

**MINUTES**  
**REGULAR MEETING OF THE BOARD OF EDUCATION**  
**MT. DIABLO UNIFIED SCHOOL DISTRICT**  
**Tuesday, November 17, 2009 (7:30 PM)**

Board Members: Gary Eberhart, Paul Strange, Richard Allen, Linda Mayo, Sherry Whitmarsh  
Administrative Staff: Interim Superintendent Dick Nicoll, Associate Superintendent Alan Young, Assistant Superintendents Gail Isserman, Alan Young, 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 Gary Eberhart at 7:30 p.m. in the Board room at the MDUSD Dent Center. President Eberhart led the Pledge of Allegiance to the Flag and reported action taken in Closed Session.

**REPORT OF CLOSED SESSION- November 13 and 14, 2009**

In closed session the Board considered information relative to the Superintendent appointment.

**CONSENT AGENDA**

Member (**Paul Strange**) moved, Member (**Richard Allen**) seconded to approve all items on the Consent Agenda. The motion **CARRIED 5 – 0 – 0**.

**4.2 Recommended Action for Certificated Personnel**

Changes in status of certificated employees.

**4.3 Recommended Action for Classified Personnel**

Changes in status of classified employees.

**4.4 Classified Personnel: Create one (1) Part-time, Instructional Assistant-Computer Position for Mountain View Elementary School**

Mountain View Elementary school has requested the creation of one (1) part-time 12 hour/week, School Day Only, Instructional Assistant-Computer position.

**4.5 Classified Personnel: Create one (1) Part-time Instructional Assistant-Computer Position for Sequoia Elementary School**

Sequoia Elementary school has requested the creation of one (1) part-time 19 hour/week, School Day Only Instructional Assistant-Computer position.

**4.6 Classified Personnel: Create one (1) Part-time Intermediate Account Clerk Position for CARES After School Program**

CARES After School Program has requested the creation of one (1) part-time 7 hour/week, 10 month Intermediate Account Clerk position.

**4.7 Classified Personnel: Create one (1) Part-time Typist Clerk Position for Mountain View Elementary School**

Mountain View Elementary school has requested the creation of one (1) part-time 10 hour/week, 10 month Typist Clerk position.

**4.8 Classified Personnel: Create .50 FTE for a Senior Secretary Position in Student Services**

A full-time Senior Secretary position in Student Services was eliminated by .50 FTE due to categorical budgetary constraints. Student Services is requesting to reinstate .50 FTE using a new funding source. Incumbent #22008 will remain in this position.

**4.9 Increase contract value between Mt. Diablo Unified School District (MDUSD) and Non Public Agencies (NPA) for special education students receiving services for the 2009/2010 school year.**

MDUSD, through the Individualized Education Plan (IEP) process, uses Non Public Agencies to serve students in various related services. The contracts were originally approved on June 30, 2009 (Ed Support Services). The P.L.A.Y. contract is a new contract that exceeds the 25,000 limit and needs Board approval. Due to the frequent changes in level of services that each student requires by the IEPs, administrative placements and new placements, the services are changed or added. As a result, contracted amounts will need to be increased by \$145,000. The details of these changes are reflected in the chart attached.

**4.10 Expulsion of Student # 10-10, revision.**

Revised Finding of Facts for Student # 10-10.

Resubmitted due to date error for expulsion term. Corrected date June 9, 2010.

**PUBLIC COMMENT**

There was no public comment.

**COMMUNICATIONS**

Mike Noce, President of Mt. Diablo Education Association (MDEA), spoke on behalf of the membership. He was pleased to be able to present a three year roll-over successor agreement proposal and looks forward to a continued good working relationship with the Board and the upcoming new superintendent. Judy Armstrong, President of Local One Clerical Secretarial Technical Unit, announced that on behalf of the membership, she was pleased to present \$1,000 in gift cards to Mildred Browne, Assistant Superintendent of Special Ed./Student Services, to distribute to families of students that are in need. Jeff Adams spoke on behalf of the executive board of the United Mt. Diablo Athletic Foundation (UMDAF). He stated that the foundation board is waiting for a current budget report from Fiscal Services. He also stated that the foundation executive board members questioned the need for a Chief Financial Officer and that the timing for presenting a reorganization plan did not seem appropriate due to the budget reductions.

