

**MINUTES**  
**REGULAR MEETING OF THE BOARD OF EDUCATION**  
**MT. DIABLO UNIFIED SCHOOL DISTRICT**  
**Monday, June 27, 2016 (5:30 p.m./7:00 p.m.)**

Board Members: President Cheryl Hansen, Vice President Debra Mason, Brian Lawrence, Linda Mayo, and Barbara Oaks

Administrative Staff: Superintendent Dr. Nellie Meyer and General Counsel Donald Velez

**CALL TO ORDER**

President Hansen called the meeting to order at 5:30 p.m. and conducted Roll Call with all Board members present except Linda Mayo\* and Brian Lawrence\*\*.

\*Mrs. Mayo arrived at 5:31 p.m.

\*\*Mr. Lawrence arrived during Closed Session.

**PUBLIC COMMENT**

There was no Public Comment.

**CLOSED SESSION AGENDA**

**3.1 (Item #1) Negotiations - The Board may discuss negotiations or provide direction to its representatives regarding represented employees, pursuant to EERA (Govt. Code Section 3549.1) Agency negotiator: Donald A. Velez and Deborah Cooksey; Agencies: MDEA, DMA, MDSPA, CSEA, CST Local 1 and Teamsters Local 856**

**3.2 (Item #2) Existing Litigation - Conference with Legal Counsel (Paragraph (1) of subdivision (d) of Government Code Section 54956.9): John Does v. Mt. Diablo Unified School District, Contra Costa County Superior Court Action No. C14-00262**

**3.3 (Item #3) Existing Litigation - Conference with Legal Counsel (Paragraph (1) of subdivision (d) of Government Code Section 54956.9): Pleasant Hill Recreation and Park District v. County of Contra Costa and its Board of Supervisors, Contra Costa Superior Court Case No. N16-0477**

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

**3.5 (Item #5) Readmission of Student #15-15 into regular schools in the Mt. Diablo Unified School District Decision of the Board of Education**

**3.6 (Item #6) Readmission of Student #16-15 into regular schools in the Mt. Diablo Unified School District**

**3.7 (Item #7) Readmission of Student #02-16 into regular schools in the Mt. Diablo Unified School District**

**3.8 (Item #8) Readmission of Student #08-16 into regular schools in the Mt. Diablo Unified School District**

**3.9 (Item #9) Expulsion of Student #20-16 from all regular schools of the Mt. Diablo Unified School District**

## **ADJOURN TO CLOSED SESSION**

The Board adjourned to Closed Session at 5:32 p.m.

## **RECONVENE OPEN SESSION**

The Board reconvened Open Session at 7:19 p.m.

## **PRELIMINARY BUSINESS**

President Hansen 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) Negotiations - The Board may discuss negotiations or provide direction to its representatives regarding represented employees, pursuant to EERA (Govt. Code Section 3549.1) Agency negotiator: Donald A. Velez and Deborah Cooksey; Agencies: MDEA, DMA, MDSPA, CSEA, CST Local 1 and Teamsters Local 856**

The Board discussed the status of negotiations with all bargaining units and provided direction to representatives.

**7.2 (Item #2) Existing Litigation - Conference with Legal Counsel (Paragraph (1) of subdivision (d) of Government Code Section 54956.9): John Does v. Mt. Diablo Unified School District, Contra Costa County Superior Court Action No. C14-00262**

The Board gave direction to counsel.

**7.3 (Item #3) Existing Litigation - Conference with Legal Counsel (Paragraph (1) of subdivision (d) of Government Code Section 54956.9): Pleasant Hill Recreation and Park District v. County of Contra Costa and its Board of Supervisors, Contra Costa Superior Court Case No. N16-0477**

The Board gave direction to counsel.

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

There was no anticipated litigation discussed.

**7.5 (Item #5) Readmission of Student #15-15 into regular schools in the Mt. Diablo Unified School District**

The Board will discuss this item in second Closed Session.

**7.6 (Item #6) Readmission of Student #16-15 into regular schools in the Mt. Diablo Unified School District**

The Board will discuss this item in second Closed Session.

**7.7 (Item #7) Readmission of Student #02-16 into regular schools in the Mt. Diablo Unified School District**

The Board will discuss this item in second Closed Session.

**7.8 (Item #8) Readmission of Student #08-16 into regular schools in the Mt. Diablo Unified School District**

During Closed Session, the Board voted 2-3-0 on the readmission of Student #08-16 into regular schools in the Mt. Diablo Unified School District. (Lawrence, Mayo, and Hansen dissenting.) Student #08-16 was not readmitted into regular schools in the Mt. Diablo Unified School District.

**7.9 (Item #9) Expulsion of Student #20-16 from all regular schools of the Mt. Diablo Unified School District**  
Oaks moved, Lawrence seconded, and the Board voted 4-1-0 (with Mason dissenting) to approve the expulsion of Student #20-16 from all regular schools of the Mt. Diablo Unified School District and that Student #20-16 may apply for readmission after June 27, 2017. It is required that Student #20-16 participates in 20 hours of individual counseling to address anger and impulse control, serve 20 hours of community service, attend the California Offender Program Service (COPS) for anger, and show evidence of a successful school experience with good attendance, no suspendible behavior infraction and earn 50 credits prior to readmission. Placement of Student #20-16 will be determined by the Director of Student Services.

#### **PUBLIC COMMENT**

Gina Haines, DeAnne Cardona, Christy Paloutzian each spoke about their concerns about the multi-school feeder pattern for Bancroft Elementary School and urged the District to include the designation to one middle school (Foothill) on the agenda for the next meeting.

