



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, March 3, 2009
Closed Session 6:00 p.m.
Regular Session 7:30 p.m.

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

INTERIM SUPERINTENDENT
Richard C. Nicoll, Ph.D.

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

ASSISTANT SUPERINTENDENTS
Mildred Browne, Ed.D., Special Education
Rose Lock, Elementary Education
Gail Isserman, Personnel Services
Gregory J. Rolan, Esq., General Counsel
Peder Pedersen, Administrative Services

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 10, 2009	7:30 p.m.	Special Board Meeting
March 14, 2009	9:00 a.m.	Study Session
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(1)Readmissions(1) - Review Administrative Hearing Panel recommendations regarding student expulsions and readmissions.
3. Existing Litigation
N. V. Heathorn v. Mt. Diablo Unified School District
4. Anticipated Litigation
One potential case.
5. Public Employee Discipline/Dismissal/Release/Complaint
Up to ten (10) probationary I and II certificated employees
6. Superintendent's Evaluation

RECONVENE OPEN SESSION – 7:30 p.m.

1. **PRELIMINARY BUSINESS**

- Pledge of Allegiance
- Roll Call

2. **REPORT OF CLOSED SESSION – March 3, 2009**

- Topics
- Negotiations
 - Expulsions/Readmissions
 - Existing Litigation
 - Anticipated Litigation
 - Public Employee Discipline/Dismissal/Release/Complaint
 - 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 of the meeting of January 27, 2009.

- 3.2 Certificated Personnel

- 3.2.1 Leaves of Absence, Resignations, Retirements, Employment

- 3.2.2 Extension of Post-Retirement Contract for Vivian Boyd

Request extension of post-retirement contract for Vivian Boyd to complete District Site Liaison Team work. Fiscal Impact: \$6,700 Funding Source: Title I and School and Library Improvement Block Grant.

- 3.2.3 Post Retirement Contract for Retired Administrator

Request to add one day per week to post retirement contract. Fiscal Impact: \$7,552.80
Funding Source: Title I

3.2.4 Resolution 08/09-52 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.

3.3 Classified Personnel

3.3.1 Leaves of Absence, Resignations, Retirements, Employment

3.4 Final Change Orders

3.4.1 Final Change Order to Contract C-877, Bid 1507 to McGuire and Hester in the amount of \$17,575.93 for the provision of site utility work for new restroom facilities at Mt. Diablo Elementary; Sequoia Middle; and College Park High School. Funding Source: Measure A

3.4.2 Final Change Order to Contract C-880, Bid 1516 to Opening Technologies in the amount of \$69,772.42 for door replacement at Pleasant Hill Elementary and Northgate High School. Fiscal Impact: Deferred Maintenance

3.5 Notices of Completion

3.5.1 Notice of Completion to Contract C-877, Bid 1507 to McGuire and Hester in the amount of \$292,695.93, who provided site utilities 2008 at Mt. Diablo Elementary; Sequoia Middle; and College Park High School. Funding Source: Measure A

3.5.2 Notice of Completion to Contract C-880, Bid 1516 to Opening Technologies, Inc. in the amount of \$151,062.53 who provided the door replacement at Pleasant Hill Elementary, and Northgate High School. Funding Source: Deferred Maintenance

3.6 Grant Application Request – Kaiser Permanente

Food and Nutrition Services requests permission to submit a grant application to Kaiser Permanente for funds under the Community Benefit Program. There is no impact to the General Fund. If awarded, Food and Nutrition Services will receive up to \$30,000 to cover Staff Wellness Program activities.

3.7 Amendment to Mt. Diablo Unified School District Execution of Non Public School (NPS) Placements for the 2008-2009 School Year

Mt. Diablo Unified School District, through the IEP process, places students in non-public schools. Fiscal Impact: \$212,750 and is already included in the 2008-09 budget.

3.8 Memorandum of Understanding – California Healthy Kids Survey

In compliance with the No Child Left Behind Act of 2001, the California Department of Education now requires that all school districts receiving Title IV funds must administer the survey biennially to address their needs and demonstrate accountability. Fiscal Impact: Not to exceed \$3,000. There is no impact to the General Fund. Funding Source: Funded under Federal Title IV Safe and Drug Free Schools (3150).

