

**MINUTES**  
**REGULAR MEETING OF THE BOARD OF EDUCATION**  
**MT. DIABLO UNIFIED SCHOOL DISTRICT**  
**Monday, December 7, 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 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**

Tim Lennon and Melanie Sakoda asked the Board to reconsider the District's legal strategy on Item 3.4.

**CLOSED SESSION AGENDA**

**3.1 (Item #1) Expulsion of Student #06-16 from all Regular Schools of Mt. Diablo Unified School District**

The expulsion of Student #06-16 from all regular schools of the Mt. Diablo Unified School District. Student Services will determine the school placement of Student #06-16.

**3.2 (Item #2) Expulsion of Student #07-16 from all Regular Schools of the Mt. Diablo Unified School District**

The expulsion of Student #07-16 from all regular schools of the Mt. Diablo Unified School District. Student Services will determine the school placement of Student #07-16.

**3.3 (Item #3) Admission of Student #A-16 into the Mt. Diablo Unified School District**

On November 13, 2015, the Tracy Unified School District Board of Trustees (TUSD) expelled Student #A-16 from the Tracy Unified School District. Student #A-16 has recently moved to the Mt. Diablo Unified School District attendance area. Student Services will determine the school placement of Student #A-16.

**3.4 (Item #4) 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**

**3.5 (Item #5) 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**

**3.6 (Item #6) 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**

**3.7 (Item #7) Existing Litigation - Conference with Legal Counsel (Paragraph (1) of subdivision (d) of Government Code Section 54956.9): Maria Faraone v. MDUSD, Contra Costa County Superior Court Case No. C14-01839**

**3.8 (Item #8) Anticipated Litigation - Conference with Legal Counsel pursuant to Government Code Section 54956.9(d)(2) and (e)(1): One Case**

**3.9 (Item #9) Anticipated Litigation - Conference with Legal Counsel pursuant to Government Code Section 54956.9(b), Significant Exposure to Litigation: Four Cases**

**3.10 (Item #10) 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, CST Local 1 and Teamsters Local 856**

**3.11 (Item #11) Conference with Negotiators - Unrepresented Employees - Diablo Managers Association, Negotiators: Dr. Nellie Meyer, Superintendent, and Donald Velez, General Counsel**

**ADJOURN TO CLOSED SESSION**

The Board adjourned to Closed Session at 5:37\* p.m. Mr. Lawrence arrived during Closed Session.

**RECONVENE OPEN SESSION**

The Board reconvened Open Session at 7:15 p.m.

**PRELIMINARY BUSINESS**

President Hansen announced that the Board will reconvene Closed Session following the conclusion of Open Session. President Hansen led the Pledge of Allegiance and conducted Roll Call with all Board members present. President Hansen welcomed Student Representative Kaytee Spaulding Niemi from Ygnacio Valley High School.

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

\*\*This item was moved up on the agenda.

**8.1 (Item #1) Expulsion of Student #06-16 from all Regular Schools of the Mt. Diablo Unified School District**

The expulsion of Student #06-16 from all regular schools of the Mt. Diablo Unified School District. Student Services will determine the school placement of Student #06-16.

Mayo moved, Mason seconded, and the Board voted 5-0-0 to approve the expulsion of Student #06-16 from all regular schools of the Mt. Diablo Unified School District and that Student #06-16 may apply for readmission after December 7, 2016. It is required that Student #06-16 must present evidence of: participation in 20 hours of individual counseling to address drugs and decision making skills, serve 30 hours of community service, attend the California Offender Program Services (COPS) for Alcohol/Drug offenders; attend MDUSD's Alcohol/Drug Workshop; submit proof of negative drug test and show evidence of a successful school experience to include good attendance, no suspendible behavior infractions, a minimum of a C average, and earn 40 credits to graduate. School placement for Student #06-16 will be determined by Student Services.

**\*\*\*8.2 (Item #2) Expulsion of Student #07-16 from all Regular Schools of the Mt. Diablo Unified School District**

The expulsion of Student #07-16 from all regular schools of the Mt. Diablo Unified School District. Student Services will determine the school placement of Student #07-16.

The Board determined that the conditions provided for this item were not accurate for Student #07-16. President Hansen announced that the Board will consider this item once staff has provided the conditions for this student.

**8.3 (Item #3) Admission of Student #A-16 into the Mt. Diablo Unified School District**

On November 13, 2015 the Tracy Unified School District Board of Trustees (TUSD) expelled Student #A-16 from the Tracy Unified School District. Student #A-16 has recently moved to the Mt. Diablo Unified School District attendance area. Student Services will determine the school placement of Student #A-16.

The Board took action to admit the student in a 4-0-1 (with Lawrence absent) vote, as clarified by President Hansen over the course of the meeting.

