

MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Monday, September 24, 2012 (6:30 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 MDUSD was called to order by Sherry Whitmarsh at 6:00 p.m. in the Board room at the MDUSD Dent Center.

Ms. Whitmarsh asked for a Point of Information from Ms. Hansen on the topic of audio recordings of Board meetings. Ms. Hansen responded to her question.

ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 6:02 p.m. In Closed Session the Board discussed one case of anticipated litigation, existing litigation – Blyeth v. MDUSD , one expulsion, and public employee discipline/dismissal/release/complaint.

RECONVENE OPEN SESSION

Open Session reconvened at 6:32 p.m. President Whitmarsh led the Pledge of Allegiance and reported action taken in Closed Session.

EXPULSION RECOMMENDATIONS

Dennler moved, Mayo seconded, and the Board voted 5-0-0 that Student #05-13 be expelled from all schools of Mt. Diablo Unified School District and that Student #05-13 may apply for readmission after January 25, 2013. It is required that Student #05-13 participates in 20 hours of counseling to address anger and decision making skills, serve 30 hours of community service, attend California Offender Program Service (COPS) – Aggressive Offender class, attend MDUSD's Teen Anger Management Workshop, and show evidence of a successful school experience to include good attendance, no suspendible behavior infractions, and maintain a minimum of C average, prior to applying for readmission.

CONSENT AGENDA

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to adopt the Consent Agenda as presented, with the exception of Item #2 which was pulled by Hansen, thereby approving the following:

9.2 (Item #3) Recommended Action for Certificated Personnel

9.3 (Item #4) Request to increase and decrease Full Time Equivalent (FTE) for the 2012-2013 school year.

9.4 (Item #5) Saint Mary's College of California Internship Agreement with Mt. Diablo Unified School District

This agreement is to provide experience and training for Education Specialists, Pupil Personnel Services, School Counseling, Educational Therapy, School Psychology, School Administration and Teaching Interns enrolled in Saint Mary's School of Education.

9.5 (Item #6) Recommended Action for Classified Personnel

9.6 (Item #7) Classified Personnel: Request to Create and Eliminate Positions for the 2012-13 Fiscal Year

9.7 (Item #8) Fiscal Transactions for the month of August 2012

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

9.8 (Item #9) Approval of an agreement for services between Napa County Office of Education CalSERVES and Mt. Diablo Unified School district CARES After School Program

Staff requests authorization to contract with the Napa County Office of Education CalSERVES to serve as a subcontractor to implement the Carol White Physical Education Program (PEP) grant in the amount of \$39,200.00, commencing on 7/1/2012 through 6/30/2013. This is the third year that this grant has been awarded to MDUSD CARES After School Program. CalSERVES was awarded a three-year PEP grant (2010-2013) from the U.S. Department of Education and will serve as the grant's fiscal agent. Mt. Diablo Unified School District CARES After School Program will serve as subcontractor to CalSERVES to provide extended physical activity and nutrition education programs within the after school program. Funds will be used for programs, staff, coordination and materials.

9.9 (Item #10) Approve Kaiser Grant for Mt. Diablo Unified School District CARES After School Program

Staff requests authorization to accept the Kaiser grant for \$14,000. The Kaiser grant supports youth in the Bay Point After School Programs through the implementation of the Summer Teen Garden Corp at the Bay Point Garden. Previously Kaiser supported the Garden Project with \$10,000 in funding. This school year, Kaiser has increased the support to \$14,000 which will be used to purchase supplies for gardening and cooking, digital cameras, photo journals, and assist with Teen Corp stipends and garden educator expenses.

