MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Monday, April 11, 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 and 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 pursuant to Gov't. Code Section 54956.9 (d)(1) regarding the matter of Bay Area News Group (BANG) v. MDUSD, Case No. MSC N13-1551
Existing Litigation - Conference with Legal Counsel pursuant to Gov't. Code Section 54956.9 (d)(1) regarding the matter of Bay Area News Group (BANG) v. MDUSD, Case No. MSC N13-1551

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: Two 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: Donald A. Velez and Deborah Cooksey; Agencies: MDEA, DMA, MDSPA, CSEA, CST Local 1 and Teamsters Local 856

3.6 (Item #6) Discipline, Dismissal or Release of Public Employee (Gov. Code Sec. 54957(b)(1))
Discipline, Dismissal or Release of Public Employee (Gov. Code Sec. 54957(b)(1))

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 7:03 p.m.*

PRELIMINARY BUSINESS
President Hansen led the Pledge of Allegiance and conducted Roll Call with all Board members present. President Hansen introduced Student Representative Aasim Yahya from Concord High School.

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 pursuant to Gov't. Code Section 54956.9 (d)(1) regarding the matter of Bay Area News Group (BANG) v. MDUSD, Case No. MSC N13-1551

Existing Litigation - Conference with Legal Counsel pursuant to Gov't. Code Section 54956.9 (d)(1) regarding the matter of Bay Area News Group (BANG) v. MDUSD, Case No. MSC N13-1551

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: Two Cases

The Board discussed two cases of anticipated litigation and conferenced with legal counsel on those cases.

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: Donald A. Velez and Deborah Cooksey; Agencies: MDEA, DMA, MDSPA, CSEA, CST Local 1 and Teamsters Local 856

The Board conferenced with negotiators and provided direction.

7.6 (Item #6) Discipline, Dismissal or Release of Public Employee (Gov. Code Sec. 54957(b)(1))

Discipline, Dismissal or Release of Public Employee (Gov. Code Sec. 54957(b)(1))

The Board received information on one case of Discipline, Dismissal or Release of Public Employee.

PUBLIC COMMENT

Debbie LaDue shared her disappointment with the status of the negotiations between the District and the Mt. Diablo Education Association (MDEA).

RECOGNITIONS AND RESOLUTIONS

9.1 Resolution No. 15/16-38 in Recognition of Day of Silence, April 15, 2016

The National Day of Silence is a symbolic representation of the silencing effect young people across the country experience every day because of anti-LGBT bullying.

Mt. Diablo Unified School District recognizes that all students, regardless of their sexual orientation and gender identity, should be able to receive an education in a safe and supportive environment.

Mason moved, Lawrence seconded, and the Board voted 5-0-0 to approve to adopt Resolution No. 15/16-38 in recognition of the National Day of Silence, April 15, 2016.

PUBLIC EMPLOYEE APPOINTMENT

10.1 Appointment of School Support Administrator

Interviews have been conducted, and a candidate has been selected to fill the position of School Support Administrator.

Dr. Meyer recommended Karen Clark for the position.

Mayo moved, Mason seconded, and the Board voted 5-0-0 to approve the appointment of Karen Clark to the position of School Support Administrator.

10.2 PULLED BY STAFF: Appointment of Vice Principal, High School - Concord High School
Interviews have been conducted, and a candidate has been selected to fill the position of Vice Principal, High School - Concord High School.

BOARD MEMBER REPORTS
Student Representative Aasim Yahya reported on activities at Concord High School.

Ms. Mayo shared that she attended the Contra Costa County 32nd District PTA meeting and training, as well as the California Association for Bilingual Education (CABE) conference in San Francisco. Ms. Mayo reported that she attended the Community Advisory Committee (CAC) meeting and the Budget Advisory Committee meeting, where the committee discussed busing issues at Mt. Diablo High School and reviewed the Second Interim Report. Ms. Mayo noted that Nance Juner expertly responded to questions about that report. Ms. Mayo provided a copy of the program from the Contra Costa County Science & Engineering Fair to each Board member and Dr. Meyer. Ms. Mayo noted that the awards are posted on the Contra Costa Economic Partnership website under "Youth Initiatives." Ms. Mayo shared that the Mt. Diablo Council of PTAs luncheon meeting will be held on May 4, 2016.

