

BOARD MEETING: August 26, 2008

ATTENDANCE: Board: April Treece, Dick Allen, Gary Eberhart, Linda Mayo, Paul Strange
Administrative Staff: Superintendent Gary McHenry; Associate Superintendent Alan Young; assistant superintendents Mildred Browne, Gail Isserman, Rose Lock, and Dick Nicoll; General Counsel Greg Rolan

1. **CALL TO ORDER:** President Treece called the meeting to order at 4:00 p.m. in the Board Room at the MDUSD Dent Center.

STUDY SESSION: The Board held a study session on the topic of strategic planning, facilitated by consultant Steve Zuieback.

PUBLIC COMMENT: None

CLOSED SESSION: The Board adjourned to Closed Session at 6:00 p.m. in Room 6 at the Dent Center. Topics discussed included one request to rescind an expulsion, six requests for readmission, anticipated litigation (two potential cases), and negotiations.

Anticipated Litigation

The Board voted 5-0-0 to authorize a settlement agreement with Miller Brown and Dannis in regard to a legal billing dispute.

Rescission of Expulsion

Mayo moved, Strange seconded, and the Board voted 4-1-0 (Eberhart, no) to rescind the expulsion of Student 64-08.

Readmission

Strange moved, Allen seconded, and the Board voted 5-0-0 to approve staff's recommendation to readmit five students and admit one student who have each met the conditions of their rehabilitation plan.

2. **RECONVENE OPEN SESSION:** The Board returned to Open Session in the in the Board Room at the MDUSD Dent Center at 7:30 p.m. President Treece led the Pledge of Allegiance to the Flag and reported the action taken and topics discussed in Closed Session.

Expulsion

Student 04-09: Eberhart moved, Strange seconded, and the Board voted 5-0-0 that Student 04-09 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student 04-09 may apply for readmission after August 26, 2009. It is required that Student 04-09 participate in individual counseling, community service, write a 600 word essay explaining what student has learned from this experience (after completing counseling); and show evidence of a successful school experience, prior to applying for readmission.

3. **CONSENT AGENDA**

Mayo moved, Allen seconded, and the Board voted 5-0-0 to adopt the Consent Agenda, thereby approving the following items:

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

Recommended Johnny Applegate for a Professional Clear Teaching Credential as he has completed a three-year District Intern Program.

3.2.3 Resolution 08/09-11 Provisional Internship Permit (PIP) Request(s)

Adopted Resolution 08/09-11, authorizing Michael Regalado and Tricia Gragnano to apply for a Provisional Internship Permit (PIP) in order to complete their assignments for the 2008-09 school year.

3.2.4 Resolution 08/09-10 Education Code 44263 – Board Authorization

Adopted Resolution 08/09-10, authorizing Misha Safran-Doig, who holds a California teaching credential and has 18 lower division units or 9 upper division units or graduate coursework in a subject, to teach that subject for the 2008-09 school year, as per Ed. Code 44263.

3.2.5 Resolution 08/09-15 Education Code 44258.2 – Board Authorization

Adopted Resolution 08/09-15, authorizing Magic Jaquez, who holds a single subject or secondary credential and has 12 lower division units or 6 upper division units in a subject, to teach that subject in a middle school for the 2008-09 school year, as per Ed. Code 44258.2.

3.2.6 Resolution 08/09-14 Variable Term Waiver Requests

Adopted Resolution 08/09-14, authorizing Brienne Mack to apply for a Variable Term Waiver, giving her additional time to complete certain requirements for the credential that authorizes her service. The waiver request is made when there is not a properly credentialed person available for the position.

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

Awarded contract not to exceed \$44,850 to Paul Lucido to provide inspector of record services for the site work related to the reconstruction of Wings F and G and the restrooms at Olympic High School. Funding Source: Proposition 55 Funds

3.6 Change Order to Contract with Home Depot

Approved change order in the amount of \$41,660 to contract with Home Depot for the installation of new heating, ventilating and air conditioning system in the classrooms at Woodside Elementary. Change order extends the project to include all classrooms at the school. Funding Source: \$20,830 – Woodside Parent/Faculty Club; \$20,830 – Redevelopment Funds

3.7 Final Change Order to Bid 1513, Contract C-879

Approved final change order in the amount of \$2,250 to Bid 1513, Contract C-879 to Dryco Construction, Inc. to demolish a fence and relocate electrical service at Monte Gardens Elementary as part of the paving project at Dent Center and Shadelands Center. Funding Source: Measure C

