

BOARD MEETING: September 23, 2008

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

1. **CALL TO ORDER:** President Treece called the meeting to order at 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, one expulsion, ten requests for readmission, existing litigation (Spieler v. MDUSD), anticipated litigation (two potential cases), and negotiations.

Readmission

The Board voted 5-0-0 to approve staff's recommendation to readmit one student and deny readmission to nine students who did not meet the conditions of their rehabilitation plan.

Existing Litigation

Allen moved, Strange seconded, and the Board voted 5-0-0 to approve a settlement agreement involving the issue of playbox surfacing in the case of Spieler vs. MDUSD.

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

Expulsion

Student 05-09: The Board voted 5-0-0 that Student 05-09 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student 05-09 may apply for readmission after June 10, 2009. It is required that Student 05-09 participate in individual counseling, the COPS program, the District's Teen Anger Management Program, undergoes a psychological evaluation, and show evidence of a successful school experience, prior to applying for readmission.

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

3. **CONSENT AGENDA**

After removing Items 3.14 and 3.15 for separate discussion at Eberhart's request, Mayo moved, Strange seconded, and the Board voted 5-0-0 to adopt the remaining items on Consent Agenda, thereby approving the following:

3.1 Minutes of the meeting of August 26, 2008.

3.2 Certificated Personnel

3.2.1 Leaves of Absence, Resignations, Retirements, Employment

3.2.2 Resolution 08/09-17 Approval of Provisional Internship Permit (PIP) Request(s)

Adopted Resolution 08/09-17, authorizing Joshua Almond and Raquel Del Fiorentiono to apply for a Provisional Internship Permit (PIP) in order to complete their assignments for the 2008-09 school year..

3.2.3 Student Teacher Placement Agreement with Saint Mary's College for the Term of August 1, 2008, through August 31, 2009

Approved an agreement with St. Mary's College for cooperating teachers who have a student teacher to receive a stipend for their services.

3.2.4 Request to Approve Communicative Disorders Student Internship Placement Agreement with San Francisco State University for the Term of September 24, 2008 to June 30, 2011—PULLED

3.2.5 Recommendation for Preliminary Single Subject – Foundational Level Mathematics with English Learner Authorization for Glenda Bodhi Young of Clayton Valley High School

Recommended Glenda Bodhi Young for a Preliminary Teaching Credential as she has completed a two-year District Intern Program.

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

Added a 1.0 FTE teaching position at Riverview Middle School for 2008-2009. Fiscal impact: \$60,228 increase in the expenditure budget of Categorical Funds. Funding source: Quality Education Investment Act

3.3 Classified Personnel

3.3.1 Leaves of Absence, Resignations, Retirements, Employment

3.3.2 Request an Increase in Hours for Three (3) Part-Time Community Service Assistant Positions at Gateway, Nueva Vista and Prospect Necessary Small High Schools

Increased from 19.75 to 25 hours/week three existing school-day-only Community Service Assistant positions in the Alternative Education program. Fiscal impact: \$68,284 for 2008-09. The General Fund contribution will be at the same level as 2007-08, \$34,206 with a savings of \$3,468 to the Unrestricted General Fund. Funding Source: Continuation High Foundation Program and Continuation High Staffing Program

3.3.3 Increase in Hours for a Part-Time Instructional Assistant Position at Sequoia Elementary School

Increased from 15 to 19.5 hours/week an existing, school-day-only Instructional Assistant position at Sequoia Elementary. Fiscal impact: \$3,394.02 for the 2008-2009 fiscal year. Funding source: Sequoia Parent Faculty Association.

3.3.4 Reduction in Hours for a Site Technology Support Technician II at Oak Grove Middle School

Decreased from 24 to 16 hours/week an existing 10-month/year Site Technology Support Technician II position at Oak Grove Middle School. Fiscal impact: \$11,900 in savings from the expenditures of the Title I budget.

