

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

February 6, 2014

A regular meeting of the Santa Monica-Malibu Unified School District Board of Education will be held on **Thursday, February 6, 2014**, in the **Malibu City Council Chambers**: 23825 Stuart Ranch Road, Malibu, CA. The Board of Education will call the meeting to order at 4:30 p.m. in the Zuma Room at the Malibu City Hall, 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 Council Chambers.

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

Note:

Public Comments: Persons wishing to address the Board of Education regarding an item scheduled for this meeting must submit the "Request to Address" card prior to consideration of that item. Persons wishing to address the Board of Education regarding an item 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 just outside the meeting room. Completed cards should be submitted to the Recording Secretary.

Time Certain Items: Those items listed for a specified time (marked in the margin) are so noted to give the public an indication of when the Board will hear that item. 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 fifteen (15) minutes.

CLOSED SESSION (4:30-5:30 p.m.)

I. PUBLIC COMMENTS FOR CLOSED SESSION ITEMS ONLY

Persons wishing to address the Board of Education regarding an item scheduled for closed session must submit the "Request to Address" card prior to the start of closed session.

II. CLOSED SESSION (60 minutes)

- Government Code §54957 (5)
PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
- Government Code §54957 (20)
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
 - Title: Superintendent
- Government Code §54956.9(d)(2) (5)
CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – SIGNIFICANT EXPOSURE TO LITIGATION
 - Amend DN-1009-13/14 (Special Education)
- Government Code §54957.6 (20)
CONFERENCE WITH LABOR NEGOTIATORS
 - Agency designated representative: Sandra Lyon
 - Employee Organizations: SMMCTA and SEIU

OPEN SESSION (5:30 p.m.)

III. CALL TO ORDER

- A. Roll Call
- B. Pledge of Allegiance

IV.	APPROVAL OF THE AGENDA	
V.	APPROVAL OF MINUTES	
	A.01 January 16, 2014	1
VI.	BOARD OF EDUCATION – COMMENDATIONS / RECOGNITIONS (10 minutes)	
	• Black History Month Activity	
VII.	STUDY SESSION (60 minutes)	
	These items are staff presentations and/or updates to the Board of Education.	
	S.01 School Site Presentations (60).....	2
	<i>Point Dume Marine Science School</i>	
	<i>Webster Elementary School</i>	
VIII.	COMMUNICATIONS (30 minutes)	
	The Communications section provides an opportunity for the Board of Education to hear reports from the individuals or committee representatives listed below. All reports are limited to <u>5 minutes or less</u> . 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 (15)	
	1. Matthew Ware & Cecilia Sanchez – Santa Monica High School	
	2. Michael Jacobson – Malibu High School	
	3. Amanda Huffman – Olympic High School	
	B. SMMCTA Update – Ms. Liz Cowgill (5)	
	C. SEIU Update – Ms. Keryl Cartee-McNeely (5)	
	D. PTA Council – Ms. Patti Braun (5)	
IX.	SENIOR STAFF REPORTS (20 minutes)	
	A. Asst. Supt., Educational Services – Dr. Terry Deloria (5)	
	B. Assoc. Supt., Business & Fiscal Services/CFO – Ms. Janece Maez (5)	
	C. Asst. Supt., Human Resources – Ms. Debra Moore Washington (5)	
	D. Superintendent – Ms. Sandra Lyon (5)	
X.	CONSENT CALENDAR (10 minutes)	
	As agreed by the President, Vice President, and Superintendent during agenda planning, consent agenda items are considered routine, require no discussion, and are normally approved all at once by the Board of Education. <u>However, members of the Board of Education, staff, or the public may request an item be moved from the consent agenda to Section XI (Major Items) for clarification and/or discussion.</u>	
	<u>Curriculum and Instruction</u>	
	A.02 Approval of Independent Contractors.....	3-4
	A.03 Overnight Field Trip(s) 2012-2013	5
	A.04 Conference and Travel Approval/Ratification	6-8
	A.05 Approval of Fee Increase for the School-Age/Infant/Toddler Programs for Fiscal Year 2014-2015.....	9
	A.06 Supplemental Instructional Materials.....	10
	A.07 Approval of Special Education Contracts – 2013-2014	11-13
	<u>Business and Fiscal</u>	
	A.08 Award of Purchase Orders – 2013-2014	14-14d
	A.09 Acceptance of Gifts – 2013/2014	15-16
	A.10 Approval of a Voluntary Investigation Agreement between the Department of Toxic Substances Control (DTSC) and Santa Monica-Malibu Unified School District	17-17j

Facilities Improvement Projects

A.11 Amendment to Contract – Lease Leaseback – Lincoln Middle School – Replacement of Classroom Building C and Site Improvements (Package 2) – Erickson Hall Construction Company – Measure BB18-19

A.12 Contract Amendment #24 for Environmental Testing, Monitoring, and Reporting Services for Lincoln Middle School – New Construction Project (Package 2) – ATC Associates – Measure BB20-21

A.13 Contract Amendment #23 for Additional Design Services – Edison Language Academy New Construction Project – Kevin Daly Architects – Measure BB22-23

A.14 Contract Amendment #24 for Additional Design Services – Edison Language Academy New Construction Project- Kevin Daly Architects – Measure BB24-25

A.15 Contract Amendment #06 for Testing and Special Inspection Services – Santa Monica High School Science and Technology Building and Site Improvements – California Testing and Inspections, Inc. – Measure BB26-27

A.16 Contract Amendment #09 for Geotechnical Observation and Testing Services – Santa Monica High School – Science and Technology Classroom Building and Site Improvements – AMEC Environmental & Infrastructure, Inc. – Measure BB28-29

A.17 Contract Amendment #17 – Amendment to Contract for Reallocation of Commissioning Services – Parsons – Measure BB30-31

A.18 Accept Work as Completed – Multiple Purchase Orders Projects – Capital Fund and Measure BB32-33

Personnel

A.19 Certificated Personnel – Elections, Separations.....34-37

A.20 Classified Personnel – Merit38-41

A.21 Classified Personnel – Non-Merit.....42-43

A.22 Increase in Staffing (FTE) – Special Education44

General

A.23 Adopt Board of Education Meeting Schedule – 2014-1545-46

A.24 Revise BP 5117 – Interdistrict Attendance47-52

A.25 Revise BP 5116.1 – Open District Enrollment53-56

XI. 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 two (2) or three (3) minutes, depending on the number of speakers. The Brown Act (Government Code) states that Board members may not engage in discussion of issues raised during 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 twenty (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.**

DISCUSSION and MAJOR Items

As a general rule, items under *DISCUSSION* and *MAJOR* will be listed in an order 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 earlier in the meeting if it appears that there is special interest by the public or as a courtesy to staff members making presentations to the Board.

XII. DISCUSSION ITEMS (220 minutes)

These items are submitted for discussion. Any action that might be required will generally be scheduled for the next regularly scheduled Board meeting.

D.01	Enrollment Projects Report – DecisionInsight (60)	57
D.02	Budget Update (15)	58
D.03	Equity and Access for Student Success Update (15)	59
D.04	Local Control Accountability Plan (LCAP) (15)	60
D.05	Agreement between the Santa Monica-Malibu Classroom Teachers Association (SMMCTA) and the Santa Monica-Malibu Unified School District (SMMUSD) (10)	61-62u
D.06	Consider Revising AR 3290 – Acceptance of Gifts (30)	63-72
D.07	Consider Revising BP 0410 – Nondiscrimination in District Programs and Activities (5)	73-75
D.08	Consider Revising BP & AR 0420 – School Plans/Site Councils (5)	76-83
D.09	Consider Adopting BP and AR 0520.2 – Title I Program Improvement Schools (5)	84-94
D.10	Consider Revising AR 1340 – Access to District Records (5)	95-100
D.11	Consider Revising BP 1250 – Visitors/Outsiders (5)	101-103
D.12	Consider Adopting BP 1431 – Waivers (5)	104-106
D.13	Consider Revising BP 2121 – Superintendent’s Contract (5)	107-109
D.14	Consider Replacing BB 9010 – Public Statements (5)	110-112
D.15	Consider Replacing BB 9130 – Board Committees (5)	113-116
D.16	Consider Revising BB 9220 – Governing Board Elections (5)	117-120
D.17	Consider Revising BB 9223 – Filling Vacancies (5)	121-125
D.18	Consider Revising BB 9320 – Meetings and Notices (5)	126-131
D.19	Consider Revising BB 9321 – Closed Session Purposes and Agendas (5)	132-138
D.20	Consider Revising BB 9322 – Agenda/Meeting Materials (5)	139-142
D.21	Consider Revising BB 9323.2 and Adopting E 9323.2 – Actions by the Board (5)	143-148

XIII. MAJOR ITEMS (50 minutes)

These items are considered to be of major interest and/or importance and are presented for action at this time. Some may have been discussed by the Board at a previous meeting.

A.26	Adopt Resolution No. 13-08 – In Honor of Black History Month (10)	149-151
A.27	Adopt Resolution No. 13-09 – Reduction or Discontinuance of Particular Kinds of Services with Direction to Notify Affected Employees of Recommendation of Layoff (15)	152-155
A.28	Vision for Student Success (VSS) Board Allocation (30)	156
A.29	Assignment of Board of Education Liaisons to District Advisory Committees, Financial Oversight Committee, Measure BB Advisory and Citizens’ Oversight Committees, PTA Council, and Education Foundation (5)	157

XIV. INFORMATIONAL ITEMS (0 minutes)

These items are submitted for the public record for information. These items do not require discussion nor action.

I.01	DAC Mid-Year Written Reports	158-174
	<i>Health and Safety DAC</i>	
	<i>Special Education DAC</i>	
	<i>Visual and Performing Arts DAC</i>	
I.02	Santa Monica-Malibu Unified School District (SMMUSD) Sunshine Proposal for Negotiations on the Collective Bargaining Agreement with Service Employees International Union, Local 99 (SEIU)	175
I.03	Revisions to AR 5117 – Interdistrict Attendance	176-180
I.04	Revisions to AR 5116.1 – Open District Enrollment	181-184

XV. BOARD MEMBER ITEMS

These items are submitted by individual board members for information or discussion, as per Board Policy 9322.

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

A member of the public may request that a matter within the jurisdiction of the board be placed on the agenda of a regular meeting, as per Board Policy 9322. The request shall be in writing and be submitted to the superintendent or designee with supporting documents and information, if any, at least one week before the scheduled meeting date. Items submitted less than a week before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue. The board president and superintendent shall decide whether a request is within the subject matter jurisdiction of the board. Items not within the subject matter jurisdiction of the board may not be placed on the agenda. In addition, the board president and superintendent shall determine if the item is merely a request for information or whether the issue is covered by an existing policy or administrative regulation before placing the item on the agenda.

XVII. 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.)

XVIII. BOARD MEMBER COMMENTS

A Board member may make a brief announcement or report on his/her own activities relative to Board business. There can be no discussion under “BOARD MEMBER COMMENTS.”

XIX. 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.

XX. CLOSED SESSION

The Board of Education will, if appropriate, adjourn to Closed Session to complete discussion on items listed under Section III (Closed Session) following the regular business meeting.

XXI. ADJOURNMENT

This meeting will adjourn to a regular meeting scheduled for 5:30 p.m. on **Thursday, February 20, 2014**, at the **District Office**: 1651 16th Street, Santa Monica, CA 90404.

**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 2013-2014

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

July through December 2013					
Month	1 st Thursday	2 nd Thursday	3 rd Thursday	4 th Thursday	Special Note:
July			7/18* DO	7/24* DO 7/30* DO	*7/18: Special Meeting *Wednesday, 7/24 *7/30: Special Meeting
August		8/14* DO		8/28* DO	*Wednesday, 8/14 First day of school: 8/22
September	9/5 DO		9/19 DO		*9/5: District Holiday
October	10/3 M		10/17 DO		
November	11/7 M		11/19* LMS 11/21 DO		*11/19: workshop Thanksgiving: 11/28-29
December		12/12 DO		winter break	
Winter Break: December 23 – January 3					
January through June 2014					
Winter Break: December 23 – January 3					
January	winter break	1/16 DO			
February	2/6 M		2/20 DO		
March	3/6 DO		3/20 M		
Spring Break: April 7-18					
April	4/3 DO	spring break	spring break		
May	5/1 M		5/15 DO		
June	6/5 DO			6/25* DO	Last day of school: 6/10 *Wednesday: 6/25

District Office (DO): 1651 16th Street, Santa Monica.
 Malibu City Council Chambers (M): 23815 Stuart Ranch Road, Malibu, CA

TO: BOARD OF EDUCATION
FROM: SANDRA LYON
RE: APPROVAL OF MINUTES

ACTION
02/06/14

RECOMMENDATION NO. A.01

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

January 16, 2014

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

STUDY SESSION

TO: BOARD OF EDUCATION
FROM: SANDRA LYON / TERRY DELORIA
RE: SCHOOL SITE PRESENTATIONS

STUDY SESSION
02/06/14

STUDY SESSION ITEM NO. S.01

Principals from Point Dume Marine Science School (Rebecca Johnson) and Webster Elementary School (Susan Samarge-Powell) will share substantive, current school information in twelve-minute presentations, focusing on how their schools are advancing two of the Board's five goals below:

1. Professional Learning Communities (PLCs)
2. Response to Instruction and Intervention (RTI²)
3. Equity and Access for Student Success
4. Science, Technology, Engineering, and Mathematics (STEM) Curriculum
5. Common Core State Standards (CCSS)

CONSENT ITEMS

TO: BOARD OF EDUCATION

ACTION/CONSENT

02/06/14

FROM: SANDRA LYON / TERRY DELORIA / JANECE L. MAEZ / STUART SAM

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 2013-2014 budget.

Contractor/ Contract Dates	Description	Site	Funding (Measure BB)
Elaine Rene-Weissman Amend contract amount not to exceed: \$50,000 <i>(\$25,000 approved on 08/28/13)</i>	Project Consultant/Malibu	Measure BB / Capital Improvements	21,81,82,83-90500-0-00000-85000-5802-XXX-2600

Contractor/ Contract Dates	Description	Site	Funding
STAR Education Inc. 1/17/14 to 3/28/14 Not to exceed: \$13,299	Provide supplemental science classes to all grade 4 and 5 students in physical, life and earth sciences	Franklin	<u>\$10,400</u> : 01-90150-0-11100-10000-5802-002-4020 (PTA) <u>\$2,899</u> : 01-90121-0-11100-10000-5802-002-4020 (Equity Fund)
STAR Education Inc. 1/30/14 – 6/4/14 Not to exceed: \$9,000	Provide after school GATE enrichment classes to all GATE students. Classes include chemistry, S.T.E.A.M, engineering and inventing	Franklin	0190150-0-11100-10000-5802-002-4020 (PTA)
Marina Data Solutions (Hank Kratzer) 1/1/14 to 6/30/14 Not to exceed: \$32,500	Compiling and maintaining the following data systems: CALPADS, Cal-Pass, Illuminate, and other programming services as required	Educational Services	01-00000-0-19600-21000-5802-030-1300 (Ed. Services Adm.)
Santa Monica Academy of Music 2/6/14 to 5/1/14 Not to exceed: \$2,000	Provide 1 st grade students with vocal music.	Roosevelt	01-90150-0-11100-10000-5802-007-4070
Music in Motion Melinda Fornero 2/06/14 to 05/01/14 Not to exceed: \$4,000	Provide kindergarten dance instruction.	Roosevelt	01-90150-0-11100-10000-5802-007-4070

<p>Angela Chan</p> <p>9/1/12 – 6/10/14</p> <p>Amend amount not to exceed: \$6,500 <i>(\$5,000 approved on 9/19/13)</i></p>	<p>Ongoing consultation meetings with Natalie R. Burton –Principal and Roosevelt Math Focus Group to support CGI across grades K-3</p>	<p>Roosevelt</p>	<p>01-90150-0-11100- 10000-5802-007-4070</p> <p>Amend budget: 01-00000-0-11100- 27000-5802-007-4070</p>
<p>Santa Monica Academy of Music</p> <p>1/24/14 to 5/16/14</p> <p>Not to exceed: \$5,000</p>	<p>Provide vocal/general music instruction to Kindergarten, 1st, and 2nd grade</p>	<p>Edison Language Academy</p>	<p>01-90150-0-11100- 10000-5802-001-4010 (PTA Funded)</p>

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

TO: BOARD OF EDUCATION
 FROM: SANDRA LYON / TERRY DELORIA
 RE: OVERNIGHT FIELD TRIP(S) 2013-2014

ACTION/CONSENT
 02/06/14

RECOMMENDATION NO. A.03

It is recommended that the Board of Education approve the special field trip(s) listed below for students for the 2013-2014 school year. No child will be denied due to financial hardship.

School Grade # students	Destination Dates of Trip	Principal/ Teacher	Cost Funding Source	Subject	Purpose Of Field Trip
Franklin 5 th grade 125	Pali Institute Running Springs, CA 5/2/14-5/4/14	D. Sinfield/ L. Hampton/ E. Powell/ J. Gonzalez/ N. Garden/ D. Silhavy	\$32,841 for all students Paid through parent donations and fundraising	Science	Outdoor Science Camp for our 5 th grade students.
Edison 5 th 63	Catalina 2/24/14-2/26/14	L. Orum/ C. Murcia/ R.Naranjo/ C. Morales	\$260 per student paid by parents and donations	Edison	Educational trip for students
Santa Monica High 9 th – 12 th 12	Orlando, FL Disneyworld Resort 2/6/14-2/11/14	A. Meadors/ L. Lipps/ B. Murray	\$1,100 per student paid through fundraising	UCA National High School Cheer-leading Championship	Students will compete at the national level in this championship.
Santa Monica High 9 th – 12 th 12	Oahu, Hawaii 4/9/14-4/17/14	L. Sato	\$2,000 per student paid through fundraising	Ann Kang Invitational Volleyball Tournament	Students will compete in a highly competitive girls' volleyball tournament.
Santa Monica High 9 th – 12 th 20	Anaheim Convention Center, CA 3/28/14-3/30/14	A. Meadors/ L. Lipps/ B. Murray	\$95 per student paid through fundraising	USA National Stunt, Cheer, Dance Championships	Students will compete at the national level in this championship.

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

TO: BOARD OF EDUCATION

ACTION/CONSENT

02/06/14

FROM: SANDRA LYON / 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 information: 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>DRUTY, Lila</u> Human Resources 01-00010-0-11100-10000-5220-025-1250 General Fund- Resource: Tier III	Spring Director’s Meeting and Site Visit Claremont, CA April 4, May 14 – 15, 2014	\$262
<u>DIAZ, Aida</u> Ed Services 01-42030-0-47600-10000-4310-035-1300 General Fund- Resource: Title III	Development of the Title III Year 4 Improvement Plan Downey, CA December 4, 2013	\$30 Mileage Only
<u>ELLEGE, Rachel</u> McKinley Elementary 01-90121-0-11100-10000-5220-004-1501 General Fund- Resource: Equity Fund	A Comprehensive Approach to the Young Brain Pasadena, CA February 12 – 13, 2014	\$318 +1 SUB
<u>FRANKLIN, Judy</u> McKinley Elementary 01-90121-0-11100-10000-5220-004-1501 General Fund- Resource: Equity Fund	A Comprehensive Approach to the Young Brain Pasadena, CA February 12 – 13, 2014	\$318 +1 SUB
<u>GRIEGO, Orlando</u> Food and Nutrition Services 13-53100-0-00000-37000-5220-057-2570 Cafeteria Fund- Resource: Child Nutrition	Super Co Op Bid Opening Santa Clarita, CA January 31, 2014	\$41
<u>HYATT, Virginia</u> Purchasing Department 01-00000-0-00000-75300-5220-055-2550 General Fund- Function: Purchasing	SCG-Financial Analysis Techniques for Energy Efficiency Projects Downey, CA January 23, 2014	\$35

<u>HYATT, Virginia</u> Purchasing Department 01-00000-0-00000-75300-5220-055-2550 General Fund- Function: Purchasing	CASH-Prop 39 Budget, Compliance and Code Changes Ontario, CA January 24, 2014	\$300
<u>KELLY, Mark</u> Student Services 01-00000-0-11100-39000-5220-040-2400 General Fund- Function: Other Pupil Services	Annual Legislative Update Downey, CA December 13, 2013	\$60
<u>MCELVAIN, Nora</u> Santa Monica High 01-56400-0-00000-39000-5220-043-1400 General Fund- Resource: Medi-Cal	CSNO Annual Conference Sacramento, CA March 28 – 30, 2014	\$983 +1 SUB
<u>MURPHY, Tony</u> Santa Monica High 01-90121-0-11100-10000-5220-015-4150 General Fund- Resource: Equity Fund	Common Core and NGSS Approach to Physical Science/Physics Los Angeles, CA February 22, 2014	\$40
<u>NEIER, Chris</u> Malibu High 01-90140-0-11100-10000-5220-010-4100 General Fund- Resource: Reimbursed by ASB	National Athletic Directors Conference Anaheim, CA December 13 – 17, 2013	\$951

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

Group Conference and Travel: In-State * a complete list of conference participants is on file in the Department of Fiscal Services		
<u>DELORIA, Terry</u> +2 Additional Staff Ed Services 01-00000-0-19600-21000-5220-030-1300 General Fund- Function: Supervision of Instruction	Statewide Collaboration: Early & Middle College & Dual Enrollment Programs Costa Mesa, CA January 31, 2014	\$300
<u>HURST, Victoria</u> +7 Additional Staff Special Education 01-65000-0-50010-21000-5220-043-1400 General Fund- Resource: Special Education	Hands on Autism Training Calabasas, CA March 3 – 6, 2014	\$1,600 +4 SUBS
<u>MAEZ, Jan</u> +9 Additional Staff Business Services 01-90120-0-00000-73000-5220-050-1500 General Fund- Resource: Gifts	CASBO Annual Conference Sacramento, CA April 3 – 5, 2014	\$18,500

<u>MORN, Lora</u> <u>CANO, Sandy</u> District/Student Services 01-56400-0-00000-39000-5220-043-1400 General Fund- Resource: Medi-Cal	CSNO Annual Conference Sacramento, CA March 28 – 30, 2014	\$1,967
<u>SONG, Kate</u> <u>+3 Additional Staff</u> Santa Monica High 01-90121-0-11100-10000-5220-015-4150 General Fund- Resource: Equity Fund	Common Core and NGSS Approach to Life Science and Biology Los Angeles, CA January 25, 2014	\$160
<u>TANIOS, Elhamy</u> <u>+3 Additional Staff</u> Fiscal Services 01-90120-0-00000-73100-5220-051-2510 General Fund- Resource: Gifts	CASBO Annual Conference Sacramento, CA April 3 – 5, 2014	\$8,000
<u>THORESON, Bonnie</u> <u>+3 Additional Staff</u> Malibu High 01-90141-0-11100-10000-5220-010-4100 General Fund- Resource: Malibu Shark Fund	CATE Conference 2014 “Paying it Forward” San Diego, CA February 14 – 15, 2014	\$1,300 +4 SUBS

Out-of-State Conferences: Individual

NONE		
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Out-of-State Conferences: Group

NONE		
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MOTION MADE BY:
 SECONDED BY:
 STUDENT ADVISORY VOTE:
 AYES:
 NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

02/06/14

FROM: SANDRA LYON / TERRY DELORIA / ALICE CHUNG

RE: APPROVAL OF FEE INCREASE FOR THE SCHOOL-AGE/INFANT/TODDLER PROGRAMS FOR FISCAL YEAR 2014-2015

RECOMMENDATION NO. A.05

It is recommended that the Board of Education approve a fee increase for non-subsidized parents in the School-Age Child Development Programs and Infant Toddler Program ITC at SAMOHI effective July 1, 2014.

COMMENT: It is a condition of the Funding Terms and State and Federal Programs that parents' fees in the non-subsidized program cannot be less than the daily/monthly reimbursement rate for subsidized families receiving the same services.

PROPOSED MONTHLY FEE SCHEDULE FOR FY 2014-2015

Program	Grade	Current	New
Before and After School	TK/K	\$435	\$455
Before and After School (Malibu)	1 – 3 1 – 5	\$395	\$415
A.M. Only	K – 5	\$170	\$190
Early Express	K	\$225	\$235
SAMOHI (ITC)	Infants 0-24 months	\$1,165	\$1,225
	Toddlers 25-36 months	\$830	\$870

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

02/06/14

FROM: SANDY LYON / TERRY DELORIA / IRENE GONZALEZ-CASTILLO

RE: SUPPLEMENTAL INSTRUCTIONAL MATERIALS

RECOMMENDATION NO. A.06

It is recommended that the supplemental instructional materials listed below be adopted for the Santa Monica-Malibu Unified School District.

COMMENT: In accordance with the Board of Education policy, the textbooks(s) listed below have been on public display for the past two weeks in the Educational Services Department at 1638 – 17th Street, Santa Monica, CA 90404

Guided Reading Nonfiction Focus: Complete Set – 26 Levels, A-Z, by Scholastic for grades K-5. Adoption requested by Irene Gonzalez

Guided Reading en Español: Kindergarten – Levels 1-3, by Scholastic for grades K-5. Adoption requested by Irene Gonzalez

Guided Reading en Español: Grade 1-- Levels 4-6, by Scholastic for grades K-5. Adoption requested by Irene Gonzalez

Guided Reading en Español: Grade 2-- Levels 7-9, by Scholastic for grades K-5. Adoption requested by Irene Gonzalez

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

02/06/14

FROM: SANDRA LYON / TERRY DELORIA / SARA WOOLVERTON

RE: APPROVAL OF SPECIAL EDUCATION CONTRACTS – 2013-2014

RECOMMENDATION NO. A.07

It is recommended that the Board of Education approve the following Special Education Contracts for fiscal year 2013-2014 as follows:

NPS

2013-2014 Budget 01-65000-0-57500-11800-5125-043-1400

2013-2014 Budget 01-65120-0-57500-31400-5890-043-1400

Nonpublic School	SSID	Service Description	Contract Number	Cost Not to Exceed
Bridgeport School (Help Group)	9103162601	NPS	71-SPED 14104	\$32,210
Summit View West (Help Group)	9155041301	NPS / Increase contract	74-SPED 14107	\$7,000

Amount Budgeted NPS 13/14		\$ 1,700,000
Amount Budgeted Mental Health Services 13/14		<u>\$ 900,000</u>
Total Budgeted		\$ 2,600,000
Prior Board Authorization as of 1/16/14		<u>\$ 2,092,415</u>
	Balance	\$ 507,585
Positive Adjustment (See Below)		<u>\$ 0</u>
		\$ 507,585
Total Amount for these Contracts		<u>\$ 39,210</u>
	Balance	\$ 468,375

Adjustment					
NPS	Service Description	Contract Number	Reduce (R) Eliminate (E)	Adjusted Amount	Comment
NPS Budget 01-65000-0-57500-11800-5125-043-1400					
There has been a reduction in authorized expenditures of NPS/NPA contracts for FY 2013-2014 in the amount of \$0 as of 1/16/14					

NPA

2013-2014 Budget 01-65000-0-57500-11800-5126-043-1400

Nonpublic Agency	SSID	Service Description	Contract Number	Cost Not to Exceed
WAPADH	8183843368	AAC Evaluation	80-SPED 14118	\$940
WAPADH	4156409070	AAC Evaluation	81-SPED 14119	\$940
WAPADH	6104330144	AAC/AT services	79-SPED 14113	\$312
AMN Healthcare	various	OT / Increase contract	37-SPED 14055	\$41,412

Amount Budgeted NPA 13/14		\$ 847,000
Prior Board Authorization as of 1/16/14		<u>\$ 1,009,436</u>
	Balance	\$ -162,436
Positive Adjustment (See Below)		<u>\$ 5,500</u>
		\$ -156,936
Total Amount for these Contracts		<u>\$ 43,604</u>
	Balance	\$ -200,540

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 2013-2014 in the amount of \$0 as of 1/16/14					
NPA	Service Description	Contract Number	Reduce (R) Eliminate (E)	Adjusted Amount	Comment
K & M Center	Reading Intervention	68-SPED 14098	E	\$5,500	Not an NPA

Instructional Consultants

2013-2014 Budget 01-65000-0-57500-11900-5802-043-1400

Instructional Consultant	SSID	Service Description	Contract Number	Cost Not to Exceed
K & M Center	5103152212	Reading Intervention	41-SPED 14116	\$5,500

Amount Budgeted Instructional Consultants 13/14		\$ 447,000
Prior Board Authorization as of 1/16/14		\$ 221,574
	Balance	\$ 225,426
Positive Adjustment (See Below)		\$ 0
		\$ 225,426
Total Amount for these Contracts		\$ 5,500
	Balance	\$ 219,926

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 2013-2014 in the amount of \$0 as of 1/16/14					
Instructional Consultant	Service Description	Contract Number	Reduce (R) Eliminate (E)	Adjusted Amount	Comment

Non-Instructional Consultants

2013-2014 Budget 01-65000-0-57500-11900-5890-043-1400

Non-Instructional Consultant	SSID	Service Description	Contract Number	Cost Not to Exceed
Alan Brodney/Century City Optometric	9103197431	Vision Therapy	37-SPED 14111	\$4,350
Alan Brodney/ Century City Optometric	9155041301	Vision Therapy	38-SPED 14112	\$1,350
Links Sign Language & Interpreting Services	various	Written translations	42-SPED 14117	\$1,500
Parent Reimbursement	5103152212	Parent Reimbursement	39-SPED 14114	\$1,650
Parent Reimbursement	4103150220	Parent Reimbursement	40-SPED 14115	\$13,600
Parent Reimbursement	6103199114	Parent Reimbursement	43-SPED 14120	\$17,789

Amount Budgeted Non-Instructional Consultants 13/14		\$ 150,000
Prior Board Authorization as of 1/16/14		\$ 238,890
	Balance	\$ -88,890
Positive Adjustment (See Below)		\$ 0
		\$ -88,890
Total Amount for these Contracts		\$ 40,239
	Balance	\$ -129,129

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 2013-2014 in the amount of \$0 as of 1/16/14					
Non- Instructional Consultant	Service Description	Contract Number	Reduce (R) Eliminate (E)	Adjusted Amount	Comment

Legal

2013-2014 Budget 01-65000-0-57500-11900-5820-043-1400

Legal Contractor	Service Description	Contract Number	Cost Not to Exceed

Amount Budgeted Legal Services 13/14		\$ 300,000
Prior Board Authorization as of 1/16/14		<u>250,000</u>
	Balance	\$ 0
Adjustments for this period		<u>\$ 0</u>
		\$ 0
Total Amount for these Contracts		<u>\$ 0</u>
	Balance	\$ 50,000

Adjustment				
Legal Services Budget 01-65000-0-57500-11900-5820-043-1400				
There has been a reduction in authorized expenditures of Legal Services contracts for FY 2013-2014 in the amount of \$ 0 as of 1/16/14				
Legal Contractor	Contract Number	Reduce (R) Eliminate (E)	Adjusted Amount	Comment

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 recommendations 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

02/06/14

FROM: SANDRA LYON / JANECE L. MAEZ / VIRGINIA I. HYATT

RE: AWARD OF PURCHASE ORDERS – 2013-14

RECOMMENDATION NO. A.08

It is recommended that the Board of Education approve the following Purchase Orders and Changed Purchase Orders from January 6, 2014, through January 22, 2014, for fiscal year 2013-14.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
PURCHASE ORDERS TO BE APPROVED AT THE BOARD MEETING OF FEBRUARY, 2014

U-GENERAL FUND, UNRESTRICTED R-GENERAL FUND, RESTRICTED A-ADULT ED CD-CHILD DEVELOPMENT F-CAFETERIA
SF-SPECIAL FINANCING (FLEX) BB,X-BONDS D-DEVELOPER FEES SR-SPECIAL RESERVE CAPITAL
DF-DEFERRED MAINTENANCE SM-STATE MODERNIZATION

PO NO.	VENDOR	DESCRIPTION	LOCATION	AMOUNT	
*** NEW PURCHASE ORDERS ***					
143363	A 1	LAWN MOWER	LINCOLN MIDDLE SCHOOL	1,153.76	R
143497	A Z	BUS SALES INC	TRANSPORTATION	5,000.00	R
143530	ADT	SECURITY SERVICES	FACILITY MAINTENANCE	99.24	R
143436	ADT	SECURITY SERVICES INC	FACILITY MAINTENANCE	132.32	R
143300	ADVANCED	BATTERY SYSTEMS	OPERATIONS VEHICLED	1,000.00	U
143505	ADVANCED	BATTERY SYSTEMS	TRANSPORTATION	600.00	R
143301	ADVANCED	ELECTRONICS	THEATER OPERATIONS&FACILITY PR	109.54	R
143418	AHSIRT	ENGINEERING INC	FACILITY MAINTENANCE	12,500.00	R
143395	AIR	TEMPERATURE INC.	FOOD SERVICES	1,008.00	F
143400	AIRTEK	INDOOR AIR SOLUTIONS	FACILITY MAINTENANCE	2,950.00	R
143531	ALTA	ENVIRONMENTAL	MONITERING&AIR SAMPLES SAMOHI	2,489.30	SR
143551	AMBER	RESOURCES LLC	FACILITY MAINTENANCE	1,000.00	R
143432	AMERICAN	AUTOMOBILE ASSOC	ROP COMPETITION FEES	155.00	R
143293	APPLE	COMPUTER CORP	LAPTOP & IPADS--MCK ELD PROGRA	5,689.37	R
143382	APPLE	COMPUTER CORP	IPAD AIR FOR M.BROCK	768.41	R
143430	APPLE	COMPUTER CORP	ROP PHOTO SOFTWARE	79.99	R
143472	APPLE	COMPUTER CORP	MAC BOOK RECHARGEABLE BATTERY	254.04	R
143509	ARGO	FLEET SERVICES	REPAIR PARTS	328.50	R
143353	ARROWHEAD	MOUNTAIN SPRING	DRINKING WATER	150.00	CD
143377	ATLANTIC	EXPRESS OF LA INC	TRANSPORTATION TO PEPPERDINE	372.30	R
143392	ATLANTIC	EXPRESS OF LA INC	FOR CHARTER BUSES	704.00	R
143449	ATLANTIC	EXPRESS OF LA INC	ATHLETIC TRANSPORTATION	407.50	R
143389	ATTAINMENT	COMPANY	ASSISTIVE TECHNOLOGY	168.32	R
143398	BARNES & NOBLE/SANTA MONICA	CLASSROOM SUPPLIES	JOHN MUIR ELEMENTARY SCHOOL	300.00	R
143401	BARNES & NOBLE/SANTA MONICA	CLASSROOM SUPPLIES	JOHN MUIR ELEMENTARY SCHOOL	300.00	R
143523	BARNES & NOBLE/SANTA MONICA	LIBRARY BOOKS	SANTA MONICA HIGH SCHOOL	1,000.00	R
143527	BARNES & NOBLE/SANTA MONICA	PSYCHOLOGIST REFERENCE BOOKS	SPECIAL EDUCATION REGULAR YEAR	516.66	R
143544	BELLWETHER	MEDIA INC	LIBRARY MATERIALS-COMMON-CORE	421.50	R
143336	BIO RAD	LABORATORIES INC	AP ENVIRO SCIENCE ORDER	950.60	R
143451	BLOCK, JERRY		REIMBURSE FOR SOFTWARE	599.00	R
143504	BUS	WEST	BUS REPAIRS	4,746.00	R
143310	CALIFORNIA	CHAMBER OF COMMERCE	SET OF FED.&STATE LAW POSTERS	48.50	U
143313	CALIFORNIA	OFFICE SYSTEMS INC	OFFICE SUPPLIES	3,000.00	R
143321	CALIFORNIA	OFFICE SYSTEMS INC	CLASSROOM SUPPLIES	287.96	R
143441	CALIFORNIA	OFFICE SYSTEMS INC	OPEN PO FOR OFFICE/SCHOOL SUPP	1,000.00	R
143470	CALIFORNIA	OFFICE SYSTEMS INC	CLASSROOM SUPPLIES	208.51	R
143478	CALIFORNIA	OFFICE SYSTEMS INC	CLASSROOM SUPPLIES	211.34	R
143415	CANOGA	PARK A/C INC	AC UNIT REPLACEMENT MALIBU HI	8,551.00	R
143034	CANON	SOLUTIONS AMERICA INC	RENEWAL OF COPIER AGREEMENT	2,925.00	R
143298	CARQUEST	AUTO PARTS	OPEN ORDER OPERATIONS VEHICLES	500.00	U
143344	CARSON-DELLOSA	PUBLISHING CO	Consumables	308.09	R
143319	CDW-G	COMPUTING SOLUTIONS	OPEN PO FOR TECHNOLOGY ITEMS	1,000.00	R
143365	CDW-G	COMPUTING SOLUTIONS	SMARTBOARD CABLES	122.50	R
143388	CDW-G	COMPUTING SOLUTIONS	ASSISTIVE TECHNOLOGY	114.13	R
143329	CHEVRON U.S.A. INC.		MAINTENANCE VEHICLE GAS	1,100.00	R
143342	CHEVRON U.S.A. INC.		OPEN ORDER OPERATIONS GAS	11,000.00	R
143453	CHEVRON U.S.A. INC.		MAINTENANCE VEHICLE GAS	12,000.00	R
143402	CHILDRENS	BOOK WORLD	CLASSROOM SUPPLIES	300.00	R
143528	CHILD THERAPY TOYS.COM	LLC	PSYCHOLOGIST/THERAPY SUPPLIES	104.90	R

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
PURCHASE ORDERS TO BE APPROVED AT THE BOARD MEETING OF FEBRUARY, 2014

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SF-SPECIAL FINANCING (FLEX) BB,X-BONDS D-DEVELOPER FEES SR-SPECIAL RESERVE CAPITAL
DF-DEFERRED MAINTENANCE SM-STATE MODERNIZATION

PO NO.	VENDOR	DESCRIPTION	LOCATION	AMOUNT	
143448	CHOURA EVENTS	TABLES/CHAIRS FOR CASHEE TSTNG	MALIBU HIGH SCHOOL	1,133.97	R
143295	CLEANSOURCE	OPERATIONS SUPPLIES	GROUNDS MAINTENANCE	90.67	U
143177	COLE-PARMER INSTRUMENT COMPANY	EARTH/AP ENVIRO SCIENCE SUPPLY	MALIBU HIGH SCHOOL	588.37	R
143428	COLLEGE BOARD, THE	MEMBERSHIP	SANTA MONICA HIGH SCHOOL	325.00	R
143417	COMMUNITY CARE LICENSING	ANNUAL LICENSING	CHILD DEVELOPMENT CENTER	220.00	CD
143412	COMTRONICS	PDLIC EQUIPMENT REPAIR	STATE AND FEDERAL PROJECTS	897.83	R
143289	CREW PROTECTION INC	SECURITY SERVICE	FACILITY MAINTENANCE	1,656.00	R
143435	DELTA FIRE PROTECTION & EQUIP	ANNUAL FIRE SPRINKLER TEST	FACILITY MAINTENANCE	4,200.00	R
143340	DICK BLICK	ART SUPPLIES	SANTA MONICA HIGH SCHOOL	1,400.00	R
143284	DISCOUNT SCHOOL SUPPLY	OCCUPATIONAL THERAPY SUPPLIES	SPECIAL EDUCATION REGULAR YEAR	205.83	R
143464	DISCOUNT SCHOOL SUPPLY	INSTRUCTIONAL	CHILD DEVELOPMENT CENTER	278.89	CD
143419	DISCOVERY EDUCATION	TECHNOLOGY RENEWAL	ROOSEVELT ELEMENTARY SCHOOL	8,130.00	R
143303	DISPLAY SONIC CORPORATION	PROJECTOR FOR MHS AUDITORIUM	MALIBU HIGH SCHOOL	5,123.00	R
143332	DOALL INDUSTRIAL SUPPLY	OPEN ORDER OPERATIONS SUPPLIES	GROUNDS MAINTENANCE	500.00	U
143385	EAI EDUCATION	CLASSROOM SUPPLIES	SANTA MONICA HIGH SCHOOL	4,377.81	R
143370	EDUCATION STATION LEARNING	CLASSROOM SUPPLIES	SPECIAL EDUCATION REGULAR YEAR	86.77	R
143320	EMED CO. INC.	PARKING LOT SIGN	ROOSEVELT ELEMENTARY SCHOOL	138.19	U
143371	ERIKSEN, MARCUS	STUDENT ASSEMBLY	SANTA MONICA HIGH SCHOOL	150.00	R
143328	FOLLETT LIBRARY BOOK CO	TEXTBOOK	OLYMPIC CONTINUATION SCHOOL	122.59	R
143466	FOLLETT LIBRARY BOOK CO	COMMON CORE LIBRARY BOOKS	CABRILLO ELEMENTARY SCHOOL	2,000.00	R
143522	FOLLETT LIBRARY BOOK CO	LIBRARY BOOKS	SANTA MONICA HIGH SCHOOL	3,000.00	R
143280	GALE SUPPLY CO	soap for dispensers Barnum Hal	THEATER OPERATIONS&FACILITY PR	126.64	R
143335	GALE SUPPLY CO	ART SUPPLIES	SANTA MONICA HIGH SCHOOL	338.36	R
143351	GALE SUPPLY CO	CUSTODIAL SUPPLIES	WILL ROGERS ELEMENTARY SCHOOL	2,230.13	U
143362	GALE SUPPLY CO	OPEN ORDER OPERATIONS SUPPLIES	GROUNDS MAINTENANCE	2,500.00	U
143416	GALE SUPPLY CO	CUSTODIAL SUPPLIES	OLYMPIC CONTINUATION SCHOOL	74.68	R
143423	GALE SUPPLY CO	CUSTODIAL SUPPLIES	WEBSTER ELEMENTARY SCHOOL	1,868.26	R
143426	GALE SUPPLY CO	HOSE FOR HONDA PRESSURE WASHER	FRANKLIN ELEMENTARY SCHOOL	146.73	U
143459	GALE SUPPLY CO	NURSERY SUPPLIES	CHILD DEVELOPMENT CENTER	47.85	CD
143480	GALE SUPPLY CO	CUSTODIAL SUPPLIES	JOHN ADAMS MIDDLE SCHOOL	65.15	U
143272	GOLD COAST TOURS	YOSEMITE TRANSPORTATION	SMASH SCHOOL	5,694.00	R
143481	GOLD COAST TOURS	OPEN PO FOR FIELD TRIP	FRANKLIN ELEMENTARY SCHOOL	5,004.00	R
143463	HERITAGE FOOD SERVICES GROUP	PARTS TO REPAIR PT DUME STEAM	FOOD SERVICES	435.26	F
143296	HILLYARD FLOOR CARE SUPPLY	OPERATIONS CUSTODIAL SUPPLIES	GROUNDS MAINTENANCE	299.49	U
143333	HILLYARD FLOOR CARE SUPPLY	OPERATIONS CUSTODIAL SUPPLIES	GROUNDS MAINTENANCE	60.18	U
143438	HIRSCH PIPE & SUPPLY	PLUMBING SUPPLIES	FACILITY MAINTENANCE	7,000.00	R
143500	HIRSCH PIPE & SUPPLY	OPEN ORDER FOR PARTS	TRANSPORTATION	300.00	R
143348	HISONIC	CLASSROOM AMPLIFICATION SYSTEM	FRANKLIN ELEMENTARY SCHOOL	141.40	U
143381	HOME DEPOT- L.A.	GENERAL MAINTENANCE SUPPLIES	FACILITY MAINTENANCE	1,000.00	R
143324	HORIZON COACH LINES	FIELD TRIP BUSES/YOSEMITE/GIFT	JOHN ADAMS MIDDLE SCHOOL	20,500.00	R
143456	HOUGHTON MIFFLIN HARCOURT	TEXTBOOKS	ADULT EDUCATION CENTER	168.91	A
143517	IKARI, LORI	SAFETY	SANTA MONICA HIGH SCHOOL	307.50	U
143269	INTELLI-TECH	LAPTOPS:HP ELITEBK FOLIO	CURRICULUM AND IMC	3,321.99	U
143309	INTELLI-TECH	LAPTOP BATTERIES	MALIBU HIGH SCHOOL	361.35	R
143380	INTELLI-TECH	LAPTOP FOR TEACHER	SPECIAL EDUCATION REGULAR YEAR	1,604.06	R
143496	INTELLI-TECH	Charging Carts	STATE AND FEDERAL PROJECTS	32,895.99	R
142641	INTERNATIONAL PAPER	PAPER	MCKINLEY ELEMENTARY SCHOOL	608.82	R
143474	JAIME JOSE LUIS	PRODUCE FOR FMSE PROGRAM	FOOD SERVICES	500.00	F
143546	JOSTENS - CAMARILLO	EMPLOYEE RECOGNITION PINS	EMPLOYEE RELATIONS	3,999.45	U
143450	KLEIS, HEIDI	REIMBURSE MATH CLASRM LICENSE	MALIBU HIGH SCHOOL	199.00	R

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
PURCHASE ORDERS TO BE APPROVED AT THE BOARD MEETING OF FEBRUARY, 2014

U-GENERAL FUND, UNRESTRICTED R-GENERAL FUND, RESTRICTED A-ADULT ED CD-CHILD DEVELOPMENT F-CAFETERIA
SF-SPECIAL FINANCING (FLEX) BB,X-BONDS D-DEVELOPER FEES SR-SPECIAL RESERVE CAPITAL
DF-DEFERRED MAINTENANCE SM-STATE MODERNIZATION

PO NO.	VENDOR	DESCRIPTION	LOCATION	AMOUNT	
143484	L & J AUTO BODY AND PAINT	GRAFFITI REMOVAL	SANTA MONICA HIGH SCHOOL	650.00	U
143506	L & J AUTO BODY AND PAINT	BUS REPAIRS	TRANSPORTATION	2,765.50	R
143369	LAKESHORE	OPEN ORDER/INSTRUCTIONAL	CHILD DEVELOPMENT CENTER	275.00	CD
143387	LAKESHORE	CLASSROOM SUPPLIES	SPECIAL EDUCATION REGULAR YEAR	110.09	R
143490	LAKESHORE	OPEN ORDER/INSTRUCTIONAL	CHILD DEVELOPMENT CENTER	100.00	CD
143396	LAKESHORE CURRICULUM	CLASSROOM SUPPLIES	JOHN MUIR ELEMENTARY SCHOOL	100.71	U
143511	LAW FIRE PROTECTION SERVICES	FIRE EXT. SERVICE	TRANSPORTATION	791.19	R
143275	MARTINEZ, FRANCISCO	DANCE INSTRUCTION	ROOSEVELT ELEMENTARY SCHOOL	10,000.00	R
143327	MCDUGAL LITTEL	TEXTBOOK	OLYMPIC CONTINUATION SCHOOL	125.10	U
143163	MEDCO SUPPLY CO	HEALTH & SAFETY: BAND AIDS	CHILD DEVELOPMENT CENTER	100.63	CD
143373	MEDCO SUPPLY CO	SAFETY SUPPLIES	SANTA MONICA HIGH SCHOOL	600.00	U
143495	MERIDIAN IT INC	Access Points	STATE AND FEDERAL PROJECTS	27,925.35	R
143433	MILLIKAN HIGH SCHOOL/LB ROP	ROP COMPETION FEES	R O P	475.00	R
143452	MOBYMAX	MIDDLE SCHOOL MATH SOFTWARED	MALIBU HIGH SCHOOL	158.00	R
143338	MOORE, LASHAWN	REIMBURSEMENTS	MCKINLEY ELEMENTARY SCHOOL	1,100.00	R
143232	NATURE BRIDGE	FIELD TRIP	MCKINLEY ELEMENTARY SCHOOL	2,248.00	R
143350	NICK RAIL MUSIC	OPEN PO: MUSIC SUPPLIES	LINCOLN MIDDLE SCHOOL	5,000.00	R
143462	NICK RAIL MUSIC	SUPPLEMENTAL PO-MUSIC SUPPLIES	CURRICULUM AND IMC	2,965.00	U
143399	NORM'S REFRIGERATION & ICE	CHECK 3 DOOR REFRIG AT ADAMS	FOOD SERVICES	278.75	F
143421	OJAI FOUNDATION, THE	COUNSELING SERVICE CONTRACT	MALIBU HIGH SCHOOL	15,000.00	R
143158	ORBACH HUFF & SUAREZ LLP	ORBACH HUFF & SUAREZ CONTRACT	MALIBU HIGH SCHOOL	50,000.00	D
143376	PEARSON CLINICAL ASSESSMENT	SLP TESTING MATERIALS	SPECIAL EDUCATION REGULAR YEAR	1,024.78	R
143442	PEARSON EDUCATION	INSTRUCTIONAL SUPPLIES	MCKINLEY ELEMENTARY SCHOOL	1,227.23	R
143265	PHYLMAR GROUP INC., THE	ENVIRONMENTAL TESTING AT MHS	BUSINESS SERVICES	100,700.00	D
143454	POSTMASTER-SANTA MONICA	POSTAGE STAMPS	JOHN ADAMS MIDDLE SCHOOL	92.00	U
143458	QUALITY RUBBER STAMPS	BANK DEPOSIT STAMP	FOOD SERVICES	54.64	F
143420	RALPH'S	OPEN ORDER/COOKING & SCIENCE	CHILD DEVELOPMENT CENTER	50.00	CD
143299	RAYVERN LIGHTING	OPERATIONS SUPPLIES	GROUNDS MAINTENANCE	268.45	U
143492	REGENCY ENTERPRISES INC.	LIGHT FLUORESCENT FOR BARNUM	THEATER OPERATIONS&FACILITY PR	62.42	R
143285	REHABMART LLC	OCCUPATIONAL THERAPY SUPPLIES	SPECIAL EDUCATION REGULAR YEAR	459.41	R
143314	RICOH USA INC.	COPIER SUPPLIES	SANTA MONICA HIGH SCHOOL	216.55	U
143440	RICOH USA INC.	OPEN PO FOR COPIER OVERAGES	FRANKLIN ELEMENTARY SCHOOL	1,500.00	R
143361	RONO COMPANY/ROBERT H MOBERG	DISTRICT OFFICE EXTERIOR FLAG	GROUNDS MAINTENANCE	97.46	U
143404	RS PLUMBING SOLUTIONS INC.	GAS LINE REPAIR ROOSEVELT RM3	FACILITY MAINTENANCE	2,650.00	R
143465	RUSCO INC	ADDT'L LABOR TO INSTALL LOCKER	FACILITY MAINTENANCE	200.00	R
143334	SANDLER BROS	OPEN ORDER CUSTODIAL SUPPLIES	GROUNDS MAINTENANCE	780.00	U
143502	SANTA MONICA FORD	OPEN ORDER FOR BUS REPAIRS	TRANSPORTATION	10,668.00	R
143431	SANTA MONICA MIRROR	ROP ADVERTISING	R O P	1,200.00	R
143507	SANTA MONICA POLICE DEPT-ALARM	FALSE ALARM FINE FOR JAMS	FACILITY MAINTENANCE	164.86	R
143374	SCHOLASTIC	OTHER BOOKS/CCSS	STATE AND FEDERAL PROJECTS	80,324.17	R
143357	SCHOOL HEALTH CORPORATION	NURSE SUPPLIES	WEBSTER ELEMENTARY SCHOOL	167.74	R
143264	SCHOOL NURSE SUPPLY INC	NURSE SUPPLIES WRLC: SY 13-14	WILL ROGERS ELEMENTARY SCHOOL	248.62	R
143378	SCHOOL SPECIALTY INC	OCCUPATIONAL THERAPY SUPPLIES	SPECIAL EDUCATION REGULAR YEAR	308.71	R
143051	SCOTT, PAUL	STUDENT ASSEMBLY	SANTA MONICA HIGH SCHOOL	150.00	R
143437	SEA CLEAR POOLS	POOL SERVICE AT SAMOHI	FACILITY MAINTENANCE	399.50	R
143288	SEARS	APPLIANCE FOR CHILDCARE	SANTA MONICA HIGH SCHOOL	443.71	R
143469	SEHI COMPUTER PRODUCTS	TONER FOR FUD PRINTER	THEATER OPERATIONS&FACILITY PR	300.25	R
143471	SEHI COMPUTER PRODUCTS	INK/TONER CARTRIDGES	OLYMPIC CONTINUATION SCHOOL	234.08	R
143489	SEHI COMPUTER PRODUCTS	INK CARTRIDGE	OLYMPIC CONTINUATION SCHOOL	626.95	R
143548	SEHI COMPUTER PRODUCTS	PRINTER INK	PERSONNEL SERVICES	683.12	U
143367	SHELL FLEET CARD SERVICES	OPEN ORDER FOR FUEL COSTS	TRANSPORTATION	6,000.00	R

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
PURCHASE ORDERS TO BE APPROVED AT THE BOARD MEETING OF FEBRUARY, 2014

U-GENERAL FUND, UNRESTRICTED R-GENERAL FUND, RESTRICTED A-ADULT ED CD-CHILD DEVELOPMENT F-CAFETERIA
SF-SPECIAL FINANCING (FLEX) BB,X-BONDS D-DEVELOPER FEES SR-SPECIAL RESERVE CAPITAL
DF-DEFERRED MAINTENANCE SM-STATE MODERNIZATION

PO NO.	VENDOR	DESCRIPTION	LOCATION	AMOUNT	
143312	SIR SPEEDY PRINTING #0245	BUSINESS CARDS FOR LIASONS	STATE AND FEDERAL PROJECTS	267.73	R
143554	SIR SPEEDY PRINTING #0245	OPEN PO: PRINTING SERVICES	STUDENT SERVICES	1,040.00	U
143281	SMART & FINAL	SPED CLASSROOM SUPPLIES	SPECIAL EDUCATION REGULAR YEAR	164.25	R
143414	SMART & FINAL	P.E. SUPPLIES	OLYMPIC CONTINUATION SCHOOL	300.00	R
143539	SMART & FINAL	CLASSROOM SUPPLIES	SANTA MONICA HIGH SCHOOL	100.00	R
143540	SMART & FINAL	CLASSROOM SUPPLIES	SANTA MONICA HIGH SCHOOL	150.00	R
143541	SMART & FINAL	CLASSROOM SUPPLIES	SANTA MONICA HIGH SCHOOL	175.00	R
143283	SOFT TILES	CLASSROOM SUPPLIES	SPECIAL EDUCATION REGULAR YEAR	187.78	R
143434	SOLANO COUNTY OFFICE OF ED	ROP COMPETITION FEES	R O P	430.00	R
143354	SOS SURVIVAL PRODUCTS INC	SAMOHI LOCKDOWN SURVIVAL KIT	SANTA MONICA HIGH SCHOOL	5,202.25	R
143473	SOUTHLAND LUMBER AND SUPPLY CO	WOOD/TILES & BUILDING SUPPLIES	FACILITY MAINTENANCE	500.00	R
143286	SOUTHPAW ENTERPRISES	REPLACEMENT PARTS FOR SWING	SPECIAL EDUCATION REGULAR YEAR	375.59	R
143318	STAPLES BUSINESS ADVANTAGE	STAPLES - OFFICE SUPPLIES	CURRICULUM AND IMC	500.00	R
143460	STAPLES BUSINESS ADVANTAGE	OFFICE SUPPLIES	CHILD DEVELOPMENT CENTER	1,000.00	CD
143537	STAPLES/P-U/VENICE/LINCOLN BL	CLASSROOM SUPPLIES	SANTA MONICA HIGH SCHOOL	500.00	R
143542	STAPLES/P-U/VENICE/LINCOLN BL	CLASSROOM SUPPLIES	SANTA MONICA HIGH SCHOOL	100.00	R
143297	STOTZ EQUIPMENT	OPERATIONS VEHICLES REPAIR	GROUNDS MAINTENANCE	300.00	U
143561	STOTZ EQUIPMENT	OPERATIONS VEHICLES REPAIR	GROUNDS MAINTENANCE	300.00	U
143397	STOUT, LEWIS	REIMBURSEMENT FOR MICROPHONES	THEATER OPERATIONS&FACILITY PR	370.82	R
143294	STOVER SEED CO	CUSTODIAL SUPPLIES	GROUNDS MAINTENANCE	435.76	U
143447	SUNTEX INTERNATIONAL INC	MATH PROGRAM SUBSCRIPTION	MALIBU HIGH SCHOOL	196.50	R
143279	SUPERFAST COPYING & BINDING	Printing literary book/Equity	JOHN ADAMS MIDDLE SCHOOL	480.71	R
143375	TARGET STORES	OPEN ORDER/INSTRUCTIONAL	CHILD DEVELOPMENT CENTER	100.00	CD
143372	TEACH TOWN INC	MIDDLE SCHOOL PROGRAM PILOT	SPECIAL EDUCATION REGULAR YEAR	6,282.00	R
143282	THE PROPHET CORP	APE EQUIPMENT	SPECIAL EDUCATION REGULAR YEAR	243.64	R
143422	THE PROPHET CORP	PE SUPPLIES	WEBSTER ELEMENTARY SCHOOL	735.17	R
143175	THERMO FISHER SCIENTIFIC	EARTH/AP ENVIRO SCIENCE SUPPLY	MALIBU HIGH SCHOOL	1,315.49	R
143486	TUMBLEWEED TRANSPORTATION	ATHLETIC TRANSPORTATION	SANTA MONICA HIGH SCHOOL	818.20	U
142802	U S BANK (GOVT CARD SERVICES)	COMPUTER EQUIPMENT	SANTA MONICA HIGH SCHOOL	207.89	R
143549	US AIR CONDITIONING DIST LLC	HVAC REPAIR MATERIALS	FACILITY MAINTENANCE	400.00	R
143326	WOODWIND & BRASSWIND	INST SUP/MUSIC/GIFT	JOHN ADAMS MIDDLE SCHOOL	2,000.00	R
** NEW PURCHASE ORDERS				698,271.15	
<u>** FACILITY IMPROVEMENTS: BONDS/STATE MODERNIZATON/NEW CONSTRUCTION/DEVELOPER FEES **</u>					
143525	A/C PROS INC	VENT REDIRECTION	CHILD DEVELOPMENT CENTER	6,300.00	BB
143331	MERIDIAN IT INC	VOICE OVER IP UPGRADE	INFORMATION SERVICES	46,041.70	BB
143526	MERIDIAN IT INC	STORAGE & SOFTWARE	MUIR/SMASH	11,589.66	BB
143277	NETWORLDSOLUTIONS INC	TECHNOLOGY CONSULTING- SAMOHI	SANTA MONICA HIGH SCHOOL	22,125.00	BB
143322	SANTA MONICA MUN BUS LINES	MONTHLY BUS PASSES	SANTA MONICA HIGH SCHOOL	7,152.00	BB
** FACILITY IMPROVEMENTS: BONDS/STATE MODERNIZATON/NEW CONSTRUCTION/DEVELOPER FEES				93,208.36	

TO: BOARD OF EDUCATION
FROM: SANDRA LYON / JANECE L. MAEZ / PAT HO
RE: ACCEPTANCE OF GIFTS – 2013/2014

ACTION/CONSENT
02/06/14

RECOMMENDATION NO. A.09

It is recommended that the Board of Education accept, with gratitude, checks totaling **\$48,209.58** 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 2013-2014 income and appropriations by **\$48,209.58** as described on the attached listing.

