



# DEL MAR

## UNION SCHOOL DISTRICT

### Mission Statement

Supported by an involved community, an outstanding staff, and a shared vision for academic excellence, the Del Mar Union School District is committed to providing a rigorous, inspiring, and nurturing education program that is continually evolving to develop well-round individuals who embrace learning for life and who are prepared to meet the challenges of the future.

### We believe that...

- Every individual has worth
- Individuals deserve the opportunity to reach their potential
- Learning is a life-long process
- Everyone has the right to be safe
- Everyone can make a difference
- Individuals and communities have responsibilities to each other
- The uniqueness of individuals enriches the community

### We believe in...

- Honesty and integrity
  - Treating others with respect
  - The principles of Democracy
- [www.dmusd.org](http://www.dmusd.org)

### Board of Trustees

Dr. Annette Easton  
Steven McDowell  
Doug Perkins  
Comischell Rodriguez  
Katherine White



### Superintendent

Dr. Sharon McClain

# DEL MAR UNION SCHOOL DISTRICT

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

May 11, 2009

Del Mar Union School District

225 9<sup>th</sup> Street

Del Mar, CA 92014

Open Session: 12:00 p.m.

**Welcome to a Special Board meeting of the Board of Trustees of the Del Mar Union School District!**

### Public Inspection of Documents

In compliance with Government Code 54957.5, agenda-related documents that have been distributed to the Board less than 24 hours prior to the board meeting are available for inspection at the Del Mar Union School District, 225 9<sup>th</sup> St. Del Mar, CA 92014.

### Hearing of the Public

Persons wishing to address the Board on any item except personnel are invited to do so at this time. In the interest of time and order, presentations from the public are limited to 3 minutes per person, per topic. If you wish to speak, complete a card (located at the sign-in desk) and present it to the Secretary of the Board prior to the start of the meeting. When the Board President invites you to the podium, please state your name, address, and organization before making your presentation.

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; or (3) refer the matter to the next agenda.

### Closed Session

The Board will meet in Closed Session to consider qualified matters of litigation, employee negotiations, student discipline, employee grievances, personnel qualifications, or real estate negotiations.

### Cell Phones/Pagers

As a courtesy to all meeting attendees, please set cellular phones and pagers to silent mode and engage in conversations outside the meeting room.

### Assistance With Meeting

In compliance with the Americans With Disabilities Act and AB-3035, if you require special assistance to participate in this meeting, please contact the Superintendent at (858) 755-9301 at least 24 hours prior to the start of the meeting to enable the District to make reasonable arrangements.

**BUSINESS TO BE TRANSACTED WILL BE LIMITED TO THE FOLLOWING:**

**CALL TO ORDER**

**1.0 APPROVAL OF THE AGENDA**

\_\_\_\_\_/\_\_\_\_\_*Motion/Second*

**2.0 BOARD APPROVAL OF RESOLUTION 2009-07, "RESOLUTION AND DECISION NOT TO REEMPLOY CERTAIN CERTIFICATED EMPLOYEES FOR THE 2009-2010 SCHOOL YEAR"** 1-23

\_\_\_\_\_/\_\_\_\_\_*Motion/Second*

**3.0 BOARD APPROVAL OF REVISED JOB DESCRIPTION FOR DIRECTOR, CURRICULUM AND INSTRUCTION** 24-30

\_\_\_\_\_/\_\_\_\_\_*Motion/Second*

**4.0 BOARD APPROVAL OF REVISED JOB DESCRIPTION FOR DIRECTOR, HUMAN RESOURCES** 31-35

\_\_\_\_\_/\_\_\_\_\_*Motion/Second*

**5.0 FIRST READING OF REVISED JOB DESCRIPTION FOR COMPUTER REPAIR TECHNICIAN** 36-38

\_\_\_\_\_/\_\_\_\_\_*Motion/Second*

**6.0 SECOND READING/APPROVAL OF NEW POSITION JOB DESCRIPTION FOR SENIOR SYSTEMS ANALYST/PROGRAMMER** 39-43

\_\_\_\_\_/\_\_\_\_\_*Motion/Second*

**7.0 BOARD APPROVAL OF RECOMMENDED PERSONNEL ACTIONS: EMPLOYMENT, RESIGNATIONS, RETIREMENTS, DISMISSALS, LEAVES OF ABSENCE, AND CHANGE OF STATUS** 44-45

\_\_\_\_\_/\_\_\_\_\_*Motion/Second*

**8.0 ADJOURNMENT OF SPECIAL BOARD MEETING OF MAY 11, 2009**

\_\_\_\_\_/\_\_\_\_\_*Motion/Second*

\_\_\_\_\_Time

*Special Board Meeting of May 11, 2009*

May 8, 2009

To: Board Members  
From: Rodger Smith, Director of Human Resources and Facilities Planning  
Through: Sharon McClain, Superintendent  
Subject: Board Approval of Resolution 2009-07, "Resolution and Decision Not to Reemploy Certain Certificated Employees for the 2009-2010 School Year"

Subsequent to receipt of the proposed decision of the Administrative Law Judge regarding the layoff hearing that was conducted on April 24, 2009, and which upheld the District's layoff procedure, the Board will need to adopt Resolution 2009-07 to complete the layoff process. Resolution is hereby submitted for the Board's consideration.

Fiscal Impact: The layoff of eight teaching positions will result in a reduction of expenditures for 2009-2010 in excess of \$500,000.

Recommended: The Superintendent recommends Board approval of Resolution 2009-07, "Resolution and Decision Not to Reemploy Certain Certificated Employees for the 2009-2010 School Year."

2.0

*Special Board Meeting of May 11, 2009*

**BEFORE THE GOVERNING BOARD OF THE  
DEL MAR UNION SCHOOL DISTRICT  
COUNTY OF SAN DIEGO, STATE OF CALIFORNIA**

Resolution and Decision Not to Reemploy        )  
Certain Certificated Employees                    )  
for the 2009-2010 School Year                    )  
\_\_\_\_\_ )    )        Resolution No. 2009-07

WHEREAS, the Governing Board ("Board") of the Del Mar Union School District ("District") adopted a Resolution on February 25, 2009, authorizing and directing the Superintendent to initiate and pursue procedures necessary not to reemploy certificated employees of this District pursuant to Education Code sections 44949 and 44955, because of a reduction or discontinuance of particular kinds of services; and amended that resolution on April 1, 2009; and,

WHEREAS, the Superintendent duly and properly served notice on the affected employees prior to March 15, 2009, advising certain certificated employees that the Board did not intend to reemploy them, as provided in the Resolution and the notice, for the 2009-2010 school year; and,

WHEREAS, the affected employees were informed of their right to request a hearing as provided by law and the employee listed on Exhibit "A", attached hereto and incorporated herein, did not request a hearing; and,

WHEREAS, the affected employees listed in Exhibit "B", attached hereto and incorporated herein, were afforded a hearing as provided by law and are subject to the Proposed Decision issued by the Administrative Law Judge, on May 5, 2009.

NOW THEREFORE, BE IT RESOLVED and ORDERED that the Governing Board adopts the Proposed Decision of the Administrative Law Judge in OAH No. 2009020480, attached hereto and incorporated herein as Exhibit "C", as its own; and authorizes and directs the District Superintendent to sign and file a Decision with the Office of Administrative Hearings;

BE IT FURTHER RESOLVED that considering the certificated staff requirements of the Del Mar Union School District for the 2009-2010 school year, as well as the seniority and qualifications of each of the certificated employees of the District, it is necessary that the services of the employees listed on Exhibits "A" and "B" will not be required for the ensuing school year.

