

C. **PRESENTATION/DISCUSSION ITEMS**

1. **TITLE:** Follow-up on Budget Workshop of January 24, 2011

BACKGROUND: At the January 24, 2011 Budget Workshop, staff presented the Board of Trustees with the information on the Governor's proposed budget and its impact on public education. Staff then took the Governor's budget and presented to the Board information on how that budget will impact MBUSD. There are two scenarios in the Governor's budget.

The first is a scenario where MBUSD loses \$19 in Revenue Limit funding per student. This slight decrease in funding would occur only if the Governor's proposed ballot measure extending taxes in the state for five years, which he hopes to place on the June 6, 2011 ballot, passes. This outcome, of course, will not be known for months to come.

The second scenario, which would occur if the ballot measure does not pass, is a more dramatic reduction. In this scenario, MBUSD loses \$349 per student in Revenue Limit funding. This would result in a loss of \$2.3 million in funding for MBUSD in the 2011-12 school year.

The MBUSD Board of Trustees has been planning for such a reduction from the state. In 2010, the District received federal jobs funds of \$1.3 million. In 2009 and 2010, the District received ARRA (American Reinvestment and Recovery Act) funds from the federal government. In all of these cases, the District did not respond by adding new programs, but instead the District reserved those funds to mitigate possible staff reductions in a year where there is no new federal assistance, and where there are significant reductions by the state.

Even with those reserves, this budget situation is extraordinarily difficult. At the Board workshop, the Board requested the following of staff:

- Any new information from the state or county on how districts should be budgeting for next year and beyond, particularly with regard to budgeting funds to pay for Department of Mental Health services that have previously been funded by the county.
- A budget calendar where that the Board and the public can refer to for the budget planning process.
- Potential reductions for the 2011-12 school year that the Board may have to act upon to preserve the long-term financial health of the District.

Staff will provide that information to the Board and the Board will continue the budget discussion.

ACTION RECOMMENDED: Discussion Only

PREPARED BY: Dr. Michael Matthews and Dr. Steve Romines

DATE OF BOARD MEETING: February 2, 2011

D. PRESENTATION/ACTION ITEMS

1. **TITLE:** Approval of Mira Costa Athletic Facilities Master Plan Committee Application

BACKGROUND: On January 19, staff recommended to the Board, the creation of a Board Committee to continue to work on recommendations for the Mira Costa Athletic Facilities Master Plan. The Board approved the item with the amendments that all members of the committee would be approved by the Board of Trustees. The Board also set forth that one of the voting members of the Committee would be appointed by the Board. Mrs. Bordokas and Mrs. Ellenberg agreed to serve as a Board subcommittee to finalizing the goals for this committee, as well as the membership application. The draft application is attached.

Applications for the Mira Costa Athletic Facilities Master Plan Committee will be due on Wednesday, February 9. Membership in the committee will be approved at the Board of Trustees Meeting on Wednesday, February 16th.

ACTION RECOMMENDED: Approval is requested.

PREPARED BY: Dr. Michael Matthews

DATE OF MEETING: February 2, 2011

DRAFT 4
MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
MIRA COSTA ATHLETICS FACILITIES MASTER PLAN COMMITTEE
SCOPE OF RESPONSIBILITIES

Purpose: To develop a long-term improvement plan for Mira Costa High School athletic facilities that best serves the needs of MCHS students in the near and distant future, using privately raised funds with the highest possible level of efficiency.

Location: The practice and playing fields and courts in the athletic corridor along the west side of the MCHS campus from Artesia to the north end of campus. The currently non-fields portion of this corridor accessed from the Meadows gate would be incorporated into the field space plans. Previous consideration has taken place for the parking area east of the MBUSD district office. This area may be considered as well.

Scope: The scope of this effort addresses the immediate and medium term needs for practice and playing space within the limited field's area. Planning for buildings of any kind may be considered, but they are likely to be in later project phases as playing and practice space is the priority.

Goals: The committee will have the following goals:

1. Examine existing or additional options that would allow each varsity team to have a regulation size field for practice and games every day during its season. Practice time could be during the 6th period athletic PE period or as close to the end of school as possible. Fields should be free of other activities that pose a safety hazard to the teams or that may be at risk by being in proximity of the team activities.
2. Include recommendations that result in facility improvements for all sports that primarily utilize the field area: baseball, discus, football, lacrosse, soccer, softball, and tennis.
3. Include recommendations that result in improvements for other activities and sports that need field practice space, for example, the junior varsity and freshman/sophomore sports teams listed in goal two and the marching band.
4. Create a long-term vision for the Mira Costa Athletics Facilities Master Plan that reflects the best use of our facilities for the years to come. To facilitate this goal the committee may work with the City of Manhattan Beach or other MCHS organizations and administration as deemed necessary and beneficial.
5. Although there are certainly budget constraints, the Committee should examine options that may cost more than the \$1 million budget that was previously considered. The improvements can and will likely take place in phases over time. The Committee should understand that Measure BB money is not available for this project; further, it is unlikely that other

MBUSD financial resources will be available for this or future projects and options should be examined within that assumption.

6. To provide progress reports to parents, members of the community, and to the Board of Trustees. The desired time frame for the committee is from inception in February/March 2011 with final recommendation no later than the school board meeting on May 18, 2011. Reports will be provided to the school board monthly during regularly scheduled board meetings or more frequently as needed.

Goals for the composition and execution of the Steering Committee:

1. The committee will be an odd number of members and a manageable size, limited to 15 voting members and 5 non-voting members.
2. The committee will include a balanced membership representative of each of the relevant organizations as listed in Goals items 2 and 3. Each organization should determine, based on availability and interest, if the representative is a coach or booster member with a MCHS student currently active in the team or activity.
3. The committee will include members of MCHS and MBUSD administration in either a voting or ex-officio capacity. These may include the MCHS Principal and Athletic Director, MBUSD Assistant Superintendent Administrative Services, a Manhattan Beach Athletic Foundation representative, and the two MBUSD school board representatives charged with forming the committee.
4. Committee meetings are tentatively planned for Thursdays in the late afternoon or early evening. Frequency and timing will be determined when we have selected the committee. Assuming there is board approval for the committee description and the committee applicants are determined by mid February, these dates will tentatively begin on 2/17 or 3/3.

APPLICATION FOR APPOINTMENT

General Information

Name: _____

Home Address: _____

Telephone # (home): _____

Employment Information

Name of Employer: _____

Work Address: _____

Telephone # (work): _____

Educational Background (response optional)

College and/or University: _____

Degree/Major: _____

Vocational and/or other institutions: _____
Certificate/Technical Training: _____

Additional Information

Have you been a member of any district or school-based committee? Yes No
If so, in what capacity? _____

Are you currently employed by the Manhattan Beach Unified School District? Yes No

If yes, please list your current position: _____

Have you ever been employed by the Manhattan Beach Unified School District? Yes No

If yes, please list your former position: _____

List present or past memberships in any community service, civic or youth organization:

List participation in seminars, workshops, volunteer work, professional organizations, etc.

