

**MINUTES**  
**REGULAR MEETING OF THE BOARD OF EDUCATION**  
**MT. DIABLO UNIFIED SCHOOL DISTRICT**  
**Monday, October 26, 2015 (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 Nellie Meyer, 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.

**PUBLIC COMMENT**

There was no Public Comment.

**CLOSED SESSION AGENDA**

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

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

**4.2 (Item #2) Discipline, Dismissal or Release of Public Employee (Gov. Code Sec. 54957(b)(1))**

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

**4.3 (Item #4) Existing Litigation - Conference with Legal Counsel (Paragraph (1) of subdivision (d) of Government Code Section 54956.9): Mt. Diablo Unified School District v. Clayton Valley Charter High School, et al., Contra Costa Superior Court Case No. MSC15-00574**

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

**4.4 (Item #5) 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**

Existing Litigation - Conference with Legal Counsel (Paragraph (1) of subdivision (d) of Government Code Section 54956.9): 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

**4.5 (Item #6) Anticipated Litigation: Conference with Legal Counsel pursuant to Gov't. Code Sec. 54956.9(d)(2), Significant Exposure to Litigation: John Does, et al. v. Mt. Diablo Unified School District**

Anticipated Litigation: Conference with Legal Counsel pursuant to Gov't. Code Sec. 54956.9(d)(2), Significant Exposure to Litigation: John Does, et al. v. Mt. Diablo Unified School District

**4.6 (Item #7) Anticipated Litigation - Conference with Legal Counsel: Initiation of Litigation Pursuant to Paragraph (4) of Subdivision (d) of Section 54956.9: One Case**

Anticipated Litigation - Conference with Legal Counsel: Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: One Case

**4.7 (Item #8) Anticipated Litigation - Conference with Legal Counsel pursuant to Gov't. Code Sec. 54956.9(b), Significant Exposure to Litigation: Five Cases**

Anticipated Litigation - Conference with Legal Counsel pursuant to Gov't. Code Sec. 54956.9(b), Significant Exposure to Litigation: Five Cases

**4.8 (Item #9) 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: Deborah Cooksey; Agencies: MDEA, DMA, MDSPA, CST Local 1 and Teamsters Local 856**

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**ADJOURN TO CLOSED SESSION**

The Board adjourned to Closed Session at 5:31 p.m.

**RECONVENE OPEN SESSION**

The Board reconvened Open Session at 7:07 p.m. President Hansen announced that the Board will reconvene Closed Session after Open Session has been completed.

**PRELIMINARY BUSINESS**

President Hansen led the Pledge of Allegiance and conducted Roll Call with all Board members present except Mr. Lawrence, who left the meeting at the end of Closed Session.

**REPORT OUT ACTION TAKEN IN CLOSED SESSION**

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

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

The Board voted 5-0-0 to release an employee.

**8.2 (Item #2) Discipline, Dismissal or Release of Public Employee (Gov. Code Sec. 54957(b)(1))**

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

The Board gave direction to counsel.

**8.3 (Item #4) Existing Litigation - Conference with Legal Counsel (Paragraph (1) of subdivision (d) of Government Code Section 54956.9): Mt. Diablo Unified School District v. Clayton Valley Charter High School, et al., Contra Costa Superior Court Case No. MSC15-00574**

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The Board will continue the discussion of this item in the second Closed Session following the completion of Open Session.

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The Board conferenced with legal counsel and gave direction.

**8.5 (Item #6) Anticipated Litigation: Conference with Legal Counsel pursuant to Gov't. Code Sec. 54956.9(d)(2), Significant Exposure to Litigation: John Does, et al. v. Mt. Diablo Unified School District**  
Anticipated Litigation: Conference with Legal Counsel pursuant to Gov't. Code Sec. 54956.9(d)(2), Significant Exposure to Litigation: John Does, et al. v. Mt. Diablo Unified School District

The Board conferenced with legal counsel.

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Anticipated Litigation - Conference with Legal Counsel: Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: One Case

The Board voted 4-1-0 (with Mason dissenting) via roll call vote to file a petition for writ of mandate against the Contra Costa County Board of Education, the Contra Costa County Office of Education, and the School of Performing Arts Charter School, in connection with the approval of the School of Performing Arts Charter School.

**8.7 (Item #8) Anticipated Litigation - Conference with Legal Counsel pursuant to Gov't. Code Sec. 54956.9(b), Significant Exposure to Litigation: Five Cases**

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The Board will discuss this item in the second Closed Session following the completion of Open Session.