9.10 (Item #11) Final Change Order: DecoTech Systems, Inc.: Electrical and HVAC Upgrades to main and Intermediate Distribution Frames

On June 4, 2012 the Board of Education awarded Bid # 1612 to DecoTech Systems, Inc. for \$156,000.00 for the provision of electrical and HVAC upgrades to the main and intermediate distribution frames at Clayton Valley, College Park, Concord, Mt. Diablo and Ygnacio Valley High Schools, Diablo View, Foothill and Riverview Middle Schools and Loma Vista Adult Center. As a result of a need for post-commencement changes to the original design, a single, final additive change order in the amount of \$9,036.00 is necessary. This final change order will result in final, revised contract value of \$165,036.00.

9.11 (Item #12) Award of Bid for Bid #1608, Paving Improvements at Concord High School

Bid #1608 was called to provide Paving Improvements at Concord High School. The lowest responsible, responsive bidder is DRT Grading & Paving, Inc., for the total amount of \$146,200.00. (Base bid \$145,700.00 plus alternate #2 \$500.00) The scope of work includes, but is not limited to: Grading of existing subgrade in preparation and installation of new base course and asphalt concrete paving, as well as concrete swales and curbs and removal and installation of new storm drain piping at Concord High School. Work included in this contract shall be to relocate the three (3) existing storage containers, located along the fence line between the 900 wing and the Auto Shop, temporarily in order to complete the work as established in the Drawings and Specifications.

9.12 (Item #13) Award of professional Services Contract For The Provision of Requisite Environmental Consulting Services Related to The Proposed Installation of an Aquatic Center/Sports Medicine Facility at Northgate High School

On May 21, 2012 the Board of Education approved a prioritized list of facility enhancement projects submitted by Northgate High School. Included in this greater list was the installation of a pool, sports medicine facility and new restrooms. District staff has negotiated, and is now recommending, that a 'not to exceed' contract in the amount of \$150,580.00 (inclusive of all reimbursable expenses) be awarded to LSA Associates, Inc. for the provision of comprehensive CEQA (California Environmental Quality Act) related services necessary for this particular project.

9.13 (Item #14) Resolution, Disposition of Surplus Property

Education Code Section 17546 provides that the surplus personal property owned by the District may be disposed of at a private sale without advertising if the Board by a unanimous vote by those Board members present determine that the value of the surplus property is insufficient to defray the cost of arranging a sale. District staff have determined through independent market research that each piece of equipment listed in Exhibit "A" is valued at less than \$2,500 and is suitable for disposal at a private sale without advertising.

9.14 (Item #15) Revision to Facility Improvement Project List for Ygnacio Valley High School

On April 23, 2012 the Board of Education approved \$42 million to be allocated among the comprehensive high schools for facility improvement projects. On June 4, 2012 the Board of Education approved a list of facility

improvement projects submitted by Ygnacio Valley High School. The Principal and the School Site Council have submitted a revised project list which they believe more comprehensively identifies the greater facility needs. Staff is recommending that this revised list be accepted as the project list of record.

9.15 (Item #16) Memorandum of Understanding between the Rainbow Community Center and Mt. Diablo Unified School District

If approved, Rainbow Community Center staff and supervised interns will be authorized provide counseling services to in district schools.

9.16 (Item #17) Approval of Contract with Exploring New Horizons (ENH for Hidden Valley Elementary School)

Students at Hidden Valley Elementary School will participate in the Exploring New Horizons Outdoor Education Program at Camp Loma Mar, October 8-12, 2012. Several elementary schools contract with Exploring New Horizons, exceeding the \$25,000 limit, thus Board approval is required.

9.17 (Item #18) Approval of Contract with Marin County Office of Education (COE) Outdoor School at Walker Creek Ranch for Walnut Acres Elementary School

Students at Walnut Acres Elementary School will participate in the Marin County Outdoor School Program at Walker Creek Ranch in Petaluma, CA October 15-19, 2012. Because several elementary schools attend Walker Creek and cumulative costs will exceed \$25,000, Board approval is required.

