

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

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

BOARD OF EDUCATION

AGENDA

Tuesday, March 10, 2009
Closed Session 7:00 p.m.
Regular Session 7:30 p.m.

INTERIM SUPERINTENDENT
Richard C. Nicoll, Ph.D.

ASSOCIATE SUPERINTENDENT
Alan Young, Ed.D., Educational Services

ASSISTANT SUPERINTENDENTS
Mildred Browne, Ed.D., Special Education
Rose Lock, Elementary Education
Gail Isserman, Personnel Services
Peder Pedersen, Administrative Services

GENERAL COUNSEL
Gregory J. Rolan, Esq.

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- * **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, **or the three minute limit may be shortened.** If there are multiple speakers on any one subject, the public comment period may be moved to the end of the meeting. **Speakers are not allowed to yield their time.**
 - * **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):

March 14, 2009	9:00 a.m.	Study Session
March 24, 2009	7:30 p.m.	Regular Board Meeting
April 7, 2009	7:30 p.m.	Regular Board Meeting

****Note: Calendar of Future Board and Committee Meetings Attached****

CALL TO ORDER – 7:00 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 **or the three minute limit may be shortened.** **Speakers are not allowed to yield their time.**

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. Public Employee Discipline/Dismissal/Release/Complaint
 - Up to ten (10) probationary I and II certificated employees
 - One certificated permanent employee

RECONVENE OPEN SESSION – 7:30 p.m.

1. PRELIMINARY BUSINESS

- Pledge of Allegiance
- Roll Call

2. REPORT OF CLOSED SESSION – March 10, 2009

- Topics
- Negotiations
 - 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 February 10, 2009.

3.2 Certificated Personnel

3.2.1 Leaves of Absence, Resignations, Retirements, Employment

3.2.2 Resolution 08/09-57 Provisional Internship Permit (PIP) Request

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.

4. 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, **or the three minute limit may be shortened.** If there are multiple speakers on any one subject, the public comment period may be moved to the end of the meeting. **Speakers are not allowed to yield their time.**

5. COMMUNICATIONS

5.1 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.

6. BUSINESS

Action 6.1 2008-2009 Second Interim Report
The interim report presents revenue and expenditure projections to the end of the fiscal year and compares these projections to the budget. Based on this information, the Superintendent will recommend that the Board of Education approve a positive certification.

Recommendation
Approval of the District's Positive Certification is recommended.

Action 6.2 Resolution 08/09-56 to Decrease the Number of Certificated Employees Due to a Reduction in Particular Kinds of Service
As part of the certificated layoff process, Education Code section 44955 permits the Governing Board, through a resolution, to reduce or discontinue particular kinds of services for the next school year.

Recommendation
Adopt resolution as presented.

Action 6.3 Resolution 08/09-59 Relative to Elimination of Classified Positions
Program modifications and budgetary limitations make it necessary to eliminate and reduce classified positions.

Recommendation
Adopt resolution as presented.

Action 6.4 Resolution 08/09-55 Stand Up for Schools Day of Action
The Mt. Diablo Education Association (MDEA) and other organizations encourages all education stakeholders to participate in before- and after-school activities to protest continued cuts to education funding and to call on the governor to adequately fund our schools. In Contra Costa County a rally will be held on March 11 in Walnut Creek.

Recommendation
Adopt resolution as presented.

7. ADJOURNMENT

Note: Board Member Linda Mayo will participate in the meeting via Teleconference from the following location:
Doubletree Hotel Crystal City
300 Army Navy Drive
Arlington, Virginia 22202

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

1. **CALL TO ORDER:** President Eberhart called the meeting to order at 6:00 p.m. in the Board Room at the MDUSD Dent Center.

PUBLIC COMMENT: None

CLOSED SESSION: The Board adjourned to Closed Session at 6:01 p.m. in Room 6 at the Dent Center. Topics discussed included five expulsions, 15 requests for readmission; existing litigation (Rainwater v MDUSD; MDEA v MDUSD); public employee discipline/dismissal/release/complaint; and negotiations.

Readmission

Mayo moved, Whitmarsh seconded, and the Board voted 5-0-0 to approve staff's recommendation to admit six students, who met the conditions of their rehabilitation plan, and deny readmission to nine students who did not.

Public Employee Discipline/Dismissal/Release/Complaint

1. Strange moved, Allen seconded, and the Board voted 5-0-0 to release certificated employee #27126.
 2. Allen moved, Whitmarsh, and the Board voted 5-0-0 to approve sending Notice of Possible Reassignment for 2009-2010 letters to all certificated District administrators with the exception of those on contract.
 3. Allen moved, Mayo seconded, and the Board voted 5-0-0 to deny the appeal of parent Tom Davis in his complaint against personnel at Ygnacio Valley High school and to approve staff's recommendation to support the finding of the investigator.
2. **RECONVENE OPEN SESSION:** The Board returned to Open Session in the in the Multi-Use Room at Monte Gardens Elementary School at 7:34 p.m. President Eberhart led the Pledge of Allegiance to the Flag. He then announced the resignation of Superintendent Gary McHenry and the appointment of Richard Nicoll as Interim Superintendent. His statement:
"The Mt. Diablo Unified School District and Gary McHenry announce this evening that pursuant to mutual agreement Mr. McHenry will be submitting his resignation as superintendent of the District. The Governing Board recognizes Mr. McHenry's lengthy tenure in the District and the many accomplishments which took place during that tenure. We now look to the future and ask our employees, parents, and greater community to work with us and improve our District together. In making this announcement the Governing Board notes that this is a time of change within the school District. The District and the community face many new challenges, and the Board believes that new leadership is necessary in order to achieve the desired outcome. Assistant Superintendent Dr. Dick Nicoll has been named as Interim Superintendent and has agreed to accept this position. Dr. Nicoll's financial and educational experience will help to assure that the District will be well led while it begins the search for a new Superintendent. The Governing Board indicates its intention to proceed deliberately and carefully in the search for a new Superintendent of the District. The search will involve community input in order to identify a Superintendent candidate who will best address the current needs of the District and to help it meet the immediate challenges which confront the District. We expect and anticipate that this process will enhance the trust which we are asking the community to place in the District and which the District fully intends to earn."

Expulsions

Student 16-09: Strange moved, Allen seconded, and the Board voted 5-0-0 that Student 16-09 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student 16-09 may apply for readmission after June 10, 2009. It is required that Student 16-09 participate in individual counseling, community service, the COPS program, and the District's Teen Anger Management Program, and show evidence of a successful school experience prior to applying for readmission.

Student 17-09: Allen moved, Mayo seconded, and the Board voted 5-0-0 that Student 17-09 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student 17-09 may apply for readmission after June 10, 2009. It is required that Student 17-09 participate in individual counseling, community service, the COPS program, and the District's Teen Anger Management Program, and show evidence of a successful school experience, prior to applying for readmission.

Student 18-09: Whitmarsh moved, Strange seconded, and the Board voted 5-0-0 that Student 18-09 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student 18-09 may apply for readmission after June 10, 2009. It is required that Student 11-09 participate in individual counseling, community service, the COPS program, and the District's Drug and Alcohol Workshop, and show evidence of a successful school experience, prior to applying for readmission.

Student 19-09: Mayo moved, Allen seconded, and the Board voted 5-0-0 that Student 19-09 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student 19-09 may apply for readmission after June 10, 2009. It is required that Student 19-09 participate in individual counseling, community service, the COPS program, and the District's Teen Anger Management Program, and show evidence of a successful school experience, prior to applying for readmission.

