

BOARD MEETING: January 13, 2009

ATTENDANCE: Board: Gary Eberhart, Paul Strange, Dick Allen, Linda Mayo, Sherry Whitmarsh
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 Eberhart called the meeting to order at 5:00 p.m. in the Board Room at the MDUSD Dent Center.

PUBLIC COMMENT: None

CLOSED SESSION: The Board adjourned to Closed Session at 5:01 p.m. in Room 6 at the Dent Center. Topics discussed included Superintendent's evaluation; General Counsel's evaluation; three expulsions, two requests for readmission; existing litigation (Heathorn v MDUSD); public employee discipline/dismissal/release/complaint; and negotiations.

Readmission

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

Public Employee Discipline/Dismissal/Release/Complaint

Strange moved, Whitmarsh seconded, and the Board voted 5-0-0 to proceed with the immediate suspension and dismissal of certificated employee #12210.

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. A JROTC Color Guard presented the state and American flags. President Eberhart led the Pledge of Allegiance to the Flag.

Expulsion

Student 09-09: Strange moved, Mayo seconded, and the Board voted 5-0-0 that Student 09-09 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student 09-09 may apply for readmission after June 10, 2009. It is required that Student 09-09 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 10-09: Mayo moved, Allen seconded, and the Board voted 5-0-0 that Student 10-09 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student 10-09 may apply for readmission after June 10, 2009. It is required that Student 10-09 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.

Before making his motion on Student 11-09, Allen pointed out that the student is Number 11. He recalls that at this point last year the Board was considering action on Student Number 60. He thanked everyone who is involved in Intervention efforts for their part in reducing this number.

Student 11-09: Allen moved, Mayo seconded, and the Board voted 5-0-0 that Student 11-09 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student 11-09 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 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 Items 3.9.4 and 3.13 at staff's request, Mayo moved, Strange 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 November 12 and November 25, 2008.

3.2 Certificated Personnel

3.2.1 Leaves of Absence, Resignations, Retirements, Employment

3.2.2 Resolution 08/09-33 Provisional Internship Permit (PIP) Request(s)

Adopted Resolution 08/09-33, authorizing Jennifer Crisp to apply for a Provisional Internship Permit (PIP) in order to complete her assignment for the 2008-09 school year.

3.2.3 Assembly Bill 948 – STRS Post-Retirement Earnings Limitation

Approved an exemption of up to two years from the STRS post-retirement earnings limitation for retired employees John L. Brown and Sandra Brickell, who have covered administrative positions that are vacant due to emergency situations with permanent employees. There is no impact to the General Fund.

3.3 Classified Personnel

3.3.1 Leaves of Absence, Resignations, Retirements, Employment

3.3.2 Increase and Combine Hours for a Site Technology Support Technician II Position at Glenbrook and Oak Grove Middle Schools for 2008-09 School Year

Increased from 19.5 to 20 hours/week an existing 10-month/year Site Technology Support Technician II position at Glenbrook Middle School. Combined that position with an existing (vacant) 16-hour/week, 10-month/year Site Technology Support Technician II position at Oak Grove Middle School, resulting in one 36-hour/week, 10-month year position to serve both sites. There is no impact to the General Fund. Funding Source: The \$5,250 increased cost for Glenbrook and \$3,884 for Oak Grove for fiscal year 2008-09 is funded by Title I – Part A.

3.3.3 Increase in Work Year for a Food Service Supervisor Position

Increased from an 11- to a 12-month year an existing 8-hour Food Services Supervisor position in the Food and Nutrition Services Department. There is no impact to the General Fund. Funding Source: The \$7,090.increase for fiscal year 2009-10 will be funded by the Food Service Budget.

3.3.4 Creation of Two (2) Part-Time Instructional Assistant Positions at Bel Air Elementary

Created two 17.5-hour/week, school day only, Instructional Assistant positions at Bel Air Elementary to assist English Learners. There is no impact to the General Fund. The annual cost for fiscal year 2008-09 will be \$11,772; a full year, \$19,618. Funding Source: Title I – Parent Involvement

3.3.5 Creation of Four (4) Part-Time Instructional Assistant Positions at Mt. Diablo Elementary School

Created four 10-hour/week, school day only, Instructional Assistant positions to at Mt. Diablo Elementary to support Kindergarten classrooms. Fiscal Impact: \$20,755. Funding Source: Mt. Diablo Elementary Parent Faculty Club