Lana Nemirovsky shared her child's experience as a student attending school on an intradistrict transfer.

Brandi de Assis and Emily Olds each shared their concerns about the Woodside feeder pattern and urged the Board to consider changing the feeder pattern.

Denise Lambert shared her perspective as a parent whose special needs children necessitated they attend schools other than their neighborhood schools. She suggested the feeder school for Bancroft Elementary might be Oak Grove Middle School, and that the District and parents work together to determine the needs of the school community and guide the school to meet those needs.

Willie Mims encouraged the Board to listen to the parents who previously spoke. Mr. Mims expressed his concern that the 52 items listed under Consent may not all be routine if they had not come previously to the Board and urged the Board to look at them thoroughly.

#### **PUBLIC EMPLOYEE APPOINTMENT**

##### **9.1 Appointment of Elementary Principal - El Monte Elementary**

Mason moved, Lawrence seconded, and the Board voted 5-0-0 to approve the appointment of Jennifer Molino to the position of Elementary Principal - El Monte Elementary.

##### **9.2 PULLED BY STAFF: Appointment of Elementary Principal - Mt. Diablo Elementary**

##### **9.3 Appointment of Principal, Elementary School - Pleasant Hill Elementary**

Mayo moved, Oaks seconded, and the Board voted 5-0-0 to approve the appointment of Aurelia Buscemi to the position of Principal, Elementary School - Pleasant Hill Elementary.

##### **9.4 Appointment of Vice Principal, High School - Northgate High School**

Lawrence moved, Mayo seconded, and the Board voted 5-0-0 to approve the appointment of Ben Campopiano to the position of Vice Principal, High School - Northgate High School.

##### **9.5 PULLED BY STAFF: Appointment of Vice Principal, High School - Alternative Education Schools**

##### **9.6 Appointment of Administrator, Special Education**

Oaks moved, Lawrence seconded, and the Board voted 5-0-0 to approve the appointment of Amy Sudria to the position of Administrator, Special Education.

## **BOARD MEMBER REPORTS**

Mrs. Mayo shared that she and Mrs. Mason recently attended the graduation for Project Access 2016, a prep class for English language learners at the community college. She commented about how articulate the students were sharing their goals, and how passionate they were about being successful. She shared that this unique program is a wonderful bridge between Adult Education and Diablo Valley College. Mrs. Mayo shared she believed that in the last 4 years of the program, only one student has not completed the program, and that it is a program MDUSD should be very proud of. Lastly, Mrs. Mayo requested the meeting be closed in memory of William "Bill" Tillson, teacher for 32 years at Valley View Middle School, and also Cross Country & Track coach at College Park High School.

Mrs. Mason shared that in the past several weeks she attended the Project Access 2016 graduation as Mrs. Mayo shared, as well as attended the DMA Luncheon.

Mr. Lawrence extended his personal congratulations to Ben Campopiano for his appointment and shared that Mr. Campopiano grew up in the neighborhood he lives in. He commented that their neighbors will be pleased to hear of his appointment. Mr. Lawrence thanked the parents who spoke during Public Comment. He shared that he hopes the Board can address their concerns in the very near future. He asserted that the District can provide greater transparency about the lottery process and suggested the District provide communication to parents as to where their child is on the lottery list and provide prior years' statistics for comparison.

Ms. Hansen congratulated John Ferrante for his appointment as chairperson of the Measure C Citizens Bond Oversight Committee for the coming year. She thanked him for his many years of service on that committee.

## **SUPERINTENDENT'S REPORT**

Dr. Meyer announced that two community meetings are being conducted during the upcoming week. On June 28<sup>th</sup>, a meeting will be conducted at College Park High School where the criterion for the new principal will be discussed, and on June 30<sup>th</sup>, a meeting will be conducted at Oak Grove Middle School to discuss academic results and what needs to be done for the school to continue to improve.

Dr. Meyer shared a slide show and commented that during the past two weeks since school recessed, professional development has been conducted across the District. Among the many topics were restorative practices and ways to correct behavior in and out of the classroom.

Dr. Meyer shared she attended the DMA management luncheon and shared a photo of former President Lisa Murphy-Oates handing over the gavel to Cathy Chan for the coming year.

Dr. Meyer shared that MDUSD, in partnership with Tesoro, held a week long STEM Camp at Valley View Middle School for middle school girls from schools around the District, neighboring schools and private schools. During the week, students worked with interns from local universities and practiced coding. Dr. Meyer commended Valley View teacher Shawna Hawes, Foothill teacher Margaret Elliott, and Assistant Superintendent Jonathan Eagan for their coordination of this event.

Dr. Meyer shared that last week, a group of nearly 60 MDUSD teachers traveled to San Diego to study the AVID (Advancement Via Individual Determination) Program. The AVID Program teaches skills and behaviors for academic success, provides intensive support with tutorials and strong student/teacher relationships, creates a positive peer group for students, and develops a sense of hope for personal achievement gained through hard work and determination. Staff representatives from Ygnacio Valley, College Park, and Mt. Diablo high schools, and El Dorado and Sequoia middle schools were in attendance. Staff from Concord High School will be attending in Sacramento. The program is tailored for students with GPAs of 2.5-3.5 but has proven very successful for students on either side of that range.

Dr. Meyer shared that Summer School is in session and is going well. She commended Jennifer Sachs for its successful implementation. Dr. Meyer commented that we are in the middle of hiring staff for 2016/17. Lastly, Dr. Meyer thanked the Board of Education for their support over the past year noting that they are a pleasure to work with and she looks forward to next year.