3.4 Monthly Budget Transfers and/or Budget Increases/Decreases for the Month of August 2008

3.5 Fiscal Transactions for July and August 2008

3.6 Grant Application Requests

3.6.1 Mentor-Mentee California Partnership Academy Grant

Approved submittal of an application for a two-year \$20,000 grant from the California Department of Education to support the implementation of Mt. Diablo High School's Academy for Construction, Manufacturing and Engineering (A.C.M.E.) in its first two years of operation. There is no impact to the General Fund. Funding Source: California Department of Education

3.6.2 California Partnership Academy Grant for College Park High School's Multimedia Production Academy

Approved submitted of an application for a five-year \$356,000 California Partnership Academy grant to support the operation of College Park High School's Multimedia Production Academy. There is no impact to the General Fund. Fiscal Impact: California Department of Education

3.7 Contract Amendment Geotechnical Engineering Service for Kleinfelder, Inc.

Approved amendment totaling \$6,500 to contract with Kleinfelder, Inc. for a site-specific Ground Motion Analysis and Seismic Hazards Report related to geotechnical engineering services at Olympic High School. Funding Source: Proposition 55 funds

3.8 Contract Amendment #8 Harlan Krusemark Architect

Approved amendment totaling \$4,000 to contract with Harlan Krusemark Architect to incorporate unforeseen accessibility changes at Loma Vista Adult Center into the final Division of State Architect close-out design documents. Funding Source: Measure C

3.9 Final Change Orders

3.9.1 Change Order Contract 867, Bid 1494, Meadows Construction Services, Inc. in the amount of \$3,594,83, to provide all site/utility work necessary for the construction of additional classrooms at Olympic High School. Funding Source: Proposition 55 funds

3.9.2 Contract C-874, Bid 1505 Galedrige Construction, Inc. in the amount of \$2,739.31 for the installation of a new paved fire access road at Concord High School. Funding Source: Facilities Acquisition and Construction

3.9.3 Contract C-876, Bid 1506 T.D. Brickley Construction in the amount of \$14,151 for the accordion wall replacement at Hidden Valley Elementary School and El Dorado Middle School. Funding Source: Deferred Maintenance

3.10 Notices of Completion

3.10.1 to Contract C-867, Bid 1494, Meadows Construction Services, Inc. in the amount of \$638,594.83, for site work, increment #1, additional classrooms at Olympic High School. Funding Source: Proposition 55

3.10.2 to Contract C-874, Bid 1505, Galedrige Construction, Inc. in the amount of \$117,517.31, for paving of fire access at Concord High School. Funding Source: Facilities Acquisition and Construction

3.10.3 to Contract C-876, Bid 1506, T.D. Brickley Construction in the amount of \$111,151.00 for the accordion wall replacement at Hidden Valley Elementary School and El Dorado Middle School. Funding Source: Deferred Maintenance

3.11 Contract for Architectural Services with PHd Architects

Approved contract not to exceed \$28,000 with PHd Architects for window replacement at College Park High School. Funding Source: Pleasant Hill Redevelopment Funds

3.12 Surveillance System for Pine Hollow Middle School

Approved purchase and installation of Decotech surveillance system at Pine Hollow Middle School. Fiscal Impact: \$16,466.76. Funding Source: \$15,000 from Pine Hollow Middle School PTSA; and \$1,466.76 from Proposition 55

3.13 Approval of Contract between Mt. Diablo Unified School District and the Contra Costa County YWCA Preschool

Approved contract for District to provide bulk lunches to YWCA for family-style service for the term of ten (10) months, in accordance with the school calendar. Fiscal Impact: The YWCA will be billed for meals served on a cost reimbursement basis. The estimated contract value is \$11,971.