3.3.6 Eliminate Two (2) Vacant Special Education Assistant Positions and Create Two (2) Health Assistant/LVN Positions

Eliminated two vacant Special Education Assistant positions and created two Health Assistant/LVN positions to reduce the contracted services budget by 19.14% for school year 2008-2009 and 41.14% for school year 2009-2010. Fiscal Impact: \$403.07 savings to budgets 1700 and 3122 and an approximate \$33,600 to restricted fund budget 5046. Funding Source: General Purpose/Special Education

3.4 Fiscal Transactions for November 2008

3.5 Contract with Convergence Solutions for Maintenance of District's Measure C Phone Systems and Voice Mail
Approved \$52,050 contract with Convergence Solutions for maintenance on Measure C phone systems and voice mail. Funding Source: General Fund Program 5275

3.6 Request to Use Proposition 55 Funding to Supplement Budget for the Construction of Quality Education Investment Act (QEIA) Classrooms

Approved transfer of \$104,752 in Proposition 55 funds to the Quality Education Investment Act account to complete construction of four classrooms at Meadow Homes and Cambridge elementary schools and Mt. Diablo High School. On October 9, 2007, and February 12, 2008, the Board awarded contracts for the design and construction of these classrooms. While all individual contracts, including the revised design and construction contracts were completed at or below approved contract values, the aggregate construction costs for this project exceeded available QEIA funding by \$104,752. Funding Source: Proposition 55 Funding

3.7 Award of Bids

3.7.1 Award of Bid 1533 to River View Construction, Inc. in the amount of \$257,690 to provide the football bleacher repairs at Clayton Valley High School. Funding Source: Proposition 55

3.7.2 Award of Bid 1535 to Sedge Electric in the amount of \$89,000 to provide interim housing to support Phase IIB at Olympic High School and Pleasant Hill Education Center. Funding Source: Proposition 55

3.8 Final Change Orders

3.8.1 Final Change Order to Bid 1490, Contract C-866 Meehleis Modular Buildings, Inc. in the amount of \$1,145 for new restroom facilities at Sequoia Middle School and Mt. Diablo Elementary School. Funding Source: Measure A

3.8.2 Final Change Order to Purchase Order 49951/CMAS Contract No. 3-08-70-0163X – Nexus Integrations Services in the amount of \$3,517.75 credit, for the installation of new PBX Systems for Strandwood and Silverwood elementary schools and Diablo View Middle School. Funding Source: Measure C

3.9 Notices of Completion

3.9.1 Notice of Completion to Purchase Order 49598, Request for Quotation 1503, to Kel Tec Builders, Inc. in the amount of \$74,923 for door replacement at Pleasant Hill Education Center. Funding Source: Deferred Maintenance

3.9.2 Notice of Completion to Purchase Order 49951 to Nexus IS in the amount of \$97,062.25 for PBX systems for Silverwood and Strandwood elementary schools; and Diablo View Middle School. Funding Source: Measure C

3.9.3 Notice of Completion to Contract C-866, Bid 1490 to Meehleis Modular Buildings, Inc. in the amount of \$567,363 for prefabricated modular building restrooms at Mt. Diablo Elementary School; and Sequoia Middle School. Funding Source: Measure A

3.9.4 Notice of Completion to Contract C-868, Bid 1492 to Taber Construction, Inc.—REMOVED

3.10 Contract with the Marine Science Institute to Provide the Discovery Voyage Program Aboard the Research Vessel Brownlee

Approved \$37,800 contract for the Marine Science Institute to provide the Discovery Voyage Program aboard the research vessel Brownlee to the 5th grade students for the 2008-2009 school year. Funding Source: General Purpose – Budget Code 3947 (money is already budgeted)

3.11 Contract Amendment for Jack Schreder and Associates

Approved \$10,000 increase to the \$24,000 contract with Jack Schreder and Associates to continue assisting the District with the State School Facility Program and with securing State Allocation Board approval for eligible facilities funding. Funding Source: Contract Services

3.12 Special Education Memorandum of Understanding for Eagle Peak Montessori Charter School

Approved Memorandum of Understanding with Eagle Peak Montessori Charter School for the delivery of special education services to students with special needs enrolled at Eagle Peak. Fiscal Impact: For the 2008-09 school year, Eagle Peak Montessori Charter School has agreed to pay \$732.12 for each student enrolled on April 1 each year. These costs are reviewed each year.

