

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

October 20, 2011

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SW

TO: BOARD OF EDUCATION

ACTION/MAJOR

10/20/11

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

UPDATE

RE: ANNUAL PUBLIC HEARING AND ADOPTION OF RESOLUTION No. 11-04 ON
SUFFICIENCY OF INSTRUCTIONAL MATERIALS AND
WILLIAMS SETTLEMENT INSTRUCTIONAL MATERIALS FUNDS

RECOMMENDATION NO. A.21

In May 2000, the American Civil Liberties Union filed a lawsuit against the State of California claiming that the state had failed in its duty to provide students with equal educational opportunity. That lawsuit, known as Williams v. State of California, was settled in August 2004. SMMUSD has engaged in several accountability measures in order to comply with the Williams lawsuit settlement. Among the measures is the requirement to inventory all Board of Education-adopted core materials, including: English, Mathematics, Social Studies, Science, Foreign Languages, Health, and laboratory science materials.

Assembly Bill 831, Chapter 118, Statutes of 2005, took effect July 25, 2005. AB 831 modified the annual public hearing requirement in Education Code (EC) Section 60119 and modified the expenditure requirements related to Williams instructional materials funds. Under EC Section 60119, the governing board of every local educational agency (LEA) that receives state instructional materials funds must hold an annual public hearing before the end of the eighth week from the first day pupils attend school for that year. At the public hearing, the governing board must make a determination as to whether each pupil in each school has sufficient textbooks or instructional materials, or both, that are aligned to the content standards and are consistent with the content and cycles of the curriculum framework adopted by the State Board of Education in reading/language arts, mathematics, science, and history-social science. In addition, the definition of sufficiency now provides that each pupil, including each English learner, must have a standards-aligned textbook or instructional materials, or both, to use in class and to take home.

Tonight the Board of Education will hold the annual public hearing of sufficiency, adopt the resolution on the adequacy of materials for all students, which includes the district's compliance and non-compliance with legal guidelines, and hear proposed remedies for the district's areas of non-compliance. It is recommended that the Board of Education adopt the resolution on the adequacy of materials for all students in the Santa Monica-Malibu Unified School District.

Open Hearing:

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

Close Hearing:

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

Adoption of Resolution No.11-04 on the adequacy of instructional materials and endorsement of the remedies proposed within the Resolution.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

Education Code Section 60119

Certification of Provision of Standards-Aligned Instructional Materials

Resolution No. 11-04 Regarding Sufficiency Or Insufficiency Of Instructional Materials:

WHEREAS, the governing board of Santa Monica-Malibu Unified School District, in order to comply with the requirements of Education Code Section 60119 held a public hearing on October 20, 2011 at 6:00 p.m., which is on or before the eighth week of school and which did not take place during or immediately following school hours, and;

WHEREAS, the governing board provided at least 10 days notice of the public hearing posted in at least three public places within the district that stated the time, place, and purpose of the hearing, and;

WHEREAS, the governing board encouraged participation by parents, teachers, members of the community, and bargaining unit leaders (if the district or county office has a bargaining unit) in the public hearing, and;

WHEREAS, the definition of “sufficient textbooks or instructional materials” means that each pupil has a textbook or instructional materials, or both, to use in class and to take home to complete required homework assignments, and;

WHEREAS, information provided at the public hearing and to the governing board at the public meeting detailed that insufficient textbooks or instructional materials were provided to pupils in the following subjects and grade levels at district schools:

Cabrillo:

No students have insufficient textbooks and/or instructional materials in the following areas of study: English Language Arts, Mathematics, Social Studies, Science, and Health.

Edison:

No students have insufficient textbooks and/or instructional materials in the following areas of study: English Language Arts, Mathematics, Social Studies, Science, and Health.

Franklin:

No students have insufficient textbooks and/or instructional materials in the following areas of study: English Language Arts, Mathematics, Social Studies, Science, and Health.

Grant:

No students have insufficient textbooks and/or instructional materials in the following areas of study: English Language Arts, Mathematics, Social Studies, Science, and Health.

McKinley:

No students have insufficient textbooks and/or instructional materials in the following areas of study: English Language Arts, Mathematics, Social Studies, Science, and Health.

Muir:

No students have insufficient textbooks and/or instructional materials in the following areas of study: English Language Arts, Mathematics, Social Studies, Science, and Health.

Point Dume:

No students have insufficient textbooks and/or instructional materials in the following areas of study: English Language Arts, Mathematics, Social Studies, Science, and Health.

Roosevelt:

No students have insufficient textbooks and/or instructional materials in the following areas of study: English Language Arts, Mathematics, Social Studies, Science, and Health.

Rogers:

No students have insufficient textbooks and/or instructional materials in the following areas of study: English Language Arts, Mathematics, Social Studies, Science, and Health.

