

**MINUTES  
REGULAR MEETING OF THE BOARD OF EDUCATION  
MT. DIABLO UNIFIED SCHOOL DISTRICT  
Monday, January 12, 2015 (6:00 p.m./7:00 p.m.)**

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

Administrative Staff: Superintendent Nellie Meyer and Interim General Counsel Larry Schoenke

**CALL TO ORDER**

President Hansen called the meeting to order at 6:00 p.m., and conducted Roll Call with all Board members present except Barbara Oaks, who is out of town.

**PUBLIC COMMENT**

There was no Public Comment.

**CLOSED SESSION AGENDA**

The Board adjourned to Closed Session at 6:02 p.m.

**4.1 (Item #1) Expulsion of Student #04-15**

**4.2 (Item #2) Admission of Student #A-15 into the Mt. Diablo Unified School District**

Student #A-15 was expelled from the San Ramon Valley Unified School District and Student #A-15 has recently moved into the Mt. Diablo Unified School District attendance area. Student #A-15 was placed at Diablo Community Day School.

**4.3 (Item #3) Discipline, Dismissal, or Release of Public Employee**

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

**RECONVENE OPEN SESSION**

The Board reconvened Open Session at 7:00 p.m.

**PRELIMINARY BUSINESS**

President Hansen led the Pledge of Allegiance and conducted Roll Call with all Board members present except Barbara Oaks. President Hansen introduced Student Representative Vivian Chong from College Park High School.

**REPORT OUT ACTION TAKEN IN CLOSED SESSION**

**8.1 (Item #1) Expulsion of Student #04-15**

Lawrence moved, Mayo seconded, and the Board voted 4-0-0-1 to approve the expulsion of Student #04-15. Student #04-15 may apply for readmission after January 12, 2016. It is required that Student #04-15 continue to participate in 20 hours of individual counseling at a Kaiser Program to address drugs and decision making, complete 30 hours of community service, attend California Offender Program Services (COPS) for Drugs, submit proof of negative drug test, and show evidence of a successful school experience with a 2.0 GPA and earn 60 credits prior to applying for readmission. School placement for Student #04-15 will be determined by Student Services.

**8.2 (Item #2) Admission of Student #A-15 into the Mt. Diablo Unified School District**

Student #A-15 was expelled from the San Ramon Valley Unified School District and Student #A-15 has recently moved into the Mt. Diablo Unified School District attendance area. Student #A-15 was placed at Diablo Community Day School.

The Board approved the admission of Student #A-15 by a vote of 4-0-0-1.

**8.3 (Item #3) Discipline, Dismissal or Release of Public Employee**

The Board took action, which was passed by a vote of 4-0-0-1.

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

The Board received information.

**RECOGNITIONS AND RESOLUTIONS**

There were no Recognitions and Resolutions.

**BOARD MEMBER REPORTS**

Ms. Hansen requested that the Board discuss and clarify the parameters and protocols for Board Member Reports at the upcoming Governance Retreat, including a two-minute limit on Board Member Reports.

Ms. Mayo wished everyone a Happy New Year. Ms. Mayo shared that Gregory Gardens Elementary School is the recipient of a grant to support their participation in PTA Take Your Family to School Week (February 16-20, 2015). Ms. Mayo provided statistical data regarding the numbers of schools in the state and the nation to receive this grant. The goal of the program is to involve more students and families in schools. The school will also receive family education tools to support student success, prevent bullying, increase arts participation, promote healthy lifestyles, and improve literacy and math skills. Ms. Mayo noted that Gregory Gardens has received this grant previously, and has also received two grants from the California State PTA. She is very proud of the work they have done.

Ms. Mason shared that she attended the California School Boards Association conference with Ms. Mayo. Ms. Mason announced that the program that she works with at Gateway Necessary Small High School, Teen Battle Chef, held their graduation ceremony, and that the students in that program made a presentation at the Bay Point Partnership and will soon be teaching nutrition to students at Shore Acres Elementary School. Ms. Mason shared that she visited with the principal at Bel Air Elementary School in her capacity as a Municipal Advisory Council member to discuss getting crossing guards at that school. Ms. Mason shared that she met with Tim Cody to learn about the District's lease/leaseback procedure, and that she is confident that the process is fair, equitable, and transparent. Ms. Mason shared that she enjoyed attending the Maintenance and Operations holiday party. Ms. Mason also attended the Food Consortium meeting at the Food Bank, where they discussed the Farm to School program, as well as the Children and Families Nutrition meeting, where she heard about the mobile health unit that goes to Meadow Homes and Cambridge Elementary Schools.

