

MINUTES OF THE BOARD OF TRUSTEES AT A REGULAR BOARD MEETING

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Thursday, October 2, 2008

710 ENCINITAS BLVD
ENCINITAS, CA 92024

DISTRICT OFFICE
BOARD ROOM #101

PRELIMINARY FUNCTIONS (AGENDA ITEMS 1 - 6)

1. CALL TO ORDER; PUBLIC COMMENTS REGARDING CLOSED SESSION ITEMS(AGENDA ITEM 1)

President Hergesheimer called the meeting to order at 6:00 PM on Thursday, October 2, 2008, to receive public comments on the Closed Session agenda items. There were no public comments presented.

2. CLOSED SESSION (AGENDA ITEM 2)

The Board convened to Closed Session in the Small Board Room at 6:01 PM to discuss:

- A. To consider personnel issues, pursuant to Government Code Sections 11126 and 54957; limited to consideration of the appointment, employment, evaluation of performance, discipline /release, dismissal of a public employee or to hear *complaints or charges brought against such employee by another person or employee unless the employee requests a public session.*
- B. Conference with Labor Negotiators, pursuant to Government Code Section 54957.8.
Agency Negotiators: Superintendent and Associate Superintendents (3)
Employee Organizations: San Dieguito Faculty Association / California School Employees Association
- C. Conference with legal counsel to discuss current and/or potential litigation, pursuant to Government Code Sections 54956.9(b)(3)(A), (D), and (E).

OPEN SESSION / ATTENDANCE

BOARD OF TRUSTEES

Joyce Dalessandro
Linda Friedman
Barbara Groth
Beth Hergesheimer
Deanna Rich

ADMINISTRATORS

Ken Noah, Superintendent
David Jaffe, Executive Director, Curriculum & Instruction
Steve Ma, Associate Superintendent
Rick Schmitt, Associate Superintendent
Eric Dill, Executive Director, Business Services
Becky Banning, Recording Secretary

STUDENT BOARD MEMBERS

Meredith Adams, La Costa Canyon High School
Chloe Deis-Groff, San Dieguito Academy
Isabelle Giap, Canyon Crest Academy
Morgan Scott, Sunset High School

- 3. RECONVENE / CALL TO ORDER(AGENDA ITEM 3)
The regular meeting of the Board of Trustees was called to order at 6:32 PM by President Hergesheimer.
- 4. SALUTE TO THE FLAG (AGENDA ITEM 4)
Ms. Friedman led the salute to the flag.
- 5. REPORT OUT OF CLOSED SESSION..... (AGENDA ITEM 5)
No action was taken during closed session.
- 6. APPROVAL OF MINUTES (AGENDA ITEM 6)
It was moved by Barbara Groth, seconded by Linda Friedman, that the Minutes of the Regular Board Meeting of September 16, 2008 be approved as written. **Motion unanimously carried.**

NON-ACTION ITEMS(AGENDA ITEMS 7 - 10)

- 7. STUDENT BOARD MEMBER REPORTS (AGENDA ITEM 7)
The Student Board gave updates on events and activities at their sites.
- 8. BOARD OF TRUSTEES UPDATES AND REPORTS..... (AGENDA ITEM 8)
Ms. Dalessandro attended an annual social event hosted by the San Dieguito Faculty Association to welcome back faculty members to the new school year.
Ms. Friedman attended Back to School Nights at Torrey Pines High High School and Earl Warren, Oak Crest and Carmel Valley Middle Schools.
Ms. Groth attended a San Diego County School Boards Association meeting; also attended the first Parent Rep Committee meeting of the year with Mr. Noah and Associate Superintendents Steve Ma, Terry King and Rick Schmitt.
President Hergesheimer attended an Alcohol and Drug Awareness Information Night sponsored by the district’s READI program, at San Dieguito Academy; parent/principal “coffees” at Canyon Crest Academy and Carmel Valley Middle School; all Back to School Nights mentioned earlier; the Parent Rep Committee meeting hosted by the Superintendent; and a Board Workshop held before the regular meeting.
Ms. Rich attended all Back to School Nights mentioned earlier; and a meeting with other area superintendents and Board members that featured San Diego City Councilman Scott Peters as guest speaker.
- 9. SUPERINTENDENT’S REPORTS, BRIEFINGS AND LEGISLATIVE UPDATES..... (AGENDA ITEM 9)
Superintendent Noah praised the district for its concerted effort to recapture the importance of student attendance and ADA through a variety of strategies and programs; spoke about extensive conversations with Mr. Bob Croft, President of the San Dieguito Faculty Association (SDFA) regarding proactive measures taken during his leadership that have had a positive impact on the district;and was a guest speaker at a meeting of the Interfaith Council (composed of clergy and heads of other area faith-based organizations) where his topic was the importance of a partnership that shares a common goal of “raising good kids” and future leaders.
Mr. Noah also gave calendar updates on future activities and pending Board workshops.
- 10. SCHOOL / DEPARTMENT UPDATE (NONE PRESENTED)

CONSENT AGENDA ITEMS (AGENDA ITEMS 11 – 15)

It was moved by Linda Friedman, seconded by Joyce Dalessandro, that all consent agenda items listed below be approved as written. ***Motion unanimously carried.***

11. SUPERINTENDENT

A. ACCEPTANCE OF GIFTS AND DONATIONS

Acceptance of Gifts and Donations received, as shown in the attached supplement.

