



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 28, 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
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):

November 12, 2008	7:30 p.m.	Regular Board Meeting
November 25, 2008	7:30 p.m.	Regular Board Meeting
December 9, 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. Expulsions/Readmissions - 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
Property: Concord Naval Weapons Station
Agency Negotiator: Richard Nicoll
Negotiating Parties: Mt. Diablo Unified School District and City of Concord
Under Negotiation: City Imposed Developer Requirements
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 28, 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 September 23, 2008.

- 3.2 Certificated Personnel

- 3.2.1 Leaves of Absence, Resignations, Retirements, Employment

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

Request .20 FTE be added to Categorical Funds for the 2008-09 school year. This action will result in an increase in the expenditure budget of Categorical funds in the amount of \$11,868. Funding Source: Regional Occupational Program

- 3.2.3 Resolution 08/09-26 Approval of 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.

3.2.4 Resolution 08/09-24 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 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 Assembly Bill 948 – STRS Post-Retirement Earning Limitation

Legislation was enacted which authorizes STRS to grant an exemption from the post-retirement earning limitation of up to two years for members retired from service who are appointed as a trustee, administrator or fiscal advisor.

3.2.6 Independent Services Contract for Lance Friis, Crisis Counselor

Foothill Middle School requests that the District approve an Independent Services Contract for Lance Friis, Crisis Counselor. Fiscal Impact: \$28,060 Funding Source: Foothill Parent/Faculty Association - \$5,400; City of Walnut Creek - \$10,000; and Foothill Site Council - \$12,660

3.3 Classified Personnel

3.3.1 Leaves of Absence, Resignations, Retirements, Employment

3.3.2 Increase in Hours for Site Technology Support Technician II at Valle Verde Elementary School

Valle Verde requests an existing 17 hour/week, 10 month/year Site Technology Support Technician II position be increased to 19 hour/week, 10 month year. There is no impact to the General Fund. The increase in cost will be \$1,724 and funded by Valle Verde PTA.

3.4 Monthly Budget Transfers and/or Budget Increases/Decreases for the Month of September 2008

3.5 Fiscal Transactions for September 2008

3.6 Grant Application Requests

3.6.1 Youth Gardening Association and the Home Depot for Home Depot gift cards (ranging \$250 - \$500) for supplies for the Garden Project of Adult Education's ESL/First Five Preschool at Cambridge Elementary School. There is no impact to the General Fund.

3.6.2 San Francisco Foundation in the amount up to \$4,000 for one year to provide free arts and cultural activities for students and families at Fair Oaks and Ygnacio Valley elementary Mt. Diablo CARES After School Programs. There is no impact to the General Fund.

3.6.3 Connect Ed in Partnership with the James Irvine Foundation in the amount up to \$125,000 for one year to develop an implementation plan to create multiple pathways districtwide. There is no impact to the General Fund.

3.7 Award of Purchase Order for Playground Equipment Installation

Award of purchase order to Community Playgrounds to provide site development of playground areas including installation of the playground equipment at Holbrook and Woodside elementary schools. Fiscal Impact: \$110,838 Funding Source: Proposition 55

3.8 Amendment No. 9 to Contract with Nacht and Lewis

Amendment no. 9 to contract with Nacht and Lewis in the amount of \$52,590 for architectural/engineering services for the Measure C modernization program and for Proposition 55 heating, ventilation and air conditioning improvement plan. Funding Source: Measure C

- 3.9 Surveillance System for Clayton Valley High School
A surveillance system is needed to assist with the identification and arrest of suspects responsible for the recent vandalism at Clayton Valley High School. Fiscal Impact: \$36,284.20 as budgeted in PTSA and Redevelopment. Funding Source: Clayton Valley PTSA - \$18,142.10; Program 3912 (redevelopment) - \$18,142.10
- 3.10 Approve Amendment in Master Contract between Mt. Diablo Unified School District and The Speech Pathology Group for 2008-2009 School Year
Due to vacancies for Speech Language Pathologists (SLPs), the Special Education Department continues to use Independent Contractors to meet student Individualized Education Program (IEP) requirements. Fiscal Impact: This action creates a savings of \$311,440 Funding Source: General Purpose/Special Education
- 3.11 Approve Amendment in Master Contract/Purchase Order with Educational Based Services for a Speech Language Pathologist at Ayers Elementary School for 2008-2009
Due to existing vacancies for Speech-Language Pathologists (SLPs), the Special Education Department continues to use Independent Contractors to meet student Individualized Education Program (IEP) requirements. The fiscal impact is \$204,512 and is included in the 2008-09 budget. Funding Source: General Purpose/Special Education
- 3.12 Approve Amendment in Master Contract between Mt. Diablo Unified School District and Bay Area Speech-Language Consultants for 2008-2009
Due to existing vacancies for Speech Language-Pathologists (SLPs), the Special Education Department continues to use Independent Contractors to meet student Individualized Education Program (IEP) requirements. Fiscal Impact: The total impact for fiscal year 2008-2009 is \$338,640 and is already a budgeted expense in the 2008-2009 budget. Funding Source: General Purpose/Special Education
- 3.13 Approve Independent Service Contract between Mt. Diablo Unified School District and Marie Wyman for Speech Language Services at Foothill Middle School and Northgate High School for 2008-2009 School Year
Due to existing vacancies for Speech Language Pathologists (SLPs), the Special Education Department continues to use Independent Contractors to meet student Individualized Education Program (IEP) requirements. Fiscal Impact: The total impact for fiscal year 2008-2009 is \$84,000 and is already a budgeted expense in the 2008-2009 budget. Funding Source: General Purpose/Special Education
- 3.14 Approve Amendment in Master Contract between Mt. Diablo Unified School District and Communication Works for 2008-2009 School Year
On September 9, 2008 the Board approved an amendment in the Master Contract with Communication Works to reduce the amount of the contract as a result of the change in rate of one of the Speech Pathologist positions. The correct amount of the contract should have been \$542,907.15 instead of \$519,507.15. The fiscal impact is already a budgeted expense in the 2008-2009 budget. Funding Source: General Purpose/Special Education
- 3.15 Social Work Field Placement Agreement – California State University East Bay
Request approval of a social work field placement agreement with California State University East Bay to provide supervised field experience for graduate students. There is no impact to the General Fund.

