

MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Wednesday, October 9, 2013 (7:30 p.m.)

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

Administrative Staff: Superintendent Nellie Meyer, Assistant Superintendent Julie Braun Martin, Assistant Superintendent Rose Lock, Assistant Superintendent Kerri Mills, Interim General Counsel Jayne Williams, 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 6:05* p.m. in the Board Room at the MDUSD Dent Center. President Hansen conducted Roll Call with all Board members present.

ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 6:07* 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 Pending Litigation - Conference with Legal Counsel pursuant to Gov't. Code Section 54956.9 (1) regarding Taylor, et al v. Mt. Diablo Unified School District, et al, Contra Costa Superior Court Case No. C12-00609

4.3 Pending Litigation - Conference with Legal Counsel pursuant to Gov't. Code Section 54956.9(1) regarding Bay Area News Group v. Mt. Diablo Unified School District, et al, Contra Costa Superior Court Case No. N13-1551

4.4 Anticipated Litigation - Conference with Legal Counsel regarding the initiation of litigation in one (1) matter pursuant to Gov't. Code Section 54956.9 (c)

4.5 Potential litigation based on facts and circumstances in four (4) matters pursuant to Gov't. Code Section 54956.9(3) (c)

RECONVENE OPEN SESSION

Open Session reconvened at 7:36 p.m.

PRELIMINARY BUSINESS

President Hansen led the Pledge of Allegiance, and conducted Roll Call with all Board members present.

REPORT OUT ACTION TAKEN IN CLOSED SESSION

In Closed Session, the Board discussed existing and pending litigation. They also discussed negotiations, and gave direction to the negotiating team.

STUDENT REPRESENTATIVES

Student representatives reported on activities at their schools.

BOARD MEMBER REPORTS

Ms. Dennler enjoyed attending the community meeting at Ygnacio Valley High School. She visited Gregory Gardens Elementary and Foothill Middle Schools. She shared that after four years of retirement, she thought she remembered what being a teacher was like, but she had forgotten how demanding it is. She recommended that each of the Board members spend a day watching teachers, to gain a new appreciation of what the job entails and to be able to reflect on that when making decisions.

Mr. Lawrence reported the he enjoyed the Special Meeting with the City of Walnut Creek on October 7th. He enjoyed meeting different people and hearing new perspectives.

Ms. Oaks echoed Ms. Dennler and Mr. Lawrence's sentiments about the community meetings. She had the opportunity to be a guest speaker in two classes at Ygnacio Valley High School, and said that it was a joy to be in front of a classroom again.

Ms. Mayo shared that several Board members attended the Teacher of the Year dinner honoring candidates Carissa Sugden and Shannon Pritchard. Ms. Mayo participated at College Park High School on Pleasant Hill Community Service Day. She attended the Adult Education Cambridge Literacy Center Open House, and she complimented the Adult Education program for reaching out to elected officials. Assemblywomen Susan Bonilla and Joan Buchanan both had representatives at that event. Ms. Mayo attended Assemblywoman Bonilla's hearing on Common Core, and reminded the Board that the County Office of Education is offering a workshop on October 17th about the Local Control Funding Formula. She mentioned upcoming meeting dates of the Mt. Diablo Council of PTAs and the Mt. Diablo Unified School District PTA.

Ms. Hansen noted that she is looking forward to attending the student cooking competition again this year. She shared her practice of shadowing a student for a day when she worked as a high school principal. Ms. Hansen announced that four other joint meetings with city councils are being planned, focusing next on Concord; followed by Martinez, Clayton, and Pittsburg.

SUPERINTENDENT'S REPORT

Dr. Meyer visited Diablo Day School, Olympic High School, Crossroads Necessary Small High School, Ygnacio Valley High School, Oak Grove Middle School, Bancroft Elementary School, Valle Verde Elementary School, and Woodside Elementary School.

