

MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Monday, May 20, 2013 (7:30 p.m.)

Board Members: Cheryl Hansen, Barbara Oaks, Brian Lawrence, Lynne Dennler, and Linda Mayo

Administrative Staff: Assistant Superintendent Julie Braun Martin, Assistant Superintendent Rose Lock, Interim Assistant Superintendent Kerri Mills, 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 Cheryl Hansen at 6:00 p.m. in the Board Room at the MDUSD Dent Center. President Hansen led the Pledge of Allegiance, and conducted Roll Call with all Board members present, except Mr. Lawrence who is out of the state and will not be participating in the meeting.

PUBLIC COMMENT

Debbie Snedeker read an excerpt from an email previously sent from the United Mt. Diablo Athletic Foundation (UMDAF) to the Board members regarding labor negotiations.

ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 6:05 p.m.

4.1 Negotiations - The Board may discuss negotiations or provide direction to its representatives regarding represented employees, pursuant to EERA (Govt. Code Section 3549.1) Agency negotiators: Julie Braun Martin and Deborah Cooksey. Agencies: MDEA, CSEA, Local One M&O, Local One CST, MDSPA, and Supervisory

4.2 Conference with Labor Negotiators

4.3 Admission

4.4 Readmission

4.5 Public Employee Discipline/Dismissal/Release/Complaint

4.6 Anticipated Litigation

4.7 Approve Final Separation Terms of General Counsel

4.8 Approve Final Separation Terms of Superintendent

4.9 Approve Final Terms of Interim Superintendent Agreement

RECONVENE OPEN SESSION

Open Session reconvened at 7:35 p.m. President Hansen led the Pledge of Allegiance, and conducted Roll Call with all Board members present, except Mr. Lawrence who is out of the state and will not be participating in the meeting.

REPORT OUT ACTION TAKEN IN CLOSED SESSION

7.1 Negotiations

The Board discussed negotiations and provided direction to staff.

7.2 Conference with Labor Negotiators

7.3 Admission

The Board voted to admit student's #F-13 and #G-13 to the Mt. Diablo Unified School District.

7.4 Readmission

7.5 Public Employee Discipline/Dismissal/Release/Complaint

The Board discussed three cases of public employee discipline/dismissal/release/complaint, and took action in two of those cases. The third case and one additional case will be discussed at the meeting on June 3, 2013.

7.6 Anticipated Litigation

This item was postponed until the meeting on June 3, 2013, along with two cases of existing litigation which were not posted on the agenda.

7.7 Approve final separation terms of General Counsel

This item was postponed until the meeting on June 3, 2013.

7.8 Approve final separation terms of Superintendent

This item was postponed until the meeting on June 3, 2013.

7.9 Approve final terms of Interim Superintendent Agreement

EXPULSION RECOMMENDATIONS

8.1 Expulsion Recommendation - Student #19-13

Staff requires that Student #19-13 participate in 20 hours of counseling to address decision making skills, serve 30 hours of community service, attend California Offender Program Service (COPS) - Sexual Harassment class, and show evidence of a successful school experience to include no suspendable behavior infractions, a minimum of 2.0 GPA, and complete 45 credits prior to applying for readmission.

Mayo moved, Dennler seconded, and the Board voted 4-0-1 to approve as presented.

STUDENT REPRESENTATIVES

Student Representatives reported on activities at their high schools.

CONSENT AGENDA

Item #3 was pulled for discussion.

Mayo moved, Dennler seconded, and the Board voted 4-0-1 to approve the Consent Agenda as presented, except Item #3, thereby approving the following:

9.1 (Item #1) Items listed under Consent Agenda are considered routine and will be approved/adopted by a single motion. There will be no separate discussion of these items; however, any item may be removed from the consent agenda upon the request of any member of the Board and acted upon separately.