President Hansen introduced Student Representative Ceryna Baens from Northgate High School.

**RECOGNITIONS AND RESOLUTIONS**

**9.1 Resolution No. 15/16-16: Native American Heritage Month**

November has been designated as Native American Heritage Month. The Mt. Diablo Unified School District also recognizes the contributions made by Native Americans to the economic, political, and social development of California and the nation.

Ms. Mayo read the resolution aloud.

Mayo moved, Oaks seconded, and the Board voted 4-0-0-1 (via voice vote) to approve Resolution No. 15/16-16 declaring November, 2015, Native American Heritage Month.

**BOARD MEMBER REPORTS**

Ms. Mayo shared that she attended the Contra Costa County Board of Education meeting, where that Board voted to deny the proposed appeal of the Rocketship Charter School petition. Ms. Mayo reported that she attended the Bay Area Science Festival sponsored by Assemblywoman Susan Bonilla, where she was proud to see students from Valley View and Foothill Middle Schools participating in a robotics demonstration.

Ms. Mason shared that she attended the College Park High School-Ygnacio Valley High School football game, and participated in the trail cleanup and sound wall painting at Bel Air Elementary School in partnership with the group Beautify Bay Point. Ms. Mason reported that she visited Mt. Diablo High School to check on the status of bus transportation for students at that school. Ms. Mason mentioned that she attended a conference titled “Agriculture in the Classroom,” and noted that she would like to see more agriculture being taught in District schools.

Ms. Hansen shared that she attended the Contra Costa County Board of Education meeting, where that Board voted to deny the proposed appeal of the Rocketship Charter School petition. Ms. Hansen announced that the Board will hold a joint meeting with the City of Pleasant Hill on December 14, 2015, and thanked Debbie Maher for her work in reaching out to the city councils.

### **SUPERINTENDENT’S REPORT**

Dr. Meyer reported that she visited Ayers Elementary School, Mt. Diablo Elementary School, Northgate High School, Ygnacio Valley High School, Olympic High School, Meadow Homes Elementary School, and El Monte Elementary School.

Dr. Meyer shared that the District was invited to attend the WestEd workshop, Transforming School Climate to Exceed LCAP Expectations. Dr. Meyer noted that the District was proud to be selected as one of four districts in California to highlight the work it has done to use the Local Control Accountability Plan (LCAP) process to engage the community and transform its climate and culture. Dr. Meyer thanked Stephanie Roberts and Jennifer Sachs for presenting with her at the workshop.

Dr. Meyer shared that she had the opportunity to welcome the arriving German foreign exchange students at Northgate High School. Dr. Meyer thanked the exchange students for attending the Board meeting, and noted that there will be a presentation on the foreign exchange program.

Dr. Meyer shared that she visited Ayers and Meadow Homes Elementary Schools with Assistant Superintendent, Elementary Schools, Dr. Mary-Louise Newling, and Director of English Learner Services, Jose Espinoza, where they met with the school principals and discussed their successes and focused on the challenges of English learners.

Dr. Meyer reported that District staff were invited to attend the Superintendent and Principals Meeting at Diablo Valley College, where the team discussed new legislation that would allow for more seamless transitions in the dual enrollment, concurrent enrollment, and proposed middle college programs.

Dr. Meyer shared that Mt. Diablo High School students and teacher Cindy Gershen visited Cambridge Elementary School to give a presentation to the students about the importance of drinking water. Students received water bottles from Kaiser.

Dr. Meyer shared that the CARES After School Program held their annual Light’s On event at El Monte Elementary School. Students dressed up in super hero costumes, and performances included break dancing and cheer.

Dr. Meyer shared that she attended College Park High School’s Showcase 2015: A Space Odyssey, where students performed music in the theme of A Space Odyssey and Star Wars. Dr. Meyer mentioned that parent volunteers worked very hard to put the event together, which more than 500 people attended.

Dr. Meyer reported that she attended Olympic High School’s Student Voice meeting, and noted that the students were very interested in internships, service learning, and allowing credits to pass between schools.

Dr. Meyer shared that she attended the Bay Area Science Festival, hosted by Susan Bonilla and based on Science, Technology, Engineering and Math education (STEM). Dr. Meyer displayed photos from the event, including the District’s Robotics students demonstrating their creations. Dr. Meyer commented that she is interested in exploring how to take STEM education from preschool through university level.