3.13 Agreement with the Contra Costa County Office of Education (CCCOE) to Serve Special Education Students in the Court Schools—REMOVED

3.14 Memorandum of Understanding (MOU) with Contra Costa Office of Education Regional Occupational Program in Support of the Serendipity Restaurant at Mt. Diablo High School

Approved a Memorandum of Understanding to reflect the Contra Costa County Office of Education Regional Occupational Program (ROP)'s annual \$10,000 contribution for supplies and materials to support the Serendipity Restaurant at Mt. Diablo High, in the amount of \$10,000 (yearly contribution). Funding Source: Contra Costa County Office of Education ROP

3.15 Independent Audit Services Contract

Approved a \$85,300 contract, with amendment, for Perry-Smith to provide independent auditing services in 2008-2009. Fiscal Impact: \$85,300 (\$75,300 is already budgeted). Funding Source: Unrestricted General Fund

3.16 Resolution 08/09-36 Regarding Accounting of Development Fees for the 2007-2008 Fiscal Year

Adopted Resolution 08/09-36 regarding the accounting for development fees collected and placed into the Capital Facilities fund. There is no impact to the General Fund.

4. **RECOGNITIONS:** None

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

Strange: No report.

Whitmarsh reported that she's visited a number of schools--Mt. Diablo High, Riverview and Foothill Middle, and Rio Vista Elementary--and also attended several school music programs and concerts, including the District Honor Band for middle schools. She also met recently with parents of students with special needs.

Mayo reported that she attended the training for the Special Ed Reading First program, which will provide more services to both Special Education and General Education students. She also attended a meeting of the Citizens United for Excellent Students (CUES), a group of parents organized to promote a parcel tax. Many employees attended the meeting as well. Another session is scheduled for tomorrow, January 14. At the monthly Parent Advisory Council meeting that group discussed fingerprinting of volunteers, the new homework policy, the state and District budgets, and idea of a parcel tax. She pointed out that art work created by winners of the Mt. Diablo Council PTA "Reflections" arts program are displayed on a wall in the Board Room. One or more of the entries will be going to the state level. Mt. Diablo has twice had student art work represented at the national PTA level.

Allen reported that he attended a memorial service for Jerry Fitzpatrick, a local businessman and friend of the District, and for former employee Rick Martin, a long-time youth athletic coach whose wife Fran Martin recently retired from a long career in the District. On January 5 he attended the MDUSD Community Advisory Committee where he heard a presentation on the math adoption process, noting that technology is being pointed out more and more as a strategy for students to learn, and another on Encore, the Special Education Student Information software program. He said the group had a good discussion about budget reductions. Parents believe the District is doing a fine job of educating students with special needs and want to share that message with the greater district community.

Eberhart: No report.

5.3 Issues of Concern

6. **PUBLIC COMMENT**

Jo Carson, Pleasant Hill Middle School librarian, read her suggestion for more expanded text to be included on the Budget Reduction List to explain the impact of cutting school librarians. Nancy Brenner, Sequoia Middle School librarian, said she had planned to present a slide show of students using the library, but did not receive permission to use an audiovisual during Public Comment. She asked that Board members meet with the secondary librarians as a group and suggested that donations from local businesses and beyond be solicited to contribute to a District educational foundation.

John McGnird, parent of child who has autism, described the effective intervention and other services District staff have used to help his daughter and the whole family.

Several teachers spoke about the new Board Policy/Administrative Rule 6162.5, "Assessment."

Nancy Krajcar, science teacher, explained her rationale for not returning graded chapter tests to her students at Olympic High and said teachers at her school and the comprehensive high schools also do not support the return of chapter tests because students will use them to cheat. Marilyn Hoffacker presented petitions signed by teachers requesting that the new policy requiring teachers to return graded tests to students be revoked and rewritten to better address the needs of different grade levels and maintain the integrity of the testing process. Judith Cubillo, representing math department chairs, said they are committed to drafting a new policy that meets both parent and teacher needs.

Several speakers described their experience with the JROTC program

Debbie Burrow, parent of a JROTC student and a Blue Star Mom, spoke in support of maintaining the JROTC program at both Mt. Diablo High and Olympic High. Cadet Col. Carlos Montes, JROTC at MDHS, described the many ways the program has benefitted him. He led a group of fellow cadets in an oath. Alyssa Fumar and Command Sargent Major Jesse Touchstone described the ways the program instills leadership values in its participants. Mt. Diablo High teachers Milt Panagatacos and Henry Ho and education specialist Sandy Nichols spoke in support of the program, describing the ways they have seen the program change the lives of many students. Janet Piper, president of the Pleasant Hill Library, said JROTC students are an indispensable part of the library's monthly book sales. Lana Hilling and Lynn Rodegard of the John Muir Medical Center, described the services the JROTC cadets provide programs at the hospital. Andrew Keehan, former JROTC cadet and currently a substitute teacher in the District, also spoke in support of the program. Parents Javier Maldonado and Fe Montec Claros, described how their children have benefitted from their participation in JROTC. Sgt. Major Steve Bratton said he has "the best job in the district" because of the students with whom he works. He said JROTC is a leadership training program and does not recruit youngsters for future service in the military.

