

**For a Listing of Upcoming Board Meetings See Page vi of this Table of Contents**  
**Santa Monica-Malibu Unified School District**  
**Board of Education Meeting**  
**AGENDA**

**March 19, 2009**

A regular meeting of the Santa Monica-Malibu Unified School District Board of Education will be held on **Thursday, March 19, 2009**, in the **Santa Monica City Council Chambers**: 1685 Main Street, Santa Monica, CA. The Board of Education will call the meeting to order at 4:00 p.m. in the Board Conference Room at the District Offices: 1651 16<sup>th</sup> Street, Santa Monica, CA., at which time the Board of Education will move to Closed Session regarding the items listed below. The public meeting will reconvene at 5:30 p.m. in the Santa Monica City Council Chambers.

**The public meeting will begin at 5:30 p.m.**

Persons wishing to address the Board of Education regarding an item that is scheduled for this meeting must submit the "Request to Address" card prior to discussion of that item. Persons wishing to address the Board of Education regarding an item that is not scheduled on this meeting's agenda may speak during the Public Comments section by submitting the Request to Address card at the beginning of the meeting. The same card is used for either option and is printed in both Spanish and English. Cards are located with meeting materials at the back of the room. Completed cards should be submitted to the Recording Secretary.

**Time Certain Items:** Those items listed for a specified time (indicated in bold) are listed to give the public an indication of when a particular item of interest will come before the Board. The Board will hear the item at the affixed time. However, if it is prudent to do so, the Board may adjust the time stamp to complete an item currently on the floor, but will not delay the time stamped item for more than 15 minutes.

**I. CALL TO ORDER**

- A. Roll Call
- B. Pledge of Allegiance

**II. PUBLIC COMMENTS FOR CLOSED SESSION ITEMS ONLY**

**III. CLOSED SESSION (70):**

- Receipt of recommendation for approval of the proposed settlement cases pursuant to GC §54956.9 (b), as cited in the Brown Act (10):  
DN-1024-08/09      DN-1030-08/09      DN-1031-08/09
- Conference with Superintendent regarding 2008-2009 Strategies for Negotiations with S.E.I.U. pursuant to GC §54957.6 as cited in the Brown Act. (15)
- Conference with Superintendent regarding 2008-2009 Strategies for Negotiations with S.M.M.C.T.A. pursuant to GC §54957.6 as cited in the Brown Act. (15)
- Closed session with legal counsel concerning anticipated litigation pursuant to GC §54956.9 as cited in the Brown Act (2 cases). (20)
- Pupil hearing pursuant to EC §48918 (c) as cited in the Brown Act (*agenda item No. A.36*) (10)

**IV. BOARD OF EDUCATION – COMMENDATIONS / RECOGNITIONS (20)**

- CHPS Sustainability Award Presented to SMMUSD (10)
- Santa Monica High School (10)

**V. APPROVAL OF THE AGENDA**

**VI. APPROVAL OF MINUTES**

A.01 Approval of Minutes .....1  
February 27, 2009  
March 4, 2009

**VII. CONSENT CALENDAR (5)**

Consent agenda items are considered routine, as agreed by the President, Vice President and Superintendent, requiring no discussion, and are normally all approved at one time by the Board of Education. However, members of the Board of Education, staff, or the public may request an item be removed from the consent agenda for clarification and/or discussion. Consideration will occur during Section XI (Major Items).

**Curriculum and Instruction**

A.02 Approval of Independent Contractors .....2  
A.03 Overnight Field Trip(s) – 2008-2009 .....3  
A.04 Conference and Travel Approval/Ratification ..... 4-5  
A.05 Approval of Special Education Contracts – 2008-2009 ..... 6-9

**Business and Fiscal**

A.06 Award of Purchase Orders – 2008-2009 ..... 10-10e  
A.07 Acceptance of Gifts – 2008/2009 ..... 11-15  
A.08 Replace Member on the Financial Oversight Committee .....16  
A.09 Approval of Overcharge Recovery Group to Review Telecom and  
Datacom Billings ..... 17-18  
A.10 Amendment to Contract with J. Dreyfuss and Associates (DBA Dreyfuss  
Construction) – Bid #9.01 – Boys and Girls Club Facility – John  
Adams Middle School – Change Order #2, 3, and 4 .....19  
A.11 Award of Bid #9.13 – Webster Fire Damage Reconstruction –  
Graph Company .....20

**Measure “BB”**

A.12 Contract Amendment #6 for CEQA Environmental Documents for Cabrillo  
ES, Grant ES, McKinley ES, Rogers ES, and Webster ES – PBS&J –  
Measure BB ..... 21-22  
A.13 Contract Amendment #10 for Increased Scope – Development of District  
Landscape and Planting Standards – WWCOT – Measure BB ..... 23-24  
A.14 Approval of Contract with Integrated Performance Consultants, Inc. (IPC)  
For Malibu Middle/High School – Measure BB.....25

**Personnel**

A.15 Certificated Personnel – Elections, Separations ..... 26-30  
A.16 Special Service Employees .....31  
A.17 Classified Personnel – Merit ..... 32-34  
A.18 Classified Personnel – Non-Merit .....35

**General**

A.19 Expulsion of Student (B/D 04/06/94) .....36

**VIII. PUBLIC COMMENTS**

Public Comments is the time when members of the audience may address the Board of Education on items not scheduled on the meeting’s agenda. All speakers are limited to three

If you will require accommodation to participate in the Board meeting, please notify the Superintendent’s Office at least one day prior to the meeting. ii

(3) minutes. When there are a large number of speakers, the Board may reduce the allotted time to two (2) minutes per speaker. The Brown Act (Government Code) states that Board members may not engage in discussion of issues raised during “VIII. Public Comments” except to ask clarifying questions, make a brief announcement, make a brief report on his or her own activities, or to refer the matter to staff. This Public Comment section is limited to 20 minutes. If the number of persons wishing to address the Board of Education exceeds the time limit, additional time will be provided in Section **XVI. CONTINUATION OF PUBLIC COMMENTS.**

**IX. COMMUNICATIONS (29)**

The Communications section provides an opportunity for the Board of Education to hear reports from the individuals or Committee representative listed below. All reports are limited to 5 minutes or less. However, if more time is necessary, or if a report will not be presented, please notify the Board secretary eight workdays prior to the date of the meeting.

**A. Student Board Member Reports**

Jaime Black – Santa Monica High School (3)

Roya Sahafi – Malibu High School (3)

Isis Enriquez – Olympic High School (3)

**B. SMMCTA Update – Mr. Harry Keiley (5)**

**C. S.E.I.U. Update – Ms. Keryl Cartee-McNeely (5)**

**D. PTA Council – Rebecca Kennerly (5)**

**E. Financial Oversight Committee (5)**

**X. SUPERINTENDENT’S REPORT (5)**

**MAJOR and DISCUSSION Items**

*As a general rule, items under MAJOR and DISCUSSION will be listed in order of importance as determined by the President, Vice President and Superintendent. Individual Board members may move to request a change in the order prior to consideration of any Major item. The Board may also move any of these items out of order to be heard immediately following PUBLIC COMMENTS if it appears that there is special interest by the public or as a courtesy to staff members making presentations to the Board.*

**XI. MAJOR ITEMS (55)**

These items are considered to be of major interest and/or importance and are presented for **ACTION (A)** or **INFORMATION (I)** at this time. Many have been reviewed by the Board at a previous meeting under the Discussion Items section of the agenda.

A.20	Adopt Resolution No. 08-29 – Honoring César Chávez (5).....	37-39
A.21	Adopt Resolution No. 08-30 – Tax and Revenue Anticipation Notes (TRANS) (5) .....	40-49
A.22	EXPO Phase II – Draft EIR (30).....	50
A.23	Approval of Washington Child Development Services Modernization Project and Authorize Filing of Notice of Exemption – Measure BB (5).....	51-52
A.24	Approval of Webster Elementary School Fire Alarm Replacement Project and Authorize Filing of Notice of Exemption – Measure BB (5) .....	53-54
A.25	Approval of Pt. Dume Elementary School Gas Line and Furnace Replacement Project and Authorize Filing of Notice of Exemption – Measure BB (5).....	55-56

**XII. DISCUSSION ITEMS (90)**

These items are submitted for information (FIRST READING) and discussion. Action will generally be considered at the next regularly scheduled meeting of the Board.

If you will require accommodation to participate in the Board meeting, please notify the Superintendent’s Office at least one day prior to the meeting.

D.01	2009-10 School Staffing (20).....	57-64
D.02	Revise Policy 5117 – Interdistrict Attendance (20).....	65-69
D.03	Relocation Plan – Edison Land Acquisition (10).....	70
D.04	SMMUSD Relocation Grievance Procedures – First Reading (10) .....	71-76
D.05	Measure BB Budget Scope – Malibu Middle and High School Campus Improvements Project – Athletic Field Lighting (30).....	77-79

**XIII. INFORMATIONAL ITEMS (0)**

**XIV. BOARD MEMBER ITEMS (0)**

These items are submitted by individual Board members for information or discussion, as per Board Policy 8320(b).

**XV. REQUESTS BY MEMBERS OF THE PUBLIC OR DISTRICT ADVISORY COMMITTEES TO ADDRESS THE BOARD OF EDUCATION**

These items are submitted by members of the public to address the Board of Education on a matter within the jurisdiction of the Board, as per Board Policy 8320©. Requests must be submitted to the Superintendent in writing ten days before the Board meeting or prior to agenda planning, in accordance with the established agenda planning schedule, whichever is less. The written request will not exceed 500 words and will include, as an attachment, brief background information and the reason for the request.

**XVI. CONTINUATION OF PUBLIC COMMENTS**

A continuation of Section VIII, as needed. (If the number of persons wishing to address the Board of Education exceeds the time limit in section VIII, additional time will be provided in Section XVI, CONTINUATION OF PUBLIC COMMENTS.)

**XVII. BOARD MEMBER COMMENTS**

Board Member Comments is the section where a Board member may make a brief announcement or make a brief report on his or her own activities relative to Board business. There can be no discussion under “BOARD MEMBER COMMENTS.”

**XVIII. FUTURE AGENDA ITEMS**

Items for future consideration will be listed with the projected date of consideration. The Board of Education will be given any backup information available at this time.

**XIV. CLOSED SESSION**

The Board of Education will, if appropriate, adjourn to CLOSED SESSION to complete discussion on items listed for CLOSED SESSION following the regular business meeting.

**XX. ADJOURNMENT**

This meeting will adjourn to the next regularly scheduled meeting will be held on **Thursday, April 2, 2009, at 5:30 p.m.** in the Board Room at the District Offices: 1651 16<sup>th</sup> Street, Santa Monica, CA.

**Meetings held at Santa Monica City Hall are broadcast live – City TV2, Cable Channel 16.  
Meetings held at the District Office and in Malibu are taped and rebroadcast  
in Santa Monica on CityTV2, Cable Channel 20 – Check TV listing.  
Meetings are rebroadcast in Malibu on Government Access Ch. 3 every Saturday at 8pm.**

**SMMUSD Board of Education Meeting Schedule 2008-2009**

**Closed Session begins at 4:00pm**  
**Public Meetings begin at 5:30pm**

July through December 2008					
Month	1 <sup>st</sup> Thursday	2 <sup>nd</sup> Thursday	3 <sup>rd</sup> Thursday	4 <sup>th</sup> Thursday	Special Note:
July				7/24 DO	* 7/1: Special Meeting * 7/10: Special Meeting
August			8/21* DO		*8/21: Begins at 4:30pm
September	9/4 DO			9/18 DO	
October	10/2 M		10/16 SM		
November	11/6 M		11/20* DO	11/27 (5th Thurs)	*11/20: Location moved to District Office Thanksgiving 11/27-28
December	12/8* DO	12/11 DO	12/17* DO	winter break	*12/8: Special Meeting *12/17: Special Meeting
<b>December 22 – 31: Winter Break</b>					
January through June 2009					
<b>January 1 – 2: Winter Break</b>					
January	winter break	1/8* DO	1/15 DO	1/29 (5th Thurs)	*1/8: Special Closed Session
February	2/5 M		2/19 SM	2/27* DO	*2/27: Special Meeting
March	3/4* DO 3/5 M		3/19 SM		*3/4: Special Meeting Stairway 3/26 & 3/27
April	4/2 DO	spring break	spring break	4/23 DO	
<b>April 6-17: Spring Break</b>					
May	5/7 M		5/21 SM		
June	6/4 DO			6/25 DO	Last day of school 6/19

District Office (DO): 1651 16<sup>th</sup> Street, Santa Monica.  
 Malibu City Council Chambers (M): 23815 Stuart Ranch Road, Malibu, CA  
 Santa Monica City Council Chambers (SM): 1685 Main Street, Santa Monica.

**Santa Monica-Malibu Unified School District  
Board of Education  
March 19, 2009**

**I. CALL TO ORDER**

A. Roll Call

Ralph Mechur – President  
Barry Snell – Vice President  
Ben Allen  
Oscar de la Torre  
Jose Escarce  
Maria Leon-Vazquez  
Kelly Pye

Student Board Members

Jaime Black – Santa Monica High School  
Roya Sahafi – Malibu High School  
Isis Enriquez – Olympic High School

B. Pledge of Allegiance

**II. CLOSED SESSION**

TO: BOARD OF EDUCATION

ACTION  
03/19/09

FROM: TIM CUNEO

RE: APPROVAL OF MINUTES

RECOMMENDATION NO. A.01

It is recommended that the Board of Education approve the following Minutes:

February 27, 2009

March 4, 2009

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

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## **CONSENT ITEMS**

TO: BOARD OF EDUCATION

ACTION/CONSENT

03/19/09

FROM: TIM CUNEO / CHIUNG-SALLY CHOU / MAUREEN BRADFORD

RE: APPROVAL OF INDEPENDENT CONTRACTORS

RECOMMENDATION NO. A.02

It is recommended that the Board of Education enter into an agreement with the following Independent Contractors. These contracts are included in the 2007/2008 budget.

<b>Contractor / Contract Dates</b>	<b>Description</b>	<b>Site</b>	<b>Funding</b>
Social and Public Art Resource Center  2/2/09 to 6/19/09  Not to exceed: \$4,500	For Visual Art classes in grades K-5	Edison	01-90150-0-11100- 10000-5802-001-4010 (\$2,000)  01-71400-0-11100- 10000-001-4010 (\$2,500)

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

03/19/09

FROM: TIM CUNEO / CHIUNG-SALLY CHOU / MAUREEN BRADFORD

RE: OVERNIGHT FIELD TRIP(S) 2008-2009

RECOMMENDATION NO. A.03

It is recommended that the Board of Education approve the special field trip(s) listed below for students for the 2008-2009 school year. No child will be denied due to financial hardship.

<b>School Grade # students</b>	<b>Destination Dates of Trip</b>	<b>Principal/Teacher</b>	<b>Cost Funding Source</b>	<b>Subject</b>	<b>Purpose Of Field Trip</b>
Samohi 9-12 75	San Francisco 4/3/09 - 4/6/09	Hugo Pedroza/ Aiello, Swenson	\$440 per student by parent donation and fundraising	Music	To participate in CMEA Orchestra festival, to record session at George Lucas' Skywalker Ranch, tour the California Academy of Science, participate in a clinic at the conservatory of Music in San Francisco and attend a San Francisco Symphony concert.
Samohi 9-12 11	Ontario Convention Center, CA 3/12/09 - 3/13/09	Hugo Pedroza/ Swenson, Aiello	none	Music	To perform with the All State Orchestra at the CMEA.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

03/19/09

FROM: TIM CUNEO / JANECE L. MAEZ / PAT HO

RE: CONFERENCE AND TRAVEL APPROVAL/RATIFICATION

RECOMMENDATION NO. A.04

It is recommended that the Board of Education approve/ratify the following Requests for Absence on District Business (Conference and Travel) forms.

COMMENTS: Entries are alphabetical, by employee last name. In addition to the employee's name and site/location, each entry contains the following: name, location and date(s) of the conference, complete account code, fund and program names, and the total estimated cost as provided by the site administrator. The average cost for substitute teachers is \$130/day. This figure is furnished for informational purposes and does not reflect the actual amount paid for an individual substitute.)