Ms. Hansen thanked Maintenance and Operations for the very nice holiday party. Ms. Hansen shared that she would like to acknowledge some District schools for receiving the Fall 2014 North Coast Section Scholastic Championship Award. The Concord High School Football Team was acknowledged for their overall team GPA of 3.07; the Concord High School Boys Cross Country Team was acknowledged for their overall team GPA of 3.66; and the Northgate High School Girls Cross Country Team was acknowledged for their overall team GPA of 3.81. Ms. Hansen offered congratulations, and noted that it is nice to be known both for good athletics and good grades.

## **SUPERINTENDENT'S REPORT**

Dr. Meyer thanked Vivien Chong for acting as the Student Representative at this meeting. Dr. Meyer also wished everyone a Happy New Year, and welcomed everyone back.

Dr. Meyer shared that she visited Northgate High School. During her visit, she discussed programs and needs, toured the campus, and had a great meeting with the principal, the assistant superintendent of high schools, and the athletic director.

Dr. Meyer shared that the District is continuing to work on the three Local Control Accountability Plan (LCAP) goals: 1) College and Career Readiness; 2) Community and Parent Engagement; and 3) Professional Learning.

Regarding the first goal, College and Career Readiness, Dr. Meyer pointed out that there is an item on the agenda tonight from ConnectEd regarding Linked Learning. Dr. Meyer explained that this is an organization that the District has been working with to promote college and career success for all students, with an emphasis on career-based learning opportunities. Dr. Meyer discussed the District's partnership with the cities of Antioch and Pittsburg, as well as a joint grant with seven other districts extending from Martinez to Livermore, working on partnerships and enlisting students in the workforce. Both partnership programs have a particular emphasis on engineering skills and careers. Dr. Meyer noted that four of the five District high schools offer engineering pathways, with the fifth school offering a pathway on biomedical practices. Dr. Meyer shared that the partners are also discussing the new field of biomedical engineering—applying the principles of engineering to the medical field.

Regarding the second LCAP goal, Community and Parent Engagement, Dr. Meyer shared a number of events that have occurred since the last Board meeting which have promoted this goal. The Equity Committee meeting focused on Riverview Middle School and Bel Air Elementary School. Both schools shared the work they are doing to promote equity. At the Community Advisory Committee (CAC) meeting, Workability staff gave a presentation on their program, which Dr. Meyer said is a model program that the District should be proud of, and one that she would like the Board to hear more about in the future. Dr. Meyer also noted the District English Learner Advisory Committee (DELAC) meeting, where Socorro Lomas from Ygnacio Valley High School spoke to parents about college and career readiness.

Regarding the third LCAP Goal, Professional Learning, Dr. Meyer announced that January 26<sup>th</sup> will be a day of professional learning at all District campuses, where teachers and staff will be working on Common Core implementation.

Dr. Meyer announced that she invited Principal Christina Filios of Oak Grove Middle School to share a program she has implemented with an innovative way of scheduling and encouraging students to persevere through learning.

Christina Filios and teachers from Oak Grove Middle School gave a presentation on the enhancement program they have developed and implemented at their school, with the goal of incorporating an intervention and enrichment program within the school day.

## **REPORTS/INFORMATION**

Vivien Chong, Student Representative, gave a report on activities at College Park High School.

## **PUBLIC EMPLOYEE APPOINTMENT**

### **13.1 PULLED BY STAFF: Appointment of Vice Principal, Adult School**

No action was taken on this Item.

### **13.2 Appointment of Manager, Grounds & Facilities Assessment**

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

Mayo moved, Lawrence seconded, and the Board voted 4-0-0-1 to approve the appointment of Rob Greathouse to the position of Manager, Grounds & Facilities Assessment.