BE IT FURTHER RESOLVED that the District Superintendent is authorized and directed to give final notice to each affected certificated employee on Exhibits "A" and "B" that his or her services will not be required by the District for the ensuing 2009-2010 school year.

I CERTIFY that the above resolution was duly passed and adopted by the Governing Board of the Del Mar Union School District of San Diego County, California at an official and public meeting held on May \_\_\_\_\_, 2009, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

DATED: \_\_\_\_\_

GOVERNING BOARD OF THE DEL MAR  
UNION SCHOOL DISTRICT

By: \_\_\_\_\_  
President or Clerk

# EXHIBIT "A"

	<b>Last Name</b>	<b>First Name</b>
Ms.	Baker	Jennifer
Ms.	Griffith	Shayne

**EXHIBIT "B"**

	<b>Last Name</b>	<b>First Name</b>
Ms.	Camarillo	Marisa
Ms.	Grosso	Sarah
Ms.	Leeder	Ariella
Ms.	Lippe	Sarah
Ms.	Markarian	Lauren
Ms.	Roberts	Shawna

**EXHIBIT "C"**

**BEFORE THE GOVERNING BOARD OF THE  
DEL MAR UNION SCHOOL DISTRICT  
COUNTY OF SAN DIEGO, STATE OF CALIFORNIA**

In the Matter of the Accusation for )  
Lay-off of Certificated Employees of )  
the Del Mar Union School District ) OAH Case No. 2009020480  
\_\_\_\_\_ )

**DECISION**

The Attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Governing Board of the Del Mar Union School District as its own Decision in the above entitled matter.

This Decision shall become effective on May \_\_\_\_\_, 2009.

IT IS SO ORDERED.

DATED: May \_\_\_\_, 2009

GOVERNING BOARD OF THE DEL MAR  
UNION SCHOOL DISTRICT

By: \_\_\_\_\_  
President or Clerk



OFFICE OF ADMINISTRATIVE HEARINGS

State of California

GENERAL JURISDICTION DIVISION

1350 Front Street, Suite 6022, San Diego, CA 92101  
(619) 525-4475 phone / (619) 525-4419 fax  
www.oah.dgs.ca.gov

Department of General Services

May 5, 2009

Governing Board of the  
Del Mar Union School District  
Attn: Rodger Smith  
Assistant Superintendent,  
Human Resources  
225 Ninth Street  
Del Mar, CA 92014  
Via GSO Overnight 511792818

Re: In the Matter of the Teacher Layoff Hearing of Del Mar Union School District —  
File No. 2009020480

Dear Board Members:

Enclosed with this letter is the administrative law judge's proposed decision in the above-referenced case, one copy of the agency order of adoption, and Exhibits 1 through 12. Please return a copy of the order of adoption after the Board adopts its final Decision.

**The Governing Board must submit a copy of the proposed decision to all teachers who were respondents in the hearing, in accordance with Education Code section 44949.**

Very truly yours,

Office of Administrative Hearings

Enclosures

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Regional Offices

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**Sacramento**  
2349 Gateway Oaks Drive  
Suite 200  
Sacramento, CA 95833  
(916) 263-0550  
(916) 263-0554 fax

**Los Angeles**  
320 West Fourth Street  
Suite 630  
Los Angeles, CA 90013  
(213) 576-7200  
(213) 576-7244 fax

**Oakland**  
1515 Clay Street  
Suite 206  
Oakland, CA 94612  
(510) 622-2722  
(510) 622-2743 fax

**Laguna Hills**  
23046 Avenida De La Carlota  
Suite 750  
Laguna Hills, CA 92653  
(949) 598-5850  
(949) 598-5860 fax

**Van Nuys**  
15350 Sherman Way  
Suite 300  
Van Nuys, CA 91406  
(818) 904-2383  
(818) 904-2360 fax

BEFORE THE  
GOVERNNG BOARD OF THE  
DEL MAR UNION SCHOOL DISTRICT  
STATE OF CALIFORNIA

In the Matter of the Reduction if Force of the  
Respondents Listed on Exhibit "A"

OAH No. 2009020480

**DECISION**

The attached Proposed Decision of the Administrative Law Judge is hereby  
adopted by the Governing Board of the Del Mar Union School District as its Decision in the  
above-entitled matter.

This Decision shall become effective on \_\_\_\_\_.

IT IS SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
By: \_\_\_\_\_

BEFORE THE  
GOVERNING BOARD  
OF THE  
DEL MAR UNION SCHOOL DISTRICT  
STATE OF CALIFORNIA

In the Matter of the Reduction in Force  
(RIF) of Certain Certificated Teachers  
Employed by the Del Mar Union School  
District:

OAH No. 2009020480

Respondents.

**PROPOSED DECISION**

Stephen E. Hjelt, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter in San Diego, California on April 24, 2009.

William Wood Merrill, Attorney at Law, of Best, Best & Krieger, LLP, represented the Del Mar Union School District (District or DMUSD).

Fern M. Steiner, Esq. of Tosdal, Smith, Steiner & Wax represented respondent certificated employees of the Del Mar Union School District who received preliminary layoff notices as indicated in the record. She was assisted by Tim O'Neill of the California Teacher's Association.

The District has decided to reduce or discontinue certain educational services and has given respondents and other certificated employees of the District notice of its intent not to reemploy them for the 2009-2010 school year. Respondents requested a hearing for a determination of whether cause exists for not reemploying them for the 2009-2010 school year.

The matter was submitted on April 24, 2009, with the understanding that counsel for the parties, in addition to oral closing argument, could submit written argument as well as proposed findings by the close of business on April 27, 2009. Counsel for the District submitted a proposed finding and legal conclusion regarding respondent Sarah Lippe which was marked for identification as Exhibit 11.

Oral and documentary evidence, and evidence by way of stipulation, was presented and received. The case was submitted for decision on April 27, 2009.

## FACTUAL FINDINGS

### *The Del Mar Union School District*

1. The Del Mar Union School District is a basic aid school district serving the community of Del Mar in San Diego County. The District serves a diverse student community. Its educational facilities include 8 K-6 schools.
2. The District is governed by an elected five-member Board of Education (Board). Dr. Sharon McLain is the District Superintendent. She is supported by an administrative staff that includes Rodger Smith, Director of Human Resources and Facilities Planning. Smith testified at the administrative hearing on behalf of the District.

### *The Fiscal Crisis-Economic Layoffs*

3. Proposition 13 limited the imposition of property taxes and reduced a major source of assured revenue for funding public education in California. Since Proposition 13, public school districts have looked primarily to the State of California and to other governmental entities for funding.

A school district cannot determine the level of state funding it will receive until the state budget is chaptered, an event usually occurring in late June. Before then, a school district's governing board must take steps to make certain that ends meet if a worst-case financial scenario develops. California's current economic crisis has made budgeting problems far more complicated than they were before. Some prior years left districts sailing in stormy seas. This year's state and national financial crisis can only be described as a tsunami.

A school board's legal obligation to balance its budget often requires that some teachers, administrators and/or other certificated employees be given preliminary layoff notices, warning them that their services will not be required for the next school year. Under Education Code section 44949, preliminary layoff notices must be given to affected certificated employees no later than March 15.

The economic layoff statutes found in the Education Code generally require the retention of senior employees over more junior employees and the retention of permanent employees over probationary employees and other employees with less seniority. A public school district may deviate from the general rule requiring termination in reverse order of seniority only if it can demonstrate that identifiable junior employees possess a credential, special training or experience necessary to teach a course of study or to provide services which more senior employees do not possess.