<u>NAME</u> <u>SITE</u> Account Number Fund – Resource Number	CONFERENCE NAME LOCATION DATE (S)	COST ESTIMATE
<u>BROCK, Miriam</u> Santa Monica High 50% per account 01-00000-0-11100-10000-5220-015-4150 01-56400-0-00000-39000-5220-041-1400 General Fund- <b>Function:</b> Instruction/Medi-Cal	Linda Mood Bell- Visualizing/Verbalizing San Luis Obispo, CA February 25 – 26, 2009	\$549
<u>FLOWERS, Lynne</u> Malibu High 01-90141-0-11100-10000-5220-010-4100 General Fund- <b>Resource:</b> Malibu Shark Fund	Practical Classroom Strategies for Making Inclusion Work Arcadia, CA March 10, 2009	\$375 <b>+1 SUB</b>
<u>KAMKAR, Vida</u> Fiscal Services 01-00000-0-00000-73100-5220-051-2510 General Fund- <b>Function:</b> Conference & Travel	General Ledger 1 Downey, CA February 11, 2009	\$30
<u>LARIOS, Carmen</u> Human Resources 01-00000-0-00000-74000-5220-025-1250 General Fund- <b>Function:</b> Personnel/Human Resources	Unemployment Insurance Claims Workshop Downey, CA March 3, 2009	\$35 <b>MILEAGE ONLY</b>
<u>MURPHY, Titia</u> Adams Middle	AVID Core Workshop #2 Los Angeles, CA February 18, 2009	<b>SUB ONLY</b>
<u>SERNA, Maria</u> Fiscal Services 01-00000-0-00000-73100-5220-051-2510 General Fund- <b>Function:</b> Conference & Travel	Business Writing Basics for Professionals Torrance, CA April 20, 2009	\$200

<b>Adjustments</b> (Preapproved expenses 10% in excess of approved costs that must be approved by Board/Changes in Personnel Attendance)		
<b>NONE</b>		

<b>Group Conference and Travel: In-State</b>		
<i>* a complete list of conference participants is on file in the Department of Fiscal Services</i>		
<u>BISHOP, Shannon</u> +3 Additional Staff Special Ed 01-56400-0-00000-39000-5220-041-1400 General Fund- <b>Resource:</b> Medi-Cal Billing Option	Looking into the Minds of ASD and Like Disabilities Costa Mesa, CA March 12, 2009	\$500 TOTAL
<u>BISHOP, Shannon</u> +3 Additional Staff Special Ed 01-56400-0-00000-39000-5220-041-1400 General Fund- <b>Resource:</b> Medi-Cal Billing Option	Teaching Beyond the “Think Social” Curriculum Costa Mesa, CA March 13, 2009	\$500 TOTAL
<u>COPELAND, Barbara</u> <u>TURNER, Robert</u> Special Ed 01-56400-0-00000-39000-5220-041-1400 General Fund <b>Resource:</b> Medi-Cal Billing Option	OSHA Convention Long Beach, CA March 5 – 8, 2009	\$600 TOTAL
<u>COPELAND, Barbara</u> +5 Additional Staff Special Ed 01-56400-0-00000-39000-5220-041-1400 General Fund <b>Resource:</b> Medi-Cal Billing Option	Practical Strategies for Differentiating Language Differences Lakewood, CA March 27, 2009	\$500 TOTAL

<b>Out-of-State Conferences: Individual</b>		
<u>BARRAZA, Pete</u> Santa Monica High	College Board Western Regional Forum Denver, CO February 20 – 24, 2009	<b>SUB ONLY</b>
<u>MABREY, Matthew</u> Santa Monica High	National Science Teachers Association 2009 Conference New Orleans, LA March 17 – 20, 2009	<b>SUB ONLY</b>

<b>Out-of-State Conferences: Group</b>		
<b>NONE</b>		

MOTION MADE BY:  
 SECONDED BY:  
 STUDENT ADVISORY VOTE:  
 AYES:  
 NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

03/19/09

FROM: TIM CUNEO / CHIUNG-SALLY CHOU / RUTH VALADEZ

RE: APPROVAL OF SPECIAL EDUCATION CONTRACTS - 2008-2009

RECOMMENDATION NO. A.05

It is recommended that the Board of Education approve the following Special Education Contracts for fiscal year 2008-2009 as follows:

**NPS**

2008-2009 Budget 01-65000-0-57500-11800-5125-043-1400

Nonpublic School/Agency	Student DOB	Service Description	Contract Number	Cost Not to Exceed
Intermountain Deaconess Home for Children	11/11/95	NPS	#55-UC09260	\$ 13,050

Amount Budgeted NPS 08/09	\$ 1,500,000
Prior Board Authorization as of 03/05/2009	\$ 1,552,649
Balance	\$ 52,649
Positive Adjustment (See Below)	\$ 0
Total Amount for these Contracts	\$ 13,050
Balance	\$ -65,699

Adjustment					
NPS Budget 01-65000-0-57500-11800-5125-043-1400					
There has been a reduction in authorized expenditures of NPS/NPA contracts for FY 2007-08 in the amount of \$ 0 as of 3/19/09					
NPS	Service Description	Contract Number	Reduce (R) Eliminate (E)	Adjusted Amount	Comment

**NPA**

2008-2009 Budget 01-65000-0-57500-11800-5126-043-1400

Nonpublic School/Agency	Student DOB	Service Description	Contract Number	Cost Not to Exceed
The Kelter Center	4/18/93	IEP Attendance	#43-UC09269	\$ 420
Maxim Healthcare-contract increase	Various	Aide	#23-UC09141	\$ 35,332

Amount Budgeted NPA 08/09	\$ 1,400,000
Prior Board Authorization as of 03/05/09	\$ 1,243,716
Balance	\$ 156,284
Positive Adjustment (See Below)	\$ 0
Total Amount for these Contracts	\$ 35,752
Balance	\$ 120,532

Adjustment					
NPA Budget 01-65000-0-57500-11800-5126-043-1400					
There has been a reduction in authorized expenditures of NPS/NPA contracts for FY 2007-08 in the amount of \$ 0 as of 03/19/09					
NPA	Service Description	Contract Number	Reduce (R) Eliminate (E)	Adjusted Amount	Comment

**NPA PRE SCHOOL**

2008-2009 Budget 01-65000-0-57300-11800-5125043-1400

Nonpublic School/Agency	Student DOB	Service Description	Contract Number	Cost Not to Exceed

Amount Budgeted NPA Pre School 08/09	\$ 100,000
Prior Board Authorization as of 03/05/09	\$ 120,460
Balance	\$ -20,460
Total Amount for these Contracts	\$ 0
Balance	\$ -20,460

**Instructional Consultants**

2008-2009 Budget 01-65000-0-57500-11900-5802-043-1400

Instructional Consultant	Student DOB	Service Description	Contract Number	Cost Not to Exceed
Anthony Truong	Various	Behavioral Consultant	#1-UC09030	\$ 3,400
JBA Institute	10/16/00	Behavior Intervention	#52-UC09266	\$ 39,600
Lisa Ulrich	10/11/02	Physical Therapy	#41-UC09204	\$ 2,400

Amount Budgeted Instructional Consultants 08/09	\$ 310,000
Prior Board Authorization as of 03/05/09	\$ 516,226
Balance	\$- 206,226
Positive Adjustment (See Below)	\$ 0
Total Amount for these Contracts	\$ 45,400
Balance	\$ -251,626

Adjustment					
Instructional Consultants Budget 01-65000-0-57500-11900-5802-043-1400					
There has been a reduction in authorized expenditures of Instructional Consultants contracts for FY 2008-09 in the amount of \$ as of 3/19/09					
Instructional Consultant	Service Description	Contract Number	Reduce (R) Eliminate (E)	Adjusted Amount	Comment



Adjustment					
Non-Instructional Consultants Budget 01-65000-0-57500-11900-5890-043-1400					
There has been a reduction in authorized expenditures of Non-Instructional Consultants contracts for FY 2008-09 in the amount of \$ as of 03/19/09					
Instructional Consultant	Service Description	Contract Number	Reduce (R) Eliminate (E)	Adjusted Amount	Comment

**Legal**

2007-2008 Budget 01-65000-0-57500-11900-5820-043-1400

Legal Contractor	Service Description	Contract Number	Cost Not to Exceed

Amount Budgeted Legal Services 08/09		\$ 200,000
Prior Board Authorization as of 03/05/09		712,500
	Balance	\$ -512,500
Adjustments for this period		\$ 0
		\$ -512,500
Total Amount for these Contracts		\$ 54,708
	Balance	\$ -567,208

COMMENT: According to the Education Code SEC.21 Section 56342, prior to recommending a new or continued placement in a non-public, non-sectarian school, the Individualized Education Program (IEP) Team must submit the proposed recommendation to the local governing board for its review and recommendation regarding the cost of such placement.

The recommendation for these severely handicapped students are made by the District IEP Teams in accordance with State and Federal laws. The mandates of IDEA require non-public school services be provided at no expense to parents if there is not an appropriate public school program available. Funding to come from a SELPA-wide non-public school/non-public agency reserve account.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

03/19/09

FROM: TIM CUNEO / JANECE L. MAEZ / VIRGINIA I. HYATT

RE: AWARD OF PURCHASE ORDERS - 2008-2009

RECOMMENDATION NO. A.06

It is recommended that the Board of Education approve the following Purchase Orders and Changed Purchase Orders from February 23, 2009, through March 10, 2009, for fiscal /09.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

03/19/09

FROM: TIM CUNEO / JANECE L. MAEZ / PAT HO

RE: ACCEPTANCE OF GIFTS - 2008/2009

RECOMMENDATION NO. A.07

It is recommended that the Board of Education accept, with gratitude, checks and gifts totaling \$18,839.71 presented to the Santa Monica-Malibu Unified School District.

It is further recommended that the Fiscal/Business Services Office, in accordance with Educational Code §42602, be authorized to increase the 2008-2009 income and appropriations by \$18,839.71 as described on the attached listing.

COMMENT: The value of all non-cash gifts has been determined by the donors.

NOTE: The list of gifts is available on the District's website, [www.smmusd.org](http://www.smmusd.org).

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

Current Gifts and Donations 2008/2009

School/Site Account Number	Gift Amount	Equity Fund 15% Contrib.	In-kind Value	Donor	Purpose
<b>JAMS</b> 01-90120-0-00000-00000-8699-011-0000	\$ 7,210.00 \$ 22.61	\$ - \$ 3.99		Santa Monica Science Magnet  Planet Aid Inc.	Field Trip General Supplies and Materials
<b>Adult Education</b> 11-90120-0-00000-00000-8699-090-0000	\$ 4.65	\$ -		Cartridges for Kids	General Supplies and Materials
<b>Alternative (SMASH)</b> 01-90120-0-00000-00000-8699-009-0000					
<b>Cabrillo</b> 01-90120-0-00000-00000-8699-017-0000					
<b>CDS</b> 12-90120-0-00000-00000-8699-070-0000					
<b>Edison</b> 01-90120-0-00000-00000-8699-001-0000	\$ 39.27	\$ 6.93		Planet Aid Inc.	General Supplies and Materials
<b>Franklin</b> 01-90120-0-00000-00000-8699-002-0000	\$ 108.34	\$ 19.12		Washington Mutual Schools Program	General Supplies and Materials
<b>Grant</b> 01-90120-0-00000-00000-8699-003-0000					
<b>Lincoln</b> 01-90120-0-00000-00000-8699-012-0000					
<b>Malibu High School</b> 01-90120-0-00000-00000-8699-010-0000	\$ 660.00 \$ 87.10	\$ - \$ 15.37		Various Students  Various Donors	General Supplies and Materials General Supplies and Materials
<b>McKinley</b> 01-90120-0-00000-00000-8699-004-0000					
<b>Muir</b> 01-90120-0-00000-00000-8699-005-0000	\$ 1,473.00 \$ 943.37	\$ - \$ 166.48		Various  Wells Fargo Matching Gift	Field Trip Computer Equipment
<b>Olympic HS</b> 01-90120-0-00000-00000-8699-014-0000					

BOE Date: 03/19/09

Current Gifts and Donations 2008/2009

School/Site Account Number	Gift Amount	Equity Fund 15% Contrib.	In-kind Value	Donor	Purpose
<b>Rogers</b> 01-90120-0-00000-00000-8699-006-0000	\$ 1,275.00	\$ 225.00		Western Growers Foundation	General Supplies and Materials
<b>Roosevelt</b> 01-90120-0-00000-00000-8699-007-0000	\$ 234.00 \$ 92.33 \$ 92.33	\$ - \$ - \$ -		Roosevelt PTA Rebecca Cullen Lisa M. Tursi	Field Trip Field Trip Field Trip
<b>Samohi</b> 01-90120-0-00000-00000-8699-015-0000	\$ 333.00 \$ 204.00 \$ 172.00 \$ 64.00	\$ - \$ - \$ - \$ -		Various Various Various Various	General Supplies and Materials General Supplies and Materials General Supplies and Materials General Supplies and Materials
<b>Barnum Hall</b> 01-91150-0-00000-00000-8699-015-0000					
<b>Pt. Dume Marine Science</b> 01-90120-0-00000-00000-8699-019-0000					
<b>Webster</b> 01-90120-0-00000-00000-8699-008-0000					
<b>Others:</b>					
<b>Superintendent's Office</b> 01-90120-0-00000-00000-8699-020-0000					
<b>Educational Services</b> 01-90120-0-00000-00000-8699-030-0000	\$ 5,000.00 \$ 387.82	\$ - \$ -		Assistance League of SM Education Development Center, Inc.	General Supplies and Materials General Supplies and Materials
<b>Student &amp; Family Services</b> 01-90120-0-00000-00000-8699-040-0000					
<b>Special Education</b> 01-90120-0-00000-00000-8699-044-0000					
<b>Information Services</b> 01-90120-0-00000-00000-8699-054-0000					
<b>Food and Nutrition Services</b> 01-90120-0-00000-00000-8699-057-0000					
<b>District</b> 01-90120-0-00000-00000-8699-090-0000					
<b>TOTAL</b>	<b>\$18,402.82</b>	<b>\$ 436.89</b>	<b>\$ -</b>		

BOE Date: 03/19/09

Current Gifts and Donations 2008/2009

School/Site Account Number	Y-T-D Adjusted Gift Total	Current Gift Amount	Equity Fund 15% Contrib.	Cumulative Gift Amount	Y-T-D In-Kind Value	Current In-Kind Value	Cumulative In-Kind Value
<b>JAMS</b> 01-90120-0-00000-00000-8699-011-0000	\$ 262,926.46	\$ 7,232.61	\$ 3.99	\$ 270,163.06	\$ 4,950.00 \$ 100.00		\$ 4,950.00 \$ 100.00
<b>Adult Education</b> 11-90120-0-00000-00000-8699-090-0000	\$ 3,423.22	\$ 4.65	\$ -	\$ 3,427.87			
<b>Alternative (SMASH)</b> 01-90120-0-00000-00000-8699-009-0000							
<b>Cabrillo</b> 01-90120-0-00000-00000-8699-017-0000	\$ 81,699.90			\$ 81,699.90	\$ 13,329.26		\$ 13,329.26
<b>CDS</b> 12-90120-0-00000-00000-8699-070-0000	\$ 1,384.67			\$ 1,384.67	\$ 5,113.00		\$ 5,113.00
<b>Edison</b> 01-90120-0-00000-00000-8699-001-0000	\$ 64,539.01	\$ 39.27	\$ 6.93	\$ 64,585.21	\$ 200.00		\$ 200.00
<b>Franklin</b> 01-90120-0-00000-00000-8699-002-0000	\$ 1,268.17	\$ 108.34	\$ 19.12	\$ 1,395.63			
<b>Grant</b> 01-90120-0-00000-00000-8699-003-0000	\$ 3,829.46			\$ 3,829.46	\$ 65.88		\$ 65.88
<b>Lincoln</b> 01-90120-0-00000-00000-8699-012-0000	\$ 43,290.18			\$ 43,290.18			
<b>Malibu High School</b> 01-90120-0-00000-00000-8699-010-0000 <i>Malibu Shark Fund - Resource #90141</i>	\$ 138,107.37	\$ 747.10	\$ 15.37	\$ 138,869.84			
<b>McKinley</b> 01-90120-0-00000-00000-8699-004-0000	\$ 87,758.30			\$ 87,758.30			
<b>Muir</b> 01-90120-0-00000-00000-8699-005-0000	\$ 65,977.40	\$ 2,416.37	\$ 166.48	\$ 68,560.25			
<b>Olympic HS</b> 01-90120-0-00000-00000-8699-014-0000	\$ 18,666.16			\$ 18,666.16			
<b>Rogers</b> 01-90120-0-00000-00000-8699-006-0000	\$ 84,700.85	\$ 1,275.00	\$ 225.00	\$ 86,200.85	\$ 150.00		\$ 150.00
<b>Roosevelt</b> 01-90120-0-00000-00000-8699-007-0000	\$ 140,282.25	\$ 418.66	\$ -	\$ 140,700.91	\$ 100.00		\$ 100.00
<b>Samohi</b> 01-90120-0-00000-00000-8699-015-0000	\$ 158,308.72	\$ 773.00	\$ -	\$ 159,081.72	\$ 5,475.00 \$ 100.00		\$ 5,475.00 \$ 100.00
<b>Pt. Dume Marine Science</b> 01-90120-0-00000-00000-8699-019-0000	\$ 156,306.20			\$ 156,306.20			
<b>Webster</b> 01-90120-0-00000-00000-8699-008-0000	\$ 12,670.00			\$ 12,670.00			

BOE Date: 03/19/09

Current Gifts and Donations 2008/2009

School/Site Account Number	Y-T-D Adjusted Gift Total	Current Gift Amount	Equity Fund 15% Contrib.	Cumulative Gift Amount	Y-T-D In-Kind Value	Current In-Kind Value	Cumulative In-Kind Value
<b>ALL OTHER LOCATIONS:</b>							
<b>Superintendent's Office</b> 01-90120-0-00000-00000-8699-020-0000	\$ 50,000.00			\$ 50,000.00			
<b>Educational Services</b> 01-90120-0-00000-00000-8699-030-0000	\$ 255,008.61	\$ 5,387.82		\$ 260,396.43	\$ 24,170.00		\$ 24,170.00
<b>Student and Family Support Services</b> 01-90120-0-00000-00000-8699-041-0000	\$ 325.00			\$ 325.00			
<b>Special Education</b> 01-90120-0-00000-00000-8699-044-0000	\$ 1,000.00			\$ 1,000.00			
<b>Information Services</b> 01-90120-0-00000-00000-8699-054-0000	\$ 2,000.00			\$ 2,000.00			
<b>District</b> 01-90120-00000-0-00000-8699-090-0000							
<b>Food &amp; Nutrition Services</b> 01-90120-0-00000-00000-8699-070-0000	\$ 9,207.84			\$ 9,207.84			
<b>TOTAL GIFTS</b>	<b>\$ 1,642,679.77</b>	<b>\$ 18,402.82</b>	<b>\$ 436.89</b>	<b>\$ 1,661,519.48</b>	<b>\$ 53,753.14</b>	<b>\$ -</b>	<b>\$ 53,753.14</b>
			<b>Total Equity Fund 15% Contribs.</b>				
<b>Total Cash Gifts for District:</b>		<b>\$ 18,402.82</b>	<b>\$ 436.89</b>		<b>Total In-Kind Gifts:</b>	<b>\$ -</b>	

TO: BOARD OF EDUCATION

ACTION/CONSENT

03/19/09

FROM: TIM CUNEO / JANECE L. MAEZ

RE: REPLACE MEMBER ON THE FINANCIAL OVERSIGHT COMMITTEE

RECOMMENDATION NO. A.08

It is recommended that the Board of Education accept the Financial Oversight Committee's recommendation to replace one member on the FOC, as detailed below.

