

**MINUTES**  
**REGULAR MEETING OF THE BOARD OF EDUCATION**  
**MT. DIABLO UNIFIED SCHOOL DISTRICT**  
**Monday, March 13, 2017 (6:00 p.m. /7:00 p.m.)**

**CALL TO ORDER**

President Mason called the meeting to order at 6:00 p.m. and conducted Roll Call with all Board members present with the exception of Brian Lawrence.

**PUBLIC COMMENT**

**2.1 Public Comment: The public may address the Board concerning items that are scheduled for discussion during Closed Session only. These presentations are limited to three minutes each, or a total of thirty minutes for all speakers or the three minute limit may be shortened. Speakers are not allowed to yield their time.**

There was no Public Comment.

**CLOSED SESSION AGENDA**

**3.1 (Item #1) Superintendent's Evaluation**

**3.2 (Item #2) Conference with Negotiator(s) Pursuant to Gov't. Code Section 54957.6; Agency Negotiators: Debra Mason and Larry Schoenke. Unrepresented Employee: Superintendent**

**3.3 (Item #3) Anticipated Litigation - Conference with Legal Counsel pursuant to Gov't. Code Sec. 54956.9(d), Significant Exposure to Litigation and Consider Initiation of Litigation: 2 cases**

**3.4 (Item #4) Existing Litigation - Conference with Legal Counsel (Paragraph (1) of subdivision (d) of Government Code Section 54956.9): Rocketship Futuro Academy v. MDUSD: Contra Costa Superior Court Case No. MSN17-0137**

**3.5 Discipline, Dismissal or Release of Public Employee (Gov. Code Sec. 54957(b)(1)) - 1 case**

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

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

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

President Mason called the meeting to order at 7:10 p.m.

**PRELIMINARY BUSINESS**

**6.1 Pledge of Allegiance and Roll Call**

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) Superintendent's Evaluation**

The Board held a discussion.

**7.2 (Item #2) Conference with Negotiator(s) Pursuant to Gov't. Code Section 54957.6; Agency Negotiators: Debra Mason and Larry Schoenke. Unrepresented Employee: Superintendent**

The Board gave direction to counsel to agendize this topic for the next meeting.

**7.3 (Item #3) Anticipated Litigation - Conference with Legal Counsel pursuant to Gov't. Code Sec. 54956.9(d), Significant Exposure to Litigation and Consider Initiation of Litigation: 2 cases**

The Board received information.

**7.4 (Item #4) Existing Litigation - Conference with Legal Counsel (Paragraph (1) of subdivision (d) of Government Code Section 54956.9): Rocketship Futuro Academy v. MDUSD: Contra Costa Superior Court Case No. MSN17-0137**

The Board voted 5-0-0 to move forward with an appeal.

**7.5 (Item #5) Discipline, Dismissal or Release of Public Employee (Gov. Code Sec. 54957(b)(1)) - 1 case**

The Board voted 4-0-1 (with Lawrence absent) to proceed with the dismissal of one employee.

**PUBLIC COMMENT**

**8.1 Public Comment: The public may address the Board regarding any item within the jurisdiction of the Board of Education of the Mt. Diablo Unified School District that is not on this agenda. These presentations are limited to three minutes each, or a total of thirty minutes for all speakers, or the three minute limit may be shortened. If there are multiple speakers on any one subject, the public comment period may be moved to the end of the meeting. Speakers are not allowed to yield their time.**

There was no Public Comment.

**RECOGNITIONS AND RESOLUTIONS**

**9.1 Recognition of the MDUSD 2016-2017 Teacher of the Year Nominees and Finalists**

The Mt. Diablo Unified School District sought nominations of outstanding educators from transitional kindergarten through grade 12 and adult education to be represented as the MDUSD Teacher of the Year. Sixty-six teachers were nominated and all nominees were offered the opportunity to complete a brief questionnaire. The questionnaires were scored by members of the MDUSD Teacher of the Year Selection Committee. The top five scoring nominees were asked to join the committee for an interview and two teachers were selected to represent MDUSD in the County Teacher of the Year competition.

