

**DEL MAR UNION SCHOOL DISTRICT  
BOARD OF TRUSTEES**

***Minutes of Regular Board Meeting***

February 25, 2009

Closed Session: 4:00 p.m.

Open Session: 5:45 p.m.

Del Mar Hills Academy  
14085 Mango Drive, Del Mar, CA 92014

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Board President White called the Regular Board Meeting to order at 4:05 p.m.

**PUBLIC INPUT ON CLOSED SESSION ITEMS:**

There was no public comment on Closed Session items.

Motion to Adjourn to Closed Session at 4:06 p.m.

**Motion** Easton

**Second** McDowell

**Unanimous**

(Board Member Rodriguez arrived at 4:15 p.m.)

**ADJOURNMENT OF CLOSED SESSION**

Motion to Adjourn Closed Session at 5:38 p.m.

**Motion** McDowell

**Second** Perkins

**Unanimous**

**RETURN TO OPEN SESSION**

Board President White welcomed staff, parents and community members to the Regular Board Meeting of the Board of Trustees.

The Board met in Closed Session from 4:05 p.m. to 5:38 p.m. to discuss the following:

- 1.1 Conference with Legal Counsel – Anticipated Litigation (Government Code section 54956.9(b); Name of Case: Significant Exposure to Litigation: Two cases
- 1.2 Public Employee Discipline/Dismissal/Release pursuant to (Government Code 54957)
- 1.3 Public Employee Performance Evaluation: Title: Superintendent (G.C. 54957)
- 1.4 Conference with Real Property Negotiator (G.C. 54956.8)- Property: 225 9<sup>th</sup> Street, Del Mar, California 92014—Agency Negotiators: Sharon McClain, 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.

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## **REPORT OF ACTION TAKEN IN CLOSED SESSION:**

In Closed Session the Board took the following action:

Item 1.2: The Board voted to non-reelect the following temporary certificated employees: 472964, 102818, 426799, 358253, 353510, 331073, 413280, 472078, 324425, 103342, 484388, 263428, 478762, 445899, 404968, 115486, 405382, 483599, 484195, 101972, 483433, 375142, 484039, and 474876.

Item 1.4 The Board has received requests for documents relating to the use of proceeds and interest from the sale of the Shores property. The Board has requested legal counsel to review the opinions that have been provided to the District and to work with the superintendent to release those documents.

### **1. CALL TO ORDER**

Board President White called to order the Open Session of the Regular Board Meeting of the Del Mar Union School District, Board of Trustees, at 5:59 p.m. in memory of Nancy Payne, Administrative Assistant at Torrey Hills School.

Mrs. Susan Paul, Principal of Torrey Hills School, acknowledged Nancy Payne for her many accomplishments and contributions to the students, staff and parents of Torrey Hills School and the Del Mar Union School District.

### **ATTENDANCE**

Members Present (5): Katherine White, President of the Board  
Steven McDowell, Clerk of the Board  
Annette Easton  
Doug Perkins  
Comischell Rodriguez

Members Absent: (0)

### **2. STUDENT RECOGNITION – DEL MAR HILLS ACADEMY**

The Del Mar Hills Academy of Arts and Sciences third grade students presented one example of integrated curriculum at its best. The students showed Science, Music, Art, Technology, and P.E. work together to enhance and expand student classroom learning. Students wore T-shirts designed in the technology lab and performed three short selections from their musical, “Star Search”. The presentation included photographs from artwork, P.E. instruction, and an Astronomy Night.

### **3. APPROVAL OF AGENDA**

#### Amendments to the Agenda:

Item 8.3 to follow Item 11.2

Item 9.2 to follow Item 5.8

Items 11.3, 11.4 & 11.5 to follow Item 9.1

Motion to Approve Agenda as Amended

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**Motion** Easton  
**Second** Perkins  
**Unanimous**

4. **PUBLIC COMMENT (FOR ITEMS NOT ON THE AGENDA)**

- *Karla Milmo*, parent, urged the Board to decrease funding of the ESC Programs gradually over the next several years as the DMSEF prepares to raise funds to cover the cost of the ESC Programs.

