

**MINUTES**  
**REGULAR MEETING OF THE BOARD OF EDUCATION**  
**MT. DIABLO UNIFIED SCHOOL DISTRICT**  
**Wednesday, May 14, 2014 (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, Assistant Superintendent Kerri Mills, Interim General Counsel Lawrence Schoenke, and Chief Financial Officer Bryan Richards

**CALL TO ORDER**

The Meeting of the Board of Education of the Mt. Diablo Unified School District was called to order by Barbara Oaks at 6:00 p.m. in the Board room at the MDUSD Dent Center. President Oaks took Roll Call with all Board members present except Mr. Lawrence, who is expected to arrive at 8:30 p.m.

**PUBLIC COMMENT**

There was no Public Comment.

**ADJOURN TO CLOSED SESSION**

The Board adjourned to Closed Session at 6:01 p.m.

**CLOSED SESSION AGENDA**

**5.1 Expulsion of Student #6-14 from all Regular Schools of Mt. Diablo Unified School District**

**5.2 Expulsion of Student #7-14 from all Regular Schools of Mt. Diablo Unified School District**

**5.3 Release of Public Employees**

**5.4 Conference with Legal Counsel - Anticipated Litigation (Gov. Code Sec. 54956.9(b) Significant Exposure to Litigation: 1 Case**

**5.5 Existing litigation - Roaldson v. MDUSD**

**5.6 Existing litigation - Jane Doe v. MDUSD**

**5.7 Conference with Negotiators - Unrepresented Employees - Diablo Managers Association. Negotiators: Dr. Nellie Meyer and Larry Schoenke, Interim General Counsel**

**5.8 District Reorganization**

**RECONVENE OPEN SESSION**

Open Session reconvened at 7:35\* p.m.

**PRELIMINARY BUSINESS**

President Oaks led the Pledge of Allegiance, and took Roll Call with all Board members present except Mr. Lawrence, who is expected to arrive at 8:30 p.m.

**REPORT OUT ACTION TAKEN IN CLOSED SESSION**

**8.1 Expulsion of Student #6-14 from all Regular Schools of Mt. Diablo Unified School District**

Mayo moved, Hansen seconded, and the Board voted 4-0-1 via roll call vote to approve the expulsion of Student #6-14 from all regular schools of the Mt. Diablo Unified School District, and that Student #6-14 may apply for readmission after January 23, 2015. It is required that Student #6-14 participates in 20 hours of counseling to address anger and decision making skills, serve 30 hours of community service, attend California Offender Program Service (COPS) – Aggressive Offender class, attend MDUSD’s Teen Anger Management Workshop, and show

evidence of a successful school experience, to include: 95% attendance; no suspendible behavior infractions; maintain a minimum of C average; and earn 40 credits prior to applying for readmission.

### **8.2 Expulsion of Student #7-14 from all Regular Schools of Mt. Diablo Unified School District**

Dennler moved, Mayo seconded and the Board voted 4-0-1 via roll call vote to approve the expulsion of Student #7-14 from all regular schools of the Mt. Diablo Unified School District, and that Student #7-14 may apply for readmission after January 23, 2015. It is required that Student #7-14 participates in 20 hours of counseling to address anger and decision making skills, serve 30 hours of community service, attend California Offender Program Service (COPS) – Aggressive Offender class, attend MDUSD’s Teen Anger Management Workshop, and show evidence of a successful school experience to include 95% attendance, no suspendible behavior infractions, maintain a minimum of C average, and earn 40 credits prior to applying for readmission.

### **8.3 Release of Public Employees**

No action was taken on this item.

### **8.4 Conference with Legal Counsel - Anticipated Litigation (Gov. Code Sec. 54956.9(b) Significant Exposure to Litigation: 1 case**

The Board received information on this case.

### **8.5 Existing Litigation - Roaldson v. MDUSD**

The Board received information on this case.

### **8.6 Existing Litigation - Jane Doe v. MDUSD**

The Board authorized a settlement in this case.

### **8.7 Conference with Negotiators - Unrepresented Employees - Diablo Managers Association. Negotiators: Dr. Nellie Meyer and Larry Schoenke, Interim General Counsel**

The Board discussed this item.

### **8.8 District Reorganization**

This item was not discussed because there were no Personnel issues related to this item.

## **STUDENT REPRESENTATIVES**

Marlon Martin, student at Olympic High School, sat on the dais as Student Representative. Student Representatives reported on activities at their high schools.

## **RECOGNITIONS AND RESOLUTIONS**

### **10.1 Resolution #13/14-49 Day of the Teacher**

The Mt. Diablo Unified School District Board of Education wishes to adopt a resolution acknowledging the lifelong influence that teachers can have on the lives of our children and to express its appreciation for the creativity, dedication, and talent of teachers in the Mt. Diablo Unified School District.

