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 <u>MINUTES</u>

June 3, 2010

A regular meeting of the Santa Monica-Malibu Unified School District Board of Education was held on Thursday, June 3, 2010, in the District Administrative Offices: 1651 16th Street, Santa Monica, CA. The Board of Education called the meeting to order at 4:15 p.m. in the Board Conference Room at the District Offices. At 4:16 p.m. the Board of Education will move to Closed Session regarding the items listed below. The public meeting reconvened at 5:45 p.m. in the Board Room.

I. CALL TO ORDER

- A. Roll Call
- B. Pledge of Allegiance

II. PUBLIC COMMENTS FOR CLOSED SESSION ITEMS ONLY

III. CLOSED SESSION (90)

- Conference with Superintendent regarding 2008-2009 Strategies for Negotiations with S.M.M.C.T.A. pursuant to GC §54957.6 as cited in the Brown Act. (20)
- Conference with Superintendent regarding 2008-2009 Strategies for Negotiations with S.E.I.U. pursuant to GC §54957.6 as cited in the Brown Act. (20)
- Closed session with legal counsel concerning anticipated litigation pursuant to GC §54956.9 as cited in the Brown Act (1 case). (10)
- Public Employee, to consider appointment, employment, performance evaluation, or dismissal of employee pursuant to GC§54957, as cited in the Brown Act (House Principal, Assistant Principal, Assistant Superintendent for H.R.) (30)
- Closed Session, Superintendent's performance evaluation pursuant to GC §54954.5 as cited in the Brown Act. (0)

IV. BOARD OF EDUCATION – COMMENDATIONS / RECOGNITIONS (65)

• Recognition of Retirees (30)

Dr. Matthews read the name of each retiree and years of service. The Board of Education presented each retiree with an engraved plaque. The list of names can be found under Attachments at the end of these minutes.

Mr. Cuneo congratulated the retirees for their contributions. He said he recently met an SMMUSD graduate who was beginning her career in the financial field. She contributed her success to the teachers she had while in SMMUSD.

6:10 pm

5:46 pm

• Measure A Campaign Committee and SMMUSD PTA Council (15)

Mr. Cuneo thanked the Measure A Campaign Committee and Council of PTAs for their efforts to assist the district with Measure A. He said everyone was disappointed that the measure did not pass, but commented that it was one of the finest campaigns he had ever seen. The Board of Education presented members of the committee and council with certificates. The list of names can be found under Attachments at the end of these minutes. Mr. Allen thanked all the members for their tireless contributions and efforts. 6:23 pm

Recognition of the Contribution of PS Arts to SMMUSD's Fine Arts (10) *Mr.* Tom Whaley introduced P.A. Arts, which is a non-profit arts education program that raises money to bring arts to education. When SMMUSD became an Arts for All district, P.S. Arts expanded their program from John Muir E.S. to McKinley E.S., Edison E.S., and Will Rogers E.S.. Howard Spector, Executive Director of P.S. Arts, thanked the board for tonight's recognition. P.S. Arts, which started in Santa Monica at Crossroads School, currently serves twenty-five underserved schools in California, reaching 11,000 students every week. Mr. Spector recognized Elda Pineda and Martha Ramirez, who were in the audience. He also thanked Tom Whaley, with whom P.S. Arts has worked very closely over the years. Over the past few years, P.S. Arts has contributed over \$375,000 dollars to SMMUSD. Mr. Spector said he understands the current financial situation, and P.S. Arts is dedicated to working with the district to find solutions. The Board of Education presented them with certificates. Ms. Pye thanked the P.S. Arts team for their heart and dedication.

6:32 pm

Outgoing Student Board Members – Pyoung Kim (Samohi), Roya Sahafi (Malibu HS), and Emily Yeskel (Olympic HS) (10)

Mr. Snell said it was great to see how the student board members have evolved throughout the year. He asked them to say a few words. Ms. Kim said she has gained so much through this experience. She has enjoyed being a contributing part of the board and a bridge between the board and Samohi. Ms. Sahafi thanked the board for teaching her so much. (Ms. Emily Yeskel was absent.) The Board of Education presented them with engraved plaques. Mr. Allen said he served as a student board member for another organization and knows how challenging it can be. He encouraged them to continue to attend board meetings.

APPROVAL OF THE AGENDA ۷. 6:37 pm

•

It was moved by Ms. Leon-Vazquez, seconded by Mr. Allen, and voted 7/0 to approve the agenda.

VI. **APPROVAL OF MINUTES**

There were no minutes for approval.

CONSENT CALENDAR (5) VII. 6:37 pm

As agreed by the President, Vice President, and Superintendent during agenda planning, consent agenda items are considered routine, require no discussion, and are normally approved all at once by the Board of Education. However, members of the Board of Education, staff, or the public may request an item be moved from the consent agenda to Section XI (Major Items) for clarification and/or discussion.

Curriculum and Instruction

A.02	Approval of Independent Contractors	2
	Conference and Travel Approval/Ratification	
	Textbooks	
A.05	Supplemental Textbooks	6
	Approval of Special Education Contracts – 2009-2010	
Busin	less and Fiscal	
A.07	Award of Purchase Orders – 2009-2010	11-11c
A.08	Acceptance of Gifts – 2009-2010	12-16
A.09	Transfer of Funds	17

Measure "BB"

A.10	Award of Bid #10.14.BB-03-112630 Green Fringe & 03-113013	
	Relocatables – John Adams Middle School – Replacement of	
	Classroom Buildings E, F, & G, New Administration, Modernization	
	and Site Improvements Project – Site Improvements at Perimeter	
	of Athletic Fields (Green Fringe) (Package 1) (03-112630) &	
	Relocatables (Package 2A) (03-113013) – R&H Industries DBA	
	Best Electric – Measure BB	18-19
A.11	Award of Bid #10.16.BB-03-112845 – Grant Elementary School Main	
	Entry Reconfiguration Project – ALFA 26 Construction Company –	
	Measure BB	20
A.12	Award of Bid #10.15.BB-03-112987 – Lincoln Middle School –	
	Replacement of Classroom Building C, Modernization and Site	
	Improvements Project – Relocatables (Package 1A) Project –	
	Y & M Construction, Inc. – Measure BB	21-22
A.13	Award of Bid #10.17.BB-03-112998 – Will Rogers Learning	
	Community New Entry Gate and Main Office Reconfiguration	
	Project – Lowest Responsive Bidder – Measure BB	23
A.14	Award of Contract for Inspection Services – Grant Elementary School	
	Main Entry Reconfiguration Project – The IOR Group, Inc. –	
	Measure BB	24
A.15	Award of Contract for Inspection Services – Will Rogers Learning	
/	Community Entry and Main Office Reconfiguration Project –	
	BPI Inspecition Services – Measure BB	25
A.16	Contract Amendment #1 for Inspection Services – Modular Classroom	
/0	Buildings – Will Rogers Learning Community & Edison Language	
	Academy Project – BPI Inspection Service – Measure BB	26
A.17	Contract Amendment #1 for Inspection Services – Lincoln Middle	20
Λ.Π	School – Replacement of Classroom Building C, Modernization	
	and Site Improvements – Relocatables (Package 1A) – The IOR	
	Group – Measure BB	27
A.18	Contract Amendment #14 for Additional Geotechnical Investigation	
A.10	& Report Services – Grant Elementary School – Main Entry	
	Reconfiguration Project – Leighton Consulting, Inc. – Measure BB	28
A.19	Contract Amendment #1 for Testing and Special Inspection	20
A.13	Services – Will Rogers Learning Community Entry and Main	
	Office Reconfiguration Project – MTGL, Inc. – Measure BB	
A.20	Contract Amendment #2 for Testing and Special Inspection	29
A.20	Services – Will Rogers Learning Community and Edison	
	Language Academy Project – MTGL, Inc. – Measure BB	20
A.21	Contract Amendment #3 for Testing and Special Inspection	
A.21	Ç I I	
	Services for DSA Certification of Prior DSA Application – Will	24
A 00	Rogers Learning Community – MTGL, Inc. – Measure BB	
A.22	Contract Amendment #31 for Site Utility Investigation Services –	
	John Adams Middle School – Replacement of Classroom Buildings	
	E, F, & G, New Administration, Modernization and Site	
	Improvements – Relocatables (Package 2A) – Psomas –	~~~~~
	Measure BB	32-33
A.23	Contract Amendment #5 for Geotechnical and Report – Washington	
	Child Development Services Modernization Project – Mactec –	
	Measure BB	34
<u>Perso</u>	nnel	
A.24	Certificated Personnel – Elections, Separations	35-38
A.25	Classified Personnel – Merit	
A.26	Classified Personnel – Non-Merit	

6:55 pm 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 is 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 twenty (20) minutes. If the number of persons wishing to address the Board of Education exceeds the time limit, additional time will be provided in **Section XVI. CONTINUATION OF PUBLIC COMMENTS.**

- The following speakers addressed aspects of the 2010-11 budget: Frances Anderton encouraged the board to add elementary music to its funding priorities; Barbara Fuchs encouraged the board to keep equity in mind when making budget reductions; Ann Hoover made suggestions to help balance the district's budget; Kathy Wisnicki, Colleen Baum, and Laura Rosenthal expressed their concern about a reduction in the number of counselors at Malibu High School; Melethia Pride and Jennifer Villegas addressed the board about the late notice of the cancellation of the CDS summer school program; Shaun Dabby Jacobs said Franklin is committed to the districtwide fundraising efforts and will support the Education Foundation; Ellen Mark, Heather Lowe, and Carol Garcia-Ramirez expressed their concern about the reductions in Elementary School Coordinators. Regarding the number of counselors at Malibu H.S., Dr. Matthews clarified that the board reduced a counselor, not a college counselor, but there will be only two counselors at the middle/high school, which creates a high counselor-to-student ratio.
- Lulu Mickelson, Theo Benjamin, and Jenna Perelman from the Samohi Solar Alliance promoted Bike It! Day on Monday at 8:45am and encouraged environmental awareness and action. They will start reaching out to other schools within the district to expand the Bike It! program. They are also working with the Measure BB Advisory Committee to increase the number of bike racks at the sites. The board congratulated the club on its leadership and sustainability.

IX. COMMUNICATIONS (30)

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

A. Student Board Member Reports (15)

Pyoung Kim – Santa Monica High School

Student Board Member Kim thanked the board for recognizing the student board members. Seniors were honored in front of their peers during Senior Honors Night, which was held on Tuesday. The all-class picnic and tribute day will be this Saturday from 11:00am to 3:30pm; all proceeds will go to the Cody Williams Recovery Fund. The For the Arts Concert will also be held this Saturday at 6:00pm in Barnum Hall. There will be a late start on Monday so students and staff can participate in Bike It! Day. The Band Pops Concert will be held on June 8 at 7:00pm in Barnum Hall. Mr. Barraza's class will be auctioning off paintings during an event called Keys to the Future, which will be held on June 8 from 5:00pm to 6:30pm in the cafeteria. The Junior Class Steering Fundraiser will be held at the Souplantation in Marina del Rey on June 10 from 5:00pm to 8:00pm. Senior Spirit Week will be from June 8 through June 11. During that week, Tuesday will be College Day, Thursday will be Dress Like You Favorite Teacher Day, and Friday will be Dress Like Your Favorite Senior Day. Ms. Kim announced that the Samohi SAGE Team won first place in the national championship in New York and will now be

competing globally in the World Cup in South Africa in July. The softball team will be competing for the CIP title against North Torrance on Saturday. The softball and track teams banquets will be on Tuesday. The swim team held their banquet today.

Ms. Kim said the campus was saddened by the sudden death of Coach Lacy last weekend. She read statements from two seniors who admired Mr. Lacy.

Roya Sahafi – Malibu High School

Student Board Member Sahafi reported that the juniors toured UCLA last week. Pennies for Patients raised over \$800; Mr. Parish's class raised the most money, and their reward will be a donut party. ASB will be selling bracelets in honor of Webster Principal Phil Cott, who has kidney cancer. High school students will be participating in a watermelon eating contest on Wednesday. The hypnotist show will be on Friday, June 11 at 7:00pm. Seniors awards night will be held on June 8 at 7:00pm. Open House was last Thursday, during which seniors sold baked items and the PTSA hosted a taco stand to raise money for eighth grade graduation. The Boys and Girls Club also had an information stand at Open House. The musical Crazy for You opened on Friday and will be running until Saturday. Grad Night will be held at Lucky Strike Bowling Alley on June 17. The senior dinner will be on June 16 at the Malibu West Beach Club. Ms. Sahafi concluded her report by relaying the school's concerns about losing one of its counselors, Ah Young Chi.

Mr. Allen asked about counselors at Malibu High School. Dr. Matthews clarified that the board takes action on positions, not people, and so when a reduction was made in counselors, the district must follow seniority rules regarding layoffs. He added that all counselors are credentialed to advise students on college career choices. Dr. Escarce commented that the reductions in counselors approved by the board were recommended by staff.

Mr. Allen asked Ms. Sahafi and Ms. Kim about their replacements for next year. Ms. Sahafi said Elizabeth Wilson will be the Malibu rep, and Ms. Kim said Connie Chu will be the Samohi rep.

Emily Yeskel – Olympic High School – no report

10:49 pm

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

Ms. Sarah Braff delivered the update for Mr. Keiley. She congratulated the retirees and thanked them for their service to the district. A survey has been sent to teachers and administrators regarding the calendar for 2011-12. Ms. Braff thanked the FOC for their work in examining fundraising sources. She expressed her concern for families who will be affected by budget cuts being made to summer school programs, especially in CDS. She was also upset about reductions to librarians.

10:56 pm

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

Ms. Cartee-McNeely began her report by commenting that every budget cut hurts staff deeply. She thanked the board for its considerations to not cut as many classified FTEs as originally recommended. She did not support Item No. A.31 on tonight's agenda, saying that the cuts will create serious workloads for other employees. SEIU remains hopeful and committed to working with district to raise money. Ms. Cartee-McNeely closed her report

9:21 pm

by saying how saddened she was by the death of Norm Lacy. She said he will be terribly missed.

11:00 pm

D. PTA Council – Shari Davis (5)

Ms. Davis thanked PTA member Monica Guevada, who stayed at the Measure A drop off location until 8:00pm on May 25. PTA Council recently passed a motion supporting the Board of Education's prioritization of restoring class size reduction once funds become available.

The PTA Council Special Education Committee had a meeting for Spanishlanguage parents on Tuesday night. The next one will be in October. The final PTA Council meeting for the school year will be on June 14.

11:04 pm X. SUPERINTENDENT'S REPORT (5)

Mr. Cuneo announced that he and a couple board members will be attending the CA Distinguished School banquet tomorrow night, honoring SMMUSD's three distinguished schools – McKinley, Webster, and Pt. Dume.

He reminded everyone that the annual Education Foundation concert will be this Saturday, June 5. He hopes everyone can attend.

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.	MAJO	R ITEMS (95)	
			items are considered to be of major interest and/or importance and are pre-	
			N (A) or INFORMATION (I) at this time. Many have been reviewed by the	Board at a
		•	is meeting under Section XII (Discussion Items) of the agenda.	
11:10 pm		A.27	Reappointment of Members to the Measure BB Citizens' Bond Oversight Committee (30)	43
7:44 pm		A.28	Preliminary Approval for City of Santa Monica Ocean Park Green	
7.44 pm		A.20		
			Street Project – Los Amigos Park Storm Water Retention	44.45
11.16			Project – Muir E.S./SMASH (15)	44-45
11:16 pm		A.29	Declaration of Indefinite Salaries for Represented Bargaining	
			Unit members and Unrepresented Senior Management,	
			Management, Supervisory, and Confidential Employees for	
			2010-11 (10)	
11:17 pm		A.30	Adopt Resolution No. 09-44 - Certificated Administrator Release and	
<i>P</i> ···			Reassignment (5)	
11:18 pm		A.31	Classified Employee Layoffs / Reduction in Hours (5)	
11:18 pm 11:45 pm		A.32	Amend Charges to the Local Funding Measure and Capitol Bond	
11.45 pm		A.32	Feasibility Committee (30)	52-53
Break				
7:58-8:10 pm	XII	DISCI	JSSION ITEMS (135)	
,	7.III		items are submitted for information (FIRST READING) and discussion. Action v	will
			lly be considered at the next regularly scheduled meeting of the Board.	VIII
8:10-9:17pm		-		E 4
9:30-10:49pi	т	D.01	Joint Meeting with the Financial Oversight Committee (45)	
11.50		D.02	Santa Monica-Malibu Unified School District Education	
11:59 pm			Foundation Funding Update (15)	55

	ſ	D.03	Consider Revising AR 1240 – Volunteer Assistance (10)	
		D.04	Consider Replacing BP 4030 – Nondiscrimination in Employment	
			with Updated CSBA BP 4030, and Deleting AR 4030 (10)	60-65
		D.05	Consider Revising AR 4112.23 – Special Education Staff (10)	66-70
11.00		D.06	Consider Revising AR 4112.4 – Health Examinations (10)	71-74
11:09 pm	\leq	D.07	Consider Adopting BP 4127 – Temporary Athletic Team	
			Coaches (10)	75-77
		D.08	Consider Replacing AR 4154 / 4254 / 4354 – Health and Welfare	
			Benefits with Updated CSBA AR 4154 / 4254 / 4354 (10)	
		D.09	Consider Revising AR 4161.8 / 4261.8 / 4361.8 – Family Care	
		_	and Medical Leave (10)	
1:13 am	YIII			

13 am XIII. INFORMATIONAL ITEMS (0)

I.01	List of Colleges Seniors Will Be Attending in the Fall (0).	
1.02	District Advisory Committee End-of-Year Reports (0)	
	English Language Learners DAC	

XIV. BOARD MEMBER ITEMS (0)

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

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

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

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 report on his/her own activities relative to Board business. There can be no discussion under "BOARD MEMBER COMMENTS."

• Dr. Escarce requested that the Acceptance of Gifts policy be brought forward for discussion. Mr. Cuneo said the RAND graduate students have analyzed the policy and it will be on the July 14 agenda. Ms. Davis suggested the board not discuss changes to a fundraising policy during summer months. Mr. Snell said he and the vice president would discuss the matter with Mr. Cuneo during agenda planning next week.

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 under Section III (Closed Session) following the regular business meeting.

XX. ADJOURNMENT

It was moved by Ms. Pye, seconded by Dr. Escarce, and voted 6/0 (Mr. de la Torre was absent) to adjourn the meeting at 1:22 a.m. in memory of Coach Norm Lacy, who passed away last weekend. Mr. Lacy worked at Samohi for 33 years and most recently served as the Athletic Director. Mr. Snell said the number and diversity of people at Coach Lacy's memorial service was a testament to his legacy. The next regularly scheduled meeting will be held on **Friday, June 18, 2010**, at 5:30 p.m. at the District Offices: 1651 16th Street, Santa Monica, CA.

Approved: 7-14-10 Superintendent

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 <u>rebroadcast</u> 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.

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

July through December 2009							
Month	1 st Thursday			4 th Thursday	Special Note:		
July	7/1* DO		7/16 DO		*7/1: Special Meeting		
August	8/4* DO		8/20 <u>8/19</u> DO		*8/4: Special Closed Session		
September	9/3 DO		9/17 DO	9/21* DO	First day of school: 9/9 *9/21: Special Closed Session		
October	10/1 M		10/15 DO	10/26* DO	*10/26: Special Meeting		
November	11/5 M		11/19 DO	11/21* DO	*11/21: Special Meeting Thanksgiving: 11/26-27		
December		12/10 DO		winter break			
December 20 -	- 31: Winter I	Break					
		Janu	ary through J	une 2010			
January 1 – 2:	Winter Brea	ĸ					
January	1/4* DO	1/14 DO		1/30* DO	*1/4: Special Meeting *1/30: Special Meeting		
February	2/1* DO 2/4 M		2/18 DO	2/24* DO	*2/1: Special Meeting *2/24: Special Closed Session		
March	3/4 DO		3/18 DO		*Stairway: 3/25 & 3/26		
March 29 – Ap	ril 9: Spring	Break					
April	4/27* DO 4/26: Special Meeting				*4/22: Open session 6:30pm *4/26: Special Meeting *4/27: Special Meeting		
Мау	5/6 M	5/10* DO	5/20 DO	*5/26-27 DO	*5/10: Special Meeting *5/20: Cancelled *5/26-27: Special Meeting		
June	6/3 DO		6/18* DO		*6/18: Friday, June 18 Last day of school: 6/18		

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

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

July through December 2010									
Month Thursday Thursday Thursday Thursday Special Note:									Special Note:
July					7/14*	DO			*Wednesday, 7/14
August					8/18*	DO			*Wednesday, 8/18
September	9/2	DO					9/23	DO	First day of school: 9/8
October	10/7	М			10/21	DO			
November	11/4	М			11/18	DO			Thanksgiving: 11/25-26
December			12/9	DO			winter	break	
December 18 -	- 31: W	/inter E	Break						
				Janu	ary thro	ough J	une 20	11	
January 1 – 2:	Winte	r Break	(
January			1/13	DO					
February	2/3	М			2/17	DO			
March	3/3	DO			3/17	DO	3/31 (4 Thurs		
April 16 – May	1: Spr	ing Br	eak						
April	4/6*	DO	4/14	DO	spring	break	spring	break	*Wednesday, 4/6 (rescheduled from 4/14) *Stairway: 4/7 & 4/8
Мау	5/5	Μ			5/19	DO			
June	6/2	DO			6/16	DO			Last day of school: 6/22

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

Santa Monica-Malibu Unified School District **Board of Education** June 3, 2010

OALL I	OORDER	4. ISPIII
Α.	Roll Call	4:16pm
	Barry Snell – President	5:45pm
	Kelly Pye – Vice President	
	Ben Allen	
	Oscar de la Torre – <i>left at 11:00pm</i>	
	Jose Escarce	
	Maria Leon-Vazquez	
	Ralph Mechur	
	Student Board Members	
	Pyoung Kim, Samohi	
	Roya Sahafi, MHS	
	Emily Yeskel, Olympic – <i>excused absence</i>	
В.	Pledge of Allegiance	
2.	Led by Ms. Kim.	
CLOSEI	DSESSION	
OLOOL		
Ther	re was no action to report out of closed session.	

I. CALL TO ORDER

II.

xi

4:15pm

FROM: TIM CUNEO

RE: APPROVAL OF MINUTES

RECOMMENDATION NO. A.01

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

There are no minutes available for approval.

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

CONSENT ITEMS

Board of Education Meeting MINUTES: June 3, 2010

FROM: TIM CUNEO / CHIUNG-SALLY CHOU / JANECE L. MAEZ / PEGGY HARRIS / STUART SAM

RE: APPROVAL OF INDEPENDENT CONTRACTORS

RECOMMENDATION NO. A.02

It is recommended that the Board of Education enter into an agreement with the following Independent Contractors. These contracts are included in the 2009-2010 budget.

Contractor/ Contract Dates	Description	Site	Funding (Measure BB)
NONE			

Contractor/ Contract Dates	Description	Site	Funding
The Artist Collective	Urban contemporary dance with middle and high school	Malibu High	01-90830-0-17000- 10000-5802-010-4100
2/3/10 to 6/30/10	students		(SMMEF Dream Winds)
Not to exceed: \$10,830			
The Artist Collective	Teach contemporary dance	Olympic High	01-90830-0-17000-1000-
4/12/10 to 6/30/10	to high school students		5802-014-4140 (Ed. Foundation Grant)
Not to exceed: \$2,500			
Jon Monastero	Civil War Living History	Lincoln	01-90150-0-11100-
5/18/10 to 6/03/10	Presentations to 8 th grade	Middle	10000-5802-012-4120
	classes.		(PTA Reimbursement)
Not to exceed: \$2,250			
Michael E. Hill	Coordination with City of	District	40-00000-0-00000-
7/1/09 to 6/30/10	Santa Monica on RDA/Civic Center Joint Use Project.		81000-5802-050-1500 (Capital Outlay Project)
Amend contract:			
Additional 112 hours needed			
through 6/30/10			
Not to exceed \$14,000 (\$72,000 approved on 6/25/09)			
Carola Matera	To develop Dual Language	Child	60%: 12-52101-0-10000-
	Policy, to visit and observe	Development	31400-5802-070-2700
6/1/10 to 6/30/10	classrooms dual language,	Services	<u>40%:</u> 12-52105-0-10000-
Not to exceed: \$10,000	and staff development.		31400-5802-070-2700 (Head Start Basic/ Training and Technology
			Assistance)

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.)

NAME	CONFERENCE NAME	COST
<u>SITE</u>	LOCATION	ESTIMATE
Account Number	DATE (S)	
Fund – Resource Number		
BRYANT, Cheryl	Disability Retirement Workshop	\$23
Human Resources	Glendale, CA	
01-00000-0-00000-74000-5220-025-1250	June 10, 2010	
General Fund-		
Function: Personnel/Human Resources		
DUNN, Margo	Sacramento Field Trip	\$0
Point Dume Elementary	Sacramento, CA	
No Cost	May 25 – 27, 2010	
TANIOS, Elhamy	2009-2010 Year-End Closing Workshop	\$40
Fiscal Services	Downey, CA	
01-00000-0-00000-73100-5220-051-2510	June 2, 2010	
General Fund-		
Function: Fiscal Services		

Adjustments	
(Preapproved expenses 10% in excess of approved costs that must be approved by Board/Changes in Personnel Attendance)	

Group Conference and Travel: In-State				
* a complete list of conference	participants is on file in the Department of Fiscal Services			
CUNEO, Tim	California Distinguished School	\$400		
+3 Board Members	Awards Ceremony	Total		
District Office	Anaheim, CA			
01-00000-0-00000-71500-5220-020-1200	June 4, 2010			
General Fund-				
Function: Superintendent				
DUNN, Margo	Catalina Island Marine Institute	\$0		
JENNINGS, Kris	Catalina Island			
Point Dume Elementary	October 6 – 8, 2010			
No Cost				

LARIOS, Carmen	Employee ID Implementation	\$49
<u>PLATZ, Leyla</u>	Downey, CA	Total
Human Resources	June 4, 2010	Mileage Only
01-00000-0-00000-74000-5220-025-1250		
General Fund-		
Function: Personnel/Human Resources		
LARIOS, Carmen	Furlough Days and Salary	\$49
<u>PLATZ, Leyla</u>	Reduction Workshop	Total
Human Resources	Downey, CA	Mileage Only
01-00000-0-00000-74000-5220-025-1250	June 15, 2010	
General Fund-		
Function: Personnel/Human Resources		
MOWRY, Kristen	2010 Distinguished School	\$200
CONTRERAS, Concepcion	Awards Reception	Total
McKinley Elementary	Anaheim, CA	
01-30100-0-11100-10000-5220-004-4040	June 4, 2010	
General Fund-		
Resource: Title I		

Out-of-State Conferences: Individual					

Out-of-State Conferences: Group				

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

RE: 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.
- **On Writing,** by Stephen King for grade 10-12 Creative Writing at Malibu High. Adoption requested by Bonnie Thomson and Eric Carrier.
- **The 3 A.M. Epiphany** by Brian Kiteley for grade 10-12 Creative Writing at Malibu High. Adoption requested by Bonnie Thomson and Eric Carrier.

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

RE: SUPPLEMENTAL TEXTBOOKS

RECOMMENDATION NO. A.05

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.
- A Long Way Gone, by Ishmael Beah for grades 9 12 summer reading at Santa Monica High School. Adoption requested by Meredith Louria.
- **Collected Stories,** by Gabriel Garcia Marquez for grade 10CP & 10HP English class set of ancillary materials at Malibu High. Adoption requested by Bonnie Thomson.
- Fifty Great Short Stories, edited by Milton Crane for grade 9CP & 9HP English class set of ancillary materials at Malibu High. Adoption requested by Bonnie Thomson.
- Into The Wild, by Jon Krakauer for grade 12CP English atMalibu High. Adoption requested by Bonnie Thomson.