**TIMED ITEM - 6:30 P.M.**

5.8 Report – Dan McAllister, County of San Diego Treasurer – Tax Collector

Mr. McAllister presented an overview of property tax bills issued in San Diego County and what might be expected in the coming years. He stated that more tax bills for more parcels in San Diego County were issued in September 2008 than anytime in the history of the County. The projections indicate an all-time record yield from taxes in the County this year of \$4.559 billion. Sixty-six percent of properties in the County were purchased more than five years ago and, therefore, do not qualify for reassessment, leaving thirty-four percent that are eligible for reassessment. Property owners may request a reassessment each year at the end of November and the end of May. Currently only 12% of properties in San Diego County have requested a reassessment. Property that is reassessed through the request process and is assessed at a higher value will not incur higher taxes, only lower.

9.2 Update, Relocation of District Office

Director of Human Resources & Facilities, Rodger Smith, introduced Mark Kagan and Chuck Wasker, real estate agents assisting the DMUSD in the relocation of the District Office. They are currently soliciting buildings and/or land meet the DMUSD requirements from real estate brokers throughout the County. Approximately six properties have been identified as possible building sites and 50+ buildings within which to locate. Member Rodriguez toured properties with Mr. Kagan and Mr. Wasker and stated that she feels “we are in good hands.”

5. **REPORTS, RECOGNITIONS AND HEARINGS**

5.1 Recognition – Employees of the Month for February 2008

Board President White thanked Jakes Del Mar for its continued support of the DMUSD Employees of the Month program by donating gift certificates for the honorees, as follows:

Ashley Falls Child Care – Christiana O’Conner  
Carmel Del Mar Child Care – Justin Deignan  
Del Mar Heights Child Care – Katherine Nieves  
Del Mar Hills Child Care – Allie True  
Ocean Air Child Care – Ashley Manning  
Sage Canyon Child Care – Angelica Bahena

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Sycamore Ridge Child Care – Adolfo Galdamez  
Torrey Hills Child Care – Kelly Templeton  
Employee Child Care – Kristen Morrison

5.2 DMCTA Report: David Skinner, DMCTA President, Carmel Del Mar Teacher

Mr. Skinner shared that there were a number of teachers in the audience and asked them to stand. He stated their presence was due to the issues they feel passionate about, i.e. changes in programs, which they helped to make successful, and the potential layoff of colleagues and friends. He reminded the Board that this is Parent/Teacher Conference Week and the teachers have worked a very long hours preparing for and meeting parents. He stated that this week reminds teachers of how fortunate they are to work with and for the students and parents of the DMUSD. On behalf of the teachers, Mr. Skinner thanked Matt Zevin, President of the DMSEF, and all PTA Presidents for their hard work and support for the teachers and students of Del Mar.

5.3 Report – DMSEF, Matt Zevin, President

The DMSEF has raised over \$498,000 to date, which is approximately 12% above last year at this time. He thanked all the parents and community for their donations. There is currently a great disparity of funds raised at each of the school sites, ranging from \$20,000 to \$111,000. The participation rate districtwide is at 27%. The DMSEF has been working diligently to improve the basic structure of the DMSEF and to maximize the potential to raise funds. The DMSEF has approved the hiring of an outside marketing coordinator with the goal of having a more professional marketing campaign in the future. The DMSEF is discussing moving to districtwide fundraising in order to avoid the disparity of fundraising at the school sites. The DMSEF is considering a change in structure wherein deductions will be made from donations to cover some portion for DMSEF overhead. The DMSEF cannot continue to operate without paying for overhead. The DMSEF generally supports the revisions to Administrative Regulation 3290: Gifts, Grants and Bequests. Mr. Zevin shared some concern regarding the deadline for raising site- specific funds. He stated that he feels if all parents are involved by donating whatever amount they can, the DMUSD “will be able to have it all.”