Dr. Meyer shared that 135 students visited the Yahoo! campus, in partnership with the University of San Francisco, leadership fraternity Epsilon Beta Boule, and the CARES After School Program. The students toured the facilities and heard lectures on leadership and technology.

Dr. Meyer announced that middle school sports ended their soccer season, with El Dorado Middle School winning for the A team and Oak Grove Middle School winning for the B team.

Dr. Meyer announced that Veteran's Day is on November 11, 2015, and she recognized our veterans and thanked them for their service.

## **STUDENT REPRESENTATIVES**

Student representatives reported on activities at their high schools.

### **REPORTS/INFORMATION**

#### **13.1 German American Partnership Program**

Mt. Diablo Unified School District High Schools, Northgate and College Park, have participated in the German American Partnership Program since 2009. High school students in Germany and MDUSD spend three weeks in their host country attending school and living with families, where their experiences are building bridges among nations. German students and their Northgate teacher will report on the German American Partnership Program and share their experiences since arriving in the United States. College Park High School expects to host their German students later in the 2015-16 school year.

Dr. Meyer introduced the program. Teacher Andrea Marek and two exchange students gave a presentation.

This item was for information only.

#### **13.2 Valley View Middle School Robotics Club**

Valley View Robotics Club students, and teacher Shauna Hawes and will make a presentation about their club's activities.

Teacher Shauna Hawes from Valley View Middle School, teacher Margaret Elliott and students from Foothill Middle School gave a presentation.

This item was for information only.

Student Representative Ceryna Baens departed the meeting.

#### **13.3 Brown Act: Clarification on Board Agenda Dockets and Attachments**

At the Board Meeting on October 12, 2015, a question was raised regarding the posting of Board Meeting agendas and/or attachments that are to be provided to the public. This item allows for additional clarification by General Counsel.

General Counsel Donald Velez gave a presentation.

This item was for information only.

**PUBLIC EMPLOYEE APPOINTMENT**

**14.1 Appointment of School Support Administrator**

Interviews have been conducted, and a candidate has been selected to fill the position of School Support Administrator.

Dr. Meyer recommended Brandi Patterson for the position.

Mason moved, Mayo seconded, and the Board voted 4-0-0-1 (via voice vote) to approve the appointment of Brandi Patterson to the position of School Support Administrator.

**14.2 Appointment of Elementary Principal - Cambridge Elementary**

Interviews have been conducted, and a candidate has been selected to fill the position of Elementary Principal - Cambridge Elementary.

Dr. Meyer recommended Tnesia (TJ) Hurley for the position.

Mayo moved, Mason seconded, and the Board voted 4-0-0-1 (via voice vote) to approve the appointment of Tnesia (TJ) Hurley to the position of Elementary Principal - Cambridge Elementary.

**14.3 Classified Personnel: Appointment of Educational and Behavior Management Specialist: Special Education**

Interviews have been conducted, and a candidate has been selected to fill the position of Educational and Behavior Management Specialist: Special Education.

Dr. Meyer recommended Juan Mesa for the position.

Oaks moved, Mayo seconded, and the Board vote 4-0-0-1 (via voice vote) to approve the appointment of Juan Mesa to the position of Educational Consultation and Behavior Management Specialist: Special Education.

**14.4 Classified Personnel: Appointment of Occupational Therapist**

Interviews have been conducted, and a candidate has been selected to fill the position of Occupational Therapist.

Dr. Meyer recommended Ruth Fox for the position.

Mason moved, Mayo seconded, and the Board voted 4-0-0-1 (via voice vote) to approve the appointment of Ruth Fox to the position of Occupational Therapist.

**CONSENT AGENDA**

Public Comment:

Dan Reynolds (Item #18) encouraged the Board to work with public education institutions when placing student teachers in District schools.

Mayo moved, Mason seconded, and the Board voted 4-0-0-1 (via voice vote) to approve all Consent Agenda items, thereby approving the following:

**15.1 (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.**

**15.2 (Item #2) College Park High School's Wrestling Team Trip to Aptos, December 27-29, 2015**

The College Park High School wrestling team is requesting permission to attend Aptos High School's wrestling tournament December 27-29, 2015. All students will travel by private vehicle. Students will be staying at the Comfort Inn in Watsonville.

**15.3 (Item #3) College Park High School's Wrestling Team to Chico High School, January 7-9, 2016**

College Park High School is requesting permission to attend Chico High School's Wrestling Tournament, January 7-9, 2016. Students will travel by private vehicle and stay at the Holiday Inn in Chico, CA. Students attending will be determined the week prior to the trip.

