



**Santa Monica-Malibu Unified School District
Board of Education Meeting
SPECIAL MEETING MINUTES**

January 12, 2017

A special meeting of the Santa Monica-Malibu Unified School District Board of Education was held on Thursday, January 12, 2017, in the 17th Street Conference Room at the District Administrative Offices: 1630 17th Street, Santa Monica, CA. The Board of Education called the meeting to order at 3:13 p.m.

III. CALL TO ORDER

A. Roll Call

Board of Education Members

Laurie Lieberman – President	Maria Leon-Vazquez
Richard Tahvildaran-Jesswein – Vice President	Jon Kean
Oscar de la Torre	Ralph Mechur
Craig Foster	

B. Pledge of Allegiance

II. BOARD AND EXECUTIVE CABINET RETREAT

During this retreat, the superintendent will work with the Board of Education to discuss board leadership practices as well as effective governance procedures. Such retreats are standard throughout a school year.

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

Dr. Drati and consultants from Leadership Associates, Peggy Lynch and Dennis Smith, facilitated the retreat. Their handouts can be found under Attachments at the end of these minutes.

The board and superintendent discussed: board and staff protocols, district goals, personal contributions to meet those goals, learning organizations, moving forward with the Excellence through Equity focus.

III. 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.**

- *Sarah Braff and Barbara Inatsugu addressed the board.*

IV. ADJOURNMENT

It was moved by Ms. Leon-Vazquez, seconded by Mr. de la Torre, and voted 7/0 to adjourn the meeting at 7:00 p.m. The next regular board meeting is scheduled for **Thursday, January 19, 2017, at 5:30 p.m.** in the **District Administrative Offices: 1651 16th Street, Santa Monica, CA.**

Approved: 2/2/17



President



Superintendent

ATTACHMENTS

ATTACHED ARE THE FOLLOWING DOCUMENTS:

- Document: “SMMUSD Governance & Leadership Retreat Agenda”
- Document: “SMMUSD Board Retreat 10/7/15”
- Document: “SMMUSD Governance & Protocol Work: 2015-16 SY”
- Document: “Leading a Learning Organization”
- Document: “Memo from Superintendent Drati to the Board of Education re: Board Agenda Development”
- Document: “Analysis of Math Pathway and Transfer Policy Discussion from 12/15/16 Board Meeting”
- Document: “Sample School District Governance Calendar”
- Document: “SMMUSD Board of Education Planning Agenda – Big Picture”



SMMUSD Governance & Leadership Retreat January 12, 2017

Agenda 1/12/17

1. Welcome/Ice Breaker/Legacy - All
2. Revisit SMMUSD Governance Team Protocol Work – Peggy & Dennis

As we review this document, please make personal notations regarding:

- a. Protocols that you feel the SMMUSD team does particularly well
- b. Protocols where you feel the team could improve
- c. Protocols that should be changed or reworded

3. *“Leading A Learning Organization”* – Ben
4. Reflection on Ben’s Initial Assessment – Peggy and Dennis
5. Ben’s Perspective & Early Assessment: Memo Discussion – Ben
6. Reconfirm SMMUSD Leadership Team Protocols - All

Santa Monica Malibu USD
Board Retreat 10/7/15

Board and Leadership Team Practices:

- The Board will establish study sessions to encourage open dialogue on important issues.
- Board members will contact the Superintendent on pressing issues or questions rather than asking at a public meeting.
- Board and staff recognize the importance of being respectful of each other's perspectives and roles.

Board Meeting

- Staff will communicate to the Board time parameter desires and the Superintendent will work with presenters to ensure conciseness.
- Each presentation will include the "why" and state what is needed from the Board.
- Board members should contact the Superintendent with agenda-related questions by Monday at noon.
- Board members are encouraged to make concise comments and not be repetitive of other comments.
- Each speaker is allowed 3 minutes under Public comments. Time may be shortened to accommodate 30 timeframe.
- The Board will refrain from interaction with speakers during public comments.
- Board members and staff should be attentive during public comments (avoid electronic devices).
- Each Board member will speak only twice to a single agenda item.
- Board meetings will conclude by 11:00 p.m. unless the Board approves a 30 minute extension.

Subcommittee:

- The Board will create a subcommittee to determine the structure and process of Board subcommittees.
- The Board will clarify the way subcommittees operate:
 - ✓ Purview
 - ✓ Deliverables
 - ✓ Timeframe
 - ✓ Person(s) responsible for calling meetings
 - ✓ Procedures for reporting back to the Board

District Goals:

- The Board recognizes the need to establish clear goals and strategic initiatives which allow for Board member priorities to be incorporated.
- The Board will have periodic discussion and review of progress toward district goals.
- The Superintendent will bring back a plan for reviewing and updating the goals.
- Dr. Noguera's work will be a key component of the SMMUSD strategic efforts.

Board of Education Meeting Norms

- Contact the Superintendent by noon on Monday prior to Board meetings with agenda questions.
- Make concise comments and avoid repetition.
- Refrain from interacting with public speakers.
- Be attentive and avoid electronic devices.
- Speak no more than twice to a single agenda item.
- Conclude meetings by 11:00 p.m.

Staff norms at Board Meetings

- Answer Board member questions by Wednesday at noon.
- Indicate preference regarding timing of Board member questions (during or after presentation).
- Include the "why" in each presentation.
- Keep presentations concise.
- Communicate what you require from the Board.
- Be attentive and avoid electronic devices.





