

MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Monday, September 10, 2012 (7:00 PM)

Board Members: Sherry Whitmarsh, Linda Mayo, Gary Eberhart, and Cheryl Hansen. Lynne Dennler participated via teleconference from Lahaina, Hawaii.

Administrative Staff: Superintendent Steven Lawrence, Assistant Superintendents Julie Braun Martin and 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 President Whitmarsh at 6:00 p.m. in the Board room at the MDUSD Dent Center.

Board Member Hansen asked President Whitmarsh for a Point of Information regarding the Community Input Meeting. President Whitmarsh responded to her questions.

ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 6:13 p.m. in Room 6 at the Dent Center. In Closed Session the Board discussed negotiations and Public Employee Discipline/Dismissal/Release/Complaint.

COMMUNITY INPUT MEETING

The Community Input meeting opened at 6:42 p.m. Superintendent Lawrence invited parents, community members and staff for their input on prioritizing the Strategic Plan.

Public Comment

Ann Tomaselli, Pleasant Hill Education Commission, shared that they will hold the Cutting Edge Careers panel at College Park High on Thursday, September 27.

RECONVENE OPEN SESSION

Open Session reconvened at 7:00 p.m. President Whitmarsh led the Pledge of Allegiance to the Flag and reported action taken in Closed Session. In Closed Session the Board discussed negotiations, and public employee discipline/dismissal/release/complaint – two certificated employees.

CONSENT AGENDA

Mayo moved, Hansen seconded, and the Board voted 5-0-0 to approve the Consent Agenda as presented, thereby approving the following:

9.2 (Item #2) Minutes of the meeting of August 20, 2012

9.3 Item (#3) Recommended Action for Certificated Personnel

9.4 (Item #4) Request to increase Full Time Equivalent (FTE) for the 2012-2013 school year

9.5 (Item #5) Saint Mary's College of California Student Placement Agreement with Mt. Diablo Unified School District

This agreement is to provide practical teaching, school counseling or school psychology experience for students enrolled in Saint Mary's School of Education.

9.6 (Item #6) California State University, Chico Internship Agreement with Mt. Diablo Unified School District

This agreement is to provide supervised fieldwork for interns in the Pupil Personnel Services, School Psychology program at California State University, Chico.

9.7 (Item #7) Samuel Merritt University Student Teaching Agreement with Mt. Diablo Unified School District

This agreement is to provide student teaching experience for students in the Samuel Merritt University Nursing Program.

9.8 (Item #8) 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 has been made public.

9.9 (Item #9) Recommended Action for Classified Personnel

9.10 (Item #10) Classified Personnel: Create an Instructional Assistant-Computer Position for Mountain View Elementary School

Mountain View is requesting to create a part-time, 12 hour/week, School Day Only, Instructional Assistant-Computer position. Incumbent #22942 will be reinstated from layoff into this position.

9.11 (Item #11) Award of Inspector of Record (Project Inspector) Contract

The services of a State Certified Inspector of Record (Project Inspector) are required to oversee, inspect and to verify that the installation of the Board-approved Chemistry classrooms at Clayton and Mt. Diablo High Schools is conducted in compliance with all DSA approved drawings, specifications and applicable codes and regulations. Staff is recommending that a contract be awarded to Alisha Jensen for a 'not to exceed' fee of \$35,700.00 for the provision of said services.

9.12 (Item #12) Clayton Valley Charter High School: Measure C High School Project List

On April 23, 2012, the Board of Education approved \$40 million to be allocated between the six comprehensive high schools for facilities improvement projects. The Clayton Valley Charter Governing Board has unanimously approved a prioritized list of facility improvements.

9.13 (Item #13) Final Change Order: Fix Painting Company: Exterior Painting of Ygnacio Valley High School

On June 25, 2012 the Board of Education awarded Bid #1607 to Fix Painting Company for \$142,100.00 to provide exterior painting at Ygnacio Valley High School. As a result of post commencement actions including: 1) the provision of labor, equipment and materials necessary to paint the field storage building; 2) the provision of labor, equipment and materials necessary to paint building 1400; and 3) the scope deletion of the removal and elimination of replacement of steel window panels, a single, final additive change order in the amount of \$2300.00 is necessary. This final change order will result in a final, revised contract value of \$144,400.00.

