

MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Monday, November 05, 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, Interim Assistant Superintendent Kerri Mills, General Counsel Gregory Rolan, 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 Sherry Whitmarsh at 6:02 p.m. in the Board room at the MDUSD Dent Center.

ADJOURN TO CLOSED SESSION AT 6:00 P.M.

The Board adjourned to Closed Session at 6:02 p.m. in Room 6 at the Dent Center. In Closed Session the Board discussed one student admission and public employee discipline/dismissal/release/complaint-one certificated employee.

RECONVENE OPEN SESSION

Open Session reconvened at 7:40 p.m. President Whitmarsh led the Pledge of Allegiance to the Flag and reported action taken in Closed Session. In the matter of employee 23889, the Board will return to Closed Session after the conclusion of Open Session to resolve the matter.

CONSENT AGENDA

Associate General Counsel Deborah Cooksey sat at the dais during the Consent Agenda vote.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve the Consent Agenda as presented with the exception of item #19 (pulled by Hansen) thereby approving the following:

8.2 (Item #2) Minutes of the meetings of October 8 and October 22, 2012

8.3 (Item #3) Recommended Action for Certificated Personnel

8.4 (Item #4) Education Code 44263 - Board Authorization

Under Ed Code 44263, holders of any California teaching credential who have 18 lower division units or 9 upper division units in a subject can be authorized, by Board Authorization, to teach that subject(s), full or part time. Teacher and site administrator completes Consent Form, and teacher supplies copies of transcripts verifying correct number of semester units completed in the subject area to be taught

8.5 (Item #5) Education Code 44258.2 - Board Authorization

Under Ed. Code 44258.2, holders of Single Subject or Secondary credentials who have 12 lower division units or 6 upper division units in a subject can be authorized, by Board Authorization, to teach that subject(s) in a middle school for the current school year.

8.6 (Item #6) Recommended Action for Classified Personnel

8.7 (Item #7) Approval of Contracts with Exploring New Horizons (ENH) for Monte Gardens Elementary, Valle Verde Elementary, Woodside Elementary, and Ygnacio Valley Elementary Schools Outdoor Ed Program

Students will participate in the Outdoor School Program at the YMCA Camp Loma Mar at the following schools: Valle Verde - November 13-16, 2012; Monte Gardens - November 26-30, 2012; Woodside - November 26-30, 2012; Ygnacio Valley- January 29-February 1, 2013. Because several schools contract with Exploring New Horizons, total costs exceed \$25,000, therefore Board approval is required.

8.8 (Item #8) Rescission of Award of Bid #1618 for the Structured Cabling, Adding Ethernet Drops with Fiber Optic Backbone at Secondary Schools

On October 8, 2012, the Board of Education approved the Award of Bid for Bid No. 1618 for the Structured Cabling, Adding Ethernet Drops with Fiber Optic Backbone at Secondary Schools. The lowest responsible, responsive bidder was DecoTech Systems, Inc., for the total amount of \$1,083,000.00. The scope of work included, but was not limited to: provide Structured Cabling, Adding Ethernet Drops in Classrooms with Fiber Optic Backbone at College Park HS, Mt. Diablo HS, Oak Grove MS, Riverview MS, Northgate HS, Concord HS, Ygnacio Valley HS, Clayton Valley HS, Sequoia MS, El Dorado MS, Foothill MS, Loma Vista Adult Center, Diablo View MS, and Valley View MS. Due to a misinterpretation of the liquidated damages by DecoTech and their Surety, they respectfully withdraw their bid for Bid No.1618.

8.9 (Item #9) Award of Bid #1618 to provide Structured Cabling, Adding Ethernet Drops in Classrooms with Fiber Optic Backbone at Secondary Schools

Bid No. 1618 was called to provide Structured Cabling, Adding Ethernet Drops in Classrooms with Fiber Optic Backbone at Secondary Schools. The lowest responsible, responsive bidder was DecoTech Systems, Inc., which rescinded their bid. The second lowest responsible, responsive bidder was Walker Telecomm, Inc., for the total amount of \$1,094,141.00. The scope of work includes, but is not limited to: provide Structured Cabling, Adding Ethernet Drops in Classrooms with Fiber Optic Backbone at College Park HS, Mt. Diablo HS, Oak Grove MS, Riverview MS, Northgate HS, Concord HS, Ygnacio Valley HS, Clayton Valley HS, Sequoia MS, El Dorado MS, Foothill MS, Loma Vista Adult Center, Diablo View MS, and Valley View MS. Engineer's estimate \$1,150,000.00

8.10 (Item #10) Award Inspector of Record (Project Inspector) Contract to oversee, inspect and verify that the Interior Renovation/IHTA at Mt. Diablo High School is completed in full compliance with all applicable codes and regulations

The services of a State Certified Inspector of Record (Project Inspector) are required to oversee, inspect and verify that the Interior Renovation/IHTA at Mt. Diablo High School is completed in full compliance with all applicable codes and regulations. Staff is recommending that a contract be awarded to Alisha Jensen for a not to exceed fee of \$8,160.00 for the provision of said services. Project site is Mt. Diablo High School.

