

MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Wednesday, August 13, 2014 (5:00 p.m./7:30 p.m.)

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

Administrative Staff: Superintendent Nellie Meyer; Assistant Superintendent Julie Braun-Martin, Assistant Superintendent Rose Lock, Executive Director of Operations Jeff McDaniel, and Interim General Counsel Larry Schoenke

CALL TO ORDER

President Oaks called the meeting to order at 5:00 p.m. All Board Members with the exception of Brian Lawrence were in attendance. Mr. Lawrence participated via teleconference from the Philadelphia Marriott Downtown, Business Center, 1201 Market Street, Philadelphia, PA 19107.

PUBLIC COMMENT

There was no Public Comment.

CLOSED SESSION AGENDA

5.1 (Item #1) Expulsion of Student #14-14 from all Regular Schools of Mt. Diablo Unified School District

5.2 (Item #2) Discipline, Dismissal or Release of Public Employee

5.3 (Item #3) Discipline, Dismissal or Release of Public Employee

5.4 (Item #4) Negotiations - The Board may discuss negotiations or provide direction to its representatives regarding represented employees, pursuant to EERA (Govt. Code Section 3549.1) Agency negotiators: Julie Braun Martin and Deborah Cooksey, Agencies: MDEA, CSEA, Teamsters M&O, Local One CST, MDSPA, and Supervisory

5.5 (Item #5) Existing Litigation - Conference with Legal Counsel Pursuant to Gov't. Code Section 54956.9 (d)(1) Regarding the Matter of California Taxpayers Action Network v. MDUSD, MSC14-00996

5.6 (Item #6) Existing Litigation - Conference with Legal Counsel Pursuant to Gov't. Code Section 54956.9 (d)(1) Regarding the Matter of Rhinehart v. MDUSD, USDC 4:13-CV-05919-CW

5.7 (Item #7) Existing Litigation - Conference with Legal Counsel Pursuant to Gov't. Code Section 54956.9 (d)(1) Regarding the Matter of John Does v. MDUSD, Case Nos. MSC14-00262, MSC14-00289, MSC14-00312

5.8 (Item #8) Existing Litigation - Conference with Legal Counsel Pursuant to Gov't. Code Section 54956.9 (d)(1) Regarding the Matter of Kovasti v. MDUSD, EEOC Charge No. 555-2009-01175

5.9 (Item #9) Existing Litigation - Conference with Legal Counsel Pursuant to Gov't. Code Section 54956.9 (d)(1) Regarding the Matter of Richard Heyer v. MDUSD, Case No. MSC11-01425

5.10 (Item #10) Existing Litigation - Conference with Legal Counsel Pursuant to Gov't. Code Section 54956.9 (d)(1) Regarding the Matter of Roaldson v. MDUSD, MSC11-02675

5.11 (Item #11) Anticipated Litigation - Conference with Legal Counsel Pursuant to Gov't. Code Sec. 54956.9(b), Significant Exposure to Litigation: Two Cases

5.12 (Item #12) Conference with Negotiator(s) Pursuant to Gov't. Code Section 54957.6; Agency Negotiator: Barbara Oaks; Unrepresented Employee: Superintendent

5.13 (Item #13) Conference with Negotiator(s) Pursuant to Gov't. Code Section 54957.6; Agency Negotiator: Dr. Nellie Meyer; Unrepresented Employee: Director

RECONVENE OPEN SESSION

Open Session reconvened at 7:40 p.m.

PRELIMINARY BUSINESS

President Oaks led the Pledge of Allegiance and conducted Roll Call with all Board Members present, with the exception of Brian Lawrence. Mr. Lawrence participated via teleconference from the Philadelphia Marriott Downtown, Business Center, 1201 Market Street, Philadelphia, PA 19107.

REPORT OUT ACTION TAKEN IN CLOSED SESSION

8.1 (Item #1) Expulsion of Student #14-14 from all Regular Schools of Mt. Diablo Unified School District

Dennler moved, Hansen seconded, and the Board voted 5-0-0 via electronic and voice vote to approve the expulsion of Student #14-14 from all regular schools of the Mt. Diablo Unified School District, and that Student #14-14 may apply for readmission after January 23, 2015. It is required that Student #14-14 participates in 20 hours of counseling to address substance abuse issues and individual decision making skills, serve 30 hours of community service, attend California Offender Program Service (COPS) – Drug/Alcohol Offender class, attend MDUSD's Drug/Alcohol Workshop, show proof of negative drug test, and show evidence of a successful school experience to include: good attendance, maintain a minimum of C average, and earn at least 30 credits, prior to applying for readmission.

8.2 (Item #2) Discipline, Dismissal or Release of Public Employee

In Closed Session, the Board voted 5-0-0 to release a Classified Employee.

8.3 (Item #3) Discipline, Dismissal or Release of Public Employee

The Board received information.