Webster:

No students have insufficient textbooks and/or instructional materials in the following areas of study: English Language Arts, Mathematics, Social Studies, Science, and Health.

John Adams Middle School:

No students have insufficient textbooks and/or instructional materials in the following areas of study: English Language Arts, Mathematics, Social Studies, Science, Foreign Language, and Health.

Lincoln:

No students have insufficient textbooks and/or instructional materials in the following areas of study: English Language Arts, Mathematics, Social Studies, Science, Foreign Language and Health.

SMASH (Santa Monica Alternative School House):

No students have insufficient textbooks and/or instructional materials in the following areas of study: English Language Arts, Mathematics, Social Studies, Science, and Health.

Olympic Continuation High School:

No students have insufficient textbooks and/or instructional materials in the following areas of study: English Language Arts, Mathematics, Social Studies, Science, Foreign Language, and Health.

Malibu High School:

No students have insufficient textbooks and/or instructional materials in the following areas of study: English Language Arts, Mathematics, Social Studies, Science, Foreign Language, and Health.

Santa Monica High School:

~~No students have insufficient textbooks and/or instructional materials in the following areas of study: English Language Arts, Mathematics, Foreign Language, and Health. 45 students have insufficient textbooks in Social Studies (U.S. History.~~

~~4 students have insufficient textbooks in Science (Physiology).~~

No students have insufficient textbooks and/or instructional materials in the following areas of study: English Language Arts, Mathematics, Social Studies, Science, Foreign Language, and Health.

WHEREAS, sufficient laboratory science equipment was provided for science laboratory classes offered in grades 9-12, inclusive, and;

~~**WHEREAS**, the insufficient textbooks or instructional materials listed above were not provided for the following reasons:~~

~~**Santa Monica High School:**~~

~~Additional copies of the Physiology and U.S. History textbooks are on order, and due to arrive on October 16 and October 24, respectively.~~

WHEREAS, for the 2011-2012 school year, the principals have verified that students at their schools have been provided with sufficient textbooks and instructional materials consistent with the cycles and content of the curriculum framework and that any insufficiencies have been addressed by ordering texts as needed.

BE IT FURTHER RESOLVED, that actions have been taken to ensure that all students have sufficient textbooks or instructional materials in all subjects consistent with the cycles and content of the curriculum frameworks within two months of the beginning of the school year in which the determination is made.

The local governing board of the Santa Monica-Malibu Unified School District/County Office of Education hereby certifies that as of this date, each pupil in the district/county of education, in kindergarten through grade twelve, has been provided with a standards-aligned textbook or basic instructional materials in each of the following areas:

- History/social science
- Mathematics
- Reading/language arts
- Science

For students in K-8, the instructional materials were purchased from an approved standards-aligned state adoption list as required by *CCR, Title 5, Section 9531*.

For students in grades, 9-12, the instructional materials were adopted by the local governing board following district review of the materials and their alignment with state content standards as required by *CCR, Title 5, Section 9531*.

Certification was approved by the local governing board at a public meeting held on October 20, 2011.

THEREFORE, it is resolved that for the 2011-2012 school year, the Santa Monica-Malibu Unified School District has provided each pupil with sufficient textbooks or instructional materials aligned to the academic content standards and consistent with the content and cycles of the curriculum frameworks as specified in Education Code section 60119.

PASSED AND ADOPTED by the BOARD of EDUCATION on this October 20, 2011, by the following vote:

Ayes_____

Noes_____

Absent_____

Abstain_____

Jose Escarce, President

Ben Allen, Vice President

Oscar de la Torre, Member

Maria Leon-Vazquez, Member

Laurie Lieberman, Member

Ralph Mechur, Member

Nimish Patel, Member

Sandra Lyon, Superintendent

TO: BOARD OF EDUCATION
FROM: SANDRA LYON / DEBRA MOORE WASHINGTON /
MAROLYN FREEDMAN
RE: ANNUAL CHILD ABUSE REPORT – 2010-11

INFORMATION
10/20/11
UPDATE

INFORMATION ITEM NO. I.01

Board Policy 5141.4 and the adjoining Administrative Regulation state:

By no later than October 31st of each year, the Superintendent shall inform the public via an Information Item in the Board of Education agenda the number of child abuse reports and the number involving District employees for the previous school year. The Superintendent shall also inform the public that the training for all mandated reporters has been provided. In the event that training is not provided to mandated reporters, the Superintendent shall report to the California Department of Education and the public the reasons that such training has not been provided.

This information item provides the data stipulated by the Board Policy.

All employees of the Santa Monica – Malibu Unified School District are mandated reporters.

“Employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known, suspected, or alleged incidents of child abuse and neglect.” (SMMUSD Board Policy 5141.4)

During the 2010-11 School Year, 95 suspected child abuse cases were reported. The chart bellows breaks down the reports by type and age.

