

**MINUTES**  
**REGULAR MEETING OF THE BOARD OF EDUCATION**  
**MT. DIABLO UNIFIED SCHOOL DISTRICT**  
**Monday, February 1, 2016 (5:30 p.m./7:00 p.m.)**

Board Members: President Cheryl Hansen, Vice President Debra Mason, Brian Lawrence, Linda Mayo, and Barbara Oaks

Administrative Staff: Superintendent Dr. Nellie Meyer, General Counsel Donald Velez

**CALL TO ORDER**

President Hansen called the meeting to order at 5:30 p.m. and conducted Roll Call with all Board members present except Mr. Lawrence.

**PUBLIC COMMENT**

There was no Public Comment.

**CLOSED SESSION AGENDA**

**3.1 (Item #1) Existing Litigation - Conference with Legal Counsel (Paragraph (1) of subdivision (d) of Government Code Section 54956.9): John Does v. Mt. Diablo Unified School District, Contra Costa County Superior Court Action No. C14-00262**

**3.2 (Item #2) Existing Litigation - Conference with Legal Counsel (Paragraph (1) of subdivision (d) of Government Code Section 54956.9): Mt. Diablo Unified School District v. Contra Costa County Board of Education, SPA Charter, et al., Contra Costa Superior Court Case No. N15-1854**

**3.3 (Item #3) Existing Litigation - Conference with Legal Counsel pursuant to Gov't. Code Section 54956.9 (d)(1) regarding the matter of H.W. v. MDUSD MSC13-02080**

**3.4 (Item #4) Anticipated Litigation - Conference with Legal Counsel pursuant to Gov't. Code Sec. 54956.9(b), Significant Exposure to Litigation: Three Cases**

**3.5 (Item #5) Negotiations - The Board may discuss negotiations or provide direction to its representatives regarding represented employees, pursuant to EERA (Govt. Code Section 3549.1) Agency negotiator: Deborah Cooksey; Agencies: MDEA, DMA, MDSPA, CSEA, CST Local 1 and Teamsters Local 856**

**3.6 (Item #6) General Counsel's Evaluation**

**ADJOURN TO CLOSED SESSION**

The Board adjourned to Closed Session at 5:32 p.m.\* Mr. Lawrence arrived during Closed Session.

**RECONVENE OPEN SESSION**

The Board reconvened Open Session at 7:10 p.m.

**PRELIMINARY BUSINESS**

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

**REPORT OUT ACTION TAKEN IN CLOSED SESSION**

**7.1 (Item #1) Existing Litigation - Conference with Legal Counsel (Paragraph (1) of subdivision (d) of Government Code Section 54956.9): John Does v. Mt. Diablo Unified School District, Contra Costa County Superior Court Action No. C14-00262**

The Board conferenced with legal counsel.

**7.2 (Item #2) Existing Litigation - Conference with Legal Counsel (Paragraph (1) of subdivision (d) of Government Code Section 54956.9): Mt. Diablo Unified School District v. Contra Costa County Board of Education, SPA Charter, et al., Contra Costa Superior Court Case No. N15-1854**

The Board conferenced with legal counsel.

**7.3 (Item #3) Existing Litigation - Conference with Legal Counsel pursuant to Gov't. Code Section 54956.9 (d)(1) regarding the matter of H.W. v. MDUSD MSC13-02080**

The Board conferenced with legal counsel.

**7.4 (Item #4) Anticipated Litigation - Conference with Legal Counsel pursuant to Gov't. Code Sec. 54956.9(b), Significant Exposure to Litigation: Three Cases**

The Board discussed two cases of anticipated litigation; no decisions were made.

**7.5 (Item #5) Negotiations - The Board may discuss negotiations or provide direction to its representatives regarding represented employees, pursuant to EERA (Govt. Code Section 3549.1) Agency negotiator: Deborah Cooksey; Agencies: MDEA, DMA, MDSPA, CSEA, CST Local 1 and Teamsters Local 856**

The Board conferenced with Deborah Cooksey and Dr. Meyer and received an update regarding negotiations.