LEADERSHIP TEAM PRACTICES

- ◆ *The Board will establish study sessions to encourage open dialogue on important issues*
- ◆ *Board members will contact the Superintendent on pressing issues or questions rather than asking at a public meeting*
- ◆ *Board and staff recognize the importance of being respectful of each other's perspectives and roles*

BOARD MEETINGS

- ◆ *Staff will communicate to the Board time parameter desires and the Superintendent will work with presenters to ensure conciseness*
- ◆ *Each presentation will include the “why” and state what is needed from the Board*
- ◆ *Board members should contact the Superintendent with agenda-related questions by Monday at noon*
- ◆ *Board members are encouraged to make concise comments and not be repetitive of other comments*
- ◆ *Each speaker is allowed 3 minutes under Public comments. Time may be shortened to accommodate 30 timeframe*

BOARD MEETINGS (CONT)

- ◆ *The Board will refrain from interaction with speakers during public comments*
- ◆ *Board members and staff should be attentive during public comments (avoid electronic devices)*
- ◆ *Each Board member will speak only twice to a single agenda item*
- ◆ *Board meetings will conclude by 11:00 p.m. unless the Board approves a 30 minute extension*

BOARD SUBCOMMITTEES

- ◆ *The Board will create a subcommittee to determine the structure and process of Board subcommittees*

- ◆ *The Board will clarify the way subcommittees operate:*
 - ✓ *Purview*
 - ✓ *Deliverables*
 - ✓ *Timeframe*
 - ✓ *Person(s) responsible for calling meetings*
 - ✓ *Procedures for reporting back to the Board*


DISTRICT GOALS

- ◆ *The Board recognizes the need to establish clear goals and strategic initiatives which allow for Board member priorities to be incorporated*

- ◆ *The Board will have periodic discussion and review of progress toward district goals*

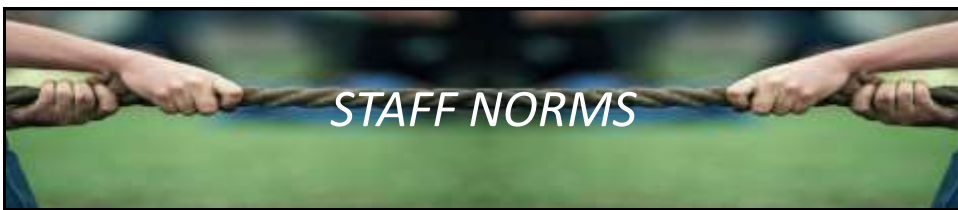
- ◆ *The Superintendent will bring back a plan for reviewing and updating the goals*

- ◆ *Dr. Noguera's work will be a key component of the SMMUSD strategic efforts*



BOARD MEMBER NORMS

- *Contact the Superintendent by noon on Monday prior to Board meetings with agenda questions*
- *Make concise comments and avoid repetition*
- *Refrain from interacting with public speakers*
- *Be attentive and avoid electronic devices*
- *Speak no more than twice to a single agenda item*
- *Conclude meetings by 11:00 p.m.*

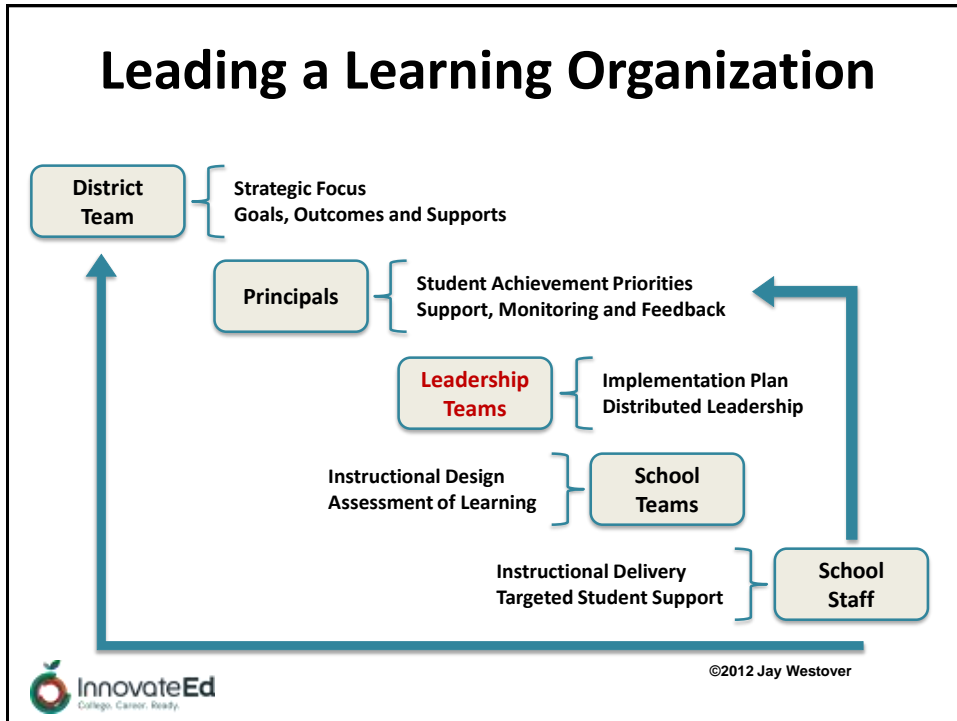


STAFF NORMS

- *Answer Board member questions by Wednesday at noon*
- *Indicate preference regarding timing of Board member questions (during or after presentation)*
- *Include the “why” in each presentation*
- *Keep presentations concise*
- *Communicate what you require from the Board*
- *Be attentive and avoid electronic devices*



Leading a Learning Organization



Leading a High Performing Culture

Establishing a culture of shared accountability requires that leaders establish processes that drive continuous improvement.