9.14 (Item #14) Notice of Completion for Bid #1607/C-911

Bid #1607 was called to provide Exterior Painting at Ygnacio Valley High School. The lowest responsive bidder was Fix Painting Company, for the bid award amount of \$142,100.00. The scope of work includes but is not limited to: Preparation and painting of exterior buildings and miscellaneous items. There was an additive change order on this project in the amount of \$2,300.00. Work and services for this project have been satisfactorily completed for a total expenditure of \$144,400.00 Budget for this project was \$218,000.00.

9.15 (Item #15) Contract Amendment: PHd Architects: Modification of Auto/Metal Shop at Northgate High School-'Project Lead the Way' Engineering Pathway

On May 21, 2012, the Board of Education approved a contract with PHd Architects for \$18,900.00 for the provision of design services necessary to satisfactorily scope and complete the modification of the Auto and Metal Shops at Northgate High School. Since the date of this award, District staff and the architectural team have worked with the site and project scope has now been firmly identified. Staff has negotiated a change order in the amount of

\$10,000.00 for the provision of all DSA approved construction documents as well as all necessary construction administration and close-out services related to this project.

9.16 (Item #16) Contract Amendment: PHd Architects: Design Modifications Required to facilitate Use of District Pre-Checked (PC) Design as a Kindergarten Classroom

On February 27, 2012, the Board of Education awarded a design services contract to PHd Architects for \$444,300.00 for the provision of comprehensive design services necessary to complete the site adaptive design of all identified portable replacements using the District's DSA Pre-Checked (PC), high efficiency 'SMART' classroom design. This contract has been subsequently amended to a revised contract value of \$608,600.00 to include additional design services for additional Measure C classrooms as well as those new classrooms approved by the Board of Education through the site submission of High School Enhancement project lists. Staff has negotiated a contract amendment with PHd Architects for a 'not to exceed' amount of \$15,200.00 to provide all design services necessary to modify the existing Pre-Checked design to accommodate a traditional Kindergarten program.

9.17 (Item #17) Approve Independent Service Contract with Dr. Adria Klein for Staff Development in Literacy at Meadow Homes Elementary School

Consultant will provide professional development and coaching support for Comprehensive Balanced Literacy and alignment with the California Common Core State Standards. A particular focus will be on text complexity/challenging text, vertical alignment of standards, rigor in lesson design, and developing common language across programs. Additionally, the consultant will collaborate on the planning and support for visits to classrooms, clustered by grade levels, in coordination with the intervention specialists and leadership team. Grade level teachers will be clustered as a cohort for the deepening of their development of expertise in Comprehensive Balanced Literacy, and each grade level will meet for a full day in October and November of 2012 and January, February, March of 2013.

9.18 (Item #18) Award of Design Services Contract For Stadium Improvement Project at College Park High School

On June 4, 2012 the Board of Education approved a prioritized list of facility enhancement projects for College Park High School. One of the major projects identified in this list was the installation of multiple improvements to the athletic stadium facility. These improvements included the installation of permanent stadium lighting, sound system, a snack bar, restrooms, ticket booth, and a 'visitor' bleacher system. Staff has negotiated, and is now recommending, that a contract stipulating a 'not to exceed' fee of \$223,150.00 (inclusive of all reimbursables) be awarded to Verde Design, Inc. for the provision of comprehensive design, engineering and construction administration support necessary for the approval and satisfactory completion of the proposed project.

9.19 (Item #19) Award of Inspector of Record (Project Inspector) Contract for Interim Housing Installation at Mt. Diablo High School

The services of a State Certified Inspector of Record (Project Inspector) are required to oversee, inspect and to verify that the installation of the interim housing required during construction of the improvements for the International Hospitality and Tourism Academy at Mt. Diablo High School is conducted in compliance with all DSA approved drawings, specifications and applicable codes and regulations. Staff is recommending that a contract be awarded to Alisha Jensen for a 'not to exceed' fee of \$1,800.00 for the provision of said services.