**15.4 (Item #4) College Park High School's Wrestling Team Trip to James Logan High School, February 25-27, 2016**

College Park High School is requesting permission to attend James Logan High School's NCS Championship Tournament, February 25-27, 2016. The team will be traveling by private vehicles and staying at the Extended Stay in Union City.

**15.5 (Item #5) College Park High School's Trip to the 30th Annual Santa Cruz Jazz Festival, March 19-20, 2016**

College Park High School is requesting permission to attend the Santa Cruz Jazz Festival at Cabrillo College in Aptos, CA, March 19 & 20, 2016. Twenty-one Jazz Ensemble students and four chaperones will be traveling by private vehicle and staying at a local hotel in Santa Cruz.

**15.6 (Item #6) College Park High School's Wrestling Team Trip to Rabobank Arena, Bakersfield, CA, March 3-5, 2016**

College Park High School's Wrestling Team is requesting permission to attend the CIF State Championship Tournament, March 3-5, 2016. The team will be traveling by private vehicle and staying on Truxtun Avenue in Bakersfield, CA.

**15.7 (Item #7) Mt. Diablo High School's Serendipity Trip to Disneyland, March 28-31, 2016**

Mt. Diablo High School's Serendipity Class is requesting permission to travel to Anaheim, CA, March 28-31, 2016. Twenty students and two chaperones will be traveling by charter bus and staying at the Anaheim Plaza Hotel. Students will visit Disneyland to experience and learn how Disney uses teamwork to motivate the largest tourist attraction in California.

**15.8 (Item #8) Mt. Diablo High School's trip to Monterey, CA, April 8-9, 2016**

Mt. Diablo High School is requesting permission to travel to Monterey, CA, April 8-9, 2016. The Medical & Bio Technology Academy will be traveling by private vehicles and staying at the Seaside Inn in Seaside, CA. Forty students and six chaperones will be visiting the National Steinbeck Center and historic Cannery Row to enhance student's study of English and History.

**15.9 (Item #9) Mt. Diablo High School's trip to Yosemite National Park, CA, April 12-14, 2016**

Mt. Diablo High School is requesting permission for their 12<sup>th</sup> grade Sustainable Tourism students to travel to Yosemite National Park, CA, April 12-14, 2016. Twenty students will be traveling by Sierra Pacific Tour Bus with three chaperones and will stay at the Wawona Campground. Students will obtain first-hand knowledge of careers in Hospitality and Tourism in our National Parks system.

**15.10 (Item #10) Mt. Diablo High School's Trip to Epcot Center, Florida, May 2-6, 2016**

Mt. Diablo High School's International Hospitality & Tourism Academy (IHTA) is requesting permission to fly to Epcot Center in Florida, May 2-6, 2016. Twenty-four students will be flying with five chaperones to Florida to meet the NASA team that created the Tower Gardens. They will be renting a home in Florida for their stay and rent vans to transport the students while in Florida. Additionally, they will meet with local schools regarding nutrition.

**15.11 (Item #11) Mt. Diablo High School's trip to Bothe-Napa Valley State Park, Calistoga, CA, May 21-22, 2016**

Mt. Diablo High School's International Hospitality & Tourism Academy is requesting permission to travel to Bothe-Napa Valley State Park in Calistoga, CA, May 21-22, 2016. Thirty students will travel by District bus, along with three chaperones, and camp at the State Park. They will visit UC Davis and tour the Culinary Institute of America at Greystone.

**15.12 (Item #12) Northgate High School's trip to Folsom, CA, January 22-24, 2016**

Northgate High School is requesting permission to travel to Folsom High School to attend the Folsom Jazz Festival. Fifty Jazz Band students will be traveling by Sierra Pacific Charter Bus with eight chaperones to compete in the Folsom Jazz festival. Students will be staying at the Hampton Inn in Folsom, CA.

**15.13 (Item #13) Northgate High School's trip to Cabrillo College, Aptos, CA, March 18-20, 2016**

Northgate High School is requesting permission to travel to Cabrillo College in Aptos, CA, to perform and receive professional feedback through recorded critiques and live clinics. Fifty Jazz Band students will be traveling by Sierra Pacific Charter Bus with six chaperones. They will be staying in Santa Cruz at the Holiday Inn Express.