COMMENT: Following the required postings and application processes, the board approved Item A.34: *Appointments to the Financial Oversight Committee* at the January 15, 2009, board meeting. The FOC recommended and the Board appointed Ms. Joan Chu Reese and Ms. Patricia Mulvey, leaving one vacancy. At the February 19, 2009, board meeting, the board approved Item A.24: *Appointment to the Financial Oversight Committee*, appointing Mr. Nimish Patel.

Subsequently, staff has received communication from Ms. Mulvey, who is resigning from the Financial Oversight Committee due to an anticipated family relocation.

When the subcommittee of the FOC interviewed applicants in mid-February, they noted an additional individual who is qualified to fill any future vacancy on the Financial Oversight Committee, Mr. Manel Sweetmore. Mr. Sweetmore is a Chief Financial Officer, with full knowledge of accounting and information systems, and is a resident of Malibu (Ms. Mulvey was also a resident of Malibu). At the March 10, 2009, FOC meeting, it was unanimously voted to recommend to the board to replace Ms. Mulvey with Mr. Sweetmore on the FOC. The term ending date would remain the same, as follows:

NAME	TERM EXPIRES
Manel Sweetmore	December 31, 2010

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

03/19/09

FROM: TIM CUNEO / JANECE L. MAEZ / PAT HO

RE: APPROVAL OF OVERCHARGE RECOVERY GROUP TO REVIEW TELECOM  
AND DATACOM BILLINGS

RECOMMENDATION NO. A.09

It is recommended that the Board of Education approve the agreement with Overcharge Recovery Group to review telecom and datacom billings.

COMMENTS: Overcharge Recovery Group (ORG) is a Telemanagement company that specializes in the analysis of telecom and datacom bills for overcharges. They act as an agent and assume the task of obtaining refunds due to an organization. ORG's fee structure is based only on verified results.

ORG is interested in analyzing the District's telecom and datacom bills for overcharges. They have agreed to a fee structure of 45% of all refunds, rebates and/or credits occurring as a result of their efforts.

Staff believes this could be beneficial to the District as they will review current billing as well as cancelled or inactive accounts, site closures and change of carrier or service migration. They recently helped Torrance USD recover over \$100,000 from past telecom and datacom bills.

The attached adoption agreement authorizes the Superintendent or designee to sign the Overcharge Recovery Group to review telecom and datacom billings in an effort to recover possible charges.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

**Overcharge Recovery Group**  
 Agreement For Services

Commencing this 19th day of March, 2009, Overcharge Recovery Group (**ORG**), a California sole proprietorship, and Santa Monica-Malibu Unified School District (**CLIENT**) intending to be legally bound, agree as follows:

1. **CLIENT** hereby engages **ORG** to proceed with diligence to implement all refunds, rebates, credits, and savings, due from all telecommunications vendors, including cellular, Internet, local and long distance carriers.
2. The purview of this agreement extends to all business units of **CLIENT** and those which are under the same vendor contracts as **CLIENT**.
3. **CLIENT** hereby agrees to permit **ORG** to act as an authorized representative, to order copies of all past and future vendor billings, to request documentation deemed appropriate by **ORG**, to access online bills and records, and to prepare and file all documentation required for refunds and billing correction. **ORG** will be provided with a Letter of Authorization by **CLIENT** as deemed appropriate by **ORG**.
4. **CLIENT** and **ORG** agree to keep all information completely confidential including the contents of **ORG's** recommendations, supplied information, involvement, and any other action(s). **CLIENT** has the option to exclude specific opportunities for cost savings, and agrees to identify in advance and in writing any refund or cost savings projects in process.
5. **CLIENT** shall compensate **ORG** for its services rendered as follows:
  - 5.1. Forty five percent (45%) of all refunds, rebates, and/or credits occurring as a result of **ORG's** efforts, recommendation(s), supplied information, involvement, and/or actions.
  - 5.2. Forty five percent (45%) of all cost savings resulting from a reduction or elimination of overcharges or billing errors capped off at thirty-six (36) months following the first date such savings begin. In the event that such savings cease or are decreased within the 36 month time period, **ORG's** compensation will cease or decrease accordingly. Each cost savings activity will be viewed as a separate event for the purposes of compensation. Cost savings are verified on a quarterly basis and documented in **ORG's** invoice.
  - 5.3. In the event **CLIENT** receives future cost saving in billings by rate change notification, contract negotiation, or any combination thereof, **CLIENT** agrees to pay **ORG** as defined in paragraph 5.2.
6. **ORG** agrees not to share in any refunds or credits voluntarily applied to **CLIENT's** billings by your vendors which were **NOT** the result of **ORG's** recommendation(s), supplied information, involvement, and/or actions.
7. **ORG** shall not invoice **CLIENT** until the entitled refunds have been verified. Payment will be made by **CLIENT** to **ORG** within thirty (30) days after receipt of each **ORG** invoice. A penalty of one and one half (1-1/2 %) per month will be charged against all amounts not paid within thirty (30) days of the invoice date.
8. This agreement may be terminated by either party providing written notice to the other party is given, via email or Certified Mail, ninety (90) business days in advance. The date of receipt will be considered as the first day of termination notice.
9. In the event of such termination, **ORG** shall be entitled to receive full compensation resulting from its efforts, recommendation(s), supplied information, involvement, and/or actions in accordance with paragraph 5.1 and 5.2 of this Agreement. **ORG** shall be entitled to complete all claims filed and in process prior to the termination date or the ninetieth 90th business day after receipt of termination written notice.
10. In the event of any disputes or differences, the prevailing party has the right to recover reasonable Legal, Attorney Fees and/or Court costs.

**Approved by:**

**Overcharge Recovery Group**

**Client:** \_\_\_\_\_ **FEIN:** \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

TO: BOARD OF EDUCATION

ACTION/CONSENT

03/19/09

FROM: TIM CUNEO / JANECE L. MAEZ / VIRGINIA I. HYATT

RE: AMENDMENT TO CONTRACT WITH J. DREYFUSS AND ASSOCIATES (DBA DREYFUSS CONSTRUCTION) - BID #9.01 - BOYS AND GIRLS BLUS FACILITY - JOHN ADAMS MIDDLE SCHOOL - CHANGE ORDER #2, 3, AND 4

RECOMMENDATION NO. A.10

It is recommended that the Board of Education approve Change Orders #2, 3, and 4 to Bid #9.01 to Dreyfuss Construction, in an amount of \$48,155.07 for a total contract price not to exceed \$2,396,897,07.

Funding Information

Budgeted: Yes  
Fund: 21  
Source: State School Building Fund  
Account Number: 21-90100-0-00000-85000-6200-011-1500  
Description: Consultant Services

COMMENTS: Change Orders #2, 3, and 4 represent the work listed below:

ORIGINAL CONTRACT AMOUNT	\$2,318,742.00
CHANGE ORDER #1	\$30,000.00
CHANGE ORDER #2	\$11,483.09
CHANGE ORDER #3	\$33,221.76
CHANGE ORDER #4	\$3,450.22
<u>TOTAL CONTRACT AMOUNT</u>	<u>\$2,396,897.07</u>

These change orders constitute the following additions to the scope of work:

1. Change Order #2: Removal and termination of unforeseen existing conduits and concrete encasements \$11,483.09
2. Change Order #3: Keep existing parking lot lights operational after determining that they would not be removed \$33,221.76
3. Change Order #4: Provide field with temporary water pending design for the new parking lot \$3,450.22

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION ACTION/CONSENT  
03/19/09

FROM: TIM CUNEO / JANECE L. MAEZ / VIRGINIA I. HYATT

RE: AWARD OF BID #9.13 - WEBSTER FIRE DAMAGE RECONSTRUCTION  
- GRAPH COMPANY

RECOMMENDATION NO. A.11

It is recommended that the Board of Education award Bid #9.13, Webster Fire Damage Reconstruction, to Graph Company in an amount not to exceed \$74,500.

Funding Information

Budgeted: Yes  
Fund: 01  
Source: General Fund  
Account Number: 21-00000-0-00000-85000-6200-008-2600  
(This expense will be paid by the insurance)

COMMENTS: This project will address the damage to Webster Elementary School's Room 7 and the computer lab related to the Malibu Fire. Work will consist of structural and non-structural repair of the roof, walls, ceilings, windows, low voltage, HVAC, electrical, flooring, metal trusses, and cabinets.

Bids were sent to twenty-two (22) contractors, fourteen (14) contractors attended the mandatory job walk on January 20, 2009, and five (5) bidders submitted bids as follows:

Jenn Matt, Inc.	\$84,065
Korade & Associates	\$109,866
<b>Graph Company</b>	<b>\$74,500</b>
Construction Systems, Inc.	\$154,430
Werner Tile and Construction	\$107,900

It is anticipated that construction will take 50-60 days, starting during spring break, if plans have been approved by the DSA.

MOTION MADE BY:  
SECONDED BY:  
STUDENT ADVISORY VOTE:  
AYES:  
NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

03/19/09

FROM: TIM CUNEO / JANECE L. MAEZ / VIRGINIA I. HYATT

RE: CONTRACT AMENDMENT #6 FOR CEQA ENVIRONMENTAL DOCUMENTS  
FOR CABRILLO ES, GRANT ES, MCKINLEY ES, ROGERS ES, AND  
WEBSTER ES - PBS&J - MEASURE BB

RECOMMENDATION NO. A.12

It is recommended that the Board of Education approve Contract Amendment #6 for PBS&J to prepare additional CEQA environmental document services for Cabrillo, Grant, McKinley, Rogers, and Webster, for Measure "BB", in the amount of \$102,005, for a total contract amount of \$671,717.

Funding Information

Budgeted: Yes

Fund: 21

Source: State School Building Fund

Account Number: 21-00000-0-00000-85000-5802-017-2600(Cabrillo)\$1,101  
21-00000-0-00000-85000-5802-003-2600(Grant) \$4,916  
21-00000-0-00000-85000-5802-004-2600(McKinley)\$4,966  
21-00000-0-00000-85000-5802-006-2600(Rogers) \$1,051  
21-00000-0-00000-85000-5802-008-2600(Webster)\$89,971

Description: Independent Contractor / Consultant

COMMENTS: Original Contract for CEQA environmental services for Malibu High School was approved on July 24, 2008. Contract Amendment #1 for Community Outreach for MHS was approved October 2, 2008. CEQA environmental services for Lincoln, Adams, Webster, Pt. Dume, Olympic, and Washington East and West, Contract Amendment #2, was approved November 6, 2008. Contract Amendment #3, approved on November 20, 2008, was for an Archeological Study to update a previous report from the original Coastal Development Permit (CDP) for the Malibu High School site. Contract Amendment #4 provided an analysis of the lighting view-shed surrounding the athletic field at Malibu High School, to determine potential impacts of further development of the lighting project. Contract Amendment #5 was for additional CEQA support activities for public outreach meetings at Malibu HS. This Contract Amendment #6 is for CEQA Categorical Exemptions for Cabrillo, Grant, McKinley, Rogers, and a Mitigated Negative Declaration (MND) anticipated at Webster.

*(Continued on next page)*

ORIGINAL CONTRACT AMOUNT	\$152,745
CONTRACT AMENDMENT #1 (Public Outreach)	\$ 70,150
CONTRACT AMENDMENT #2 (CEQA, 6 Schools)	\$281,809
CONTRACT AMENDMENT #3 (Archeo Survey)	\$ 9,146
CONTRACT AMENDMENT #4 (Lighting Study)	\$ 10,913
CONTRACT AMENDMENT #5 (CEQA Add Service)	\$ 44,949
CONTRACT AMENDMENT #6 (CEQA, 5 Schools)	\$102,005
TOTAL CONTRACT AMOUNT	\$671,717

This scope of work was anticipated in the cost projections for the Measure BB budgets.

MOTION MADE BY:  
 SECONDED BY:  
 STUDENT ADVISORY VOTE:  
 AYES:  
 NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

03/19/09

FROM: TIM CUNEO / JANECE L. MAEZ / VIRGINIA I. HYATT

RE: CONTRACT AMENDMENT #10 FOR INCREASED SCOPE -  
DEVELOPMENT OF DISTRICT LANDSCAPE AND PLANTING  
STANDARDS - WWCOT - MEASURE BB

RECOMMENDATION NO. A.13

It is recommended that the Board of Education approve Contract Amendment #10 with WWCOT Architects to provide additional landscape design services for the development of District Landscape and Planting Standards for Measure BB projects in an amount not to exceed \$5,200 for a total contract amount of \$3,754,405.

Funding Information

Budgeted: Yes

Fund: 21

Source: Building Fund

Account Number: 21-00000-0-00000-85000-5802-050-2600

Description: Consultant Services

COMMENTS: At their January 15, 2009, meeting, the Board of Education approved a contract amendment with WWCOT for ah'bé Landscape Architects (WWCOT's consultant) to develop District Landscape and Planting standards for use on Measure BB projects. As a result of data collection meetings and workshops with district staff and the Measure BB project teams, several additional items were identified that required development and documentation of District Standards.

WWCOT/ah'bé Landscape Architects submitted a proposal to provide the following additional scope of work:

Develop District Landscape and Planting Standards:

- Review and comment on District irrigation standards.
- Develop District hardscape details, including paving materials.
- Assist the District with development of a process for coordinating with stakeholder groups for site specific landscape projects.

*(Continued on next page)*

This Contract Amendment #9 is for \$5,200, including an allowance for reimbursable expenses. The revised contract total will be \$3,754,405.

ORIGINAL CONTRACT AMOUNT (Prog./Schematic Design)	\$936,032
CONTRACT AMENDMENT #1 (McKinley SDC, Roosevelt Preschool)	\$131,663
CONTRACT AMENDMENT #2 (Data Center)	\$100,000
CONTRACT AMENDMENT #3 (DD/CD/CA)	\$2,195,078
CONTRACT AMENDMENT #4 (Roosevelt Revised Design)	\$70,435
CONTRACT AMENDMENT #5 (Data Center structural revisions)	\$6,925
CONTRACT AMENDMENT #6 (McKinley Safety Proj.)	\$168,697
CONTRACT AMENDMENT #7 (Lincoln MS Revised Design)	\$92,592
CONTRACT AMENDMENT #8 (Lincoln Fire Protection)	\$17,538
CONTRACT AMENDMENT #9 (Landscape and Planting Standards)	\$30,245
CONTRACT AMENDMENT #10 (Add'l Landscape Standards)	\$5,200
TOTAL CONTRACT AMOUNT	\$3,754,405

This scope of work was anticipated in the cost projections for the Measure "BB" budget.