Ms. Oaks reported that she attended the CABE conference and the CAC meeting. Ms. Oaks shared that she attended the first day of the "Every 15 Minutes" program at College Park High School, and commented that it was an inspiring but difficult program.

Ms. Mason reported that she attended the Contra Costa County 32nd District PTA meeting and training, as well as the CABE conference in San Francisco. Ms. Mason shared that the Bay Point Community Foundation partnered with Riverview Middle School to hold a Science Week over spring break for students in the community. Ms. Mason thanked principal Eric Wood for hosting the event on the Riverview campus.

Ms. Hansen thanked the Concord City Council for joining the Board in a joint meeting, and reported that she intends to schedule joint meetings with the cities of Pittsburg and Walnut Creek.

SUPERINTENDENT'S REPORT
Dr. Meyer shared that she visited College Park High School, Northgate High School, Gregory Gardens Elementary School, and Hidden Valley Elementary School. Dr. Meyer reported that at Concord High School's Construction Engineering Department, students are working on building a little house, which will be sold to fund future projects. Dr. Meyer shared photos of the house.

Dr. Meyer reported that she and District staff attended the California Association for Bilingual Education (CABE) conference in San Francisco to participate in professional development, recruit teachers, and to receive a Seal of Excellence Award for Meadow Homes Elementary School. Dr. Mary Louise Newling was honored in memoriam. Dr. Meyer shared photos of that event.

Dr. Meyer shared that the Board held a joint meeting with the Concord City Council, which included discussion about School Resource Officers (SROs), the District's progress, and the City of Concord's economic development goals.
Dr. Meyer shared that one of the joys of her job is the Student Voice meetings, where she visits different schools to ask students Local Control Accountability Plan (LCAP) questions, such as what areas does the District need to grow in and where can the District improve. Dr. Meyer observed that the students always have wonderful ideas about what can be done to make the District stronger, and that each school has something new to contribute. Dr. Meyer reported that College Park High School students mentioned the desire for more counseling, offered specific suggestions regarding teacher professional development, and shared ideas about how to organize the school scheduling in order to make their preparation stronger.

Dr. Meyer shared that the last feeder pattern meeting was held at Northgate High School. The discussion focused on college and career readiness, parent engagement, and professional development. Dr. Meyer reported that the meeting was well attended, and that school principals were excited about the topic. Specific suggestions and feedback included requests for more assistance for students in college and career readiness, technology, and librarians.

Dr. Meyer shared that another forum for discussing the LCAP was with a driving group of community members, teachers, and staff who work together to discuss the LCAP goals. Dr. Meyer reported that at this meeting, the group reviewed items discussed at community meetings and looked at responses from the Student Voice meetings, pulling them together to find key points and look at actions that can be taken from this input.

Dr. Meyer shared that the Diablo Managers Association (DMA) and the Personnel and Benefits Departments have been working to ensure that District employees keep their bodies and minds healthy. Dr. Meyer reported that the new program MDUSD Move will designate every Friday as "Tennis Shoe Friday," and throughout the District there will be different activities to get people moving. Dr. Meyer shared photos of the Walk-A-Thon at Gregory Gardens Elementary School.

Dr. Meyer shared that it was Autism Awareness Week, and gave examples of activities at Hidden Valley Elementary School designed to increase Autism awareness. Activities included all of the students participating in an adaptive P.E. obstacle course. These activities were a result of a parent feedback meeting held by the school principal.

