

BOARD MEETING: January 27, 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
Student Representatives: Brandon Bratcher, Ygnacio Valley; Victoria Spellman and Tori Newman, Concord; Kathy Duran and Michael Sullivan, College Park; Rhiannon Pritchett, Olympic; Prince Singh, Mt. Diablo

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; four expulsions and 25 requests for readmission; and negotiations.

Negotiations

Strange moved, Whitmarsh seconded, and the Board voted 4-1-0 (Mayo, no) to provide authorization to staff in regard to negotiations with the Local One coalition..

Readmission

Allen moved, Strange seconded, and the Board voted 5-0-0 to approve staff's recommendation to readmit/admit 10 students, who met the conditions of their rehabilitation plan and deny readmission/admission to 15 students who did not.

2. **RECONVENE OPEN SESSION:** The Board returned to Open Session in the in the Multi-Use Room at Monte Gardens Elementary School at 7:38 p.m. President Eberhart led the Pledge of Allegiance to the Flag.

Expulsion

Student 12-09: Strange moved, Allen seconded, and the Board voted 5-0-0 that Student 12-09 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student 12-09 may apply for readmission after June 10, 2009. It is required that Student 12-09 participate in individual counseling, community service, the COPS program, and show evidence of a successful school experience, prior to applying for readmission.

Student 13-09: Whitmarsh moved, Mayo seconded, and the Board voted 5-0-0 that Student 13-09 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student 13-09 may apply for readmission after June 10, 2009. It is required that Student 13-09 participate in individual counseling, community service, the COPS program, and show evidence of a successful school experience, prior to applying for readmission.

Student 14-09: Mayo moved, Allen seconded, and the Board voted 5-0-0 that Student 14-09 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student 14-09 may apply for readmission after June 10, 2009. It is required that Student 14-09 participate in individual counseling, community service, the COPS program, and the District's Drug and Alcohol Workshop, provide proof of a negative drug test, and show evidence of a successful school experience, prior to applying for readmission.

Student 15-09: Allen moved, Strange seconded, and the Board voted 5-0-0 that Student 15-09 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student 15-09 may apply for readmission after June 10, 2009. It is required that Student 15-09 participate in individual counseling, the COPS program, the District's Teen Anger Management Workshop, 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**

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

3.1 Minutes of the meeting of December 9, 2009

3.2 Certificated Personnel

3.2.1 Leaves of Absence, Resignations, Retirements, Employment

3.2.2 Resolution 08/09-37 Variable Term Waiver Requests

Adopted Resolution 08/09-37, authorizing Josh Almond and Denise Hood to apply for a Variable Term Waiver, giving them additional time to complete certain requirements for the credential that authorizes their service.

3.2.3 Reduction of Full-Time Equivalent Positions for the 2008-2009 School Year

Eliminated 0.20 FTE of a Psych Intern position at Diablo View Middle School, reducing the expenditure budget of Categorical Funds by \$5,952. Funding Source: School Improvement Program

3.2.4 Increase in Full-Time Equivalent Positions for the 2008-2009 School Year

Added 3.80 FTE for the 2008-2009 school year as follows: 3.00 teachers at Oak Grove Middle School, 0.4 teacher at Northgate High, and 0.40 teacher at Clayton Valley High. Fiscal Impact: \$226,314 increase in the expenditure budget of Categorical Funds. Funding Source: \$180,685 from Quality Education Investment Act (QEIA); \$20,007 from School Improvement Program (SIP); \$25,622 from California High School Exit Exam (CAHSEE)

3.3 Classified Personnel

3.3.1 Leaves of Absence, Resignations, Retirements, Employment

3.3.2 Retitle an Instructional Media Assistant I to Instructional Media Assistant II at Olympic High School

Approved retitling Instructional Media Assistant (IMA) I to IMA II at Olympic to conform with a reclassification of this position at the District's six comprehensive high schools that was approved by the Board in June 2006. Fiscal Impact: \$3,088 in 2008-09 Funding Source: General Fund

3.3.3 Increase in Hours for a Part-Time Community Service Assistant at Shore Acres Elementary School

Increased from 30 to 40 hours/week an existing, school day only, Community Service Assistant position at Shore Acres Elementary School. Fiscal Impact: \$3,412 Funding Source: an increase of \$4,953.60 from EIA LEP and a decrease of \$1,541.35 from Title I

3.3.4 Increase in Hours for a Community Service Assistant Position at Ygnacio Valley Elementary School

Increased from 24 to 30 hours/week an existing, school day only, Community Service Assistant position at Ygnacio Valley Elementary School. Fiscal Impact: \$2,559 in 2008-09 and \$5,118 in 2009-10. Funding Source: Title I.

