

**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 / BOARD WORKSHOP
BY THE BOARD OF TRUSTEES**

**Wednesday, May 14, 2008
10:00 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, Del Mar Union School District, will be held on Wednesday, May 14, 2008 beginning at 10:00 a.m. at the Del Mar Union School District, 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 which lies within the governing board's jurisdiction may do so, but must present a written request on the form provided, before 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 fifteen minutes, unless the time limit is waived by a majority vote of the Board. No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that Board members may briefly respond to statements made or questions posed by persons exercising their public testimony rights.

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, 10:00 a.m.

BUSINESS TO BE TRANSACTED WILL BE LIMITED TO THE FOLLOWING:

1. APPROVAL OF AGENDA

Motion ___ *Second* ___ *Ayes* ___ *Nays* ___

2. PUBLIC COMMENT

- 3. **BOARD WORKSHOP, 2008-09 PROPOSED GENERAL FUND BUDGET**
- 4. **SEARCH FIRM INTERVIEWS AND BOARD APPROVAL OF SEARCH FIRM TO SECURE A PERMANENT SUPERINTENDENT**

M____ S____ Aye____ Nay____

- 5. **BOARD APPROVAL, SUBSTITUTE FOR SPEECH/LANGUAGE PATHOLOGIST**

M____ S____ Aye____ Nay____

- 6. **BOARD APPROVAL, CONTRACT WITH JODIE K. SCHULLER AND ASSOCIATES FOR EMERGENCY SPEECH/LANGUAGE PROGRAM SUPPORT**

M____ S____ Aye____ Nay____

- 7. **BOARD DISCUSSION, CLARIFICATION ON ENROLLMENT PROCEDURES FOR THE DISTRICTWIDE SPANISH DISCOVERY PROGRAM AT DEL MAR HEIGHTS SCHOOL**

M____ S____ Aye____ Nay____

- 8. **BOARD APPROVAL, DATE FOR STUDENT LOTTERY, FIRST GRADE SPANISH DISCOVERY PROGRAM AT DEL MAR HEIGHTS SCHOOL**

M____ S____ Aye____ Nay____

- 9. **BOARD APPROVAL, RESOLUTION No. 2008-11 AUTHORIZING THE SALE OF REAL PROPERTY TO THE CITY OF DEL MAR, APPROVING A LEASE AGREEMENT WITH THE CITY OF DEL MAR, AND APPROVING AN ASSIGNMENT OF LEASE WITH THE CITY OF DEL MAR**

M____ S____ Aye____ Nay____

- 10. **ADJOURN TO CLOSED SESSION**

Time:_____

CALL TO ORDER – CLOSED SESSION

CLOSED SESSION AGENDA:

- 11. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** (G.C. 54956.8)- Property: 225 9th Street, Del Mar, California 92014—Agency Negotiators: Janet Bernard, Interim 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.

- 12. **Conference with Legal Counsel – Anticipated Litigation** (G.C. 54956.9(b)); Name of Case: Significant Exposure to Litigation: One case.

ADJOURN TO OPEN SESSION

Time:_____

RECONVENE TO OPEN SESSION

13. REPORT OF ACTION TAKEN IN CLOSED SESSION

14. ADJOURNMENT OF SPECIAL BOARD MEETING OF MAY 14, 2008

Time: _____ p.m.

Motion____Second____Ayes____Nays

May 14, 2008

To: Board Members
From: Dena Whittington, Assistant Supt., Business Services
Subject: 2008-09 Proposed General Fund Budget

The 2008-09 General Fund Budget continues to be developed as more information becomes available from the State. On May 19, 2008 the Governor of California will release the May Revise to his January Proposed 2008-09 Budget. Information included in the May Revise will affect the DMUSD Proposed Budget. In addition, the Board of Trustees may direct the administration to alter programs in the upcoming school year. Please see the enclosed binders for documents related to this agenda topic.

FISCAL IMPACT: Presentation of this report is for information only and does not affect revenues, expenses, or projected ending fund balances in the 2008-09 Budget. The 2008-09 Budget must be adopted by the Board of Trustees by June 30, 2008.

RECOMMENDED: No action required.

