

**MINUTES**  
**REGULAR MEETING OF THE BOARD OF EDUCATION**  
**MT. DIABLO UNIFIED SCHOOL DISTRICT**  
**Monday, September 14, 2015 (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 Nellie Meyer, Associate General Counsel Deborah Cooksey

**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**

**4.1 (Item #1) Existing Litigation - Conference with Legal Counsel (Paragraph (1) of Subdivision (d) of Government Code Section 54956.9) Mt. Diablo Unified School District v. Clayton Valley Charter High School, et al., Contra Costa Superior Court Case No. MSC15-00574**

Existing Litigation - Conference with Legal Counsel (Paragraph (1) of subdivision (d) of Government Code Section 54956.9) Mt. Diablo Unified School District v. Clayton Valley Charter High School, et al., Contra Costa Superior Court Case No. MSC15-00574

**4.2 (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

**4.3 (Item #3) Conference with Real Property Negotiators (Gov. Code Sec. 54956.8) Property: A portion of the Pleasant Hill Middle School site located at One Santa Barbara Road, Pleasant Hill, California District Negotiator: Nellie Meyer Negotiating Parties: Staff from City of Pleasant Hill and Contra Costa County**

Conference with Real Property Negotiators (Gov. Code Sec. 54956.8) Property: A portion of the Pleasant Hill Middle School site located at One Santa Barbara Road, Pleasant Hill, California  
District Negotiator: Nellie Meyer

Negotiating Parties: Staff from City of Pleasant Hill and Contra Costa County

**4.4 (Item #4) Conference with Real Property Negotiators (Gov. Code Sec. 54956.8) Property: Sidewalks at Bel Air Elementary School located at 663 Canal Road, Bay Point, California District Negotiator: Jeff McDaniel and Lawrence Schoenke Negotiating Parties: Contra Costa County Public Works Department**

Conference with Real Property Negotiators (Gov. Code Sec. 54956.8)

Property: Sidewalks at Bel Air Elementary School located at 663 Canal Road, Bay Point, California

District Negotiator: Jeff McDaniel and Lawrence Schoenke

Negotiating Parties: Contra Costa County Public Works Department

**4.5 (Item #5) Conference with Negotiator(s) pursuant to Gov't. Code Section 54957.6; Agency Negotiator: Cheryl Hansen, Dr. Nellie Meyer and Larry Schoenke. Unrepresented Employees: Superintendent and General Counsel**

Conference with Negotiator(s) pursuant to Gov't. Code Section 54957.6; Agency Negotiator: Cheryl Hansen, Dr. Nellie Meyer, and Larry Schoenke. Unrepresented Employees: Superintendent and General Counsel

**4.6 (Item #6) Public Employment (Gov. Code Sec. 54957.6): Superintendent**  
Public Employment (Gov. Code Sec. 54957.6): Superintendent

**4.7 (Item #7) Public Employment (Gov. Code Sec. 54957.6): General Counsel**  
Public Employment (Gov. Code Sec. 54957.6): General Counsel

**4.8 (Item #8) Anticipated Litigation - Conference with Legal Counsel pursuant to Gov't. Code Sec. 54956.9(b), Significant Exposure to Litigation: 2 cases**  
Anticipated Litigation - Conference with Legal Counsel pursuant to Gov't. Code Sec. 54956.9(b),  
Significant Exposure to Litigation: 2 cases

**4.9 (Item #9) 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))

**4.10 (Item #10) 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))

**4.11 (Item #11) 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: Lawrence Schoenke and Deborah Cooksey, Agencies: MDEA, DMA, MDSPA, CST Local 1 and Teamsters Local 856**

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: Lawrence Schoenke and Deborah Cooksey, Agencies: MDEA, DMA, MDSPA, CST Local 1 and Teamsters Local 856

#### **ADJOURN TO CLOSED SESSION**

The Board adjourned to Closed Session at 5:33 p.m.

Mr. Lawrence arrived during Closed Session.

#### **RECONVENE OPEN SESSION**

The Board reconvened Open Session at 7:05 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 Vivian Chong from College Park High School.

#### **REPORT OUT ACTION TAKEN IN CLOSED SESSION**

**8.1 (Item #1) Existing Litigation - Conference with Legal Counsel (Paragraph (1) of subdivision (d) of Government Code Section 54956.9) Mt. Diablo Unified School District v. Clayton Valley Charter High School, et al., Contra Costa Superior Court Case No. MSC15-00574**

Existing Litigation - Conference with Legal Counsel (Paragraph (1) of subdivision (d) of Government Code Section 54956.9) Mt. Diablo Unified School District v. Clayton Valley Charter High School, et al., Contra Costa Superior Court Case No. MSC15-00574

The Board conferenced with counsel and gave direction.