9.20 (Item #20) Award of Inspector of Record (Project Inspector) Contract

The services of a State Certified Inspector of Record (Project Inspector) are required to oversee, inspect and to verify that the installation of the interim housing units installed at Meadow Homes Elementary School is conducted in compliance with all DSA approved drawings, specifications and applicable codes and regulations. Staff is recommending that a contract be awarded to Alisha Jensen for a 'not to exceed' fee of \$2,000.00 for the provision of said services.

9.21 (Item #21) Funding Source Correction: Award of Lease/Leaseback Agreement for Construction of New Chemistry Buildings

On August 20, 2012, the Board of Education ratified the award of a lease/leaseback agreement for the construction of new chemistry buildings at Mt. Diablo and Clayton Valley High Schools (Item 8.10). The funding source on the docket was incorrectly identified as 2012 Measure C Funds (Building Funds). The correct funding source is

Proposition 55 Funds (County Schools Facilities Fund). The Board has previously approved the expenditure for this project and staff is requesting a funding source correction only.

9.22 (Item #22) Approve contract/purchase order with Beyond the Words, Inc. for the services of Educational Interpreters for the Deaf for school year 2012-2013

Due to the difficulty in hiring qualified Educational Interpreters for the Deaf, the district has had to use staff contracted through an agency in order to meet student Individualized Education Program (IEP) requirements. There are currently limited substitutes available in the district for Educational Interpreters for the Deaf so contracted interpreters are also used as substitutes for absent district staff. Recognizing the need to reduce the costs of hiring outside interpreters and in an effort to attract Educational Interpreters for our vacant district employee positions, last June the District and CSEA representatives engaged in a discussion regarding the possibility of signing an MOU to establish a pilot project for the 2012-13 school year which would offer a recruitment bonus to individuals who accept Educational Interpreter positions with the District. If substantial savings are realized, the District would also pay a retention bonus to be distributed among Educational Interpreters currently employed by the District. After the summer break for CSEA members, the District and CSEA representatives met again and signed the MOU. However, the MOU must be presented to CSEA members for their review and approval before it can be implemented for the 2012-13 school year.

9.23 (Item #23) Approve contract increase to independent service contract with Kristin Obrinsky, Physical Therapist

Kristin Obrinsky is an independent contractor that has served MDUSD as a Registered Physical Therapist for the previous three school years. Ms. Obrinsky provides direct treatment, consultation, and evaluations to students according to their Individualized Education Plans (IEP). Services are provided per the provisions of a Master Contract. The total contract amount represents an increase of \$25,100 compared to 2011-12 amount. This increase is due to discontinued use of another agency last year.

9.24 (Item #24) Approval of master contract between Mt. Diablo Unified School District (MDUSD) and Progressus Therapy Services to provide District-Wide Occupational/Physical Therapy Services for the 2012-2013 school year and 2012-2013 Extended School Year Program

Progressus Therapy LLC. has been the primary Non-Public Agency (NPA) provider of Occupational/Physical Therapy services to the MDUSD since the 2001-2002 school year. Registered Occupational/Physical Therapists provide direct treatment, consultation, and evaluations to students according to their Individualized Education Plans (IEP).

9.25 (Item #25) Increase Contract between Mt. Diablo School District (MSUSD) and Maxim Services, Non Public Agency (NPA) for the 2012-2013 school year

Non Public Agencies (NPA) are used by students in Special Education and Section 504 who require specialized health care services. Services include diabetic monitoring, catheterizations, and other medically prescribed procedures. NPAs assist the District in assuring compliance with all applicable federal and state laws and regulations. The attached NPA contract provides the costs required at this time for the 2012-2013 school year. This item is for an increase of \$339,324.00 to cover the students on Section 504 plans for a total of \$508,324.00.