May 12, 2008

To: Board Members

From: Rodger Smith, Director of Personnel/Facilities

Through: Janet Bernard, Interim Superintendent

Subject: Search Firm Interviews and Board Approval of Selected Firm to Conduct a Search for a New Permanent Superintendent

During a previous meeting of the Board, a request was made to establish an opportunity for the Board to interview representatives of four firms that submitted proposals to conduct the search for the new permanent superintendent for the Del Mar Union School District. Pursuant to that request, interviews with representatives of the firms have been scheduled for this special meeting. The interviews will be conducted according to the following schedule:

- 12:30 Leadership Associates
- 1:15 California School Boards Association
- 2:00 Hazard, Young, Attea & Associates, Ltd.
- 2:45 The Cosca Group

For each interview, the firm's representatives will provide a brief presentation ten minutes in length followed by an opportunity for the Board to ask questions for twenty minutes.

Following the completion of the interviews, the Board will have an opportunity to discuss the relative merits of each of the firms. It is anticipated that, following this discussion, it is anticipated that the Board will recommend and approve a firm to conduct the superintendent search.

Assuming that a contract is awarded to conduct the search for a new superintendent prior to June 30, 2008, the fiscal impact of conducting this search will be:

FISCAL IMPACT: Revenue: This expenditure will be paid from unrestricted General Fund revenues.
 Expenditure: This expenditure was not budgeted in the 2007-2008 budget process.
 Fund Balance: This expenditure will be a negative impact of approximately \$25,000 to the Unrestricted General Fund Balance.

RECOMMENDED: The Interim Superintendent Recommends Approval of the Selected Firm to Conduct the Search for a New Permanent Superintendent for the Del Mar Union School District.

May 12, 2008

To: Board Members
From: Sheila Weinberg, Director of Pupil Services
Through: Janet Bernard, Interim Superintendent
Subject: Board Approval, Contract with Jodie K. Schuller and Associates for
Emergency Speech/Language Program Support

Due to a scarcity of speech pathologists, staff is requesting that a contract be established with Jodie K. Schuller and Associates, Language, Speech and Educational Services for emergency support to cover mandated tasks and responsibilities for the remainder of the 2007-2008 school year. Speech and language services must be provided to students as indicated on their IEPs and assessments. Also, IEP team meetings must be completed within the required timelines. By contracting with this agency, compliance with all education code mandates will be ensured when DMUSD staff is not available. Services will only be used as needed.

FISCAL IMPACT: Revenue: This item will be paid using Special Education and Unrestricted General Fund revenue included in the 07-08 Revised Budget at Second Interim.
Expenditure: The Special Education budget at 07-08 Second Interim has sufficient balance for this expenditure.
Fund Balance: There is no change to projected fund balance in the Restricted or Unrestricted General Fund.

RECOMMENDED: The Interim Superintendent recommends approval of contract with Jodie K. Schuller and Associates for substitute Speech/Language Program support.

5.0

May 12, 2008

To: Board Members
From: Sheila Weinberg, Director of Pupil Services
Through: Janet Bernard, Interim Superintendent
Subject: Substitute for Speech/Language Pathologist

One of our current speech language pathologists (SLP) has a medical condition necessitating a leave of absence for the remainder of the 2007-2008 school year. Due to the scarcity of speech pathologists, staff is requesting that the substitute days approved for retired Speech/Language Pathologist, Lynn Carlson, be increased by fifteen additional days to cover the responsibilities of this assignment.

FISCAL IMPACT: Revenue: This item will be paid using Special Education and Unrestricted General Fund revenue included in the 07-08 Revised Budget at Second Interim.
Expenditure: The Special Education budget at 07-08 Second Interim has sufficient balance for this expenditure.
Fund Balance: There is no change to projected fund balance in the Restricted or Unrestricted General Fund.

RECOMMENDED: The Interim Superintendent recommends approval of substitute coverage for the Speech/Language Pathologist.

6.0

May 13, 2008

To: Board Members

From: Sheila Weinberg, Director of Pupil Services

Through: Janet Bernard, Interim Superintendent

Subject: Clarification on Enrollment Procedures for the Districtwide Spanish Discovery Program at Del Mar Heights School.

The following information is being provided to the Board in order to clarify the enrollment procedures for the Districtwide Spanish Discovery Program being offered at Del Mar Heights for the 2008-2009 school year:

