

## BOARD MEETING: December 9, 2008

**ATTENDANCE:** Board: April Treece (until Whitmarsh sworn in), Dick Allen, Gary Eberhart, Linda Mayo, Paul Strange, 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: Mike Sullivan, College Park (voting); Omar Zapien, Mt. Diablo High; Rhiannon Pritchett, Olympic; Brandon Bratcher, Ygnacio Valley; Rekah Kagawan and Victoria Spellman, Concord

1. **CALL TO ORDER:** President Treece called the meeting to order at 6:00 p.m. in the Board Room at the MDUSD Dent Center. McHenry administered the Oath of Office to new Board member Sherry Whitmarsh. Treece then became a member of the audience, her term of office having expired.

**PUBLIC COMMENT:** None

**CLOSED SESSION:** The Board adjourned to Closed Session at 6:01 p.m. in Room 6 at the Dent Center under the leadership of Vice President Allen. Topics discussed included negotiations, one expulsion and one request for readmission; existing litigation (Ceballos v MDUSD); anticipated litigation (one potential case); public employee discipline/dismissal/release/complaint; and superintendent's evaluation.

### Readmission

Strange moved, Eberhart seconded, and the Board voted 5-0-0 to approve staff's recommendation to readmit one student.

### Public Employee Discipline/Dismissal/Release/Complaint

The Board voted 5-0-0 to approve the dismissal of classified employee #24233, effective October 31, 2008. This action later rescinded under Consent Agenda, with the Board then voting to approve the employee's resignation. See "Separate Action, Item 3.2.1" under Consent Agenda, below.

**RECONVENE OPEN SESSION:** The Board returned to Open Session in the in the Board Room at the MDUSD Dent Center at 7:33 p.m. Vice President Allen led the Pledge of Allegiance to the Flag.

### Expulsion

Student 08-09: Strange moved, Eberhart seconded, and the Board voted 5-0-0 that Student 08-09 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student 08-09 may apply for readmission after June 10, 2009. It is required that Student 08-09 participate in individual counseling, 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.

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

## 2. ORGANIZATIONAL MEETING

Oath of Office: McHenry administered the oath of office to Gary Eberhart and Sherry Whitmarsh, who are each starting a new four-year term on the Board.

Allen congratulated both on their election and thanked April Treece for her service as Board president for the past year and commended her for the time, energy, and efforts she spent on behalf of students throughout her terms on the Board. Noting that 2008 was "a very difficult year" given the budget cuts, contract negotiations, and a serious division within the Board, he said, "We now have a new Board, a new year, and a new opportunity to unify this Board and District. The students, employees, parents, and community will benefit from this. The entire community will come together if we as Board members do our job and meet our responsibilities. With that purpose in mind, I believe it is in the best interest of all the stakeholders that I do not accept any nomination for president, vice president, or CSBA delegate."

- 2.1.1 Election of President December 2008 – December 2009  
Strange moved, Whitmarsh seconded, and the Board voted 5-0-0 to elect Gary Eberhart as president. He then took the gavel and led the meeting.
- 2.1.2 Election of Vice President December 2008 – December 2009  
Whitmarsh moved, Allen seconded, and the Board voted 5-0-0 to elect Paul Strange as vice president of the Board.
- 2.1.3 Appointment of Secretary/Clerk to the Governing Board of Trustees  
Strange moved, Allen seconded, and the Board voted 5-0-0 to appoint Superintendent McHenry as Secretary/Clerk to the Governing Board.
- 2.1.4 Establishment of Day, Time, Place of Regular Board Meetings  
Allen moved, Mayo seconded, and the Board voted 5-0-0 to adopt the following calendar of meeting dates in 2009:

January 13	May 12	September 18
January 27	May 26	September 22
February 10	June 2 (1 <sup>st</sup> Tues.)	October 13
February 24	June 16 (3 <sup>rd</sup> Tues.)	October 27
March 3 (1 <sup>st</sup> Tues.)	June 30 (5 <sup>th</sup> Tues.)	November 10
March 24	July: no meetings	November 24
April 7 (1 <sup>st</sup> Tues.)	August 11	December 8
April 28	August 25	

- 2.1.5 Adoption of Certification of Signatures  
Mayo moved, Allen seconded, and the Board voted 5-0-0 to approve the Certificate of Signatures reflecting the newly elected officers of the Board.