Dr. Meyer met with the Community Action Committee (CAC), and thanked the parents on that committee for their participation.

Dr. Meyer noted that Assemblywoman Susan Bonilla and State Superintendent Tom Torlakson hosted a STEM (Science, Technology, Engineering, and Mathematics) Summit, and said that the goal is to focus on resources in the community in order to help prepare students for future careers.

Dr. Meyer noted that the District's Equity Advisory Committee started this week, and she recognized Jonathan Roselin for his efforts in bringing the community together. His efforts will assist the District in addressing student disproportionality issues.

Dr. Meyer recognized Rose Lock and Bill Morones for the work they are doing to train parents for Common Core. Many workshops will be available to prepare parents for the changes.

Dr. Meyer met with the union representatives from MDEA, which gave her insight into what the represented group looks like and cares about.

Dr. Meyer thanked the school principals who came out in support of the meeting with the Walnut Creek City Council: Colleen Dowd from Walnut Acres Elementary School, who hosted the event; Linda Schuler from Bancroft Elementary School; Beverly Tom from Valle Verde Elementary School; April Bush from Foothill Middle School; and John McMorris from Northgate High School.

Dr. Meyer shared that the work she sees in the classrooms is impressive in spite of years of budget cuts, and she recognizes that gaps exist as a result of those cuts.

CONSENT AGENDA

Public Comment, Item #3: Dan Reynolds asked the Board to form relationships with California State University, East Bay and other local public universities in order for student teachers from those schools to be placed in MDUSD.

Consent Agenda Item #5 was pulled for discussion.

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

12.1 (Item #1) Recommended Action for Certificated Personnel

12.2 (Item #2) Ed. Code 44263 - BOARD AUTHORIZATION

Under Ed. Code 44263, holders of any California teaching credential who have 18 lower division units or nine upper division units in a subject can be authorized, by Board Authorization, to teach that subject(s) full or part time. The teacher and site administrator completes the Consent Form, and the teacher supplies copies of transcripts verifying the correct number of semester units completed in the subject area to be taught.

12.3 (Item #3) Student Placement Agreement between Saint Mary's College of California and Mt. Diablo Unified School District

This agreement is to provide teaching experience through student teaching for students in the training curricula of Saint Mary's College of California.

12.4 (Item #4) Memo of Understanding between Contra Costa County Office of Education Intern Program and Mt. Diablo Unified School District

This memorandum of understanding between the Contra Costa County Office of Education (CCCOE) Intern Program and the Mt. Diablo Unified School District will establish a formal working relationship to increase student achievement through the implementation of a quality teacher intern program.

12.5 (Item #6) Recommended Action for Classified Personnel

12.6 (Item #7) Classified Personnel: Request to Increase Positions

12.7 (Item #8) Fiscal Transactions for the month of September 2013

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

12.8 (Item #9) Approval of Contract with Non Public Agency STE Consultants for Services for the 2013-14 School Year

STE Consultants is a certified California Non-Public Agency (NPA) that provides Applied Behavioral Services according to the terms of the student's Individual Educational Program (IEP). Services are for a homebound student that requires an intensive highly specialized program at this time.

12.9 (Item #10) Adjustment to the Agreement Between Mt. Diablo Unified School District (MDUSD) and the Contra Costa County Office of Education (CCCOE) to Provide Temporary One-to-One Assistant Agreements for Special Education Students During the 2013-2014 School Year

This is a request for an adjustment to the current agreement to fund one-to-one assistants for students served by the Contra Costa County Office of Education as designated in the students' IEPs. This action item would increase the total contract amount from \$24,500 to \$93,860. This is not a request for an increase to the budget, only an adjustment to the contract amount. The actual individual contracts with redacted student names are attached.