## **CONSENT AGENDA**

**12.1 (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.**

Oaks moved, Mayo seconded, and the Board voted 5-0-0 to approve all Consent Agenda items with the exception of items #12.17, #12.20, and #12.41, which were pulled and acted upon separately.

### **12.2 (Item #2) College Park High School Girls' Water Polo Team Trip to Roseville, September 16-17, 2016**

College Park is requesting approval for their Girls' Water Polo Team to travel to Roseville to participate in the annual Sierra Shootout Water Polo Tournament, September 16-17, 2016. The Sierra Shootout Tournament is one of the top high school water polo tournaments in the nation. Approximately 14 students from the Girl's Water Polo Team and 7-10 chaperones will be traveling via car pool and staying at the Marriott Fairfield Inn in Roseville.

### **12.3 (Item #3) Mt. Diablo High School's trip to Morro Bay State Park, Morro Bay, CA, September 13-15, 2016**

Mt. Diablo High School is requesting permission to travel to Morro Bay State Park, September 13-15, 2016. Thirty Serendipity students along with 3 chaperones will travel by Charter bus and will camp at the State Park. While there, they will discuss catering possibilities and visit a local college.

### **12.4 (Item #4) Mt. Diablo High School's Trip to New Brighton State Beach, Capitola, CA, September 26-28, 2016**

Mt. Diablo High School is seeking approval for an overnight trip to New Brighton State Beach, in Capitola, CA, September 26-28, 2016. Thirty students from the Serendipity Class along with 3 chaperones will be traveling by charter bus and camping at the State beach. While there they will learning about tourism in our State Park system and visit local colleges.

### **12.5 (Item #5) Mt. Diablo High School's Trip to San Luis Obispo High, San Luis Obispo, CA, October 21-22, 2016**

Mt. Diablo High School is seeking permission to travel to San Luis Obispo High, San Luis Obispo, CA, October 21-22, 2016. Twenty Serendipity students and 2 chaperones will attend the Fall FCCLA Region Leadership Meeting. They will travel by charter bus and stay at the Best Western Royal Oak Hotel.

### **12.6 (Item #6) Mt. Diablo High School's Trip to Anaheim, CA, April 3-6, 2017**

Mt. Diablo is requesting permission to travel to Anaheim, CA, over Spring Break, April 3-6, 2017 with forty Serendipity students and 4 chaperones. They will travel by charter bus and be staying at the Anaheim Plaza Hotel. They will visit Disneyland to explore Disney's philosophy of hospitality and experience one of the largest tourist attractions in California.

### **12.7 (Item #7) Mt. Diablo High School's Trip to State Leadership's Conference and Competition in Riverside, CA, April 8-11, 2017**

Mt. Diablo High School is requesting permission to attend the annual State Leadership Conference and Competition at the Riverside Convention Center, Riverside, CA, April 8-11, 2017. Twenty Serendipity students along with 3 chaperones will travel by chartered bus and stay at the Marriott Hotel in Riverside.

**12.8 (Item #8) New County-District-School (CDS) Code for Crossroads High School**

Requesting approval of Crossroads' application for a new County-District-School (CDS) Code to reflect its status as an alternative school.

**12.9 (Item #9) Consolidated Application and Reporting (CARS) Application for Federal Funding 2016-17**

Each spring, school districts must approve and submit to the California Department of Education the Consolidated Application and Reporting document to apply for federal funds under what is now the Every Student Succeeds Act (ESSA). Mt. Diablo Unified is applying for Title I: Part A, Title II: Part A, Title III: Part A Immigrant, and Title III: LEP funds. This application has been presented to the District English Learner Advisory Committee for input and must be approved by the Board no later than June 30, 2016.

**12.10 (Item #10) Update Goal 2 LEA PLAN: Title III**

In order to receive Title III funding for English Learners the LEA needs to update their Goal 2 of the LEAP Plan: Title III plan. The current update is for the academic year 2016-17.

**12.11 (Item #11) New Courses of Studies for Long Term English Learners for Middle and High School**

MDUSD has developed specific courses to address the language development needs of long term English Learners. With these courses, students will develop the academic language skills necessary for reclassification.

**12.12 (Item #12) Cyber High Agreement with Fresno County Office of Education for 2016-2017**

Seeking approval of a contract with Cyber High to provide credit recovery for high school students.

**12.13 (Item #13) College Board Contract 2016-2017**

Seeking approval of the College Board contract to provide PSAT 10 exams to all 10th graders in the Spring of 2017.

**12.14 (Item #14) Increase to the Contract Between Mt. Diablo Unified School District (MDUSD) and Maxim Healthcare Services (NPA) for Nursing Services for the 2015/2016 School Year**

Staff is requesting additional funding for the contract between Mt. Diablo Unified School District (MDUSD) and Maxim Healthcare Services (NPA) for the 2015/2016 school year. The Board approved the Maxim Contract last June 22, 2015 for \$200,000. Additional expenses incurred include Summer School coverage, more students added to the caseload and other students' hours increased. Maxim has also provided coverage for District Nurse and LVN positions that were vacant due to retirement or illness. This item is for an increase of \$250,000 to cover the cost of the specialized health care services for students with Section 504 plans.

**12.15 (Item #15) Increase to the Contract with Non-Public School, Bayhill High School**

Bayhill High School is a California certified non-public school that provides program and related services to students of the Mt. Diablo Unified School District that have been placed there through settlement agreement or the IEP process. Requested funds are required due to an increase of two placements during the Spring of 2016 and changes to related services of students.