The five finalists are Michele Beach, Andrea Ward, Tom Trowbridge, Margaret Honey, and Jonathan Moses. The two moving forward on to the Contra Costa County Teacher of the Year competition will be Margaret Honey and Tom Trowbridge.

Dr. Nellie Meyer, Superintendent, explained the district Teacher of the Year process and presented awards to each of the five finalists.

## **9.2 Recognition of Regional 2017 CUE (Computer Using Educators) Educators of the Year**

CUE inspires innovative learners by fostering community, personalizing learning, infusing technology, developing leadership, and advocating educational opportunities for all.

Mt. Diablo Unified School District is pleased to recognize three of our educators named regional 2017 recipients of CUE awards:

- Jonathan Eagan (MDUSD Assistant Superintendent) 2017 CUE Technology Leader of the Year
- Kevin Honey (Principal), 2017 CUE State Administrator of the Year
- Shauna Hawes, Teacher, 2017 CUE Outstanding Teacher of the Year

Dr. Meyer introduced each of the CUE award recipients.

### **BOARD MEMBER REPORTS**

Mr. Lawrence did not give a report.

Mrs. Mayo shared that on March 1, she attended a County Office of Education presentation on fake news and separating fact from fiction. Also on March 1, she attended the Mt. Diablo Council of PTA where she is a district representative. Mrs. Mayo shared that on March 2, Dr. Seuss Read Across America Day, she visited Linda Ortega's second grade classroom at El Monte Elementary, and on March 3, she attended Earn & Learn recognition, which included Mt. Diablo Unified School District students. She announced upcoming events: March 21 is CSBA (California School Board Association) Legislative Day; on April 27 the Contra Costa County School Boards Association will give a presentation at DVC Community College.

Ms. Hansen shared that she and Mrs. Mason visited the College Now Program located on the DVC campus. Through this program, high school students take high school and college courses simultaneously. Ms. Hansen shared she also visited Holbrook Elementary where she noted some progress has been made toward reopening in August.

Mrs. Durkee shared she recently attended Earn & Learn, which is an event to recognize employers involved in connecting students to internships and work-based learning opportunities put on by Workforce Development Board of Contra Costa County; Contra Costa Economic Partnership and Diablo Gateways to Innovation. She explained the Concord Chamber, along with other businesses, youth advocates, and non-profit organizations were recognized. Mrs. Durkee noted that on March 6, she participated in the joint meeting with Clayton City Council and shared that the presentations given by three principals attending, Dawn Edwards-Mt. Diablo Elementary, Patti Bannister-Diablo View Middle, and Shelley Bain-Pine Hollow Middle, were great. Lastly, Mrs. Durkee shared she attended the LCAP Speakers' Series meeting on March 9, where Jennifer Sachs and Nance Juner presented on the Local Control Accountability Plan. She noted she met with Nance Juner about budget topics and suggested that the Board hold a Study Session on the budget.

Mrs. Mason shared that she visited the College Now Program; attended the joint meeting with Clayton City Council; and attended an Adult Education meeting held on a Sunday at Heather Farms noting that the Concord High band played for the participants. She shared that earlier in the day on March 13, she attended a County Coalition meeting on nutrition and activities for families.

## **SUPERINTENDENT'S REPORT**

Dr. Meyer announced that the district budget is on track for positive 3 year certification and explained there will be a presentation later in the evening. She shared that Morgan Territory, which is past Diablo View Middle School, has been subject to closing. 46 students live near or beyond the closure and 4-10 students are struggling and currently on independent study. Dr. Meyer explained that staff is working with the County Supervisors' office and the district Transportation Department to provide emergency service with vans to go the back route to transport students to/from school.