The fiscal crisis that the state of California found itself in has created a ripple effect of chaos and dislocation throughout the state. This is particularly the case for school districts. At the time of the adoption of the layoff resolution in February 2009, all school districts in California were mindful of the State-wide budget crisis and its potential impact on State funding for schools at the level that was budgeted originally for the 2008-09 school year.

State law mandates that the District maintain a minimum reserve in its general fund. This District maintains a reserve that is larger than the minimum required by law. However, the reserve it maintains is consistent with the recommendations made to it by the State of California due to its status as a basic aid district.

#### *The District's Response*

4. In fall 2008, the District and its administrative personnel began to review the District's financial matters, staffing and enrollment. These meetings took place because the gathering state budget storm was clearly on the horizon. Eventually, these meetings produced a series of documents that reflected the anticipated District budget shortfall and various ways to meet that shortfall, including reductions in staffing and services.

5. Rodger Smith reported his findings to the Superintendent.

6. Based on the analysis provided by Mr. Smith and staff, the Superintendent in turn recommended a layoff resolution to the Board for adoption. The "Notice to the Board of Recommendation to Reduce and/or Eliminate Services for the 2009-2010 School Year Pursuant to Education Code Sections 44949 and 44955" set forth the particular kinds of services that were identified to be reduced or eliminated.

7. On February 25, 2009, the Board adopted Resolution No. 2009-03 recommending a reduction or discontinuance of particular kinds of services provided by the District for the 2009-2010 school year. The Board's adoption of Resolution No. 2009-03 set forth a list of the particular kinds of services being reduced and was based on the welfare of the schools and their students.

8. Resolution No. 2009-03 provided:

**BEFORE THE GOVERNING BOARD OF THE  
DEL MAR UNION SCHOOL DISTRICT  
COUNTY OF SAN DIEGO, STATE OF CALIFORNIA**

Reducing and Eliminating Certain	)	
Certificated Services for the 2009-2010	)	Resolution No. 2009-03
school year.	)	

- A. The District Superintendent has recommended to this Board that those programs and services performed by certificated employees and shown in Exhibit "A" attached hereto and incorporated herein by reference be reduced and eliminated, effective at the end of the 2008-2009 school year.
- B. The Board finds it is in the best interests of the District to reduce and eliminate the programs and services shown in Exhibit "A", effective at the end of the 2008-2009 school year.

**NOW, THEREFORE, THE BOARD RESOLVES THAT:**

1. The above recitals are true and correct.
2. The programs and services described in Exhibit "A" attached to this Resolution are reduced and eliminated, starting with the 2009-2010 school year in accordance with the recommendations of the Superintendent.

3. The Superintendent is directed to determine which employees' services will not be required for the 2009-2010 school year as a result of this reduction and elimination in programs and services and to take all steps necessary under the law not to employ those certificated employees of the District because of the reduction and elimination of these programs and services.

**I CERTIFY** that the above resolution was duly passed and adopted by the Governing Board of the Del Mar Union School District of San Diego County, California, at an official and public meeting thereof held on February 25, 2009, by the following vote:

**AYES:** \_\_\_\_\_

**NOES:** \_\_\_\_\_

**ABSTENTIONS:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

**DATED:** February 25, 2009

**GOVERNING BOARD OF THE  
DEL MAR UNION SCHOOL  
DISTRICT**

By \_\_\_\_\_

**Katherine White, President**

**EXHIBIT "A"**  
**RESOLUTION 2009-03, REDUCING AND ELIMINATING**  
**CERTAIN CERTIFICATED SERVICES FOR THE**  
**2009-2010 SCHOOL YEAR**

**The services to be reduced and/or eliminated are:**

<u>Services</u>	<u>FTE Reduction</u>
Music Teaching	8.0
Art Teaching	8.0
Science Teaching	3.0
Physical Education Teaching	4.0
Technology Teaching	3.0
Drama Teaching	.5
Math/Technology Teaching	1.0
Spanish Teaching	.5
BTSA Support Provider	1.0
Grades K-6 Teaching	15.0
Total FTE Reduction	44.0

9. On February 25, 2009, the Board adopted what is commonly referred to as a "tie breaker Resolution," Resolution No. 2009-02. The Resolution provided:

**BEFORE THE GOVERNING BOARD OF THE  
DEL MAR UNION SCHOOL DISTRICT  
COUNTY OF SAN DIEGO, STATE OF CALIFORNIA  
RESOLUTION NO. 2009-02**

**DETERMINATION OF SENIORITY AMONG CERTIFICATED  
EMPLOYEES WITH THE SAME SENIORITY DATE (Tie-Breaker  
Resolution)**

**WHEREAS**, pursuant to Education Code Section 44955, the Board is required, as between employees who first rendered paid service to the District on the same date, to determine the order of termination solely on the basis of the needs of the District and its students; and

**WHEREAS**, Education Code Section 44955 requires that upon the request of any employee whose order of termination is determined as stated above, the governing board shall furnish in writing no later than five days prior to the commencement of the hearing held in accordance with Section 44949, a statement of the specific criteria used in determining the order of termination and the application of the criteria in ranking each employee relative to the other employees in the group.

**NOW THEREFORE, BE IT RESOLVED**, as follows:

1. That this Board determines that the needs of the District and the students of this District are best served by resolving seniority ties within the meaning of Education Code Sections 44955, subdivision (b) (third paragraph) and Section 44846, by applying the criteria set forth below;
2. That as between employees who first rendered paid service to the district in a probationary position on the same date, the order of termination of said employees shall be determined by reference to the criteria which follow and the application thereof to each employee;
3. That the criteria set forth in paragraph 3 (a) through 3 (j) below are listed in priority order and each criterion shall be used only if the preceding criteria do not delineate the order of termination;
  - (a) Possession of a currently valid California clear multiple subject credential (or equivalent, if any, under previous provisions of law).
  - (b) Possession of a valid Cross-cultural Language and Academic Development (CLAD) Emphasis or Certificate, English Language Learner Authorization, Specially Designed Academic Instruction in English (SDAIE), California Teacher of English Certificate (CTEL), Bilingual Cross-cultural Language and Academic Development (BCLAD) or Bilingual Certificate of Competence (or their equivalent, if any, under

previous provisions of law or other document permitting the instruction of English Language Learners)

- (c) The broader scope of services, as defined by additional credentials or supplementary authorizations, as the case may be. Possession of a single subject credential will be regarded as equivalent for purposes of application of this criterion.
- (d) Possession of a valid master's degree.
- (e) Earlier date of issuance of a professional clear credential (or equivalent, if any, under previous provisions of law).
- (f) Earlier date of awarding of master's degree.
- (g) Greater number of semester units of education above a bachelor's degree.
- (h) Earlier date of issuance of preliminary credential.
- (i) Greater number of years of paid certificated service in the District.
- (j) Greater number of years of paid certificated service outside the District.
- (k) Greater number of years of paid classified service in the District.
- (l) Random drawing by lot.

Each criteria shall be applied to rank the order of individuals for purposes of layoff and reemployment, subject to exceptions allowed by law;

The Governing Board of the Del Mar Union School District adopted the foregoing Resolution on the 25<sup>th</sup> day of February, 2009 by the following vote:

White	AYES;	5 Members Easton, McDowell, Perkins, Rodriguez, and
	NOES:	0
	ABSENT:	0
		Katherine White President, Governing Board of the Del Mar Union School District

10. On or before March 15, 2009, each certificated employee who is party to this proceeding was given a letter and notice that the Board had recommended that his or her services with the District would be terminated at the conclusion of the current school year.

A copy of the sample preliminary layoff notice, which recited the services to be reduced from the layoff resolution, as well as the fact that the employee was entitled to request a hearing to determine whether there was legally justified cause for not reemploying the employee for the ensuing 2009-2010 school year, is in evidence.

