



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

SUPERINTENDENT
Gary McHenry

AGENDA

Tuesday, September 9, 2008
Closed Session 6:00 p.m.
Regular Session 7:30 p.m.

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. 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. 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 23, 2008	7:30 p.m.	Regular Board Meeting
October 14, 2008	7:30 p.m.	Regular Board Meeting
October 28, 2008	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.
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. Readmissions(1) - 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 – September 9, 2008

- Topics
- Negotiations
 - 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 August 12, 2008.

3.2 Certificated Personnel

3.2.1 Leaves of Absence, Resignations, Retirements, Employment

3.2.2 Increase in Full-Time Equivalent Position (FTE) for the 2008-2009 School Year

Request 3.4 FTE be added to Categorical Funds for 2008-2009. This action will result in an increase in the expenditure budget of Categorical Funds in the amount of \$176,613.93. Funding Source: Site Improvement Plan - \$13,094.00; Professional Development Grant - \$61,060.93; Title III – LEP Student Program - \$108,411.00

3.2.3 Post Retirement Contract for Retired Administrator

Oak Grove Middle School would like to hire Carol Snow, a retired administrator, to provide support to their Math, PE and Elective Teachers. Fiscal Impact: \$45,000 Funding Source: Quality Education Investment Act (QEIA)

3.2.4 Approval of 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

3.3.2 Request Approval to Eliminate a Full-Time Vacant Electrician Position and Vacant Full-Time Senior Account Clerk Position in Maintenance, Operations and Facilities

Request approval to eliminate a full-time vacant electrician position and vacant full-time Senior Account Clerk Position in Maintenance, Operations and Facilities. Fiscal Impact Senior Account Clerk - \$69,707; Electrician - \$78,099 already realized through the Maintenance and Operations reorganization approved at the June 17, 2008 Board meeting. Funding Source: State School Building Fund – Proposition 55 and General Fund

3.4 Resolution 08/09-16 Adopting the 2008 Appropriation Limit Calculation (Gann Limit)

School agencies are required to perform Gann Limit calculations by the State Constitution. It is important that school agencies do these calculations to identify how much state aid counts toward the agency's Gann Limit, so that the state of California knows how much state aid counts toward its own Gann Limit.

3.5 Contract Amendment with Vanir/Parsons – Proposition 55 Heating, Ventilating and Air Conditioning Program for the Phase I and II Schools

Contract amendment with Vanir/Parsons in the amount of \$293,509 for comprehensive program and construction management services for the installation of new heating, ventilating and air conditioning at the Phase IIB schools (Fair Oaks and Shore Acres elementary schools; Pleasant Hill Education Center and Olympic High School). Funding Source: Proposition 55 funding

3.6 Contract Amendment with Charles Ham Associates for Architectural Services for Measure A Supplemental Restroom Buildings

Contract amendment with Charles Ham Associates in the amount of \$7,972 for architectural services for Measure A supplemental restroom buildings at Sequoia Middle, Mt. Diablo Elementary and College Park High. Funding Source: Measure A

3.7 Final Change Orders

3.7.1 Final Change Order to Bid 1498, Contract C-870 Kel-Tec Builders, Inc. in the amount of \$7,565 for ADA doorway improvements at Ayers and Monte Gardens elementary schools. Funding Source: Measure C

3.7.2 Final Change Order to Bid 1522, Contract C-881 to Precision Tile and Granite in the amount of \$1,470 for kitchen flooring replacement at Clayton Valley, Concord, Mt. Diablo, Northgate and Ygnacio Valley high schools. Funding Source: Deferred Maintenance

3.8 Notices of Completion

3.8.1 Notice of Completion to Bid 1498, Contract C-870 Kel-Tec Builders, Inc. in the amount of \$127,690 for ADA doorway improvements at Ayers and Monte Gardens elementary schools. Funding Source: Measure C

3.8.2 Notice of Completion to Bid 1522, Contract C-881 Precision Tile and Granite in the amount of \$128,535 for kitchen floor replacement at Clayton Valley, Concord, Mt. Diablo, Northgate, and Ygnacio Valley high schools. Funding Source: Deferred Maintenance

3.9 Award of Bid 1528

Award of bid 1528 to be split between Office Depot - \$280,330 and Southwest School and Office Supplies - \$49,405 to provide office supplies/classroom supplies district wide. Fiscal Impact: \$329,735 Funding Source: General Fund