Report Category	Sexual Abuse	Physical Abuse	General Neglect	Emotional Abuse
Children’s Centers	0	0	0	0
Head Start Preschools	0	0	0	0
Elementary Schools	3	14	1	7
Middle Schools	5	22	6	8
High Schools	5	18	1	5
Total	13	54	8	20

Of the reported suspected child abuse cases, none involved a school district employee.

TO: BOARD OF EDUCATION

INFORMATION

FROM: SANDRA LYON / DEBRA MOORE WASHINGTON /
MAROLYN FREEDMAN

10/20/11

UPDATE

RE: REVISION OF AR 5111.1 – DISTRICT RESIDENCY

INFORMATION ITEM NO. I.

This is to inform the Board of Education that AR 5111.1 – District Residency has been revised.

COMMENT: On October 3, 2011, the Governor signed into law a bill related to residency requirement for school attendance. Assembly Bill (AB) 207 requires school to accept specific documentation as evidence of residency, including a declaration of residency by a parent.

AB 207 was enacted because of a belief by lawmakers that some school districts were establishing overly burdensome requirements for demonstrating residency, making it difficult to ensure universal enrollment and attendance. This law eliminates local control over what documents are sufficient to establish residency. Although school districts may accept documents that are not on the list, they must accept the documents that are on the list as reasonable evidence of residency.

Additionally, this regulation has been revised to specify that three documents are sufficient to establish residency to ensure a universal enrollment process.

DISTRICT RESIDENCY**Residency**

Children attending public school must attend school in the school district wherein their parent/legal guardian resides, unless explicitly authorized to attend school in another district (Education Code [48200](#), [48204](#)). Accordingly, it is the district's policy to require valid proof of residency for all students and to be vigilant in discovering and terminating enrollment that does not comply with residency laws or meet the conditions identified in the California Education Code. **A combination of any 3 of the documents listed under the Proof of Residency section of this regulation shall satisfy the proof of residency requirements.**

1. The Superintendent or designee is authorized to require the parent/legal guardians of students to provide to the district verifiable documentary evidence of residency, to execute affidavits attesting to residency, and to otherwise prove residency to the satisfaction of the district. Proof of residency shall, at a minimum, be required upon a student's initial enrollment in the district, whenever there is a change in residency, and at any time a student's residency with the district is in doubt.
2. Any student enrolled in the district shall immediately notify the district of any change in circumstances, which would affect their residency determination under this policy. Failure to do so shall result in disenrollment and disqualification from future enrollment under the Board's Inter-district Transfer Policy.
3. The Superintendent or designee is authorized to investigate any cases where there may be reason to believe that a student and/or parent/guardian does not reside with the district, has provided false information to the district with respect to residency or where there may be reason to believe that the information provided is no longer current or accurate.
4. If the Superintendent or designee determines that a student currently enrolled in the district is not a resident of the district, the student shall be disenrolled from the district, effective the Friday of the week following the determination of nonresidency.
5. In the event the district becomes aware of any violation of law during the course of enforcing this policy, including violation of fraud or perjury statutes, the Superintendent or designee may refer such matters to the appropriate law enforcement authorities for criminal investigation

Criteria for Residency

A student shall be deemed to have complied with district residency requirements if he/she meets any of the following criteria:

1. The student resides with his/her parent/guardian within district boundaries. In the case of divorced parents, the student would attend school in the district of the parent who has primary physical custody. If the parents have 50/50 co-custody and one parent lives within the district, the student may be enrolled in Santa Monica-Malibu Unified School District. (Education Code [48200](#))

2. The student is placed within the district boundaries in a regularly established licensed children's institution, a licensed foster home, or a family home pursuant to a court-ordered commitment or placement. (Education Code [48204](#))
3. The student has been admitted through the district's interdistrict attendance program. (Education Code [48204](#))
4. The student is an emancipated minor residing within district boundaries. (Education Code [48204](#))
5. The student lives with a care-giving adult within district boundaries. (Education Code [48204](#))
6. The student resides in state hospital located within district boundaries. (Education Code [48204](#))
7. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (Education Code [48207](#))

District residency is not required for enrollment in a regional occupational center or program if there are openings in the program or class. (Education Code [52317](#))

The Superintendent or designee shall annually notify parents/guardians of all existing attendance options available in the district, including, but not limited to, all options for meeting residency requirements for school attendance. (Education Code [48980](#))

Proof of Residency

Prior to admission in district schools, students shall provide proof of residency.

The Superintendent or designee shall annually verify the student's residency and retain a copy of the document or written statement offered as verification in the student's mandatory permanent record. (5 CCR [432](#))

Pursuant to Education Code [48204](#), a student shall be deemed a resident of the district if the student lives with a care-giving adult within district boundaries. Family Code [6552](#) provides an affidavit which authorizes a caregiver 18 years of age or older to enroll a minor in school and requires the caregiver's attestation that the student lives in his/her home. If the student stops living with the caregiver, Family Code [6550](#) requires the caregiver to so notify the school.

