

MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Tuesday, September 28, 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 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 Strange at 6:00 p.m. in the Board room at the MDUSD Dent Center.

CLOSED SESSION

The Board adjourned to Closed Session at 6:01 p.m. in Room 6 at the Dent Center. Items discussed were negotiations and General Counsel evaluation.

RECONVENE OPEN SESSION

President Strange led the Pledge of Allegiance to the Flag and reported action taken in Closed Session.

CONSENT AGENDA

Eberhart moved, Mayo seconded and the Board voted 5-0-0 to approve the consent agenda as presented with the exception of Item 18.

8.2 (Item 2) Minutes of the meeting of August 10, 2010.

8.3 (Item 3) Recommended Action of Certificated Personnel

Changes in status of certificated employees.

8.4 (Item 4) Request to increase Full Time Equivalent (FTE) for the 2010-2011 School Year

FTE is requested to be added to categorical funds for 2010-2011: Meadow Homes Elementary Teacher .20

8.5 (Item 5) Memorandum of Understanding with The Bernard School of Education of the University of the Pacific

This agreement will allow Deidre Rubcich, intern from the University's approved Clinical/School Psychology Program to supplement her learning experience by working with District staff.

8.6 (Item 6) Recommended Action for Classified Personnel

Changes in status of classified employees.

8.7 (Item 7) Classified Personnel: Reinstate a Part-Time Instructional Assistant-Computer Position at Holbrook Elementary School

Holbrook Elementary School has requested the reinstatement of a part-time 19.25 hour/week; School Day Only, Instructional Assistant-Computer position. Incumbent #11008 will remain in this position.

8.8 (Item 8) Classified Personnel: Reinstate a Part-Time Site Technology Support Technician II Position at Pine Hollow Middle School

Pine Hollow Middle School has requested the reinstatement of a part-time, 13 hour/week, 10 month Site Technology Support Technician II position. Incumbent #23526 will remain in this position.

8.9 (Item 9) Classified Personnel: Reinstate hours for a part-time Site Technology Support Technician II Position at Walnut Acres Elementary School

Walnut Acres Elementary School has requested the reinstatement in hours for a Site Technology Support Technician II position from 18 hours/week; 10 months to 32 hours/week; 10 months. Incumbent #11510 will remain in this position.

8.10 (Item 10) Classified Personnel: Increase in Hours for a Vacant, Part-time Instructional Assistant Position at Bancroft Elem. School

Bancroft Elementary School is requesting to increase the hours of a vacant, part-time, 10 hour/week Instructional Assistant position to 15 hours/week, School Day Only. This position will support general education instruction.

8.11 (Item 11) REVISED Classified Personnel: Eliminate Specific Special Education Assistant II Positions and Upgrade and Create Positions for Special Education/General Education Assistant III

Since the beginning of the 2009 school year, emergency situations warranted MDUSD contract with an outside agency to provide highly trained behavior assistants in order to remediate dangerous student behaviors. For this school year, it is required that we provide three (3) assistants for three (3) IEPs with intensive behavior needs. The contracted cost is estimated at \$165,000 per year for three (3) students. It is anticipated that a fourth student will require SEA3 support. The Behavior Department is recommending the elimination of the contracted services and using our own in-house assistants called Sp.Ed./General Ed. Asst. III. This previously implemented budget cut from 2009-10 fiscal year will result in a cost savings of \$155,261. Four (4) positions will be affected by this upgrade.

8.12 (Item 12) Approval of Independent Services Contract between Mt. Diablo Unified School District (MDUSD) and John F. Kennedy University (JFK) for Counseling Services at the JFK Counseling Center for the 2010-2011 school year

The contract authorizes JFK Counseling Center to provide counseling services for students and families referred by the Positive Behavior Team or the District Administrative Panel (DAP).

8.13 (Item 13) Approval of Independent Services Contract between Mt. Diablo Unified School District (MDUSD) and John F. Kennedy University (JFK) Counseling Services for the 2010-2011 school year.

