

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
MINUTES

March 8, 2012

A special meeting of the Santa Monica-Malibu Unified School District Board of Education was held on Thursday, March 8, 2012, in the District Administrative Offices: 1651 16th Street, Santa Monica, CA. The Board of Education called the meeting to order at 4:40 p.m. in the Board Conference Room at the District Offices. At 4:41 p.m., the Board of Education moved to Closed Session regarding the items listed below. The public meeting reconvened at 6:10 p.m. in the Board Room.

I. CALL TO ORDER

- A. Roll Call
- B. Pledge of Allegiance

II. PUBLIC COMMENTS FOR CLOSED SESSION ITEMS ONLY

III. CLOSED SESSION (90)

- Conference with Superintendent regarding 2011-12 Strategies for Negotiations with S.M.M.C.T.A. pursuant to GC §54957.6 as cited in the Brown Act. (35)
- 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. (35)
- Public Employee, to consider appointment, employment, performance evaluation, or dismissal of employee pursuant to GC§54957, as cited in the Brown Act (Certificated Employees: ID #US4954650). (10)
- Public Employee, to consider appointment, employment, performance evaluation, or dismissal of employee pursuant to GC§54957, as cited in the Brown Act (School Psychologist, Teacher) (5)
- Closed Session, Superintendent's performance evaluation pursuant to GC §54957, as cited in the Brown Act. (5)

6:13 pm

IV. 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.**

- *Jerry Rubin informed the board that the 4th Annual Tree Hugging Day would be on March 19 from 5-6pm at the Fairmont Hotel.*
- *Marlene Gomez and Esther Schiller updated the board on work being done by Smoke Free Air for Everyone committee and encouraged the board to adopt a resolution prohibiting cigarette smoke in multi-family residences.*
- *Trudy Goodwin, Victoria Gray, and Lee Jones addressed the board regarding the racial incident that occurred at Samohi last May.*

V. MAJOR ITEMS (10)

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.

- 6:32 pm A.01 Adopt Resolution No. 11-23 Regarding the Non-Reelection of
Certificated Probationary Employees (5)..... 1-3
- 6:33 pm A.02 Adopt Resolution No. 11-24 – Releasing Temporary Certificated
Administrators (5) 4-6

VI. DISCUSSION ITEMS (120)

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

- 6:37 pm D.01 Brown Act and Conflict of Interest Workshop (90)..... 7
- 8:14 pm D.02 Revise BP 5117 – Interdistrict Attendance (30)..... 8-12


VII. INFORMATIONAL ITEMS (0)

- 9:11 pm I.01 Notice of Recommendation Not to Reemploy Permanent or
Probationary Employees 13-14


VIII. ADJOURNMENT

It was moved by Mr. de la Torre, seconded by Dr. Escarce, and voted 6/0 (Mr. Patel was absent) to adjourn the meeting at 9:12 p.m. The next regular meeting is scheduled for **Thursday, March 15, 2012**, in the District Administrative Offices: 1651 16th Street, Santa Monica, CA.

Approved: 4-19-12



President



Superintendent

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 st Thursday | 2 nd Thursday | 3 rd Thursday | 4 th 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 | 10/22* DO | *Saturday, 10/22: retreat |
| November | 11/3 M | | 11/17 DO | 11/29* DO | Thanksgiving: 11/24-25 *Tuesday, 11/29: special mtg |
| December | | | 12/15 DO | winter break | |
| Winter Break: December 21 – January 3 | | | | | |
| January through June 2012 | | | | | |
| Winter Break: December 21 – January 3 | | | | | |
| January | | | 1/19 DO | | |
| February | 2/2 M | | 2/16 DO 2/18* DO | | *Saturday, 2/18: special mtg |
| March | 3/1 DO | 3/8* DO | 3/15 DO | 3/29* DO | *Thursday, 3/8: special mtg *3/22 & 3/23: Stairway *3/29: 5 th Thursday |
| Spring Break: April 2 – April 13 | | | | | |
| April | spring break | spring break | 4/19 DO | | |
| May | 5/3 M | 5/7* DO | 5/14* DO 5/17 DO | | *Monday, 5/7: special mtg *Monday, 5/14: special mtg |
| June | 6/7 DO | | | 6/27* DO | Last day of school: 6/15 *Wednesday: 6/27 |

District Office (DO): 1651 16th Street, Santa Monica.
 Malibu City Council Chambers (M): 23825 Stuart Ranch Road, Malibu, CA

**Santa Monica-Malibu Unified School District
Board of Education
March 8, 2012**

I. CALL TO ORDER

4:40pm

A. Roll Call

4:41pm

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

6:10pm

Student Board Members

None were present at this special board meeting.

B. Pledge of Allegiance

Led by Mr. de la Torre

II. CLOSED SESSION

In closed session, the board took action to issue a Notice of Intent to Immediately Suspend Without Pay and Dismiss to a permanent certificated employee, identified by#US4954650, pursuant to Education Code sections 44932 and 44939 and directed the Superintendent or designee to send out appropriate legal notices. The roll call was as follows:

Ayes: 5

Nays: 0

Abstentions: 0

Absent: 2

MAJOR ITEMS

TO: BOARD OF EDUCATION

ACTION/MAJOR

03/08/12

FROM: SANDRA LYON / DEBRA MOORE WASHINGTON

RE: ADOPT RESOLUTION NO. 11-23 REGARDING THE NON-REELECTION OF
CERTIFICATED PROBATIONARY EMPLOYEES

RECOMMENDATION NO. A.01

It is recommended that the Board of Education adopt Resolution No. 11-23 regarding the non-reelection of certificated probationary employees pursuant to Education Code Section 44929.21(b), effective June 2012.

COMMENT: The Board of Education is required to notify probationary employees on or before March 15 of the employee's second complete consecutive school year of employment of its decision to not reelect the employee for the next succeeding school year.

MOTION MADE BY: Ms. Leon-Vazquez

SECONDED BY: Mr. Mechur

STUDENT ADVISORY VOTE: N/A

AYES: All (6) (Mr. Patel was absent)

NOES: None (0)

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

RESOLUTION NO. 11-23

RESOLUTION NON-REELECTING CERTIFICATED PROBATIONARY EMPLOYEES:

WHEREAS, pursuant to Education Code Section 44929.21(b), the Board is required to notify probationary employees on or before March 15 of the employee's second complete consecutive school year of employment of its decision to not reelect the employee for the next succeeding school year; and

WHEREAS, the following employees have been employed by this District in positions requiring certification qualifications, and are serving as probationary employees as indicated below:

8418

WHEREAS, the performance of each of the above-named employees during his/her probation period has not been sufficient to warrant the continuation of his/her probationary status and/or the granting of tenure;

WHEREAS, it is the Board's intent to not reelect the above-named employees for the subsequent school year, 2012-2013, pursuant to Education Code Section 44929.21(b);

WHEREAS, the decision to non-reelect the above employees is made on an individual basis.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That the Board has determined that it is necessary at this time to send notice to each of the individual employees indicated above that he/she will not be reelected for the subsequent school year for the reasons set forth above, and as further supported by documents possessed by the District; and
2. That the Superintendent, or designee, is directed to issue to each individual employee listed above the notice described in Section 44929.21(b) prior to March 15, 2012, that he/she will not be reemployed for the 2012-2013 school year; and
3. That the Superintendent, or designee, is directed to take such further and additional actions as are necessary and appropriate to accomplish the purposes of this Resolution.

