



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 24, 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  
Peder Pedersen, Administrative Services

GENERAL COUNSEL  
Gregory J. Rolan, Esq.

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## 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):

April 7, 2009	7:30 p.m.	Regular Board Meeting
April 28, 2009	7:30 p.m.	Regular Board Meeting
May 12, 2009	7:30 p.m.	Regular Board Meeting

**\*\*Note: Calendar of Future Board and Committee Meetings Attached\*\***

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### 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(12)/Readmissions(6) - Review Administrative Hearing Panel recommendations regarding student expulsions and readmissions.
3. Existing Litigation  
Orterry v. Mt. Diablo Unified School District
4. Anticipated Litigation  
Three potential cases
5. Public Employee Discipline/Dismissal/Release/Complaint  
One classified employee
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 24, 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 meetings of February 19, February 20, and February 24, 2009.

- 3.2 Certificated Personnel

- 3.2.1 Leaves of Absence, Resignations, Retirements, Employment

- 3.2.2 Resolution 08/09-58 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 Student Teaching Agreement with Brigham Young University – Idaho

This agreement is to provide practice teaching to students enrolled in the teacher education program at Brigham Young University to help them acquire skills and knowledge needed to become professional teachers.

- 3.3 Classified Personnel  
3.3.1 Leaves of Absence, Resignations, Retirements, Employment
- 3.3.2 Eliminate Specific Special Education Assistant II Positions and Upgrade and Create Positions for Special Education/General Education Assistant III  
On December 16, 2008, the Board approved the adoption of a Special Education/General Education Assistant III job description at range 462 of the CSEA salary schedule. These positions are being presented for upgrade effective April 1, 2009. Fiscal Impact: Increased cost for 2008-2009 is \$6,910. In 2009-2010 the increased cost is \$31,682. The cost of upgrading these positions will be offset by the reduction in contract services. Funding Source: Part B Local Assistance (categorical) - \$16,382; General Fund - \$22,210
- 3.4 Monthly Budget Transfers and/or Budget Increases/Decreases for the Month of February 2009
- 3.5 Fiscal Transactions for December 2008, January 2009 and February 2009
- 3.6 Award of Contract to Geosphere Consultants  
Award of contract to Geosphere Consultants in the amount of \$10,700 for geotechnical engineering study and geologic hazards report for new classroom buildings at Riverview Middle School. Funding Source: Proposition 55 funds
- 3.7 Award of Contract to ATI Architects and Engineers  
Award of contract to ATI Architects and Engineers in the amount not to exceed \$59,990 to modify the design and resubmit the plans for the three (3) planned classrooms at Riverview Middle School. Funding Source: Proposition 55 funds
- 3.8. Award of Inspector of Record (Project Inspector) Contract – Alisha Jensen  
Award of inspector of record (project inspector) contract to Alisha Jensen in the not to exceed amount of \$6,720 to oversee, inspect and certify the installation of masts, antennas and all support equipment associated with T-Mobile antenna installations at Concord High School and Pleasant Hill Education Center. Funding Source: All costs associated with this contract will be reimbursed by Omni Point T-Mobile.
- 3.9 Award of Inspector of Record (Project Inspector) Contract – Alisha Jensen  
Award of inspector of record (project inspector) contract to Alisha Jensen in the not to exceed amount of \$2,200 to oversee, inspect and verify that the installation of sixteen (16) new playground structures ensure and certify compliance with all applicable California Building Code 24 ADA requirements. Funding Source: Proposition 55 funds
- 3.10 Award of Inspector of Record (Project Inspector) Contract – Alisha Jensen  
Award of inspector of record (project inspector) contract to Alisha Jensen in the not to exceed amount of \$1,120 to oversee, inspect and certify the installation of new electronic marquees at College Park and Ygnacio Valley high schools. Funding Source: City of Pleasant Hill and City of Concord Redevelopment funds
- 3.11 Award of Bid 1538  
Award of bid 1538 to Martinez Sheet Metal, Inc. in the amount of \$56,532 to provide air conditioning at Monte Gardens Elementary School. Funding Source: Monte Gardens PTA
- 3.12 Final Change Orders  
3.12.1 Final Deductive Change Order to Bid 1477, Contract C-865 to Nexus IS, Inc. in the amount of (\$32,589.40) for installation of new PBX telephone systems at Gregory Gardens, Mountain View, Pleasant Hill, Valhalla, Valle Verde, Walnut Acres, and Woodside elementary schools. Funding Source: Measure C
- 3.12.2 Final Change Order to Bid 1520, Contract C-883 to Capitol City Development, Inc. in the amount of \$20,778.92 for repair of exterior walls at College Park High School. Funding Source: Measure C and Deferred Maintenance funding