MDUSD has worked with John F. Kennedy University to provide student support services for over 10 years. The Independent Services Contract continues the implementation of a comprehensive program that places JFK trainees/interns (Masters and Doctorial levels) at school sites for counseling services for violence prevention, anger management, substance abuse prevention and outreach, and emotional support services for at-risk youth.

8.14 (Item 14) Adjustment to Contracts/Purchase Orders Between Mt. Diablo Unified School District (MDUSD) and Independent Service Contractors for the 2010-2011 School Year

Mt. Diablo Unified School District (MDUSD), through the Individualized Education Plan (IEP) process, uses independent service contractors to serve students in various related services. The contracts were originally approved on June 22, 2010 by the Board. Due to the frequent need of evaluations/assessments and the changes in level of services that each student requires by the IEPs, administrative placements and new placements, the contracted services need to be reduced or increased. Three (3) contracts need to be increased and one (1) needs to be decreased.

8.15 (Item 15) Ygnacio Valley High School Yearbook Agreement with Herff Jones 2010-2011

MDUSD agreement with Herff Jones for Ygnacio Valley High School's 2010-2011 student yearbook.

8.16 (Item 16) Independent Contract for Elizabeth Peterson/CP Consulting

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

8.17 (Item 17) Approval of Contract with the Marine Science Institute to provide the Discovery Voyage Program Aboard the Research Vessel Brownlee to the 5th grade students for the 2010-2011 School Year

The Mt. Diablo Unified School District began contracting with the Marine Science Institute to provide the Discovery Voyage Program in 2003 when the Crago was retired. The program is jointly sponsored by the Mt. Diablo Unified School District, Contra Costa Water District, Delta Diablo Sanitation District, Contra Costa Sanitation District, the Dean and Margaret Leshner Foundation and Dow Chemical. Last year the program involved 40 trips, 101 teachers, and 2,590 5th grade students. We are requesting approval of the agreement at this time.

8.18 (Item 19) Award for 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 (4) vendors for Local Education Agency (LEA) Medi-Cal Claims and 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: MAA Reimbursement Services to MCF Consulting, Inc. (Practi-Cal) at a cost of \$24,000.00 The LEA. Medi-Cal Claims portion of this RFP will be awarded at a later date.

Consent Items Pulled for Discussion

9.1 (Item 18) Approval for Adjustment to Existing Contracts and the Approval of Two Additional Contracts Between Mt. Diablo Unified School District (MDUSD) and Non-Public Schools (NPS) for the 2010-2011 School Year.

Mt. Diablo Unified School District (MDUSD), through the Individualized Education Plan (IEP) process, places students in Non-Public Schools (NPS). On June 22, 2010, the Board approved designated amounts for each NPS based on placements known at that time. Due to graduation, discharges, transfers, administrative placements and new IEP placements, NPS contracts need to be decreased, increased, canceled or created. The details of the changes to the existing contracts are reflected in the attached chart.

Mayo moved, Eberhart seconded, and the Board voted 4-0-1 (Allen abstain) to approve the two new contracts and the adjustments to the existing contracts as presented.

RECOGNITIONS

The following schools were recognized for their improvement on the Academic Performance Index (API).

ELEMENTARY SCHOOLS

Ayers
777 – 834, improved 57 points
Cambridge
686 – 727, improved 41 points
First time over 700
Eagle Peak
873 – 893 improved 20 points
Fair Oaks
695 – 731, improved 36 points
First time over 700
Highlands
845 – 856, improved 11 points
Holbrook
727 – 777, improved 50 points
Monte Gardens
898 – 918, improved by 20 points
First time over 900
Mountain View
797 – 809, improved by 12 points
Shore Acres
620 – 659, improved by 39 points
Silverwood
805 – 828, improved by 23 points
Strandwood
905 – 917 improved by 23 points
Sunrise
490 – 561, improved by 71 points
Sun Terrace
759 – 780, improved by 21 points
Wren Avenue
754 – 765, improved by 11 points