The foregoing Resolution was adopted by the Board of Education of the Santa Monica-Malibu Unified School District on the 8th day of March, 2012 by the following vote:

Ayes: 6
Noes: 0
Abstentions: 1
Absent: 1



Ben Allen, President
Board of Education of the
Santa Monica-Malibu Unified School District

I, Sandra Lyon, Secretary of the Board of Education of the Santa Monica-Malibu Unified School District, do certify that the foregoing Resolution was regularly introduced, passed and adopted by the Board of Education at a special meeting held on March 8, 2012.



Sandra Lyon, Secretary
Board of Education of the
Santa Monica-Malibu Unified School District

TO: BOARD OF EDUCATION

ACTION/MAJOR

03/08/11

FROM: SANDRA LYON / DEBRA MOORE WASHINGTON

RE: ADOPT RESOLUTION NO. 11-24 – RELEASING TEMPORARY
CERTIFICATED ADMINISTRATORS

RECOMMENDATION NO. A.02

It is recommended that the Board of Education approve the attached Resolution No.11-24 – Releasing Temporary Certificated Administrators pursuant to Education Code Section 44954 as indicated on the Resolution, effective June 2012.

COMMENT: The Board of Education is required to notify certificated administrators on or before March 15 of its decision to release the employees for the next succeeding school year.

MOTION MADE BY: Ms. Leon-Vazquez

SECONDED BY: Mr. de la Torre

STUDENT ADVISORY VOTE: N/A

AYES: All (6) (Mr. Patel was absent)

NOES: None (0)

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

RESOLUTION NO. 11-24

RESOLUTION RELEASING TEMPORARY CERTIFICATED ADMINISTRATORS

WHEREAS, pursuant to Education Code Section 44954, the Board may release a certificated temporary employee if the employee is notified before the end of the school year of the District's decision not to reelect the employee for the next succeeding school year; and,

WHEREAS, the employees listed below are serving only pursuant to temporary employment contracts, and,

WHEREAS, the individuals listed below are currently employed by the Santa Monica-Malibu Unified School District in temporary certificated positions requiring an administrative credential, or in other certificated administrative positions which are not subject to the terms of a collective bargaining agreement; and,

WHEREAS, it is the Board's intent not to reelect the temporary employees listed below for the subsequent 2012-2013 school year, pursuant to Education Code Section 44954.

NOW, THEREFORE, BE IT RESOLVED, that the following administrative employees serving only pursuant to temporary employment contracts be released from employment with the Santa Monica-Malibu Unified School District effective upon each employee's last working day of the current 2011-2012 school year or upon the expiration of any applicable temporary employment contract (whichever occurs first) and are not reelected for the next succeeding school year.

6053

1979

1116

BE IT FURTHER RESOLVED, that the Superintendent or designee is directed to issue to all temporary employees listed above the notice described in Section 44954, informing them that they will not be reemployed for the 2012-2013 school year, and to take such further action and additional actions as may be necessary to accomplish the purposes of this Resolution.

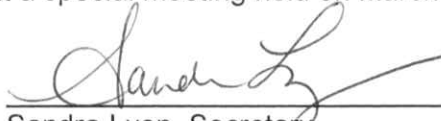
The foregoing Resolution was adopted by the Board of Education of the Santa Monica-Malibu Unified School District on the 8th day of March, 2012 by the following vote:

| | |
|--------------|----------|
| Ayes: | <u>6</u> |
| Noes: | <u>0</u> |
| Abstentions: | <u>1</u> |
| Absent: | <u>1</u> |



Ben Allen, President
Board of Education of the
Santa Monica-Malibu Unified School District

I, Sandra Lyon, Secretary of the Board of Education of the Santa Monica-Malibu Unified School District, do certify that the foregoing Resolution was regularly introduced, passed and adopted by the Board of Education at a special meeting held on March 8, 2012.



Sandra Lyon, Secretary
Board of Education of the
Santa Monica-Malibu Unified School District

DISCUSSION ITEMS

TO: BOARD OF EDUCATION

DISCUSSION

03/08/12

FROM: SANDRA LYON

RE: BROWN ACT AND CONFLICT OF INTEREST WORKSHOP

DISCUSSION ITEM NO. D.01

The Ralph M. Brown Act, which governs open meetings for local government bodies, seeks to ensure that the deliberations and actions of local governmental entities are taken openly in a public meeting where all persons are permitted to attend. Conflict-of-interest laws are grounded on the notion that government officials owe paramount loyalty to the public, and that personal or private financial considerations on the part of government officials should not be allowed to enter the decision-making process. This workshop, provided by James Baca, AALLR, is designed as a refresher for the Board of Education and as an opportunity for board members to ask specific questions of counsel regarding both.

Mr. Baca's presentation can be found under Attachments at the end of these minutes. He answered board members' questions regarding details of the Brown Act requirements.

TO: BOARD OF EDUCATION

DISCUSSION

03/08/12

FROM: SANDRA LYON / DEBRA MOORE WASHINGTON / MAROLYN FREEDMAN

RE: REVISE AND REVIEW POLICY 5117 – INTERDISTRICT ATTENDANCE

DISCUSSION ITEM NO. D.02

It is recommended that the Board of Education consider revising BP 5117 – Interdistrict Attendance.

It is recommended that the Board of Education consider rescinding the moratorium on new interdistrict permits in grades K through 11 and accepting new interdistrict permits at all schools. It is also recommended that the Board of Education consider increasing the capacity number of new interdistrict permits accepted and approved from 200 to 300 (Section E4) with the following considerations:

- The total number of new permits accepted and approved for kindergarten will not exceed 50
- The total number of new permits accepted and approved for grades 1 through 5 will be on a issued on a space available basis
- The total number of new permits accepted and approved for John Adams Middle School and Lincoln Middle School for grade 6 will not exceed 10
- The total number of new permits accepted and approved for grades 7 and 8 at John Adams Middle School and Lincoln Middle School will not exceed 10 per grade level per school
- The total number of permits accepted and approved for grades 9 through 11 at Santa Monica High School will not exceed 20 per grade level.
- Permit students will be accepted for Olympic High School on a case by case basis for students currently enrolled in SMMUSD
- The District will continue to accept all permit applications to Malibu schools.
- International High School students will be accepted and approved on a case-by-case basis.

It is recommend that the board consider a policy revision to clarify that students currently on an interdistrict permit do not have to annually renew an interdistrict permit. Staff is recommending that instead of submitting a permit renewal, continuing students annually submit a verification of continuing enrollment. Last year, the board revised this policy to comply with the new California law, AB 2444, which states that students who have obtained an interdistrict permit no longer need to reapply annually for a release from their resident school district.

It is also recommended that the Board of Education consider revising the current cut-off date of 2001-2002 (Section A) to enable SMMUSD students in good standing who were residents of Santa Monica or Malibu and have attended SMMUSD for a minimum period of three complete school years and subsequently move to another city, to be allowed to remain in the Santa Monica-Malibu School district as permit students.

Ms. Freedman’s presentation can be found under Attachments at the end of these minutes. Ms. Washington explained how potential new enrollment from proposed dwelling developments is calculated. Ms. Freedman explained the timing for applications for intradistrict permits, determining the number of Kindergarten classes that will be needed, and applications for interdistrict permits. Mr. Mechur suggested removing the school preference field from the interdistrict permit application. Mr. Allen suggested adding “Children of grandparents who reside in the district’s boundaries” as the lowest priority group. The board and staff discussed potential verification and enforcement issues associated with such a distinction. Staff will investigate how Bev. Hills USD verified/enforced whether or not an applying student was the grandchild of a district resident.

