

MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Tuesday, January 12, 2010 (7:30 PM)

Board Members: Paul Strange, Gary Eberhart, Richard Allen, Linda Mayo, Sherry Whitmarsh

Administrative Staff: Interim Superintendent Dick Nicoll, Associate Superintendent Alan Young, Assistant Superintendents Gail Isserman, Rose Lock, Pete Pedersen, General Counsel Greg Rolan

CALL TO ORDER

The Meeting of the Board of Education of the Mt. Diablo Unified School District was called to order by Paul Strange at 6:00 p.m. in the Board room at the MDUSD Dent Center.

CLOSED SESSION

In closed session the Board discussed: Negotiations, Anticipated Litigation, Existing Litigation (Ceballos v. MDUSD), General Counsel's evaluation.

RECONVENE OPEN SESSION

The Board returned to Open Session in the Multi Use Room at Monte Gardens Elementary school at 7:30 p.m. President Strange led the Pledge of Allegiance to the Flag and reported action taken in closed session.

REPORT OF CLOSED SESSION

In closed session the Board considered information and gave recommendations to staff regarding negotiations, existing litigation (Ceballos v. MDUSD), one case of anticipated litigation, General Counsel's evaluation, and two expulsions.

Expulsions

Member (**Gary Eberhart**) Moved, Member (**Richard Allen**) seconded, and the Board voted 5 – 0 – 0 to approve that Student #17-10 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student #17-10 may apply for readmission after January 12, 2011. It is required that Student #17-10 participates in individual/family counseling, community service, 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.

Member (**Gary Eberhart**) Moved, Member (**Richard Allen**) seconded, and the Board voted 5 – 0 – 0 to approve that Student #18-10 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student #18-10 may apply for readmission after June 14, 2010. It is required that Student #18-10 participates in individual/family counseling, community service, the COPS program, the Teen Anger Management Workshop, show evidence of a negative drug test and show evidence of a successful school experience, prior to applying for readmission.

CONSENT AGENDA

Linda Mayo requested that Items 17 and 18 be pulled and voted on separately.

Member (**Gary Eberhart**) Moved, Member (**Richard Allen**) seconded to approve the Consent Agenda with the exception of the two items pulled as presented. The motion **CARRIED 5 – 0 – 0**.

9.2 (Item 2) Minutes of the December 8, 2009 Board meeting.

Minutes

9.3 (Item 3) Recommended Action for Certificated Personnel

Changes in status of the certificated employees.

9.4 (Item 4) Request to increase and decrease various certificated positions funded by categorical and general funds.

Increase or decrease of various certificated positions funded by categorical and general funds.

9.5 (Item 5) Teacher Education Program Student Teacher Placement Agreement with Argosy University/San Francisco Bay Area

Cooperating teachers who have a student teacher receive a stipend for their services. In order for colleges or universities to pay this stipend, there must be a signed contract on file between the District and the institution providing the student teaching program.

9.6 (Item 6) Recommended Action for Classified Personnel

Changes in status of classified employees.

9.7 (Item 7) Classified Personnel: Create one (1) Part-time, Instructional Assistant-Computer Position for Silverwood Elementary School

Silverwood Elementary School has requested the creation of one (1) part-time 10 hour/week, School Day Only, Instructional Assistant-Computer position.

9.8 (Item 8) Classified Personnel: Create one (1) Part-time, Instructional Assistant Position for Silverwood Elementary School

Silverwood Elementary School has requested the creation of one (1) part-time, 10 hour/week, School Day Only Instructional Assistant position.

9.9 (Item 9) Classified Personnel: Adjustment in Hours of one (1) Part-time Assistant to the Hearing Impaired Position at Concord High School

Special Education is requesting an adjustment to the hours of an Assistant to the Hearing Impaired position from 33 hour/week, School Day Only, to 32.5 hour/week, School Day Only. The updated hours are based on the needs of the classroom and are the actual hours being performed by the assistant. Incumbent #11521 will remain in this position.

9.10 (Item 10) Classified Personnel: Increase in hours for Food Service Managers

Food and Nutrition Services has requested an increase of 20 hours to be spread amongst various Food Service Manager positions at Cambridge, Meadow Homes and possibly Delta View due to an increase in meal counts.

9.11 (Item 11) Approval of Service Agreements with Exploring New Horizons (ENH) for Hidden Valley, Silverwood, Woodside and Ygnacio Valley Elementary Schools

Hidden Valley, Silverwood, Woodside and Ygnacio Valley elementary schools will be participating in the Outdoor Education Program at Exploring New Horizons in January, April and May 2010. Board approval is required because the cumulative total exceeds \$25,000.

