

MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Monday, June 3, 2013 (7:30 p.m.)

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

Administrative Staff: Interim Superintendent John Bernard, 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 4:00 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 participate in Open Session via teleconference. He will not participate in Closed Session.

ANNOUNCEMENTS

Dr. Bernard announced changes to the Closed Session agenda. Three items from the confidential agenda need to be moved onto the public agenda: Public Employee Discipline/Dismissal/Release/Complaint for two Fiscal Services employees; Public Employee Discipline/Dismissal/Release/Complaint for one classified employee; and Public Employee Discipline/Dismissal/Release/Complaint for one certificated employee. He also noted that there are no items of Existing Litigation to discuss.

Dennler moved, Oaks seconded, and the Board voted 4-0-1 to add these three items to the Closed Session agenda.

PUBLIC COMMENT

There was no Public Comment.

ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 4:06 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 Anticipated Litigation

4.3 Conference with Legal Counsel Pursuant to Govt. Code Section 54956.9 (b) (1) Regarding Anticipated Litigation in Two (2) Matters

4.4 Public Employee Appointment Pursuant to Govt. Code Section 54957 Title: Assistant Superintendent

4.5 Public Employee Discipline/Dismissal/Release Pursuant to Govt. Code Section 54957 Approve Final Separation Terms of General Counsel

4.6 Public Employee Discipline/Dismissal/Release Pursuant to Govt. Code Section 54957 Approve Final Separation Terms of Superintendent

Items added in the motion noted above:

A) Public Employee Discipline/Dismissal/Release/Complaint

B) Public Employee Discipline/Dismissal/Release/Complaint

C) Public Employee Discipline/Dismissal/Release/Complaint

RECONVENE OPEN SESSION

The Board reconvened Open Session 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 participate in Open Session via teleconference. Mr. Lawrence can vote electronically from his location, so both voice votes and electronic votes will be taken for all action items.

REPORT OUT ACTION TAKEN IN CLOSED SESSION

7.1 Negotiations

7.2 Anticipated Litigation

7.3 Conference with Legal Counsel Regarding Anticipated Litigation in Two Matters

The Board discussed two cases of anticipated litigation. In the first case, the Board had conference with legal counsel. In the second case, the Board gave direction to staff.

7.4 Public Employee Appointment - Assistant Superintendent

The Board took action to approve an appointment which will be ratified under action items 13.1 and 13.2.

7.5 Approve Final Separation Terms of General Counsel

The Board gave direction to Counsel.

7.6 Approve Final Separation Terms of Superintendent

The Board gave direction to Counsel.

CONSENT AGENDA

Dr. Bernard passed out revised backup documentation for Item #9. Dr. Bernard also announced that Item #5 needs to be separate from the Consent Agenda, and will be pulled for a separate vote.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve the Consent Agenda as presented, with the exception of Item #5 and including revised documentation for Item #9, thereby approving the following:

8.1 (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.

8.2 (Item #2) Amended Certificate of Signatures

Due to recent personnel changes, an amended Certificate of Signatures needs to be filed with the Contra Costa County Office of Education.

8.3 (Item #3) Recommended Action for Certificated Personnel

8.4 (Item #4) Request to Increase Full Time Equivalent (FTE) for the 2013-2014 School Year

8.5 (Item #6) Approval of Variable Term Waiver for CBEST Request for 30-Day Substitute Teacher Permits for the 2013-2014 School Year

Approval of the attached annual resolution of the Governing Board allows the District to recruit and hire day-to-day substitutes teachers who have a Bachelor's Degree, but have not yet taken and passed CBEST.

8.6 (Item # 7) Student Teaching and Teacher Internship Agreement between Touro University and Mt. Diablo Unified School District

This agreement is to provide teaching experience through student teaching and teacher internships for students of Touro University.

8.7 (Item #8) Classified Personnel: Request to Increase/Decrease Positions

8.8 (Item # 9) Changes in Status of the Following Classified Employees

8.9 (Item #10) Update Budget Advisory Committee (BAC) Purpose Statement

Committee reviewed Purpose Statements for budget committees from various districts, and re-wrote MDUSD's Purpose Statement at the April 24, 2013 BAC meeting.

8.10 (Item #11) Adjustments to Non-Public School Purchase Order/Contracts for the 2012/13 School Year

Non-Public School (NPS) contracts are reviewed and updated several times during the fiscal year. Changes to contracts are required due to: changes in residency; students entering and leaving placements; increase/decrease in intensity of services; and corrective actions/settlement agreements to assure a free and appropriate public education. The details for these changes, as well as rationale for the changes, can be found in the attached documentation.

