
**LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION**

**MINUTES
REGULAR MEETING
TUESDAY, February 3, 2009, 6:15 P.M.**

CALL TO ORDER

The meeting was called to order by President Kate Runyon, with members William Dunlop, Stewart Gary, Chuck Rogge, and Board Clerk Anne White present.

The Board adjourned to closed session.

CLOSED SESSION

The Board met in closed session pursuant to Education Code Section 48918(c) regarding two expulsion hearings; pursuant to Government Code Section 54957 regarding public employee discipline/dismissal/release/leave, public employee employment, and public employee performance evaluation; pursuant to Government Code Sections 54956.9(b)(1) and 54956.9(c) regarding conference with legal counsel, pending litigation; pursuant to Government Code Section 54956.9 regarding liability claims. Staff in attendance included Brenda Miller, Superintendent; Mike Martinez, Assistant Superintendent; Kelly Bowers, Assistant Superintendent; Yolonda Holmes, Executive Director; Floyd Wilson, Executive Director; Bob See, Executive Director; and Bob Thurbon, Legal Counsel.

RECONVENE IN OPEN SESSION

The Board reconvened in open session with Margaret Gehlert, Superintendent's Secretary, in attendance.

No action was taken in closed session.

In open session:

Action: White moved, Dunlop seconded, and motion carried 5-0 to accept the Administrative Panel's recommendation and direct, effective immediately, that Student "T" be expelled from the Livermore Valley Joint Unified School District for violation of Education Code Section(s) 48915(c)(3), 48915(a)(3), 48900(c), and 48900(k). A rehabilitation plan is on file at the District Office.

Action: Gary moved, Dunlop seconded, and motion carried 5-0 to accept the Administrative Panel's recommendation and direct, effective immediately, that student "U" be expelled from the Livermore Valley Joint Unified School District for violation of Education Code Section(s) 48900(i) and 48900(k). A rehabilitation plan is on file at the District Office.

APPROVAL OF MINUTES

Action: Gary moved, White seconded, and motion carried 5-0 to approve the corrected Revised Board Minutes of the Regular Board Meeting of January 27, 2009, and the Board Minutes of the Special Board Meeting of January 29, 2009.

CHANGES TO THE AGENDA

Minutes for the Special Board Meeting of January 29, 2009, and revised minutes for the Regular Board Meeting of January 27, 2009, reflecting the addition of a Student Board Member Report, were distributed. A revised report for Item X-A, Proposal for Community Budget Forums, was resubmitted to reflect the missing third page. A revised cover sheet for Item XI-A, Board Policies – Series 4000, 5000 and 6000, reflecting a change in the Superintendent’s recommendation, was distributed.

RECOGNITIONS

Brenda Miller invited Shari Johnston, Principal of Leo R. Croce Elementary School forward to introduce members of the school’s PTA (Parent Teacher Association) Executive Board. Monica Baucke, Francine Laronde, Dawna Dougherty, Danielle Sands, Darlene Clendenen, Lori Sevilla, Elise Allen, Krista Tiedemann, and Jeannine Allen are instrumental in providing supplemental services for students with time and money. The PTA also provides social events for students, parents, and staff. In this time of fiscal crisis and uncertainty, the PTA Executive Board pledged their support for whatever they can do to help the school.

EMPLOYEE ASSOCIATIONS

Kathleen Reardon, LEA, offered assistance in retyping the newly settled contract.

COMMUNICATIONS FROM THE PUBLIC

Audience

None.

Correspondence

None.

STUDENT BOARD REPORTS

None.

BOARD MEMBER REPORTS AND REQUESTS

Dunlop continues to support the MATHCOUNTS® program at our middle schools.

Rogge visited Granada High School and saw all the wonderful things they are doing and he enjoyed Croce Elementary School's flag football event. Mr. Rogge attended Science on Saturday and was very impressed by the turnout and how many involved students were in attendance.

White also attended Science on Saturday and was thrilled with the turnout of over 1,100 participants.

Gary went to an Intergovernmental Meeting with Mr. Rogge where the budget crisis was discussed. Mr. Gary received information on the effect the State's budget plans will have on local governments.

Runyon attended a Tri-Valley SELPA meeting and a CSBA Masters in Governance training session. She would like to recommend two books depicting the payoff for hard work: *Outliers: The Story of Success*, by Malcolm Gladwell and *Talent Is Overrated: What Really Separates World-Class Performers from Everybody Else*, by Geoff Colvin.