FROM: TIM CUNEO / CHIUNG-SALLY CHOU / SARA WOOLVERTON

RE: APPROVAL OF SPECIAL EDUCATION CONTRACTS – 2009-2010

RECOMMENDATION NO. A.06

It is recommended that the Board of Education approve the following Special Education Contracts for fiscal year 2009-2010 as follows:

NPS

2009-2010 Budget 01-65000-0-57500-11800-5125-043-1400

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

Amount Budgeted NPS 09/10 Prior Board Authorization as of 05/26/10	Balance	\$ 1,500,000 <u>\$ 1,975,998</u> \$ -475,998
Positive Adjustment (See Below)	Dalarice	\$ -475,998 <u>\$ 0</u> \$ - 475,998
Total Amount for these Contracts	Balance	\$ -475,998 \$ -475,998

Adjustment NPS Budget 01-65000-0-57500-11800-5125-043-1400					
There has been a redu	There has been a reduction in authorized expenditures of NPS/NPA contracts for FY 2009-10 in the amount of \$0 as of 06/03/10				
NPS	Service Description	Contract Number	Reduce (R) Eliminate (E)	Adjusted Amount	Comment

NPA

2009-2010 Budget 01-65000-0-57500-11800-5126-043-1400

Nonpublic	SSID	Service	Contract	Cost Not to
School/Agency		Description	Number	Exceed
Julia Hobbs Speech Pathology – contract increase	4119528780	Speech	#8-SPED10063	\$ 600

Amount Budgeted NPA 09/10 Prior Board Authorization as of 05/26/10		\$ 860,000 \$ 848,285
Positive Adjustment (See Below)	Balance	\$ 11,715 \$ <u> 0</u> \$ 11,715
Total Amount for these Contracts	Balance	\$ <u>600</u> \$11,115

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 2009-10 in the amount of 1,000 as of 06/03/10

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

NPS/ NPA PRE SCHOOL

2009-2010 Budget 01-65000-0-57300-11800-5126-043-1400

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

Amount Budgeted NPA Pre School 09/10		\$ 140,000
Prior Board Authorization as of 05/26/10		\$ 0
	Balance	\$ 140,000
Total Amount for these Contracts		\$ 0
	Balance	\$ 140,000

Instructional Consultants

2009-2010 Budget 01-65000-0-57500-11900-5802-043-1400

Instructional Consultant	SSID	Service Description	Contract Number	Cost Not to Exceed

Amount Budgeted Instructional Consultants	09/10	\$ 380,000
Prior Board Authorization as of 05/26/10		<u>\$ 568,261</u>
	Balance	\$ -188,261
Positive Adjustment (See Below)		<u>\$0</u>
		-188,261
Total Amount for these Contracts		\$ <u>0</u>
	Balance	\$ -188,261

Adjustment						
Instructional Consultants Budget 01-65000-0-57500-11900-5802-043-1400 There has been a reduction in authorized expenditures of Instructional Consultants contracts for FY 2009-10 in the amount of \$ as of 06/03/10.						
Instructional ConsultantService DescriptionContract NumberReduce (R) 						

Instructional Consultants -INFANT

2009-2010 Budget 01-65000-0-57100-11900-5802-043-1400

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

Amount Budgeted Instructional Consult-Infants 09/10		\$ 20,000
Prior Board Authorization as of 05/26/10		\$ 15,450
	Balance	\$ 4,550
Total Amount for these Contracts		\$ 0
	Balance	\$ 4,550

Instructional Consultants -PRE SCHOOL

2009-2010 Budget 01-65000-0-57300-11900-5802-043-1400

Nonpublic	SSID	Service	Contract	Cost Not
School/Agency		Description	Number	to Exceed
Samantha Fogel – contract increase	DOB 12/29/04	Speech Assessment	#3-SPED10197	\$ 320

Amount Budgeted Instruct Consult- Preschool 09/10 Prior Board Authorization as of 05/26/10		\$ 100,000 <u>\$ 2,300</u>
	Balance	\$ 97,700
Total Amount for these Contracts		<u>\$ 320</u>
	Balance	\$ 97,380

Adjustment Instructional Consultants- Pre School Budget 01-65000-0-57300-11900-5802-043-1400

There has been a reduction in authorized expenditures of Instructional Consultants – Pre School contracts for FY 2009-10 in the amount of 0° as of 06/03/10

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

Non-Instructional Consultants

2009-2010 Budget 01-65000-0-57500-11900-5890-043-1400

Non-Instructional Consultant	SSID	Service Description	Contract Number	Cost Not to Exceed
Parent Reimbursement	6172839494	Speech	#23-SPED10208	\$ 13,300
Amount Budgeted Non-Ins	\$ 299.00	00		

Prior Board Authorization as of 05/26/10		\$ <u>301,211</u>
	Balance	\$ -2,211
Positive Adjustment (See Below)		<u>\$0</u>
		\$ - 2,211
Total Amount for these Contracts	_	\$ <u>13,300</u>
	Balance	\$ -15,511

Adjustment						
Non-Instructional Consultants Budget 01-65000-0-57500-11900-5890-043-1400 There has been a reduction in authorized expenditures of Non-Instructional Consultants contracts for FY 2009-10 in the amount of \$ 0 as of 06/03/10.						
Non- Instructional ConsultantService DescriptionContract NumberReduce (R) Eliminate (E)Adjusted AmountComment						

Legal 2009-2010 Budget 01-65000-0-57500-11900-5820-043-1400

Legal Contractor	Service Description	Contract Number	Cost Not to Exceed
Prior Board À	Amount Budgeted Legal Services 09/10 Prior Board Authorization as of 4/2210 Adjustments for this period		\$ 700,000 <u>105,720</u> \$ 594,280 <u>\$ 0</u> 594,280
Total Amoun	t for these Contracts	Balance	<u>\$ 30,011</u> \$ 564,269

Ad	iustment
лu	usuneni

Legal Services Budget 01-65000-0-57500-11900-5820-043-1400

There has been a reduction in authorized expenditures of Legal Services contracts for FY 2009-10 in the amount of \$ 0 as of 06/03/10.

Legal Contractor	Contract Number	Reduce (R) Eliminate (E)	Adjusted Amount	Comment

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

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

It is recommended that the Board of Education approve the following Purchase Orders and Changed Purchase Orders from May 11, 2010, through May 25, 2010, for fiscal /10.

***** ***** ***** ***** *****

Ms. Pye informed the rest of the board that PO 106436 for \$77,000 will help the district improve its attendance records.

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT PURCHASE ORDERS TO BE APPROVED AT THE BOARD MEETING OF JUNE, 2010

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

LOCATION VENDOR DESCRIPTION AMOUNT PO NO. *** NEW PURCHASE ORDERS *** ADMISSION FOR AQUARIUM OF PAC. JOHN ADAMS MIDDLE SCHOOL 106406 AOUARIUM OF THE PACIFIC 400.00 R 1 106363 ATLANTIC EXPRESS OF LA INC PAY INVOICE FOR TRANSP. SANTA MONICA HIGH SCHOOL 385.00 U MALIBU HIGH SCHOOL 2.000.00 R 106417 ATLANTIC EXPRESS OF LA INC ATHLETIC TRANSPORTATION 106474 ATLANTIC EXPRESS OF LA INC CHARTER BUS SERVICES SANTA MONICA HIGH SCHOOL 1,155.00 U 106438 BALLARD & TIGHE INC INSTRUCTIONAL/ASSESSMENT ITEMS STATE AND FEDERAL PROJECTS 8,341.02 R 106387 BAY CITIES FOOD FOR EETT TRAINING STATE AND FEDERAL PROJECTS 300.00 R OPERATIONS GROUNDS SUPPLIES GROUNDS MAINTENANCE 794.09 R 106371 BISHOP COMPANY FACILITY MAINTENANCE 1,000.00 R MAINTENANCE SUPPLIES 106405 BOURGET BROS CLEANING SUPPLIES, WAX GROUNDS MAINTENANCE 821.53 R 106462 BUCKEYE INTERNATIONAL INC. BUSINESS SERVICES 200.00 U 106430 CALIFORNIA NEWSPAPER SERVICE PUBLIC HEARING-2009/10 BUDGET 106420 CALIFORNIA OFFICE SYSTEMS INC INSTRUCTIONAL SUPPLIES ROP 130.00 R FIELD TRIP TICKETS WILL ROGERS ELEMENTARY SCHOOL 383.50 R 106433 CALIFORNIA SCIENCE CENTER COPIER COUNT OVERAGE CHARGE MALIBU HIGH SCHOOL 1,207.71 U 106421 CANON BUSINESS SOLUTIONS-WEST 2,123.83 U INFORMATION SERVICES 106409 CDW-G COMPUTING SOLUTIONS WIRELESS METER 574.32 U GAS CHARGES SANTA MONICA HIGH SCHOOL 106471 CHEVRON U.S.A. INC. 106494 CINTAS CORPORATION MECHANIC'S UNIFORMS/TOWELS TRANSPORTATION 500.00 R Color Photocopies For ROP ROP 350.00 R 106434 COPYLAND INC EDISON DISPLACEE-SHINOBU MARUY EDISON ELEMENTARY SCHOOL 9,993,40 106379 DALY MOVERS INC DISPLACEE: MARY HERNANDEZ 2512 EDISON ELEMENTARY SCHOOL 12,572.60 106380 DALY MOVERS INC YARD EQUIPMENT/GAMES CHILD DEVELOPMENT CENTER 122.04 CD 106386 DISCOUNT SCHOOL SUPPLY JOHN MUIR ELEMENTARY SCHOOL 598.14 R 106425 DURHAM TRANSPORTATION CHARTER BUS TO SCIENCE CAMP 106477 DURHAM TRANSPORTATION TRANSPORTATION FOR SCI TRIP MALIBU HIGH SCHOOL 589.94 R SPECIAL EDUCATION REGULAR YEAR 361.08 R 106476 DYNAVOX SYSTEMS LLC SOFTWARE FACILITY MAINTENANCE 500.00 R 106467 FISHER HARDWARE INC HVAC SUPPLIES 757.28 R GROUNDS MAINTENANCE GROUNDS SUPPLIES SOIL 106461 FOOTHILL SOILS STATE AND FEDERAL PROJECTS 106439 FRANKLIN COVEY PLANNER REFILLS 106.68 R 106306 GALE SUPPLY CO SUMMER/CUSTODIAL CHILD DEVELOPMENT CENTER 428.79 CD SUMMER/CUSTODIAL CHILD DEVELOPMENT CENTER 546.88 CD 106315 GALE SUPPLY CO CHILD DEVELOPMENT CENTER 382.15 CD SUMMER/CUSTODIAL 106316 GALE SUPPLY CO CHILD DEVELOPMENT CENTER 681.66 CD SUMMER/CUSTODIAL 106317 GALE SUPPLY CO 106319 GALE SUPPLY CO SUMMER/CUSTODIAL CHILD DEVELOPMENT CENTER 381.82 CD SUMMER/CUSTODIAL CHILD DEVELOPMENT CENTER 324.09 CD 106320 GALE SUPPLY CO CHILD DEVELOPMENT CENTER 517.58 CD 106335 GALE SUPPLY CO SUMMER/CUSTODIAL CHILD DEVELOPMENT CENTER 493.77 CD SUMMER/CUSTODIAL 106336 GALE SUPPLY CO TO PAY GALE SUPPLY INVOICES SANTA MONICA HIGH SCHOOL 2,619.29 U 106390 GALE SUPPLY CO SANTA MONICA HIGH SCHOOL 82.31 U 106392 GALE SUPPLY CO PAY INVOICES FOR SUPPLIES 106393 GALE SUPPLY CO CUSTODIAL SUPPLIES ROOSEVELT ELEMENTARY SCHOOL 332.32 U CHILD DEVELOPMENT CENTER 349.88 CD 106419 GALE SUPPLY CO CUSTODIAL SUPPLIES SANTA MONICA HIGH SCHOOL 102.51 U FACIAL TISSUE 106441 GALE SUPPLY CO PT DUME ELEMENTARY SCHOOL 1.418.52 U CUSTODIAL SUPPLIES 106466 GALE SUPPLY CO COMPUTER LEARNING CENTER CHILD DEVELOPMENT CENTER 25,626.63 CD 106338 HATCH INC 106470 HERNANDEZ, MARY REIMBURSEMENT, MOVING EXPENSES EDISON ELEMENTARY SCHOOL 3,247.00 TEACHERS MANUAL MALIBU HIGH SCHOOL 63.47 R 106478 HOLT RINEHART & WINSTON MAINTENANCE, HVAC SUPPLIES FACILITY MAINTENANCE 1,500.00 R 106404 HOWARD INDUSTRIES FISCAL SERVICES 890.59 U 106424 INTELLI-TECH COMPUTER FOR ASB ACCOUNTANT BUSINESS SERVICES 2,020.85 R 106442 INTELLI-TECH BUSINESS OFFICE PRINTER 106492 INTERNATIONAL PAPER RECYCLED PAPER ORDER PURCHASING/WAREHOUSE 362.18 U MILEAGE REIMBURSEMENT SPECIAL EDUCATION REGULAR YEAR 300.00 R 106472 KELEHER, DARCI

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT PURCHASE ORDERS TO BE APPROVED AT THE BOARD MEETING OF JUNE, 2010

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

PO NO.	VENDOR	DESCRIPTION	LOCATION	AMOUNT	
	KORADE & ASSOCIATE BUILDERS	GATE REMOVAL AND RELOCATION	CHILD DEVELOPMENT CENTER	1,488.00	CD
106458	KORADE & ASSOCIATE BUILDERS	ROCK REMOVAL	CHILD DEVELOPMENT CENTER	988.00	CD
	LAKESHORE (PICK UP ONLY)	INSTRUCTIONAL MATERIALS	CHILD DEVELOPMENT CENTER	110.00	CD
	MAD SCIENCE OF LOS ANGELES	SUMMER/COASTAL KIDS	CHILD DEVELOPMENT CENTER	596.00	CD
	MARTIN, CHRISTINE	EDUCATIONAL, HANDS-ON PROGRAMS	CHILD DEVELOPMENT CENTER	250.00	CD
	MARTIN, CHRISTINE	FIELD TRIP	CHILD DEVELOPMENT CENTER	250.00	CD
	MIND RESEARCH INSTITUTE	MATH SOFTWARE AND LICENSES	SAINT ANNE'S PRIVATE SCHOOL	49,387.50	R
	MIRACLE PLAYGROUND SALES OF	FOR ROOSEVELT PLAYGROUND EQUIP	FACILITY MAINTENANCE	812.44	R
	MISSION SAN JUAN CAPISTRANO	FOURTH GRADE FIELD TRIP	MCKINLEY ELEMENTARY SCHOOL	425.00	R
	MONARCH BUS. FORMS/STRATACOM	GRADUATION TICKETS & PROGRAMS	MALIBU HIGH SCHOOL	1,589.57	U
	MORGAN, JENNIFER	MILEAGE REIMBURSEMENT	SPECIAL EDUCATION REGULAR YEAR	300.00	R
	OLIVER WORLDCLASS LABS INC	CLASSROOM EQUIPMENT	MCKINLEY ELEMENTARY SCHOOL	10,939.46	R
	OLIVER WORLDCLASS LABS INC	COMPUTER LAB - SMART BOARD	SAINT ANNE'S PRIVATE SCHOOL	3,502.01	R
	ORIENTAL TRADING CO INC	INSTRUCTIONAL DESIGN PRODUCT	CHILD DEVELOPMENT CENTER	52.67	CD
	PAVILLIONS STORE #2231	FOOD/COOKING ITEMS, PICK-UP	CHILD DEVELOPMENT CENTER	180.00	CD
	PRIORITY MAILING SYSTEMS INC	INK CART. FOR POSTAGE MACHINE	PURCHASING/WAREHOUSE	267.61	U
	PRO-ED	NORM-REFERENCED KITS	SPECIAL EDUCATION REGULAR YEAR	312.55	R
	REFRIGERATION SUPPLIES	MAINTENANCE HVAC SUPPLIES	FACILITY MAINTENANCE	100.00	R
	RIGBY EDUCATION/HARCOURT	VARIOUS LIBRARY BOOKS	JOHN MUIR ELEMENTARY SCHOOL	3,000.00	R
	RX FOR READING	READING PROGRAM PARTICIPATION	SAINT ANNE'S PRIVATE SCHOOL	9,159.66	R
	SAMARGE, SUSAN	REIMBURSEMENT, DELI PURCHASES	CURRICULUM AND IMC	339.89	R
	SANTA MONICA MUN BUS LINES	BUS TOKENS - PICK-UP	CHILD DEVELOPMENT CENTER	1,375.00	CD
	SANTA MONICA PIER AQUARIUM	SUMMER FIELD TRIP	CHILD DEVELOPMENT CENTER	150.00	CD
	SANTA MONICA PIER AQUARIUM	SUMMER FIELD TRIP	CHILD DEVELOPMENT CENTER	600.00	CD
106436	SCHOOL INNOVATONS	ATTENDANCE SERVICES	BUSINESS SERVICES	77,500.00	R
106440	SEHI COMPUTER PRODUCTS	INK CARTRIDGES	SANTA MONICA HIGH SCHOOL	2,454.23	R
	SHELL FLEET CARD SERVICES	FUEL CHARGES	TRANSPORTATION	4,000.00	R
	SIR SPEEDY PRINTING #0245	BUSINESS CARDS	GRANT ELEMENTARY SCHOOL	28.54	U
	SMART & FINAL	FOOD/SUPPLIES, PICK-UP	CHILD DEVELOPMENT CENTER	250.00	CD
	SMART & FINAL - FOOD SVCS ONLY	GROCERIES	FOOD SERVICES	500.00	F
	SO CALIFORNIA AIR CONDITIONING	HVAC SUPPLIES	FACILITY MAINTENANCE	250.00	R
		COPY PAPER	FRANKLIN ELEMENTARY SCHOOL	900.00	R
	STAPLES/P-U/VENICE/LINCOLN BL	FIRST AID CABINET	CHILD DEVELOPMENT CENTER	1,635.28	CD
	STAPLES/P-U/VENICE/LINCOLN BL	MEASURE R MAILING SUPPLIES	BUSINESS SERVICES	500.00	U
	STOVER SEED CO	OPERATIONS GROUNDS SUPPLIES	GROUNDS MAINTENANCE	2,085.25	R
	TARGET STORES	MISC INSTRUCTIONAL - PICK-UP	CHILD DEVELOPMENT CENTER	204.14	CD
	TAYLOR ENGINEERING INC.	WATER PIPE BURST AT MALIBU HI	FACILITY MAINTENANCE	550.00	R
	TOM JOHN TOWING	TOWING CHARGES - BUS #11	TRANSPORTATION	487.50	R
	TOSHIBA	INK/TONER	CHILD DEVELOPMENT CENTER	111.02	CD
	TROXELL COMMUNICATIONS	PROJECTOR	BOE/SUPERINTENDENT	712.28	U
	UNIT CHEMICAL	FLOOR/WALL CLEANER-ALL SITES	GROUNDS MAINTENANCE	1,683.07	R
	URIAS, REBECCA	REIMBURSEMENT/TESTING FEE	STATE AND FEDERAL PROJECTS	303.00	R
		AMTRAK RESERVATION, FIELD TRIP		785.00	R
		FOOD/SUPPLIES, PICK-UP	CHILD DEVELOPMENT CENTER	250.00	CD
	VOID PERIOD DIALETT PORT	FOOD/SUPPLIES, PICK UP	CHILD DEVELOPMENT CENTER	90.58	CD
			CHILD DEVELOPMENT CENTER	120.00	CD
	VONS STORE #2262	1000 11010, 1001	STATE AND FEDERAL PROJECTS	150.00	R
100#13	YOUR BIOUR HEESE	and more financial subsets fifther a state of	** NEW PURCHASE ORDERS	270,664.70	

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT PURCHASE ORDERS TO BE APPROVED AT THE BOARD MEETING OF JUNE, 2010

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

PO NO.	VENDOR	DESCRIPTION	LOCATION	AMOUNT	
	** FACILITY IMPROV	/EMENTS: BONDS/STATE MODERNIZATON/NI	EW CONSTRUCTION/DEVELOPER FEES **		
106422	AT&T	AT&T-VOIP/DISTRICT-WIDE	BUSINESS SERVICES	45,543.51	BB
106504	AT&T	INSTALL NETWORK STATION OUTLE	F EDISON ELEMENTARY SCHOOL	5,930.00	BB
106397	ATLANTECH RESELLERS INC	DISTRICT WIDE UNIVERSAL LOCK'	3 BUSINESS SERVICES	1,830.00	BB
106376	CITY OF SANTA MONICA	LINCOLN/PLAN CK/PERMIT APP #1	A LINCOLN MIDDLE SCHOOL	7,525.54	BB
106377	CITY OF SANTA MONICA	LINCOLN/SITE REPLACEMENT PKG :	2 LINCOLN MIDDLE SCHOOL	7,525.54	BB
106378	CITY OF SANTA MONICA	LINCOLN PLAN CK/PERMIT APP#18	LINCOLN MIDDLE SCHOOL	8,194.66	BB
106448	CITY OF SANTA MONICA	ADAMS OFF-SITE IMPROVEMENT	JOHN ADAMS MIDDLE SCHOOL	11,034.29	BB
106500	CITY OF SANTA MONICA	FIRE HYDRANT FLOW TEST-SAMOHI	SANTA MONICA HIGH SCHOOL	467.01	BB
106396	LEIGHTON CONSULTING INC	GEOTECHNICAL & TESTING SERVICE	WILL ROGERS ELEMENTARY SCHOOL	1,500.00	BB
106375	STATE OF CALIFORNIA	WEBSTER ALTERATION TO 2 CLASS	WEBSTER ELEMENTARY SCHOOL	630.00	BB
106475	STATE OF CALIFORNIA	CABRILLO DSA COMPLIANCE	CABRILLO ELEMENTARY SCHOOL	500.00	BB
106481	STATE OF CALIFORNIA	BOYS & GIRLS CLUB DSA FEES	JOHN ADAMS MIDDLE SCHOOL	1,833.45	Х
106501	STATE OF CALIFORNIA	MALIBU CAMPUS IMPROVEMENTS	MALIBU HIGH SCHOOL	178,531.28	BB
106502	STATE OF CALIFORNIA	BLDG/SITE IMPROVEMENTS-SAMOHI	SANTA MONICA HIGH SCHOOL	314,596.00	BB
	** FACILITY IM	PROVEMENTS: BONDS/STATE MODERNIZATO	N/NEW CONSTRUCTION/DEVELOPER FEES	585,641.28	

PAGE 3

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

RE: ACCEPTANCE OF GIFTS – 2009/2010

RECOMMENDATION NO. A.08

It is recommended that the Board of Education accept, with gratitude, checks and gifts totaling \$10,192.28 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 2009-2010 income and appropriations by \$10,192.28 as described on the attached listing.

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

- COMMENT: The value of all non-cash gifts has been determined by the donors.
- NOTE: The list of gifts is available on the District's website, <u>www.smmusd.org.</u>

School/Site	Gift Amount	Equity Fund 15%	In-kind Value	Donor	Purpose
Account Number		Contrib.			
JAMS					
01-90120-0-00000-00000-8699-011-0000					
Adult Education					
11-90120-0-00000-00000-8699-090-0000					
Alternative (SMASH)					
01-90120-0-00000-00000-8699-009-0000					
Cabrillo	\$ 1,232.00	\$-		Various Parents	General Supplies and Materials
01-90120-0-00000-00000-8699-017-0000	\$ 120.00	\$-		Sagri Lopez (Parent)	Field Trip
CDS					
12-90120-0-00000-00000-8699-070-0000					
				AT & T United Way Employee	
Edison	\$ 106.29	\$ 18.75		Giving	General Supplies and Materials
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	\$ 2,000.00	\$-		MHS Booster Club	Coach, Hourly
01-90120-0-00000-00000-8699-010-0000					
McKinley	\$ 1,679.00	\$-		Various	Field Trip
01-90120-0-00000-00000-8699-004-0000					
Muir	\$ 642.40	\$-		Vision Trust	General Supplies and Materials
01-90120-0-00000-00000-8699-005-0000	\$ 530.84	\$-		Wells Fargo	Field Trip
Olympic HS	\$ 500.00	\$-		SMM Countil of PTA	General Supplies and Materials
01-90120-0-00000-00000-8699-014-0000					
Rogers	\$ 2,997.00	\$-		Various Parents	Field Trip
01-90120-0-00000-00000-8699-006-0000					
Roosevelt	\$ 62.00	\$-		Various Parents	Field Trip
01-90120-0-00000-00000-8699-007-0000					'

School/Site		Gift Sount	Fi 1	uity ınd 5%	In-kin Value		Donor	P	urpose
Account Number				trib.					
Samohi	\$	304.00	\$	-			Various	G	eneral Supplies and Materials
01-90120-0-00000-00000-8699-015-0000									
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:									
Superintendent's Office									
01-90120-0-00000-00000-8699-020-0000									
Educational Services									
01-90120-0-00000-00000-8699-030-0000									
Student & Family Services									
01-90120-0-00000-00000-8699-040-0000									
Special Education									
01-90120-0-00000-00000-8699-044-0000									
Information Services									
01-90120-0-00000-0000-8699-054-0000									
Food and Nutrition Services									
01-90120-0-00000-0000-8699-057-0000									
District									
01-90120-0-00000-00000-8699-090-0000									
TOTAL	\$ 10	173.53	\$	18.75	\$	-			

School/Site Account Number		Y-T-D Adjusted Gift Total	Current Gift Amount	-	uity Fund 6 Contrib.	Cumulative Gift Amount	Y-T-I		Current In-Kind Value	Ir	nulative h-Kind /alue
JAMS 01-90120-0-00000-00000-8699-011-0000	\$ 68,9	938.39				\$68,938.39				\$	-
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	\$	23,023.24	\$ 1,352.00	\$	-	\$24,375.24				\$	-
CDS 12-90120-0-00000-00000-8699-070-0000	\$	3,500.00				\$ 3,500.00	\$1	25.00		\$ \$	125.00
Edison 01-90120-0-00000-00000-8699-001-0000	\$	2,028.02	\$ 106.29	\$	18.75	\$ 2,153.06				\$	-
Franklin 01-90120-0-00000-00000-8699-002-0000	\$	1,246.04				\$ 1,246.04				\$	-
Grant 01-90120-0-00000-00000-8699-003-0000						\$-				\$	-
Lincoln 01-90120-0-00000-00000-8699-012-0000	\$	222.04				\$ 222.04				\$	-
Malibu High School 01-90120-0-00000-00000-8699-010-0000 Malibu Shark Fund - Resource #90141	\$	28,589.60	\$ 2,000.00	\$	-	\$30,589.60				\$	-
McKinley 01-90120-0-00000-00000-8699-004-0000	\$	10,421.36	\$ 1,679.00	\$	-	\$12,100.36				\$	-
Muir 01-90120-0-00000-00000-8699-005-0000	\$	1,417.16	\$ 1,173.24	\$	-	\$ 2,590.40				\$	-
Olympic HS 01-90120-0-00000-00000-8699-014-0000	\$	882.00	\$ 500.00	\$	-	\$ 1,382.00				\$	-
Rogers 01-90120-0-00000-00000-8699-006-0000	\$	19,815.87	\$ 2,997.00	\$	-	\$22,812.87				\$	-
Roosevelt 01-90120-0-00000-00000-8699-007-0000	\$	1,965.45	\$ 62.00	\$	-	\$ 2,027.45				\$	-
Samohi 01-90120-0-00000-00000-8699-015-0000	\$	21,418.71	\$ 304.00	\$	-	\$21,722.71	\$ 4,2	71.30		\$	4,271.30
Pt. Dume Marine Science 01-90120-0-00000-00000-8699-019-0000	\$	1,450.00				\$ 1,450.00				\$	-
Webster 01-90120-0-00000-00000-8699-008-0000						\$-				\$	-

School/Site	Y-T-D Adjusted	Current Gift	Equity Fund	Cumulative Gift	Y-T-D	Current In-Kind	Cumulative In-Kind
Account Number	Gift Total	Amount	15% Contrib.	Amount	In-Kind Value	Value	Value
ALL OTHER LOCATIONS:							
Superintendent's Office				\$ -			\$-
01-90120-0-00000-00000-8699-020-0000							
Educational Services	\$ 71,522.07			\$71,522.07	\$ 1,935.00		\$ 1,935.00
01-90120-0-00000-00000-8699-030-0000							
Student and Family Support Services				\$ -			\$-
01-90120-0-00000-00000-8699-041-0000							
Special Education				\$-			\$-
01-90120-0-00000-00000-8699-044-0000							
Information Services				\$-			\$-
01-90120-0-00000-00000-8699-054-0000							
<u>District</u>				\$-			\$-
01-90120-00000-0-00000-8699-090-0000							
Food & Nutrition Services				\$ -			\$-
01-90120-0-00000-00000-8699-070-0000							
TOTAL GIFTS	\$ 256,439.95	\$ 10,173.53	\$ 18.75	\$266,632.23	\$ 6,331.30	\$ -	\$ 6,331.30
			Total Equity Fund	-			
			15% Contribs.				
Total Cash Gifts for District:		\$ 10,173.53	\$ 18.75		Total In-Kind Gifts:	\$-	

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

RE: TRANSFER OF FUNDS

RECOMMENDATION NO A.09

It is recommended that the Board of Education approve the following transfers for the 2009-2010 fiscal year.

- A. \$75,000 from the General Fund (Fund 01) to the Child Development Fund (Fund 12) for the cost of child care for the minimum school days.
- B. \$108,335 from the Child Development Fund (Fund 12) to the Unrestricted General Fund (Fund 01) for the deficit spending in 2008-09.
- COMMENTS: The Los Angeles County Office of Education (LACOE) requires Board approval to make transfers between Funds.

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

RE: AWARD OF BID #10.14.BB-03-112630 GREEN FRINGE & 03-113013 RELOCATABLES – JOHN ADAMS MIDDLE SCHOOL – REPLACEMENT OF CLASSROOM BUILDINGS E, F, & G, NEW ADMINISTRATION, MODERNIZATION AND SITE IMPROVEMENTS PROJECT – SITE IMPROVEMENTS AT PERIMETER OF ATHLETIC FIELDS (GREEN FRINGE) (PACKAGE 1) (03-112630) & RELOCATABLES (PACKAGE 2A) (03-113013) – R&H INDUSTRIES DBA BEST ELECTRIC – MEASURE BB

RECOMMENDATION NO. A.10

It is recommended that the Board of Education award Bid #10.14.BB-03-112630 Green Fringe & 03-113013 Relocatables, John Adams Middle School – Replacement of Classroom Buildings E, F & G, New Administration, Modernization and Site Improvements Project - Site Improvements at Perimeter of Athletic Fields (Green Fringe) (Package 1) and Relocatables (Package 2A), to R&H Industries dba Best Electric, in an amount not to exceed \$1,029,250.

Funding Information

Budgeted:	Yes
Fund:	21
Source:	Building Fund
Account Number:	21-00000-0-00000-85000-6200-011-2600
Description:	Construction Services
DSA #:	03-112630, 03-113013

COMMENTS: The bidding opportunity for the John Adams Middle School – Green Fringe and Relocatables projects was advertised in the Daily Breeze on 3/31 & 4/07; bid solicitations were email and fax blasted and published in The Bluebook of Construction. Ten (10) contractors attended the mandatory job walk held on April 13, 2010. Four (4) submitted bids, three (3) were responsive and one (1) was non-responsive, as follows:

H.C. Olsen Construction	\$1,340,044.00
Minako America Corp. dba Minco	\$1,032,000.00
R&H Industries dba Best Electric	\$1,029,250.00 (recommended)
Y&M Construction, Inc.	\$864,000.00 (non-responsive)

A post bid interview was conducted with Y&M Construction, Inc. to review their bid and the scope of the project. At that time they indicated that they had made a technical error in the preparation of their bid. The District has determined that the bid submitted was non-responsive.