3.3.5 Creation of Three (3) Part-Time Instructional Assistant Positions at Ygnacio Valley Elementary School

Created three temporary, part-time 19.75 hour/week, school day only, Instructional Assistant positions at Ygnacio Valley Elementary School to support their Kindergarten classrooms. Fiscal Impact: \$23,463.27 for 2008-09 Funding Source: Quality Education Investment Act

3.3.6 Amend Job Description for Student Support/Registered Nurse

Approved revised wording in the job description for Student Support/Registered Nurse, changing "certification" to "license" and adding the use of computers and associated software. This job description was adopted at the December 16, 2008, Board of Education meeting.

3.4 Award of Bid 1536 to Top Grade Construction, Inc.

Awarded Bid 1536 in the amount of \$169,562 to Top Grade Construction, Inc. to provide the paving improvements at Loma Vista Adult Center. Funding Source: Measure C

3.5 Final Change Orders

3.5.1 Final Change Order Bid 1492, Contract C-868 to Taber Construction, Inc.

in the amount of \$122,298.87 for removal of existing mechanical systems and provision of new heating, ventilating, and air conditioning systems at Concord High School; Oak Grove Middle School; and Bel Air and Rio Vista elementary schools. Funding Source: Proposition 55

3.5.2 Final Change Order Bid 1523, Contract C-884 to Opening Technologies, Inc.

Final change order to bid 1523, contract C-884 to Opening Technologies, Inc., in the amount of \$35,428.56 for classroom security hardware retrofit at Bel Air Elementary; Oak Grove Middle; and Clayton Valley, Concord, Northgate, and Ygnacio Valley high schools. Funding Source: Deferred Maintenance

3.6 Notices of Completion

3.6.1 Notice of Completion to Contract C-868, Bid 1492 to Taber Construction, Inc. in the amount of \$6,650,098.87 for removal of existing mechanical systems and provision of new heating, ventilation, and air conditioning systems at Bel Air and Rio Vista elementary schools; Oak Grove Middle School; and Concord High School. Funding Source: Proposition 55

3.6.2 Notice of Completion to Contract C-884, Bid 1523 to Opening Technologies, Inc. in the amount of \$218,852.56, for classroom security hardware retrofit 2008 at Bel Air Elementary; Oak Grove Middle School; and Clayton Valley, Concord, Northgate, Olympic, and Ygnacio Valley high schools. Funding Source: Deferred Maintenance

3.7 Grant Application Requests

Approved submittal of applications for grants from the following:

3.7.1 California Department of Education for a four-year grant of up to \$235,000 for a Specialized Secondary Program (SSP) at Clayton Valley High School. There is no impact to the General Fund.

3.7.2 United Way of the Bay Area for a two-year grant of up to \$120,000 to provide support services for transitioning foster youth post high school graduation. There is no impact to the General Fund.

3.7.3 California Department of Education for a five-year grant of up to \$2,822,810 for a 21st Century Community Learning Centers Grant for Delta View, El Monte, Meadow Homes, and Sun Terrace elementary schools. There is no impact to the General Fund.

3.8 Acceptance of Special Education Resource Grant from Philanthropic Ventures Foundation

Accepted a \$484.00 Special Education Resource grant from Philanthropic Ventures Foundation for Wren Avenue Elementary. There is no cost to the General Fund.

3.9 Addendum to Contract with Northern California Medi-Cal Administrative Services Joint Powers Authority (NMAAS – JPA) for Medical Administrative Activities (MAA) Billing Services

Approved an amendment to the contract with Northern California Medi-Cal Administrative Services to include a clause to terminate the services if the program is de-funded. The contract covers the current billing cycle for 2008-09. Fiscal Impact: \$26,847 already included in the current budget. Funding Source: General Fund to be reimbursed by MAA funding.

