

TO: BOARD OF EDUCATION  
FROM: JOHN E. DEASY  
RE: APPROVAL OF MINUTES

ACTION  
03/25/04

RECOMMENDATION NO. A.1

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

February 20, 2003

MOTION MADE BY:  
SECONDED BY:

STUDENT ADVISORY VOTE:  
AYES:  
NOES:  
ABSTENTIONS:

TO: BOARD OF EDUCATION

ACTION/MAJOR

03/25/04

FROM: JOHN E. DEASY/LINDA KAMINSKI

Previously

02/05,26,03/04,11/04

RE: BOARD POLICY 0000 - VISION

RECOMMENDATION NO. A.02

It is recommended that the Board of Education revise Board Policy 0000: Mission, Vision and Beliefs.

COMMENT: It is the responsibility of the Board to adopt and revise as necessary a District Vision that encompasses the Mission, Vision and Beliefs of the District.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

ABSTENTIONS:

## SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT

NUMBER	ARTICLE	TITLE
0000	Philosophy, Goals, Objectives & Plans	Vision
SUBTOPIC	POLICY	REGULATION
Concepts and Roles	x	EXHIBIT

BP 0000

### Mission

Extraordinary achievement for ALL students while simultaneously closing the achievement gap.

### Vision

As a community of learners the Santa Monica-Malibu Unified School District works together in a nurturing environment to help students be visionary, versatile thinkers; resourceful, life-long learners; effective, multilingual communicators and global citizens. We are a rich, culturally diverse community that values the contributions of all its members ~~by actively confronting institutionalized racism~~ and strives to promote social justice. We exist to assist all students in their pursuit of academic achievement, strength of character, and personal growth and support them in their exploration of intellectual, artistic, technological, physical and social expression.

### Beliefs

We believe in equality of opportunity and equitable access to an excellent education ~~and equality of opportunity~~ for all students.

We believe in ~~a~~ the strategic plan created by our community to guide our work.

We believe that students, ~~parents~~ families, ~~and~~ teachers and support staff share in the responsibility for each child's learning.

We believe that safe, clean and functional school and district facilities are conducive to learning.

We believe that the district should operate within responsible financial boundaries that include future fiscal planning which reflects instructional priorities and aggressively seeks available funding sources.

We believe high standards and expectations for all our students promote rigorous learning environments.

We believe acceptance, appreciation of and connection with the diversity of students and families in SMMUSD are essential for effective teaching and learning.

We believe intelligence is learned and effort creates ability.

We believe all children are capable of developing intelligence when they are offered proper instruction and the educational support and/or interventions to meet their specific learning needs

We believe that in partnership with students and families, teachers and district staff:

- Are committed to students and their own learning.
- Are responsible for managing and monitoring student learning.
- Are responsible for developing intelligence in students.
- Think systemically about their practice and learn from experience.
- Know the subjects they teach and how to teach those subjects to students

We believe that teachers and principals are lead members of our learning community.

We believe two way accountability between school site credentialed and classified staff and Central Office teams promotes a culture of shared responsibility for student learning. Central Office teams must have their goals and accountability system linked to providing support to the work of teachers and site leaders.

We believe resources must be aligned to the goals and strategies for increasing student achievement for all while closing the achievement gap.

We believe all members of the district should strive to eliminate all forms of discrimination, including: race, gender, color, religion, national origin, ethnic group, marital or parental status, physical or mental disability, sexual orientation or the perception of one or more of such characteristics.

## REFERENCE

## MANAGEMENT RESOURCES

ADOPTED  
March 10, 1994

REVISED

CSBA DATE

## DISTRICT GOAL

TO: BOARD OF EDUCATION ACTION/MAJOR  
03/25/04  
FROM: JOHN E. DEASY/LINDA KAMINSKI Previously  
02/05,26, 03/04, 03/11/04  
RE: BOARD POLICY 0200 - GOALS

RECOMMENDATION NO. A.03

It is recommended that the Board of Education revise Board Policy 0200: Goals for the district

COMMENT: It is the responsibility of the Board to adopt and revise as necessary a District Goals that encompass the performance outcomes for which the District holds itself accountable.

The policy was reviewed at two previous meetings. It is appropriate for the Board to take action on this item.

MOTION MADE BY:  
SECONDED BY:

STUDENT ADVISORY VOTE:  
AYES:  
NOES:  
ABSTENTIONS:

## SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT

<u>NUMBER</u>	<u>ARTICLE</u>	<u>TITLE</u>
0200	Philosophy, Goals, Objectives & Plans	Goals for the District

<u>SUBTOPIC</u>	<u>POLICY</u>	<u>REGULATION</u>	<u>EXHIBIT</u>
Concepts and Roles		<b>x</b>	

AR 0200

### A. STUDENT ACHIEVEMENT

The district holds itself and all schools accountable for demonstrating that all students and disaggregated subgroups, including English Learners and students with disabilities, will meet the following goals for mastery of the state standards in English/Language Arts, English Language Development, and mathematics.