INTERDISTRICT ATTENDANCE

- A. Although students generally must attend school in the district and school where their residence has been established, the Santa Monica-Malibu School District Board of Education recognizes justifiable reasons for interdistrict permits. Upon request, the Superintendent or designee may accept students from other districts and may allow students who live within the District to transfer to another school within the District or out of the District.

~~Beginning with the 2005-06 school year permits will be issued on a year-to-year basis. Parents must reapply to SMMUSD and be accepted for continued attendance each year. must submit verification of continuing enrollment annually. Students enrolled prior to the 2005-06 school year on a PERT or DERT permit will not be affected by this change.~~

Involuntary loss of housing resulting from: apartments being removed from the rental market (Ellis Act), buildings being red-tagged, or evictions to accommodate owner-occupancy should not interfere with a child completing his/her education in the Santa Monica-Malibu Unified School District. The permit office will require the applicant to obtain verification from the Rent Control Department or other appropriate legal agency. These students will be allowed to remain in their schools for the remainder of the year in which their housing has been lost. In addition, they will be allowed to remain in SMMUSD as permit students in subsequent years provided they meet all the conditions of students attending SMMUSD on permit, and they reapply annually. The Ellis Act allows California apartment owners to evict tenants if the landlords intend to withdraw their units from the rental market.

~~SMMUSD students in good standing who were residents of Santa Monica or Malibu during the 2001-2002 school year, and subsequently move to another city, will be allowed to remain in the Santa Monica-Malibu School district as permit students, upon receiving a permit from their district of residence and meeting all the conditions of students attending Santa Monica-Malibu Unified School District on a permit.~~

Students "in good standing" who have been attending school/s within SMMUSD as a resident of the District for a minimum period of three complete school years, and subsequently relocate outside the boundaries of SMMUSD, will be allowed to remain in the Santa Monica-Malibu School district as permit students, upon receiving a permit release from their district of residence and meeting all the conditions of students attending Santa Monica-Malibu Unified School District on a permit. Permits will be granted per the language of section D below.

- B. Permits of this type are to be initiated by the student's parent or guardian who attests to the fact or shows evidence that the permit would be in the student's best interests. Cancellation of the permit shall occur if certain provisions are not adhered to by the student or parent/guardian, or if overcrowding should occur at the school of acceptance.
- C. The Board is committed to providing a quality education for all District students legally enrolled and will provide fair and consistent treatment for students and parent/guardians regardless of their residence or permit status. All applications for a permit will be treated in a fair and consistent manner.

- D. Final approval of permits for all students, including students needing specialized programs, such as GATE, special education, ELL, etc., shall rest at the District and shall be contingent upon space, budget and staff availability. The District will not pay excess costs to provide specialized services to students on permit.
- E. ~~Except for the conditions listed below, effective September 2002, there will be a moratorium on the receipt of all new interdistrict attendance permits for schools in the Santa Monica-Malibu Unified School District. This moratorium shall continue through the 2014-15 school year with the following exceptions.~~ The District will accept applications for interdistrict permits in grades K through 11. Permits will be granted per the language of section D. above.
- ~~1. The District will accept applications for interdistrict permits to attend schools in the City of Santa Monica for grades K through 6 11 in order to stabilize the current number of interdistrict permit students in the District. Permits will be granted per the language of section D above. Regarding interdistrict permit applications for children of SMMUSD employees, please refer to section F2.~~
 - ~~2. Requests for new interdistrict permits will be accepted for all schools in the City of Malibu. Permits will be granted per the language of section D. above.~~
 - ~~3. No permits will be granted to attend Olympic High School.~~
 - ~~4.1. The total number of all new interdistrict permits that will be accepted and approved for the ~~2011-12~~ 2012-2013 school year will not exceed ~~200~~ 300 for the District.~~
 - a. The total number of new permits accepted and approved for kindergarten will not exceed 50.
 - b. The total number of new permits accepted and approved for grades 1 through 5 will be issued on a space available basis.
 - c. The total number of new permits accepted and approved for John Adams Middle School and Lincoln Middle School for grade 6 will not exceed 10.
 - d. The total number of new permits accepted and approved for grades 7 and 8 at John Adams Middle School and Lincoln Middle School will not exceed 10 per grade level.
 - e. The total number of permits accepted and approved for grades 9 through 11 at Santa Monica High School will not exceed 20 per grade level.
 - f. Permits will be accepted to Olympic High School on a case by case basis for students currently enrolled in SMMUSD.
 - g. The District will continue to accept all permit applications to Malibu schools.
 - h. International High School students will be accepted and approved on a case-by-case basis.

~~5.2.~~ All students currently attending on an interdistrict permit will be allowed to remain in the District until they leave or graduate, assuming that they submit a verification of continuing enrollment annually ~~reapply for a permit annually and comply with all the application requirements;~~ and uphold appropriate standards of behavior, attendance, and academic effort. ~~and that the conditions under which the current initial permit was granted have not changed.~~ Interdistrict attendance permits for 11th and 12th graders may not be rescinded. ~~although 11th and 12th graders must reapply for these permits annually.~~

~~6.3.~~ Guidelines previously applied to SMASH, Edison, including the immersion program through Grade 8, and our preschools will remain in effect.

F. Requests for new permits will be received (granted) in the following order (Based on the timelines identified in Administrative Regulations 5117):

1. Intradistrict permits allowing children who are residents of the cities of Santa Monica and/or Malibu to attend a school other than their neighborhood school;

It is the intention of the District to provide same-school placement for all siblings in a family once an intradistrict permit has been granted, except in cases where students need a specialized program which is only available on another campus.

2. 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)

~~2.3.~~ Interdistrict permits for children of employees of the Santa Monica-Malibu Unified School District [certificated, classified, management, full and part-time (a minimum of 15 hours per week)];

It is the intention of the District to provide a seat in a District school (K-12) to all children of District employees who have requested a new interdistrict permit, with the understanding that Section D will be considered. Staff will do its best to accommodate requests for a specific school but will not guarantee requested placement. On-going permit holders are not affected and will continue in the home school being currently attended.

~~3.4.~~ If space, staffing and budget allow, interdistrict permits for:

a. Those students "in good standing" who have been attending school/s within SMMUSD as a resident of the District, for a minimum period of three complete school years, and subsequently relocate outside the boundaries of SMMUSD. Permits will be granted per the language of section D above.

b. Siblings of current interdistrict permit holders. ~~who will be entering Kindergarten, 1st, 6th, or 9th Grade.~~ If a permit is received (granted) there is no guarantee of same-school placement. On-going permit holders are not affected and will continue in the home school being currently attended.

c. International High School students on a case-by-case basis.

~~e.d.~~ Children of employees of the cities of Malibu or Santa Monica.

- d.e. Children of full-time, permanent employees of Santa Monica College.
~~enrolling in grades K-8.~~
- e.f. Children of alumni of Santa Monica High School, Malibu High School, or Olympic High School. Parent must attach a copy of graduation diploma to the permit application.
- g. Children of individuals working within the boundaries of SMMUSD.