**8.4 (Item #4) 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.

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The Board will discuss this item during second Closed Session following the conclusion of Open Session.

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**8.10 (Item #10) 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, CST Local 1 and Teamsters Local 856**

The Board will discuss this item during second Closed Session following the conclusion of Open Session.

**8.11 (Item #11) Conference with Negotiators - Unrepresented Employees - Diablo Managers Association, Negotiators: Dr. Nellie Meyer, Superintendent, and Donald Velez, General Counsel**

The Board will discuss this item during second Closed Session following the conclusion of Open Session.

## **ANNOUNCEMENTS**

### **7.1 Joint Meeting with Pleasant Hill City Council**

The Mt. Diablo Unified School District Board of Education will hold a joint meeting with the Pleasant Hill City Council on Monday, December 14, 2015. The meeting will be held at the Pleasant Hill Council Chambers located at 100 Gregory Lane, Pleasant Hill, and will begin at 6:00 p.m.

President Hansen announced that the Board will hold a joint meeting with the Pleasant Hill City Council on December 14, 2015.

This item was for information only.

## **RECOGNITIONS AND RESOLUTIONS**

### **9.1 Resolution No. 15/16-21-Human Rights Day**

The Mt. Diablo Unified School District recognizes the United Nations Declaration of Human Rights, which was signed on December 10, 1948 and wishes to commemorate this occasion by declaring December 10, 2015 Human Rights Day in the Mt. Diablo Unified School District.

Oaks moved, Lawrence seconded, and the Board voted 5-0-0 to approve to adopt Resolution No. 15/16-21 in commemoration of Human Rights Day.

## **STUDENT REPRESENTATIVES**

Student representatives reported on activities at their high schools.

\*\*\*The Board received the correct expulsion conditions, and resumed their consideration of Item 8.2.

**8.2 (Item #2) Expulsion of Student #07-16 from all regular schools of the Mt. Diablo Unified School District**

The expulsion of Student #07-16 from all regular schools of the Mt. Diablo Unified School District. Student Services will determine the school placement of Student #07-16.

Oaks moved, Lawrence seconded, and the Board voted 5-0-0 to approve the expulsion of Student #07-16 from all regular schools of the Mt. Diablo Unified School District and that Student #07-16 may apply for readmission after December 7, 2016. It is required that Student #07-16 provide evidence of participation in twenty (20) hours of individual counseling to address drugs and decision making skills; serve 30 hours of community service, include in the 20 hours of individual counseling addressing anger management; attend the California Offender Program Service (COPS) for alcohol and drug offenders and teen anger management; submit proof of negative drug test, and show evidence of a successful school experience with good attendance, no suspendible behavior infraction, maintain at least a C average, and earn 60 credits, to graduate. Student Services will determine the school placement of Student #07-16.

**BOARD MEMBER REPORTS**

Ms. Mason shared that she attended the District English Learner Advisory Committee (DELAC) meeting and the graduation ceremony for the students in the Teen Battle Chef program at Gateway Necessary Small High School.

Ms. Oaks shared that she gave a presentation at the Celebration of Success event. Ms. Oaks announced that she attended the Community Advisory Committee (CAC) meeting, which she recommended for all parents to attend, particularly those who have students with special needs. Ms. Oaks shared that she visited the HOPE offices at Olympic High School, and attended the Nutcracker performance at Strandwood Elementary School.

Ms. Mayo asked that everyone honor the Pearl Harbor survivors, and shared that her father-in-law, Harold Mayo, is a survivor. Ms. Mayo shared that she attended the Warren Eukel Trust awards, where teacher Shauna Hawes received an award and delivered an outstanding presentation. Ms. Mayo shared that she attended the California School Boards Association conference, where she served as the District's representative to the Delegate Assembly. Ms. Mayo announced that Susan Henry, Huntington Beach Union High School District, was approved as president-elect, and Mike Walsh, Butte County Office of Education, was approved as vice president of the Delegate Assembly. Ms. Mayo shared that numerous reports were presented at the conference; including an adequacy study about what funds will be needed in upcoming years for public education in California in order to meet the national standards. Ms. Mayo shared information about various keynote speakers and presentations, including "Redesigning Professional Development Systems to Better Support Teachers" presented by Dr. Meyer and Jonathan Eagan.

Ms. Hansen expressed her appreciation for the effort that went into the Celebration of Success event. Ms. Hansen shared that she attended the student awards presentation at Diablo Community Day School, where students are acknowledged for positive behaviors. Ms. Hansen shared information about the Mt. Diablo Alternative Education Foundation, a group of retired educators who support alternative education programs through scholarships and volunteer hours, noting that former Board member Dick Allen is a member of that organization. Ms. Hansen recognized teacher Jessica Preciado from Crossroads Necessary Small High School for her dedication to student literacy and Principal Samantha Allen for her support.

