



MT. DIABLO UNIFIED SCHOOL DISTRICT  
James W. Dent Education Center  
1936 Carlotta Drive  
Concord, CA 94519-1397

BOARD OF EDUCATION  
April P. Treece, President  
Richard W. Allen, Vice President  
Paul P. Strange  
Linda K. Mayo  
Gary L. Eberhart

## BOARD OF EDUCATION

### AGENDA

Tuesday, August 12, 2008  
Closed Session 6:00 p.m.  
Regular Session 7:30 p.m.

SUPERINTENDENT  
Gary McHenry

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

ASSISTANT SUPERINTENDENTS  
Mildred Browne, Ed.D., Special Education  
Elementary Education  
Richard C. Nicoll, Ph.D., Administrative Services  
Gail Isserman, Personnel Services  
Gregory J. Rolen, Esq., General Counsel

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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. If there are multiple speakers on any one subject, the public comment period may be moved to the end of the meeting.
- \* **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.

### FUTURE MEETING DATE(S):

August 26, 2008	7:30 p.m.	Regular Board Meeting
September 9, 2008	7:30 p.m.	Regular Board Meeting
September 23, 2008	7:30 p.m.	Regular Board Meeting

*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.*

**\*\*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.

### **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/Readmissions - Review Administrative Hearing Panel recommendations regarding student expulsions and readmissions.
  - Three (3) expulsions
  - Three (3) readmissions
  - One (1) request for a thirty (30) day extension.
3. Existing Litigation  
Heathorn v. Mt. Diablo Unified School District  
Spieler v. Mt. Diablo Unified School District  
Rainwater v. Mt. Diablo Unified School District
4. Anticipated Litigation  
One potential case
5. Conference with Real Property Negotiator
6. Public Employee Discipline/Dismissal/Release/Complaint

#### **RECONVENE OPEN SESSION – 7:30 p.m.**

##### **1. PRELIMINARY BUSINESS**

- Pledge of Allegiance
- Roll Call

##### **2. REPORT OF CLOSED SESSION – August 12, 2008**

- Topics
- Negotiations
  - Expulsions/Readmissions
  - Existing Litigation
  - Anticipated Litigation
  - Real Estate
  - Public Employee Discipline/Dismissal/Release/Complaint

##### **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 June 3 and June 17, 2008.

3.2 Certificated Personnel

3.2.1 Leaves of Absence, Resignations, Retirements, Employment

3.2.2 Teachers Being Recommended by Project Pipeline for Preliminary Teaching Credentials

Upon completion of a district intern credentialing program, the Governing Board of the school district must recommend applicants for the preliminary teaching credentials.

3.2.3 Teachers Being Recommended by Project Pipeline for Clear Teaching Credentials

Upon completion of a district intern credentialing program, the Governing Board of the school district must recommend applicants for the professional clear teaching credential.

### 3.2.4 Resolution 08/09-01 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.

### 3.2.5 Resolution 08/09-02 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.

### 3.2.6 Resolution 08/09-04 Education Code 44258.2 – Board Authorization

Under Ed. Code 44258.2, holders of single subject or secondary credentials who have 12 lower division units or 6 upper division units in a subject can be authorized, by Board authorization, to teach that subject(s) in a middle school for the current school year.

### 3.2.7 Resolution 08/09-05 Education Code 44256(b) Board Authorization

Under Ed. Code 44256(b), holders of multiple subject or elementary credentials who have 12 lower division units or 6 upper division units in a subject can be authorized, by Board authorization, to teach that subject(s) in a middle school for the current school year.

### 3.2.8 Resolution 08/09-06 Education Code 44263 – Board Authorization

Under Ed. Code 44263, holders of any California teaching credential who have 18 lower division units or 9 upper division units in a subject can be authorized, by Board authorization, to teach that subject(s), full or part time.