Performance measures include the California Standards Tests in English/Language Arts and mathematics, the California High School Exit Exam (CAHSEE), the California English Language Development Test (CELDT), and district, standards-based instructional program assessments. Benchmark grades for reporting purposes are Grades 3, 5, 8 and 10.

95 percent of all students and disaggregated subgroups, including English Learners and students with disabilities, will participate in the state and district assessments.

#### Language Arts

The percentage of all students scoring at or above the Proficient Level will increase by 8 percentage points annually on the California Standards Tests in English-Language Arts.

The percentage of students in disaggregated subgroups scoring at or above the Proficient Level will increase by 16 percentage points annually on the California Standards Tests in English-Language Arts.

85 percent of all Grade 10 students and disaggregated subgroups will pass the English-Language Arts section of the California High School Exit Exam.

85 percent of students will meet district benchmarks on the standards-based instructional program assessments for English-Language Arts.

85 percent of English Learners will demonstrate benchmark progress toward English-Language Arts proficiency on the standards-based instructional program assessments between the winter and spring test administrations.

85 percent of English-Only/Fluent and English Learners in the Two Way Immersion program will demonstrate proficiency on the district standardized Spanish-Language Arts assessment.

### English Language Development

80 percent of English Learners will demonstrate annual increases in English language proficiency on the California English Language Development Test (CELDT) as follows:

Beginning: two levels

Early Intermediate - Early Advanced: one level

85 percent of English Learners will meet district benchmarks on the standards-based English Language Development instructional program assessments.

### Mathematics

The percentage of all students scoring at or above the Proficient Level will increase by 8 percentage points annually on the California Standards Tests in mathematics.

The percentage of students in disaggregated subgroups scoring at or above the Proficient Level will increase by 16 points annually on the California Standards Tests in mathematics.

85 percent of all Grade 10 students and disaggregated subgroups will pass the mathematics section of the California High School Exit Exam.

85 percent of students will meet district benchmarks on the standards-based instructional program assessments for mathematics.

85 percent of English-Only/Fluent and English Learners in the Two Way Immersion program will meet district benchmarks on the standardized Spanish language mathematics assessment.

### College Readiness

We will hold ourselves accountable for preparing both well represented and underrepresented students for UC/CSU eligibility by meeting the following goals:

The percentage of high school students with a grade point average below 2.0 will decrease by 10 percentage points.

The percentage of 11<sup>th</sup> and 12<sup>th</sup> grade students completing Advanced Placement courses will increase by 10 percent annually.

The percentage of 12<sup>th</sup> grade students completing the UC/CSU a-g requirements will increase by 10 percent annually.

### REFERENCE

### MANAGEMENT RESOURCES

ADOPTED

REVISED

CSBA DATE

TO: BOARD OF EDUCATION

ACTION/MAJOR

03/25/04

FROM: JOHN E. DEASY/SUPERINTENDENT

RE: ESTABLISHMENT OF SUPERINTENDENT'S TASK FORCE TO STUDY  
THE POSSIBILITY OF HAVING ALL STUDENTS ACQUIRE SPANISH  
PROFICIENCY STARTING AT SIXTH GRADE

RECOMMENDATION NO. A.04

It is recommended that the Board of Education authorize the Superintendent to form a task force to study the possibility of all students acquiring Spanish Language proficiency beginning at sixth grade.

It is proposed that the task force be composed of a panel of not more than eight (8) educational leaders. The Superintendent will solicit letters of interest from within the district, from which eight individuals will be selected to serve on the task force.

It is intended that the task force will report its findings to the Board of Education in May, 2004.

COMMENT: The Board of Education discussed the formation of the task force at the meeting of March 4, 2004.

MOTION MADE BY:  
SECONDED BY:

STUDENT ADVISORY VOTE:  
AYES:  
NOES:  
ABSTENTIONS:

TO: BOARD OF EDUCATION

ACTION/MAJOR

03/25/04

FROM: JOHN E. DEASY

RE: APPOINTMENT - SPECIAL EDUCATION DISTRICT ADVISORY  
COMMITTEE

RECOMMENDATION NO. A.05

It is recommended that the Board of Education consider an appoint  
to the Special Education Advisory Committee.