4. RECOGNITIONS

4.1 National Board Certification – Nurses

Janice Fong, R.N.	Kathryn Gabe, R.N.
Lillian Lum Kaku, R.N.	Christine Seuss, R.N.

4.2 Certificate of Clinical Competence - Teachers, Speech Pathologists, and Audiologist

Colleen Peterson	Pamela Wiley	Ilana Greenblatt
Nancy O'Brien	Susan Parish	Norma Smith
Laurie Arbour	Judith Bearrows	Nancy Bennett
Frances Cahn	Janelle Capinpin	Eileen Carey
Lynn Croak	Katherine Egan	Sylvia Hamblin
Ann Meuel	Cindy Mowers	Laura Ortiz
Carol Patton	David Richardson	Ann Rosselli
James Trinidad	Jeannine Upson	Carrie Balick
Lori Williams	Judith Flores	Elizabeth Kim
Ann Potter		

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 Student Representatives

7.2 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 Principal(s), Elementary School

Interviews have been conducted and candidate(s) selected for the position of Elementary School Principal.

Recommendation

Approve appointment(s) as recommended.

Action 10.2 Resolution 08/09-25 Native American Heritage Month – November 2008

The California Department of Education has designated November as Native American Heritage Month. The resolution recognizes the many contributions made by Native Americans to the American Heritage.

Recommendation

Adopt resolution as presented.

- Public Hearing 10.3 Public Hearing and Plan of Action to Reduce Expenses
The Board of Education has to consider budget reductions to erase a revenue expenditure gap of over \$6.6 million in the 2009-10 school.
- Recommendation
Review all information presented. What items should we consider in terms of reductions and expenditures? Add items to the list for consideration. Provide direction to staff on any other information that is needed. Establish timelines to make a decision.
- Public Hearing 10.4 Deferred Maintenance Plan
AB 939 Education Code 175841 requires that “the governing board of a school district shall discuss proposals and plans for expenditures of funds for the deferred maintenance of school district facilities at a regularly scheduled public hearing.”
- Recommendation
Hold public hearing.
- Action 10.5 Approval of Adult Education Course Titles for 2008-2009
The California Department of Education requires that course titles be approved annually. These titles have been previously approved, but need to be reauthorized for 2008-2009.
- Recommendation
Approve the list of course titles as presented.
- Action 10.6 Membership Recommendation for Community Advisory Committee
The Community Advisory Committee (CAC) is recommending Lisa Huynh as a new member.
- Recommendation
Approve as presented.
- Action 10.7 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 was presented as information at the October 14 meeting. It is now being returned for action.
- Discussion 10.8
& Action Memorandum of Understanding for Cal-PASS, California Partnership for Achieving Student Success, Student Data Sharing System
Mt. Diablo Unified School District is interested in collaborating with postsecondary educational institutions to develop career pathways and articulated programs of study. Fiscal Impact: Cal-PASS is funded by the state and provides necessary software. There are no direct costs to local agencies. Time of existing Mt. Diablo Unified School District staff (estimated 5-8 hours for initial set up and estimated 3-5 hours per year thereafter), valued at approximately \$300-\$500 per year will be needed to submit data.
- Recommendation
Discussion and approval.

Action 10.9 Updates and Revisions to Board Policies and Administrative Rules
Board Policy and Rule 5141 Health Care and Emergencies
Board Policy and Rule 5141.21 Administering Medication and Monitoring Health Conditions
Board Policy 5141.22 Infectious Diseases
Board Policy and Rule 5020 Parent Rights and Responsibilities
Administrative Rule 5112.2 Exclusions from Attendance
Board Policy 6183 Home and Hospital Instruction
Staff has prepared revisions as required by newly approved legislation.

Recommendation

This was presented as information at the October 14 meeting. It is now being returned for action.

Action 10.10 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 was presented as information at the October 14 meeting. It is now being returned for action.

11. ADJOURNMENT

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

OCTOBER 2008			
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.
Special Closed Session	October	20	7:00 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.
DECEMBER 2008			
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.