

**DEL MAR UNION SCHOOL DISTRICT
BOARD OF TRUSTEES
Del Mar Union School District
Conference Room
225 9th Street
Del Mar, CA 92014**

**NOTICE OF SPECIAL BOARD MEETING
BY THE BOARD OF TRUSTEES**

**Wednesday, February 20, 2008
10:30 a.m.**

Written notice is hereby given in accordance with Education Code Section 35144, Government Code 54956, and other applicable law that the following Special Board Meeting of the Board of Trustees, will be held on Wednesday, February 20, 2008 beginning at 10:30 a.m. at the Del Mar Union School District Office, Conference Room, 225 9th Street, Del Mar, CA 92014.

PLEASE NOTE: Any member of the public who wishes to address the board on an item on the agenda or on another topic which lies within the governing board's jurisdiction may do so, but must present a written request on the form provided. The President of the Board will call for speaker slips when the meeting is called to order. A member of the public who wishes to address the Board on such item is limited to three minutes unless such time limit is waived by a majority vote of the Board. The total amount of time to be allowed on any item is twenty minutes, unless the time limit is waived by a majority vote of the Board.

In accordance with the Brown Act, unless an item has been placed on the published agenda, there shall be no action taken. The Board may 1) acknowledge receipt of the information, 2) refer to staff for further study, 3) refer the matter to the next agenda.

In compliance with the Americans with Disabilities Act, if you need special assistance, disability-related modifications or accommodations, including auxiliary aids or services, in order to participate in the public meetings of the District's governing board, please contact the office of the District Superintendent at (858) 523-6198. Notification 72 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accommodation and accessibility to this meeting. Upon request, the District shall also make available this agenda and all other public records associated with this meeting in appropriate alternative formats for persons with a disability.

CALL TO ORDER - OPEN SESSION – 10:30 a.m.

BUSINESS TO BE TRANSACTED WILL BE LIMITED TO THE FOLLOWING:

A. APPROVAL OF THE AGENDA

Motion ____ *Second* ____ *Ayes* ____ *Nays* ____

B. PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

Time: _____

CALL TO ORDER – CLOSED SESSION

CLOSED SESSION AGENDA:

- C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (G.C. 54956.8)—PROPERTY: 225 9TH STREET, DEL MAR, CALIFORNIA 92014—AGENCY NEGOTIATORS: THOMAS F. BISHOP, SUPERINTENDENT/RODGER SMITH, DIRECTOR OF FACILITIES/PERSONNEL—NEGOTIATING PARTIES: DMUSD AND THE CITY OF DEL MAR—UNDER NEGOTIATION: SALE/LEASE TERMS BETWEEN THE CITY OF DEL MAR AND THE DMUSD.

- D. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (GOVERNMENT CODE SECTION 54956.9(B); NAME OF CASE: SIGNIFICANT EXPOSURE TO LITIGATION: TWO CASES.

- E. PUBLIC EMPLOYMENT APPOINTMENT/EMPLOYMENT: TITLE: ASSISTANT PRINCIPAL, SAGE CANYON SCHOOL (G.C. 54957)

ADJOURN TO OPEN SESSION

Time: _____

RECONVENE TO OPEN SESSION

OPEN SESSION AGENDA:

- F. REPORT OF ACTION TAKEN IN CLOSED SESSION

- G. BOARD APPROVAL, PART-TIME PRESCHOOL EXPANSION CLASS AND MOU BETWEEN DEL MAR UNION SCHOOL DISTRICT AND SOLANA BEACH SCHOOL DISTRICT

Motion _____ *Second* _____ *Ayes* _____ *Nayes* _____ *Abstain* _____

- H. BOARD APPROVAL OF RECOMMENDED PERSONNEL ACTIONS: EMPLOYMENT, RESIGNATIONS, RETIREMENTS, DISMISSALS, LEAVES OF ABSENCE, AND CHANGE OF STATUS

Motion _____ *Second* _____ *Ayes* _____ *Nayes* _____ *Abstain* _____

- I. BOARD APPROVAL, BOARD BYLAW 9140 BOARD REPRESENTATIVES and BOARD BYLAW 9320 MEETINGS AND NOTICES

Motion _____ *Second* _____ *Ayes* _____ *Nayes* _____ *Abstain* _____

- J. ADJOURNMENT OF SPECIAL BOARD MEETING OF FEBRUARY 20, 2008.