### 3. CONSENT AGENDA

Public comment Dorothy Englund, parent, acknowledged that the depiction of her comments under Public Comments in the minutes of the October 14 Board meeting had been revised following her complaint at the November 25 Board meeting, but was still not accurate. She asked the Superintendent to listen to the audio and make changes to her statement. Bev Hansen, Mt. Diablo High principal, explained the rationale for the school's need to hire a consultant to serve as a writing coach (Item 3.21).

Board action After removing 3.13 through 3.16 at Strange's request and 3.21 at Eberhart's, Mayo moved, Strange seconded, and the Board voted to adopt the remaining items on the Consent Agenda, thereby approving the following:

- 3.1 Minutes of the meetings of October 14, October 18 and October 28, 2008.

#### 3.2 Certificated Personnel

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

##### 3.2.2 Agreement for Furnishing Clinical Laboratory Experience and the use of District Facilities with California State University, East Bay for December 10, 2008 through December 31, 2011

Approved an agreement with California State University, East Bay, for the District to provide for clinical laboratory experience and the use of District facilities for students from the University's approved Clinical/School Psychology Program to supplement their learning experience by working with District staff. District staff to participate on an advisory and consulting basis.

##### 3.2.3 Resolution 08/09-32 Approval of Provisional Internship Permit (PIP) Request(s)

Adopted Resolution 08/09-32, authorizing Cristina Ballard and Jo-Ann Saba-Jiminez to apply for a Provisional Internship Permit (PIP) in order to complete their assignments for the 2008-09 school year.

#### 3.3 Classified Personnel

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

#### 3.4 Resolution 08/09-30 Tax Defer Member Paid Contributions to the Public Employees Retirement System (PERS)

Approved Resolution 08/09-30 to tax defer member-paid contributions to the Public Employees Retirement System (PERS). In 1986, the Board of Education adopted a resolution to defer taxation on employee contributions to the State Teachers Retirement System (STRS). Subsequently, both PERS and STRS were placed into tax deferred status. Recently, the IRS ruled that separate resolutions for each deduction subject to deferred taxation must be approved by December 31, 2008 to retain tax deferred status.

#### 3.5 Request for Allowance of Attendance because of Emergency Conditions – J-13A Waiver

Approved submittal of a request for a waiver from attendance requirements for Mt. Diablo Elementary School, which was closed all day October 23, 2008, due to a police activity in the vicinity of the campus. Education Code allows the District to petition the State for a waiver so that the closure will not result in a day of zero attendance, negatively affecting the District's funding.

#### 3.6 Contract Amendment – Valair-Carrier Corporation

Approved amendment to contract with Valair-Carrier Corporation for the manufacturing, assembly and delivery of all specified heating, ventilating and air conditioning (HVAC) equipment for Bel Air and Rio Vista elementary schools, Oak Grove Middle School and Concord High School. Amendment covers work in the amount of \$69,748,.25 to provide HVAC equipment at the Serendipity kitchen and modifications to equipment at Concord High and Oak Grove Middle schools. Funding Source: Proposition 55 funds