9.12 (Item 12) Award of Design Services Contract for Designated Landscape Improvement Projects

On September 22, 2009 the Board of Education approved a two (2) year Facilities Improvement Plan which incorporated several specific landscape improvement projects (Fair Oaks Elementary, Pine Hollow Middle, Gateway NSHS and Concord, Clayton Valley, Mt. Diablo and Ygnacio Valley High Schools). The District requires the services of a professional landscape design firm to program, design and provide construction administration services related to these specified improvement projects. Staff has negotiated a contract with Verde Design to provide comprehensive landscape engineering and design services for these projects for a not to exceed fee of \$122,500.00. The budget for these approved landscape improvement projects is \$1,567,975.00.

9.13 (Item 13) Monthly Budget Transfers and/or Budget Increases/Decreases for the Months of July, August, September and October 2009.

Some revisions are a result of prior Board actions, changes in grant awards and changes in funding. Donations have been made to the district by private individuals and businesses. There are also deposits for payments to school sites for lab fees and other items for which the sites collect money. The appropriate revenue and expenditure budgets have already been increased by the amount of the donations.

9.14 (Item 14) Monthly Budget Transfers and/or Budget Increases/Decreases For the month of November, 2009.

Some revisions are a result of prior board actions, changes in grant awards and changes in funding. Donations have been made to the district by private individuals and businesses. There are also deposits for payments to school sites for lab fees and other items for which the sites collect money. The appropriate revenue and expenditure budgets have already been increased by the amount of the donations.

9.15 (Item 15) Request for Replacement of Outdated Warrant

County warrant issued to Judith Randolph for extra compensation was not presented to the County Treasurer for payment within six months of date of issue and consequently void. Replacement is limited to two years from the

date of the original warrant becomes void as per Government code 29802, unless the Board directs reissuance of the warrant. A new warrant is requested to be issued to the payee in replacement for the void warrant.

9.16 (Item 16) Change in Third Party Administrator and Common Remitter for IRC Section 403(b) and 457 plans.

For the past three years, Tax Deferred Services, Inc. has served as third party administrator and for the past year and a half as common remitter for the District's Section 403(b) and 457 plans. Recently, district employees have experienced significant issues in customer service by TDS. Additionally, TDS informed the District that it would begin charging a fee for plan compliance services that were previously included at no additional cost to either the District or its employees. The fee structure was such that the 403(b) vendors would be billed and they in turn could bill the employees. If the district declined to allow the employees to be billed, TDS required the vendors be dropped or the District would be assessed an additional fee. This substantially changed the agreement the District entered when the plan was started. The Contra Costa County Office of Education issued a Request for Proposals for these services in the fall in which the District participated. Ten Firms responded, and the top three of which were interviewed. Reference checks have been completed and we now recommend that the team from Great American Plan Administrators, utilizing Zuk Financial for the employee education piece of the program be contracted for these services beginning in the 2010 tax year. Great American has waived fees, if their 403(b) plan is an approved vendor of the District. Great American was already on the District's 403(b) vendor list so no changes to the list are necessary.

CONSENT ITEMS PULLED FOR DISCUSSION

10.1 (Item 17) Resolution 09/10-32 Compensation for Board Members

Education Code section 35120 authorizes the District to pay a member who is absent from a district board meeting if, at the time or the meeting, the member is performing services outside the meeting for the District, he or she is ill or on jury duty, or the absence is due to a hardship deemed acceptable by the Board. On December 8, 2009, Board Member Linda Mayo was absent due to an illness.

Member (**Richard Allen**) Moved, Member (**Gary Eberhart**) seconded to approve the resolution as presented. The motion **CARRIED 4 – 0 – 1 (Mayo, Abstain)**.

10.2 (Item 18) Contract for Local Educational Agency for MediCal Administrative Activities

Staff requests approval of an Northern California Medi-Cal Administrative Services-Joint Powers Agreement (NMAS-JPA) for Local Educational Agency Services (LEC) as required for submission of MediCal Administrative Activities (MAA) to the federal government.

Member (**Linda Mayo**) Moved, Member (**Richard Allen**) seconded to approve the Medi-Cal Administrative Activities (MAA) Local Educational Agency Services (LEC) agreement as presented. The motion

CARRIED 5 – 0 – 0.

RECOGNITIONS

Dick Nicoll invited the College Park High Cross-Country Team members to come forward for recognition of their outstanding achievement as North Coast Section Champions. College Park High Vice Principal, Steve Nixon, read the recognition comments from the team coach and thanked the Board for their acknowledgement. On behalf of the Board, President Strange extended his congratulations for both their academic and athletic achievements.

PUBLIC COMMENT

Linda Mayo reported that in November and December she visited several school sites and attended several community and school district functions including the Pleasant Hill Community Awards dinner, the Workability Premier showcase, and the Warren Eukel Foundation Teacher of the Year dinner. She also reported that she had attended workshop sessions at the California School Board conference. Norman Berry, Clayton Valley High parent, spoke regarding a letter received from the district. He requested a copy of correspondence which is referenced in the letter. Anna McFadden asked that the Board reconsider the option to reinstate elementary school slip schedules. Najam Sadat, a student, spoke on behalf of Ygnacio Valley High school students and the attendance requirements for AP classes. Deborah Heinzmann spoke in opposition of Charter schools and the attendance requirements for AP classes.