9.2 (Item #2) Recommended Action for Certificated Personnel

9.3 (Item #4) Recommended Action for Classified Personnel

9.4 (Item #5) Classified Personnel: Request to Increase and Decrease Positions

9.5 (Item #6) Request to Increase and Decrease Full Time Equivalent (FTE)

9.6 (Item #7) Fiscal Transactions for the Month of April 2013

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

9.7 (Item #8) Increase P.O. 85753 Ve Care Transportation

The original P.O. 85753 was for \$24,900. With an increase of three more students we are requesting an additional funding of \$24,000 bringing the total contract to \$48,900.

9.8 (Item #9) 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 September 10, 2012, the Board approved a master contract with Speech Pathology Group (SPG) for the amount of \$1,050,514 to cover speech/language costs for vacant District positions. It is necessary to increase the purchase order by \$414,574.25 to cover five additional staff vacancies and one medical leave. Last year's contract amount was \$1,437,924.21. This year's contract total will be \$1,465,088.25.

9.9 (Item #11) Independent Contract for DataWORKS Educational Research

DataWORKS Educational Research will provide instructional materials and training for summer school teachers and administration to implement the 2013 Summer (Common Core) Step Up Academy scheduled from June 24 through July 19, 2013 at Shore Acres and Bel Air Elementary. Each site will have three days of professional development prior to the summer program. The focus will emphasize the Common Core program in English Language Arts and Mathematics. Teachers will receive 12 days of coaching throughout the four week summer session on specified days as outlined in the contract.

9.10 (Item #12) Approve Increase of Contract Amount Between Mt. Diablo Unified School District (MDUSD) and Paradigm HealthCare Services, Inc. for the 2012/2013 School Year

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

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 for the period July 1, 2010 until June 30, 2013. The contract was increased to \$50,000 and has covered the expensed up until November 2012. Staff requests an additional \$46,000 to cover the remaining costs for the 2012-2013 school year. This will bring the total Paradigm contract to \$218,000.

9.11 (Item #13) Approve Adjustments to MCF Consulting, Inc. (Practi-Cal) Contract for the 2012/2013 School Year

On September 28, 2010, the Board approved a three-year contract with MCF Consulting, Inc. (Practi-Cal) to provide the LEA Medi-Cal claims reimbursement services through June 2013. Due to increased staff participation in 2011-2012, there is a substantial increase in billing.

9.12 (Item #14) Final Change Order for Bid #1608; Contract #C-913 for Concord High School Paving Improvements

On September 24, 2012, the Board awarded Bid #1608 to DRT Grading and Paving, Inc. for \$146,200 for the provision of all tools, materials, labor and equipment necessary to upgrade underground storm drains and paving improvements at Concord High School.

Due to additional work and unforeseen utilities, a final change order in the amount of \$3,296.52 is necessary. The single, final change order will result in a revised contract value of \$149,496.52

9.13 (Item #15) Notice of Completion for Bid #1608/C-913

Bid #1608 was called to provide Paving Improvements at Concord High School. The lowest responsible bidder was DRT Grading & Paving, Inc., for the bid award amount of \$146,200. The scope of work included, but was not limited to: Grading of existing subgrade in preparation and installation of new base course; asphalt concrete paving; concrete swales and curbs; and removal and installation of new storm drain piping at Concord High School.

There was an additive change order on this project in the amount of \$3,296.52. Work and services for this project have been satisfactorily completed for a total expenditure of \$149,496.52.

9.14 (Item #16) Update Budget Advisory Committee Members

Board member-nominated Budget Advisory Committee members are required to live within the boundaries of the District. Janet Fitzpatrick, previously nominated by Barbara Oaks, lives outside the District. Union representatives are not required to live within the District. To remedy this, Local 1 CST has nominated Janet Fitzpatrick to be its representative on the committee. Debbie Hickey, who does live within the District, is nominated by Barbara Oaks to replace Janet Fitzpatrick as her appointee on the committee. Carmen Terrones Torres stated that Janet Fitzpatrick will fill the CST representative position to the BAC.