MOTION MADE BY:  
SECONDED BY:  
STUDENT ADVISORY VOTE:  
AYES:  
NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

03/19/09

FROM: TIM CUNEO / JANECE L. MAEZ / VIRGINIA I. HYATT

RE: APPROVAL OF CONTRACT WITH INTEGRATED PERFORMANCE  
CONSULTANTS, INC. (IPC) FOR MALIBU MIDDLE/HIGH SCHOOL -  
MEASURE BB

RECOMMENDATION NO. A.14

It is recommended that the Board of Education approve IPC, Inc., for septic system construction, operations, and maintenance and consulting services at Malibu Middle/High School for the Measure BB program, in the amount of \$10,000.

Funding Information

Budgeted: Yes

Fund: 21

Source: State School Building Fund

Account Number: 21-00000-0-00000-85000-5802-010-2600

Description: Independent Contractor / Consultant

COMMENTS: In preparation the of the design, permitting, construction, and maintenance & operations of the Onsite Water Treatment Systems (OWTS) for the septic systems at the Malibu Middle/High School and Cabrillo Elementary School sites, the District will require a consultant with a background in those systems to consult with the project team. Approval of this agreement with IPC will allow the District to receive their expertise and knowledge for those services.

This scope of work was anticipated in the cost projections for the Measure BB budget.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

03/19/09

FROM: TIM CUNEO / MICHAEL D. MATTHEWS

RE: CERTIFICATED PERSONNEL - Elections, Separations

RECOMMENDATION NO. A.15

Unless otherwise noted, the following items are included in the 2008/2009 approved budget.

**ADDITIONAL ASSIGNMENTS**

CABRILLO ELEMENTARY SCHOOL

Farlow, Diane	72 hrs @\$40.46	4/20/09-6/1/09	Est Hrly/\$2,913
Pickens, Erin	18 hrs @\$40.46	3/1/09-6/19/09	Est Hrly/\$ 728
Posey, Steve	18 hrs @\$40.46	3/1/09-6/19/09	Est Hrly/\$ 728
			<u>TOTAL ESTABLISHED HOURLY</u> \$4,369

Comment: Reading Specialist  
01-Unrestricted Resources

EDISON ELEMENTARY SCHOOL

Morales, Carlos	7.5 hrs @\$40.46	11/3/08-1/12/09	Est Hrly/\$303
Murcia, Constanza	7.5 hrs @\$40.46	11/3/08-1/12/09	Est Hrly/\$303
			<u>TOTAL ESTABLISHED HOURLY</u> \$606

Comment: Science Outreach Teacher  
01-IASA: Title I Basic-Lw Inc/Neg

Ipina, Elizabeth	48 hrs @\$40.46	2/1/09-6/19/09	Est Hrly/\$1,942
Orozco, Joanna	48 hrs @\$40.46	2/1/09-6/19/09	Est Hrly/\$1,942
			<u>TOTAL ESTABLISHED HOURLY</u> \$3,884

Comment: Intervention Program  
01-Unrestricted Resource

Kohut, Jennifer	\$40.46, as needed	2/1/09-6/19/09	Est Hrly/\$----
Jacob-Marai, Nora	\$40.46, as needed	2/1/09-6/19/09	Est Hrly/\$----
			<u>TOTAL ESTABLISHED HOURLY</u> \$----

Comment: Substitute - Intervention Program  
01-Unrestricted Resource

EDUCATIONAL SERVICES

Blitz, Sarah	8 hrs @\$40.46	2/24/09-3/31/09	Est Hrly/\$324
Flowers, Lynne	8 hrs @\$40.46	2/24/09-3/31/09	Est Hrly/\$324
Hale, Shannon	8 hrs @\$40.46	2/24/09-3/31/09	Est Hrly/\$324
Hoos, JuliaCheri	8 hrs @\$40.46	2/24/09-3/31/09	Est Hrly/\$324
Ipina, Elizabeth	8 hrs @\$40.46	2/24/09-3/31/09	Est Hrly/\$324
Janka, Helen	8 hrs @\$40.46	2/24/09-3/31/09	Est Hrly/\$324
Jones, Julie	8 hrs @\$40.46	2/24/09-3/31/09	Est Hrly/\$324
Kilpatrick, Genevieve	8 hrs @\$40.46	2/24/09-3/31/09	Est Hrly/\$324
Kusion, Alex	8 hrs @\$40.46	2/24/09-3/31/09	Est Hrly/\$324
Lee, Chon	8 hrs @\$40.46	2/24/09-3/31/09	Est Hrly/\$324
Lopez, Felicia	8 hrs @\$40.46	2/24/09-3/31/09	Est Hrly/\$324
Lynch, Jennifer	8 hrs @\$40.46	2/24/09-3/31/09	Est Hrly/\$324
O'Meara, Peggy	8 hrs @\$40.46	2/24/09-3/31/09	Est Hrly/\$324
Saling, David	8 hrs @\$40.46	2/24/09-3/31/09	Est Hrly/\$324
Scotland, Alva	8 hrs @\$40.46	2/24/09-3/31/09	Est Hrly/\$324
Stivers, Susan	8 hrs @\$40.46	2/24/09-3/31/09	Est Hrly/\$324
Wintner, Lisa	8 hrs @\$40.46	2/24/09-3/31/09	Est Hrly/\$324
Yarber, Mary	8 hrs @\$40.46	2/24/09-3/31/09	Est Hrly/\$324
			<u>TOTAL ESTABLISHED HOURLY</u> \$5,832

Comment: Language Arts Adoption Process  
01-IASA: Title II Teacher Quality

GRANT ELEMENTARY SCHOOL

Bonavida, Michelle	20 hrs @\$40.46	1/26/09-4/3/09	Est Hrly/\$809
Martinez, Lorena	20 hrs @\$40.46	1/26/09-4/3/09	Est Hrly/\$809
Petrilyak, David	10 hrs @\$40.46	2/23/09-3/27/09	Est Hrly/\$405
TOTAL ESTABLISHED HOURLY			\$2,023

Comment: Intensive Intervention Program  
01-School and Library Imprvmnt BG

Croft, Susan	2 hrs @\$40.46	2/20/09	Est Hrly/\$81
Donovan, Michael	2 hrs @\$40.46	2/20/09	Est Hrly/\$81
Gormley, Brynn	2 hrs @\$40.46	2/20/09	Est Hrly/\$81
Hopkins, Miriam	2 hrs @\$40.46	2/20/09	Est Hrly/\$81
Lee, Theresa	2 hrs @\$40.46	2/20/09	Est Hrly/\$81
Neumann, Stephanie	2 hrs @\$40.46	2/20/09	Est Hrly/\$81
O'Meara, Peggy	2 hrs @\$40.46	2/20/09	Est Hrly/\$81
Petrilyak, David	2 hrs @\$40.46	2/20/09	Est Hrly/\$81
Pollack, Lori	2 hrs @\$40.46	2/20/09	Est Hrly/\$81
Ripley, Virginia	2 hrs @\$40.46	2/20/09	Est Hrly/\$81
Smith, Shelly	2 hrs @\$40.46	2/20/09	Est Hrly/\$81
Spanos, Christina	2 hrs @\$40.46	2/20/09	Est Hrly/\$81
Thomas, Chris	2 hrs @\$40.46	2/20/09	Est Hrly/\$81
Ware, Andrea	2 hrs @\$40.46	2/20/09	Est Hrly/\$81
TOTAL ESTABLISHED HOURLY			\$1,134

Comment: Math Night  
01-School and Library Imprvmnt BG

LINCOLN MIDDLE SCHOOL

Minck, Katrina	12 hrs @\$40.46	1/26/09-6/19/09	Est Hrly/\$486
TOTAL ESTABLISHED HOURLY			\$486

Comment: Saturday School  
01-Unrestricted Resource

Collins, Katharine	6 hrs @\$40.46	1/26/09-6/19/09	Est Hrly/\$243
TOTAL ESTABLISHED HOURLY			\$243

Comment: ASB Dance Supervision  
01-Reimbursed by ASB

Seymour, Robert	2.5 hrs @\$40.46	1/22/09	Est Hrly/\$101
Sinclair, Michele	2.5 hrs @\$40.46	1/22/09	Est Hrly/\$101
Suffolk, Stefanie	2.5 hrs @\$40.46	1/22/09	Est Hrly/\$101
TOTAL ESTABLISHED HOURLY			\$303

Comment: Adolescent Development Information Night  
01-School and Library Imprvmnt BG

ROGERS ELEMENTARY SCHOOL

Greathouse, Cristina	63 hrs @\$40.46	2/24/09-6/18/09	Est Hrly/\$2,549
TOTAL ESTABLISHED Hourly			\$2,549

Comment: Reading Teacher  
01-Unrestricted Resource

SANTA MONICA HIGH SCHOOL

Chapman, Jimmy	30 hrs @\$56.67	2/23/09-4/3/09	Own Hrly/\$1,700
Toumayan, Guadalupe	30 hrs @\$51.33	2/23/09-4/3/09	Own Hrly/\$1,540
Wethern, Heather	30 hrs @\$52.92	2/23/09-4/3/09	Own Hrly/\$1,588
TOTAL OWN HOURLY			\$4,828

Comment: 6<sup>th</sup> Period Assignment  
01-Unrestricted Resource

Gasparino, Jenna	6 hrs @\$40.46	7/20/08	Est Hrly/\$243
Nation, Christina	6 hrs @\$40.46	7/20/08	Est Hrly/\$243
TOTAL ESTABLISHED HOURLY			\$486

Comment: Summer Curriculum Work  
01-Unrestricted Resource

Waul, Maria	\$40.46, as needed	2/1/09-6/30/09	<u>Est Hrly/\$----</u>
		TOTAL ESTABLISHED HOURLY	\$----

Comment: Saturday School  
01-Unrestricted Resource

Alvarado, Robert	4 hrs @\$40.46	3/17/09-6/2/09	Est Hrly/\$162
Cox, Shannon	4 hrs @\$40.46	3/17/09-6/2/09	Est Hrly/\$162
Cuda, Conrad	4 hrs @\$40.46	3/17/09-6/2/09	Est Hrly/\$162
De la Cruz, Gilda	4 hrs @\$40.46	3/17/09-6/2/09	Est Hrly/\$162
Felix, Michael	4 hrs @\$40.46	3/17/09-6/2/09	Est Hrly/\$162
Fulcher, Nathan	4 hrs @\$40.46	3/17/09-6/2/09	Est Hrly/\$162
Gow, William	4 hrs @\$40.46	3/17/09-6/2/09	Est Hrly/\$162
Kariya, Emily	4 hrs @\$40.46	3/17/09-6/2/09	Est Hrly/\$162
Reichle, Tisha	4 hrs @\$40.46	3/17/09-6/2/09	Est Hrly/\$162
Roberts, Lasonya	4 hrs @\$40.46	3/17/09-6/2/09	Est Hrly/\$162
Saenz, Debbie	4 hrs @\$40.46	3/17/09-6/2/09	Est Hrly/\$162
Semik, Renee	4 hrs @\$40.46	3/17/09-6/2/09	Est Hrly/\$162
Silvestri, Marisa	4 hrs @\$40.46	3/17/09-6/2/09	<u>Est Hrly/\$162</u>
		TOTAL ESTABLISHED HOURLY	\$2,106

Comment: Freshman Seminar Meetings  
01-Pupil Retention Block Grant

Cierra, Jorge	45 hrs @\$40.46	2/8/09-3/17/09	Est Hrly/\$1,821
De la Cruz, Gilda	45 hrs @\$40.46	2/8/09-3/17/09	Est Hrly/\$1,821
Escalera, Daniel	45 hrs @\$40.46	2/8/09-3/17/09	Est Hrly/\$1,821
Gleason, Beverly	45 hrs @\$40.46	2/8/09-3/17/09	Est Hrly/\$1,821
Green, Michael	45 hrs @\$40.46	2/8/09-3/17/09	Est Hrly/\$1,821
Harris, John	45 hrs @\$40.46	2/8/09-3/17/09	Est Hrly/\$1,821
Kim, Doug	45 hrs @\$40.46	2/8/09-3/17/09	Est Hrly/\$1,821
Orloff, Warren	45 hrs @\$40.46	2/8/09-3/17/09	Est Hrly/\$1,821
Parker, Trevor	45 hrs @\$40.46	2/8/09-3/17/09	Est Hrly/\$1,821
Waul, Maria	45 hrs @\$40.46	2/8/09-3/17/09	<u>Est Hrly/\$1,821</u>
		TOTAL ESTABLISHED HOURLY	\$18,210

Comment: After-School CAHSEE Intervention  
01-CAHSEE Intensive Instr & Serv

Beeman-Solano, Amy	6 hrs @\$40.46	9/7/08-11/18/08	Est Hrly/\$243
Chapman, Amy	2 hrs @\$40.46	9/7/08-11/18/08	Est Hrly/\$ 81
Fulcher, Nathan	4 hrs @\$40.46	9/7/08-11/18/08	Est Hrly/\$162
Harris, John	5 hrs @\$40.46	9/7/08-11/18/08	Est Hrly/\$202
Pust, Jennifer	2 hrs @\$40.46	9/7/08-11/18/08	Est Hrly/\$ 81
Walker, Megan	3 hrs @\$40.46	9/7/08-11/18/08	<u>Est Hrly/\$121</u>
		TOTAL ESTABLISHED HOURLY	\$890

Comment: Grading Baseline Essays  
01-Unrestricted Resource

Chacon, Martha	33 hrs @\$40.46	12/3/08-6/19/09	Est Hrly/\$1,335
Cierra, Jorge	33 hrs @\$40.46	12/3/08-6/19/09	Est Hrly/\$1,335
Fulcher, Nathan	33 hrs @\$40.46	12/3/08-6/19/09	Est Hrly/\$1,335
Kim, Doug	33 hrs @\$40.46	12/3/08-6/19/09	Est Hrly/\$1,335
Mabry, Matthew	33 hrs @\$40.46	12/3/08-6/19/09	Est Hrly/\$1,335
Magnuson, Ruth	33 hrs @\$40.46	12/3/08-6/19/09	Est Hrly/\$1,335
Reardon, Marybeth	33 hrs @\$40.46	12/3/08-6/19/09	Est Hrly/\$1,335
Torres, Lupe	33 hrs @\$40.46	12/3/08-6/19/09	<u>Est Hrly/\$1,335</u>
		TOTAL ESTABLISHED HOURLY	\$10,680

Comment: Developing Curriculum "Connect for Success" Summer Program  
01-Economic Impact Aid - SCE

**TOTAL ESTABLISHED HOURLY AND OWN HOURLY = \$58,629**

**ELECTIONS**

**SUBSTITUTE TEACHERS**

Effective

**LONG-TERM SUBSTITUTES**

(@\$210.00 Daily Rate)

Taslimi, Laila 2/26/09-4/3/09

**CHANGE IN ASSIGNMENT**

Effective

Bautista-Nichols, Claudia 2/23/09-4/3/09

Santa Monica HS/Spanish

From: 60%

To: 100%

**LEAVE OF ABSENCE (with pay)**

Name/Location

Effective

Hedrick, Donald 2/10/09-5/21/09  
Santa Monica HS [medical]

Hedrick, Donald 5/22/09-6/19/09  
Santa Monica HS [catastrophic]

Jaroch, Katherine 4/20/09-6/19/09  
Lincoln Middle School [maternity]

Mowry, Kristen 3/9/09-4/3/09  
McKinley Elementary [maternity]

Meade, Mary Margaret 10/17/08-2/20/09  
Edison Elementary [medical]

Robinson, Elaine 3/23/09-6/19/09  
Franklin Elementary [maternity]

Williams, Alma 3/3/09-6/3/09  
Edison Elementary [catastrophic]

**LEAVE OF ABSENCE (without pay)**

Name/Location

Effective

Hale, Prakriti 9/4/09-6/25/10  
SMASH [child care]

Jaroch, Katherine 9/4/09-6/25/10  
Lincoln Middle School [child care]

Paulson, Janet 3/1/09-6/30/09  
Special Education [personal]

Paulson, Janet 7/1/09-9/14/09  
Special Education [personal]

Taylor, Heidi 9/4/09-6/25/10  
Grant Elementary [child care]

**RESCIND NON-REELCTION**

Name/Location

Effective

3616-019-08 3/4/09  
Pt. Dume Elementary School

**RESIGNATION**

<u>Name/Location</u>	<u>Effective</u>
Akins, Jenna Franklin Elementary School	6/19/09
Bonavida, Michelle Grant Elementary School	6/19/09
Casas, Maria John Adams Middle School	6/19/09
Gardner, Heather Malibu High School	6/19/09
Glazer, Maxine Special Education	4/6/09
Gonzalez, Maria Santa Monica High School	6/19/09
Hagen, Carol John Adams Middle School	6/19/09
Hoffman, Wendi Malibu High School	6/19/09
Kern, Kimberley Child Develop Svcs/McKinley	6/19/09
Lavenia, Yvonne Child Development Svcs	6/30/09
Olsheim, Elizabeth Roosevelt Elementary School	6/19/09
Olsheim, Glen Roosevelt Elementary School	6/19/09
Valadez, Ruth Special Education	3/6/09
Valdez, Guillermo John Adams Middle School	6/30/09
Wright, Samantha Lincoln Middle School	6/19/09

**RETIREMENT**

<u>Name/Location</u>	<u>Effective</u>
Paulson, Janet Special Education	9/12/09

MOTION MADE BY:  
SECONDED BY:  
STUDENT ADVISORY VOTE:  
AYES:  
NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

03/19/09

FROM: TIM CUNEO / MICHAEL D. MATTHEWS

RE: SPECIAL SERVICE EMPLOYEES

RECOMMENDATION NO. A.16

It is recommended that the following Special Services Employee contracts be approved in accordance with District policies and salary schedules, and be assigned pursuant to BP 4213.5. Funding for the positions listed is included in the 2007-08 budget.

