

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

September 4, 2008

A regular meeting of the Santa Monica-Malibu Unified School District Board of Education will be held on **Thursday, September 4, 2008**, 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):

- Receipt of recommendation for approval of the proposed settlement cases pursuant to GC §54956.9 (b), as cited in the Brown Act (10):
EN-1001-08/09
- Public Employee, to consider appointment, employment, performance evaluation, or dismissal of employee pursuant to GC §54957, as cited in the Brown Act (Multi-site Supervisor, School Psychologist, Assistant Principal, Teacher) (10)
- Closed session with legal counsel concerning anticipated litigation pursuant to GC §54956.9 as cited in the Brown Act (2 potential cases). (20)
- Conference with Superintendent regarding 2007-2008 Strategies for Negotiations with S.E.I.U. pursuant to GC §54957.6 as cited in the Brown Act. (10)
- Conference with Superintendent regarding 2007-2008 Strategies for Negotiations with SMMCTA pursuant to GC §54957.6 as cited in the Brown Act. (10)
- Closed Session, Superintendent's performance evaluation pursuant to GC §54954.5 as cited in the Brown Act. (20)

IV. BOARD OF EDUCATION – COMMENDATIONS / RECOGNITIONS

New Student Board Members – Jaime Black (Santa Monica High School), Evelyn Quartz (Malibu High School), and Isis Enriquez (Olympic High School)

V. APPROVAL OF THE AGENDA

VI. APPROVAL OF MINUTES

A.01 Approval of Minutes1
August 11, 2008
August 13, 2008
August 21, 2008

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).

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A.06 Adopt Resolution No. 08-04 – National Hispanic/Latino Heritage Month 7-8
A.07 Approval of Special Education Contracts – 2007-2008 9-10
A.08 Approval of Special Education Contracts – 2008-2009 11-13

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“BB” Projects – RFQ #9.0520
A.12 Approve Agreement with Glenn Lukos Associates for Biologist Study Report
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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)
 - Evelyn Quartz – 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.

- A.19 Special Education – Claros Group contract scope of work for Phase I (5)..... 36-39
- A.20 Adopt Resolution No. 08-07 – Environmental Findings – Edison Language Academy, Measure “BB” Project (5) 40-45b
- A.21 2007-08 Unaudited Actual Financial Report (30)..... 46-52
- A.22 Revise Policy 5145.7 – Sexual Harassment and Misconduct (Students) (10).. 53-61
- A.23 Adopt Board of Education & Superintendent Protocols (5)..... 62-63

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

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XIV. BOARD MEMBER ITEMS
 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
 The next regularly scheduled meeting will be held on **Thursday, September 18, 2008**, at **5:30 p.m.** in the Board Room at the District Offices: 1651 16th Street, Santa Monica, CA.

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

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

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

SMMUSD Board of Education Meeting Schedule 2008-2009

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

July through December 2008					
Month	1 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 (5th Thurs)	*11/20: Location moved to District Office Thanksgiving 11/27-28
December		12/11 DO		winter break	Usually one mtg. (Three wks in Dec. before winter break)
December 22 – 31: Winter Break					
January through June 2009					
January 1 – 2: Winter Break					
January	winter break		1/15 DO	1/29 (5th Thurs)	
February	2/5 M		2/19 SM		
March	3/5 M		3/19 SM		Stairway 3/26 & 3/27
April	4/2 DO	spring break	spring break	4/23 DO	
April 6-17: Spring Break					
May	5/7 M		5/21 SM		
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
September 4, 2008**

I CALL TO ORDER

A Roll Call

Oscar de la Torre – President
Jose Escarce – Vice President

Maria Leon-Vazquez
Ralph Mechur
Kelly Pye
Barry Snell
Kathy Wisnicki

Student Board Members

Jaime Black – Santa Monica High School
Evelyn Quartz – Malibu High School
Isis Enriquez – Olympic High School

B Pledge of Allegiance

II CLOSED SESSION

TO: BOARD OF EDUCATION

ACTION
08/21/08

FROM: TIM CUNEO

RE: APPROVAL OF MINUTES

RECOMMENDATION NO. A.01

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

August 11, 2008

August 13, 2008

August 21, 2008

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

CONSENT ITEMS

TO: BOARD OF EDUCATION

ACTION/CONSENT

09/04/08

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
Daly America <u>AMEND DATES</u> <u>Former Dates:</u> 8/1/08 to 10/31/08 <u>New Dates:</u> 6/01/08 to 7/31/09 Not to exceed: \$16,000	Pt. Dume Solar Project, Management Services	Pt. Dume	01-90150-0-11100- 85000-5802-019-4190
Saundra Lee Antwine 8/1/08 to 6/30/09 Not to exceed: \$20,000	To assist with training of new hire in order to take over duties related to Certificated payroll processing.	District	01-00000-0-00000- 73100-5802-051-2510

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

09/04/08

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

RE: CONFERENCE AND TRAVEL APPROVAL/RATIFICATION

RECOMMENDATION NO. A.03

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

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

<u>NAME</u> <u>SITE</u> Account Number Fund – Resource Number	CONFERENCE NAME LOCATION DATE (S)	COST ESTIMATE
<u>VO, Cam-An</u> Santa Monica High 01-73900-0-11100-31100-4310-015-4150 General Fund- Resource: Counseling	UC Counselor Conference Los Angeles, CA September 17, 2009	\$60
<u>PERRY, Stephanie</u> Personnel Commission 01-00000-0-00000-74000-5220-027-2270 General Fund- Function: Personnel/Human Resources	Personnel Testing Council of Southern California August 22, 2008	\$50

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

Group Conference and Travel: In-State

** a complete list of conference participants is on file in the Department of Fiscal Services*

<u>CUNEO, Tim</u> +4 Board Members Superintendent/District Office 01-00000-0-00000-71500-5220-020-1200 General Fund- Function: Superintendent	CSBA Annual Education Conference And Trade Show 2008 December 4-6, 2008	\$9,000
<u>CHOU, Sally</u> <u>MAEZ, Janece</u> Ed Services/Business 01-00000-0-19600-21000-5220-030-1300 01-00000-0-00000-73000-5220-050-1500 General Fund- Function: Supervision of Inst./Business	Special Education-Both Sides Of the Equation Garden Grove, CA October 3, 2008	\$545 TOTAL
<u>GLAZER, Maxine</u> <u>ROQUEMORE, Shermella</u> Special Ed 01-56400-0-00000-39000-5220-041-1400 General Fund- Resource: Medi-Cal Billing Option.	Understanding Individuals with Asperger's Syndrome or High Functioning Autism in California Pasadena, CA November 14, 2008	\$578 TOTAL

Out-of-State Conferences: Individual

Out-of-State Conferences: Individual		

Out-of-State Conferences: Group

Out-of-State Conferences: Group		
<u>CHOU, Sally</u> <u>PEDROZA, Hugo</u> <u>KELLY, Mark</u> District Office No Cost to District	CSBA/Shanghai Municipal Ed Commission, Principal Exchange Program Shanghai, China October 11-19, 2008 October 11-17, 2008 (Dr. Kelly)	\$0

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

TO: BOARD OF EDUCATION

ACTION/CONSENT

09/04/08

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

RE: SUPPLEMENTAL TEXTBOOKS

RECOMMENDATION NO. A.04

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

COMMENT: In accordance with the Board of Education policy, the textbook(s) listed below have been on public display for the past two weeks in the Educational Services Department at 1638 17th Street, Santa Monica, CA 90405.

Many Californias, 2nd Edition: Literature From The Golden State, by Gerald Haslam for twelfth grade for California Literature. Adoption requested by Pete Barraza

The Pastures of Heaven, by John Steinbeck for twelfth grade for California Literature. Adoption requested by Pete Barraza.

Coastal Nights and Inland Afternoons: Poems 2001-2006: The Poetry of Al Young, California Poet Laureate, by Al Young for twelfth grade California Literature. Adoption requested by Pete Barraza.

Little Scarlet, by Walter Mosley for twelfth grade California Literature. Adoption requested by Pete Barraza.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

09/04/08

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

RE: AGREEMENT WITH THE STATE DEPARTMENT OF EDUCATION TO
ACCEPT FUNDS FOR THE CHILD DEVELOPMENT PROGRAM FOR
FISCAL YEAR 2007-08 THROUGH 2009-10

RECOMMENDATION NO. A.05

It is recommended that the Board of Education accept the Amendment (01) to the contract CRPM-7027 with the State Department of Education, Child Development Division effective December 15, 2007, through June 30, 2010. The contract shall be amended in the Maximum Reimbursable Amount by deleting reference to \$39,501.00 and inserting \$78,462.00 in place thereof. The Amendment is to be executed between the Superintendent of Public Instruction, State Department of Education, and the Santa Monica-Malibu Unified School District.

Funding Information

Source: Child Development Fund - Restricted
Currently Budgeted: No
Account Number: 12-50350-0-00000-00000-8290-000-0000
Description: Child Development Center Apportionment - CDC

COMMENT: This one-time-only Facilities Renovation and Repair fund from the 2007-2008 Budget Act will provide assistance in maintaining healthy, safe, and accessible environments for children in California Department of Education subsidized child care and development programs.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

09/04/08

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

RE: ADOPT RESOLUTION NO. 08-04 - NATIONAL HISPANIC/LATINO
HERITAGE MONTH

RECOMMENDATION NO. A.06

It is recommended that the Board of Education adopt Resolution No. 08-04 - National Hispanic/Latino Heritage Month in recognition of the contributions of Hispanic Americans in our nation. Attached is the full Resolution to be signed by the Board President and Superintendent.

COMMENT: Officially, National Hispanic/Latino Heritage Month is recognized from September 15th through October 15th.

The signed Resolution will be shared with the school sites to increase awareness and encourage participation in the celebration of the Hispanic/Latino American culture.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

Santa Monica-Malibu Unified School District

Resolution No. 08-04

National Hispanic/Latino Heritage Month

WHEREAS, the Hispanic/Latino American community consists of distinct groups, including people from Mexico, the Caribbean, Central America, South America, and Spain, and whereas Hispanics have had an important part of the history and heritage of the Americas; and

WHEREAS, we celebrate the achievements of Hispanic/Latino Americans and their important part of the history and heritage of our nation; and

WHEREAS, Hispanic/Latino Americans have enriched our community through contributions in many professions and fields, including education, law, government, business, science, sports, and the arts; and

WHEREAS, the hard work and determination of Hispanic/Latino Americans continue to inspire all those who dream of a better life for themselves and their families; and

WHEREAS, to honor the achievements of Hispanic/Latino Americans, the United States Congress, by Public Law 100-402, has authorized and requested the President to issue annually a proclamation designating September 15 through October 15, as “National Hispanic Heritage Month.”

THEREFORE, be it resolved that During National Hispanic/Latino Heritage Month, the Santa Monica-Malibu Unified School District joins with all Americans in celebrating this rich and diverse culture, and encourages all members of our community to recognize the important role of Hispanics in creating and building this great Nation. We further resolve that appropriate lessons and units of study about the contributions of Americans of Hispanic/Latino descent take place in our schools not only during this month, but throughout the school-year.