The preliminary layoff notice supplied by the District was proper, appropriate, and duly served on each certificated employee who is a party to this proceeding. An accurate summary of all certificated employees that were served notice, along with whether or not they requested a hearing, is contained in the evidence received at the hearing.

An Accusation packet was thereafter served on the certificated employees who requested a hearing and most of the employees receiving an Accusation package filed a Notice of Defense. All employees receiving an Accusation package were duly served with a Notice of Hearing, advising them of the date, time and place of the layoff hearing.

11. The District and its staff continued to monitor the financial condition of the District and determined that it would be possible to retain a substantial number of the teachers who were originally identified for layoff. On April 15, 2009, the Governing Board of the District adopted a "Resolution to Amend Resolution Reducing and Eliminating Certain Certificated Programs and Services for the 2009-2010 School Year." The Resolution, No. 2009-04, reduced the number of FTEs subject to the layoff procedure.

12. Mr. Smith, with the assistance of the Human Resources Department staff, in turn, applied the tie-breaker criteria to the certificated employees in this proceeding. Exhibit 2 constitutes the District's implementation of the tie-breaker resolution that was prepared by Mr. Smith and his staff.

#### *The Administrative Hearing*

13. On April 24, 2009, the record in the administrative hearing was opened. Jurisdictional documents were presented. The District presented an opening statement. A written stipulation regarding the District's exhibits was received into evidence. (Exhibit 7.) The District called as its witness Mr. Smith. Smith presented sworn testimony and documentary evidence and was cross-examined regarding the various exhibits and the reasons behind their adoption and preparation. Prior to the respondent's attorney calling witnesses there was a break in the proceedings so that respondents could meet with their attorney to review the exhibits. Respondent's attorney then presented exhibits and called two witness.

14. At the conclusion of the administrative hearing, it was agreed that in addition to oral closing argument, counsel would be provided the opportunity to submit written argument and/or proposed findings to the Office of Administrative Hearings with respect to this matter by the close of business on April 27, 2009. The District submitted a proposed finding and legal conclusion regarding Ms. Lippe. Respondent did not.

*The Particular Kinds of Services*

15. The services identified by the Board for reduction or elimination in the layoff resolution are particular kinds of services that could properly be reduced and discontinued. The reduction and elimination of those services was neither arbitrary nor capricious, and the reduction or elimination of those services constituted a matter well within the proper exercise of the Board's discretion. The layoff related to the welfare of the district, the schools, and the students. No services were reduced below levels required by federal and state law.

*The District's Layoff Procedure*

16. The Board's amended resolution called for the elimination or reduction of substantially fewer FTEs in particular kinds of services than originally proposed. Using the Board's resolution and the District's seniority list, the District's staff first identified certificated employees who were not returning for the following 2009-2010 school year. The District staff then identified those employees by credential to determine whether the amount of particular kinds of services to be reduced could first be obtained by offsetting the number of layoffs by those employees who were not returning.

17. The District's staff then created a lengthy worksheet to track those certificated employees by seniority to determine the remaining employees to be laid off, as well as those who had so-called "bumping" rights or who could be "skipped" from layoff. For those employees who provided the particular kinds of services identified in the resolution, the District determined if the employee could "bump" a more junior employee by providing a particular kind of service that the more senior employee was credentialed and competent to provide. The Board's tie-breaking criteria established a method by which employees having the same seniority date could be ranked for layoff purposes. Through the tedious step-by-step elimination process, the District correctly determined which certificated employees should receive preliminary layoff notices. This tracking is reflected in the evidence.

18. The District served preliminary layoff notices and Accusation packages on a number of certificated employees in order to reach the FTEs identified in the layoff resolution.

19. No permanent or probationary employee with less seniority will be retained to render a service any respondent is certificated and competent to provide.

20. Respondent Sarah Lippe is an employee with a seniority date of August 24, 2005. She is currently assigned as a 50% FTE art teacher. For the 2005-2006 and 2006-2007 school years, she was a full-time teacher. At the beginning of the 2007-2008 school year, and continuing to the present, she voluntarily accepted a 50% part time art position at Ocean Air School, health benefits not included. This was not a "job share" position, and she was not granted a leave of absence for the balance of a full-time assignment. The evidence shows that Sarah Lippe is a .50 FTE and that she did not retain her full-time service status. At the hearing, Sarah Lippe contended that her prior full-time service entitled her to be retained over a junior full time employee.

21. The part-time position to which Ms. Lippe is assigned has been discontinued. Sarah Lippe does not have the right to force the District to divide a full-time position to accommodate her part-time employment. No part-time junior employee is being retained in a position for which Ms. Lippe holds the required credential. Therefore, the District may lay off Sarah Lippe.

## LEGAL CONCLUSIONS

1. Jurisdiction in this matter exists under Education Code sections 44949 and 44955. All notice and jurisdictional requirements set forth in Education Code sections 44944 and 44945 were met as to those respondent certificated employees identified herein.

2. The measure by which a school board's actions is to be judged is set forth in language in *Campbell Elementary Teachers Association v. Abbott* (1978) 76 Cal. App. 3d 796 at page 808. The court wrote:

“In determining whether the decision of a school board is reasonable as distinguished from fraudulent, arbitrary, or capricious, its action is measured by the standard set forth by reason and reasonable people, bearing in mind that such a standard may permit a difference of opinion on the same subject. The record reveals that the board resolution of March 13, 1975, was not an arbitrary decision arrived at through the exercise of mere caprice, but rather was a decision supported by a fair and substantial reason. It is true that the governing board hoped that when its final budget was adopted it would not be necessary to terminate all of the enumerated services. Although the governing board wanted to keep as many certificated employees as possible, the school district was facing financial uncertainties, and the board acted in an attempt to allow the district maximum flexibility in determining staffing for the ensuing school year in light of both available resources and needs.”

3. A school board's decision to reduce or discontinue particular kinds of services (PKS) need not be tied to any statistical computation, such as a reduction in the number of students. The number of terminations through PKS reductions depends totally upon the decision about how many services to reduce. A board may consider the school district's economic circumstances in making the determination to eliminate particular kinds of services. (*San Jose Teachers Association v. Allen* (1983) 144 Cal. App. 3d 627.)

A school board may “reduce services” by eliminating certain types of services or by reducing the number of district employees providing such services. The decision to reduce or discontinue a particular kind of service is not unfair or improper simply because a school board made a decision it was empowered to make. (*Rutherford v. Board of Trustees of Bellflower Unified School District* (1976) 64 Cal. App. 3d 167.)

4. Education Code section 44955, subdivisions (b) and (c), sets forth a general rule requiring school districts to retain senior employees over more junior employees and to retain

permanent employees over temporary employees. Any exception to this general rule must be based on statute. For employees hired on the same date, Education Code section 44955, subdivision (d) provides:

“(d) Notwithstanding subdivision (b), a school district may deviate from terminating a certificated employee in order of seniority for either of the following reasons:

(1) The district demonstrates a specific need for personnel to teach a specific course or course of study, or to provide services authorized by a services credential with a specialization in either pupil personnel services or health for a school nurse, and that the certificated employee has special training and experience necessary to teach that course or course of study or to provide those services, which others with more seniority do not possess.

(2) For purposes of maintaining or achieving compliance with constitutional requirements related to equal protection of the laws.”

Under subdivision (d)(1), the District may skip a junior teacher being retained for specified reasons. (*Bledsoe v. Biggs Unified School District* (2008) 170 Cal. App. 4<sup>th</sup> 127, 131.) Sufficient authorization is provided to skip Woodward (No. 110) and Nee (No. 96) from layoff based upon their training and experience related to their assignment at the District’s SSA.

