

**MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Monday, August 20, 2012 (7:30 PM)**

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

Administrative Staff: Superintendent Steven Lawrence, Assistant Superintendents Julie Braun Martin, Rose Lock, General Counsel Gregory Rolen, and Chief Financial Officer Bryan Richards

CALL TO ORDER

The Meeting of the Board of Education of the Mt. Diablo Unified School District (MDUSD) was called to order by President Whitmarsh at 6:00 p.m. in the Board room at the MDUSD Dent Center.

ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 6:00 p.m. in Room 6 at the Dent Center.

RECONVENE OPEN SESSION

Open Session reconvened at 7:35 p.m. In Closed Session the Board discussed two cases of anticipated litigation and Superintendent's evaluation. In Closed Session the Board voted to accept staff's recommendation to proceed with settlement agreements for the following employees: #20767, #14127, #12148, and #23443.

CONSENT AGENDA

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve the Consent Agenda as presented with the exception of Items 2, 19, 23 (pulled by Hansen), 35, 36, 37 and 38 (pulled by Dennler) thereby approving the following:

8.2 (Item #3) Approval of Provisional Internship Permit (PIP) Request

The California Commission of Teacher Credentialing is no longer issuing Emergency Permits. However, the Commission replaced the Emergency Permit with the Provisional Internship Permit (PIP) which provides applicants additional time to meet the subject matter competence requirement(s) needed to enter an internship program. A District may request a PIP only after a diligent search has been conducted and a fully credentialed teacher could not be found. The PIP is issued for one (1) year and is renewable one time only provided the teacher has taken all appropriate subject matter examinations, but has not yet passed those tests. All requests for a PIP must be presented to the Governing Board of a public school district for approval. Every PIP request that is submitted to the Commission on Teacher Credentialing must also include verification that a notice of intent to employ the named applicant has been made public.

8.3 (Item #4) Recommended Action for Certificated Personnel

8.4 (Item #5) Request to increase and decrease Full Time Equivalent (FTE) for the 2012-2013 school year

8.5 (Item #6) CalState TEACH Student Teaching Agreement with Mt. Diablo Unified School District

This agreement is to provide support for the preparation of CalState TEACH candidates in the District.

8.6 (Item #7) Recommended Action for Classified Personnel

8.7 (Item #8) Classified Personnel: Request to Create and Eliminate Positions for the 2012-13 Fiscal Year

8.8 (Item #9) IFAS Vendor Warrant Report and IFAS Vendor Cancellations Warrant Report for the month of June 2012

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

8.9 (Item #10) Department of Justice - Open Purchase Order

In order to efficiently process fingerprinting costs for all new employees and volunteers, the Personnel Services Department is requesting an Open Purchase Order in the amount of \$125,000 to facilitate payment of the billings from the Department of Justice. All new employees reimburse the District for the cost of their fingerprinting through a payroll deduction. Effective with the 2009-2010 school year, volunteers began paying for their own fingerprinting at the time of service. This open purchase order is necessary in order to pay the invoice from the Department of Justice as it is received each month. The District is then reimbursed by the payroll deduction from new employees and the direct payment from volunteers.

8.10 (Item #11) Ratification of Award of Two (2) Lease/Leaseback Agreements to Meehleis Modular Buildings, Inc. for the Construction of New Chemistry Buildings at Clayton Valley and Mt. Diablo High Schools

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. On 27,2012 the Board of Education approved a Preliminary Services Agreement with Meehleis Modular Buildings, Inc. for the development of modular chemistry buildings at Clayton and Mt. Diablo High Schools. Pursuant to the June 25, 2012 'Resolution for Authorization to Award Summer Contracts', staff is recommending ratification of the award of two(2) lease/leaseback agreements(one for each site) to Meehleis Modular Buildings, Inc. for the construction of new chemistry buildings at Clayton Valley and Mt. Diablo High Schools.

8.11 (Item #12) Approve submission of the CalSTAT grant to support the district's annual Leadership Institute and professional development during the 2012-13 school year

Staff requests authorization to apply for a CalSTAT grant. CalSTAT is a special project of the California Department of Education, Special Education Division, administered by the Napa County Office of Education (NCOE) that provides funds (Technical Assistant dollars) to support professional development. Funds will support implementation of the Leadership Institute and professional development for administrative school and district staff as well as teacher leaders.