COMMUNICATIONS

Annie Nolen, Classified School Employees Association Vice President, announced that CSEA donated a total of \$1,239 to the Foster Youth Hope program. Ron Hansen, President of Local One Maintenance & Operations Unit shared his concerns for the reduction of services and spoke in support of school bus drivers and against the proposed reduction to parent-paid busing. He also spoke in support of custodians and against the proposed reduction of substitute custodians to the second day out. Connie Warner, CAC President, spoke in support of Special Education

programs and against the proposed reduction in special education services. Linda Hutcherson, President of Diablo Managers Association, spoke on behalf of the DMA membership in support of the existing Board Policy and Administrative Regulation 4317.3 (Management Personnel), Declining Enrollment/Reorganization and the Memorandum of Understanding.

STUDENT REPRESENTATIVES

The following students reported on various events and activities at their schools: Araceli Montoya, Mt. Diablo High; Sony Renteira, Prospect High; Ariana Carpenter, Nuvea Vista/Summit; Brandon Bratcher, Ygnacio Valley High; Jinny Sun, Northgate High; Mia Pricco, Concord High; and Mike Sullivan, College Park High.

REPORTS/INFORMATION

Katie Gaines, Alternative Education Director, gave a report on the 2009 Summer School Intervention Program.

Bryan Richards, Budget & Fiscal Services Director, gave a report on the Governor's Budget Proposal.

SUPERINTENDENT'S REPORT

Dick Nicoll read excerpts of a letter from a parent to Dr. Mildred Browne who is very pleased with the special education program at Pleasant Hill Middle School and Gregory Gardens Elementary School. Dick Nicoll reported that the California Business for Education Excellence group recognized and awarded the following schools for their outstanding success: Northgate High, Clayton Valley High, and College Park high schools; Bancroft, Monte Gardens, Mt. Diablo, Pleasant Hill, Sequoia, Valhalla, Valle Verde, and Walnut Acres elementary schools, and Eagle Peak Montessori Charter school.

BUSINESS/ACTION ITEMS

Public Hearing and Action on Additional Budget Reductions Including Flexibility Transfers Authorized by SBX3 4

Potential Budget Reductions

As a result of additional reductions to funding for local school districts and declining enrollment, the Mt. Diablo Unified School District must make additional budget reductions. While budget forecasts show a positive ending balance for the current and following school year, by June 2012, the district budget shortfall will be about \$17 million. This projected deficit may increase depending on the Governor's budget proposal on January 8. Staff has identified specific program reductions in order to balance the budget in the 2011-12 year. Note that the Board may take action on any item on the list. **(Potential Budget Reductions listed after last page of minutes.)**

Dick Nicoll reviewed the recommended budget reduction items noted with an asterisk. He suggested that the Board review the following items on the list: Item #2, #5, #7, #8, #9, #10, #11, #12, #13, #16, #17, and #18. He suggested that Items #4, #6, and #14 be re-evaluated and brought back for consideration at a later date. President Strange opened the Public Hearing.

Public Comment

Leslie Borsuk, Textbook and Instruction Materials Coordinator, spoke in support of the need to retain her position as listed for elimination on the budget reduction list.

President Strange closed the Public Hearing .

The Board agreed to review and vote on the recommended budget reduction items separately.

Item #2

Mayo moved, Eberhart seconded, and the Board voted 5 – 0 – 0 to approve the elimination of 3.6 librarian FTE associated with Elementary Reduced Class Size

Board Comment

Linda Mayo stated that she supported the library program and the above motion was made with regret. Gary Eberhart stated that all the cuts that the Board has had to vote on are not a good thing for the District. He shared that the Board does not want to have to do these cuts. He shared his concern that the community does not realize the seriousness of the state's budget proposal. He thanked speaker, Leslie Borsuk, for coming. Dick Allen shared that he agreed with Gary Eberhart's comments. Paul Strange shared that he has trouble believing that the District is having to cut more. He stated that the Board has no choice but to cut anything that can be cut so that the district can present a balanced budget and not be taken over by the State. He also stated that the vast majority of cuts that have been made would not have been supported by the Board if there were any other options.

Item #4

Board Comment

Gary Eberhart stated that he would like to restructure this recommendation. He requested that staff work with the CAC to come up with \$1 million. Linda Mayo requested that the Board develop a sub committee to go over the MGT draft report and that she would like to be on the sub committee. Paul Strange stated that a sub committee has been established and he and Eberhart are on the committee.

Item #5

Board Comment

Board discussion regarding the process for closing schools. Gary Eberhart directed staff to look at reorganizing sites adjacent to one another so that effect may not be change of location, and if feasible, suggest school re-organization for 2010-2011 instead of 2011-2012. Gary Eberhart stated that there may be other methodologies to achieve the same level of reduction such as combine elementary and middle or other alternative options.