12.10 (Item #11) John F. Kennedy University - Independent Services Contract for counseling services at designated schools

If approved, John F. Kennedy University Graduate School of Psychology counseling interns will provide counseling services at designated schools. Cost is \$3,150 per one day a week of services for the school year. Counseling assists students with stressors that impact educational performance. Schools to be served include: Bel Air ES, Cambridge ES, Delta View ES, Monte Gardens ES, Rio Vista ES, Shore Acres ES, Silverwood ES, Wren Ave ES, El Dorado MS, Oak Grove MS, Riverview MS, Sequoia MS, College Park HS, Ygnacio Valley HS, Diablo Day Community School.

12.11 (Item #12) Award of RFP No. 1647: LEA Medi-Cal Claims & MAA Reimbursement Services including CRCS Services

On May 30, 2013, Mt. Diablo Unified School District accepted proposals from five (5) 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 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: LEA Medi-Cal Claims & MAA Reimbursement Services to Medical Billing Technologies Inc.

12.12 (Item #13) Increase to Independent Service Contract with AA Medtrans

AA Medtrans provides transportation services for students participating in programs in the Mt. Diablo Unified School District, Contra Costa County, State and Non-Public Schools, to/from Home and School Sites for the 2013-2014 school year. The original service contract was in the amount of \$24,000.

A change order for \$550 was added on 9/18/13, bringing the current contract to \$24,550. Additional funds are requested to continue to provide services through the end of November 2013, at which time a Request for Proposals (RFP#1662) will be completed and a new contract will be issued. The increase amount requested is \$35,000, bringing the contract to a total of \$59,550 and is included in the 2013-2014 budget. No additional funds are requested at this time.

12.13 (Item #14) Final Change Order for LLB Project #1642 - Remodel of Art Classroom (Auto/Metal Shop) at Northgate High School

On June 17, 2013, the Board of Education awarded Lease-Leaseback Agreement #1642 to E.F. Brett Company for a Guaranteed Maximum Project Cost of \$267,917 for the provision of all tools, materials, labor, and equipment necessary to remodel the Art Classroom (Auto/Metal Shop) at Northgate High School. As a result of unused contingency, a single, final deductive change order in the amount of (\$12,758) is necessary. This single, final change order will result in a final, revised contract value of \$255,159. This final change order represents a decrease of 5% to original contract value.

12.14 (Item #15) Notice of Completion for Lease-Leaseback #1642

Lease-Leaseback #1642 was called to provide remodeling of the Art classroom at Northgate High School. The lowest responsible bidder was E.F. Brett & Company, Inc., for the award amount of \$267,917. The scope of work included, but was not limited to: remodeling the Art classroom from the existing Auto and Metal Shop, and appurtenant facilities to be performed on portions of the school site. There was a deductive change order on this project in the amount of \$12,758. Work and services for this project have been satisfactorily completed, according to the District's Drawings and Specifications, for a total expenditure of \$255,159.

12.15 (Item #16) Notice of Completion for Lease-Leaseback #1632

Lease-Leaseback #1632 was called to provide HVAC Modernization at Bancroft Elementary, Mountain View Elementary, Valle Verde Elementary and Silverwood Elementary. The lowest responsible bidder was Taber Construction Inc., for the Guaranteed Maximum Project Cost of \$5,959,061.96. The scope of work included, but was not limited to: HVAC modernization per approved plans and specifications using pre-purchased HVAC equipment. There was a deductive change order on this project in the amount of \$171,069.38. Work and services for this project have been satisfactorily completed, according to the District's Drawings and Specifications, for a total expenditure of \$5,787,992.58.

12.16 (Item #17) Notice of Completion for Lease-Leaseback #1633

Lease-Leaseback #1633 was called to provide HVAC Modernization at Gregory Gardens Elementary, Hidden Valley Elementary and Strandwood Elementary. The lowest responsible bidder was Taber Construction Inc., for the Guaranteed Maximum Project Cost of \$4,369,879.88. The scope of work included, but was not limited to: HVAC modernization per approved plans and specifications using pre-purchased HVAC equipment. There was a deductive change order on this project in the amount of \$114,753.16. Work and services for this project have been satisfactorily completed, according to the District's Drawings and Specifications, for a total expenditure of \$4,255,126.72.