A post bid interview was held with the next lowest responsive bidder, R&H Industries dba Best Electric, to review their bid and the scope of the project. It was determined by staff that the project scope is as intended at the job walk and that all prevailing labor rates will be adhered to.

It is recommended that R&H Industries dba Best Electric being found to be the lowest responsive responsible bidder, be awarded the contract in an amount not to exceed \$1,029,250.00. Contract duration from NTP is 124 calendar days. The contract amount is within the total construction budget for this project:

			06/03/10 BOE
	Cost Estimate/	Cost Estimate/	Agenda Item Contract
Package	Forecast	Forecast	Award
Parking Lot	TUIECast	T UIECASI	Awaru
Construction Cost			
(Actual Cost to Date)		\$607,987.00	
Green Fringe (Package 1)		+ ,	
Construction Cost			
(Contract Award)		\$639,050.00	\$639,050.00
Relocatables (Package 2A)			
Construction Cost			
(Contract Award)	\$390,200.00		\$390,200.00
Modular (lease)	\$316,000.00		
Other Hard Costs	\$30,000.00		
Subtotal		\$736,200.00	
New Construction & Modernization ((Package 2B)		
Construction Cost	\$10,571,620.00		
Other Hard Costs	\$296,638.00		
Subtotal		\$10,868,258.00	
TOTAL CONTRACT AWARD			\$1,029,250.00
		-	
TOTAL PROJECTED CONSTRUCT	TION COSTS	\$12,851,495.00	
TOTAL CONSTRUCTION BUDGET		\$12,930,000.00	

Note: Construction contingency is budgeted separately.

ORIGINAL CONTRACT AMOUNT	(Award of Bid #10.14.BB-03-112630 & 03-113013)	\$1,029,250
TOTAL CONTRACT AMOUNT		\$1,029,250

***** ***** ***** ***** *****

Mechur commented on the format of Item Nos. A.10 and A.12. Ms. Maez said the Measure BB Advisory Committee could examine other formats.

Mr. de la Torre asked about outreach to minority- and women-owned businesses during the bidding process. *Ms.* Maez said staff could create a report regarding companies that respond to bids.

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

RE: AWARD OF BID #10.16.BB-03-112845 – GRANT ELEMENTARY SCHOOL MAIN ENTRY RECONFIGURATION PROJECT – ALFA 26 CONSTRUCTION COMPANY – MEASURE BB

RECOMMENDATION NO. A.11

It is recommended that the Board of Education award Bid #10.16.BB-03-112845, Grant Elementary School Main Entry Reconfiguration project, to ALFA 26 Construction Company, in an amount not to exceed \$244,000.

Funding Information	
Budgeted:	Yes
Fund:	21
Source:	Building Fund
Account Number:	21-00000-0-00000-85000-6200-003-2600
Description:	Construction Services
DSA #:	03-112845

COMMENTS: The bidding opportunity for the Grant Elementary School Main Entry Reconfiguration project was advertised in the Daily Breeze on 4/12 & 4/19; bid solicitations were email and fax blasted and published in The Bluebook of Construction. Seven (7) contractors attended the mandatory job walk held on April 22, 2010. Four (4) submitted bids, three (3) were responsive and one (1) was non-responsive, as follows:

Jenn/Matt Inc.	\$719,627.00
Swinerton Builders	\$295,051.00 (non-responsive)
Y&M Construction, Inc.	\$284,300.00
ALFA 26 Construction Company	\$244,000.00 (recommended)

A post bid interview was conducted with ALFA 26 to review their bid and the scope of the project. It was determined by staff that the project scope is as intended at the job walk and that all prevailing labor rates will be adhered to.

It is recommended that ALFA 26 Construction Company, being found to be the lowest responsive responsible bidder, be awarded the contract in an amount not to exceed \$244,000. Contract duration from NTP is 94 calendar days. The project construction budget is \$250,000.

Note: Construction contingency is budgeted separately.

ORIGINAL CONTRACT AMOUNT (Award of Bid #10.16.BB-03-112845)	\$244,000
TOTAL CONTRACT AMOUNT	\$244,000

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

RE: AWARD OF BID #10.15.BB-03-112987 – LINCOLN MIDDLE SCHOOL – REPLACEMENT OF CLASSROOM BUILDING C, MODERNIZATION AND SITE IMPROVEMENTS PROJECT – RELOCATABLES (PACKAGE 1A) PROJECT – Y & M CONSTRUCTION, INC. – MEASURE BB

RECOMMENDATION NO. A.12

It is recommended that the Board of Education award Bid #10.15.BB-03-112987, Lincoln Middle School – Replacement of Classroom Building C, Modernization and Site Improvements Project - Relocatables (Package 1A) project, to Y & M Construction, Inc., in an amount not to exceed \$388,300.

Yes
21
Building Fund
21-00000-0-00000-85000-6200-012-2600
Construction Services
03-112987

COMMENTS: The bidding opportunity for the Lincoln Middle School - Relocatables project was advertised in the Daily Breeze on 4/14 & 4/21; bid solicitations were email and fax blasted and published in The Bluebook of Construction. Thirteen (13) contractors attended the mandatory job walk held on April 26, 2010. Four (4) submitted bids, four (4) were responsive, zero (0) were non-responsive and one (1) was withdrawn for an inadvertent clerical error, as follows:

H.C. Olsen Construction	\$568,841.00
Jenn/ Matt Inc.	\$523,362.00
Y&M Construction, Inc.	\$388,300.00 (recommended)
Swinerton Builders	\$224,265.00 (withdrawn)

A post bid interview was conducted with Y & M Construction, Inc. to review their bid and the scope of the project. It was determined by staff that the project scope is as intended at the job walk and that all prevailing labor rates will be adhered to.

It is recommended that Y & M Construction, Inc. being found to be the lowest responsive responsible bidder, be awarded the contract in an amount not to exceed \$388,300. Contract duration from NTP is 84 calendar days. The contract amount is within the total construction budget for this project:

Package	Cost Estimate/ Forecast	Cost Estimate/ Forecast	06/03/10 BOE Agenda Item Contract Award
Relocatables (Package 1A)	10100001	i orcoust	Contract Award
Construction Cost			
(Contract Award)	\$388,300.00		\$388,300.00
Modular (lease)	\$275,060.00		
Other Hard Costs	\$40,000.00		
Subtotal		\$703,360.00	
Modernization (Package 1B)			
Construction Cost			
(Contract Award)	\$2,312,248.00		
Other Hard Costs	\$228,258.00		
Subtotal		\$2,540,506.00	
New Construction and Site Improv	vements (Package	2A)	
Construction Cost	\$12,639,039.00		
Other Hard Costs	\$484,360.00		
Subtotal		\$13,133,399.00	
TOTAL CONTRACT AWARD			\$388,300.00
TOTAL PROJECTED CONSTRU		\$16,377,265.00	
		, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	·
TOTAL CONSTRUCTION BUDG	ET	\$17,524,000.00	

Note: Construction contingency is budgeted separately.

ORIGINAL CONTRACT AMOUNT	(Award of Bid #10.15.BB-03-112987)	\$388,300
TOTAL CONTRACT AMOUNT		\$388,300

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

RE: AWARD OF BID # 10.17.BB-03-112998 – WILL ROGERS LEARNING COMMUNITY NEW ENTRY GATE AND MAIN OFFICE RECONFIGURATION PROJECT – LOWEST RESPONSIVE BIDDER – MEASURE BB

RECOMMENDATION NO. A.13

It is recommended that the Board of Education award Bid #10.17.BB-03-112998, Will Rogers Learning Community New Entry Gate and Main Office Reconfiguration project, to the lowest responsive bidder, in an amount not to exceed \$161,346.

Funding Information	
Budgeted:	Yes
Fund:	21
Source:	Building Fund
Account Number:	21-00000-0-00000-85000-6200-006-2600
Description:	Construction Services
DSA #:	03-112998

COMMENTS: The bidding opportunity for the Will Rogers Learning Community New Entry Gate and Main Office Reconfiguration project was advertised in the Daily Breeze on 4/29 & 5/6 and also in the Santa Monica Daily Press on 5/5 and 5/7; bid solicitations were email and fax blasted and published in The Bluebook of Construction. Total of nine (9) contractors attended the mandatory job walks held on May 11, 2010 and May 13, 2010. Two (2) submitted bid, as follows on May 27, 2010:

Jenn/Matt Inc.	\$161,346
Fast-Track Construction Corporation	\$153,500

The team is currently evaluating the bids listed above to select the lowest responsive bidder. To ensure that the project starts on June 21, we are requesting that the Board approve the contract award.

An agenda item will be presented at the June 18, 2010, board meeting ratifying the contract award to one of the two bidders listed above, as determined to be the lowest responsive bidder.

The board approved construction budget is \$96,000. Once the contract award amount is determined, BOE is also requested to adjust the construction budget to the contract award amount. An action was taken on May 17, 2010, by the BBAC approving this project scope and anticipated budget adjustment.

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

RE: AWARD OF CONTRACT FOR INSPECTION SERVICES – GRANT ELEMENTARY SCHOOL MAIN ENTRY RECONFIGURATION PROJECT – THE IOR GROUP, INC – MEASURE BB

RECOMMENDATION NO. A.14

It is recommended that the Board of Education award Inspection Services to The IOR Group, Inc. at Grant Elementary School for the Grant Elementary School Main Entry Reconfiguration Project, in the amount of \$20,000.

Funding Information	
Budgeted:	Yes
Fund:	21
Source:	State School Building Fund
Account Number:	21-00000-0-00000-85000-5802-003-2600
Description:	Independent Contractor/Consultant

Comments: Division of the State Architect (DSA) Inspection Services are required by code to ensure that school facilities are built to the DSA approved plans and specifications. District staff requested a proposal from The IOR Group, Inc. to provide Inspection Services for the Grant ES Main Entry Reconfiguration project, DSA Application No. 03-112845.

This award of Contract, for \$20,000, is for Inspection Services for the Grant ES Main Entry Reconfiguration Project, with a construction value of \$250,000. This cost was anticipated in the budget.

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

RE: AWARD OF CONTRACT FOR INSPECTION SERVICES – WILL ROGERS LEARNING COMMUNITY ENTRY AND MAIN OFICE RECONFIGURATION PROJECT – BPI INSPECTION SERVICE – MEASURE BB

RECOMMENDATION NO. A.15

It is recommended that the Board of Education award inspection services to BPI Inspection Service for Will Rogers Learning Community Entry and Main Reconfiguration Project, in the amount of \$16,000.

Funding Information	
Budgeted:	Yes
Fund:	21
Source:	State School Building Fund
Account Number:	21-00000-0-00000-85000-5802-006-2600
Description:	Independent Contractor/Consultant

Comments: Division of the State Architect (DSA) Inspection Services are required by code to ensure that school facilities are built to the DSA approved plans and specifications. District staff requested a proposal from BPI to provide Inspection Services for Will Rogers Learning Community Entry and Main Reconfiguration Project, DSA Application No. 03-112998. The contract award for this project is scheduled to be submitted to the Board for approval in June 2010.

This award of contract, for \$16,000, is for Inspection Services for the Will Rogers Learning Community Entry and Main Reconfiguration Project. This cost was anticipated in the budget.

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

RE: CONTRACT AMENDMENT #1 FOR INSPECTION SERVICES – MODULAR CLASSROOM BUILDINGS – WILL ROGERS LEARNING COMMUNITY & EDISON LANGUAGE ACADEMY PROJECT – BPI INSPECTION SERVICE – MEASURE BB

RECOMMENDATION NO. A.16

It is recommended that the Board of Education approve Contract Amendment #1 with BPI Inspection Service for Inspection Services for Modular Classroom Buildings at Will Rogers Learning Community as part of the Edison Language Academy Project, in the amount of \$2,600, for a total contract amount of \$18,600.

Funding Information	
Budgeted:	Yes
Fund:	81
Source:	State School Building Fund
Account Number:	81-00000-0-00000-85000-6200-001-2600
Description:	Independent Contractor/Consultant

Comments: Division of the State Architect (DSA) Inspection Services are required by code to ensure that school facilities are built to the DSA approved plans and specifications. During the construction of the new Edison Language Academy project, the pre-school at Edison is to be relocated to Will Rogers Learning Community for the duration of construction. District staff requested a proposal from BPI to provide Inspection Services for Modular Classroom Buildings at Will Rogers Learning Community as part of the Edison Language Academy Project, DSA Application No. 03-113389. The contract award for this project is scheduled to be submitted to the Board for approval in June 2010.

This Contract Amendment #1, for \$2,600, is for Inspection Services for the Modular Classroom Buildings at Will Rogers Learning Community as part of the Edison Language Academy Project with a construction value of \$252,570 combined. The revised contract total will be \$18,600, inclusive of relocatables and site adapt. This cost was anticipated in the budget.

ORIGINAL CONTRACT (Rogers, DSA A#03-112998)	\$16,000
Contract Amendment #1 (Rogers Relo's, ELA, DSA A#03-113389)	2,600
TOTAL CONTRACT AMOUNT	\$18,600

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

RE: CONTRACT AMENDMENT #1 FOR INSPECTION SERVICES – LINCOLN MIDDLE SCHOOL – REPLACEMENT OF CLASSROOM BUILDING C, MODERNIZATION AND SITE IMPROVEMENTS – RELOCATABLES (PACKAGE 1A) – THE IOR GROUP, INC – MEASURE BB

RECOMMENDATION NO. A.17

It is recommended that the Board of Education approve Contract Amendment #1 with The IOR Group, Inc. to provide Inspection Services for Lincoln Middle School - Replacement of Classroom Building C, Modernization and Site Improvements Project – Relocatables (Package 1A), in the amount of \$10,000, for a total contract amount of \$30,000.

Funding Information	
Budgeted:	Yes
Fund:	21
Source:	State School Building Fund
Account Number:	21-00000-0-00000-85000-5802-012-2600
Description:	Independent Contractor/Consultant

Comments: Division of the State Architect (DSA) Inspection Services are required by code to ensure that school facilities are built to the DSA approved plans and specifications. District staff requested a proposal from The IOR Group, Inc. to provide Inspection Services for the Lincoln Middle School -Relocatables Project, DSA Application No. 03-112987.

This Contract Amendment #1, for \$10,000, is for Inspection Services for the Lincoln Middle School - Replacement of Classroom Building C, Modernization and Site Improvements Project – Relocatables (Package 1A), with a construction value of \$627,363, inclusive of relocatables and site adapt. The revised contract total will be \$30,000. This cost was anticipated in the budget.

ORIGINAL CONTRACT (Grant ES, A#03-112845)	\$20,000
Contract Amendment #1 (Lincoln MS, A#03-112987)	10,000
TOTAL CONTRACT AMOUNT	\$30,000

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

RE: CONTRACT AMENDMENT #14 FOR ADDITIONAL GEOTECHNICAL INVESTIGATION & REPORT SERVICES – GRANT ELEMENTARY SCHOOL – MAIN ENTRY RECONFIGURATION PROJECT – LEIGHTON CONSULTING, INC. – MEASURE BB

RECOMMENDATION NO. A.18

It is recommended that the Board of Education approve Contract Amendment #14 to Leighton Consulting for the Geotechnical Observation and Testing Services for Grant Elementary School –Main Entry Reconfiguration Project in the amount of \$5,010, for a total contract amount of \$148,210, Measure BB projects.

Funding Information	
Budgeted:	Yes
Fund:	21
Source:	State School Building Fund
Account Number:	21-00000-0-00000-85000-5802-003-2600
Description:	Consultant Services

COMMENTS: The Board of Education previously approved Leighton as one of the three (3) pre-qualified Geotechnical consultants on the cities of Santa Monica and Malibu. The firms are being assigned projects as the need arises and depending on their familiarity with and availability for the assignment. Geotechnical observation and testing services are required during construction.

> This Contract Amendment No. 14 for \$5,010 is for the Geotechnical Observation and Testing Services during grading activities for the Main Entry Reconfiguration Project at Grant Elementary School.

CONTRACT AMENDMENT #1 (Edison) CONTRACT AMENDMENT #2 (Edison) CONTRACT AMENDMENT #3 (Edison) CONTRACT AMENDMENT #4 (Edison) CONTRACT AMENDMENT #4 (Edison) CONTRACT AMENDMENT #5 (Malibu) CONTRACT AMENDMENT #6 (Malibu) CONTRACT AMENDMENT #7 (Webster) CONTRACT AMENDMENT #7 (Webster) CONTRACT AMENDMENT #8 (Malibu) CONTRACT AMENDMENT #8 (Malibu) CONTRACT AMENDMENT #9 (Olympic) CONTRACT AMENDMENT #10 (Olympic) CONTRACT AMENDMENT #11 (Olympic) CONTRACT AMENDMENT #12 (Rogers) CONTRACT AMENDMENT #13 (Adams Parking lot) CONTRACT AMENDMENT #14 (Grant Main Entry)	\$ 19,000 5,000 7,000 50,500 3,000 9,400 12,400 21,600 3,000 1,300 1,300 1,500 4,500
TOTAL:	\$148,210

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

RE: CONTRACT AMENDMENT #1 FOR TESTING AND SPECIAL INSPECTION SERVICES – WILL ROGERS LEARNING COMMUNITY ENTRY AND MAIN OFICE RECONFIGURATION PROJECT – MTGL, INC. – MEASURE BB

RECOMMENDATION NO. A.19

It is recommended that the Board of Education approve Contract Amendment #1 with MTGL, Inc. for Testing and Special Inspection Services for Will Rogers Learning Community Entry and Main Reconfiguration Project, in the amount of \$1,250 for a total contract amount of \$7,050.

Funding Information	
Budgeted:	Yes
Fund:	21
Source:	State School Building Fund
Account Number:	21-00000-0-00000-85000-5802-006-2600
Description:	Independent Contractor/Consultant

Comments: Division of the State Architect (DSA) Testing and Special Inspection Services are required by code to ensure that school facilities are built to the DSA approved plans and specifications. District staff requested a proposal from MTGL, Inc. to provide Testing and Special Inspection Services for Will Rogers Learning Community Entry and Main Reconfiguration Project, DSA Application No. 03-112998. The contract award for this project is scheduled to be submitted to the Board for approval in June 2010.

This Contract Amendment #1, for \$1,250, is for Testing and Special Inspection Services for the Will Rogers Learning Community Entry and Main Reconfiguration Project. The revised contract total will be \$7,050. This cost was anticipated in the budget.

ORIGINAL CONTRACT (Grant ES, DSA A#03-112845)	\$5,800
Contract Amendment #1 (Rogers, DSA A#03-112998)	1,250
TOTAL CONTRACT AMOUNT	\$7,050

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

RE: CONTRACT AMENDMENT #2 FOR TESTING AND SPECIAL INSPECTION SERVICES – MODULAR CLASSROOM BUILDINGS – WILL ROGERS LEARNING COMMUNITY AND EDISON LANGUAGE ACADEMY PROJECT – MTGL, INC. – MEASURE BB

RECOMMENDATION NO. A.20

It is recommended that the Board of Education approve Contract Amendment #2 with MTGL, Inc. for Testing and Special Inspection Services for Modular Classroom Buildings at Will Rogers Learning Community as part of the Edison Language Academy Project, in the amount of \$4,600, for a total contract amount of \$11,650.

Funding Information	
Budgeted:	Yes
Fund:	81
Source:	State School Building Fund
Account Number:	81-00000-0-00000-85000-6200-001-2600
Description:	Independent Contractor/Consultant

Comments: Division of the State Architect (DSA) Testing and Special Inspection Services are required by code to ensure that school facilities are built to the DSA approved plans and specifications. During the construction of the new Edison Language Academy project, the pre-school at Edison is to be relocated to Will Rogers Learning Community for the duration of construction. District staff requested a proposal from MTGL, Inc. to provide Testing and Special Inspection Services for Modular Classroom Buildings at Will Rogers Learning Community as part of the Edison Language Academy Project, DSA Application No. 03-113389. The contract award for this project is scheduled to be submitted to the Board for approval in June 2010.

This Contract Amendment #2, for \$4,600, is for Testing and Special Inspection Services for the Modular Classroom Buildings at Will Rogers Learning Community as part of the Edison Language Academy Project with a construction value of \$252,570 combined. The revised contract total will be \$11,650, inclusive of relocatables and site adapt. This cost was anticipated in the budget.

ORIGINAL CONTRACT (Grant ES, DSA A#03-112845)	\$5,800
Contract Amendment #1 (Rogers, DSA A#03-112998) (A.19)	1,250
Contract Amendment #2 (Rogers Relo's, ELA, DSA A#03-113389) (A.20)	4,600
TOTAL CONTRACT AMOUNT	\$11,650

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

RE: CONTRACT AMENDMENT #3 FOR TESTING AND SPECIAL INSPECTION SERVICES FOR DSA CERTIFICATION OF PRIOR DSA APPLICATION – WILL ROGERS LEARNING COMMUNITY – MTGL, INC. – MEASURE BB

RECOMMENDATION NO. A.21

It is recommended that the Board of Education approve Contract Amendment #3 with MTGL, Inc. for Testing and Special Inspection Services as related to close-out without certification of a prior DSA application at Will Rogers Learning Community, in the amount of \$1,200, for a total contract amount of \$12,850.

Funding Information	
Budgeted:	Yes
Fund:	21
Source:	State School Building Fund
Account Number:	21-00000-0-00000-85000-5890-006-2600
Description:	Independent Contractor/Consultant

Comments: The Division of State Architect (DSA) is mandating that all previous applications on a project scope area be certified before new approval is issued. It has been determined that Will Rogers Learning Community has a prior application on file with DSA (A# 03-59916) which has been closed without certification. District staff requested a proposal from MTGL, Inc. to provide Testing and Special Inspection Services to verify existing conditions provide the required documentation to DSA.

This Contract Amendment #3, for \$1,200, is for Testing and Special Inspection Services for Will Rogers Learning Community DSA Compliance project. The revised contract total will be \$12,850.

ORIGINAL CONTRACT (Grant ES, DSA A#03-112845)	\$5,800
Contract Amendment #1 (Rogers, DSA A#03-112998) (A.19)	1,250
Contract Amendment #2 (Rogers Relo's, ELA, DSA A#03-113389) (A.20)	4,600
Contract Amendment #2 (Rogers-DSA Compliance, DSA A#03-59916) (A.21)	1,200
TOTAL CONTRACT AMOUNT	\$12,850

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

RE: CONTRACT AMENDMENT #31 FOR SITE UTILITY INVESTIGATION SERVICES – JOHN ADAMS MIDDLE SCHOOL – REPLACEMENT OF CLASSROOM BUILDINGS E, F, & G, NEW ADMINISTRATION, MODERNIZATION AND SITE IMPROVEMENTS – RELOCATABLES (PACKAGE 2A) – MEASURE BB

RECOMMENDATION NO. A.22

It is recommended that the Board of Education award Contract Amendment #31 to PSOMAS/AST for on-site utility investigation and mapping for water and sewer lines for the John Adams Middle School - Replacement of Classroom Buildings E, F & G, New Administration, Modernization and Site Improvements - Relocatables Project, in the amount of \$6,296 for a total contract amount of \$1,165,033.

Funding Information	
Budgeted:	Yes
Fund:	21
Source:	State School Building Fund
Account Number:	21-00000-0-00000-85000-5802-011-2600
Description:	Independent Contractor / Consultant

COMMENTS: During the initial planning phases for the Measure BB project, it was assumed that the temporary nurse's office could use the staff restroom at the adjacent Building A. After DSA approval of the relocatables, the site determined that it would be preferable to accommodate a restroom immediately adjacent to the nurse's office. Additional survey detail is required in order to locate the nearest existing underground sewer and waterlines to support the installation of the restroom at this location.

> AST will be performing the utility investigation under the Psomas Contract. Psomas has not included any additional mark-up to their services.

This Contract Amendment #31, for \$6,296 is for on-site utility detection services at the portion of site adjacent to the location of the relocatables. This work is required to determine the depths and locations of existing site utilities at John Adams MS for the installation of a restroom at the temporary nurse's office. The total contract amount will be \$1,165,033.

(Continued on next page)

ORIGINAL CONTRACT AMOUNT: Contract Amendment#1 (Survey, 4 Sites)	\$ 249,450 92,200
Contract Amendment#2 (Samohi Utilities Map)	39,600
Contract Amendment#3 (Survey, 2 Sites)	38,000
Contract Amendment#4 (Survey, 4 Sites)	63,000
Contract Amendment#5 (Survey, 4 Sites)	99,900
Contract Amendment#6 (Survey/Utilities Mapping, 4 Sites)	84,500
Contract Amendment#7 (Survey, 5 Sites)	72,600
Contract Amendment #8 (MMHS, Sewer, Easement)	63,500
Contract Amendment #9 (Samohi, Olympic)	99,000
Contract Amendment #10 (Samohi survey)	7,500
Contract Amendment #11 (Lincoln survey)	15,000
Contract Amendment #12 (MMHS survey)	5,500
Contract Amendment #13 (Webster survey)	22,500
Contract Amendment #14 (MMHS survey)	7,500
Contract Amendment #15 (MMHS slope analysis)	1,800
Contract Amendment #16 (JAMS design survey)	8,379
Contract Amendment #17 (MMHS design survey)	29,246
Contract Amendment #18 (PDES survey)	23,574
Contract Amendment #19 (Samohi)	24,232
Contract Amendment #20 (MMHS)	6,795
Contract Amendment #21 (Webster)	22,081
Contract Amendment #22 (MMHS)	2,560
Contract Amendment #23 (Samohi)	17,048
Contract Amendment #24 (JAMS confirmation survey)	2,500
Contract Amendment #25 (JAMS underground sewer survey)	21,556
Contract Amendment #26 (ELA design survey)	10,848
Contract Amendment #27 (JAMS revised survey)	1,496
Contract Amendment #28 (Rogers Survey for Relos)	11,646
Contract Amendment #29 (Rogers Utility Detection for Relos)	15,556 13,056
Contract Amendment #30 (JAMS Underground utilities)	2,170
Contract Amendment #31 (JAMS utility investigation - relos)	<u>6,296</u>
TOTAL CONTRACT AMOUNT	\$ 1,165,033

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

RE: CONTRACT AMENDMENT #5 FOR GEOTECHNICAL INVESTIGATION AND REPORT – WASHINGTON CHILD DEVELOPEMNT SERVICES MODERNIZATION PROJECT – MACTEC – MEASURE BB

RECOMMENDATION NO. A.23

It is recommended that the Board of Education approve Contract Amendment #5 with MACTEC for Geotechnical Investigation and Report Services for the Washington Child Development Services Modernization Project, in an amount of \$9,675 for a total contract amount of \$72,305.

Funding Information	
Budgeted:	Yes
Fund:	21
Source:	State School Building Fund
Account Number	21-00000-0-00000-85000-5802-070-2600
Description:	Independent Contractor / Consultant

COMMENTS: The Board of Education previously approved MACTEC as one of the three (3) pre-qualified Geotechnical consultants for the Measure BB projects. The firms are being assigned projects as the need arises and depending on their familiarity with and availability for the assignment.

This Contract Amendment #5, for \$9,675 is to conduct geotechnical exploration and to prepare geotechnical recommendations for the Washington Child Development Services Modernization project. The revised contract total will be \$72,305.

ORIGINAL CONTRACT AMOUNT	\$ 31,600
Contract Amendment#1 (Add'I borings)	5,000
Contract Amendment#2 (Percolation tests)	18,030
Contract Amendment#3 (Ground motion analysis revision)	2,000
Contract Amendment#4 (Samohi-DSA Compliance)	6,000
Contract Amendment#5 (Washington CDS)	9,675
TOTAL CONTRACT AMOUNT	\$72,305

FROM: TIM CUNEO / MICHAEL D. MATTHEWS

RE: CERTIFICATED PERSONNEL – Elections, Separations

RECOMMENDATION NO. A.24

Unless otherwise noted, all items are included in the 2009/2010 approved budget.