Upon enrollment of a student residing in the home of a care-giving adult within district boundaries, the care-giving adult shall execute, under penalty of perjury, the affidavit specified in Family Code [6552](#).

Residency documentation must show the name and address of the parent or legal guardian residing within the school district. Valid proof of residency may be established by documentation including, but not limited to, a combination of the following:

1. property tax payment receipts;
2. rental property contract, lease, or payment receipts;
3. utility service contract, statement or payment receipts;
4. pay stubs;

5. voter registration;
6. correspondence from a government agency; or
7. declaration of residency executed by the parent or legal guardian of a pupil

Additional documentation may be provided to satisfy the proof of residency requirements. These include the following:

1. Picture identification with local address
2. Business mail such as:
 - a. Bank Statement
 - b. Credit card statement
 - c. Correspondence from health care provider or insurance broker
3. An affidavit of residency completed by a resident with whom the family is living

A combination of any 3 of the aforementioned documents shall satisfy the proof of residency requirements.

1. ~~Picture identification with local address~~
2. ~~Utility service payment receipts~~
3. ~~Business mail such as:~~
 - a. ~~Bank Statement~~
 - b. ~~Credit card statement~~
 - c. ~~Correspondence from doctor, dentist, health care provider, insurance broker~~
4. ~~Income or property tax payment receipt~~
5. ~~An affidavit of residency completed by a resident with whom the family is living~~

A California Department of Education Legal Advisory, dated March 3, 1995, recommended that districts address circumstances in which the district has a reasonable belief that parents/guardians have provided false or unreliable evidence of residency.

If any district employee reasonably believes that the parent/guardian of a student has provided false or unreliable evidence of residency, the Superintendent or designee shall make reasonable efforts to determine that the student meets residency documentation establishing residence, interview with the student, observation of student's residence, door-knock to establish that student is in residence.

Safe at Home Program

Government Code [6205-6211](#) authorize the Secretary of State to provide victims of domestic violence or stalking with a substitute address to use in place of their residence, work, or school

address in all public records. SB 1062 (Ch. 639, Statutes of 2006) amended Government Code [6205.5](#) and [6206](#) to also include victims of sexual assault in this program. Under this program, the Secretary of State receives any mail sent to the substitute address and forwards it to the program participant's confidential address. Pursuant to Government Code [6207](#), the district must accept and use an address designated by the Secretary of State as a participant's substitute address. An August 27, 1999, letter from the Secretary of State clarifies that the substitute address should be used for all communication and correspondence with program participants. The participant will present a laminated identification card containing his/her substitute address and a four-digit authorization number. The district may verify the enrollment of a student in the program by contacting the Safe At Home program.

Program participants have been advised by the Secretary of State to provide administrators with their actual residence location only for school emergency purposes and to establish eligibility for residency.

When a student or parent/guardian participating in the Safe at Home program requests that the district use the substitute address designated by the Secretary of State, the Superintendent or designee may request the actual residence address for the purpose of establishing residency within district boundaries. The Superintendent or designee shall not include the actual address in the student's file or any other public record and shall instead use the substitute address for all future communications and correspondence. (Government Code [6206](#), [6207](#))

Denial or Revocation of Enrollment

If the Superintendent or designee, upon investigation, determines that a student's enrollment or attempted enrollment is based on false evidence of residency, he/she shall revoke the student's enrollment. Before any such revocation, the parent/guardian shall be sent written notice that the school has credible evidence that the student is not a resident of the district. The letter will indicate that the parent has the right, within ten days to provide adequate proof of residence to their child's school of attendance. If the parent/guardian fails to provide satisfactory evidence of residence, the student's enrollment shall be revoked on the Friday following the confirmation of non-residence.

Legal Reference:

EDUCATION CODE

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

[48050-48054](#) Nonresidents

[48200-48208](#) Persons included (compulsory education law)

[48980](#) Notifications at beginning of term

[52317](#) ROP, admission of persons including nonresidents to attendance area

FAMILY CODE

[6550-6552](#) Caregivers

GOVERNMENT CODE

[6205-6211](#) Confidentiality of residence for victims of domestic violence

CODE OF REGULATIONS, TITLE 5

[432](#) Varieties of student records

UNCODIFIED STATUTES

AB 687, Ch. 309, Statutes of 1995

COURT DECISIONS

Katz v. Los Gatos-Saratoga Joint Union High School District, (2004) 117 Cal.App.4th 47

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

0303.95 Verification of residency, LO: 1-95

WEB SITES

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

California Secretary of State, Safe at Home Program: <http://www.ss.ca.gov/safeathome>

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