CONSENT ITEMS PULLED FOR DISCUSSION

10.1 (Item #3) Release of Temporary Certificated Employees

In accordance with Education Code 44954, the District requests that all certificated employees on temporary contracts for the 2012-2013 school year who have not been re-employed for the 2013-2014 school year be released at the end of the 2012-2013 school year.

Education Code 44954 states:

Governing boards of school districts may release temporary employees requiring certification qualifications under the following circumstances:

- (a) At the pleasure of the Board prior to serving during one school year at least 75 percent of the number of days the regular schools of the district maintained.
- (b) After serving during one school year the number of days set forth in subdivision (a), if the employee is notified before the end of the school year of the District's decision not to reelect the employee for the next succeeding year.

This action is taken annually in an effort to provide the District with maximum flexibility in staffing for the next succeeding school year.

Ms. Dennler asked how many employees will be released. Ms. Braun Martin replied that about 100 temporary teachers will be released.

Mayo moved, Dennler seconded, and the Board voted 4-0-1 to approve as presented.

PUBLIC COMMENT

Skip Naler proposed naming the Administration building at Ygnacio Valley High School in honor of Dr. Ernie Wutzke, principal for 25 years. Ms. Hansen appreciated Mr. Naler taking the initiative on this, and agreed to place it on a future agenda.

Ralph Austin asked the District to continue considering lease-leasebacks for facility improvement projects.

Dan Reynolds reminded the Board that there are still many decisions and placements that need to be changed in the District in order to move forward.

COMMUNICATIONS

There were no Communications.

BUSINESS/ACTION ITEMS

14.1 Approve Final Separation Agreement of General Counsel

This item will be addressed at the Board meeting on June 3, 2013.

14.2 Approve Final Separation Agreement of Superintendent

This item will be addressed at the Board meeting on June 3, 2013.

14.3 Ratify the Appointment of Dr. John Bernard as Interim Superintendent Effective May 21, 2013 Through September 30, 2013

Public Comment:

Michael D. Langley stated that he trusts that the Board did due diligence in this selection.

Mayo moved, Oaks seconded, and the Board voted 4-0-1 to approve as presented.

14.4 Approve Contract for Interim Superintendent

Attached is a draft copy of the contract for Dr. John Bernard, Interim Superintendent. This position will begin May 21, 2013 and will continue through September 30, 2013.

Public Comment:

Michael D. Langley pointed out that the Interim Superintendent needs to focus on maintaining the District and addressing immediate concerns rather than making new initiatives.

Dennler moved, Mayo seconded, and the Board voted 4-0-1 to approve as presented.

Dr. Bernard shared his appreciation for the opportunity to return to the District as Interim Superintendent. He noted that beginning tomorrow we will work hard to ensure a successful ending to the school year, and a smooth opening in the Fall. Dr. Bernard agreed that this is not a time for major changes, but to make certain that the District is running smoothly and effectively.

14.5 Selection and Approval of Search Firm to Conduct Superintendent Search

On May 1, 2013, the Board approved the consideration of proposals from one or more search firms that have conducted successful searches in other districts to conduct the search for the new Superintendent of the Mt. Diablo Unified School District. At this time, the Board will consider and take action on the process to be used in the selection of a search firm. The three search firms to be considered are as follows:

- 1) Leadership Associates (conducted search in San Ramon Valley Unified School District)
- 2) Ray and Associates (conducted searches in Oakland Unified School District and Berkeley Unified School District)
- 3) The Cosca Group (conducted searches in Livermore Valley Joint Unified School District and Hayward Unified School District)

Hansen moved, Mayo seconded, and the Board voted 4-0-1 to select Leadership Associates.