### **CONSENT AGENDA**

Mayo moved, Lawrence seconded, and the Board voted 4-0-0-1 to approve all Consent Agenda items with the exception of Items #12, 13, 15, 16, and 17, thereby approving the following:

**14.1 (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.**

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

**14.3 (Item #3) Request to Increase/Decrease Full Time Equivalent (FTE) for the 2014-15 School Year**

**14.4 (Item #4) Recommended Action for Classified Personnel**

**14.5 (Item #5) Classified Personnel: Request to Increase/Decrease Full Time Equivalent (FTE) for the 2014-15 School Year**

**14.6 (Item #6) Provisional Internship Permit (PIP) Request**

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

**14.7 (Item #7) Education Code 44256(b) Board Authorization**

Under Ed. Code 44256(b), holders of Multiple Subject or Elementary credentials who have 12 lower division units or six upper division units in a subject can be authorized, by Board Authorization, to teach that subject(s) in a middle school for the current school year.

**14.8 (Item #8) Variable Term Waiver Resolution**

Variable term waivers provide applicants with additional time to complete certain requirements for the credential that authorizes the service. The waiver request is made when there is not a properly credentialed person available for the position.

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

**14.9 (Item #9) Ygnacio Valley High School Marching Band & Jazz Ensemble New Orleans Performance Tour, February 4-9, 2015**

YVHS's Marching Band & Jazz Ensemble would like to travel to New Orleans so they may participate in the Performance Tour. All arrangements have been made through World Projects and include not only performances, but cultural activities and exploring the rich history of New Orleans. Attached please find their itinerary and list of students and chaperones - all under the supervision of Zachary Pattison, Director.

**14.10 (Item #10) Sequoia Middle School's Leadership Field Trip**

Leadership students at Sequoia Middle School will be attending a Youth Leadership Program at Disneyland on January 29-31, 2015. Students will learn and participate in interactive techniques and skills to boost the impact of their school's dances, rallies, and other events.

**14.11 (Item #11) Northgate's Folsom Jazz Festival January 23-25, 2015**

Under the direction of Greg Brown, Instrumental Music Teacher, Northgate would like to attend the Folsom Jazz Festival in Folsom, CA. He has 50 students that would be attending along with seven adult chaperones. The group will be utilizing District buses and a Sierra Pacific charter bus to accommodate travelers. They will be staying at the Hampton Inn & Suites in Folsom, CA.

**14.12 (Item #14) Clinical Affiliation Agreement-Nursing between California State University Dominguez Hills and Mt. Diablo Unified School District**

This agreement will provide clinical facilities for learning experiences for nursing students in the School of Nursing program at California State University, Dominguez Hills.

**14.14 (Item #18) Minutes for the Board of Education Meeting held on December 10, 2014**

Minutes for the Board of Education Meeting held on December 10, 2014, are being brought forward for approval.

**CONSENT ITEMS PULLED FOR DISCUSSION**

**15.1 (Item #12) Contract between University Corporation-Camp Sea Lab and Ayers Elementary**

Students at Ayers Elementary are participating in an Outdoor Education program at Camp SEA Lab, March 16 - 18 2015.

Ms. Mason inquired if the District has measures to ensure that all fingerprinting has occurred prior to the trip. Dr. Meyer responded that payment is withheld until verification is received.

Lawrence moved, Mayo seconded, and the Board voted 4-0-0-1 to approve the contract between University Corp-Camp SEA Lab and Mt. Diablo Unified School District.

**15.2 (Item #13) Contract between ENH-Loma Mar and Woodside Elementary**

Students at Woodside Elementary are participating in an Outdoor Education program at ENH-Loma Mar February 2-6, 2015.

Lawrence moved, Mayo seconded; after a brief discussion, the motion was withdrawn and this item was pulled to correct an error in the contract and will be returned at a future meeting.

**15.3 (Item #15) Submission of Two Community Development Block Grants (CDBG) for Eleven Eligible Bay Point and Concord Mt. Diablo CARES After School Programs**

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

Stephanie Roberts and Dr. Meyer responded to Board member questions.

Mayo moved, Lawrence seconded, and the Board voted 4-0-0-1 to approve submission of the Community Development Block Grants (CDBG) grant and acceptance if awarded.

**15.4 (Item #16) Notice of Completion Lease/Leaseback #1635: Athletic Facility Improvements Project at Clayton Valley Charter High School**

Lease/Leaseback #1635 was called to construct Athletic Facility Improvements at Clayton Valley Charter High School. The Lease/Leaseback agreement was issued to EF Brett & Company, Inc. for a Guaranteed Maximum Cost of \$2,716,886.64.