3.14 Approval of Contract between Mt. Diablo Unified School District and the Contra Costa County Office of Education (COE)—See “Separate Action” below

3.15 Annual Renewal of Bi-Tech Services Contract—See “Separate Action” below.

SEPARATE ACTION

3.14 Approval of Contract between Mt. Diablo Unified School District and the Contra Costa County Office of Education (COE)

Board comment/action In response to Eberhart, Director of Food and Nutrition Services Kathleen Corrigan said the District is contracting with Marchus Center, whose students will be served under this contract. Eberhart then moved, Allen seconded, and the Board voted 5-0-0 to approve an agreement with the Contra Costa County Office of Education for the District to provide prepack breakfasts and lunches for the term of ten (10) months, in accordance with the school calendar. The COE will be billed for meals served on a cost reimbursement basis. The estimated contract value is \$38,700.

3.15 Annual Renewal of Bi-Tech Services Contract

Board comment/action In response to Eberhart, Nicoll said this is “an essential expenditure” in order to continue operating the Integrated Financial Solution System (IFAS). He said IFAS is functioning well and as it is intended. In response to Allen, Nicoll said the system was introduced in 2001. Allen then moved, Mayo seconded, and the Board voted 5-0-0 to renew the annual support agreement between MDUSD and Bi-Tech, which provides customer support and software updates. Fiscal Impact: \$59,911.54, which is already budgeted in Program 5088.

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

Eberhart attended the Pleasant Hill Cleanup Day last Saturday as well as a Coastline Cleanup project in Bay Point sponsored by State Senator Tom Torlakson, which was “a good event” attended by numerous community organizations.

Mayo attended the Contra Costa County Committee on District Reorganization’s hearing on the Walnut Creek transfer petition (which was denied) and the Budget Advisory Committee meeting. She participated in the Pleasant Hill Community Service Day, where many schools had projects and community members of all ages volunteered their services. She reported that 300 to 400 people attended the District’s annual Site Council training and announced that Thursday, September 25 is the annual County Teacher of the Year dinner.

Strange: No report

Allen reported on the Citizen Advisory Committee meeting for the Concord Naval Weapons Station Reuse Plan. His intent is to make sure schools are realistically factored into to the plan. The group is down to two alternatives: Conservation and Clustered Villages. The next committee meeting is September 30. On October 21 the committee will finalize its recommendation to the Concord City Council. In January the City Council is to come up with preferred plan to present to the U.S. Navy. Allen has diagrams of the two alternatives for those interested in viewing them.

Treece reported that the Contra Costa Council Workforce Development Task Force and the Concord Chamber of Commerce Business-Education Committee are both looking at the Weapons Station plan in terms of 21st Century Education goals, at the kinds of jobs that will be generated in the area. She attended the superintendent's fourth Business Leader meeting, held last week. The group has had many discussions on math and science and student readiness to compete in business environment. She also reported that the County Workforce Development Board is looking at ways that students can access jobs during the summer, using a program in Richmond as a model. The Mt. Diablo Adult Education program and Olympic High School are working with business and local community colleges in a pilot program on workforce readiness..

5.3 Issues of Concern

Eberhart said that, following adoption of state budget and given the District's effort to assess the impact on its budget, he hopes the Board will look at the District budget with the goal of settling contract negotiations and, therefore, resume making cuts. He announced that the District may have to make a payment to the IRS of \$800,000 and asked staff for an explanation. Nicoll said he learned last Thursday that some payroll actions in 2006-07 may have been overdue to the IRS. The District's payroll manager met with IRS representatives on Friday and is preparing a response to the issues that have been identified. Eberhart asked for the Board to be briefed on this matter and on any IRS penalties the District may have paid in the past 5 years. McHenry said the Board was informed of an IRS complaint in 2006. He noted that the period in question for this and the previous discrepancy is the same, 2006-2007. In response to Mayo, he said it is not clear if the IRS concern is whether the District paid the taxes or if the amount is in question. He had been assured by former Fiscal Services staff that the matter in 2006 had been resolved. He noted, "We are only just learning of this latest IRS concern. We are definitely investigating it and when we have the information we will give it to the Board."