- 3.7 Award of Inspector of Record (Project Inspector) Contract – Alisha Jensen  
Approved \$75,600 contract for Inspector of Record (Project Inspector) services to Alisha Jensen to inspect the installation of the new heating, ventilation and air conditioning systems at Pleasant Hill Education Center, Olympic High School, and Fair Oaks and Shore Acres elementary schools. Funding Source: Proposition 55 funds
- 3.8 Award of Inspector of Record (Project Inspector) Contract – Alisha Jensen  
Approved contract not to exceed \$15,000 for Inspector of Record (Project Inspector) services to Alisha Jensen to support the renovation of structurally compromised exterior bleacher systems at Clayton Valley High School. Funding Source: Proposition 55 funds
- 3.9 Final Change Order to RFQ No. 1509 to A and E Emaar for Gas Line Repairs at Sequoia Middle School  
Approved Final Change Order to RFQ No. 1509 to A and E Emaar in the amount of \$5,881.54 for gas line repairs at Sequoia Middle School. Funding Source: Deferred Maintenance funds
- 3.10 Notice of Completion to Purchase Order 49900  
Approved Notice of Completion to Purchase Order 49900, Request For Quotation 1509, awarded to A & E Emaar, in the amount of \$78,381.54 for gas line repairs at Sequoia Middle School. Funding Source: Deferred Maintenance
- 3.11 Contract with Sofffile - Converting Payroll Document to Digital Images  
Approved \$30,500 contract with Sofffile to convert from paper to electronic format payroll reports from 2004, 2005, 2006, and up to May 2007, when payroll reports from IFAS began to be stored electronically. Funding Source: General Fund; already budgeted
- 3.12 Grant Application Requests  
Approved the submittal of the following applications for grants:
- 3.12.1 California Department of Education in the amount up to \$1,450,000 over five years, for a 21<sup>st</sup> Century Community Learning Centers Grant for Ygnacio Valley High School. There is no impact to the General Fund.
- 3.12.2 Contra Costa County Office of Education and the Dean and Margaret Lesher Foundation in the amount up to \$24,000 for a County Technology Academy grant to enhance instruction and student learning by integrating academics and technology at El Monte and Strandwood elementary schools; and Clayton Valley High School. There is no impact to the General Fund.
- 3.12.3 East Bay Community Foundation in the amount of \$52,000 for one year to add an additional pre-school program for Shore Acres Elementary School students. There is no impact to the General Fund.
- 3.12.4 California Department of Education in the amount up to \$64,875 to participate in the national Fresh Fruit and Vegetable Program (FFVP) at Meadow Homes Elementary School. There is no impact to the General Fund.
- 3.13 Approve Amendment to Independent Service Contract with Victor Gomez for Spanish Language Interpreting and Translation Services for the Special Education Department for School Year 2008-2009—See Separate Action," below.
- 3.14 Approve an Amendment in Independent Service Contract with Evelina Villa for Spanish Language Interpreting and Translation Services for the Special Education Department for School Year 2008-2009—See Separate Action," below.
- 3.15 Agreement with the County Office of Education with Regard to Serving Special Education Students in the Court Schools—See Separate Action," below.
- 3.16 Approve Amendment in Mt. Diablo Unified School District's Execution of Non Public School (NPS) Placements for the 2008-2009 School Year—See Separate Action," below.
- 3.17 Consider Approval to Amend the Master Contract with Progressus Therapy, Inc. for Occupational/Physical Therapy Services for the 2008-2009 School Year  
Approved amendment to reduce the Master Contract with Progressus Therapy, Inc. for occupational/physical therapy services in 2008-2009 by .4 FTE due to a staffing shortage. As a result, the contract amount has been reduced to \$1,410,048. Fiscal Impact: A savings of \$42,048. Funding Source: General Purpose/Special Education. Budget Code 1662 The total amount of monies budgeted in Budget Code 1662 is \$1,660,013.34

- 3.18 Consider Approval to Amend the Master Contract with Dori Maxon Pediatric Contracting Services for Occupational/Physical Therapy Services for the 2008-2009 School Year  
Approved amendment to increase the Master Contract with Dori Maxon Pediatric Contracting Services for physical therapy services in 2008-2009 by .2 FTE due to a staffing shortage. As a result, the contract amount will be increased to \$112,064. Fiscal Impact: \$9,815.50 Funding Source: General Purpose/Special Education. Budget Code 1662 The total amount of monies budgeted in Budget Code 1662 is \$1,660,013.34.
- 3.19 Secondary School Leadership for English Learner Success: Leadership Development Series  
Approved agreement with Dr. Laurie Olsen, former Executive Director of California Tomorrow, to conduct a five-part leadership development series in the District for secondary school leaders, focusing on the needs of English learners. There is no impact to the General Fund. Fiscal Impact: \$79,500. Funding Source: Title III Emergency Immigrant Education Program and State Economic Impact Aid/Limited English Proficient Program.
- 3.20 Request Approval to Partner with Diablo Valley College in their Application for Career Technical Education Community Collaborative Funding  
Approved request to join Diablo Valley Community College in its application for Career Technical Education Community Collaborative funds. As part of its application to the California Community College office, MDUSD would be included as a partner with whom Diablo Valley Community College will contract in the amount of \$100,000. There is no impact to the General Fund. Funding Source: Career Technical Education Pathways Initiative (SB 70)
- 3.21 Request Board Approval of Independent Contractor Services for Anne Diskin for Services to Mt. Diablo High School—See Separate Action,” below.

