

Equity Proposal Overview

In January 2007, the Superintendent posed the question of “Should the District continue the practice of allowing schools to purchase enrichment staffing positions that exceed the enrichment allocations provided by the Board?” to the Board of Trustees. It quickly became clear that the answer to this question involves many related issues such as issues of equity, school funding sources, role of the foundation, and the value of enrichment to the District. These topics have been discussed for several months. The Board held several meetings to address these issues and has collected data. After having listened to community and staff input, researching various issues, and reviewing solution options that had been proposed, Board Members Annette Easton and Katherine White decided to collaborate on developing a proposed solution. The proposed solution incorporates suggestions from community and staff members, as well as recommendations made in the legal opinion from Stutz, Artiano, Shinoff & Holtz dated 2/23/07.

In summary, the proposal makes the following recommendations:

- The Board reaffirms that we value diversity among our schools
- The DMUSD will pay for all allocated teachers based on contractual obligations
- The Board will allow sites to purchase additional staff or resources through donations to enhance existing curricular programs.
- The Board will initiate a process to investigate ways to reallocate funds and resources by creating Board committees on budget and human resources
- The Board values donations from parents, PTAs, the DMSEF and other sources
- The Board values the DMSEF as our main fundraiser, bearing some conditions

Section 1: Reaffirmations

According to Superintendent Bishop, he was directed by the Board many years ago to let each school be different and develop their own "flavor".

Tonight, the Board is asked to reaffirm that direction.

Motion 1:

The Del Mar Union School District is committed to providing a high quality core curriculum at all sites. Further, the Board recognizes that each school site is different and values the uniqueness and diversity of each site in terms of implementing and integrating the core curriculum and extra-curricular programs. These attributes contribute to the high quality of education at each school in our District.

Rationale: By reaffirming this decision, Board direction related to this issue will be clarified for staff and the community.

Section 2: Funding for Curricular Programs - 2006/2007 School Year

Part 1 - Contractually Required Staffing

The Superintendent has negotiated and the prior Board approved a contract with our highly valued teaching staff. We wish to honor this contract. One part of the DMCTA Contract includes providing prep time during the instructional day. In order to provide teachers with prep time and maintain class sizes, the District has in place at each school additional certificated teachers to provide specialized instruction for some combination of art, music, science, technology and PE. The staffing requirement is based on the number of classes, resulting in a specific number of prep periods that must be covered at a school site. Therefore, based on current enrollment, the District must provide for the following staff at each site:

Ashley Falls - 4 teachers
Carmel Del Mar - 3.5 teachers
Del Mar Heights - 3.5 teachers
Del Mar Hills - 3 teachers
Sage Canyon - 5 teachers
Sycamore Ridge - 3 teachers
Torrey Hills - 6 teachers

Over the past several years, the District has staffed these positions, and funded them by establishing fundraising goals, through the DMSEF, at each site. The District required each site to reach its fundraising goal before any contribution could be made for additional staffing. The District, through the DMSEF, has set fundraising goals and objectives. Further, the District warned schools that ESC staff may not be provided if fundraising goals at a given site were not met.

Motion 2:

The Del Mar Union School District will fully fund from the General Fund the following teaching staff at each of the indicated school sites for the 2006/2007 school year for a total cost of \$2.183 million for these 28 teachers:

Ashley Falls - 4 teachers
Carmel Del Mar - 3.5 teachers
Del Mar Heights - 3.5 teachers
Del Mar Hills - 3 teachers
Sage Canyon - 5 teachers

Sycamore Ridge - 3 teachers
Torrey Hills - 6 teachers

Rationale: The concept of utilizing parent “contributions” towards a site goal in order to fund contractually obligated staffing is not acceptable. This is echoed in the legal opinion from Stutz, Artiano, Shinoff & Holtz dated 2/23/07. Consistent with Board Policy 3290 on Gifts, Grants and Bequests, this motion demonstrates the Board’s intent to meet the District’s obligations under the DMCTA contract, without relying on DMSEF contributions. The funding source for prep time staffing is the General Fund, effective immediately.