8.12 (Item #13) Ratification of Award of Design Services Contract for Drainage Improvements at College Park High School

At the April 23, 2012 Board meeting, the Board approved \$40 million to be allocated between the six (6) comprehensive high schools for facility improvement projects. On June 4, 2012 the Board approved a prioritized list of projects submitted by College Park High School. Included in this prioritized list was the construction of campus drainage improvements. Pursuant to the June 25, 2012 'Resolution for Authorization to Award Summer Contracts', staff is recommending ratification of an award of a 'not to exceed' contract in the amount of \$56,200.00 to Verde Design, Inc. for the provision of comprehensive engineering and design services necessary for the satisfactory completion of all necessary improvements.

8.13 (Item #14) Ratification of Award of Inspector of Record (Project Inspector) Contract

The services of a State Certified Inspector of Record (Project Inspector) are required to oversee, inspect and verify that the installation of specified technology infrastructure improvements is conducted in compliance with all DSA approved drawings, specifications and applicable codes and regulations. Pursuant to the June 25, 2012 'Resolution for Authorization to Award Summer Contracts', staff is recommending ratification of an award of a contract to Alisha Jenson Inspection Services for a 'not to exceed' fee of \$1,700.00 for the provision of said services.

8.14 (Item #15) Increase purchase order between Mt. Diablo Unified School District (MDUSD) and Speech

Mt. Diablo Unified School District utilizes Independent Service Contractors to provide services established through the Individualized Education Plan (IEP) process. Speech Pathology Group (SPG) provides speech and language pathologists (SLP) for vacant SLP positions in the district, independent speech evaluations, and speech services to Non-Public Schools. An increase of \$65,924.21 is requested at this time, bringing the total contract amount to \$1,437,924.21 to cover already incurred expenses.

8.15 (Item #16) Approve contract/purchase order with Marie Wyman, SLP for Speech and Language services for the 2012-13 School Year

Due to existing District vacancies for Speech-Language Pathologists (SLPs), the Special Education Department continues to use Independent Contractors to meet student Individualized Education Program requirements. Marie Wyman, SLP has provided speech/language services to MDUSD for the previous four years.

8.16 (Item #17) Contract Amendment: PHd Architects

On June 25, 2012 the Board of Education approved facility improvement projects for the alternative education sites. Included in this greater list were new classrooms for Olympic and Gateway High Schools. Additionally, staff has identified a need to replace five (5) portable classrooms at Bel Air Elementary and five (5) portable classrooms at Mt. View Elementary which were not included in the original contract. Staff has negotiated a contract amendment with PHd Architects for a 'not to exceed' amount of \$164,300.00 for the provision of comprehensive design services necessary for the completion of these classroom facilities. This proposed contract amendment will increase the previously approved (February 27, 2012) contract for the adaptive design necessary for the construction/installation of Measure C 'SMART' classrooms from the original base contract value of \$444,300.00 to a revised contract value of \$608,600.00.

8.17 (Item #18) Membership Recommendation for the 2010 Measure C Citizens Bond Oversight Committee

The 2010 Measure C Citizens Bond Oversight Committee is required to have a representative from a bona fide Taxpayer Organization. In response to a recent vacancy in this mandated chair the District posted a solicitation for interested, qualified applicants on June 14, 2012. Ms. Danielle Douglas has agreed to serve as the representative from a bona fide Taxpayer Organization for the 2010 Measure C Citizens Bond Oversight Committee. Staff is now respectfully recommending that Ms. Douglas be appointed to the 2010 Measure C Citizens Bond Oversight Committee effective immediately.

8.18 (Item #20) Renewal of Maintenance Agreement for District's Mainframe Systems

Maintenance and Hardware support are essential for our financial systems. MDUSD has an HP 9000 that runs our IFAS financials, and an HP 3000 that helps processes our Measure A tax rolls and houses our archived student, and payroll information. We would recommend entering into a contract with Saratoga Computers LLC for Maintenance and Hardware support. Maintenance on HP3000 \$15,495.12 Maintenance on HP9000 \$ 11,844.00 Maintenance on critical printers \$4,116.00 Maintenance on OS \$4,320.00 Total cost \$35,775.12

8.19 (Item #21) Ratification of Award of Design Services Contract for Professional Design Services for Northgate High School Aquatics Center/Sports Medicine Facility