Eberhart moved, Whitmarsh seconded, and the Board voted 4 – 1 – 0 (Mayo, No) to achieve \$1.5 million in cost savings by considering alternative methods in closing or consolidation of schools.

Item #7

Whitmarsh moved, Mayo seconded, and the Board voted 5 – 0 – 0 to eliminate the parent subsidized busing program.

Item #8

Board Comment

Gary Eberhart stated that standards for sites to be cleaned should be established. He recommended working with union leadership on developing standards over the new few months. Linda Mayo requested that this policy be reviewed in spring 2011 if school closures occur.

Mayo moved, Eberhart seconded, and the Board voted 5 – 0 – 0 to reduced custodial substitute policy from “first day out” to “second day out” threshold.

Item #9

Eberhart moved, Allen seconded, and the Board voted 5 – 0 – 0 to reduced unrestricted material and supply budgets (object code 4300) by 10%.

Item #10

Eberhart moved, Whitmarsh seconded, and the Board voted 5 – 0 – 0 to delay purchase of textbooks and materials for language arts adoption for one year.

Item #11

Board Comment

Gary Eberhart recommended that principals be directed to work with their communities. Paul Strange stated that the solution won't be the same for each site. He recommended that each school be held accountable to come up with an amount. Board directed staff to come back with a collaboration process to the Board by February 17 (Wednesday) and to bring for discussion on February 23rd and for action on March 9, 2010.

Eberhart moved, Whitmarsh seconded, and the Board voted 5 – 0 – 0 to direct staff to work with secondary sites and allow them to come up with a per pupil amount that equals \$1 million in reductions per year.

Item #12

Eberhart moved, Allen seconded, and the Board voted 5 – 0 – 0 to transfer additional state funding for Deferred Maintenance to the Unrestricted General Fund.

Item #13

Allen moved, Eberhart seconded, and the Board voted 5 – 0 – 0 to eliminate remaining funding for FCMAT recommendations.

Item #16

Eberhart moved, Mayo seconded, and the Board voted 5 – 0 – 0 to restrict Meals for Needy fund transfer to Food Services to current levels.

Item #17

Allen moved, Eberhart seconded, and the Board voted 5 – 0 – 0 to eliminate the Textbook and Instructional Materials Coordinator position.

Item #18

Eberhart moved, Whitmarsh seconded, and the Board voted 5 – 0 – 0 to eliminate 2.43 vocal music FTE associated with elementary reduced class size program.

17.2 Public presentation and Board's acknowledgement of receipt of Public Employees Union, Local One, Clerical, Secretarial & Technical Unit (CST) Successor Agreement proposal. Public presentation of Board's Successor Agreement proposal.

By law, school districts are required to "sunshine" collective bargaining proposals in an open session of the Board. The attached proposal from Public Employees Union, Local One, Clerical, Secretarial & Technical Unit (CST) must first be submitted as an information item and then returned at a later meeting for action. The Board's Successor Agreement proposal is also attached for public presentation.

This item presented for information only and will be brought back for consideration at the next Board meeting.

17.3 Membership Recommendation for Community Advisory Committee

The Community Advisory Committee (CAC) is recommending Autumn Green as a new member for consideration by the Board. The Bylaws of the CAC provide that the committee shall have at least twelve (12), but not more than (24) members. The majority of the committee shall be composed of parents of students enrolled in schools participating in the local plan, and at least a majority of such parents shall be parents of individuals with special needs. Currently, there are 17 CAC members. The Bylaws further provide that applicants must attend two regular business meetings. The applicant has attended the required number of meetings and completed the Membership Application.

Member (**Sherry Whitmarsh**) Moved, Member (**Richard Allen**) seconded to approve the membership recommendation to the Community Advisory Committee to Autumn Green as presented. The motion **CARRIED 5 – 0 – 0**.

17.4 Membership Recommendation for Community Advisory Committee

The Community Advisory Committee (CAC) is recommending Theresa Webb as a new member for consideration by the Board. The Bylaws of the CAC provide that the committee shall have at least twelve (12), but not more than (24) members. The majority of the committee shall be composed of parents of students enrolled in schools participating in the local plan, and at least a majority of such parents shall be parents of individuals with special needs. Currently, there are 17 CAC members. The Bylaws further provide that applicants must attend two regular business meetings. The applicant has attended the required number of meetings and completed the Membership Application.

Member (**Gary Eberhart**) Moved, Member (**Linda Mayo**) seconded to approve the membership recommendation to the Community Advisory Committee to Theresa Webb as presented. The motion **CARRIED 5 – 0 – 0**.