**8.2 (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 counsel and gave direction.

**8.3 (Item #3) Conference with Real Property Negotiators (Gov. Code Sec. 54956.8) Property: A portion of the Pleasant Hill Middle School site located at One Santa Barbara Road, Pleasant Hill, California District Negotiator: Nellie Meyer Negotiating Parties: Staff from City of Pleasant Hill and Contra Costa County**  
Conference with Real Property Negotiators (Gov. Code Sec. 54956.8)  
Property: A portion of the Pleasant Hill Middle School site located at One Santa Barbara Road, Pleasant Hill, California  
District Negotiator: Nellie Meyer  
Negotiating Parties: Staff from City of Pleasant Hill and Contra Costa County

Representatives from the City of Pleasant Hill and Contra Costa County presented the Board with initial information. No action was taken.

**8.4 (Item #4) Conference with Real Property Negotiators (Gov. Code Sec. 54956.8) Property: Sidewalks at Bel Air Elementary School located at 663 Canal Road, Bay Point, California District Negotiator: Jeff McDaniel and Lawrence Schoenke Negotiating Parties: Contra Costa County Public Works Department**  
Conference with Real Property Negotiators (Gov. Code Sec. 54956.8)  
Property: Sidewalks at Bel Air Elementary School located at 663 Canal Road, Bay Point, California  
District Negotiator: Jeff McDaniel and Lawrence Schoenke  
Negotiating Parties: Contra Costa County Public Works Department

Jeff McDaniel and Lawrence Schoenke presented the Board with information on the sidewalks at Bel Air Elementary School. The Board voted 4-0-1 (one Board member recused themselves) on this proposal.

**8.5 (Item #5) Conference with Negotiator(s) pursuant to Gov't. Code Section 54957.6; Agency Negotiator: Cheryl Hansen, Dr. Nellie Meyer and Larry Schoenke. Unrepresented Employees: Superintendent and General Counsel**  
Conference with Negotiator(s) pursuant to Gov't. Code Section 54957.6; Agency Negotiator: Cheryl Hansen, Dr. Nellie Meyer, and Larry Schoenke. Unrepresented Employees: Superintendent and General Counsel

The Board did not discuss the Superintendent, as that item was on the Open Session agenda. The Board conferenced with negotiators regarding General Counsel.

**8.6 (Item #6) Public Employment (Gov. Code Sec. 54957.6): Superintendent**  
Public Employment (Gov. Code Sec. 54957.6): Superintendent

No action was taken; this item was on the Open Session agenda.

**8.7 (Item #7) Public Employment (Gov. Code Sec. 54957.6): General Counsel**  
Public Employment (Gov. Code Sec. 54957.6): General Counsel

The Board voted 5-0-0 on a conditional appointment, pending approval on September 28, 2015, to appoint Donald Velez as the new General Counsel.

**8.8 (Item #8) Anticipated Litigation - Conference with Legal Counsel pursuant to Gov't. Code Sec. 54956.9(b), Significant Exposure to Litigation: Two cases**

Anticipated Litigation - Conference with Legal Counsel pursuant to Gov't. Code Sec. 54956.9(b),  
Significant Exposure to Litigation: Two cases

The Board conferenced with legal counsel on one case.

**8.9 (Item #9) 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 gave direction to staff on one case.

**8.10 (Item #10) 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))

This item was postponed until the meeting on September 28, 2015.

**8.11 (Item #11) 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: Lawrence Schoenke and Deborah Cooksey, Agencies: MDEA, DMA, MDSPA, CST Local 1 and Teamsters Local 856**

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: Lawrence Schoenke and Deborah Cooksey, Agencies: MDEA, DMA, MDSPA, CST Local 1 and Teamsters Local 856

This item was postponed until the meeting on September 28, 2015.

**RECOGNITIONS AND RESOLUTIONS**

**9.1 Hispanic Heritage Month**

The California State Board of Education recognizes in its Multicultural Education Policy that each student needs an opportunity to understand the common humanity underlying all people; and MDUSD proclaims the month beginning September 15 and ending October 15 as Hispanic Heritage Month.

Ms. Mayo read the resolution aloud.

Mayo moved, Mason seconded, and the Board voted 5-0-0 to approve Resolution No. 15/16-9 proclaiming September 15 - October 15, 2015, as Hispanic Heritage Month.

