

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

April 23, 2009

A regular meeting of the Santa Monica-Malibu Unified School District Board of Education will be held on **Thursday, April 23, 2009**, in the **District Administrative Offices**: 1651 16th Street, Santa Monica, CA. The Board of Education will call the meeting to order at 4:00 p.m. in the Board Conference Room at the District Offices: 1651 16th Street, Santa Monica, CA., at which time the Board of Education will move to Closed Session regarding the items listed below. The public meeting will reconvene at 5:30 p.m. in the Board Room.

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

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

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

I. CALL TO ORDER

- A. Roll Call
- B. Pledge of Allegiance

II. PUBLIC COMMENTS FOR CLOSED SESSION ITEMS ONLY

III. CLOSED SESSION (80):

- Conference with Superintendent regarding 2008-2009 Strategies for Negotiations with S.E.I.U. pursuant to GC §54957.6 as cited in the Brown Act. (15)
- Conference with Superintendent regarding 2008-2009 Strategies for Negotiations with S.M.M.C.T.A. pursuant to GC §54957.6 as cited in the Brown Act. (15)
- Closed session with legal counsel concerning anticipated litigation pursuant to GC §54956.9 as cited in the Brown Act (2 cases). (20)
- Closed Session, Superintendent's performance evaluation pursuant to GC §54954.5 as cited in the Brown Act. (20)
- Pupil hearing pursuant to EC §48918 (c) as cited in the Brown Act (*No. A.19*) (10)

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

- 2009 Prudential Spirit of Community Awards in California, Distinguished Finalist – Sun Kim (Santa Monica High School student) (10)
- John Adams Middle School (10)

V. APPROVAL OF THE AGENDA

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

Board of Education Meeting AGENDA: April 23, 2009

VI. APPROVAL OF MINUTES

A.01 Approval of Minutes	1
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VII. CONSENT CALENDAR (5)

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

Curriculum and Instruction

A.02 Approval of Independent Contractors	2
A.03 Overnight Field Trip(s) – 2008-2009	3
A.04 Head Start – 2009-10 Cost of Living Adjustment and Quality Improvement	4
A.05 Increase Funding from Los Angeles County Office of Education for the Head Start Program for Fiscal Year 2008-09	5
A.06 Approval of Special Education Contracts – 2008-2009	6-9

Business and Fiscal

A.07 Award of Purchase Orders – 2008-2009	10-10d
A.08 Acceptance of Work Completed by Jenn Matt Amendment for Organ Chamber Modification and Installation – Bid #9.07	11
A.09 Amendment to Contract for Districtwide Lead Paint Stabilization – Matrix Environmental – Bid #9.08 – Deductive Change Order #1	12
A.10 Acceptance of Work Completed by Matrix Environmental for Districtwide Lead Paint Stabilization – Bid #9.08	13

Measure “BB”

A.11 Contract Amendment #4 for Increased Architectural Services for Parking Lot Construction Administration – John Adams Middle School – Killefer Flammang Architects – Measure BB	14-15
A.12 Contract Amendment #8 for Increased Scope – Architectural Services for Separate Interim Housing Package – John Adams Middle School – Osborn/Koning Eizenberg – Measure BB	16-17b
A.13 Contract Amendment #2 for Hazardous Materials Investigation and Reports Services, As Required – ATC Associates – RFQ #9.05 – Measure BB	18
A.14 Contract Amendment #8 for CEQA Environmental Documents, Additional Environmental Analysis for EIR – Malibu Middle and High School Campus Improvements Project – PBS&J – Measure BB	19-20

Personnel

A.15 Certificated Personnel – Elections, Separations	21-24
A.16 Special Service Employees	25
A.17 Classified Personnel – Merit	26-27

General

A.18 Adopt Board of Education Meeting Schedule – 2009-2010	28-29
A.19 Expulsion of Student (B/D 10-14-92)	30

VIII. PUBLIC COMMENTS

Public Comments is the time when members of the audience may address the Board of Education on items not scheduled on the meeting’s agenda. All speakers are limited to three (3) minutes. When there are a large number of speakers, the Board may reduce the allotted

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

IX. COMMUNICATIONS (24)

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

A. Student Board Member Reports

Jaime Black – Santa Monica High School (3)

Roya Sahafi – Malibu High School (3)

Isis Enriquez – Olympic High School (3)

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

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

D. PTA Council – Rebecca Kennerly (5)

X. SUPERINTENDENT’S REPORT (5)

MAJOR and DISCUSSION Items

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

XI. MAJOR ITEMS (60)

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

7:00 pm	A.20 Public Hearing – Special Tax (Measure R) – 2009-2010 (5).....	31-32
	A.21 Adopt Resolution No. 08-32 – Special Tax (Measure R) – 2009-2010 (5).....	33
7:05 pm	A.22 Public Hearing – Special Education Local Plan Area Service (SELPA) and Budget Plan (5).....	34
	A.23 Approval of District Annual Service Plan and Budget Plan for Special Education (15).....	35
7:10 pm	A.24 Public Hearing – Evaluation of Potential Edison Language Academy Expansion Pursuant to CDE Site Selection Standards – Measure BB (5).....	36
	A.25 Adopt Resolution No. 08-33 – Evaluation of Potential Edison Language Academy Expansion Pursuant to CDE Site Selection Standards – Measure BB (10).....	37-52
	A.26 Approval of Extension of Master Facilities Use Agreement with the City of Santa Monica (10).....	53-66
	A.26 Approval of Certification of Signatures (5).....	67-68

XII. DISCUSSION ITEMS (100)

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

D.01	2009-10 Budget Update (40).....	69
D.02	Special Education Collaborative Working Group Report (60).....	70-79

XIII. INFORMATIONAL ITEMS (0)

I.01	District Librarians' Annual Report	80
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XIV. BOARD MEMBER ITEMS (0)

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

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

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

XVI. CONTINUATION OF PUBLIC COMMENTS

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

XVII. BOARD MEMBER COMMENTS

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

XVIII. FUTURE AGENDA ITEMS

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

XIV. CLOSED SESSION

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

XX. ADJOURNMENT

This meeting will adjourn to a special meeting to be held on April 30, 2009, at 6:00 p.m. at the District Office: 1651 16th Street, Santa Monica, CA 90404. The next regularly scheduled meeting will be held on Thursday, May 7, 2009, at 5:30 p.m. in the Malibu City Council Chambers, 23815 Stuart Ranch Road, Malibu, CA.

Meetings held at Santa Monica City Hall are broadcast live – City TV2, Cable Channel 16.

Meetings held at the District Office and in Malibu are taped and rebroadcast in Santa Monica on CityTV2, Cable Channel 20 – Check TV listing.

Meetings are rebroadcast in Malibu on Government Access Ch. 3 every Saturday at 8pm.

SMMUSD Board of Education Meeting Schedule 2008-2009

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

July through December 2008					
Month	1 st Thursday	2 nd Thursday	3 rd Thursday	4 th Thursday	Special Note:
July				7/24 DO	* 7/1: Special Meeting * 7/10: Special Meeting
August			8/21* DO		*8/21: Begins at 4:30pm
September	9/4 DO			9/18 DO	
October	10/2 M		10/16 SM		
November	11/6 M		11/20* DO	11/27 (5 th Thurs)	*11/20: Location moved to District Office Thanksgiving: 11/27-28
December	12/8* DO	12/11 DO	12/17* DO	winter break	*12/8: Special Meeting *12/17: Special Meeting
December 22 – 31: Winter Break					
January through June 2009					
January 1 – 2: Winter Break					
January	winter break	1/8* DO	1/15 DO	1/29 (5 th Thurs)	*1/8: Special Closed Session
February	2/5 M		2/19 SM	2/27* DO	*2/27: Special Meeting
March	3/4* DO 3/5 M		3/19 SM		*3/4: Special Meeting Stairway 3/26 & 3/27
April	4/2* DO	spring break	spring break	4/18* DO 4/23 DO	*4/2: Begins at 6:00pm *4/18: Special Closed Session
April 6-17: Spring Break					
May	5/5* DO 5/7 M	5/14* DO	5/21 SM	5/28* DO	*5/5: Special Meeting *5/14: Special Meeting *5/28: Special Meeting
June	6/4 DO			6/25 DO	Last day of school: 6/19

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

**Santa Monica-Malibu Unified School District
Board of Education
April 23, 2009**

I. CALL TO ORDER

A. Roll Call

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

Student Board Members

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

B. Pledge of Allegiance

II. CLOSED SESSION

TO: BOARD OF EDUCATION

ACTION
04/23/09

FROM: TIM CUNEO

RE: APPROVAL OF MINUTES

RECOMMENDATION NO. A.01

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

There are no minutes for approval.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

CONSENT ITEMS

TO: BOARD OF EDUCATION

ACTION/CONSENT

04/23/09

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

RE: APPROVAL OF INDEPENDENT CONTRACTORS

RECOMMENDATION NO. A.02

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

Contractor / Contract Dates	Description	Site	Funding
STAR, Inc. 4/24/09 to 5/29/09 Not to exceed: \$3,600	To provide open GATE enrichment.	Rogers	\$2,893: 01-71400-0-11100-10000-5802-006-4060 and \$707: 01-63000-0-11100-10000-5802-006-4060

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

04/23/09

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

RE: OVERNIGHT FIELD TRIP(S) 2008-2009

RECOMMENDATION NO. A.03

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

School Grade # students	Destination Dates of Trip	Principal/ Teacher	Cost Funding Source	Subject	Purpose Of Field Trip
Samohi 9-12 68	CA Band Directors' Association Convention, Fresno, CA 2/19/09 – 2/20/09	Hugo Pedroza / Terry Sakow / Kathleen Janert	\$100 per student by parent donation and fundraising	Music	CA Band Directors' Association Convention
Samohi 9-12 4	National Science Bowl Competition, Washington, D.C. 4/29/09 – 5/5/09	Hugo Pedroza / Ingo Gaida	All expenses paid by the US Dept of Energy and NASA	Science	To compete against 64 other teams from around the country.
Samohi 9-12 4	National Quiz Bowl Tournament, Chicago, IL 5/28/09 – 5/31/09	Hugo Pedroza / Ingo Gaida	\$550 per student by parent donation.	Science	To compete against 170 other teams from around the country.
Pt. Dume 5 49	Camp Hess Kramer, Malibu, CA – WOLF Camp 5/19/09 – 5/22/09	Chi Kim / Margo Dunn	\$335 per student by parent donation and fundraising	Science	Annual science enrichment supporting the curriculum. Hands-on outdoor classroom experience, leadership and team building skills.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

04/23/09

FROM: TIM CUNEO / MICHAEL D. MATTHEWS / JUDY ABDO

RE: HEAD START - 2009-2010 COST OF LIVING ADJUSTMENT AND
QUALITY IMPROVEMENT

RECOMMENDATION NO. A.04

It is recommended that the Board of Education approve a budget increase for the Head Start Basic program from \$1,519,554 to 1,658,447 for Fiscal Year 2009-2010.

COMMENT: This funding is available via the American Recovery and Reinvestment Act (ARRA) as follows:

<u>Maximum funding for Each of the Funding Supplements</u>	
Cost of Living Adjustment - Permanent (3.06%)	\$ 46,087
Cost of Living Adjustment - ARRA (One-Time) (1.84%)	\$ 27,711
Quality Improvement (One-Time)	\$ 65,095
TOTAL	\$138,893

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

04/23/09

FROM: TIM CUNEO / MICHAEL D. MATTHEWS / JUDY ABDO

RE: INCREASE FUNDING FROM LOS ANGELES COUNTY OFFICE OF
EDUCATION FOR THE HEAD START PROGRAM FOR FISCAL YEAR
2008-2009

RECOMMENDATION NO. A.05

It is recommended that the Board of Education approve an increase of funds in the amount of \$127,330 for Fiscal Year 2008-2009 from Los Angeles County Office of Education (LACOE) for the Head Start Program. This addition will make the total funds of \$1,646,884 from LACOE for the fiscal year 2008-2009.

COMMENT: This one-time only Facilities Renovation and Repair funds will provide assistance in the need of materials, non-capitalized equipment, contracts to maintain and repair buildings occupied for the children and families participating in the Head Start Program. Children will benefit by having clean, safe, accessible classroom and playgrounds.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

04/23/09

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

RE: APPROVAL OF SPECIAL EDUCATION CONTRACTS - 2008-2009

RECOMMENDATION NO. A.06

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

NPS

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

Nonpublic School/Agency	Student DOB	Service Description	Contract Number	Cost Not to Exceed
Alpine Academy	9/29/91	NPS	#57-UC09279	\$ 12,800
Oak Grove Institute	1/27/97	NPS	#58-UC09346	\$ 18,483

Amount Budgeted NPS 08/09	\$ 1,500,000
Prior Board Authorization as of 04/02/2009	\$ 1,576,323
Balance	\$ -76,323
Positive Adjustment (See Below)	\$ 38,861
Total Amount for these Contracts	\$ 31,283
Balance	\$ -68,745

Adjustment					
NPS Budget 01-65000-0-57500-11800-5125-043-1400					
There has been a reduction in authorized expenditures of NPS/NPA contracts for FY 2007-08 in the amount of \$ 0 as of 04/23/09					
NPS	Service Description	Contract Number	Reduce (R) Eliminate (E)	Adjusted Amount	Comment
Kayne-Eras Center	NPS	#1-UC09053	E	\$ 38,861	

NPA

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

Nonpublic School/Agency	Student DOB	Service Description	Contract Number	Cost Not to Exceed
Lovaas Institute for Early Intervention	9/14/99	Behavior Intervention	#46-UC09280	\$ 77,000
Jennifer Keany & Associates- contract increase	4/17/94	Behavior Intervention	#6-UC09090	\$ 36,750

Amount Budgeted NPA 08/09		\$ 1,400,000
Prior Board Authorization as of 04/02/09		\$ 1,322,648
	Balance	\$ 78,422
Positive Adjustment (See Below)		\$ 0
Total Amount for these Contracts		\$ 113,750
	Balance	\$ 192,172

Adjustment					
NPA Budget 01-65000-0-57500-11800-5126-043-1400					
There has been a reduction in authorized expenditures of NPS/NPA contracts for FY 2007-08 in the amount of \$ 0 as of 04/23/09					
NPA	Service Description	Contract Number	Reduce (R) Eliminate (E)	Adjusted Amount	Comment

NPA PRE SCHOOL

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

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

Amount Budgeted NPA Pre School 08/09	\$ 100,000
Prior Board Authorization as of 04/02/09	\$ 120,460
	Balance
	\$ -20,460
Total Amount for these Contracts	\$ 0
	Balance
	\$ -20,460

Instructional Consultants

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

Instructional Consultant	Student DOB	Service Description	Contract Number	Cost Not to Exceed
Dr. Trang Nguyen-contract increase	10/13/08	Vision Therapy and Assessment	#39-UC09199	\$ 1,740

Amount Budgeted Instructional Consultants 08/09	\$ 310,000
Prior Board Authorization as of 04/02/09	\$ 596,939
	Balance
	\$- 286,939
Positive Adjustment (See Below)	\$ 0
Total Amount for these Contracts	\$ 1,740
	Balance
	\$ -288,679

Adjustment					
Instructional Consultants Budget 01-65000-0-57500-11900-5802-043-1400					
There has been a reduction in authorized expenditures of Instructional Consultants contracts for FY 2008-09 in the amount of \$ as of 04/23/09					
Instructional Consultant	Service Description	Contract Number	Reduce (R) Eliminate (E)	Adjusted Amount	Comment

Instructional Consultants -INFANT

2008-2009 Budget 01-65000-0-57100-11900-5802-043-1400

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

Amount Budgeted Instructional Consult-Infants 08/09	\$	15,000
Prior Board Authorization as of 04/02/09	\$	19,130
Balance	\$	-4,130

Total Amount for these Contracts	\$	0
Balance	\$	-4,130

Instructional Consultants -PRE SCHOOL

2008-2009 Budget 01-65000-0-57300-11900-5802-043-1400

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

Amount Budgeted Instruct Consult-Pre School 08/09	\$	175,000
Prior Board Authorization as of 04/02/09	\$	53,220
Balance	\$	121,780

Total Amount for these Contracts	\$	0
Balance	\$	121,780

Non-Instructional Consultants

2007-2008 Budget 01-65000-0-57500-11900-5890-043-1400

Non-Instructional Consultant	Student DOB	Service Description	Contract Number	Cost Not to Exceed
Pawar Transportation	8/12/97	Transportation	#26- UC09345	\$ 750

Amount Budgeted Non-Instructional Consultants 08/09	\$ 144,000
Prior Board Authorization as of 04/02/09	\$ 225,119
Balance	\$ -81,119
Positive Adjustment (See Below)	\$ 0
Total Amount for these Contracts	\$ 750
Balance	\$ -81,869

Adjustment					
Non-Instructional Consultants Budget 01-65000-0-57500-11900-5890-043-1400					
There has been a reduction in authorized expenditures of Non-Instructional Consultants contracts for FY 2008-09 in the amount of \$ as of 04/23/09					
Instructional Consultant	Service Description	Contract Number	Reduce (R) Eliminate (E)	Adjusted Amount	Comment

Legal

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

Legal Contractor	Service Description	Contract Number	Cost Not to Exceed
Littler Mendelson - contract increase	Legal Services	#4-UC09115	\$ 50,000
Fagan, Friedman & Fulfrost - contract increase	Legal Services	#3-UC09114	\$ 25,000

Amount Budgeted Legal Services 08/09	\$ 200,000
Prior Board Authorization as of 04/02/09	767,208
Balance	\$ -567,208
Adjustments for this period	\$ 0
	\$ -567,208
Total Amount for these Contracts	\$ 75,000
Balance	\$ -642,208

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

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

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION ACTION/CONSENT
04/23/09
FROM: TIM CUNEO / JANECE L. MAEZ / VIRGINIA I. HYATT
RE: AWARD OF PURCHASE ORDERS - 2008-2009

RECOMMENDATION NO. A.07

It is recommended that the Board of Education approve the following Purchase Orders and Changed Purchase Orders from March 24, 2009, through March 31, 2009, for fiscal /09.