**SUPERINTENDENT'S REPORT**

Dick Nicoll read a letter of gratitude from a parent of a student in the Seneca Program at Riverview Middle who commended the program and the staff. He also extended his appreciation to Judy Armstrong for the Local One CST unit donation.

**BUSINESS/ACTION ITEMS**

**9.1 Public presentation and Board's acknowledgement of receipt of Mt. Diablo Education Association (MDEA) 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 Mt. Diablo Education Association (MDEA) 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.

The Board acknowledged receipt of Mt. Diablo Education Association's (MDEA) Successor Agreement proposal.

**9.2 Contract Extension for Senior District Officials**

The contracts for the General Counsel, Assistant Superintendent of Pupil Services and Special Education, Assistant Superintendent of Elementary Education, and Assistant Superintendent of Administrative Services will expire on June 30, 2010. The Board desires to offer new contracts to the four incumbents and to extend the term to June 30, 2013. There is no increase in compensation.

**Board Comment**

Dick Allen stated that he would support a one year renewal of the contracts rather than three. He said that a one year renewal would give the new superintendent an opportunity to review the contracts in a year. He also stated that his decision to not support the contract renewals for three years was not a reflection of the administrators in the positions. He wanted the shortened time for the contract renewal to allow the new superintendent the opportunity to review and evaluate them in one year.

Linda Mayo stated that she agreed with Mr. Allen that renewing the contracts for three years would not provide flexibility for the new superintendent to review.

Member (**Paul Strange**) moved, Member (**Sherry Whitmarsh**) seconded to approve the new contracts for Greg Rolen, Mildred Browne, Rose Lock, and Pete Pedersen as presented. The motion **CARRIED 3 – 2 – 0** (Allen, Mayo – No).

### **9.3 Reclassification of Management and Confidential Positions**

Recognizing the impact of both the recently eliminated as well as the approved, prospective elimination of a position in the Superintendent's Council it is essential that a restructuring of organizational relationships and a consolidation of tasks be defined and implemented to insure continuity in leadership and the delivery of critical services. Although the reorganization will not be effective until July 1, 2010, the plan needs to be considered earlier to allow adequate time for implementation. The plan is summarized in a memo and includes the following actions: General Counsel: Increase salary to \$190,000 including education and longevity, total \$27,998; Director Budget & Fiscal Svcs: Reclassify as Chief Financial Officer and increase salary to \$140,000 total \$8,114; Director Certificated Personnel: Increase range from 29 to 32 to \$5,989; Facilities & Ops Project Mgr: Increase range from 12 to 25 total \$11,136; Admin Secty To Supt Conf: Increase range of position from 536 to 576 total \$1,792; Associate Superintendent: Reclassify position as Assistant Superintendent total (14,913); Adm. Asst To Assoc Supt of Ed: Y – Rate. Grand Total \$40,115.

### **Public Comment**

James Jones, Business Agent, Public Employees Local One Clerical Secretarial Technical (CST) Unit shared that due to budget reductions, many have suffered shortages and increased workloads with no financial incentives for the extra workloads. He said that knowing that there will be more budget reductions possible, that it is difficult to explain to unit members the proposed administrative increases. He asked that the Board really look at the process and possibly consider a deferment package. He asked that with a parcel tax proposal on the table, that the Board reconsider and look at the reorganization plan a little bit more.

### **Board Comment**

Dick Allen said that he could not support the plan for the same reasons he could not support the three year contract renewals. He said to that he wanted to wait for the new superintendent. He also stated that he wanted to be clear that he supported the administrators but wanted to wait until the new superintendent came aboard.

Paul Strange shared that restructuring before the new superintendent takes office, even though it does not take effect until July 2009, is important due to the financial status, and budget reductions already done. He stated that when doing the budget reductions, the need to restructure was discussed. He said that the restructure is an extension of the budget reductions and that the administrative positions were being presented to the public with new roles and different classifications. He stated that this core team of administrators provides the key support services for the children in the district.