**BOARD MEMBER REPORTS**

Mr. Lawrence shared that he visited six schools, and noted that people are excited about the direction that the District is going in. Mr. Lawrence pointed out that the District is in competition for students and families, as well as quality teachers and staff, and observed that District staff needs to be as customer-focused as possible.

Ms. Mason shared that she visited all of the Bay Point schools and Mt. Diablo High School, and noted that she was impressed with how smoothly things were running. Ms. Mason recognized the staff at Shore Acres Elementary School for handling a nearby fire with safety and professionalism.

Ms. Oaks shared that teachers and students have reported to her that they were pleased with the start of the school year.

Ms. Mayo shared that she attended the lunch celebrating the new kitchen equipment at Ygnacio Valley Elementary School; also attending that event were Congressman Mark DeSaulnier and a representative from the U.S. Department of Agriculture. Ms. Mayo shared that she participated in a conference call regarding legislation to modify the school district reserve cap. Ms. Mayo announced that the California School Boards Association's back to school webcast will be held on September 15, 2015. Ms. Mayo shared that she attended the Pleasant Hill Recreation and Park District's meeting regarding surplus property, and noted that the Board should review available properties, in particular when they are adjacent to a District school.

Vivian Chong, Student Representative, reported on activities at College Park High School.

Ms. Hansen shared that she visited Ygnacio Valley High School, Valley View Middle School, Olympic High School, and Crossroads Necessary Small High School, all of which had new principals. Ms. Hansen commended the improvements made to the office at Olympic High School.

#### **SUPERINTENDENT'S REPORT**

Dr. Meyer shared that she visited Diablo View Middle School, Holbrook Elementary School (Measure C), College Park High School, Loma Vista Adult School, Oak Grove Middle School, Pleasant Hill Middle School, Ygnacio Valley High School, and Mt. Diablo High School.

Dr. Meyer announced that enrollment figures have remained steady at around 30,000 students.

Dr. Meyer shared that Ygnacio Valley High School hosted a student fair on the first day of school with information booths, activities, and opportunities for students to get together.

Dr. Meyer shared that both the Measure C team and the Maintenance and Operations department have recently celebrated the end of many large projects, including the renovation of the field at College Park High School.

Dr. Meyer shared that Congressman Mark DeSaulnier visited Loma Vista Adult Center to promote his bill for healthy food in schools. Representatives from the United States Department of Agriculture and University of California, Berkeley also attended the event. Dr. Meyer commended Anna Fisher, Food Services, for her work on that event.

Dr. Meyer shared that staff has been focusing on mentoring students toward success. Dr. Meyer described a new program for counselors titled "Check and Connect," which has a background of success with both special education and general education students, and has been shown to increase graduation rates.

Dr. Meyer announced that fall sports are in session, including: football, water polo, cross country, girls' golf, tennis, and volleyball, and the newly added sport, cheer. Dr. Meyer encouraged everyone to attend a school sporting event.

Dr. Meyer shared the Smarter Balanced Assessment results as compared to the state and the county, and indicated that the District results were higher than the state percentage in both English Language Arts/Literacy and Mathematics. Dr. Meyer announced that staff will present a comprehensive report on the assessment results to the Board at the meeting on September 28, 2015.

Dr. Meyer shared that State Superintendent of Public Instruction Tom Torlakson visited Mt. Diablo High School.

## **REPORTS/INFORMATION**

### **12.1 Update on Holbrook Elementary School and Glenbrook Middle School**

Staff will provide an update on the progress of their evaluation of reopening Holbrook Elementary School and Glenbrook Middle School.

Jeff McDaniel presented a preliminary report and responded to Board member questions.

This item was for information only.

## **PUBLIC EMPLOYEE APPOINTMENT**

### **13.1 Appointment of Assistant Director of Personnel**

Interviews have been conducted and a candidate has been selected to fill the position of Assistant Director of Personnel.

Dr. Meyer recommended Samantha Espinosa for the position.

Mayo moved, Oaks seconded, and the Board voted 5-0-0 to approve the appointment of Samantha Espinosa to the position of Assistant Director of Personnel.

### **13.2 Appointment of Administrator, Necessary Small High School - Gateway**

Interviews have been conducted and a candidate has been selected to fill the position of Administrator, Necessary Small High School - Gateway.

Dr. Meyer recommended Margaret Norris for the position.

Mason moved, Hansen seconded, and the Board voted 5-0-0 to approve the appointment of Margaret Norris to the position of Administrator, Necessary Small High School - Gateway.

### **13.3 Appointment of Program Specialist, Special Education**

Interviews have been conducted and a candidate has been selected to fill the position of Program Specialist, Special Education.

Dr. Meyer recommended Nadia Bedessie for the position.