Student 20-09: Mayo moved, Strange seconded, and the Board voted 5-0-0 that Student 20-09 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student 20-09 may apply for readmission after June 10, 2009. It is required that Student 20-09 participate in individual counseling, community service, the COPS program, and the District's Teen Anger Management Program, and show evidence of a successful school experience, prior to applying for readmission.

Eberhart reported the action taken and topics discussed in Closed Session.

3. CONSENT AGENDA

After pulling Item 3.11 at staff's request, Mayo moved, Whitmarsh seconded, and the Board voted 5-0-0 to adopt the Consent Agenda, thereby approving the remaining items:

3.1 Minutes of the meetings of December 16, 2008, and January 6 and 13, 2009.

3.2 Certificated Personnel

3.2.1 Leaves of Absence, Resignations, Retirements, Employment

3.2.2 Resolution 08/09-42 Provisional Internship Permit (PIP) Request(s)

Adopted Resolution 08/09-42, authorizing Angela Bledsoe and David Fredlund to apply for a Provisional Internship Permit (PIP) in order to complete their assignments for the 2008-09 school year.

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

Added a 0.20 FTE librarian position at Shore Acres Elementary for 2008-09, increasing the expenditure budget of Categorical Funds in the amount of \$20,564. Funding Source: Title I

3.2.4 Reduction in General Purpose Contribution for Certificated Positions in the Curriculum and Instruction Department through the Transfer of Funds from General Fund to Categorical Funds for the Years 2008-2009 and 2009-2010

On December 16, 2008, the Board approved the reduction of General Purpose contributions to the Curriculum and Instruction Department by \$115,358, with the action positions to be determined by staff. At this meeting, the Board approved staff's recommendation to transfer the costs of the following positions from General Purpose to Categorical funding, effective February 1, 2009:

.20 FTE Director of Curriculum and Instruction (SLIBG and GATE)

.30 FTE Curriculum Specialists (Title II)

Fiscal Impact: Savings to the General Fund of \$27,421.76 in 2008-09 and \$63,842.62 in 2009-10

3.2.5 Interagency Agreement for Provision of Services for Special Education Internship Teachers with the University of San Francisco for the Term of August 25, 2008 through June 30, 2011

Approved agreement to support student interns at San Francisco State University in their progress toward full state qualification as Special Education teachers and retention as highly qualified teachers.

3.3 Classified Personnel

3.3.1 Leaves of Absence, Resignations, Retirements, Employment

3.3.2 Reduction of General Purpose Contribution for Classified Positions in the Curriculum and Instruction Department through the Transfer of Funds from General Fund to Categorical Funds for the Year 2008-2009 through 2009-2010

On December 16, 2008, the Board approved the reduction of General Purpose contributions to the Curriculum and Instruction (C&I) Department by \$115,358, with the action positions to be determined by staff. At this meeting, the Board approved staff's recommendation to transfer the costs of the following positions in C&I from General Purpose to Categorical funding, effective February 1, 2009:

.10 FTE Administrative Secretary

.50 FTE Senior Secretary

.20 FTE Textbook Coordinator

Fiscal Impact: Savings to the General Fund of \$24,724.08 in 2008-09 and \$56,271.64 in 2009-10

3.3.3 Creation of One (1) Part-Time Campus Supervisor Position for Mt. Diablo Adult Education Center

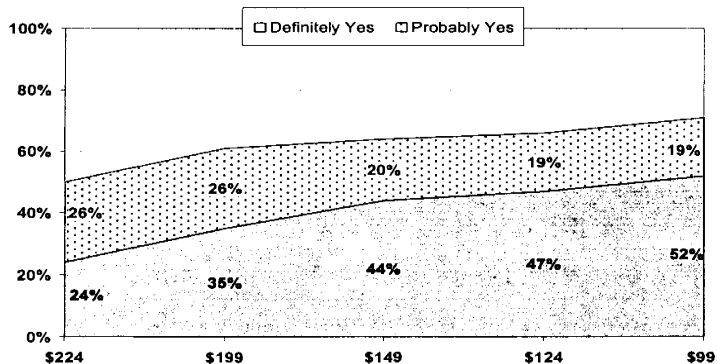
Created one 16-hour/week, Adult Education School Year, Campus Supervisor position. Fiscal Impact: \$4,007 in fiscal year 2008-09 and \$8,905 for 2009-10. Funding Source: Adult Education Administration funds.

- 3.4 Contract with PHd Architects for Architectural/Engineering Services
 Approved contract not to exceed \$25,000 with PHd Architects for architectural/engineering services for the installation of dedicated air conditioning systems at 16 sites where there are Main Distribution Frames or Intermediate Distribution Frames. Funding Source: Concord Redevelopment Funds
- 3.5 Contract with PHd Architects for Architectural/Engineering Services
 Approved contract not to exceed \$35,00 with PHd Architects for architectural/engineering services to prepare the State Architect (DSA)-approved drawings and specifications necessary to construct 16 primary and kindergarten playground systems with "poured-in-place rubberized surfacing. Funding Source: Proposition 55
- 3.6 Final Deductive Change Orders
 - 3.6.1 Final Deductive Change Order to Bid 1394, Contract C-820, to Robert A. Bothman, Inc. in the amount of (\$436,847.45) for athletic field improvements at Riverview Middle; College Park, Concord and Ygnacio Valley high schools. Funding Source: Proposition 55 funds
 - 3.6.2 Final Deductive Change Order to RFQ No. 1531 to Community Playgrounds in the amount of (\$8,824) for playground installation at Holbrook and Woodside elementary schools. Funding Source: Prop. 55 funds
- 3.7 Notices of Completion
 - 3.7.1 Notice of Completion to Bid 1394, Contract C-820 to Robert A. Bothman, Inc. in the amount of \$2,543,552.55 for athletic facility improvements at Riverview Middle; College Park, Concord, and Ygnacio Valley high schools. Funding Source: Proposition 55
 - 3.7.2 Notice of Completion to RFQ 1531 to Community Playgrounds in the amount of \$102,014 for site development of playground areas at Holbrook and Woodside elementary schools. Funding Source: Prop. 55
- 3.8 Approve Amendment in Master Contract between Mt. Diablo Unified School District and Augmentative Communication & Technological Services
 Amended contract with Augmentative Communication & Technological Services to include additional services in 2008-09 to meet the needs of Special Education students with severe communication deficits. Fiscal Impact: \$15,000. Funding Source: General Purpose/Special Education (1661)
- 3.9 Memorandum of Understanding (MOU) with California State University at Long Beach, Department of Social Work (CSULB)
 Approved MOU for interns in the California State University, Long Beach, Department of Social Work to receive field experience at designated District schools. There is no impact to General or Categorical funds. Trainees will function at no cost to Mt. Diablo Unified School District.
- 3.10 Memorandum of Understanding (MOU) with University of San Francisco (USF) School of Education
 Approved MOU for school counseling trainees in the USF Counseling Psychology Department, School of Education, to receive field experience at designated District Schools. There is no impact to General or Categorical Funds. Trainees will function at no cost to Mt. Diablo Unified School District.
- 3.11 Resolution 08/09-44 Exemption from Walnut Creek City Ordinances—PULLED

4. REPORTS/INFORMATION: 2009 Parcel Tax Feasibility Survey

Brian Godbe of Godbe Research explained the results of a community poll conducted between January 27 and 30. Highlights:

- Respondents: 600 phone surveys conducted in Bay Point, Clayton, Concord, Martinez, Pittsburg, Walnut Creek, and Unincorporated areas
- Support:



- School funding needs that resonated the most with voters:
 - Maintaining high-quality reading, writing, math and science programs
 - Maintaining college preparation, advanced placement and honors programs
 - Maintaining programs to prepare our students for the workforce
 - Improving after-school programs to help students with reading, writing, math and other activities
 - Increasing compensation to attract and retain quality teachers

Board comment Strange asked what the risks would be of asking for a higher tax. Godbe said results show that a two-digit number (less than 100) is more successful than a three-digit (100+). He agreed with Strange that it's best to go with something that's likely to succeed the first time a tax initiative is placed on the ballot. If the tax passes in June, the money would come to the District in the current school year. In response to Mayo, Godbe said respondents had a more positive attitude about the parcel tax after hearing that it would maintain programs, especially reading, writing, math, and science. "We don't need to sell the voters that there's a fiscal crisis going on in the state of California. They get that," he said. "We just have to put it in the context of how is going to impact this district and what can we do to at least maintain what we have."

