

REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Monday, June 25, 2012 (7:30 PM)

Board Members: Sherry Whitmarsh, Linda Mayo, Gary Eberhart, Lynne Dennler, and Cheryl Hansen

Administrative Staff: Superintendent Steven Lawrence, Assistant Superintendents Julie Braun Martin, 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 Sherry Whitmarsh at 5:30 p.m. in the Board room at the MDUSD Dent Center.

ADJOURN TO CLOSED SESSION

The meeting adjourned to Closed Session at 5:31 p.m. in Room 6 at the Dent Center. In Closed Session the Board discussed, expulsions and three cases of anticipated litigation. The Board voted to readmit four students and deny readmission to eight students. The Board voted 5-0-0 to provide authority to dismiss certificated employees #14127, #23443, #12148, #20767, and #15213.

RECONVENE OPEN SESSION

Open Session reconvened at 7:31 p.m. President Whitmarsh led the Pledge of Allegiance to the Flag and reported action taken in Closed Session.

EXPULSION RECOMMENDATIONS

Expulsion Recommendation Student #42-12

Dennler moved, Eberhart seconded, and the Board voted 5-0-0 that Student # 42-12 be expelled from all schools of Mt. Diablo Unified School District and that Student #42-12 may apply for readmission after June 25, 2013. It is required that Student #42-12 participates in 20 hours of individual counseling to address substance abuse and decision making skills, completes 30 hours of community service; completes California Offender Program Services (COPS) for Drug/Alcohol offenders; completes MDUSD's Drug and Alcohol Workshop; show proof of negative drug test and show evidence of a successful school experience to include 95% attendance, no suspendible behavior infractions, and maintain a minimum of a C average, prior to applying for readmission.

Expulsion Recommendation Student #43-12

Mayo moved, Eberhart seconded, and the Board voted 5-0-0 that Student #43-12 be expelled from all schools of Mt. Diablo Unified School District and that Student #43-12 may apply for readmission after January 25, 2013. It is required that Student #43-12 participates in 20 hours of counseling to address anger and decision making skills, serve 30 hours of community service, attend California Offender Program Service (COPS) – Aggressive Offender class, attend MDUSD's Teen Anger Management Workshop, and show evidence of a successful school experience to include 95% attendance, no suspendible behavior infractions, and a minimum of C average, prior to applying for readmission.

Expulsion Recommendation Student #44-12

Eberhart moved, Dennler seconded, and the Board voted 5-0-0 that Student #44-12 be expelled from all schools of Mt. Diablo Unified School District and that Student #44-12 may apply for readmission after January 25, 2013. It is required that Student #44-12 participates in 20 hours of counseling to address anger and decision making skills, serve 30 hours of community service, attend California Offender Program Service (COPS) – Aggressive Offender class, attend MDUSD's Teen Anger Management Workshop and show evidence of a successful school experience to include 95% attendance, no suspendible behavior infractions, and a minimum of C average, prior to applying for readmission.

Expulsion Recommendation Student #45-12

Hansen moved, Mayo seconded, and the Board voted 5-0-0 that Student #45-12 be expelled from all schools of Mt. Diablo Unified School District and that Student #45-12 may apply for readmission after June 25, 2013. It is required that Student #45-12 participates in twenty (20) hours of counseling to address substance abuse and decision making, serve 30 hours of community service, attend California Offender Program Services (COPS) Alcohol/Drug Offender class, submit proof of negative drug test, and show evidence of a successful school experience with 2.0 GPA, no suspendible behavior infraction and 95% attendance, prior to applying for readmission.

CONSENT AGENDA

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve the Consent Agenda as presented with the exception of items 16, 30, and 31, pulled by Eberhart and items, 38, 39, and 41 pulled by Hansen, thereby approving the following:

9.2 (Item #2) Minutes of the meeting of May 21, 2012

9.3 (Item #3) Recommended Action for Certificated Personnel

Changes in status for certificated employees.

9.4 (Item #4) Request to decrease Full Time Equivalent (FTE) for the 2012-2013 School Year

Positions are requested to be decreased as described.

9.5 (Item #5) Supervised Internship Agreement for School Psychology between Brandman University and Mt. Diablo Unified School District

This agreement is to provide supervised field experiences for students in the School Psychology unit at Brandman University.

9.6 (Item #6) Clinical Internship Agreement between California State University, Sacramento and Mt. Diablo Unified School District

This agreement is to provide support for students in the Clinical Training Program with California State University, Sacramento.

9.7 (Item #7) Student Teaching Experience Agreement between California State University, East Bay and Mt. Diablo Unified School District

This agreement is to provide student teaching experience for students enrolled in teacher training curricula with California State University, East Bay.

9.8 (Item #8) Recommended Action for Classified Personnel

Changes in the status of classified employees.

Mayo moved, Eberhart seconded, and the Board voted 5-0-0 to approve as recommended.

9.9 (Item #9) Fiscal Transactions for the month of May 2012

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

9.10 (Item #10) Monthly Budget Transfer and/or Budget Increases/Decreases for the Month of May 2012

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 collected money. The appropriate revenue and expenditure budgets have already been increased by the amount of the donations.