Dr. Meyer shared that transfer placement for 2017/18 is occurring and staff hopes to finish in the next month. There are schools, primarily at the Middle and High School levels, where we are not accepting Choice transfers due to capacity. We are receiving students for SBX, but there are not many slots for movement due to Choice.

Dr. Meyer announced upcoming events: the DELAC Meeting will be held on March 16; also on March 16, a community meeting in partnership with Concord PD and Catholic Charities will be held. There will be a facilitated conversation about new federal laws including immigration. Dr. Meyer shared that the sale of the tiny house will come before the Board tonight.

Dr. Meyer showed photos of the two finalists for Teacher of the Year: Meg Honey and Tom Trowbridge. She shared that Nance Juner and Jennifer Sachs completed the final Speakers' Series on the topic of the LCAP (Local Control Accountability Plan) noting it was enjoyable to see how the LCAP aligns to our budget and the importance they be adopted together.

Dr. Meyer shared that last Saturday was the Science Fair. She noted that mad science was happening at Willow Creek. She showed photos of recent principals meetings where they continue to work on curriculum. Lastly, Dr. Meyer shared the innovation going on at Mt. Diablo HS with a video about Mt. Diablo High School's indoor hydroponic garden produced by College Park.

## **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**

Hansen moved, Durkee seconded, and the Board voted 5-0-0 to approve all Consent Agenda items (with the exception of 12.11 (Item #11) which was pulled for discussion) thereby approving the following:

**12.2 (Item #2) Foothill Middle School's Jazz Band Trip to Monterey, CA, April 1-April 2, 2017**  
Foothill Middle School is requesting permission to travel to Monterey, CA, April 1-April 2, 2017, with 19 Jazz Band students and 6 chaperones on a district provided school bus. They will be staying at the Portola Hotel and Spa in Monterey, CA, and will be participating in the Next Generation Jazz Festival.

**12.3 (Item #3) Concord High School's Independent Service Contract Amendment #1 with Events to the 'T'**

Concord High School is seeking permission to increase their original Independent Service Contract with Events to the 'T' from \$22,625.00 to \$43,125.00 for the Senior Ball on May 19, 2017. The increase will cover rental, food, drinks, DJ, photo booth and decorations.

**12.4 (Item #4) Contract between Mt. Diablo Unified School District Valhalla Elementary and Marin County Office of Education**

5th grade students at Valhalla Elementary will be attending Outdoor Education at the Marin County Office of Education Walker Creek Ranch, March 21-24, 2017.

**12.5 (Item #5) Contract Between Mt. Diablo Unified School District-Silverwood Elementary and Regents of California Lawrence Hall of Science**

Lawrence Hall of Science will be providing two science shows on April 13, 2017 at Silverwood Elementary.

**12.6 (Item #6) Independent Service Contract with Lindamood Bell Learning Processes**

On June 27, 2016, the Board of Education approved a master contract with Lindamood Bell Learning Center in the amount of \$80,000.00 for the 2016-17 school year. The district was notified by Lindamood-Bell Learning Center that they will no longer be maintaining status as a certified non-public agency with the California Department of Education. The district is requesting that the board approve a transfer of the remaining funds to an independent service contract. Lindamood Bell 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.

**12.7 (Item #7) Increase in the Contract Between Mt. Diablo Unified School District (MDUSD) and Speech Pathology Group for Speech and Language Services for the 2016-2017 School Year**

Mt. Diablo Unified School District utilizes Independent Service Contractors to provide services established through the Individualized Education Plan (IEP) process. Speech Pathology Group (SPG) provides speech and language pathologists (SLP) 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.

The Personnel Services and Special Education Departments have worked diligently to find district staff to cover these positions. Together, they have presented at job fairs at colleges and professional organization conferences for speech pathologists. These efforts led to multiple applications, interviews and offers of employment with the district.

The Special Education Department will work with Personnel Services to find ways to attract speech pathologists to MDUSD.