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

TO: BOARD OF EDUCATION

ACTION/CONSENT

04/23/09

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

RE: ACCEPTANCE OF WORK COMPLETED BY JENN MATT AMENDMENT
FOR ORGAN CHAMBER MODIFICATION AND INSTALLATION - BID
#9.07

RECOMMENDATION NO. A.08

It is recommended that the Board of Education accept as completed Santa Monica High School Organ Chamber Modification and Installation in an amount of \$74,520.00.

Funding Information:

Budgeted: Yes

Fund: 01

Source: General Fund

Account Number: 01-91150-0-00000-85000-6200-015-2550

Description: Restore Barnum Hall

COMMENTS: In order to facilitate the release of the retention being held by the district, a Notice of Completion must be filed for thirty-five (35) days with the County of Los Angeles, pending board approval.

ORIGINAL CONTRACT AMOUNT	\$67,820.00
Change Order #1	\$6,700.00
TOTAL CONTRACT AMOUNT	\$74,520.00

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

04/23/09

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

RE: AMENDMENT TO CONTRACT FOR DISTRICTWIDE LEAD PAINT
STABILIZATION - MATRIX ENVIRONMENTAL - BID #9.08 -
DEDUCTIVE CHANGE ORDER #1

RECOMMENDATION NO. A.09

It is recommended that the Board of Education authorize
Deducative Change Order #1 in an amount not to exceed
<\$2,731.48>, as an amendment to the contract for Matrix
Environmental, for a total contract amount of \$108,076.52.

Funding Information:

Budgeted: Yes

Fund: 14

Source: Deferred Maintenance

Account Number: 14-62050-0-00000-82000-5640-XXX-1500

Description: Site Improvement

COMMENTS: Change Order #1 represents the work listed below:

ORIGINAL CONTRACT AMOUNT	\$110,988.00
Change Order #1	<\$3,450.00>
Change Order #1	<\$3,450.00>
Change Order #1	\$4,168.52
TOTAL CONTRACT AMOUNT	\$108,076.52

This deductive change order constitutes the following deduction
to the scope of work:

1. The district office was removed from the scope of work.
<\$3,450.00>
2. The Santa Monica High School Greek Theatre was removed from
the scope of work. <\$3,450.00>
3. Additional work was needed during the construction of
Olympic High School. \$4,168.52

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

04/23/09

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

RE: ACCEPTANCE OF WORK COMPLETED BY MATRIX ENVIRONMENTAL
FOR DISTRICTWIDE LEAD PAINT STABILIZATION - BID #9.08

RECOMMENDATION NO. A.10

It is recommended that the Board of Education accept as completed the work done at various locations by Matrix Environmental, in an amount of \$108,076.52.

Funding Information:

Budgeted: Yes

Fund: 14

Source: Deferred Maintenance

Account Number: 14-62050-0-00000-82000-5640-XXX-1500

Description: Site Improvement

COMMENTS: ORIGINAL CONTRACT AMOUNT	\$110,988.00
Change Order #1	<\$3,450.00>
Change Order #1	<\$3,450.00>
Change Order #1	\$4,168.52
TOTAL CONTRACT AMOUNT	\$108,076.52

In order to facilitate the release of the retention being held by the district, a Notice of Completion must be filed for thirty-five (35) days with the County of Los Angeles, pending board approval.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

04/23/09

FROM: TIM CUNEO / JANECE L. MAEZ / STUART SAM

RE: CONTRACT AMENDMENT #4 FOR INCREASED ARCHITECTURAL
SERVICES FOR PARKING LOT CONSTRUCTION ADMINISTRATION -
JOHN ADAMS MIDDLE SCHOOL - KILLEFER FLAMMANG ARCHITECTS
- MEASURE BB

RECOMMENDATION NO. A.11

It is recommended that the Board of Education approve Contract Amendment #4 with Killefer Flammang Architects to provide for construction administration services for the construction of the parking lot at the John Adams Middle School project, in an amount not to exceed \$14,680 for a total contract amount of \$107,800.

Funding Information

Budgeted: Yes

Fund: 21

Source: Building Fund

Account Number: 21-00000-0-00000-85000-5802-011-2600

Description: Consultant Services

COMMENTS: During the design phase of the Measure BB project at John Adams MS, the school site and staff determined that the staff parking lot should be relocated to the corner of Ocean Park Boulevard and 16th Street.

At their June 26, 2008 meeting, the Board of Education approved Contract Amendment #1 to Killefer Flammang Architects (KFA) to incorporate this revision into the documentation of the Boys and Girls Club project in lieu of planned improvements to the existing staff parking lot.

The previously approved Contract Amendment #1 was based on the assumption that the construction of the parking lot would occur within the scheduled timeframe of the John Adams MS Boys and Girls Club building. The parking lot is currently being prepared to be bid separately and therefore will be in construction after the Boys and Girls Club project is completed.

This Contract Amendment #4, for \$14,680, is for construction administration services for the 12 week construction period of the new parking lot. The revised contract total will be \$107,800.

ORIGINAL CONTRACT AMOUNT (Samohi organ chamber)	\$35,000
CONTRACT AMENDMENT #1 (Adams parking lot relocation)	\$35,000
CONTRACT AMENDMENT #2 (Adams coord. Fields, survey)	\$19,000
CONTRACT AMENDMENT #3 (Adams driveway relocation)	\$4,120
CONTRACT AMENDMENT #4 (Adams const. admin. pkg. lot)	\$14,680
TOTAL CONTRACT AMOUNT	\$107,800

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

TO: BOARD OF EDUCATION

ACTION/CONSENT

04/23/09

FROM: TIM CUNEO / JANECE L. MAEZ / STUART SAM

RE: CONTRACT AMENDMENT #8 FOR INCREASED SCOPE -
ARCHITECTURAL SERVICES FOR SEPARATE INTERIM HOUSING
PACKAGE - JOHN ADAMS MIDDLE SCHOOL - OSBORN/KONING
EIZENBERG - MEASURE BB

RECOMMENDATION NO. A.12

It is recommended that the Board of Education approve Contract Amendment #8 with Osborn/Koning Eizenberg to provide additional architectural services to prepare a separate package for the relocatables to provide interim housing at John Adams Middle School, in an amount not to exceed \$28,110 for a total contract amount of \$2,459,175.

Funding Information

Budgeted: Yes

Fund: 21

Source: Building Fund

Account Number: 21-00000-0-00000-85000-5802-011-2600

Description: Consultant Services

COMMENTS: During construction of the Measure BB project at John Adams MS, eight relocatable buildings are planned to be installed on site to provide interim housing of administration and classrooms during construction. Osborn/Koning Eizenberg and staff have determined that it will be beneficial to the project schedule to document and construct the interim housing package as separate package. Additionally, separating the interim housing package from the main project should simplify the approval and certification process with the Division of the State Architect.

This Contract Amendment # 8, for \$28,110, is for architectural services to prepare a separate package for the interim housing at John Adams Middle School. The revised contract total will be \$2,459,175.

In addition, the value of Contract Amendment #5 is revised to reflect the actual value of the executed contract amendment with Osborn/Koning Eizenberg.

ORIGINAL CONTRACT AMOUNT (Prog./Schematic Design)	\$493,220
CONTRACT AMENDMENT #1 (Rogers ES Prog./Schematic Design)	\$100,620
CONTRACT AMENDMENT #2 (DD/CD/CA)	\$1,661,925
CONTRACT AMENDMENT #3 (Adams MS tennis courts/parking lot)	\$38,000
CONTRACT AMENDMENT #4 (Adams MS landscaped perimeter)	\$75,500
CONTRACT AMENDMENT #5 (Grant ES Safety Proj.) \$31,200	\$28,200
CONTRACT AMENDMENT #6 (Rogers ES Safety & Security Proj.)	\$16,600
CONTRACT AMENDMENT #7 (Adams MS add'l services coord.)	\$17,000
CONTRACT AMENDMENT #8 (Adams interim housing)	\$28,110
<u>TOTAL CONTRACT AMOUNT</u>	<u>\$2,459,175</u>

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

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

TO: BOARD OF EDUCATION

ACTION/CONSENT

04/23/09

FROM: TIM CUNEO / JANECE L. MAEZ / STUART SAM

RE: CONTRACT AMENDMENT #2 FOR HAZARDOUS MATERIALS
INVESTIGATION AND REPORTS SERVICES, AS REQUIRED - ATC
ASSOCIATES - RFQ #9.05 - MEASURE BB

RECOMMENDATION NO. A.13

It is recommended that the Board of Education approve Contract Amendment #2 for ATC Associates to provide hazardous materials investigations, reports, abatement demolition plans, and bid specifications for pre-construction activities for Lincoln Middle School, Olympic High School, and Washington West, for the Measure BB Projects, in the amount of \$42,647, for a total contract amount of \$143,785.

Funding Information:

Budgeted: Yes

Fund: 21

Source: State School Building Fund

Account Number: 21-00000-0-00000-85000-5802-015-2600 (Lincoln) \$19,175

21-00000-0-00000-85000-5802-010-2600 (Olympic) \$15,540

21-00000-0-00000-85000-5802-011-2600 (WWest) \$ 7,932

Description: Independent Contractor / Consultant

COMMENTS: Prior to demolition and construction activities for the Measure BB projects, the District will require the services of ATC Associates to verify asbestos and lead containing materials and air quality, provide reports detailing the findings, prepare a hazardous materials abatement plan, and provide bid specifications for the abatement contract.

The original contract was approved on July 24, 2008. Contract Amendment #1 was approved on March 5, 2009 for eight (8) school sites. This Contract Amendment #2 is for an additional three (3) school sites.

ORIGINAL CONTRACT AMOUNT (Estimate)	\$100,000
CONTRACT AMENDMENT #1 (8 Sites, Net Add \$1,138)	\$101,138
CONTRACT AMENDMENT #2 (3 Sites)	\$ 42,647
<u>TOTAL CONTRACT AMOUNT:</u>	<u>\$143,785</u>

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

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

04/23/09

FROM: TIM CUNEO / JANECE L. MAEZ / STUART SAM

RE: CONTRACT AMENDMENT #8 FOR CEQA ENVIRONMENTAL DOCUMENTS,
ADDITIONAL ENVIRONMENTAL ANALYSIS FOR EIR - MALIBU
MIDDLE AND HIGH SCHOOL CAMPUS IMPROVEMENT PROJECT -
PBS&J - MEASURE BB

RECOMMENDATION NO. A.14

It is recommended that the Board of Education approve Contract Amendment #8 for PBS&J to perform additional environmental studies and analysis for the CEQA environmental document for Malibu High/Middle School, for Measure BB, in the amount of \$61,873, for a total contract amount of \$798,296.

Funding Information

Budgeted: Yes

Fund: 21

Source: State School Building Fund

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

Description: Independent Contractor / Consultant

COMMENTS: Original Contract for CEQA environmental services for Malibu High School was approved on July 24, 2008. Contract Amendment #1 for Community Outreach for MHS was approved October 2, 2008. CEQA environmental services for Lincoln, Adams, Webster, Pt. Dume, Olympic, and Washington East and West, Contract Amendment #2, was approved November 6, 2008. Contract Amendment #3, approved on November 20, 2008, was for an Archeological Study to update a previous report from the original Coastal Development Permit (CDP) for the Malibu High School site. Contract Amendment #4, approved on December 11, 2008, provided an analysis of the lighting view-shed surrounding the athletic field at Malibu High School, to determine potential impacts of further development. Contract Amendment #5, approved on January 15, 2009, was for additional CEQA support activities for public outreach meetings at Malibu HS. Contract Amendment #6, approved on March 19, 2009, was for CEQA Categorical Exemptions for Cabrillo, Grant, McKinley, Rogers, and a Mitigated Negative Declaration (MND) anticipated at Webster. Contract Amendment #7 was approved on April 2, 2009, for additional traffic and parking studies, necessitated by public outreach meetings held at the Malibu High/Middle School site, and associated additional documentation and coordination with design work. This Contract Amendment #8 is for additional

environmental analysis and support due in part to additional traffic and parking scope, revised and additional EIR sections and related analysis, revised project description and related requirements to complete the EIR.

ORIGINAL CONTRACT AMOUNT	\$152,745
CONTRACT AMENDMENT #1 (Public Outreach)	\$ 70,150
CONTRACT AMENDMENT #2 (CEQA, 6 Schools)	\$281,809
CONTRACT AMENDMENT #3 (Archeo Survey)	\$ 9,146
CONTRACT AMENDMENT #4 (Lighting Study)	\$ 10,913
CONTRACT AMENDMENT #5 (CEQA Add Service)	\$ 44,949
CONTRACT AMENDMENT #6 (CEQA, 5 Schools)	\$102,005
CONTRACT AMENDMENT #7 (Malibu, Traffic)	\$ 63,706
CONTRACT AMENDMENT #8 (Malibu, EIR)	\$ 61,873
TOTAL CONTRACT AMOUNT	\$798,296

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

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

TO: BOARD OF EDUCATION

ACTION/CONSENT

04/23/09

FROM: TIM CUNEO / MICHAEL D. MATTHEWS

RE: CERTIFICATED PERSONNEL - Elections, Separations

RECOMMENDATION NO. A.15

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

ADDITIONAL ASSIGNMENTS

EDISON ELEMENTARY SCHOOL

Paul, Cristina	200 hrs @\$40.46	1/5/09-6/19/09	<u>Est Hrly/\$8,092</u>
TOTAL ESTABLISHED HOURLY			\$8,092

Comment: Reading Specialist - 3rd grade classrooms
01-Unrestricted Resource

MALIBU HIGH SCHOOL

Buck, Katherine	59 hrs @\$82.76	3/16/09-6/19/09	<u>Own Hrly/\$4,883</u>
TOTAL OWN HOURLY			\$4,883

Comment: 6th Period Assignment
01-Gifts - Equity Fund

ROGERS ELEMENTARY SCHOOL

Mendinueto, Darwin	44 hrs @\$40.46	9/2/08-6/19/09	<u>Est Hrly/\$1,780</u>
Witt, Carl	44 hrs @\$40.46	9/2/08-6/19/09	<u>Est Hrly/\$1,780</u>
TOTAL ESTABLISHED HOURLY			\$3,560

Comment: Math Intervention
01-IASA: Title I Basic-LW Inc/Neg

Contreras, Sitara	12 hrs @\$40.46	12/8/08-3/30/09	<u>Est Hrly/\$486</u>
Dresher, Pam	12 hrs @\$40.46	12/8/08-3/30/09	<u>Est Hrly/\$486</u>
Mendinueto, Darwin	12 hrs @\$40.46	12/8/08-3/30/09	<u>Est Hrly/\$486</u>
Schneider, Kirsten	12 hrs @\$40.46	12/8/08-3/30/09	<u>Est Hrly/\$486</u>
TOTAL ESTABLISHED HOURLY			\$1,944