- 3.10 Contract Amendment for Linda Grundhoffer
For the 2007-08 school year, staff executed a contract with Linda Grundhoffer not to exceed \$24,000 to assist with the end of the year closing and related fiscal matters. Staff is recommending that the contract be increased by \$26,000 to secure continued direction and assistance. Funding Source: Fiscal Services Program 5032
- 3.11 Renewal of Contract with David Costa for Courier Service Pick up and Delivery from School Sites to Concord Diablo Federal Credit Union
Courier service has been provided by David Costa to pick up petty cash from various sites and then deliver the funds directly to Concord Diablo Federal Credit Union. Fiscal Impact: Cost proposal not to exceed \$35,000. Funding Source: General Fund
- 3.12 Renewal of Contract with David Costa for Courier Services for Food and Nutrition Services
Request for the renewal of contract between David Costa and Food and Nutrition Services. Fiscal Impact: Projected expense not to exceed \$38,500 for the 2008-2009 school year. Funding Source: Cafeteria Fund, already budgeted.
- 3.13 New Room Lease Agreement for Dianne Adair Day Care Centers, Inc. at Monte Gardens Elementary School
The District wants to enter into a Room Lease Agreement with Dianne Adair Day Care Center, Inc. for the purpose of providing after-school child care services. There is no impact to the General Fund.
- 3.14 Approve Amendment in Master Contract between Mt. Diablo Unified School District and Communication Works for 2008-2009 School Year
Due to existing vacancies for Speech-Language Pathologists, the Special Education Department continues to use independent contractors to meet students Individual Education Plan (IEP) requirements. This action creates a savings of \$36,494. Funding Source: General Purpose/Special Education.
- 3.15 Approve Amendment in Master Contract between Mt. Diablo Unified School District and Progressus Therapy, LLC for 2008-2009 School Year
Due to existing vacancies for Speech-Language Pathologists, the Special Education Department continues to use independent contractors to meet student Individual Education Plan (IEP) requirements. This action creates a savings of \$328,560. Funding Source: General Purpose/Special Education
- 3.16 Approve Master Contract between Mt. Diablo Unified School District and Augmentative Communication and Technological Services
Due to existing vacancies for Speech-Language Pathologists, the Special Education Department continues to use independent contractors to meet student Individual Education Plan (EIP) requirements. Fiscal Impact: Not to exceed \$55,000. The additional fiscal impact will be absorbed by savings resulting from unfilled contracted vacancies and/or late starting dates for new Speech Pathologists. Funding Source: General Purpose/Special Education
- 3.17 Approve Contract/Purchase Order between Mt. Diablo Unified School District and Jewitt and Associates Speech Language Pathology Services for 2008-2009 School Year
Due to existing vacancies for Speech-Language Pathologists, the Special Education Department continues to use independent contractors to meet student Individual Education Plan (IEP) requirements. Fiscal Impact: The total impact for fiscal year 2008-2009 is \$73,520 and is already a budgeted expense in the 2008-2009 budget. Funding Source: General Purpose/Special Education

- 3.18 Approve Master Contract between Mt. Diablo Unified School District and Bay Area Speech-Language Consultants for 2008-2009 School Year
Due to existing vacancies for Speech-Language Pathologists, the Special Education Department continues to use independent contractors to meet student Individual Education Plan (IEP) requirements. Fiscal Impact: The total impact for fiscal year 2008-2009 is \$246,160 and is already a budgeted expense in the 2008-2009 budget. Funding Source: General Purpose/Special Education
- 3.19 Approve Contract/Purchase Order for Independent Service Contract with Ginger Nicolay-Davis for a Speech-Language Pathologist at Westwood Elementary and Eagle Peak Montessori for 2008-2009 School Year
Due to existing vacancies for Speech-Language Pathologists, the Special Education Department continues to use independent contractors to meet student Individual Education Plan (IEP) requirements. Fiscal Impact: The total impact for fiscal year 2008-2009 is \$48,020 and is already a budgeted expense in the 2008-2009 budget. Funding Source: General Purpose/Special Education
- 3.20 MAAT Consulting Services (MCS)
Staff requests approval of independent services contracts with MAAT Consulting Services. These contracts will provide a continuation of the services provided during 2007-2008 by MAAT consulting to Rio Vista, Delta View, and Diablo Community Day schools. Fiscal Impact: \$48,000 There is no cost to the General Fund. Categorical and Grant funds are being used for this purpose.

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

9. SUPERINTENDENT'S REPORT

10. BUSINESS

Action 10.1 Appointment of Payroll Manager

A candidate has been selected to fill the position of Payroll Manager.

Recommendation

Approve appointment as recommended.

Action 10.2 Certification and Approval of the 2007-2008 SACS Unaudited Actuals-Statement of Receipts and Expenditures, the Annual Closing of the Books
The District is required by Education Code Section 42100 to prepare an annual financial statement for Board approval and filing with the County Superintendent of Schools. The certification of the annual statement of all receipts and expenditures of the District for fiscal year 2008-2009 authorizes the Superintendent to file said statement with the Contra Costa County Superintendent of Schools.

Recommendation

Recommend approval and certification of the 2007-2008 SACS Unaudited Actuals-Statement of Receipts and Expenditures.