5. PUBLIC HEARING

5.1 Public Hearing on Budget Reductions

Since December 2008 the Board of Education has been considering and taking action on budget reductions to erase a revenue expenditure gap of more than \$6.6 million in the 2009-10 school year, the result of decreased revenues from the state budget passed in September 2008. As of this meeting, Eberhart said, the Board has reduced \$5.6 million. The goal is to complete the reductions by the February 24 Board meeting so the financial data are included in the District's Second Interim Report., which is submitted to the County Office of Education in March, and show that the District budget has a positive ending fund balance. He announced that the Board was not likely to act on Item 75(a), which was listed on the agenda as being recommended for approval, "because of some of the changes that have come about recently. We need to take a harder look at it and make sure that's the direction we want to go before we move forward with it." He also announced that the staff report presented at previous meetings would not be given at this one.

Public hearing

Mt. Diablo High Principal Bev Hansen, referring to Superintendent McHenry's resignation, said "the school has lost a friend." She then described the educational needs of MDHS students as delineated in the Single Plan for Student Achievement and said the school needs support provided by administrators and staff in all the central office departments. Cambridge Elementary Principal Marie Schirmer, teacher Joyce Densmore-Thomas, literacy coach Kathy Flores, reading specialist Patricia Preut, and teacher Kathy O' Brien all spoke of and provided data to show the support needed by their school's students, particularly the English language learners.

A number of employees who serve as Instructional Media Assistants (IMAs) described the work they do for school libraries and students: Moira Cockrell, Isabel Cardes, Pat McDermont, Susan Edmonds, and Katie Comeaux. In addition, LeighAnn Kearney, workability program, described how the Personnel Coordinator has helped the students in that program. Jackie Glass, network technician and administrator of the library database, said the Personnel Coordinator and the elementary IMAs are vital positions in the District.

Greg Edmonds, news reporter, said he's doing a story on the possibility there being millions of dollars in other funds available in the state. He encouraged everyone to read the Comprehensive Annual Financial Report ("CAFR").

Deborah Heinzmann, parent, applauded the idea of a parcel tax. She said the former superintendent was respectful, and the new superintendent deserves to be respected, too. She urged the Board to spend more time on revenue generation and creative solutions, saying "the least amount of strife generated, the better."

Willie Mims, Black Political Association member and Pittsburg resident, said that if parent volunteers are asked to pay for fingerprinting, the District will lose volunteers. He also believes the District may have compliance issues if some Special Education positions are cut. Darnell Turner, member of the East Bay NAACP, expressed several concerns: that the District will have compliance issues if Special Ed. positions are cut; that the Board is crossing into operational areas when should be focused on policy; and that some decisions will increase the achievement gap. He said his organization will send an official letter of concern to the Board soon.

MaryAnnette Venti, elementary instrumental music teacher, spoke of the importance of the program, which she called "the most egalitarian," and noted that the community agrees, with a parent group raising more than \$100,000 for the program a few years ago. Music teacher Emilee Patton shared stories of how well music students learn math and science.

Organizations

Local One M&O—Ron Hansen, president, introduced Dawn Winder, site support technician, who spoke of the importance of maintaining site and District technology positions to support a “mission critical” program for students. Hansen said Winder’s remarks show that classified staff work directly with students.

Community Advisory Committee (CAC)—Gina Hale, parent, said once funding is returned to the District after the budget crisis, the Board must “restaff” the District “through a well thought-out reorganization plan.” She spoke in support of Small Necessary High Schools, Special Education, English language learners, Response to Intervention, physical education, art, music, and libraries. She suggested other funding sources for other programs such as athletics, JROTC, class size reduction. Parent Connie Warner asked if the District is still meeting the demands of the Individuals with Disabilities Education Act (IDEA) and the No Child Left Behind (NCLB) Act, expressing concern that the staff remaining after the budget cuts will not be able to manage the task.

Budget Advisory Committee—Keith McMahon, committee spokesperson, said comments made at this meeting are similar to ones expressed at a recent BAC meeting at which Fiscal Services Director Bryan Richards gave a presentation on the state budget crisis. He said BAC members are concerned that the Board has not been receiving their comments. The committee believes it may not be possible for the District to achieve the amount of budget reductions called for, which could lead to the District’s coming under state control. He said Board members have work to do to restore the faith of community and urged them to iron out their differences. He presented a proposal calling for budget cuts across the board, across all employee classifications. Among the suggestions: a salary decrease of a few percentage points to save jobs of people who will otherwise be out on the street; the suspension of all raises and benefit increases; furloughs; temporary changes, with a sunset date, for their restoration; energy conservation, and the sale of District facilities. He said the District needs to create a spirit of cooperation in order for a parcel tax to pass.

Board Action on items recommended by staff

Item 4(a): Eliminate vacant Custodial Supervisor position at Loma Vista Adult Education Center.
Fiscal Impact: \$65,700
Strange moved, Whitmarsh seconded, and the Board voted 5-0-0 to approve.

Item 17: Reduce three PM custodians. Fiscal Impact: \$168,246
Board comment: In response to Allen, Nicoll said the schools affected do have another PM custodian position. Eberhart said he’d like to see staff develop a plan for custodial services that includes positions included in Item 4, custodial supervisors, and 17, PM custodians. He believes they could be combined to provide the same level of service without cutting any positions. Mayo pointed out that Item 4 deals with secondary level custodians, Item 17 with elementary, and that one roving custodial crew remains in place.
Board action: POSTPONED

Item 19(a): Reduce ~~5-0~~ 2.9 Instructional Media Assistant (IMA) positions at elementary schools.
Fiscal Impact: \$53,014 per position.
Mayo moved, Allen seconded, and the Board voted 4-1-0 (Whitmarsh, no) to reduce 2.9 IMA positions.

Item 81: Reduce one Site Technology Technician funded out of the Routine Restricted Maintenance funds. Fiscal Impact: \$78,000
Board comment: In response to Whitmarsh, Technology and Information Services Director Joe Estrada said the reduction would not affect parent access to information about their student via the District’ Student Information System but would impact the amount of time available for techs to service computers. Mayo asked if funding for the position would again become a General Fund obligation if the District reaches the threshold of the Routine Restricted Maintenance budget. Nicoll noted that in the Governor’s proposal school districts would have to set aside only one percent rather than three percent for Routine Restricted Maintenance, so there would be more money available in the General Fund.
Board action Mayo moved, Allen seconded, and the Board voted 4-1-0 (Whitmarsh, no) to approve.