8.4 (Item #4) Negotiations - The Board may discuss negotiations or provide direction to its representatives regarding represented employees, pursuant to EERA (Govt. Code Section 3549.1) Agency negotiators: Julie Braun Martin and Deborah Cooksey, Agencies: MDEA, CSEA, Local One M&O, Local One CST, MDSPA, and Supervisory

The Board gave direction to the negotiating team.

8.5 (Item #5) Existing Litigation - Conference with Legal Counsel pursuant to Gov't. Code Section 54956.9 (d)(1) regarding the matter of California Taxpayers Action Network v. MDUSD, MSC14-00996

The Board will return to Closed Session to discuss this item.

8.6 (Item #6) Existing Litigation - Conference with Legal Counsel Pursuant to Gov't. Code Section 54956.9 (d)(1) Regarding the Matter of Rhinehart v. MDUSD, USDC 4:13-CV-05919-CW

The Board will return to Closed Session to discuss this item.

8.7 (Item #7) Existing Litigation - Conference with Legal Counsel Pursuant to Gov't. Code Section 54956.9 (d)(1) Regarding the Matter of John Does v. MDUSD, Case Nos. MSC14-00262, MSC14-00289, MSC14-00312

The Board received information.

8.8 (Item #8) Existing Litigation - Conference with Legal Counsel Pursuant to Gov't. Code Section 54956.9 (d)(1) Regarding the Matter of Kovasti v. MDUSD, EEOC Charge No. 555-2009-01175

The Board will return to Closed Session to discuss this item.

8.9 (Item #9) Existing Litigation - Conference with Legal Counsel Pursuant to Gov't. Code Section 54956.9 (d)(1) Regarding the Matter of Richard Hever v. MDUSD, Case No. MSC11-01425

The Board will return to Closed Session to discuss this item.

8.10 (Item #10) Existing Litigation - Conference with Legal Counsel Pursuant to Gov't. Code Section 54956.9 (d)(1) Regarding the Matter of Roaldson v. MDUSD, MSC11-02675

The Board will return to Closed Session to discuss this item.

8.11 (Item #11) Anticipated Litigation - Conference with Legal Counsel Pursuant to Gov't. Code Sec. 54956.9(b), Significant Exposure to Litigation: Two Cases

The Board received information on one of the cases, and will return to Closed Session to receive information on the second case.

8.12 (Item #12) Conference with Negotiator(s) Pursuant to Gov't. Code Section 54957.6; Agency Negotiator: Barbara Oaks; Unrepresented Employee: Superintendent

The Board will return to Closed Session to discuss this item.

8.13 (Item #13) Conference with Negotiator(s) Pursuant to Gov't. Code Section 54957.6; Agency Negotiator: Dr. Nellie Meyer; Unrepresented Employee: Director

The Board will return to Closed Session to discuss this item.

BOARD MEMBER REPORTS

Ms. Dennler emphasized that it should be clear to all teachers who to contact in order to get what they need for their classrooms, particularly materials related to teaching Common Core.

Ms. Hansen shared that she is looking forward to attending the New Teacher Orientation on Tuesday.

Ms. Mayo welcomed everyone back to school, and requested that people contact the office of the governor, state senator, and assembly member to ask them to support the passage of AB 2235. If enacted, it would place a facilities bond for California public education, kindergarten through university level, on the November 4, 2014 ballot.

Ms. Oaks welcomed everyone back, and expressed thanks to District staff for providing an informative and helpful orientation for administrators on the new organization and reporting structure.

SUPERINTENDENT'S REPORT

Dr. Meyer reminded everyone that the first day of school is on August 25th.

Dr. Meyer announced that the new District website was launched on August 1st, and encouraged everyone to visit the site. Dr. Meyer acknowledged the team that worked to put the new site together.

Dr. Meyer shared that the team in the District Office is working to ensure that school sites have the staff that they need based on enrollment projections for the new year. She noted that Special Education placements got off to an early start this year. Dr. Meyer acknowledged many of the District departments who are all working toward a smooth opening of school for our students.

Dr. Meyer spoke about the Welcome Back Management Team meeting at Northgate High School on August 5th. At that meeting, staff discussed District goals and met new staff members. Staff then met in groups based on the new structure of Elementary, Middle, and High Schools. Administrators from each of those levels discussed their pressing needs. District departments also discussed what needs to be done to ensure that schools are prepared for the new year.

Dr. Meyer shared the MDUSD tradition of central office staff visiting a school site on the first day to assist and help, and noted that she is excited about the first day of school.

Dr. Meyer observed that the most pressing issue this year will be the shift to Common Core. Dr. Meyer explained that the Assistant Superintendents for Elementary, Middle, and High Schools will be taking the lead on that implementation, along with the District's Instructional Department. Dr. Meyer visited the warehouse today, and most of the materials are in place and ready to be delivered to the school sites.

Dr. Meyer shared that she is enthusiastic and optimistic about the 2014-15 school year.

REPORTS/INFORMATION

11.1 Presentation by the Pleasant Hill Green Team

The Pleasant Hill Green Team shared a summary of their program goals. This item is for information only.