3.10 Contract for Contra Costa County Office of Education Internet Service

Approved renewal of an internet service provider contract with the Contra Costa County Office of Education. Fiscal Impact: \$3,254 per year as budgeted Funding Source: Federal "E-Rate" program

3.11 Memorandum of Understanding (MOU) between Alameda County Office of Education/Greater Bay Area Reading Implementation Center and Mt. Diablo Unified School District to Provide SB472 Reading Language Arts Training to Grade K-5 Teachers

Approved \$35,700 MOU for Alameda County Office of Education/Greater Bay Area Reading Implementation Center to provide 5 full days of Reading Language Arts training to K-5 teachers to improve all students' reading/language arts performance. Fiscal Impact: \$35,700 Funding Source: Special Education Teacher Professional Development Grant

3.12 Monthly Budget Transfers and/or Budget Increases/Decreases for the Months of November and December 2008

4. **RECOGNITIONS: North Coast Section Cross Country Championship—College Park High School**

The Board recognized the members of the College Park cross country teams. The boys won first place in the North Coast Section Championships and the girls won second place. President Eberhart presented each team with a certificate of appreciation from the Board of Education. Superintendent McHenry presented Coach Christina Kruse-Pennes with a gift to the team of \$700 from the District's senior administrators and Board members.

5. **PUBLIC HEARING**

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 he has done at each meeting, McHenry presented a report to explain the impact of the state budget crisis on the District budget this year and in the next two. Recently the Governor announced a new state budget proposal that could have even more serious consequences for public education. McHenry showed the impact of the proposal on the Mt. Diablo budget: a \$16.7 million revenue-expenditure gap in the current school year, with a \$7.5 million deficit in the Unappropriated Ending Balance. He noted that the proposal does include a number of flexibility provisions that can be used to make up the gap. Even so, if the Governor's proposal is approved, the District would have to reduce expenses by an additional \$10 million this year. McHenry explained the criteria and process he and the Board are using to reduce expenses. One strategy, reducing contracted services by adding or revising District positions to provide those services, has prompted some questions. He stressed that the District will not reduce contracted services until new District positions to replace them are in place. He reviewed the Budget Reduction List, noting that the Board has so far approved more than \$4.5 million in reductions.

Public hearing Emma VanLiere, student with special needs, used a speech device to urge the Board to maintain and even increase the number of speech language therapists in the District. Her mother, Gina Hale, encouraged everyone to contact U.S. legislators to support President Obama's proposed stimulus package. Jerry Zimmerman, school psychologist, described the difficulties Special Ed. staff and other employees are having as a result of budget cuts over the past years and warned of increased behavior, legal, attendance and other problems if more

cutbacks are made. Nancy Krajcar, science chair at Olympic High, spoke of the important assistance the school receives from Curriculum Specialists, calling them “the link between teachers and the District administration.” Jeff Adams, parent, suggested that the District may receive needed support for a parcel tax if it communicates throughout the community its work to address the budget crisis. He said his firm will match his contribution to the District and encouraged others to do the same. He announced that the annual County-sponsored Moot Court, with high school teams participating, is about to take place. John McGuire, parent, described the benefits his student who has autism has received, particularly from Program Specialists. He asked to see data to determine if cutbacks to the District budget have led to increased legal filings by parents of students with special needs. He also asked if the District would be able to meet the “maintenance of effort” requirement of the federal Individuals with Disabilities Education Act (IDEA). Martha Gregory, teacher and parent, said vice principals are necessary for safety. She suggested using a model from the private sector, where employees who interact with “customers” are the last ones cut. She said those who work face to face with students should be “sacrosanct,” and not touched until the District’s Dent and Willow Creek centers are empty, the essential employees telecommuting from their homes. Deb Heinzmann, parent, said, “Don’t cut vice principals.” She forwarded an idea from her husband, who believes it’s so important to save jobs and programs that everyone should accept a pay cut, applied on a graduated scale. Patt Hoellwarth, Monte Gardens principal, explained how the Personnel Coordinator impacts the well-being of the District’s students. Maria Grosskopf, parent, said students with special needs are impacted by cuts to both special and general education programs and services, so are especially affected when budget reductions are made across the board. Dorothy Englund, parent, raised questions about some increases in District program budgets, the status of a freeze on conference attendance enacted in February 2008, and cost savings due to changes in the District’s cell phone policy. Bonnie Amwire, parent, encouraged the Board to get creative and become proactive in creating programs for autistic students, consolidating inclusion resources. She suggested parents be asked if they are willing to waive transportation services and drive their children themselves. Colleen Dowd, Walnut Acres principal and, most recently, a Program Specialist in Curriculum and Instruction, described the work Curriculum staff do to bring school staffs together to work collaboratively on programs throughout the district. Dorothy Weisenberger, parent, suggested some ways the Special Education Assistant positions being recommended for elimination at this meeting can be put to effective use. Jim Koutsoubinas, parent, quoted from a message on the MDUSD Blogspot that said athletics would not likely be cut during the first round, so he asked that items related to athletics be removed from the list.