Oaks moved, Mayo seconded, and the Board voted 5-0-0 to approve the appointment of Nadia Bedessie to the position of Program Specialist, Special Education.

### **13.4 Appointment of Program Specialist, Categorical Programs, Site Based - Shore Acres Elementary**

Interviews have been conducted and a candidate has been selected to fill the position of Program Specialist, Categorical Programs, Site Based - Shore Acres Elementary.

Dr. Meyer recommended Adelaide Nzeusseu for the position.

Mayo moved, Oaks seconded, and the Board voted 5-0-0 to approve the appointment of Adelaide Nzeusseu to the position of Program Specialist, Categorical Programs, Site Based - Shore Acres Elementary.

## **CONSENT AGENDA**

Mason moved, Lawrence seconded, and the Board voted 5-0-0 to approve all Consent Agenda items with the exception of items #26 and #29, 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.**

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) College Park High School's Water Polo Tournament, September 18-19, 2015**

College Park's Girls Water Polo team has been invited to the Sierra Shootout Tournament held September 18-19, 2015, in Rocklin, CA. Fifteen students will be accompanied by 10 chaperones. Students will travel by parent carpools, and stay at the Marriott Fairfield Inn in Roseville.

**14.3 (Item #3) Mt. Diablo High School's Trip to Morro Bay State Park, October 22-25, 2015**

Mt. Diablo High School is requesting approval of a trip to Morro Bay State Park to tour California Polytechnic State University for their engineering program, and study architecture at Hearst Castle with their ACME Seniors. Thirty students and five chaperones will travel by Sierra Pacific Bus and stay at the Morro Bay State Park.

**14.4 (Item #4) Northgate High School Choral Music's Trip to Southern California, April 13-17, 2016**

Northgate High School is requesting approval to travel to Anaheim, CA, April 13-17, 2016. The Choral Music group of nine students and two chaperones will participate in two workshops and perform at Disneyland. This trip provides an opportunity for students to experience working in a professional setting with professionals. Transportation provided by American Stage. Students will be staying at the Embassy Suites in Santa Ana.

**14.5 (Item #5) Sequoia Middle School Field Trip to Lassen National Park, September 26-27, 2015**

Sequoia Middle School students will be going on an overnight field trip to Lassen National Park, September 26-27, 2015 (non-student days). Approximately 40 sixth grade students will gain field experience of volcanic features, sixth grade standards 1a, 1d, 1e, 1f, 2d, 7f. Transportation will be provided by private cars.

**14.6 (Item #6) Sequoia Middle School's Field Trip to Sempervirens Outdoor School, October 16-18, 2015**

Sequoia Middle School Drama students (5-10) will attend Camp Sempervirens in Boulder Creek, October 16-18, 2015 (non-student days). Drama students will engage in ensemble work, Shakespeare strategies, and monologue enhancement work. Transportation provided by uCamps.

**14.7 (Item #7) Outdoor Education Contract between Pleasant Hill Elementary School and Exploring New Horizons**

Students at Pleasant Hill Elementary are participating in an Outdoor Education Program September 22-25, 2015, at Exploring New Horizons Sempervirens Campus.

**14.8 (Item #8) Outdoor Education Contract between Valle Verde Elementary School and Exploring New Horizons**

Students at Valle Verde Elementary School are participating in an Outdoor Education Program November 17-20, 2015, at Exploring New Horizons Camp Loma Mar.

**14.9 (Item #9) Adult Education Course Titles for 2015-16**

Mt. Diablo Adult Education wishes to offer classes on the attached list, to meet the needs of our communities' adult learners. The California Department of Education requires that course titles supported by State revenue be approved annually; CDE approval for 2015-16 has been received and is attached. Job market surveys justify the continuation

of various career technical education classes. Course outlines are on file for all courses currently being offered. Also attached for approval are Lifelong Education courses to be provided on a fee basis.

**14.10 (Item #10) Independent Contract Between Santa Clara County of Education and Mt. Diablo Unified School District**

This contract is to support the 18 schools that the Equity Department oversees in Positive Behavior and Instructional Support (PBIS). PBIS is a systems approach for establishing the social culture and individual supports needed for schools to achieve both social and academic success for all students while preventing problem behaviors.

**14.11 (Item #11) Independent Services Contract between California Translation International and Mt. Diablo Unified School District**

Mt. Diablo Unified School District will contract with California Translation International for language services throughout the District for the 2015-16 school year.

**14.12 (Item #12) Master Contract with Non-Public Agency LindaMood Bell Learning Center**

LindaMood Bell Learning Center is a certified non-public agency that provides compensatory reading and math intervention services for MDUSD students that have been agreed to through legal settlement agreements and the Alternative Dispute Resolution process.