AYES:

NOES:

ABSTAIN:

ABSENT:

OSCAR DE LA TORRE
Board of Education President

Date

TIM CUNEO
Interim Superintendent and Secretary
to the Board of Education

Date

TO: BOARD OF EDUCATION

ACTION/MAJOR

09/04/08

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

RE: APPROVAL OF SPECIAL EDUCATION CONTRACTS - 2007-2008

RECOMMENDATION NO. A.07

It is recommended that the Board of Education approve the following Special Education Contracts for fiscal year 2007-2008 as follows:

NPS/NPA

2007-2008 Budget 01-65000-0-57500-11800-5125-043-1400

Nonpublic School/Agency	Student DOB	Service Description	Contract Number	Cost Not to Exceed
Verdugo Hills Autism - contract increase	8/7/87	Behavior Therapy	#39 - UC08172	\$ 278

Amount Budgeted NPS/NPA 07/08	\$ 3,000,000
Prior Board Authorization as of 8/21/08	\$ 2,559,162
Prior Board Authorization for Instructional Aides	\$ 68,145
Prior Board Authorization for Speech Therapy	\$ 130,739
Prior Board Authorization for Occupational Therapy	\$ 103,310
Balance	\$ 138,644
Positive Adjustment (See Below)	\$ 0
Total Amount for these Contracts	\$ 278
Balance	\$ 138,366

Instructional Consultants

2007-2008 Budget 01-65000-0-57500-11900-5802-043-1400

Instructional Consultant	Student DOB	Service Description	Contract Number	Cost Not to Exceed

Amount Budgeted Instructional Consultants 07/08	\$ 350,000
Prior Board Authorization as of 8/21/08	\$ 469,564
Prior Board Authorization for Occupational Therapy	\$ 52,297
Balance	\$ -171,861
Total Amount for these Contracts	\$ 0
Balance	\$ -171,861

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

Amount Budgeted Non-Instructional Consultants 07/08	\$ 225,000
Prior Board Authorization as of 8/21/08	\$ 195,937
Balance	\$ 29,063
 Total Amount for these Contracts	 \$ 0
Balance	\$ 29,063

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

Legal Contractor	Service Description	Contract Number	Cost Not to Exceed

Amount Budgeted Legal Services 07/08	\$ 195,000
Prior Board Authorization as of 8/21/08	\$ 254,447
Balance	\$ -59,447
Positive Adjustments (See Below)	\$ 0
 Total Amount for these Contracts	 \$ 0
Balance	\$ -59,447

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/MAJOR

09/04/08

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

RE: APPROVAL OF SPECIAL EDUCATION CONTRACTS - 2008-2009

RECOMMENDATION NO. A.08

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
Aspen Ranch - contract increase	10/19/92	NPS-escort of student to NPS	#4 - UC09056	\$ 3,055

Amount Budgeted NPS 08/09	\$ 1,500,000
Prior Board Authorization as of 8/21/08	\$ 762,889
Balance	\$ 737,111
Positive Adjustment (See Below)	\$ 0
Total Amount for these Contracts	\$ 3,055
Balance	\$ 734,056

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 9/04/08					
NPS	Service Description	Contract Number	Reduce (R) Eliminate (E)	Adjusted Amount	Comment

NPA

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

Nonpublic School/Agency	Student DOB	Service Description	Contract Number	Cost Not to Exceed
Summit Speech	Various	Speech Therapy	#21 - UC09132	\$ 76,125
Alpha Vista	Various	Speech Therapy	#22 - UC09134	\$ 64,288

Amount Budgeted NPA 08/09	\$ 1,400,000
Prior Board Authorization as of 8/21/08	\$ 683,418
Balance	\$ 716,582
Positive Adjustment (See Below)	\$ 0
Total Amount for these Contracts	\$ 140,413
Balance	\$ 576,169

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 9/04/08

NPS	Service Description	Contract Number	Reduce (R) Eliminate (E)	Adjusted Amount	Comment

NPA PRE SCHOOL

2008-2009 Budget 01-65000-0-57300-11800-5126-043-1400

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

Amount Budgeted NPA Pre School 08/09	\$ 100,000
Prior Board Authorization as of 8/21/08	\$ 56,795
Balance	\$ 43,205
Total Amount for these Contracts	\$ 0
Balance	\$ 43,205

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
Lindamood-Bell - date & contract increase	4/8/93	Educational Therapy	#14 - UC09084	\$ 32,040

Amount Budgeted Instructional Consultants 08/09	\$ 310,000
Prior Board Authorization as of 8/21/08	\$ 295,484
Balance	\$ 14,516
Total Amount for these Contracts	\$ 32,040
Balance	\$ - 17,524

Instructional Consultants -INFANT

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

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

Amount Budgeted Instructional Consult-Infants 08/09	\$ 15,000
Prior Board Authorization as of 8/21/08	\$ 14,000
Balance	\$ 1,000
Total Amount for these Contracts	\$ 0
Balance	\$ 1,000

Instructional Consultants -PRE SCHOOL
 2008-2009 Budget 01-65000-0-57300-11900-5802-043-1400

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

Amount Budgeted Instruct Consult-Pre School 08/09 \$ 175,000
 Prior Board Authorization as of 8/21/08 \$ 35,070
 Balance \$ 139,930

Total Amount for these Contracts \$ 0
 Balance \$ 139,930

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

Amount Budgeted Non-Instructional Consultants 08/09 \$ 144,000
 Prior Board Authorization as of 8/21/08 \$ 41,440
 Balance \$ 102,560

Total Amount for these Contracts \$ 0
 Balance \$ 102,560

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

Legal Contractor	Service Description	Contract Number	Cost Not to Exceed

Amount Budgeted Legal Services 08/09 \$ 200,000
 Prior Board Authorization as of 8/21/08 \$ 100,000
 Balance \$ 100,000

Total Amount for these Contracts \$ 0
 Balance \$ 100,000

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

09/04/08

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

RE: AWARD OF PURCHASE ORDERS - 2008-2009

RECOMMENDATION NO. A.09

It is recommended that the Board of Education approve the following Purchase Orders and Changed Purchase Orders from August 12, 2008, through August 26, 2008, for fiscal /09.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

09/04/08

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

RE: ACCEPTANCE OF GIFTS - 2007/2008

RECOMMENDATION NO. A.10

It is recommended that the Board of Education accept, with gratitude, checks and gifts totaling \$5,386.00 presented to the Santa Monica-Malibu Unified School District.

It is further recommended that the Fiscal/Business Services Office, in accordance with Educational Code §42602, be authorized to increase the 2008-2009 income and appropriations by \$5,386.00 as described on the attached listing.

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

NOTE: The list of gifts is available on the District's website, www.smmusd.org.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

BOE Date: 09/04/08

Current Gifts and Donations 2008/2009

School/Site Account Number	Gift Amount	Equity Fund 15% Contrib.	In-kind Value	Donor	Purpose
JAMS 01-90120-0-00000-00000-8699-011-0000	\$ 425.00	\$ 75.00		Metro Calvary Chapel	General Supplies and Materials
Adult Education 11-90120-0-00000-00000-8699-090-0000					
Alternative (SMASH) 01-90120-0-00000-00000-8699-009-0000					
Cabrillo 01-90120-0-00000-00000-8699-017-0000					
CDS 12-90120-0-00000-00000-8699-070-0000					
Edison 01-90120-0-00000-00000-8699-001-0000					
Franklin 01-90120-0-00000-00000-8699-002-0000					
Grant 01-90120-0-00000-00000-8699-003-0000					
Lincoln 01-90120-0-00000-00000-8699-012-0000					
Malibu High School 01-90120-0-00000-00000-8699-010-0000					
McKinley 01-90120-0-00000-00000-8699-004-0000					
Muir 01-90120-0-00000-00000-8699-005-0000					
Olympic HS 01-90120-0-00000-00000-8699-014-0000	\$ 300.00 \$ 150.00	\$ - \$ -		Marsha Jones Moutrie Santa Monica-Malibu Council of PTA	Scholarship for Jonathan Shippey Scholarship for Esteban Huerta
Rogers 01-90120-0-00000-00000-8699-006-0000	\$ 850.00	\$ -		Heal The Bay	Field Trip

BOE Date: 09/04/08

Current Gifts and Donations 2008/2009

School/Site Account Number	Gift Amount	Equity Fund 15% Contrib.	In-kind Value	Donor	Purpose
Roosevelt 01-90120-0-00000-00000-8699-007-0000					
Samohi 01-90120-0-00000-00000-8699-015-0000	\$ 2,700.00 \$ 300.00 \$ 297.00 \$ 289.00	\$ - \$ - \$ - \$ -		Nat'l Academy of Recording Arts Various Various Various	General Supplies and Materials Transcripts Transcripts Transcripts
Barnum Hall 01-91150-0-00000-00000-8699-015-0000					
Pt. Dume Marine Science 01-90120-0-00000-00000-8699-019-0000					
Webster 01-90120-0-00000-00000-8699-008-0000					
Others:					
<u>Superintendent's Office</u> 01-90120-0-00000-00000-8699-020-0000					
<u>Educational Services</u> 01-90120-0-00000-00000-8699-030-0000					
<u>Student & Family Services</u> 01-90120-0-00000-00000-8699-040-0000					
<u>Special Education</u> 01-90120-0-00000-00000-8699-044-0000					
<u>Information Services</u> 01-90120-0-00000-0000-8699-054-0000					
<u>Food and Nutrition Services</u> 01-90120-0-00000-0000-8699-057-0000					
<u>District</u> 01-90120-0-00000-00000-8699-090-0000					
TOTAL	\$ 5,311.00	\$ 75.00	\$ -		

School/Site Account Number	Y-T-D Adjusted Gift Total	Current Gift Amount	Equity Fund 15% Contrib.	Cumulative Gift Amount	Y-T-D In-Kind Value	Current In-Kind Value	Cumulative In-Kind Value
JAMS 01-90120-0-00000-00000-8699-011-0000	\$ 219,401.21	\$ 425.00	\$ 75.00	\$ 219,901.21	\$ 4,750.00 \$ 100.00		\$ 4,750.00 \$ 100.00
Adult Education 11-90120-0-00000-00000-8699-090-0000	\$ 3,396.07			\$ 3,396.07			
Alternative (SMASH) 01-90120-0-00000-00000-8699-009-0000							
Cabrillo 01-90120-0-00000-00000-8699-017-0000	\$ 76,312.50			\$ 76,312.50	\$ 1,268.56		\$ 1,268.56
CDS 12-90120-0-00000-00000-8699-070-0000	\$ 1,384.67			\$ 1,384.67	\$ 4,963.00		\$ 4,963.00
Edison 01-90120-0-00000-00000-8699-001-0000	\$ 64,257.26			\$ 64,257.26	\$ 200.00		\$ 200.00
Franklin 01-90120-0-00000-00000-8699-002-0000	\$ 1,105.32			\$ 1,105.32			
Grant 01-90120-0-00000-00000-8699-003-0000	\$ 3,529.46			\$ 3,529.46	\$ 65.88		\$ 65.88
Lincoln 01-90120-0-00000-00000-8699-012-0000	\$ 43,219.77			\$ 43,219.77			
Malibu High School 01-90120-0-00000-00000-8699-010-0000 <i>Malibu Shark Fund - Resource #90141</i>	\$ 103,398.91			\$ 103,398.91			
McKinley 01-90120-0-00000-00000-8699-004-0000	\$ 83,908.80			\$ 83,908.80			
Muir 01-90120-0-00000-00000-8699-005-0000	\$ 62,286.69			\$ 62,286.69			
Olympic HS 01-90120-0-00000-00000-8699-014-0000	\$ 6,716.16	\$ 450.00	\$ -	\$ 7,166.16			
Rogers 01-90120-0-00000-00000-8699-006-0000	\$ 81,602.54	\$ 850.00	\$ -	\$ 82,452.54	\$ 150.00		\$ 150.00
Roosevelt 01-90120-0-00000-00000-8699-007-0000	\$ 137,863.03			\$ 137,863.03	\$ 100.00		\$ 100.00
Samohi 01-90120-0-00000-00000-8699-015-0000	\$ 139,211.65	\$ 3,586.00	\$ -	\$ 142,797.65	\$ 4,825.00 \$ 100.00		\$ 4,825.00 \$ 100.00
Pt. Dume Marine Science 01-90120-0-00000-00000-8699-019-0000	\$ 141,266.20			\$ 141,266.20			
Webster 01-90120-0-00000-00000-8699-008-0000	\$ 12,670.00			\$ 12,670.00			

School/Site Account Number	Y-T-D Adjusted Gift Total	Current Gift Amount	Equity Fund 15% Contrib.	Cumulative Gift Amount	Y-T-D In-Kind Value	Current In-Kind Value	Cumulative In-Kind Value
ALL OTHER LOCATIONS:							
Superintendent's Office 01-90120-0-00000-00000-8699-020-0000	\$ 50,000.00			\$ 50,000.00			
Educational Services 01-90120-0-00000-00000-8699-030-0000	\$ 243,866.83			\$ 243,866.83	\$ 23,920.00		\$ 23,920.00
Student and Family Support Services 01-90120-0-00000-00000-8699-041-0000	\$ 325.00			\$ 325.00			
Special Education 01-90120-0-00000-00000-8699-044-0000	\$ 1,000.00			\$ 1,000.00			
Information Services 01-90120-0-00000-00000-8699-054-0000	\$ 2,000.00			\$ 2,000.00			
District							
01-90120-0-00000-0-00000-8699-090-0000							
Food & Nutrition Services 01-90120-0-00000-00000-8699-070-0000	\$ 9,207.84			\$ 9,207.84			
TOTAL GIFTS	\$ 1,487,929.91	\$ 5,311.00	\$ 75.00	\$1,493,315.91	\$ 40,442.44	\$ -	\$ 40,442.44
			Total Equity Fund 15% Contribs.				
Total Cash Gifts for District:	\$ 5,311.00	\$ 75.00			Total In-Kind Gifts:	\$ -	

TO: BOARD OF EDUCATION

ACTION/CONSENT

09/04/08

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

RE: APPROVE HAZARDOUS MATERIALS INVESTIGATION AND REPORT
PROPOSAL FROM ATC ASSOCIATES, FOR OLYMPIC HIGH SCHOOL
RELOCATABLES FOR MEASURE "BB" PROJECTS - RFQ #9.05

RECOMMENDATION NO. A.11

It is recommended that the Board of Education approve ATC Associates proposal to provide a hazardous materials investigation and report for the Olympic High School relocatables demolition in the amount of \$14,343.

