

Governing Board of Trustees Regular Meeting Wednesday, September 13, 2023

Members present

Doug Rafner, Erica Halpern, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

Meeting called to order at 5:15 PM

1. CALL TO ORDER OPEN SESSION

Procedural: 1.1 CALL TO ORDER OPEN SESSION

Governing Board President Mok called the Governing Board of Trustees Regular Meeting to order at 5:15pm.

Procedural: 1.2 PUBLIC INPUT CONCERNING ITEMS ON THE CLOSED SESSION AGENDA

No public requests to address the Governing Board of Trustees regarding closed session agenda items.

Procedural: 1.3 ADJOURNMENT INTO CLOSED SESSION

The Board adjourned into Closed Session at 5:16pm.

2. CLOSED SESSION

3. RECONVENE OPEN SESSION

Procedural, Report: 3.1 CALL TO ORDER OPEN SESSION

Governing Board President Mok reconvened Open Session at 5:54pm.

Report: 3.2 REPORT OF ACTION TAKEN IN CLOSED SESSION

The Board met in Closed Session and in Closed Session by a vote of 4-0 with Member Halpern absent, the Board voted to approve a compromise agreement and release with Student in OAH Case No. 2023060311. The agreement resolves an ongoing dispute related to a student, via reimbursement, in exchange for a waiver of claims against the District.

The Board took action to approve a settlement agreement in the matter of Resh v. Del Mar Union School District, San Diego Superior Court Case No. 37-2019-00050250-CU-WT-CTL. The District defended the lawsuit and prevailed at the trial court level. After dismissal by the trial court in favor of the district, the case was appealed, and the Court of Appeals ruled the matter should be tried by a jury. The San Diego County Office of Education Joint Powers Authority, the agency that oversees and covers the litigation for the District, from a risk management prospective, negotiated and recommended that the District enter into a settlement to minimize the cost of a jury trial. Accordingly, with the recommendation of The San Diego County Office of Education Joint Powers Authority, and District Counsel, in closed session, by a vote of 4-0 with Member Halpern absent, the Governing Board voted to approve the settlement agreement that the plaintiff will dismiss the lawsuit and release the District from any and all pending claims in exchange for a payment of \$200,000, which will be paid by the San Diego County Office of Education Joint Powers Authority.

Procedural: 3.3 PLEDGE OF ALLEGIANCE & WELCOME

Superintendent McClurg led the Pledge of Allegiance.

Action, Procedural: 3.4 APPROVAL OF THE AGENDA

Approve agenda for the September 13, 2023 Regular Meeting of the Governing Board of Trustees.

Approve agenda for the Regular Meeting of the Governing Board of Trustees.

Motion by Alan Kholos, second by Doug Rafner.

Final Resolution: Motion Carries

Aye: Doug Rafner, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

Not Present at Vote: Erica Halpern

4. CORRESPONDENCE/COMMUNICATIONS

Report: 4.1 CORRESPONDENCE

Superintendent's Office received the following correspondence regarding District business:

Board Agenda

Procedural: 4.2 HEARING OF THE PUBLIC REGARDING NON-AGENDA ITEMS

Public Requests to address the Governing Board of Trustees regarding non-agenda items:

Janice Holowka
Genevieve Goldstone
5th Grade Student
High School Student
Shelly Skinner

5. REPORTS, RECOGNITIONS AND HEARINGS

Recognition: 5.1 BOARD RECOGNITION: DMUSD EMPLOYEES OF THE MONTH, SEPTEMBER 2023 CONGRATULATIONS TO THE DMUSD EMPLOYEES OF THE MONTH, SEPTEMBER 2023:

