

**MINUTES**  
**REGULAR MEETING OF THE BOARD OF EDUCATION**  
**MT. DIABLO UNIFIED SCHOOL DISTRICT**  
**Wednesday, January 29, 2014 (7:30 p.m.)**

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

Administrative Staff: Superintendent Nellie Meyer, Assistant Superintendent Julie Braun Martin, Assistant Superintendent Rose Lock, Assistant Superintendent Kerri Mills, Interim General Counsel Lawrence Schoenke, and Chief Financial Officer Bryan Richards

**CALL TO ORDER**

The Meeting of the Board of Education of the Mt. Diablo Unified School District was called to order by Barbara Oaks at 6:00 p.m. in the Board room at the MDUSD Dent Center. President Oaks took roll call with all Board members present.

**ADJOURN TO CLOSED SESSION**

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

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

**5.2 Readmission of Student #03-11 into the Mt. Diablo Unified School District**

**5.3 Readmission of Student #24-12 into the Mt. Diablo Unified School District**

**5.4 Readmission of Student #A-14 into the Mt. Diablo Unified School District**

**5.5 Readmission of Student #B-14 into the Mt. Diablo Unified School District**

**5.6 Readmission of Student #17-13 into the Mt. Diablo Unified School District**

**RECONVENE OPEN SESSION**

Open Session reconvened at 7:37 p.m.

**PRELIMINARY BUSINESS**

The Mount Diablo High School JROTC led the Pledge of Allegiance. President Oaks took roll call with all Board members present.

**REPORT OUT ACTION TAKEN IN CLOSED SESSION**

In Closed Session, the Board discussed negotiations and approved the readmission of student #A-14, student #B-14, and student #17-13 to the Mount Diablo Unified School District. Readmission was denied to student #03-11 and student #24-12 who did not meet the requirements of the readmission plan.

**RECOGNITIONS**

**9.1 Recognition of National Board Certified Teacher**

The Board recognized Teresa Mejia, teacher at Meadow Homes Elementary School, for attaining National Board Certification. Ms. Mejia said that the certification process was difficult but that it solidified her passion for teaching.

**RESOLUTIONS**

**9.2 Resolution #13/14-29 African American History Month**

Mt. Diablo Unified School District proclaims the month of February as African American History Month and encourages all schools to commemorate this occasion with appropriate instructional materials.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve the resolution as presented.

## **BOARD MEMBER REPORTS**

Ms. Mayo visited Ayers Elementary School, Eagle Peak Montessori School, and Sequoia Middle School. She went to the Autism Committee open house which showcased their new website, [www.mdusdautismwebelieve.com](http://www.mdusdautismwebelieve.com). Ms. Mayo attended two professional development events this week, as well as the LCAP presentation by Superintendent Meyer. She noted that the new Pleasant Hill Community Center opened on Sunday and encouraged everyone to visit the site. Ms. Mayo reminded the Board that the Contra Costa County Science and Engineering Fair is currently enrolling volunteer judges.

Mr. Lawrence visited Mount Diablo High School, where he ate a meal in teacher Cindy Gershen's classroom and was given an overview of the JROTC program. He suggested that at future meetings the Board hear presentations from staff representing various departments and school sites.

Ms. Dennler said that she attended many of the same activities this week as Ms. Mayo.

Ms. Hansen spent time working with community leaders in Bay Point. She noted that Bay Point is an area of the district which will require increasing attention in the future.

Ms. Oaks attended the Budget Perspectives Workshop sponsored by the County Board of Education, as well as the LCAP presentation. Tomorrow she will have the opportunity to oversee a Science workshop at Pleasant Hill Elementary School.

## **SUPERINTENDENT'S REPORT**

Dr. Meyer noted that teachers have been participating in professional development trainings for both Common Core and Positive Behavior Intervention Support within the environment of the classroom.

Dr. Meyer visited Ygnacio Valley High School, Mount Diablo High School, and Woodside Elementary School. She mentioned that she was invited to attend a presentation by Our Future Teachers at Ygnacio Valley High School.

Dr. Meyer shared that the Mayor of Concord Tim Grayson recognized MDUSD in his State of the City Address.

Dr. Meyer announced that the series of Local Control Accountability Plan (LCAP) outreach meetings have started. The next meeting will be held at Ygnacio Valley High School on February 11<sup>th</sup>. She will bring feedback from these meetings to the Board.

