

MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Tuesday, October 26, 2010 (7:30 PM)

Board Members: Paul Strange, Gary Eberhart, Richard Allen, Linda Mayo, and Sherry Whitmarsh
Administrative Staff: Superintendent Steven Lawrence, Assistant Superintendents Julie Braun Martin, Mildred Browne, Rose Lock, General Counsel Gregory Rolen, 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 Paul Strange at 5:58 p.m. in the Board room at the Dent Center.

CLOSED SESSION

The Board adjourned to Closed Session at 5:59 pm. in Room 6 at the Dent Center. Items discussed were negotiations, anticipated litigation, and public employee discipline/dismissal/release/complaint.

CONSENT AGENDA

Eberhart moved, Whitmarsh seconded, and the Board voted 5-0-0 to approve the Consent Agenda with the exception of item 17, thereby approving the following:

8.2 (Item 2) Minutes of the meeting of September 14, 2010

8.3 (Item 3) Recommended Action of Certificated Personnel

Changes in status of certificated employees.

8.4 (Item 4) Supervised Fieldwork Agreement with Brandman University for the term of November 30, 2010 through November 30, 2015

This agreement is to provide practice teaching to students enrolled in the teacher education program at Brandman University to help them acquire the skills and knowledge needed to become professional teachers, administrators and psychologists. Cooperating teachers who serve as master teachers receive a stipend for their services.

8.5 (Item 5) Student Teacher Placement Agreement with University of Southern California's Rossier School of Education

This agreement is to provide practice teaching to students enrolled in the teacher education program at the University of Southern California to help them acquire the skills and knowledge needed to become professional teachers. Cooperating teachers who have a student teacher receive a stipend for their services.

8.6 (Item 6) Request to increase and decrease Full Time Equivalent (FTE) for the 2010-2011 school year

Positions are requested to be increased or decreased as described.

8.7 (Item 7) Recommended Action for Classified Personnel

Changes in status of the classified employees.

8.8 (Item 8) Classified Personnel: Create a Part-time Career College Advisor Position at Northgate High School

Northgate High School is requesting to create a part-time, 19 hour/week, 10 month/year, Career College Advisor position.

8.9 (Item 9) Classified Personnel: Reinstate a Part-time Instructional Assistant Position at Ayers Elementary School

Ayers Elementary School has requested to reinstate a 12 hour/week, school day only, Instructional Assistant position retroactive to September 13, 2010. Incumbent #24765 will remain in this position.

8.10 (Item 10) Classified Personnel: Increase in Hours for a Part-time Instructional Assistant Position at Gregory Gardens Elementary School

Gregory Gardens Elementary School has requested to increase a part-time Instructional Assistant position from 8 hour/week, School Day Only, to 15 hour/week, school say only. Incumbent #23676 will remain in this position with the increased hours.

8.11 (Item 11) Classified Personnel: Increase in Hours for a Part-time Site Technology Support Technician II Position at Valley View Middle School

Valley View Middle School has requested to increase the hours of an existing Site Technology Support Technician II position from 2.75 hours/week to 14.5 hours/week, 10 month/year. Incumbent #25074 will remain in this position with the increased hours.

8.12 (Item 12) Classified Personnel: Increase in Hours for a Part-time Site Technology Support Technician I Position at Cambridge Elementary School

Cambridge Elementary School is requesting to increase a part-time Site Technology Support Technician I position from 18 to 19 hour/week, 10 month/year, retroactive to August 17, 2010. Incumbent #21250 will remain in this position with the increased hours.

8.13 (Item 13) Classified Personnel: Increase in Hours for a Part-time Site Technology Support Technician II Position at Valle Verde Elementary School

Valle Verde Elementary School is requesting to increase the hours of a part-time Site Technology Support Technician II position from 12.35 hour/week, 10 month/year, to 19 hour/week, 10 month/year retroactive to August 17, 2010. Incumbent #25171 will remain in this position with the increased hours.

8.14 (Item 14) Classified Personnel: Decrease in Hours for a Part-time Instructional Assistant-Computer Position at Avers Elementary School

Avers Elementary School is requesting to decrease a part-time Instructional Assistant-Computer position from 18 hours/week to 4 hours/week, school day only effective December 17, 2010. Incumbent #20844 will be affected.

