

## BOARD MEETING: February 24, 2009

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  
Student Representatives: Nicole Pettit, Kathy Duran, and Michael Sullivan, College Park; Prince Singh, Mt. Diablo

1. **CALL TO ORDER**: President Eberhart called the meeting to order at 6:04 p.m. in the Board Room at the MDUSD Dent Center.

**PUBLIC COMMENT**: None

**CLOSED SESSION**: The Board adjourned to Closed Session at 6:05 p.m. in Room 6 at the Dent Center. Topics discussed included superintendent's evaluation; 18 requests for readmission; existing litigation (N.V. Heathorn v MDUSD); anticipated litigation (one potential case); and negotiations.

### Readmission

Strange moved, Allen seconded, and the Board voted 5-0-0 to approve staff's recommendation to readmit one student, who met the conditions of his rehabilitation plan, and deny admission to 2 students and readmission 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 7:34 p.m. The JROTC Honor Guard presented the colors. President Eberhart led the Pledge of Allegiance to the Flag.

### 3. **CONSENT AGENDA**

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

3.1 Minutes – none.

#### 3.2 Certificated Personnel

##### 3.2.1 Leaves of Absence, Resignations, Retirements, Employment

##### 3.2.2 Resolution 08/09-48 Provisional Internship Permit (PIP) Request(s)

Adopted Resolution 08/09-48, authorizing Rachel Morgain to apply for a Provisional Internship Permit (PIP) in order to complete her assignment for the 2008-09 school year.

##### 3.2.3 Resolution 08/09-47 Variable Term Waiver Requests

Adopted Resolution 08/09-47, authorizing Christina Lindemuth to apply for a Variable Term Waiver, giving her additional time to complete certain requirements for the credential that authorizes her service. The waiver request is made when there is not a properly credentialed person available for the position.

##### 3.2.4 Agreement of Collaboration between the California Department of Education, the Ministry of Education, Social Policy and Sport of Spain and MDUSD for the 2009-2010 School Year

Approved agreement is to place visiting teachers from Spain into bilingual classrooms in the District. There is no impact to the General Fund.

##### 3.2.5 Request Approval to Create a 1.0 FTE Registered Occupational Therapist Position

Created a 1.0 FTE Registered Occupational Therapist position, which is in addition to the one approved on January 13, 2009 and effective on as of February 1, 2009. Funded for the remainder of 2008-09 through a reduction in contracted services and use of unencumbered funds. Fiscal Impact: The Progressus Therapy contract amount will be reduced by \$29,952 and that amount transferred from Budget Code 1662 to Budget Code 1818. Funding Source: General Purpose/Special Education

#### 3.3 Classified Personnel

##### 3.3.1 Leaves of Absence, Resignations, Retirements, Employment

##### 3.3.2 Increase in Hours for a Part-Time Instructional Assistant – Bilingual Position at Crossroads High School

Increased from 19 to 25 hours/week, an existing school-day-only, Instructional Assistant–Bilingual position at Crossroads High School. There is no impact to the General Fund. Fiscal Impact: Increase of \$7,267 for fiscal year 2008-09 and of \$21,524 for a full year. Funding Source: 50% CalSAFE Child Care Services; 50% CalSAFE Support Services

##### 3.3.3 Increase in Hours for a Part-Time Adult and Career Education Fiscal Analyst Position at Loma Vista Adult Education

Increased from 24 to 40 hours/week an existing 12-month/year Adult and Career Education Fiscal Analyst position at Loma Vista Adult Education. There is no impact to the General Fund. Fiscal Impact: increase of \$2,693 for fiscal year 2008-09 and of \$22,355 for a full year. Funding Source: Adult Education.

3.3.4 Creation of a Full-Time Secretary Position for Loma Vista Adult Education.

Created a full-time 40-hour/week, 12-month/year Secretary position at Loma Vista Adult Education. There is no impact to the General Fund. Fiscal Impact: \$15,767 in fiscal year 2008-09 and \$55,504 in 2009-10. Funding Source: Adult Education.