Public Comment:

Ayse Trail, senior at Northgate High School, spoke about her goal to increase the recycling rate and to implement a food waste recycling program at her school.

PUBLIC EMPLOYEE APPOINTMENT

12.1 Appointment of Director, Special Education

The Superintendent is recommending Wendy Aghily be appointed to the position of Director, Special Education.

Hansen moved, Dennler seconded, and the Board voted 5-0-0 via electronic and voice vote to approve the appointment of Wendy Aghily to the position of Director, Special Education.

12.2 Appointment of Director, Personnel

The Superintendent is recommending Leyla Benson be appointed to the position of Director, Personnel.

Dennler moved, Mayo seconded, and the Board voted 5-0-0 via electronic and voice vote to approve the appointment of Leyla Benson to the position of Director, Personnel.

12.3 Appointment of Vice Principal, High School - Concord High School

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

Mayo moved, Dennler seconded, and the Board voted 5-0-0 via electronic and voice vote to approve the appointment of Ryan Sheehy to the position of Vice Principal, High School - Concord High School.

12.4 Appointment of Vice Principal, High School - Mt. Diablo High School

The Superintendent is recommending Heather Fontanilla be appointed to the position of Vice Principal, High School - Mt. Diablo High School. The incumbent in this position has left the District.

Dennler moved, Hansen seconded, and the Board voted 5-0-0 via electronic and voice vote to approve the appointment of Heather Fontanilla to the position of Vice Principal, High School - Mt. Diablo High School.

12.5 Appointment of Vice Principal - Northgate High School

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

Mayo moved, Hansen seconded, and the Board voted 5-0-0 via electronic and voice vote to approve the appointment of Richard Aistrope to the position of Vice Principal - Northgate High School.

12.6 Appointment of Vice Principal - El Dorado Middle School

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

Hansen moved, Dennler seconded, and the Board voted 5-0-0 via electronic and voice vote to approve the appointment of James Jacoby to the position of Vice Principal - El Dorado Middle School.

12.7 Appointment of Vice Principal - Riverview Middle School

The Superintendent is recommending Laura Hallberg be appointed to the position of Vice Principal - Riverview Middle School.

Dennler moved, Mayo seconded, and the Board voted 5-0-0 via electronic and voice vote to approve the appointment of Laura Hallberg to the position of Vice Principal - Riverview Middle School.

12.8 Appointment of Vice Principal, Elementary - Bel Air Elementary and Delta View Elementary

The Superintendent is recommending Sankaran Iyer be appointed to the position of Vice Principal, Elementary - Bel Air Elementary and Delta View Elementary.

Hansen moved, Mayo seconded, and the Board voted 5-0-0 via electronic and voice vote to approve the appointment of Sankaran Iyer to the position of Vice Principal, Elementary - Bel Air Elementary and Delta View Elementary.

12.9 Appointment of Vice Principal, Elementary - Cambridge Elementary

The Superintendent is recommending Joyce Densmore-Thomas be appointed to the position of Vice Principal, Elementary - Cambridge Elementary.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 via electronic and voice vote to approve the appointment of Joyce Densmore-Thomas to the position of Vice Principal, Elementary - Cambridge Elementary.

12.10 Appointment of Vice Principal, Elementary - Meadow Homes Elementary

The Superintendent is recommending Margo Peckham be appointed to the position of Vice Principal, Elementary - Meadow Homes Elementary.

Dennler moved, Hansen seconded, and the Board voted 5-0-0 via electronic and voice vote to approve the appointment of Margo Peckham to the position of Vice Principal, Elementary - Meadow Homes Elementary.

12.11 Appointment of Vice Principal, Elementary - Mt. Diablo Elementary School and Ygnacio Valley Elementary School

Interviews have been conducted, and a candidate has been selected to fill the position of Vice Principal, Elementary - Mt. Diablo Elementary School and Ygnacio Valley Elementary School.

Hansen moved, Mayo seconded, and the Board voted 5-0-0 via electronic and voice vote to approve the appointment of Julie Johnson to the position of Vice Principal, Elementary - Mt. Diablo Elementary School and Ygnacio Valley Elementary School.

12.12 Appointment of Vice Principal, Elementary - Shore Acres Elementary and Hidden Valley Elementary

The Superintendent is recommending Erin Fairholm be appointed to the position of Vice Principal, Elementary - Shore Acres Elementary and Hidden Valley Elementary.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 via electronic and voice vote to approve the appointment of Erin Fairholm to the position of Vice Principal, Elementary - Shore Acres Elementary and Hidden Valley Elementary.

12.13 Appointment of Program Specialist, Categorical Programs, Site Based - Meadow Homes Elementary

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

Dennler moved, Mayo seconded, and the Board voted 5-0-0 via electronic and voice vote to approve the appointment of Sandra Wilbanks to the position of Program Specialist, Categorical Programs, Site Based - Meadow Homes Elementary.

Public Comment:

Willie Mims questioned whether the new Vice Principals reflect the diversity of the schools they will serve, and pointed out the importance of their ability to manage diverse student populations.

