

**For a Listing of Upcoming Board Meetings See Page vi of this Table of Contents**  
**Santa Monica-Malibu Unified School District**  
**Board of Education Meeting**  
**AGENDA**

**September 8, 2011**

A regular meeting of the Santa Monica-Malibu Unified School District Board of Education will be held on **Thursday, September 8, 2011**, in the **District Administrative Offices**: 1651 16<sup>th</sup> Street, Santa Monica, CA. The Board of Education will call the meeting to order at 4:30 p.m. in the Board Conference Room at the District Offices, at which time the Board of Education will move to Closed Session regarding the items listed below. The public meeting will reconvene at 6:00 p.m. in the Board Room.

**The public meeting will begin at 6:00 p.m.**

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

**Time Certain Items:** Those items listed for a specified time (marked in the margin) are so noted to give the public an indication of when the Board will hear that item. However, if it is prudent to do so, the Board may adjust the time stamp to complete an item currently on the floor, but will not delay the time stamped item for more than 15 minutes.

**I. CALL TO ORDER**

- A. Roll Call
- B. Pledge of Allegiance

**II. PUBLIC COMMENTS FOR CLOSED SESSION ITEMS ONLY**

**III. CLOSED SESSION (90)**

- Conference with Superintendent regarding 2011-12 Strategies for Negotiations with S.M.M.C.T.A. pursuant to GC §54957.6 as cited in the Brown Act. (25)
- Conference with Superintendent regarding 2011-12 Strategies for Negotiations with S.E.I.U. pursuant to GC §54957.6 as cited in the Brown Act (25)
- Public Employee, to consider appointment, employment, performance evaluation, or dismissal of employee pursuant to GC§54957, as cited in the Brown Act (Classified Employees ID #DY8107060, #UX1822540) (25)
- Closed Session, Superintendent's performance evaluation pursuant to GC §54954.5 as cited in the Brown Act. (15)

**IV. BOARD OF EDUCATION – COMMENDATIONS / RECOGNITIONS (0)**

**V. APPROVAL OF THE AGENDA**

**VI. APPROVAL OF MINUTES**

August 24, 2011

**VII. CONSENT CALENDAR (30)**

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
A.03	Conference and Travel Approval Ratification.....	3-4
A.04	Approval of Special Education Contracts – 2011-2012 .....	5-8

## **Business and Fiscal**

A.05	Award of Purchase Orders – 2011-2012.....	9-9e
A.06	Adopt Resolution No. 11-01 – Gann Amendment .....	10-11c
A.07	Ratification of the First Amendment to the Amended and Restated Joint Occupancy Lease between the District and STG Properties Three, LLC.....	12-12j
A.08	Award of Waste Management Contract to Crown Disposal Company – Bid #10.19 – Year 2 of 5 .....	13
A.09	Award of Quote #2011.04 Science Equipment, Chemicals and Supplies per Attached List.....	14

## **Personnel**

A.10	Certificated Personnel – Elections, Separations .....	15-21
A.11	Classified Personnel – Merit.....	22-27
A.12	Classified Personnel – Non-Merit .....	28-29

## **General**

A.13	Adopt Resolution No. 11-02 – National Hispanic/Latino Heritage Month.....	30-31
A.14	Adopt Resolution No. 11-03 – Commemorating the 10 <sup>th</sup> Anniversary of 9/11.....	32-34
A.15	Revise BP 3513.3 – Tobacco-Free Schools.....	35-36
A.16	Replace BP 5022 – Student and Family Privacy Rights.....	37-39
A.17	Revise BP 5116.1 – Intradistrict Open Enrollment .....	40-42
A.18	Revise BP 5131.62 – Tobacco .....	43-45

## **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.**

## **IX. COMMUNICATIONS (15)**

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 5 minutes or less. However, if more time is necessary, or if a report will not be presented, please notify the Board secretary eight workdays prior to the date of the meeting.

### **A. Student Board Member Reports (15)**

Caroline Huber – Santa Monica High School

TBD – Malibu High School

TBD – Olympic High School

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

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

### **D. PTA Council – Kelly McMahon Pye (5)**

## **X. SUPERINTENDENT'S REPORT (5)**

## **MAJOR and DISCUSSION Items**

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

### **XI. MAJOR ITEMS (75)**

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

A.19	2010-11 Unaudited Actual Financial Report (45) .....	46-50
A.20	Adopt BP and AR 5145.10 – Disability Harassment (20) .....	51-61
A.21	Consider Appointment to District Advisory Committees (DACs) (10).....	62-64
	<i>Early Child Care DAC</i>	
	<i>Health &amp; Safety DAC</i>	
	<i>Special Education DAC</i>	
	<i>Visual &amp; Performing Arts DAC</i>	

### **XII. DISCUSSION ITEMS (170)**

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

7:30 pm

D.01	Consider Revising BP and Adopting AR 5131.61 – Controlled Substances (45).....	65-75
D.02	2011 Student Achievement Data and 2011 School and District Accountability Report (120).....	76-77
D.03	Consider Revising BP 6163.1 – Library Media Centers (5).....	78-81

### **XIII. INFORMATIONAL ITEMS (0)**

I.01	Health Benefits Committee Progress Report.....	82-86
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### **XIV. BOARD MEMBER ITEMS (0)**

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

**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**

This meeting will adjourn to the next regular meeting, which is scheduled for **Thursday, September 22, 2011**, at 6:00pm at the district office: 1651 16<sup>th</sup> Street, Santa Monica, CA.

**Meetings held at the District Office and in Malibu are taped and rebroadcast in Santa Monica on CityTV2, Cable Channel 20 – Check TV listing.  
Meetings are rebroadcast in Malibu on Government Access Ch. 3 every Saturday at 8pm.**

## SMMUSD Board of Education Meeting Schedule 2011-2012

**Closed Session begins at 4:30pm**  
**Public Meetings begin at 6:00pm**

July through December 2011					
Month	1 <sup>st</sup> Thursday	2 <sup>nd</sup> Thursday	3 <sup>rd</sup> Thursday	4 <sup>th</sup> Thursday	Special Note:
July			7/20* DO	7/23* DO 7/26* DO	*Wednesday, 7/20 *Saturday, 7/23: retreat *Wednesday, 7/26: special mtg
August		8/10* DO		8/24* DO	*Wednesday, 8/10 *Wednesday, 8/24 First day of school: 8/30
September	9/8 DO			9/22 DO	
October	10/6 M		10/20 DO		
November	11/3 M		11/17 DO		Thanksgiving: 11/24-25
December			12/15 DO	winter break	
<b>Winter Break: December 21 – January 3</b>					
January through June 2012					
<b>Winter Break: December 21 – January 3</b>					
January			1/19 DO		
February	2/2 M		2/16 DO		
March	3/1 DO		3/15 DO	3/29* DO	*3/22 & 3/23: Stairway *3/29: 5 <sup>th</sup> Thursday
<b>Spring Break: April 2 – April 13</b>					
April	spring break	spring break	4/19 DO		
May	5/3 M		5/17 DO		
June	6/7 DO			6/27* DO	Last day of school: 6/15 *Wednesday: 6/27

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

**Santa Monica-Malibu Unified School District  
Board of Education  
September 8, 2011**

**I. CALL TO ORDER**

A. Roll Call

Jose Escarce – President  
Ben Allen – Vice President  
Oscar de la Torre  
Maria Leon-Vazquez  
Laurie Lieberman  
Ralph Mechur  
Nimish Patel

Student Board Members

B. Pledge of Allegiance

**II. CLOSED SESSION**

TO: BOARD OF EDUCATION  
FROM: SANDRA LYON  
RE: APPROVAL OF MINUTES

ACTION  
09/08/11

RECOMMENDATION NO. A.01

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

August 24, 2011

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





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## **CONSENT ITEMS**



TO: BOARD OF EDUCATION

ACTION/CONSENT

09/08/11

FROM: SANDRA LYON / 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 2011-2012 budget.

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

<b>Contractor/ Contract Dates</b>	<b>Description</b>	<b>Site</b>	<b>Funding</b>
Venice Family Clinic 7/01/11 to 6/30/12 Not to exceed: \$20,000	To provide medical services to uninsured high school students and confidential services related to family planning to any student requesting these services.	Special Education	01-56400-0-00000-39000-5802-041-1400 (Medi-Cal)
Eleanore U. Meyer, MD 7/01/11 to 6/15/11 Not to exceed:\$6,000	Physician consultant to provide medical consultation & prescription services for the District, particularly school nurses and occupational therapists.	Special Education	01-56400-0-00000-39000-5802-041-1400 (Medi-Cal)
The Artist Collective 05/17/10 – 6/15/11 Not to exceed: \$3,000	Student workshops in dance.	John Adams	01-90830-0-17000-10000-5802-011-4100 (SMMEF-DreamWinds)
The Artist Collective 6/02/11 to 6/17/11 Not to exceed:\$3,000	Contemporary dance workshop with middle school students	Lincoln	01-90830-0-17000-10000-5802-012-4120 (SMMEF-DreamWinds)

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:



TO: BOARD OF EDUCATION

ACTION/CONSENT

09/08/11

FROM: SANDRA LYON / JANECE L. MAEZ / PAT HO

RE: CONFERENCE AND TRAVEL APPROVAL/RATIFICATION

RECOMMENDATION NO. A.03

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

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

<u>AME</u> <u>SITE</u> Account Number Fund – Resource Number	CONFERENCE NAME LOCATION DATE (S)	COST ESTIMATE
<u>BROCK, Miriam</u> District Office 01-56400-0-00000-39000-5220-041-1400 General Fund- Resource: Medi-Cal	Leadership in Assertive Technology Camarillo, CA 5/1/, 5/2, 5/25, 5/26, 6/1 and 6/12/11	\$400
<u>BRYANT, Cheryl</u> Human Resources 01-00000-0-00000-74000-5220-025-1250 General Fund- Function: Personnel/Human Resources	CalPers Health enrollment for Public Agency and School Employees Glendale, CA August 4, 2011	\$30
<u>CASTILLO, Wendy</u> District Office 01-56400-0-00000-39000-5220-041-1400 General Fund- Function: Medi-Cal	Teaching Interactions: A Conversational Approach to Intervention Autism Partnership Seal Beach, CA August 15 – 16, 2011	\$200
<u>CHI, Ah Young</u> Malibu High 01-00010-0-11100-10000-5220-010-4100 General Fund- Resource: Tier III	UC Counselor Conference Riverside, CA September 14, 2011	\$160
<u>CHI, Ah Young</u> Malibu High 01-00010-0-11100-10000-5220-010-4100 General Fund- Resource: Tier III	CSU High School Counselor Conference Pasadena, CA September 27, 2011	\$100
<u>COMPTON, Shirley</u> Grant Elementary 01-40360-0-11100-10000-5220-035-1300 General Fund- Resource: Administrator Training	AB430 Administrator's Training Program Downey, CA October 2011 – April 2012 (Various)	\$300
<u>CROMARTIE, Lanette</u> Fiscal Services 01-00000-0-00000-73100-5220-051-2510 General Fund- Function: Fiscal Services	Financial Analysis Downey, CA October 20, 2011	\$40

<u>WOOLVERTON, Sara</u> Special Ed 01-56400-0-00000-39000-5220-041-1400 General Fund- Resource: Medi-Cal	CDE: Complaint Investigation Training Sacramento, CA August 26, 2011	\$450
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<b>Adjustments</b> (Preapproved expenses 10% in excess of approved costs that must be approved by Board/Changes in Personnel Attendance)		
<u>COCHRAN, Elizabeth</u> Ed Services 01-40350-0-11100-21000-5220-035-1300 General Fund- Resource: Title II	Teachers College July Reading Institute New York, NY July 5 – 9, 2011	\$1,800 Plus \$656 OVERAGE

<b>Group Conference and Travel: In-State</b> * a complete list of conference participants is on file in the Department of Fiscal Services		
<u>DONOVAN, Marc</u> <u>VILLA, Alejandro</u> Maintenance and Operations 01-81500-0-00000-81100-5220-061-2602 General Fund- Resource: Ongoing & Major Maint.	Certified Pool Operator Course Los Angeles, CA September 21 – 22, 2011	\$450
<u>PEREZ, Elena</u> <u>SERNA, Maria</u> Fiscal Services 01-00000-0-00000-73100-5220-051-2510 General Fund- Function: Fiscal Services	Conflict Management Skills for Women Torrance, CA November 8, 2011	\$270

<b>Out-of-State Conferences: Individual</b>		
NONE		

<b>Out-of-State Conferences: Group</b>		
NONE		

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

TO: BOARD OF EDUCATION

ACTION/CONSENT

09/08/11

FROM: SANDY LYON / CHIUNG-SALLY CHOU / SARA WOOLVERTON

RE: APPROVAL OF SPECIAL EDUCATION CONTRACTS – 2011-2012

## RECOMMENDATION NO. A.03

It is recommended that the Board of Education approve the following Special Education Contracts for fiscal year 2011-2012 as follows:

**NPS**

2011-2012 Budget 01-65000-0-57500-11800-5125-043-1400

<b>Nonpublic School/Agency</b>	<b>SSID</b>	<b>Service Description</b>	<b>Contract Number</b>	<b>Cost Not to Exceed</b>
Heritage Schools	9103131371	NPS	DN1015-10/11	\$ 6,584 Note: 10-11 Budget
The HELP Group – contract increase	2049607045	NPS	#61-SPED11153	\$ 329 Note: 10-11 Budget
Vista School	4055049360	NPS	#5-SPED12037	\$ 23,888
Heritage Schools – contract increase	7103159526	NPS	#4-SPED12024	\$ 4,491
Heritage Schools	31031010527	NPS	#6-SPED12039	\$ 25,095
Heritage Schools	9103131371	NPS	#7-SPED12040	\$ 25,095
Heritage Schools	3102157067	NPS	#8-SPED12041	\$ 25,095
Heritage Schools	4103159850	NPS	#9-SPED12042	\$ 25,095
Westview School – contract increase	7103132886	NPS	#8-SPED11017	\$ 540 Note:10-11 Budget
Westview School – contract increase	8104348168	NPS	#15-SPED11036	\$ 324 Note:10-11 Budget
Westview School – contract increase	4104328050	NPS	#1-SPED11031	\$ 241 Note:10-11 Budget
Switzer Learning Center	8091955978	NPS	#10-SPED12045	\$ 32,166
Logan River Academy	5104332202	NPS	#11-SPED12047	\$ 3,707
The HELP Group (Village Glen West)	7103134326	NPS	#12-SPED12048	\$ 55,248
Westview School	1103129403	NPS	#13-SPED12049	\$ 32,708
Echo Horizon	DOB 12/31/01	NPS	#14-SPED12050	\$ 33,775
The HELP Group (Summit View West)	8109056608	NPS	#15-SPED12051	\$ 28,748
Switzer Learning Center	8091955978	NPS	#10-SPED12045	\$ 32,166

Amount Budgeted NPS 11/12

\$ 1,700,000

Prior Board Authorization as of 08-24-11

\$ 543,016

Balance

\$ 1,156,984

Positive Adjustment (See Below)

\$ 0

\$ 1,156,984

Total Amount for these Contracts

\$ 323,129

Balance

\$ 833,855

## Adjustment

NPS Budget 01-65000-0-57500-11800-5125-043-1400

There has been a reduction in authorized expenditures of NPS/NPA contracts for FY 2011-2012 in the amount of \$ 0 as of 9/8/11

<b>NPS</b>	<b>Service Description</b>	<b>Contract Number</b>	<b>Reduce (R) Eliminate (E)</b>	<b>Adjusted Amount</b>	<b>Comment</b>

**NPA**

2011-2012 Budget 01-65000-0-57500-11800-5126-043-1400

<b>Nonpublic School/Agency</b>	<b>SSID</b>	<b>Service Description</b>	<b>Contract Number</b>	<b>Cost Not to Exceed</b>
Hear to Talk	1103200503	Audio Visual Therapy	#9-SPED12033	\$ 3,250
Autism Spectrum Therapies	Various	Behavior Intervention consultation	#10-SPED12036	\$ 15,000
California Unified School Providers	8174633668	Behavior Intervention Implementation & Development	#11-SPED12036	\$ 77,280
Therapy West	DOB 4/25/07	Evaluation	#12-SPED12044	\$ 450
WAPADH	8156409118	FC Consultation	#13-SPED12052	\$ 2,970

Amount Budgeted NPA 11/12	\$ 900,000
Prior Board Authorization as of 08-24-11	\$ 667,261
	Balance
	\$ 232,739
Positive Adjustment (See Below)	\$ 0
	\$ 232,739
Total Amount for these Contracts	\$ 98,950
	Balance
	\$ 133,789

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 2011-2012 in the amount of \$ 0 as of 9/8/11					
<b>NPA</b>	<b>Service Description</b>	<b>Contract Number</b>	<b>Reduce (R) Eliminate (E)</b>	<b>Adjusted Amount</b>	<b>Comment</b>

**Instructional Consultants**

2011-2012 Budget 01-65000-0-57500-11900-5802-043-1400

<b>Instructional Consultant</b>	<b>SSID</b>	<b>Service Description</b>	<b>Contract Number</b>	<b>Cost Not to Exceed</b>

Amount Budgeted Instructional Consultants 11/12	\$ 200,000
Prior Board Authorization as of 08-24-11	\$ 174,560
	Balance
	\$ 25,440
Positive Adjustment (See Below)	\$ 0
	25,440
Total Amount for these Contracts	\$ 0
	Balance
	\$ 25,440

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 2011-2012 in the amount of \$0 as of 9/8/11.					
<b>Instructional Consultant</b>	<b>Service Description</b>	<b>Contract Number</b>	<b>Reduce (R) Eliminate (E)</b>	<b>Adjusted Amount</b>	<b>Comment</b>



**Non-Instructional Consultants**

2011-2012 Budget 01-65000-0-57500-11900-5890-043-1400

<b>Non-Instructional Consultant</b>	<b>SSID</b>	<b>Service Description</b>	<b>Contract Number</b>	<b>Cost Not to Exceed</b>
Parent Reimbursement	1104342513	Travel Reimbursement	#4-SPED12032	\$ 1,200
Parent Reimbursement	1103200503	Mileage reimbursement	#5-SPED12034	\$ 350
Parent Reimbursement – contract increase	3103110527	Travel Reimbursement	#34-SPED11175	\$ 1,100 Note: 10-11 Budget
Parent Reimbursement – date extension	3104331917	Swimming	#24-SPED11135	Note: 10-11 Budget; no increase in contract amount; extends contract to include 1/2009-6/2011
Parent Reimbursement – contract increase	7145847516	Mileage reimbursement	#31-SPED11165	\$ 711 Note: 10-11 Budget
Parent Reimbursement	6101549414	Travel Reimbursement	#6-SPED12038	\$ 2,400 Note: 10-11 & 11-12 Budgets
Parent Reimbursement	8174633668	Education, Speech, Behavior, OT	#7-SPED12043	\$ 24,360
Pawar Transportation	8091955978	Transportation	#8-SPED12046	\$ 26,000
Administrative Services Coop	DOB 1/10/07	Transportation	#9-SPED12053	\$ 16,350
Administrative Services Coop	DOB 1/3/99	Transportation	#10-SPED12054	\$ 22,500
Administrative Services Coop	DOB 4/3/92	Transportation	#11-12055	\$ 48,546

Amount Budgeted Non-Instructional Consultants 11/12	\$ 300,000
Prior Board Authorization as of 08-24-11	\$ 2,400
	<u>Balance</u>
	\$ 297,600
Positive Adjustment (See Below)	\$ 0
	\$ 297,600
Total Amount for these Contracts	\$ 143,517
	<u>Balance</u>
	\$ 154,083

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 2011-2012 in the amount of \$ 0 as of 9/8/11.					
<b>Non- Instructional Consultant</b>	<b>Service Description</b>	<b>Contract Number</b>	<b>Reduce (R) Eliminate (E)</b>	<b>Adjusted Amount</b>	<b>Comment</b>

**Legal**

2011-2012 Budget 01-65000-0-57500-11900-5820-043-1400

<b>Legal Contractor</b>	<b>Service Description</b>	<b>Contract Number</b>	<b>Cost Not to Exceed</b>

Amount Budgeted Legal Services 11/12	\$ 200,000
Prior Board Authorization as of 08-24-11	<u>200,000</u>
	<u>Balance</u>
	\$ 200,000
Adjustments for this period	\$ 0
	200,000
Total Amount for these Contracts	\$ 0
	<u>Balance</u>
	\$ 0

Adjustment				
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 2011-2012 in the amount of \$ 0 as of 9/8/11.				
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.

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

TO: BOARD OF EDUCATION

ACTION/CONSENT

09/08/11

FROM: SANDRA LYON / JANECE L. MAEZ / VIRGINIA I. HYATT

RE: AWARD OF PURCHASE ORDERS – 2011-12

RECOMMENDATION NO. A.04

It is recommended that the Board of Education approve the following Purchase Orders and Changed Purchase Orders from August 16, 2011, through August 30, 2011, for fiscal /12.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT  
PURCHASE ORDERS TO BE APPROVED AT THE BOARD MEETING OF SEPTEMBER, 2011

PAGE 1

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	
<u>*** NEW PURCHASE ORDERS ***</u>					
121442	A & R WHOLESALE DISTRIBUTORS	OPEN ORDER FOR SNACK FOOD	SAMOHI STUDENT STORE	3,600.00	U
121584	A Z BUS SALES INC	Open order for parts	TRANSPORTATION	620.00	R
121457	AAA FLAG & BANNER MFG. -L.A.	SHADE STRUCTURE SIGNAGE	CHILD DEVELOPMENT CENTER	213.04	CD
121339	ACADEMIC SUPERSTORE	ASSISTIVE TECH SOFTWARE	SPECIAL EDUCATION REGULAR YEAR	474.00	R
121410	ACCREDITING COMMISSION	ACCREDATION FEES/COST	MALIBU HIGH SCHOOL	756.00	U
121522	ACCREDITING COMMISSION	MEMBERSHIP	SANTA MONICA HIGH SCHOOL	756.00	U
121485	ACTION PUBLISHING INC	5TH GRADE AGENDAS	ROOSEVELT ELEMENTARY SCHOOL	420.73	U
121389	ADR SECURITY SYSTEMS	WEBSTER RESET FIRE ALARMS	FACILITY MAINTENANCE	480.00	R
121409	ADVANCED ELECTRONICS	RADIOS FOR CAMPUS USE	MALIBU HIGH SCHOOL	1,547.94	U
121544	AIR EFFICENCY SERVICES	SELVING FOR SAMOHI FREEZER	FOOD SERVICES	2,875.21	F
121458	AMERICAN REPROGRAPHICS CO	OPEN PO FOR REPROGRAPHICS	SANTA MONICA HIGH SCHOOL	8,000.00	SR
121568	AMERICAN REPROGRAPHICS CO	BLUE PRINT COPIES	FACILITY MAINTENANCE	300.00	R
121369	ARGONAUT, THE	ROP ADVERTISING	R O P	1,500.00	R
121559	ART SUPPLY WAREHOUSE	ART SUPPLIES	SANTA MONICA HIGH SCHOOL	1,200.00	R
121470	ASCIP	ASCIP PREMIUMS 2011/2012	INSURANCE SERVICES	1,131,368.00	U
121521	AVID PROGRAM - LACOE	MEMBERSHIP	SANTA MONICA HIGH SCHOOL	750.00	U
121491	B-LINE ELECTRIC INC	LABOR FOR ELECTRICAL BH	SANTA MONICA HIGH SCHOOL	3,800.00	R
121537	BICYCLE AMBULANCE	BICYCLE REPAIR	SANTA MONICA HIGH SCHOOL	300.00	U
121569	BICYCLE AMBULANCE	OPEN P.O.	OLYMPIC CONTINUATION SCHOOL	50.00	U
121346	CALIFORNIA OFFICE SYSTEMS INC	OPEN ORD:SP ED OFFICE SUPPLIES	SPECIAL EDUCATION REGULAR YEAR	3,500.00	R
121481	CALIFORNIA OFFICE SYSTEMS INC	FURNITURE FOR JV'S AREA	PURCHASING/WAREHOUSE	3,805.18	R
121483	CALIFORNIA OFFICE SYSTEMS INC	FURNITURE SUPERINTENDENT'S OFF	BOE/SUPERINTENDENT	4,735.99	R
121488	CALIFORNIA OFFICE SYSTEMS INC	FURNITURE UPSTAIRS RECEPTION	DISTRICT-WIDE	5,960.29	R
121415	CANON BUSINESS SOLUTIONS-WEST	STAPLES FOR CANON COPIER	MALIBU HIGH SCHOOL	635.23	U
121583	CANON BUSINESS SOLUTIONS-WEST	Copier Maintenance Agreement	PT DUME ELEMENTARY SCHOOL	2,700.00	R
121453	CASTLEROCK ENVIRONMENTAL INC	SAMOHI MOLD ABATEMENT	FACILITY MAINTENANCE	18,255.00	R
121612	CHENG & TSUI COMPANY INC	TEXTBOOKS	SANTA MONICA HIGH SCHOOL	987.13	U
121408	CHEVRON/TEXACO BUSINESS	FUEL FOR ATHLETIC VANS	MALIBU HIGH SCHOOL	3,000.00	U
121436	CHEVRON/TEXACO BUSINESS CARD	GAS FOR VANS	SANTA MONICA HIGH SCHOOL	5,000.00	U
121437	CHEVRON/TEXACO BUSINESS CARD	TRANSPORTATION	SANTA MONICA HIGH SCHOOL	2,500.00	U
121393	CITY OF SANTA MONICA FINANCE	OTHER OPERATING EXPENSES	BOE/SUPERINTENDENT	1,372.61	U
121353	CITY OF SANTA MONICA-ACCTG OFF	CUPA FEES	FACILITY MAINTENANCE	6,575.00	R
121513	COASTAL ENTERPRISES	REORDER PE CLOTHING	SAMOHI STUDENT STORE	1,540.45	U
121492	COMPLETE BUSINESS SYSTEMS	PRINTSHOP DUPLO MACHINE	PRINTING SERVICES	9,126.58	U
121475	CONTROLTEC IN	MAINTENANCE/SERVICES	CHILD DEVELOPMENT CENTER	13,800.00	U
121423	CPI/CRISIS PREVENTION INST INC	CRISIS PREVENTION TRAINING	SPECIAL EDUCATION REGULAR YEAR	261.30	R
121565	CURRICULUM ASSOC INC	STUDENT WORKBOOKS-CORE 2	SMASH SCHOOL	123.90	R
121465	D & B POWER ASSOCIATES INC	APC Maintenance	INFORMATION SERVICES	1,482.00	U
121591	DIAZ, AIDA	GEN SUPPLIES/REIMBURSEMENT	STATE AND FEDERAL PROJECTS	371.60	R
121549	DICK BLICK	ART SUPPLIES	SANTA MONICA HIGH SCHOOL	437.85	R
121303	DIRECT SOURCE COMMUNICATIONS	Structure Network Cabling	INFORMATION SERVICES	2,885.18	U
121498	DISCOUNT SCHOOL SUPPLY	CLASSROOM SUPPLIES	CHILD DEVELOPMENT CENTER	138.67	R
121443	DREYER'S GRAND ICE CREAM INC	OPEN ORDER FOR ICE CREAM	SAMOHI STUDENT STORE	1,500.00	U
121550	EAST BAY RESTAURANT SUPPLY INC	REACHIN REFRIG FOR SAMOHI	FOOD SERVICES	2,938.69	F
121495	EDUCATIONAL DATA SYSTEMS	ASSESSMENT LABELS CELDT	STATE AND FEDERAL PROJECTS	738.68	R
121463	FASTSIGNS-65201	NEW STREET PARKING SIGNAGE	JOHN ADAMS MIDDLE SCHOOL	2,787.66	BB
121585	FLUIDITY SOFTWARE INC.	SOFTWARE	LINCOLN MIDDLE SCHOOL	1,097.96	R
121405	FOLLETT EDUCATIONAL SERVICES	BOOKS FOR SOCIOLOGY CLASS	MALIBU HIGH SCHOOL	983.10	R
121507	FOLLETT EDUCATIONAL SERVICES	LITERATURE BOOKS ENGLISH	MALIBU HIGH SCHOOL	11,469.50	R