This report details only cash gifts. It includes all contributions made by individuals or companies and some of the contributions made by our PTA's. Contributions made by a PTA in the form of a commitment and then billed are reported in a different resource. A final report that compiles all gift and PTA contributions is prepared and available annually.

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.

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

School/Site Account Number	Cash Amount	Item Description	Purpose	Donor
Adams Middle School	\$ 9,120.00		Field Trip Busses	Santa Monica Science Magnet
01-90120-0-00000-00000-8699-011-0000	\$ 4,763.00		General Supplies and Materials	Various
	\$ 1,562.00		General Supplies and Materials	Various
	\$ 301.57		Field Trip Busses	Santa Monica Science Magnet
Cabrillo Elementary School	\$ 555.50		General Supplies and Materials	Various
01-90120-0-00000-00000-8699-017-0000	\$ 283.00		General Supplies and Materials	Various
Child Development Services				
12-90120-0-00000-00000-8699-000-0000	\$ 301.30		General Supplies and Materials	LifeTouch
Educational Services	\$ 2,699.73		General Supplies and Materials	Various
01-90120-0-17100-00000-8699-030-0000	\$ 2,692.00		Non-Capital Equipment	SMAPA Vocal
	\$ 2,518.00		General Supplies and Materials	Various
	\$ 92.50		General Supplies and Materials	Various
Grant Elementary School				
01-90120-0-00000-00000-8699-003-0000	\$ 900.00		Independent Contractors	Grant Booster/ SM-Ed Foundation
Lincoln Middle School	\$ 7,422.00		General Supplies and Materials	Various Parents
01-90120-0-17100-00000-8699-012-0000	\$ 4,495.00		General Supplies and Materials	Various Parents
	\$ 612.00		General Supplies and Materials	Various Parents
Malibu High School	\$ 2,925.00		General Supplies and Materials	MHS-PTSA
01-90120-0-17100-00000-8699-010-0000	\$ 15.98		General Supplies and Materials	Robert Perry
McKinley Elementary School	\$ 2,020.00		Field Trip	Various
01-90120-0-17100-00000-8699-004-0000	\$ 670.00		Field Trip	Various
	\$ 610.00		Field Trip	Various
Santa Monica High School	\$ 1,871.00		General Supplies and Materials	Various
01-90120-0-00000-00000-8699-015-0000	\$ 1,530.00		Non-Capital Equipment	Revolution Prep
	\$ 250.00		General Supplies and Materials	Sony Pictures Ent. Inc.
TOTAL	\$48,209.58			

TO: BOARD OF EDUCATION

ACTION/CONSENT

02/06/14

FROM: SANDRA LYON / JANECE L. MAEZ

RE: APPROVAL OF A VOLUNTARY INVESTIGATION AGREEMENT BETWEEN
THE DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC) AND SANTA
MONICA-MALIBU UNIFIED SCHOOL DISTRICT (SMMUSD)

RECOMMENDATION NO. A.10

It is recommended that the Board of Education the attached Voluntary Investigation Agreement between the Department of Toxic Substances Control (DTSC) and Santa Monica-Malibu Unified School District (SMMUSD).

COMMENT: As the District moves forward with further environmental investigation at Malibu High School, its work will be under the oversight of two primary lead agencies - the Environmental Protection Agency and California's Department of Toxic Substances Control. The EPA will primarily concern itself with indoor air quality and building materials, such as caulking. The DTSC will have oversight for the broader environmental investigation of other potential areas of contamination on the campus, as well control over any cleanup that may potentially be required. To expedite its involvement with property investigations, and to avoid the need for further regulatory action, the DTSC developed the Voluntary Investigation Program. While participants in the program are required to reimburse the DTSC for the staff time and expense to assist with the property investigation, DTSC's Voluntary Investigation Program provides a more efficient, streamlined, and cost-effective approach to site investigation and cleanup. The attached Voluntary Investigation Agreement is required to enter into the program and is accompanied by an estimate of oversight costs. The agreement is a standard agreement utilized for most projects (including other school investigation projects) and has been reviewed and approved by district counsel. The fees have similarly been evaluated and are typical of oversight charges.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Malibu High School and
Cabrillo Elementary School

Proponent:

Santa Monica Malibu Unified School District
1651 Sixteenth Street
Santa Monica, California 90404

Docket No. _____

Voluntary Investigation Agreement

Health and Safety Code
Section 25355.5(a)(1)(C)

The California Department of Toxic Substances Control (DTSC) and Santa Monica Malibu Unified School District (Proponent) enter into this Voluntary Investigation Agreement (Agreement) and agree as follows:

1. Site. This Agreement applies to the property located at 30215 and 30237 Morning View Dr., Malibu, in Los Angeles County, California 90265 (Site), identified by Los Angeles Assessor's Parcel Number 4469-017-900, and any off-site area to which hazardous substances have or may have migrated from the Site. The Site is approximately 39.52 acres in size and is bordered by N COR OF LOT 14 TR NO 15858 TH SE ON NE LINE OF SD LOT TO NW LINE OF CLOVER HEIGHTS AVE TH SW AND FOLLOWING SD AVE TO NE, a combination of commercial and residential uses bordering the property. A Site diagram and a Site location map are attached as Exhibits A and B.

2. Jurisdiction. This Agreement is entered into by DTSC and Proponent pursuant to Health and Safety Code section 25355.5(a)(1)(C) which authorizes DTSC to enter into an enforceable agreement to oversee the investigation and/or remediation of a release or threatened release of any hazardous substance at or from the Site.

3. Purpose. The purpose of this Agreement is for Proponent to investigate and/or remediate a release or threatened release of any hazardous substance at or from the Site under the oversight of DTSC. The purpose of this Agreement is also for DTSC to obtain reimbursement from Proponent for DTSC's oversight costs incurred pursuant to this Agreement.

4. Ownership. The Site is owned by Santa Monica-Malibu Unified School District.

5. Substances Found at the Site. Based on the information available to DTSC and Proponent, the Site is or may be contaminated with hazardous substances, including polychlorinated biphenyls (PCBs) pesticides, heavy metals and volatile organic compounds.

6. Scope of Work and DTSC Oversight. DTSC shall review and provide Proponent with written comments on all Proponent's deliverables as described in Exhibit C (Scope of Work) and other documents applicable to the scope of the project. DTSC shall provide oversight of field activities, including sampling and remedial activities, as appropriate. Proponent agrees to perform all the work required by this Agreement. Proponent shall perform the work in accordance with applicable local, state and federal statutes, regulations, ordinances, rules and guidance documents, in particular, Health and Safety Code section 25300 et seq., as amended.

7. Additional Activities. DTSC and Proponent may amend this Agreement to include additional activities in accordance with Paragraph 17 of this Agreement. If DTSC expects to incur additional oversight costs for these additional activities, it will provide an estimate of the additional oversight costs to Proponent.

8. Endangerment During Implementation.

8.1. Proponent shall notify DTSC's Project Manager immediately upon learning of any condition that may pose an immediate threat to public health or safety or the environment. Within seven days of the onset of such a condition, Proponent shall furnish a report to DTSC, signed by Proponent's Project Manager, setting forth the conditions and events that occurred and the measures taken in response thereto.

8.2. In the event DTSC determines that any activity (whether or not pursued in compliance with this Agreement) may pose an imminent or substantial endangerment to the health or safety of people on the Site or in the surrounding area or to the environment, DTSC may order Proponent to conduct additional activities in accordance with Paragraph 7 of this Agreement or to stop further implementation of this Agreement for such period of time as may be needed to abate the endangerment. DTSC may request that Proponent implement interim measures to address any immediate threat or imminent or substantial endangerment.

9. Access. Proponent shall provide, and/or obtain access to the Site and take all reasonable efforts to obtain access to offsite areas to which access is necessary to implement the Agreement. Such access shall be provided to DTSC's employees, contractors, and consultants at all reasonable times. Nothing in this paragraph is intended or shall be construed to limit in any way the right of entry or inspection that DTSC or any other agency may otherwise have by operation of law.

10. Sampling, Data and Document Availability. When requested by DTSC, Proponent shall make available for DTSC's inspection, and shall provide copies of, all data and information concerning contamination at or from the Site, including technical records and contractual documents, sampling and monitoring information and photographs and maps, whether or not such data and information was developed pursuant to this Agreement. For all final reports, Proponent shall submit one hard (paper) copy and one electronic copy with all applicable signatures and certification stamps as a text-readable Portable Document Formatted (pdf) file Adobe Acrobat or Microsoft Word formatted file.

11. Record Preservation. Proponent shall retain, during the implementation of this Agreement and for a minimum of six years after its termination, all data, reports, and other documents that relate to the performance of this Agreement. If DTSC requests that some or all of these documents be preserved for a longer period of time, Proponent shall either comply with the request, deliver the documents to DTSC, or permit DTSC to copy the documents at Proponent's expense prior to destruction.

12. Notification of Field Activities. Proponent shall inform DTSC at least seven days in advance of all field activities pursuant to this Agreement and shall allow DTSC and its authorized representatives to take duplicates of any samples collected by Proponent pursuant to this Agreement.

13. Project Managers. Within 14 days of the effective date of this Agreement, DTSC and Proponent shall each designate a Project Manager and shall notify each other in writing of the Project Manager selected. Each Project Manager shall be responsible for overseeing the

implementation of this Agreement and for designating a person to act in his/her absence. All communications between DTSC and Proponent, and all notices, documents and correspondence concerning the activities performed pursuant to this Agreement shall be directed through the Project Managers. Each party may change its Project Manager with at least seven days prior written notice.

14. Proponent's Consultant and Contractor. All work performed pursuant to this Agreement shall be under the direction and supervision of a professional engineer or professional geologist, licensed in California, with expertise in hazardous substance site cleanup. Proponent's Project Manager, contractor or consultant shall have the technical expertise sufficient to fulfill his or her responsibilities. Within 14 days of the effective date of this Agreement, Proponent shall notify DTSC's Project Manager in writing of the name, title, and qualifications of the professional engineer or professional geologist and of any contractors or consultants and their personnel to be used in carrying out the work under this Agreement in conformance with applicable state law, including but not limited to, Business and Professions Code sections 6735 and 7835.

15. DTSC Review and Approval. All work performed pursuant to this Agreement is subject to DTSC's review and approval. If DTSC determines that any report, plan, schedule or other document submitted for approval pursuant to this Agreement fails to comply with this Agreement or fails to protect public health or safety or the environment, DTSC may (a) return comments to Proponent with recommended changes and a date by which the Proponent must submit to DTSC a revised document incorporating or addressing the recommended changes; or (b) modify the document in consultation with Proponent and approve the document as modified. All DTSC approvals and decisions made regarding submittals and notifications will be communicated to Proponent in writing by DTSC's Branch Chief or his/her designee. No informal advice, guidance, suggestions or comments by DTSC regarding reports, plans, specifications, schedules or any other writings by the Proponent shall be construed to relieve Proponent of the obligation to obtain such written approvals.

16. Payment.

16.1. Proponent agrees to pay 1) all costs incurred by DTSC in association with preparation of this Agreement, and for oversight activities, including review of documents, conducted prior to the effective date of this Agreement, and (2) all costs incurred by DTSC in providing oversight pursuant to this Agreement, including review of the documents described in Exhibit C and associated documents, and oversight of field activities. Costs incurred include interest on unpaid amounts that are billed and outstanding more than 60 days from the date of the invoice. An estimate of DTSC's oversight costs is attached as Exhibit D. It is understood by the parties that Exhibit D is an estimate and cannot be relied upon as the final cost figure. DTSC may provide an updated or revised cost estimate as the work progresses. DTSC will bill Proponent quarterly. Proponent agrees to make payment within 60 days of receipt of DTSC's billing. Such billings will reflect any amounts that have been advanced to DTSC by Proponent.

16.2. In anticipation of oversight activities to be conducted, Proponent shall make an advance payment of \$20,832 to DTSC within 10 days of the effective date of this Agreement. It is expressly understood and agreed that DTSC's receipt of the entire advance payment as provided in this paragraph is a condition precedent to DTSC's obligation to provide oversight, review of or comment on documents. If the advance payment exceeds DTSC's final costs, DTSC will refund the difference within 120 days after the performance of this Agreement is completed or after this Agreement is terminated pursuant to Paragraph 18 of this Agreement.

16.3. All payments made by Proponent pursuant to this Agreement shall be by check payable to the "Department of Toxic Substances Control", and bearing on its face the project code for the Site (Site # TBD) and the docket number of this Agreement. Upon request by Proponent, DTSC may accept payments made by credit cards. Payments by check shall be sent to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st Floor
P.O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent concurrently to DTSC's Project Manager.

16.4. DTSC shall retain all cost records associated with the work performed under this Agreement as may be required by state law. DTSC will make all documents that support DTSC's cost determination available for inspection upon request in accordance with the Public Records Act, Government Code section 6250 et seq.

17. Amendments. This Agreement may be amended in writing by mutual agreement of DTSC and Proponent. Such amendment shall be effective the third business day following the day the last party signing the amendment sends its notification of signing to the other party. The parties may agree to a different effective date.

18. Termination for Convenience.

18.1. Except as otherwise provided in this paragraph, each party to this Agreement reserves the right to unilaterally terminate this Agreement for any reason. Termination may be accomplished by giving a 30-day advance written notice of the election to terminate this Agreement to the other party. In the event that this Agreement is terminated under Paragraph 18.1, Proponent shall be responsible for DTSC costs through the effective date of termination.

18.2. If operation and maintenance activities are required for the final remedy, Proponent may not terminate the Agreement under Paragraph 18.1 upon DTSC's approval of an Operation and Maintenance Plan as proposed by Proponent, unless an Operation and Maintenance Agreement is entered into between DTSC and Proponent or between DTSC and a party responsible for the required operation and maintenance activities.

19. Incorporation of Exhibits, Plans and Reports. All exhibits are incorporated into this Agreement by reference. All plans, schedules and reports that require DTSC's approval and are submitted by Proponent pursuant to this Agreement are incorporated in this Agreement upon DTSC's approval.

20. Reservation of Rights. DTSC reserves all of its statutory and regulatory powers, authorities, rights, and remedies under applicable laws to protect public health or the environment, including the right to recover its costs incurred therefor. Proponent reserves all of its statutory and regulatory rights, defenses and remedies available to Proponent under applicable laws.

21. Non-Admission of Liability. By entering into this Agreement, Proponent does not admit to any finding of fact or conclusion of law set forth in this Agreement or any fault or liability under applicable laws.

22. Proponent Liabilities. Nothing in this Agreement shall constitute or be considered a covenant not to sue, release or satisfaction from liability by DTSC for any condition or claim arising as a result of Proponent's past, current, or future operations or ownership of the Site.

23. Government Liabilities. The State of California or DTSC shall not be liable for any injuries or damages to persons or property resulting from acts or omissions by Proponent or by related parties in carrying out activities pursuant to this Agreement, nor shall the State of California or DTSC be held as a party to any contract entered into by Proponent or its agents in carrying out the activities pursuant to this Agreement.

24. Third Party Actions. In the event that Proponent is a party to any suit or claim for damages or contribution relating to the Site to which DTSC is not a party, Proponent shall notify DTSC in writing within 10 days after service of the complaint in the third-party action. Proponent shall pay all costs incurred by DTSC relating to such third-party actions, including but not limited to responding to subpoenas.

25. California Law. This Agreement shall be governed, performed and interpreted under the laws of the State of California.

26. Severability. If any portion of this Agreement is ultimately determined not to be enforceable, that portion will be severed from the Agreement and the severability shall not affect the enforceability of the remaining provisions of the Agreement.

27. Parties Bound. This Agreement applies to and is binding, jointly and severally, upon Proponent and its agents, receivers, trustees, successors and assignees, and upon DTSC and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Agreement. Proponent shall ensure that its contractors, subcontractors and agents receive a copy of this Agreement and comply with this Agreement.

28. Effective Date. The effective date of this Agreement is the date of signature by DTSC's authorized representative after this Agreement is first signed by Proponent's authorized representative. Except as otherwise specified, "days" means calendar days.

29. Representative Authority. Each undersigned representative of the party to this Agreement certifies that she or he is fully authorized to enter into the terms and conditions of this Agreement and to execute and legally bind the party to this Agreement.

30. Counterparts. This Agreement may be executed and delivered in any number of counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one and the same document.

Thomas M. Cota
Branch Chief
Schools Evaluation and Brownfield Outreach
Department of Toxic Substances Control
Date: _____

Janece L. Maez
Associate Superintendent, Business and Fiscal Services/Chief Financial Officer
Representing Santa Monica-Malibu Unified School District
Date: _____

EXHIBITS

A - SITE LOCATION MAP

B - SITE DIAGRAM

C - SCOPE OF WORK

D - COST ESTIMATE

EXHIBIT C SCOPE OF WORK

The following Tasks will be completed as part of this Agreement:

For example, if you are conducting:

- 1) A Preliminary Endangerment Assessment, you would use tasks 1, 3, 14.1, 14.2, 14.3, 18 and 19.
- 2) A Removal Action, you would use tasks 1, possibly 4 (if additional site investigation is necessary), 5, 6, 7, 8, 10, 12, 13, 14.1 through 14.7, [possibly 15, 16, 17 if O&M and land use restrictions are required], 18 and 19.
- 3) A Remedial Action Plan, you would use tasks 1, possibly 4 (if additional site investigation is necessary), 5, 6, 7, 8, 9, 11, 12, 13, 14.1 through 14.7, [possibly 15, 16, 17 if O&M and land use restrictions are required], 18 and 19.

If you are reviewing a specific document, you could use task 20.

TASK 1.

General Project Support. DTSC will provide technical support to the project, including, but not limited to coordinating and attending meetings with both internal and external stakeholders, addressing community group/public concerns, participating in community informational sessions, coordination with other regulatory agencies that may be involved, issuing fact sheets and notices, and ensuring that project information is available on-line and is accessible to the public.

TASK 2.

Submittal of Existing Data, Prior Site Remediation Reports and Scoping Meeting
The Proponent will submit to DTSC all background information, sample analysis results, environmental assessment reports, remediation reports and any other information pertinent to the hazardous substance management and/or release, characterization and cleanup of the Site. The information submitted by the Proponent shall be reviewed for conformance with DTSC standards for quality assurance/quality control, site investigations, and site remediation. DTSC will review the information to identify areas and media of concern, and to determine the additional work, if any, required to complete the investigation/remediation of the Site. Following DTSC's initial review, a scoping meeting will be held to discuss whether further site characterization is necessary, and, if so, how the characterization will be conducted for the Site and how they will be implemented.

TASK 3.

Preliminary Environmental Assessment (PEA). Proponent shall conduct a PEA to determine whether a release or threatened release of hazardous substances exists at the Site which poses a threat to human health or the environment. The PEA shall be

conducted in accordance with the DTSC guidance manual for evaluating hazardous substance release sites, titled: "Preliminary Endangerment Assessment Guidance Manual," State of California, Environmental Protection Agency, Department of Toxic Substances Control (Second Printing June 1999). Documents which may be required as part of the PEA are:

- (a) PEA Workplan. This workplan shall include a sampling plan designed to determine the type and general extent of contamination at the Site; a health and safety plan addressing health and safety issues and safe work practices; and a quality assurance/quality control plan to produce data of known quality.
- (b) PEA Report. This report will document whether a release has occurred or threatened release exists, the threat the Site poses to human health and the environment, and whether further action is necessary.

TASK 4.

Public Participation.

4.1 The Proponent shall conduct appropriate public participation activities given the nature of the community surrounding the Site and the level of community interest. The Proponent shall work cooperatively with DTSC to ensure that the affected and interested public and community are involved in DTSC's decision-making process. Any such public participation activities shall be conducted in accordance with Health and Safety Code sections 25358.7, the DTSC Public Participation Policy and Procedures Manual, and with DTSC's review and approval.

4.2 A scoping meeting may be held to determine the appropriate activities that will be conducted to address public participation.

4.3 The Proponent shall prepare a community profile to examine the level of the community's knowledge of the Site; the types of community concerns; the proximity of the Site to homes and/or schools, day care facilities, churches, etc.; the current and proposed use of the Site; media interest; and involvement of community groups and elected officials. The community profile also includes a mailing list for the Site.

4.4 The Proponent shall develop and submit fact sheets to DTSC for review and approval when specifically requested by DTSC. The Proponent shall be responsible for printing and distribution of fact sheets upon DTSC approval using the approved community mailing list.

TASK 5.

Health and Safety Plan. The Proponent will submit a Site Health and Safety Plan in accordance with California Code of Regulations, Title 8, section 5192. This plan should include, at a minimum the following elements:

- (a) Site Background/History/Workplan;
- (b) Key Personnel and Responsibilities
- (c) Job Hazard Analysis/Summary;
- (d) Employee Training;
- (e) Personal Protection;
- (f) Medical Surveillance;
- (g) Air Surveillance;

- (h) Site Control;
- (i) Decontamination;
- (j) Contingency Planning;
- (k) Confined Space Operations;
- (l) Spill Containment;
- (m) Sanitation;
- (n) Illumination; and
- (o) Other applicable requirements based on the work to be performed.

DTSC's *Interim Draft Site Specific Health and Safety Plan Guidance Document for Site Assessment/Investigation, Site Mitigation Projects, Hazardous Waste Site Work Closure, Post Closure, and Operation and Maintenance Activities* (DTSC, December 2000) can be used as a reference tool, The Health and Safety Plan should cover all measures, including contingency plans, which will be taken during field activities to protect the health and safety of the workers at the Site and the general public from exposure to hazardous waste, substances or materials. The Health and Safety Plan should describe the specific personnel, procedures and equipment to be utilized.

All contractors and all subcontractors shall be given a copy of the Health and Safety Plan prior to entering the Site. Any supplemental health and safety plans prepared by any subcontractor shall also be prepared in accordance with the regulations and guidance identified above. The prime contractor responsible for this subcontractor will be responsible for ensuring that all subcontractor supplemental health and safety plans follow these regulations and guidelines.

COST ESTIMATE WORKSHEET

Date: December 16, 2013
 Project Name: Malibu High School
 Site Code: TBD

Title	Project Manager	Supervisor		Toxicology	Geology	Industrial Hygienist	Public Participation	Legal	Clerical
Classification	Senior Environmental Scientist	Supervising Hazardous Engineer I	Environmental Program Manager I	Staff Toxicologist	Engineering Geologist	Assoc IH	PPS	Staff Counsel	Office Technician (Typing)
TASK:									
Agreement Prep./Negotiation			4						
Project Management			24						
Review and comment on existing data and Preliminary Endangerment Assessment (PEA) equivalent documents and provide general project oversight	12			8	12				
Supplemental Site Characterization									
- Workplan	12			12	12	4			
- Implementation	16				16				
- Report	12			6	12				
Mailing list, Public notice, Meetings	12		12	12	8		40		
Total No. Hours/Class	64	0	40	38	60	4	40	0	0
Hourly Rate/Class	\$141	\$192	\$163	\$166	\$181	\$141	\$115	\$203	\$61
Cost/Class	\$9,024	\$0	\$6,520	\$6,308	\$10,860	\$564	\$4,600	\$0	\$0
Contingency (10%)	\$3,788								
Grand Total Cost	\$41,664								
Advance Payment	\$20,832								

Notes:

TO: BOARD OF EDUCATION

ACTION/CONSENT

02/06/14

FROM: SANDRA L. LYON / JANECE L. MAEZ / STUART A. SAM

RE: AMENDMENT TO CONTRACT – LEASE LEASEBACK – LINCOLN MIDDLE SCHOOL – REPLACEMENT OF CLASSROOM BUILDING C AND SITE IMPROVEMENTS (PACKAGE 2) – ERICKSON HALL CONSTRUCTION COMPANY – MEASURE BB

RECOMMENDATION NO. A.11

It is recommended that the Board of Education approve contract Change Order No.05 of the Lease Leaseback – Lincoln Middle School – Replacement of Building C and Site Improvements (Package 2) Project to Erickson-Hall Construction Co., in an amount of \$107,920.31 for a total contract amount of \$16,165,322.40. Change Order No.05 does not increase the contract duration.

Funding Information

Budgeted: Yes

Fund: 83

Source: Measure BB

Account Number: 83-90500-0-00000-85000-6200-012-2600

Budget Category: Hard Costs\ Construction\ Construction Contracts

DSA #: 03-112865

Friday Memo: 01/31/14

COMMENTS: On November 29, 2012, the Santa Monica-Malibu Unified School District Board of Education approved the Lease Leaseback contract for Lincoln Middle School – Replacement of Building C and Site Improvements Project (Package 2) to Erickson-Hall Construction Company, in an amount of \$15,788,692.00.

At the June 26, 2013 Board of Education Meeting, Change Order 1 was approved in the amount of \$126,554.79.

At the August 14, 2013 Board of Education Meeting Change Order 2 was approved in the amount of \$64,345.40

At the September 19, 2013 Board of Education Meeting Change Order 3 was approved in the amount of \$67,580.18.

At the November 21, 2013 Board of Education Meeting Change Order 4 was approved in the amount of \$10,229.72

Change Order No.5 includes: (3) items associated with Required Additional Scope totaling \$11,053.61 and (1) unforeseen DSA item in the amount of \$96,866.70, for a total Change Order amount of \$107,920.31. Change Order No. 5 does not increase the contract time.

(continued on next page)

Change Order No. 5 includes the following changes to the terms of the contract:

Original Contract Amount	\$15,788,692.00
Change Order No. 1	\$126,554.79
Change Order No. 2	\$64,345.40
Change Order No. 3	\$67,580.18
Change Order No. 4	\$10,229.72
Change Order No. 5	\$107,920.31
<hr/> Total Contract Amount	<hr/> \$16,165,322.40

Change Order No.5 includes no increase to contract time:

Original Contract Time	642 Days
Change Order No. 1	0 Days
Change Order No. 2	0 Days
Change Order No. 3	0 Days
Change Order No. 4	30 Days
Change Order No. 5	0 Days
<hr/> Total Contract Time	<hr/> 672 Days

Funding for Change Order No. 5 will be drawn from the construction budget.

A Friday Memo accompanies this item.

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

TO: BOARD OF EDUCATION

ACTION/CONSENT

02/06/14

FROM: SANDRA L. LYON / JANECE L. MAEZ / STUART A. SAM

RE: CONTRACT AMENDMENT #24 FOR ENVIRONMENTAL TESTING,
MONITORING, AND REPORTING SERVICES FOR LINCOLN MIDDLE SCHOOL
– NEW CONSTRUCTION PROJECT (PACKAGE 2) – ATC ASSOCIATES –
MEASURE BB

RECOMMENDATION NO. A.12

It is recommended that the Board of Education approve ATC Associates, Inc. Contract Amendment #24 for additional hazardous materials monitoring and testing services for Lincoln Middle School – New Construction Project (Package 2), in the amount of \$10,000.00, for a total contract amount of \$424,630.00.

Funding Information

Budgeted: Yes
Fund: 83
Source: Measure BB
Account Number: 83-90500-0-00000-85000-5802-012-2600
Budget Category: Soft Costs\ Environmental Test\ Hazardous Materials
DSA #: 03-112865
Friday Memo: 01/31/14

COMMENTS: On 2/16/12 the Board of Education approved Contract Amendment No. 19 to ATC Associates, Inc. to provide monitoring and testing services for the abatement of hazardous materials performed by the contractor. Contract Amendment No. 24, in the amount of \$10,000, is to provide additional monitoring and testing services to complete the abatement work on the project.

Over the course of construction, for the Lincoln Package 2 New library classroom Building “C” Project, Asbestos Pipe was identified and required safe containment and removal. ATC is required to monitor the removal process.

ATC Contract Amendment #24 is for an amount not to exceed \$10,000, is for additional monitoring and testing services for the Lincoln New Construction Project Package 2 Replacement of Classroom Building C. There are currently sufficient funds in the Soft Costs – Hazmat Environment budget, for this service.

(continued on next page)

Original Contract Amount:		\$0.00
Contract Amendment #1	(8 Sites, Net Add to original estimate \$1,138)	\$101,138
Contract Amendment #2	(3 Sites)	\$42,647
Contract Amendment #3	(2508 & 2512 Virginia Ave, survey & specs)	\$7,010
Contract Amendment #4	(Webster Elem, FA project)	\$13,152
Contract Amendment #5	(Point Dume MSE, Gas/Heat project)	\$11,815
Contract Amendment #6	(2508 & 2512 Virginia, Monitoring)	\$4,012
Contract Amendment #7	(Grant ES, Entry Reconfiguration)	\$3,501
Contract Amendment #8	(Cabrillo ES, Fence & Gate)	\$2,714
Contract Amendment #9	(Olympic HS, Landscape)	\$1,535
Contract Amendment #10	(Rogers, Pre-school Relos)	\$5,284
Contract Amendment #11	(John Adams, New Constr. & Mod)	\$4,990
Contract Amendment #12	(Lincoln, Mod & Classroom Bldg.)	\$4,310
Contract Amendment #13	(Secondary Classroom Tech Proj.)	\$12,100
Contract Amendment #14	(Lincoln, Modernization Project)	\$18,840
Contract Amendment #15	(Adams, New. Mod 2b)	\$43,590
Contract Amendment #16	(Malibu Fire Alarm Project)	\$17,260
Contract Amendment #17	(Edison LA)	\$17,820
Contract Amendment #18	(McKinley ES)	\$3,183
Contract Amendment #19	(Lincoln MS, Package 2)	\$33,180
Contract Amendment #20	(Washington CDS)	\$16,730
Contract Amendment #21	(Samohi – S&T)	\$12,459
Contract Amendment #22	(Contract Extension)	\$0.00
Contract Amendment #23	(John Adams)	\$26,740
Contract Amendment	(Washington West)	\$10,620
#23A		
Contract Amendment #24	(Lincoln MS, Package 2)	\$10,000
Total Contract Amount		\$424,630

A Friday Memo accompanies this item.

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

TO: BOARD OF EDUCATION

ACTION/CONSENT

02/06/14

FROM: SANDRA LYON / JANECE L. MAEZ / STUART A. SAM

RE: CONTRACT AMENDMENT #23 FOR ADDITIONAL DESIGN SERVICES –
EDISON LANGUAGE ACADEMY NEW CONSTRUCTION PROJECT – KEVIN
DALY ARCHITECTS – MEASURE BB

RECOMMENDATION NO. A.13

It is recommended that the Board of Education approve Contract Amendment #23 to Kevin Daly Architects for additional design services for the Edison Language Academy New Construction Project, in the amount of \$4,800.

Funding Information

Budgeted: Yes
Fund: 81
Source: Measure BB
Account Number: 81-90500-0-00000-85000-5802-001-2600
DSA Number: 03-112999
Budget Category: Design / Architects
Friday Memo: 01/31/14

COMMENT: Kevin Daly Architects is the architectural firm on the Edison Language Academy New Construction Project. The FIP office, in conjunction with Site Administrators determined that the two existing relocatable buildings would be needed to provide shelter for lunch and other recess activities while the Phase II playground is constructed.

Safety codes require that these two buildings be connected to the new campus fire alarm system since the old campus is to be demolished in order to provide the required site area for a school playground. Design & Engineering fees for this work are \$4,800.

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ORIGINAL CONTRACT AMOUNT (Prog./Schem.Design))	\$536,695
CONTRACT AMENDMENT #1 (Revised Schematic)	\$78,000
CONTRACT AMENDMENT #2 (DD/CD/CA)(rev.)	\$2,876,732
CONTRACT AMENDMENT #3 (Dist. Stand. Specs)	\$40,000
CONTRACT AMENDMENT #4 (Library Study)	\$7,750
CONTRACT AMENDMENT #5 (2 Add'l Designs)(rev.)	\$94,800
CONTRACT AMENDMENT #6 (Fire Protection Design)	\$25,025
CONTRACT AMENDMENT #7 (Design revisions)	\$64,700
CONTRACT AMENDMENT #8 (Rev.-Pre-school, canopy)	\$74,000
CONTRACT AMENDMENT #9 (Dist. Std. Specs, Design Stds.)	\$29,400
CONTRACT AMENDMENT #10 (Dist. Std. Specs, Design Stds.)	\$18,800
CONTRACT AMENDMENT #11 (Rev.Cafeteria, Stage.)	\$5,850
CONTRACT AMENDMENT #12 (General Conditions)	\$13,200
CONTRACT AMENDMENT #13 (Design revisions)	\$26,500
CONTRACT AMENDMENT #14 (District Standard Specs – Multiple Prime)	\$4,800
CONTRACT AMENDMENT #15 (Edison, Relocatable Electrical, Recess Play Area)	\$4,570
CONTRACT AMENDMENT #16 (Edison, City Street Lighting)	\$12,533
CONTRACT AMENDMENT #17 (Edison, SWPPP Plan)	\$10,000
CONTRACT AMENDMENT #18 (Edison, Design Revision, Water Meters)	\$9,292
CONTRACT AMENDMENT #19 (Edison, Material Substitution Review)	\$10,528
CONTRACT AMENDMENT #20 (Edison, Design Revisions)	\$12,458
CONTRACT AMENDMENT #21 (Edison, Design Revisions – Fiber Optic Service)	\$3,677
CONTRACT AMENDMENT #22 (Daly Genik to Kevin Daly Architects name change)	\$0
CONTRACT AMENDMENT #23 (Fire Alarm modifications in Relocatable bldgs.)	\$4,800
TOTAL CONTRACT AMOUNT	\$3,964,110

A Friday Memo accompanies this item.

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

TO: BOARD OF EDUCATION

ACTION/CONSENT

02/06/14

FROM: SANDRA LYON / JANECE L. MAEZ / STUART A. SAM

RE: CONTRACT AMENDMENT #24 FOR ADDITIONAL DESIGN SERVICES –
EDISON LANGUAGE ACADEMY NEW CONSTRUCTION PROJECT – KEVIN
DALY ARCHITECTS – MEASURE BB

RECOMMENDATION NO. A.14

It is recommended that the Board of Education approve Contract Amendment #24 to Kevin Daly Architects for additional design services for the Edison Language Academy New Construction Project, in the amount of \$5,100.

Funding Information

Budgeted: Yes
Fund: 81
Source: Measure BB
Account Number: 81-90500-0-00000-85000-5802-001-2600
DSA Number: 03-112999
Budget Category: Design / Architects
Friday Memo: 01/31/14

COMMENT: Kevin Daly Architects is the architectural firm on the Edison Language Academy New Construction Project.

The engineering request is for work required to correct contractor construction deviations along the Virginia Avenue gutter and street asphalt joint condition. Design and Engineering fees to correct a contractor deviation at this location are \$5,100.

This work described here is considered a Contractor Deviation, and as such, the fees for this work will be recoverable from the Lease-Lease Back Contractor.

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ORIGINAL CONTRACT AMOUNT (Prog./Schem.Design))	\$536,695
CONTRACT AMENDMENT #1 (Revised Schematic)	\$78,000
CONTRACT AMENDMENT #2 (DD/CD/CA)(rev.)	\$2,876,732
CONTRACT AMENDMENT #3 (Dist. Stand. Specs)	\$40,000
CONTRACT AMENDMENT #4 (Library Study)	\$7,750
CONTRACT AMENDMENT #5 (2 Add'l Designs)(rev.)	\$94,800
CONTRACT AMENDMENT #6 (Fire Protection Design)	\$25,025
CONTRACT AMENDMENT #7 (Design revisions)	\$64,700
CONTRACT AMENDMENT #8 (Rev.-Pre-school, canopy)	\$74,000
CONTRACT AMENDMENT #9 (Dist. Std. Specs, Design Stds.)	\$29,400
CONTRACT AMENDMENT #10 (Dist. Std. Specs, Design Stds.)	\$18,800
CONTRACT AMENDMENT #11 (Rev.Cafeteria, Stage.)	\$5,850
CONTRACT AMENDMENT #12 (General Conditions)	\$13,200
CONTRACT AMENDMENT #13 (Design revisions)	\$26,500
CONTRACT AMENDMENT #14 (District Standard Specs – Multiple Prime)	\$4,800
CONTRACT AMENDMENT #15 (Edison, Relocatable Electrical, Recess Play Area)	\$4,570
CONTRACT AMENDMENT #16 (Edison, City Street Lighting)	\$12,533
CONTRACT AMENDMENT #17 (Edison, SWPPP Plan)	\$10,000
CONTRACT AMENDMENT #18 (Edison, Design Revision, Water Meters)	\$9,292
CONTRACT AMENDMENT #19 (Edison, Material Substitution Review)	\$10,528
CONTRACT AMENDMENT #20 (Edison, Design Revisions)	\$12,458
CONTRACT AMENDMENT #21 (Edison, Design Revisions – Fiber Optic Service)	\$3,677
CONTRACT AMENDMENT #22 (Daly Genik to Kevin Daly Architects name change)	\$0
CONTRACT AMENDMENT #23 (Fire Alarm modifications in Relocatable bldgs.)	\$4,800
CONTRACT AMENDMENT #24 (Contractor Deviations)	\$5,100
TOTAL CONTRACT AMOUNT	\$3,969,210

A Friday Memo accompanies this item.

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

TO: BOARD OF EDUCATION

ACTION/CONSENT

02/06/14

FROM: SANDRA LYON / JANECE L. MAEZ / STUART A. SAM

RE: CONTRACT AMENDMENT #06 FOR TESTING AND SPECIAL INSPECTION SERVICES – SANTA MONICA HIGH SCHOOL SCIENCE AND TECHNOLOGY BUILDING AND SITE IMPROVEMENTS – CALIFORNIA TESTING AND INSPECTIONS, INC. – MEASURE BB

RECOMMENDATION NO. A.15

It is recommended that the Board of Education approve Contract Amendment #06 to California Testing and Inspection, Inc., for additional Testing and Special Inspection Services for the Santa Monica High School Science and Technology Building and Site Improvement Project for an amount not to exceed \$216,227, for a total contract amount of \$1,724,739.

Funding Information

Budgeted: No
Fund: 83
Source: Measure BB
Account Number: 83-90500-0-00000-85000-5802-015-2600
Budget Category: Soft Costs/Tests & Inspection/Materials Lab
DSA#: 03-113443
Friday Memo: 01/31/14

COMMENTS: California Testing and Inspection, Inc. is providing Testing and Special Inspection Services for the Santa Monica High School Science and Technology Building and Site Improvement Project. A contract was approved on December 15, 2011 for an amount of \$461,072 for this scope. Contract Amendment #01 was approved on June 27, 2012. Contract Amendment #02 was approved on April 18, 2013. Contract Amendment #03 was approved on May 16, 2013. Contract Amendment #4 was approved on July 24, 2013. Contract Amendment #5 was approved on November 21, 2013.

Since the award to CTI of CA #5, the Contractor's work durations for Phase I have continued to exceed the Contractor's own schedule. CTI, in consultation with the Inspector of Record, have performed a detailed review of the volume of work remaining to complete Phase I. CTI estimates an additional \$216, 227 will be required to fund the hours of testing remaining. These hours include testing performed on and off site, Laboratory testing and Professional Services. Per the Lease-Lease Back agreement with the Prime Contractor, all overtime expenses, should they be required to facilitate the Contractor's schedule, will be recoverable from the Prime Contractor.

Primary funding is within the testing and inspection services budget. \$44,000 will be reallocated from the unallocated construction hard cost to testing and inspection budget.

(Continued on next page)

ORIGINAL CONTRACT – Samohi Testing & Special Inspections	\$461,072
CONTRACT AMENDMENT #01 (Additional Testing Services)	\$44,155
CONTRACT AMENDMENT #02 (Additional Testing Services)	\$335,000
CONTRACT AMENDMENT #03 (Additional Testing Services)	\$135,274
CONTRACT AMENDMENT #04 (Additional Testing Services)	\$324,385
CONTRACT AMENDMENT #05 (Additional Testing Services)	\$208,626
CONTRACT AMENDMENT #06 (Additional Testing Services)	\$216,227
<u>TOTAL:</u>	<u>\$1,724,739</u>

A Friday Memo accompanies this item.

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

TO: BOARD OF EDUCATION

ACTION/CONSENT

02/06/14

FROM: SANDRA LYON / JANECE L. MAEZ / STUART A. SAM

RE: CONTRACT AMENDMENT #09 FOR GEOTECHNICAL OBSERVATION AND TESTING SERVICES – SANTA MONICA HIGH SCHOOL – SCIENCE AND TECHNOLOGY CLASSROOM BUILDING AND SITE IMPROVEMENTS – AMEC ENVIRONMENTAL & INFRASTRUCTURE, INC. – MEASURE BB

RECOMMENDATION NO. A.16

It is recommended that the Board of Education approve Contract Amendment #09 to AMEC Environmental & Infrastructure, Inc. for additional Geotechnical Services for the Santa Monica High School Science and Technology Building and Site Improvement Project for an amount not to exceed \$35,193, for a total contract amount of \$283,572.

Funding Information

Budgeted: Yes
Fund: 83
Source: Measure BB
Account Number: 83-90500-0-00000-85000-5802-015-2600
DSA Number: 03-113443
Budget Category: Soft Costs/Tests & Inspection/Materials Lab
Friday Memo: 1/31/14

COMMENTS: AMEC Environmental & Infrastructure, Inc. is providing Geotechnical Observation and Testing Services for the Santa Monica High School Science and Technology Building and Site Improvement Project. Contract amendment #8 was approved on March 5, 2013 for an amount for \$44,600 for this scope.

AMEC's original price was based on a milestone schedule and the plans for a single phased project. Subsequently, the decision to keep the Science Building and only demolish the Technology building resulted in a redesign, now known as Phase II. Phase II added a considerable number of retaining walls and parking lot paving that was not a part of AMEC's budget for inspection. We have reviewed the work to be performed with the Inspector of Record, and he concurs that the additional geotechnical services will be required.

The estimated additional testing required to complete the project has resulted in a total add of \$35,193. There are sufficient funds in the projects Soft Costs/Test & Inspection/Materials Lab budget category to cover this expense. It is recommended the Board of Education approve this amendment to allow for uninterrupted testing and observation. The revised contract total will be \$283,572.

(Continued on next page)

ORIGINAL CONTRACT – Samohi Seismic Evaluation	\$31,600
CONTRACT AMENDMENT #1 (Samohi Seismic)	\$5,000
CONTRACT AMENDMENT #2 (Samohi Seismic)	\$18,030
CONTRACT AMENDMENT #3 (Samohi Seismic)	\$2,000
CONTRACT AMENDMENT #4 (Samohi DSA Closeout)	\$6,000
CONTRACT AMENDMENT #5 (Washington CDS)	\$9,675
CONTRACT AMENDMENT #6 (Company Name Change)	\$0
CONTRACT AMENDMENT #7 (Samohi Science and Tech Geotech)	\$131,474
CONTRACT AMENDMENT #8 (Samohi Science and Tech Geotech)	\$44,600
CONTRACT AMENDMENT #9 (Samohi Science and Tech Geotech)	\$35,193
<hr/>	
TOTAL:	\$283,572

A Friday memo accompanies this board item.

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

TO: BOARD OF EDUCATION

ACTION/CONSENT

04/06/14

FROM: SANDRA LYON / JANECE L. MAEZ / STUART A. SAM

RE: CONTRACT AMENDMENT #17 – AMENDMENT TO CONTRACT FOR
REALLOCATION OF COMMISSIONING SERVICES – PARSONS – MEASURE BB

RECOMMENDATION NO. A.17

It is recommended that the Board of Education approve Contract Amendment #17 with Parsons Environment & Infrastructure Group, Inc. for funding reallocation of commissioning services.

Funding Information

Budgeted: Yes
Funds: 82
Source: Measure BB
Account Numbers: 82-90500-0-00000-85000-5802-011-2600 \$209,532.47
21-90500-0-00000-85000-5802-014-2600 \$ 8,467.53
Projects: John Adams MS – New Construction and Modernization
Olympic HS-Modernization
Budget Categories: Direct Costs\Hard Costs\Management\Project Commissioning

COMMENTS: During the Planning for the Measure BB projects it was established by the Board that the projects shall be designed to provide a healthy environment for students and staff. It was further established that the buildings shall be highly energy and water efficient to conserve natural and fiscal resources. To achieve these goals, on October 18, 2007 the Board adopted Resolution 07-07. Resolution 07-07 adopted the sustainability standards and principals of the Collaborative for High Performance Schools (CHPS) as a standard for design and execution of the Measure BB projects. Furthermore, the District set a goal to exceed the minimum CHPS points by 15% for all CHPS certified projects.