9.11 (Item #11) Request for Replacement of Outdated Warrant

A County payroll warrant issued to Cathleen Sue Cook Hudson was not presented to the county Treasurer for payment within six months of date of issue and consequently is void. Replacement is limited to two years from the date the original warrant becomes void as per Government code 29802, unless the Board grants an exception to the request that a new warrant be issued to the payee in replacement of the voided warrant. A new warrant is requested to be issued to the payee in replacement for the voided warrant.

9.12 (Item #12) CIF/North Coast Representatives for MDUSD High Schools 2012-2013

Ratify Position of principal, athletic vice principal and athletic director from Concord HS, College Park HS, Mt. Diablo HS, Northgate HS and Ygnacio Valley HS to serve as 10 representatives to California Interscholastic Federation North Coast Section for the 2012-2013 school year.

9.13 (Item #13) Approve Independent Services Contract with Clark Consulting and Training for services at Rio Vista Elementary

The purpose of the four-week High Intensity English Language Summer Academy is to create an exciting learning opportunity for students and teachers that substantially accelerates students' English language and literacy development through the

creation of a dynamic learning environment. The goals are: 1) To accelerate the English language learning and literacy development of students in grades kindergarten through fifth. 2) To develop and support a cadre of site classroom teachers and one lead teacher to stretch their English language teaching knowledge and skills. 3) To build site capacity for providing ELD instruction through the use of prescriptive daily lesson plans.

9.14 (Item #14) Revise Job Description for Administrator, After School Services

Staff is requesting the revision of the job description for Administrator, After School Services as noted on the attached job description. Staff believes the proposed changes will help to strengthen and sustain the After School Program Department to ensure a quality program for students and families and retention of administrative staff.

9.15 (Item #15) New Job Description for Coordinator of After School Programs

Staff is recommending the addition of a Classified Coordinator of After School Programs to be added to the After School Program Administrative team. This addition is due in large part to the continued growth since 1999 of the CARES After School Program with currently 16 K-12 sites. Upon inception of this program, there were only six after school sites K-6. Staff has researched and compared other district staffing structures and feel the addition of the classified position would provide the essential stability the department needs to ensure continued growth, quality and program development. The Classified Coordinator position would provide the essential support and supervision of the sub-contract Para-professional program staff which make up 225+ staff across the District from two recreation partners. Consistency in professional development, staff expectation and high quality program implementation is invaluable. Having a District staff person to ensure this is the norm and that programs are visited on a weekly basis is needed. After School is a challenging department with a combination of academic, recreation and enrichment needs and a diversified staff (Credentialed and Para-professionals) that needs consistent supervision, training and coaching. Communication and collaboration among these recreation and community partners is an essential component to the program's success and sustainability.

9.16 (Item #17) Award of Bid for Bid #1607

Bid #1607 was called to provide exterior painting at Ygnacio Valley High School. The lowest responsible, responsive bidder is Fix Painting Company, for the total amount of \$142,100.00. (Base bid \$132,700.00, plus alternate 2 \$1,800.00, alternate 3 \$4,900.00, and alternate 4 \$2,700.00) The scope of work includes, but is not limited to: preparation for painting and painting of the exterior of the buildings and other miscellaneous items at Ygnacio Valley High School. Engineer's estimate \$218,000.00

9.17 (Item #18) Award of Bid for Bid #1613

Bid #1613 was called to provide Asphalt Paving Play Yard Improvements at Multiple Sites. The lowest responsible, responsive bidder is R & M Paving Contractors for the total amount of \$288,000.00. (Base bid \$109,864.00 plus alternate \$178,136.00) The scope of work includes, but is not limited to: the preparation of surface including demo and removal, installation of 2" x 6" pressure treated header-board, 6" depth new base rock and 2" depth new asphalt. Engineer's estimate is \$312,000.00.

9.18 (Item #19) Approve contract between Mt. Diablo CARES After School Program and Concord Park and Recreation

Staff requests authorization to enter into a renewal contract with City of Concord's Park & Recreation Department to hire recreation staff and to supervise five Mt. Diablo CARES After School Programs in Concord; Cambridge, Meadow Homes and Ygnacio Valley Elementary and El Dorado and Oak Grove Middle schools. The City of Concord has successfully served as a recreation partners since 1999. The Mt. Diablo CARES After School Program was established in 1999 through a collaborative among the District and recreation partners. This collaboration provides the opportunity to ensure a consistent program design, staffing, supervision and evaluation across all K-12 CARES After School Programs in the District. The After School District staff will work in collaboration with recreation providers to ensure high quality programming, integration of academic and enrichment opportunities and student safety.

9.19 (Item #20) Approve independent service contract between Mt. Diablo CARES After School Program and Bay Area Community Resources (BACR)

Staff requests authorization to enter into a renewal contract with Bay Area Community Resources (BACR) to hire recreation staff and to supervise eleven Mt. Diablo CARES After School Programs. School sites include El Monte, Sun Terrace, Wren Avenue Elementary and Mt. Diablo and Ygnacio Valley High schools in Concord, Fair Oaks Elementary in Pleasant Hill and Bel Air, Delta View, Rio Vista, Shore Acres Elementary and Riverview Middle schools in Bay Point. BACR has successfully served as a recreation partners since 2007. The Mt. Diablo CARES After School Program was established in 1999 through a collaborative among the District and recreation partners. This collaboration provides the opportunity to ensure a consistent program design, staffing, supervision and evaluation across all K-12 CARES After School Programs in the District. The After School District staff will work in collaboration with recreation providers to ensure high quality programming, integration of academic and enrichment opportunities and student safety.