### 3.2.9 Resolution 08/09-03 Education Code 44258.3 – Board Authorization

Under Ed. Code 44258.3, holders of any California teaching credential can be authorized, by Board authorization, to teach departmentalized classes with their consent in grades K-12, irrespective of the designations on their teaching credentials, as long as the teachers' competence is verified according to policies and procedures established by the governing board consistent with the language of the statute.

### 3.2.10 Resolution 08/09-07 Variable Term Waiver for CBEST Request

Variable term waivers provide applicants with additional time to complete certain requirements for the credential that authorizes the services. 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

#### 3.3.2 Request to Restructure One (1) Full-Time Equivalent Program Analyst Position

Request to restructure one (1) 1.0 full-time equivalent Program Analyst position to a .50 full-time equivalent Program Analyst position/.50 full-time equivalent Payroll Analyst position. There would be no impact to the General Fund since both positions are at the same range.

#### 3.3.3 Reduction in Hours of an Instructional Assistant Computer Position at Sun Terrace Elementary School

Sun Terrace requests the reduction in hours for an Instructional Assistant Computer position from 19.5 hours per week/school day only to 19 hours per week/school day only. There is no impact to the General Fund.

#### 3.3.4 Reinstate Hours for a Community School Coordinator at Riverview Middle School

Riverview Middle School requests that an existing 33.75 hour week/school day only position be increased to 40 hour week/school day only. There is no impact to the General Fund. The difference in cost to fund the proposed increase for 2008-09 fiscal year will be \$8,138 and funded by Quality Education Investment Act funding.

- 3.4 Budget Calendar for 2009-10  
Education Code 42127 requires the Board of Education to adopt a budget for the 2009-10 school year and submit it to the County Superintendent of Schools by July 1, 2009. In order to ensure that the district meets this requirement, a calendar of the major budget development activities has been prepared.
- 3.5 Award of Inspector of Record (Project Inspector) Contract  
Award of inspector of record contract to Paul Lucido in the amount of \$4,000 for the skylight removal/roofing project at Riverview Middle School. Funding Source: Deferred Maintenance
- 3.6 Award of Inspector of Record (Project Inspector) Contract  
Award of inspector of record contract to Alisha R. Jensen in the amount of \$19,600 to support the dental clinic remodel project in the Bay Point Family Health Center located on the Riverview Middle School campus. Funding Source: Contra Costa County, General Services Department
- 3.7 Award of Bid 1526  
Award of bid 1526 to Bell Products in the amount of \$57,591 to provide the installation of air conditioning at Walnut Acres Elementary School. Funding Source: Walnut Acres PTA
- 3.8 Award of Bid 1517 – Food and Nutrition Services Supply Bid 2008-2009  
Award of bid 1517 to Gold Star Foods in the amount of \$124,000 for the 2008-2009 school year to provide all labor, materials, and necessary appurtenances to perform Food and Nutrition services supplies and delivery services at various Mt. Diablo Unified School District sites. Funding Source: Cafeteria Fund
- 3.9 Piggyback Contract for Food and Nutrition Supplies and Delivery Services  
Purchase order to Bunzl Northern California in the amount of \$195,000, and the Danielsen Company in the amount of \$55,000 for a total of \$250,000. The District is opting to piggyback from the Alameda County Office of Education Cooperative Purchasing Program 2008-09 Food Services Supplies Bid 9123 that will provide additional cost savings to the District for the purchase of various food supply items. Funding Source: Cafeteria Fund
- 3.10 Intermediate Change Order – Bid 1501, Contract 873  
Intermediate change order to bid 1501, contract 873 in the amount of \$69,598 to D and D Pipelines for the installation of fireline laterals at Pleasant Hill Education Center. Funding Source: Measure C
- 3.11 Amendment to Contract with Charles Ham Associates  
Contract amendment in the amount of \$3,300 to Charles Ham Associates for architectural servicing for the Measure C Construction Program at Ayers, Monte Gardens, Shadelands, Sunrise and Westwood. Funding Source: Measure C
- 3.12 Amendment to Contract with Harlan Krusemark, Architect  
Contract amendment in the amount of \$6,500 to Harlan Krusemark, Architect for architectural/engineering services for the replacement of walk-in freezer/refrigeration units at the six comprehensive high schools. Funding Source: Measure A
- 3.13 Notice of Completion to Contract C-863, Bid 1475  
Notice of completion to contract C-863, bid 1475 in the amount of \$249,000 to Nema Construction, who provided the intercom and telephone systems at Bancroft Elementary School. Funding Source: Deferred Maintenance (\$203,602) and Measure C (\$45,398)
- 3.14 Notice of Completion to Contract C-882, Bid 1521  
Notice of completion to contract C-882, bid 1521 to Western Roofing Service, in the amount of \$103,817, who provided the roofing improvements at Riverview Middle School. Funding Source: Deferred Maintenance