Qualifications: Describe your skills, training, experience or expertise that you would bring to this committee. (You may attach an additional page if needed.)

Please answer the following questions:

1. How long have you been a resident of Manhattan Beach? ____ Years ____ Months
2. Do you have or have you had children or grandchildren in the Manhattan Beach public schools? Yes No
4. If yes, do you currently have a Mira Costa High School student? () Yes () No
5. Do you know of any reason such as a conflict of interest, which would adversely affect your ability to serve on the MCHS Activities Facilities Committee Yes No
If yes, explain: _____

6. Explain why you would like to be appointed to this committee. (You may attach pages, if needed.)

Personal References: List references who have knowledge of your character, experience, and abilities. Do not include names of relatives. (You may attach letters of reference from those listed, if you wish.)

<u>Name</u>	<u>Address</u>	<u>Phone</u>	<u>Business/Occupation</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

Certificate of Applicant: All answers and statements in this document are true and complete to the best of my knowledge and belief.

Signature: _____ Date: _____

Completed application is to be submitted to the Superintendent's Office, Manhattan Beach Unified School District, 325 S. Peck Avenue, Manhattan Beach, CA 90266 by February 9, 2001.

Should you have any questions, please call the Superintendent's Office @ (310) 318-7345, ext. 5902, and ask for either Dr. Mike Matthews or Nancy Bogart.

D. PRESENTATION / ACTION ITEMS

2. **TITLE:** Mira Costa High School Single Plan for Student Achievement

BACKGROUND: At its December 8th, 2010, meeting, the Board voted to approve the Single Plans for Student Achievement (SPSA) for all five elementary schools and for Manhattan Beach Middle School. At that time, the Mira Costa High School SPSA had not yet received approval from the School Site Council, and Board approval had to be postponed.

California Education Codes §41507, 41572, and 64001 and the federal Elementary and Secondary Education Act require each school to consolidate all school plans for programs funded through the School and Library Improvement Block Grant, the Pupil Retention Block Grant, the Consolidated Application, and the federal ESEA into the Single Plan for Student Achievement (SPSA). The purpose of the SPSA is to create a cycle of continuous improvement of student performance, and to ensure that all students succeed in reaching academic standards set by the State Board of Education. Each school must update its SPSA annually.

Each Single Plan for Student Achievement contains the following information:

- School Vision and Mission
- School Profile
- School Accountability Report Card (as an attachment)
- Analysis of Current Educational Practice
- School Student Performance Data Summary
- Goals for Improving Student Achievement
- Program Support Goals
- District and Site Budget Information

In past years, the SPSA delineated the School Site Council-approved expenditures of each school's portion of the School and Library Improvement Block Grant as they related to the goals in the school's plan. For the school years 2008-2009 through 2012-2013, districts may use funds designated as flexible, including the School and Library Improvement Block Grant, for any educational purpose. Though the SLIBG funds have been deemed flexible, the mandate that each School Site Council develop an SPSA remains in effect.

The 2010-2011 Mira Costa Single Plan for Student Achievement will also serve as the Interim SPSA for the beginning of the 2011-2012 school year. During the Fall of 2011, the SPSA will be updated and revised after new student assessment data becomes available and brought to the Board for approval in December, 2011.

FISCAL IMPACT: None.

ACTION RECOMMENDED: Approval is recommended.

PREPARED BY: Carolyn Seaton, Executive Director of Educational Services

DATE OF BOARD MEETING: February 2, 2011

Copies of the draft version of the Mira Costa High School Single Plan for Student Achievement are available online at www.mbusd.org or at the MBUSD District Office.

AGENDA NOTE

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D. PRESENTATION/ACTION ITEMS

3. **TITLE:** Determination of Tie-Breaking Criteria for 2010-2011 Reduction in Force Resolution 2011-3

BACKGROUND: If the District decides to reduce or eliminate Particular Kinds of Services (PKS) there is a requirement to have Board direction regarding the determination of seniority among certificated employees with the same date of seniority. Consequently, the Board must act to direct staff as to the specific criteria to be used in determining the order of termination between certificated employees who have the same seniority date. Resolution 2011-3 provides suggested criteria for determining the order of layoffs between certificated employees who have the same seniority date.

ACTION RECOMMENDED: Adopt Resolution 2011-3.

PREPARED BY: Kathy Hall, Director of Human Resources

DATE: February 2, 2011

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT

**DETERMINATION OF TIE-BREAKING CRITERIA FOR 2010-2011
REDUCTION IN FORCE RESOLUTION
RESOLUTION 2011-3**

Pursuant to provisions of Education Code Section 44955, the Board of Trustees is required to determine the District needs should it become necessary to determine the order of termination for employees who first rendered paid service to the District on the same day.

For the 2010-2011 school year only, to meet the requirements of Section 44955, and to determine priority for any resulting re-hire list, the Board of Trustees determines the needs of the District and the students by establishing the following tie-breaking criteria:

The following rating system shall be applied in determining the order of termination of certificated employees with the same seniority date:

- A. Multiple and single subject credentials. Rating: 3 points for each professional clear; 2 points for each preliminary; 1 point for each of any other credential.
- B. Earned currently valid and properly filed CLAD (non-emergency) or equivalent EL authorization. Rating: 2 points per certificate.
- C. Supplemental subject matter authorization on credentials authorizing service for the district. Rating: 1 point per authorization.
- D. Column placement on the MBUSD salary schedule. Rating: 1 point per column one, 1 point per column two, etc.
- E. Earned degrees from accredited four-year institution beyond the BA/BS level. Rating: 1 point per degree.
- F. Completion of district-approved GATE certification program. Rating: 1 point for certificate/equivalent.
- G. Years of experience (at least 75%), previous to current MBUSD employment, as a full-time, credentialed teacher in a probationary/permanent K-12 teaching situation in a public school. Rating: 1 point per year.

TIE-BREAKING PROCEDURE

In the event that common day hires have equal qualifications based on application of the above criteria, the District will then break ties by utilizing the following tie-breaker criteria listed in order (e.g., the person(s) meeting criterion A will be considered most senior):

- A. Special Education Credential
- B. National Board Certification
- C. Single Subject Science
- D. Single Subject Math
- E. Single Subject Foreign Language
- F. Single Subject English
- G. Single Subject Social Science
- H. Single Subject – Other areas (Music, Physical Education, Business, etc.)
- I. Multiple Subject and a Supplementary Authorization
- J. Multiple Subject
- K. Clear Credential
- L. Degree past BA/BS
- M. Previous position with MBUSD

In the event that common day hires have equal qualifications based on application of the above criteria, the District will then break ties by utilizing a lottery.