9.20 (Item #21) Approve independent service contract between Mt. Diablo CARES After School Program and Resource Development and Associates (RDA)

Staff requests authorization to enter into a renewal contract with Resource Development and Associates (RDA) for evaluation services for the sixteen Mt. Diablo CARES After School Programs. RDA has served as the programs evaluator since 1999. Mt. Diablo CARES receives three grants, the California Department of Education's After School Education and Safety (ASES) grant, the U.S. Department of Education's 21st Century Community Learning Centers (21st CCLC) grant and the Network for Healthy California grant which require comprehensive annual evaluations to measure program implementation, effectiveness and student growth. RDA will also provide evaluation services to measure the effectiveness of Mt. Diablo CARES Supplemental Education Services (SES) program which offers tutoring to eligible students at schools identified as Program Improvement in year two or more. Mt. Diablo CARES has been an approved SES provider since 2003.

9.21 (Item #22) Contract for Architectural/Engineering Services for Site-Adaptive Design Services for New Chemistry Laboratory Classrooms at Concord and College Park High Schools

On June 4, 2012 the Board of Education approved Measure C 'project lists' for both Concord and College Park High Schools. As part of their greater project lists each site requested the construction of new Chemistry Laboratory facilities. The District requires architectural and engineering services related to the necessary site-adaptation and construction of these District Pre-Checked (PC) Chemistry facilities. Staff has negotiated a contract with PHd Architects for comprehensive architectural/engineering and administrative services necessary for the successful completion of this project for a not to exceed fee of \$137,190.00.

9.22 (Item #23) Firedoll Foundation Grant

Mt. Diablo Adult Education requests approval to submit its annual grant proposal to the Firedoll Foundation in the amount of \$15,960.00 to continue to provide support services to students in the "On Track" program. This program serves adult students with acquired brain injury. The funder for the student support services would continue to pay for the hourly position of Student Support Services Specialist (for approximately 12 hours per week; 38 weeks per year).

9.23 (Item #24) First 5 Contra Costa School-Readiness Grant

Mt. Diablo Adult Education requests approval to submit an application for funding from First 5 Contra Costa in the amount of \$100,000.00 to implement family literacy program based preschools at Meadow Homes, Cambridge and Rio Vista Elementary schools from 7/1/2012 to 6/30/2013.

9.24 (Item #25) Contract Amendment: LSA Associates, Inc.

On June 28, 2011 the Board of Education awarded a professional services contract in the amount of \$47,440.00 to LSA Associates, Inc for the provision of requisite CEQA (California Environmental Quality Act) consulting services related to the Board-approved Stadium Lighting project at Ygnacio Valley High School. This contract was subsequently amended on October 25, 2011 for additional services necessary to address additional site-requested changes to project scope. Staff is now recommending a contract amendment in the amount of \$11,294.00 for the provision additional response services now required which were not anticipated in the original agreement. This proposed amendment would increase the contract value to a revised total of \$64,264.00.

9.25 (Item #26) Approval of master contract between Mt. Diablo Unified School District (MDUSD) and Speech Pathology Group for Speech and Language services for the 2011-2012 Extended School Year Program

Speech Pathology Group is a Non-Public Agency (NPA) provider of Speech and Language Therapy services for MDUSD. Students are served under the terms and conditions of a Master Contract to be approved by the Board on June 25, 2012. The contract amount covers costs associated with the Extended School Year Program.

9.26 (Item #27) 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 Extended School Year Program

Progressus Therapy LLC. has been the primary Non-Public Agency (NPA) provider of Occupational/Physical Therapy services to 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). The requested amount is an increase of \$10,000 from the prior school year contract due to an increase in the Physical Therapy caseload serviced by this vendor. In 2011-2012, MDUSD utilized another vendor to provide PT services. That contract is not being renewed and Progressus's services are being increased.

9.27 (Item #28) Increase purchase order between Mt. Diablo Unified School District (MDUSD) and Progressus Therapy Inc. for Occupational and Physical Therapy services for the 2011-2012 School Year

Mt. Diablo Unified School District utilizes Independent Service Contractors to provide services established through the Individualized Education Plan (IEP) process. Progressus provides Occupational and Physical Therapists for the District. This year, the District discontinued using a Physical Therapy provider from another agency. A Progressus therapist was utilized in place of the discontinued contractor. Additionally, Progressus provided coverage for a District employee out on leave and a temporarily vacated position. This additional coverage has necessitated an increase in the contract amount. An increase of \$95,000 is requested at this time.