Comment: Lesson Link Preparation
01-Unrestricted Resource

SANTA MONICA HIGH SCHOOL

Alvarado, Robert	2.25 hrs @\$40.46	1/14/09	<u>Est Hrly/\$91</u>
Flanders, Matt	2.25 hrs @\$40.46	1/14/09	<u>Est Hrly/\$91</u>
Gow, William	2.25 hrs @\$40.46	1/14/09	<u>Est Hrly/\$91</u>
Semik, Renee	2.25 hrs @\$40.46	1/14/09	<u>Est Hrly/\$91</u>
TOTAL ESTABLISHED HOURLY			\$364

Comment: Lesson Link Planning
01-Gifted/Talented Educ (GATE)

Surrago, Michael	11 hrs @\$40.46	3/16/09-3/19/09	<u>Est Hrly/\$445</u>
TOTAL ESTABLISHED HOURLY			\$445

Comment: Math and English Intervention - A House
01-CAHSEE Intensive Instr & Serv

Gomez, Tony	14 hrs @\$40.46	2/18/09-3/11/09	<u>Est Hrly/\$566</u>
Roman, Bertha	14 hrs @\$40.46	2/18/09-3/11/09	<u>Est Hrly/\$566</u>
Ustation, Tina	14 hrs @\$40.46	2/18/09-3/11/09	<u>Est Hrly/\$566</u>
TOTAL ESTABLISHED HOURLY			\$1,698

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

HOURLY TEACHERS**PT DUME ELEMENTARY SCHOOL**

Loch, Amy	20 hrs @\$40.46	4/22/09-6/18/09	<u>Est Hrly/\$809</u>
TOTAL ESTABLISHED HOURLY			\$809

Comment: Choral Music, grades 3-5
01-Reimbursed by PTA

ROP

Serbin, Carole	200 hrs @\$45.34	3/5/09-5/22/09	<u>Est Hrly/\$9,068</u>
TOTAL ESTABLISHED HOURLY			\$9,068

Comment: ROP Instruction - Substitute
01-ROP-Classroom/Program

ADDITIONAL ASSIGNMENT - EXTRA DUTY UNITS**EDISON ELEMENTARY SCHOOL**

<u>Name</u>	<u>Rate</u>	<u>Assignment</u>	<u>Effective</u>	<u>Not to Exceed</u>
Boyd, Tom	2 EDU	5 th Grade Trip	9/08-6/09	\$512
Kohut, Jennifer	2 EDU	5 th Grade Trip	9/08-6/09	\$512
Morales, Carlos	2 EDU	5 th Grade Trip	9/08-6/09	\$512
Murcia, Constanza	2 EDU	5 th Grade Trip	9/08-6/09	\$512
TOTAL EDUS				\$2,048

FRANKLIN ELEMENTARY SCHOOL

<u>Name</u>	<u>Rate</u>	<u>Assignment</u>	<u>Effective</u>	<u>Not to Exceed</u>
Flynn, Paula	3.0 EDU	Writing Club	9/08-6/09	\$768
Kumasaka, Paul	1.5 EDU	Astro Camp	9/08-6/09	\$384
Powell, Erin	1.5 EDU	Astro Camp	9/08-6/09	\$384
Powell, Erin	2.0 EDU	Math Club	9/08-6/09	\$512
Silhavy, Dawn	3.0 EDU	Student Comm	9/08-6/09	\$768
Silhavy, Dawn	2.5 EDU	Astro Camp Coord	9/08-6/09	\$640
Silhavy, Dawn	2.0 EDU	Math Club	9/08-6/09	\$512
TOTAL EDUS				\$3,968

GRANT ELEMENTARY SCHOOL

<u>Name</u>	<u>Rate</u>	<u>Assignment</u>	<u>Effective</u>	<u>Not to Exceed</u>
Croft, Susan	3 EDU	Outdoor Camp	9/08-6/09	\$ 768
Donovan, Michael	3 EDU	Outdoor Camp	9/08-6/09	\$ 768
Hynding, Sheri	3 EDU	Outdoor Camp	9/08-6/09	\$ 768
O'Meara, Peggy	4 EDU	Outdoor Camp	9/08-6/09	\$1,024
Smith, Shelley	1 EDU	Outdoor Camp	9/08-6/09	\$ 256
TOTAL EDUS				\$3,584

MCKINLEY ELEMENTARY SCHOOL

<u>Name</u>	<u>Rate</u>	<u>Assignment</u>	<u>Effective</u>	<u>Not to Exceed</u>
Cervantes, Hayde	2 EDU	5 th gr. Overnight Trip	9/08-6/09	\$512
Daruty, Lila	1 EDU	4 th gr. Overnight Trip	9/08-6/09	\$256
Evans, Jennifer	2 EDU	5 th gr. Overnight Trip	9/08-6/09	\$512
Evans, Jennifer	1 EDU	Math Club	9/08-6/09	\$256
Sanschagrin, Marc	1 EDU	4 th gr. Overnight Trip	9/08-6/09	\$256
Sanschagrin, Marc	2 EDU	5 th gr. Overnight Trip	9/08-6/09	\$512
Talbott, Deborah	1 EDU	4 th gr. Overnight Trip	9/08-6/09	\$256
TOTAL EDUS				\$2,560

PT DUME ELEMENTARY SCHOOL

<u>Name</u>	<u>Rate</u>	<u>Assignment</u>	<u>Effective</u>	<u>Exceed</u>
Didion, Kelley	3.33 EDU	Overnight Trip	9/08-6/09	\$853
Dunn, Margo	3.33 EDU	Overnight Trip	9/08-6/09	\$853
Jennings, Kris	3.33 EDU	Overnight Trip	9/08-6/09	\$853
			TOTAL EDUS	\$2,559

WEBSTER ELEMENTARY SCHOOL

<u>Name</u>	<u>Rate</u>	<u>Assignment</u>	<u>Effective</u>	<u>Exceed</u>
Cook, Kristina	2 EDU	Yosemite Trip	9/08-6/09	\$512
Kooy, Tracy	2 EDU	Yosemite Trip	9/08-6/09	\$512
Kooy, Tracy	1 EDU	Jr. Great Books	9/08-6/09	\$256
Papale, Jaqui	1 EDU	Math Club	9/08-6/09	\$256
Rose, Lori	1 EDU	Math Club	9/08-6/09	\$256
Smith, Rachel	2 EDU	Yosemite Trip	9/08-6/09	\$512
Verham, Karen	1 EDU	Astrocamp Trip	9/08-6/09	\$256
			TOTAL EDUS	\$2,560

MALIBU HIGH SCHOOL - MS Academics

<u>Name</u>	<u>Rate</u>	<u>Assignment</u>	<u>Effective</u>	<u>Exceed</u>
Bixler, William	3 EDU	Orchestra	2/09-6/09	\$ 768
Cowgill, Elizabeth	1 EDU	Scholarship Adv	2/09-6/09	\$ 256
DeHope, Kathryn	1 EDU	Student Activities	2/09-6/09	\$ 256
Loch, Amy	3 EDU	Vocal Music	2/09-6/09	\$ 768
Leonard, Brigitte	5 EDU	Drama	2/09-6/09	\$1,280
Leonard, Brigitte	3 EDU	Student Activities	2/09-6/09	\$ 768
Tucker, Jack	3 EDU	Student Activities	2/09-6/09	\$ 768
			TOTAL EDUS	\$4,864

MALIBU HIGH SCHOOL - HS Academics

<u>Name</u>	<u>Rate</u>	<u>Assignment</u>	<u>Effective</u>	<u>Exceed</u>
Bixler, William	2.0 EDU	Orchestra	2/09-6/09	\$ 512
Bowman-Smith, Carla	5.0 EDU	Yearbook	2/09-6/09	\$1,280
Clark, Jason	3.0 EDU	Student Activities	2/09-6/09	\$ 768
Cowgill, Elizabeth	3.0 EDU	Student Activities	2/09-6/09	\$ 768
Dahm, Katy	1.0 EDU	Scholarship Advisor	2/09-6/09	\$ 256
DeHope, Kathryn	10.5 EDU	Student Activities	2/09-6/09	\$2,688
Ervin, Jordan	5.0 EDU	Student Activities	2/09-6/09	\$1,280
Fekete, Vanessa	3.0 EDU	Student Activities	2/09-6/09	\$ 768
Fekete, Vanessa	5.0 EDU	Scholarship Advisor	2/09-6/09	\$1,280
Hacker, Thomas	3.5 EDU	Student Activities	2/09-6/09	\$ 896
Loch, Amy	2.0 EDU	Vocal Music	2/09-6/09	\$ 512
Mayle, Alex	3.0 EDU	Student Activities	2/09-6/09	\$ 768
Meyer, Andrew	12.0 EDU	Student Activities	2/09-6/09	\$3,072
Miller, Jennifer	5.0 EDU	Newspaper	2/09-6/09	\$1,280
Neier, Christopher	8.0 EDU	Student Activities	2/09-6/09	\$2,048
Neier, Christopher	13.0 EDU	Athletic Director	2/09-6/09	\$3,328
Owens, Rebecca	5.0 EDU	Student Activities	2/09-6/09	\$1,280
Plaia, Jodi	10.0 EDU	Drama	2/09-6/09	\$2,560
Prunier, Sarah	4.0 EDU	Senior Advisor	2/09-6/09	\$1,024
Sferra, Luke	4.0 EDU	Senior Advisor	2/09-6/09	\$1,024
			TOTAL EDUS	\$27,392

MALIBU HIGH SCHOOL - HS Athletics - Spring

<u>Name</u>	<u>Rate</u>	<u>Assignment</u>	<u>Effective</u>	<u>Exceed</u>
Cary, John	13 EDU	Var. Track	2/09-6/09	\$3,328
Jacobs, Ari	13 EDU	Var. Softball	2/09-6/09	\$3,328
Lawson, Richard	13 EDU	Var. Boys Golf	2/09-6/09	\$3,328
Meyer, Andrew	12 EDU	Softball Asst	2/09-6/09	\$3,072
Mulligan, Michael	13 EDU	Var. Boys Swimming	2/09-6/09	\$3,328
Segesman, Timothy	13 EDU	Var. Girls Swimming	2/09-6/09	\$3,328
			TOTAL EDUS	\$19,712

SANTA MONICA HIGH SCHOOL - HS Athletics - Spring

<u>Name</u>	<u>Rate</u>	<u>Assignment</u>	<u>Effective</u>	<u>Exceed</u>
Duron, Rob	13 EDU	Var. Baseball	2/09-6/09	\$3,328
Fischer, Tania	13 EDU	Var. Track	2/09-6/09	\$3,328
Flanders, Matthew	13 EDU	Var. Swimming	2/09-6/09	\$3,328
Henderson, Luke	12 EDU	Asst. Baseball	2/09-6/09	\$3,072
Kim, Doug	12 EDU	Asst. Baseball	2/09-6/09	\$3,072
Lacy, Norm	13 EDU	Athletic Director	2/09-6/09	\$3,328
Sato, Glen	12 EDU	Asst Boys Volleyball	2/09-6/09	\$3,072
Sato, Liane	13 EDU	Var. Boys Volleyball	2/09-6/09	\$3,328
Skaggs, Debbie	13 EDU	Var. Softball	2/09-6/09	\$3,328
Vollstedt, Todd	12 EDU	Asst Track	2/09-6/09	\$3,072
TOTAL EDUS				\$32,256

TOTAL ESTABLISHED HOURLY, OWN HOURLY AND EXTRA DUTY UNITS = \$132,366

ELECTIONS

SUBSTITUTE TEACHERS

PREFERRED SUBSTITUTES

(@\$162.00 Daily Rate)

	<u>Effective</u>
Lichterman, Mimi	3/30/09

CHANGE IN ASSIGNMENT

	<u>Effective</u>
Baral, Sandra	3/18/09-6/19/09

Muir Elementary/Psychologist

From: 40%

To: 50%

LEAVE OF ABSENCE (with pay)

Name/Location

	<u>Effective</u>
Haendel, Erin	4/2/09-5/10/09
SMASH	[maternity]
Nemtsov, Rachel	5/18/09-6/19/09
Special Education	[60% - maternity]

LEAVE OF ABSENCE (without pay)

Name/Location

	<u>Effective</u>
Nemtsov, Rachel	9/4/09-6/25/10
Special Education	[40% - child care]
Rishe, Jessica	7/1/09-6/30/10
SMASH	[personal - 20%]
Strocker, Carly	9/4/09-6/25/10
John Adams MS	[personal]

RESIGNATION

Name/Location

	<u>Effective</u>
Tedford, Jennifer	4/3/09
Malibu High School	

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

04/23/09

FROM: TIM CUNEO / MICHAEL D. MATTHEWS

RE: SPECIAL SERVICE EMPLOYEES

RECOMMENDATION NO. A.16

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

<u>Name/Location</u>	<u>Not to Exceed</u>	<u>Effective Dates</u>	<u>Rate</u>
Kreft, Erik	\$600	7/1/08-7/4/08	\$150/day
Santa Monica High School; Band Camp Assistant			
FUNDING: 01-90120-0-11100-10000-2917-015-1501			-100%
Gifts			

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

04/23/09

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

RE: CLASSIFIED PERSONNEL - MERIT

RECOMMENDATION NO. A.17

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

<u>TEMP/ADDITIONAL ASSIGNMENTS</u>		<u>EFFECTIVE DATE</u>
COOPER, RAYMOND EDUCATIONAL SVCS	CAMPUS SECURITY OFFICER	3/26/09-3/27/09
GREENE, MILTON EDUCATIONAL SVCS	CAMPUS SECURITY OFFICER	3/26/09-3/27/09
JARAMILLO, GUIDO EDUCATIONAL SVCS	CAMPUS SECURITY OFFICER	3/26/09-3/27/09
JONES, CHANCY EDUCATIONAL SVCS	CAMPUS SECURITY OFFICER	3/26/09-3/27/09
LOPEZ, VICTORIA EDUCATIONAL SVCS	CAMPUS SECURITY OFFICER	3/26/09-3/27/09
MANGUM, DON EDUCATIONAL SVCS	CAMPUS SECURITY OFFICER	3/26/09-3/27/09
MARTIN, CHARLES EDUCATIONAL SVCS	CAMPUS SECURITY OFFICER	3/26/09-3/27/09
MARTIN, KEVIN EDUCATIONAL SVCS	CAMPUS SECURITY OFFICER	3/26/09-3/27/09
NUNEZ, SHERRY EDUCATIONAL SVCS	CAMPUS SECURITY OFFICER	3/26/09-3/27/09
PENA, JAIME EDUCATIONAL SVCS	CAMPUS SECURITY OFFICER	3/26/09-3/27/09
PRECIADO, DANIEL EDUCATIONAL SVCS	CAMPUS SECURITY OFFICER	3/26/09-3/27/09
SMITH, DUNELL EDUCATIONAL SVCS	CAMPUS SECURITY OFFICER	3/26/09-3/27/09
THOMPSON, TIANI EDUCATIONAL SVCS	CAMPUS SECURITY OFFICER	3/26/09-3/27/09
WILSON, STANLEY EDUCATIONAL SVCS	CAMPUS SECURITY OFFICER	3/26/09-3/27/09
<u>LEAVE OF ABSENCE (PAID)</u>		<u>EFFECTIVE DATE</u>
ANDERSON, SALLY ROGERS ELEMENTARY	ADMINISTRATIVE ASST MEDICAL	3/23/09-4/3/09

BAKER, TERRENCE MAINTENANCE	CUSTODIAN I MEDICAL	3/18/09-4/12/09
GOLDENBERG, AUDREY ROOSEVELT ELEMENTARY	INST ASST - CLASSROOM MEDICAL	4/22/09-5/13/09
GUZMAN, MARIANA FOOD SVCS	CAFETERIA WORKER I MEDICAL	2/24/09-6/19/09
GUZMAN, MARIANA FOOD SVCS	CAFETERIA WORKER I MEDICAL	9/8/09-9/30/09
LOHMEYER, JUDY PURCHASING	BUYER MEDICAL	3/2/09-5/7/09
PENA, JAIME SANTA MONICA HS	CAMPUS SECURITY OFFICER MEDICAL	3/14/09-4/30/09

LEAVE OF ABSENCE (UNPAID)

GRINDLE, ARIANNA PT DUME ELEMENTARY	INST ASST - CLASSROOM PERSONAL	<u>EFFECTIVE DATE</u> 9/8/09-12/18/09
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ABOLISHMENT OF POSITION

SR OFFICE SPECIALIST 4 HRS/SY; MALIBU HS IND STUDY	<u>EFFECTIVE DATE</u> 4/6/09
INST ASST - SPECIAL ED 6 HRS/SY; LINCOLN MS	3/18/09

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

TO: BOARD OF EDUCATION

ACTION/CONSENT

04/23/09

FROM: TIM CUNEO

RE: ADOPT BOARD OF EDUCATION MEETING SCHEDULE - 2009-10

RECOMMENDATION NO. A.18

It is recommended that the Board of Education adopt its meeting schedule for the 2009-10 school year. Meetings will continue to be held at the district office and Santa Monica and 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 2009-2010

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

July through December 2009					
Month	1 st Thursday	2 nd Thursday	3 rd Thursday	4 th Thursday	Special Note:
July			7/16 DO		
August			8/20 DO		
September	9/3 DO		9/17 DO		First day of school: 9/9
October	10/1 M		10/15 DO	10/29 (5th Thurs)	
November	11/5 M		11/19 DO		Thanksgiving: 11/26-27
December		12/10 DO		winter break	
December 20 – 31: Winter Break					
January through June 2010					
January 1 – 2: Winter Break					
January		1/14 DO			
February	2/4 M		2/18 DO		
March	3/4 DO		3/18 DO	3/25 DO	*Stairway: 3/18 & 3/19
March 29 – April 9: Spring Break					
April	spring break	spring break		4/22 DO	
May	5/6 M		5/20 DO		
June	6/3 DO		6/17 DO		Last day of school: 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

ACTION/CONSENT

04/23/09

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

RE: EXPULSION OF STUDENT (B/D 10-14-92)

RECOMMENDATION NO. A.19

It is recommended that the Board of Education expel student (B/D 10-14-92).