An increase of \$330,000 is requested at this time, in order to maintain services as established in the students' IEP's. The District has been able to review Non-Public Agency Contracts and has decreased under-utilized contracts in order to accommodate this increase.

**12.8 (Item #8) Increase to the Contract Between Mt. Diablo Unified School District (MDUSD) and Beyond the Words for Sign Language Interpreter Services**

Mt. Diablo utilizes independent service contractors to provide services established through the Individualized Education Plan. Beyond the Words provide services for sign language interpreters for students in the Deaf/Hard of Hearing (D/HH) Program.

This past year, two district interpreters retired and another went from full-time to .30. This reduction in district personnel and an inability to hire district interpreters has led to an increase in using Beyond the Words interpreters to meet the students needs.

The Personnel Services Department and Special Education have and will continue to work diligently to find district staff and will continue to promote these positions in order to attract individuals to apply.

**12.9 (Item #9) Contra Costa County Family and Children's Trust (FACT) Grant to Support the Crossroads Program**

Staff requests permission to submit an application to Contra Costa County Family and Children's Trust (FACT) for the Contra Costa County FACT Grant in the amount of \$80,000 to provide support services for teen parents at Crossroads High School. MDUSD has been the recipient of the FACT grant since 2005. These funds will be used to support the mental health and well-being of Crossroads students and their children, strengthen family relationships, encourage continued school attendance, improve academic performance, and promote understanding of child development and the adoption of positive parenting practices. This grant supports student learning by providing a program that includes mentoring and tutoring, parenting and life skills education. Services will include reading support, math support, career exploration, mental health services, and strengthening parenting skills. This is a two year grant, renewable each year (2017-2019).

**12.10 (Item #10) Fiscal Transactions for the Month of February, 2017**

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

**12.11 (Item #12) Adjustments to Position Control for the 2017-18 School Year**

As part of budget development, positions which are funded from programs which are ending, or which have insufficient funds to support the positions, must be eliminated, or have a new funding source identified. Positions which were created for one year only are automatically eliminated; if a new funding source is identified, the position may be brought to the Board to be recreated. The attached positions are requested to be eliminated, created, recreated, or have their funding source changed as described in the attached document.

**12.12 (Item #13) Recommended Action for Certificated Personnel**

**12.13 (Item #14) Certificated Personnel: Request to Increase and Decrease Full Time Equivalent (FTE) for the 2016-2017 School Year**

**12.14 (Item #15) Recommended Action for Classified Personnel**

**12.15 (Item #16) Award of Purchase Order to Irwin Seating Company for Bleacher System (Gymnasium) at Concord High School**

Procurement recommendation is facilitated under NIPA (national cooperative purchasing agreement). Purchasing staff completed research and determined contract action is a viable vehicle to purchase bleacher replacement systems for Concord High School.

Quotation received was determined to be responsible and responsive.

As such, staff recommends issuance of a purchasing agreement in the amount of \$253,534.00 to Irwin Seating Company, for all work necessary to remove existing, supply and install DSA compliant interior bleacher systems (excluding electrical). Agreement includes vendor coordination with District A/E to facilitate DSA approval. As well as all in-plant inspection services and DSA close-out documentation/requirements.

**12.16 (Item #17) Notice of Completion for Bid 1749/C-941 Locker Replacement at Northgate High School**

On August 22, 2016, the Board took action to award Bid 1749 to InnerSpace Engineering Corp. to provide tools, materials, labor, and equipment necessary for locker replacements at Northgate High School.

Contract value: \$220,000.00  
Deductive Change Order: <\$15,044.08>  
Final Contract Value: \$204,955.92

Work and services for this project have been satisfactorily completed according to the District's drawings and specifications.

