



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 26, 2008
Study Session 4:00 p.m.
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
Rose Lock, Elementary Education
Richard C. Nicoll, Ph.D., Administrative Services
Gail Isserman, Personnel Services
Gregory J. Rolen, 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. 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.

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):

September 9, 2008	7:30 p.m.	Regular Board Meeting
September 23, 2008	7:30 p.m.	Regular Board Meeting
October 14, 2008	7:30 p.m.	Regular Board Meeting

Note: Calendar of Future Board and Committee Meetings Attached

CALL TO ORDER – 4:00 p.m.

1. **STUDY SESSION**
Board of Education Facilitated Discussion on Strategic Planning

2. **ANNOUNCEMENT:** In closed session, the Board will consider the items listed on the closed session agenda that follows.
3. **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.
4. **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(6) - Review Administrative Hearing Panel recommendations regarding student expulsions and readmissions.
3. Existing Litigation
4. Anticipated Litigation
Two potential cases.
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 26, 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 meeting of June 24, 2008.

3.2 Certificated Personnel

3.2.1 Leaves of Absence, Resignations, Retirements, Employment

3.2.2 Recommendation for Professional Clear Education Specialist – Mild/Moderate Teaching Credential with English Learner Authorization

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

3.2.3 Resolution 08/09-11 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 application in the identified position has been made public.

3.2.4 Resolution 08/09-10 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.

3.2.5 Resolution 08/09-15 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.

3.2.6 Resolution 08/09-14 Variable Term Waiver Requests

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

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 July 2008
- 3.5 Award of Inspector of Record (Project Inspector) Contract
Award of inspector of record contract to Paul Lucido in the amount not to exceed \$44,850 to provide inspection oversight of the site work related to the reconstruction of wings F, G and the restrooms at Olympic High School. Funding Source: Proposition 55 Funds
- 3.6 Change Order to Contract with Home Depot
Change order to contract with Home Depot in the amount of \$41,660 for the installation of new heating, ventilating and air conditioning systems in the classrooms at Woodside Elementary. Funding Source: \$20,830 – Woodside Parent/Faculty Club; \$20,830 – Redevelopment Funds
- 3.7 Final Change Order to Bid 1513, Contract C-879
Final change order to bid 1513, contract C-879 to Dryco Construction, Inc. in the amount of \$2,250 for the provision of paving improvements at Dent Center and Shadelands Center. Funding Source: Measure C
- 3.8 Notice of Completion to Bid 1513, Contract C-879
Notice of completion to bid 1513, contract C-879 in the amount of \$351,267 to Dryco Construction, Inc. who provided the paving improvements at Dent Center and Shadelands Center. Funding Source: Measure C and Program 5505 (Facility Acquisition and Construction)
- 3.9 Purchase of One (1) Wide Area Rotary Grass Mower
Golf Ventures is the sole source provider for this equipment in Northern California and Western Nevada and has an existing contract with the Federal General Services Administration. The District may “piggyback” on the contract per Public Contract Code 20118. Fiscal Impact: \$79,070.70 Funding Source: Measure A Operations
- 3.10 Certification to Evaluate Teachers
Board Policy 4315.1 requires that certificated management personnel who evaluate teaching personnel be certified by the Board of Education.

