



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, October 14, 2008  
Closed Session 6:00 p.m.  
Regular Session 7:30 p.m.

**LOCATION CHANGE  
MONTE GARDENS ELEMENTARY  
3841 Larkspur Drive, Concord**

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

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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.

*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):**

October 28, 2008	7:30 p.m.	Regular Board Meeting
November 12, 2008	7:30 p.m.	Regular Board Meeting
November 25, 2008	7:30 p.m.	Regular Board Meeting

**\*\*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. Readmissions(1) - Review Administrative Hearing Panel recommendations regarding student expulsions and readmissions.
3. Existing Litigation
4. Anticipated Litigation
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 – October 14, 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 September 9, 2008.

- 3.2 Certificated Personnel

- 3.2.1 Leaves of Absence, Resignations, Retirements, Employment

- 3.2.2 Resolution 08/09-20 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.

- 3.2.3 Resolution 08/09-23 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.

- 3.2.4 Recommendation for Preliminary Single Subject – English Learner Authorization for William Nee

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

3.2.5 Recommendation for Approval of Extension of District Intern Single Subject Math Credential for Grace Huang and District Intern Single Subject Chemistry/Biological Science for Anya Fernandez

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 the Preliminary or Clear Teaching Credential pursuant to California Education Code Section 44325.

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

Increase 3.70 full-time equivalent position for the 2008-2009 school year. This action will result in an increase in the expenditure budget of Categorical Funds in the amount of \$224,121. Funding Source: Economic Impact Aid (EIA) - \$39,567; School Improvement Plan (SIP) - \$3,869; Quality Education Investment Act (QEIA) - \$180,685.

3.3 Classified Personnel

3.3.1 Leaves of Absence, Resignations, Retirements, Employment

3.3.2 Regularizing the FTE Against the Standard School Day Only Calendar

Request approval to annualize the school day only salaries of Instructional Assistants working less than a regular 180 day school year. There is no impact to the General Fund.

3.3.3 Increase in Hours for Two (2) Part-time Instructional Assistant Positions at Pleasant Hill Elementary School

Pleasant Hill Elementary requests that two (2) existing 5 hour/week, school day only Instructional Assistant positions be increased to 10 hour/week, school day only. There is no impact to the General Fund. The difference in cost for fiscal year 2008-09 is \$5,846. Funding Source: Pleasant Hill Elementary Education Foundation

3.3.4 Reduction in Hours of a Vacant Secretary Position at Concord High School

Concord High requests a reduction in hours for a vacant Secretary position from 30 hour/week, 10 month to 20 hour/week, 10 month. There will be a savings of \$17,134 to the Partnership Academy budget for fiscal year 2008-09.

3.3.5 Reduction in Hours of a Vacant Site Technology Support Technician II at Diablo View Middle School

Diablo View Middle School requests a reduction in hours for a vacant Site Technology Support Technician II from 15 hour/week, 10 month to 8 hour/week, 10 month. There will be a savings of \$9,198 to the Diablo View Middle School Faculty Club.

3.3.6 Elimination of One (1) Vacant Typist Clerk and One (1) Vacant Intermediate Typist Clerk Position at Loma Vista Adult Education Center

Loma Vista Adult Education requests the elimination of one (1) vacant 19 hour/week, Adult Education School Year position and one (1) vacant 30 hour/week Adult Education School Year position. There will be a savings of \$53,381 to Adult Education Funds.

3.3.7 Creation of Two (2) Part-time, Clerical Support Positions for Special Education/Student Services Department

Special Education/Student Services requests the creation of two (2) 19 hour/week, 12 month part-time Secretary positions. There is no impact to the General Fund. Funding Source: County Mental Health Medi-Cal - \$16,982; Categorical Block Grant - \$16,982

3.3.8 Creation of a Part-Time, Senior Typist Clerk Position for the Home and Hospital Program

Funding has been set aside from the Home and Hospital budget for additional clerical support. The cost to the General Fund is \$16,982 Funding Source: General Fund (Home and Hospital)

3.4 Resolution 08/09-22 Authorizing Issuance of Sale of Mt. Diablo Unified School District 2008 (2008-2009) Tax and Revenue Anticipation Notes (TRANS)

Proceeds (not to exceed \$40,000,000) from the issuance of TRANS will be used to meet fiscal year 2008-2009 cash requirements until property tax revenues are received.