8.11 (Item #12) Approve Contract between Mt. Diablo CARES After School Program and Concord Parks and Recreation

Staff requests authorization to enter into a renewal contract with the City of Concord's Parks and Recreation Department to hire recreation staff to supervise five Mt. Diablo CARES After School Programs in Concord: Cambridge Elementary, Meadow Homes Elementary, Ygnacio Valley Elementary, El Dorado Middle School, and Oak Grove Middle School. Mt. Diablo CARES and the City of Concord have been collaborative partners since 1999. This collaboration ensures consistent programs, staffing, supervision, and evaluation across all schools served by the Mt. Diablo CARES After School Program. CARES works with recreation providers to ensure high quality programming, integration of academic, enrichment, nutrition, and physical education opportunities as well as student safety.

8.12 (Item #13) Request Approval of Independent Contract with Laurie Gultzan, MFT, to Provide Counseling Services to the Students at Crossroads High School

Laurie Gultzan is a licensed MFT contractor and holds a Master's Degree in Counseling Psychology from JFK University. She will be employed thirty hours per week to provide individual counseling, couples counseling, family sessions held after school, and case management at Crossroads Necessary Small High School.

8.13 (Item #14) 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 to supervise ten Mt. Diablo CARES After School Programs: Bel Air Elementary, Delta View Elementary, El Monte Elementary, Fair Oaks Elementary, Rio Vista Elementary, Shore Acres Elementary, Sun Terrace Elementary, Wren Ave Elementary, Riverview Middle, and Ygnacio Valley High School. Mt. Diablo CARES and Bay Area Community Resources (BACR) have been collaborative partners since 2007. This collaboration ensures consistent programs, staffing, supervision, and evaluation across all schools served by the Mt. Diablo CARES After School Program. CARES works with recreation providers to ensure high quality programming, integration of academic, enrichment, nutrition, and physical education opportunities as well as student safety.

8.14 (Item #15) CIF/North Coast Representatives for MDUSD High Schools 2013-2014

Ratify the positions of Principal, Athletic Vice Principal, and Athletic Director from Concord, College Park, Mt. Diablo, Northgate, and Ygnacio Valley High Schools to serve as representatives to California Interscholastic Federation North Coast Section for the 2013-24 school year.

8.15 (Item #16) Increase to Purchase Order with Non-Public Agency Professional Tutors of America

Mt. Diablo Unified School District utilizes tutoring services to provide compensatory education to students through the Alternative Dispute Resolution process. Professional Tutors of America provides intervention in core academic areas to students in the Special Education Program. Services are approved per settlement agreement or through approval by the Special Education Management team. The current contract amount is approved for \$48,900. Additional funds of \$13,000 are requested for the remainder of the 2012-13 School Year.

8.16 (Item #17) Agreement between Mt. Diablo CARES After School Program and the Partnership for Children and Youth to Implement the Summer Science Project

Staff requests to accept the contract with the Partnership for Children and Youth (PCY) to implement the Summer Science Project for 2013. The Project was initially implemented in Summer 2012 as a pilot project. The Partnership for Children and Youth is requesting to continue to partner with Mt. Diablo Unified School District (MDUSD) for summer learning programs focused on high-quality, project-based science in low-income communities and supported by technical assistance in quality summer programming. The Science, Technology, Engineering, and Mathematics (STEM) Program links the Statewide initiatives of the California Afterschool Network (CASN) and the California STEM Learning Network (CLSNet).

The Summer Science Program serves at least 300 elementary school children for at least 120 hours at Cambridge, Delta View, El Monte, Fair Oaks, and Ygnacio Valley Elementary schools. School sites will provide at least 90 minutes of science activities per day, as well as physical activity, meals, and other enrichment activities.

The Summer Science Project is integrated into the Mt. Diablo CARES After School Program Summer program during a six hour per day, four week summer session from June 24 to July 19, 2013. Program staff receive professional development regarding the project, goals, expectations, and technical assistance in April, May, and June 2013. Staff are trained on a variety of topics including teaching inquiry-based science, promoting science career exploration, engaging families and community, and supporting equity in science programming.

The curriculum is tailored to help students build on, and expand, their knowledge and abilities. Children are able to learn the basics of a topic and extend their understanding with more in-depth projects in subsequent units. Scientific inquiry and engineering design are integral to this framework and are imbedded into the activities.

The outcomes of this project are to increase young people's interest in STEM learning and knowledge of specific STEM topics, and to develop a replicable and sustainable system of technical assistance for summer STEM programs in other communities. Progress toward these outcomes is measured through surveys and documents with support and advice from an external evaluator.

Mt. Diablo CARES After School Program will receive \$80,000 from Partnership for Children and Youth and \$25,000 from Chevron Corporation for a total of \$105,000 for the Summer Science Program during Summer 2013 at five elementary school sites.