7. **COMMUNICATIONS**

7.1 Organizations

Mike Noce, MDEA president, spoke in support of the teachers who have asked that Board Policy/Administrative Rule 6162.5 be reconsidered and re-written with the involvement of teachers and official MDEA representation.

Katie Gaines, DMA president, said the organization "wholeheartedly supports" a parcel tax, intending to work collaboratively with all the other employee groups. She announced that DMA is contributing \$2,000 to CUES as a first step.

8. REPORTS/INFORMATION – None

9. SUPERINTENDENT'S REPORT

McHenry said the Board does not want to make any budget reductions and needs no convincing on the value of employee positions included on the Budget Reduction List. However, he said, if the Governor's most recent budget proposal is approved, MDUSD stands to lose \$472/student off the amount it receives from the state Revenue Limit this year and next: \$319/student in 08-09 and another \$115/student in 09-10. In addition, the 3.5% COLA for 09-10 has been reduced to 0.5%. In order to balance the budget for 2009-10, the Board would have to reduce \$16 million this year. "This is going to be impossible for us to do," he said of the Governor's proposal. He noted that he and the Board are still trying to reduce expenses based on the state budget that was passed last September so that, if nothing more happens with the state budget, the District can present a balanced budget to the County Office of Education in March. He cautioned that if the District cannot balance its budget, Mt. Diablo will be assigned a fiscal advisor. He said, "We thought it couldn't get any worse, and it has." After reducing \$14 million from this year's budget, it is not possible to reduce another \$16 million. He urged everyone to contact state legislators.

10. BUSINESS

10.1 Appointment of Administrator, Special Education – Special Day Class

Strange moved, Allen seconded, and the Board voted 5-0-0 to appoint Mary-Ann Tucker as Administrator, Special Education – Special Day Class, effective February 1, 2009.

10.2 Appointment of Parent Liaison

Mayo moved, Strange seconded, and the Board voted 5-0-0 to appoint Hilary Shen as Parent Liaison, effective February 1, 2009.

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

Allen moved, Whitmarsh seconded, and the Board voted 5-0-0 to appoint Janine Mosey as Coordinator, Student/Community Services 9-12, assigned to Mt. Diablo High, effective February 1, 2009.

10.4 Appointment of Summer Programs Administrators

Strange moved, Allen seconded, and the Board voted 5-0-0 to appoint the following individuals as administrators for summer programs 2009:

| <u>Elementary Schools</u> | <u>Principal</u> | <u>Vice Principal</u> |
|----------------------------------|-----------------------|-----------------------|
| Bancroft Elementary | Caryl Diller | |
| Bel Air Elementary..... | Benita Shaw-Malone | |
| Cambridge Elementary..... | Humiera Bargzie | |
| Delta View Elementary | Liz Kim | |
| Gregory Gardens Elementary/..... | Lorie O'Brien..... | Diane Viera-Lopez |
| R. Shearer Preschool | | |
| Meadow Homes Elementary | Vicki Eversole | |
| Sun Terrace Elementary..... | Debbie Birnbaum | |
| Woodside Elementary | Mary-Ann Tucker | Aline Lee |
| Wren Avenue Elementary..... | John Fox | |
| Ygnacio Valley Elementary..... | Sandra Rogers-Hare | |

| <u>Middle Schools</u> | <u>Principal</u> | <u>Vice Principal</u> |
|--------------------------|------------------------|-----------------------|
| El Dorado Middle | Robert Humphrey | Nina Mucher |
| Oak Grove Middle | Terry McCormick | Lorie Johnson |
| Riverview Middle | Ean Ainsworth..... | Lynsie Murillo |
| Valley View Middle | Nadine Rosenzweig..... | Susan Seeley |

| <u>High Schools</u> | <u>Principal</u> | <u>Vice Principal</u> |
|---------------------------|--------------------|----------------------------------|
| Clayton Valley High | Gary McAdam..... | Julene MacKinnon Absyлом Sims |
| Riverview High | Ean Ainsworth..... | Lynsie Murillo |
| Ygnacio Valley High | Joe Alvarez | Barnaby Gloger Irene Keenan |
| Alliance..... | Dale Petrich | Melody Royal |

Centers

Bridge Program/Families First..... Brenda Beteta

10.5 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 more than \$6.6 million in the 2009-10 school. Reasons for the reductions include:

- A Revenue Limit deficit in 2008-09 of 3.71 percent
- A 0.68 Cost Of Living Adjustment in 2008-09
- A Revenue Limit deficit in 2009-10 of 9.763 percent

This is the fourth time since 2002-03 that the District budget has had to be reduced.

| Year | # of Positions | Amount Reduced |
|---------|----------------|----------------|
| 2003-04 | 101.31 | \$6,452,113 |
| 2004-05 | 51.97 | \$2,876,105 |
| 2005-06 | 56.13 | \$3,777,144 |
| 2007-08 | 145.00 | \$14,950,303 |

McHenry presented an overview of the District budget for this year and the next two, reviewed cuts made over the past three years, and explained the current need for \$6.6 million in budget reductions.

