



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

SUPERINTENDENT

AGENDA

Tuesday, February 24, 2009
Closed Session 6:00 p.m.
Regular Session 7:30 p.m.

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

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 Service
Gail Isserman, Personnel Services
Gregory J. Rolan, 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):

March 4, 2009	7:30 p.m.	Regular Board Meeting
March 24, 2009	7:30 p.m.	Regular Board Meeting
April 7, 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. Readmissions(18) - Review Administrative Hearing Panel recommendations regarding student readmissions.
3. Existing Litigation
N.V. Heathorn v. Mt. Diablo Unified School District
4. Anticipated Litigation
One potential case.
5. Superintendent's Evaluation

RECONVENE OPEN SESSION – 7:30 p.m.

1. PRELIMINARY BUSINESS

- Pledge of Allegiance
- Roll Call

2. REPORT OF CLOSED SESSION – February 24, 2009.

- Topics
- Negotiations
 - Readmissions
 - Existing Litigation
 - Anticipated Litigation
 - Superintendent'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 – none.

3.2 Certificated Personnel

3.2.1 Leaves of Absence, Resignations, Retirements, Employment

3.2.2 Resolution 08/09-48 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 Resolution 08/09-47 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.

3.2.4 Agreement of Collaboration between the California Department of Education, the Ministry of Education, Social Policy and Sport of Spain and the Mt. Diablo Unified School District for the 2009-2010 School Year

The purpose of this agreement is to place visiting teachers from Spain into bilingual classrooms with the Mt. Diablo Unified School District. There is no impact to the General Fund.

3.2.5 Request Approval to Create a 1.0 FTE Registered Occupational Therapist Position
On January 13, 2009, the Board of Education approved the creation of a 1.0 FTE Registered Occupational Therapist position effective 2/1/09. To offset the cost of hiring additional District staff, the Progressus Therapy contract amount will be reduced by \$29,952. The amount of \$29,952 will be transferred from Budget Code 1662 to Budget Code 1818. Funding Source: General Purpose/Special Education

3.3 Classified Personnel

3.3.1 Leaves of Absence, Resignations, Retirements, Employment

3.3.2 Increase in Hours for a Part-Time Instructional Assistant – Bilingual Position at Crossroads High School

Crossroads High School requests an existing 19 hour/week, school day only, Instructional Assistant – Bilingual position be increased to 25 hour/week, school day only. There is no impact to the General Fund. The difference in cost for fiscal year 2008-09 is \$7,267 and a full year will be \$21,524. Funding Source: 50% CalSAFE Child Care Services; 50% CalSAFE Support Services

3.3.3 Increase in Hours for a Part-Time Adult and Career Education Fiscal Analyst Position at Loma Vista Adult Education

Loma Vista Adult Education requests an existing 24 hour/week, 12 month/year Adult and Career Education Fiscal Analyst position be increased to a full-time 40 hour/week, 12 month year. There is no impact to the General Fund. This difference in cost for fiscal year 2008-09 is \$2,693 and a full year is \$22,355. This position is funded by Adult Education.

3.3.4 Creation of a Full-Time Secretary Position for Loma Vista Adult Education.

Loma Vista Adult Education requests the creation of a full-time 40 hour/week, 12 month/year Secretary position. There is no impact to the General Fund. The cost for this position in fiscal year 2008-09 will be approximately \$15,767 and \$55,504 for 2009-10 fiscal year. This position is funded by Adult Education.

3.4 Monthly Budget Transfers and/or Budget Increases/Decreases for the Month of January 2009

3.5 Change Order to Bid 1489, Janus Corporation

Change order to bid 1489 to Janus Corporation in the amount of \$55,000 for "on demand" asbestos abatement services at various district sites. Funding Source: Routine Restricted Maintenance Funds

3.6 Contract Amendment #4, Capital Engineering Consultants

Contract amendment #4 to Capital Engineering Consultants in the amount of \$18,750 for comprehensive design and engineering services necessary for the installation of new heating, ventilating, and air conditioning systems at designated sites. Funding Source: Proposition 55 funds

3.7 Award of Contract to Consolidated Engineering

Award of contract to Consolidated Engineering in the amount of \$23,718.11 for material testing and inspection services related to the structural repair of the exterior bleacher systems at Clayton Valley High School. Funding Source: Proposition 55 funding

3.8 Award of Design Service Contract

Award of design service contract to American Consulting Engineers Electrical, Inc. in the amount of \$61,500 for the provision of comprehensive electrical engineering design services necessary for the replacement of existing intercom/clock systems at Foothill Middle; Sequoia and Rio Vista elementary schools. Funding Source: Deferred Maintenance funds

