



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, February 10, 2009
Closed Session 6:00 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 24, 2009	7:30 p.m.	Regular Board Meeting
March 3, 2009	7:30 p.m.	Regular Board Meeting
March 24, 2009	7:30 p.m.	Regular Board Meeting

Note: Calendar of Future Board and Committee Meetings Attached

CALL TO ORDER – 6:00 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(5)/Readmissions(15) - Review Administrative Hearing Panel recommendations regarding student expulsions and readmissions.
3. Existing Litigation
Rainwater v. Mt. Diablo Unified School District
MDEA v. Mt. Diablo Unified School District
4. Anticipated Litigation
5. Conference with Real Property Negotiator
6. Public Employee Discipline/Dismissal/Release/Complaint
 - Notice of possible reassignment for certificated administrative positions
 - One certificated non-management employee

RECONVENE OPEN SESSION – 7:30 p.m.

1. **PRELIMINARY BUSINESS**

- Pledge of Allegiance
- Roll Call

2. **REPORT OF CLOSED SESSION – February 10, 2009.**

- Topics
- Negotiations
 - Expulsions/Readmissions
 - Existing Litigation
 - Anticipated Litigation
 - Real Estate
 - Public Employee Discipline/Dismissal/Release/Complaint

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 meetings of December 16, 2008, January 6, and January 13, 2009.

- 3.2 Certificated Personnel

- 3.2.1 Leaves of Absence, Resignations, Retirements, Employment

- 3.2.2 Resolution 08/09-42 Provisional Internship Permit (PIP) Request(s)

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 in the identified position has been made public.

- 3.2.3 Increase in Full-Time Equivalent Position (FTE) for the 2008-2009 School Year

Request .20 FTE be added to Categorical Funds for 2008-2009. This action will result in an increase in the expenditure budget of Categorical Funds in the amount of \$20,564.

3.2.4 Reduction in General Purpose Contribution for Certificated Positions in the Curriculum and Instruction Department through the Transfer of Funds from General Fund to Categorical Funds for the Years 2008-2009 and 2009-2010

On December 16 the Board of Education approved the transfer of funding from General Funds to Categorical Funds as follows:

- .20 FTE Director of Curriculum and Instruction
- .30 FTE Curriculum Specialists to Curriculum and Instruction

Savings to General Fund 2008-2009 - \$27,421.76

Savings to General Fund 2009-2010 - \$63,842.62

3.2.5 Interagency Agreement for Provision of Services for Special Education Internship Teachers with the University of San Francisco for the Term of August 25, 2008 through June 30, 2011

The purpose of this agreement is to engage the Mt. Diablo Unified School District and San Francisco State University in a partnership to support special education student interns in their progress toward full state qualification and retention as highly qualified teachers.

3.3 Classified Personnel

3.3.1 Leaves of Absence, Resignations, Retirements, Employment

3.3.2 Reduction of General Purpose Contribution for Classified Positions in the Curriculum and Instruction Department through the Transfer of Funds from General Fund to Categorical Funds for the Year 2008-2009 through 2009-2010

On December 16 the Board of Education approved the transfer of funding from General Funds to Categorical Funds as follows:

- .10 FTE Administrative Secretary in Curriculum and Instruction
- .50 FTE Senior Secretary in Curriculum and Instruction
- .20 FTE Textbook Coordinator in Curriculum and Instruction

Savings to General Fund 2008-2009 - \$24,724.08

Savings to General Fund 2009-2010 - \$56,271.64

3.3.3 Creation of One (1) Part-Time Campus Supervisor Position for Mt. Diablo Adult Education Center

Mt. Diablo Adult Education requests the creation of one (1) 16 hour/week, Adult Education School Year, Campus Supervisor position. There is no impact to the General Fund. The cost for this position in fiscal year 2008-09 will be \$4,007 and \$8,905 for 2009-10. Funding Source: Adult Education Administration funds.