Mayo moved, Dennler seconded, and the Board voted 4-0-1 to approve to adopt Resolution #13/14-49, acknowledging May 14, 2014, as the Day of the Teacher, recognizing the lifelong influence that teachers can have on the lives of our children and to express its appreciation for the creativity, dedication, and talent of teachers in the Mt. Diablo Unified School District.

### **10.2 Resolution #13/14-50 Classified Employees' Week**

The Mt. Diablo Unified School District Board of Education wishes to adopt a resolution to recognize and honor the contribution of the classified school employee to quality education in the State of California and in the Mt. Diablo Unified School District and declare the week of May 18 – 24, 2014 as Classified School Employees' Week.

Hansen moved, Mayo seconded, and the Board voted 4-0-1 to approve to adopt Resolution #13/14-50 declaring the week of May 18-24, 2014 as Classified School Employees Week to recognize and honor the contribution of the classified school employee to quality education in the State of California and in the Mt. Diablo Unified School District.

### **10.3 Asian Pacific Heritage Month**

The California Department of Education has designated May as Asian Pacific Heritage Month. The attached resolution recognizes the many contributions made by the people from the Asian Pacific lands to the growth and development of California's heritage.

Mayo moved, Dennler seconded, and the Board voted 4-0-1 to approve to adopt Resolution 13/14-48 proclaiming May Asian Pacific Heritage Month.

### **10.4 Resolution #13/14-51 Brown v. Board of Education**

On May 17, 1954, in a historic and unanimous decision, the United States Supreme Court in Brown v. Board of Education ruled that public education is subject to the equal protection provisions of the United States Constitution.

Public Comment:

Dan Reynolds thanked the Board for adopting this and the other resolutions on the agenda this evening. He noted that these resolutions remind us that we are always working to pursue equity.

Mr. Schoenke commented that he made the decision to attend law school after studying this case in college. He acknowledged that the Chief Justice of the United States at that time was Earl Warren, who was the Governor of California when he was appointed.

Dennler moved, Hansen seconded, and the Board voted 4-0-1 to approve Resolution #13/14-51 commemorating the 60th anniversary of Brown v. Board of Education.

### **BOARD MEMBER REPORTS**

Ms. Mayo announced that President Oaks was honored at College Park High School by the community for her efforts as Principal. Ms. Mayo attended the California State PTA Convention in Los Angeles, and gave highlights of that event.

Mr. Lawrence joined the meeting at 8:16 p.m.

Ms. Dennler had the opportunity to attend the celebration for Ms. Oaks, and she noted that it was to commemorate 25 years of distinguished service, and to recognize her dedication and efforts to the College Park High School pool project.

Ms. Hansen also attended the celebration for Ms. Oaks. She announced that she will be putting up an agenda item at the next meeting to dedicate the administration building to Ygnacio Valley High School founding principal, Ernie Wutzke.

Ms. Hansen visited the Mt. Diablo High School's Sustainable Health Program, and announced that the school is participating in partnership meetings with staff from California State University East Bay, trying to build a pathway for students to 2-year and 4-year colleges. She noted that students at Mt. Diablo High School have an ambitious plan to develop sustainable food gardens on the campus, and that CSU East Bay is interested in modeling a similar project after the one at that school.

Ms. Oaks shared that the celebration at College Park High School was both an honor and surprise, and she recognized the supportive community and noted that this is a great place to raise children.

Mr. Lawrence apologized for being late. He did not provide a report.

### **SUPERINTENDENT'S REPORT**

Dr. Meyer shared that she appreciated the resolutions tonight, and she welcomed Student Representative Marlon Martin.

Since the last Board meeting, Dr. Meyer has visited Mountain View Elementary School, Ygnacio Valley High School, College Park High School, and Concord High School. She noted that students are busy and excited during the last 20 days of school.

Dr. Meyer announced that this afternoon the Chamber of Commerce hosted an educational showcase for District students and their academies. She emphasized how impressive the students' work was, and commented on the amazing 3-D printer capabilities across the District. Dr. Meyer also noted that numerous public officials and community members at the event volunteered to support our schools in a multitude of ways. Dr. Meyer thanked Joanne Durkee for her support of that event.

Dr. Meyer reported that work is continuing on the District's Local Control Accountability Plan (LCAP), and that the writing portion and the alignment of resources with the budget are now in process. She noted that Stephanie Roberts and Lorie O'Brien are handling the alignment of outreach to that document.

At Concord High School today, State Superintendent of Public Instruction, Tom Torlakson, came to thank teachers on California's Day of the Teacher, and recognized the campus for its' student achievement.

Dr. Meyer shared that the District has formed a partnership with the City of Concord, and a follow-up meeting was held with the Concord City Manager, Chief of Police, and Park and Recreation staff to discuss sharing facilities and safety on school campuses.

Dr. Meyer announced that Ygnacio Valley High School held a ribbon cutting ceremony for its new chemistry labs, which were funded under the Measure C Bond Initiative. She also noted the celebration at College Park High School for Ms. Oaks, and the annual celebration for retiring District employees held last night. The retiring employees ranged from four years to 42 years of service to the District. Last week, the Students of Excellence event was held by the Contra Costa County Office of Education, and all five District high schools were well represented at that event.