Ygnacio Valley
697 – 753, improved by 56 points
First time over 700

MIDDLE SCHOOLS

El Dorado
682 -708, improved by 26 points
Foothill
881 – 900, improved by 19 points
First time over 900
Glenbrook
643 – 660, improved by 17 points
Oak Grove
627 – 646, improved by 19 points
Pine Hollow
771 – 788, improved by 17 points
Pleasant Hill
799 – 825, improved score by 26 points
Riverview
645 – 672, improved by 27 points

HIGH SCHOOLS

College Park High
787 – 804, improved by 17 points
First time over 800
Mt. Diablo High
622 – 651, improved by 29 points
Crossroads Necessary Small High
491 – 563 improved by 72 points
Horizons Alternative
674 – 685, improved 11 point

PUBLIC COMMENT

Daniel Reynolds, teacher, shared that September 26 – October 2 is Banned Books Week sponsored by the American Library Association. He thanked the Board for their continued support of the freedom to read in all the schools and invited them to visit Mt. Diablo High on Friday October 1 at lunchtime as members of the English Department, administration, and members of the pilot course in human rights education will be holding a banned books read aloud.

COMMUNICATIONS

None

SUPERINTENDENT'S REPORT

Superintendent Lawrence shared that he attended the first United Mt. Diablo Athletic Foundation (UMDAF) meeting of the year at Northgate High School. He encouraged everyone to attend their kick-off 5K run which will take place on Sunday, October 10 at 9:00 a.m. at Newhall Park in Concord.

BUSINESS/ACTION ITEMS

14.1 Public presentation and Board's acknowledgement of receipt of the Successor Agreement proposal for Mt. Diablo Education Association (MDEA).

By law, school districts are required to "sunshine" collective bargaining proposals in an open session of the Board. The proposal from Mt. Diablo Education Association (MDEA) must first be submitted as an information item and then returned at a later meeting for action.

14.2 Appointment of Principal, Middle School

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

Allen moved, Mayo seconded and the Board voted 5-0- to appoint Joe Berry to the position of Middle School Principal. Mr. Berry will be assigned to Valley View Middle School.

14.3 PULLED Appointment of Principal, Elementary School

14.4 Appointment of Program Specialist, Special Education

Interviews have been conducted and a candidate has been selected to fill the position of Program Specialist, Special Education.

Mayo moved, Whitmarsh seconded and the Board voted 5-0-0 to approve Cathy Chan as Program Specialist, Special Education. Upon realizing that Ms. Chan should be recommended for the position of Program Specialist, Categorical Programs, Mayo moved, Allen seconded and the Board voted 5-0-0 to rescind the previous action.

14.5 Appointment(s) of Coordinator, Student/Community Services 9-12

Interviews have been conducted and a candidate(s) has been selected to fill the position(s) of Coordinator, Student/Community Services 9-12.

Whitmarsh moved, Allen seconded, and the Board voted 5-0-0 to appoint Kimberly Kaiser to the position of Coordinator, Student/Community Services 9-12. Ms. Kaiser will be assigned to Concord High School.

Mayo moved, Eberhart seconded, and the Board voted 5-0-0 to appoint Kathryn Reyes to the position of Coordinator, Student/Community Services 9-12. Ms. Reyes will be assigned to Olympic High School.

14.6 Appointment(s) of Coordinator, Student Services 6-8.

Interviews have been conducted and a candidate(s) has been selected to fill the position(s) of Coordinator, Student Services 6-8.

Allen moved, Mayo seconded, and the Board voted 5-0-0 to appoint Patrinia Redd to the position of Coordinator, Student Services 6-8. Ms. Redd will be assigned to Glenbrook Middle School.

Whitmarsh moved, Eberhart seconded, and the Board voted 5-0-0 to appoint Lorena Soto to the position of Coordinator, Student Services 6-8. Ms. Soto will be assigned to Oak Grove Middle School.