12.17 (Item #18) Notice of Completion for Lease-Leaseback #1620

Lease-Leaseback #1620 was called to provide portable replacement and middle school general Science buildings on portions of Olympic High School, five middle schools, and four elementary schools. Staff negotiated with Taber Construction Inc., for the Guaranteed Maximum Project Cost of \$17,612,149. The scope of work included, but was not limited to: all tools, materials, labor, and equipment necessary to complete demolition, site work, construction, and finishes for all portable replacements and middle school general Science buildings in accordance with contract, plans, and specifications. There was a deductive change order on this project in the amount of \$512,975.22. Work and services for this project have been satisfactorily completed, according to the District's Drawings and Specifications, for a total expenditure of \$17,099,173.78.

12.18 (Item #19) 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.

12.19 (Item #20) Agreement between Mt. Diablo Unified School District (MDUSD) and Total School Solutions to Provide Consulting Services to the Superintendent during the 2013-14 Fiscal Year

The Consultant shall provide peer coaching for the Superintendent, two half days per month for the next nine months, for a total of 18 half days during the 2013-14 fiscal year.

12.20 (Item #21) Approval of contract with the YMCA at Camp Arroyo for Bel Air Elementary School Outdoor Ed Program

Students at Bel Air Elementary will participate in the YMCA Outdoor Education Program at Camp Arroyo October 14-16, 2013. Because cumulative costs to YMCA will exceed \$25,000, Board approval is required.

12.21 (Item #22) Resolution 13/14-16 Disability Awareness Month

October has been designated as Disability Awareness Month. The Special Education department and the Mt. Diablo Unified School District wish to affirm its support of the importance of an appreciation for the diversity of all people. The Mt. Diablo Unified School District also recognizes the contributions made by people with disabilities throughout history and encourages schools to participate in activities that enhance awareness of, and sensitivity to, individuals with disabilities.

CONSENT ITEMS PULLED FOR DISCUSSION

13.1 (Item #5) Memorandum of Understanding between University of the Pacific and Mt. Diablo Unified School District

Ms. Mayo announced that she will abstain from voting on this item, because her niece is one of the interns who may be placed in the District through this agreement.

Dennler moved, Oaks seconded, and the Board voted 4-0-1 to approve as presented. Ms. Mayo abstained from voting.

PUBLIC COMMENT

Carmen Terrones asked the Board to restore the hours that classified employees have been reduced.

John Ferrante told the Board that parents and students should be notified to expect a drop in test scores for the first year of Common Core Standards.

Dan Reynolds announced this year's Academy Awards Program to honor employees, parents, and volunteers. He voiced his concern about the costs to service Windows XP software. Mr. Reynolds also asked the Board to pass an annual resolution to observe Human Rights Day throughout the District.

DISTRICT ORGANIZATIONS

There were no District Organizations.

BUSINESS/ACTION ITEMS

18.1 Appointment of Coordinator, Student/Community Services 9-12 - Ygnacio Valley High School

Interviews have been conducted, and Keya Nesbeth has been selected to fill the vacant position of Coordinator, Student/Community Services 9-12. The incumbent in this position has accepted another position within the District.

Oaks moved, Lawrence seconded, and the Board voted 5-0-0 to appoint Keya Nesbeth to the position of Coordinator, Student/Community Services 9-12.

18.2 Final Change Order for LLB #1632 – HVAC Modernization at Bancroft, Mountain View, Silverwood and Valle Verde Elementary Schools

On May 6, 2013 the Board of Education awarded Lease-Leaseback Agreement #1632 to Taber Construction, Inc. for a Guaranteed Maximum Project Cost of \$5,959,061.96 for the provision of all tools, materials, labor, and equipment necessary to complete the installation of new heating, ventilating, and air conditioning systems at Bancroft, Mountain View, Silverwood and Valle Verde Elementary Schools.