3.4 Monthly Budget Transfers and/or Budget Increases/Decreases for the Month of January 2009

3.5 Change Order to Bid 1489, Janus Corporation

Approved Change Order to Bid 1489 to Janus Corporation in the amount of \$55,000 for “on demand” asbestos abatement services at various district sites. Funding Source: Routine Restricted Maint. Funds

3.6 Contract Amendment #4, Capital Engineering Consultants

Approved fourth amendment to contract with Capital Engineering Consultants for comprehensive design and engineering services necessary for the installation of new heating, ventilating, and air conditioning (HVAC) systems at designated sites. Amendment covers installation of HVAC systems in the community room, upholstery shop and mat/exercise room at the Pleasant Hill Education Center. Fiscal Impact: \$18,750 Funding Source: Proposition 55 funds

3.7 Award of Contract to Consolidated Engineering

Awarded \$23,718.11 contract to Consolidated Engineering for material testing and inspection services related to the structural repair of the exterior bleacher systems at Clayton Valley High School. Funding Source: Proposition 55 funding

3.8 Award of Design Service Contract

Awarded \$61,500 contract to American Consulting Engineers Electrical, Inc. for comprehensive electrical engineering design services necessary to replace existing intercom/clock systems at Foothill Middle; Sequoia and Rio Vista elementary schools. Funding Source: Deferred Maintenance funds

3.9 Notice of Completion to Bid 1491 – Valair-Carrier Corporation

Approved Notice of Completion to Valair-Carrier Corporation in the amount of \$1,916,960.25 for the manufacture, fabrication and/or assembly, and delivery of heating, ventilating and air conditioning equipment for Bel Air and Rio Vista elementary schools; Oak Grove Middle School; and Concord High School. Funding Source: Proposition 55

3.10 Consider Approval of an Additional Contract with Alameda County Office of Education for a CTEL (California Teachers of English Learners) Exam Preparation Course

Approved an additional \$3,000 to the contract for Alameda County Office of Education (ACOE). In the additional service ACOE will provide quality trainers to instruct one or more CTEL exam preparation courses to MDUSD teachers. Fiscal Impact: \$3,000 Funding Source: Categorical Funds-Economic Impact Aid/LEP

3.11 Enhance Optiman Service for Mt. Diablo Unified School District

Approved amendment to contract with AT&T, which is providing high-speed Wide-Area-Network services at many MDUSD secondary schools. Amendment entails increase in the District’s bandwidth to the Contra Costa County Office of Education from 50 MBS to 100 MBS. Fiscal Impact: \$660 per month less 56 percent \$396.60 = \$290.40 Funding Source: Program 5275

**4. RECOGNITIONS**

4.1 Greg Brown, Teacher, Northgate High School

President Eberhart presented a Certificate of Appreciation to Northgate High music teacher/director Greg Brown, winner of the Gilbert T. Freitas Annual Memorial Award for excellence in music education. Brown said a spirit of hope is being felt in the District these days and he encouraged the Board to recognize the contributions of parent groups as often as possible.

**5. COMMUNICATIONS**

5.1 Student Representatives

Reporting on events, activities, and issues at their respective schools were Nicole Pettit, Kathy Duran and Michael Sullivan, College Park; Prince Singh, Mt. Diablo

5.2 District Organizations

Marvin Maltez, president of the District English Language Acquisition Committee (DELAC), explained that the committee serves as advisory group to the Board on behalf of students who live in homes where a language other than English is spoken. He commended the District for its use of state and federal funding for the instruction of English language learners. He described the District programs and services that help these students and their families. He said the DELAC is concerned about funding during these difficult economic times and expressed support for the Curriculum Department and other administrative staff who serve English language learners and their teachers.

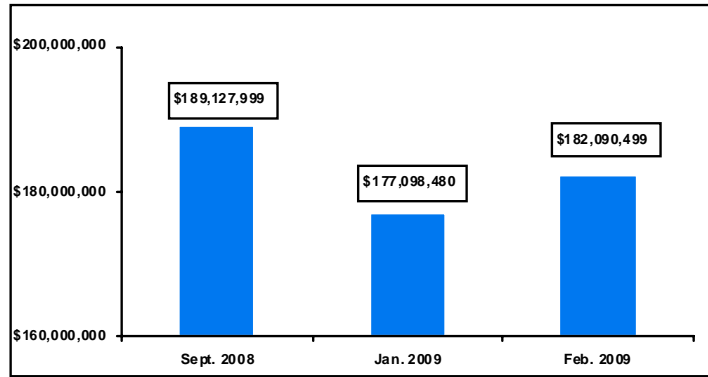
Mike Noce, MDEA president, said he was glad to see the state budget passed but disappointed that cuts to public education total \$11 billion statewide. He announced and invited the public to attend a “Stand Up For Schools” rally and press conference being held in Walnut Creek on March 11. He read a resolution in support of “Stand Up For Schools” Day. He said many veteran teachers will be receiving layoff notices on March 15 as a consequence of budget reductions. He spoke in support of the District’s parcel tax initiative.