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COMMENT: An application has been submitted for membership  
and has been provided to the Board of Education under  
separate cover.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

ABSTENTIONS:

TO: BOARD OF EDUCATION DISCUSSION  
03/25/04  
FROM: JOHN E. DEASY/SUPERINTENDENT  
RE: PROPOSED POLICY 3290 - ACCEPTANCE OF GIFTS Previously  
NEXT STEPS (R3) 01/22/04  
02/05/04, 02/19/04. 02/26/04  
3/11/04

DISCUSSION ITEM NO. D.1

The Board of Education will continue its discussion of Proposed Policy 3290 - Acceptance of Gifts, from the March 11, 2004 meeting.

Following the Board's discussion of the proposed changes to the district's gift policy at the meeting of February 26, 2004, the superintendent prepared the attached memorandum based on direction by the Board of Education. Changes discussed under Grants and Gifts at the meeting of March 11, 2004 are included and underlined.

It is recommended that the Board of Education discuss each component of the proposed policy as outlined.

TO: BOARD OF EDUCATION  
FROM: JOHN E. DEASY, SUPERINTENDENT  
SUBJECT: GIFT POLICY/NEXT STEPS  
DATE: 3/16/04 (AMENDMENT 1:3/26/04)

This memorandum is designed to outline next steps in our work on proposed policy 3290. I will delineate the major areas for which staff needs direction in writing the fine points of both the policy and administrative regulation. I will also suggest a course for each step yet to be resolved, and also provide as much data as possible for you to examine as you make the necessary decisions.

It may be helpful to frame the major issues remaining to be resolved as the following:

- 1.) The collection mechanism
- 2.) The administration of the policy and equity fund
- 3.) The distribution mechanism
- 4.) A process to obtain community assistance in constructing the working details of the policy and administrative regulation.

I will begin with the last framing issue first.

## **I. Community Assistance**

### **i. Ad Hoc Committee**

I propose that we establish an Ad Hoc working group to assist the Board and the administration. The general purpose of such a group would be to help the Board construct the finer points of the administrative regulations and to offer opinion on policy points when asked. The group should be able to meet rather frequently during the next few months and be of a size that will allow a diversity of opinion yet being able to complete the work. I suggest that we ask for a representative from each of the school/sites that will contribute to the equity fund and the principal/director from each site. The superintendent's office will facilitate the organization and specifics of the working group. I suggest Jeanne Wells be the liaison to this group. I think the PTA is the best body to use in soliciting membership to the working committee. The committee should form as soon as possible and report regularly to the Board. In addition, a representative from our Santa Monica-Malibu Education Foundation should also be on the committee. The Board may want to seek additional membership from your financial oversight committee. I suggest the working group form and meet before March 20, 2004.

## **II. The Collection Mechanism**

### **i. Collection Formula**

This issue falls into two previously suggested recommendations. Before suggesting a direction, let's examine two methodologies prior to a recommendation on a formula.

The first methodology is to use a straightforward 'flat contribution' formula. An example of this was the 15% of all contributions made to a site/school. Any organization, which either donates or purchases service/product for a school/site, would be affected. The Board accepts all such contributions with the understanding that 15% of the total contributions made would be placed in the equity fund.

A second methodology involves the same legal principle in that the Board accepts all contributions made to or on behalf of a site/school with the understanding that a percentage of the contribution is placed in the equity fund. The exact amount of the contribution would depend on the total amount of gift giving at any site/school over a year. As the amount increases, the amount of the contribution to the Equity Fund would decrease to a point (an amount to be determined by you) where no contribution would be made on any gifts above that point. This so called sliding scale methodology was outlined in the second revision of the policy presented.

Given these two options, I suggest that you consider the simplest form, the flat contribution rate of 15%.

### GRANTS and GIFTS

This section proposes a guideline for discussing grants and gifts with respect to this policy. The first part defines the categories of donations and the second proposes guidelines for each with respect to donations to the Equity Fund.

One could establish 4 types of revenue sources to the district in this area:

- 1.) Gifts to the district
- 2.) Grants to the district
- 3.) Gifts to a site/school
- 4.) Grants to a site/school

I propose that all gifts to either a site/school or district be required to make the established donation to the Equity Fund.

I propose that grants to the district be considered on a case-by-case basis. When the Board accepts each grant (as is normally required), you 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 would be a guiding principle when making this type of decision.

I propose that grants applied for and given to individual sites/schools be exempted from the policy. However, no grant will be submitted or accepted unless it is reviewed by the Assistant Superintendent/Chief Academic Officer for the purpose of determining if the grant would place the school in a position of being advantaged if the grant were received. This would provide an internal check and balance system prior to dealing with a grant award.