**SUPERINTENDENT'S REPORT**

Dr. Meyer shared that she visited Northgate High School, Concord High School, Mt. Diablo Elementary School, Riverview Middle School, and College Park High School. Dr. Meyer recognized the Concord High Minutemen, who went to the football division championship.

Dr. Meyer announced that schools across the nation are celebrating the Hour of Code this week. Dr. Meyer encouraged everyone to visit the Mt. Diablo Unified School District website or [code.org](http://code.org) for more information and to participate in the available activities to engage in coding along with students.

Dr. Meyer shared that the Local Control Accountability Plan outreach meetings have begun, including a feeder pattern meeting at Riverview Middle School on December 9, 2015 at 6:30 p.m. All are welcome to attend. Dr.

Meyer noted that the District continues to gather information about what parents and the community would like to see for the students and ways the District can improve. Dr. Meyer shared that many discussions have centered on opportunities for internships, as well as different ways to gain college credits and certificates while still in high school.

Dr. Meyer announced that the Teen Battle Chef competition was held at Riverview Middle School, where students created meals in celebration of the end of their classes.

Dr. Meyer shared that teacher Shauna Hawes, Valley View Middle School, received the Warren Eukel Trust Award and was recognized for her innovative work. It has been nine years since a Mt. Diablo Unified School District teacher has received this particular award. Dr. Meyer noted that Ms. Hawes stole the show with her presentation, and the District is proud to have her as one of its teacher leaders.

Dr. Meyer shared that the District held the Celebration of Success event, where students are nominated by staff members for social and academic successes. Dr. Meyer thanked the Community Advisory Committee and Hilary Shen for their hard work on this event.

Dr. Meyer shared that she attended the Community Advisory Committee meeting. Dr. Meyer noted that the committee is very happy to have Nick Lambert as the first student member of that committee.

Dr. Meyer shared that the CARES After School Program hosted its annual crab feed, which raises money for the program and recognizes students and staff members.

Dr. Meyer shared that the Diablo Managers Association (DMA) and its president Lisa Murphy Oates hosted the annual DMA holiday social. The event brings school staff together in celebration of the holiday season.

Dr. Meyer shared that a District team attended the California School Boards Association Conference. While at the conference, the team gave a presentation titled "Redesigning Professional Development Systems to Better Support Teachers." Dr. Meyer shared that the District is working on a pilot program which would work with teachers to create their own professional development plans. Dr. Meyer noted that the presentation went very well, and that the audience had many great questions.

Dr. Meyer shared a photo of students at Mt. Diablo Elementary School participating in a musical performance as part of the newly reinstated elementary school music program.

Dr. Meyer recognized Pearl Harbor Remembrance Day.

Dr. Meyer thanked the team that she works with for their hard work, noting that their talent, dedication, and service has made a difference in student's lives.

## **PUBLIC EMPLOYEE APPOINTMENT**

### **13.1 Appointment of Vice Principal, Middle School - Diablo View Middle School**

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

Dr. Meyer recommended Pamela Seto for the position.

Mason moved, Mayo seconded, and the Board voted 5-0-0 to approve the appointment of Pamela Seto to the position of Vice Principal, Middle School - Diablo View Middle School.

### **13.2 Appointment of Vice Principal, Elementary School and Program Specialist, Categorical Programs, Site Based - Meadow Homes Elementary**

Interviews have been conducted, and a candidate has been selected to fill the position of Vice Principal, Elementary School and Program Specialist, Categorical Programs, Site Based - Meadow Homes Elementary.

Dr. Meyer recommended Deirdre Didion for the position.

Mayo moved, Oaks seconded, and the Board voted 5-0-0 to approve the appointment of Deirdre Didion to the position of Vice Principal, Elementary School and Program Specialist, Categorical Programs, Site Based - Meadow Homes Elementary.

## **ORGANIZATIONAL MEETING**

### **14.1 Annual Board of Education Organizational Meeting**

Education Code Sections 35143 and 72125 require that the governing board of each school district hold an annual organizational meeting. In a year in which a regular election for governing Board members is held, the meeting shall be held on a day within a 15-day period that commences with the date upon which an elected governing board member takes office. Organizational meetings in years which no such regular election for governing Board members is conducted shall be held during the same 15-day period on the calendar. Current Board Policy 9100 calls for the election of a president and vice president at the annual organizational meeting of the Board.

President Hansen noted that this is a non-election year, and described the actions to be taken during the Organizational Meeting.

This item was for information only.

### **14.2 Election of Board President**

The Board of Education will elect a Board President.

Ms. Mason nominated Ms. Hansen as Board President. The Board voted 5-0-0 (via voice vote) to elect Cheryl Hansen as Board President.