SUPERINTENDENT'S REPORT

Ms. Miller enjoyed many Diversity Week activities at East Avenue Middle School. She reported on the District's Spelling Bee. Ms. Miller will join fellow Superintendents tomorrow morning for a press conference on the budget crisis. Friday's Leadership Team meeting will focus on goals, student achievement, and budget issues.

INFORMATION/DISCUSSION ITEMS

Proposal for Community Budget Forums

Presenter: Brenda Miller, Superintendent

Public Comment: None

DISCUSSION/ACTION ITEMS

Board Policies – Series 4000, 5000, and 6000

Presenter: Kelly Bowers, Assistant Superintendent of Educational Services

Public Comment: None

Action: Gary moved, Dunlop seconded, and motion passed 5-0 to approve the second reading and third posting of Board Policies and Regulations series 4000, 5000, and 6000.

CONSENT ITEMS

Consent Agenda

Action: White moved, Dunlop seconded, and motion carried 5-0 to approve items XII-A-1 through XII-A-8. Items included resignations/retirements, leaves, coaches, employment, consultant, bill and salary warrants, acceptance of claim, and Williams Uniform Complaint Procedures Quarterly District Report.

Public Comment: None

Resolutions

Action: Dunlop moved, Gary seconded, and motion carried by a roll call vote.
Resolution No. 027-08/09, Authorizing the Revision of the Date of Observance of Lincoln Day Holiday
Resolution No. 028-08/09, Approval of Behavioral Intervention Plans (Hughes Bill) Mandated Cost Claim Settlement and Agreement to Waiver Future Claims

Ayes: Dunlop, Rogge, Runyon, Gary, and White Noes: None Abstain: None Absent: None

Public Comment: None

ADJOURNMENT

The Board adjourned to Closed Session at 8:26 P.M.

The Board reconvened in open session with Margaret Gehlert, Superintendent's Secretary, in attendance.

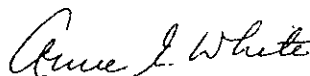
No action was taken in closed session.

There being no further business before the Board, the meeting was adjourned at 8:37 P.M.

Respectfully submitted



Kate Runyon
Board President



Anne White
Board Clerk

XII. CONSENT ITEMS

A. Motions

1. Confirmation of Resignations/Retirements

BACKGROUND:

Staff has formally accepted the resignations and/or retirements from employees on the attached list as authorized by Education Code Section 44930. These names are being presented for confirmation.

STATUS:

The vacancies created by the list of resignations/retirements will be filled only with the Superintendent's approval.

FISCAL IMPACT:

Not applicable.

TIME FACTOR:

As indicated on the attached list of resignations/retirements.

SUPERINTENDENT'S RECOMMENDATION:

Confirm the attached list of resignations/retirements.

BOARD APPROVED

FEB 03 2009

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RESIGNATIONS

CERTIFICATED 2008/2009

1. Marilyn Holcomb, Teacher, retirement, Option 1, effective June 12, 2009
2. Lorraine Fong, Teacher, retirement, Option 1, effective June 12, 2009
3. Nelson Fong, Teacher, retirement, Option 1, effective June 12, 2009
4. Donald Neuss, Teacher, retirement, Option 1, effective June 12, 2009
5. Donna Smoak, Teacher, retirement, Option 1, effective June 12, 2009
6. Pamela Graham, Teacher, retirement, Option 1, effective June 12, 2009

XII. CONSENT ITEMS

A. Motions

2. Leaves of Absence

BACKGROUND:

Union agreements allow employees to request leaves of absence for various reasons.

STATUS:

The employee listed below is requesting a leave of absence.

**CLASSIFIED
Recommend Approval**

1. Cyndi Valone, Food Services Assistant, has requested a leave of absence under Article 25, effective from January 27, 2009, for approximately six weeks.

FISCAL IMPACT:

Not applicable.

TIME FACTOR:

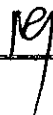
As indicated above.

SUPERINTENDENT'S RECOMMENDATION:

Approve the leave of absence request for the employee listed above.

