

MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Monday, April 8, 2013 (7:30 p.m.)

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

Administrative Staff: Superintendent Steven Lawrence, Assistant Superintendent Julie Braun Martin, Assistant Superintendent Rose Lock, Interim Assistant Superintendent Kerri Mills, General Counsel Greg Rolen, 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 6:00 p.m. in the Board Room at the MDUSD Dent Center. President Hansen led the Pledge of Allegiance, and conducted Roll Call with all Board members present.

PUBLIC COMMENT

There was no Public Comment.

ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 6:02 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 Readmissions

4.3 Expulsion

4.4 Existing Litigation - Taylor v. MDUSD

4.5 Existing Litigation - International Brotherhood of Teamsters. Local # 856 vs. MDUSD, Amended Unfair Practice Charge, filed March 21, 2013

4.6 Anticipated Litigation

RECONVENE OPEN SESSION

The Board reconvened Open Session at 7:30* p.m. 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 heard information in the case of recommended expulsion for student #14-13. The Board took action to readmit student #3-13 and #21-12 to the Mt. Diablo Unified School District. In one case of existing litigation, Taylor vs. MDUSD, the Board provided direction to staff. The Board will reconvene Closed Session at the end of the meeting to discuss negotiations, anticipated litigation, and existing litigation.

STUDENT EXPULSION

8.1 Expulsion Recommendation - Student #14-13

Staff recommends that Student #14-13 be expelled from all regular schools of Mt. Diablo Unified School District, and that Student #14-13 apply for readmission after March 25, 2014. It is required that Student #14-13 participate in 20 hours of counseling to address inappropriate sexual behavior; complete 30 hours of community service; write letters of apology to the victims; show evidence of a successful school experience; and earn 50 credits, prior to readmission.

Dennler moved to suspend the expulsion for student #14-13, Oaks seconded, and the Board voted 3-2-0 (with Hansen and Mayo dissenting) to pass the amended motion which states that student #14-13 has been expelled, but that the expulsion has been suspended.

CONSENT AGENDA

Item # 16 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 # 16, thereby approving the following:

9.1 (Item #1) Items listed under Consent Agenda are considered routine and will be approved/adopted by a single motion. There will be no separate discussion of these items; however, any item may be removed from the consent agenda upon the request of any member of the Board and acted upon separately.

9.2 (Item #2) Recommended Action for Certificated Personnel

9.3 (Item #3) Request to Increase Full Time Equivalent (FTE) for the 2013-2014 School Year

9.4 (Item #4) Approval of Variable Term Waiver Requests

Variable Term Waivers provide applicants with additional time to complete certain requirements for the credential that authorizes the service. The waiver request is made when there is not a properly credentialed person available for the position. All requests for a Variable Term Waiver must be presented for approval to the governing board of a public school district. Every waiver request submitted to the Commission on Teacher Credentialing must include verification that a notice of intent to employ the named applicant in the identified position has been made public.

9.5 (Item #5) Recommended Action for Classified Personnel

9.6 (Item #6) Classified Personnel: Request to Decrease Positions (UPDATED DOCKET AND ATTACHMENT)

9.7 (Item #7) Classified Personnel: Resolution of Reduction or Discontinuance of Classified Employees (Classified Layoff) Resolution #12/13-39

Under state law, school districts are required to provide not less than 60 days notice to classified employees of a layoff. The notice includes the effective date of the layoff, and the displacement and reemployment rights of the noticed employee. Resolution #12/13-39 lists the classified positions that are ending due to the expiration of funding. With the adoption of Resolution #12/13-39, the Assistant Superintendent of Personnel Services will be directed to send notices to affected classified employees informing them that their services will not be required for the 2013-14 school year. The resolution also adopts the criteria that Personnel Services will use to determine whether employees whose services are being eliminated have sufficient experience and qualifications to bump less senior employees. Finally, the resolution directs that layoff notices be sent to the appropriate classified employees in order to effectuate a reduction of the classified staff in an amount equal to the number of full-time equivalent positions listed on the resolution in accordance with Education Code.

9.8 (Item #8) Monthly Budget Transfer and/or Budget Increases/Decreases for the Month of February 2013

Some revisions are a result of prior Board actions, changes in grant awards, and changes in funding. Donations have been made to the District by private individuals and businesses. There are also deposits for payments to school sites for lab fees and other items for which the sites collect money. The appropriate revenue and expenditure budgets have already been increased by the amount of the donations.

9.9 (Item #9) Approval of Non-Public School Adjustments

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

9.10 (Item #10) Approve Increase to Contract/Purchase Order with Non-Public Agency Behavior Intervention Association (BIA)

BIA provides intensive early intervention services for students with the diagnosis of Autism Spectrum Disorder who are not yet ready to access programs and services in the school environment due to behavioral challenges. The District currently has an approved contract with BIA for a total of \$24,500. Additional funds of \$18,918 are requested to provide services for the remainder of the 2012-13 school year. These are direct IEP driven services that are provided according to the terms of a Master Contract and Individual Service Agreement.