### **14.3 Election of Board Vice President**

The Board of Education will elect a Vice President.

President Hansen nominated Ms. Mason as Vice President. The Board voted 5-0-0 (via voice vote) to elect Debra Mason as Vice President.

### **14.4 Appointment of Secretary**

The Secretary to the Board will be appointed.

Mason moved, Mayo seconded, and the Board voted 5-0-0 to approve to appoint Dr. Nellie Meyer as Secretary to the Board.

### **14.5 Establish Regular Meeting Dates, Time and Location**

Adopt resolution establishing regular meeting dates, time and location.

President Hansen thanked Debbie Maher for her work on the calendar. Following a discussion, the Board decided to add a meeting on Monday, February 1, 2016 to the proposed calendar.

Oaks moved, Mason seconded, and the Board voted 5-0-0 to approve the calendar of regular meeting dates as proposed with the addition of February 1, 2016 for the 2016 calendar year.

Student Representative Kaytee Spaulding Niemi departed the meeting at 8:27\* p.m.

#### **14.6 Adoption of Certificate of Signatures**

This draft will be edited to include the name of the newly elected Board President and Vice President before it is presented to the Board for signature.

Mayo moved, Mason seconded, and the Board voted 5-0-0 to approve to adopt the Certificate of Signatures with Cheryl Hansen as president, and Debra Mason as vice-president.

#### **CONSENT AGENDA**

Ms. Oaks noted that she was going to pull item 15.19 for discussion, but that item has been pulled by staff.

Mason moved, Oaks seconded, and the Board voted 5-0-0 to approve all Consent Agenda items, with the exception of 15.3, 15.4, 15.5, and 15.11 (which were pulled for discussion), thereby approving the following:

#### **15.1 (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.**

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#### **15.2 (Item #2) Mt. Diablo High School's trip to Los Angeles March 30, 2016 - April 2, 2016**

Mt Diablo High School's Fame Club (Fine Arts Media & Entertainment) is requesting permission to travel to the Los Angeles area on March 30 - April 2, 2016, over spring break. The Senior Class of 2016 students and three chaperones will be traveling by private vehicles and staying at the Days Inn & Suites in Fullerton, CA. The trip is designed to allow the performing arts students a chance to see numerous arts related and core-subject related locations, in addition to tours and museum visits.

#### **15.3 (Item #6) Contract between Mt. Diablo Unified School District-El Monte Elementary School and Soul Shoppe**

Soul Shoppe will provide seven student program days, one peacemaker training, one staff in-service, one parent night, and one classroom meeting training for the 2015-16 school year. Mt. Diablo Unified School District has spent greater than \$25,000 with Soul Shoppe; therefore this contract requires Board approval.

#### **15.4 (Item #7) Contract between Mt. Diablo Unified School District-Ygnacio Valley Elementary School and November Learning LLC**

Lainie Rowell of November Learning will be providing workshops in February 2016, on Transform Learning and Teaching Above the Line. Mt. Diablo Unified School District has spent more than \$25,000 with November Learning during this fiscal year resulting in Board approval required for this contract.

#### **15.5 (Item #8) Independent Services Contract with Angela Barra, Literacy Coach**

Independent Services Contract with Angela Barra to provide professional development and coaching for teachers in the area of literacy development at Oak Grove Middle School. Areas of focus will include: comprehension, intervention, decoding, word analysis, academic vocabulary, complex text, and writing. Services are aligned with the Common Core standards.

#### **15.6 (Item #9) Increase to Contract with Beyond the Words, Inc. for the Services of Educational Interpreters for the Deaf and Hard of Hearing for School Year 2015-16**

This school year, the Personnel Services department and Special Education department have been able to hire new District employees to fill vacant positions for qualified interpreters for the Deaf and Hard of Hearing students for the 2015-16 school year. This is a significant improvement for the Mt. Diablo Unified School District as a whole, with coverage of services and support at the sites for identified interpreting needs. However, Mt. Diablo Unified School District continues to have a need to utilize Independent Service Contractors to provide services established through the Individualized Education Plan (IEP) process.

Beyond the Words has qualified interpreters who can fill the needed positions of Educational Interpreter for the Deaf and Hard of Hearing, and can provide interpreting services to our Deaf and Hard of Hearing population as needed and identified through the IEP process.

**15.7 (Item #10) Articulation Agreement between Mt. Diablo Adult Education's Emergency Medical Technician (EMT) Program and Los Medanos College**

Mt. Diablo Adult Education (MDAE) and Los Medanos College are entering into an articulation agreement that enables students who have successfully completed Mt. Diablo Adult Education's Emergency Medical Technician (EMT) program and who meet the Los Medanos College admission requirements to receive college credits.