8.15 (Item 15) Classified Personnel: Eliminate a Vacant Part-time Senior Instructional Assistant Position and Increase in Hours for an Existing Community Service Assistant at Nueva Vista/Summit/TLC

Nueva Vista/Summit/TLC has requested the elimination of a vacant 5 hour/week, school day only, Senior Instructional Assistant position and to increase an existing Community Service Assistant from 32.5 hours/week to 36.5 hours/week, school day only. This will give additional support to the bilingual community at the site. Incumbent #23710 will remain in this position with the increased hours.

8.16 (Item 16) Classified Personnel: Eliminate a Vacant Part-time Instructional Assistant Position at Bel Air Elementary School

Bel Air Elementary School is requesting to eliminate a vacant 35 hour/week, school day only, Instructional Assistant position.

8.17 (Item 18) Classified Personnel: Retitle of Special Education Assistant II/Classroom Position to Assistive Technology Assistant

Special Education is requesting a classification/title change for a Special Education Assistant II/Classroom position to Assistive Technology Assistant, 35 hours/week; School Day Only position to better align the title to the duties of the job description being performed. This is the same salary range and will have no impact on the budget. Incumbent #14380 will remain in the position with the new change in classification.

8.18 (Item 19) Approval of Post Retirement Contract for Carol Snow, Retired Administrator

This retired administrator will perform the duties of coaching and mentoring support for teachers at Oak Grove Middle School. This would include peer observations, data analysis and lesson planning support for both new and veteran teachers.

8.19 (Item 20) Resolution Authorizing Investment of Monies in the Local Agency Investment Fund (LAIF) for Account Number 75-07-008

The Local Agency Investment Fund (LAIF) in cooperation with the Contra Costa County Treasurer's Office is requesting Mt. Diablo Unified School District update their accounts to reflect the Chief Financial Officer investment responsibilities within the LAIF and the appointment of Dr. Lawrence as

Superintendent. This resolution is for the account for all District funds other than TRAN and Bond proceeds, #75-07-008.

8.20 (Item 21) Resolution Authorizing Investment of Monies in the Local Agency Investment Fund (LAIF) for Account Number 11-07-023

The Local Agency Investment Fund (LAIF) in cooperation with the Contra Costa County treasurer's Office is requesting Mt. Diablo Unified School District update their accounts to reflect the Chief Financial Officer investment responsibilities within the LAIF and the appointment of Dr. Steven Lawrence as Superintendent. This resolution is for the account for all District funds other than TRAN and Bond proceeds, #11-07-07-023.

8.21 (Item 22) Resolution for General Obligation Bonds 2010 Election, 2010 Series A and General Obligation Bonds 2010 Election, 2010 Series B

The District is establishing a new account in the Local Agency Investment Fund (LAIF) for the proceeds from Measure C 2010.

8.22 (Item 23) Resolution confirming the costs of Bond Sale respecting Mt. Diablo Unified School District 2010 Election, 2010 Series A and General Obligation Bonds, 2010 Election, 2010 Series B (Federally Taxable New Clean Renewable Energy Bonds-Direct Payment)

Resolution #10/11-27. This resolution confirms the costs related to issuance and sale not to exceed \$110,000,000 aggregate principal amount of the District's General Obligation Bonds, 2010 Election, 2010 Series A and 2010 Election, 2010 Series B (Federally Taxable New Clean Renewable Energy Bonds-Direct Payment) (collectively, the "Bonds")

8.23 (Item 24) Resolution #10/11-26 of the Board of Education of the Mt. Diablo Unified School District Authorizing the Submission of an Application for Qualified School Construction Bond Allocation and Approving Certain Actions in Relation Thereto

Resolution 10/11-26. The American Recovery and Reinvestment Act of 2009 authorizes public schools to designate certain bonds as "qualified school construction bonds" ("QSCBs"). In order to make such a designation, a school District must receive an allocation of QSCB volume cap which is available in an aggregate principal amount of \$11 billion for calendar year 2010. The Treasury Department has allocated \$651,652,000 of QSCB volume cap to public school Districts and county offices of education within California. The California Department of Education ("CDE") is authorized to assign and distribute that QSCB volume cap in an amount not to exceed \$25,000,000 per school District. The CDE has published an application and application procedures for school Districts who wish to receive a portion of that QSCB volume cap. Adoption of a resolution by the governing body of the school District authorizing submission of the application to the CDE is a requirement for application. The Resolution under consideration meets the CDE requirements for that resolution.