Part 2

A) Additional School Staff

Several school sites opted to procure additional staff to enhance their programs. The hiring of this staff across the school sites is currently as follows:

Ashley Falls – 1 (for PE)
CDM – ½ ESC position plus 12 hr a week PE position
Del Mar Heights (1/2 but used ESC aide position)
Del Mar Hills – 1 position
Sage Canyon – 0.65 PE position
Sycamore Ridge - none
Torrey Hills - none

These additional positions were requested by the individual sites to enhance their curricular programs. The District still anticipates that each site will cover its portion of the costs of this additional staff totaling \$172,000

B) 2006/2007 Budget Shortfall

Although the Board is committing the District to fully fund the contractual obligations of the DMCTA contract related to the cost of providing certificated enrichment teachers during prep time minutes, the Board acknowledges that this was not budgeted in the current year. The effect of this shortfall currently is an unfunded \$600,000 obligation.

Parents and donors in the Del Mar Union School District have consistently and generously contributed to valuable school programs, and we are hopeful that this generosity will continue in support of the District’s efforts to provide exceptional educational programs.

Motion 3:

The Del Mar Union School District respectfully requests each school site to contribute funds sufficient to cover the costs of the site-requested additional staffing as described above, totaling \$172,000. Further, the District is hopeful that donations will be offered to offset the \$600,000 cost of providing certificated enrichment teachers. The District will accept donations from the DMSEF, from the school PTAs, from parents, from corporations and from other non-profits to cover these costs for the 2006/2007 school year.

Section 3: Funding for Curricular Programs for Future School Years

The DMUSD budget should be developed to fully fund all required staffing obligations without relying on private donations. This is consistent with Board Policy 3290: Gifts, Grants and Bequests, specifically “the Board shall consider whether the gift begins a program, which the

Board would be unable to continue when the donated funds are exhausted. While we believe a thorough review of the budget is possible to help us achieve this goal, this will require careful and thorough analysis.

The Superintendent allocates staffing to sites for all job areas based on school size. Classroom teachers are allocated based on student enrollment and number of classes. ESC teachers are allocated on this same philosophy. Based on our contractual obligations with the teachers, the following allocations are recommended:

- Schools with less than 425 students – 3 additional certificated staff equivalents
- Schools of 425-525 students – 3.5 additional certificated staff equivalents
- Schools of 525-625 students – 4 additional certificated staff equivalents
- Schools of 625-725 students – 4.5 additional certificated staff equivalents
- Schools of 725-825 students – 5 additional certificated staff equivalents

The District recognizes its fiscal obligation to meet the requirements of the DMCTA contract and will fund all required staff from the District's General Fund, without the expectation of contributions to cover these expenses. Further, the Board now recognizes that, under the California Constitution, the District is prohibited from "charging" a fee for curricular programs.

Motion 4:

The Board directs the Superintendent to ensure that the DMUSD is in compliance with the California Constitution prohibiting charging a fee for any curricular program. The Superintendent will provide a report to the Board no later than the April 2007 Board meeting identifying all programs that are, or were not, in compliance and recommendations for any changes.

All DMUSD schools offer a California State Contents Standards-based curriculum that encompasses English Language Arts, Mathematics, History-Social Science, Physical Education, Science, and Visual and Performing Arts. The implementation of the curriculum may vary across school sites. The DMUSD is not required to have identical programs at each of the District's schools, as referenced in the Stutz, Artiano, Shinoff & Holtz legal opinion. School sites will be allowed to customize their use of the Enrichment program teachers to meet the goals of their site strategic plan.

If a school site wishes to enhance their curricular program, the Board will allow sites to raise funds for up to 2 additional certificated teacher equivalents. For example, these enhancements may be in the form of hiring an aide to assist with a program or hiring a certificated teacher to provide enhanced learning experiences.

Motion 5:

The Del Mar Union School District will fully fund positions at each school site to meet our contractual obligations for prep time according to the following allocations:

- Schools with less than 425 students – 3 additional certificated staff equivalents
- Schools of 425-525 students – 3.5 additional certificated staff equivalents
- Schools of 525-625 students – 4 additional certificated staff equivalents
- Schools of 625-725 students – 4.5 additional certificated staff equivalents
- Schools of 725-825 students – 5 additional certificated staff equivalents

School sites will be allowed to customize their use of the Enrichment program teachers to meet the goals of their Site Strategic Plan. School sites will be able to procure up to 2 additional certificated teacher equivalents to enhance their curricular programs.

Sites will be required to show ability to procure the funds for these additional employees. The goal is to have most, if not all, of these funds available before contracts are issued. The

Superintendent will develop a three year plan for the Board's approval to help sites reach this goal of shifting receipt of funding to a date prior to when contracts are issued, resulting in less risk to the District. Staff hired on these dollars (soft dollars) will remain temporary, on year to year contracts, subject to funding availability. The average cost of hiring additional staff will be computed annually and provided for Board review. These costs will include full funding of all benefits.