Public hearing

Eberhart opened the public hearing at 9:26 p.m. Alan Glass, the District's personnel coordinator, a position on the budget reduction list, described some of the work he does. Dorothy Weisenberger, parent, said department managers should be asked to come up with 5% cuts as they know best what can be reduced. Kit Heim, library media teacher, asked for more specific language in regard to cuts in library services, which are too valuable to be reduced. Suzannah Thomas, 6th grade student, described the many services provided through the library program at her school. Jim Koutsoubinas parent, spoke in support of school athletic programs. Students Catie and Emily Heinzman said the Oak Grove music class is important even though there are fewer than 20 students in it. They presented a petition signed by teachers and students to keep the small class. Deb Heinzman, parent, said positions of people who have direct contact with students should not be cut and urged everyone to put more energy into revenue enhancements than in budget reductions. Steve Accatino, music teacher, said small classes for music students are as important as small classes for students who take calculus and foreign language. Middle school principals Terry McCormick and Nadine Rosenzweig spoke of the important role vice principals have at their sites. Lois McKee, parent, described the important work of the school vice principal. Pine Hollow Principal Shelly Bain introduced students Becca Velez and Devon Shaver, who spoke of how much Vice Principal Mike Mattos does for the school and its students. Gina Hale, parent, cautioned the Board to take care in making sure tasks will be covered before cutting a position. Alyssa Rosillo, parent, spoke in support of Special Ed. positions that are not mandated, saying it takes more than two people to care for her son. Michelle Batesole spoke in support of the Personnel Coordinator position and the employees in Special Education. Connie Warner spoke in support of all the Special Education positions on the Budget Reduction List. Gwendy Hayden, teacher, said the Learning Center model is essential to both Special Ed. and General Ed. students. Carolyn Stimson, parent, said the cuts are especially hard on students with special needs. Cuts to general education programs impact as well as cuts to Special Ed. Claudia Bogumil, parent, said students with special needs receive services, such as toileting assistance, that are necessary even if not noted in an IEP. With no other requests to speak, Eberhart closed the hearing at 9:52 p.m.

Board comment Each Board member spoke of the difficulty the District faces in having to make budget reductions as a result of decreased revenues. They encouraged the public to contact legislators. Whitmarsh gave the District a \$100 check and said she has a company that will match donations employees make. She challenged every PTA, PFC or other parent group to see if they have some extra money to donate to the District.

Board action

At McHenry's request, Item 11(a) [suspending the vice principal staffing formula] was removed. He will bring the item back for Board consideration on January 27.

The Board considered the following items recommended by the Superintendent:

Item 7: Reduce contracted services for Speech Language Pathologists by \$900,000. Add 10 Speech Language Pathologist positions leaving \$1.8 million in contracted services. Fiscal Impact: \$200,000
Whitmarsh moved, Strange seconded, and the Board voted 5-0-0 to approve,

Item 8: Reduce Occupational Therapist contracted services budgeted by \$240,000 and create one Occupational Therapist position at a cost of \$108,300 to be established as of June 1, 2008. Fiscal Impact: \$108,000
Strange moved, Mayo seconded, and the Board voted 5-0-0 to approve, effective 2-1-09.

Item 9: Reduce contracted nursing services. We presently spend \$240,000 on contracted nursing services. Reduce the contract by adding two LVN positions and eliminating two vacant Special Ed. Assistant. Fiscal Impact: \$33,600
Approved under Consent Calendar earlier in the meeting.

Item 22: Reduce Classified Training Coordinator for 2010-11. Fiscal Impact: \$92,910
Whitmarsh moved, Strange seconded, and the Board voted 5-0-0 to approve.

Item 28: Reduce one (1) Print Shop Operator. Fiscal Impact: \$66,269
Allen moved, Strange seconded, and the Board voted 5-0-0 to approve.

Item 31: Reduce contracted services for Behaviorist by \$200,000 and create an educational consultant and behavior management specialist. Fiscal Impact: \$80,000
Strange moved, Whitmarsh seconded, and the Board voted 5-0-0 to approve, effective 2-1-09.