PASSED AND ADOPTED this 2nd day of February 2011, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
GOVERNING BOARD

President

E. **CONSENT CALENDAR**

1. **TITLE:** Overnight Field Trip – Fifth Grade Students from Robinson Elementary School traveling to the Marine Center at Emerald Bay on Catalina Island.

BACKGROUND: Students in the fifth grade at Robinson Elementary School will travel to Catalina Island on March 16, 2011, – March 18, 2011, to experience what it is like to be a Marine and Field Biologist in training. Marine Science Adventures at Emerald Bay will teach the students outdoor education in a manner which increases their awareness of the environment and builds their confidence. Accompanying the approximately 64 fifth grade students will be two teacher chaperones and 7 parent chaperones. Board approved gender ratios for chaperones to students will be observed.

Travel accommodations will be handled by Mountain & Sea Overnight Adventures. Students and chaperones will travel via bus from Robinson School to Long Beach Harbor where they will board a boat from Long Beach to Emerald Bay Camp.

FISCAL IMPACT: None. Parents have donated funds to cover the cost of this event, and financial support for families who need assistance will be provided by the Robinson PTSA.

ACTION RECOMMENDED: Approval is requested .

PREPARED BY: Carolyn Seaton, Executive Director, Educational Services

DATE OF BOARD MEETING: February 2, 2011

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
OVERNIGHT FIELD TRIP REQUEST FORM

Name of Person Requesting Approval: Chris Hubbard__Your Position: 5th Grade teacher__
Your Location/School Site: _Robinson Elementary__Your Work Telephone: 310 318-5122 ext 3261

Name/Grade Level(s) of Class Participating: __All 5th grade students from Dreiling & Hubbard

Dates of Travel: from 3/16/11 to 3/18/11

Name of Destination: Marine Science Adventure @ Emerald Bay on Catalina Island

Destination Address: CATALINA ISLAND - EMERALD BAY

Destination Phone Number: 310 427-7845

Name of Contact Person at Destination: Ryan Gillingham

Reason for Travel/Educational Goal: Science Standards 5.2 a-g ; 5.3 a-d ; 5.4 a-c

Number of Students Attending: Male: 36 Female: 28

*Number of Chaperones: Male: at least 4 ___ Female: at least 3 ___

Complete Name and Phone Number of Each Chaperone (use additional page if necessary):

1. TBD - CHRIS HUBBARD 16 GRADE 5
2. DEBBIE DREILING 16 GRADES
3. 5-7 PARENT CHAPERONES (TBD)
4. Parent Chaperones: Anthony Wall, Henry Johnson
5. Glen Lucas, Ron Grafton, Sally Alder, Jess McMillan

A Completed and signed Chaperone Guidelines Agreement for each chaperone must be attached to this request form upon submission to the Board of Trustees. *There must be a minimum of two adult chaperones (one male and one female), unless all travelers are of the same gender. There must be one adult chaperone for each 10 students of the same gender. If the trip involves water activities, the ratio of chaperones shall be revised to ensure closer supervision of elementary grade students appropriate to their age.

Name of Travel Agency: Mountain & Sea Overnight Adventures Contact: Ryan Gillingham
(Proof of Insurance must accompany this form.)

Address: PO Box 950 City/State/Zip/Phone: San Pedro, CA 90733 (310) 427 - 7845

Method of Transportation (be specific): Bus from school to Long Beach Harbor, Boat from Long Beach to Emerald Bay Camp; Reverse to come home.

Name and Address of Hotel (be specific): _____

How Many Days of School Will Be Missed? 3 List School Dates Missed: 3/23-25/2011

Will Student Participate in Water Sports, Rock Climbing or Other Hazardous Activities? yes

If so, what type? snorkel, kayak

Will scholarships be provided? yes; needed Will any cost (including sub costs) be borne by the district? NO If so, why? _____

Account Number to be Charged: _____

Board approval must be obtained before any deposits are made. Please submit your request at least 3-4 months in advance of the travel. The Board will not approve travel when the request form is incomplete. If you have additional information, please attach it to this request form. This form must be signed by the principal and the Executive Director-Educational Services prior to being submitted to the Superintendent's Office.

Signatures:

Your Signature: [Signature] Principal: [Signature]

Exec. Dir, Ed. Srvs : [Signature] Clerk, Board of Trustees: _____

Exhibit

version: May 21, 2008

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
Manhattan Beach, California

E. CONSENT CALENDAR

2. **TITLE:** Consultant Agreement with Deborah Shaver, Professional Development Teacher and Title I Literacy Coach, Saddleback Unified School District.

BACKGROUND: Deborah Shaver will coordinate and present one of the Professional Development Sessions being offered to MBUSD certificated staff covering K-12 instructional strategies. This session entitled, "The Best of the Best: EL Strategies that Will Take All Students to the Next Level," will provide teachers with fun, practical, and easy to integrate strategies for taking all students to the next level, especially English learners. Teachers will learn GLAD (Guided Language Acquisition Design) strategies along with other proven techniques for developing academic language for English learners. Teachers will discover "the best of the best strategies" for engaging all learners in vocabulary development and comprehension across the curriculum. The session is being offered in the MBUSD Board Room on Thursday, February 17, 2011, from 3:30 p.m. – 5:30 p.m. Faculty will be able to accrue up to twelve clock hours and earn up to two days of pay at their daily rate.

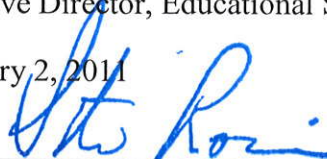
FISCAL IMPACT: The \$650 total cost of this professional development session as described above will be paid out of Title II, so there will be no impact on the general fund.

ACTION RECOMMENDED: Approval is requested to obtain the services of Deborah Shaver for one day on the date listed above. The amount not-to-exceed \$650 will be charged to Account #01.0 40350.0 11100 100000 5850 112, Title II, Improving Teacher Quality.

PREPARED BY: Carolyn Seaton, Executive Director, Educational Services

DATE OF BOARD MEETING: February 2, 2011

BUDGET APPROVED BY:



Steven Romines, Ph.D., Assistant
Superintendent, Administrative Services

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
SPECIAL EMPLOYMENT
AGREEMENT FOR SERVICES

WHEREAS, it is the desire of the Governing Board of the MANHATTAN BEACH UNIFIED SCHOOL DISTRICT to employ:

Deborah Shaver, Professional Development Teacher and Title I Literacy Coach, Saddleback Unified School District

Social Security # _____ for

services in the _____ Educational Services _____ Department, and
(Education/Business/Administration)

WHEREAS, such service will assist the Governing Board in discharging its legal obligation to provide an adequate educational program and will supplement assistance by the State and County authorities and not replace such assistance:

SERVICES TO BE RENDERED

Said person will serve as _____ Consultant _____
(Consultant/Lecturer/Etc.)