**14.13 (Item #13) Master Contract with Innercept Academy for the 2015-16 School Year**

Innercept Academy is a therapeutic residential program in Coeur d'Alene, Idaho that serves students with significant mental health needs that require 24 hour care to receive a free, appropriate public education. Mt. Diablo Unified School District currently has one student enrolled in the program. The requested amount is for educational expenses, mental health and related services, and room/board costs for the 2015-16 school year.

**14.14 (Item #14) Master Contract with Oak Hill School for the 2015-16 School Year**

Oak Hill School is a certified non-public school with the California Department of Education that serves students that are diagnosed with autism and require intensive levels of support in the areas of behavior, functional communication, and academics. Mt. Diablo Unified School District currently has four students placed in the program. The requested amount is for academic program and related services.

**14.15 (Item #15) Independent Services Contract with Billie Donegan, Leadership and System Change Coach**

Staff is seeking approval of an Independent Services Contract with Leadership and System Change Coach, Billie Donegan, to assist Oak Grove Middle School and District Administration in school turnaround efforts. The 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.

**14.16 (Item #16) Food and Nutrition Services Purchase Order to Bunzl California LLC for the 2015-16 School Year**

Food and Nutrition Services requests approval to issue an open Purchase Order to Bunzl California LLC, for paper goods and supplies for the school meal programs in district schools during the 2015-16 school year. As part of the Bay Area School Nutrition Cooperative Bid Extension Notice, per bid no. 157-2014. This Purchase Order not to exceed \$100,000.

**14.17 (Item #17) Fiscal Transactions for the Month of August 2015**

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



**14.18 (Item #18) Replacement of Outdated Warrant**

County warrant issued to Hilari Gaines for payroll check not presented to the County Treasurer for payment within six months of date of issue and consequently void. Replacement is limited to two years from the date the original warrant was issued. It then becomes void as per Government Code 29802, unless the Board directs reissuance of the warrant.

**14.19 (Item #19) 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 requirements(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 one (1) year. 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.

**14.20 (Item #20) 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.

**14.21 (Item #21) Recommended Action for Certificated Personnel**

Changes in status of certificated employees.

**14.22 (Item #22) Classified Personnel: Request to Increase/Decrease Full Time Equivalent (FTE) for the 2015-16 School Year**

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

**14.23 (Item #23) Recommended Action for Classified Personnel**

Changes in status of the listed classified employees.

**14.24 (Item #24) Final Change Order 1708-001 (deductive) to Diamond Paint Company KK for Contract #C-930/MDUSD Bid 1708 – Door Refinishing Modernization Group 1**

On June 1, 2015 the Board of Education awarded Bid #1708 to Diamond Paint Company KK, in the amount of \$125,490 for the provision of all tools, materials, labor and equipment necessary to complete painting at various Modernization Group 1 sites.

At the time of bidding, the District anticipated painting kitchens of Group 1 sites. As a result of a determination to defer kitchen renovation, work was de-scoped from this contract resulting in a final deductive change order in the amount of <\$45,355.92>. This single, final change order will result in a final revised contract value of \$80,134.08.

**14.25 (Item #25) Notice of Completion for Bid #1708/Contract #C-930**

Bid #1708 was called to provide Door Refinishing Modernization Group 1 at Bel Air Elementary, College Park High School, Concord High School, Mt. Diablo High School, Northgate High School, and Riverview Middle School. The lowest responsible bidder was Diamond Painting Co. KK for the bid award amount of \$125,490. The scope of work included but was not limited to: cleaning, scraping, filling imperfections, priming, and painting facial surfaces of specified doors on seven campuses and other items as it relates to the drawings and specifications.

There was a deductive change order on this project in the amount of <\$45,335.92>. Work and services for this project have been satisfactorily complete for a total expenditure of \$80,134.08.

**14.26 (Item #27) Award of Service Contract to PHd Architects for Design of 2010 Measure C, Group II, Restroom Renovations at Various Sites**

The professional services of an architect are necessary to provide engineering, comprehensive architectural design and administrative (DSA) services necessary to complete 2010 Measure C, Group II Restroom Renovations at various sites. Project sites include: Cambridge Elementary, Ygnacio Valley Elementary, Fair Oaks Elementary, Meadow Homes Elementary, El Monte Elementary, Sun Terrace Elementary, El Dorado Middle and Wren Elementary School(s).

Staff negotiated, and is now recommending, that a 'not to exceed' contract in the amount of \$128,530 be awarded to PHd Architects for comprehensive engineering, design and contract administration services necessary for completion of the proposed project.