ADDITIONAL ASSIGNMENTS

ADAMS MIDD	LE SCHOOL			
Brown, Dan	24.71 hrs @\$40.46	9/4/09-6/18/10	Est Hrly/\$1,000	
Levin, Tracy	12.35 hrs @\$40.46	9/4/09-6/18/10	Est Hrly/\$ 500	
Post, Joel	12.35 hrs @\$40.46	9/4/09-6/18/10	<u>Est Hrly/\$ 500</u>	
		TOTAL ESTABLISHED HOU	RLY \$2,000	
Comment:	Grade Level Science Magnet Coordin	ator		
	01-Tier III Programs Cat Flex			
Jurewica, Krist	in 4.94 hrs @\$40.46	9/4/09-6/18/10	Est Hrly/\$200	
0		TOTAL ESTABLISHED HOU	RLY \$200	
Comment:	HAM Radio Supervisor			
	01-Tier III Programs Cat Flex			
HUMAN RESC	DURCES			
Brooks. Ursula	5 days @\$381.67	5/15/10-6/12/10	Own Daily/\$1,908	
Buck, Kathryn	5 days @\$496.54	5/15/10-6/12/10	Own Daily/\$2,483	
Jeffries, Jane	5 days @\$487.08	5/15/10-6/12/10	Own Daily/\$2,435	
Talt, Leslie	5 days @\$487.08	5/15/10-6/12/10	<u>Own Daily/\$2,435</u>	
		TOTAL OWN DAILY	\$9,261	
Comment: Additional Assignment per SMMCTA/SMMUSD Tentative Agreement				
	01-Unrestricted Resource			
MCKINLEY EL	EMENTARY			
Franklin, Judy	5 hrs @\$40.46	5/1/10-5/29/10	Est Hrly/\$202	
r rankin, oddy		TOTAL ESTABLISHED HOU		
Comment:	Administrator at IEP		+	
	01-IASA: Title I Basic-LW Inc/Neg			
 .				
Macon, Tristen	10 hrs @\$40.46	5/1/10-6/18/10	Est Hrly/\$405	
Commont	Moth Support	TOTAL ESTABLISHED HOU	RLY \$405	
Comment:	Math Support 01-IASA: Title I Basic-LW Inc/Neg			
	UTINOA. THE I DASIC-LW IIIC/NEY			

ADDITIONAL ASSIGNMENT - EXTRA DUTY UNITS

ADAMS MIDDLE SCHOOL

	_			Not to
Name	Rate	Assignment	Effective	Exceed
Blanchard, Cecile	8 EDU	Music	2/10-6/10	\$2,048
Brown, Dan	4 EDU	NJHS	2/10-6/10	\$1,024
Daws, Tracy	2 EDU	AVID	2/10-6/10	\$ 512
Dipley, Jeri	4 EDU	Student Council	2/10-6/10	\$1,024
Garcia, Apryl	8 EDU	Music	2/10-6/10	\$2,048
Hart, Matthew	2 EDU	Surf Club	2/10-6/10	\$ 512
Perez, Lourdes	2 EDU	AVID	2/10-6/10	\$ 512
Murphy, Leticia	2 EDU	AVID	2/10-6/10	\$ 512
Ransom, Barbara	2 EDU	AVID	2/10-6/10	\$ 512
Saling, David	2 EDU	Literary Magazine	2/10-6/10	\$ 512
Silvers, Larry	2 EDU	NJHS	2/10-6/10	\$ 512
Woo, Angela	8 EDU	Music	2/10-6/10	<u>\$2,048</u>
			TOTAL EDUS	\$11,776

EDISON ELEMENTARY SCHOOL

					Not to
<u>Name</u>	<u>Rate</u>	<u>Assignment</u>		Effective	Exceed
Morales, Carlos	2 EDU	5 th Grade Trip		9/09-6/10	\$512
	Murcia, Constanza	2 EDU 5 th Grade Trip	9/09-6/10	\$512	
	·		TOTAL I	EDUS \$1,024	

<u>SMASH</u>

				Not to
<u>Name</u>	Rate	<u>Assignment</u>	Effective	Exceed
Barba-Castro, Graciela	1 EDU	Student/Family Nights	9/09-6/10	\$256
Berens, Candis	1 EDU	Student Art Fair	9/09-6/10	\$256
Field, Bailey	1 EDU	Outdoor Learning Trips	9/09-6/10	\$256
Holland, Kurt	1 EDU	Outdoor Learning Trips	9/09-6/10	\$256
Holland, Kurt	1 EDU	Service Learning	9/09-6/10	\$256
Kulsrud, Kelly	1 EDU	Outdoor Learning Trips	9/09-6/10	\$256
Mugalian, Tamara	3 EDU	Student Council	9/09-6/10	\$768
Mugalian, Tamara	1 EDU	Student Art Fair	9/09-6/10	\$256
Sherman, Laura	1 EDU	Student/Family Nights	9/09-6/10	\$256
Wold, Jayme	2 EDU	Student Council	9/09-6/10	<u>\$512</u>
			TOTAL EDUS	\$3,328

SANTA MONICA HIGH SCHOOL – 2nd Semester Academic

				Not to
Namo	Rate	Assignment	Effective	Exceed
Name				
Boyd, Bryn	5 EDU	Sr. Advisor	2/10-6/10	\$1,280
Chapman, Amy	6 EDU	Year Book	2/10-6/10	\$1,536
Corrigan, Michael	13 EDU	Band	2/10-6/10	\$3,328
De la Cruz, Gilda	4 EDU	AVID	2/10-6/10	\$1,024
Faas, Kathleen	6 EDU	Newspaper	2/10-6/10	\$1,536
Forrer, Brooke	5 EDU	Sr. Advisor	2/10-6/10	\$1,280
Gaida, Ingo	13 EDU	Academic Decathlon	2/10-6/10	\$3,328
Garcia-Hecht, Veronica	12 EDU	Student Activities	2/10-6/10	\$3,072
Gatell, Frank	6 EDU	Scholarship Advisor	2/10-6/10	\$1,536
Honda, Julie	7 EDU	Scholarship Advisor	2/10-6/10	\$1,792
Hovis, Daryl	13 EDU	Drama Director	2/10-6/10	\$3,328
Huls, Jeffe	10 EDU	Vocal Music	2/10-6/10	\$2,560
Kariya, Emily	4 EDU	Jr. Advisor	2/10-6/10	\$1,024
Lacy, Norm	13 EDU	Athletic Director	2/10-6/10	\$3,328
Meadors, Amy	12 EDU	Pep Squad	2/10-6/10	\$3,072
Morse, Kevin	5 EDU	Sr. Advisor	2/10-6/10	\$1,280
Sakow, Terry	13 EDU	Band Director	2/10-6/10	\$3,328
Swenson, Joni	13 EDU	Orchestra	2/10-6/10	\$3,328
			TOTAL EDUS	\$40,960

SANTA MONICA HIGH SCHOOL - Spring Season

				Not to
<u>Name</u>	Rate	<u>Assignment</u>	Effective	Exceed
Fischer, Tania	13 EDU	Var Track	2/10-5/10	\$3,328
Flanders, Matthew	13 EDU	Var Swimming	2/10-5/10	\$3,328
Henderson, Luke	12 EDU	JV Baseball	2/10-5/10	\$3,072
Kim, Doug	12 EDU	JV Baseball	2/10-5/10	\$3,072
Meadors, Amy	2 EDU	Cheerleading	2/10-5/10	\$ 512
Sato, Liane	13 EDU	Var Boys Volleyball	2/10-5/10	\$3,328
Sato, Glenn	12 EDU	JV Boys Volleyball	2/10-5/10	\$3,072
Skaggs, Debbie	13 EDU	Var Softball	2/10-5/10	<u>\$3,328</u>
			TOTAL EDUS	\$23,040

HOURLY TEACHERS

ROGERS ELEMENTARY SCHOOL Hanson-Booker, Denise 10 days @\$487.08

5/10/10-6/18/10 <u>Own Daily/\$4,871</u> TOTAL ESTABLISHED HOURLY \$4,871

Comment: Reading Instruction 01-IASA: Title I Basic-LW Inc/Neg

TOTAL ESTABLISHED HOURLY, AND OWN DAILY = \$ 97,067

ELECTIONS SUBSTITUTE TEACHERS PREFERRED SUBSTITUTES (@\$162.00 Daily Rate) Light, Lindsay REGULAR DAY-TO-DAY SUBSTITUTES	<u>Effective</u> 5/12/10
(@\$138.00 Daily Rate) Tinker, Kathy	5/20/10
CHANGE IN ASSIGNMENTJimenez, SylviaEdison Elementary/TeacherFrom:100% Cotzen FellowshipTo:100% Teacher	Effective 9/7/10
Williams, Alma Edison Elementary/Teacher <u>From:</u> 50% <u>To:</u> 100%	9/7/10-6/22/11
LEAVE OF ABSENCE (with pay) Name/Location Frost, Millicent Educational Services	<u>Effective</u> 4/19/10-6/25/10 [medical]
Hynding, Sheri Grant Elementary	9/3/10-9/18/10 [CFRA]
Romano Perry, Marisa Special Education	3/29/10-6/2/10 [maternity]
LEAVE OF ABSENCE (without pay) Name/Location Berman-Baker, Wendy Webster Elementary	<u>Effective</u> 9/7/10-6/22/11 [20% - personal]
Contreras, Sitara Rogers Elementary	4/29/10-5/13/10 [personal]
Garcia, Veronica Santa Monica HS	9/7/10-6/22/11 [20% - personal]
Hynding, Sheri Grant Elementary	9/19/10-10/15/10 [CFRA]

Kinsinger, Julie Rogers Elementary

Maccani, Elizabeth Webster Elementary

Murdock, Sheryl Webster Elementary

Romano Perry, Marisa Special Education

RESIGNATION

Name/Location Murray, Brian Special Education 9/7/10-6/22/11 [child care]

5/7/10-5/10/10 [catastrophic]

6/2/10-6/18/10 [CFRA]

9/7/10-6/22/11 [60% - personal]

6/3/10-6/30/10 [child care]

Effective 6/30/10

FROM: TIM CUNEO / WILBERT YOUNG

RE: CLASSIFIED PERSONNEL - MERIT

RECOMMENDATION NO. A.25

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> Carillo, Ivan Muir Elementary	Inst Asst – Classroom 3.5 Hrs/SY/Range: 18 Step: A	EFFECTIVE DATE 5/19/10
TEMP/ADDITIONAL ASSIGNMENTS Avila, Alfredo Educational Services	Student Outreach Specialist	EFFECTIVE DATE 2/1/10-2/16/10
Bechkovski, Stephan Facility Permits	Lifeguard	4/15/10-6/30/10
Gold, Kathy Special Education	Tech Support Assistant	4/24/10
Gutierrez, Yoly Special Education	Community Liaison	4/24/10
McCabe, Pete Special Education	Inst Asst – Special Ed	4/24/10
Michel, Amelia Muir Elementary	Inst Asst – Classroom	4/13/10-6/18/10
Molina, Maria Ed Services	Inst Asst – Classroom	4/12/10-4/30/10
Morales, Ismael Ed Services	Inst Asst – Classroom	4/12/10-4/30/10
Nao, Kim Santa Monica HS	Student Outreach Specialist	11/1/09-3/30/10
Oyenoki, Elizabeth McKinley Elementary	Sr. Office Specialist	5/1/10-6/18/10
Zheng, Jin Special Education	Inst Asst – Special Ed	4/24/10
<u>SUBSTITUTES</u> Hansberry, Angie Special Education	Office Specialist	EFFECTIVE DATE 5/3/10-6/18/10
Hansberry, Angie Rogers Elementary	Office Specialist	4/20/10-4/23/10
Murillo, Selin Operations	Custodian	5/13/10-6/30/10

Board of Education Meeting MINUTES: June 3, 2010

Murphy, Georgia Food Services	Cafeteria Worker I	5/12/10-6/25/10
Nahas, Brian Olympic High School	Inst Asst – Special Ed	5/17/10-6/18/10
Seymour, Georgia Human Resources	Office Specialist	5/5/10-6/30/10
Seymour, Georgia Fiscal Services	Office Specialist	5/10/10-5/12/10
Smart, Howard Human Resources	Campus Security Officer	4/23/10-6/30/10
Smith, Denise Human Resources	Office Specialist	5/3/10-6/18/10
Vazquez, Arturo Operations	Custodian	5/13/10-6/30/10
INVOLUNTARY TRANSFER Walker, DeShayne Roosevelt Elementary	Inst Asst – Special Ed 6 Hrs/SY Fr: 6 Hrs/SY/McKinley Elementary	EFFECTIVE DATE 3/19/10
AMERICAN DISABILITIES ACT (ADA	A) ACCOMODATION	EFFECTIVE DATE
Yashar, Azita McKinley Elementary	Inst Asst – Special Ed 6 Hrs/SY Fr: 6 Hrs/SY/Rogers Elementary	4/27/10
	6 Hrs/SY	4/27/10 <u>EFFECTIVE DATE</u> 5/28/10-6/30/10
McKinley Elementary <u>LEAVE OF ABSENCE (PAID)</u> Bell, Michael	6 Hrs/SY Fr: 6 Hrs/SY/Rogers Elementary Equipment Operator	EFFECTIVE DATE
McKinley Elementary <u>LEAVE OF ABSENCE (PAID)</u> Bell, Michael Maintenance Hernandez, Maira	6 Hrs/SY Fr: 6 Hrs/SY/Rogers Elementary Equipment Operator Military Children Center Asst	EFFECTIVE DATE 5/28/10-6/30/10
McKinley Elementary <u>LEAVE OF ABSENCE (PAID)</u> Bell, Michael Maintenance Hernandez, Maira Child Develop Svcs Laird, Rosemary	6 Hrs/SY Fr: 6 Hrs/SY/Rogers Elementary Equipment Operator Military Children Center Asst Medical Office Specialist	EFFECTIVE DATE 5/28/10-6/30/10 5/3/10-6/25/10
McKinley Elementary <u>LEAVE OF ABSENCE (PAID)</u> Bell, Michael Maintenance Hernandez, Maira Child Develop Svcs Laird, Rosemary Human Resources Laird, Rosemary	6 Hrs/SY Fr: 6 Hrs/SY/Rogers Elementary Equipment Operator Military Children Center Asst Medical Office Specialist Catastrophic Office Specialist	EFFECTIVE DATE 5/28/10-6/30/10 5/3/10-6/25/10 5/6/10-5/23/10
McKinley Elementary LEAVE OF ABSENCE (PAID) Bell, Michael Maintenance Hernandez, Maira Child Develop Svcs Laird, Rosemary Human Resources Laird, Rosemary Human Resources Laird, Rosemary Human Resources	6 Hrs/SY Fr: 6 Hrs/SY/Rogers Elementary Equipment Operator Military Children Center Asst Medical Office Specialist Catastrophic Office Specialist Medical Inst Asst – Specialized	EFFECTIVE DATE 5/28/10-6/30/10 5/3/10-6/25/10 5/6/10-5/23/10 5/24/10-5/31/10 EFFECTIVE DATE

Board of Education Meeting MINUTES: June 3, 2010

Torres, Kennia Santa Monica HS	Inst Asst – Special Ed	6/1/10
WORKING OUT OF CLASS Lopez, Jose Operations	Equipment Operator/Tree Trimmer Fr: Gardner	EFFECTIVE DATE 3/29/10-4/9/10
Orozco, Abel Operations	Equipment Operator/Tree Trimmer Fr: Gardner	3/29/10-4/9/10
SUSPENSION WITHOUT PAY 3646-012-09 Lincoln Middle School		EFFECTIVE DATE 6/7/10
RESIGNATION Forsland, Jake Franklin Elementary	Inst Asst – Classroom	EFFECTIVE DATE 5/10/10
Grindle, Arianna Pt Dume Elementary	Inst Asst – Classroom	6/18/10
O'Niel, James Malibu High School	Inst Asst – Special Ed	6/18/10
Thomas, William Pt Dume Elementary	Inst Asst – Special Ed	6/18/10
Tinker, Kathy Olympic High School	Campus Security Officer	5/4/10

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

RE: CLASSIFIED PERSONNEL – NON-MERIT

RECOMMENDATION NO. A.26

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.

STUDENT WORKER – WORKABILITY

CARMENDY, FRANCES	SPECIAL EDUCATION	4/12/10-6/30/12
DUNDEE, ALEX	SPECIAL EDUCATION	2/25/10-6/30/12
ELLROD, KRISTINA	SPECIAL EDUCATION	4/27/10-6/30/12

MAJOR ITEMS

FROM: TIM CUNEO / JANECE L. MAEZ

RE: REAPPOINTMENT OF MEMBERS TO THE MEASURE BB CITIZENS' BOND OVERSIGHT COMMITTEE

RECOMMENDATION NO. A.27

It is recommended that the Board of Education reappoint the following members of the Measure BB Citizens Bond Oversight Committee: Neil Carrey, Jeffrey Jarow, Laurie Charchut, Jerry Nickelsburg, and Robert Tompkins.

COMMENT: Each of these appointees has served diligently on the Measure BB Citizens Bond Oversight Committee (*BOC*) since appointed, and their terms end 6/30/10. At the first meeting of the Committee on 4/9/08, members drew lots to select a minimum of two members to serve for initial one-year terms with the remaining members to serve for two-year terms, as provided for in the *Citizens Bond Oversight Committee Bylaws*, Section 5.4 <u>Term</u>. These were the members who drew the two-year slots at that first meeting. The bylaws of the Committee allow for members to serve a second two-year term. On 7/16/09, the Board approved reappointment of two-year terms for Mr. Ralph Erickson and Mr. Steven Rodman, who both had initial one-year terms.

Each of these appointees has expressed the desire to remain on the Committee for another term. Staff suggests that each member whose term expires on 6/30/10 be reappointed for another two-year term ending on 6/30/12. Upon approval by the Board, following are the terms for all Measure BB Citizens' BOC members:

Name	Term Length	Term Ending Date
Neil Carrey	2 years	6/30/12
Laurie Charchut	2 years	6/30/12
Ralph Erickson	2 years	6/30/11
Jeffrey Jarow	2 years	6/30/12
Jerry Nickelsburg	2 years	6/30/12
Steven Rodman	2 years	6/30/11
Robert Tompkins	2 years	6/30/12

**** ***** ***** ***** *****

Mr. Allen expressed concern that the district did not advertise for these positions. *Mr.* de la Torre suggested each DAC form a subcommittee to recruit membership.

MOTION MADE BY: Mr. Mechur SECONDED BY: Mr. de la Torre STUDENT ADVISORY VOTE: N/A AYES: All (6) (Ms. Leon-Vazquez was absent for the vote) NOES: None (0)

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

RE: PRELIMINARY APPROVAL FOR CITY OF SANTA MONICA OCEAN PARK GREEN STREET PROJECT – LOS AMIGOS PARK STORM WATER RETENTION PROJECT – MUIR E.S./SMASH

RECOMMENDATION NO. A.28

It is recommended that the Board of Education approve preliminary authorization for the City of Santa Monica to continue with design work of the Storm Water Retention Project on the Los Amigos Park facility.

Funding Information – No cost to the District

<u>History:</u> The City of Santa Monica has been developing a strategy for the Ocean Park Blvd. Green Street Project since March 2008. The Ocean Park Blvd Green Street project is currently in the schematic design phase. As part of the program, the team is looking at incorporating low impact development strategies within the project limits (along the street) to help reduce urban runoff and improve storm water quality along the boulevard.

District staff from various departments have been involved in discussions with the City as it continues to identify the scope of this work, as both the Muir/SMASH and Olympic High School facilities fall within the project area. In an effort to maximize the environmental benefits, the project team has evaluated the Los Amigos Park property for a potential storm water quality improvement project. The opportunity exists to capture storm water from a 5th Street storm drain, route it into a simple containment feature under the Los Amigos Park fields, treat and use it for irrigation at the park, or allow the water to percolate and recharge the groundwater.

Project Benefits

- Reduction of urban runoff from a 34-acre area by at least 650,000 gallons per rain event (potentially 6-7 million gallons per year)
- Reduction of pollution in Santa Monica Bay and improvement of recreational experiences at the Santa Monica beaches
- Reduction of potable water usage resulting in the conservation of almost 2 million gallons per year
- Ground water recharge (if storm water use for irrigation is not feasible due to regulatory limitations)
- Reduction in electricity consumption for the existing irrigation system
- Renovation of the sports field as part of the project and installation of a new solar power operated irrigation system

Potential Impacts to School Grounds

- An area of about 100' x 300' will be excavated for installation of the retention feature.
- The sport field will be out of commission for about 3-4 weeks.
- Work would be scheduled around school activities, preferably in the summer months.

Responsibilities of the City

- Cover 100% of the costs for project management, design, construction, construction management.
- Restore the sport fields to their original condition prior to construction.
- Provide City staff or provide funding of District staff for any necessary maintenance.
- Obtain regulatory approvals to use storm water for irrigation purposes

- Coordinate with the School District's designated staff to study the feasibility of incorporating other landscaped areas on the school grounds.
- Coordinate with the School District's designated staff to incorporate the project with future schematic design proposals on the campus.

Responsibilities of the School District

 Provide approval for construction of the project on the property once reviewed for feasibility by District staff.

<u>Action</u>

The City has evaluated the site for a potential Storm Water Retention Project. The Board of Education needs to provide the City with a preliminary approval to build the proposed project on school ground if determined to be feasible.

Future Steps

The Board of Education will be presented with the findings and design of the project and be asked for final approval prior to the start of any construction on the facility.

Should the project move forward, it is anticipated that the project would begin the summer of 2011.

A brief overview of the project will be presented by Mr. Rick Valte, City of Santa Monica, Watershed Program Manager in a Power Point presentation to the Board of Education.

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Mr. Valte summarized the project. *Mr.* de la Torre asked why the Muir/SMASH site was chosen. *Mr.* Valte said this site was selected following the city's analysis regarding maximum storm water runoff collection possibilities. He clarified that there would not be a cost to the district. *Ms.* Pye directed staff to discuss with the city further possible benefits to the district or site. In regards to inquiries about water reclamation, *Mr.* Valte said that the only possible reclamation use would be for irrigation. *Mr.* Snell asked about the impact of construction during summer activities on the campuses. *Mr.* Valte said the city is planning to do the construction when the field goes to reseeding during the summer.

- FROM: TIM CUNEO / JANECE L. MAEZ
- RE: DECLARATION OF INDEFINITE SALARIES FOR REPRESENTED BARGAINING UNIT MEMBERS AND UNREPRESENTED SENIOR MANAGEMENT, MANAGEMENT, SUPERVISORY, AND CONFIDENTIAL EMPLOYEES FOR 2010-2011

RECOMMENDATION NO. A.29

It is recommended that the Board declare salaries as indefinite for bargaining unit members and unrepresented senior management, management, supervisory, and confidential employees for the 2010/2011 school year.

COMMENT: Because salaries for represented bargaining unit members and unrepresented senior management, management, supervisory and confidential employees are set by the Board of Education, if the Board of Education declares, in advance of the new fiscal year, that salaries for its employees are indefinite, whether subject to future review, negotiations, financial condition, or other factors, such action will suffice to permit retroactive salary adjustments back to the beginning of the new year.

This action meets the requirements specified in Education Code Section 45032.

MOTION MADE BY: Mr. Allen SECONDED BY: Mr. de la Torre STUDENT ADVISORY VOTE: N/A AYES: All (7) NOES: None (0)

FROM: TIM CUNEO / MICHAEL D. MATTHEWS

RE: ADOPT RESOLUTION NO. 09-44 - CERTIFICATED ADMINISTRATOR RELEASE AND REASSIGNMENT

RECOMMENDATION NO. A.30

It is recommended that the Board of Education approve the attached Resolution No. 09-44, Certificated Administrator Release and Reassignment of pursuant to Education Code Section 44951 as indicated on the Resolution, effective June 2010.

COMMENT: As required, the Board of Education notified certificated administrators on or before March 15 of its decision that the employee shall be released from an administrative position and reassigned to a teaching position for the next succeeding school year. This resolution finalizes that action.

BEFORE THE BOARD OF EDUCATION OF THE SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT COUNTY OF LOS ANGELES STATE OF CALIFORNIA

RESOLUTION NO. 09-44

RESOLUTION REGARDING RELEASE AND REASSIGNMENT OF CERTIFICATED ADMINISTRATIVE EMPLOYEE PURSUANT TO EDUCATION CODE 44951

WHEREAS, California Education Code Section 44951 requires that unless a certificated employee holding a position requiring an administrative or supervisory credential is sent written notice by registered mail by March 15, or, unless the signature of the employee is obtained on the written notice by March 15 that he or she may be released from his or her position for the following school year, then he or she shall be continued in the position; and,

WHEREAS, the purpose of California Education Code Section 44951 is to afford affected administrative employees adequate notice of possible reassignment and sufficient time to permit such employees to possibly seek other administrative employment prior to the beginning of the next school year; and,

WHEREAS, California Education Code Section 44896 states that whenever a person employed in an administrative or supervisory position is transferred to a teaching position, the Board of Education of the school district shall give each employee, when requested by him or her, a written statement of the reasons for such transfer; and,

WHEREAS, the employees listed below is currently employed by the Santa Monica-Malibu Unified School District in a position requiring an administrative credential;

WHEREAS, the Board and Superintendent have considered, on an individual basis, the performance of the employees listed below and the anticipated needs of the District and have determined that he or she should be released from his or her administrative assignment.

NOW THEREFORE BE IT RESOLVED AND ORDERED, the Board of Education has determined, upon consideration on an individual basis, that the individuals listed below, who are certificated employees, shall be released from his or her administrative position and its respective salary placement at the end of the 2009-2010 school year to a teaching position and its respective salary placement for the 2010-2011 school year, and the Superintendent, or designee, is hereby authorized to give written notice of this action.

EMPLOYEE NUMBER

6029 5743

The foregoing Resolution was adopted by the Board of Education of the Santa Monica-Malibu Unified School District on the 3rd day of June 2010 by the following vote:

Ayes: Noes: Absent:

Barry Snell, President

Board of Education of the Santa Monica-Malibu Unified School District

Santa Monica-Malibu Unified School District

I, Tim Cuneo, Secretary of the Board of Education of the Santa Monica-Malibu Unified School District, do certify that the foregoing Resolution was regularly introduced, passed and adopted by the Board of Education at its regular meeting held on June 3, 2010.

Tim Cuneo, Secretary Board of Education of the

Board of Education Meeting MINUTES: June 3, 2010

FROM: TIM CUNEO / MICHAEL D. MATTHEWS

RE: CLASSIFIED EMPLOYEE LAYOFFS / REDUCTION IN HOURS

RECOMMENDATION NO. A.31

It is recommended that the Board of Education approve the Classified employee Layoffs/Reduction in Hours indicated below, and instruct staff to proceed with lay-off procedures.

COMMENT: Per Article 30.1.1. of the collective bargaining agreement, staff presented 45-day notice of possible reductions in Classified FTEs to SEIU-Local 99 on April 12, 2010. Within the 45-day period, discussions were held with members of the SEIU executive board. Following approval by the Board of Education, impacted employees will receive 45-days notice of Layoff and the option to exercise bumping rights, if available.

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Public Comments:

• Patti Braun, Monicka Guevara, Kim Moran, Susan Bodok, and Dana Bart-Bell addressed the board regarding this item.

Dr. Matthews said staff has started working with SEIU to determine how to assign the Elementary Library Coordinators for the 2- or 3-times per week schedule the board approved last week.

MOTION MADE BY: Dr. Escarce SECONDED BY: Mr. Mechur STUDENT ADVISORY VOTE: N/A AYES: All (7) NOES: None (0)

LAYOFF 4042-043-09	1.00 FTE; Sr. Office Specialist	EFFECTIVE DATE 7/19/10
District Office		
7627-010-09 Malibu HS	1.00 FTE; Library Assistant I	7/19/10
7927-011-09 John Adams MS	1.00 FTE; Library Assistant I	7/19/10
9546-012-09 Lincoln MS	0.75 FTE; Library Assistant I	7/19/10
0266-061-09 Maintenance	1.00 FTE; Painter	7/19/10
5949-002-09 Franklin Elementary	0.875 FTE; Elementary Library Coordinator	7/19/10
1071-007-09 Roosevelt Elementary	0.875 FTE; Elementary Library Coordinator	7/19/10
9070-006-09 Rogers Elementary	0.875 FTE; Elementary Library Coordinator	7/19/10
3187-005-09 Muir Elementary	0.875 FTE; Elementary Library Coordinator	7/19/10
2833-009-09 SMASH	0.25 FTE: Elementary Library Coordinator	7/19/10
1832-001-09 Edison Elementary	0.875 FTE; Elementary Library Coordinator	7/19/10
6625-008-09 Webster Elementary	0.875 FTE; Elementary Library Coordinator	7/19/10
5287-017-09 Cabrillo Elementary	0.875 FTE; Elementary Library Coordinator	7/19/10
2810-019-09 Pt Dume Elementary	0.875 FTE; Elementary Library Coordinator	7/19/10
8732-004-09 McKinley Elementary	0.875 FTE; Elementary Library Coordinator	7/19/10
3337-003-09 Grant Elementary	0.875 FTE; Elementary Library Coordinator	7/19/10

FROM: TIM CUNEO

RE: AMEND CHARGES TO THE LOCAL FUNDING MEASURE AND CAPITOL BOND FEASIBILITY COMMITTEE

RECOMMENDATION NO. A.32

It is recommended that the Board of Education amend the charges to the Local funding Measure Feasibility Committee.

COMMENT: At its August 19, 2009, meeting, the Board of Education established and appointed members to the Emergency/Temporary Parcel Tax Feasibility Committee. The purpose of the committee was to examine the feasibility of an emergency and temporary parcel tax to offset all or a portion of the budget deficit due to the state budget crisis.

At its January 14, 2010, meeting, the Board of Education accepted the recommendations from the Emergency/Temporary Parcel Tax Feasibility Committee to take action to notify Los Angeles County that the district will place a parcel tax on the ballot for a special all-mail election on May 25, 2010. At its February 1, 2010, meeting the Board of Education adopted Resolution No. 09-19 – A Special Emergency, Temporary Parcel Tax Measure be Submitted for Approval by Voters in the Cities of Santa Monica and Malibu at Special Mail-In Ballot on May 25, 2010.

The parcel tax, named Measure A, received a 64.25% approval rate, but required a 66.7% approval rate for passage. At its meeting of May 26, 2010, the Board of Education requested that staff bring back an item amending the charges of the committee to examine the feasibility of placing another measure on the November ballot. Below are the amended charges:

The amended committee charge:

- The committee will be charged with the following goals:
 - Phase I: Report to the Board of Education with: 1) an analysis of the outcome of Measure A and 2) a recommendation regarding the feasibility of a future local funding measure.
 - Determine a budget and timing for Phase I.
 - Phase II: Determine the feasibility of a capitol improvement bond measure to continue the school modernization projects.
 - Determine a budget and timing for Phase II.
 - Provide report for Phase I at October 7, 2010, board meeting prior to August 6, 2010.