Board action

The Board considered the following items recommended by the Superintendent:

Item 13: Eliminate one half of District’s General Fund contribution to the Peer Assistance and Review (PAR) program by transferring \$113,000 in funds from Title I and Title II to the General Fund. Must be negotiated. Allen moved, Strange seconded, and the Board voted 5-0-0 to approve.

Item 14: Eliminate one half of District’s General Fund contribution to the Beginning Teacher Support and Assessment (BTSA) program by transferring \$100,000 in funds from Title I and Title II to the General Fund. Must be negotiated. Mayo moved, Strange seconded and the Board voted 5-0-0 to approve.

Item 52: Eliminate one Senior Typist Clerk position in Purchasing. Fiscal Impact: \$62,682. Mayo moved, Strange seconded, and the Board voted 5-0-0 to approve.

Item 65(a): Reduce three 0.75 FTE Special Education Assistant positions, which were assigned to three Special Education teaching positions eliminated at the January 13, 2009, meeting. Fiscal Impact: \$113,362. Strange moved and Allen seconded the motion.

Board comment: Whitmarsh expressed concern that parents are saying students are being placed in unsafe classroom situations because there are not enough Special Education Assistants (SEAs). McHenry said the assistants in question are assigned to teachers and not to students as one-on-one assistants. In response to Allen, Browne said all students who require classroom assistants will continue to be served. Eberhart said the Board must assess the Special Education program to make sure resources are being spent wisely. He would rather do an independent analysis of the whole program before taking action on specific positions. In response to Allen, McHenry said his goal is to get as close to \$6.6 million in reductions by February 10 so they can be included in the Second Interim Report, which is produced in March. Nicoll said reductions made up to February 24 can be included in the report. McHenry said the District must provide assistants as required by a student’s IEP. The assistants in question are assigned to teaching positions that have been eliminated. Mayo pointed out that positions can be removed or added back following the study.

Action postponed: Following Board discussion, it was suggested that action be postponed to a subsequent meeting. Strange withdrew his motion and Allen his second.

Item 83: Reduce Horizon (Independent Study) staffing by one additional FTE, bring the number to seven. (There are currently nine positions at Horizon.) Fiscal Impact: \$54,429. Whitmarsh moved, Mayo seconded, and the Board voted 5-0-0 to approve.

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

At this time Eberhart invited Board members to suggest items to move for discussion.

Item 75: Eliminate a total of 7 Directors or Assistant Directors (from a list of 16).

Whitmarsh moved and Strange seconded a motion to discuss Item 75.

Board discussion Whitmarsh acknowledged that she had put this item on the list and said she'd like "Superintendent McHenry to look at which of these positions would he recommend . . . eliminating." She said she knows that while "these programs do affect our children, it's one step further removed from them being in the classroom." She expressed the hope and prayer that money can be raised to save programs that are being reduced. Allen said that though the positions are not "in the classroom," they are important to classroom programs. He asked, if seven directors are eliminated, "who's going to do the work?" Whitmarsh said she believes the impact of cutting the senior-level positions will trickle down to her students, but not for two to three years whereas a loss of a vice principal has an immediate impact. Strange said it would be helpful for the Board to know in some detail what each of the director positions does. He said that since the Superintendent "is the expert in how to deliver the academic program in our district" and oversees the positions, he should be the one to make the assessment of which ones could be cut.

Allen asked if the Superintendent is being asked to bring back a list of director positions to be cut or a description of each director position. Eberhart said the Board should direct the Superintendent to "come back with seven positions that we're going to reduce and bring those positions to the Board for ratification . . . with the express direction that of this list of sixteen, seven will be reduced." He stressed that he is more willing to cut district administrators than site administrators. Mayo asked if Eberhart was "changing the motion that Sherry Whitmarsh presented." Eberhart said, "No. The motion Ms. Whitmarsh made was to discuss this item. If there is a subsequent motion to act upon this item tonight, that is a potential." Whitmarsh said, "I made a motion to discuss this item and my request for discussion is to ask Mr. McHenry to come back (with) the ones you could remove . . . from least to first . . . to be voted upon by us at the next meeting." Mayo said the Board needs a better understanding of the services the directors provide. She requested that Board members be given job descriptions for any position placed on the list to use as a starting point for their discussion. She said that though directors do not have "face-to-face contact with students," they provide more than direct service to students; eliminating them will push their work down to the sites, which "are already burdened with many tasks as it is." She pointed out that the District's administrator ratio is far below that permitted by the state and expressed concern that "we are going to damage the operations in the District."