**SEPARATE ACTION**

- 3.13 Approve Amendment to Independent Service Contract with Victor Gomez for Spanish Language Interpreting and Translation Services for the Special Education Department for School Year 2008-2009  
and  
3.14 Approve an Amendment in Independent Service Contract with Evelina Villa for Spanish Language Interpreting and Translation Services for the Special Education Department for School Year 2008-2009

Board comment In response to Strange, Browne explained that it is necessary to contract for interpreting services because it has become difficult to attract, recruit, and hire educational interpreters and because the demand for services requires more than one service provider. Strange asked to know how the consultant costs compare to other districts. In response to Eberhart, Isserman said the District has educational interpreter positions exist, but they require high-level skills in translating technical materials and in verbal interactions.

Board action Strange moved, Mayo seconded, and the Board voted 5-0-0 to approve two Items related to contractors who provide interpreting services for Spanish speaking students and their families: 1) an additional \$7,500 to the \$24,999 contract with Victor Gomez to secure his services for the duration of the school year in the Special Education Department and 2) a reduction of \$7,500 to the \$40,000 contract with Evelina Villa because she has not been able to provide services to the District between August and December 2008. She will be able to provide service on a limited basis beginning January 4, 2009. Funding Source for both items: General Purpose/Special Education

- 3.15 Agreement with the County Office of Education with Regard to Serving Special Education Students in the Court Schools—PULLED

Board comment Strange expressed concern that the Contra Costa County Office of Education receives the ADA for District students in the Court Schools, but is charging the District for those services. He questioned the legality of the County's charging the District and asked that the item be pulled until more information is available. Browne said MDUSD is the only district in the county that has never paid for these services. Mayo pointed out that the District is being charged one-third of the cost, but District students make up only one-fourth of the population. Browne said the fee is based on projections that participation by MDUSD students will continue to escalate. The total impact for fiscal year 2008-09 is \$59,350 and is already a budgeted expense in the 2008-09 budget. Funding Source: General Purpose/Special Education

- 3.16 Approve Amendment in Mt. Diablo Unified School District's Execution of Non Public School (NPS) Placements for the 2008-2009 School Year

Board comment Strange asked for an update on the work being done to reduce the number of District students in non-public schools by bringing programs in house. McHenry said that as part of the budget reduction process, staff will be making recommendations to add positions, reducing the need for contracted services.

Board action Strange moved, Mayo seconded, and the Board voted 4-0-1 (Allen, abstain) to approve changes to the Non Public School placements approved on June 24, 2008, due to graduation, discharges, transfers, administrative placements, and new placements in those schools. Fiscal Impact: No net fiscal impact. Funding Source: General Purpose/Special Education

3.21 Request Board Approval of Independent Contractor Services for Anne Diskin for Services to Mt. Diablo High School

Board comment Eberhart thanked Rolan and Principal Hansen for their work on the revising the contract, which he had questioned at the last Board meeting.

Board action Strange moved, Allen seconded, and the Board voted 5-0-0 to approve a \$62,222.24 contract for Anne Diskin, writing consultant, to provide services at Mt. Diablo High. There is no impact to the General Fund. Funding Source: Quality Education Investment Act (QEIA)

3.2.1 Leaves of Absence, Resignations, Retirements, Employment

Strange moved, Allen seconded, and the Board voted 5-0-0 to rescind action taken in Closed Session on classified employee #24233. Allen then moved, Strange seconded, and the Board voted 5-0-0 to accept the employee's request for resignation.

**4. RECOGNITIONS**

4.1 California League of Middle Schools Educator of the Year Award

The Board of Education congratulated and honored Kathleen Byle, Sequoia Middle School, as winner, and Jacques Casamajor, Valley View Middle School as nominee for the Educator of the Year Award by the California League of Middle Schools.

4.2 Pleasant Hill Educator of the Year Award 2008

The Board of Education recognized and congratulated Rich Dodson, Sequoia Middle School teacher, for being named 2008 Pleasant Hill Educator of the Year.

**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

Allen reported on the annual California School Boards Association (CSBA) conference, which he and the other Board members attended last week. He said all the news was "doom and gloom."