**15.14 (Item #14) Northgate High School's Trip To Next Generation Jazz Festival, Monterey, CA, April 8-10, 2016**

Northgate High School is requesting permission to attend the Next Generation Jazz Festival in Monterey, CA. Twenty-four Jazz Band students will be traveling by one of our approved charter buses with four chaperones. Students will be staying at the Portola Inn. This trip provides an opportunity to perform and receive recorded critiques, as well as attending live clinics with professional musicians.

**15.15 (Item #15) Sequoia Middle School Field Trip to a Disney Conference in Anaheim, CA, January 28-30, 2016**

Sequoia Middle School students will be going on an overnight field trip to a Disney Leadership Conference, January 28-30, 2016. Approximately 32 students and six adults will improve leadership skills and team building. Transportation will be provided by American Stage Charter Bus.

**15.16 (Item #16) Sequoia Middle School Field Trip to Ano Nuevo State Reserve located on State Highway 1 between Half Moon Bay and Santa Cruz, CA, February 4-5, 2016**

Sequoia Middle School 7<sup>th</sup> grade students will be going on an overnight field trip to Ano Nuevo State Reserve, CA, February 4-5, 2016. Approximately 200 students and 100 adults will be attending to study adaptations of elephant seals. (Standards CA Science 7.2, 7.3, & 7.4.) Transportation will be provided by parent drivers.

**15.17 (Item #17) Community Engagement Memo of Understanding between Saint Mary's College of California and Mt. Diablo Unified School District**

The original Community Engagement Memo of Understanding was approved by the Board on December 11, 2013 for a two year agreement. St. Mary's College would like to extend this agreement with the District for another two years. The attached MOU Amendment is being presented to continue the partnership.

**15.18 (Item #18) Memorandum of Understanding between Fortune School of Education and Mt. Diablo Unified School District**

Fortune School of Education is seeking to collaborate with Mt. Diablo Unified School District to implement Teacher Education Alternative Certification and Hiring (TEACH), to recruit, place, and train teachers for teaching positions in English, Mathematics, History/Social Science, Science, Physical Education, World Languages, Multiple Subject, and Education Specialist Mild/Moderate.

**15.19 (Item #19) Application to the State Board of Education to Serve as a Supplemental Education Service (SES) Provider for the 2017-19 School Years**

Staff requests approval to submit an application to the State Board of Education in order to provide Supplemental Educational Services for schools in program improvement. This certification enables parents the option to choose Mt. Diablo Unified School District as a Supplemental Educational Services provider rather than exclusively using outside providers. Supplemental Education Service providers offer direct tutoring services to eligible students as required by No Child Left Behind.

Supplemental Educational Services will be provided through the ASPIRE Program, a subset of the Mt. Diablo CARES After School Program. Mt. Diablo CARES has previously served as an approved Supplemental Education Service provider since 2003. On average 150-200 District students participate in the ASPIRE SES program annually.



**15.20 (Item #20) Ygnacio Valley High School's Independent Contract with Events To The 'T', Inc., for Prom on May 20, 2017**

Ygnacio Valley High School is seeking approval of the attached Independent Contract with Events to the T, Inc., for \$43,635. Prom to be held on the SS Commodore on May 20, 2017. Insurance and Certificate of Inspection for the Commodore are attached to the contract.

**15.21 (Item #21) Contract between Mt. Diablo Unified School District-Bancroft Elementary and Exploring New Horizons Camp Loma Mar**

Fifth grade students from Bancroft Elementary are attending an Outdoor Education camp at Exploring New Horizons Camp Loma Mar, November 17 - 20, 2015.

**15.22 (Item #22) Contracts Between Mt. Diablo Unified School District-Walnut Acres Elementary, Bancroft Elementary, Westwood Elementary And Soul Shoppe**

Soul Shoppe is conducting their Peacemaker program at Walnut Acres Elementary School in November; Parent Night October 27<sup>th</sup> at Bancroft Elementary School; Parent Night, Peacemaker Program and Staff Training at Westwood Elementary. Since Mt. Diablo Unified School District has already spent in excess of \$25,000 with Soul Shoppe in the 2015-16 school year, this contract requires Board approval.

**15.23 (Item #23) Medi-Cal Administrative Claiming Agreement between Contra Costa County Office of Education and Mt. Diablo Unified School District for the 2015-16 School Year**

Effective July 1, 2014, the Department of Health Care Services, which is responsible for administering the California Medical Assistance Program ("Medi-Cal") and the School-Based Medi-Cal Administrative Activities Program ("SMAA"), has adopted a Random Moment Time Study (RMTS) methodology. The Contra Costa County Office of Education will be responsible for supporting the processing of RMTS claims.