**7.6 (Item #6) General Counsel's Evaluation**

The Board discussed goal setting for the General Counsel's evaluation. President Hansen announced that the Board will hold a Special Closed Session meeting on February 11, 2016 at 5:30 p.m. to conduct the Superintendent and General Counsel's evaluations.

**\*PUBLIC EMPLOYEE APPOINTMENT**

\*This item was moved up on the agenda.

**10.1 Appointment of Vice Principal, Middle School - Pleasant Hill Middle School**

Interviews have been conducted, and a candidate has been selected to fill the position of Vice Principal, Middle School - Pleasant Hill Middle School.

Dr. Meyer recommended Lacey Jung for the position.

Mason moved, Mayo seconded, and the Board voted 5-0-0 to approve the appointment of Lacey Jung to the position of Vice Principal, Middle School - Pleasant Hill Middle School.

**BOARD MEMBER REPORTS**

Ms. Mayo shared that she is recruiting judges for the Contra Costa County Science and Engineering Fair; anyone interested in participating should contact her for more information.

Ms. Oaks shared that she met with some District employees, and she walked the field at College Park High School and viewed the athletic facilities.

Ms. Mason shared that she attended the District's Equity Advisory Team meeting, as well as an event at Balboa High School where she led three workshops.

Mr. Lawrence shared that he spent time over the weekend preparing for the science fair. Mr. Lawrence shared photos of the District's kindergarten registration packet, and pointed out that there is an opportunity to streamline the packet and make it more user-friendly.

## **SUPERINTENDENT'S REPORT**

Dr. Meyer announced that the Pleasant Hill Foundation recognized several Mt. Diablo Unified School District community members with nominations at their 45<sup>th</sup> Annual Community Awards. Teen of the Year was Laura Maule from College Park High School. Other nominees for Teen of the Year included Maggie McCoy, Max Morehead, and Allie Naccara. Retiring Strandwood principal Liz Kim was selected as Educator of the Year. Other MDUSD nominees for Educator of the Year included Leslie Altman, Margaret Gartner, Shauna Hawes, and Jorge Jimenez. Dr. Meyer shared photos from the event.

Dr. Meyer shared that she attended the Association of California School Administrators (ACSA) Superintendents' Symposium, where she participated in focus groups on topics including legislative advocacy and budgets. Dr. Meyer noted that speakers included Robert Marzano, founder of the Art & Science of Teaching, and Kimberly Papillon, who spoke about the impact of bias on decision making. Dr. Meyer shared photos from the event.

Dr. Meyer announced that the next Local Control Accountability Plan (LCAP) feeder pattern meeting will be held on February 10, 2016 at 6:30 p.m. at College Park High School. Dr. Meyer shared that she enjoys the process of talking to the community about what is working in the schools and how the District can continuously improve.

## **CONSENT AGENDA**

Mayo moved, Mason seconded, and the Board voted 5-0-0 to approve all Consent Agenda items with the exception of 11.18 (which was pulled for discussion), thereby approving the following:

**11.1 (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.**

### **11.2 (Item #2) Mt. Diablo High School's to Pt. Reyes National Seashore, February 20-21, 2016**

Mt. Diablo High School is requesting permission for an overnight field trip to Point Reyes National Seashore February 20-21, 2016. Eight Tourism students will be chaperoned by three adults, using the JROTC's van, and will travel to Point Reyes and camp at the National Seashore. While there, they will learn first-hand about eco-tourism in the field.

### **11.3 (Item #3) Mt. Diablo High School's Trip to San Francisco Presidio, March 19-20, 2016**

Mt. Diablo High School is requesting permission for 30 students and three chaperones to travel to the San Francisco Presidio and camp overnight to experience and explore the numerous habitats in the SF Presidio. Camping at the Presidio is providing roundtrip transportation and all gear. Camping at the Presidio is a Crissy Field Center program, run in partnership with Bay Area Wilderness Training, the Golden Gate National Parks Conservancy, the Presidio Trust, and the National Park Service.