9.11 (Item #11) Final Change Order for PO#86270-001 for Turf Removal and Replacement at Clayton Valley Charter High School

On December 10, 2012, the Board of Education awarded PO#86270-001 to Field Turf, Inc. for \$373,347 for the provision of all tools, materials, labor and equipment necessary to remove and replace turf at Clayton Valley High School. Due to a site request to 1) add white end zone lettering on a red background of turf; and 2) enlarge the school logo at the midfield circle, a final change order in the amount of \$13,300 is necessary. The single, final change order will result in a final, revised contract value of \$386,647.

9.12 (Item #12) Notice of Completion for RFP #86270 - FieldTurfUSA Inc.

RFP #86270 was called to provide Turf Removal and Replacement at the Outdoor Athletic Facility at Clayton Valley Charter High School. The lowest responsible, responsive bidder is FieldTurfUSA Inc., for the bid award amount of \$373,347. The scope of work included, but was not limited to the purchase and installation of new synthetic turf at C. V.C.H.S. There was an additive change order in the amount of \$13,300. Work and services for this project have been satisfactorily completed for a total expenditure of \$386,647. Budget for this project \$400,000.00.

9.13 (Item #13) Procurement and Installation of Surveillance License Upgrades with Three Year Maintenance Agreement for 950 Cameras

On September 22, 2009, the Board of Education approved the procurement and installation of surveillance servers and cameras. The software currently used has reached its end of life for support and requires an upgrade in order to maintain support. Staff is now requesting permission to purchase and install these approved upgrades through Decotech Systems through State of California Multiple Award Schedule (CMAS) contracts, the 2013 California PEPPM (Pennsylvania Education Purchasing Program for Microcomputers) as follows:

CMAS #3-1 0-70-1602M: \$22,050 (installation)

California PEPPM: \$78,600 (upgrade license for 950 cameras)

The total cost of the procurements is \$100,650.

9.14 (Item #14) Contract Amendment: PHd Architects: Site Adaptive and Design Modifications Required to Facilitate New Classrooms Use of District Pre-Checked (PC) 1440 Square Foot Design

Staff has negotiated a contract amendment with PHd Architects for a 'not to exceed' amount of \$22,200 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, August 20, 2012 and September 10, 2012) contract for adaptive design necessary to facilitate construction/installation of Measure C 'SMART' classrooms from the original base contract value of \$444,300 to a revised contract value of \$645,800.

9.15 (Item #15) Title I Policy MDUSD Proposed BP/AR 6171

LEAs who accept Title I funds are expected to develop policies regarding comparability, parent involvement, program evaluation, assessment, and the revision process of the LEA plan. Board Policy 6171 describes the coordination of these general categorical assurances to ensure that students from economically disadvantaged families are provided coordinated support. These restricted categorical funds are to provide supplemental services that reinforce the core curriculum and assist students in attaining proficiency on state academic standards and assessments. This item was originally brought for information on June 14, 2011, and was to be returned for action the following meeting. Due to staff turnover this did not occur. At that time, District staff and all Title I School Site Councils had reviewed the proposed Board policy and were provided the opportunity for input.

CONSENT ITEMS PULLED FOR DISCUSSION

10.1 (Item #16) Approve Independent Service Contract of Evelina Villa for Spanish Language Interpreting and Translation Services for Student Services Department (\$10,000)

Evelina Villa provides interpreting services and document translations for Spanish speaking students and their families. Evelina Villa will also provide Spanish interpreters on an on-call basis to act as interpreters when limited English speaking students are being assessed, Section 504 meetings, suspensions, expulsions. The District currently has a contract with this vendor for \$49,500 (Special Education) and \$4,500 (SASS).

Ms. Oaks asked how many interpreting services the District uses. Dr. Lawrence replied that four vendors are currently approved by the District.

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

PUBLIC COMMENT

Kit Hein and Janet Gay spoke in support of teacher librarians in the District.

COMMUNICATIONS

Board member Brian Lawrence expressed his concern that the District is not heading in the right direction, and stated that he wants to decide how to move forward in a constructive and positive manner.

SUPERINTENDENT'S REPORT

Dr. Lawrence shared that the Concord Police Department has completed a crime-prevention walk through at each of the District's Concord school campuses, and has offered to conduct a Crime Prevention through Environmental Design training for school administrators.

Dr. Lawrence gave updates on different crossing guard programs at school sites around Concord. He also shared a list of crossing guard locations which will no longer be subsidized by the city of Concord in the 2013-14 school year.