**15.8 (Item #12) Approve Submission of the Career Technical Education (CTE) Incentive Grant (CTEIG)**

Approve submission of the Career Technical Education (CTE) Incentive grant (CTEIG) through the California Department of Education (CDE). CTEIG was established as a state education, economic and workforce development initiative with the goals of providing pupils in kindergarten through grade twelve, with the knowledge and skills necessary to transition to employment and postsecondary education. The purpose of this program is to encourage and maintain delivery of career technical education (CTE) programs during implementation of the school district and charter school local control funding formula pursuant to California Education Code Section 42238.01. The CTE Incentive grant is a three year grant requiring 1:1 matching funds in 2015-17, 1:1.5 in 2016-17 and 2:1 in 2017-18. Funds need to be spent on the eleven elements of a high quality CTE program; Leadership at all levels, high-quality curriculum and instruction; career exploration and guidance; student support and student leadership development; industry partnerships; system alignment and coherence; effective organizational design; system responsiveness to changing economic demands; skilled faculty and professional development; evaluation, accountability and continuous improvement; and CTE promotion, outreach, marketing, and communication. Matching funds includes Local Control Funding Formula (LCFF), and district grants; Carl Perkins, California Partnership Academy (CPA), Workforce Investment Act (WIA) and Chevron. Actual grant amount will be determined based on matching funds and funding available through CDE.

**15.9 (Item #13) Fiscal Transactions for the Month of November 2015**

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

**15.10 (Item #14) Education Code 44256(b) - Board Authorization**

Under Education Code 44256(b), holders of Multiple Subject or Elementary credentials who have 12 lower division units or six upper division units in a subject can be authorized, by Board Authorization, to teach that subject(s) in a middle school for the current school year.

**15.11 (Item #15) Term Waiver**

Variable term waivers provide applicants with additional time to complete certain requirements for the credential that authorizes the service. The waiver request is made when there is not a properly credentialed person available for the position.

All requests for a Variable Term Waiver must be presented for approval to the governing board of a public school district. Every waiver request submitted to the Commission on Teacher Credentialing must include verification that a notice of intent to employ the named applicant in the identified position has been made public.

**15.12 (Item #16) PULLED BY STAFF: Creation of a Work Year Calendar for the Position of Campus Supervisor, Adult Education**

It is necessary to create a 179-day work year calendar for the Campus Supervisor position at the Adult Education program in order to reflect the same number of days in the Adult Education student calendar.

**15.13 (Item #17) Recommended Action for Certificated Personnel**

Changes in status of the following certificated employees.



**15.14 (Item #18) Certificated Personnel: Request to Increase Full Time Equivalent (FTE) for the 2015-16 School Year**

The attached position is requested to be increased as described.

**15.15 (Item #19) Recommended Action for Classified Personnel**

Changes in status of the following classified personnel.

**15.16 (Item #20) 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.

**15.17 (Item #21) Disposal of Obsolete Music Instruments**

Attached is a list of obsolete music instruments that have been assessed and deemed as "Do Not Repair" (DNR) by Music Teachers and C&L Music, the company that handles the repair of District musical instruments. An instrument is deemed DNR if the cost of repairing the instrument is greater than the cost of replacing the instrument, or if the cost of repairing the instrument out values the condition and quality of the instrument.

**15.18 (Item #22) Award of Bid for Bid #1728-Promethean Board Purchase and Installation**

Bid No. 1728 was called to provide Promethean Board Purchase and Installation at Riverview Middle School. The lowest responsible, responsive bidder is Advanced Classroom Technologies, Inc., for the total amount of \$400,310. Vendor shall be the District's sole point of contact for all purposes including orders, service calls, training, invoicing, and all responsibilities as a result of this contract.

**15.19 (Item #23) PULLED BY STAFF: Resolution Rendering Local Ordinances Inapplicable: College Park High School Stadium Improvement Project**

On May 21, 2012, the Board approved facility enhancements for College Park High School. As part of this greater approval, June 1, 2015, the Board adopted and approved installation of sports field lighting, sound system and restroom concessions building, known as the Athletic Facility Improvements at College Park High School.

Because installation of improvements were inspected by the Department of the State Architect, staff requests that the Board adopt a resolution, pursuant to Government Code Section 53094(b), to render inapplicable the City of Pleasant Hill zoning ordinances which may otherwise apply to the College Park High School Athletic Facilities Improvement project. Government Code section 53094(b) provides that a school district, by a vote of two-thirds of its members, may render city or county zoning ordinances inapplicable to a proposed use of property when such use is not for non-classroom facilities. The proposed improvements will serve an important function in the instruction, educational, and extracurricular activities of the students and staff thereby supporting the District's educational purpose and mission. Accordingly, the exemption permitted by Government Code section 53094(b) is appropriate for the proposed use. While not required, staff previously discussed with City of Pleasant Hill staff, who confirmed the city reviewed the District's Mitigated Negative Declaration and provided comments prior to adoption.

