



MT. DIABLO UNIFIED SCHOOL DISTRICT
James W. Dent Education Center
1936 Carlotta Drive
Concord, CA 94519-1397

BOARD OF EDUCATION
Gary L. Eberhart, President
Paul P. Strange, Vice President
Linda K. Mayo
Sherry Whitmarsh
Richard W. Allen

BOARD OF EDUCATION

AGENDA

Tuesday, January 27, 2009
Closed Session 5:00 p.m.
Regular Session 7:30 p.m.

**LOCATION: Monte Gardens Elementary
3841 Larkspur Drive, Concord**

SUPERINTENDENT
Gary McHenry

ASSOCIATE SUPERINTENDENT
Alan Young, Ed.D., Educational Services

ASSISTANT SUPERINTENDENTS
Mildred Browne, Ed.D., Special Education
Rose Lock, Elementary Education
Richard C. Nicoll, Ph.D., Administrative Services
Gail Isserman, Personnel Services
Gregory J. Rolen, Esq., General Counsel

WELCOME

- * **Addressing the Board** -- To assure an orderly meeting and an equal opportunity for each speaker, persons wishing to address the Board must fill out a speaker card. Cards are available at the meeting and must be turned in to the president of the Board prior to the beginning of the meeting. In the interest of time, speakers are limited to three minutes each, or a total of thirty minutes for all speakers, **or the three minute limit may be shortened.** If there are multiple speakers on any one subject, the public comment period may be moved to the end of the meeting. **Speakers are not allowed to yield their time.**
- * **Meeting Ending Time** -- Adjournment time will be no later than 11:00 p.m. for all regular and special meetings unless extended to a specific time as determined by a majority of the Board.
- * **Record Keeping** -- For accuracy, all regular meetings of the Board of Education are recorded electronically. Recordings are kept on file for a period of no less than thirty days.
- * **Closed Session** -- The Board of Education may meet in closed session for discussion of labor negotiations, student discipline, personnel matters, litigation, and other matters as provided for under California state law.
- * **Radio** -- For the convenience of the public, Board meetings are broadcast during the school year over the Clayton Valley High School radio station KVHS (90.5 FM) starting at 7:30 p.m.

Any writings or documents that are public records and are provided to a majority of the governing board regarding an open session item on this agenda will be made available for public inspection in the District Superintendent's office located at 1936 Carlotta Drive, Concord, California during normal business hours.

FUTURE MEETING DATE(S):

February 10, 2009	7:30 p.m.	Regular Board Meeting
February 24, 2009	7:30 p.m.	Regular Board Meeting
March 3, 2009	7:30 p.m.	Regular Board Meeting

Note: Calendar of Future Board and Committee Meetings Attached

CALL TO ORDER – 5:00 p.m.

1. **ANNOUNCEMENT:** In closed session, the Board will consider the items listed on the closed session agenda that follows.

2. **PUBLIC COMMENT** – The public may address the Board concerning items that are scheduled for discussion during closed session only. These presentations are limited to three minutes each, or a total of thirty minutes for all speakers, **or the three minute limit may be shortened. Speakers are not allowed to yield their time.**

3. **ADJOURN TO CLOSED SESSION
CLOSED SESSION**

1. Negotiations - The Board may discuss negotiations or provide direction to its representatives regarding represented employees, pursuant to the EERA (Govt. Code Section 3549.1)
Agency negotiators: Gail Isserman, Julie Braun-Martin and Dorothy Epps.
Agencies: MDEA, CSEA, Local One M & O, Local One CST, MDSPA, and Supervisory.
2. Expulsions(4)/Readmissions(25) - Review Administrative Hearing Panel recommendations regarding student expulsions and readmissions.
3. Existing Litigation
4. Anticipated Litigation
5. Conference with Real Property Negotiator
6. Public Employee Discipline/Dismissal/Release/Complaint
7. Superintendent's Evaluation
8. General Counsel's Evaluation

RECONVENE OPEN SESSION – 7:30 p.m.

1. **PRELIMINARY BUSINESS**

- Pledge of Allegiance
- Roll Call

2. **REPORT OF CLOSED SESSION – January 27, 2009**

- Topics
- Negotiations
 - Expulsions/Readmissions
 - Existing Litigation
 - Anticipated Litigation
 - Real Estate
 - Public Employee Discipline/Dismissal/Release/Complaint
 - Superintendent's Evaluation
 - General Counsel's Evaluation

3. **CONSENT AGENDA**

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.