Professional Development Session "The Best of the Best: EL Strategies that Will Take All Students to the Next Level."
(Program/Project)

This service does _____ does not X require direct contact with students.

WITNESSETH:

THEREFORE, this agreement is made and entered into this 3rd day of February 2011, by and between the Manhattan Beach Unified School District and the above named person, hereinafter called Consultant.

PAYMENT TO BE MADE BY THE DISTRICT

In consideration of the services to be rendered, the District agrees to pay at the rate of \$650.00 per day not to exceed \$650.00.

DATES OF SERVICE

Said person agrees to render services on the following date: Thursday, February 17, 2011

01.0 40350.0 11100 100000 5850 112, Title II
(Account No.)

[Signature]
(Asst. Supt., Admin. Svcs.)

Carolyn E. Seaton
(Exec. Dir., Educational Svcs.)

(Consultant Signature)

Warrant to be mailed to:

E. CONSENT CALENDAR

3. **TITLE:** California High School Exit Exam (CAHSEE) Waiver of Test Passage for four (4) Special Education Students.

BACKGROUND: Previous to the requirements of the CAHSEE, students currently being served under an Individualized Education Program (IEP) or Section 504 plan would usually be expected to graduate with a high school diploma. However, due to their level of achievement, some students need modifications to the test which are not allowed through current resolutions, because these modifications would invalidate the test score (5 CCR 1217, 1218, and 1219.5). In these specific cases, the LEA may request a waiver under the authority of *Education Code* Section 56101, from the SBE of “successful passage of the CAHSEE,” for those students who can show evidence of having completed and/or being successful in sufficient high school level coursework to complete a high school curriculum of sufficient rigor to have gained the skills and knowledge otherwise needed to pass the CAHSEE, and have also attained the equivalent of a passing score upon completing either the English/Language arts and/or mathematics sections of the CAHSEE test using modifications that are not allowed because they “fundamentally alter what the test measures” (as stated in 5 CCR 1217(c) or determined under the 5 CCR 1218 request process) thereby invalidating the student’s test score as provided by 5 CCR 1219.5.

FINANCIAL IMPACT: None.

ACTION RECOMMENDED: Having been reviewed by the Special Education Staff and Principal of Mira Costa High School, four students have been approved for submission through the CAHSEE Waiver policy and procedures. Please approve the application for a waiver for the students identified by numbers 0030000303, 0920006127, 0080000158, and 0920006238 as prescribed in *Education Code* Section 56101.

PREPARED BY: Ellyn Schneider, Executive Director, Student Services

DATE OF MEETING: February 2, 2011

AGENDA NOTE AGENDA NOTE AGENDA NOTE

E. CONSENT CALENDAR

4. **TITLE:** Amendment to District Master Contract for 2010/11 School Year for Nonsectarian, Nonpublic Agency (NPA) Services with JBA Institute, L.L.C.

BACKGROUND: It is necessary to amend District Master Contract for NPA Services with JBA Institute, L.L.C., per a change in services as mandated by Individualized Education Plan (IEP).

Services will be provided as designated in the student Individualized Education Plans (IEP's). The Master contract is effective from July 1, 2010, through June 30, 2011.

FINANCIAL IMPACT:

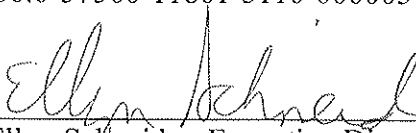
Not to exceed \$95,102.00.

This is an increase of \$11,322.00, and is within the first interim budget for services. No change to overall budget.

Funds to be paid from Nonsectarian, Nonpublic School Services account, #01.0-65000.0-57500-11801-5110-0000051.

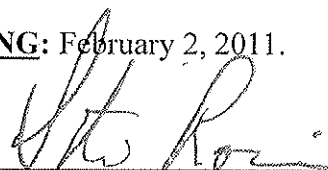
ACTION RECOMMENDED: Ratify Amendment to District Master Contract for Nonsectarian, Nonpublic Agency Services (NPA) with JBA Institute, L.L.C. Contract is necessary per a change in services as mandated by Individualized Education Plan (IEP). The Master Contract is effective from July 1, 2010, through June 30, 2011. Amount not to exceed \$95,102.00. This is an increase of \$11,322.00, and is within the first interim budget for services. No change to overall budget. Funds to be paid from Nonsectarian, Nonpublic School Services account, #01.0-65000.0-57500-11801-5110-0000051.

PREPARED BY:


Ellyn Schneider, Executive Director of Student Services

DATE OF MEETING: February 2, 2011.

Approved by:


Steve Romines, Asst. Superintendent of Administrative Services

**AMENDMENT TO A GENERAL AGREEMENT FOR NONSECTARIAN,
NONPUBLIC SCHOOL / AGENCY SERVICES**

(Education Code Section 56365 et seq.)

THE GENERAL AGREEMENT FOR NONSECTARIAN, NONPUBLIC SCHOOL / AGENCY SERVICES, made and entered into on **December 8, 2010**, effective July 1, 2010 through June 30, 2011, between **Manhattan Beach Unified School District**, County of Los Angeles, hereinafter referred to as the "District" and **JBA Institute, L.L.C.**, hereinafter referred to as the "Contractor," located at 21250 Hawthorne Blvd., Suite 500, Torrance, Ca 90503, is hereby amended effective July 1, 2010, and ratified on **February 2, 2011**, as follows:

EXHIBIT A: RATES

Payment under this contract may not exceed	<u>\$95,102.00</u>
Total LEA enrollment may not exceed	<u>3</u>

- CONTRACTOR -

- DISTRICT -

JBA Institute, L.L.C.
Name of Non-Public School/Agency

Manhattan Beach Unified School District

By _____
Contracting Officer's Signature

Janet Yi, Director

by _____
Signature

Ellyn Schneider,
Executive Director of Student Services

Date: _____

Date: _____

E. CONSENT CALENDAR

5. **TITLE:** Amendment to District Master Contract for 2010/11 School Year for Nonsectarian, Nonpublic Agency (NPA) Services with MacLeod, Megan, Physical Therapist (MPT).

BACKGROUND: It is necessary to amend District Master Contract for NPA Services with MacLeod, Megan, Physical Therapist (MPT), as per a change in services mandated by Individualized Education Plan (IEP).

Services will be provided as designated in the student Individualized Education Plans (IEP's). The Master contract is effective from July 1, 2010, through June 30, 2011.

FINANCIAL IMPACT:

Not to exceed \$9,195.00.

This is an increase of \$1,020.00, and is within the first interim budget for services.

No change to overall budget.

Funds to be paid from Nonsectarian, Nonpublic School Services account, #01.0-65000.0-57500-11801-5110-0000051.