CHPS is very similar to LEED in its building systems standards, credits, and procedures. However, CHPS also incorporates other standards and administrative processes tailored to educational spaces and implementation by school districts. Both CHPS and LEED require that buildings are properly commissioned. Proper commissioning is the most important process in insuring that the buildings meet the CHPS standards for efficient operation of building systems and maintaining healthy interior environments.

Commissioning has specific design phase tasks which includes multiple reviews of the design by the Commissioning Agent to verify proper system design and documentation. A detailed commissioning plan is also prepared during the design phase. Commissioning also has specific construction phase tasks which includes preconstruction coordination with contractors and field inspections during installation and oversight of the start-up and testing requirements, all of which are defined in the commissioning plan. The commissioning plan is incorporated into the construction documents to insure compliance of the contractor.

The Contract Amendment #10 for Parsons was to provide all of the design and project commissioning services for the Measure BB projects approved on March 15, 2012 for the amount of \$1,325,000. The current Contract Amendment is for the re-allocation of funding only, no net additional service fee required. Reallocations are required as follows:

JAMS Commissioning – \$183,000.00 increased to \$209,532.47
 OHS Commissioning – \$35,000.00 decreased to \$8,467.53

Commissioning adjustments are periodically required to reflect the actual scope of work required by the commissioning process. No change in the construction scope or program occurs. Olympic High school commissioning scope is minimal and the systems include commission

ORIGINAL CONTRACT AMOUNT (Revised in CA#8)	\$14,700,000.00
Revised Contract Amendment #1 (General CM)	\$1,839,561.00
Contract Amendment #2 (Safety/Security projects)	\$1,191,662.00
Contract Amendment #3 (Edison New construction)	\$2,416,159.00
Contract Amendment #4 (JAMS Modernization) DSA #03-112808	\$1,580,390.00
Contract Amendment #5 (Lincoln MS)	
New Building - DSA #03-112865	
Modular Classroom & Library - DSA #03-112987	
Modernization of Main Building - DSA #03-113031	\$2,230,321.00
Contract Amendment #6 (Samohi Science &Tech, Fields) DSA #03-113433	\$2,366,741.00
Contract Amendment #7 (Malibu Campus Improvement) DSA #03-113456	\$2,068,097.00
Contract Amendment #8 (Original Contract Amount Reduced to \$11,500,000)	(\$3,200,000.00)
Contract Amendment #10 (Design & Project Commissioning)	\$1,325,000.00
Contract Amendment #11 (DSA Closeout)	\$736,600.00
Contract Amendment #13 (reallocation of commissioning)	\$0.00
Contract Amendment #14 (CM Reimbursable)	\$900,000.00
Contract Amendment #15 Jam CM Increase)	\$325,000.00
Contract Amendment #16 (General CM Support/FFE)	\$412,000.00
Contract Amendment #17 (reallocation of commissioning)	\$0
TOTAL CONTRACT AMOUNT	\$28,891,531.00

Parsons amendment for CCJUP under separate funding	
Original Contract Amount-CCJUP (MOU 1)	\$167,500.00
Contract Amendment-CCJUP #1 (CCJUP MOU 2 Synthetic Field)	\$129,257.00
Contract Amendment #9 (CCJUP)	
CCJUP Project Management Services	\$1,450,000.00
CCJUP Construction Management Services	\$1,250,000.00
	<u>\$2,996,757.00</u>

<u>Contract Amendment #12 Stadium Lighting)</u>	<u>\$77,280.00</u>
	\$77,280.00

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

TO: BOARD OF EDUCATION

ACTION/CONSENT

02/06/14

FROM: SANDRA LYON / JANECE L. MAEZ / STUART A. SAM

RE: ACCEPT WORK AS COMPLETED – MULTIPLE PURCHASE ORDERS
PROJECTS – CAPITAL FUND & MEASURE BB

RECOMMENDATION NO. A.18

It is recommended that the Board of Education accept as completed all work contracted for the indicated Purchase Orders:

Washington South – Washington South Project

Vendor Name	PO Number	Amount	Substantial Completion Date
California Office System, Inc.	134717	\$ 14,891.06	4/30/2013
Network Solutions, Inc.	132378	\$ 44,850.00	5/7/2013
Commercial Interior Resources	134667	\$ 10,081.00	5/7/2013

Washington South – Washington South Project (Fund 25)

Washington West – Child Development Services Project (Fund 21)

Vendor Name	PO Number	Amount	Substantial Completion Date
Piana Construction & Painting, Inc.	134640	\$6,057.00 (\$3,028.50 – Fund 25 \$3,028.50 Fund 21)	4/22/2013
A. J. Fistes Corporation	132335	\$44,990 (\$22,495.00 – Fund 25 \$22,495.00 – Fund 21)	4/30/2013
Go Construction	134180	\$8,475.00 (\$4,237.50 – Fund 25 \$4,237.50 – Fund 21)	4/30/2013
Dempsey Electric	134441	\$14,731.00 (\$7,365.50 – Fund 25 \$7,365.50 – Fund 21)	5/7/2013
KI	134747	\$12,509.44 (\$6,254.74 – Fund 25 \$6,254.74 – Fund 21)	6/11/2013

Washington West – Child Development Services Project

Vendor Name	PO Number	Amount	Substantial Completion Date
Micelli Design and Construction	133301	\$ 24,993.00	4/9/2013
Commercial Coating Co.	134440	\$ 44,850.00	4/9/2013
Piana Construction & Painting, Inc.	133356	\$ 14,015.00	4/22/2013
LA Pros	133907	\$ 20,300.00	4/22/2013
E.J. Enterprises	134181	\$ 7,710.00	4/22/2013
Direct Source Communications	133589	\$ 8,900.00	4/30/2013
Direct Source Communications	134755	\$ 11,930.10	4/30/2013
Elite Cleaning Specialists	133910	\$ 6,995.00	5/7/2013
Dempsey Electric	134582	\$ 22,053.60	5/7/2013
Direct Source Communications	135290	\$ 6,300.00	5/7/2013
California Office System Inc.	134661	\$ 10,308.38	5/8/2013

Micelli Design and Construction	134310	\$ 14,845.50	5/28/2013
Crown Disposal Co.	131088	\$ 11,647.50	6/4/2013
Prestige Striping Services	134641	\$ 6,095.00	6/4/2013
Prestige Striping Services	134750	\$ 5,345.00	6/4/2013
King Relocation Services	135258	\$ 13,940.30	6/11/2013
2MG Construction	135667	\$ 8,827.00	6/11/2013
Direct Source Communications	134437	\$ 5,800.34	6/28/2013

Malibu Middle & High School – New Building & Modernization Project

Vendor Name	PO Number	Amount	Substantial Completion Date
LA Pro AV	141591	\$ 17,400.00	08/17/2013

Santa Monica High School – Science & Technology Bldg. and Site Improvements Pjt., Phase II

Vendor Name	PO Number	Amount	Substantial Completion Date
Safe Gas Services	143195	\$ 19,969.00	12/21/2013

Edison Language Academy – New Building Project

Vendor Name	PO Number	Amount	Substantial Completion Date
South Bay Landscaping, Inc.	143196	\$ 10,325.00	01/03/2014

COMMENT: A Notice of Completion must be filed for Purchase Orders over \$25,000 and within thirty-five (35) days with the County of Los Angeles pending approval by the Board of Education.

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

TO: BOARD OF EDUCATION
 FROM: SANDRA LYON / DEBRA MOORE WASHINGTON
 RE: CERTIFICATED PERSONNEL – Elections, Separations

ACTION/CONSENT
 02/06/14

RECOMMENDATION NO. A.19

Unless otherwise noted, all items are included in the 2013/2014 approved budget.

ADDITIONAL ASSIGNMENTS

ADAMS MIDDLE SCHOOL

Bodok, Susan	\$40.46, as needed	1/25/14-6/6/14	<u>Est Hrly/\$----</u>
		TOTAL ESTABLISHED HOURLY	\$----

Comment: Saturday School
 01-Unrestricted Resource

Bon, Nancy	1.5 hrs @\$40.46	1/8/14	Est Hrly/\$61
Ransom, Barbara	1.5 hrs @\$40.46	1/8/14	<u>Est Hrly/\$61</u>
		TOTAL ESTABLISHED HOURLY	\$122

Comment: Lesson Study Planning Meeting
 01-Tier III Programs Cat Flex

Rajabali, Jahan	1.5 hrs @\$40.46	1/9/14	<u>Est Hrly/\$61</u>
		TOTAL ESTABLISHED HOURLY	\$61

Comment: Supervise Valued Youth Program
 01-Economic Impact Aid – SCE

EDUCATIONAL SERVICES

Baltrushes, Susan	6 hrs @\$40.46	1/20/14-6/13/14	Est Hrly/\$243
Harris, Stacy	6 hrs @\$40.46	1/20/14-6/13/14	Est Hrly/\$243
Held, Pamela	6 hrs @\$40.46	1/20/14-6/13/14	Est Hrly/\$243
Levy, Nancy	6 hrs @\$40.46	1/20/14-6/13/14	Est Hrly/\$243
Matthews, Jill	6 hrs @\$40.46	1/20/14-6/13/14	<u>Est Hrly/\$243</u>
		TOTAL ESTABLISHED HOURLY	\$1,215

Comment: Curriculum and Planning – Math Group
 01-RGK Foundation

Cullen, Christine	197.72 hrs @\$40.46	1/13/14-7/18/14	Est Hrly/\$8,000
Daruty, Lila	197.72 hrs @\$40.46	1/13/14-7/18/14	Est Hrly/\$8,000
Hynding, Sheri	197.72 hrs @\$40.46	1/13/14-7/18/14	Est Hrly/\$8,000
Wadsworth, Henry	197.72 hrs @\$40.46	1/13/14-7/18/14	<u>Est Hrly/\$8,000</u>
		TOTAL ESTABLISHED HOURLY	\$32,000

Comment: Summer Administrative Intern
 01-Gifts – Equity Fund

Badt, Amy	1 hr @\$40.46	1/16/14	Est Hrly/\$40
Banks, Jamila	1 hr @\$40.46	1/16/14	Est Hrly/\$40
Barba-Castro, Graciela	1 hr @\$40.46	1/16/14	Est Hrly/\$40
Berman, Lauren	1 hr @\$40.46	1/16/14	Est Hrly/\$40
Carey, Ann	1 hr @\$40.46	1/16/14	Est Hrly/\$40
Cedillo, Sofia	1 hr @\$40.46	1/16/14	Est Hrly/\$40
Chemel, Jill	1 hr @\$40.46	1/16/14	Est Hrly/\$40
Clark, Grant	1 hr @\$40.46	1/16/14	Est Hrly/\$40
Contreras, Sitara	1 hr @\$40.46	1/16/14	Est Hrly/\$40
Corpuz, Rowena	1 hr @\$40.46	1/16/14	Est Hrly/\$40
Cueva, Olga	1 hr @\$40.46	1/16/14	Est Hrly/\$40
Curry, Ed	1 hr @\$40.46	1/16/14	Est Hrly/\$40
Fullerton, Anabella	1 hr @\$40.46	1/16/14	Est Hrly/\$40

Gusmao-Garcia Williams, R.	1 hr @\$40.46	1/16/14	Est Hrly/\$40
Handelman, Catherine	1 hr @\$40.46	1/16/14	Est Hrly/\$40
Hyatt, Lova	1 hr @\$40.46	1/16/14	Est Hrly/\$40
Jauregui, Marissa	1 hr @\$40.46	1/16/14	Est Hrly/\$40
Meade, Mary	1 hr @\$40.46	1/16/14	Est Hrly/\$40
Mendelson, Karen	1 hr @\$40.46	1/16/14	Est Hrly/\$40
Moore, LaShawn	1 hr @\$40.46	1/16/14	Est Hrly/\$40
Petrilyak, David	1 hr @\$40.46	1/16/14	Est Hrly/\$40
Plasencia, Rachel	1 hr @\$40.46	1/16/14	Est Hrly/\$40
Scholder, Holly	1 hr @\$40.46	1/16/14	Est Hrly/\$40
Schwenger, Kurt	1 hr @\$40.46	1/16/14	Est Hrly/\$40
Thomas, Christine	1 hr @\$40.46	1/16/14	Est Hrly/\$40
Turner, Amy	1 hr @\$40.46	1/16/14	Est Hrly/\$40
Vasquez, Martha	1 hr @\$40.46	1/16/14	Est Hrly/\$40
Walsh, Lauren	1 hr @\$40.46	1/16/14	Est Hrly/\$40
Wetmore, Elayne	1 hr @\$40.46	1/16/14	Est Hrly/\$40
TOTAL ESTABLISHED HOURLY			\$1,160

Comment: Mandatory Training on Early Development Instrument
01-Unrestricted Resource

LINCOLN MIDDLE SCHOOL

Forte, Mark	5 hrs @\$40.46	1/10/14-6/10/14	Est Hrly/\$202
Hylind, Amy	5 hrs @\$40.46	1/10/14-6/10/14	Est Hrly/\$202
Levy, Amanda	5 hrs @\$40.46	1/10/14-6/10/14	Est Hrly/\$202
Oseguera, Christian	5 hrs @\$40.46	1/10/14-6/10/14	Est Hrly/\$202
Perez, Raymond	5 hrs @\$40.46	1/10/14-6/10/14	Est Hrly/\$202
Wallace, Gevin	5 hrs @\$40.46	1/10/14-6/10/14	Est Hrly/\$202
Walsh, Maura	5 hrs @\$40.46	1/10/14-6/10/14	Est Hrly/\$202
TOTAL ESTABLISHED HOURLY			\$1,414

Comment: ASB Dance Supervision
01-Reimbursed by ASB

Stauffer, Aimee	20.82 hrs @\$40.46	1/6/14-1/31/14	Est Hrly/\$842
TOTAL ESTABLISHED HOURLY			\$842

Comment: Second Semester Schedule Changes
01-Tier III Programs Cat Flex

MCKINLEY ELEMENTARY SCHOOL

Marks, Jamie	15 hrs @\$40.46	1/27/14-3/31/14	Est Hrly/\$607
TOTAL ESTABLISHED HOURLY			\$607

Comment: Math Intervention
01-Gifts – Equity Fund

Marshall, Kimberly	8 hrs @\$40.46	9/25/13-9/30/14	Est Hrly/\$324
TOTAL ESTABLISHED HOURLY			\$324

Comment: Read 180 Program
01-IASA: Title I Basic-LW Inc/Neg

SANTA MONICA HIGH SCHOOL

Kim, Douglas	8.5 hrs @\$40.46	8/22/13-12/20/13	Est Hrly/\$344
TOTAL ESTABLISHED HOURLY			\$344

Comment: Game Clock Keeper for Sports
01-Reimbursed by ASB

Bautista-Nicholas, Claudia	98 hrs @\$64.52	1/7/14-6/10/14	Own Hrly/\$6,323
Dunn, George Patrick	98 hrs @\$52.38	1/7/14-6/10/14	Own Hrly/\$5,133
Garcia-Hecht, Veronica	98 hrs @\$82.76	1/7/14-6/10/14	Own Hrly/\$8,110
Hobkirk, Carl	98 hrs @\$82.76	1/7/14-6/10/14	Own Hrly/\$8,110

Jimenez, Jaime	98 hrs @\$82.76	1/7/14-6/10/14	Own Hrly/\$8,110
Kim, Douglas	98 hrs @\$59.91	1/7/14-6/10/14	Own Hrly/\$5,872
Song, Kate	98 hrs @\$67.83	1/7/14-6/10/14	<u>Own Hrly/\$6,647</u>
		TOTAL OWN HOURLY	\$48,305
Comment:	6 th Period Assignment 01-Unrestricted Resource		

ADDITIONAL ASSIGNMENT – EXTRA DUTY UNITS

MCKINLEY ELEMENTARY SCHOOL

<u>Name</u>	<u>Rate</u>	<u>Assignment</u>	<u>Effective</u>	<u>Not to Exceed</u>
Cervantes, Hayde	3 EDU	5 th Grade Overnight	8/13-6/14	\$768
Sanschagrín, Marc	3 EDU	5 th Grade Overnight	8/13-6/14	\$768
Talbott, Deborah	3 EDU	5 th Grade Overnight	8/13-6/14	\$768
Treuenfels, Therese	1 EDU	GATE	8/13-6/14	<u>\$256</u>
		TOTAL EDUS		\$2,560

MALIBU HIGH SCHOOL - Athletics

<u>Name</u>	<u>Rate</u>	<u>Assignment</u>	<u>Effective</u>	<u>Not to Exceed</u>
Montgomery, Todd	13 EDU	Var. Girls Tennis	8/13-12/13	<u>\$3,328</u>
		TOTAL EDUS		\$3,328

TOTAL ESTABLISHED HOURLY, OWN HOURLY AND EXTRA DUTY UNITS = \$63,482

NEW HIRES

TEMPORARY ADMINISTRATIVE CONTRACTS

<u>Name/Assignment/Location</u>	<u>Not to Exceed</u>	<u>Effective</u>
Noveck, Mary Anna Interim Principal McKinley Elementary	100%	1/21/14-6/20/14

PROBATIONARY CONTRACTS

<u>Name/Assignment/Location</u>	<u>Not to Exceed</u>	<u>Effective</u>
Pelczar, Gregory/Mental Health Counselor Special Education	100%	1/13/14

CHANGE IN ASSIGNMENT

	<u>Effective</u>
Mi, Joyce Santa Monica HS/Math	1/1/14-6/10/14
<u>From:</u> 80%	
<u>To:</u> 100%	
Sheinbaum, Adriana Muir Elementary/Reading	1/10/14-6/10/14
<u>From:</u> 40%	
<u>To:</u> 60%	

LEAVE OF ABSENCE (with pay)

<u>Name/Location</u>	<u>Effective</u>
Culpepper, Florence Santa Monica HS	1/6/14-4/18/14 [Medical Maternity/FMLA]

Langley, Zoe CDS/Cabrillo Elementary	12/9/13-1/20/14 [Medical/FMLA]
Maiztegui, Laura Edison Elementary	1/8/14-1/23/14 [Medical/FMLA]
Ngo, Rebecca John Adams MS	4/28/14-6/30/14 [Medical Maternity/FMLA]
Robinson, Elaine Franklin Elementary	12/25/13-3/20/14 [Medical Maternity/FMLA]

LEAVE OF ABSENCE (without pay)

<u>Name/Location</u>	<u>Effective</u>
Preuss, Jennifer Lincoln MS	1/8/14-2/28/14 [CFRA]

RESIGNATION

<u>Name/Location</u>	<u>Effective</u>
Farlow, Diane Substitute Teacher/Human Resources	12/19/13
Giroux, Michelle Substitute Teacher/Human Resources	1/10/14

RETIREMENT

<u>Name/Location</u>	<u>Effective</u>
Terzian, Kathleen Substitute Teacher/Human Resources	10/29/13

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

TO: BOARD OF EDUCATION
 FROM: SANDRA LYON / BRANDON TIETZE
 RE: CLASSIFIED PERSONNEL – MERIT

ACTION/CONSENT
 02/06/14

RECOMMENDATION NO. A.20

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>NEW HIRES</u>		<u>EFFECTIVE DATE</u>
Ausman, Devon Facility Permits	Technical Theater Technician 6 Hrs/10 Mo/Range: 35 Step: F	1/6/14
Chiriboga, Giovanni McKinley ES	Custodian 8 Hrs/12 Mo/Range: 22 Step: A	1/2/14
Honore, Crystal Adams MS	Campus Security Officer 8 Hrs/10 Mo/Range: 25 Step: C	1/6/14
Nguyen, Chieu Special Education-McKinley ES	Inst Asst – Developmental Health 5 Hrs/SY/Range: 23 Step: A	12/6/13
Sebastiani, Juan Operations	Gardener 8 Hrs/12 Mo/Range: 24 Step: A	12/27/13
Spotts, Natalie Santa Monica HS	Inst Asst – Music 3 Hrs/SY/Range: 20 Step: C	12/12/13
<u>RE-EMPLOYMENT</u>		<u>EFFECTIVE DATE</u>
Ramirez, Phil Maintenance	Painter 8 Hrs/12 Mo/Range: 35 Step: F	1/2/14
<u>TEMP/ADDITIONAL ASSIGNMENTS</u>		<u>EFFECTIVE DATE</u>
Anderson, Sally Malibu HS	Senior Office Specialist [additional hours; Independent Study Program assistance]	12/1/13-6/10/14
Cary, Wendy Malibu HS	Inst Asst – Special Ed [additional hours; math intervention assistance]	12/1/13-6/10/14
Cruz, Cindy Santa Monica HS	Inst Asst – Bilingual [additional hours; assistance with tutoring]	10/1/13-6/30/14
Davis, Jessica McKinley ES	Inst Asst – Classroom [additional hours; field trip assistance]	10/31/13
Flores, Francisco Santa Monica HS	Inst Asst – Bilingual [additional hours; assistance with tutoring]	10/1/13-6/30/14
Lucas, Ralph McKinley ES	Inst Asst – Classroom [additional hours; Harvest Festival assistance]	10/25/13
Lucas, Ralph McKinley ES	Inst Asst – Classroom [additional hours; field trip assistance]	11/25/13-6/10/14

Marquez, Lily McKinley ES	Bilingual Community Liaison [overtime; IEP translation]	11/19/13
Martinez, Isabel Special Education	Inst Asst – Specialized [additional hours; professional development]	12/1/13-6/10/14
Mashkovich, Jane Special Education	Inst Asst – Specialized [additional hours; professional development]	12/1/13-6/10/14
Michael, Joshua Santa Monica HS	Athletic Trainer [overtime; athletic events]	12/2/13-12/14/13
Moore, Terrance Malibu HS	Inst Asst – Special Ed [additional hours; assistance with tutoring]	10/1/13-6/10/14
Sargent, Darren Santa Monica HS	Campus Security Officer [additional hours; construction security]	1/6/14-3/31/14
Savage, Stephanie Santa Monica HS	Senior Office Specialist [overtime; football games ticket sales]	12/1/13-6/10/14
Stanton, Jill Information Svcs	Computer Operator [overtime; data transfer]	11/1/13-12/13/13
Venable, Terance II Facility Permits	Custodian [additional hours; Facility Permits events]	1/1/14-6/30/14
<u>SUBSTITUTES</u>		<u>EFFECTIVE DATE</u>
Anderson, Janice Health Services	Health Office Specialist	12/10/13-6/10/14
Ayala, Erick Lincoln MS	Inst Asst – Bilingual	1/6/14-6/13/14
Fuentes, Mario Operations	Gardener	12/10/13-6/30/14
Gonzalez, Jose Malibu HS	Campus Security Officer	12/1/13-6/10/14
Gonzalez, Monica Malibu HS	Campus Security Officer	12/1/13-6/10/14
Johnson, Deshay Operations	Custodian	1/9/14-6/30/14
Joseph, Stephen District	Campus Security Officer	12/17/13-6/30/14
Krekorian, Anita Special Education	Inst Asst – Special Ed	1/9/14-6/30/14
Levy, Robin Special Education	Inst Asst – Special Ed	12/13/13-6/30/14
Lopez, Jorge Maintenance	HVAC Mechanic	1/20/14-6/30/14
Mamon, Stephanie Operations	Custodian	1/9/14-6/30/14

Morales, Daniel Child Develop Svcs	Children's Center Asst	1/9/14-6/30/14
Wilson, Terry Malibu HS	Campus Security Officer	12/1/13-6/10/14
Wright, Lewis Malibu HS	Campus Security Officer	12/1/13-6/10/14
<u>INVOLUNTARY TRANSFER</u>		<u>EFFECTIVE DATE</u>
Gonzalez, April Webster ES	Inst Asst – Special Ed 6 Hrs/SY From: 6 Hrs/SY/Special Education - Floater	11/22/13
Odom, Lamont McKinley ES-Day Shift	Custodian 8 Hrs/12 Mo From: 8 Hrs/12 Mo/McKinley ES-Night Shift	1/2/14
Quintanilla, Albert Webster ES	Inst Asst – Special Ed 6 Hrs/SY From: 6 Hrs/SY/Special Education - Floater	11/22/13
<u>VOLUNTARY TRANSFER IN LIEU OF LAYOFF</u>		
Brown, Elizabeth Special Education	Inst Asst – Special Ed 6 Hrs/SY From: 6 Hrs/SY/Santa Monica HS	12/13/13
<u>LEAVE OF ABSENCE (PAID)</u>		<u>EFFECTIVE DATE</u>
Zaki, Emil Food and Nutrition Svcs	Cafeteria Worker I Medical	1/1/14-4/30/14
<u>PROFESSIONAL GROWTH</u>		<u>EFFECTIVE DATE</u>
Aldana, Monica Grant ES	Health Office Specialist	2/1/14
Johnson, Kerri Lincoln MS	Inst Asst – Special Ed	1/1/14
Perez, Grace Child Develop Svcs-Rogers ES	Children's Center Asst	1/1/14
Reyes, Pedro Maintenance	Electrician	1/1/14
Tabones, Remigio Maintenance	Electrician	2/1/14
<u>WORKING OUT OF CLASS</u>		<u>EFFECTIVE DATE</u>
Hartley, Logan Rogers ES	Physical Activities Specialist From: Inst Asst – Physical Education	12/2/13-1/31/14
Parker, Stephen Maintenance	Carpenter From: Skilled Maintenance Worker	12/19/13-12/31/13

TO: BOARD OF EDUCATION

ACTION/CONSENT

02/06/14

FROM: SANDRA LYON / DEBRA MOORE WASHINGTON /BRANDON TIETZE

RE: CLASSIFIED PERSONNEL – NON-MERIT

RECOMMENDATION NO. A.21

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.

AVID TUTOR

Jaffe, Samantha	Lincoln MS	12/17/13-6/10/14
Nicholas, Nico	Lincoln MS	12/13/13-6/10/14

COACHING ASSISTANT

Carter-Aaron, Lysandra	Santa Monica HS	1/7/14-6/30/14
Doyle, Joseph	Santa Monica HS	12/16/13-6/30/14
Donohoe, Chris	Santa Monica HS	12/16/13-6/30/14
Freedman, Will	Santa Monica HS	12/2/13-6/30/14
Hubert, Daniel	Santa Monica HS	12/16/13-6/30/14
Jozkowicz, Arthur	Santa Monica HS	12/16/13-6/30/14
Moreno, Ashlee	Santa Monica HS	12/2/13-6/30/14
Morra, Dominic	Santa Monica HS	12/2/13-6/30/14
Mujic, Edi	Malibu HS	12/1/13-6/30/14

NOON SUPERVISION AIDE

Davis, Joshua	Adams MS	1/7/14-6/10/14
Mesrobian, Krikor	Rogers ES	12/2/13-6/10/14

TECHNICAL SPECIALIST – LEVEL I

Avalos, Maria	Special Education [Psychologist Intern] - Funding: Special Education	8/22/13-6/10/14
Brinkworth, Shannon	Special Education [Psychologist Intern] - Funding: Special Education	8/22/13-6/10/14
Francis, Maryann	Special Education [Psychologist Intern] - Funding: Special Education	8/22/13-6/10/14
Harris, Jenna	Special Education [Psychologist Intern] - Funding: Special Education	8/22/13-6/10/14
Lamens, Gina	Special Education [Psychologist Intern] - Funding: Special Education	8/22/13-6/10/14

TO: BOARD OF EDUCATION

ACTION/CONSENT

02/06/14

FROM: SANDRA LYON / TERRY DELORIA / SARA WOOLVERTON

RE: INCREASE IN STAFFING (FTE) – SPECIAL EDUCATION

RECOMMENDATION NO. A.22

It is recommended that the Board of Education approve four (4) 6-hour, (0.75 FTE) Instructional Assistant – Special Education positions in order comply with IEP requirements for students supported by Special Education services. (Total FTE = 3.00 FTE)

FUNDING NOTE: The 2013-2014 budget will be adjusted \$83,648 for salary and benefits.

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

TO: BOARD OF EDUCATION

ACTION/CONSENT

02/20/14

FROM: SANDRA LYON

RE: ADOPT BOARD OF EDUCATION MEETING SCHEDULE – 2014-15

RECOMMENDATION NO. A.23

It is recommended that the Board of Education adopt its meeting schedule for the 2014-15 school year. Meetings will continue to be held at the district office and the Malibu City Council Chambers.

COMMENT: The schedule of meetings appears on the attached page and will be printed in every agenda as part of the Table of Contents.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

SMMUSD Board of Education Meeting Schedule 2014-2015

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

July through December 2014					
Month	1 st Thursday	2 nd Thursday	3 rd Thursday	4 th Thursday	Special Note:
July			7/16* DO		*Wednesday, 7/16
August		8/13* DO		8/28 DO	*Wednesday: 8/13 First day of school: 8/19
September	9/4* DO		9/18 DO	9/25* DO	*9/4: MS Back to School Night *9/25: Admissions Day Holiday
October	10/2 M		10/16 DO	10/30* DO	*10/30: 5 th Thursday
November	11/6 M		11/20 DO		Thanksgiving: 11/27-28
December		12/11 DO		winter break	
Winter Break: December 22 – January 2					
January through June 2015					
Winter Break: December 22 – January 2					
January	winter break	1/15 DO			
February	2/5 M		2/19 DO		
March	3/5 DO		3/19 M		
Spring Break: March 30 – April 10					
April	spring break	spring break		4/23 DO	
May	5/7 M		5/21 DO		
June		6/11 DO		6/24* DO	Last day of school: 6/5 *Wednesday: 6/24

District Office (DO): 1651 16th Street, Santa Monica.
 Malibu City Council Chambers (M): 23815 Stuart Ranch Road, Malibu, CA

TO: BOARD OF EDUCATION

ACTION/CONSENT

02/06/14

FROM: SANDRA LYON / TERRY DELORIA / MARK KELLY

RE: REVISE BP 5117 – INTERDISTRICT ATTENDANCE

RECOMMENDATION NO. A.24

It is recommended that the Board of Education revise BP 5117 – Interdistrict Attendance.

COMMENT: This item came forward for board discussion at the January 16, 2014, board meeting.

Traditionally, the board reviews BP/AR 5117 and BP/AR 5116.1 in February; however, in order to make applications available sooner to adjust for the earlier start to the school year, staff is asking the board to discuss potential changes in January and approve any changes in early February.

As written, both BP/AR 5117 and BP/AR 5116.1 give the district the necessary flexibility to accommodate requests for intradistrict transfers and accept students from outside the district. Staff is recommending the below listed changes to the language of BP and AR 5117.

Proposed Revisions to BP 5117:

- Change Section E to read, “The district will accept applications for interdistrict permits in grades TK through 11.”
 - Rationale: Including TK will allow maximum flexibility. Approval is still subject to space available.
- Change section E1 to read, “...2014-15,” school year.
- Insert “non-Title I” to the end of Section F2 to read, “all students enrolled in that school shall be provided an option to transfer to another non-Title I district school.”
 - Rationale: Students seeking a program improvement (PI) transfer may only transfer to a non-Title I (i.e. non-PI) school.
- Add to Section F4 a subsection “i” that states, “Students requesting to be admitted who do not meet any criteria described in Section F1-F4h.”
 - Rationale: Allows for a student to be accepted who does not meet any of the other criteria, but who seeks to enroll in the district. Reflects what has been practiced for school with more space available.

Proposed Revisions to AR 5117 (Item No. I.03 in this agenda):

- Modify section header to read, “Conditions for Accepting and Retaining Interdistrict Attendance Permits.”
 - Rationale: Clarifies content of the section.
- Add to the “Conditions for Accepting and Retaining Interdistrict Attendance Permits” section:
 - “...there must be an existing opening in the class, grade level, educational program and school to which the student seeking interdistrict permit would be initially enrolled.”
 - Rationale: Clarifies that a permit may not be approved because there is no opening in the *educational program* that meets the student’s needs.
 - Add to Section 3, “Additionally, approval is contingent on applicants demonstrating they meet standards for retaining a

permit, including standards of behavior, attendance or academic effort. The district will not pay excess costs to provide specialized services to students on permit.”

- Rationale: Reflects language in the policy that is not addressed in the regulation.

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

Interdistrict Attendance

- A. Although students generally must attend school in the district and school where their residence has been established, the Santa Monica-Malibu School District Board of Education 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.

Parents must submit verification of continuing enrollment annually. 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 submit a verification of continuing enrollment annually. The Ellis Act allows California apartment owners to evict tenants if the landlords intend to withdraw their units from the rental market.

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, will be allowed to remain in the Santa Monica-Malibu School district as permit students, upon receiving a permit release from their district of residence and meeting all the conditions of students attending Santa Monica-Malibu Unified School District on a permit. Permits will be granted per the language of sections D and F below.

- 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. Additionally, approval is contingent on applicants demonstrating they meet requirements for retaining a permit including standards of behavior, attendance and academic effort. The district will not pay excess costs to provide specialized services to students on permit.
- E. The district will accept applications for interdistrict permits in grades ~~K~~ TK through 11. Permits will be granted per the language of section D. above.

1. The total number of all new interdistrict permits that will be accepted and approved for the ~~2013-2014~~ 2014-2015 school year will not exceed 300.
 - a. The total number of new permits accepted and approved for kindergarten will not exceed 50.
 - b. The total number of new permits accepted and approved for grades 1 through 5 will be issued on a space available basis.
 - c. The total number of new permits accepted and approved for John Adams Middle School and Lincoln Middle School for grade 6 will not exceed 10.
 - d. The total number of new permits accepted and approved for grades 7 and 8 at John Adams Middle School and Lincoln Middle School will not exceed 10 per grade level.
 - e. The total number of permits accepted and approved for grades 9 through 11 at Santa Monica High School will not exceed 20 per grade level.
 - f. Permits will be accepted to Olympic High School on a case by case basis for students currently enrolled in SMMUSD.
 - g. The district will continue to accept all permit applications to Malibu schools.
 - h. International High School students will be accepted and approved on a case-by-case basis.
 2. All students currently attending on an interdistrict permit will be allowed to remain in the district until they leave or graduate, assuming that they submit a verification of continuing enrollment annually and uphold appropriate standards of behavior, attendance, and academic effort. Interdistrict attendance permits for 11th and 12th graders may not be rescinded.
 3. 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. If a district school receiving Title I funds is identified for program improvement, corrective action, or restructuring, all students enrolled in that school shall be provided an option to transfer to another non-Title I district school or charter school. (20 USC 6316)

3. 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 (K-12) 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.

4. If space, staffing and budget allow, interdistrict permits for:
 - a. 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.
 - b. Siblings of current interdistrict permit holders. If a permit is received (granted) there is no guarantee of same-school placement. On-going permit holders are not affected and will continue in the home school being currently attended.
 - c. International High School students on a case-by-case basis.
 - d. Children of employees of the cities of Malibu or Santa Monica.
 - e. Children of full-time, permanent employees of Santa Monica College.
 - f. Children of alumni of Santa Monica High School, Malibu High School, or Olympic High School. Parent must attach a copy of graduation diploma to the permit application.
 - g. Grandchildren of individuals who have been living within the boundaries of SMMUSD for a minimum of five years.
 - h. Children of individuals working within the boundaries of SMMUSD.
 - i. Students requesting to be admitted who do not meet any criteria described in Section F1-F4h.

Legal Reference:

EDUCATION CODE

[41020](#) Annual district audits

[46600-46611](#) Interdistrict attendance agreements

[48204](#) Residency requirements for school attendance

[48300-48316](#) Student attendance alternatives, school district of choice program

[48350-48361](#) Open Enrollment Act

[48915](#) Expulsion; particular circumstances

[48915.1](#) Expelled individuals: enrollment in another district

[48918](#) Rules governing expulsion procedures

[48980](#) Notice at beginning of term

[52317](#) Regional Occupational Center/Program, enrollment of students, interdistrict attendance

ATTORNEY GENERAL OPINIONS

87 Ops.Cal.Atty.Gen. 132 (2004)

84 Ops.Cal.Atty.Gen. 198 (2001)

COURT DECISIONS

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

Policy SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT

adopted: January 27, 1994 Santa Monica, California

**revised: February 17, 2005; February 20, 2003; March 3, 2011; March 15, 2012;
March 5, 2013; February 6, 2014**

TO: BOARD OF EDUCATION

ACTION/CONSENT

02/06/14

FROM: SANDRA LYON / TERRY DELORIA / MARK KELLY

RE: REVISE BP 5116.1 – INTRADISTRICT OPEN ENROLLMENT

RECOMMENDATION NO. A.25

It is recommended that the Board of Education revise BP 5116.1 – Intradistrict Open Enrollment.

COMMENT: This item came forward for board discussion at the January 16, 2014, board meeting.

Traditionally, the board reviews BP/AR 5117 and BP/AR 5116.1 in February; however, in order to make applications available sooner to adjust for the earlier start to the school year, staff is asking the board to discuss potential changes in January and approve any changes in early February.

As written, both BP/AR 5117 and BP/AR 5116.1 give the district the necessary flexibility to accommodate requests for intradistrict transfers and accept students from outside the district. Staff is recommending the below listed changes to the language of BP and AR 5117.

Proposed Revisions to BP 5116.1:

- Insert “non-Title I” to subsection 2 of the “Enrollment Priorities” section to read, “...all students enrolled in that school shall be provided an option to transfer to another non-Title I district school.”
 - Rationale: Students seeking a program improvement (PI) transfer may only transfer to a non-Title I (i.e. non-PI) school.

Proposed Revisions to AR 5116.1 (Item No. I.04 in this agenda):

- Make the following changes to the “Other Intradistrict Open Enrollment” section:
 - “The Superintendent or designee shall identify those schools which may have space available for additional students. ~~A list of these schools and open enrollment applications shall be available at all school office.~~ A list of schools which may have space available shall be maintained by the district’s Student Services Department. Intradistrict open enrollment applications shall be available at all school offices and at the District Office.
 - Rationale: It is not practical for school sites to maintain an up-to-date lists of schools with available space. This is best done by the Student Service Department. Schools have applications and do provide them upon request.
 - “Students of parents/guardians who submit applications to the district by ~~May 31~~ April 30 shall be eligible for consideration for admission to their school of choice the following school year under the district’s open enrollment policy.”
 - Rationale: Earlier due date adjusted for early start of school year. Given that intradistrict permits take priority over interdistrict permits, it is advisable that we have an earlier due date.
 - “Enrollment in a school of choice shall be determined by lot from the eligible applicant pool. ~~And a waiting list shall be established~~

~~to indicate the order in which applicants may be accepted if openings occur during the year. Late applicants shall not be added to the waiting list for the current year.~~

- Rationale: It is impractical to maintain such a waiting list and doing so makes it difficult for administrators to manage enrollment at their school sites. Student Services continuously monitors space availability and makes alternative offers to families, including revisiting requests over time.
- “Approved applicants must confirm their enrollment within ~~10~~ 5 school days.”
 - Rationale: In practice, the district asks families to respond within 24 hours; five days is a reasonable response time.

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

Intradistrict Open Enrollment

The Board of Education desires to provide enrollment options that meet the diverse needs and interests of district students. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy, and administrative regulation.

The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of residence within the district. (Education Code [35160.5](#))

The Board shall annually review this policy. (Education Code [35160.5](#), [48980](#))

Enrollment Priorities

Priority for attendance outside a student's attendance area shall be given as follows:

1. The Board believes it is the best interest of students that firm ties are established between families and schools. Therefore, once a family has received an intradistrict permit, the receiving school shall be regarded as the home school of that family, and all siblings in the family may attend that school. Enrollment of intradistrict siblings will be automatic, and shall not be subject to permit priorities or space availability.
2. If a district school receiving Title I funds is identified for program improvement, corrective action, or restructuring, all students enrolled in that school shall be provided an option to transfer to another non-Title I district school or charter school. (20 USC [6316](#))
3. If while on school grounds a student becomes the victim of a violent criminal offense, he/she shall be provided an option to transfer to another district school or charter school. (20 USC [7912](#))
4. If a student attends a school designated by the California Department of Education as "persistently dangerous," he/she shall be provided an option to transfer to another district school or charter school. (20 USC [7912](#); 5 CCR [11992](#))
5. The Superintendent or designee may approve a student's transfer to a district school that is at capacity and otherwise closed to transfers upon finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area, including, but not limited to, threats of bodily harm or threats to the emotional stability of the student.

To grant priority under these circumstances, the Superintendent or designee must have received either: (Education Code [35160.5](#))

- a. A written statement from a representative of an appropriate state or local agency, such as a law enforcement official, social worker, or a properly licensed or registered professional, such as a psychiatrist, psychologist, or marriage and family therapist
- b. A court order, including a temporary restraining order and injunction

For all other applications for enrollment from outside a school's attendance area, the Superintendent or designee shall use a random, unbiased selection process to determine who shall be admitted whenever the school receives admission requests that are in excess of the

school's capacity. A school's capacity shall be calculated in a nonarbitrary manner using student enrollment and available space. (Education Code [35160.5](#))

Enrollment decisions shall not be based on a student's academic or athletic performance, except that existing entrance criteria for specialized schools or programs may be used provided that the criteria are uniformly applied to all applicants. Academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students. (Education Code [35160.5](#))

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area. (Education Code [35160.5](#))

Transportation

Except as required by 20 USC [6316](#) for transfers out of Title I program improvement schools, the district shall not be obligated to provide transportation for students who attend school outside their attendance area.

Legal Reference:

EDUCATION CODE

[200](#) Prohibition against discrimination

[35160.5](#) District policies; rules and regulations

[35291](#) Rules

[35351](#) Assignment of students to particular schools

[46600-46611](#) Interdistrict attendance agreements

[48200](#) Compulsory attendance

[48204](#) Residency requirements for school attendance

[48300-48316](#) Student attendance alternatives, school district of choice program

[48350-48361](#) Open Enrollment Act

[48980](#) Notice at beginning of term

CODE OF REGULATIONS, TITLE 5

[11992-11994](#) Definition of persistently dangerous schools

UNITED STATES CODE, TITLE 20

[6316](#) Transfers from program improvement schools

[7912](#) Transfers from persistently dangerous schools

CODE OF FEDERAL REGULATIONS, TITLE 34

[200.36](#) Dissemination of information

[200.37](#) Notice of program improvement status, option to transfer

[200.39](#) Program improvement, transfer option

[200.42](#) Corrective action, transfer option

[200.43](#) Restructuring, transfer option

[200.44](#) Public school choice, program improvement schools

[200.48](#) Transportation funding for public school choice

COURT DECISIONS

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

ATTORNEY GENERAL OPINIONS

85 Ops.Cal.Atty.Gen. 95 (2002)

Management Resources:

U.S. DEPARTMENT OF EDUCATION NONREGULATORY GUIDANCE

Public School Choice, January 2009

Unsafe School Choice Option, May 2004

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, *Unsafe School Choice Option*: <http://www.cde.ca.gov/ls/ss/se/usco.asp>

U.S. Department of Education, *No Child Left Behind*: <http://www.nclb.gov>

**Policy SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
adopted: August 19, 2009 Santa Monica, California
revised: September 8, 2011; February 6, 2014**

DISCUSSION ITEMS

TO: BOARD OF EDUCATION

DISCUSSION

02/06/14

FROM: SANDRA LYON / DEBRA MOORE WASHINGTON

RE: ENROLLMENT PROJECTIONS REPORT – DECISIONINSITE

DISCUSSION ITEM NO. D.01

The Board of Education continues to authorize a detailed study of enrollment projections by DecisionInsite, a private company specializing in this area. The board will hear a presentation on enrollment projections for the 2014/2015 school year, which are based not only on enrollment in prior years, but on outside factors related to census data.

Staff will be using the projection data for staffing allocations for the 2014/2015 school year, and will soon begin sharing the enrollment projections and initial staffing recommendations with schools.

District staff and Dr. Dean Waldfogel, Vice President of DecisionInsite, will be available for questions and discussion at the meeting.

TO: BOARD OF EDUCATION
FROM SANDRA LYON / JANECE L. MAEZ
RE: BUDGET UPDATE

DISCUSSION
02/06/14

DISCUSSION ITEM NO. D.02

In mid-January, staff attended a workshop updating school districts on Governor Brown's proposed budget for 2014-15. This discussion item will allow staff to update the Board of Education on information presented at that workshop.

TO: BOARD OF EDUCATION

DISCUSSION

02/06/14

FROM: SANDRA LYON / TERRY DELORIA

RE: EQUITY AND ACCESS FOR STUDENT SUCCESS UPATE

DISCUSSION ITEM NO. D.03

The District's Equity and Access for Student Success plan is designed to significantly close opportunity gaps over five years plan by focusing on four components:

1. School and District Culture
2. Teaching and Learning
3. Mentoring and Advocacy
4. Policy and Practice

An update of activities/tasks identified in the 2013-14 timeline will be presented this evening.

TO: BOARD OF EDUCATION

DISCUSSION

02/06/14

FROM: SANDRA LYON / TERRY DELORIA

RE: LOCAL CONTROL ACCOUNTABILITY PLAN (LCAP)

DISCUSSION ITEM NO. D.04

The Local Control Accountability Plan (LCAP), an important component of the Local Control Funding Formula (LCFF), describes how a district intends to meet annual goals for all students. Corresponding activities must address state and local priorities identified pursuant to EC Section 52060(d). Staff will provide additional details on LCAP as it relates to budget development and outline the District's LCAP/LCFF process.

TO: BOARD OF EDUCATION DISCUSSION
02/06/14

FROM: SANDRA LYON / DEBRA MOORE WASHINGTON / JANECE L. MAEZ

RE: AGREEMENT BETWEEN THE SANTA MONICA-MALIBU CLASSROOM
TEACHERS ASSOCIATION (SMMCTA) AND THE SANTA MONICA-MALIBU
UNIFIED SCHOOL DISTRICT (SMMUSD)

DISCUSSION ITEM NO. D.05

It is recommended that the Board of Education consider the terms of the Collective Bargaining Agreement Contract reached with Santa Monica-Malibu Classroom Teachers Association (SMMCTA) and the District covering the period beginning July 1, 2012 and ending June 30, 2015.

COMMENT: SMMCTA and District negotiating teams reached a Tentative Agreement (TA) on the contract on December 19, 2013. It is expected that the results of SMMCTA's membership vote will be announced before February 20, 2014.

Of note, the fully-completed AB 1200 analysis has been submitted to the Los Angeles County Office of Education (LACOE) Business Services Section. Their review of the document has been completed.

This item in its current format will return for Action at the February 20, 2014 Board Meeting. In accordance with the AB 1200, the Public Disclosure requirement of the Collective Bargaining Agreement form will be provided. This information will be made available to the public via posting at least ten days prior to the Board of Education considering this item for action at the February 20, 2014 Board Meeting.

The components of the changes to the Agreement include:

Article I Recognition – modified

Article V Grievance and Arbitration Procedures – added a mediation step

Article VI Assigned Days and Hours of Work

A. An additional day (pupil-free) will be added to the District calendar beginning with the 2014-15 school year for Professional Development (revised calendar attached). Required working days will be revised as follows: CDS Teachers = 183 days; Teachers, Librarians and Nurses = 184 days; HS Counselors = 194 days; MS Counselors = 201 days; Student Support Specialists = 196 days.

B.8. Modified Day – principal and staff development team will plan 3 of the 4 days

Article XXIII Salary

Except where indicated, effective July 1, 2013, compensation for the following schedules or categories shall be increased by four percent (4%):

- Certificated Teaching/Counseling Salary Schedule
- Child Development Services Teachers' Salary Schedule
- Adult Education/ROP Hourly Teachers
- Doctoral Stipend
- MA Stipend
- Special Education Stipend
- Adult Ed/ROP Teachers Established Hourly Rate
- Adult Ed Substitutes, Established Hourly, Home Teachers, Saturday Work Study (effective Feb. 1, 2014)

- Substitute Teachers – Daily Rate (effective Feb. 1, 2014)
- Substitute Teachers – Preferred/Designation Rate (Effective Feb. 1, 2014)
- Substitute Teachers – Long-Term Rate
- Substitute Teachers – Child Development Program (TBD)
- Department Chairs
- EDU Rate (effective Feb. 1, 2014)

Article XXIV Additional Compensation

National Board Certification after 7/1/14 shall be compensated with an annual stipend equal to the doctoral stipend.

Article XXV Health Benefits

For certificated employees with a hire date on or after July 1, 2014, the District shall provide each qualifying unit member a supplement for health benefits equal to 95% of the lowest HMO premium plus the cost of single party Delta Dental or PMI.

Article XXXIV Miscellaneous – modified

Article XXXVI Term of Agreement

July 1, 2012, to June 30, 2015.

MOU

The District will provide a one-time Early Retirement Notification Bonus for the 2013-14 school year. Eligible employees will receive a \$5,000 bonus for providing an irrevocable Letter of Retirement by March 7, 2014.