(Continued on next page)

Committee Members: **Richard Bencivengo** Joel Brand Neil Carrey **Brian Chase** Lauri Crane Shari Davis Bill Dawson Ralph Erickson Thelma Felstiner Rochelle Finali Karen Gardner Bruce Gilbert Craig Hamilton Chris Harding Christopher Jimenez v West Ted Kahan **Rebecca Kennerly** Tom Larmore Laurie Lieberman Debbie Mulvaney Nimish Patel Paul Silvern **Elizabeth Stearns** Bruce Ira Sultan Susan Tellem **Ted Winterer** Tony Vazquez Dennis Zane SMC representative - TBD City of Santa Monica representative - TBD City of Malibu representative - TBD SMMCTA representative - TBD SEIU representative - TBD Pico Neighborhood representative - TBD **** **** **** **** **** ****

Public Comments:

• Laurie Crane and Rochelle Fanali addressed the board regarding this item.

Mr. Mechur said regardless of when a funding measure could be passed next year, the revenue would not be realized until the following fiscal year.

The board agreed postponing Phase II until Phase I had been realized.

MOTION MADE BY: Ms. Pye SECONDED BY: Mr. Mechur STUDENT ADVISORY VOTE: N/A AYES: All (6) (Mr. de la Torre was absent for the vote) NOES: None (0)

DISCUSSION ITEMS

FROM: TIM CUNEO / JANECE L. MAEZ

RE: JOINT MEETING WITH THE FINANCIAL OVERSIGHT COMMITTEE

DISCUSSION ITEM NO. D.01

As part of the requirements associated with the annual funds given to the School District from the City of Santa Monica, the Financial Oversight Committee (FOC) was appointed as an independent oversight committee regarding the financial matters of the District. This includes an annual report from the FOC to the School Board, reviewing the past year and offering its observations about the District's financial matters.

In addition, the FOC's charge was amended at the June 5, 2008 Board meeting (Item A.22) to include responsibilities associated with the Measure R parcel tax, approved by the voters at the February 2008 Special Election. Measure R requires that an Independent Citizens Oversight Committee monitor proposed and actual parcel tax expenditures each year. Therefore, in compliance with the foregoing, the Board of Education will convene a joint session with the FOC on June 3, 2010, at 7:00 p.m. for the purpose of addressing the following items:

- I. Report from the FOC as presented by Chair Cynthia Torres
 - A. Introduction
 - B. Summary of FOC Activities During FY 2009-10
 - C. Report on Measure R Expenditures
 - D. Views on the Proposed 2010-11 District Budget
 - E. Proposed FOC Focus for FY 2010-11
- II. Discussion between the Board of Education and the FOC

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FOC Chair Cynthia Torres delivered the annual report, which can be found under Attachments at the end of these minutes. Joan Chu-Reese added that cost-cutting would have to be combined with generating new revenue. Mr. Allen asked how SMMUSD's general fund contributions to Special Ed compares to other districts. Ms. Maez said it is a difficult comparison, considering Special Ed. costs are specific to the needs of the children. Mr. Mechur expressed concern about the FOC's suggested charge of determining the appropriateness of Special Ed. programs. Craig Hamilton clarified that the goal is to focus on controlling the growth of Special Ed. expenses.

Dr. Escarce asked about fundraising models in other districts. Ms. Torres said other districts have fundraising partnerships organized around long-term, sustainable donations. Ms. Leon-Vazquez said SMMUSD needs to invest in districtwide fundraising and empowering the Ed Foundation. Mr. de la Torre suggested the board create guiding principles for fundraising. Ms. Torres encouraged the development of a fundraising strategic plan.

Mr. Mechur said the FOC needs to be more specific in its recommendations. He defended the fundraising efforts of the Ed Foundation, with which he said he is familiar, having a relationship with the Director and having served on the foundation's board for fifteen years. He added that board policy and a lack of collaboration among district stakeholders have restricted the foundation's fundraising efforts. He worried that fundraising alone will not address budget shortfalls and called for a systemic change in how the state and federal governments fund education. He and Dr. Escarce expressed their doubts that attendance rates could be raised much higher. Ms. Maez replied that the district's recent efforts to improve attendance taking could help in targeting low attendance. Ms. Pye expressed concern about the potential loss of revenue that if LAUSD decided to deny interdistrict permits.

In response to board member questions, Mc. Chu-Reese discussed facilities renovations and revenue enhancements. She said Mr. Upton provided data about which facilities renovations could bring in revenue the fastest. Ms. Maez said the board could examine possible revenue enhancements, such as CCJUP and Measure BB projects. Mr. Allen asked about licensing fees. Ms. Torres said the FOC could report in the fall about naming rights, licensing fees, and merchandising.

In summary, the district will examine: a possible attendance campaign, facilities renovations that could generate revenue, the current acceptance of gifts policy, and the FOC's 2010-11charges (adding that charge #1 would be "in collaboration with the Education Foundations efforts"). Mr. Cuneo said staff could work with the FOC to sharpen its charges, especially charge #2 relating to Special Ed. costs.

FROM: TIM CUNEO / EDUCATION FOUNDATION

RE: SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT EDUCATION FOUNDATION FUNRAISING UPDATE

DISCUSSION ITEM NO. D.02

The Director of the SMMUSD Education Foundation will provide the Board of Education with an update regarding the progress of the foundation's fundraising activities and goals for the 2010-11 school year.

<u>COMMENT</u>: Established in 1982 in response to devastating federal and state education budget cuts, the Education Foundation was organized by a dedicated group of parent, business and community leaders to enhance and supplement the curriculum of the district. The SMMUSD Ed Found funds programs in the Arts, Academics, and Athletics. It has accomplished this through the establishment of permanent endowment funds, special events, and fundraising campaigns

The Ed Found's mission is to ensure equity and access to a vibrant educational experience for all students. The money it raises is distributed equitably throughout the entire district. As a trusted steward of the community's donations, the Ed Found strategizes with the school district to allocate funds in a way that results in the greatest impact.

The Ed Found firmly believes it is its collective obligation to ensure that each and every young person is equipped to thrive and succeed in our world. The foundation must provide SMMUSD's children with an education that empowers, instills a sense of purpose, and leads to the recognition of unlimited opportunities

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Public Comments:

• Zina Josephs and Cynthia Torres addressed the board regarding this item.

Mr. Snell encouraged a sustainable fundraising effort. *Ms.* Gross clarified that the 60-day effort will not resemble a long-term strategic plan. In terms of a long-term approach, a strategic consultant will be brought in to help roll out a fundraising strategic plan.

Mr. Cuneo proposed program reinstatement priorities. Following extensive discussion of *Mr.* Cuneo's recommended priorities, the board came to an agreement on the following priority groups:

1.	Elementary Class Size Target	<u>(100%)</u>
2.a.	Secondary Class Size Target	(50%)
2.b.	Counseling	(50%)
3.a.	Elementary Music Program	(50%)
3.b.	Elementary Libraries	(50%)

Nurses would be removed from the priority list. Instead, staff will monitor the pathway formation throughout the year and report back to the board next spring.

Ms. Pye expressed her concern about Nurse positions.

TO: BOARD OF EDUCATION

FROM: TIM CUNEO / MICHAEL D. MATTHEWS

RE: CONSIDER REVISING AR 1240 – VOLUNTEER ASSISTANCE

DISCUSSION ITEM NO. D.03

It is recommended that the Board of Education consider revising AR 1240 - Volunteer Assistance.

COMMENTS: CSBA is recommending this regulation update to reflect new law (AB 1025), which, beginning July 1, 2010, requires any volunteer who supervises, directs, or coaches a student activity program sponsored by or affiliated with the district to obtain an Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing (CTC). The AR revision also clarifies prohibitions against registered sex offenders serving as volunteers and reflects new law (AB 307), which expands the circumstances under which registered sex offenders must disclose their status.

Because this is an AR, it will not need to return for board approval.

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The board considered Item Nos. D.03 through D.09 all at once. Dr. Matthews explained the proposed changes were in line with CSBA recommendations based on changes in the law. The BPs will return for action under Consent in the June 18, 2010, agenda.

VOLUNTEER ASSISTANCE

Duties of Volunteers

Volunteers may assist certificated personnel in the performance of their duties, in the supervision of students, and in instructional tasks which, in the judgment of the certificated personnel to whom the instructional aide is assigned, may be performed by a person not licensed as a classroom teacher. These duties shall not include assignment of grades to students. (Education Code 45343, 45344, 45349)

A volunteer is defined as a parent, community member, or other adult who assists at a school site or program on a regular or semi-regular basis, usually with an assigned schedule. A volunteer provides his/her time to the district without pay. Individuals who are at the school to attend or help at a one-time special event involving no unsupervised contact with children are not considered volunteers.

Volunteers may supervise students during lunch and/or breakfast periods or may serve as nonteaching aides under the immediate supervision and direction of certificated personnel to perform noninstructional work which assists certificated personnel in the performance of teaching and administrative responsibilities. (Education Code 35021, 44814, 44815)

Volunteers may work on short-term facilities projects pursuant to Board of Education policy and administrative regulation. There are two levels of volunteers:

1. Level 1 - Volunteers working under the constant direct supervision of a certificated employee

These volunteers serve during and after school hours to work in classrooms, on the campus, or in special school programs. Examples would include: lunch assistant, playground supervision, classroom aide or helper, assisting in the library, and assisting at lunch or after school club or school activity.

2. Level 2 - Volunteers working under the supervision of certificated employees but occasionally unsupervised while working with students

Examples would include athletic coaches, performing arts coaches, tutors, chaperones on overnight trips, and volunteers who drive vehicles transporting students other than their own child on field trips or other activities.

Volunteers providing supervision or instruction of students pursuant to Education Code 45349 shall give evidence of basic skills proficiency. (Education Code 45344.5, 45349)

Beginning July 1, 2010, any volunteer who supervises, directs, or coaches a student activity program shall be required to obtain an Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing. Student activity programs include, but are not limited to, scholastic programs, interscholastic programs, and extracurricular activities sponsored by the district or a school booster club, such as cheer team, drill team, dance team, and marching band. This requirement shall not apply to volunteer supervisors for breakfast, lunch or other nutritional periods or to volunteer non-teaching aides under the immediate supervision and direction of certificated personnel pursuant to Education Code 35021 (Education Code 49024).

A person who is required to register as a sex offender pursuant to Penal Code 290 shall not serve as a volunteer instructional aide or as a volunteer nonteaching aide under the direct supervision of a certificated employee. (Education Code 35021)

The Superintendent or designee shall verify by reasonable means that persons serving as volunteer instructional aides and nonteaching volunteer aides are not required to register as a sex offender pursuant to Penal Code 290.

No volunteer shall be assigned to provide supervision or instruction of students unless he/she has submitted evidence of an examination within the past 60 days to determine that he/she is free of active tuberculosis. Volunteers who test negative shall thereafter be required to take a tuberculosis test every four years in accordance with Education Code 49406. (Education Code 45106, 45347, 45349, 49406)

The Superintendent or designee may exempt from tuberculosis testing requirements those volunteers who serve less than a school year and whose functions do not require frequent or prolonged contact with students. (Education Code 49406)

Volunteers engaged in the performance of any service to the district are considered an employee of the district for the purpose of Workers' Compensation Insurance.

The following will be a guide to the application requirements for volunteers.

Requirements for Volunteers

Requirements for Level 1 volunteers who are under the constant, direct supervision of a certificate employee and assist: with lunch supervision, with playground supervision, as a classroom aid or helper, in the library, with lunch or with an after school club or other activity assistance shall:

- 1. Complete a volunteer application
- 2. Pass a TB test every four years
- 3. Be subject to a Megan's law check annually
- 4. Be approved by the site administrator
- 5. Be issued and wear a site-issued ID badge

Requirements for Level II volunteers who are under supervision of a certificated employee but who are occasionally unsupervised while working with students and assist as: athletic coaches, performing arts coaches, tutors, chaperones on overnight trips, and volunteers who drive vehicles transporting students other than their own child on field trips or other activities shall:

- 1. Complete a volunteer application
- 2. Pass a TB test every four years
- 3. Be subject to a Megan's law check annually
- 4. Be approved by the site administrator
- 5. Be approved by the district's human resources administrator
- 6. Be issued and wear a district-issued badge
- 7. Be fingerprinted

8. When appropriate, obtain an Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing.

The school site is responsible for receiving, approving and maintaining Level I volunteer applications. Level 2 applications must be approved by the assistant superintendent, human resources after fingerprint clearance. The district will continue to provide TB testing and cover the cost (about \$5) for volunteers. If a chest x-ray is required, the district does not provide that service and will not cover that cost. The district will cover the cost of fingerprinting (about \$50). Any volunteers who would like to make a donation to cover those costs may certainly do so. The volunteer must cover the cost of the Activity Supervisor Clearance Certificate, and all associated costs, if it is required.

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

TO: BOARD OF EDUCATION

FROM: TIM CUNEO / MICHAEL D. MATTHEWS

RE: CONSIDER REPLACING BP 4030 – NONDISCRIMINATION IN EMPLOYMENT WITH UPDATED CSBA BP 4030, AND DELETING AR 4030

DISCUSSION ITEM NO. D.04

It is recommended that the Board of Education consider replacing BP 4030 – Nondiscrimination in Employment with updated CSBA BP 4030, and deleting AR 4030.

COMMENTS: CSBA is recommending this extensive policy updated to reflect new federal law (P.L. 110-233), which prohibits employers from discriminating against employees and job applicants on the basis of "genetic information," as defined. Policy also contains new note reflecting new EEOC guidance regarding religious discrimination in the workplace. CSBA has deemed the AR unnecessary and therefore it has been deleted. Material formerly in the AR regarding filing of complaints, trainings, and notification has been moved to the BP. Material regarding other remedies has been moved to AR 4031 – Complaints Concerning Discrimination in Employment.

This policy will return for approval at the June 18, 2010, board meeting.

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The board considered Item Nos. D.03 through D.09 all at once. Dr. Matthews explained the proposed changes were in line with CSBA recommendations based on changes in the law. The BPs will return for action under Consent in the June 18, 2010, agenda.

NONDISCRIMINATION IN EMPLOYMENT

The Governing Board prohibits discrimination against and/or harassment of district employees and job applicants at any district site or activity on the basis of actual or perceived race, religion, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, veteran status, gender, sex, or sexual orientation.

Prohibited discrimination or harassment consists of unwelcome conduct, whether verbal, physical, or visual, based on any of the prohibited categories of discrimination listed above that it is so severe and pervasive that it adversely affects an individual's employment opportunities or has the purpose or effect of unreasonably interfering with his/her work performance or creating an intimidating, hostile, or offensive work environment.

The Board also prohibits retaliation against any district employee or job applicant who complains, testifies, assists, or in any way participates in the district's complaint procedures instituted pursuant to this policy.

Any district employee who engages or participates in prohibited discrimination or harassment, or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior, shall be in violation of this policy and shall be subject to disciplinary action, up to and including dismissal.

The Board designates the following position(s) as Coordinator(s) for Nondiscrimination in Employment:

Assistant Superintendent, Human Resources Santa Monica-Malibu Unified School District <u>1651 16th Street</u> Santa Monica, CA 90404 310-450-8338

Any employee or job applicant who believes that he/she has been or is being discriminated against or harassed in violation of district policy or regulation should immediately contact his/her supervisor, the Coordinator, or the Superintendent who shall advise the employee or applicant about the district's procedures for filing, investigating, and resolving any such complaints.

<u>Complaints regarding employment discrimination or harassment shall immediately be</u> investigated in accordance with AR 4031 - Complaints Concerning Discrimination in Employment.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment shall report the incident to his/her supervisor, the Coordinator, or Superintendent as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately.

Training and Notifications

The Superintendent or designee shall provide training to employees about how to recognize harassment and discrimination, how to respond appropriately, and components of the district's policies and regulations regarding discrimination.

The Superintendent or designee shall regularly publicize, within the district and in the community, the district's nondiscrimination policy and the availability of complaint procedures. Such publication shall be included in each announcement, bulletin, or application form that is used in employee recruitment. (34 CFR 100.6, 106.9)

The district's policy shall be posted in all schools and offices including staff lounges and student government meeting rooms. (5 CCR 4960)

Policy CSBA MANUAL MAINTENANCE SERVICE adopted: March 2010

NONDISCRIMINATION IN EMPLOYMENT

The Board of Education prohibits unlawful discrimination against and/or harassment of district employees and job applicants on the basis of actual or perceived race, color, national origin, ancestry, religion, age, marital status, pregnancy, physical or mental disability, medical condition, veteran status, gender, sex, or sexual orientation at any district site and/or activity. The Board also prohibits retaliation against any district employee or job applicant who complains, testifies or in any way participates in the district's complaint procedures instituted pursuant to this policy.

Any district employee who engages or participates in unlawful discrimination, or who aids, abets, incites, compels or coerces another to discriminate, is in violation of this policy and is subject to disciplinary action, up to and including dismissal.

Any district employee who observes or has knowledge of an incident of unlawful discrimination or harassment shall report the incident to the principal, district administrator or Superintendent as soon as practical after the incident. Failure of a district employee to report discrimination or harassment may result in disciplinary action.

The Superintendent or designee shall regularly publicize, within the district and in the community, the district's nondiscrimination policy and the availability of complaint procedures. Such publication shall be included in each announcement, bulletin or application form that is used in employee recruitment. (34 CFR 100.6, 106.9)

The district's policy and administrative regulation shall be posted in all schools and offices including staff lounges and student government meeting rooms. (5 CCR 4960)

The Board designates the following position as Coordinator for Nondiscrimination in Employment:

Assistant Superintendent, Human Resources Santa Monica-Malibu Unified School District 1651 16th Street Santa Monica, CA 90404 310-450-8338

Other Remedies

An employee may, in addition to filing a discrimination complaint with the district, file a complaint with either the California Department of Fair Employment and Housing (DFEH) or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

1. To file a valid complaint with DFEH, the employee must file his/her complaint within one year of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960. (Government Code 12960)

2. To file a valid complaint directly with EEOC, the employee must file his/her complaint within 180 days of the alleged discriminatory act(s). To file a valid complaint with EEOC after filing a complaint with DFEH, the employee must file the complaint within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier. (42 USC 2000e-5)

Employees wishing to file complaints with the DFEH and EEOC should contact the nondiscrimination coordinator for more information.

Legal Reference: **CIVIL CODE** 51.7 Freedom from violence or intimidation **GOVERNMENT CODE** 11135 Unlawful discrimination 12900-12996 Fair Employment and Housing Act PENAL CODE 422.56 Definitions, hate crimes **CODE OF REGULATIONS, TITLE 2** 7287.6 Terms, conditions and privileges of employment 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 Discrimination based on sex or blindness, Title IX UNITED STATES CODE. TITLE 29 794 Section 504 of the Rehabilitation Act of 1973 UNITED STATES CODE, TITLE 42 2000d-2000d-7 Title VI, Civil Rights Act of 1964 2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended 2000h-2-2000h-6 Title IX, 1972 Education Act Amendments 12101-12213 Americans with Disabilities Act CODE OF FEDERAL REGULATIONS, TITLE 28 35.101-35.190 Americans with Disabilities Act **CODE OF FEDERAL REGULATIONS, TITLE 34** 100.6 Compliance information 104.8 Notice 106.8 Designation of responsible employee and adoption of grievance procedures 106.9 Dissemination of policy **COURT DECISIONS** Carter v. California Department of Veterans Affairs (2003) 2003 Cal.LEXIS 5694 Shephard v. Loyola Marymount (2002) 102 CalApp.4th 837 Management Resources: EQUAL EMPLOYMENT OPPORTUNITY COMMISSION Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999 Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with **Disabilities Act. March. 1999 U.S. DEPARTMENT OF EDUCATION, OFFICE OF CIVIL RIGHTS** Notice of Non-Discrimination, January, 1999 WEB SITES EEOC: http://www.eeoc.gov

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

DFEH: http://www.dfeh.ca.gov

Policy SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT adopted: June 25, 2009 Santa Monica, California

All Personnel

NONDISCRIMINATION IN EMPLOYMENT

Unlawful discrimination or harassment of an individual includes:

- 1. Slurs, epithets, threats or verbal abuse
- 2. Derogatory or degrading comments, descriptions, drawings, pictures or gestures
- 3. Unwelcome jokes, stories, teasing or taunting
- 4. Any other verbal, written, visual or physical conduct against the individual which:
 - a. Adversely affects his/her employment opportunities, or
 - Has the purpose or effect of unreasonably interfering with his/her work performance or creating an intimidating, hostile or offensive work environment

Any employee or job applicant who feels that he/she has been or is being unlawfully discriminated against or harassed should immediately contact his/her supervisor, the nondiscrimination coordinator or the Superintendent in order to obtain procedures for reporting a complaint. Such complaints shall be filed in accordance with AR 4031 - Complaints Concerning Discrimination in Employment. An employee may bypass his/her supervisor when the supervisor is the alleged offender.

(cf. 4031 - Complaints Concerning Discrimination in Employment) (cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

Any supervisor who receives a discrimination/harassment complaint shall immediately notify the nondiscrimination coordinator or the Superintendent, who shall ensure that the complaint is appropriately investigated in accordance with district policy and regulations.

The Superintendent or designee shall ensure that annual training is provided to all employees regarding the issues of discrimination.

Regulation SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT approved: June 25, 2009 Santa Monica, California

TO: BOARD OF EDUCATION

FROM: TIM CUNEO / MICHAEL D. MATTHEWS

RE: CONSIDER REVISING AR 4112.23 – Special Education Staff

DISCUSSION ITEM NO. D.05

It is recommended that the Board of Education consider revising AR 4112.23 – Special Education Staff.

COMMENTS: CSBA is recommending this mandated regulation update to reflect new Title 5 regulations, which (1) expand the added authorizations available for special education credential holders, including an autism authorization, and (2) establish the special education limited assignment teaching permit, which allows a special education credential holder to serve outside his/her specialty area while completing the coursework for an added authorization in special education or an additional full specialty area in another special education area. The AR revision also reflects new law (AB 239), which authorizes holders of special education district internship credentials to provide classroom instruction to students with disabilities, not limited to students with mild and moderate disabilities. The material on caseloads has been expanded and moved into a new section.

Because this is an AR, it will not need to return for board approval.

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The board considered Item Nos. D.03 through D.09 all at once. Dr. Matthews explained the proposed changes were in line with CSBA recommendations based on changes in the law. The BPs will return for action under Consent in the June 18, 2010, agenda.

SPECIAL EDUCTION STAFF

Any teacher assigned to serve students with disabilities shall possess a credential that authorizes him/her to teach the primary disability of the students within the program placement recommended in the students' individualized education programs (IEP). (5 CCR 80046.5)

Special education teachers who teach core academic subjects shall possess the qualifications required by the No Child Left Behind Act. (20 USC 1401, 6319, 7801; 34 CFR 200.55-200.57, 300.18; 5 CCR 6100-6126)

The Superintendent or designee may request the Commission on Teacher Credentialing (CTC) to issue a special education limited assignment teaching permit to authorize a qualified special education teacher, with his/her written consent, to serve outside the specialty area of his/her credential. In so doing, the district shall submit a Declaration of Need for Fully Qualified Educators that satisfies the requirements of 5 CCR 80026. If the teacher has not yet obtained permanent status, the Superintendent or designee shall assign one or more experienced educators in the special education subject area(s) of the permit, who have at least three years of full-time teaching experience in each of the subject area(s) of the permit, to provide guidance and assistance to the permit holder. (5 CCR 80027.1)

Note: Pursuant to Education Code 44325, the CTC issues special education district internship credentials, valid for up to three years, which authorize classroom instruction to students with disabilities. As amended by AB 239 (Ch. 316, Statutes of 2009), Education Code 44325 no longer limits this authorization to instruction of students with mild and moderate disabilities. For requirements pertaining to internship programs, see BP/AR 4112.21 - Interns.

The district may employ a person with an appropriate district internship credential to provide classroom instruction to students with disabilities, provided he/she has met the subject matter requirement specified in Education Code 44325 and receives guidance, supervision, and professional development through an established district internship program. (Education Code 44325, 44326, 44830.3)

The Superintendent or designee shall ensure that caseloads for special education teachers are within the maximum caseloads established by law, collective bargaining agreement, and/or the comprehensive plan of the Special Education Local Plan Area (SELPA) in which the district participates.

Resource Specialists

The Board of Education shall employ certificated resource specialists to provide services for students with disabilities which shall include, but not be limited to: (Education Code 56362)

1. Providing instruction and services to students whose needs have been identified in an IEP and who are assigned to regular classroom teachers for a majority of the school day

A student shall not be enrolled in a resource specialist program for a majority of a school day without approval by the student's IEP team.

2. Providing information and assistance to students with disabilities and their parents/guardians

3. Providing consultation, resource information, and material regarding students with disabilities to their parents/guardians and regular education staff members

4. Coordinating special education services with the regular school programs for each student with disabilities enrolled in the resource specialist program

5. Monitoring student progress on a regular basis, participating in the review and revision of IEPs as appropriate, and referring students who do not demonstrate sufficient progress to the IEP team

6. At the secondary school level, emphasizing academic achievement, career and vocational development, and preparation for adult life

The district's resource specialist program shall be under the direction of a resource specialist who possesses the qualifications specified in Education Code 56362 and 5 CCR 80070.8. (Education Code 56362)

The district's resource specialist program shall be under the direction of a resource specialist who possesses: (Education Code 56362)

1. A special education credential or clinical services credential with a special class authorization

2. Three or more years of teaching experience, including both regular and special education teaching experience

3. The demonstrated competencies required for a resource specialist as established by the Commission on Teacher Credentialing in 5 CCR 80070.8

No resource specialist shall have a caseload which exceeds 28 students. As necessary and with the agreement of the resource specialist, the Board may request a waiver from the State Board of Education to increase the caseload to no more than 32 students, provided that an individual resource specialist does not have a caseload exceeding 28 students for more than two school years and has the assistance of an instructional aide at least five hours daily during the period of the waiver. (Education Code 56362, 56362.1; 5 CCR 3100)

Resource specialists shall not simultaneously be assigned to serve as resource specialists and to teach regular classes. (Education Code 56362)

Teachers of Students with Autism

A teacher whose preliminary Level I education specialist credential or other previously issued credential authorizes him/her to provide instruction to students with mild and moderate disabilities may be assigned to provide instruction to students with autism, provided that the teacher consents to the assignment and satisfies either of the following criteria prior to the assignment: (Education Code 44265.1)

1. The teacher has provided full-time instruction for at least one year prior to September 1, 2007, in a special education program that serves students with autism in accordance with their IEP and received a favorable evaluation or recommendation from the district or school to teach students with autism.

2. The teacher has completed a minimum of three semester units of coursework in the subject of autism offered by a regionally accredited institution of higher education.

The Superintendent or designee shall report teachers assigned under the above conditions to the county office of education as part of the annual assignment monitoring pursuant to Education Code 44258.9. (Education Code 44265.1)

The Superintendent or designee may employ and assign a teacher to provide instruction to students age 3-4 who are diagnosed with autism if the teacher holds a valid preliminary Level I or clear Level II education specialist credential, is authorized to provide instruction to

students with autism, and satisfies either of the criteria listed in items #1 and 2 above, except that the prior service shall have been with autistic students age 3-4 or the completed coursework shall have been in the subject of special education related to early childhood education. (Education Code 44265.2)

Verification of experience or coursework for any teacher of autistic students shall be maintained on file in the district or school office. (Education Code 44265.1, 44265.2)

Legal Reference: (see next page)

Legal Reference: EDUCATION CODE 44250-44279 Credentials, especially: 44256 Credential types, specialist instruction 44258.9 Assignment monitoring 44265-44265.99 Special education credential 44268 Clinical and rehabilitative services credential 56000-56865 Special education, especially: 56195.8 Adoption of policies 56361 Program options 56362 Resource specialist program 56362.1 Caseload 56362.5 Resource specialist certificate of competence 56362.7 Bilingual-crosscultural certificate of assessment competence 56363.3 Average caseload limits 56441.7 Maximum caseload, students age 3-5 CODE OF REGULATIONS, TITLE 5 3051.1 Language, speech and hearing development and remediation; appropriate credential 3100 Waivers of maximum caseload for resource specialists 6100-6126 Teacher qualifications, No Child Left Behind Act 80046-80046.1 Adapted physical education specialist 80046.5 Credential holders authorized to serve students with disabilities 80048-80048.6 Credential requirements and authorizations 80070.1-80070.8 Resource specialist certificate of competence UNITED STATES CODE, TITLE 20 1400-1482 Individuals with Disabilities Education Act, especially: 1401 Definition of highly gualified special education teacher 6319 Highly qualified teachers 7801 Definitions, highly qualified teacher CODE OF FEDERAL REGULATIONS, TITLE 34 200.55-200.57 Highly gualified teachers 300.8 Definition of autism 300.18 Highly gualified special education teachers 300.156 Special education personnel requirements Management Resources: CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS Handbook on Developing and Implementing Early Childhood Special Education Programs and Services, 2001 COMMISSION ON TEACHER CREDENTIALING CODED CORRESPONDENCE 08-13 Alternative Route to Provide Special Education Services to Students with Autism Ages Three and 4. October 9. 2008 08-10 Alternative Route to Provide Special Education Services to Students with Autism, July 7, 2008 COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS Standards of Quality and Effectiveness for Education Specialist Credential Programs (including University Internship Options) and Clinical Rehabilitative Services Programs, 1996 WEB SITES California Association of Resource Specialists and Special Education Teachers: http://www.carsplus.org California Department of Education, Special Education: http://www.cde.ca.gov/sp/se California Speech-Language-Hearing Association: http://www.csha.org Commission on Teacher Credentialing: http://www.ctc.ca.gov

Regulation SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT approved: June 25, 2009 Santa Monica, California

TO: BOARD OF EDUCATION

FROM: TIM CUNEO / MICHAEL D. MATTHEWS

RE: CONSIDER REVISING AR 4112.4 – HEALTH EXAMINATIONS

DISCUSSION ITEM NO. D.06

It is recommended that the Board of Education consider revising AR 4112.4 – Health Examinations.

