

MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Tuesday, March 09, 2010 (7:30 PM)

Board Members: Paul Strange, Gary Eberhart, Richard Allen, Linda Mayo, and Sherry Whitmarsh
Administrative Staff: Superintendent Steven Lawrence, Associate Superintendent Alan Young, Assistant Superintendents Gail Isserman, Rose Lock, Pete Pedersen, and General Counsel Gregory 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

The Board adjourned to Closed Session at 6:00 p.m. in Room 6 at the Dent Center

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 direction to staff regarding negotiations, readmission, and public employee discipline/dismissal/release/complaint.

Readmission

Allen moved, Whitmarsh seconded, and the Board voted 5-0-0 to readmit one (1) student.

EXPULSION RECOMMENDATIONS

Expulsion Recommendation Student #26-10

Whitmarsh moved, Mayo seconded and the Board voted 5-0-0 that Student #26-10 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student #26-10 may apply for readmission after January 21, 2011. It is also required that Student #26-10 participate in individual counseling, community service, the COPS Program, the District's Teen Anger Management Workshop, and show evidence of a successful school experience prior to applying for readmission after January 21, 2011.

Expulsion Recommendation Student #27-10

Allen moved, Eberhart seconded and the Board voted 5-0-0 that Student #27-10 be expelled from all schools and programs in the Mt. Diablo Unified School District and that Student #27-10 may reapply for readmission after January 21, 2011. It is also required that Student #27-10 participate in individual counseling, community service, the COPS Program, the District's Teen Anger Management Workshop, and show evidence of a successful school experience with no suspendible behavior infractions prior to applying for readmission after January 21, 2011.

Expulsion Recommendation Student #28-10

Allen moved, Eberhart seconded and the Board voted 5-0-0 that Student #28-10 be expelled from all schools and programs of Mt. Diablo Unified School District and that Student #28-10 may apply for readmission after March 9, 2011. It is also required that Student #28-10 participate in individual counseling, community service, the District's Teens Drug/Alcohol Workshop, the District's Teen Anger Management Workshop, the COPS Program, a negative drug test, and show evidence of a successful school experience with good attendance, no suspendible behaviors, a "C" average prior to applying for readmission after March 9, 2011.

Expulsion Recommendation Student #29-10

Eberhart moved, Allen seconded and the Board voted 5-0-0 that Student #29-10 be expelled from all schools and programs in Mt. Diablo Unified School District and that Student #29-10 may apply for

readmission after January 21, 2011. It is required that Student #29-10 participate in individual counseling, community service, the COPS Program, the District's Teen Anger Management Workshop, and show evidence of a successful school experience with good attendance, no suspendible behaviors, a "C" average prior to applying for readmission after January 21, 2011.

CONSENT AGENDA

Eberhart moved, Mayo seconded and the Board voted 5-0-0 to approve all items on the consent agenda.

9.2 (Item 2) Minutes of the February 23 Board meeting.

9.3 (Item 3) Recommended Action for Certificated Personnel

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

9.5 (Item 5) Recommended Action for Classified Personnel

9.6 (Item 6) Classified Personnel: Appointment of Transportation Dispatcher

Interviews have been conducted and a candidate has been selected to fill the position of Transportation Dispatcher.

9.7 (Item 7) Classified Personnel: Appointment of Educational Consultation and Behavior Management Specialist

Interviews have been conducted and a candidate has been selected to fill the position of Educational Consultation and Behavior Management Specialist.

9.8 (Item 8) Classified Personnel: Increase in Hours for a part-time Secretary Position in Student Services.

In order to comply with Ed. Code 45137, Fringe Benefits of Part-time Classified Employees, Student Services has requested that a part-time 19 hour/week; 12 month Secretary position be increased to 27.5 hour/week; 12 months because the employee worked more than 20 consecutive days in excess of the part-time scheduled assignment. Incumbent #27799 will remain in the position with the increased hours for this fiscal year only.