Item 32: Reduce one (1) Intermediate Typist Clerk in Special Education 2010-11. Fiscal Impact: \$49,503
Whitmarsh moved, Strange seconded, and the Board voted 5-0-0 to approve.

Item 38(a): Reduce Internal Auditor position. Fiscal Impact: \$107,212
Whitmarsh moved, Mayo seconded, and the Board voted 3-2-0 (Eberhart, Strange, no) to approve

Comment Mayo says she has worked with the District's Internal Auditor and understands the issues the individual must address. McHenry said Fiscal Services staff, site principals and treasurers would have to assume responsibilities of the position. Eberhart asked, "If we remove the Internal Auditor position, who will audit the District internally?" McHenry explained that the Internal Auditor monitors schools sites, but is not responsible for auditing the District budget. He said he recommended this central office position because he is trying to balance reductions throughout the District, between sites and the District.

Item 57: Reduce contracted transportation cost through RFP process. Estimate is 5% to 10% of the 2008-09 figure of \$1.5 million. Fiscal Impact: \$150,000
Whitmarsh moved, Allen seconded, and the Board voted 5-0-0 to approve.

Item 59: Reduce continuation high school staffing by 1.0 due to lower class size. Fiscal Impact: \$54,429
Allen moved, Strange seconded, and the Board voted 5-0-0 to approve.

Item 60: Reduce Horizons staffing presently at 8.0 FTE to 7.0 because of class size ratios. Fiscal Impact: \$54,419
Strange moved, Whitmarsh seconded, and the Board voted 5-0-0 to approve.

Item 61: Reduce high school staffing by 11.4 FTE because of small class size. Fiscal Impact: \$620,487

Comment Whitmarsh said she cannot vote on this item until she sees a list of classes that would be eliminated. She asked how the cut would affect Mt. Diablo High, which receives QEIA funds. In response to Mayo, McHenry said reductions are based on his looking at class schedules and seeing low enrollment in some sections. He said most classes are in core academic classes, but some are electives. Whitmarsh noted that music classes could be effected. McHenry said that it was a Board directive three years ago not to offer classes with enrollment below 20. Classes with low enrollment this year would not be eliminated next year if enrollment increases. Whitmarsh said other cuts can be made further away from students. McHenry said 60 percent of budget is in teaching staff, so budget reductions cannot be made without impacting teachers. Eberhart agreed that the Board directed staff not to maintain classes with enrollment below 20. McHenry said at the time of the directive that some classes would not be able to be reduced as a result of class size grievances and other factors. Eberhart noted that core academic classes are required for graduation, but AP classes are essentially electives. McHenry said some AP classes were, in fact, eliminated this past year or offered only after enrollment was increased. Whitmarsh called this "an equity issue." Students in affluent areas are more likely to fill some classes than those in high poverty areas. Strange asked if there can be a creative solution to making classes at one school available to students at another.

Action Allen moved, Mayo seconded, and the Board voted 4-1-0 (Whitmarsh, no) to approve.

Item 62: Reduce Middle School staffing by 12.8 FTE due to small class size. Fiscal Impact: \$707,573

Comment In response to Allen, Whitmarsh, an Oak Grove parent, said the school currently has 17 students enrolled in instrumental music. Allen recalled that several years ago the Board made an effort to make changes at the school, which was losing music students and even its music teacher to other schools. He would like to exempt the music program at Oak Grove from this requirement. Whitmarsh reiterated her concern that students at low socio-economic areas do not have the same opportunities as those at other schools. In response to Whitmarsh, McHenry said the District will provide staffing at Oak Grove and Riverview to meet the class size maximum requirements they must meet because they receive funding under the states' Quality Education Investment Act (QEIA). Eberhart noted that every year at this time the Board must take "a shot in the dark" and make staffing decisions based on projections. Those numbers typically change when school starts in the Fall, and the Board is then asked to make additional staffing decisions.

Action Mayo moved and Strange seconded the motion. Mayo and Strange accepted a friendly amendment to exempt Oak Grove's music program from this requirement. The Board then voted 4-1-0 (Whitmarsh, no) to approve.

Item 63: Reduce special education staffing by 3.0 FTE. Fiscal Impact: \$163,286

Comment Allen suggested the Board postpone action until the Board receives clarification about the “maintenance of effort” requirement in providing Special Education services. Nicoll assured the Board that even with reductions, expenses for the services will increase, thus meeting the requirement. McHenry said if the District has students who qualify for Special Education, “we must provide the services.” McHenry said the key is to show that the District is providing the services even if it spends less money (as in changing from contracted services to employee-provided services). In response to Whitmarsh, Browne said the Special Ed. classes are homogeneous, with students in specified groupings. Eberhart asked for assurance that the District will continue to serve students based on students’ IEPs and parent expectations. Browne said the cuts will compress some of the programs. Classes with only 3 to 4 students, for example, would either be compressed into another class or moved to another school. McHenry said the Board has been concerned about cost of Special Ed. services. Currently there are 28 Learning Centers. He believes a few can be eliminated or combined, eliminating 5 positions. Special Ed. staff has said would try to make this work, but it will be difficult. Whitmarsh said she has seen student performance improve due to Learning Centers.