As a result of a need to 1) implement minor electrical and fire alarm modifications, 2) implement planting around HVAC equipment pads, and 3) unused contract contingency, a single, final deductive change order in the amount of (\$171,069.38) is necessary. This single, final change order will result in a final, revised contract value of \$5,787,992.58. This final change order represents a decrease of 2.87% to original contract value.

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

18.3 Final Change Order for LLB #1633 – HVAC Modernization at Gregory Gardens, Hidden Valley, and Strandwood Elementary Schools

On May 6, 2013, the Board of Education awarded Lease-Leaseback Agreement #1633 to Taber Construction, Inc. for a Guaranteed Maximum Project Cost of \$4,369,879.88 for the provision of all tools, materials, labor and equipment

necessary to complete the installation of new heating, ventilating and air conditioning systems at Gregory Gardens, Hidden Valley, and Strandwood Elementary Schools.

As a result of a need to 1) implement minor electrical modifications, 2) implement planting around HVAC equipment pads, and 3) unused contract contingency, a single, final deductive change order in the amount of (\$114,753.16) is necessary. This single, final change order will result in a final, revised contract value of \$4,255,126.72. This final change order represents a decrease of 2.63% to original contract value.

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

18.4 Public Hearing Regarding the Draft Initial Study/Mitigated Negative Declaration for the Northgate High School Aquatic Center

The purpose of this draft Initial Study/Mitigated Negative Declaration (IS/MND) is to evaluate environmental consequences that would result from the construction and operation of the Aquatic Center at Northgate High School. As required by Section 15126 of the California Environmental Quality Act (CEQA) guidelines, this IS/MND addresses those issues which have been identified as having potentially significant impacts due to the proposed project: aesthetics, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, noise, public services, recreation, transportation/traffic, and utilities and service systems.

A draft Initial Study/Mitigated Negative Declaration has been prepared and made available for public review. The 30-day public comment period began on September 25, 2013 and will end on October 24, 2013. A public hearing is being held on October 17, 2013 at Northgate High School, so that members of the public may comment on the draft Initial Study/Mitigated Negative Declaration. The draft Initial Study/Mitigated Negative Declaration has been reviewed by legal counsel, and is available on the District website.

President Hansen opened the Public Hearing at 8:10* p.m.

Public Comment:

Carol Lucido voiced her concerns about the Northgate High School Aquatic Center. She asked the Board to consider the effects of the Aquatic Center on the neighborhood.

Ed Schommer discussed his concerns regarding the Mitigated Negative Declaration. He asked the Board to include more specific information regarding the anticipated use of the Aquatic Center, and to designate the agency responsible for monitoring and assuring compliance.

Tim Cody pointed out that this is an informational item for the Board to open dialogue on the project. Public comment from the Public Hearing on October 17th will be incorporated into the draft, and the revised draft of this item will be returned to the Board. At that time, the Board will hold a final Public Hearing. The final draft will be presented to the Board for action in December.

President Hansen closed the Public Hearing at 8:20* p.m.

18.5 Adoption of Resolution Accepting Final Environmental Impact Report for the Ygnacio Valley High School Sports Field Lighting Project

The District's consultant prepared and circulated a Draft Environmental Impact Report (EIR) pursuant to the provisions of the California Environmental Quality Act (CEQA). Public Resources Code Section 21000, et seq. (CEQA) for the proposed Ygnacio Valley High School Sports Field Lighting Project. An Initial Study/Environmental Checklist was included in the EIR. Public comments received during the public review period are addressed in the Responses to Comments document. Together, the Draft EIR and the Responses to Comments document comprise the Final EIR. Final EIR, located on MDUSD website, is incorporated by reference.