The scope of work included, but was not limited to: all labor, tools, materials and equipment necessary to complete construction of the Athletic Facility Improvements Project at CVCHS, including site preparation, selective demolition, site work, bleachers, concession/restroom/ticket building construction, interior amenities, landscaping, and other items as necessary to deliver a complete project as it relates to the drawings and specifications. There was a change order on this project in the amount of (credit) \$3,960.64. Work and services for this project have been satisfactorily completed for a total expenditure of \$2,712,926.

Tim Cody responded to Board member questions.

Mason moved, Mayo seconded, and the Board voted 4-0-0-1 to approve the Notice of Completion for Lease/Leaseback #1635 for construction of the Athletic Facility Improvement Project at Clayton Valley Charter High School.

**15.5 PULLED BY STAFF: (Item #17) Joint Use Agreement between Pleasant Hill Recreation and Mt. Diablo Unified School District regarding Pleasant Hill Middle School Tennis Courts**

This agreement between the Pleasant Hill Recreation and Park and Mt. Diablo Unified School District is for the use of the Tennis Court facilities at Pleasant Hill Middle School.

This agreement allows the Recreation and Park District exclusive use of the courts, after school and on weekends. In addition, Pleasant Hill Recreation and Park will be responsible for all maintenance and upkeep of the courts. No use permit fee will be charged by Mt. Diablo Unified School District.

No action was taken on this item.

**DISTRICT ORGANIZATIONS**

Dorothy Weisenberger, Chair of the Community Advisory Committee, voiced her concern that the District still has 48 vacancies for SEA positions.

## **PUBLIC COMMENT**

Matt Walsh, Community Youth Center Assistant Program Director, shared information about the programs offered through the Community Youth Center. He noted a high percentage of MDUSD students participating in their programs at the elementary and middle school levels, but not high school.

Willie Mims, East County NAACP, congratulated the newly elected/re-elected Board members. Mr. Mims asked if members of the public can pull items for discussion from the Consent Agenda. Mr. Mims reminded the Board that the LCFF Supplemental Concentration Grant is meant for students, not salaries; and shared that the ECNAACP does not support the proposed charter for the Contra Costa School of Performing Arts. Mr. Mims noted that he has never heard of a two minute limit for Board Member Reports.

Lisa Ackerman requested ten minutes of agenda time to present her concerns about Common Core Standards. Ms. Ackerman expressed her concerns about Common Core Standards, and asked the Board to inform parents about their data collection options.

Lia Bush shared that she has not received a response from the Board regarding her Public Comment and email to the Board at the last Board meeting regarding her daughter.

## **BUSINESS/ACTION ITEMS**

### **18.1 Board of Education Committee Assignments for 2015**

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.

After a discussion, Mayo moved, Mason seconded, and the Board voted 4-0-0-1 to approve to adopt the 2015 Board Committee Assignments.

### **18.2 MOU between MDUSD and Contra Costa County Office of Education for the Regional Diablo Gateway to Innovation California Career Pathways Trust Grant**

Staff requests approval to enter into a MOU between MDUSD and Contra Costa County Office of Education for the Regional Diablo Gateway to Innovation (DGI) California Career Pathways Trust grant.

The DGI regional consortium is a coalition of 11 school districts, four community colleges, one California State University, two County Offices of Education, two Regional Occupation Programs, two Workforce Investment Boards, and business partners. DGI grant elements include (1) Professional Development to identify and institutionalize effective practices; (2) Regional professional learning community (PLC) for college and career pathways; (3) Industry engagement intermediary; (4) Data system; (5) Leadership structure to identify blockages; and (6) Regional marketing strategy. DGI was awarded \$7,998,000 over three years (2014-17) to create a regional approach to Career Pathways that allows students from throughout the region to successfully transition from middle school to high school to post-secondary education to employment in local businesses. MDUSD will receive \$354,000 of the DGI regional grant to support career academy and pathway development, professional development, personnel to support program development, and supplies and materials.

Dr. Meyer thanked Joanne Durkee and Stephanie Roberts, and noted what a positive opportunity this is.

Mayo moved, Mason seconded, and the Board voted 4-0-0-1 to approve the Memorandum of Understanding with the Contra Costa County Office of Education to establish the Regional Diablo Gateway to Innovation California Career Pathways Trust grant and acceptance of funds.