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

"Unlawful possession of a controlled substance."
Education Code 48915(a)(3)

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

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

MAJOR ITEMS

TO: BOARD OF EDUCATION

ACTION/MAJOR

04/23/09

FROM: TIM CUNEO / JANECE L. MAEZ

7:00pm

RE: PUBLIC HEARING - SPECIAL TAX (MEASURE R) - 2009-2010

RECOMMENDATION NO. A.20

It is recommended that the Board of Education hold a public hearing on the matter of the Special Parcel Tax (Measure R):
1) Regarding applying a Consumer Price Index (CPI-U) adjustment and 2) Allowing for public input on whether the priority programs to be supported by Funding Measure revenues should be modified in the Proposed Annual Plan. The hearing is scheduled for Thursday, April 23, 2009, at 7:00 p.m.

COMMENT: CPI-U Adjustment: Section 4. of Resolution 07-09, *Resolution Proposing a Renewal of Special Taxes to Be Placed on the February 4, 2008 Ballot for Voter Approval* requires that: "Prior to levying of the special tax each fiscal year, the Board shall conduct a public hearing on the matter. Notice of the time, date and place of hearing shall be published in accordance with applicable laws, posted at least twice in a newspaper of general circulation in the District, and posting shall commence at least fifteen (15) days prior to the hearing. Following said hearing each year, the Board shall adopt a resolution establishing the rate per parcel for that year, not to exceed \$346.00 per year adjusted annually for inflation by the CPI-U. "CPI-U" as used in this Resolution means the Consumer Price Index-All Urban Consumers, All Items for the Los Angeles-Riverside-Orange County, California Metropolitan Statistic Area, base period 1982-84=100, or its equivalent should this Index cease to exist in its current format. The annual CPI-U adjustment shall be based on the change in the CPI-U over the preceding fiscal year. Any tax levied shall become a lien upon the properties against which taxes are assessed and collectable as herein provided;"

According to *The Santa Monica-Malibu Schools Quality Education Funding Renewal Measure* Section 4.A, THE TAX LEVY-Tax Base, "The annual CPI-U adjustment shall be the twelve (12) month change in that index over the most recently available twelve (12) month period preceding the date on which the adjustment needs to be calculated for assessment purposes." Subsequent to the Public Hearing, the Board of Education will formally consider the adoption of a \$346.00 per parcel assessment for 2009-10 (no increase from the current

\$346.00 per parcel rate based on the 0% change in the CPI-U between February 2008 and February 2009).

Proposed Annual Plan: Section 5.B., ACCOUNTABILITY, PLANNING, PUBLIC INFORMATION, AND COMPLIANCE REVIEW PROVISIONS-Annual Plan, requires that an expenditure plan shall be developed annually for the succeeding fiscal year that will recommend expenditures of the tax proceeds, consistent with the intent of the Funding Measure. It further states that "The Proposed Annual Plan shall be presented for Board action each fiscal year in conjunction with the District's annual budget adoption process for the subsequent fiscal year. To facilitate public discussion, the Proposed Annual Plan shall be made available for public review ninety (90) calendar days prior to Board adoption of its annual budget." The Plan is attached and is available for public review on the District's website and in the Office of the Superintendent.

Public Comment Process: Section 5.C. provides that "No fewer than 60 calendar days before the Board acts on the annual budget for the subsequent fiscal year, the Board shall hold a noticed public hearing on the Proposed Annual Plan in order to allow for public input on whether the priority programs to be supported by Fund Measure revenues should be modified. No fewer than 30 calendar days before the Board acts on the annual budget for the subsequent fiscal year, the Proposed Annual Plan and the findings from the public hearing shall be reviewed by the Independent Citizens Oversight Committee which shall forward its recommendations to the Board." It also states that "Members of the public may comment on the plans, reports, and conditions of the Funding Measure during the public comment period of any meeting of the Independent Citizens Oversight Committee or any meeting of the Board."

Notice of the public hearing has been properly posted as required by Government Code §6061 in *The Santa Monica Daily Press* and *The Malibu Surfside News*.

OPEN PUBLIC HEARING

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

CLOSE PUBLIC HEARING

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/MAJOR

04/23/09

FROM: TIM CUNEO / JANECE L. MAEZ

RE: ADOPT RESOLUTION NUMBER 08-32 - SPECIAL TAX (MEASURE
R) - 2009-2010

RECOMMENDATION NO. A.21

It is recommended that the Board of Education resolve that the amount of the Special Tax (Measure R Parcel Tax) be adopted for the 2009-10 fiscal year, at the rate of \$346.00 per parcel, which includes a 0% CPI-U adjustment. The CPI-U adjustment was obtained from the U.S. Department of Labor, Bureau of Labor Statistics, a source considered as most credible and authoritative as prescribed in the original Proposition R language.

It is further recommended that the tax levy shall become a lien upon the properties against which taxes are assessed and collectable as provided in the October 25, 2007, Board Resolution No. 07-09, Section 4., *Resolution Proposing a Renewal of Special Taxes to Be Placed on the February 4, 2008 Ballot for Voter Approval.*

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION ACTION/MAJOR
04/23/09
FROM: TIM CUNEO / CHIUNG-SALLY CHOU / JEANNE DAVIS 7:05pm
RE: PUBLIC HEARING OF SPECIAL EDUCATION LOCAL AREA SERVICE
(SELPA) AND BUDGET PLAN

RECOMMENDATION NO. A.22

In compliance with IDEA, as amended in 2004, and California Education Code (EC) Section 56205 (b)(2) and EC Section (a), the Board of Education of the Santa Monica-Malibu Unified School District will receive public input regarding the Annual Budget and Service Plan. The Santa Monica-Malibu Unified School district has already approved the special education budget for school year 2008-2009 and established services. This hearing addresses established service requirements.

OPEN PUBLIC HEARING
MOTION MADE BY:
SECONDED BY:
STUDENT ADVISORY VOTE:
AYES:
NOES:

CLOSE PUBLIC HEARING
MOTION MADE BY:
SECONDED BY:
STUDENT ADVISORY VOTE:
AYES:
NOES:

TO: BOARD OF EDUCATION

ACTION/MAJOR

04/23/09

FROM: TIM CUNEO / CHIUNG-SALLY CHOU / JEANNE DAVIS

RE: APPROVAL OF DISTRICT ANNUAL SERVICE PLAN AND BUDGET
PLAN FOR SPECIAL EDUCATION

RECOMMENDATION NO. A.23

It is recommended that the Board of Education approve the District's special education annual Service Plan and Budget Plan after the scheduled Public Hearing.

COMMENT: In compliance with the Individuals with Disabilities Education Act (IDEA), as amended in 2004, and California Education Code (EC) Section 56205(b)(2) and Section 56001(a), the Board of Education must approve the submission of the Santa Monica-Malibu Unified School District's Annual Service Plan and Budget Plan. This submission follows a public hearing requesting input on April 23, 2009. This process is a requirement and information is collected by the Tri-City Special Education Local Planning Area (SELPA).

Both the Service Plan and Budget Plan are located in the Special Education Department Office and are available to the public.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/MAJOR

04/23/09

FROM: TIM CUNEO / JANECE L. MAEZ / STUART SAM

7:10pm

RE: PUBLIC HEARING - EVALUATION OF POTENTIAL EDISON
LANGUAGE ACADEMY EXPANSION PURSUANT TO CDE SITE
SELECTION STANDARDS - MEASURE "BB"

RECOMMENDATION NO. A.24

Prior to the Board of Education adopting Resolution 08-33 in the next agenda item, it is recommended that the Board hold a public hearing regarding the Evaluation of Potential Edison Language Academy Expansion Pursuant to CDE Site Selection Standards, as part of the Measure BB projects.

OPEN PUBLIC HEARING

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

CLOSE PUBLIC HEARING

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/MAJOR

04/23/09

FROM: TIM CUNEO / JANECE L. MAEZ / STUART SAM

RE: ADOPT RESOLUTION 08-33 - EVALUATION OF POTENTIAL EDISON
LANGUAGE ACADEMY EXPANSION PURSUANT TO CDE SITE
SELECTION STANDARDS - MEASURE "BB"

RECOMMENDATION NO. A.25

It is recommended that the Board of Education adopt Resolution No. 08-33 to make certain findings that the two residential parcels abutting the Edison Language Academy, 2508 Virginia Avenue, Santa Monica, California 90404 (APN: 4274-005-032) and 2512 Virginia Avenue, Santa Monica, California 90404 (APN: 4274-005-033) ("Parcels"), meet the California Department of Education's ("CDE") school site selection standards.

The Measure BB Advisory Committee has evaluated the Parcels pursuant to the CDE site selection standards.

DISCUSSION:

The Santa Monica-Malibu Unified School District ("District") is contemplating the possible expansion and reconstruction of the Edison Language Academy. To accomplish its goal of expanding the campus, the District is considering acquiring two abutting parcels: 2508 Virginia Avenue, Santa Monica, California 90404 (APN: 4274-005-032) and 2512 Virginia Avenue, Santa Monica, California 90404 (APN: 4274-005-033) (collectively with the existing school site, the "Proposed School Site"). Before the District can acquire the parcels to expand the Edison Language Academy, the Board of Education must evaluate the two parcels to determine if they satisfy the CDE site selection standards.

The District engaged Daly Genik Architects/IBI (Daly); Christopher A. Joseph & Associates (CAJA); LFR, Inc. (LFR); Leighton Consulting, Inc. (Leighton); PSOMAS; PCR Services Corporation (PCR) to analyze the Proposed School Site pursuant to CDE's site selection standards. Presented below is each CDE site selection standard followed by the related finding:

1. The net usable acreage and enrollment for a new school site shall be consistent with the numbers of acres and enrollment established in the 2000 Edition, "School Site Analysis and Development" published by CDE and incorporated into this section by reference, in toto, unless sufficient land is not available or circumstances exist due to any of the following:

- (A.) Urban or suburban development results in insufficient available land even after considering the option of eminent domain.**
- (B.) Sufficient acreage is available but it would not be economically feasible to mitigate geological or environmental hazards or other site complications**

which pose a threat to the health and/or safety of students and staff.

- (C.) Sufficient acreage is available but not within the attendance area of the unhoused students or there is an extreme density of population within a given attendance area requiring a school to serve more students on a single site. Choosing an alternate site would result in extensive long-term bussing of students that would cause extreme financial hardship to the district to transport students to the proposed school site.
- (D.) Geographic barriers, traffic congestion, or other constraints would cause extreme financial hardship for the district to transport students to the proposed school site.

According to the Site Size Worksheet prepared by Daly, the architect, the current size of the Edison Language Academy, 4.9 acres, is far below the CDE size standard of 7.8 acres. While the acquisition of the two parcels would provide additional space for the school, the added acreage is still not sufficient (5.5 acres for the Proposed School Site versus CDE's size standard of 7.8 acres). This Site Size Worksheet is included in Appendix G of the Edison Language Academy Mitigated Negative Declaration (MND), dated April 3, 2009, and prepared by CAJA.

Multifamily residential units flank two sides of the campus and Virginia Avenue and Kansas Avenue flank the other two sides. As a result, the campus is surrounded by dense urban development leaving insufficient available land for the District to acquire. These multifamily residential properties are vastly more expensive to acquire than the two residential properties and the District has insufficient unallocated funds to acquire these multifamily parcels. Further, the acquisition of the multifamily residential units would cause far more residential displacement.

2. If a school site is less than the recommended acreage required, the district shall demonstrate how the students will be provided an adequate educational program including physical education as described in the district's adopted course of study.

The design of the proposed project on the Proposed School Site maximizes the available play space by having the classroom buildings in two-story buildings. With the two residential parcels, the expanded site results in a square-shaped campus that will allow the pre-school facility to be located in close proximity to the elementary classrooms while maintaining play space for both elementary and pre-school children. See Figures II-9 on page II-11 of the MND. The project's design will maintain the District's adopted course of study. No courses of study will be sacrificed due to space considerations.

3. The property line of the site even if it is a joint use agreement shall be at least the following distance from the edge of respective power line easements:

- (A.) 100 feet for 50-133 kV line.**
- (B.) 150 feet for 220-230 kV line.**
- (C.) 350 feet for 500-550 kV line.**

Pages IV-39 and IV-40 of the MND report that no such electrical lines are within the stated distances from the Proposed School Site. Further, LFR prepared an Addendum to CDE Checklist letter report, dated March 26, 2008, which is included as Appendix D-3 to the Mitigated Negative Declaration. LFR determined that only power lines less than 50 kV were within 350 feet of the Proposed School Site.

4. If the proposed site is within 1,500 feet of a railroad track easement, a safety study shall be done by a competent professional trained in assessing cargo manifests, frequency, speed, and schedule of railroad traffic, grade, curves, type and condition of track need for sound or safety barriers, need for pedestrian and vehicle safeguards at railroad crossings, presence of high pressure gas lines near the tracks that could rupture in the event of a derailment, preparation of an evacuation plan. In addition to the analysis, possible and reasonable mitigation measures must be identified.

On February 13, 2008, LFR produced a CDE Checklist letter report that found that based upon field observations, the nearest railroad tracks are approximately 0.35-mile north of the Proposed School Site. It concluded that there are no active railroad tracks within 1,500 feet of the Proposed School Site. This letter report is also included in Appendix D-3 of the MND. (See MND, p. IV-40.)

5. The site shall not be adjacent to a road or freeway that any site-related traffic and sound level studies have determined will have safety problems or sound levels which adversely affect the educational program.

The Proposed School Site and existing campus are bordered on two sides by Virginia Avenue and Kansas Avenue - two residential streets - and is within 500 feet of the I-10 Freeway. Table IV-8 on page IV-57 of the MND reports that the existing daytime noise levels at the Proposed School Site range from 54.9 to 72.2 decibels. Since the Proposed School Site will not add any substantial new traffic or noise sources, CAJA determined that there would not be significant sound impacts to the educational program. (MND, pp. IV-63 and IV-64.) Further, CAJA determined that neither traffic nor pedestrian hazards exist as a result of the Proposed School Site or its proximity to the I-10 freeway.

6. Pursuant to Education Code sections 17212 and 17212.5, the site shall not contain an active earthquake fault or fault trace.

Analysis of fault proximity to the Proposed School Site is included on pages IV-31 through IV-34 of the MND. Leighton prepared a Geotechnical Investigation and Recommendations for the Proposed Project, dated August 29, 2008 and an Addendum to Geotechnical Investigation and Recommendations for the Proposed Project, dated September 12, 2008, both of which are included in Appendix C of the MND. Leighton reported on Page 5 of the Addendum that the Proposed School Site does not contain an active earthquake fault or fault trace.

7. Pursuant to Education Code sections 17212 and 17212.5, the site is not within an area of flood or dam flood inundation unless the cost of mitigating the flood or inundation impact is reasonable.

On pages IV-47 and IV-48 of the MND, CAJA reports that the Proposed School Site is not within a 100-year flood hazard area depicted on Flood Insurance Maps. Further, Leighton reported on pages 4 and 5 of the Addendum to the Geotechnical Investigation and Recommendations for the Proposed Project that the Proposed School Site is not within an area of flood or dam flood inundation. (See Appendix C of the MND.)

