

**MINUTES**  
**REGULAR MEETING OF THE BOARD OF EDUCATION**  
**MT. DIABLO UNIFIED SCHOOL DISTRICT**  
**Monday, January 9, 2017 (6:00 p.m./7:00 p.m.)**

**CALL TO ORDER**

President Mason called the meeting to order at 6:00 p.m.

**PRELIMINARY BUSINESS**

President Mason conducted Roll Call with all Board members present with the exception of Mr. Lawrence.

**PUBLIC COMMENT**

There was no Public Comment.

**CLOSED SESSION AGENDA**

**3.1 (Item #1) Public Employment: Business Services Offices Positions**

**3.2 (Item #2) Public Employment: Workers' Compensation Specialist**

**3.3 (Item #3) Existing Litigation - Conference with Legal Counsel (Paragraph (1) of subdivision (d) of Government Code Section 54956.9), Mt. Diablo Unified School District v. Clayton Valley Charter High School, et al., Contra Costa Superior Court Case No. MSC15-00574; Clayton Valley Charter High School v. Mt. Diablo Unified School District, Contra Costa Superior Court Case No. MSN16-1356**

**3.4 (Item #4) Anticipated Litigation - Conference with Legal Counsel pursuant to Gov't. Code Sec. 54956.9(b): 1 case**

**3.5 (Item #5) Anticipated Litigation - Conference with Legal Counsel pursuant to Gov't. Code Sec. 54956.9(d), Significant Exposure to Litigation and Consider Initiation of Litigation: 3 cases**

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

**3.7 (Item #7) Discipline, Dismissal or Release of Public Employee (Gov. Code Sec. 54957(b)(1))**

**3.8 (Item #8) Discipline, Dismissal or Release of Public Employee (Gov. Code Sec. 54957(b)(1))**

**3.9 (Item #9) Readmission for Student #08-16 to all regular schools in the Mt. Diablo Unified School District**

**ADJOURN TO CLOSED SESSION AT 6:00 P.M.**

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

**RECONVENE OPEN SESSION AT 7:00 P.M.**

The Board of Education reconvened at 7:12 p.m.

**PRELIMINARY BUSINESS**

President Mason led the Pledge of Allegiance and conducted Roll Call with all Board members present.

**REPORT OUT ACTION TAKEN IN CLOSED SESSION**

**7.1 (Item #1) Public Employment: Business Services Offices Positions**

The Board received information.

**7.2 (Item #2) Public Employment: Workers' Compensation Specialist**

The Board received information.

**7.3 (Item #3) Existing Litigation - Conference with Legal Counsel (Paragraph (1) of subdivision (d) of Government Code Section 54956.9), Mt. Diablo Unified School District v. Clayton Valley Charter High School, et al., Contra Costa Superior Court Case No. MSC15-00574; Clayton Valley Charter High School v. Mt. Diablo Unified School District, Contra Costa Superior Court Case No. MSN16-1356**

The Board received information and gave direction.

**7.4 (Item #4) Anticipated Litigation - Conference with Legal Counsel pursuant to Gov't. Code Sec. 54956.9(b): 1 case**

The Board received information.

**7.5 (Item #5) Anticipated Litigation - Conference with Legal Counsel pursuant to Gov't. Code Sec. 54956.9(d), Significant Exposure to Litigation and Consider Initiation of Litigation: 3 cases**

Received information on one case.

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

The Board received additional information.

**7.7 (Item #7) Discipline, Dismissal or Release of Public Employee (Gov. Code Sec. 54957(b)(1))**

The Board received additional information.

**7.8 (Item #8) Discipline, Dismissal or Release of Public Employee (Gov. Code Sec. 54957(b)(1))**

This item was not discussed.

**7.9 (Item #9) Readmission for Student #08-16 to all regular schools in the Mt. Diablo Unified School District**

The Board voted 5-0-0 to readmit Student #08-16.

**PUBLIC COMMENT**

There was no Public Comment.

## **PUBLIC EMPLOYEE APPOINTMENT**

### **9.1 Classified Personnel: Appointment of Building & Grounds Manager**

Interviews have been conducted and a candidate has been selected to fill the position of Building & Grounds Manager.