1. According to a report submitted to the Board of Education for the January 23, 2008 meeting, "Twenty of the Kindergarten *Spanish Discovery* slots will be open to students in the Hills/Heights attendance area and 20 spaces will be open to students from other district schools. At first grade, 20 Spanish Discovery slots will be open to students at Del Mar Heights. An additional twenty spaces will be open to students from other District schools. This will eliminate any impact on the enrollment at the Del Mar Hills Academy."
2. According to the audio recording of the Board of Education meeting of January 23, 2008, Item Number 7.2: "Board Approval 2008-2009 Spanish Discovery Program at Del Mar Heights School," then Superintendent Tom Bishop described the Districtwide class as being for twenty students and stated that, "there are twenty spaces for the other six schools."
3. Transfer procedures, as outlined in Administrative Regulations 5116.1, refer to allowing students from "all schools access to a special, Board approved program offered at only one school in the District..." This procedure does not differentiate between "Heights/Hills" and "other district schools."
4. As of May 13, 2008, the following registration forms have been received for the kindergarten programs:

Del Mar Heights/Hills Spanish Discovery Class:	44 registration forms
Districtwide Spanish Discovery Class:	10 registration forms*

*Students reside at schools other than Del Mar Heights or Del Mar Hills

In order to ensure that there is integrity in the lottery process and to maintain equity in the program, staff is recommending that the following steps be implemented:

A. DEL MAR HEIGHTS/HILLS SPANISH DISCOVERY CLASS

1. A lottery list of each eligible student for whom a registration form was completed for the Del Mar Heights/Hills Spanish Discovery Program will be maintained.
2. Each eligible student's name will be placed on a small sheet of paper, which will be folded and placed into a large receptacle.
3. All names of eligible students will randomly be drawn from the receptacle. As each name is drawn, the student will be assigned a number, in succession, beginning with number one, until all names are drawn. The order in which the names are drawn will also be recorded on the list of student names who registered for the program.
4. The first twenty names drawn will be contacted to confirm registration in the Del Mar Heights/Hills Spanish Discovery Program
5. If any of the twenty names drawn choose not to register in the program, confirmation calls will be placed to the next name(s) on the list, in the order in which they were randomly selected.

B. DISTRICT WIDE SPANISH DISCOVERY CLASS

Students who have registered to attend the Districtwide Program and do not live within the Hills/Heights boundary will be given first priority to enroll in the program. If the registration number from the schools outside of the Heights/Hills boundary exceeds the twenty available slots, the steps described under the Del Mar Heights/Hills Spanish Discovery Program **may** be followed pending Board direction.

1. If the registration number does not exceed twenty available slots, the remaining slots will be filled by those students residing within the Del Mar Heights/Hills boundaries, in the order in which the student's name was drawn in the random lottery for the Del Mar Heights/Hills Spanish Discovery class.

2. Calls will be placed to confirm registration in the Districtwide Spanish Discovery Program. If any of the twenty names choose not to register in the program, confirmation calls will be placed to the next name(s) on the lottery list, in the order in which they were randomly selected.

The Board needs to decide whether or not the Districtwide class should be open to students within the Del Mar Hills/Heights attendance area whose names are on the numbered lottery list and were not drawn for the Hills/Heights class. Currently neither Board policy nor past meeting discussions are clear on this procedure.

FISCAL IMPACT: None at this time.

RECOMMENDED: For information and Board direction on filling the vacant spaces in the Districtwide Spanish Discovery Class.

May 5, 2008

To: Board Members
From: Sheila Weinberg, Director of Pupil Services
Through: Janet Bernard, Interim Superintendent
Subject: Board Approval of Date for the Student Lottery – First Grade
2008-2009 Spanish Discovery Program at Del Mar Heights School

The First Grade Spanish Discovery Program at Del Mar Heights has forty allocated spaces. As of Monday, May 12, applications in excess of the 40 spaces have been received. Therefore, staff is requesting that a random unbiased lottery for the 2008-2009 First Grade Spanish Discovery Program be held on Friday, May 23, 2008. Conducting this lottery will greatly assist staff in finalizing the 2008-2009 first grade staffing for both the Del Mar Hills Academy and Del Mar Heights School.

FISCAL IMPACT: None

RECOMMENDED: Approval of date for the student lottery, First Grade, 2008-09 Spanish Discovery Program at Del Mar Heights School.

8.0

May 13, 2008

To: Board Members

From: Janet Bernard, Interim Superintendent

Subject: Board Approval, Resolution No. 2008-11 Authorizing the Sale of Real Property to the City of Del Mar, Approving a Lease Agreement with the City of Del Mar, and Approving an Assignment of Lease with the City of Del Mar

The Board's approval of Resolution No. 2008-11 authorizes the Board to take all of the action for approving the sale of the Del Mar Shores property, with the exception of the Memorandum of Understanding between The Winston School and the Del Mar Union School District.

FISCAL IMPACT: None.