Three essential steps:

1. District and School teams create an **Implementation Plan**.
 - ✓ Clarify focus, outcomes, actions and supports
2. Teams engage in weekly-to-monthly **Check-Ins**.
 - ✓ Adjust actions/supports to improve the impact on learning
3. Teams conduct **Quarterly Reviews** of progress.
 - ✓ Refine plans by discussing successes and barriers

To: SMMUSD Board Members
From: Ben Drati, Superintendent
Re: Board Agenda Development
Dated: January 6, 2016

I. Overview

It is my belief that schools operate best when there is a strong partnership between the board and superintendent, and that such a partnership does not develop by chance, rather it must be carefully cultivated by both the superintendent and board members. I believe this type of strong board - superintendent relationship is based on seven key elements as identified below:

- Clear areas of responsibility
- Meaningful communication
- Ability to have high levels of conflict of ideas without personal conflict
- Careful planning
- A clear understanding of the decision making process
- Periodic evaluations
- Leadership

I am committed to ensuring that we have a strong board-superintendent partnership that will provide direction, stability and confidence to the staff and community. I believe that it is this type of partnership that will lead to high morale and people who work effectively and efficiently on behalf of our students. I would like to discuss the above seven elements in greater detail with the Board on January 12th.

II Additional Considerations and Potential Areas of Improvement

In my relatively brief time in the District, I have made some early assessments regarding board meetings. These meetings are an important platform by which we showcase our relationship with one another and where the community and staff ultimately judge our relationship and effectiveness as a governance team. Based on my initial observation, and in consultation with district staff, former superintendent Sandy Lyon and each board member, I believe there is an opportunity to improve the efficiency and effectiveness of the SMMUSD board meetings. My initial assessment of the current situation is as follows:

- A. **Board meetings are too long.** In an Ideal situation, a board meeting should not go past 10:00 p.m. I believe that meetings that go beyond this time have a high probability of diminishing return in terms of focus, judgment, and team culture for staff and board members. It also has the potential of putting doubt in the observer's mind about our preparation, ability to sort through issues, and decision-making.
- B. **Tangential Discussion** - The Board conversations, although interesting, lively, and tangentially related, are sometimes incongruent with the topic being discussed. I

observed this occur twice on two agenda items at the December 15th board meeting. I will describe the specifics briefly below, and I hope we can discuss this in more depth at our board retreat in an effort to use this as a case study to unpack the situation while it is still fresh in our memory.

1. [Minutes of Intra and Inter District Transfer Policy Discussion Item](#)
2. [Minutes of Middle School Math Pathways Discussion](#)
3. [Video of Dec 15th board meeting](#)

- C. **Unresolved Board Member Issues:** I sense that there are unresolved items that each board member is very passionate about, but there is limited opportunity to discuss. Thus, issues are sometimes raised when related topics are being brought forward for discussion or action. This situation leads to longer conversations that can end up in confusion, stagnation and frustration. I would like to discuss this further on January 12th and discuss the establishment of a yearlong agenda action/discussion calendar to ensure that all topics of importance are properly placed on an agenda calendar during the year.

III. Method to the Madness

I would like to get a jump on improving the efficiency of our board meetings by outlining some protocols for approaching board meetings from preparation to execution. Like the classroom teacher, I view the board agenda as my “lesson plan” for the governing board. Through the agenda, I want to always teach, educate, and inform the board so they can be better elected officials. Advance planning, research, good writing and thinking about outcomes are part of creating each agenda item.

A. Audiences

The primary audience staff writes for is the governing board. This is also the board’s agenda, and I am sure that you take great pride and ownership in its content and quality. The secondary audiences are the media, parents, staff, the Santa Monica and Malibu communities, other elected officials and other school districts. The media coverage in our district is high and we always need to keep this in mind.

B. The Brown Act

Although the Brown Act is somewhat laborious to work under, I completely agree with the intent of the law. The Ralph M. Brown Act, was an act of the California State Legislature, authored by Assembly member Ralph M. Brown in 1953. It ensures that decisions made by publicly elected officials are conducted in front of the public. The Brown Act gives some direction about the development of an agenda for publicly elected boards and we need to pay attention to timelines, how things are worded, and keep the discussion and decisions “public” for our board. I will weave in the impact of the Brown Act throughout the rest of this document.

C. Responsibility for Content

As Superintendent, I understand that I bear the final responsibility for the board agenda content. In turn, I delegate significant responsibility to the assistant superintendents. When members of departments submit an item, I will assume they have read, understand, and can defend, explain, and respond to questions about that item at a board meeting. When things get sticky, political, or messy, I will step in when I feel that roles and responsibilities are being confused or when staff is being unfairly challenged. We should discuss this more in detail at our board retreat.