8.11 (Item #11) Final Change Order for Bid #1603/Contract C-908 for new utility infrastructure improvements at College Park High School

On May 21, 2012, the Board of Education awarded Bid #1603 to Carone and Company, Inc. for \$601,000 for the provision of all tools, materials, labor and equipment necessary to complete site work, demolition and construction necessary for new utility infrastructure improvements at College Park High School. As a result of the need to 1) add concrete flat work to improve site drainage; and 2) facilitate work necessary to install a new PG&E utility pole, a final change order in the amount of \$39,953.00 is necessary. The single, final change order will result in a final, revised contract value of \$637,953.

8.12 (Item #12) Notice of Completion for Bid #1603/C-908, Site Utility Improvements at College Park High School

Bid No. 1603 was called to provide Utility Infrastructure Extension at College Park High School. The lowest responsible, responsive bidder is Carone & Company, Inc., for the base bid award and alternate #1 amount of \$601,000.00. The scope of work includes, but is not limited to: site work, demolition and construction necessary for new utility infrastructure extension, including associated civil, architectural, structural, plumbing, mechanical and/or electrical work as indicated in the Drawings and Specifications. Generally, these categories of work involve new finishes, adaptive re-use and modification of certain selected areas, handicap accessibility and pertain to changing and expanding selected infrastructure utilities, and/or extensive modifications. The project may involve "phasing" and barricading of work areas as indicated on the Plans and enumerated in these Specifications. Contractor shall be responsible for all work, as well as wiring, system integration, data terminations and connections as described in the contract documents. There was an additive change order on this project in the amount of \$36,953.00. Work and services for this project have been satisfactorily completed for a total expenditure of \$637,953.00. Engineers estimate: \$700,000.00

8.13 (Item #13) Award 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 Interim Housing at Various Sites is completed in full compliance with all applicable codes and regulations.

Staff is recommending that a contract be awarded to Alisha Jensen for a not to exceed fee of \$6,500.00 for the provision of said services. Project site(s) include: El Dorado MS, Valley View MS, Mt. Diablo ES and Ygnacio Valley ES.

8.14 (Item #14) Award of Professional services Contract for the Provision of Requisite Environmental Consultation Services related to the Proposed Athletic Facilities Improvements at College Park High School

To support previously approved facility enhancement projects prioritized and submitted by College Park High School, District staff is recommending that a contract for the provision of all necessary CEQA (California Environmental Quality Act) related services be awarded as soon as possible. Staff has negotiated, and is now recommending that a 'not to exceed' contract in the amount of \$154,325.00 (inclusive of all reimbursable expenses) be awarded to LSA Associates, Inc. for the provision of comprehensive environmental consulting services related to their project. Contract includes preparation of the Initial Study, Mitigated Negative Declarations and/or Environmental Impact Report (if necessary), Mitigation Monitoring and Reporting Plan, Notice of Determination as well as the provision of on-going project management services.

8.15 (Item #15) Approval of Preliminary Services Agreement for the Development of a Modular Concession/Restroom facility at Ygnacio Valley High School

On Monday, September 24, 2012 the Board of Education approved a revised Facility Improvement Project list for Ygnacio Valley High School. Included in this greater list were several stadium improvements including the construction of a concession/restroom facility. Staff is recommending that the District enter into a Preliminary Services Agreement with Meehleis Modular Building, Inc. for a 'not to exceed' fee of \$34,211.00 for the provision of preliminary services relating to the construction of these specified facilities at Ygnacio Valley High School. Said services include, but are not limited to management and coordination services, plan/specification constructibility reviews, value engineering reviews and recommendations necessary to optimize project quality and delivery, project budget development assistance, project scheduling, construction planning and bidding tasks. As authorized by California Education Code section 17406, a lease-leaseback contract structure is one in which the District can select a builder in a different manner other than just a "lowest bidder." Under a lease-leaseback, the District leases property under a "site lease" to a builder for \$1. That builder constructs the facility and then leases the facility back to the District under a "facilities lease." The District makes "tenant improvement payments" during construction and "lease payments" after construction. Title to the new facility vests in the District as lease payments are made. The District has the option to make an early, balloon payment to the builder to buy out the facilities lease. In addition, the District selects/approves all plans and specifications and uses its own Architect of Record to submit the project to the Division of the State Architect for approval. Only after DSA approval can the District enter into the 2 leases. Since DSA approval is still a few months away, the work the District would like Meehleis to begin now can be done under this preliminary services agreement.