Whitmarsh said she was "enlightened" by workshops she attended at the CSBA conference. She also reported on attending the Walnut Creek Chamber of Commerce's Ethics Day, where students from Foothill and Oak Grove middle schools participated. "They rock," she said.

Mayo said she particularly appreciated the "Increasing Student Achievement" workshop led by the Clovis USD superintendent at the CSBA conference. She will share materials with others. She reported that organizations in which she's involved, including the state PTA, are watching the State legislators closely as they deliberate the budget. She urged everyone to keep in touch with and contact local legislators.

Strange said the CSBA conference was full of more information than can be assimilated. He learned some ideas for saving/raising money, which he will share.

Eberhart reported that he attended both the conference and the CSBA Delegate Assembly, which adopted a policy platform delineating what school districts need in the face of the fiscal crisis. The CSBA will present those needs to legislators. He announced that the City of Concord is sponsoring a toy drive for six of the District's elementary schools and is in need of more donations. He also announced that James Wogan, administrator of school-linked services, is leading an effort to collect gift cards and other assistance to be given to the District's foster and homeless students.

5.3 Issues of Concern

Eberhart welcomed Whitmarsh to the Board. Referring to Allen's statement at the beginning of the meeting, he said it has been a difficult year and expressed the hope that everyone can work together to move the District forward. He said it is not the time to sit idle and continue with what's gone on in the past.

**6. PUBLIC COMMENT**

Capt. Joseph Hale, Steven Miller, and Cadet Sgt. William Henry, Olympic High JROTC members, spoke of how the JROTC program has changed their lives in a positive way; Staff Sgt. Richardson, JROTC teacher at Olympic,

noted that the JROTC programs at Olympic and Mt. Diablo are on the budget reduction list and provided rationale for maintaining both of those programs at their present level. Sgt. Major Steve Bratton, MDHS JROTC teacher, also spoke to the value of the program. Neola Crosby, community member, expressed concern about some of the items on the budget reduction list. Alice Bonner of the Mt. Diablo Alternative Education Foundation announced that the organization gave out \$10,000 in mini grants to 22 teachers at its 3<sup>rd</sup> annual awards ceremony in November. A plaque with the name of the annual "Dick Allen Award" will hang in the lobby of the MDUSD Dent Center. This year's recipient is Peggy Raisbeck of the Becklam Foundation. Janice Fitzpatrick, Instructional Media Assistant, described the importance of that position, one of which is on the budget reduction list. Darnell Turner, NAACP member, expressed concern about impact of budget cuts on schools with high poverty and diversity. He took issue with a report on the MDUSD Blog that said he'd used the "race card" in criticizing the placement of some senior-level positions on the reduction list. "If you're going into battle," he asked, "how do you do so without any generals?" Anna Villapando, parent, spoke in support of Mildred Browne for helping to create the Parent Project, which has made a big difference in her life. Irma and Gilberto Tinoa also spoke in support of Browne and the services Special Ed. staff have provided their child.

## **7. COMMUNICATIONS**

### **7.1 Student Representatives**

Reporting on events, activities, and issues at their respective schools were Mike Sullivan, College Park; Omar Zapien, Mt. Diablo High; Rhiannon Pritchett, Olympic; Brandon Bratcher, Ygnacio Valley; Rekah Kagawan and Victoria Spellman, Concord

### **7.2 Organizations**

Will Bove and Leah Crom, MDSPA, spoke on behalf of the school psychologists in support of Mildred Browne and for maintaining the position of assistant superintendent, pupil services and special education. They described the many District programs and services provided to students, parents, and staff through the Special Education and Student Services departments.

Mike Noce, MDEA president, congratulated Eberhart and Whitmarsh for their election to the Board, which the teachers supported. They are looking forward to a good relationship with the District. He announced that the District and MDEA have reached a tentative agreement on a new three-year contract. He thanked Nicoll, Isserman, and Young for their assistance in providing information to the MDEA team throughout negotiations. He echoed Mayo in urging everyone to contact state legislators to settle budget issues without cuts to education.

Ron Hansen, Local One, M&O president, congratulated Eberhart and welcomed Whitmarsh to the Board and recognized outgoing Board member Treece for her service to the District. He said students receive direct and important benefits from the work Local One members carry out and stressed that Local One will monitor the budget reduction process on behalf of its members. He spoke in support of managers Alan Young, Dorothy Epps, and Barbara Corrick, whose positions are on the reduction list. He described the improvements labor unions have contributed to workers' health, safety, and well-being.

