

**Santa Monica-Malibu Unified School District
Board of Education Meeting
ADDENDUM TO THE AGENDA**

May 26, 2010

MAJOR ITEMS

DISCUSSION ITEMS

- D.01 Review Board Policy and Administrative Regulation 3290 – Acceptance of Gifts,
 and Administrative Regulation 4112 – Appointment and Conditions of
 Employment

ADD: Agenda item (*pp. 2-11 of this addendum*)

INFORMATION ITEMS

SW

TO: BOARD OF EDUCATION

DISCUSSION

05/26/10

FROM: TIM CUNEO

ADDENDUM

RE: REVIEW BOARD POLICY AND ADMINISTRATIVE REGULATION 3290 –
ACCEPTANCE OF GIFTS, AND ADMINISTRATIVE REGULATION 4112 –
APPOINTMENT AND CONDITIONS OF EMPLOYMENT

DISCUSSION ITEM NO. D.01

The Board of Education will review BP and AR 3290 – Acceptance of Gifts, and AR 4112 – Appointment and Conditions of Employment, as they relate to the budget reduction decisions the board has made for 2011-11 in response to the state budget shortfall.

Attached:

- BP & AR 3290 – Acceptance of Gifts
- AR 4112 – Appointment and Conditions of Employment

ACCEPTANCE OF GIFTS

The Board of Education acknowledges that education is a fundamental right. Every child has a right to an education that will prepare him/her to be a skilled and productive member of our society. The goal of the Board is to provide equitable and high quality educational opportunities for all students in the district.

The Board recognizes that the needs of students require various learning opportunities, and it is the responsibility of the Board to identify and remove barriers that contribute to gaps in achievement for different groups of students. It is the intent of the Board that gifts accepted by the district provide equitable access to educational opportunities to meet the needs of all students. The Board recognizes the community's desire to participate in promoting excellence in our schools through fundraising and gifts. While greatly appreciating acceptable donations, the Board discourages any gifts which may directly or indirectly impair its commitment to providing equal educational opportunities for all district students.

The Board recognizes that there are differences among various communities in their ability to contribute additional funds for programs and services at their local schools, and these differences perpetuate inequalities in educational opportunities from one district school to another. Therefore, the Board may not accept gifts by individuals, groups or organizations to specific schools intended to replace personnel, programs or services cut by the Board in the process of budget reduction, unless sufficient funds are received to restore those programs, services or personnel at all sites from which they were cut.

To achieve a greater level of equalization, the Board will establish an Equity Fund, which will be administered by the Education Services Department in conjunction with the Education Foundation. Contributions to this fund and distributions from this fund will be made in accordance with AR 3290. The purpose of the Equity Fund grants will be to improve the achievement of ALL students while simultaneously closing the achievement gap by mitigating the effects of the unequalized enrichment of schools.

Before accepting a gift, the Board shall consider whether the gift

1. Has a purpose consistent with the district's vision and philosophy
2. Begins a program which the Board would be unable to continue when the donated funds are exhausted
3. Entails undesirable or excessive costs
4. Implies endorsement of any business or product

The Board shall carefully evaluate any conditions or restrictions imposed by the donor in light of district philosophy and operations. If the Board feels the district will be unable to fully satisfy the donor's conditions, the gift shall not be accepted.

Gift books and instructional materials shall be accepted only if they meet regular district criteria.

All gifts, grants and bequests shall become district property. At the Superintendent or designee's discretion, a gift may be used at a particular school.

Legal Reference:

EDUCATION CODE

[1834](#) *Acquisition of materials and apparatus*

[35162](#) *Power to sue, be sued, hold and convey property*

[41030](#) *School district may invest surplus monies from bequest or gifts*

[41031](#) *Special fund or account in county treasury*

[41032](#) *Authority of school board to accept gift or bequest; investments; gift of land requirements*

[41035](#) *Advisory committee*

[41036](#) *Function of advisory committee*

[41037](#) *Rules and regulations*

Policy SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT

adopted: August 19, 2009 Santa Monica, California

ACCEPTANCE OF GIFTSAcceptance Procedures

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

Criteria for Accepting Gifts

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

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

The Equity Fund

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

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

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

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

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

b. Grants and Gifts

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

(1) Gifts to the district

(2) Grants to the district

(3) Gifts to a site/school

(4) Grants to a site/school

It is not the intent of this policy to discourage grants from private or public philanthropy.

All gifts given to either a site/school or the district shall be required to make the 15 percent established donation to the Equity Fund.

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

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

2. Exemptions

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

a. ASB activities initiated and administered by students.

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

- c. Any expenditure made by any organization that is not for the direct benefit of students or staff.
- d. Field trips for students.
- e. Scholarships (either academic or to ameliorate fiscal hardship for a student in order to participate in a school-sponsored activity).
- f. District-approved capital programs.
- g. Grants as noted above.
- h. Non-monetary gifts: The first \$5,000 of assessed value from any donor is exempt. Any amount of value over \$5,000 is subject to the 15 percent portion of the policy. If a donor gives multiple gifts in a fiscal year, when totaled, the amount above \$5,000 is subject to the policy.
- i. Funds supporting copy machines, i.e. purchase, maintenance agreements, etc.