Funding Information:

Budgeted: Yes

Fund: 21

Source: State School Building Fund

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

Description: Independent Contractor / Consultant

COMMENTS: Prior to demolition of the relocatables at Olympic High School, the District will require the services of ATC Associates to verify asbestos and lead containing materials and air quality, provide reports detailing the findings, and recommendations for removal and demolition.

The BOE approved ATC Associates as the District's Hazardous Materials consultant at the 7/24/08 meeting. It was stated then that a project letter scope and cost proposal will be recommended for approval by the Board at the time of each project assignment.

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

09/04/08

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

RE: APPROVE AGREEMENT WITH GLENN LUKOS ASSOCIATES FOR BIOLOGIST STUDY REPORT SERVICES FOR MALIBU HIGH SCHOOL ATHLETIC FIELD LIGHTING PROJECT FOR MEASURE "BB"

RECOMMENDATION NO. A.12

It is recommended that the Board of Education approve Glenn Lukos Associates to provide a biological study and recommendation for the athletic field lighting project, for the Measure "BB" program. (The cost was not available at the time the agenda went to print, but will be available at the board meeting.)

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: The district is in the planning and design phase for the lighting of the athletic field at the Malibu High School. A biological study of the effects of the lighting will be required by the Coastal Commission prior to approval of the project. A previous proposal for biological services (Landscape Monitoring) was approved by the board on 7/24/08 for Glenn Lukos Associates for \$16,000. This proposal will be Change Order #1 to that agreement in the amount of \$TBD, for a total of \$TBD.

Original Amount:	\$16,000
Change Order #1:	\$TBD
Total:	\$TBD

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

09/04/08

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

RE: APPROVAL OF CEQA CONSULTING SERVICES TO EDAW, INC., AT SAMOHI, FOR MEASURE "BB" PROJECTS

RECOMMENDATION NO. A.13

It is recommended that the Board of Education approve EDAW, Inc, to provide CEQA consulting services for SAMOHI, in an amount not to exceed \$180,757, for the Measure "BB" Projects.

Funding Information

Budgeted: Yes

Fund: 21

Source: State School Building Fund

Account Number: 21-00000-0-00000-85000-5802-015-2600

Description: Independent Contractor / Consultant

COMMENTS: This CEQA consulting firm will provide services to the district for the SAMOHI project. The amount of the proposal will depend on the outcome of the Initial Study (IS). If the IS indicates that a Mitigated Negative Declaration (MND) is appropriate, the proposal amount will be \$131,394. If the IS indicates that an Environmental Impact Report (EIR) is required, the proposal amount will be \$180,757. In order to begin the IS process to be able to make a determination, it is recommended that the board approve EDAW to proceed and take the appropriate action following the IS.

The firm's rate schedules are available for review in the Purchasing Office.

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

09/04/08

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

RE: INCREASE SCOPE FOR ARCHITECTURAL SERVICES FOR JOHN
ADAMS MIDDLE SCHOOL - OSBORN/KONING EIZENBERG - CHANGE
ORDER #4

RECOMMENDATION NO. A.14

It is recommended that the Board of Education approve Change Order #4 to the contract with Osborn/Koning Eizenberg to provide for an accelerated schedule to complete a portion of the landscape scope of work at John Adams Middle School, in an amount not to exceed \$75,000, for a total contract amount of \$2,368,765.

Funding Information

Budgeted: Yes

Fund: 21

Source: Building Fund

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

Description: Consultant Services

COMMENTS: The Board of Education approved revisions to the Measure "BB" scope of work at John Adams Middle School project during the board meeting of July 24, 2008. These revisions included the incorporation of a green fringe buffer between the artificial turf field currently being installed by Santa Monica College and the main campus.

The artificial turf field is scheduled to be completed by October 2008. The area between the artificial turf and the other parts of the campus will remain undeveloped. District staff requested a fee proposal from Osborn/Koning Eizenberg for their additional services associated with accelerating the documentation of this scope of work in order to begin construction as early as Summer 2009.

(Continued on Next Page)

ORIGINAL CONTRACT AMOUNT (Prog./Schematic Design)	\$493,220
CHANGE ORDER #1 (ROGERS LC)	\$100,620
CHANGE ORDER #2 (DD/CD/CA)	\$1,661,925
CHANGE ORDER #3 (John Adams MS add'l services)	\$38,000
CHANGE ORDER #4 (John Adams MS add'l services)	\$75,000
<u>TOTAL CONTRACT AMOUNT</u>	<u>\$2,368,765</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

09/04/08

FROM: TIM CUNEO / JANECE L. MAEZ

RE: ADOPT RESOLUTION NO. 08-05 - GANN AMENDMENT

RECOMMENDATION NO. A.15

It is recommended that the Board of Education approve the attached resolution.

COMMENT: Under the Gann Initiative, which was passed by the State electorate as Proposition 4 in 1979, all agencies of the State must calculate an appropriations limit that cannot be exceeded on a year-to-year basis. The formula for the calculation is statutorily set. The resolution and report are attached.

Additionally, the Board of Education must adopt a Resolution asserting that the appropriations in the previous and budget years do not exceed that limitation.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 08-05

**DISTRICT APPROPRIATIONS LIMITS FOR 2007-08
AND PROJECTED LIMITS FOR 2008-09**

WHEREAS, in November of 1979, the California Electorate did adopt Proposition 4, commonly called the Gann Amendment, which added Article XIII-B to the California Constitution; and,

WHEREAS, the provisions of that Article establish maximum appropriations limitations, commonly called “Gann Limits”, for public agencies, including school districts; and,

WHEREAS, the District must establish a revised Gann Limit for the 2007-08 fiscal year and a projected Gann Limit for the 2008-09 fiscal year in accordance with the provisions of Article XIII-B and applicable statutory law;

NOW, THEREFORE, BE IT RESOLVED that this Board does provide public notice that the attached calculations and documentation of the Gann Limits for the 2007-08 and 2008-09 fiscal years are made in accord with applicable constitutional and statutory law;

AND BE IT FURTHER RESOLVED that this Board does hereby declare that the appropriations in the Budget for the 2007-08 and 2008-09 fiscal years do not exceed the limitations imposed by Proposition 4;

AND BE IT FURTHER RESOLVED that the Superintendent provide copies of this Resolution along with the appropriate attachments to interested citizens of this District.

Passed and adopted by the Board of Education of the Santa Monica-Malibu Unified School District, Los Angeles County, State of California, this 4th day of September, 2008.

AYES:

NOES:

ABSTAIN:

ABSENT:

TIM CUNEO

Interim Superintendent and Secretary
to the Board of Education

Date

TO: BOARD OF EDUCATION

ACTION/CONSENT

09/04/08

FROM: TIM CUNEO / MICHAEL D. MATTHEWS

RE: CERTIFICATED PERSONNEL - Elections, Separations

RECOMMENDATION NO. A.16

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

ADDITIONAL ASSIGNMENTS

SANTA MONICA HIGH SCHOOL

Stevens, Maria	4 hrs @\$40.46	7/1/08-8/26/08	Est Hrly/\$162
			TOTAL ESTABLISHED HOURLY \$162

Comment: Summer Freshman Camp
01-Gifts - Equity Fund

HOURLY TEACHERS

PUPIL SERVICES

Beatty, Carol	\$40.46, as needed	9/1/08-6/30/09	Est Hrly/\$----
Cairns, John	\$40.46, as needed	9/1/08-6/30/09	Est Hrly/\$----
Cierra, Jorge	\$40.46, as needed	9/1/08-6/30/09	Est Hrly/\$----
Devincentis-Waul, E.	\$40.46, as needed	9/1/08-6/30/09	Est Hrly/\$----
Dworin, Jeanne	\$40.46, as needed	9/1/08-6/30/09	Est Hrly/\$----
Fisher-Lerer	\$40.46, as needed	9/1/08-6/30/09	Est Hrly/\$----
Gutierrez, Yesenia	\$40.46, as needed	9/1/08-6/30/09	Est Hrly/\$----
Murphy, Letitia	\$40.46, as needed	9/1/08-6/30/09	Est Hrly/\$----
Nichols, Sharon	\$40.46, as needed	9/1/08-6/30/09	Est Hrly/\$----
Orloss, Warren	\$40.46, as needed	9/1/08-6/30/09	Est Hrly/\$----
Pitts, Gregory	\$40.46, as needed	9/1/08-6/30/09	Est Hrly/\$----
Saenz, Debbie	\$40.46, as needed	9/1/08-6/30/09	Est Hrly/\$----
Santiago, Joan	\$40.46, as needed	9/1/08-6/30/09	Est Hrly/\$----
Toppel, Diane	\$40.46, as needed	9/1/08-6/30/09	Est Hrly/\$----
			TOTAL ESTABLISHED HOURLY \$----

Comment: Home Instructor
01-Special Education - 50%
01-Unrestricted Resource - 50%

TOTAL ESTABLISHED HOURLY = \$ 162

ELECTIONS

TENURED CONTRACTS

<u>Name/Assignment/Location</u>	<u>Not to Exceed</u>	<u>Effective</u>
McCraw, Renee/2 nd Grade McKinley Elementary	100% [repl. J. Snyder - LOA]	8/28/08

Seymore, Robert/Math-Sci Lincoln Middle School	100% [repl. A. McCray]	8/28/08
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PROBATIONARY CONTRACTS

<u>Name/Assignment/Location</u>	<u>Not to Exceed</u>	<u>Effective</u>
Bitner, Elizabeth/SDC-IS Santa Monica HS	100% [repl. K. Tabis]	8/28/08

Borkgren, Christopher/RSP Santa Monica HS	100% [new position]	8/28/08
--	------------------------	---------