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT

2014-2015 District Calendar - Revised (Added 8/14 Professional Develop Day)

Approved by the Board of Education: tbd

July 2014					August 2014					September 2014				
M	T	W	Th	F	M	T	W	Th	F	M	T	W	Th	F
	1	2	3	4	4	5	6	7	8	1	2	3	4	5
7	8	9	10	11	11	12	13	14	15	8	9	10	11	12
14	15	16	17	18	18	19	20	21	22	15	16	17	18	19
20	21	22	23	24	25	26	27	28	29	22	23	24	25	26
28	29	30	31							29	30			

October 2014					November 2014					December 2014				
M	T	W	Th	F	M	T	W	Th	F	M	T	W	Th	F
		1	2	3	3	4	5	6	7	1	2	3	4	5
6	7	8	9	10	10	11	12	13	14	8	9	10	11	12
13	14	15	16	17	17	18	19	20	21	15	16	17	18	19
20	21	22	23	24	24	25	26	27	28	22	23	24	25	26
27	28	29	30	31						29	30	31		

January 2015					February 2015					March 2015				
M	T	W	Th	F	M	T	W	Th	F	M	T	W	Th	F
			1	2	2	3	4	5	6	2	3	4	5	6
5	6	7	8	9	9	10	11	12	13	9	10	11	12	13
12	13	14	15	16	16	17	18	19	20	16	17	18	19	20
19	20	21	22	23	23	24	25	26	27	23	24	25	26	27
26	27	28	29	30						30	31			

April 2015					May 2015					June 2015				
M	T	W	Th	F	M	T	W	Th	F	M	T	W	Th	F
		1	2	3	4	5	6	7	8	1	2	3	4	5
6	7	8	9	10	11	12	13	14	15	8	9	10	11	12
13	14	15	16	17	18	19	20	21	22	15	16	17	18	19
20	21	22	23	24	25	26	27	28	29	22	23	24	25	26
27	28	29	30							29	30			

- Legend:
- = First/Last Day of School
 - = Legal Holiday
 - ▤ = Local Holiday (schools/offices closed)
 - ▥ = School Recess (classes not in session)
 - △ = Pupil Free Days (no school for students)
 - ▴ = Elem. Pupil Free Day (no school -elem students)
 - ▾ = Sec. Pupil Free Day (no school -sec students)
 - ◊ = Certificated Staff Development Day

Employee Work Dates:

Sept. 1, 2014-June 30, 2015:* Classified 11-Month
 *must work 22 days in July/August, 2014
 Aug. 5, 2014-June 17, 2015: Classified 10 +10
 Aug. 12, 2014-June 10, 2015: Classified 10-Month
Aug. 14, 2014-June 5, 2015: Certificated/184 Days
Aug. 15, 2014-June 5, 2015: Certif-CDS/183 Days
 Aug. 18, 2014-June 5, 2015: Classified School Year



1/21/2014

First Day of Instruction:
 - Tuesday, August 19, 2014

Last Day of Instruction:
 - Friday, June 5, 2015

Certificated Staff Development Days:
 (No Students)
 - Thursday, August 14, 2014
 - Friday, August 15, 2014

HOLIDAYS:
 July 4: 4th of July Holiday
 Sept. 1: Labor Day Holiday
 Sept. 25: Admissions Day (observed)
 Nov. 11: Veteran's Day Holiday
 Nov. 27-28: Thanksgiving Holidays
 Dec. 24-25: Christmas Holidays
 Dec. 31-Jan 1: New Years Holidays
 Jan 19: Martin Luther King Jr. Holiday
 Feb. 16: Presidents' Day Holiday
 Apr 3, 6: Spring Break Holidays
 May 25: Memorial Day Holiday

SCHOOL RECESSES:
 Dec. 22-Jan 2: Winter Recess
 Mar 30-Apr 10: Spring Recess

PUPIL-FREE DAYS:
Aug. 14: All Students
 Aug. 15: All Students
 Aug. 18: All Students
 Oct. 29: Elementary Students Only
 Jan. 5: Secondary Students Only

MINIMUM DAYS:
 Elementary: Aug. 19, Aug. 27, Sept. 3, Oct. 30, 31, Nov. 3, 4, 5, May 20, June 5
 Santa Monica Middle Schools: Sept. 4, Nov. 26, Dec. 19, Mar. 27, Apr. 23, June 4, June 5, + 1 discretionary
 Malibu MS/HS: Sept. 4, 9, Nov. 26, Dec. 17, 18, March 10, June 2, 3, 4 + 1 discretionary
 Samohi: Sept. 9, Dec. 16, 17, 18, 19, Mar. 10, June 2, 3, 4, 5
 Olympic HS: Sept. 16, Nov. 26, May 5, 28, 29, June 1, 2, 3, 4, 5

Teacher Work Days: 184
 Student Days: 180

1st Semester: Aug. 19 - Dec. 19 (84 days)
 2nd Semester: Jan. 6 - June 5 (96 days)

Back to School Nights:
 Wed. Aug. 27 - Elem K-2
 Wed. Sept. 3 - Elem 3-5
 Thurs. Sept. 4 - Middle School
 Tues. Sept. 9 - High School
 Tues. Sept. 16 - Olympic HS

Open House Nights:
 Wed. May 20 - Elementary
 Thurs. April 23 - SM Middle Schools
 Tues. March 10 - Malibu MS/HS and Samohi
 Tues. May 5 - Olympic HS

Promotions/Graduations:
 Wed. June 3 - Elementary
 Fri. June 5 - Middle School
 Thurs. June 4 - MHS 2:00 pm
 - Samohi 5:30 pm
 Wed. June 3 - Olympic HS 5:30 pm

Parent Conference Days (TK-5):
 Oct. 29 - Nov. 5, 2014

Testing Dates:
 AP Testing: May 4- May 15, 2015
 State Testing: TBD

TK/Kindergarten Roundup:
 Feb. 24-26, 2015

Final Exams:
 Malibu MS/HS: Dec. 17-19, 2014
 June 2-4, 2015
 Samohi: Dec. 16-19, 2014
 June 1-4, 2015

Summer School:
 IISS: June 15-July 10, 2015
 Credit Recovery: June 15-Jul 17, 2015
 ESY: June 15-July 10, 2015

TK-5 Grading Periods:
 Conference: Oct. 29, 2014
 Winter Grading: Feb. 6, 2015
 Spring Grading: June 5, 2015

6-12 Grading Periods
 Aug. 19 - Oct. 3, 2014
 Oct. 6- Nov. 7, 2014
 Nov. 10 - Dec. 19, 2014
 Jan. 6 - Feb. 20, 2015
 Feb. 23 - April 24, 2015
 April 27 - June 5, 2015

**Los Angeles County Office of Education
Division of Business Advisory Services**

**PUBLIC DISCLOSURE OF PROPOSED COLLECTIVE BARGAINING AGREEMENT
in accordance with AB 1200 (Chapter 1213/1991), GC 3540.2(a), GC 3547.5, and CCR, Title V, Section 15449**

Name of School District:	SANTA MONICA-MALIBU USD
Name of Bargaining Unit:	SANTA MONICA-MALIBU CLASSROOM TEACHERS ASSOCIATION
Certificated, Classified, Other:	CERTIFICATED

The proposed agreement covers the period beginning: July 1, 2012 and ending: June 30, 2015
(date) (date)

The Governing Board will act upon this agreement on: February 20, 2014
(date)

Note: This form, along with a copy of the proposed agreement, must be submitted to the County Office at least ten (10) working days prior to the date the Governing Board will take action.

A. Proposed Change in Compensation

Bargaining Unit Compensation All Funds - Combined	Current Budget (Prior to Proposed Agreement)	Fiscal Impact of Proposed Agreement (Complete Years 2 and 3 for multiyear and overlapping agreements only)		
		Year 1 Increase/(Decrease)	Year 2 Increase/(Decrease)	Year 3 Increase/(Decrease)
		2013-14	2014-15	2015-16
1. Salary Schedule Including Step and Column	\$ 49,068,075	\$ 1,962,723	\$ -	\$ -
		4.00%	0.00%	0.00%
2. Other Compensation Stipends, Bonuses, Longevity, Overtime, Differential, Callback or Standby Pay, etc.	\$ -	\$ -	\$ -	\$ -
Description of Other Compensation				
3. Statutory Benefits - STRS, PERS, FICA, WC, UI, Medicare, etc.	\$ 6,771,394	\$ 270,857	\$ -	\$ -
		4.00%	0.00%	0.00%
4. Health/Welfare Plans	\$ 7,733,489	\$ -	\$ (19,164)	\$ (19,164)
		0.00%	-0.25%	-0.25%
5. Total Bargaining Unit Compensation Add Items 1 through 4 to equal 5	\$ 63,572,958	\$ 2,233,580	\$ (19,164)	\$ (19,164)
		3.51%	-0.03%	-0.03%
6. Total Number of Bargaining Unit Employees (Use FTEs if appropriate)	614.20			
7. Total Compensation Average Cost per Bargaining Unit Employee	\$ 103,505	3636.57	-31.20	-31.20
		3.51%	-0.03%	-0.03%

SANTA MONICA-MALIBU USD
SANTA MONICA-MALIBU CLASSROOM TEACHERS ASSOCIATION

8. What was the negotiated percentage change? For example, if the change in "Year 1" was for less than a full year, what is the annualized percentage of that change for "Year 1"?

The salary schedules will increase by 4%, retroactive to July 1, 2013. The retroactive change will include the masters and doctorate degree stipends, ROP, CDS, Adult School and Long Term Substitutes as well as Department Chair stipends. The term of the contract is through June 30, 2015 with no reopeners in the 2014-15 fiscal year.

9. Were any additional steps, columns, or ranges added to the salary schedules? (If yes, please explain.)

No.

10. Please include comments and explanations as necessary. (If more room is necessary, please attach an additional sheet.)

For unit members receiving a National Board stipend that is either new or renewed beginning July 1, 2014 compensation be at an amount equal to that of the doctorate degree stipend. Those who submit by June 30, 2014 will be compensated following current contract language.

11. Does this bargaining unit have a negotiated cap for Health and Welfare Yes No

If yes, please describe the cap amount.

For unit members employed by the end of the 2013-14 school year there is no change to existing language. They have the option to select any tier of HMO coverage with no contribution or they may select PERSChoice single party with no contribution. Selecting coverage other than those listed will result in an employee contribution for amount above the Kaiser rate.

Unit members employed after June 30, 2013 will be capped at 95% of the lowest HMO rate for the tier they select and will contribute any premium amount above that level.

- B. Proposed negotiated changes in noncompensation items** (i.e., class size adjustments, staff development days, teacher prep time, classified staffing ratios, etc.)

The working days will be increased by 1 day effective 7/1/2014. Beginning 2014-15 the work year for teachers will increase from 183 to 184 days.

- C. What are the specific impacts (positive or negative) on instructional and support programs to accommodate the settlement?** Include the impact of changes such as staff reductions or increases, program reductions or increases, elimination or expansion of other services or programs (i.e., counselors, librarians, custodial staff, etc.)

The day added to the contract year for unit members will be used for the purposes of professional development, improving and strengthening the instructional programs in the District.

D. What contingency language is included in the proposed agreement (e.g., reopeners, etc.)?

None.

E. Identify other major provisions that do not directly affect the district's costs, such as binding arbitrations, grievance procedures, etc.

The Grievance article had significant changes that include modification of timelines and the addition of another formal step prior to arbitration. The parties have agreed to mediation before a grievance is taken to arbitration.

F. Source of Funding for Proposed Agreement:

1. Current Year

Fund Balance and projected increase in revenues.

2. If this is a single year agreement, how will the ongoing cost of the proposed agreement be funded in subsequent years?

N/A

3. If this is a multiyear agreement, what is the source of funding, including assumptions used, to fund these obligations in subsequent years? (Remember to include compounding effects in meeting obligations.)

The District developed a multi-year projection using these additional costs and has determined that using a combination of both fund balance and projected increases in the LCFE funding model there will be sufficient revenues to meet all obligations.

SANTA MONICA-MALIBU USD

G. IMPACT OF PROPOSED AGREEMENT ON CURRENT YEAR OPERATING BUDGET**Unrestricted General Fund**

Bargaining Unit: NTA MONICA-MALIBU CLASSROOM TEACHERS ASSOCIAT

Object Code	Column 1	Column 2	Column 3	Column 4
	Latest Board- Approved Budget Before Settlement (As of -----)	Adjustments as a Result of Settlement (compensation)	Other Revisions (agreement support and/or other unit agreement) Explain on Page 4i	Total Revised Budget (Columns 1+2+3)
REVENUES				
LCFF Revenue	8010-8099	\$ 63,472,221	\$ -	\$ 63,472,221
Federal Revenue	8100-8299	\$ 100,000	\$ -	\$ 100,000
Other State Revenue	8300-8599	\$ 2,194,021	\$ -	\$ 2,194,021
Other Local Revenue	8600-8799	\$ 29,700,602	\$ -	\$ 29,700,602
TOTAL REVENUES		\$ 95,466,844	\$ -	\$ 95,466,844
EXPENDITURES				
Certificated Salaries	1000-1999	\$ 42,214,211	\$ 1,508,035	\$ 43,722,246
Classified Salaries	2000-2999	\$ 12,593,385		\$ 12,593,385
Employee Benefits	3000-3999	\$ 18,640,328	\$ 208,109	\$ 18,848,437
Books and Supplies	4000-4999	\$ 984,539	\$ -	\$ 984,539
Services, Other Operating Expenses	5000-5999	\$ 6,952,884	\$ -	\$ 6,952,884
Capital Outlay	6000-6999	\$ 24,206	\$ -	\$ 24,206
Other Outgo	7100-7299 7400-7499	\$ 7,000	\$ -	\$ 7,000
Indirect/Direct Support Costs	7300-7399	\$ (856,673)	\$ -	\$ (856,673)
TOTAL EXPENDITURES		\$ 80,559,880	\$ 1,716,144	\$ 82,276,024
OTHER FINANCING SOURCES/USES				
Transfers In and Other Sources	8900-8979	\$ -	\$ -	\$ -
Transfers Out and Other Uses	7600-7699	\$ 369,214	\$ -	\$ 369,214
Contributions	8980-8999	\$ (21,224,928)	\$ (335,941)	\$ (21,560,869)
OPERATING SURPLUS (DEFICIT)*		\$ (6,687,178)	\$ (2,052,085)	\$ (8,739,263)
BEGINNING FUND BALANCE				
	9791	\$ 24,751,270		\$ 24,751,270
Prior-Year Adjustments/Restatements	9793/9795	\$ -		\$ -
ENDING FUND BALANCE		\$ 18,064,092	\$ (2,052,085)	\$ 16,012,007
COMPONENTS OF ENDING BALANCE:				
Nonspendable Amounts	9711-9719	\$ 80,000	\$ -	\$ 80,000
Restricted Amounts	9740			
Committed Amounts	9750-9760		\$ -	\$ -
Assigned Amounts	9780	\$ 970,550	\$ -	\$ 970,550
Reserve for Economic Uncertainties	9789	\$ 3,664,230	\$ -	\$ 3,732,314
Unassigned/Unappropriated Amount	9790	\$ 13,349,312	\$ (2,052,085)	\$ 11,229,143

*Net Increase (Decrease) in Fund Balance

NOTE: 9790 amounts in Columns 1 and 4 must be positive

SANTA MONICA-MALIBU USD

G. IMPACT OF PROPOSED AGREEMENT ON CURRENT YEAR OPERATING BUDGET**Restricted General Fund**

Bargaining Unit: NTA MONICA-MALIBU CLASSROOM TEACHERS ASSOCIAT

Object Code	Column 1	Column 2	Column 3	Column 4
	Latest Board- Approved Budget Before Settlement (As of -----)	Adjustments as a Result of Settlement (compensation)	Other Revisions (agreement support and/or other unit agreement) Explain on Page 4i	Total Revised Budget (Columns 1+2+3)
REVENUES				
LCFF Revenue	8010-8099	\$ -	\$ -	\$ -
Federal Revenue	8100-8299	\$ 4,924,566	\$ -	\$ 4,924,566
Other State Revenue	8300-8599	\$ 4,090,984	\$ -	\$ 4,090,984
Other Local Revenue	8600-8799	\$ 10,831,392	\$ 217,371	\$ 11,048,763
TOTAL REVENUES		\$ 19,846,942	\$ 217,371	\$ 20,064,313
EXPENDITURES				
Certificated Salaries	1000-1999	\$ 11,782,128	\$ 384,598	\$ 12,166,726
Classified Salaries	2000-2999	\$ 10,763,541	\$ -	\$ 10,763,541
Employee Benefits	3000-3999	\$ 7,797,752	\$ 53,075	\$ 7,850,827
Books and Supplies	4000-4999	\$ 3,003,839	\$ 115,639	\$ 3,119,478
Services, Other Operating Expenses	5000-5999	\$ 6,511,023	\$ -	\$ 6,511,023
Capital Outlay	6000-6999	\$ 938,898	\$ -	\$ 938,898
Other Outgo	7100-7299 7400-7499	\$ 24,590	\$ -	\$ 24,590
Indirect/Direct Support Costs	7300-7399	\$ 390,133	\$ -	\$ 390,133
TOTAL EXPENDITURES		\$ 41,211,904	\$ 437,673	\$ 41,765,216
OTHER FINANCING SOURCES/USES				
Transfers In and Other Sources	8900-8979	\$ -	\$ -	\$ -
Transfers Out and Other Uses	7600-7699	\$ -	\$ -	\$ -
Contributions	8980-8999	\$ 21,224,928	\$ 335,941	\$ 21,560,869
OPERATING SURPLUS (DEFICIT)*		\$ (140,034)	\$ (101,732)	\$ 101,732
BEGINNING FUND BALANCE	9791	\$ 3,631,274		\$ 3,631,274
Prior-Year Adjustments/Restatements	9793/9795	\$ -		\$ -
ENDING FUND BALANCE		\$ 3,491,240	\$ (101,732)	\$ 101,732
COMPONENTS OF ENDING BALANCE:				
Nonspendable Amounts	9711-9719		\$ -	\$ -
Restricted Amounts	9740	\$ 3,491,240	\$ -	\$ 3,491,240
Committed Amounts	9750-9760			
Assigned Amounts	9780			
Reserve for Economic Uncertainties	9789		\$ -	\$ -
Unassigned/Unappropriated Amount	9790	\$ (0)	\$ (101,732)	\$ 101,732

*Net Increase (Decrease) in Fund Balance

NOTE: 9790 amounts in Columns 1 and 4 must be positive

SANTA MONICA-MALIBU USD

G. IMPACT OF PROPOSED AGREEMENT ON CURRENT YEAR OPERATING BUDGET**Combined General Fund**

Bargaining Unit: NTA MONICA-MALIBU CLASSROOM TEACHERS ASSOCIAT

Object Code	Column 1	Column 2	Column 3	Column 4
	Latest Board- Approved Budget Before Settlement (As of -----)	Adjustments as a Result of Settlement (compensation)	Other Revisions (agreement support and/or other unit agreement) Explain on Page 4i	Total Revised Budget (Columns 1+2+3)
REVENUES				
LCFF Revenue	8010-8099	\$ 63,472,221	\$ -	\$ 63,472,221
Federal Revenue	8100-8299	\$ 5,024,566	\$ -	\$ 5,024,566
Other State Revenue	8300-8599	\$ 6,285,005	\$ -	\$ 6,285,005
Other Local Revenue	8600-8799	\$ 40,531,994	\$ 217,371	\$ 40,749,365
TOTAL REVENUES		\$ 115,313,786	\$ 217,371	\$ 115,531,157
EXPENDITURES				
Certificated Salaries	1000-1999	\$ 53,996,339	\$ 1,892,633	\$ 55,888,972
Classified Salaries	2000-2999	\$ 23,356,926	\$ -	\$ 23,356,926
Employee Benefits	3000-3999	\$ 26,438,080	\$ 261,184	\$ 26,699,264
Books and Supplies	4000-4999	\$ 3,988,378	\$ 115,639	\$ 4,104,017
Services, Other Operating Expenses	5000-5999	\$ 13,463,907	\$ -	\$ 13,463,907
Capital Outlay	6000-6999	\$ 963,104	\$ -	\$ 963,104
Other Outgo	7100-7299 7400-7499	\$ 31,590	\$ -	\$ 31,590
Indirect/Direct Support Costs	7300-7399	\$ (466,540)	\$ -	\$ (466,540)
TOTAL EXPENDITURES		\$ 121,771,784	\$ 2,153,817	\$ 124,041,240
OTHER FINANCING SOURCES/USES				
Transfer In and Other Sources	8900-8979	\$ -	\$ -	\$ -
Transfers Out and Other Uses	7600-7699	\$ 369,214	\$ -	\$ 369,214
Contributions	8980-8999	\$ -	\$ -	\$ -
OPERATING SURPLUS (DEFICIT)*		\$ (6,827,212)	\$ (2,153,817)	\$ (8,879,297)
BEGINNING FUND BALANCE				
	9791	\$ 28,382,544		\$ 28,382,544
Prior-Year Adjustments/Restatements	9793/9795	\$ -		\$ -
ENDING FUND BALANCE		\$ 21,555,332	\$ (2,153,817)	\$ 19,503,247
COMPONENTS OF ENDING BALANCE:				
Nonspendable Amounts	9711-9719	\$ 80,000	\$ -	\$ 80,000
Restricted Amounts	9740	\$ 3,491,240	\$ -	\$ 3,491,240
Committed Amounts	9750-9760	\$ -	\$ -	\$ -
Assigned Amounts	9780	\$ 970,550	\$ -	\$ 970,550
Reserve for Economic Uncertainties	9789	\$ 3,664,230	\$ -	\$ 3,732,314
Unassigned/Unappropriated Amount	9790	\$ 13,349,312	\$ (2,153,817)	\$ 11,229,143

*Net Increase (Decrease) in Fund Balance

NOTE: 9790 amounts in Columns 1 and 4 must be positive

SANTA MONICA-MALIBU USD

G. IMPACT OF PROPOSED AGREEMENT ON CURRENT YEAR OPERATING BUDGET

Fund 11 - Adult Education Fund

Bargaining Unit: SANTA MONICA-MALIBU CLASSROOM TEACHERS ASSOCIATION

Object Code	Column 1	Column 2	Column 3	Column 4
	Latest Board- Approved Budget Before Settlement (As of _____)	Adjustments as a Result of Settlement (compensation)	Other Revisions (agreement support and/or other unit agreement) Explain on Page 4i	Total Revised Budget (Columns 1+2+3)
REVENUES				
Federal Revenue 8100-8299	\$ 61,050		\$ -	\$ 61,050
Other State Revenue 8300-8599	\$ -		\$ -	\$ -
Other Local Revenue 8600-8799	\$ 62,300		\$ -	\$ 62,300
TOTAL REVENUES	\$ 123,350		\$ -	\$ 123,350
EXPENDITURES				
Certificated Salaries 1000-1999	\$ 194,468	\$ 5,274	\$ -	\$ 199,742
Classified Salaries 2000-2999	\$ 106,358	\$ -	\$ -	\$ 106,358
Employee Benefits 3000-3999	\$ 78,229	\$ 728	\$ -	\$ 78,957
Books and Supplies 4000-4999	\$ 21,044		\$ -	\$ 21,044
Services, Other Operating Expenses 5000-5999	\$ 17,864		\$ -	\$ 17,864
Capital Outlay 6000-6999	\$ -		\$ -	\$ -
Other Outgo 7100-7299 7400-7499	\$ -		\$ -	\$ -
Indirect/Direct Support Costs 7300-7399	\$ -		\$ -	\$ -
TOTAL EXPENDITURES	\$ 417,963	\$ 6,002	\$ -	\$ 423,965
OTHER FINANCING SOURCES/USES				
Transfers In and Other Sources 8900-8979	\$ 262,628	\$ -	\$ -	\$ 262,628
Transfers Out and Other Uses 7600-7699	\$ -	\$ -	\$ -	\$ -
OPERATING SURPLUS (DEFICIT)*	\$ (31,985)	\$ (6,002)	\$ -	\$ (37,987)
BEGINNING FUND BALANCE 9791	\$ 334,598			\$ 334,598
Prior-Year Adjustments/Restatements 9793/9795	\$ -			\$ -
ENDING FUND BALANCE	\$ 302,613	\$ (6,002)	\$ -	\$ 296,611
COMPONENTS OF ENDING BALANCE:				
Nonspendable Amounts 9711-9719	\$ -	\$ -	\$ -	\$ -
Restricted Amounts 9740	\$ 10,256	\$ -	\$ -	\$ 10,256
Committed Amounts 9750-9760	\$ -	\$ -	\$ -	\$ -
Assigned Amounts 9780	\$ -	\$ -	\$ -	\$ -
Reserve for Economic Uncertainties 9789	\$ -	\$ -	\$ -	\$ -
Unassigned/Unappropriated Amount 9790	\$ 292,357	\$ (6,002)	\$ -	\$ 286,355

*Net Increase (Decrease) in Fund Balance

NOTE: 9790 amounts in Columns 1 and 4 must be positive

SANTA MONICA-MALIBU USD

G. IMPACT OF PROPOSED AGREEMENT ON CURRENT YEAR OPERATING BUDGET

Fund 12 - Child Development Fund

Bargaining Unit: SANTA MONICA-MALIBU CLASSROOM TEACHERS ASSOCIATION

Object Code	Column 1	Column 2	Column 3	Column 4
	Latest Board- Approved Budget Before Settlement (As of -----)	Adjustments as a Result of Settlement (compensation)	Other Revisions (agreement support and/or other unit agreement) Explain on Page 4i	Total Revised Budget (Columns 1+2+3)
REVENUES				
Federal Revenue 8100-8299	\$ 1,524,086		\$ -	\$ 1,524,086
Other State Revenue 8300-8599	\$ 2,682,539		\$ -	\$ 2,682,539
Other Local Revenue 8600-8799	\$ 2,959,418		\$ -	\$ 2,959,418
TOTAL REVENUES	\$ 7,166,043		\$ -	\$ 7,166,043
EXPENDITURES				
Certificated Salaries 1000-1999	\$ 2,287,164	\$ 64,816	\$ -	\$ 2,351,980
Classified Salaries 2000-2999	\$ 2,111,910	\$ -	\$ -	\$ 2,111,910
Employee Benefits 3000-3999	\$ 1,688,303	\$ 8,945	\$ -	\$ 1,697,248
Books and Supplies 4000-4999	\$ 157,019		\$ (35,000)	\$ 122,019
Services, Other Operating Expenses 5000-5999	\$ 655,026		\$ (39,000)	\$ 616,026
Capital Outlay 6000-6999	\$ 63,425		\$ -	\$ 63,425
Other Outgo 7100-7299 7400-7499	\$ -		\$ -	\$ -
Indirect/Direct Support Costs 7300-7399	\$ 309,782		\$ -	\$ 309,782
TOTAL EXPENDITURES	\$ 7,272,629	\$ 73,761	\$ (74,000)	\$ 7,272,390
OTHER FINANCING SOURCES/USES				
Transfers In and Other Sources 8900-8979	\$ 106,586	\$ -	\$ -	\$ 106,586
Transfers Out and Other Uses 7600-7699	\$ -	\$ -	\$ -	\$ -
OPERATING SURPLUS (DEFICIT)*	\$ -	\$ (73,761)	\$ 74,000	\$ 239
BEGINNING FUND BALANCE				
9791	\$ 25,256			\$ 25,256
Prior-Year Adjustments/Restatements 9793/9795	\$ -			\$ -
ENDING FUND BALANCE	\$ 25,256	\$ (73,761)	\$ 74,000	\$ 25,495
COMPONENTS OF ENDING BALANCE:				
Nonspendable Amounts 9711-9719	\$ -	\$ -	\$ -	\$ -
Restricted Amounts 9740	\$ 21,743	\$ -	\$ -	\$ 21,743
Committed Amounts 9750-9760	\$ -	\$ -	\$ -	\$ -
Assigned Amounts 9780	\$ -	\$ -	\$ -	\$ -
Reserve for Economic Uncertainties 9789	\$ -	\$ -	\$ -	\$ -
Unassigned/Unappropriated Amount 9790	\$ 3,513	\$ (73,761)	\$ 74,000	\$ 3,752

*Net Increase (Decrease) in Fund Balance

NOTE: 9790 amounts in Columns 1 and 4 must be positiveLos Angeles County Office of Education
Division of Business Advisory Services
Revised 12/12/13

SANTA MONICA-MALIBU USD

G. IMPACT OF PROPOSED AGREEMENT ON CURRENT YEAR OPERATING BUDGET

Fund 13/61 - Cafeteria Fund

Bargaining Unit: SANTA MONICA-MALIBU CLASSROOM TEACHERS ASSOCIATION

		Column 1	Column 2	Column 3	Column 4
Object Code		Latest Board- Approved Budget Before Settlement (As of -----)	Adjustments as a Result of Settlement (compensation)	Other Revisions (agreement support and/or other unit agreement) Explain on Page 4i	Total Revised Budget (Columns 1+2+3)
REVENUES					
LCFF Revenue	8010-8099	\$ -		\$ -	\$ -
Federal Revenue	8100-8299	\$ 1,380,000		\$ -	\$ 1,380,000
Other State Revenue	8300-8599	\$ 100,000		\$ -	\$ 100,000
Other Local Revenue	8600-8799	\$ 1,633,000		\$ -	\$ 1,633,000
TOTAL REVENUES		\$ 3,113,000		\$ -	\$ 3,113,000
EXPENDITURES					
Certificated Salaries	1000-1999	\$ -	\$ -	\$ -	\$ -
Classified Salaries	2000-2999	\$ 1,410,774	\$ -	\$ -	\$ 1,410,774
Employee Benefits	3000-3999	\$ 527,606	\$ -	\$ -	\$ 527,606
Books and Supplies	4000-4999	\$ 1,443,000		\$ -	\$ 1,443,000
Services, Other Operating Expenses	5000-5999	\$ (429,250)		\$ -	\$ (429,250)
Capital Outlay	6000-6999	\$ 10,769		\$ -	\$ 10,769
Other Outgo	7100-7299 7400-7499	\$ -		\$ -	\$ -
Indirect/Direct Support Costs	7300-7399	\$ 156,758		\$ -	\$ 156,758
TOTAL EXPENDITURES		\$ 3,119,657	\$ -	\$ -	\$ 3,119,657
OTHER FINANCING SOURCES/USES					
Transfers In and Other Sources	8900-8979	\$ -	\$ -	\$ -	\$ -
Transfers Out and Other Uses	7600-7699	\$ -	\$ -	\$ -	\$ -
OPERATING SURPLUS (DEFICIT)*		\$ (6,657)	\$ -	\$ -	\$ (6,657)
BEGINNING FUND BALANCE					
Prior-Year Adjustments/Restatements	9791	\$ 244,125			\$ 244,125
	9793/9795	\$ -			\$ -
ENDING FUND BALANCE		\$ 237,468	\$ -	\$ -	\$ 237,468
COMPONENTS OF ENDING BALANCE:					
Nonspendable Amounts	9711-9719	\$ 37,283	\$ -	\$ -	\$ 37,283
Restricted Amounts	9740	\$ 200,185	\$ -	\$ -	\$ 200,185
Committed Amounts	9750-9760	\$ -	\$ -	\$ -	\$ -
Assigned Amounts	9780	\$ -	\$ -	\$ -	\$ -
Reserve for Economic Uncertainties	9789	\$ -	\$ -	\$ -	\$ -
Unassigned/Unappropriated Amount	9790	\$ -	\$ -	\$ -	\$ -

*Net Increase (Decrease) in Fund Balance

NOTE: 9790 amounts in Columns 1 and 4 must be positive

Los Angeles County Office of Education
Division of Business Advisory Services
Revised 12/12/13

SANTA MONICA-MALIBU USD

G. IMPACT OF PROPOSED AGREEMENT ON CURRENT YEAR OPERATING BUDGET

Enter Fund:

Bargaining Unit: SANTA MONICA-MALIBU CLASSROOM TEACHERS ASSOCIAT

Object Code	Column 1	Column 2	Column 3	Column 4
	Latest Board- Approved Budget Before Settlement (As of -----)	Adjustments as a Result of Settlement (compensation)	Other Revisions (agreement support and/or other unit agreement) Explain on Page 4i	Total Revised Budget (Columns 1+2+3)
REVENUES				
Federal Revenue 8100-8299	\$ -		\$ -	\$ -
Other State Revenue 8300-8599	\$ -		\$ -	\$ -
Other Local Revenues 8600-8799	\$ -		\$ -	\$ -
TOTAL REVENUES	\$ -		\$ -	\$ -
EXPENDITURES				
Certificated Salaries 1000-1999	\$ -	\$ -	\$ -	\$ -
Classified Salaries 2000-2999	\$ -	\$ -	\$ -	\$ -
Employee Benefits 3000-3999	\$ -	\$ -	\$ -	\$ -
Books and Supplies 4000-4999	\$ -		\$ -	\$ -
Services, Other Operating Expenses 5000-5999	\$ -		\$ -	\$ -
Capital Outlay 6000-6999	\$ -		\$ -	\$ -
Other Outgo 7100-7299 7400-7499	\$ -		\$ -	\$ -
Indirect/Direct Support Costs 7300-7399	\$ -		\$ -	\$ -
TOTAL EXPENDITURES	\$ -	\$ -	\$ -	\$ -
OTHER FINANCING SOURCES/USES				
Transfers In and Other Sources 8900-8979	\$ -	\$ -	\$ -	\$ -
Transfers Out and Other Uses 7600-7699	\$ -	\$ -	\$ -	\$ -
OPERATING SURPLUS (DEFICIT)*	\$ -	\$ -	\$ -	\$ -
BEGINNING FUND BALANCE				
9791	\$ -			\$ -
Prior-Year Adjustments/Restatements 9793/9795	\$ -			\$ -
ENDING FUND BALANCE	\$ -	\$ -	\$ -	\$ -
COMPONENTS OF ENDING BALANCE:				
Nonspendable Amounts 9711-9719	\$ -	\$ -	\$ -	\$ -
Restricted Amounts 9740	\$ -	\$ -	\$ -	\$ -
Committed Amounts 9750-9760	\$ -	\$ -	\$ -	\$ -
Assigned Amounts 9780	\$ -	\$ -	\$ -	\$ -
Reserve for Economic Uncertainties 9789	\$ -	\$ -	\$ -	\$ -
Unassigned/Unappropriated Amount 9790	\$ -	\$ -	\$ -	\$ -

*Net Increase (Decrease) in Fund Balance

NOTE: 9790 amounts in Columns 1 and 4 must be positive

SANTA MONICA-MALIBU USD

G. IMPACT OF PROPOSED AGREEMENT ON CURRENT YEAR OPERATING BUDGET

Enter Fund:

Bargaining Unit: SANTA MONICA-MALIBU CLASSROOM TEACHERS ASSOCIAT

Object Code	Column 1	Column 2	Column 3	Column 4
	Latest Board- Approved Budget Before Settlement (As of -----)	Adjustments as a Result of Settlement (compensation)	Other Revisions (agreement support and/or other unit agreement) Explain on Page 4i	Total Revised Budget (Columns 1+2+3)
REVENUES				
Federal Revenue 8100-8299	\$ -		\$ -	\$ -
Other State Revenue 8300-8599	\$ -		\$ -	\$ -
Other Local Revenue 8600-8799	\$ -		\$ -	\$ -
TOTAL REVENUES	\$ -		\$ -	\$ -
EXPENDITURES				
Certificated Salaries 1000-1999	\$ -	\$ -	\$ -	\$ -
Classified Salaries 2000-2999	\$ -	\$ -	\$ -	\$ -
Employee Benefits 3000-3999	\$ -	\$ -	\$ -	\$ -
Books and Supplies 4000-4999	\$ -		\$ -	\$ -
Services, Other Operating Expenses 5000-5999	\$ -		\$ -	\$ -
Capital Outlay 6000-6999	\$ -		\$ -	\$ -
Other Outgo 7100-7299 7400-7499	\$ -		\$ -	\$ -
Indirect/Direct Support Costs 7300-7399	\$ -		\$ -	\$ -
TOTAL EXPENDITURES	\$ -	\$ -	\$ -	\$ -
OTHER FINANCING SOURCES/USES				
Transfers In and Other Sources 8900-8979	\$ -	\$ -	\$ -	\$ -
Transfers Out and Other Uses 7600-7699	\$ -	\$ -	\$ -	\$ -
OPERATING SURPLUS (DEFICIT)*	\$ -	\$ -	\$ -	\$ -
BEGINNING FUND BALANCE				
9791	\$ -			\$ -
Prior-Year Adjustments/Restatements 9793/9795	\$ -			\$ -
ENDING FUND BALANCE	\$ -	\$ -	\$ -	\$ -
COMPONENTS OF ENDING BALANCE:				
Nonspendable Amounts 9711-9719	\$ -	\$ -	\$ -	\$ -
Restricted Amounts 9740	\$ -	\$ -	\$ -	\$ -
Committed Amounts 9750-9760	\$ -	\$ -	\$ -	\$ -
Assigned Amounts 9780	\$ -	\$ -	\$ -	\$ -
Reserve for Economic Uncertainties 9789	\$ -	\$ -	\$ -	\$ -
Unassigned/Unappropriated Amount 9790	\$ -	\$ -	\$ -	\$ -

*Net Increase (Decrease) in Fund Balance

NOTE: 9790 amounts in Columns 1 and 4 must be positive

SANTA MONICA-MALIBU USD
 SANTA MONICA-MALIBU CLASSROOM TEACHERS ASSOCIATION

Explanations for Column 3 "Other Revisions" entered on Pages 4a through 4h:

Page 4a: Unrestricted General Fund	Amount	Explanation
Revenues	\$ -	
Expenditures	\$ -	
Other Financing Sources/Uses	\$ -	

Page 4b: Restricted General Fund	Amount	Explanation
Revenues	\$ 217,371	Reflects increases from PTA, Gifts and Other Local Resources
Expenditures	\$ 115,639	Reflects the increase of local revenues
Other Financing Sources/Uses	\$ -	

Page 4d: Fund 11 - Adult Education Fund	Amount	Explanation
Revenues	\$ -	
Expenditures	\$ -	
Other Financing Sources/Uses	\$ -	

Page 4e: Fund 12 - Child Development Fund	Amount	Explanation
Revenues	\$ -	
Expenditures	\$ (74,000)	Reflects a decrease expenditure in Supplies and Other Services
Other Financing Sources/Uses	\$ -	

Page 4f: Fund 13/61 - Cafeteria Fund	Amount	Explanation
Revenues	\$ -	
Expenditures	\$ -	
Other Financing Sources/Uses	\$ -	

Page 4g: Other	Amount	Explanation
Revenues	\$ -	
Expenditures	\$ -	
Other Financing Sources/Uses	\$ -	

Page 4h: Other	Amount	Explanation
Revenues	\$ -	
Expenditures	\$ -	
Other Financing Sources/Uses	\$ -	

Additional Comments:



SANTA MONICA-MALIBU USD

H. IMPACT OF PROPOSED AGREEMENT ON SUBSEQUENT YEARS

Unrestricted General Fund MYP

Bargaining Unit: A MONICA-MALIBU CLASSROOM TEACHERS ASSOCIA

Object Code	2013-14	2014-15	2015-16
	Total Revised Budget After Settlement	First Subsequent Year After Settlement	Second Subsequent Year After Settlement
REVENUES			
LCFF Revenue 8010-8099	\$ 63,472,221	\$ 72,005,334	\$ 75,815,824
Federal Revenue 8100-8299	\$ 100,000	\$ 100,000	\$ 100,000
Other State Revenue 8300-8599	\$ 2,194,021	\$ 2,194,021	\$ 2,194,021
Other Local Revenue 8600-8799	\$ 29,700,602	\$ 30,186,235	\$ 30,666,234
TOTAL REVENUES	\$ 95,466,844	\$ 104,485,590	\$ 108,776,079
EXPENDITURES			
Certificated Salaries 1000-1999	\$ 43,722,246	\$ 44,378,080	\$ 45,043,751
Classified Salaries 2000-2999	\$ 12,593,385	\$ 12,782,286	\$ 12,974,020
Employee Benefits 3000-3999	\$ 18,848,437	\$ 19,790,859	\$ 20,780,402
Books and Supplies 4000-4999	\$ 984,539	\$ 1,000,000	\$ 1,000,000
Services, Other Operating Expenses 5000-5999	\$ 6,952,884	\$ 7,000,000	\$ 7,000,000
Capital Outlay 6000-6999	\$ 24,206	\$ 10,000	\$ 10,000
Other Outgo 7100-7299 7400-7499	\$ 7,000	\$ 7,000	\$ 7,000
Indirect/Direct Support Costs 7300-7399	\$ (856,673)	\$ (700,000)	\$ (700,000)
Other Adjustments			\$ -
TOTAL EXPENDITURES	\$ 82,276,024	\$ 84,268,225	\$ 86,115,173
OTHER FINANCING SOURCES/USES			
Transfers In and Other Sources 8900-8979	\$ -	\$ -	\$ -
Transfers Out and Other Uses 7600-7699	\$ 369,214	\$ 369,214	\$ 369,214
Contributions 8980-8999	\$ (21,560,869)	\$ (21,560,869)	\$ (21,560,869)
OPERATING SURPLUS (DEFICIT)*	\$ (8,739,263)	\$ (1,712,718)	\$ 730,823
BEGINNING FUND BALANCE			
9791	\$ 24,751,270	\$ 16,012,007	\$ 14,299,289
Prior-Year Adjustments/Restatements 9793/9795	\$ -		
ENDING FUND BALANCE	\$ 16,012,007	\$ 14,299,289	\$ 15,030,112
COMPONENTS OF ENDING BALANCE:			
Nonspendable Amounts 9711-9719	\$ 80,000	\$ 80,000	\$ 80,000
Restricted Amounts 9740			
Committed Amounts 9750-9760	\$ -	\$ -	\$ -
Assigned Amounts 9780	\$ 970,550	\$ 3,286,546	\$ 7,097,035
Reserve for Economic Uncertainties 9789	\$ 3,732,314	\$ 3,757,489	\$ 3,828,387
Unassigned/Unappropriated Amount 9790	\$ 11,229,143	\$ 7,175,254	\$ 4,024,690

*Net Increase (Decrease) in Fund Balance

NOTE: 9790 amounts must be positive

SANTA MONICA-MALIBU USD

H. IMPACT OF PROPOSED AGREEMENT ON SUBSEQUENT YEARS

Restricted General Fund MYP

Bargaining Unit: SANTA MONICA-MALIBU CLASSROOM TEACHERS ASSOCIATION

Object Code	2013-14	2014-15	2015-16
	Total Revised Budget After Settlement	First Subsequent Year After Settlement	Second Subsequent Year After Settlement
REVENUES			
LCFF Revenue 8010-8099	\$ -	\$ -	\$ -
Federal Revenue 8100-8299	\$ 4,924,566	\$ 4,600,000	\$ 4,600,000
Other State Revenue 8300-8599	\$ 4,090,984	\$ 1,807,584	\$ 1,807,584
Other Local Revenue 8600-8799	\$ 11,048,763	\$ 11,048,020	\$ 11,268,980
TOTAL REVENUES	\$ 20,064,313	\$ 17,455,604	\$ 17,676,564
EXPENDITURES			
Certificated Salaries 1000-1999	\$ 12,166,726	\$ 12,349,227	\$ 12,289,523
Classified Salaries 2000-2999	\$ 10,763,541	\$ 10,924,994	\$ 11,088,869
Employee Benefits 3000-3999	\$ 7,850,827	\$ 8,223,368	\$ 8,635,537
Books and Supplies 4000-4999	\$ 3,119,478	\$ 2,500,000	\$ 2,500,000
Services, Other Operating Expenses 5000-5999	\$ 6,511,023	\$ 6,200,000	\$ 6,200,000
Capital Outlay 6000-6999	\$ 938,898	\$ 50,000	\$ 50,000
Other Outgo 7100-7299 7400-7499	\$ 24,590	\$ 24,590	\$ 24,590
Indirect/Direct Support Costs 7300-7399	\$ 390,133	\$ 340,000	\$ 340,000
Other Adjustments		\$ -	\$ -
TOTAL EXPENDITURES	\$ 41,765,216	\$ 40,612,179	\$ 41,128,519
OTHER FINANCING SOURCES/USES			
Transfers In and Other Sources 8900-8979	\$ -	\$ -	\$ -
Transfers Out and Other Uses 7600-7699	\$ -	\$ -	\$ -
Contributions 8980-8999	\$ 21,560,869	\$ 21,560,869	\$ 21,560,869
OPERATING SURPLUS (DEFICIT)*	\$ (140,034)	\$ (1,595,706)	\$ (1,891,086)
BEGINNING FUND BALANCE			
9791	\$ 3,631,274	\$ 3,491,240	\$ 1,895,534
Prior-Year Adjustments/Restatements 9793/9795	\$ -		
ENDING FUND BALANCE	\$ 3,491,240	\$ 1,895,534	\$ 4,448
COMPONENTS OF ENDING BALANCE:			
Nonspendable Amounts 9711-9719	\$ -	\$ -	\$ -
Restricted Amounts 9740	\$ 3,491,240	\$ 1,895,534	\$ 4,448
Committed Amounts 9750-9760			
Assigned Amounts 9780			
Reserve for Economic Uncertainties 9789	\$ -	\$ -	
Unassigned/Unappropriated Amount 9790	\$ (0)	\$ (0)	\$ (0)

*Net Increase (Decrease) in Fund Balance

NOTE: 9790 amounts must be positive

SANTA MONICA-MALIBU USD

H. IMPACT OF PROPOSED AGREEMENT ON SUBSEQUENT YEARS**Combined General Fund MYP**

Bargaining Unit: LA MONICA-MALIBU CLASSROOM TEACHERS ASSOCIA

Object Code	2013-14	2014-15	2015-16
	Total Revised Budget After Settlement	First Subsequent Year After Settlement	Second Subsequent Year After Settlement
REVENUES			
LCFF Revenue 8010-8099	\$ 63,472,221	\$ 72,005,334	\$ 75,815,824
Federal Revenue 8100-8299	\$ 5,024,566	\$ 4,700,000	\$ 4,700,000
Other State Revenue 8300-8599	\$ 6,285,005	\$ 4,001,605	\$ 4,001,605
Other Local Revenue 8600-8799	\$ 40,749,365	\$ 41,234,255	\$ 41,935,214
TOTAL REVENUES	\$ 115,531,157	\$ 121,941,194	\$ 126,452,643
EXPENDITURES			
Certificated Salaries 1000-1999	\$ 55,888,972	\$ 56,727,307	\$ 57,333,274
Classified Salaries 2000-2999	\$ 23,356,926	\$ 23,707,280	\$ 24,062,889
Employee Benefits 3000-3999	\$ 26,699,264	\$ 28,014,227	\$ 29,415,939
Books and Supplies 4000-4999	\$ 4,104,017	\$ 3,500,000	\$ 3,500,000
Services, Other Operating Expenses 5000-5999	\$ 13,463,907	\$ 13,200,000	\$ 13,200,000
Capital Outlay 6000-6999	\$ 963,104	\$ 60,000	\$ 60,000
Other Outgo 7100-7299 7400-7499	\$ 31,590	\$ 31,590	\$ 31,590
Indirect/Direct Support Costs 7300-7399	\$ (466,540)	\$ (360,000)	\$ (360,000)
Other Adjustments		\$ -	\$ -
TOTAL EXPENDITURES	\$ 124,041,240	\$ 124,880,404	\$ 127,243,692
OTHER FINANCING SOURCES/USES			
Transfers In and Other Sources 8900-8979	\$ -	\$ -	\$ -
Transfers Out and Other Uses 7600-7699	\$ 369,214	\$ 369,214	\$ 369,214
Contributions 8980-8999	\$ -	\$ -	\$ -
OPERATING SURPLUS (DEFICIT)*	\$ (8,879,297)	\$ (3,308,424)	\$ (1,160,263)
BEGINNING FUND BALANCE 9791	\$ 28,382,544	\$ 19,503,247	\$ 16,194,823
Prior-Year Adjustments/Restatements 9793/9795	\$ -		
ENDING FUND BALANCE	\$ 19,503,247	\$ 16,194,823	\$ 15,034,560
COMPONENTS OF ENDING BALANCE:			
Nonspendable Amounts 9711-9719	\$ 80,000	\$ 80,000	\$ 80,000
Restricted Amounts 9740	\$ 3,491,240	\$ 1,895,534	\$ 4,448
Committed Amounts 9750-9760	\$ -	\$ -	\$ -
Assigned Amounts 9780	\$ 970,550	\$ 3,286,546	\$ 7,097,035
Reserve for Economic Uncertainties 9789	\$ 3,732,314	\$ 3,757,489	\$ 3,828,387
Unassigned/Unappropriated Amount 9790	\$ 11,229,143	\$ 7,175,254	\$ 4,024,690

*Net Increase (Decrease) in Fund Balance

NOTE: 9790 amounts must be positive

SANTA MONICA-MALIBU USD
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I. IMPACT OF PROPOSED AGREEMENT ON UNRESTRICTED RESERVES

1. State Reserve Standard

		2013-14	2014-15	2015-16
a.	Total Expenditures, Transfers Out, and Uses (Including Cost of Proposed Agreement)	\$ 124,410,454	\$ 125,249,618	\$ 127,612,906
b.	Less: Special Education Pass-Through Funds	\$ -	\$ -	\$ -
c.	Net Expenditures, Transfers Out, and Uses	\$ 124,410,454	\$ 125,249,618	\$ 127,612,906
d.	State Standard Minimum Reserve Percentage for this District Enter percentage →	3.00%	3.00%	3.00%
e.	State Standard Minimum Reserve Amount for this District (For districts with less than 1,001 ADA, this is the greater of Line a, times Line b. or \$50,000)	\$ 3,732,314	\$ 3,757,489	\$ 3,828,387

2. Budgeted Unrestricted Reserve (After Impact of Proposed Agreement)

a.	General Fund Budgeted Unrestricted Designated for Economic Uncertainties (9789)	\$ 3,732,314	\$ 3,757,489	\$ 3,828,387
b.	General Fund Budgeted Unrestricted Unassigned/Unappropriated Amount (9790)	\$ 11,229,143	\$ 7,175,254	\$ 4,024,690
c.	Special Reserve Fund (Fund 17) Budgeted Designated for Economic Uncertainties (9789)	\$ -	\$ -	\$ -
d.	Special Reserve Fund (Fund 17) Budgeted Unassigned/Unappropriated Amount (9790)	\$ -	\$ -	\$ -
e.	Total Available Reserves	\$ 14,961,457	\$ 10,932,743	\$ 7,853,077
f.	Reserve for Economic Uncertainties Percentage	12.03%	8.73%	6.15%

3. Do unrestricted reserves meet the state minimum reserve amount?

2013-14	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2014-15	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2015-16	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

4. If no, how do you plan to restore your reserves?

N/A

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5. Does the Total Compensation Increase/(Decrease) on Page 1, Section A, #5 agree with the Total Increase/(Decrease) for all funds as a result of the settlement(s)? Please explain any variance.

Total Compensation Increase/(Decrease) on Page 1, Section A, #5	\$	2,233,580
General Fund balance Increase/(Decrease), Page 4c, Column 2	\$	(2,153,817)
Adult Education Fund balance Increase/(Decrease), Page 4d, Column 2	\$	(6,002)
Child Development Fund balance Increase/(Decrease), Page 4e, Column 2	\$	(73,761)
Cafeteria Fund balance Increase/(Decrease), Page 4f, Column 2	\$	-
Other Fund balance Increase/(Decrease), Page 4g, Column 2	\$	-
Other Fund balance Increase/(Decrease), Page 4h, Column 2	\$	-
Total all fund balances Increase/(Decrease) as a result of the settlement(s)	\$	(2,233,580)
Variance		\$ -

Variance Explanation:



6. Will this agreement create or increase deficit financing in the current or subsequent years?

"Deficit Financing" is defined to exist when a fund's expenditures and other financing uses exceed its revenues and other financing sources in a given year. If a deficit is shown below, provide an explanation and any deficit reduction plan, as necessary.

General Fund Combined	Surplus/ (Deficit)	(Deficit) %	Deficit primarily due to:
Current FY Surplus/(Deficit) before settlement(s)?	\$ (6,827,212)	(5.6%)	Repayment for fair share deduction
Current FY Surplus/(Deficit) after settlement(s)?	\$ (8,879,297)	(7.1%)	Fair share repayment and personnel cost
1st Subsequent FY Surplus/(Deficit) after settlement(s)?	\$ (3,308,424)	(2.6%)	Deficit funding
2nd Subsequent FY Surplus/(Deficit) after settlement(s)?	\$ (1,160,263)	(0.9%)	Deficit funding

Deficit Reduction Plan (as necessary):

The size of deficit spending is not increased by this settlement, it actually decreases over the next two years.

Were "Other Adjustments" amount(s) entered in the multiyear projections (pages 5a and 5b) for 1st and 2nd

7. Subsequent FY?

"Other Adjustments" could indicate that a budget reduction plan was/is being developed to address deficit spending and to rebuild reserves. Any amount shown below must have an explanation. If additional space is needed, attach a separate sheet or use Page 9a.

MYP	Amount	"Other Adjustments" Explanation
1st Subsequent FY Unrestricted, Page 5a	\$ -	
1st Subsequent FY Restricted, Page 5b	\$ -	
2nd Subsequent FY Unrestricted, Page 5a	\$ -	
2nd Subsequent FY Restricted, Page 5b	\$ -	

SANTA MONICA-MALIBU CLASSROOM TEACHERS ASSOCIATION

J. COMPARISON OF PROPOSED CHANGE IN TOTAL COMPENSATION TO CHANGE IN LCFF FUNDING FOR THE NEGOTIATED PERIOD

The purpose of this form is to determine if the district has entered into bargaining agreements that would result in salary increases that are expected to exceed the projected increase in LCFF funding

(fill out columns for which there is agreement)

	2012-13	2013-14	2014-15	2015-16
	*			
a. LCFF Funding per ADA (average)	6,174.46	6,432.13	6,776.63	7,129.10
b. Amount Change from Prior Year Funding per ADA		257.67	344.50	352.47
c. Percentage Change from Prior Year Funding per ADA		4.17%	5.36%	5.20%
d. Total Compensation Amount Change (from Page 1, Section A, Line 5)		2,233,580.00	(19,164.00)	(19,164.00)
e. Total Compensation Percentage Change (from Page 1, Section A, Line 5)		3.51%	-0.03%	-0.03%
f. Proposed agreement is within/exceeds change in LCFF Funding (f vs. e)		Within	Within	Within

* 2012-13 from LACOE LCFF Calculation Worksheet G-7/G-3

K. CERTIFICATION NO. 1: CERTIFICATION OF THE DISTRICT'S ABILITY TO MEET THE COSTS OF THE COLLECTIVE BARGAINING AGREEMENT

This certification page must be signed by the district's Superintendent and Chief Business Official at the time of public disclosure and is intended to assist the district's Governing Board in determining whether the district can meet the costs incurred under the tentative Collective Bargaining Agreement in the current and subsequent years. The absence of a certification signature or if "I am unable to certify" is checked should serve as a "red flag" to the district's Governing Board.