Action Mayo moved, Eberhart seconded, and the Board voted 4-1-0 (Whitmarsh, no) to approve.

Item 64: Reduce Resource Specialist by 5.0 FTE because of class size maximum. Fiscal Impact: \$272,143
Died for lack of a motion.

Item 65: Reduce (8) .75 FTE special education classroom assistants. Fiscal Impact: \$302,299
Died for lack of a motion.

Board action on items brought forward at the request of individual Board members

Board additions

Whitmarsh said she has some suggestions for the Budget Reduction List, which she will share with the Superintendent at a later time.

Item 74: Reduce Assistant Director of M&O position. Fiscal Impact: \$144,604

Comment Mayo expressed concern that position was not included as a recommendation for tonight’s meeting, so she asked for the Board to postpone action in order to provide an opportunity for the public to speak to it.

Action Eberhart moved, Strange seconded, and the Board voted to approve 3-1-1 (Allen, no; Mayo, abstain)

Procedural action: *It being nearly 11 p.m., Strange moved, Whitmarsh seconded, and the Board voted 5-0-0 to extend the meeting beyond its required 11 p.m. adjournment time, to 11:30 p.m.*

10.6 Clarify Timeline for Budget Reduction Items Approved on December 16, 2008

On December 16, the Board approved a number of positions to be eliminated. It was not clear whether these reductions were approved for the 2008 or 2009 school year. Reducing them in this school year would result in an additional one-time savings of approximately \$100,000.

Public comment Bruce Courtemanche, maintenance employee, complained about the steps the District has taken to reorganize staff following Board approval of staff reductions. He asked that the Board either remove Item 46 (carpenter) from the list or conduct an investigation.

Board action

Strange moved, Whitmarsh seconded, and the Board voted 5-0-0- to approve of elimination of the following positions effective 2008-2009:

- Item 27: Vacant Occupational Therapist Assistant
- Item 29(a): Shift cost of Administrative Secretary to CSIS grant
- Item 39: Cost of one position in Curriculum and Instruction
- Item 46: One Carpenter
- Item 47: One Electro-Mechanical Technician Apprentice
- Item 48: Two HVAC Technicians
- Item 49: One Plumber
- Item 50: One Glazier

10.7 Consider Establishment of Priorities for the 2008-2009 School Years and Beyond

The Board of Education needs to prioritize for the 2008 and 2009 years and beyond. The most critical issues are budget reductions and a decision regarding a parcel tax initiative—POSTPONED.

- 10.8 Resolution 08/09-34 Behavioral Intervention Plans (Hughes Bill) Mandated Cost Claim Settlement and Waiving Rights to File any Claim Regarding the Hughes Bill Statute and Regulations in the Future
Strange moved, Whitmarsh seconded, and the Board voted 5-0-0 to adopt resolution as presented and authorize the Superintendent to submit a waiver on the District's behalf. Fiscal Impact: The settlement will bring the District approximately \$14.85 per 2007-08 ADA annually for the six-year period beginning 2011-12 through 2016-17. It will increase Unrestricted General Fund revenue by six one-time payments of \$498,272.84 in fiscal years 2011-12 through 2016-17. It will result in a one time increase to Special Education revenue of \$35,984.16 in 2009-10. Ongoing increase to Special Education revenue (District AB602 Revenue) of \$366,263.60 beginning in 2009-10. Funding Source: Mandated Cost Settlement

- 10.9 Annual Audit Report for Fiscal Year 2007-08
The Board's Audit Committee met with the auditor from Perry-Smith & Co. and reviewed the audit for fiscal year 2007-08. There were audit findings and recommendations regarding fixed assets, student body funds, time certifications, Proposition 20 lottery funds, instructional materials and attendance accounting. District staff has reviewed these findings and recommendations and provided a written response to each finding.

Public comment Dorothy Englund, parent, said she submitted questions and concerns about the Audit Report to Board members and the Superintendent earlier today. Eberhart and Strange thanked Englund for her comprehensive report. Nicoll said the external auditor can provide a response to the questions if the Board requests it. In response to Eberhart, Nicoll said a response to the questions will not change the content of the Audit Report.