Ashley Falls School: Tracy Williams, CCI K-2 Education Specialist
Carmel Del Mar School: Rachel Johnson, Speech Language Pathologist
Del Mar Heights School: Courtney Massick/ Melissa Brame, Shared class, 3rd Grade Teachers
Del Mar Hills Academy: Nicole Besaw, 6th Grade Teacher
Ocean Air School: Hayley Kantner 4th Grade
Pacific Sky School: Amber Tracy, 1/2 Combo Teacher
Sage Canyon School: Fred Bettig, 6th Grade Teacher
Sycamore Ridge School: Aimee Zaiser, Education Specialist
Torrey Hills School: Mike Honsberger- 1st Grade Teacher
Early Childhood Development Center: Leslie Palac, Registrar
District Office: Julie Vinje, Administrative Assistant DO/Student Services

Report: 5.2 BOARD REPORT: DEL MAR CALIFORNIA TEACHERS ASSOCIATION (DMCTA)
DMCTA Vice President, Monica Sorenson, gave a report to the Board.

Report: 5.3 BOARD REPORT: DEL MAR SCHOOLS EDUCATION FOUNDATION (DMSEF)
DMSEF had no report this month.

Report: 5.4 BOARD REPORT: GOVERNING BOARD MEMBERS

Board Member Kholos:

Attended the PTA President's Meeting

Attended PTA Events at Sage Canyon School, Carmel Del Mar School, and Sycamore Ridge School

Attended DMSEF Board Meeting

Met with Jenni Huh regarding Student Services

Asked DMUSD families to continue to support DMSEF and STEAM+

Board Member Rafner:

Attended Voice of San Diego Meeting

Board Member Fitzpatrick:

No Report

Board Member Mok:

Stated DMUSD is the finest District in the State of California

Report: 5.5 BOARD REPORT: SUPERINTENDENT

Superintendent McClurg reported on current District activities, including:

Attended Salute to Teachers - Congratulations to all DMUSD site Teacher's of the Year and to Cinzia Fisher

Met with all DMUSD PTA Presidents

Met with DMSEF President

Procedural: 5.6 OPEN PUBLIC HEARING TO REVIEW SUFFICIENCY OF INSTRUCTIONAL MATERIALS FOR THE 2023-2024 SCHOOL YEAR, AS REQUIRED BY EDUCATION CODE SECTION 60119

Governing Board President Mok opened the Public Hearing to Review the Sufficiency of Instructional Materials for the 2023-2024 School Year at 6:26pm.

No public requests to address the Governing Board of Trustees regarding the Sufficiency of Instructional Materials for the 2023-2024 School Year.

Action, Procedural: 5.7 BOARD APPROVAL, RESOLUTION NO. 2023-15 REGARDING THE SUFFICIENCY OF INSTRUCTIONAL MATERIALS FOR THE 2023-2024 SCHOOL YEAR, AS REQUIRED BY EDUCATION CODE SECTION 60119

Governing Board President Mok closed the Public Hearing to Review the Sufficiency of Instructional Materials for the 2023-2024 School Year at 6:27pm.

Approve Resolution No. 2023-15 regarding the Sufficiency of Instructional Materials for the 2023-2024 school year, as required by Education Code Section 60119.

Motion by Katherine Fitzpatrick, second by Doug Rafner.

Not Present at Vote: Doug Rafner, Erica Halpern, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

Procedural: 5.8 PUBLIC HEARING: BOARD INFORMATION AND APPROVAL, OPEN THE PUBLIC HEARING FOR THE SUBMISSION OF THE INITIAL PROPOSALS FOR THE REOPENERS OF 2023-2024 DMUSD AND DMCTA LABOR AGREEMENT

The California Government Code, Article 8, Section 3547 stipulates that a reasonable time elapse after the submission of the initial proposal for the public to have the opportunity to comment.

Public Hearing Procedure:

Hearing Opened at 6:28pm by Board President Mok

No Public Comments

The public hearing will be closed at the October Regular Governing Board Meeting.

Procedural: 5.9 HEARING OF THE PUBLIC REGARDING AGENDA ITEMS

No public Requests to address the Governing Board of Trustees regarding agenda items.