3. Distribution of Resources Acquired through the Equity Fund

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

- a. Distribution to support districtwide initiatives to provide academic support, intervention and/or remediation in accordance with the mission of the school district
- b. Distribution of resources to school sites using the weighted-student formula
- c. Resources to be reserved (conserved) within the fund

4. Distribution to Support Districtwide Initiatives to Provide Academic Support, Intervention and/or Remediation in accordance with the Mission of the school district

The Board has established that it has the right to reserve a portion of the Equity Fund as a set aside investment for targeted purposes as investments in whole district intervention, remediation, and academic support. The Board will be given a list of proposed districtwide initiatives with rationales and budgets at or before the first meeting in June to provide time for discussion and follow-up about each initiative's needs. Districtwide initiatives must meet the following criteria to be eligible for consideration:

- a. There must be ambitious, feasible, and measurable goals for the proposed initiative.
- b. The academic support, intervention, or remediation initiative must serve a significant population (or subgroup) of students with identified academic need(s).
- c. District staff must have a plan for evaluating the efficacy of the initiative and tracking student achievement during and after the initiative.
- d. The overall budget must reflect the use of appropriate state and federal categorical, grantor other resources to support the initiative.
- e. The uses to which the equity funding requested will be put must be clear in the proposed budget and the rationale for the initiative.

f. Equity funding will be used to support districtwide academic support, intervention, and/or remediation programs that have recent evaluation or other data to support that staff responsible for the proposed initiative have engaged in a data-driven improvement planning process. An example of such a program is the elementary summer school program.

5. Distribution of Resources to School Sites Using the Weighted-Student Formula

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

School sites will be expected to build budget in compliance with the policy as adopted in September of 2004.

6. Resources to be Reserved (conserved) Within the Fund

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

- a. Knowledge of anticipated impending State budget restrictions
- b. Local revenue disruption
- c. A multi-year initiative with only year one funding identified.
- d. Monitoring compliance and implementation of the Equity Fund and policy

The policy requires both the Board and the Education Services Department to report to all stakeholders the activity surrounding this policy each year in the form of an annual report. This mechanism will serve to communicate information to the public. In addition, there will need to be monitoring of compliance and implementation of the policy in action to learn from, and report to, stakeholders about the impact of the policy on school improvement and student achievement.

Three levels of monitoring will occur. The data and information from these levels of monitoring can help to partially answer the important questions of how and what we are learning about the impact of a policy with social, fiscal, and educational implications. At one level, monitoring the application of the policy will help to answer questions such as: how have funds been collected, how have funds in the equity fund been distributed, how have local budgets (at schools and centrally) been impacted as a result of the policy, and how have exemptions been applied in the fundraising and collection mechanisms for the Gift policy.

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

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

Additional Considerations for Collection

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

Voluntary Contributions

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

Equity Fund Administration

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

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

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

This group of acts in an advisory capacity only.

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

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

APPOINTMENT AND CONDITIONS OF EMPLOYMENT

Upon recommendation from the Superintendent or designee, the Board of Education shall approve the appointment of all certificated personnel. The position and the salary classification shall be reported to the Board at a regular meeting.

Individuals appointed to the certificated staff shall:

1. Possess the appropriate certification qualifications and register the certification document in accordance with law and Board policy (Education Code 44250-44279, 44330)
2. Demonstrate proficiency in basic skills as required by law and Board policy (Education Code 44252.5, 44830)
3. When required by the federal No Child Left Behind Act for teachers of core academic subjects, possess the qualifications of "highly qualified" teachers as defined in law, Board policy and administrative regulations (20 USC 6319)
4. Submit to fingerprinting as required by law (Education Code 44830.1)
5. Not have been convicted of a violent or serious felony as defined in Penal Code 667.5 or 1192.7, unless the individual has received a certificate of rehabilitation and pardon (Education Code 44830.1)
6. Not have been convicted of any sex offense as defined in Education Code 44010 (Education Code 44836)
7. Not have been required to register as a sex offender pursuant to Penal Code 290 because of a conviction for a crime where the victim was a minor under the age of 16 (Penal Code 290.95)
8. Not have been determined to be a sexual psychopath pursuant to Welfare and Institutions Code 6300-6332 (Education Code 44837)
AR 4112(b)
9. Not have been convicted of any controlled substance offense as defined in Education Code 44011 (Education Code 44836)
10. Submit to tuberculosis testing as required by law and Board policy (Education Code 44839, 49406)
11. File the oath or affirmation of allegiance required by Government Code 3100-3109
12. Fulfill any other requirements as specified by law, collective bargaining agreement, Board policy or administrative regulation

Legal Reference: (see next page)

APPOINTMENT AND CONDITIONS OF EMPLOYMENT (continued)*Legal Reference:*EDUCATION CODE

35161 Powers and duties

44008 Effect of termination of probation

44009 Conviction of specified crimes; definitions

44010 Sex offense

44011 Controlled substance offense

44066 Limitation on certification requirements

44250-44277 Credential types

44330 Effect of registration of certification document

44830.1 Felons; certificated positions; criminal record summary; fingerprints

44836 Employment of person convicted of sex offenses or controlled substance offenses

44837 Employment of sexual sociopath

44838 Statement of military service

44839 Medical certificate

44839.5 Medical certificate for retirant

49406 Examination for tuberculosis

GOVERNMENT CODE

3100-3109 Oaths or affirmations of allegiance for disaster service workers and public employees

12940-12950 Unlawful employment practices

PENAL CODE

290 Registration of sex offenders

290.95 Disclosure by persons required to register as sex offenders

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

WELFARE AND INSTITUTIONS CODE

6300-6332 Sexual psychopaths

CODE OF REGULATIONS, TITLE 5

6100-6125 Teacher qualifications, No Child Left Behind Act

UNITED STATES CODE, TITLE 20

6319 Highly qualified teachers

7801 Definitions, highly qualified teacher

CODE OF FEDERAL REGULATIONS, TITLE 34

200.55-200.57 Highly qualified teachers