Item 83:: Increase elementary school staffing ratios:
Kindergarten, from 30 to 31
Grades 4 and 5, from 31.5 to 32
Total of 4 positions. Fiscal Impact: \$217,716

Board comment: In response to Strange, Nicoll said there will be a concerted effort to achieve this staffing, but enrollments could make that difficult. Isserman provided the maximum staffing ratios allowed under the teachers' contract. In response to Whitmarsh, Isserman said three elementary schools receive Quality Education Improvement Act (QEIA) funds to provide small class size in Grades 4 and 5. Eberhart pointed out that action on this item would not change contractual limits nor change the Grade 1-3 Class Size Reduction program.

Board action Allen moved, Mayo seconded, and Board voted 5-0-0 to approve.

Item 84: Increase middle school staffing as follows: Glenbrook Delta View from 29 to 30. All other middle schools from 30 to 31. Total of 7 positions. Fiscal Impact: \$381,003
Mayo moved, Whitmarsh seconded, and the Board voted 5-0-0 to approve.

Item 85: Increase high school staffing as follows: from 31 to 32. Total of 10 positions. Fiscal Impact: \$544,290

Whitmarsh moved, Allen seconded, and the Board voted 5-0-0 to approve.

Items brought forward by Board members: None

6. PUBLIC COMMENT

Nancy Brenner, Sequoia Middle School librarian, read excerpts from student essays responding positively to the question, "Should School Libraries Be Saved?" Nicole Nunes, Director of the Cal Teach at U.C. Berkeley, and Kate Mahar of the CalPASS, each described their program's use of and need for the Curriculum Department staff. Willie Mims, community member, called McHenry "the captain of this ship for nine years" and expressed disbelief that he would resign his position without pressure. Darnell Turner, East County NAACP, repeated the comment he made at the January 27 Board meeting, that the Board's actions appear to be vindictive. He encouraged the Board to communicate better with its constituency and said that while he supports the parcel tax, he is currently "in opposition to this Board."

7. BOARD FORUM

This item is here for the Board of Education to discuss any issues of concern.

7.1 Committee Minutes

7.2 Board Reports

Whitmarsh said she enjoyed a visit to Mt. Diablo High last week, especially observing a teacher interacting with non-English speaking students.

Mayo said she'd visited Ayers, Silverwood, Mountain View, and Westwood elementary schools. She especially enjoyed Woodside's "sensory room," which provides a stimulating environment for students with autism. She attended meetings of the Community Advisory Committee and the Parent Advisory Council and last week went with Student Services Director Margot Tobias and Bancroft Principal Linda Schuler to the Coordinated School Health Program conference, sponsored by the California Department of Education and the American Cancer Society. Components of the health program will be required under No Child Left Behind Act. She said she'd like a District staff member present a report to the Board on this topic. MDUSD is further along in developing its program than other districts.

Allen announced that the Greater Chamber of Commerce is holding its annual crab feed on February 22.

7.3 Issues of Concern

8. COMMUNICATIONS

8.1 District Organizations

Mike Noce, MDEA president, said "we need to raise revenues" and encouraged individuals to call members of Congress to support the U.S. House version of the federal stimulus package because it provides more money for education than the Senate version. Similarly, he said, state legislators also need to hear from the public. He encouraged those who spoke at the Board meeting to do so. He announced that the MDEA Executive Board has voted to recommend that the MDEA Rep Assembly support a parcel tax. Key to garnering teacher support, he said, is delineating what the money will be used for. He's been attending planning meetings for the parcel tax and can see that everyone is working together.

Karen Barta spoke on behalf of Community United for Excellent Schools (CUES), a political action committee created two years ago and now comprised of parents, community members, and employees. She reported that the group has hired Whitehurst Moser as the campaign consultant and is looking for a campaign manager. The aim is to work positively to pass a local fund measure, a reliable source of revenue that the state cannot take away. She encouraged people to sign up to participate.

9. SUPERINTENDENT'S REPORT: None**10. BUSINESS**

- 10.1 Resolution 08/09-45 In Appreciation of the Black Families Association of Contra Costa County
Mayo moved, Strange seconded, and the Board voted 5-0-0 to adopt 08/09-45, recognizing the Black Families Association of Contra Costa County for over 30 years of service to the community.
- 10.2 Resolution 08/09-46 Solving the Budget Crisis
Strange moved, Whitmarsh seconded, and the Board voted 5-0-0 to adopt Resolution 08/09-46, opposing further cuts to education funding and urging the Legislature and Governor to immediately solve the budget crisis with a balanced approach that includes revenue increases and supports broad local budget flexibility to help school districts prioritize the resources they have to best serve the needs of their students.
- 10.3 Consider Establishment of Priorities for the 2008 and 2009 School Years and Beyond
The Board of Education has expressed the need to establish priorities for the 2008 and 2009 years and beyond. The most critical issues are budget reductions and a decision regarding a parcel tax initiative. Eberhart said the Board will ask Dr. Nicoll to review the list of issues provided to date and provide advice. Allen suggested that the topic be discussed in a Board study session. Whitmarsh suggested adding "revenue generation" as a priority. Eberhart said he appreciated BAC member McMahon's comments earlier in the meeting about the sale and leasing of property. He thinks the Loma Vista site, located as it is near a BART station, could be leased to a business that might add on to the building so both the business and the Adult School located there could share in its use. He agrees that the use of solar energy and energy conservation, which the District is doing, should be expanded.
- 10.4 Public Hearing Regarding the Adoption of Resolution Establishing a Parcel Tax and Specifications of the Election Order
Due to the reduction in state funding for education, the District is proposing that an election be called and conducted on June 2, 2009, to present a measure to authorize the establishment of a special tax for the purpose of providing specified educational programs. Fiscal Impact: \$99 per parcel Funding Source: Future parcel tax proceeds

Public hearing Eberhart opened the hearing at 10:35 p.m. Shel Perham, treasurer for CUES, said parcel tax funding would allow the District to have an additional level of community control. He spoke in support of the components of the ballot statement, specifically that money be used for classroom programs and that there be a citizens oversight committee. Anita Johnson, math teacher, said the parcel tax is the most secure way to get additional funding to attract and retain quality teachers. John Parker, parent, thanked Mike Noce and Rufus Jeffris of the campaign consulting firm for their hard work on the project, saying he hopes teachers will support the tax. Chris Stieger-Maguire, parent, said it's exciting to look at a measure that will infuse money into the District. She pointed out that it's important to get good information into the community. Edi Birsan, community member, said each parcel would pay the same, no matter the value of the property. He said the tax "is structured to be unjust," hitting the single-family homeowner hardest. Nevertheless, he will support it. He asked the Board to send a resolution to the State Legislature proposing a change in how a parcel tax is levied. With no further requests to speak, Eberhart closed the hearing at 10:47 p.m.

Procedural action: *It being 10:48 p.m., Mayo moved, Strange seconded, and the Board voted 5-0-0 to extend meeting beyond its required 11 p.m. adjournment time, to 12 midnight.*

- 10.5 Resolution 08/09-43 Establishing a Parcel Tax and Specifications of the Election Order
Strange moved, Allen seconded, and the Board voted 5-0-0 to adopt Resolution 08/09-43, requesting that an election be called and conducted on June 2, 2009, to present a measure to authorize the establishment of a special tax for the purpose of providing specified educational programs. Fiscal Impact: \$99 per parcel Funding Source: Future parcel tax proceeds
- Board comment Mayo said she supports all the work that has gone into the parcel tax effort so far and is proud to vote in the affirmative. However, she is disappointed that District administrators were not included in the ballot language. She said "it's sad that there seems to be a perception in our community that administrators are not integral to the functioning of the District. It defies logic." Allen thanked the CUES members for the work they've done to move this effort forward so far. Eberhart also thanked CUES and others who have expressed support. He provided his rationale for why a parcel tax is needed.
- 10.6 Approval of Summary of Tentative Agreement with California School Employees Association (CSEA) AB1200
Strange moved, Whitmarsh seconded, and the Board voted 5-0-0 to approve the AB1200 disclosure of the Summary of Tentative Agreement with the California School Employees Association. CSEA members ratified the tentative agreement reached between the District and CSEA. A summary of it was sent to the County Office of Education for review.