Dr. Meyer said that she had asked Tim Cody to present the Board with background information on the gathering of input, as well as communication regarding design and usage. Mr. Cody presented this information in a PowerPoint presentation.

After a period of discussion, Dr. Meyer summarized the main concerns which came out of the public meeting held at Ygnacio Valley High School on September 30th: frequent and ongoing communication; operational control; monitoring and accountability; and design and usage.

Public Comment:

Jim MacMillar emphasized the need for a Conditions of Use document, to be created jointly by District staff and community representatives.

Matthew Boer talked about the effects on students and parents being forced to hold games early in the day due to the lack of lighting on the field.

Sherry Whitmarsh asked the Board to approve this project.

Brenda Cooke invited the Board members to her backyard when an event is being held on the Ygnacio Valley High School field in order to gain a neighbors' perspective.

Jason Leonard pointed out that Ygnacio Valley High School is the only high school in Concord without lights.

Paul Kitchell reminded the Board that whatever decision is made will have consequences.

The Board members had a lengthy discussion about safety issues, language related to start and end times, and vegetation options.

Hansen moved, Dennler seconded, and the Board voted via Roll Call Vote 3-2-0 (with Lawrence and Mayo dissenting) to approve the motion with the following changes: Adopt Items 1, 2 and 3 as presented. Adopt Items 4b, 5b and 6b, after changing 4b to "all YVHS sports practices shall end no later than 8:30 p.m." In section 2, Community User Groups, change "assembly shall not begin before 8:00 a.m." to 9:00 a.m. In Section 5b ii, add "Safety should not be lessened." Remove 5b, 6, and 7, and replace them with 5c, 4, and 5.

18.14 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.

Oaks moved, Dennler seconded, and the Board voted 5-0-0 to approve a meeting extension until 12:30 a.m.

18.6 Approval of Ygnacio Valley High School Stadium Lighting Project

Final plans and specifications for the Ygnacio Valley High School Stadium Lighting Project have been approved by the Division of the State Architect. These plans and specifications detail the construction and installation of sports field lighting and masonry sound wall as well as associated site improvements as they are additionally discussed in the formal Environmental Impact Report. Staff is recommending approval of the construction of the Ygnacio Valley High School Stadium Lighting Project.

Public Comment:

L.C. Mincey voiced his support for the Ygnacio Valley High School Lighting Project, asking the Board to ensure that all students have an equitable school experience.

Deb Heinzmann asked the Board to approve the Ygnacio Valley High School Lighting Project.

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

18.7 Award of Bid for Bid #1645 Sports Field Lighting

Bid #1645 was called to provide Sports Field Lighting at Ygnacio Valley High School. The lowest responsible, responsive bidder is Taber Construction Inc., for the amount of \$835,430. (Base bid \$805,620 plus Alternate 1 \$30,810). The scope of work includes, but is not limited to: selective demolition and construction necessary for Bid 1645, New Sports Field Lighting, including associated civil, masonry, structural, plumbing, and/or electrical work as indicated in the Drawings and Specifications. Generally, these categories of work involve new masonry sound wall, conduit and wire, installation of field lighting, and other modifications as required. Plus, all work related to the installation of the new sanitary sewer line and

water line for a future concession stand. The project may involve the "phasing" and barricading of work areas as indicated on the Plans and enumerated in these Specification.

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

18.8 Award of Inspector of Record (Project Inspector) Contract for Sports Field Lighting Project 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 installation of the Sports Field Lighting Project at Ygnacio Valley High School is conducted in compliance with all DSA approved drawings, specifications, and applicable codes and regulations. Staff solicited and received proposals from several qualified Project Inspectors for this project. Staff is recommending that a contract be awarded to Alisha Jensen for a 'not to exceed' fee of \$8,160 for the provision of said services.