### **11.4 (Item #4) Mt. Diablo High School's Trip to Big Basin Redwoods State Park, April 9-10, 2016**

Mt. Diablo High School is requesting permission for an overnight trip to Big Basin Redwoods State Park for eight Environmental Science students. Students will be chaperoned by three adults and will travel by the JROTC van. They will be camping at the state park while having hands on experience with Eco tourism and Environmental Science.

### **11.5 (Item #5) Mt. Diablo High School's Overnight Trip to Morgan Territory Regional Wilderness in Livermore, CA, May 13-14, 2016**

Mt. Diablo High School is requesting permission to travel to the Morgan Territory Regional Wilderness in Livermore, CA. Eight Environmental Science students will travel by the JROTC van and camp overnight. They will be chaperoned by three adults and will have hands-on experience in the field of Environmental Science.

### **11.6 (Item #6) Northgate High School's Events to the T Independent Contract for Jr. Prom, March 12, 2016**

Northgate High School is seeking approval again of the Independent Contract with Events to the T. The venue was changed, which resulted in lower fees. The venue was moved to HS Lordships in Berkeley for Jr. Prom on March 12, 2016.

**11.7 (Item #7) Contract between Mt. Diablo Unified School District - Bel Air Elementary School and YMCA Camp Arroyo**

Fifth grade students at Bel Air Elementary will be attending outdoor camp March 9-11, 2016 at the YMCA Camp Arroyo.

**11.8 (Item #8) Contract between Mt. Diablo Unified School District - Rio Vista and Monte Gardens Elementary Schools and Marzano Research**

Marzano Research will be providing a speaker to disseminate information on the topic of Proficiency Scales in January and March 2016

**11.9 (Item #9) Contract between Mt. Diablo Unified School District - Woodside Elementary and November Learning**

Lainie Rowell of November Learning will be presenting a workshop at Woodside Elementary on February 10 and 11. Mt. Diablo Unified School District has spent in excess of \$25,000 with November Learning for the 2015-16 school year, so Board approval is required.

**11.10 (Item #10) Contract with Billie Donegan, Leadership and System Change Coach**

Independent Services Contract with Leadership and System Change coach Billie Donegan to assist Oak Grove Middle School and District Administration in school turnaround efforts. Scope of work to include: Strategic coaching on implementation of high yield systems, structure and practices; results-driven secondary school redesign and transformation, transformational leadership and instructional coaching on proven practices for closing the achievement gap.

**11.11 (Item #12) Interagency Agreement #74-371-7 Between Contra Costa County Mental Health Services Division and Mt. Diablo Unified School District**

This agreement supports the District Behavior Health Specialist staff plus secretarial staff who provide support to District students who require mental health services at the Alliance Program and at the Sunrise Program, as well as the Wrap/Counseling Clinic by allowing the District to access Early Periodic Screening Diagnosis and Treatment (EPSDT Medi-Cal) funds to support our programs.

The revenue sources to fund mental health services to students in MDUSD include: Mt. Diablo Unified School District, Early Periodic Screening Diagnosis and Treatment (Medi-Cal), and AB114 funds.

The Behavioral Health Specialist I and Behavioral Health Specialist II, as well as the school psychologists assigned to the counseling clinic positions, generate revenue by billing for their services using the county as a medium for accessing Medi-Cal dollars. Services to students ineligible for Medi-Cal are funded through AB114 and MDUSD funds.

**ALLIANCE PROGRAM**

2.0 FTE Behavior Health Specialist I  
7.0 FTE Behavior Health Specialist II  
.475 FTE Secretary

**SUNRISE PROGRAM**

7.0 FTE Behavior Health Specialist I  
3.0 FTE Behavior Health Specialist II  
.5 FTE Secretary

**Wrap/Clinic**

10.0 FTE School Psychologists

**11.12 (Item #13) Williams Quarterly Summary Report**

The Williams legislation is a package of state laws resulting from the settlement of a class action lawsuit filed in San Francisco 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 October through December, 2015.

**11.13 (Item #14) Recommended Action for Certificated Personnel**

Changes in status of the following certificated employees.

**11.14 (Item #15) Certificated Personnel: Request to Increase and Decrease Full Time Equivalent (FTE) for the 2015-16 School Year**

The attached positions are requested to be increased and decreased as described.