Action, Minutes, Procedural: 5.10 BOARD APPROVAL OF MINUTES

Approve Minutes:

August 23, 2023 Special Meeting

August 23, 2023 Regular Meeting

Motion by Doug Rafner, second by Alan Kholos.

Final Resolution: Motion Carries

Aye: Doug Rafner, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

Not Present at Vote: Erica Halpern

6. CONSENT

Action (Consent): 6.1 BOARD APPROVAL AND ACCEPTANCE OF DONATIONS TO THE DEL MAR UNION SCHOOL DISTRICT

Resolution: Approve and accept donations to the Del Mar Union School District

Approve Consent Items 6.1 - 6.21.

Motion by Alan Kholos, second by Katherine Fitzpatrick.

Final Resolution: Motion Carries

Aye: Doug Rafner, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

Not Present at Vote: Erica Halpern

Action (Consent): 6.2 BOARD APPROVAL, ACTION TO DECLARE DISTRICT PERSONAL PROPERTY AS OBSOLETE AND SURPLUS AND TO DISPOSE PER EDUCATION CODE 17540 and 17546(a)(b)(c)

Resolution: Approve action to declare District personal property as obsolete and surplus and to dispose per Education Code 17540 and 17546(a)(b)(c).

Approve Consent Items 6.1 - 6.21.

Motion by Alan Kholos, second by Katherine Fitzpatrick.

Final Resolution: Motion Carries

Aye: Doug Rafner, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

Not Present at Vote: Erica Halpern

Action: 6.3 BOARD APPROVAL AND RATIFICATION OF PURCHASE ORDERS, COMMERCIAL WARRANT PAYMENTS, REVOLVING CASH DISPERSEMENTS, AND PURCHASE CARD TRANSACTIONS
APPROVE AND RATIFY PURCHASE ORDERS, COMMERCIAL WARRANT PAYMENTS, REVOLVING CASH DISBURSEMENTS, AND PURCHASE CARD TRANSACTIONS

Motion by Doug Rafner, second by Alan Kholos.

Final Resolution: Motion Carries

Aye: Doug Rafner, Gee Wah Mok, Alan Kholos

Nay: Katherine Fitzpatrick

Not Present at Vote: Erica Halpern

Action (Consent): 6.4 BOARD APPROVAL AND RATIFICATION, DEL MAR UNION SCHOOL DISTRICT AGREEMENTS AND AMENDMENTS

Resolution: Approve and ratify Del Mar Union School District agreements and amendments

Approve Consent Items 6.1 - 6.21.

Motion by Alan Kholos, second by Katherine Fitzpatrick.

Final Resolution: Motion Carries

Aye: Doug Rafner, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

Not Present at Vote: Erica Halpern

Action (Consent): 6.5 BOARD APPROVAL, PLAYGROUND DEMOLITION AND INSTALLATION-SAGE CANYON SCHOOL NOTICE OF COMPLETION

Resolution: Approve Notice of Completion for Playground Demolition and Installation-Sage Canyon School

Approve Consent Items 6.1 - 6.21.

Motion by Alan Kholos, second by Katherine Fitzpatrick.

Final Resolution: Motion Carries

Aye: Doug Rafner, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

Not Present at Vote: Erica Halpern

Action (Consent): 6.6 BOARD APPROVAL, PLAYGROUND DEMOLITION AND INSTALLATION-TORREY HILLS SCHOOL NOTICE OF COMPLETION

Resolution: Approve Notice of Completion for Playground Demolition and Installation-Torrey Hills School

Approve Consent Items 6.1 - 6.21.

Motion by Alan Kholos, second by Katherine Fitzpatrick.

Final Resolution: Motion Carries

Aye: Doug Rafner, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

Not Present at Vote: Erica Halpern

Action (Consent): 6.7 BOARD APPROVAL, PLAYGROUND DEMOLITION AND INSTALLATION-OCEAN AIR SCHOOL NOTICE OF COMPLETION

Resolution: Approve Notice of Completion for Playground Demolition and Installation-Ocean Air School

Approve Consent Items 6.1 - 6.21.