8.17 (Item #18) Approve Independent Service Contract between Mt.Diablo CARES After School Program and Resource Development Associates (RDA)

Staff requests authorization to enter into a renewal contract with Resource Development Associates (RDA) for evaluation services for the fifteen Mt. Diablo CARES After School Programs. RDA has served as the program 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; Network for Health California grant, which require comprehensive annual evaluations to measure program implementation, effectiveness, and student growth. In addition, RDA provides evaluation services to measure the effectiveness of Mt. Diablo CARES Supplemental Education Services (SES) program which offers tutoring to eligible students at school identified as program improvement in year tow or more. Mt. Diablo CARES has been a State approved SES provider since 2003.

8.18 (Item #19) Increase Purchase Order Between Mt. Diablo Unified School District (MDUSD) and Progressus Therapy Inc. for Occupational, Physical and Speech Therapy Services for the 2012-2013 School Year

On September 10, 2012, the Board approved a master contract with Progressus Therapy Services for the amount of \$1,285,216 for therapy costs for special education students. It is necessary to increase the purchase order by \$106,560 to cover one speech and language therapist vacancy.

8.19 (Item #20) CAC Membership Renewal Recommendation for Community Advisory Committee (CAC)

The Community Advisory Committee (CAC) has members whose membership has expired, and they wish to continue to serve the Board. Appointed members serve a two-year term at which time the membership may be renewed with the approval of the Board of Education. The CAC is recommending that the Board renew memberships for the following people:

Lorrie Davis (parent)
Sherry Doyle (parent)
Autumn Green (parent)
Morena Grimaldi (parent)
Denise Lambert (parent)

8.20 (Item #21) Increase to Independent Service Contract with Debora McManus, LCSW

Deborah McManus LCSW, provides bilingual consultative mental health services for students at Sunrise Elementary. Services include individual therapy, family therapy, co-facilitation of staff meetings and supervision. The current contract is approved in the amount of \$24,900. Additional funds are requested to continue to provide services through the end of the 2012-13 School Year.

8.21 (Item #22) Change to Contract 85999 Lease for Interim Housing Units Necessary for Projects Being Implemented through the 2010 Measure C Facility Improvement Program

On November 5, 2012, the Board approved lease agreement to provide a limited number of DSA approved interim housing units at Mt. Diablo High School. Interim housing was necessary to support educational programs during demolition and construction of new/renovated facilities at the site. This work included new science classrooms and IHTA renovation (Room HE-6). This work is complete.

One project requested by MDHS staff under the High School Enhancement Program, Phase II, includes full renovation of existing science classrooms (S-Wing). This work is currently scheduled to start this summer with completion anticipated early 2014. To ensure the continued ability to support educational programs during this project, staff is recommending extension of lease agreements in the total amount of \$111,184.00 be executed with Mobile Modular Management Corporation for the rental and removal of these DSA modular classrooms. Extension and original agreement processed through a the pre-existing "piggyback" contract between the Franklin-McKinley School District and McGrath Rent Corporation dba Mobile Modular Management Corporation.

8.22 (Item #23) Approve Independent Service Contracts for Cherri Duffy and Deiredre Ryan-Booth to Provide Behavior Intervention Services for the 2013-2014 School Year

The Mt. Diablo Unified school District, through the Individual Education Plan (IEP) process utilizes Independent Services Contractors to provide services to students with various special needs. Each year the Special Education Department brings contracts to the Board of Trustees which require their authorization. Services include behavioral assessment, behavior intervention services, behavior and social/emotional support, and team collaboration. A list of contractors and their signed contracts are attached. These contracts include Extended School Year 2013.

8.23 (Item #24) Approval of Increase to Independent Contract with Resource Development Associates, Inc. (RDA), which was Previously Board Approved on May 6, 2013

Resource Development Associates, Inc. (RDA) will work with MDUSD staff to revise and administer a survey at the 13 Title I schools to solicit feedback on opportunities for parental involvement.

After consulting with RDA and reviewing the Title I Parent/Family Involvement Project Description, we determined that an error was made in the calculation of the total costs of services to meet the Title I Parent Involvement compliance requirements. Base contract: \$7,750. Plus optional site reports 13 @ \$700 = \$9,100. Total \$16,850.