9.28 (Item #29) Additional funding for the contract between Mt. Diablo Unified School District (MDUSD) and Maxim Healthcare Services, Non Public Agency (NPA) for the 2011-2012 school year

Staff is requesting additional funding for the contract between Mt. Diablo Unified School District (MDUSD) and Maxim Healthcare Services, Non Public Agency (NPA) for the 2011-2012 school year. The expenses have already been budgeted in the 2011-2012 budget. No additional funds are being requested at this time. The reason for increasing the funding for the contract is we had anticipated to hire additional District positions to cover these specialized services. We did not hire additional District positions, therefore extra funding is necessary to cover the additional expenses for this contract. Currently, this contract covers the nursing needs for 18 students who are receiving services at 15 different schools. The health conditions and needs of these students include: Diabetes, Seizures and Diastat, Mitochondrial Defect and G-Tube Feedings.

9.29 (Item #32) Real Property Lease Agreement Renewals for: The Creek Youth Center at Foothill Middle School and Dianne Adair Day Care Center at Sequoia Elementary School

The District entered into a Real Property Lease Agreement with Dianne Adair Day Care Center for the purpose of providing before and after-school child care services and The Creek, a Middle School Youth Center, for the purpose of operating a youth center. These two (2) agreements terminate on June 30, 2012. The term for these two (2) agreements will be July 1, 2012 through June 30, 2013 with an automatic renewal each year for five (5) additional years. The dates of operation are reflected in each agreement. Current certificates of insurance are on file in the Office of General Counsel.

9.30 (Item #33) Disposal of Surplus Library Materials – Holbrook Elementary School and Glenbrook Middle School

The closure of Holbrook Elementary and Glenbrook Middle in 2011 left book and other Library material collections in the libraries in need of disposition. In the months following the closure of the two schools, Librarians across the District were given multiple opportunities to visit the two sites and select materials to enhance the library collections at other schools in the District. Three of these events were arranged; one immediately after the close of school in 2011 and two additional dates this school year. After librarians had first pick at the collections, two dates were arranged to allow teachers across the District to visit the libraries and pick materials to add to their "classroom libraries". Notices were sent to all schools announcing these events. District staff oversaw each of these events to assure proper accounting of the materials selected, and that materials going to libraries were properly transferred and added to the collections at individual sites. At the time of their closure, Holbrook Elementary had 13,239 books in their collection and Glenbrook Middle had 8,384. As a result of the above efforts 12,009 books, or 90.71% of Holbrook's collection, and 5,313 books, or 63.37% of Glenbrook's collection have been transferred to other libraries or District staff for use at their sites. Currently, Holbrook Elementary has 1,230 books on-site, with a calculated purchase value of \$13,821. Glenbrook Middle has 3,071 books on-site, with a calculated purchase value of \$47,712. It is recommended the remaining materials from the two libraries be declared surplus and staff directed to dispose of the materials in accordance with AR 3270.

9.31 (Item #34) Increase Independent Contract for translating services between Evelina Villa and Mt. Diablo Unified School District

Contractor, Evelina Villa, provides interpreting/translation services for various dates and for various school sites throughout the District for Spanish speaking parent/teacher conferences, IEPs, and other meetings. An increase to her contract of \$4,237.50 is needed to cover the cost of her services. The funds are available from unused funds budgeted for another contracted interpreter. The vendor has provided satisfactory and cost effective service.

9.32 (Item #35) Approve contract with Ed Support Services for intensive behavioral services for Extended School Year Program 2011-2012

Ed Support Services provide intensive behavioral intervention services for MDUSD students. These are direct IEP related services that are provided according to the terms of a master contract and individual service agreements. Requested amount covers the Extended School Year Program.

9.33 (Item #36) Renumber Board Policy 5131 and Administrative Regulation 5131 (Conduct) to Board Policy 5131.3 and Administrative Regulation 5131.3(Possession of Cellular Phones and Other Electronic Signaling Devices).

Staff created a new Board Policy 5131 (Conduct). Staff is requesting the existing BP 5131 and AR 5131(Possession of Cellular Phones and Other Electronic Signaling Devices) be renumbered to BP 5131.3 and AR 5131.3.

9.34 (Item #37) Revised Interdistrict Attendance Agreement with school districts within Contra Costa County for July 1,2011-June 30, 2016

The Interdistrict Attendance Agreement was approved on February 8, 2011. The original agreement did not include #8 which states: The parties to this Agreement acknowledge that neither a district of residence or attendance may rescind an existing transfer permit for a student entering grades 11 or 12 in the subsequent school year. A revised agreement is now being presented for approval.

9.35 (Item #40) Termination for Convenience: Contract with Conti Corporation, Bid#1611, C-909 Structured Cabling, Technology Improvements Project

The Board of Education approved the award of Bid #1611 to Conti Corporation at its June 4, 2012 meeting. Conti Corporation has failed to provide all necessary project documentation as required by the District's Notice of Award, and to date no work has been performed on the Project. District staff is recommending that the contract with Conti Corporation be terminated for convenience as authorized under the Article 24.2 of the General Conditions of the contract.

CONSENT ITEMS PULLED FOR DISCUSSION

10.1 (Item #16) Food and Nutrition Services Purchase Order 2012-2013

Food and Nutrition Services requests approval to issue an open Purchase order to Gold Star Foods for the purchase of food, beverages and supplies for meal programs in District schools during the 2012-2013 year. Purchase order not to exceed \$2,913,420.00. This agreement incorporating Piggy Back contract with Santa Clarita Valley School Food Service Agency proposal RFP # 11-12-31012012-01 for the 2012-2013 school year.