9.9 (Item 9) Approval of Contract with Sacramento County Office of Education for Mt. Diablo Elementary School

Students at Mt. Diablo Elementary School will participate in the Sacramento County Office of Education outdoor education program at Sly Park Environmental Education Center from March 29-April 2, 2010. Because costs will exceed \$25,000, Board approval is required.

9.10 (Item 10) Fiscal Transactions for the month of February 2010.

IFAS Vendor Warrant report and IFAS Vendor Cancellations Warrant Report for February 2010. Payments have been made to meet the District's obligations for salaries, benefits, supplies, contract services, equipment, capital improvements and other outgo.

9.11 (Item 11) Request to Approve Independent Service Contract for Springboard Academy with the CARES After School Program

Springboard Academy is a non-profit organization providing physical activities programs to after school programs throughout the Bay Area. Springboard Academy staff members will implement general physical conditioning, martial arts, and dance classes at the following CARES sites: El Dorado, Glenbrook, Oak Grove, and Riverview Middle Schools and Mount Diablo High School and Ygnacio Valley High Schools. The program will serve 90 students at each of the six CARES sites for a total of 540 students. The cost of this contract for services provided is \$38,760.00.

PUBLIC COMMENT - none

COMMUNICATIONS/ORGANIZATIONS

Mike Noce, MDEA, thanked everyone who participated in and supported the recent Stand Up for Schools Day that took place on March 4.

Dawn Winder, Local One, CST, asked that respect be shown for employees that are being laid off.

James Jones, Local One, Business Agent, asked for transparency and support for CST members surrounding proposed reductions and cuts.

SUPERINTENDENT'S REPORT

Superintendent Lawrence gave an overview of the schools on the State's Persistently Low Achieving List. The Board will hold a workshop and recommendations will be made by mid May.

BUSINESS/ACTION ITEMS

14.1 Resolution 09/10-47 Week of the School Administrator

The California Department of Education has designated the week of March 7 - 13, 2010 as the Week of the School Administrator. This resolution recognizes the administrators of the Mt. Diablo Unified School District for their support of and contributions to the quality of education in this district.

Member (**Linda Mayo**) Moved, Member (**Richard Allen**) seconded to adopt resolution as presented. The motion **CARRIED 5-0-0**.

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

Budget Reduction List CST Reduction List Graduation Requirement Comparison

In order to create a balanced budget and receive a positive certification for our Second Interim Report we need to reduce our budget by \$15,701,400 annually. Therefore, staff is recommending the following budget reductions: 1. Reduce Special Education by an average of \$2.8M annually for the 2010-11, 2011-12, and 2012-13 school years. In April, staff will share with the CAC recommended reductions based on the MGT Report, declining student enrollment, and other staff identified reductions prior to sharing the recommendations with the Board. 2. Reduce district-wide office support staff positions to create a \$1.2 M savings. Please see the attached Excel spreadsheet for the details of these reductions. 3. Transfer another 1.5M from the Tier III categoricals. Staff will present these reductions at the Board meeting. 4. Change the comprehensive high school graduation requirements so that students need 20 credits of math and 200 total credits. Change the alternative high school, necessary small high schools, and adult education graduation requirements so students need 20 credits of math and 180 credits. All other graduation requirements would remain the same. These reductions will not impact students' ability to complete the UC/CSU "a-f" requirements. The savings from these changes to the graduation requirements would occur through reduction and elimination of regular education high school summer school programs and concurrent enrollment classes. The anticipated savings from summer school and concurrent enrollment program over the next three years is projected at \$400,000 annually. Please see the accompanying documentation that shows our current graduation requirements and surrounding districts' graduation requirements. 5. Achieve \$9.8M in on-going savings through a combination of the following negotiable items: establishing furlough days for this year and the next three years; beginning next year cap medical benefits at the current rates; beginning next year make medical benefits proportional to the time worked; beginning next year reduce elementary prep to 1.5 hours per week regardless of grade level; beginning next year eliminate the employee assistance program; beginning 2011-12 school year reduce retiree benefits to employee only until 65 years old; and beginning next year end the vacation buy back program for classified and administrative positions. (see attachments) Note that the Board may take action on any item on the list.

