



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, June 16, 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., 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.
- * **Agenda Documents** -- 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):

June 30, 2009	7:30 p.m.	Regular Board Meeting
August 11, 2009	7:30 p.m.	Regular Board Meeting
August 25, 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(3)/Readmissions(22) - Review Administrative Hearing Panel recommendations regarding student expulsions and readmissions.
3. Anticipated Litigation
One potential case.
4. Public Employee Discipline/Dismissal/Release/Complaint
Reassignment of administrators
5. Superintendent's Evaluation

RECONVENE OPEN SESSION – 7:30 p.m.

1. **PRELIMINARY BUSINESS**

- Pledge of Allegiance
- Roll Call

2. **REPORT OF CLOSED SESSION – June 16, 2009**

- Topics
- Negotiations
 - Expulsions/Readmissions
 - 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 May 26, 2009.

- 3.2 Certificated Personnel

- 3.2.1 Leaves of Absence, Resignations, Retirements, Employment

- 3.2.2 Student Teaching Agreement with California State University, East Bay for the Term of July 1, 2009 through June 30, 2012

This agreement is to provide practice teaching to students enrolled in the teacher education program at California State University, East Bay to help them acquire the skills and knowledge needed to become professional teachers.

- 3.2.3 Recommendation for Approval of Extension of District Intern Single Subject – Physical Education

A one calendar year extension of the District Intern Credential may be requested by the Governing School Board to give an employee additional time to successfully complete the Professional Development Plan and the experience requirements for Preliminary or Clear Teaching Credential pursuant to California Education Code Section 44325.

3.2.4 Recommendation for Approval of Extension of District Intern Education Specialist – Mild/Moderate Credential

A one calendar year extension of the District Intern Credential may be requested by the Governing Board to give an employee additional time to successfully complete the Professional Development Plan and the experience requirements for the Preliminary or Clear Teaching Credential pursuant to California Education Code Section 44325.

3.3 Classified Personnel

3.3.1 Leaves of Absence, Resignations, Retirements, Employment

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

3.5 Fiscal Transactions for May 2009

3.6 Grant Application Requests

3.6.1 California Department of Education – Enhancing Education through Technology Competitive (EETT-C) grant in the amount of \$550,000 over two years for 4th and 5th grades at fourteen elementary schools. There is no impact to the General Fund.

3.6.2 Foundation for Pleasant Hill Education in the amount of \$3,525 for Sequoia Middle School. There is no impact to the General Fund.

3.6.3 California Department of Education – McKinney-Vento Education for Homeless Children and Youth Grant in the amount of \$150,000 over three years to improve academic achievement for children and youth who are homeless. There is no impact to the General Fund

3.7 Request Approval of Memorandum of Understanding between Mt. Diablo Unified School District and Bay Area Youth Agency Consortium (BAYAC)

Request approval of a Memorandum of Understanding between Mt. Diablo Unified School District and BAYAC in the amount of \$161,973 to provide after school academic support and enrichment through the Mt. Diablo CARES After School Program. There is no impact to the General Fund. Funding Source: Funding is provided by the Bay Area Youth Agency Consortium (BAYAC) through the AmeriCorps program.

3.8 Request Approval of Agreement between Mt. Diablo Unified School District and Bay Area Community Resources (BACR)

Request approval of agreement with Bay Area Community Resources in the amount of \$1,097,884 for recreation and enrichment services for eight of the Mt. Diablo CARES After School Programs. There is no impact to the General Fund. Funding Source: California After School Education and Safety Program, 21st Century Community Learning Centers and the Network for Healthy California grants.

3.9 Request Approval of Agreement between Mt. Diablo Unified School District and City of Concord

Request approval of agreement with the City of Concord in the amount of \$734,282 for recreation and enrichment services for five of the Mt. Diablo CARES After School Programs. There is no impact to the General Fund. Funding Source: California After School Education and Safety Program and the Network for Healthy California grants.

3.10 Request Approval of Agreement between Mt. Diablo Unified School District and Ambrose Recreation and Park District

Request approval of agreement between Mt. Diablo Unified School District and Ambrose Recreation and Park District in the amount of \$1,021,038 for recreation and enrichment services for five of the Mt. Diablo CARES After School Programs. There is no impact to the General Fund. Funding Source: California After School Education and Safety Program and the Network for Healthy California grants.