BOARD APPROVED

FEB 03 2009



XII. CONSENT ITEMS

A. Motions

3. Approval of Employment of Extracurricular Coaches, 2008/09

BACKGROUND:

As a result of retirements and resignations, extracurricular coaches need to be hired.

STATUS:

The individuals on the attached list have been recommended for employment as indicated.

FISCAL IMPACT:

Positions are part of the District's authorized staffing.

TIME FACTOR:

Employment is for the 2008-09 school year.

SUPERINTENDENT'S RECOMMENDATION:

Approve the attached list of extracurricular coaches.

BOARD APPROVED

FEB 03 2009

A handwritten signature in black ink, appearing to be 'M', is written over a horizontal line.

EMPLOYMENT – EXTRACURRICULAR COACHES

1. Jeff Schall, Head Middle School Golf Coach
2. Robyn Schlichter, Head Middle School Track Coach
3. Edward Xavier, Head Middle School Wrestling Coach
4. Jose Valles, Head Middle School Golf Coach
5. Larry Bird, Head Varsity Softball Coach
6. Kevin Gunn, Head Varsity Golf Coach
7. Gordon Cobb, Head Varsity Boys Lacrosse Coach
8. Suzanne Reinlib, Head JV Swimming Coach
9. Ed Salazar, Assistant Track Coach
10. Vern Chase, Assistant Track Coach
11. Kip Wood, Head Varsity Boys Tennis Coach
12. Frank St. Clair, Head 7th Grade Girls Basketball Coach
13. Velia Vazquez, Head 6th Grade Girls Basketball Coach
14. Nicholus VanDyke, Head Middle School Track Coach
15. Ken Coburn, Middle School Wrestling Coach
16. Corrigan Willis, Head Varsity Baseball Coach
17. Tim Rankin, Assistant Baseball Coach
18. John Ramirez, Frosh Baseball Coach
19. Trisha Rosa, Varsity Swimming Coach
20. Mary Rosa, JV Swimming Coach
21. Greg Orrell, Varsity Boys Tennis Coach

22. Kris Johnson, Varsity Boys Volleyball Coach
23. Herman Goritz, Varsity Boys Lacrosse Coach
24. Jennifer Milus, Varsity Girls' Lacrosse Coach

XII. CONSENT ITEMS

A. Motions

4. Approval of Employment of Personnel

BACKGROUND:

As a result of retirements, resignations, and leaves, employees need to be hired.

STATUS:

The Human Resources Office has set the effective dates of hire as indicated on the attached list.

FISCAL IMPACT:

Positions are part of the District's authorized staffing or funded by categorical programs.

TIME FACTOR:

As indicated on the attached list.

SUPERINTENDENT'S RECOMMENDATION:

Approve employment of the attached list of personnel.

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EMPLOYMENT

CERTIFICATED

1. Achim Dangerfield, Teacher, January 26, 2009

CLASSIFIED

2. Kathleen McClane, Instructional Aide, January 26, 2009

XII. CONSENT ITEMS

A. Motions

5. Approval of Employment of Consultants

BACKGROUND:

There are times when the District must provide special services that cannot be provided by current employees. The Board has a policy by which it can approve the hiring of consultants. Having complied with Board Policy #4002, the consultant service agreement listed below is presented to the Board for approval.

STATUS:

The consultant will submit an invoice when services are completed.

CONSULTANT

1. Contract for services with Scott Sorensen for Mountain Man Program.

Budget: Smith Elementary School - \$275.00

FISCAL IMPACT:

The cost of services and accounts to be charged is listed above.

TIME FACTOR:

One time workshops and/or presentations.

SUPERINTENDENT'S RECOMMENDATION:

Approve the consultant service agreement listed above.

BOARD APPROVED

FEB 03 2009

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XII. CONSENT ITEMS

A. Motions

6. Acceptance of Claim Received January 21, 2009, for Property Damage

BACKGROUND:

The District's claims administrator has investigated the claim and submitted its report.

STATUS:

A claim was received on January 21, 2009, for Property Damage on December 18, 2008.

FISCAL IMPACT:

\$383.71

TIME FACTOR:

Not applicable.

SUPERINTENDENT'S RECOMMENDATION:

The Superintendent recommends the Board of Education accept the claim received January 21, 2009, for Property Damage.

XII. CONSENT ITEMS

A. Motions

7. Accept Bill and Salary Warrants

BACKGROUND:

The attached list of bill warrants shows payment of the District's operating expenditures for the month of January 2009.