Dr. Meyer shared that Meadow Homes Elementary School was selected as a CREATE CA Turnaround Arts School. Principal Mary Louise Newling and Dr. Meyer will attend a reception celebrating that honor hosted by First Lady Michelle Obama at the Library of Congress in Washington, D.C. next week.

## **REPORTS/INFORMATION**

### **13.1 Presentation of AB 1266**

On January 1, 2014, California became the first state to pass a law requiring that students be provided access to facilities, school programs, and services consistent with their gender identity. Therefore, school districts must create and implement policies that allow a student to access facilities consistent with the student's gender identity, irrespective of the gender listed in the student's records. Staff will present to the Board for a first reading and public comment, draft policies consistent with the requirements of AB 1266.

Deb Cooksey, Felicia Stuckey-Smith, James Wogan, and Joel Baum, Director of Education and Training for Gender Spectrum, gave a presentation.

This item was for information only.

## **CONSENT AGENDA**

Items #5 and #11 were pulled for discussion.

(Items #6 and #13 were inadvertently pulled from consent agenda.)

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve as presented, with the exception of items #5, #6, #11 and #13, thereby approving the following:

**14.1 (Item #1) Items listed under Consent Agenda are considered routine and will be approved/adopted by a single motion. There will be no separate discussion of these items; however, any item may be removed from the consent agenda upon the request of any member of the Board and acted upon separately.**

**14.2 (Item #2) Recommended Action for Certificated Personnel**

### **14.3 (Item #3) Classified Personnel: Request to Increase and Decrease Full Time Equivalent (FTE) for the 2014-15 School Year**

### **14.4 (Item #4) Changes in Status of the Following Classified Employees**

### **14.5 (Item #7) Adoption of “Pre-Calculus” Course of Study**

A committee of high school mathematics teachers, and a School Support Administrator for mathematics went through a district process to write a new course of study for the Pre-Calculus high school course. The new course of study is aligned with the Common Core Standards for Mathematical Practices and UC Course Guidelines. This process was necessary as we have not updated the Pre-Calculus course of study since 1985.

### **14.6 (Item #8) Approve Independent Services Contract with Pivot Learning Partners**

One of the strands of the MDUSD Professional Development Plan is Leadership Development. Pivot Learning Partners will work with District staff to support district effort to improve rigorous learning for all students. The goal of this training is to build capacity of district and site leaders to lead the change to the Common Core State Standards such that all students in MDUSD succeed and become college and career ready.

The training will fall into the following three areas:

- CCSS instruction and feedback to teachers
- Designing change through techniques to inspire and motivate through understanding of human interactions and language
- Next generation systems to distribute leadership

The training design and presentations will be collaboration with the staff in the Student Achievement and School Support Department. Participants for the 3-day training will include 140 site and district level administrators.

### **14.7 (Item #9) Contract Addendum; Additional Counseling Services Provided by John F. Kennedy University**

Addendum to contract with John F. Kennedy University to provide 1) Counseling at two additional district schools and 2) Counseling for students referred by SARB, Expulsion Panel, and Positive Behavior Team (expulsion diversion) for students who can't afford / do not have access to counseling services.

### **14.8 (Item #10) Staff Requests Authorization for Meadow Homes Elementary to Serve as a CREATE CA Turnaround Arts Program School**

Meadow Homes Elementary as part of implementation of the School Improvement Grant (SIG) has implemented an innovative Arts-based program for students since 2012. As a SIG grantee, Meadow Homes was invited to apply to be one of ten schools in the nation to participate in the CREATE CA, Turnaround Arts Program. CREATE CA, Turnaround Arts is an arts and school improvement program partnership between CREATE CA and a group of national partners, including the U.S. Department of Education, the National Endowment for the Arts, the President's Committee on the Arts and Humanities and Americans for the Arts. Schools that have participated in the pilot phase of this program have demonstrated increased academic achievement, increased student and parent engagement in the school, and improved school culture and climate indicators.

On May 5th, 2014, Meadow Homes was informed that they were selected as a CREATE CA Turnaround School. As a participating school Meadow Homes will receive an array of arts services, resources and materials to increase their chances of successful school improvement, provide “quick wins” for their community, and raise the visibility of their achievements. This intensive, research-based program pairs technical assistance with strategic planning and resource allocations to integrate the use of high quality arts education into the larger improvement process underway in Meadow Homes.

This national program will provide both uniform and customized resources to respond to the particular arts education-related needs of participating schools. These will include:

- An off-site National Summer Turnaround Arts Institute for the school principal and two teachers to get strategic planning and curriculum support from nationally recognized arts education providers;
- A public arts event in the school with students, parents, community, and a high profile celebrity and/or artist;
- Strategic planning assistance and principal and teacher coaching;
- In-school professional development in arts integration;

- Facilitating partnerships with community arts education and cultural organizations;
- Supplemental arts supplies and musical instruments;
- Teaching artists to provide supplemental instruction and/or professional development;
- Participation in national activities, such as White House events or other high profile events, as possible and appropriate.

