



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

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., 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):

April 28, 2009	7:30 p.m.	Regular Board Meeting
May 12, 2009	7:30 p.m.	Regular Board Meeting
May 26, 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 (7) - Review Administrative Hearing Panel recommendations regarding student expulsions.
3. Anticipated Litigation
One potential case
4. Public Employee Discipline/Dismissal/Release/Complaint
5. Superintendent's Evaluation

RECONVENE OPEN SESSION – 7:30 p.m.

1. **PRELIMINARY BUSINESS**

- Pledge of Allegiance
- Roll Call

2. **REPORT OF CLOSED SESSION – April 7, 2009**

- Topics
- Negotiations
 - Expulsions
 - 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 March 3 and March 10, 2009.

- 3.2 Certificated Personnel

- 3.2.1 Leaves of Absence, Resignations, Retirements, Employment

- 3.2.2 Resolution 08/09-63 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.

- 3.3 Classified Personnel

- 3.3.1 Leaves of Absence, Resignations, Retirements, Employment

- 3.4 Application to California Department of Education for Workforce Investment Act, Title II; Adult Education and Family Literacy Act, Section 231 and the English Literacy and Civics (EL Civics) Supplemental Funding
Mt. Diablo Adult Education requests authorization to apply for a one year grant under Section 231 and EL Civics Education. There is no impact to the General Fund. This grant would bring approximately \$500,000 to \$600,000 in revenue to Mt. Diablo Adult Education's ESL, Adult Basic Education, Adult Secondary Education, GED and Adults with Disabilities programs to carry out grant specifications. Funding Source: California Department of Education 2009-2010 Workforce Investment Act, Title II; Adult Education and Family Literacy Act, Section 231 and EL Civics
- 3.5 Grant Application Request to California Department of Education for a Tobacco Use Prevention Education (TUPE) Grant
Request permission to submit a grant application request to the California Department of Education in the amount up to \$879,850 over two years for a Tobacco Education Prevention Grant for 6th through 12th grades. There is no impact to the General Fund.
- 3.6 Approve Contract between Mt. Diablo Unified School District and PAWAR Transportation LLC to Provide Transportation During the 2008-2009 School Year
In order to provide a more cost effective, alternative way to transport students, staff recommends approval of a contract with PAWAR Transportation LLC in the amount not to exceed \$160,000 (this is already a budgeted expense in the 2008-2009 budget). Funding Source: Unrestricted General Fund. General Purpose/Special Education. Program Code 1680.
- 3.7 Amendment to Master Contract between Mt. Diablo Unified School District and the Contra Costa County Office of Education to Provide Transportation with Durham School Services during the 2008-2009 School Year
A Master Contract was approved on September 23, 2008 by the Board of Education in the amount of \$1,481,387.35 between Mt. Diablo Unified School District and the Contra Costa County Office of Education to provide transportation services for students participating in programs in Contra Costa County and Non-Public Schools. Staff has identified another company to transport students and is requesting that the original contract between Mt. Diablo Unified School District and the Contra Costa County Office of Education be reduced. Fiscal Impact: This action creates a savings of \$160,000 for the 2008-2009 school year and is already a budgeted expense in the 2008-2009 budget. Funding Source: Unrestricted General Fund. General Purpose/Special Education. Program Code 1680
- 3.8 Amendment to Master Contract between Mt. Diablo Unified School District and Psychology Learning and You (PLAY) to Provide Behavioral Services for the 2008-2009 School Year
The master contract was approved on June 24, 2008 by the Board of Education in the amount of \$75,000. The contract needs to be increased by \$35,000. The additional impact for 1 fiscal year 2008-09 is \$35,000 and is already a budgeted expense in the 2008 - 2009 budget. Funding Source: General Purpose/Special Education Program Code 1661
- 3.9 Agreement with New Connections, Community Agency
If approved, New Connections will implement drug and alcohol prevention services at selected District schools. There is no impact to General or Categorical funds.
- 3.10 Agreement with the Bay Area Psychotherapy Training Institute
If approved, the Bay Area Psychotherapy Training Institute providers will provide counseling services at designated District schools. There is no impact to the General Fund.

4. **RECOGNITIONS**

- 4.1 Tesoro Corporation
The Board of Education will acknowledge Tesoro Corporation for their generous donation to eight middle schools in Concord and Pleasant Hill.

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 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

Action 10.1 Request to Dedicate Olympic High School Garden in Honor of Annie Nolen
Olympic High School would like to honor Annie Nolen by dedicating the school garden as Annie's Garden.

Recommendation
Approve as presented.

Action 10.2 Request to Dedicate the New Olympic High School Technology Center to Skip Weinstock
Olympic High School would like to honor Skip Weinstock by dedicating the new Technology Center as the Skip Weinstock Center for Green Technology.

Recommendation
Approve as presented.

Action 10.3 Renewal of the 2009-2014 Charter Agreement, Financial and Operational Memo of Understanding, Charter Facilities Agreement, and the 2009-2010 Special Education Memo of Understanding for Eagle Peak Montessori School (EPMS)

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
Approve renewal of Charter. This item was presented as information on March 24, 2009. It is now being returned for action.