- 3.11 Request Approval of Memorandum of Understanding between Mt. Diablo Unified School District and Resource Development Associates (RDA)
Request approval of a Memorandum of Understanding between Mt. Diablo Unified School District and Resource Development in the amount of \$96,250 for required external evaluation services for the 2009-10 school year. There is no impact to the General Fund. Funding Source: California After School Education and Safety Program, 21st Century Learning Center and the Network for Healthy California grants.
- 3.12 Amendment to Contract with ATI Architects and Engineers
Amendment to contract with ATI Architects and Engineers in the amount of \$23,000 for the design and contract administration of three (3) new classrooms at Riverview Middle School. Funding Source: Proposition 55 funds
- 3.13 Amendment to Contract with Geosphere Consultants, Inc.
Amendment to contract with Geosphere Consultants, Inc. in the amount of \$3,000 for the geotechnical engineering study and geologic hazards report for three (3) new classrooms at Riverview Middle School. Funding Source: Proposition 55 funds
- 3.14 Award of Contract for District Automated Parental Notification System and Web Based Electronic School Board Governance System
Award of contract to Reliance Communications in the amount of \$75,651.68 per year for district automated parental notification system and award of bid to Intercom Network in the amount of \$16,850.00 for web based board governance system. Funding Source: General Fund
- 3.15 Award of Bid 1549 to CCS Presentation Systems, Inc.
Award of bid 1549 to CCS Presentation Systems, Inc. in the amount of \$131,672.84 to provide the Smart Interactive Whiteboards for Meadow Homes Elementary School. Funding Source: Meadow Homes High Priority Grant - \$30,000; EIA - \$20,000; and Quality Education Investment Act - \$81,672.84
- 3.16 Request Approval of Contract with Innovative Events
Request approval of contract with Innovative Events in the amount of \$27,650 for the Clayton Valley High School Junior Prom. Funding Source: Associated Student Body
- 3.17 Educational Services for Expelled Students
Education Code 48926 requires the development of a joint education services plan for each county. Education Code 48916.1 requires the county board of education and the governing board of each school district within the county to adopt the plan, submit the plan to the State Superintendent of Instruction, and submit an update of the plan every three years.
- 3.18 Approve Memorandum of Understanding with Community Violence Solutions
This Memorandum of Understanding will permit Community Violence Solutions to provide Girls Assertiveness Training for girls and a Violence Prevention Program for boys at designated schools in the District. There is no impact to General or Categorical funds.
- 3.19 Increase/Decrease Contract Values
3.19.1 Increase Contract Value between Mt. Diablo Unified School District and PAWAR Transportation LLC to Provide Transportation During the 2008-2009 School Year
Due to transfers, administrative placements and new placements based on Individualized Education Plans (IEP) of students, the total cost of the transportation services has increased. Fiscal Impact: \$35,000 and is already included in the 2008-09 budget. Funding Source: General Purpose/Special Education

3.19.2 Increase Contract Value between Mt. Diablo Unified School District and Non-Public Agencies (NPA) for Special Education Students Receiving Services for the 2008-2009 School Year

Due to the frequent changes in level of services that each student requires by the IEPs, administrative placement and new placements, the NPA services are changed or added. Fiscal Impact is \$48,764.75 and is already included in the 2008-2009 budget. Funding Source: General Purpose/Special Education Program Code 1661 and Program Code 1664

3.19.3 Increase and Decrease Contract Value between Mt. Diablo Unified School District and Non-Public Schools (NPS) for Special Education Student Placements during the 2008-2009 School Year

Due to graduation, discharges, transfers, administrative placements and new placements, a number of students have been added to, changed or are no longer at NPS locations causing contract amounts to be reduced, cancelled or increased. There is no net fiscal impact. Funding Source: General Purpose/Special Education Program Code 1660

3.20 Approval of Contract/Purchase Orders

3.20.1 Approve Purchase Order with California Translation International for Foreign Language Interpreting and Translation Services for School Year 2009-2010

Due to the lack of district foreign language interpreters, it is necessary to hire contract interpreters. Fiscal Impact: The contract amount for 2009-2010 school year is \$164,000. Funding Source: General Purpose/Special Education Budget Code 1300 - \$134,000; Budget Code 5045 - \$30,000

3.20.2 Approve Contract/Purchase Order with Evelina Villa for Foreign Language Interpreting and Translation Services for 2009-2010 School Year

Contractor will provide interpreting services at the Robert R. Shearer Preschool Assessment Center and interpreting and translation services at other sites throughout the District. The contract amount for the 2009-2010 school year is \$40,000. Funding Source: General Purpose/Special Education Budget Code 1300