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 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	
121373	GALE SUPPLY CO	CUSTODIAL SUPPLIES	THEATER OPERATIONS&FACILITY PR	368.12	R
121399	GALE SUPPLY CO	CUSTODIAL	CHILD DEVELOPMENT CENTER	1,595.76	CD
121400	GALE SUPPLY CO	CUSTODIAL	CHILD DEVELOPMENT CENTER	1,159.42	CD
121482	GALE SUPPLY CO	CLASSROOM SUPPLIES	SANTA MONICA HIGH SCHOOL	337.58	R
121560	GALE SUPPLY CO	CUSTODIAL SUPPLIES	SANTA MONICA HIGH SCHOOL	5,188.50	U
121600	GALE SUPPLY CO	custodial supplies	GRANT ELEMENTARY SCHOOL	1,630.98	U
121414	GBC - MAINTENANCE AGREEMENTS	MAINTENANCE AGREEMENT	EDISON ELEMENTARY SCHOOL	367.92	R
121539	GBC/EDUCATION DEPARTMENT	BINDING COMBS	WEBSTER ELEMENTARY SCHOOL	599.14	R
121360	GLENCOE/MACMILLAN/MCGRAW-HILL	TEXTBOOKS	SANTA MONICA HIGH SCHOOL	500.23	U
121370	GOLDEN STAR TECHNOLOGY INC	SmartBoard Projector	PT DUME ELEMENTARY SCHOOL	730.14	R
121532	GOLDEN STAR TECHNOLOGY INC	Replacement Bulbs	CABRILLO ELEMENTARY SCHOOL	991.46	R
121424	GOMEZ, TONY	ESY REIMBURSEMENT: GOMEZ	SPECIAL EDUCATION REGULAR YEAR	75.00	R
121478	HANDWRITING WITHOUT TEARS INC	INSTRUCTIONAL	CHILD DEVELOPMENT CENTER	5,288.25	CD
121476	HOME DEPOT- L.A.	OPEN ORDER	CHILD DEVELOPMENT CENTER	870.00	CD
121540	HOUGHTON MIFFLIN HARCOURT	TEXTBOOKS	STATE AND FEDERAL PROJECTS	492.28	R
121359	INTERNATIONAL PAPER	recycled paper for office	GRANT ELEMENTARY SCHOOL	1,500.00	U
121417	JW PEPPER OF LOS ANGELES	OPEN ORDER FOR CHORAL SUPPLIES	MALIBU HIGH SCHOOL	500.00	R
121418	JW PEPPER OF LOS ANGELES	OPEN ORDER INSTRUMENTAL MUSIC	MALIBU HIGH SCHOOL	500.00	R
121614	JW PEPPER OF LOS ANGELES	OPEN ORDER: SHEET MUSIC	LINCOLN MIDDLE SCHOOL	5,000.00	R
121619	JW PEPPER OF LOS ANGELES	OPEN ORDER: SHEET MUSIC	LINCOLN MIDDLE SCHOOL	5,000.00	R
121474	KELLY, DR. MARK	REIMBURSEMENT SOFTWARE UPGRADE	MALIBU HIGH SCHOOL	541.58	R
121533	KORADE & ASSOCIATE BUILDERS	MODIFICATIONS TO CLASSROOM	LINCOLN MIDDLE SCHOOL	6,285.00	BB
121566	KORADE & ASSOCIATE BUILDERS	SAMOHAI DRAINAGE AT SPORT FIELD	FACILITY MAINTENANCE	4,881.00	R
121592	KORADE & ASSOCIATE BUILDERS	MALIBU HI REAR DRAINAGE LINE	FACILITY MAINTENANCE	3,922.00	R
121510	LA HYDRO-JET & ROOTER SERVICE	HYDROJETTING STORM DRAIN	SANTA MONICA HIGH SCHOOL	2,300.00	SR
120299	LACOE	AVID MEMBERSHP 2011-12	LINCOLN MIDDLE SCHOOL	750.00	U
121471	LACOE:ACCOUNTS RECEIVABLE UNIT	DEPOSIT OUTDOOR SCIENCE CAMP	WILL ROGERS ELEMENTARY SCHOOL	1,700.00	R
121618	LAGUNA CLAY COMPANY	ART SUPPLIES	SANTA MONICA HIGH SCHOOL	1,400.00	R
121363	LAKESHORE (PICK UP ONLY)	classroom supplies	GRANT ELEMENTARY SCHOOL	325.00	U
121402	LAKESHORE (PICK UP ONLY)	OPEN ORDER/INSTRUCTIONAL	CHILD DEVELOPMENT CENTER	200.00	CD
121430	LAKESHORE (PICK UP ONLY)	classroom supplies	GRANT ELEMENTARY SCHOOL	50.00	U
121466	LAKESHORE (PICK UP ONLY)	INSTUCTIONAL/CLASSROOM ITEMS	SPECIAL EDUCATION REGULAR YEAR	2,000.00	R
121602	LANGUAGE CIRCLE ENTERPRISES	PHONIC INSTRUCTIONAL MATERIALS	WEBSTER ELEMENTARY SCHOOL	155.03	R
121515	LEE & LOW BOOKS INC.	READING ASSESSMENT MATERIALS	JOHN MUIR ELEMENTARY SCHOOL	114.24	R
121501	LEIGHTON CONSULTING INC	CONTRACT ADDENDUM #17	JOHN ADAMS MIDDLE SCHOOL	61,656.00	BB
121502	LEIGHTON CONSULTING INC	CONTRACT ADDENDUM #20	SANTA MONICA HIGH SCHOOL	13,200.00	SR
121394	LESLIE'S SWIMMING POOL SUPPLY	POOL OPERATOR TRAINING	FACILITY MAINTENANCE	439.98	R
121396	LOS ANGELES COUNTY EDUCATION	AD HOC REPORT	FISCAL SERVICES	62.00	U
121431	LYON, SANDRA	OTHER OPERATING EXPENSES	BOE/SUPERINTENDENT	2,217.19	U
121520	MAILROOM FINANCE INC.	POSTAGE	SANTA MONICA HIGH SCHOOL	4,000.00	U
121332	MARYLAND MATERIALS LLC	PLAYGROUND PARTS	FACILITY MAINTENANCE	100.00	R
121419	MENDEZ FOUNDATION	STAR PROGRAM WORKBOOKS	MALIBU HIGH SCHOOL	480.00	R
121523	METRO TRUCK BODY INC	REPAIRS MADE TO VEHICLE #36	FOOD SERVICES	768.11	F
121604	NEXTEL COMMUNICATIONS	OPERATIONS CELL PHONES	FACILITY OPERATIONS	158.72	U
121444	ODWALLA INC	OPEN ORDER FOR JUICES/BARS	SAMOHAI STUDENT STORE	2,000.00	U
121371	OLIVER WORLDCLASS LABS INC	UF65 Projector Retrofit Kit	PT DUME ELEMENTARY SCHOOL	2,436.44	R
121445	OTIS SPUNKMEYER INC	OPEN ORDER FOR COOKIES	SAMOHAI STUDENT STORE	2,000.00	U
121450	PARKER, STEPHEN	POOL EXAM CERTIFICATION	FACILITY MAINTENANCE	166.00	R
121541	PEARSON EDUCATION	TEXTBOOKS/MATH	STATE AND FEDERAL PROJECTS	866.24	R
121413	PEARSON EDUCATION #1	HONOR CHEMISTRY WORKBOOKS	MALIBU HIGH SCHOOL	3,081.56	R
121411	PEOPLES PUBLISHING GROUP	TEXTBOOKS FOR AP ENVIRO SCI	MALIBU HIGH SCHOOL	3,811.50	R

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PO NO.	VENDOR	DESCRIPTION	LOCATION	AMOUNT	
121448	PERCHLAK, STANLEY	CERTIFIED POOL TRAINING COURSE	FACILITY MAINTENANCE	166.00	R
121406	POSTMASTER-MALIBU	FIRST CLASS POSTAGE	MALIBU HIGH SCHOOL	440.00	U
121454	PRIORITY MAILING SYSTEMS INC	ANNUAL MAINT POSTAGE MACHINE	PURCHASING/WAREHOUSE	1,588.00	U
121455	PRIORITY MAILING SYSTEMS INC	MAINT AGREE FOLDER	PRINTING SERVICES	3,089.00	U
121553	QUARTERMASTER	SECURITY UNIFORMS	SANTA MONICA HIGH SCHOOL	185.65	U
121557	QUARTERMASTER	SECURITY UNIFORMS	SANTA MONICA HIGH SCHOOL	174.76	U
121558	QUARTERMASTER	SECURITY UNIFORMS	SANTA MONICA HIGH SCHOOL	180.20	U
121576	QUARTERMASTER	SECURITY UNIFORMS	SANTA MONICA HIGH SCHOOL	187.83	U
121611	QUARTERMASTER	SECURITY UNIFORMS	SANTA MONICA HIGH SCHOOL	210.78	U
121524	RALPH'S	SUPPLIES	MCKINLEY ELEMENTARY SCHOOL	500.00	R
121494	RAYMOND GEDDES & COMPANY INC	STUDENT SUPPLIES	MCKINLEY ELEMENTARY SCHOOL	500.00	R
121595	REES ELECTRONICS OFFICE	COPIER REPAIR	SANTA MONICA HIGH SCHOOL	85.00	U
120377	RICOH U.S.	MAINTENANCE	MCKINLEY ELEMENTARY SCHOOL	5,900.69	U
121403	RICOH U.S.	MAINTENANCE AGREEMENT	BOE/SUPERINTENDENT	995.00	U
121407	RICOH U.S.	OTHER OPERATING EXPENSES	BOE/SUPERINTENDENT	78.92	U
121505	RICOH U.S.	COMPIER MAINTENANCE	PRINTING SERVICES	13,867.39	U
121428	S & S FENCING COMPANY	TEMPORARY CONSTRUCTION FENCING	SANTA MONICA HIGH SCHOOL	6,318.60	BB
121366	SANTA MONICA MIRROR	ROP Advertising	R O P	1,500.00	R
121462	SANTA MONICA MUN BUS LINES	BUS PASSES	STUDENT SERVICES	3,000.00	U
121368	SANTA MONICA STAR	ROP ADVERTISING	R O P	1,000.00	R
121511	SCHOLASTIC INC	Consumables	FRANKLIN ELEMENTARY SCHOOL	170.17	R
120685	SCHOOL INNOVATONS	CONSULTING SERVICES	STUDENT SERVICES	52,500.00	R
121601	SCHOOL SPECIALTY INC	ADJUSTABLE POCKET CHART STAND	WEBSTER ELEMENTARY SCHOOL	54.78	R
121351	SEFAC INC.	Scheduled Service Aggr./Trans.	TRANSPORTATION	525.00	R
121391	SEHI COMPUTER PRODUCTS	INK/TONER	CHILD DEVELOPMENT CENTER	1,186.40	CD
121449	SEHI COMPUTER PRODUCTS	COMPUTER HEADSETS	WILL ROGERS ELEMENTARY SCHOOL	266.44	U
121497	SEHI COMPUTER PRODUCTS	INK/TONER	CHILD DEVELOPMENT CENTER	213.56	CD
121622	SEHI COMPUTER PRODUCTS	belt unit for printer	THEATER OPERATIONS&FACILITY PR	106.60	R
121615	SHAR PRODUCTS COMPANY	OPEN ORDER: MUSIC SUPPLIES	LINCOLN MIDDLE SCHOOL	2,500.00	R
121374	SIMON-CAIN, MONICA	REIMBURSEMENT	CHILD DEVELOPMENT CENTER	100.00	CD
121398	SIMPLEXGRINNELL	SAMOHFI FIRE PANEL REPAIR	FACILITY MAINTENANCE	2,938.13	R
120824	SIR SPEEDY PRINTING #0245	BUSINESS CARDS	LINCOLN MIDDLE SCHOOL	28.41	U
121395	SIR SPEEDY PRINTING #0245	MENUS AND BACK TO SCH BROCHURE	FOOD SERVICES	1,067.37	F
121479	SIR SPEEDY PRINTING #0245	BUSINESS CARDS AND LETTERHEAD	ROOSEVELT ELEMENTARY SCHOOL	175.89	U
121512	SIR SPEEDY PRINTING #0245	SPECIAL ED SY11/12 PRINT NEEDS	SPECIAL EDUCATION REGULAR YEAR	750.00	R
121516	SIR SPEEDY PRINTING #0245	PRINTING	MCKINLEY ELEMENTARY SCHOOL	1,500.00	R
121543	SIR SPEEDY PRINTING #0245	LETTERS TO PARENTS/ONLINE PYMT	FOOD SERVICES	1,372.18	F
121561	SIR SPEEDY PRINTING #0245	PRINTING	SANTA MONICA HIGH SCHOOL	28.41	U
121429	SMART & FINAL	GENERAL SUPPLIES/MATERIALS	BOE/SUPERINTENDENT	700.00	U
121514	SMART & FINAL	OPEN ORDER/REFRESHMENTS/GIFT	JOHN ADAMS MIDDLE SCHOOL	400.00	R
121480	SMART & FINAL #315	MEETINGS/TRAININGS REFRESHMENT	SPECIAL EDUCATION REGULAR YEAR	750.00	R
121525	SMART & FINAL #315	SUPPLIES	MCKINLEY ELEMENTARY SCHOOL	750.00	R
121593	SMART & FINAL #315	GEN SUPPLIES/MEETING SUPPLIES	STATE AND FEDERAL PROJECTS	500.00	R
121606	SO CAL TRACTOR SALES	OPEN ORDER OPERATIONS VEHICLES	GROUNDS MAINTENANCE	1,000.00	R
120795	SOUTHWEST SCHOOL SUPPLY	KRAFT PAPER ROLLS	LINCOLN MIDDLE SCHOOL	217.68	U
120798	SOUTHWEST SCHOOL SUPPLY	PAPER TRIMMER	LINCOLN MIDDLE SCHOOL	566.52	U
121451	SOUTHWEST SCHOOL SUPPLY	classroom supplies	GRANT ELEMENTARY SCHOOL	167.87	U
121467	SOUTHWEST SCHOOL SUPPLY	classroom supplies	GRANT ELEMENTARY SCHOOL	68.31	U
121545	SOUTHWEST SCHOOL SUPPLY	INSTRUCTIONAL SUPPLIES	JOHN MUIR ELEMENTARY SCHOOL	437.00	U
121356	SPEEDO ELECTRIC CO	Repairs - Bus #10 tachograph	TRANSPORTATION	450.06	R
121357	STANLEY PEST CONTROL	PEST CONTROL MANAGEMENT	GROUNDS MAINTENANCE	14,058.00	R

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PO NO.	VENDOR	DESCRIPTION	LOCATION	AMOUNT	
121299	STAPLES BUSINESS ADVANTAGE	OPEN ORDER/SUPPLIES	CHILD DEVELOPMENT CENTER	100.00	CD
121383	STAPLES BUSINESS ADVANTAGE	open req for office supplies	THEATER OPERATIONS&FACILITY PR	1,500.00	R
121404	STAPLES BUSINESS ADVANTAGE	SHEET PROTECTORS	MALIBU HIGH SCHOOL	55.55	U
121590	STAPLES BUSINESS ADVANTAGE	OFFICE SUPPLIES	PT DUME ELEMENTARY SCHOOL	500.00	U
121594	STAPLES BUSINESS ADVANTAGE	GEN SUPPLIES/ELL TEACHERS	STATE AND FEDERAL PROJECTS	500.00	R
121546	STAPLES/P-U/VENICE/LINCOLN BL	INSTRUCTIONAL SUPPLIES	JOHN MUIR ELEMENTARY SCHOOL	270.00	U
121564	STAPLES/P-U/VENICE/LINCOLN BL	OPEN PURCHASE ORDER	SMASH SCHOOL	1,500.00	R
121364	STAPLES/P-U/WLA/CUST#240174490	classroom supplies	GRANT ELEMENTARY SCHOOL	325.00	U
121597	STAPLES/P-U/WLA/CUST#240174490	CLASSROOM SUPPLIES	GRANT ELEMENTARY SCHOOL	150.00	U
121574	STATE OF CALIFORNIA	PRIOR DSA CLOSE-OUT	SANTA MONICA HIGH SCHOOL	500.00	BB
121577	STATE OF CALIFORNIA	PRIOR DSA CLOSE-OUT	MALIBU HIGH SCHOOL	750.00	BB
121282	STEVEN ORI JR	ACADEMIC PLANNERS	CURRICULUM AND IMC	5,140.21	U
121605	STOVER SEED CO	OPERATIONS GROUNDS SUPPLIES	GROUNDS MAINTENANCE	593.94	R
121350	SULLIVAN, JAMES C	SAMOH KILN SERVICE	FACILITY MAINTENANCE	200.00	R
121624	SULLIVAN, JAMES C	PO INCREASE FOR SAMOH KILN	FACILITY MAINTENANCE	78.72	R
121441	SYED INDUSTRIES	REORDER SPIRIT CLOTHING	SAMOH STUDENT STORE	966.00	U
121464	TANDUS US INC	BOARDROOM CARPET PURCHASE	BOE/SUPERINTENDENT	6,673.26	R
121598	TARGET STORES	CLASSROOM SUPPLIES	GRANT ELEMENTARY SCHOOL	200.00	U
121397	THYSSENKRUPP ELEVATOR	MALIBU HI SERVICE CALL	FACILITY MAINTENANCE	980.00	R
121626	THYSSENKRUPP ELEVATOR	MALIBU ELEVATOR REPAIR	FACILITY MAINTENANCE	1,500.00	R
121367	TOUCHLINE SOFTWARE	INSTRUCTIONAL SUPPLIES	R O P	295.00	R
121607	TRACTION HEAVY DUTY PARTS	OPEN ORDER OPERATIONS VEHICLES	GROUNDS MAINTENANCE	750.00	R
121382	TRUCK SPECIALTY SERVICE INC	Bus Repairs/Transp.	TRANSPORTATION	258.01	R
121192	TUFF SHED	TEMP.STORAGE DURING CONST.	EDISON ELEMENTARY SCHOOL	4,923.90	BB
121345	TUFF SHED	ADDAM TUFF SHED	FACILITY MAINTENANCE	5,789.90	R
121349	TUFF SHED	SAMOH TUFF SHED	FACILITY MAINTENANCE	10,090.90	R
121323	U S BANK (GOVT CARD SERVICES)	Software	INFORMATION SERVICES	49.99	U
121627	ULIANTZEFF, ELENA	REIMBURSEMENT	STATE AND FEDERAL PROJECTS	100.00	R
121365	UNIVERSAL ASPHALT CO. INC.	SAMOH ASPHALT	FACILITY MAINTENANCE	1,600.00	R
121468	VANGUARD FLOORING INC	BOARD ROOM CARPET INSTALL	BOE/SUPERINTENDENT	5,445.25	R
121355	VONS STORE #2262	PROF. DEVLOPMENT SUPPLIES	CURRICULUM AND IMC	500.00	U
121372	WALKER MOTOR CO.	VEHICLE SERVICE	FACILITY MAINTENANCE	1,038.71	R
121509	WALTERS WHOLESALE ELECTRIC CO	REPLACEMENT LIGHTING	SANTA MONICA HIGH SCHOOL	5,714.50	R
120966	WAXIE SANITARY SUPPLY	CUSTODIAL SUPPLIES	LINCOLN MIDDLE SCHOOL	1,125.30	U
121228	WAXIE SANITARY SUPPLY	CUSTODIAL	CHILD DEVELOPMENT CENTER	197.07	CD
121376	WAXIE SANITARY SUPPLY	CUSTODIAL	CHILD DEVELOPMENT CENTER	156.42	CD
121377	WAXIE SANITARY SUPPLY	CUSTODIAL	CDC: CCTR	156.42	CD
121378	WAXIE SANITARY SUPPLY	CUSTODIAL	CHILD DEVELOPMENT CENTER	156.42	CD
121379	WAXIE SANITARY SUPPLY	CUSTODIAL	CDC: CCTR	156.42	CD
121380	WAXIE SANITARY SUPPLY	CUSTODIAL	CHILD DEVELOPMENT CENTER	156.42	CD
121381	WAXIE SANITARY SUPPLY	CUSTODIAL	CDC: CCTR	156.42	CD
121384	WAXIE SANITARY SUPPLY	CUSTODIAL	CDC: CCTR	156.42	CD
121385	WAXIE SANITARY SUPPLY	CUSTODIAL	CDC: CCTR	156.42	CD
121386	WAXIE SANITARY SUPPLY	CUSTODIAL	CHILD DEVELOPMENT CENTER	156.42	CD
121387	WAXIE SANITARY SUPPLY	CUSTODIAL	CHILD DEVELOPMENT CENTER	156.42	CD
121296	XEROX CORPORATION	SERVICE CALL FOR C65	PRINTING SERVICES	515.00	U
121446	XEROX CORPORATION	XEROX MAINTENANCE AGREEMENT	PRINTING SERVICES	1,166.79	U
121571	YOUNG PS ACQUISITIONS LLC	TOOTHBRUSHES	CHILD DEVELOPMENT CENTER	205.41	CD

\*\* NEW PURCHASE ORDERS 1,613,812.05

## SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT

PAGE 5

PURCHASE ORDERS TO BE APPROVED AT THE BOARD MEETING OF SEPTEMBER, 2011

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	
<u>** FACILITY IMPROVEMENTS: BONDS/STATE MODERNIZATON/NEW CONSTRUCTION/DEVELOPER FEES **</u>					
121500	STATE OF CALIFORNIA	PRIOR DSA CLOSE OUTS	FRANKLIN ELEMENTARY SCHOOL	500.00	BB
121575	STATE OF CALIFORNIA	PRIOR DSA CLOSE-OUT	FRANKLIN ELEMENTARY SCHOOL	500.00	BB
		** FACILITY IMPROVEMENTS: BONDS/STATE MODERNIZATON/NEW CONSTRUCTION/DEVELOPER FEES		1,000.00	



TO: BOARD OF EDUCATION

ACTION/MAJOR

09/08/11

FROM: SANDRA LYON / JANECE L. MAEZ / PAT HO

RE: ADOPT RESOLUTION NO. 11-01 – GANN AMENDMENT

RECOMMENDATION NO. A.05

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

COMMENT: Under the Gann Initiative, which was passed by the State electorate as Proposition 4 in 1979, all agencies of the State must calculate an appropriations limit which cannot be exceeded on a year-to-year basis. The formula for the calculation is statutorily set. Perhaps the easiest way to understand this calculation is to envision the dollar amount of your district's Gann Limit as a box. For example, if your current year Gann Limit is \$50 million, picture a box that can hold \$50 million. First, put into this box local property taxes that count toward your revenue limit, as well as an appropriate portion of your district's interest income. Next, pour all of the district's unrestricted state aid into this box. Under state law, the amount of state aid that fills up the box counts toward your district's Gann Limit, while the amount that overflows the box counts toward the state's Gann Limit (Government Code Section [G.C.] 7906). In addition, all state aid for categorical programs always counts toward the state's Gann Limit.

The report is attached.

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

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

**SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT**

**RESOLUTION NO. 11-01**

**DISTRICT APPROPRIATIONS LIMITS FOR 2010-11  
AND PROJECTED LIMITS FOR 2011-12**

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

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

**WHEREAS**, the District must establish a revised Gann Limit for the 2010-11 fiscal year and a projected Gann Limit for the 2011-12 fiscal year in accordance with the provisions of Article XIII-B and applicable statutory law;

**NOW, THEREFORE, BE IT RESOLVED** that this Board does provide public notice that the attached calculations and documentation of the Gann Limits for the 2010-11 and 2011-12 fiscal years are made in accord with applicable constitutional and statutory law;

**AND BE IT FURTHER RESOLVED** that this Board does hereby declare that the appropriations in the Budget for the 2010-11 and 2011-12 fiscal years do not exceed the limitations imposed by Proposition 4;

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

**PASSED AND ADOPTED** by the Board of Education of the Santa Monica-Malibu Unified School District, Los Angeles County, State of California, this 8<sup>th</sup> day of September, 2011.