5.4 PTA Report: Kerry Traylor, Del Mar Hills PTA President

Mrs. Traylor reported that the PTA Presidents have been all consumed with discussion on ESC Programs and fundraising. PTA Presidents have been anxiously waiting to learn what the District funded ESC allocation will be in order to identify their site’s fundraising goals. PTA Presidents are hopeful for a restructuring of fundraising, which will allow the PTAs to return to fundraising for “things” not “people.”

The Del Mar Hills Academy PTA’s funds a variety of “things”, i.e. Math, Music, Spatial Reasoning, Computer Program; teacher mini-grants; ice cream socials; yearbooks; artist in residence; 6<sup>th</sup> grade promotion, assemblies and more. Their

fundraising event “Fiesta Night”, which includes an art auction, will be held on March 7. Approximately \$40,000 of last year’s art auction proceeds was donated toward ESC Programs.

She encouraged the Board to approve a districtwide fundraising policy for the common purpose of parents, staff and community members coming together to support ESC Programs at all eight schools, which would be in the best interest of the students.

5.5 Report – Monthly Staff Development, Travel & Conference Update  
(Presented for information only.)

The Board asked Superintendent McClain to bring a recommendation back to the Board as to whether or not this might be an area in which spending could be reduced.

5.6 Report – Board Reports/Comments

- *Member Perkins:* He and Supt. McClain had a very positive meeting with Councilmember Sherry Lightner regarding the relocation of the District Office and the need for a relocatable at Ocean Air. He attended the City of San Diego new Park and Rec Board Meeting in charge of the new facility at Ocean Air that the City built but may not be able to open. He began a preliminary dialogue of the DMUSD utilizing the building for the benefit of both the City and the DMUSD.
- *Member Rodriguez:* She reiterated that she toured prospective properties and buildings for a new District Office with real estate agents. She expressed her appreciation for all the email input from parents, staff and community regarding the issues before the Board. She also thanked Del Mar Hills Academy for the student presentation, which is a good reminder that the children are our #1 priority. Additionally, she expressed her appreciation for the monthly PTA report and appreciates their feedback.
- *Member Easton:* She also expressed her appreciation for the emails she is receiving from parents, staff and community. She explained that one reason for possibly not receiving a response is due to a possible violation of the Brown Act if email responses are shared with other Board members. As the Board liaison to the DMSEF she has been attending the DMSEF Board meetings and acknowledged that they are working very hard to make improvements and distribute marketing literature.
- *Member McDowell:* He expressed appreciation, as a parent, for the opportunity to meet during Parent/Teacher Conference Week to receive input from his child’s teachers regarding his child’s education.
- *Member White:* She thanked the teachers for attending the Board meeting and for the time and energy they spend in preparing for the Parent/Teacher Conferences. She also expressed appreciation for the teachers’ insight and care expressed in the conferences. She thanked Principal Susan Fitzpatrick for hosting her at Del Mar Hills Academy and for the opportunity to see students’ artwork and for spending time with her to become acquainted.

## 5.7 Report – Superintendent’s Report

- *CSBA Masters in Governance:* Supt. McClain confirmed with Board Members their participation in the nine-session series of the Masters in Governance program being offered at the San Diego County Office of Education by the California School Boards Association. Members White, Rodriguez and McDowell confirmed that they would attend all sessions with Supt. McClain. The program is offered for new and returning Board Members.
- *Ocean Air, After School Child Care Program:* Supt. McClain thanked Member Perkins for scheduling the meeting with Councilmember Sherry Lightner and for working with City of San Diego in an effort to use the facility in the park at Ocean Air to house After School Childcare at Ocean Air.
- *Superintendent’s Symposium, Monterey CA:* Supt. McClain attended the Superintendents’ Symposium of 1,000 districts. Approximately 800 superintendents were in attendance. She is a member of the Planning Committee and also worked with new superintendents. Budgets were a large part of the discussions with everyone concerned about what districts were going to do.
- *Cost Savings From Not Holding November Election:* The DMUSD budgeted \$12,000 for a November 2008 election. As a result of not having to hold the election, the DMUSD was charged \$178.40 by the Registrar of Voters for a savings of \$11,821.60.