14.6 Reclassification of Classified Position in the Clerical, Secretarial & Technical (CST) Unit and Diablo Managers Association (DMA) Unit

Pursuant to Article 37 of the Contractual Agreement between Mt. Diablo Unified School District and Public Employees Union, Local One, Clerical, Secretarial & Technical (CST) Unit, a reclassification review has been completed for classifications submitted by CST. Based on this review, it is being recommended that the following positions be reclassified effective July 1, 2013:

1) One (1) Senior Typist Clerk, Home & Hospital Program (Westwood Elementary)(#11565) be reclassified from Senior Typist Clerk (SRTYP Range 424) to High School Registrar (HSREG Range 468) of the CST Salary Schedule (increased cost \$1940).

2) One (1) Secretary, Wrap Around & Counseling Clinic (Fair Oaks Clinic)(#27915) be reclassified from Secretary (SECTY Range 424) to Senior Account Clerk (SRACL Range 448) of the CST Salary Schedule (increased cost \$1222).

A reclassification review has also been completed for classifications by Diablo Managers Association (DMA) members. Based on this review, it is being recommended that the following position be reclassified effective 7/1/13:

1) Chief Accountant (#15592) increased from Chief Accountant Range 8 to Range 12 of the Management Salary Schedule (increased cost \$6895).

Julie Braun Martin described the reclassification process and how the changes to these positions came about.

Dennler moved, Mayo seconded, and the Board voted 4-0-1 to approve as presented.

14.7 Request Board Approval of 2013-2014 Career Integrated Academics Committee Membership, in Compliance with Carl Perkins Applied Technology Funding

The Career Integrated Academics Committee provides oversight to Board Policy 6030, which recognizes the need for applied learning that will support student success in college and careers.

This Committee also: provides oversight, per the Five Year Plan for use of Perkins Funding; oversees the use of Perkins funding in MDUSD high schools and middle schools and supporting Career Technical Education and career pathways. Perkins Funding requires annual Board of Education approval of the membership makeup of this body, as an advisory on the use of Perkins Funding. The CIA committee meets three times per year, typically in the late afternoon, and dates are determined each year.

Ms. Hansen and Ms. Oaks clarified that their roles on the Committee are advisory only.

Mayo moved, Dennler seconded, and the Board voted 4-0-1 to approve as presented.

14.8 Authorization to Make Year-End Intra-Budget Transfers

This annual resolution permits the Chief Financial Officer or his designee, to complete any necessary year-end budget transfers to permit the payment of obligations the District has incurred during the 2012-2013 school year.

Dennler moved, Oaks seconded, and the Board voted 4-0-1 to approve as presented.

14.9 Monthly Budget Transfer and/or Budget Increases/Decreases for the Month of April 2013

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

Bryan Richards pointed out that this item usually appears on the Consent Agenda.

Oaks moved, Dennler seconded, and the Board voted 4-0-1 to approve as presented.

14.10 Ratify Settlement Agreement and Release between Dr. Mildred Browne, Assistant Superintendent, Pupil Services/Special Education and Mt. Diablo Unified School District

Ratify the settlement agreement reached for Dr. Mildred Browne, Assistant Superintendent, Pupil Services/Special Education. Ms. Browne's retirement was accepted at the May 6, 2013 Board meeting.

Ms. Mayo acknowledged the years of service provided by Dr. Browne, and Ms. Hansen congratulated her on her retirement.

Mayo moved, Dennler seconded, and the Board voted 3-1-1 (with Dennler dissenting) to approve as presented.

14.11 Award of Lease-Leaseback Agreement to Robert A. Bothman, Inc. for Campus Core Improvements at College Park High School

On March 25, 2013 the District issued a Request for Qualifications (RFQ) soliciting submissions from qualified firms interested in entering into a lease-leaseback agreement for the Campus Core Improvements at College Park High School. As a result of the RFQ process staff completed value-engineering and is recommending that the District enter into a lease leaseback agreement with Robert A. Bothman, Inc. for a Guaranteed Maximum Project Cost of \$471,453 for the completion of all specified work per approved plans and specifications.

The District solicited qualifications from nine vendors and received two packages. As previously discussed, Bay Area increase in construction opportunities may continue to account for number of invitees who decided not to propose on the project.