Dr. Lawrence explained that some of the reasons for the recent budget cuts are: ARRA (American Recovery and Reinvestment Act) funds can only be used this year and next, declining enrollment, and reduced state funding.

Public Comment

Carol Oswood, teacher, asked that the Board do additional research before cutting 3rd year math. Paula Marchiano, secretary, asked that the Board look at reorganizing the categorical programs. Stacy Boschetti, secretary, thanked the Board for proposing not cutting secretarial positions. She is still concerned with the 2 weeks that will be reduced from their work year. Pam Filstrup, band supporter, asked that the Board work with the boosters and the music foundation to help fund music. Cindy Weller, co president of the Concord High Band Boosters, said that more cuts to music will decimate the entire programs. She wants to work with the Board to fund music programs. Dr. Andreanna Jovan, secretary of the Music Foundation said that fundraising can help bridge the gap of music program funding, Gail Lund, member of the Concord High Boosters, asked the Board to “think outside the box” in terms of funding music programs. Eve Albright, expressed concern regarding layoff notices sent to teachers and asked for clarification. Gary Courtney, Concord High Band Director, is concerned with the time that it will take to bring back music programs if they are eliminated. Suzy Hall-Whitney, Resource Specialist, spoke on behalf of the RTI model and the RSIP. Kelly St. Germain, expressed concern regarding the potential change of high school graduation requirements and reducing College/Career advisor hours. She hopes that assurance can be put in place that “high end” classes will still be offered for seniors. Willie Mims, Black Political Association, hopes that cuts are fair and across the board. Debbie Hickey, secretary, suggested the Board and Superintendent make cuts to their income. Elena Wilkins, student, said she would be upset if music were cut. Mary Gray, asked that cuts to music be deferred.

The Board voted on the following items individually.

Item 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).

Eberhart moved, Whitmarsh seconded and the Board voted 5-0-0 to approve.

Item 6 - Tier 3 cuts

Eberhart moved, Allen seconded and the Board voted 5-0-0 to approve.

Item 19 - Reduce Office Support Staff

Whitmarsh moved Allen seconded and the Board voted 5-0-0 to approve

Item 39 - Reduce Summer School and concurrent enrollment

Eberhart added to the motion that seniors must take a minimum of 4 periods a day that equal a minimum of 240 instructional minutes (per state law).

Eberhart moved, Whitmarsh seconded and the Board voted 3-2-0 to approve. (Mayo and Allen - no).

The Board voted on the following collectively

Eberhart moved, Allen seconded and the Board voted 5-0-0 to negotiate the following items with the unions and represented units.

Item N2 - Eliminate employee assistance program

Item N4 - Limit non MDEA health care costs to current level of funding.

Item 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%

Item N6a –Reduce 2009-10 calendar by 3 instructional days, corresponding reduction in all other department work years of 1.639%

Item N11a - Eliminate 1 hr per week elementary prep in grades 4-5

Item N15 - Prorate benefits for part time employees

ItemN16 - Eliminate Vacation Buyout; convert to use or lose. Vote to negotiate with bargaining units.

14.3 2009-10 Second Interim Report

MDUSD Second Interim Report, District Certification of Interim Report.