Dr. Lawrence noted that representatives from the College Park basketball team will be invited to attend the April 26th Board meeting so the Board can recognize the team for their winning season.

BUSINESS/ACTION ITEMS

14.1 Technology Advisory Committee

Rose Lock gave a presentation and presented the Board with two options for allocating the funding for this committee. The Board had a lengthy discussion involving school site needs, site ordering options, volume pricing, and prioritizing resources.

Dennler moved, Mayo seconded, and the Board voted 5-0-0 to approve the motion to adopt Proposal #2.

14.2 Boundary Options for Bay Point Elementary Schools

In March 2012, the District facilitated a community meeting at Riverview Middle School to begin discussion related to master planning of the Northeast (Bay Point) area. As a result of this meeting, the community requested formation of an informal committee to review demographic data, enrollment projections and provide recommendations to the community.

As part of the process, Jack Schreder and Associates prepared an updated demographic analysis of the Northeast area to address changing demographics; including age based demographic shifts, economic factors, migration in and out of the community by various populations, birth rates and other demographic and land/facility use factors. This updated information was discussed by the committee on February 20, 2013. Based on committee discussion, it became obvious a reconsideration of existing boundaries was necessary to relieve overcrowding at Delta View Elementary School.

On March 13, 2013, the District again hosted a general meeting at Riverview, presented demographic data, and solicited community input on potential short-term solutions. As a result of this general meeting and community input, the Bay Point Committee again met March 27, 2013. The meeting was attended by

nine parents, two community members, Principals of Delta View and Bel Air, the Office Manager of Delta View, a teacher from Bel Air and other District staff.

The projected enrollment for Delta View in 2013~2014 is 932 with a capacity of 829 (if no boundary change). The number of students in the affected area for the proposed boundary change is 306.

The following Committee recommendations from March 27, 2013 are provided for Board consideration:

1. Students in 3rd and 4th grades residing in the current affected Delta View attendance boundaries will be able to continue to attend Delta View for their 4th and 5th grade years, i.e. "grandfathered in".
2. Siblings of these 3rd and 4th graders will also be able to continue to attend Delta View through 5th grade. The criterion does not apply to future siblings who are not of school age.
3. Second grade students residing in the current affected Delta View attendance boundaries interested in continuing in Delta View at 3rd grade will enter a lottery this spring. These students will be "grandfathered in" based on lottery priority and available space at Delta View. Siblings of these students will be accepted based on available openings at their grades.
4. The District will conduct an address verification process for all Delta View students.
5. The District transfer process will be made available to affected families during a three-week window after the boundary change is approved by the Board. Students assigned to Rio Vista and Bel Air will be able to apply for an NCLB transfer to a district identified "choice" school with transportation available.

For the 2013-2014 school year, Delta View enrollment will include 626 students from the "new" Delta View boundaries, 40 current 4th grade, and 42 current 3rd grade students "grandfathered in". Additionally, there are 52 siblings to be "grandfathered in." These bring the projected total enrollment to 760. This number could be increased to accommodate current 2nd graders from the lottery list.

Public Comment:

Debra Mason expressed her concern that ethnicity and socioeconomic demographics were not taken into consideration. She had raised this concern before, and her comments were not reflected in the new report.

Maria Azanza (speaking through an English translator) shared the hardship that the boundary changes would cause for her family.

Dr. Lawrence gave a presentation about the boundary changes. The Board members had a lengthy discussion regarding overflow, transportation, attendance areas, verifying student addresses, and outreach to community members and parents.

This item was for information only.

14.3 Contract Extension for Reliance Communications to Continue to Provide District Automated Parental Notification Services

On April 16, 2009, the District accepted proposals from ten (10) vendors for a new Automated Parental Notification System. Proposals were evaluated and vendors interviewed in accordance with the criteria specified in the RFP, Reliance Communications' School Messenger was deemed the most comprehensive parental notification system, and as such staff recommended that Reliance Communications be awarded a contract of \$75,651.68 per year. This contract price represents a savings of \$54,365.12 per year as compared to the annual costs for the previous system used by the District. The scope of work in this contract includes the provision of an automated communication system with the ability to deliver voice, e-mail, or text-based messages to telephones, mobile phones, PDAs or any internet-enabled device. The system will support multiple languages, create reports, and is compatible with the Aeries Student Information System. Staff would like to extend the current contract one more school year at the same price of \$50,780.06.

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

14.4 Opportunity for Public Response to the Initial Successor Agreement Proposals for Mt. Diablo Education Association (MDEA) and Mt. Diablo Unified School District

At the March 25, 2013 meeting, the Successor Agreement Proposals for Mt. Diablo Education Association (MDEA) and Mt. Diablo Unified School District were publicly presented. We are now presenting these proposals for public response.