Collins, Carolyn/Speech Special Education	100% [repl. S. Freiman-Ross]	8/28/08
Ervin, Jordon/Soc Studies Malibu High School	100% [repl. A. Silva]	8/28/08
Everage, Marla/SDC-NS Santa Monica HS	100% [repl. E. Kim]	8/28/08
Fagen, Barbara/Math Johns Adams MS	100% [repl. Torres (trnsfr)]	8/28/08
Gonzalez, Maria/Spanish Santa Monica HS	100% [repl. Gatell (trnsfr)]	8/28/08
Greathouse, Cristina/SDC-NS Rogers Elementary	100% [repl. K. Rues]	8/28/08
Gutierrez, Sofia/Pre-School Child Develop/Adams	100% [repl. H. Landgraf]	8/29/08
Hacker, Thomas/Art Malibu High School	100% [repl. D. Rickard]	8/28/08
Janert, Kathleen/Band Santa Monica HS	100% [repl. A. Ramierez]	8/28/08
Jones, David/Art Santa Monica HS	100% [repl. B. Schwartz]	8/28/08
Kohut, Jennifer/5 th Grade Edison Elementary	50% [new position]	8/28/08
Landgraf, Heidi/School-Age Child Develop/Roosevelt	50% [new position Prob II - rehire]	8/29/08
Loc, Dalia/2 nd Grade Franklin Elementary	100% [repl. L. Haydel]	8/28/08
Loch, Amy/Choral Music Malibu High School	60% [repl. A. Khaefi]	8/28/08
Lopez, David/SDC-IS Lincoln MS	100% [repl. Reilly/Conrad]	8/28/08
Minck, Katrina/Science Lincoln MS	100% [repl. J. Anderson]	8/28/08
Moen, JoDee/RSP Santa Monica HS	100% [repl. P. Gaul]	8/28/08
Murphy, Anne/SDC-IS McKinley Elementary	100% [repl. E. Andreani]	8/28/08
Robinson, Elaine/4 th Grade Franklin Elementary	100% [repl. H. McCullough]	8/28/08
Rodstrom, Jennifer/1 st Grade Franklin Elementary	100% [repl. A. Brown]	8/28/08

Rowton, Russell/English Santa Monica HS	100% [repl. D. Danesi Prob II - rehire]	8/28/08
Schmid, Sieglinda/SDC-NS Grant Elementary	100% [repl. L. Crane]	8/28/08
Sever, Pamela/SDC-NS Santa Monica HS	100% [repl. D. Fragoso]	8/28/08
Sherman, Wynn/RSP Lincoln MS	100% [repl. E. Evans]	8/28/08
Surrago, Michael/English Santa Monica HS	100% [repl. Kennedy/Mayle]	8/28/08
Ustation, Tina/RSP Santa Monica HS	100% [repl. W. Nemeth]	8/28/08
Valdez, Guillermo/Interv. Couns John Adams MS	100% [repl. Stukin]	8/28/08
Webb, Kitaro/English Santa Monica HS	100% [repl. J. Lutz]	8/28/08
<u>TEMPORARY CONTRACTS</u>		
<u>Name/Assignment/Location</u>	<u>Not to Exceed</u>	<u>Effective</u>
Bickert, Katherine/Kindergarten Franklin Elementary	100% [LOA - Akins]	8/28/08-6/19/09
Carpenter, Mary/Kindergarten McKinley Elementary	100% [LOA - H. Shapiro]	8/28/08-6/19/09
Jeffries, Mark/Math Lincoln MS	100% [LOA - S. Wright]	8/28/08-6/19/09
Lima, Alaina/Humanities Lincoln MS	100% [LOA - K. Haenske]	8/28/08-6/19/09
Mowry, Kristen/3 rd Grade McKinley Elementary	100% [LOA - Taslimi]	8/28/08-6/19/09
Turner, Robert/Speech Special Education	100% [repl. - R. Ammons]	8/28/08-6/19/09

SUBSTITUTE TEACHERS

Effective

LONG-TERM SUBSTITUTES

(@\$210.00 Daily Rate)

Holland, Brandi	8/22/08-1/22/09
Vasquez, Martha	8/22/08-1/2/09

PREFERRED SUBSTITUTES

(@\$162.00 Daily Rate)

McCullough, Helen	8/22/08
Teague, Linda	8/22/08
Wright, Samantha	8/22/08

REGULAR DAY-TO-DAY SUBSTITUTES

(@\$138.00 Daily Rate)

Shoemaker, Deirdre 8/22/08

CHANGE IN ASSIGNMENT

Effective

Anderson, Meredith 8/28/08

John Adams MS/Language Arts

From: 100%

To: 80%

Breceda, Brenda 8/28/08

John Adams MS/Language Arts

From: 80%

To: 100%

Murdock, Sheryl 8/28/08

Cabrillo Elementary/K-1st

From: 20%/Webster Elementary

To: 100%/Cabrillo Elementary

LEAVE OF ABSENCE (with pay)

Name/Location

Effective

Ramirez, Laura 8/29/08-10/22/08
Child Develop Svcs [maternity]

Stauffer, Nathaniel 10/6/08-11/12/08
Lincoln Middle School [CFRA]

Tolentino Stauffer, Aimee 9/8/08-9/10/08
Lincoln Middle School [CFRA]

LEAVE OF ABSENCE (without pay)

Name/Location

Effective

Anderson, Meredith 8/28/08-6/19/08
John Adams Middle School [personal - 20%]

Estrada, Tiffany 8/28/08-6/19/09
Muir Elementary [personal]

Stauffer, Nathaniel 11/13/08-11/26/08
Lincoln Middle School [CFRA]

Tolentino Stauffer, Aimee 9/11/08-10/3/08
Lincoln Middle School [CFRA]

Teplin, Amy 7/1/08-6/30/08
McKinley Elementary [personal - 60%]
(change from 7/24/08 Agenda)

RESIGNATION

<u>Name/Location</u>	<u>Effective</u>
Conrad, Allison Special Education	6/20/08
Danesi, Dana Santa Monica High School	8/13/08
Vazquez-Mancini, Carmen John Adams Middle School	8/7/08

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

TO: BOARD OF EDUCATION

ACTION/CONSENT

09/04/08

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

RE: CLASSIFIED PERSONNEL - MERIT

RECOMMENDATION NO. A.17

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

<u>ELECTION</u>		<u>EFFECTIVE DATE</u>
BOURDAGES, TERRY GRANT ELEMENTARY	INST ASST - CLASSROOM 2 HRS/SY/RANGE: 18 STEP: A	8/29/08
CAMPOS, ROXANNA CHILD DEVELOP SVCS	CHILDREN CENTER ASST 3.5 HRS/SY/RANGE: 18 STEP: A	8/29/08
HERNANDEZ, RAFAEL SANTA MONICA HS	INST ASST - SPECIAL ED 6 HRS/SY/RANGE: 20 STEP: A	8/29/08
MRAVIK, TANYA OLYMPIC HIGH SCHOOL	INST ASST - SPECIAL ED 6 HRS/SY/RANGE: 20 STEP: A	8/29/08
REINHARD, JUDITH MALIBU HIGH SCHOOL	SR OFFICE SPECIALIST 4 HRS/SY/RANGE: 25 STEP: D [2 nd assignment; 4-hr position at Pt Dume]	8/29/08
RINDLISBACHER, NOAH PURCHASING	ASSISTANT BUYER 8 HRS/12 MO/RANGE: 33 STEP: A	8/11/08
TERZIS, SANDRA PT DUME ELEMENTARY	INST ASST - CLASSROOM 4 HRS/SY/RANGE: 18 STEP: A	8/29/08
<u>PROMOTION</u>		<u>EFFECTIVE DATE</u>
BUNAYOG, JESSE FISCAL SVCS	ACCOUNTANT 8 HRS/12 MO/RANGE: 41 STEP: D FR: ACCOUNTING ASST	8/18/08
SOLIMAN, THORAIA PURCHASING	SUPERVISOR, BUYER 8 HRS/12 MO/RANGE: 45 STEP: A FR: ACCOUNTANT; FISCAL SVCS	9/12/08
<u>TEMP/ADDITIONAL ASSIGNMENTS</u>		<u>EFFECTIVE DATE</u>
FLORES, ANA FISCAL SVCS	OFFICE SPECIALIST	8/18/08-9/5/08
<u>SUMMER ASSIGNMENTS</u>		<u>EFFECTIVE DATE</u>
HUBBARD, LULU CHILD DEVELOP SVCS	CHILDREN CENTER ASST	6/23/08-8/28/08
MOORE, VICTORIA SPECIAL EDUCATION	INST ASST - SPECIAL ED	6/26/08-8/7/08
REUTHER, THERESA SPECIAL EDUCATION	INST ASST - SPECIAL ED	6/26/08-8/7/08
RABANI, SUSAN SPECIAL EDUCATION	INST ASST - SPECIAL ED	6/26/08-8/7/08

<u>SUBSTITUTES</u>		<u>EFFECTIVE DATE</u>
CAWLEY, PAT PERSONNEL COMMISSION	HUMAN RESOURCES TECH	8/12/08-9/10/08
DIAZ, ROCIO CHILD DEVELOP SVCS	CHILDREN CENTER ASST	9/2/08-6/19/09
MARTINEZ, MARTHA CHILD DEVELOP SVCS	CHILDREN CENTER ASST	8/29/08-6/19/09
MOORE, VICTORIA CHILD DEVELOP SVCS	CHILDREN CENTER ASST	9/2/08-6/19/09
VILLA, CYNTHIA CHILD DEVELOP SVCS	CHILDREN CENTER ASST	9/2/08-6/19/09
WALTER, SARAH CHILD DEVELOP SVCS	CHILDREN CENTER ASST	9/2/08-6/19/09
<u>VOLUNTARY TRANSFER</u>		<u>EFFECTIVE DATE</u>
ANDERSON, SALLY ROGERS ELEMENTARY	ADMINISTRATIVE ASST 8 HRS/10+10 FR: 8 HRS/11 MO/EDUCATIONAL SVCS	8/18/08
<u>LEAVE OF ABSENCE (PAID)</u>		<u>EFFECTIVE DATE</u>
HEINLY, LARRY MAINTENANCE	ELECTRICIAN MEDICAL - 80%	4/22/08-7/31/08
HEINLY, LARRY MAINTENANCE	ELECTRICIAN CATASTROPHIC	8/1/08-1/2/09
YOUNAN, JULIE PERSONNEL COMMISSION	HUMAN RESOURCE TECH MEDICAL - 50%	8/12/08-9/10/08
<u>PROFESSIONAL GROWTH</u>		<u>EFFECTIVE DATE</u>
VELASCO, HENRY OPERATIONS	UTILITY WORKER	8/1/08
<u>ESTABLISHMENT OF POSITION</u>		<u>EFFECTIVE DATE</u>
	INST ASST - SPECIAL ED 6 HRS/SY; SANTA MONICA HS	9/5/08
	INST ASST - SPECIAL ED 5 HRS/SY; ROOSEVELT ELEMENTARY	9/5/08
	SR. OFFICE SPECIALIST 8 HRS/10 MO; EDUCATIONAL SERVICES	9/5/08
<u>ABOLISHMENT OF POSITION</u>		<u>EFFECTIVE DATE</u>
	INST ASST - SPECIAL ED 5 HRS/SY; ROOSEVELT ELEMENTARY	9/5/08
	INST ASST - SPECIAL ED 4.5 HRS/SY; PINE STREET	9/5/08
	INST ASST - SPECIAL ED 6 HRS/SY; CABRILLO ELEMENTARY	9/5/08
	INST ASST - SPECIAL ED 6 HRS/SY; LINCOLN MIDDLE SCHOOL	9/5/08
	ADMINISTRATIVE ASST 8 HRS/11 MO; EDUCATIONAL SERVICES	9/5/08

TERMINATION

6462-050-08

MUIR ELEMENTARY

INST ASST - CLASSROOM
[Abandonment of Position
Merit Rule 14.1.4.A,15]**EFFECTIVE DATE**

9/5/08

RESIGNATION

CASTILLO, ERICA

SPECIAL EDUCATION

INST ASST - SPECIAL ED

EFFECTIVE DATE

8/18/08

CUMMINGS, CONSTANCE

PT DUME ELEMENTARY

INST ASST - CLASSROOM

8/15/08

DALAN, ANGELITA

FISCAL SVCS

ASST DIRECTOR, FISCAL SVCS

7/31/08

EDWARDS, SUZANNE

ROGERS ELEMENTARY

INST ASST - CLASSROOM

6/20/08

FRITZ, EULA

FRANKLIN ELEMENTARY

INST ASST - PHYSICAL ED

8/14/08

GARDNER, RODNEY

SANTA MONICA HS

INST ASST - SPECIAL ED

8/7/08

LOWNDS, ELI

ROOSEVELT ELEMENTARY

INST ASST - PHYSICAL ED

8/1/08

LUNA, SYLVIA

ROOSEVELT ELEMENTARY

INST ASST - SPECIAL ED

8/14/08

USHER, ALAN

MALIBU HIGH SCHOOL

INST ASST - SPECIAL ED

8/8/08

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

TO: BOARD OF EDUCATION

ACTION/CONSENT

09/04/08

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

RE: CLASSIFIED PERSONNEL - NON-MERIT

RECOMMENDATION NO. A.18

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

NOON SUPERVISION

LLOSA, SYLVIA

EDUCATIONAL SERVICES

7/10/08-7/31/08

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

MAJOR ITEMS

TO: BOARD OF EDUCATION

ACTION/CONSENT

09/04/08

FROM: TIM CUNEO / CHIUNG-SALLY CHOU

RE: SPECIAL EDUCATION - CLAROS GROUP CONTRACT SCOPE OF
WORK FOR PHASE I

RECOMMENDATION NO. A.19

It is recommended that the Board of Education approve a contract with the Claros Group to develop the Special Education Phase I - Development Strategy and Project Design activities, not to exceed \$13,000.