**14.27 (Item #28) Minutes for the Board of Education Meeting held on August 10, 2015**

Minutes for the Board of Education Meeting held on August 10, 2015, are being brought forward for approval.

**CONSENT ITEMS PULLED FOR DISCUSSION**

**15.1 (Item #26) Award of Service Contract to PHd Architects, Inc., for 2010 Measure C, Window Assessment and Design Services for Modernization Groups I – IV at Various Sites**

The professional services of an architect are necessary to provide engineering, comprehensive architectural design and administrative (DSA) services necessary to complete 2010 Measure C, Window Assessment and Design Services for Modernization Groups I – IV at Various Sites. Project sites include Mt. Diablo High, Oak Grove Middle, Concord High, Ygnacio Valley High, Clayton Valley Charter High, Bel Air Elementary, Rio Vista Elementary, Riverview Middle, Shore Acres Elementary, Cambridge Elementary, Ygnacio Valley Elementary, Fair Oaks Elementary, Meadow Homes Elementary, Olympic High, El Monte Elementary, Sun Terrace Elementary, Hidden Valley Elementary, Valley View Middle, Pine Hollow Middle, El Dorado Middle, Foothill Middle, Wren Avenue Elementary, Sequoia Middle, Highlands Elementary, Mt. Diablo Elementary, Mountain View Elementary, Walnut Acres Elementary, Sequoia Elementary, Woodside Elementary, Valle Verde Elementary, Monte Gardens Elementary, Ayers Elementary, Valhalla Elementary, Pleasant Hill Elementary, Pleasant Hill Middle, Bancroft Elementary, Silverwood Elementary, Westwood Elementary, Strandwood Elementary, Sunrise, Shadelands, Loma Vista Adult Center and Willow Creek Center.

A Request for Proposal was issued, and staff received proposals from five qualified firms. Proposals were evaluated on the basis of qualifications/experience, schedule, technical approach, and general responsiveness. The cost proposal was reviewed for the firm with the highest rating, and staff is now recommending that a 'not to exceed' contract in the amount of \$597,800 be awarded to PHd Architects, Inc., for assessment, comprehensive engineering, design, and contract administration services necessary for completion of the proposed project.

**Public Comment:**

Randall B. Devoto expressed his concerns over the selection process.

Tim Cody reviewed the selection process and responded to Board member questions.

Lawrence moved, Mayo seconded, and the Board voted 5-0-0 to approve the Award of Service Contract to PHd Architects, Inc., for 2010 Measure C, Window Assessment and Design Services for Modernization Groups I – IV at Various Sites.

**15.2 (Item #29) Minutes for the Board of Education Meeting held on August 24, 2015**

Minutes for the Board of Education Meeting held on August 24, 2015, are being brought forward for approval.

Ms. Hansen requested a correction to the minutes. Dr. Meyer and Ms. Hansen recognized Amanda Leung for her work on the minutes.

Hansen moved, Mayo seconded to approve the minutes for the Board of Education Meeting held on August 24, 2015, striking "a vote was not required" and adding "the Board reached consensus" within the attachment to docket #17.8.

#### **DISTRICT ORGANIZATIONS**

There were no District Organizations.

#### **PUBLIC COMMENT**

George Fulmore shared his concerns about the Smarter Balanced Assessment results.

Priscilla Rich provided materials to Board members and asked that the District take part in the "Be the Example" contest.

Denise Pursche shared her concerns about the Smarter Balanced Assessment.

Dan Reynolds announced that Banned Books Week is September 28-October 2, 2015, and invited the Board members to participate in the reading of banned or challenged books at Mt. Diablo High School on October 1<sup>st</sup>.

#### **BUSINESS/ACTION ITEM**

##### **18.1 Second Amendment to Employment Agreement for Superintendent**

The Board of Education has conducted the Superintendent's evaluation, and is considering approval of the Second Amendment to her employment agreement.

President Hansen introduced this item.

Hansen moved, Lawrence seconded, and the Board voted 5-0-0 to approve the Second Amendment to the Superintendent's Employment Agreement.

##### **18.2 Establishment of Mt. Diablo Middle College**

Staff requests approval to form and establish Mt. Diablo Middle College as an alternative school of choice for students in grades 11 and 12 to be located at Diablo Valley College. Acquisition of a County-District-School (CDS) code will permit application for a Middle College grant through the California Community Colleges.

Chris Holleran and Dr. Meyer responded to Board member questions.

This item was for information only.