17.5 Notice of Public Hearing Regarding Charter School Application

Pursuant to California Education Code Section 47605, the Mt. Diablo Unified School District Board of Education ("Board") will hold a public hearing on the Flex Public School petition to establish a charter school. The role of the Board is to hold this public hearing in accordance with Education Code Section 47605(b), "No later than 30 days after receiving a petition, in accordance with subdivision (a), the governing board of the school district shall hold a public hearing on the provisions of the charter, at which time the governing board of the school district shall consider the level of support for the petition by teachers employed by the district, other employees of the district, and parents. Following review of the petition and the public hearing, the governing board of the school district shall either grant or deny the charter within 60 days of receipt of the petition, provided, however, that the date may be extended by an additional 30 days if both parties agree to the extension." The public hearing is to meet the requirements by Education Code Section 47605(b). The hearing provides the public the opportunity to make oral or written presentation to the Board regarding the Flex Public School charter petition.

President Strange opened the Public Hearing.

Mark Kushner, Lead Petitioner, gave a presentation for the Flex Public Schools K-12 Academy School. Tom McPeak, math teacher, spoke on behalf of the charter school.

President Strange closed the public hearing.

MEETING EXTENSION

Eberhart moved, Mayo seconded, and the Board voted 5 – 0 – 0 to extend the meeting to 11:30 p.m.

17.6 Declaration of Impacted Schools for 2010-2011

Board Policy #5118a states “the Board shall annually determine the enrollment capacity of each district school.” After review of the data from Research and Evaluation, staff recommends that the Board declare the following schools as impacted and closed to transfers because they are at capacity: College Park High, Foothill Middle, Meadow Homes and Ygnacio Valley Elementary Schools.

Member (**Gary Eberhart**) Moved, Member (**Linda Mayo**) seconded to approve the recommendation to declare these schools “impacted” and closed to interdistrict and intradistrict transfers, with the exception of Foothill. The motion **CARRIED 4 – 1 – 0 (Whitmarsh, No)**.

17.7 Collaborative Agreement between Mt. Diablo Unified School District and Martinez Unified School District

Martinez Junior High School, of the Martinez Unified School District ("MUSD") was recently identified for program improvement. Pursuant to the No Child Left Behind Act ("NCLB"), MUSD must provide students enrolled in Martinez Junior High School the option of transferring to another school that has not been identified for program improvement. Since Martinez Junior High School is the only MUSD middle school they must establish a cooperative agreement allowing students to transfer to a neighboring district. Valley View Middle School and Pleasant Hill Middle School have been identified as potential transfer options for the students. Approval of this Cooperative Agreement will give MUSD students the option of transferring to Valley View Middle School and Pleasant Hill Middle School in accordance with the NCLB.

Dick Nicoll requested that this item was pulled and will be brought back for consideration at a subsequent Board meeting.

17.8 Request to Discuss Board Policy and Administrative Regulation 4317.3 (Management Personnel) - Declining Enrollment/Reorganization

A Board member has requested that Board Policy and Administrative Regulation 4317.3 (Management Personnel) - Declining Enrollment/Reorganization be included as an item for discussion at this meeting.

Board Comment

Gary Eberhart stated that as the District faces another round of significant personnel budget reductions, he wanted the Board to review this policy. He shared that he has concerns regarding a board policy that provides seniority as a main criteria for which an employee should remain in a position, or be moved to another site. He stated that educational leadership and site governance teams should have a lot of say as to who is going to be their educational leader. Sherry Whitmarsh stated all requirements should be met in order to make an informed decision and not just base decisions on a seniority model. Dick Allen stated that he thought that the Board should wait for the new superintendent. Mr. Allen stated that he thought the timing was not good at this time as people are worrying about losing their jobs. Linda Mayo shared that she agreed with Mr. Allen. She stated that she did compare the district's Board policy with other district policies and ours is the most recent. Paul Strange stated that he was willing to meet and review the policy.

17.9 Confirmation of Race to the Top Memorandum of Understanding

As part of California's application for federal Race to the Top funds, local school districts are being asked to sign a Memorandum of Understanding (MOU) indicating their willingness to participate in the program. In Mt. Diablo, MDEA, the Board President, and Superintendent all signed the MOU so that it could be submitted prior to the January 8, 2010, deadline. All parties are committed to negotiating an agreement after state funding has been approved. Although the specific requirements of the California application are unknown at this time, submittal of the MOU is required in order to establish eligibility for potential additional funding.

Member (**Sherry Whitmarsh**) Moved, Member (**Linda Mayo**) seconded to confirm the submittal of Memorandum of Understanding for the Race to the Top Program. The motion **CARRIED 4 – 1 – 0 (Eberhart, No)**.

17.10 Request Board Approval to continue high school athletics through the spring season based on the progress of the high school donation program.

On October 27, 2009, the Board of Education approved the continuation of high school athletics through the winter season. Based on the continued success of the fundraising plan, the Athletic Advisory Committee recommends continuation of athletics through the spring season.

Public Comment

Jim Koutsoubinas, representing College Park High, spoke in favor of continuing spring sports.

Member (**Sherry Whitmarsh**) Moved, Member (**Gary Eberhart**) seconded to approve the continuation of high school athletics through the spring season as presented. The motion **CARRIED 5 – 0 – 0**.

Comment

Dick Nicoll recommended that Board consider the remaining action items as one action item, with the exception of Item 17.12.