Time: _____ *p.m.* *Motion* _____ *Second* _____ *Ayes* _____ *Nays* _____ *Abstain* _____

February 11, 2008

To: Board of Trustees
From: Trish Snider
Through: Tom Bishop
Subject: Preschool Expansion Class
Del Mar/Solana Beach

The number of preschool students with special needs continues to skyrocket. Del Mar currently has the following:

Class A	10 students plus 4 typical students
Class B	10 students plus 4 typical students
Class C	10 students plus 4 typical students

Solana Beach currently has the following:

Class A	10 students plus 4 typical students
Class B	12 students plus 4 typical students

Across NCCSE the preschool classes are very full. In addition, it is very difficult to convince parents to put their 3-4-5-year olds on a bus to go far away to a program in Encinitas or Carlsbad.

Del Mar has 8 new students in various stages of an initial evaluation. The evaluation team anticipates that at least 6 of these will require a special day class placement.

Solana Beach also has three more incoming preschool students.

Because we must have room to serve these incoming preschool students, Solana Beach and Del Mar have collaborated in a proposal to split the cost of opening a 20 hour/week additional preschool class at Sycamore Ridge. Each district would have an equal number of placement options and would share equally in the costs.

The fiscal impact is estimated to be approximately \$45,000.00 as follows from March 1 through June 13, 2008:

Item G.

Teacher (Shelby Christman, returning from leave)	\$15,332.65
Instructional aides (3)	20,000.00
Furniture (preschool tables/chairs)	1,200.00
Laptop	1,500.00
Toys, materials, games	3,000.00
Instructional supplies	2,000.00
Beanbag chairs	160.00
Book/toy shelves	500.00
Miscellaneous (snack, music, health supplies)	<u>400.00</u>
	\$44,092.65

The total cost to Del Mar Union School District would be \$22,046.33 for start up and costs through June 2008 (see attached MOU). The need for this class in 2008-2009 would be determined as spring projections for incoming preschool students in Del Mar Union School District and Solana Beach Union School District is determined. Cardiff also has increased numbers and has queried Del Mar about the possibility of paying for space next year.

February 14, 2008

Memo to: Leslie Fausset, Superintendent, SBSB
Mary Ellen Nest, Director of Pupil Services, SBSB
Sandy Benson, Chief Fiscal Officer, SBSB

From: Thomas F. Bishop, Superintendent, DMUSD
Patricia H. Snider, Director of Pupil Services, DMUSD
Dena Whittington, Assistant Superintendent, Business
Services, DMUSD

Regarding: Memorandum of Understanding, funding for expansion preschool
located in Del Mar Union School District at Sycamore Ridge
School

This is to document the February 14, 2008 agreement between the Del Mar Union School District and Solana Beach School District under which Del Mar Union School District will open a ½ day preschool class to run from March 1, 2008 through the last day of school in June 2008. Solana Beach School District and Del Mar Union School District will each fund 50% of the estimated costs not to exceed \$22,100 for each school district. Each school district will have access to 50% of the seats available in this preschool class. The first payment from Solana Beach School District to Del Mar Union School District will be due April 1, 2008, and final payment June 1, 2008. Should this preschool class continue to be needed for the 2008-2009 school year, a new MOU will be developed between the two districts.

District Acceptance:

Signed this 20 day of February, 2008

By: _____
Title: Superintendent

By: _____
Title: Director of Pupil Services

By: _____
Title: Assistant Superintendent,
Business Services

District Acceptance:

Signed this 20 day of February, 2008

By: _____
Title: Superintendent

By: _____
Title: Director of Pupil Services

By: _____
Title: Chief Fiscal Officer

Date: February 14, 2008
To: Board Members
From: Rodger Smith
Through: Tom Bishop
Subject: Approval of Recommended Personnel Actions: Employment, Resignations, Dismissals, Leaves of Absences and Change of Status

CERTIFICATED

Name	Position	FTE	Location	Action	If New Hire, Position is Expansion or Replacement
Novell, Shelby	Teacher	0.572	Sycamore Ridge	Approve Rescinding of 57.2% of Unpaid Leave of Absence for Remainder of 2007/2008 School Year Effective 3/1/08	Expansion

February 20, 2008

To: Board Members
From: Tom Bishop
Subject: 2nd Reading and Board Approval, Board Bylaws 9140 and 9320

In the continuing review of *Section 9000 – Board Bylaws*, Board Bylaw 9140, Board Representatives; and Board Bylaw 9320, Meetings and Notices, are presented this evening for a second reading and Board approval. Board Bylaws 9140 and 9320 have been reviewed by legal counsel and suggested revisions are included herein. ***Additions to current policy are identified by language in bold italics, and ~~deletions to current policy are identified by strikethroughs.~~***

These Board Bylaws are presented this evening for Board approval with the revisions as presented.