D. Categories of Agenda Items

The agenda is broken down into many sections and I need to learn what each section means. Thank goodness for the consent agenda. In general, items that are important and have more political undertones will be general items. Routine items requiring action will be placed on the consent agenda. At a minimum, a good agenda has a start and end time. Some people like a start and end time for each item but we can discuss this at our board retreat. My recommendation is for us to have allotted times for discussion and action items.

E. **Consent Agenda** - As staff submits items to include in the next board agenda, the questions they will consider are:

- “Is this a consent item?” (Past practice will be a strong consideration)
- “Does the Board need to spend time discussing this item?”

If staff is not sure about consent vs. general, I will assist them in making this determination. Board members can always remove consent items for clarification and/or more discussion. As a reminder, the expectation is that these items will be passed relatively quickly as staff perceives them as not requiring much clarification. Board members should feel free to contact me, or staff, if they need clarification prior to the board meeting. We can discuss this in more detail at our retreat.

F. General Reports / Discussion

We often create reports to inform the board about an important topic when no official decision is to be taken by the board. Examples of topics may include student achievement, facilities, student discipline, instructional issues and many more. These items tend to be somewhat lengthy in content and different formats will be used. On occasion, I will place something that could be a future action item, as a “report” and ask for direction from the board. Then, at a later meeting, this will be converted into an action item. This is similar to a first and second reading. I’d like for general reports to have a time limit. We can discuss this further at the retreat.

G. General Action Items

These topics will involve providing background information, leading the board to make a decision. With some topics, the board might need more time to come to a decision and the wording should give the board some space to delay a decision, ask for more information and sometimes head away from our recommendation. I will generally recommend that all items requiring action be discussed as a general report in a previous board meeting before action is taken. However, in some circumstances, there will be a place for a general report

and a place for action on the same item at the same board meeting. These circumstances will be explicitly clear on the report. I would also like for action items to be timed. We will discuss this in detail at the board retreat.

H. **Creating the board agenda, timelines, and use of technology**

The rhythm of two meetings per month is a demanding schedule. Working backwards from a board meeting date, we have some tight deadlines that we need to meet. Per the Brown Act, the agenda must be posted 72 hours before a meeting. I am going to ask staff to submit final edits only for the board to review. However, there will be mistakes or oversights that will need to be corrected. But the intent will be to submit a final draft. The reports will be as described in “**Formats of Agenda Items**”.

I. **Format of Agenda Items**

This section applies primarily to general reports and action items. Every agenda item must have a cover page. The cover page will include a descriptive title, a brief overview of the topic, a recommendation if it's an action item, and a budget source as appropriate. In some simple cases, the entire item can be presented through the cover page. The title we give to item is very important. We post an executive summary of the board agenda as required by the Brown Act. There should be enough information in the title so a member of the public is able to understand the content of that topic. We will make every attempt to be very accurate and concise with the title to avoid ever being accused of hiding an agenda item by giving it a misleading name.

Here are some of the formats I am accustomed to using:

1. **Slides only** – After the cover page, you can go straight to slides. I have very strong opinions about the formatting and use of slides. No narrative, paragraphs of text, detailed writing should appear in slides. I like to use font size 18 or bigger as it enforces the “no detailed writing rule”. PowerPoint was created to frame a conversation, not get into detail.
2. **Narrative** – I often write up a topic in narrative format. Thinking like a teacher, I like to do backwards planning asking the question: What is the objective we want to achieve with the board? I will then frame the context, provide an overview, and get into the background detail. Finally, in the conclusion or summary, I will guide the Board toward the recommended outcome. We have ample opportunities to practice with the persuasive argument style of writing in our jobs. If our narrative gets longer than four pages, we are probably over explaining the topic.
3. **Narrative and slides** – I find that when I am presenting financial information, data sets or numerical analysis, I use a blend of three styles – narrative, spreadsheets or data sets (which often include charts or diagrams), and slides. I use narrative to frame, explain, and unpack details. The data sets are included, hopefully in easy to follow formats. Finally, I create slides to explain the story and help the reader think through the content in the order that I think makes most sense.

4. **Use of pictures and video** – We can use pictures and video as part of our board agenda development. Images can be very powerful, but we will be thoughtful about how many images we use in our documents.

I am sure there are other formats that I have used. I'll watch my own work this year and add to the list of standard formats for board agenda items.

Summary

A good board meeting is combination of many things – excellent writing, good communication and trust between the board and the superintendent and mapping out the important agenda items in advance. Staff's job is to make the board successful as board members. A well-developed board agenda will help to create confidence and trust in our leadership and work as a school district. I look forward to the opportunity to talk through this and more at our January 12th meeting

Math Pathway Discussion

1. Does the written purpose address your request?
2. Why did you make this request and what were you trying to solve?
3. Did staff provide enough information for you to make a decision on something?

Transfer Policy Conversation

This was brought forward by staff for two reasons. The first is that CSBA language changed and that this is done annually as requested by the board within the policy.

1. What is the intent of bringing this up every year?
2. Many questions and requests were made from board members. What were you trying to resolve with the information?
3. What could the staff done differently to give you what you needed to resolve?
4. Were there other issues related to this policy that needed to be discussed?

TO: BOARD OF EDUCATION

STUDY SESSION

12/15/16

FROM: CHRISTOPHER KING / SYLVIA ROUSEAU / TERRY DELORIA /
EVAN BARTELHEIM

RE: MIDDLE SCHOOL MATH PATHWAYS

STUDY SESSION ITEM NO. S.01

Per the direction of the Board of Education at their May 2016 meeting, district staff will provide an update on the impact of the district's middle school math pathways on student enrollment and achievement.