COMMENTS: The intent of this proposed work is to make improvements in the quality and climate of the district's delivery of Special Education services.

The contract is attached.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:



August 18, 2007

Overall Scope of Work

The focus of our engagement will be to support SMMUSD district staff, school-site staff and parents to achieve breakthroughs in Special Education on par with the excellent performance of other programs across the district.

Our approach is to making improvement in the quality and climate of Special Education to establish both a precedent and a prototype for how the district takes on challenging issues. Organizing principles would include:

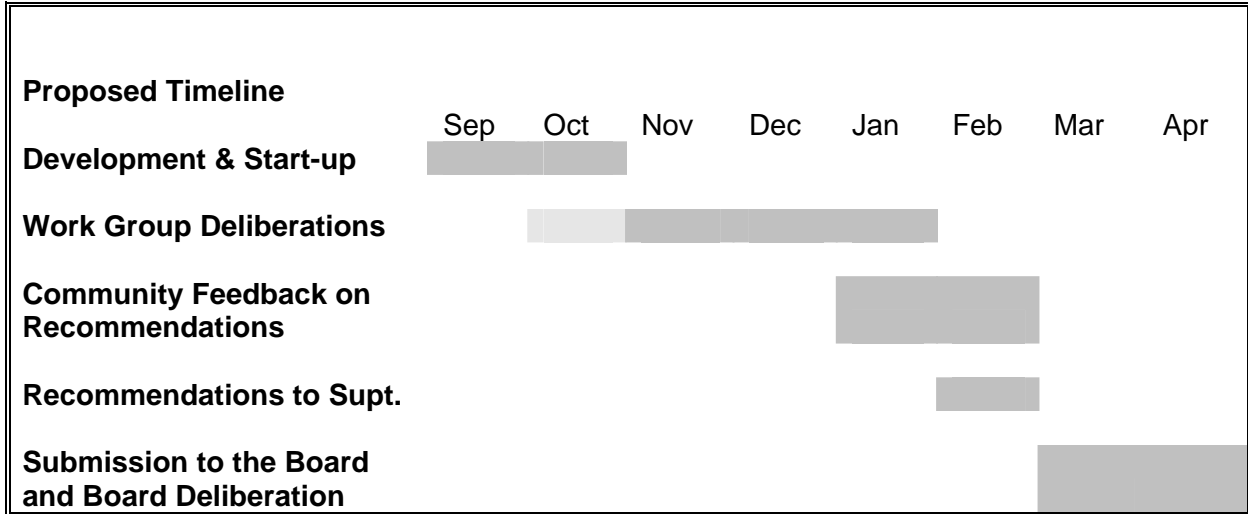
- Articulate clear boundaries and decision rights.
- Use a smaller representative working group along with broad stakeholder engagement (staff, parents, Board, etc.)
- Use a well-organized interactive process that draws on the wisdom and creativity of all participants.
- Communicate often to all stakeholders about process, progress and outcomes.
- Build momentum and credibility with early wins.
- Build capacity for productively addressing difficult issues.

It is envisioned a 6-10 month process beginning with planning and start up, and including the engagement of key constituents. A multi-stakeholder group would be charged with specific tasks, culminating in a set of recommendations to the Superintendent, which, when approved by the Board would require ongoing implementation, capacity building, and reinforcement. Your preliminary thinking is that the group would be asked to review, integrate and prioritize Special Education goals, strategies and deliverables which are currently embedded in disparate documents.

(Continued on Next Page)

Illustrative Timeline

A draft timeline for the completion of the overall work is shown below. Specific dates will depend upon the complexity of the work group charter, the availability and vacation schedules of the work group, and the scheduling of opportunities for community stakeholder engagement.



We have agreed to an initial phase (**Development and Start-up**) that would allow for on-the-ground assessment and collaborative strategy development with District Leadership. It is important that our approach reflect the change that you want to see in the district, i.e., model inclusive collaboration, transparent processes and decisions, and explicit and fair process.

Phase I Development and Start-up: Strategy and Project Design Activities (including 2-3 days on site)

1. Identify and interview individuals (individuals and small groups) whose perspective and contribution will be critical to the success of any undertaking. Individual responses will be held confidential while overarching themes will inform the project parameters.
2. Map out an overall scope of work that defines the desired outcomes, the measures of success, and a high-level work plan with timeframes, and clarifies all roles and responsibilities.
3. Agree on a written charter for a multi-stakeholder group: purpose, leadership, membership, deliverables, timeframe and resources.
4. Decide on the composition of a sponsor group, the working group, and identify the internal project leader who will partner with the
5. Develop a communications document, answering “why this; why now?” The document will be used to initiate conversations with the various individuals and groups we will need to engage throughout the project.

The deliverables from this phase of work include:

- A mutually agreed upon scope of work
- Defined project structure and roles
- Written group charter
- A communications document

Working Assumptions about Project Structure and Roles

The Superintendent and CAO (others TBD) will serve as the sponsor group for the project. As the sponsor group you will:

- Provide oversight and guidance to our work
- Ensure that we engage the right people at the right time
- Develop the charge to the working group team
- Receive and decide upon any recommendations from the working group
- Lead implementation of change

The designated SMMUSD Project Lead will:

- Be our primary point of contact
- Ensure that we understand the contextual aspects of the work
- Inspire the design team to full constructive participation
- Collaborate with and support the consulting team as we design key meetings, prepare materials to support informed deliberations, engage both the design team and the stakeholders, and manage the project timeline and deliverables.

A representative working group will be chartered to develop recommendations to the Superintendent. This work group will be fewer than 20 people and will be comprised of some members of the Special Education DAC, as well as other key individuals.

SMMSD will provide clerical and administrative support to the effort, including scheduling and logistics for all necessary meetings.

Investment Costs

Fees are \$10,000 not including expenses (primarily travel and hospitality) which will be billed as accrued. This is based on an estimate of 2-3 on-site days, all preparation, documentation, and follow up, and travel time. Caroline McCall will continue to contribute, but I will be the primary consultant and will be responsible for the work of the first phase. I will bring in other consultants at specific points during the project based on the project scope we define. SMMUSD will be invoiced after the receipt of Phase I deliverables and payment is due within 30 days.

Your signature below indicates that you understand the contents of this contract, and agree to its terms. Thank you.

Claros Group Laura Peck 966 Kains Avenue Albany, CA 94706 510-524-3150	Date
--	------

Tim Cuneo, Interim Superintendent Santa Monica-Malibu Unified School District 1651 16 th Street Santa Monica, CA 90404	Date
--	------

TO: BOARD OF EDUCATION

ACTION/CONSENT

09/04/08

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

RE: ADOPT RESOLUTION 08-07 - ENVIRONMENTAL FINDINGS -
EDISON LANGUAGE ACADEMY, MEASURE "BB" PROJECT

RECOMMENDATION NO. A.20

It is recommended that the Board of Education adopt Resolution No. 08-07 that makes the following environmental findings required by the California Department of Education ("CDE") before approving of the expansion and reconstruction of the Edison Language Academy:

1. Based upon the Phase I, the Proposed School Site is not a current or former waste disposal or solid waste disposal site; and
2. Based upon the Phase I, the Proposed School Site is not a hazardous substance release site identified by the Department of Toxic Substances Control in a current list adopted pursuant to Section 25356 for removal or remedial action pursuant to Chapter 6.8 of Division 20 of the *Health and Safety Code*; and
3. Based upon the Pipeline Analysis, the area within 1,500 feet of the Proposed School Site and the Proposed School Site do not contain one or more pipelines, situated underground or aboveground, that carries hazardous substances, extremely hazardous materials, or hazardous wastes, unless the pipeline is a natural gas line which is used only to supply natural gas to that school or neighborhood or other nearby schools and no pipelines within 1,500 feet of, or at, the Proposed School Site pose a safety hazard determined by a risk analysis study conducted per CDE criteria; and
4. The Proposed School Site is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor as defined in *Education Code Section 17213(d)(9)* and *Public Resources Code Section 21151.8(c)(9)*; and
5. Based upon PCR's written notice to and consultation with administering agencies and the South Coast Air Quality Management District, PCR identified 18 hazardous air emitting facilities specified in *Education Code Section 17213* or *Public Resources Code Section 21151.8* ("Facilities") and analyzed the air emissions from these Facilities in the HRA. Based upon PCR's analyses reported in the HRA, the health risks from these Facilities and Interstate I-10 do not and will not constitute an actual or potential endangerment of public health to persons who

would attend or be employed at the Proposed School Site;
and

6. Based upon PCR's analysis pursuant to paragraph two of *Health and Safety Code* Section 44360(b) and PCR's air dispersion modeling presented in the HRA, the air quality at the Proposed School Site is such that neither short-term nor long-term exposure poses significant health risks to the pupils and staff of the Edison Language Academy.

DISCUSSION:

The District is seeking CDE's approval for the possible expansion and reconstruction of the Edison Language Academy. The expansion being considered consists of 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").

As part of the application for CDE's approval, the Board of Education must evaluate and make certain findings concerning environmental hazards and the exposure of pupils and staff to hazardous air emissions from potential sources that are within ¼ mile of the Proposed School Site and when the Proposed School Site is within 500 feet of a qualified freeway.

The District engaged LFR, Inc. ("LFR") to prepare a Phase I Environmental Site Assessment ("Phase I") of the Proposed School Site to ascertain whether any environmental concerns exist thereon. As reported in the Phase I, LFR determined that the Proposed School Site is not a former waste disposal site and is not a hazardous substance release site. The Executive Summary of the Phase I will be available at the district office and at the board meeting. The complete Phase I is on file with staff and is available for review.

Another CDE required finding is that there are no pipelines at or within 1,500 feet of the Proposed School Site that are hazardous or a safety hazard. The District engaged LFR to prepare the requisite Pipeline Risk Analysis ("Pipeline Analysis"). As reported in the Pipeline Analysis, LFR determined that no such pipelines exist at or within 1,500 feet of the Proposed School Site. The Complete Pipeline Analysis is on file with staff and is available for review.

Additionally, the District engaged PCR Services Corporation ("PCR") to prepare the requisite air quality Health Risk Assessment ("HRA"). The following eighteen (18) facilities were identified by PCR, in consultation with administering agencies and the South Coast Air Quality Management District, as hazardous air emitting facilities that are within ¼ mile of the Proposed School Site ("Facilities"):

1. AAMCO Transmissions
2. Arco Station
3. Bon Voyage Auto Body
4. Chevron Station
5. City of Santa Monica Environmental Programs
6. City of Santa Monica Maintenance & Management
7. Discount Tire Center
8. Exxon Station
9. Gilbert's El Indio
10. Lazy Day Café
11. PAL Motors
12. Santa Monica Motors
13. Saturn of Santa Monica
14. Shell Station
15. Southern California Disposal
16. Tom's No. 1 Restaurant
17. Venice Family Clinic
18. Viking Motors

Most of these Facilities are along Pico Boulevard and on the north side of Interstate-10 (I-10). Further, the I-10 freeway is within 500 feet of Edison. None of the Facilities are directly adjacent to the Proposed School Site. Figure 1 of the HRA depicts the locations of these Facilities.