## **REPORTS/INFORMATION**

### **12.1 LCAP Presentation**

Superintendent Meyer delivered a presentation giving an overview of the Local Control Accountability Plan (LCAP). She stated that the purpose of the community meetings is to engage people in the development of the plan and the priorities. Dr. Meyer shared the framework of the Local Control Funding Formula and described the supplemental funding the district will receive for English-language learners, low income students, and foster youth. Dr. Meyer announced that she will bring the Plan to the Board at the beginning of June. There will be a public hearing, followed by an official vote on June 25<sup>th</sup>.

Willie Mims, representative of the East County Branch of the NAACP voiced his concern over the transparency of the supplemental funds. Dr. Meyer responded that there will be an annual report to monitor the funds.

### **12.2 Minutes of the Board of Education Meeting of January 15, 2014**

The Board is asked to approve the Board of Education Minutes for the meeting held on January 15, 2014.

Mayo moved, Lawrence seconded, and the Board voted 5-0-0 to approve as presented.

### **12.3 Board Committee Assignments**

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. President Oaks noted that there are few changes of assignments and that all Board members had input into which committees they would be interested in.

Hansen moved, Dennler seconded, and the Board voted 5-0-0 to approve as presented.

## **CONSENT AGENDA**

Hansen moved, Dennler seconded, and the Board voted 5-0-0 to approve the Consent Agenda as presented, thereby approving the following:

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

#### **13.3 Recommended Action for Classified Personnel**

#### **13.4 Classified Personnel: Request to Increase Positions**

#### **13.5 Request to Increase Full Time Equivalent (FTE) for the 2013-2014 School Year**

#### **13.6 Beginning Teacher Support and Assessment (BTSA) Induction Program Support to Private School Teachers**

The Beginning Teacher Support and Assessment (BTSA) Induction Program is a state-funded program, co-sponsored by the California Department of Education (CDE) and the California Commission on Teacher Credentialing (CCTC) designed to support the professional development of newly-credentialed, beginning teachers and fulfill the requirements for the California Clear Multiple and Single Subject Credentials. Mt. Diablo Unified operates a fully approved program which allows the district to receive funding for eligible BTSA Induction teachers. Although state funding is not available to private school teachers for BTSA Induction, they are allowed to be served by an approved program in their vicinity with funding for support services to be provided by the private institution. North Creek Academy, Tabernacle School, and Ygnacio Valley Christian schools are located within the boundaries of Mt. Diablo Unified and currently have one or more teachers in need of BTSA Induction. A formal Memorandum of Understanding describing payment structure and agreements is necessary in order for the Mt. Diablo Unified BTSA Induction Program to provide support.

#### **13.7 Approve increase to independent service contract with Kristin Obrinsky, Physical Therapist**

Kristin Obrinsky is an independent contractor that has served MDUSD as a Registered Physical Therapist for the previous four school years. Ms. Obrinsky provides direct treatment, consultation, and evaluations to students according to their Individualized Education Plans (IEP). She also sees students in her clinic as required by settlement agreements.

#### **13.8 Approve contract increase with Independent Contractor Dr. Sherry Burke, School Psychologist**

Mt. Diablo Unified School District utilizes Independent Service Contractors to fill needs established through the Individualized Education Program (IEP) process. Dr. Sherry Burke provides Psychoeducational assessments for Non-Public School students per district request. Dr. Burke also performs Independent Educational Evaluations (IEE) if parents disagree with a school district evaluation and request an IEE. Additional funds of \$25,000 are requested for the remainder of the 2013-14 School Year. This increase brings the total amount of the purchase order to \$49,500.

#### **13.9 Increase purchase order with Speech Pathology Group**

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

At the end of last year, MDUSD had over twenty vacant SLP positions. Five additional district speech pathologists either retired or left the district. Another SLP took a leave of absence for the 2013-2014 school year. MDUSD had hoped to replace the vacancies with new district hires, but was unable to find quality applicants.

At the June 24, 2013 board meeting, a contract was approved with SPG based on the number of vacancies (18) at that time. With the additional six vacancies, the contract with SPG needs to be increased to cover the services needed by students with IEPs. In addition to the district employees, another contracting agency was unable to replace a SLP that had been working in the district, decreasing their contract but adding to this increase in SPGs. An additional \$700,000 is needed to cover these vacant positions. The new projected contract amount for SPG is \$1,836,800.

#### **13.10 Adjustments to Non-Public Agency (NPA) Contracts**

This is a request for additional funding for three Special Education Non-Public Agency contracts. Professional Tutors of America provides compensatory education services as agreed upon through the Alternative Dispute Resolution process. Lindamood Bell provides multi-sensory reading intervention at the request of MDUSD. Creating Behavioral & Educational Momentum (CBEM) provides specialized in home ABA services for one home-bound student.