## 10. **BUSINESS & FINANCE**

### 10.8 San Diego County Office of Education Letters of Review

Assistant Superintendent, Business Services, Dena Whittington, informed the Board that the District had submitted all financial reports to the San Diego County Office of Education for review. To date, the District has received a review letter for three of the reports. The letters received are for the original DMUSD Budget, the Collective Bargaining Agreement and the First Interim Report. Each letter cautioned the District that continued deficit spending would have negative effects on the long-term financial stability of the Del Mar Union School District.

At the request of the Board, Ms. Whittington addressed a comment regarding increasing the reserves and the reason why the District cannot continue to deficit spend. Ms. Whittington explained that a goal of 32% for reserves was a statement from the financial analysis prepared by Vavrinek, Trine, Day & Co. and not a directive from the Superintendent or Board. Ms. Whittington quoted the following from one of the review letters received, “deficit spending is not projected to have an impact on the District’s ability to meet its required reserve levels in fiscal years 2009 and 2010, however, deficit spending erodes balances and needs to be carefully monitored to prevent any financial difficulties in future years.” It was also mentioned that the minimum reserve requirement might not be sufficient for Basic Aid districts.

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10.9 Update: Federal Stimulus Package

Assistant Superintendent, Business Services, Dena Whittington, shared new information that the DMUSD may be eligible for additional Special Education funds, which would be considered one-time funds. The funds may not be received for 6-12 months and would be available for the 2009/2010 school year.

10.10 Update: 2008-2009 State Budget as of February 19, 2009

Assistant Superintendent, Business Services, Dena Whittington, shared that she hopes to receive more accurate information at a conference she is attending on March 6, 2009. At this point, Categorical Programs are to be reduced on an average of 15%, some less, some more. Ms. Whittington clarified that the cuts are for both 2008/2009 and 2009/2010.

10.11 2008/2009 Monthly Budget, Update

*(Presented for information only.)*

Assistant Superintendent, Business Services, Dena Whittington, reported that the funding in question, "Other State Revenue", indicates that 55% of the revenue has been received. The State is holding the remaining 45% and, to date, has not apportioned it out. At Board request, a Cash Balance Statement has been included in the Monthly Budget report. In the following funds, the current deficit at first interim is as follows: Unrestricted General Fund: \$1,855,216; Restricted General Fund: \$1,026,192. With a carry-over of \$1.1 million the combined General Fund is a net decrease of \$2.8 million prior to the Collective Bargaining Agreement. The Collective Bargaining Agreement will impact the budget by approximately \$600,000.

Motion to waive the 20-minute maximum time period for public input on Item 11.2

**Motion** Easton

**Second** Rodriguez

**Unanimous**

11.2 Board Approval, Recommendation for Reduction in Extended Studies Curriculum (ESC) Program

Board Member White recognized the parents for participating in the survey and staff for the time and energy they have devoted to restructuring a new and different ESC Program that is a benefit to students. Supt. McClain presented three options of a newly structured ESC Program for the Board to review and consider.

**PUBLIC COMMENT**

- *Jodi Neilson*, DMUSD Teacher, asked questions of the Board regarding 1) music and/or art being offered at the sites and the possibility of watered-down instruction; 3) preservation of band equipment donated by FAME; 4) support of ESC Programs voiced in Strategic Planning.