The interim report presents revenue and expenditure projections to the end of the fiscal year and compares these projections to the budget. The projections are made by gathering the best information available at the time from a variety of sources, such as district administrators, county officials, state officials, and School Services of California. The year-end projections are then compared to the budget to display the differences and to give the most up-to-date picture of how the district will end the year financially, as well as the two subsequent years. The Second Interim Report contains budgets and transactions through January 31, 2010. The multi-year projection reflects the economic changes since the First Interim Report including the cuts related to the Governor's 2010-11 State budget proposal. The cuts the Board approved through February 23, 2010 are also included, as are the cuts recommended in item number 14.2 on tonight's agenda. The multi-year projection demonstrates that MDUSD will be able to meet its financial obligations in the 2010-11 and 2011-12 fiscal years. Based on this, the Superintendent will recommend that the MDUSD Board of Education approve a positive certification.

Bryan Richards showed a Power Point presentation on the Second Interim Report.

Member (**Sherry Whitmarsh**) Moved, Member (**Linda Mayo**) seconded to approve the District's Positive Certification. The motion **CARRIED 5-0-0**.

14.4 Resolution ordering an election to authorize up to \$348 million of General Obligation Bonds and establish specifications of the election order.

The Board has determined that properties and facilities within the District need to be constructed and improved and that certain equipment be purchased in order to enhance the educational opportunities of the students the District served. The Board further determines that it is advisable to consider energy efficiency measures, including solar technology, to provide General Fund relief. Authorization from the Board is required to order the Contra Costa County Clerk Registrar of Voters to call an election on June 8, 2010, on the question of whether bonds of the District in the aggregate principal amount not to exceed \$348 million shall be issued and sold for the purpose of raising money for the specifically identified projects.

Superintendent Lawrence thanked Greg Rolan and Pete Pedersen for putting the resolution together. He introduced Alex Evans of EMC Research who shared the results of the recent poll he conducted for the CUES (Community United for Excellent Schools).

Member (**Gary Eberhart**) Moved, Member (**Paul Strange**) seconded to approve resolution with the modification to direct staff to rewrite the 75 words with specific pieces to be included. The motion **CARRIED 5-0-0**.

14.13 Meeting Extension

Adjournment time will be no later than 11:00 p.m. for all regular and special meetings unless extended to a specific time as determined by a majority of the Board.

Member (**Gary Eberhart**) Moved, Member (**Paul Strange**) seconded to extend the meeting ending time to 12:00 a.m. The motion carried 5-0-0.

14.5 Opportunity for public response to the Board's Successor Agreement proposal to Mt. Diablo Education Association (MDEA)

At the February 23, 2010 meeting, the Board's Successor Agreement proposal to Mt. Diablo Education Association (MDEA) was publicly presented. We are now presenting this proposal for public response.

Member (**Gary Eberhart**) Moved, Member (**Sherry Whitmarsh**) seconded to formally adopt the District's initial proposal. The motion **CARRIED 5-0-0**.

14.6 Public presentation and Board's acknowledgement of receipt of California School Employees Association (CSEA) 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 proposal from California School Employees Association (CSEA) 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 was presented as information and will be returned for action.

14.7 Resolution No. 09/10-45 to decrease the number of certificated employees due to a reduction or elimination of particular kinds of service

As part of the certificated layoff process, Education Code section 44955 permits the Governing Board, through a resolution, to reduce or discontinue particular kinds of services for the next school year. This reduction or elimination of particular kinds of services may necessitate the termination of employment of certain certificated employees at the end of the current school year. The criteria for the order of termination among employees who rendered first paid probationary service on the same date was established by the Board on February 9, 2010 in Resolution No. 09/10-37. These criteria were based solely on the needs of the District and the students thereof. Resolution No. 09/10-45 states that it will be necessary to retain the services of certain certificated employees for the 2010-2011 school year, regardless of seniority, who possess qualifications needed for specific programs. Resolution No. 09/10-45 also directs the Superintendent or his/her designee to send appropriate notices to all employees whose positions may be lost by virtue of the reduction or elimination of the particular kinds of services listed in the Resolution.

Public Comment

Willie Mims, Black Political Association asked questions about the seniority aspect of the resolution and particular kinds of service. Gail Isserman responded to Mr. Mim's questions.