AYES:

NOES:

ABSTAIN:

ABSENT:

---

SANDRA LYON  
Superintendent and Secretary  
to the Board of Education

---

Date

	2010-11 Calculations			2011-12 Calculations		
	Extracted Data	Adjustments*	Entered Data/ Totals	Extracted Data	Adjustments*	Entered Data/ Totals
<b>A. PRIOR YEAR DATA</b> (2009-10 Actual Appropriations Limit and Gann ADA are from district's prior year Gann data reported to the CDE)	<b>2009-10 Actual</b>			<b>2010-11 Actual</b>		
1. FINAL PRIOR YEAR APPROPRIATIONS LIMIT (Preload/Line D11, PY column)	65,103,295.57		65,103,295.57			62,834,210.05
2. PRIOR YEAR GANN ADA (Preload/Line B9, PY column)	11,085.08		11,085.08			10,977.31
ADJUSTMENTS TO PRIOR YEAR LIMIT	<b>Adjustments to 2009-10</b>			<b>Adjustments to 2010-11</b>		
3. District Lapses, Reorganizations and Other Transfers						
4. Temporary Voter Approved Increases						
5. Less: Lapses of Voter Approved Increases						
6. TOTAL ADJUSTMENTS TO PRIOR YEAR LIMIT (Lines A3 plus A4 minus A5)		0.00				0.00
7. ADJUSTMENTS TO PRIOR YEAR ADA (Only for district lapses, reorganizations and other transfers, and only if adjustments to the appropriations limit are entered in Line A3 above)						
<b>B. CURRENT YEAR GANN ADA</b> (2010-11 data should tie to Principal Apportionment Attendance Software reports)	<b>2010-11 P2 Report</b>			<b>2011-12 P2 Estimate</b>		
1. Total K-12 ADA (Form A, Line 10)	10,977.31		10,977.31	10,747.39		10,747.39
2. ROC/P ADA**						
3. Total Charter Schools ADA (Form A, Line 26)	0.00		0.00	0.00		0.00
4. Total Supplemental Instructional Hours**						
5. Divide Line B4 by 700 (Round to 2 decimal places)			10,977.31			10,747.39
6. TOTAL P2 ADA (Lines B1 through B3 plus B5)						
OTHER ADA (From Principal Apportionment Attendance Software)						
7. Apprentice Hours - High School						
8. Divide Line B7 by 525 (Round to 2 decimal places)		0.00				0.00
9. TOTAL CURRENT YEAR GANN ADA (Sum Lines B6 plus B8)		10,977.31				10,747.39
<b>C. LOCAL PROCEEDS OF TAXES/STATE AID RECEIVED</b>	<b>2010-11 Actual</b>			<b>2011-12 Budget</b>		
<b>TAXES AND SUBVENTIONS (Funds 01, 09, and 62)</b>						
1. Homeowners' Exemption (Object 8021)	414,143.62		414,143.62	414,144.00		414,144.00
2. Timber Yield Tax (Object 8022)	0.00		0.00	0.00		0.00
3. Other Subventions/In-Lieu Taxes (Object 8029)	395,266.14		395,266.14	19.00		19.00
4. Secured Roll Taxes (Object 8041)	37,757,505.03		37,757,505.03	41,470,904.00		41,470,904.00
5. Unsecured Roll Taxes (Object 8042)	1,813,159.79		1,813,159.79	2,202,398.00		2,202,398.00
6. Prior Years' Taxes (Object 8043)	3,204,630.24		3,204,630.24	3,110,843.00		3,110,843.00
7. Supplemental Taxes (Object 8044)	(104,964.54)		(104,964.54)	39,184.00		39,184.00
8. Ed. Rev. Augmentation Fund (ERAF) (Object 8045)	195,121.71		195,121.71	217,247.00		217,247.00
9. Penalties and Int. from Delinquent Taxes (Object 8048)	100,598.84		100,598.84	200,000.00		200,000.00
10. Other In-Lieu Taxes (Object 8082)	0.00		0.00	0.00		0.00
11. Comm. Redevelopment Funds (Obj. 8046, 8047 & 8625) (Only if not counted in redevelopment agency's limit)	5,683,215.31		5,683,215.31	1,383,695.00		1,383,695.00
12. Parcel Taxes (Object 8621)	10,474,611.35		10,474,611.35	10,773,381.00		10,773,381.00
13. Other Non-Ad Valorem Taxes (Object 8622) (Taxes only)	0.00		0.00	0.00		0.00
14. Penalties and Int. from Delinquent Non-Revenue Limit Taxes (Object 8629) (Only those for the above taxes)	100,629.33		100,629.33	100,000.00		100,000.00
15. Transfers to Charter Schools in Lieu of Property Taxes (Object 8096)	0.00		0.00	0.00		0.00
16. TOTAL TAXES AND SUBVENTIONS (Lines C1 through C15)	60,033,916.82	0.00	60,033,916.82	59,911,815.00	0.00	59,911,815.00
OTHER LOCAL REVENUES (Funds 01, 09, and 62)						
17. To General Fund from Bond Interest and Redemption Fund (Excess debt service taxes) (Object 8914)	0.00		0.00	0.00		0.00
18. TOTAL LOCAL PROCEEDS OF TAXES (Lines C16 plus C17)	60,033,916.82	0.00	60,033,916.82	59,911,815.00	0.00	59,911,815.00

	2010-11 Calculations			2011-12 Calculations		
	Extracted Data	Adjustments*	Entered Data/ Totals	Extracted Data	Adjustments*	Entered Data/ Totals
<b>EXCLUDED APPROPRIATIONS</b>						
19. Medicare (Enter federally mandated amounts only from objs. 3301 & 3302; do not include negotiated amounts)			1,132,786.32			1,175,200.00
<b>OTHER EXCLUSIONS</b>						
20. Americans with Disabilities Act						
21. Unreimbursed Court Mandated Desegregation Costs						
22. Other Unfunded Court-ordered or Federal Mandates						
23. TOTAL EXCLUSIONS (Lines C19 through C22)			1,132,786.32			1,175,200.00
<b>STATE AID RECEIVED (Funds 01, 09, and 62)</b>						
24. Revenue Limit State Aid - Current Year (Object 8011)	9,894,961.00		9,894,961.00	10,365,952.00		10,365,952.00
25. Revenue Limit State Aid - Prior Years (Object 8019)	47,639.00		47,639.00	0.00		0.00
26. Supplemental Instruction - CY (Res. 0000, Object 8590)**			0.00			0.00
27. Supplemental Instruction - PY (Res. 0000, Object 8590)**			0.00			0.00
28. Comm Day Sch Addl Funding - CY (Res. 2430, Obj. 8311 and Res. 0000, Obj. 8590)**			0.00			0.00
29. Comm Day Sch Addl Funding - PY (Res. 2430, Obj. 8319 and Res. 0000, Obj. 8590)**			0.00			0.00
30. ROC/P Apportionment - CY (Res. 0000, Object 8590)**			0.00			0.00
31. ROC/P Apportionment - PY (Res. 0000, Object 8590)**			0.00			0.00
32. Charter Schs. Gen. Purpose Entitlement (Object 8015)	0.00		0.00	0.00		0.00
33. Charter Schs. Categorical Block Grant (Object 8590)**			0.00			0.00
34. Class Size Reduction, Grades K-3 (Object 8434)	2,206,740.00		2,206,740.00	2,298,366.00		2,298,366.00
35. Class Size Reduction, Grade 9 (Object 8590)**			0.00			0.00
36. SUBTOTAL STATE AID RECEIVED (Lines C24 through C35)	12,149,340.00	0.00	12,149,340.00	12,664,318.00	0.00	12,664,318.00
<b>ADD BACK TRANSFERS TO COUNTY</b>						
37. County Office Funds Transfer (Form RL, Line 32)			0.00			0.00
38. TOTAL STATE AID (Lines C36 plus C37)	12,149,340.00	0.00	12,149,340.00	12,664,318.00	0.00	12,664,318.00
<b>DATA FOR INTEREST CALCULATION</b>						
39. Total Revenues (Funds 01, 09 & 62; objects 8000-8799)	116,207,933.49		116,207,933.49	110,664,847.00		110,664,847.00
40. Total Interest and Return on Investments (Funds 01, 09, and 62; objects 8660 and 8662)	321,879.04		321,879.04	200,000.00		200,000.00
<b>APPROPRIATIONS LIMIT CALCULATIONS</b>						
<b>D. PRELIMINARY APPROPRIATIONS LIMIT</b>						
1. Revised Prior Year Program Limit (Lines A1 plus A6)			65,103,295.57			62,834,210.05
2. Inflation Adjustment			0.9746			1.0251
3. Program Population Adjustment (Lines B9 divided by [A2 plus A7]) (Round to four decimal places)			0.9903			0.9791
4. PRELIMINARY APPROPRIATIONS LIMIT (Lines D1 times D2 times D3)			62,834,210.05			63,065,151.53
<b>APPROPRIATIONS SUBJECT TO THE LIMIT</b>						
5. Local Revenues Excluding Interest (Line C18)			60,033,916.82			59,911,815.00
6. Preliminary State Aid Calculation						
a. Minimum State Aid in Local Limit (Greater of \$120 times Line B9 or \$2,400; but not greater than Line C38 or less than zero)			1,317,277.20			1,289,686.80
b. Maximum State Aid in Local Limit (Lesser of Line C38 or Lines D4 minus D5 plus C23; but not less than zero)			3,933,079.55			4,328,536.53
c. Preliminary State Aid in Local Limit (Greater of Lines D6a or D6b)			3,933,079.55			4,328,536.53
7. Local Revenues in Proceeds of Taxes						
a. Interest Counting in Local Limit (Line C40 divided by [Lines C39 minus C40] times [Lines D5 plus D6c])			177,671.38			116,309.13
b. Total Local Proceeds of Taxes (Lines D5 plus D7a)			60,211,588.20			60,028,124.13
8. State Aid in Proceeds of Taxes (Greater of Line D6a, or Lines D4 minus D7b plus C23; but not greater than Line C38 or less than zero)			3,755,408.17			4,212,227.40
9. Total Appropriations Subject to the Limit						
a. Local Revenues (Line D7b)			60,211,588.20			
b. State Subventions (Line D8)			3,755,408.17			
c. Less: Excluded Appropriations (Line C23)			1,132,786.32			
d. TOTAL APPROPRIATIONS SUBJECT TO THE LIMIT (Lines D9a plus D9b minus D9c)			62,834,210.05			

Printed: 8/23/2011 11:25 AM



TO: BOARD OF EDUCATION

ACTION/CONSENT

09/08/11

FROM: SANDRA LYON / JANECE L. MAEZ

RE: RATIFICATION OF THE FIRST AMENDMENT TO THE AMENDED AND  
RESTATED JOINT OCCUPANCY LEASE BETWEEN THE DISTRICT AND STG  
PROPERTIES THREE, LLC

RECOMMENDATION NO. A.07

It is recommended that the Board of Education ratify of signing of the first amendment to the Amended and Restated Joint Occupancy Lease between Santa Monica-Malibu Unified School District and STG Properties Three, LLC.

COMMENT: The District currently holds a grounds lease on property located at 1651 16<sup>th</sup> Street and 900 Colorado Avenue and rents the properties accordingly. The current lessee is STG Properties Three, LLC. At the request of the lessee, the District has been negotiating and considering an amendment to the terms of that lease. Current commercial real estate rental market has become more and more competitive and difficult. STG was struggling to maintain the existing rent schedule and was at risk of defaulting on the agreement. It was in the best interest of the District to continue the relationship with STG and modify the rental agreement accordingly.

The first amendment to this agreement has three components:

1. The amendment clearly identifies how any back unpaid rent in the amount of \$570,000 will be addressed. At the signing of this amendment, STG will forward a check in the amount of \$300,000 to the District. Additionally, STG will pay the District another \$90,000 per year for the next three years until the full amount is paid.
2. The new monthly basic rent payments will be \$65,000 per month.
3. Above the basic amount, the parties shall share the Net Cash Flow up to the original rent amounts. The District shall receive 65% of the Net Cash Flow and STG will retain the balance. When the previous rental amount is reached the split shall change to 25% to the District and the balance to STG. Provisions to audit the financial statements of STG have been incorporated into the amendment.

The term of the original agreement has not changed and will continue until 2051. The agreement is attached to this item.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

**FIRST AMENDMENT TO  
AMENDED AND RESTATED JOINT OCCUPANCY LEASE**

**THIS FIRST AMENDMENT TO AMENDED AND RESTATED JOINT OCCUPANCY LEASE** (this "**First Amendment**") is made and entered into as of the 1<sup>st</sup> day of September, 2011 (the "**Effective Date**"), by and between **SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT**, a political subdivision of the State of California ("**Lessor**"), and **STG PROPERTIES THREE, LLC**, a California limited liability company ("**Lessee**").

**RECITALS:**

**A.** Lessor and Lessee (as successor-in-interest to Dial Associates, LLC, a Pennsylvania limited liability company) are parties to that certain Amended and Restated Joint Occupancy Lease dated as of November 1, 2001 (the "**Ground Lease**"), whereby Lessor leases to Lessee, and Lessee leases and hires from Lessor, that certain land commonly referred to as 1651 Sixteenth Street and 900 Colorado Avenue and more particularly described in the Ground Lease (the "**Property**"). Initially capitalized terms used in this First Amendment without definition shall have the respective meanings given such terms in the Ground Lease.

**B.** Lessee did not timely pay Basic Rent for the period commencing on October 1, 2009 and ending on September 30, 2010 (the "**Back-Rent Period**"), and Lessee requested that Lessor forbear from exercising its rights and remedies available under the Ground Lease for a period of time in order to afford Lessee the opportunity to propose to, and negotiate with, Lessor a modification to the Ground Lease that would permit Lessee to profitably operate the Property by reducing the Basic Rent thereunder. Lessor and Lessee subsequently entered into that certain Forbearance Agreement dated as of November 30, 2010 (as extended and amended, the "**Forbearance Agreement**"), whereby Lessor agreed to forbear from exercising its rights and remedies under the Ground Lease subject to various terms and conditions set forth in the Forbearance Agreement. The aggregate Basic Rent payable (and that was not timely paid) for the Back-Rent Period pursuant to the Ground Lease equaled \$1,229,310.25.

**C.** As a result of the discussions held pursuant to the Forbearance Agreement, Lessor and Lessee have agreed on certain modifications to the Ground Lease, and Lessor and Lessee desire to hereby enter into this First Amendment in order to document and effectuate such modifications, all on the terms, provisions and conditions set forth hereinbelow.

**NOW, THEREFORE**, in consideration of the foregoing recitals and the mutual covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties hereto, Lessor and Lessee hereby agree as follows:



## **A G R E E M E N T:**

**Section 1. Warranties and Representations.** Lessor and Lessee each hereby makes the following representations and warranties as to itself to the other party hereto all of which are material and are made to induce such other party to enter into this First Amendment.

(a) Violation of Other Agreements. The execution and delivery of this First Amendment and the performance and observance of the covenants to be performed and observed hereunder do not violate or constitute a default in any agreement to which it is a party.

(b) Organization; Authority; Power. Such representing party (a) is duly formed and validly existing and in good standing under the laws of the State of its formation or incorporation, as the case may be; and (b) has full power, legal capacity and authority to execute and deliver this First Amendment and the documents contemplated hereby.

(c) Enforceability of First Amendment. This First Amendment has been duly authorized, executed and delivered by such party and is enforceable against it in accordance with its terms.

**Section 2. Modifications to Basic Rent.** Lessor and Lessee hereby amend and modify Lessee's obligation to pay Basic Rent under the Ground Lease as provided in this Section 2 below.

(a) Back-Rent Payments. Lessor and Lessee hereby amend and modify the Basic Rent payable during the Back-Rent Period to equal Eighty-Five Thousand and 00/100 Dollars (\$85,000.00) per month for an aggregate Basic Rent accruing during, and payable for, the entire Back-Rent Period of One Million Twenty Thousand and 00/100 Dollars (\$1,020,000.00). Pursuant to the Forbearance Agreement, and on or about the execution of such Forbearance Agreement by the parties, Lessee paid the sum of Four Hundred Fifty Thousand and 00/100 Dollars (\$450,000.00) in respect of the aggregate Basic Rent payable during the Back-Rent Period. The remaining Basic Rent payable for the Back-Rent Period pursuant to this Section 2(a) (in the aggregate amount of Five Hundred Seventy Thousand and 00/100 Dollars (\$570,000.00)) will be paid by Lessee to Lessor as follows:

(i) Within five (5) calendar days after the full execution and delivery of this First Amendment by Lessee and Lessor, Lessee shall pay to Lessor the sum of Three Hundred Thousand and 00/100 Dollars (\$300,000.00);

(ii) On or before July 31, 2012, in addition to other amounts payable pursuant to the Ground Lease (including, but not limited to, the rental amounts payable pursuant to Sections 2(b) through 2(e) below), Lessee shall pay to Lessor the sum of Ninety Thousand and 00/100 Dollars (\$90,000.00);

(iii) On or before July 31, 2013, in addition to other amounts payable pursuant to the Ground Lease (including, but not limited to, the rental amounts payable pursuant to Sections 2(b) through 2(e) below), Lessee shall pay to Lessor the sum of Ninety Thousand and 00/100 Dollars (\$90,000.00); and

(iv) On or before July 31, 2014, in addition to other amounts payable pursuant to the Ground Lease (including, but not limited to, the rental amounts payable pursuant to Sections 2(b) through 2(e) below), Lessee shall pay to Lessor the sum of Ninety Thousand and 00/100 Dollars (\$90,000.00).

The sums paid to Lessor pursuant to this Section 2(a) shall be applied by Lessor against the delinquent Basic Rent (as adjusted by this First Amendment) owing for the Back-Rent Period and shall satisfy Lessee's Basic Rent obligations for the Back-Rent Period in full.

(b) Forbearance Agreement Period Basic Rent. For the period commencing on October 1, 2010 and expiring on August 31, 2011, Lessee has paid Basic Rent in the amount of Eighty-Five Thousand and 00/100 Dollars (\$85,000.00) per month, and Lessor hereby acknowledges receipt of such Basic Rent payments and agrees that Lessee's Basic Rent obligations for the period accruing from October 1, 2010 through August 31, 2011 have been satisfied in full.

(c) Future Basic Rent and Percentage Rent. Commencing as of September 1, 2011 and for the remaining term of the Ground Lease, Lessee shall pay to Lessor as Basic Rent and Percentage Rent for each Lease Year, without offset, abatement, deduction or demand, except as otherwise expressly set forth in the Ground Lease (as amended hereby), the aggregate amount paid and calculated as follows:

(i) Lessee shall pay to Lessor (in advance on or prior to the first calendar day of each calendar month) a fixed monthly payment ("Basic Rent") in the amount Sixty-Five Thousand and 00/100 Dollars (\$65,000.00); and

(ii) Within thirty-one (31) days after the end of each Lease Year (*i.e.*, on or before July 31 of each calendar year), Lessee shall pay to Lessor the following additional rent ("Percentage Rent") for such Lease Year (*i.e.*, the period from July 1 of the prior calendar year to June 30), as follows:

(A) Sixty-five percent (65%) of the Net Cash Flow (as defined in Section 2(d) below) derived from Premises during such Lease Year until Lessor has received, together with the aggregate Basic Rent received by Lessor pursuant to clause (i) during such Lease Year, an aggregate amount equal to the "Original Basic Rent" for such Lease Year (as such Original Basic Rent is reflected on Exhibit A attached hereto) (for example, for the Lease Year ending on June 30, 2013, the Original Basic Rent for such Lease Year would be \$1,467,595, and Lessor would be entitled to receive 65% of all Net Cash Flow until it receives such Original Basic Rent for such Lease Year [taking into account Basic Rent received for such Lease Year pursuant to clause (i) above]); and

(B) Twenty-five percent (25%) of any and all remaining Net Cash Flow derived from the Premises during such

Lease Year in excess of the amount necessary to pay Lessor the applicable Original Basic Rent (for illustrative example purposes only, for the Lease Year ending on June 30, 2013, if after payment to Lessor of sufficient amounts to reach the applicable Original Basic Rent, the Property has generated excess Net Cash Flow of \$100,000 for such Lease Year, then Lessee would be obligated to pay Lessor \$25,000 (*i.e.*, 25% of such excess) pursuant to this Section 2(c)(ii)(B) for such Lease Year).

The amount of Percentage Rent paid and payable by Lessee pursuant to this Section 2(c)(ii) for any Lease Year shall be subject to adjustment based upon Lessor's audit pursuant to Section 3 below and, if and to the extent required to be provided pursuant to Sections 2(f) and 3(b) below, by the "Audited Statements" defined in Section 2(f) below.

Additionally, notwithstanding anything else to the contrary stated herein, for purposes of calculating the amount of Percentage Rent payable under the foregoing Section 2(c)(ii) above with respect to the Lease Year ending on June 30, 2012, the Original Basic Rent, Operating Income and Operating Expenses (other than Basic Rent) for such Lease Year shall be prorated and shall be deemed to equal 5/6<sup>th</sup> of the Original Basic Rent for the Lease Year ending June 30, 2012 (in the case of the Original Basic Rent) and the actual Operating Income derived and Operating Expenses paid during such Lease Year (in the case of Operating Income and Operating Expenses), and the Net Cash Flow shall be then determined by subtracting from such prorated Operating Income the prorated Operating Expenses (other than Basic Rent) and the actual Basic Rent payable and paid by Lessee in cash during the period commencing on September 1, 2011 and ending on June 30, 2012.

(d) Definition of Net Cash Flow. For purposes of this First Amendment and the Ground Lease, the term "**Net Cash Flow**" shall mean, for a particular Lease Year, Operating Income derived during such Lease Year *minus* Operating Expenses paid and/or payable during such Lease Year. The term "**Operating Income**" means all revenues and income of any nature or kind whatsoever derived by Lessee in connection with or relating to the Premises during such Lease Year (including, without limitation, base rents, percentage rents, real estate tax, insurance premium and operating expense pass-through recoveries or reimbursements, license fees, signage fees, parking fees and charges, and additional rent), but excluding any income or revenues derived from a sale, refinancing, casualty or condemnation and payment of rent more than one (1) month in advance (until such time as such payments become due and payable for a particular month), and the term "**Operating Expenses**" means, without double counting, all cash expenses incurred by or charged to Lessee with respect to the ownership, operation, leasing and management of the Property in the ordinary course of business, including, without limitation, real estate taxes, insurance premiums, utilities fees and costs, landscaping fees and costs, maintenance costs, other operating expenses, leasing commissions, tenant improvement costs and other capital expenditures, and the fixed monthly Basic Rent payments actually accruing and paid to Lessor in cash pursuant to Section 2(c)(i) above during such Lease Year.

(e) Cash Flow Statement. Concurrently with the payment of Percentage Rent for a Lease Year pursuant to Section 2(c)(ii) above, Lessee shall deliver to Lessor a statement ("**Cash Flow Statement**") setting forth the calculation of the Net Cash Flow (and an itemization of all revenues, income, cash flow, operating expenses, payments of fixed monthly rent, capital expenditures, leasing commissions, tenant improvement costs, and other items taken into account in connection with the calculation of Net Cash Flow) for such Lease Year, which statement shall be in the form reasonably acceptable to Lessor and signed and certified to be true and correct in all material respects by the CEO, President or Chief Financial Officer of Lessee. Notwithstanding the foregoing, the statement of Net Cash Flow described herein shall be subject to adjustment following the completion and delivery of Lessor's audit pursuant to Section 3 below and, if and to the extent required to be provided pursuant to Sections 2(f) and 3 below, by the "Audited Statements" defined in Section 2(f) below.

(f) Annual Audited Financial Statements. If a Material Discrepancy (as defined in Section 3(b) below) is discovered pursuant to a Lessor audit in three (3) or more annual Cash Flow Statements during any twelve (12) consecutive year period, then Lessee shall be obligated to thereafter provide, on an annual basis, the audited statements and information described in this Section 2(f) below. Within ninety (90) calendar days after the end of each calendar year (including the calendar year in which the last Lease Year expires hereunder, as to which Lessee's obligation shall survive the expiration of the Term), Lessee shall cause to be prepared (at its sole costs and expense) and deliver to Lessor the following financial information (the "**Audited Statements**"): (i) audited accrual and cash basis profit and loss statements for Lessee and the Premises for the last full Lease Year that has ended, and (ii) an audited Cash Flow Statement based on the statements described in clause (i) above showing the amount of Net Cash Flow derived during the applicable Lease Year (including an itemization of all revenues, income, cash flow, operating expenses, payments of fixed monthly Basic Rent, capital expenditures, leasing commissions, tenant improvement costs, and other items taken into account in connection with the calculation of Net Cash Flow) and the adjustments, if any, to be made to the amounts payable and/or paid by Lessee pursuant to Section 2(c)(ii) above for such Lease Year. The Audited Statements shall be prepared in accordance with generally accepted auditing standards by an independent certified public accountant reasonably agreed upon by the Lessor and Lessee; provided that, if Lessor and Lessee are unable to agree upon an independent certified public accountant within ten (10) days after one party has recommended an accountant to the other party, then either party may submit the matter to the American Arbitration Association (the "**AAA**") office located in downtown Los Angeles and such office will appoint the independent certified public accountant. The independent certified public accountant that is ultimately agreed upon by the parties or appointed by the AAA is referred to in this Amendment as the "**CPA**". The CPA shall issue a report on the aforesaid examination, which report shall include the CPA's unqualified opinion that the Audited Statements present fairly the information required to determine Net Cash Flow pursuant to this First Amendment. If the Percentage Rent amount actually paid by Lessee for any Lease Year pursuant to Section 2(c)(ii) above is *less than* the Percentage Rent payable for such Lease Year pursuant to, and as shown by, the Audited Statements for such Lease Year, then Lessee shall, contemporaneously with the delivery of the Audited Statements to Lessor, pay to Lessor the amount of such deficiency. If the Percentage Rent amount actually paid by Lessee for any Lease Year pursuant to Section 2(c)(ii) above exceeds the Percentage Rent payable for such Lease Year pursuant to, and as shown by, the Audited Statements for such Lease Year, then Lessee shall receive a credit equivalent to such

excess which may be deducted by Lessee from the next accruing payment of Percentage Rent pursuant to said Section 2(c)(ii) or, with respect to the last Lease Year, Lessor shall refund such excess to Lessee within sixty (60) calendar days after Lessor's receipt of the Audited Statements for such last Lease Year; provided that, notwithstanding the foregoing, if a monetary default on the part of Lessee then exists under the Ground Lease, Lessor may offset from such credit or refund owing to Lessee the amount owing by Lessee to Lessor. The acceptance by Lessor of payments of Percentage Rent or reports thereof shall be without prejudice and shall in no event constitute a waiver of Lessor's right to claim a deficiency in the payment of Percentage Rent or to audit Lessee's books and records as provided by Section 3 below.

(g) Payments. All amounts payable by Lessee to Lessor hereunder shall be paid to Lessor in lawful money of the United States, by check, cashier's check or money order, at the address for Lessor set forth in this First Amendment below.

(h) No Other Modifications. The provisions of this First Amendment modify only the Lessee's obligation to pay Basic Rent and do not modify, alter or otherwise affect in any way any other monetary and/or non-monetary obligations of Lessee or Lessor pursuant to the Ground Lease (including, without limitation, Lessee's obligation to pay Impositions, maintain and repair the Premises, and maintain insurance for the Premises as required by the Ground Lease).