Motion by Alan Kholos, second by Katherine Fitzpatrick.

Final Resolution: Motion Carries

Aye: Doug Rafner, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

Not Present at Vote: Erica Halpern

Action: 6.8 BOARD APPROVAL, ATTENDANCE AT THE 2023 CASBO CBO SYMPOSIUM

Approve attendance at the 2023 Casbo CBO Symposium

Motion by Doug Rafner, second by Alan Kholos.

Final Resolution: Motion Carries

Aye: Doug Rafner, Gee Wah Mok, Alan Kholos

Nay: Katherine Fitzpatrick

Not Present at Vote: Erica Halpern

Action (Consent): 6.9 BOARD APPROVAL, 2023-2024 CONSOLIDATED APPLICATION FOR FUNDING CATEGORICAL PROGRAMS

Resolution: Approve 2023-2024 Consolidated Application for Funding Categorical Aid Programs

Approve Consent Items 6.1 - 6.21.

Motion by Alan Kholos, second by Katherine Fitzpatrick.

Final Resolution: Motion Carries

Aye: Doug Rafner, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

Not Present at Vote: Erica Halpern

Action (Consent): 6.10 BOARD APPROVAL, RESOLUTION NO. 2023-16 ADOPTING THE "GANN LIMIT" PURSUANT TO GOVERNMENT CODE 7902.1

Resolution: Approve Resolution No. 2023-16 Adopting the "Gann Limit" pursuant to government code 7902.1

Approve Consent Items 6.1 - 6.21.

Motion by Alan Kholos, second by Katherine Fitzpatrick.

Final Resolution: Motion Carries

Aye: Doug Rafner, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

Not Present at Vote: Erica Halpern

Action: 6.11 BOARD APPROVAL, ATTENDANCE AT 2023 EDSPACES CONFERENCE

Approve attendance at the 2023 EDSpaces Conference.

Motion by Doug Rafner, second by Alan Kholos.

Final Resolution: Motion Carries

Aye: Doug Rafner, Gee Wah Mok, Alan Kholos

Nay: Katherine Fitzpatrick

Not Present at Vote: Erica Halpern

Action: 6.12 BOARD APPROVAL, ATTENDANCE AT 2023 CALIFORNIA ASSESSMENT CONFERENCE

Approve attendance at the 2023 California Assessment Conference.

Motion by Doug Rafner, second by Alan Kholos.

Final Resolution: Motion Carries

Aye: Doug Rafner, Gee Wah Mok, Alan Kholos

Nay: Katherine Fitzpatrick
Not Present at Vote: Erica Halpern

Action (Consent): 6.13 BOARD REVIEW OF EXISTING GOVERNING BOARD POLICIES, BOARD POLICY 0000: VISION/LONG-RANGE STRATEGIC PLAN

Resolution: Approve review of existing Governing Board Policy 0000: Vision/Long-Range Strategic Plan

Approve Consent Items 6.1 - 6.21.

Motion by Alan Kholos, second by Katherine Fitzpatrick.

Final Resolution: Motion Carries

Aye: Doug Rafner, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

Not Present at Vote: Erica Halpern

Action (Consent): 6.14 BOARD REVIEW OF EXISTING GOVERNING BOARD POLICIES, BOARD POLICY 0200: GOALS FOR THE SCHOOL DISTRICT

Resolution: Approve review of existing Governing Board Policy 0200: Goals For The School District.

Approve Consent Items 6.1 - 6.21.

Motion by Alan Kholos, second by Katherine Fitzpatrick.

Final Resolution: Motion Carries

Aye: Doug Rafner, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

Not Present at Vote: Erica Halpern

Action (Consent): 6.15 BOARD APPROVAL, REVISED JOB DESCRIPTION, PAYROLL SUPERVISOR

Resolution: Approve revised job description, Payroll Supervisor.