In accordance with the requirements of Government Code Sections 3540.2(a) and 3547.5, the Superintendent and Chief Business Official of the Santa Monica-Malibu Unified School District, hereby certify that the District can meet the costs incurred under this Collective Bargaining Agreement during the term of the agreement from July 1, 2012 to June 30, 2015.

Board Actions

The board actions necessary to meet the cost of the agreement in each year of its term are as follows:

Current Year

Budget Adjustment Categories:

Revenues/Other Financing Sources
 Expenditures/Other Financing Uses
 Ending Balance(s) Increase/(Decrease)

	Budget Adjustment Increase/(Decrease)
Revenues/Other Financing Sources	\$ 217,371
Expenditures/Other Financing Uses	\$ 2,275,219
Ending Balance(s) Increase/(Decrease)	\$ (2,057,848)

Subsequent Years

Budget Adjustment Categories:

Revenues/Other Financing Sources
 Expenditures/Other Financing Uses
 Ending Balance(s) Increase/(Decrease)

	Budget Adjustment Increase/(Decrease)
Revenues/Other Financing Sources	\$ -
Expenditures/Other Financing Uses	\$ -
Ending Balance(s) Increase/(Decrease)	\$ -

Budget Revisions

If the district does not adopt and submit within 45 days all of the revisions to its budget needed in the current year to meet the costs of the agreement at the time of the approval of the proposed collective bargaining agreement, the county superintendent of schools is required to issue a qualified or negative certification for the district on its next interim report.

Assumptions

See attached page for a list of the assumptions upon which this certification is based.

Certifications

I hereby certify I am unable to certify

District Superintendent
 (Signature)

Date

I hereby certify I am unable to certify

Chief Business Official
 (Signature)

Date

Special Note: The Los Angeles County Office of Education may request additional information, as necessary, to review the district's compliance with requirements.

L. CERTIFICATION NO. 2

The disclosure document must be signed by the district Superintendent at the time of public disclosure and by the President or Clerk of the Governing Board at the time of formal board action on the proposed agreement.

The information provided in this document summarizes the financial implications of the proposed agreement and is submitted to the Governing Board for public disclosure of the major provisions of the agreement (as provided in the "Public Disclosure of Proposed Collective Bargaining Agreement") in accordance with the requirements of AB 1200 and Government Code Sections 3540.2(a) and 3547.5.

SANTA MONICA-MALIBU USD

District Name

**District Superintendent
(Signature)**

Janece L. Maez

Contact Person

Date

310-450-8338 ext. 70268

Phone

After public disclosure of the major provisions contained in this summary the Governing Board is scheduled to take action on February 20, 2014 to approve the proposed agreement with the Santa Monica-Malibu CTA Bargaining Unit.

**President (or Clerk), Governing Board
(Signature)**

Date

Special Note: The Los Angeles County Office of Education may request additional information, as necessary, to review the district's compliance with requirements.

TO: BOARD OF EDUCATION

DISCUSSION

02/06/14

FROM: SANDRA LYON

RE: CONSIDER REVISING AR 3290 – ACCEPTANCE OF GIFTS

DISCUSSION ITEM NO. D.06

It is recommended that the Board of Education consider revising AR 3290 – Acceptance of Gifts.

COMMENTS: On November 29, 2011, the Board of Education revised BP 3290 – Acceptance of Gifts – as part of the move toward centralized fundraising, now called Vision for Student Success (VSS). This corresponding regulation was written by the Superintendent in conjunction with the Assistant Superintendent for Educational Services, with input from the Superintendent’s Advisory Committee (SAC) and the Education Foundation.

ACCEPTANCE OF GIFTS

The goal of the Board is to provide equitable and high quality educational opportunities for all students in the Santa Monica-Malibu Unified School District, and it is the responsibility of the Board to identify and remove barriers that contribute to gaps in achievement for different groups of students. To ensure program parity and equity across all schools and students in the district, the Board has established a policy and a centralized and collaborative fundraising model that will enable the district to provide equity in program and personnel in all district schools while preserving flexibility at each school.

As of July 1, 2014, the Santa Monica-Malibu Education Foundation will be the only fundraising entity through which funds can be raised for the district to use to pay for personnel and professional development. The Superintendent's Advisory Committee will assist the Superintendent in the design, implementation, and revision of the Vision for Student Success plan which will determine what the centralized funds shall be raised for and will work with district staff to provide oversight of the plan.

Staff funded by the Booster groups at Santa Monica High School and Malibu High School for the 2013-1014 school year are exempt from this policy for the 2014-2015 school year. The Board of Education will review this provision annually, beginning in the 2014-2015 school year.

Definitions

Professional Development shall be defined as anything related to professional development/training of staff including, and not limited to, release time, substitutes, registration and/or related fees, travel expenses, or expert/consultant costs.

Personnel and/or staff shall be defined to be any person who provides services to students, staff or other stakeholders on site for a fee or in-kind support during the school day. Excluded shall be anyone who delivers a one-time activity or event such as an assembly or guest speaker.

Superintendent's Advisory Committee

Members of the Superintendent's Advisory Committee (SAC) shall include the Superintendent, elementary and secondary principals representing each pathway, the PTA president from each school, PTA/Santa Monica-Malibu Education Foundation (SMMEF) liaisons, district staff, SMMCTA and SEIU representatives, SMMEF staff and other stakeholders as determined by the Superintendent. The Superintendent shall provide the SAC with a calendar of monthly meetings.

The SAC's duties include:

1. Ensure effective two-way communication between district staff and site staff/community on all VSS matters,
2. Assist the superintendent/designee in prioritizing VSS goals,
3. Provide feedback to the Superintendent/designee during development and/or refinement of the VSS plan, and

4. Provide input to district staff for the annual evaluation of the VSS plan with the Superintendent and district staff.

The PTA/SMMEF Liaisons shall serve as conduits and links between the PTAs and the SMMEF.

Development and Evaluation of the Vision for Student Success Plan

Every three years, beginning with the 2013-14 school year, the Superintendent/designee will develop a VSS plan and present it to the Board at a public meeting. The Superintendent/designee and district staff will confer with SAC on priorities. District staff shall define the components of the VSS plan and may provide details such as definitions, duties, scope, or discretionary funding rules. When plan priorities change, district staff will establish new goals and plan details and present them to the SAC for feedback and the Board for approval.

The Superintendent/designee shall evaluate the VSS annually, using a multiple measures plan and make revisions to the VSS as necessary. The evaluation plan shall include a program survey designed to collect input from a diverse group of stakeholders, including, and not limited to, the SAC, school and district staff, and parents. District staff will confer with the SAC on evaluation metrics and methods. The Superintendent/designee shall present evaluation findings to the Board in a VSS annual report no later than the second month of the subsequent school year.

The Superintendent/designee shall share the VSS evaluation with the SAC. Evaluation findings and other relevant data shall be used to inform the Superintendent/designee and the SAC in the development/prioritization of the VSS goals and the revision of its plan in subsequent years.

School Discretionary Grants

The School Site Council shall serve as the governance structure for discretionary VSS funds. As part of its Single Plan for Student Achievement (SPSA), the school site council (SSC) shall develop activities, budgets and evaluation criteria for discretionary funds granted by the VSS. In addition to the school principal and SSC chairperson, the PTA president must sign the SPSA to signify his/her input into, and review of, the VSS portions of the SPSA.

Master Agreement/Relationship

The Master Agreement between the Santa Monica-Malibu Education Foundation and the Santa Monica-Malibu Unified School District defines the relationship between the District and the Foundation regarding centralized fundraising as stipulated in Board Policy 3290. The Agreement specifies that the Superintendent shall develop a list of potential programs and their estimated costs, called the "Proposed Annual Program Plan," which is now known as the Vision for Student Success (VSS), and provide a copy to the Foundation's Executive Director. The VSS plan shall prioritize programs that can be sustained over a multi-year period and focus on student-based needs across the District. The agreement specifies the timeline for budgeting and fundraising and all other details pertaining to the fundraising efforts the SMMEF will undertake on behalf of the SMMUSD.

Budget Monitoring

District staff shall establish budget codes for tracking the VSS revenues and expenditures. The VSS budget will also be presented to the Board.

District staff shall provide SAC with the following budget reports:

1. An initial VSS budget plan by program no later than January 31 of the calendar year prior to the beginning of the school program year (e.g. if program year to be funded is July 1, 2104-June 30, 2015, the budget plan would be presented by January 31, 2014)
2. An interim budget report showing initial budget expenditures no later than January 31 of the program year
3. A final expenditure report no later than September 30 for the previous program year

District staff will present final budget to SAC for input regarding any unspent allocations that may exist.

Discretionary budgets expended at the school site must follow the intent of the Vision for Student Success. PTA presidents and PTA/SMMEF liaisons will update the SAC at the end of the year as to how discretionary funds were spent at their school sites.

Personnel and Business Procedures

District and school staff will follow:

1. District Human Resources procedures when hiring personnel with VSS funding.
2. District Business Services procedures when making purchases with VSS funding.
3. District Business Services procedures when entering into contract with VSS funding.

Supplemental School Fundraising

The first year the District's annual fundraising goal for VSS is achieved, each site PTA may raise up to \$80,000 for the purpose of additional staffing the following school year. When exercising this option, school staff shall consult with the Human Resources staff and follow district personnel procedures.

This option will be reevaluated annually for up to an additional two years.

Acceptance of Other Gifts

Procedures

Acceptance Procedures

1. Gifts will be donated to the school district but can be designated for a particular school.
2. A needs assessment will be conducted by a committee at each school composed of parents, teachers and the principal. This committee will develop a prioritized list of needs for each school.
3. The committee and the principal of the school must approve the disposition of all gifts, which should be in accordance with the school's identified needs, before a request for acceptance is submitted to the Board of Education.

Criteria for Accepting Gifts

All gifts and donations will be formally accepted by the Board in accordance with administrative procedures subject to the following criteria:

1. Gifts are of direct or closely related instructional value and will not cause the instructional program of the school in which the gift is used to differ from established district curriculum. If a gift is offered that does not appear on the prioritized list of needs or is not of direct institutional value, the committee and the principal will evaluate the gift and make a commendation regarding acceptance.
- ~~2. Gifts of money for personnel will be used for instruction, consulting services, assemblies, aides to assist in the instructional program, for supervision of students (i.e., noon aides) or clerical help. Certificated personnel will be hourly only; however, classified personnel may be hourly, part time or full time. All personnel whose services are paid for with gift funds must be hired through the Personnel Office.~~
- ~~3.~~ 2. The Business Services Division must approve all gifts requiring installation and maintenance, and appropriate money must accompany requests for acceptance of these gifts. If gift items require an ongoing maintenance contract, the money for that contract must accompany the gift.
- ~~4.~~ 3. Gift funds allocated to a school shall be placed in a specifically designated program account. Any funds remaining in this program at the end of the fiscal year shall carry forward into the ensuing fiscal year.
- ~~5.~~ 4. The foregoing rules also apply to gifts from student body organizations or any on-campus improvement projects not financed or processed through normal requisitioning procedures.
- ~~6.~~ 5. With gifts of opportunity, the Superintendent/designee is authorized to accept gifts on behalf of the Board where a delay until the next Board meeting will cause the gift offer to be retracted.
- ~~7. Schools will be allowed to establish a revolving cash fund created by gift money. The fund shall not exceed \$100 per teacher per semester.~~
- ~~8.~~ 6. Gifts given by individuals not in conjunction with fund raising under a value of \$100 do not need Board approval.

The Equity Fund

~~To provide equitable and high quality educational opportunities for all students in Santa Monica-Malibu Unified School District, the Board will establish an Equity Fund, which will be administered by the Education Services Department of the SMMUSD in conjunction with the Santa Monica Malibu Education Foundation. The Equity Fund will, annually, distribute block grants to all schools to address district and local school goals and mitigate the effects of the unequalized enrichment of schools.~~

~~The Board will also annually distribute funds from the Equity Fund to address district-wide goals and programs in order to mitigate the effects of unequalized enrichment and opportunity for students.~~

~~The district will establish two categories of contributions to the Equity Fund: mandatory contributions as described in this policy, and voluntary contributions.~~

1. ~~Contributions and Collection Mechanisms: Contributions to the mandatory fund will be collected from the following sources:~~

a. ~~Fifteen percent of all cash gifts to either the district or any department or organization thereof, or individual schools, donated during a school year will be placed in the Equity Fund.~~

b. ~~Grants and Gifts~~

~~There are four (4) types of revenue sources to the district in the area of grants and gifts:~~

~~(1) Gifts to the district~~

~~(2) Grants to the district~~

~~(3) Gifts to a site/school~~

~~(4) Grants to a site/school~~

~~It is not the intent of this policy to discourage grants from private or public philanthropy. All gifts given to either a site/school or district shall be required to make the 15% established donation to the Equity Fund.~~

~~Grants to the district shall be considered on a case-by-case basis. When the Board accepts each grant (as is normally required), it would also decide if the individual grant should be subjected to the guidelines of the policy or not. A test of how equitable the grant funds are to be distributed will be a guiding principle when making this type of decision.~~

~~Grants applied for and given to individual sites/schools shall be exempted from the policy. However, no grant will be submitted or accepted unless it is reviewed by the Assistant Superintendent/Chief Academic Officer.~~

2. ~~Exemptions:~~

~~The following items are exempt from mandatory contributions to the Equity Fund:~~

a. ~~Student-run activities initiated and administered by students interest clubs and student government.~~

~~For example:~~

~~=i Chess Club~~

~~=i Operation Smile~~

~~=i French Club~~

~~=i Amnesty International~~

~~=i Harry Potter Club~~

~~=i Debate Club~~

b. ~~Operational costs of any organization contributing to the fund.~~

~~For example:~~

~~=i Printing~~

~~=i Bank fees~~

~~=i Postage~~

- ⇒i Conference fees
- ⇒i Insurance
- ⇒i Filing fees
- ⇒i Dues
- ⇒i Tax prep fees
- ⇒i Volunteer and student recognition – awards, certificates
- ⇒i Non-school office supplies
- ⇒i Legislative advocacy
- ⇒i Fundraising expenses – e.g. soap for car washes
- ⇒i Marketing and publicity – advertising, website expenses
- ⇒i State or National PTA sponsored programs – e.g. Red Ribbon Week
- ⇒i Donations to tax-exempt organizations – e.g. UNICEF, Red Cross

The following operational costs are exempt at the High School level only:

- ⇒i Athletics at the High School level: In addition to the above, exemptions also include:
 - ⇒i Team uniforms
 - ⇒i Athletic equipment required for competition – baseball bats, helmets, mitts, balls; soccer goals, balls; tennis racquets, balls, nets; swimming starting blocks, pool lane markers, timers, stop watches
 - ⇒i Safety equipment – first aid kits

The following operational costs are exempt at the High School and Middle School levels only:

- ⇒i Arts
 - ⇒i Music
 - ⇒i Sheet music
 - ⇒i Festival and adjudicator fees
 - ⇒i Team uniforms & equipment (e.g. color guard flags, sabers)
 - ⇒i Safety equipment – first aid kits
 - ⇒i Performance attire
 - ⇒i Music royalties & licensing fees
 - ⇒i Visual Art
 - ⇒i Paint
 - ⇒i Clay
 - ⇒i Canvas
 - ⇒i Paint brushes
 - ⇒i Crayons
 - ⇒i Charcoal
 - ⇒i Safety equipment – first aid kits
 - ⇒i Dance
 - ⇒i Performance costumes
 - ⇒i Music royalties and licensing fees
 - ⇒i Safety equipment – first aid kits
 - ⇒i Drama
 - ⇒i Performance costumes
 - ⇒i Script royalties and licensing fees
 - ⇒i Props, costumes, make-up for performances
 - ⇒i Safety equipment – first aid kits

c. — K-12 field trips and competitions: the first \$1,500 of expenditures for domestic travel and \$2,500 for international travel per person per trip for all participants (starting July 1, 2009).

- d. ~~Student aid/Scholarships (either academic or to ameliorate fiscal hardship for a student in order to participate in a school sponsored activity). NOTE: for field trips and competitions see (c) above.~~
- e. ~~Non-monetary gifts: The first \$5,000 of assessed value from any donor is exempt. For non-monetary gifts valued over \$5,000, the donor can:

 - (1) ~~Make the gift to the district to be placed at the discretion of the Board, or~~
 - (2) ~~If the donor gives directly to a particular school, then the value of the gift over \$5,000 is subject to the 15% equity contribution, or~~
 - (3) ~~If a donor gives multiple gifts to a particular school in a fiscal year, when totaled, the amount above \$5,000 is subject to the policy.~~~~
- f. ~~Copy machines, e.g. purchase, maintenance agreements, lease payments, etc.~~

~~3. Distribution of Resources Acquired through the Equity Fund~~

~~Monies accumulated in the Equity Fund will be distributed annually in July. The specific amount from the Equity Fund that will be made available for distribution will be determined at the sole discretion of the Board. There are three categories of distribution to be considered:~~

- a. ~~distribution to support districtwide initiatives to provide academic support, intervention and/or remediation in accordance with the mission of the school district to be presented by spring, before the budget process, and if Educational Services is in need for extra funds for IISS, the request should be forwarded to the Board earlier;~~
- b. ~~distribution of resources to school sites using the weighted student formula; and~~
- c. ~~resources to be reserved (conserved) within the fund.~~

~~Distribution to support districtwide initiatives to provide academic support, intervention and/or remediation in accordance with the mission of the school district~~

~~The Board has established that it has the right to reserve a portion of the Equity Fund as a set aside investment for targeted purposes as investments in whole district intervention, remediation and academic support.~~

~~The Board will be given a list of proposed districtwide initiatives with rationales and budgets at or before the first meeting in June to provide time for discussion and followup about each initiative's needs. Districtwide initiatives must meet the following criteria to be eligible for consideration:~~

- a. ~~There must be ambitious, feasible and measurable goals for the proposed initiative.~~
- b. ~~The academic support, intervention or remediation initiative must serve a significant population (or subgroup) of students with identified academic need(s).~~
- c. ~~District staff must have a plan for evaluating the efficacy of the initiative and tracking student achievement during and after the initiative.~~

- d. ~~The overall budget must reflect the use of appropriate state and federal categorical, grant or other resources to support the initiative.~~
- e. ~~The uses to which the equity funding requested will be put must be clear in the proposed budget and the rationale for the initiative.~~
- f. ~~Equity funding will be used to support districtwide academic support, intervention and/or remediation programs that have recent evaluation or other data to support that staff responsible for the proposed initiative have engaged in a data-driven improvement planning process. An example of such a program is the elementary summer school program.~~

~~Distribution of resources to school sites using the weighted student formula~~

~~All funds to be distributed to school sites will follow the weighted student formula without exception. The specific amount of money from the Equity Fund that will be made available for distribution through the student-weighted formula is determined at the sole discretion of the Board. Once this amount is determined, the entire sum is distributed to school sites through the formula. School sites will receive their allocation once their plan has been approved.~~

~~Resources to be reserved (conserved) within the fund~~

~~Each year as part of its deliberations about the most appropriate uses for the resources that have been accumulated within the Equity Fund, the Board may decide to reserve (conserve) some funding within that fund for uses in future years. There may be several reasons for this decision, including, but not limited to the following:~~

- ~~→ Knowledge of anticipated impending State budget restrictions~~
- ~~→ Local revenue disruption~~
- ~~→ A multi-year initiative with only year one funding identified.~~

Monitoring compliance and implementation of the Equity Fund and Policy

~~The policy requires both the Board and the Education Services Department to report to all stakeholders the activity surrounding this policy each year in the form of an annual report. This mechanism will serve to communicate information to the public. In addition, there will need to be monitoring of compliance and implementation of the policy in action to learn from, and report to, stakeholders about the impact of the policy on school improvement and student achievement. Three levels of monitoring will occur. The data and information from these levels of monitoring can help to partially answer the important questions of how and what we are learning about the impact of a policy with social, fiscal, and educational implications. At one level, monitoring the application of the policy will help to answer questions such as: how have funds been collected, how have funds in the Equity Fund been distributed, how have local budgets (at schools and centrally) been impacted as a result of the policy, and how have exemptions been applied in the fundraising and collection mechanisms for the Gift policy.~~

~~Monitoring to establish the degree of compliance and general tone of tolerance for the policy will also occur. This will require both fiscal and survey data to answer questions like: what do parents feel about the policy and its application, how does the Board feel about the policy's implementation, and how does the public and how do donors feel about the policy.~~

~~The final level of monitoring concerns the outcomes of implementing the policy. These data will help answer questions like: what effect did the "new" investments from the Equity Fund have at a site, has student achievement been impacted by any of the new investments, and is there support to continue or adjust the policy. Of course, monitoring will also reveal unintended consequences of this policy implementation as well.~~

Additional Considerations for Collection

The fiscal office will help schools track their ongoing gift amounts and contribution owed to the fund. Sites/schools would be responsible for 'holding aside' their required contribution. All contributions would be sent to the Equity Fund on January 31 and June 30. The Fiscal Services Department would receive the donations and distribute the funds via the student-weighted formula as plans are approved by the Education Services Department.

Voluntary Contributions

No formula is applied to voluntary contributions to the Equity Fund. Any amount given is a 100 percent contribution.

Equity Fund Administration

The Board will designate the Education Services Department to administer the Equity Fund. The duties will include the collection and distribution of funds, and annual public reporting. The Education Services Department will also be responsible for the collection of all voluntary donations to the Equity Fund.

An Oversight Committee will be established to oversee the Equity Fund and its activities. The committee will seek members including one representative from each PTA and/or each school fundraising organization. The responsibilities of the Equity Fund Oversight Committee include:

1. — Meet two times per school year.
2. — Review school plans for spending Equity Funds.
3. — Review the policy for implementation problems or reporting issues.

This group acts in an advisory capacity only.

This policy will return to the Board for review each year.

5. — Deferred maintenance
6. — Expenditures designed to close the achievement gap
7. — Professional development

Regulation SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
approved: September 9, 2004 Santa Monica, California
revised: May 7, 2009

TO: BOARD OF EDUCATION

DISCUSSION

02/06/14

FROM: SANDRA LYON

RE: CONSIDER REVISING BP 0410 – NONDISCRIMINATION IN DISTRICT
PROGRAMS AND ACTIVITIES

DISCUSSION ITEM NO. D.07

It is recommended that the Board of Education consider revising BP 0410 – Nondiscrimination in District Programs and Activities.

COMMENTS: CSBA recommends updating this policy to reflect new law (AB 887 and SB 559), which expands the prohibited bases of discrimination to include genetic information, gender expression, and gender identity. The policy also reflects federal regulations that (1) require newly constructed district facilities to comply, starting March 15, 2012, with the 2010 Americans with Disabilities Act Standards for Accessible Designs and (2) require districts to permit an individual with a disability to be accompanied by a service animal on district premises when, without the animal's assistance, the individual with a disability will not be able to access or participate in a district program or activity.

NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES

~~The Board of Education is committed to equal opportunity for all individuals in education. District programs and activities shall be free from discrimination based on actual or perceived sex, age, ancestry, color, ethnic group identification, gender, mental and/or physical disability, national origin, race, religion, sexual orientation, and a person's association with a person or group with one or more these actual or perceived characteristics. The Board shall promote programs which ensure that discriminatory practices are eliminated in all district activities.~~

The Governing Board is committed to equal opportunity for all individuals in education. District programs, activities, and practices shall be free from discrimination based on race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

District programs and facilities, viewed in their entirety, shall be readily accessible and usable by to individuals with disabilities and shall be in compliance with the Americans with Disabilities Act. ~~In addition, new construction and alterations to facilities existing before January 26, 1992, shall be accessible when viewed in their entirety.~~

The Superintendent or designee shall ensure that the district provides auxiliary aids and services where necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, note takers, written materials, taped text, and Braille or large print materials. Individuals with disabilities shall notify the Superintendent or principal if they have a disability that requires special assistance or services. Reasonable notification should be given prior to the school-sponsored function, program or meeting.

The Superintendent or designee shall notify students, parents/guardians, employees, employee organizations and applicants for admission and employment and sources of referral for applicants about the district's policy on nondiscrimination. Such notification shall be included in each announcement, bulletin, catalog, or application form or other recruitment materials distributed to these groups. (34 CFR 104.8, 106.9)

The Superintendent or designee shall also provide information about related complaint procedures. To the extent possible, the district's nondiscrimination policy shall be published in the individual's primary language.

Legal Reference:**EDUCATION CODE**

200-262.4 Prohibition of discrimination

48985 Notices to parents in language other than English

51007 Legislative intent: state policy

GOVERNMENT CODE

11000 Definitions

11135 Nondiscrimination in programs or activities funded by state

11138 Rules and regulations

12900-12996 Fair Employment and Housing Act

54953.2 Brown Act compliance with Americans with Disabilities Act

PENAL CODE

422.55 *Definition of hate crime*

422.6 *Interference with constitutional right or privilege*

CODE OF REGULATIONS, TITLE 5

4600-4687 *Uniform complaint procedures*

4900-4965 *Nondiscrimination in elementary and secondary education programs*

UNITED STATES CODE, TITLE 20

1400-1482 *Individuals with Disabilities in Education Act*

1681-1688 *Discrimination based on sex or blindness, Title IX*

2301-2415 *Carl D. Perkins Vocational and Applied Technology Act*

6311 *State plans*

6312 *Local education agency plans*

UNITED STATES CODE, TITLE 29

794 *Section 504 of the Rehabilitation Act of 1973*

UNITED STATES CODE, TITLE 42

2000d-2000d-7 *Title VI, Civil Rights Act of 1964*

2000e-2000e-17 *Title VII, Civil Rights Act of 1964 as amended*

2000h-2000h-6 *Title IX*

12101-12213 *Americans with Disabilities Act*

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 *Americans with Disabilities Act*

36.303 *Auxiliary aids and services*

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 *Nondiscrimination in federal programs, effectuating Title VI*

104.1-104.39 *Section 504 of the Rehabilitation Act of 1973*

106.1-106.61 *Discrimination on the basis of sex, effectuating Title IX, especially:*

106.9 *Dissemination of policy*

Management Resources:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Notice of Non-Discrimination, January 1999

Protecting Students from Harassment and Hate Crime, January 1999

Nondiscrimination in Employment Practices in Education, August 1991

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

Safe Schools Coalition: <http://www.casafeschoolscoalition.org>

Pacific ADA Center: <http://www.adapacific.org>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

**Policy SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
adopted: August 19, 2009 Santa Monica, California**

TO: BOARD OF EDUCATION

DISCUSSION

02/06/14

FROM: SANDRA LYON

RE: CONSIDER REVISING BP AND AR 0420 – SCHOOL PLANS/SITE COUNCILS

DISCUSSION ITEM NO. D.08

It is recommended that the Board of Education consider revising BP and AR 0420 – School Plans/Site Councils.

COMMENTS: CSBA recommends updating this policy to delete material on school site block grants, which are no longer operational. Policy also adds language, reflecting California Department of Education guide, requiring the Board to communicate specific reasons to the school site council when it disapproves the Single Plan for Student Achievement.

CSBA recommends updating this regulation to delete the section on "School Site Block Grants," since these grants are no longer operational, and to delete the section on "School Plans for Categorical Block Grants," since the requirements for the Pupil Retention Block Grant and School and Library Improvement Block Grant are now flexible under the Local Control Funding Formula pursuant to new law (AB 97, 2013). The regulation is also updated to reflect California Department of Education guide regarding (1) the selection of school site council members, including clarification of membership requirements in middle schools, and (2) the process of developing the Single Plan for Student Achievement, including data sources, consultation with advisory groups, and new budget planning, and evaluation tools.

SCHOOL PLANS/SITE COUNCILS

~~When required by law or determined to be a useful tool to accomplish district and school goals, school site councils or other school advisory groups shall develop comprehensive school plans designed to enhance student achievement at individual school sites.~~

The Governing Board believes that comprehensive planning at each district school is necessary in order to focus school improvement efforts on student academic achievement and facilitate the effective use of district resources. The Superintendent or designee shall ensure that school plans provide clear direction and identify cohesive strategies aligned with school and district goals.

For any school that participates in specified state and/or federal categorical programs, the school site council or other schoolwide advisory committee shall consolidate the plans required for those categorical programs into a single plan for student achievement (SPSA). (Education Code 52055.755, 64001)

Single Plan for Student Achievement

The Superintendent or designee shall ensure that a single plan for student achievement is prepared by the school site council as required by law for each school participating in specified state and/or federal categorical programs. (Education Code 41507, 41572, 52055.755, 64001)

Whenever feasible, any other school plan may be incorporated into the single plan for student achievement.

The Superintendent or designee shall review each school's single plan and ensure that it has been developed and approved by a properly constituted school site council, meets the content requirements for all programs included, is based on an analysis of current practices and student academic performance, and reasonably links improvement strategies to identified needs of the school and students. He/she shall submit to the Board of Education his/her recommendations for plan approval or recommendations regarding any subsequent material revisions of the plan.

The Board shall review and approve each school's single plan for student achievement at a regularly scheduled meeting. The Board also shall review and approve any subsequent revisions that include material changes affecting the academic programs for students participating in these categorical programs. The Board shall certify that, to the extent allowable under federal law, the plan is consistent with district local improvement plans required as a condition of receiving federal funding. (Education Code 64001)

The Superintendent or designee shall ensure that principals and members of each site council receive training on the roles and responsibilities of the site council. To the extent necessary, he/she shall ensure that site councils receive the resources necessary in order to perform their role effectively.

~~School Site Block Grants~~

~~Upon receipt of state funding for school site block grants, the Board shall allocate the funds to district schools on an equal per-pupil basis. (AB 1802, Sec. 43, Statutes of 2006)~~

~~The school's use of the funds allocated through this block grant shall be proposed by the school~~

site council or, if the school does not have a school site council, by a schoolwide advisory group or school support group. (AB 1802, Sec. 43, Statutes of 2006)

The Board encourages school site councils to fund the highest priority needs identified in school improvement plans. The school site council shall provide the Superintendent or designee and the Board with a written proposal that includes a statement of the identified need(s) and how the funds will be used to enhance the educational program.

Before the funds are encumbered or expended, the Board shall approve the site council's proposed use of the funds. If the Board does not approve the proposed use, the Board shall inform the school site council of the reasons for disapproval and request that the council review and revise its proposal. (AB 1802, Sec. 43, Statutes of 2006)

Legal Reference:

EDUCATION CODE

52-53 Designation of schools
33133 Information guide for school site councils
35147 Open meeting laws exceptions
41500-41573 Categorical education block grants
52055.700-52055.770 Quality Education Investment Act
52176 Advisory committees
52500-52617 Adult education
52800-52887 School-Based Program Coordination Act
52890 Qualifications and duties of outreach consultants
54000-54028 Educationally Disadvantaged Youth Programs
54100-54145 Miller-Unruh Basic Reading Act
54425 Advisory committees (compensatory education)
54650-54659 Education Improvement Incentive Program
56000-56867 Special education
64000 Categorical programs included in consolidated application
64001 Single school plan for student achievement, consolidated application programs
HEALTH AND SAFETY CODE
104420 Tobacco use prevention
CODE OF REGULATIONS, TITLE 5
3930-3937 Compliance plans
UNITED STATES CODE, TITLE 20
6311 Accountability, adequate yearly progress
6312-6319 Title I programs; plans
6421-6472 Programs for neglected, delinquent, and at-risk children and youth
6601-6651 Teacher and Principal Training and Recruitment program
6801-7014 Limited English proficient and immigrant students
7101-7165 Safe and Drug-Free Schools and Communities
7341-7355c Rural Education Initiative

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
A Guide for Developing the Single Plan for Student Achievement: A Resource for the School Site Council, February 2013
WEST ED PUBLICATIONS
California Healthy Kids Survey
California School Climate Survey
WEB SITES
California Department of Education, Single Plan for Student Achievement:
<http://www.cde.ca.gov/nclb/sr/le/singleplan.asp>
U.S. Department of Education: <http://www.ed.gov>
WestEd: <http://www.wested.org>

**Policy SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
adopted: August 19, 2009 Santa Monica, California**

SCHOOL PLANS/SITE COUNCILS

School Site Councils

When required for participation in any categorical program, each district school shall establish a school site council or advisory committee. (Education Code 41507, 41572, 52852, 64001)

The school site council shall be composed of the following: (Education Code 41507, 41572, 52852)

1. The principal
2. Teachers selected by the school's teachers
3. Other school personnel chosen by the school's other personnel
4. Parents/guardians of students attending the school chosen by other such parents/guardians, or community members chosen by the parents/guardians as representatives
5. In secondary schools, students attending the school chosen by other such students

Half of the school site council membership shall consist of school staff, the majority of whom shall be classroom teachers. For elementary school site councils, the remaining half shall be parents/guardians or parent/guardian representatives. For secondary school site councils, the remaining half shall be equal numbers of parents/guardians (or parent/guardian representatives) and students. Elementary SSCs shall have a minimum of 10 members. Secondary SSCs shall have a minimum of 12. (Education Code 41507, 41572, 52852)

A district employee may serve as a parent/guardian representative on the site council of the school his/her child attends, provided the employee does not work at that school. (Education Code 52852)

The bylaws of each school site council shall include the method of selecting members and officers, terms of office, responsibilities of council members, time commitment, and a policy of nondiscrimination.

School site councils may function on behalf of other committees in accordance with law. (Education Code 52176, 52870, 54425; 5 CCR 3932)

School site councils shall operate in accordance with procedural meeting requirements established in Education Code 35147.

Single Plan for Student Achievement

In order for a school to participate in any state or federal categorical program specified in Education Code ~~41506, 41571~~, 52055.700 or 64000, the school site council shall approve, annually review, and update a single plan for student achievement. If the school does not have a school site council, a schoolwide advisory group or school support group conforming to the composition requirements of the school site council listed above shall fulfill these responsibilities. (Education Code ~~41507, 41572~~, 52055.755, 64001)

The SPSA shall be developed with the review, advice, and certification of any applicable school advisory committees. (Education Code 64001)

Such groups may include, but are not limited to, advisory committees established for categorical programs such as English learner, special education, gifted and talented education, and Economic Impact Aid programs; Western Association of Schools and Colleges leadership teams; district or school liaison teams for schools identified for program improvement; and other committees established by the school or district.

The single plan for student achievement shall be aligned with school goals for improving student achievement and shall be based on an analysis of verifiable state data, including the Academic Performance Index (API) and the California English Language Development Test (CELDT), and any other data voluntarily developed by the district to measure student achievement. (Education Code 64001)

The plan shall, at a minimum: (Education Code 64001)

1. Address how funds provided to the school through categorical programs will be used to improve the academic performance of all students to the level of the performance goals established by the API
2. Identify the school's means of evaluating progress toward accomplishing those goals
3. Identify how state and federal law governing these programs will be implemented

In addition to meeting the requirements common to all applicable school plans, the single plan shall address the content required by law for each individual categorical program in which the school participates.

Plans developed for the state's Immediate Intervention/Underperforming Schools Program pursuant to Education Code 52054 or the federal Title I schoolwide programs pursuant to 20 USC 6314 shall satisfy the requirement for the single plan. (Education Code 64001)

In developing or revising the single plan, the school site council shall:

1. Analyze student achievement data. Using measures of student academic performance, the school shall identify significant patterns of low performance in particular content areas, student groups, and/or individual students and determine which data summaries to include in the plan as most informative and relevant to school goals.
2. Assess the effectiveness of the school's instructional program in relation to the analysis of student data.
3. Identify a limited number of achievement goals and key improvement strategies to achieve the goals. School goals shall reflect the needs identified at the school site while aligning with goals identified in federally required district plans. The school shall specify the student group(s) on which each goal is focused, the methods or practices that will be used to reach the goal, and the criteria that will be used to determine if the goal is achieved.
4. Define timelines, personnel responsible, proposed expenditures, and funding sources to implement the SPSA.

The school site council or other schoolwide group shall approve the proposed SPSA at a meeting for which public notice has been posted and then submit the SPSA to the Governing Board for approval. (Education Code 35147, 64001)

The school site council or other schoolwide group shall regularly monitor the implementation and effectiveness of the SPSA and modify any activities that prove ineffective. At least once per year, the school shall evaluate results of improvement efforts and report to the Board, advisory committees, and other interested parties regarding progress toward school goals.

The school site council or other schoolwide group may amend the SPSA at any time. Any revisions that would substantively change the academic programs funded through the consolidated application shall be submitted to the Board for approval.

~~1. Measure the effectiveness of current improvement strategies at the school~~

~~The school site council shall analyze student performance based on state and local data, identify significant low performance among all student groups, and analyze instructional programs to determine program areas that need to be addressed in order to raise performance of student groups not meeting academic standards.~~

~~2. Seek input from other school advisory committees as appropriate~~

~~3. Reaffirm or revise school goals to serve as a basis for school improvement activities and expenditures~~

~~4. Revise improvement strategies and expenditures~~

~~The school site council shall specify actions to be taken, dates by which actions are to be started and completed, expenditures needed to implement the action, the funding source, anticipated annual performance growth for each student group, and the means that will be used to evaluate progress toward each goal.~~

~~5. Approve and recommend the plan to the Board of Education~~

~~The Superintendent or designee and the principal shall implement the strategies in the single plan and report to the school site council and the Board regarding progress toward school goals. The school site council shall monitor the implementation and effectiveness of the single plan and modify any activities that prove ineffective.~~

School Plans for Categorical Block Grants

~~Whenever a school participates in the state's categorical block grant programs for student retention and/or school and library improvement, the school site council shall develop a plan which shall include, but need not be limited to: (Education Code 41507, 41572)~~

~~1. Curricula, instructional strategies, and materials responsive to the individual educational needs and learning styles of each student that enables all students to do all of the following:~~

~~a. Make continuous progress and learn at a rate appropriate to their abilities~~

~~b. Master basic skills in language development and reading, writing, and mathematics~~

~~c. Develop knowledge and skills in other aspects of the curricula, such as arts and~~

humanities; physical, natural, and social sciences; multicultural education; physical, emotional, and mental health; consumer economics; and career education

- d. Pursue educational interests and develop esteem for self and others; personal and social responsibility, critical thinking, and independent judgment
2. Consideration of the use of community resources to achieve instructional improvement objectives
3. Consideration of the use of education technology
4. A staff development program for teachers, other school personnel, paraprofessionals, and volunteers
5. Provisions for utilization of the student success team process to identify and assess the needs of students who are dropouts or potential dropouts, and to develop programs to meet those needs
6. Procedures for coordinating services from funding sources at the school level to help students participate successfully in the core academic curricula and specialized curricula related to jobs and career opportunities
7. Instructional and auxiliary services to meet the special needs of students who are limited-English-speaking, including instruction in a language they understand; educationally disadvantaged students; gifted and talented students; and students with disabilities
8. Improvement of the classroom and school environments, including improvement of relationships between and among students, school personnel, parents/guardians, and the community, and reduction of the incidence of violence and vandalism among students
9. Improvement of student attendance, including parent/guardian awareness of the importance of regular school attendance
10. The proposed expenditure of block grant funds and the degree to which expenditures meet the plan's criteria
11. Other activities and objectives established by the school site council
12. A process for ongoing evaluation and modification of the plan

The evaluation shall be based on the degree to which the school is meeting the plan's objectives, student achievement, and improved school environment. An improved school environment shall be measured by indicators such as the incidence of absenteeism, suspension and expulsion, dropouts, school violence, vandalism and theft; student attitudes towards the school, self, and others; absenteeism among staff, staff resignations, and requests for transfers; and satisfaction of students, parents/guardians, teachers, administrators, and staff.

In addition, any school receiving state funding for school and library improvement shall incorporate plans pertaining to school libraries. (Education Code 41572)

The student retention and/or school and library improvement plans shall be incorporated into the

~~school's single plan for student achievement as described in the above section. (Education Code 41507, 41572)~~

School Site Block Grants

~~The school site council may propose any one-time educational purpose for the use of funds allocated to school sites under school site block grants, including, but not limited to, the following purposes: (AB 1802, Sec. 43, Statutes of 2006)~~

- ~~1. Instructional materials~~
- ~~2. Classroom and laboratory supplies and materials~~
- ~~3. School and classroom library materials~~
- ~~4. Educational technology~~
- ~~5. Deferred maintenance~~
- ~~6. Expenditures designed to close the achievement gap~~
- ~~7. Professional development~~

Regulation SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
approved: August 19, 2009 Santa Monica, California

TO: BOARD OF EDUCATION

DISCUSSION

02/06/14

FROM: SANDRA LYON

RE: CONSIDER ADOPTING BP AND AR 0520.2 – TITLE I PROGRAM
IMPROVEMENT SCHOOLS

DISCUSSION ITEM NO. D.09

It is recommended that the Board of Education consider adopting BP and AR 0520.2 – Title I Program Improvement Schools.

COMMENTS: SMMUSD does not currently have this policy and its regulation in its policy manual. Staff feels it is important to adopt this BP and AR, as the district has school that are categorized as Program Improvement (PI).

TITLE I PROGRAM IMPROVEMENT SCHOOLS

The Governing Board is committed to enabling all district students to meet state academic achievement standards and to narrowing the achievement gap among student groups. To that end, the Board shall assist all district schools, including those receiving federal Title I funds, to achieve adequate yearly progress, as defined by the State Board of Education.

Whenever a district school is identified by the California Department of Education as in need of program improvement (PI), the Superintendent or designee shall ensure that school improvement efforts are coordinated and aligned. He/she shall also revise the school's Single Plan for Student Achievement in accordance with law and as specified in administrative regulation.

Depending on the length of time a district school has been identified for PI, the district shall provide opportunities for student transfers, supplemental educational services, other corrective actions, and/or restructuring in accordance with law.

Program Evaluation

The Board shall annually review the adequate yearly progress of each district school based on state academic assessments and other indicators specified in the state plan for the No Child Left Behind Act. The Superintendent or designee shall publicize and disseminate the results of this review to parents/guardians, principals, schools, and the community so that the instructional program can be continually refined to help all students meet state academic standards. (20 USC [6316](#))

The Board and Superintendent or designee also shall review the effectiveness of the actions and activities carried out by PI schools with respect to parental involvement, professional development, and other PI activities. (20 USC [6316](#))

As necessary based on the results of these evaluations, the Board may require the Superintendent or designee to review and revise any of the school's reform plans, including the school's Single Plan for Student Achievement, allocate additional resources toward the implementation of the plan, and/or require more frequent monitoring of the school's progress in order to raise student achievement.

Legal Reference:

EDUCATION CODE

[35256](#) *School accountability report card*

[53200-53203](#) *Persistently lowest achieving schools*

[53300-53303](#) *Parent Empowerment Act*

[60642.5](#) *California Standards Tests*

[60850-60856](#) *High School Exit Examination*

[64000](#) *Categorical programs included in consolidated application*

[64001](#) *Single school plan for student achievement, consolidated application programs*

CODE OF REGULATIONS, TITLE 5

[4800-4808](#) *Parent Empowerment petitions*

[11992-11994](#) *Persistently dangerous schools, definition*

[13075-13075.9](#) *Supplemental educational services*

UNITED STATES CODE, TITLE 20

[1232g](#) *Family Educational Rights and Privacy Act*

[6301](#) *Title I program purpose*

[6311](#) *Adequate yearly progress*

[6312](#) *Local educational agency plan*

[6313](#) *Eligibility of schools and school attendance areas; funding allocation*

[6316 School improvement](#)
[7912 Persistently dangerous schools](#)
[UNITED STATES CODE, TITLE 29](#)
[794 Section 504 of the Rehabilitation Act](#)
[CODE OF FEDERAL REGULATIONS, TITLE 34](#)
[99.1-99.67 Family Educational Rights and Privacy](#)
[200.13-200.20 Adequate yearly progress](#)
[200.30-200.35 Identification of program improvement schools](#)
[200.36-200.38 Notification requirements](#)
[200.39-200.43 Requirements for program improvement, corrective action, and restructuring](#)
[200.44 School choice option](#)
[200.45-200.47 Supplemental educational services](#)
[200.48 Funding for transportation and supplemental services](#)
[200.49-200.51 State responsibilities](#)
[200.52-200.53 District improvement](#)

Management Resources:

[CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS](#)

[2008 Adequate Yearly Progress Report Information Guide, August 2008](#)

[California's Accountability Workbook](#)

[FEDERAL REGISTER](#)

[Final Rule and Supplementary Information, October 29, 2008. Vol. 73, No. 210, pages 64436-64513](#)

[U.S. DEPARTMENT OF EDUCATION GUIDANCE](#)

[Public School Choice, January 14, 2009](#)

[Supplemental Educational Services, January 14, 2009](#)

[WEB SITES](#)

[CSBA: http://www.csba.org](http://www.csba.org)

[California Department of Education, Program](#)

[Improvement: http://www.cde.ca.gov/ta/ac/ti/programimprov.asp](#)[U.S. Department of Education, No Child Left Behind:](#)

<http://www.nclb.gov>

Policy **CSBA MANUAL MAINTENANCE SERVICE**
approved: **March 2003**
revised: **July 2004, March 2009**

TITLE I PROGRAM IMPROVEMENT SCHOOLS

Definitions

Adequate yearly progress (AYP) refers to a series of annual academic performance goals, as defined by the State Board of Education, that incorporate student participation levels on state assessments, minimum required percentages of students scoring at the proficient level or above on English language arts and mathematics state assessments, high school graduation rates, and growth on the state's Academic Performance Index (API). AYP includes measurable annual objectives for continuous and substantial improvement for the achievement of all students at the school and for any subgroup of students, including economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency, when the number of students in the subgroup is sufficient to yield statistically reliable results. (20 USC 6311)

Program improvement (PI) school refers to a school that is receiving federal Title I funds and has failed to make AYP for each of two consecutive school years. (20 USC 6316)

A school shall be identified for PI by the California Department of Education (CDE) whenever, for each of two consecutive years, it either does not make AYP in the same content area (English language arts or mathematics) schoolwide or for any numerically significant student subgroup or does not make AYP on the same indicator (Academic Performance Index or high school graduation rate) schoolwide. If a small school has too few students to generate a school-level report, its results shall be aggregated into a district accountability measure.

Year 1 Program Improvement

When any Title I school is initially identified for PI: (20 USC 6316)

1. The Superintendent or designee shall provide students enrolled in the school the option of transferring, as described below in the section "Student Transfers," to another school, which may include a charter school, served by the district that has not been identified for PI.
2. Not later than three months of being identified for PI, the school shall develop or revise a school plan, in consultation with parents/guardians, school staff, the district, and outside experts, for approval by the Governing Board. The plan shall cover a two-year period and address the components specified in 20 USC 6316.

To fulfill this requirement, the school may revise its Single Plan for Student Achievement to reflect the requirements of 20 USC 6316.

3. Within 45 days of receiving the plan, the Board shall establish a peer review process to assist with its review of the plan, work with the school as necessary, and approve the plan if it meets the requirements of law.
4. The school shall implement the plan no later than the beginning of the next full school year following the school's identification for PI, or, if the plan has not been approved prior to beginning the school year, immediately upon approval of the plan.

5. As the school develops and implements the school plan, the Superintendent or designee shall ensure that the school receives technical assistance from the district, CDE, an institution of higher education, a private organization, an educational service agency, or another entity with experience in helping schools improve academic achievement, including assistance in:
 - a. Analyzing data from state assessments and other examples of student work to identify and address problems in instruction and/or problems in implementing Title I requirements pertaining to parent involvement, professional development, or school and district responsibilities identified in the school plan
 - b. Identifying and implementing professional development, instructional strategies, and methods of instruction that are derived from scientifically based research and that have proven effective in addressing the specific instructional issues that caused the school to be identified for PI
 - c. Analyzing and revising the school's budget so that the school's resources are more effectively allocated to the activities most likely to increase student achievement and remove the school from PI status

Year 2 Program Improvement

For any Title I school that fails to make AYP by the end of the first full school year after being identified for PI, the Superintendent or designee shall take all of the following actions: (20 USC 6316)

1. Continue to provide all students enrolled in the school the option of transferring, as described below in the section "Student Transfers"
2. Arrange for the provision of supplemental educational services (SES) to eligible students from low-income families by a provider with a demonstrated record of effectiveness, as described below in the section "Supplemental Educational Services"
3. Continue to provide for technical assistance in accordance with item #5 in the section "Year 1 Program Improvement" above

Year 3 Program Improvement: Corrective Action

When a school continues to fail to make AYP by the end of the second full school year after identification for PI (four consecutive years of failure to make AYP), the Superintendent or designee shall continue to provide all elements of Year 1 and Year 2 PI specified above. In addition, the Board shall take one or more of the following corrective actions: (20 USC 6316)

1. Replace school staff relevant to the failure
2. Implement a new curriculum and related professional development
3. Significantly decrease management authority at the school level
4. Appoint an outside expert to advise the school
5. Extend the school year or school day for the school
6. Restructure the internal organization of the school

Whenever a school is identified for Year 3 PI, continues to fail to make AYP, has an API of less than 800, and is not identified as a "persistently lowest achieving school" pursuant to Education Code 53201, the parents/guardians of students attending that school may petition the district to implement an intervention for the purpose of improving academic achievement or student safety, provided that the state limit on the number of such schools has not yet been reached. To be considered by the Board, the petition shall contain all required content and signatures and specify one of four intervention models (i.e., turnaround model, restart model, school closure, or transformation model) or an alternative governance arrangement, as described in 5 CCR 4803-4807. The district shall implement the option requested by the parents/guardians unless, at a regularly scheduled public hearing, the Board makes a finding in writing stating the reason it cannot implement the recommended option and instead designates one of the other options to be implemented. (Education Code 53300-53303; 5 CCR 4800-4808)

Year 4 Program Improvement and Beyond: Restructuring

For any school that continues to fail to make AYP after one full year of corrective action, the Superintendent or designee shall continue to provide all students enrolled in the school with the option to transfer to another school within the district and continue to make SES available to eligible students who remain in the school. In addition, the Board shall develop a plan and make necessary arrangements to implement one of the following options for alternative governance and restructuring, consistent with state law: (20 USC 6316)

1. Reopen the school as a charter school
2. Replace all or most of the school staff relevant to the failure
3. Enter into a contract with an entity with a demonstrated record of effectiveness to operate the school
4. Turn the operation of the school over to the CDE
5. Institute any other major restructuring of the school's governance arrangements that makes fundamental reforms

Notifications

Whenever a school is identified for PI, corrective action, or restructuring, the Superintendent or designee shall promptly notify parents/guardians of students enrolled in that school. The notification shall include: (20 USC 6316; 34 CFR 200.37)

1. An explanation of what the identification means, and how the school compares in terms of academic achievement to other elementary or secondary schools in the district and state
2. The reasons for the identification
3. An explanation of what the school is doing to address the problem of low achievement
4. An explanation of what the district or state is doing to help the school address the achievement problem
5. An explanation of how parents/guardians can become involved in addressing the academic issues that caused the school to be identified for PI

6. An explanation of the option to transfer to another school within the district, as described below in the section "Student Transfers"
7. If the school is in Year 2 of PI or beyond, an explanation of how parents/guardians can obtain SES for their child as described below in the section "Supplemental Educational Services"

The Superintendent or designee shall disseminate information about corrective actions taken at any district school to the parents/guardians of each student in that school and to the public through such means as the Internet, the media, and public agencies. (20 USC 6316)

The Superintendent or designee shall promptly notify teachers and parents/guardians whenever a school is identified for restructuring and shall provide them adequate opportunities to comment before taking action and to participate in developing any plan for restructuring school governance. (20 USC 6316)

All notifications pertaining to PI shall be written in an understandable and uniform format and, to the extent practicable, in a language the parents/guardians can understand. (20 USC 6316; 34 CFR 200.36)

To the extent practicable, the district shall partner with outside groups, such as faith-based organizations, community-based organizations, and business groups, to help inform eligible students and their families of the opportunities to transfer or to receive SES. (34 CFR 200.48)

Student Transfers

All students enrolled in a school in Year 1 of PI or beyond shall be provided an option to transfer to another school, which may include a charter school, served by the district provided that the school: (20 USC 6316; 34 CFR 200.44)

1. Has not been identified for PI, corrective action, or restructuring

In the event that all district schools are identified for PI, the district shall, to the extent practicable, establish a cooperative agreement with other local educational agencies in the area for interdistrict transfers.