**12.16 (Item #16) Increase to the Contract with Non-Public Agency, Analytical Behavior Consultants**

Analytical Behavior Consultants is a California certified non-public agency that provides intensive behavioral services at the request of Mt. Diablo Unified. The request for additional funds is to continue providing a highly specialized in home program for one home-bound student.

**12.17 (Item #18) Resource Development & Associates (RDA) Contract for 2016/17**

Staff requests approval to enter into a renewal contract with Resource Development & Associates (RDA) for evaluation services for the fourteen Mt. Diablo CARES After School Programs. RDA has served as the program evaluator since 1999.

Mt. Diablo CARES receives the California Department of Education's After School Education and Safety (ASES) grant which requires comprehensive annual evaluation and quality program review to measure program implementation, effectiveness, and student growth. In addition, this evaluation is used as a tool to inform strengths and needs for the district's Local Control Accountability Plan (LCAP).

**12.18 (Item #19) Independent Service Agreement with Ursula Leimbach for Communications and Public Relations Services**

In April, 2016, Ursula Leimbach, independent service contractor, provided communications and public relations services for the District. Staff would like to continue her services into the 2016-2017 school year.

**12.19 (Item #21) Non-Public Agency Adjustment**

Non-Public Agency (NPA) contracts are reviewed and updated several times during the fiscal year. Changes to contracts are required due to changes in staffing needs at the sites, hiring new district employees to fill contractor positions, and student needs.

**12.20 (Item #22) Execution of the Master Contract with Speech Pathology Group to Provide Contracted Speech Therapists to the District for the 2016-2017 School Year**

Speech Pathology Group (SPG) provides speech and language pathologists (SLPs) for vacant SLP positions in the district, independent speech evaluations, and speech services to Non-Public Schools. SPG also provides complimentary professional development and continuing education units as a service to the District.

**12.21 (Item #23) Execution of the Master Contract with Tobinworld (dba Tobinworld II), a Non-Public School, for the 2016-2017 School Year**

Tobinworld provides services for students which include basic education, related services, and room & board/mental health services for students in day treatment programs/residential placements.

**12.22 (Item #24) Execution of the Master Contract with Uplift Family Services for the 2016-2017 School Year**

Uplift Family Services (formerly EMQ Families First) provides mental health related services on behalf of Mt. Diablo Unified School District according to student's Individualized Educational Programs (IEPs).

**12.23 (Item #25) Execution of the Master Contract with Ed Support Services, a Non-Public Agency for the 2016-2017 School Year**

Ed Support Services currently provides intensive behavioral services for the Mt. Diablo Unified School District with clinical supervision and functional behavioral assessments upon district request. These are direct IEP driven services that are provided according to the terms of a Master Contract and Individual Service Agreement. Services are agreed upon through a settlement agreement or approved by the District's Special Education Management Team to maintain a student in the least restrictive environment.

**12.24 (Item #26) Execution of the Master Contract with Non-Public Agency, LindaMood Bell Learning Center**

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

**12.25 (Item #27) Execution of the Master Contract with Non-Public Agency, Community Options for Families & Youth (COFY), for District-Wide Mental Health Services for the 2016-2017 School Year**

Community Options for Families & Youth (COFY) is a certified Non-Public Agency that provides Mental Health related services for students of the Mt. Diablo Unified School District according to the terms of their Individualized Educational Program. Services include counseling, family therapy, and case management services for students placed in residential programs.

**12.26 (Item #28) Master Contract with Springstone School, a certified Non-Public School**

Mt. Diablo Unified School District's (MDUSD) Execution of Non Public School Placements for the 2016-2017 School Year. Request for funds includes basic education, related services, and room & board/mental health services for students in day treatment programs/residential placements.

**12.27 (Item #29) Master Contract with Yellowstone Boys & Girls Ranch, a Certified Non-Public School**

Mt. Diablo Unified School District's (MDUSD) Execution of Non Public School Placements for the 2016-2017 School Year. Request for funds includes basic education, related services, and room & board/mental health services for students in day treatment programs/residential placements.

**12.28 (Item #30) Master Contract with Oak Hill School, a Certified Non-Public School**

Mt. Diablo Unified School District's (MDUSD) execution of non-public school placements for the 2016-2017 school year. The request for funds includes basic education, related services, and room & board/mental health services for students in day treatment programs/residential placements.

**12.29 (Item #31) Master Contract with A Better Chance School (California Autism Foundation), a Certified Non-Public School**

Mt. Diablo Unified School District's (MDUSD) execution of non-public school placements for the 2016-2017 School Year. The request for funds includes basic education, related services, and room & board/mental health services for students in day treatment programs/residential placements.

**12.30 (Item #32) Master Contract with Heartspring School, a Certified Non-Public School**

Mt. Diablo Unified School District's (MDUSD) execution of non-public school placements for the 2016-2017 school year. Request for funds includes basic education, related services, and room & board/mental health services for students in day treatment programs/residential placements.

**12.31 (Item #33) Master Contract with Via Center, a Certified Non-Public School**

Mt. Diablo Unified School District's (MDUSD) execution of non-public school placements for the 2016-2017 school year. Request for funds includes basic education, related services, and room & board/mental health services for students in day treatment programs/residential placements.

**12.32 (Item #34) Master Contract with Bayhill High School, a Certified Non-Public School**

Mt. Diablo Unified School District's (MDUSD) execution of non-public school placements for the 2016-2017 school year. Request for funds includes basic education, related services, and room & board/mental health services for students in day treatment programs/residential placements.