Hansen moved, Mayo seconded, and the Board voted 5-0-0 to approve the appointment of David Hart to the position of Building & Grounds Manager.

### **9.2 Classified Personnel: Appointment of Supervisor, Senior Trades**

Interviews have been conducted and a candidate has been selected to fill the position of Supervisor, Senior Trades.

Mayo moved, Durkee seconded, and the Board voted 5-0-0 to approve the appointment of Charles Beigarten, Jr., to the position of Supervisor, Senior Trades.

## **BOARD MEMBER REPORTS**

Mrs. Mayo attended the CAC Meeting held on January 3<sup>rd</sup>. At that meeting, Hilary Shen presented on resources for parents, and CAC member Vi Ibarra, spoke about the CARE Parent Network. Mrs. Mayo announced that the CCCSBA (Contra Costa County School Boards Association) will hold three events on January 19, 2017, at the county Office of Education: 1)From 2:00-4:30 p.m., there will be a review of Governor Brown's 2017/2018 budget proposal by Capital Advisors; 2)At 5:00 p.m., there is a dinner and special recognition for Susan Bonilla; 3)From 6:00-8:00 p.m., there will be a presentation by CSBA Assistant Executive Director of Governmental Relations Dennis Meyers and legislative advocate Terry Burns on the budget implications and writing LCAPs, rubrics and the details. Mrs. Mayo has registration information for those interested.

Ms. Hansen announced that in the new year, she will continue in her role as a Board representative at DELAC. She thanked Jose Espinoza for his service the past year to English Language learners. Lastly, Ms. Hansen shared the dates of the upcoming Joint Meetings with local city councils.

Mrs. Mason shared that she recently attended several holiday events at schools, the CAC party, the DELAC Meeting, and the Board Governance Meeting. Mrs. Mason shared she looks forward to creating a Board Handbook.

Student Representative Hunter Caldwell, reported on activities at Northgate High School.

## **SUPERINTENDENT'S REPORT**

Dr. Meyer congratulated the new Board President and Vice President and thanked them for taking on the challenge. Dr. Meyer wished everyone a Happy New Year and stated that staff are preparing for 2017/18. She shared that at the Governance Team Meeting with Board Members, they reviewed protocols and the Brown Act. Dr. Meyer reiterated that there are only a few options when public comments are made at Board meetings. She shared that at the last meeting, public commenters spoke about Rocketship and stated students were not receiving warm food, they could not play on the playground and unauthorized projects were taking place. Dr. Meyer clarified that students are receiving hot food each day, playground time is scheduled as it is at other sites, and projects are still being looked at.

Dr. Meyer shared a photo of Serendipity students who visited the Dent Center while she was meeting with Mrs. Durkee. Dr. Meyer congratulated Mr. Lawrence on his reelection and shared photos of he and Mrs. Durkee's swearing in ceremony.

Dr. Meyer announced the district is continuing its LCAP speaker series with the next topic being, “Not my Kid” which centers around teen drug use in 2017 – marijuana use and beyond. She invited parents and students to attend and become informed on health issues and law.

Dr. Meyer showed pictures of the recent rainy week and shared that she communicates with Rob Greathouse, Director of Maintenance & Operations, each Monday after a stormy weekend. Landscaping and custodial crews are currently cleaning out storm drains and gutters.

Dr. Meyer displayed pictures of a high school media lab representative of those created at the high schools. These are places students can work on online for credit recovery and other programs.

Lastly, Dr. Meyer shared that Ygnacio Valley High School held an information night about their International Baccalaureate Program.

## **REPORTS/INFORMATION**

### **12.1 Regional Magnet Schools Program**

Dr. Meyer gave a detailed overview of the new district Regional Magnet Schools Program. The three schools in the magnet are Sun Terrace Elementary with STEM (Science, Technology, Engineering and Mathematics), Wren Elementary with performing and visual arts, and Holbrook (opening Fall 2017) with a two-way dual immersion program. She answered questions posed by Board members.