##### **18.3 Walnut Creek Sister City International Program - Youth Ambassador Exchange in Italy, October 1-10, 2015**

Six students from Foothill Middle School, along with five students from Walnut Creek Intermediate, will travel to Noceto, Italy, October 1-10, 2015, to participate in the Walnut Creek YAE (Youth Ambassador Exchange). The exchange supports the MDUSD goals of building strong and collaborative relationships with community and the world. Representatives from Foothill Middle School have participated in the YAE in previous years, along with students from Walnut Creek Intermediate and Seven Hills. April Bush, Foothill Principal, will be chaperoning the group with two parents: one from Foothill Middle School and one from Walnut Creek Intermediate.

Dr. Meyer introduced this item.

Mason moved, Lawrence seconded, and the Board voted 5-0-0 to approve the Foothill Middle School Principal and students attend the Youth Ambassador Exchange in Noceto, Italy, October 1-10, 2015.

#### **18.4 Certification of the District's 2014-15 Unaudited Actual Financial Report**

Per Education Code 42100(a), the governing board of each school district shall approve an annual statement of all receipts and expenditures of the district for the preceding fiscal year. The unaudited actuals financial report represents the financial position and results of operations of the school district for the fiscal year 2014-15.

Nance Juner gave a presentation.

Oaks moved, Lawrence seconded, and the Board voted 5-0-0 to approve certification of the Mt. Diablo Unified School District's 2014-15 Unaudited Actual Financial Report.

#### **18.5 Adoption of Gann Resolution 15/16-4 Adopting the District's 2014-15 Appropriations Limit Calculation (Gann Limit)**

The Gann Limit is intended to constrain the growth in state and local government spending by linking year-to-year changes in expenditures to changes in inflation. Established in 1979 following the enactment of Proposition 13 and subsequently amended by Proposition 111, the Gann Limit has become a largely pro forma calculation that no longer constrains governmental expenditures.

Current law (Education Code section 42132) requires that the governing board of each school district adopt a resolution to identify the appropriations limit for the district for the preceding fiscal year. School agencies complete these calculations to identify how much state aid counts toward the local agency's Gann Limit, so that the state of California knows how much state aid counts toward its own Gann Limit. Mt. Diablo Unified is within our limit.

Mason moved, Lawrence seconded, and the Board voted 5-0-0 to approve adoption of Resolution No. 5/16-4 adopting the 2015-16 appropriation limit calculation (Gann Limit).

#### **18.6 Request to Approve Tentative Agreement between California School Employees Association (CSEA) and Mt. Diablo Unified School District**

The attached tentative agreement was reached between the bargaining teams. This agreement shall have a three (3) year term of July 1, 2013, through June 30, 2016.

Mason moved, Lawrence seconded, and the Board voted 5-0-0 to approve the Tentative Agreement between California School Employees Association and Mt. Diablo Unified School District.

#### **18.7 PULLED BY STAFF: Revised Job Description for Supervisor, Transportation Shop**

Staff is requesting the revision of the job description for Supervisor, Transportation Shop to better reflect the duties and responsibilities as they relate to the current position. In order to supervise a full staff of mechanics, facilitate trainings and the increased mandatory reporting requirements, along with the increased size of District fleet maintenance, we feel this revision is necessary. This was brought forward at the August 24, 2015 Board meeting for information only. It is now being returned for action.

This item was pulled by staff.

#### **18.8 Revised Job Description for Educational Consultation and Behavior Management Specialist**

Staff is requesting the revision of the job description for Educational Consultation and Behavior Management Specialist into two separate job descriptions: one for General Education and one for Special Education. Separating these job descriptions will better reflect the duties and responsibilities associated with each position as well as define who the incumbent reports to. These job descriptions are being brought forward for both information and action at this time.

Wendi Aghily responded to Board member questions.

Mayo moved, Mason seconded, and the Board voted 5-0-0 to approve the revised job description for Educational Consultation and Behavior Management Specialist to Educational Consultation and Behavior Management Specialist: General Education and Educational Consultation and Behavior Management Specialist: Special Education.

**18.9 Revised Job Descriptions for Behavior Health Specialist I and Behavior Health Specialist II**

Staff is requesting the revision of the job descriptions for Behavior Health Specialist I and Behavior Health Specialist II as noted in the attached job descriptions. The proposed revisions are to match current regulations for these two positions.

Student Representative Vivian Chong announced that she has an item to present before departing the meeting. The Board paused their consideration of item 18.9 in order to hear Ms. Chong's presentation.

Ms. Chong asked that the District lift the requirement that all students attending the prom must ride a charter bus to that event. Ms. Chong responded to Board member questions, and Dr. Meyer shared that she will contact Ms. Chong for additional information. Ms. Chong departed at 9:13 p.m.