3.8 Notice of Completion to Bid 1513, Contract C-879

Approved Notice of Completion to Bid 1513, Contract C-879 in the amount of \$351,267 to Dryco Construction, Inc. for 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

Approved purchase of one wide-area rotary grass mower from Golf Ventures, the sole source provider for this equipment in Northern California and Western Nevada. District can "piggyback" on vendor's existing contract with the Federal General Services Administration as per Public Contract Code 20118. Fiscal Impact: \$79,070.70 Funding Source: Measure A Operations

3.10 Certification to Evaluate Teachers

Certified the certificated management personnel who evaluate teaching personnel, as per Board Policy 4315.1.

3.11 Grant Application Requests

3.11.1 East Bay Community Foundation

Approved submittal of application for a one-year \$10,000 grant 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

Approved the receipt of \$1,000 from the Pleasant Hill Community Foundation 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

Approved submittal of an application for a one-year \$25,000 grant from JC Penney Foundation 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

Approved an amendment totaling \$69,568.89 to the contract with Bay Area Community Resources (BACR) for the 2007-08 school year. Amendment covers the additional services that were needed to provide staff for recreation and enrichment activities in the Mt. Diablo CARES After School Programs. 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
Approved a \$75,000 contract with The Speech Pathology Group for a speech-language pathologist (SLP) to serve District students enrolled in private schools who are eligible for Special Education services. The contract is necessary due to the continuing inability to hire qualified speech pathologists to fill all vacancies and the need to meet student Individualized Education Program (IEP) requirements. Fiscal Impact: \$75,000 for fiscal year 2008-09 (already budgeted) 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
Approved \$62,085 contract with AccentCare Homes Health Services to provide diabetic monitoring, catheterization, and other medically prescribed procedures. Fiscal Impact: \$62,085 for fiscal year 2008-2009 (already a budgeted) 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

Eberhart announced that his two daughters started school today. He took the youngest to kindergarten, where he found her teacher to be “fantastic,” and the classroom set up well. He said he knows that all over the District opening day was just like what he experienced. He reported that he was in Sacramento last week as member of a CSBA committee nominating a new president and vice president for the organization for the coming year.

Mayo reported that she attended the District’s annual Leadership Institute and called it “a positive experience” for all attendees. She also heard positive reports on the middle school conference, the elementary teachers’ kickoff, and the new teacher orientation. She enjoyed hearing the sounds (bells) of the first day of school from her home near Pleasant Hill Elementary this morning and hearing from parents who voiced positive comments about staff responsiveness to issues they’d raised. She announced that “we are five days from ‘budget infamy.’” If the state budget is not adopted by Sunday, it will be the longest time in history the state has been without a budget. She urged the public to contact legislators. She also announced that today is Women’s Equality Day, commemorating the passage of the 19th Amendment, which gave U.S. women the right to vote.

Strange welcomed students back to school and said he enjoyed being with other parents dropping off children at Highlands Elementary earlier today. There seemed to be many more students than anticipated, “which is always good news” when it looks as if enrollment is increasing. He enjoyed attending the new teacher orientation and the elementary teachers’ kickoff event.

Allen reported that he attended a number of the pre-school events and thought they were a good indicator that the opening of school would go well, “which it did.” He noted that his four children are out of school, but his grandson is a third grader in the District.

Treece said she enjoyed attending the elementary, middle, and new teacher events and visiting many schools on opening day today. Her daughter has graduated, so she was free to go to other sites. She started at Pleasant Hill Middle, where people remarked on the sparkling classrooms, thanks to the custodians. At Riverview she saw students wearing their new uniforms and observed new technology in use. Concord High was orderly and the teachers flexible despite problematic air conditioning. Summit High and Highlands Elementary were off to good starts. She said every site she visited was “beautifully maintained” and, except for “one minor challenge,” fully staffed.

5.3 Issues of Concern: None expressed.

6. PUBLIC COMMENT

Sandra Walters, parent of a Concord High senior, publicly thanked teachers Mr. Doppe and Mr. Coartney for helping her daughter take the courses she needs and expressed dismay that senior students must pay \$30 to have their photo included in the school yearbook.