### **Section 3. Books and Records; Audit Rights.**

(a) Lessee shall prepare and keep on the Premises or at Lessee's manager's office located in the greater Los Angeles, California metropolitan area, for a period of not less than five (5) years following the end of each Lease Year, true and accurate books of account and records of the operation of the Premises for such Lease Year, conforming to generally accepted accounting principles consistently applied, including, but not limited to, cash receipts journals, cash disbursement journals, general ledgers, bank statements, and all other matters and information from which Net Cash Flow is determined.

(b) Lessor, at Lessor's expense (subject to this Section 3(b) below), shall have the right to cause a complete audit of Lessee's books of account and records of the Premises (including the calculation of Net Cash Flow) in the manner hereinafter described with respect to any particular Cash Flow Statement; provided that, (i) Lessor shall first give Lessee ten (10) business days' prior written notice of its intention to conduct such audit, and (ii) Lessor may not perform an audit with respect to any particular Cash Flow Statement later than nine (9) months after Lessor's receipt of such Cash Flow Statement. Lessor's failure to timely perform an audit as provided by the preceding sentence shall be deemed to constitute Lessor's approval of the applicable Cash Flow Statement, and Lessor thereafter waives the right or ability to dispute the amounts set forth in such Cash Flow Statement. If any such audit discloses a discrepancy in the calculation of Net Cash Flow for any Lease Year, then the appropriate adjusting payment and/or credit shall be made by the parties hereto in order to reconcile such discrepancy. Notwithstanding the foregoing to the contrary, Lessee shall reimburse to Lessor the actual cost of any such audit if the audit discloses a discrepancy (a "**Material Discrepancy**") in the Percentage Rent calculated pursuant to and reflected in Lessee's Cash Flow Statement that exceeds the greater of (x) five percent (5%) of such Percentage Rent reflected in Lessee's Cash Flow



Statement and (y) \$50,000. Lessor shall provide to Lessee copies of its audit findings promptly after Lessor's receipt of same; provided that, Lessor's audit findings will not be subject to challenge, and will govern and control, absent manifest error, so long as such audit was performed by an independent certified accountant/auditor. If a Material Discrepancy is discovered in three or more annual Cash Flow Statements during any twelve (12) consecutive year period, then Lessee shall be obligated to thereafter provide annual Audited Statements pursuant to Section 2(f) above.

**Section 4. Notice Addresses.** Lessor's and Lessee's address for notices pursuant to the Ground Lease is hereby amended and restated in its entirety to be the following:

**LESSOR:**

Santa Monica-Malibu Unified School District  
1651 Sixteenth Street  
Santa Monica, California 90404-3891  
Attention: Assistant Superintendent,  
Business and Fiscal Services  
Chief Financial Officer

With a copy to:

Goodwin Procter LLP  
601 South Figueroa Street, 41<sup>st</sup> Floor  
Los Angeles, California 90017  
Attention: Dean Pappas

**LESSEE:**

STG Properties Three, LLC  
1260 North Dutton Ave., Suite 270  
Santa Rosa, California 95401  
Attention: John Ziegler

With a copy to:

Sutton, Pakfar & Courtney LLP  
9777 Wilshire Blvd., Suite 810  
Beverly Hills, California 90212  
Attention: Nader Pakfar

**Section 5. Further Assurances.** In a timely fashion, Lessor and Lessee shall execute and deliver such further instruments, documents or assurances, and take such further action, as shall be reasonably required to carry out the purposes and intent of this First Amendment.

**Section 6. Brokers.** Each party represents and warrants to the other that no broker, agent or finder negotiated or was instrumental in negotiating or consummating this First Amendment. Each party further agrees to defend, indemnify and hold harmless the other party from and against any claim for commission or finder's fee by any other person or entity who claims or alleges that they were retained or engaged by the first party or at the request of such party in connection with this First Amendment.

**Section 7. Defaults.** Each of Lessor and Lessee hereby represents and warrants to the other that, as of the date of this First Amendment and to the actual knowledge of the representing party, such representing party is in full compliance with all terms, covenants and conditions of the Ground Lease, there are no breaches or defaults under the Ground Lease by Lessor or Lessee, and no events or circumstances have occurred which, given the passage of time, would constitute a default under the Ground Lease by either Lessor or Lessee.

**Section 8. Severability.** If any term or provision of this First Amendment or the application thereof to any persons or circumstances shall, to any extent, be invalid or unenforceable, the remainder of this First Amendment or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby, and each term and provision of this First Amendment shall be valid and enforced to the fullest extent permitted by law.

**Section 9. No Further Modification; Reaffirmation of Ground Lease.** Except as set forth in this First Amendment, all of the terms and provisions of the Ground Lease shall remain unmodified and in full force and effect.

**Section 10. Captions.** The catchlines and captions herein are intended solely for convenience and shall not be used to interpret or construe the provisions hereof.


**Section 11. Counterparts.** This First Amendment may be executed by one or both of the parties to this First Amendment on any number of separate counterparts (including by telecopy or electronic submission), all of which taken together shall constitute but one and the same instrument).

**Section 12. Governing Law.** This First Amendment shall be governed and construed in accordance with the laws of the State of California, without regard to principles of conflicts of law.

**IN WITNESS WHEREOF,** this First Amendment has been executed as of the day and year first above written.

**"LESSOR"**

**SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT**, a political subdivision of the State of California

By:   
Name: Janece L. Maez  
Title: Assistant Superintendent/CFO  
Janece L. Maez  
Assistant Superintendent/CFO

**“LESSEE”**

**STG PROPERTIES THREE, LLC,**  
a California limited liability company

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_



**EXHIBIT A****Percentage Rent Cap**

<b><u>Lease Year Ending (June 30)</u></b>	<b><u>Original Basic Rent</u></b>	<b><u>Percentage Rent Cap</u></b>
2012	\$1,467,595	\$687,595
2013	\$1,467,595	\$687,595
2014	\$1,467,595	\$687,595
2015	\$1,467,595	\$687,595
2016	\$1,467,595	\$687,595
2017	\$1,873,092	\$1,093,092
2018	\$1,873,092	\$1,093,092
2019	\$1,873,092	\$1,093,092
2020	\$1,873,092	\$1,093,092
2021	\$1,873,092	\$1,093,092
2022	\$2,390,627	\$1,610,627
2023	\$2,390,627	\$1,610,627
2024	\$2,390,627	\$1,610,627
2025	\$2,390,627	\$1,610,627
2026	\$2,390,627	\$1,610,627
2027	\$3,051,157	\$2,271,157
2028	\$3,051,157	\$2,271,157
2029	\$3,051,157	\$2,271,157
2030	\$3,051,157	\$2,271,157
2031	\$3,051,157	\$2,271,157
2032	\$3,894,192	\$3,114,192
2033	\$3,894,192	\$3,114,192
2034	\$3,894,192	\$3,114,192
2035	\$3,894,192	\$3,114,192
2036	\$4,970,157	\$4,190,157
2037	\$4,970,157	\$4,190,157
2038	\$4,970,157	\$4,190,157
2039	\$4,970,157	\$4,190,157
2040	\$4,970,157	\$4,190,157
2041	\$6,343,411	\$5,563,411
2042	\$6,343,411	\$5,563,411
2043	\$6,343,411	\$5,563,411
2044	\$6,343,411	\$5,563,411
2045	\$6,343,411	\$5,563,411
2046	\$8,096,095	\$7,316,095
2047	\$8,096,095	\$7,316,095
2048	\$8,096,095	\$7,316,095
2049	\$8,096,095	\$7,316,095
2050	\$8,096,095	\$7,316,095
2051	\$10,333,046	\$9,553,046



TO: BOARD OF EDUCATION

ACTION/CONSENT

09/08/11

FROM: SANDRA LYON / JANECE L. MAEZ / VIRGINIA I. HYATT

RE: AWARD OF WASTE MANAGEMENT CONTRACT TO CROWN DISPOSAL  
COMPANY – BID #10.19 – YEAR 2 OF 5

RECOMMENDATION NO. A.08

It is recommended that the Board of Education award Bid #10.19 District wide Trash, Green waste and Recycling Materials to Crown Disposal Company per bid specifications. This is year two of a five year contract.

Funding Information

Budgeted: Yes  
Fund: 01,12  
Account Number: 01-00000-0-00000-82000-5570-XXX-2601  
01-72400-0-50010-82000-5570-058-2580  
12-60600-0-85000-82000-5570-070-2700  
Description: General, Transportation Spec Ed, CDS  
Source: Waste Disposal

COMMENTS: Original contract approval was given by the Board of Education on August 18, 2010. The contract continues to consist of recycling, green waste, composting and educational components.

The 2010-11 annual expenditure for waste disposal was \$132,000; 2009-10 annual expenditure for waste disposal was \$215,590 with two previous contractors. Bid specifications and unit pricing is available in the Purchasing Office for review upon request.

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



TO: BOARD OF EDUCATION

ACTION/CONSENT

09/08/11

FROM: SANDRA LYON / JANECE L. MAEZ / VIRGINIA I. HYATT

RE: AWARD OF QUOTE #2011.04 SCIENCE EQUIPMENT, CHEMICALS AND SUPPLIES PER ATTACHED LIST

RECOMMENDATION NO. A.09

It is recommended that the Board of Education approve the award of Science Equipment Chemicals and Supplies, Quote #2011.04, to the suppliers listed below. This is a five year contract from July 1, 2011 through June 30, 2016.

Funding used for this award is site-by-site based on budgeting for each year, on an as needed basis.

COMMENTS: Quotes were sent to 16 vendors, 10 responded with a quote. As this quote is designed as a percentage off of catalog pricing, with kits and item selection varying by distributor, all distributors solicited to bid have been awarded the contract as per the list below:

Vendor	Quote #	% off Catalog	Minimum Order
Flinn Scientific	13157	10%	\$50
Carolina Biological	N/A	5%	\$25
Science Kit Boreal	106299-999	20%	\$100
Fisher	C025236916-F	31%	0
Nasco	N/A	18%	\$250
KLM	209460-CT	15%	0
Wards	84692	9-15%	\$50
Frey	P/103474	10%	\$25
Bio Corp	SE11025	5%	\$100
Sargent Welch	US Communities 08-04026USC	29.5%	0

Freight is free on all orders meeting the minimum order requirements.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:



TO: BOARD OF EDUCATION

ACTION/CONSENT

09/08/11

FROM: SANDRA LYON / DEBRA MOORE WASHINGTON

RE: CERTIFICATED PERSONNEL – Elections, Separations

RECOMMENDATION NO. A.10

Unless otherwise noted, all items are included in the 2011-2012 approved budget.

**ADDITIONAL ASSIGNMENTS**

**ADAMS MIDDLE SCHOOL**

Daws, Tracy	9 hrs @\$40.46	8/19/11-8/24/11	Est Hrly/\$364
Hale, Shannon	3 hrs @\$40.46	8/24/11	Est Hrly/\$121
McNamara, Jeanie	3 hrs @\$40.46	8/24/11	Est Hrly/\$121
Perez, Lourdes	9 hrs @\$40.46	8/19/11-8/24/11	Est Hrly/\$364
TOTAL ESTABLISHED HOURLY			\$970

Comment: Professional Development - AVID  
01-Tier III Programs Cat Flex

Doloso, Tess	1.5 hrs @\$40.46	8/25/11	Est Hrly/\$61
TOTAL ESTABLISHED HOURLY			\$61

Comment: New Family Orientation  
01-Tier III Programs Cat Flex

**EDUCATIONAL SERVICES**

Swift, Jessica	67 hrs @\$40.46	8/29/11-12/31/11	Est Hrly/\$2,711
TOTAL ESTABLISHED HOURLY			\$2,711

Comment: Band Coach at Santa Monica HS  
01-Santa Monica Arts Parents Assoc

Pirri, Stephanie	12.4 hrs @\$40.46	10/12/10-6/22/11	Est Hrly/\$502
TOTAL ESTABLISHED HOURLY			\$502

Comment: Lesson Link Facilitator  
01-RGK Foundation  
[10-11 Budget]

Beeman-Solano, Amy	2.5 hrs @\$40.46	8/10/11-8/11/11	Est Hrly/\$101
Bickert, Katie	2.5 hrs @\$40.46	8/10/11-8/11/11	Est Hrly/\$101
Borden, Ashley	2.5 hrs @\$40.46	8/10/11-8/11/11	Est Hrly/\$101
Boxer, Lorissa	2.5 hrs @\$40.46	8/10/11-8/11/11	Est Hrly/\$101
Brock, Miriam	2.5 hrs @\$40.46	8/10/11-8/11/11	Est Hrly/\$101
Contreras, Luis	2.5 hrs @\$40.46	8/10/11-8/11/11	Est Hrly/\$101
Duran, Concepcion	2.5 hrs @\$40.46	8/10/11-8/11/11	Est Hrly/\$101
Fiske, Nikki	2.5 hrs @\$40.46	8/10/11-8/11/11	Est Hrly/\$101
Flanders, Matthew	2.5 hrs @\$40.46	8/10/11-8/11/11	Est Hrly/\$101
Fliegel, Lois	2.5 hrs @\$40.46	8/10/11-8/11/11	Est Hrly/\$101
Franklin, Judy	2.5 hrs @\$40.46	8/10/11-8/11/11	Est Hrly/\$101
Gusmao-Garcia Williams, R.	2.5 hrs @\$40.46	8/10/11-8/11/11	Est Hrly/\$101
Harris, Stacy	2.5 hrs @\$40.46	8/10/11-8/11/11	Est Hrly/\$101
Held, Pamela	2.5 hrs @\$40.46	8/10/11-8/11/11	Est Hrly/\$101
Kenny, Sandi	2.5 hrs @\$40.46	8/10/11-8/11/11	Est Hrly/\$101
King, Keri	2.5 hrs @\$40.46	8/10/11-8/11/11	Est Hrly/\$101
Kooy, Tracy	2.5 hrs @\$40.46	8/10/11-8/11/11	Est Hrly/\$101
Lapajne, Katherine	2.5 hrs @\$40.46	8/10/11-8/11/11	Est Hrly/\$101
Lee, Chon	2.5 hrs @\$40.46	8/10/11-8/11/11	Est Hrly/\$101
Leonard, Brigitte	2.5 hrs @\$40.46	8/10/11-8/11/11	Est Hrly/\$101
Lipson, Jenny	2.5 hrs @\$40.46	8/10/11-8/11/11	Est Hrly/\$101
Maynard, Amy	2.5 hrs @\$40.46	8/10/11-8/11/11	Est Hrly/\$101

Meyer, Kimberly	2.5 hrs @\$40.46	8/10/11-8/11/11	Est Hrly/\$101
Micale, Monica	2.5 hrs @\$40.46	8/10/11-8/11/11	Est Hrly/\$101
Murphy, Anne	2.5 hrs @\$40.46	8/10/11-8/11/11	Est Hrly/\$101
Panish, Adam	2.5 hrs @\$40.46	8/10/11-8/11/11	Est Hrly/\$101
Pantallion, Ayanna	2.5 hrs @\$40.46	8/10/11-8/11/11	Est Hrly/\$101
Pollack, Lori	2.5 hrs @\$40.46	8/10/11-8/11/11	Est Hrly/\$101
Reff, Eric	2.5 hrs @\$40.46	8/10/11-8/11/11	Est Hrly/\$101
Rodstrom, Jennifer	2.5 hrs @\$40.46	8/10/11-8/11/11	Est Hrly/\$101
Sever, Pamela	2.5 hrs @\$40.46	8/10/11-8/11/11	Est Hrly/\$101
Sorensen, Justine	2.5 hrs @\$40.46	8/10/11-8/11/11	Est Hrly/\$101
Stark, Amy	2.5 hrs @\$40.46	8/10/11-8/11/11	Est Hrly/\$101
TOTAL ESTABLISHED HOURLY			\$3,333

Comment: Smartboard Educators Academy  
01-AARR – EETT Formula

#### ROOSEVELT ELEMENTARY

Chenik, Mara	15 hrs @\$40.46	7/8/11-8/8/11	Est Hrly/\$607
Handelman, Catherine	15 hrs @\$40.46	7/8/11-8/8/11	Est Hrly/\$607
TOTAL ESTABLISHED HOURLY			\$1,214

Comment: Summer Intervention Classes  
01-Reimbursed by PTA

#### SPECIAL EDUCATION

Luong, Theresa	20 hrs @\$40.46	7/1/11-6/30/12	Est Hrly/\$809
TOTAL ESTABLISHED HOURLY			\$809

Comment: Summer Math Tutor  
01-Special Education

O'Meara, Peggy	12 hrs @\$40.46	6/29/11-8/12/11	Est Hrly/\$486
TOTAL ESTABLISHED HOURLY			\$486

Comment: Moving Classrooms  
01-Special Education

Tomita, Karen	5 hrs @\$40.46	6/29/11-8/12/11	Est Hrly/\$202
TOTAL ESTABLISHED HOURLY			\$202

Comment: Summer Assignment – IEPs  
01-Special Education

Martinez, Patricia	5 days @\$520.12	6/29/11-8/12/11	Own Daily/\$ 2,601
Von der Lieth, Jady	20 days @\$520.12	6/30/11-8/24/11	Own Daily/\$10,402
TOTAL OWN DAILY			\$13,003

Comment: Summer Work - Additional Assessments  
01-Special Education

#### ADDITIONAL ASSIGNMENT – STIPENDS

##### EDUCATIONAL SERVICES

Name	Rate	Assignment	Effective	Not to Exceed
Large-Fullerton, Anabella	\$1,525	Bilingual Stipend	9/10-6/11	\$1,525
TOTAL				\$1,525
[10-11 Budget]				

#### HOURLY TEACHERS

##### ROOSEVELT ELEMENTARY SCHOOL

Berukhim, Niloufar	104 hrs @\$40.46	8/30/11-6/15/12	Est Hrly/\$4,208
TOTAL ESTABLISHED HOURLY			\$4,208

Comment: Literacy Teacher – Kindergarten  
01-Tier III Programs Cat Flex



Harkey, Anise	360 hrs @\$40.46	8/30/11-6/15/12	<u>Est Hrly/\$14,566</u>
		TOTAL ESTABLISHED HOURLY	\$14,566
Comment:	Literacy Teacher – Primary Grades 01-Reimbursed by PTA		
Pirri, Stephanie	360 hrs @\$40.46	8/30/11-6/15/12	<u>Est Hrly/\$14,566</u>
		TOTAL ESTABLISHED HOURLY	\$14,566
Comment:	Literacy Teacher – Upper Grades 01-Reimbursed by PTA		
 <u>ADULT EDUCATION</u>			
Oyman, Deniz	72 hrs @\$45.34	8/30/11-11/19/11	<u>Est Hrly/\$3,264</u>
Siemer, Deborah	18 hrs @\$45.34	8/30/11-11/19/11	<u>Est Hrly/\$ 816</u>
		TOTAL ESTABLISHED HOURLY	\$4,080
Comment:	Adult Education Instruction 11-Unrestricted Resource		
DeMello, Flavia	120 hrs @\$45.34	8/30/11-11/19/11	<u>Est Hrly/\$5,441</u>
		TOTAL ESTABLISHED HOURLY	\$5,441
Comment:	Adult Education ESL Instruction 11-231:ABE/ESL/ESL Ctzn, VESL/VABE		
Maldonado, Eric	60 hrs @\$45.34	8/30/11-11/19/11	<u>Est Hrly/\$2,720</u>
		TOTAL ESTABLISHED HOURLY	\$2,720
Comment:	Adult Education ESL Instruction 11-PL105-22 Engl Literacy/Civics		
Smith, Bradford Marshall	144 hrs @\$45.34	8/30/11-11/19/11	<u>Est Hrly/\$6,529</u>
		TOTAL ESTABLISHED HOURLY	\$6,529
Comment:	Adult Education – Community Education Program 11-Other Local Income		
Hernandez, Patricia	90 hrs @\$45.34	8/30/11-11/19/11	<u>Est Hrly/\$4,081</u>
		TOTAL ESTABLISHED HOURLY	\$4,081
Comment:	Adult Education Instruction 11-Unrestricted Resource -57% 11-PL105-22 Engl Literacy/Civics -43%		
Rousseau, Harmony	108 hrs @\$45.34	8/30/11-11/19/11	<u>Est Hrly/\$4,897</u>
		TOTAL ESTABLISHED HOURLY	\$4,897
Comment:	Adult Education Counselor 11-Unrestricted Resource - 45% 11-Adult Ed: Priority 5, GED/SECND - 55%		
Morgan, Alexandra	120 hrs @\$45.34	8/30/11-11/19/11	<u>Est Hrly/\$5,441</u>
		TOTAL ESTABLISHED HOURLY	\$5,441
Comment:	Adult Education ESL Instruction 11-PL105-22 Engl Literacy/Civics - 60% 11-231:ABE/ESL/ESL Ctzn,VESL/VABE – 40%		
Murphy, Leticia	60 hrs @\$45.34	8/30/11-11/19/11	<u>Est Hrly/\$2,720</u>
		TOTAL ESTABLISHED HOURLY	\$2,720
Comment:	Adult Education Instruction 11-231:ABE/ESL/ESL Ctzn,VESL/VABE - 50% 11-Adult Ed: Priority 5, GED/SECND - 50%		
Maldonado, Eric	\$40.46, as needed	8/30/11-6/15/12	<u>Est Hrly/\$----</u>
Singh, Kiran	\$40.46, as needed	8/30/11-6/15/12	<u>Est Hrly/\$----</u>
		TOTAL ESTABLISHED HOURLY	\$----

Comment: Adult Education Substitute  
11-Unrestricted Resource

**STUDENT SERVICES**

Bryant, Shirley	\$40.46, as needed	8/30/11-6/15/12	Est Hrly/\$----
Cairns, Cristin	\$40.46, as needed	8/30/11-6/15/12	Est Hrly/\$----
Cierra, Jose	\$40.46, as needed	8/30/11-6/15/12	Est Hrly/\$----
Devincentis-Waul, Ermina	\$40.46, as needed	8/30/11-6/15/12	Est Hrly/\$----
Emhardt, Emily	\$40.46, as needed	8/30/11-6/15/12	Est Hrly/\$----
Fisher-Lerer, Viki	\$40.46, as needed	8/30/11-6/15/12	Est Hrly/\$----
Gleason, Beverly	\$40.46, as needed	8/30/11-6/15/12	Est Hrly/\$----
Goldsmith, Otis	\$40.46, as needed	8/30/11-6/15/12	Est Hrly/\$----
McKenzie, Alyson	\$40.46, as needed	8/30/11-6/15/12	Est Hrly/\$----
Pitts, Gregory	\$40.46, as needed	8/30/11-6/15/12	Est Hrly/\$----
<b>TOTAL ESTABLISHED HOURLY</b>			<b>\$----</b>

Comment: Home Instructor  
01-Unrestricted Resource

**TOTAL ESTABLISHED HOURLY, AND OWN DAILY = \$ 94,065**

**ELECTIONS**

**ADMINISTRATIVE CONTRACTS**

<u>Name/Assignment/Location</u>	<u>Not to Exceed</u>	<u>Effective</u>
Stern, Amanda School Psychologist Special Education	20% - Temp	9/9/11-6/30/12

**PROBATIONARY CONTRACTS**

<u>Name/Assignment/Location</u>	<u>Not to Exceed</u>	<u>Effective</u>
Benitez, Angela/Pre-School Child Develop Svcs	100%	8/30/11
Johnson, Miyah/Pre-School Child Develop Svcs	100%	8/30/11
Marek, Mallory/SAI – Autism Grant/Special Ed	100%	8/29/11
Powell, Amy/SAI – Reading Santa Monica HS	100%	8/29/11
Smith, Liza/Head-Start Child Develop Svcs	100%	8/30/11

**TEMPORARY CONTRACTS**

<u>Name/Assignment/Location</u>	<u>Not to Exceed</u>	<u>Effective</u>
Abrams, Erin/1 <sup>st</sup> Grade Rogers Elementary	100%	8/29/11-6/18/12
Bickert, Katherine/2 <sup>nd</sup> Grade Franklin Elementary	100%	8/29/11-6/18/12
Chang, Pao/Chinese Santa Monica HS	100%	8/29/11
Corrigan, Maree/2 <sup>nd</sup> Grade Muir Elementary	100%	8/29/11-6/18/12

Grant, Sandy/Librarian Santa Monica HS	50%	8/29/11-6/18/12
Hernandez, Alejandro/Spanish Malibu HS	40%	8/29/11-6/18/12
Lambert, Daniel/ISP Malibu HS	100%	8/29/11-6/18/12
Pirri, Stephanie/Literacy Roosevelt Elementary	100%	8/29/11-6/18/12
Rowton, Russell/English Santa Monica HS/Ed Svcs	80%	8/29/11-6/18/12
Sass, Amanda/SAI – Transition Santa Monica HS	100%	8/29/11-6/18/12
Schmidt, Samantha/English Santa Monica HS	100%	8/29/11-6/18/12

### **SUBSTITUTE TEACHERS**

### **Effective**

#### **LONG-TERM SUBSTITUTES**

**(@\$210.00 Daily Rate)**

Friedkin, Tami	8/22/11
Schwartz, Marla	8/23/11-1/20/12

#### **PREFERRED SUBSTITUTES**

**(@\$162.00 Daily Rate)**

Gridley, Steven	8/1/11-8/12/11
Justin, Jason	8/18/11
Walker, Megan	8/1/11-8/12/11
Vollsted, Todd	8/18/11

#### **REGULAR DAY-TO-DAY SUBSTITUTES**

**(@\$138.00 Daily Rate)**

Doane, Kymberly	8/24/11
Escobar, Andrea	8/24/11
Friedkin, Tami	8/22/11
Gaynon, Rachel	8/24/11
Ghermezi, Jessica	8/24/11
Hewitt, David	8/18/11
Marceth, K. Nynette	8/23/11
Radcliffe, Audra	8/18/11
Schwartz, Marla	8/23/11
Weiss, Jessica	8/23/11

#### **CHILD DEVELOPMENT SERVICES**

**(@\$16.19 Hourly Rate)**

Emhardt, Emily	8/29/11
Miranda, Candice	8/29/11

**CHANGE IN ASSIGNMENT**

Chaheme Morales, Yessenia  
Edison/CDS Teacher

Effective  
8/30/11

From: Franklin  
To: Edison

Gluck, Heidi  
CDS/Preschool

8/30/11

From: Pine Street  
To: Preschool Floater

Norodom, Pachapor  
McKinley/CDS Teacher

8/30/11-6/18/12

From: 100%  
To: 50% [correction from 8/24 Agenda]

Norodom, Pachapor  
Rogers/CDS Teacher

8/30/11

From: McKinley  
To: Rogers

Posey, Stephen  
Roosevelt/4<sup>th</sup> Grade

8/29/11

From: Cabrillo Elementary  
To: Roosevelt Elementary

Sanchez-Aviles, Johanna  
McKinley/CDS Teacher

8/30/11

From: John Adams  
To: McKinley

Smith, Courtnee  
Pine St/CDS Teacher

8/30/11

From: John Adams  
To: Pine Street

**LEAVE OF ABSENCE (with pay)**

Name/Location

Effective

Hammer, Chloe  
Malibu HS

8/29/11-1/20/12  
[medical]

Preuss, Jennifer  
Lincoln MS

9/6/11-10/18/11  
[medical]

**LEAVE OF ABSENCE (without pay)**

Name/Location

Effective

Friedman, Nancy  
Special Education

7/1/11-6/30/12  
[20% personal]

Frost, Millicent  
Educational Svcs

8/29/11-6/18/12  
[personal]  
(Change of percentage 40% to 100%, 6/30/11 Agenda)

Korvin, Karin  
Santa Monica HS

8/29/11-6/18/12  
[20% personal]

Martin, Laurie  
Speech Pathologist

8/29/11-6/18/12  
[child care]

Papale, Jacqueline Franklin Elementary	8/29/11-6/18/12 [personal]
Prevett, Amy Muir Elementary	8/29/11-11/9/11 [CFRA]
Prevett, Amy Muir Elementary	11/10/11-6/18/12 [child care]
Rowton, Russell Santa Monica HS	8/29/11-6/18/12 [20% personal]

## **RESIGNATION**

<u>Name/Location</u>	<u>Effective</u>
Ihrig, Debra Gramt Elementary	6/22/11
Kim, Mindy Special Education	6/30/11

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



TO: BOARD OF EDUCATION

FROM: SANDRA LYON / WILBERT YOUNG

RE: CLASSIFIED PERSONNEL - MERIT

ACTION/CONSENT  
09/08/11

RECOMMENDATION NO. A.11

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.