**12.33 (Item 35) Fiscal Transactions for the Month of May, 2016**

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

**12.34 (Item 36) Provisional Internship Permit (PIP) Request**

The California Commission on Teacher Credentialing is no longer issuing Emergency Permits. However, the Commission replaced the Emergency Permit with the Provisional Internship Permit (PIP) which provides applicants additional time to meet the subject matter competence requirements(s) needed to enter an internship program. A District may request a PIP only after a diligent search has been conducted and a fully credential teacher could not be found. The PIP is issued for one (1) year. All requests for a PIP must be presented to the Governing Board of a public school district for approval. Every PIP request that is submitted to the Commission on Teacher Credentialing must also include verification that a notice of intent to employ the named applicant has been made public.



**12.35 (Item 37) Education Code 44256(b) Board Authorization - One Employee**

Education Code 44256(b) authorizes the Governing Board to assign an employee holding a Multiple Subject or a Standard Elementary credential to teach, with his or her consent, any subject in a departmentalized class below grade 9 provided that the teacher has completed 12 semester units or 6 upper division or graduate units of coursework in that subject.

**12.36 (Item 38) 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 available for the position. All requests for a Variable Term Waiver must be presented for approval to the governing board of a public school district. Every waiver request submitted to the Commission on Teacher Credentialing must include verification that a notice of intent to employ the named applicant in the identified position has been made public.

**12.37 (Item 39) Recommended Action for Certificated Personnel**

Changes in status of the following certificated employees.

**12.38 (Item 40) Recommended Action for Classified Personnel**

Changes in status of the following classified personnel.

**12.39 (Item 42) Classified Personnel: Request to Increase/Decrease Full Time Equivalent (FTE) for the 2016/17 School Year**

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

**12.40 (Item 43) Food and Nutrition Service Purchases 2016-2017**

Food and Nutrition Services requests approval to issue an open Purchase Order to Hayes Distribution for the purchase of food and beverages for meal programs in district schools during the 2016-2017 school year. This agreement extends the Award Bid No. 157-2014. As part of the Bay Area School Nutrition Co-Op: 2016 - 2017. The purchase order amount is not to exceed \$350,000.

**12.41 (Item 44) Independent Service Contracts for Transportation Vendors for 2016-2017 School Year**

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, field trips and sporting events. On August 13, 2014 the Board approved three year contracts to First Student, Pawar Transportation and Cab, and Michael's Transportation Services for supplemental transportation services. First Student has not been able to participate in busing contracts. By mutual agreement they are not being renewed at this time. Pawar Transportation and Cab will be issued an open order in the amount of \$1,500,000.00. Michael's Transportation will issued an open order in the amount of \$25,000.00. This is the final year of a three year contract.

**12.42 (Item 45) Intermediate Change Order #1730-001 to Silicon Valley Paving, Inc., for Work at Ayers Elementary School**

On February 1, 2016 the Board of Education awarded Bid 1730/Contract C-938 to Silicon Valley Paving, Inc. for \$576,933.96 for Modernization Group II Hardscape Repairs at Various Sites.

As a result of District need to 1) complete building pad development to facilitate temporary housing cluster at Ayers ES and 2) complete site work and paving to complete an additional parking area at Ayers ES, an intermediate change order in the amount of \$163,112.00 is necessary. This intermediate change order will result in a revised contract value of \$740,045.96.

**12.43 (Item 46) Award of Bid #1753: Site Work for Modular Restroom Building at Ygnacio Valley High School**

Bid #1753 was called to provide site work for a modular restroom building at Ygnacio Valley High School. The lowest, responsible, responsive bidder is Crouse General Engineering for the total amount of \$148,445.00.

The scope of work includes but is not limited to: furnish all necessary labor, materials, and equipment to perform site adapt work for the installation of a new 1,600 sq. ft. modular restroom and concession building.

**12.44 (Item 47) Architectural and Engineering Services Contract with PHd Architect for Concord High School**

The services of a professional architect are required to provide architectural and engineering services to secure DSA approval for the installation of three interim modular buildings at Concord High School.

The scope of services per attached contract include: Coordinating/Directing the Civil Engineer for the preparation of the Civil drawings. Coordinating with the Contractor for the preparation of the site.

The engineering for the site installation/placement of three modular classroom buildings (960-SF each) at Concord High School. Connecting the modular buildings to the existing electrical and fire alarm in addition to site work to meet compliance with the Access Code, Fire Protection District and T-24 regulations.

**12.45 (Item #48) Contract with McGrath Corporation, dba Mobile Modular Management Corporation, for the Lease of Interim Classroom Buildings at Concord High School**

It has been determined necessary for the District to install a limited number of DSA-approved temporary housing units at Concord High School. 3 - 960 square foot classrooms

To accommodate District needs, staff recommends lease agreements to be executed with Mobile Modular Management Corporation for the delivery, rental, take-down and removal of these DSA modular buildings. These agreements will be processed through a valid, existing "piggyback" contract between the Franklin-McKinley School District and McGrath Rent Corporation dba Mobile Modular Management Corporation

**12.46 (Item #49) Additional Funding Authorization for the Lease Agreement with McGrath Corporation, dba Mobile Modular Management Corporation for Ayers Elementary School**

May 23, 2016, the Board of Education awarded a contract in the amount of \$108,196.50, to McGrath Corporation, dba Mobile Modular Management Corporation, for the Lease of Interim Housing Units at Ayers Elementary School. Original action included only costs associated with delivery, set-up and first month rental.

The lease agreement includes 11 additional months of rental, as well as costs associated with removal at the lease termination.

As such, staff recommends revising funding authorization to reflect actual anticipated costs for the complete lease agreement. All terms and conditions remain unchanged.