- 3.5 Contract Amendment for Western Construction Services/California  
Contract amendment for Western Construction Services/California in the amount of \$105,003 to provide comprehensive Labor Compliance Program Administration for all Group I and II Measure C projects. Funding Source: Measure C - \$26,966; Proposition 55 - \$78,037
- 3.6 Final Change Orders  
3.6.1 Contract C-869, Bid 1497 to Roek Construction in the amount of \$95,841.76 for the construction of six (6) prototypical classrooms. Funding Source: Quality Education Initiative (QEIA) Grant  
  
3.6.2 Contract C-871, Bid 1499 to Sposeto Engineering, Inc. in the amount of \$21,368 for concrete flatwork repair at Ayers, Meadow Homes, and Pleasant Hill elementary schools; Sunrise Center and College Park High School. Funding Source: Deferred Maintenance
- 3.7 Notices of Completion  
3.7.1 Contract C-869, Bid 1497 to Roek Construction in the amount of \$2,353,467 who provided the prototypical classrooms at Cambridge and Meadow Homes elementary schools and Mt. Diablo High School. Funding Source: Quality Education Initiative Act (QEIA) Grant  
  
3.7.2 Contract C-871, Bid 1499 to Sposeto Engineering, Inc. in the amount of \$270,656, who provided the concrete flatwork repair at Ayers, Meadow Homes, and Pleasant Hill elementary schools; Sunrise Center and College Park High School. Funding Source: Deferred Maintenance
- 3.8 Contract with PHd Architects  
Contract with Phd Architects in the amount of \$6,000 for architectural/engineering services for design and installation oversight of the new electronic marquee at College Park High School. Funding Source: Pleasant Hill Redevelopment Funds
- 3.9 Contract with PHd Architects  
Contract with PHd Architects in the amount not to exceed \$3,000 for architectural/engineering services for the assessment and preparation of a cost estimate for the remodel of the choral risers in the band room at Concord High School. Funding Source: Concord High School Furniture and Equipment Budget
- 3.10 Proposal to Prepare Environmental Impact Report (EIR) for the Northgate High School Stadium Lighting Project – Mills Associates  
The Northgate Community Pride Foundation requests that a study be conducted regarding the impact of stadium lighting and bleachers for their new football field. Fiscal Impact: \$45,920  
Funding Source: Northgate Community Pride Foundation
- 3.11 Award of Bid 1530 – Service Pro Security Company  
Award of bid 1530 to Service Pro Security Company in the amount of \$264,000 to provide security guard services (unarmed) districtwide. Funding Source: Building Security Budget
- 3.12 Consider Approval of an Additional Contract with Alameda County Office of Education for Mathematics Staff Development for Shore Acres Elementary School  
This Mt. Diablo Unified School District and Alameda County Office of Education have a number of joint projects and staff development activities. This contract is being presented for approval because the total vendor cost exceeds the allowable \$25,000 limit due to multiple sites requesting services.
- 3.13 Independent Services Contract with John. F. Kennedy University Counseling Services  
Staff is requesting approval of two Independent Services Contracts for 2008-2009. There is no impact to the General Fund. Costs are grant and categorically funded and will not exceed \$68,000 for the 2008-2009 school year. JFK is providing one counseling intern pro-bono for College Park High School. There is no impact to the General Fund. Funding Source: Medi-Cal Administrative Activities (MAA) - \$5,000 and Pre-referral Intervention Grant - \$63,000

**4. RECOGNITIONS**

4.1 Recognition of Improvement on the Academic Performance Index (API)

Ayers Elementary	Bancroft Elementary	Bel Air Elementary
Delta View Elementary	Eagle Peak Montessori	Gregory Gardens Elementary
Hidden Valley Elementary	Highlands Elementary	Holbrook Elementary
Meadow Homes Elementary	Monte Gardens Elementary	Mountain View Elementary
Mt. Diablo Elementary	Pleasant Hill Elementary	Sequoia Elementary
Shore Acres Elementary	Silverwood Elementary	Strandwood Elementary
Valhalla Elementary	Valle Verde Elementary	Walnut Acres Elementary
Woodside Elementary	Ygnacio Valley Elementary	Diablo View Middle
Foothill Middle	Glenbrook Middle	Pine Hollow Middle
Sequoia Middle	Valley View Middle	Clayton Valley High
College Park High	Mt. Diablo High	Northgate High
Ygnacio Valley High	Crossroads NSHS	Gateway NSHS
Prospect NSHS	Summit NSHS	

**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**

8.1 Delta View Elementary School – Susan Peterson, Principal

8.2 Budget Update – Richard Nicoll, Assistant Superintendent

**9. SUPERINTENDENT'S REPORT**

**10. BUSINESS**

Action 10.1 Appointment of Director of Fiscal Services

Interviews have been conducted and a candidate selected to fill the position of Director of Fiscal Services.

Recommendation

Approve recommendation as presented.

Action 10.2 Appointment of Program Specialist, Special Education

Interviews have been conducted and a candidate selected to fill the position of Program Specialist, Special Education.

Recommendation

Approve appointment as recommended.

Action 10.3 Resolution 07/08-19 Proclamation of October 23-31, 2008 as Red Ribbon Week  
During Red Ribbon Week, schools and many communities throughout California will join together to highlight their commitment to a drug and tobacco free society.

Recommendation

Adopt resolution as presented.