### **18.3 Independent Services Contract with ConnectEd**

Mt. Diablo Adult Education is part of a regional Career Pathways Trust grant, Diablo Gateways to Innovation, which is designed to develop and strengthen career pathways. MDUSD has a number of career pathways and California Partnership Academies in place, and the strengthening of these career pathways and development of new pathways would be well served by a District-wide strengths/need assessment. ConnectEd has the experience and tools for conducting such an assessment in collaboration with MDUSD stakeholders.

The attached Scope of Work provides more detailed information about the proposed assessment process and deliverables by ConnectEd.

Mason moved, Mayo seconded, and the Board voted 4-0-0-1 to approve the Independent Services Contract with ConnectEd.

### **18.4 AP US History Textbook Adoption Presentation**

AP US History Textbook Adoption Committee Members Meg Honey, Nicholas Sacco, Laima Haider, John Hallquist, and Chris Holleran reviewed text books from four different publishers. They are presenting Give Me Liberty by Publisher Norton for your consideration.

Chris Holleran gave a presentation and responded to Board member questions. Student Representative Vivien Chong responded to Board member questions. This item was for information only.

Public Comment:

Willie Mims shared his belief that historical untruths are perpetuated in history books. Mr. Lawrence encouraged Mr. Mims to look at the textbook that has been proposed.

### **18.5 Psychology Textbook Adoption Presentation**

Psychology Textbook Adoption Committee Members Kevin Davis, Niko Villars, Lauren Weaver, John Hallquist, Kevin Rudy and Chris Holleran reviewed textbooks from four different publishers.

Chris Holleran gave a presentation, and responded to Board member questions. This item was for information only.

### **18.6 Amended Contract With Bay Area Community Resource (BACR)**

Staff requests approval to enter into an amended contract with Bay Area Community Resources (BACR); (1) to serve an additional 284 students for the 2014-15 school year at the fourteen K-8 Mt. Diablo CARES After School Programs (for a total of 2,302 students) and (2) to serve as a work based learning placement for up to 55 youth as part of the District's Workforce Investment Act (WIA) grant--Youth Employment Services (YES) program for in-school youth.

At the August 27, 2014, School Board meeting, Mt. Diablo CARES shared a presentation and program video about existing after school program services at fourteen District schools primarily funded by the California Department of Education's After School Education and Safety (ASES) grant serving approximately 1,924 students K-8. At the time of the presentation, 2,090 students were enrolled in the programs K-8 with a wait list of 559 students. Over the course of two months, monitoring average daily attendance, attrition, combining classes, and follow up calls to families, CARES was able to enroll additional students to reduce the waitlist. In September, through a collaborative effort among staff and departments and in alignment with the Local Control Accountability Plan (LCAP), District funding (Title I and LCFF Supplemental) was identified to increase access for an additional 284 students (since August) to participate in the CARES After School Program. At this time there would be less than 85 students remaining on the original waitlist from August.



The District's Youth Employment Services (YES) is a new program funded by the Workforce Investment Act (WIA) grant. The YES Program provides wrap-around services to WIA eligible in-school youth ages 16-21 that includes: academic support, counseling and case management, enrichment and leadership opportunities, and training, mentorship and employment that leads to high school graduation and links to an array of postsecondary options to prepare youth for college and/or career. The partnership between YES and Mt. Diablo CARES provides a unique opportunity for District youth to engage in a diversified work based learning experience while building community and youth leadership.

The increased contract would be to hire additional recreation staff at the after school programs for instruction and supervision, pay for WIA youth stipends for work-based learning internships (\$250 per student), and pay after school staff to coordinate the WIA program and training at their school. The amended contract of \$212,028 would be paid by District Title I, Local Control Funding Formula (LCFF) supplemental funds and the WIA grant for the 2014-15 school year. The increased student enrollment would only be for the 2014-15 school year. Staff would monitor wait lists in 2015-16 to determine need and potential available funding in the future.

Mt. Diablo CARES and Bay Area Community Resources (BACR) have been collaborative partners since 2007. This collaboration ensures consistency across programs, staffing, supervision, and evaluation among all schools served by the Mt. Diablo CARES After School Program. The After School District staff will continue to work in collaboration with recreation providers to ensure high quality programming, integration of academic, enrichment, nutrition, and physical education opportunities as well as student safety.