**12.17 (Item #18) Notice of Completion for CUPCCAA 106075 Electrical and Low Voltage Services at Northgate High School**

On December 12, 2016, the Board took action to award CUPCCAA Purchase Order-Electrical and Low Voltage Services at Northgate High School to Bockmon & Woody Electric Company, Inc., for selective demolition, clearing/grubbing and installation of a building pad.

Contract value: \$33,200.00  
Additive Change Order: \$2,950.00  
Final Contract Value: \$36,150.00

Work and services for this project have been satisfactorily completed according to the District's drawings and specifications.

**CONSENT ITEMS PULLED FOR DISCUSSION**

**13.1 (Item #11) Fiscal Transactions for Lakeshore Learning for the Month of February, 2017**  
(pulled for discussion by Mrs. Mayo)

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

Mrs. Mayo requested a voice vote be conducted on this item and stated she must recuse herself from voting on the item as her spouse had become a consultant for Lakeshore Learning in another state.

Lawrence moved, Durkee seconded, and the Board voted 4-0-0 via voice vote (with Mayo recused) to approve the fiscal transactions for Lakeshore Learning for the month of February, 2017.

#### **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 organizations wishing to speak.

#### **BUSINESS/ACTION ITEM**

##### **16.1 Second Interim Report 2016-17**

The interim report presents revenue and expenditure projections to the end of the fiscal year and compares these projections to the budget. The projections are made by gathering the best information available at the time from a variety of sources, such as district administrators, county officials, state officials and School Services of California. The year-end projections are then compared to the budget to display the differences and to give the most up-to-date picture of how the district will end the year financially, as well as the two subsequent years.

Nance Juner, Director of Budget & Fiscal Services, gave a presentation on the Second Interim Report for 2016-2017, and answered questions posed by Board members.

##### **Public Comment**

Willie Mims shared his concerns about the LCFE Supplemental Targeted Funding allocated within the district's LCAP. Dr. Meyer stated a district representative will contact him about his question about 5M allocated for books & supplies.

Lawrence moved, Durkee seconded, and the Board voted 5-0-0 to approve the Second Interim Report for 2016-17 and the District's positive certification.

##### **16.2 Concord High School's Tiny House Sale**

Concord High School would like approval to sell the tiny house on wheels constructed by Tom Trowbridge's ROP Construction class and his Civil Engineering and Architecture class. Additionally, Concord High School seeks approval to have Tom Trowbridge to act as the district representative for conducting the public auction, as required under the Education Code. Pursuant to the Education Code, notices of the auction will be posted on the MDUSD website, the Concord High School website, on the front door of the Concord High School office, on the marquee in front of Concord High School, and in MDUSD Connections Newsletter. Additionally, Tom Trowbridge will hold an open house on March 25, open to the community to tour the tiny house. The auction will run from March 27-March 31. Upon completion of the auction, Tom Trowbridge will sell the property "as is" to the highest bidder.



The purchaser of the tiny house must execute a purchase and sale agreement issued by MDUSD. The tiny house is built according to industry standards and pursuant to engineered drawings. Currently, there are not building codes governing the construction of mobile tiny houses.

Concord High School teacher Tom Trowbridge gave a brief presentation about the Tiny House and answered questions.

#### Public Comment

Willie Mims stated that students who participated in constructing the tiny house should receive something out of the experience (such as a certificate of training).

Hansen moved, Durkee seconded, and the Board voted 5-0-0 to approve Concord High School's request to have Tom Trowbridge act as the district representative in selling the tiny house.

### **16.3 Mt. Diablo Unified School District's Memorandum of Understanding with Educational Consulting Services, Inc. (ECS)**

Seeking approval of the attached MOU with ECS to provide and run a Saturday School program in order to recover lost ADA due to student absences. This program would be piloted at College Park High School before implementing District wide.

Several Board members expressed their concern about the one-time implementation fee and unstructured instructional curriculum. Dr. Meyer, Superintendent, and Chris Holleran, Assistant Superintendent, answered questions about the proposed program.