**6. BUDGET REDUCTIONS**

**6.1 Public Hearing and Plan of Action to Reduce Expenses**

Interim Superintendent Dick Nicoll made a brief presentation to show the impact of the state budget, passed earlier this month, on the District budget.

- State Budget: Change to Deficit Factor
  - 2008-09 Revenue Limit reduced by a 7.844 deficit factor
  - 2009-10 Revenue Limit reduced by a 13.094 deficit factor
- Unrestricted State Revenue: Changes, 2008-09



- State Budget: Categorical Program Reductions
  - Tier 1: Protected  
e.g. Special Education
  - Tier 2: No flexibility option; funding reduced 15.6% in 08-09; 4.9% in 09-10  
e.g. Partnership Academies
  - Tier 3: Has flexibility option; funding reduced 15.6% in 08-09; 4.9% in 09-10  
e.g. Deferred Maintenance
- Impact on MDUSD Budget

	2008-09 Unrestricted \$	2008-09 Restricted \$	2008-09 Combined \$	2009-10 Unrestricted \$	2009-10 Restricted \$	2009-10 Combined \$	2010-11 Unrestricted \$	2010-11 Restricted \$	2010-11 Combined \$
Total Revenue	203,788,841	79,104,915	282,883,756	202,272,499	79,338,628	281,611,127	202,849,007	79,127,795	281,976,802
Total Expenses	167,922,911	127,835,806	295,758,717	165,002,844	127,146,001	292,148,845	167,493,335	128,162,235	295,655,570
Other Sources/ Uses	-47,039,005	45,348,745	-1,690,260	-45,096,347	43,427,562	-1,668,786	-44,911,586	43,260,850	-1,650,736
Revenue/ Expend. Gap	-11,183,074	-3,382,146	-14,565,220	-7,826,692	-4,379,811	-12,206,503	-9,555,914	-5,773,590	-15,329,504
Unapprop. Ending Balance	46,432	0	46,432	-7,706,841	0	-7,706,841	-17,332,529	0	-17,332,529

Nicoll said that the Board has to consider budget reductions to erase a revenue-expenditure gap of more than \$6.6 million in the 2009-10 school year. Certificated employees must be notified by March 15 if their job is going to be reduced or eliminated in the upcoming school year. Therefore, at its March 3 meeting the Board will be asked to approve nearly \$7 million in budget cuts. He said, “We will be making cuts in programs that we have never wanted to cut,” including athletics, vice principals, and elementary music. He said, “This is definitely not good news,” but pointed out that the District has a parcel tax initiative on the May 19 state election ballot. If it passes, Nicoll said, it will pay for many of the items on the budget reduction list.

Public Hearing

Jerry Zimmerman, school psychologist, described some of the troubled students he has counseled over the years to emphasize the need for school psychologists and the problems that will arise if any of these positions are cut. John Salazar, parent, expressed dismay over the resignation of former Superintendent McHenry but said he understands the new Board majority wants to start with “a clean slate.” To do so, he said, the Board should seek the replacement of the teachers’ union president as well. He is willing to work for a parcel tax and urged Board to develop and follow a strategy to show how it will make “the right choices for our students.”

Several individuals spoke in support of the elementary music program:

Students Donica Allen, Christy Lopez, and Pauline Allen read quotations from studies to show the value of music in an academic education and described how much music means to each of them. Parent Faye Mettler spoke of the importance of music in fourth and fifth grades. Her daughter, Cassie Mettler, played the a brief tune on the flute. Teacher Loretta McNulty explained the theory of “reverse economics,” saying that cutting music instruction in the elementary schools will lead to decreased participation in the secondary schools in subsequent years. Teacher MaryAnnette Venti continued the message in support of arts programs in the schools, saying that they contribute to a complete curriculum. Teacher Linda Snyder read comments from her 4<sup>th</sup> and 5<sup>th</sup> grade students on what they see as the benefits of their music program and recommended some books on the importance of music education.