Staff requests authorization for Meadow Homes Elementary to participate as a CREATE CA, Turnaround Arts School. Resources are in the form of training, travel, supplies and materials, strategic planning.

#### **14.9 (Item #12) Award of Bid for RFQ #1679: Fire System Testing**

RFQ #1679 was called to provide Fire Alarm System annual inspection at all district sites. The lowest responsible, responsive quote was Sabah International, Inc., for the total amount of \$119,609.59. (Base Bid)

The scope of work includes, but not limited to: perform complete fire alarm system annual inspections required by SB575. These inspections include, but are not limited to, all site duct detector heat detector, smoke detector strobe devices, fire alarm boxes, electromechanical releasing devices and all fire detection devices. A complete site written report will be required. The Engineer's estimate is \$120,000.

#### **14.10 (Item #14) Notice of Award for Request For Quotations #1681: Flooring Improvements**

Request for Quotations for RFQ #1681 was called to provide Flooring Improvements at various sites. The lowest, responsible, responsive Bidder is Harry L. Murphy, Inc., for the base bid amount of \$12,000.

The scope of work includes, but is not limited to: labor, equipment, services and materials needed for the installation of resilient tile flooring with cove base as needed at various sites throughout the District.

#### **14.11 (Item #15) Notice of Completion for Lease Leaseback #1615: Campus Core Improvements at College Park High School**

Lease Leaseback #1615 was called to provide Campus Core Improvements at College Park High School. The lowest responsible, responsive request for qualifications is Robert A. Bothman, Inc., for the Guaranteed Maximum Project Cost of \$471,453.

The scope of work included, but was not limited to: provide all tools, materials, labor and equipment necessary to complete renovations of the highly used student area between buildings. Work includes but is not limited to, demolition of existing utilities and installation of new concrete walks and seating areas as it relates to the Drawings and Specifications.

There was a final deductive change order in the amount of (\$13,731).

Work and services for this project have been satisfactorily completed for a total expenditure of \$457,722.

#### **14.12 (Item #16) Approve Final Deductive Change Order #1615-001 (FCO) Associated with Lease-Leaseback Agreement to Robert A. Bothman, Inc. for Campus Core Improvements at College Park High School**

On May 20, 2013, the Board of Education awarded a Lease-Leaseback contract to Robert A. Bothman for the GMP of \$471,453. The scope of work included walkways and landscaping improvements of highly used student gathering area in the central campus area (between buildings).

A final deductive change order in the amount of (\$13,731) is necessary to return un-used contingency to District. Final change order will result in a revised contract value of \$457,722.

#### **14.13 (Item #17) Minutes for the Board of Education Meeting Held on September 11, 2013**

At 8:50\* p.m. Student Representative Marlon Martin left the meeting. President Oaks thanked him for his participation.

## **CONSENT ITEMS PULLED FOR DISCUSSION**

### **15.1 (Item #5) Classified Personnel: Resolution of Reduction or Discontinuance of Classified Employees (Classified Layoff) Resolution No. 14/15-43**

Under state law, school districts are required to provide not less than 60 days notice to classified employees of a layoff. The notice includes the effective date of the layoff, and the displacement and reemployment rights of the noticed employees. Resolution 14/15-43 lists the classified positions that are ending due to the expiration of funding. With the adoption of Resolution 43, the Assistant Superintendent of Personnel Services will be directed to send notices to affected classified employees informing them that their services will not be required for the 2014-15 school year. The resolution also adopts the criteria that Personnel Services will use to determine whether employees whose services are being eliminated have sufficient experience and qualifications to bump less senior employees. Finally, the resolution directs that layoff notices be sent to the appropriate classified employees in order to effectuate a reduction of the classified staff in an amount equal to the number of full-time equivalent positions listed on the resolution in accordance with Education Code.

Julie Braun Martin clarified that the need for child care attendants at Crossroads is determined by student enrollment. There is currently a reduced need due to lower enrollment.

Dennler moved, Lawrence seconded, and the Board voted 5-0-0 to approve the resolution of reduction or discontinuance of Classified Employees (Classified Layoff) Resolution No. 14/15-43.

### **15.2 (Item #11) Pine Hollow Middle School Trip to Odyssey of the Mind World Finals in Iowa**

Eileen Roberts Farley, Teacher, will be chaperoning 7 female students along with 6 chaperones to The Odyssey of the Mind World Competition in Ames, Iowa on May 28 - June 1, 2014. The students are: Carlie Beeson, Emma Ramirez, Jenny Vonnegut, Jordan Steinberg, Kayla Confetti, Kelsey Turner, Sarah Mirabella. Parent Chaperones are: Erick & Marlene Mirabella, Carol Ramirez, Lisa Vonnegut, Maria Steinberg & Christie Turner. This competition allows students to develop skills in problem solving, critical thinking, teamwork, math, language arts, science, writing, engineering, and the performing arts. The students will perform an 8 minute skit to solve a problem. They wrote an original script, created all their props, scenery and costumes and learned about teamwork and creativity along the way. They will be competing with teams from 26 countries and the US. The students will be housed in the dormitories at Iowa State and chaperoned by the team parents listed above.