- 3.1 Minutes of the meeting of December 9, 2009

- 3.2 Certificated Personnel

- 3.2.1 Leaves of Absence, Resignations, Retirements, Employment

- 3.2.2 Resolution 08/09-37 Variable Term Waiver Requests

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.

3.2.3 Reduction of Full-Time Equivalent Positions for the 2008-2009 School Year
Request (.20) FTE be eliminated from Categorical Funds. This action will result in a decrease in the expenditure budget of Categorical Funds in the amount of \$5,952.

3.2.4 Increase in Full-Time Equivalent Positions for the 2008-2009 School Year
Request 3.80 FTE be added to Categorical Funds for the 2008-2009 school year. This action will result in an increase in the expenditure budget of Categorical Funds in the amount of \$226,314. Funding Source: Quality Education Investment Act (QEIA) - \$180,685; School Improvement Funds (SIP) - \$20,007; California High School Exit Exam (CAHSEE) - \$25,622

3.3 Classified Personnel

3.3.1 Leaves of Absence, Resignations, Retirements, Employment

3.3.2 Retitle an Instructional Media Assistant I to Instructional Media Assistant II at Olympic High School

At the June 2006 Board meeting, a reclassification was approved for six (6) high school Instructional Media Assistant I (IMA) positions to IMA II's effective July 1, 2006. The impact to the General Fund for 2008-09 is \$3,088.

3.3.3 Increase in Hours for a Part-Time Community Service Assistant at Shore Acres Elementary School

Shore Acres Elementary School requests that an existing 30 hour/week, school day only, Community Service Assistant position be increased to 40 hour/week, school day only. There is no impact to the General Fund. The proposed increase in hours will be funded by the following categorical funds: Increase to the expenditure budget of EIA LEP - \$4,953.60; Decrease to the expenditure budget of Title I (\$1,541.35); net impact to site categorical funds - \$3,412.25

3.3.4 Increase in Hours for a Community Service Assistant Position at Ygnacio Valley Elementary School

Ygnacio Valley Elementary School requests that an existing 24 hour/week, school day only, Community Service Assistant position be increased to 30 hour/week, school day only. There is no impact to General Fund. This position and the proposed increase in hours are funded through Title I budget. The difference in cost to fund the proposed increase for the 2008-09 fiscal year will be \$2,559.20 and \$5,118 for 2009-10 school year.

3.3.5 Creation of Three (3) Part-Time Instructional Assistant Positions at Ygnacio Valley Elementary School

Ygnacio Valley Elementary School requests the creation of three (3) temporary, part-time 19.75 hour/week, school day only, Instructional Assistant positions to support their Kindergarten classrooms. There is no impact to the General Fund. The positions will be funded by Quality Education Investment Act at a total cost of \$23,463.27 for fiscal year 2008-09.

3.3.6 Amend Job Description for Student Support/Registered Nurse

Revise wording throughout job description. This job description was adopted at the December 16, 2008 Board of Education meeting.

3.4 Award of Bid 1536 to Top Grade Construction, Inc.

Award of Bid 1536 to Top Grade Construction, Inc. in the amount of \$169,562 to provide the paving improvements at Loma Vista Adult Center. Funding Source: Measure C

3.5 Final Change Orders

3.5.1 Final Change Order Bid 1492, Contract C-868 to Taber Construction, Inc. in the amount of \$122,298.87 for removal of existing mechanical systems and provision of new heating, ventilating, and air conditioning systems at Concord High School; Oak Grove Middle School; and Bel Air and Rio Vista elementary schools. Funding Source: Proposition 55

3.5.2 Final Change Order Bid 1523, Contract C-884 to Opening Technologies, Inc.
Final change order to bid 1523, contract C-884 to Opening Technologies, Inc., in the amount of \$35,428.56 for classroom security hardware retrofit at Bel Air Elementary; Oak Grove Middle; and Clayton Valley, Concord, Northgate, and Ygnacio Valley high schools. Funding Source: Deferred Maintenance

3.6 Notices of Completion

3.6.1 Notice of Completion to Contract C-868, Bid 1492 to Taber Construction, Inc. in the amount of \$6,650,098.87 who removed existing mechanical systems and provided new heating, ventilation, and air conditioning systems at Bel Air and Rio Vista elementary schools; Oak Grove Middle School; and Concord High School. Funding Source: Proposition 55

3.6.2 Notice of Completion to Contract C-884, Bid 1523 to Opening Technologies, Inc. in the amount of \$218,852.56, who provided the classroom security hardware retrofit 2008 at Bel Air Elementary; Oak Grove Middle School; and Clayton Valley, Concord, Northgate, Olympic, and Ygnacio Valley high schools. Funding Source: Deferred Maintenance

3.7 Grant Application Requests

3.7.1 California Department of Education in the amount of up to \$235,000 over four years for a Specialized Secondary Program (SSP) grant application for Clayton Valley High School. There is no impact to the General Fund.