5. Seniority determines the order of dismissals; between employees with the same first date of paid service, the order of termination is determined on the “basis of the needs of the district and its students.” Senior employees are given “bumping” rights and will not be terminated if junior employees are being retained to render services which the more senior employee is certificated and competent to render. (*Alexander v. Board of Trustees* (1983) 139 Cal. App. 3d 567.)

A senior teacher whose position is discontinued has the right to transfer to a continuing position which he or she is certificated and competent to fill. In doing so, the senior employee may displace or “bump” a junior employee who holds that position (*Lacy v. Richmond Unified School District* (1975) 13 Cal. 3d 469.)

6. As a result of the District’s lawful reduction of particular kinds of services, cause exists under Education Code section 44955 for the District to give notice to all respondents listed on Attachment A to this Proposed Decision who were previously served with preliminary layoff notices that their employment will be terminated at the close of the current school years and that their services will not be needed for the 2009-2010 school year.

7. With specific reference to Sarah Lippe, a senior certificated employee whose part-time position is being discontinued does not have the right to force the District to divide the full-time position of a less senior certificated employee. (*Hildebrandt v. St. Helena Unified School District* (2009) 172 Cal. App. 4<sup>th</sup> 334.)

A part-time senior certificated employee does not have the right to bump into a full-time assignment occupied by a junior certificated employee. (*Hildebrandt*, supra, 342-343).

8. The Factual Findings and the Legal Conclusions in this case are not a referendum on the wisdom of the choices made by the Del Mar Union School District. There may well be many better choices. However, this is not the forum to determine "better choices." This is the forum to determine whether the District has identified appropriate particular kinds of services for reductions and discontinuances, and whether the District had established a valid method for deviating from strict application of seniority in deciding who to layoff. On the basis of the evidence presented, the District has met its burden. The reality, as all well know, is that conditions may change and some or all of the final decisions made by the District as a result of this Proposed Decision may change.

9. Teacher layoff hearings occur irregularly in California. Often years pass with no reduction in force (RIF) ever being filed by a school district or heard by the Office of Administrative Hearings. However, due to the way education in California is presently funded, school districts and their teachers are always a blip in the economy away from the draconian measures required by the Education Code. The school year 2008/2009 was very harsh and difficult for many Districts and teachers. The current year is beyond nightmarish. The reasons for the continued existence of the current inefficient and wasteful system are beyond the scope of this hearing. However, to the District and its teachers, the dislocation, anxiety and uncertainty create a climate that can be corrosive and cause wounds that can take years to heal.

10. Are the actions of this District arbitrary in this layoff proceeding? Of course they are. They are arbitrary in the same way that two competent surgeons might argue about the relative wisdom of an amputation. One might feel that an above-the-knee amputation was best. The other might opt for a below-the-knee procedure. The disagreement is not over the need for the operation, but over the exact method. The reference to amputation is not made casually. These layoffs are like an amputation. They are painful and traumatic and change the District in so many different ways. Although the District's actions are arbitrary, they are not "arbitrary or capricious" as this legal term of art is defined.

11. None of the proposed layoffs will reduce services below state mandated levels. This is not to say that the layoffs, if ultimately implemented, will result in the optimum delivery of services. These layoffs are simply the best that the District could do under extremely difficult and unpleasant circumstances. They reflect a reasonable decision making process. They are certainly not the only way to reduce a budget deficit nor do they necessarily represent the best way to reduce a deficit and continue to supply the best quality public education possible.

12. These decisions by a Board are particularly susceptible to second guessing because they represent choices between various competing versions of "bad." The choices here are between competing unpleasant scenarios in non-optimum circumstances. These aren't choices between good and bad. These are choices made in an uncertain situation with many variables in the equation and one overriding concern-where can we cut the budget deficit and do

the least amount of damage. This is, after all, the pragmatic issue the Board and the District face.

13. The testimonial and documentary record in this case, as well as reasonable inferences drawn from them, strongly supports a finding that this District made every reasonable effort to minimize the harm done to its most valuable asset, its teachers. It exercised its discretion in good faith. Ultimately, the District must be accorded the deference to make these "no win" decisions as long as they are made in good faith with the ultimate welfare of the students and the District's needs in mind. The record in this case demonstrates that the District has done so.

14. In considering teacher layoffs as a way to balance a budget, Districts must think carefully and be cautious because of the huge impact of the decision on the teachers, students and community. This is always a necessary cautionary reminder to any District that is contemplating teacher layoffs. With respect to the Del Mar Union School District, it is clear that they have made these cuts with sensitivity and good faith effort. Unlike most litigation, the result in this case is that no one wins.

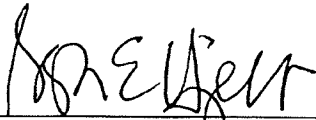
15. Initially, the Board gave preliminary notices to 52 teachers. Through good faith efforts, by the time of the hearing, there were 8 teachers who the District sought to layoff. Six appeared to contest their layoff. Two did not request a hearing and did not appear. The two teachers who did testify, Ms. Lippe and Ms. Roberts, are prime examples of why this process, though mandated by law, is so problematic. They are young, passionate, and devoted to their students. It is a safe assumption that they are representative of the remainder of teachers subject to layoff. This is a tragedy.

This conclusion is based on all Factual Findings and on all Legal Conclusions.

#### ORDER

It is recommended that the Board give notice to all respondents identified in Attachment A to this Proposed Decision previously served with a preliminary layoff notice that their employment will be terminated at the close of the current school year and that their services will not be needed for the 2009-2010 school year.

DATED: May 4, 2009

  
 \_\_\_\_\_  
 STEPHEN E. HJELT  
 Administrative Law Judge  
 Office of Administrative Hearings

## ATTACHMENT A

1. Marisa Camarillo
2. Sarah Grosso
3. Ariella Leeder
4. Sarah Lippe
5. Lauren Markarian
6. Shawna Roberts
7. Jennifer Baker
8. Shayne Griffith

May 8, 2009

To: Board Members  
From: Sharon McClain, Superintendent  
Subject: Approval, Revised Job Description for Director, Curriculum and Instruction

The job description for Director of Curriculum and Instruction has not been updated in the past 5 years. Staff has reviewed the description and the recommends changes indicated, including the change to "Assistant Superintendent of Instructional Services". The salary schedule will not change.

The former job description for the Director of Curriculum and Instruction and the revised job description for Assistant Superintendent of Instructional Services are included herein.

**FISCAL IMPACT:** The cost of this position will be within the District's budgeted expense for the Assistant Superintendent of Curriculum and Instruction.

**RECOMMENDED:** No action is recommended at this time.

3.0

## DEL MAR UNION SCHOOL DISTRICT

### CLASS TITLE: ASSISTANT SUPERINTENDENT, INSTRUCTIONAL SERVICES

#### BASIC FUNCTION:

Under the direction of the Superintendent, the Assistant Superintendent, Instructional Services is responsible for providing leadership in the development, implementation, coordination, and evaluation of the District's curriculum, instruction, assessment, and staff development.