- 10.7 Request to Approve Tentative Agreement reached between California School Employees' Association (CSEA) and Mt. Diablo Unified School District regarding the Collective Bargaining Agreement to be in Effect July 1, 2007 – June 30, 2010
Allen moved, Mayo seconded, and the Board voted 5-0-0 to approve the tentative agreement between CSEA and MDUSD. It includes all outstanding successor reopener issues pursuant to the successor collective bargaining agreement to the 2004-2007 agreement. Eberhart thanked all involved in the negotiations.
- 10.8 Request to Establish Salary Range for Associate General Counsel
Strange moved, Whitmarsh seconded, and the Board voted 4-1-0 (Mayo, no) to place the new position of Associate General Counsel on the Management Salary Schedule at Range 47 (\$120,060 to \$145,935). At Step Five of this range, the total cost, including salary-related costs and benefits, is \$194,952. The new position was created as part of the reorganization of the Office of General Counsel, which the Board approved on January 13, 2009. Fiscal Impact: Up to \$194,952 Funding Source: General Fund

Board comment Strange said that even with the expenditure of \$190,000, the addition of this position is expected to save the District \$200,000. It is part of the Board's goal of reducing contracted services and having them carried out by District employees. In response to Mayo, the step was selected because it comes closest to the Board's authority of \$190,000. That salary level would attract the desired candidates.
- 10.9 Job Description for Inventory and Materials Storekeeper for Transportation; Maintenance and Operations Units
Allen moved, Strange seconded, and the Board voted 5-0-0 to approve the job description for Inventory and Materials Storekeeper for Transportation; Maintenance and Operations Units. The position will be at Range 501 (\$3,171.65 - \$3,855.03/month) of the Maintenance, Operations, Transportation, Warehouse, Food Service Unit salary schedule. Presented as information at the January 27 meeting, this item was returned for action at this time.
- 10.10 Request Approval to Eliminate Two (2) Parts Controller Positions and Create the Inventory and Materials Storekeeper Position for Transportation, Maintenance and Operations
Strange moved, Mayo seconded, and the Board voted 5-0-0 to eliminate two existing Parts Controller positions and create an Inventory and Materials Storekeeper position, based on action taken at the December 16, 2008, Board meeting. The new individual in the new position will maintain parts and materials and provide inventory and equipment coordination and control for the Transportation, Maintenance and Operations Department. Fiscal Impact: \$67,533 savings to the Restricted Maintenance and Operations funds.
- 10.11 Adoption of K-5 Mathematics Series
Strange moved, Allen seconded, and the Board voted 5-0-0 to adopt Houghton Mifflin California Math textbooks and materials for grades K-5 as recommended by the Elementary Mathematics Committee. Presented as information at the January 27 meeting, this item was returned for action at this time.

Board comment Strange said this is one area he hopes the state will designate for flexible funding. Eberhart asked staff to provide a timeline showing when the texts can be ordered and the total cost of the materials. Mayo agreed that the flexibility would help, but added that students do need texts, which are adopted on seven-year cycles, and these are critical to some programs. She thanked teachers who participated in the textbook selection process.
- 10.12 Board Policy 4119.25 Political Activities of Employees
Changes in the law require an update to the District's policy regarding political activities by employees. The update will be based on California School Boards Association sample policies and rules regarding political activities. Presented only as information at this time, this item will be returned for action at a subsequent meeting. Mayo requested that staff provide Board members with the model policy from CSBA.
- 10.13 Board Policy 5117 and Administrative Rules 5117 and 5111.12
The policy and rule regarding "interdistrict transfers" are being updated to reflect new legislation that clarifies the definition of employment within a district's physical boundaries. Presented only as information at this time, this item will be returned for action at a subsequent meeting.
- 10.14 Board Policy and Administrative Rule 3511
An enhanced and more fully developed energy, water and resource conservation policy and administrative rule are critical to the promotion, enforcement and sustenance of the District's proposed Integrated Resource Conservation Plan. Presented only as information at this time, this item will be returned for action at a subsequent meeting.

10.15 Integrated Resource Conservation Plan

Staff requests approval of a formal Integrated Resource Conservation Plan. Presented only as information at this time, this item will be returned for action at a subsequent meeting.

11. ADJOURNMENT

Eberhart adjourned the meeting at 11:16 p.m.

Richard Nicoll, Secretary



Agenda Item No. **3.2.1**

Meeting Date: March 10, 2009

AGENDA DOCKET FORM

SUBJECT: Recommended Action for Certificated Personnel



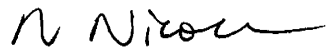
SUMMARY: Changes in status of the following certificated employees.

Please see attached listing of certificated personnel actions.

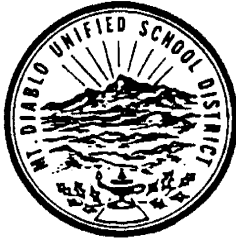
FISCAL IMPACT: NA

FUNDING SOURCE: NONE

RECOMMENDED ACTION: Approve attached recommendations.

 Department Head	 Assistant Superintendent	 Superintendent
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Attachments: Certificated Actions



Agenda Item No: 3.2.2(1)

Meeting Date: March 10, 2009

AGENDA DOCKET FORM

SUBJECT: Approval of Provisional Internship Permit (PIP) Request

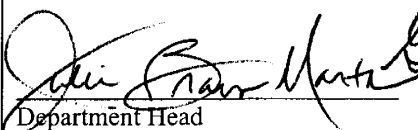
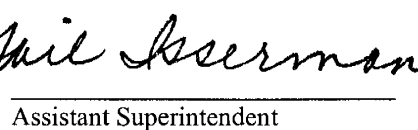
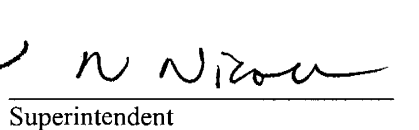
SUMMARY: The California Commission on Teacher Credentialing is no longer issuing Emergency Permits. However, the Commission replaced the Emergency Permit with the Provisional Internship Permit (PIP) which provides applicants additional time to meet the subject matter competence requirement(s) needed to enter an internship program. A District may request a PIP only after a diligent search has been conducted and a fully credentialed teacher could not be found. The PIP is issued for one (1) year and is renewable one time only provided the teacher has taken all appropriate subject matter examinations, but has not yet passed those tests.

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 is the identified position has been made public.

FISCAL IMPACT: None

FUNDING SOURCE: N/A

RECOMMENDED ACTION: Approve Provisional Internship Permit request(s) as presented.

 Department Head	 Assistant Superintendent	 Superintendent
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Attachment: Copy of Resolution for Provisional Internship Permit (s)

RESOLUTION OF THE GOVERNING BOARD
OF THE MT. DIABLO UNIFIED SCHOOL DISTRICT
#08/09 - 57

WHEREAS, the California Commission on Teacher Credentialing authorizes the issuance of a Provisional Internship Permit (PIP) to an employee who meets the minimum requirements and who requires additional time to meet the subject matter competence needed to enter an internship program.