Eberhart moved, Mayo seconded, and the Board voted to approve as presented.

10.2 (Item #30) Approval of Contract with Lincoln Pools

Request permission to enter into a contract with Lincoln Pools for the maintenance and cleaning of the swimming pools at College Park and Mt. Diablo high schools. The cost per month is \$4,800 for five day per week cleaning and maintenance, plus an additional \$1,495 per month for daily water chemical testing. This is pursuant to Contra Costa County Health Department regulations.

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

10.3 (Item #31) Resolution for Authorization to Award Summer Contracts

Pursuant to Section 17604 of the California Education Code, the Board of Education may delegate its authority to the Superintendent and/or his designee to allow for the timely award of various summer bid contracts, which will be returned for ratification at the Board of Education meeting on August 13, 2012. Approval of this Resolution is necessary in order to proceed with contract work during the Board's summer recess. Attached is a list of the known projects that may be awarded during the Board of Education's summer recess.

Eberhart moved, Dennler seconded, and the Board voted 5-0-0 to award resolution #11/12-51 as presented.

10.4 (Item #38) Measure C High School Project Lists

At the April 23, 2012 Board meeting, the Board approved \$40 million to be allocated between the six comprehensive high schools for facilities improvement projects. Attached is the list for Mt. Diablo High School and the Alternative Education sites.

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

10.5 (Item #39) Resolution Confirming Costs of Sale Respecting Issuance of Mt. Diablo Unified School District General Obligation Bonds, 2010 Election, 2012 Series E

Consideration of a Resolution confirming the costs of issuance of the recently sold General Obligation Bonds, 2010 Election, 2012 Series E which were issued in order to fund capital improvements to existing schools within the District. The costs of issuance were paid from premium on the bonds and not from bond proceeds so that the District received the full principal

amount of the bonds of \$149,995,000 in its Building Fund with which to make school improvements. The use of premium to pay the costs of issuance is a common technique used by school districts throughout the State of California, is endorsed by school bond lawyers and enables schools to maximize their project funds. The practice of using premium to pay costs of issuance complies with all applicable law, including the Education Code which provides that premium received by a school district must be deposited in the debt service fund. The District is in compliance with the Education Code because the premium is deposited by the District's Underwriter with a fiscal agent at closing who makes the costs of issuance payments. All of the premium that the District actually receives is deposited to the debt service fund.

Mayo moved, Dennler seconded, and the Board voted 4-1-0 (Hansen – no) to adopt resolution 11/12-53 as presented.

10.6 (Item #41) Joint Use Lease Agreement Between Mt. Diablo Unified School District and Anova Center for Education

Joint Use Lease Agreement between Mt. Diablo Unified School District and Anova Center for Education for Real Property and Improvements at Holbrook Elementary School Property Located at 3333 Ronald Way, Concord, CA

The District wishes to enter into a Joint Use Lease Agreement with Anova Center for Education. The Anova Center for Education is a nonpublic school providing special education services to District students on the autism spectrum. The location of the lease will be Holbrook Elementary School. The Anova Center will share space with the Measure C administrative team. The term of the lease shall be for one year, commencing July 1, 2012 and shall end on June 30, 2013. The District intends to allow the Anova Center to use approximately 5,000 square feet of classroom, office, and outdoor parking space. Anova agrees to pay the sum of \$1.50 per square foot per month. Anova has also agreed to pay utilities, maintain and repair the premises and fully defend and indemnify the District.

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

PUBLIC COMMENT

Tamara Helfer (science educator and parent volunteer at Sequoia Elementary), Ann Baker (Allied Waste Recycling Coordinator for Sequoia Elementary), and Sheila Hill (volunteer and environmental educator) spoke about the new composting program at Sequoia Elementary School and asked the Board for endorsement of the program.

REPORTS/INFORMATION

The Community Advisory Committee Annual Report was presented by Dorothy Weisenberger.

SUPERINTENDENT'S REPORT

Jeff Adams introduced the new UMDAF president, Kevin Hennessey, and presented the District with a check for \$250,000.00 as a contribution to athletics. Superintendent Lawrence thanked Jeff Adams, Kevin Hennessey and all the parents involved with UMDAF.

Superintendent Lawrence thanked the SASS team for putting together a summer learning academy.

BUSINESS/ACTION ITEMS

15.1 Appointment of Program Specialist, Categorical Programs, Site Based

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to appoint Lisa Caswell to the position of Program Specialist, Categorical Programs, Site Based.

15.2 Appointment of Program Specialist, Educational Technology

Mayo moved, Eberhart seconded, and the Board voted 5-0-0 to appoint Ann Tirrell to the position of Program Specialist Educational Technology.

15.3 Reinstate Data Base Administrator position

Aeries, OARS and SEIS are SQL based database programs that continue to require support. The rollover to the next version of the District's SunGuard Business Plus financial software will include the conversion to a SQL based system as well requiring support of a database administrator. We have been funding the position with a series of one-time allocations. Ongoing savings in the Technology and Information Systems budgets have been identified in the savings on the copier contracts to re-establish the position on an ongoing basis.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve reinstatement of Data Base Administrator position.