#### REPRESENTATIVE DUTIES:

- Develop, organize and coordinate, the District instructional programs
- Develop, monitor, and manage all curriculum activities as prescribed in the District's Strategic Plan
- Assist the Superintendent in facilitating and coordinating the Strategic Planning process for the District.
- Plan, develop and coordinate the districtwide staff development programs
- Plan and implement the New Teacher Orientation Program
- Provide curriculum assistance to site administrators
- Provide leadership to principals and staff in identifying school needs as a basis for developing school plans
- Coordinate summer task forces as related to curriculum, instruction, and assessment
- Facilitate textbook adoptions and related staff development
- Prepare all regular curriculum reports for the Board as well as any other necessary reports
- Oversee categorical programs
- Direct, review and evaluate results of State and districtwide assessment programs
- Coordinate all formal efforts of the staff in projects of curriculum improvement
- Interpret the curriculum and its philosophy to the Board, administration, staff and the general public
- Oversee the planning and implementation of summer school programs
- Prepare District policies as requested by the Superintendent
- Develop and administer the annual budget for Instructional Services Department and related programs
- Supervise and evaluate the performance of assigned staff
- Facilitate articulation of the District programs with the high school district
- Serve as a member of the Superintendent's Executive Cabinet
- Attend Board meeting and prepare reports for the Board as the Superintendent may request.
- Implement the District's Collaboration Task Force Action Plan
- Assist in the implementation of the District's Communication Task Force Action Plan
- Perform other duties as assigned.

## KNOWLEDGE AND ABILITIES

- Knowledge of current theories, practices and procedures relative to the management of District level operations in instructional services
- Knowledge of Standards-based instruction and curriculum
- Experience in directing the development and implementation of significant district-wide curricular activities
- Knowledge and skill in the development, coordination, and implementation of a variety of budgets.
- Ability to plan, organize and direct the work of others
- Ability to prepare clear and concise written statements of policy and administrative procedures
- Ability to evaluate instructional programs and prepare reports as needed
- Ability to direct, manage and evaluate personnel

## MINIMUM QUALIFICATIONS:

- Master's Degree with emphasis in administration, supervision, and curriculum development required
- Valid teaching and administrative credentials required
- Doctorate in curriculum/instruction or administration, desirable
- Expertise in the area of standards, instruction, and assessment
- Experience as principal required; District office administrative experience, desirable

## TERMS OF EMPLOYMENT:

Twelve-month, 220 day work year; satisfactory driving record from the Department of Motor Vehicles, Criminal Justice Department Fingerprint Clearance, Physical Clearance. Fingerprint and physical will be at district expense and must be obtained at District contracted facility.

## WORKING CONDITIONS:

### ENVIRONMENT:

- Office environment

### PHYSICAL DEMANDS:

- Dexterity of hands and fingers to operate a computer keyboard and other office equipment
- Sitting for extended period of time
- Kneeling, bending at the waist,
- Reaching overhead, above the shoulders and horizontally to retrieve and store files
- Hearing and speaking to exchange information in person or on the telephone

- Seeing, including close, distance, and peripheral vision, to ensure proper supervision of students and to facilitate communication with students, staff, parents and community
- Hearing and speaking to exchange information and make presentations.
- Seeing to read a variety of materials.

**SALARY:**

- Placement on the Certificated Management Salary Schedule.

Step 1	Step 2	Step 3	Step 4	Step 5
\$86,035	\$88,615	\$91,274	\$94,012	\$96,883

Length of Work Year: 225 days

**DRAFT**

**CLASS TITLE: DIRECTOR OF CURRICULUM AND INSTRUCTION****BASIC FUNCTION:**

Under the direction of the Superintendent, the Director of Curriculum and Instruction is responsible for the Districts educational program.

**REPRESENTATIVE DUTIES:**

- Develops, implements, and coordinates DMUSD staff development program. **E**
- Assist in implementation of curriculum/standards required by State of California. **E**
- Responsible for State and Federal categorical programs, funding, and compliance issues. **E**
- Coordinates development of DMUSD curriculum and instruction program. **E**
- Coordinates DMUSD/State assessment program. **E**
- Provides curriculum assistance/leadership to site level administrators. **E**
- Provides assistance to site principals and staff in identifying school improvement goals, including development of program objectives, implementation and assessment. **E**
- Coordinates DMUSD task forces as related to curriculum, instruction and assessment. **E**
- Responsible for state textbook adoption process, including ordering of materials and related staff development. **E**
- Responsible for the fiscal management of all district curriculum and staff development. **E**
- Coordinates DMUSD Gifted and Talented Education (GATE) program. **E**
- Plans and coordinates District Mentor Teacher program. **E**
- Keeps Superintendent, Board of Trustees, and Management Team up to date on District progress in curriculum, assessment, instruction and staff development. **E**
- Provides technical assistance to schools on state and federally funded programs. **E**
- Responsible for design and implementation of Summer School program. **E**
- At appropriate intervals, evaluate progress of all pupils in meeting learning goals. **E**
- Attend conferences and meetings related to curriculum, instruction, assessment, and staff development. **E**

**CLASS TITLE: DIRECTOR OF CURRICULUM AND INSTRUCTION****REPRESENTATIVE DUTIES:(continued)**

Assist the Superintendent with personnel procedures and process (recruitment and evaluation). **E**

Assist Superintendent with various projects as required. **E**

**KNOWLEDGE OF:**

Current curriculum theory, development, and implementation.

Staff development theory and practice.

K-6 instructional theory, strategies, and techniques.

Assessment theory and practice.

Organizational development theory and practice, including the change process.

School finance, including budget preparation and budget control.

Effective decision making theories, processes and procedures in a decentralized, site based setting.

**CREDENTIALS:**

Valid California Teaching and Administrative Credential.

**EXPERIENCE:**

A wide range of successful experience with K-6/K-8 students/schools.

Successful experience as a principal and or central office administrator is preferred.

**WORKING CONDITIONS:****ENVIRONMENT:**

Office environment.

**PHYSICAL DEMANDS:**

Dexterity of hands and fingers to operate computer keyboard.

Hearing and speaking to exchange information and make presentations.

Seeing to read a variety of materials.

**SALARY:**

**CLASS TITLE: DIRECTOR OF CURRICULUM AND INSTRUCTION**

\$75,602 - \$85,783 (220 working days)

May 8, 2009

To: Board Members  
From: Sharon McClain, Superintendent  
Subject: Approval, Revised Job Description for Director, Human Resources

The job description for Director of Human Resources has not been updated in the past 6 years. Staff has reviewed the description and recommends changes indicated, including the title "Assistant Superintendent" instead of "Director". The salary schedule will not change.

Deletions are indicated with ~~**bold-strikeout**~~ and additions are indicated in ***bold italics***.

**FISCAL IMPACT:** The cost of this position will be within the District's budgeted expense for the Assistant Superintendent of Human Resources.

**RECOMMENDED:** No action is recommended at this time.

4.0

## DEL MAR UNION SCHOOL DISTRICT

**CLASS TITLE:     ~~DIRECTOR ASSISTANT SUPERINTENDENT OF HUMAN RESOURCES~~**

**BASIC FUNCTION:**

~~Under the direction of the Superintendent, plans, organizes, controls and administers the district's personnel system including classified and certificated employees and programs; administers the District's payroll and benefits department, including the worker's compensation program; assures compliance with applicable District rules and policies, and state and federal laws, codes and regulations; supervises and evaluates the performance of assigned personnel.~~

*The Assistant Superintendent of Human Resources, under the direction of the District Superintendent, is responsible for operation and administration of services related to certificated and classified personnel, serves as the Board's representative*

*to negotiation sessions with employee organizations, is responsible for contract management and administering procedures pertaining to employer/employee relations, assures compliance with applicable District rules and policies, and state and federal laws, codes and regulations; supervises and evaluates the performance of assigned personnel.*

**REPRESENTATIVE DUTIES:**

- Plans, organizes, controls and administers the District's personnel services and programs including employer-employee relations, recruitment, selection and retention of certificated and classified personnel; participates on interview panels for employment of administrators; posts jobs and visits universities and colleges.
- Assures that Board and District policies, State and federal laws and collective bargaining agreements are correctly and fairly administered; develops policies and administrative regulations.
- Conducts hearings and administers grievances, disciplinary measures and other personnel actions; serves as mediator for employees.
- Plans, implements and administers the District's workers' compensation program; assures District compliance with State OSHA regulations, and other federal, State and local laws.
- Represents the District in the collective bargaining process for certificated and classified associations; provides technical expertise to others as needed; implements and monitors collective bargaining contracts.