Kris Martin-Meyer, principal of Sun Terrace Elementary, described that school’s STEM focus; Cindy Goin, principal of Wren Elementary, spoke about that school’s arts focus, and Stephanie Roberts explained the attendance boundaries and enrollment process for Holbrook Elementary and for the magnet program. Jose Espinoza provided an update on staffing and facilities for Holbrook.

## **CONSENT AGENDA**

Mayo moved, Hansen seconded, and the Board voted 5-0-0 to approve all Consent Agenda items with the exception of Items #12 and #17 which were pulled for discussion, 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) Mt. Diablo High School's Sports Medicine Trip to La Canada, CA, March 30-31, 2017**

Mt. Diablo High School's Sports Medicine II class is seeking approval for 9 students with one chaperone to attend the annual High School Sports Medicine Competition in La Canada, CA, March 30-31, 2017. Students will be traveling by rental car and staying at the Old Town Courtyard Marriott in Pasadena.

### **13.3 (Item #3) Northgate High School's trip to Calabasas High School Performing Arts Center, Los Angeles, CA, February 3-5, 2017**

Northgate High School is seeking approval for 20 students and 5 chaperones to travel to Calabasas High School by private vehicles, February 3-5, 2017. Students will be attending the Los Angeles A Capella Festival which includes, lectures, workshops and performances featuring internationally recognized A Capella groups.

**13.4 (Item #4) Contracts between Mt. Diablo Unified School District-Hidden Valley Elementary, Woodside Elementary, and Karen Junker**

Karen Junker will provide Restorative Practices Training and consultation at Hidden Valley Elementary and Woodside Elementary in spring, 2017. Mt. Diablo Unified School District has spent more than \$25,000 with Karen Junker in the 2016-17 school year and Board approval is required.

**13.5 (Item #5) Amendment to the Contract between Mt. Diablo (Item #5) Unified School District-Rio Vista Elementary, and Karen Junker**

Karen Junker was contracted with Mt. Diablo Unified School District-Rio Vista Elementary in July 2016 for programs in August and October. Rio Vista would like to amend the existing contract to include an additional day of coaching. The original contract did not require Board approval, however, Mt. Diablo Unified School District has now spent in excess of \$25,000 with Karen Junker and the amendment requires Board approval.

**13.6 (Item #6) Independent Service Contract Between Mt. Diablo Unified School District and Tilden Preparatory School**

Tilden Preparatory School is a private program for grades 6-12 that uses a tutorial style to teach curriculum one-to-one and in small groups. The requested amount is to cover services for one student per an executed settlement agreement.

**13.7 (Item #7) Independent Services Contract Between Mt. Diablo Unified School District and Marzano Research Laboratory**

Associate Mike Ruyle of Marzano Research will conduct a one day professional development workshop for teachers at Foothill and Diablo View Middle Schools on February 13, 2017 with emphasis on the Proficiency Scales.

Contract work with Marzano Research Laboratory for 2016-2017 has exceeded \$25,000 therefore requesting Board Approval.

**13.8 (Item #8) Increase to the Contract with Bright Path Therapies for Physical Therapy Services for the 2016-2017 School Year**

The district currently has to utilize the services of an NPA contract agency to fill the district Physical Therapists positions to meet the needs of the students as outlined in their Individual Education Plans (IEP). In previous years, the district contracted with three agencies to fulfill the need. This year the district is using two agencies; therefore an increase is needed of \$200,000 to cover the contract and continue with services.

**13.9 (Item #9) Student Teaching Affiliation Agreement Between Grand Canyon University and Mt. Diablo Unified School District**

Grand Canyon University is requesting to enter into an agreement with Mt. Diablo Unified School District to provide student teaching internships to students enrolled in the teaching program at Grand Canyon University.