2. Has not been identified by the CDE as a "persistently dangerous" school pursuant to 20 USC 7912 and 5 CCR 11992-11994

Among the students offered an option to transfer out of a PI school, priority shall be given to the lowest achieving students from low-income families, as defined by the district for purposes of allocating Title I funds. (20 USC 6316; 34 CFR 200.44)

If two or more district schools are eligible to accept transfers based on criteria listed in items #1-2 above, the district shall provide a choice of more than one such school and shall take into account parent/guardian preferences among the choices offered. (34 CFR 200.44)

The Superintendent or designee may consider school capacity in selecting schools that will be offered as alternatives for school choice, but shall not use the lack of school capacity to deny transfer opportunities to students. The district may increase capacity in eligible district schools to accommodate all students who wish to transfer.

The transfer option shall be offered so that students may transfer in the school year following the school year in which the district administered the assessments that resulted in the identification of the school for PI, corrective action, or restructuring. In order to provide

adequate time for parents/guardians to exercise their transfer option before the school year begins, the Superintendent or designee shall notify parents/guardians of the available school choices sufficiently in advance of, but no later than 14 calendar days before, the start of the school year or on a date otherwise determined necessary by the CDE. (34 CFR 200.37, 200.44)

Notice of the transfer option shall:

1. Inform parents/guardians that, due to the identification of the current school as in need of improvement, their child is eligible to attend another school, including a charter school, served by the district
2. Identify each school that the parent/guardian may select
3. Explain why the choices made available to the parents/guardians may have been limited
4. Describe the timelines and procedures that parents/guardians must follow in selecting a school for their child, including a requirement that parents/guardians rank-order their preferences of eligible schools as appropriate
5. Provide information on the academic achievement of the school(s) to which the student may transfer (34 CFR 200.37)
6. Explain the provision of transportation to the new school (34 CFR 200.37)

The notice may include other information about the school(s) to which the student may transfer, such as a description of any special academic programs or facilities, the availability of before- and after-school programs, the professional qualifications of teachers in the core academic subjects, and a description of parent involvement opportunities. (34 CFR 200.37)

In addition to mailing notices directly to parents/guardians, the Superintendent or designee shall provide information about transfer options through broader means, such as the Internet, the media, and public agencies serving students and their families. (34 CFR 200.36)

The district shall prominently display on its web site, in a timely manner each school year, a list of available schools to which eligible students may transfer in the current school year. The district shall also display data on the number of students who were eligible for and who participated in the student transfer option, beginning with data from the 2007-08 school year and each subsequent year thereafter. (34 CFR 200.39)

In accordance with timelines established for the transfer request process, the Superintendent or designee shall notify parents/guardians of their child's school assignment and shall establish a reasonable deadline by which parents/guardians must either accept the assignment or decline the assignment and remain in the school of origin.

The district shall provide, or shall pay for the provision of, transportation to the district school which the student chooses to attend. (20 USC 6316; 34 CFR 200.44)

To ensure that transportation may be reasonably provided, the Superintendent or designee may establish transportation zones based on geographic location within the district. Transportation to schools within a zone shall be fully provided, while transportation outside the zone may be partially provided.

Any student who transfers to another district school may remain in that school until he/she has completed the highest grade in that school. However, the district shall not be obligated to

provide, or pay for the provision of, transportation for the student after the end of the school year that the school of origin is no longer identified for PI, corrective action, or restructuring. (20 USC 6316; 34 CFR 200.44)

Supplemental Educational Services

When required by law, SES shall be provided outside the regular school day and shall be specifically designed to increase achievement of eligible students from low-income families on state academic assessments and to assist them in attaining state academic standards. (20 USC 6316)

When a school is required to provide SES, the Superintendent or designee shall provide annual notice to parents/guardians that includes: (20 USC 6316; 34 CFR 200.37)

1. The availability of SES
AR 0520.2(l)
2. The identity of approved providers that are within the district or are reasonably available in neighboring local educational agencies
3. The identity of approved providers of technology-based or distance learning services
4. The services, qualifications, and demonstrated effectiveness of each provider, including an indication of those providers who are able to serve students with disabilities or limited English proficiency
5. The benefits of receiving SES

In addition, the notification shall describe procedures and timelines that parents/guardians must follow to select a provider.

This notification shall be clearly distinguishable from other information sent to parents/guardians regarding identification of the school for PI, corrective action, or restructuring. (34 CFR 200.37)

The district shall prominently display on its web site, in a timely manner each school year, a list of state-approved providers serving the district in the current year and the location where services are provided. The district shall also display the number of students who were eligible for and who participated in SES, beginning with data from the 2007-08 school year and each subsequent year thereafter. (34 CFR 200.39)

The Superintendent or designee shall distribute sign-up forms for SES directly to all eligible students and their parents/guardians and make them available and accessible through broad means of dissemination such as the Internet, other media, and communications through public agencies serving eligible students and their families. (34 CFR 200.48)

The district shall provide a minimum of two enrollment windows, at separate points in the school year, that are of sufficient length to enable the parents/guardians of eligible students to make informed decisions about requesting SES and selecting a provider. (34 CFR 200.48)

Within a reasonable period of time established by the Superintendent or designee, parents/guardians shall select a SES provider from among those approved by the SBE. Upon request, the Superintendent or designee shall assist parents/guardians in choosing a provider. (20 USC 6316; 34 CFR 200.46)

The district shall not prohibit or limit an approved provider from promoting its program or the general availability of SES to members of the community. (5 CCR 13075.9)

When the district is an approved SES provider, the Superintendent or designee shall be careful to provide parents/guardians with a balanced presentation of the options available to them and shall ensure that they understand their right to select the district or any other service provider.

No district employee who administers or provides SES, either solely or in collaboration with a SES provider, or who has a financial interest of any kind in a SES provider, shall use his/her position as a district employee to encourage district students or their parents/guardians to use the services of that provider. (5 CCR 13075.7)

The Superintendent or designee shall ensure that eligible students with disabilities, students covered under Section 504 of the federal Rehabilitation Act, and students with limited English proficiency receive appropriate SES with any necessary accommodations or language assistance. (34 CFR 200.46)

If no provider is able to make the services available to such students, the district shall provide the services with necessary accommodations or language assistance, either directly or through a contract. Services shall be consistent with a student's individualized education program (IEP) or Section 504 services plan, as applicable.

If available funds are insufficient to provide SES to each eligible student whose parents/guardians request those services, priority shall be given to the lowest achieving eligible students. (20 USC 6316)

If the number of parents/guardians selecting a particular provider exceeds the capacity of that provider, priority shall be given to the lowest achieving eligible students.

Once a SES provider has been selected by a parent/guardian, the Superintendent or designee shall enter into an agreement with the provider. The agreement shall: (20 USC 6316)

1. Require the district to develop, in consultation with the parents/guardians and the provider, a student learning plan which includes specific achievement goals for the student, a description of how the student's progress will be measured, and a timetable for improving achievement. In the case of a student with disabilities, the student learning plan shall be consistent with the student's IEP.
2. Describe how the student's parents/guardians and teacher(s) will be regularly informed of the student's progress.
3. Provide for the termination of the agreement if the provider is unable to meet such goals and timetables.
4. Contain provisions with respect to the district making payments to the provider.
5. Prohibit the provider, without written parent/guardian permission, from disclosing to the public the identity of any student eligible for or receiving SES.

In developing the student learning plan as required by item #1 above, the Superintendent or designee shall consult with the parent/guardian of each student to, at a minimum, provide the parent/guardian an opportunity to express his/her views and have them considered. Consultation may include, but is not limited to, communication by telephone, email, home visits, parent/guardian meetings, and/or parent/guardian signature(s). Evidence of this consultation shall be included in the student learning plan. In the event that a consultation does not take

place but the parent/guardian has selected an approved SES provider, the Superintendent or designee, or the provider acting on the district's behalf, shall show evidence of at least three separate attempts to contact the parent/guardian using at least two different means of communication. If the parent/guardian elects not to participate in the consultation, the Superintendent or designee, or approved provider acting on the district's behalf, must develop a student learning plan for the student. (5 CCR 13075.7)

The Superintendent or designee may request, but not require, that the SES provider develop the student learning plan on behalf of the district for each student served by the provider as indicated in the agreement. In such cases, the Superintendent or designee shall make available to the provider pertinent student academic achievement data with parent/guardian permission and other technical assistance that will facilitate the development of the plan. The Superintendent or designee shall maintain responsibility to review and approve the student learning plan to ensure that it is developed in consultation with the parent/guardian and contains all required information. (5 CCR 13075.7)

Eligible SES providers shall be given access to school facilities, using a fair, open, and objective process, on the same basis as other groups that seek access to school facilities. (34 CFR 200.48)

**Regulation approved: CSBA MANUAL MAINTENANCE SERVICE
August 2013**

TO: BOARD OF EDUCATION

DISCUSSION

02/06/14

FROM: SANDRA LYON

RE: CONSIDER REVISING AR 1340 – ACCESS TO DISTRICT RECORDS

DISCUSSION ITEM NO. D.10

It is recommended that the Board of Education consider revising AR 1340 – Access to District Records.

COMMENTS: CSBA recommends updating this policy to list instructional materials as records that are accessible to the public under the California Public Records Act. The regulation also updates the list of confidential records to include library circulation and patron use records, as added by new law (SB 445), and records pertaining to the security of the district's information technology system.

ACCESS TO DISTRICT RECORDS**Definitions**

Public records include any writing containing information relating to the conduct of the district's business prepared, owned, used, or retained by the district regardless of physical form or characteristics. (Government Code 6252)

Writing means any handwriting, typewriting, printing, photostating, photographing, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. (Government Code 6252)

A member of the public includes any person, except a member, agent, officer, or employee of the district acting within the scope of his/her office or employment. Board of Education members shall have the ability to access public records permitted by law in the administration of their duties. Notwithstanding, members of the Board are entitled to access to district public records on the same basis as any other person. (Government Code 6252, 6252.5)

Public Records

Records to which the public shall have access include, but are not limited to:

1. Proposed and approved budgets and annual audit of the district (Government Code 6252; Education Code 41020, 42103)
2. Statistical compilations (Government Code 6252)
3. Reports and memoranda (Government Code 6252)
4. Notices and bulletins (Government Code 6252)
5. Minutes of public meetings (Government Code 6252)
6. Meeting agendas (Government Code 6252, 54957.5)
7. Official communications between governmental branches (Government Code 6252)
8. School-based program plans (Education Code 52850)
9. Information and data relevant to the evaluation and modification of district plans
10. Initial proposals of exclusive employee representatives and of the district (Government Code 3547)
11. Tort claims filed against the district and records pertaining to pending litigation which predate the filing of the litigation, unless protected by some other provision of law (Government Code 6254.25; Fairley v. Superior Court; 71 Ops.Cal.Atty.Gen. 235 (1988))
12. Statements of economic interests required by the Conflict of Interest Code (Government

Code 81008)

13. Contracts of employment and settlement agreements (Government Code 53262)
14. Instructional materials including, but not limited to, textbooks (64 Ops.Cal.Atty.Gen.186 (1981))

The Superintendent or designee shall ensure that any record containing personal information is redacted to ensure that such information, including, but not limited to, an employee's home address or social security number, is not disclosed to the public.

Confidential Records

Records to which the general public shall not have access include, but are not limited to:

1. Preliminary drafts, notes, interdistrict or intradistrict memoranda which are not retained by the district in the ordinary course of business, provided that the public interest in withholding these records clearly outweighs the public interest in disclosure (Government Code 6254)
2. Records specifically prepared for litigation to which the district is a party or to respond to claims made against the district pursuant to the Tort Claims Act are confidential, until the pending litigation or claim has been finally adjudicated or otherwise settled, unless the records are protected by some other provision of law (Government Code 6254, 6254.25; Fairley v. Superior Court; 71 Ops.Cal.Atty.Gen. 235 (1988))
3. Personnel records, medical records, student records, or similar materials, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code 6254)

The home addresses and home telephone numbers of employees may be disclosed only as follows: (Government Code 6254.3)

- a. To an agent or a family member of the individual to whom the information pertains
 - b. To an officer or employee of a state agency or another school district or county office of education when necessary for the performance of official duties
 - c. To an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, unless the employee performs law enforcement-related functions or requests in writing that the information not be disclosed
 - d. To an agent or employee of a health benefit plan providing health services or administering claims for health services to district employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents
4. Test questions, scoring keys, and other examination data except as provided by law (Government Code 6254)
 5. Without affecting the law of eminent domain, the contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the district relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained

(Government Code 6254)

6. Information required from any taxpayer in connection with the collection of local taxes that is received in confidence and the disclosure of the information to other persons would result in unfair competitive disadvantage to the person supplying the information (Government Code 6254)
7. Library circulation and patron use records of a borrower or patron including, but not limited to, his/her name, address, telephone number, email address, borrowing information, or use of library information resources (Government Code 6254, 6267)
~~Library circulation records kept for the purpose of identifying the borrower of items available in the library (Government Code 6254)~~
8. Records for which the disclosure is exempted or prohibited pursuant to state or federal law, including, but not limited to, provisions of the Evidence Code relating to privilege (Government Code 6254)
9. Documents prepared by or for the district to assess its vulnerability to terrorist attack or other criminal acts intended to disrupt district operations and that are for distribution or consideration in closed session (Government Code 6254)
10. Recall petitions, petitions for special elections to fill Board vacancies, or petitions for the reorganization of the school district ~~Recall petitions or petitions for the reorganization of school districts~~ (Government Code 6253.5)
11. Minutes of Board meetings held in closed session (Government Code 54957.2)
12. Computer software developed by the district (Government Code 6254.9)
13. Information security records, the disclosure of which would reveal vulnerabilities to, or increase potential for an attack on, the district's information technology system (Government Code 6254.19) ~~Written instructional textbooks or other materials which, when providing a copy, would infringe a copyright or would constitute an unreasonable burden on the operation of the district (65 Ops.Cal.Atty.Gen. 186 (1981))~~
14. Records that contain individually identifiable health information, including records that may be exempt pursuant to physician-patient privilege, the Confidentiality of Medical Information Act, and the Health Insurance Portability and Accountability Act (Government Code 6254, 6255)
15. Any other records listed as exempt from public disclosure in the California Public Records Act or other statutes
16. Records for which the district can demonstrate that, based on the particular facts of the case, the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record (Government Code 6255)

Inspection of Records and Requests for Copies

Every person may request a copy or inspection of any district record that is open to the public and not exempt from disclosure. (Government Code 6253)

~~Persons requesting a copy or inspection of any district record that is open to the public and not exempt from disclosure shall submit a completed "Request for Access to or Copies of District Records" form to the Superintendent or designee. The forms shall be available to members of~~

~~the public online or at the district office.~~

Within 10 days of receiving any request to inspect or copy a district record, the Superintendent or designee shall determine whether the request seeks release of a disclosable public record in the district's possession. The Superintendent or designee shall promptly inform the person making the request of his/her determination and the reasons for the decision. (Government Code 6253)

In unusual circumstances, the Superintendent or designee may extend the 10-day limit for up to 14 days by providing written notice to the requester and setting forth the reasons for the extension and the date on which a determination is expected to be made. Unusual circumstances include the following, but only to the extent reasonably necessary to properly process the request: (Government Code 6253)

1. The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request
2. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request
3. The need for consultation, which shall be conducted with all practicable speed, with another agency (e.g., a state agency or city) having a substantial interest in the determination of the request or among two or more components of the district (e.g., two different school sites) with substantial interest in the request
4. In the case of electronic records, the need to compile data, write programming language or a computer program, or construct a computer report to extract data

If the Superintendent or designee determines that the request seeks disclosable public records, the determination shall state the estimated date and time when the records will be made available. (Government Code 6253)

Public records are open to inspection at all times during district office hours. Any reasonably segregable portion of a record shall be made available for inspection by every person requesting the record after deletion of the portions that are exempted by law. (Government Code 6253)

Upon request for a copy that reasonably describes an identifiable record, an exact copy shall be promptly provided unless it is impracticable to do so. (Government Code 6253)

Copies shall be furnished at a cost of \$0.25 per page. Written requests to waive the fee shall be submitted to the Superintendent or designee. Computer data shall be provided in a form determined by the Superintendent.

If any person requests a public record be provided in an electronic format, the district shall make that record available in any electronic format in which it holds the information. The district shall provide a copy of the electronic record in the format requested as long as the requested format is one that has been used by the district to create copies for its own use or for use by other agencies. (Government Code 6253.9)

The cost of duplicating an electronic record shall be limited to the direct cost of producing a copy of the record in electronic format. However, the requester shall bear the cost of producing the copy of the electronic record, including the cost to construct the record and the cost of programming and computer services necessary to produce the copy, under the following circumstances: (Government Code 6253.9)

1. The electronic record is one that is produced only at otherwise regularly scheduled intervals
2. The request would require data compilation, extraction, or programming to produce the record

Assistance in Identifying Requested Records

If the Superintendent or designee denies a request for disclosable records, he/she shall assist the requester in making a focused and effective request that reasonably describes an identifiable record. To the extent reasonable under the circumstances, the Superintendent or designee shall do all of the following: (Government Code 6253.1)

1. Assist in identifying records and information responsive to the request or the purpose of the request, if specified

If, after making a reasonable effort to elicit additional clarifying information from the requester to help identify the record, the Superintendent or designee is still unable to identify the information, this requirement shall be deemed satisfied.

2. Describe the information technology and physical location in which the records exist
3. Provide suggestions for overcoming any practical basis for denying access to the records or information sought

Provisions of the Public Records Act shall not be construed so as to delay access for purposes of inspecting records open to the public. Any notification denying a request for public records shall state the name and title of each person responsible for the denial. (Government Code 6253)

Regulation SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
approved: August 19, 2009 Santa Monica, California
revised: February 2, 2012

TO: BOARD OF EDUCATION

DISCUSSION

02/06/14

FROM: SANDRA LYON

RE: CONSIDER REVISING BP 1250 – VISITORS/OUTSIDERS

DISCUSSION ITEM NO. D.11

It is recommended that the Board of Education consider revising BP 1250 – Visitors/Outsiders.

COMMENTS: CSBA recommends updating this policy to add a new section regarding the presence on campus of registered sex offenders, including those who are parents/guardians of district students, based on their right to participate in their children's education.

VISITORS/OUTSIDERS

The Board of Education encourages parents/guardians and interested members of the community to visit the schools and view the educational program.

To ensure the safety of students and staff and minimum interruption of the instructional program, the Superintendent or designee shall establish procedures which facilitate visits during regular school days. Visits during school hours should be first arranged with the principal or designee. If a conference is desired, an appointment should be set with the teacher during noninstructional time.

Any person who is not a student or staff member shall register immediately upon entering any school building or grounds when school is in session.

The principal or designee may design a visible means of identification for all individuals who are not students or staff members while on school premises.

No electronic listening or recording device may be used by students or visitors in a classroom without the teacher and principal's permission. (Education Code 51512)

The Board encourages all individuals to assist in maintaining a safe and secure school environment by behaving in an orderly manner while on school grounds and by utilizing the district's complaint processes if they have concerns with any district program or employee. In accordance with Penal Code 626.7, the principal or designee may request that any individual who is causing a disruption, including exhibiting volatile, hostile, aggressive, or offensive behavior, immediately leave school grounds.

Any person who is required to register as a sex offender pursuant to Penal Code 290, including a parent/guardian of a district student, shall request written permission from the principal before entering the school campus or grounds. As necessary, the principal shall consult with local law enforcement authorities before allowing the presence of any such person at school or other school activity. The principal also shall report to the Superintendent or designee anytime he/she gives such written permission.

Legal Reference:

EDUCATION CODE

32210 *Willful disturbance of public school or meeting*

32211 *Threatened disruption or interference with classes; misdemeanor*

32212 *Classroom interruptions*

35160 *Authority of governing boards*

35292 *Visits to schools (board members)*

51512 *Prohibited use of electronic listening or recording device*

EVIDENCE CODE

1070 *Refusal to disclose news source*

LABOR CODE

230.8 *Discharge or discrimination for taking time off to participate in child's educational activities*

PENAL CODE

626-626.10 *Schools*

627-627.10 *Access to school premises, especially:*

627.1 *Definitions*

627.2 *Necessity of registration by outsider*

627.7 *Misdemeanors; punishment*

COURT DECISIONS

Reeves v. Rocklin Unified School District, (2003) 109 Cal.App.4th 652

ATTORNEY GENERAL OPINIONS

95 Ops.Cal.Atty.Gen. 509 (1996)

Policy SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT

adopted: August 19, 2009 Santa Monica, California

revised: May 19, 2011

TO: BOARD OF EDUCATION

DISCUSSION

02/06/14

FROM: SANDRA LYON

RE: CONSIDER ADOPTING BP 1431 – WAIVERS

DISCUSSION ITEM NO. D.12

It is recommended that the Board of Education consider adopting BP 1431 – Waivers.

COMMENTS: Currently, SMMUSD does not have this policy in its policy manual. Staff recommends adopting this policy from CSBA to allow the district to apply for waivers when necessary.

WAIVERS

The Governing Board recognizes that strict compliance with the law may sometimes hinder the district's ability to provide its students with an effective, well-rounded educational program. When it is in the interest of district students, the Board may request that the State Board of Education (SBE) waive any provision of state or federal law or regulation which it has authority to waive pursuant to Education Code 33050.

Any waiver request to be submitted to the SBE shall first be approved by the Board. The Superintendent or designee shall ensure that each proposed waiver request includes all information necessary for the Board to analyze the need for the waiver and make an informed decision.

Prior to presenting the proposed request for Board approval, the Superintendent or designee shall consult with and obtain the approval of any advisory committee or site council when required by law.

In addition, the Superintendent or designee shall involve the exclusive representative of district employees in the development of the waiver request, and shall include in the request the exclusive representative's position regarding the waiver. (Education Code 33050)

To receive public testimony on each waiver request proposal, the Board shall hold a properly noticed public hearing during a Board meeting. (Education Code 33050)

The notice, which shall state the time, date, location, and subject of the public hearing, may be printed in a newspaper of general circulation or posted at each school and three public places in the district.

When the district has requested and received the same general waiver from the SBE for two consecutive years, the Board is not required to reapply annually if the information contained on the request remains current. However, the district shall apply annually for the renewal of any waiver regarding teacher credentialing. (Education Code 33051)

Legal Reference:

EDUCATION CODE

305-311 Structured English immersion program; parental exception waivers

5000-5033 Governing board elections

8750-8754 Grants for conservation education

10400-10407 Cooperative improvement programs

17047.5 Facilities used by special education students

17291 Portable school buildings

33050-33053 General waiver authority

37202 Equity length of time

41000-41360 School finance

41381 Minimum school day

41600-41854 Computation of allowances

41920-42842 Budget requirements; local taxation by school districts

44520-44534 New Careers Program

44666-44669 School-Based Management and Advanced Career Opportunities

44681-44689 Administrator Training and Evaluation

45108.7 Maximum number of senior management positions

48660-48666 Community day schools

48800 Attendance at community college

49550-49560 Meals for needy students

51224.5 Algebra instruction

51745.6 Charter school independent study ratio
51870-51874 Educational technology
52080-52090 Class size reduction grade 9
52122.6-52122.8 Class size reduction, impacted school sites
52160-52178 Bilingual-Bicultural Education Act of 1976
52180-52186 Bilingual teacher waiver
52200-52212 Gifted and Talented Pupils Program
52340-52346 Career Guidance Centers
52522 Plans for adult education
52850-52863 School-Based Program Coordination
54000-54028 Disadvantaged Youth Program
54100-54145 Miller-Unruh Basic Reading Program
54407 Waiver for compensatory education programs
56000-56867 Special education programs
58407 Waiver related to individualized instruction program
58900-58928 Restructuring demonstration programs
60119 Public hearing on sufficiency of instructional materials
60851 High school exit examination, waiver for student with disabilities
CODE OF REGULATIONS, TITLE 5
1032 Academic Performance Index
3100 Resource specialist caseload waivers
3945 Cooperative programs
9531 Instructional materials funding
11960 Charter school attendance
11963.4 Charter school percentage funding
13017 Waivers, compensatory education New Careers in Education Program
13044 Waivers, compensatory education Professional Development and Program Improvement Programs
UNITED STATES CODE, TITLE 20
1400-1482 Individuals with Disabilities Education Act
7115 Safe and Drug Free Schools, authorized activities

Management Resources:
WEB SITES
California Department of Education, Waiver Office: <http://www.cde.ca.gov/re/lr/wr>
Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

**Policy adopted: CSBA MANUAL MAINTENANCE SERVICE
August 2013**

TO: BOARD OF EDUCATION

DISCUSSION

02/06/14

FROM: SANDRA LYON

RE: CONSIDER REVISING BP 2121 – SUPERINTENDENT’S CONTRACT

DISCUSSION ITEM NO. D.13

It is recommended that the Board of Education consider revising BP 2121 – Superintendent’s Contract.

COMMENTS: CSBA recommends updating this policy to reflect new law (AB 1344), which prohibits the automatic renewal of the superintendent's contract with a provision for automatic increase that exceeds the cost-of-living adjustment and requires any contract executed or renewed after January 1, 2012, to include a provision requiring the superintendent to reimburse the district for paid leave salary or cash settlement in the event he/she is convicted of a crime involving an abuse of his/her position.

SUPERINTENDENT'S CONTRACT

In approving employment contracts with the Superintendent, the Board of Education wishes to encourage the Superintendent's long-term commitment to the district and community while carefully considering the financial and legal implications of the contract in order to protect the district from any potentially adverse obligations.

The Board shall designate a representative to negotiate with the Superintendent on its behalf and shall consult legal counsel to draft the contract document.

The Board shall deliberate in closed session about the terms of the contract. (Government Code 54957)

Terms of the contract shall remain confidential until the ratification process commences.

The Board shall ratify the Superintendent's contract in an open meeting, which shall be reflected in the Board's minutes. Copies of the contract shall be available to the public upon request. (Government Code 53262)

The contract shall include, but not be limited to, provisions for salary and benefits, annual evaluations, term of the contract, and conditions for termination of the contract. The contract should also include general responsibilities and duties of the Superintendent.

The term of the contract shall be for no more than four years. (Education Code 35031)

During the term of the contract, the Board may reemploy the Superintendent on those terms and conditions mutually agreed upon by the Board and Superintendent. (Education Code 35031)

The Superintendent's contract shall be extended only by Board action and subsequent to a satisfactory evaluation of the Superintendent's performance.

In the event that the Board determines not to reemploy the Superintendent, the Board shall provide written notice to the Superintendent at least 45 days in advance of the expiration of the term of the contract. (Education Code 35031)

The Superintendent's contract shall include a provision specifying the maximum cash settlement that the Superintendent may receive upon termination of the contract. However, if the unexpired term of the contract is greater than 18 months, the maximum cash settlement shall be no more than the Superintendent's monthly salary multiplied by 18. The cash settlement shall not include any noncash items other than health benefits, which may be continued for the unexpired term of the contract up to 18 months or until the Superintendent finds other employment, whichever occurs first. (Government Code 53260, 53261)

If the Board terminates the Superintendent's contract upon its belief and subsequent confirmation pursuant to an independent audit that the Superintendent has engaged in fraud, misappropriation of funds, or other illegal practices, the maximum settlement shall be within the limits prescribed by law, as determined by an administrative law judge but no greater than the Superintendent's monthly salary multiplied by six. (Government Code 53260)

In addition, if the Superintendent is convicted of a crime involving an abuse of his/her office or position, he/she shall reimburse the district for payments he/she receives as paid leave salary pending investigation or as cash settlement upon his/her termination, and for any funds expended by the district in his/her defense against a crime involving his/her office or position. (Government Code 53243-53243.4, 53260)

Legal Reference:

EDUCATION CODE

35031 *Term of employment*

41325-41329.3 *Conditions of emergency apportionment*

GOVERNMENT CODE

3511.1-3511.2 *Local agency executives*

53243-53243.4 *Abuse of office*

53260-53264 *Employment contracts*

54954 *Time and place of regular meetings*

54957 *Closed session personnel matters*

54957.1 *Closed session, public report of action taken*

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance: Superintendent Evaluation, 2006

Maximizing School Board Governance: Superintendent Selection and Employment, 2004

WEB SITES

CSBA, Governance Consulting Services: <http://www.csba.org>

Association of California School Administrators: <http://www.acsa.org>

**Policy SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
adopted: June 25, 2009 Santa Monica, California**

TO: BOARD OF EDUCATION

DISCUSSION

02/06/14

FROM: SANDRA LYON

RE: CONSIDER REPLACING BB 9010 – PUBLIC STATEMENTS

DISCUSSION ITEM NO. D.14

It is recommended that the Board of Education consider replacing BB 9010 – Public Statements.

COMMENTS: CSBA recommends updating this bylaw to add concepts related to communicating the district's message in a manner that promotes public confidence in the Board's leadership, refraining from disclosing confidential information, and adhering to the same standards and protocols established for other Board communications when participating on social networking sites, blogs, or other electronic media.

PUBLIC STATEMENTS

The Governing Board recognizes the responsibility of Board members in their role as community leaders to participate in public discourse on matters of civic or community interest, including those involving the district, and their right to freely express their personal views. However, to ensure communication of a consistent, unified message regarding district issues, Board members are expected to respect the authority of the Board to choose its representatives to communicate its positions and to abide by established protocols.

All public statements authorized to be made on behalf of the Board shall be made by the Board president or, if appropriate, by the Superintendent or other designated representative.

When speaking for the district, the Board encourages its spokespersons to exercise restraint and tact and to communicate the message in a manner that promotes public confidence in the Board's leadership.

Board spokespersons shall not disclose confidential information or information received in closed session except when authorized by a majority of the Board. (Government Code 54963)

When speaking to community groups, members of the public, or the media, individual Board members should recognize that their statements may be perceived as reflecting the views and positions of the Board. Board members have a responsibility to identify personal viewpoints as such and not as the viewpoint of the Board.

In addition, the Board encourages members who participate on social networking sites, blogs, or other discussion or informational sites to conduct themselves in a respectful, courteous, and professional manner and to model good behavior for district students and the community. Such electronic communications are subject to the same standards and protocols established for other forms of communication, and the disclosure requirements of the California Public Records Act may likewise apply to them.

~~The Board of Education recognizes the rights of Board members to freely express their views and encourages open discussion of issues during the Board meeting. The Board believes that effective Board members have a responsibility to express themselves, whether in agreement or disagreement with the Board majority, in ways that promote the Board's ability to govern the district.~~

~~When speaking to community groups, the media, or other members of the public, individual Board members should recognize that their statements may be perceived as reflecting the views and positions of the Board. Board members have a responsibility to identify personal viewpoints as such and not as the viewpoint of the Board.~~

~~All public statements authorized to be made on behalf of the Board shall be made by the Board president or, if appropriate, by the Superintendent or other designated representative.~~

Legal Reference:

EDUCATION CODE

35010 *Control of district; prescription and enforcement of rules*

GOVERNMENT CODE

6250-6270 *California Public Records Act*

54960 *Actions to stop or prevent violation of meeting provisions*

54963 *Confidential information in closed session*

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

**Bylaw SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
adopted: June 25, 2009 Santa Monica, California**

TO: BOARD OF EDUCATION

DISCUSSION

02/06/14

FROM: SANDRA LYON

RE: CONSIDER REPLACING BB 9130 – BOARD COMMITTEES

DISCUSSION ITEM NO. D.15

It is recommended that the Board of Education consider replacing BB 9130 – Board Committees.

COMMENTS: CSBA recommends updating this bylaw to clarify applicability of the Brown Act to Board-created committees, describe the circumstances under which committees may meet in closed session, and reflect an Attorney General opinion that a committee created through a collective bargaining agreement is not a committee created by the board and thus is not necessarily subject to open meeting requirements. The bylaw was also revised to specify decisions that will be made at the time a committee is established, address who is responsible for appointing committee members, and delete material regarding the board not being obligated to provide for public comment at board meeting on matters that were open to public comment during meeting of board subcommittees (now addressed in BB 9322 – Agenda/Meeting Materials).

BOARD COMMITTEES

The Governing Board may establish a committee whenever it determines that such a committee would benefit the district by providing diverse viewpoints, specialized knowledge or expertise, or increased efficiency. Such committees may be subcommittees of the Board or committees that include members of the community, staff, or other stakeholder groups.

Upon establishing a committee, the Board shall clearly define the committee's purpose, any timeline for completion of assigned responsibilities, any stakeholder groups or individuals to be represented on the committee, length of time that committee members are expected to serve, and expectations for reporting to the Board and/or the Superintendent or designee. Unless specifically authorized by the Board to act on its behalf, the committee shall act in an advisory capacity.

Except for subcommittees of the Board, committee members shall, as appropriate, be recommended by the Superintendent or designee and appointed by the Board president, subject to Board approval.

The Superintendent or designee shall provide committee members with information and assistance necessary for the fulfillment of the committee's charges, and may serve as a non-voting advisor to the committee at the discretion of the Board.

Whenever so charged, committees may actively seek input and participation by parents/guardians, staff, community, and students and may consult with local public boards and agencies.

Any committee not required by law may be dissolved when its duties or term has been completed or whenever the Board deems necessary.

Committee Meetings

Unless otherwise exempted by law, Board-created committees shall provide public notice of their meetings and conduct meetings in accordance with Government Code 54950-54963 (the Brown Act).

However, Board subcommittees composed solely of less than a quorum of the members of the Board are not subject to open meeting laws unless they are standing committees. Standing committees of the Board, irrespective of membership, are those that have a continuing subject matter jurisdiction or a meeting schedule established by action of the Board. (Government Code 54952)

Standing committees with a continuing subject matter jurisdiction include, but are not limited to, those responsible for providing advice on budgets, audits, Board policy, contracts, and personnel matters at the Board's request.

When a majority of the members of the Board attend an open and noticed meeting of a standing committee, the Board members who are not members of the standing committee shall attend only as observers. (Government Code 54952.2)

Whenever any advisory or standing committee, including a committee not otherwise subject to the Brown Act, posts a meeting agenda at least 72 hours in advance of the meeting, that

meeting shall be considered as a regular meeting of the Board for purposes of the Brown Act and therefore must be held within district boundaries unless otherwise authorized by law. (Government Code 54954)

Committees may meet in a closed session during a regular or special meeting only for those purposes specifically authorized by law for closed sessions held by the Board.

~~The Board of Education may establish Board committees as necessary. The Board shall determine the duties of the committee at the time of its appointment. Unless specifically authorized by the Board to act on its behalf, Board committees shall act in an advisory capacity. When its duties have been completed, the committee shall be dissolved.~~

~~Board committees shall provide public notice of their meetings and conduct these meetings in accordance with state open meeting laws.~~

~~Meetings of advisory committees or standing committees for which an agenda is posted at least 72 hours in advance of the meeting pursuant to Government Code 54954.2, shall be considered, for purposes of the Brown Act, as regular meetings of the Board. (Government Code 54954)~~

~~Board advisory committees composed solely of less than a quorum of the members of the Board are not subject to open meeting laws unless they are standing committees that have a continuing subject matter jurisdiction or a meeting schedule established by the Board. (Government Code 54952)~~

~~Standing committees with a continuing subject matter jurisdiction include but are not limited to those responsible for providing advice on budgets, audits, contracts and personnel matters at the Board's request.~~

~~When a majority of the members of the Board attend an open and noticed meeting of a standing committee, the Board members who are not members of the standing committee shall attend only as observers. (Government Code 54952.2)~~

~~The Superintendent or designee may serve as an advisor to any committee at the discretion of the Board.~~

~~Whenever so charged, committees may actively seek input and participation by parents/guardians, staff, community and students and may consult with local public boards and agencies.~~

~~When a Board committee composed exclusively of Board members has provided for public comment on an item at a public meeting before or during the committee's consideration of the item, the Board is not obliged to provide for public comment on the item at a subsequent Board meeting. Public comment shall be afforded, however, if the Board determines that the item has been substantially changed since it was heard by the committee. (Government Code 54954.3)~~

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

35024 Executive committee

35160 Authority of governing boards

35160.1 Broad authority of school districts

GOVERNMENT CODE

54950-54963 The Brown Act, especially:

54952 *Legislative body, definition*
54952.2 *Definition of meeting*
54954 *Time and place of regular meetings; special meetings; emergencies*
54954.3 *Opportunity for public to address legislative body*
54957 *Closed session purposes*

COURT DECISIONS

Frazer v. Dixon Unified School District, (1993) 18 Cal.App.4th 781

ATTORNEY GENERAL OPINIONS

81 Ops.Cal.Atty.Gen. 156 (1998)

80 Ops.Cal.Atty.Gen. 308 (1997)

79 Ops.Cal.Atty.Gen. 69 (1996)

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 2009

WEB SITES

CSBA: <http://www.csba.org>

National School Boards Association: <http://www.nsba.org>

**Bylaw SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
adopted: June 25, 2009 Santa Monica, California**

TO: BOARD OF EDUCATION

DISCUSSION

02/06/14

FROM: SANDRA LYON

RE: CONSIDER REVISING BB 9220 – GOVERNING BOARD ELECTIONS

DISCUSSION ITEM NO. D.16

It is recommended that the Board of Education consider revising BB 9220 – Governing Board Elections.

COMMENTS: CSBA recommends updating this bylaw to reflect new law (AB 2410, 2012), which provides that a person is ineligible to hold public office if he/she has been convicted of a felony involving bribery, offering of a bribe, embezzlement or theft of public funds, extortion, perjury, or conspiracy to commit any of these crimes. The bylaw also adds section that addresses the methods of electing board members (i.e., by trustee area, at-large election, or at-large election but candidate resides in trustee area) and reflects the California Voting Rights Act, which prohibits the use of the at-large voting method when its use prevents members of a protected class (voters of a minority race, color, or language group) from being elected to the board.

GOVERNING BOARD ELECTIONS

Any person is eligible to be a member of the Board of Education, without further qualifications, if he/she is 18 years of age or older, a citizen of the state, a resident of the school district, a registered voter, and not legally disqualified from holding civil office. Any person who has been convicted of a felony involving the giving, accepting, or offering of a bribe, embezzlement or theft of public funds, extortion, perjury, or conspiracy to commit any such crime, under California law or the law of another state, the United States of America, or another country, is not eligible to be a candidate for office or be a Board member except when he/she has been granted a pardon in accordance with law. (Education Code 35107; Elections Code 20)

A district employee elected to the Board shall resign his/her position before being sworn in or shall have his/her employment automatically terminated upon being sworn into office. (Education Code [35107](#))

Whenever possible, the Board shall consolidate Board elections with the local municipal or statewide primary or general election. Board election procedures shall be conducted in accordance with state and federal law.

Board members may reside anywhere within the district's boundaries and shall be elected by all voters in the district.

Campaign Conduct

In order to help protect the public's trust in the electoral process as well as the public's confidence in the Board and district, the Board encourages all candidates to sign and adhere to the principles in the Code of Fair Campaign Practices pursuant to Elections Code [20440](#).

Statement of Qualifications

The district shall assume no part of the cost of printing, handling, translating, or mailing of candidate statements filed pursuant to Elections Code [13307](#). As a condition of having candidate statements included in the voter's pamphlet, the district may require candidates to pay their estimated pro rata share of these costs to the district in advance pursuant to Elections Code [13307](#).

On the 125th day prior to the day fixed for the general district election, the Board secretary or his/her designee shall deliver a notice, bearing the secretary's signature and district seal, to the county elections official describing both of the following: (Elections Code [10509](#))

1. The elective offices of the district to be filled at the general election and which offices, if any, are for the balance of an unexpired term
2. Whether the district or the candidate is to pay for the publication of a statement of qualifications pursuant to Elections Code [13307](#)

Candidate statements shall be limited to no more than 200 words. (Elections Code [13307](#))

Tie Votes in Board Member Elections

Whenever a tie makes it impossible to determine which of two or more candidates has been elected to the Board, the Board shall immediately notify the candidates who received the tie votes of the time and place where the candidates or their representatives should appear before the Board. The Board at that time shall determine the winner by lot. (Education Code 5016)

~~Tie votes will be resolved by lot. (Education Code 5016)~~

~~After an election for which the Board has decided to resolve a tie by lot, the Board shall immediately notify the candidates who received the tie votes of the time and place where the candidates or their representatives should appear before the Board. The Board at that time shall determine the winner by lot. (Education Code 5016)~~

Legal Reference:

EDUCATION CODE

1000 Composition, and trustee area, county board of education
1006 Qualifications for holding office, county board of education
5000-5033 Elections
5220-5231 Elections
5300-5304 General provisions (conduct of elections)
5320-5329 Order and call of elections
5340-5345 Consolidation of elections
5360-5363 Election notice
5380 Compensation (of election officer)
5390 Qualifications of voters
5420-5426 Cost of elections
5440-5442 Miscellaneous provisions
7054 Use of district property
35107 Eligibility; school district employees
35177 Campaign expenditures or contributions
35239 Compensation of governing board member of districts with less than 70 ADA

ELECTIONS CODE

20 Public office eligibility
1302 Local elections, school district election
2201 Grounds for cancellation
4000-4004 Elections conducted wholly by mail
10400-10418 Consolidation of elections
10509 Notice of election by secretary
10600-10604 School district elections
13307 Candidate's statement
13309 Candidate's statement, indigence
14025-14032 California Voting Rights Act
20440 Code of Fair Campaign Practices

GOVERNMENT CODE

1021 Conviction of crime
1097 Illegal participation in public contract
12940 Nondiscrimination, Fair Employment and Housing Act
81000-91014 Political Reform Act

PENAL CODE

68 Bribes
74 Acceptance of gratuity
424 Embezzlement and falsification of accounts by public officers
661 Removal for neglect or violation of official duty

CALIFORNIA CONSTITUTION

Article 2, Section 2 Voters, qualifications
Article 7, Section 7 Conflicting offices
Article 7, Section 8 Disqualification from office

UNITED STATES CODE, TITLE 42

1973-1973aa-6 Voting Rights Act

COURT DECISIONS

Rey v. Madera Unified School District, (2012) 138 Cal. Rptr. 3d 192
Randall v. Sorrell, (2006) 126 S.Ct. 2479

Sanchez v. City of Modesto, (2006) 51 Cal.Rptr.3d 821
Dusch v. Davis, (1967) 387 U.S. 112
ATTORNEY GENERAL OPINIONS
85 Ops.Cal.Atty.Gen. 49 (2002)
83 Ops.Cal.Atty.Gen. 181 (2000)
81 Ops.Cal.Atty.Gen. 98 (1998)
69 Ops.Cal.Atty.Gen. 290 (1986)

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

California Secretary of State's Office: <http://www.ss.ca.gov>

Fair Political Practices Commission: <http://www.fppc.ca.gov>

Institute for Local Self Government: <http://www.ca-ilg.org>

**Bylaw SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
adopted: June 25, 2009 Santa Monica, California**

TO: BOARD OF EDUCATION

DISCUSSION

02/06/14

FROM: SANDRA LYON

RE: CONSIDER REVISING BP 9223 – FILLING VACANCIES

DISCUSSION ITEM NO. D.17

It is recommended that the Board of Education consider revising BP 9223 – Filling Vacancies.

COMMENTS: CSBA recommends updating this bylaw to reflect new law (AB 334), which allows governing boards to approve a board member's out-of-state absence for illness or urgent necessity for an unlimited duration. The updated bylaw also reflects current law, which provides that, when an interim board member is appointed to fill an absence created by a member's military deployment that exceeds six months, the term of the interim member cannot extend beyond the return of the absent board member or beyond the next regularly scheduled election for that office, whichever occurs first.

FILLING VACANCIES**Events Causing a Vacancy**

A vacancy on the Board of Education may occur for any of the following events:

1. The death of an incumbent (Government Code 1770)
2. The adjudication pursuant to a quo warranto proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his/her office for the remainder of his/her term (Government Code 1770)
3. A Board member's resignation (Government Code 1770)

A vacancy resulting from resignation occurs when the written resignation is filed with the County Superintendent of Schools having jurisdiction over the district, except where a deferred effective date is specified in the resignation so filed, in which case the resignation shall become operative on that date. A Board member may not defer the effective date of his/her resignation for more than 60 days after he/she files the resignation with the County Superintendent. (Education Code 5090, 5091)

Upon being filed with the County Superintendent, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable. (Education Code 5090)

4. A Board member's removal from office, including recall (Elections Code 11384; Government Code 1770)
5. A Board member's ceasing to be an inhabitant of the state or resident of the district (Government Code 1770)

A vacancy on the Board also occurs when a Board member ceases to inhabit the trustee area which he/she represents on the Board. (58 Ops.Cal.Atty.Gen. 888 (1975))

6. A Board member's absence from the state beyond the period allowed by law without the permission required by law (Government Code 1770)

No Board member shall be absent from the state for more than 60 days, except in any of the following situations: (Government Code 1064)

- a. Upon business of the school district with the approval of the Board
- b. With the consent of the Board for an additional period not to exceed a total absence of 90 days

In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the Board.

- c. For federal military deployment not to exceed six months as a member of the

armed forces of the United States or the California National Guard

If the absence of the Board member for this purpose exceeds six months, the Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the Board may appoint an interim member to serve in his/her absence. If two or more members of the Board are absent by reason of these circumstances, and those absences result in the inability to establish a quorum at a regular meeting, the Board may immediately appoint one or more interim members as necessary to enable the Board to conduct business and discharge its responsibilities. The term of an interim member appointed in these circumstances shall not extend beyond the return of the absent Board member or beyond the next regularly scheduled election for that office, whichever occurs first.

- d. In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the Board for an additional period not to exceed 30 days.
7. A Board member's ceasing to discharge the duties of his/her office for the period of three consecutive months, except when prevented by sickness or when absent from the state with the permission required by law (Government Code 1770)
8. A Board member's conviction of a felony or any offense involving a violation of his/her official duties or conviction of a designated crime resulting in a forfeiture of office (Government Code 1770, 3000-3003)
9. A Board member's refusal or neglect to file his/her required oath or bond within the time prescribed (Government Code 1770)
10. The decision of a competent tribunal declaring void a Board member's election or appointment (Government Code 1770)
11. The making of an order vacating a Board member's office or declaring the office vacant when the officer fails to furnish an additional or supplemental bond (Government Code 1770)
12. A Board member's commitment to a hospital or sanitarium as a drug addict, dipsomaniac, inebriate, or stimulant addict by a court of competent jurisdiction, in which case the office shall not be deemed vacant until the order of commitment has become final (Government Code 1770)
13. A failure to elect when either no candidate or an insufficient number of candidates have filed to run for a Board seat(s) (Education Code 5090, 5326, 5328)

Timelines for Filling a Vacancy

When a vacancy occurs, the Board shall take the following action, as appropriate:

1. When a vacancy occurs less than four months before the end of a Board member's term, the Board shall take no action. (Education Code 5093)
2. When a vacancy occurs four or more months before the end of a Board member's term, the Board shall, within 60 days of the date of the vacancy or the filing of the member's deferred resignation, either order an election or make a provisional appointment, unless

a special election is mandated as described in item #3 below. (Education Code 5091, 5093)

3. When a vacancy occurs from six months to 130 days before a regularly scheduled Board election at which the position is not scheduled to be filled, a special election to fill the position shall be consolidated with the regular election. The person so elected shall take office at the first regularly scheduled Board meeting following the certification of the election and shall serve only until the end of the term of the position which he/she was elected to fill. (Education Code 5093)

When a special election is not required, the Board may make a provisional appointment. (Education Code 5091, 5093)

Eligibility

In order to be appointed or elected to fill a vacancy on the Board, a person must meet the eligibility requirements specified in Education Code 35107.

Provisional Appointments

In order to draw from the largest possible number of candidates, the Board shall advertise in the local media to solicit candidate applications or nominations. A committee consisting of less than a quorum of the Board shall ensure that applicants are eligible for Board membership and announce the names of the eligible candidates. The Board shall interview the candidates at a public meeting, accept oral or written public input, and select the provisional appointee by a majority vote.

~~In order to serve on the Board, a person must meet the eligibility requirements specified in Education Code 35107.~~

Within 10 days after the appointment is made, the Board shall post notices of the actual vacancy, or the filing of a deferred resignation, and the provisional appointment. The notice shall be published in the local newspaper pursuant to Government Code 6061 and posted in at least three public places within the district. (Education Code 5092)

The notice shall contain: (Education Code 5092)

1. The date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation
2. The full name of the appointee
3. The date of appointment
4. A statement notifying the voters that unless a petition calling for a special election pursuant to Education Code 5091 is filed in the office of the County Superintendent within 30 days of the provisional appointment, it shall become an effective appointment

The person appointed shall hold office until the next regularly scheduled election for district Board members and shall be afforded all the powers and duties of a Board member upon appointment. (Education Code 5091)

Appointment Due to Failure to Elect

When a vacancy occurs because no person or an insufficient number of candidates have been

nominated (i.e., a failure to elect), and a district election will not be held, the Board shall appoint a qualified person to the office. This appointment shall be made at a meeting prior to the day fixed for the election and the appointee shall be seated at the organizational meeting as if elected at the district election. (Education Code 5328)

When an appointment is being made because of a failure to elect, the district shall publish a notice once in a newspaper of general circulation published in the district, or if no such newspaper exists, in a newspaper having general circulation within the district. This notice shall state that the Board intends to make an appointment and shall inform persons of the procedure available for applying for the appointment. (Education Code 5328.5)

The procedure for selecting and interviewing candidates shall be the same as the procedures for "Provisional Appointments," as specified above.

Legal Reference:

EDUCATION CODE

5000-5033 Elections

5090-5095 Vacancies

5200-5208 Districts governed by boards of education

5300-5304 Elections

5320-5329 Order and call of election

5340-5345 Consolidation of elections

5360-5363 Election notice

5420-5426 Cost of elections

5440-5442 Miscellaneous provisions, elections

35107 Eligibility of board members

35178 Resignation with deferred effective date

ELECTIONS CODE

10600-10604 School district elections

11381-11386 Candidates for recall

GOVERNMENT CODE

1064 Absence from state

1770 Vacancies: definition

3000-3003 Forfeiture of office

3060-3075 Removal other than by impeachment

6061 One time notice

54950-54963 The Ralph M. Brown Act

PENAL CODE

88 Bribery, forfeiture from office

UNITED STATES CODE, TITLE 18

704 Military medals or decorations

ATTORNEY GENERAL OPINIONS

58 Ops.Cal.Atty.Gen. 888 (1975)

Management Resources:

CSBA PUBLICATIONS

Filling a Board Vacancy, rev. December 2010

WEB SITES

CSBA: <http://www.csba.org>

California State Attorney General's Office, Quo Warranto Applications: http://ag.ca.gov/opinions/quo_warranto.php

**Bylaw SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
adopted: June 25, 2009 Santa Monica, California**

TO: BOARD OF EDUCATION

DISCUSSION

02/06/14

FROM: SANDRA LYON

RE: CONSIDER REVISING BB 9320 – MEETINGS AND NOTICES

DISCUSSION ITEM NO. D.18

It is recommended that the Board of Education consider revising BB 9320 – Meetings and Notices.