8.16 (Item #16) Award of Contract for the Lease of Interim Housing Units Necessary for Projects Being Implemented Through the 2010 Measure C Facility Improvement Program

It has been determined that it will be necessary to provide a limited number of DSA approved interim housing units on several sites(Ygnacio Valley El., Mt. Diablo El., El Dorado Middle, Valley View Middle and Mt. Diablo High School) to support educational programs during demolition and construction of new/renovated facilities at these sites. Staff is recommending that lease agreements in the total amount of \$340,820.00 be executed with Mobile Modular Management Corporation for the delivery, rental, take-down and removal of these DSA modular classrooms. These agreements will be processed through a valid, existing "piggyback" contract between the Franklin-McKinley School District and McGrath Rent Corporation dba Mobil Modular Management Corporation.

8.17 (Item #17) Award of Independent Services Contract for the Oversight of Hazardous Materials Abatement/Removal for Heating, Ventilating and Air Conditioning Renovations for Group II sites (Shadelands/Sunrise, Westwood, Monte Gardens, Hidden Valley, Strandwood, Gregory Gardens, Silverwood, Valle Verde, Bancroft, El Monte and Mountain View Elementary Schools)

The services of a certified hazardous materials management firm will be required during the planned construction associated with the installation of new heating, ventilating and air conditioning systems at the Group II sites (Shadelands/Sunrise, Westwood, Monte Gardens, Hidden Valley, Strandwood, Gregory Gardens, Silverwood, Valle Verde, Bancroft, El Monte and Mountain View Elementary Schools). The scope of work of included in said services includes, but is not limited to, the management of all abatement activities, surveillance of all abatement work activities and air monitoring, sampling and testing, inspection and certification. Staff is recommending that a

contract be awarded to Enviro-S.T.A.R., Inc. for a 'not to exceed' value of \$26,820.00 for the provision of said services.

8.18 (Item #18) Beginning Teacher Support and Assessment Induction Program Support to Private School Teachers

The Beginning Teacher Support and Assessment (BTSA) Induction Program is a state-funded program, co-sponsored by the California Department of Education (CDE) and the California Commission on Teacher Credentialing (CCTC) designed to support the professional development of newly-credentialed, beginning teachers and fulfill the requirements for the California Clear Multiple and Single Subject Credentials. Mt. Diablo Unified operates a fully approved program which allows the district to receive funding for eligible BTSA Induction teachers. Though state funding is not available to private school teachers for BTSA Induction, they are allowed to be served by an approved program in their vicinity with funding for support services to be provided by the private institution. St. Agnes (3886 Chestnut Ave., Concord), Ygnacio Valley Christian (4977 Concord Blvd., Concord), Queen of All Saints Elementary (2391 Grant St., Concord), and King's Valley Christian (4255 Clayton Rd., Concord) schools are located within the boundaries of Mt. Diablo Unified and currently have one teacher each in need of BTSA Induction. A formal Memorandum of Understanding describing payment structure and agreements is necessary in order for the Mt. Diablo Unified BTSA Induction Program to provide support.

8.19 (Item #20) Increase 2012/2013 contract amount with Contra Costa County Office of Education (CCCOE) by \$39,350 for intensive individual service (1:1) contracts

This docket amends the contract amount with Contra Costa County Office of Education (CCCOE) for temporary intensive individual services contract (1:1)s to include four additional students (6 total) who have been identified per their IEP. Contracts are attached with identifying student information redacted. Board approved \$44,000 on August 27, 2012. Currently requesting an increase of \$39,350.00 for a total contract of \$83,350 for the 12/13 school year.

8.20 (Item #21) Approve Independent Service Contract with DB Productions for services provided at Bel Air Elementary

Rio Vista & Shore Acres Elementary have both used DB Productions (Soul Shoppe). This contract with Bel Air puts the amount with this provider over \$25,000 and therefore needs Board approval.

8.21 (Item #22) Contra Costa County Employment and Human Services Department contract with Mt. Diablo Adult Education

Contract

Contra Costa County Employment and Human Services Department would like to contract with Mt. Diablo Adult Education to provide a program (FOCUS) specifically for CalWorks clients, Welfare- to-Work clients, October 1, 2012 to June 30, 2013. The program design includes employability training, individual employment plan development and support, and career assessments.

RECOMMENDATION: Approve Mt. Diablo Adult Education entering into an interagency agreement with Contra Costa County Employment and Human Services Department.