STATUS:

All of the warrants have been approved by the Alameda County Office of Education. The warrant registers are available for public review by any interested party in the Accounting Office located at 685 East Jack London Boulevard, Livermore.

FISCAL IMPACT:

Operating expenditures for January 2009 are \$10,850,539.15 and salary expenditures for January 2009 are \$6,866,208.48 .

TIME FACTOR:

January 2009

SUPERINTENDENT'S RECOMMENDATION:

Accept the Bill and Salary warrants for January 2009 .

XII-A-7.1
02/03/09

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Approval of Bill and Salary Warrants
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General Fund 0101 Bill Warrants	\$	9,486,509.78
Adult Education Fund 11 Bill Warrants	\$	55,921.10
Child Development Fund 12 Bill Warrants	\$	54,870.00
Cafeteria Fund 13 Bill Warrants	\$	225,931.92
Deferred Maintenance Fund 14 Bill Warrants	\$	45,030.43
Capital Projects Measure L GOB Fund 2101 Bill Warrants	\$	193,323.98
Capital Facilities Developer Fees Fund 25 Bill Warrants	\$	417,467.82
Insurance Reserve Fund 67 Bill Warrants	\$	1,579.83
Retiree Benefit Trust Fund 71 Bill Warrants	\$	-
Leo Croce Scholarship Fund 7301	\$	<u>369,904.29</u>
January 2009 Bill Warrants Submitted For Approval		<u>\$10,850,539.15</u>
January 2009 Salary Warrants		<u>\$6,866,208.48</u>

XII. CONSENT ITEMS

A. Motions

8. Approval Of Williams Uniform Complaint Procedures Quarterly District Report

BACKGROUND:

California Education Code Section 35186 requires that the Superintendent of Schools provide a quarterly report to the local Board of Education and to the County Superintendent of Schools summarizing the nature and resolution of complaints filed under the Williams Uniform Complaint Procedures.

STATUS:

Attached is the Williams Uniform Complaint Procedures Quarterly District Report for October 1, 2008 to December 31, 2008.

FISCAL IMPACT:

No fiscal impact.

TIME FACTOR:

This report will be completed on a quarterly basis as required by California Education Code Section 35186.

SUPERINTENDENT'S RECOMMENDATION:

Approve the Williams Uniform Complaint Procedures Quarterly Report.

XII-A-8.1
02/03/09

BOARD APPROVED

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Livermore Valley Joint Unified School District

Williams Uniform Complaint Procedures

Quarterly Report to District Board of Education & Alameda County Office of Education Superintendent of Schools

California Education Code Section 35186 requires that the Superintendent of Schools provide a quarterly report to the local Board of Education and to the County Superintendent of Schools summarizing the nature and resolution of complaints filed under the Williams Uniform Complaint Procedures. The report must include the number of complaints by general subject area, the number of resolved and unresolved complaints, and must be publicly presented at a regularly scheduled meeting of the Board of Education. This report is provided pursuant to this legal mandate.

District Report for the Quarter October 1, 2008 to December 31, 2008

Person completing this form: Kelly Bowers Title: Assistant Superintendent, Educational Services

General Subject Area	# of Complaints Received	Nature of Complaints	# of Complaints Resolved	# of Complaints Unresolved
Textbooks and Instructional Materials	None	N/A	N/A	N/A
Teacher Vacancies or Misassignments	None	N/A	N/A	N/A
Facilities Conditions	None	N/A	N/A	N/A
CAHSEE Intensive Instruction and Services	None	N/A	N/A	N/A
TOTALS	None	N/A	N/A	N/A

Date Report Was Publicly Presented to Local Board of Education February 3, 2009

Brenda Miller, Superintendent

Kate Runyon, President, Board of Education

XII. CONSENT ITEMS

B. Resolutions

1. Resolution No. 027-08/09, Authorizing the Revision of the Date of Observance of Lincoln Day Holiday

BACKGROUND:

Section 37220 (e) of the Education Code authorizes the local governing board of school districts, by adoption of a resolution, to revise the date upon which schools of the district close in observance of any of the holidays listed within that section. The District plans to observe and honor both President Lincoln and President Washington by observing their birthdays on the third Monday in February for all future observations.