<u>Name/Location</u>	<u>Not to Exceed</u>	<u>Effective Dates</u>	<u>Rate</u>
Albarracin-Alvarez, D.	\$10, 800	3/1/09-6/12/09	\$25/hour
SMASH; Foreign language instruction.			
FUNDING:	01-90150-0-31000-10000-2917-009-1501		-100%
Reimbursed by PTA			
Antwine, Sandra	\$30,000	9/1/08-6/30/10	\$35/hour
Fiscal Services/Payroll; Assist with payroll functions, as needed.			
FUNDING:	01-00000-0-00000-73100-2917-051-1501		-100%
Unrestricted Resource			

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION ACTION/CONSENT  
03/19/09

FROM: TIM CUNEO / MICHAEL D. MATTHEWS / WILBERT YOUNG

RE: CLASSIFIED PERSONNEL - MERIT

RECOMMENDATION NO. A.17

It is recommended that the following appointments for Classified Personnel (merit system) be approved and/or ratified. All personnel will be properly elected in accordance with District policies and salary schedules.

<u>ELECTION</u>		<u>EFFECTIVE DATE</u>
BAATH, EBBA ROGERS ELEMENTARY	INST ASST - CLASSROOM 3 HRS/SY/RANGE: 18 STEP: A	3/5/09
BENITEZ, ANGELA CHILD DEVELOP SVCS	CHILDREN CENTER ASST 3.5 HRS/SY/RANGE: 18 STEP: A	3/5/09
EDWARDS, SUZANNE MCKINLEY ELEMENTARY	SR OFFICE SPECIALIST 1.2 HRS/SY/RANGE: 25 STEP: A	3/9/09
JUEL, RORY ROOSEVELT ELEMENTARY	ELEMENTARY LIBRARY COORD 7 HRS/10 MO/RANGE: 26 STEP: A	2/23/09
ROSE, JASON SPECIAL ED/PINE ST	INST ASST - SPECIAL ED 4.5 HRS/SY/RANGE: 20 STEP: A	3/5/09
THEODAT, DOMINQUE CHILD DEVELOP SVCS	CHILDREN CENTER ASST 3.5 HRS/SY/RANGE: 18 STEP: A	3/5/09

<u>TEMP/ADDITIONAL ASSIGNMENTS</u>		<u>EFFECTIVE DATE</u>
AVILA, ALFREDO SANTA MONICA HS	STUDENT OUTREACH SPEC	2/17/09-3/17/09
BELL, MICHAEL FOOD SVCS	GARDNER	3/6/09-6/30/09
BOYER, LILIANA SMASH	INST ASST - CLASSROOM	2/9/09-4/3/09
CASILLAS, VERONICA SANTA MONICA HS	STUDENT OUTREACH SPEC	2/17/09-3/17/09
ELLIOTT-MCGUFFIE, NICOLE EDUCATIONAL SVCS	INST ASST - CLASSROOM	2/5/09-3/27/09
MORALES, ROBERTO SANTA MONICA HS	STUDENT OUTREACH SPEC	2/17/09-3/17/09
NARANJO, DEBBIE FOOD SVCS/JAMS	CAFETERIA WORKER I	9/2/08-6/30/09
PADDOCK, LORI LINCOLN MS	SR OFFICE SPECIALIST	9/2/09-6/19/09

TURNER-NEELEY, CYNTHIA FOOD SVCS/JAMS	CAFETERIA WORKER I	11/17/08-6/30/09
VILLASENOR, ERIKA PURCHASING	OFFICE SPECIALIST	1/1/09-6/30/09
WILSON, STANLEY CHILD DEVELOP SVCS	CAMPUS SECURITY OFFICER	1/22/09-1/28/09

**SUBSTITUTES**

**EFFECTIVE DATE**

ARANGO, ISABEL FOOD SVCS	CAFETERIA WORKER I	3/2/09-6/30/09
GURGUIS, RAMEZ HUMAN RESOURCES	INST ASST - PHYSICAL ED	2/6/09-6/19/09
KAHLE, AARON HUMAN RESOURCES	INST ASST - PHYSICAL ED	3/5/09-6/19/09
LAMELL, NANCY GRANT ELEMENTARY	ELEMENTARY LIBRARY COORD	10/20/08-6/30/09
LOCKETT, TYRONE OPERATIONS	GARDNER	2/23/09-6/30/09
NARANJO, GUSTAVO HUMAN RESOURCES	CAMPUS SECURITY OFFICER	2/19/09-6/24/09
OMARI, JABARI PURCHASING	STOCK & DELIVERY CLERK	1/1/09-6/30/09
PAREDES, MARTHA JOHN ADAMS MS	SR OFFICE SPECIALIST	2/17/09-6/30/09
VILLASENOR, ERIKA CHILD DEVELOP SVCS	OFFICE SPECIALIST	3/2/09-5/15/09

**VOLUNTARY DEMOTION/REDUCTION IN ASSIGNMENT**

**EFFECTIVE DATE**

FLORES, MARIA SPECIAL ED/PINE ST	INST ASST - SPECIAL ED 4.5 HRS/SY FR: INST ASST - INTENS BEHAV INTERV 6 HRS/SY/SPECIAL EDUCATION	2/17/09
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**LEAVE OF ABSENCE (PAID)**

**EFFECTIVE DATE**

ANDERSON, SALLY ROGERS ELEMENTARY	ADMINISTRATIVE ASST MEDICAL	2/12/09-2/28/09
ANDERSON, SALLY ROGERS ELEMENTARY	ADMINISTRATIVE ASST MEDICAL	3/2/09-3/11/09
BAKER, TERENCE MAINTENANCE	CUSTODIAN MEDICAL	2/6/09-3/17/09
CISNEROS-GARCIA, MARGARITA JOHN ADAMS MS	SR OFFICE SPECIALIST MATERNITY	2/2/09-6/24/09
CRUZ, MARY FOOD SVCS	CAFETERIA WORKER I MEDICAL	1/16/09-3/30/09

HERNANDEZ, PAULITA MUIR ELEMENTARY	INST ASST - CLASSROOM MEDICAL	1/19/09-4/1/09
INIGUEZ, LUCIA SPECIAL EDUCATION	INST ASST - INTENS BEHAV INTER MEDICAL	10/17/08-11/28/08
INIGUEZ, LUCIA SPECIAL EDUCATION	INST ASST - INTENS BEHAV INTER CFRA	11/29/08-3/6/09
PENA, JAIME SANTA MONICA HS	CAMPUS SECURITY OFFICER MEDICAL	2/9/09-3/13/09
TINZLY, CHRISTINA TRANSPORTATION	BUS DRIVER MATERNITY	2/28/09-3/6/09
WALKER, SHERI LYNNE FOOD SVCS	CAFETERIA WORKER I MEDICAL	2/15/09-2/28/09

<b><u>LEAVE OF ABSENCE-LIGHT DUTY ASSIGNMENT (PAID)</u></b>		<b><u>EFFECTIVE DATE</u></b>
TINZLY, CHRISTINA TRANSPORTATION	3.5 HRS/INST ASST - CLASSROOM REGULAR ASSIGN: BUS DRIVER MEDICAL	3/9/09-6/9/09

<b><u>RESCIND TERMINATION DUE TO EXHAUSTION OF ALL PAID LEAVES</u></b> (39-MONTH MEDICAL REEMPLOYMENT LIST)		<b><u>EFFECTIVE DATE</u></b>
1692-040-08 MCKINLEY ELEMENTARY	INST ASST - SPECIAL ED	2/26/09

<b><u>DISQUALIFICATION FROM PROBATION</u></b>		<b><u>EFFECTIVE DATE</u></b>
6275-020-08 FRANKLIN ELEMENTARY	INST ASST - PHYSICAL ED	3/20/09

<b><u>RESIGNATION</u></b>		<b><u>EFFECTIVE DATE</u></b>
AMARASEKARA, SUSAN MCKINLEY ELEMENTARY	INST ASST - CLASSROOM	3/11/09
CROSS, PATTI MCKINLEY ELEMENTARY	INST ASST - SPECIAL ED	3/13/09

MOTION MADE BY:  
 SECONDED BY:  
 STUDENT ADVISORY VOTE:  
 AYES:  
 NOES:

TO: BOARD OF EDUCATION ACTION/CONSENT  
03/19/09

FROM: TIM CUNEO / MICHAEL D. MATTHEWS / WILBERT YOUNG

RE: CLASSIFIED PERSONNEL - NON-MERIT

RECOMMENDATION NO. A.18

It is recommended that the following be approved and/or ratified for Classified Personnel (Non-Merit). All personnel assigned will be properly elected on a temporary basis to be used as needed in accordance with District policies and salary schedules.

**CHILD CARE ASSISTANT**

CABRERA, EPIGMENIO	CHILD DEVELOP SVCS	3/5/09-6/30/09
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**COACHING ASSISTANT**

BELL, EDWIN	MALIBU HIGH SCHOOL	2/25/09-6/30/09
EBY, DAVID	SANTA MONICA HS	2/1/09-6/30/09

**NOON SUPERVISION**

DE MENDOZA, PATRICIA	MUIR ELEMENTARY	2/18/09-6/22/09
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**STUDENT WORKER - WORKABILITY**

BUSBY, DESHONE	SANTA MONICA HS	3/9/09-6/30/09
CASILLAS, GABINO	OLYMPIC HIGH SCHOOL	2/1/09-6/30/09
DAVIS, CHAD	OLYMPIC HIGH SCHOOL	1/1/09-6/30/09
HAZELTON, KEVIN	SANTA MONICA HS	2/9/09-6/30/10
LOCKWOOD, NATALIE	MALIBU HIGH SCHOOL	2/10/09-6/30/10
ROBB, MAXIMILIAN	SANTA MONICA HS	2/23/09-6/20/12

MOTION MADE BY:  
 SECONDED BY:  
 STUDENT ADVISORY VOTE:  
 AYES:  
 NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

03/19/09

FROM: TIM CUNEO / CHIUNG-SALLY CHOU / LAUREL SCHMIDT

RE: EXPULSION OF STUDENT - (B/D 04/06/94)

RECOMMENDATION NO. A.19

It is recommended that the Board of Education expel student (B/D 04-06-94).

COMMENT: The Principal of Malibu High School recommended the expulsion based on the student's violations of Education Code Sections 48915(c)(3) and 48900(c):

"Selling a controlled substance."  
Education Code 48915(c)(3)

"Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance, alcoholic beverage or intoxicant of any kind." Education Code 48900(c)

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

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## **MAJOR ITEMS**

TO: BOARD OF EDUCATION

ACTION/MAJOR

03/19/09

FROM: TIM CUNEO

RE: ADOPT RESOLUTION NO. 08-29 - HONORING CÉSAR CHÁVEZ

RECOMMENDATION NO. A.20

It is recommended that the Board of Education adopt Resolution No. 08-29 - Honoring César Chávez.

COMMENT: March 31<sup>st</sup> is the anniversary of the birth of César Chávez.

Attached is the resolution.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

**SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT  
BOARD OF EDUCATION**

**RESOLUTION NO. 08-29  
HONORING CÉSAR CHÁVEZ**

**WHEREAS**, As a farmworker, César Chávez experienced firsthand the injustice of working long hours with little pay. Instilled with a sense of justice passed down from his mother, he made a decision to speak up and fight for change. Chavez took part in his first strike in protest of low wages and poor working conditions for farmworkers. Although initially unsuccessful, his participation in that first strike was to mark the beginning of a long career in which he fought for improved working and living conditions for farmworkers; and

**WHEREAS**, In 1962, César Chávez resigned his position with the Community Services Organization to embark on a bold new undertaking to form a farmworkers' union. He was joined by Dolores Huerta, and together they became the architects of the National Farm Worker's Union, the forerunner to the present United Farm Workers (UFW); and

**WHEREAS**, In 1965, César Chávez led a strike of California grape pickers to demand higher wages, and urged all Americans to boycott table grapes as a show of support. The strike included a 340-mile march from Delano to Sacramento in 1966 in which thousands of farmworkers and supporters marched in solidarity; and

**WHEREAS**, César Chávez preached nonviolence to the strikers, even as they were physically abused by many of those opposed to the grape boycott. In 1968, he began a Ghandi-like fast to call attention to the migrant workers' cause. Although his dramatic act did little to solve the immediate problem, it increased public awareness of the conditions under which farmworkers labored; and

**WHEREAS**, During the 1980s, César Chávez led the effort to call attention to the health problems of farmworkers caused by the use of certain pesticides on crops; and

**WHEREAS**, On April 23, 1993, César Estrada Chávez died peacefully in his sleep in San Luis, Arizona; and

**WHEREAS**, His life and work is not only an inspiration to Latinos, but to working Americans of all nationalities. His legacy lives on in the improved working and living conditions of hundreds of thousands of Californians and their families; and

**WHEREAS**, In the year 2000, the California Legislature enacted Senate Bill 984 (Chapter 213 of the Statutes of 2000) to create an annual state holiday on César Chávez' birthday, March 31. This holiday provides all Californians the opportunity to learn from César Chávez' life, and provides schoolchildren the opportunity to learn through community service;

**NOW, THEREFORE, BE IT RESOLVED** by the *Board of Education of the Santa Monica-Malibu Unified School District*, that the District recognizes March 31, 2009, as the anniversary of the birth of César Chávez, and calls upon all schools to participate in appropriate observances to remember him as a symbol of hope and justice to all persons.

Ayes: \_\_\_\_\_

Noes: \_\_\_\_\_

Absent: \_\_\_\_\_

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Ralph Mechur, President  
Board of Education of the  
Santa Monica-Malibu Unified School District

I, Tim Cuneo, Secretary of the Board of Education of the Santa Monica-Malibu Unified School District, do certify that the foregoing Resolution was regularly introduced, passed, and adopted by the Board of Education at its regular meeting held on March 19, 2009.

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Tim Cuneo, Secretary  
Board of Education of the  
Santa Monica-Malibu Unified School District

TO: BOARD OF EDUCATION

ACTION/MAJOR

03/19/09

FROM: TIM CUNEO / JANECE L. MAEZ

RE: ADOPT RESOLUTION NO. 08-30 TAX AND REVENUE  
ANTICIPATION NOTES (*TRANS*)

RECOMMENDATION NO. A.21

It is recommended that the Board of Education adopt Resolution No. 08-30, Tax and Revenue Anticipation Notes for the fiscal year 2009-10. The Resolution sets a not-to-exceed amount of \$10 million. The actual amount will be determined at the time of issuance.

COMMENTS: Tax and Revenue Anticipation Notes (*TRANS*) are short-term financings used by school districts to manage temporary fiscal year cash flow deficits. Because of the serious deficiencies at the State level, the District expects delays in our apportionments. These delays are also expected to create cash flow difficulties for SMMUSD. A *TRANS* issue will bridge the deficiencies during the 2009-10 fiscal year. A copy of the *California Education Notes Program* describing the *TRANS* program has been provided by Tony Hsieh of Keygent LLC and is attached for review.

Note: The Resolution, which is many pages in length, has been forwarded to the Board of Education under separate cover and is available for public review in the Office of the Superintendent.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

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# **California Education Notes Program**

## **Tax and Revenue Anticipation Notes**

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**Presented to:  
Santa Monica-Malibu Unified School District**

January 20, 2009

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## I. Introduction

### **Tax and Revenue Anticipation Notes Overview**

Tax and Revenue Anticipation Notes (“TRANS”) are short-term financings used by school districts to manage temporary fiscal year cash flow deficits caused by a mismatch between the receipt of tax revenues and operating expenditures.

Generally, school districts issue a one-year TRAN at the beginning of a fiscal year to fund operating expenditures prior to the receipt of tax revenues or State apportionment. TRANS typically carry a tax-exempt interest rate and the proceeds can be invested in a local county investment pool, guaranteed investment contract or the Local Agency Investment Fund, while unspent. Historically, the rate of investment exceeds the borrowing rate. Upon the receipt of revenues, school districts fund their TRAN repayment account.

### **Pooled TRAN Programs**

TRANS can be issued either on a standalone basis or as part of a pooled financing with other school districts. Most school districts pool their TRAN issuance with other school district issuers with the hopes of benefitting from economies of scale.

Pooling TRANS has advantages. However, because the financial landscape has changed so dramatically over the last few months, we believe that school districts should re-evaluate and analyze their past financing practices.