CONSENT AGENDA

Mayo moved, Dennler seconded, and the Board voted 5-0-0 via electronic and voice vote to approve all Consent Agenda items with the exception of Item #13.22 and #13.25, thereby approving the following:

13.1 (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.

13.2 (Item #2) Recommended Action for Certificated Personnel

13.3 (Item #3) Request to Increase and Decrease Full Time Equivalent (FTE) for the 2014-2015 School Year

13.4 (Item #4) Recommended Action for Classified Personnel

13.5 (Item #5) Classified Personnel: Request to Increase/Decrease Full Time Equivalent (FTE) for the 2014-15 School Year

13.6 (Item #6) Fiscal Transactions for the Month of June 2014

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

13.7 (Item #7) Correction of Funding Source for Director of Measure C

On June 4, 2014, the Board approved the appointment of Tim Cody as Director, Measure C. At the time, the docket showed the funding source as General Fund. This was an error. Historically, the Director of Measure C has always been paid from the Measure C Bond fund. Staff would like to correct this error and correctly list the funding source for Director, Measure C as being from the Measure C Bond.

13.8 (Item #8) Increase of Days per Year for the Position of Director, School Support & Accountability

The position of Director, School Support & Accountability, was created and approved for 222 days per year beginning July 1, 2014. This position should be increased to 248 days per year beginning July 1, 2014.

13.9 (Item #9) Approve Contract between Mt. Diablo Unified School District (MDUSD) and Maxim Healthcare Services, Non Public Agency (NPA) for the 2014-2015 School Year

Non Public Agencies (NPA) are used by Special Education in the provision of specialized health care services. Services include diabetic monitoring, catheterizations, and other medically prescribed procedures. NPAs assist the District in assuring compliance with all applicable federal and state laws and regulations. These services are provided across the District and at multiple sites outside of District boundaries. The attached NPA contract provides for the initial costs required for the 2014-2015 school year and 2014 ESY.

In past years, costs for these services have been covered by grant funds. While it is likely that these funds will be available in spring 2015, the services are needed for the start of school. Therefore, contract increases will be brought to the board as funds become available.

13.10 (Item #10) Execution of Non-Public School Contracts for the 2014-15 School Year

Mt. Diablo Unified School District's (MDUSD) Execution of Non Public School Placements for the 2014-2015 school year. Request for funds includes basic education, related services, and room & board/mental health services for students in residential placements.

13.11 (Item #11) Internship Agreement between San Francisco State University and Mt. Diablo Unified School District

This agreement is to provide intern classes, supervision, and other services and benefits for Special Education Interns of San Francisco State University.

13.12 (Item #12) Internship Agreement between Brandman University and Mt. Diablo Unified School District for Multiple Subject, Single Subject and Education Specialist Internship Programs

This agreement is to provide intern classes and support for students in the Multiple Subject, Single Subject, and Education Specialist Internship programs.

13.13 (Item #13) Student Teaching Agreement between University of Phoenix and Mt. Diablo Unified School District

This agreement is to provide student teaching experience for students enrolled in the educational programs of the University of Phoenix.

13.14 (Item #14) Internship and Fieldwork Agreement between Brandman University and Mt. Diablo Unified School District for School Counseling and School Psychology Programs

These agreements are to provide intern classes and support for students in the School Counseling and School Psychology programs.

13.15 (Item #15) Internship Credential Program Agreement between National University and Mt. Diablo Unified School District

This agreement is to provide internship services for students attending National University's K-12 Educational Service Unit.

13.16 (Item #16) Student Placement Agreement between Saint Mary's College of California and Mt. Diablo Unified School District

This agreement is to provide experience to students enrolled in teacher training and counselor or psychology training curricula at Saint Mary's College of California.

13.17 (Item #17) Approval of 2014-15 Independent Contract with Carol Teltschick-Fall for \$55,000 as S3 Grant Coordinator for College Park High School

Contractor will work with S3 teams at College Park High School and at the District level to coordinate all S3 activities.

13.18 (Item #18) Partial Award RFP #1683: Supplemental Student Transportation - Ambulatory

Request for Proposal for RFP #1683 was called to provide Supplemental Transportation Services for Students participating in programs in the Mt. Diablo Unified School District, Contra Costa County, State and Non-Public Schools supplemental ambulatory car type routes as required by student IEP's for the 2014-15 school year. The lowest responsible, responsive proposal for ambulatory services is Pawar Transportation, Inc., for a total of \$1,300,000.

This is a three (3) year contract. Bus needs will be adjusted each year.

Contract not to exceed \$1,300,000 for the 2014-15 school year, from August 15, 2014 to June 30, 2015.

13.19 (Item #19) Partial Award of RFP #1683: Supplemental Student Transportation - Ambulatory and Non-Ambulatory

Request for Proposal for RFP #1683 was called to provide Supplemental Transportation Services for Students participating in programs outside of the Mt. Diablo Unified School District boundaries, including Contra Costa County, State and Non-Public Schools for to/from home and school sites for the 2014-15 school year.