- Supervises and evaluates the performance of assigned staff; interviews and selects employees; makes decisions or recommends transfers, reassignment, termination and disciplinary actions; plans, coordinates and arranges for appropriate training of subordinates.
- Oversees the employee benefits program, medical verifications, planning and budgeting; communicates with administrators, personnel, service providers, public agencies, attorneys, insurance companies and other outside organizations to coordinate activities, resolve issues and conflicts and exchange information.
- Plans, organizes and implements long-term and short-term programs and activities designed to develop assigned services.
- Attends Board meetings and prepares Board agenda items, presents reports and provides technical counsel to the Board as requested by the Superintendent; reviews and presents Board items affecting personnel services; updates the Board in closed sessions regarding employees and other personnel matters.
- Prepares and administers the certificated and classified salary budgets in accordance with District policies and principles of sound fiscal management.
- Communicates with other administrators, District personnel, attorneys, insurance companies and other outside organizations to coordinate activities and programs, resolves issues and conflicts and exchanges information.
- Monitors the Affirmative Action program and assures compliance. *Serves as District Title IX officer.*
- Provides for development of job descriptions; conducts job analyses, gathers data and document findings.
- Directs the maintenance of comprehensive personnel records and other files related to classified and certificated personnel; completes State and federal forms; processes a variety of documents including grievances, conference attendance, mediations and others according to established procedures.
- Conducts investigations of sexual harassment complaints and other employee complaints; travels to District sites to conduct investigations.
- Provides administrative leadership in the development and/or revision of personnel policies, regulations and procedures.
- Attends and conducts staff meetings; attends State and regional conferences and workshops to maintain current knowledge of regulations and requirements related to classified and certificated personnel.
- Develops and maintains a continuing program of evaluation of all employees for the purpose of supporting them in the completion of their work activities and evaluating their performance.
- Researches various information (i.e. Education Code, legal decisions, District practices) for the purpose of analyzing potential implications, making recommendations and/or addressing a variety of other administrative needs.
- Serves as a member of the Superintendent's Cabinet in the overall planning and direction of District functions and services; advises the Superintendent

regarding human resources, payroll and benefits and other areas needed by the District.

- *Serves as a liaison to community organizations and agencies at the city, county and state level.*
- *In conjunction with the Assistant Superintendent of Instructional Services, coordinates implementation of the District's Collaboration Plan.*
- Performs other duties as assigned.

#### **KNOWLEDGE OF:**

- Education, Labor, Health/Disability and other laws, codes, rules and regulations related to classified and certificated personnel.
- Planning, organization and administration of the Risk Management program.
- Applicable laws, codes, regulations, policies and procedures related to assigned activities including State OSHA regulations, AHERA, worker's compensation, liability, negligence and others.
- Credentialing and negotiations processes.
- PERB decisions.
- Board Policies.
- Principles and practices of administration, supervision and training.
- District organization, operations, policies and objectives.
- Budget preparation and control.
- Oral and written communication skills.
- Interpersonal skills using tact, patience and courtesy.
- Public speaking techniques.

#### **EDUCATION AND EXPERIENCE:**

- Any combination equivalent to: master's degree in education, public administration, personnel or related field and five years professional experience including three years of school district management experience.

#### **LICENSES AND OTHER REQUIREMENTS:**

- Administrative Services Credential.

#### **WORKING CONDITIONS:**

##### **ENVIRONMENT:**

- Office Environment

##### **PHYSICAL DEMANDS:**

- Dexterity of hands and fingers to operate a computer keyboard.
- Hearing and speaking to exchange information and make presentations.
- Seeing to read a variety of materials.

**SALARY:**

- Placement on the Director Schedule of the Certificated Management Salary Schedule.

<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>
\$86,035`	\$88,615	\$91,274	\$94,012	\$96,883

Length of Work Year: 225 days

**DRAFT**

May 8, 2009

To: Board Members  
From: Sharon McClain, Superintendent  
Subject: First Reading, Job Description for Computer Repair Technician

In the past, the sites' Technology Teachers have provided student instruction for .5 of the workday and technician services for the remaining .5. With the assignment of the Technology Teachers to student instruction only, sites have a need for technical assistance. Persons who qualify for this new position will have the ability to provide the technical assistance services heretofore provided by the Technology Teachers. We anticipate hiring two technicians who will work on a districtwide basis, rotating from school to school during the week.

**FISCAL IMPACT:** The cost of this position will be realized in savings from reassignment of technology teachers to classroom instruction only.

**RECOMMENDED:** No action is recommended at this time.

5.0

**DEL MAR UNION SCHOOL DISTRICT****CLASS TITLE:           COMPUTER REPAIR TECHNICIAN****CLASSIFIED            RANGE: 25****BASIC FUNCTION:**

Under the direction of the Director of Technology, perform a variety of duties including: the repair and preventive maintenance on computers, printers, projectors, document cameras and related equipment throughout the district.

**REPRESENTATIVE DUTIES: (This position description is not intended to be an exhaustive list of all duties, knowledge, or abilities associated with this classification, but are intended to accurately reflect the principal job elements)**

**E=Essential Functions**

- Repair and carry out a program of preventive maintenance for office and classroom computers and related equipment. **E**
- Configure hardware and software for use on the districts' network. **E**
- Make scheduled and emergency calls for computers and related equipment. **E**
- Maintain appropriate documentation. **E**
- Transfer computers and related equipment to and from facilities as required for repair or disposal of equipment **E**
- Install computer hardware, software and related equipment. **E**
- Perform related duties as assigned.

**KNOWLEDGE AND ABILITIES:****KNOWLEDGE OF:**

State-of-the-art installation, testing, and repair procedures for computers, printers, monitors, and related equipment for BOTH Macintosh and PC's  
Familiarity with computer operating systems for BOTH Macintosh and PC's  
Basic network design and support including basic cabling  
Familiarity with Closed Circuit Television systems  
Reading and writing English communication skills

**ABILITY TO:**

Use standard tools and equipment common to the trade  
Communicate effectively orally and in writing  
Plan and organize work  
Meet schedules and time lines  
Maintain records  
Understand and follow oral and written directions  
Establish and maintain cooperative relationships

**EDUCATION AND EXPERIENCE:**

Any combination of education, experience, and/or training equivalent to vocational or technical training and two years of recent experience in the repair of computers and related equipment. A+ Certification. Possession of a valid California driver's license.

**WORKING CONDITIONS:****ENVIRONMENT:**

Office/School environment; driving a vehicle between school locations.

**PHYSICAL DEMANDS:**

Strength and energy sufficient to maintain a rigorous work schedule involving driving and /or continuous, heavy physical exertion; hearing and speaking to exchange information; seeing to perform assigned duties; sitting or standing for extended periods of time; dexterity of hands and fingers to operate a computer keyboard and other office equipment; kneeling, bending at the waist, and reaching overhead, above the shoulders and horizontally, to retrieve and store files and supplies; lifting light objects.