**13.10 (Item #10) Ratification of the Submission of the Community Development Block Grant (CDBG)**

Staff requests approval to ratify submission of two Community Development Block Grants (CDBG) to provide increased enrichment services to eleven eligible CARES After School Program sites. A grant submitted to the Contra Costa Consortium includes Bel Air, Rio Vista and Shore Acres Elementary and Riverview Middle schools in Bay Point and a grant to the City of Concord includes Cambridge, Fair Oaks, Meadow Homes, Wren Avenue, Ygnacio Valley Elementary and El Dorado and Oak Grove Middle schools in Concord. These funds would pay for additional specialized outside enrichment services and instructors, field trips and assemblies. MDUSD has received CDBG funds since 2005. If funded, the grant will provide \$34,000 (\$24,000 in Concord and \$10,000 in Bay Point) annually for a total of \$68,000 over two years (2017-2019).

**13.11 (Item #11) Fiscal Transactions for the Month of December 2016**

Payments have been made to meet the District's obligations to salaries, improvements, and other outgoing expenses, excluding Lakeshore Learning.

**13.12 (Item #13) Variable Term Waiver Request**

Variable term waivers provide applicants with additional time to complete certain requirements for the credential that authorizes the service. The waiver request is made when there is not a properly credentialed person for the position. All requests for a Variable Term Waiver must be presented for approval to the governing board of a public school district. Every waiver request submitted to the Commission on Teacher Credentialing must include verification that a notice of intent to employ the named applicant in the identified position has been made public.

**13.13 (Item #14) Recommended Action for Certificated Personnel**

Changes in status of the following certificated employees.

**13.14 (Item #15) Certificated Personnel: Request to Increase and Decrease Full Time Equivalent (FTE) for the 2016-2017 School Year**

Changes in status of the following certificated employees.

**13.15 (Item #16) Recommended Action for Classified Personnel**

Changes in status of the following classified personnel.

**CONSENT ITEMS PULLED FOR DISCUSSION**

**14.1 (Item #12) Fiscal Transactions for Lakeshore Learning for the Month of December 2016**

(Pulled by Mayo)

Payments have been made to Lakeshore Learning to meet the District's needs for classroom supplies.

Mrs. Mayo announced that she must recuse herself from voting on this item; her spouse has recently become a paid consultant for Lakeshore Learning on a construction project in another state.

Lawrence moved, Durkee seconded, and the Board voted 4-0-0 (with Mayo recused), via voice vote to approve the fiscal transactions for Lakeshore Learning for the month of December, 2016.

**14.2 (Item #17) Classified Personnel: Request to Increase/Decrease Full Time Equivalent (FTE) for the 2016/17 and 2017/18 School Year** (Pulled by Mason)

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

Dr. Meyer and Nance Juner answered questions posed by Mrs. Mason pertaining funding.

Mayo moved, Durkee seconded, and the Board voted 5-0-0 to approve the request to increase/ decrease Full Time Equivalent (FTE) funding for the 2016/17 and 2017/18 School Year.

**COMMUNICATIONS**

There were no district organization speakers.

**BUSINESS/ACTION ITEM**

**17.1 2016-2017 Single Plans for Student Achievement (SPSA)**

The Single Plan for Student Achievement (SPSA) identifies and addresses the instructional needs of students and specifies how state and federal categorical funds will be used to accomplish the goals outlined in the plan. In addition, the SPSA template includes additional components that meet the ten federally required components for our Title I schools with schoolwide programs. School sites include their allocated Local Control Funding Formula (LCFF) Targeted Supplemental and, optionally, their allocated LCFF Base funds in their SPSA's.

State guidelines require that the SPSA must:

- Identify site-specific achievement goals based on a variety of student performance data.
- Describe specific instructional strategies to accelerate student learning.
- Describe the ways in which student progress will be monitored on a regular basis.
- Identify interventions for students not achieving.
- Determine the necessary professional development for staff.
- Delineate strategies for parent communication and engagement.
- Reflect estimated costs and funding sources.
- Involve consultation with other site advisory groups.

State regulations require that the School Site Council (SSC) be the group responsible for developing and revising the SPSA in collaboration with the site instructional leadership team.

Attached are examples of the revised site plans. Copies of all revised Single Plans are available on the District website at <https://mdusd-ca.schoolloop.com/1516SPSAs>.

Hansen moved, Durkee seconded, and the Board voted 5-0-0 to approve the 2016-2017 Single Plans for Student Achievement for all schools except Gateway Necessary Small High School and Sequoia Elementary School, who are in the process of updating their plans.