3.7.2 United Way of the Bay Area in the amount of up to \$120,000 over two years to provide support services for transitioning foster youth post high school graduation. There is no impact to the General Fund.

3.7.3 California Department of Education in the amount up to \$2,822,810 over five years for a 21st Century Community Learning Centers Grant for Delta View, El Monte, Meadow Homes, and Sun Terrace elementary schools. There is no impact to the General Fund.

3.8 Acceptance of Special Education Resource Grant from Philanthropic Ventures Foundation
Request permission to accept funding for the Special Education Resource Grant from Philanthropic Ventures Foundation for Wren Avenue Elementary in the amount of up to \$484.00. There is no cost to the General Fund.

3.9 Addendum to Contract with Northern California Medi-Cal Administrative Services Joint Powers Authority (NMAAS – JPA) for Medical Administrative Activities Billing Services
The amendment of the contract covers the current billing cycle for 2008-09. Due to the potential that the program could be de-funded in the future, a clause is included to terminate the services if the program is de-funded. Fiscal Impact: \$26,847 already included in the current budget. Funding Source: General Fund to be reimbursed by MAA funding.

3.10 Contract for Contra Costa County Office of Education Internet Service
Using funding from the federal "E-Rate" program, Mt. Diablo Unified School District would like to renew an internet service provider contract with the Contra Costa County Office of Education. Fiscal Impact: \$3,254 per year as budgeted in the General Fund.

3.11 Memorandum of Understanding between Alameda County Office of Education/Greater Bay Area Reading Implementation Center and Mt. Diablo Unified School District to Provide SB472 Reading Language Arts Training to Grade K-5 Teachers
Under the provisions of SB472, Greater Bay Area Reading Implementation Center will provide 5 full days of Reading Language Arts training from February 2 through March 4, 2009 to K-5 teachers to improve all students' reading/language arts performance. Fiscal Impact: \$35,700 Funding Source: Special Education Teacher Professional Development Grant

3.12 Monthly Budget Transfers and/or Budget Increases/Decreases for the Months of November and December 2008

4. RECOGNITIONS

4.1 North Coast Section Cross Country Championship – College Park High School
Boys – First Place
Girls – Second Place

5. PUBLIC HEARING

Public Hearing & Action Public Hearing and Plan of Action to Reduce Expenses
The Board of Education has to consider budget reductions to erase a revenue expenditure gap of over \$6.6 million in the 2009-10 school year.

Fiscal Impact: \$1,046,726 2009-2010
Funding Source: Unrestricted and restricted General Fund.

Recommendation

Hold public hearing.

Add items to the list.

Remove items from the list.

Approve the following items: 11b, 11c, 13, 14, 52, 65(a), 83

The Board may take action on any item that is on the list.

6. PUBLIC COMMENT

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

7. BOARD FORUM

This item is here for the Board of Education to discuss any issues of concern.

7.1 Committee Minutes

7.2 Board Reports (time limit – 3 minutes)

7.3 Issues of Concern

8. COMMUNICATIONS

8.1 Student Representatives

8.2 Organizations

At regular board meetings, a single spokesperson of each recognized organization may make a brief presentation following the Consent Agenda. Items are limited to those which are informational.

9. SUPERINTENDENT'S REPORT

10. BUSINESS

Action 10.1 Resolution 08/09-39 African American History Month – February 2009
The California Department of Education has designated February as African American History Month. The resolution recognizes the many contributions made by African Americans to the American Heritage.

Recommendation

Adopt resolution as presented.