8. The site shall not be located near an above-ground water or fuel storage tank or within 1500 feet of the easement of an above ground or underground pipeline that can pose a safety hazard as determined by a risk analysis study, conducted by a competent professional, which may include certification from a local public utility commission.

In its Addendum to the CDE Checklist letter report included in Appendix D of the MND, LFR evaluated and determined that there are no above-ground water or fuel storage tanks in the immediate vicinity of the Proposed School Site. Further, the finding concerning pipelines has already been made by the Board through its adoption of Resolution 08-07, a copy of which is included in Appendix E of the MND. (See MND, p. IV-40.)

9. The site is not subject to moderate to high liquefaction or landslides.

In its Addendum to Geotechnical Investigation and Recommendations for the Proposed School Site (Appendix C of the MND), Leighton studied and determined that the potential for liquefaction on the Proposed School Site is low. (See MND, p. IV-33.)

10. The shape of the site shall have a proportionate length to width ratio to accommodate the building layout, parking and

playfields that can be safely supervised and does not exceed the allowed passing time to classes for the district.

The square shape of the Proposed School Site affords the best layout of school facilities. It allows the elementary and pre-school classrooms to both be located along one side of the Proposed School Site, thereby maximizing play space. The travel time between classes does not exceed District standards.

11. The site shall be easily accessible from arterial roads and shall allow minimum peripheral visibility from the planned driveways in accordance with the Sight Distance Standards established in the "Highway Design Manual," Table 201.1, published by the Department of Transportation, July 1, 1990 edition, and incorporated into this section by reference, in toto.

The Proposed School Site is easily accessible from arterial roads and allows minimum peripheral visibility from the planned driveways in accordance with the Sight Distance Standards established in the "Highway Design Manual," Table 201.1, published by the Department of Transportation, July 1, 1990 edition. (See Driveway Sight Distance Evaluation for the Edison Language Academy Project.)

12. The site shall not be on major arterial streets with a heavy traffic pattern as determined by site-related traffic studies including those that require student crossings unless mitigation of traffic hazards and a plan for the safe arrival and departure of students appropriate to the grade level has been provided by city, county or other public agency in accordance with the "School Area Pedestrian Safety" manual published by the California Department of Transportation, 1987 edition, incorporated into this section by reference, in toto.

The Proposed School Site encompasses the expansion of the existing Edison Language Academy campus that is located on residential streets and not on major arterial streets. (See Figures II-1 and II-2 on pages II-2 and II-3 of the MND.)

13. Existing or proposed zoning of the surrounding properties shall be compatible with schools in that it would not pose a potential health or safety risk to students or staff in accordance with Education Code section 17213 and Government Code section 65402 and available studies of traffic surrounding the site.

CAJA presented its analysis of land use, including zoning, on and surrounding the Proposed School Site on page IV-48 through page IV-52 of the MND and concluded that the Proposed School Site would be consistent with existing or proposed zoning. Further, the City of Santa Monica's Planning Commission determined that the Proposed School Site is consistent with the

General Plan and its associated Zoning Ordinance. (See Appendix J to MND.)

14. The site shall be located within the proposed attendance area to encourage student walking and avoid extensive bussing unless bussing is used to promote ethnic diversity.

The Proposed School Site is an expanded existing school within its attendance area. The existing school already has established student walking patterns and no change in bussing would result. The Proposed School Site would only strengthen walking habits. (See Section I, Introduction, of MND.)

15. The site shall be selected to promote joint use of parks, libraries, museums and other public services, the acreage of which may be included as part of the recommended acreage.

The Proposed School Site is an expanded existing school. Further, on page IV-70, the MND states that the Proposed School Site will foster joint use of its facilities with the City of Santa Monica.

16. The site shall be conveniently located for public services including but not limited to fire protection, police protection, public transit and trash disposal whenever feasible.

The Proposed School Site is an expanded existing school with established public services. The Proposed School Site would strengthen existing lines of public services. (See MND, pp. IV-66 through IV-69.)

17. The district shall consider environmental factors of light, wind, noise, aesthetics, and air pollution in its site selection process.

The Proposed School Site involves an expansion of the existing Edison Language Academy. The expanded portion has undergone evaluation of light, wind, noise, aesthetics and air pollution in the MND. For each environmental factor, the Proposed School Site will not expose its occupants to any significant environmental hazards or impacts.

18. Easements on or adjacent to the site shall not restrict access or building placement.

PSOMAS conducted an investigation and determined that there are no easements that conflict with access to or building placement on the Proposed School Site.

19. The cost and complications of the following shall be considered in the site selection process and should not result in undue delays or unreasonable costs consistent with State Allocation Board standards:

(A.) Distance of utilities to the site, availability and affordability of bringing utilities to the site.

Utilities are adjacent to the site, adequate and affordable. The Proposed School Site is an existing campus with established power, gas, water, sewer and storm drain utilities. The utility costs for connecting to the new facilities are expected to be reasonable.

(B.) Site preparation including grading, drainage, demolition, hazardous cleanup, including cleanup of indigenous material such as serpentine rock, and off-site development of streets, curbs, gutters and lights.

Site preparation requirements have been reviewed and anticipated and are not expected to cause undue delays or excessive costs. Hazardous materials on the Proposed School Site have been evaluated and found to be minimal. Abatement has been included in the project cost estimate. No serpentine rock has been discovered or is expected to be encountered at the Proposed School Site. The Proposed School Project is in a highly developed residential area with established off-site streets, curbs, gutters and lights. No further off-site development is required. Minor adjustments to curbs, gutters, street lighting and replacement of trees have all been coordinated with the City of Santa Monica.

(C.) Eminent domain, relocation costs, severance damage, title clearance and legal fees.

The District will make every effort to acquire the two parcels adjacent to the school site by negotiated acquisition. However, to the extent that the District must condemn the properties, the cost of doing so, including relocation costs and legal fees, will still be less than pursuing the alternate configurations for expansion, i.e., acquiring multifamily residential properties.

(D.) Long-term high landscaping or maintenance costs.

The project design has been reviewed in detail with the District Maintenance and Operations Department and no unusual long term landscaping or maintenance costs are expected.

(E.) Existence of any wildlife habitat that is on a protected or endangered species list maintained by any state or federal agency, existence of any wetlands, natural waterways, or areas that may support migratory species, or evidence of any environmentally sensitive vegetation.

As described in the MND, the Proposed School Site is a highly urbanized area with no wildlife habitat, native flora, wetlands, natural waterways or areas that may support migratory species.

20. If the proposed site is on or within 2,000 feet of a significant disposal of hazardous waste, the school district shall contact the Department of Toxic Substances Control for a determination of whether the property should be considered a Hazardous Waste Property or Border Zone Property.

The Board previously found that the Proposed School Site is not on or within 2,000 feet of a significant disposal of hazardous waste. (See Appendix J of the MND; see also pp. IV-37 through IV-39 of the MND.)

21. Meet with appropriate local government, recreation, and park authorities to consider possible joint use of the grounds and buildings and to coordinate the design to benefit the intended users as required by Education Code section 35275.

District staff and CAJA have consulted with the City of Santa Monica to consider joint use of the redeveloped school.

22. Give written notice to the local planning agency having jurisdiction to review the proposed school site or addition to an existing school site and request a written report from the local planning agency of the investigations and recommendations for each proposed site with respect to conformity with the adopted general plan as required by Public Resources Code Section 21151.2 and Government Code Section 65402.

Written notice was given to the City of Santa Monica Planning Commission who considered the Proposed School Site and issued a written report finding the Proposed School Site to be in conformity with Santa Monica's General Plan. (See Appendix J to the MND.)

23. Comply with Education Code Sections 17212 and 17212.5, with particular emphasis upon an engineering investigation made of the site to preclude locating the school on terrain that may be potentially hazardous:

(A.) The geological and soils engineering study shall address all of the following:

- (i.) Nature of the site including a discussion of liquefaction, subsidence or expansive soils, slope, stability, dam or flood inundation and street flooding.**
- (ii.) Whether the site is located within a special study zone as defined in Education Code Section 1721.2.**
- (iii.) Potential for earthquake or other geological hazard damage.**
- (iv.) Whether the site is situated on or near a pressure ridge, geological fault or fault trace**

that may rupture during the life of the school building and the student risk factor.

- (v.) Economic feasibility of the construction effort to make the school building safe for occupancy.

(B.) Other studies shall include the following:

- (i.) Population trends
- (ii.) Transportation
- (iii.) Water supply
- (iv.) Waste disposal facilities
- (v.) Utilities
- (vi.) Traffic hazards
- (vii.) Surface drainage conditions
- (viii.) Other factors affecting initial and operating costs.

Leighton conducted an engineering investigation of the Proposed School Site considering each of the factors in (A.) above and determined the Proposed School Site was geologically appropriate. (See Appendix C of the MND.)

The study of population trends is provided on pages IV-65 and IV-66 of the MND. CAJA concludes that the Proposed School Site would not cause any significant population impact or growth.

The transportation study is provided on pages IV-70 through IV-82 of the MND. CAJA's analysis did not reveal any significant transportation impact as a result of the Proposed School Site.

A study of available water supply is presented on pages IV-84 and IV-85 of the MND. CAJA determined that adequate water supplies are available for the Proposed School Site.

A traffic hazards study is presented on pages IV-41 and IV-42 of the MND. CAJA determined that there are no significant traffic hazards that would be caused by the Proposed School Site. Rather, the division of parking access between Virginia Avenue and Kansas Avenue, and the inclusion of a drop-off and pick-up lane fronting the campus on Virginia Avenue will improve traffic circulation and safety.

A study of surface drainage conditions is presented on pages IV-42 through IV-47 of the MND. CAJA determined that surface drainage conditions would not be degraded, but improved with the addition of features that percolate runoff into the ground and store it for irrigation use.

The energy efficiency gains in the new facilities at the Proposed School Site would offset and eventually outstrip any costs of start up or operation of the redeveloped school. (See pp. IV-15 through IV-23 of the MND.)

24. Prepare an environmental impact report, or negative declaration in compliance with the Environmental Quality Act, Public Resources Code, Division 13, (commencing with Section

21000 with particular attention to Section 21151.8). As required by Education Code Section 17213, the written findings of the environmental impact report or negative declaration must include a statement verifying that the site to be acquired for school purposes is not currently or formerly a hazardous, acutely hazardous substance release, or solid waste disposal site or, if so, that the wastes have been removed. Also, the written findings must state that the site does not contain pipelines which carry hazardous wastes or substances other than a natural gas supply line to that school or neighborhood. If hazardous air emissions are identified, the written findings must state that the health risks do not and will not constitute an actual or potential danger of public health of students or staff. If corrective measures of chronic or accidental hazardous air emissions are required under an existing order by another jurisdiction, the governing board shall make a finding that the emissions have been mitigated prior to occupancy of the school.

CAJA prepared an MND in compliance with the Environmental Quality Act. Further, the District's Board made the written findings described above by adopting Resolution 08-07, which is included in Appendix E of the MND.

25. Consult with, or demonstrate that the lead agency, if other than the district preparing the environmental impact report or negative declaration, has consulted with the appropriate city/county agency and with any air pollution control district or air quality management district having jurisdiction, concerning any facilities having hazardous or acutely hazardous air emissions within one fourth of a mile of the proposed school site as required by Education Code Section 17213.

This has been accomplished in conjunction with the Board's adoption of Resolution 08-07. (See Section 5 of Resolution 08-07 in Appendix E of the MND.)

26. For purposes of Environmental Site Assessment, school districts shall comply with Education Code Sections 17210.1, 17213.1, and 17213.2.

LFR conducted an Environmental Site Assessment consistent with the requirements of the Department of Toxic Substances Control. (See page IV-35 and Appendix D-1 of the MND.) However, the District will not seek DTSC's oversight or approval since the Proposed Project is locally bond funded with no contribution of state funds.

27. Follow the recommendations of the State Superintendent of Public Instruction report based upon the Department of Transportation, Division of Aeronautics, findings, if the proposed site is within two miles of the center line of an airport runway or proposed runway as required by Education Code Section 17215.

The existing school site was acquired by the District prior to 1966. Pursuant to CDE's School Facilities Planning Division Advisory 00-05, dated April 27, 2000, the expansion of the existing Edison Language Academy campus is exempt from this requirement.

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

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

**RESOLUTION NO. 08-33 -FINDINGS REGARDING POTENTIAL EDISON
LANGUAGE ACADEMY EXPANSION USING CDE SITE SELECTION STANDARDS**

WHEREAS, the Santa Monica-Malibu Unified School District (District) is considering expanding the Edison Language Academy by acquiring two abutting parcels: 2508 Virginia Avenue, Santa Monica, California 90404, APN: 4274-005-032 and 2512 Virginia Avenue, Santa Monica, California 90404, APN: 4274-005-033, for the reconstruction of the Edison Language Academy (collectively, the "Proposed School Site"); and

WHEREAS, the California Department of Education (CDE) requires a school district to evaluate a proposed school site expansion by specific site selection standards at a public hearing; and

WHEREAS, The District engaged Daly Genik Architects/IBI (Daly); Christopher A. Joseph & Associates (CAJA); LFR, Inc. (LFR); Leighton Consulting, Inc. (Leighton), PSOMAS; and PCR Services Corporation (PCR) to analyze the Proposed School Site's adherence with applicable CDE site selection standards; and

WHEREAS, the District previously adopted Resolution 08-07 addressing the suitability of the expansion concerning certain hazardous conditions and air quality; and

WHEREAS, CAJA prepared a Mitigated Negative Declaration for the Edison Language Academy on the Proposed School Site.

NOW, THEREFORE, BE IT RESOLVED, that the Santa Monica-Malibu Unified School District Board of Education hereby finds as follows:

1. The net usable acreage and enrollment for the Proposed School Site is not consistent with the numbers of acres and enrollment established in the 2000 Edition, "School Site Analysis and Development" because based upon the Board Item and its referenced documents, urban development results in insufficient available land even after considering the option of eminent domain. Further, it would not be economically feasible to acquire the alternative adjacent properties.
2. Based on the Board Item and its referenced documents, the Edison Language Academy's students will be provided an adequate educational program including physical education as described in the District's adopted course of study.

3. Based on the Board Item and its referenced documents, the property line of the Proposed Project Site is at least the following distances from the edge of respective power line easements:
 - (A.) 100 feet for 50-133 kV line.
 - (B.) 150 feet for 220-230 kV line.
 - (C.) 350 feet for 500-550 kV line.
4. Based on the Board Item and its referenced documents, there are no railroad easements within 1,500 feet of the Proposed School Site.
5. Based on the Board Item and its referenced documents, the Proposed School Site is not adjacent to a road or freeway that any site-related traffic and sound level studies have determined will have safety problems or sound levels which adversely affect the educational program.
6. Based on the Board Item and its referenced documents and pursuant to Education Code sections 17212 and 17212.5, the Proposed School Site does not contain an active earthquake fault or fault trace.
7. Based on the Board Item and its referenced documents and pursuant to Education Code sections 17212 and 17212.5, the Proposed School Site is not within an area of flood or dam flood inundation.
8. Based on the Board Item and its referenced documents, the Proposed School Site is not be located near an above-ground water or fuel storage tank or within 1500 feet of the easement of an above ground or underground pipeline that can pose a safety hazard as determined by a risk analysis study, conducted by a competent professional, which may include certification from a local public utility commission.
9. Based on the Board Item and its referenced documents, the Proposed School Site is not subject to moderate to high liquefaction or landslides.
10. Based on the Board Item and its referenced documents, the shape of the Proposed School Site has a proportionate length to width ratio to accommodate the building layout, parking and playfields that can be safely supervised and does not exceed the allowed passing time to classes for the District.
11. Based on the Board Item and its referenced documents, the Proposed School Site is easily accessible from arterial roads and allows minimum peripheral visibility from the

planned driveways in accordance with the Sight Distance Standards established in the "Highway Design Manual," Table 201.1, published by the Department of Transportation, July 1, 1990 edition.