<b><u>ELECTION</u></b>		<b><u>EFFECTIVE DATE</u></b>
Barrow, Ken	Inst Asst – Classroom	8/29/11
Grant Elementary	2 Hrs/SY/Range: 18 Step: A	
Bechkowski, Stefan	Swimming Instructor/Lifeguard	8/29/11
Facility Permits	4 Hrs/SY/Range: 21 Step: A	
Buccioni, Tasha	Inst Asst – Classroom	8/29/11
McKinley Elementary	3.5 Hrs/SY/Range: 18 Step: A	
Campos, Andhia	Children Center Asst	8/29/11
Child Develop Svcs	3.5 Hrs/SY/Range: 18 Step: A	
Carranza, Monica	Cafeteria Worker I	8/29/11
Food Services	3 Hrs/SY/Range: 11 Step: A	
Casey, Brittany	Children Center Asst	8/29/11
Child Develop Svcs	3.5 Hrs/SY/Range: 18 Step: A	
Casillas, Emma	Inst Asst – Bilingual	8/29/11
Edison Elementary	3.5 Hrs/SY/Range: 20 Step: A	
Garrett, Christine	Sr. Office Specialist	8/29/11
Human Resources	8 Hrs/12 Mo/Range: 25 Step: A	
Germain, Katherine	Inst Asst – Classroom	8/29/11
Rogers Elementary	3 Hrs/SY/Range: 18 Step: A	
Gershuni, Katherine	Children Center Asst	8/29/11
Child Develop Svcs	3.5 Hrs/SY/Range: 18 Step: A	
Gheewala, Mehrun	Children Center Asst	8/29/11
Child Develop Svcs	3.5 Hrs/SY/Range: 18 Step: A	
Gilbert, Eileen	Administrative Asst	8/15/11
Santa Monica HS	8 Hrs/12 Mo/Range: 29 Step: A	
Gomez, Aida	Children Center Asst	8/29/11
Child Develop Svcs	3.5 Hrs/SY/Range: 18 Step: A	
Gutierrez, Corina	Children Center Asst	8/29/11
Child Develop Svcs	3.5 Hrs/SY/Range: 18 Step: A	
Hardin, Tamara	Children Center Asst	8/29/11
Child Develop Svcs	3.5 Hrs/SY/Range: 18 Step: A	
Haro, Irma	Children Center Asst	8/29/11
Child Develop Svcs	3.5 Hrs/SY/Range: 18 Step: A	

Hartley, Logan Rogers Elementary	Inst Asst – Classroom 3 Hrs/SY/Range; 18 Step: A	8/29/11
Kaur, Kulwinder Food Services	Cafeteria Worker I 3 Hrs/SY/Range: 11 Step: A	8/29/11
Lugo-Perez, Veronica Child Develop Svcs	Children Center Asst 3.5 Hrs/SY/Range: 18 Step: A	8/29/11
Manzur, Juan Information Services	Technology Support Asst 8 Hrs/12 Mo/Range: 32 Step: F	9/1/11
Martin, Italo Food Services	Cafeteria Worker I 3 Hrs/SY/Range: 11 Step: A	8/29/11
Martinez, Daniel Child Develop Svcs	Children Center Asst 3.5 Hrs/SY/Range: 18 Step: A	8/29/11
McDonald, Sara Child Develop Svcs	Children Center Asst 3.5 Hrs/SY/Range: 18 Step: A	8/30/11
McKeown, Carol Child Develop Svcs	Children Center Asst 3.5 Hrs/SY/Range: 18 Step: A	8/29/11
Mikhail, Christine Rogers Elementary	Inst Asst – Special Ed 6 Hrs/SY/Range: 20 Step: A	8/29/11
Olaque, Christina McKinley Elementary	Elementary Library Asst 7 Hrs/10 Mo/Range: 26 Step: C	8/23/11
Reed, Lu Ann Santa Monica HS/Student Svcs	Licensed Vocational Nurse 8 Hrs/10 Mo/Range: 34 Step: E	8/23/11
Rodriguez, Elvira Personnel Commission	Human Resources Tech 8 Hrs/12 Mo/Range: 31 Step: A	9/1/11
Ruiz, Astrid Child Develop Svcs	Bilingual Community Liaison 8 Hrs/12 Mo/Range: 25 Step: A	8/29/11
Ruiz, Juliana Food Services	Cafeteria Worker I 3 Hrs/SY/Range: 11 Step: A	8/29/11
Sewani, Rasmin Food Services	Cafeteria Worker I 3 Hrs/SY/Range: 11 Step: A	8/29/11
Stout, Amy Muir Elementary	Inst Asst – Classroom 3.5 Hrs/SY/Range: 18 Step: A	8/29/11
Thompson, Racquel Child Develop Svcs	Children Center Asst 3.5 Hrs/SY/Range: 18 Step: A	8/29/11
Valladares, Yulma Child Develop Svcs	Bilingual Community Liaison 8 Hrs/12 Mo/Range; 25 Step: A	8/29/11
Washington, Monique Child Develop Svcs	Children Center Asst 3.5 Hrs/SY/Range: 18 Step: A	8/29/11
Williams, Paris Child Develop Svcs	Children Center Asst 3.5 Hrs/SY/Range: 18 Step: A	8/29/11



Woodward, Teresa	Children Center Asst	8/29/11
Child Develop Svcs	3.5 Hrs/SY/Range: 18 Step: A	

**ELECTION – RESTRICTED (PER MERIT RULE 3.1.5.A)**

**EFFECTIVE DATE**

Fajardo, Virginia	Children Center Asst	8/29/11
Child Develop Svcs	3.5 Hrs/SY/Range: 18 Step: A	

Gonzalez, Cecilia	Children Center Asst	8/29/11
Child Develop Svcs	3.5 Hrs/SY/Range: 18 Step: A	

Gonzalez, Maximina	Children Center Asst	8/29/11
Child Develop Svcs	3.5 Hrs/SY/Range: 18 Step: A	

Saenz, Alicia	Children Center Asst	8/29/11
Child Develop Svcs	3.5 Hrs/SY/Range: 18 Step: A	

Zotelo, Guadalupe	Children Center Asst	8/29/11
Child Develop Svcs	7 Hrs/SY/Range: 18 Step: A	

**PROVISIONAL ASSIGNMENT**

**EFFECTIVE DATE**

Ayala, Magdalena	Health Office Specialist	8/29/11-12/31/11
Student Services		

Regan, Nell	Health Office Specialist	8/29/11-12/31/11
Student Services		

Villalobos, Eva	Health Office Specialist	8/29/11-12/31/11
Student Services		

Villegas, Bibiana	Health Office Specialist	8/29/11-12/31/11
Student Services		

**RE-INSTATEMENT**

**EFFECTIVE DATE**

Tangum, Cathy	Campus Security Officer	8/23/11
Olympic HS	7 Hrs/10 Mo/Range: 25 Step: F	

Terzis, Sandra	Inst Asst – Classroom	8/29/11
Muir Elementary	3.5 Hrs/SY/Range; 18 Step: C	

**PROMOTION**

**EFFECTIVE DATE**

Coleman, Dawn	Inst Asst – Specialized	8/29/11
Special Ed	6 Hrs/SY/Range: 26 Step: A	
	Fr: Inst Asst – Special Ed	

Santin, Delmy	Inst Asst – Specialized	8/29/11
Special Ed	6 Hrs/SY/Range: 26 Step: A	
	Fr: Inst Asst – Special Ed	

**SUMMER ASSIGNMENTS**

**EFFECTIVE DATE**

Aire, Mikiko	Inst Asst – Classroom	8/17/11-8/28/11
Ed Services/St Anne		

Carrillo, Steven	Bus Driver	8/15/11-8/22/11
Transportation		

Castro, Esperanza	Site Coordinator	8/23/11-8/24/11
Food Services		

Davis, Lenora Transportation	Bus Driver	8/15/11-8/22/11
Gary, Barbara Ed Services/St Anne	Inst Asst – Classroom	8/17/11-8/28/11
Gomez, Jose Food Services	Production Kitchen Coord	8/23/11-8/24/11
Gordon-Johnson, Robin Rogers Elementary	Sr. Office Specialist	8/15/11-8/22/11
Gutierrez, Martha Franklin Elementary	Sr. Office Specialist	8/16/11-8/22/11
Hochberg-Sember, Judy Rogers Elementary	Administrative Asst	8/15/11-8/17/11
Lai, Chong Fah Food Services	Production Kitchen Coord	8/23/11-8/24/11
Lawrence, Adrianna Transportation	Bus Driver	7/29/11-8/22/11
Mesrobian, Varso Franklin Elementary	Sr. Office Specialist	8/11/11-8/22/11
Moore, Deborah Ed Services/St Anne	Inst Asst – Classroom	8/17/11-8/28/11
Newman, Pasley Special Ed/SMHS	Inst Asst – Special Ed	8/8/11-8/12/11
Olmos, Maria Rogers Elementary	Sr. Office Specialist	8/15/11-8/22/11
Saucedo, Olga Special Ed	Office Specialist	8/5/11-8/19/11
Savage, Stephanie Ed Services	Sr. Office Specialist	8/8/11-8/23/11

**TEMP/ADDITIONAL ASSIGNMENTS**

Ayala, Magdalena Student Services	Health Office Specialist [additional hours – training]	8/25/11-8/26/11
Coleman, Dawn Special Education	Inst Asst – Specialized [additional hours – training]	8/22/11-8/29/11
Harper, Erin Special Education	Occupational Therapist [additional hours - staff development]	6/28/11
Regan, Nell Student Services	Health Office Specialist [additional hours – training]	8/25/11-8/26/11
Rosenbaum, Joyce Special Education	Physical Therapist [additional hours – assessments]	6/30/11-8/12/11
Santin, Delmy Special Education	Inst Asst – Specialized [additional hours – training]	8/22/11-8/29/11

Smith, Angelique Special Education	Occupational Therapist [additional hours – staff development]	6/28/11
Villalobos, Eva Student Services	Health Office Specialist [additional hours – training]	8/25/11-8/26/11
<b><u>SUBSTITUTES</u></b>		<b><u>EFFECTIVE DATE</u></b>
Barrientos, Karlin Personnel Commission	Office Specialist	7/1/11-6/15/12
Crawford, Cynthia Personnel Commission	Office Specialist	7/1/11-6/15/12
Romero, Clara Edison Elementary	Administrative Asst/Bilingual	8/18/11-10/31/11
<b><u>VOLUNTARY TRANSFER</u></b>		<b><u>EFFECTIVE DATE</u></b>
Rivera, Jennifer McKinley Elementary	Inst Asst – Classroom 3.5 Hrs/SY Fr: 2 Hrs/SY/Grant Elementary	8/29/11
<b><u>CHANGE IN ASSIGNMENT</u></b>		<b><u>EFFECTIVE DATE</u></b>
Grewohl, Catherine Franklin Elementary	Inst Asst – Classroom 3.6 Hrs/SY Fr: 3 Hrs/SY	8/29/11
Paulson, Amber Grant Elementary	Inst Asst – Classroom 3 Hrs/SY Fr: 2 Hrs/SY	8/29/11
<b><u>LEAVE OF ABSENCE (PAID)</u></b>		<b><u>EFFECTIVE DATE</u></b>
Herson, Ilana Franklin Elementary	Inst Asst – Special Ed Medical	8/29/11-3/2/12
Jackson, Nisha McKinley Elementary	Inst Asst – Special Ed Medical	8/29/11-9/28/11
McArthur, Sean Maintenance	Custodian Medical	8/2/11-8/31/11
Padilla, Ramiro Operations	Equipment Operator Medical	8/8/11-8/26/11
<b><u>LEAVE OF ABSENCE (UNPAID)</u></b>		<b><u>EFFECTIVE DATE</u></b>
Rodriguez, Cecilia Child Develop Svcs	Children Center Asst [child care]	8/29/11-9/30/11
<b><u>PROFESSIONAL GROWTH</u></b>		<b><u>EFFECTIVE DATE</u></b>
Gutierrez-Prada, Nancy John Adams MS	Bilingual Community Liaison	9/1/11

**RESIGNATION**

Birdsall-Kall, Rebecca  
Malibu High School

Inst Asst – Special Ed

**EFFECTIVE DATE**

6/22/11

Bulchand, Tina  
Special Education

Administrative Asst

9/8/11

Chapman, Vicky  
Cabrillo Elementary

Elementary Library Asst

8/22/11

Thomas, Frederick  
Pt Dume Elementary

Inst Asst – Classroom

8/23/11

Washington, Jamie  
Franklin Elementary

Inst Asst – Physical Ed

6/22/11

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

TO: BOARD OF EDUCATION

ACTION/CONSENT

09/08/11

FROM: SANDRA LYON / DEBRA MOORE WASHINGTON / WILBERT YOUNG

RE: CLASSIFIED PERSONNEL – NON-MERIT

RECOMMENDATION NO. A.12

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.

**TECHNICAL SPECIALIST – LEVEL I**

DOANE, KIMBERLY	SPECIAL EDUCATION [School Psychologist Intern] - Funding: Special Education	8/25/11-6/30/12
DONEGAN, JILLIAN	SPECIAL EDUCATION [School Psychologist Intern] - Funding: Special Education	8/25/11-6/30/12
ELIASOF, KAREN	SPECIAL EDUCATION [School Psychologist Intern] - Funding: Special Education	8/25/11-6/30/12
GAYNON, RACHEL	SPECIAL EDUCATION [School Psychologist Intern] - Funding: Special Education	8/25/11-6/30/12
GHERMEZI, JESSICA	SPECIAL EDUCATION [School Psychologist Intern] - Funding: Special Education	8/25/11-6/30/12
JONES, ALLISON	SPECIAL EDUCATION [School Psychologist Intern] - Funding: Special Education	8/25/11-6/30/12
LEE, VICTORIA	SPECIAL EDUCATION [School Psychologist Intern] - Funding: Special Education	8/25/11-6/30/12

**TECHNICAL SPECIALIST – LEVEL II**

ANDERSON, JODY	ED SVCS/SANTA MONICA HS [Band Coach] - Funding: SM Arts Parents Assoc	8/15/11-6/30/12
ANDERSON, ROBBIE	ED SVCS/SANTA MONICA HS [Orchestra Coach] - Funding: SM Arts Parents Assoc	8/15/11-6/30/12
BILL, ANDREW	ED SVCS/SANTA MONICA HS [Band Coach] - Funding: SM Arts Parents Assoc	8/15/11-6/30/12

KARUZA, JASON	ED SVCS/SANTA MONICA HS [Band Coach] - Funding: SM Arts Parents Assoc	8/15/11-6/30/12
MILLER, JEREMY	ED SVCS/SANTA MONICA HS [Band Coach] - Funding: SM Arts Parents Assoc	8/15/11-6/30/12
MILLER, KYLE	ED SVCS/SANTA MONICA HS [Band Coach] - Funding: SM Arts Parents Assoc	8/15/11-6/30/12

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

TO: BOARD OF EDUCATION

ACTION/CONSENT

09/08/11

FROM: SANDRA LYON / CHIUNG-SALLY CHOU / PEGGY HARRIS

RE: ADOPT RESOLUTION NO. 11-02 – NATIONAL HISPANIC/LATINO HERITAGE MONTH

RECOMMENDATION NO. A.13

It is recommended that the Board of Education adopt Resolution No. 11-02 – National Hispanic/Latino Heritage Month in recognition of the contributions of Hispanic Americans in our nation. Attached is the full Resolution to be signed by the Board President and Superintendent.

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

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

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

**Santa Monica-Malibu Unified School District**

**Resolution No. 11-02**

**National Hispanic/Latino Heritage Month**

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

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

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

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

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

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

**PASSED AND ADOPTED** this 8<sup>th</sup> day of September 2011 by the Santa Monica-Malibu Unified School District Board of Education by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
JOSE ESCARCE  
Board of Education President

\_\_\_\_\_  
Date

\_\_\_\_\_  
SANDRA LYON  
Superintendent and Secretary  
to the Board of Education

\_\_\_\_\_  
Date



TO: BOARD OF EDUCATION

ACTION/CONSENT

09/08/11

FROM: SANDRA LYON

RE: ADOPT RESOLUTION NO. 11-03 – COMMEMORATING THE 10<sup>TH</sup>  
ANNIVERSARY OF 9/11

RECOMMENDATION NO. A.14

It is recommended that the Board of Education adopt Resolution No. 11-03 – Commemorating the 10<sup>th</sup> Anniversary of 9/11.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

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

**RESOLUTION NO. 11-03  
COMMEMORATING THE 10<sup>TH</sup> ANNIVERSARY OF 9/11**

**WHEREAS**, on September 11, 2001, the peace and security of our nation was shattered by cowardly terrorist attacks that killed nearly 3,000 innocent and brave people at the World Trade Center towers in New York City, at the United States Pentagon, and in the pristine fields of Shanksville, Pennsylvania; and

**WHEREAS**, people of all ages and walks of life, across America, and around the world, collectively witnessed an event of immense tragedy on September 11, 2001; and

**WHEREAS**, the events of that day instantly transformed nearly everyone's lives, some through personal loss, and many others through an unfamiliar sense of individual and national vulnerability; and

**WHEREAS**, an unprecedented, historic bonding of Americans arose from the collective shock, unifying the country in an outpouring of national spirit, pride, selflessness, generosity, courage, and service; and

**WHEREAS**, many brave people heroically, tirelessly, and courageously participated in an extraordinarily difficult and dangerous rescue and recovery effort, in some cases voluntarily putting their own well-being at risk; and

**WHEREAS**, September 11 will never, and should never be just another day in the hearts and minds of all Americans; and

**WHEREAS**, September 11, 2011, will be the 10<sup>th</sup> anniversary of the 9/11 attacks on America; and

**WHEREAS**, many citizens may wish to memorialize September 11 by engaging in, or making a plan to engage in personal and individual acts of community service, or other giving activities, as part of a solemn day of remembrance and tribute; and

**WHEREAS**, on March 19, 2009, the United States Congress passed bipartisan legislation authorizing the establishment of September 11 as a federally recognized National Day of Service and Remembrance, which President Barack Obama signed into law on April 21, 2009; and

**WHEREAS**, the President of the United States, on September 11, 2009, issued the Patriot Day Proclamation officially and permanently designating September 11 as a National Day of Service and Remembrance, and calling upon all interested Americans to participate in this observance through moments of silence, the flying of the flag of the United States at half-staff, as well as community service and charitable activities in tribute and remembrance;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Education of the Santa Monica-Malibu Unified School District, in tribute to all of the victims of 9/11 and the many who rose in service in response to the 9/11 terrorist attacks, will observe September 11, 2011, the 10th Anniversary of 9/11, as a voluntary Day of Service and Remembrance, and furthermore calls upon all its citizens and organizations to consider joining in this observance and to engage in activities of tribute, solemn remembrance and charitable service.

**PASSED AND ADOPTED** on the 8<sup>th</sup> of September 2011 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Jose Escarce  
Board President

---

Sandra Lyon  
Superintendent



TO: BOARD OF EDUCATION

ACTION/CONSENT

09/08/11

FROM: SANDRA LYON / JANECE L. MAEZ

RE: REVISE BP 3513.3 – TOBACCO-FREE SCHOOLS

RECOMMENDATION NO. A.15

It is recommended that the Board of Education revise BP 3513.3 – Tobacco-Free Schools.

COMMENT: This is a mandated revision by CSBA that reflects California Department of Education (CDE) requirements, as a condition for receipt of Tobacco-Use Prevention Education (TUPE) funding, related to certification of compliance with tobacco-free schools requirements. The revised policy adds the definition of prohibited products, including nicotine delivery devices, such as electronic cigarettes, and reflects new law (SB 882, 2010), which prohibits sales of electronic cigarettes to minors.

The revised policy is attached.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

**TOBACCO-FREE SCHOOLS**

The Board of Education recognizes the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke, and desires to provide a healthy environment for students and staff.

The Board prohibits the use of tobacco products at any time in district-owned or leased buildings, on district property and in district vehicles. (Health and Safety Code 104420; Labor Code 6404.5; 20 USC 6083)

This prohibition applies to all employees, students and visitors at any instructional program, activity or athletic event.

Prohibited products include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, and nicotine delivery devices such as electronic cigarettes. Exceptions may be made for the use or possession of prescription nicotine products. (Education Code 48900.)

Smoking or use of any tobacco-related products and disposal of any tobacco-related waste are prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. (Health and Safety Code 104495)

Legal Reference:EDUCATION CODE

48900 Grounds for suspension/expulsion

48901 Prohibition against tobacco use by students

HEALTH AND SAFETY CODE

39002 Control of air pollution from nonvehicular sources

104350-104495 Tobacco use prevention, especially:

104495 Prohibition of smoking and tobacco waste on playgrounds

LABOR CODE

6404.5 Occupational safety and health: use of tobacco products

UNITED STATES CODE, TITLE 20

6083 Nonsmoking policy for children's services

7111-7117 Safe and Drug Free Schools and Communities Act

PERB RULINGS

Eureka Teachers Assn v. Eureka City School District (1992) PERB Order #955 (16 PERC 23168)

CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989) PERB Order #750 (13 PERC 20147)

Management Resources:WEB SITES

CDE: <http://www.cde.ca.gov>

California Department of Public Health, Tobacco Control: <http://www.cdph.ca.gov/programs/tobacco>

Occupational Safety and Health Standards Board: <http://www.dir.ca.gov/OSHSB/oshsb.html>

Environmental Protection Agency: <http://www.epa.gov>

**Policy SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT**

**adopted: August 19, 2009 Santa Monica, California**

**revised: September 8, 2011**

TO: BOARD OF EDUCATION

ACTION/CONSENT

09/08/11

FROM: SANDRA LYON / DEBRA MOORE WASHINGTON / MAROLYN FREEDMAN

RE: REVISE BP 5022 – STUDENT AND FAMILY PRIVACY RIGHTS

RECOMMENDATION NO. A.16

It is recommended that the Board of Education revise BP 5022 – Student and Family Privacy Rights.

COMMENT: This is a mandated revision by CSBA that revises and reorganizes the policy to address certain privacy issues related to students and/or their parents/guardians, including the administration of surveys and physical exams/screenings, parent/guardian rights to inspect instructional materials, and the collection of personal information for marketing purposes.

The revised policy is attached. The board discussed these changes at the August 24, 2011, board meeting.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

**STUDENT AND FAMILY PRIVACY RIGHTS**

The Governing Board respects the rights of district students and their parents/guardians with regard to the privacy of their personal beliefs and the confidentiality of their personal information. The Superintendent or designee shall develop regulations to ensure compliance with law when the district requests, retains, discloses, or otherwise uses the personal information of its students and their families.

The regulations shall, at a minimum, address the following: (20 USC 1232h)

1. Whether the district may collect the personal information of students for marketing or sale
2. How the district will administer surveys that may request information about the personal beliefs and practices of students and their families
3. The rights of parents/guardians to inspect:
  - a. Survey instruments requesting information about their personal beliefs and practices or those of their children
  - b. Instructional materials used as part of their children's educational curriculum
4. Whether the district may administer any nonemergency invasive physical examination or screening
5. Notifications that the district will provide to students and parents/guardians with respect to their privacy rights

The Superintendent or designee shall consult with parents/guardians regarding the development of the procedures. (20 USC 1232h)

~~The Board of Education believes that personal information concerning district students and their families should be kept private in accordance with law, including the provisions outlined in the Family Educational Rights and Privacy Act. (FERPA)~~

**Collection of Personal Information for Marketing Purposes**

~~The Board recognizes that in compliance with the No Child Left Behind Act of 2001, districts receiving Title IV funds must administer the California Healthy Kids Survey biennially. Guidelines for parents/guardian consent to participate in the survey are outlined in the Administrative Regulation for this policy.~~

~~The Board prohibits district staff from administering or distributing to students survey instruments that are designed for the purpose of collecting personal information for marketing or for selling that information.~~



Legal Reference:

EDUCATION CODE

49450-49458 Physical examinations

49602 Confidentiality of pupil information

51101 Parents Rights Act of 2002

51513 Personal beliefs

51938 Sexual Health And HIV/AIDS Prevention Education Act; notice and parental excuse

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of pupil rights

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

CDE: <http://www.cde.ca.gov>

USDOE, Family Policy Compliance Office: <http://www.ed.gov/offices/OM/fpc/>

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



TO: BOARD OF EDUCATION

ACTION/CONSENT

09/08/11

FROM: SANDRA LYON / DEBRA MOORE WASHINGTON / MAROLYN FREEDMAN

RE: REVISE BP 5116.1 – INTRADISTRICT OPEN ENROLLMENT

RECOMMENDATION NO. A.17

It is recommended that the Board of Education revise BP 5116.1 – Intradistrict Open Enrollment.