### **13.11 Approval of Non-Public School (NPS) Adjustments**

Non-Public School (NPS) contracts are reviewed and updated several times during the fiscal year. Changes to contracts are required due to changes in residency, students entering and leaving placements, increase/decrease in intensity of services, and corrective actions/settlement agreements to assure a free and appropriate public education. The details for these changes, as well as rationale for the changes, can be found in the attached documentation.

### **13.12 Request for increase in funding of a previously approved contract and purchase order with My Therapy Company**

A contract and purchase order for My Therapy Company in the amount of \$100,800 was approved on August 28, 2013 to provide a bilingual speech language pathologist for the school year 2013-2014. Due to maternity leaves, MyTherapy has been contracted to provide Occupational Therapy services for students with IEPs.

### **13.13 Approval of Independent Service Contract with St. Vincent's School for Boys, Catholic Charities CYO (Catholic Youth Organization)**

St. Vincent's School for Boys provides residential room and board service, as well as mental health services per the Individualized Education Program of one MDUSD student. Academics are taught through the Timothy Murphy Non-Public School. The requested amount is \$102,348.

### **13.14 Independent Services Contract for Concord High School and Events to the "T" Inc.**

Events to the "T" Contract for Concord High School's Junior and Senior Ball was board approved on December 11, 2013. The contract is being brought back to the Board for approval due to increase of contract. A Change Order has been processed.

### **13.15 Approval of Extension of 2012-2013 Single Plans for Student Achievement (SPSA) through May 2014**

In light of the many changes at the state level such as the new Local Control Funding Formula (LCFF), implementation of the Common Core State Standards (CCSS), and the proposed new state assessment system (MAPP), Mt. Diablo Unified schools, with guidance from the California Department of Education, are moving the deadline of Single Plan for Student Achievement (SPSA) to April. The new timeline will allow schools to align their SPSA for 2014-2015 with the required Local Control Accountability Plan (LCAP) and with the Local Education Agency Plan (LEAP). The additional time will allow school staffs to develop a greater understanding of the CCSS, to thoughtfully examine their programs, and to proceed through a deep evaluation of programmatic needs before attempting to write new plans. Schools were asked to conduct the following in lieu of creating a new plan in the fall of 2013 and then again in the spring of 2014:

- Complete an annual needs assessment.
- A clear vote by School Site Council (SSC) to extend the plan (with or without minor modifications) through 2013-2014.
- Submission of a revised budget for the plan showing aligned expenditures for all ConApp related budgets.
- SSC minutes must include explicit information of the review process and questions raised relative to the plan effectiveness.
- Title I schools need to affirm all the federally required components of their plans are still in effect.

Willie Mims voiced his concern that the language of the SPSA is too vague and general. Dan Reynolds pointed out that academic performance should not always be measured by mandated tests.

### **13.16 Request for Replacement of Outdated Warrant**

County warrant issued to Dorann Brown for business mileage was not presented to the County Treasurer for payment within six months of date of issue and consequently void. Replacement is limited to two years from the date the original warrant was issued. It then becomes void as per Government Code 29802, unless the Board directs reissuance of the warrant. A new warrant is requested to be issued to the payee in replacement of the void warrant.

### **PUBLIC COMMENT**

Dawn Kosmakos voiced her concerns about teacher pay and benefits.

Dan Leahy shared his goal to have Speech and Debate teams offered at all of the MDUSD high schools and middle schools by next year.

Shawna Kubiak stated that parents need to see clear budgets in order to understand and evaluate them. Superintendent Meyer responded that the district is currently updating the budget format and can give a presentation of how school budgets are created. Bryan Richards announced that the public is welcome to attend the Budget Advisory Committee meeting on Monday, February 3<sup>rd</sup> at 5:00 p.m.

Willie Mims reminded the Board that the district needs to be transparent with its finances.

Dan Reynolds shared that January 28<sup>th</sup> was Data Privacy Day and encouraged the district to write policies to protect employee information.

Mark DeWit encouraged the district to pay its' teachers fairly.

## **DISTRICT ORGANIZATIONS**

Andrea Legault, Corresponding Secretary for the Concord High Band Boosters, stated that without the support of her organization there would be no instrumental music program at Concord High School.

Annie Nolan, CSEA Union Representative, discussed her concern that the district is not in compliance with the Board policy on blood borne pathogens.

Guy Moore, MDEA President, shared the history of the union's choice to give up medical benefits.

Debbie Hickey Woods, CST Local 1 Vice President, asked the Board to restore the hours that classified employees have been reduced.