- 3.9 Notice of Completion to Bid 1491 – Valair-Carrier Corporation
Noticed of completion to Valair-Carrier Corporation in the amount of \$1,916,960.25 who manufactured, fabricated and/or assembled and delivered heating, ventilating and air conditioning equipment for Bel Air and Rio Vista elementary schools; Oak Grove Middle School; and Concord High School. Funding Source: Proposition 55
- 3.10 Consider Approval of an Additional Contract with Alameda County Office of Education for a CTEL (California Teachers of English Learners) Exam Preparation Course
The Mt. Diablo Unified School District and Alameda County Office of Education (ACOE) have a number of joint projects and staff development activities. Alameda County will provide quality trainers to instruct one or more CTEL exam preparation courses to teachers in the Mt. Diablo Unified School District. Fiscal Impact: \$3,000 Funding Source: Categorical Funds-Economic Impact Aid/LEP
- 3.11 Enhance Optiman Service for Mt. Diablo Unified School District
Optiman from AT&T is now providing high speed Wide-Area-Network services at many of our secondary schools. To accommodate the increased bandwidth at our secondary sites, our bandwidth to the Contra Costa County Office of Education must be increased from 50 MBS to 100 MBS. Fiscal Impact: \$660 per month less 56 percent \$396.60 = \$290.40
Funding Source: Program 5275

4. **RECOGNITIONS**

- 4.1 Greg Brown, Teacher, Northgate High School
Winner of the Gilbert T. Freitas Annual Memorial Award.
- 4.2 Energy Conservation

5. **COMMUNICATIONS**

- 5.1 Student Representatives
- 5.2 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.

6. **BUDGET REDUCTIONS**

- Public Hearing & Action 6.1 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:
Funding Source: Unrestricted and restricted General Fund.

Recommendation

Hold public hearing.

Add or delete items.

Approve the following items: 17, 88, 89, 90, 91, 92, 93, 94, 95

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

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. 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.**

9. SUPERINTENDENT'S REPORT

10. BUSINESS

Action 10.1 Resolution 08/09-50 Women's History Month – March 2009
The California Department of Education has designated March as Women's History Month. The resolution recognizes the many contributions made by women in the formation of American History.

Recommendation

Adopt resolution as presented.

Action 10.2 Resolution 08/09-51 Arts Education Month – March 2009
The California Department of Education has designated March as Arts Education Month. The resolution recognizes the importance of celebrating the arts with meaningful student activities and programs.

Recommendation

Adopt resolution as presented.

Action 10.3 Appointment of Interim Superintendent
A current District administrator has been selected to fill the Superintendent position on an interim basis. This position is budgeted and funded within the General Fund with a net salary savings of \$9,861.

Recommendation

Approve appointment as recommended

Action 10.4 Appointment of Assistant Superintendent, Administrative Services
A current District manager has been selected to fill the Assistant Superintendent, Administrative Services position on an interim basis.

Recommendation

Approve appointment as recommended.

Action 10.5 Appointment of Interim Elementary Principal
Interviews have been conducted and candidate selected to fill the Elementary Principal position on an interim basis.

Recommendation

Approve appointment as recommended.

Action 10.6 Appointment of Occupational Therapist(s)
Interviews have been conducted and candidate(s) selected to fill the position of Occupational Therapist.

Recommendation

Approve appointment(s) as recommended.

Action 10.7 Appointment of Food Services Supervisor
Interviews have been conducted and a candidate selected to fill the Food Services Supervisor position.

Recommendation

Approve appointment as recommended.

Action 10.8 Appointment of Chief Accountant
The incumbent has acted as Interim Chief Accountant since June 19, 2008. We are now requesting that she be appointed Chief Accountant.

Recommendation

Approve appointment as recommended.

Action 10.9 Resolution 08/09-49 Relative to the Elimination and Reduction of Classified Positions
Program modifications and budgetary limitations make it necessary to eliminate and reduce classified positions.

Recommendation

Adopt resolution as presented.

Action 10.10 Timing of Collection of Developer Fees
Currently, the Mt. Diablo Unified School District collects developer fees when a building permit is pulled for a project. As a result of the crisis in the homebuilding industry, the Home Builders Association has requested that such fees be delayed until after the home is built. The Facilities Subcommittee of the Board is supportive of the request. Staff recommends delaying the collection of fees until the final inspection.

Recommendation

Approve as presented.

Public Hearing 10.11 Public Hearing and Ratification of Emergency Amendment of Resolution
& Action Establishing a Parcel Tax and Specifications of the Election Order
The resolution was approved by the Board at the February 10, 2009 Board meeting. The Legislature approved a State budget on February 19, 2009. The Board approved this amendment on February 20, 2009 to allow for consolidation with a May 19, 2009 statewide special election. The District is holding a public hearing for community input on the emergency amendment.