COMMENT: This is a mandated revision by CSBA to reflect new law (SBX5 4), which allows a student attending a school identified by the CDE as an "open enrollment school" to transfer to another school that has a higher Academic Performance Index. The revised policy contains language giving priority for admission to students attending an identified school who wish to transfer to another school within the district. The policy and regulation have also been revised to create an application window in order to allow the district to grant priorities consistent with the requirements in the Open Enrollment Act.

The revised policy is attached. The board discussed these changes at the August 24, 2011, board meeting.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

**INRADISRICT OPEN ENROLLMENT**

The Board of Education desires to provide enrollment options that meet the diverse needs and interests of district students and parents/guardians, while also balancing enrollment in order to maximize the efficient use of district facilities. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy, and administrative regulation.

The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of residence within the district. (Education Code [35160.5](#))

The Board shall annually review this policy. (Education Code [35160.5](#), [48980](#))

**Enrollment Priorities**

Priority for attendance outside a student's attendance area shall be given as follows:

1. Any student enrolled in a district school that has been identified on the state's Open Enrollment List. (Education Code 48354)
42. The Board believes it is the best interest of students that firm ties are established between families and schools. Therefore, once a family has received an intradistrict permit, the receiving school shall be regarded as the home school of that family, and all siblings in the family may attend that school. Enrollment of intradistrict siblings will be automatic, and shall not be subject to permit priorities or space availability.
23. If a district school receiving Title I funds is identified for program improvement, corrective action, or restructuring, all students enrolled in that school shall be provided an option to transfer to another district school or charter school. (20 USC [6316](#))
34. If while on school grounds a student becomes the victim of a violent criminal offense, he/she shall be provided an option to transfer to another district school or charter school. (20 USC [7912](#))
45. If a student attends a school designated by the California Department of Education as "persistently dangerous," he/she shall be provided an option to transfer to another district school or charter school. (20 USC [7912](#); 5 CCR [11992](#))
56. The Superintendent or designee may approve a student's transfer to a district school that is at capacity and otherwise closed to transfers upon finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area, including, but not limited to, threats of bodily harm or threats to the emotional stability of the student.

To grant priority under these circumstances, the Superintendent or designee must have received either: (Education Code [35160.5](#))

- a. A written statement from a representative of an appropriate state or local agency, such as a law enforcement official, social worker, or a properly licensed or registered professional, such as a psychiatrist, psychologist, or marriage and family therapist
- b. A court order, including a temporary restraining order and injunction

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law, applications for intradistrict open enrollment shall be submitted between May 1 and May 31 of the school year preceding the school year for which the transfer is requested.

For all other applications for enrollment from outside a school's attendance area, the Superintendent or designee shall use a random, unbiased selection process to determine who shall be admitted whenever the school receives admission requests that are in excess of the school's capacity. A school's capacity shall be calculated in a nonarbitrary manner using student enrollment and available space. (Education Code [35160.5](#))

Enrollment decisions shall not be based on a student's academic or athletic performance, except that existing entrance criteria for specialized schools or programs may be used provided that the criteria are uniformly applied to all applicants. Academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students. (Education Code [35160.5](#))

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area. (Education Code [35160.5](#))

## **Transportation**

Except as required by 20 USC [6316](#) for transfers out of Title I program improvement schools, the district shall not be obligated to provide transportation for students who attend school outside their attendance area.

### Legal Reference:

#### EDUCATION CODE

[35160.5](#) District policies; rules and regulations

[35291](#) Rules

[35351](#) Assignment of students to particular schools

[48980](#) Notice at beginning of term

CODE OF REGULATIONS, TITLE 5

[11992-11994](#) Definition of persistently dangerous schools

UNITED STATES CODE, TITLE 20

[6316](#) Transfers from program improvement schools

[7912](#) Transfers from persistently dangerous schools

CODE OF FEDERAL REGULATIONS, TITLE 34

[200.36](#) Dissemination of information

[200.37](#) Notice of program improvement status, option to transfer

[200.39](#) Program improvement, transfer option

[200.42](#) Corrective action, transfer option

[200.43](#) Restructuring, transfer option

[200.44](#) Public school choice, program improvement schools

[200.48](#) Transportation funding for public school choice

#### COURT DECISIONS

*Crawford v. Huntington Beach Union High School District*, (2002) 98 Cal.App.4th 1275

#### ATTORNEY GENERAL OPINIONS

85 Ops.Cal.Atty.Gen. 95 (2002)

### Management Resources:

#### U.S. DEPARTMENT OF EDUCATION GUIDANCE

*Unsafe School Choice Option*, May 2004

*Public School Choice*, February 2004

#### WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, *Unsafe School Choice Option*: <http://www.cde.ca.gov/ls/ss/se/usco.asp>

U.S. Department of Education, *No Child Left Behind*:: <http://www.nclb.gov>

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



TO: BOARD OF EDUCATION

ACTION/CONSENT

09/08/11

FROM: SANDRA LYON / DEBRA MOORE WASHINGTON / MAROLYN FREEDMAN

RE: REVISE BP 5131.62 – TOBACCO

RECOMMENDATION NO. A.18

It is recommended that the Board of Education revise BP 5131.62 – Tobacco.

COMMENT: CSBA is recommending this policy update to provide examples of prohibited tobacco products in accordance with law and to add a prohibition of nicotine delivery devices such as electronic cigarettes, consistent with new law (SB 882, 2010), which makes it unlawful for a person to sell or furnish an electronic cigarette to a minor. The revised policy also authorizes the use of intervention services as an alternative to suspension for tobacco possession and reflects requirement of TUPE program that the district not accept materials, advertisements, or funds from the tobacco industry.

The revised policy is attached. The board discussed these changes at the August 24, 2011, board meeting.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

**TOBACCO**

The Board of Education recognizes that tobacco use presents serious health risks and desires to provide support and assistance in reducing the number of students who begin or continue to use tobacco. The Superintendent or designee shall establish a comprehensive program that includes consistent enforcement of laws prohibiting tobacco possession and use by students, tobacco-use prevention education, and intervention and cessation activities and/or referrals.

**Prohibition Against Tobacco Use**

Students shall not possess, smoke, or use tobacco or any product containing tobacco or nicotine, while on campus, while attending school-sponsored activities, or while under the supervision and control of district employees. Prohibited products include, but are not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. (Education Code 48900, 48901)

Students' possession or use of nicotine delivery devices, such as electronic cigarettes, is also prohibited.

This prohibition does not include students' possession or use of their own prescription products. (Education Code [48900](#), [48901](#))

**Intervention/Cessation Services**

The district may provide or refer students to counseling, intensive education, and other intervention services to assist in the cessation of tobacco use. When appropriate, such intervention services may be provided as an alternative to suspension for tobacco possession.

**Prevention Instruction**

The district shall provide developmentally appropriate tobacco-use prevention instruction for students at selected grade levels from K-12. Such instruction shall be aligned with state content standards and the state curriculum framework for health education and with any requirements of state and/or federal grant programs in which the district participates.

**Program Planning**

The district's tobacco-use prevention and intervention program shall be based on an assessment of tobacco-use problems in district schools and the community, an examination of existing services and activities in the community, and a determination of high-risk student populations that are most in need of district services.

The Superintendent or designee shall coordinate with the local health department and county office of education in program planning and implementation. He/she may establish an advisory council including students, parents/guardians, district staff, representatives of the local health department and community organizations, law enforcement professionals, and/or others with demonstrated expertise in tobacco prevention and cessation.

The Superintendent or designee also shall coordinate the district's tobacco-use prevention program with other district efforts to reduce students' use of illegal substances and to promote student wellness.



The Superintendent or designee shall select anti-tobacco programs based on the model program designs identified by the California Department of Education (CDE) and may modify the model to meet district needs. (Health and Safety Code 104420)

The Superintendent or designee shall not accept for distribution any materials or advertisements that promote the use or sale of tobacco products. He/she also shall not accept tobacco-use prevention or intervention funds or materials from the tobacco industry or from any entity which has received funding from the tobacco industry.

## **Program Evaluation**

To evaluate the effectiveness of the district's program and ensure accountability, the Superintendent or designee shall biennially administer the California Healthy Kids Survey to students at selected grade levels in order to assess student attitudes toward tobacco and student use of tobacco.

Because of the additional health risks of tobacco use for prenatal development, the district shall provide outreach, motivational and other support services to prevent or reduce tobacco use among pregnant and parenting minors.

Information about smoking cessation programs shall be made available and encouraged for students and staff. (Health and Safety Code [104420](#))

### Legal Reference:

#### **EDUCATION CODE**

[48900](#) Suspension or expulsion (grounds)

[48900.5](#) Suspension, limitation on imposition; exception

[48901](#) Smoking or use of tobacco prohibited

[51202](#) Instruction in personal and public health and safety

#### **HEALTH AND SAFETY CODE**

[104350-104495](#) Tobacco use prevention education

#### **PENAL CODE**

[308](#) Minimum age for tobacco possession

#### **UNITED STATES CODE, TITLE 20**

[7111-7117](#) Safe and Drug-Free Schools and Communities Act

### Management Resources:

#### **CDE PUBLICATIONS**

*Getting Results: Developing Safe and Healthy Kids, 1998-99*

#### **CENTERS FOR DISEASE CONTROL PUBLICATIONS**

*Guidelines Related to School Health Programs to Prevent Tobacco Use and Addiction, 1994*

#### **NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS**

*Fit, Healthy, and Ready to Learn: A School Health Policy Guide, 2000*

#### **WEB SITES**

CDE: <http://www.cde.ca.gov>

California Department of Health Services: <http://www.dhs.ca.gov>

U.S. Department of Education: <http://www.ed.gov>

U.S. Surgeon General: <http://www.surgeongeneral.gov>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

National Association of State Boards of Education: <http://www.nasbe.org>

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



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## **MAJOR ITEMS**



TO: BOARD OF EDUCATION  
FROM: SANDRA LYON / JANECE L. MAEZ / PAT HO  
RE: 2010-11 UNAUDITED ACTUAL FINANCIAL REPORT

ACTION/MAJOR  
09/08/11

RECOMMENDATION NO. A. 19

It is recommended the Board of Education approve the 2010-11 Unaudited Actual Financial Report and staff recommendations for fund balances reservations.

COMMENTS: California Education Code §42100 requires the governing board of each school district to provide the county office of education a report of all revenues and expenditures for the preceding fiscal year. This report must also include any resulting corrections to the current year (2010-11) adopted budget. Although the prior fiscal year formally ended on June 30, final accounting tabulations are not generally completed by the District and the LACOE until the end of August. It is noted that all data contained in the attached report will be subject to final audit by the District's independent auditing firm of Christy White Accountancy Corporation (formerly Nigro Nigro and White).

The 2010-11 fiscal year saw the continuation of budget issues for school districts across the State of California. Deficits in excess of 19% were applied to our State revenues. The State continued to allow expanded flexibility to districts to "weather" the storm. This flexibility should however be considered as a one-time solution and does not solve the ongoing problem caused by the State deficits.

In preparing the budget last year the Board made a total of 7.2 million dollars in budgetary cuts. These included increasing class sizes and reductions of staffing to counseling, nursing, security and administration. Difficult decisions like closing libraries and eliminating the elementary music program were also considered. The Board took action at the end of May 2010 on these reductions. Quickly, the Santa Monica and Malibu parent communities stepped up with an aggressive fund raising effort and before the end of August, along with the Federal Jobs dollars, the Board was able to restore over 3.0 million of those reductions. The Board took action in August to restore many of the reductions made in May and to bring back laid-off employees. That restoration continues into the 2011-12 fiscal year. The tremendous efforts of our Educational Foundation, PTA and our parent population through a fundraising campaign, known as Save our Schools (SOS), raised over 1.5 million dollars in eight weeks.

The purpose of this agenda item is to present the final results of operation for the 2010-11 fiscal year. The information is presented in the format required by the state. Staff will be presenting a more user-friendly version of the information to the Board at the meeting. The PowerPoint presentation should be available on the District web site early next week.

## Highlights from the 2010-11 Unaudited Actuals

### General Fund Ending Balance 2010-11

- 1) **Unrestricted Funds** – The Unrestricted General Fund ending balance (inclusive of a Board-approved 3% Reserve for Economic Uncertainties, revolving cash, warehouse inventory, school site and District carryover funds, etc.) is currently reported to be \$19,846,944.

- 2) The components of that 19.8 million dollar Ending Balance include the following:

Stores-Revolving Cash-Prepaid	\$ 127,142
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Reserve for Economic Uncertainties	\$ 3,413,726
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#### Designations of Fund Balance

Prior Year Encumbrances/Carryovers	\$ 506,000
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2011-12 Deficit Spending	\$ 4,171,088
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2011-12 Staffing Changes – post budget	\$ 1,076,182
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Potential Mid-Year State Cuts	\$ <u>3,000,000</u>
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Total Designations	\$ 8,753,270
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Undesignated/Unappropriated Balance	\$ 7,552,807
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- 3) The Unrestricted General Fund fund balance was approximately 4.0 million dollars higher than expected when the Estimated Actuals were prepared with the 2011-12 Budget document in June 2011. This difference occurs naturally as the Estimated Actuals are always prepared on a conservative basis. Revenue is not assumed unless the value can be accurately projected and it known when it will be received. Also, all Board approved allocations are assumed expended as estimates are prepared through the year. So when allocations remain unspent as of the June 30<sup>th</sup> cut-off date, but will be spent in the subsequent fiscal year or there are revenues that were not originally projected it appears that there are “new” resources available to the district. In reality, it’s a more function of timing than missed calculations.

This additional balance of 4.0 million can be explained by the following:

Roll Over PO's and Carryovers	\$ 506,000
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SFSF (ARRA) Carryover	\$ 300,000
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No CDS Encroachment	\$ 450,000
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2010-11 – 1 <sup>st</sup> Quarter Prop Y funds	\$ 1,200,000
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Unexpected SELPA funds (2009-10)	\$ 1,000,000
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Unspent Substitute Teacher Allocation	\$ 300,000
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- 4) **Restricted Funds** – The Restricted General Fund accounts for the remaining categorical funds and local resources. The ending balance for that portion of the General Fund was approximately 1.8 million higher than projected in June. This is a result of categorical and local carryovers and will be used in those specific resources.

Attachments:

- **Attachment 1** - Provides a summary of the Local General Fund Contribution (LGFC) category for 2010-11.
- **Attachment 2** - Provides a summary of the 2010-11 ending fund balance for each District fund.

The complete 2010-11 Unaudited Actual Financial Report in the State Standardized Account Code Structure (SACS) is attached to the Agenda as *Attachment A* (green pages).

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

**SANTA MONICA-MALIBU USD  
2010-11 LOCAL GENERAL FUND CONTRIBUTION (LGFC)**

	<b>2010-11 ESTIMATED ACTUALS</b>	<b>2010-11 ACTUALS</b>	<b>CHANGES</b>
SPECIAL EDUCATION	11,744,455	10,975,167	(769,288)
SPECIAL EDUCATION TRANSPORTATION*	702,080	593,848	(108,232)
HOME TO SCHOOL TRANSPORTATION	171,746	83,012	(88,734)
MULTI-CULTURE PROGRAM	500,000	495,858	(4,142)
REGIONAL OCCUPATIONAL PROGRAM	8,700	8,700	-
ON GOING MAINTENANCE PROGRAM	3,310,172	3,269,274	(40,898)
TOTAL CONTRIBUTION:	16,437,153	15,425,859	(1,011,294)



**SANTA MONICA-MALIBU USD  
2010-11 SUMMARY REPORT FOR ALL FUNDS  
UNAUDITED ACTUALS**

<b>FUND</b>	<b>DESCRIPTION</b>	<b>BEGINNING FUND BALANCE</b>	<b>REVENUES</b>	<b>EXPENDITURES</b>	<b>FUND BALANCE</b>
01	GENERAL FUND UNRESTRICTED RESTRICTED	\$ 16,784,024.69 \$ 4,151,739.41	\$ 76,083,788.32 \$ 40,125,423.14	\$ 73,020,868.21 \$ 40,769,998.65	\$ 19,846,944.80 \$ 3,507,163.90
11	ADULT EDUCATION	\$ 267,211.83	\$ 396,306.20	\$ 378,246.35	\$ 285,271.68
12	CHILD DEVELOPMENT	\$ 108,833.34	\$ 7,737,947.98	\$ 7,728,106.09	\$ 118,675.23
13	CAFETERIA	\$ 441,796.06	\$ 3,007,945.86	\$ 3,007,373.20	\$ 442,368.72
14	DEFERRED MAINTENANCE	\$ 730,963.00	\$ 9,275.28	\$ 16,767.25	\$ 723,471.03
20	SPECIAL RESERVE	\$ 1,738,935.01	\$ 17,124.99	\$ 1,756,060.00	\$ -
21	BUILDING	\$ 77,665,299.39	\$ 67,587,562.65	\$ 16,684,835.24	\$128,568,026.80
25	CAPITAL FACILITIES	\$ 6,947,053.56	\$ 931,389.52	\$ 7,846.51	\$ 7,870,596.57
40	SPECIAL RESERVE FUND FOR CAPITAL OUTLAY PROJECTS	\$ 4,141,151.10	\$ 14,292,128.37	\$ 13,530,426.17	\$ 4,902,853.30
51	BOND INTEREST AND REDEMPTION FUND	\$ 16,236,545.00	\$ 20,086,472.00	\$ 19,529,256.00	\$ 16,793,761.00
56	DEBT SERVICES	\$ 1,261.34	\$ 16.63	\$ 1,277.97	\$ -
67	GASB 45 FUND	\$ 0.00	\$ 1,762,942.30		\$ 1,762,942.30
	<b>TOTAL:</b>	<b>\$129,214,813.73</b>	<b>\$232,038,323.24</b>	<b>\$176,431,061.64</b>	<b>\$184,822,075.33</b>



TO: BOARD OF EDUCATION

ACTION/MAJOR

09/08/11

FROM: SANDRA LYON / CHIUNG-SALLY CHOU / MAROLYN FREEDMAN

RE: ADOPT BP AND AR 5145.10 – DISABILITY HARASSMENT

RECOMMENDATION NO. A.20

It is recommended that the Board of Education adopt a new Board Policy and Administrative Regulation 5145.10 – Disability Harassment.

COMMENTS: This new policy and regulation have been developed in response to an Office of Civil Rights request and clarify what constitutes an act of harassment against students with disabilities as well as the process for reporting such an incident, disciplining those who have violated the policy, and educating staff, students, and parents about this topic. District staff worked with an ad hoc committee of the Special Education District Advisory Committee to develop this BP and AR.

This item came forward for board discussion on August 24, 2011.

Attached:

- Board Policy 5145.10 – Disability Harassment
- Administrative Regulations 5145.10 – Disability Harassment

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

**DISABILITY HARASSMENT**

The Board of Education is committed to maintaining an educational environment that is free from harassment. The Board prohibits disability harassment of students by other students, employees or other persons, at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against any person who complains, testifies, assists, or otherwise participates in the complaint process established pursuant to this policy and the administrative regulation.

**Definition**

Disability harassment is intimidation or abusive behavior toward a student based on disability or being regarded as having such an impairment that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the District's programs or activities. A hostile environment is created when harassing conduct is sufficiently severe, persistent or pervasive. Disability harassment includes any unwelcome verbal, written or physical conduct, directed at the characteristics of a person's disabling or regarded as having such a disabling condition, such as imitating manner of speech or movement, or interference with necessary equipment, or exclusion from activities available to peers. Harassment of a student based on disability may decrease the student's ability to benefit from his or her education and amount to a denial of Free and Appropriate Public Education (FAPE).

**Instruction/Information**

The Superintendent or designee shall ensure that all staff receive training about, and district students receive age-appropriate instruction and information on, disability harassment. Such training, instruction, and information shall include:

1. Acts and behavior which constitute disability harassment;
2. Disability harassment can occur any time and at any location at school, school-sponsored or related activities;
3. A clear message that students do not have to endure disability harassment;
4. Encouragement for persons subject to, and witnesses of, disability harassment to report incidents immediately, and assurance that they will be protected from retaliation; and
5. Name(s) or title(s) of the person(s) to whom a report of disability harassment should be given.

**Complaint and Investigation Process**

Any student who feels that he/she is being or has been harassed by a school/district employee, another student, or a non-employee on any location at school, school-sponsored or related activities should immediately contact his/her teacher or any other school employee. A school/district employee to whom a report is made shall, as soon as possible, but no later than 24 hours of receiving the report, notify the principal or designee. The principal or designee shall immediately notify the parents/guardians of the alleged victim that a report has been made.

Any school employee who observes any incident of disability harassment involving a student shall immediately report this observation to the principal or designee, whether or not the victim files a report of the incident. The principal or designee shall immediately notify the parents/guardians of the alleged victim that a report has been made.

The principal or designee shall investigate the report and should he/she find that disability harassment occurred, he/she shall take prompt, appropriate action to end the harassment and address its effects on the victim. The principal or designee shall also advise the victim and/or victim's parents/guardians of support and other resources that are available. The principal or designee shall submit all documentations to the Director of Student Services.

In any case of disability harassment involving the principal or any other district employee to whom the report would ordinarily be made, the school employee who receives the student's report or who observes the incident shall report to the Superintendent or designee. The Superintendent or designee shall immediately notify the parents/guardians that a complaint has been made and investigate the incident.

The Principal or designee to whom a report of disability harassment by a school/district employee is made, shall immediately file the Confidential Incident Report form with the Assistant Superintendent of Human Resources (Non-discrimination Coordinator). The Assistant Superintendent shall determine who will investigate the incident in accordance with administrative regulation. When the Assistant Superintendent or designee finds that disability harassment occurred, he/she shall take prompt, appropriate action to end the harassment and address its effects on the victim. The principal or designee shall also advise the victim and/or victim's parents/guardians of any other resources that may be available. If the principal or designee determines that this harassment is a hate-motivated behavior, the principal or designee may notify law enforcement as appropriate.

The Uniform Complaint Procedure can be used as an alternative path for the reporting of disability harassment.

### **Disciplinary Measures**

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

Any school/district employee who engages in disability harassment is in violation of this policy and shall be subject to disciplinary measures in accordance with district policy.

### **Record-Keeping**

The Director of Student Services shall maintain a record of all reported cases of disability harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in its schools.

All reports of disability harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR [4964](#))

Subject to confidentiality laws, parents/guardians shall be notified of the actions taken by the District to resolve the complaint.

Each quarter (October, January, and April), the Superintendent shall inform the public via an Information Item in the Board Agenda regarding the number of reported student and employee disability harassment complaints for the previous quarter with total number of reported cases with those found to be violations of the policy and their respective resolutions.

Legal Reference:

EDUCATION CODE

233 Education Equity; Hate and Violence Prevention Act

48900.3 Additional grounds for suspension or expulsion; hate crime

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

PENAL CODE

422.55 Hate Crime

CIVIL CODE

51.7 Right to be Free from Violence or Threat of Violence

51.13 Personal Rights; Discrimination

52.1 - 52.4 Personal Rights; Discrimination Liability

54 Blind and Other Physical Disabled Persons; Rights of an Individual

54.1 Blind and Other Physical Disabled Persons; Full and equal Access

54.3 Liability for Acts of Discrimination

1714.1 Liability of parents/guardians for willful misconduct of minor

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 42

§ 12132, et seq., The Americans with Disabilities Act (ADA), Title II

UNITED STATES CODE, TITLE 29

§ 794, et seq., Section 504 of the Rehabilitation Act of 1973

CODE OF FEDERAL REGULATIONS, TITLE 28

Part 35, Regulations Implementing Title II of the ADA

CODE OF FEDERAL REGULATIONS, TITLE 34

Part 104, Regulations Implementing Section 504

Management Resources:

OFFICE FOR CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Protecting Students from Harassment and Hate Crime: A Guide for Schools, January 1999

Reminder of Responsibilities under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Acts, July 2000

WEB SITES

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

**Policy: SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT  
Adopted:**

**DISABILITY HARASSMENT****Definition**

Disability harassment is intimidation or abusive behavior toward a student based on disability or regarded as having such an impairment that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the District's programs or activities. A hostile environment is created when harassing conduct is sufficiently severe, persistent, or pervasive. Disability harassment includes any unwelcome verbal, written, or physical conduct, directed at the characteristics of a person's disabling condition or regarded as having such a disabling condition, such as imitating manner of speech or movement, or interference with necessary equipment, or exclusion from activities available to peers. Harassment of a student based on disability may decrease the student's ability to benefit from his or her education and amount to a denial of Free and Appropriate Public Education (FAPE).

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

1. Graffiti containing offensive language which is derogatory to another because of an individual's physical or mental disability;
2. Threatening or intimidating conduct directed at another because of the other's physical or mental disability;
3. Jokes, rumors or name calling based upon an individual's physical or mental disability;
4. Slurs, negative stereotypes, and hostile acts which are based upon another's physical or mental disability;
5. Graphic material containing comments or stereotypes which is posted or circulated and which is aimed at degrading individuals or members of protected classes;
6. A physical act of aggression or assault upon another because of, or in a manner reasonably related to, an individual's physical or mental disability;
7. Other kinds of aggressive conduct such as theft or damage to property which is motivated by an individual's physical or mental disability.

**Notifications**

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

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code [48980](#); 5 CCR [4917](#));
2. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester or summer session (Education Code [231.5](#))

3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures and standards of conduct (Education Code [231.5](#));
4. Be provided to employees and employee organizations.

### **Complaint and Investigation Process**

Any student who feels that he/she is being or has been harassed by a school/district employee, another student, or a non-employee on school grounds or at a school sponsored or school-related activity shall immediately contact his/her teacher or any other school/district employee. A school/district employee to whom a report is made shall, as soon as possible, but no later than within 24 hours of receiving the report, notify the principal or designee. The principal or designee shall immediately notify the parent/guardian of the alleged victim that a report has been made.

Any school/district employee who observes any incident of disability harassment involving a student shall report this observation as soon as possible, but no later than within 24 hours to the principal or designee, whether or not the victim files a complaint or reports the incident.

Where the principal or designee finds that disability harassment occurred, he/she shall take prompt, appropriate action to end the harassment and address its effects on the student(s). The principal or designee shall also advise the him/her (them) and the parent/guardian of any other resources and supports that may be available.