Ambulatory services: 5 buses (capacity 9 walk-on's) for a minimum 4 hour period, school days only, at \$455 per bus. (5 buses X 180 days X \$455 = \$409,500.

Non-Ambulatory services: 5 buses (capacity 9 walk-on and two chairs) for a minimum 4 hour period, school days only, at \$455 per bus. (5 buses X 180 days X \$455 = \$409,500.

This is a three (3) year contract. The number of buses needed will be adjusted each year.

Contract not to exceed \$819,000 for the 2014-15 school year, from August 25, 2014 to June 30, 2015.

13.20 (Item #20) Partial Award of RFP #1683: Supplemental Student Transportation - Sports and Field Trips

Request for Proposal for RFP #1683 was called to provide Supplemental Transportation Services for Students participating in programs in the Mt. Diablo Unified School District, Contra Costa County, State and Non-Public School field trips and sports for the 2014-15 school year. The lowest responsible, responsive proposal for field trip buses is First Student, Inc., for a total of \$186,150.

Field Trips - Ambulatory: 78 passenger bus, 3 buses for a minimum 4 hour period, school days only, for 170 days at \$365 = \$186,150.

This is a three (3) year contract. Bus needs will be adjusted each year.

Contract not to exceed \$186,150 for the 2014-15 school year.

From August 15, 2014 to June 30, 2015.

13.21 (Item #21) Award of Bid #1682: Building E Window Replacement at CPHS

Bid #1682 was called to provide Window Replacement in Building E at College Park High School. The lowest responsible, responsive bid was from Home Tech Remodeling Inc., for the total amount of \$95,400. (Base bid \$92,900 plus allowance of \$2,500)

The scope of work includes, but not limited to: replacement in kind of the exterior window system at Building E (42 windows.)

13.22 (Item #23) Approve Textbook for Career Choices High School Course

The Equity Leadership Team approved the purchase of the textbook, Career Choices, A Guide for Teens and Young Adults, required to fulfill the Career Choices course. This course given to incoming freshman is one of the areas covered in the Coordinated Early Intervening Services (CEIS) Plan which includes a high school level life skills class that will engage students in an interactive learning process. It will help them develop the knowledge, skills, and attitudes needed to successfully examine their own lives, explore and evaluate a wide range of education and career choices, and make reasoned and researched goals for their future.

13.23 (Item #24) Education Code 44263 - Board Authorization

Under Education Code 44263, holders of any California teaching credential who have 18 lower division units or nine upper division units in a subject can be authorized, by Board Authorization, to teach that subject(s), full or part time. Teacher and site administrator completes Consent Form, and teacher supplies copies of transcripts verifying correct number of semester units completed in the subject area to be taught.

CONSENT ITEMS PULLED FOR DISCUSSION

14.1 (Item #22) Williams Quarterly Summary Report

The Williams legislation is a package of state laws resulting from the settlement of class action lawsuit filed in San Francisco County Superior Court in 2000, Eliezer Williams et al, vs. State of California. The basis of the lawsuit was that agencies failed to provide public school students with equal access to instructional materials, safe and decent school facilities, and qualified teachers. The complaints designated in the Williams lawsuit settlement. Quarterly reports reflect complaints regarding textbooks and instructional materials, teacher vacancies or misassignments, facilities conditions and Valenzuela/CAHSEE support. This quarter's report includes the months of April through June 2014.

Ms. Oaks clarified that the attached report appeared blank when she tried to view it on an iPad, but that the report is actually not blank and can be viewed in full on a computer.

Oaks moved, Hansen seconded, and the Board voted 5-0-0 via electronic and voice vote to ratify the Williams Quarterly Summary Report, June 30, 2014 on Williams Uniform Complaints.

14.2 (Item #25) Amended Certificate of Signatures

Due to recent personnel changes, an amended Certificate of Signatures needs to be filed with the Contra Costa County Office of Education.

Ms. Mayo pulled this item because the document was not yet attached to the agenda. Dr. Meyer explained that the delay was due to staff appointments made earlier in this meeting. Ms. Oaks read aloud the names on the Certificate of Signatures.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 via electronic and voice vote to approve the amended Certificate of Signatures as posted with the addition of Leyla Benson, Director of Personnel.

PUBLIC COMMENT

George Fulmore suggested that the District provide bilingual certificates to students who are functionally bilingual, not just students who have earned their bilingual status through academics. He also suggested that the District recognize bilingual students at high school graduation ceremonies.

Willie Mims stated his disbelief that the District has zero non-compliance violations on the Williams Act Quarterly Summary Report. He also asked Dr. Meyer to ensure that the District follows the LCAP and LCFE plans as they were submitted.

Denise Lambert shared that she appreciates the changes made to the District Office parking lot.

DISTRICT ORGANIZATIONS

Dorothy Weisenberger, Community Action Committee (CAC) Chair, thanked Dr. Meyer for finding a great Director of Special Education, and welcomed Wendi Aghily to that position.