Dr. Meyer recognized Val Bostwick, Office Manager at Concord High School. Dr. Meyer expressed condolences on behalf of the District to Ms. Bostwick's family and the staff and students at Concord High School.

REPORTS/INFORMATION

13.1 Presentation on the STEM Ed Tech Symposium held at Valley View Middle School

Valley View teacher, Shauna Hawes, will give a presentation on the STEM Ed Tech Symposium held February 20, 2016.

Shauna Hawes, Valley View Middle School teacher, presented bags to the Board members and Dr. Meyer and gave a presentation.

Patty Deutsche, Tesoro's Director of Northern California Government and Public Affairs, presented a check to Dr. Meyer and spoke to the Board about Tesoro's support of STEM education and the District. President Hansen thanked Tesoro for their support and thanked Ms. Hawes and Jonathan Eagan for their work.

CONSENT AGENDA

Public Comment (regarding Item #15):
John Parker shared his concerns about the cost estimate for this project.

Oaks moved, Lawrence seconded, and the Board voted 5-0-0 to approve all Consent Agenda items, with the exception of Items #5 and #15 (which were pulled for discussion), thereby approving the following:

14.1 (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.

14.2 (Item #2) Mt. Diablo High School's Trip to Bothe State Park, April 25-27, 2016

Mt. Diablo High School is requesting permission for an overnight camping field trip to Bothe State Park in Calistoga, April 25-27, 2016. Thirty five Senior Leaders will be traveling by private vehicles along with six chaperones. Trip provides leadership building in students' English, Economics & Science courses.

14.3 (Item #3) Contract Between Mt. Diablo Unified School District El Monte Elementary and Exploring New Horizons
Fifth grade students from El Monte Elementary will be participating in an Outdoor Education program May 16-20, 2016 at Exploring New Horizons Loma Mar camp.

14.4 (Item #4) Contract Between Mt. Diablo Unified School District - Ygnacio Valley Elementary and Exploring New Horizons
Fifth grade students at Ygnacio Valley Elementary will be attending an Outdoor Education program at Exploring New Horizons Loma Mar camp May 9-13, 2016.

14.5 (Item #6) Amendment to the Contract Between Mt. Diablo Unified School District - College Park High School and Event Group
College Park is seeking approval to amend their original contract with the Event Group for Jr. Prom, which was held on March 19, 2016. Increase is due to additional tickets sold over the guaranteed contract amount.

14.6 (Item #7) 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.

14.7 (Item #8) Annual Renewal of Follett Software Company contract for Destiny Library Manager Solution Software
On March 26, 2012, the Mt. Diablo USD Board of Education approved a five-year contract with Follett Software Company to continue the licensing of Destiny, a centralized library inventory and textbook management system. This is the final payment on that contract for April 1, 2016 to March 31, 2017.

14.8 (Item #9) Internship Agreement Between Brandman University and Mt. Diablo Unified School District
Brandman University is seeking to enter into an agreement with Mt. Diablo Unified School District to provide supervised fieldwork for their students enrolled in their Education Administration program.

14.9 (Item #10) Recommended Action for Certificated Personnel
Changes in status of the following certificated employees.

14.10 (Item #11) Certificated Personnel: Request to Increase and Decrease Full Time Equivalent (FTE) for the 2015-16 School Year and 2016-17 School Year
The attached positions are requested to be increased and decreased as described.

14.11 (Item #12) Recommended Action for Classified Personnel
Changes in status of the following classified personnel.

14.12 (Item #13) Classified Personnel: Request to Increase/Decrease Full Time Equivalent (FTE) for the 2015-16 and 2016-17 School Year
The attached positions are requested to be increased/decreased as described.