- *Jennifer Oliviera*, DMUSD Teacher, spoke in support of a three core programs and the three-tier proposal presented at February 11, 2009 meeting, and a unified DMSEF to support all schools.
- *Fred Bettig*, DMUSD Teacher, spoke in support of the three-tier program.
- *Paige Metz*, parent and Exercise & Nutritional Science Teacher in Poway Unified School District, spoke in support of maintaining a physical education program.
- *Abby Farricker*, DMUSD Teacher, spoke in support of the three-tier program.
- *Stephanie Sullins*, DMUSD Teacher, spoke in support of the three-tier program.
- *Jeff Bales*, DMUSD Teacher, spoke in favor of the three-tier proposal and asked for clear and immediate direction.
- *Michelle Beeson*, DMUSD Teacher, spoke about the music programs that will be lost if the District retains only three music teachers for the entire DMUSD and asked the Board to consider these losses when making its decision.
- *Erin Mitchell*, DMUSD Teacher, described for the Board what instruction, as a music specialist, she has provided for the students and what will be sacrificed if the music specialists are released and/or reduced.
- *Mary Johnson*, Rep to DMSEF, spoke of the fear of losing the heart and soul of the ESC Programs and the possible reduction of donations due to the release of teachers.
- *Sandy Johnson*, DMUSD Teacher, spoke to the quality of ESC Programs being sacrificed by the loss of specialists and the importance of maintaining high test scores.
- *Emery, Noa, Mares & Eaton*, 5<sup>th</sup> grade students, expressed what they have learned and the advantages they have had from the music programs offered by the DMUSD.
- *Shayne Singleton*, DMUSD Teacher, spoke regarding the quality of staff, education and students in the DMUSD and what will be sacrificed with the loss of ESC programs and teachers.
- *Katharin Roth*, parent and PE teacher at Carmel Del Mar, spoke to the lack of quality in the three proposals being offered and in support of the three-core ESC subject proposal and districtwide fundraising for the DMSEF. She also spoke in favor of initiating the process of closing a school.
- *Karen Holty*, DMUSD Administrative Assistant, spoke in favor of the three-core program and asked the Board to trust the recommendations of the professional educators and administrators of the DMUSD.
- *Lee McCracken*, President of FAME and parent of former students of the DMUSD, spoke to the issue of providing quality education regardless of the subject and asked the Board to give the community an opportunity to raise the needed funds.
- *Sandra Logan*, parent, spoke in favor of the clear and concise three-tier program previously proposed.

### **BOARD DISCUSSION**

Board President White thanked the staff and parents for addressing the Board on the ESC proposals. The Board Members discussed parity, the positives and negatives of the proposals presented by the administration and what will be funded as a District.

Motion to approve the former DMUSD Specialist Program Proposal offering three ESC Programs of Science, Technology and Music

**Motion** Rodriquez  
**Second** There was no second.  
**The Motion was lost.**

**PUBLIC COMMENT**

- *Beth Westburg*, parent and DMSEF Vice-President, spoke to request that the Board not approve Proposals 1 or 3 for fear they will be detrimental to Del Mar Hills Academy.
- *Beth Folketh*, parent, spoke in favor of the three-core ESC Program.

Motion to approve DMUSD Specialist Program Proposal #2 offering Science, Technology, Physical Education, Visual Art and/or General Music.

**Motion** Perkins  
**Second** Easton  
**Ayes** 4 (Easton, McDowell, Perkins, White)  
**Noes** 1 (Rodriguez)  
**Motion passed.**

Board Member Easton addressed a point of order due to time constraints. Supt. McClain and Board Members identified the following Items as requiring discussion and/or action Item 6.2, 8.2, 8.3, 11.3, 11.4 and 11.5. The remaining Items on the Agenda will be carried over to the Special Board Meeting Agenda scheduled for March 11, 2000.

6.2 Approval of Consent Items

Motion to approve Consent Items \*10.1 – \*10.7 and \*11.1

**Motion** McDowell  
**Second** Perkins  
**Unanimous**

8.2 Board Approval, 2009 CSBA Delegate Assembly Nominees

Motion to approve the election of Katie Dexter, Penny Halgren, Steven McDowell, Kelli Moors, Barbara Ryan, Priscilla Schreiber and Carol Skiljan to the 2009 CSBA Delegate Assembly

**Motion** Easton  
**Second** Perkins  
**Unanimous**

Motion to extend the meeting ending time for an additional 30 minutes from 10:30 p.m. to 11:00 p.m.