15.4 Adoption of the 2012-2013 Budget

The 2012-2013 proposed budget includes earlier actions taken by the Board of Education for 2012-2013; The Governor's May Revise; and costs associated with moving from one year to the next, such as moving employees' salaries through the salary schedule and changes in employee benefit rates. The Cost-of-Living Adjustment (COLA) at 3.24% and the deficit factor of 22.272% . , reserves are set aside equivalent to a cut of \$441.00 per ADA net of the savings related to furlough days pending outcome of the State budget and the November 2012 election.

Bryan Richards gave a Power Point presentation on the budget.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve 2012-2013 Budget as presented.

15.5 Resolution #11/12-52 Regarding Maintenance of Fiscal Solvency

Due to the substantial uncertainty regarding the State budget with respect to the proposed tax extensions in the Governor's May Revise, the Contra Costa County Office of Education is again requesting that all School Boards in the County pass a resolution regarding fiscal solvency.

Eberhart moved, Mayo seconded, and the Board voted 5-0-0 to approve Resolution #11/12-52 as presented.

15.6 Public Hearing Regarding Adoption of the 2012-2013 Budget

The 2012-2013 proposed budget includes earlier actions taken by the Board of Education for 2012-2013; The Governor's May Revise; and costs associated with moving from one year to the next, such as moving employees' salaries through the salary schedule and changes in employee benefit rates. The Cost-of-Living Adjustment (COLA) is 3.24% and the deficit factor is 22.272%. Additionally, reserves are set aside equivalent to a cut of \$441.00 per ADA net of the savings related to furlough days pending outcome of the State budget and the November 2012 election.

President Whitmarsh opened the Public Hearing at 8:58 p.m.. There were no speakers. President Whitmarsh closed the Public Hearing at 8:58 p.m.

15.7 Approval of School Site Comprehensive School Safety Plans for 2012-2013

Hansen moved, Dennler seconded, and the Board voted 4-1-0 (Eberhart – no) to approve in accordance with Education Code 32280-32288, staff is requesting approval of Comprehensive School Site Safety Plans in order to ensure compliance with California Education Code Board Policy and Administrative Regulations 0450(a)(b). Comprehensive School Site Safety Plans have been approved by School Site Councils.

15.8 1. Renewal of Independent Service Contract with David H. Costa for Courier Service pick-up and delivery from school sites to credit union. 2. Renewal of Food Services Independent Service Contract with David H. Costa for Courier Service for pick-up and delivery from school sites to credit union

Courier services are provided by David H. Costa to pick-up petty cash from various school sites and then deliver directly to credit union. This service is provided twice a week at a charge of \$12.40 per site per pick-up. There will be 33 school sites that use this service. Courier services will be for the 2012-2013 school year not exceed \$35,000. 2. Courier service for daily food service pick ups not to exceed \$40,365.

Dennler moved, Mayo seconded, and the Board voted 5-0-0 to approve the two contracts with David H. Costa for 1) general site and 2) food services courier services as presented for the 2012-2013 school year.

15.9 Award of Professional Services Contract for Training and development and implementation of new data management systems

The retirement of the Database Administrator, and other key positions and its subsequent vacancy has created a need for training and implementation services.

Eberhart moved, Dennler seconded, and the Board voted 5-0-0 to approve the approve Professional Services contract for James Morrison.

15.10 Core and Extended Core Literature Addition

A committee of high school English Language Arts (ELA) teachers met to develop a curricular unit, lesson plans and activities for supplemental literature supporting CST ELA Standards.

Public Comment

Dan Reynolds, teacher, thanked the Board and everyone involved at the District for allowing new books into the classroom for students.

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

15.11 Renewal Agreement for Natural Gas Services

The District joined the SPURR joint powers authority for gas services in 2007. Our term with SPURR is up for renewal. Over the past five years the District has saved approximately 12% average on natural gas purchases.

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

15.12 Approve 2012/13 Non Public School and Agency Master Contract

Each year the Board of Education reviews an updated Master Contract and Individual Service Agreement to be used for Non Public Schools and Agencies in the upcoming school year. The contracts contain provisions to ensure that all legal requirements are met by all parties. A copy of the Master Contract and ISA has been submitted to the District's General Counsel for review and approval.

Amended Motion

Eberhart moved, Dennler seconded, and the Board voted 5-0-0 to approve the amended the master contract and individual service agreement with the change of student ratios as in the previous master contract section 25.

Amended Main Motion

Eberhart moved, Dennler seconded, and the Board voted 3-2-0 (Hansen and Mayo – no) to approve the master contract and individual service agreement as amended.

15.13 Approve contract between Mt. Diablo Unified School District (MDUSD) and AccentCare Home Care

MDUSD, through the Individualized Education Plan (IEP) and Section 504 process, uses NPAs to provide specialized health care services. Services include diabetic monitoring, catheterization, and other medically prescribed procedures. NPA assist the District in assuring compliance with all applicable federal and state laws and regulations. The NPA contract provides the costs required at this time for the 2012-2013 school year.

Public Comment

Alisa Rosillo, parent, asked the Board to approve the contract.