17.11 Additional contract with Alameda County Office of Education for a reading/language arts professional development for special education teachers.

The Mt. Diablo Unified School District and the Alameda County Office of Education (ACOE) have a number of joint projects and staff development activities. SB472 Houghton Mifflin Reading training is a basic component of the Special Education Teachers Professional Development Grant. This contract is being presented for approval because the total vendor cost exceeds the allowable \$25,000 limit due to multiple sites requesting services.

17.13 Request to Approve Independent Services Contract for Tricia O'Hara, Collegial Coaching Consultant

Ygnacio Valley Elementary School is requesting that the District approve an Independent Services Contract for Tricia O'Hara, Collegial Coaching Consultant, to provide coaching services to certificated staff.

17.15 Revision of the Memorandum of Understanding for Special Day Class Services between the Contra Costa Special Education Local Plan Area (CC SELPA), the Mt. Diablo Unified School District (MDUSD) and the San Ramon Valley Unified School District (San Ramon).

The purpose of this agreement is to ensure the cost effective provision of appropriate special education services to individuals with exceptional needs residing within the attendance areas of CC SELPA, MDUSD and San Ramon.

Whitmarsh moved, Eberhart seconded, and the Board voted **4 – 1 – 0 (Mayo, No)** to approve Items 17.11, 17.13, and 17.15 as presented.

17.12 Request to Approve Reclassifications submitted in Spring 2008 by Local One, Clerical, Secretarial, Technical, Technical (CST) and Local One, Maintenance and Operations (M&O)

In Spring of 2008, both Local One, CST and Local One, M&O accessed their contractual process for reclassification. Several positions were forwarded by the reclassification committees to the Director of Classified Personnel and were subsequently forwarded for approval. The District is now requesting that the Board of Education approve the reclassification of the positions listed on the file attachment. The reclassifications, if approved, would be effective as of July 1, 2009.

Comment

Dick Nicoll requested that the Board consider the Local One Maintenance & Operations (M & O) reclassification only at this time.

Member (**Gary Eberhart**) Moved, Member (**Sherry Whitmarsh**) seconded to approve the Reclassification requests for Local One (M & O) as presented. The motion **CARRIED 5 – 0 – 0**.

Comment

Dick Nicoll stated that the following items that were being presented for information only and asked if there were any questions.

Paul Strange stated that due to the lateness of the hour, that the Board addresses any questions on the items directly to staff prior to the next meeting.

17.14 Review of 2009-10 Single Plans for Student Achievement (SPSA) and the executive summaries.

Senate Bill 374 requires that as a condition of receiving funding for specified categorical programs, the school district will ensure that each school in the district operating those categorical programs consolidates any plans that are required by those programs into a single plan to be known as the Single Plan for Student Achievement. It is important to note that for 2009-2010, the Single Plans for Student Achievement (SPSA) have been reformatted to allow them to be completely web-based. The plans include grade level or department action plans integrated with the overall school wide plans. The following are requirements of Senate Bill 374 as it relates to the Single Plan for Student Achievement: • The plan is aligned with school goals for improving pupil achievement. • School goals are based upon an analysis of verifiable state data, including the Academic Performance Index developed pursuant to Section 52052, the California English Language Development Test, and may include any data voluntarily developed by districts to measure pupil achievement. • The plan addresses how funds provided to the school will be used to improve the academic performance of all pupils to the level of the performance goals as established by the API. • The plan identifies the schools' means of evaluating progress toward accomplishing the goals. • The plan addresses how state and federal law governing these programs will be implemented. • The plan is developed with the review, certification and advice of any applicable school advisory committees. • The plan is written, reviewed annually and updated by the school site council, including proposed expenditure of funds allocated to the school through the consolidated application. • The plan is reviewed and a request for approval is submitted to the governing board of the local education agency at a regularly scheduled meeting... To be compliant with state and federal regulations, all

2009-10 Single Plans for Student Achievement are approved by School Site Councils. A request for approval of the plans will be submitted to the Board on January 26, 2010. Copies of all site plans are available online on the MDUSD.org website.

17.16 Classified Personnel: Job Description for Administrative Assistant to the Superintendent

On November 17, 2009 the Board of Education approved a reclassification of the Administrative Secretary to the Superintendent (Confidential) position. Attached is a revised job description reflecting the change in title and the additional responsibilities associated with this reclassification. This is being presented for the first reading and will be brought back for action on January 26, 2010.

17.17 Adoption of 10th through 12th grade novel Slumdog Millionaire by Vikas Swarup for the Extended Core Literature list

A Site Literature Committee at Concord High School read and prepared Slumdog Millionaire for adoption for the Extended Core Literature list. This novel supports the following Language Arts standards: Literary Response and Analysis: 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.11, 3.12 Writing Applications: 2.1, 2.2, 2.4, 2.5 Listening and Speaking Strategies: 1.0 Summary of novel: The book is the story of an Indian boy's life, as told in segments as they relate to his answers to a television game show. The answer to each question is a part of a stage in his growing up years, with extraordinary tales of the people he interacted with, his experiences, and what factors created him to be the person he has become. Presented for information only.