The lease-leaseback project delivery method is authorized by California Education Code 17406, and authorizes the governing board, without advertising for bids, to enter into a lease with a builder for the purpose of construction, including remodeling and permanent improvements, upon property. Under a lease- leaseback, the District leases property under a "site lease" to a builder for \$1. That builder constructs the facility/ completes the renovation and then leases the facility back to the District under a "facilities lease". The District makes "tenant improvement payments" during construction and "lease payment s" after construction. Titles to facility vests in the District as lease payments are made. The District has the option to make an early payment to the builder to buy out the facilities lease. In addition, the District determines all plans and specifications and uses its own.

The scope of work includes, but is not limited to: provide all tools, materials, labor and equipment necessary to complete renovation of the highly used student area between buildings.

Design phase included students at the site and resulted in what is anticipated to enhance this highly used student gathering area. Work includes but not limited to, demolition of existing utilities and installation of new concrete walks and seating areas as it relates to the Drawings and Specifications.

Public Comment:

A.J. Fardella voiced his concerns about the District's bidding process.

Ms. Hansen noted that she has been working with Mr. Cody to gain a better understanding of the lease-leaseback process.

Tim Cody gave a presentation.

After a discussion, Mayo moved, Dennler seconded, and the Board voted 4-0-1 to approve as presented.

14.12 RFQ/RFP 1626 Award of Lease-Leaseback Agreement to 3D Datacom, Inc. for Technology Improvements at Various Elementary Schools and Pleasant Hill Middle School

On March 20, 2013 the District issued a Request for Qualifications (RFQ) soliciting submissions from qualified firms interested in entering into a lease-leaseback agreement for the Measure-C Elementary Schools and Pleasant Hill Middle school Technology Improvements.

As a result of the RFQ process staff is recommending that the District enter into a lease leaseback agreement with 3D Datacom, Inc. for a Guaranteed Maximum Project Cost of \$1,125,004 for the completion of all specified Technology Improvements per approved plans and specifications. The District solicited qualifications from 12 vendors and received three packages.

The lease- leaseback project delivery method is authorized by California Education Code 17406, and authorizes the governing board, without advertising for bids, to enter into a lease with a builder for the purpose of construction, including remodeling and permanent improvements, upon property. Under a lease-leaseback, the District leases property under a "site lease" to a builder for \$1. That builder constructs the facility/ completes the renovation and then leases the facility back to the District under a "facilities lease". The District makes "tenant improvement payments" during construction and "lease payment s" after construction. Titles to facility vests in the District as lease payments are made. The District has the option to make an early payment to the builder to buy out the facilities lease. In addition, the District determines all plans and specifications and uses its own Architect/Engineer of Record.

The scope of work includes but, is not limited to: provide all tools, materials, labor and equipment necessary to complete installation of Technology Improvements including but not limited to deliver full construction of upgrades and improvements for the Structured Cabling and Technology Improvements as it relates to the Drawings and Specifications. This contract includes, but is not limited to all work associated with the plans and specifications.

Public Comment:

John Parker voiced his concerns about the District's bidding process.

Mayo moved, Dennler seconded, and the Board voted 4-0-1 to approve as presented.

14.13 Carl D. Perkins Vocational and Applied Technology Education Act Funds for 2013-2014

Mt. Diablo Unified School District secondary and adult programs seek Board approval to submit applications for 2013-2014 funding through Carl D. Perkins Vocational and Applied Technology. The secondary allocation will be \$173,745 and adult education allocation will be \$43,144. These are supplemental funds for district career technical education. Due to federal sequestration reduction, Mt. Diablo Adult Education is required to join a consortium of adult schools since MDAE's allocation is less than \$50,000. Therefore approval is also requested to enter into attached Memorandum of Understanding with Martinez Adult Education.

Mayo moved, Dennler seconded, and the Board voted 4-0-1 to approve as presented.