Allen pointed out that there is a provision for a school district making program reductions to reduce certificated staff after May 15, but it has to be approved by the State Legislature. Isserman agreed, adding that there's been no word the Legislature has taken such an action. Without that action and with about 85 percent of the District's budget allocated to personnel, Allen said any cuts to personnel would have to come from the classified ranks. Isserman said that is correct at this time.

6. **PUBLIC COMMENT**

Gina Hale, parent (vice chair of the District's Community Advisory Committee), explained the difficulty she has had in getting her special needs daughter assessed. She voiced complaints about the manner and the costs of the District's attorney in this case and the District staff's handling of her daughter's case.

7. **COMMUNICATIONS**

7.1 Organizations: None.

8. **REPORTS/INFORMATION**: None

9. **SUPERINTENDENT'S REPORT**

McHenry said everyone is feeling the impact of the budget reductions approved last year even though 12 teaching positions have been restored and 11 more are being requested at this meeting. He reported that people at the school sites are requesting more support: clerical, custodial, grounds, administrative, all areas. Reporters have been calling for opinions about state budget and his response is, "It's insufficient." He said the District cannot meet its needs and cannot resolve contractual matters with budget reductions alone. "We must talk about parcel tax with our community," he said. He reported that the County Committee did not approve the petition to transfer the schools located in Walnut Creek. The day after the committee hearing, he contacted petitioners and asked for meeting to talk about the issues they'd raised, the biggest one being the lack of fully credentialed teachers at Northgate. This year, he said, Northgate High is fully staffed. The new administrative team and principal are providing a welcoming environment, though parents are still concerned about academic rigor. He said District staff would work with the other districts serving Walnut Creek families to develop a mutual calendar and on providing easier access for Walnut Creek residents to attend Walnut Creek schools. He remarked, "When people ask for an interdistrict transfer, we know it's because we are not meeting their needs. We do not shy away from that attitude, but strive to meet it by talking with those individuals. The meeting with the Walnut Creek parents is a case in point."

10. **BUSINESS**

10.1 Resolution 08/09-18 Disability Awareness Month – October 2008

Allen moved, Strange seconded, and the Board voted 5-0-0 to adopt Resolution 08/09-18, acknowledging the designation of October as Disability Awareness Month and recognizing the contributions made by people with disabilities throughout history.

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

At this meeting staff requested Board approval to add six elementary level and five secondary level teaching positions to meet class size requirements and address increased enrollment at some elementary schools.

Board/staff comment In response to Treece, McHenry reported that elementary enrollment is above the number projected by 309 students. Middle schools are under projections by 59 overall, but over projections at some schools. The high schools are under projections by 300 overall. College Park and Clayton Valley are over projections; Mt. Diablo and Ygnacio Valley are under. Total District enrollment was projected to be 32,756; at latest count the total was 32,673.

In response to Strange, Lock said the request before the Board is for a minimum number of full-time equivalent (FTE) positions, so the additional staffing will not provide an opportunity for overflowed students to return to their home site. In response to Eberhart, McHenry said not all secondary classes are at 20 students per teacher: Academic literacy, English Language Development, and a couple of AP classes are under 20 to 1. Eberhart said he cannot support adding staff when some teachers are under 20 to 1. He asked for a report on the classes that are under 20 to 1. In response to Mayo, Lock said the teachers being added in the elementary schools are in classes for which the District receives funding for 20 to 1. Mayo noted that the District would lose the funding if the class size maximum is not maintained. Young said secondary classes are over the contractual class size maximum. Without additional staff, students would have to be transferred/overflowed to other schools and teachers would be entitled to file grievances.