9.18 (Item #19) Notice of Completion for Bid #1612/C-910, DecoTech Systems, Inc.: Electrical and HVAC Upgrades to Main and Intermediate Distribution Frames

Bid No. 1612 was called to provide Electrical, HVAC Upgrades to Main and Intermediate Distribution Frames at Multiple Sites. The lowest responsible bidder was DecoTech Systems, Inc. for the base bid award amount of \$156,000.00. The scope of work included, but was not limited to: Electrical, HVAC Upgrades to Main Distribution Frames and Intermediate Distribution Frames at Clayton Valley HS, College Park HS, Northgate HS, Concord HS, Mt. Diablo HS, Ygnacio Valley HS, Diablo View MS, Foothill MS, Riverview MS, and Loma Vista Adult Center. There was an additive change order on this project in the amount of \$9,036.00. Work and services for this project have been satisfactorily completed for a total expenditure of \$165,036.00. Budget for this project: \$194,388.00

9.19 (Item #20) Approval of master contract between Mt. Diablo Unified School District (MDUSD) and Augmentative Communication & Technology Services (ACTS) for the 2012-2013 School Year

Augmentative Communication & Technology Services is a Non-Public Agency (NPA) that will provide consultation services to severely speech impaired students who require augmentative /alternative communication systems and assistive technology for spoken and written communication. This agency helps the District maintain legal compliance related to the previous consent decree by assisting in the procurement of equipment through private insurers, providing staff training, and assisting with specialized curriculum development.

9.20 (Item #21) Annual Renewal of Bi-Tech Services Contract

The Annual Support Agreement between Bi-Tech and the District which provides for customer support and software updates for the Integrated Financial Administrative Solution System (IFAS) is due for renewal. The contract covers service from October 1, 2012 through September 30, 2013.

9.21 (Item #22) Chabot-Las Positas Community College District contract with Mt. Diablo Education and related MOU's with Pittsburg, West Contra Costa, and Liberty Adult Education

Chabot-Las Positas Community College District would like to contract again with Mt. Diablo Adult Education, as lead adult education agency, to provide assessments and test proctoring for job seekers at three Contra Costa County One-Stop Career Centers and skills training for referred clients. Mt. Diablo Adult Education functions as the lead agency for the purposes of this contract and would, in turn, re-enter into Memorandums of Understanding with Pittsburg Adult Education, West Contra Costa and Liberty Adult Education for services in their communities. Attached is the contract as proposed by the Chabot-Las Positas Community College District and MOUs as proposed by Mt. Diablo Adult Education.

9.22 (Item #23) Board Resolution #12/13-09 on the District's Restorative Justice Initiative

In an attempt to create supportive and safe school environments the District is implementing a pilot Restorative Justice program. Restorative Justice focuses on teaching and understanding rather than punitive discipline approaches. Restorative Justice focuses on giving students the tools to understand differences, resolve disputes, and ultimately build the skills to sustain a strong community and good citizenship. The pilot program will be introduced at Alliance and Olympic High Schools.

9.23 (Item #24) Authorizing Investment of Monies in The Local Agency Investment Fund

The Contra Costa County Treasurer's Office to better manage documents on file, has requested all Local Agency Investment Fund (LAIF) participants to update their resolutions of authorizing investment of monies in LAIF managed by the State of California Treasury.

9.24 (Item #25) Resolution 12/13-10 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

10.1 (Item #2) Minutes of the meetings of August 27 and September 10, 2012

Eberhart moved, Dennler seconded, and the Board voted 4-1-0 (Hansen – no) to approve the minutes as presented.

PUBLIC COMMENT

Brian Lawrence encouraged the Board to take a position on Proposition 30 which will be on the November ballot.

COMMUNICATIONS

Lorrie Davis, President, Community Advisory Committee, shared her concerns with the FCMAT transportation report.

REPORTS/INFORMATION

13.1 Measure C Update

Jon Isom, Isom Advisors, provided an overview of the Measure C 2010 General Obligation Bond Program. Pete Pedersen, Measure C, updated the Board on Measure C projects.