Pooled TRAN programs have generally grouped school district issuers together without regard to their underlying credit quality and issuance size. The impact of such indiscriminate pooling may cause districts with higher credit quality to subsidize those with lower credit quality. In today’s marketplace, such packaging would be expected to penalize larger districts with better financial quality.

## II. Program Description

The California Education Notes Program (“Cal-Ed Program”) is a new TRAN borrowing program designed to pair comparable school districts of similar credit quality and size, eliminating the need for credit enhancement or financial subsidy of very small districts. The Cal-Ed Program will include only districts with strong credit ratings and will be grouped and pooled based on their credit quality. The Cal-Ed Program will possess the requisite size to benefit from economies of scale while maintaining personalized, hands-on service from the Cal-Ed Program financing team.

The Cal-Ed Program will reflect a goal of efficiency and have clear administrative procedures, easy-to-use cash flow deficit calculation worksheets and streamlined legal documents. School districts can participate in the Cal-Ed Program without overburdening district staff.

### **III. Why a New TRANs Program**

#### **Cost Savings**

The Problem: Standalone TRAN issuers incur the full costs of issuance of a financing and in some pooled financings, larger issuers are penalized by paying a disproportionate share of financing costs.

The Solution: The Cal-Ed Program is structured to be cost effective for all participants. The Cal-Ed Program minimizes or eliminates financing costs related to program sponsors, unnecessary financing team members and credit enhancement, thereby resulting in cost savings to all Cal-Ed Program participants. Unavoidable costs will be divided more fairly among participating districts compared to other pools.

#### **Credit Quality**

The Problem: Accessing the capital markets in the current economic environment will be more challenging than in recent years. Due to the market turmoil, investors are increasingly scrutinizing the strength of an issuer's underlying credit rating to make investment decisions.

In a pooled financing that allows all credits to participate, participants with strong credits are penalized with higher borrowing costs due to the inclusion of participants with weaker credits. In some instances, districts with strong credit quality are required to purchase credit enhancement because of other lower credit quality districts that are participating in the same pool issuance.

The Solution: A TRAN pool composed only of participants with strong credit ratings allows for more aggressive interest rates from potential investors, and also avoids or decreases the need (and high cost) for credit enhancement.

#### **Geographic Diversity**

The Problem: Some TRAN pools limit participants to K-12 districts in a single county.

The Solution: The Cal-Ed Program will consist of participants from all over the State of California. This geographic diversity will appeal to investors looking for a broader security base for its investment and may lead to more aggressive interest rates.

#### **Tax Implications**

The Problem: The IRS has in recent years increased their scrutiny of cashflow projections used to determine TRAN issuance amounts. Because larger TRAN issuance amounts result in larger arbitrage opportunities, the IRS has expanded its review of California school district TRAN issuers. Pools with many participants may not receive individualized tax counsel review of their cash flows and thus may be exposed in the event of an IRS audit.

The Solution: The Cal-Ed Program will have extensive resources available to aid in developing pro-forma cashflows to meet IRS guidelines. Ms. Carol Lew, Esq., the Cal-Ed Program's tax counsel and past-President of the National Association of Bond Lawyers, will work on a one-on-one basis with each district on their cash flow projections.

## ***Flexibility***

The Problem: Too often the method of sale is predetermined by the financing team members. Such bias can cause a financing to miss a market opportunity which would benefit the participating districts.

The Solution: The Cal-Ed Program is not tied to any particular sale method. The Cal-Ed Program will have the flexibility to have the TRANs be sold via competitive sale, negotiated sale, or private placement. This flexibility allows the Cal-Ed Program team members to analyze the municipal bond market at the time of each sale to determine the most advantageous method to achieve the lowest borrowing cost for Cal-Ed Program participants.

## **IV. Financing Team**

The Cal-Ed Program is managed by two firms whose members have a long track record of serving California educational entities: Keygent LLC (“Keygent”), an independent financial advisory firm, and Stradling Yocca Carlson & Rauth (“Stradling”), a Professional Corporation, a nationally recognized bond counsel firm and the leading firm providing such services to California school districts.

Keygent and Stradling have significant experience structuring TRAN financings. Keygent’s professionals have over 25 years of combined experience structuring and managing pooled TRAN financings. Stradling’s professionals have served as legal counsel on over 1,000 TRAN financings and have over 70 years of combined experience.

Keygent’s primary responsibility with the Cal-Ed Program will be the program administration, management and quantitative structuring. These responsibilities include:

- Coordinate the financing among the Cal-Ed Program team members
- Procure credit ratings
- Collect and analyze all District financials
- Structure financing
- Coordinate sale of TRANs and negotiate pricing terms (depending on sale method)
- Coordinate closing and receipt of District funds
- Manage Cal-Ed Program on ongoing basis

Stradling’s primary responsibility with the Cal-Ed Program involves the legal analysis, document preparation and tax analysis. These responsibilities include:

- Develop legal structure
- Draft all legal documentation including resolutions, offering statements and trust agreement
- Analyze cashflows for compliance with IRS guidelines
- Coordinate closing and receipt of District funds
- Manage any potential IRS issues

Overviews of each firm can be found in Appendix A and Appendix B.

### **Appendix A: Keygent Overview**

Keygent is a professional services firm focused on assisting state and local governmental agencies to better serve their communities, residents, employees and students.

Keygent was founded with a specific focus of improving the management and business efficiency of California public education entities. Keygent has three key areas of focus: Public Finance, Regulatory Reporting and Health and Welfare Benefit Review.

*Keygent's Public Finance Group* guides California educational entities through their capital financing needs. The Public Finance Group is comprised of senior partners who have extensive experience in bond structuring, bond underwriting, credit analysis and capital markets.

*Keygent's MuniBond Continuing Disclosure Group* is dedicated to assisting bond issuers in meeting complex and increasingly important continuing disclosure requirements. The MuniBond Continuing Disclosure Group ensures that annual reports, supplemental reports and material event notices are prepared and disseminated as required.

*Keygent's RecoveryMax Benefit Consulting Group* provides organizations with auditing services to identify health care cost savings. The RecoveryMax Benefit Consulting Group is managed by senior professionals with extensive program management experience and quantitative expertise.

For the Cal-Ed Program, Keygent's team will be led by Keygent's senior partners, Mr. Gene Yee and Mr. Tony Hsieh. Both partners have extensive experience in California public education finance. As senior partners within the firm, they will allocate Keygent's resources to ensure the highest level of service to the Cal-Ed Program. Both partners will be responsible for providing the day-to-day advisory activities and will be available for conference calls and meetings. Mr. Chet Wang and Ms. Jennifer Rossel will take an active role in providing technical and administrative support throughout the Cal-Ed Program.

#### ***Gene Yee, Managing Partner***

Telephone: (310) 546-1910 ext. 102

Email: gene.yee@keygentcorp.com

With over 15 years of senior leadership experience, Mr. Yee, a company founder, is responsible for Keygent's business strategy and new business development. Mr. Yee is highly regarded for his knowledge of education finance and business operations.

Prior to founding Keygent, Mr. Yee was a Managing Director at Piper Jaffray & Co., responsible for its California Education Public Finance Group. Mr. Yee also served on Piper Jaffray's Public Finance Operating Committee. In working with over 450 municipal clients, he provided debt capacity studies, cash flow analysis and strategic credit analysis. Mr. Yee structured a wide variety of financings totaling over \$10 billion for California municipal entities.

Mr. Yee graduated from UCLA where he received a B.A. in Economics/International Studies. He also holds a J.D. from the University of San Francisco School of Law. Mr. Yee received his M.B.A. from the Anderson School of Management at UCLA. Mr. Yee is a member of the California State Bar.

#### ***Tony Hsieh, Partner, Manager of Public Finance***

Telephone: (310) 546-1910 ext. 105

Email: tony.hsieh@keygentcorp.com

Mr. Hsieh has been advising clients on strategic and financial matters for nearly 10 years. At Keygent, he manages the Public Finance Group which is focused on providing California educational entities with independent strategic, technical and quantitative advice. He is widely known for his expertise in debt refinancing and structuring.

Prior to joining Keygent, Mr. Hsieh was a Senior Vice President in Piper Jaffray's California Education Public Finance Group, where he specialized in advising California school districts on a wide variety of financings. He has structured financings for over 400 California education entities totaling over \$10 billion.

Mr. Hsieh has a B.A. in Economics from UCLA. Mr. Hsieh held the Financial Industry Regulatory Authority's Series 7 and 63 licenses as an investment banker.

### ***Chet Wang, Principal***

Telephone: (310) 546-1910 ext. 103  
Email: chet.wang@keygentcorp.com

Mr. Wang has over five years of financial industry experience. Over the last three years, he has provided investment banking and advisory services exclusively to California educational entities. At Keygent, he is primarily responsible for managing the firm's technical and quantitative efforts. He has expertise in debt and bonding capacity studies, cash flow analysis, restructuring models, interest rate sensitivity analysis and credit analysis.

Prior to joining Keygent, Mr. Wang was an Associate in Piper Jaffray's California Education Public Finance Group, where he was responsible for technical and quantitative analysis. He has structured financings for over 200 California education entities totaling over \$2 billion. Mr. Wang has a B.A. in Business Economics and Communications from UCLA. Mr. Wang held the Financial Industry Regulatory Authority's Series 7 and 66 licenses as an investment banker.

### ***Jennifer Rossel, Senior Consultant***

Telephone: (310) 546-1910 ext. 101  
Email: jennifer.rossel@keygentcorp.com

Ms. Rossel has been managing large-scale programs for over 8 years, which has led to quality improvements and direct-cost reductions totaling over \$1 million. At Keygent, she is responsible for managing the RecoveryMax Benefit Consulting Group, including benefit eligibility verification, payroll deduction analysis and final reporting. Trained in Six Sigma, Ms. Rossel performs advanced qualitative and quantitative analyses of benefit programs with an emphasis on increasing efficiency and decreasing costs.

Prior to joining Keygent, Ms. Rossel was a Quality Engineer and Program Manager specializing in the optimization of labor force and capital equipment usage. She performed over 50 different analyses of both large and small scope manufacturing optimizations, leading to significant increases in yield and double digit reductions in cost. Ms. Rossel has a B.S. in Material Science Engineering from Rutgers University, and is also a certified Six Sigma Green Belt.

### *Appendix B: Stradling Overview*

Stradling Yocca Carlson & Rauth (the "Firm" or "Stradling") has served as bond counsel to school districts throughout California for over 30 years. Bond lawyers at the Firm have practiced municipal finance law in California since 1951. Bond industry surveys of bond counsel firms annually rank Stradling among the top two bond counsel law firms in California. In addition to Stradling's thriving bond law practice, it represents school districts in real property transactions, design-build contracts, condemnation, lease-leaseback, environmental and litigation matters.

Thirty-one members of the Firm practice in the areas of public finance and general public law, the second largest bond department in California. Our public law attorneys devote their time exclusively to the representation of the interests of public agencies, including cities, counties, redevelopment agencies, school and community college districts, and special districts of various kinds, and to the supplying of legal services in connection with the financings of such agencies.

The Firm's size offers advantages to the clients that we represent. Among them are that the Firm has expertise in many areas, such as real estate, corporate securities, litigation, as well as public finance, that can be useful in analyzing all relevant issues for a financing. Our size provides stability and assurance to the client that the Firm will be in practice to follow up on matters related to the services it renders. The success of our practice depends on word of mouth references from districts who are pleased with our work. Client service is an essential component of our commitment, and the large number of experienced bond attorneys helps us satisfy all of our clients' needs.

Stradling has thirteen attorneys who specialize in school finance matters in California. The Education Finance Practice Group is headed by David G. Casnocha, who has practiced public finance law in California for 32 years. He is a summa cum laude graduate of Claremont Men's College and Cornell University School of Law.

The Firm has acted as bond counsel on over 1,000 tax and revenue note financings. Included among them would be stand-alone borrowings, pooled financings sponsored by county offices of education (Placer, Riverside, Butte, Stanislaus) and program pools for the Community College League of California.

Within the finance practice is a specialty in federal income tax laws relating to municipal bonds. These attorneys are involved in every bond issue reviewing transactions for tax law compliance. In recent years they have also represented schools, colleges and other public agencies in connection with IRS audits of past bond issues, including audits of tax and revenue anticipation notes. Carol Lew, head of Stradling's Tax Department is an expert on tax laws applicable to TRANs. She is perhaps the most prominent of all tax counsels in California and is the past President of the National Association of Bond Lawyers.

**David Casnocha, Esq., Managing Shareholder**

Telephone: (415) 283-2241

Email: [dcasnocha@sycr.com](mailto:dcasnocha@sycr.com)

David G. Casnocha is the managing partner of the San Francisco office of Stradling Yocca Carlson & Rauth and head of its Education Finance Group. He has acted as bond counsel on hundreds of tax and revenue anticipation notes and thousands of school bonds and borrowing over a 32 year career as a bond attorney. He has designed the legal structure for a variety of TRAns programs, including composite issues of stand-alone TRAns and county-wide school district pools of TRAns. Since 1994, he has been the bond counsel on the Community College League of California annual tax and revenue anticipation note program for California community colleges which has issued over \$2 billion of pooled TRAns. He is a graduate of Claremont Men's College and Cornell Law School (1976).

**Carol Lew, Esq., Shareholder**

Telephone: (949) 725-4237

Email: [clew@sycr.com](mailto:clew@sycr.com)

Carol Lew is a partner and the head of the Stradling Yocca Carlson & Rauth Tax Department. All of her 22 years as an attorney have been devoted to the tax laws governing public agency debt issuance. She is a graduate of University of California, Hastings College of Law (1986), Magna Cum Laude, and Order of the Coif. She is a past President of the National Association of Bond Lawyers (2006-07), the Editor-in-Chief of a five volume treatise, Federal Taxation of Municipal Bonds, and Chair of the American Bar Association, Tax-Exempt Financing Committee. She has represented a number of school districts in IRS audits of their note/bond issuances.

**Kerrigan Bennett, Esq., Shareholder**

Telephone: (415) 283-2250

Email: [kbennett@sycr.com](mailto:kbennett@sycr.com)

Kerrigan Bennett is a partner in the San Francisco office specializing in school district borrowings. He has participated in the TRAns pool for community colleges and on a number of K-12 stand-alone issues. He is a Cum Laude, Order of the Coif graduate of University of California, Hastings College of Law (2000).

**Carlos Villafuerte, Esq., Associate**

Telephone: (415) 283-2251

Email: [cvillafuerte@sycr.com](mailto:cvillafuerte@sycr.com)

Carlos Villafuerte is an associate in Stradling Yocca Carlson & Rauth's San Francisco office specializing for the past three years in public finance. He is the primary associate on the Community College League of California TRAns. He is a graduate of Boston University School of Law (2004).

TO: BOARD OF EDUCATION

ACTION/MAJOR

03/19/08

FROM: TIM CUNEO

RE: EXPO PHASE II - DRAFT EIR

RECOMMENDATION NO. A.22

It is recommended that the Board of Education review and take action on the staff's recommendations regarding the EXPO Line and its impact on the school district, as it relates to the Draft Environmental Impact Report (EIR).

NOTE: An update with staff's recommendations will be provided in an Update to the agenda prior to the meeting.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/MAJOR

03/19/08

FROM: TIM CUNEO / JANECE L. MAEZ / VIRGINIA I. HYATT

RE: APPROVAL OF WASHINGTON CHILD DEVELOPMENT SERVICES  
MODERNIZATION PROJECT AND AUTHORIZE FILING OF NOTICE OF  
EXEMPTION - MEASURE BB

RECOMMENDATION NO. A.23

It is recommended that the Board of Education approve the Washington Child Development Services Modernization Project and authorize staff to file a Notice of Exemption under the Class 1 Categorical Exemption.

COMMENTS: At its October 18, 2007, meeting, the Board of Education approved an allocation from the Measure BB bond fund for the Washington E/W CDS Modernization Project. The budget was subsequently updated at the June 26, 2008, Board meeting for a project budget of \$1.575 million.

The project consists of modernizing existing school buildings to internally reconfigure Washington West rooms 3 and 4 into preschool classrooms; internally reconfigure Washington East into CDS offices; and provide limited hardscape improvements, and reconfigure the parking lot.

Due the limited scope of this project and that no new buildings or additions will be constructed, it has been found that project is categorically exempt under the California Environmental Quality Act (CEQA) because such types of projects like the Washington E/W CDS Modernization Project will not create a significant environmental impact. The District's Environmental Consultant, PBS&J, prepared a memorandum to document that this project meets the Existing Facilities (i.e., Class I) and the Minor additions to Schools (i.e., Class 14) Categorical Exemptions. This memorandum is attached hereto as Attachment A.

Under the CEQA Guidelines, a Notice of Exemption (NOE) is filed with the County Clerk after approval of the project. The proposed NOE is attached hereto as Attachment B. Staff requests authorization to file the NOE.