RECOMMENDED: Interim Superintendent recommends the Board approve Resolution No. 2008-11 Authorizing the Sale of Real Property to the City of Del Mar, Approving a Lease Agreement with the City of Del Mar, and Approving an Assignment of Lease with the City of Del Mar.

9.0

RESOLUTION NO. 2008-11

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE
DEL MAR UNION SCHOOL DISTRICT AUTHORIZING
THE SALE OF REAL PROPERTY TO THE CITY OF DEL
MAR, APPROVING A LEASE AGREEMENT WITH THE
CITY OF DEL MAR, AND APPROVING AN ASSIGNMENT
OF LEASE WITH THE CITY OF DEL MAR**

WHEREAS, the Del Mar Union School District (“District”) is the owner of approximately 5.3 acres of real property, identified as Assessor Parcel Numbers 300-200-01, 300-200-22 and 300-200-23 located at 215 and 225 Ninth Street, Del Mar, California 92014 (“Property”); and

WHEREAS, the Property is currently zoned for “Public Facility” uses by the City; and

WHEREAS, the Board of Trustees (“Board”) on September 25, 2005, approved Resolution No. 2005-19 declaring the Property as surplus real property and authorized the Superintendent or the Superintendent’s designee to solicit offers on the Property from those entities set forth under Education Code Sections 17464(a) and (b); and

WHEREAS, the City of Del Mar (“City”) notified the District of the City’s interest in acquiring the Property and the City and District negotiated a Purchase and Sale Agreement and Escrow Instructions which was approved by the Board, effective July 31, 2007 (“Purchase Agreement”); and

WHEREAS, the City requested changes to the Purchase Agreement which would extend the close of escrow date and provide for the financing of a portion of the purchase price of the Property; and

WHEREAS, the District desires to sell and the City desires to purchase the Property on the terms set forth in the Purchase Agreement as amended by the Amendment to Purchase and Sale Agreement and Escrow Instructions Between the City of Del Mar and the Del Mar Union School District (“Amendment”); and

WHEREAS, if the District approves the Amendment, the City has agreed to lease a portion of the Property to the District for its administrative offices and other District uses; and

WHEREAS, if the City purchases the Property from the District, the District will need to assign to the City the Lease Agreement Between the Del Mar Union School District and the Winston School as amended on July 26, 2006 (“Winston Lease”); and

WHEREAS, the Board has determined that a sale of the Property to the City as set forth in the Purchase Agreement and Amendment and the concurrent lease of a portion of the Property from the City would be in the best interest of the District.

NOW, THEREFORE, THE BOARD DOES HEREBY DETERMINE, RESOLVE, AND ORDER AS FOLLOWS:

Section 1. The above recitals are true and correct.

Section 2. The Board hereby reaffirms that the Property is no longer required, nor will it be required in the foreseeable future, for classroom purposes.

Section 3. The Board hereby declares its intention to sell and approves the sale of the Property to the City upon the terms and conditions contained in the Purchase Agreement and Amendment, copies of which are available for review at the District office.

Section 4. The Board hereby approves the Lease Agreement Between City of Del Mar and Del Mar Union School District, May 15, 2008 through May 14, 2011, a copy of which is available for review at the District office.

Section 5. The Board hereby approves the Assignment of Lease between the District and the City, assigning the Winston Lease to the City.

Section 6. The Interim Superintendent, or the Interim Superintendent's designee, is authorized to take such action and execute such documents as may be necessary to fulfill the requirements of this Resolution and to close the escrow with the City as provided in the Purchase Agreement and Amendment. The Interim Superintendent is also authorized to provide notice to any prior owners of the Property. The Board recognizes, however, at this time that such notice cannot reasonably be given, as the District has not yet been able to identify a person or persons who would be considered the prior owner. As such, the Board hereby determines that, absent future information, notice cannot reasonably be given to the prior owner, or its successors or assigns.

APPROVED, ADOPTED, AND SIGNED this 14th day of May, 2008.

By: _____
Annette Easton, President of the Board of Trustees of the
Del Mar Union School District

ATTEST:

By: _____
Clerk of the Board of Trustees of the Del Mar Union
School District

STATE OF CALIFORNIA
)

COUNTY OF SAN DIEGO

) ss.
)

I, _____, Clerk of the Board of Trustees of the Del Mar Union School District, do hereby certify that the foregoing Resolution was duly adopted by the Board of Trustees of said District at a meeting of the Board of Trustees held on the 14th day of May, 2008, and that it was so adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

By: _____
Clerk of the Board of Trustees of the Del
Mar Union School District