13.2 Fiscal Crisis and Management Assistance Team (FCMAT) Report on Transportation

Carolyn Patton, Administrator, Special Education SDC and Angie Goakey, Coordinator, Transportation Services shared a PowerPoint and answered questions from the Board.

Public Comment

The following parents shared concerns regarding items in the FCMAT report: Sarah Resler, Marshall White, Dorothy Weisenberger, and Denise Lambert. Debbie Hickey, office manager, asked that copies of the report be available for the public.

Maria Panameño-Bailey, United Latino Voices, invited the Board and audience to the Latino Education Summit at Diablo Valley College on September 29.

SUPERINTENDENT'S REPORT

Superintendent Lawrence shared highlights from the recent Walnut Festival Twilight Parade. He thanked Stephanie Roberts and the Good News volunteers for contributing stories to the newsletter. He also updated the Board on the progress of preparing the graduation report.

BUSINESS/ACTION ITEMS

15.1 Certification of the District's 2011-2012 Unaudited Actual Financial Report

The report includes the actual revenues and expenditures for the 2011-2012 fiscal year. It also includes the original budget for 2012-2013.

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

15.2 Resolution # 12/13-05 Adopting the District's 2011-2012 GANN Appropriations Limit

Proposition 4 of 1979 requires the Board to annually approve a resolution adopting the District's revised appropriations limit for the preceding year and the projected limit for the new fiscal year based on the adopted budget. The calculations are now part of the Unaudited Actuals report on form GANN, however the resolution must be taken as a separate action item.

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

15.3 2012-13 Mandate Block Grant Letter of Intent

Commencing with the 2012–13 fiscal year, funds are available through a newly established Mandate Block Grant (MBG) for local educational agencies (LEAs) to support state mandated activities. Pursuant to the implementing legislation, Senate Bill (SB) 1016, Section 71, (Chapter 38, Statutes of 2012), LEAs make an annual choice to receive funds for mandated activities, as specified, either through the MBG or through the claim reimbursement process pursuant to Government Code (GC) Section 17560. Because the claims process does not include charter schools, the MBG is the only vehicle for charter schools to receive such funding. For 2012–13, the MBG pays for 2012–13 costs associated with the mandate programs listed in GC Section 17581.6(d). However, note the legislative session is still in process and based upon current proposals, it is likely the following programs may be added to the MBG: • Academic Performance Index (01-TC-22; Chapter 3 of the Statutes of 1999, First Extraordinary Session; and Chapter 695 of the Statutes of 2000). • Child Abuse and Neglect Reporting (01-TC-21: Chapters 640 and 1459 of the Statutes of 1987; Chapter 132 of the Statutes of 1991; Chapter 459 of the Statutes of 1992; Chapter 311 of the Statutes of 1998; Chapter 916 of the Statutes of 2000; and Chapters 133 and 754 of the Statutes of 2001). • Expulsion of Pupil: Transcript Cost for Appeals (SMAS; Chapter 1253 of the Statutes of 1975). • Inter-district Attendance Permits (CSM 4442; Chapters 172 and 742 of the Statutes of 1986; Chapter 853 of the Statutes of 1989; Chapter 10 of the Statutes of 1990; and Chapter 120 of the Statutes of 1992). • Student Records (02-TC-34; Chapter 593 of the Statutes of 1989; Chapter 561 of the Statutes of 1993; Chapter 311 of the Statutes of 1998; and Chapter 67 of The Statutes of 2000). Given the uncertainty of legislation that may impact the 2012–13 MBG program, an LEA may withdraw a previously submitted Letter of Intent as long as the request is prior to any allocation by CDE of MBG funds. Information on the MBG and legislative changes will be posted on the CDE Web page at <http://www.cde.ca.gov/fg/aa/ca/mandatebg.asp>. The 2012 Budget Act appropriates \$166,609,000 for the MBG program for fiscal year 2012–13. The funds are unrestricted in use. Allocation of funds is based on the average daily attendance (ADA) as of the Second Principal Apportionment for the 2011–12 fiscal year. Specific ADA categories are attached to this mail and also posted on the CDE Web page. The 2012–13 funding rates set forth in Item 6110-296-0001 of the 2012 Budget Act are as follows: County Offices of Education (COE) \$28 per prior year ADA plus an additional \$1 per ADA for all prior year revenue limit ADA generated by school districts and the COE within that county. School Districts \$28 per prior year ADA Charter Schools \$14 per prior year ADA If necessary, funding will be proportionately reduced to stay within total available funding. We have been asked what the rate would be if there is 100 percent participation. CDE estimates the funding would be decreased to approximately \$27.92 for districts, \$13.96 for charter schools, and \$.99 for county office of education oversight. Mandated programs covered by the MBG are subject to review in the overall annual compliance audit per California Education Code Section 41020. The Governor's Administration has indicated that it does not intend to submit any proposals in the annual K–12 audit guide related to the MBG. Compliance with mandate requirements would be enforced through corrective action; school district would not forfeit funds as a result of audit findings. The Letter of Intent must be submitted to CDE by October 1, 2012 to receive 2012-13 MBG funding.