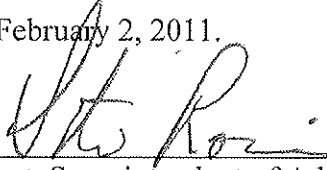
ACTION RECOMMENDED: Ratify Amendment to District Master Contract for Nonsectarian, Nonpublic Agency Services (NPA) with MacLeod, Megan, Physical Therapist (MPT). Contract is necessary per a change in services as mandated by Individualized Education Plan (IEP). The Master Contract is effective from July 1, 2010, through June 30, 2011. Amount not to exceed \$9,195.00. This is an increase of \$1,020.00, and is within the first interim budget for services. No change to overall budget. Funds to be paid from Nonsectarian, Nonpublic School Services account, #01.0-65000.0-57500-11801-5110-0000051.

PREPARED BY:


Ellyn Schneider, Executive Director of Student Services

DATE OF MEETING: February 2, 2011.

Approved by: _____


Steve Romines, Asst. Superintendent of Administrative Services

AGENDA NOTE AGENDA NOTE AGENDA NOTE

**AMENDMENT TO A GENERAL AGREEMENT FOR NONSECTARIAN,
NONPUBLIC SCHOOL / AGENCY SERVICES**
(Education Code Section 56365 et seq.)

THE GENERAL AGREEMENT FOR NONSECTARIAN, NONPUBLIC SCHOOL / AGENCY SERVICES, made and entered into on **October 6, 2010**, effective July 1, 2010 through June 30, 2011, between **Manhattan Beach Unified School District**, County of Los Angeles, hereinafter referred to as the "District" and **Megan MacLeod, MPT**, hereinafter referred to as the "Contractor," located at 4562 Marloma Drive, Rolling Hills, Ca 90274, is hereby amended effective July 1, 2010, and ratified on **February 2, 2011**, as follows:

EXHIBIT A: RATES

Payment under this contract may not exceed	<u>\$9,195.00</u>
Total LEA enrollment may not exceed	<u>3</u>

- CONTRACTOR -

- DISTRICT -

Megan Macleod, MPT
Name of Non-Public School/Agency

Manhattan Beach Unified School District

By _____
Contracting Officer's Signature

by _____
Signature

Megan MacLeod, MPT

Ellyn Schneider,
Executive Director of Student Services

Date: _____

Date: _____

E. CONSENT CALENDAR

6. **TITLE:** Student Services Special Employment Agreement for 2010/11 School Year with Cynthia Ellenberg.

BACKGROUND: An agreement is needed between the District and Cynthia Ellenberg to provide Teaching Assistance services in conjunction with the UCLA Peer Project, for the period of January 3, 2011, through June 30, 2011. MBUSD will receive Teaching Assistance during the specified time and it will be funded through an outside donor. The remaining 50% of the project time will be used for Research Assistance and will be funded by UCLA.

FINANCIAL IMPACT:

Not to exceed \$4,000.00.

Peer project funded by outside donor and included within first interim budget.

No change to overall budget.

Funds to be paid from Special Education account,
#01.0-90690.0-57500-31100-5850-0000113.

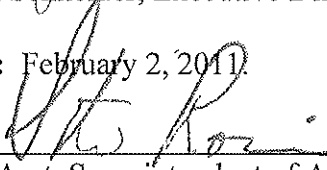
ACTION RECOMMENDED: Ratify Student Services Special Employment Agreement for 2010/11 fiscal year with Cynthia Ellenberg, to provide Teaching Assistance services in conjunction with the UCLA Peer Project, for the period January 3, 2011, through June 30, 2011. Amount not to exceed \$4,000.00. Funds to be paid from outside donor and applied to Special Education account, #01.0-90690.0-57500-31100-5850-0000113.

PREPARED BY:


Ellyn Schneider, Executive Director of Student Services

DATE OF MEETING: February 2, 2011.

Approved by:


Steve Romines, Asst. Superintendent of Administrative Services

**MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
SPECIAL EMPLOYMENT
AGREEMENT FOR SERVICES**

WHEREAS, It is the desire of the Governing Board of the Manhattan Beach Unified School District to employ or use the services of Cynthia Ellenberg social security or Tax I.D. number _____ in the Student Services Department, and

WHEREAS, such service will assist the Governing Board in discharging its legal obligation to provide an adequate education program and will supplement assistance by the State and County authorities and not replace such assistance:

WITNESSETH:

THEREFORE, this agreement is made and entered into the 2nd day of February, 2011, and between the Manhattan Beach Unified School District and the above named person/agency, hereinafter called: Contractor.

Located at: Manhattan Beach, CA 90266

SERVICES TO BE RENDERED

Said person/agency will serve/provide the following service(s): Teaching Assistant for Peer Project
3 hrs/day during social group and recess times to collect observational data and funded by an outside donor.
UCLA to pay remaining 50% of the project time designated as Research Assistance on the Project.

This service does X does not _____ require direct contact with students.

PAYMENT TO BE MADE BY THE DISTRICT

In consideration of the service(s) to be rendered, the District agrees to pay Not-to-Exceed \$4,000.00, and will be reimbursed by outside donor.

DATE(S) OF SERVICE

Said person/agency agrees to render service(s) on the following date(s) stated below:

From January 3, 2011 through June 30, 2011, under the direction of the Executive Director of Student Services.

This agreement may be terminated by either party within twenty (20) days written notice.

This agreement may be terminated without advance notice if both parties agree to do so in writing.

Teaching Assistant for Peer Project
Program

Signature
Cynthia Ellenberg – Peer Project

Date

01.0-90690.0-57500-31100-5850-0000113
Account Number

Signature
Ellyn Schneider,
Executive Director of Student Services

Date

21.

E. CONSENT CALENDAR

7. **TITLE:** Amendment to Student Services Special Employment Agreement for 2010/11 School Year with Ro Seligson, M.A., OTR/L, ATP, Occupational Therapist.

BACKGROUND: An amendment is needed to the agreement between the District and Ro Seligson, M.A., OTR/L, ATP, Occupational Therapist, to provide Occupational Therapy services, per a change in services mandated by Individualized Education Plan (IEP), for the period November 1, 2010, through June 30, 2011.

FINANCIAL IMPACT:

Not to exceed \$7,400.00.

This is an increase of \$1,200.00.

The amount is within the first interim budget for services.

No change to overall budget.

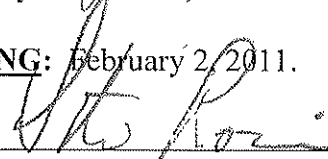
Funds to be paid from Special Education account,
#01.0-65000.0-57500-11905-5850-0000113.