Mr. Lawrence congratulated Pine Hollow Middle School on this achievement.

Lawrence moved, Mayo seconded, and the Board voted 5-0-0 to approve the Pine Hollow Middle School trip to Odyssey of the Mind World Finals in Iowa.

### **15.3 (Item #6) Fiscal Transactions for the Month of April 2014**

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

Lawrence moved, Dennler seconded, and the Board voted 5-0-0 to approve Fiscal Transactions for the month of April 2014.

### **15.4 (Item #13) Award of Request for Quotation #1673: Asbestos Abatement Services**

Request for Quotation #1673 was called to provide Asbestos Abatement Services at various MDUSD sites. The lowest, responsible, responsive quote was received from Janus Corporation for the total amount of \$18,654.

The scope of work includes, but is not limited to: labor, materials, facilities, equipment, services and testing necessary to remove and dispose of asbestos containing material as needed from various sites located throughout the District. Three (3) proposals were received. A bid summary is attached with proposal pricing.

Dennler moved, Mayo seconded, and the Board voted 5-0-0 to approve award of Request for Quotation #1673 to Janus Corporation.

## **PUBLIC COMMENT**

Bruce Albert asked if the District has adopted the Common Core Standards Traditional Math Pathway and the Integrated Math Pathway. Dr. Meyer responded that the District currently uses the Traditional Math Pathway. After some discussion, Lawrence Schoenke advised that this is becoming a dialogue which violates the Brown Act, and suggested that Mr. Albert meet separately with Rose Lock to continue the conversation.

## **COMMUNICATIONS/DISTRICT ORGANIZATIONS**

Carmen Terrones-Torres, CST Local 1 President, thanked the Board and Superintendent for listening to CST members and for placing item 18.2 on the agenda.

Lisa Davis, CST Local 1 Senior Business Agent, urged the Board to vote yes on item 18.2 to restore CST hours and weeks. She asked the Board to recognize what employees have sacrificed to serve the District.

Dorothy Wiesenberger, CAC Chairperson, announced that they are currently compiling the CAC end-of-year report, and plan to present it to the Board at the end of June. She asked the Board to restore and increase the hours that the Special Education Assistants have been reduced. Ms. Wiesenberger noted the need to resolve ongoing transportation issues, and the need for permanent Special Education Assistants. She also pointed out that the District's Spanish language phone line in the Transportation Department is only open for one hour per day.

## **BUSINESS/ACTION ITEMS**

### **18.1 Restore Four (4) Elementary Vice Principal Positions**

Due to budget cuts, the MDUSD Board took action on March 3, 2009 to fully suspend board policy on administrative staffing. This resulted in the elimination of three elementary vice principal positions.

Under Administrative Rule 4113.11, schools with over 700 students would have a full-time vice principal. A point scale would be used to determine the level of administrative assistance at elementary schools based on four factors: total enrollment, total staff, number of students on free/reduced lunch, and number of ins/outs of students for the previous year. Administrative assistance would be a vice principal, resource teacher/administrator intern and/or \$4,000-\$8,000.

This administrative staffing formula has not been fully implemented for many years. Currently, all elementary schools are staffed with one administrator - Principal. Several Title I schools have funded a site-based Program Specialist position using their categorical funds. All schools receive \$4,000 to augment their budgets and may use it for administrative assistance.

We are requesting that the allocation formula used previously be modified, replacing the number of ins/outs with the percentage of the Special Education student population. This would more accurately reflect the demand of IEP caseloads on the principal and site.

If the modified formula is fully implemented, six of our 28 elementary schools would have a full time vice principal; 11 would have a full-time resource teacher or administrative intern; and three would have a half-time teaching administrative intern.

Staff is recommending restoring four (4) elementary vice principal positions (half-time positions for each of eight (8) schools based on total points on the modified formula).

Rose Lock confirmed that the eight schools are: Meadow Homes, Cambridge, Hidden Valley, Mt. Diablo, Ygnacio Valley, Bel Air, Shore Acres, and Delta View Elementary Schools. She noted that in order for the District to add more Vice Principals in the future, a separate item would need to come before the Board.

Dennler moved, Hansen seconded, and the Board voted 5-0-0 to approve to restore four (4) elementary vice principal positions.



### **18.2 Restoration of Hours and Days for CST Positions that were Reduced During the Budget Cuts of 2010-11**

On April 27, 2010, the Board took action to reduce all positions in the CST unit by either an hour a day or a half hour per day plus two weeks. Staff is requesting action to restore the positions affected by the reduction in hours and weeks to the number of hours and days of the work year that CST members had prior to the Board taking action in 2010. The attached Summary of CST Positions to be restored shows which positions would be restored to their previous work year.