14.13 (Item #14) Approval of Provisional Internship Permit (PIP) Request
The California Commission on Teacher Credentialing is no longer issuing Emergency Permits. However, the Commission replaced the Emergency Permit with the Provisional Internship Permit (PIP) which provides applicants additional time to meet the subject matter competence requirement(s) needed to enter an internship program. A District may request a PIP only after a diligent search has been conducted and a fully credentialed teacher could not be found. The PIP is issued for (1) year and is renewed one time only provided the teacher has taken all appropriate subject matter examinations, but has not yet passed those test. All requests for a PIP must be presented to the Governing Board of a public school district for approval. Every PIP request that is submitted to the Commission on Teacher Credentialing must also include verification that a notice of intent to employ the named applicant has been made public.

14.14 (Item #16) Minutes for the Board of Education Meeting Held on March 21, 2016
Minutes for the Board of Education Meeting held on March 21, 2016, are being brought forward for approval.

CONSENT ITEMS PULLED FOR DISCUSSION
15.1 (Item #5) Contract Between Mt. Diablo Unified School District - Wren Avenue Elementary and Karen Junker
Karen Junker is performing a seminar on restorative justice April 7, 2016 at Wren Avenue Elementary. Mt. Diablo Unified School District has spent in excess of $25,000 with Ms. Junker in the 2015-16 school year and therefore Board ratification is needed.

President Hansen inquired as to the long term goals of the relationship and the intention of the program. Dr. Meyer responded to President Hansen's concerns.

Mayo moved, Mason seconded, and the Board voted 5-0-0 to approve to ratify the contract between Mt. Diablo Unified School District and Karen Junker. The vote was confirmed via voice vote due to a technical issue.

15.2 (Item #15) Award of Service Contract to PHd Architects for Design of 2010 Measure C, Playground Improvements at Various Sites
The professional services of an architect and playground certified professional are necessary to complete assessment, provide engineering, comprehensive architectural design and administrative (DSA) services necessary to complete 2010 Measure C, Playground Improvements at various sites. Project sites include: Ayers Elementary, Fair Oaks Elementary, Pleasant Hill Elementary, Strandwood Elementary, Sun Terrace Elementary and Westwood Elementary School(s).

Staff negotiated, and is now recommending, that a 'not to exceed' contract in the amount of $151,300 be awarded to PHd Architects for comprehensive engineering, design and contract administration services necessary for completion of the proposed project.

Ms. Mayo inquired about specific fees included on the contract. Tim Cody responded to Board member questions.

Mason moved, Oaks seconded, and the Board voted 5-0-0 to approve the Award of Service Contract to PHd Architects for Design of 2010 Measure C, Playground Improvements at various sites not to exceed $151,300.

CONSENT ITEMS PULLED BY STAFF
There were no Consent Items Pulled by Staff.

DISTRICT ORGANIZATIONS
There were no District Organizations presenting.

BUSINESS/ACTION ITEMS

18.1 Classified Personnel: Appointment of Occupational Therapist

Interviews have been conducted, and a candidate has been selected to fill the position of Occupational Therapist.

Dr. Meyer recommended Kris Lee for the position.

President Hansen noted that Items #18.1 and 18.2 are being approved under Business/Action Items instead of under Public Employee Appointment because the funding for these positions needed to first be approved under Consent Agenda.

Mason moved, Oaks seconded, and the Board voted 5-0-0 to approve the appointment of Kris Lee to the position of Occupational Therapist.

18.2 Classified Personnel: Appointment of Occupational Therapist

Interviews have been conducted, and a candidate has been selected to fill the position of Occupational Therapist.

Dr. Meyer recommended Georgia Leisure for the position.

Mayo moved, Oaks seconded, and the Board voted 5-0-0 to approve the appointment of Georgia Leisure to the position of Occupational Therapist.

****18.5 Holbrook Elementary School and Glenbrook Middle School**

**This item was moved up on the agenda.
Staff requests approval for exploratory planning to reopen Holbrook Elementary in Fall 2017-18. Exploratory actions could include an interest survey, visitation of programs and recruitment of staff. Furthermore, staff recommends Glenbrook Middle to remain closed at this time with the proposed reopening in 2018-19.

