



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

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

## BOARD OF EDUCATION

### AGENDA

Tuesday, December 9, 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

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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):

December 16, 2008	7:00 p.m.	Special Board Meeting
January 13, 2009	7:30 p.m.	Regular Board Meeting
January 27, 2009	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. Expulsions(1)/Readmissions(1) - Review Administrative Hearing Panel recommendations regarding student expulsions and readmissions.
3. Existing Litigation  
Ceballos 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  
One classified employee.
7. Superintendent's Evaluation

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

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

- Pledge of Allegiance
- Roll Call

##### **1.1 REPORT OF CLOSED SESSION – December 9, 2008**

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

##### **2. ORGANIZATIONAL MEETING**

###### **Oath of Office – Gary Eberhart and Sherry Whitmarsh**

- 2.1.1 Election of President December 2008 – December 2009
- 2.1.2 Election of Vice President December 2008 – December 2009
- 2.1.3 Appointment of Secretary/Clerk to the Governing Board of Trustees
- 2.1.4 Establishment of Day, Time, Place of Regular Board Meetings
- 2.1.5 Adoption of Certification of Signatures

##### **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 October 14, October 18 and October 28, 2008.

- 3.2 Certificated Personnel

- 3.2.1 Leaves of Absence, Resignations, Retirements, Employment

3.2.2 Agreement for Furnishing Clinical Laboratory Experience and the use of District Facilities with California State University, East Bay for December 10, 2008 through December 31, 2011

This agreement would allow students from the University's approved Clinical/School Psychology Program to supplement their learning experience by working with District staff. District staff to participate on an advisory and consulting basis.

3.2.3 Resolution 08/09-32 Approval of Provisional Internship Permit (PIP) Request(s)

All requests for a PIP must be presented to the Governing Board 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

3.4 Resolution 08/09-30 Tax Defer Member Paid Contributions to the Public Employees Retirement System (PERS)

In 1986, the Board of Education adopted a resolution to defer taxation on employee contributions to the State Teachers Retirement System (STRS). Subsequently, both PERS and STRS were placed into tax deferred status. Recently, the IRS ruled that separate resolutions for each deduction subject to deferred taxation must be approved by December 31, 2008 to retain tax deferred status.

3.5 Request for Allowance of Attendance because of Emergency Conditions – J-13A Waiver

On October 23, 2008, Mt. Diablo Elementary School was closed due to a police activity in the vicinity of the campus. Education Code allows the District to petition the State for a waiver so that the closure will not result in a day of zero attendance negatively affecting the District's funding.

3.6 Contract Amendment – Valair-Carrier Corporation

Contract amendment to Valair-Carrier Corporation in the amount of \$69,748.25 for the manufacturing, assembly and delivery of all specified heating, ventilating and air conditioning equipment for Bel Air and Rio Vista elementary schools, Oak Grove Middle School and Concord High School. Funding Source: Proposition 55 funds

3.7 Award of Inspector of Record (Project Inspector) Contract – Alisha Jensen

Award of Inspector of Record (Project Inspector) contract to Alisha Jensen in the amount of \$75,600 to inspect the installation of the new heating, ventilation and air conditioning systems at Pleasant Hill Education Center; Olympic High School; and Fair Oaks and Shore Acres elementary schools. Funding Source: Proposition 55 funds

3.8 Award of Inspector of Record (Project Inspector) Contract – Alisha Jensen

Award of Inspector of Record (Project Inspector) contract to Alisha Jensen in the amount not to exceed \$15,000 to support the renovation of structurally compromised exterior bleacher systems at Clayton Valley High School. Funding Source: Proposition 55 funds

3.9 Final Change Order to RFQ No. 1509 to A and E Emaar for Gas Line Repairs at Sequoia Middle School

Final change order to RFQ no. 1509 to A and E Emaar in the amount of \$5,881.54 for gas line repairs at Sequoia Middle School. Funding Source: Deferred Maintenance funds

3.10 Notice of Completion to Purchase Order 49900

Notice of completion to purchase order 49900, request for quotation 1509, awarded to A & E Emaar, in the amount of \$78,381.54 who provided the gas line repairs at Sequoia Middle School. Funding Source: Deferred Maintenance

3.11 Contract with Sofffile - Converting Payroll Document to Digital Images

Contract with Sofffile in the amount of \$30,500 order to make all IFAS payroll records available electronically. Funding Source: General Fund – already budgeted

3.12 Grant Application Requests

3.12.1 California Department of Education in the amount up to \$1,450,000 over five years, for a 21<sup>st</sup> Century Community Learning Centers Grant for Ygnacio Valley High School. There is no impact to the General Fund.

3.12.2 Contra Costa County Office of Education and the Dean and Margaret Leshar Foundation in the amount up to \$24,000 for a County Technology Academy grant to enhance instruction and student learning by integrating academics and technology at El Monte and Strandwood elementary schools; and Clayton Valley High School. There is no impact to the General Fund.

3.12.3 East Bay Community Foundation in the amount of \$52,000 for one year to add an additional pre-school program for Shore Acres Elementary School students. There is no impact to the General Fund.