- Action 10.4 Resolution 08/09-64 Relative to the Elimination of Classified Positions
Program modifications and budgetary limitations make it necessary to eliminate and reduce classified positions in the Clerical, Secretarial, Technical Unit (CST) Paraprofessional Unit (CSEA) and Maintenance and Operations Unit (M&O).
- Recommendation
Adopt resolution as presented.
- Action 10.5 Contract for Legal Services with Matt Juhl-Darlington, Attorney at Law
Contract for legal services with Matt Juhl-Darlington, Attorney at Law in the amount of \$200,000. Funding Source: General Fund
- Recommendation
Approve as presented.
- Action 10.6 Contract for Legal Services with Ruiz & Sperow, LLP
Contract for legal services with Ruiz and Sperow, LLP in the amount of \$200,000. Funding Source: General Fund
- Recommendation
Approve as presented.
- Action 10.7 Meal Price Increase
Food and Nutrition Services recommends a \$0.25 increase in all student breakfast and lunch prices. The last price increases were approved for the 2007-08 school year.
- Recommendation
Approve as recommended.
- Action 10.8 Request for Budget for the Replacement of Sixteen (16) Playground Structures with New Playground Systems and "Poured-in-Place" Rubberized Surfacing at Designated Elementary Schools
As a result of discussion relative to implementation of the Consent Decree, the District has agreed to replace the engineered wood surfacing (Fibar) and play equipment contained in sixteen (16) existing primary and kindergarten play systems and "poured-in-place" rubberized surfacing and new, fully compliant play structures. Fiscal Impact: \$3,000,000
Funding Source: Proposition 55 funds
- Recommendation
Approve creation of budget as proposed.
- Action 10.9 Adopt Job Description for Area Facility Manager and Create Six (6) Area Facility Manager Positions and Eleven (11) Custodian Positions Effective July 1, 2009
This job description has been developed to describe the duties and responsibilities of an Area Facility Manager. The District is also bringing forward the request to create six (6) Area Facilities Manager positions and eleven (11) Custodian positions. Fiscal Impact: Net fiscal impact is a savings of \$178,468. Funding Source: Savings to Unrestricted General Fund - \$158,121; Savings to Restricted Funds - \$20,347
- Recommendation
Adopt job description and create positions as presented.

Action 10.10 Request for Funding of High School Summer Program 2009
As a result of the State of California's financial crisis, the Mt. Diablo Unified School District's ability to provide a K-12 summer program comparable to previous years, has been significantly compromised. It is not feasible to offer a K-8 regular education summer program in 2009. Staff has proposed to offer a regular education high school summer program only. In order to fund such a program, the District will need to contribute funding from another source in the amount of \$199,859 (deficit of \$121,157.91 plus \$78,701.09 for expenses through June 2009) Fiscal Impact: \$199,859 funded through Categorical Programs. There is no impact to the General Fund. Funding Source: \$21,000 (3735) – Lottery Instructional Supplies; \$93,859 (3771) – CAHSEE Intensive Instructions & Services; \$85,000 (3301) Continuation High School R/H Add-on

Recommendation

Approve request for funding as presented.

Action 10.11 Reduction of Summer Program Administrators 2009
As a result of the State of California's financial crisis, the Mt. Diablo Unified School District is not able to fund a summer intervention program for students in grades K-8. Therefore, staff recommends that the appointment of 9 administrators be rescinded. There is no impact to the General Fund.

Recommendation

Approve reduction of Summer Program Administrators as presented.

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

Action 10.13 Administrative Rule 5022 – Student and Family Privacy Rights
Staff has prepared revisions to Administrative Rule 5022 to reflect recently approved legislation.

Recommendation

This was presented as information at the March 24 meeting. It is now being returned for action.

Information 10.14 Board Policy 9012 – Board Member Electronic Communications
Board Policy 9320 – Meetings and Notices
Board Policy 9322 – Agenda/Meeting Materials
New Brown Act laws require amendments to existing Board Policy and creation of a new Board Policy regarding Board member electronic communications.

Recommendation

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

Information 10.15 Adoption of High School AP Art History Materials
A committee of secondary art teachers identified a book to be used in the AP Art History course – *Gardner's Art Through the Ages: A Global History*

Recommendation

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

Information 10.16 Adoption of the AIMS – Mathematics 6 (Academic Intervention for Math Success) Course of Study

A committee of secondary teachers and the Mathematics Curriculum Specialist met to develop a new course of study to provide additional support for students to acquire the necessary mathematical skills and knowledge for success in Mathematics 6.

Recommendation

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

Information 10.17 Adoption of AIMS – Pre-Algebra (Academic Intervention for Math Success) Course of Study

A committee of secondary teachers and the Mathematics Curriculum Specialist met to develop a course of study to provide additional support to students to acquire the necessary mathematical skills and knowledge for success in Pre-Algebra.

Recommendation

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

Information 10.18 Adoption of the AIMS III (Academic Intervention for Math Success in Geometry) Course of Study

A committee of secondary teachers and the Mathematics Curriculum Specialist met to develop a course of study to provide additional support for students to acquire the necessary mathematical skills and knowledge for success in Geometry.

Recommendation

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

Information 10.19 Revision of the Geometry Course of Study

A committee of secondary teachers and the Mathematics Curriculum Specialist met to revise and update the Geometry course of study to include grades 8-12 and align with the District's course of study format.

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.

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.
Safe and Drug Free Schools Task Force	April 9	3:30 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.
JUNE 2009		
Regular Board Meeting	June 2	7:30 p.m.
Parent Advisory Council	June 3	7:00 p.m.
Measure C Advisory Council	June 4	7:00 p.m.
Regular Board Meeting	June 16	7:30 p.m.
Budget Advisory Committee	June 18	5:00 p.m.
Regular Board Meeting	June 30	7:30 pm.

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