Deborah Brewer, Teamsters/M&O, shared that she is looking forward to working with the District to negotiate new benefit and pay packages for the members of her unit.

Judy Engle, Teamsters/M&O, shared the financial difficulties that many food service employees face due to high medical costs and low wages.

BUSINESS/ACTION ITEMS

17.1 Opportunity for Public Response to the Additional Sunshine Proposal from Teamsters Local Union #856 (M&O) to Mt. Diablo Unified School District

At the June 25, 2014 meeting, an additional sunshine proposal was submitted from Teamsters Local Union #856 to Mt. Diablo Unified School District. We are now presenting this proposal for public response.

There was no public response.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 via electronic and voice vote to accept the additional Sunshine Proposal from Teamsters Local Union #856 dated June 25, 2014, to Mt. Diablo Unified School District and formally accept the proposal.

17.2 Approve Memo of Understanding between Maintenance and Operations, Teamsters Local No. 856 and Mt. Diablo Unified School District

The Memo of Understanding will allow Maintenance and Operations, Teamsters Local 854 members the same level of prorated benefits as the District's other classified units.

Hansen moved, Dennler seconded, to approve the Memo of Understanding between Maintenance and Operations, Teamsters Local No. 856 and Mt. Diablo Unified School District.

17.3 Conduct Public Hearing Regarding Draft Initial Study/Mitigated Negative Declaration for College Park High School Athletic Facility Improvements

The purpose of this Draft Initial Study/Mitigated Negative Declaration (IS/MND) is to evaluate environmental consequences that would result from the construction and operation of the Athletic Facility Improvements at College Park High School. As required by Section 15126 of the California Environmental Quality Act (CEQA) guidelines, this IS/MND addresses those issues which have been identified as having potentially significant impacts due to the proposed project: aesthetics, air quality, cultural resources, geology and soils, hydrology and water quality, noise, recreation and utilities and service systems.

A draft Initial Study/Mitigated Negative Declaration has been prepared and made available for public review. The 30-day public comment period occurred between April 1, 2014 and April 30, 2014. The public meeting was held on April 17, 2014 at College Park High School so that members of the public could comment on the draft Initial Study/Mitigated Negative Declaration. Public comments were received and the consultant has prepared a response to comments (RTC).

Draft Initial Study/Mitigated Negative Declaration has been reviewed by legal counsel and is available on the District website.

Public Comment:

Jerry Pollard spoke in favor of adding stadium lighting at College Park High School.

President Oaks opened the public hearing open at 9:30 p.m.

John Ferrante spoke in favor of adding stadium lighting at College Park High School.

President Oaks closed the public hearing at 9:32 p.m. and announced that this item will return for action at the next Board meeting.

Ms. Mayo requested that staff clarify the requirement that contact numbers be posted for each event advertised on the school marquee, and to clarify the number of free passes which will be made available for each event. Dr. Meyer responded that both of those items will be addressed and clarified.

Tim Cody stated that the document is a work in progress, and indicated that the tech team is available to answer any Board questions.

17.4 Creation of Board Policy 5131.62 and Administrative Regulation 5131.62 to Prohibit Students against Tobacco Use

Education Code 48901 requires any district maintaining a high school to take all steps deemed practical to discourage high school students from smoking. Tobacco-use prevention resources generally encourage prevention efforts to begin as early as possible, including in the middle or elementary grades.

This item was for information only.

Ms. Oaks asked for clarification on the medical use of cigarettes. Felicia Stucky-Smith responded that all prescription medications are treated the same, whether medication, marijuana, or cigarettes, and detailed those requirements.

17.5 Revision of Board Policy 3513.3 and Administrative Regulation 3513.3

Board Policy 3513.3 and Administrative Regulation 3513.3 approved by MDUSD Board of Education on August 8, 2003 are being revised and updated to provide a healthy environment for students and staff.

Ms. Mayo asked why the smoking boundary restriction was limited to playgrounds and not the entire school perimeter. She also noted that the wording makes it sound as though putting out cigarettes on the sidewalk is encouraged. Ms. Stuckey-Smith responded that staff is still in the process of researching this policy.

This item was for information only.

17.6 BP 6174 Education for English Learners AP 6174 Education for English Language Learners

The current BP and AR 6174 were adopted by the Board on January 9, 2007, which included CST as a standardized measure of academic achievement. This year, in light of the move from CST to SBAC assessment, CDE is not providing academic reports on individual students. Therefore, English Learners will not have one of the measures for reclassification. In order to avoid missed opportunities for reclassification, the state sanctioned local decision in regards to measuring academic skills. In MDUSD a Multi-Tiered approach is recommended to demonstrate academic skills in order to meet reclassification criteria. This new criteria will be in effect until the State Board of Education issues guidance. This slight change to the reclassification criteria is necessary so students can change their status from English Learner to Fluent English Proficient, pending all other criteria has been met.

Jeanne Duarte gave a presentation.

This item was for information only.