**15.20 (Item #24) Minutes for the Board of Education Meeting held on November 16, 2015**

Minutes for the Board of Education Meeting held on November 16, 2015, are being brought forward for approval.

**15.21 (Item #25) Contract between Mt. Diablo Unified School District-Mt. Diablo Elementary and Exploring New Horizons**

Fifth grade students at Mt. Diablo Elementary are participating in an outdoor education program at Exploring New Horizons Camp Loma Mar, January 25-29, 2016.

**CONSENT ITEMS PULLED FOR DISCUSSION**

**16.1 (Item #3) Northgate High School's Girls Basketball Tournament, December 28-30, 2015, Nevada**

Northgate High School is seeking approval of a trip to Reed High School in Sparks, Nevada to participate in the Varsity Elite Girls Basketball Tournament December 28-30, 2015. Fourteen students will be traveling with three chaperones in private vehicles. Students will be staying at the Silver Legacy Hotel in Reno, Nevada.

Ms. Mason clarified with staff that because this is a sports competition, the team did not know until close to the travel dates that they would qualify to participate.

Mason moved, Mayo seconded, and the Board voted 5-0-0 to approve the Northgate High School trip to Nevada, December 28-30, 2015, to participate in the Elite Girls Basketball Tournament.

**16.2 (Item #4) Northgate High School's Varsity Wrestling Tournament, December 29-30, 2015**

Northgate High School is seeking approval for the Varsity Wrestling Team to attend a two-day Varsity Wrestling Tournament in Reno, Nevada December 29-30, 2015. Approximately four to eight varsity wrestlers will attend with 4-10 chaperones. Students will travel by private vehicles and stay at Head Coach Wenzell's cabin in Truckee, California.

Ms. Mason clarified with staff that because this is a sports competition, the team did not know until close to the travel dates that they would qualify to participate.

Mason moved, Mayo seconded, and the Board voted 5-0-0 to approve Northgate High School's trip to participate in the Varsity Wrestling Tournament, December 29-30, 2015.

**16.3 (Item #5) Contract between Northgate High School and Events to the 'T' for Junior Prom**

Northgate High School is seeking approval of the attached Independent Contract with Events to the 'T' for \$32,200 for the Junior Prom on March 12, 2016.

Ms. Mason requested assurances that security guards employed at the event would be fingerprinted. Dr. Meyer and Chris Holleran responded to Board member questions.

This item was pulled from the agenda and will return at a future Board meeting.

**16.4 (Item #11) Pleasant Hill/Concord Health Care District Grant**

Approve the grant application for continued funding for the Pleasant Hill/Concord Health Care District grant to provide nutrition education and physical activity promotion in the Mt. Diablo CARES After School Programs.

Ms. Mason requested more information about the grant. Stephanie Roberts provided information and responded to Board member questions.

Mayo moved, Oaks seconded, and the Board voted 5-0-0 to approve submission of the Pleasant Hill/Concord Health Care District grant application on behalf of the Mt. Diablo CARES After School Program, and acceptance if awarded.

**DISTRICT ORGANIZATIONS**

Annie Nolan, California School Employees Association (CSEA), invited the Board members to attend the CSEA holiday party, where staff will be fundraising for the Foster Teen program at Mt. Diablo High School.

James Wogan, Mt Diablo HOPE, gave an update on HOPE's holiday donation drive. Mr. Wogan expressed his appreciation of a visit to the HOPE offices by Ms. Oaks, and thanked Felicia Stuckey-Smith for her support and generosity.

**PUBLIC COMMENT**

Larry Wirick pledged to attend one Board meeting per month to represent the Pittsburg Community Advisory Commission.

Greg Enholm, Trustee of the Contra Costa Community College District, provided Board members with a handout and shared information about a presentation by the El Paso Independent School District.

George Fulmore asked for more information regarding charter schools and for a listing of school events that the public may attend.

Willie Mims shared his concerns about the District's Local Control Funding Formula supplemental grant funds.

## **BUSINESS/ACTION ITEMS**

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

At the November 16, 2015 meeting, the Successor Agreement Proposals for Mt. Diablo Education Association (MDEA) and Mt. Diablo Unified School District were publicly presented. We are now presenting these proposals for public response.

There was no public response.

Mayo moved, Oaks seconded, and the Board voted 5-0-0 to approve to formally adopt the proposals of the Successor Agreement for Mt. Diablo Education Association (MDEA) and Mt. Diablo Unified School District for formal negotiations.

### **19.2 Opportunity for Public Response to the Initial Successor Agreement Proposals for Public Employees Union Local #1 Clerical, Secretarial and Technical Unit (CST) and Mt. Diablo Unified School District**

At the November 16, 2015 meeting, the Successor Agreement Proposals for CST and Mt. Diablo Unified School District were publicly presented. We are now presenting these proposals for public response.