Paul Strange stated that Board member Dick Allen requested a personal privilege comment.

Dick Allen announced that he would not be running for Board re-election in November 2010. He is retiring after 53 year of service to the school district. He also requested that the Board meeting be closed in memory of Richard Frew, a former teacher at Strandwood elementary.

The meeting was adjourned at 11:35 p.m.

Richard Nicoll, Interim Superintendent

			09-10	10-11	11-12	Recommend	Unit	Impact
1		Eliminate 4 FTE remaining middle and high school librarian positions		\$255,236	\$255,236		MDEA	Libraries would close.
2	*	Eliminate 3.6 librarian FTE associated with Elementary Reduced Class Size		\$229,712	\$229,712	\$459,425	MDEA	Supplemental elementary library staffing for teacher preparation was previously needed for teachers needed for the Reduced Class Size program. After this program was reduced, there were fewer elementary teachers, but librarian positions could not be reduced accordingly. The librarian time this year was allocated to secondary schools.
3		Use a parcel tax to pay for student programs and/or critical services.						A majority of voters supported Measure D, but if failed the 2/3 requirement. Passage of another measure and extent to which current expenditures would be funded are uncertain
4	*	Reduce all Special Education services that are not mandated by state or federal law or included in the student's Individual Education Plan (IEP).		\$1,000,000	\$1,000,000	\$2,000,000	MDEA CSEA DMA CST	Study of Special Education program is in progress. Recommendations due February
5	*	Close schools. Cost savings would result from the consolidation of administrative and classified positions and in utility savings if the campus is not used. At Elementary Schools, following positions would be reduced: Principal, Office Manager, Elementary Head Custodian, PM Custodians, Elementary School Secretary.			\$1,500,000	\$1,500,000	DMA CST M&O	Anticipate opposition from parents and community members. Recommend creation of committee to study current asset use and potential for consolidation, cost-savings and increased efficiency. Community input encouraged.
6	*	Transfer additional Tier 3 categorical program allocations to the unrestricted general fund		\$1,000,000	\$1,000,000	\$2,000,000		Will require program reduction.
6a		Transfer funding for Cal Safe Support Program		\$150,498	\$150,498			Will be available for January 26 meeting
6b		Transfer funding for Cal Safe Child Care Program		\$356,452	\$356,452			Will be available for January 26 meeting
6c		Transfer funding for National Board Certified Teachers		\$8,016	\$8,016			Will be available for January 26 meeting

6d		Transfer funding for Community Based English Tutoring Program		\$178,572	\$178,572			Will be available for January 26 meeting
6e		Transfer funding for the Peer Assistance and Review Program		\$100,876	\$100,876			Will be available for January 26 meeting
6f		Transfer funding for the CAHSEE intervention program		\$255,778	\$255,778			Will be available for January 26 meeting
6g		Transfer funding for Supplemental School Counseling		\$954,282	\$954,282			Will be available for January 26 meeting
6h		Transfer funding for Gifted And Talented Education program		\$114,584	\$114,584			Will be available for January 26 meeting
6i		Transfer funding from the Instructional Materials Fund			\$1,453,611			Same as # 10.
6j		Transfer funding for the School Safety Grant		\$542,513	\$542,513			Will be available for January 26 meeting
6k		Transfer funding for the Specialized Secondary program		\$29,610	\$29,610			Will be available for January 26 meeting
6l		Transfer funding for the Pupil Retention Block Grant		\$716,238	\$716,238			Will be available for January 26 meeting
6m		Transfer funding for the TCBG (Beginning Teacher Support and Assistance) program		\$645,689	\$645,689			Will be available for January 26 meeting
6n		Transfer funding for the Targeted Instructional Improvement program		\$1,148,449	\$1,148,449			Will be available for January 26 meeting
6o		Transfer funding for School & Library Improvement Block Grant (SLBIG)		\$1,579,736	\$1,579,736			For some schools, sole discretionary revenue
6p		Transfer funding for Adult Education		\$3,845,389	\$3,845,389			Would impact summer school and other K-12 programs
7	*	Eliminate Parent Subsidized Busing Program		\$405,486	\$405,486	\$810,972	M&O	Busing to Mt. Diablo High School and Delta View Elementary would continue, all other home to school busing would cease.
8	*	Reduce Custodial Substitute Policy from "First Day Out" to "Second Day Out" threshold		\$39,000	\$39,000	\$78,000	M&O	Some basic classroom cleaning would not be completed
9	*	Reduce unrestricted material and supply budgets (object code 4300) by 10%		\$266,804	\$266,804	\$533,608		Reduced funding for paper products, landscaping supplies, and instructional supplies