9.26 (Item #26) Increase purchase order between Mt. Diablo Unified School District (MDUSD) and Speech Pathology Group for Speech and Language services for the 2012-2013 School Year

On June 25, 2012, the board approved a master contract with Speech Pathology Group for the amount of \$58,400 to cover speech/language costs associated with the Extended School Year Program. It is necessary to increase the purchase order to \$992,114 to cover expenses associated with the 2012-13 Regular School Year. Speech Pathology Group will staff current vacancies, assist with the administration of Private School Placements, and serve Non-Public School students per Individual Service Agreement. Last year's contract amount was \$1,437,924.21. The Personnel Services Department and Special Education have worked diligently to find district staff to cover these positions. Together, they have presented at job fairs at colleges and professional organization conferences for speech pathologists. These efforts led to multiple applications, interviews and offers of employment with the district. The district was able to hire three new speech pathologists. During the 2012-2013 school year, efforts will continue to look for qualified district employees. The Special Education Department will work with Personnel Services to find ways to attract speech pathologists to MDUSD.

9.27 (Item #27) Contract with Center for Human Development (CHD)

Staff requests approval of an Independent Services Contract with the Center for Human Development as part of the implementation of the Tobacco Use Prevention Education Grant. The grant was awarded for \$882,750 over three years with 2012-2013 being the third year of the grant. Center for Human Development will continue to provide smoking cessation and counseling services for smokers ready to quit, and will provide information, encouragement, awareness and support for those smokers who are not quite ready to quit and those most at risk of becoming smokers. The Center for Human Development (CHD) is a community-based organization offering a spectrum of services for at-risk youth, individuals, families and communities. At participating high schools, students caught smoking on campus will be required to attend the Tobacco Education Group (TEG) tobacco cessation readiness program. Those expressing a desire to quit will attend weekly Tobacco Awareness Program (TAP) classes (also known as "quit" classes) as an alternative to suspension or other disciplinary action (e.g., requirement to provide school service such as picking up trash). TEG/TAP classes will be provided at each site for one 6-week cycle each semester through CHD. CHD uses the TEG/TAP curriculum for six-week tobacco education/cessation groups. TEG is research-based and used for intervening with tobacco users on campus. The Center for Human Development will also train the identified "Peer Educators" by offering a one-day training in which students will gain presentation and facilitation skills to implement three tobacco education sessions to younger peers at their school sites.

9.28 (Item #28) Approval of Independent Service Contract with Dr. Cynthia Peterson

Mt. Diablo Unified School District utilizes Independent Service Contractors to fill needs established through the Individualized Education Plan (IEP) process. Dr. Cynthia Peterson offers Neuropsychological assessments and attends IEP meetings for special education students as needed. Dr. Peterson also performs Independent Educational Evaluations (IEE) if parents disagree with a school district evaluation and request an independent IEE.

PUBLIC COMMENT

Marie Altman, teacher, expressed concern that new teachers are required to attend a two-day workshop without pay.

COMMUNICATIONS

Guy Moore, MDEA, said he hopes the District will focus on teachers in a positive way.

REPORTS/INFORMATION

Bill Kelly, Sun Power Corporation, shared a PowerPoint presentation and updated the Board on the Solar Science Academy for students.

SUPERINTENDENT'S REPORT

Assistant Superintendent Rose Lock shared a PowerPoint presentation on the STAR test results. Superintendent Lawrence said he will give the Board the FCMAT report on Transportation and have it posted on the District website. The presentation will be at the next meeting.

BUSINESS/ACTION ITEMS

15.1 Appointment of Administrator, Necessary Small High School/Vice Principal

Hansen moved, Mayo seconded, and the Board voted 5-0-0 to appoint Leyla Benson to the position of Administrator, Necessary Small High School/Vice Principal.

15.2 Appointment of Coordinator, Student/Community Services 9-12

Mayo moved, Eberhart seconded, and the Board voted 5-0-0 to appoint Christie Harrington-Tsai to the position of Coordinator, Student/Community Services 9-12.

15.3 Appointment of Coordinator, Student/Community Services 9-12

Eberhart moved, Mayo seconded, and the Board voted 5-0-0 to appoint Alma Spring to the position of Coordinator, Student/Community Services 9-12.