There was no public response.

Mason moved, Mayo seconded, and the Board voted 5-0-0 to approve to formally adopt the proposals of the Successor Agreement for CST and Mt. Diablo Unified School District for formal negotiations.

### **19.3 First Interim Report 2015-16**

Education Code 42130 requires the school district to file their financial condition for two (2) reporting periods. The District presents its First Interim Report covering transactions through October 31, 2015. This report, upon approval, will be filed with the County Office of Education on December 15, 2015.

Dr. Meyer introduced the report, and Nance Juner gave a presentation and responded to Board member questions.

#### **Public Comment:**

Willie Mims asked when this report was made available on the website, and expressed his concerns about the spending of supplemental funds. Dr. Meyer addressed Mr. Mims' concerns.

Joe Estrada responded to Board member concerns regarding Electronic School Board.

Mason moved, Lawrence seconded, and the Board voted 5-0-0 to approve the First Interim Report 2015-16.

### **19.4 Budget Development Calendar 2016-17**

Education Code 42127 requires the Board of Education to adopt a budget for the 2016-17 school year and submit it to the County Superintendent of Schools by July 1, 2016. In order to ensure that the District meets this requirement, a calendar of the major development activities has been prepared. The Draft Budget Development Calendar may be adjusted pending approved 2016 Board meeting dates.

Mason moved, Oaks seconded, and the Board voted 5-0-0 to approve the 2016-17 Budget Development Calendar.

**19.5 Request for Replacement of Outdated Warrants (2)**

County warrant issued to Elaine Lai and to Jason Lai for outdated 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.

Donald Velez and Nance Juner responded to Board member questions.

Mayo moved, Oaks seconded, and the Board voted 5-0-0 to approve warrants to be issued to replace the voided warrants to Elaine Lai and to Jason Lai.

**19.6 Budget Transfer and/or Budget Increases/Decreases for October 2015**

Fund Net Changes to Fund Balance:  
General Fund 01: (\$2,506,478.75)  
Eagle Peak Charter School Fund 09: (\$402,179.98)  
Adult Education Fund 11: (\$680,987.89)  
Food Services Fund 13: \$44,458  
Deferred Maintenance Fund 14: 0  
Measure C Construction Fund 21: \$184,244.01  
Developer Fee Fund 25: \$84  
State School Facility Fund 35: (\$1,567)  
Measure A Fund 49: (\$27,712)  
Measure C Debt Service Fund 51: 0  
Measure A Debt Service Fund 52: 0  
Tosco Environmental Scholarship Fund 73: 0

Oaks moved, Mayo seconded, and the Board voted 5-0-0 to approve the budget transfers, increases and decreases and accept donations received and deposited in October 2015.

**19.7 Request Authorization to Submit the 2015-18 Technology Plan to the California Department of Education**

The Mt. Diablo Unified School District (MDUSD) Technology Plan 2015-18, addresses the Common Core State Standards (CCSS) College and Career anchor standards and the MDUSD LCAP goals by implementing new initiatives in the area of instructional technology, professional development, and digital tool acquisition. The goal is to have all teachers in MDUSD, TK-12, have the digital tools and opportunity to receive training, coaching, and other support in the integration of technology to transform learning in their classrooms. Goals of this plan are: (1) instruction by our MDUSD teachers will have 21<sup>st</sup> century projects and lessons that engage students, (2) help teachers master the 4 Cs (communication, collaboration, creativity and critical thinking), (3) prepare students with the digital literacy and citizenship skills to be successful in college, career, and life. The plan outlines how our technology will be upgraded to meet the growing demand for these digital tools in the classroom, and how to prepare teachers for technology integration.

**Public Comment:**

Dan Reynolds inquired if this item includes the Board approving the District's Tech Plan, which has not been previously approved.

Dr. Meyer gave a presentation and recognized members of the team who worked on this project.

The Board members had a brief discussion.

This item was for information only.

**\*\*19.16 Meeting Extension**

**\*\*This item was moved up on the agenda.**

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.

Mayo moved, Mason seconded, and the Board voted 5-0-0 to approve to extend the meeting time to no later than 11:45 p.m.

**19.8 Approval of Jones Hall for Bond and Disclosure Counsel Services, and Authorization to accept Proposal for Services**

Dannis Woliver Kelley notified the District that it would be unable to continue as bond counsel. Jones Hall will replace Dannis Woliver Kelley to provide bond and disclosure counsel services in connection with the refinance of bonds issued in 2010 and the issuance and sale of general obligation bonds thereafter.

Mr. Velez responded to Board member questions.

Mason moved, Lawrence seconded, and the Board voted 5-0-0 to approve the agreement for bond and disclosure counsel services with Jones Hall.