McHenry said the Board has given him "an impossible task" to rank the sixteen positions and name seven to be cut. He pointed out that some of the director/assistant directors are funded from categorical funds or are self funded and that some departments have already lost administrative positions. He spoke of the importance of each position and said, "I just don't think we have seven positions out of the sixteen. Right now I wouldn't recommend any of them." Whitmarsh asked McHenry if he would recommend cutting vice principal positions before director positions. He noted that he had made that recommendation at this meeting. Eberhart said he will not vote to cut vice principal positions and believes the Board needs to give the Superintendent some direction on this item.

Eberhart suggested the Superintendent be directed "to make the reduction and bring that back to the Board for ratification," adding that "he can bring that back with any amount of information we need as a Board" and the Board can then approve it or not. Whitmarsh said she will not cut vice principal positions. Because of the amount of cuts that need to be made, she said, "This (the director positions) is where I'm going." Eberhart then said to Whitmarsh, "I would suggest that the motion be to bring us back the seven items that you recommend that the Board reduce." Whitmarsh said, "So moved." Allen asked that the motion be restated. Eberhart said, "Eliminate a total of seven directors or assistant directors from the directors and assistant directors we have here at the school district." Whitmarsh confirmed, saying, "That was my motion." Mayo said, "I had understood we already had a motion on the table." Eberhart said, "And we acted on that." He then asked for a second to the current motion, which Strange provided. Strange pointed out that at a previous meeting the Board eliminated one assistant director position, that of maintenance and operations. Whitmarsh amended her motion to be six positions. Strange seconded that amendment. Mayo pointed out that two positions are self-funded and asked if the motion should be changed to four. Whitmarsh and Strange said, "No." Mayo then questioned the term "ratification" in the motion, saying that it means the Board has already taken an action to eliminate something, when the Board is actually asking the Superintendent to bring back a recommendation.

In response to Board members, Nicoll said all budget cuts made by the February 24 Board meeting could be incorporated into the Second Interim Report, due in March. Eberhart said he'd like the recommendations brought to the Board at the February 10 meeting so the Board could ask questions and, if more information were needed, still have another meeting at which to take the final action. Whitmarsh amended the motion to set a timeline of February 10 for the Superintendent to bring the recommendations to the Board. Strange seconded that amendment.

Board action The Board then voted (3-2-0; Allen, Mayo, no) to eliminate a total of 6 directors and/or assistant directors and to direct the Superintendent to bring a recommendation to the Board on February 10, 2009, for the actual positions to be cut.

Item 45: Eliminate Senior Administrative Assistant to the Superintendent/Communications Specialist position. Fiscal Impact: \$100,575

Board discussion Mayo said she has served as a parent volunteer in the District since 1976 and has worked with the Administrative Assistant in the Superintendent's Office and with other public relations individuals on local and state level during that time. She believes this position is important to the District. The person in the position provides valuable assistance and information to the public and staff. McHenry said it is "totally unreasonable to eliminate this support to the superintendent." He explained that the other support position in the office is almost totally devoted to Board projects and more than 60 percent of that is spent producing the Board meeting agendas. He asked, "Why would the Board of Education not give the Superintendent the support necessary to get the job done?" He pointed out that no matter who is Superintendent, the person cannot get the work done without an assistant. He explained that he created this hybrid position when he came to the District, so the position includes communication responsibilities as well as ongoing support. Eberhart said the Board has to make tough choices. Faced with the choice of cutting school staff and cutting in the District office, "It's pretty clear where the cuts have to come from." He believes the Superintendent's Office staff need to move to more electronically produced agendas and other reports, which will save staff time. Mayo said the communication specialist position was crucial in crafting neutral messages for the District during the Measure A and Measure C campaigns. Cutting this position would leave the District without communications expertise.

Board action Eberhart moved, Strange seconded, and the Board voted 3-2-0 (Allen, Mayo, no), to approve this Item, effective June 30, 2009.

6. PUBLIC COMMENT

Terry Gullen, field rep from Congresswoman Ellen Tauscher's office, provided information about opportunities for student internships and other activities and offered to visit the schools and talk to students about how government works. Jennifer Bamberger, parent of a special needs student, complained that it's taken too long for her son to receive the learning device he needs and said other parents have similar complaints. Tom Davis, parent, described the process he's been following in regard to a complaint he filed against a teacher at his daughter's school and complained that staff and the Board have not given him a fair hearing. He will now take his complaint to the state level.