## **BUSINESS/ACTION ITEMS**

### **17.1 Change Interim Appointments to Regular Permanent Status**

Over the summer of 2013, three managers were appointed on an interim basis. The Superintendent is recommending the following interim positions be changed to regular appointment status: Tom Bishop - Interim Transportation Coordinator, Liane Cismowski - Interim Principal of Mt. Diablo High School, and Stephen Brady - Interim Principal of Ygnacio Valley High School.

Hansen moved, Mayo seconded, and the Board voted 5-0-0 to approve changing these interim positions to regular appointment status.

### **17.2 Request approval for submission by Mt. Diablo Adult Education of an application for Adult Education and Family Literacy Act (AEFLA): Workforce Investment Act (WIA), Title II, Section 231 and the English Literacy and Civics Education (EL Civics) supplemental funding for 2014-2015**

The grant is intended to support instruction of students by providing supplementary funding for the purchase of supplementary instructional materials and supplies, expanded support(s) for the scheduling and management of classes, field trip expenses, additional staff development, and childcare for the children of adults attending classes.

Mayo moved, Hansen seconded, and the Board voted 5-0-0 to approve as presented.

### **17.3 Public presentation from Mt. Diablo Unified School District's Initial Successor Agreement Proposal for Public Employees Union Local #1 Maintenance, Operations, and Facilities/Transportation/Landscape/Warehouse/Food and Nutrition Services/Technology and Information Services/Substitute Custodian and School Bus Driver Units (M&O)**

By law, school districts are required to "sunshine" collective bargaining proposals in an open session of the Board. The attached proposal from Mt. Diablo Unified School District to Public Employees Union Local #1 (M&O) must first be submitted as an information item and then returned at a later meeting for action. This is an additional item being brought forward for the Successor Agreement from the original proposals presented on April 22, 2013 and May 6, 2013. This item is necessary to address concerns raised recently by the parents of Special Education students.

This was presented as information only. This item will be returned for action at the Board meeting on February 12, 2014.

### **17.4 2012-2013 Audit Report**

The 2012-2013 Audit Report was presented to the Board members by Michael Ash of Christy White Associates, A Professional Accountancy Corporation. The audit was submitted to the County Office of Education in accordance with state guidelines. There were no financial adjustments that needed to be made. Two findings were identified, concerning ASB internal controls and compliance with state regulations on Short Term Independent Study Contracts. Mr. Ash noted that the district has responded appropriately to both items.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve as presented.

**17.5 Approve contract increase to 2012-2013 Interagency Agreement #28-325-2 between MDUSD and Contra Costa County, Mental Health Services Division**

Interagency Agreement #28-325-2 establishes a set of working guidelines and procedures between Mental Health through its Educationally Related Mental Health Services Program (ERMHS) and the Local Education Agency (LEA) to provide educationally related mental health services to Medi-Cal eligible children with disabilities in compliance with Federal and State laws governing each agency. LEA is responsible for paying the cost of IEP-driven educationally related mental health services for students who are not eligible for Medi-Cal.

On January 28, 2013, the Board of Education approved Interagency Agreement #28-325-2 in the amount of \$2,200,000 funded by the state apportionment for mental health services (formerly AB3632). MDUSD received 3 unanticipated invoices after the close of the 2012-2013 FY. Final billing for 2012-2013 FY services under this agreement was received on December 4, 2013. Contra Costa County's original contract projection was based on insufficient historical data as the 2012-2013 FY was the first full year for which MDUSD was obligated to pay for the ERMHS program.

In order to cover the total cost of the 2012-2013 FY school-based mental health services provided to students ineligible for Medi-Cal, Staff is requesting an increase to Interagency Agreement #28-325-2 in the amount of \$853,000 from the state apportionment for mental health.

Dennler moved, Lawrence seconded, and the Board voted 5-0-0 to approve as presented.

**17.6 Approval of Master Contract with 1-on-1 Learning with Laptops, a State-Approved Provider of Supplemental Educational Services (SES), to provide tutoring services to the eligible students at the 10 Title I schools, as follows: Bel Air, Cambridge, Fair Oaks, Meadow Homes, Rio Vista, Shore Acres, Sun Terrace, Ygnacio Valley Elementary; and Oak Grove and Riverview Middle Schools**

Supplemental Educational Services (SES) are additional academic instruction designed to increase the academic achievement of students in Title I schools in the second year or beyond of program improvement, corrective action, or restructuring. Students from low-income families at continuing Program Improvement schools, whose parents did not select a public school option, are eligible for free SES. These classes are classes or tutoring which occur outside the regular school day with educational providers approved by the State Board of Education. The goal of SES is to increase the eligible students' academic achievement in a subject that the State includes in its Elementary and Secondary Act of 1965 (ESEA) assessments under Section 1111, which must include reading/language arts, mathematics, and science, as well as English language proficiency for students with limited English proficiency (LEP).