- 3.13 Notices of Completion  
3.13.1 Notice of Completion to Bid 1477, Contract C-865 to Nexus IS, Inc. in the amount of \$225,364.59, who provided new PBX telephone systems at Gregory Gardens, Mountain View, Pleasant Hill, Valhalla, Valle Verde, Walnut Acres, and Woodside elementary schools. Funding Source: Measure C  
  
3.13.2 Notice of Completion to Bid 1520, Contract C-883 to Capital City Development Inc., in the amount of \$368,778.92, who provided the exterior wall repairs at College Park High School. Funding Source: Measure C and Deferred Maintenance
- 3.14 Grant Application Requests  
3.14.1 Kaiser Permanente Community Grant in the amount up to \$10,000 for one year to provide professional development and instruction in the Diablo Day Community Day School and College Park High School's school gardens. There is no cost to the General Fund. Funding Source: Kaiser Permanente Community Benefit Program  
  
3.14.2 Kaiser Permanente Community Benefit Programs Grant in the amount of \$28,900 for one year to develop and implement a "Health and Active Before 5" Parent Education Program. There is no impact to the General Fund. Funding Source: Kaiser Permanente Community Benefit Programs  
  
3.14.3 California Partnership Academy Grant in the amount up to \$195,000 over three years for College Park High School's EcoTechnology Academy. There is no impact to the General Fund. Funding Source: California Department of Education  
  
3.14.4 Teaching American History Grant in the amount up to \$1,665,000 over five years. There is no impact to the General Fund. Funding Source: U.S. Department of Education  
  
3.14.5 Contra Costa Futures (CCFutures) Grant in the amount up to \$250,000 over three years to develop the After School Program's Job Resource and Development Project at Ygnacio Valley High School. There is no impact to the General Fund. Funding Source: Contra Costa Futures (CCFutures) fund  
  
3.14.6 Carol White Physical Education Grant in the amount up to \$1,500,000 over three years to expand nutrition education and physical fitness activities in the thirty-three After School 4 All after school programs in Contra Costa County. Funding Source: U.S. Department of Education
- 3.15 2009-2010 and 2010-2011 School Calendars  
The draft of the 2009-2010 and 2010-2011 school calendar has been approved by the Mt. Diablo Education Association (MDEA) and shared with all bargaining units and department heads.
- 3.16 Resolution 08/09-60 Supporting the Designation of District Representatives and Authorization to File Applications for the School Facility Program  
In order to apply for approval of School Facility Program eligibility and potential funding, the District must approve a resolution designating the district representatives and authorizing the filing of the applications.

#### **4. RECOGNITIONS**

- 4.1 California Interscholastic Federation – State Championship – Wrestling  
Nick Pica, Concord High School – First Place  
Dylan Phillipy, College Park High School – Fourth Place

**5. BOARD FORUM**

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

5.1 Committee Minutes

5.2 Board Reports (time limit – 3 minutes)

5.3 Issues of Concern

**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. COMMUNICATIONS**

7.1 Student Representatives

7.2 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.