12. Based on the Board Item and its referenced documents, the Proposed School Site is not on any major arterial streets.
13. Based on the Board Item and its referenced documents, the existing or proposed zoning of the surrounding properties are compatible with schools in that the Proposed School Site would not pose a potential health or safety risk to students or staff in accordance with Education Code section 17213 and Government Code section 65402 and available studies of traffic surrounding the Proposed School Site.
14. Based on the Board Item and its referenced documents, the Proposed School Site is located within the attendance area that encourages student walking and avoids extensive bussing.
15. Based on the Board Item and its referenced documents, the Proposed School Site is selected to promote joint use of parks, libraries, museums and other public services.
16. Based on the Board Item and its referenced documents, the Proposed School Site is conveniently located for public services including but not limited to fire protection, police protection, public transit and trash disposal.
17. Based on the Board Item and its referenced documents, the District considered the environmental factors of light, wind, noise, aesthetics, and air pollution in selecting the Proposed School Site for evaluation.
18. Based on the Board Item and its referenced documents, the easements on or adjacent to the Proposed School Site do not restrict access or building placement.
19. Based on the Board Item and its referenced documents, the cost and complications of the Proposed School Project will not result in undue delays or unreasonable costs consistent with State Allocation Board standards.
20. Based on the Board Item and its referenced documents, the Proposed School Site is not on or within 2,000 feet of a significant disposal of hazardous waste.

21. The District met with appropriate local government, recreation, and park authorities to consider possible joint use of the grounds and buildings and to coordinate the design to benefit the intended users as required by Education Code section 35275.
22. The District gave written notice to the local planning agency having jurisdiction to review the Proposed School Site and requested a written report from the local planning agency of the investigations and recommendations for with respect to conformity with the adopted general plan as required by Public Resources Code Section 21151.2 and Government Code Section 65402.
23. Based on the Board Item and its referenced documents, the District complied with Education Code Sections 17212 and 17212.5, with particular emphasis upon an engineering investigation made of the Proposed School Site to preclude locating the school on terrain that may be potentially hazardous.

Based on the Board Item and its referenced documents, the District studied the following with respect to the Proposed School Site:

- (i.) Population trends
 - (ii.) Transportation
 - (iii.) Water supply
 - (iv.) Waste disposal facilities
 - (v.) Utilities
 - (vi.) Traffic hazards
 - (vii.) Surface drainage conditions
 - (viii.) Other factors affecting initial and operating costs.
24. The District prepared a Mitigated Negative Declaration in compliance with the Environmental Quality Act, Public Resources Code, Division 13, (commencing with Section 21000 with particular attention to Section 21151.8).
 25. The District consulted with the appropriate city/county agency and with any air pollution control district or air quality management district having jurisdiction, concerning any facilities having hazardous or acutely hazardous air emissions within one fourth of a mile of the proposed school site as required by Education Code Section 17213.
 26. Based on the Board Item and its referenced documents, the District conducted its environmental site assessment of the Proposed School Site pursuant to Education Code Sections 17210.1, 17213.1, and 17213.2.

27. Based on the Board Item and its referenced documents, the Proposed School Site is exempt from following the recommendations of the State Superintendent of Public Instruction report based upon the Department of Transportation, Division of Aeronautics, findings.

PASSED AND ADOPTED by the Santa Monica-Malibu Unified School District of Los Angeles County at a regular meeting held on this 23rd day of April 2009.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Ralph Mechur, President
Board of Education

Tim Cuneo, Superintendent
Santa Monica-Malibu
Unified School District

TO: BOARD OF EDUCATION

ACTION/MAJOR

04/23/09

FROM: TIM CUNEO / JANECE L. MAEZ

RE: APPROVAL OF EXTENSION OF MASTER FACILITIES USE
AGREEMENT WITH THE CITY OF SANTA MONICA

RECOMMENDATION NO. A.26

It is recommended that the Board of Education approve the recommendations of the Adjustment Conference Committee and extend the Master Agreement and supplemental agreements with the City of Santa Monica for an additional three years (ending June 20, 2012), including an increase the City's base payment by the February CPI, with a minimum of 2% and a maximum of 4%, per the terms of the Agreement. Assuming a CPI adjustment of 2%, funding would total \$7.6 million for next fiscal year.

COMMENT

The five-year Master Facilities Use Agreement calls for an adjustment conference in January 2009 to assess the state of the community use of District facilities, the fiscal status of the City and the School District, and whether to recommend that the Agreement and related supplemental agreements be extended for an additional three year period through June 2012. Officials and staff of the City and School District met over the last three months to review each entity's fiscal conditions and budgetary challenges, including the challenges facing each as a result of the unprecedented economic downturn and State budget reductions. The Committee recommends:

- Extending the Master Facilities Use Agreement and related supplemental agreements through June 30, 2012, maintaining the annual base payment of \$7,494,503 and adjusting that amount by CPI per the terms of the existing contract. For FY 2009-10, the CPI increase will be 2%. Additional CPI adjustments will be made in FY 2010-11 and FY 2010-12.
- Convening an adjustment conference each January during the term of the Agreement to discuss any additional adjustments in payment based on the value to the City of use of the District's facilities and the City's ability to provide the School District with additional compensation for the use of District properties.
- That the City and School District develop a methodology to be used in reviewing the growth of the City's "Big 8" revenues that looks backwards over the past two fiscal years but also looks forward to the City's projected revenues and expenditures to allow for the consideration of the City's fiscal status, including projected revenues and expenditures.
- That the School District include and clearly acknowledge annual payments made by the City in its annual budget as a separate income line item.

- That the District continue to maintain the Special Education District Advisory Committee (SEDAC) or similar public committee. SEDAC or its equivalent shall review the District's special education policies and programs, make recommendations, and report to the Board of Education. The Board of Education shall hold a minimum of two semi-annual Board meetings on special education policies and programs. Changes to policies and programs shall be considered for approval by the Board at a Board meeting.

The current base payment to the School District is \$7,494,503. Approval of staff's recommendations would adjust the base amount by CPI (2%) for a total payment of \$7,644,393 next fiscal year. Staff is currently formulating next year's budget and will incorporate the new amount into the FY 2009-10 budget and FY 2010-11 budget plan. Council will formally appropriate funds with the FY 2009-10 budget adoption on June 16, 2009.

Background

Council approved the Master Facilities Use Agreement and related supplemental agreements in spring 2005. Opportunities for new parks and recreational facilities are extremely limited within the City's fully built environment. Therefore, the purpose of the Agreement is to allow the City and the community to use School District playfields, recreational facilities and buildings which are under-utilized during non-school hours. The Agreement provides unrestricted revenue to the School District in return for use of District facilities. The School District has utilized City funds to support the District's goal to promote extraordinary achievement for all students while simultaneously closing the achievement gap. The Agreement spans five years (July 2004 to June 2009) with two renewal options that would extend the agreement to June 30, 2014. The City pays the School District an annual base payment of \$6.0 million, which has been adjusted each year per the terms of the Agreement and now totals \$7,494,503. This payment is in addition to the funds contributed by the City for programs and services it provides at District school sites, which total approximately \$2.5 million this year and for which the City received \$661,000 in fee revenue. The City provides approximately \$26 million annually in community-based youth programs. The Agreement calls for an adjustment conference to be held in January 2009 to assess the state of community use of District facilities, the fiscal status of the City and the School District and whether to recommend that the Agreement be extended for an additional three year period through June 2012.

The adjustment conference committee convened its first meeting on January 26, 2009 with two subsequent meetings on February 4th and February 23rd. Adjustment conference participants included Mayor Ken Genser, Mayor Pro Tempore Pam O'Connor, School Board

President Ralph Mechur, Vice President Barry Snell, School District Superintendent Tim Cuneo, City Manager P. Lamont Ewell, Deputy City Manager Elaine Polachek, City Finance Director Carol Swindell and School District Finance Director Janece Maez.

Discussion

Fiscal Conditions

As part of its charge, the committee discussed the budgetary and fiscal conditions of each organization, including the challenges facing each as a result of the unprecedented economic downturn and State budget reductions. The City is facing significant reductions in its revenues including projected reductions in sales and use tax, transient occupancy tax and property tax. The most recent five year forecast showed revenue projections for FY 2008/09 with expected receipts \$1.8 million below budget estimates; however, conditions are continuing to deteriorate and the next set of projections will show a further decline in revenue. These declines, as a result of the unprecedented economic downturn, are expected to continue into 2010 and perhaps beyond. Additionally, the City faces challenges in FY 2011/12 as a result of CalPERS' decline in investment income, which will cause a significant increase in employer contribution rates for employee retirement benefits. Given current projections, the City estimates a budget shortfall of over \$8 million in FY 2009/10, but this number is expected to deteriorate further based on recent revenue information. The City Manager has implemented a hiring freeze and has asked departments to identify 3% savings in their FY 2008/09 budgets and prepare FY 2009/10 budget proposals containing expenditure reductions totaling 5%. Overall fiscal conditions are continuing to deteriorate as a result of the significant economic downturn and additional budget adjustments may be needed in order to ensure that a structural deficit does not exist.

The School District is also facing significant reductions in revenue as a result of State budget cuts. The School District receives 73% of its revenue from the State and about 4% of its revenue from the federal government. The School District is projecting a loss of approximately \$12 million in State funding over the next two fiscal years. As a result, the School District has identified a number of proposals to close their funding gap including a hiring freeze, increasing class size, reductions in the central administrative office, health benefits, contracts and elementary school music.

Revenue Performance

The Agreement calls for an evaluation of the performance of eight of the City's General Fund revenue sources as a basis for recommending adjustments to the City's base payment to the School District. The "Big 8" revenue sources are property tax,

sales tax, utility user tax, transient occupancy tax, business license tax, real property transfer tax, parking facilities tax, and fines/forfeitures.

The Agreement specifies two conditions whereby the adjustment conference will discuss adjusting the base payment. The first condition is whether the growth of these revenues for the two year period between July 1, 2006 and July 1, 2008 exceeds 4% and the second test is whether the growth of these revenues exceeds CPI by 1.25% in each of the two fiscal years. Neither of these tests was met over the last two fiscal years. However, committee members acknowledged the continued need to provide monetary support to the District, in the form of compensation for use of facilities, particularly in these difficult economic times, while minimizing the reduction in other City services. Therefore, the committee recommends that a CPI increase be applied to the base annual payment to the School District per the terms of the agreement.

Committee Recommendations

The Adjustment Committee recognized that the community's desire for and commitment to excellent public schools is balanced with their expectations for a wide range of municipal services and programs as well as a safe and well-maintained City infrastructure. Accomplishing both goals will be especially challenging over the next three years of this Agreement. With this in mind, the committee recommends extending the Master Facilities Use Agreement and related supplemental agreements through June 30, 2012, maintaining the annual base payment of \$7,494,503 and adjusting that amount by CPI which will result in an additional \$149,890 to the School District. Each January during the term of the Agreement, the committee recommends that the City and School District reassess their respective needs and ability to provide services for their constituents. An adjustment conference will be convened to discuss any additional adjustments in payment based on the value to the City of use of the District's facilities and the City's ability to provide the District with additional funding.

The Adjustment Committee also discussed developing a methodology to be used in reviewing the growth of the City's "Big 8" revenues that looks backwards over the past two fiscal years but also looks forward to the City's projected revenues and expenditures. This allows for the consideration of the City's fiscal status, including projected changes in fiscal conditions and the need to consider other services to the community.

Staff has identified several other issues that could significantly impact the City's fiscal health and should be considered relative to the City's ability to provide additional funding to the School District. State revenue grabs are still

possible given the continued economic downturn. In addition, significant legal judgments against the City cannot be predicted and could seriously affect available resources. Moreover, the Agreement only recognizes changes in the City's largest revenues as a basis for recommending adjustments to the base payments. It does not address situations like the present economic downturn where revenues are declining precipitously, nor does it consider needed changes in services provided to the community in other General Fund supported areas. The City must consider all services needed and desired by the community and balance those needs with the funding provided to the School District.

Accountability

Both the City and the School District agree that it is in the best interest of the community if the benefits of the Agreement as well as the financial status of the two organizations continue to be well understood. And while both organizations acknowledge and agree that the decisions on use of the City's payments are best left to the discretion of the Board of Education, an extension of the Agreement will continue to call for School District accountability to the community.

To that end, the District will include and clearly acknowledge annual payments made by the City in its annual budget as a separate income line item.

The March 2008 Lou Barber & Associates evaluation of the School District's Special Education services made 27 recommendations. One of those recommendations was to create a culture of transparency and openness in dealing with all stakeholders. The proposed Agreement extension requires that the District continue to maintain the Special Education District Advisory Committee (SEDAC) or similar public committee. SEDAC or its equivalent shall review the District's special education policies and programs, make recommendations, and report to the Board of Education. The Board of Education shall hold a minimum of two semi-annual Board meetings on special education policies and programs. Changes to policies and programs shall be considered for approval by the Board at a Board meeting.

Financial Impacts & Budget Actions

The current base payment to the School District is \$7,494,503. Approval of staff's recommendations would adjust the base amount by CPI (2%) for a total payment of \$7,644,393 next fiscal year. Future adjustment conferences will be convened to discuss any additional adjustments in payment based on the City's ability to provide the District with additional compensation for use of District facilities. If additional adjustments are not possible, the payments will increase by CPI in years two and three of the Agreement. Staff is currently formulating next year's budget and will incorporate the new amount into the FY

2009-10 Budget and FY 2010-11 Budget Plan. Council would formally appropriate funds with the FY 2009-10 budget adoption on June 16, 2009.

Attached is a copy of the Agreement Extension.

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

AMENDED AND EXTENDED MASTER FACILITIES USE AGREEMENT

THIS MASTER FACILITIES USE AGREEMENT EXTENSION (“Agreement”) is entered into this _____ day of _____, 2009, by and between the CITY OF SANTA MONICA, a municipal corporation and charter city (“the City”), and the SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT, a unified school district (“the District”), each duly organized and existing under the laws of the State of California.

RECITALS:

A. The City and the District share mutual goals in assisting in preparing youth to become productive members of society and support each other’s efforts in that regard.

B. Many of the City’s projects and programs for children, youth and their families and certain activities provided by Santa Monica youth-serving non-profit organizations take place at public parks, playgrounds, play fields, and other City-owned recreational facilities.

C. However, the City’s playgrounds, play fields, and recreational facilities are limited in size and are not sufficient to accommodate all of the current recreational needs of the community’s children and youth and their families.

D. Opportunities to create new parks and recreational facilities are limited because the City’s total land area is very small – approximately eight square miles – and the City is fully built-out.

E. Additionally, land values are very high within the City and are rising.

F. The District owns and operates school sites within the City which include playgrounds, play fields, recreational facilities and buildings which are under-utilized during non-school hours.

G. The City and District desire to enter into a master agreement which will allow City and community use of school facilities within the City to meet certain recreational and other needs during hours when the facilities are available for such use, allowing the District to benefit from such use of the facilities through the generation of revenues for the maintenance of the District’s education programs.

H. It is the intent of the City and the District to maximize the exchange of value – community use of District facilities within the City and revenue flow to the District.

I. It is recognized by the City and the District that new and ongoing resources are desired and necessary to fully support the strategic plan(s) and the community’s expectations of both organizations.

J. The District understands that the City’s continued financial contributions help support and enhance the educational enrichment of Santa Monica’s children.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. TERM.

The term of this Agreement, initially shall be five years commencing on July 1, 2004, and ending on June 30, 2009, shall be extended 3 years (ending June 30, 2012) and in 2012 may be extended for an additional 2 years (ending June 30, 2014).

2. SUPPLEMENTAL USE AGREEMENTS.

Supplemental Use Agreements, governing specific programs and projects, are contemplated by the parties and shall be executed pursuant to this Master Facilities Use Agreement. This provision shall not be construed to prevent the City and the District from entering into other agreements relating to school sites and facilities within the City not specifically mentioned herein, or as the parties may desire.

3. PREMISES.

The premises governed by this Agreement ("the Premises") shall consist of playgrounds, play fields, and structures available for City and community use at the District's school sites in Santa Monica. The particular facilities which the City will use at each site shall differ for each program or project and shall therefore be specified in Supplemental Use Agreements governing specific programs and projects operated by the City on District property. However, in general, in making its facilities available pursuant to this Agreement and the various Supplemental Use Agreements, the District shall give the City priority over other non-District users.

4. USE OF PREMISES.

The Premises shall be used by the City to provide supervised and unsupervised recreational opportunities, child care, enrichment classes, and other services. Specific programs and projects shall be governed by Supplemental Use Agreements that establish operating guidelines for said programs and projects. Premises may also be made available by the District for use by non-profit organizations providing programs and activities for Santa Monica youth and other users to the extent the uses and scheduling are not in conflict with the provisions of the Supplemental Use Agreements pursuant to this Section.