On May 21, 2012 the Board of Education approved a prioritized list of facility enhancement projects for Northgate High School. The construction of a sports medicine facility and new pool facility were identified as high priority projects. On June 14, 2012, the District issued an RFP for professional design services for these specific improvements. Interviews of short-listed, qualified firms were conducted on July 24, 2012. Based on an assessment of the RFP response submittals as well as the interviews themselves staff is recommending Arch Pac Aquatics to serve as the Architect on this particular project. Pursuant to the June 25, 2012 'Resolution for Authorization to Award Summer Contracts', staff is recommending ratification of an award of a 'not to exceed' contract in the amount of \$614,516.00 to Arch Pac Aquatics for the provision of comprehensive engineering and design services necessary for the satisfactory completion of this project.

8.20 (Item #22) Approve standard agreement amendment between Mt. Diablo CARES After School Program and California Department of Public Health (CDPH)

Staff requests authorization to enter into an agreement to amend the contract with California Department of Public Health (CDPH) for the elementary (11 sites) and middle school (3 sites) programs served by CARES After School Program. This amendment extends the term by one year resulting in a two-year agreement; continues the Scope of Work activities into Year 2; and increases the total budget to compensate the Contractor for performing services for Year 2. CDPH is obtaining a continuation of the services identified in the original agreement. Changes made in this amendment are shown as in bold and underlined.

8.21 (Item #24) Ratification of Award of Design Services Contract for Professional Design Services for the Renovation of Science Wing at Mt. Diablo High School

On June 25, 2012 the Board of Education approved a prioritized list of facility enhancement projects for Mt. Diablo High School. The renovation of the existing Science Wing was identified as a high priority project. Pursuant to the June 25, 2012 'Resolution for Authorization to Award Summer Contracts', staff is recommending ratification of an award of a 'not to exceed' contract in the amount of \$195,115.00 to Nacht and Lewis Architects, Inc. for the provision of comprehensive design and engineering services necessary for the satisfactory completion of this project.

8.22 (Item #25) Ratification of Award of Design Services Contract for District Wide Security System Replacement

On May 30, 2012 the District issued RFP 1583, soliciting submittals for professional design/engineering services for the installation of replacement of security systems at all District sites. On June 25, 2012 staff interviewed three (3) firms. Based on an evaluation of the submittals and the interviews staff is recommending that a design services contract be issued to Salas O'Brien Engineers, Inc. for a 'not to exceed' amount of \$314,000.00 for the provision of comprehensive engineering and design services necessary for the satisfactory completion of this project.

8.23 (Item #26) Final Deductive Change Order: Bid #1602-Locker Replacement at Ygnacio Valley High School

On March 26, 2012 the Board of Education awarded Bid # 1602 to Inner Space Engineering Corporation for \$103,525.00 for the installation of new locker systems at Ygnacio Valley High School. Included in the bid amount was a District-requested contingency of \$10,000.00 to address unforeseen scope changes or conditions. Because it was not necessary to access this contingency in completing this project it is necessary to approve a final, deductive change order in the amount of \$10,000.00 to the originally approved contract value. The proposed change order will result in a final, reduced contract value of \$93,525.00.

8.24 (Item #27) Williams Quarterly Summary Report

The Williams legislation is a package of state laws resulting from the settlement of class action lawsuit filed in San Francisco County Superior Court in 2000, Eliezer Williams et al, vs. State of California. The basis of the lawsuit was that agencies failed to provide public school students with equal access to instructional materials, safe and decent school facilities, and qualified teachers. The Contra Costa County Office of Education has requested quarterly reports on specific complaints designated in the Williams lawsuit settlement. Quarterly reports reflect complaints regarding textbooks and instructional materials, teacher vacancies or misassignments, facilities conditions and Valenzuela/CAHSEE support. This quarter's report includes the months of April through June, 2012.

8.25 (Item #28) Ratification of Award of Procurement Contract for Classroom Technologies for Olympic High School

On May 10, 2011 the Board of Education approved budget allocations to each of the comprehensive high schools as well as Olympic High School. District staff has worked with the administration of Olympic High School and identified the classroom technologies that they have requested to be purchased and installed through their Board-approved allocation. Pursuant to the June 25, 2012 'Resolution for Authorization to Award Summer Contracts', staff is now recommending ratification of an award of contract to purchase and install these approved classroom technologies through Logical Choice Technologies through State of California Multiple Award Schedule ("CMAS") contract number CMAS 3-09-00-0493B. The total cost for the procurement and installation of these specified technologies is \$189,595.57.