Public Comment:
John Ferrante shared his perspective as a former member of the school site closure committee and expressed his concerns about reopening Holbrook Elementary School.

Kelly VanBoekhout shared her support for reopening Holbrook Elementary School.

Dorothy Weisenberger shared her perspective as a former member of the school site closure committee and expressed her support for reopening Holbrook Elementary and Glenbrook Middle Schools.

The Board members had a discussion. Topics included the importance of the planning process; the reasons for opening Holbrook Elementary School while waiting to make a decision about Glenbrook Middle School; the number of seats currently available in the District; current District priorities and expenses; prioritizing students in the community; and the impact of the Class Size Reduction program. Student Representative Aasim Yahya shared his personal experience with the impact of closing Glenbrook Middle School.

Hansen moved, Mason seconded, and the Board voted 4-1-0 (with Mayo dissenting) to approve the staff request for $50,000 to plan the reopening of Holbrook Elementary School in fall 2017-18, and Glenbrook Middle School in fall 2018-19.

18.3 Adoption of High School Math Materials

The High School Math Pilot Committee began meeting spring 2015 and included representatives from all comprehensive high schools, the continuation school, and from several small necessary high schools. After reviewing materials from a variety of vendors, the Committee decided to pilot two textbook programs - Kendell Hunt and Big Ideas from Houghton Mifflin. Each set of materials was piloted for a Quarter (8 weeks), targeted professional development was provided, and survey information was collected from students, parents, and teachers. At the end of the pilot, the Committee met to review the data collected and to advocate for which set of materials they felt best fit the District's needs. The results of the final vote of the Pilot Committee were as follows: Kendell Hunt 28% and Big Ideas 72%. The Committee is recommending that the Big Ideas program (2015 edition) by Houghton Mifflin be approved as the new core textbook for Algebra, Geometry, Algebra 2, and Algebra 2/Trig. Copies of the textbook and comment cards are available at the Willow Creek Center for review.

This contract includes:
- 9,357 student textbooks (Algebra, Geometry, Algebra 2, and Algebra 2 Trig for middle and high school)
- 9,357 Student Journals (replaced for the next 8 years)
- 9,357 online licenses to student textbook and assessment system for the next 8 years
- 274 Teacher's Editions
- 247 Student Journals, Assessment Book, and Resources by Chapter book
- 247 online teacher licenses to textbook and assessment system for next 8 years
- 14 days of training for teachers, coaches, administrators, and staff

Jennifer Sachs gave a presentation. Ms. Mayo expressed her appreciation for the thorough selection process for these materials. Math teacher Susan Seeley responded to Board member questions.

This item was for information only and will return for action at the Board meeting on April 25, 2016.

18.4 Adoption of Middle School Math Materials

The Middle School Math Pilot Committee began meeting spring 2015 and included representatives from all the middle schools. After reviewing materials from a variety of vendors, the Committee decided to pilot three textbook programs – Houghton Mifflin Go Math, Pearson CMP3, and Pearson Digits. Targeted professional development was provided, and survey information was collected from students, parents, and teachers. At the end of the pilot, the Committee met to review the data collected and to advocate for which set of materials they felt best fit the District's needs. The results of the final vote of the Pilot Committee were as follows: The two finalists were CMP3 and Digits. Pearson's Digits won by a 2/3 vote. The Committee is recommending that the Digits program (2015 edition) by Pearson be approved as the new core textbook for grades 6-8. Additionally, Pearson is making CMP3 online resources available to teachers. Copies of the textbook and comment cards are available at the Willow Creek Center for review.

This contract includes:
- 7,052 student textbooks (Math 6, Math 7 and Math 8 for middle school)
- 7,052 Student Packages (Student Companion Write-In Worktext for 8-Years, and 8-Year Digital Access)
- 145 Teacher Resource Packages
- 145 Connected Mathematics 3 8-Year Digital Teacher Bundles
- 5,365 Student Homework Helpers
- days of training for teachers, coaches, administrators, and staff to be determined.