Member (**Gary Eberhart**) Moved, Member (**Richard Allen**) seconded to adopt Resolution No. 09/10-45 to decrease the number of certificated employees due to a reduction or elimination of particular kinds of service. The motion **CARRIED 5-0-0.**

14.8 Elimination of Part-time PM Custodian Positions at Diablo View Middle School

As a condition of a May, 2001 Agreement between the District and the City of Clayton regarding the construction and use of the gymnasium at Diablo View Middle School, the District created two (2) part time dedicated custodial positions for the exclusive support of City of Clayton activities. These fractional positions consisting of one (1) nine (9) hour per week PM Custodian and one (1) twenty-two and a half (22.5) hour per week PM Custodian.

Public Comment

Willie Mims, Black Political Association, suggested the city pay for custodians for the Diablo View Middle School.

Member (**Richard Allen**) Moved, Member (**Linda Mayo**) seconded to approve elimination of part-time Custodian PM positions as presented. The motion **CARRIED 5-0-0.**

14.9 Increase contract value between Mt. Diablo Unified School District (MDUSD) and Psychology, Learning and You (PLAY) for the 2009/2010 school year.

PLAY is a Nonpublic Agency (NPA) that provides district-wide behavioral services to MDUSD special education students. The contract was signed in August 2009 for \$20,000. This amount was set lower than previous years in anticipation that a new Education Consultant/Behavior Management Specialist would be hired. A viable candidate was found on December 2009 and will be appointed at the March 9, 2010 board meeting. Until the new staff member is appropriately transitioned into the position, PLAY's services will need to be extended. The contract was approved for \$45,000 on November 17, 2009; an additional \$40,000 is being requested, bringing the contract total to \$85,000.

Member (**Gary Eberhart**) Moved, Member (**Linda Mayo**) seconded to approve the amendment to contract as presented. The motion **CARRIED 5-0-0**.

14.10 2010 California School Board's Association (CSBA) Delegate Assembly Election

Ballot

There are three vacancies in Subregion 7-A for membership on the 2010 CSBA Delegate Assembly. The candidates are: Antonio Medrano, West Contra Costa USD; Kathi McLaughlin, Martinez USD; Raymond Valverde, Liberty Union HSD; and William L. Wong, Pittsburg USD

Eberhart moved, Mayo seconded and the Board voted 5-0-0 to cast vote for Kathi McLaughlin. Mayo moved, Allen seconded and the Board 5-0-0 to cast vote for William L. Wong. Mayo moved, Allen seconded and the Board voted 5-0-0 to cast vote for Antonio Medrano

14.11 Parent Involvement Policy Revision BP/AR 6020

The Mt. Diablo Unified School District recognizes that a child's education is a responsibility shared by school and family during the entire period the child is enrolled in school. School districts in collaboration with parents/guardians, teachers, classified staff, students, and administrators, must establish and develop efforts that support and enhance parent involvement and engagement to reflect the needs of the students and families they serve. District staff from Curriculum and Instruction, Adult Education, and Special Education collaborated with parents from the District English Language Advisory Committee, Community Advisory Committee, Parent Advisory Committee, and representatives from Title I School Site Councils to revise parental involvement board policy and administrative regulations.

This was presented as information and will be returned for action.

14.12 Revision of Administrative Rule 5111.1

Staff has revised Administrative Rule 5111.1 to reflect current education code. Board Policy 5111 is not revised but included for reference.

This was presented as information and will be returned for action.

Board Report

Mayo thanked MDEA for orchestrating the Stand Up for Schools events. She announced that the PTA will be giving a presentation on pink slips on March 22. She reminded everyone of the signature gathering campaign that would reduce the voting threshold for parcel taxes for schools to 55%. The website to sign the petition is: www.improvedschoolsfunding.com.

ADJOURNMENT

The meeting adjourned at 11:35 p.m.