7. BOARD FORUM

7.1 Committee Minutes

7.2 Board Reports

Whitmarsh said she enjoyed a visit to Sun Terrace and thanked the principal and staff for their welcome. She congratulated Foothill and Northgate jazz band musicians for earning awards at the California Music Educators Association competition and their music director Greg Brown for receiving CMEA's award as an outstanding music educator.

Mayo said she has been participating with parents and interested individuals in "fruitful and informative" discussions on a possible funding measure for the District. She also attended a countywide PTA training in the areas of parent involvement, financial procedures, meeting leadership, and components of advocacy. She visited Pleasant Hill and Sequoia elementary schools, where she met new teachers and "dear friends" who've been in the District a long time. Earlier today she and Strange attended the Walnut Creek State of the City luncheon and she then participated in a Coordinated School Health Committee meeting. The group's goal is to improve the overall health of students, employees, and families in the District. She announced that California stands to gain \$10 billion from the federal government for IDEA, Title I, and construction programs. She urged the public to contact legislators to support this funding.

Strange reported that he is participating on the committee that is planning the parcel tax campaign. A general meeting is scheduled for January 28, at 6 p.m. He announced that he and Eberhart recently were speakers at Democrat meeting on state budget. He attended the Superintendent's K-Adult principals' meeting, met with Special Education staff, and attended the Career Integrated Academics committee meeting and the Walnut Creek State of the City luncheon.

7.3 Issues of Concern

8. COMMUNICATIONS

8.1 Student Representatives

Reporting on events, activities, and issues at their respective schools were Brandon Bratcher, Ygnacio Valley; Victoria Spellman and Tori Newman, Concord; Kathy Duran and Michael Sullivan, College Park; Rhiannon Pritchett, Olympic; Prince Singh, Mt. Diablo

8.2 Organizations

Mike Noce, MDEA president, issued an appeal for help in lobbying legislators and the Governor to fund public education at the level required under Proposition 98. He said information about this issue is available on the Education Coalition website: www.protectourstudents.com. MDEA will be planning activities between now and March 13, including a statewide "Late Start Day." He encouraged individuals to get involved in the District's parcel tax measure. He said the MDEA Executive Board has endorsed the parcel tax and is in the process of getting members' support as well. He thanked Nicoll for answering all his questions about the measure.

Caroline Stimson, Community Action Committee member, read a letter on behalf of CAC President Connie Warner, asking the Board to "be mindful of cuts to Special Ed" as well as to programs that serve all students, including Curriculum, the one to assist English language learners, and Alternative Education. She said the District is not providing a one-on-one assistant to every student whose IEP calls for one and is, instead, using classroom assistants to provide the service. She cited two districts that are using contracted behavioral services rather than non-public agencies to serve students and said the District may want to do the same.

Darnell Turner, East County NAACP, suggested Board members use California School Boards Association lobbyists to talk with legislative representatives. Noting that he is president of the Los Medanos Community College Board, he said all local elected officials need to join forces to fix the problem in Sacramento. He has been talking to Superintendent McHenry about the college and the school district working together on projects of benefit to students. He then said he did not understand the Board action at this meeting to cut a position in the Superintendent's Office as it did not seem to consider how the operation will function and be maintained. He expressed concern about Special Ed and safety issues in the District that have come to his attention as well as some of the actions and statements he witnessed at this meeting. He said he will be having conversations and attending meetings to be assured that decisions affecting the District and the people who work in it are made based on logic and good judgment.

9. SUPERINTENDENT'S REPORT

McHenry said he has "been sitting here for a while and just reflecting on what I might do. It's really difficult to stay motivated to do a job when it just doesn't seem like the Board is going to support the efforts that you are putting forward." He intends to write up all that has happened and determine what to do with it. He said, "I think that what is happening here is wrong" and called some of it "somewhat vindictive and retaliatory." He said he will see what action is needed and what form is appropriate to address it.

10. BUSINESS

10.1 Resolution 08/09-39 African American History Month – February 2009

Mayo moved, seconded, and the Board voted to adopt Resolution 08/09-39, acknowledging the California Department of Education's designation of February as African American History Month and recognizing the many contributions made by African Americans to the American Heritage.