May 8, 2009

To: Board Members  
From: Rodger Smith, Director of Human Resources and Facilities Planning  
Through: Sharon McClain, Superintendent  
Subject: Second Reading/Approval, New Position Job Description for Senior Systems Analyst/Programmer

Staff recommends the reconfiguration of the Student Information Data Management Coordinator in order to more appropriately address functions that will enable the Technology Department's mission to be more effectively implemented. The job description that follows is annotated in order to explain the differences in the two positions and to establish a rationale for replacing the Student Information position with a Senior Analyst/Programmer.

In order to establish competitive compensation for the Senior Analyst position, Mr. Mike Casey, Director of Technology, is recommending that the salary range for the Senior Analyst position should be upgraded to Range 41; this range is \$56,589.77 annually at step 1 and \$79,628.09 at step 8. The current range for the Student Information position is 32, or from \$45,312.09 to \$63,758.30.

Mr. Casey will be available during discussion of this item in order to respond to questions from Board members.

**FISCAL IMPACT:** Cost of this position will be absorbed in the current budget of the Technology Department. No extra cost to the District will be incurred.

**RECOMMENDED:** The Superintendent recommends approval of the Job Description for Senior Systems Analyst/Programmer.

**DEL MAR UNION SCHOOL DISTRICT**

**CLASS TITLE: SENIOR SYSTEMS ANALYST/PROGRAMMER**

**CLASSIFIED RANGE: 41** (This represents a competitive salary as compared to other school districts' IT staff.

**BASIC FUNCTION:**

Under the direction of the Director of Technology, perform a variety of complex duties in the analysis, design, programming, testing, implementation and maintenance of the district's administrative and instructional support systems. Provide district departments and personnel with information technology and procedural solutions to support specific functionality requirements.

The BASIC FUNCTION is at a much higher level than the previous position of 'Student Information Data Management Coordinator'. The current and future needs of the Del Mar Union School district are not obtainable by hiring staff with the current position description and job duties. In order to move the district forward in the area of technology, a significant change in the technical abilities of staff must be addressed. The quickest and most feasible way to address the technical needs of the district is to modify the current position of 'Student Information Data Management Coordinator' to a 'Senior Systems Analyst/Programmer'. This will allow us to immediately leverage the skills and experience of a senior IT individual who is professionally trained, while at the same time invest resources into training existing staff to meet the needs of the district.

**REPRESENTATIVE DUTIES: (This position description is not intended to be an exhaustive list of all duties, knowledge, or abilities associated with this classification, but are intended to accurately reflect the principal job elements)**

**E=Essential Functions**

- Facilitate the computerized collection, management, manipulation and distribution of data used for decision-making and in the daily operation of schools and departments. **E**  
Similar to current description – however at a broader and higher technical level

- Assume project level responsibility for planning, development, implementation and maintenance of the district's information systems using the current application programming and relational database management tool set. **E**

This function addressed all information systems (current and future) that may be deployed by the district. There are a number of systems that the district needs to implement in the short term to support our efforts to stabilize our infrastructure and add the necessary security to our environment, as well as, support the educational goals of the district. i.e. directory services; dns; dhcp; exchange; firewall; vpn; etc.

- Locate sources of and solve a variety of system problems and malfunctions; participate in program and system development reviews. **E**

Similar to current description – however in a much broader sense (responsibility for more systems than just SIS)

- Consult with customers on system requirements, schedules, and implementation strategy; analyze customer requests to determine scope of operational and informational needs; familiarize customers with capabilities and limitations of information technology; maintain a continuing liaison with customers to ensure implementation and maintenance of systems **E**

Similar to current description – however at a broader and higher technical level

- Perform feasibility studies and prepare project proposals; prepare specifications, costs benefit analysis and schedules. **E**

Added Function

Act as a technical resource to the Technology Department. **E**

Similar to current description – however at a broader and higher technical level

- Create system and end-user documentation of new and changed applications in accordance with established standards and procedures. **E**

Similar to current description

- Prepare progress reports and apprise management of problems or unexpected resource requirements. **E**

Similar to current description

- May act as a project team leader to assign, review, and approve the results of tasks completed by others.

Added Function

- Perform related duties as assigned.

**KNOWLEDGE AND ABILITIES:**

The KNOWLEDGE AND ABILITIES are at a significantly higher level than the previous position of 'Student Information Data Management Coordinator'. These are the skills that will be required to move the district forward and support the current functions.

**KNOWLEDGE OF:**

Object Oriented Programming (OOP) skills desired

Microcomputer, client/server and web-based data management systems

Systems development life cycle

Project management methodologies

Relational database concepts and structured query language

Client/Server, multi-tiered architecture and technologies

Requirements and procedures for Student Data Reporting at the District/County/State Level

Internet/intranet architecture and technologies

Software product evaluation

**ABILITY TO:**

Rapidly learn and use new program languages and techniques

Analyze complex administrative functions and information requirements

Provide analytical and technical direction and decisions

Assist customers in determining requirements

Evaluate and prepare reports on new technologies

Develop cost efficient, auditable, and secure systems

Work in a team development environment.

Direct the work of others

Meet schedules and time lines

Communicate effectively orally and in writing

Understand and follow oral and written directions

Learn the procedures, functions and limitations of assigned duties

Establish and maintain cooperative relationships

**EDUCATION AND EXPERIENCE:**

The EDUCATION AND EXPERIENCE reflect the qualification of this significantly higher level position. We want candidates to have formal training in IT via a bachelor's degree or equivalent in IT and the necessary \_\_\_\_\_ years \_\_\_\_\_ of \_\_\_\_\_ experience.

Any combination of education, experience, and/or training equivalent to graduation from a recognized college or university with a bachelor's degree in information systems, computer science, or directly related field and four years of recent, progressively responsible experience in systems development and programming of major applications. Recent experience with client/server, database or web development tools is required. Recent experience in managing student information systems, as well as, eMail solutions is desired.

**WORKING CONDITIONS:**

**ENVIRONMENT:**

Office environment, travel between school locations.

**PHYSICAL DEMANDS:**

Hearing and speaking to exchange information; seeing to perform assigned duties; sitting or standing for extended periods of time; dexterity of hands and fingers to operate a computer keyboard and other office equipment; kneeling, bending at the waist, and reaching overhead, above the shoulders and horizontally, to retrieve and store files and supplies; lifting light objects.

Date: May 8, 2009  
 To: Board Members  
 From: Roger Smith  
 Through: Sharon McClain  
 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
Bernard, Janet	Assistant Superintendent - Curriculum and Instruction	1.000	District Office	Approve Retirement Effective 7/1/09	
Bullis, Lindsay	Teacher	1.00	Sage Canyon	Approve Unpaid Leave of Absence for 2009/10	
McCarley, Wendy	School Psychologist	1.00	Torrey Hills	Approve Unpaid Leave of Absence for 2009/10	

Date: May 8, 2009  
 To: Board Members  
 From: Rodger Smith  
 Through: Sharon McClain  
 Subject: Approval of Recommended Personnel Actions: Employment, Resignations, Dismissals, Leaves of Absences and Change of Status

**CLASSIFIED**

Name	Position	FTE	Location	Action	If New Hire, Position is Expansion or Replacement
DeStafano, Gina	Special Education Aide II	0.75	Torrey Hills	Approve Assignment Effective 4/30/09 to 6/11/09	Temporary
Hood, Martha	Instructional Assistant - Preschool	0.80	Child Care	Approve Resignation Effective 5/1/09	
Reynolds, Pamela	Scientist in Residence	0.45	Del Mar Heights	Approve Resignation Effective 6/11/09	
Wortman, Andrew	Special Education Aide I	0.75	Del Mar Hills	Approve Resignation Effective 5/8/09	
Yantis Joudrey, Day	LVN/Special Education Aide	0.75	Carmel Del Mar	Approve Resignation Effective 5/29/09	