**12.47 (Item #50) Resolution No. 15/16-52: Authorization to Award Summer Contracts**

Pursuant to Section 17604 of the California Education Code, the Board of Education may delegate its authority to the Superintendent and/or her designee to allow for the timely award of various summer bid contracts, which will be returned for ratification at the Board of Education meeting on August 8, 2016. Approval of this Resolution is necessary in order to proceed with contract work during the Board's summer recess.

Attached is a list of the known projects that may be awarded during the Board of Education's summer recess. Projected costs on the attached list are an estimate of value. Actual cost(s) may vary up/down.

**12.48 (Item #51) Revision to Resolution No. 15/16-51: Specification of Election Order**

On June 13, 2016, the Board of Education approved Resolution No. 15/16-51: Specification of Election Order. A revision is required revising the limit for the number of words in a candidate statement in order to align with District Board Policy.

**12.49 (Item #52) Minutes for the Special Closed Session Board of Education Meeting Held on June 2, 2016**

Minutes for the Special Closed Session Board of Education Meeting held on June 2, 2016.

**CONSENT ITEMS PULLED FOR DISCUSSION**

**13.1 (Item #17) Bay Area Community Resources (BACR) Contract for 2016/17**

Staff requests approval to enter into a renewal contract with Bay Area Community Resources (BACR) to hire recreation staff for fourteen Mt. Diablo CARES After School Programs: Bel Air, Cambridge, Delta View, El Monte, Fair Oaks, Meadow Homes, Rio Vista, Shore Acres, Sun Terrace, Wren Avenue Elementary and Ygnacio Valley Elementary Schools and El Dorado, Oak Grove and Riverview Middle Schools. These fourteen after school programs are funded by the California Department of Education's After School Education and Safety (ASES) grant. The After School Program will also be run at Ygnacio Valley High School but will be supported by other local funding and not the ASES grant. Mt. Diablo CARES and Bay Area Community Resources (BACR) have been collaborative partners since 2007. This collaboration ensures consistency across programs, staffing, supervision, and evaluation among all schools served by the Mt. Diablo CARES After School Program. The After School district staff will continue to work in collaboration with recreation providers to ensure high quality programming, integration of academic, enrichment, nutrition, and physical education opportunities as well as student safety.

Mrs. Mason inquired if it would be beneficial for the District to perform the services rather than contract for the services. Dr. Meyer commented that staff will work to analyze the feasibility of bringing this in house in the future.

Mrs. Mayo inquired about the number of students served by the program. Stephanie Roberts shared that 1,932 students at the elementary and middle school levels, and 131 at Ygnacio Valley High School are served by the program. The number of students served at each individual school were listed in the attachment.

Mrs. Oaks inquired about the two positions working at the garden: the garden educator and the garden coordinator. Stephanie Roberts explained how the educators serve the program both in the garden, and in classrooms (during inclement weather).

Mayo moved, Lawrence seconded, and the Board voted 5-0-0 to approve the Bay Area Community Resources (BACR) contract for the 2016-17 school year.

**13.2 (Item #20) Award of RFP No. 1735: LEA Medi-Cal Reimbursement Services**

On April 26, 2016, Mt. Diablo Unified School District accepted proposals from five (5) vendors for Local Education Agency (LEA) Medi-Cal Claims Reimbursement Services to file actual and estimated claims with the California Department of Health Care Services and/or Local Consortium (LEC). All proposals were evaluated in accordance with the evaluation criteria specified in the RFP.

Staff has reviewed and is recommending award as follows:

LEA Medi-Cal Claims Reimbursement Services to Medical Billing Technologies Inc. for the 2016/2017, 2017/2018 and 2018/2019 school years.

Mrs. Mason inquired how much revenue the District received compared to the cost for contracting claims services. Felicia Stuckey-Smith responded.

Mason moved, Mayo seconded, and the Board voted 5-0-0 to approve to award RFP No. 1735 for Medi-Cal reimbursement services to Medical Billing Technologies, Inc.

### **13.3 (Item 41) Certificated Personnel: Request to Increase and Decrease Full Time Equivalent (FTE) for the 2016-2017 School Year**

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

Mrs. Mason inquired about the FTE listed for Mt. Diablo High School which was being paid by supplemental LCFF funds. Dr. Meyer shared the FTE was needed to lower class sizes in their pathways and targeted support classes, over and above their allocation.

Mayo moved, Lawrence seconded, and the Board voted 5-0-0 to approve the request to increase and decrease Full Time Equivalent (FTE) certificated staffing for the 2016-2017 school year.

#### **CONSENT ITEMS PULLED BY STAFF**

There were no Consent items pulled by staff.

#### **COMMUNICATIONS**

**15.1 District Organizations: At regular Board meetings, a single spokesperson of each recognized District organization may make a brief presentation following the Consent Agenda. Items are limited to those which are informational.**

There were no District organizations represented.

#### **BUSINESS/ACTION ITEMS**

##### **16.1 Adoption of the Mt. Diablo Unified 2016-2019 Local Control Accountability Plan (LCAP)**

As required by Education Codes 42103, 42127, and 52062, all school districts that receive Local Control Formula Funding (LCFF) must develop a three year Control Accountability Plan (LCAP). The LCAP must be updated every year and describe how a school district intends to meet annual goals for all pupils, with specific activities to address state and local priorities. Mt. Diablo's LCAP addresses college and career readiness, professional learning, engaging parents and community members, and the targeting of support for special populations. These students include foster youth, English learners, low income, and students with disabilities. Over the past 5 months, Council members, advisory groups, and school sites have facilitated meetings with key stakeholder groups providing opportunities for staff, students and community members to provide input on the district's instructional program. On June 13, 2016, a public hearing was held to solicit public comment on the 2016-2019 LCAP draft prior to final adoption. Drafts of the LCAP are located on the website at [www.mdusd.org](http://www.mdusd.org) along with an "LCAP: Questions & Answers" webpage where the community can provide input and ask questions about the document. Additionally, copies for review and LCAP comment cards will be available during the hours of 8-4pm at the District Office, 1936 Carlotta Drive, Concord, CA.