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

The Board has expressed the need to set priorities for the 2008 and 2009 years and beyond. The most critical issues are budget reductions and a decision regarding a parcel tax initiative. At this time the Board was asked to discuss and priorities items suggested to date and to determine any additional ones as well. The list to date includes:

1. Complete the budget reduction process to balance the budget for the 2009-10 school year.
2. Prepare for additional budget reductions in 2008-09 in case mid-year cuts are required or state revenue allocated to school districts is reduced or eliminated.
3. Complete the planning process and make a decision on a parcel tax initiative. This effort would require the cooperation of a citizens' committee to plan, organize, develop, and implement a campaign strategy.
4. Develop criteria for school closure. The Board previously discussed this issue on April 12, 2005. The criteria used at that time consisted of:
5. Confirm commitment to strategic planning. This subject has been discussed several times over the past year.
6. Continue to participate in the Concord Naval Weapons Station Re-Use Plan process.

7. Discuss plans for a high school in Bay Point. Establish a timeline, location, curriculum, and essential program components.
8. Prioritize work – mandates/law, board policy/directive, other; updated job descriptions because of positions that are reduced and confer with bargaining units where appropriate.
9. Utilize technology as a management tool. This would include electronic workflow, electronic school board meeting as well as update and better utilization of the district web site.
10. Complete an assessment of the Special Education program to determine overall effectiveness and if services are provided in the most cost efficient manner.
11. Conclude contract negotiations.

Board discussion

Board members reviewed the items to date, suggesting some for higher or lower priority rankings. They also suggested and provided their rationale for additions to the list.

Strange added: More efficient District operations, particularly in use of technology

Eberhart added the following:

Assessment of the Special Education program using an outside evaluator

Use of electronic Board agendas

Development of a new District web site

Completion of contract negotiations

Mayo added: Review job descriptions to determine how workload is handled following budget/staff reductions

Mayo asked if the cost of the priority items should be a consideration. She said strategic planning, for example, typically takes more than a year and involves a facilitator and software for electronic processes, such as Board agendas, also involves costs.

Procedural action: *It being 11:00 p.m., Strange moved, Mayo seconded, and the Board voted 5-0-0 to extend meeting beyond its required 11 p.m. adjournment time, to 11:45 p.m.*

Whitmarsh said strategic planning would make processes like the one for budget reductions more palatable and helps parents, community, and staff know where District is going. Eberhart said he's rather see the list prioritized by importance to the District and not by what it may cost. Also, strategic planning may require a facilitator in time, but informal discussions among the "new Board" can begin. The Board agreed to continue the discussion on this topic at the next Board meeting.

10.3 Oak Grove Middle School Placement in Secondary Sanctions, and Extension of the School Assistance and Intervention Team (SAIT) - Report of Findings and Recommended Corrective Actions for Submission to Mt. Diablo Unified School District and the California Department of Education

These recommendations have been reviewed by the Oak Grove Site Council, its District/Site Liaison Team (DSLIT) and the staff at the site. There is no impact to the General Fund. \$48,000 from Title I and School Library Improvement funds (already budgeted).

Board comment Mayo asked how the District and Curriculum and Instruction (C&I) staff will assist Oak Grove. C&I Director Melinda Hall said department staff consider it to be vital to assist the school staff—administrators, teachers, and support staff. They have already begun facilitating discussions on adapting the master schedule to the benefit of students, providing professional development and support to the literacy and math coaches, and assisting in monitoring compliance with the corrective action plan. Eberhart asked how the current plan differs from last year's. Oak Grove Principal Terry McCormick and Barbara Granger of the Alameda County Office of Education explained that the new plan focuses on student learning and assistance to teachers and includes the addition of literacy coaches, looking at pacing guides, and engaging in a collaborative cycle. Granger said the previous plan focused on systems analysis and monitoring. The secondary level of sanctions involves more close oversight by the SAIT. Secondary sanctions end June 2010. In response to Whitmarsh, Granger said it is not yet known what would happen to the school if it does not make Adequate Yearly Progress by 2010. She does not believe the school will not be successful. District-School Liaison Team is very helpful. Whitmarsh expressed concern about the high level of turnover among the student population and the number of high-performing students in the attendance area who opt to transfer to other schools. Presented only for information.

10.4 Review and Discussion of Board Policy and Administrative Rules 6162.5(a) Student Assessment

In June 2008 the Board of Education approved a policy of student assessment after a year-long process. This policy was developed because parents were complaining that tests were not being returned. Parents felt this was important so they could assist their children in meeting the academic standards of particular courses, especially courses in mathematics. At the January 13, 2009, Board meeting, several speakers requested that the Board review and modify Board Policy 6162.5. Prior to making changes, there needs to be a full discussion with public input to better understand the issue.