#### Public Comment:

Patty Cochran thanked the Board for putting this on the agenda, and stated that she is here to convince the Board to approve this item. She pointed out that CST staff put a large amount of work into ending the school year and preparing for the next year, and gave numerous examples of events which are made possible by CST members.

Ms. Hansen commented that she is proud to be a part of restoring these hours.

Hansen moved, Mayo seconded, and the Board voted 5-0-0 to approve to restore hours and days for CST positions that were reduced during the budget cuts of 2010-11.

President Oaks announced that she is impressed by the number of CST member attending the meeting, and with the unity within that unit. Mr. Lawrence thanked CST staff for their hard work.

### **18.3 Salary Increase for all Classified and Certificated Employees not Represented by a Bargaining Unit**

On April 9, 2014, the Board approved a 3% ongoing raise with a 2% one-time payment for 2013/2014 retroactive to July 1, 2013, for employees in the Diablo Managers Association (DMA). This is to clarify this same raise applies to all classified and certificated employees not represented by a bargaining unit. The funding and fiscal impact stated in the April 9, 2014, docket included full-time and part-time (in an FTE position) and hourly employees on a timesheet as receiving this raise. The attached list includes, but is not limited to, the employees included in this raise. Substitute employees are not included in receiving this raise.

This item was pulled from the agenda, and will be brought back at a later date as an informational item.

### **18.4 Reclassify eligible Coordinator, Student Services 6-8 to Vice Principal, Middle School and Eligible Coordinator, Student/Community Services 9-12 positions to Vice Principal, High School**

At the middle and high schools we have both Student Service Coordinators (SSCs) and Vice Principals on the administrative team. Student Service Coordinators were created in 2006 to capitalize on a counseling grant using Tier 3 funds as a way to transfer funds and keep student support. These positions included counseling and administrative duties. There are currently 12 Student Service Coordinators (SSCs) assigned to high school and 11 Student Service Coordinators assigned to middle schools. Thirteen possess administrative credentials and will be affected by this recommendation, three of which are at the high school level.

At the middle schools, both positions receive the same annual rate. In the high schools, these positions have a differential of \$2,037 at Step 1. Some of the Student Service Coordinators possess valid administrative credentials, some do not as it is not a requirement of the job. Student Service Coordinators with a valid administrative credential are asked to evaluate staff whereas those without the administrative credential may not do so.

This recommendation is to change eligible Student Service Coordinators to Vice Principals. Student Service Coordinators who possess an administrative credential are deemed eligible. This item will correctly classify Student Service Coordinators performing Vice Principal duties, including teacher and staff evaluations.

#### Public Comment:

Mike Langley voiced his support for this item, but maintained that the District still needs to put full-time counselors in the schools.

After a brief discussion, Hansen moved, Dennler seconded, and the Board voted 5-0-0 to approve to reclassify all eligible Coordinator, Student Services 6-8 to Vice Principal, Middle School and reclass all eligible Coordinator, Student/ Community Services 9-12 to Vice Principal, High School.

#### **18.5 Reclassification of Classified Position in the Local One, Clerical, Secretarial, Technical (CST) Unit**

Pursuant to Article 37 of the Contractual Agreement between Mt. Diablo Unified School District and Local One, CST, a reclassification review has been completed and it is being recommended that the following position be reclassified effective 7/1/14: One Instructional Media II, Range 424 reclassified to Media Services Assistant II, Range 439.

Dennler moved, Hansen seconded, and the Board voted 5-0-0 to approve reclassification of one Instructional Media II, Range 424 to Media Services Assistant II, Range 439.

#### **18.6 Opportunity for public response to the Sunshine Reopener from Local One, Clerical, Secretarial & Technical (CST) Unit**

The Sunshine Reopener from Local One, CST was publicly presented at both the April 9 and April 30, 2014 Board Meetings. We are now presenting this proposal for public response.

Public Comment:

Debbie Woods stated that she is very proud to work for the District, and that the Board is sending a clear message that it respects and honors CST members.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve to formally accept the proposal for formal negotiations from Local One, CST.

#### **18.7 District Reorganization**

Dr. Meyer gave a presentation describing a restructured organizational chart for the District.

Public Comment:

Denise Lambert voiced her concerns over the impact that the reorganization may have on Special Education programs in the District.

Dorothy Weisenberger expressed her concerns that under the reorganization Special Education will not have a voice directly to the Superintendent.

The Board members and Dr. Meyer had a discussion regarding the reorganization.

This item is for information only.

#### **Board Meeting Extension—Item Added by President Oaks**

Oaks moved, Hansen seconded, and the Board voted 5-0-0 via voice vote to extend the meeting until 11:30 p.m.