3.4 Contract with PHd Architects for Architectural/Engineering Services

Contract with PHd Architects in the amount not to exceed \$25,000 for architectural/engineering services for the installation of dedicated air conditioning systems in areas at sixteen (16) sites where there exist main distribution frames and intermediate distribution frames. Funding Source: Concord Redevelopment Funds

3.5 Contract with PHd Architects for Architectural/Engineering Services

Contract with PHd Architects in the amount not to exceed \$35,000 for architectural/engineering services for the preparation of the State Architect (DSA) approved drawings and specifications necessary to construct sixteen (16) primary and kindergarten playground systems. Funding Source: Proposition 55

3.6 Final Deductive Change Orders

3.6.1 Final Deductive Change Order to Bid 1394, Contract C-820, to Robert A. Bothman, Inc. in the amount of (\$436,847.45), for athletic field improvements at Riverview Middle; College Park, Concord and Ygnacio Valley high schools. Funding Source: Proposition 55 funds

3.6.2 Final Deductive Change Order to RFQ No. 1531 to Community Playgrounds in the amount of (\$8,824) for playground installation at Holbrook and Woodside elementary schools. Funding Source: Proposition 55 funds

3.7 Notices of Completion

3.7.1 Notice of Completion to Bid 1394, Contract C-820 to Robert A. Bothman, Inc. in the amount of \$2,543,552.55, who provided the athletic facility improvements at Riverview Middle; College Park, Concord, and Ygnacio Valley high schools. Funding Source: Proposition 55

3.7.2 Notice of Completion to RFQ 1531 to Community Playgrounds in the amount of \$102,014, who provided site development of playground areas at Holbrook and Woodside elementary schools. Funding Source: Proposition 55

3.8 Approve Amendment in Master Contract between Mt. Diablo Unified School District and Augmentative Communication & Technological Services

The Special Education Department has had to use an Independent Contractor in order to meet the needs of special education students with severe communication deficits. The contract is being amended to include additional services during the 2008-2009 school year. This additional fiscal impact is \$15,000. Funding Source: General Purpose/Special Education (1661)

3.9 Memorandum of Understanding (MOU) with California State University at Long Beach, Department of Social Work (CSULB)

If approved, this MOU will permit CSULB School Science Work Interns to participate in field experience designated District schools. There is no impact to General or Categorical funds. Trainees will function at no cost to Mt. Diablo Unified School District.

3.10 Memorandum of Understanding (MOU) with University of San Francisco of Education (USF)

If approved, this MOU will permit USF School Counseling Trainees to participate in field experience at designated District Schools. There is no impact to General or Categorical Funds. Trainees will function at no cost to Mt. Diablo Unified School District.

3.11 Resolution 08/09-44 Exemption from Walnut Creek City Ordinances

The Mt. Diablo Unified School District will soon be issuing an environmental study of the impact of adding lights and bleachers to the Northgate football field. In order to streamline the review process, staff recommends approval of an exemption from Walnut Creek ordinances.

4. **REPORTS/INFORMATION**

4.1 Public Opinion Poll

5. **PUBLIC HEARING**

Public Hearing
& Action

5.1 Public Hearing on Budget Reductions

1. Report of Budget Advisory Committee
2. 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: \$1,689,738 unrestricted
\$ 85,300 restricted

This does not include item 75(a) which is over \$700,000.

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: 4(a), 17, 19(a), 75(a), 81, 83, 84, 85

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 District Organizations

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

9. SUPERINTENDENT'S REPORT

10. BUSINESS

Action 10.1 Resolution 08/09-45 In Appreciation of the Black Families Association of Contra Costa County

Mt. Diablo Unified School District recognizes the Black Families Association of Contra Costa County for over 30 years of service to the community.

Recommendation

Adopt resolution as presented.

Action 10.2 Resolution 08/09-46 Solving the Budget Crisis

This resolution adamantly opposes further cuts to education funding and urges the Legislature and Governor to immediately solve the budget crisis with a balanced approach that includes revenue increases and supports broad local budget flexibility to help school districts prioritize the resources they have to best serve the needs of their students

Recommendation

Adopt resolution as presented.