Note: The complete Memorandum of Environmental Effects - Class 1 Categorical Exemption has been forwarded to Board of Education members and is available for public review in the Superintendent's Office.

MOTION MADE BY:  
SECONDED BY:  
STUDENT ADVISORY VOTE:  
AYES:  
NOES:

TO: BOARD OF EDUCATION

ACTION/MAJOR

03/19/08

FROM: TIM CUNEO / JANECE L. MAEZ / VIRGINIA I. HYATT

RE: APPROVAL OF WEBSTER ELEMENTARY SCHOOL FIRE ALARM  
REPLACEMENT PROJECT AND AUTHORIZE FILING OF NOTICE OF  
EXEMPTION - MEASURE BB

RECOMMENDATION NO. A.24

It is recommended that the Board of Education approve the Webster Elementary School Fire Alarm Replacement Project and authorize staff to file a Notice of Exemption under the Class 1 Categorical Exemption.

COMMENTS: At its June 26, 2008, meeting, the Board of Education approved a budget allocation of \$306,000 from the Measure BB bond fund for the Webster Elementary School Fire Alarm Replacement Project.

The project consists of the replacement and upgrade of the campus-wide fire alarm system at Webster ES.

Due the limited scope of this project and that no new buildings will be constructed, it has been found that project is categorically exempt under the California Environmental Quality Act (CEQA) because such types of projects like the Webster Elementary School Fire Alarm Replacement Project will not create a significant environmental impact. The District's Environmental Consultant, PBS&J, prepared a memorandum to document that this project meets the Existing Facilities (i.e., Class I) Categorical Exemption. This memorandum is attached hereto as Attachment A.

*(Continued on next page)*

Under the CEQA Guidelines, a Notice of Exemption (NOE) is filed with the County Clerk after approval of the project. The proposed NOE is attached hereto as Attachment B. Staff requests authorization to file the NOE.

Note: The complete Memorandum of Environmental Effects - Class 1 Categorical Exemption has been forwarded to Board of Education members and is available for public review in the Superintendent's Office.

MOTION MADE BY:  
SECONDED BY:  
STUDENT ADVISORY VOTE:  
AYES:  
NOES:

TO: BOARD OF EDUCATION

ACTION/MAJOR

03/19/08

FROM: TIM CUNEO / JANECE L. MAEZ / VIRGINIA I. HYATT

RE: APPROVAL OF PT. DUME ELEMENTARY SCHOOL GAS LINE AND  
FURNACE REPLACEMENT PROJECT AND AUTHORIZE FILING OF  
NOTICE OF EXEMPTION - MEASURE BB

RECOMMENDATION NO. A.25

It is recommended that the Board of Education approve the Pt. Dume Elementary School Gas Line and Furnace Replacement Project and authorize staff to file a Notice of Exemption under the Class 1 Categorical Exemption.

COMMENT: At its June 26, 2008, meeting, the Board of Education approved a budget allocation of \$265,000 from the Measure BB bond fund for the Pt. Dume Elementary School Gas Line and Furnace Replacement Project.

The project consists of the replacement of the natural gas lines and replacement of existing furnace system as required at Webster ES.

Due the limited scope of this project and that no new buildings will be constructed, it has been found that project is categorically exempt under the California Environmental Quality Act(CEQA)because such types of projects like the Pt. Dume Elementary School Gas Line and Furnace Replacement Project will not create a significant environmental impact. The District's Environmental Consultant, PBS&J, prepared a memorandum to document that this project meets the Existing Facilities (i.e., Class I) Categorical Exemption. This memorandum is attached hereto as Attachment A.

*(Continued on next page)*

Under the CEQA Guidelines, a Notice of Exemption (NOE) is filed with the County Clerk after approval of the project. The proposed NOE is attached hereto as Attachment B. Staff requests authorization to file the NOE.

Note: The complete Memorandum of Environmental Effects - Class 1 Categorical Exemption has been forwarded to Board of Education members and is available for public review in the Superintendent's Office.

MOTION MADE BY:  
SECONDED BY:  
STUDENT ADVISORY VOTE:  
AYES:  
NOES:

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## **DISCUSSION ITEMS**

TO: BOARD OF EDUCATION  
FROM: TIM CUNEO / MICHAEL D. MATTHEWS  
RE: 2009-10 SCHOOL STAFFING

DISCUSSION  
03/19/09

DISCUSSION ITEM NO. D.01

At the March 5, 2009, board meeting, the board requested further information regarding enrollment and staffing data for each site. The Human Resources Department has taken the enrollment projections provided by DecisionInsite and has provided staffing information to all of the District's schools, including pre-school and child care. Last year, staffing was provided to schools based on the following student to teacher ratios:

**Elementary School Staffing in 2008-09**

Grades K - 3	20:1
Grades 4 and 5:	
Will Rogers (Title I):	25:1*
Edison (Title I):	25:1
SMASH:	25:1
All other:	30:1

\* Rogers was also provided with one additional science teacher for the STEM Program

**Secondary School Staffing in 2008-09**

John Adams Middle School:	29:1
All other Secondary Schools:	31:1

For the 2009-10 school year, schools are being staffed at the following ratios:

**Elementary School Staffing in 2009-10**

Grades K - 3	23:1
Grades 4 and 5:	
Will Rogers (Title I):	25:1*
Edison (Title I):	25:1
McKinley (Title I):	25:1
Muir (Title I):	25:1
SMASH:	25:1
All other:	30:1

\* Rogers will continue to be provided with one additional science teacher for the STEM Program

**Secondary School Staffing in 2009-10**

John Adams Middle School:	30:1
All other Secondary Schools:	32:1

The projected enrollment numbers are conservative numbers, which help the District to avoid overstaffing schools. Elementary schools are taking careful note of Kindergarten enrollments, and all schools are keeping careful track of new enrollees. The

District will make adjustments to staffing based on discussions with school leadership about enrollment information. If the Board amends the permit policy to allow permits, then staff will examine each school's enrollment on a grade-by-grade basis to determine whether and where there is room for permits at each school.

Using these criteria, schools will be budgeted next year with the 09-10 staffing column numbers in the chart below.

	08-09	09-10	Change
<b>Franklin</b>	35	34	-1
<b>Grant</b>	28	25	-3
<b>Cabrillo</b>	14	12	-2
<b>Edison</b>	20.4	19.4	-1
<b>John Muir</b>	13	13	0
<b>McKinley</b>	18	19	1
<b>Pt. Dume</b>	12	10	-2
<b>Roosevelt</b>	32	31	-1
<b>SMASH</b>	8.5	8.5	0
<b>Webster</b>	18	16	-2
<b>Will Rogers</b>	26	23	-3
<b>JAMS</b>	39.8	36.2	-3.6
<b>Lincoln</b>	44.8	42	-2.8
<b>MHS</b>	47.8	46.4	-1.4
<b>Samohi</b>	115.4	112	-3.4
<b>Olympic</b>	7.4	7.4	0
<b>Special Education</b>	101.5	101.5	0
<b>Total</b>	<b>581.6</b>	<b>556.4</b>	<b>-25.2</b>

Included below are the 2009-10 enrollment projections for each school and the corresponding 2009-10 staffing projections based on that enrollment.

**Cabrillo:**

K	42				
1	42				
2	50				
3	46				
4	41				
5	46				Existing Staffing
Projection			Formula	Rounded	2008-2009
K-3 Total	180	23:1 Staffing:	7.83	9	
4-5 Total	87	30:1 Staffing	2.90	3	
			Staffing:	12	14

**Edison**

K	77					
1	76					
2	81					
3	79					
4	71					
5	56					Existing Staffing
Projection			Formula	Rounded		2008-09
K-3 Total	313	23:1 Staffing:	13.61	14		
4-5 Total	127	25:1 Staffing	5.08	5.4		
			Range:	19.4		20.4

**Franklin**

K	134					
1	139					
2	120					
3	122					
4	145					
5	144					Existing Staffing
Projection			Formula	Rounded		2008-2009
K-3 Total	515	23:1 Staffing:	22.39	24	20:1 Staffing:	
4-5 Total	289	30:1 Staffing	9.63	10		
			Range:	34	to	35

**Grant**

K	97					
1	95					
2	92					
3	96					
4	120					
5	99					Existing Staffing
Projection			Formula	Rounded		2008-2009
K-3 Total	380	23:1 Staffing:	16.52	17		
4-5 Total	219	30:1 Staffing	7.30	8		
			Range:	25		28

**McKinley**

K	80				
1	79				
2	60				
3	61				
4	60				
5	72				Existing Staffing
Projection			Formula	Rounded	2008-2009
K-3 Total	280	23:1 Staffing:	12.17	13	
4-5 Total	132	25:1 Staffing	5.28	6	
			Range:	19	18

**Muir**

K	54				
1	53				
2	43				
3	49				
4	42				
5	41				Existing Staffing
Projection			Formula	Rounded	2008-09
K-3 Total	199	23:1 Staffing:	8.65	9	
4-5 Total	83	25:1 Staffing	3.32	4	
			Range:	13	13

**Point Dume**

K	27				
1	26				
2	43				
3	40				
4	46				
5	41				Existing Staffing
Projection			Formula	Rounded	2008-2009
K-3 Total	136	23:1 Staffing:	5.91	7	
4-5 Total	87	30:1 Staffing	2.90	3	
			Range:	10	12

**Rogers**

K	91				
1	90				
2	75				
3	78				
4	82		Addition:	1	STEM Science Teacher
5	73				Existing Staffing
Projection			Formula	Rounded	2008-2009
K-3 Total	334	23:1 Staffing:	14.52	15	
4-5 Total	155	25:1 Staffing	6.20	7	
			Range:	22	26

**Roosevelt**

K	124				
1	120				
2	117				
3	124				
4	118				
5	133				Existing Staffing
Projection			Formula	Rounded	2008-2009
K-3 Total	485	23:1 Staffing:	21.09	22	
4-5 Total	251	30:1 Staffing	8.37	9	
			Range:	31	32

**Webster**

K	56				
1	52				
2	69				
3	58				
4	72				
5	61				Existing Staffing
Projection			Formula	Rounded	2008-2009
K-3 Total	235	23:1 Staffing:	10.22	11	
4-5 Total	133	30:1 Staffing	4.43	5	
			Range:	16	18

**SMASH**

K	23				
1	20				
2	20				
3	20				
4	20				
5	24				Existing Staffing
Projection			Formula	Rounded	2008-2009
K-3 Total	83	23:1 Staffing:	3.61	4	8.5
4-5 Total	44	25:1 Staffing	1.76	2	
			Range:	6	
Middle School					
6	24				
7	24				
8	22				
6-8 Total	70	31:1 Staffing	2.26	2.5	
			Total Staffing	8.5	

**JAMS**

6	291				
7	293				
8	304				
Projection			Formula	Rounded	2008-2009
6-8 Total	888	30:1 Staffing:	36.74	37.2	
			Staffing:	37.2	39.8

**Lincoln**

6	355				
7	365				
8	380				
Projection			Formula	Rounded	2008-2009
6-8 Total	1100	32:1 Staffing:	41.25	42	
				42	44.8

**MALIBU HIGH SCHOOL**

Grade	Enrollment		Formula	Rounded	
6	175				
7	135				
8	157				
<b>Projection</b>					
6-8 Total	467	32:1 Staffing:	17.5125	17.8	
<b>Grade</b>	<b>Enrollment</b>		<b>Added Staffing:</b>		
9	174		Department Chair:		0.8
10	173		A.D.		0.6
11	161		Other		1
12	188		<b>Total Added:</b>		<b>2.4</b>
9-12 Total	696				
<b>Projection</b>		<b>Formula</b>	<b>Rounded</b>		
	32:1 Staffing:		26.1	26.2	
					Existing Staffing
					<b>2008-2009</b>
<b>Staffing Allocation:</b>		<b>46.4</b>			<b>47.8</b>

**Santa Monica High School**

Grade	Enrollment		Added Staffing:	
9	707		Department Chair:	0.8
10	718		A.D.	1
11	712		Other	2
12	680		Teacher Leaders	2.4
			<b>Total Added:</b>	<b>6.2</b>
<b>Projection</b>				
9-12 Total	2817		<b>Formula</b>	<b>Rounded</b>
		32:1 Staffing:	105.64	105.8
				Existing Staffing
				<b>2008-2009</b>
<b>Staffing:</b>		<b>112</b>		<b>115.4</b>

## Special Education

Below is the Special Education staffing for 2008-09. The Human Resources Department is working with the Special Education Department on matching student needs for 2009-10 with the appropriate staffing.

School	RSP Teachers	SDC Teachers	Other	Total
Cabrillo	1	2		3
Edison	1	0		1
Franklin	1.6	2		3.6
Grant	1	4		5
McKinley	1	3	1	5
Muir	1	2		3
Point Dume	0.8	0		0.8
Rogers	1	2		3
Roosevelt	1	3		4
SMASH	0.5	0		0.5
Webster	0.8	0		0.8
JAMS	3	4		7
Lincoln	3	4		7
Malibu HS	4	4	1	9
Olympic/OCLC	0	3		3
Samohi	7	9		16
Speech Pathologists			15.8	15.8
Preschool		8		8
Other: Adaptive PE, Orientation/Mobility			6	6
<b>Total</b>	<b>27.7</b>	<b>50</b>	<b>23.8</b>	<b>101.5</b>

TO: BOARD OF EDUCATION

DISCUSSION

03/19/09

FROM: TIM CUNEO / MICHAEL D. MATTHEWS / LAUREL SCHMIDT

RE: REVISE POLICY 5117 - INTERDISTRICT ATTENDANCE

DISCUSSION ITEM NO. D.02

It is recommended that the Board of Education revise Board Policy 5117 - Interdistrict Attendance.

COMMENT: Revisions from the February 5 board meeting have been incorporated into the attached policy.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

**THIS IS A REVISED SMMUSD POLICY**

New text in underline

Deleted text in ~~strikeout~~

<u>NUMBER</u> 5117	<u>ARTICLE</u> Students	<u>TITLE</u> Interdistrict Attendance	
<u>SUBTOPIC</u> Attendance	<u>POLICY</u> X	<u>REGULATION</u>	<u>EXHIBIT</u>

**DETAIL**

A. Although students generally must attend school in the district and school where their residence has been established, the Santa Monica-Malibu School District Governing Board recognizes justifiable reasons for interdistrict permits. Upon request, the Superintendent or designee may accept students from other districts and may allow students who live within the District to transfer to another school within the District or out of the District.

Beginning with the 2005-06 school year permits will be issued on a year-to-year basis. Parents must reapply and be accepted for continued attendance each year. Students enrolled prior to the 2005-06 school year on a PERT or DERT permit will not be affected by this change.

Involuntary loss of housing resulting from: apartments being removed from the rental market (Ellis Act), buildings being red-tagged, or evictions to accommodate owner-occupancy should not interfere with a child completing his/her education in the Santa Monica Malibu Unified School District. The permit office will require the applicant to obtain verification from the Rent Control Department or other appropriate legal agency. These students will be allowed to remain in their schools for the remainder of the year in which their housing has been lost. In addition, they will be allowed to remain in SMMUSD as permit students in subsequent years provided they meet all the conditions of students attending SMMUSD on permit, and they reapply annually. The Ellis Act allows California apartment owners to evict tenants if the landlords intend to withdraw their units from the rental market.

SMMUSD students in good standing who were residents of Santa Monica or Malibu during the 2001-2002 school year, and subsequently move to another city, will be allowed to remain in the Santa Monica-Malibu School district as permit students, upon receiving a permit from their district of residence and meeting all the conditions of students attending Santa Monica-Malibu Unified School District on a permit.

B. Permits of this type are to be initiated by the student's parent or guardian who attests to the fact or shows evidence

that the permit would be in the student's best interests. Cancellation of the permit shall occur if certain provisions are not adhered to by the student or parent/guardian, or if overcrowding should occur at the school of acceptance.

C. The Board is committed to providing a quality education for all District students legally enrolled and will provide fair and consistent treatment for students and parent/guardians regardless of their residence or permit status. All applications for a permit will be treated in a fair and consistent manner.

D. Final approval of permits for all students, including students needing specialized programs, such as GATE, special education, ELL, etc., shall rest at the District and shall be contingent upon space, budget and staff availability. The District will not pay excess costs to provide specialized services to students on permit.

E. Except for the conditions listed below, effective September 2002, there will be a moratorium on the receipt of all new interdistrict attendance permits for schools in the Santa Monica-Malibu Unified School District. This moratorium shall continue through the 2008-2009 school year with the following exceptions:

1. The District will accept applications for interdistrict permits to attend schools in the City of Santa Monica for grades K through 6 in order to stabilize the current number of interdistrict permit students in the District. Permits will be granted per the language of section D. above.

2. Requests for new interdistrict permits will be accepted for all schools in the City of Malibu. Permits will be granted per the language of section D. above.

3. No permits will be granted to attend Olympic High School.

4. The total number of all new interdistrict permits that will be accepted and approved for the 2008-2009 school year will not exceed 200 for the District. Permits will be granted per the language of section D. above.