Funding:
500.3735 Restricted Prop 20 Lottery

Christine Ibarra gave a presentation. Teacher Sharon Simone responded to Board member questions. Ms. Mayo acknowledged the teachers and staff who participated in the selection process.

This item was for information only and will return for action at the Board meeting on April 25, 2016.

18.6 Resolution No. 15/16-Authorizing the Issuance of a Series of Special Tax Refunding Bonds
Resolution No. 15/16-37 to Authorize Issuance of Special Tax Refunding Bonds:

By adopting Resolution No. 15/16-37, the Board will authorize (a) the issuance of special tax refunding bonds (the "Special Tax Refunding Bonds") for the purpose of refunding the District's two outstanding series of special tax bonds previously issued for Community Facilities District No. 1 in 2005 and 2006, subject to the Refunding Bonds meeting certain parameters and achieving debt service savings as a result of the refunding of the prior bonds and (b) execution and delivery of the following documents, drafts of which are attached to this docket item: Fiscal Agent Agreement; Escrow Agreement; Bond Purchase Agreement; and Preliminary Official Statement.

Public Comment:
John Ferrante shared his concerns about the Resolution.

Ms. Mayo pointed out that on December 7, 2015 the Board approved Jones Hall as the law corporation authorized for bond sales transactions. In the docket summary for that item the date 2010 was indicated, while the attachment to the docket included 2005 and 2005 as well. Ms. Mayo shared her concern that further Board action was required to approve Jones Hall for the 2005 and 2006 refinance. Mr. Velez confirmed that Jones Hall was approved to conduct this transaction, because the original attachment contained the correct dates. It was agreed that the previously approved authorization for Jones Hall would be brought back for Board approval with a corrected docket summary at the Board meeting on April 25, 2016.

Ms. Mason requested additional information on this item.

Dale Scott gave a presentation and responded to Board member questions.

Mr. Lawrence requested that staff provide additional clarifying information on future items of this nature.

Oaks moved, Lawrence seconded, and the Board voted 5-0-0 to approve Resolution No. 15/16-37 authorizing the issuance of a series of Special Tax Refunding Bonds for the 2005 and 2006 Measures.

18.7 Transportation Previously Mandated by No Child Left Behind (NCLB)
With the recent passage of the ESSA act, the No Child Left Behind (NCLB) mandate to fund student transportation out of a Program Improvement (PI) school to a "non Program Improvement (PI) school" has been eliminated as this category is no longer used.

With the elimination of this mandate, students who were formerly given priority in transfers will no longer have this status. All students who wish to transfer will still be able to participate in the choice process.

During the 2014-15 school year, the District transported 327 students K-8 through No Child Left Behind for a total cost of $541,671. For the 2015-16 school year, there are 220 students K-8 being transported through No Child Left Behind with the total cost estimated to amount to $471,740.

Dr. Meyer summarized this item and noted that applicable schools will no longer have the status of Program Improvement sites. Students at former Program Improvement school sites will no longer be transported to choice schools, but will instead attend their neighborhood schools.

Ms. Mason shared her concerns about equity and the importance of ensuring that students are receiving the same education at all District schools.

Public Comment:
Willie Mims shared his concerns about eliminating the programs mandated by NCLB and suggested the District maintain these programs through other funding sources. Mr. Mims inquired about the students affected by this program elimination.

The Board members and Dr. Meyer had a discussion. Dr. Meyer stated that the District would only maintain a NCLB program if it were having a direct impact on student achievement, and agreed that staff should examine who the participating students are and what can be done to fortify their home schools.

Ms. Mayo shared her concern that the docket summary implied that the District's transportation program has changed to no longer include transporting overflow students. Dr. Meyer reported that communication about these changes would clearly indicate that there are no changes to the transportation being provided to students being overflowed due to lack of space at their home schools.