10	*	Delay purchase of textbooks and materials for language arts adoption for one year. Transfer funds to unrestricted fund balance.		\$1,453,611		\$1,453,611		Same as 6i. May have budget impact in later years.
11	*	Increase minimum class size to 28 students or 80% of contractual maximum.		\$1,000,000	\$1,000,000	\$2,000,000	MDEA	May eliminate AP or other low enrollment courses
12	*	Transfer additional State funding for Deferred Maintenance to the Unrestricted General Fund	\$500,000	\$500,000	\$500,000	\$1,500,000		District has already eliminated 100% of district match and 200,000 of State funding. Would leave about 500,000 total for major maintenance projects. Installation of Columbine style locks in district classrooms would be delayed.
13	*	Eliminate remaining funding for FCMAT recommendations	\$78,965			\$78,965		Would limit ability to address additional problems with Personnel/Payroll system. In addition, will be needed to fund conversion to newer IFAS release.
14		Designate remaining lottery balance to the unrestricted general fund						Unrestricted lottery proceeds are already included in the ending funding balance
15		Eliminate the Student Information System						It is not possible for a California school district to function without a student information system. Every district must provide a variety of student, teacher, testing, course, and other data to the State and Federal governments. Reporting student attendance accurately is critical to receipt of state apportionments. These district systems also rely on our student information system: School Messenger (phone/email messaging), Destiny (libraries & textbooks), HomeLink (grades, homework), Encore (special education data base).
16	*	Restrict Meals for Needy fund transfer to Food Services to current levels		\$100,000	\$200,000	\$300,000		Currently, the district transfers 600,000 of Meals for Needy funds to the Food Service program, which projects a 600,000 operating deficit and a 2 million ending balance.
17	*	Eliminate Textbook and Instructional Materials Coordinator Position		\$89,582	\$89,582	\$179,164	CST	Purchasing Department would be solely responsible for textbook ordering. Reduction could impact the district's ability to comply with the textbook requirements of the Williams Settlement. This positions orders workbooks and consumable materials for all schools. Ordering centrally has saved MDUSD a significant amount. Additional job responsibilities include providing support for private schools participating in Federal Title II NCLB program and coordinating district wide music festivals.

18	*	Eliminate 2.43 vocal music FTE associated with elementary reduced class size program		\$192,342	\$192,342	\$384,684		Supplemental elementary vocal music staffing for teacher preparation was previously needed for teachers needed for the Reduced Class Size program. After this program was reduced, there were fewer elementary teachers, but vocal music positions could not be reduced accordingly. The vocal music time this year was needed for 5th grade instrumental music this year.
		Total Without Negotiations				\$13,278,429		
		Following Items Require Negotiations						
N1		Implement retirement incentive program for certificated employees.					MDEA	Economic viability of proposal is under study
N2		Eliminate employee assistance program		\$109,000	\$109,000		All	Uncertain. The utilization of this program is around 2% of employees who are eligible. Most employees seek services through their primary health carrier or professional association.
N3		Increase payment in lieu of medical benefits for all employee groups and members who have dual coverage.					Non MDEA	This would have to be negotiated. We would have to comply with CalPERS rules and regulations regarding implementation. About 70 employees would have to give up benefits and accept higher cash in lieu to break even.
N4		Limit non MDEA health care costs to current level of funding.		\$891,754	\$2,698,052		All except MDEA	Currently, District pays the cost of all health care increases for employees who are not teachers. Benefit increases occur in January.
N5		Require employees to certify that they do not already receive health benefits.					All	Unknown whether possible, and if so, potential savings.
N6		Reduce teacher calendar by 7 days (five teaching days and 2 staff development days). Corresponding reduction in all other department work years of 3.825%		\$6,189,391	\$6,189,391		All	Student instructional time would be reduced by 5 days. There would be no paid time for staff development prior to the start of school.
N7		Reduce employee compensation by 3%		\$5,279,946	\$5,279,946		All	
N8		Reduce one (1) elementary P.E. prep team consisting of one (1) teacher and two (2) senior instructional assistants. (\$54,429 teacher; \$67,849 sr. inst. assts.)		\$122,278	\$122,278		MDEA	The remaining teams would have to cover more schools.
N9		Reduce library prep staffing		\$627,000	\$627,000		MDEA	Move prep time to after school.

N10		Reduce post retirement health benefits		\$500,000	\$500,000		All	Cost was 3,882,275 in 08-09 and increasing
N11		Eliminate elementary prep		\$1,105,981	\$1,105,981		MDEA	19.1 FTE
N12		Staff to State maximum class size		\$2,597,977	\$2,597,977		MDEA	Estimated 45 FTE
N13		2 work furlough days for all staff		\$1,650,958	\$1,650,958		All	
N14	*	Negotiate restructuring of employee contracts including but not limited to sharing of the increased costs of health benefits, work furloughs, post retirement benefits, and/or salary reductions.		\$1,000,754	\$2,807,052	\$3,807,806	All	Direct staff to negotiate savings with employee units
		Total Negotiations				\$3,807,806		
		Grand Total				\$17,086,235		