- 3.15 Contract with School Web Services for Website Maintenance Agreement  
Contract with School Web Services in the amount of \$15,000 for the automation of district facility use permit application process, vendor database, and web page development.  
Funding Source: Already budgeted in General Fund, Program 5033
- 3.16 Department of Justice – Open Purchase Order  
In order to efficiently process fingerprinting costs for new employees and volunteers, the Personnel Services office is requesting an open purchase order in the amount of \$73,000 to facilitate payment of the billings from the Department of Justice. Funding Source: General Fund and new employee reimbursement.

**4. RECOGNITIONS**

**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. If there are multiple speakers on any one subject, the public comment period may be moved to the end of the meeting.

**7. COMMUNICATIONS**

7.1 Organizations

At regular board meetings, a single spokesperson of each recognized 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 Appointment of Assistant Superintendent, Elementary Education  
Interviews have been conducted and a candidate selected to fill the position of Assistant Superintendent, Elementary Education.  
  
Recommendation  
Approve appointment as presented.
- Action 10.2 Appointment of Elementary Principal(s)  
Interviews have been conducted and candidate(s) selected to fill the Elementary Principal position(s).  
  
Recommendation  
Approve appointment(s) as presented.
- Action 10.3 Appointment of Vice Principal(s), Continuation High School  
Interviews have been conducted and candidate(s) selected to fill the Vice Principal, Continuation High School position(s).  
  
Recommendation  
Approve appointment(s) as presented.

- Action 10.4 Appointment of Vice Principal(s), Middle School  
Interviews have been conducted and candidate(s) selected to fill the Vice Principal(s), Middle School position(s).
- Recommendation  
Approve appointment(s) as recommended.
- Action 10.5 Appointment of Administrator, Afterschool Services  
Interviews have been conducted and a candidate selected to fill the position of Administrator, Afterschool Services.
- Recommendation  
Approve appointment as recommended.
- Action 10.6 Appointment of Coordinator(s), Student/Community Services 9-12  
Interviews have been conducted and candidate(s) selected to fill the Coordinator, Student/Community Services 9-12 position(s).
- Recommendation  
Approve appointment(s) as recommended.
- Action 10.7 Appointment of Instructional Program Specialist(s), Categorical Programs, Site Based  
Interviews have been conducted and candidate(s) been selected to fill the Instructional Program Specialist(s), Categorical Programs, Site-Based positions.
- Recommendation  
Approve appointment(s) as recommended.
- Action 10.8 Contract between Mt. Diablo Unified School District and the Contra Costa County Office of Education to Provide Transportation with Durham School Services during the 2008-09 School Year  
This contract is used by the Special Education department in the provision of transportation services for student participating in program in Contra Costa County and Non-Public Schools. Fiscal Impact: Contract not to exceed \$1,500,000  
Funding Source: General Purpose/Special Education
- Recommendation  
Approve contract as presented.
- Action 10.9 Ratification of Award of Bids  
At the Board of Education meeting of June 17, 2008, the Board authorized resolution 07/08-84 for the timely award of contracts/projects. They are now being returned for ratification.
- Recommendation  
Approve as presented.
- Action 10.10 Request to Add Two (2) Certificated Resource Specialist Teachers and Two (2) Special Education Assistants to the 2008-2009 Budget  
After review of the Special Education program needs in spring of the 2008-09 school years, and in order to meet IEP designated services for students, we are requesting two Resource Specialist Teacher positions and two Special Education Assistant positions. Fiscal Impact: The total impact to the General Fund for fiscal year is \$192,600.
- Recommendation  
Approve as presented.