14.14 Public Hearing for Resolution 12/13-45 Education Protection Account

The passage of Proposition 30 created the Education Protection Account. Although the funds are simply a reallocation of previously unrestricted funds, the act requires the board declare by resolution its intended use of the funds.

President Hansen opened the Public Hearing at 8:53 p.m.

President Hansen closed the Public Hearing at 8:53 p.m.

14.15 Resolution 12/13-45 Education Protection Account

The passage of Proposition 30 created the Education Protection Account. Although the funds are simply a reallocation of previously unrestricted funds, the act requires the Board declare by resolution its intended use of the funds.

Bryan Richards gave a presentation.

Dennler moved, Oaks seconded, and the Board voted 4-0-1 to approve as presented.

14.16 Adoption of the Statistics Course of Study

A committee of high school math teachers, a secondary district math coach, and the school support administrator for mathematics met to develop a Statistics course of study. Statistics is a course aligned with the UC 'a-g' course guidelines incorporating the new Common Core Mathematical Practices. Our high school teachers have identified a need for an introductory Statistics course for students who are not prepared or do not wish to move directly into AP Statistics. This course introduces students to statistical practice and methods. It will prepare students to enter various career fields and/or college majors that use statistical processes.

Helena Postrk gave a presentation.

This item was for information only.

14.17 Meeting Extension

Adjournment time will be no later than 11:00 p.m. for all regular and special meetings unless extended to a specific time as determined by a majority of the Board.

A Meeting Extension was not required.

FUTURE AGENDA ITEMS

15.1 Graduation Requirements

The Board will assess why the graduation requirements were reduced.

15.2 Board Goals 2013-2014

The Board will establish goals based on the newly adopted strategic plan.

15.3 Linked Learning and Mt. Diablo High School Academies

A special presentation at the meeting on June 3, 2013 will look at the concept around linked learning.

Ms. Mayo repeated her request for Bryan Richards to provide the Board members and the public with tools to better understand the District's finances.

Ms. Hansen noted that the City of Walnut Creek is eager to hold a joint meeting with the Board.

BOARD MEMBER REPORTS

Ms. Dennler shared how much she enjoyed attending the District Academy Awards celebration to recognize and appreciate the work of teachers, staff, and parent volunteers. She hoped that Guy Moore would organize the event again next year, and encouraged everyone to attend.

Ms. Mayo commented that the District Academy Awards ceremony was outstanding, and she thanked Mr. Reynolds for recognizing a volunteer from Sun Terrace Elementary School. Ms. Mayo attended an event in honor of Keith Coppage, music and theater teacher from Mt. Diablo High School, who is retiring after 25 years. She noted that there are many faculty members who bond with students, and that this event was an example of students coming back and honoring a teacher who meant a lot to them during their high school years.

Ms. Oaks observed that she really felt like she was at the Academy Awards when attending that event. She shared that she had been invited to attend the performance by the Northgate High School bands 1 & 2 at Yoshi's in Oakland. Ms. Oaks also visited the Alliance Program, and was pleased to see the enthusiasm and goals that the students had set for themselves. She noted that they were happy to be in a program that enabled them to be successful.

Ms. Hansen enjoyed attending the Academy Awards celebration. She acknowledged music teacher Stephen Accatino, who is retiring after 40 years. Ms. Hansen requested that this meeting be closed in memory of Dr. Ernie Wutzke, Ygnacio Valley High School Principal for 25 years.

RECONVENE CLOSED SESSION

The Board reconvened Closed Session at 9:13 p.m.

RECONVENE OPEN SESSION

The Board reconvened Open Session at 10:09 p.m.

In Closed Session, the Board discussed one case of certificated employee discipline/dismissal/release/complaint. No reportable action was taken.

ADJOURNMENT

The meeting adjourned at 10:10 p.m. (In memory of Dr. Ernie Wutzke.)

DRAFT

Respectfully submitted,

Nellie Meyer, Ed.D.
Superintendent