8.24 (Item 25) Napa/Solano/Contra Costa Educational Support Team Independent Services Agreement

Mt. Diablo Unified School District has recently received verification from the California Department of Education that it has been awarded the SIG Improvement Grant. Under the Sub-grant Conditions and Assurances, all LEAs that receive funding must ensure that the identified strategies and related activities referenced within the SIG application are incorporated into a revised LEA Plan Addendum and into the Single Plans for Student Achievement. Specifically, the addendum must address fundamental teacher and learning needs of schools in the LEA, define specific measurable achievement goals and targets for each of the student subgroups whose disaggregated results are included in the state's definition of Adequate Yearly Progress, incorporate strategies grounded in scientifically based research that will strengthen instruction in core academic areas, provide for high quality professional development for instructional staff that focuses primarily on improved instruction, include strategies to promote effective parent involvement, and include a determination of why the LEA's previous plan did not bring about increased student achievement. The California Department of Education recommends that LEAs receive technical support when developing their LEA Plan Addendum. The LEA Plan addendum must be completed and brought to the Board of Education for approval on December 14, 2010.

8.25 (Item 26) Approval of Contract with the YMCA of the East Bay for Valle Verde Elementary School

Students at Valle Verde Elementary School will participate in the outdoor education at YMCA Camp Arroyo October 26-29, 2010. Cumulative costs to the YMCA East Bay will exceed \$25,000, therefore Board approval is required.

8.26 (Item 27) Additive Change Order For Bid #1559/Contract C-898

Bid No. 1559 was called to provide the Telephone and Intercom Upgrades at Foothill Middle School. The lowest responsible bidder was Sedge Electric, Inc. for the bid award amount of \$243,700.00. The scope of work included, but was not limited to: removal and replacement of telephone and intercom systems. As a result of unforeseen conditions due to additional underground trenching, an additive change order in the amount of \$2,539.00 was issued. This additive change order will result in a final contract value of \$246,239.00. Budget for this project: \$280,000.00.

8.27 (Item 28) Notice of Completion for Bid #1559/Contract C-898

Bid No. 1559 was called to provide the Telephone and Intercom Upgrades at Foothill Middle School. The lowest responsible bidder was Sedge Electric, Inc. for the bid award amount of \$243,700.00. The scope of work included, but was not limited to: removal and replacement of telephone and intercom systems. There was an additive change order on this project in the amount of \$2,539.00. Work and services for this project have been satisfactorily completed for a total expenditure of \$246,239.00. Budget for this project: \$280,000.00.

8.28 (Item 29) Approve contract with Resource Development & Associates (RDA) for evaluation services for the School Improvement Grant (SIG). Approve contract with Resource Development & Associates (RDA) for evaluation services for the School Improvement Grant (SIG)

Staff requests approval to enter into a contract with Resources Development and Associates (RDA) for evaluation services for the 2010-11 school year for the School Improvement Grant (SIG). The School Improvement grant requires a comprehensive annual evaluation as part of the grant to measure program implementation and effectiveness.

8.29 (Item 30) Request for Replacement of Outdated Warrant

County warrant issued to Angelica de Leon for extra compensation was not presented to the County Treasurer for payment within six months of date of issue and consequently void. Replacement is limited to two years from the date the original warrant becomes void as per Government code 29802, unless the Board directs the warrant to be reissued. A new warrant is requested to be issued to the payee in replacement for the void warrant.

8.30 (Item 31) Monthly Budget Transfer and/or Budget Increases/Decreases for July, August and September 2010

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.

8.31 (Item 32) Award of Contract to Stewart Title of California, Inc. For The Provision of Condition of Title Reports For Fifty-One (51) District Properties.

In order to proceed with the design of the solar systems at each of the District sites included in the program, it is critical that all property lines, recorded easements and other real property attributes be clearly identified. Staff has solicited quotations from multiple Title companies for the provision of title reports, including plotted easements, for all fifty-one (51) District properties and is recommending that a professional services contract be awarded to Stewart Title of California, Inc. for the provision of said services for a total cost of \$38,250 (\$750.00 per site).

8.32 (Item 33) Catholic Charities of the East Bay (CCEB) MOU with Mt. Diablo Adult Education

CCEB would like Mt. Diablo Adult Education to continue to provide an English as a Second Language (ESL) – Early Childhood Education (ECE) “bridge” class for intermediate level and above ESL students in the Monument Corridor for the express purpose of preparing these students to enroll at local Contra Costa County Community Colleges to pursue licensing/credentialing in Early Childhood Education (ECE). The program is provided at the First 5 Contra Costa Center at 1736 Clayton Rd., Concord, during the 2010-

2011 and 2011-2012 school years. Curriculum will be provided by CCEB and the teacher delivering said curriculum will be employed by Mt. Diablo Adult Education.