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

18.9 Final Deductive Change Order – LLB #1620 - Taber Construction, Inc. for Construction of Twenty-four (24) New Classrooms at Eight (8) Sites and Five (5) General Science Buildings at Five (5) Middle School Sites

On December 21, 2012, the Board of Education awarded Lease-Leaseback Agreement #1620 to Taber Construction, Inc. for a Guaranteed Maximum Project Cost of \$17,612,149 for the provision of all tools, materials, labor and equipment necessary to complete the construction of twenty-four (24) new classrooms at eight (8) sites, and five (5) general Science buildings at five (5) middle schools.

As a result of a need to 1) implement minor HVAC equipment changes, 2) additional geotechnical requirements, and 3) unused contract contingency, a single, final deductive change order in the amount of (\$512,975.22) is necessary. Final change order will result in a revised contract value of \$17,099,173.78 representing a decrease of 2.91% to original contract value.

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

18.10 New and Revised Technology Policies - BP 3513, BP/AR 4040, BP 6162.7

These draft policies were created in Committee, with the support of Julie Braun-Martin, Deb Cooksey, Lois Peterson, Felicia Stuckey-Smith, Ann Tirrell, Lorie O'Brien, Joe Estrada, and Joshua Wittman. Through a partnership with the Technology Advisory Committee (TAC), Cabinet, and principals, staff has prepared revisions to the Board Policy and the Administrative Regulations to facilitate understanding and best practices in regards to technology use around the district. Responsible Use Policies were previously referred to as Acceptable Use Policies in MDUSD.

There are three Responsible Use Policies for students, broken down by grade level; an Employee Responsible Use Policy; Video Monitoring Policy; and Social Media Policy. The Social Media and Video Monitoring Policies are new Board policies.

The current Board policy for the use of Cellular Phones (BP3513_1) is also included in this docket. There is some language in the new Social Media and Employee Acceptable Use Policies that covers how the phones should be used, rather than the current policy that covers the cellular phone allowance and IRS regulations. The current Use of Technology in Instruction Policy (BP6162_7) covers how technology can help teachers, and would be remain in place as a Board policy. Although significantly different than the original, the Employee Responsible Use Policy (RUP) is a revision of BP4040.

Public Comment:

John Ferrante asked the Board to include a requirement that all sensitive information must be encrypted. Joe Estrada responded that District laptops and servers are encrypted. However, he noted that encryption does not solve all security issues.

Dan Reynolds stated that the use of technology is a requirement of his employment, not a privilege. He asked for clarification on the policy regarding email retention.

Ms. Mayo asked that staff take the public concerns back for review and return the policies at a later meeting. Dr. Meyer agreed that the policies would be reviewed and brought back at the next meeting.

The Board discussed matters related to the retention and archiving of records, as well as the Social Media Policy.

President Hansen announced that this item will be tabled until the first meeting in November.

18.11 Board Bylaw 9323 - Meeting Conduct

This item was brought to the Board on September 25, 2013 for information, and is now being returned for approval.

Public Comment: Dan Reynolds expressed his concerns over the policy on disruptive conduct and the definition of that term.

After discussion, the Board decided to amend the motion as follows: Item #7, paragraph #3 by striking the word “shall” and inserting the word “may”.

Lawrence moved, Dennler seconded, and the Board voted via Roll Call Vote 5-0-0 to approve the amended motion.

18.12 Board Bylaw 9323.2 - Actions by the Board

This item was brought to the Board on September 25, 2013 for information, and is now being returned for approval.

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

18.13 Board Bylaw E 9323.2 - Actions by the Board

This item was brought to the Board on September 25, 2013 for information and is now being returned for approval.

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

FUTURE AGENDA ITEMS

New and Revised Technology Policies - BP 3513, BP/AR 4040, BP 6162.7

CLOSED SESSION

The Board did not return to Closed Session.

ADJOURNMENT

The meeting adjourned at 11:32 p.m.

*All times marked are approximate.

Respectfully submitted,

Dr. Nellie Meyer, Ed.D.

DRAFT