ACTION RECOMMENDED: Ratify amendment to Student Services Special Employment Agreement for 2010/11 fiscal year with Ro Seligson, M.A., OTR/L, ATP, Occupational Therapist to provide Occupational Therapy services, per a change in services mandated by Individualized Education Plan (IEP), for the period November 1, 2010, through June 30, 2011. The amount is within the first interim budget for services. No change to overall budget. Amount not to exceed \$7,400.00. This is an increase of \$1,200.00. Funds to be paid from Special Education account, #01.0-65000.0-57500-11905-5850-0000113.

PREPARED BY:


Ellyn Schneider, Executive Director of Student Services

DATE OF MEETING: February 2, 2011.

Approved by: 

Steve Romines, Asst. Superintendent of Administrative Services

AMENDMENT TO A SPECIAL EMPLOYMENT AGREEMENT FOR SERVICES

THE SPECIAL EMPLOYMENT AGREEMENT made and entered into on **June 16, 2010**, between **Manhattan Beach Unified School District**, County of Los Angeles, hereinafter referred to as the "District" and **Seligson, Ro, M.A., OTR/L, ATP, Occupational Therapist**, hereinafter referred to as the "Contractor," located at Rancho Palos Verdes, Ca 90275, is hereby amended effective January 3, 2010, and ratified by the Board on **February 2, 2011**, as follows:

Payment to Be Made By District:

In consideration of the service(s) to be rendered, the District agrees to pay \$100.00.

Total Not-to-Exceed \$7,400.00

01.0-65000.0-57500-11905-5850-0000113

Account Number

Ro Seligson, M.A., OTR/L, ATP,
Occupational Therapist

Occupational Therapy

Program

Ellyn Schneider,
Executive Director of Student Services

E. CONSENT ITEM:

15. TITLE: Resolution No. 2011-2

BACKGROUND: The following Resolution needs to be approved in order to allow the county auditor to draw new warrants (resissuance) to replace void warrants within the limitations prescribed by this resolution.

ACTION RECOMMENDED: Approval of Resolution No. 2011-2 is requested.

PREPARED BY: Steve Romines

DATE OF BOARD MEETING: February 2, 2010

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 2011 – 2

WHEREAS, warrants not presented to the county treasurer within six (6) months after being issued are void; and

WHEREAS, Government Code (GC) Section 29802 provides authority for governing boards to request the county auditor to draw new warrants (reissuance) to replace void warrants; and

WHEREAS, the governing board may specify a time period for issuance;

NOW, THEREFORE, BE IT RESOLVED, that warrants issued by the Manhattan Beach Unified School District may not be reissued beyond two (2) years from the date the warrant was originally issued; and

BE IT FURTHER RESOLVED, the governing board requests the county auditor to draw such reissued warrants in accordance with GC 29802, and within the two (2) year limitation period, such action to be effective for warrants issued on or after February 2, 2011.

ADOPTED this 2nd day of February, 2011.

Secretary to the Board

23.b.

G. BOARD BUSINESS

1. **TITLE:** Receive for Board review **REVISED** Administrative Regulation 4112.4; 4212.4; 4312.4, Health Examinations

BACKGROUND: Revised Administrative Regulation 4112.4, Health Examinations contains an updated section on "Tuberculosis Tests" which (1) reflects **NEW LAW (SB 1069)** authorizing physician assistants to administer and verify results of tuberculosis tests, and (2) clarifies that an applicant previously employed by a private or parochial school can fulfill the tuberculosis testing requirement by producing a certificate or having his/her previous employer verify that a certificate is on file. Pursuant to Education Code 49406, the Tuberculosis examination may be either an approved intradermal (skin) tuberculin test or any other test for tuberculosis infection that is recommended by the Centers for Disease Control and Prevention and licensed by the Federal Food and Drug Administration, which, if positive, shall be followed by an x-ray of the lungs.

In addition, the revised regulation also reflects **NEW COURT DECISION** which held that, once a board decides to suspend or transfer a certificated employee suspected of suffering from a mental illness, it must proceed in accordance with procedures stated in Education Code 44942.

ACTION RECOMMENDED: Receive for Board review **REVISED** Administrative Regulation 4112.4; 4212.4; 4312.4, Health Examinations

PREPARED BY: Kathy Hall, Director, Human Resources

DATE OF MEETING: February 2, 2011

AGENDA NOTE AGENDA NOTE AGENDA NOTE

**REVISED ADMINISTRATIVE REGULATION
MBUSD**

**AR 4112.4 (a)
4212.4
4312.4**

Personnel

HEALTH EXAMINATIONS

Tuberculosis Tests

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

~~Applicants shall pay for~~ The cost of the pre-employment tuberculosis examination *shall be paid by the applicant.*

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

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

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

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

MBUSD

AR 4112.4 (b)
4212.4
4312.4

Personnel

HEALTH EXAMINATIONS

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

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

Medical Certification for Communicable Diseases for Certificated Employees

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

(cf. 4117.14/4217.14 - Postretirement Employment)

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

(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)

Applicants and retirants shall pay for the cost of the medical certification examination. (Education Code 44839, 44839.5)

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

MBUSD

AR 4112.4 (c)
4212.4
4312.4

Personnel

HEALTH EXAMINATIONS

Mental Examination for Certificated Employees

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

(cf. 4032 - Reasonable Accommodation)

(cf. 4118 - Suspension/Disciplinary Action)

Legal Reference:

EDUCATION CODE

44839 Medical certificate; periodic medical examination

44839.5 Requirements for employment of retiree

44932 Grounds for dismissal of permanent employee

44942 Suspension or transfer of certificated employee on ground of mental illness

45122 Physical examinations

49406 Examination for tuberculosis

BUSINESS AND PROFESSIONS CODE

2700-2838 Nurses

3500-3503.5 **3546** Physician assistants

HEALTH AND SAFETY CODE

121525 Private and parochial school employees, examination for tuberculosis

CODE OF REGULATIONS, TITLE 5

5502 Filing of notice of physical examination for employment of retired persons

5503 Physical examination for employment of retired persons

5504 Medical certification procedures

COURT DECISIONS

Doe v. Lincoln Unified School District, (2010) 188 Cal.App.4th 758

Leonel v. American Airlines, Inc., (2005) 400 F.3d. 702

Raven v. Oakland Unified School District (1989) 213 Cal.App.3d 1347

MBUSD

**AR 4112.4 (d)
4212.4
4312.4**

Personnel

HEALTH EXAMINATIONS

Management Resources:

WEB SITES

California Department of Public Health: <http://www.cdph.ca.gov>

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

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

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

Regulation

approved: September 5, 2007

reviewed: June 2, 2010

reviewed:

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT

Manhattan Beach, California

G. BOARD BUSINESS

2. **TITLE:** Receive for Board review **REVISED** Administrative Regulation 4112.23, Special Education Staff

BACKGROUND: Individuals providing instruction in special education must possess an appropriate credential or added authorization issued by the Commission on Teacher Credentialing (CTC) permitting such service, including the (1) education specialist credential, which includes specializations in mild/moderate disabilities, moderate/severe disabilities, deaf and hard of hearing, visual impairments, physical and health impairments, and early childhood special education; (2) resource specialist certificate of competence; (3) speech-language pathology services credential; (4) clinical or rehabilitative services credential, which authorizes the holder to provide audiology and/or orientation and mobility services; and (5) adapted physical education specialist credential.