In addition to sharing relevant data, staff will connect aspects of this presentation with those presented last month related to math instruction.

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Public Comments:

- Rufus Lolliams addressed the board regarding this item.

Dr. Bartelheim's presentation can be found at the end of these minutes under Attachments.

Staff answered board members' questions regarding the SAMS course, students who repeat classes and/or take no math their senior year, community college math options, and what pedagogical strategies are being tested at the different grade levels. The board and staff discussed how to inspire joy in math through the grade levels as the math concepts become more difficult; the need for math professional development for elementary school teachers; how to help parents help their children with math questions; how to eliminate barriers to accelerated math courses; and the need to hear from students regarding their math needs.

TO: BOARD OF EDUCATION

DISCUSSION

12/15/16

FROM: CHRISTOPHER KING / SYLVIA G. ROUSSEAU / MARK O. KELLY /
TARA BROWN

RE: CONSIDER REVISING BP AND AR 5116.1 – INTRADISTRICT OPEN
ENROLLMENT

DISCUSSION ITEM NO. D.02

It is recommended that the Board of Education consider revising BP and AR 5116.1 –
Intradistrict Open Enrollment.

COMMENTS: The Board of Education reviews this BP/AR annually as the first step in
beginning the intradistrict and interdistrict transfer process for the next school
year.

CSBA updated the policy to delete the priority for intradistrict open enrollment for
students transferring out of a school identified for program improvement (PI), as
the Every Student Succeeds Act (ESSA) (P.L. 114-95) eliminated requirements
to offer such transfers. The policy also clarifies that Open Enrollment Act
transfers for the 2016-17 school year are to be based on the CDE's 2015-16 list
of open enrollment schools, since the Academic Performance Index is currently
suspended.

The regulation also reflects the ESSA requirement that students who were
previously granted intradistrict transfers out of a PI school must be allowed to
remain in the school to which they transferred until the highest grade offered by
the school.

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*The board discussed Item Nos. D.02 and D.03 simultaneously. The board discussed the
specific numbers of permits to be accepted listed in BP 5117 and wondered if they shouldn't be
moved to AR 5117. Dr. Kelly said that change could be made when these return for action in
January. Mr. Foster requested information related to the financial implications of accepting
interdistrict permits for minimum state aid and basic aid districts. Dr. Kelly and Ms. Maez said
they would provide the board with that information. Ms. Leon-Vazquez requested information
on how students are accepted into Edison language Academy and SMASH.*

INTRADISTRICT OPEN ENROLLMENT

The Board of Education desires to provide enrollment options that meet the diverse needs and interests of district students, while maximizing 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. 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.
- ~~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 non Title I district school or charter school. (20 USC 6316)~~
3. 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)
4. 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)
5. 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

6. Any student whose parent/guardian is assigned to that school as his/her primary place of employment.

Application Process

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 on or before April 30 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 advanced learners (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

200 Prohibition against discrimination

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance agreements

48200 Compulsory attendance

48204 Residency requirements for school attendance

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

48350-48361 Open Enrollment Act

48980 Notice at beginning of term

CODE OF REGULATIONS, TITLE 5

11992-11994 Definition of persistently dangerous schools

UNITED STATES CODE, TITLE 20

6311 State plans

7912 Transfers from persistently dangerous schools

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:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Public School Choice FAQs

Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions, rev. May 4, 2016

Unsafe School Choice Option, May 2004

WEB SITES

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

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

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

Policy SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
adopted: August 19, 2009 Santa Monica, California
revised: September 8, 2011; February 6, 2014; March 17, 2016

INTRADISTRICT OPEN ENROLLMENT**Transfers for Victims of a Violent Criminal Offense**

Within a reasonable amount of time, not to exceed 14 days, after it has been determined that a student has been the victim of a violent criminal offense while on school grounds, the student's parents/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. In determining whether a student has been a victim of a violent criminal offense, the Superintendent or designee shall consider the specific circumstances of the incident on a case-by-case basis and consult with local law enforcement as appropriate. Examples of violent criminal offenses include, but are not limited to, attempted murder, battery with serious bodily injury, assault with a deadly weapon, rape, sexual battery, robbery, extortion, or hate crimes.

The Superintendent or designee shall consider the needs and preferences of the affected student and his/her parent/guardian in making the offer. If the parent/guardian elects to transfer his/her child, the transfer shall be completed as soon as practicable.

Transfers from a "Persistently Dangerous" School

Upon receipt of notification from the California Department of Education (CDE) that a district school has been designated as "persistently dangerous," the Superintendent or designee shall provide parents/guardians of students attending the school with the following notifications:

1. Within 10 days of receipt of the notification from CDE, notice of the school's designation
2. Within 20 days of receipt of the notification from CDE, notice of the option to transfer their child

~~Within 10 school days after receiving notification from the California Department of Education (CDE) that a school has been designated as "persistently dangerous," the Superintendent or designee shall notify parents/guardians of the school's designation. Within 10 school days after this notification has been provided to parents/guardians, the Superintendent or designee shall notify parents/guardians of their option to transfer their child.~~

Parents/guardians who desire to transfer their child out of a "persistently dangerous" school shall provide written notification to the Superintendent or designee and shall rank-order their preferences from among all schools identified by the Superintendent or designee as eligible to receive transfer students. The Superintendent or designee may establish a reasonable timeline, not to exceed seven school days, for the submission of parent/guardian requests.