Public Comment:

Willie Mims asked questions about certificated and classified salaries cited in the LCAP Plan and voiced his concern that supplemental funds are being used to fund salaries.

Dr. Meyer and Jennifer Sachs responded to the questions posed by Mr. Mims and questions raised by Mrs. Mason.

Oaks moved, Mayo seconded, and the Board voted 5-0-0 to approve the adoption of the Mt. Diablo Unified 2016-2019 Local Control Accountability Plan (LCAP).

##### **16.2 2016-2017 Budget**

The 2016-2017 Budget includes earlier actions taken by the Board of Education for 2016-2017; the Governor's May Revise; and costs associated with moving from one year to the next, such as moving employees' salaries through the salary schedule and changes in the employee benefit rate, current information the District has with implementing the Local Control Funding Formula (LCFF) and changes in the employee benefit rates.

Public Comment:

Debbie Woods shared that between the last Board meeting when the Budget was first presented and tonight, there is a shortage of \$20M and asked where the money was allocated.

Wayne Oetken and Nance Juner gave a presentation and answered questions on the 2016-2017 Budget.

Public Comment:

Willie Mims commented about the \$20M referred by Debbie Woods and pointed out that he saw \$20M listed as "other assigned". Mr. Mims commented on the targeted supplemental reserve questioning if it were a carryover from 2015/2016 and noted it should not be included in the unrestricted category. He asserted that funds should not be moved from a restricted fund to an unrestricted fund. Lastly, Mr. Mims asked how much MDUSD was entitled to receive and how much of that money was left over at the end of the year.

Ms. Hansen shared that the Budget presentation was made at the last meeting. Dr. Meyer and Nance Juner answered the questions that arose.

Lawrence moved, Mason seconded, and the Board voted 5-0-0 to adopt the 2016-2017 Budget.

### **16.3 Resolution 15/16-48: Education Protection Account (EPA)**

The passage of Proposition 30 created the Education Protection Account. The act requires the Board declare by Resolution its intended use of the funds for 2016-2017.

Mason moved, Oaks seconded, and the Board voted 5-0-0 to approve Resolution No. 15/16-48: Education Protection Account.

### **16.4 Adoption of the Mt. Diablo Unified School District Special Education Local Plan Area (SELPA) Annual Budget Plan and Annual Service Plan, Service Plan Forms and the California Special Education Management Information System (CASEMIS) Service Descriptions for the 2016-2017 School Year**

As required by Ed Code Sections 56205, 56205(b)(2) and 56195.7, each SELPA Local Plan document requires a service plan component and a budget plan that are updated annually.

In submitting the Local plan documents, the following information is required: the Annual Budget Plan, the Annual Service Plan, the CASEMIS Service Plan descriptions and the Annual Budget and Service Plans' Certification Forms for the 2016-2017 school year. These documents are due to the California Department of Education on or before June 30, 2016. Copies of these documents are attached for the Board of Education's review and approval.

A public hearing was held on June 13, 2016 to discuss the adoption of these items. The signed documents will be submitted to the California Department of Education along with evidence that a public hearing was held.

Mayo moved, Oaks seconded, and the Board voted 5-0-0 to approve the adoption of the proposed 2016-2017 Mt. Diablo Unified School District Annual Budget Plan and the Annual Service Plan.

### **16.5 Public Hearing for Senate Bill 858: Excess of Minimum Reserve Requirements**

Senate Bill (SB)858 (Chapter 32/2014) requires that, starting with the 2015-2016 adopted budgets, school districts hold a public hearing to provide information on the amount in the unrestricted General Fund expenditures and other financing uses.

The district is committed to maintain a prudent level of financial resources to protect against the need to reduce service levels because of temporary revenue shortfalls or unpredictable expenditures and to maintain a high bond rating. The statement for assigned and unassigned ending fund balances above the state required minimum level is attached.

Public Hearing for Senate Bill (SB)858, Chapter 32/2014, Balances in Excess of Minimum Reserve Requirements.

President Hansen opened the Public Hearing at 9:11 p.m. and having no speakers, closed the Public Hearing at 9:11 p.m.

### **16.6 Annual Contract with Curriculum and Associates for i-Ready K-8 Software Licenses and Professional Development**

i-Ready has been implemented in the District for the last two years; first as a pilot with selected sites and then district-wide K-8. i-Ready consists of adaptive diagnostic assessments, online instruction, and formative/summative assessments. All components are used to monitor and support student progress towards grade level state standards mastery and College and Career Readiness.

The data generated from this software allows teachers to provide differentiated instruction/support to all students and progress monitor our under achieving/under-served students (English Learners, Foster Youth, Economically Disadvantaged, Special Education) with identified learning gaps. Validity studies have been conducted and have shown that students' performance on i-Ready is highly correlated to students' performance on state standards test.

Mayo moved, Oaks seconded, and the Board voted 5-0-0 to approve the annual i-Ready Contract for the 2016-2017 school year.

### **16.7 Reclassification of Classified Positions in the California School Employees Association (CSEA) Unit**

The Reclassification Committee met on June 9, 2016.

