



**BOARD OF TRUSTEES
SPECIAL MEETING**

Board of Trustees
Michael Allman
Kristin Gibson
Melisse Mossy
Maureen "Mo" Muir
Katrina Young

Superintendent
Robert A. Haley, Ed.D.

**MONDAY, DECEMBER 28, 2020
AT 9:00 AM**

***Public participation will be remote and
live-stream will be available @ www.sduhsd.net.***

This meeting will be held in accordance with Executive Orders N-29-20 and N-33-20, and the County of San Diego Health and Human Services Order of the Health Officer and Emergency Regulations issued on October 10, 2020. A copy of each order is available online at www.sduhsd.net and posted at 710 Encinitas Boulevard, Encinitas, CA. The meeting will be live-streamed and video recorded. The public live-stream link will be posted online at www.sduhsd.net prior to the start of the meeting. Members of the Board of Trustees will be permitted to participate virtually/telephonically.

Public comments for special meetings are restricted to items on the agenda before the Board of Trustees for consideration. Members of the public who wish to address the Board of Trustees may do so by submitting a request using this [form](#). This form will be available beginning at 9:00 a.m., December 26, 2020, and will close at 9:00 a.m. on December 27, 2020.

Public comment will be limited to two (2) minutes per speaker and a total of 20 minutes per item. If there are more than 10 requests for an item, there will be a random selection of 10 speakers made prior to the meeting on December 28, 2020 that will be recorded.

Speakers will be notified of selection prior to the start of the meeting. Written comments will be limited to 350 words (2,100 characters) or less. Comments will be shared with all trustees and posted online with the agenda for the public to see. Additional information and supporting documents that may be provided to the Board of Trustees prior to the start of the meeting, if provided, will be posted on the website at www.sduhsd.net.

AGENDA

1. CALL TO ORDER

- a. WELCOME
- b. PLEDGE OF ALLEGIANCE
- c. APPROVAL OF AGENDA

2. CLOSED SESSION – *public comment, if any*

- a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (GOV'T CODE SECTION 54956.9)

To conference with legal counsel to discuss existing litigation, pursuant to Government Code section 54956.9 (d)(1): San Dieguito Faculty Association, William Rushing and DOES 1-10 vs. San Dieguito Union High School District, its Board of Trustees, Robert A. Haley and ROES 1-10, San Diego Superior Court Case No. 37-2020-00046841.

3. REPORT OUT OF CLOSED SESSION

4. CONSIDERATION OF RATIFICATION OF SETTLEMENT AGREEMENT BETWEEN THE SAN DIEGUITO UNION HIGH SCHOOL DISTRICT AND THE SAN DIEGUITO FACULTY ASSOCIATION – *public comment, if any*

In compliance with the Americans with Disabilities Act, if you need special assistance, disability-related modifications, or accommodations, including auxiliary aids or services, in order to participate in the public meetings of the District's Governing Board, please contact the [Office of the Superintendent](#). Notification 72 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accommodation and accessibility to this meeting. Upon request, the District shall also make available this agenda and all other public records associated with the meeting in appropriate alternative formats for persons with a disability.

5. **CONSIDERATION OF RESCISSION OF SAN DIEGUITO UNION HIGH SCHOOL DISTRICT RESOLUTION – EXPANDED SCHOOL REOPENING, DATED DECEMBER 15, 2020 – *public comment, if any***
6. **ADJOURNMENT**

MEETING PROTOCOL

The members of the San Dieguito Union High School District Board of Trustees are locally elected officials, serve four-year terms of office, and are responsible for the schools' educational programs, in grades seven through twelve. The Board is a policy-making body whose actions are guided by the District's vision, mission, and goals. Administration of the District is delegated to a professional administrative staff led by the Superintendent. Board Members are required to conduct the programs of the schools in accordance with the Constitution of the State of California, the California Education Code, and other laws relating to schools enacted by the Legislature, in addition to policies and procedures adopted by the Board of Trustees.

PUBLIC COMMENTS *(Please see public comment process noted above.)*

Members of the public are entitled to comment on items listed on the agenda for Board consideration or deliberation. At the discretion of the Board President, members of the public are entitled to speak on agenda items either immediately after the item is called or following background information provided related to the item. Members of the public are entitled to comment on an agenda item only once at any meeting and may not have someone speak or read on their behalf. Although the Board President may seek additional information, participation in debate on any item before the Board shall be limited to the Board and staff. The Board President shall determine the order of speakers, when the Board President calls a member of the public to speak they are asked, but not required, to provide their names prior to making comments.