17.7 Revise Job Description for Assistant Director, College and Career, Adult Education

Staff is requesting the revision of the job description for Assistant Director, College and Career, Adult Education. This is a change in title only to reflect the direct connection to the Director, College and Career, Adult Education position. Staff is requesting that this revised job description go forward for both information and action at this time.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 via electronic and voice vote to the title change on the job description for Assistant Director, College and Career, Adult Education.

17.8 Mt. Diablo Adult Education Seeks Approval to Submit a Grant Application for \$75,000 to Outreach and Technical Assistance Network (OTAN)

The Proposal is specific to the Adult Basic and Adult Secondary Education Program and is titled "Community Model of Online Learning".

Goals of the Community Model of Online Learning Grant:

1. Initiate and/or enhance use of online and blended learning opportunities for adult learners in high school and equivalency programs.
2. Decrease the amount of time students must spend in remediation courses

3. Leverage existing OTAN distance learning instructional resources and professional development

Funding will be used for online educational program licenses, purchase of computers and software, and hours allocated for a staff member to keep track of student progress and to gather and analyze data for reports and deliverables.

Hansen moved, Dennler seconded, and the Board voted 5-0-0 via electronic and voice vote to approve Adult Education to submit an application for the Outreach and Technical Assistance Network (OTAN) grant.

17.9 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.

Mayo moved, Hansen seconded, and the Board voted 5-0-0 via electronic and voice vote to approve to extend the meeting time to 11:30 p.m.

17.10 Approve Agreement between Mt. Diablo Unified School District and Santa Clara County Office of Education

SCCOE will provide Positive Behavioral Interventions and Support (PBIS) is defined as a systems approach for establishing the social culture and individual behavior supports needed for schools to achieve both social and academic success for all students while preventing problem behaviors.

Hansen moved, Dennler seconded, and the Board voted 5-0-0 via electronic and voice vote to approve the Independent Contract with Santa Clara County Office of Education.

17.11 Memorandum of Understanding with City of Concord to Co-Fund School Resource Officers for the 2014/2015 School Year at District High Schools in Concord

School Resource Officers are furnished by the police department, supervised by the police department, and housed on school site campuses. These officers provide school support, supervision, and create a proactive environment to maintain school safety. These positions were eliminated in 2011 with city budget cuts.

As a result of joint conversations with the City of Concord, we are recommending an MOU with the city to co-fund these positions on the comprehensive high school campuses of Concord. These campuses would include Concord High, Mt. Diablo High School, and Ygnacio Valley High School. This position will be evaluated annually to confirm this agreement and to approve resources. Regarding the remaining two high schools, we are interested in pursuing options to support these sites as well.

During our community outreach meetings, there were strong discussions about the need for increased school supervision, consistent discipline, and a safe environment for our students. This action is in line with this goal.

After a brief discussion, Hansen moved, Dennler seconded, and the Board voted 5-0-0 via electronic and voice vote to approve the Memorandum of Understanding with the City of Concord to co-fund School Resource Officers for the 2014/2015 School Year at District High Schools in Concord.

17.12 Legal Services Contracts

Attached are contracts for legal services to be provided by Burke, Williams & Sorensen LLP, Dannis Woliver Kelley, Edrington Schirmer & Murphy LLP, Fagen Friedman & Fulfroost LLP, Haight Brown & Bonesteel, and Meyers Nave, A Professional Corporation. Each of the aforementioned firms has served the District at a competitive billable hourly rate. The billable hourly rates remain significantly below billable hourly rates in the Bay Area legal community.

Dennler moved, Mayo seconded, and the Board voted 5-0-0 via electronic and voice vote to approve the legal services contracts with Burke, Williams & Sorensen LLP, Dannis Woliver Kelley, Edrington Schirmer & Murphy LLP, Fagen Friedman & Fulfroost LLP, Haight Brown & Bonesteel, and Meyers Nave, A Professional Corporation.

17.13 Adoption of Middle School Math Common Core Courses of Study

A committee of middle school teachers and school support administrators revised the existing courses of study for Math 6 and 7 courses. The committee wrote new courses of study for Math 7 Accelerated and Math 8/Algebra I courses. These were developed based on the accelerated middle school pathway in the Common Core Math Appendix A. All four courses are aligned with the new Common Core State Standards.

After a brief discussion, Dennler moved, Mayo seconded, and the Board voted 5-0-0 via electronic and voice vote to approve to adopt the revised Math 6 and Math 7 courses, Math 7 Accelerated, and Math 8/Algebra I courses of study.

17.14 Approve Course Name Change from Algebra Readiness to Math 8

This course is aligned with the new Common Core State Standards for 8th Grade. The Math Content Standards and the Mathematical Practices are incorporated within this course of study. This course prepares students to be successful at the high school math level and beyond for college and careers. In addition, an emphasis is placed on the Habits of Mind Practices embedded in the Common Core State Standards. The "Math 8" course name is aligned with terminology used in the Common Core.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 via electronic and voice vote to approve the course name change from Algebra Readiness to Math 8.