STATUS:

This action is recommended to place us in compliance with Administrative Regulation 6115 (a).

FISCAL IMPACT:

None.

TIME FACTOR:

All future observances of the Lincoln Day Holiday.

SUPERINTENDENT'S RECOMMENDATION:

Adopt, by roll call vote, Resolution No. 027-08/09, Authorizing the Revision of the Date of Observance of Lincoln Day Holiday.

RESOLUTION NO. 027-08/09

Authorizing the Revision of the Date of Observance of Lincoln Day Holiday

WHEREAS, Section 37220 (e) of the Education Code authorizes the local governing board to revise the dates upon which the schools of the district close in observance of holidays; and

WHEREAS, the Livermore Valley Joint Unified School District plans to observe and honor both President Lincoln and President Washington by observing both of their birthdays on the third Monday in February; and

NOW, THEREFORE, BE IT RESOLVED that said Board of Education does hereby authorize the revision of the dates for observing Lincoln Day for all future observances.

PASSED AND ADOPTED by roll call vote this 3rd day of February 2009.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Clerk of the Board of Education Livermore
Valley Joint Unified School District of Alameda
County and Contra Costa County, State of California

XII. CONSENT ITEM

B. Resolutions

2. Resolution No. 028-08/09, Approval of Behavioral Intervention Plans (Hughes Bill) Mandated Cost Claim Settlement and Agreement to Waive Future Claims

BACKGROUND:

In the resolution, the Board:

1) approves the settlement which will bring the District approximately \$1,151,564 total in discretionary funding for retroactive reimbursement, \$191,927 annually, over six-years in equal installments beginning in 2011-12 through 2016-17; and beginning in 2009-10, each SELPA's funding rate will increase by about \$10.92 per ADA, with this amount increasing by the cost of living adjustment and ADA growth in subsequent years. Based on 2007-2008 ADA this would result in an increase of \$141,108 to LVJUSD Special Education;

(2) agrees to waive its ability to file future mandated cost claims on the Hughes Bill statute and regulations as currently worded; and

(3) directs the District's authorized representative to sign the Waiver to implement this action.

The Behavioral Intervention Plans [Hughes Bill] Mandated Cost Claim Settlement settles the test claim CSM-4464 initiated by San Diego Unified School District, Butte County Office of Education, and San Joaquin County Office of Education, and the related Sacramento Superior Court case, case No. 03CS01432, regarding reimbursement for costs associated with behavioral intervention plans required by the Hughes Bill statute and regulations under state law. If approved, it ends a fourteen-year dispute with the State of California regarding funding for state behavioral intervention plan requirements that are in excess of federal law. The settlement provides \$520 million in reimbursement for past costs associated with behavioral intervention plans and \$65 million annually for ongoing costs. The Legislature's obligation to fund the settlement is contingent on 85% of all districts, county offices of education, and special education local plan areas constituting 92% of statewide ADA waiving their rights to file additional mandated cost claims on the current Hughes Bill statute and regulations.

STATUS:

An LEA must approve (by roll call count) and sign the Waiver for the Behavioral Intervention Plans [Hughes Bill] Mandated Cost Claim Settlement by January 28, 2009, to receive the settlement. The Tri Valley SELPA Board has approved and signed the Waiver for their portion of the settlement.

FISCAL IMPACT:

The District will receive reimbursement as outlined above

TIME FACTOR:

2008/2009

SUPERINTENDENT'S RECOMMENDATION:

The Superintendent recommends that the Board approve and sign the Waiver

XII-B-2.1
02/03/09

BOARD APPROVED

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RESOLUTION NO. 028-08/09

Approval of Behavioral Intervention Plans (Hughes Bill) Mandated Cost Claim
Settlement And Agreement to Waive Future Claims

WHEREAS, the Commission on State Mandates ("the Commission"), in a test claim known as the Behavioral Intervention Plans [Hughes Bill] Mandated Cost Claim, has determined that, since 1993, there are unfunded state mandates exceeding the federal requirements in the following seven (7) components of the Hughes Bill Statute and Regulations (California Education Code section 56523 and California Code of Regulations, title 5, sections 3001, subdivisions (c), (d), (e), (f), and (aa), and 3052): special education local plan area ("SELPA") plan requirements, development and implementation of behavioral intervention plans, functional analysis assessments, modifications and contingent behavioral intervention plans, development and implementation of emergency interventions, prohibited behavioral intervention plans, and due process hearings;