Students in grades 4-12 who engage in disability harassment shall be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, or denial of participation in extracurricular or co-curricular activities in accordance with Board Policy and administrative regulation. The Superintendent or designee shall notify local law enforcement as appropriate.

Any employee who engages in disability harassment is in violation of this policy and shall be subject to disciplinary measures including but not limited to suspension, transfer to alternative job location, participation in counseling program, loss of employment.

#### **Investigation of Complaints regarding Disability Harassment by Another Student**

1. Notice and Receipt of Complaint: Any student, or parent/guardian, who believes a student has been subjected to disability harassment or who has witnessed disability harassment shall report to the school principal immediately. The school shall assist the student in the writing of the report if necessary and initiate an investigation of the report. The school shall notify the parents/guardians of the student who made the report of the incident of disability harassment.
2. The Principal or designee shall file the Reporting Form of Harassment to be submitted to the Director of Student Services.
3. Initiation of Investigation: Principal or designee shall initiate an investigation of an allegation of disability harassment within five school days of receiving notice of the harassing behavior, regardless of whether a report has been filed. The principal or designee shall notify the parents/guardians of the student accused of harassment. The district shall be considered to have "notice" of the need for an investigation upon receipt of information from school/district employee, a student, or a parent/guardian who believes a student has been subjected to disability harassment. The investigation at the school site shall include interviewing:



- The student who is complaining
  - The student accused of harassment
  - Anyone who witnessed the conduct complained of
  - Anyone mentioned as having related information
4. The complainant or the alleged subject of the harassment shall not be required or asked to meet with the alleged harasser or person suspected of disability harassment.
  5. The principal or designee shall take into account:
    - a. Statements made by the persons identified above
    - b. The details and consistency of each person's account
    - c. Evidence of how the complaining student reacted to the incident
    - d. Evidence of any past instances of harassment by the alleged harasser
    - e. Evidence of any past harassment complaints that were found to be untrue
    - f. How the misconduct affected one or more students' education
    - g. The type, frequency, and duration of the misconduct
    - h. The number of persons involved
    - i. The subject(s) of harassment
    - j. The place and situation where the incident occurred
    - k. Other incidents at the school, including incidents of harassment that were not related to disability
    - l. Any other findings that may be pertinent to the investigation
  6. The principal or designee shall give the Director of Student Services all documentation of the incident. If the school verifies that disability harassment occurred, this report shall describe the actions taken to end the harassment including appropriate disciplinary action, address the effects of the harassment on the student harassed, and prevent retaliation or further harassment. The school shall provide a notification of the findings to the complainant and the opportunity to appeal unsatisfactory result to the Director of Student Services.

#### **Investigation of Complaints against a School/District Employee at School (Site-Level Grievance Procedure)**

1. Notice and Receipt of Complaint: Any student, or parent/guardian, who believes a student has been subjected to disability harassment or who has witnessed disability harassment by a school/district employee may file a Reporting Form of Harassment with the principal. The school/district shall assist the parent/guardian in the writing of the Reporting Form of Harassment. The principal or designee shall file the Confidential

Incident Report Form with the Assistant Superintendent of Human Resources within 24 hours.

2. Alternatively, the Uniform Complaint Procedure may be used and filed with the principal.

3. In addition, any school employee who observes or has knowledge of an employee incident of disability harassment involving a student or staff shall, as soon as possible, but no later than within 24 hours, report this observation to the Principal or designee, whether or not the victim or parent/guardian reports the incident or files a report. In any case of disability harassment involving the Principal/designee to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall instead report to the Assistant Superintendent of Human Resources or designee.

4. Informal Resolution

The Assistant Superintendent of Human Resources may offer the complainant the opportunity to resolve the complaint through an informal process or mediation. If successful, resolution without further investigation shall be recommended to the Assistant Superintendent of Human Resources.

5. Initiation of Investigation: If the informal resolution is unsuccessful, the Principal or designee shall initiate an impartial investigation of an allegation of disability harassment within five school days of receiving notice of the harassing behavior, regardless of whether a formal complaint has been filed. The district shall be considered to have "notice" of the need for an investigation upon receipt of information from school/district employee, a student, or a parent/guardian who believes a student has been subjected to disability harassment. Complaints filed at the school level will be investigated by the Principal or designee. Complaints filed at the District Office level will be investigated by the Assistant Superintendent of Human Resources or designee. The investigation will occur promptly. The investigator shall talk individually with:

- The student who is complaining
- The employee accused of harassment
- Anyone who witnessed the conduct complained of
- Anyone mentioned as having related information

6. The complainant shall have an opportunity to describe the incident, present witnesses, and other evidence of the harassment, and put his/her complaint in writing. If the complainant requires assistance with communication or in providing a written statement, such assistance will be provided by a qualified staff member (i.e., students with learning disabilities in reading or writing may choose to dictate their complaint statement).

7. The investigation is subject to district confidentiality policies (BP 4119.23). If the complaint regards occurrences for which the investigator has a reasonable suspicion of child abuse, the investigator is mandated to report to law enforcement and child protective agencies as per Board Policy and Administrative Regulation 5141.4. When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the investigator may also discuss the complaint with the following persons:

- a. The Superintendent or designee
- b. The parent/guardian of the student who complained

- c. A teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth
  - d. Child protective agencies responsible for investigating child abuse reports
  - e. Legal counsel for the district
8. The complainant or the alleged subject of the harassment shall not be required or asked to meet with the alleged harasser or person suspected of disability harassment.
9. The investigator shall take into account:
- a. Statements made by the persons identified above
  - b. The details and consistency of each person's account
  - c. Evidence of how the complaining student reacted to the incident
  - d. Evidence of any past instances of harassment by the alleged harasser
  - e. Evidence of any past harassment complaints that were found to be untrue
  - f. How the misconduct affected one or more students' education
  - g. The type, frequency, and duration of the misconduct
  - h. The number of persons involved
  - i. The subject(s) of harassment
  - j. The place and situation where the incident occurred
  - k. Other incidents at the school, including incidents of harassment that were not related to disability
  - l. Any other findings that might be pertinent to the investigation
10. The investigator shall give the Superintendent or designee a written report of the complaint and investigation. If investigator verifies that disability harassment occurred, this report shall describe the actions taken to end the harassment, address the effects of the harassment on the student harassed, and prevent retaliation or further harassment. The District shall provide a notification of the findings to the complainant and the opportunity to appeal unsatisfactory result to the Assistant Superintendent of Human Resources.

### **Enforcement**

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

- 1. Immediately remove any offending graffiti.
- 2. Provide training to students, staff, and parents/guardians about how to recognize disability harassment and how to respond.
- 3. Notify child protective services and law enforcement if necessary.
- 4. Take appropriate disciplinary action. In addition, the Principal or designee may take disciplinary measures against any person who is found to have made a complaint of disability harassment which he/she knew was not true.

5. If an employee is found to be in violation of this policy, disciplinary action shall include, at a minimum, a letter of reprimand, which shall be placed in the employee's personnel file. That letter shall not be expunged under any circumstances.

### **Support for Students**

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

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

### **Notifications**

A copy of the district's disability harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code [48980](#); 5 CCR [4917](#))
2. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code [231.5](#))
3. Be included in the student handbook
4. Be provided to employees and employee organizations

### **Record Keeping**

All reports will be forwarded to the Director of Student Services for record keeping.

**Regulation: SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT**  
**Approved: August 24, 2011**

## DISABILITY HARASSMENT

**Santa Monica-Malibu Unified School District  
Reporting Form of Harassment:**

**Sexual Harassment, and Harassment because of Race, National Origin, and Disability\***

Complainant \_\_\_\_\_  
 Home Address \_\_\_\_\_  
 Work Address \_\_\_\_\_  
 Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_

Date and Time of Alleged Incident(s) \_\_\_\_\_  
 Did the incidents involve: \_\_\_\_ sexual harassment, \_\_\_\_ racial harassment, \_\_\_\_ harassment  
 because of national origin, \_\_\_\_ harassment because of disability (check all that apply)  
 Name of person(s) you believe harassed you or another person: \_\_\_\_\_

Describe the incident as clearly as possible, including such things as what force, if any, was  
 used, any verbal statements (i.e. threats, requests, demands, etc.), what if any physical contact  
 was involved. Attach additional pages as necessary.

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Where did the incident occur? \_\_\_\_\_

List any witnesses who were present

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This complaint is based upon my honest belief that \_\_\_\_\_ has harassed  
 me or another person. I hereby certify that the information I have provided in this complaint is  
 true, correct, and complete to the best of my knowledge.

\_\_\_\_\_  
 (complainant's signature) (date)

\_\_\_\_\_  
 (received by) (date)

*\* If a person making a complaint requires assistance in providing a written statement, such assistance will be  
 provided by a staff member (i.e., students with learning disabilities in reading or writing may choose to dictate  
 their complaint statement).*



TO: BOARD OF EDUCATION  
FROM: SANDRA LYON  
RE: CONSIDER APPOINTMENTS TO DISTRICT ADVISORY COMMITTEES (DACs)

ACTION/MAJOR  
08/24/11  
Postponed  
from 08/24/11

RECOMMENDATION NO. A.21

It is recommended that the Board of Education approve the below appointments to the district advisory committees.

COMMENT: Each DAC had members whose terms expired on June 30, 2011. This item is to fill openings on the committees prior to the beginning of school starting.

The superintendent's office conducted extensive outreach to announce openings on the DACs in the following ways: contacted expiring members twice and encouraged them to reapply, sent out a press release on June 9 announcing openings on the DACs, emailed all SMMUSD families (in English and Spanish) using Blackboard Connect on June 17, urged DAC staff liaisons and chairs to enlist the help of their entire committee to recruit new members, and asked principals and the PTA council to help spread the word.

The following charts how many openings are on each DAC, how many re-applications and new applications were received, and where members should be placed on the term expiration chart to maintain a balance of membership.

**Early Child Care & Development DAC**

Terms Expire			
6/30/2012	6/30/2013	6/30/2014	6/30/2015
Amber Rojas	Jeff Jarrow	Fran Chasen	
Amanda Rosen-Prinz	Russ Purtell	Julie Taren	

Current Members (as of July 1, 2011): 6

Openings (as of July 1, 2011): 13

Note: If all applicants approved, randomly assign 1 applicant to 6/30/2013 column, 1 applicant to 6/30/2014 column, and 2 applicants to 6/30/2015 column for balance

Received Reapplications from:

1. Glean Davis
2. Jennifer Kennedy

Received New Applications from:

3. Patricia Godon-Tann
4. Jie (Jessie) Zeng

*(Continued on next page)*

### **Health & Safety DAC**

<b>Terms Expire</b>			
<b>6/30/2012</b>	<b>6/30/2013</b>	<b>6/30/2014</b>	<b>6/30/2015</b>
Debbie Bernstein	Kristine Keever	Leslie Butchko	
Rita Kachru	Hiep Le	Robert Forster	
Pat Nolan	Francine Lyness	Lora Morn	
Idalia Rodriguez	Victoria Rueda	Nandini Rudra-Ganguly	

Current Members (as of July 1, 2011): 12

Openings (as of July 1, 2011): 7

Note: If all applicants approved, should assign all to 6/30/2015 column for balance

Received Reapplications from:

1. Suzanne Post

Received New Applications from:

2. Clarinda Ross Gress (appointed 4/6/11 to a two-month term, but was never informed of board action, so she is considered a new applicant)
3. Peter Getoff
4. Sion Roy
5. Leesl Herman

### **Special Education**

<b>Terms Expire</b>			
<b>6/30/2012</b>	<b>6/30/2013</b>	<b>6/30/2014</b>	<b>6/30/2015</b>
Neal Abramson	Chris Chandler	Gina Frazier	
Tricia Crane	Meredith Hight	Lee Jones	
Claudia Landis	Janet McKeithen	Colette O'Connell	
Monte Perez	Debrah Shepherd	Karen Paris	

Current Members (as of July 1, 2011): 12

Openings (as of July 1, 2011): 7

Note: If all applicants approved, randomly assign 1 applicant to 6/30/2014 column and 5 applicants to 6/30/2015 column for balance

Received Reapplications from:

1. Nancy Geshke
2. Rodney Osburn
3. Clara Sturak
4. Heather Zakson

Received New Applications from:

5. Leann Levine (board postponed appointment on 5/5/11)
6. Brandi Lockhart

*(Continued on next page)*



### Visual & Performing Arts

Terms Expire			
6/30/2012	6/30/2013	6/30/2014	6/30/2015
Pamela Foust	Deborah Berek	Scott Ferguson	
Janis Gabbert	David Davidson	Kathryn Kert Green	
Zina Josephs	Paul G. Ryan	Bambi Martins	
Jennifer Joyse-West			

Current Members (as of July 1, 2011): 10

Openings (as of July 1, 2011): 9

Note: If all applicants approved, randomly assign 1 applicant to 6/30/2013 column, 1 applicant to 6/30/2014 column, and 4 applicants to 6/30/2015 column for balance

Received Reapplications from:

1. Lori Nafsun

Received New Applications from:

2. Allison Diftler (board postponed appointment on 5/5/11)
3. Jennifer Schab
4. Alisa Facchini
5. D'Lynn Waldron, Ph.D.
6. Rebecca Witjas

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



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## **DISCUSSION ITEMS**



TO: BOARD OF EDUCATION

FROM: SANDRA LYON / DEBRA MOORE WASHINGTON /  
MAROLYN FREEDMAN

RE: CONSIDER REVISING BP 5131.61 AND ADOPTING  
AR 5131.61 – CONTROLLED SUBSTANCES

DISCUSSION  
08/24/11  
**7:30pm**  
Postponed  
from 08/24/11

DISCUSSION ITEM NO. D.01

It is recommended that the Board of Education consider revising BP 5131.61 – Controlled Substances. It is also recommended that the board consider adopting a new AR 5131.61 to accompany BP 5131.61.

COMMENTS: At the May 5, 2011, board meeting, Board Member Lieberman requested that a discussion regarding BP 5131.61 be placed on the May 9, 2011, special meeting agenda. During the discussion on May 9 (Item No. D.02), the board discussed Ms. Lieberman's proposed changes, the philosophy of discipline, and agreed to take action to temporarily revise the policy at the May 19, 2011, board meeting (that action was postponed to June 6, 2011).

On June 6, 2011, the board took action (Item No. A.20) to temporarily revise BP 5131.61 and directed the Superintendent to form an ad hoc committee to examine SMMUSD's discipline policies, beginning with this one. As a result of this direction, Marolyn Freedman, Director of Student Services, researched CSBA recommendations on a controlled substance BP and AR, as well as what other districts have in place. She convened a committee of principals, who met four times to discuss the policy. She received feedback from the PTA Council Parent Education Chair, the PTA Council Safety Chairs, and the Health and Safety DAC Chair. They concluded that many of the elements listed in the current BP belonged in an AR, which the district did not possess, and the BP did not address the philosophy and reasoning behind discipline in controlled substance incidents. The attached BP and AR are the result of this research, discussion, and feedback. Additionally, the revisions reflect one of the goals of the Strategic Plan: SMMUSD graduates will be able to "participate in civic life, exercising their rights and responsibilities of citizenship." The progressive discipline approach laid out in the AR allows students who have violated this policy to be held accountable for and learn from their mistakes, demonstrate their willingness to make amends in good faith and therefore earn their place as responsible citizens, and pursue a substance-free lifestyle through the support of the district and its counseling partnerships.

The following changes have been made to the board policy:

- States the board's philosophy regarding discipline in this matter.
- Acknowledges that there are psycho-educational implications related to the possession/substance abuse at school.
- Includes responsibility of the school site to provide drug prevention education curriculum and multiple interventions.

*(Continued on next page)*

The following changes have been included in a new administrative regulation:

- Students are no longer prohibited from participation in co-curricular activities, but they must provide documentation that they have begun to meet the requirements of academic probation, including counseling and community service. They must continue to provide periodic documentation of their ongoing compliance for the duration of academic probation.
- They may not participate in extracurricular activities during the probation period (dances, etc.).
- Students are no longer automatically excluded from graduation or promotion ceremonies, but they must provide proof of progress toward compliance with the academic probation contract in order to participate.
- Students with a second offense are no longer required to be put up for expulsion, but expulsion may be considered if the principal believes it is appropriate.
- Community services requirement has been reduced from 40 hours to 24 hours.

**CONTROLLED SUBSTANCE POLICY**

~~Unlawfully p~~Possessing, using, selling, being under the influence of or otherwise furnishing to others a controlled substance or alcoholic beverage, or intoxicant of any kind, or related paraphernalia, at any school activity or on any school district or adjacent property, is considered to be a threat to the educational process. For the offenses indicated, the student, under guidelines indicated below, may be subject to suspension, transfer to another school, expulsion and an obligation to complete the district counseling requirement.

Possession or use of drugs or alcohol on a school campus suggests a significant risk factor for any student. The Board desires to keep District schools free of alcohol, intoxicants and other drugs and believes that every effort should be made to inform the student of risk factors inherent in substance abuse.

School administrator shall use a variety of interventions to address substance abuse such as drug prevention education, counseling, parent meetings and discipline.

Drug and alcohol education is a critical aspect of prevention. The school administrator and/or designee shall implement curriculum and supports to prevent, discourage and eliminate the use or possession of drugs, alcohol or tobacco on campus and at school activities. These programs should be based on student needs and educationally sound and legally acceptable education practices. Additionally, these programs should be developmentally and culturally appropriate instruction.

All secondary schools should include substance abuse support for students along with their drug education program. This student support program should identify, assist and when appropriate, refer students with substance abuse problems to counseling and/or community resources.

The initial administrative response to drug offenses shall be to address the psychoeducational needs of the students. Parent conferences, Student Study Team and referrals to school-based or community-based programs shall be considered.

Students possessing, using or selling a controlled substance, alcohol, intoxicant or related paraphernalia at school, at any school activity or on any school district or adjacent property shall be subject to disciplinary procedures including suspension or expulsion in accordance with law, Board policy and administrative regulations. Students shall also be placed on academic probation, referred to a counseling program, and/or be restricted from extracurricular activities, including athletics. Students may also be transferred to an alternative placement.

**Definitions of Evidence****1. ~~Hard Evidence:~~**

- ~~a. An admission by the student of unlawfully possessing, using, selling, being under the influence of, or otherwise furnishing to others a controlled substance or alcoholic beverage, or intoxicant of any kind.~~
- ~~b. Discovery of the controlled substance and/or alcoholic beverage, or intoxicant of any kind, on the student's person or in possessions such as lockers or backpacks under the student's control.~~

- c. ~~Eyewitness testimony of any school personnel of the actual unlawful possession, sale, use or furnishing to others.~~
- d. ~~Eyewitness testimony of two or more students of the actual unlawful possession, sale, use or furnishing to others.~~

2. ~~Soft Evidence:~~

~~Soft evidence is more subjective; it involves all other forms of evidence and usually based on observation of student behavior.~~

**~~Discipline and Counseling Procedures for Governing Use, Possession, Being Under the Influence of a Controlled Substance (Grades 1-12)~~**

1. ~~Hard Evidence: – First Offence:~~

~~If the Superintendent or designee determines, in the presence of hard evidence, that the student unlawfully possessed, used, sold, was under the influence of or otherwise furnished to others a controlled substance or alcoholic beverage, or intoxicant of any kind, the following steps shall be taken.~~

- a. ~~The student shall be suspended for a maximum of five days. (Enrollment at Saturday School cannot be used in lieu of suspension.)~~

~~The rights and responsibilities section of the school district suspension form shall be observed by the school principal or designee. This includes the parent's right to have access to student records and the parent's or student's right to an appeal following the district's appeal procedures. When make-up work can be reasonably provided, the student shall be allowed to complete all assignments and tests missed during a suspension.~~

- b. ~~Students in grades 1-12 shall be placed on academic probation for a period of ten weeks. The terms of probation include loss of privileges from participating in the following: all sports, dramatic, choral or musical performances, dances, cheerleading, graduation and awards ceremonies.~~
- (1) ~~Students must complete 24 hours of substance abuse counseling in a program offered by the district, or students must obtain preapproval if counseling will be provided by a private agency or therapist. Parents must attend 12 hours of substance abuse counseling designed for parents.~~
- (2) ~~Students must complete 40 hours of community service from a list of approved agencies provided by the district, or receive preapproval for community services with other organizations.~~
- (3) ~~The principal has the option of requiring that the student participate in a 12-step program if the behavior warrants additional intervention.~~
- (4) ~~If the student does not complete and provide documentation for all of the above measures, he/she will remain on probation with loss of privileges until all are completed. If the student fails to complete all of the above by the last day of the semester in which the 10-week probation was scheduled to end, the student will be transferred to another school in the district for the entire next semester. At the end of that semester, the student will be returned to his/her home school.~~



~~c. Hard Evidence – Second Offense:~~

~~If the Superintendent or designee determines, in the presence of hard evidence, that for a second time within middle school (Grades 6-8) or a second time within high school (Grades 9-12), the student unlawfully possessed, used, was under the influence of or otherwise furnished to others a controlled substance or alcoholic beverage or intoxicant of any kind, the following steps shall be taken:~~

- ~~(1) The student shall be suspended for a maximum of five days. The rights and responsibilities section of the district suspension form shall be observed by the principal or designee. This includes the parent's right to have access to student records and the parent's or student's right to appeal following the district's appeal procedures. When make-up work can be reasonably provided, the student shall be allowed to complete all assignments and tests missed during the suspension.~~
- ~~(2) The principal shall recommend that the student be expelled from the district unless it is determined that expulsion is inappropriate under the particular circumstances of the case. During the period when the student is awaiting the expulsion hearing, make-up work will be provided.~~
- ~~(3) If a student is attending school in the district on an interdistrict permit, the principal will meet with the parents at the end of the five day suspension, the permit will be revoked and the student will be directed to enroll in his/her neighborhood school.~~

~~2. The Santa Monica Police Department or the Los Angeles County Sheriff shall be notified.~~

**~~Discipline Procedures for Providers of Controlled Substances or Alcoholic Beverage, or Intoxicant of Any Kind To Others (Grades 1-12)~~**

~~In cases where the principal or Superintendent determines, in the presence of hard evidence, that the student sold or provided a controlled substance or alcoholic beverage, or intoxicant of any kind, to others, the following steps shall be taken:~~

- ~~1. The student shall be suspended for a maximum of five days. (Enrollment at Saturday School cannot be used in lieu of suspension.)~~
- ~~2. The Santa Monica Police Department or the Los Angeles County Sheriff shall be notified.~~
- ~~3. The principal shall inform the Superintendent or designee of the incident and actions taken.~~
- ~~4. The Superintendent or designee shall recommend that the student be expelled from school, unless the principal finds, and so reports to the Superintendent or designee in writing, that expulsion is inappropriate under the particular circumstances of the case.~~

**Soft Evidence Procedures**

~~Soft evidence cases will usually involve situations in which the student is suspected of being under the influence of a controlled substance, alcoholic beverage or intoxicant of any kind. In such a case, the administrator may consult with the school nurse and may require the completion of the Behavioral Observation Form shown in the Discipline Handbook.~~

**Distribution Guidelines**

- ~~1. The above policy and procedure shall be distributed to all students Grades 1-12 at the beginning of each school year and to transfer students at the time of enrollment.~~

- ~~2. Within the first 10 days of school each principal shall implement procedures to ensure that all students have acknowledged that they have received a copy of the above policy and indicated their obligation to share the contents of the policy with the parent/guardian.~~
- ~~3. Each principal will ensure that all middle and high school students are explicitly informed of the provisions of the controlled substance policy through assemblies, presentations and/or direct instruction in appropriate classes.~~

Legal Reference:

EDUCATION CODE

[44049](#) Known or suspected alcohol or controlled substance abuse by student

[51262](#) Use of anabolic steroids; legislative finding and declaration

CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system

CODE OF REGULATIONS, TITLE 5

[350](#) Fees not permitted

COURT DECISIONS

Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls, (2002) 122 S.Ct. 2559

Vernonia School District v. Acton, (1995) 115 S.Ct. 2385

Hartzell v. Connell, (1984) 35 Cal. 3d 899

Management Resources:

OFFICE OF NATIONAL DRUG CONTROL POLICY PUBLICATIONS

What You Need To Know About Drug Testing in Schools, August 2002

WEB SITES

California Department of Education: <http://www.cde.ca.gov>

Office of National Drug Control Policy: <http://www.whitehousedrugpolicy.gov>

National Institute on Drug Abuse: <http://www.nida.nih.gov>

Partnership for a Drug-Free America: <http://www.drugfreeamerica.org>

U.S. Department of Education: <http://www.ed.gov>

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

**CONTROLLED SUBSTANCE POLICY**

Possessing, using, selling, being under the influence of or otherwise furnishing to others a controlled substance, alcohol, intoxicant or related paraphernalia, at any school activity or on any school district or adjacent property, is considered to be a threat to the educational process.

For the offenses indicated, the student, under guidelines indicated below, may be subject to academic probation, an obligation to complete the district counseling requirement, prohibited from participation in extracurricular school activities, suspension, and transfer to another school, and expulsion.

The school administrator and/or designee shall implement curriculum and supports to prevent, discourage and eliminate the use or possession of drugs, alcohol on campus and at school activities. School administrators shall use a variety of interventions to address substance abuse such as, research-based drug prevention education, counseling intervention and discipline.

All secondary schools should include substance abuse support for students along with their drug education program. This student support program should identify, assist and when appropriate, refer students with substance abuse problems to counseling and/or community resources.

**Alcohol and Drug Prevention Instruction**

The curriculum of all elementary and secondary schools shall include instruction on the effects upon the human body, as determined by science, alcohol, narcotics, dangerous drugs as defined in Health and Safety Code [11032](#), and other dangerous substances. Instruction shall be sequential in nature and suited to meet the needs of students at their respective grade level. (Education Code [51203](#), [51260](#))

In grades 1-6, instruction in drug education should be given in health courses required by Education Code [51210](#). (Education Code [51260](#))

In grades 7-12, instruction in drug education shall be conducted in health courses and in any other appropriate area of study required by Education Code [51220](#). (Education Code [51260](#))

Secondary school instruction shall also include a study of the effects of alcohol and other drugs upon prenatal development. (Education Code [51203](#))

**Intervention**

District staff shall intervene whenever students use a controlled substance, alcohol, intoxicant or related paraphernalia, at school, at any school activity or on any school district or adjacent property. Staff members who have reasonable suspicion that a student may be under the influence of alcohol or drugs shall immediately notify the principal or designee. If the principal or designee observes or suspects that a student may be under the influence of alcohol or drugs, he/she shall notify the parent/guardian. (Education Code [44049](#))

School staff shall not disclose confidential information provided during counseling by a student 12 years of age or older. A school counselor may report such information to the principal or parent/guardian only when he/she believes that disclosure is necessary to avert a clear and present danger to the health, safety or welfare of the student or other persons living in the school community. The school counselor shall not disclose such information to the

parent/guardian if he/she believes that the disclosure would result in a clear and present danger to the student's health, safety or welfare. (Education Code 44049, 49602)

Schools shall provide intervention and counseling support for any student in possession or using a controlled substance, alcohol, intoxicant or related paraphernalia, at any school activity or on any school district or adjacent property.