Based on our current "prediction" of enrollment at each school site, the District will be providing for 29 or 29.5 teachers over the 8 sites. The impact on the general fund will need to be addressed through a thorough and careful review of the budget.

When the DMUSD Board listened to parents, teachers and community members, we heard a clear message of the desire to have 4 specialist teachers per site in the areas of science, art, music and technology. Additionally there is a growing desire to have a PE specialist at each site. At this time, fully funding this level of staffing is not recommended due to the unknown impact on the District budget. However, because of this feedback, the District needs to seriously consider how to achieve this level of staffing. To address this concern, along with the already mentioned need to review the budget, the following committees will be created.

Section 4: Formation of Board Committees

The DMUSD has come through a period of intense growth. During this time the focus has been on maintaining quality of programs and building facilities for all students and employees. With the opening of Ocean Air, enrollment in DMUSD schools will stabilize and allow the District to focus on fine tuning and improving the quality of programs. According to the Davis Demographics Fall 2006/2007 Report, student enrollment from Fall 2006 through Fall 2013 is expected to increase by approximately 332 students. The report concludes that "...barring any unforeseen events, the DMUSD appear to have the required current and planned facilities to house the projected student population through 2013." With student enrollment stabilizing, the District focus now needs to turn toward the classroom and school programs. The Board has listened over the past months, and will continue to do so as the District works through a long term Strategic Planning process. Currently, it is clear that parents are requesting teachers at their sites to enrich curriculum for art, music, science, technology and PE. The District must look at all District assets and resources and determine whether they are properly allocated to ensure the quality and effectiveness of education in our District.

In conversations with the Superintendent regarding cost savings, the Superintendent suggested two potential options to help cover some of the costs of providing ESC staffing. These include:

1) As the District has shifted to using certificated staffing to cover the ESC curriculum, the District may have outgrown the historically-based position of ESC aide at most school sites. The District appreciates the dedication, experience and service that the ESC aides have brought to their schools, but due to the need for the District to fully fund the DMCTA contracted positions, it may be more fiscally prudent to direct that funding to cover the required certificated staffing in future years.

2) Based on preliminary enrollment estimates at all school sites, it is anticipated that the District will need to have one additional certificated ESC teacher to meet the prep time staffing requirements in FY 2007/08. It may be prudent to have any Teachers on Special Assignment be returned to the classroom to help cover the staffing needs for ESC.

Additionally the Superintendent indicated that he has asked all Directors to look at their budget for cost savings. The Board recognizes and appreciates these first steps. However the Board must take a more active role and will do that utilizing committees, as provided in Board Bylaw 9130. To that end we suggest creating two Board committees.

Part 1 - Board Budget Committee

The Board is forming a Board Committee on the Budget to propose reallocation of funds and resources so that we can cover the contractually obligated expenses.

Motion 6:

The Board of Trustees creates a Budget Committee of the Board chaired by Steven McDowell. Committee composition will be as follows:

- 1 Board Member serving as committee chair
- 1 Principal
- 1-3 Parents
- 1-3 Teachers (some long term and others new to District)
- 2 Classified staff (1 school site, 1 District administration)
- Assistant Superintendent of Business Services

Members of this committee must demonstrate fiscal expertise in dealing with large budgets. This committee will meet in accordance with state open meeting laws (public noticed and invited). This committee will solicit input from all District employees as well as parent and community members, including but not limited to anonymous and identified input. The Budget Committee Chair will recommend committee member appointments. Per Board Bylaw 9121, the committee members will be appointed by the Board President, subject to Board approval.

This committee will have access to all school sites, school District employees and budget related documentation. This committee will consider resources including but not limited to District vehicles, travel and retreats, staffing across the District including the District office departments as well as school sites. Addressing the budget shortfall through the usage of District reserves will be considered only as a last resort, in order to cover the unfunded obligation negotiated by the Superintendent in the DMCTA contract for prep time minutes and to put the District in compliance with the California Constitution requirement for a free public education. Further, the Board expects that careful consideration of the budget will not require the use of District reserves. This committee will report back to the Board with their first proposal by the May 2007 Board Meeting. This allows incorporation of some recommendations in the 07/08 budget adoption process in June 2007.

The Superintendent is directed to fully support the work of this committee. Further, upon the Board's approval of the committee's recommendations, the Superintendent is directed to facilitate its recommendations into the development of the 2007-2008 and 2008-2009 budget proposals.