This item was for information only.

18.8 Student Assessment & Data Warehouse

The District needs to purchase a replacement Student Data and Assessment System for a minimum of 51 school sites and various departments throughout the District.

A Request for Proposal #1733 was issued on January 15, 2016, seeking proposals from qualified contractors to provide a Student Data and Assessment System. The scope of work is to supply, install, configure, provide training, on-going support, and test the equipment required to implement the District's Student Data and Assessment System.

Staff received proposals from five (5) qualified contractors for this project. Adrylan Communications, Inc. was selected based high scores in the selection process and the weighted evaluation criteria as stated in the Request for Proposal. Adrylan Communications, Inc. software is EADMS: Educator's Assessment Data Management System.

Adrylan Communications, Inc. Software price proposal of $193,500 meets all specifications and includes software support.

Therefore, staff recommends an award of a contract to Adrylan Communications, Inc. for $193,500, contingent upon the formation of a binding contract agreement between both parties.

First year cost is $193,500 (10 days of Professional Development included)
Second year cost is $186,025 (5 days of Professional Development included)
Third year is $181,540 (2 days of Professional development included)
Total Cost for three (3) years of $561,065

Public Comment:
John Ferrante inquired about the funding source and duration for this contract.

Dr. Meyer, Shannon Ortland, and Jennifer Sachs responded to Board member questions.

This item was for information only and will return for action at the Board meeting on April 25, 2016.

18.9 Award of Contract to Dasher Technologies for the Aruba Wireless Network Project for Northgate High School

This procurement is in support of a new wireless network infrastructure for Northgate High School. Northgate High School was part of a pilot that evaluated multiple wireless manufacturers, including HP, Cisco and Aruba. Aruba was ultimately selected as the preferred manufacturer and a request for quotes was sent to six qualified vendors, with MDUSD receiving three formal quotes. The lowest responsible quote was received from Dasher Technologies, who provided the attached pricing. Pricing covers initial deployment, as well as subsequent pricing should MDUSD choose to move forward with a similar wireless deployment for other schools. Pricing is based on the Western States Contracting Alliance (WSCA) contract as the vendor's piggy-back contract. Contract #7-14-70-03. Currently deployed wireless access points will be redistributed to other school sites.

Staff recommend awarding the contract with Dasher Technologies for Aruba Wireless Project, through the 2010 Measure C Facility Improvement Program.

Dr. Meyer responded to Board member questions, including whether Northgate High School has comparable connectivity to other District high schools and whether Measure C funds have already been used to provide connectivity at Northgate High School. Ms. Mayo shared her concern that all District high schools will request similar accommodations.

After a discussion, Oaks moved, Hansen seconded, and the Board voted 5-0-0 to approve to award the contract to Dasher Technologies for the Aruba Wireless Project for Northgate High School, through the 2010 Measure C Facility Improvement Program.

18.10 BP 4121 and AR 4121 to Address Legal Mandates Pertaining to AB 1522, the Healthy Workplaces, Healthy Families Act

Due to recent changes in Labor Code, Board Policy and Administrative Rule 4121 must be created to address the legal mandates regarding AB 1522, the Healthy Workplaces, Healthy Families Act. A sample from the California School Board Association was used as a model for this policy.

The Healthy Workplaces, Healthy Families Act (AB 1522) requires districts to grant paid sick leave to temporary, substitute and part-time employees who work 30 or more days within a year. Such employees will be entitled to one hour of sick leave for every 30 hours worked and may begin to use accrued sick days on the 90th day of employment. The law also expands the purposes for which sick leave may be used to include:

*preventative care or the diagnosis, care or treatment of an existing health condition for an employee or the employee's family member (expanded to include a registered domestic partner, grandparent and sibling).
* the need of an employee who has been a victim of domestic violence, sexual assault or stalking to obtain or seek relief (including social and legal assistance) or medical attention for himself/herself or his/her child.