**8. REPORTS/INFORMATION – None**

**9. SUPERINTENDENT'S REPORT**

**10. BUSINESS**

Public Hearing & Action

10.1 Public Hearing and Resolution 08/09-62 Regarding Add Back of Essential Services

As a result of the financial crisis in the State of California, the Mt. Diablo Unified School District has reduced expenses by over \$16 million for the 2009-10 school year. The Board of Education desires to identify its priorities for the reinstatement of essential services should additional funding become available.

Recommendation

Hold public hearing. Add staff recommended items to Tier 2. Adopt resolution as presented.

Action

10.2 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. In this way, the District will be the responsible agency and be able to adopt the environmental report.

Recommendation

Approve exemption as presented.

Action

10.3 Independent Audit Contract

Staff recommends awarding the independent audit contract to Nigro, Nigro & White, PC. Fiscal Impact: \$61,535 Funding Source: General Fund within existing budget.

Recommendation

Approve recommendation as presented.

Action 10.4 Approval of Proposed Timeline and Process for Superintendent Search  
Staff requests authority to initiate those formalized processes necessary for the search for a permanent Superintendent.

Recommendation

Approve timeline and process for Superintendent search as presented.

Information 10.5 Renewal of the 2009-2014 Charter Agreement, Financial and Operational Memo of Understanding, and the 2009-2010 Special Education Memo of Understanding for Eagle Peak Montessori School

California Ed Code requires that Charters be granted for five-year periods. The original Eagle Peak Montessori School Charter was granted in March 2000, renewed in 2005, and expires this year (2009). EPMS has requested that their Charter be renewed for the next five-year period, 2009-2014. Because Special Education fees must be closely monitored each year, the Special Education MOU is being brought forward for a one-year renewal at this time.

Recommendation

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

Action 10.6 Resolution 08/09-61 Relative to Elimination of Classified Positions  
Program modifications and budgetary limitations make it necessary to eliminate and reduce classified positions.

Recommendation

Adopt resolution as presented.

Action 10.7 Request for Budget for the Renovation of the Aquatic Facilities at Mt. Diablo and College Park High Schools

Staff requests a comprehensive budget in the amount of \$3,185,000 be established for all design, engineering, consulting, testing, inspection and construction services necessary for the complete renovation of the aquatic facilities at both Mt. Diablo and College Park high schools. Funding Source: Proposition 55 funds

Recommendation

Approve as presented.

Action 10.8 Adoption of Middle School Mathematics Materials  
A Curriculum Specialist working with a middle school mathematics committee, that represented all middle schools in the district, went through an eleven month process to recommend for adoption the mathematics texts and materials from Holt, Reinhart and Winston.

Recommendation

This was presented as information at the March 3, 2009 meeting. It is now being returned for action.

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

- Discussion 10.10 Establishment of Athletics Advisory Committee  
The Board of Education will discuss the possible establishment of an Athletics Advisory Committee.
- Recommendation  
For discussion only.
- Information 10.11 Job Description for Area Facility Manager  
This job description has been developed to describe the duties and responsibilities of an Area Facility Manager.
- Recommendation  
This is presented as information only and will be returned for action.
- Information 10.12 Board Policy and Administrative Rule 5125 – Student Records  
Staff has prepared revisions to Board Policy 5125 as required by recently approved legislation.
- Recommendation  
This is being presented as information only and will be returned for action.
- Information 10.13 Administrative Rule 5022 – Student and Family Privacy Rights  
Staff has prepared revisions to Administrative Rules 5022 to reflect recently approved legislation.
- 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.

<b>MARCH 2009</b>		
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.
Board Study Session	March	14 9:00 a.m.
Regular Board Meeting	March	24 7:30 p.m.
<b>APRIL 2009</b>		
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.
Safe and Drug Free Schools Task Force	April	9 3:30 p.m.
Regular Board Meeting	April	28 7:30 p.m.
<b>MAY 2009</b>		
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.