**ii. Additional Monies for Consideration for Contribution**

I suggest that you include in your final policy the expectation that grants and gifts made to the district at-large also be subjected to your contribution formula. Specifically, I recommend that you apply the collection formula to a portion of the monies given to the school district by our 2 cities. As a specific recommendation, I suggest you apply the formula to any amount of funds given above the current contracted agreement amount in our Santa Monica JUA (\$3,000,000.00) and any amount given above our current Malibu JUA (approx. \$320,000.00).

**iii. Additional Considerations for Collection**

A methodology to simplify the entire collection process is to have schools/sites post a monthly update with the fiscal office on the amount of gift/donations made to or on behalf of the school during each month. 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 in June. The organization administering the Equity Fund would receive the donations and distribute the funds via the student-weighted formula in July. The district will provide an anticipated planning budget each year, so that sites/schools can plan accordingly for the expenditure of these funds. This would be made on the previous year's level of gift/fundraising.

**III. The Administration of the Fund**

**i. The Equity Fund Administration**

The Board should provide direction as to the entity that will administer the fund collection and distribution. In speaking with a number of possible candidates including: local banks, institutions of higher learning, municipal officers and businesses, after thoughtful consideration, I suggest the Board ask and use our local Education Foundation for this work. They have a long history of such work, a flawless track record of administration, and a current keen insight into both fundraising and our communities.

The duties of this organization should include the collection of funds, the distribution of funds, and the public reporting (through an audit) of the year's activities in the fund. In addition, the organization would also be responsible for the collection of all voluntary funds given to the Equity Fund.

A board of directors should be established to oversee the Equity Funds and its activities. The School Board should seek membership and outline responsibilities for this board. Among the responsibilities the members of the Equity Fund Board should include the following:

- 1.) Actively fundraise for the Fund
- 2.) Assist sites/schools in fundraising through a cadre of experts in this area. These volunteers will be at the disposal of various schools to help with this important work
- 3.) Support a sister site program for those who wish to participate
- 4.) Post an annual audit of both the finances and activities of the Equity Fund.

This group of community volunteers should report to the School Board on a regular basis.

#### **IV. The Distribution of the Funds**

##### **i. Distribution Mechanism**

The next set of considerations needs to center on the distribution of Equity Funds. I suggest the School Board make several decisions in order to guide staff.

First is the formula. I have suggested a formula that takes into account a number of impacting factors on a school. These are: socio-economic status, language acquisition, number of severely handicapped students, population size, and the academic performance of the student body. I suggest you adopt this formula and monitor its effects regularly.

Second are any exemptions made during the collection phase, which would negate these funds from being distributed. I have suggested a list of those activities in previous policy drafts. I suggest you adopt this list and monitor this situation during the year.

Third is the use and locus of control of decision-making for the expenditures made from the Equity Fund. Making decisions about expenditures requires both a very local and very broad perspective simultaneously. You should not consider both as competing forces in this decision. As much as possible we believe that the decisions are made as close to the classroom as possible when dealing with school site expenditures. That being said, I suggest you decide that a portion of the equity fund be used for district-wide programs designed to support activities to achieve our mission. With this in mind, I offer the following framework for these decisions. Funds should only be expended by either schools or the district for the following activities:

- 1.) Enhance the degree of equity in our district within enrichment/advancement programs (this deals with the equity of advantage issues)
- 2.) Intervention and supplemental support programs (this deals with the equity of opportunity issues)
- 3.) District-wide intervention or acceleration programs (this deals with community-wide equity of acquisition issues)

It is also important to explicitly state prohibitions in spending from the Equity Fund. Several of these have been suggested in previous policy drafts. I suggest you finalize a set of these as guidelines, noting that individual exceptions are bound to arise and will be dealt with on a case-by-case basis.

It should be expected that over time, and on a yearly basis contributions to the voluntary side of the fund would fluctuate dramatically. In order to avoid a feast/famine cycle (like the State of California) The School Board should include in your policy the yearly decision on the amount of funds from the voluntary contributions you will redistribute. Even growth should be your aim. In addition, I believe that you should expect the Equity Fund to hold enough money in any given year to achieve all of the possibilities outlined above.

##### **ii. Other Considerations**

A number of considerations have been offered in providing suggestions for enhancing fundraising, creating incentives for the Equity Fund, and for district-wide equality of

increased fundraising. Among these have been suggestions for creating a two tier Equity Fund, one being voluntary and the other being mandatory. By establishing some preset target in the voluntary component of the fund, it would trigger the negation of collections to the mandatory component of the fund. I suggest you define a direction on this idea, so that staff may make specific recommendations.

Another suggestion has been the establishment of criteria a site/school would need to meet in order to receive distributions from the Equity Fund; specifically, setting an increased threshold of local fundraising as a target that would trigger the disbursement of funds. An example would be the use of a three-year rolling average of fundraising, and then establishing a percentage increase required to receive funds each year.