The sick leave provisions added by AB 1522 do not apply to employees covered by collective bargaining agreements and CalPERS retirees.

This docket was brought forward for information only at the March 21, 2016 Board meeting. It is now being brought forward for action.

Public Comment:
John Ferrante inquired about the fiscal impact of this item.

Ms. Mayo announced that she has not received answers to the questions that she submitted, therefore she will abstain from voting on it.

Dr. Meyer responded to Mr. Ferrante's concern.

Lawrence moved, Mason seconded, and the Board voted 4-0-1 (with Mayo abstaining) to approve BP 4121 and AR 4121 to address legal mandates pertaining to AB 1522, the Healthy Workplaces, Healthy Families Act.

18.11 Public Hearing for Resolution 15/16-36: Increase Statutory School Facility Fees Imposed on New Residential and Commercial/Industrial Construction

The Board of Education and the Mt. Diablo Unified School District will hold a Public Hearing to allow for public comment prior to consideration of its reports titled "Residential Development School Fee Justification Study for Mt. Diablo Unified School District" and "Commercial/Industrial Development School Fee Justification Study for Mt. Diablo Unified School District, and consider adopting a resolution of the Board of the School District to increase Statutory School Facility Fees Imposed on New Residential and Commercial/Industrial Construction Pursuant to Education Code Section 17620 and government Code Section 65995.

The Fee Studies justifying such increase, are on file at the District Office located at 1936 Carlotta Drive, Concord, CA., and are available for public review from March 31, 2016 through April 11, 2016.

President Hansen opened the Public Hearing at 9:49 p.m.

There was no Public Comment.

President Hansen closed the Public Hearing at 9:50 p.m.

18.12 Resolution 15/16-36 Increasing the Statutory School Fees Imposed on New Residential and Commercial/Industrial Development Projects

On February 24, 2016, the State Board of Allocation ("SAB") increased the maximum amounts of statutory school fees per residential building square foot that may be levied for schools ("Level 1 Fees") from $3.36 to $3.48 per square foot for assessable space of residential development and from $0.54 to $0.56 per square foot of chargeable covered and enclosed space for all categories of commercial/industrial development for unified school districts.

To determine the extent to which a nexus can be established in the School District between residential and commercial/industrial development and (i) the need for school facilities, (ii) the cost of school facilities, and (iii) the amounts of Level 1 Fees that may be levied for schools, the District has previously retained the services of Dolinka Group, LLC to prepare the Residential and Commercial/Industrial Development School Fee Justification Studies ("Studies"). Pursuant to the State law and based on information contained in the Studies, the District is fully justified in levying the maximum Level 1 Fee amounts, or $3.48 per square foot for all new residential development and $0.56 per square foot for all new commercial/industrial development. The Studies were available for public review from March 31, 2016 through April 11, 2016.

In order for the District's Level 1 Fees to become effective on June 10, 2016, 60 days after the adoption date, administration recommends the Board adopt Resolution No. 15/16-36, increasing the statutory school fees imposed on new residential and commercial/industrial development projects pursuant to Education Code Section 17620, once the public hearing has been held.

Larry Ferchaw, Dolinka Group, LLC, responded to Board member questions.

Ms. Oaks noted that the Resolution needed to be revised to include all cities within the District's jurisdiction.

Lawrence moved, Mason seconded, and the Board voted 5-0-0 to approve Resolution 15/16-36, increasing the statutory school fees imposed on new residential and commercial/industrial development projects with edits to the resolution document to include the names of all cities within the District's jurisdiction.

18.13 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.

18.14 Execution of Documents

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

FUTURE AGENDA ITEMS

There were no Future Agenda Items.

CLOSED SESSION
The Board did not reconvene Closed Session.

ADJOURNMENT
The meeting was adjourned at 9:58 p.m.

*All times indicated are approximate.

Respectfully submitted,

Nellie Meyer, Ed.D.
Superintendent