3.12.4 California Department of Education in the amount up to \$64,875 to participate in the national Fresh Fruit and Vegetable Program (FFVP) at Meadow Homes Elementary School. There is no impact to the General Fund.

3.13 Approve Amendment to Independent Service Contract with Victor Gomez for Spanish Language Interpreting and Translation Services for the Special Education Department for School Year 2008-2009

Victor Gomez provides interpreting services for Spanish speaking students and their families. Staff recommends that the contract be increased by \$7,500 to secure services for the duration of the school year in the Special Education Department. The total impact for fiscal year 2008-09 is \$7,500 and is already a budgeted expense in the 2008-09 budget. Funding Source: General Purpose/Special Education.

3.14 Approve an Amendment in Independent Service Contract with Evelina Villa for Spanish Language Interpreting and Translation Services for the Special Education Department for School Year 2008-2009

On June 24, 2008, the Board approved an independent service contract with Evelina Villa for \$40,000. Evelina has not been able to provide services to the District between August and December 2008. She will be able to provide service on a limited basis beginning January 4, 2009. As a result, we are reducing her contract to \$32,500. The total impact for fiscal year 2008-09 is \$32,500 and is already a budgeted expense in the 2008-09 budget. Funding Source: General Purpose/Special Education

3.15 Agreement with the County Office of Education with Regard to Serving Special Education Students in the Court Schools

Contra Costa County Office of Education is requesting Mt. Diablo Unified School District contribute to the cost of serving special education students in the Court Schools, operated by the Contra Costa County Office of Education. Currently, Mt. Diablo Unified School District does not contribute to the cost of the staff. The total impact for fiscal year 2008-09 is \$59,350 and is already a budgeted expense in the 2008-09 budget. Funding Source: General Purpose/Special Education

3.16 Approve Amendment in Mt. Diablo Unified School District's Execution of Non Public School (NPS) Placements for the 2008-2009 School Year

Mt. Diablo Unified School District, through the IEP process, places students in Non Public Schools. On June 24, 2008 the Board of Education approved designated amounts for each NPS based on placements known at that time. Fiscal Impact: No net fiscal impact

- 3.17 Consider Approval to Amend the Master Contract with Progressus Therapy, Inc. for Occupational/Physical Therapy Services for the 2008-2009 School Year  
On September 9, 2008 the Board of Education approved an amendment to the Master Contract with Progressus Therapy, Inc. to provide Occupational/Physical Therapy services for the 2008-2009 school year, which amounted to \$1,452,096. Due to a staffing shortage, it is necessary to reduce this contract by .4 FTE. As a result of the change in staffing, the contract amount has been reduced to \$1,410,048. Fiscal Impact: This action creates a savings of \$42,048. Funding Source: General Purpose/Special Education. Budget Code 1662 The total amount of monies budgeted in Budget Code 1662 is \$1,660,013.34
- 3.18 Consider Approval to Amend the Master Contract with Dori Maxon Pediatric Contracting Services for Occupational/Physical Therapy Services for the 2008-2009 School Year  
On September 9, 2008, the Board approved an amendment to the Master Contract with Dori Maxon Pediatric Contracting Services to provide Physical Therapy services for the 2008-2009 school year, which amounts to \$102,248.50. Due to a staffing shortage, it is necessary to increase this contract .2 FTE to provide Occupational Therapy services for the 2008-2009 school year. As a result of the change in staffing, the contract amount will be increased to \$112,064. Fiscal Impact: \$9,815.50 Funding Source: General Purpose/Special Education. Budget Code 1662 The total amount of monies budgeted in Budget Code 1662 is \$1,660,013.34.
- 3.19 Secondary School Leadership for English Learner Success: Leadership Development Series  
Dr. Laurie Olsen, formerly Executive Director of California Tomorrow, will conduct in the district a leadership development series for secondary school leaders, focusing on the needs of English learners. There is no impact to the General Fund. Funding Source: Categorical Funding: Title III Emergency Immigrant Education Program and State Economic Impact Aid/Limited English Proficient Program. Total fee for services will be \$79,500.
- 3.20 Request Approval to Partner with Diablo Valley College in their Application for Career Technical Education Community Collaborative Funding  
Request approval to join Diablo Valley Community College in its application for Career Technical Education Community Collaborative funds. As part of its application to the California Community College office, Mt. Diablo Unified School District would be included as a partner with whom Diablo Valley Community College will contract in the amount of \$100,000. There is no impact to the General Fund. Funding Source: Career Technical Education Pathways Initiative (SB 70)
- 3.21 Request Board Approval of Independent Contractor Services for Anne Diskin for Services to Mt. Diablo High School  
Mt. Diablo High School is requesting to hire Anne Diskin, writing consultant. There is no impact to the General Fund. Funding Source: QEIA \$62,222.24

#### 4. **RECOGNITIONS**

- 4.1 California League of Middle Schools Educator of the Year Award  
The Board of Education will recognize Kathleen Byle, Sequoia Middle School, as winner, and Jacques Casamajor, Valley View Middle School as nominee for the Educator of the Year Award by the California League of Middle Schools.
- 4.2 Pleasant Hill Educator of the Year Award 2008  
The Board of Education will recognize Rich Dodson, Sequoia Middle School, Pleasant Hill Educator of the Year.