B. APPROVAL OF FIELD TRIP REQUESTS

Approval of all Field Trip Requests submitted, as shown in the attached supplement.

12. HUMAN RESOURCES

A. APPROVAL OF PERSONNEL REPORTS

Approve matters pertaining to employment of personnel, salaries, leaves of absence, resignations, changes in assignments, extra duty assignments, and consultant services:

1. Certificated and/or Classified Personnel Reports as shown in the attached supplement.

13. EDUCATIONAL SERVICES

A. APPROVAL/RATIFICATION OF AGREEMENTS

Approve/ratify entering into the following agreement and authorize Eric R. Dill or Stephen G. Ma to execute the agreement:

1. Center for Teacher Effectiveness to provide effective classroom and school-wide management strategies in-service and resource materials to teaching staff on September 30, 2008, for an amount not to exceed \$4,247.35, to be expended from the General Fund/Restricted 06-00.

B. APPROVAL OF THE 2008-2012 CAREER & TECHNICAL EDUCATION LOCAL PLAN FOR ADULTS

1. Approve the Carl Perkins Career & Technical Education Local Plan for 2008-2012, as shown in the attached supplement.

14. PUPIL SERVICES

A. APPROVAL/RATIFICATION OF NON-PUBLIC SCHOOL / NON-PUBLIC AGENCY CONTRACTS

No Contracts Submitted

B. APPROVAL/RATIFICATION OF AGREEMENTS

No Agreements Submitted

15. BUSINESS

A. APPROVAL/RATIFICATION OF AGREEMENTS

Approve/ratify entering into the following agreements and authorize Eric R. Dill, Stephen G. Ma, or Ken Noah to execute the agreements:

1. Carlsbad Unified School District for field/activity trips, vehicle maintenance, driver training, and fuel supply from the SDUHSD Transportation Department, during the period August 1, 2007 until either party terminates the contract in writing, amount billed quarterly and reimbursed by Carlsbad Unified School District
2. Brianna Wood to conduct dance workshops and create choreography for the La Costa Canyon High School Dance Club, during the period October 1, 2008 through November 30, 2008, for an amount not to exceed \$300.00, to be paid by ASB Funds.
3. Ericka Moore to conduct dance workshops and create choreography for the La Costa Canyon High School Dance Club, during the period October 1, 2008 through December 31, 2008, for an amount not to exceed \$700.00, to be expended from the General Fund 03-00 and reimbursed by parent donations.
4. American Logistics Company, LLC to provide special education transportation when the District is not able to provide such transportation through its own resources, during the period June 30, 2008 until either party terminates the contract in writing, at the rates of the pricing formula stated in the agreement but not to exceed \$10,000.00 per school year, to be expended from the General Fund/Restricted 06-00.
5. State of California's 22nd District Agricultural Association for lease of facilities for the Torrey Pines High School AP testing, during the period May 4, 2009 through May 14, 2009, for an amount not to exceed \$5,000.00, to be expended from the General Fund 03-00.
6. Carmel Valley Recreation Center for lease of facilities for Carmel Valley Middle School off-campus PE classes, during the period September 2, 2008 through December 18, 2008, for an amount not to exceed \$1,404.00, to be expended from the General Fund 03-00.

B. APPROVAL/RATIFICATION OF AMENDMENT TO AGREEMENTS

No Amendment to Agreements Submitted

C. RATIFICATION OF CONTRACTS

No Ratifications Submitted

D. AWARD OF CONTRACTS

No Award of Contracts Submitted

E. ADOPTION OF RESOLUTION / COOPERATIVE BID

Adopt the attached resolution authorizing contracting pursuant to cooperative bid and award documents from the Waterford Unified School District for the purchase of two new 22 passenger type A1 diesel school buses, for an amount not to exceed \$150,040.02, to be expended from the Pupil Transportation Equipment Fund 15-00, and authorize Eric R. Dill or Stephen G. Ma to execute the necessary documents.