8.24 (Item #25) Award of Independent Services Contract for the Oversight of Hazardous Materials Abatement/Removal for Heating, Ventilating and Air Conditioning Renovations for Group II Sites (Shadelands, Sunrise, Westwood, Monte Gardens, El Monte, Hidden Valley, Gregory Gardens, Strandwood, Bancroft, Valle Verde, Silverwood and Mountain View Elementary Schools

The services of a certified hazardous materials management firm will be required during the planned construction phase associated with the installation of new heating, ventilating and air conditioning systems at the Group II sites (Shadelands/Sunrise, Westwood, Monte Gardens, Hidden Valley, Strandwood, Gregory Gardens, Silverwood, Valle Verde, Bancroft, El Monte and Mountain View Elementary Schools). The scope of work of included in said services includes, but is not limited to: the management of all abatement activities; surveillance of all abatement work activities and air monitoring; sampling and testing; inspection and certification. Value of the work associated with the Construction Phase of the HVAC projects cannot be determined until contractors schedules are received depicting the time period for abatement of such hazardous materials. Staff is recommending that a contract be awarded to Enviro-S.T.A.R., Inc. for a 'not to exceed' value of \$93,970.

8.25 (Item #26) Award of Inspector of Record (Project Inspector) Contract for Modernization of S-Wing at Ygnacio Valley High School

The services of a State Certified Inspector of Record (Project Inspector) are required to oversee, inspect, and verify that the modernization of the S-Wing (Shop Wing) at Ygnacio Valley High School is completed in full compliance with all applicable codes and regulations. Staff is recommending that a contract be awarded to Alisha Jensen for a not to exceed fee of \$5,440 for the provision of said services.

8.26 (Item #27) Award of Inspector of Record (Project Inspector) Contract for Modernization of the Science Center, Building 100, at Ygnacio Valley High School

The services of a State Certified Inspector of Record (Project Inspector) are required to oversee, inspect and verify that the modernization of the Science Center, Building 100, at Ygnacio Valley High School is completed in full compliance with all applicable codes and regulations. Staff is recommending that a contract be awarded to Alisha Jensen for a not to exceed fee of \$16,320 for the provision of said services.

8.27 (Item #28) Adjustment to Agreement Between Mt. Diablo Unified School District (MDUSD) and the Contra Costa County Office of Education (CCCOE) to Provide Temporary One to One Assistants for a Special Education Students During the 2012-2013 School Year Including Extended School Year

Request an increase of \$11,340 for PO 85601. This will bring the total amount for all the one-to-one contracts with CCCOE for the 2012-2013 school year inclusive of Extended School Year to \$94,690. Funds are available in current budget.

8.28 (Item #29) Approve Contract Between Mt. Diablo CARES After School Program and Contra Costa County Community Development Block Grant Program

Staff requests authorization to enter into a renewal program agreement with Contra Costa County to provide expanded enrichment to Bay Point students who participate in the CARES After School Program at Bel Air, Rio Vista and Shore Acres Elementary and Riverview Middle Schools.

8.29 (Item #30) Approve Submission of the Nutrition and Physical Promotion Project Grant for the Community Wellness and Prevention Program with Contra Costa Health Services

Staff requests approval to apply for a one year Nutrition and Physical Promotion Project grant for the Community Wellness and Prevention Program with Contra Costa Health Services.

The Nutrition and Physical Promotion Project grant will provide funding to integrate and increase nutrition education and physical activity in the Mt. Diablo CARES After School Program Kindergarten – 12th grade. For the 2013-14 school year, all CARES After School Programs (11 elementary, three middle and one high school) will participate in the Nutrition and Physical Promotion Project.

Mt. Diablo CARES After School Program has been the recipient of USDA's Network for Healthy California grant since 2001. Funding is provided by the California Department of Public Health Network for a Healthy California, USDA Food Stamp Program. Beginning in 2013-14, the Network for Healthy California grants will be issued and managed by county health departments and then subcontracts given to grant awardees. Grant funds will pay for a portion of after school program recreation, administration and clerical staff, evaluation, supplies and materials. Through this grant, participating after school students receive at a minimum seven hours of nutrition education and physical activity promotion each week. The Network for Healthy California grant will continue to provide valuable and essential resources to district student to support, develop and maintain a healthy lifestyle. Mt. Diablo CARES is requesting \$66,000 to implement the Nutrition and Physical Promotion Project.

8.30 (Item #31) Adoption of the Statistics Course of Study

A committee of high school Mathematics teachers, a District secondary Math coach, and 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.

8.31 (Item #32) Adoption of "Statistics" Textbook

A committee of high school Mathematics teachers, a District secondary Math coach, and school support administrator for Mathematics went through a district process to recommend for adoption the following Statistics text and materials for the high school Statistics course: Elementary Statistics (12th edition) by Mario F. Triola (Pearson). The committee evaluated the materials based on alignment to Common Core Mathematics Content Standards and Mathematical Practice Standards. Focus was placed on applications to college fields of study and career paths.