Both have merits and drawbacks. Staff would offer research and recommendations, if the School Board provides direction.

TO: BOARD OF EDUCATION

DISCUSSION

03/25/04

FROM: JOHN E. DEASY/LINDA KAMINSKI/LAUREL SCHMIDT

First  
Reading

RE: UPDATING BOARD POLICY 5125 STUDENT RECORDS  
AND ADMINISTRATIVE REGULATIONS

DISCUSSION ITEM NO. D.2

It is recommended that the Board of Education review the new administrative regulations that have been taken directly from CSBA administrative regulations after which they will be included in the policy manual.

COMMENT: In December 2003, the board requested that information about expunging expulsion data from student records be included in board policy.

A review of board policy revealed the following:

- On October 29, 1998, the Board adopted BP 5125 - Student Records. There is no difference in that language of that policy and the current CSBA BP 5125
- No administrative regulations were written in 1998 to accompany the policy. Administrative regulations contain specific directions for enacting policies.

There are nine sections to the new administrative regulations:

1. Definitions
2. Changes to Student Records (expungement is in this section)
3. Retention and Destruction of Student Records
4. Persons with Access to Student Records
5. Procedure for Access
6. Duplication of Student Records
7. Access Log
8. Transfer of Student Records
9. Notification of Parents/Guardians

## SMMUSD - Administrative Regulations for 5125 Student Records

<u>NUMBER</u>	<u>ARTICLE</u>	<u>TITLE</u>		
5125	Student	Student Records		
<u>SUBTOPIC</u>	<u>POLICY</u>	<u>REGULATION</u>	<u>EXHIBIT</u>	
Progress and Student Records		X		

### AR 5125

#### Definitions

Student record is any item of information other than directory information, gathered within or outside the district that is directly related to an identifiable student and maintained by the district or required to be maintained by an employee in the performance of his/her duties. Any information maintained for the purpose of second-party review is considered a student record. A student record may be recorded in handwriting, print, computer media, video or audiotape, film, microfilm, microfiche or by other means. Student records include the student's health record. (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

Student records do not include: (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

1. Informal notes compiled by a school officer or employee which remain in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a substitute
2. Records of the law enforcement unit of the district, subject to the provisions of 34 CFR 99.8

Mandatory permanent student records are those records which are maintained in perpetuity and which schools have been directed to compile by state law, regulation or administrative directive. (5 CCR 430)

Mandatory interim student records are those records that the schools are directed to compile and maintain for stipulated periods of time and are then destroyed in accordance with state law, regulation or administrative directive. (5 CCR 430)

Permitted student records are those records having clear importance only to the current educational process of the student. (5 CCR 430)

Access means a personal inspection and review of a record, an accurate copy of a record or receipt of an accurate copy of a record, an oral description or communication of a record, and a request to release a copy of any record. (Education Code 49061)

Disclosure means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records, to any party, by any means including oral, written or electronic means. (34 CFR 99.3)

Personally identifiable information includes but is not limited to the student's name, the name of the student's parent/guardian or other family member, the address of the student or student's family, a personal identifier such as the student's social security number or student number, and a list of personal characteristics or other information that would make the student's identity easily traceable. (34 CFR 99.3)

Adult student is a person who is or was enrolled in school and who is at least 18 years of age. (5 CCR 430)

School officials and employees are officials or employees whose duties and responsibilities to the district, whether routine or as a result of special circumstances, require that they have access to student records.

A legitimate educational interest is one held by officials or employees whose duties and responsibilities to the district, whether routine or as a result of special circumstances, require that they have access to student records.

### **Changes to Student Records**

No additions except routine updating shall be made to a student's record after high school graduation or permanent departure without prior consent of the parent/guardian or adult student. (5 CCR 437)

Only a parent/guardian having legal custody of the student may challenge the content of a record or offer a written response to a record. (Education Code 49061)

*Upon satisfactory completion of the rehabilitation assignment of a pupil arising from the suspended enforcement of an expulsion, the Board of Education may order the expungement of any or all records of the expulsion. (EC 48917(a)(e))*

### **Retention and Destruction of Student Records**

The following mandatory permanent student records shall be kept indefinitely:  
(5 CCR 432, 437)

1. Legal name of student
2. Date and place of birth, and method of verifying birth date
3. Gender of student
4. Name and address of parent/guardian of minor student
  - a. Address of minor student if different from the above
  - b. Annual verification of parent/guardian's name and address and student's residence

5. Entrance and departure date of each school year and for any summer session or other extra session
6. Subjects taken during each year, half-year, summer session or quarter, and marks or credits given
7. Verification of or exemption from required immunizations
8. Date of high school graduation or equivalent