Pursuant to Article 34 of the Contractual Agreement between Mt. Diablo Unified School District and California School Employees Association (CSEA), a reclassification review has been completed for classifications submitted by the Reclassification Committee to the Director of Personnel Services requesting the following approvals per job descriptions as attached. The requested reclassifications will be effective July 1, 2016.

Assistive Technology Technician: Reclassify two (2) Assistive Technology Assistants to Assistive Technology Technicians with an increase in range from 416 to 432. Increase in cost from current range to new range is a total cost of \$3,899 for two (2) employees. The revised job description for Assistive Technology Technician is attached. No change in calendar work year.

Mason moved, Lawrence seconded, and the Board voted 5-0-0 to approve reclassification of two (2) Assistive Technology Assistant positions to Assistive Technology Technician in the California School Employees Association (CSEA) Unit.

### **16.8 Opportunity for Public Response to the Additional Initial Successor Agreement Proposal from California School Employees Association (CSEA) and Mt. Diablo Unified School District's Initial Successor Agreement Proposal to CSEA**

At the June 13, 2016 meeting, the additional Successor Agreement Proposals for California School Employees Association (CSEA) and Mt. Diablo Unified School District were publicly presented. We are now presenting these proposals for public response.

Mayo moved, Mason seconded, and the Board voted 5-0-0 to approve the adoption of the Successor Agreement Proposals for CSEA and Mt. Diablo Unified School District.

### **16.9 Public presentation of an Additional Successor Agreement Proposal for Teamsters Local Union No. 856**

By law, school districts are required to "sunshine" collective bargaining proposals in an open session of the Board. The attached proposal from Teamsters Local Union No. 856 is an additional proposal that is being submitted as an information and action item.

\*\*\*(This item was considered during Item #16.10)

Oaks moved, Mayo seconded, and the Board voted 5-0-0 to approve the adoption of the Successor Agreement Proposal for Teamsters Local Union No. 856.

**16.10 Authorization for the Superintendent to Make Interim Appointments to Administrative Positions**

Currently, there are several administrative positions that are open. Staff is requesting that the Superintendent have the authority during the month of July, 2016, to enter into agreements and make appointments to administrative positions. All positions being filled will follow our current protocol to fill these positions which includes vetting of applicants paper work, interviews, reference checking, and background screening. Only positions that are currently authorized by the Board can be filled. Any appointment made will follow Board Policy 4351, and all candidates will be brought to the August 8, 2016, Board meeting to be introduced and ratified by the Board.

Public Comment:

Willie Mims requested the Board to remind Dr. Meyer that MDUSD is very diverse and hiring should reflect this diversity.

Mr. Lawrence agreed that diversity is important and shared that when you look at the diversity and scope of the people that have been brought on board, they are a consistent example of the diversity seen the last several years and he encouraged Dr. Meyer to continue to keep the District headed in that direction.

\*\*\*Item #16.10 was paused for a vote on Item #16.09.

Mason moved, Oaks seconded, and the Board voted 5-0-0 to approve the Superintendent to enter into contracts for administrative positions and make appointments prior to the August 8, 2016, Board meeting.

**16.11 Regular Board of Education Meeting - October 24, 2016**

This year, the District College Fair has been scheduled for October 24, 2016, which coincides with a Regular Board of Education Meeting. College Fair dates for each school are part of a statewide calendar organized by a subcommittee of the Intersegmental Coordinating Committee. This committee is a function of the California Education Round Table (CERT), a voluntary association of the chief executive officers of the educational sectors within the state of California. College Fair school dates may not be changed.

The Board of Education will discuss rescheduling their Regular Board Meeting of October 24, 2016, to an alternate date in order to allow staff, parents, Board members and community members to attend the College Fair. The previously approved Board meeting calendar is attached for reference.

Lawrence moved, Oaks seconded, and the Board voted 5-0-0 to approve to change the date of the Regular Board of Education second meeting in October, 2016, from Monday, October 24 to Tuesday, October 25, 2016.

**16.12 Meeting Extension**

Adjournment time will be no later than 10:30 p.m. for all regular and special meetings unless extended to a specific time as determined by a majority of the Board.

A meeting extension was not required.

**16.13 Execution of Documents**

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

## **FUTURE AGENDA ITEMS**

There were no items noted.

## **CLOSED SESSION**

The Board retired to Closed Session at 9:29 p.m.

## **RECONVENE OPEN SESSION**

The Board reconvened Open Session at 9:55 p.m. During second Closed Session, the Board considered the following items:

### **7.5 (Item #5) Readmission of Student #15-15 into regular schools in the Mt. Diablo Unified School District**

The Board voted 5-0-0 to readmit Student #15-15.

### **7.6 (Item #6) Readmission of Student #16-15 into regular schools in the Mt. Diablo Unified School District**

The Board voted 4-1-0 (with Mayo dissenting) to readmit Student #16-15.

### **7.7 (Item #7) Readmission of Student #02-16 into regular schools in the Mt. Diablo Unified School District**

The Board voted 5-0-0 to readmit Student #02-16.

## **ADJOURNMENT**

President Hansen adjourned the meeting in honor of three individuals who recently passed: Steve Nixon, Vice Principal; Darryl Handy, Concord High School Band Booster President and Measure C Oversight Committee member; and William "Bill" Tillson, teacher for 32 years at Valley View Middle School and Cross Country and Track coach at College Park High School.

The meeting adjourned at 9:58 p.m.

Respectfully submitted,

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Dr. Nellie Meyer, Superintendent