PCR analyzed the air emissions from each of these Facilities and the I-10 and determined that the air quality within $\frac{1}{4}$ mile of the Proposed School Site is acceptable for the pupils and staff. The details of PCR's analyses and results are set forth in its "Air Quality Health Risk Assessment, Edison Language Academy," dated August 25, 2008. The HRA's Executive Summary is attached for convenience. The complete HRA is on file with staff and is available for review.

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

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

**RESOLUTION NO. 08-07 - ENVIRONMENTAL FINDINGS SUPPORTING
EXPANSION AND RECONSTRUCTION OF EDISON LANGUAGE ACADEMY**

WHEREAS, the Santa Monica-Malibu Unified School District ("District") seeks to obtain the California Department of Education's ("CDE") approval to acquire 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, which are under consideration for the potential expansion and reconstruction of the Edison Language Academy (collectively, the "Proposed School Site"); and

WHEREAS, CDE requires the submission of certain District adopted environmental findings before the CDE will approve the Proposed School Site; and

WHEREAS, the District engaged LFR, Inc. ("LFR") to prepare a Phase I Environmental Site Assessment ("Phase I") of the Proposed School Site to ascertain whether any environmental concerns exist upon the Proposed School Site. LFR completed the Phase I, which is entitled, "Phase I Environmental Site Assessment, Edison Elementary School at 2425 Kansas Avenue and Two Residential Properties at 2508 and 2512 Virginia Avenue, Santa Monica, California," dated August 29, 2008 and incorporated herein as though set forth in full. The Phase I determined, among other things, that the Proposed School Site is not a former waste disposal site and is not a hazardous substance release site; and

WHEREAS, the District engaged LFR to prepare an analysis of pipelines at or within 1,500 feet of the Proposed School Site. LFR completed the analysis, which is entitled, "Revised Stage 2 Pipeline Risk Analysis," dated August 28, 2008 ("Pipeline Analysis"), and incorporated herein as though set forth in full. The Pipeline Analysis reports there are no such pipelines that pose a safety hazard as determined by a risk analysis study conducted per CDE criteria; and

WHEREAS, the District engaged PCR Services Corporation ("PCR") to prepare the requisite air quality Health Risk Assessment ("HRA") since the proposed site is within ¼ mile of potential hazardous air emission sources and within 500 feet of a qualified freeway, Interstate I-10. PCR completed the HRA, which is entitled, "Air Quality Health Risk Assessment, Edison Language Academy," dated August 25, 2008 and incorporated herewith as though set forth in full. In the HRA, PCR identified 18 hazardous air emitting facilities that are within ¼ mile of the proposed site ("Facilities"). PCR reported in the

HRA that considering the emissions from these Facilities along with those from Interstate 10, the air quality at the Proposed School Site is such that neither short-term nor long-term exposure poses significant health risks to its pupils and staff.

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

1. Based upon the Phase I, the Proposed School Site is not a current or former waste disposal or solid waste disposal site; and
2. Based upon the Phase I, the Proposed School Site is not a hazardous substance release site identified by the Department of Toxic Substances Control in a current list adopted pursuant to Section 25356 for removal or remedial action pursuant to Chapter 6.8 of Division 20 of the *Health and Safety Code*; and
3. Based upon the Pipeline Analysis, the area within 1,500 feet of the Proposed School Site and the Proposed School Site do not contain one or more pipelines, situated underground or aboveground, that carries hazardous substances, extremely hazardous materials, or hazardous wastes, unless the pipeline is a natural gas line which is used only to supply natural gas to that school or neighborhood or other nearby schools and no pipelines within 1,500 feet of, or at, the Proposed School Site pose a safety hazard determined by a risk analysis study conducted per CDE criteria; and
4. The Proposed School Site is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor as defined in *Education Code Section 17213(d)(9)* and *Public Resources Code Section 21151.8(c)(9)*; and
5. Based upon PCR's written notice to and consultation with administering agencies and the South Coast Air Quality Management District, PCR identified 18 hazardous air emitting facilities specified in *Education Code Section 17213* or *Public Resources Code Section 21151.8* ("Facilities") and analyzed the air emissions from these Facilities in the HRA. Based upon PCR's analyses reported in the HRA, the health risks from these Facilities and Interstate I-10 do not and will not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the Proposed School Site; and

6. Based upon PCR's analysis pursuant to paragraph two of *Health and Safety Code* Section 44360(b) and PCR's air dispersion modeling presented in the HRA, the air quality at the Proposed School Site is such that neither short-term nor long-term exposure poses significant health risks to the pupils and staff of the Edison Language Academy.

PASSED AND ADOPTED by the Santa Monica-Malibu Unified School District of Los Angeles County at a regular meeting held on the 4th day of September 2008.

AYES:

NOES:

ABSETENSIONS:

ABSENT:

Oscar de la Torre, President
Board of Education

Tim Cuneo, Interim Superintendent
Santa Monica-Malibu
Unified School District

TO: BOARD OF EDUCATION

ACTION/MAJOR

09/04/08

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

RE: 2007-08 UNAUDITED ACTUAL FINANCIAL REPORT

RECOMMENDATION NO. A.21

It is recommended that the Board of Education approve the 2007-08 Unaudited Actual Financial Report, the resulting technical corrections to the 2007-08 Adopted Budget, and staff recommendations for the 2008-09 allocations and/or reservations.

COMMENTS: California Education Code §42100 requires the governing board of each school district to provide the county office of education (on or before September 15) a report of all revenues and expenditures for the preceding fiscal year. This report must also include any resulting corrections to the current year (2008-09) adopted budget. Although the prior fiscal year formally ended on June 30, final accounting tabulations are not generally completed by the District and the LACOE until the end of August. It is noted that all data contained in the attached report will be subject to final audit by the District's Independent Auditing firm of Nigro Nigro and White.

Report of Year-End Fund Balances for 2007-08

General Fund Ending Balance 2007-08

1) **Unrestricted Funds** - The Unrestricted General Fund ending balance (inclusive of the 3% Reserve for Economic Uncertainties, revolving cash, warehouse inventory, school site and District carryover funds, etc.) is currently estimated at \$21,020,258 or approximately \$2,878,676 higher than the estimate reported to the Board of Education on June 28, 2007 with the Adopted Budget.

The above increase is reflective of the following:

- Revenue increases of \$1,320,235 including additional interest earnings and other local income revenue, and a significant decrease <\$1,622,832> in the Local General Fund Contribution (LGFC) to the Special Education and other District programs. In regards to Special Education, the specific decrease reflects a number of certificated and classified positions that were budgeted but not filled during the fiscal year and other budgeted funds that were not spent.
- Expenditure Reductions and Carryover Funds to be re-budgeted. Overall, expenditures in the Unrestricted General Fund were \$1,558,441 less than previously estimated. This amount includes \$76,555 of school site carryover funds to be re-

appropriated in 2008-09 and to pay for previously approved 2007-08 purchase orders for goods and/or services which were received after July 1, 2008, as well as budgeted funds in various categories that were not spent.

2) **Restricted Funds** - The ending balance in the Restricted General Fund was \$7,064,915. The balance for various State and Federal programs follows:

2007-08 RESTRICTED ENDING FUND BALANCE - STATE AND FEDERAL		
PROGRAM	RESOURCE #	2007-08
		FUND BALANCE
MEDI-CAL	56400	385,987.07
ELAP	62860	61,221.07
LOTTERY	63000	403,025.50
CAREER-TECH ED	63770	3,610.36
SCHOOL SAFETY	64050	229,434.26
SPECIAL EDUCATION	65000	153,234.09
ARTS AND MUSIC ONE TIME	67610	262,547.09
CAHSEE	70550	64,435.17
CAHSEE MATERIAL	70560	301.15
SUPPLEMENTAL SCHOOL COUNSELING	70800	506,530.37
ECONOMIC IMPACT AID	70900	100,953.47
ECONOMIC IMPACT AID (LEP)	70910	16,961.37
GATE	71400	33,951.33
INSTR. MATLS. - FRP	71560	513,240.27
INSTR. MATLS.- ELA	71570	30,653.06
CA PEER ASSISTANT	72710	40,578.58
STAFF DEV. - ADMIN TRAINING	73250	3,980.00
PUPIL RETENTION BLOCK GRANT	73900	63,624.67
BTSA- BEGINNING TEACHER	73920	77,242.93
PROFESSIONAL DEVELOPMENT	73930	50,554.00
TIIG	73940	104,762.64
SIP-BLOCK GRANT	73950	206,641.78
DISCRETIONARY BLOCK GRANT	73960	40,077.92
DISCRETIONARY BLOCK GRANT -DISTRICT	73970	241,157.00
INSTRUCTIONAL AND LIBRARY	73980	176,444.58
ONGOING MAJOR MAINTENANCE	81500	102,358.71

Important Considerations:

With an Undesignated Ending Balance of \$16, 930,607, which exceeds the balance estimated in June during the budget adoption by \$2.6 million, the District has the opportunity to appropriate or reverse funds on a one-time basis.

During the budgeting process and over the past several months, there have been several site program or department specific allocations that have been identified.

Those include:

- o \$50,000 for start-up funds in the STEM Academy (Science Magnet) program at Will Rogers Elementary;

- o \$7,500 for a pilot program in the SDC program at Roosevelt for a Smart Board;
- o \$132,000 to be set aside to provide planning for the Small Schools Project; and,
- o \$52,500 for the purchase of a new small school bus.

In order to support ongoing improvements with District technology and to take full advantage of the infrastructure provided through the Measure BB funds, the following are allocations specific to technology:

- o \$35,000 for the purchase of laptop computers and LCD projectors to be used in Special Education IEPs;
- o \$30,000 for the purchase of hardware in support of improvement of communication through Outlook Exchange;
- o \$61,335 for the purchase of scanning equipment for each site to support the Ed Services Department; and,
- o Reserving \$1,000,000 to begin planning the conversion of the Student Information System (SIS).

The District is currently in the process of making significant changes with the delivery of Special Education services. In addition to the Smart Board at Roosevelt and the purchase of laptops and LCD projectors listed above, staff is requesting that the Board allocate funds to assist with the review process and provide staff development and legal support. The District is in the process of contracting with the Claros Group for review assistance. An allocation not-to-exceed \$60,000 should cover all costs for this project. As an estimate for staff development and legal services, staff is suggesting \$25,000 at this time. In summary, the following allocations would support the District's efforts to improved Special Education services:

- o \$7,500 for a pilot program in the SDC program at Roosevelt for a Smart Board;
- o \$35,000 for the purchase of laptop computers and LCD projectors to be used in Special Education IEPs;
- o \$60,000 for the review of Special Education; and,
- o \$25,000 for staff development/legal services.

It is also recommended that consideration be given to a transfer of \$1,000,000 to Fund 20 (*Post-Employment Benefit Fund*) to continue addressing the requirements of Governmental Accounting Standards Board (GASB) Rule 45 which mandates that the District project retirement benefits 30 years into the future. The District's most recent actuarial valuation places this liability in excess of \$21.2 million.

The uncertainty of the State economy, the volatility of State funding for education, the lack of a current State Budget combined with fluctuations in District enrollment and other

budgetary pressures give rise to long-term fiscal concerns. When the financial landscape has this many uncertainties, minimal Reserve levels do not support fiscal responsibility. With the opportunity of available funds, staff recommends funding the Reserve for Economic Uncertainties above the minimum level of 3% minimum level at 5%, or an additional \$2.0 million in the account.

The allocations and additional fund reservations are summarized in Attachment 3 to this report.

It is noted that as of the date of the preparation of this agenda item, the Legislature has not yet approved the State Budget for 2008-09.