15.4 Appointment of Coordinator, Student Services 6-8

Mayo moved, Hansen seconded, and the Board voted 5-0-0 to appoint Edress Waziri to the position of Coordinator, Student Services 6-8.

15.5 Appointment of Program Specialist/Special Education

Eberhart moved, Hansen seconded, and the Board voted 5-0-0 to appoint Jessica Garcia to the position of Program Specialist/Special Education.

PULLED 15.6 Certification of the District's 2011-2012 Unaudited Actual Financial Report

PULLED 15.7 Resolution 12/13-05 Adopting the District's 2011-12 GANN Appropriations Limit

15.8 Approve 2012-2013 Interagency Agreement #74-371-3 between MDUSD and Contra Costa County Services, Mental Health Division

This agreement supports the District Behavior Health Specialist staff plus secretarial staff who provide support to the district students who require mental health services at the Alliance and Sunrise Programs, as well as District Psychologists at the Wrap-Clinic. The agreement funds the following: 9.4 FTE School - Wrap Clinic 2.0 FTE Behavior Health Specialist I - Alliance 11.0 FTE Behavior Health Specialist II - Alliance 4.0 FTE Behavior Health Specialist I - Sunrise 7.0 FTE Behavior Health Specialist II - Sunrise. This agreement combines the Wrap Clinic, Alliance and Sunrise programs into one budget, allowing more budget flexibility within the programs.

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

15.9 Approve Interagency agreement between Mt. Diablo Unified School District (MDUSD) and Contra Costa Health Services, Mental Health Division

The Board of Education approved the development and funding for the Mental Health Collaborative (MHC) on April 10, 2001. The MHC is funded with a "braided" funding model designed to support the program. Students qualify for services based on their respective eligibility status. The revenue source for Medi-Cal clients includes Early Periodic Screening and Diagnosis and Treatment (Medi-Cal). Revenue sources for non Medi-Cal Special Education students with I.E.P.'s include, for 2012-2013, Individuals with Disabilities Education Act (IDEA), and State reallocation funds based on a formula yet to be determined. Services are provided by school district staff, County Mental Health staff, and the staff of Families First, Inc., Fred Finch Youth Center, and Seneca Center. The total cost of Medi-Cal services would be \$2.7 million if the District were to attempt to provide intensive mental health services to eligible students independent of Contra Costa Mental Health.

Mayo moved, Hansen seconded, and the Board voted 5-0-0 to approve the extension to the agreement with Contra Costa County Health Services Department, Mental Health Division.

15.10 Board Resolution in Support of Proposition 30

Public Comment

Guy Moore, MDEA, urged the Board to approve the resolution in support of Proposition 30.

No motion made

15.11 Board Resolution in Support of Proposition 38

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

15.12 2012-13 Mandate Block Grant Letter of Intent

Commencing with the 2012–13 fiscal year, funds are available through a newly established Mandate Block Grant (MBG) for local educational agencies (LEAs) to support state mandated activities. Pursuant to the implementing legislation, Senate Bill (SB) 1016, Section 71, (Chapter 38, Statutes of 2012), LEAs make an annual choice to receive funds for mandated activities, as specified, either through the MBG or through the claim reimbursement process pursuant to Government Code (GC) Section 17560. Because the claims process does not include charter schools, the MBG is the only vehicle for charter schools to receive such funding. For 2012–13, the MBG pays for 2012–13 costs associated with the mandate programs listed in GC Section 17581.6(d) (see attached). However, note the legislative session is still in process and based upon current proposals, it is likely the following programs may be added to the MBG: • Academic Performance Index (01-TC-22; Chapter 3 of the Statutes of 1999, First Extraordinary Session; and Chapter 695 of the Statutes of 2000). • Child Abuse and Neglect Reporting (01-TC-21: Chapters 640 and 1459 of the Statutes of 1987; Chapter 132 of the Statutes of 1991; Chapter 459 of the Statutes of