4. COMMUNICATIONS

4.1 Student Representatives

4.2 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

5. Public Hearing & Action

5. PUBLIC HEARING

5.1 Public Hearing and Action on Budget Reductions Including Flexibility Transfers Authorized by SBX3 4
The Board of Education has to consider budget reductions to erase a revenue expenditure gap in the current and subsequent school years resulting from the budget crisis in the State of California.

Recommendation

Hold public hearing. Add or delete items. Approve items included in the "Recommended" column.

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

6. **REPORTS/INFORMATION** - None

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

Recommendation

Approve as presented.

Action 10.2 2008-2009 Second Interim Report
The interim report presents revenue and expenditure projections to the end of the fiscal year and compares these projections to the budget. Based on this information, the Superintendent will recommend that the Board of Education approve a qualified certification unless the cuts recommended for action are approved.

Recommendation

Approval as presented is recommended unless cuts are approved to allow the District to certify as positive on March 10.

Action 10.3 Resolution 08/09-54 to Decrease the Number of Certificated Employees Due to a Reduction in Particular Kinds of Services
As part of the certificated layoff process, Education Code section 44955 permits the Governing Board, through a resolution, to reduce or discontinue particular kinds of services for the next school year.

Recommendation

Adopt resolution as presented.

Action 10.4 Resolution 08/09-53 Temporary Borrowing Between Funds
Education Code Section 42603 permits the Governing Board of any school district to allow for temporary borrowing. The resolution sets forth permission for temporary borrowing for the 2008-2009 fiscal year.

Recommendation
Approve as presented.

Action 10.5 Request Budget for the Construction of Three Additional Classrooms at Riverview Middle School
Staff requests the creation of a comprehensive budget in the amount of \$1,760,907 for all necessary design, engineering, approval, inspection, testing, consulting, and construction costs associated with the installation of three additional classrooms at Riverview Middle School. Funding Source: Proposition 55

Recommendation
Approve as presented.

Action 10.6 Contra Costa County Elections Office – Board of Education Election Fees
The District has received a bill from the Contra Costa County Elections Department for payment of the November 4, 2008 Board of Education election expenses. Fiscal Impact: \$205,020.05 Funding Source: Board of Education 5010 - \$101,630; Superintendent 5020 - \$35,000; Community Relations 5035 - \$68,390.05

Recommendation
Approve as presented.

Public Hearing 10.7
& Action Hold Public Hearing and Adopt the Mt. Diablo Unified School District Special Education Local Plan Area (SELPA) Annual Budget, the Certification of the Annual Service Plan, the California Special Education Management Information System (CASEMIS) Service Descriptions, and the Service Plan Forms for the 2008-2009 School Year
As required by Ed Code sections 56205, 56205(b)(2) and 56195.7, each SELPA Local Plan document requires a service plan component and a budget plan that are updated annually.

Recommendation
Hold public hearing and approve as presented.

Action 10.8 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 was presented as information at the February 24 meeting. It is now being returned for action.

Action 10.9 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 was presented as information at the February 24 meeting. It is now being returned for action.

Action 10.10 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 was presented as information at the February 24 meeting. It is now being returned for action.

Action 10.11 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 was presented as information at the February 24 meeting. It is now being returned for action.

Action 10.12 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 was presented as information at the February 24 meeting. It is now being returned for action.

Action 10.13 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 was presented as information at the February 24 meeting. It is now being returned for action.

Action 10.14 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 was presented as information at the February 24 meeting. It is now being returned for action.

Information 10.15 Adoption of Middle School Mathematics Materials
A curriculum specialist working with a middle school mathematics committee, that represented all the middle schools in the district, went through an eleven month process to recommend for adoption mathematics texts and materials from Holt, Rinehart and Winston.

Recommendation

This is being 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.

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.
Special Board Meeting	March	10 7:00 p.m.
Budget Advisory Committee	March	12 5:00 p.m.
Study Session	March	14 9:00 a.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.
MAY 2009		
Community Advisory Committee	May	4 7:00 p.m.
Parent Advisory Council	May	6 7:00 p.m.
Regular Board Meeting	May	12 7:30 p.m.
Safe and Drug Free Schools Task Force	May	21 1:00 p.m.
Regular Board Meeting	May	26 7:30 p.m.
Budget Advisory Committee	May	28 5:00 p.m.

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