5. COMPENSATION.

A. In consideration of City and community use of School District facilities in Santa Monica and its associated benefits, the City shall pay the District for use of the Premises described in this Agreement initial Annual Base Payments totaling Six Million Dollars (\$6,000,000). Payment shall be made in two equal installments, one half by January 1st and one half by April 1st. In determining compensation, the City and District have not appraised the value of the Premises and do not assert that \$6,000,000 represents the precise value of the facilities the City may access under this Agreement. During the term of this Agreement, the base payment may be adjusted as described below in this Section 5.

B. Annual Adjustments Based on the Consumer Price Index. Annual Base Payments will be adjusted by the Consumer Price Index for all urban wage earners and clerical workers for LA/LB SMSA (CPI), as measured from February to February with a minimum 2% and a maximum 4% adjustment.

C. Periodic Adjustments Based on Facility Use and Revenues.

(1) In January 2007 the parties will convene an adjustment conference to assess the state of community use of the Premises and the fiscal status of the two organizations with the objective of adjusting the current payments for the use of said facilities upward or

downward by a maximum of \$1,000,000.00, or holding payments constant for the fiscal year beginning July 2007. The adjustment conference participants (“conferees”) will consist of the following persons: the City Manager, Superintendent of Schools, the Finance officers of both the City and the District, the Mayor, and the School Board President. The conferees will participate in the adjustment conference with the objective to have recommendations before the City Council and School Board by March 1, 2007.

(2) In assessing the fiscal status of the City in order to establish the payments for the use of the Premises, the total of the following “Big Eight” General Fund revenue sources will be used: 1) property tax, 2) sales tax, 3) utility users tax, 4) transient occupancy tax (TOT), 5) business licenses tax, 6) real property transfer tax, 7) parking facilities tax, and 8) fines/forfeitures. Additionally, the City and District will develop a methodology to be used in reviewing the growth of the City’s “Big 8” revenues that looks backwards over the past two fiscal years but also looks forward to the City’s projected revenues and expenditures to allow for the consideration of the City’s fiscal status, including projected revenues and expenditures.

(3) If the actual growth of the “Big Eight” revenues (see subsection (2) above) over the two-year period July 2004 to July 2006 exceeds the increase of CPI for the same period by 4% and the increase in each of the years July 2004 to July 2005 and July 2005 to July 2006 exceeds the CPI for the same periods by at least 1.25%, the conferees will discuss adjusting the base payments by an additional $\frac{3}{4}$ of 1% of the average of the actual “Big Eight” revenues for the fiscal year beginning July 2004 and the fiscal year beginning July 2005 to a maximum of \$1,000,000.00 effective July 2007. While the result of the discussions cannot be predetermined, the conferees will be mindful of the intent of this Agreement in approaching the discussion.

(4) If the actual growth of the “Big Eight” revenues over the two year period July 2004 to July 2006 exceeds the increase in CPI for the same period but does not reach the level specified in subsection (3), above, the conferees will discuss whether to recommend if there should be any adjustment to base payments effective July 2007 above that specified in Section B above. While the result of the discussions cannot be predetermined, the conferees will be mindful of the intent of this Agreement in approaching the discussion.

(5) If the actual growth of the “Big Eight” revenues over the two year period July 2004 to July 2006 does not increase by at least the increase in the CPI for the same period, the conferees will discuss whether: 1) base payments should be held constant, 2) the CPI contemplated in Section B, above, withheld, or 3) base payments reduced by some amount which in no case would exceed \$1,000,000.00 effective July 2007. While the result of the discussions cannot be pre-determined, the conferees will be mindful of the intent of this Agreement in approaching the discussion.

(6) In January 2009, the adjustment conference described above was convened to assess the state of community use of the Premises and the fiscal status of the two organizations and discuss whether to recommend that this Agreement should be extended for an additional 3 years (ending June 30, 2012). The procedures described in subsections (3), (4) and (5) above, were used to set the FY 2009/2010 base payments, except that the periods of actual revenue and CPI increase comparison were July 2006 to July 2008 and the previously adjusted maximum was adjusted by the change in CPI for the same period, providing a new maximum cap on any adjustment upward or downward. Each January during the term of the Agreement, an adjustment conference will be convened to discuss any additional adjustments in payment based on the value to the City of use of the

District's facilities and the City's ability to provide the School District with additional compensation for the use of District properties.

(7) In January 2012, the adjustment conference described above will be convened to assess the state of community use of the Premises and the fiscal status of the two organizations and discuss whether to recommend that this Agreement should be extended for an additional 2 years (ending June 30, 2014), using the formula described in subsections (3), (4) and (5) above to set the FY 2012/2013 base payments, except that the periods of actual revenue and CPI increase comparison will be July 2009 to July 2011 and the then current maximum on any adjustment upward or downward will again be adjusted by the change in CPI for the same period, providing a new maximum cap.

(8) Notwithstanding the foregoing provisions of Section 5.C., if in each of any two consecutive fiscal years over the term of this Agreement the actual growth of the total "Big Eight" revenues exceeds 7.5%, the conferees will meet in January to discuss adjusting payments above the then applicable cap effective July 1 of the same calendar year. If in each of any two consecutive fiscal years over the term of this Agreement the actual revenue from the total "Big Eight" revenues declines by 7.5%, the City may convene the conference to discuss temporarily suspending this Agreement.

6. RESPONSIBILITIES OF THE PARTIES.

A. The City's Director of Community and Cultural Services shall be responsible for the direction and supervision of the City's programs and projects on the Premises.

B. The Superintendent of the District or his or her designee, and the Director of Community and Cultural Services, or his or her designee, shall jointly establish a Master Calendar for the City's use of the Premises for the ensuing fiscal year no later than the 1st day of July of each year. Revisions may be made throughout the year upon mutual agreement of the Superintendent of District and the Director of Community and Cultural Services.

C. The District shall ensure that clean and conveniently located restroom facilities are open and available for use by participants in all City operated programs and projects.

D. Responsibility for maintenance, repairs, custodial services, utility payments, staffing and security relating to the City's use of the Premises for particular programs and projects shall be specified in Supplemental Use Agreements.

E. The District's responsibility for providing equipment and improvements for specific City programs and projects shall be specified in Supplemental Use Agreements. Except as so specified, necessary improvements and equipment shall be purchased, owned, installed, maintained and repaired by the City.

7. ACCOUNTABILITY.

A. The parties agree that the best interests of the public will be served if the benefits of this Agreement as well as the financial status of the two organizations are well understood. To that end, the City Manager and Superintendent will prepare an annual report on the status of this Agreement for presentation to the City Council and Board of Education in conjunction with the annual budget cycles of the organizations. Additionally, the District will include and clearly acknowledge in its annual budget as a separate line item, the payments made by the City pursuant to this Agreement. The City and the District will make the annual report and their proposed and adopted budgets available at public libraries and on-line and will continue to seek ways to make complex financial information more understandable to the community. Both

organizations will observe the provisions of the Brown Act in regard to this Agreement, as in all matters of governance subject to the terms of the Act.

B. If, at any time, the City Council determines that the District is not in compliance with this Agreement, the City Council shall direct the City Manager to provide 30-days written notice to the District Superintendent of the default and the opportunity to cure. The City Manager and District Superintendent shall meet and confer during the 30-day cure period. If the default is not cured to the satisfaction of the City, the City Manager may delay all or a portion of one installment of the payments, in an amount proportionate to the nature of the default, until the default is cured.

C. The District will continue to benefit from the advice of its Financial Oversight Committee.

D. Additionally, the District shall continue to maintain the Special Education District Advisory Committee (SEDAC) or similar public committee. SEDAC or its equivalent shall review the District's special education policies and programs, make recommendations, and report to the Board of Education. The Board of Education shall hold a minimum of two semi-annual Board meetings on special education policies and programs. Changes to policies and programs shall be considered for approval by the Board at a Board meeting.

E. In the event the District discontinues SEDAC and replaces this body with an equivalent public entity, the Board shall notify the Mayor and Council in writing of within ten (10) business days of said change.

8. TERMINATION OF RIGHTS.

The City and the District may mutually agree to terminate this Agreement. In that event, District shall have the option of purchasing from the City, all or any part of the fixed improvements, of any kind or nature whatsoever, installed by the City on the Premises. In the event the District elects not to purchase all, some or any of said improvements, the City shall remove those items not purchased from the Premises. In such event, the City shall restore the grounds in the area of such removal operations to a neat, clean and acceptable condition.

In the event the District intends to dispose of the Premises, the City shall have the right of first refusal to purchase or lease said site or facility to the extent permissible by law. Any such purchase shall be at a price negotiated by the parties or, if the purchase is pursuant to the Naylor Bill or any state law providing City the right to purchase District land at a price other than fair market value, then at such price as is determined using the provisions of state law. The City shall provide written notice to the District of its intent to purchase or lease the Premises, or any part thereof, pursuant to this Section within 90 days of agreement to terminate, or within such other time as is required by state law if the Premises is purchased pursuant to state law.

The City and District understand that if any initiative is approved by the voters that would adjust or amend the City Charter for the purposes of funding educational programs, this Agreement is no longer binding.

9. MUTUAL INDEMNIFICATION.

A. Indemnification by the District. The District hereby agrees to defend, indemnify and hold harmless the City of Santa Monica, its City Council, boards and commissions, officers, agents, employees, and volunteers (collectively "City") from and against all claims, damages, losses, expenses, demands, liability, lawsuits, and judgments including, but not limited to, attorney's fees, arising directly or indirectly from or in any manner related to the District's

possession, occupancy or use of the Premises pursuant to this Agreement or arising from or in any manner connected to the District's business, activities, operations, services or work conducted in, or about the Premises, except as otherwise expressly stated herein. For purposes of this paragraph, District use of the premises shall also include use by any organization, entity or individual other than the City and the City's agents. However, the District shall not be required to indemnify the City where such claim arises from the negligence or wrongful misconduct of the City. The City shall promptly notify the District of any claim and cooperate with the District in connection with the defense of such claim.

B. Indemnification by the City. The City hereby agrees to defend, indemnify and hold harmless the District, its Board of Education, committees, officers, agents, employees, and volunteers (collectively "District") from and against all claims, damages, losses, expenses, demands, liability, lawsuits and judgments including, but not limited to, attorney's fees arising directly or indirectly from or in any manner related to the City's possession, occupancy or use of the Premises pursuant to this Agreement or arising from or in any manner connected to the City's business, activities, operations, services or work conducted in or about the Premises, except as otherwise expressly stated herein. The City's indemnification extends to all City uses and any community user groups pursuant to Supplemental Use Agreements. However, the City shall not be required to indemnify the District where such claim arises from the negligence or wrongful misconduct of the District. The District shall promptly notify the City of any claim and cooperate with the City in connection with the defense of such claim.

C. Survival of Section. This Section shall survive the expiration or earlier termination of this Agreement.

10. INSURANCE.

Prior to execution of this Agreement, the District and the City shall procure and thereafter maintain insurance against claims for injuries to persons or damage to property arising from or in connection with use of the Premises pursuant to this Agreement as specified in Attachment A. The acquisition and maintenance of such insurance shall not affect the obligation of indemnity established by Section 9 of this Agreement.

11. COMPLIANCE WITH LAW.

All activities undertaken pursuant to this Agreement shall be in accordance with all applicable ordinances, resolutions, statutes, rules and regulations of any federal, state or local governmental agency of competent jurisdiction.

12. NOTICES.

All notices, demands, requests or approvals to be given under this Agreement shall be given in writing and conclusively shall be deemed served when delivered personally or on the fifth business day after deposit in the United State mail, postage prepaid, registered or certified, addressed as follows:

All notices, demands, requests or approval from the District to the City shall be addressed to the City at:

Department of Community and Cultural Services
City of Santa Monica
1685 Main Street
Santa Monica, CA 90401
Attn: Director

All requests for payment shall be addressed to:

Department of Finance
City of Santa Monica
1717 4th Street, Suite 250
Santa Monica, CA 90401
Attn: Director

All notices, demands, requests or approval from the City to the District shall be addressed to the District at:

Santa Monica-Malibu Unified School District
1651 16th Street
Santa Monica, CA 90404-3891
Attention: Asst. Supt. of Fiscal and Business Services

13. AMENDMENTS TO AGREEMENT.

In recognition of the fact that economic and other circumstances affecting the parties' participation in this Agreement are subject to fluctuation and change, the parties expressly note and agree that this Agreement may be amended or modified at any time by agreement of the parties. Any amendment to or modification of this Agreement shall be in writing and shall be effective only upon approval of the City Council of the City and the Board of Education of the District.

14. INTERPRETATION OF AGREEMENT.

The terms of this Agreement shall be construed in accordance with the meaning of the language used and shall not be construed for or against either party by reason of the authorship of this Agreement or any other rule of construction which might otherwise apply. The section headings are for purposes of convenience only.

15. INTEGRATION OF AGREEMENT.

It is understood that there are no oral agreements between the parties hereto affecting this Agreement and the subject matter thereof and this Agreement supersedes and cancels any and all previous negotiations, arrangements, oral agreements and understandings, if any, between the parties, and none shall be used to interpret this Agreement.

16. SEVERABILITY.

In the event that part of this Agreement shall be declared invalid or unenforceable by a valid judgment or decree of a court of competent jurisdiction, such invalidity or unenforceability shall not affect any of the remaining portions of this Agreement which are hereby declared as severable and shall be interpreted to carry out the intent of the parties hereunder unless the invalid provision is so material that its invalidity deprives either party of the basic benefit of their bargain or renders this Agreement meaningless.

17. ATTORNEY'S FEES.

If a party to this Agreement is required to initiate or defend, or is made a party to, any action or proceeding in any way connected with this Agreement, the prevailing party in such action or proceeding, in addition to any other relief which may be granted, whether legal or equitable, shall be entitled to reasonable attorney's fees.

18. APPLICABLE LAW.

This Agreement shall be construed and interpreted under and governed and enforced according to the laws of the State of California.

IN WITNESS WHEREOF, the parties have executed this Master Use Facilities Agreement as of the day and year first above written.

CITY OF SANTA MONICA,
a municipal corporation

ATTEST:

MARIA STEWART
City Clerk

By _____
P. LAMONT EWELL
City Manager

SANTA MONICA MALIBU UNIFIED SCHOOL
DISTRICT, a unified school district

APPROVED AS TO FORM:

MARSHA JONES MOUTRIE
City Attorney

By _____
Title: _____

TO: BOARD OF EDUCATION

ACTION/MAJOR

04/23/09

FROM: TIM CUNEO / JANECE L. MAEZ

RE: AMEND CERTIFICATION OF SIGNATURES

RECOMMENDATION NO. A.

It is recommended that the Board of Education amend the Certification of Authorized Signatures, as presented on December 11, 2008, in *Recommendation No. A.26*, to change the signature authority to include Mr. Stuart A. Sam as the Director of Facility Improvement Projects, and delete the name of Ms. Ruth A. Valadez, former Director of Special Education.

It is further recommended that the attached document "Certification of Signatures" be completed and filed with the County Superintendent of School in accordance with Education Code Section §42633. Mr. Sam's signature will be considered valid as of March 23, 2009.

COMMENTS: Mr. Sam was approved as Director of Facility Improvement Projects on April 2, 2009 (Item A.20), but his signature authority is effective as of his start date on March 23, 2009.

Ms. Valadez resigned from the District on March 6, 2009.

Approval of this Board Action will authorize Mr. Sam to sign contracts, invoices and other documents as directed by the Board of Education.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

Santa Monica-Malibu Unified School District

Addendum to

CERTIFICATION OF SIGNATURES

As Secretary to the governing board of the above-named school district, I certify that the signature as shown below is the verified signature of the person authorized to sign contracts, invoices and other documents as directed by the Board of Education. This certification is made in accordance with the provisions of Education Code Sections:

K-12 Districts: §35143, §42632 and §42633

This approved signature is valid for the period from March 23, 2000 through December 2, 2009, in accordance with governing board approval dated April 23, 2009.

Signature: _____

Tim Cuneo

Superintendent & Secretary to the Board

Signature of Personnel authorized to sign Orders for Salary or Commercial Payments, Notices of Employment, Contracts and Other Documents as directed by the Board of Education:

Signature:	
Typed Name:	Stuart A. Sam
Title:	Director of Facility Improvement Projects

DISCUSSION ITEMS

TO: BOARD OF EDUCATION

DISCUSSION

04/23/09

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

RE: 2009-10 BUDGET UPDATE

DISCUSSION ITEM NO. D.01

In the ongoing budget development process, staff will update the Board with current information. Staff will:

- Prepare current projections for fiscal years 2008-09 through 2011-12
- Describe the use of categorical flexibility provided in the State budget. This will include both prior year carryover and future years' flexibility.
- Update the Board on current enrollment and staffing projections and the impact on the District's budget.
- Update the Board on potentials for the use of federal stimulus money.