Katie Gaines, DMA president, welcomed Whitmarsh and congratulated Eberhart on behalf of District managers. She commiserated with the Board in having to make budget cuts, noting that every position in the District is valuable. She said members recently reviewed "a timeline of the transformation that has taken place within Mt. Diablo since 1999." They noted that the District has moved from an organization of separate, independent departments to an interconnected and well-informed system where departments routinely work together on everyday business. She commended Superintendent McHenry and the leadership team he developed for this transformation and described improvements that have occurred through it.

## **8. REPORTS/INFORMATION: None**

## **9. SUPERINTENDENT'S REPORT**

McHenry thanked Katie Gaines and all of the administrators for their support. He said he's been pleased to be superintendent of MDUSD for nine years. He has always acted in concert with a set of core values: to be respectful, to be responsible, to be accountable. He has made some mistakes during his tenure, but has taken responsibility for them. When people have spoken against him, he has not responded, as it would not be respectful. If allowed to continue to serve as superintendent, he will continue to act in concert with his core values and continue to drive the District toward change and improvement. Challenges are great. For seven of the past nine years, he and the Board have had to reduce expenses, but they've done so without cuts to student programs. This time it will take more effort. Everyone must work together to bring additional revenue to the District. Without that, cuts will have to be made from all levels of the District.

**10. BUSINESS**

10.1 First Interim Report

Nicoll reviewed the District’s financial status as of the First Interim Report, which covers transactions through October 31, 2008. This report, upon Board approval, will be filed with the County Office of Education by December 15, 2008.

Highlights:

- Key assumptions
  - Declining Enrollment, Use of Prior Year ADA
  - 0.68% Cost of Living Adjustment 08-09
  - 0% Cost of Living Adjustment 09-10
  - State Categorical Deficit Not Restored
  - Expenditures Expected to Match Budget
  - Cost of Mid-Year Reductions Unknown

- Undesignated Ending Fund Balance

<b>Description</b>	<b>2008-2009</b>	<b>2009-2010</b>	<b>2010-2011</b>
Beginning Balance	\$ 19,197,436	\$ 12,735,047	\$ 5,232,321
Revenues and other Financing Sources	163,644,350	163,336,762	169,342,648
Expenditures and other Financing Uses	170,106,739	170,839,488	173,163,936
Net Increase/Decrease in Fund Balance	(6,462,389)	(7,502,727)	(3,821,288)
Ending Fund Balance	12,735,047	5,232,321	1,411,032
Undesignated Ending Fund Balance	\$ 2,655,800	<b>(\$4,026,345)</b>	<b>(\$7,916,825)</b>

- Revised conclusions
  - No Longer True:
    - Budget will be balanced
    - Jobs can be maintained
    - Modest compensation increases are possible
  - Still True:
    - Additional expenditures will have to be funded by additional reductions
    - Budget experts question whether Lottery plan can work
  - New:
    - Reductions are necessary to balance budget
    - Until reductions approved, district budget will be “qualified”
    - Additional impact of mid-year reductions is unknown

Board action Strange moved, Whitmarsh seconded, and the Board voted 5-0-0 (Student, yes) to approve the First Interim Report.

10.2 Public Hearing and Plan of Action to Reduce Expenses

The Board of Education has to consider budget reductions to erase a revenue expenditure gap of more than \$6.6 million in the 2009-10 school. McHenry presented report, similar to the one he presented at the November 25 Board meeting and including a list of budget reductions suggested to date.

Board comment/action Eberhart said he’d like Board members to decide if they want any of the items on the budget reduction list removed. He explained his rationale for putting the Classified Personnel Director, Associate Superintendent, and Assistant Superintendent, Pupil Services and Special Education positions on the list prior to the last meeting, and said he’s since determined that they are necessary and do not save a significant amount of money.

- Strange moved, Allen seconded, and the Board voted 5-0-0 to remove Items 42 (Eliminate Director, Classified Personnel), 43 (Eliminate Assistant Superintendent, Special Education), and 44 (Eliminate Associate Superintendent, Educational Services, and add Assistant Superintendent, Secondary Education) from the list.