**Motion** Easton

**Second** White

**Unanimous**

8.3 1<sup>st</sup> Reading, Administrative Regulations 3290: Gifts, Grants and Bequests

The Board and audience were provided with a new draft of Administrative Regulations 3290, which had been revised since the posting of the Board Packet.

**PUBLIC COMMENT**

- *Matthew Zevin*, DMSEF President, addressed the Board to seek clarification on the proposed Administrative Regulations and to express the need for the AR to be clear and concise regarding 1) what the funds are being raised for, 2) how the district accepts donated funds, 3) the caps on site specific fundraising, 4) the deadlines for donations, and 5) the need for clear and concise communication to parents, staff and community.
- *Polly Murphy*, parent and DMSEF Rep., expressed her appreciation for Supt. McClain's responsiveness to her emails that addressed all her issues, and supports openness and honesty and a clear vision.
- *Stephanie Shiff*, parent, spoke to the Board to request that sites be allowed to fundraise to their current ESC levels.

The Board tabled discussion on Item 8.3 until after addressing 11.3, 11.4 and 11.5 of the Agenda.

11.3 Notice to the Governing Board of Recommendation to Reduce and/or Eliminate Particular Kinds of Services for the 2009-2010 School Year

Director of Human Resources & Facilities, Rodger Smith, presented the recommended services that are to be reduced and/or eliminated, as follows:

Art Teaching:	8.0 FTE
Music Teaching:	8.0 FTE
Science Teaching:	3.0 FTE
Physical Education Teaching:	4.0 FTE
Technology Teaching:	3.0 FTE
Drama Teaching:	0.5 FTE
Math/Technology Teaching:	1.0 FTE
Spanish Teaching:	0.5 FTE
BTSA Support Provider:	1.0 FTE
Certificated Teaching in Gr. K-6:	15.0 FTE

11.4 Resolution Reducing and/or Eliminating Certain Certificated Services for the 2009-2010 School Year.

Motion to approve Resolution Reducing and/or Eliminating Certain Certificated Services for the 2009-2010 School Year.

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**Motion**     Rodriguez  
**Second**     Perkins  
**Unanimous**

11.5     Board Approval, Resolution No. 2009-02, Determination of Seniority Among Certificated Employees with the Same Seniority Date (“Tie- Breaker Resolution”)

Motion to approve Resolution No. 2009-02, Determination of Seniority Among Certificated Employees with the Same Seniority Date (“Tie- Breaker Resolution”)

**Motion**     McDowell  
**Second**     Easton  
**Unanimous**

The Board directed Supt. McClain to review the Agenda items remaining to be discussed and advise the Board if a Special Board Meeting is needed, or if the items can be added to the Agenda for the March 25, 2009 Regular Board meeting.

8.3     Continued...     1<sup>st</sup> Reading, Administrative Regulations 3290: Gifts, Grants and Bequests

**BOARD DISCUSSION ON ITEM 8.3**

Staff will bring AR 3290: Gifts, Grants and Bequests, back to the Board for a second reading and approval including a revisions to 7(a) stating that positions may be rounded up to the nearest .5 or whole position.     The Board also directed staff to designate a final date for accepting donated funds for specific school site programs that will be consistent with the DMSEF and that the same be offered to the PTAs.

13.     **ADJOURNMENT**

There being no more time to discuss items on the Agenda, there was a Motion to Adjourn at 11:00 p.m.

**Motion**     McDowell  
**Second**     Easton  
**Unanimous**

\_\_\_\_\_  
Steven McDowell, Clerk

\_\_\_\_\_  
Sharon McClain, Superintendent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date