Unless forwarded to another district, mandatory interim student records shall be maintained subject to destruction during the third school year following a determination that their usefulness has ceased or the student has left the district. These records include: (Education Code 48918; 5 CCR 432, 437, 16027)

1. Expulsion orders and the causes therefor
2. A log identifying persons or agencies who request or receive information from the student record
3. Health information, including Child Health and Disability Prevention Program verification or waiver
4. Information on participation in special education programs, including required tests, case studies, authorizations, and evidence of eligibility for admission or discharge
5. Language training records
6. Progress slips/notices required by Education Code 49066 and 49067
7. Parental restrictions/stipulations regarding access to directory information
8. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action
9. Parent/guardian authorizations or denial of student participation in specific programs
10. Results of standardized tests administered within the past three years

Permitted student records may be destroyed six months after the student completes or withdraws from the educational program, including: (5 CCR 432, 437)

1. Objective counselor/teacher ratings
2. Standardized test results older than three years
3. Routine disciplinary data

4. Verified reports of relevant behavioral patterns
5. All disciplinary notices
6. Supplementary attendance records

Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process of destruction. (5 CCR 437)

### **Persons with Access to Student Records**

Persons, agencies or organizations specifically granted access rights pursuant to state law shall have access without written parental consent or judicial order. In addition, parental consent is not required when information is shared with other persons within educational institutions, agencies or organizations obtaining access, as long as those persons have a legitimate educational interest in the information. (Education Code 49076)

The following persons or agencies shall have absolute access to any and all student records in accordance with state law:

1. Natural parents, adoptive parents, or legal guardians of students younger than age 18 (Education Code 49069)
  - a. Access to student records and information shall not be denied to a parent because he/she is not the child's custodial parent. (Family Code 3025)
2. Adult students age 18 or older or students under the age of 18 who attend a postsecondary institution, in which case the student shall alone exercise rights related to his/her student records and grant consent for the release of records (Education Code 49061; 34 CFR 99.5)
3. Those so authorized in compliance with a court order or lawfully issued subpoena (Education Code 49077)

In addition, the following persons or agencies shall have access to those particular records that are relevant to the legitimate educational interests of the requester: (Education Code 49076)

1. Natural parents, adoptive parents or legal guardians of a dependent student age 18 or older
2. Students 16 or older or who have completed the 10th grade
3. School officials and district employees
4. Members of a school attendance review board, and any volunteer aide age 18 or older who has been investigated, selected and trained by such a board to provide follow-up services to a referred student
5. Officials and employees of other public schools or school systems where the student

intends or is directed to enroll, including local, county or state correctional facilities where educational programs leading to high school graduation are provided

6. Federal, state and local officials, as needed for program audits or compliance with law
7. Any district attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition
8. A prosecuting agency for consideration against a parent/guardian for failure to comply with compulsory education laws
9. Any probation officer or district attorney for the purposes of conducting a criminal investigation or an investigation in regards to declaring a person a ward of the court or involving a violation of a condition of probation
10. Any judge or probation officer for the purpose of conducting a truancy mediation program for a student, or for purposes of presenting evidence in a truancy petition pursuant to Welfare and Institutions Code 681

County child welfare services workers responsible for the case plan of a minor who is being placed in foster care shall have access to the student's school records. (Welfare and Institutions Code 16010)

Foster family agencies with jurisdiction over currently enrolled or former students may access those students' records of grades and transcripts, and any Individualized Education Program (IEPs) developed and maintained by the district with respect to such students. (Education Code 49069.3)

The Superintendent or designee may release a student's immunization record information to local health departments operating countywide immunization information and reminder systems and the State Department of Health Services. The following information may be released: the name of the student and the student's parent/guardian; types and dates of immunizations received by the student; manufacturer and lot number of the immunization received; adverse reaction to the immunization; other non-medical information necessary to establish the student's unique identity and record; current address and telephone number of the student and his/her parent/guardian; the student's gender; and the student's place of birth. (Health and Safety Code 120440)

When authorized by law to assist law enforcement in investigations of suspected kidnapping, the Superintendent or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to another district or private school within the state. The information shall be released only to designated peace officers, federal criminal investigators and federal law enforcement officers whose names have been submitted in writing by their law enforcement agency. (Education Code 49076.5)

The Superintendent or designee may release information from student records to the following: (Education Code 49076)

1. Appropriate persons in an emergency if the health and safety of a student or other persons are at stake
2. Agencies or organizations in connection with a student's application for or receipt of financial aid
3. Accrediting associations
4. Under the conditions specified in Education Code 49076, organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating or administering predictive tests, administering student aid programs or improving instruction.
5. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll
6. County elections officials for the purpose of identifying students eligible to register to vote and offering such students an opportunity to register