PUBLIC INSPECTION OF DOCUMENTS

In compliance with Government Code 54957.5, agenda-related documents that have been distributed to the Board less than 72 hours prior to the Board Meeting will be available for review on the district website, www.sduhsd.net.

CLOSED SESSION

The Board may meet in Closed Session to consider qualified matters of litigation, employee negotiations, student discipline, employee grievances, personnel qualifications, and/or real estate negotiations which are timely.

San Dieguito Union High School District

INFORMATION REGARDING BOARD AGENDA ITEM

TO: BOARD OF TRUSTEES

DATE OF REPORT: December 24, 2020

BOARD MEETING DATE: December 28, 2020

PREPARED & SUBMITTED BY: Robert A. Haley, Ed.D., Superintendent

SUBJECT: CONSIDERATION OF RATIFICATION OF SETTLEMENT AGREEMENT BETWEEN THE SAN DIEGUITO UNION HIGH SCHOOL DISTRICT AND THE SAN DIEGUITO FACULTY ASSOCIATION

EXECUTIVE SUMMARY

In the interest of the safety of the students, families, staff, and community, and to preserve the academic integrity of the district's second academic quarter, the parties involved tentatively agreed to this Settlement Agreement and it is presented for ratification by the full Board of Trustees.

RECOMMENDATION:

It is recommended by the Board President and the Superintendent that the Board ratify the Settlement Agreement between the San Dieguito Union High School District and the San Dieguito Faculty Association, as presented in the attached supplement.

FUNDING SOURCE:

N/A

SETTLEMENT AGREEMENT

This Settlement Agreement (hereafter, “Agreement”) is entered into by and between the San Dieguito Faculty Association (hereafter, “SDFFA”) and William Rushing (hereafter, collectively referred to as “Petitioners”), on the one hand, and Respondents San Dieguito Union High School District (hereafter, “District”), the Board of Trustees of the San Dieguito Union High School District (hereafter, “Board of Trustees”), and Superintendent Dr. Robert Haley (collectively referred to as “Respondents”), on the other. Petitioners and Respondents may hereafter be collectively referred to as the “Parties.”

On December 15, 2020, the Board of Trustees approved a Resolution, entitled, “San Dieguito Union High School District Resolution – Expanded School Reopening” (hereafter, “Resolution”).

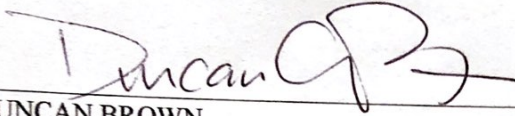
On December 18, 2020, Petitioners filed a Petition for a Peremptory Writ of Mandate in the Superior Court of the State of California for the County of San Diego, Case No. 37-2020-00046841 (hereafter, the “Petition”), seeking to enjoin Respondents from implementing the Resolution and seeking to prohibit Respondents from conducting general in-person instruction on District campuses until fourteen (14) days after San Diego County has been designated by the California Department of Public Health (“CDPH”) to be in Red Tier 2 status or otherwise qualify for an exception under state health orders.

The Parties agree as follows:

1. On or before January 4, 2021, the Board of Trustees will rescind the Resolution. The District agrees that for the time period of January 4, 2021 through January 26, 2021, only, it will not implement any changes to general in-person instruction on its campuses. Any instruction, extracurricular activities, or “Cohorting” (as defined in the CDPH “Guidance Related to Cohorts” and “Cohorting Guidance FAQ’s” currently in effect as of the date of this Agreement, hereafter collectively “Cohorting Rules”) that has taken place on District campuses during the 2020-2021 school year may continue and is in no way impacted or limited by this Agreement. The Parties expressly agree that this Agreement shall not prevent, limit, or otherwise preclude the District from expanding any Cohorting (as defined in CDPH Cohorting Rules) on its campuses based on the District’s discretion as set forth in the Cohorting Rules.
2. Upon ratification of this Agreement by the Board of Trustees, Petitioners shall immediately vacate the December 30, 2020 hearing on the *Ex Parte* Application for Temporary Restraining Order and Order to Show Cause, without prejudice. Petitioners agree that they shall not reset that hearing, or seek any other judicial relief arising out of or related to the claims in the Petition, prior to January 19, 2021.
3. This Agreement may be executed by facsimile signature, PDF, and in one or more counterparts, each of which shall be deemed to be an original, and which shall together constitute one and the same document.