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

15.14 Request to approve MDUSD/Solution Tree and Marzano Research Lab Contracts

Mt. Diablo Unified School District is a district in Program Improvement. Annually, districts in Program Improvement are required to spend 10% of their Title I funds on professional development. The professional development (PD) must meet a variety of criteria including alignment with the District's Local Education Agency Plan Addendum (LEA Plan Addendum), be research-based, and directly address the academic achievement problem that caused the identification for improvement. Additionally, they may use one day or short-term workshops or conferences only if they are part of, and integral to, a comprehensive plan for professional development activities. Mt. Diablo's LEA Plan Addendum identifies the need to provide District wide professional development for administrators, coaches, and teachers that focuses on the instructional program, high quality first instruction, collaboration, and the development of a District wide intervention plan with a focus on response to intervention. (LEA Plan Addendum D.4.11, D.4.1.2, D.5.1.1, D.5.3.1, D.6.1.1, D.8.1.2). Student Achievement and School Support, in conjunction with Personnel, Student Services, Special Education, and the PAR/BTSA coach program developed an extensive two year professional development plan. An integral component of this PD plan is a comprehensive plan to work with Solution Tree and the Marzano Research Laboratory to address the areas identified in the MDUSD LEA Plan Addendum. These contracts provide ongoing, research-based strategies that support identified needs such as instructional strategies, collaboration, development of a District wide intervention plan, and the embedding of process and practices focused on response to intervention. These contracts involve training teacher leaders, coaches, and administrators in group settings as well as site-based consultation and are designed specifically to meet the varied needs of elementary and secondary sites.

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

15.15 Contract increase for Pawar Transportation & Additional Funding

Pawar Transportation had 123 students as of October 2011, but with an increase in NPS students the Pawar ridership has increased to 132 students. The Pawar contract is \$1,345,158. We are asking to increase the contract by \$252,000, to cover these additional students, bringing the contract total to \$1,597,158.

Eberhart moved, Dennler seconded, and the Board voted 5-0-0 to approve increase to contract and request for additional funding.

15.16 Approve increase of contract amount between Mt. Diablo Unified School District (MDUSD) and Paradigm HealthCare Services, Inc. for the 2011-2012 and 2012-2013 School Years

MDUSD has a contract with Paradigm HealthCare Services, Inc. to prepare and submit Medi-Cal claims to the California Department of Health Care Services (DHCS) for the reimbursement of health care services provided by MDUSD as a Local Education Agency (LEA). The cost of their services is calculated monthly by taking the approved Medi-Cal reimbursements and adjustments for the month and multiplying the amount by 11%. The monthly invoices are paid against the incoming revenue from Medi-Cal reimbursements; therefore, the costs of these services are cost neutral. The Board approved the contract on October 26, 2010 in the amount of \$122,000. This covers the period July 1, 2010 until June 30, 2013. Staff requests an increase of \$50,000 to cover the remaining costs for the duration of the contract. This will bring the total Paradigm contract to \$172,000.

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

15.17 Renewal of Memorandum of Understanding with Spectrum Center for 2012-13 Collaborative Program

The Mt. Diablo / Spectrum Collaborative Program Model began in 2003, at a time when the District had not developed autism specific classrooms. The purpose of this model was to provide immediate programs and services for students that were both FAPE (Free and Appropriate Public Education) and LRE (Least Restrictive Environment) by having these classrooms on District comprehensive school sites. As the District has implemented its plan for autism classrooms and services, corresponding adjustments to the Spectrum classrooms have occurred. In 2010-11 Spectrum Center and Mt. Diablo were able to reduce one classroom at Fair Oaks Elementary and replace it with a District operated classroom, thus saving the District \$375,000 in Non Public School costs for the 2010-2011 school year. The program was reduced a further \$486,109 for the 2011-2012 School Year. Mt. Diablo Unified School District is proposing to continue to collaborate with Spectrum Center, a Non-Public School, to serve students on District campuses for the 2012-2013 school year. Spectrum proposes a contract renewal for 4 collaborative classrooms with a cost reduction of \$243,282 for the 2012-2013 school year. This cost reduction will be met through the elimination of the remaining classroom at Fair Oaks Elementary. The details of the Collaborative Program, the cost savings, and the program success can be found in the attachments.

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

15.18 Classified Personnel: Create a Coordinator of After School Programs (CASP) Position

This is a newly created position developed to supervise staff and site-based after school program management of the Mt. Diablo Collaborative Academic Recreation & Enrichment for Students (CARES) After School Programs. This position will be on the DMA Salary Schedule, Range 14; 11 months (261 days/year).

Eberhart moved, Dennler seconded, and the Board voted 5-0-0 to approve creation of position as presented.

15.19 Approve Non-Public School Contracts for the 2012/13 School Year

Mt. Diablo Unified School District's (MDUSD) Execution of Non Public School Placements for the 2011-2012 Extended School Year Program

Eberhart moved, Mayo seconded, and the Board voted 5-0-0 to approve contracts and contract amounts as presented.

15.20 Approve contract with Community Options for Families and Youth Inc. (COFY) for District Mental Health services

On February 25, 2011 LEAs became legally and fiscally responsible for providing student mental health services (previously covered under AB3632). Mt. Diablo Unified School District will require funding to support existing outpatient mental health services, case management for students in out-of-state placements as well as Non-Medi-Cal eligible students. Services that were previously provided by the Contra Costa County Mental Health Division will be taken over by Community Options for Families and Youth Inc. IEP services are delivered according to the terms of a master contract and individual service

agreements. Rate negotiations and FAPE determinations will be made only at the written request of MDUSD and will be billed separately from student services.