Whitmarsh asked for a list of classes that have less than 20 students per teacher.

- Strange moved, Whitmarsh seconded, and the Board voted 5-0-0 (Student, yes) to remove Item 23 (9<sup>th</sup> Grade Class Size Reduction) from the list.

Mayo pointed out that the Board does not know at this point whether “we need to cut by 6.6 million dollars or 11 million dollars.” She urged caution in removing items from the list at this time.

Public Hearing

Eberhart opened the public hearing at 10:04 p.m.

Geoff Albrecht, who formerly worked for an insurance authority, spoke in support of Workers' Compensation Manager Barbara Corrick and the savings she has begun achieving for the District. Connie Warner, Community Advisory Committee (CAC) member, read a list of items that the CAC does not want cut from the list as well as some suggestions for cost savings. Nancy Brenner, Sequoia Middle School library media teacher, described the importance of the library teachers and programs in the schools. Alisa Rosillo, parent of a Special Ed. student, spoke in support of the Special Ed. program and Mildred Browne's leadership. Deb Heinzmann, parent, thanked Eberhart for deciding to "moderate" his blog since comments at the last Board meeting. She also spoke in support of instrumental music at Oak Grove Middle and other schools. Margaret Norris, assistant director of student services, thanked Eberhart for providing his rationale for placing the positions (Items 42, 43, 44) on the list and for voting to remove them at this meeting. She spoke in support of the Sr. Administrative Assistant/Communication Specialist position and of the work of the Superintendent over the past nine years. Michelle Turner, parent, said that the emphasis needs to be placed on "unified" and that "it is up to us as a community and a district to look within ourselves to create the answers to what the government has given us to deal with." She suggested asking each person involved in MDUSD to donate \$20 a month to raise funds. Robert Humphrey, El Dorado principal, said the emphasis needs to be on generating revenues, offered some suggestions, and urged everyone to work together. With no other requests to speak, Eberhart closed the public hearing at 10:29 p.m..

Board comment Allen asked questions about how the District's debt service is paid and whether it can be renegotiated and also about the interest earned on bond funding. Strange and Eberhart said they had some ideas for other items and would discuss them with staff before deciding whether to add them to the budget reduction list. Eberhart asked a number of questions about the early retirement proposal for certificated staff. Rolan explained that the number of retirees needed may be difficult to achieve. Eberhart also asked if cost savings have been determined as a result of the reorganization of legal services. Rolan said he recently submitted a plan to the Superintendent in which he projects savings of \$250,000 to \$500,000. In response to Eberhart, McHenry said the RFP process for legal services can proceed. Eberhart said he would like it to move forward. He would also like to get ready to place a parcel tax initiative on the June 2009 ballot.

10.3 2008-2009 Single Plan for Student Achievement

Senate Bill 374 requires that in order to receive funds for specified categorical programs, a school district must ensure that each school operating those categorical programs consolidates all the plans for those programs into a single plan, to be known as the Single Plan for Student Achievement.

Board comment Whitmarsh said she read through the executive summaries provided to Board members and participated in the plans at her children's schools. She said "there is a tremendous amount of work and soul-searching that goes into creating these single plans. They are taken seriously." She gave a "heartfelt" thanks to all who helped create them. Mayo said she is proud of the work and the creative planning that goes into this effort. It was "amazing" to hear of the staff and parent participation in the plans.

Board action Allen moved, Whitmarsh seconded, and the Board voted 5-0-0 to approve the Single Plan for Student Achievement for each District school site.

10.4 Appointment to California School Board's Association (CSBA) Delegate Assembly

Based on MDUSD's Average Daily Attendance (ADA), the Board is entitled to two representatives to CSBA's Delegate Assembly. The delegates have two-year terms with the positions expiring in alternate years. The position currently held by Richard Allen expires in March 2009. CSBA has requested the name of the board representative who will serve the term April 1, 2009, through March 31, 2011. Whitmarsh moved, Allen seconded, and the Board voted 5-0-0 to appoint Board member Strange to that two-year term.