COMMENTS: CSBA is recommending this regulation update to update the section entitled "Medical Certification for Communicable Diseases for Certificated Employees" to reflect new law (SB 171), which expands the list of individuals authorized to issue the required medical certification to potential employees to include physician assistants, registered nurses, and commissioned medical officers.

Because this is an AR, it will not need to return for board approval.

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The board considered Item Nos. D.03 through D.09 all at once. Dr. Matthews explained the proposed changes were in line with CSBA recommendations based on changes in the law. The BPs will return for action under Consent in the June 18, 2010, agenda.

HEALTH EXAMINATIONS

Tuberculosis Tests

No applicant shall be initially employed in a classified or certificated position unless he/she has submitted to an intradermal or other tuberculin test licensed by the Food and Drug Administration within the past 60 days and, if that test was positive, has subsequently obtained an X-ray of the lungs. The applicant shall submit to the district a certificate signed by the examining licensed physician indicating that he/she is free of active tuberculosis. (Education Code 49406; 5 CCR 5503)

The cost of the pre-employment tuberculosis examination shall be paid by the applicant.

An applicant who was previously employed in another California school district may fulfill the tuberculosis examination requirement by either producing a certificate showing that he/she was examined within the last four years and found to be free of active tuberculosis or by having his/her previous school district employer verify that it has on file a certificate which contains that evidence. (Education Code 49406)

Once hired by the district, employees who test negative on the initial intradermal or other tuberculin test shall undergo a tuberculosis examination at least once every four years, or more often if so directed by the Board of Education upon recommendation of the county health officer, for as long as the employee's test remains negative. An employee with a documented positive test for tuberculosis infection shall no longer be required to submit to the examination and shall be referred to the county health officer within 30 days of the examination to determine the need for follow-up care. (Education Code 49406)

Tuberculosis tests for employees shall be provided by the district or at district expense. (Education Code 44839, 45122, 49406)

If an employee's religious belief prevents him/her from undergoing a tuberculosis examination, the employee shall file an affidavit stating that he/she adheres to the faith or teachings of a well-recognized religious sect, denomination, or organization and, in accordance with its creed, tenets, or principles, depends for healing upon prayer in the practice of religion and that to the best of his/her knowledge or belief he/she is free from active tuberculosis. In order to exempt the individual, the Board shall determine by resolution, after a hearing, that the health of students would not be jeopardized. (Education Code 49406)

The Superintendent or designee may exempt from the tuberculosis testing requirement classified employees who are employed for less than a school year if their functions do not require frequent or prolonged contact with students. (Education Code 49406)

The Superintendent or designee may exempt a pregnant employee from the requirement that a positive tuberculin test be followed by an X-ray of the lungs, for a period not to exceed 60 days following termination of the pregnancy. (Education Code 49406)

Medical Certification for Communicable Diseases for Certificated Employees

The Board shall not fill a position requiring certification with an applicant who has not previously been employed in a certificated position in California or a retirant who has not been employed as a retirant, unless the district has on file a medical certification completed and submitted by a physician, physician assistant, registered nurse, or commissioned medical officer. (Education Code 44839 and 44839.5)

The medical certification shall certify that the applicant or retirant is free from any disabling disease which would render him/her unfit to instruct or associate with children. The medical examination referred to in the certificate must have been conducted within six months of the date that the certificate is filed. (Education Code 44839, 44839.5; 5 CCR 5503)

Applicants and retirants shall pay for the cost of obtaining the medical certification. (Education Code 44849, 44839.5)

When a new employee in a position requiring certification has not previously been employed in such a position in California or a retirant has not previously been employed as a retirant, he/she shall have a medical certificate on file with the district stating that he/she is free from any disabling disease which would render him/her unfit to instruct or associate with children. The certificate shall be completed by a licensed physician and returned to the district by the physician. The medical examination referred to in the certificate must have been conducted within six months of the time when the certificate is filed. (Education Code 44839, 44839.5; 5 CCR 5503)

Applicants and retirants shall pay for the cost of obtaining the medical certification. (Education Code 44849, 44839.5)

The Board may require a certificated employee or retirant to undergo a periodic medical examination by a physician to determine that the employee is free from any communicable disease making him/her unfit to instruct or associate with children. This periodic medical examination shall be at district expense. (Education Code 44839, 44839.5)

Mental Examination for Certificated Employees

A certificated employee may be suspended or transferred to other duties if the Board has reasonable cause to believe that the employee is suffering from mental illness of such a degree as to render him/her incompetent to perform his/her duties. In such a case, the district shall follow the process specified in Education Code 44942 and the district's collective bargaining agreement, including the opportunity for the employee to be examined by a panel of psychiatrists or psychologists.

Legal Reference: (see next page)

Legal Reference: EDUCATION CODE 44839 Medical certificate; periodic medical examination 44839.5 Requirements for employment of retirant 44932 Grounds for dismissal of permanent employee 44942 Suspension or transfer of certificated employee on ground of mental illness, psychiatric examination; mandatory sick leave 45122 Physical examinations 49406 Examination for tuberculosis CODE OF REGULATIONS, TITLE 5 5502 Filing of notice of physical examination for employment of retired persons 5503 Physical examination for employment of retired persons 5504 Medical certification procedures COURT DECISIONS Raven v. Oakland Unified School District (1989) 213 Cal.App.3d 1347 Management Resources: WEB SITES California Department of Public Health: http://www.cdph.ca.gov Centers for Disease Control and Prevention: http://www.cdc.gov

Regulation SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT approved: June 25, 2009 Santa Monica, California

Public Health Institute: http://www.phi.org

U.S. Food and Drug Administration: http://www.fda.gov

TO: BOARD OF EDUCATION

FROM: TIM CUNEO / MICHAEL D. MATTHEWS

RE: CONSIDER ADOPTING BP 4127 / 4227 / 4327 – TEMPORARY ATHLETIC TEAM COACHES

DISCUSSION ITEM NO. D.07

It is recommended that the Board of Education consider adopting CSBA BP 4127 / 4227 / 4327 – Temporary Athletic Team Coaches.

COMMENTS: CSBA is recommending this policy revision to reflect new law (AB 1025) which, beginning July 1, 2010, requires any noncertificated or volunteer athletic team coach to obtain an Activity Supervisor Clearance Certificate from the CTC. The revision also reflects Title 5 regulations regarding employment of athletic team coaches as temporary employees and to clarify law giving certificated employees a hiring advantage if they meet required qualifications.

This policy will return for approval at the June 18, 2010, board meeting.

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The board considered Item Nos. D.03 through D.09 all at once. Dr. Matthews explained the proposed changes were in line with CSBA recommendations based on changes in the law. The BPs will return for action under Consent in the June 18, 2010, agenda.

TEMPORARY ATHLETIC TEAM COACHES

The Governing Board desires to employ highly qualified coaches for the district's sports and interscholastic athletic programs in order to enhance the knowledge, skills, motivation, and safety of student athletes.

The Superintendent or designee may employ a certificated or noncertificated employee, other than a substitute employee, to supervise or instruct interscholastic athletic activities as a temporary employee in a limited assignment capacity. (5 CCR 5590)

When hiring a person to fill a position as a temporary athletic team coach, the position shall first be made available to qualified certificated teachers currently employed by the district. (Education Code 44919)

The Superintendent or designee shall establish qualification criteria for all athletic coaches in accordance with law and district standards. These criteria shall ensure that coaches possess the proper credential or Activity Supervisor Clearance Certificate and an appropriate level of competence, knowledge, and skill.

All coaches shall be subject to Board policies, administrative regulations, and California Interscholastic Federation bylaws and codes of ethical conduct.

Noncertificated coaches have no authority to give grades to students. (5 CCR 5591)

Legal Reference: (see next page)

TEMPORARY ATHLETIC TEAM COACHES (continued)

Legal Reference:

EDUCATION CODE 35179-35179.7 Interscholastic athletics 44010 Sex offense 44011 Controlled substance offense 44258.7 Credential types; Activity Supervisor Clearance Certificate 44332-44332.5 Temporary certificates 44424 Conviction of a crime 44808 Liability when students are not on school property 44919 Classification of temporary employees 49024 Activity Supervisor Clearance Certificate 49030-49034 Performance-enhancing substances CODE OF REGULATIONS, TITLE 5 5531 Supervision of extracurricular activities 5590-5596 Duties of temporary athletic team coaches COURT DECISIONS CTA v. Rialto Unified School District, (1997) 14 Cal. 4th 627 San Jose Teachers Association, CTA, NEA v. Barozzi, (1991) 230 Cal.App.3d 1376

Management Resources:

<u>CSBA PUBLICATIONS</u> <u>Steroids and Students: What Boards Need to Know, Policy Brief, July 2005</u> <u>A School Board Member's Guide to CIF and Interscholastic Sports, 1997</u> <u>CALIFORNIA INTERSCHOLASTIC FEDERATION PUBLICATIONS</u> <u>Pursuing Victory with Honor, 1999</u> <u>California Interscholastic Federation Constitution and Bylaws</u> <u>COMMISSION ON TEACHER CREDENTIALING CODED CORRESPONDENCE</u> 09-19 Implementation of Assembly Bill 1025 Concerning the Activity Supervisor Clearance <u>Certificate (ASCC), December 2, 2009</u> <u>WEB SITES</u> <u>CSBA: http://www.csba.org</u> <u>California Athletic Trainers' Association: http://www.ca-at.org</u> <u>California Department of Education: http://www.cde.ca.gov</u> <u>California Interscholastic Federation: http://www.cifstate.org</u> <u>National Athletic Trainers' Association: http://www.nata.org</u>

Policy CSBA MANUAL MAINTENANCE SERVICE adopted: March 2010

TO: BOARD OF EDUCATION

FROM: TIM CUNEO / MICHAEL D. MATTHEWS

RE: CONSIDER REPLACING AR 4154 / 4254 / 4354 – HEALTH AND WELFARE BENEFITS WITH UPDATED CSBA AR 4154 / 4254 / 4354

DISCUSSION ITEM NO. D.08

It is recommended that the Board of Education consider replacing AR 4154 / 4254 / 4354 – Health and Welfare Benefits with updated CSBA AR 4154 / 4254 / 4354.

COMMENTS: CSBA is recommending this regulation update (section on "Temporary Subsidized Premium for COBRA/Cal-COBRA") to reflect new federal law (P.L. 111-144), which extends eligibility for the subsidized COBRA/Cal-COBRA premium to include employees (1) who were involuntarily terminated (other than by reason of gross misconduct) between September 1, 2008, and March 31, 2010, or (2) whose COBRA eligibility was caused by a reduction in hours and who subsequently experienced an involuntary termination between March 2, 2010, and March 31, 2010. The AR revision also reflects new federal law (P.L. 111-118), which extends the period of the subsidy to 15 months.

Because this is an AR, it will not need to return for board approval.

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The board considered Item Nos. D.03 through D.09 all at once. Dr. Matthews explained the proposed changes were in line with CSBA recommendations based on changes in the law. The BPs will return for action under Consent in the June 18, 2010, agenda.

HEALTH AND WELFARE BENEFITS

Retired Certificated Employees

Any former certificated employee who retired from the district under any public retirement system and his/her spouse/domestic partner shall be permitted to enroll in the health and welfare and/or dental care benefit plan currently provided for certificated employees. The plan also shall be available to any surviving spouse/domestic partner of a former certificated employee who either retired from the district or was, at the time of death, employed by the district and a member of the State Teachers' Retirement System. (Education Code 7000)

A retired certificated employee or surviving spouse/domestic partner shall be allowed to enroll in the coverage within 30 days of losing active employee coverage. (Education Code 7000)

COBRA/Cal-COBRA Continuation Coverage

Covered district employees and their qualified beneficiaries shall be offered the opportunity to continue health and disability insurance coverage when they otherwise would lose coverage due to one of the following qualifying events: (Health and Safety Code 1366.21, 1366.23, 1373; Insurance Code 10128.51, 10128.53, 10277; 26 USC 4980B; 26 CFR 54.4980B-4)

- 1. Death of the covered employee
- 2. Termination or reduction in hours of the covered employee's employment, other than termination by reason of the employee's gross misconduct
- 3. Divorce or legal separation of the covered employee
- 4. Covered employee's becoming entitled to Medicare benefits
- 5. A dependent child ceasing to be a dependent child of the covered employee

Continuation health coverage shall be the same as provided to similarly situated individuals under the group benefit plan. (Health and Safety Code 1366.23; Insurance Code 10128.53; 26 USC 4980B)

The Superintendent or designee shall notify the health care service plan administrator of a qualifying event listed in item #1, 2, or 4 above, within 30 days of the event. A covered employee or qualified beneficiary shall notify the service plan administrator of a qualifying event listed in item #3 or 5 above within 60 days of the event or of the date that the beneficiary would lose coverage, whichever is later. (26 USC 4980B; 29 USC 1163, 1166; 26 CFR 54.4980B-6)

Continuation coverage shall be terminated in accordance with the district's insurance plan and federal and state law. (26 USC 4980B; 26 CFR 54.4980B-6; Health and Safety Code 1373.621; Insurance Code 10116.5)

Temporary Subsidized Premium for COBRA/Cal-COBRA

Under either of the following circumstances, a former employee and his/her qualified beneficiaries shall pay 35 percent of the premium amount they would otherwise be required to pay for health care continuation coverage: (26 USC 139C, 6432 Note; Health and Safety Code 1366.25; Insurance Code 10128.55)

- 1. The employee is involuntarily terminated, other than by reason of gross misconduct, between September 1, 2008 and March 31, 2010, or a later date if extended by law
- 2. The employee's eligibility for continuation coverage is due to a reduction in hours and he/she subsequently experiences an involuntary termination between March 2, 2010 and March 31, 2010, or a later date if extended by law

The district shall seek reimbursement of district payments toward the normal employee share of the premium as allowed by law. (26 USC 139C, 6432; Health and Safety Code 1366.25; Insurance Code 10128.55)

The premium reduction shall apply until one of the following dates, whichever comes first: (26 USC 6432 Note)

- 1. Fifteen months after the first day of the first month for which the premium reduction applies to the assistance eligible individual
- 2. The first date that the assistance eligible individual becomes eligible for Medicare coverage or other group health plan coverage, with certain exceptions specified in law
- 3. The date the assistance eligible individual ceases to be eligible for continuation coverage for other reasons as noted in the section "Continuation of Coverage" above

Because the premium reduction will be offset by an increase in income tax liability for individuals who earn more than \$125,000 for the tax year (or \$250,000 for married couples filing a joint federal income tax return), such individuals may choose to permanently waive their right to the subsidy. (26 USC 6432)

Disability Insurance

The Superintendent or designee shall give notice of disability insurance rights and benefits to each new employee and each employee leaving work due to pregnancy, nonoccupational illness or injury, or the need to provide care for any sick or injured family member, or the need to bond with a minor child within the first year of the child's birth or placement in connection with foster care or adoption. (Unemployment Insurance Code 2613)

When disabled by an injury resulting from a violent act sustained while performing duties within the scope of employment and performing creditable employment, a certificated or classified employee may continue in the district health and dental care plans upon meeting criteria specified by law. The employee shall pay all employer and employee premiums and related administrative costs. (Education Code 7008)

HEALTH AND WELFARE BENEFITS

Retired Certificated Employees

Any former certificated employee who retired from the district under any public retirement system and his/her spouse/domestic partner shall be permitted to enroll in the health and welfare and/or dental care benefit plan currently provided for certificated employees. The plan also shall be available to any surviving spouse/domestic partner of a former certificated employee who either retired from the district or was, at the time of death, employed by the district and a member of the State Teachers' Retirement System. (Education Code 7000)

A retired certificated employee or surviving spouse/domestic partner shall be allowed to enroll in the coverage within 30 days of losing active employee coverage. (Education Code 7000)

If a retired certificated employee or surviving spouse/domestic partner fails to enroll during the initial enrollment period, further opportunity to do so shall be denied. A person who has previously received but then voluntarily terminated coverage also shall be excluded from obtaining further coverage.

COBRA/Cal-COBRA Continuation Coverage

Covered district employees and their qualified beneficiaries shall be offered the opportunity to continue health and disability insurance coverage when they otherwise would lose coverage due to one of the following qualifying events: (Health and Safety Code 1366.21, 1366.23, 1373; Insurance Code 10128.51, 10128.53, 10277; 26 USC 4980B; 26 CFR 54.4980B-4)

- 1. Death of the covered employee
- 2. Termination or reduction in hours of the covered employee's employment, other than termination by reason of the employee's gross misconduct
- 3. Divorce or legal separation of the covered employee
- 4. Covered employee's becoming entitled to Medicare benefits
- 5. A dependent child ceasing to be a dependent child of the covered employee

Continuation health coverage shall be the same as provided to similarly situated individuals under the group benefit plan. (Health and Safety Code 1366.23; Insurance Code 10128.53; 26 USC 4980B)

The Superintendent or designee shall notify the health care service plan administrator of a qualifying event listed in item #1, 2, or 4 above, within 30 days of the event. A covered employee or qualified beneficiary shall notify the service plan administrator of a qualifying event listed in item #3 or 5 above within 60 days of the event or of the date that the beneficiary would lose coverage, whichever is later. (26 USC 4980B; 29 USC 1163, 1166)

Continuation coverage shall be terminated in accordance with the district's insurance plan and in accordance with 26 USC 4980B and 26 CFR 54.4980B-6.

Continuation coverage shall be terminated in accordance with the district's insurance plan and in accordance with Health and Safety Code 1366.22 and 1366.27 and Insurance Code 10128.52 and 10128.57.

However, a former employee who, prior to January 1, 2005, worked for the district for at least five years and who was age 60 or older on the date employment ended, or his/her qualified beneficiaries which includes dependent children or spouse/former spouse/domestic partner, may continue benefits until the earlier of any of the following events: (Health and Safety Code 1373.621; Insurance Code 10116.5)

- 1. The date the individual reaches age 65
- 2. The date the individual is covered under any other group health plan not maintained by the district, regardless of whether that coverage is less valuable
- 3. The date the individual becomes entitled to Medicare benefits
- 4. For a qualified beneficiary, five years from the date on which continuation coverage was scheduled to end for the qualified beneficiary
- 5. The date on which the district terminates its agreement with the health service plan and ceases to provide coverage for any active employees through that plan, in which case the former employee and/or his/her qualified beneficiary shall have a right to a conversion plan

The Superintendent or designee shall notify covered employees and qualified beneficiaries of the availability of conversion and continuation coverage. This notification shall include the statement in Labor Code 2800.2 encouraging individuals to examine their options carefully before declining such coverage. (Labor Code 2800.2)

Temporary Subsidized Premium for COBRA/Cal-COBRA

Employees whose employment is involuntarily terminated, other than by reason of gross misconduct, between September 1, 2008 and December 31, 2009, and their qualified beneficiaries shall pay 35 percent of the premium amount they would otherwise be required to pay for health care continuation coverage, with the remainder to be subsidized through the American Recovery and Reinvestment Act. (26 USC 6432; Health and Safety Code 1366.25; Insurance Code 10128.55)

The premium reduction shall apply until one of the following dates, whichever comes first: (26 USC 6432 Note)

- 1. Nine months after the first day of the first month for which the premium reduction applies to the assistance eligible individual
- 2. The first date that the assistance eligible individual becomes eligible for Medicare coverage or other group health plan coverage, with certain exceptions specified in law
- 3. The date the assistance eligible individual ceases to be eligible for continuation coverage for other reasons as noted in the section "Continuation of Coverage" above

Because the premium reduction will be offset by an increase in income tax liability for individuals who earn more than \$125,000 for the tax year (or \$250,000 for married couples filing a joint federal income tax return), such individuals may choose to permanently waive their right to the subsidy. (26 USC 139C)

The Superintendent or designee shall, within 14 days of receiving notice of the qualifying event, notify assistance eligible individuals of the availability of the subsidy and the option to enroll in different coverage if the district permits assistance eligible individuals to elect enrollment in different coverage. Assistance eligible individuals shall have 60 days from the date the notice is provided to elect coverage. (26 USC 6432 Note; Health and Safety Code 1366.24, 1366.25; Insurance Code 10128.55)

In order to receive reimbursement of district payments toward the normal employee share of the premium as allowed by law, the Superintendent or designee shall maintain records regarding assistance eligible individuals and the amounts paid by the district in accordance with 26 USC 6432.

Disability Insurance

The Superintendent or designee shall give notice of disability insurance rights and benefits to each new employee and each employee leaving work due to pregnancy, nonoccupational illness or injury, or the need to provide care for any sick or injured family member, or the need to bond with a minor child within the first year of the child's birth or placement in connection with foster care or adoption. (Unemployment Insurance Code 2613)

When disabled by an injury resulting from a violent act sustained while performing his/her job duties, a certificated or classified employee may continue in the district health and dental care plans upon meeting criteria specified by law. The employee shall pay all employer and employee premiums and related administrative costs. (Education Code 7008)

Regulation SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT approved: June 25, 2009 Santa Monica, California TO: BOARD OF EDUCATION

FROM: TIM CUNEO / MICHAEL D. MATTHEWS

RE: CONSIDER REVISING AR 4161.8 / 4261.8 / 4361.8 – FAMILY CARE AND MEDICAL LEAVE

DISCUSSION ITEM NO. D.09

It is recommended that the Board of Education consider revising AR 4161.8 / 4261.8 / 4361.8 – Family Care and Medical Leave.

COMMENTS: CSBA is recommending this regulation update to reflect new federal law (P.L. 111-84), which expands eligibility for both military caregiver leave and military family leave due to qualifying exigencies. The revision also reflects new federal law (P.L. 110-233) prohibiting the collection of an employee or family member's genetic information, as defined, except as necessary to comply with a certification requirement for family care and medical leave.

Because this is an AR, it will not need to return for board approval.

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The board considered Item Nos. D.03 through D.09 all at once. Dr. Matthews explained the proposed changes were in line with CSBA recommendations based on changes in the law. The BPs will return for action under Consent in the June 18, 2010, agenda.

Family Care And Medical Leave

Definitions

Child means a biological, adopted, or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis as long as the child is under 18 years of age or an adult dependent child. (29 USC 2611; Government Code 12945.2)

Eligible employee means an employee who has at least 12 months of service with the district and who has at least 1,250 hours of service with the district during the previous 12-month period. Full-time teachers are deemed to meet the 1,250 hours of service requirement. (29 USC 2611; 29 CFR 825.110; Government Code 12945.2)

Full-time teacher means an employee whose principal function is to teach and instruct students in a class, a small group, or individual setting. (29 CFR 825.800)

Parent means a biological, foster, or adoptive parent; a stepparent; a legal guardian; or another person who stood in loco parentis to the employee when the employee was a child. (29 USC 2611; Government Code 12945.2)

Serious health condition means an illness, injury, impairment, or physical or mental condition that involves either of the following: (29 USC 2611; 29 CFR 825.114; Government Code 12945.2)

1. Inpatient care in a hospital, hospice, or residential health care facility

2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:

a. A period of incapacity of more than three consecutive days

b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition

c. For purposes of leave under the Family and Medical Leave Act (FMLA), any period of incapacity due to pregnancy or for prenatal care

Eligibility

The district shall grant family care and medical leave to eligible employees for the following reasons: (29 USC 2612; Family Code 297.5; Government Code 12945.2)

1. Because of the birth of a child of the employee or placement of a child with the employee in connection with the adoption or foster care of the child by the employee.

2. To care for the employee's child, parent, spouse, registered domestic partner, or child of a registered domestic partner with a serious health condition.

3. Because of the employee's own serious health condition that makes him/her unable to perform one or more essential functions of his/her position. However, for purposes of leave under the California Family Rights Act (CFRA), this does not include leave taken for disability on account of pregnancy, childbirth, or related medical conditions.

The district shall not interfere with, restrain, or deny the exercise of any right provided to an eligible employee under the law. Also, the district shall not discharge or discriminate against any employee for opposing any practice made unlawful by, or because of, his/her involvement in any inquiry or proceeding related to the family care and medical leave. (29 USC 2615; Government Code 12945.2)

Terms of Leave

An eligible employee shall be entitled to a total of 12 work weeks of leave during any 12-month period, except in the case of leave to care for a covered service member as provided under <u>"Military Caregiver Leave" below.</u> (29 USC 2612; Government Code 12945.2)

This 12-month period shall coincide with the fiscal year. (29 CFR 825.200)

Leave taken pursuant to the CFRA shall run concurrently with leave taken pursuant to the FMLA, except in the following circumstances:

1. Leave taken to care for a registered domestic partner or a child of a domestic partner. Such leave shall count as leave under the CFRA. (Family Code 297.5)

2. Leave taken under the FMLA for disability on account of pregnancy, childbirth, or related medical conditions. In addition to family care and medical leave, an employee may be entitled to take pregnancy disability leave of up to four months. During the otherwise unpaid portion of pregnancy disability leave, the employee may use any accrued vacation, sick time, or other paid leave. Such FMLA leave shall run concurrently with any pregnancy disability leave taken by the employee, except that CFRA leave shall not commence until the expiration of the pregnancy disability leave. (Government Code 12945, 12945.2; 2 CCR 7297.6)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not have to be taken in one continuous period of time. The basic minimum duration of the leave for birth or placement of a child shall be two weeks. However, the district shall grant a request for leave of less than two weeks' duration on any two occasions. (29 USC 2612; 2 CCR 7297.3)

If both parents of a child work for the district, their family care and medical leave related to the birth or placement of the child shall be limited to a total of 12 weeks. This restriction shall apply whether the parents are married, registered domestic partners, or not married. (29 USC 2612; Government Code 12945.2)

During the period of family care and medical leave, the employee may elect to use his/her accrued vacation leave, other accrued time off, or any other paid or unpaid time off negotiated with the district. If the leave is because of the employee's own serious medical condition, the employee may use accrued sick leave pursuant to collective bargaining agreements and/or Board policy. (29 USC 2612; Government Code 12945.2)

Intermittent Leave/Reduced Leave Schedule

Leave related to the serious health condition of the employee or his/her child, parent, spouse, or registered domestic partner may be taken intermittently or on a reduced leave schedule when medically necessary, as determined by the health care provider of the person with the serious medical condition. However, the district may limit leave increments to the shortest period of time that the district's payroll system uses to account for absences or use of leave. (29 USC 2612; 2 CCR 7297.3)

If an employee needs intermittent leave or leave on a reduced work schedule that is foreseeable based on planned medical treatment for the employee or a family member, the district may require the employee to transfer temporarily to an available alternative position. This alternative position must have equivalent pay and benefits, the employee must be qualified for the position, and the position must better accommodate recurring periods of leave than the employee's regular job. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced leave schedule. (29 USC 2612; 2 CCR 7297.3)

Request for Leave

If an employee's need for leave is foreseeable, the employee shall provide the district with reasonable advance notice for the leave. If an employee's need for leave is foreseeable due to a planned medical treatment or supervision, the employee shall make a reasonable effort to schedule the treatment or supervision to avoid disruption of district operations. This scheduling shall be subject to the health care provider's approval. (Government Code 12945.2)

An employee shall provide at least verbal notice sufficient to make the district aware that he/she needs family care and medical leave and the anticipated timing and duration of the leave. The employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement; however, he/she must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 7297.4)

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. (2 CCR 7297.4)

When the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or a family member, the employee shall provide the district with at least 30 days advance notice before the leave. The employee shall consult with the district and make a reasonable effort to schedule, subject to the health care provider's approval, any planned medical treatment or supervision so as to minimize disruption to district operations. (Government Code 12945.2; 2 CCR 7297.4)

When the 30 days notice is not practicable because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, the employee shall provide the district with notice as soon as practicable. (2 CCR 7297.4)

Certification of Health Condition

A request by an employee for family care and medical leave for his/her serious health condition, or to care for a child, parent, spouse, registered domestic partner, or child of a registered domestic partner with a serious health condition, shall be supported by a certification from the health care provider of the employee or such other person as applicable. The certification shall include the following: (29 USC 2613; Government Code 12945.2; 2 CCR 7297.0)

1. The date on which the serious health condition began

2. The probable duration of the condition

3. If the employee is requesting leave to care for a child, parent, spouse, registered domestic partner, or child of a registered domestic partner with a serious health condition, the health care provider's certification of both of the following:

a. Estimated amount of time the health care provider believes the employee needs to care for the child, parent, spouse, registered domestic partner, or child of the registered domestic partner

b. Statement that the serious health condition warrants the participation of a family member to provide care during a period of the treatment or supervision of the child, parent, spouse, registered domestic partner, or child of a registered domestic partner

4. If the employee is requesting leave because of his/her own serious health condition, a statement that due to the serious health condition, he/she is unable to work at all or to perform one or more essential functions of his/her job

5. If the employee is requesting leave for intermittent treatment or is requesting leave on a reduced leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

If the district doubts the validity of a certification that accompanies a request for leave, the Superintendent or designee may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. If the second opinion is contrary to the first, the Superintendent or designee may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the district, again at district expense. The opinion of the third health care provider shall be final and binding. (29 USC 2613; Government Code 12945.2)

If additional leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified in items #1-5 above. (29 USC 2613; Government Code 12945.2)

Fitness for Duty

Employees who take family care and medical leave for their own serious health conditions shall present certification from their health care provider to the effect that they are able to resume work.