The Superintendent or designee shall consider the needs and preferences of students and parents/guardians before making an assignment, but is not obligated to accept the parent/guardian's preference if the assignment is not feasible due to space constraints or other considerations. For students who accept the offer, the transfer shall generally be made within 30 school days of receiving the notice of the school's designation from the CDE. If parents/guardians decline the assigned school, the student may remain in his/her current school.

The transfer shall remain in effect as long as the student's school of origin is identified as "persistently dangerous." The Superintendent or designee may choose to make the transfer

permanent based on the educational needs of the student, parent/guardian preferences, and other factors affecting the student's ability to succeed if returned to the school of origin. The Superintendent or designee shall cooperate with neighboring districts to develop an interdistrict transfer program in the event that space is not available in a district school.

Other Intradistrict Open Enrollment

Except for transfers for victims of a violent crime and from a "persistently dangerous school," the following procedures shall apply to intradistrict open enrollment ~~To implement intradistrict open enrollment pursuant to Education Code 35160.5:~~

1. The Superintendent or designee shall identify those schools which may have space available for additional students. A list of schools which may have space available shall be maintained by the district's Student Services Department. Intradistrict open enrollment applications shall be available at all school offices and at the District Office.
2. Students of parents/guardians who submit applications to the district by May 31 shall be eligible for consideration for admission to their school of choice the following school year under the district's open enrollment policy.
3. After the enrollment priorities have been applied in accordance with Board policy, if there are more requests for a particular school than there are spaces available, a random drawing shall be held from the applicant pool. ~~Enrollment in a school of choice shall be determined by lot from the eligible applicant pool.~~ Late applicants shall not be added to the waiting list for the current year.
4. The Superintendent or designee shall provide written notification to applicants as to whether their applications have been approved, denied, or placed on a waiting list. If the application is denied, the reasons for denial shall be stated.
5. Approved applicants must confirm their enrollment within 5 school days.

Any student who, prior to the 2016-17 school year, was granted a transfer out of a Title I school that had been identified for program improvement shall be allowed to remain in the school of enrollment until he/she completes the highest grade offered at that school.

Once enrolled, a student shall not be required to reapply for readmission.

Any complaints regarding the selection process shall be submitted to the Superintendent or designee.

Notifications

Notifications shall be sent to parents/guardians at the beginning of each school year describing all current statutory attendance options and local attendance options available in the district. Such notification shall include: (Education Code 48980)

1. All options for meeting residency requirements for school attendance
2. Program options offered within local attendance areas
3. A description of any special program options available on both an interdistrict and intradistrict basis

4. A description of the procedure for application for alternative attendance areas or programs and the appeals process available, if any, when a change of attendance is denied
5. A district application form for requesting a change of attendance
6. The explanation of attendance options under California law as provided by the CDE

Regulation SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
approved: August 19, 2009 Santa Monica, California
revised: September 22, 2011
revised: February 6, 2014

TO: BOARD OF EDUCATION

DISCUSSION

12/15/16

FROM: CHRISTOPHER KING / SYLVIA G. ROUSSEAU / MARK O. KELLY /
TARA BROWN

RE: CONSIDER REVISING BP AND AR 5117 – INTERDISTRICT ATTENDANCE

DISCUSSION ITEM NO. D.03

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

COMMENTS: The Board of Education reviews this BP/AR annually as the first step in beginning the intradistrict and interdistrict transfer process for the next school year.

Suggested language changes update the school year listed and delete the priority for intradistrict open enrollment for students transferring out of a school identified for program improvement (PI), as the Every Student Succeeds Act (ESSA) (P.L. 114-95) eliminated requirements to offer such transfers.

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

The board discussed Item Nos. D.02 and D.03 simultaneously.

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.

Parents 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 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 submit a verification of continuing enrollment annually. The Ellis Act allows California apartment owners to evict tenants if the landlords intend to withdraw their units from the rental market.

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 sections D and F 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, including, but not limited to, advanced learners, special education, and English learners, shall rest at the district and shall be contingent upon space, budget and staff availability. Additionally, approval is contingent on applicants demonstrating they meet requirements for retaining a permit including standards of behavior, attendance and academic effort. The district will not pay excess costs to provide specialized services to students on permit.

- E. The district will accept applications for interdistrict permits in grades TK through 11. Permits will be granted per the language of section D. above.
1. The total number of all new interdistrict permits that will be accepted and approved for the ~~2016—2017~~ 2017 – 2018 school year will not exceed 350.
 - a. The total number of new permits accepted and approved for kindergarten will not exceed 100.
 - 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 qualifying permit applications to Malibu schools.
 - h. International High School students will be accepted and approved on a case-by-case basis.
 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 and uphold appropriate standards of behavior, attendance, and academic effort. Interdistrict attendance permits for 11th and 12th graders may not be rescinded.
 3. Guidelines applied to SMASH, Edison, and the immersion program through Grade 8, and our preschools remain in effect.
- F. Requests for new permits will be 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 non-Title I district school or charter school. (20 USC 6316)~~

23. 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.