- Action 10.11 Increase in Full-Time Equivalent Position (FTE) for the 2008-2009 School Year  
Request 2.03 full-time equivalent position be added to Categorical Funds for 2008-2009. Request 12.2 full-time equivalent position be added to General Fund. This action will result in an increase in the expenditure budget of Categorical funds in the amount of \$114,117. This action will result in an increase in the expenditure budget of the General Purpose in the amount of \$734,782.
- Funding Source: Site Improvement Plan (SIP) - \$29,470.00; Parent Faculty Committee (PFC) - \$21,271.00; Quality Education Investment Act (QEIA) - \$60,228; Cal-Safe Supportive Services - \$253.00; Cal-Safe Child Services - \$1,737.00; Family and Children Trust Committee - \$1,158.00; General Purpose - \$734,782.00
- Recommendation  
Approve as presented.
- Action 10.12 Budget Request for the Replacement of Play Structures at Woodside and Holbrook Elementary Schools  
Staff is requesting a budget of \$232,798.20 be established to fund the design, DSA approval, installation and inspection of replacement play structures at both Woodside and Holbrook elementary schools.
- Recommendation  
Approve as presented.
- Action 10.13 Community Facilities District #1 (Measure A)  
A resolution is necessary to approve the annual Community Facilities District #1 tax report and to levy and apportion the special (Measure A) tax for fiscal year 2008-09.
- Recommendation  
Adopt resolution as presented.
- Action 10.14 Submission of Part I of the 2008-09 Consolidated Application  
Each year at this time the District submits Part I of the Consolidated Application for Funding Categorical Aid Programs.
- Recommendation  
Approve as presented.
- Action 10.15 Williams Quarterly Report – July 31, 2008  
Quarterly reports reflect complaints regarding textbooks and instructional materials, teacher vacancies or misassignments, facilities condition and Valenzuela/CAHSEE support. This quarter's report includes the months of May through July 2008.
- Recommendation  
Ratify the Williams Quarterly Summary Report, July 31, 2008, on Williams Uniform Complaints.
- Action 10.16 Adoption of 7<sup>th</sup> Grade Novel *The Ghost in the Tokaido Inn*, by Dorothy Hoobler for the Extended Core Literature List  
A Site Literature Committee at Valley View Middle School read and prepared *The Ghost in the Tokaido Inn* for adoption for the Extended Core Literature list.
- Recommendation  
This was presented as information at June 24 meeting. It is now being returned for action.

Action 10.17 Amendment of the Memorandum of Understanding (MOU) with Alameda County Office of Education to Work with Oak Grove Middle School's Fourth Year Corrective Action Plan Under the School Assistance and Intervention (SAIT) Program

The Alameda County Office of Education Memorandum of Understanding with the Mt. Diablo Unified School District was approved on June 24, 2008, for \$20,000. The actual dollar amount has changed from the original estimate of \$20,000 to \$48,000 based upon the actual scope of work in the Memorandum of Understanding. There is no impact to the General Fund. Funding Source: Categorical Funds – Title I and School and Library Improvement

Recommendation

Approve as presented.

**11. ADJOURNMENT**

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

<b>AUGUST 2008</b>			
Study Session	August	9	9:00 a.m.
Regular Board Meeting	August	12	7:30 p.m.
Regular Board Meeting	August	26	7:30 p.m.
<b>SEPTEMBER 2008</b>			
Regular Board Meeting	September	8	7:30 p.m.
Regular Board Meeting	September	23	7:30 p.m.
<b>OCTOBER 2008</b>			
Regular Board Meeting	October	14	7:30 p.m.
Regular Board Meeting	October	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.