**\*17.10 Reorganization of the Transportation Department**

(This item was moved up on the agenda.)

A reorganization of District Transportation Management Staff is being proposed. The reorganization objectives were to provide students and school communities with improved services. Recommendations are to realign management positions within the Transportation Department to create a new management structure. This proposed plan eliminates four (4) Classified Management positions as well as one (1) Teamsters Local 856 position and create three (3) Classified Management positions as well as two (2) Teamsters Local 856 positions. The FTE amount does not change. Approve the recommended establishment of new positions, job descriptions and salary placements for the reorganization of the

Transportation Department effective upon approval. Approve the recommended abolishment of old positions in the Transportation Department effective March 15, 2017.

Recommendations are to align salary schedules for certain positions within the Transportation Department to be competitive with surrounding districts in order to retain current employees and recruit new high quality hires. The affected positions are in the Teamsters Local 856 Unit. The FTE amount does not change.

Interim CBO Wayne Oetken, explained the current structure and proposed reorganization of the Transportation Department and answered questions posed by Board members.

Hansen moved, Lawrence seconded, and the Board voted 5-0-0 to approve reorganization of the Transportation Department including new job descriptions and the increase/decrease of FTE and reclassification of positions within that department.

### **17.2 Budget Development Calendar 2017-2018**

Education Code 42127 requires the Board of Education to adopt a budget for the 2017-2018 school year and submit it to the County Superintendent of Schools by July 1, 2017. In order to ensure that the district meets this requirement, a calendar of the major development activities has been prepared. Draft Budget Development Calendar may be adjusted pending approved 2017 board meeting dates.

Mayo moved, Hansen seconded, and the Board voted 5-0-0 to approve the 2017-2018 Budget Development Calendar.

### **17.3 Audit Report 2015-2016 Audit Presentation**

The 2015-16 Audit Report from Nigro & Nigro, a Professional Accountancy Corporation, will be presented to the Board. The audit was submitted to the County of Education in accordance to state guidelines. There were no financial adjustments that needed to be made. When findings were identified the District created a response which is in the attached report. The Audit Report is before the Board for Acceptance.

#### **Public Comment**

Debbie Woods referenced a letter she sent to the Board pertaining to ASB and Clearing accounts.

Wayne Oetken and Nance Juner provided an overview of the main four findings within the audit and answered questions posed by Board members.

Mr. Lawrence explained that he abstained from voting as he did not have access to the audit in order to review it.

Hansen Moved, Durkee seconded, and the Board voted 4-0-1 (with Lawrence abstaining) to approve the Audit Report for the year ending June 30, 2016.

### **17.4 Agreement with Emics, Inc., dba Chalk Schools**

Staff is requesting approval for an agreement with Emics, Inc., dba Chalk Schools, to provide automated office forms and workflow. Services include automatic collection of data, routing and tracking of responses and approvals. In addition, this service will provide unlimited electronic signatures, interactive form fields, pre-filled data fields and reusable access. They will upload and convert existing documents and will provide efficiency to save time and money by improving work flow and decreasing errors due to



lost/missing paperwork, inaccurate information, and multiple submissions of the same form. This will support vital collaboration between departments and sites, and allow for necessary oversight of processes.

This service will ensure compliance with state, federal and Board requirements and allow for easier access to data for audits. Training will be provided as necessary. This service will be available to all departments in the District.

Hansen moved, Durkee seconded, and the Board voted 5-0-0 to approve the agreement with Emics, Inc., dba Chalk Schools.

### **17.5 New Membership Recommendation for Community Advisory Committee (CAC)**

The CAC is composed of members that represent the range of programs and services offered by the district, including parents of students with disabilities enrolled in public or private schools, other parents of students enrolled in school, students with disabilities enrolled in special education programs, general education teachers, special education teachers and other school personnel, representatives of other public and private agencies, and persons connected with the needs of students with disabilities.

The majority of the committee is composed of parents of students enrolled in schools participating in the local plan, and at least a majority of the parents are parents of individuals with exceptional needs.

The CAC Bylaws provide that the applicant must attend two regular business meetings. The applicant has attended the required number of meetings and completed the Membership Application.