**15.24 (Item #24) Independent Service Contracts for Transportation Vendors for 2015-16 School Year**

Prior to the 2014-15 school year, RFP #1683 went out for Supplemental Student Transportation. On August 13, 2014, the Board approved a three-year contract to First Student, Pawar Transportation, Inc., and Michael's Transportation Services for supplemental transportation services.

Due to the large number of field trips and high demand for buses, we are requesting an open order for the following vendors to assist with excess transportation needs that are unable to be covered by MDUSD transportation or our current transportation providers. This is on an as-needed basis.

We are requesting additional funding to issue Independent Service Contracts for:

El Camino Charters \$23,300  
Peninsula Tour \$23,300  
United Coach Tours \$23,300

**15.25 (Item #25) Amended Certificate of Signatures**

Due to recent personnel changes, an amended Certificate of Signatures needs to be filed with the Contra Costa County Office of Education.

**15.26 (Item #26) Budget Transfer and/or Budget Increases/Decreases for July 1 through September 30, 2015.**

Various sources Fund Net Changes to Fund Balance:

General Fund 01: (\$28,713,166.69)  
Eagle Peak Charter School Fund 09: 0  
Adult Education Fund 11: (\$42,126)  
Food Services Fund 13: (\$12,819)  
Deferred Maintenance Fund 14: 0  
Measure C Construction Fund 21: (\$17,076,392.63)  
Developer Fee Fund 25: 0  
State School Facility Fund 35: (\$2,267,265.59)

Measure A Fund 49: (\$48,127.23)  
Measure C Debt Service Fund 51: \$3,451,730.03  
Measure A Debt Service Fund 52: 0  
Tosco Environmental Scholarship Fund 73: 0

**15.27 (Item #27) Fiscal Transactions for the Month of September 2015**

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

**15.28 (Item #28) Certificated Personnel: Request to Increase and Decrease Full Time Equivalent (FTE) for the 2015-16 School Year**

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

**15.29 (Item #29) Recommended Action for Certificated Personnel**

Changes in status of the following certificated employees.

**15.30 (Item #30) Classified Personnel: Request to Increase/Decrease Full Time Equivalent (FTE) for the 2015-16 School Year**

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

**15.31 (Item #31) Recommended Action for Classified Personnel**

Changes in status of the following classified employees.

**15.32 (Item #32) Award of Bid for Bid 1723-Custodial Supplies**

Bid 1723 was called to provide Custodial Supplies, District Wide. The lowest responsible, responsive bidder is Cole Supply for the base bid amount of \$273,265.02. The initial term of the contract is for a period of one (1) year with two (2) one year options to renew.

**15.33 (Item #33) Award of Service Contract to PHd Architects, Inc. for 2010 Measure C, Kitchen Improvements Assessment and Design Services for Modernization Groups I – IV at Various Sites**

The professional services of an architect are necessary to provide engineering, comprehensive architectural design, and administrative (DSA) services necessary to complete 2010 Measure C, Kitchen Improvement Assessment and Design Services for Modernization Groups I – IV at Various Sites. Project sites include Mt. Diablo High, College Park High, Oak Grove Middle, Concord High, Ygnacio Valley High, Clayton Valley Charter High, Bel Air Elementary, Rio Vista Elementary, Riverview Middle, Shore Acres Elementary, Cambridge Elementary, Ygnacio Valley Elementary, Fair Oaks Elementary, Meadow Homes Elementary, Olympic High, El Monte Elementary, Sun Terrace Elementary, Hidden Valley Elementary, Valley View Middle, Pine Hollow Middle, El Dorado Middle, Foothill Middle, Wren Avenue Elementary, Sequoia Middle, Highlands Elementary, Mt. Diablo Elementary, Mountain View Elementary, Walnut Acres Elementary, Sequoia Elementary, Woodside Elementary, Valle Verde Elementary, Monte Gardens Elementary, Ayers Elementary, Valhalla Elementary, Pleasant Hill Elementary, Pleasant Hill Middle, Bancroft Elementary, Silverwood Elementary, Westwood Elementary, Strandwood Elementary, Sunrise, Shadelands, Loma Vista Adult Center, and Willow Creek Center.