Teresa Torbett, parent and member of the Ygnacio Valley Community Action Group, whose goal is to improve conditions at the high school, urged the Board to help make it easier for volunteers to carry out projects at the schools and support as many cooperative ventures as possible.

Board Action on items recommended by staff

Item 88: Eliminate Director of Maintenance & Operations position. Fiscal Impact: \$178,859  
Strange moved, Allen seconded, and the Board voted 5-0-0 to approve.

Item 89: Shift funding for Assistant Director of Student Services/Special Education to categorical programs. Fiscal Impact: \$125,601

Board comment Mayo asked how the Student Services Department will provide support for the student expulsion and the School Attendance Review Board processes. Browne said the department will be reorganized to cover the services needed.

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

Item 90: Reduce Administrative Services legal budget by \$150,000  
Strange moved, Allen seconded, and the Board voted 5-0-0 to approve.

Item 91: Reduce the District copy machine budget (5229) by \$30,000.  
Allen moved, Strange seconded, and the Board voted 5-0-0 to approve.

Item 92: Reduce the District telephone budget (5275) by \$30,000  
Whitmarsh moved, Allen seconded, and the Board voted 5-0-0 to approve.

Item 93: Reduce the Elementary Education Department budget (5040) by \$10,000  
Strange moved, Whitmarsh seconded, and the Board voted 5-0-0 to approve.

Item 94: Reduce the Secondary Education Department budget (5043) by \$20,000  
Strange moved, Whitmarsh seconded, and the Board voted 5-0-0 to approve.

Item 95: Reduce Fiscal Services contracted services budget (5032) by \$55,540  
Allen moved, Strange seconded, and the Board voted 5-0-0 to approve.

Items brought forward by Board members: None

Board comment Strange noted that even though the Board has cut \$30 million over the past year, the community has not yet really felt the impact of those cuts. The next \$7 million in cuts will be considerably more difficult. Allen commented that if the parcel tax were not on the table, the Board would still have to make the additional cuts. Whitmarsh noted that the next round of cuts will impact students in the classroom. Eberhart said he has no faith that state legislators will find a way to fund education adequately, and it falls to the community to step in to provide local support to the schools. He encouraged the public to help support the parcel tax campaign.

**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 the Assistance League of Diablo Valley's fun program, "Operation School Bell," in which Cambridge Elementary children received new clothes. She also visited College Park and Alliance high schools and was a science fair judge at El Monte.

Mayo also attended "Operation School Bell." She said the Assistance League has been in existence for 40 years, soliciting funds from local businesses to provide clothing for students. She visited Woodside Elementary, where the assistive technology program for special needs students, is located, and was impressed with the machine that allows students to control it through their eyes. She participated in the Distinguished School visit at Valley View Middle School and is confident that the school will receive the recognition. She reported on the California PTA Legislative Conference in Sacramento, which she attended for three days. She and others visited with legislators to advocate for education and invited them to visit schools to see the impact of budget cuts. If the six state propositions on the May 19 election ballot fail, there will be more budget cuts, she said. PTA is supporting a bill that would lower the parcel tax threshold from two-thirds to a 55 percent majority, which will probably be on the ballot in about a year.

Allen said he also attended "Operation School Bell," and added that the Diablo Valley Assistance League raises funds through its operation of the Wayside Inn Thrift Shop in Lafayette.

Strange reported on the a recent meeting of the Community Advisory Committee (CAC), saying there was "a good back and forth" between him and the committee members. Newly appointed Special Ed. Administrator Mary-Ann Tucker and Parent Liaison Hilary Shen were introduced. He said parents are considering starting their own blog to reach others. He also reported that he is participating in parcel tax activities as a member of the campaign steering committee; that he visited a number of Special Education programs in the District and "was very impressed with what I saw across the board"; that he, too, attended "Operation School Bell," expressing appreciation for the Assistance League; and that he participated in a dinner for the WASC team visiting Olympic High.

Eberhart asked Board members to meet in a special session on March 10 to consider budget reductions. He noted that Mayo will attend via teleconference as she will be out of the area. He encouraged Board members and members of the public to attend the elementary school auctions and "spend more money than the items are worth because the schools really need the money." He called the auctions a great opportunity to meet with parents and staff. Referring to John Salazar's comments earlier in the meeting, Eberhart said the Board is working effectively in becoming unified. He said change is happening in a positive way, especially with Ms. Whitmarsh coming on the Board. He has seen a commitment by the entire Board to work together, to find compromise where possible, and to resolve differences in order to move forward in a positive direction. "With Dr. Nicoll coming on as superintendent, this is a team that's going to work well together," he said.