CONSENT ITEMS PULLED FOR DISCUSSION

Note: When Item #5 was pulled for discussion, it was inadvertently placed under Business/Action Items as #13.14. It was discussed as a Consent Item Pulled for Discussion.

13.14 (Item #5) Declaration of Need for Fully Qualified Educators

Regulations from the Commission on Teacher Credentialing require the district to submit an annual Declaration of Need form indicating the number of teachers we anticipate hiring under emergency permits for the 2013-2014 school year. In the past a Declaration of Need form was filed with each emergency permit submitted by the district. The annual filing will eliminate paperwork both for us and for the Commission. Attached is the form indicating the number of teachers we anticipate hiring or rehiring with emergency permits, the credentials and subject areas in which we may have need to hire. We have anticipated numbers by credential type larger than our anticipated need so as not to request from the Board a second identical action later in the year.

The number of teachers hired or rehired under emergency permits includes substitutes, current employees required to reapply for a permit, and summer school teachers. According to Title 5 Regulations 80026 (1)"...the Declaration of Need shall not be adopted by the Board as part of the consent calendar." The Commission on Teacher Credentialing requires there be opportunity for public comments or questions. With this requirement, I am requesting that this item be approved outside the consent calendar.

Dr. Bernard pointed out that this item is required to be voted on separately from the Consent Agenda.

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

PUBLIC COMMENT

President Hansen announced that due to the large number of speakers, public comment will be limited to two minutes per person.

Sandra Gonzales spoke in support of Riverview Middle School Principal, Thom Kwiatkowski.

Jenna Escalante spoke in support of Riverview Middle School Principal, Thom Kwiatkowski.

Alisdair Brownlee appealed the decision to deny his daughter's transfer request.

Naomi Martinez spoke in support of Riverview Middle School Principal, Thom Kwiatkowski.

Maria Arias (via English translator) spoke in support of Riverview Middle School Principal, Thom Kwiatkowski.

Janet Fitzpatrick shared her concerns about protecting employees from identity theft following the loss of a District computer.

Janet Fitzpatrick voiced her concerns over the CST unit contracts, noting that members have not received raises in years and have given up hours and days to help the District.

Lorena Vargas (via English translator) spoke against the boundary changes at Delta View Elementary School.

Melissa Meharg and Michelle Lucero, Ygnacio Valley High School students, voiced their concern about the lack of support for students and teachers stemming from a lack of communication. Examples included inability to make appointments with school administrators, a lack of support for disciplinary procedures, and changes to the bell schedule.

Cecilia Ramos (via English translator) spoke against the boundary changes at Delta View Elementary School.

Silvia Vazquez (via English translator) spoke against the boundary changes at Delta View Elementary School.

Angeles Vargas (via English translator) spoke against the boundary changes at Delta View Elementary School.

Jorge A. Munoz (via English translator) spoke against the boundary changes at Delta View Elementary School.

Maria Azanza (via English translator) spoke against the boundary changes at Delta View Elementary School.

President Hansen pointed out that Board has already approved the Delta View boundary changes, and is still discussing transportation options and safety concerns. Dr. Bernard added that the Board can only take action on items on the agenda, but that he appreciates the parents coming forward.

Dan Reynolds voiced his concerns about Principal Kate McClatchy at Mt. Diablo High School.

Debra Mason commented on Consent Agenda Item #14, and questioned where the extra funds from Bay Area Community Resources (BACR) are being spent.

COMMUNICATIONS

Guy Moore, MDEA President, expressed the concerns of many teachers regarding the Principal at Mt. Diablo High School, and demanded that the Board find a new leader for that school.

REPORTS/INFORMATION

11.1 Annual Report of the 2010 Measure C Citizens Bond Oversight Committee

Education Code Section 15280(b) requires that the 2010 Citizens Bond Oversight Committee must at least annually provide a report of its activities. A report on Committee activities for the 2011-2012 fiscal year will be presented.

Sue Noack, Chairman of the 2010 Citizens Bond Oversight Committee, gave a Power Point presentation.

11.2 Linked Learning and Mt. Diablo High School Academies

Bill Morones and Joanne Durkee gave a presentation about Linked Learning. Mt. Diablo High School Principal Kate McClatchy gave a presentation on the Academy model. Academy teachers answered questions from Board members.

Public Comment:

Guy Moore, Carol Mishler, Steve Seaman, Wendy Spencer, Sandy Johnson-Shaw, and Dan Reynolds voiced their concerns about the Principal and the management of the Academy model at Mt. Diablo High School.

11.3 Board Bylaw #9012 - Board Member Electronic Communications

To ensure that the Board Bylaws are aligned with Education Codes and Government Codes, this bylaw is agendized for first reading and will return on 6/17/13 for second reading.