The Board resumed their consideration of item 18.9.

Mayo moved, Mason seconded, and the Board voted 5-0-0 to approve the revised job descriptions for Behavior Health Specialist I and Behavior Health Specialist II.

**18.10 Revised Job Description for Early Childhood Attendant**

Staff is requesting the revision of the Early Childhood Attendant job description in order to more accurately reflect the duties and responsibilities of the position. This job description is being brought forward for information only at this time. It will be returned for Board action at the next Board meeting.

This item was for information only.

**18.11 Resolution No. 15/16-6 - Authorizing District Representative for the School Facility Program**

The Office of Public School Construction requires a Board resolution that names an authorized District representative for facility related issues. Dr. Nellie Meyer, Jeff McDaniel, and Tim Cody are named in the resolution.

Mason moved, Oaks seconded, and the Board voted 5-0-0 to approve Resolution No. 15/16-6, authorizing District representatives for the School Facility Program.

**18.12 Resolution No. 15/16-5: Intent to Dedicate Temporary Construction Easement at Bel Air Elementary School**

The Contra Costa Public Works Department is requesting a temporary construction easement at Bel Air Elementary. This easement is to provide a temporary construction easement for staging area as part of the Canal Road sidewalk and Bike Lane Project. The easement would be from June 11, 2016 through August 24, 2016.

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 a 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 not 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 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 September 28, 2015 Board meeting pursuant to the provisions of Education Code section 17556.

Dr. Meyer responded to Board member questions.

This item was for information only.

#### **18.13 Board Policy BP/AR 0460 Revision**

Due to recent changes in Ed Code, Board Policy BP/AR 0460 must be created to address the legal mandates regarding the Local Control Accountability Plan. A sample from the California School Board Association was used as a model for this policy.

Ms. Mason thanked Felicia Stuckey-Smith for looking into her concerns about this policy, and shared that she will not be supporting it. Dr. Meyer clarified that the item Ms. Mason referred to is item 18.15. Ms. Hansen requested that Board Policy agenda items include more information in the title.

Oaks moved, Mayo seconded, and the Board voted 5-0-0 to approve the creation of Board Policy BP/AR 0460 to address legal mandates regarding the Local Control Accountability Plan.

#### **18.14 Board Policy BP/AR/E 1312.3**

Due to the upcoming Federal Program Monitoring audit and to recent changes in Ed Code, Board Policy BP/AR/E 1312.3 must be revised to provide language regarding the Local Control Accountability Plan and to provide clarity surrounding the Uniform Complaint Process. A sample from the California School Board Association was used to make revisions.

Mayo moved, Mason seconded, and the Board voted 5-0-0 to approve the changes in Ed Code, Board Policy BP/AR/E 1312.3 to provide language regarding the Local Control Accountability and to provide clarity surrounding the Uniform Complaint process.

#### **18.15 Revision of Board Policy 5144 (Discipline) and Creation of Administrative Regulation 5144 (Discipline)**

Staff recommends revising BP 5144 and creating AR 5144 to comply with Assembly Bill 1729 (Other Means of Correction) and Assembly Bill 420 (Willful Defiance). BP 5144 is also being revised and AR 5144 is created pursuant to Education Code 52060, as added by AB 97 (Ch.47, Statutes of 2013), the Governing Board is required to adopt, for the district and each school under its jurisdiction, a local control and accountability plan (LCAP) that includes a description of the specific actions that the district intends to take in order to achieve its annual goals in specific priority areas, including student engagement and school climate.

#### **Public Comment:**

Dan Reynolds shared his support for this item, and noted that the District needs to monitor school-based discipline policies.

Dr. Meyer responded to Board member questions.

Oaks moved, Lawrence seconded, and the Board voted 4-1-0 (with Mason dissenting) to approve the revision of Board Policy 5144 and the creation of Administrative Regulation 5144.

#### **18.16 Execution of Documents**

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

**18.17 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.

**FUTURE AGENDA ITEMS**

Ms. Hansen proposed the College Park High School prom charter bus as a Future Agenda Item, as raised by Student Representative Vivian Chong.

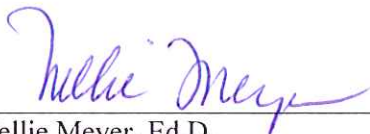
**CLOSED SESSION**

The Board did not reconvene Closed Session.

**ADJOURNMENT**

The meeting adjourned at 9:35 p.m.

Respectfully submitted,



---

Nellie Meyer, Ed.D.  
Superintendent