F. APPROVAL OF CHANGE ORDERS

Approve Change Orders to the following projects, and authorize Eric R. Dill or Stephen G. Ma to execute the change orders:

1. Change Order No. 1 – Tennis Court Resurfacing at Torrey Pines High School project B2009-05, contract entered into with Ferandell Tennis Courts, Inc., extending the contract time by 10 calendar days and increasing the contract amount by \$1,000.00, to be expended from the Capital Facilities Fund 25-19 and the Torrey Pines High School Foundation.

G. ACCEPTANCE OF CONSTRUCTION PROJECTS

Accept the following construction projects as complete, pending the completion of a punch list, and authorize the administration to file a Notice of Completion with the County Recorders Office:

- 1. Tennis Court Resurfacing at Torrey Pines High School project B2009-05, contract entered into with Ferandell Tennis Courts, Inc.

H. APPROVAL OF BUSINESS REPORTS

- 1. Purchase Orders
- 2. Instant Money
- 3. Membership Listing

DISCUSSION / ACTION ITEMS..... (NONE PRESENTED)

INFORMATION ITEMS (AGENDA ITEMS 16 - 24)

16. LA COSTA VALLEY MASTER ASSOCIATION PROPOSAL, "DECLARATION OF COVENANT"

This item was presented for first reading and consideration by the Board. Superintendent Noah summarized some details on the history surrounding this topic.

The following Public Comments regarding Item 16 were presented:

A. Weis – Representing the La Costa Valley Master Association Board of Directors: Made reference to a letter written and submitted by him to Mr. Noah with the proposed deed restriction (Item 16) attached; reiterated they were not associated with any other organization, and asked the Board of Trustees to make a final decision by October 31st on approval or modification of this item.

L. Steinberg – Representing Friends of North County: Spoke in support of building a future middle school on the district-owned property on Calle Barcelona; referenced previous statements made by current and former district administration regarding future uses of the district-owned property.

G. Brucia – La Costa Valley Resident: Asked the Board to comment on Item 16.

E. Torkar – La Costa Valley Resident: Expressed concerns that the district may not hold on to the property and sell it for other purposes; and made reference to a sign formerly posted on the property indicating the site as a future school site.

The Board of Trustees addressed concerns regarding the proposed deed restriction (Item 16), as follows:

- Ms. Dalessandro: Asked to know the total percentage of homeowners within CFD 94-2 that were within the La Costa Valley Master Association / Homeowners' Association, explaining that CFD 94-2 was much larger than La Costa Valley Homeowners' Association; stated that, although this deed restriction was approved by the Board of the La Costa Valley HOA, it is requiring a vote of two-thirds of the Homeowners' Association *Membership* for approval of any action; asked if this was intended for the Membership's approval or the Board's approval; asked for feedback on how other Homeowners within CFD 94-2 felt about the proposed deed

restriction; and requested clarification on whether or not those other homeowners had become aware of the potential impact the proposed deed restriction would have on them.

- Ms. Groth: Addressed the Facilities Action Plan currently underway was intended for the district as a whole, the property on Calle Barcelona being one part of that plan; stated that a decision by the Board at this point might be premature as the responsibility of the Board was to look at the District as a whole when evaluating its needs; asked about what might override any restrictions the deed might have, since typically, any deed restriction a property might have usually lowers its value; asked for more information about the 7-11 process; and urged the district to continue to go forward with the Facilities Action Plan for the district as a whole.
- Ms. Rich: Asked for clarification on whether the district had obligations to just CFD 94-2 or the entire district or other entities such as the state, in terms of the land; asked to know whether the district could be subject to legal action from CFD 94-2, the entire district, or other entities, and what would happen if the Homeowners' Board for some reason dissolved; asked what the fiscal ramifications might be for simply holding the land until it might be necessary to use the land for a school; asked why the district would have to build a school if the latest demographic studies show a decline in enrollment; asked what the problem would be if the district would be able to move forward with the plan of an outdoor lab for students - a step that would eliminate state-required tax fees but was denied by the Homeowners Association when approached; and said her concern about the rest of the district is that she did not want law suits saying the district has done something wrong with the property, that would then cloud the La Costa Valley Homeowners entitlement, therefore, whatever the district does has to be something that isn't open to challenge from other people.
- Ms. Hergesheimer: Asked if, from a legal perspective, they, as a Board, could encumber a future Board with an agreement; and asked if it would be a violation of the original Funding and Mitigation Agreement for the school district to enter into this resolution.
- Ms. Friedman: Addressed the purposes of the Facilities Action Plan underway; stated that the district has not decided that there is any other use for that property other than a school; and reminded the Board of a meeting held two to three years prior, between district and homeowners representatives regarding the possibility of an outdoor lab, where representatives expressed concerns about students getting hurt and liability issues for both parties.
- Ms. Dalessandro: Expressed concerns about the district being denied permission by the Homeowners' Association to have access to the district-owned property for purposes of an outdoor laboratory for students, even though the only request made was permission to access the parking lot to drop off and pick up students via a school bus.
- Mr. Ma gave a brief overview of the Facilities Action Plan timeline, which will include the property on Calle Barcelona, and discussed next steps for forming a Task Force.