RECOMMENDED: The Superintendent Recommends Approval of Board Bylaws as presented.

Item I.

DEL MAR UNION SCHOOL DISTRICT
Bylaws/Administrative Regulations of the Board

Board Bylaw 9140: BOARD REPRESENTATIVES

The Governing Board will designate a chief negotiator to represent it in negotiations with employee organizations. The Board itself will not negotiate with any employee organization directly.

The Board's role in the negotiation process shall be:

1. To assess, to the best of its ability, the needs of employees.
2. To set priorities for the total educational program in the best interests of students, the district, and the public in general.
3. To translate educational priorities and employee needs into a realistic budget.
4. To maintain the Board's position of authority and control as provided by law.

Other Representatives

The Board may appoint any of its members to serve on advisory committees or as representatives to other public agencies or organizations when the Board deems such appointment desirable.

Attendance of Board members at a meeting of other public agencies or organizations shall conform to the rules of the Brown Act.

Legal Reference:

EDUCATION CODE

4000-4014 County committees on school district organization

35020-35046 School district officers and agents (power of governing board to employ or appoint)

35160 Authority of governing boards

GOVERNMENT CODE

54952.2 Meetings

First Reading, Bylaws of the Governing Board 9000 Series

Adopted at the Regular Board Meeting on December 8, 1999 as BB 9110.7

Submitted for 1ST Reading by the Board of Trustees as BB 9140: September 27, 2005

BB 9140 Approved by the Board of Trustees: October 26, 2005

Presented with Revisions to the Board of Trustees for 2nd Reading and Board Approval: February 27, 2008

DEL MAR UNION SCHOOL DISTRICT
BYLAWS/ADMINISTRATIVE REGULATIONS OF THE BOARD

BOARD BYLAW 9320: MEETINGS AND NOTICES

The Governing Board recognizes that the district is a local public agency within the meaning of Ralph M. Brown Act. Consequently, the Board recognizes that it is subject to the open meetings provisions of this Act and shall adhere to all of the procedures and requirements set forth in the Act.

Meetings of the Board are conducted for the purpose of accomplishing district business.

All meetings of the Board, except closed sessions, shall be open to the public.

The Board shall adopt at its annual meeting in December a calendar specifying the date, time, and place of each regular meeting.

Regular Meetings

The Board shall hold at least one regular meeting every month.

Notice of Regular Meetings

At least 72 hours prior to the regular meeting, the agenda shall be posted at designated public locations.

A notice *and agenda* of each regular meeting shall be *mailed and emailed* to any person who requests it in writing *and otherwise as required by law*. ~~The mail and email notice shall be mailed at least one week prior to the meeting.~~ Requests are valid for one year from the date filed and must be renewed *yearly annually*.

PTA Presidents, DMSEF President and Executive Director, DMCTA President and other District leadership positions shall receive such email notices for the duration of their terms. Persons requesting notices shall pay an annual mailing a fee for mailing the Agenda and Agenda packet, which fee shall not exceed the cost of providing the service (Government Code 54954.1). The Governing Board shall determine the annual mailing fee, if applicable. Email notices shall be the preferred method of notification to individuals.

First Reading, Bylaws of the Governing Board 9000 Series

Adopted at the Regular Board Meeting on December 8, 1999

Submitted for 1st Reading by the Board of Trustees: September 27, 2005

Revisions to BB 9320 Approved by the Board of Trustees: October 26, 2005

Revisions to BB 9320 Approved by the Board of Trustees: December 13, 2006

Presented with Revisions to the Board of Trustees for 2nd Reading and Board Approval: February 27, 2008

~~*The Governing Board shall attempt paperless Board meetings. Notices, Agendas and Agenda packets shall be sent by email, unless the individual specifically requests transmittal by U.S. Mail and pays the applicable fee. Notices and materials shall be sent to Board members electronically unless otherwise instructed.*~~

Special Meetings

Special meetings of the Board may be called by the presiding officer or a majority of the members of the Board.

All Board members and the Superintendent shall be notified at least 24 hours prior to the special meeting. The notice shall contain the time, place, and the business to be transacted.

Notice of special meetings will be given to the local media and ~~property owners individuals~~ who have requested such notice in writing, ~~and/or email.~~ *otherwise and provided by law.*

An agenda shall be prepared and delivered with the notice to Board members. The notice and agenda shall be posted at least 24 hours prior to the meeting.

Only those items of business listed in the call for the special meeting shall be considered at the special meeting.