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

15.4 Format of Four Public Input and Informational Meetings

On February 6, 2012, the Board approved holding six Public Input and Informational Meetings. On February 22, 2012, concerns arose around ensuring that those meetings had specific topics which could be placed on a public agenda. Consequently, on March 12, 2012, the superintendent and general counsel proposed a format for those input meetings that focused only on the strategic plan. The Board defeated the motion to approve the format as presented. On June 4, 2012, the Board approved two of the six meetings be held for input on the Strategic Plan to bring it to closure so it can begin implementation in Fall 2012. However, four of the six Public Input and Informational Meetings remain approved and the meeting format and dates still need to be determined. In an effort to address

expressed concerns that these meetings have a clearly delineated focus, following are proposed topics for the four remaining approved meetings: 1) One meeting for community input on Bay Point School Planning as well as attendance and boundary issues throughout the district 2) One meeting on Measure C Projects, Planning, and Concerns 3) One meeting in September 2012 for a) a State of the District 2011-2012 review and discussion of district K-12 academic progress and b) a State of the District 2012-2013 preview and discussion focused on academic expectations 4) One meeting in September 2012 specifically to seek input from the public regarding the Governing Board's performance, community relations, vision setting, communication, and other areas of interest Board Self-Evaluation per Board Bylaw 9400.

Hansen moved for approval. Motion died for lack of a second.

15.5 Mt. Diablo USD Employee Unions' Council

The Board directs the superintendent to hold monthly meetings with the presidents and/or executive directors and/or designees of all Mt. Diablo USD employee unions. The goal is to increase communication and build a culture of mutual trust and respect. The superintendent shall provide a written summary of the Employee Unions' Council's discussions to the Board and public at the first Board meeting following each MDUSD Labor Council meeting.

Hansen moved for approval. Motion died for lack of a second.

15.6 Resolution 12/13-08 Special Exemptions Act

Proposition 32, the "Special Exemptions Act", is on the November 6, 2012 ballot in California as an initiated state statute. If approved, Proposition 32 will: Prohibit the government from deducting union dues from government employee paychecks that will be used for political purposes. Ban contributions to candidate-controlled committees by corporations and labor unions. Ban contractors who receive government contracts from donating to the officeholder who awarded the contract. The proposition will not constrain the spending of political action committees but will inhibit the political activity of those organizations representing working citizens.

Public Comment

Dan Reynolds, teacher, said that he and other teachers are against Proposition 32 which is on the November ballot. He urged the Board to pass a resolution against it.

Presented as information. This will be returned for action at the October 8 Board meeting.

BOARD MEMBER REPORTS

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

The meeting adjourned at 10:01 p.m.