Board action

Strange moved, Mayo seconded, and the Board voted 5-0-0 to accept the Audit Report as presented.

- 10.10 Consider Reorganization of the Office of General Counsel
The reorganization of the Office of General Counsel would involve revision of the General Counsel job description. Also, the restructuring entails the addition of an Associate General Counsel position.

Board comment Mayo asked that the Board delay action on this item as she has asked a number of questions both at the last meeting and as a followup. She would like to share the responses with the Board. She would like the Board to look at the non-legal services the General Counsel provides to see if they might be transferred to other departments. At present he is not the "attorney of record" on any case. With the other duties removed, Mayo said, Rolen might have more time to devote to legal issues. She believes the Board needs to spend more time on this issue and ask more questions of staff. In response to Allen, Rolen said the language "as further agreed by" in the first paragraph of the job description can be revised. Mayo asked that the text saying the General Counsel will "interview and select staff" be changed to "interview and recommend to the Board of Education." Strange said, The sooner we do this, the sooner we will see a savings." He said the changes being proposed for the Office of General Counsel are ones he drafted as a way to decrease the District's reliance on outside contracted legal services. They fit the same rationale as is being used in other areas, by changing from using contracted services to having the work done by in-house employees. Mayo said she is concerned that she has not received answers to her questions yet. Allen noted that the Board agreed to reorganize the General Counsel's office, but he believes that action can be postponed until questions are answered.

Board action Mayo moved, Allen seconded, and the Board voted 3-2-0 (Mayo, Allen, no) to postpone action on this item. Whitmarsh moved, Strange seconded, and the Board voted 3-2-0 (Allen, Mayo, no) to approve the reorganization plan. Fiscal Impact: \$147,500 to \$260,000 in initial savings. Funding Source: General Fund

- 10.11 Contract for Legal Services with Fagen Friedman & Fulfrost
The Board was asked to consider a legal services contract with Fagen Friedman & Fulfrost to provide services in regard to Special Education issues. The intent is to proceed with the contract on an interim basis to determine the financial and legal value of the service provided.

Board comment In response to Allen, Rolen said one attorney in the firm has done work for the District. Strange said he thinks the attorney who has been providing Special Education advice to the District has been more litigious than he would prefer. Mayo pointed out that the \$250 hourly rate is more than the \$175 per hour that the Board set last year as a maximum. She wonders how other firms who agreed to the \$175 rate will respond. Eberhart supports the \$250 rate because "we are facing an emergency situation." He had earlier said that the firm that has done work for the District for the last 30 years "literally bailed out on us at the last minute."

Board action Strange moved, Whitmarsh seconded, and the Board voted 4-1-0 (Mayo, no). Fiscal Impact: The amount has yet to be determined; however, it is already budgeted.

Procedural action: It being 11:35 p.m. and the Board having previously voted to conclude the meeting at 11:30 p.m., Mayo moved, Allen seconded and the Board voted 5-0-0 to extend the meeting another 10 minutes.

10.12 Resolution 08/09-35 Authorizing Emergency Contracts to Relocate a Gas Line at Valhalla Elementary School

Strange moved, Whitmarsh seconded, and the Board voted to adopt Resolution 08/09-35, authorizing the District to relocate a gas line at Valhalla Elementary to maintain gas services and allow the District to continue to provide school classes at the site. Public Contract 22050 provides exception to the bid requirements contained in Public Contract Code 22002, when the Governing Board determines that an emergency will not permit a delay resulting from a competitive solicitation of bids, and that the action is necessary to respond to the emergency.

10.13 Award of Bid 1534 – Taber Construction, Inc.

Mayo moved, Strange seconded, and the Board voted 5-0-0 to award Bid 1534 to Taber Construction, Inc. in the amount of \$5,340,950 to provide the removal of existing mechanical systems and provide new heating and air conditioning at Fair Oaks and Shore Acres elementary schools; Pleasant Hill Middle School; and Olympic High School. Funding Source: Proposition 55

10.14 Award of Bid 1532 – Valair-CSD Northern California

Allen moved, Whitmarsh seconded, and the Board voted 5-0-0 to award Bid 1532 to Valair-CSD Northern California in the amount of \$1,925,916 to provide heating, ventilating, and air conditioning equipment at Fair Oaks and Shore Acres elementary schools; Pleasant Hill Middle School and Olympic High School. Funding Source: Proposition 55

10.15 Adoption of the AP Art History Course of Study

A committee of secondary teachers and a retired administrator, acting as a Curriculum Specialist, developed the AP Art History course of study. 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 11:39 p.m.

Gary McHenry, Secretary