). MDUSD Food and Nutrition Services purchased trays from Vendmart during 2009/10 without problems.

9.12 (Item #12) Final Change Order for Bid #1561: New Classrooms at College Park and Concord High Schools

On April 27, 2010 the Board of Education awarded Bid 1561 to Magnum Construction, Inc. in the amount of \$1,654,725.00 for the construction of new SMART classrooms at College Park and Concord High Schools. As a result of a need to address minor, paving, utility infrastructure and other minor scope modifications and adjustments it will be necessary to issue a single, final change order in the amount of \$10,894.49. This change order increase

reflects a change order increase of less than 1% of contract value. This single, final change order will result in a revised, final contract value of \$1,665,619.49. The construction budget for this project was \$2,293,850.00.

9.13 (Item #13) Notice of Completion for Bid #1561/C-899

Bid No. 1561 was called to provide the SMART Classrooms at Concord and College Park High Schools. The lowest responsible bidder was Magnum Construction, Inc., for the bid award amount of \$1,654,725.00. The scope of work included, but was not limited to: site work, demolition and metal stud construction necessary for new modular classroom(s) and laboratory buildings, including associated civil, architectural, structural, plumbing, mechanical and/or electrical work. Generally, these categories involve new finishes, adaptive re-use and modification of certain selected areas, new cabinetry (including laboratory), handicap accessibility, roofing, and photovoltaic systems and pertain to changing and expanding selected infrastructure utilities, and/or extensive modifications. The project involved phasing and barricading work areas. Contractor was responsible for all work, as well as wiring, system integration, data terminations, connections and photovoltaic systems. There was an additive change order on this project in the amount of \$10,894.49. Work and services for this project have been satisfactorily completed for a total expenditure of \$1,665,619.49. Budget for this project: \$2,293,850.00

9.14 (Item #15) Fact-Finding Contract with School Services of California and Mt. Diablo Unified School District

Assist the District as directed by the Superintendent or the Superintendent's designees with issues for services relative to the District's collective bargaining negotiations as mandated by Sections 3540, et al., of the California Government Code. CSEA fact-finding will be \$16,000.00. Local #1 fact-finding \$24,000.00.

9.15 (Item #16) Approval of Independent Services Agreement for Elizabeth Peterson

Mt. Diablo High School is requesting approval of an Independent Services Contract for Elizabeth Peterson/CP Consulting to provide staff development, coaching, training, data analysis and consulting support.

CONSENT ITEMS PULLED FOR DISCUSSION

10.1 (Item #14) Contract Amendment for Engineering Consulting Services: Newcomb, Anderson and McCormick

On October 12, 2010 the Board of Education awarded a contract to Newcomb, Anderson and McCormick for a 'not to exceed' value of \$33,660 for the provision of engineering consulting services during the Solar RFP evaluation phase as well as the contract negotiation process. Staff is now requesting approval of a contract amendment in the amount of \$55,000.00 for the provision of supplemental engineering consulting and savings/performance verification services during the schematic and final design/implementation phases of the solar project. This contract amendment will result in a revised contract value of \$88,660.00.

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

PUBLIC COMMENT

Adam Delaney stated he did not understand the rationale in closing two schools within one mile of each other and asked the Board to postpone the closure of the schools.

Kelly Van Boekhout expressed disappointment that staff was not able to answer all of her questions at the Holbrook presentation last Tuesday evening.

John Ferrante said that redrawing boundary lines and not using portables would save money. He expressed his concern regarding the population dynamics and asked the Board to keep that in mind for the future consideration.

Willie Mims, BPA and NAACP, protested the minimal amount of time allowed for people to present their grievances and concerns to the Board. He also expressed his concern about what the District will do with the closed schools, what programs will be lost and the impact on the community. He thanked the Board for having the meeting in a larger facility.

COMMUNICATIONS

None

SUPERINTENDENT'S REPORT

None

BUSINESS/ACTION ITEMS

14.1 Appointment of Administrator, School Support

Interviews have been conducted and a candidate has been selected to fill the position of Administrator, School Support. This is a new position which was created due to the restructuring of Curriculum & Instruction.

Public Comment

Willie Mims, BPA and NAACP, questioned why another position was being created when the District is laying people off.

Mayo moved, Dennler seconded and the Board voted 4-1-0 (Hansen voted no) to appoint Lisa Boje to the position of Administrator, School Support.

14.2 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 2011. The list indicates the names of administrators, sites and assignments.