#### **18.8 Restoration of High School Athletics**

Previous to 2008, MDUSD funded most sports offered on each campus and provided coaching stipends for these sports. The non-funded sports included all of the freshmen sports with the exception of football and basketball, water polo, golf, and lacrosse. In this model, the district collected all gate revenue from all sites and the gate revenue was used to offset some of the athletic costs. The district provided transportation to all league games and three pre-season games. Teams were required to use district transportation regardless of team size or proximity to games.

In 2009, MDUSD cut funding for athletics and UMDAF was created to supplement and fund raise funding for athletics in MDUSD. In 2011, MDUSD allocated \$250,000 fund student athletes who were on free-and reduced lunches. In 2012, this amount was reduced to \$208,333 with Clayton Valley High School becoming a charter high school. During recent LCAP community meetings, there has been strong community support to strengthen our extra-curricular activities to ensure equity and opportunities for all students in MDUSD. This proactive action will support our vision to increase student engagement in school and decrease the high school dropout rate.

The following is the recommended model:

- The district will fund coaching stipends for two levels of each sport at approximately \$405,000.
- The district will fund transportation: The following will be a baseline funding for transportation for all schools:

MDUSD will provide league transportation for the following sports:

- Football
- Baseball and Softball
- Boys and Girls Soccer
- Boys and Girls Basketball

-Track and Field

- MDUSD will fund officials at approximately \$190,000
- MDUSD will fund transportation at approximately \$42,900
- MDUSD will fund coaching stipends at approximately \$405,000
- MDUSD will fund inspection and reconditioning of Football Safety Equipment: \$50,000
- MDUSD will fund inspection and repair of Physical Fitness Lifting equipment: \$4,000
- MDUSD will fund League Fees: \$30,000
- MDUSD will fund NCS Fees: \$10,000
- MDUSD will fund Pool Use Fees: \$12,000
- MDUSD will fund the total of \$743,900

Public Comment:

Denise Lambert expressed her concern that all stakeholders have an opportunity to have their voices heard before the funds are distributed.

Tammy Maxon wanted to make certain that all sports are going to be included.

Julie Braun Martin stated that a list of District-funded sports is included in the appendix of the teachers contract, and negotiations are ongoing with MDEA.

Bill Morones gave a presentation.

Ms. Mayo shared that many parents are concerned about bringing back sports before elementary music and other programs. Dr. Meyer responded that she is working with Rose Lock and the elementary school principals to develop a plan to restore music to bring to the Board.

After a discussion, Hansen moved, Lawrence seconded, and the Board voted 5-0-0 to approve to restore athletics funding as presented in the amount of \$743,900.00.

### **18.9 Approve 3D Modeling Course of Study**

A committee of high school art teachers and administrators met to revise and update the Mt. Diablo USD course of study for 3D Modeling. High school teachers identified a need for a course that would expand students' knowledge of the elements of art, principles of design, and principles of animation as they relate to 3D digital art. 3D Modeling for Design is a 3rd year class in a sequence of animation and design courses. Students enter this class having taken a sequence of animation courses (Introduction to 2D Animation and Intermediate 2D Animation) or the students have completed a sequence of design courses (Design A/B and Art Design Advanced). Many students have also completed Introduction to Engineering, a Project Lead the Way course. 3D Modeling for Design is for students who are interested in the fields of animation, illustration, character modeling, design for video games, motion graphics, industrial design, and architecture. This course also connects and applies art knowledge, skills, and processes within and across other disciplines and careers such as three dimensional medical imaging. This course has recently been UC a-g approved.

Dr. Meyer commented that she placed this item under Business/Action Items rather than Consent Agenda because she wants to encourage Board members to go look at the 3D work going on in District schools.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve 3D Modeling Course of Study.

**18.10 Presentation of New Text for Economics Course, "Economics: Concepts and Choices", Holt McDougal**

Chris Holleran gave a presentation.

This item was for information only.

**18.11 Revision of Board Policy 0410 (Nondiscrimination in District Programs and Activities)**

Mt. Diablo Unified School District Board Policy 0410 adopted on November 12, 2002 is being revised to comply with the guidelines set forth by Assembly Bill No. 1266 relating to pupil rights.

Felicia Stuckey Smith gave a presentation.

This item was for information only.

**18.12 Revision of Administrative Regulation 6145.2 (Nondiscrimination and Equivalent Opportunities in the Athletic Program)**

Mt. Diablo Unified School District Administrative Regulation 6145.2 adopted on August 12, 2003 is being revised to comply with the guidelines set forth with Assembly Bill No. 1266 relating to pupil rights.

Felicia Stuckey Smith gave a presentation.

This item was for information only.

**18.13 Revision of Board Policy 5145.3(Nondiscrimination/Harassment)**

Mt. Diablo Unified School District Board Policy 5145.3 adopted on February 8, 2011 is being revised to comply with the guidelines set forth by Assembly Bill No. 1266 relating to pupil rights.

Felicia Stuckey Smith gave a presentation.

This item was for information only.