8.22 (Item #23) Contra Costa County Employment and Human Services Department contract with Mt. Diablo Adult Education

Contra Costa County Employment and Human Services Department would like to contract with Mt. Diablo Adult Education for the period of October 1, 2012 to June 30, 2013 to expand outreach, service, and capacity in specially targeting, serving, and reporting attendance for CalWorks, Welfare-to-Work clients.

8.23 (Item #24) Increase purchase order with Independent Service Contractor, Phoenix Education Specialists

Mt. Diablo Unified School District utilizes Independent Service Contractors through the Individualized Education Placement (IEP) process. Phoenix Education Specialists provides intervention in core academic areas to students in the Special Education Program. Services are provided to students that are in jeopardy of going into a more restrictive program, through referral by the Special Education Management Team, or as compensatory education through the Alternative Dispute Resolution process. The District currently has an approved contract for \$24,900. Additional funds for the remainder of the 2012-13 school year are being requested at this time.

8.24 (Item #25) 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 July through September, 2012.

CONSENT ITEMS PULLED FOR DISCUSSION

9.1 (Item #19) RFP #1628 Translator Support Providers

RFP#1628 Log Opening Log RFP Price Review RFP Interview Summary

Mt Diablo USD has the need to have an approved list of individuals/companies that can provide services of interpretation and translation in various settings. These services should be centralized to meet district needs. A Request for Proposal process was developed on September 28, 2012 and ended with proposals submitted by October 23, 2012. RFP Interviews were held to ascertain the quality and viability of the providers.

Public Comment

Carmen Torres, President, Local 1, CST said that most of her questions have been answered and that she hopes the Board will make the right decision and approve the lowest contract.

Motion

Hansen moved, Mayo seconded, and the Board voted 3-2-0 (Eberhart and Whitmarsh – no) to approve California Translation Enterprises, Deb and Vic Enterprise, and Evelina Villa.

Motion

Eberhart moved, Dennler seconded, and the Board voted 3-2-0 (Hansen and Mayo – no) to extend the opportunities to AIS to provide contracts to all vendors at lower cost.

Associate General Counsel Cooksey explained that this item approves the vendors and the contracts will still be negotiated.

STUDENT REPRESENTATIVES

Student Board representatives reported on recent and upcoming activities at their schools:

PUBLIC COMMENT

None

COMMUNICATIONS

None

SUPERINTENDENT'S REPORT

Superintendent Lawrence shared highlights from his recent school site visits.

BUSINESS/ACTION ITEMS

14.1 Hold Public Hearing and adopt Resolution of Intent to Dedicate an Easement at College Park High School

The Contra Costa Water District is requesting a grant of easement at College Park High School. The easement is required to complete a connection to a fire protection (hydrant) line. Section 17556 of the Education Code authorizes the Mt. Diablo Unified School District to dedicate or convey an easement to any public entity through a process that involves: 1) a Resolution of Intent to Dedicate an Easement adopted in a regular open meeting by two-thirds vote of the Board; 2) a Notice of Adoption of the resolution and the time and place of a scheduled public meeting/hearing regarding the resolution (posted in three public places no less than ten days prior to the scheduled meeting and published once in a newspaper of general circulation no less than five days before the scheduled hearing); and 3) a public hearing on the adopted resolution and final action on the resolution dedicating the easement

by a two-thirds vote of the Board. The public hearing and request for Board action on this particular resolution will be scheduled and brought to the Board at the December 10, 2012 Board meeting pursuant to the provisions of Education Code Section 17556.

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

14.2 Hold Public Hearing and Adopt Resolution of Intent to Dedicate an Easement at Sun Terrace Elementary School

The Contra Costa Water District is requesting a grant of easement at Sun Terrace Elementary School. The easement is required to complete a connection to an existing fire protection (hydrant) line. Section 17556 of the Education Code authorizes the Mt. Diablo Unified School District to dedicate or convey an easement to any public entity through a process that involves: 1) a Resolution of Intent to Dedicate an Easement adopted in a regular open meeting by two-thirds vote of the Board; 2) a Notice of Adoption of the resolution and the time and place of a scheduled public meeting/hearing regarding the resolution (posted in three public places no less than ten days prior to the scheduled meeting and published once in a newspaper of general circulation no less than five days before the scheduled hearing); and 3) a public hearing on the adopted resolution and final action on the resolution dedicating the easement by a two-thirds vote of the Board. The public hearing and request for Board action on this particular resolution will be scheduled and brought to the Board at the December 10, 2012 Board meeting pursuant to the provisions of Education Code Section 17556.

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

BOARD MEMBER REPORTS

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

CLOSED SESSION

Open Session adjourned to Closed Session at 8:35 p.m.

Steven Lawrence, Secretary