Legal Reference:

EDUCATION CODE

41020 Annual district audits

46600-46611 Interdistrict attendance agreements

48204 Residency requirements for school attendance

48300-48316 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act

48915 Expulsion; particular circumstances

48915.1 Expelled individuals: enrollment in another district

48918 Rules governing expulsion procedures

48980 Notice at beginning of term

52317 Regional Occupational Center/Program, enrollment of students, interdistrict attendance

ATTORNEY GENERAL OPINIONS

87 Ops.Cal.Atty.Gen. 132 (2004)

84 Ops.Cal.Atty.Gen. 198 (2001)

COURT DECISIONS

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

Management Resources:

WEB SITES

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

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

**Policy SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
adopted: January 27, 1994 Santa Monica, California
revised: February 17, 2005; February 20, 2003; March 3, 2011**

INFORMATION ITEMS

TO: BOARD OF EDUCATION

INFORMATION

03/08/12

FROM: SANDRA LYON / DEBRA MOORE WASHINGTON

RE: NOTICE OF RECOMMENDATION NOT TO REEMPLOY PERMANENT OR
PROBATIONARY EMPLOYEES

INFORMATION ITEM NO. I.01

**NOTICE TO THE BOARD OF EDUCATION OF THE
SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT OF
RECOMMENDATION NOT TO REEMPLOY
PERMANENT OR PROBATIONARY EMPLOYEES**

TO THE BOARD OF EDUCATION OF THE SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT:

This communication is forwarded to the Board as one of the steps required by the certificated layoff procedures, in accordance with Education Code section 44949(a). The undersigned, Superintendent of the Santa Monica-Malibu Unified School District, hereby recommends to the Board of Education that the following employees of the District not be reemployed for the following school year and that they be given notice as required by Education Code Sections 44949 and 44955 that their services will not be required for the following school year:

Exhibit A will be transmitted to and filed with the Board of Education
by the Superintendent at the board meeting.

The reason for this recommendation is that the services enumerated in Resolution No. 11-20 are to be reduced or discontinued no later than the beginning of the 2012-13 school year. You are further notified that there is no probationary or permanent certificated employee with less seniority retained who is rendering a service which the certificated employees who will receive Notices of Non-Reemployment are certificated and competent to render.

Respectfully submitted,

Sandra Lyon, Superintendent
Santa Monica-Malibu Unified School District

INFORMATION ITEM NO. I.01

This communication is forwarded to the Board as one of the steps required by the certificated layoff procedures, in accordance with Education Code section 44949(a). The undersigned, Superintendent of the Santa Monica-Malibu Unified School District, hereby recommends to the Board of Education that the following employees of the District not be reemployed for the following school year and that they be given notice as required by Education Code Sections 44949 and 44955 that their services will not be required for the following school year:

EXHIBIT A

#3608

#3900

#4647

#8429

#4401

#5995

#2792

#5278

#4463

#4972

#9571

#8276


ATTACHMENTS

ATTACHED ARE THE FOLLOWING DOCUMENTS:

- Presentation: "Brown Act Update" (*associated with Item No. D.01*)
- Presentation: "Board Policy 5117: Interdistrict Permits" (*associated with Item No. D.02*)

BROWN ACT UPDATE

March 8, 2012
Santa Monica-Malibu Unified School District



Presented by: Jim Baca, Partner

aalrr
Atkinson, Andelson
Loya, Ruud & Romo
A Professional Law Corporation

Cerritos • Fresno • Irvine • Pleasanton • Riverside • Sacramento • San Diego

Overview of Topics

- Intent of the Brown Act
- Legislative bodies and members
- What is a meeting?
- Public meetings procedures and public participation
- Closed session
- Enforcement

aalrr

1

Intent of the Brown Act – Public Participation and Government Transparency

Intent of the Brown Act – Public Participation and Government Transparency

- Public agencies in this state exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and their deliberations be conducted openly.
- The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

- Gov. Code § 54950

At the November 2, 2004 Election, the Voters of California Adopted Proposition 59

- Adds to the state Constitution the requirement that meetings of public bodies and writings of public officials and agencies be open to the public.
 - Provides that statutes and rules furthering public access be broadly construed, or narrowly construed, if they limit public access.
 - Requires that new statutes and rules limiting access contain findings justifying the necessity of the limitation.
 - Preserves the constitutional rights of privacy, due process, and equal protection; and expressly preserves existing constitutional and statutory limitations restricting access to certain meetings and records of government bodies.
- California Const. Art. I, Section 3(b)

Interpretation of the Brown Act

- The purpose of the Brown Act is to facilitate public participation in local government and to curb misuse of democratic process by secret legislation by public bodies.
- In light of these constitutional and legislative policies the Brown Act is been liberally interpreted by the courts in favor of public participation and governmental transparency.

The “Rule”

- **All meetings** of the **legislative body** of a **local agency** shall be **open and public**, and all persons shall be permitted to attend any **meeting** of the legislative body of a local agency, **except as otherwise provided in this chapter**.
 - Gov. Code § 54953
- If a given entity fits within any definition of a legislative body, then it is subject to the various requirements of the Brown Act.

Legislative Bodies and Members

Legislative Bodies



- The governing board of a school or community college district, ROP or JPA, etc.

- Gov. Code § 54952(a)

- Commissions, committees, boards, or other bodies of a local agency, whether permanent or temporary, decision-making or advisory, **created by resolution or some other formal action** of a legislative body.

- Gov. Code § 54952(b)

“Examples of Legislative Bodies”

- Personnel commissions.
- Academic senates. 66 Ops.Atty.Gen. 252 (1983).
- Community college student body associations. Such organizations are advisory to district boards and are therefore a legislative body and subject to the Brown Act.
- School Site Councils

Not Legislative Bodies

- **Advisory** committees composed **solely** of the members of the legislative body which are less than a quorum of the legislative body.
 - Gov. Code § 54952(b)
- E.g., Ad hoc committee comprised solely of less than a quorum of the board created for the purpose of advising the full board on the qualifications of candidates for appointment to a vacant position is not a legislative body.
- Except: **Standing committees** of a legislative body, irrespective of their composition, which have a **continuing subject matter jurisdiction**, or a meeting schedule fixed by resolution or other formal action of a legislative body, **are legislative bodies** for purposes of the Brown Act.

Other Legislative Bodies

- Committees appointed by the superintendent, without any formal action by the board, are not covered by the Act. However, the board must not in any way “instigate” the formation of the committee; the concept of “formal action” is broadly construed. Frazer v. Dixon Unified School District (1993) 18 Cal.App.4th 781, 792-793.
- Where a district’s board of trustees has formed a committee, known as the district liaison council, consisting of eight representatives from the community, seven employees of the district, and one student, to interview candidates for the position of district superintendent, the committee **is** subject to requirements of the Brown Act.

Other Legislative Bodies

- However, the committee may also rely on the personnel exception in Section 54957 and meet in closed session when it is interviewing candidates, reviewing resumes, discussing qualifications, and arriving at a decision prior to the actual appointment.

Other Legislative Bodies

- Meetings between unions representing a school district's employees and the district's joint labor/management benefits committee (JLMBC) were within the Educational Employment Relations Act (EERA) exception from Ralph M. Brown Act's open meeting requirements.
 - Cal.Gov.Code §§ 3543.3, 3549.1(a,) and Californians Aware v. Joint Labor/Management Benefits Com., (2011) 200 Cal.App.4th 972.

Members



- “Member of a legislative body” includes: any person elected to serve as a member of a legislative body who has not yet assumed the duties of office.
- Such persons must conform their conduct to the requirements of the Act as if they had already assumed office.
 - Gov. Code § 54952.1
- A legislative body may require that each member and/or any person who has been elected to serve, but has not yet assumed office, be given a copy of the Act.
- But when is a candidate declared elected? Based on the rule of liberal construction: when election results are known.