Approve Consent Items 6.1 - 6.21.

Motion by Alan Kholos, second by Katherine Fitzpatrick.

Final Resolution: Motion Carries

Aye: Doug Rafner, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

Not Present at Vote: Erica Halpern

Action: 6.16 BOARD APPROVAL, NEW JOB DESCRIPTION, OFFICE ASSISTANT, DISTRICT OFFICE

Approve new job description, Office Assistant, District Office.

Motion by Doug Rafner, second by Alan Kholos.

Final Resolution: Motion Carries

Aye: Doug Rafner, Gee Wah Mok, Alan Kholos

Nay: Katherine Fitzpatrick

Not Present at Vote: Erica Halpern

Action (Consent): 6.17 BOARD APPROVAL, NEW JOB DESCRIPTION, ADMINISTRATIVE ASSISTANT, CHILD NUTRITION SERVICES

Resolution: Approve new job description, Administrative Assistant, Child Nutrition Services.

Approve Consent Items 6.1 - 6.21.

Motion by Alan Kholos, second by Katherine Fitzpatrick.

Final Resolution: Motion Carries

Aye: Doug Rafner, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

Not Present at Vote: Erica Halpern

Action (Consent): 6.18 BOARD APPROVAL, CHANGES TO CONFIDENTIAL SALARY SCHEDULE: GROUP 13
Resolution: Approve changes to Confidential salary schedules Group 13.

Approve Consent Items 6.1 - 6.21.

Motion by Alan Kholos, second by Katherine Fitzpatrick.
Final Resolution: Motion Carries
Aye: Doug Rafner, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos
Not Present at Vote: Erica Halpern

Action (Consent): 6.19 BOARD APPROVAL, RECOMMENDED PERSONNEL ACTIONS: EMPLOYMENT, RESIGNATIONS, DISMISSALS, LEAVES OF ABSENCE, AND CHANGE OF STATUS
Resolution: Approve recommended Personnel actions: employment, resignations, dismissals, leaves of absence, and change of status.

Approve Consent Items 6.1 - 6.21.

Motion by Alan Kholos, second by Katherine Fitzpatrick.
Final Resolution: Motion Carries
Aye: Doug Rafner, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos
Not Present at Vote: Erica Halpern

Action (Consent): 6.20 BOARD APPROVAL, CONSENT CALENDAR
Board Member Fitzpatrick requested the following items be pulled from consent for discussion:

6.9, 6.12, 6.13, 6.16

The consent calendar was approved without items 6.9, 6.12, 6.13, 6.16

Motion by Alan Kholos, second by Doug Rafner.
Final Resolution: Motion Carries
Aye: Doug Rafner, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos
Not Present at Vote: Erica Halpern

Motion by Doug Rafner to approve item 6.3 - no second. Vote fell.

Board Member Fitzpatrick requested to change the items she pulled from consent for discussion to include:

6.3, 6.8, 6.11, 6.12, 6.16

Board reconsidered vote for the Consent Calendar without items 6.3, 6.8, 6.11, 6.12, 6.16:

Motion by Alan Kholos, second by Katherine Fitzpatrick.
Final Resolution: Motion Carries
Aye: Doug Rafner, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos
Not Present at Vote: Erica Halpern

Motion to vote on the following items separately from the consent agenda: 6.3, 6.8, 6.11, 6.12, 6.16:

Motion by Alan Kholos, second by Katherine Fitzpatrick.
Final Resolution: Motion Carries
Aye: Doug Rafner, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos
Not Present at Vote: Erica Halpern

After discussion with staff answering clarifying questions from the Board, the Board voted to approve items: 6.3, 6.8, 6.11, 6.12, 6.16

Motion by Doug Rafner, second by Alan Kholos.
Final Resolution: Motion Carries
Aye: Doug Rafner, Gee Wah Mok, Alan Kholos
Nay: Katherine Fitzpatrick
Not Present at Vote: Erica Halpern

Resolution: Approve Consent Items 6.1 - 6.21.