Part 2 - Board Personnel Committee

To accomplish some of the required budgetary savings, it is necessary to assess the staff levels and positions in place at school sites and in the District office. In order to perform this assessment, the Board is forming a Personnel Committee specifically to examine the staffing levels, needs, job definitions and pay. The District has done some of this work over the past few years and the Board praises this effort. This committee will build on those prior activities. But now the focus needs to be on whether the District has proper and adequate staffing for a stable District and whether the District has the positions needed for this new phase of operation.

Motion 7:

The Del Mar Union School District creates a Personnel Committee of the Board chaired by Katherine White. Committee composition will be as follows:

- 1 Board Member serving as committee chair
- 1 Principal
- 1-3 Parents
- 1-3 Teachers (some long term and others new to District)
- 2 Classified staff (1 school site, 1 District administration)
- Director of Human Resources

Members of this committee must demonstrate expertise in human resources/personnel practices and policies. The committee will meet in accordance with state open meeting laws (public noticed and invited). The committee will need to consider job descriptions, market pay rates, and current needs versus current staffing. This committee will solicit input from all District employees as well as parent and community members, including but not limited to anonymous and identified input. The Personnel Committee Chair will recommend committee member appointments. Per Board Bylaw 9121, the committee members will be appointed by the Board President, subject to Board approval.

This committee will have access to all school sites, school District employees and job related information. This committee will not focus on individual performance or have any access to individual personnel files. This committee will work in conjunction with the Budget Committee and share findings. This committee will report back to the Board with their initial proposal (if applicable) in May 2007 and then work through 2007 for final proposals. The Personnel Committee chair will report to the Board at every regularly scheduled Board meeting.

The Superintendent is directed to fully support the work of this committee. Further, upon the Board's approval of the committee's recommendations, the Superintendent is directed to facilitate implementation of its recommendations.

Section 5: Donations

Part 1 - Sources of Donated Funds

The DMUSD, like many other districts in California, does not currently have the financial resources from state, local and federal funds to provide all of the programming desired. The District is fortunate to have individuals in the community who have donated their time, their money and other gifts to the District. This support is critical to District's success. The Board appreciates the support of these donors and applauds their focus on the students. The Board desires to continue accepting donations.

Currently, there are three major vehicles for donations; the DMSEF, school PTAs, and direct contributions to the school District. The District appreciates the donations made through each of these vehicles.

The DMSEF has worked diligently towards supporting programs in the DMUSD. Due to recommendations from legal counsel, a separate recommendation related to the DMSEF follows in Part 3.

School PTAs are uniquely positioned with direct access to parents. This all-volunteer organization is critical to the programs at each school site and provides support for the unique focus of each school. The mission of the PTAs is programming not fundraising. The DMUSD does not expect any funds from any PTAs, but will gladly accept donations from PTAs.

The Board recognizes that some donors may prefer to contribute directly to the DMUSD. The Board appreciates the support of all donors.

Motion 8:

The Del Mar Union School District will continue to accept funds from the DMSEF, site PTAs, and contributions from donors given directly to the District.

Part 2 - Restricted Donations

Education Code section 41032 gives a School Board the authority to accept a gift or bequest or to invest such gifts and to determine whether any conditions will be accepted as attached to the gift. DMUSD Board Policy 3290 reflects that authority as well.

Many fundraising activities across the District, whether run through a PTA or the DMSEF, are designed to raise funds for a specific purpose. The authority to accept a donation with restrictions lies solely with the Board. To ensure compliance with Education Code and to ensure that the Board will accept these funds with restrictions it is recommended that organizations obtain pre-approval from the Board that the funds will be accepted with restrictions.

Motion 9:

The Board reaffirms DMUSD Board Policy 3290 that provides the Board the sole authority to accept a gift or bequest or to invest such gifts and to determine whether any conditions will be accepted as attached to the gift. Staff is directed to bring all donations to the Board for approval. Donations should be clearly itemized including any restrictions placed on the donation. The Board recommends organizations obtain pre-approval for targeted fundraising campaigns or activities.

Part 3 - Del Mar Schools Education Foundation

The Board recognizes the value of the DMSEF to support the educational programs in the District. The Board desires to have a strong Foundation now and in the years ahead. The Board recognizes that the Foundation has experienced difficulties in the last year. The Board has listened to the history of the DMSEF and heard DMSEF Board Members express their desire for direction from the District in order to fund raise, to solve their community relations problems, and to provide input and direction so the DMSEF can prepare their strategic plan.