Dennler moved, Hansen seconded, and the Board voted 5-0-0 to approve as presented.

**17.7 Leadership Development**

Strong leadership is a recognized factor in school success and student achievement. Leadership development occurs through a wide range of opportunities and supports for our current and future leaders. Mt. Diablo Unified School District benefits by improving the capacity of all employees.

The Association of California School Administrators is a recognized provider of high quality training in the areas of instructional leadership and operational leadership. This item is an information item providing further details on the ACSA Academy. The Curriculum and Instructional Leaders Academy training will increase the skills of our site administrators. This training introduces participants to strategies including leading change, meeting diverse student needs, state and federal mandates as well as the new LCFF funding model. As we equip our future and current leaders for the challenges of the future, it is brought to you to consider as a model to promote ongoing learning.

This item is information for board review. The classes provided by ACSA provide 80 hours of instruction on Friday evenings and Saturdays. The cost for each participant is \$1,265 if an ACSA member and \$2,530 if not. For your consideration, it is proposed that we consider funding participants for the 2013/2014 school year. Application for reimbursement must be submitted to the Superintendent's office pending approval. Reimbursements will be capped once they have been filled at \$25,000.

Dr. Meyer suggested a pilot program to encourage future leaders to participate in professional development with a focus on leadership rather than content work. Ms. Mayo wondered if this benefit will be extended to include other programs and what the overall goal is.

This was presented as information only. This item will be returned for action on a future Board meeting agenda.

### **17.8 Northgate's Model UN Trip to New York City**

Twelve students would be traveling to New York City to participate in the National Model United Nations with Principal John McMorris, and two teachers, Scott Harris and Lauren Lahey, as chaperones. Currently in its 40th year, the National High School Model United Nations Conference has established itself as the premier conference on the high school Model UN circuit. With over 3,000 participants from 150 schools and over 20 countries, there will be a high level of debate in the committees, which provides students with an unparalleled opportunity to experience the theory and practice of international relations firsthand.

Guy Moore expressed concern over disparate compensation available for those who lead student clubs.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve as presented.

### **17.9 Mt. Diablo High School's IHTA Sustainable Tourism Field Trip to New York City**

To provide 17 students with new experiences in Sustainable Hospitality and Tourism by giving them the opportunity to teach students from a high school in Harlem what they have learned and attend a Sugar Savvy workshop. They will see the real world connection between what they have been learning in our pathway and the opportunities that exist.

President Oaks noted that in the future the number of adults chaperoning the trip should be included on the agenda item. Superintendent Meyer confirmed that the chaperones do have to be fingerprinted.

Hansen moved, Lawrence seconded, and the Board voted 5-0-0 to approve as presented.

### **17.10 Mt. Diablo High School's Field Trip to the 2014 Northern California Western Nevada Jr. Science and Humanities Symposium**

Chemistry teacher Lynn Young will be chaperoning three students to the annual Jr. Science and Humanities Symposium. This conference promotes original research in the sciences, technology, engineering and mathematics. This 3-day event will be held at the University of Nevada and students will have the opportunity to hear nationally renowned scientists speak on their work; visit University, corporate and government research facilities; and meet informally with university students and research scientists.

Hansen moved, Mayo seconded, and the Board voted 5-0-0 to approve as presented.

### **17.11 Proposed date change for June 11, 2014 Board Meeting**

Due to High School Graduation ceremonies conducted during the final week of school, it is proposed to change the Board meeting date from Wednesday, June 11, 2014 to Wednesday, June 4, 2014, to allow Board members, the Superintendent, and Council members to attend ceremonies falling on June 11, 2014.

Hansen moved, Mayo seconded, and the Board voted 5-0-0 to approve as presented.

### **17.12 Meeting Extension**

The meeting did not require an extension.

### **FUTURE AGENDA ITEMS**

Mr. Lawrence would like future meetings to include presentations from department and school site staff.

Ms. Oaks asked Dr. Meyer about the possibility of inviting city council members to the LCAP meetings or making similar presentations at city council meetings. Ms. Hansen noted that the Board has already met with the Pleasant Hill and Walnut Creek city councils, and has plans to hold joint city council meetings in Martinez, Concord, Clayton, and Pittsburg/Bay Point. Dr. Meyer will bring to the Board other community outreach opportunities from different organizations that have sent requests.

Ms. Dennler would like to discuss and perhaps change AR 4317.1.

### **ADJOURNMENT**

The Board did not return to Closed Session. The meeting adjourned at 10:21 p.m.