Persons, agencies or organizations not afforded access rights pursuant to state law may be granted access only through written permission of the parent/guardian or adult student, or by judicial order. (Education Code 49075)

Only a parent/guardian having legal custody of the student may consent to the release of records to others. Either parent may grant consent if both parents notify the district, in writing, that such an agreement has been made. (Education Code 49061)

Any person or agency granted access is prohibited from releasing information to another person or agency without written permission from the parent/guardian or adult student. (Education Code 49076)

### **Procedures for Access**

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained in different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians shall be notified of the location of student records if not centrally located. (Education Code 49060; 5 CCR 433)

To inspect, review or obtain copies of student records, authorized persons shall submit a request to the custodian of records.

Authorized persons from outside the school whose access requires consent from the parent/guardian or adult student shall submit their request, together with any required authorization, to the Superintendent or designee or the custodian of records. (5 CCR 435)

Within five days following the date of request, an authorized person shall be granted access to inspect, review and obtain copies of student records during regular school hours. (Education Code 49069; 5 CCR 431)

Qualified certificated personnel shall be available to interpret records when requested. (Education Code 49069)

The custodian of records shall be responsible for the security of student records and shall assure that access is limited to authorized persons. (5 CCR 433)

The custodian of records or the Superintendent or designee shall prevent the alteration, damage or loss of records during inspection. (5 CCR 435)

Prior to disclosing a record pursuant to a court order, the Superintendent or designee shall, unless otherwise instructed by the order, give the parent/guardian or adult student at least three days' notice of the name of the requesting agency and the specific record requested if lawfully possible within the requirements of the judicial order. (5 CCR 435)

When the district discloses personally identifiable information to officials of another school, school system or postsecondary institution where the student seeks or intends to enroll, the Superintendent or designee shall make a reasonable attempt to notify the parent/guardian or adult student at his/her last known address, provide a copy of the record that was disclosed, and give him/her an opportunity for a hearing to challenge the record. (34 CFR 99.34)

Upon releasing student information to a judge or probation officer for the purpose of conducting a truancy mediation program or presenting evidence in a truancy petition, the Superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours. (Education Code 49076)

If the district is planning to release a student's immunization information to the county health department or state Department of Health Services, the Superintendent or designee shall inform the student's parents/guardians of the following: (Health and Safety Code 120440)

1. The type of information that will be shared
2. The name and address of the agency with which the district will share the information
3. That any shared information shall be treated as confidential and shall be used to share only with each other and, upon request, with health care providers, child care facilities, family child care homes, service providers for the Women, Infants and Children (WIC) food program, county welfare departments, and health care plans
4. That the information may be used only to provide immunization service; to provide or facilitate third-party payer payments for immunizations; to compile and disseminate statistical information on immunization status on groups of people, without identifying the student

5. That the parent/guardian has the right to examine any immunization-related information shared in this manner and to correct any errors
6. That the parent/guardian may refuse to allow this information to be shared

### **Duplication of Student Records**

To provide copies of any student record, the district shall charge a reasonable fee not to exceed the actual cost of furnishing the copies. No charge shall be made for providing up to two transcripts or up to two verifications of various records for any former student. No charge shall be made to locate or retrieve any student record. (Education Code 49065)

The Superintendent or designee shall set a fee and update the amount periodically if actual costs change.

### **Access Log**

A log shall be maintained for each student's record which lists all persons, agencies or organizations requesting or receiving information from the records and the legitimate educational interest of the requester. (Education Code 49064)

In every instance of inspection by persons who do not have assigned educational responsibility, the school custodian of records shall make an entry in the log indicating the record inspected, the name of the person granted access, the reason access was granted, and the time and circumstances of inspection. (5 CCR 435)

The log does not need to include: (Education Code 49064)

1. Parents/guardians or adult students
2. Students 16 years of age or older who have completed the 10th grade
3. Parties obtaining district-approved directory information
4. Parties who provide written parental consent, in which case the consent notice shall be filed with the record pursuant to Education Code 49075
5. School officials or employees who have legitimate educational interest

The log shall be accessible only to the parent/guardian, adult student, dependent adult student, student age 16 years or older or who has completed the 10th grade, custodian of records, and certain state/federal officials. (Education Code 49064; 5 CCR 432)

## **Transfer of Student Records**

If a student transfers into this district from any other school district or a private school, the Superintendent or designee shall inform the parent/guardian of his/her rights regarding student records, including the right to review, challenge and receive a copy of student records. (Education Code 49068; 5 CCR 438)