8.26 (Item #29) Notice of Completion for Bid #1602/C-906

Bid No. 1602 was called to provide Locker Replacement in the Girl's Locker Room at Ygnacio Valley High School. The lowest responsible bidder was Inner Space Engineering Corporation, for the bid award amount of \$103,525.00. The scope of work includes but is not limited to: Remove and dispose of existing lockers and replace them. There was a deductive change order on this project in the amount of \$10,000.00. Work and services for this project have been satisfactorily completed for a total expenditure of \$93,525.00. Budget for this project: \$140,000.00

8.27 (Item #30) Ratification of Award of Summer Contract

At the Board of Education meeting on June 25, 2012, the Board authorized Resolution No. 11/12-51, for the timely award of the following contract/project. Purchase Order #84777, to DecoTech Systems, for wireless and ten GB

backbone equipment supplies. The procurement in July allowed the Mt. Diablo Unified School District to enjoy a 50% (fifty percent) savings from the list price using CMAS Contract #3-10-70-1602M, Effective 9/7/10 to 8/31/12. The total purchase including tax on PO#84777 is in the amount of \$2,577,503.89. Budget for this project is \$3,725,000.00

8.28 (Item #31) Agreement between Mt. Diablo Unified School District and Independent Contractor Dr. Mary Bacon

Dr. Mary Bacon's first contract is to comply with the State Performance Plan Technical Assistance (SPP-TA) project coordinated by the CDE and designed to assist local education agencies (LEAs) to improve educational results and functional outcomes for all children with disabilities and to ensure that LEAs meet compliance and performance SPP program requirements. In compliance with the SPP-TA grant, Dr. Bacon will assist Mt. Diablo Unified School District, addressing Disproportionality in Special Education. The total of this contract is \$10,000. Dr. Mary Bacon will also provide the professional development sessions for district psychologists and mental health program staff at Alliance and Sunrise. The summary of this work is included on the attached contract. The total of this contract is \$12,000. Last school year, Dr. Mary Bacon worked collaboratively with the Alliance Leadership team and will continue working with them during the 2012-2013 school year. A description of her services is included in the contract. The total of this contract is \$8,000. Dr. Mary Bacon's total contract for services for 2012-2013 is \$30,000.

8.29 (Item #32) Diablo Valley Community College, Contra Costa Community College District, agreement for MDUSD high schools funding, effective July 1, 2012 to May 30, 2013

Staff requests Board approval to enter into a contract with Contra Costa Community College District, Diablo Valley College to continue work in developing science, technology, engineering and math (STEM) CTE related career pathways. Mt. Diablo Unified School District will receive \$35,000 in funding from Diablo Valley Community College's SB70 funding.

8.30 (Item #33) Post Retirement Contract for Adult Education Administrator

Mt. Diablo Adult Education requests approval of a Post Retirement Contract for services with Margaret Scott, retired Adult Education Vice Principal, for administrative support to Pleasant Hill based Adult Education programs and intermittent administrative coverage support for the Loma Vista Adult Center programs. The contract would be for a maximum of 600 hours, averaging 16 hours per week. Given budget reductions, Mt. Diablo Adult Education has not filled a vacant Vice Principal position and would utilize Ms. Scott's services at a greatly reduced number of hours and cost.

8.31 (Item #34) Renewal Application State & Federal Surplus Property Program California Department of General Services (DGS)

Renew application to take part in surplus program to acquire office furniture at a reduced rate.

CONSENT ITEMS PULLED FOR DISCUSSION

9.1 (Item #2) Minutes of the meetings of June 4 and June 25, 2012

Hansen moved, Mayo seconded, and the Board voted 5-0-0 to approve the June 4, 2012, meeting minutes and delay the approval of the June 25, 2012, minutes until the next Board meeting.