Staff will be presenting a presentation at the board meeting regarding the above information.

TO: BOARD OF EDUCATION

DISCUSSION

04/23/09

FROM: TIM CUNEO / CHIUNG-SALLY CHOU / MARTHA DURAN-CONTRERAS

RE: SPECIAL EDUCATION COLLABORATIVE WORKING GROUP REPORT

DISCUSSION ITEM NO. D.02

Shortly after joining SMMUSD, Superintendent Cuneo worked with the Board of Education to establish the SMMUSD Special Education Collaborative: a Sponsor Group and the Working Group, comprised of parents, staff, and community members.

The goals of the Collaborative were to (1) make recommendations to the Superintendent that will strengthen the quality and climate of Special Education throughout the District, (2) clarify roles and decision-making authority, as well as inclusive and respectful processes for Special Education, and (3) develop a collaborative approach for addressing issues of change. The Board approved the approach in October and Claros Group was retained by SMMUSD to facilitate the Working Group and consult with the Sponsor Group.

The Working Group accomplished a great deal in a short time period. They met ten times between the end of November and the beginning of March. Meetings were held from 4-8pm on weekday evenings. Subgroups composed of parents and educators met separately to draft, refine, and finalize recommendations for the seven goal areas. *The Working Group Report on Special Education in the Santa Monica-Malibu Unified School District* was given to Superintendent Cuneo on March 19, 2009.

The Superintendent will come forward at a future board meeting with recommendations based on the report.

The report is available online on the district's website:
www.smmusd.org.

GOAL 1: CREATE A CULTURE OF INCLUSION AND INTEGRATION

Cultivate and maintain a culture of inclusion and integration throughout SMMUSD by updating and monitoring the District's current Policy of Inclusion and Integration, hiring a full-time Integration Director and holding Principals accountable via their performance reviews.

Recommendation	District Response	Responsible
1.1 Revise the District's current Policy of Inclusion and Integration and monitor its success.	<ul style="list-style-type: none">• BP 6164 – district is currently reviewing all policies aligned with current schedule of District policy review process	Superintendent
1.2 Hire a full-time Integration Director	<ul style="list-style-type: none">• A separate Integration Director position is not being considered at this time. There is an Inclusion Specialist position open currently. Integration activities will be part of the coordinators' responsibilities.	Director of Special Education
1.3 Evaluate Principals based on integration of students with special needs	<ul style="list-style-type: none">• Site administrators will be held accountable for the integration activities at school sites. Principals will have training in the different possibilities for integration.	Senior Cabinet Director of Special Education

GOAL 2: RECRUIT, RETAIN AND TRAIN EXCELLENT SPECIAL EDUCATION STAFF

Critical to the success of our Special Education programs is the hiring, retention and training of highly qualified teaching and classified staff.

Recommendation	District Response	Responsible
2.1. Require the Personnel Commission and the Human Resources department to expedite the hiring process	<ul style="list-style-type: none"> • On-going collaboration between Personnel Commission, Human Resources, Special Ed, & sites • Personnel Commission has identified one point person to work with Sp Ed • Flexible orientation meetings/safety tests have been established • Planning to initiate on-line testing • Testing is also now done in Malibu • Tracking system for each position control is in the process • Moved instructional assistant test qualification to six months, instead of one year 	Personnel Commission & HR Directors
2.2. Require the Personnel Commission and Human Resource to strengthen recruitment efforts	<ul style="list-style-type: none"> • Continue w/ recruitment in local colleges, Internet, eg EdJoin, Craigslist, Monster, Education Offices, local newspapers, job fairs, associations, etc. • Posting positions ahead of time, heavier recruitment end of spring-summer 	Directors of Personnel and Human Resources
2.3. Require the Personnel Commission and Human Resources departments to continue to conduct comparative compensation surveys	<ul style="list-style-type: none"> • Have completed, work w/ other agencies & school districts compare salaries. (Salaries are negotiated items) 	
2.4. Offer and encourage internships and volunteer opportunities. Promote and encourage internal staff for career advancement	<ul style="list-style-type: none"> • May Job Fair • Will ID person in Special Ed to be point person for internships, etc. (similar to psychs) • Have restarted internal Career Development Program (32 interested) • Place information in our dept. newsletters, emails 	BTSA Coordinator
2.5. Mandate monthly reconciling among Personnel Commission, Human Resources and Special Education department, to ensure an accurate number of current openings.	<ul style="list-style-type: none"> • Currently reconciling vacancies, will continue to formalize process • Will hold formal quarterly meetings between PC/HR/Special ED • Continue with informal mtgs/updates between PC/HR and Spec Ed Admin Assistant • Position Controls will continue to stay centralized, principals will be kept informed 	Director of Special Ed

2.6. Institute periodic blind (satisfaction) surveys with existing staff to better understand current needs. Conduct exit interviews with all departing staff to acquire feedback regarding the reason for leaving the position.	<ul style="list-style-type: none"> Currently working on satisfaction survey and exit interviews 	HR and PC Directors
2.7. Complete and distribute the District's Special Education Procedural handbook to all staff (i.e. teachers and assistants) to ensure that strategies and important Special Education information is conveyed when they begin the school year.	<ul style="list-style-type: none"> Currently working on District Special Education Procedures Handbook. Will continue through summer to be available by beginning of school 2009-2010. 	Special Ed Director
2.8. Make staff training in Special Education related topics mandatory.	<ul style="list-style-type: none"> On-going efforts are being coordinated between Educational Services & Special Ed Dept. 	Special Ed Director & Ed Services
2.9. Schedule staff trainings so that Special Education staff can attend important trainings offered to General Education teachers and vice versa. All staff should participate in trainings that will impact the ability of teachers and IA's to support all learners (e.g. curriculum, policies, IEP implementation, etc.)	<ul style="list-style-type: none"> On-going efforts are being coordinated between Educational Services & Special Ed Dept. 	Special Ed Director & Ed Services
2.10. Ensure a work environment that is free of fear, one that respects, values and supports all staff in order to promote a learning environment that is innovative, creative and fosters the ability of staff to advocate for all children.	<ul style="list-style-type: none"> District is reviewing all policies. Will be addressed in harassment and civility policy. Complaint procedure is in place. 	Senior Cabinet
2.11. In coordination with BTSA, establish a mentor program to support all new Special Education staff.	<ul style="list-style-type: none"> Will work with BTSA Coordinator. Review National Board Certified Teacher hours and Orientation for all staff 	HR Director

GOAL 3: IMPROVE IEP PROCESS

In order to improve the IEP process, IEP team meetings need to be understandable, transparent, open, friendly, respectful and consistent throughout the District.

Recommendation	District Response	Responsible
3.1. Develop an IEP Parent Packet to be sent home prior to IEP meeting and returned to teacher prior to meeting	<ul style="list-style-type: none">• SEDAC subcommittee, together with district staff, will develop a “Preparing for your child’s IEP” packet that will include, but not be limited to, sample agenda for IEP meeting, parents’ rights, summary of assessment results, proposed goals, program placement options, services available, Parent Handbook, FAQs.	Spec. Ed. Department SEDAC
3.2. Conduct annual mandatory trainings for both Special Education and General Education teachers so that staff is appropriately trained	<ul style="list-style-type: none">• Training to be provided to all general education teachers by the special education staff; working with administrators to make sure training takes place; need to give accommodations and support plan for specific goals; time for IEPs (scheduling); need to find a better ways to conduct the IEPs (approx. 2 hours); managing IEP meeting training; experimenting teleconference; principals training before school starts	Spec. Ed. Department
3.3. Require that the person running the IEP have direct, consistent teaching contact with the student.	<ul style="list-style-type: none">• Persons responsible for goals will have direct consistent contact with the student.	Site Administration, Spec. Ed. Department
3.4. Require that a District-wide form and protocol completed by service providers each month	<ul style="list-style-type: none">• The intent is to moves towards electronic versions of logs. Currently logs are kept at sites.	Spec. Ed. Department, IT Department,
3.5. Establish a means to have a student’s services be incorporated from a settlement agreement into the student’s IEP either by adding the document or including information related to the programs and/or services into the IEP document.	<ul style="list-style-type: none">• District will not incorporate settlement agreement into the IEP; however, when there is an agreement, sites are notified of services within the agreement.	Spec. Ed. Department, Site Administrator
3.6. Hire a Special Needs Liaison (ombudsperson) who is a parent of a child with Special Needs in our District.	<ul style="list-style-type: none">• There are no plans at this time to a hire a Special Needs Liaison. It is the intent that the Parent Resource Network serves in this capacity. Pilot programs will be evaluated.	Parent Resource Network
3.7. Develop a policy stating that no staff or parent will intimidate, threaten, and coerce any person for any reason.	<ul style="list-style-type: none">• District Superintendent is developing a civility policy.	Superintendent

<p>3.8. Collaborate with the PTA, SEDAC, and other stakeholder groups regarding the best ways to reach parents of children with special needs within the District and ensure that they are offered regular opportunities to educate themselves about the IEP and related subjects</p>	<ul style="list-style-type: none"> • On-going: Fall and Spring forums, Parent Resource Network, staff participation in PTA and SEDAC meetings. 	<p>Director of Special Education</p>
<p>3.9. Develop consistent practices surrounding transitional IEPs and ensure that these practices are effectively communicated and monitored.</p>	<ul style="list-style-type: none"> • Conduct tours of school campuses during second semester. Staff is communicating with the different levels to ensure that a team approach is implemented with sending and receiving schools. The focus of the Spring Forum is Transitions at every level. 	<p>Spec. Ed. Department, site administration, & General Ed</p>

GOAL 4: ENSURE EQUITABLE ACCESS

Ensure equitable access to Special Education for families of all cultural, linguistic, and socio- economic backgrounds by identifying successful practices that strengthen partnerships between home and school, building upon them, and developing new strategies for parent integration. These processes will ensure that families become better informed and educated about Special Education thus equalizing their roles in their children's educational experiences.

Recommendation	District Response	Responsible
4.1. Assure all information and materials pertinent to Special Education is available in Spanish (including, but not limited to, IEP) and provided to parents in a timely manner.	<ul style="list-style-type: none">• District has staff members who translate materials for parents.	Spec. Ed. Department
4.2. Ensure that translators and, when possible, bilingual community liaisons are available and prepared to assist Special Education parents in the IEP process.	<ul style="list-style-type: none">• Develop a list of staff who can translate for parents in the District.• Develop a list of outside resources for translation of uncommon languages spoken in the schools.	Spec. Ed. Department
4.3. Align goals and coordinate efforts with Task Force on the Achievement of Students of Color and the Communications Task Force.	<ul style="list-style-type: none">• Efforts will coordinated between directors	Director of Curriculum & Instruction Director of Special Ed
4.4. Offer an annual series of culturally responsive Parent Education workshops/training focused on Special Education. Use workshops for education, engagement, and leadership training.	<ul style="list-style-type: none">• Collaborate with PTA and SEDAC for parent training. Use bilingual personnel to provide parent education workshops.	Ed. Services & Special Ed
4.5. Actively recruit to increase the diversity of volunteers in the Parent Resource Network.	<ul style="list-style-type: none">• Director of Special Ed will continue to work with PTA and SEDAC for recruitment	Special Ed & SEDAC
4.6. Ensure that the SEDAC outreach efforts are designed to encourage membership that is reflective of all cultural, linguistic, and socio-economic backgrounds.	<ul style="list-style-type: none">• Develop a goal for SEDAC and Parent Resource Network to recruit such members.	Superintendent & SEDAC

GOAL 5: IMPROVE COMMUNICATION SYSTEMS AND WEBSITE:

The District has taken steps recently to evaluate its communications practices (via the Communications Audit) and to modernize its electronic communications systems and student database. Our recommendations focus on ensuring that these systems and the new Student Information Systems (“SIS”) database are responsive to the unique needs of the Special Education students and parents. In addition, the Working Group feels a redesign and fortification of the SMMUSD District and Campus websites would be an excellent way to inform, educate and encourage connections among the various individuals and groups that intersect with Special Education. In order for the implementation of these recommendations to be successful and maintained the Working Group is suggesting that, in the short term, a Task Force be developed to assist the District and, in the long term, oversight and maintenance duties and responsibilities be assigned to technology-savvy District staff position(s) or a new hire.

NOTE: A meeting with IT Department for further elaboration is being scheduled.

Recommendation	District Response	Responsible
5.1. Evaluate the new email system (Microsoft Outlook) and add the necessary features to ensure that email messages meant for only the parents of Special Education students are current, targeted and confidential. Targeting should be on District-wide as well as a Campus-by-Campus basis and grade level basis. Full deployment of Microsoft Outlook is recommended prior to the commencement of the 2009/2010 school year.	<ul style="list-style-type: none"> • In process 	IT Department
5.2. Ensure that the new SIS contains features relating to the District’s Special Education population.	<ul style="list-style-type: none"> • Included in the evaluation of the new student information system 	IT Department
5.3. Redesign the SMMUSD websites	<ul style="list-style-type: none"> • Refer to communication audit. 	Superintendent
5.4. Form a Communications Task Force	<ul style="list-style-type: none"> • Refer to communication audit. 	Superintendent
5.5. Assign the following duties to an existing staff member who has expertise in technology and the Internet: <ul style="list-style-type: none"> a. Oversee the above modifications/upgrades to Microsoft Outlook and the SIS; b. Perform the redesign and fortification of the SMMUSD and Campus websites using the list on Appendix, H: Detailed Website Recommendations as a guide; and c. Assume responsibility for continued maintenance and weekly updating of all e-communications systems. 	<ul style="list-style-type: none"> • Will be assigned as appropriate. 	IT Department

GOAL 6: STRENGTHEN THE PROCESS OF EARLY IDENTIFICATION, ASSESSMENT AND INTERVENTION

By identifying children with special needs as early as possible, and by promptly utilizing the District's trained staff, General Education interventions, and Special Education resources, there is a greater likelihood that our students will make academic and social progress.

Recommendation	District Response	Responsible
6.1. Establish as formal policy that General Education teachers and staff and CREST personnel are to be pro-active in the early identification of students with behavioral and academic special needs.	<ul style="list-style-type: none">• Special Education, Child Development Services, CREST will define and coordinate procedures	Child Development Services, Spec. Ed. Department
6.2. Fully develop a district wide Response to Intervention (RtI) Program for students in General Education who are displaying academic and/or behavioral difficulties	<ul style="list-style-type: none">• A Continuum of Expanded Support will be developed which will include but not limited to RtI, the Student Success Team, IEP.	Ed. Services Department, Pupil Services Department
6.3. Develop a consistent Student Success Team (SST) process designed to efficiently suggest and implement in a timely manner further interventions for student academic and behavioral progress.	<ul style="list-style-type: none">• Develop written procedures across the sites, provide training, and develop formal intervention program services, develop a flow chart for a Continuum of Expanded Support.	Ed. Services Department, Pupil Services Department
6.4. Make information regarding District Special Education resources and staff roles readily available to all parents.	<ul style="list-style-type: none">• Refer to communication audit. Develop a list of program services in the District. See 3.1	Spec. Ed. Department

GOAL 7: CONTINUOUSLY IMPROVE PROGRAM/INSTRUCTION

Provide a comprehensive range of research based program offerings to be responsive to student needs based upon individual IEP goals. (Including, but not limited to placements, services, teaching approaches, curriculum, and instructional strategies in Special Education.)

Recommendation	District Response	Responsible
7.1 Convene a Special Education Program Task Force responsible to a sponsor group selected by the Chief Academic Officer. The Sponsor Group would draft the task force charter, specifying, membership, deliverables	<ul style="list-style-type: none">• The Superintendent, in consultation with the CAO, will appoint a small group of SE parents and staff to further study the District's SE program offerings. The group's charge will be developed in consultation with representative members of the Working Group.	Superintendent

INFORMATION ITEMS

TO: BOARD OF EDUCATION

INFORMATION

04/23/09

FROM: TIM CUNEO / CHIUNG-SALLY CHOU / PEGGY HARRIS /
DISTRICT LIBRARIANS

RE: DISTRICT LIBRARIANS' ANNUAL REPORT

INFORMATION ITEM NO. I.01

The District Library Media Teachers is provided annually, detailing the State of SMMUSD libraries; the librarian's role; the library's impact on student achievement; the role of the library in closing the achievement gap; a summary of programming and community outreach; and the impact of staffing on the services provided.

NOTE: The report was not ready prior to the agenda going to print, but will be provided at the meeting.