- Action 10.2 Consider Establishment of Priorities for the 2008 and 2009 School Years and Beyond
The Board of Education needs to prioritize for the 2008 and 2009 years and beyond. The most critical issues are budget reductions and a decision regarding a parcel tax initiative.
- Recommendation
Discuss and prioritize items. The Board can determine additional priorities and provide direction to the Superintendent.
- Action 10.3 Oak Grove Middle School Placement in Secondary Sanctions, and Extension of the School Assistance and Intervention Team (SAIT) - Report of Findings and Recommended Corrective Actions for Submission to Mt. Diablo Unified School District and the California Department of Education
These recommendations have been reviewed by the Oak Grove Site Council, its District/Site Liaison Team (DSLIT) and the staff at the site. There is no impact to the General Fund. \$48,000 from Title I and School Library Improvement funds (already budgeted).
- Recommendation
Approve as presented.
- Review & Discussion 10.4 Review and Discussion of Board Policy and Administrative Rules 6162.5(a) Student Assessment
In June 2008 the Board of Education approved a policy of student assessment after a year long process. At the January 13 Board meeting, several speakers requested that the Board review and modify Board Policy 6162.5(a). Prior to making changes, there needs to be a full discussion with public input to better understand the issue. This policy was developed because parents were complaining that tests were not being returned. Parents felt this was important so they could assist their children in meeting the academic standards of particular courses, especially courses in mathematics.
- Recommendation
For information and discussion.
- Action 10.5 Resolution 08/09-40 Determining District Needs for 2009-2010 and Adopting Criteria for Determining Order of Seniority for those Certificated Employees with the Same Date of First Paid Probationary Service
In accordance with Education Code 44955(b), the Board of Education must order the seniority of certificated employees who first rendered paid service to the district in a probationary position on the same date. The governing board must determine the order of seniority "solely on the basis of the needs of the district and the students thereof."
- Recommendation
Adopt resolution as presented.
- Action 10.6 Resolution 08/09-41 Relative to Elimination of Classified Positions
Program modifications and budgetary limitations make it necessary to eliminate and reduce positions in the Paraprofessional Unit (CSEA) and Maintenance and Operations. This reduction will result in a savings to the General Fund of \$56,733.00, Restricted Maintenance fund of \$124,828.22 and Measure A fund of \$11,466.38 for fiscal year 2008-09.
- Recommendation
Adopt resolution as presented.
- Action 10.7 Board Committee Assignments
The Board President will make Board committee assignments for the period of January 1, 2009 through December 31, 2009.
- Recommendation
Make committee assignments.

Action 10.8 Adoption of the AP Art History Course of Study
A committee of secondary teachers and a retired administrator, acting as a Curriculum Specialist, developed the AP Art History course of study.

Recommendation

This was presented as information at the January 13 meeting. It is now being returned for action.

Action 10.9 Membership Recommendation for Community Advisory Committee
The Community Advisory Committee is recommending Melody Royal as a new member.

Recommendation

Approve new member as presented.

Action 10.10 Contract Extension with Miller Brown and Dannis from December 31, 2008 through January 31, 2009

Miller Brown and Dannis' existing contract for legal services terminated December 31, 2008. In light of the termination date, staff is requesting an extension to assure continuity in legal services. Fiscal Impact: Approximately \$67,000 per month.

Recommendation

Approved as presented.

Information 10.11 Adoption of K-5 Mathematics Series
The Elementary Mathematics Committee has recommended Houghton Mifflin California Math textbooks and materials to adopt in grades K-5.

Recommendation

This is being presented as information only and will be returned for action.

Information 10.12 Job Description for Inventory and Materials Storekeeper for Transportation; Maintenance and Operations Units

This position will be at Range 501 (\$3,171.65 - \$3,855.03/month) of the Maintenance, Operations, Transportation, Warehouse, Food Service Unit salary schedule.

Recommendation

This is presented as information only and will be returned for action.

11. ADJOURNMENT

12. CLOSED SESSION - Items not completed during the first closed session will be carried over to this closed session.

FEBRUARY 2009			
Community Advisory Committee	February	2	7:00 p.m.
Parent Advisory Council	February	4	7:00 p.m.
Regular Board Meeting	February	10	7:30 p.m.
Regular Board Meeting	February	24	7:30 p.m.
MARCH 2009			
Community Advisory Committee	March	2	7:00 p.m.
Parent Advisory Council	March	4	7:00 p.m.
Measure C Advisory Council	March	5	7:00 p.m.
Regular Board Meeting	March	10	7:30 p.m.
Budget Advisory Committee	March	12	5:00 p.m.
Safe and Drug Free Schools Task Force	March	19	3:30 p.m.
Regular Board Meeting	March	24	7:30 p.m.
APRIL 2009			
Parent Advisory Council	April	1	7:00 p.m.
Community Advisory Committee	April	6	7:00 p.m.
Regular Board Meeting	April	7	7:30 p.m.
Regular Board Meeting	April	28	7:30 p.m.

Note: This is being provided for information only.
Please call 682-8000 ext. 4000 to confirm meeting dates, times and locations.