THEREFORE, be it resolved that the following teachers meet the above criteria and are authorized to apply for a PIP to complete their assignments for the 2008-09 school year in the Mt. Diablo Unified School District:

David Hobson

Clayton Valley HS

Single Subject: PE

AYES: _____

NOES: _____

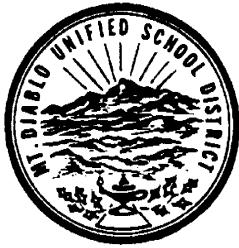
ABSENT: _____

Secretary of the Governing Board

Date

March 10, 2009

PIP



Agenda Item No: **6.1(1)**

Meeting Date: March 10, 2009

AGENDA DOCKET FORM

SUBJECT: 2008-09 SECOND INTERIM REPORT

SUMMARY: The interim report presents revenue and expenditure projections to the end of the fiscal year and compares these projections to the budget. The projections are made by gathering the best information available at the time from a variety of sources, such as district administrators, county officials, state officials, and School Services of California. The year-end projections are then compared to the budget to display the differences and to give the most up-to-date picture of how the district will end the year financially, as well as the two subsequent years.

The Second Interim Report contains budgets and transactions through January 31, 2009. The General Fund Unrestricted Fund Balance is projected to be \$7,782,198 as of June 30, 2009. This amount includes revolving cash (\$300,000), stores inventory (\$510,879), the required 2% Economic Uncertainties Reserve (\$5,948,519), a reserve for resolution of the IRS assessments and audit (\$833,550) and the remaining reserve for implementation of the FCMAT recommendations (\$78,965) leaving an unreserved balance of \$110,285 as of June 30, 2009.

The multi-year projection reflects the economic changes since the First Interim Report including the cuts related to the recently adopted State budgets for 2008-09 and 2009-10. The Board approved cuts through March 3, 2009 are also included. The multi-year projection demonstrates that MDUSD will be able to meet its financial obligations in the 2009-10 and 2010-11 fiscal years and finish 2010/11 with an unappropriated ending balance of \$233,337. Based on this, the Superintendent will recommend that the MDUSD Board of Education approve a positive certification.

The second interim report is separately bound and included in the Board's supplemental data. Extra copies are available in the Fiscal Services Department.

FISCAL IMPACT: None

FUNDING SOURCE: Not Applicable

RECOMMENDED ACTION: Approval of the District's Positive Certification is recommended.

<hr/> Department Head	<hr/> Assistant Superintendent	<hr/> <i>R. Nicoll</i> Superintendent
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Attachments: District Certification of Interim Report

NOTICE OF CRITERIA AND STANDARDS REVIEW. This interim report was based upon and reviewed using the state-adopted Criteria and Standards. (Pursuant to Education Code (EC) sections 33129 and 42130)

Signed: _____ Date: _____
District Superintendent or Designee

NOTICE OF INTERIM REVIEW. All action shall be taken on this report during a regular or authorized special meeting of the governing board.

To the County Superintendent of Schools:

This interim report and certification of financial condition are hereby filed by the governing board of the school district. (Pursuant to EC Section 42131)

Meeting Date: March 10, 2009 Signed: _____
President of the Governing Board

CERTIFICATION OF FINANCIAL CONDITION

- POSITIVE CERTIFICATION
As President of the Governing Board of this school district, I certify that based upon current projections this district will meet its financial obligations for the current fiscal year and subsequent two fiscal years.
- QUALIFIED CERTIFICATION
As President of the Governing Board of this school district, I certify that based upon current projections this district may not meet its financial obligations for the current fiscal year or two subsequent fiscal years.
- NEGATIVE CERTIFICATION
As President of the Governing Board of this school district, I certify that based upon current projections this district will be unable to meet its financial obligations for the remainder of the current fiscal year or for the subsequent fiscal year.

Contact person for additional information on the interim report:

Name: Bryan Richards Telephone: 682-8000 x4092
Title: Director, Fiscal Services E-mail: richardsb@mdusd.k12.ca.us

Criteria and Standards Review Summary

The following summary is automatically completed based on data provided in the Criteria and Standards Review form (Form 01CSI). Criteria and standards that are "Not Met," and supplemental information and additional fiscal indicators that are "Yes," may indicate areas of potential concern, which could affect the interim report certification.

CRITERIA AND STANDARDS			Met	Not Met
1	Average Daily Attendance	Funded ADA for any of the current or two subsequent fiscal years has not changed by more than two percent since first interim.	X	

CRITERIA AND STANDARDS (continued)			Met	Not Met
2	Enrollment	Projected enrollment for any of the current or two subsequent fiscal years has not changed by more than two percent since first interim.	X	
3	ADA to Enrollment	Projected second period (P-2) ADA to enrollment ratio for the current and two subsequent fiscal years is consistent with historical ratios.		X
4	Revenue Limit	Projected revenue limit for any of the current or two subsequent fiscal years has not changed by more than two percent since first interim.		X
5	Salaries and Benefits	Projected ratio of total unrestricted salaries and benefits to total unrestricted general fund expenditures has not changed by more than the standard for the current and two subsequent fiscal years.	X	
6a	Other Revenues	Projected operating revenues (e.g., federal, other state) for the current and two subsequent fiscal years have not changed by more than five percent since first interim.	X	
6b	Other Expenditures	Projected operating expenditures (e.g., books and supplies) for the current and two subsequent fiscal years have not changed by more than five percent since first interim.		X
7a	Deferred Maintenance	If applicable, changes occurring since first interim meet the required deferred maintenance facilities funding.	X	
7b	Ongoing and Major Maintenance Account	If applicable, changes occurring since first interim meet the required contribution to the ongoing and major maintenance account (i.e., restricted maintenance account).		X
8	Deficit Spending	Unrestricted deficit spending, if any, has not exceeded the standard in any of the current or two subsequent fiscal years.		X
9a	Ending Fund Balance	Projected general fund balance will be positive at the end of the current and two subsequent fiscal years.	X	
9b	Cash Balance	Projected general fund cash balance will be positive at the end of the current fiscal year.	X	
10	Reserves	Available reserves (e.g., designated for economic uncertainties, undesignated amounts) meet minimum requirements for the current and two subsequent fiscal years.	X	

SUPPLEMENTAL INFORMATION			No	Yes
S1	Contingent Liabilities	Have any known or contingent liabilities (e.g., financial or program audits, litigation, state compliance reviews) occurred since first interim that may impact the budget?	X	
S2	Using One-time Revenues to Fund Ongoing Expenditures	Are there ongoing general fund expenditures funded with one-time resources that have changed since first interim by more than five percent?	X	
S3	Temporary Interfund Borrowings	Are there projected temporary borrowings between funds?	X	
S4	Contingent Revenues	Are any projected revenues for any of the current or two subsequent fiscal years contingent on reauthorization by the local government, special legislation, or other definitive act (e.g., parcel tax, forest reserves)?	X	
S5	Contributions	Have contributions from unrestricted to restricted resources, or transfers to or from the general fund to cover operating deficits, changed since first interim by more than the standard for any of the current or two subsequent fiscal years?	X	