7. COMMUNICATIONS: None

8. REPORTS/INFORMATION – None

9. SUPERINTENDENT'S REPORT

McHenry added to comments he made in today's *Monday Memo* in which he thanked everyone for helping to prepare for the opening of school. He said he saw a lot of energy and excitement among those at the schools he visited. In conveying thanks in the *Memo* to assorted staff, he acknowledged that he did not specifically mention teachers who came in to set up their classrooms before their work year started. He expressed his thanks, saying he did not mean to slight them. "This is going to be a better year, despite the budget" he said. "We have differences as a district, but when you visit the schools and see the energy of teachers, administrators, and support staff putting their differences aside and really focusing on what is best for students . . . it is exciting." He said, "It is how we respond in challenging times that define us as people. We've shown great strength, great character. . . and I think this is going to be a great year."

10. BUSINESS

10.1 Appointment of Vice Principal, Middle School

Mayo moved, Allen seconded, and the Board voted 5-0-0 to appoint Sherry Brauer as Vice Principal, Middle School, assigned to Pleasant Hill Middle School, effective August 26, 2008.

10.2 Appointment of Coordinator, Student/Community Services 9-12

Strange moved, Eberhart seconded, and the Board voted 5-0-0 to appoint Efa Huckaby as Coordinator, Student/Community Services 9-12, assigned to Ygnacio Valley High, effective August 26, 2008.

10.3 Resolution 08/09-12 Hispanic Heritage Month

Eberhart moved, Mayo seconded, and the Board voted 5-0-0 to adopt Resolution 08/09-12, acknowledging the California Department of Education's designation of September 15–October 15, 2008, as Hispanic Heritage Month and recognizing the many contributions made by the Hispanic people to the growth and development of California's heritage.

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.

Public hearing Treece opened the public hearing at 8:01 p.m. Receiving no request for comment, she closed the hearing.

Board/staff comment In response to Eberhart, Nicoll said all developers and local city and county agencies were mailed a notice of the public hearing, which was also published twice in the *Contra Costa Times* and posted in the Fiscal Services Department.

Board action Strange moved, Allen seconded, and the Board voted 5-0-0 to adopt Resolution 08/09-09, increasing Level 1 school facilities fees. Fiscal Impact: Approximately \$1,000,000 per year. The fee will become effective October 27, 2008. Funding Source: New Development

10.5 Shared Parking Agreement – Oak Park Christian Center Expansion

Eberhart moved, Allen seconded, and the Board voted 5-0-0 to approve an additional shared parking agreement with the Oak Park Christian Center as required by the City of Pleasant Hill. In response to Mayo, Nicoll explained that the new agreement extends the termination date of the initial one, approved in March 2007, by one year, to 2033. Fiscal Impact: 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.

10.6 Tentative Agreement between Mt. Diablo Unified School District and Mt. Diablo School Psychologist Association (MDSPA)

Eberhart moved, Mayo seconded, and the Board voted 5-0-0 to approve a Tentative Agreement between the Mt. Diablo Unified School District and the Mt. Diablo School Psychologist Association that changes the maximum eligibility age for retirement medical and dental benefits for the employee and a spouse or dependent from current age 60 to 63, effective July 1, 2008.

10.7 Approval of Revision of Board Policy 3513.1(a) - Use of Cellular Phones

On June 3, 2008, the Board of Education approved Board Policy 3513.1, "Use of Cellular Phones." In the time since, it was discovered that a few changes were necessary.

Board/staff comment Eberhart said he will continue to vote against this policy because the wording "doesn't pass the common sense test." In response to Strange, Nicoll said he expects there to be considerable savings in cell phone expenses. He will know the amount after eligible employees have submitted their request for stipend forms. The change is primarily due to new IRS requirements. Also in response to Strange, Nicoll said he understands there will be no termination fees when employees change providers from Nextel, which has a contract with the District, to a provider of their choosing.

Board action Allen moved, Mayo seconded, and the Board voted 4-1-0 (Eberhart, no) to adopt revised Board Policy 3513.1.

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. Presented only as information at this time, this item will be returned for action at a subsequent meeting.

11. CLOSED SESSION

Treece adjourned the meeting to Closed Session at 8:13 p.m. in memory of Lou Eugene Waltz, a District employee who recently passed away. She announced that the Board would be discussing one case of Anticipated Litigation.

12. ADJOURNMENT

Following a discussion of Anticipated Litigation, Treece adjourned the meeting at 8:40 p.m.

Gary McHenry, Secretary