Approve Consent Items 6.1 - 6.21.

Motion by Alan Kholos, second by Katherine Fitzpatrick.

Final Resolution: Motion Carries

Aye: Doug Rafner, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

Not Present at Vote: Erica Halpern

7. CURRICULUM AND INSTRUCTION

8. ADMINISTRATION AND POLICY

Presentation: 8.1 BOARD REPORT, CYBER SECURITY UPDATE

Sam Plambeck, Chief Technology Officer, shared a report with the Board regarding Cyber Security, including:

Investing in the Most Impactful Security Measures

Security Measures

Multi-Factor Authorization (MFA)

Patch Management

Managing User Privileges

Enterprise Defense Suite

Next Steps

Cyber Security Awareness

Multi-Factor Authorization

Network Audit

Staff responded to clarifying questions from the Board.

9. MAINTENANCE, OPERATIONS AND FACILITIES

Report: 9.1 BOARD REPORT, FACILITIES UPDATE

Carlos Avalos, Director of Maintenance, Operations, and Facilities, shared a Facilities Update with the Board, including:

Del Mar Hills Academy Authorization

Del Mar Heights School Rebuild

Sage Canyon - 400 Building Improvements

Staff responded to clarifying questions from the Board.

10. BUSINESS AND FINANCE

Action, Presentation: 10.1 BOARD REVIEW AND APPROVAL OF THE 2022-2023 UNAUDITED ACTUALS FOR ALL DISTRICT FUNDS

Chris Delehanty, Assistant Superintendent of Business Services and Tiana Barton, Director of Fiscal Services, shared a report with the Board regarding 2022-2023 Unaudited Actuals for All District Funds, including:

General Fund Summary

Revenues

Variance from Estimated Actuals

Expenditures

Variance from Estimated Actuals

Components of the Ending Fund Balance

2022-2023 Revenue Summary

2022-2023 Expenditure Summary

Additional General Fund Highlights

Special Education Funding

Looking Towards 2023-2024 First Interim

Historical Data Summary

Historical Revenues

Historical Expenditures

Historical Property Tax Revenue

Summary of Other Funds

- Fund 13 Cafeteria Fund
- Fund 14 Deferred Maintenance
- Fund 17 Special Reserve
- Fund 21 Measure MM, Series A & B
- Measure MM Projects
- Fund 25 Capital Facilities
- Fund 35 School Facilities
- Fund 40 Special Reserve for Capital Outlay
- Fund 49-01 CFD 95-1
- Fund 49-02 CFD 99-1
- Fund 63 Enterprise Fund
- Fund 73 Trust Fund

Staff responded to clarifying questions from the Board.

Approve the 2022-2023 Unaudited Actuals for all District Funds.

Motion by Doug Rafner, second by Katherine Fitzpatrick.

Final Resolution: Motion Carries

Aye: Doug Rafner, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

Not Present at Vote: Erica Halpern

11. PERSONNEL

12. CLOSING ITEMS

Information: 12.1 BOARD REVIEW, REMINDER OF UPCOMING DMUSD EVENTS

Information: 12.2 BOARD REVIEW, REMINDER OF UPCOMING DMUSD PTA EVENTS

Information: 12.3 BOARD REVIEW, PRELIMINARY ITEMS FOR THE OCTOBER REGULAR BOARD MEETING

Action: 12.4 ADJOURNMENT OF MEETING

Governing Board President Mok adjourned the meeting at 7:46pm.

Motion to Adjourn meeting.

Motion by Doug Rafner, second by Katherine Fitzpatrick.

Final Resolution: Motion Carries

Aye: Doug Rafner, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

Not Present at Vote: Erica Halpern

Signature of Governing Board Clerk:



Katherine Fitzpatrick

10/25/23

Date

Signature of Superintendent:



10/25/23

Holly McClurg, Ph.D.

Date

Generated by Megan Bennett on Thursday, September 28, 2023