What is a Meeting?

All the following are “meetings” subject to the Brown Act, except:

- A. Three of five Board members meet at a local restaurant and talk about administrative staff issues.
- B. Three of five Board members go to a bar for drinks after a contentious Board meeting and talk about sports.
- C. A standing committee of three of seven Board members meets to review the budget.
- D. Three of seven Board members meet with a newly-elected member the day after the election to talk about firing the Superintendent.

ANSWER:

- B. Three of five board members go to a bar for drinks after a contentious Board meeting and talk about sports.

This is a “serial meeting” of a Governing Board which would violate the Brown Act:

- A. The Superintendent calls each member of the Board to find out what would be a good date for a special meeting.
- B. One Board member talks to another Board member at a college football game about whether the coach should be fired.
- C. The Superintendent has her secretary call each member of the Board to determine whether there is support for acquiring a piece of property adjacent to a particular college campus.
- D. A morning meeting where breakfast is served.



ANSWER:

- C. The Superintendent has her secretary call each member of the Board to determine whether there is support for acquiring a piece of property adjacent to a particular college campus.

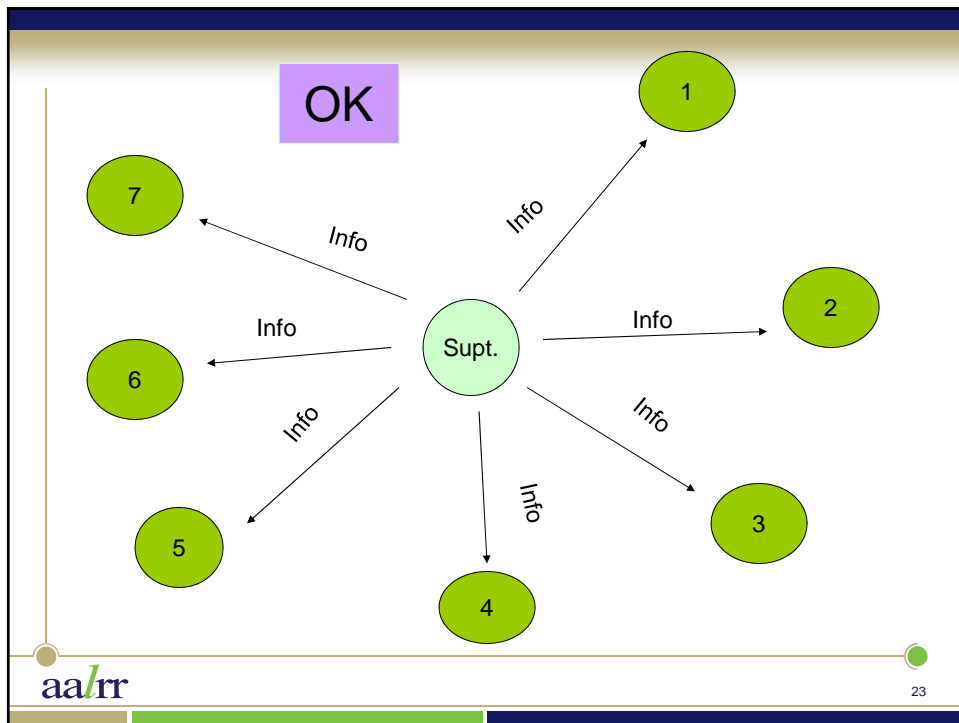
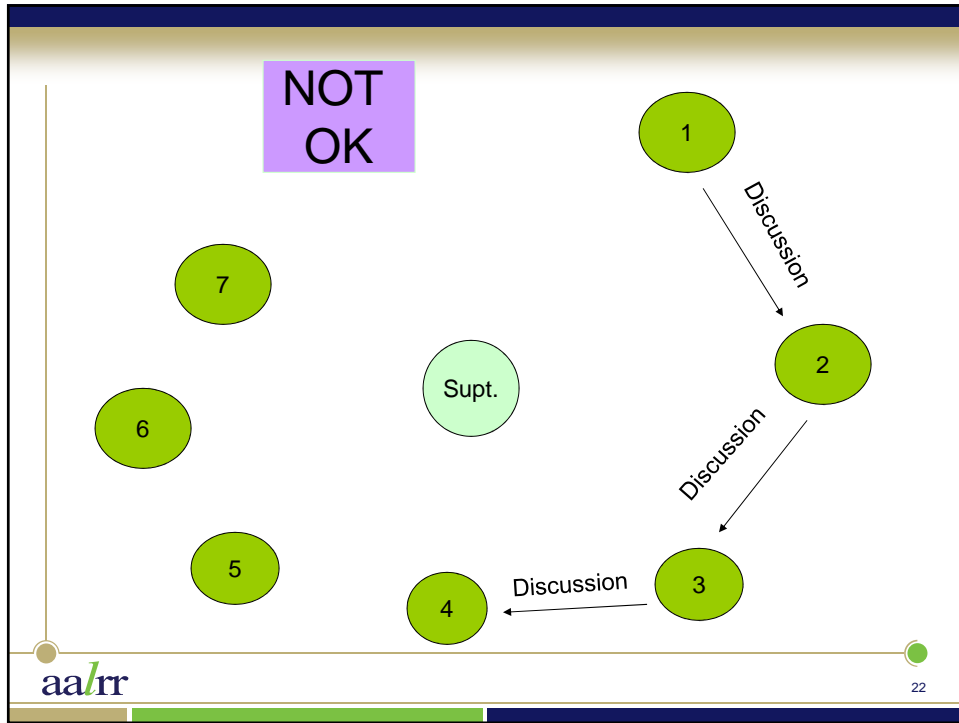
SERIAL MEETINGS