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

14.3 Boundary Options for Holbrook Elementary School and Glenbrook Middle School

Superintendent Lawrence gave a Power Point presentation showing the proposed boundary changes. He also thanked Susan Petersen, Denise Rugani and Rose Lock for presenting to the communities on March 14 at Holbrook, Glenbrook, & Meadow Homes. The Board will establish the new attendance boundaries for students currently at Holbrook and Glenbrook. If the Board adopts the attached boundaries students currently in the Glenbrook attendance areas 2 and 3 would attend El Dorado, and areas 1 and 4 would attend Valley View. Neither El Dorado or Valley View is in Program Improvement; therefore, students could not request a transfer under No Child Left Behind (NCLB). This includes students living in the Glenbrook attendance areas that are currently on NCLB school of choice transfers. It is recommended that we allow these students to remain at their current middle schools; however, the District will no longer provide transportation. Currently, we provide three buses: one goes to Pleasant Hill, one goes to Pine Hollow and Diablo View, and one goes to Valley View and Sequoia. The students in the new El Dorado and Valley View attendance areas would be provided a 30 day window to submit a new Intradistrict Transfer Application to attend another middle school. Again, students currently on school of choice would not need to reapply. Students in attendance area 5 who will attend Oak Grove can apply for a transfer under the No Child Left Behind school of choice process and we would provide transportation through Title I funds. Holbrook students currently living in areas 1 and 4 would attend Sun Terrace and students living in areas 2 and 3 would attend Wren. If students wish to attend a different elementary school families will be provided the same 30 day Intradistrict Transfer Application window as mentioned above.

Public Comment

Kelly Van Boekhout asked the Board to rescind their decision to close Holbrook.

Sharon Weiller suggest that the Board to keep Holbrook Elementary open and convert it to a K-6 school.

Willie Mims, BPA and NAACP, expressed his concerns about transportation costs to the families impacted by the school closures and that he opposes the closure of the schools and feels the communities are being short changed.

Mayo moved, Dennler seconded and the Board voted 3-1-1 (Dennler - no, Hansen - abstain) to approve as presented.

The Board gave direction to Superintendent Lawrence to move forward with the plan as presented and bring back as a living document to the next Board meeting as long as staff continues to work on the plan.

14.4 Budget Reductions

The Second Interim Budget must be adopted by a school Board by March 15 and then must be provided to the County Office of Education for its review and approval of assumptions. In general, the purpose of the Second Interim Budget is to: • Verify the District is on track to meet the Average Daily Attendance (ADA) assumptions that were built into the original budget; • Ensure that cost assumptions (i.e. fuel, electricity, health benefit, etc.) are on track with actual increases; • Address any mid-year cuts to funding; • Begin to incorporate the Governor's January Budget proposal assumptions into the multiple year projections and demonstrate districts will have a positive ending balance three years out. This year's Second Interim Budget is particularly challenging because all districts in the County have been directed to assume the Governor's Budget proposal does not move forward and we receive a minimum reduction of \$350 per pupil. However, there have been estimates that districts could expect cuts up to \$780 per pupil. In March 2010, the Board directed staff to negotiate with our various bargaining units: a cap on health benefits; prorated health benefit contributions; and furlough days. Without these negotiated reductions and with the \$350 per pupil reduction, the District will have a negative ending balance at the end of the 2012-13 school year of approximately \$27 million. With a health benefit cap, proration of health benefit contributions, and furlough days of 3-7-7 (three days this year and seven the next two years) included in the Second Interim, we will have a negative ending balance of approximately \$4 million at the end of the 2012-13 school year. Therefore, in order to certify "positive" for the Second Interim Budget we would need to only identify approximately \$4 million in additional reductions. The savings from the recommended list will allow the District to have a positive ending fund balance at the end of the 2012-13 school year and certify positive. We will need to closely monitor the State budget process. If the Governor's request for a June ballot does not come to fruition, we will need to identify other items on the list for future implementation. Also, because we have identified \$3,380,598 in one-time reductions in order to create a balanced Second Interim Budget, we will need to identify on-going reductions in the 2013-14 school year to be included in the budget the Board will adopt in June for the 2011-12 school year.

Public Comment

Pamela Harrel spoke about how much she loves her job as a Special Education Assistant and how devastating it would be if she lost her medical benefits.

Willie Mims, BPA and NAACP, expressed his concerns about the items listed as potential budget cuts.