The CAC is recommending one (1) new member for consideration by the board. The applicant for consideration is Malika Shareef.

Denise Lambert thanked the Board on behalf of Ms. Shareef.

Mayo moved, Hansen seconded, and the Board voted 5-0-0 to approve applicant Malika Shareef as a member of the CAC.

### **17.6 Tesoro Grant for STEAM Mobile Truck for the District**

Staff requests approval to submit a grant to Tesoro for a STEAM truck that will carry our STEAM Day equipment and will have the MDUSD STEAM logo on the side as advertisement. We have started this year hosting school-wide STEAM day events and as the program is growing, there is a need for a vehicle big enough to haul the tubs and equipment for running a school-wide STEAM event. This grant funding will support: the vehicle (\$34,900), materials needed for the truck, and materials for the STEAM events. If funded, the grant will provide \$40,000.

Hansen moved, Mayo seconded, and the Board voted 5-0-0 to approve submission of the Tesoro grant and acceptance if awarded.

### **17.7 Create Job Description for Academic Data Technician**

The District is updating a specific job description due to changes in technology and department needs. Previously we had a Test Program Associate who helped coordinate the High School Exit Exam and other testing programs throughout the District. With the elimination of the High School Exit Exam, this position became obsolete. The position is currently vacant due to retirement of the incumbent and the District is proposing making changes prior to posting the position.

Attached is an updated job description with a new title of "Academic Data Technician". Due to changes in the job description, the District is also adjusting the pay scale from 558 to 596. The position will remain in CST, Local One business unit. The CST salary schedule is attached for information purposes.

This job description was brought forward for information only at the December 12 Board meeting. It is now being brought forward for action.

Mayo moved, Hansen seconded, and the Board voted 5-0-0 to approve the new job description for Academic Data Technician.

**17.8 Classified Personnel: Request to Increase/Decrease Full Time Equivalent (FTE) Funding for the 2016/17 School Year**

Request to eliminate a vacant Test Program Associate position and create an Academic Data Technician position.

Mayo moved, Durkee seconded, and the Board voted 5-0-0 to approve the request to eliminate a vacant Test Program Associate position and create an Academic Data Technician position for the 2016/17 school year.

**17.9 Board of Education Committee Assignments for 2017**

Each year, Board members are assigned to serve on several types of committees: Board Policy, Management, and Representation and Liaison Committees. Depending upon the type of committee, these assignments allow Board members the opportunity to provide direction, to contribute advice and Board perspective, or to provide representation with other organizations and agencies.

**Public Comment**

Suzy Hall-Whitney shared her thoughts about Betsy DeVos, President Trump's choice for Secretary of Education. Mrs. Mason halted Public Comment and shared that the topic Ms. Hall-Whitney was speaking on should have been heard during the Public Comment period earlier in the meeting.

Hansen moved, Lawrence seconded, and the Board voted 5-0-0 to approve the 2017 Board Committee assignments.

**\*17.10 Reorganization of the Transportation Department**

This item was moved up on the agenda.

**17.11 Business Services Departmental Reorganization**

Staff will present the current Business Services Department structure, as well as the results of a needs assessment. Areas of need and recommendations will be discussed. This item is being presented for discussion and information only at this time.

Wayne Oetken explained the current structures, needs and considerations of the Measure C and Maintenance & Operations departments under Business Services and answered questions posed by Board members.

This item was for information only.

### **FUTURE AGENDA ITEMS**

Mrs. Mason reminded Board members to submit agenda items to she or Dr. Meyer.

### **CLOSED SESSION**

The Board retired to Closed Session at 9:25 p.m.

### **RECONVENE OPEN SESSION**

President Hansen reported out on Items #7.1, #7.2, #7.5, #7.6, #7.7 and #7.8. (Please refer to page 2 of the minutes.)

### **ADJOURNMENT**

The meeting adjourned at \*\*10:30 p.m.

Respectfully submitted,

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Dr. Nellie Meyer  
Superintendent

\*Indicates an item moved on the agenda.

\*\*Time listed is approximate.

Draft