7.3 Issues of Concern

**8. PUBLIC COMMENT**

Liz Diggs, College Park parent, asked questions about plans to repair to refurbish and reopen the swimming pool at the school. She said the pool is an important part of the community and hopes the Board will be discussing the subject at a future meeting.

**9. SUPERINTENDENT'S REPORT**

Nicoll praised two District electricians, Mario Butay and Cameron Kirkham, who provided exemplary service in successfully fixing an electrical problem at Ygnacio Valley High late at night. Had they not done so, YVHS Principal Carolyn Plath would have had to close school the next day.

**10. BUSINESS**

10.1 Resolution 08/09-50 Women's History Month – March 2009

Whitmarsh moved, Strange seconded, and the Board voted 5-0-0 to adopt Resolution 08/09-50, acknowledging the California Department of Education's designation of March as Women's History Month and recognizing the many contributions made by women in the formation of American History.

10.2 Resolution 08/09-51 Arts Education Month – March 2009

Mayo moved, Whitmarsh seconded, and the Board voted 5-0-0 to adopt Resolution 08/09-51, acknowledging the California Department of Education's designation of March as Arts Education Month and recognizing the importance of celebrating the arts with meaningful student activities and programs.

10.3 Appointment of Interim Superintendent

Strange moved, Allen seconded, and voted 5-0-0 to appoint Richard Nicoll to fill the Superintendent position on an interim basis. This position is budgeted and funded within the General Fund with a net salary savings of \$9,861. Eberhart praised Nicoll for his long years of dedicated service to the District and for agreeing to take on this role. He said Nicoll is the perfect person to step into this role at this time and place. Nicoll said "it is a great honor" to be superintendent of this district.

10.4 Appointment of Assistant Superintendent, Administrative Services

Strange moved, Whitmarsh seconded, and the Board voted 5-0-0 to appoint Pete Pedersen as Assistant Superintendent, Administrative Services, effective February 25, 2009. Eberhart praised Pedersen for his long and conscientious service to the District. Pedersen said he is "humbled and honored" by this appointment.

/\*10.5 Appointment of Interim Elementary Principal

Strange moved, Allen seconded, and the Board voted 5-0-0 to appoint Nancy Klinkner as Elementary Principal on an interim basis, assigned to Highlands Elementary, effective February 25, 2009.

10.6 Appointment of Occupational Therapist(s)

Allen moved, Mayo seconded, and the Board voted 5-0-0 to appoint Leslie Curtiss as Occupational Therapist, effective March 1, 2009.

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10.7 Appointment of Food Services Supervisor

Whitmarsh moved, Strange seconded, and the Board voted 5-0-0 to appoint Suzanne Bernard as Food Services Supervisor, effective March 1, 2009.

10.8 Appointment of Chief Accountant

Whitmarsh moved, Strange seconded, and the Board voted 5-0-0 to appoint Nance Juner as Chief Accountant, effective immediately.

10.9 Resolution 08/09-49 Relative to the Elimination and Reduction of Classified Positions

Allen moved, Strange seconded, and the Board voted 5-0-0 to adopt Resolution 08/09-49, eliminating and reducing positions in the Maintenance and Operations (Local One) Unit as of April 17, 2009, due to program modifications and budgetary limitations. Fiscal Impact: \$66,089 in savings to the General Fund; \$146,151 to the Restricted Maintenance Fund.

10.10 Timing of Collection of Developer Fees

Traditionally, the District has collected developer fees at the time a building permit is pulled for a project. As a result of the crisis in the construction industry, the Home Builders Association requested that such fees be delayed until after project is built. The Facilities Subcommittee of the Board supported the request.

Public comment Salvatore Evola of Discovery Builders, Inc., and vice mayor of the City of Pittsburg, spoke in support of the Home Builders Association request and volunteered to help support the parcel tax.