9.2 (Item #19) Renewal of Memorandum of Understanding between Seneca Center for Children & Families and Mt. Diablo Unified

On June 14, 2011 the Board of Education approved a Memorandum of Understanding with Seneca Center to operate three NPS collaborative classrooms with intensive day treatment services for MDUSD students diagnosed with serious emotional disturbances. This program is designed to create a cost-effective service system that will maximize available District resources, while efficiently controlling costs. The program provides a highly supportive educational setting for parents to consider in lieu of placing their children in expensive residential treatment programs. The desks in these classrooms will be dedicated to serve MDUSD students exclusively, thereby providing options for meeting the more intense needs of students and their families. In addition, this program will offer community-based treatment services to families with students currently placed out of state enabling the young people to return home and successfully integrate into the Seneca NPS program.

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

9.3 (Item #23) Contract Amendment: Salas O'Brien Engineers, Inc.

On June 28, 2011 the Board of Education awarded a contract to Salas O'Brien Engineers, Inc. for \$30,000.00 for the provision of comprehensive design, administrative and construction administration support services necessary for the installation of the stadium lighting project at Ygnacio Valley High School. This contract was subsequently amended to a revised contract value of \$48,520.00 to provide for additional site requested design services. The site has elected to expand the scope of the stadium project to include the installation of a ticket booth, concession building, restroom and a press box. Staff has negotiated a 'not to exceed' fee of \$112,875.00 for the provision of all necessary professional design services associated with these new project elements. This contract amendment would increase the contract value to a revised total of \$161,395.00.

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

9.4 (Item #35) Creation of Board Policy - BP 5131 (Conduct)

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

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

9.5 (Item #36) Creation of Board Policy - BP 5131.2 (Bullying)

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

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

9.6 (Item #37) Updates and revision to BP 5145.4 and AR 5145.4 (Anti-Bullying)

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

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

9.7 (Item #38) Revision of Administrative Regulation - AR 5145.7 (Sexual Harassment)

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

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

PUBLIC COMMENT

The following speakers spoke in support of the radio station remaining at Clayton Valley Charter High School (CVCHS): Neil McChesney, teacher; Travis Legault, student at Concord High School; and Brian Pingel, student at CVCHS.

COMMUNICATIONS

Guy Moore, President of Mt. Diablo Education Association (MDEA), spoke about trust and how MDEA and the District took a leap of faith and trusted each other and came to an agreement last year. He asked the Board to continue to trust because it is the key to unlocking greatness in the District.

Mona Ricard, President of Mt. Diablo Council of PTAs, shared that the PTA is endorsing Proposition 38 and is neutral on Proposition 30. She reminded everyone of the new tax regulations requiring nonprofits to file a nonprofit tax form. She announced the next PTA Council meeting is September 17, at 7:00 at the District office.

SUPERINTENDENT'S REPORT

Superintendent Lawrence thanked Personnel, District administrators, and bargaining units that participated on interview panels during the summer. He thanked Rose Lock and the SASS Department for presenting the two-day Leadership Institute where over 300 people participated.

BUSINESS/ACTION ITEMS

13.1 Appointment of Principal, Middle School

Hansen moved, Eberhart seconded, and the Board voted 5-0-0 to appoint Thom Kwiatkowski to the position of Principal, Middle School. Mr. Kwiatkowski will be assigned to Riverview Middle School.

13.2 Appointment of Elementary School Principals

Hansen moved, Eberhart seconded, and the Board voted 5-0-0 to appoint Beverly Tom, Angela Hotchkiss, and Jenny Cronan to the position of Elementary School Principal. Ms. Tom will be assigned to Valle Verde Elementary School. Ms. Hotchkiss will be assigned to Pleasant Hill Elementary School. Ms. Cronan will be assigned to Woodside Elementary School.

13.3 Appointment of Vice Principal, Continuation School

Eberhart moved, Mayo seconded, and the Board voted 5-0-0 to appoint Sandy Bradley to the position of Vice Principal, Continuation School.

13.4 Appointment of Coordinator, Student/Community Services 9-12

Hansen moved, Dennler seconded, and the Board voted 5-0-0 to appoint Melissa Brennan to the position of Coordinator, Student/Community Services 9-12. Ms. Brennan will be assigned to Mt. Diablo High School.

13.5 Appointment of Coordinator, Student/Community Services 9-12

Mayo moved, Hansen seconded, and the Board voted 5-0-0 to appoint Maurice Berman to the position of Coordinator, Student/Community Services 9-12. Mr. Berman will be assigned to Mt. Diablo High School.