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

Meeting Extension

At 10:59 p.m. Hansen moved, Eberhart seconded, and the Board vote 5-0-0 to extend the meeting until 11:30 p.m.

15.21 Authorize the Superintendent to Enter into New Administrator Contracts

We currently have several administrative positions that are open. Staff is requesting that the Superintendent have the authority during the month of July to enter into contracts with people entering new administrative positions. All positions being filled will follow our current protocol to fill these positions which includes vetting of applicants paper work, interviews, reference checking, and background screening. Only positions that are currently authorized by the Board can be filled. Any contract offered will follow Board Policy 4351, and all candidates will be brought to the August 13 Board meeting to be introduced and ratified by the Board.

Mayo moved, Dennler seconded, and the Board voted 5-3-2 (Hansen and Eberhart – no) to approve allowing the Superintendent to enter into contracts for the above stated positions prior to the August 13 Board meeting.

15.22 Creation of Board Policy - BP 5131 (Conduct)

Effective July 1, 2012, AB 9 (2011) requires districts/COEs to adopt policy prohibiting gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation or any other characteristic listed in Penal Code 422.55 or Education Code 220, or association with a person or group with one or more of these actual or perceived characteristics. Staff created BP 5131 to comply with AB 9.

Presented as information. Will be returned for action.

15.23 Revision of Administrative Regulation 5145.7 (Sexual Harassment)

BP 5145.7 and Revised AR 5145.7

Effective July 1, 2012, AB 9 (2011) requires districts/COEs to adopt policy prohibiting gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation or any other characteristic listed in Penal code 422.55 or Education Code 220, or association with a person or group with one or more of these actual or perceived characteristics. Staff updated AR 5145.7 to comply with AB 9.

Presented for first reading only. This item will be returned at a subsequent meeting.

15.24 Creation of Board Policy - BP 5131.2 (Bullying)

Effective July 1, 2012, AB 9 (2011) requires districts/COEs to adopt policy prohibiting gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation or any other characteristic listed in Penal Code 422.55 or Education Code 220, or association with a person or group with one or more of these actual or perceived characteristics. Staff created BP 5131.2 to comply with AB 9.

Presented for first reading only. This item will be returned at a subsequent meeting.

15.25 Updates and revision to BP 5145.4 and AR 5145.4 (Anti-Bullying)

Effective July 1, 2012, AB 9 (2011) requires districts/COEs to adopt policy prohibiting gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation or any other characteristic listed in Penal Code 422.55 or Education Code 220, or association with a person or group with one or more of these actual or perceived characteristics. Staff revised BP 5145.4 and AR 5145.4 to comply with AB 9.

Presented for first reading only. This item will be returned at a subsequent meeting.

15.26 Future Agenda Items Category

General discussion of whether a category for future agenda items should be added to the agenda so that ideas and requests for future agenda items can be vetted by the Board of Education.

Presented as information and discussion.

15.27 Amendment to Board Bylaw 9322 - Agenda Dissemination to Members of the Public

If a document is distributed to the Board less than 72 hours prior to a meeting, the Superintendent or designee shall make the document available for public inspection at the time the document is distributed to a majority of the Board provided that the document is a public record under the Public Records Act and relates to an agenda item for an open session of a regular Board meeting. If it becomes necessary to include new or revised documents less than 72 hours prior to the meeting, the Superintendent or designee shall implement the following protocol: 1. The original document shall remain posted publicly along with any new or revised documents and be clearly identified as the original document. 2. Each new or revised document shall clearly indicate that it has been added or revised and include the date and time of posting. 3. At the beginning of open session, the Superintendent or designee shall announce publicly, by agenda item, that new or revised documents have been posted less than 72 hours prior to the meeting. 4. The Superintendent or designee shall explain a) the reason the documents were not included on the original agenda, b) the reason for any revisions to the documents, and c) the differences between the original and revised documents. 5. In addition to posting the new or revised documents prior to the meeting, the Superintendent or designee shall ensure that hard copies of these documents are available to the Board and public at the start of that open session. 6. If the new or revised document relates to an action item, then any action will be postponed until the next meeting to ensure that all Board members and the public have an opportunity to review the new and/or revised documents. However, the Board by a two-thirds vote may opt to act on the item at that meeting. If the new or revised document refers to an information item only, no postponement will be required.

Trustee Hansen proposed this agenda item and presented it as information for discussion and action at the next Board meeting.

15.28 Mt. Diablo USD Mayoral Council

The Board will establish a council comprised of the mayors (or their designees) of all cities served by the Mt. Diablo Unified School District, the MDUSD Board, and the MDUSD superintendent for the purpose of expanding communication, identifying and addressing mutual issues and concerns, and building community support and relationships. The MDUSD Mayoral Council shall meet in special meetings once every three months. The superintendent shall provide a written and verbal summary of the Council's discussions to the Board and public at the first Board meeting following each MDUSD Mayoral Council meeting.

Trustee Hansen proposed this agenda item and presented it as information for discussion.

The meeting adjourned at 11:30 p.m.