Action 10.3 Request for Authorization to Proceed with the Installation of New Heating, Ventilating and Air Conditioning Systems at Fair Oaks and Shore Acres Elementary Schools, Pleasant Hill Education Center, and Olympic High School

Staff requests final authorization to proceed with the installation of new heating, ventilating and air conditioning systems at Fair Oaks and Shore Acres elementary schools, Pleasant Hill Education Center, and Olympic High School using the ending balance from the Measure C Program \$2,150,000; and \$8,082,252 from available Proposition 55 funds. The estimated cost of this comprehensive four school project is estimated at \$10,232,252. Funding Source: Measure C and Proposition 55 funds

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Recommendation

Approve as recommended.

Action 10.4 Consider Approval of Extension of Existing Construction Management II Position
Contingent upon the Board of Education authorization to proceed with the installation of new heating, ventilating and air conditioning systems at Fair Oaks and Shore Acres elementary schools, Pleasant Hill Education Center and Olympic High School, staff requests that the term of the existing Construction Management II position be extended one (1) full calendar year from January 1, 2009 through December 31, 2009. Fiscal Impact: \$127,891 (included as part of the \$10,232,252 project cost) Funding Source: Proposition 55 funds

Recommendation

Approve as recommended.

Action 10.5 Request for Budget for Repair of Exterior Bleacher System at Clayton Valley High
On November 13, 2007, the Board of Education awarded a contract for architectural/engineering services to PHd Architects for the structural analysis and engineering and design services required for the repair/replacement of the structurally compromised stadium bleachers at Clayton Valley High. The design for the bleacher retrofit/repair is complete and has been submitted to the Division of State Architect. The estimated cost for this project is \$485,157. So as to avoid any delays in moving this project forward, staff requests the creation of a budget using available Proposition 55 funding.

Recommendation

Approve as recommended.

Action 10.6 Request for Budget for Installation of Video Surveillance Systems
Given the verifiable success associated with the installation of video surveillance systems at several District sites, staff is recommending the installation of these video surveillance systems at all secondary sites not presently protected by video systems, as well as those sites which include College Park and Ygnacio Valley high schools; Diablo View, El Dorado, Foothill, Oak Grove, Pine Hollow, Pleasant Hill, Riverview, Sequoia and Valley View middle schools; Bel Air, Cambridge, Meadow Homes, Rio Vista and Shores Acres elementary schools and Loma Vista Adult Center. Fiscal Impact: \$1,165,500 Funding Source: Proposition 55 funding

Recommendation

Approve request for budget as presented.

Action 10.7 Consider Approval to Amend the Master Contract with Dori Maxon Pediatric Contracting Services for Physical Therapy Services for the 2008-2009 School Year
On June 24, 2008, the Board of Education approved a Master Contract with Dori Maxon Pediatric Contracting Services to provide physical therapy services for the 2008 Extended School Year (ESY) Program only. The additional amount for the 2008-2009 school year is \$102,248.50

Recommendation

Approve as presented.

Action 10.8 Consider Approval to Amend the Master Contract with Progressus Therapy, Inc. for Occupational/Physical Therapy Services for the 2008-2009 School Year
On June 24, 2008, the Board of Education approved a Master Contract with Progressus Therapy, Inc. to provide occupational therapy services for the 2008 Extended School Year (ESY) Program only. The additional amount for the 2008-2009 school year is \$1,452,096. Funding Source: General Fund/Special Education.

Recommendation

Approve as recommended.

Action 10.9 CIF-NCS School Board Representative Election Ballot
The NCS Board of Managers is the governing body for the 169 member schools of the North Coast Section, CIF. Governance issues include promotion of the values of educational athletics, establishment and implementation of student eligibility standards, maintenance of standards for competition, development and conduct of post season playoffs, classification of schools, alignment of schools into leagues, development of standards for officiating games, developing recommendations for safety in sport, establishing policy for the operation of the NCS and contribution to the operation of the State CIF. The member must be in the current role of a school district board member. The candidates are Steve Barr, Liberty Union High School District; Percy McGee, Jr., Pittsburg Unified School District; and Tom Mulvaney, Acalanes Union High School District.

Recommendation

Cast ballot and approve candidate for NCS Board of Managers.

Action 10.10 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 was presented as information at the August 26 meeting. It is now being returned for action.

Action 10.11 Consider Approval of Four (4) New Members for the Budget Advisory Committee
The Budget Advisory Committee needs to fill four (4) positions. The nominees replacing current committee members are: John Salazar, replacing Chris Stieger-Maguire; and Hellena Postrk, replacing Rose Lock. The two new members are Ben Samrick and Jeff Weiss.

Recommendation

Approve new Budget Advisory Committee members as presented.

11. ADJOURNMENT

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

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			
Community Advisory Committee	October	6	7:00 p.m.
Regular Board Meeting	October	14	7:30 p.m.
Regular Board Meeting	October	28	7:30 p.m.
NOVEMBER 2008			
Community Advisory Committee	November	3	7:00 p.m.
Regular Board Meeting	November	12	7:30 p.m.
Safe and Drug Free Task Force	November	20	3:30 p.m.
Regular Board Meeting	November	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.