Board comment Strange said that by allowing builders to delay payment of the developer fee the District will provide help to developers, which will lead to more homebuilding and, then, to more families moving into the District and increased revenue from Average Daily Attendance. In response to Mayo, Nicoll said developers currently must show proof that they've paid the developer fee before they are issued a building permit. With the proposed change, staff will work with city and county planning departments to modify the process so developers would have to show that proof before the project can be scheduled for a final inspection. He expects there to be no change to ultimate revenue as a result of the change. Mayo suggested that the Board allow the change to be in place "until June 30, 2010," and then have the matter brought back for review at that time. In response to Eberhart, she made her suggestion into a formal motion to add that stipulation to the language of the main motion. Her motion died for lack of a second. Strange said the Board can bring the matter back for review and change whenever staff recommends it. However, he expects cities and counties all to change the developer fee payment from the beginning to the end of projects, as a new law allows them to do. Allen said he is hesitant to put a timeline on the process because "we don't know when things are going to start up again."

Board Action Allen moved, Whitmarsh seconded, and the Board voted 5-0-0 to direct staff to request that local planning departments delay the collection of the school district developer fee until the final inspection is requested.

10.11 Public Hearing and Ratification of Emergency Amendment of Resolution Establishing a Parcel Tax and Specifications of the Election Order

At its February 10, 2009, meeting the Board adopted 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. On February 19, 2009, the State Legislature

approved a budget that calls for a special election on May 19, 2009, for voters to consider six ballot measures related to the state budget. Responding to a deadline from the County Registrar of Voters, the Board held an emergency session on February 20, 2009, to amend Resolution 08/09-43 and submit it to the Registrar by 5 p.m. that day. The amendment requests that voting on the MDUSD parcel tax initiative be consolidated with the May 19 statewide special election. At this meeting the Board held a public hearing for community input on the emergency amendment.

Public Hearing Eberhart opened the hearing at 9:58 p.m. With no requests to speak, he closed the hearing.

Board action Strange moved, Allen seconded, and the Board voted 5-0-0 to ratify its action on February 20, 2009, to adopt amended Resolution 08/09-43. Eberhart thanked staff for their work in preparing the needed information for both the emergency meeting on February 20 and tonight's session.

10.12 Approve Contract between Mt. Diablo Unified School District and Maxim Health Care Services, Non Public Agency for the 2008-2009 School Year

Strange moved, Mayo seconded, and the Board voted 5-0-0 to approve a \$142,200 contract with Maxim Health Care Services for 2008-09. Costs could be reduced if District positions that provide these services are filled. Fiscal Impact: A budgeted expense in the 2008-2009 budgeted that is funded through restricted general funds. Funding Source: MediCal Administrative Services (MAA). Budget Code 5046.

10.13 Amended Certificate of Signatures

Whitmarsh moved, Mayo seconded, and the Board voted 5-0-0 to amend the District's Certificate of Signatures, which is filed with the Contra Costa County Office of Education, to reflect recent personnel changes in the Superintendent and Assistant Superintendent positions.

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

Board members have expressed a need to set priorities for the 2008 and 2009 years and beyond. To date, the following items have been suggested:

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:
  - a. Size of school .....Is it cost efficient to keep it open?
  - b. Location .....How far will student have to travel to get to their newly designated "home" school? (Redrawing of boundaries)
  - c. Program.....Does the school have a program that can be replicated elsewhere?  
The most difficult are Special Education and bilingual programs, newcomer centers, etc.
  - d. Maintenance/Repair Costs .....Are the costs of upkeep and repair such that it is simply cost prohibitive to keep the school open? Student safety would also be a factor.
  - e. Legal Compliance .....By closing a school you cannot create other schools that would be racially isolated.
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 comment The Board briefly discussed this issue, agreeing that it would be better address in a study session with “Priority-setting” as the topic. Mayo suggested removing Item 4, criteria for school closure, from the list as the Board has not considered closing schools. Whitmarsh said she’d asked for it to be on the list even though she does not intend to close any schools. However, she explained, the economic situation continues to get worse. If the budget cutting reaches the point where the Board has to consider closing schools, it’s important to have a plan in place. Mayo said having school closure on the list causes anxiety in the community. Eberhart said Board members can assure the community that they don’t intend to close schools. He supports keeping the topic on the list as he can’t trust Sacramento to fund education adequately.

Board action Strange moved, Allen seconded, and the Board voted 4-0-1 (Mayo, abstain) to approve the items listed (with the numbers removed as they do not reflect a priority order) and hold a study session on March 14 at 9:00 a.m. to discuss “Priorities for the Board of Education.”