**18.14 Creation of Administrative Regulation 5145.3 (Nondiscrimination/Harassment & Transgender Regulation)**

Administrative Regulation 5145.3 is developed to provide detailed directions for carrying out Board Policy 5145.3 and comply with the guidelines set forth with Assembly Bill No. 1266 relating to pupil rights.

Felicia Stuckey Smith gave a presentation.

This item was for information only.

**18.15 YVHS's Contract with Martha Pollock Increase**

Increasing Martha Pollock's Independent Contract from \$24, 480 to \$27,840 due to additional time needed at YVHS. A total of four hours per week have been added to her schedule beginning on March 11, 2014. Payment would need to be retroactive.

Dennler moved, Mayo seconded, and the Board voted 5-0-0 to approve the increased independent contract amount of \$27,840.00 with Martha Pollock for services provided at Ygnacio Valley High School.

#### **18.16 Authorization to Make Year-End Intra-Budget Transfers**

This annual resolution permits the Superintendent or her designee, to complete any necessary year-end budget transfers to permit the payment of obligations the District has incurred during the 2013-2014 school year.

Dennler moved, Hansen seconded, and the Board voted 5-0-0 to approve Resolution 13/14-41 authorizing year-end intra-budget transfers.

#### **18.17 Award Lease-Leaseback Contract to EF Brett & Company, Inc. for Construction of the CVCHS Athletic Facility Improvements Project for a Guaranteed Maximum Cost of \$2,716,886.64**

On March 5, 2014, the District issued a Request for Qualifications (RFQ) soliciting submissions from qualified firms interested in entering into a lease-leaseback agreement to construct Athletic Facility Improvements at Clayton Valley Charter High School. In addition to advertising on the District webpage, the District solicited qualifications from 15 vendors. As a result of this solicitation, the District received two packages. The District issued a no-cost PSA to the contractor who represented the best interest of the District. Based on results of the PSA, staff negotiated best and final cost and is recommending the District enter into a lease-leaseback agreement with EF Brett & Company, Inc. for a Guaranteed Project Cost of \$2,716,886.64 for completion of all specified new construction per DSA approved plans and specifications.

The lease-leaseback project delivery method is authorized by California Education Code 17406, and authorizes the governing board, without advertising for bids, to enter into a lease with a builder for the purpose of construction, including remodeling and permanent improvements,(upon property.)

Under a lease- leaseback, the District leases property under a "site lease" to a builder for \$1.00. That builder constructs the facility/ completes the renovation and then leases the facility back to the District under a "facilities lease". The District makes "tenant improvement payments" during construction and "lease payments" after construction. Titles to the facility vests in the District as lease payments are made. The District has the option to make an early, balloon payment to the builder to buy out the facilities lease. In addition, the District determines all plans and specifications and uses its own Architect of Record to submit the project to the Division of the State Architect (DSA) for approval.

The scope of work includes, but is not limited to, providing all tools, materials, labor and equipment necessary to complete construction of Athletic Facility Improvements at Clayton Valley Charter High School including site preparation, selective demolition, site work, utility work, flat work, building construction, bleacher construction, interior amenities and other items as necessary to deliver a complete project as it relates to the Drawings and Specifications. All spoils will be removed from the site. This contract includes, but is not limited to all work associated with the plans and specifications.

Hansen moved, Dennler seconded, and the Board voted 5-0-0 to approve to award lease/leaseback contract to EF Brett & Company, Inc. for construction of the CVCHS Athletic Facility Improvements Project for a guaranteed maximum cost of \$2,716,886.64.

#### **18.18 Minutes for the Special Board of Education Meeting held on March 24, 2014**

Minutes for the Special Board of Education Meeting with the Martinez City Council held on March 24, 2014, are being brought forward for approval.

Dennler moved, Hansen seconded, and the Board voted 4-0-1 (Lawrence abstained because he did not attend that meeting) to approve the minutes for the Special Board of Education Meeting with the Martinez City Council held on March 24, 2014.

#### **18.19 Minutes for the Board of Education Meeting held on April 30, 2014**

Minutes for the Board of Education Meeting held on April 30, 2014, are being brought forward for approval.

Mr. Lawrence inquired about the status of the 2013 meeting minutes. Dr. Meyer responded that they are close to being completed, and recognized Debbie Maher and Amanda Leung for their work on that project.

Hansen moved, Dennler seconded, and the Board voted 5-0-0 to approve the minutes for the Board of Education Meeting held on April 30, 2014.

**FUTURE AGENDA ITEMS**

Ms. Hansen shared that she will submit an item regarding the dedication of the administration building at Ygnacio Valley High School to founding principal, Ernie Wuzke.

Dr. Meyer announced that the Contra Costa Community College District has expressed interest in having a joint Board meeting in the near future.

**CLOSED SESSION**

The Board did not reconvene Closed Session.

**ADJOURNMENT**

The meeting adjourned at 11:08 p.m.

*\* All times marked are approximate.*

Respectfully submitted,

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Nellie Meyer, Ed.D.  
Superintendent