SUPPLEMENTAL INFORMATION (continued)			No	Yes
S6	Long-term Commitments	Does the district have long-term (multiyear) commitments or debt agreements?		X
		• If yes, have annual payments for the current or two subsequent fiscal years increased over prior year's (2007-08) annual payment?	X	
S7a	Postemployment Benefits Other than Pensions	Does the district provide postemployment benefits other than pensions (OPEB)?		X
		• If yes, have there been changes since first interim in OPEB liabilities?	X	
S7b	Other Self-insurance Benefits	Does the district operate any self-insurance programs (e.g., workers' compensation)?		X
		• If yes, have there been changes since first interim in self-insurance liabilities?	X	
S8	Status of Labor Agreements	As of second interim projections, are salary and benefit negotiations still unsettled for:		
		• Certificated? (Section S8A, Line 1b)		X
		• Classified? (Section S8B, Line 1b)		X
S8	Labor Agreement Budget Revisions	For negotiations settled since first interim, per Government Code Section 3547.5(c), are budget revisions still needed to meet the costs of the collective bargaining agreement(s) for:		
		• Certificated? (Section S8A, Line 3)	X	
		• Classified? (Section S8B, Line 3)	X	
S9	Status of Other Funds	Are any funds other than the general fund projected to have a negative fund balance at the end of the current fiscal year?	X	

ADDITIONAL FISCAL INDICATORS			No	Yes
A1	Negative Cash Flow	Do cash flow projections show that the district will end the current fiscal year with a negative cash balance in the general fund?	X	
A2	Independent Position Control	Is personnel position control independent from the payroll system?		X
A3	Declining Enrollment	Is enrollment decreasing in both the prior and current fiscal years?		X
A4	New Charter Schools Impacting District Enrollment	Are any new charter schools operating in district boundaries that are impacting the district's enrollment, either in the prior or current fiscal year?	X	
A5	Salary Increases Exceed COLA	Has the district entered into a bargaining agreement where any of the current or subsequent fiscal years of the agreement would result in salary increases that are expected to exceed the projected state cost-of-living adjustment?	X	
A6	Uncapped Health Benefits	Does the district provide uncapped (100% employer paid) health benefits for current or retired employees?	X	
A7	Independent Financial System	Is the district's financial system independent from the county office system?		X
A8	Fiscal Distress Reports	Does the district have any reports that indicate fiscal distress? If yes, provide copies to the COE, pursuant to EC 42127.6(a).	X	
A9	Change of CBO or Superintendent	Have there been personnel changes in the superintendent or chief business official (CBO) positions within the last 12 months?		X



Agenda Item No. **6.2(1)**

Meeting Date: March 10, 2009

AGENDA DOCKET FORM

SUBJECT: Resolution No. 08/09-56 to decrease the number of certificated employees due to a reduction in particular kinds of services.

SUMMARY: As part of the certificated layoff process, Education Code section 44955 permits the Governing Board, through a resolution, to reduce or discontinue particular kinds of services for the next school year. This reduction or elimination of particular kinds of services may necessitate the termination of certain certificated employees at the end of the current school year. The criteria for the order of termination among employees who rendered first paid probationary service on the same date was established by the Board on January 27, 2009 in Resolution No. 08/09-40. These criteria were based solely on the needs of the District and the students thereof.

Resolution No. 08/09-56 is an addendum to Resolution No. 08/09-54 which states that it will be necessary to retain the services of certain certificated employees for the 2009-2010 school year, regardless of seniority, who possess qualifications needed for specific programs.

Resolution No. 08/09-56 also directs the Superintendent or his/her designee to send appropriate notices to all employees whose positions may be lost by virtue of the reduction or elimination of the particular kinds of services listed in the Resolution.

These additional requests for certificated reductions have been submitted due to a possible reduction in categorical funding.

FISCAL IMPACT: N/A

FUNDING SOURCE: N/A

RECOMMENDED ACTION: Approve Resolution No. 08/09-56 to decrease the number of certificated employees due to a reduction in particular kinds of service.

<p>_____</p> <p>Department Head</p>	<p><i>Gail Iserman</i></p> <p>Assistant Superintendent</p>	<p><i>n Nixon</i></p> <p>Superintendent</p>
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Attachments: Resolution No. 08/09-56

**RESOLUTION OF THE GOVERNING BOARD
OF THE MT. DIABLO UNIFIED SCHOOL DISTRICT
REGARDING THE REDUCTION OR DISCONTINUANCE
OF PARTICULAR KINDS OF SERVICE (CERTIFICATED LAYOFF)**

Resolution No. 08/09-56

WHEREAS, the Governing Board of the Mt. Diablo Unified School District has determined it is necessary to reduce or discontinue particular kinds of services of the District for the 2009-2010 school year in accordance with Education Code sections 44949 and 44955; and

WHEREAS, due to the reduction or discontinuance of services, the Governing Board has determined that it is in the best interest of the District that the number of regular certificated employees of the District be reduced; and

WHEREAS, the Governing Board has considered all positively assured attrition, including all deaths, resignations, retirements, nonreelections, and other permanent vacancies for 2009-2010 and, but for attrition already assured, the Governing Board would have found it necessary to reduce additional services; and

WHEREAS, the Governing Board is authorized by Education Code section 44955 to establish criteria based upon the needs of the District and its students for determining the order of termination as between certificated employees with the same seniority date; and

WHEREAS, Education Code section 44955 provides that the services of no permanent employee may be terminated while any probationary or other employee with less seniority is retained to render a service which the permanent employee is certificated and competent to render; and

WHEREAS, Education Code section 44955 authorizes the District to deviate from terminating certificated employees in order of seniority where the District demonstrates a specific need for personnel to teach a specific course or courses of study;

WHEREAS, all temporary employees will be given notice that their services will not be needed in the 2009-2010 school year and no permanent employee will be terminated while any probationary or other employee with less seniority is retained to render a service which the permanent employee is certificated and competent to render;

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Mt. Diablo Unified School District:

1. That each of the foregoing recitals is true and correct.
2. That, in addition to the particular kinds of service identified in Resolution No. 08/09-54, approved at the March 3, 2009 Board of Education meeting, the particular kinds of service set forth below be reduced or discontinued no later than the beginning of the 2009-2010 school year:

District Wide	
Elementary Vice Principals	3.00 FTE
Middle School Vice Principals	4.00 FTE
High School Vice Principals	3.00 FTE

Secondary School Librarians	9.00 FTE
4 th Grade Instrumental Music	6.40 FTE
Resource Specialist	5.00 FTE
School Psychologists	2.00 FTE
Athletic Directors	1.40 FTE

Due to the uncertainty and anticipated reductions of the federal and/or state budgets and possible reductions or elimination of categorical funds, the following Particular Kinds of Service are also going to be reduced or eliminated:

Categorical Programs	
K-5 Teachers	47.40 FTE
Class Size Reduction Grades K-3	133.00 FTE
Title I Elementary Teacher	8.50 FTE
ELD Elementary Support Teacher	14.11 FTE
Full Inclusion Teacher	1.00 FTE
DIS Teacher	1.20 FTE
School Psychologists	.80 FTE
Literacy Coach	9.05 FTE
Math Coach	1.00 FTE
Language Exclamation Teacher	.50 FTE
Intervention Coordinator	1.00 FTE
Instructional Program Specialist	2.00 FTE
High Priority Intervention Teacher	3.66 FTE
Social Science	1.00 FTE
Language Arts ELD	7.90 FTE
Science	3.74 FTE
English	2.40 FTE
History	4.00 FTE
Math	13.00 FTE
Math/Science Core	3.00 FTE
English/History Core	5.80 FTE
Reading/Reading Grant	1.60 FTE
SEI/ELD	5.01 FTE
Library	.57 FTE
Health Science	.20 FTE
Art	1.00 FTE
Spanish for Spanish Speakers	1.60 FTE
9 th Grade Class Size Reduction – Math	4.60 FTE
9 th Grade Class Size Reduction – English	9.50 FTE
GATE Teacher	1.00 FTE
After School Academic Coach	1.00 FTE
Teacher, Community Day School	2.00 FTE
Total	325.94 FTE

1. That “competency” for the purpose of Education Code section 44955 shall be determined solely upon current possession of a preliminary or clear credential for the subject matter or grade level to which the employee will be assigned at the beginning of the 2009-2010 school year.
2. That, except as required by law, the order of termination shall be based solely on the needs of the District and its students as determined by the criteria set forth in Board

Resolution 08/09-40, a copy of which is attached hereto, which shall be applied to resolve ties in seniority between certificated employees. The District and the Mt. Diablo Education Association (MDEA) met on February 17 and February 24, 2009 and applied these criteria as to potentially affected employees and administered any lottery.