Public Comment:

Guy Moore, MDEA President, said that teachers are frustrated with the collective bargaining process, He also expressed concerns about the number of teacher layoffs and the class sizes for grades K-3.

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

14.5 Opportunity for Public Response to the Successor Agreement Proposal for California State Employees Association (CSEA)

At the March 25, 2013 meeting, the Successor Agreement Proposal for California School Employees Association (CSEA) was publicly presented. We are now presenting this proposal for public response. Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve as presented.

14.6 Contract with Legal Counsel Ochoa and Moore for General Legal Services for an Amount Not to Exceed \$20,000

Ochoa and Moore provide advice and counsel to public and private entities throughout the state, including employment law, education, and legislative advocacy.

Lawrence moved, Oaks seconded, and the Board voted 3-2-0 (with Mayo and Dennler dissenting) to approve as presented.

14.7 Graduation Requirements Update

The Superintendent will report on progress of the District's review of graduation requirements for District students and the Board's priority of increasing those requirements. This report will include:

- Committee membership - Who is on the committee?
- Report on process used - How often has the committee met? What information have they considered?
- Preliminary findings and progress on recommendation(s)

MDUSD graduation requirements were reduced on March 9, 2010 as follows:

1. Math requirement was dropped from 3 years (30 credits) to 2 years (20 credits).
2. Total number of credits needed for graduation from a comprehensive high school was reduced from 230 credits to 200 credits.
3. Total number of credits needed for graduation from an alternative/adult education high school was reduced to 180 credits.

Public Comment:

Dan Reynolds shared his belief that that District should require more units for graduation, not less.

Willie Mims asked what the rationale was for reducing the number of required math credits.

Ms. Hansen expressed her support for increasing the number of credits required for graduation. Dr. Lawrence responded that the committee agrees with raising the graduation requirements. After a lengthy discussion, the Board asked staff to return with a proposal and recommendation at the next meeting.

This item was for information only.

14.8 Signing of Public Employees' Contracts

Public comment:

Willie Mims questioned why this item was on the agenda.

FUTURE AGENDA ITEMS

15.1 Mt. Diablo High School Academy Program Update (for April 22 Board meeting)

15.2 Healthy Schools Act Update Regarding Pesticide Spraying Policy (for April 22 Board meeting)

Public Comment:

Willie Mims asked if a 24 hour notice about pesticide spraying is given to the community. Dr. Lawrence stated that this item will be to hear a presentation on alternatives to consider.

(Please note the change of order.)

14.9 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.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve a meeting extension until 11:45 p.m.

BOARD MEMBER REPORTS

Ms. Dennler shared a payroll statement from a 15-year teacher with the District. She pointed out the amount of the teacher's salary after deducting the STRS payment, health benefits, and taxes. She stated that she wanted Board conversations about teacher benefits to be based in reality. Ms. Dennler also shared a visit she had with a teacher at Mt. Diablo High School who submitted his resignation at a recent Board meeting.

Mr. Lawrence visited Concord High School and had a tour with the principal. He also attended a strategic planning meeting at Northgate High School, and noted the great collaboration between parents, teachers, and staff.

Ms. Oaks reported that she visited several schools, including Alliance, Ygnacio Valley High, and multiple elementary schools. She also attended the memorial and dedication of the garden at Woodside Elementary School.

Ms. Mayo also visited many school sites. She attended the Distinguished School visits for Foothill Middle School and College Park High School. She recognized the "Science Rocks" assemblies held at Silverwood, Bel Air, and El Monte Elementary Schools. Ms. Mayo represented the Board at the California Association for Bilingual Education (CABE) conference in Long Beach. She also attended a presentation by Karen Stapf Walters, the newly appointed Executive Director of the California State Board of Education, who discussed the Local Control Funding Formula (LCFF). Ms. Mayo noted that more than 260 students participated in the Contra Costa County Science and Engineering Fair at Los Medanos College.

Ms. Hansen shared her visit to Valhalla Elementary School. She noted the large class sizes, and how impressed she was with the teacher's ability to keep the students focused and engaged. Ms. Hansen announced that she has been talking with the mayors of neighboring cities to set up joint meetings. She also stated that the Board plans to finalize its strategic plan next week.

RECONVENE CLOSED SESSION

The Board reconvened Closed Session at 10:00* p.m.

RECONVENE OPEN SESSION

The Board reconvened Open Session at 11:43 p.m.

In Closed Session, the Board discussed existing and anticipated litigation. No reportable action was taken.

ADJOURNMENT

The meeting adjourned at 11:45 p.m.

* All times marked are approximate.

Respectfully submitted,

Nellie Meyer, Ed.D.
Superintendent