Action 10.4 Consider Approval of Authorization to Proceed with HVAC Plan or Conduct Additional Study on Alternative Approach

Staff requests direction with respect to either moving forward with the originally designed schools or the design of either ductless split (AC only) or ductless split (heat pump) systems for those sites not already retrofitted under the April 12, 2006 plan. Fiscal Impact: Dependent on Board direction. Funding Source: Proposition 55 Funds and Measure C

Recommendation

Authorize 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.

Action 10.5 Contract Amendment with Vanir/Parsons

Contract amendment with Vanir/Parsons in the amount of \$293,509 for Proposition 55 heating, ventilating, and air conditioning program for the phase I and II schools (13 sites). Funding Source: Proposition 55

Recommendation

Approve as presented.

Action 10.6 Consider Approval of Extension of Existing Construction Management II Position

Contingent upon Board 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 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 Funding Source: Proposition 55 Funds

Recommendation

Approve extension of term of existing Construction Management II

Public Hearing Action 10.7 Resolution 08/09-21 Public Hearing Regarding Sufficiency of Textbooks and Instructional Materials for 2008-2009 for Pupil Textbook and Instructional Materials Incentive Program and Williams Settlement Instructional Materials Funds

The local governing board is required to make an annual determination of the sufficiency of textbooks or instructional materials, consistent with the content standards adopted pursuant to Education Code Section 60605.

Recommendation

Adopt resolution as presented.

Action 10.8 Legal Service Contract

Peter Bonis is operating under an independent service contract and is entering the trial phase of several complex trials. Mr. Bonis will shortly exceed the \$25,000 threshold set forth in Board Policy 3600 during the trial. Accordingly, staff requests the Board approve a legal services contract for the Law Offices of Peter H. Bonis. Fiscal Impact: Undetermined. The rate is \$175 per hour. Funding Source: General Fund and Delta View Construction Fund.

Recommendation

Approve as presented.

Action 10.9 Declaration of Impacted Schools  
Board Policy #5118a states “the Board shall annually determine the enrollment capacity of each district school.” It is recommended that the Board declare the following schools as impacted and closed to transfers because they are at capacity: College Park High and Meadow Homes Elementary

Recommendation

Approve the recommendation to declare these schools “impacted” and closed to interdistrict and intradistrict transfers.

Action 10.10 Adoption of 10<sup>th</sup> Grade Novel *Almost a Woman*, by Esmeralda Santiago for the Extended Core Literature List  
A Site Literature Committee at Northgate High School read and prepared *Almost a Woman* for adoption for the extended core literature list.

Recommendation

This was presented as information at the September 23 meeting. It is now being returned for action.

Action 10.11 Consider Approval of Three (3) New Members for the Budget Advisory Committee  
The nominees replacing current committee members are Malinahi Armendariz replacing Joyce Caldeira, Tricia Tamura-Li replacing Sherry Doyle and Cathy Myers who will be filling an open position as Gary Eberhart's representative.

Recommendation

Approve new committee members as presented.

Information 10.12 Five Year Plan for Carl D. Perkins Vocational and Applied Technology Education  
As a recipient of Carl D. Perkins Vocational and Applied Technology Education funding, the Mt. Diablo Unified School District is required to submit a five year plan (2008-2012).

Recommendation

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

Information 10.13 Updates and Revisions to Board Policies and Administrative Rules  
BP 5141 Health Care and Emergencies  
BP 5141.21 Administering Medication and Monitoring Health Conditions  
BP 5141.22 Infectious Diseases  
BP 6183 Home and Hospital Instruction  
AR 5020 Parent Rights and Responsibilities  
AR 5112.2 Exclusions from Attendance  
AR 5141 Health Care and Emergencies  
AR 5141.21 Administering Medication and Monitoring Health Conditions  
Staff has prepared revisions as required by newly approved legislation.

Recommendation

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

Information 10.14 Adoption of Physiology Honors I Course of Study  
Physiology Honors I is a laboratory course that needs to be updated for the purpose of meeting the University of California's admission requirement for area “d”. In order for this course to be accepted as an honors laboratory science course, the title has been changed from Physiology Honors to Physiology Honors I.

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.

<b>OCTOBER 2008</b>			
Community Advisory Committee	October	6	7:00 p.m.
Safe and Drug Free Schools Task Force	October	8	3:30 p.m.
Regular Board Meeting	October	14	7:30 p.m.
Board Study Session	October	20	7:00 p.m.
Regular Board Meeting	October	28	7:30 p.m.
<b>NOVEMBER 2008</b>			
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.
<b>DECEMBER 2008</b>			
Community Advisory Committee	December	1	7:00 p.m.
Measure C Advisory Committee	December	4	7:00 p.m.
Regular Board Meeting	December	9	7:30 p.m.
Budget Advisory Committee	December	11	5:00 p.m.

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