Emergency Special Meeting

The Board may hold a special meeting without complying with the 24 hour notice requirement in the case of an emergency situation *and as otherwise provided by law.* An emergency situation means:

1. A work stoppage or other activity which severely impairs public health, safety, or both, as determined by a majority of the members of the Board.
2. A crippling disaster which severely impairs public health, safety, or both, as determined by a majority of the members of the Board.

The President of the Board or designee shall give notice of the emergency special meeting to the local media by telephone one hour before the meeting. If telephone services are not functioning, the notice requirement of one hour is waived. As soon after the meeting as possible the Board shall notify the local media that the meeting was held, the purpose of the meeting, and any action taken by the Board.

First Reading, Bylaws of the Governing Board 9000 Series

Adopted at the Regular Board Meeting on December 8, 1999

Submitted for 1st Reading by the Board of Trustees: September 27, 2005

Revisions to BB 9320 Approved by the Board of Trustees: October 26, 2005

Revisions to BB 9320 Approved by the Board of Trustees: December 13, 2006

Presented with Revisions to the Board of Trustees for 2nd Reading and Board Approval: February 27, 2008

The minutes of the meeting, a list of persons the President or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at such meeting shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible (Government Code 54956.5).

Adjourned Meetings

A majority vote by the Board may adjourn any meeting to a later time and place which shall be specified in the order of adjournment. Within 24 hours after the meeting has been adjourned, a copy of the order of adjournment shall be posted at the site of the meeting.

If no members are present at any regular or adjourned regular meeting, the Secretary to the Board may declare the meeting adjourned and shall give notice in the same manner required for special meetings (Government Code 54955).

Annual Organizational Meeting

The Board shall hold an annual organizational meeting. The organizational meeting shall be held annually in December within the time limits prescribed by Education Code 35143.

At this meeting, the Board shall:

1. Elect a Board President, and Clerk of the Board from its members ***and appoint announce a Secretary to the Board.***
2. Develop a schedule of regular meetings for the year.
3. Designate Board representatives.
4. Authorize signatures.

Legal References on the following page.

First Reading, Bylaws of the Governing Board 9000 Series
Adopted at the Regular Board Meeting on December 8, 1999
Submitted for 1st Reading by the Board of Trustees: September 27, 2005
Revisions to BB 9320 Approved by the Board of Trustees: October 26, 2005
Revisions to BB 9320 Approved by the Board of Trustees: December 13, 2006
Presented with Revisions to the Board of Trustees for 2nd Reading and Board Approval: February 27, 2008

Legal Reference:

EDUCATION CODE

- 35140 *Time and place of meetings*
- 35143 *Annual organizational meeting, date, and notice*
- 35144 *Special meeting*
- 35145 *Public meetings*
- 35145.5 *Agenda; public participation; regulations*
- 35146 *Closed sessions*
- 35147 *Open meeting law exceptions and applications*

GOVERNMENT CODE

- 54950-54957.9 *Meetings, especially:*
- 54953 *Meetings to be open and public; attendance*
- 54953.2 *Compliance with Americans with Disabilities Act*
- 54954 *Time and place of regular meetings*
- 54954.1 *Mailed notices*
- 54954.2 *Agenda posting requirements, board actions*
- 54954.3 *Opportunity for public to speak*
- 54956 *Special meetings; call; notice*
- 54956.5 *Emergency meetings*
- 54957.5 *Agenda distribution*
- 54961 *Prohibition on use of certain facilities*

UNITED STATES CODE, TITLE 42

- 12101-12213 *Americans with Disabilities Act*
- CODE OF FEDERAL REGULATIONS, TITLE 28
- 35.160 *Effective communications*
- 36.303 *Auxiliary aids and services*

ATTORNEY GENERAL OPINIONS

- 84 *Ops.Cal.Atty.Gen. 181 (2001)*
- 84 *Ops.Cal.Atty.Gen. 30 (2001)*
- 79 *Ops.Cal.Atty.Gen. 69 (1996)*
- 78 *Ops.Cal.Atty.Gen. 327 (1995)*

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 1999

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies,, California Attorney General's Office, 2002

WEB SITES

CSBA: <http://www.csba.org>

California Attorney General's Office: <http://www.caag.state.ca.us>

First Reading, Bylaws of the Governing Board 9000 Series

Adopted at the Regular Board Meeting on December 8, 1999

Submitted for 1st Reading by the Board of Trustees: September 27, 2005

Revisions to BB 9320 Approved by the Board of Trustees: October 26, 2005

Revisions to BB 9320 Approved by the Board of Trustees: December 13, 2006

Presented with Revisions to the Board of Trustees for 2nd Reading and Board Approval: February 27, 2008