1992; Chapter 311 of the Statutes of 1998; Chapter 916 of the Statutes of 2000; and Chapters 133 and 754 of the Statutes of 2001). • Expulsion of Pupil: Transcript Cost for Appeals (SMAS; Chapter 1253 of the Statutes of 1975). • Inter-district Attendance Permits (CSM 4442; Chapters 172 and 742 of the Statutes of 1986; Chapter 853 of the Statutes of 1989; Chapter 10 of the Statutes of 1990; and Chapter 120 of the Statutes of 1992). • Student Records (02-TC-34; Chapter 593 of the Statutes of 1989; Chapter 561 of the Statutes of 1993; Chapter 311 of the Statutes of 1998; and Chapter 67 of The Statutes of 2000). Given the uncertainty of legislation that may impact the 2012–13 MBG program, an LEA may withdraw a previously submitted Letter of Intent as long as the request is prior to any allocation by CDE of MBG funds. Information on the MBG and legislative changes will be posted on the CDE Web page at <http://www.cde.ca.gov/fg/aa/ca/mandatebg.asp>. The 2012 Budget Act appropriates \$166,609,000 for the MBG program for fiscal year 2012–13. The funds are unrestricted in use. Allocation of funds is based on the average daily attendance (ADA) as of the Second Principal Apportionment for the 2011–12 fiscal year. Specific ADA categories are attached to this mail and also posted on the CDE Web page. The 2012–13 funding rates set forth in Item 6110-296-0001 of the 2012 Budget Act are as follows: County Offices of Education (COE) \$28 per prior year ADA plus an additional \$1 per ADA for all prior year revenue limit ADA generated by school districts and the COE within that county. School Districts \$28 per prior year ADA Charter Schools \$14 per prior year ADA If necessary, funding will be proportionately reduced to stay within total available funding. We have been asked what the rate would be if there is 100 percent participation. CDE estimates the funding would be decreased to approximately \$27.92 for districts, \$13.96 for charter schools, and \$.99 for county office of education oversight. Mandated programs covered by the MBG are subject to review in the overall annual compliance audit per California Education Code Section 41020. The Governor’s Administration has indicated that it does not intend to submit any proposals in the annual K–12 audit guide related to the MBG. Compliance with mandate requirements would be enforced through corrective action; school district would not forfeit funds as a result of audit findings. The Letter of Intent must be submitted to CDE by October 1, 2012 to receive 2012-13 MBG funding.

Hansen moved, Mayo seconded, and the Board voted 5-0-0 to table the item until the September 24, 2012 Board meeting.

15.13 Board Action Progress Report

Presented as information.

15.14 Amendment to BP 2140(a) Evaluation of the Superintendent

CSBA’s publication entitled “Maximizing School Board Governance” Superintendent Evaluation” provides the following exemplary governance standard: “Meeting in open session, the board, working with the superintendent, who will be working with staff, should: • Using the previous year’s priorities and goals as a baseline, agree on updated priority areas and set goals for the following year that the governance team believes will reasonably move the district toward its long-range vision. • Agree on success indicators for each new goal or revised indicators for ongoing goals, and on progress reports the board would like to receive. • Discuss the governance team’s level of satisfaction with the evaluation instruments and methods we used this year. Decide whether to modify our evaluation system for next year based on the new goals we have set.” Mt. Diablo USD’s Board Policy 2140(a) currently omits this important practice that other districts have adopted. The intent of this proposed amendment is to increase the public’s awareness of the superintendent’s goals, ensure that these goals are aligned to district goals, and increase Board accountability. After each evaluation has been completed, the Board shall meet in open session to give the Board and Superintendent an opportunity to jointly identify performance goals for the next year. (cf. 2111 – Superintendent Governance Standards) (cf. 9005 – Governance Standards) (cf. 9400 – Board Self-Evaluation Legal Reference: Government Code 54957 – Closed session, personnel matters Management Resources CSBA Publication Maximizing School Board Governance: Superintendent Evaluation, 2004 Web sites: CSBA: www.csba.org ACSA: www.acsa.org

Presented as information.

BOARD MEMBER REPORTS

Board members shared highlights from their recent school site visits and community activities.

The meeting adjourned at 8:38 p.m.