<u>Upon expiration of leave taken for his/her own serious health condition, an employee shall</u> present certification from his/her health care provider that he/she is able to resume work.

The certification from the employee's health care provider shall address the employee's ability to perform the essential functions of his/her job.

Rights to Reinstatement and Maintenance of Benefits

Upon granting an employee's request for family care and medical leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (29 USC 2614; Government Code 12945.2)

The district may refuse to reinstate an employee returning from leave to the same or a comparable position if all of the following apply: (29 USC 2614; Government Code 12945.2)

1. The employee is a salaried "key employee" who is among the highest paid 10 percent of those district employees who are employed within 75 miles of the employee's worksite.

2. The refusal is necessary to prevent substantial and grievous economic injury to district operations.

3. The district informs the employee of its intent to refuse reinstatement at the time it determines that the refusal is necessary, and the employee fails to immediately return to service.

An employee who takes leave has no greater right to reinstatement than if he/she had been continuously employed during the leave period. If the district reduces its work force during the leave period and the employee is laid off for legitimate reasons at that time or if the employee is terminated for reasons unrelated to the leave, he/she is not entitled to reinstatement, provided the district has no continuing obligations under a collective bargaining agreement or otherwise. (29 CFR 825.216)

During the period when an employee is on family care and medical leave, he/she shall maintain his/her status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. (29 USC 2614; Government Code 12945.2)

For a period of 12 weeks, the district shall continue to provide an eligible employee on family care and medical leave the group health plan coverage that was in place before he/she took the leave. The employee shall reimburse the district for premiums paid during the family care and medical leave when he/she fails to return to district employment after the expiration of the leave and the failure is for any reason other than the continuation, recurrence, or onset of a serious health condition, or other circumstances beyond his/her control. (29 USC 2614; 29 CFR 825.213; Government Code 12954.2)

In addition, during the period when an employee is on family care and medical leave, he/she shall be entitled to continue to participate in other employee benefit plans including life, short-term or long-term disability, or accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the district shall not be required to make plan payments for an employee during the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2)

Notifications

The Superintendent or designee shall post notices about federal and state law related to family care and medical leave in a conspicuous place. Information about employee rights and obligations related to such leaves shall also be included in employee handbooks. (29 USC 2619; 2 CCR 7297.9)

At least the first time in each six-month period that an employee requests family care and medical leave, the Superintendent or designee shall provide written notice detailing specific expectations and obligations, and explaining any consequences of a failure to meet these obligations. The notice shall include: (29 CFR 825.301)

1. A statement that the leave will be counted against the employee's annual family care and medical leave entitlement

2. Any requirements for the employee to furnish medical certification of a serious health condition and the consequences of failing to provide the notice

3. The employee's right to substitute paid leave, conditions related to any substitution, and whether the district requires this substitution

4. Health benefit arrangements

5. If applicable, the employee's status as a "key employee" and information related to restoration of that status

6. The employee's right to restoration to the same or an equivalent job

7. The employee's potential liability for health benefits should the employee not return to service

8. The district's requirement that the employee, upon return, present medical certification to the effect that he/she is able to resume work

Military Family Leave Resulting from Qualifying Exigencies

An eligible employee may take up to 12 work weeks of unpaid leave during the 12-month period established by the district while a covered military member is on covered active duty or call to covered active duty status for one or more qualifying exigencies. (29 USC 2612)

Covered military member means an employee's spouse, son, daughter, or parent on covered active duty or call to covered active duty status. (29 CFR 825.126)

<u>Covered active duty means duty during the deployment of a member of the regular Armed</u> <u>Forces to a foreign country or duty during the deployment of a member of the National Guard or</u> <u>Reserves to a foreign country under a call or order to active duty. (29 USC 2611)</u>

Qualifying exigencies include time needed to: (29 CFR 825.126)

1. Address issues arising from short notice deployment (up to seven calendar days from the date of receipt of call or order of short notice deployment)

2. Attend military events and related activities, such as any official ceremony or family assistance program related to the active duty or call to active duty status

3. Arrange childcare or attend school activities arising from the active duty or call to active duty, such as arranging for alternative childcare, enrolling or transferring a child to a new school, or attending meetings

4. Make or update financial and legal arrangements to address a covered military member's absence

5. Attend counseling provided by someone other than a health care provider

6. Spend time (up to five days of leave per instance) with a covered military member who is on short-term temporary rest and recuperation leave during deployment

7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings

8. Address any other event that the employee and district agree is a qualifying exigency

<u>The employee shall provide the Superintendent or designee with notice of the need for the qualifying exigency leave as soon as practicable, regardless of how far in advance such leave is foreseeable. (29 CFR 825.302)</u>

An employee who is requesting such leave for the first time shall provide the Superintendent or designee with a copy of the covered military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information specified in 29 CFR 825.309.

The employee's qualifying exigency leave may be taken on an intermittent or reduced leave schedule basis. (29 CFR 825.302)

During the period of qualified exigency leave, the district's rule regarding an employee's use of his/her accrued vacation leave and any other accrued paid or unpaid time off, as specified in "Use/Substitution of Paid Leave" above, shall apply.

Military Caregiver Leave

The district shall grant up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date of leave taken, to an eligible employee to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, an employee must be the spouse, son, daughter, parent, or next of kin of the covered servicemember. This 26-week period is not in addition to, but rather is inclusive of, the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be either: (29 USC 2611)

1. A member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness 2. A veteran who, within the five years preceding his/her undergoing of medical treatment, recuperation, or therapy for a serious injury or illness, was a member of the Armed Forces, including the National Guard or Reserves

Son or daughter of a covered servicemember means the biological, adopted, or foster child, stepchild, legal ward, or a child of any age for whom the covered servicemember stood in loco parentis. (29 CFR 825.127)

Parent of a covered servicemember means the covered servicemember's biological, adopted, step or foster parent, or any other individual who stood in loco parentis to the covered servicemember (except "parents in law"). (29 CFR 825.127)

Next of kin means the nearest blood relative to the covered servicemember, or as designated in writing by the covered servicemember. (29 USC 2611, 2612)

Outpatient status means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

Serious injury or illness means: (29 USC 2611; 29 CFR 825.127)

1. For a member of the Armed Forces, an injury or illness incurred or aggravated by the member's service in the line of duty while on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating

2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

The leave may be taken intermittently or on a reduced schedule when medically necessary. An employee taking military caregiver leave in combination with other leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. When both spouses work for the district and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

During the period of military caregiver leave, the district's rule regarding an employee's use of his/her accrued vacation leave and other accrued paid or unpaid time off, as specified in "Use/Substitution of Paid Leave" above, shall apply.

Notifications

The Superintendent or designee shall provide the following notifications about state and federal law related to FMLA/CFRA:

1. General Notice: Information explaining the provisions of the FMLA/CFRA and employee rights and obligations shall be posted in a conspicuous place on district premises, or electronically, and shall be included in employee handbooks. (29 USC 2619; 2 CCR 7297.9)

The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days notice of the need for the leave, when the need for the leave is reasonably foreseeable. (2 CCR 7297.4)

2. Eligibility Notice: When an employee requests leave or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of his/her eligibility to take such leave. (29 CFR 825.300)

3. Rights and Responsibilities Notice: Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as appropriate: (29 CFR 825.300)

a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying

b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification

c. The employee's right to substitute paid leave, whether the district will require substitution of paid leave, conditions related to any substitution, and the employee's entitlement to take unpaid leave if the employee does not meet the conditions for paid leave

d. Any requirements for the employee to make any premium payments to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis

e. If applicable, the employee's status as a "key employee," potential consequence that restoration may be denied following the FMLA leave, and explanation of the conditions required for such denial

f. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave

g. The employee's potential liability for health insurance premiums paid by the district during the employee's unpaid FMLA leave should the employee not return to service after the leave

Any time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of his/her receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

4. Designation Notice: When the Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, he/she shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. (29 CFR 825.300)

If the amount of leave needed is known, the notice shall include the number of hours, days, or weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 825.300)

If the district requires paid leave to be substituted for unpaid family care and medical leave, the notice shall so specify. If the district requires an employee to present a fitness-for-duty certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement.

Any time the information provided in the designation notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

Records

The Superintendent or designee shall maintain records pertaining to an individual employee's use of family care and medical leave in accordance with law.

Servicemember Family Leave

The district shall grant up to a total of 26 work weeks of leave during a single 12-month period to an employee to care for a covered servicemember who is his/her spouse, child, parent, or next of kin. (29 USC 2611, 2612)

Covered servicemember means a member of the Armed Forces, including a member of the National Guard or Reserves, who has suffered a serious injury or illness and who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for that injury or illness. (29 USC 2611, 2612)

Next of kin means the nearest blood relative to that individual. (29 USC 2611, 2612)

Outpatient status means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611)

Serious injury or illness means an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating. (29 USC 2611)

The employee shall provide reasonable and practicable notice of the need for the leave when the necessity for the leave is foreseeable. (29 USC 2612)

The leave can be taken intermittently or on a reduced schedule when medically necessary. An employee taking servicemember leave in combination with other leaves pursuant to this regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. When both spouses work for the district and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

During the period of servicemember leave, the employee may elect to use his/her accrued vacation leave, other accrued time off, or any other paid or unpaid time off negotiated with the district. (29 USC 2612)

Legal Reference: FAMILY CODE 297-297.5 Rights, protections and benefits under law; registered domestic partners **GOVERNMENT CODE** 12940 Unlawful employment practices 12945 Pregnancy; childbirth or related medical condition; unlawful practice 12945.1-12945.2 California Family Rights Act CODE OF REGULATIONS, TITLE 2 7291.2-7291.16 Sex discrimination: pregnancy and related medical conditions 7297.0-7297.11 Family care leave UNITED STATES CODE, TITLE 29 2601-2654 Family and Medical Leave Act of 1993, as amended CODE OF FEDERAL REGULATIONS, TITLE 29 825.100-825.800 Family and Medical Leave Act of 1993 COURT DECISIONS Tellis v. Alaska Airlines, (9th Cir., 2005) 414 F.3d 1045

Management Resources: WEB SITES California Department of Fair Employment and Housing: http://www.dfeh.ca.gov U.S. Department of Labor, Compliance Assistance, FMLA: http://www.dol.gov/esa/whd/fmla

Regulation SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT approved: June 25, 2009 Santa Monica, California

INFORMATION ITEMS

TO: BOARD OF EDUCATION

FROM: TIM CUNEO

RE: LIST OF COLLEGES SENIORS WILL BE ATTENDING IN THE FALL

INFORMATION ITEM NO. I.001

Board Members requested to see a list of colleges that high school seniors will be attending in Fall 2010. Below is the information seniors have provided thus far.

SANTA MONICA HIGH SCHOOL

	College/University	Students
1	Allegheny College	1
2	Amherst College	2
3	Arizona State University	4
4	Army National Guard	1
5	Art Institute of Chicago	1
6	Bard College	2
7	Barnard College	2
8	Berklee College of Music	3
9	Boston College	2
10	Boston University	4
11	Brandeis University	1
12	Brigham Young University	3
13	Brown University	2
14	Bucknell University	1
15	California Institute of the Arts	2
16	Caltech	1
17	Citrus College	1
18	College of the Canyons	1
19	College of the Desert	2
20	Columbia University	3
21	Cornell College	1
22	Cornish College of the Arts	1
23	CSU Chico	1
24	CSU Dominquez Hills	4
25	CSU East Bay (Hayward)	2
26	CSU Fullerton	2
27	CSU Humboldt	5
28	CSU Long Beach	3
29	CSU Northridge	34
30	CSU Poly San Luis Obispo	4
31	CSU Sacramento	1
32	CSU San Bernardino	3
33	CSU San Diego	2
34	CSU San Francisco	12
35	CSU San Jose	3
36	CSU Sonoma	3
37	Cuesta College	1
38	El Camino College	8

39	Emerson College	1
40	Emory University	1
41	Fashion Institute of Design	2
42	Fordham University	1
43	George Washington University	1
44	Georgetown University	3
45	Georgia Institute of Technology	1
46	Hamilton College	1
47	Harvard University	3
48	Howard University	1
49	Indiana University	1
50	Johnson and Wales University	1
51	Kalamazoo College (Mandelle Hall)	1
52	Long Beach City College	1
53	Los Angeles Harbor College	1
54	Louisiana State University A&M (Baton Rouge)	1
55	Loyola Marymount University	7
56	Maryland Institute College of Art	1
57	McGill University	1
58	Menlo College	2
59	Middlebury College	1
60	Mount Holyoke College	1
61	Mount St. Mary's College	1
62	Musician's Institute	1
63	New Mexico State University	1
64	New York University	5
65	Northern Arizona University	2
66	Northwestern University	3
67	Occidental College	2
68	Orange Coast College	1
69	Oregon State University	2
70	Otis College of Art and Design	1
71	Parsons School of Design	1
72	Pennsylvania State University	1
73	Pitzer College	2
74	Pratt Institute of Visual Arts	1
75	Princeton University	2
76	Purdue University	2
77	Reed College	1
78	Rice University	1
79	Saint Olaf College	1
80	Salve Regina University	1
81	San Joaquin Delta College (CA)	1
82	Santa Barbara City College	3
83	Santa Monica College	157
84	Sarah Lawrence College	1
85	School of the Art Institute of Chicago	1
86	Stanford University	1
87	Swarthmore College	1
88	Syracuse University	2
89	Tennessee State University	1
90	Texas Christian University	1
91	Trinity College (CT)	1

92	Tufts University	1
93	Tulane University	3
94	UC Berkeley	26
95	UC Davis	6
96	UC Irvine	9
97	UC Los Angeles	21
98	UC Merced	2
99	UC Riverside	5
100	UC San Diego	10
101	UC Santa Barbara	10
102	UC Santa Cruz	19
103	University of Arizona	6
104	University of Chicago	2
105	University of Colorado (Boulder)	4
106	University of Denver	1
107	University of Hawaii (Manoa)	3
108	University of Iowa	1
109	University of Kansas	2
110	University of Maryland	1
111	University of Michigan	7
112	University of Montana-Missoula	3
113	University of Nevada (Reno)	1
114	University of New Mexico	2
115	University of Notre Dame	1
116	University of Oregon	4
117	University of Pennsylvania	3
118	University of Queensland	1
119	University of Redlands	2
120	University of San Diego	2
121	University of San Francisco	1
122	University of Southern California	1
123	University of Texas (Austin)	2
124	University of Wisconsin (Madison)	2
125	Vidal Sassoon	1
126	Villanova University	1
127	Washington University at St. Louis	1
128	Wesleyan University	1
129	West Los Angeles College	3
130	Williams College	1
131	WyoTech	1
132	Yale College	1
	Total Students Reporting	539

MALIBU HIGH SCHOOL

	College/University	Students
1	Academy of Art University	2
2	American University of Paris	1
3	Barnard College	1
4	Boston University	1
5	Brandeis University	1
6	Brigham Young University-Hawaii	1
7	Brown University	2
8	California Lutheran University	1
9	California Polytechnic State University, San Luis Obispo	3
10	California State University, Channel Islands	4
11	California State University, Long Beach	2
12	California State University, Monterey Bay	1
13	California State University, Northridge	3
14	Chapman University	1
15	Claremont McKenna College	1
16	Cornell University	2
17	Drexel University	2
18	Emerson College	2
19	Emory University	1
20	Eugene Lang College The New School for Liberal Arts	1
21	Georgetown University	1
22	Humboldt State University	3
23	Lesley University	1
24	Loyola Marymount University	1
25	Manhattanville College	1
26	Massachusetts Institute of Technology	1
27	Michigan State University	1
28	MiraCosta College	1
29	Moorpark College	6
30	Mount Holyoke College	1
31	New York University	11
32	Northwestern State University of Louisiana	1
33	Orange Coast College	1
34	Oxnard College	3
35	Pace University, New York City	1
36	Pepperdine University	4
37	Pierce College	1
38	Portland Community College	1
39	Portland State University	2
40	Reed College	1
41	San Diego Mesa College	1
42	San Francisco Art Institute	1
43	San Francisco State University	7
44	Santa Barbara City College	2
45	Santa Monica College	34
46	Seattle University	1
47	Skidmore College	1
48 40	Sonoma State University	3
49 50	Stanford University Suffolk University	1
50	Sulloik Ulliversity	I

51	Texas Christian University	1
52	The American Musical and Dramatic Academy	1
53	The Culinary Institute of America	1
54	The George Washington University	1
55	The University of Arizona	1
56	The University of Montana, Missoula	1
57	The University of Texas, Austin	2
58	University of California at Berkeley	3
59	University of California at Irvine	1
60	University of California at Los Angeles	6
61	University of California at San Diego	2
62	University of California at Santa Barbara	3
63	University of California at Santa Cruz	7
64	University of Colorado at Boulder	8
65	University of Hawaii at Manoa	1
66	University of Liverpool	1
67	University of Oregon	3
68	University of Oxford	1
69	University of Redlands	1
70	University of San Francisco	1
71	University of Southern California	3
72	University of Toronto	1
73	University of Utah	1
74	Ventura College	2
75	Washburn University of Topeka	1
76	Washington University in St. Louis	1
77	Yale University	1
	OTHER PLANS:	
1	Travel, then apply to college	2
2	Military	1
3	Full time employment	3
4	Mission trip for church	1
5	Special education transition	4
6	Unspecified plans	2
7	No plans or no response	15
	Total Students Reporting	212

OLYMPIC HIGH SCHOOL

	College/University	Students
1	Santa Monica College	10
2	JCC	3
3	L.A. Trade Tech and West L.A. College	3
4	Everest College	1
	Total Students Reporting	17

TO: BOARD OF EDUCATION

FROM: TIM CUNEO

RE: DISTRICT ADVISORY COMMITTEES END-OF-YEAR REPORTS

INFORMATION ITEM NO. I.02

Attached is the End-of-Year report for the English Learners DAC.

In order to make the information provided by the DACs in the end-of-year reports more meaningful, highlight the work of the DACs, and provide the time for thoughtful discussion, there will be a new format for how the reports will be delivered to the board.

The written reports will first be included in the board agendas as information items. Then, as a discussion item at the July meeting, each DAC will: 1) present its end-of-year report and 2) have a discussion with the board regarding goal-setting for the new school year. During this discussion item in July, each DAC will have fifteen to twenty minutes.

Below is the schedule for when the end-of-year written reports will come forward under Information:

District Advisory Committee	Date of Information Item
Community Health and Safety	May 6, 2010 (Malibu)
Visual & Performing Arts	May 6, 2010 (Malibu)
English Learners Advisory	June 3, 2010 (District Office)
Special Education	June 18, 2010 (District Office)
Child Care and Development	June 18, 2010 (District Office)

District Advisory Committee Board of Education Annual End-of-Year Report 2009-10

ENGLISH LEARNERS DISTRICT ADVISORY COMMITTEE

Chair: Consuelo Perez

Staff Liaison: Aida Diaz

Charges:

The District English Learners Advisory Committee (DELAC) is a state mandated advisory committee. The main function of DELAC is to review and advise the board on programs and services for English Learners (ELs).

Our District DELAC meetings incorporate the state mandated requirements and informational presentations. The state mandated requirements help parents to fully understand the programs and services for English Learners and participate in the educational process of their children. The presentations provide parents with knowledge and skills that they can use to support and advocate for their students in their acquisition of English and academic subjects. It is important to note that our DELAC continues to include a wide range of Spanish speaking parents, many of whom do not have children who are English Learners.

Accomplishments to date / Highlights to date:

Meeting

DELAC complied with state requirements and included the following presentations.

Month	DELAC Requirements	Presentations
October	 Purpose of DELAC Goals and Objectives of the District programs and services for English Learners 	 State Exams and their significance District Strategic Goals for 2009- 2010
November	Survey of Topics for 2009-2010	Successful Parent/Teacher Conferences
January	 English Learner Progress-CELDT, AMAO 	Parent Rights and Responsibilities
February	 CELDT students reports and parent notification Reclassification Procedure Report Cards 	Dr. Bonafina: Adolescents
March	•	 What is Special Education? Samohi House Principals and counselors
April	 Language Census Report (R-30) Input on the Accomplishments and Recommendations for the End-of- Year Report 	Are Latino and English Learners closing the Achievement Gap?
Мау	Drafting of the Board Report	

Assessment

California English Language Development Test (CELDT) is administered every year between July-October. The purpose of this test is to determine the English language proficiency of students and the progress English Learners are making in their acquisition of the English language in the areas of Listening, Speaking, Reading and Writing.

Levels	Totals
Beginning (BG)	56
Early Intermediate (EI)	86
Intermediate (IN)	363
Early Advanced (EA)	471
Advanced (AD)	277
TOTAL	1253

English Learners Achievement Data:

Our District and individual school sites continue to meet and surpass state generated achievement targets on the Title III English language proficiency Annual Measurable Achievement Objectives (AMAOs).

68.4%
44.0%

Staff Development:

California Education code requires that teachers that possess specific training and authorization instruct English Learners in English Language Development (ELD) and content classes. By hiring teachers with appropriate authorization we will be complying with state and federal mandates and meeting the instructional needs of our English Learners. The current authorization required by the state is the Cross Cultural Language and Academic Development (CLAD) certificate that is earned by taking courses or passing the California Teachers of English Learners (CTEL) examination.

Teachers with authorization to instruct English Learners

2007-2008	2008-2009	2009-2010
225	270	421

Language Census Report (R-30):

The R-30 is the annual school-level data collection document that contains counts of students from non-English-language backgrounds enrolled in public (K-12) schools in California and data on the staff that provide services to ELs. The student counts for ELs as reflected in the R-30 determine the funding for Federal and State categorical funding for English Learners.

	2007-2008	2008-09	2009-10
Number of English Learners who are in a Structured	301	372	446
English Immersion setting supported by an authorized			
teacher.			
Number of English Learners reclassified as Fluent-	181	210	207
English Proficient (FEP).			

	2007-2008	2008- 2009	2009-2010
ELs Receiving English Language Development (ELD) Services	13	16	14
ELs Receiving (ELD) and Specially Designed Academic Instruction in English (SDAIE)	424	533	513
ELs Receiving ELD and SDAIE with Primary Language (L1) Support	145	82	136
ELs Receiving ELD and Academic Subjects through the Primary Language (L1)	237	230	209
ELs Receiving Other EL Instructional Services	195	247	348
ELs not Receiving any EL Instructional Services	349	198	6
Total ELs District Totals	1363	1306	1226

Instructional Materials

Inside and *Edge* Reading/Language programs were adopted and purchased for the middle and high schools. These programs are designed for English Learners and Struggling Readers. They have a full reading and writing curriculum designed to accelerate students to grade-level performance. Secondary ELD teachers received basic training for the implementation of this new adoption.

Additional Bilingual Aide placed at Samohi

Classroom aides play an integral part in the academic support that is given to English Learners especially those at the Beginning – Intermediate proficiency levels. An additional bilingual aide was placed at Samohi to assist students in core class such as science, mathematics, chemistry classes.

Attendance at the DELAC and ELAC meetings

The meetings are educational and filled with information that helps parents support the education of their children. The meetings focus on educating the parents and increase the communication and understanding between parents and children. In addition they emphasize parent participation that is essential for the academic success of our students.

Parent participation

There is increased parent participation in school activities. Parents are motivated and more involved in helping their children which is essential in improving the education of all our students. There was notable parent participation at the SMMUSD Budget and Strategic plan meetings. A special Strategic Plan Open House targeting the Spanish speaking community was held at Virginia Park

Suggested direction for 2010-11:

DELAC is aware that the District faces many difficult financial decisions as a result of the current budget crisis. However, the DELAC parent want to make certain that the District continues to implement the strategies, interventions, and programs needed to accelerate the achievement of our English Learners. English Learners is subgroup whose progress is the focus of many of the accountability targets set by the State. These targets are documented in the Title III English Language Proficiency Annual Measurable Achievement Objectives (AMAOs). As mentioned above many of our English Learners meet the percentage target of achievement required by the State in the AMAOs. However, there remains a significant number of English Learners who are not meeting these targets. Therefore, there continue to be a need to refine our ability to provide effective service to each English Learner, particularly those who have yet to meet the State target levels of achievement. Additionally, there are state mandates regarding services to English Learners to which the District is require to adhere. Consequently, English Learners form a critical group that is central to the district efforts of reducing the achievement gap, and their unique academic needs should be taken into account when making program cuts due to budget reductions.

DELAC parents view the following recommendations as fundamental to the academic success of their children, and in fulfillment of the charge that they have been given by the State of California as reflected in the California Educational Code urge the District to:

1. Offer quality English Language Development (ELD) at the secondary level: The achievement level of SMMUSD's Reclassified Fluent English proficient students as measured by performance on standardized measures such as CST and CAHSEE have historically been remarkable. Parents and staff feel that this is directly attributable to the comprehensive services that English Learners receive in District programs. A fundamental component of these services are ELD classes that: 1) are targeted to the student's English proficiency level, 2) utilize high quality materials and instructional methodologies, and 3) sequentially provide for the linguistic needs of students acquiring English. Combining classes to include students at the Beginning – Intermediate levels does not allow for the effective implementation of an instructional program that will provide the scope, sequence and structure necessary for their specific proficiency level. This is even more imperative when and where Sheltered English (SE) classes are not offered.

2. Offer Sheltered English (SE) content classes at the secondary level

Sheltered content classes provide grade level academic instruction that gives English Learners access to the core curriculum while teaching English vocabulary and English grammatical structures. Secondary sites must respond to the need to provide English Learners with the access to the content areas by offering sheltered classes when there is an identified need. Without the SE classes, English Learners will be in mainstream classes in which their access to the curriculum would be greatly affected by their low English proficiency levels. This will have an adverse affect on closing the achievement gap.

3. Provide additional elementary classroom aides

We often hear that elementary is crucial to the student's success as they move on to middle school. If that is the case, then we need to do everything we can to make sure that ALL students leave their elementary schools prepared to meet the challenges of middle school and beyond. Classroom aides are essential in working with teachers to provide instructional support that students need to be academically successful. Their role and providing additional aides is to be considered especially as classroom size increases.

4. Offer parent education workshops

The DELAC and ELAC meetings given by district staff and outside presenters provide us with information that helps us to better support our children's learning. Funding should be allocated to continue bringing experts for parent education.

5. Support conference attendance

Conferences provide parents an opportunity to participate in parent workshops that focuses on their needs. CABE is a conference that we would like to attend as it focuses on English Learners.

6. Increase English Language Development (ELD) teacher time at all school sites.

The ELD teachers are necessary to provide the linguistic and academic support that our English Learners need as they acquire English. English Learners need to meet the language and academic targets set for them, and just as importantly be able to compete with their peers. In order to continue meeting the AMAO targets our students and teachers need ELD support provided by the ELD teachers.

7. Increase Translation Assistance

The translation support that the Community Liaisons provide is invaluable, without them our parents would be at a greater disadvantage. However, more bilingual personnel are needed to facilitate the communication between parents, teachers, school and district staff. Parents often hesitate or do not go to school/district because they feel intimidated and do not feel welcome. Having personnel will help with communication.

8. Provide Additional Aides at the Middle School level

It is noted that the number of ELs at the lower English Proficiency levels is small but important. The classroom aides are instrumental in helping ELs in mainstream classrooms have access to the curriculum. This is especially crucial since the only Sheltered English class currently being offered is Social Studies. Our students with low English proficiency levels have to struggle in learning English and understanding the core classes simultaneously.

9. Offer Language Acquisition workshops for teachers.

Teachers need to support the importance of maintaining the primary home language. If teachers discourage speaking the home language the communication between parent and child will be greatly diminished. The ability to communicate with their children is essential for their academic, social and emotional development. Research shows that if a student develops literacy in their primary language this will facilitate learning a second language. Do not limit our ability to speak with our children.

10. Provide Cultural Workshops for teachers

Our students come from many different cultural and social backgrounds. Teachers need to familiarize themselves better with who are their students and families. Working together with better understanding of all of the children they serve, teachers will be better prepared to address the complete education needs of the children they serve.

11. Conduct forums and informative meetings in separate languages

The district's effort to include the Spanish Speaking parents in forums and informative meetings by providing translation is appreciated. It would be more effective if separate sessions are provided where the presentations are given in only one language, as seen in the Budget and Virginia Part Strategic Open House. The translators do a very good job at the simultaneous translations; however, there a lot is lost in translation. Furthermore, many parents feel uncomfortable using the headphones.

12. Provide early intervention beginning in Kindergarten.

Data shows that our students are not doing well in English Language Arts and Mathematics. However, many intervention programs begin in third grade and summer school is offered only for students who will enter 3rd, 4th and 5th grade. There are many students who start falling behind as early as grades K, 1 and 2. DO NOT wait until third grade to identify them and offer intervention at that point. Intervention should begin early- as early as K. This will have a positive effect on closing the achievement gap. Remember the road to college begins in Kindergarten, not middle or high school. A strong academic foundation at the elementary level will result in easier and successful transitions to the other school levels.

13. Close the Achievement Gap

The focus has been on reducing the achievement gap and while there may have been gains in some areas, our students are still lagging behind. Students need to be identified and provided with instructional support to address their specific academic needs and the need for intervention will be reduced. It is not acceptable to have high school students who are not at grade level in math and English.

Budgetary Implications:

The district uses State and Federal funds to provide supplementary support to English Learners such as ELD teacher time, some Bilingual aides and materials. These funds have also been reduced which has resulted in the need to cut back on the level of supplementary support provided for English Learners. However, please note that many of the recommendations listed above do not require additional funding from district general funds. The guidelines and restrictions of these funds do not allow us to provide the content courses that are part of the core program that all students are entitled to. Once again, we urge the District to provide the financial support that secondary schools need to provide these specialized classes and other support services that will have a positive and direct impact on closing the Achievement Gap.