COMMENTS: This bylaw update is mandated to reflect new law (AB 1344), which prohibits boards from calling special meetings to address the salaries, salary schedules, or other compensation of the superintendent, assistant superintendent, or other specified employees. The bylaw also reflects requirement added by AB 1344 to post the agenda for a regular meeting and the notice of a special meeting on the district web site, if there is one.

MEETINGS AND NOTICES

Meetings of the Board of Education are conducted for the purpose of accomplishing district business. In accordance with state open meeting laws (Brown Act), the Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the schools, Board meetings shall provide opportunities for questions and comments by members of the public. All meetings shall be conducted in accordance with law and the Board's bylaws, policies, and administrative regulations.

A Board meeting exists whenever a majority of Board members gather at the same time and place to hear, discuss, or deliberate upon any item within the subject matter jurisdiction of the Board or district. (Government Code 54952.2)

A majority of the Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. However, an employee or district official may engage in separate conversations with Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the Board, as long as that employee or district official does not communicate the comments or position of any Board members to other Board members. (Government Code 54952.2)

In order to help ensure participation in the meeting by disabled individuals, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. (Government Code 54953.2, 54954.1)

Meeting notices and agendas shall specify that any individual who requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting should contact the Superintendent or designee. (Government Code 54954.2)

Each agenda shall also list the address(es) designated by the Superintendent or designee for public inspection of agenda documents that are distributed to the Board less than 72 hours before the meeting. (Government Code 54957.5)

Regular Meetings

The Board shall hold at least one regular meeting each month. Regular meetings shall be held at 4:30 p.m. on the first and/or third Thursday of each month at the district office, 1651 16th Street, Santa Monica, CA. Additionally, four or five regular Board meetings scheduled for the first Thursday of the month will be held in Malibu, for the purpose of uniting the communities. Actual dates and locations are to be determined yearly by members of the Board.

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public and on the district's Internet web site. (Government Code 54954.2)

Special Meetings

Special meetings of the Board may be called at any time by the presiding officer or a majority of the Board members. However, a special meeting shall not be called regarding the salary, salary schedule, or other compensation of the Superintendent, assistant superintendent, or other management employee as described in Government Code 3511.1. (Government Code 54956)

Written notice of special meetings shall be delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. The notice also shall be posted on the district's Internet web site. The notice shall be received at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public. The notice shall specify the time and place of the meeting and the business to be transacted or discussed. No other business shall be considered at this meeting. (Education Code 35144; Government Code 54956)

Any Board member may waive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the clerk or secretary of the Board or by being present at the meeting at the time it convenes. (Government Code 54956)

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or during the item's consideration. (Government Code 54954.3)

Emergency Meetings

In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice and/or 24-hour posting requirement for special meetings pursuant to Government Code 54956. The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

An emergency situation means either of the following: (Government Code 54956.5)

1. An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board
2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist activity, or threatened terrorist act that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the Board

Except in the case of a dire emergency, the Board president or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of special meetings. All telephone numbers provided by the media in the most recent request for notification must be exhausted. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board. In the case of a dire emergency, the Board president or designee shall give such notice at or near the time he/she notifies the other members of the Board about the meeting. (Government Code 54956.5)

The minutes of the meeting, a list of persons the Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)

Adjourned/Continued Meetings

A majority vote by the Board may adjourn/continue any regular or special meeting to a later time and place that shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn such a meeting. If no Board members are present, the secretary or the clerk may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings. (Government Code 54955)

Within 24 hours after the time of adjournment, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the place where the meeting was held. (Government Code 54955)

Study Sessions, Retreats, Public Forums, and Discussion Meetings

The Board may occasionally convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public.

The Board may also convene a retreat or discussion meeting to discuss Board roles and relationships.

Public notice shall be given in accordance with law when a quorum of the Board is attending a study session, retreat, public forum, or discussion meeting. All such meetings shall comply with the Brown Act and shall be held in open session and within district boundaries. Action items shall not be included on the agenda for these meetings.

Other Gatherings

Attendance by a majority of Board members at any of the following events is not subject to the Brown Act provided that a majority of the Board members do not discuss specific district business among themselves other than as part of the scheduled program: (Government Code 54952.2)

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to school board members
2. An open, publicized meeting organized by a person or organization other than the district to address a topic of local community concern
3. An open and noticed meeting of another body of the district
4. An open and noticed meeting of a legislative body of another local agency
5. A purely social or ceremonial occasion
6. An open and noticed meeting of a standing committee of the Board, provided that the Board members who are not members of the standing committee attend only as observers

Individual contacts or conversations between a Board member and any other person are not subject to the Brown Act. (Government Code 54952.2)

Location of Meetings

Meetings shall not be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135, including, but not limited to, religion, sex, or sexual orientation. In addition, meetings shall not be held in a facility which is inaccessible to disabled persons or where members of the public must make a payment or

purchase in order to be admitted. (Government Code 54961)

Meetings shall be held within district boundaries, except to do any of the following: (Government Code 54954)

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the district is a party
2. Inspect real or personal property which cannot conveniently be brought into the district, provided that the topic of the meeting is limited to items directly related to the property
3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law
4. Meet in the closest meeting facility if the district has no meeting facility within its boundaries or if its principal office is located outside the district
5. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the district over which the state or federal officials have jurisdiction
6. Meet in or near a facility owned by the district but located outside the district, provided the meeting agenda is limited to items directly related to that facility
7. Visit the office of the district's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs
8. Attend conferences on nonadversarial collective bargaining techniques
9. Interview residents of another district regarding the Board's potential employment of an applicant for Superintendent of the district
10. Interview a potential employee from another district

Meetings exempted from the boundary requirements, as specified in items #1-10 above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of the Board attends the meeting.

If a fire, flood, earthquake, or other emergency renders the regular meeting place unsafe, meetings shall be held for the duration of the emergency at a place designated by the Board president or designee, who shall so inform all news media who have requested notice of special meetings by the most rapid available means of communication. (Government Code 54954)

Teleconferencing

A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means through audio and/or video. (Government Code 54953)

The Board may use teleconferences for all purposes in connection with any meeting within the Board's subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call. (Government Code 54953)

During the teleconference, at least a quorum of the members of the Board shall participate from locations within district boundaries. (Government Code 54953)

Agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere. Additional teleconference locations may be provided to

the public. (Government Code 54953)

All teleconference locations shall be accessible to the public. All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board, including the right of the public to address the Board directly at each teleconference location. (Government Code 54953)

All Board policies, administrative regulations, and bylaws shall apply equally to meetings that are teleconferenced. The Superintendent or designee shall facilitate public participation in the meeting at each teleconference location.

Legal Reference:

EDUCATION CODE

35140 *Time and place of meetings*
35143 *Annual organizational meeting, date, and notice*
35144 *Special meeting*
35145 *Public meetings*
35145.5 *Agenda; public participation; regulations*
35146 *Closed sessions*
35147 *Open meeting law exceptions and applications*

GOVERNMENT CODE

3511.1 *Local agency executives*
11135 *State programs and activities, discrimination*
54950-54963 *The Ralph M. Brown Act, especially:*
54953 *Meetings to be open and public; attendance*
54954 *Time and place of regular meetings*
54954.2 *Agenda posting requirements, board actions*
54956 *Special meetings; call; notice*
54956.5 *Emergency meetings*

UNITED STATES CODE, TITLE 42

12101-12213 *Americans with Disabilities Act*

CODE OF FEDERAL REGULATIONS, TITLE 28

35.160 *Effective communications*

36.303 *Auxiliary aids and services*

COURT DECISIONS

Wolfe v. City of Fremont, (2006) 144 Cal.App. 544

ATTORNEY GENERAL OPINIONS

88 *Ops.Cal.Atty.Gen. 218 (2005)*

84 *Ops.Cal.Atty.Gen. 181 (2001)*

84 *Ops.Cal.Atty.Gen. 30 (2001)*

79 *Ops.Cal.Atty.Gen. 69 (1996)*

78 *Ops.Cal.Atty.Gen. 327 (1995)*

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2009

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

The ABCs of Open Government Laws

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public IV: A Guide to the Ralph M. Brown Act, 2nd Ed., 2010

WEB SITES

CSBA: <http://www.csba.org>

CSBA, Agenda Online: <http://www.csba.org/Services/Services/GovernanceTechnology/AgendaOnline.aspx>

California Attorney General's Office: <http://www.ag.ca.gov>

Institute for Local Government: <http://www.ca-ilg.org>

League of California Cities: <http://www.cacities.org>

Bylaw SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT

adopted: June 25, 2009 Santa Monica, California

revised: November 4, 2010

TO: BOARD OF EDUCATION

DISCUSSION

02/06/14

FROM: SANDRA LYON

RE: CONSIDER REVISING BB – 9321 – CLOSED SESSION PURPOSES AND AGENDAS

DISCUSSION ITEM NO. D.19

It is recommended that the Board of Education consider revising BB 9321 – Closed Session Purposes and Agendas.

COMMENTS: CSBA recommends updating this bylaw to add new Attorney General opinion, which concludes that only three specified subjects related to real property negotiations may be considered in closed session. The bylaw also (1) includes board philosophical statement expressing commitment to transparency and compliance with open meeting laws, (2) includes requirement to reconvene in open session to report decisions of closed session with link to BB 9321.1 - Closed Session Actions and Reports, and (3) revises section on "Pending Litigation" to add definitions of "party" and "significant exposure to litigation."

CLOSED SESSION PURPOSES AND AGENDAS

The Governing Board is committed to complying with state open meeting laws and modeling transparency in its conduct of district business. The Board of Education may hold closed sessions only for purposes identified in law. The Board may hold a closed session at any time during a regular or special meeting and during emergency meetings in accordance with law. (Government Code 54956.5, 54957.7, 54962)

The agenda shall contain a brief general description of all closed session items to be discussed. (Government Code 54954.2)

The Board shall disclose in open meeting the items to be discussed in closed session. In the closed session, the Board may consider only those matters covered in its statement. After the closed session, the Board shall reconvene in open session before adjourning the meeting, and when applicable, shall disclose any action taken in the closed session, in the manner prescribed by Government Code 54957.1. (Government Code 54957.7)

The Board shall not disclose any information that is protected by state or federal law. In addition, no ~~Ne~~ agenda, notice, announcement, or report required by the Brown Act need identify any victim or alleged victim of tortious sexual conduct or child abuse unless the identity of the person has been publicly disclosed. (Government Code 54961)

In accordance with law, a Board member shall not disclose confidential information received in a closed session unless the Board authorizes the disclosure of that information. (Government Code 54963)

Personnel Matters

The Board may hold closed sessions to consider the appointment, employment, evaluation of performance, discipline, or dismissal of an employee. These sessions shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline. (Government Code 54957)

The Board may also hold closed sessions to hear complaints or charges brought against an employee by another person, unless the employee requests an open session. Before the Board holds a closed session on specific complaints or charges brought against an employee, the employee shall receive written notice of his/her right to have the complaints or charges heard in open session if desired. This notice shall be delivered personally or by mail at least 24 hours before the time of the session. (Government Code 54957)

The Board may hold closed sessions to discuss a district employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan. (Government Code 54957.10)

Agenda items related to public employee appointments and employment shall describe the position to be filled. Agenda items related to performance evaluations shall specify the title of the employee being reviewed. Agenda items related to employee discipline, dismissal or release require no additional information. (Government Code 54954.5)

Negotiations/Collective Bargaining

Unless otherwise agreed upon by the parties involved, the following shall not be subject to the Brown Act: (Government Code 3549.1)

1. Any meeting and negotiating discussion between the district and a recognized or certified employee organization
2. Any meeting of a mediator with either party or both parties to the meeting and negotiating process
3. Any hearing, meeting or investigation conducted by a factfinder or arbitrator
4. Any executive (closed) session of the district or between the district and its designated representative for the purpose of discussing its position regarding any matter within the scope of representation and instructing its designated representatives

The Board may meet in closed session with the Board's designated representative regarding employee salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees. These closed sessions may include discussions of the district's available funds and funding priorities, but only insofar as they relate to providing instructions to the district's designated representative. (Government Code 54957.6)

Closed sessions shall be for the purpose of reviewing the Board's position and instructing the Board's designated representative. Closed sessions may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees. (Government Code 54957.6)

For represented employees, the Board may also meet in closed session to hear any other matter within the statutorily provided scope of representation. (Government Code 54957.6)

For unrepresented employees, closed sessions held pursuant to Government Code 54957.6 shall not include final action on the proposed compensation of one or more unrepresented employees. (Government Code 54957.6)

The Board also may meet in closed session with a state conciliator or a mediator who has intervened in these proceedings. (Government Code 54957.6)

Agenda items related to negotiations shall specify the name of the district's designated representative(s) attending the closed session. If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the organization representing the employee(s) or the position title of the unrepresented employee who is the subject of the negotiations. (Government Code 54954.5)

Matters Related to Students

The Board shall meet in closed session to consider a suspension, disciplinary action, or any other action, except expulsion, against a student when a public hearing on the matter would violate student privacy rights. If a written request for open session is received from the parent/guardian or adult student, it will be honored to the extent that it does not violate the privacy rights of any other student. (Education Code 35146, 48912, 49073-49079)

The Board shall meet in closed session to consider the expulsion of a student, unless the student submits a written request at least five days before the date of the hearing that the hearing be held in open session. Regardless of whether the expulsion hearing is conducted in open or closed session, the Board may meet in closed session for the purpose of deliberating and determining whether the student should be expelled. (Education Code 48918)

Agenda items related to student matters shall briefly describe the reason for the closed session, such as "student expulsion hearing," "grade change appeal," without violating the confidentiality rights of individual students. The student shall not be named on the agenda, but a number may be assigned to the student in order to facilitate record keeping. The agenda shall also state that the Education Code requires closed sessions in these cases in order to prevent the disclosure of confidential student record information.

Security Matters

The Board may meet in closed session with the Attorney General, district attorney, sheriff or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings, to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service, or to the public's right of access to public services or public facilities. (Government Code 54957)

The Board may meet in closed session during an emergency meeting held pursuant to Government Code 54956.5 to meet with law enforcement officials for the emergency purposes specified in Government Code 54957 if agreed to by a two-thirds vote of the Board members present. If less than two-thirds of the members are present, then the Board must agree by a unanimous vote of the members present. (Government Code 54956.5)

Agenda items related to security matters shall specify the name of the law enforcement agency and the title of the officer, or name of applicable agency representative and title, with whom the Board will consult. (Government Code 54954.5)

Conference with Real Property Negotiator

The Board may meet in closed session with the Board's real property negotiator prior to the purchase, sale, exchange or lease of real property by or for the district in order to grant its negotiator the authority regarding the price and terms of payment for the property. (Government Code 54956.8)

Before holding the closed session, the Board shall hold an open and public session to identify its negotiator(s) and the property under negotiation and to specify the person(s) with whom the negotiator may negotiate. (Government Code 54956.8)

For purposes of real property transactions, negotiators may include members of the Board. (Government Code 54956.8)

Agenda items related to real property negotiations shall specify the district negotiator attending the closed session. If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the negotiating parties and the street address of the real property under negotiation. If there is no street address, the agenda item shall specify the parcel number or another unique reference of the property. The agenda item shall also specify whether instruction to the negotiator will concern price, terms of payment, or both. (Government Code 54954.5)

Pending Litigation

Based on the advice of its legal counsel, the Board may hold a closed session to confer with or receive advice from its legal counsel regarding pending litigation when a discussion of the matter in open session would prejudice the Board's position in the case. For this purpose, "litigation" includes any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

Litigation is considered "pending" when any of the following circumstances exist:

1. Litigation to which the district Board is a party has been initiated formally. (Government Code 54956.9(a))
2. A point has been reached where, in the Board's opinion based on the advice of legal counsel and on the "existing facts and circumstances," there is a "significant exposure to litigation" against the district, or the Board is meeting solely to determine whether, based on existing facts or circumstances, a closed session is authorized. (Government Code 54956.9(b))

"Existing facts and circumstances" ~~authorizing a closed session pursuant to Government Code 54956.9(b) as described in item #2 above~~ for these purposes are limited to the following: (Government Code 54956.9)

- ~~1.a~~ Facts and circumstances that might result in litigation against the district but which the district believes are not yet known to potential plaintiffs and which do not need to be disclosed.
 - ~~2.b~~ Facts and circumstances including, but not limited to, an accident, disaster, incident or transactional occurrence which might result in litigation against the district, which are already known to potential plaintiffs, and which must be publicly disclosed before the closed session or specified on the agenda.
 - ~~3.c~~ The receipt of a claim pursuant to the Tort Claims Act or a written threat of litigation from a potential plaintiff. The claim or written communication must be available for public inspection.
 - ~~4.d~~ A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the Board.
 - ~~5.e~~ A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the Board, provided that the district official or employee receiving knowledge of the threat made a record of the statement before the meeting and the record is available for public inspection. The above record does not need to identify an alleged victim of tortious sexual conduct or anyone making a threat on his/her behalf or identify an employee who is the alleged perpetrator of any unlawful or tortious conduct, unless the identity of this person has been publicly disclosed.
3. Based on existing facts and circumstances, the Board has decided to initiate or is deciding whether to initiate litigation. (Government Code 54956.9(c))

Before holding a closed session pursuant to this section, the Board shall state on the agenda or publicly announce the subdivision of Government Code 54956.9 under which the closed session

is being held. If authority is based on Government Code 54956.9(a), the Board shall either state the title or specifically identify the litigation to be discussed or state that doing so would jeopardize the district's ability to effectuate service of process upon unserved parties or to conclude existing settlement negotiations to its advantage. (Government Code 54956.9)

Agenda items related to "pending litigation" shall be described as a conference with legal counsel regarding "existing litigation" or "anticipated litigation." (Government Code 54954.5)

"Existing litigation" items shall identify the name of the case specified by either the claimant's name, names of parties and case or claim number, unless the Board states that to identify the case would jeopardize service of process or existing settlement negotiations. (Government Code 54954.5)

"Anticipated litigation" items shall state that there is significant exposure to litigation pursuant to Government Code 54956.9(b) and shall specify the potential number of cases. When the district expects to initiate a suit, items related to anticipated litigation shall state that the discussion relates to the initiation of litigation pursuant to Government Code 54956.9(c) and shall specify the potential number of cases. The agenda or an oral statement before the closed session may be required to provide additional information pursuant to items #2-5 above. (Government Code 54954.5, Government Code 54956.9(b)(3)(B-E))

Joint Powers Agency Issues

The Board may meet in closed session to discuss a claim against a joint powers authority formed for the purpose of insurance pooling or self-insurance authority of which it is a member, for the payment of tort liability losses, public liability losses or workers' compensation liability. (Government Code 54956.95)

Closed session agenda items related to liability claims shall specify the claimant's name and the name of the agency against which the claim is made. (Government Code 54954.5)

When the board of the joint powers agency has so authorized and upon advice of district legal counsel, the Board may meet in closed session in order to receive, discuss and take action concerning information obtained in a closed session of the joint powers agency. During the district's closed session, a Board member serving on the JPA board may disclose confidential information acquired during a closed session of the JPA to fellow Board members. (Government Code 54956.96)

The Board member may also disclose the confidential JPA information to district legal counsel in order to obtain advice on whether the matter has direct financial or liability implications for the district. (Government Code 54956.96)

Closed session agenda items related to "Conference Involving a Joint Powers Agency" shall specify the closed session description used by the joint powers agency and the name of the district representative on the joint powers agency board. Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives shall also be included. (Government Code 54954.5)

Review of Audit Report from Bureau of State Audits

Upon receipt of a confidential final draft audit report from the Bureau of State Audits, the Board may meet in closed session to discuss its response to that report. After public release of the report from the Bureau of State Audits, any Board meeting to discuss the report must be conducted in open session, unless exempted from that requirement by some other provision of law. (Government Code 54956.75)

Closed session agenda items related to an audit by the Bureau of State Audits shall state "Audit by Bureau of State Audits." (Government Code 54954.5)

Review of Assessment Instruments

The Board may meet in closed session to review the contents of any student assessment instrument approved or adopted for the statewide testing system. Before any such meeting, the Board shall agree by resolution to accept any terms or conditions established by the State Board of Education for this review. (Education Code 60617)

Agenda items related to the review of student assessment instruments shall state that the Board is reviewing the contents of an assessment instrument approved or adopted for the statewide testing program and that Education Code 60617 authorizes a closed session for this purpose in order to maintain the confidentiality of the assessment under review.

Legal Reference:

EDUCATION CODE

35145 Public meetings

35146 Closed session (re student suspension)

44929.21 Districts with ADA of 250 or more

48912 Governing board suspension

48918 Rules governing expulsion procedures; hearings and notice

49070 Challenging content of students records

60617 Meetings of governing board

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act

6252-6270 California Public Records Act

54950-54963 The Ralph M. Brown Act

COURT DECISIONS

Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners, (2003) 107 Cal.App.4th 860

Bell v. Vista Unified School District, (2001) 82 Cal.App. 4th 672

Fischer v. Los Angeles Unified School District, (1999) 70 Cal.App. 4th 87

Furtado v. Sierra Community College District (1998) 68 Cal.App. 4th 876

Roberts v. City of Palmdale, (1993) 5 Cal.App. 4th 363

Sacramento Newspaper Guild v. Sacramento County Board of Supervisors, (1968) 263 Cal.App. 2d 41

ATTORNEY GENERAL OPINIONS

94 Ops.Cal.Atty.Gen. 82 (2011)

86 Ops.Cal.Atty.Gen. 210 (2003)

78 Ops.Cal.Atty.Gen. 218 (1995)

59 Ops.Cal.Atty.Gen. 532 (1976)

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 2009

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, 2002

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public IV: A Guide to the Ralph M. Brown Act, rev. July 2010

WEB SITES

CSBA: <http://www.csba.org>

California Attorney General's Office: <http://www.oag.ca.gov>

League of California Cities: <http://www.cacities.org>

**Bylaw SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
adopted: June 25, 2009 Santa Monica, California**

TO: BOARD OF EDUCATION

DISCUSSION

02/06/14

FROM: SANDRA LYON

RE: CONSIDER REVISING BB 9322 – AGENDA/MEETING MATERIALS

DISCUSSION ITEM NO. D.20

It is recommended that the Board of Education consider revising BB 9322 – Agenda/Meeting Materials.

COMMENTS: This mandated bylaw has been revised to update material related to the consent agenda/calendar, including deleting outdated information and reflecting new law (SB 1003), which requires the Board to have a separate agenda item (not on consent agenda) when it is considering approving or rescinding its unconditional commitment to refrain from taking certain actions in violation of the Brown Act.

AGENDA/MEETING MATERIALS

Agenda Content

Board of Education meeting agendas shall state the meeting time and place and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session. (Government Code 54954.2)

The agenda shall provide members of the public the opportunity to address the Board on any agenda item before or during the Board's consideration of the item. The agenda shall also provide members of the public an opportunity to testify at regular meetings on matters which are not on the agenda but which are within the subject matter jurisdiction of the Board. (Education Code 35145.5; Government Code 54954.3)

Each meeting agenda shall list the address designated by the Superintendent or designee for public inspection of agenda documents that have been distributed to the Board less than 72 hours before the meeting. (Government Code 54957.5)

The agenda shall specify that an individual who requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting should contact the Superintendent or designee. (Government Code 54954.2)

Agenda Preparation

The Board president and the Superintendent, as secretary to the Board, shall work together to develop the agenda for each regular and special meeting. Each agenda shall reflect the district's vision and goals and the Board's focus on student learning.

A Board member or member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. The request shall be in writing and be submitted to the Superintendent or designee with supporting documents and information, if any, at least one week before the scheduled meeting date. Items submitted less than a week before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue.

The Board president and Superintendent shall decide whether a request is within the subject matter jurisdiction of the Board. Items not within the subject matter jurisdiction of the Board may not be placed on the agenda. In addition, the Board president and Superintendent shall determine if the item is merely a request for information or whether the issue is covered by an existing policy or administrative regulation before placing the item on the agenda.

The Board president and Superintendent shall decide whether an agenda item is appropriate for discussion in open or closed session, and whether the item should be an action item subject to Board vote, an information item that does not require immediate action, or a consent item that is routine in nature and for which no discussion is anticipated.

Any Board action that involves borrowing \$100,000 or more shall be discussed, considered, and deliberated upon as a separate item of business on the meeting agenda. (Government Code 53635.7)

All public communications with the Board are subject to requirements of relevant Board policies

and administrative regulations.

Consent Items

In order to promote efficient meetings, the Board may act upon more than one item by a single vote through the use of a consent agenda. Consent items shall be items of a routine nature or items for which no Board discussion is anticipated and for which the Superintendent recommends approval.

In accordance with law, the public has a right to comment on any consent item. At the request of any member of the Board, any item on the consent agenda shall be removed and given individual consideration for action as a regular agenda item.

The agenda shall provide an opportunity for members of the public to comment on any consent agenda item that has not been previously considered. However, the agenda need not provide an opportunity for public comment when the consent agenda item has previously been considered at an open meeting of a committee comprised exclusively of all the Board members provided that members of the public were afforded an opportunity to comment on the item at that meeting, unless the item has been substantially changed since the committee considered it. (Government Code 54954.3)

Agenda Dissemination to Board Members

At least three days before each regular meeting, a copy of the agenda and agenda packet shall be forwarded to each Board member, including the Superintendent or designee's report; minutes to be approved; copies of communications; reports from committees, staff, citizens, and others; and other available documents pertinent to the meeting.

When special meetings are called, the Superintendent or designee shall make every effort to distribute the agenda and supporting materials to Board members as soon as possible before the meeting.

Board members shall review agenda materials before each meeting. Individual members may confer directly with the Superintendent or designee to request additional information on agenda items. However, a majority of Board members shall not directly or through intermediaries or electronic means discuss, deliberate, or take action on any matter within the subject matter jurisdiction of the Board.

Agenda Dissemination to Members of the Public

The Superintendent or designee shall mail a copy of the agenda or a copy of all the documents constituting the agenda packet to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Board, whichever occurs first. (Government Code 54954.1)

If a document is distributed to the Board less than 72 hours prior to a meeting, the Superintendent or designee shall make the document available for public inspection at the time the document is distributed to a majority of the Board provided that the document is a public record under the Public Records Act and relates to an agenda item for an open session of a regular Board meeting. The Superintendent or designee may also post the document on the district's web site in a position and manner that makes it clear that the document relates to an agenda item for an upcoming meeting. (Government Code 54957.5)

Any documents prepared by the district or the Board and distributed during a public meeting shall be made available for public inspection at the meeting. Any documents prepared by

another person shall be made available for public inspection after the meeting. These requirements shall not apply to a document that is exempt from public disclosure under the Public Records Act. (Government Code 54957.5)

Upon request, the Superintendent or designee shall make the agenda, agenda packet, and/or any writings distributed at the meeting available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code 54954.1)

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (Government Code 54954.1)

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee, as determined by the Superintendent or designee, not to exceed the cost of providing the service.

The agenda or agenda packet will be posted on the district web site and will be available for downloading and printing remotely.

Legal Reference:

EDUCATION CODE

35144 Special meetings

35145 Public meetings

35145.5 Right of public to place matters on agenda

GOVERNMENT CODE

6250-6270 Public Records Act

53635.7 Separate item of business

54954.1 Mailed agenda of meeting

54954.2 Agenda posting requirements; board actions

54954.3 Opportunity for public to address legislative body

54954.5 Closed session item descriptions

54956.5 Emergency meetings

54957.5 Public records

54960.2 Challenging board actions; cease and desist

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.160 Effective communications

36.303 Auxiliary aids and services

COURT DECISIONS

Mooney v. Garcia, (2012) 207 Cal.App.4th 229

Caldwell v. Roseville Joint Union High School District, 2007 U.S. Dist. LEXIS 66318

Management Resources:

CSBA PUBLICATIONS

Call to Order: A Blueprint for Great Board Meetings, 2010

The Brown Act: School Boards and Open Meeting Laws, rev. 2009

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, rev. 2003

WEB SITES

CSBA, Agenda Online: <http://www.csba.org>

California Attorney General's Office: <http://www.oag.ca.gov>

**Bylaw SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
adopted: June 25, 2009 Santa Monica, California**

TO: BOARD OF EDUCATION

DISCUSSION

02/06/14

FROM: SANDRA LYON

RE: CONSIDER REVISING BB 9323.2 AND ADOPTING E 9323.2 – ACTIONS BY
THE BOARD

DISCUSSION ITEM NO. D.21

It is recommended that the Board of Education consider revising BB 9323.2 and adopting E 9323.2 – Actions by the Board.

COMMENTS: CSBA is recommending this update to reflect new law (SB 1003), which expands the types of past Board actions that may be challenged by the district attorney or other interested person provided that certain requirements are met, including the sending of a "cease and desist" letter to the Board within nine months of the alleged violation.

The new exhibit provides a sample letter that the Board may use to respond to the cease and desist letter with an unconditional commitment to desist from repeating the past action, which would prevent the district attorney or other interested person from filing an action in court.

ACTIONS BY THE BOARD

The Board of Education shall act by a majority vote of all of the membership constituting the Board, unless otherwise required by law. (Education Code 35164)

An "action" by the Board means: (Government Code 54952.6)

1. A collective decision by a majority of the Board members
2. A collective commitment or promise by a majority of the members to make a positive or negative decision
3. A vote by a majority of the members when sitting as the Board upon a motion, proposal, resolution, order or ordinance

The Board shall not take action by secret ballot, whether preliminary or final. (Government Code 54953)

Actions taken by the Board in open session shall be recorded in the Board minutes. (Education Code 35145)

Action on Non-Agenda Items

The Board may take action in a regular meeting on a subject not listed on the published agenda only when it publicly identifies the item to be acted upon in conjunction with one of the following circumstances: (Government Code 54954.2)

1. The Board, by majority vote of its members, determines that the action responds to an emergency situation. (Government Code 54956.5)
2. The Board determines, either by a two-thirds majority vote of the members present at the meeting or, if less than two-thirds of the members are present, by a unanimous vote of all members present, that the need to take immediate action came to the district's attention after the posting of the agenda.
3. The matter was properly posted for a previous meeting occurring not more than five days earlier and was continued to the meeting at which action is being taken.

Challenging Board Actions

The district attorney's office or any interested person may file an action in court to stop or prevent the Board's violation or threats of violations of the Brown Act, to determine the applicability of the Brown Act to ongoing or future threatened Board actions, to determine the validity, under California or federal law, of any Board rule or action to penalize any of its members or otherwise discourage the member's expression, or to compel the Board to audio record its closed sessions because of its violation of any applicable Government Code provision. (Government Code 54960)

The district attorney or any interested person may present a demand that the Board cure and correct a Board action which he/she alleges is in violation of law regarding any of the following: (Government Code 54960.1)

1. Open meeting and teleconferencing (Government Code 54953)
2. Agenda posting (Government Code 54954.2)
3. Closed session item descriptions (Government Code 54954.5)
4. New or increased tax assessments (Government Code 54954.6)
5. Special meetings (Government Code 54956)
6. Emergency meetings (Government Code 54956.5)

Any demand to "cure and correct" an alleged violation shall clearly describe the challenged action and the nature of the alleged violation and shall be presented to the Board in writing within 90 days of the date when the action was taken. If the alleged violation concerns action taken in an open session but in violation of Government Code 54954.2 (agenda posting), the written demand must be made within 30 days of the date when the alleged action took place. (Government Code 54960.1)

Within 30 days of receiving the demand, the Board shall do one of the following: (Government Code 54960.1)

1. Cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct.
2. Determine not to cure or correct the alleged violation and inform the demanding party in writing of its decision to not cure or correct.
3. Take no action. If the Board takes no action within the 30-day review period, its inaction shall be considered a decision not to cure or correct the action.

In addition, the district attorney's office or any interested party may file an action in court to determine the applicability of the Brown Act to any past Board action not specified in Government Code 54960.1, if the following conditions are met: (Government Code 54960.2)

1. Within nine months of the alleged violation, a cease and desist letter is submitted to the Board, clearly describing the past Board action and the nature of the alleged violation.
2. The time for the Board to respond has expired and the Board has not provided an unconditional commitment to cease and desist from and not repeat the past action alleged to have violated the Brown Act.

~~Any demand by the district attorney's office or any interested person to correct a Board action shall be presented to the Board in writing within 90 days of the date when the action was taken. Such demand shall allege a violation of any of the following: (Government Code 54960.1)~~

- ~~1. Government Code 54953, regarding open meeting and teleconferencing~~
- ~~2. Government Code 54954.5, regarding closed session item descriptions~~
- ~~3. Government Code 54954.6, regarding new or increased tax assessments~~
- ~~4. Government Code 54956, regarding special meetings~~

5. ~~Government Code 54956.5, regarding emergency meetings~~

~~If the alleged violation concerns action taken in an open session but in violation of Government Code 54954.2 (agenda posting), the written demand must be made within 30 days of the date when the alleged action took place. (Government Code 54960.1)~~

~~Any demand to "cure and correct" an alleged violation shall clearly describe the challenged action and the nature of the alleged violation. (Government Code 54960.1)~~

~~Within 30 days of receiving the demand, the Board shall cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct. If the Board decides to not cure or correct the challenged action, the demanding party shall be informed in writing of that decision. (Government Code 54960.1)~~

~~If the Board takes no action within the 30-day review period, its inaction shall be considered a decision not to cure or correct the action. (Government Code 54960.1)~~

Legal Reference:

EDUCATION CODE

15266 School construction bonds
17466 Declaration of intent to sell or lease real property
17481 Lease of property with residence for nondistrict purposes
17510-17511 Resolution requiring unanimous vote of all members constituting board
17546 Private sale of personal property
17556-17561 Dedication of real property
17582-17583 District deferred maintenance fund
35140-35149 Meetings
35160-35178.4 Powers and duties
48660-48661 Community day schools, establishment and restrictions

CODE OF CIVIL PROCEDURE

425.16 Special motion to strike in connection with a public issue
1245.240 Eminent domain vote requirements
1245.245 Eminent domain, resolution adopting different use

GOVERNMENT CODE

53090-53097.5 Regulation of local agencies by counties and cities
53724 Parcel tax resolution requirements
53790-53792 Exceeding the budget
53820-53833 Temporary borrowing
53850-53858 Temporary borrowing
54950-54963 The Ralph M. Brown Act, especially:
54952.6 Action taken, definition
54953 Meetings to be open and public; attendance; secret ballots
54960-54960.5 Actions to prevent violations
65352.2 Coordination with planning agency

PUBLIC CONTRACT CODE

3400 Bid specifications
20111 Contracts over \$50,000; contracts for construction; award to lowest responsible bidder
20113 Emergencies, award of contracts without bids

COURT DECISIONS

Los Angeles Times Communications LLC v. Los Angeles County Board of Supervisors (2003) 112 Cal.App.4th 1313
McKee v. Orange Unified School District (2003) 110 Cal.App.4th 1310
Bell v. Vista Unified School District (2002) 82 Cal.App.4th 672
Boyle v. City of Redondo Beach (1999) 70 Cal.App.4th 1109

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 2009

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Local Legislative Bodies, 2003

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public IV: A Guide to the Ralph M. Brown Act, 2007

WEB SITES

CSBA: <http://www.csba.org>

California Attorney General's Office: <http://www.oag.ca.gov>

Institute of Local Government: <http://www.ca-ilg.org>

**Bylaw SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
adopted: June 25, 2009 Santa Monica, California**

ACTIONS BY THE BOARD

UNCONDITIONAL COMMITMENT LETTER

To: (Name of district attorney or any interested person)

The Governing Board of (name of school district) has received your cease and desist letter dated (date) alleging that the following described past action taken by the Board violates the Ralph M. Brown Act: (Describe alleged past action as set forth in the cease and desist letter.)

In order to avoid unnecessary litigation and without admitting any violation of the Ralph M. Brown Act, the Board hereby unconditionally commits that it will cease, desist from, and not repeat the challenged past action described above. The Board may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as "Rescission of Brown Act Commitment." You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address(es) you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, a notice will be delivered to you by the same means as this commitment, or by mail to an address that you have designated in writing, and you will have the right to commence legal action pursuant to Government Code 54960(a).

Sincerely,

(Name)

(Title of Board President or other designee)

Exhibit CSBA MANUAL MAINTENANCE SERVICE
version: November 2012

MAJOR ITEMS

TO: BOARD OF EDUCATION

ACTION/MAJOR

02/06/14

FROM: SANDRA LYON / TERRY DELORIA

RE: ADOPT RESOLUTION NO. 13-08 – IN HONOR OF BLACK HISTORY MONTH

RECOMMENDATION NO. A.26

It is recommended that the Board of Education adopt Resolution No. 13-08 – In Honor of Black History Month.

COMMENTS: In 1976, February was designated as Black History Month. This resolution honors the achievements and contributions of African-American citizens in the United States.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

**Santa Monica-Malibu Unified School District
Board of Education**

**Resolution No. 13-08
In Honor of Black History Month**

Whereas, Carter G. Woodson, noted Black scholar, historian and son of former slaves, founded the Association for the Study of Negro Life and History in 1915, which was later renamed the Association for the Study of African American Life and History; and

Whereas, Dr. Woodson initiated Black History Week on February 12, 1926 and which for many years was celebrated by Black people in the United States on the 2nd week of February (chosen so as to coincide with the birthdays of Frederick Douglass and Abraham Lincoln); and

Whereas, in 1976, as part of the nation's Bicentennial, Black History Week was expanded and February was established as Black History Month, and is now widely observed; and

Whereas, it is important to understand the different origins, cultures and heritages of all Americans, and recognize that the history of African Americans in this country is part of our shared collective American story; and

Whereas, Black History month is a time to recognize and honor the many achievements of Black Americans and to acknowledge the scope of their contributions to the United States of America, as well as the important and vital roles this group has played in our Nation's development and history; and

Whereas, it is entirely fitting that society should develop a full appreciation of the innumerable accomplishments of African-Americans, and public education can work to achieve this by committing students to a full review and assessment of the great contributions by African Americans to the arts, sciences, literature, economic development, education, exploration, defense and leadership and growth of this Nation; and

Whereas, even as civil rights laws have given legal consequences to overt discriminatory practices and racial intolerance, only through education can attitudes be changed and ignorance eliminated; and

Whereas, Black History Month seeks to bridge the gap wherein American history failed to accurately portray and record the achievements of Black Americans; and

Whereas, learning from the struggles and accomplishments of others helps strengthen our bond as a national family:

NOW, THEREFORE, BE IT RESOLVED that the Santa Monica-Malibu Unified School District Board of Education does hereby adopt this Resolution to encourage: the celebration of BLACK HISTORY MONTH; the instruction to our students on the achievements and contributions of Black citizens; fostering in our students a greater understanding of the roles African Americans have played throughout the history of our Nation; and helping all students understand their responsibilities in protecting and preserving the humanity of all people.

Passed and Adopted this 6th day of February 2014 by the Santa Monica-Malibu Unified School District Board of Education by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Maria Leon-Vazquez
Board President

Sandra Lyon
Superintendent

TO: BOARD OF EDUCATION

ACTION/MAJOR

02/06/14

FROM: SANDRA LYON / DEBRA MOORE WASHINGTON

RE: ADOPT RESOLUTION NO. 13-09 – REDUCTION OR DISCONTINUANCE OF PARTICULAR KINDS OF SERVICES WITH DIRECTION TO NOTIFY AFFECTED EMPLOYEES OF RECOMMENDATION OF LAYOFF

RECOMMENDATION NO. A.27

It is recommended that the Board of Education approve Resolution 13-09 for the reduction or discontinuance of particular kinds of services (reading instruction), as indicated on the Resolution, effective June 2014.

COMMENT: The Superintendent of the Santa Monica-Malibu Unified School District recommends to the Governing Board that the services enumerated in Resolution No. 13-09 are to be reduced or discontinued no later than the beginning of the 2014-2015 school year, and that the Board give notice as required by Education Code Sections 44949 and 44955 to those employees whose services will not be required.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

**BEFORE THE BOARD OF EDUCATION OF THE
SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA**

RESOLUTION NO. 13-09

REDUCTION OR DISCONTINUANCE OF PARTICULAR KINDS OF SERVICE

WHEREAS, Education Code sections 44949 and 44955 require action by the Board of Education in order to reduce or eliminate services and to permit the layoff of certificated employees;

WHEREAS, it is the opinion of this Board that due to the reduction or elimination of particular kinds of services, it is necessary to decrease a corresponding number of certificated employees for the 2014-2015 school year pursuant to Education Code section 44955;

WHEREAS, pursuant to Education Code section 44955, this Board of Education has determined that it is in the best interests of the District and the welfare of the schools and the pupils thereof that the following particular kinds of services be reduced or discontinued no later than the beginning of the 2014-2015 school year:

Reduce K-5 Elementary Reading Teaching Services	7.24	F.T.E.
TOTAL CERTIFICATED POSITIONS:	7.24	F.T.E.

WHEREAS, this Board has determined that this layoff shall be based upon a reduction or elimination of particular kinds of services, and not based upon reduction of average daily attendance during the past two years; and

WHEREAS, in determining the amount of service to be reduced, the Board of Education has considered all assured attrition known at the time of this resolution, that is, all deaths, resignations, retirements, non-reelection of probationary employees, and other permanent vacancies in the services identified above, to be effective no later than the end of the current school year and unrelated to the foregoing reductions;

WHEREAS, Education Code section 44955 provides that the services of no permanent employee may be terminated while any probationary or any other employee with less seniority is retained to render a service which the permanent employee is certificated and competent to render;

WHEREAS, this Board has determined that due to a significant population of English language learners with specialized educational needs, a specific and compelling need exists to employ and retain certificated employees who have authorization to teach English Learner ("EL") students, as determined by the California Commission on Teacher Credentialing, and the special training and experience that comes therewith;

WHEREAS, compliance with the provisions of the No Child Left Behind Act and the Williams Settlement require that EL students be served by certificated employees with appropriate EL authorizations. Thus, each failure to staff a classroom containing one or more EL students with a certificated employee possessing an appropriate EL authorization is a "misassignment" subject to sanction by the County Superintendent of Schools;

WHEREAS, in order for an employee serving in a position identified for reduction or discontinuance to be eligible for bumping an employee with less seniority, the senior employee must be both credentialed and competent to render the service currently being performed by the

junior employee pursuant to Education Code Section 44955, 44956, and 44957. For purposes of implementing this Resolution, for bumping and rehire rights, a more senior employee is defined as competent for reassignment into a position currently held by a more junior employee, if (1) he or she currently possesses a clear or preliminary credential, or the equivalent standard, life, or general credentials, in the subject(s) or grade level to which the employee will be assigned at the beginning of the 2014-2015 school year and able to perform such services without Board authorization or the consent of the senior employee; (2) he or she possesses Highly Qualified status under the No Child Left Behind Act (NCLB) in the relevant subject matter area(s) identified for reassignment; and, (3) and holds an appropriate English Learner (EL) authorization for the area(s) identified for reassignment; (4) the EL authorization is currently filed and is not considered a “temporary” or “emergency” authorization; (5) in the case of Special Education teachers, the senior employee possesses a moderate/severe credential; and (6) has at least one (1) complete year of District experience within the last five (5) years in the same assignment to which he/she will be assigned at the beginning of the 2014-2015 school year.

WHEREAS, this Board is authorized by Education Code section 44955 to establish criteria based upon the needs of the District and the students thereof for determining the order of termination as between certificated employees who first rendered paid service to the District on the same date;

WHEREAS, this Board is authorized by Education Code Section 44955 to deviate from terminating certificated employees in order of seniority where the district demonstrates a specific need for personnel to teach a specific course or course of study;

WHEREAS, due to the need of the District to retain those individual teachers in the specific courses identified above due to their specialized training and experience related to those courses which more senior employees do not possess, the Superintendent and/or her designee is authorized to deviate from terminating those employees in order of seniority in instances where they possess a BCLAD certificate and are currently assigned to teach Bilingual classes or Spanish-English immersion classes under the scope of a BCLAD certificate, and will be assigned those courses again for the next year;

WHEREAS, due to the need of the District to retain those individual teachers assigned to provide special education instruction to students with moderate/severe special education designations, due to their specialized training and experience related to those courses, the Superintendent and/or her designee is authorized to deviate from terminating those employees in order of seniority in instances where they possess a moderate/severe credential.

WHEREAS, the criteria that will be applied to deviate from terminating certificated employees who may otherwise be terminated by order of seniority, are based on the needs of the students of the District, and will ensure that no employee will be terminated while a less senior employee is retained to render service which the more senior employee is both certificated and competent to render;

WHEREAS, the Education Code requires that various actions be taken and notices be forwarded no later than March 15th of each school year regarding layoffs of certificated personnel resulting from reductions of particular kinds of services;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Education of the Santa Monica-Malibu Unified School District as follows:

1. That all of the foregoing recitals are true and correct.
2. That for the 2014-2015 school year, the particular kinds of services to be provided by said District shall be and hereby are reduced to the extent set forth above.

3. That due to the reduction or discontinuance of particular kinds of services set forth above, the corresponding number of certificated employees of the District shall be terminated at the end of the 2013-2014 school year, pursuant to Education Code section 44955.
4. That the Superintendent or designee is directed to send appropriate notices to all employees possibly affected by virtue of the reduction and elimination of particular kinds of service.

BE IT FURTHER RESOLVED that the Superintendent or designee is delegated the authority to take all actions necessary and proper to the accomplishment of the purposes of this Resolution.

The forgoing Resolution was adopted by the Board of Education of the Santa Monica-Malibu Unified School District on the 6th day of February 2014, by the following vote:

Ayes: _____
Noes: _____
Abstentions: _____
Absent: _____

Maria Leon-Vazquez, President
Board of Education
Santa Monica-Malibu Unified School District

I, Sandra Lyon, 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 February 6, 2014.

Sandra Lyon, Secretary
Board of Education
Santa Monica-Malibu Unified School District

TO: BOARD OF EDUCATION

ACTION/MAJOR

02/06/14

FROM: MARIA LEON-VAZQUEZ / SANDRA LYON

RE: VISION FOR STUDENT SUCCESS (VSS) BOARD ALLOCATION

RECOMMENDATION NO. A.28

It is recommended that the Board of Education allocate additional funds to the Vision for Student Success (VSS) from funds currently designated for Board initiatives in the proposed 2014-15 budget so that the entire program can be rolled out for the 2014-15 school year.

COMMENT: This year, the Santa Monica-Malibu Education Foundation took on the challenging goal of raising \$4 million to benefit every student in the SMMUSD via rich instructional and Visual and Performing Arts (VAPA) programming at every school throughout Santa Monica and Malibu. VSS is a plan to enhance instruction and enrichment at every school in our district. It will provide for:

- Instructional coaches at each elementary school
- Academic support time at each secondary school
- K-3 class sizes of 25:1
- Highly trained instructional assistants at all elementary schools
- A K-5 VAPA program
- Professional development support for every school
- Discretionary funds for school-specific initiatives

The new policy, BP 3290, was created after the board took action in November 2011, to change the gift policy so that only SMMEF is able to raise money for staff and professional development. This new policy is fully in effect as of July 1, 2014. The Education Foundation has made significant progress, but as expected, the first year of fundraising has been challenging and several schools have not fully participated in the fundraising effort. This is in large part due to the fact that PTAs had to raise money for 2013-14 staff and professional development at their schools while simultaneously raising money for implementation of VSS in 2014-15. Additionally, barriers to full participation remain, which will need to be addressed in the coming year.

It is recommended that the board allocate additional funds so that the programs can be fully implemented in the 2014-15 school year. This is a one-time allocation. Should the required funds not be raised for the 2015-16 school year, staff will recommend reducing the program so that only funds raised by SMMEF are used to support it.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/MAJOR

02/06/14

FROM: MARIA LEON-VAZQUEZ / SANDRA LYON

RE: ASSIGNMENT OF BOARD OF EDUCATION LIAISONS TO DISTRICT ADVISORY COMMITTEES, FINANCIAL OVERSIGHT COMMITTEE, MEASURE BB ADVISORY AND CITIZENS' OVERSIGHT COMMITTEES, PTA COUNCIL, AND EDUCATION FOUNDATION

RECOMMENDATION NO. A.29

It is recommended that the Board of Education approve the following assignments as board liaisons to the District Advisory Committees (DACs).

DACs	Board Liaison
Childcare and Development	Jose Escarce Ralph Mechur
Community Health and Safety	Ben Allen Oscar de la Torre
English Learners (DELAC)	Maria Leon-Vazquez Jose Escarce
Intercultural Equity & Excellence (IEE) DAC	Oscar de la Torre Maria Leon-Vazquez
Special Education (SEDAC)	Oscar de la Torre Maria Leon-Vazquez
Visual and Performing Arts (VAPA)	Nimish Patel Ralph Mechur

Other Committees/Organizations	Board Liaison
Education Foundation	Laurie Lieberman Nimish Patel
Financial Oversight (FOC)	Jose Escarce Laurie Lieberman
Measure BB Advisory Committee	Ben Allen Laurie Lieberman Ralph Mechur
Measure BB Citizens' Bond Oversight Committee	Ben Allen Nimish Patel
PTA Council	Maria Leon-Vazquez Ralph Mechur

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

INFORMATION ITEMS

TO: BOARD OF EDUCATION
FROM: SANDRA LYON
RE: DAC MID-YEAR WRITTEN REPORTS

INFORMATION
02/06/14

INFORMATION ITEM NO. I.01

Mid-year reports were submitted by the Health and Safety DAC, the Special Education DAC and Visual and Performing Arts DAC. The full text of each of these reports is attached. **The reports from the Early Child Care DAC and the Intercultural Equity and Excellence DAC will be on a future agenda.**

COMMENT: Administrative regulation 1220 states: "The staff liaison and committee chairperson shall provide the Board of Education with an update regarding the process of meeting these goals and/or deliverables in an informational item to the Board at a regular meeting no later than February each year."

Next steps: At the June 25, 2014, board meeting, each DAC will provide a written end-of-year report for Information. During that meeting, each DAC will be given five minutes under Communications to summarize its report. During a regular board meeting in July or August 2014, the board will meet with each DAC to discuss goal-setting for 2014-15. With this feedback from the board in hand, the DACs will hold their regular September meetings and develop draft charges for the year. These draft charges will come forward for board consideration at the first meeting in October 2014, as per AR 1220.

TO: BOARD OF EDUCATION
FROM: SANDRA LYON
RE: DAC MID-YEAR WRITTEN REPORTS

INFORMATION
02/06/14

INFORMATION ITEM NO. I.01

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**District Advisory Committee
Board of Education Annual Mid-Year Written Report
2013-14**

HEALTH & SAFETY DISTRICT ADVISORY COMMITTEE

Chair: Patricia Nolan

Staff Liaison: Mark Kelly, Ph.D.