WHEREAS, these state mandates remain required components of the Hughes Bill Statute and Regulations;

WHEREAS, final claiming instructions for the Behavioral Intervention Plans Mandated Cost Claim were never adopted by the Commission due to various disputes that arose with the State;

WHEREAS, the State's Department of Finance disputes that any of the identified Behavioral Intervention Plans Mandated Cost Claim mandates qualify for state reimbursement because it contends they are required by federal law, and therefore the State has filed a lawsuit with the Sacramento Superior Court, case No. 03CS01432, to contest the Commission's decision in the Behavioral Intervention Plans Mandated Cost Claim;

WHEREAS, the Test Claimants believe that the identified mandates require new programs and increased levels of service in excess of federal law, and are therefore unfunded state mandates, and therefore the Test Claimants oppose the court action filed by the State challenging the Commission's decision;

WHEREAS, this litigation could thwart resolution of these matters for a number of years;

WHEREAS, to avoid the cost and uncertainty of further litigation, to alleviate the uncertainty regarding the Hughes Bill Statute and Regulations funding, and to expedite the resolution of this long-pending mandate claim, the State and the Test Claimants ("Parties") have determined to compromise and settle the claims set forth in the Behavioral Intervention Plans Mandated Cost Claim;

WHEREAS, the Parties have negotiated a settlement agreement ("Agreement"), which provides \$520 million as general fund reimbursement for past costs associated with the Hughes Bill Statute and Regulations, allocated as follows:

- \$510 million to school districts based on 2007-08 P-2 average daily attendance ("ADA") (about \$14.85 per ADA annually for six years, beginning in 2011-12, or for a lesser period at the State's discretion should the State choose to accelerate payment of such reimbursement);

- \$1.5 million to county offices of education in 2009-10 based on December 2007 county special education pupil count, about \$35.06 per pupil, with no county office of education receiving less than \$5,000;
- \$6 million to SELPAs in 2009-10 based on December 2007 special education pupil count, about \$8.85 per pupil, with no SELPA receiving less than \$10,000; and
- \$2.5 million in 2009-10 for administrative costs incurred in pursuing the Claim;

WHEREAS, the settlement further provides \$65 million as a permanent increase to the AB 602 funding base for special education programs and services beginning in 2009-10, resulting in each SELPA's funding rate increasing by about \$10.92 per ADA, with this amount increasing by the cost of living adjustment and ADA growth in subsequent years (Based on 2007-2008 ADA this would result in an increase of \$141,108 to LVJUSD Special Education.);

WHEREAS, by approving this settlement the Livermore Valley Joint Unified School District will receive approximately \$1,151, 564 total in discretionary funding for retroactive reimbursement, \$191, 927 over six-years in equal installments, unless the State, in its discretion, accelerates payment of such reimbursement;

WHEREAS, the Livermore Valley Joint Unified School District, in exchange for the foregoing financial settlement, must waive its right to file any further mandate claims arising from the Hughes Bill Statute and Regulations, or to benefit from any new Hughes Bill Statue and Regulations claims filed, unless the Hughes Bill Statute and Regulations change;

WHEREAS, if for some reason the settlement process is not completed, the Waiver will not take effect;

WHEREAS, the Governing Board of the Livermore Valley Joint Unified School District has reviewed the Notice to LEAs Re: Pending Settlement of the Behavioral Intervention Plans [Hughes Bill] Mandated Cost Claim and the required Waiver; and

WHEREAS, the Livermore Valley Joint Unified School District administrative staff, having reviewed the terms of the pending settlement, recommends that the Governing Board approve the settlement and agree to waive its rights to file mandated cost claims arising from the Hughes Bill Statute and Regulations in the future or to benefit from such claims unless the Hughes Bill Statute and Regulations change;

NOW THEREFORE, BE IT RESOLVED, the Governing Board of the Livermore Valley Joint Unified School District approves the terms of the pending settlement of the Behavioral Intervention Plans Mandated Cost Claim, agrees to waive its rights regarding claims as set forth in the attached Waiver, and authorizes the Superintendent to sign the required Waiver and to deliver it as requested by no later than February 28, 2009, and to complete any other administrative task necessary to effectuate this decision.