- 3.11 Grant Application Requests
- 3.11.1 East Bay Community Foundation in the amount of \$10,000 to support coordination, training, technical assistance and fund development for the After School 4 All County Collaborative. There is no impact to the General Fund.
- 3.11.2 Pleasant Hill Foundation in the amount of \$1,000 to build a kiosk at the Pleasant Hill Education Center Garden in partnership with the Eagle Scouts. There is no impact to the General Fund.
- 3.11.3 JC Penney Foundation in the amount of \$25,000 to increase enrollment at three Mt. Diablo CARES After School Programs – Delta View, Holbrook, and Sun Terrace elementary schools. There is no impact to the General Fund.
- 3.12 Amendment to the 2007-08 Contract between Mt. Diablo Unified School District and Bay Area Community Resources (BACR) for Recreation Services in the Mt. Diablo CARES (Collaborative for Academics, Recreation and Enrichment for Students) After School Programs
Request approval of amended contract for the 2007-08 school year, in the amount of \$69,568.89, to provide staff for recreation and enrichment services. There is no impact to the General Fund. Funding Source: California After School Education and Safety Program grants.
- 3.13 Approve Contract/Purchase Order with The Speech Pathology Group for a Speech Language Pathologist
Due to the inability to hire qualified Speech-Language Pathologists to fill all vacancies, the Special Education Department has to use independent contractors to meet the requirements of the law. Fiscal Impact: The total impact for fiscal year 2008-2009 is \$75,000 and already a budgeted expense in the 2008-2009 budget. Funding Source: Part B Local Assistance Entitlements (3122).
- 3.14 Approve Contract between Mt. Diablo Unified School District and AccentCare Homes Health Services, Non-Public Agency (NPA) for the 2008-2009 School Year
Non-Public Agencies are used by the Special Education Department in the provision of specialized health care services. Fiscal Impact: The total impact to the General Fund for fiscal year 2008-2009 is \$62,085 and already a budgeted expense in the 2008-2009 budget. Funding Source: General Purpose/Special Education – Budget Code 1661

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

Recommendation

Approve appointment as recommended.

Action 10.2 Appointment of Coordinator, Student/Community Services 9-12
Interviews have been conducted and a candidate selected to fill the Coordinator, Student/Community Services 9-12.

Recommendation

Approve appointment as recommended.

Action 10.3 Resolution 08/09-12 Hispanic Heritage Month
The California Department of Education has designated September 15 – October 15, 2008 as Hispanic Heritage Month. The resolution recognizes the many contributions made by the Hispanic people to the growth and development of California's heritage.

Recommendation

Adopt resolution as presented.

Public Hearing & Action 10.4 Public Hearing and Resolution 08/09-09 Increasing Level 1 School Facilities Fees
Jack Schreder and Associates has completed a Developer Fee Justification Study conforming to AB 2926 and AB 1600. The study justifies fees of \$2.97 per square foot for residential, \$.47 per square foot for commercial, and \$.23 per square foot for mini-storage. Fiscal Impact: Approximately \$1,000,000 per year. The fee, if approved will become effective October 27, 2008. Funding Source: New Development

Recommendation

Conduct public hearing and adopt resolution as presented.

Action 10.5 Shared Parking Agreement – Oak Park Christian Center Expansion
The City of Pleasant Hill has required an additional shared parking agreement before the project can begin. The Oak Park Christian Center has paid the District \$50,000 for the use of school district property and will pay another \$50,000 as well. There is no impact to the General Fund.

Recommendation

Approve agreement as presented.

Action 10.6 Tentative Agreement between Mt. Diablo Unified School District and Mt. Diablo School Psychologist Association (MDSPA)
Subject to terms, conditions and considerations set forth in the Tentative Agreement, Mt. Diablo Unified School District and Mt. Diablo School Psychologist Association have reached tentative agreement.

Recommendation

Approve tentative agreement.

Action 10.7 Approval of Revision of Board Policy 3513.1(a) - Use of Cellular Phones
On June 3, 2008, Board Policy 3513.1(a) Use of Cellular Phones was approved by the Board of Education. In the time since this was approved, it has been discovered that a few changes were necessary.

Recommendation
Approve as presented.

Information 10.8 Adoption of the AP Chemistry Course of Study
A committee of secondary teachers and the Science Curriculum Specialist met to develop the AP Chemistry course of study.

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.

AUGUST 2008			
Study Session	August 26		4:00 p.m.
Regular Board Meeting	August 26		7:30 p.m.
SEPTEMBER 2008			
Regular Board Meeting	September 9		7:30 p.m.
Safe and Drug Free Schools Task Force	September 18		3:30 p.m.
Budget Advisory Committee	September 18		5:00 p.m.
Regular Board Meeting	September 23		7:30 p.m.
OCTOBER 2008			
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.