Mayo moved, Whitmarsh seconded, and the Board voted 5-0-0 to appoint Marc Lopes to the position of Coordinator, Student Services 6-8. Mr. Lopes will be assigned to Riverview Middle School.

14.7 Appointment(s) of Program Specialist, Categorical Programs, Site Based

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

Mayo moved, Allen seconded and the Board voted 5-0-0 to approve Cathy Chan to the position of Program Specialist, Categorical Programs, Site Based.

14.8 Request for Authority To Engage In Contract Negotiations With Design/Build Contractor For the Installation, Monitoring and Support of Photovoltaic Systems District Wide

On August 4, 2010 the District issued a Request for Proposals (RFP) for a Design/Build contract for Photovoltaic Systems District Wide (51 sites). A mandatory pre-submittal conference was convened on August 10, 2010, site walks completed between August 13 and 17, 2010 and all vendor questions answered on August 24, 2010. On September 4, 2010 the District received proposals from four (4) firms/entities. On September 9, 2010 all four (4) firms were interviewed by a District review panel comprised of District staff, community members and experts related to the legal, financial and technical aspects of solar power and solar power installation. On September 16, 2010 the Board of Education convened a special study session to review, compare and discuss the information presented in the proposals. The review panel has subsequently dedicated a significant amount of time and effort in evaluating the proposals and interviews. Due diligence was also exercised in making reference checks. After dutiful consideration of the established criteria of 1)Price (capital cost, cost per unit production, operation and maintenance costs and performance guarantee); 2)Experience (including K-12 experience); 3)Proven Performance; 4)Organizational Qualifications; 5)Technology; 6)Use of local labor; and 7) Overall quality of the RFP (including interview), staff has identified a primary firm which they believe provides the best combination of value, experience and proven performance to the Mt. Diablo Unified photovoltaic project. So determined, staff is requesting authority to enter into contract negotiations with this firm. Staff has also identified a secondary firm and is also requesting contingency authority to enter into contract negotiations with this firm in the event that negotiations with the primary firm prove unsuccessful.

Public Comment

Roy Larkin, asked the Board to keep in mind, when negotiating the contract, that this is not a good buy for the community as far as pay back, although it is good for the operating budget.

Board Comment

Gary Eberhart said that although it is difficult to assess what the actual cost will be, he wants the community to be aware that the payback will be less than 2% which is a very favorable bond pay back.

In response to Board questions, Mr. Pedersen explained the process of negotiating the contract which will define mutual expectations. He will work to make sure it is written to benefit the District. He thanked the Board and Superintendent for setting up the collaborative process. He also thanked the volunteers he worked with.

Eberhart moved, Whitmarsh seconded and the Board voted 5-0-0 to approve staff to enter into contract negotiations with SunPower design/build contractor and enter into contract negotiations with Solar City should negotiations with primary firm prove unsuccessful.

nh14.9 Contract Amendment: Capital Engineering Consultants

On April 7, 2004 a Request for Qualifications/Proposal was issued to qualified mechanical engineering firms, soliciting proposals for a comprehensive analysis and conceptual design of all District heating, ventilating and air conditioning (HVAC) systems. In this RFQ it was further stipulated that it was the