Charges:

- Monitor contemporary issues in health that have a direct impact on school age children
- Monitor issues that impact safety in SMMUSD schools
- Encourage developmentally appropriate best practices in health, nutrition and physical education
- Assist in the review and modification of the SMMUSD Wellness Policy and other district policies and practices impacting student health and safety

Accomplishments to date:

- Developed a fact sheet to encourage/inform students wishing to perform volunteer work in health care settings, for distribution by SMMUSD staff
- Hosted presentations from and engaged in subsequent discussion with:
 - Gary Bradbury, SMMUSD Risk Manager
 - Jason Olson, SMPD on 'Drug Impairment Training for Educational Professionals'
 - Elaine Rene Weisman, Outreach member of Malibu Environmental Task Force

Highlight(s) to date of particular note:

- Continued discussion on areas of pertinence/interest:
 - Status of 'Growing Green' program at Grant ES
 - Status of Homework Policy at SaMoHi
 - SMMUSD Suspension/Expulsion policy
 - TDaP Immunization status of students and TB test shortage
 - SMMUSD HS Health Curriculum

Suggested direction for 2013-14:

- Continue to monitor and discuss issues pertinent to the Charges of the DAC and recommend actions where appropriate
- DAC member to serve on the LCFF/LCAP committee
- DAC member may serve on an expanded Environmental Task Force

Budgetary Implications:

- None at this time

**District Advisory Committee
Board of Education Annual Mid-Year Written Report
2013-14**

SPECIAL EDUCATION DISTRICT ADVISORY COMMITTEE

Chair: Lee Jones

Staff Liaison: Sara Woolverton

Charges:

- Advise the Board of Education about attitudes, opinions and issues significant to the Special Education community
 - A. Hold monthly meetings open to the public and provide Spanish translation when needed
 - B. Act as a conduit for flow of information between the Special Education community at large and the Board of Education.
 - C. Continue to bring parent's questions and concerns to the BOE regarding curriculum and programs in math, literacy, reading and autism.
 - D. Provide a forum for District staff and other speakers to share information relevant to the Special Education community
 - E. To enhance District-wide outreach to Special Education parents, continue the practice of rotating meeting locations to include school sites
 - F. To address topical concerns utilizing subcommittees, either Ad Hoc and/or Standing Committees, as defined by the Brown Act.
 - G. Continue to review the Special Education budget with the District's Chief Financial Officer utilizing CFO's recently created Special Education specific reporting format.

Charge One

Collaborate with district staff and third party on Post IEP Parent Satisfaction Survey.

Charge Two

Give input to the deputy superintendent of the technology committee to jointly consider strategies to reduce digital divide.

Charge Three

Update and expand the pre-school eligibility assessment, placement and program information for the pre-school section of The Parent Handbook.

Charge Four

Complete the Parent-to-Parent Transition Plan for high school students by presenting to the BOE and arranging for distribution to parents and high school students.

Charge Five

Review information and assist in increasing communication with parents regarding District programs, LCFF (Local Control Funding Formula), Common Core and the Vision for Student Success and how they each will impact Special Education Services in the District

Accomplishments to date:

- Terry Deloria has arranged for K-12 Insight to help create a meaningful post-IEP survey for parents and district staff to provide information about what was accomplished at the IEP.
- Sara Woolverton, SE Director and DAC liaison will report the outcome of a district technology committee that has been created to address the digital divide among other things.
- 2 SEDAC meetings will be held at school locations this year:
March 4, 2014 @ Malibu High School Library 7-9PM
April 1, 2014 @ Grant Elementary School Library 7-9PM
- An ad hoc has been created to address the update and expansion of The Preschool Section of The Parent Handbook.

- A final draft of the Parent-to-Parent Transition Plan is done. The ad hoc is now working on a plan to determine how many students will be receiving a hard copy of the handbook and how to best provide an online connection to the plan. School districts within our SELPA will be responsible for distributing the plan to students in Beverly Hills, Culver City, and Santa Monica.
- A SEDAC member is on the LCFF committee and the DAC will assist in getting the word out to parents about these programs.
Ad hoc committees are being created to review spec

Highlight(s) to date of particular note:

-

Budgetary Implications:

The Post-Secondary Transition Plan, printing of hard copies – to be determined.

**District Advisory Committee
Board of Education Mid-Year 2013-14 Report
(as of January 28, 2014)**

VISUAL AND PERFORMING ARTS DISTRICT ADVISORY COMMITTEE

Chair: JANIS GABBERT

Staff Liaison: TOM WHALEY

Charge for 2013-14:

- **Support** a comprehensive PreK-12 arts education program as an integral part of the core curriculum offered to all SMMUSD students, with the arts taught as discrete disciplines as well as integrated into other subject areas.
- **Serve** as a vehicle for parents, teachers, students and community members to inform, suggest and make recommendations to the Board of Education on matters related to equitable access and successful participation in comprehensive, sequential, standards-based PreK-12 arts education.
- **Review**, and report to the Board of Education, current SMMUSD Visual and Performing Arts program data (Dance, Music, Theatre and Visual Arts).
- **Monitor**, and report to the Board of Education, progress in the District's implementation of the Board-adopted *Arts for All* Strategic Plan.
- **Improve** communication among the District, parents and the community regarding the District's VAPA programs, particularly with underserved populations.
- **Work** to develop a VAPA network of those with experience or interest in the arts.
Coordinate with School District producers of photos, videos, and recordings to publicize and archive VAPA events on www.smmarts.info.

I. Accomplishments to date in meeting the charges:

- The VAPA DAC has held monthly meetings since August and served as a vehicle for parents, teachers, students and community members to communicate with the Board of Education on matters related to PreK-12 Arts Education.
- VAPA DAC member D'Lynn Waldron continues to maintain the <http://smmarts.info> web site, which she designed in December 2011, to coordinate with school district producers of photos, videos, and recordings, in order to publicize and archive VAPA events.
- VAPA DAC monitors district progress in implementing the SMMUSD Arts for All Strategic Plan to provide equitable access for all students at all grade levels to high quality instruction in dance, music, theatre, and visual arts.
- The VAPA DAC has reviewed the district's VAPA course offerings and enrollment for Fall 2013 to assess whether students had equitable access to comprehensive, sequential, standards-based K-12 Arts Education.

II. Highlight(s) to date of particular note (This has not yet been updated for 2013-14):

- A. **2012-13 VAPA Enrollments: Unduplicated Counts for Secondary Students** (information supplied by Maureen Bradford). Secondary enrollments for both first semester and second semester were examined. SMASH students were not included. Two PE courses were included (Marching Band and Dance.)
- B. 57% of all secondary students (grades 6-12) were enrolled in at least one VAPA course, **an increase of 8%** since 2012. This included 64% of middle school students (**an increase of 7%**) and 53% of high school students (**an increase of 9%**).
- C. 2012-13 VAPA course enrollment by Race/Ethnicity showed 50% of African American students (**an increase of 9%**), 69% of Asian students (**an increase of 9%**), 49% of Latino students (**an increase of 8%**), 61% of white students (**an increase of 7%**), and 63% taking two of more courses (**an increase of 4%**).

- D. 2012-13 VAPA enrollment by economic status showed 49% of socio-economically disadvantaged students (**an increase of 10%**) and 61% of students who are not socio-economically disadvantaged (**an increase of 7%**).
- E. VAPA enrollments by discipline showed 37% of secondary students enrolled in Music classes (**an increase of 6%**), 19% enrolled in Visual Arts classes (**an increase of 7%**), 7% enrolled in Theater/Film classes, (**an increase of 3%**), and 3% enrolled in Dance classes (**an increase of 1%**).
- F. **DAC analysis of Fall 2013 VAPA course enrollment:**

Total SMMUSD K-12 enrollment for Fall 2013:	11,245 K-12 students (-156 since 2012-13)
Total enrolled in district, ROP, or SMC-funded "for credit" or district-funded VAPA classes:	7,086 students (+175) = 63% of total student enrollment (+2% since 2012-13)

Elementary Schools		
Total enrollment:		4,944 grade K-5 students (-3 since 2012-13)
Total enrolled in district-funded VAPA classes:		2,464 students (+4) = 50% of total student enrollment (same as 2012-13)
Dance	3 rd grade dance (Music 'n' Motion)	769 students (-65) = 16% of K-5 students (+1% since 2012-13)
Music	3 rd , 4 th , and 5 th grade music	2,464 students (+4) = 50% of K-5 students (same as 2012-13)

Elementary Schools

- There is no district-funded or district-wide K-2 or 4-5 **Dance** program.
- There is no district-funded or district-wide K-2 **Music** program.
- There is no district-funded or district-wide K-5 **Theatre** program.
- There is no district-funded or district-wide K-5 **Visual Arts** program.

To fully implement the 9-year *Arts for All* plan, all K-5 students should have access to instruction during the school day by highly qualified teachers in all four arts disciplines: Dance, Music, Theatre, and Visual Arts.

Middle Schools					
Total enrollment:		2,568 grade 6-8 students (-39 since 2012-13)			
Total enrolled in district-funded "for credit" VAPA classes:		2,096 students (+149) = 81% of total school enrollment (+6% since 2012-13)			
	Dance	Music	Theatre	Visual Arts	
JAMS	30 (+22)	571 (+33)	0	118 year-long (+10) & 63 (-21) trimester	782 (+30) of 1,011 total students (+13) = 77% (+2% since 2012-13)
Lincoln MS	0	536 (-12)	0	70 year-long, 125 semester-long, and 125 quarter (+77)	856 (+65) of 1,012 total students (-53) = 85% (+11% since 2012-13)
Malibu MS	0	183 (+46)	22 semester-long (-11)	91 year-long & 88 trimester (+6)	384 (+41) of 469 total students (+8) = 82% (+8% since 2012-13)
SMASH	0	74 (+7)	0	0	74 (+7) of 76 total students (-7) = 97% (+26% since 2012-13)

High Schools					
Total Enrollment:		3,733 grade 9-12 students (-83 since 2012-13)			
Total enrolled in district, ROP, or SMC-funded "for credit" VAPA classes:		2,526 students** (+13) = 67% of total school enrollment (+1% since 2012-13)			
	Dance	Music	Theatre	Visual Arts	
Malibu HS	0	130 (+12)	154 (-2)	247 (+3)	531 (+13) of 694 total students (+11) = 76% (same as 2012-13)
Olympic HS (Some programs are not district-funded.)	0 (-10) Instruction will be offered in Spring 2014.	14 (+5)	28 (same as 2012-13)	48 (+32)	90 (+8) of 71 total students (-21) = 115% (+26% since 2012-13) Some students are taking more than one VAPA class, resulting in more than 100% enrollment in VAPA classes.
Santa Monica HS	161 (+5)	884 (+20)	79 (-20)	781 (-13)	1,905 (-8) of 2698 total students (-79) = 64% (+1% since 2012-13)

(**Some high school students take more than one arts class, so the actual number of students may be somewhat lower.)

Secondary Schools

- There are no "for credit" **Dance** classes at Lincoln, Malibu, or SMASH Middle Schools, or at Malibu or Olympic High Schools.
- There are no "for credit" **Theatre Arts** classes at John Adams, Lincoln, or SMASH Middle Schools.

To fully implement the 9-year *Arts for All* plan, all middle and high school students should have access to "for credit" instruction by highly qualified teachers in all four arts disciplines: Dance, Music, Theatre, and Visual Arts.

Middle school "for credit" VAPA classes offered in 2013-14 include:

John Adams Middle School

Dance: Dance

Music: Boys Chorus, Girls Chorus, Girls Chorus II, Honors Choir, Concert Choir, Music Conversion, Orchestra, Orchestra II, Orchestra III, Orchestra IV, Band, Band II, Concert Band, Wind Ensemble

Visual Arts: Exploratory Art, Art Foundation, Advanced Art.

Theatre: no district-funded "for credit" classes

Lincoln Middle School

Dance: no "for credit" classes

Music: Boys Chorus, Girls Chorus, Chorale II, Concert Choir, Band, Band II Brass, Band II Woodwinds, Concert Band, Wind Symphony, Intro to Strings, Orchestra, Orchestra II Violin; Orchestra II Viola, Cello, Bass; Concert Orchestra, Symphony Orchestra

Theatre: no district-funded "for credit" classes

Visual Arts: Exploratory Art 6 (quarter-long), Exploratory Art 7-8 (semester-long), Advanced Art (year-long)

Malibu Middle School

Dance: no district-funded "for credit" classes

Music: Girls Chorus, Concert Choir, Intro to Strings, Orchestra, Symphony Orchestra, Intro to Winds, Band, Wind Ensemble

Theatre: Theater Arts

Visual Arts: Exploratory Art 6, Art

SMASH Middle School

Dance: no district-funded “for credit” classes

Music: Choir, Strings, Winds

Theatre: no district-funded “for credit” classes

Visual Arts: no district-funded “for credit” classes

High School “for credit” VAPA classes offered in 2013-14 include:

Malibu High School

Dance: no district-funded “for credit” classes

Music: High School Chorale, Concert Choir, Chamber Singers (SMC); Symphony Orchestra, Wind Ensemble, Music Theory,

Theatre: Professional Actor (ROP); Stage Craft Technology (ROP), Film Studies, Advanced Film Studies

Visual Arts: Ceramics/Sculpture, Ceramics II, Digital Design (ROP), Digital Design II (ROP), Drawing/Painting, Studio Art Drawing AP, Studio Art 2D AP, Studio Art 3D AP, Photo (ROP), Photo II (ROP), Visual Arts, Yearbook

Olympic High School:

Dance: Dance class in Spring 2014 (funded by SMMEF)

Music: Music and Guitar classes (funded by SMMEF)

Theatre: 20th Century History through Film (funded by the district); Play writing classes (provided by the Virginia Avenue Project); Imagination Workshop (provided by UCLA)

Visual Arts: Intergenerational Arts Project (provided by the Santa Monica Bay Area Human Relations Council); Digital photography classes will be provided in Spring 2014 by VeniceArts

Santa Monica High School

Dance: Dance, Professional Dance, Professional Dance II, Professional Dance III, (all funded by ROP)

Music: Men’s Chorus, Women’s Chorus, High School Chorale, Chamber Singers, Madrigal Ensemble, String Orchestra, Concert Orchestra, Sinfonia Orchestra, Chamber Orchestra, Philharmonic Orchestra, Symphony Orchestra, Concert Band, Symphonic Band, Wind Symphony, Wind Ensemble, Jazz Band I and II (SMC), Marching Band, Guitar I (SMC), Guitar II (SMC), Piano I, Piano II

Theatre: Acting; Acting II, Play Production; Technical Theater (ROP)

Visual Arts: Ceramics, Ceramics II, Drawing, Drawing II, Drawing III, Painting, Painting II, Studio Art 2D AP, Photo (ROP), Photo II (ROP), Film/Video Production I (ROP), Film/Video Production II (ROP), Digital Design (ROP), Digital Design II (ROP)

G. District funding for VAPA programs was maintained from 2012-13 through 2013-14.

H. Non-District Funding at the High School Level:

The following “for credit” VAPA classes are funded by the Regional Occupational Program (ROP) and Santa Monica College:

2013-2014 classes funded by ROP:

- Digital Design Level 1 (1 classes at Malibu High [**one fewer class than in 2012-13**], 4 classes at Samohi)
- Digital Design Level 2-4 (1 class at Malibu High School, 1 class at Samohi)
- Film & Video Production (no classes at Malibu High [**2 fewer classes than in 2012-13**], 2 classes at Samohi)
- Photography Level 1 (2 classes at Malibu High School, 4 classes at Samohi),
- Photography Level 2-4 (1 class at Malibu High School, 1 class at Samohi)

- Professional Acting (1 class at Malibu High School)
- Professional Dance Level 1 (3 classes at Samohi)
- Professional Dance Level 2A and 2B (2 classes at Samohi)
- Stagecraft Technology (1 class at Malibu High School)
- Technical Theater (1 class at Samohi)

2013-2014 dual enrollment classes funded by Santa Monica College (same)

- Chamber Choir (Malibu High School)
- Guitar (Santa Monica High School)
- Jazz Band (Santa Monica High School)

I. Partnerships with Non-District Benefactors

1. P.S. ARTS funded programs in the Title I elementary schools for 2012-13 (K-5 Theatre at Edison Language Academy and K-5 Visual Arts at McKinley, Muir, and Will Rogers).
2. The Santa Monica Malibu Education Foundation “For The Arts” endowment fund contributed \$125,400 in 2012-13 to support the Robert Gilliam dance classes at John Adams, Lincoln, Malibu, and SMASH Middles Schools, as well as Malibu and Olympic High Schools; recorders for all 3rd graders; Dream Strings; Dream Winds; Music and Guitar classes at Olympic High; after-school “non-credit” Drama programs at John Adams and Lincoln Middle Schools; and “for credit” Theatre programs at Malibu, Olympic, and Santa Monica High Schools.
The Education Foundation received an estate gift of \$4.8 million in 2012. Half of it will be used to create an arts endowment to provide semi-private music instruction and the purchase and maintenance of musical instruments for disadvantaged children throughout the district. The endowment was named the Peggy Bergmann Arts Endowment Fund.

If the January 31, 2014 fundraising goal were to be met, with contributions through the Education Foundation from parents, teachers, staff, PTAs, businesses and community, SMMUSD will provide elementary schools with the following arts programs in the 2014-15 school year:

- Kindergarten, 1st, and 2nd grade Visual and Performing Arts programs (e.g., dance, theatre, music, visual arts – per school site choice).
 - 3rd, 4th, and 5th grade Visual Arts program (in addition to the district-funded 3rd through 5th grade Music program).
3. The following is a partial list of other organizational partners that supplement or enhance the VAPA programs at one or more schools:
 - ASCAP (American Society of Composers, Authors, and Publishers)
 - Dana and Albert R. Broccoli Foundation
 - City of Santa Monica Cultural Affairs Division
 - Ella Fitzgerald Foundation
 - Flourish Foundation
 - Gail Dorin Music Foundation
 - SONY Pictures Entertainment (Janice Pober, Senior Vice President Corporate Social Responsibility)
 - Los Angeles County Arts Commission
 - Los Angeles County Music Center
 - Los Angeles Philharmonic
 - Malibu Arts Angels
 - Margaret Cavigga Trust

- Morgan-Wixson Theatre Y.E.S. program
- New West Symphony
- OPCC – Ocean Park Community Center
- Orchestra Santa Monica Woodwind Quintet
- Santa Monica-Malibu PTAs
- Santa Monica Arts Parents Association
- Santa Monica Boys and Girls Club
- Santa Monica City Council
- Santa Monica College: The Broad Stage and the Dual Enrollment Program
- Santa Monica Kiwanis
- Santa Monica Museum of Art
- Santa Monica-Palisades Masonic Lodge #307
- Santa Monica Playhouse
- Virginia Avenue Project

J. Arts for All

In 2013-14, the Los Angeles County Arts Commission *Arts for All* program granted \$8,000 to SMMUSD to help fund the Ballroom Madness program for 5th grade. The grant was for Muir, McKinley, Rogers and Grant.

K. Current VAPA programs

1. Elementary Dance

- There is no district-funded or district-wide Dance program for grades K-2 or 4-5.
- All 3rd graders are receiving district-funded dance instruction from Music 'N Motion in 2013-14 (2 weeks per year, during the P.E. schedule).
- 5th graders at Edison, Franklin, Grant, McKinley, Muir, Pt. Dume, Rogers, Roosevelt, SMASH, and Webster (all but Cabrillo) are receiving dance instruction from Ballroom Madness in 2013-14 (an increase from only 3 schools in 2009-10). A yearly culmination Team Match took place on December 20, 2013 at Barnum Hall. 1st place was won by Franklin, 2nd place by Pt. Dume, and 3rd place by Muir. The program is being funded by grants and by PTAs. Edison received support from the district for Ballroom Madness in 2013-14, as the students were unable to have outdoor PE due to construction.

2. Secondary Dance

- There are no “for credit” Dance classes at Lincoln Middle School, Malibu Middle School, SMASH, Malibu High School, or Olympic High School in 2013-14.
- John Adams Middle School is providing one district-funded “for credit” Dance class in 2013-14.
- ROP is funding five “for credit” Dance classes at Santa Monica High School for 2013-14. The fourth Samohi Winter Dance Showcase was presented in Barnum Hall on December 6, 2013.
- The Santa Monica/Malibu Education Foundation is funding the Robert Gilliam dance program, which provides once-a-week instruction as part of the Physical Education program at John Adams, Lincoln and SMASH Middle Schools, and at Malibu and Olympic High Schools. Students do not get performing arts “credit” for these Dance classes.

3. Elementary Music

- There is no district-funded or district-wide Music program for K-2.
- All 3rd, 4th, and 5th graders are receiving district-funded music instruction from credentialed music teachers. All district elementary schools had music concerts

or “informances” for parents in December, January, or February, and will have spring concerts later in the year.

- In November 2013, members of the elementary school choirs participated at the Jonathan Club in the “Britten Birthday Bash” with conductor James Conlon, Music Director of Los Angeles Opera. This concert of music for children by the English composer Benjamin Britten, whose centenary is being celebrated all over the world, was part of LA Opera’s *Britten 100/LA: A Celebration*, a countywide collaboration featuring performances, conferences and exhibitions. (<http://www.laopera.com/britten100la>)
- The district-wide Elementary Honor Band, Honor Choir, and Honor Orchestra will perform in the Stairway of the Stars concerts at Barnum Hall in February 2014. Out of 323 performers (+59 since 2013), 98 are from Title I elementary schools: 32 from Edison, 16 from Muir, 31 from McKinley, and 19 from Rogers.
- District Elementary Music teachers will be allowed to attend the California All-State Music Educators Conference (CASMEC) in Fresno on February 20-23, 2014. The annual conference includes professional development clinics, honor ensemble concerts, and music industry exhibits.
- The Gail Dorin Music Foundation, the Ella Fitzgerald Foundation, and the Santa Monica/Malibu Education Foundation are funding the Dream Strings, Dream Winds, and Dream Voice programs to provide coaches for music students at the Title I elementary schools and the middle schools.

4. Middle School Music

- In November 2013, the Advanced Girls’ Choirs from John Adams and Lincoln Middle Schools participated at the Jonathan Club in the “Britten Birthday Bash” with conductor James Conlon, Music Director of Los Angeles Opera. This concert of music for children by the English composer Benjamin Britten, whose centenary is being celebrated all over the world, was part of LA Opera’s *Britten 100/LA: A Celebration*, a countywide collaboration featuring performances, conferences and exhibitions. (<http://www.laopera.com/britten100la>)
- All middle schools (John Adams, Lincoln, Malibu, and SMASH) presented high quality winter band, choir, and orchestra concerts in December 2013.

Nationwide honors:

Western Division ACDA (American Choral Directors Association), including California, Arizona, Nevada, and Utah, will hold its 2014 Conference in Santa Barbara in February.

The **Children’s Honor Choir** (grades 4 through 6) will include 4 students from John Adams Middle School and 6 students from Lincoln Middle School.

The **Junior High Honor Choir** (grades 7 through 9) will include 7 students from Lincoln Middle School.

Statewide honors:

California Band Directors Association (CBDA) -- The All-State Jr. High Band includes 5 students from John Adams Middle School and 4 students from Lincoln Middle School.

California Orchestra Directors Association (CODA) – The All-State Jr. High School Orchestra includes 3 students from John Adams Middle School and 4 students from Lincoln Middle School.

Acceptance for membership into these groups is highly competitive, and it is a huge honor for these students to have been selected as All-State musicians.

Southern California honors:

Southern California School Band and Orchestra Association (SCSBOA) – The SCSBOA All-Southern Jr. High School Honor Band and Honor Orchestra includes 3 students from John Adams Middle School and 5 students from Lincoln Middle School.

Southern California Vocal Association (SCVA) -- The junior high honor choirs will be selected later in the year.

5. High School Music

- In July 2013, the Samohi Viking Marching Band participated in the city's Main Street 4th of July Parade. In October 2013, competing in the first field tournament of the year, the band was awarded the highest honors (Sweepstakes) in the areas of: Music Performance, Music Effect, Visual Effect, and Percussion. The color guard placed first in their division as well. All this culminated in the group receiving the tournament's overall Band Sweepstakes/Championship for the 1A/2A/3A division. The show included musical selections from Prokofiev's "Peter and the Wolf," Copland's "Letter from Home," Rachmaninov's "Little Red Riding Hood" Etude, Op. 39, and Weber's "Der Freischutz" (Wolf Glen Scene).
- In Fall 2013, student performances included the Malibu High School Chamber Singers performing at Pepperdine University, the Samohi Bands Fall Concert, the Samohi Choir Sweet Serenade, and "The Beatles at Barnum."
- In November 2013, The Samohi Chamber Orchestra participated at the Jonathan Club in the "Britten Birthday Bash" with conductor James Conlon, Music Director of Los Angeles Opera. This concert of music for children by the English composer Benjamin Britten, whose centenary is being celebrated all over the world, was part of LA Opera's *Britten 100/LA: A Celebration*, a countywide collaboration featuring performances, conferences and exhibitions. (<http://www.laopera.com/britten100la>)
- In Fall 2013, 14 students at Olympic High studied music with Mark Harris of the band Venice (funded by SMMEF).
- In December and January, Malibu High School and Santa Monica High School presented high quality winter band, choir, and orchestra concerts.
- In March 2014, the Malibu High School Chorale will be performing at Carnegie Hall as one of 9 choirs combining to form the National Youth Choir, under the direction of Lynn Gackle.

Nationwide honors:

Inaugural National Youth Orchestra of the United States of America – Two Santa Monica High School students were selected for this 2-week residency in Summer 2013, followed by a concert tour to Washington, DC, London, St. Petersburg, and Moscow. The NYO-USA is sponsored by Carnegie Hall's Weill Music Institute.

The **2014 National High School Honors Orchestra** will perform in Louisville, Kentucky in March and include 3 students from Santa Monica High School.

Western Division American Choral Directors Association (ACDA), which includes California, Arizona, Nevada, and Utah, is holding its 2014 Conference in Santa Barbara in February. The **ACDA High School Honor Choir** (grades 10 through 12) will include 1 student from Malibu High School.

National YoungArts Foundation – Two Santa Monica High School students were among the 170 students selected from approximately 11,000 applicants nationwide as **2014 YoungArts Finalists**. They were 2 of the 25 nationwide finalists in the Voice category.

<http://www.youngarts.org/sites/default/files/2014YAWFinalists.pdf>

Statewide honors:

California Band Directors Association (CBDA):

The **CBDA 2014 All-State Honor Band** will perform at the California All-State Music Educators Conference (CASMEC) in Fresno in February 2014. The 2014 Honor Band will include 10 students from Santa Monica High School.

The **CBDA 2014 All-State Jazz Band** will also perform at CASMEC. The 17 members of the Jazz Band will include 2 students from Santa Monica High School.

California Orchestra Directors Association (CODA):

The **CODA High School All-State Honor Orchestra** will perform in February 2014 at **CASMEC** in Fresno and include 5 students from Santa Monica High School.

The **CODA 2013 Honors Symphony Orchestra** and the **CODA 2013 Honors String Orchestra** performed at the **CODA Festival** in December 2013 at the University of Redlands. The 2013 Symphony Orchestra included 31 students from Santa Monica High School. The 2013 Honors String Orchestra included 18 students from Santa Monica High School. This was the largest contingent from any single school in the state.

California State Summer School for the Arts -- A Malibu High School choral student was awarded the **Herb Alpert Scholarship for Emerging Young Artists in Music** from the Herb Alpert Foundation and the California State Summer School for the Arts in Summer 2013. The award supports a four-year commitment totaling \$40,000 for university-level study.

Southern California honors:

Southern California Vocal Association (SCVA) -- The 2013 SCVA Southern Region Honor Choir performed in Santa Monica in November. It included 1 student from Malibu High School.

Los Angeles Music Center Spotlight Award – Of the sixteen 2014 Semi-finalists in the Non-classical Voice category, one is a student from Santa Monica High School. The semifinalists were selected from 600 applicants from all of Southern California.

Additional information:

- The 65th Annual Stairway of the Stars concerts is taking place in February 2014 at Barnum Hall. The Stairway Award recipients are the Beasley family, and the three guest conductors are Dr. Albert J. McNeil, Dr. Thomas Lee, and Bruce Kiesling.
- Honors for district music teachers and administrators this year include:

John Adams Middle School teacher Angela Woo was elected to conduct the CBDA California All-State Junior High Honor Band at the California All-State Music Education Conference (CASMEC) in Fresno in February 2014.

Santa Monica High School teacher Jason Aiello is serving as Past President of the California Orchestra Directors Association (CODA).

Elementary music teacher Bonnie Lockrem continues to serve as Secretary of the California Chapter of the American String Teachers Association (ASTA).

6. Elementary Theatre

- There is no district-funded or district-wide Theatre program for grades K-5.
- P.S. ARTS is providing K-5 bilingual Theatre instruction at Edison Language Academy for 2013-14.
- In February 2014, the Virginia Avenue Project is returning to Will Rogers Learning Community for another 10-week Creative Dramatics class.
- The Morgan-Wixson Theatre Y.E.S. program continues to be available for district the elementary schools in 2013-14.

7. Secondary Theatre

- There are no district-funded “for credit” drama programs at John Adams, Lincoln, or SMASH Middle Schools.
- The district-funded “for credit” drama programs have continued in 2013-14 at Malibu Middle School, Malibu High School and Santa Monica High School.
- In January 2014, the Virginia Avenue Project began teaching a 10-week Playmaking class at John Adams Middle School.
- Since 2010-11, the Santa Monica/Malibu Education Foundation has co-funded with the JAMS and Lincoln PTSA an after-school “non-credit” drama program. Lincoln Middle School presented *Peter Pan: The Musical* in January 2014. John Adams Middle School will present *Oliver!* in March 2014.
- In February 2014, Malibu Middle School presented the musical *Alice in Wonderland*.
- In Fall 2013, Malibu High School presented *The Laramie Project*, and Santa Monica High School presented *Noises Off*.
- Santa Monica High School will present the musical *Pippin* in March 2014, and Malibu High will present its spring musical in May 2014.
- In Fall 2013, the Virginia Avenue Project taught Playmaking at Olympic High School. Students spent 10 weeks paired with an adult mentor writing short plays, and then professional actors came to Olympic and performed the students’ plays for the entire school.
- In 2013-14, 35 Santa Monica High School students participated in the Drama Teachers Association of Southern California (DTASC) Fall Festival -- http://www.cetoweb.org/dtasc_pages/fall_fest.html

8. Elementary and Secondary Visual Arts

- There is no district-funded or district-wide Visual Arts program for grades K-5.
- P.S. ARTS is providing K-5 Visual Arts instruction at McKinley, John Muir, and Will Rogers for 2013-14.
- In Spring 2013, 34 Malibu High School and 16 Santa Monica High School AP Art students passed the exam.
- As of June 2013, Santa Monica High School college acceptances included 4 students at UCLA Art, 2 students at Rhode Island School of Design, and 4 students at California College of Art (with scholarships).
- In Summer 2013, district art students were accepted and participated in the Ryman Art program -- <http://www.ryman.org/> and the California Summer School for the Arts -- www.csssa.org/
- In October 2013, Representatives from the School of the Art Institute of Chicago and Cornish College of the Arts visited Santa Monica High School AP art classes.
- In October 2013, the Santa Monica Museum of Art’s 21st “Wall Works” exhibit opened and included student artwork from SMMUSD schools.
- In November 2013, the Roberts Art Gallery at Santa Monica High School exhibited *Day of the Dead – Día de los Muertos*. The Senior Art show will open on May 2, 2014.
- On January 31, 2014, the 2nd Annual District-wide Art Show opened in the Roberts Gallery at Santa Monica High School.
- In Spring 2014, VeniceArts, a nonprofit organization, will be providing a digital photography class to supplement the district-funded art classes at Olympic High School.
- Artwork by Malibu Middle School and High School students is posted at www.MalibuHigh.org/arts_gallery -- Artwork by Santa Monica High School students is posted at: <http://www.samohi.smmusd.org/art/index.htm>
- The Samohi Film Festival is scheduled for May 21, 2014.

International Honors

Two Malibu High School students were finalists in the *Photographer's Forum* magazine 33rd Annual College & High School Photography Contest. Over 16,000 photographs were entered from around the world. As finalists, these students' photos were published in a hardcover book, *Best College & High School Photography 2013*.

L. Communication

• Calendar of VAPA events

Throughout the year, extraordinary student achievement in the school district's world class Visual and Performing Arts programs is communicated to the public by means of a full schedule of school concerts, plays, musicals, dance performances, and art exhibits posted at <http://smmarts.info>

• Media Coverage

VAPA events and accomplishments during school year 2013-14 have been reported in various media, including the *Malibu Patch*, *Malibu Times*, *Santa Monica Daily Press*, *Santa Monica Dispatch*, *Santa Monica Lookout*, *Santa Monica Mirror*, *Santa Monica Patch*, *The Palette* (City of Santa Monica Cultural Affairs weekly e-blast), and *CMEA Magazine: The News Magazine of the California Music Educators Association*.

III. Suggested direction for 2014-15:

Maintain the Board and District commitment to the SMMUSD *Arts for All* Strategic Plan, adopted unanimously by the Board of Education in 2005, even if it takes longer to achieve than originally anticipated.

If the January 31, 2014 *Vision for Student Success* fundraising goal is met, with contributions through the Education Foundation from parents, teachers, staff, PTAs, businesses and community, SMMUSD will provide elementary schools with the following arts programs in the 2014-15 school year:

- A. **Kindergarten, 1st, and 2nd grade Visual and Performing Arts** programs (e.g., dance, theatre, music – per school site choice).
- B. **3rd, 4th, and 5th grade Visual Arts** program (in addition to the district-funded 3rd through 5th grade Music program).

If this fundraising goal is not met, the VAPA DAC recommends that the school district sustain current funding, allowing grants, partnerships, and fundraising to offset budget shortfalls.

1. **VAPA Coordinator** – Maintain the VAPA Coordinator position, one of the five critical components of a sustainable arts education program. For example, our district is eligible for certain grant funding because we have an administrative level coordinator in place.
2. **Music** – Maintain the district-wide Elementary Music program, currently serving grades 3, 4, and 5. It is the foundation of the entire district music program. To provide equitable access to arts instruction across the district, add a district-funded choir accompanist at SMAH Middle School, and explore offering more than one level of instrumental music instruction at SMASH Middle School.
3. **Theatre** – Maintain the current “for credit” secondary Theatre programs at Malibu Middle, Malibu High School, Olympic High School, and Santa Monica High School, as well as the after school programs at Lincoln and John Adams Middle Schools that are co-funded by SMMEF and the PTSA's. To provide equitable access to arts instruction across the district, add “for credit” Theatre classes at Johns Adams, Lincoln, and SMASH Middle Schools.
4. **Visual Arts** – Maintain the current secondary Visual Arts programs at John Adams and Lincoln Middle Schools, Malibu High School, Olympic High School, and Santa

- Monica High School. Identify funding to implement a district-wide standards-based Visual Arts program for grades K-5.
5. **Dance** – Maintain the current district-wide 3rd grade Dance program and expand dance instruction to additional grade levels. Maintain the “for credit” dance classes at John Adams Middle School and Santa Monica High School. To provide equitable access to arts instruction across the district, add “for credit” Dance classes at Lincoln, Malibu, and SMASH Middle Schools and at Malibu High.
 6. **Scheduling** – Maintain AM classes and summer school classes, including summer school classes in the arts. This is important for 9th and 10th graders at Samohi, for students at Lincoln Middle School, and for students at John Adams Middle School who participate in the Spanish immersion and AVID programs. It serves those students who otherwise might not be able to fit these classes into their schedules, and encourages their successful participation in arts classes, foreign language classes, and sports.
 7. **High school graduation requirements** – Change Board Policy 6146.1 – High School Graduation Requirements -- to include at least one year of visual and performing arts classes and one year of a foreign language.
 8. **Facilities** – Ensure that any VAPA facilities built with Measure BB funds are constructed according to national *Opportunity-to-Learn Standards for Arts Education* and the district’s own VAPA facilities guidelines, adopted in 2000. For example, in the *Opportunity-to-Learn Visual Arts Standards* for middle and high school, “In addition to the art room’s display capabilities, a display area – wall cabinets, bulletin boards, or the like – central to the general flow of school traffic is provided. A porous material that accommodates hanging devices like pins, staples, and tracks is needed along with ceiling hooks for hanging three-dimensional artwork. These areas should be well lighted and equipped with multiple-lighting plug-in tracks with movable spotlights....If the display area is not secure, key locks should be installed on display doors.”
 9. **Budget Deliberations** – When discussing budget cuts, the VAPA DAC urges the Board of Education to avoid eliminating entire curriculum areas, such as Elementary Music.

IV. **Budgetary Implications:**

The VAPA DAC strongly recommends maintaining (and increasing, if possible) current funding for district-funded VAPA programs, which are an integral part of core curriculum.

The VAPA DAC is particularly concerned that any decrease in Regional Occupational Program (ROP) funding through LACOE could severely impact arts instruction at the high schools. Given the uncertainty of future ROP funding, the VAPA DAC recommends that the district look for ways to ensure sustainable funding for these programs.

* Regarding VAPA standards, the **Common Core State Standards** currently consist of mathematics and English language arts -- <http://www.corestandards.org/>

The **National Coalition for Core Arts Standards**, a partnership of organizations and states, is leading the revision of the 1994 National Standards for Arts Education. Media Arts will be added to Dance, Music, Theatre, and Visual Arts. The framework is posted here: <http://nccas.wikispaces.com/Conceptual+Framework>. The leadership team consists of representatives from the American Alliance for Theatre and Education, Arts Education Partnership, Educational Theatre Association, National Art Education Association, National Association for Music Education, National Dance Education Organization, State Education Agency Directors of Arts Education, The College Board, and Young Audiences.

Final public review of NCCAS standards will launch in February.

The National Coalition for Core Arts Standards (NCCAS) has scheduled a final public review of the draft PreK-12 arts standards in dance, media arts, music, theatre, and visual arts. The review will open February 14, 2014, and close February 28. A draft reading copy of the revised standards will be available at <http://nccas.wikispaces.com> on January 30. This third and concluding review reflects NCCAS's ongoing commitment to a responsive and transparent strategy that allows adequate time for each arts discipline's standards writing team to incorporate changes to the drafts suggested by reviewers. To fully address the standards content and structural changes, the coalition has revised the project's timeline. The February review is the first in a series of new and significant benchmarks for NCCAS, leading to the web-based release of the standards in June, 2014.

The **1994 National Standards for Arts Education** are posted here: <http://artsedge.kennedy-center.org/educators/standards.aspx>. On the **California Department of Education website**, information concerning the skills, knowledge, and abilities in Dance, Music, Theatre, and the Visual Arts that all students should be able to master from prekindergarten to grade 12 is posted here: <http://www.cde.ca.gov/ci/vp/>. The **SMMUSD VAPA Curriculum** is posted here: <http://www.smmusd.org/vapa/curriculum/index.html>

TO: BOARD OF EDUCATION

INFORMATION

02/06/14

FROM: SANDRA LYON / DEBRA MOORE WASHINGTON

RE: SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT (SMMUSD)
SUNSHINE PROPOSAL FOR NEGOTIATIONS ON THE COLLECTIVE
BARGAINING AGREEMENT WITH SERVICE EMPLOYEES INTERNATIONAL
UNION, LOCAL 99 (SEIU)

INFORMATION ITEM NO. I.02

Government Code section 3547, subdivision (d) provides in pertinent part as follows: “New subjects of meeting and negotiating arising after the presentation of initial proposals shall be made public within 24 hours.”

On January 10, 2014, SMMUSD and SEIU addressed a new subject, Article 18 – Professional Growth Program. Consistent with section 3547, the proposal was made public within 24 hours.

TO: BOARD OF EDUCATION

INFORMATION

02/06/14

FROM: SANDRA LYON / TERRY DELORIA / MARK KELLY

RE: REVISIONS TO AR 5117 – INTERDISTRICT ATTENDANCE

INFORMATION ITEM NO. I.03

This is to inform the Board of Education that AR 5117 – Interdistrict Attendance has been revised.

COMMENT: This item came forward for board discussion at the January 16, 2014, board meeting.

Traditionally, the board reviews BP/AR 5117 and BP/AR 5116.1 in February; however, in order to make applications available sooner to adjust for the earlier start to the school year, staff is asking the board to discuss potential changes in January and approve any changes in early February.

As written, both BP/AR 5117 and BP/AR 5116.1 give the district the necessary flexibility to accommodate requests for intradistrict transfers and accept students from outside the district. Staff is recommending the below listed changes to the language of BP and AR 5117.

Proposed Revisions to BP 5117 (Item No. A.24 in this agenda):

- Change Section E to read, “The district will accept applications for interdistrict permits in grades TK through 11.”
 - Rationale: Including TK will allow maximum flexibility. Approval is still subject to space available.
- Change section E1 to read, “...2014-15,” school year.
- Insert “non-Title I” to the end of Section F2 to read, “all students enrolled in that school shall be provided an option to transfer to another non-Title I district school.”
 - Rationale: Students seeking a program improvement (PI) transfer may only transfer to a non-Title I (i.e. non-PI) school.
- Add to Section F4 a subsection “i” that states, “Students requesting to be admitted who do not meet any criteria described in Section F1-F4h.”
 - Rationale: Allows for a student to be accepted who does not meet any of the other criteria, but who seeks to enroll in the district. Reflects what has been practiced for school with more space available.

Proposed Revisions to AR 5117:

- Modify section header to read, “Conditions for Accepting and Retaining Interdistrict Attendance Permits.”
 - Rationale: Clarifies content of the section.
- Add to the “Conditions for Accepting and Retaining Interdistrict Attendance Permits” section:
 - “...there must be an existing opening in the class, grade level, educational program and school to which the student seeking interdistrict permit would be initially enrolled.”
 - Rationale: Clarifies that a permit may not be approved because there is no opening in the *educational program* that meets the student’s needs.

- Add to Section 3, “Additionally, approval is contingent on applicants demonstrating they meet standards for retaining a permit, including standards of behavior, attendance or academic effort. The district will not pay excess costs to provide specialized services to students on permit.”
 - Rationale: Reflects language in the policy that is not addressed in the regulation.

Interdistrict Attendance

Interdistrict Attendance Procedures (transfers between districts):

General Guidelines

1. The permit office is responsible for processing interdistrict permits.
2. The request for a permit is initiated by the parent at their child's district of residence.
3. The parents/guardians of the child must be informed that the acceptance of their child is contingent upon the parent/guardian and the child assuming full responsibility for:
 - a. Satisfactory attendance
 - b. Satisfactory behavior
 - c. Satisfactory academic effort
 - d. Any necessary documentation requested regarding and including child care, employment, doctor's recommendations and guardianship documentation.
 - e. Understanding that the receiving school has the right to rescind any prior approved interdistrict permit if the parent/guardian or student does not fulfill the responsibilities listed in 3.a, b, and c above.
4. It is the responsibility of each school to ensure that nonresident students accepted and registered without a valid permit be returned to the school of residence.

Conditions for Accepting and Retaining Interdistrict Attendance Permits

The school site designee and the Superintendent or designee shall approve or deny applications for transfers. The acceptance of interdistrict permits for students from other school districts to attend classes within the district shall be subject to the following:

1. The student seeking an initial interdistrict permit in the district must submit an SMMUSD permit application and present a permit authorizing his/her release from the school district of residence.
2. A release from the school district of residence is required for the initial permit application only and not required for permit renewal.
3. The student must be eligible to attend elementary school, middle school, or senior high school classes maintained by the Santa Monica-Malibu Unified School District and there must be an existing opening in the class, grade level, education program and school to which the student seeking the interdistrict permit would be initially enrolled. Additionally, approval is contingent on applicants demonstrating they meet standards for retaining a permit, including standards of behavior, attendance or academic effort. The district will not pay excess costs to provide specialized services to students on permit.

4. All students currently attending on an interdistrict permit will be allowed to remain in the district until they leave or graduate, assuming that they: annually submit a verification of continuing enrollment to SMMUSD and comply with all the SMMUSD application requirements; uphold appropriate standards of behavior, attendance, and academic effort.
5. Interdistrict attendance permits for 11th and 12th graders may not be rescinded.

Conditions for Cancellation of Interdistrict Permits

The receiving school or district has the right to revoke any previously approved interdistrict permit for the following reasons:

1. Falsification or misrepresentation of information
2. Enrollment fluctuation
3. Unsatisfactory behavior
4. Unsatisfactory attendance
5. Unsatisfactory academic effort/achievement
6. A change in childcare arrangements
7. Inappropriate guardianship documentation
8. Reason for the original issuance of the permit by the school district of residence is no longer valid
9. Student becomes eligible for a program or class other than the one to which he/she was admitted and there is no available space in the new program or class.
10. A parent requests a transfer to another district school instead of the school his/her child was admitted.

Appeal Procedures

1. Interdistrict transfer requests that are denied by the district at the school level may be appealed by the parent/guardian to the Superintendent or designee within two weeks from the day the request for acceptance of permit is denied.
2. The appeal is to be in writing and must provide all information and detail as to why the denial is being appealed.
3. The Superintendent or designee shall review the permit appeal based on Board policy and regulations, state law, and in consultation with school site(s), parents/guardians and the appropriate district staff as necessary.
4. If the permit continues to be denied, the parent/guardian may within 30 calendar days of the denial, appeal to the County Board of Education
5. There is no appeal process to the County Board for interdistrict permits that are revoked.

Annual Report

The Board will receive a report on permits by February 28 of each year.

Regulation SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
adopted: August 19, 2009 Santa Monica, California
revised: February 17, 2011; February 2, 2012; March 5, 2013; February 6, 2014

TO: BOARD OF EDUCATION

INFORMATION

02/06/14

FROM: SANDRA LYON / TERRY DELORIA / MARK KELLY

RE: REVISIONS TO AR 5116.1 – INTRADISTRICT OPEN ENROLLMENT

RECOMMENDATION NO. A.04

This is to inform the Board of Education that AT 5116.1 – Intradistrict Open Enrollment has been revised.

COMMENT: This item came forward for board discussion at the January 16, 2014, board meeting.

Traditionally, the board reviews BP/AR 5117 and BP/AR 5116.1 in February; however, in order to make applications available sooner to adjust for the earlier start to the school year, staff is asking the board to discuss potential changes in January and approve any changes in early February.

As written, both BP/AR 5117 and BP/AR 5116.1 give the district the necessary flexibility to accommodate requests for intradistrict transfers and accept students from outside the district. Staff is recommending the below listed changes to the language of BP and AR 5117.

Proposed Revisions to BP 5116.1 (Item No. A.25 in this agenda):

- Insert “non-Title I” to subsection 2 of the “Enrollment Priorities” section to read, “...all students enrolled in that school shall be provided an option to transfer to another non-Title I district school.”
 - Rationale: Students seeking a program improvement (PI) transfer may only transfer to a non-Title I (i.e. non-PI) school.

Proposed Revisions to AR 5116.1:

- Make the following changes to the “Other Intradistrict Open Enrollment” section:
 - “The Superintendent or designee shall identify those schools which may have space available for additional students. ~~A list of these schools and open enrollment applications shall be available at all school office.~~ A list of schools which may have space available shall be maintained by the district’s Student Services Department. Intradistrict open enrollment applications shall be available at all school offices and at the District Office.
 - Rationale: It is not practical for school sites to maintain an up-to-date lists of schools with available space. This is best done by the Student Service Department. Schools have applications and do provide them upon request.
 - “Students of parents/guardians who submit applications to the district by ~~May 31~~ April 30 shall be eligible for consideration for admission to their school of choice the following school year under the district’s open enrollment policy.”
 - Rationale: Earlier due date adjusted for early start of school year. Given that intradistrict permits take priority over interdistrict permits, it is advisable that we have an earlier due date.
 - “Enrollment in a school of choice shall be determined by lot from the eligible applicant pool. ~~And a waiting list shall be established~~

~~to indicate the order in which applicants may be accepted if openings occur during the year. Late applicants shall not be added to the waiting list for the current year.~~

- Rationale: It is impractical to maintain such a waiting list and doing so makes it difficult for administrators to manage enrollment at their school sites. Student Services continuously monitors space availability and makes alternative offers to families, including revisiting requests over time.
- “Approved applicants must confirm their enrollment within ~~10~~ 5 school days.”
 - Rationale: In practice, the district asks families to respond within 24 hours; five days is a reasonable response time.

Intradistrict Open Enrollment

Transfers for Victims of a Violent Criminal Offense

Within a reasonable amount of time, not to exceed 14 days, after it has been determined that a student has been the victim of a violent criminal offense while on school grounds, the student's parents/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. In determining whether a student has been a victim of a violent criminal offense, the Superintendent or designee shall consider the specific circumstances of the incident on a case-by-case basis and consult with local law enforcement as appropriate. Examples of violent criminal offenses include, but are not limited to, attempted murder, battery with serious bodily injury, assault with a deadly weapon, rape, sexual battery, robbery, extortion, or hate crimes.

The Superintendent or designee shall consider the needs and preferences of the affected student and his/her parent/guardian in making the offer. If the parent/guardian elects to transfer his/her child, the transfer shall be completed as soon as practicable.

Transfers from a "Persistently Dangerous" School

Within 10 school days after receiving notification from the California Department of Education (CDE) that a school has been designated as "persistently dangerous," the Superintendent or designee shall notify parents/guardians of the school's designation. Within 10 school days after this notification has been provided to parents/guardians, the Superintendent or designee shall notify parents/guardians of their option to transfer their child.

Parents/guardians who desire to transfer their child out of a "persistently dangerous" school shall provide written notification to the Superintendent or designee and shall rank-order their preferences from among all schools identified by the Superintendent or designee as eligible to receive transfer students. The Superintendent or designee may establish a reasonable timeline, not to exceed seven school days, for the submission of parent/guardian requests.

The Superintendent or designee shall consider the needs and preferences of students and parents/guardians before making an assignment, but is not obligated to accept the parent/guardian's preference if the assignment is not feasible due to space constraints or other considerations. For students who accept the offer, the transfer shall generally be made within 30 school days of receiving the notice of the school's designation from the CDE. If parents/guardians decline the assigned school, the student may remain in his/her current school.

The transfer shall remain in effect as long as the student's school of origin is identified as "persistently dangerous." The Superintendent or designee may choose to make the transfer permanent based on the educational needs of the student, parent/guardian preferences, and other factors affecting the student's ability to succeed if returned to the school of origin. The Superintendent or designee shall cooperate with neighboring districts to develop an interdistrict transfer program in the event that space is not available in a district school.

Other Intradistrict Open Enrollment

To implement intradistrict open enrollment pursuant to Education Code [35160.5](#):

1. The Superintendent or designee shall identify those schools which may have space available for additional students. ~~A list of these schools and open enrollment applications shall be available at all school offices.~~ A list of schools which may have space available shall be maintained by the district's Student Services Department. Intradistrict open enrollment applications shall be available at all school offices and at the District Office.
2. Students of parents/guardians who submit applications to the district by May 31 shall be eligible for consideration for admission to their school of choice the following school year under the district's open enrollment policy.
3. Enrollment in a school of choice shall be determined by lot from the eligible applicant pool, ~~and a waiting list shall be established to indicate the order in which applicants may be accepted if openings occur during the year.~~ Late applicants shall not be added to the waiting list for the current year.
4. The Superintendent or designee shall provide written notification to applicants as to whether their applications have been approved, denied, or placed on a waiting list. If the application is denied, the reasons for denial shall be stated.
5. Approved applicants must confirm their enrollment within ~~10~~ 5 school days.

Once enrolled, a student shall not be required to reapply for readmission.

Any complaints regarding the selection process shall be submitted to the Superintendent or designee.

Notifications

Notifications shall be sent to parents/guardians at the beginning of each school year describing all current statutory attendance options and local attendance options available in the district. Such notification shall include: (Education Code [48980](#))

1. All options for meeting residency requirements for school attendance
2. Program options offered within local attendance areas
3. A description of any special program options available on both an interdistrict and intradistrict basis
4. A description of the procedure for application for alternative attendance areas or programs and the appeals process available, if any, when a change of attendance is denied
5. A district application form for requesting a change of attendance
6. The explanation of attendance options under California law as provided by the CDE

Regulation SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
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