13.6 Appointment of Supervisor, Accounting

Eberhart moved, Dennler seconded, and the Board voted 5-0-0 to appoint Mike Arbelbide to the position of Supervisor, Accounting.

13.7 Appointment of Supervisor, Food and Nutrition Services

Hansen moved, Mayo seconded, and the Board voted 5-0-0 to appoint Janelle Cummins to the position of Supervisor, Food and Nutrition Services.

13.8 Appointment of Coordinator of After School Programs

Mayo moved, Hansen seconded, and the Board voted 5-0-0 to appoint Terri Porter to the position of Coordinator of After School Programs.

13.9 Appointment of Assistant Project/Program Manager (Measure C)

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to appoint John Willford to the position of Assistant Project/Program Manager (Measure C).

13.10 Creation of Measure C Construction Management Positions

On September 14, 2010 the Board of Education approved the creation of a resident program management team for the delivery and oversight of the 2010 Measure C Facilities Improvement Program. For the past twenty-two (22) months an exclusively in-house resident management team has directed and overseen all Measure C activities absent any use of outside project management augmentation services whatsoever. The comparative staffing model(attached) shared with the Board on 9/14/10 detailed a fully developed construction/program management team consisting of three (3) Assistant Program Managers, three (3) Construction Manager I positions, three (3) Construction Manager II positions and a single Project Coordinator position. To date, the Measure C Program has

been managed with a compressed staffing model consisting of three (3) Assistant Program Manager positions, a single Assistant Construction Manager, a single Construction Manager I, a single Construction Manager II and a single Project Coordinator. As a result of both the project and program management demands associated with the accelerated implementation schedule for all HVAC retrofit, classroom replacement, technology, middle school science facilities as well as all approved high school facility enhancement projects, staff is requesting creation of four (4) additional positions: one (1FTE) Construction Manager I and one (1FTE) Construction Manager II positions effective 10/1/12 and one (1FTE) Construction Manager I and one (1FTE) Construction Manager II positions effective 11/1/12. Total cost for the proposed staffing improvements for Fiscal Year 2012-13 would be \$341,961.00 CM I (effective 10/1/12) \$87,184.00 CM II (effective 10/1/12) \$93,854.00 CM I (effective 11/1/12) \$77,497.00 CM II (effective 11/1/12) \$83,426.00

Eberhart moved, Dennler seconded, and the Board voted 5-0-09 to approve creation of additional Measure C positions as presented.

13.11 Reclassification of Classified Positions in the Clerical, Secretarial & Technical and Maintenance, Operations, Technology & Information Services Units

Pursuant to Article 37 and 39 of the Contractual Agreement between Mt. Diablo Unified School District and Public Employees Union, Local One, Clerical Secretarial & Technical Unit and Maintenance, Operations, Facilities, Transportation, Landscape, Warehouse, Food & Nutrition Services, Technology & Information Services Units, a reclassification review has been completed for classifications submitted by the Local One, CST and M&O Units. Based on this review it is being recommended that the following positions be reclassified effective 7/1/12: 1) One (1) Senior Typist Clerk in Maintenance (#16147) be reclassified from Range 424 (\$35,960) to Range 491 Administrative Secretary (\$38,100) of the CST Salary Schedule. 2) One (1) Site Support Technician II in TIS (#23874) be reclassified from Range 533 (\$42,567) to Range 549 Network Technician I (\$76,165) of the M&O Salary Schedule.

Julie Braun Martin stated there is a typographical error on the docket and the Network Technician I salary will be \$44,702.

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

13.12 Membership Renewals 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 persons: Suzanne Bauer (parent) Julie Barambani (parent) Theresa Buhlman (parent) Lisa Huynh (parent) Vi Ibarra (parent) Audra McDonald (parent) Julie Nibblett (parent) Tricia Tamura-Li (parent) Dorothy Weisenberger (parent).

Hansen moved, Eberhart seconded and the Board voted 5-0-0 to accept the renewal of memberships for the Community Advisory Committee as presented.