Attachments:

- **Attachment 1** - Provides a summary of the Local General Fund Contribution (LGFC) category for 2007-08.
- **Attachment 2** - Provides a summary of the 2007-08 ending fund balance for each District Fund to be used in adjusting the 2008-09 Budget.
- **Attachment 3** - Staff recommendation for 2008-09 Budget allocations and/or fund balance reservations.

The complete 2007-08 Unaudited Actual Financial Report in the State Standardized Account Code Structure (SACS) is attached to the Agenda as *Attachment A* (green pages).

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

SANTA MONICA-MALIBU USD
2007-08 LOCAL GENERAL FUND CONTRIBUTION (LGFC)

	2007-08 BUDGET	2007-08 ACTUALS	CHANGES
SPECIAL EDUCATION	10,492,932	9,089,505	(1,403,427)
SPECIAL EDUCATION TRANSPORTATION*	514,823	398,260	(116,563)
COMMUNITY DAY SCHOOL	9,375	34,744	25,369
TITLE II PART D: ENHANCING EDUCATION THROUGH TECHNOLOGY (<i>EETT</i>)	106,827	99,674	(7,153)
NATIONAL BOARD CERTIFICATION	55,000	13,406	(41,594)
ADMINISTRATOR TRAINING (AB75/AB430)	9,000	9,000	-
MULTI-CULTURAL PROGRAM	500,000	470,709	(29,291)
DISCRETIONARY BLOCK GRANT - SCHOOL SITES	-	14,473	14,473
VALUED YOUTH PROGRAM	4,771	4,400	(371)
REGIONAL OCCUPATIONAL PROGRAM	8,700	8,700	-
BARNUM HALL	164,630	164,630	-
ONGOING MAINTENANCE PROGRAM	3,621,146	3,621,146	-
TOTAL CONTRIBUTION:	15,487,204	13,928,647	(1,558,557)

*\$115,000 was funded by the School Improvement Block Grant.

SANTA MONICA-MALIBU USD
2007-08 SUMMARY REPORT FOR ALL FUNDS
UNAUDITED ACTUALS

FUND	DESCRIPTION	BEGINNING FUND BALANCE	REVENUES	EXPENDITURES	FUND BALANCE
01	GENERAL FUND				
	UNRESTRICTED	\$ 16,682,780.74	\$ 78,670,041.62	\$ 74,332,564.11	\$ 21,020,258.25
	RESTRICTED	\$ 6,751,111.21	\$ 43,052,290.32	\$ 42,738,486.24	\$ 7,064,915.29
11	ADULT EDUCATION	\$ 243,198.01	\$ 745,174.15	\$ 701,732.77	\$ 286,639.39
12	CHILD DEVELOPMENT	\$ 30,525.00	\$ 7,849,399.63	\$ 7,543,342.84	\$ 336,581.79
13	CAFETERIA	\$ 379,507.67	\$ 2,990,041.07	\$ 2,994,025.86	\$ 375,522.88
14	DEFERRED MAINTENANCE	\$ 4,734,384.43	\$ 1,190,525.50	\$ 1,823,411.83	\$ 4,101,498.10
19	FOUNDATION SPECIAL REVENUE	\$ 161,744.43	\$ 322,545.52	\$ 370,578.27	\$ 113,711.68
20	SPECIAL RESERVE	\$ 878,595.21	\$ 793,482.17	\$ -	\$ 1,672,077.38
21	BUILDING	\$ 588,677.76	\$ 65,903,524.62	\$ 7,985,107.06	\$ 58,507,095.32
25	CAPITAL FACILITIES	\$ 4,023,700.62	\$ 1,580,738.64	\$ 4,081,300.75	\$ 1,523,138.51
40	SPECIAL RESERVE FUND FOR CAPITAL OUTLAY PROJECTS	\$ 1,769,796.12	\$ 1,260,611.66	\$ 1,143,864.22	\$ 1,886,543.56
51	BOND INTEREST AND REDEMPTION FUND	\$ 6,940,844.00	\$ 18,686,381.00	\$ 8,543,109.00	\$ 17,084,116.00
56	DEBT SERVICES	\$ 1,157.54	\$ 55.33	\$ -	\$ 1,212.87
	TOTAL:	\$ 43,186,022.74	\$223,044,811.23	\$ 152,257,522.95	113,973,311.02

**Santa Monica Malibu Unified School District
Budget Allocations and Fund Reservations
September 4, 2008**

Start up Funds – Will Rogers Science Magnet	50,000
Smart Board at Roosevelt – SDC pilot program	7,500
Reserve for Small Schools Study	132,000
School Bus Replacement	52,500
Technology to support the IEP process in Special Education – laptops and LCD projectors	35,000
Technology to support Outlook Exchange	30,000
Site Scanning Equipment	61,335
Special Education Review Process	60,000
Special Education Staff Development/Legal	25,000
Reserve for Student Information System	1,000,000
Transfer to Fund 20 for GASB 45 Reserve	1,000,000
Increase Reserve for Economic Uncertainties from minimum of 3% to 5%	2,000,000
Total Allocation/Reservations	4,453,335

TO: BOARD OF EDUCATION

ACTION/MAJOR
09/04/08

FROM: TIM CUNEO / MICHAEL D. MATTHEWS

RE: REVISE POLICY 5145.7 - SEXUAL HARASSMENT AND
MISCONDUCT (STUDENTS)

RECOMMENDATION NO. A.22

It is recommended that the Board of Education revise policy 5145.7 - Sexual Harassment and Misconduct (Students).

COMMENT: As part of the district's steps to ensure student safety, the board has requested that this policy and its administrative regulation return for review. The board reviewed this policy and administrative regulation at its meeting on June 26, 2008. Since then, the Ad Hoc Policy Committee has met with members of senior staff and recommends the following changes as seen in underlined font.

Attachment:

- Board Policy 5145.7 - Sexual Harassment and Misconduct (Students)
- Administrative Regulation 5145.7 - Sexual Harassment and Misconduct(Students)

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

THIS IS EXISTING BOARD POLICY

New text in underline

Deleted text in ~~strikeout~~

<u>NUMBER</u>	<u>ARTICLE</u>	<u>TITLE</u>
5145.7	STUDENTS	Sexual Harassment <u>and Misconduct</u>

<u>SUBTOPIC</u>	<u>POLICY</u>	<u>REGULATION</u> <u>EXHIBIT</u>
Welfare	X	

DETAIL

The Governing Board is committed to maintaining an educational environment that is free from harassment. The Board prohibits sexual harassment of students by other students, employees or other persons, at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against persons who complain, testify, assist or otherwise participate in the complaint process established pursuant to this policy and the administrative regulation.

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate instruction and information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same gender
2. A clear message that students do not have to endure sexual harassment
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained
4. Information about the person(s) to whom a report of sexual harassment should be made

Complaint Process

Any student who feels that he/she is being or has been subjected to sexual harassment shall immediately contact his/her teacher, counselor, administrator, or any other school employee. A school employee to whom a complaint is made shall, within 24 hours of receiving the complaint, report it to the principal or designee.

Any school employee who observes any incident of sexual harassment involving a student shall report this observation to the principal or designee, whether or not the victim files a complaint.

In any case of sexual harassment involving the principal or any other district employee to whom the complaint would ordinarily be made, the employee who receives the student's report or who

observes the incident shall report to the nondiscrimination coordinator or the Superintendent or designee.

The principal or designee to whom a complaint of sexual harassment is reported shall immediately file a report to the Superintendent with the Confidential Incident Report Form. The Superintendent will determine who will investigate the complaint in accordance with administrative regulation. Where the Assistant Superintendent of Human Resources or designee and/or independent investigator ~~principal or designee~~ finds that sexual harassment occurred, he/she shall take prompt, appropriate action to end the harassment and address its effects on the victim. The principal or designee shall also advise the victim of any other remedies that may be available. The principal or designee shall ~~file a report with the Superintendent or designee and~~ refer the matter to law enforcement authorities, where required.

Disciplinary Measures

Any student who engages in sexual harassment of anyone at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4 through 12, disciplinary action may include suspension, opportunity transfer, and/or expulsion, provided that in imposing such discipline the entire circumstances of the incident(s) shall be taken into account.

Any employee who engages in sexual harassment or misconduct is in violation of this policy and shall be subject to disciplinary measures and shall be reported to law enforcement agencies.

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address and prevent repetitive harassing behavior in its schools.

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

By no later than October 31st of each year, the Superintendent shall inform the public via an Information Item in the Board of Education agenda regarding the number of reported student and employee sexual harassment complaints for the previous school year.

REFERENCE

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex
48900.2 Additional grounds for suspension or expulsion; sexual harassment
48904 Liability of parent/guardian for willful student misconduct
48980 Notice at beginning of term

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor
 CODE OF REGULATIONS, TITLE 5
 4900-4965 Nondiscrimination in elementary and secondary education programs
 receiving state financial assistance
 UNITED STATES CODE, TITLE 20
 1681-1688 Title IX, Discrimination
 UNITED STATES CODE, TITLE 42
 2000d-2000d-7 Title VI, Civil Rights Act of 1964
 UNITED STATES CODE, TITLE 42
 2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended
 CODE OF FEDERAL REGULATIONS, TITLE 34
 106.1-106.71 Nondiscrimination on the basis of sex in education programs
 COURT DECISIONS
 Reese v. Jefferson School District, (2001) 208 F.3d 736
 Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
 Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989
 Nabozny v. Podlesny, (1996, 7th Cir.) 92 F.3d 446
 Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447
 Oona R.-S. etc. v. Santa Rosa City Schools et al, (1995) 890 F.Supp. 1452
 Rosa H. v. San Elizario Ind. School District, (W.D. Tex. 1995) 887 F. Supp.
 140, 143
 Clyde K. v. Puyallup School District #3, (1994) 35 F.3d 1396
 Patricia H. v. Berkeley Unified School District, (1993) 830 F.Supp. 1288
 Franklin v. Gwinnet County Schools, (1992) 112 S. Ct. 1028
 Kelson v. City of Springfield, Oregon, (1985, 9th Cir.) 767 F.2d 651

MANAGEMENT RESOURCES

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL
 Protecting Students from Harassment and Hate Crime: A Guide for Schools,
 January 1999

OFFICE OF CIVIL RIGHTS' PUBLICATIONS
 Revised Sexual Harassment Guidance, January 2001
 Sexual Harassment Guidance, March 1997

WEB SITES

OCR: <http://www.ed.gov/offices/OCR>

<u>ADOPTED</u>	<u>REVISED</u>	<u>CSBA DATE</u>
March 28, 1993	February 21, 2008	November 2001

THIS IS EXISTING ADMINISTRATIVE REGULATION

New text in underline

Deleted text in ~~strikeout~~

<u>NUMBER</u>	<u>ARTICLE</u>	<u>TITLE</u>
5145.7	STUDENTS	Sexual Harassment <u>and Misconduct</u>

<u>SUBTOPIC</u>	<u>POLICY</u>	<u>REGULATION</u>	<u>EXHIBIT</u>
Welfare		X	

DETAIL

Prohibited sexual harassment and misconduct includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors or other unwanted verbal, visual or physical conduct of a sexual nature made against another person of the same or opposite gender, in the educational setting. ~~when:~~ Egregious examples of sexual harassment and misconduct include: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance, or of creating an intimidating, hostile or offensive educational environment
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity

Additionally, any consensual sexual relationship between an employee/volunteer and student, including students who have reached the age of consent, is prohibited.

Types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations or propositions
2. Sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions
3. Graphic ~~verbal~~ comments about an individual's body, or overly personal conversation
4. Sexual jokes, notes, stories, drawings, pictures, electronic communication, or gestures
5. Spreading sexual rumors, including those spread via electronic communication

6. Teasing or sexual remarks about students enrolled in a predominantly single-gender class
7. Massaging, grabbing, fondling, stroking or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Purposefully cornering or blocking normal movements with sexual intent
10. Displaying sexually suggestive objects
11. Homophobic taunts or other slurs related to sexual orientation
12. The conduct includes excessive or repeated touching of a student that is without a clear educational purpose.

