

To: Board of Trustees
From: Tom Bishop, Superintendent
Re: Motion #5 of Easton/White Equity Proposal
Date: March 26, 2007

At its March 7, 2007 continuation meeting of the February 28, 2007 Regular Board Meeting, the Board directed staff to meet with counsel Tina Dyer before March 29 and create option(s) for Board consideration and possible approval on March 29, 2007.

Staff has met with counsel Dyer and created three different policy options for Board consideration regarding whether or not the Board should allow sites to purchase 07/08 enrichment staffing that exceeds the regular 07/08 enrichment staffing that is assigned to each site.

Staff has read through the March 7, 2007 legal opinion (attached to this Board item) written by counsel Tina Dyer in which Dyer briefly discussed the credentials that are necessary for certificated employment, and how the type of credential impacts teacher seniority, types of employment contracts, and rights of re-employment for probationary, permanent, and temporary teachers. Dyer's legal opinion also informed the Board of the Board's need to know fiscal information about the next school year well in advance of March 15, and the rights of teachers to continuing employment. Dyer concluded her March 7, 2007 memo with a statement that "it is problematic to depend on "soft" or donated funds in order to fund certificated positions." Dyer's last sentence states, "Also because of the timeline for developing a district budget and the March 15 deadline for noticing employees who may be laid off, reliance on donations or "soft" money poses some risks for the district".

OPTION #1

Given the risks associated with allowing sites to fund enrichment positions above the normal District funded enrichment positions, the Board might determine that sites will not be allowed to purchase additional 07/08 enrichment positions. This option provides the most enrichment equity and the least risk. If this option was adopted, it seems likely that the PTA would raise funds in 07/08 for individual site PTA programs and the DMSEF would raise funds to help the District to pay for expenses associated with DMUSD programs (low class size, enrichment program, etc).

OPTION #2

A second option is to allow sites to purchase up to one additional enrichment position for the 07/08 school year; that the cost to purchase one full-time enrichment position for 07/08 be approved at \$68,000; that sites could purchase half time 07/08 enrichment positions for \$34,000 each; that sites have from April 1, 2007 until June 15, 2007 to raise the new funds to pay for the additional 07/08 enrichment positions; the fundraisers (the DMSEF, PTAs and/or individuals) have until 4 PM on June 15, 2007 to deposit the required amount with the DMUSD Business Department; this option is ONLY for the 07/08 school year and the Board will NOT allow sites

to purchase additional enrichment staffing beyond the 07/08 school year because it is harmful to enrichment equity and has long-term potential risk (as identified in the March 7, 2007 Dyer legal opinion).

OPTION #3

A third option for Board consideration is to use the second option (previous paragraph), and eliminate the final clause that states “this option is ONLY for the 07/08 school year and... March 7, 2007 Dyer legal opinion).”

Add the following language after eliminating the last clause which states “this option is ONLY for the 07/08 school year and...March 7, 2007 Dyer legal opinion)”. Staff suggests that the Board secure the services of a skilled facilitator to assist the following group arrive at a consensus agreement regarding the funding of the 08/09 enrichment program. The facilitator should be identified and approved by Board by April 26, 2007. An advisory committee composed of ten persons, will draw up the consensus agreement. It will include:

- 2 DMUSD Board members, selected by the Board
- 2 DMCTA members (teachers), selected by the DMCTA leadership
- 2 PTA Presidents, selected by current PTA Presidents
- 2 DMUSD Principal, selected by DMUSD Principals
- 2 DMSEF Board members, selected by DMSEF Board

District level staff will be available to provide information and expertise, as needed.

The deadline for this advisory committee to provide a unanimous recommendation will be August 30, 2007.

Some specific questions to be answered by the ten-member team may include:

- A. What is the recommended cost for sites to purchase 08/09 enrichment teachers? (\$72,000?)
- B. How many 08/09 enrichment positions can be purchased by a site? (One position? Two Positions?)
- C. What will be the deadline for fundraiser(s) to deposit 08/09 funds with the Business Department so that the Board is protected from risk? (For example, perhaps the deadline for deposit will be December 15, 2007? Or perhaps January 15, 2008?)
- D. Does the Board need to establish any additional policies or procedures to protect the District from risk?
- E. Which groups or individuals should be responsible for 08/09 fundraising that purchases additional enrichment staffing? Should one group do the fundraising? If the PTA does the fundraising, how will that impact the fundraising efforts of the DMSEF?

- F. Does the Board want to establish a policy that prohibits all fundraisers (PTA, DMSEF, and individuals) from establishing fundraising drives that will “Save an individual teacher’s job”?
- G. What additional policies need to be developed and adopted by the Board so that PTAs and the DMSEF fundraising efforts comply with the California Constitution?
- H. Other

On March 27, Director of Personnel/Facilities, Rodger Smith, completed a “Formula for Enrichment Teaching Positions”. Mr. Smith’s memo follows this item, and the formula in his memo will meet the needs of DMUSD students in the 2007/2008 school year.

***“Formula for Enrichment Teaching Positions”
is on the following two pages.***

March 27, 2007

To: Board Members
From: Rodger Smith
Through: Tom Bishop
Subject: Allocation Formula for Enrichment Teaching Positions

During the regular Board meeting on February 28, 2007, Board Member White expressed an interest in the development of a formula for the allocation of enrichment teaching positions to school sites. Following this narrative, you will find such a formula.

The formula below is based upon the following assumptions:

- Each site, regardless of enrollment, will be allocated no less than 3.0 full time equivalent (FTE) enrichment teaching positions.
- Allocations to sites will be made in increments of .5 FTE based upon the calculated number of preparation periods required by the number of teachers in grades one through three and grades four through six at each site.
- Among the enrichment teacher positions allocated to each site, one full time equivalent position will be a technology teacher who will be assigned to teach twelve sections only per week with the remaining portion of their assignment to be dedicated to staff training and other responsibilities related to hardware and software implementation and operation.
- The allocation of enrichment teaching positions to the sites will allow for no less than five instructional periods more than the minimum number required to meet preparation period requirements in order to provide for a degree of flexibility in developing and operating the enrichment schedule for each site.

**ALLOCATION FORMULA FOR
SITE ENRICHMENT TEACHING POSITIONS**

<u>Number of Preparation Periods Required</u>	<u>Allocation of Enrichment Teaching Positions in Full Time Equivalent</u>
0 – 55	3.0
56 – 67	3.5
67 – 79	4.0
80 – 91	4.5
92 – 103	5.0
104 – 115	5.5
116 – 127	6.0

Based upon the formula above and the preliminary staffing projection for classroom teaching positions at each site, the formula for allocation of enrichment teaching positions would generate the following allocations at each site for the 2007 – 2008 school year:

<u>School</u>	<u>Minimum Number of Required Prep Sections</u>	<u>Recommended Staffing (Full Time Equivalent)</u>	<u>Number of Excess Prep. Periods</u>
Ashley Falls	73	4	11
Carmel Del Mar	59	3.5	13
Del Mar Heights	55	3	5
Del Mar Hills	49	3	11
Ocean Air	60	3.5	13
Sage Canyon	96	5	12
Sycamore Ridge	48	3	12
Torrey Hills	78	4	6
Total	468	29	63