Stephanie Roberts gave a report and responded to Board member questions.

Mayo moved, Lawrence seconded, and the Board voted 4-0-0-1 to approve the amended contract with Bay Area Community Resource (BACR).

Ms. Hansen asked Student Representative Vivian Chong if she wanted to share anything before she has to leave. Ms. Chong inquired who manages the MDUSD Twitter page. Dr. Meyer responded that Jonathan Eagan, Executive Director of Curriculum, has been managing that account, and noted that following the high schools is a wonderful way to communicate and see photos of events occurring in the schools.

#### **18.7 Revision to BP 6164.4 - Identification and Evaluation of Individuals for Special Education**

This Board Policy is being revised so that it is aligned with Federal and State regulations.

Mayo moved, Mason seconded, and voted 4-0-0-1 to approve to adopt the revision of BP 6164.4 with changes in accordance with Federal and State regulations.

#### **18.8 Revision to AR 6159.4 - Behavioral Interventions for Special Education Students (Post-Hughes Bill)**

This Administrative Regulation is being revised because the Hughes Bill was repealed and became a requirement for addressing student behavior, and became aligned with Federal Law. This requirement ensures we follow guidelines regarding the elimination of BICM requirements, functional analysis assessments, and behavior intervention plans which were formerly required by the State of California.

The Board determined that two copies of the same document were attached to the agenda.

#### **Public Comment:**

Willie Mims commented that the attachment to the agenda was attached twice. Mr. Mims voiced his concerns about the over-identification of African American students by the Special Education Department.

Mason moved, Lawrence seconded, and the Board voted 4-0-0-1 to approve revised Administrative Regulation 6159.4, Behavioral Interventions for Special Education Students.

### **18.9 Budget Development Calendar 2015-16**

Education Code 42127 requires the Board of Education to adopt a budget for the 2015-16 school year and submit it to the County Superintendent of Schools by July 1, 2015. In order to ensure that the District meets this requirement, a calendar of the major development activities has been prepared.

Mayo moved, Lawrence seconded, and the Board voted 4-0-0-1 to approve the 2015-16 Budget Development Calendar.

### **18.10 2013-14 Audit Report**

The 2013-14 Audit Report will be presented to the Board members by Nigro & Nigro, a Professional Accountancy Corporation. The audit was submitted to the County of Education in accordance to state guidelines. There were no financial adjustments that needed to be made. When findings were identified, the District created a response which is in the attached report. The Audit Report is before the Board for acceptance.

Nance Juner gave a presentation and responded to Board member questions. Ms. Hansen emphasized the importance of principals understanding their accountability for ASB funds at their schools. An auditor from Nigro & Nigro responded to Board member questions.

Public Comment:

Willie Mims emphasized the need for checks and balances to maintain accountability at the school sites.

Mason moved, Mayo seconded, and the Board voted 4-0-0-1 to approve the Audit Report for the year ending June 30, 2014.

### **18.11 2014-15 Early Retirement Notification Incentive**

Upon approval by the Board of Education, staff is requesting a \$1,000 retirement notification incentive to be paid to MDEA members who notify the District before January 30, 2015, of their intent to retire at the end of the 2014-15 school year. The first 50 employees will be eligible for the \$1,000 incentive. Pending Board approval, the District will enter into an agreement with MDEA in order to allocate \$25,000 from the Post Retirement Contracts for Service budget (which is not being used in 2014-15), and the remaining \$25,000 will be funded from the General Fund.

Dr. Meyer responded to Board member questions.

After a brief discussion, Lawrence moved, Mayo seconded, and the Board voted 4-0-0-1 to approve the 2014-15 Early Retirement Notification Incentive to the first 50 MDEA employees notifying of their intent to retire at the end of 2014-15, by January 30, 2015.

### **18.12 Approval of Tentative Agreement between CSEA (Mt. Diablo 43) and MDUSD for 2014-15 Re-Opener (Benefits)**

MDUSD and CSEA (Mt. Diablo 43) have entered into a tentative agreement dated November 17, 2014, on a benefits reopener for the 2014-15 school year. The agreement provides that: (1) CSEA unit members who are taking District-paid health benefits as of CSEA's January 6, 2015 ratification of the tentative agreement shall be entitled to a portion of a one-time pre-tax health care bridge in the combined total amount of \$113,175.29 to take effect on January 1, 2015, and be paid through June 30, 2015 only; (2) Beginning on July 1, 2015, the District will pay up to 80% of the 2015 Kaiser rate for each applicable tier: approximately \$571.56 Single, \$1,143.12 Two-Party, and \$1,486.06 Family (the "Cap Rate") for employees who work at least 6 hours a day and 30 hours a week.