Debbie Hickey thanked Ms. Hansen for supporting the CST and M&O units.

Judy Dawson spoke in support of Gateway, Necessary Small High School.

Mayo moved, Dennler seconded and the Board voted 5-0-0 to approve items 4, 5, 6, 7, 8, 9, 12, 16 and 17 as presented and modify item 11 to the amount of \$300,000.

14.5 2010-11 Second Interim Report and Public Hearing on Transfers Pursuant to ABx3-4

The interim report presents revenue and expenditure projections to the end of the fiscal year and compares these projections to the budget. The projections are made by gathering the best information available at the time from a variety of sources, such as district administrators, county officials, state officials and School Services of California. The year-end projections are then compared to the budget to display the differences and to give the most up-to-date picture of how the district will end the year financially, as well as the two subsequent years.

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

14.6 Change Order #1: SunPower Corporation, Systems

On October 26, 2010 the Board of Education approved a Design-Build contract with SunPower Corporation, Systems for \$65,604,398.00 for the design, procurement installation, training, operation, maintenance, monitoring and 20 year guaranteed performance of Photovoltaic Systems at fifty-one (51) District sites. Recognizing a post-award need to: 1)increase system sizes to address the prospective power demands of the new Heating, Ventilating and Air Conditioning (HVAC) to be installed at 28 sites through the 2010 Measure C Facility Improvement Program; 2)reconfigure the installation location of solar arrays and equipment pads to accommodate established easements and emergency access routes; and 3)adjust array locations to accommodate existing site programs and hardcourt configurations, staff negotiated fixed unit pricing for all such pre-commencement design changes. This fixed pricing matrix was incorporated into the contract documents by way of exhibit. Staff has worked with District site administrators of all the Increment #1 sites and SunPower to complete the schematic design phase for the Increment #1 sites (17 sites) and is prepared to authorize final design and submission to the Department of the State Architect (DSA). Staff is recommending approval of a change order in the amount of \$1,860,247.19 for the design, installation, and 20 year maintenance, monitoring and guaranteed performance of system additions and modifications necessary to address District power and program requirements at the Increment #1 sites. As a result of this proposed change order total system size for the Increment #1 sites would be increased to address projected HVAC loads from a contract base of 3506.00 kWp to an increased system size of 3791.85 kWp. For purposes of evaluation then, the resulting capital cost/kWp ratio for the Increment #1 sites is increased from \$5862 per kWp to \$5911 per kWp (an increase of.83%). It is anticipated that collectively, District-wide system size will need to be increased by approximately 1 megawatt to address future HVAC loads. Subsequent pre-commencement change order requests will be submitted for Increment #2 and #3 as systems are finalized and shared with site administrators and schematic designs are approved by the District Program Management team. The implementation of the system changes identified in this Increment #1 change order will result in an additional projected thirty (30) year savings (avoided cost) in utility expenditures of \$8,981,674.00 and an increase (over 5 years) in total CSI revenue of \$372,875.00 for a thirty (30) year savings and revenue total of \$9,354,549.00.

Public Comment

Willie Mims, BPA and NAACP, requested that a copy of the staff report be provided to the public so they may browse through it.

Mayo moved, Dennler seconded and the Board voted 4-0-1 (Hansen – abstain) to approve as presented.

PULLED 14.7 Resolution 10/11-51 Amending Resolution 10/11-47 and Providing for the Issuance of Certain General Obligation Bonds Pursuant to the Education Code of the State of California

A resolution to amend Resolution #10/11-47 which authorized not to exceed \$11,000,000 of general obligation bonds of the District. The resolution would change the authorization for the bonds from the Government Code to the Education Code. The practical effect is that the Bonds will be issued by the County of Contra Costa in the name and on behalf of the District rather than by the District on its own behalf. The reason for the change is that the District filed its 2010-11 Second Interim Report with a qualified certification. The Education Code requires that school districts with a qualified certification issue bonds through the county.

BOARD MEMBER REPORTS

Lynne Dennler stated she is on the Board because people voted for a retired teacher. The Board needs to hear what is happening to the teachers and she wants to be their voice.

Linda Mayo attended the Council of PTAs meeting where honorary service awards were given to students and adults who provide extraordinary service and with each recognition a donation is made to the PTA scholarship fund.

Gary Eberhart thanked staff for all the work they have been doing and taking time to provide prompt responses.

The meeting adjourned at 10:12 p.m. in remembrance of Cherie Beemer, retired District teacher.