ATTACHMENTS

ATTACHED ARE THE FOLLOWING DOCUMENTS:

- Document: "Santa Monica-Malibu Unified School District Honors Our 2009-2010 Retirees" (associated with Recommendations/Commendations)
- Document: "Commendations/Recognitions 06/03/10: Measure A Campaign Committee and the SMMUSD Council of PTAs" (associated with Recommendations/ Commendations)
- Document: "Presentation to the Board of Education by the Santa Monica-Malibu Unified School District Financial Oversight Committee" (associated with Item No. D.01)

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT HONORS OUR 2009-2010 RETIREES

Sally Anderson Charlee Arcella-Cott Barrie Barr Eugene Bream Ursula Brooks Kathryn Buck Lorínda Eícks Beverly Gleason Dolores Gonzalez Línda Jaffe Jane Jeffries Anne Keller Laraíne Kokín Brían Lamagna Ianne Lavigne Adília Logsdon Judy Lohmeyer

Peter Lumsden Susan Mills Lynne Porter Alexander Ramos Ellen Relles Elízabeth Sanders J. Christine Savage Nancy Schellkopf Walter Shockley Martha Shaw Leslie Talt Lee Tenner Cheryl Walling Akimi Watanabe David Wood Edward Woodruff Patricia Wurster Nícolan Zundell

COMENDATIONS/RECOGNITIONS - 06/03/10

MEASURE A CAMPAIGN COMMITTEE

		NAME	TITLE
1	Lauri	Crane	Co-Chair
2	Wendy	Sidley	Co-Chair
3	Rochelle	Fanali	Co-Chair
4	Denny	Zane	Co-Chair
5	Joel	Brand	Organizing Committee
6	Chris	Harding	Organizing Committee
7	Margot	McLeay	Organizing Committee
8	Keryl Cartee-McNeely		Organizing Committee
9	Harry	Keiley	Organizing Committee
10	Judith	Meister	Organizing Committee
11	Shari	Davis	Organizing Committee
12	Rebecca	Kennerly	Organizing Committee
13	Debbie	Mulvaney	Organizing Committee
14	Thelma	Felstiner	Organizing Committee
15	Tom	Larmore	Organizing Committee
16	Paul	Silvern	Organizing Committee
17	Sonya	Fox Sultan	Organizing Committee
18	Laurie	Lathem	Organizing Committee
19	Maryanne	Solomon	Organizing Committee
20	Elizabeth	Gelfand-Stearns	Organizing Committee
21	Laurie	Lieberman	Organizing Committee
22	Richard	Tahvildaran-Jesswein	Organizing Committee
23	Joseph	Martinez	Organizing Committee

SMMUSD COUNCIL OF PTAs

	NAME		TITLE
1	Alieh	Zohoury	
2	Andrea	Goodman	Co-2nd VP (Membership)
3	Barbara	Inatsugu	League of Women Voters Liaison
4	Cheryl	Byrne	Co-3rd VP (Health & Safety)
5	Cheryl	Clark	Treasurer
6	Chris	LeGagnoux	Corresponding Secretary
7	Chris	Jimenez y West	Priorities Committee Co-Ch
8	Christy	Hobart	Special Education Co-Ch
9	Claudia	Seizer	
10	Claudia	Bautista Nichols	Council Translation
11	Debbie	Mulvaney	Summer Adventure Treasurer
12	Deborah	Pappalau	Edison Language Academy PTA
13	Elizabeth	Gelfand Stearns	Santa Monica High School
14	Felicia	Paik Kim	Franklin Elementary School PTA

15	Heather	Anderson	Auditor		
16	Helene	Seisay	John Muir Elementary School PTA		
17	Helga	Schier	SMASH Alternative School PTSA		
18	Holly	Kinyon	Webster Elementary School PTA		
19	Janine	Bush	Co-2nd VP (Organization)		
20	Jen	Maxcy	Roosevelt Elementary School PTA		
21	Jennifer	Kennedy	Co-3rd VP		
22	Joan	Krenik	Will Rogers Learning Community PTA		
23	Jon	Kean	Priorities Committee Co-Ch		
24	Karen	Alas	McKinley Elementary School PTA		
25	Kathy	Wisnicki	Co-5th VP		
26	Kim	Eyler	Executive Vice President		
27	Laura	Rosenbaum	Co-4th VP (Education), Parent Involvement Co-Chair		
28	Lauren	Lambert	Special Education Co-Ch		
29	Laurie	Yehia	Parliamentarian		
30	Lee	Jones	SEDAC Liaison		
31	Linda	Gross	Ed Foundation Liaison		
32	Linda	Karr O'Connor			
33	Lisa	Balfus	Co-5th VP (Community Concerns)		
34	Lori	Whitesell	Financial Secretary		
35	Louise	Jaffe	SMC Liaison		
36	Lynn	Leavitt	Leadership		
37	Margot	McLeay			
38	Maria	Rodriguez	Parent Involvement Co-Ch		
39	Marty	Smith	Co-4th VP		
40	Michelle	LoMonaco	John Adams Middle School PTSA		
41	Miriam	Billington	Reflections		
42	Monicka	Guevara	Grant Elementary School PTA		
43	Nancy	Schmidt	Chamber Liaison		
44	Patti	Braun	Recording Secretary		
45	Pattie	Fitzgerald	Lincoln Middle School PTSA		
46	Rebecca	Kennerly	President Emeritus		
47	Richard	McKinnon	Communications Committee		
48	Robyn	Ross	Point Dume Marine Science Elementary PTA		
49	Shari	Davis	President		
50	Stephen	Saks	Co-1st VP (Communication)		
51	Tabby	Graham			
52	Thelma	Felstiner	Legislation Committee		
53	Wendy	Navin	Co-1st VP		
54	Wendy	Davis	Juan Cabrillo Elementary School PTA		
55	Wendy	Sidley	Malibu High School PTSA		

Presentation to the Board of Education by the Santa Monica-Malibu Unified School District <u>Financial Oversight Committee</u> Cynthia Torres, Chair June 3, 2010

Good evening, Members of the Board of Education. My name is Cynthia Torres and I am the chair of the Financial Oversight Committee. On behalf of the FOC I welcome the opportunity to review our work during the past year with you, and to offer you observations about certain District financial matters.

I. Introduction

The Financial Oversight Committee, now in its ninth year of operation, is a ninemember committee of professional and community members appointed by the Board to provide you and District management with advice, counsel, and recommendations on a variety of financial matters. According to the charge you gave us, our responsibilities include:

- Reviewing and commenting on the District's financial audit, the interim financial reports to the Los Angeles County Office of Education, the proposed annual budget, and annual enrollment projections;
- Assisting in the development of a sound long-term financial plan for the District;
- Reviewing issues that could have a significant impact on District finances before the Board makes decisions about them, including proposed labor settlements;
- Serving as the Taxpayer Oversight Committee charged with reviewing the District's administration of and compliance with the terms of Measure R, which was the parcel tax approved by voters in 2008 (and previously the terms of Measure S, which was the parcel tax approved by District voters in June 2003);
- Monitoring and advising about the funding agreements between the District and the City of Santa Monica and the City of Malibu; and
- Assisting the District to educate the general public about school finance issues.

Because of the extraordinary circumstances that have affected the State of California's budget this year and the disappointing results of the recent Measure A campaign, the Board of Education last week agreed to slash its proposed 2010-11 spending plan by \$7.1 million. The adoption of the expenditure reduction plan was a

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painful but necessary course of action from a fiscal perspective, and should therefore be recognized and commended as a significant milestone. The adoption of the expenditure plan does allow the District to file a budget.

However, while the Board did take significant steps to address the District's fiscal stability for next year, we are not yet of the woods. Much work remains to be done to confront continuing looming concerns on the District's budget for the 2011-12 fiscal year and beyond. Unfortunately, our District continues to face significant financial challenges that the Board must confront. On the positive side, District staff and our Board leadership conducted encouraging discussions earlier this week with two independent bond rating agencies. Our District is currently rated AA by Standard & Poor's and Aa1 by Moody's Investors Service. In these discussions, the rating agencies were made aware of the District's adopted expenditure reduction plan; the voters' approval of Measure R and other parcel taxes and bond measures; the District's funding contract with the City of Santa Monica and continued financial support from the City of Malibu; sufficient general fund reserve levels for the 2010-11 fiscal year; and the general strength of our two communities' assessed value over the past ten years. We hope that Standard & Poor's and Moody's will re-affirm their positive ratings of our District by the end of June in preparation for a planned issuance in mid-July of the next series of Measure BB bonds.

But our State's projected \$19 billion budget deficit, combined with the voters' rejection in May of the Measure A school funding measure, means that further significant cuts to our local District budget are inevitable. Turning to our District's finances, we have been contacted by the Los Angeles County Office of Education, which performs mandated fiscal oversight of school districts for solvency. Jon London, a Business Services Consultant at the Los Angeles County Office of Education, has reviewed our Second Interim Report. Mr. London wrote a letter to the District on April 8, 2010 that raised three important concerns:

- 1. He noted that the District is continuing to project deficit spending and that "we are concerned that, if this deficit spending continues as projected, it will severely impact the District's fiscal solvency in future years."
- 2. Mr. London's letter also noted concerns that the District projects financial reserves that fall below the 3% level required by the State during the three year projection period. He noted that the District's reserves will be depleted completely and that the General Fund ending balance will decrease as a result of deficit spending.
- 3. The letter noted the risk to the District should it lose its appeal of the 2008-09 Audit Finding for attendance reporting at one of the District's middle schools, which could result in a \$5.8 million penalty and poses a further risk to the District's financial stability. The District has stated its belief to the County and to the California Department of Education that the ADA reported in 2008-09 was reasonable, even though it was not supported by all of the required documentation.

The County has requested that the Board approve a fiscal stabilization plan with revenue enhancements and/or expenditure reductions that projects reserve levels that do meet the 3% reserve level requirement. We believe that the adoption last week by the Board of the expenditure reduction plan satisfied the need for a fiscal stabilization plan for the next school year. But because of additional expected reductions to our state revenues for next year, Chief Financial Officer Jan Maez estimates that expenditure reductions in the range of \$4 - \$5 million must be made in 2011-12, and an *additional* \$3 million reduction must be made in the following fiscal year. Since the Fiscal Stabilization Plan will be due with the First Interim Report in December, the Board effectively has only about six months to develop and adopt a plan. I will discuss some of our recommendations to deal with these budget reductions and revenue enhancements later in this presentation.

Tonight's discussion is our third meeting in a workshop setting with the Board this year. The Board has conducted additional budget workshops before the public in special meetings that have been useful and productive. We have appreciated the Board's interest in grappling with our difficult fiscal predicament in a transparent and responsive manner. These workshops have proven to be useful for communicating information to the public, and provide opportunities for an open exchange of ideas about a complex subject. We on the FOC have of course welcomed the opportunity to discuss this year's difficult budget decisions with the School Board at our budget workshops, and to share our positions on important budget decisions at School Board meetings.

The specific topics we want to discuss with you tonight include the following:

- 1. A brief summary of the Financial Oversight Committee's activities during FY 2009-10.
- 2. Our report on Measure R expenditures during FY 2009-10 and 2010-11.
- 3. Comments on the current draft of the FY 2010-11 District budget.
- 4. Recommendations for the FOC to focus upon during 2010-11.

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II. Summary of FOC's Activities During FY 2009-2010

This year has been a particularly busy one for the Financial Oversight Committee, during which we accomplished the following:

- Met with the District's auditor to review the FY 2008-09 audit of District finances and Measure R expenditures. The auditor did identify certain deficiencies in internal controls over financial reporting that we monitored. In April we reviewed the auditor's update report concerning the previously unsatisfactory status of attendance reporting at one of the District's middle schools.
- Reviewed the 1st and 2nd Interim Reports, District staff projections of enrollment and Average Daily Attendance (ADA), and various proposed budget transfers.
- Met with the District's investment bankers from Keygent LLC. We reviewed with them the planned financial structure of the next series of Measure BB bonds.
- Met with the Executive Director and board chair of the Santa Monica Malibu Education Foundation on several occasions to discuss fundraising goals for 2009-10.
- Analyzed the financial practices of numerous other school districts. We are paying close attention to how other leading school districts in California are handling the budget crisis, particularly with respect to expenditure reduction and revenue generation.
- Reviewed, discussed, and provided comments to the Board on a variety of other financial matters, including:
 - a) A review of numerous budget reduction proposals and adjustments to the District's financial position;
 - b) An update on the FOC's work concerning revenue enhancement opportunities for the District;
 - c) A discussion of the District's reserves for economic uncertainty, and projected reserve levels;
 - d) Comments on the 2008-09 audit findings;
 - e) A discussion of the Board's consideration of a marketing officer; and
 - f) A review of the 2010-11 budget development timeline.
- Through our Revenue Enhancement Subcommittee, we considered a large number of revenue enhancement options. We presented a set of initial findings in November for District-wide revenue enhancements which we will discuss later in this report. The Revenue Enhancement Subcommittee met with the District's Senior Cabinet about the proposals that were submitted in November.

- Through another of our subcommittees, we conducted collaborative work with the Special Education District Advisory Council subcommittee on budgetary and financial issues, including sharing financial reports and studying budgetary detail.
- Given that most California school districts are facing difficult financial choices, we began to research alternative expenditure reduction and revenue enhancement approaches adopted by other districts that could be utilized by our District.

In addition, several of our members are active on other District committees, including the Parcel Tax Feasibility Committee and the Measure A Campaign Committee; the Measure BB Committee; the Special Education District Advisory Committee; the Strategic Plan Steering Committee; and the Superintendent's Advisory Committee on the Budget. This year, for the first time in many years, the Financial Oversight Committee experienced no turnover in our members.

The FOC's work this year benefitted from a productive working relationship with Superintendent Tim Cuneo, Chief Financial Officer Jan Maez, the District's outstanding fiscal staff, and other senior District staff. The FOC's ability to provide guidance to the Board on the proposed budget is aided by the excellent work of Ms. Maez and the fiscal services staff, who work diligently to keep up with ever-changing circumsstances in Sacramento and Washington, D.C. Once again, we also want to acknowledge Dawn Smithfield, in particular, who provides administrative support to the FOC and who continues to handle the parcel tax senior exemption program with exceptional grace and tact.

Our Committee was fortunate to have active participation in our meetings by two sets of board liaisons. Our current board liaisons, José Escarce and Ralph Mechur, have provided us with valuable insights about board policy. Our previous board liaisons had also included Barry Snell, who still regularly attends our meetings and whose wise counsel we certainly value. Other members of the Board, such as Ben Allen, attend our monthly meetings as their schedules permit. Our meetings are open to the public and the press, and our agendas and minutes are posted on the Board's web site.

III. Report on Measure R Expenditures

The Santa Monica-Malibu Schools Quality Education Funding Renewal Act of 2008, more commonly known as Measure R, was the school funding measure approved by District voters in February 2008. The measure consolidated and replaced two former parcel taxes, Measure S and Measure Y, in the amount of \$346 per parcel this year, and includes both a "Senior Exemption" and an annual CPI adjustment.

With a total of about 32,500 property parcels in the District, and after deductions for the estimated number of senior exemptions and tax payment delinquencies, Measure R generated about \$10.3 million for our District in 2009-10. Under the terms of the Measure, these funds are to be used for the following purposes:

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- To preserve programs and replace funds lost or reduced due to inadequate state funding;
- To sustain achievement in reading, writing, and mathematics for all students at all grade levels and to fulfill the District's core curriculum which includes music, the arts, library services, and athletics;
- To attract and retain highly qualified teachers; and
- To protect the taxpayers' investment in education and ensure District accountability by providing for special financial oversight and independent annual audits of revenues and expenditures.

Measure R requires that funds be deposited into a separate account, that a "citizen financial oversight committee" review District administration of and compliance with Measure R, provides for public review of the expenditure plan, and requires an annual audit of expenditures.

The actual expenditures for Measure R in 2009-10 totaled approximately \$10.3 million and are shown below.

The Financial Oversight Committee reviewed the audit of Measure R that was performed by the District's auditors, Nigro Nigro & White for the FY ended June 30, 2009. This audit contained an unqualified, "clean" accounting opinion, and there were no findings reported in the schedule of findings and recommendations. A similar audit of Measure R through June 30, 2010 will be reviewed by the FOC next year.

Santa Monica-Malibu Unified School District Measure R Expenditures, FY 2009-10 and 2010-11

	FY 2009-10 Budget		FY 2010-11 Budget		
Category:	FTEs	Amount		FTEs	Amount
		40.004.400			40 400 420
Measure R Revenues:		10,264,436			10,408,138
Measure R Expenditures:					
Physical Education Program	13.27	540,434		13.33	560,781
Technology	13.00	1,150,097		14.00	1,252,698
Art & Music Program	12.19	997,136		12.44	1,052,211
Library Program	18.38	1,139,368		10.38	764,876
Community Services	1.00	56,781		1.00	56,984
Administration Cost		13,043			13,251
Sub-total	*	3,896,859			3,700,801
District Program Preservation		6,367,577			6,707,337
Due to Inadequate State		0,007,077			0,1.01,001
Funding	×				
TOTAL EXPENDITURES	57.83	10,264,436		51.15	10,408,138
IOTAL EXPENDITURES	57.65	10,204,430		51.15	10,400,100

Notes: 1. The Consumer Price Index - All Urban Consumers (CPI-U) has increased by 1.4%, so the Board of Education will consider an increase in the parcel tax to \$350.84 per parcel for 2010-11 (2009-10 level: \$346.00).
2. The Annual Plan will fund the above specified services, with the balance being used to "preserve programs and replace funds lost or reduced due in inadequate state

funding."

IV. Views on the Proposed FY 2010-2011 District Budget

The general financial context for considering the District's FY 2010-2011 budget remains difficult. The \$19 billion projected State deficit and the Legislature's budget debate that will take place this summer, forces all California school districts to plan for continued significant reductions in the years ahead. In the current statewide campaign environment, voters continue to signal to Sacramento that steep spending cuts are the preferred approach to balancing the budget. Inasmuch as K-14 education accounts for over one-third of state general fund spending, there is no way to balance the budget without making reductions in funding for K-12 education. The State's respected, nonpartisan Legislative Analyst Mac Taylor has told state legislators that he recommends that the state consider suspending Proposition 98 funding for schools, which could allow the legislature to reduce its commitment to K-12 education funding. The guidance we have received from the Los Angeles County Office of Education is to expect an 18% deficit in our revenue limit funding for next year plus an additional 3.85% reduction in anticipated revenue limit funding. These budget deficits have been built into the District's most recent financial projections. We have already experienced a 20% reduction over the last two two years in many categorical program revenues. Whether the Legislature will accept the Governor's latest proposals is very much in question.

However, by law, our District must adopt its budget by the end of this month even with so much uncertainty about the state of the economy and the state budget. To that end, the FOC applauds the District staff's continuing efforts to analyze opportunities for greater operating efficiencies, and the Board's support for expenditure reductions that correspond with the continued decline in state revenues. In light of our continuing state funding uncertainty, we support the Board's difficult decisions this year to adjust class sizes, to seek program efficiencies, and to commit to additional cost savings opportunities. We also urge the staff and the Board to continue your progress on developing appropriate staffing ratios in both Classified and Management staffing.

We remain very concerned about the projected scale and growth of the operating deficit in the Unrestricted General Fund, which is the District's primary operating account. The budget projection shows a deficit of about \$4.4 million in the next fiscal year alone, and a cumulative total deficit over the three-year projection period of \$18.7 million. These large projected operating deficits are at odds with the Board's very first adopted budgeting principle, which is to maintain a balance between current and future year income and expenditures so as to ensure the long-term financial integrity of the District.

The Los Angeles County Office of Education has repeatedly warned our District about the need to reduce our projected operating deficit. As we noted in our report last year, research by School Services of California shows that persistent deficits may be a better indicator of future fiscal difficulty than an inability to meet the minimum 3% reserve benchmark. We urge the staff and the Board to continue searching for ways to reduce costs and increase revenues.

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We are appreciative of the sacrifices agreed to by our bargaining units and by management in order to reduce our District's operating expenses. Through a combination of reductions in positions, furloughs, program consolidations and eliminations, and other measures, our District has reduced our expenses by \$15.8 million over the past three years. However, further significant decisions are required before the District is in a position to submit a budget that demonstrates the District's medium-term (3 year) financial solvency.

We note that this year, unlike in prior years, the District's projected deficits are not a result of increases in operating costs. It is important to understand that salaries and benefits now account for 87% of the Unrestricted General Fund. Because so much of the overall budget is devoted to salaries and benefits, there is simply no choice but to look at the painful issue of reducing these costs in particular. Whether this is accomplished by further reductions in positions, additional years of furlough days, and/or changes in salaries and benefits will be a difficult set of discussions with the District's bargaining units. We note that with the failure of Measure A that the Board has the option to reopen labor negotiations with its bargaining units, and we support the Board's interest in pursuing additional flexibility. We also note that the bargaining units have given commitments to examine adjustments in benefits that could result in expenditure reductions as soon as January 2012. In order to resolve the ongoing projected budget deficit, everyone, including Management, will have to make sacrifices.

We note that there continue to be additional significant risks to the District's ongoing fiscal stability in future years. For example, the Los Angeles Unified School District has previously announced its intention to withhold granting inter-district permits to resident students, which could affect as many as 1,200 of our District's students. While LAUSD did agree to rescind this decision for the 2010-11 fiscal year, there is no guarantee that the LAUSD's willingness to grant permits will extend past this next school year. The District must consider how it would cope with the potential loss of 10% of our students.

Absent further actions by the Board to curtail spending, the operating deficit is primarily financed by drawing down reserves. It is important to note that the proposed budget indicates that the District will be able to fund the minimum required three percent reserve for economic uncertainties only through the next budget year. We will then be totally out of financial reserves. Thereafter, there will be a steady erosion of the unallocated fund balance at a rate of between \$4.5 million - \$7.5 million each year during the projection period. While our financial reserves have cushioned the impact of this erosion to date, it will be drawn down to zero in the coming year. What was a beginning balance of \$22 million at the start of this fiscal year is projected to be a fund balance of \$13 million in 2013. Let me be clear: even after the board's actions last week, our District remains on a path to financial insolvency. Bringing the District's budget back into compliance with this most basic standard of good financial practice, namely, adequate reserves, will require further steep spending reductions and/or additional revenues. The Board will need to be vigilant about maintaining District reserves, controlling costs, and aggressively searching for new revenues in order for the District to remain fiscally sound.

The federal stimulus dollars we have received were ear-marked for special purposes, and were a one-time event. We estimate that our District has received, over a two year period, an aggregate of \$7.5 million in federal stimulus dollars. Most of these funds were designated for special purposes, such as funds for Special Education and for Title I schools. These one-time funds have assisted our District to achieve important goals, such as smaller class sizes for elementary age students who are most in need, and funding federally-mandated programs for our Special Education students. The use of these funds allowed us to postpone making some of the deep cuts that we had to make this year.

We need to again lay the groundwork for a more intensive budget process looking forward, since a fiscal stabilization plan detailing revenue enhancements and further expenditure reductions will need to be developed and adopted within the next six months. We call on the Board of Education to start the budget process for the 2011-12 fiscal year this summer with an examination of revenue enhancement opportunities and alternative delivery models for delivering a quality educational program for our students. Programmatic changes need time to develop, consider, and implement, and work on these should also commence immediately. As painful as it is to contemplate, a full range of budgetary solutions must be on the table for consideration, including even further increases to class sizes, administrative changes, possible school consolidations, programmatic reductions, and negotiated changes with our bargaining units. We ask that District Staff and the Board develop a comprehensive, transparent and inclusive budgetary process so that options can be thoroughly vetted well before the customary budget preparation season in the spring. Contingency planning, with consideration for how to strategically allocate additional revenues or make further expenditure reductions if required, should also be a prominent part of this process.

The District needs to focus upon revenue enhancement opportunities. My presentation tonight has primarily focused upon expenditure reduction, but I would now like to spend a few minutes focusing upon the strong potential our District also has for increasing our revenues. The FOC's revenue enhancement subcommittee has identified four high priority areas, which include the following:

- 1. An aggressive attendance campaign. While our District does experience high attendance, we have estimated that by implementing a District-wide attendance goal of 96% attendance, and by implementing an effective awareness campaign, that our District could garner as much as \$450,000 in additional revenues each year. Our understanding is that the District has agreed to undertake such a campaign for the coming year.
- 2. Better utilization of District assets. The District does own key sites in Barnum Hall and the Greek Theater which, with an up-front capital investment aimed at renovating these facilities, could yield significant additional annual revenues of

up to \$1 million/year. These projects are included in the planning for the Santa Monica Civic Center Joint Use Plan. Our thought is that because of their revenue generating potential, the renovations should be accelerated.

- Our Revenue Enhancement subcommittee has spent 3. Targeted fundraising. months examining effective District-wide fundraising practices, such as aggressive annual giving campaigns and alumni fund-raising, that are in place in other California school districts. We have held several conversations with the Santa Monica Malibu Education Foundation's Executive Director, Linda Gross, and her board members, who are enthusiastic about the District's fundraising potential but have said they have limited capacity with their current resources for additional new activities. We believe that the District should be capable of generating far more, as much as 10 times more, than it currently does in Districtwide fundraising. Our District's fundraising should be a partnership, joining forces with parents, PTAs, booster clubs, principals, teachers, students, businesses, and our extended communities to make our schools the best they can be. Among the subjects we should discuss with our top donors is naming rights on buildings and venues. We have identified other attractive fundraising models which are reliably generating \$2 million - \$4 million in annual giving. We want to make clear that it is not only policy changes that make these efforts in other Districts successful, it is a combination of fundraising strategy, experienced resources, donor relationship cultivation, and sustained campaigns. An investment in a top development officer, along with staff support and a communications budget, at a minimum, is needed to generate the revenue level that we seek. To be successful at Districtwide fundraising we need to cultivate long-term relationships, approach and recognize our generous donors apropriately over time, and ask that our District's generous families support our District's excellent, but threatened, educational program.
- 4. Generate licensing fees. We have studied the work done for the Beverly Hills Unified School District, which is exploring a clothing and merchandise licensing deal with an outside vendor. We believe that we have a similar brand opportunity in our "Santa Monica High" and "Malibu High" names. We estimate that the District could expect to raise \$300,000 in the program's first year, with a potential \$1.5 million in revenue over three years. While there are some legal expenses, there are no up front fees for the licensee under this proposal.

Another important process that our District needs to complete over the next several months is the development of our strategic plan. The FOC is supportive of the strategic plan process, which has solicited input from a wide range of community constituencies about key priorities and direction. In this difficult financial environment it is especially important for us to consider together as a community what the District's core activities should be. Ideally, the strategic plan should be able to provide us with important guidance on budgetary priorities. Although we are mindful of the time pressure that staff faces each year in preparing the budget, we want to reiterate two suggestions about the budget process that have not yet been acted on:

- Show Information on All Funds, Schools, and District Departments. We continue to recommend that the budget presentation include the proposed budgets for all District funds, schools, and District Departments, and not just the Unrestricted General Fund. While the General Fund, including both its unrestricted and restricted funds is clearly the most significant component of the total budget, we believe the Board and public should see a more complete picture of the District's total budget.
- Improve Public Communication. We once again recommend that the budget presentation make better use of graphics to help explain the proposed District budget. School district finance in California is particularly complicated and difficult for the average citizen to grasp. Although the school and program-based budgets have been useful, the agenda reports to the Board do not explain the budget structure as clearly as they could. We should be using every opportunity to educate voters and the public in general about the condition of District finances, especially now when the need is so dire and the community is so motivated to support us.

V. Proposed FOC Focus for FY 2010-11

Each year at this time, the Financial Oversight Committee recommends a particular charge that we would like the Board to approve. The intent is to obtain the Board's approval that, in addition to our other duties, our work focus on a few topics that will provide the most value-added to the District. At our meeting on May 11, the Financial Oversight Committee decided to bring forward three specific topics that we would like to concentrate on during the next school year.

- 1. Refine specific revenue enhancement recommendations. The FOC's subcommittee on revenue enhancement has put forward recommendations on particular revenue generation opportunities for the District. We propose to turn our focus to the development of several concrete, high-priority proposals that we would like to bring to you for your consideration. We anticipate that areas of interest include the improvement of our District-wide fundraising capacity and practices generally, establishing new corporate partnerships, pursuing naming rights on buildings, merchandising opportunities, and so on. We would like to focus on those ideas that have the most promise, and continue our dialogue with you on actions needed to ensure the financial health of our District.
- 2. Continue to Work on the Development of a Financial Management Plan for Special Education. A subcommittee from the Financial Oversight Committee worked with the Special Education District Advisory Committee to develop better tools for analyzing the Special Education financial picture. Our District is

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spending approximately \$22 million in Special Education funding this year. Special Education costs in our District have increased significantly over the past few years, while enrollment has decreased. In addition, there is now a renewed commitment to a comprehensive review of the most appropriate program of Special Education services for our students. Essentially, we would like to explore ways to deliver a better Special Education service using the resources we already have.

3. Continue to Analyze Financial Practices in Other Targeted School Districts, for Ideas that Could Be Implemented in the District. Over the course of the spring, Financial Oversight Committee members each analyzed the financial practices of other leading California school districts for practical ideas that could be implemented by our District. We would like to include this analysis as an area of focus by our Committee for next year, and to bring to you particular appraoches used by other Districts that could result in either significant cost savings or in significant additional revenues.

On behalf of the FOC, I thank you for the opportunity to serve the Santa Monica-Malibu Unified School District. We are available to answer any questions you may have about this opening statement, and look forward to a discussion with the Board.