Eligibility for the full Cap Rate will also apply to those employees whose scheduled work hours total at least 30 hours per week even if they are scheduled to work less than 6 hours per day. The employee will pay 100% of any increase in health benefit costs over the Cap Rate; (3) Retroactive to July 1, 2014, the District will increase the in lieu payment for those employees not taking benefits from \$100 per month to \$140 per month; (4) The District will continue to pay the full cost of vision and dental benefits for all employees working four or more hours per day and 20 or more hours per week; and (5) The parties will reopen on Article 24-Salary and Article 25-Benefits for 2015-16. They will work in good faith to mutually agree, then each side may open one additional item for a total of four items. The parties will reopen bargaining no later than March 17, 2015.

Mayo moved, Mason seconded, and the Board voted 4-0-0-1 to approve the tentative agreement between CSEA (Mt. Diablo 43) and Mt. Diablo Unified School District for 2014/15 Re-Opener (Benefits).

**18.13 Public Hearing for Resolution 14/15-30: Increase Statutory School Facility Fees Imposed on New Residential and Commercial/Industrial Construction**

The Board of Education and the Mt. Diablo Unified School District will hold a Public Hearing to allow for public comment prior to consideration of its reports titled "Residential Development School Fee Justification Study for Mt. Diablo Unified School District" and "Commercial/Industrial Development School Fee Justification Study for Mt. Diablo Unified School District", and consider adopting a resolution of the Board of the School District to increase Statutory School Facility Fees Imposed on New Residential and Commercial/Industrial Construction Pursuant to Education Code Section 17620 and government Code Section 65995.

The Fee Studies justifying such an increase are on file at the District Office, located at 1936 Carlotta Drive, Concord, CA, and are available for public review from December 29, 2014 through January 12, 2015.

The Public Hearing was opened at 9:59 p.m. The Public Hearing was closed at 10:00 p.m.

**18.14 Resolution No. 14/15-30 Increasing the Statutory School Fees Imposed on New Residential and Commercial/Industrial Development Projects**

On January 22, 2014, the State Board of Allocation ("SAB") increased the maximum amounts of statutory school fees per residential building square foot that may be levied for schools ("Level 1 Fees") from \$3.20 to \$3.36 per square foot for assessable space of residential development and from \$0.51 to \$0.54 per square foot of chargeable covered and enclosed space for all categories of commercial/industrial development for unified school districts.

To determine the extent to which a nexus can be established in the School District between residential and commercial/industrial development and (i) the need for school facilities, (ii) the cost of school facilities, and (iii) the amounts of Level 1 Fees that may be levied for schools, the District has previously retained the services of Dolinka Group, LLC to prepare the Residential and Commercial/Industrial Development School Fee Justification Studies ("Studies"). Pursuant to the State law and based on information contained in the Studies, the District is fully justified in levying the maximum Level 1 Fee amounts, or \$3.36 per square foot for all new residential development and \$0.54 per square foot for all new commercial/industrial development. The Studies were available for public review from December 29, 2014 through January 12, 2015.

In order for the District's Level 1 Fees to become effective on March 13, 2015, 60 days after the adoption date, the administration recommends the Board adopt Resolution No. 14/15-30, increasing the statutory school fees imposed on new residential and commercial/industrial development projects pursuant to Education Code Section 17620, once the public hearing has been held.

Ann Fenge-Gagne, Dolinka Group, gave a presentation on developer fees.

Lawrence moved, Mayo seconded, and the Board voted 4-0-0-1 to approve Resolution No. 14/15-30, increasing the Statutory School Fees imposed on new residential and commercial/industrial development projects.

**18.15 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.

**18.16 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 did not reconvene Closed Session.

**ADJOURNEMENT**

The meeting was adjourned at 10:12 p.m.

DRAFT

Respectfully submitted,

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Nellie Meyer, Ed.D.  
Superintendent