A Request for Proposal was issued, and staff received proposals from two qualified firms. Proposals were evaluated on the basis of qualifications/experience, schedule, technical approach, and general responsiveness. Per discussion with both firms, cost proposals were reviewed for both, staff negotiated, and is now recommending, that a 'not to exceed' contract in the amount of \$1,800,000 be awarded to PHd Architects, Inc., for comprehensive engineering, design, and contract administration services necessary for completion of the proposed project.

**15.34 (Item #34) Final Change Order 1698-001 (DEDUCTIVE) to Bobo Construction, Inc. for Contract #C-935/MDUSD Bid 1698 – Hardscape Repairs at Bel Air ES, Rio Vista ES, Riverview MS, Shore Acres ES, Concord HS, Mt. Diablo HS, Oak Grove MS, College Park HS, and Ygnacio Valley HS - Modernization Group I**

On August 24, 2015, the Board of Education awarded Bid #1698 to Bobo Construction, Inc., in the amount of \$1,154,000 for the provision of all tools, materials, labor and equipment necessary to complete Hardscape Repairs at Bel Air ES, Rio Vista ES, Riverview MS, Shore Acres ES, Concord HS, Mt. Diablo HS, Oak Grove MS, College Park HS, and Ygnacio Valley HS - Modernization Group I.

As a result of changes to address existing conditions, utility infrastructure, and other scope modifications and adjustments a single, deductive final change order in the amount of <\$140,715> is necessary.

**15.35 (Item #35) Notice of Completion for Bid 1698: Modernization Group I Hardscape Repairs At Various Sites**

Bid No. 1698 was called to provide hardscape repairs at Bel Air Elementary, Rio Vista Elementary, Riverview Middle School, Shore Acres Elementary, Concord High School, Mt. Diablo High School, Oak Grove Middle School, College Park High School, and Ygnacio Valley High School. The lowest responsible bidder was Bobo Construction, Inc. for the bid award amount of \$1,154,000. The scope of work included, but was not limited to: miscellaneous hardscape repairs to various schools. Contractor to provide all tools, materials, labor, and equipment necessary to complete the repairs.

There was a deductive change order on this project in the amount of \$140,715. Work and services for this project have been satisfactorily completed for a total expenditure of \$1,013,285.

**15.36 (Item #36) Final Change Order for RFQ 1719: Flooring Improvements at Various Site**

On August 10, 2015, the Board of Education ratified the Award of RFQ #1719 to Harry L. Murphy, Inc., for a total amount of \$25,500. There was a deductive change order for (\$1,840) at Sequoia Elementary due to scope of work was not required. There was an additive change order in the amount of \$11,890 for flooring installation at Westwood Elementary D4, Foothill Middle School Library, and Mt. Diablo High School Book Room. The revised project total is \$35,550.

**15.37 (Item #37) Notice of Completion of RFQ 1719: Flooring Improvements at Various Sites**

RFQ 1719 was called to provide flooring improvements at Concord High School, Sequoia Elementary, Bancroft Elementary, and Administration. The lowest responsible bidder was Harry L. Murphy, Inc., for the bid award amount of \$25,500. The scope of work includes, but is not limited to: furnish all labor, materials, and equipment for the installation of resilient tile flooring along with cove base.

There was a deductive change order for (\$1,840) at Sequoia Elementary due to scope of work was not required. There was an additive change order in the amount of \$11,890 for flooring installation at Westwood Elementary D4, Foothill Middle School Library, and Mt. Diablo High School Book Room.

Services for this project have been satisfactorily completed for a total expenditure of \$35,550.

**15.38 (Item #38) Minutes for the Board of Education Meeting Held on October 12, 2015**

Minutes for the Board of Education Meeting held on October 12, 2015, are being brought forward for approval.

**CONSENT ITEMS PULLED FOR DISCUSSION**

There were no Consent Items Pulled for Discussion.

**DISTRICT ORGANIZATIONS**

There were no District Organizations.

## **PUBLIC COMMENT**

Sol Henik, teacher at Prospect Necessary Small High School, thanked District staff and recognized Sharon Brockman, James Wogan, and Diane Dadami for the support provided to students after a recent loss.

## **BUSINESS/ACTION ITEMS**

### **\*19.3 New Membership Recommendation for Community Advisory Committee (CAC)**

\*This item was moved up on the agenda.

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

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

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

The CAC is recommending two (2) new members for consideration by the Board. The applicants for consideration are Matthew Zamora and Nicholas Lambert.