#### 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 First Interim Report

The District presents its First Interim Report covering transactions through October 31, 2008. This report, upon Board approval, will be filed with the County Office of Education by December 15, 2008.

Recommendation

Approve as presented.

Public Hearing 10.2 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

Hold public hearing.  
Add additional items for consideration.  
Provide direction to staff.

Action 10.3 2008-2009 Single Plan for Student Achievement

Senate Bill 374 requires that as a condition of receiving funding for specified categorical programs, the school district will ensure that each school in the district operating those categorical programs consolidates any plans that are required by those programs into a single plan to be known as the Single Plan for Student Achievement.

Recommendation

Approve as presented.

Action 10.4 Appointment to California School Board's Association (CSBA) Delegate Assembly  
Based on the Average Daily Attendance (ADA) of the Mt. Diablo Unified School District, the Board is entitled to two representatives to CSBA's Delegate Assembly. The delegates have two-year terms with the positions expiring in alternate years. The position currently held by Richard Allen expires in 2009. CSBA has requested the name of the board representative who will serve the term April 1, 2009 through March 31, 2011.

Recommendation

Appoint Board member or reappoint Richard Allen for the two-year term which expires in 2011.

Action 10.5 Call for Nominations for California School Board's Association (CSBA) Delegate Assembly  
Nominations for CSBA's Delegate Assembly will be accepted until January 7, 2009. Any CSBA member K-12 school district is eligible to nominate Board members within their geographic region or subregion. Each Board may nominate as many individuals as it chooses. All nominees must serve on a CSBA member board. CSBA delegates serve two-year terms. Those elected in 2009 will serve immediately upon election through March 31, 2011.

Recommendation

Reply to request for nominations for CSBA delegate assembly.

Information 10.6 Consider Change in the Reporting Relationship for the General Counsel and Modification of Job Description

A Board member has requested that the Board of Education change the reporting relationship of the General Counsel

The current organizational chart is included. There is a solid line from the Superintendent and a dotted line to the Board. There is an interest in changing this structure and having the General Counsel report directly to the Board and have all responsibilities for the coordination of legal services.

The General Counsel's position was created by the Board of Education on February 1, 2005. The specific action was the elimination of the Risk Manager and creation of the General Counsel.

As part of the approval the General Counsel was expected to manage the functions as outlined below:

1. Coordination of legal services.
2. Administration of a comprehensive risk management program.
3. Coordination of health benefits and workers compensation.
4. Coordination of district safety program and establish direct safety inspections.
5. Training for all employees of applicable laws, safety procedures, loss prevention, etc.
6. Property liability insurance.
7. Coordinate emergency training.

Recommendation

Information and discussion

Information 10.7 Request to Submit Title III Improvement Plan Addendum to the Local Educational Agency Plan (LEAP)

Pursuant to the Federal No Child Left Behind (NCLB) legislation, Mt. Diablo Unified School District receives Title III funding to help English Language Learners to become proficient in English and to score proficient in reading and mathematics.

Recommendation

This is presented as information only.

Action 10.8 Revision to Board Policy 1700 – Community Relations  
Addition to policy regarding business and industry support to district schools and programs.

Recommendation

This was presented as information at the November 25 meeting. It is now being returned for action.

Action 10.9 Revision to Board Policy and Administrative Rule 3513.1 – Use of Cellular Phones  
Revision to Board Policy and Administrative Rule 3513.1 so that sites that implement specific student support programs be allowed to have District-purchased cell phones and plans with an IRS approved Active Monitoring component.

Recommendation

This was presented as information at the November 25 meeting. It is now being returned for action.

Information 10.10 Job Descriptions for Special Education/General Education Assistant III and Student Support/Registered Nurse  
These job descriptions are being created to support the specialized health care and instructional needs students of pre K-adult students in general education and special education settings.

Recommendation

This is 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>JANUARY 2009</b>			
Community Advisory Committee	January	5	7:00 p.m.
Parent Advisory Council	January	7	7:00 p.m.
Regular Board Meeting	January	13	7:30 p.m.
Safe and Drug Free Schools Task Force	January	22	3:30 p.m.
Regular Board Meeting	January	27	7:30 p.m.
Budget Advisory Committee	January	29	5:00 p.m.
<b>FEBRUARY 2009</b>			
Community Advisory Committee	February	2	7:00 p.m.
Parent Advisory Council	February	4	7:00 p.m.
Regular Board Meeting	February	10	7:30 p.m.
Regular Board Meeting	February	24	7:30 p.m.
<b>MARCH 2009</b>			
Community Advisory Committee	March	2	7:00 p.m.
Parent Advisory Council	March	4	7:00 p.m.
Measure C Advisory Council	March	5	7:00 p.m.
Regular Board Meeting	March	10	7:30 p.m.
Budget Advisory Committee	March	12	5:00 p.m.
Safe and Drug Free Schools Task Force	March	19	3:30 p.m.
Regular Board Meeting	March	24	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.