Sherry Whitmarsh reported that she had received emails about the reorganization asking why now or why at this time. Sherry said that it did not matter when it was presented, that the Board needed to be transparent. She said that this plan is part of the previous approved budget reductions.

Linda Mayo shared that she would not support the reorganization at this time as she had concerns regarding the timing and being able to provide the new superintendent the most flexible process. She said that delaying this decision one to four months would not be inappropriate.

Gary Eberhart said that he worked on this plan and supported bringing it forward at this time. He said that if the district were to lose any one of these individuals, it would cost the district more to have to backfill a position at the current market rate value. He said that he agreed that the timing doesn't look good but that it is better to be up front and defend the expenses.

Member (**Sherry Whitmarsh**) moved, Member (**Paul Strange**) seconded to approve the reorganization plan as presented. The motion **CARRIED 3 – 2 – 0** (Allen, Mayo – No).

**9.4 Approve extension of Edusoft contract including updated pricing through June 30, 2010, and authorize the Superintendent to approve an amendment to remove the automatic extension clause from the existing contract.**

Edusoft Assessment Management System provides Mt. Diablo Unified School District with a web based system to collect, analyze and act on student performance data to improve student learning. It is a system that houses both teacher created and publisher assessments that inform instructional decisions by teachers. It is supported by the district's student information system Aeries for the purposes of maintaining and updating student rosters and student performance data. Using Edusoft, teachers can create worksheets and have access to assessments and worksheets created by others. The data stored may be analyzed for an individual student, a small group of students or a whole class. Edusoft provides both item analysis and error analysis on the assessments administered through the system. This assessment management system is crucial in supporting the goals of the district's Local Education Agency Plan (LEAP), the Education Technology Plan and multiple data reporting requirements for state and federal programs that support many of our schools.

Member (**Paul Strange**) moved, Member (**Richard Allen**) seconded to approve the extension of Edusoft contract as presented. The motion **CARRIED 5 – 0 – 0.**

**9.5 Addendum to NMAS-JPA Medi-Cal Administrative Activities (MAA) Master Claiming Agreement**

Staff requests approval of an Addendum to the Northern California Medi-Cal Administrative Services-Joint Powers Agreement (NMAS-JPA) Master Claiming Agreement. The Centers for Medicare and Medicaid Services had proposed eliminating the school-based Medi-Cal Administrative Activities (MAA) effective June 30, 2009. An Addendum was approved in January 2009 to maintain the services provided to the District during the time of uncertain status. On June 30, 2009, Centers for Medicare and Medicaid Services (CMS) published in the National Register a new rule (CMS-2287-P2) that rescinded the elimination of the MAA program, thus stabilizing MAA for the foreseeable future. Consequently, the NMAS-JPA is shifting back to the original percentage fee structure, allowing the school districts and county offices of education to pay the JPA fee when the MAA dollars are received from CA Department of Health Care Services rather than be invoiced and required to pay prior to receiving their MAA dollars from the State. Staff will be renegotiating contracts for MAA and MediCal Claiming programs in 2010 for the 2010-2011 school year.

Member (**Paul Strange**) moved, Member (**Linda Mayo**) seconded to approve the Addendum to Medi-Cal Administrative Activities (MAA) Master Claiming Agreement as presented. The motion **CARRIED 5 – 0 – 0.**

**BOARD REPORTS**

Linda Mayo reported that the Mt. Diablo Alternative Education Foundation event is scheduled for November 18, 2009 at the Concord Hilton and on the same evening, three College Park High students and several teachers would be honored at the City of Pleasant Hill Outstanding Citizens Awards at the Pleasant Hill Park & Recreation building. She shared that this week is American Education week and will be celebrated across the nation in recognition of public education. Linda Mayo asked that the Board meeting be closed in memory of Lauren Fowler George, a former office manager at Pleasant Hill Elementary school, who passed away on November 6, 2009.

Dick Allen shared that a draft homework policy was presented a a board meeting last spring. The Board requested that the policy be revised to include more guidelines. He stated that he attended a committee meeting. There were twenty people on the committee and they did a good job on the policy and administrative rule.

**ADJOURNMENT**

The meeting was adjourned at 8:31 p.m.

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Richard Nicoll, Secretary