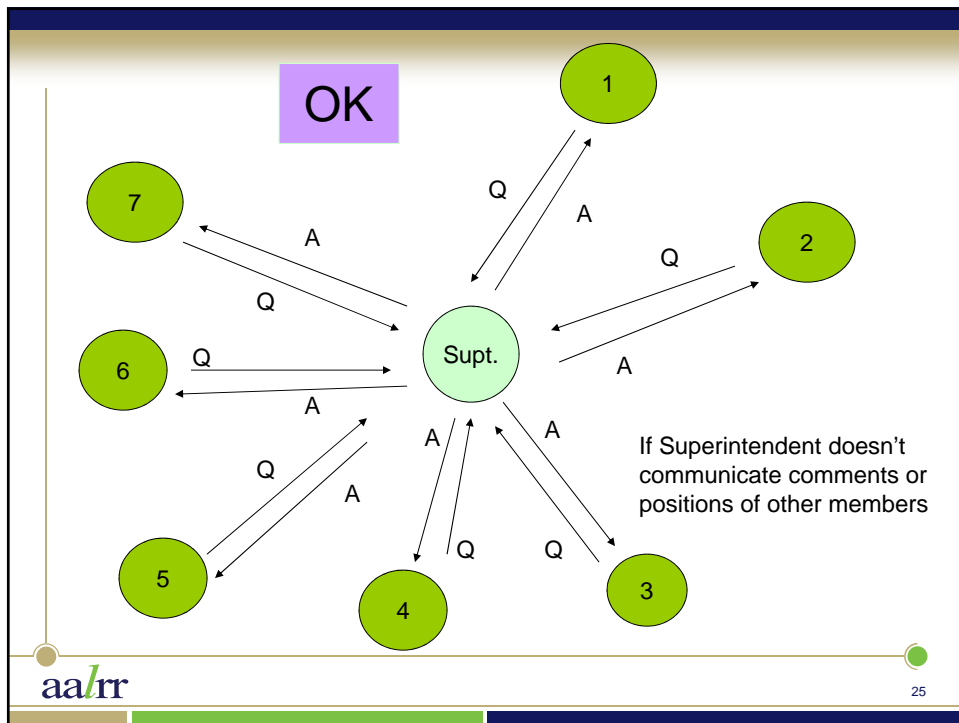
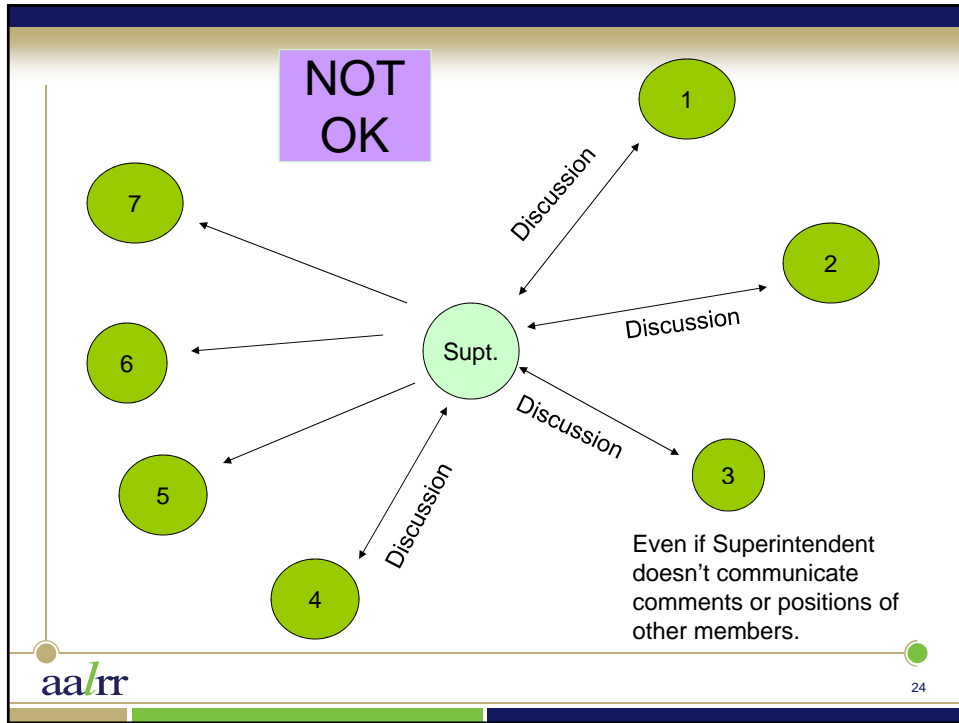
New as of January 1, 2009:

“A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.” (Gov. Code, § 54952.2)

SERIAL MEETINGS

However, an agency official or employee may have separate communications with individual board members if two conditions are met: (1) it is for the purpose of answering questions or providing information about an item of business within the board's jurisdiction, and (2) the official or employee does not communicate the board member's comments or position on the issue to other board members. (Gov. Code, § 54952.2)





ANSWER:

- B. A Board travels to Lake Tahoe for a “teambuilding” retreat to help Board members improve their working relationships.

Public Meeting Procedures and Public Participation

The Superintendent's secretary has made a mistake when she:

- A. Posts the agenda for a regular meeting four days in advance.
- B. Posts a notice of a special meeting two days in advance which starts one hour before the regular meeting.
- C. Posts the agenda on a bulletin board in the inside reception area of the District Office.
- D. The Superintendent's secretary does not make mistakes.



aa/rr

ANSWER:

- C. Posts the agenda on a bulletin board in the inside reception area of the District Office.

aa/rr

Which of the following statements is wrong?

- A. A special meeting can be scheduled by posting an agenda 24 hours in advance and faxing the agenda to local media.
- B. The Board president can call a special meeting without consulting the rest of the Board.
- C. The Board may consider closed session business during a special meeting.
- D. The Board can decide to reschedule the date of its next regular meeting.



aa/rr

ANSWER:

- D. The Board can decide to reschedule the date of its next regular meeting.

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33

You must post an agenda for which of the following meetings?

- A. The Superintendent appoints a community committee to assist her in establishing priorities for the next academic year.
- B. The Board appoints an advisory committee consisting of two classified employees, three faculty members, and two students to interview candidates for Superintendent.
- C. The Board meets for the sole purpose of hearing a Level 3 Grievance by an instructor.
- D. A Board-approved advisory committee of two Board members visits several built-out architectural designs for a new science wing.



ANSWER:

- B. An advisory committee consisting of two classified employees, three faculty members, and two students to interview candidates for Superintendent.

SPECIAL MEETINGS

New as of January 1, 2012:

“Notwithstanding any other law, a legislative body shall not call a special meeting regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits, of a local agency executive, as defined in subdivision (d) of Section 3511.1. However, this subdivision does not apply to a local agency calling a special meeting to discuss the local agency's budget.” (Gov. Code, § 54956(b).)

AGENDA POSTING

New as of January 1, 2012:

When a regular or special meeting is called, the local agency must post the agenda on its Internet website, if it has one. This applies to 1) a legislative body of a local agency or any other local body created by state or federal statute, or 2) a commission, committee, board, or other body of a local agency as defined in Gov. Code, § 54952(b). (Gov. Code, § 54954.2(a)(1) and (d) and § 54956(c).)

Public Participation and Meeting Practices



- Members of the public must be allowed to place matters directly related to district business on the agenda.
 - Ed. Code §§ 35145.5; 72121.5
- Members of the public must be able to address the board regarding items on the agenda **before or during the governing board's consideration** of the item.
 - Gov. Code § 54954.3
 - Ed. Code § 72121.5

The public has the following rights, except:

- A. To place matters on the agenda of the Board meeting subject to reasonable regulations.
- B. To receive a copy of the District's initial proposal at the Board meeting even though there was no advance notice of the request.
- C. An opportunity to address the Board on any item of interest to the public, within the subject matter jurisdiction of the Board, at the beginning of the meeting.
- D. To address the Board on items on the agenda before or during the Board's consideration of the item.



ANSWER:

- C. An opportunity to address the Board on any item of interest to the public, within the subject matter jurisdiction of the Board, at the beginning of the meeting.

Which rule for the conduct of Board meetings is illegal?

- A. Each member of the public who wishes to address the Board must turn in a speaker card indicating the agenda item on which he or she wishes to speak.
- B. Each member of the public is limited to three minutes of speaking time.
- C. Any person who wishes to complain against a public employee by name must follow the District's complaint procedure which requires that such matters be discussed only in closed session.
- D. Any videotape recording of the meeting by the public must be from designated locations only.



ANSWER:

- C. Any person who wishes to complain against a public employee by name must follow the District's complaint procedure which requires that such matters be discussed only in closed session.

In which situation below did the Board violate the Brown Act?

- A. The Board meeting began in closed session at 6 p.m. in the Superintendent's Office. Open session began at 7 p.m. in the Board room.
- B. No opportunity was provided for public comment on any item under the subject matter jurisdiction of the District at a special meeting.
- C. A Board member participates in a meeting by telephone from the Embassy Suites Hotel in Tahoe. She posts an agenda, which states her location, on the door of the hotel room 72 hours in advance and keeps the door unlocked during the meeting.
- D. The Board holds a closed session to talk about a Principal's act of insubordination towards the Superintendent. The Superintendent has not prepared a formal evaluation of the Principal.