In response to Eberhart, McHenry said Board approval at this meeting is important so qualified teachers can be hired and placed as quickly as possible. Teachers were allowed to file grievances as of yesterday, and many have done so. Young said some classes were cancelled due to low enrollment. Strange supported both Mayo's and Eberhart's points of view—that the need is imminent but that the Board needs better evidence that the minimum class size of 20 to 1 is being followed. He questioned whether too many transfer students are being accepted into some schools, making it necessary to add staff. Young said under the "choice initiative," in which parents have a right to request any school for their child, the only way to restrict transfers is by declaring a school "impacted." McHenry explained that the District receives funding for a maximum of 20 to 1 in 9th grade English and math. Young noted that this year was the first in which the District had 18 students days, through an agreement with MDEA, to balance classes. He credited MDEA for allowing the District this time frame. He said staff has worked hard and is confident that the FTE being requested are needed. Allen said he believes in school choice. Young explained the challenges presented by the master schedule.

Treece noted that some students do not start school until later in the fall. Schools that start the year under-enrolled continue to increase enrollment, affecting staffing decisions. Strange questioned whether some neighborhoods are growing or whether the transfer process needs to be improved. Young said there are few overflows at the secondary level, and the transfer program for elementary students is being revised.

Board actions 1) Mayo moved, Allen seconded, and the Board voted 4-1-0 (Eberhart, no) to add 6.0 FTE elementary positions. 2) Mayo moved, Allen seconded, and the Board voted 4-1-0 to add 5.0 FTE (Eberhart, no) secondary positions

The additions are as follows:

<u>School</u>	<u># FTE</u>
Bel Air Elementary	1.0
El Monte Elementary	1.0
Hidden Valley Elementary	1.0
Meadow Homes Elementary	2.0
Strandwood Elementary	1.0
El Dorado Middle	1.0
Foothill Middle	1.0
Clayton Valley High	0.6
College Park High	2.0
Concord High	0.4

Fiscal Impact: \$662,508 Funding Source: General Fund

10.3 Approve Contract between Mt. Diablo Unified School District and the Contra Costa County Office of Education to Provide Transportation with Durham School Services during the 2008-2009 School Year

Board comment In response to Eberhart, Rolen said this contract is under the purview of the Contra Costa County Office of Education. Historically, staff had thought the District was in a joint powers agreement and had to comply with this contract. A recent study has found that not to be the case. Rolen said this contract needs to be approved so students will be transported, but staff is now looking at other ways to provide these services at lower costs. Efforts taken so far have reduced ridership by 30 students. In response to Eberhart's suggestion that the Board approve only the \$900,000 budgeted amount, Rolen said it would be difficult to put all the cost-reduction measures in place this year. Following a lengthy discussion, Allen asked

for a report to the Board in January on student transportation. Eberhart asked for assurances that staff is looking at and finding ways to reduce these costs.

Board action Allen moved, Mayo seconded, and the Board voted 4-1-0 (Eberhart, no) to approve a contract not to exceed \$1,481,387.00 with the Contra Costa County Office of Education to provide transportation services for Special Education students participating in programs in Contra Costa County and Non-Public Schools. Fiscal Impact: \$1,481,387. The General Fund impact is \$581,390. \$900,000.00 was placed in the budget for the 2008-09 school year. This increase is due to an increase in ridership and a 3.5% increase allowed by the contract with the County.

10.4 Community Advisory Committee (CAC) Renewal Membership

Strange moved, Mayo seconded, and the Board voted 5-0-0 to approve new two-year terms on the Community Advisory Committee (CAC) for the following individuals, all parents of District students, as recommended by the CAC in a vote at its meeting on September 8, 2008: Suzanne Bauer, Caroline Stimson, Tricia Tamura-Li, Connie Warner, and Jim Warner.

10.5 Adoption of 10th Grade Novel *Almost a Woman*, by Esmeralda Santiago for the Extended Core Literature List

A Site Literature Committee at Northgate High School read and prepared *Almost a Woman* for adoption for the extended core literature list. Presented only as information at this time, this item will be returned for action at a subsequent meeting.

11. CLOSED SESSION

At 9:17 p.m. Treece adjourned the meeting to Closed Session to discuss the Superintendent's Evaluation.

12. ADJOURNMENT

Treece adjourned the meeting at 9:37 p.m.

Gary McHenry, Secretary