Oaks moved, Mayo seconded, and the Board voted 4-0-0-1 (via voice vote) to approve applicants Matthew Zamora and Nicholas Lambert as members of the Community Advisory Committee.

### **19.1 Update on Holbrook Elementary School and Glenbrook Middle School**

Staff will provide an overview of the budgetary considerations for evaluating the reopening of Holbrook Elementary School and Glenbrook Middle School.

Public Comment:

Keri Klosinski shared her family's personal story in support of reopening Glenbrook Middle School.

Jeff McDaniel gave a presentation focusing on staffing and facilities. Tim Cody gave a presentation on facilities. The Board members had a discussion, and Mr. McDaniel and Mr. Cody responded to Board member questions.

This item was for information only.

### **19.2 Demographic Study**

On October 12, 2015, the Board of Education requested staff present options and costs to perform a demographic study as follows:

1. A complete District-wide demographic study
2. A partial demographic study of the Glenbrook and Holbrook area
3. An in-house data study

Jeff McDaniel presented information on options for providing demographic information in-house and responded to Board member questions.

After a discussion, Mason moved, Oaks seconded, and the Board voted 3-1-0-1 (via voice vote, with Mayo dissenting) to approve the choice of Option 3 determining the demographic study.

In a future update, President Hansen requested that staff clarify one-time costs vs. ongoing expenses. Ms. Mayo asked that when the final budget is prepared, that staff explain how the proposed expenses will affect the budget over a three year period.

#### **19.4 Orbach Huff Suarez & Henderson LLP Legal Services Contract**

Attached is a contract for legal services to be provided by Orbach Huff Suarez & Henderson LLP. The aforementioned firm will be added to the list of firms with which the District contracts for legal advice and representation. Glenn Gould, formerly of Dannis Woliver Kelley, recently joined the law firm of Orbach Huff Suarez & Henderson LLP. Mr. Gould was the primary attorney at Dannis Woliver Kelley doing work on two matters for the District. The District seeks to continue Mr. Gould's work on the two matters.

Mr. Velez responded to Board member questions.

Mayo moved, Mason seconded, and the Board voted 4-0-0-1 (via voice vote) to approve the legal services contract with Orbach Huff Suarez & Henderson LLP.

#### **19.5 Creation of Job Descriptions for Work Based Learning Liaison I and Work Based Learning Liaison II**

Staff is requesting the creation of two new job descriptions to support work based learning, internships, and pathways in the District.

These job descriptions were brought forward for information at the October 12, 2015 meeting. They are now being brought forward for action.

Mayo moved, Mason seconded, and the Board voted 4-0-0-1 (via voice vote) to approve the creation of job descriptions for Work Based Learning Liaison I and Work Based Learning Liaison II.

#### **19.6 Revision of Board Policy and Administrative Regulation 5116.1 (Intradistrict Open Enrollment)**

Staff revised Board Policy and Administrative Regulation 5116.1 to comply with the provisions mandated under Education Code 35160.5 (establish an open enrollment policy within the District for resident of the District).

Public Comment:

Dan Reynolds encouraged the Board to prioritize school integration.

Felicia Stuckey-Smith gave a presentation and responded to Board member questions.

This item was for information only.

#### **19.7 Revision of Board Policy and Administrative Regulation 5117 (Interdistrict Attendance)**

Staff revised Board Policy and Administrative Regulation 5117 to comply with the provision of Assembly Bill 1156 which amended Education Code 46600 (priority given for interdistrict attendance to students who are victims of an act of bullying) and reflect current practice.

Felicia Stuckey-Smith gave a presentation and responded to Board member questions.

This item was for information only.

#### **19.8 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.

Mayo moved, Oaks seconded, and the Board voted 4-0-0-1 (via voice vote) to approve to extend the meeting time to 11:00 p.m.

#### **19.9 Execution of Documents**

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

**FUTURE AGENDA ITEMS**

There were no Future Agenda Items.

**CLOSED SESSION**

The Board adjourned to Closed Session at 10:13 p.m.

**RECONVENE OPEN SESSION**

The Board reconvened Open Session at 11:14 p.m.\*

In Closed Session, the Board conferenced with legal counsel and gave direction on existing litigation.

**ADJOURNMENT**

The meeting was adjourned at 11:15 p.m.

\*All times indicated are approximate.

DRAFT

Respectfully submitted,

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Nellie Meyer, Ed.D.  
Superintendent