34. 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. 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.
 - d. Children of employees of the cities of Malibu or Santa Monica.
 - e. Children of full-time, permanent employees of Santa Monica College.
 - 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. Grandchildren of individuals who have been living within the boundaries of SMMUSD for a minimum of five years.
 - h. Children of individuals working within the boundaries of SMMUSD.
 - i. Students requesting to be admitted who do not meet any criteria described in Section F1-F4h.

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
48900 Grounds for suspension or expulsion; definition of bullying
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

Walnut Valley Unified School District v. the Superior Court of Los Angeles County, (2011) 192 Cal.App.4th 234
Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

Management Resources:

CSBA PUBLICATIONS

Transfer Law Comparison, Fact Sheet, March 2011

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; March 15, 2012;

March 5, 2013; February 6, 2014; March 17, 2016

INTERDISTRICT ATTENDANCE**Interdistrict Attendance Procedures (transfers between districts):****General Guidelines**

1. The permit office is responsible for processing interdistrict permits.
2. The request for a permit is initiated by the parent at their child's district of residence.
3. The parents/guardians of the child must be informed that the acceptance of their child is contingent upon the parent/guardian and the child assuming full responsibility for:
 - a. Satisfactory attendance
 - b. Satisfactory behavior
 - c. Satisfactory academic effort
 - d. Any necessary documentation requested regarding and including child care, employment, doctor's recommendations and guardianship documentation.
 - e. Understanding that the receiving school has the right to rescind any prior approved interdistrict permit if the parent/guardian or student does not fulfill the responsibilities listed in 3.a, b, and c above.
4. It is the responsibility of each school to ensure that nonresident students accepted and registered without a valid permit be returned to the school of residence.

Conditions for Accepting and Retaining Interdistrict Attendance Permits

The school site designee and the Superintendent or designee shall approve or deny applications for transfers. The acceptance of interdistrict permits for students from other school districts to attend classes within the district shall be subject to the following:

1. The student seeking an initial interdistrict permit in the district must submit an SMMUSD permit application and present a permit authorizing his/her release from the school district of residence.
2. A release from the school district of residence is required for the initial permit application only and not required for permit renewal.
3. The student must be eligible to attend elementary school, middle school, or senior high school classes maintained by the Santa Monica-Malibu Unified School District and there must be an existing opening in the class, grade level, education program and school to which the student seeking the interdistrict permit would be initially enrolled. Additionally, approval is contingent on applicants demonstrating they meet standards for retaining a permit, including standards of behavior, attendance or academic effort. The district will not pay excess costs to provide specialized services to students on permit.

4. All students currently attending on an interdistrict permit will be allowed to remain in the district until they leave or graduate, assuming that they: annually submit a verification of continuing enrollment to SMMUSD and comply with all the SMMUSD application requirements; uphold appropriate standards of behavior, attendance, and academic effort.
5. Interdistrict attendance permits for 11th and 12th graders may not be rescinded.

Conditions for Cancellation of Interdistrict Permits

The receiving school or district has the right to revoke any previously approved interdistrict permit for the following reasons:

1. Falsification or misrepresentation of information
2. Enrollment fluctuation
3. Unsatisfactory behavior
4. Unsatisfactory attendance
5. Unsatisfactory academic effort/achievement
6. A change in childcare arrangements
7. Inappropriate guardianship documentation
8. Reason for the original issuance of the permit by the school district of residence is no longer valid
9. Student becomes eligible for a program or class other than the one to which he/she was admitted and there is no available space in the new program or class.
10. A parent requests a transfer to another district school instead of the school his/her child was admitted.

Appeal Procedures

1. Interdistrict transfer requests that are denied by the district at the school level may be appealed by the parent/guardian to the Superintendent or designee within two weeks from the day the request for acceptance of permit is denied.
2. The appeal is to be in writing and must provide all information and detail as to why the denial is being appealed.
3. The Superintendent or designee shall review the permit appeal based on Board policy and regulations, state law, and in consultation with school site(s), parents/guardians and the appropriate district staff as necessary.
4. If the permit continues to be denied, the parent/guardian may within 30 calendar days of the denial, appeal to the County Board of Education
5. There is no appeal process to the County Board for interdistrict permits that are revoked.

Annual Report

The Board will receive a report on permits by February 28 of each year.

Regulation SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
adopted: August 19, 2009 Santa Monica, California
revised: February 17, 2011; February 2, 2012; March 5, 2013; February 6, 2014

Sample School District Governance Calendar

Other than legally required dates, each governance team should develop its own calendar. Timing of tasks and scheduling of special events depends on the culture and priorities of each district. What is important is that governance team members ensure they are fulfilling their governance responsibilities in a logical sequence (e.g. setting annual goals before setting budget priorities).

Bold items are legal timelines.