#### Public Comment

Willie Mims expressed his concerns about the implementation fee and lack of parent involvement regarding attendance.

Dorothy Weisenberger shared that as a parent, she would prefer students receive curriculum they are missing or that they need to work on.

Denise Lambert expressed her concerns about equity for all students; she is concerned that students from other schools may not be able to get to College Park.

Mr. Lawrence suggested that this topic be returned at a future meeting with additional information. No action was taken on this item.

### **16.4 Award Contract for Levy and Bond Administration of the Mt. Diablo Unified School District CFD #1**

A company is needed to administer the levy and apportion for the special (Measure A) tax for fiscal year 2017/2018 and beyond. The current Mt. Diablo Mello-Roos Tax, Measure A, was passed in November, 1989, by a favorable vote of 71 percent. Almost \$90,000,000 of projects ranging from new multi-use buildings, new gymnasiums, new turf, repaired heaters, and restored restrooms have made the physical facilities for our students much more attractive and functional.

Recently MDUSD held a competitive bid for companies to manage the above levy and bond. Goodwin Consulting Group provided the lowest responsible quote for \$23,000 with a one time audit to ensure parcels are correctly levied and senior exemptions are accurate.

Goodwin consulting was chosen because their pricing model was the most reasonable. Other companies proposed charging by the parcel of which CFD #1 has over 70,000.

Lawrence Moved, Mayo seconded, and the Board voted 5-0-0 to approve Award of Contract for Levy and Bond Administration of the Mt. Diablo Unified School District CFD #1 to Goodwin Consulting Group for \$23,000 per year with a one-time \$2,000 parcel audit.

### **16.5 Adoption of Elementary English Language Arts/Spanish Language Arts/English Language Development Materials**

The Elementary English Language Arts/Spanish Language Arts/English Language Development Committee met in the Fall of 2016. The team included teachers, principals, and district-level administrators. After reviewing materials from a variety of vendors, and considering State criteria, the team decided to pilot McGraw Hill Wonders/Maravillas and Benchmark Advance/Adelante. A pilot team of teachers was established which included representatives from each of our 29 elementary schools. Each site was represented by a Kindergarten-second grade teacher, and a third-fifth grade teacher. Sites with Dual Language programs also sent a representative from the same grade level spans. Each pilot lasted six weeks with training provided to pilot teachers prior to each pilot. At the end of the two pilots, the team of pilot teachers met to review the data collected, compare materials to District and State criteria with consideration to our diverse district needs to make a recommendation. Parent feedback was also solicited through an online survey (both English and Spanish) and comment cards. Materials and comment cards have been on display at the Willow Creek Center for review. After a full day of extensive comparison, the vote yielded a clear majority with 72% in favor of McGraw Hill and 21% in favor of Benchmark. This contract includes:

- 15,182 Student online Subscription Bundle
- 15,182 Student Close Reading Companion Bundle
- 15,182 Student ELD Bundles
- 437 Student Spanish Language Arts Materials
- 600 Teacher Resources
- Professional Development (TBD)

Bev Tom answered questions posed by Board members.

This item was presented for information.

### **16.6 Revision of Board Policy 3540: Transportation**

Staff seeks approval of a revision to Board Policy 3540: Transportation, authorizing the Superintendent or designee to take action to provide transportation to students in the event an emergency situation, as deemed by the Superintendent or designee.

Lawrence moved, Hansen seconded, and the Board voted 5-0-0 to approve revision of Board Policy 3540: Transportation.

**16.7 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.

**16.8 Execution of Documents**

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

**FUTURE AGENDA ITEMS**

None noted.

**CLOSED SESSION**

The Board did not return to Closed Session.

**RECONVENE OPEN SESSION**

N/A

**ADJOURNMENT**

President Mason adjourned the meeting at 9:37 p.m.

Respectfully submitted,

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Dr. Nellie Meyer, Superintendent