Factual Background - The DMUSD Board approved the formation of the DMSEF in 1999-2000. DMUSD Board Members worked on the conception and initial implementation of this non-profit. The Superintendent and Board Members have sat ex-officio on the DMSEF Board. The DMUSD funds the office space, some of the staff, many office resources, the DMSEF web site, computer and phone technology and support and hours of staff time to support this organization.

Legally, the DMUSD and the DMSEF are two separate entities. However, the relationship between the two entities has become so intertwined that it has become problematic. This poses a risk to the District.

The DMUSD Board does not wish to dictate strategy or policy for the Foundation. However, given the recommendations from the Stutz, Artiano, Shinoff & Holtz legal opinion, that relate to current and past practices of the DMUSD and the DMSEF, and the Board's desire to resolve the current conflict that surrounds the DMSEF, the Board must:

- Clearly define the DMUSD responsibilities and roles as separate and distinct from the responsibilities and roles of the DMSEF.
- Clearly define the criteria under which the DMUSD will continue endorse the foundation and to accept donations

Motion 10:

The Board adopts the following recommendations to clearly differentiate the DMUSD responsibilities and roles as separate and distinct from the responsibilities and roles of the DMSEF:

1. The DMUSD school Board will continue to elect one Board member to attend DMSEF meetings as the ex-officio DMUSD Trustee. The trustee shall act as the DMUSD representative. No other District staff or Board members will attend in any official capacity; as representing the District.
2. DMUSD staff will not recommend DMSEF policy or set a per pupil DMSEF donations goal at each site.
3. DMUSD staff will not create, sign, or cosign, DMSEF appeal letters.
4. DMUSD staff will provide quarterly billing for services provided to the DMSEF. These include, but are not limited to facilities' rent, office equipment, telephone and internet access, and web hosting. The District will calculate a market-based value on these services (whose basis will include other paying District tenants).
 - a. The DMUSD will waive the cost of these services to the DMSEF during the 2006/2007 and 2007/2008 school years, and the DMUSD school Board will annually revisit this pro bono expense.
 - b. The DMUSD will host the DMSEF web site, but will remove all DMSEF materials from the main District web site while maintaining links to the DMSEF web site from the District web site for the 2006/2007 school year and as long as the DMUSD endorses the DMSEF.
5. The DMUSD Board will continue to have the DMSEF report at regular School Board meetings, but the report will be given by the DMUSD Board Member elected to attend DMSEF meetings.
6. The DMUSD will not provide student data information to the DMSEF. This includes any home mailing information, phone numbers or use of the District phone system. This same prohibition prevents the District from providing information to the PTAs. This puts the District in compliance with current privacy laws. However, since the DMSEF provides valuable support to the District, the District will provide families with an option to "opt in" to DMSEF (and PTA) information in paperwork distributed and collected at the beginning of the school year.
7. No DMUSD employee will solicit for the DMSEF in any official capacity or be tasked with any assignments, jobs or goals related to the DMSEF. Nothing in this policy will prohibit DMUSD employees from choosing to participate in fundraising activities as they see fit.

Even with clearly differentiated roles and responsibilities, there will still be a relationship between the DMUSD and the DMSEF. The actions of each organization clearly influence the other. The DMSEF asked for an endorsement from the DMUSD as the District's primary fundraising vehicle. The DMUSD desires that the DMSEF succeed.

Motion 11:

The Board endorses the DMSEF as the primary fundraising vehicle for charitable contributions to the DMUSD subject to the following:

1. The DMSEF operates under widely accepted, philanthropic best practices (e.g. San Diego Foundation, Association of Fundraising Professionals.) Examples of this include:
 - a. Administrative fees are in line with other similar foundations
 - b. Unrestricted donations, (e.g. gala, unrestricted donations) can be charged overhead
 - c. Restricted donations (e.g. designated for a specific site or purpose) will not be subject to an overhead charge
 - d. Directors are not required to sign non-disclosure agreements
2. The DMSEF publishes quarterly, accurate financial statements for public review.
3. The DMSEF passes all internal and external independent audits on an annual basis
4. The DMSEF presents a 2-5 year strategic plan each Fall to the DMUSD Board, including a written report on how the last year's performance matched goals (tracking both parent and corporate donations).
5. The DMSEF shall revise their bylaws to remove all references and responsibilities to the DMUSD Superintendent (e.g. DMSEF Bylaws 6B Election of Officers)

The criteria will be evaluated by the DMUSD Board each August.