**19.9 Mt. Diablo Adult Education Program Participation Agreement with Federal Student Aid**

The Mt. Diablo Adult Education (MDAE) Program Participation Agreement with Federal Student Aid authorizes MDAE's participation in the Federal Title IV financial aid program. Under this agreement MDAE receives, on behalf of eligible adult students, Pell Grant funding for approved MDAE Career Technical Education Center (CTEC) training costs. Every four (4) years, MDAE is required to re-apply for this authorization as part of the re-certification process. The current agreement expires March 31, 2016.

On November 2, 2015 MDAE updated and electronically re-applied noting specific program changes as outlined on the attachment. Signature by the Superintendent of the Mt. Diablo Unified School District and supporting documentation is now required to be submitted no later than ninety (90) days prior to the March 31, 2016 expiration date, with said due date, December 31, 2015.

Mason moved, Lawrence seconded, and the Board voted 5-0-0 to re-application by Mt. Diablo Adult Education for Pell Grant program participation for Federal Student Aid, under Federal Title IV Pell Grant Funding.

**19.10 District Support for the Interscholastic Athletics Program**

Procedures to provide District support for MDUSD Interscholastic Athletics have been drafted. These policies are intended to provide program-specific procedures of District fiscal management practices as they pertain to Interscholastic Athletics Programs, as well as provide fiscal consistency District-wide. This information is presented in draft form and is for review at this time.

Dr. Meyer gave a presentation and responded to Board member questions.

This item was for information only.

**19.11 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 Ursula Reed for the position.

Mayo moved, Lawrence seconded, and the Board voted 5-0-0 to approve the appointment of Ursula Reed to the position of Program Specialist/Special Education.

**19.12 Reclassification of the Alternative Dispute Resolution Administrator Position from Certificated to Classified and Revised Job Description**

Special Education is requesting the elimination of a FTE 1.0 certificated Alternative Dispute Resolution Administrator position and the creation of a new FTE 1.0 classified Alternative Dispute Resolution Administrator position. The request is to reflect the duties performed by the incumbent currently in the position.

In addition, Special Education is requesting the revision of the Alternative Dispute Resolution Administrator's job description. The effective date for these changes will be July 1, 2016.

Public Comment:

Willie Mims questioned why specific changes had been made to this job description.

Dr. Meyer shared information about the changes to the job description and responded to Board member questions.

After a brief discussion, this item was pulled and will be revised by staff and returned to the Board at a later date.

**19.13 Revision of the Job Description for Director, Facilities, Operations and Resource Conservation**

Staff is requesting the revision of the job description for Director, Facilities, Operations and Resource Conservation. These revisions will more closely reflect the actual duties of the position.

This job description is being brought forward for information only at this time. It will be brought forward for action at the next Board meeting.

Dr. Meyer responded to Board member questions.

This item was for information only.

**19.14 Revision of Board Policy and Administrative Regulation 5116.1 (Intradistrict Open Enrollment)**

Staff revised Board Policy and Administrative Regulation 5116.1 to comply with the provisions mandated under Education Code 35160.5 (establish an open enrollment policy within the district for resident of the District).

Mayo moved, Mason seconded, and the Board voted 5-0-0 to approve revision of Board Policy and Administrative Regulation 5116.1 (Intradistrict Open Enrollment) under Education Code 35160.5.

**19.15 Revision of Board Policy and Administrative Regulation 5117 (Interdistrict Attendance)**

Staff revised Board Policy and Administrative Regulation 5117 to comply with the provision of Assembly Bill 1156 which amended Education Code 46600 (priority given for interdistrict attendance to students who are victims of an act of bullying) and reflect current practice.

Mayo moved, Mason seconded, and the Board voted 5-0-0 to approve the revision of Board Policy and Administrative Regulation 5117 (Interdistrict Attendance) to comply with the provision of Assembly Bill 1156 which amended Education Code 46600.

**19.17 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 adjourned to second Closed Session at 10:15\* p.m.

**RECONVENE OPEN SESSION**

The Board reconvened Open Session at 10:58\* p.m.

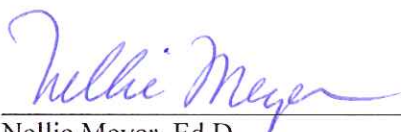
In Closed Session, the Board voted 5-0-0 for a settlement in one case of current litigation. The Board conferenced with general counsel and gave direction in five cases of current litigation. Negotiations were not discussed. One personnel matter was briefly discussed, and will be brought to Open Session at a future meeting.

**ADJOURNMENT**

The meeting was adjourned at 11:00 p.m.

\*All items marked are approximate.

Respectfully submitted,



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Nellie Meyer, Ed.D.  
Superintendent