Public comment Marilyn Hoffacker, teacher, said she supports making tests “accessible” and explained the numerous tests she gives her history students that would make it difficult to return every one. She makes time available to review tests with the students. Janet Sheehy, parent and member of the group that drafted the policy, urged the Board to maintain it as adopted. She described the positive changes she and her children have experienced by having the tests readily available at home. Jesse Forsland, Olympic High teacher, said Olympic students come and go throughout the year, so teachers do not release chapter tests. He urged the Board not to mandate the return of chapter tests at any high school. Judy Cubillo, Northgate math chair, said math teachers are ready to return to the process, which started last spring, to develop an assessment policy. They were startled to learn when they returned to school in August that the process had been completed and the policy adopted and in effect.

Board comment Whitmarsh and Strange suggested that the matter be re-opened and the draft reviewed again. Mayo said she attended all the Parent Advisory Counsel meetings at which this concern was expressed over a year’s period of time. She knows that many teachers provide time to review tests with students, but she came away from the parent discussions realizing that that was not the case in much of the District. If the Board wants to review the policy, she suggested the committee be brought back to participate. She said parents were also concerned that the tests be available to tutors working with their students. Strange suggested that the Board direct the Superintendent to have teachers and parents review the policy. Eberhart said he is open to looking at the policy again, but as a parent wanting to help his daughter, he will not be able to go to the school to review the test with the teacher. If he just needs to request the test, that could work. He agreed that the Superintendent should have teachers and parents review the policy, which will remain in effect during the process. Presented only for information and discussion.

- 10.5 Resolution 08/09-40 Determining District Needs for 2009-2010 and Adopting Criteria for Determining Order of Seniority for those Certificated Employees with the Same Date of First Paid Probationary Service
Strange moved, Allen seconded, and the Board voted 5-0-0 to adopt Resolution 08/09-40, ordering the seniority of certificated employees who first rendered paid service to the District in a probationary position on the same date. In accordance with Education Code 44955(b), the Board of Education must determine the order of seniority “solely on the basis of the needs of the district and the students thereof.”
- 10.6 Resolution 08/09-41 Relative to Elimination of Classified Positions
Strange moved, Mayo seconded, and the Board voted 5-0-0 to adopt Resolution 08/09-41, eliminating and reducing positions in the Paraprofessional Unit (CSEA) and Maintenance and Operations (Local One) due to program modifications and budgetary limitations. Fiscal Impact: \$56,733.00 in savings to the General Fund; \$124,828.22 to the Restricted Maintenance fund and \$11,466.38 to the Measure A fund, all in fiscal year 2008-09.
- 10.7 Board Committee Assignments
President Eberhart distributed the list of Board committee assignments for the period of January 1, 2009, through December 31, 2009. He invited Board members to let him know if they wanted him to make any changes to the assignments.
- 10.8 Adoption of the AP Art History Course of Study
Mayo moved, Strange seconded, and the Board voted 5-0-0 to adopt the AP Art History course of study as recommended by a committee of secondary teachers and a retired administrator, acting as a Curriculum Specialist. Presented only as information at the January 13 meeting, this item was returned for action at this time.
- 10.9 Membership Recommendation for Community Advisory Committee
Strange moved, Whitmarsh seconded, and the Board voted 5-0-0 to approve Melody Royal as a new member to the Community Advisory Committee, as recommended by the CAC.
- 10.10 Contract Extension with Miller Brown and Dannis from December 31, 2008 through January 31, 2009
Strange moved, Whitmarsh seconded, and the Board voted to approve an extension, until January 31, 2009, of the contract with Miller Brown and Dannis for legal services, which expired on December 31, 2008. The extension assures continuity in legal services. Fiscal Impact: Approximately \$67,000 per month.
- 10.11 Adoption of K-5 Mathematics Series
The Elementary Mathematics Committee has recommended Houghton Mifflin California Math textbooks and materials to adopt in grades K-5. Presented only as information at this time, this item will be returned for action at a subsequent meeting.

10.12 Job Description for Inventory and Materials Storekeeper for Transportation; Maintenance and Operations Units

This new position of Inventory and Materials Storekeeper for Transportation; Maintenance and Operations Units will be at Range 501 (\$3,171.65 - \$3,855.03/month) of the Maintenance, Operations, Transportation, Warehouse, Food Service Unit salary schedule. Presented only as information at this time, this item will be returned for action at a subsequent meeting.

11. ADJOURNMENT

Eberhart closed the meeting at 11:44 p.m.

Richard Nicoll, Secretary