5. All students currently attending on an interdistrict permit will be allowed to remain in the District until they leave or graduate, assuming that they: reapply for a permit annually and comply with all the application requirements; uphold appropriate standards of behavior, attendance, and academic effort, and that the conditions under which the current permit was granted have not changed.

6. Guidelines previously applied to SMASH, Edison, including the

immersion program through Grade 8, and our preschools will remain in effect.

F. Requests for new permits will be received (granted) in the following order (Based on the timelines identified in Administrative Regulations 5117):

1. Intradistrict permits allowing children who are residents of the cities of Santa Monica and/or Malibu to attend a school other than their neighborhood school;

- It is the intention of the District to provide same-school placement for all siblings in a family once an intradistrict permit has been granted, except in cases where students need a specialized program which is only available on another campus.

2. Interdistrict permits for children of employees of the Santa Monica-Malibu Unified School District [certificated, classified, management, full and part-time (a minimum of 15 hours per week)];

- It is the intention of the District to provide a seat in a District school to all children of District employees who have requested a new interdistrict permit, with the understanding that Section D. will be considered. staff will do its best to accommodate requests for a specific school but will not guarantee requested placement. On-going permit holders are not affected and will continue in the home school being currently attended.

3. If space, staffing and budget permit, staff will do its best to accommodate requests for placement for siblings (of current interdistrict permit holders) who will be entering Kindergarten, 1st, 6th, or 9th Grade. If a permit is received (granted) there is no guarantee of same-school placement. On-going permit holders are not effected and will continue in the home school being currently attended;.

4. If space, staffing and budget permit, interdistrict permits for children of employees of the cities of Malibu or Santa Monica.

5. If space, staffing and budget permit, interdistrict permits for children of full-time, permanent employees of Santa Monica College enrolling in grades K-8 for the 2008-2009 school year, up to:

a) 50 students if the enrollment decline is less than 120.

b) If the decline is more than 120, the number of additional students required to shrink the decline to 120.

No permits will be issued in this category at the high school

level.

6. If space, staffing and budget permit, for those students "in good standing" who have been attending school/s within SMMUSD as a resident of the District, for a minimum period of three complete school years, and subsequently relocate outside the boundaries of SMMUSD. Permits will be granted per the language of section D. above.

7. If space, staffing and budget permit, interdistrict permits for children of alumni of Santa Monica High School, Malibu High School, or Olympic High School. Parent must attach a copy of diploma to permit application.

**REFERENCE**

LEGAL REFERENCE:

EDUCATION CODE

46600-46611 Interdistrict attendance agreements  
48204 Residency requirements for school attendance  
48915 Expulsion; particular circumstances  
48915.1 Expelled individuals: enrollment in another district  
48918 Rules governing expulsion procedures  
48980 Notice at beginning of term  
52317 Admission of persons including nonresidents to attendance area; workers' compensation for pupils

**ADOPTED**

January 27, 1994

**REVISED**

February 21, 2008  
June 7, 2007  
June 15, 2006  
November 17, 2005  
February 17, 2005  
February 20, 2003  
November 21, 2002

**CSBA DATE**

February 1995

**DISTRICT GOAL**

TO: BOARD OF EDUCATION

DISCUSSION

03/19/09

FROM: TIM CUNEO / JANECE L. MAEZ / VIRGINIA I. HYATT

RE: RELOCATION PLAN - EDISON LAND ACQUISITION

DISCUSSION ITEM NO. D.03

It is recommended that the Board of Education adopt a Relocation Plan ("Plan") after a 30-day public comment period. At this time, the Plan is being presented to the Board as a discussion item before it is circulated for public comment. A public hearing will be scheduled for approval of the Plan following the public comment period.

HISTORY:

The Plan was prepared by Del Richardson & Associates, Inc. ("DRA"). DRA has been retained as the District's relocation consultant for the Edison property acquisitions. The Plan is required by the relocation regulations, specifically, Title 25 California Code of Regulations section 6038. The Plan must be available to the property occupants (i.e., displacees) and the public for thirty (30) days prior to submission to the Board for approval.

NOTE:

A copy of the report is available in the Superintendent's Office or can be found online at [www.smmusd.org/board/meetings/html](http://www.smmusd.org/board/meetings/html).

TO: BOARD OF EDUCATION

DISCUSSION

03/19/09

FROM: TIM CUNEO/JANECE L. MAEZ/VIRGINIA I. HYATT

RE: SMMUSD RELOCATION GRIEVANCE PROCEDURES - FIRST READING

DISCUSSION ITEM NO. D.04

It is recommended that the Board of Education adopt a Relocation Grievance Procedure. Staff has prepared a draft SMMUSD Grievance Procedure for Board approval (first reading).

HISTORY:

Pursuant to Title 25 California Code of Regulations section 6150 et seq., the District is required to establish a relocation grievance procedure for handling grievances by property occupants (i.e., displacees) who are dissatisfied with the relocation benefits provided by the District. At this time, the draft grievance procedure is being presented as an informational item. It will be presented to the Board for adoption at a subsequent Board meeting.

**SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT  
RELOCATION GRIEVANCE PROCEDURES**

A. Right of Review

Any person who believes himself aggrieved by a determination as to eligibility, the amount of relocation payment, the failure of Santa Monica-Malibu Unified School District (the “District”) to provide comparable permanent or adequate temporary replacement housing or the District’s property management practices (hereinafter, “Complainant”) may, at his election, have his claim reviewed and reconsidered by the Superintendent or an authorized designee (including a panel) other than the person who made the determination in question (hereinafter referred to as the “Relocation Hearing Officer”).

B. Notification of Decision

If the District denies or refuses to consider a claim, the District’s notification to the Complainant of its determination shall inform the Complainant of its reasons and the applicable procedures for obtaining review of the decision. If necessary, such notification shall be printed in a language other than English to provide the information in the language most easily understood by the recipient.

C. Stages of Review

1. Request for Further Written Information

A Complainant may request the District to provide him with a full written explanation of its determination and the basis therefore, if he feels that the explanation accompanying the payment of the claim or notice of the District’s determination was incorrect or inadequate.

The District shall provide such an explanation to the Complainant within three (3) weeks of its receipt of his request.

2. Informal Oral Presentation

A Complainant may request an informal oral presentation before seeking formal review and reconsideration. The right to formal review and reconsideration shall not be conditioned upon requesting an informal oral presentation.

A request for an informal oral presentation must be filed within eighteen (18) months following the date the Complainant moves from the property or the date he receives final compensation for the property, whichever is later.

Within fifteen (15) days of the request, the District shall afford the Complainant the opportunity to make such presentation.

The Complainant may be represented by an attorney or other person of his choosing. This oral presentation shall enable the Complainant to discuss the claim with the Superintendent, or a designee (other than the person who made the initial determination) having authority to revise the initial determination on the claim. The District shall make a summary of the matters discussed in the oral presentation to be included as part of its file.

3. Formal Review and Reconsideration

a. Written Request for Review

A Complainant may file a written request for formal review and reconsideration by the Relocation Hearing Officer.

A written request for formal review and reconsideration must be filed within eighteen (18) months following the date the Complainant moves from the property or the date he receives final compensation for the property, whichever is later.

The Complainant may include in the request for review any statement of fact within the Complainant's knowledge or belief or other material which may have a bearing on the appeal. If the Complainant requests more time to gather and prepare additional material for consideration or review and demonstrates a reasonable basis therefore, the Complainant should be granted additional time.

The Relocation Hearing Officer shall consider every aggrieved person's complaint regardless of form, and shall, if necessary, provide assistance in preparing the written request for review.

b. Notice of Procedures

When a Complainant seeks review, the Relocation Hearing Officer shall inform him that he has the right to be represented by an attorney, to present his case by oral or documentary evidence, to submit rebuttal evidence, to conduct such cross-examination as may be required for a full and true disclosure of facts, and to seek judicial review once he has exhausted administrative appeal.

c. Scope of Review

The Relocation Hearing Officer shall review and consider its initial determination of the Complainant's case in light of:

- (1) All material upon which the District based its original determination including all applicable rules and regulations, except that no evidence shall be relied upon where a Complainant has been improperly denied an opportunity to controvert the evidence or cross-examine the witness;
- (2) The reasons given by the Complainant for requesting review and reconsideration of the claim;
- (3) Any additional written or relevant documentary material submitted by the Complainant;
- (4) Any further information which the Relocation Hearing Officer in its discretion, obtains by request, investigation, or research, to ensure fair and full review of the claim.

d. Determination on Review of Relocation Hearing Officer

The determination on review of the Relocation Hearing Officer shall include:

- (1) The decision of the Relocation Hearing Officer, including any decision to modify the District's initial determination;
- (2) The factual and legal basis upon which the decision rests, including any pertinent explanation or rationale; and
- (3) A statement to the Complainant that he has the right to further administrative appeal to the Board of Education. Any appeal to the Board of Education must be made in writing within thirty (30) days of the Complainant's receipt of the decision of the Relocation Hearing Officer.

The decision of the Relocation Hearing Officer shall be in writing and shall be sent by first-class and certified mail to the Complainant.

The Relocation Hearing Officer shall issue its decision as soon as possible, but no later than six (6) weeks from receipt of the last material submitted for consideration by the Complainant or the date of the hearing, whichever is later.

In the case of complaints dismissed for untimeliness or for any other reason not based on the merits of the claim, the Relocation Hearing Officer shall furnish a written statement to the Complainant stating the reason for dismissal of the claim within two (2) weeks from receipt of the last material submitted for consideration by the Complainant or the date of the hearing, whichever is later.

4. Administrative Appeal to the Board of Education

a. Time Limit for Requesting Review

Any request for review by the Board of Education shall be filed in writing with the Relocation Hearing Officer within thirty (30) days following the date the Complainant receives notice of the decision being appealed.

b. Scope of Review

After receipt of a timely appeal by the Complainant, the Board of Education shall review and reconsider the decision of the Relocation Hearing Officer on the claim. The Board of Education may, but is not required to, conduct a hearing de novo with respect to the claim, as it deems necessary. The Complainant shall be given at least ten (10) days written notice prior to the matter being heard.

The Board of Education shall base its final decision on the claim upon the record compiled in connection with the proceedings of the Relocation Hearing Officer, and upon the record of the hearing (if any) held by the Board.

c. Final Determination on Appeal

The final determination on review by the Board of Education shall include, but is not limited to:

- (a) The Board's decision on reconsideration of the claim;
- (b) The factual and legal basis upon which the decision rests, including any pertinent explanation or rationale;
- (c) A statement to the Complainant that administrative remedies have been exhausted, and that judicial review may be sought.

The final determination of the Board of Education shall be in writing and a copy thereof shall be provided to the Complainant by certified and first-class mail.

D. Stay of Displacement Pending Final Determination

If a Complainant seeks to prevent displacement, the District shall not require the Complainant to move until at least twenty (20) days after the District has made its final determination and the Complainant has had an opportunity to seek judicial review. In all cases, the District shall notify the Complainant in writing at least twenty (20) days prior to the proposed new date of displacement.

E. Joint Complaints

Where more than one (1) person is aggrieved by the failure of the District to refer them to comparable permanent or adequate temporary replacement housing, the Complainants may join in filing a single written request for review. A determination shall be made as herein provided for each of the Complainants.

F. Right to Counsel

Any aggrieved party has a right to representation by legal or other counsel at his expense at any and all stages of the proceedings.

G. Review of Files by Complainant

Except to the extent that confidentiality of materials is protected by law or its disclosure is prohibited by law, the District shall permit the Complainant to inspect all files and records bearing upon his claim or the prosecution of the Complainant's grievance. The District may impose reasonable conditions on such right to inspect. If a Complainant is improperly denied access to any relevant material bearing on the claim, such material may not be relied upon in reviewing the initial determination.

H. Recommendations by Third Party

Upon agreement between the Complainant and the District, a mutually acceptable third party or parties may review the claim and make advisory recommendations thereon to the District for its final determination. In reviewing the claim and making recommendations to the District, the third party or parties shall be guided by applicable relocation regulations.

I. Effect of Determination on Other Persons

The principles established in all determinations by the District shall be considered as precedent for all eligible persons in similar situations regardless of whether or not a person has filed a written request for review. All written determinations shall be kept on file and available for public review.

J. Judicial Review

Nothing in these Grievance Procedures shall in any way preclude or limit a Complainant from seeking judicial review of his claim upon exhaustion of his administrative remedies.

K. Supplement to State Law

The Santa Monica-Malibu Unified School District Grievance Procedures herein supplement, and do not supersede, the grievance procedures in Title 25 California Code of Regulations 6152.

L. Use of Gender-Specific Terminology

The terms “he”, “him” or “his”, and any other gender-specific term, is used only due to limitations in the English language and is intended to be gender-neutral.

M. Severability

If any provision of this Grievance Procedure is invalid or unenforceable to any extent, the remainder of this Grievance Procedure shall not be affected thereby. If possible, the provision found invalid or unenforceable shall be substituted or modified, as applicable, with a reasonable procedure that complies with the pertinent law.

TO: BOARD OF EDUCATION

DISCUSSION

03/19/09

FROM: TIM CUNEO / JANECE L. MAEZ / VIRGINIA I. HYATT

RE: MEASURE BB BUDGET SCOPE - MALIBU MIDDLE AND HIGH  
SCHOOL CAMPUS IMPROVEMENTS PROJECT - PLANNING OF  
ATHLETIC FIELD LIGHTING

DISCUSSION ITEM NO. D.05

At the Board meeting of February 5, the status of the Malibu Middle and High School Campus Improvements Project was presented in *Discussion Item No. D.01*. At the Board meeting of March 5, *Recommendation No. A.37* was reviewed by the Board, but deferred to the next Board meeting for further consideration and possible action. The athletic facilities improvements for the project including field lighting were discussed. Athletic facility improvements are an "Add Alternate" for the project. This means the design for these facilities is proceeding; however, the bid and award of construction contracts for add-alternate scopes would be suspended until it was certain adequate funds remain in the program, after core program requirements have been successfully bid and awarded. At the Board meeting on March 5, 2009, the Board directed staff to begin a discussion with the Measure BB Advisory committee towards development of a process of managing add alternates across the Measure BB program.

The purpose of this agenda item is to receive direction from the Board whether or not to continue with the planning of athletic field lighting for the Malibu Project.

At the Board meeting of February 5, 2009, extensive public comment was received on the project with considerable emphasis placed upon the character and operating plans for the proposed athletic field lighting. A public workshop on March 2, 2009, was held at Malibu High School Library to present a new updated operating plan for educational purposes only. A briefing was provided at the March 5, 2009, Board meeting.

That plan included 50 nights and 110 hours of operation of the lights to provide for unmet educational uses for regular season sports including Title 9 requirements. Additional post-season needs including up to 2 special events would increase the total use to 82 nights and 185 hours of operation if and only if every sports team extended its season to CIF finals including home field advantage.

Based on discussion at the March 5, 2009, meeting, the following actions will be taken:

A. The District shall form a working group with representatives from the Site Building Committee for the Malibu Project, Measure BB Advisory Committee members, members of the community and City of Malibu. The purpose of the committee is to advance previous discussions about the proposed operating plan as well specific conditions for monitoring and compliance. The goal of the working group is to return to the Board meeting on May 7, 2009, in Malibu to present a comprehensive operating plan with specific controls and procedures for ensuring that the operation of the field lighting will not exceed the self-imposed limits.

1. The proposed operating plan for the field lighting will be limited to educational purposes only. The operating plan will accommodate all Title 9 requirements.
2. Any future proposals by the City of Malibu or other third party users would require a separate CEQA evaluation and Coastal Development Permit amendment directly to the Coastal Commission as a separate project as defined by CEQA and other statutes. The District will not be a proponent for uses beyond educational purposes and will not be a Lead Agency as defined by CEQA for any such proposed project/activity.
3. The field lighting design will take into account all best practices including proper illumination of the playing field surfaces, avoidance of glare and light spill, all required environmental analysis including review for consistency with the Coastal Act provisions and the governing amendment process.
4. Staff will return to the Board at the May 7, 2009, meeting with a defined operating plan that has been thoroughly reviewed with the public and school community.
5. The plan will include specific mitigations to limit the operation of the lights including number of nights of operation, number of hours of operation, operational controls and such other requirements that may be appropriate to develop a thorough and manageable mitigation monitoring program for the operation of the field lighting consistent with educational requirements.
6. Rules of operation may include posted signage describing regulations, opportunities for community and/or other third party oversight of the operations, and binding requirements with penalties for non-compliance.
7. The conditions of the Coastal Development Permit amendment allowing for permanent lighting of the fields will include reference to such binding self-imposed conditions controlling operation of the field lighting.

B. Staff and consultants shall continue with the completion of design, environmental analysis, and California Coastal Commission amendment application for the athletic field lights.

The budget allocation for the project is not effected by this action since it is an Add Alternate scope in the Measure BB program budget.