8.33 (Item 34) Mt. Diablo Adult Education Interagency Agreement with Contra Costa County Employment and Human Services for Launch Program

Mt. Diablo Adult Education request approval to enter into Interagency Agreement with Contra Costa County Employment and Human Services for the purpose of providing assessment, planning, support, education and training to CalWORKS/Welfare-to-Work recipients throughout Contra Costa County. This will be done through a comprehensive program as designed and shown on the attached contract service plan. Services will be provided November 1, 2010 through June 30, 2011.

8.34 (Item 35) Award of RFP No. 1570: LEA Medi-Cal Claims and MAA Reimbursement Services Including CRCS Services

On July 21, 2010, Mt. Diablo Unified School District accepted proposals from four vendors for Local Education Agency (LEA) Medi-Cal Claims & Medi-Cal Administrative Activities (MAA) reimbursement services to file actual and estimated claims with the California Department of Health Care Services and/or Local Education Consortium (LEC). All proposals were evaluated and vendors were interviewed in accordance with the evaluation criteria specified in the RFP. Staff has reviewed and is recommending award as follows: L.E.A. Medi-Cal Claims Reimbursement Services to Paradigm HealthCare Services, LLC, at a cost of \$122,000.00. Please note that the M.A.A. Reimbursement portion of this RFP was awarded to MCF Consulting, Inc. (Practi-Cal) at the Board Meeting of September 28, 2010.

CONSENT ITEMS PULLED FOR DISCUSSION

9.1 (Item 17) Classified Personnel: Appointment of two (2) Assistant Project-Program Managers for Measure C

Interviews have been conducted and two (2) candidates have been selected to fill the positions of Assistant Project-Program Manager for Measure C.

Mayo moved, Allen seconded, and the Board voted 5-0-0 to appoint Timothy Cody as Assistant Project-Program Manager for Measure C

Eberhart moved, Allen seconded, and the Board voted 5-0-0 to appoint Mitchell Stark as Assistant Project-Program Manager for Measure C.

PUBLIC COMMENT

Zaharina Velazquez, student, asked that the District change their current chocolate supplier, Hershey's to a Fair Trade Company.

Jake Cooper, student, said that Hershey's chocolate uses child labor in other countries to harvest the cocoa used in their products. He urged the Board to switch to either a fair trade or organic supplier.

Dan Reynolds, teacher, who is teaching a pilot course in human rights at Mt. Diablo High, thanked the previous two speakers for coming to the Board meeting to express their concern regarding child slavery in the cocoa business.

COMMUNICATIONS

Annie Nolen, CSEA said that many unit members may have to leave the District because they will not be able to afford the proposed medical benefit increase. She asked the Board to work with CSEA to keep their members in the District.

STUDENT REPRESENTATIVES

The following student representatives reported on activities at their high schools:

Stanley Sugar, Olympic High; Karlie Morgan, Nueva Vista, TLC, and Summit; Zaharina Velazques, Mt. Diablo High; Mia Pricco, Concord High; J.P. DeSouza, Clayton Valley High; Rahul Batra, Northgate High; and Namja Sadat, Ygnacio Valley High.

SUPERINTENDENT'S REPORT

Superintendent Lawrence asked for a moment of silence in memory of John Donovan, the first principal of Olympic High School and James Jones, Business Agent for Local One CST, both who recently passed away. He reported that he had attended the Day at the Races, 5K Walk/Run fundraiser on October 30. Next Tuesday will be the PIQE graduation at Riverview Middle School.

Business/Action Items

14.1 Appointment of Director, Personnel Services

Tabled

14.2 Appointment of Principal, Elementary School

Interviews have been conducted and a candidate has been selected to fill the position of Principal, Elementary School

Eberhart moved, Mayo seconded and the Board voted 5-0-0 to appoint Gretchen Jacobs to the position of Principal, Elementary School. Ms. Jacobs will be assigned to Sun Terrace Elementary School.

14.3 Appointment of Program Specialist, Categorical Programs, Site Based

Interviews have been conducted and a candidate has been selected to fill the position of Program Specialist, Categorical Programs, Site Based.