ANSWER:

- A. The Board meeting began in closed session at 6 p.m. in the Superintendent's Office. Open session began at 7 p.m. in the Board room.

Closed Session

Closed Session - Overview

- A public agency governing board may meet in closed session for six principal purposes:
 - Threats to public safety or security.
 - Gov. Code § 54957(a)
 - Personnel.
 - Gov. Code § 54957(b)
 - Confer with or receive advise of counsel.
 - Gov. Code § 54956.9
 - Labor negotiations.
 - Gov. Code § 54957.6
 - Real property transactions.
 - Gov. Code § 54956.8
 - Student discipline.
 - Ed. Code §§ 35146; 72122

Which closed session agenda item description contains a mistake?

- A. The Board's consideration of the release of a Principal: "Public Employee Discipline/ Dismissal/Release."
- B. The Board's consideration of a governmental claim filed by a student who broke her neck falling down the stairs at a college campus states: "Liability Claim Against District: Anna Franklin."
- C. The Board's discussion of a new provisional appointee to the Board states: "Public Official Appointment--Governing Board Member."
- D. The evaluation of the Principal of a High School states: "Public Employee Performance Evaluation-Principal."

ANSWER:

- C. The Board's discussion of a new provisional appointee to the Board states: "Public Official Appointment--Governing Board Member."

The Board has not violated the Brown Act in regard to closed session communications with its lawyer in which of the following situations:

- A. The Board packet contains an opinion of counsel on a sexual harassment investigation. No opportunity to discuss the opinion is scheduled on the agenda.
- B. The attorney meets with the Board to discuss changes to its student conduct code.
- C. The Superintendent briefs the Board on discussions she has had with the attorney on an alleged Brown Act violation.
- D. The Board meets with the attorney under the agenda item description "Conference With Legal Counsel-Anticipated Litigation-One Case" to consider a complaint against the Superintendent. No other description of what will be discussed is provided.

ANSWER:

- A. The Board packet contains an opinion of counsel on a sexual harassment investigation. No opportunity to discuss the opinion is scheduled on the agenda.

The Board must report out which of the following decisions reached in closed session?

- A. Approval given to settle litigation. The other side has not yet signed the settlement agreement.
- B. Acceptance of the resignation of the Assistant Superintendent, Human Resources.
- C. Approval given to terminate a classified employee. The employee still has appeal rights under the collective bargaining agreement.
- D. After holding a classified dismissal hearing, the Board decides that the employee deserves no discipline.

ANSWER:

- B. Acceptance of the resignation of the Assistant Superintendent, Human Resources.

REAL ESTATE NEGOTIATION IN CLOSED SESSION

New California Attorney General Opinion (2011 WL 6917511) provides that:

The real-estate-negotiations exception to the open meeting requirements of the Brown Act permits the closed-session discussion of: (1) the amount of consideration that the local agency is willing to pay or accept in exchange for the real property rights to be acquired or transferred in the particular transaction; (2) the form, manner, and timing of how that consideration will be paid; and (3) items that are essential to arriving at the authorized price and payment terms, such that their public disclosure would be tantamount to revealing the information that the exception permits to be kept confidential.

Duty of Closed Session Confidentiality:

1. **Any person attending a closed session may not disclose confidential information obtained during closed session. Government Code Section 54963.**
2. Exceptions:
 - a. Confidential discussions with a district attorney or Grand Jury concerning perceived violations of law;
 - b. Expressions of opinion regarding the propriety or legality of actions taken in closed session; and
 - c. Disclosures made under whistleblower statutes.

Enforcement

BROWN ACT VIOLATION PENALTIES

What are the penalties for violating the Brown Act?

- A. Bad news:
 1. Invalidation of board action;
 2. Attorney's fees to challenging party;
 3. Misdemeanor conviction, if intentional;
 4. Court order requiring taping of all meetings.

- B. The good news:
 1. Cure and correct opportunity required.

BROWN ACT VIOLATION PENALTIES

What are penalties for violating closed session confidentiality?

- ✓ Violation of oath of office.

- ✓ Every willful omission to perform any duty enjoined by law upon any public officer, or person holding any public trust or employment, where no special provision is made for punishment of such delinquency, is punishable as a misdemeanor. (Gov. Code, § 1222.)

BROWN ACT VIOLATION PENALTIES

- ✓ As far as potential civil remedies, disclosure of information provided in closed session may be the basis for censuring the board member.
- ✓ Alternative civil actions that members of the board might take could include barring the person from future closed sessions or seeking an injunction against the person's public disclosures.

Question & Answer
Session

Thank You

For questions or comments, please contact:

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Loya, Ruud & Romo
A Professional Law Corporation

Board Policy 5117 Interdistrict Permits

March 8, 2012

Staff Recommendations for Revisions to BP 5117 – Interdistrict Permits

- It is recommended that the Board of Education consider:
 - Rescinding the moratorium on new interdistrict permits in grades K-11 and accepting new interdistrict permits at all schools
 - Increasing the capacity number of new interdistrict permits accepted and approved from 200 to 300 (Section E4)
- Goal: increase SMMUSD enrollment to 11,500 by 2013-2014

Additional Recommendations

- The total number of new permits accepted and approved for:
 - Kindergarten: not to exceed 50
 - Grades 1-5: issued on a space available basis
 - JAMS and LMS (grade 6): not to exceed 10
 - JAMS and LMS (grades 7-8): not to exceed 10 / grade level / school
 - Samohi (grades 9-11): not to exceed 20 / grade level
- Olympic HS
 - Permits accepted on a case-by-case basis for students currently enrolled in SMMUSD
- Malibu Schools
 - SMMUSD will continue to accept all permit applications
- International High School Students
 - Accepted and approved on a case-by-case basis

Permit Enrollment by School: 2011-12

| | # of Permit Students | % of School Enrollment |
|--------------|----------------------|------------------------|
| Cabrillo | 70 | 27.6 |
| Edison | 150 | 33.2 |
| Franklin | 9 | 1.1 |
| Grant | 66 | 10.2 |
| McKinley | 37 | 7.8 |
| Muir | 14 | 4.5 |
| Point Dume | 7 | 2.6 |
| Rogers | 80 | 16.3 |
| Roosevelt | 12 | 1.5 |
| SMASH | 34 | 14.9 |
| Webster | 48 | 14.3 |
| JAMS | 194 | 18.3 |
| Lincoln | 72 | 6.8 |
| Malibu Hi | 169 | 14.9 |
| Olympic | 7 | 5.9 |
| Samohi | 382 | 12.7 |
| NPS | 1 | 2.1 |
| Total | 1,352 | |

Permit Enrollment by Grade Level: 2011-12

| | # of Permits | % of Permits |
|--------------|--------------|--------------|
| K | 64 | 4.7 |
| 1st | 62 | 4.6 |
| 2nd | 86 | 6.4 |
| 3rd | 94 | 6.9 |
| 4th | 100 | 7.3 |
| 5th | 106 | 7.9 |
| 6th | 99 | 7.3 |
| 7th | 139 | 10.3 |
| 8th | 111 | 8.2 |
| 9th | 105 | 7.7 |
| 10th | 110 | 8.1 |
| 11th | 142 | 10.7 |
| 12th | 134 | 9.9 |
| Total | 1,352 | |

Suspension Data: 2010-2011

| | # of Students |
|---------------------------------|---------------|
| Total District Suspensions | 586 |
| Total Permit Students Suspended | 35 |

Attendance: 2012

- Percent of Students with 90% or Greater Attendance Rates*

| | % of Students |
|--------------------------------|---------------|
| Permit Students | 86.0 |
| Total District Attendance Rate | 87.3 |

*As of March 6, 2012, based on 118 days of school for elementary students and 708 class periods for secondary students

Staff Recommendations: Kindergarten

- Currently
 - Greatest number of new permit applications are for kindergarten students
- Recommendations
 - Approve 50 new permits for kindergarten
- New kindergarten classes would be created in both the JAMS and Lincoln Pathways.