3.20.3 Approve Contract between Mt. Diablo Unified School District and AccentCare Home Care Services, Non-Public Agency (NPA) for the 2009-2010 School Year

Students are served under the terms and conditions of a Master Contract/Individual Service Agreement which was approved by the Board on June 2, 2009. Fiscal Impact is \$70,212 and is included in the 2009-10 budget. Funding Source: General Purpose/Special Education Program Code 1000

3.21 Approval of Master Contracts

3.21.1 Approve Master Contract between Mt. Diablo Unified School District and Progressus Therapy, Inc. for Speech and Language Services for the 2009-2010 School Year

Progressus Therapy, Inc. is a Non-Public Agency (NPA) provider of speech and language therapy services to the District. Students are served under the terms and conditions of a Master Contract which was approved by the Board on June 2, 2009. The contract amount for the 2009-2010 school year is \$215,488 Funding Source: General Purpose/Special Education Budget Code 1219

3.21.2 Approval of Master Contract between Mt. Diablo Unified School District and Educational Based Services for Speech and Language Services for the 2009-2010 School Year

Educational Based Services is a Non-Public Agency (NPA) provider of speech and language therapy services to the District. Students are served under the terms and conditions of a Master Contract which was approved by the Board on June 2, 2009. The contract for the 2009-2010 school year is \$250,411. Funding Source: General Purpose/Special Education Budget Codes 1219 and 1050

3.21.3 Approval of Master Contract between Mt. Diablo Unified School District and Augmentative Communication and Technological Services for Speech and Language Services for the 2009-2010 School Year

Augmentative Communication and Technological Services is a Non-Public Agency (NPA) provider of speech and language therapy services to the District. Students are served under the terms and conditions of a Master Contract which was approved by the Board on June 2, 2009. The contract amount for 2009-2010 school year is \$62,000. Funding Source: General Purpose/Special Education Budget Codes 1219, 1661, and 1050

3.21.4 Approval of Master Contract between Mt. Diablo Unified School District and CW Speech and Language Pathologists for Speech and Language Services for the 2009-2010 School Year

CW Speech and Pathologists is a Non-Public Agency (NPA) provider of speech and language therapy services to the District. Students are served under the terms and conditions of a Master Contract which was approved by the Board on June 2, 2009. The contract amount for the 2009-2010 school year is \$371,280. Funding Source: General Purpose/Special Education Budget Code 1219

3.21.5 Approval of Master Contract between Mt. Diablo Unified School District and Bay Area Speech-Language Consultants for Speech and Language Services for the 2009-2010 School Year

Bay Area Speech-Language Consultants is a Non-Public Agency (NPA) provider of speech and language therapy services to the District. Students are served under the terms and conditions of a Master Contract which was approved by the Board on June 2, 2009. The contract amount for the 2009-2010 school year is \$247,520. Funding Source: General Purpose/Special Education Budget Code 1219

3.21.6 Approval of Master Contract between Mt. Diablo Unified School District and Speech Pathology Group for Speech and Language Services for the 2009-2010 School Year

Speech Pathology Group is a non-public agency (NPA) provider of speech and language therapy services to the District. Students are served under the terms and conditions of a Master Contract which was approved by the Board on June 2, 2009. Fiscal Impact: The contract amount for the 2009-2010 school year is \$1,463,895. Funding Source: General Purpose/Special Education Budget Codes 1219 and 1050

3.22 Memorandum of Understanding with Contra Costa County Probation Department for a Probations Officer Assigned as a School-Based Probation Officer (SPO)

Memorandum of Understanding with the Contra Costa County Probation Department for the term of July 1, 2009 until June 30, 2010 for a probation officer assigned as a School Based Probation Officer (SPO). There is no impact to the General Fund.

4. **RECOGNITIONS**

4.1 State of California Distinguished Schools

- Foothill Middle School
- Valley View Middle School

4.2 PG&E – Presentation of Rebate Check

4.3 North Coast Section Champions - Clayton Valley High School Baseball Team

5. **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.**

6. COMMUNICATIONS

6.1 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.

7. REPORTS/INFORMATION

7.1 Budget Update – Bryan Richards, Director, Fiscal Services

8. SUPERINTENDENT'S REPORT

9. BUSINESS

Action 9.1 Appointment of High School Principal

Interviews have been conducted and a candidate selected to fill the position of High School Principal.