17. Business Services Update Steve Ma, Associate Superintendent

Mr. Ma informed the Board that a church near the property, approached by the district, also denied permission to access the property. He confirmed that should access be permitted, the district has a teacher at La Costa Canyon prepared to launch an outdoor environmental and natural habitat program.

Mr. Ma gave an update on the status of the state budget including details on Prop 98, statutory COLA, and restored Categorical Program funds. He also addressed challenges to the district with the cost of employee health benefits, utilities and other costs and said the district should anticipate seeing a difficult, if not worse, budget next year. Mr. Ma said there has been some suggestion that there may be calls for mid-year cuts in January. More updates will follow.

18. Human Resources Update(No Update Presented)

19. Educational Services UpdateRick Schmitt, Associate Superintendent

Mr. Schmitt thanked the Board for their time during the Student Achievement Board Workshop held earlier that afternoon. Ms. Rich commended Mr. Noah, Associate Superintendent Rick Schmitt and Executive Director David Jaffe for their continued focus on student achievement.

20. PUBLIC COMMENTS..... (AGENDA ITEM 20)

E. Torkar – La Costa Valley Resident: Asked for clarification regarding the contracted services of Judge DiFiglia, the timelines and allegations under investigation, and the district’s selection process.

G. Brucia – Member of La Costa Valley Homeowners Association Board of Directors / Friends of North County: Stated that the Association was under the impression that a bus would be parked on their property during the outdoor lab sessions; addressed the questions posed by the Board earlier; and asked for clarification on the Facilities Action Plan and its relation to the deed restriction.

J. Castleman – Addressed the rehabilitation process of the property to prepare it for use as an outdoor program; asked the district to include city representation from the City of Carlsbad.

L. Steinberg – Friends of North County and all tax payers: Addressed individual comments made by the Board earlier that evening.

Jerry Galiley – Teacher at Torrey Pines High School of the San Dieguito Union High School District: Thanked the Board for their ongoing support of the vocational education program in the district in a time when financing is so limited; also thanked the Board on behalf of the Torrey Pines High School teaching staff for their commitment overall to the academic programs.

Debbie Elliott – Career Technical Education Program Teacher at La Costa Canyon High School and Resident of Encinitas: Stated that had it not been for the support of the Board, La Costa Canyon would not have an engineering, architecture or television program; stated the Board has been 100% behind staff and the success of these programs and thanked the Board on behalf of all teachers of Career Technical Education at La Costa Canyon High School.

Duncan Brown – Diegueño Middle School Counselor and Encinitas Resident: Thanked the Board for their leadership and continued support during financially hard times, and for supporting services that help students such as counseling and English language learners.

Bob Croft – San Dieguito Faculty Association President and Teacher at Earl Warren Middle School: As a 30-year veteran as a teacher at Earl Warren Middle School, said with the support of the Board, the district had instituted a variety of new programs that have revitalized not only the school but the staff, and as a result, the school has one of the highest academic rates on the API scores in the district. As the President of the faculty association in the district that represented nearly 100% membership, Mr. Croft stated within his 30 years in the district, he had seen a lot of school boards come and go, however he has not seen a Board where there was a unique working relationship with the faculty association. He referred to their relationship as positive, unique and constructive, which is what makes the district successful. Mr. Croft also said he had not seen a Board that has been as supportive, constructive and responsible for the entire district as the Board sitting before him that evening. Mr. Croft stated he felt compelled to share this because of his awareness of the staff’s appreciation. Mr. Croft also commended Superintendent Noah for his involvement in maintaining that cooperative relationship that is so unique in this district, at a time where there are battles within other

districts throughout the county and the state, between teachers, administration, and school boards. Mr. Croft thanked the Board on behalf of the teachers.

- 21. FUTURE AGENDA ITEMS (AGENDA ITEM 21)
Mr. Ma will present an update on the Solar Energy Study Analysis at a future meeting.
- 22. ADJOURNMENT TO CLOSED SESSION..... (AGENDA ITEM 22)
Closed Session was not required.
- 23. REPORT OUT OF CLOSED SESSION..... (AGENDA ITEM 23)
There was nothing to report out of Closed Session.
- 24. ADJOURNMENT OF MEETING..... (AGENDA ITEM 24)
There being no further business, the meeting was adjourned at 8:02 PM

Linda Friedman, Board Clerk

____ / ____ / ____
Date

Ken Noah, Superintendent

____ / ____ / ____
Date