Dr. Bernard pointed out that the Board does not currently have this as a Board Bylaw.

SUPERINTENDENT'S REPORT

Dr. Bernard thanked the Board and staff for welcoming him. He reported that he has visited 10 school sites, and hopes to visit the rest of the sites before the last day of school.

Dr. Bernard announced that last week he was invited to attend a luncheon by Wells Fargo, where Wells Fargo presented the District with a grant of \$40,000.

Dr. Bernard shared that Ygnacio Valley High School received their letter from the Western Association of Schools and Colleges (WASC) announcing that they have been accredited through 2019. There will be a mid-term review in three years.

Dr. Bernard acknowledged Joanne Durkee for her work in marketing the District's programs.

Dr. Bernard asked the Board to consider changing their meeting day from Mondays to a different day of the week, because it is challenging for staff to properly prepare for the meetings held on Mondays.

Dr. Bernard shared his appreciation for the work being done to assemble the Equity Advisory Committee, and announced that the Disproportionality report will be presented to the Board soon. He noted that it is important to understand that how we treat children impacts how they learn.

Dr. Bernard met with the school Principals and asked them to list items they felt are going well, and asked about which items he should focus his attention on. The key items that came forward were communication within the District and to the community, and District departments working together.

BUSINESS/ACTION ITEMS

13.1 Ratify Appointment of Assistant Superintendent Pupil Services/Special Education

In Closed Session, the Board voted 4-0-1 to approve the appointment of Dr. Kerri Mills to the position of Assistant Superintendent Pupil Services/Special Education. This item is to ratify that appointment.

Dennler moved, Oaks seconded, and the Board voted 5-0-0 to ratify the appointment of Dr. Kerri Mills to the position of Assistant Superintendent Pupil Services/Special Education.

13.2 Approve contract of Assistant Superintendent Pupil Services/Special Education

Dennler moved, Mayo seconded, and the Board voted 5-0-0 to approve the contract of Dr. Kerri Mills for the position of Assistant Superintendent Pupil Services/Special Education.

13.3 Public Hearing for Resolution 12/13-44 to Utilize Flexibility Authorized by SBX3-4 and SB70

SB70 has extended the limited flexibility provided under SBX3 4 for the fiscal years through 2014-15 to allow school districts to utilize funding received from the State Budget Act for Tier 3 categorical programs for any educational purpose. As a condition of receipt of the funding, a public hearing on utilization of the flexibility is required annually at least one Board meeting prior to the adoption of the budget.

This item was for information only.

President Hansen opened the public hearing at 10:01 p.m.

President Hansen closed the public hearing at 10:01 p.m.

13.4 Resolution 12/13-44 to Utilize Flexibility Authorized by SBX3 4 and SB70

SB70 has extended the limited flexibility provided under SBX3 4 for the fiscal years through 2014-15 to allow school districts to utilize funding received from the state budget act for "Tier 3 categorical programs for any educational purpose. As a condition of receipt of the funding, a public hearing on utilization of the flexibility is required annually at least one board meeting prior to the adoption of the budget.

Bryan Richards explained the changes that will occur with the Local Control Funding Formula.

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

13.5 Public Hearing for the Adoption of the Mt. Diablo Unified School District Special Education Local Plan Area (SELPA) Annual Budget Plan and Annual Service Plan for the 2013-2014 School Year

This item was for information only.

President Hansen opened the public hearing at 10:04 p.m.

President Hansen closed the public hearing at 10:04 p.m.

13.6 Adopt the Mt. Diablo Unified School District Special Education Local Plan Area (SELPA) Annual Budget Plan and Annual Service Plan for the 2013-2014 School Year

As required by Ed Code Sections 56205(b)(1) and 56205(b)(2) and 56195.7, each SELPA Local Plan document requires a service plan component and a budget plan that are updated annually.

In submitting the Local Plan documents, the following information is required: the Annual Budget Plan, the Annual Service Plan, the CASEMIS Service Plan descriptions and Annual Budget and Service Plans' Certification Forms for the 2013-2014 school year. These documents are due to the California Department of Education on or before June 30, 2013. Copies of these documents are attached for the Board of Education's review and approval.

The completion of the process will be documented by evidence that a SELPA level public hearing has been held to adopt these items. The signed documents will be submitted to the California Department of Education along with evidence that a public hearing was held.

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

13.7 Joint Use Lease Agreement between Mt. Diablo Unified School District and Anova Center for Education

The District wishes to continue its 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 two years, commencing July 1, 2013 and shall end on June 30, 2015. The District intends to allow the Anova Center to use approximately 8,771 square feet of classroom and office space, and outdoor parking space. Anova agrees to pay the sum of \$1.575 per square foot per month for 2013/14 and \$1.6225 for 2014/15. Anova has also agreed to pay utilities, maintain and repair the premises, and fully defend and indemnify the District.