17.15 Community Facilities District # 1 (Measure A)

A resolution is necessary to approve the annual Community Facilities District #1 tax report and to levy and apportion the special (Measure A) tax for fiscal year 2014/2015. The current Mt. Diablo Mello-Roos Tax, Measure A, was passed in November 1989 by a favorable vote of 71 percent. Almost \$90,000,000 of projects ranging from new multi-use buildings, new gymnasiums, new turf, repaired heaters, and restored restrooms have made the physical facilities for our students much more attractive and functional.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 via electronic and voice vote to approve the adoption of Resolution #14/15-5, Community Facilities District #1 Measure A resolution.

17.16 Hold Public Hearing and Adopt Resolution of Intent to Dedicate an Easement at Clayton Valley Charter High School

The Contra Costa Water District is requesting a grant of easement at Clayton Valley Charter High School. The easement is required to complete a connection to a fire protection (hydrant) line.

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 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 no 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 dedicating the easement by a two-thirds vote of the Board.

The public hearing and request for Board action Dedication Resolution will be scheduled and brought to the Board at the August 27, 2014 Board meeting pursuant to the provisions of Education Code Section 17556.

President Oaks opened the public hearing at 10:14 p.m.

President Oaks closed the public hearing at 10:15 p.m.

After a brief discussion, Hansen moved, Dennler seconded, and the Board voted 5-0-0 via electronic and voice vote to approve to adopt Resolution #14/15-2, Intent to Dedicate an Easement at Clayton Valley Charter High School.

17.17 Approve Short Term Facilities Lease Agreement with YMCA of the Central Bay Area at Strandwood ES

On June 25, 2014, the Board authorized staff to proceed with execution of a short-term lease to support a request by YMCA of the Central Bay Area (YMCA) to expand day-care facilities at Strandwood Elementary School. The District currently has four (4) interim housing units on-site, and anticipates that the YMCA will utilize two of these existing units until such time as temporary buildings can be relocated on the campus.

Additionally, site staff concluded YMCA facilities will not impact day-to-day operations and additional day care capacity will greatly benefit both MDUSD and the Strandwood neighborhood. Staff will continue to work with YMCA to review and approve architectural drawings, facilitate construction, and ensure the project is certified by DSA. All costs associated with the relocation will be the responsibility of YMCA.

Per Board direction on June 25, 2014, attached three year agreement is returned for Board action.

Dennler moved, Hansen seconded, and the Board voted 5-0-0 to approve the Short Term Facilities Lease Agreement with YMCA of the Central Bay Area at Strandwood Elementary School.

FUTURE AGENDA ITEMS

There were no Future Agenda Items.

CLOSED SESSION

The Board adjourned to Closed Session at 10:21 p.m.

RECONVENE OPEN SESSION

The Board reconvened Open Session at 11:31 p.m.

8.6 (Item #6) Existing Litigation - Conference with Legal Counsel Pursuant to Gov't. Code Section 54956.9 (d)(1) Regarding the Matter of Rhinehart v. MDUSD, USDC 4:13-CV-05919-CW

The Board received information.

8.7 (Item #7) Existing Litigation - Conference with Legal Counsel Pursuant to Gov't. Code Section 54956.9 (d)(1) Regarding the Matter of John Does v. MDUSD, Case Nos. MSC14-00262, MSC14-00289, MSC14-00312

The Board received information.

8.8 (Item #8) Existing Litigation - Conference with Legal Counsel Pursuant to Gov't. Code Section 54956.9 (d)(1) Regarding the Matter of Kovasti v. MDUSD, EEOC Charge No. 555-2009-01175

The Board received information.

8.9 (Item #9) Existing Litigation - Conference with Legal Counsel Pursuant to Gov't. Code Section 54956.9 (d)(1) Regarding the Matter of Richard Hever v. MDUSD, Case No. MSC11-01425

The Board received information and provided direction. The Board voted 3-0-2 (with Hansen and Oaks abstaining).

8.10 (Item #10) Existing Litigation - Conference with Legal Counsel Pursuant to Gov't. Code Section 54956.9 (d)(1) Regarding the Matter of Roaldson v. MDUSD, MSC11-02675

The Board gave authority to settle this case in accordance with the court ordered settlement. The Board voted 4-0-1 (Oaks abstained).

8.11 (Item #11) Anticipated Litigation - Conference with Legal Counsel Pursuant to Gov't. Code Sec. 54956.9(b), Significant Exposure to Litigation: Two Cases

The Board gave direction to legal counsel on one case.

8.12 (Item #12) Conference with Negotiator(s) Pursuant to Gov't. Code Section 54957.6; Agency Negotiator: Barbara Oaks; Unrepresented Employee: Superintendent

The Board discussed holding a special session to: report out on the Superintendent's evaluation; to review the goals for the Board during the 2013-14 school year; and to look at Board goals for the 2014-15 school year. A date for that special session will be announced within the next few weeks.

ADJOURNMENT

The meeting adjourned at 11:33 p.m.

DRAFT

Respectfully submitted,

Nellie Meyer, Ed.D.
Superintendent