**11.15 (Item #16) Recommended Action for Classified Personnel**

Changes in status of the following classified personnel.

**11.16 (Item #17) Award of Bid #1730 Modernization Group II Hardscape Repairs at Various Sites**

Bid #1730 was issued to facilitate hardscape improvements at College Park High School, Olympic High School, El Dorado Middle School, Foothill Middle School, Pine Hollow Middle School, Valley View Middle School, Cambridge Elementary School, Fair Oaks Elementary School, Hidden Valley Elementary School, Meadow Homes Elementary School, Sun Terrace Elementary School, Wren Elementary School, and Ygnacio Valley Elementary School. the scope of work includes, but is not limited to: All tools, materials, labor and equipment necessary to complete selective demolition, site work, concrete and/or asphaltic paving repairs. District received three responsive bids (nine received), and staff is recommending award to apparent lowest responsible bidder, Silicon Valley Paving, Inc. in the amount of \$576,933.96

**CONSENT ITEMS PULLED FOR DISCUSSION**

**12.1 (Item #18) Notice of Completion for Lease/Leaseback #1619: Athletic Facility Improvements at College Park High School**

Lease/Leaseback #1619 was called to provide Athletic Facility Improvements at College Park High School. On June 1, 2015, the Board took action and a Lease/Leaseback agreement was issued to E.F. Brett & Company for a Guaranteed Maximum Cost of \$2,799,623.87. The scope of work included, but was not limited to: All tools, materials, labor and equipment necessary to complete construction of Athletic Facility Improvements at College Park High School including site preparation, selective demolition, site work, utility work, flat work, sports field lighting, sound-wall, building construction, interior amenities and other items as necessary to deliver a complete project as it related to the Drawings and Specifications.

In November 2015, the site took occupancy and operational control of the planned improvements. In addition to the work anticipated, all construction mitigation requirements identified in Board adopted initial Study/Mitigated Negative Declaration (IS/MND) are complete.

In order to respond to community concern, Ms. Oaks asked staff to clarify and publicly acknowledge exactly what this item is. Tim Cody clarified that this is a notification to the county that the contractor has met all of their contractual obligations.

Oaks moved, Mason seconded, and the Board voted 5-0-0 to approve the Notice of Completion for Lease/Leaseback #1619: Athletic Facility Improvements at College Park High School.

## **CONSENT ITEMS PULLED BY STAFF**

### **13.1 (Item #11) PULLED BY STAFF: "We Can Work" Contract Between Mt. Diablo Unified School District and the Department of Rehabilitation**

IDEA requires transition services to be provided to students with disabilities in order to improve post school outcomes for employment and independent living.

The Federal Workforce Innovation and Opportunities Act (WIOA) requires that the Department of Rehabilitation provide "Pre-employment Transition Services (PETS)" to high school students with disabilities age 16-21. PETS are an outcome oriented and coordinated set of activities that promotes movement from school to post school activities.

In order to support MDUSD students in transitioning, MDUSD will access WIOA funds through this contract which will provide \$33,000 to be used for student wages as they are employed at in-school or off-site employment internships.

The contract will serve 10 students in the 2015-16 school year and 30 students in the 2017-18 school year.

## **DISTRICT ORGANIZATIONS**

Sherry Whitmarsh, Mt. Diablo Council of PTAs, invited the Board members to attend the PTA Reflections Showcase on February 6, 2016.

## **PUBLIC COMMENT**

Erin Flory and Cindy Novello, teachers, spoke in support of reducing class sizes for grades K-3 to a ratio of 24:1.

Jaime Bishop, parent, spoke in support of reducing class sizes for grades K-3 to a ratio of 24:1.

Julie Miller, Elementary Physical Education (P.E.) teacher, spoke about the need to reduce the class size for elementary Physical Education classes. Ms. Miller provided Board members with a photo illustrating the challenge of teaching a rainy day P.E. class with 100 students.

Christian Visperas, Elementary Physical Education (P.E.) teacher, shared the challenge of connecting with students when he sees more than 1,300 students per week. Mr. Visperas noted that he does not feel like a part of the school community.