Bryan Cassin was available to answer questions.

This item was for information only.

13.8 Award MDUSD Project # 1637 Paint Package #1 for Rio Vista Elementary, Shore Acres Elementary & Bel Air Elementary Schools Exterior Painting

On April 15, 2013, the District issued a Request for Qualifications (RFQ) soliciting submissions from qualified firms interested in entering into a lease- leaseback agreement for Elementary Schools MDUSD Project # 1637 Paint Package #1 at Rio Vista Elementary, Shore Acres Elementary and Bel Air Elementary. As a result of the RFQ process, staff is recommending that the District enter into a lease- leaseback agreement with Diamond Painting Co. KK. for a Guaranteed Maximum Project Cost of \$225,000.00 for all specified exterior painting Improvements per approved plans and specifications.

District solicited qualifications from 10 vendors and received four packages. There is an aggressive schedule to work around the summer school program, and requires contractors to be at multiple sites and coordinate wings. There is a reflected premium to the District to achieve this desired timeline.

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 payments" 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 the full exterior painting of each of three (3) sites as it relates to the Drawings and Specifications. This contract includes, but is not limited to all work associated with the plans and specifications.

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

13.9 Award MDUSD Project #1648 - Exterior Paint Package #2 for Oak Grove Middle School and Meadow Homes Elementary School

On April 15, 2013, the District issued a Request for Qualifications (RFQ) soliciting submissions from qualified firms interested in entering into a lease-leaseback agreement for Elementary Schools MDUSD Project # 1648 Paint Package #2 at Oak Grove Middle School and Meadow Homes Elementary School. As a result of the RFQ process, staff is recommending that the District enter into a lease-leaseback agreement with Diamond Painting Co. KK. for a Guaranteed Maximum Project Cost of \$180,000 for all specified exterior painting improvements per approved plans and specifications.

District solicited qualifications from 10 vendors and received four 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 payments" 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 the full exterior painting of each of three (3) sites as it relates to the Drawings and Specifications. This contract includes, but is not limited to all work associated with the plans and specifications.

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

13.10 RFQ/RFP 1617 - Approval of a Preliminary Services Agreement with XL Construction, Incorporated to Support S-Wing Modernization at Mt. Diablo HS

In April 2013, the District issued a Request for Qualifications from firms interested in entering into a lease-leaseback agreement for the modernization of existing science classrooms (S-Wing) at Mt. Diablo High School. Per previous Board recommendation, this request was publicly available with specific notification to no less than 15 potential contractors. This resulted in the receipt of four qualification packages.

Staff is evaluated qualifications, and is recommending that the District enter into a Preliminary Services Agreement with XL Construction, Inc. for the provision of preliminary services including, but are not limited to: preliminary coordination services; constructability review of preliminary plans and specifications; value engineering; and any other recommendations necessary to optimize project quality, delivery, scheduling, and construction phasing relating to the modernization of specified existing Science classrooms at Mt. Diablo High School.

As authorized by California Education Code section 17406, a lease-leaseback contract structure is one in which the District can select a builder in a different manner other than just a "lowest bidder" with the intent to increase likelihood of success while minimizing risk to the District. For this project, architectural services previously solicited in accordance with best practices and this RFQ evaluated other factors including past K-12 experience, design, etc., including price. RFQ also includes provision to ensure potential firms to solicit estimates from numerous trade contractors. Under a lease-leaseback, the District leases property under a "site lease" to a builder for \$1. That builder constructs the facility and then leases the facility back to the District under a "facilities lease." The District makes "tenant improvement payments" during construction and "lease payments" after construction. Title to the new 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 selects/approves all plans and specifications and uses its own Architect of Record to submit the project to the Division of the State Architect for approval.

Only after DSA approval can the District enter into the 2 leases. As allowable, DSA approval is pending and staff would like XL Construction to begin work under this preliminary services agreement.

Ms. Oaks questioned why this bid was less than half the cost of the others. Tim Cody responded that it is a reflection of what the company feels that the project will cost per month.

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

13.11 Award MDUSD Project #1639 for Strandwood Elementary Skylight Infill & Re-Roof of A Wing

On May 1, 2013, the District issued a Request for Qualifications (RFQ) soliciting submissions from qualified firms interested in entering into a lease-leaseback agreement for MDUSD Project # 1639 Strandwood Elementary School Skylight Infill & Re-Roof. As a result of the RFQ process, staff is recommending that the District enter into a lease-leaseback agreement with Integra Construction Services, Inc. for a Guaranteed Maximum Project Cost of \$171,760 for all specified skylight infill & re-roof improvements per approved plans and specifications. The District solicited qualifications from 10 vendors and received two 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 payments" 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 the infill of all skylights and interior amenities in the A wing and re-roof of the A wing as it relates to the Drawings and Specifications. This contract includes, but is not limited to all work associated with the plans and specifications. It will be done on a very tight time constraint between when school lets out and when the Measure-C HVAC project team needs to have access to that wing and set its equipment on the roof this summer.