- 4. There is a direct and specific need within the District for certificated employees qualified to serve the needs of K-12 students with respect to the following:
 - a. Courses requiring Bilingual Cross-Cultural Language and Development (BCLAD) certificates, which are highly specialized programs requiring the possession and utilization of additional specialized certificates and/or credentials.
 - b. Bilingual School Psychologists.

Pursuant to Education Code section 44955(d)(1), it will be necessary to retain the services of certificated employees in the 2009-2010 school year, regardless of seniority, who possess these qualifications as demonstrated by the possession of a valid certificate and/or credential and/or permit or waiver and use of that certificate and/or credential and/or permit or waiver in the employee's 2008-2009 assignment.

- 5. That the Interim Superintendent or his designee is directed to send appropriate notices to all employees whose positions may be affected by virtue of this action in accordance with the provisions of the Education Code and to afford all such employees all rights to which they are entitled under law.

PASSED AND ADOPTED by the following vote of the members of the Governing Board of the Mt. Diablo Unified School District of Contra Costa County, State of California, this 10th day of March, 2009.

AYES: _____

NOES: _____

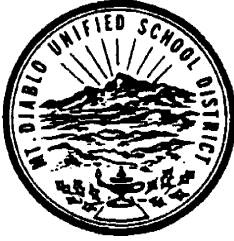
ABSTENTIONS: _____

ABSENT: _____

Gary Eberhart
 President of the Board of Education of
 Mt. Diablo Unified School District

Attested to:

Richard Nicoll
 Secretary of the Board of Education of
 Mt. Diablo Unified School District



Agenda Item No. **6.3(1)**

Meeting Date: March 10, 2009

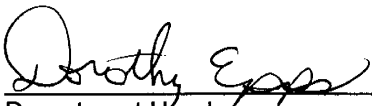

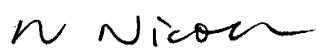
AGENDA DOCKET FORM

SUBJECT: Resolution Relative to Elimination of Classified Positions.

SUMMARY: Program modifications and budgetary limitations make it necessary to eliminate and reduce classified positions.

FISCAL IMPACT: At the March 3, 2009 Board meeting, it was approved to eliminate 16 Custodial Supervisors and create six (6) Custodial Area Managers and 11 Custodians. This reduction will result in an estimated savings to the General Fund of \$178,468 for fiscal year 2009-10.

RECOMMENDED ACTION: Adopt resolution relative to the elimination of classified positions.

 Department Head	 Assistant Superintendent	 Superintendent
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Attachments: Resolution

Resolution #08/09-59

RESOLUTION RELATIVE TO ELIMINATION OF CLASSIFIED POSITIONS,
AND LAY OFF OF CLASSIFIED EMPLOYEES

WHEREAS, due to lack of funds or lack of work, this Board hereby finds that it is in the best interest of Mt. Diablo Unified School District that certain services now being provided by said school district be discontinued by the following extent:

The following positions shall be eliminated as of June 30, 2009:

<u>Classification</u>	<u>Position to be Eliminated</u>
<u>Supervisory Unit</u>	
Custodial Supervisor I	Eight (8) full-time, 40 hour week. Diablo View MS El Dorado MS Foothill MS Glenbrook MS Oak Grove MS Pine Hollow MS Sequoia MS Valley View MS
Custodial Supervisor II	Eight (8) full-time, 40 hour week Clayton Valley HS College Park HS Concord HS Mt. Diablo HS Northgate HS Pleasant Hill Ed. Center Riverview MS Ygnacio Valley HS

NOW, THEREFORE, BE IT RESOLVED that the above-named positions be eliminated as of June 30, 2009.

BE IT FURTHER RESOLVED that the district administration be and hereby is authorized and directed to notify the employee(s) affected by this action and to layoff or reassign employees in accordance with District policy and procedures.

PASSED AND ADOPTED by the Board of Education of the Mt. Diablo Unified School District of Contra Costa County, California, on March 10, 2009, by the following vote:

AYES:
NOES:
ABSENT:

I hereby certify that the foregoing resolution was duly and regularly introduced and adopted by members of the Board of Education of the Mt. Diablo Unified School District of Contra Costa County, California, at the public meeting of said Board held on March 10, 2009.

Richard Nicoll, Secretary of Board



Agenda Item No: 64(1)

Meeting Date: March 10, 2009

AGENDA DOCKET FORM

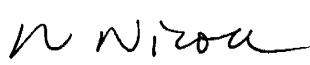
SUBJECT: Resolution 08/09-55 Stand Up For Schools Day of Action

SUMMARY: The Mt. Diablo Education Association (MDEA) and other organizations encourages all education stakeholders to participate in before- and after-school activities to protest continued cuts to education funding and to call on the governor to adequately fund our schools. In Contra Costa County a rally will be held on March 11 in Walnut Creek.

FISCAL IMPACT: NA

FUNDING SOURCE: NA

RECOMMENDED ACTION: Adopt resolution as presented.

<hr/> <p>Department Head</p>	<hr/> <p>Assistant Superintendent</p>	 <hr/> <p>Superintendent</p>
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Attachments: Resolution

MT. DIABLO UNIFIED SCHOOL DISTRICT

Stand Up for Schools Day of Action
Resolution 08/09-55

WHEREAS, California's students depend upon the skills and guidance of caring teachers, administrators, classified staff, parents, volunteers and other educators to help them succeed in school;

WHEREAS; California ranks 47th in the nation in per-pupil funding and at the very bottom among states in the nation in overall staffing ratios, including the ratio of teachers to students, principals and assistant principals to students, counselors to students and librarians to students;

WHEREAS, California's governor and lawmakers voted to cut more than \$10 billion for schools during the next 17 months;

WHEREAS; this \$10 billion funding cut is in addition to a \$3 billion cut that schools have already suffered in 2008-09;

WHEREAS; these billion dollar cuts force districts to issue layoff notices to teachers, administrators, classified staff and other educators in order to comply with the Education Code;

WHEREAS; thousands of educators are expected to receive pink slips this year and layoff notices cause suffering, stress and turmoil among educators, students, parents and entire school communities;

WHEREAS, Stand Up for Schools events are being planned statewide for the week of March 9 - 13, the deadline for layoff notices;

WHEREAS; all education stakeholders are encouraged to wear pink and participate in organized before- and after-school events on March 11, 2009 to protest cuts to public education and the state's continued inadequate funding levels for our students and schools;

NOW THEREFORE BE IT RESOLVED, that the Mt. Diablo Unified School District strongly supports participation in March 11, 2009 Stand Up for Schools events;

AND BE IT FURTHER RESOLVED, that the Mt. Diablo Unified School District encourages all education stakeholders to participate in before- and after-school activities to protest continued cuts to education funding and to call on the governor and lawmakers to adequately fund our schools.

Ayes: _____ Noes: _____ Abstain: _____

Richard Nicoll, Secretary

Date