Whitmarsh moved, Mayo seconded, and the Board vote 5-0-0 to appoint Cheryl Sweeney, to the position of Program Specialist, Categorical Programs, Site Based. Ms. Sweeney will be assigned to Oak Grove Middle School.

14.4 Approval of Resolution - Native American Heritage Month

The California Department of Education has designated November as Native American Heritage Month. The attached resolution recognizes the many contributions made by Native Americans to the American Heritage.

Mayo moved, Allen seconded, and the Board voted 5-0-0 to adopt resolution 10/11-23 designating November as Native American Heritage Month.

14.5 Award of Design Services Contract for RFP 1573 for a Technical Consultant

Award of design services contract for RFP 1573 for a Technical Consultant, candidate firms have been interviewed and the committee is recommending a successful bidder Smith, Faus, and McDonald.

Mayo moved, Eberhart seconded, and the Board voted 5-0-0 to approve the award of design services contract for RFP 1573 for a Technical Consultant

14.6 Resolution of Findings and Approval of Solar Power Design/Build Contract with SunPower Corporation, Systems

Section 4217.12(a) of the California Government Code authorizes the District to enter into a contract for design and construction of solar facilities on terms the Board determines are in the best interests of the District if the determination is made at a regularly scheduled meeting, public notice of which was given at least two weeks in advance. On September 28, 2010 the Board of Education authorized staff to engage in negotiations with SunPower Corporation in an effort to draft a mutually acceptable design/build contract for the design, installation, monitoring and support of Photovoltaic Systems at fifty-one (51) District sites. Said authorization was based on a comprehensive analysis of submittals/presentations to a Request for Proposals(RFP) issued August 4, 2010. Staff has successfully negotiated a contract with SunPower Corporation, Systems for the engineering, design, procurement, construction management, installation, training, monitoring, verification, maintenance, operation and repair of photovoltaic systems with a total capacity of Eleven Thousand, One Hundred Ninety One kilowatts peak (11,191 kWp), produced through photovoltaic systems located a fifty-one (51) sites District-wide for a total price of \$65,604,398.00. An analysis of the technology and systems proposed by SunPower, and the performance guarantees established in the contract, projects a thirty (30) year savings to the general fund of approximately \$192,531,705. Based on the due diligence exercised in the vendor proposal evaluation process, and in consideration of the

delivery and performance protections and enforceability of the proposed contract itself, staff is recommending that the resolution of findings and the contract with SunPower Corporation, Systems be approved.

President Strange opened the public hearing at 8:07 p.m.

Public Comment

John Parker expressed his support of solar power.

John Doolittle, representing IBEW, Local #302 thanked the Board for moving forward on the solar project. He is looking forward to the project

The hearing was closed at 8:08 p.m.

Pete Pedersen shared that the District has negotiated a solid contract with Sun Power. He introduced Matt Gianini from Sun Power who presented a summary of the solar project.

Eberhart moved, Allen seconded, and the Board voted 5-0-0 to adopt the resolution as presented.

14.7 Request to Name the Softball Field at Olympic High School the Ron Redding Softball Field

The staff at Olympic High School requests the Board of Education approve naming the softball field at Olympic, the Ron Redding Softball Field to honor Mr. Redding for his dedication to the students and staff of Olympic High School.

Superintendent Lawrence shared the statement written by Olympic High School staff for their reasons to honor Mr. Redding by naming the softball field after him.

This was presented as information only and will be returned for action.

BOARD MEMBER REPORTS

Linda Mayo visited Pine Hollow Middle School. She also went to Valley View Middle School and met with the new principal. On Friday she was a judge at the Pleasant Hill Elementary chili cook-off. Last week she also attended the Workforce Development Task Force.

Sherry Whitmarsh attended the Celebration of Success at Concord High. She announced that Chevron awarded a Science Technology Engineering and Mathematics (STEM) in the amount of \$25,000 to the Ygnacio Valley High School Science Department. She is looking forward to attending the homecoming game at Northgate High School which will be played under their new stadium lights.

Gary Eberhart encouraged everyone to vote on November 2.

Paul Strange shared that the reception for the Mt. Diablo Alternative Education Foundation will be held on November 9 at Concord Hilton. He announced that the Board meeting originally scheduled for November 9 will be moved to Wednesday, November 17.

The meeting was adjourned at 8:44 p.m. in memory of James Jones and John Donovan.