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

13.12 Award of Lease-Leaseback Agreement to Landmark Construction for Modernization of the Science Center, Building 100, at Ygnacio Valley High School

On May 6, 2013, the Board approved the Preliminary Services Agreement (PSA) to Landmark Construction for the management, coordination, constructability review, value engineering and recommendations related to remodel of the Science Center at Ygnacio Valley High School in the amount of \$8,500. Work under this agreement was to work in conjunction with staff and the Architect, Community Architecture, in the completion of the Construction Documents for submission to the Division of the State Architect for their approval. Approval from the Division of the State Architect was received on May 15, 2013.

As a result of the PSA process, along with the approval of the plans and specifications, staff has completed negotiations as well as value-engineering with Landmark Construction and is recommending that the District enter into a lease leaseback agreement with them for a Guaranteed Maximum Project Cost of \$2,175,372 for the completion of all specified work per approved plans and specifications.

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 payments" 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 modernization of Building 100, Science Center, at Ygnacio Valley High School. Design phase included staff and students at the site resulting in a completely remodeled interior space to provide an enhanced learning experience. Work includes but not limited to: demolition of existing walls, flooring, ceiling, utilities and reuse of some of the existing casework as it relates to the Drawings and Specifications.

Public Comment:

John Parker voiced his concern that this contract was predetermined, and emphasized that competition is crucial for fair pricing. Tim Cody responded to Mr. Parker's concerns.

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

13.13 Award of Lease-Leaseback Agreement to Landmark Construction for Modernization of S-Wing, Shop Building 1300, at Ygnacio Valley 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 Modernization of the S-Wing, Shop Building 1300, at Ygnacio Valley 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 Landmark Construction for a Guaranteed Maximum Project Cost of \$384,771 for the completion of all specified work per approved plans and specifications.

District solicited qualifications from 15 vendors and received three 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 payments" 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 modernization of the S-Wing, shop building 1300, into a weight room, sports medicine room, and ceramics studio. Work includes, but is not limited to: demolition of existing walls, dark room, cabinets and installation of a new outdoor kiln area as it relates to the Drawings and Specifications.

Public Comment:

John Parker commended staff for including thorough insurance documentation. He voiced his concerns that the District is not reaching out to appropriate companies for the bidding process.

Ms. Oaks questioned why the bid costs vary so widely. Tim Cody responded that the District does not ask for an explanation of the bid breakdown beyond the top two bidders.

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

FUTURE AGENDA ITEMS

Ms. Hansen thanked Dr. Bernard and Ms. Lock for their willingness to keep Graduation Requirements on the Future Agenda Items list, and noted that she hopes the Board can discuss this soon. She added that the Board needs to discuss moving the Board meetings to a different day of the week, and scheduling joint meeting with city councils.

Ms. Mayo requested a study session on understanding District finances.

Ms. Hansen pointed out that the Financial Crisis Management Assistance Team (FCMAT) report was received in March, and asked that it be put on the agenda as a informational item for the meeting on June 17th. Ms. Dennler requested that a special meeting be held around that report.

BOARD MEMBER REPORTS

Ms. Dennler shared that she and Mr. Lawrence visited Mt. Diablo High School, and toured their academies. She noted that the school would like to expand their garden area, but in order to do so a gate needs to be built to bring in the soil, and that process will take a long time. Ms. Dennler expressed her frustration that the District needs to find a way to work with the unions to get projects like this done quickly.

Ms. Mayo attended the Serendipity annual dinner and the Bridge graduation ceremony. She had the opportunity to attend the Healthy Behaviors Initiative meeting for after school programs.

She noted that it was exciting to hear their discussion about how to incorporate STEM and Common Core into the after school programs for students. Ms. Mayo asked that the meeting close in memory of Marilyn Tubbs, Credentialed School Nurse, who worked for MDUSD for 31 years.

Ms. Hansen visited Northgate High School and Ygnacio Valley High School the Friday before final exams.

RECONVENE CLOSED SESSION

The Board did not reconvene Closed Session.

ADJOURNMENT

The meeting adjourned at 10:50 p.m. (In memory of Marilyn Tubbs)

DRAFT

Respectfully submitted,

Nellie Meyer, Ed.D.
Superintendent