Kindergarten Permits: 2011-12

| School | K Permits Approved | K Permits Requested | K Permits Denied |
|--------------|--------------------|---------------------|------------------|
| Cabrillo | 10 | 10 | 0 |
| Franklin | 1 | 5 | 4 |
| Grant | 9 | 16 | 7 |
| Muir | 1 | 2 | 1 |
| McKinley | 4 | 13 | 9 |
| Point Dume | 1 | 1 | 0 |
| Rogers | 11 | 12 | 1 |
| Roosevelt | 0 | 4 | 4 |
| Webster | 9 | 9 | 0 |
| Total | 46 | 72 | 26 |

Kindergarten Classroom Capacity Analysis

- Capacity analysis indicates that we have kindergarten classroom space available in 5 of our elementary schools:
 - Franklin (2)
 - McKinley (2)
 - Roosevelt (3)
 - Grant (2)

Staff Recommendations: Grades 1 through 5

- Currently
 - Classrooms grades 1-5 enrolled at near capacity per previous year’s board recommendation for teacher-to-student ratio
- Last year
 - Accepted approx. 12 new permit students in grades 1-5, based on space availability
- Recommendation
 - Total number of new permits accepted and approved for grades 1-5 be issued on a space available basis

Proposed Staffing Ratio: 2012-13

| Non-Title I Schools | |
|----------------------------|------|
| Kindergarten | 25:1 |
| Grade 1 | 25:1 |
| Grades 2-5 | 30:1 |
| Middle School | 35:1 |
| High School | 36:1 |

| Title I Schools | |
|------------------------|------|
| Kindergarten-3 | 25:1 |
| Grades 4-5 | 27:1 |
| JAMS | 33:1 |

Staff Recommendations: 6th grade

- Currently
 - SMMUSD approves approximately 50% of the permit requests for 6th grade.
- Recommendation
 - Approve an additional 10 permits for 6th grade for JAMS and LMS.

6th Grade Permits: 2011-12

| School | Permits Requested | Permits Approved | Permits Denied |
|--------------------------|-------------------|------------------|----------------|
| John Adams Middle School | 16 | 9 | 7 |
| Lincoln Middle School | 14 | 2 | 12 |
| Total | 32 | 11 | 19 |

Staff Recommendations: Grades 7 and 8

- Currently
 - Moratorium on accepting new permit students for grades 7-8
- Recommendation
 - Lift moratorium to allow new permits in grades 7-8
- The total number of new permits accepted and approved for grades 7 and 8 at JAMS and LMS will not exceed 10 per grade level at each school.

Middle School Capacity Classroom Capacity Analysis

- Lincoln MS
 - Capacity analysis indicates potential for 6 additional classrooms with the ability to create a new CORE, if necessary.
- John Adams MS
 - Less space available
 - 2 potential rooms that could be used as classrooms
- Continue discussion with principals to explore potential options for increasing student enrollment

Recommendations: Grades 9 through 11

- Currently:
 - Moratorium on accepting new permit students for grades 9-12
- Recommendation
 - Rescind moratorium for grades 9-11, but maintain moratorium on new permits for grade 12
- Samohi
 - Total number of permits accepted and approved for grades 9-11: not to exceed 20 / grade level
- Olympic HS
 - Permit students will be accepted on a case-by-case basis for students currently enrolled in SMMUSD.
- International High School Students
 - Accepted and approved on a case-by-case basis

Other Considerations

- Impact on existing educational programs
- Staffing
- Fiscal
- Proposed new building development
 - DecsionInsite has identified building development proposals for approx. 12 new multiple or single family dwellings that have the potential to increase student enrollment.

Considerations

- Potential Student Enrollment Generated by Proposed Residential Development

| | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 |
|--------------|-----------|-----------|-----------|------------|------------|------------|------------|------------|------------|
| Elementary | 6 | 33 | 35 | 70 | 109 | 146 | 149 | 150 | 160 |
| Middle | 1 | 8 | 11 | 22 | 35 | 49 | 57 | 65 | 74 |
| High | 3 | 16 | 16 | 30 | 43 | 59 | 60 | 59 | 68 |
| Total | 10 | 57 | 62 | 122 | 187 | 254 | 266 | 274 | 302 |

Financial Implications of Additional Students

- Increased enrollment - 170 students
- At 95% Average Daily Attendance - 161 ADA
- Per Student Funding - \$5,425.47/ ADA
- Additional Revenue
 - 161 X \$5,425.47 = \$876,213
- Additional Costs
 - 4 Teaching Positions @ \$80,000/position = \$320,000
 - Supplies and Materials for 170 additional students @ \$50/student = \$8,500
 - Total added cost = \$328,500
- Net revenue added to General Fund
 - \$876,213 less \$328,500 = \$547,713

**School Transfer Priorities
Intra District Permits for SMMUSD
Residents**

- SMMUSD resident students requesting a transfer (Intra) to another SMMUSD school
- SMMUSD students currently enrolled in a school identified for program improvement, corrective action, or restructuring

**Publicizing SMMUSD's
New Permit Opportunity**

- Flyers to local institutions
 - Colleges
 - City Employees
- Flyers to local businesses
 - Realtors
 - Chamber of Commerce
- Local newspapers
- L. A. Parent Magazine
- Blackboard Connect

New Interdistrict Permit Application Process

1. Submit a release from resident school district
2. Submit SMMUSD permit application
3. Provide documentation for priority consideration:
 - Employees of SMMUSD [cert., class., mgmt., full- and part-time (minimum of 15 hrs/ wk)]
 - Students "in good standing" who have been attending school/s within SMMUSD as a resident of the District
 - Siblings of current interdistrict permit holders
 - Children of employees of the cities of Malibu or Santa Monica
 - Children of full-time, permanent employees of SMC
 - Children of alumni of Samohi, MHS, or Olympic HS
 - Children of individuals working within the boundaries of SMMUSD

Summary of Staff Recommendations

- Rescind moratorium on new interdistrict permits in grades K-11 and accept new interdistrict permits at all schools
- Increase capacity number of new interdistrict permits accepted and approved from 200 to 300 (Section E4) with the following considerations:
 - Kindergarten: not to exceed 50
 - Grades 1-5: issued on a space available basis
 - JAMS and LMS (grade 6): not to exceed 10
 - JAMS and LMS (grades 7-8): not to exceed 10 / grade level / school
 - Samohi (grades 9-11): not to exceed 20 / grade level
- Olympic HS
 - Permits accepted on a case-by-case basis for students currently enrolled in SMMUSD
- Malibu Schools
 - SMMUSD will continue to accept all permit applications
- International High School Students
 - Accepted and approved on a case-by-case basis