10.15 2009 California School Board’s Association (CSBA) Delegate Assembly Election

The Board considered candidates for two seats representing Subregion 7-A on the 2009 CSBA Delegate Assembly. Strange moved, Mayo seconded, and the Board voted 5-0-0 to cast one of its two votes for Teresa Gerringer, Lafayette SD. Allen moved, Mayo seconded, and the Board 5-0-0 to cast the second of its two votes for Arthur Clark, Walnut Creek SD.

10.16 Williams Quarterly Summary Report, January 31, 2009

Strange moved, Whitmarsh seconded, and the Board voted 5-0-0 to ratify the Williams Quarterly Summary Report, dated January 31, 2009. Quarterly reports reflect complaints regarding textbooks and instructional materials, teacher vacancies or misassignments, facilities conditions and Valenzuela/CAHSEE support. This quarter’s report includes the months of November 2008 through January 2009 and shows one complaint regarding facilities submitted and resolved.

10.17 Board Policy 5117 and Administrative Rules 5117 and 5111.12

Strange moved, Mayo seconded, and the Board voted 5-0-0 to approve revised Board Policy and Administrative Rule 5117 and revised Administrative Rule 5111.12. The changes reflect new legislation clarifying the definition of employment within a district’s physical boundaries. Presented only as information at the February 10 meeting, this item was returned for action at this time.

10.18 Board Policy and Administrative Rule 3511

Mayo moved, Strange seconded, and the Board voted 5-0-0- to approve Board Policy and Administrative Rule 3511, “Energy, Water and Resource Conservation.” The policy and rule are necessary for the promotion, enforcement and sustenance of the proposed MDUSD Integrated Resource Conservation Plan. Presented only as information at the February 10 meeting, this item was returned for action at this time.

10.19 Integrated Resource Conservation Plan

Mayo moved, Allen seconded, and the Board voted 5-0-0 to approve the MDUSD Integrated Resource Conservation Plan. Presented only as information at the February 10 meeting, this item was returned for action at this time.

10.20 Administrative Rule 5144.1 – Suspension and Expulsion/Due Process

Staff has revised Administrative Rule 5144.1, “Suspension and Expulsion/Due Process,” to comply with new legislation. Presented only as information at this time, this item will be returned at a subsequent meeting.

10.21 Adoption of the Art and Humanities I Course of Study

Mt. Diablo High School staff are in the planning phase of a new Art and Humanities Academy, a Specialized Secondary Program. To qualify for grant funding, the academy must offer at least two, preferably more, courses that have never been taught anywhere in the District before. A team of MDHS teachers and a Curriculum Specialist have written three courses of study to meet this requirement. The first course is Art and Humanities I. Presented only as information at this time, this item will be returned at a subsequent meeting.

10.22 Adoption of the Art and Humanities II Course of Study

Art and Humanities II is the second of three courses of study prepared by the team described in Item 10.21, above. Presented only as information at this time, this item will be returned at a subsequent meeting.

10.23 Adoption of the Art and Humanities III Course of Study

Art and Humanities III is the third of three courses of study prepared by the team described in Item 10.21, above. Presented only as information at this time, this item will be returned at a subsequent meeting.

10.24 Adoption of the Introduction to Business Finance Course of Study

A committee of secondary teachers and the Mathematics Curriculum Specialist developed a course of study for an Introduction to Business Finance class. Presented only as information at this time, this item will be returned at a subsequent meeting.

10.25 Adoption of the Statistics AP Course of Study

A committee of secondary teachers and the Mathematics Curriculum Specialist revised and updated the Statistics AP course of study to align with current AP requirements and the District's course of study format. Presented only as information at this time, this item will be returned at a subsequent meeting.

10.26 Adoption of Personal Finance Course of Study

A committee of secondary teachers and the Mathematics Curriculum Specialist developed a new course of study, Personal Finance, to replace Business Math and Senior Math. Presented only as information at this time, this item will be returned at a subsequent meeting.

10.27 Adoption of the Advanced Math Topics Course of Study

A committee of secondary teachers and the Mathematics Curriculum Specialist developed a course of study, Advanced Math Topics, to replace Trigonometry and Advanced Algebra Topics. Presented only as information at this time, this item will be returned at a subsequent meeting.

**11. ADJOURNMENT**

Eberhart adjourned the meeting at 10:28 p.m. in memory of retired school psychologist Tom Petersen and YVHS teacher Carmen Westcott, who each passed away recently.

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Richard Nicoll, Secretary