13.13 Community Facilities District # 1 (Measure A)

A resolution is necessary to approve the annual Community Facilities District #1 tax report and to levy and apportion the special (Measure A) tax for fiscal year 2012/2013. The current Mt. Diablo Mello-Roos Tax, Measure A, was passed in November 1989 by a favorable vote of 71 percent. Almost \$90,000,000 of projects ranging from new multi-use buildings, new gymnasiums, new turf, repaired heaters, and restored restrooms have made the physical facilities for our students much more attractive and functional.

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

13.14 2012-13 Purchase order for Pawar Transportation

Purchase order to transport 132 NPS and County students. Purchase order to cover 2012 ESY and ongoing for the 2012-13 school year with Pawar Transportation for the amount of \$1,682,076.

Carolyn Patton and Angie Goakey answered questions from the Board. Ms. Goakey explained that the correct amount of the purchase order is \$1,582,076.

Eberhart moved, Dennler seconded, and the Board voted 4-1-0 (Hansen – no) to approve the 2012-13 Pawar open purchase order up to \$1,582,076.

13.15 AA Med Trans 2012 ESY 2012-13 Purchase Order

AA Med Trans transports 24 medically fragile students to District students attending County Programs and Non Public school programs.

Eberhart moved, Mayo seconded, and the Board voted 5-0-0 to approve Special Education Transportation for the district's medically fragile students.

13.16 Additional funding for the contract between Mt. Diablo Unified School District (MDUSD) and the Maxim Healthcare Services for the 2011-2012

Staff is requesting additional funding for the contract between Mt. Diablo Unified School District (MDUSD) and Maxim Healthcare Services, Non Public Agency (NPA) for the 2011-2012 school year. The expenses have already been budgeted in the 2011-2012 budget. No additional funds are being requested at this time. Currently, this contract covers the nursing needs for 18 students who are receiving services at 15 different schools. The health conditions and needs of these students include: Diabetes, Seizures and Diastat, Mitochondrial Defect and G-Tube Feedings. At the June 25 Board meeting, \$125,216.35 was approved however, an additional \$21, 000.00 is needed to cover the services provided for 2012.

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

13.17 Submission of the 2012-2013 Consolidated Application for Funding

Each year the District submits the Consolidated Application for funding Categorical Aid Programs. In 2011 the California Department of Education (CDE) changed the application process to the Consolidated Application and Reporting System (CARS). CARS now has three collection periods: Winter, Spring Phase 1 and Spring Phase 2, and Fall. Spring Phase 1 (Collection window June 18, 2012 – July 31, 2012) consists of several reports on prior years' use of categorical funds as well as the 2012-13 Application for Funding. This application for Funding consists of the district's assurance that all programs of the application are implemented according to state and federal mandates. Due to the late date this application was released by CDE to districts, CDE is accepting, for this year only, applications approved by local school boards after the July 31, 2012, deadline. Programs included on the application are: Economic Impact Aid, Title I, Part A, Title I, Part D (Delinquent), Title II, Part A (Teacher Quality), and Title III Part A LEP.

Eberhart moved, Hansen seconded, and the Board voted 5-0-0 to approve the 2012-2013 Consolidated Application for Funding.

13.18 Adoption of the French Honors Course of Study

A committee of high school and middle school World Language teachers and the World Language Coordinator from the SASS department went through a district process to revise and rename the French V Honors Course of Study and the French IV Honors course, combining both into French Honors. The French Honors course aligns with the Common Core State Standards and preparation for the new focus on the AP level course.

This was presented as information and will be returned for action.y

13.19 Creation of Administrative Regulation - AR 5131.2 (Bullying)

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

This was presented as information and will be returned for action.

13.20 Revision to Board Policy 5116 - School Attendance Boundaries

Presented as information. It will be returned at the next Board meeting for action.

Ms. Hansen said she would email Superintendent Lawrence a list of questions regarding overflow.

13.21 Potential Future Board Action Agenda Items

Public Comment

Brian Lawrence commended the Board on their questions about some of the agenda items which gave greater insight. He would like to see more information given to the public prior to the Board meetings.

President Whitmarsh explained that these items are not for discussion, but to determine if it should be a future agenda item.

Ms. Hansen rose to a parliamentary inquiry and said that the item required a change to Board Policy.

General Counsel Rolan stated that this item did not require a change to Board Policy.

Board Member Reports

Board members shared highlights from their recent school site visits and community activities.

The meeting adjourned at 10:05 p.m.

Steven Lawrence, Secretary