When a student transfers into this district from another, the Superintendent or designee shall request that the student's previous district provide any records, either maintained by that district in the ordinary course of business or received from a law enforcement agency, regarding acts committed by the transferring student that resulted in his/her suspension or expulsion. (Education Code 48201)

When a student transfers from this district to another school district or to a private school, the Superintendent or designee shall forward a copy of the student's mandatory permanent records as requested by the other district or private school. The original record or a copy shall be retained permanently by this district. If the transfer is to another California public school, the student's entire mandatory interim record shall be forwarded. If the transfer is out of state or to a private school, the mandatory interim record may be forwarded. Permitted student records may be forwarded to any other district or private school. (5 CCR 438)

When informed that a district student in foster care is transferring to another local educational agency, the Superintendent or designee shall cooperate to ensure that the student's health and education records are transferred to the receiving district. The district shall transfer the records within five working days of receiving notification regarding the student's new educational placement. (Education Code 49069.5)

All student records shall be updated before they are transferred. (5 CCR 438)

Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent/guardian. (5 CCR 438)

If the district is withholding grades, diploma or transcripts from the student because of his/her damage or loss of school property, this information shall be sent to the requesting district along with the student's records.

## **Notification of Parents/Guardians**

Upon students' initial enrollment and at the beginning of each year thereafter, the Superintendent or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. Insofar as practicable, the district shall provide these notices in the student's home language and shall effectively notify parents/guardians or eligible students who are disabled. (Education Code 49063; 34 CFR 99.7)

The notice shall include information about: (Education Code 49063; 34 CFR 99.7, 99.34)

1. The types of student records kept by the district and the information contained therein
2. The titles of the officials responsible for maintaining each type of record
3. The location of the log identifying those who request information from the records
4. District criteria for defining "school officials and employees" and for determining "legitimate educational interest"
5. District policies for reviewing and expunging student records
6. The right to inspect and review student records, and the procedures for doing so
7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading or otherwise in violation of the student's privacy rights
8. The cost, if any, charged for duplicating copies of records
9. The categories of information defined as directory information pursuant to Education Code 49073
10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law
11. The availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions and instructional aims of every course offered by the school
12. Any other rights and requirements set forth in Education Code 49060-49078, and the right of parents/guardians to file a complaint with the United States Department of Health, Education, and Welfare concerning an alleged failure by the district to comply with 20 USC 1232g

The notification shall also include a statement that the district forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll.

APPROVAL  
SUPERINTENDENT

John Deasy  
REFERENCE

DATE  
MANAGEMENT RESOURCES

ADOPTED

REVISED

CSBA DATE 11/00

DISTRICT GOAL

TO: BOARD OF EDUCATION

DISCUSSION

03/25/04

FROM: SUPERINTENDENT/LINDA KAMINSKI/SUZANNE PETERSON

RE: LIBRARIANS' SUPPORT OF STUDENT OUTCOMES

DISCUSSION ITEM NO. D.3

The librarians will give a PowerPoint presentation on student outcomes as outlined in the Board of Education adopted SMMUSD Library Plan. Information will be shared about librarians' collaboration with teachers to support standards-based curriculum and instruction in various content areas including language arts, science and social studies.

TO: BOARD OF EDUCATION

DISCUSSION

03/25/04

FROM: JOHN E. DEASY/SUPERINTENDENT

RE: THE MET-SANTA MONICA CHARTER - CONTINUED DISCUSSION -  
DRAFT MEMORANDUM OF UNDERSTANDING (MOU) WITH  
CONTINGENCIES

DISCUSSION ITEM NO. D.4

At the meeting of March 17, 2004, the Board of Education directed that the superintendent provide further information for continued discussion at the meeting of March 25, 2004, regarding an MOU with contingencies.

The Board of Education is scheduled to take action on the Charter Petition at the meeting of April 1, 2004, in keeping with the 60 day time line to approve or reject a charter petition.

The April 1, 2004 meeting is scheduled to be held at Malibu High School.

Note: Due to the short turn around time for preparation of this item, the MOU document with contingencies was not available at the time of printing. This information will be provided prior to the meeting.

TO: BOARD OF EDUCATION

PUBLIC REQUEST

03/25/04

FROM: MICHAEL FEINSTEIN, SANTA MONICA CITY COUNCILMEMBER

RE: LONG TERM FUNDING AND PROPERTY CONSIDERATIONS

PUBLIC REQUEST NO. 1

Mr. Michael Feinstein has requested to be placed on the agenda to address the following:

1. Involvement of the school board with the council in the discussions around long-term funding options for the district, and
2. Detailed explanation of the Mello-Roos funding idea option.