

SPECIAL BOARD MEETING: March 10, 2009

ATTENDANCE:

Board: Gary Eberhart, Dick Allen, Paul Strange, Sherry Whitmarsh, Linda Mayo (via teleconference from Arlington, Virginia)

Administrative Staff: Interim Superintendent Dick Nicoll; Associate Superintendent Alan Young; assistant superintendents Mildred Browne, Rose Lock, Gail Isserman, and Pete Pedersen, and General Counsel Greg Rolan

- 1. CALL TO ORDER:** President Eberhart called the meeting to order at 7:00 p.m. in the Board Room at the MDUSD Dent Center.

PUBLIC COMMENT: None

CLOSED SESSION: The Board adjourned to Closed Session at 7:01 p.m. in Room 6 at the Dent Center to discuss negotiations and public employee discipline/dismissal/release/ complaint.

Public Employee Discipline/Dismissal/Release/ Complaint

- Allen moved, Strange seconded, and the Board voted 5-0-0 to rescind the non-reelection and accept the resignation of certificated employee #25590.
- Strange moved, Whitmarsh seconded, and the Board voted 5-0-0 to approve staff's recommendation to move forward with the dismissal process in the case of certificated employee.#12210.

- 2. RECONVENE OPEN SESSION:** The Board returned to Open Session in the Board Room at the MDUSD Dent Center at 7:30 p.m. President Eberhart led the Pledge of Allegiance to the Flag and then reported the topics discussed in Closed Session.

3. CONSENT AGENDA

Allen moved, Strange seconded, and the Board voted 5-0-0 to adopt the Consent Agenda, thereby approving the following items:

3.1 Minutes of the meeting of February 10, 2009.

3.2 Certificated Personnel

3.2.1 Leaves of Absence, Resignations, Retirements, Employment

3.2.2 Resolution 08/09-57 Provisional Internship Permit (PIP) Request

Adopted Resolution 08/09-57, authorizing David Hobson to apply for a Provisional Internship Permit (PIP) in order to complete his assignment for the 2008-09 school year.

4. PUBLIC COMMENT

Board comment Eberhart said he knew many people had come to the meeting to advocate for high school athletics (one of the programs approved as a budget cut at the March 3 Board meeting) as he had received many e-mails. He wanted to provide a response to some of the statements before opening the floor to public comment.

- Athletic directors: Although the positions would not be funded, athletic directors are teachers who work in the position for only one period a day. The cuts would result in their teaching during that period rather than acting as an athletic director.
- "Pay for Play": Booster Clubs and other parents have been asking how they can support the program. A "Pay for Play" program is not legal in a public school district. However, Eberhart said, "We believe that a donation program can be entered into." Questions that must be addressed include how to assure gender equity and the participation of students who cannot afford to make a donation.
- Parcel tax: If the District's parcel tax passes and the state does not make more cuts to the budget in May, he said, "We will be able to add back things like athletics and music and librarians and psychologists and custodians and some of those positions that we've already had to cut before we got to the last round of cuts." He later added that "it is not true" that sports and music were added to the budget cut list as a tactic for passing the parcel tax.
- Decisions to make budget cuts made in secret: The Board has been considering and approving budget cuts for many months. The Board cut more 20 million dollars before getting to the place where athletic, music, and library programs had to be cut. Eberhart said, "The option to cut sports and music and many of these programs was on the cut list, and had been there for months. It was well known that every item on the cut list could be acted upon by the Board of Education at any time. All the cuts were recommended by the Superintendent and ratified by the Board at the last Board meeting."
- Cost accounting for athletics
Fiscal Services Director Bryan Richards distributed and reviewed a summary of the District budget for high school athletics for last year and this.

Year	Revenue generated by athletic programs	Expenditures	Difference
2007-08	\$299,717	\$1,065,289	(\$765,572)
2008-9 To Date	\$218,298	\$ 696,283	(\$521,887)

Eberhart said passage of the parcel tax is “critical” to the continuation of athletics, music, library and other programs and encouraged the public to help in that effort.

Public comment The following individuals spoke in support of high school athletics:

Coaches: Concord High football coach Brian Hamilton; Clayton Valley High athletic director Patt Middendorf; Sandy Malnick, coach in another district and retired CHS teacher

Parents: Mark Lloyd, Mike Mayo, Dana Foley, Colleen Chase (president, CHS Athletic Boosters Club), Teresa Chin, Jeff Adams, all of Concord High; Jim Koutoubinas, Jeff Garzella, Neil Crawford, all of College Park High

Student athletes: Ray Buford and Ricky Lloyd of Concord High; District graduate Kevin Kibble

Parent Dorothy Weisenberger said she and other parents are waiting to hear how they can help in the parcel tax campaign.

Board comment Board members individually expressed disappointment with the state budget and education funding, described the need for the parcel tax, and voiced support for athletics and for the suggestion from several speakers that a committee be established to look into funding options for high school athletics. Nicoll, responding to suggestions that the District increase the fees non-District groups pay to use District facilities, explained the Civic Center Act that allows some groups to use District facilities without or at a minimal charge and provided an historical perspective on cuts to education spending. He said the Board can make restoration of athletics a priority if the parcel tax passes.

5. COMMUNICATIONS

5.1 Organizations

Mike Noce, MDEA president, noted that he’s been a coach for 20 years. He said he’s heard that parents are willing to pay for athletics but believes they shouldn’t have to; rather, the state should do a better job of funding education. He invited the public to attend a rally in Walnut Creek on the following day to call attention to the cuts being made to public education. He also encouraged voters in the District to support the parcel tax.

6. BUSINESS

6.1 2008-2009 Second Interim Report

Fiscal Services Director Bryan Richards presented an overview of the Second Interim Report. He had presented a more detailed report at the March 3, 2009, Board meeting. An interim report presents revenue and expenditure projections to the end of the fiscal year and compares these projections to the District budget. Based on budget cuts approved by the Board through March 3, 2009, the multiyear projections indicate that the District will be able to meet its financial obligations in the 2009-10 and the 2010-11 fiscal years and end the 2010-11 fiscal year with an Unappropriated Ending Balance of \$233,337. Richards said the Superintendent could recommend that the Board of Education approve a positive certification.

Board action Strange moved, Allen seconded, and the Board voted 5-0-0 to approve the District’s Second Interim Report as a “positive certification.”

6.2 Resolution 08/09-56 to Decrease the Number of Certificated Employees Due to a Reduction in Particular Kinds of Service

Allen moved, Strange seconded, and the Board voted 5-0-0 to adopt Resolution 08/09-56, decreasing the number of certificated employees due to a reduction in particular kinds of service, as per Education Code Section 44955.

6.3 Resolution 08/09-59 Relative to Elimination of Classified Positions

Strange moved, Allen seconded, and the Board voted 5-0-0 to adopt Resolution 08/09-59, eliminating 16 classified positions in the Supervisory Unit due to program modifications and budgetary limitations.

6.4 Resolution 08/09-55 Stand Up for Schools Day of Action

Whitmarsh moved, Strange seconded, and the Board voted 5-0-0 to adopt Resolution 08/09-55, supporting Stand Up for Schools Day of Action, an event being held in Walnut Creek on March 11 to protest continued cuts to education funding and to call on the Governor to adequately fund public schools. The Mt. Diablo Education Association (MDEA) is among the event’s sponsors.

7. ADJOURNMENT

Eberhart adjourned the meeting at 9:25 p.m.