District's intent that "the same firm will be contracted to provide HVAC design services for all Measure C Bond Program schools." A discounted fee was subsequently negotiated based on this assumption and the award for the District-wide assessment was made to Capital Engineering Consultants on May 11, 2004. Based on the results and recommendations of the analysis and the availability of Proposition 55 funding, an initial design services contract for the design and construction administration necessary for new HVAC systems at thirteen (13) designated sites was awarded to Capital Engineering on May 9, 2006. Subsequent contract amendments were approved by the Board of Education through November, 2008 which included the design of HVAC systems for four (4) additional sites as well as the Serendipity facility at Mt. Diablo High School. The resulting, present day, revised contract value is \$3,798,358. With the passage of the 2010 Measure 'C' initiative staff has negotiated a fixed, not to exceed fee of \$4,512,000 with Capital Engineering Consultants for the comprehensive design and construction administration services required for the installation of new, high efficiency heating, ventilating and air conditioning systems at those twenty-eight (28) sites which have not yet been retrofitted with new systems. By percentage of projected construction costs (8.1%), this fee is significantly below that aggregate fee which was realized in the previous HVAC design services contracts (9.39%). Furthermore, this fixed fee locks in design costs/fees for the entire six (6) year HVAC program duration (2010 design start through 2016 DSA closeout) with no opportunity to renegotiate fees affected by escalation/inflation. The fee is fully inclusive and includes all reimbursable costs associated with the multi-year program. Approval of this contract amendment will increase the current contract value of \$3,798,358 to a revised value of \$8,310,358.

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

14.10 District Goals and Objectives

Starting 2010/2011, the Board will review and adopt District Goals and Objectives that will help focus and drive the efforts of the District. The Goals and Objectives will include measureable performance targets and strategies that will ensure that all Mt. Diablo Unified students will master the California standards for their grade level by the end of each year. The purpose of the performance targets is to provide the Board and the District administration with the information needed to monitor how well schools are meeting the identified targets. Students need to 1) master the California standards for their grade level, 2) learn to read with fluency and comprehension by the end of third grade, 3) demonstrate proficiency in mathematics, 4) English Learners need to become fluent in reading and writing skills, 5) pass the California High School Exit Exam, 6) attend school regularly, 7) graduate from high school, and 8) take and pass courses that provide the knowledge and skill necessary for our high school graduates to be successful in their future endeavors. Schools will report progress on the identified performance targets in order to monitor the effectiveness of our District's programs. In order to support these performance targets District-wide strategies have been identified. For example, The use of periodic district benchmarks and other common assessments that measure student progress towards mastery of grade level standards and provide information about the effectiveness of instruction. These assessments will also provide critical feedback to staff regarding where instruction needs to be modified to improve student achievement results. • Collaborative grade level and subject specific teams will meet to use data to identify students' learning needs and respond through targeted instruction and intervention. • Instructional schedules will be developed that has designated time for English learners to focus on their English language development skills. • Staff will utilize online gradebook and HomeLink to report student progress in grades 6-12. A current draft of the District Goals and Objectives as well as a draft of the Cycle of Inquiry that the Board and District will annually follow to ensure that Goals and Objectives reflect the current realities and needs of the district. The creation of explicit district goals and a cycle of inquiry is our first step in developing a district-wide strategic plan.

Public Comment

Mike Langley, MDEA president, asked the Board to exercise caution in approving the proposed goals and objectives.

Eberhart moved, Whitmarsh seconded, and the Board voted 5-0-0 to approve the District Goals and Objectives for the 2010-11 school year.

BOARD MEMBER REPORTS

Linda Mayo attended the recent Teacher of the Year Dinner. She reported that in a special election edition of the California PTA newsletter, questions were asked of the candidates for State Superintendent of Education. Their responses can be found at www.CAPTA.org. Ms. Mayo also attended the Pleasant Hill Restaurant Walk and Pleasant Hill Community Service Day. College Park High School is having their 10th Annual Musicians Showcase which benefits the music program. The K-College program volunteers spent Sunday assembling dental kits for students.

Sherry Whitmarsh congratulated the area bands that participated in the Walnut Festival; Concord and Ygnacio Valley high schools. She thanked the staff and administration at Pleasant Hill Middle School for her recent visit. She will visit Ygnacio Valley elementary in the upcoming weeks.

Dick Allen thanked Pete Pedersen for his presentation on the solar process.

Gary Eberhart shared his recent experience as a guest of the US Navy training program in San Diego.

Paul Strange visited the Navy training program in San Diego as well.

ADJOURNMENT

The meeting adjourned at 8:55 p.m.