Action 10.3 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.

Public Hearing 10.4 Public Hearing Regarding the Adoption of Resolution Establishing a Parcel Tax and Specifications of the Election Order

Due to the reduction in state funding for education, the District is proposing that an election be called and conducted on June 2, 2009, to present a measure to authorize the establishment of a special tax for the purpose of providing specified educational programs. Fiscal Impact: \$99 per parcel Funding Source: Future parcel tax proceeds

Recommendation

Hold public hearing.

Action 10.5 Resolution 08/09-43 Establishing a Parcel Tax and Specifications of the Election Order
Due to the reduction in state funding for education, the District is proposing that an election be called and conducted on June 2, 2009, to present a measure to authorize the establishment of a special tax for the purpose of providing specified educational programs. Fiscal Impact: \$99 per parcel Funding Source: Future parcel tax proceeds

Recommendation

Adopt resolution as presented.

Action 10.6 Approval of Summary of Tentative Agreement with California School Employees Association (CSEA) AB1200
CSEA members have ratified the tentative agreement reached between Mt. Diablo Unified School District and CSEA. A summary of the tentative agreement was sent to the County Office of Education for their review.

Recommendation

Approve of the AB1200 disclosure of the Summary of Tentative Agreement is recommended.

Action 10.7 Request to Approve Tentative Agreement reached between California School Employees' Association (CSEA) and Mt. Diablo Unified School District regarding the Collective Bargaining Agreement to be in Effect July 1, 2007 – June 30, 2010
CSEA and Mt. Diablo Unified School District have met and reached tentative agreement on all outstanding successor reopener issues pursuant to the successor collective bargaining agreement to the 2004-2007 agreement.

Recommendation

Approve tentative agreement with CSEA as presented.

Action 10.8 Request to Establish Salary Range for Associate General Counsel
On January 13, 2009, the Board of Education approved the reorganization of the Office of General Counsel. This reorganization included the creation of one (1) Associate General Counsel position costing approximately \$190,000 including salary and benefits. The District requests that the position be placed on the Management Salary Schedule at Range 47. The effective date for this position is July 1, 2009. Fiscal Impact: Up to \$194,952 Funding Source: General Fund

Recommendation

Approve as presented.

Action 10.9 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 was presented as information at the January 27 meeting. It is now being returned for action.

Action 10.10 Request Approval to Eliminate Two (2) Parts Controller Positions and Create the Inventory and Materials Storekeeper Position for Transportation, Maintenance and Operations
On December 16, 2008, the Board of Education approved the elimination of two (2) existing Parts Controller positions and the creation of the Inventory and Materials Storekeeper position. This will establish and maintain parts and materials, provide inventory and equipment coordination and control for the Transportation, Maintenance and Operations Department. There will be a savings of \$67,533 to Restricted Maintenance and Operations.

Recommendation
Approve as presented.

Action 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 was presented as information at the January 27 meeting. It is now being returned for action.

Information 10.12 Board Policy 4119.25 Political Activities of Employees
Changes in the law require an update to our existing policy. The policy changes will make district policy consistent with political activities policies suggested by the California School Boards Association.

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

Information 10.13 Board Policy 5117 and Administrative Rules 5117 and 5111.12
The new legislation clarifies the definition of employment within district physical boundaries.

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

Information 10.14 Board Policy and Administrative Rule 3511
An enhanced and more fully developed energy, water and resource conservation policy and administrative rule are critical to the promotion, enforcement and sustenance of the proposed Mt. Diablo Unified School District Integrated Resource Conservation Plan.

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

Information 10.15 Integrated Resource Conservation Plan
Staff requests approval of a formal Integrated Resource Conservation Plan.

Recommendation
This is presented as information only. It 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.
Regular Board Meeting	March	3	7:30 p.m.
Parent Advisory Council	March	4	7:00 p.m.
Measure C Advisory Council	March	5	7:00 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.