Job/Area	July	August	September	October	November	December	January	February	March	April	May	June
Finance	LCAP and district budget to COE	Letter from COE (re: budget and LCAP)	CSBA Back to School Webcast	LCAP – COE to SPI	Estimate funding	LCAP revisions Receive Audit 1st Interim Report Staff projects next year's revenue/ expenses	Governor proposes state budget CSBA Forecast webcast Staff projects next year's revenues/ expenses that align with LCAP goals Board sets budget priorities Report P-1 ADA		2nd Interim Report	Schedule budget study sessions as necessary	Draft/Revise LCAP Governor's May budget revise Report to the board	LCAP update /approval Adopt the budget Legislative budget adoption deadline 6/15
		Staff closes books; defines actuals; determines ending balance Report to the board (LCFF funding estimate) COE approves/disapproves school district budget Report on class-size reduction (K-3; active enrollment count)						Staff concludes staffing level study				
		Schedule budget study sessions as necessary										
Facilities	← Be familiar and current with the district's facilities plan – approve actions as necessary – monitor, review and revise facilities plan as necessary →											
Policy	← Develop and adopt new policies as necessary or required – review policies on a regular basis and revise as necessary →											
	CSBA Policy Update		Review/Update LCFF policies		CSBA Policy Update		CSBA Policies in Review		CSBA Policy Update	Approve CSBA Policy services		
Judicial Review	← Maintain confidentiality on issues that may come before the board – hold hearing and decide appeals to the board as necessary →											
Human Resources	Finalize Supt. goals and success indicators		Provide ongoing climate of support for staff				Superintendent's mid-year progress report on goals	Every several years review hiring/evaluation polices	Lay-off notification to staff by March 15	Evaluate the superintendent		
		Summer layoff deadline August 15										
Collective Bargaining	← Determine implications of LCFF, class size reduction, and the collective bargaining agreement on the district's ability to meet student learning and achievement goals →											
	← Be familiar with the district's bargaining process as defined in board policy – establish parameters for negotiations – receive reports on negotiations – approve negotiated contracts →											
Community Relations	LCAP on website	Develop key messages on LCAP		Attend Back to School Nights at schools Plan to solicit input on LCAP		Report/Action to form parent advisory groups	Develop and disseminate key messages about important district topics & issues including progress on LCAP Notice for public input on LCAP (May/June)	Attend Open House Nights at schools	Supt. meets with parent advisory groups Ensure there is a plan in place for communicating with and engaging the community (internal and external) in schools (e.g., LCAP public hearings) Involvement and/or attendance at school and community events (i.e., graduation ceremonies) Develop and disseminate key messages about important district topics & issues including progress on LCAP and the budget			
	← Involvement and/or attendance at school and community events. →											
Advocacy	Follow bill development in legislature Implement advocacy plan		Study session to begin development of advocacy plan for the coming year Develop advocacy plan for the following year Finalize advocacy plan by the end of the year				Follow bill development in legislature Implement advocacy plan				Follow bill development in legislature Implement advocacy plan	
			CSBA Federal Legislative Action	Advocate for all students year round.				NSBA Federal Relations Network				

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION PLANNING AGENDA - BIG PICTURE
2016-17

Job Area	Jul '16	Aug '16	Sep '16	Oct '16	Nov '16	Dec '16	Jan '17	Feb '17	Mar '17	Apr '17	May '17	Jun '17
Effective Governance						<ul style="list-style-type: none"> Organization al mtg (elect new Pres & VP, adopt next year's mtg schedule) 	<ul style="list-style-type: none"> Appoint board liaisons 					<ul style="list-style-type: none"> Outgoing Student Board Members
Setting Direction for the District		<ul style="list-style-type: none"> DAC appntments Draft DAC charges 		<ul style="list-style-type: none"> Approve DAC charges 			<ul style="list-style-type: none"> Assign DAC board liaisons 	<ul style="list-style-type: none"> DAC written mid-year reports (info) 				<ul style="list-style-type: none"> DAC end-of-year reports (communications) Appoint BOC & FOC members
Student Learning, Achievement, & Welfare			<ul style="list-style-type: none"> Annual Head Start training (complete before Sept. 12) Joint mtg w/ SMC Board of Dir. 	<ul style="list-style-type: none"> Williams Textbook Sufficiency RTI2 LCAP updt Qrtly reports: child abuse claims, disability harassment 	<ul style="list-style-type: none"> Suspension Data Summer school dbrf EDI data LCAP updt 	<ul style="list-style-type: none"> SPSAs College/ career ready & AP LCAP updt Health Srvs report 	<ul style="list-style-type: none"> SARCs AVID/ Young Coll. LCAP updt Qrtly report: disability harassment 	<ul style="list-style-type: none"> CCSS/CGI Update LCAP updt Summer reading book (info) 	<ul style="list-style-type: none"> School Safety Plans Summer School LCAP updt Summer reading book (action) 	<ul style="list-style-type: none"> LCAP updt Qrtly report: disability harassment 	<ul style="list-style-type: none"> LCAP updt 	<ul style="list-style-type: none"> Con App by June 30 LCAP (prelim early June, public hearing @ special mtg, adopt w/ budget by 6/30) Qrtly report: disability harassment
Finance	<ul style="list-style-type: none"> Joint mtg w/ FOC 		<ul style="list-style-type: none"> Gann Limit by 9/15 Unaudited Actuals by 9/15 		<ul style="list-style-type: none"> Qrtly report: SMMEF Calendar budget process 1st bdgt revision 	<ul style="list-style-type: none"> 1st Interim by 12/15 Cert of signatures 	<ul style="list-style-type: none"> Budget planning Audit report 	<ul style="list-style-type: none"> Budget revision Meas R audit 	<ul style="list-style-type: none"> 2nd Interim by 3/15 	<ul style="list-style-type: none"> Budget update Pbhc hrng: Meas R plan 	<ul style="list-style-type: none"> Budget update Pbhc hrng: Meas R rate Apprprtn transfers 	<ul style="list-style-type: none"> Budget revision Adopt Meas R Plan Cert of signatures Budget (prelim early June, public hearing @ special mtg, adopt w/ LCAP by 6/30)