Recommendation

Approve appointment as recommended.

Action 9.2 Appointment of Elementary School Principal

The incumbent has acted as Interim Principal, Elementary School since February 25, 2009. It is now requested that she be appointed as Principal, Elementary School.

Recommendation

Approve appointment as presented.

Action 9.3 Appointment of Six (6) Area Facility Managers

Interviews have been conducted and candidates selected to fill the Area Facility Manager positions.

Recommendation

Approve appointments as recommended.

Public Hearing
Action 9.4

Public Hearing and Action on Additional Budget Reductions Including Flexibility Transfers Authorized by SBX34

As a result of the Governor's projections for the May Revise and the failure of the Measure D parcel tax the Mt. Diablo Unified School District must make additional budget reductions. The District has already reduced the budget for the 2009-2010 year by \$16 million, but this amount is no longer sufficient to balance the budget. On June 2, the Board cut over \$30 million for a three-year period. The final May Revise projections indicate that the District must reduce the budget over the next three years by an additional \$12.6 million. Funding Source: Unrestricted and restricted General Fund.

Recommendation

Hold public hearing and approve budget reductions as presented. The Board may take action on any item that is on the list.

Action 9.5 Resolution 08/09-80 Elimination of Classified Positions

Program modifications and budgetary limitations make it necessary to eliminate and reduce classified positions.

Recommendation

Adopt resolution as presented.

Action 9.6 Request to Rescind Remaining .86 Psychologist's May 12 Notices of Final Layoff
The District has received and confirmed resignation/termination from 1.2 FTE Psychologists. This will enable the District to rescind the remaining May 13 final layoff notices issued to members of the Mt. Diablo School Psychologists' Association (MDSPA).

Recommendation

Request authorization to rescind the remaining May 13 final layoff notices sent to Psychologists.

Action 9.7 Approval of School Site Comprehensive Safety Plans for 2010-11
In accordance with Education Codes 32280-32288 staff is requesting approval of Comprehensive School Site Safety Plans in order to ensure compliance with California Education Code, Board Policy and Administrative Rule 0450(a)(b).

Recommendation

Approve as presented.

Action 9.8 Approval of Funding Plan for High School Athletics
On March 3, 2009, the Board of Education voted to remove all funding for high school athletics. The inadequate support for Measure D and the failure of the state propositions require the school district make additional budget reductions and prohibit restoration of funding for athletics. On June 2, 2009, the Board considered an initial proposal based on parent contributions. Subsequently, the United Mt. Diablo Athletic Foundation (UMDAF) has developed a new plan to allow sports to begin with the fall season. Fiscal Impact: The program needs to general at least \$721,400 that was reduced from the budget. Funding Source: Contributions, activity card sales, reduced program costs.

Recommendation

Approve UMDAF proposal as presented.

Action 9.9 Request Approval for Program Improvement Years 4, 5, and 5 Plus Alternative Governance Plans and Site Review of Options
The Local Education Agency (LEA) facilitates and develops, along with the school's District Site Leadership Team (DSLTL) a plan for how Alternative Governance will operate in year 5 and 5 plus sites according to No Child Left Behind sanctions.

Recommendation

This was presented as information at the June 2 meeting. It is now being presented for action.

Action 9.10 Revision of Board Policy Regarding Reduction in Management Services
Board Policy and Administrative Rule 4317.3 define procedures for assigning administrators in the event of the reduction of management services.

Recommendation

Discuss existing policy and rule and revise as desired by the Board of Education.

Information 9.11 Request Approval to Adopt Materials for Physiology Honors I Course
A curriculum specialist working with a teacher at Ygnacio Valley High School went through the district adoption process and recommends *Human Anatomy and Physiology, 7th Edition*.

Recommendation

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

Information 9.12 Request Approval to Adopt Materials for High School Mathematics Courses
A curriculum specialist working with high school mathematics committees, that represented all high schools in the district, went through the district adoption process to recommend mathematics texts and materials.

Recommendation

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

10. BOARD FORUM

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

10.1 Committee Minutes

10.2 Board Reports (time limit – 3 minutes)

10.3 Issues of Concern

11. ADJOURNMENT

12. CLOSED SESSION - Items not completed during the first closed session will be carried over to this closed session.

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.
JULY 2009		
No meetings in July		
Regular Board Meeting	August 11	7:30 p.m.
Regular Board Meeting	August 25	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.