The initial administrative response to drug offenses shall be to address the psychoeducational needs of the student. Parent conferences, Student Study Team and referrals to school-based or community-based programs shall be considered.

### **Discipline and Counseling Procedures for Governing Use, Possession, Being Under the Influence of a Controlled Substance Alcohol, Intoxicant or Related Paraphernalia at School (Grades 1-12)**

Students possessing, using or selling a controlled substance, alcohol, intoxicant or related paraphernalia at school, at any school activity or on any school district or adjacent property shall be subject to disciplinary procedures including suspension or expulsion in accordance with law, Board policy and administrative regulations. Students shall also be placed on academic probation, referred to counseling program, transferred to an alternative placement, and/or be restricted from all extracurricular activities, including athletics. Participation in co-curricular activities will be contingent upon the student providing documentation to the administrator or designee that they have begun to meet the requirements of academic probation, including counseling and community service. They must continue to provide periodic documentation of their ongoing compliance for the duration of academic probation.

#### 1. First Offence:

If the Superintendent or designee determines, in the presence of hard evidence, that the student possessed, used, was under the influence of a controlled substance, alcohol, intoxicant or related paraphernalia, the following steps shall be taken.

- a. Students in possession of a controlled substance, alcohol, intoxicant or related paraphernalia, shall be suspended for five days. Students under the influence of a controlled substance shall be suspended for five days. (Enrollment at Saturday School cannot be used in lieu of suspension.)

The rights and responsibilities section of the school district suspension form shall be observed by the school principal or designee. This includes the parent's right to have access to student records and the parent's or student's right to an appeal following the district's appeal procedures. When make-up work can be reasonably provided, the student may be allowed to complete assignments and tests missed during a suspension.

- b. Students in grades 1-12 shall be placed on academic probation for a period of ten weeks. The terms of probation include the loss of participation in extracurricular school activities. Participation in co-curricular activities will be contingent upon the student providing documentation to the administrator or designee that they have begun to meet the requirements of academic probation, including counseling and community service. They must continue to provide periodic documentation of their ongoing compliance for the duration of academic probation.

- (1) Students shall complete 24 hours of substance abuse counseling in a program offered by the district, or students shall obtain preapproval if counseling will be provided by a private agency or therapist. Parents-/guardian shall attend 12 hours of substance abuse counseling designed for parents.

- (2) Students shall complete 24 hours of community service from a community agency preapproved by the school.
- (3) To be eligible to participate in a graduation or promotion ceremony, a student on academic probation shall provide documentation showing that he/she has satisfactorily complied with all requirements of academic probation.

If a student has been on academic probation for a period of time not long enough to have complied with all requirements of academic probation, then he/she shall provide documentation showing that he/she has made satisfactory progress towards compliance with all requirements of academic probation that could have been complied with prior to the graduation or promotion ceremony.

- (4) If the student does not complete and provide documentation for all of the above measures, he/she will remain on probation with loss of privileges until all are completed. If the student fails to complete all of the above by the last day of the semester in which the 10-week probation was scheduled to end, the student will be transferred to another school in the district for the entire next semester. At the end of that semester, the student will be returned to his/her home school if the student has completed the terms of probation requirements.

## 2. Second Offense:

If the Superintendent or designee determines, in the presence of hard evidence, that for a second time within middle school (Grades 6-8) or a second time within high school (Grades 9-12), the student possessed, used, was under the influence of a controlled substance, alcohol, intoxicant or related paraphernalia, the following steps shall be taken:

- a. The student shall be suspended for five days. The rights and responsibilities section of the district suspension form shall be observed by the principal or designee. This includes the parent's right to have access to student records and the parent's or student's right to appeal following the district's appeal procedures. When make-up work can be reasonably provided, the student may be allowed to complete all assignments and tests missed during the suspension.
- b. The principal may recommend that the student be expelled from the district unless it is determined that expulsion is inappropriate under the particular circumstances of the case. During the period when the student is awaiting the expulsion hearing, make-up work or an alternate school placement will be provided.
- c. If a student is attending school in the district on an interdistrict permit, the principal will meet with the parents at the end of the five day suspension, the permit shall be revoked and the student directed to enroll in his/her neighborhood school.

## **Discipline and Procedures for Governing Sales of a Controlled Substance Alcohol, or Intoxicant (Grades 1-12)**

In cases where the principal or Superintendent determines, in the presence of hard evidence, that the student sold or provided a controlled substance, alcohol, or intoxicant to others, the following steps shall be taken:

1. The student shall be suspended for five days. (Enrollment at Saturday School cannot be used in lieu of suspension.)
2. The Santa Monica Police Department or the Los Angeles County Sheriff shall be notified.

3. The principal shall inform the Superintendent or designee of the incident and actions taken.
4. The Superintendent or designee shall recommend that the student be expelled from school, unless the principal finds, and so reports to the Superintendent or designee in writing, that expulsion is deemed inappropriate under the terms of a Special Education student's Manifest Determination meeting. During the period when the student is awaiting the expulsion hearing, make-up work or an alternate school placement will be provided.

### **Definitions of Evidence**

#### **1. Hard Evidence:**

- a. An admission by the student of possessing, using, selling, being under the influence of, or otherwise furnishing to others a controlled substance, alcohol, intoxicant or related paraphernalia
- b. Discovery of the controlled substance, alcohol, intoxicant or related paraphernalia in the student's person or in possessions such as lockers or backpacks under the student's control.
- c. Eyewitness testimony of any school personnel of the actual possession, sale, use or furnishing to others.
- d. Eyewitness testimony of two or more students of the actual possession, sale, use or furnishing to others.

#### **2. Soft Evidence:**

Soft evidence is more subjective; it involves all other forms of evidence and usually based on observation of student behavior.

### **Soft Evidence Procedures**

Soft evidence cases will usually involve situations in which the student is suspected of being under the influence of a controlled substance, alcoholic beverage or intoxicant of any kind. In such a case, the administrator shall consult with the school nurse and may require the completion of the Behavioral Observation Form shown in the Discipline Handbook to determine safety needs of the student

### **Distribution Guidelines**

1. The above policy and procedure shall be distributed to all students Grades 1-12 at the beginning of each school year and to transfer students at the time of enrollment.
2. Within the first 10 days of school each principal shall implement procedures to ensure that all students have acknowledged that they have received a copy of the above policy and indicated their obligation to share the contents of the policy with the parent/guardian.
3. Each principal will ensure that all middle and high school students are explicitly informed of the provisions of the controlled substance policy through assemblies, presentations and/or direct instruction in appropriate classes.

Legal Reference:

BUSINESS AND PROFESSIONS CODE

25608 Alcohol on school property; use in connection with instruction

EDUCATION CODE

44049 Known or suspected alcohol or drug abuse by student

48900 Suspension or expulsion (grounds)

48900.5 Suspension, limitation on imposition; exception

48901 Smoking or use of tobacco prohibited

48901.5 Prohibition of electronic signaling devices

48902 Notification of law enforcement authorities; civil or criminal immunity

48909 Narcotics or other hallucinogenic drugs

48915 Expulsion; particular circumstances

49423 Administration of prescribed medication

49480 Notice to school by parent or guardian; consultation with physician

49602 Confidentiality of pupil information

51202 Instruction in personal and public health and safety

51203 Instruction on alcohol, narcotics and restricted dangerous drugs

51210 Areas of study

51220 Areas of study, grades 7 to 12

51260 Elementary and secondary school instruction in drug education by appropriately trained instructors

51262 Use of anabolic steroids; legislative finding and declaration

51264 CDE assistance for inservice training

51265 Gang violence and drug and alcohol abuse prevention inservice

51268 Collaboration to avoid duplication of effort

HEALTH AND SAFETY CODE

11032 Narcotics, restricted dangerous drugs and marijuana; construction of terms used in other divisions

11053-11058 Standards and schedules

11353.6 Juvenile Drug Trafficking and Schoolyard Act

11357 Unauthorized possession of marijuana; punishment; prior conviction; possession in school or on school grounds

11361.5 Destruction of arrest or conviction records

11372.7 Drug program fund; uses

11802 Joint school-community alcohol abuse primary education and prevention program

11966-11969 The School-Community Primary Prevention Program

11998-11998.3 Drug and Alcohol Abuse Master Plans

11999-11999.3 Alcohol and drug program funding; no unlawful use

124175-124200 Adolescent family life program (Department of Health Services)

PENAL CODE

13864 Comprehensive alcohol and drug prevention education

VEHICLE CODE

13202.5 Drug and alcohol related offenses by person under age of 21, but aged 13 or over; suspension, delay, or restriction of driving privileges

WELFARE AND INSTITUTIONS CODE

828 Disclosure of information re minors

828.1 Disclosure of criminal records; protection of vulnerable staff & students

UNITED STATES CODE, TITLE 20

5812 National education goals

7101-7184 Safe and Drug-Free Schools and Communities Act

**Regulation SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT**  
**adopted: August 10, 2011, Santa Monica, California**





TO: BOARD OF EDUCATION

DISCUSSION

09/08/11

FROM: SANDRA LYON / CHIUNG-SALLY CHOU / MAUREEN BRADFORD

RE: 2011 STUDENT ACHIEVEMENT DATA AND 2011 SCHOOL AND DISTRICT  
ACCOUNTABILITY REPORT

DISCUSSION ITEM NO. D.02

This item will discuss student achievement data on the California Standards Test (CST), California High School Exit Exam (CAHSEE) as well as the recently published state Accountability Progress Reports (APR) and federal Adequate Yearly Progress (AYP) data.

**California Standards Test (CST) & California High School Exit Exam (CAHSEE)**

The CST measure student achievement in grade-level standards for English language arts, mathematics, science and history. They are administered to all students in grades 2–11. Santa Monica-Malibu Unified School District continues to demonstrate gains in the percentage of students who score at the proficient or advanced levels on these exams.

Longitudinal student achievement on the CST will be presented by school level, pathway, grade level and by math course enrollment. Data will be disaggregated by ethnicity, gender and other demographic indicators, such as economic status, language fluency and disability status.

The achievement of particular cohorts of students, as they matriculate from elementary to middle school or middle school to high school will also be examined.

The results of the 10<sup>th</sup> grade CAHSEE will also be reviewed. The CAHSEE is given to all 10<sup>th</sup> grade students. Students must pass both the mathematics and language arts portions of this exam in order to graduate from high school. Students who do not achieve a passing score in 10<sup>th</sup> grade may continue to take the test throughout 11<sup>th</sup> and 12<sup>th</sup> grade.

Achievement data from these standardized measures, as well as AP exam data, district formative assessments, and students' course grades, are used to help schools and central office in monitoring progress on our district goals and initiatives, identifying program needs, and prioritizing professional development.

**State Accountability Progress Reports (API) & Federal Adequate Yearly Progress (AYP)**

The California Department of Education recently released its Accountability Progress Reports (APR) for the state, districts and schools. The APR is a comprehensive system for monitoring academic achievement and is comprised of both state and federal accountability reporting systems.

The state monitors accountability via the Academic Performance Index (API). The API is a composite number representing the results of The California Standards Tests (CST), the California Modified Assessment (CMA), the California Alternate Performance Assessment (CAPA) and passage rates on the California High School Exit Exam (CAHSEE). The amount of emphasis each type of test and each content area carries is determined by statewide test weights and by the number of students taking each type of test.

Federal results are reported in terms of how well schools and districts meet Adequate Yearly Progress (AYP) criteria. The Elementary and Secondary Education Act (ESEA) requires that all schools and districts meet the same academic targets, regardless of their baseline levels of performance. The AYP targets increase until 2013-14 when 100 percent of students are to be performing at the proficient level or above on statewide tests. The AYP criteria include both participation rates and performance levels in English language arts and math. For elementary

and middle schools, performance levels are determined by the CST, CMA and CAPA results for all students in grades two through eight. For high schools, AYP performance levels are determined by proficiency rates on CAHSEE and CAPA for tenth graders only. Additional AYP criteria include meeting API growth targets and graduation rate growth targets.

Schools and districts receiving federal funds under Title I are subject to additional accountability requirements. Those that fail to meet any one of the AYP criteria for two consecutive years are subject to Program Improvement (PI) status. When a school or district is identified for PI, it must provide certain types of required services and/or interventions.

The results of the Accountability Progress Reports for Santa Monica-Malibu Unified School District and our sixteen school sites will be reviewed and discussed.

TO: BOARD OF EDUCATION

DISCUSSION

09/08/11

FROM: SANDRA LYON / CHIUNG-SALLY CHOU

RE: CONSIDER REVISING BP 6163.1 – LIBRARY MEDIA CENTERS

DISCUSSION ITEM NO. D.03

It is recommended that the Board of Education consider revising BP 6163.1 – Library Media Centers.

COMMENT: CSBA is recommending this policy update to reflect new state standards adopted by the State Board of Education, including program standards that describe staffing, resources, and infrastructure recommended for effective school library programs as well as academic standards for library instruction. The revised policy also adds a new section on "Staffing" and new language on criteria for acceptance of donated library materials.

The board discussed this item on August 24, 2011, and requested that it come back for further discussion with additional language (in bold text) added to the last page of the policy.

The revised policy is attached.

**LIBRARY MEDIA CENTERS**

The Board of Education recognizes that school library media centers support the educational program by providing access to a variety of informational resources. The Board desires to provide library media centers with up-to-date books, reference materials, and electronic information resources necessary to promote literacy, support students in achieving academic standards, and encourage students to become lifelong learners.

School libraries shall be open for use by students and teachers during the school day.

Any school library open outside the school day, such as evenings and/or Saturdays, shall be under the supervision of a certificated employee.

The district's school libraries may provide:

1. Library instruction to students that enables them to become proficient users of library resources
2. Information to teachers and administrators concerning sources and availability of instructional materials that will aid in the development of school curriculum, and, in cooperation with classroom teachers, the development of instructional units and activities using library resources
3. Assistance to teachers and students in the evaluation, selection, production, and uses of instructional materials
4. A collection of materials and resources that support the curriculum and are appropriate for user needs
5. Assistance to teachers, administrators, and other school staff members in becoming knowledgeable about appropriate uses of library media services, materials, and equipment

**Library Instruction**

Teacher librarians and/or classroom teachers shall provide library instruction to develop students' information literacy skills. Such instruction shall be aligned with state academic standards for library instruction and shall prepare students to:

1. Access information by applying knowledge of the organization of libraries, print materials, digital media, and other sources
2. Evaluate and analyze information to determine appropriateness in addressing the scope of inquiry
3. Organize, synthesize, create, and communicate information
4. Integrate information literacy skills into all areas of learning and pursue information independently to become life-long learners

## **Staffing**

To staff school libraries, the Board may appoint one or more teacher librarians who possess an appropriate credential issued by the Commission on Teacher Credentialing. Any teacher librarian employed by the district shall be authorized to perform the following duties:

1. Instruct students in the choice and use of library materials and technology
2. Plan and coordinate school library programs with the district's instructional programs
3. Select materials for school and district libraries
4. Coordinate or supervise library programs at the district level
5. Plan and conduct a course of instruction for students who assist in the operation of school libraries
6. Supervise classified personnel assigned school library duties
7. Develop procedures for and management of the school and district libraries

The Board also may appoint classified paraprofessionals to serve as library aides or library technicians. Volunteers may assist with school library services in accordance with law, board policy, and administrative regulation.

The Superintendent or designee shall develop procedures for the selection and evaluation of library materials.

Whenever a school receives state funding for school and library improvement pursuant to Education Code 41570-41573, the school site council shall develop a single plan for student achievement that addresses the needs of the school's library media center.

In developing a districtwide plan, the Superintendent or designee is encouraged to consult with school library media teachers, classroom teachers, administrators, parents/guardians, and students as appropriate in the development of the plan.

The districtwide library plan shall describe the district's vision and goals for the district's libraries and action steps including how funds will be distributed to school sites. As appropriate, the plan may also address staffing, facilities, selection and evaluation of materials, prioritization of needs, and other related matters.

When state funding is available for library materials in grades K-4 classrooms, the Superintendent or designee shall develop, for certification by the Board, a districtwide classroom library plan grades K-4. The plan shall include a means of preventing loss, damage, or destruction of the materials.

The Superintendent or designee is encouraged to consult with primary grade teachers and school and/or county office of education library media teachers in the development of the plan for Grades K-4 and to consider selections from the list of books recommended by the State Librarian pursuant to Education Code 19336.

Responsibility for the selection of library materials is delegated to the professional library staff through the principal. School librarians shall evaluate materials, using professional selection aids and standards, in accordance with law, Board policy, and administrative regulation. The

selection process shall invite recommendations from administrators, teachers, other staff, parents/guardians, and students as appropriate.

Library materials shall include print and electronic resources that align with the curriculum and are accessible to students with varying cognitive or language needs.

Library materials shall be continually evaluated in relation to evolving curricula, new formats of materials, new instructional methods, **culturally relevant topics**, and the needs of students and teachers. Materials that contain obsolete subject matter or are no longer appropriate shall be removed, and lost or worn materials may be replaced if possible.

Complaints regarding the appropriateness of library materials shall be addressed using the district's procedures for complaints regarding instructional materials.

Students shall be allowed to borrow school library materials at no charge for use in the library and classrooms as well as out of school. To encourage students to return materials in a timely manner, a nominal fee may be charged for the later return of materials.

The district shall, on or before August 31 each year, report to the California Department of Education on the condition of school libraries for the preceding year ending June 30.

Legal Reference:

**EDUCATION CODE**

1703 Coordination of district library services by county superintendent

1770-1775 Provision of library services by county superintendent

18100-18203 School libraries

18300-18571 Union high school district/unified school district library district

19335-19336 Reading Initiative Program; recommended books

41570-41573 School and Library Improvement Block Grant

44868-44869 Qualifications and employment of library media teachers

45340-45349 Instructional aides

60119 Sufficiency of textbooks and instructional materials; public hearing

60240-60251.5 State Instructional Materials Fund, purchase of classroom library materials

60420-60424 Instructional Materials Funding Realignment Program

**REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS**

18181 Districtwide library plan

52012 Establishment of school site council

52014-52015 School plans

**CODE OF REGULATIONS, TITLE 5**

16040-16043 School libraries

80053 Library media service teaching credential

**UNITED STATES CODE, TITLE 20**

6383 Improving Literacy Through School Libraries grant program

Management Resources:

**CDE PUBLICATIONS**

Check It Out! Assessing School Library Media Programs, 1998

Recommended Literature: Kindergarten Through Grade Twelve

CALIFORNIA SCHOOL LIBRARY ASSOCIATION PUBLICATIONS

Standards and Guidelines for Strong School Libraries, 2004

**WEB SITES**

American Library Association: <http://www.ala.org>

American Association of School Librarians: <http://www.ala.org/aasi>

California Department of Education, School Libraries: <http://www.cde.ca.gov/ci/cr/lb>

California Library Association: <http://www.cla-net.org>

California School Library Association: <http://www.csla.net>

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

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## **INFORMATION ITEMS**





TO: BOARD OF EDUCATION

INFORMATION

09/08/11

FROM: SANDRA LYON / DEBRA MOORE WASHINGTON

RE: HEALTH BENEFITS COMMITTEE PROGRESS REPORT

INFORMATION ITEM NO. I.01

At the culmination of the 2009-10 negotiations with both SMMCTA and SEIU bargaining units, agreements were reached to form a joint Health Benefits Committee. The purpose as identified in the contract language was to “explore the feasibility of alternative health plan providers and plan design changes to reduce the district’s total health and welfare costs.”

On December 3, 2010, the Board received correspondence regarding the formation of the joint Health Benefits Committee and their work to that date. This report is being presented now to keep the board informed about the committee’s progress.

**PROGRESS REPORT**  
**HEALTH BENEFITS COMMITTEE**  
**September 2011**

The purpose of this report is to inform the board of the formation of a Joint District and union(s) Health Benefits Committee and to report on the progress that group has made.

During the negotiations of the last successor contracts with Certificated and Classified employee groups, the parties negotiated the Article on Health and Welfare Benefits. An agreement was reached to maintain status quo for the 2008-09 and the 2009-10 school years. Both SEIU and SMMCTA agreed to the formation of a joint committee to continue examining ways to reduce the cost of benefits. In the Tentative Agreement the parties agreed to the following language:

<i>“A health care benefits committee shall be formed, composed of three (3) SEIU members and three (3) District members which shall meet periodically during the 2009-10 and 2010-11 school years. SMMCTA at its request may select 3 SMMCTA representatives to be included on this committee.</i>
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<b>Committee’s Negotiated Charge:</b>
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<i>The Committee shall explore options to reduce the District’s total health and welfare benefits cost. The committee will report their recommendations to the Board of Education no later than December 17, 2010. These recommendations may include but are not limited to changes either through alternative health benefit providers and/or plan design modifications that have the effect of reducing the District’s total health and welfare benefits cost. Agreed upon changes to the Health and Welfare Plan shall take effect no later than January 1, 2012. Any and all changes are subject to negotiations and ratification by SEIU and (SMMCTA) membership.</i>
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The committee did not meet in 2008 or 2009. The first meeting was held in October of 2010. Since that time the Health Benefits Committee has been meeting on a regular basis to investigate health care in Santa Monica-Malibu Unified School District. Representing SMMUSD were Debra Moore Washington and Janece Maez. For SEIU: Keryl Cartee-McNeely, Rebel Harrison and Anette Bolan. For SMMCTA: Heidi Kleis, Anthony Fuller and Grant Clark.

At the first meeting the members reviewed the contract language to clarify the original intent of the committee. The charge, in summary, was to investigate the costs associated with health care in SMMUSD and to find ways to mitigate the rising costs to SMMUSD. The plan of action included exploring alternatives, educating the committee, surveying needs of constituent groups, reviewing internal and external data, reducing overall costs and making recommendations to the board. The committee met seven times throughout the 2011-2012 school year, inviting a host of industry representatives to the meetings and dividing up research tasks amongst the members. Industry representatives presenting at the committee meetings included CalPERS, Keenan and Associates, and ASCIP. Members also researched practices in other districts including Beverly Hills, Culver City, Montebello and Magnolia. Joint power agreements were briefly reviewed such as Central Valley Trust as well as a new statewide benefits pilot CHECKERS. Information gathering and edification will be ongoing into the new school year as these presentations are considered.

The committee felt it needed to gather information from the membership in general. In order to do so the committee generated a nine-question survey for all employees in the district. In early June the survey was sent out via Survey Monkey and as a hard copy to some employees in an effort to ensure maximum participation. A copy of the survey is attached. The committee has

seen the preliminary results from Survey Monkey but has not yet had a chance to review the paper surveys or interpret the results.

The committee is not prepared to make a recommendation at this time as the original contract language dictates. More time is needed to study viable alternatives within and outside of the existing CalPERS structure. The joint committee will meet in the fall. When the committee reconvenes it will determine a revised date for presenting a recommendation to the board. The committee will also reassess its timeline in light of the fact that both contracts are due to be renegotiated this school year and some proposals for the Health and Welfare Benefits Article will be contained in those proposals.

# HEALTH BENEFITS SURVEY

Health Care costs are in the forefront across the nation. Leaders from SMMUSD, SEIU and SMMCTA have been researching this topic for the past eight months as a Health Benefits Committee. The charge of the Health Benefits Committee is to explore options that ensure employees have the best health care choices available, at a cost that can be sustained in future years.

In an effort to better understand the healthcare needs of employees in our district, we are asking you to fill out this short survey.

**If you previously filled out the electronic survey through SurveyMonkey, please do not complete this paper version.** Completed surveys should be returned to Lisa Andersen, Human Resources Department, at the District Office. The deadline is Friday, July 1, 2011.

This issue is too important to ignore. Please encourage your colleagues to complete the survey!

**1. Do you feel you have all the information you need to make an informed choice when it comes to selecting a health benefits plan?**

☐ Yes ☐ No

**2. If you answered "no", what would be the best method to assist you in becoming more informed? (choose one)**

☐ Health Fair ☐ Newsletters ☐ "Snail Mail"  
☐ Flyers ☐ Electronic Communications  
☐ Site meetings

**3. Do you consider your health benefit plan to be a part of your total compensation?**

☐ Yes ☐ No

**4. When choosing your health benefits plan, what priorities are most important to you? (With 1 being most important and 4 being least important, please rank the four factors below by entering a different numerical ranking for each item)**

Your contribution toward premiums

Additional out-of-pocket costs (i.e Dr. visits, prescriptions, urgent care co-pays)

Choice of physicians/groups

HMO vs. PPO

**5. What medical services are most important to you? (With 1 being most important and 6 being least important, please rank the six factors below by entering a different numerical ranking for each item)**

Wellness/Prevention	
Family Care	
Individual Care	
Choice of Doctor	
Dental Care	
Vision Care	

**6. After you retire, how concerned are you about your ability to pay for health care costs before age 65?**

- ☐ Very concerned
 ☐ Somewhat concerned
 ☐ Not at all concerned

**7. After you retire, how concerned are you about your ability to pay for health care costs after age 65?**

- ☐ Very concerned
 ☐ Somewhat concerned
 ☐ Not at all concerned

**8. School Districts have limited resources. Keeping this in context, please identify your economic priorities. (With 1 being most important and 5 being least important, please rank the five factors below by entering a different numerical ranking for each item)**

Increase/maintain health benefits	
Higher salary	
Pension/retirement security	
Working conditions	
Smaller class size	

**9. Tell us a little bit about yourself:**

- |                                      |                                       |
|--------------------------------------|---------------------------------------|
| <input type="checkbox"/> 25 or under | <input type="checkbox"/> Certificated |
| <input type="checkbox"/> 26-35       | <input type="checkbox"/> Classified   |
| <input type="checkbox"/> 36-50       | <input type="checkbox"/> Full Time    |
| <input type="checkbox"/> 50 and over | <input type="checkbox"/> Part Time    |

**10. Are you planning to retire within the next five years?**

- ☐ Yes
 ☐ No

**11. Any additional comments?**