Armando Llacuna, Elementary Physical Education (P.E.) teacher, shared that the P.E. teachers have put together a report asking the District to hire at least one additional P.E. teacher. Mr. Llacuna noted that the ultimate goal is to provide P.E. to all grades K-5.

Craig Yen, teacher, spoke in support of class size reduction.

Mariela Madarang, parent, spoke in support of class size reduction.

Anita Johnson, teacher, spoke in support of class size reduction.

## **BUSINESS/ACTION ITEMS**

### **16.1 Educator Effectiveness Grant Spending Plan**

On September 22, 2015, Governor Brown signed SB103, the Education Trailer Bill, which included Educator Effectiveness funds. The intention of this one-time grant funding is to enhance the effectiveness of classified and certificated staff and administrators. The new funding is to support the following activities: beginning teacher and administrator support, professional development, coaching and support services for teachers identified as needing improvement, professional development for educators on the state standard, and training on how to coach certificated staff to support effective teaching and learning. An Educator Effectiveness Spending Plan must be presented for information at a public meeting before being approved at a subsequent meeting.

Dr. Meyer gave a presentation. President Hansen pointed out that no attachment was provided, therefore this item will be returned for Info/Action at the Board meeting on February 22, 2016.

This item was for information only.

**16.2 Government Code Section 54956.8. Appoint Negotiators General Counsel, Donald Velez, and Associate General Counsel, Deborah Cooksey, for Real Property Negotiation with Eagle Peak Montessori School Personnel and/or Negotiators for Potential Real Property Lease or Use Agreement Relating to 800 Hutchinson Road, Walnut Creek, CA 94598**

Eagle Peak Montessori has expressed interest in a potential long-term use agreement at the site it currently occupies.

President Hansen shared that Eagle Peak Montessori sent a letter to her and Dr. Meyer in December 2015 about obtaining a long-term facilities use agreement. President Hansen and Dr. Meyer have both spoken with Eagle Peak staff regarding this agreement.

Mr. Velez introduced this item.

Lawrence moved, Mason seconded, and the Board voted 5-0-0 to approve the appointment of Donald Velez and Deborah Cooksey for real property negotiations with Eagle Peak Montessori School.

**16.3 New Board Policy 6145, Extra and Co-Curricular Activities**

New Board Policy regarding Extra & Co-Curricular eligibility.

President Hansen stated that she will not support this Board Policy due to her belief that there should be no ninth grade waiver.

Chris Holleran responded to Board member questions. Dr. Meyer explained the background on this policy.

After a discussion, Mayo moved, Oaks seconded, and the Board voted 4-1-0 (with Hansen dissenting) to adopt new Board Policy 6145, Extra and Co-Curricular Activities.

**16.4 Revise Job Description for Day To Day Substitute Teachers**

Staff is requesting the revision of the job description for Day to Day Substitute Teachers. The revision will update and align this job description with the current standard being used for job descriptions.

This job description was presented for information at the January 11, 2016 Board meeting. It is now being brought forward for action with additional information.

Mason moved, Mayo seconded, and the Board voted 5-0-0 to approve the revised job description for Day to Day Substitute Teachers.

**16.5 Outdoor Education Program Update - Sea Lab**

General Counsel will update the Board on the legal aspects and safety measures relevant to planned outdoor activities.

Mr. Velez provided updated information to the Board on the extra steps being added to ensure student safety during the kayaking activity.

This item was for information only.

**16.6 Meeting Extension**

Adjournment time will be no later than 10:30 p.m. for all regular and special meetings unless extended to a specific time as determined by a majority of the Board.

A Meeting Extension was not required.

**16.7 Execution of Documents**

During this time, the Superintendent and Board Members will execute documents approved during this meeting.

Dr. Meyer introduced Interim Chief Business Officer Wayne Oetken.

**FUTURE AGENDA ITEMS**

There were no Future Agenda Items.

**CLOSED SESSION**


The Board did not reconvene Closed Session.

**ADJOURNMENT**

The meeting was adjourned at 8:17 p.m.

\*All times indicated are approximate.

Respectfully submitted,



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Nellie Meyer, Ed.D.  
Superintendent