Preventing Sexual Harassment and Misconduct

In an effort to prevent the occurrence or perception of sexual misconduct, the following precautions shall be taken by all employees:

1. Employees shall, whenever possible, avoid closed door meetings and before/after school hours activities with only one student.
2. On any student trip away from school, there shall be a minimum of two chaperones, preferably a man and a woman.

Notifications

A copy of the district's sexual harassment policy shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)
2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures and standards of conduct are posted (Education Code 231.5)
3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester or summer session (Education Code 231.5)
4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures and standards of conduct (Education Code 231.5)
5. Be provided to employees and employee organizations

Investigation of Complaints at School (Site-Level Grievance Procedure)

1. The principal shall report a complaint to the Superintendent using the Confidential Incident Report form. Even if no complaint is filed, the principal has a duty to investigate suspected sexual harassment or misconduct.
2. The principal and Superintendent shall determine whether the principal, a designee, or an independent investigator will investigate the complaint. That person ~~The principal or designee~~ shall promptly investigate all complaints of sexual harassment. In so doing, he/she shall talk individually with:
 - a. The student who is complaining
 - b. The person accused of harassment
 - c. Anyone who witnessed the conduct complained of
 - d. Anyone mentioned as having related information
32. The student who is complaining shall have an opportunity to describe the incident, present witnesses and other evidence of the harassment, and put his/her complaint in writing.
43. The principal or designee shall discuss the complaint only with the people described above. If the complaint regards occurrences for which the principal or designee has a reasonable suspicion of child abuse, the principal or designee is mandated to report to law enforcement and/or child protective agencies as per SMMUSD Board Policy and Administrative Regulation 5144.4. When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the principal or designee also may discuss the complaint with the following persons:
 - a. The Superintendent or designee
 - b. The parent/guardian of the student who complained
 - c. If the alleged harasser is a student, his/her parent/guardian
 - d. A teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth
 - e. Child protective agencies responsible for investigating child abuse reports
 - f. Legal counsel for the district
54. The complainant shall not be required or asked to meet with the alleged harasser or person suspected of sexual misconduct. If the alleged harasser or person suspected of sexual misconduct is a district employee or volunteer, then during the course of the investigation, he/she shall discontinue contact with students. ~~When the student who complained and the alleged harasser so agree, the principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree.~~

65. In reaching a decision about the complaint, the Assistant Superintendent of Human Resources or designee and/or independent investigator ~~principal or designee~~ may take into account:
- a. Statements made by the persons identified above
 - b. The details and consistency of each person's account
 - c. Evidence of how the complaining student reacted to the incident
 - d. Evidence of any past instances of harassment by the alleged harasser
 - e. Evidence of any past harassment complaints that were found to be untrue
76. To judge the severity of the harassment, the Assistant Superintendent of Human Resources or designee and/or independent investigator ~~principal or designee~~ may take into consideration:
- a. How the misconduct affected one or more students' education
 - b. The type, frequency and duration of the misconduct
 - c. The number of persons involved
 - d. The age and gender of the person accused of harassment
 - e. The subject(s) of harassment
 - f. The place and situation where the incident occurred
 - g. Other incidents at the school, including incidents of harassment that were not related to gender
87. The Assistant Superintendent of Human Resources or designee and/or independent investigator ~~principal or designee~~ shall write a report of his/her findings, decision, and reasons for the decision and shall present this report to the student who complained and the person accused.
98. The Assistant Superintendent of Human Resources or designee and/or independent investigator ~~principal or designee~~ shall give the Superintendent or designee a written report of the complaint and investigation. If the principal or designee verifies that sexual harassment occurred, this report shall describe the actions taken to end the harassment, address the effects of the harassment on the student harassed, and prevent retaliation or further harassment.
109. Within two weeks after receiving the complaint, the principal or designee shall determine whether or not the student who complained has been further harassed. The principal or designee shall keep a record of this information and shall continue this follow-up.

Enforcement

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti.
2. Providing staff inservice and student instruction or counseling.
3. Notifying parents/guardians of the actions taken.
4. Notifying child protective services.
5. Taking appropriate disciplinary action. In addition, the principal or designee may take disciplinary measures against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.
6. If an employee is found to be in violation of this policy, disciplinary action shall include, at a minimum, a letter of reprimand, which shall be placed in the employee's personnel file. That letter shall not be expunged under any circumstances.

Support for Students

The Superintendent or designee shall take appropriate actions to provide support for students who have been subjected to sexual harassment and/or misconduct by a district employee or volunteer.

1. The principal or designee will make it clear to the affected student(s) and the parents or guardians that any form of retaliation or mistreatment of a student who complained will not be tolerated.
2. In instances where there were substantiated findings that a student was subjected to sexual harassment/misconduct by a District employee or volunteer, the District will offer, and upon the request of the parent or guardian, will assist the student in receiving therapeutic intervention.

<u>ADOPTED</u>	<u>REVISED</u>	<u>CSBA DATE</u>
March 28, 1993	February 26, 2008	November 2001

TO: BOARD OF EDUCATION

ACTION/MAJOR

09/04/08

FROM: OSCAR DE LA TORRE

RE: ADOPT BOARD OF EDUCATION AND SUPERINTENDENT PROTOCOLS

RECOMMENDATION NO. A.23

It is recommended that the Board of Education adopt the attached Board of Education and Superintendent Protocols.

COMMENTS: These protocols were discussed and agreed upon by the board members and Superintendent at the August 11 and August 13 board retreats.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

Santa Monica Malibu Unified School District
Board of Trustees and Superintendent
Protocols

School districts are governed by boards, not by individuals. While understanding their roles, the board and superintendent work together as a “governance team.” This team assumes collective responsibility for building unity and creating a positive organizational culture in order to govern effectively. To operate effectively, the board and superintendent agree:

Board Members and Superintendent will...

1. Keep teaching and learning as the primary focus of our work.
2. Support all students in their pursuit of academic achievement and personal growth
3. Value, respect, and support diversity within our communities.
4. Respect the differences between governance and management.
5. Recognize and respect differences of perspective and style on the board and among staff, students, parents, and the communities.
6. Operate with trust, honesty, transparency, and integrity.
7. Keep confidential matters confidential.
8. Model good learning by participating in professional development.
9. Act with dignity and understand the implications of demeanor and behavior.
10. Evaluate the board’s and Superintendent’s effectiveness regularly against these protocols.

As an individual Board Member, I will...

1. Support the district’s core values, beliefs, and vision.
2. Understand that the authority of the board rests with the board as a whole, and not individual board members.
3. Understand the distinctions between the board and staff roles, and refrain from performing management functions that are the responsibility of the superintendent and staff
4. Establish high expectations for all students that are clear and measureable.
5. Ensure the board agendas reflect the district’s strategic plan.
6. Govern in a professional manner, treating everyone with civility and respect.
7. Work collaboratively and take collective responsibility for the board’s performance.
8. Adopt a budget that supports the district’s strategic plan.
9. Establish a district climate that supports high-quality teaching and learning and promotes successful school communities.
10. Work to resolve differences of opinion in a constructive manner.

As Superintendent, I will...

1. Serve as the district instructional leader
2. Communicate and support the district’s vision and strategic direction as established in collaboration with the Board
3. Work with the Board to insure a strong governance team that supports student achievement pre-school through adult education.
4. Recognize that the governance team requires support from the district’s management team.
5. Understand the distinction between board and staff roles, and respect the role of the board as the representative of the community.
6. Accept leadership responsibility and be accountable for implementing the vision, goals and policies of the district.
7. Communicate with board members promptly and effectively.
8. Distribute information fully and equally to all board members.
9. Regularly visit the schools and be visible in both communities.

DISCUSSION ITEMS

TO: BOARD OF EDUCATION

DISCUSSION

09/04/08

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

RE: 2008 STUDENT ACHIEVEMENT DATA

DISCUSSION ITEM NO. D.01

The California Standards Tests (CSTs) measure student achievement in grade level standards. They are administered to all students in grades 2 - 11. The California High School Exit Exam (CAHSEE) is given to all 10th grade students. Students must pass both the mathematics and language arts portions of this exam in order to be graduated from high school with a diploma. Students who do not achieve a passing score in 10th grade may continue to take the test throughout 11th and 12th grade. Non-passers may have up to two consecutive years after the completion of their high school coursework to take and pass the CAHSEE in order to receive their diplomas.

Both the CSTs and 10th grade CAHSEE results are used to determine the district's Academic Performance Index (API), the state's accountability system for measuring student achievement.

In addition, the percentage of students who are proficient on these exams is used to determine the district's Adequate Yearly Progress toward Annual Measurable Objectives (AMOs), as part of the federal accountability requirements legislated through the No Child Left Behind Act.

Achievement data from these standardized measures, as well as district formative assessments, are used to help school and district leaders to identify program needs, prioritize professional development, and develop data-driven school improvement plans.

Multi-year trends in district-wide student achievement for CST, CAHSEE, API, and AYP will be reviewed.

TO: BOARD OF EDUCATION
FROM: TIM CUNEO / CHIUNG-SALLY CHOU
RE: ADOPT POLICY 6162.8 - RESEARCH

DISCUSSION
09/04/08

DISCUSSION ITEM NO. D.02

It is recommended that the Board of Education adopt Board Policy 6162.8 - Research, regarding individuals wishing to conduct research in the Santa Monica-Malibu Unified School District.

Attached is the revised policy:

- 6162.8 - Research

THIS IS A **NEW POLICY**

New text in underline
Deleted text in ~~strikeout~~

<u>NUMBER</u>	<u>ARTICLE</u>	<u>TITLE</u>
6162.8	Instruction	Research

<u>SUBTOPIC</u>	<u>POLICY</u>	<u>REGULATION</u>	<u>EXHIBIT</u>
	<u>X</u>		

DETAIL

The Governing Board recognizes the value of academic research to improve educational programs and practices. Researchers shall respect the privacy rights of students, including their right to refrain from participation in research projects in accordance with law, Board policy and administrative regulation.

The Superintendent or designee may authorize research projects within the district by groups or persons when such research is aligned with district goals and objectives and is likely to benefit the district without disrupting the school program.

The Superintendent or designee shall ensure that parents/guardians receive prior notification of any surveys or evaluations that collect personal student information and that consent is obtained in accordance with law.

REFERENCE

Legal Reference:

EDUCATION CODE
51513 Personal beliefs
UNITED STATES CODE, TITLE 20
1232h Protection of pupil rights

MANAGEMENT RESOURCES

Management Resources:

WEB SITES
CSBA: <http://www.csba.org>
CDE: <http://www.cde.ca.gov>
USDOE, Family Policy Compliance Office:
<http://www.ed.gov/offices/OM/fpco/>

<u>ADOPTED</u>	<u>REVISED</u>	<u>CSBA DATE</u>
xxxxxxxxx		November 2002

TO: BOARD OF EDUCATION

DISCUSSION

09/04/08

FROM: TIM CUNEO / CHIUNG-SALLY CHOU

RE: DISTRICTWIDE ENROLLMENT UPDATE - 2008-09

DISCUSSION ITEM NO. D.03

District staff will review the current enrollment as of the third day of school (9/4/08) and compare that enrollment number to the original projections.

More information will be distributed at the meeting after data from the third day of school has been collected.

INFORMATION ITEMS

TO: BOARD OF EDUCATION

INFORMATION

09/04/08

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

RE: SUPPLEMENTAL TEXTBOOKS

INFORMATION ITEM NO. I.01

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

COMMENT: In accordance with the Board of Education policy, the textbook(s) listed below will be on public display for the next two weeks in the Educational Services Department at 1638 17th Street, Santa Monica, CA 90405.

Ocean Images: the Plankton, by Robert Bradbrook Perry for grades ten-twelve Biology and Marine Biology at Malibu High and Santa Monica High School. Adoption requested by Robert Perry.

Earth Science, California Education 2005, by Prentice Hall for grade nine Earth Science at Malibu High School. Adoption request by Robert Perry.