ITEM 4

4. This Agreement is subject to ratification by the Board of Trustees.



DUNCAN BROWN
FOR THE SAN DIEGUITO FACULTY ASSOCIATION

12/23/2020

DATE

WILLIAM RUSHING

DATE

ROBERT HALEY
SUPERINTENDENT

DATE

MAUREEN MUIR
FOR THE BOARD OF TRUSTEES AND THE
SAN DIEGUITO UNION HIGH SCHOOL DISTRICT

DATE

Date Ratified by the Governing Board: _____

ITEM 4

4. This Agreement is subject to ratification by the Board of Trustees.

DUNCAN BROWN DATE
FOR THE SAN DIEGUITO FACULTY ASSOCIATION

William B. Rushing

Digitally signed by William B. Rushing
DN: cn=William B. Rushing, o, ou,
email=billrushing@gmail.com, c=US
Date: 2020.12.23 20:29:11 -08'00'

WILLIAM RUSHING DATE

ROBERT HALEY DATE
SUPERINTENDENT

MAUREEN MUIR DATE
FOR THE BOARD OF TRUSTEES AND THE
SAN DIEGUITO UNION HIGH SCHOOL DISTRICT

Date Ratified by the Governing Board: _____



San Dieguito Union High School District

INFORMATION REGARDING BOARD AGENDA ITEM

TO: BOARD OF TRUSTEES

DATE OF REPORT: December 24, 2020

BOARD MEETING DATE: December 28, 2020

PREPARED & SUBMITTED BY: Robert A. Haley, Ed.D., Superintendent

SUBJECT: CONSIDERATION OF RESCISSION OF SAN DIEGUITO UNION HIGH SCHOOL DISTRICT RESOLUTION – EXPANDED SCHOOL REOPENING, DATED DECEMBER 15, 2020

EXECUTIVE SUMMARY

Consistent with the Settlement Agreement, the San Dieguito Union High School District Resolution – Expanded School Reopening, dated December 15, 2020, is presented to be rescinded.

RECOMMENDATION:

It is recommended that the Board rescind the San Dieguito Union High School District Resolution – Expanded School Reopening, dated December 15, 2020, attached hereto.

FUNDING SOURCE:

N/A

ITEM 5

**San Dieguito Union High School District
Resolution - Expanded School Opening**

WHEREAS, the COVID-19 pandemic has caused the temporary closure of many public school campuses around the state, including many within San Diego County;

WHEREAS, Senate Bill 98 ("SB 98") was adopted by the Legislature June 30, 2020, which among other things required that all school districts and other local educational agencies for this 2020- 21 school year "*shall offer in-person instruction to the greatest extent possible.*" (Ed. Code§ 43504(b).);

WHEREAS, the District as yet does not offer in-person instruction for all of its general education population, although other nearby school districts, including those overlapping or with boundaries contained within the District, are fully or partially providing in-person instruction consistent with SB 98;

WHEREAS, the Governing Board finds that with appropriate planning, the District is capable of safely returning to partial and ultimately full in-person instruction consistent with SB 98; and

WHEREAS, the Governing Board desires to plan and implement a full return to in-person, on-campus instruction for all students in January 2021, while simultaneously offering a distance learning option using the concurrent learning model.

NOW THEREFORE, BE IT RESOLVED, ORDERED, and DECLARED as follows:

1. Unless specifically ordered otherwise by an applicable public health order issued directly to the District by the County or State, the Governing Board determines and directs that District schools should be open for on-campus instruction for all students who desire to participate on a part-time basis beginning on January 4, 2021.
2. Unless specifically ordered otherwise by an applicable public health order issued directly to the District by the County or State, the Governing Board determines and directs that all District schools should be open for on-campus instruction for all students who desire to participate on a full-time basis beginning on the first day of the third quarter of the school year, January 27, 2021.

ITEM 5

3. The Governing Board designates FULL BOARD as the Board delegate and representative to directly participate in facilitating the planning and implementation of the directives stated in this resolution. The Board expects the FULL BOARD, the Superintendent, and other administrative staff to meet regularly over the next several weeks to review progress, create new tasks, discuss issues, and make decisions in support of the Board's direction provided herein.

4. The Governing Board designates FULL BOARD as the Board's spokesperson for matters addressed by or arising from this Resolution.

Passed and adopted by the San Dieguito Union High School District Board of Trustees at their regular Board meeting on December 15, 2020.

AYES: Allman, Mossy, Muir
NOES: Gibson, Young
ABSTAIN: None
ABSENT: None



Maureen "Mo" Muir, Board President