Recommendation

Hold public hearing and ratify emergency amendment.

Action 10.12 Approve Contract between Mt. Diablo Unified School District and Maxim Health Care Services, Non Public Agency for the 2008-2009 School Year
Non public agencies are used by the Special Education Department in the provision of specialized health care services. The total impact to the General Fund for fiscal year 2008-2009 is projected to be \$142,200, if positions are not filled. This is already a budget expense in the 2008-2009 budget, funded through restricted general funds. Funding Source: MediCal Administrative Services (MAA). Budget Code 5046.

Recommendation

Approve contract as presented.

Action 10.13 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.

Recommendation

Approve as presented.

Action 10.14 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.

Recommendation

Discuss and prioritize items. The Board can determine additional priorities and provide direction to the Superintendent.

Action 10.15 2009 California School Board's Association (CSBA) Delegate Assembly Election
There are two vacancies in Subregion 7-A for membership on the 2009 CSBA Delegate Assembly. The candidates are Arthur Clark, Walnut Creek SD; Teresa Gerringer, Lafayette SD; Antonio Medrano, West Contra Costa USD, Raymond Valverde, Liberty Union HSD.

Recommendation

Consider candidates and cast ballot.

Action 10.16 Williams Quarterly Summary Report, January 31, 2009
Quarterly reports reflect complaints regarding textbooks and instructional materials, teacher vacancies or misassignments, facilities conditions and Valenzuela/CAHSEE support. This quarter's report includes the months of November and December through January 2009.

Recommendation

Ratify the Williams Quarterly Summary Report, January 31, 2009 on Williams Uniform Complaints.

Action 10.17 Board Policy 5117 and Administrative Rules 5117 and 5111.12
The new legislation clarifies the definition of employment within district physical boundaries.

Recommendation

This was presented as information at the February 10 meeting. It is now being returned for action.

Action 10.18 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 was presented as information at the February 10 meeting. It is now being returned for action.

Action 10.19 Integrated Resource Conservation Plan
Staff requests approval of a formal Integrated Resource Conservation Plan.

Recommendation

This was presented as information at the February 10 meeting. It is now being returned for action.

Information 10.20 Administrative Rule 5144.1 – Suspension and Expulsion/Due Process
Staff has prepared revisions to Administrative Rule 5144.1 as required by recently approved legislation.

Recommendation

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

- Information 10.21 Adoption of the Art and Humanities I Course of Study
The Art and Humanities Academy is a Specialized Secondary Program that is in the planning phase at Mt. Diablo High School. As part of the grant offering for this academy, it must offer at least two, preferably more, courses that have never been taught anywhere in the district before. The first course is Art and Humanities I.
- Recommendation
This is being presented as information only. It will be returned for action.
- Information 10.22 Adoption of the Art and Humanities II Course of Study
The Art and Humanities Academy is a Specialized Secondary Program that is in the planning phase at Mt. Diablo High School. As part of the grant offering for this academy, it must offer at least two, preferably more, courses that have never been taught anywhere in the district before. The second course is Art and Humanities II.
- Recommendation
This is being presented as information only. It will be returned for action.
- Information 10.23 Adoption of the Art and Humanities III Course of Study
The Art and Humanities Academy is a Specialized Secondary Program that is in the planning phase at Mt. Diablo High School. As part of the grant offering for this academy, it must offer at least two, preferably more, courses that have never been taught anywhere in the district before. The third course is Art and Humanities III.
- Recommendation
This is being presented as information only. It will be returned for action.
- Information 10.24 Adoption of the Introduction to Business Finance Course of Study
A committee of secondary teachers and the Mathematics Curriculum Specialist met to develop a course of study for an Introduction to Business Finance class.
- Recommendation
This is being presented as information only. It will be returned for action.
- Information 10.25 Adoption of the Statistics AP Course of Study
A committee of secondary teachers and the Mathematics Curriculum Specialist met to revise and update the Statistics AP course of study to align with current AP requirements and the district course of study format.
- Recommendation
This is being presented as information only. It will be returned for action.
- Information 10.26 Adoption of Personal Finance Course of Study
A committee of secondary teachers and the Mathematics Curriculum Specialist met to develop a new course of study, Personal Finance, to replace Business Math and Senior Math.
- Recommendation
This is being presented as information only. It will be returned for action.
- Information 10.27 Adoption of the Advanced Math Topics Course of Study
A committee of secondary teachers and the Mathematics Curriculum Specialist met to develop a course of study, Advanced Math Topics, to replace Trigonometry and Advanced Algebra Topics.
- Recommendation
This is being 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.