10.5 Call for Nominations for California School Board's Association (CSBA) Delegate Assembly—PULLED

10.6 Consider Change in the Reporting Relationship for the General Counsel and Modification of Job Description

The General Counsel's position was created by the Board of Education on February 1, 2005. The specific action was the elimination of the Risk Manager position and creation of the General Counsel. As part of the approval, the General Counsel was expected to manage the functions as outlined below:

1. Coordination of legal services.
2. Administration of a comprehensive risk management program.
3. Coordination of health benefits and workers compensation.
4. Coordination of district safety program and establish direct safety inspections.
5. Training for all employees of applicable laws, safety procedures, loss prevention, etc.
6. Property liability insurance.
7. Coordinate emergency training.

A Board member has requested that the Board of Education change the reporting relationship of the General Counsel. The current organizational chart shows a solid line from the Superintendent to the General Counsel and a dotted line from the General Counsel to the Board. The proposal is for the General Counsel to report directly to the Board and have all responsibilities for the coordination of legal services.

Board comment Strange acknowledged that he has requested the reporting relationship be changed as he believes "there should be no impediment between the District's General Counsel and the Board." He said he'd like to make the changes in the job description as soon as possible. McHenry recommended that the consideration of the change involve a broader discussion of all the duties currently assigned to the position and of who would take on the ancillary duties. Strange said he believes the General Counsel can continue with those duties; he is primarily concerned with changing the reporting relationship. Mayo asked for organization charts of other districts that have positions other than the superintendent that report directly to the Board, how long they have had those positions, samples of performance evaluations the Board might use if it takes on direct supervision of the General Counsel, and the legal services reorganization plan.

Procedural action: *It being 11 p.m., Whitmarsh moved, Strange seconded, and the Board voted 5-0-0 to extend the meeting beyond its required 11 p.m. adjournment time, to 11:15 p.m.*

Allen said the Board also needs to look at the superintendent's job description and any District policies related to these positions. Strange said he has looked at other districts' job descriptions, but they do not provide any clarity. McHenry said Ed. Code allows the Board to have the legal counsel report directly, but there cannot be any confusion between the legal adviser's role and the superintendent's role. The superintendent is responsible for managing the district and reports only to the Board. Because a legal advisor reports directly to the Board does not mean the legal advisor supervises the superintendent. "It can't be that way." Strange said he would never recommend a structure that placed the legal advisor above the superintendent. Eberhart expressed his rationale for the General Counsel's reporting directly to the Board. He asked staff to provide all information needed, including job descriptions and policies, in the agenda item when the Board considers the issue. Strange said he'd like the Board to consider it at the special meeting next Tuesday, December 16. Presented only as information at this time, this item will be returned for discussion and action at a subsequent meeting.

- 10.7 Request to Submit Title III Improvement Plan Addendum to the Local Educational Agency Plan (LEAP)  
Pursuant to the Federal No Child Left Behind (NCLB) legislation, MDUSD receives Title III funding to help English Language Learners to become proficient in English and to score proficient in reading and mathematics. The District did not meet one of the three required Annual Measureable Achievement Objectives in 2007-2008, so is required to develop an addendum to its Title III Improvement Plan. Staff presented the addendum for Board review before submitting it to the California Department of Education.
- 10.8 Revision to Board Policy 1700 – Community Relations  
Strange moved, Mayo seconded, and the Board voted 5-0-0 to adopt revised Board Policy 1700. The addition regards business and industry support to district schools and programs. Presented as information at the November 25 meeting, this item was returned for action at this time.
- 10.9 Revision to Board Policy and Administrative Rule 3513.1 – Use of Cellular Phones  
Strange moved, Allen seconded, and the Board voted 5-0-0 to adopt revised Board Policy and Administrative Rule 3513.1. The revision allows sites that implement specific student support programs to have District-purchased cell phones and plans with an IRS-approved Active Monitoring component. Presented as information at the November 25 meeting, this item was returned for action at this time.
- 10.10 Job Descriptions for Special Education/General Education Assistant III and Student Support/Registered Nurse  
New job descriptions were created to support the specialized health care and instructional needs of pre K-adult students in general education and special education settings. Presented only for information at this time, this item will be returned for action at a subsequent meeting.

## 11. ADJOURNMENT

Eberhart adjourned the meeting to Closed Session at 11:10 p.m. to discuss the superintendent's evaluation. Following that discussion he adjourned the meeting at midnight.

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Gary McHenry, Secretary