In addition, 5 CCR 80048.7 allows special education credential holders to obtain added authorizations in the following areas: autism spectrum disorders, deaf-blind, emotional disturbance, orthopedically impaired, other health impaired, and traumatic brain injury. Teachers who receive an added authorization may be assigned to serve students in the broad specialty area pursuant to their credential and in the specific area of the added authorization.

The following MANDATED regulation has been updated to reflect **NEW LAW (AB 2160)** which extends until 2013 the flexibility for teachers whose clear or preliminary credential authorizes instruction to students with mild and moderate disabilities to provide instruction to autistic students under specified conditions. The regulation further deletes the paragraph reflecting similar flexibility to teach autistic students age 3-4 years since this provision will become inoperative on August 31, 2011, unless subsequent legislation is enacted.

ACTION RECOMMENDED: Receive for Board review **REVISED** Administrative Regulation 4112.23, Special Education Staff

PREPARED BY: Kathy Hall, Director, Human Resources

DATE OF MEETING: February 2, 2011

AGENDA NOTE AGENDA NOTE AGENDA NOTE

Personnel

SPECIAL EDUCATION STAFF

Qualifications/Assignment of Special Education Teachers

Any teacher assigned to serve students with disabilities shall possess ~~the~~ *an appropriate credential or other authorization* that *specifically* authorizes him/her to teach *students with that* the primary disability of the students within the program placement recommended in the student's individualized education program (IEP). (5 CCR 80046.5, **80048.7**)

(cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

(cf. 6159 - Individualized Education Program)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

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

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

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

~~(cf. 0430—Comprehensive Local Plan for Special Education)~~

~~(cf. 1312.3—Uniform Complaint Procedures)~~

~~(cf. 4141/4241—Collective Bargaining Agreement)~~

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

Personnel

SPECIAL EDUCATION STAFF

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

(cf. 4112.21 - Interns)

Resource Specialists

~~The Governing Board shall employ certificated resource specialists to provide services for students with disabilities which~~ *The district's resource program shall include provide*, but not be limited to: (Education Code 56362)

1. *Resource specialist(s) to provide* ~~Providing~~ instruction and services for students whose needs have been identified in an individualized education program (IEP) and who are assigned to regular classroom teachers for a majority of the school day

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

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

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

4. ~~Coordinating~~ *Coordination of* special education services with the regular school programs for each student enrolled in the resource specialist program

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

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

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

Personnel

SPECIAL EDUCATION STAFF

~~(Education Code 56362)~~

- ~~1. — A special education credential or clinical services credential with a special class authorization~~
- ~~2. — Three or more years of teaching experience, including both regular and special education teaching experience~~
- ~~3. — The demonstrated competencies required for a resource specialist as established by the Commission on Teacher Credentialing in 5 CCR 80070.8~~

~~No resource specialist shall have a caseload which exceeds 28 students. As necessary and with the agreement of the resource specialist, the Board may request a waiver from the State Board of~~

~~Education to increase the caseload to no more than 32 students, provided that an individual resource specialist does not have a caseload exceeding 28 students for more than two school years and has the assistance of an instructional aide at least five hours daily during the period of the waiver. (Education Code 56362; 5 CCR 3100)~~

~~(cf. 1431—Waivers)~~

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

Teachers of Students with Autism

A teacher may be assigned to provide instruction to students with autism if he/she meets the qualifications described above in the section entitled "Qualifications/Assignment of Special Education Teachers."

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

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

Personnel

SPECIAL EDUCATION STAFF

district or school to teach students with autism.

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

(cf. 5148.3 - Preschool/Early Childhood Education)

The Superintendent or designee shall report teacher assigned ~~under the above conditions~~ *assignments under the criteria specified in items #1 and #2 above* to the county office of education as part of the annual assignment monitoring pursuant to Education Code 44258.9. (Education Code 44265.1)

~~The Superintendent or designee may employ and assign a teacher to provide instruction to students age 3-4 who are diagnosed with autism if the teacher holds a valid preliminary Level I or clear Level II education specialist credential, is authorized to provide instruction to students with autism, and satisfies either of the criteria listed in items #1 and 2 above, except that the prior service shall have been with autistic students age 3-4 or the completed coursework shall have been in the subject of special education related to early childhood education. (Education Code 44265.2)~~

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

Caseloads

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

(cf. 0430 - Comprehensive Local Plan for Special Education)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4141/4241 - Collective Bargaining Agreement)

No resource specialist shall have a caseload which exceeds 28 students. As necessary and with the agreement of the resource specialist, the Board may request a waiver from the State Board of Education to increase the caseload to no more than 32 students, provided that an individual resource specialist does not have a caseload exceeding 28 students for more than two school

Personnel

SPECIAL EDUCATION STAFF

years and has the assistance of an instructional aide at least five hours daily during the period of the waiver. (Education Code 56362, 56362.1; 5 CCR 3100)

(cf. 1431 - Waivers)

The average caseload for language, speech, and hearing specialists shall not exceed 55 cases unless otherwise specified and reasons stated in the SELPA plan. The maximum caseload for speech and language specialists exclusively serving children with disabilities age 3-5 shall not exceed 40. (Education Code 56363.3, 56441.7)

Legal Reference:

EDUCATION CODE

44250-44279 Credentials, especially:

44256 Credential types, specialist instruction

44258.9 Assignment monitoring

44265-44265.99 Special education credential

44325-44328 District interns

44830.3 District interns, supervision and professional development

56000-56865 Special education, especially:

56195.8 Adoption of policies

56361 Program options

56362-56362.5 Resource specialist program

56363.3 Average **Maximum** caseload limits; language, speech, and hearing specialists

56441.7 Maximum caseload; language, speech, and hearing specialists serving children ages 3-5

CODE OF REGULATIONS, TITLE 5

3051.1 Language, speech and hearing development and remediation; appropriate credential

3100 Waivers of maximum caseload for resource specialists

6100-6126 Teacher qualifications, No Child Left Behind Act

80021 Short-term staffing permit

80021.1 Provisional internship permit

80025.4 Substitute teaching, special education

80026 Declaration of need for fully qualified educators

80027.1 Special education limited assignment teaching permit

80046-80046.1 Adapted physical education specialist

~~80046.5 Credential holders authorized to serve students with disabilities~~

~~80048-80048.7 Credential requirements and authorizations~~

80047-80047.9 Credentials to provide instructional services to students with disabilities

80048-80048.9.3 Credential requirements and authorizations

Personnel

SPECIAL EDUCATION STAFF

80070.1-80070.8 Resource specialist certificate of competence

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act, especially:

1401 Definition of highly qualified special education teacher

6319 Highly qualified teachers

7801 Definitions, highly qualified teacher

CODE OF FEDERAL REGULATIONS, TITLE 34

200.55-200.57 Highly qualified teachers

300.8 Definition of autism

300.18 Highly qualified special education teachers

300.156 Special education personnel requirements

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Handbook on Developing and Implementing Early Childhood Special Education Programs and Services, 2001

COMMISSION ON TEACHER CREDENTIALING CODED CORRESPONDENCE

10-15 Alternative Route to Provide Special Education Services to Students with Autism, September 7, 2010

10-13 Approval of Title 5 Regulations Pertaining to Special Education Services Credentials, July 21, 2010

10-12 Approval of Title 5 Regulations Pertaining to Special Education Teaching Credentials Requirements, July 21, 2010

09-16 Approval of Additions to Title 5 Regulations Pertaining to Added Authorizations in Special Education, July 23, 2009

09-15 Approval of Amendments to Title 5 Regulations Pertaining to General and Special Education Limited Assignment Teaching Permits, July 23, 2009

08-13 Alternative Route to Provide Special Education Services to Students with Autism Ages Three and 4, October 9, 2008

~~08-10 Alternative Route to Provide Special Education Services to Students with Autism, July 7, 2008~~

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

~~Standards of Quality and Effectiveness for Education Specialist Credential Programs (including University Internship Options) and Clinical Rehabilitative Services Programs, 1996~~

Education Specialist Teaching and Other Related Services Credential Program Standards, September 2010

WEB SITES

California Association of Resource Specialists and Special Education Teachers:

<http://www.carsplus.org>

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

MBUSD

AR 4112.23 (g)

Personnel

SPECIAL EDUCATION STAFF

California Speech-Language-Hearing Association: <http://www.csha.org>
Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

Policy

adopted: October 20, 2004

revised: September 5, 2007

revised: May 6, 2009

reviewed:

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT

Manhattan Beach, California

G. BOARD BUSINESS

3. **TITLE:** Receive for Board review **REVISED** Administrative Regulation 4117.11; 4317.11, Preretirement Part-Time Employment

BACKGROUND: Education Code 22713 and 44922 authorize the Governing Board to adopt regulations that allow certificated employees who are members of the defined benefit program of the California State Teachers' Retirement System, to reduce their workload from full time to part time while still receiving the service credit they would have received as full-time employees and having their retirement allowance and other benefits be calculated based on their final compensation as if employed on a full-time basis. If the district chooses to allow employees to reduce their workload in this manner, then Education Code 22713 and 44922 mandate that the district's regulation include the conditions specified in Administrative Regulation 4117.11.

The following **MANDATED** regulation 4117.11 has been revised to reflect **NEW LAW (AB 2260)** which restricts the ability of a certificated employee to terminate a reduced workload agreement when the district has agreed to pick up the employee's contribution to the defined benefit program of the California State Teachers' Retirement System (STRS). Such an employee may terminate the reduced workload agreement only by terminating his/her service, retiring from service under the defined benefit program, entering into a new reduced workload agreement, or returning to full-time employment.

ACTION RECOMMENDED: Receive for Board review **REVISED** Administrative Regulation 4117.11; 4317.11, Preretirement Part-Time Employment

PREPARED BY: Kathy Hall, Director, Human Resources

DATE OF MEETING: February 2, 2011

AGENDA NOTE AGENDA NOTE AGENDA NOTE

REVISED ADMINISTRATIVE REGULATION
MBUSD

AR 4117.11 (a)
4317.11

Personnel

PRERETIREMENT PART-TIME EMPLOYMENT

On a case-by-case basis, the Superintendent or designee may allow a certificated employee *who is a member of the defined benefit program of the California State Teachers' Retirement System (STRS)* to reduce his/her workload from full time to part time when doing so does not disrupt the educational program and is in the best interests of the district.

~~A *Any such* certificated employee who is a member of the defined benefit program of the California State Teachers' Retirement System (STRS) and who reduces his/her workload to part time may maintain the retirement and health and welfare benefits that he/she would have received if employed on a full-time basis under the following conditions: (Education Code 22713, 44922)~~

(cf. 4154/4254/4354 - Health and Welfare Benefits)

1. ~~The option to reduce the employee's workload shall be exercised at the request of the employee and can be revoked only with the mutual consent of the Superintendent or designee and the employee. The~~ *and the* agreement to reduce the workload shall be in effect at the beginning of the school year.
2. ~~Prior to the reduction in workload, the employee shall have performed creditable service on a full-time basis for a minimum of 10 years~~ *of credited service*, of which the immediately preceding five years were full-time employment.
3. The employee shall not have had a break in service during the five years immediately preceding the reduction in workload. Sabbaticals, other approved leaves of absence, and unpaid absences for personal reasons from full-time employment shall not constitute a break in service. However, the period of time during which a member is retired shall constitute a break in service and an employee who reinstates from retirement shall be required to be employed ~~in~~ *to perform* creditable service on a full-time basis for at least five school years preceding the workload reduction.

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

4. The employee shall have reached the age of 55 years prior to the workload reduction.
5. The employee shall not hold a position with a salary above that of a school principal.
6. ~~The period of the reduced workload shall not exceed 10 years.~~

Personnel

PRERETIREMENT PART-TIME EMPLOYMENT

6. The reduced workload shall be equal to at least one-half *of the time the district requires for* of the full-time equivalent required by the employee's contract of employment, in accordance with Education Code 22138.5 *pursuant to the employee's contract of employment* during his/her ~~final~~ *last* year of full-time employment.

7. The employee shall be paid compensation that is the pro rata share of the *creditable* compensation ~~the employee~~ *he/she* would have earned had he/she not opted to reduced his/her workload.

8. The agreement may be revoked only by mutual consent of the employee and the Superintendent or designee.

However, an employee who has entered into a formalized agreement with the district to have his/her contribution into the defined benefit program picked up by the district may not terminate the agreement to reduce his/her workload except by one of the following:

a. Terminating his/her service

b. Retiring from service under the defined benefit program

c. Continuing to perform creditable service under a new reduced workload arrangement for at least one-half of the time the district requires for full-time employment in accordance with Education Code 22138.5

d. Returning to full-time employment

9. The period of the reduced workload shall not exceed 10 years.

Prior to the reduction of an employee's workload, the Superintendent or designee shall verify the employee's eligibility in conjunction with the administrative staff of STRS and/or the Public Employees' Retirement System. (Education Code 22713)

The Superintendent or designee shall maintain the necessary records to separately identify each employee who participates in the reduced workload program. (Education Code 22713)

MBUSD

**AR 4117.11 (c)
4317.11**

Personnel

PRERETIREMENT PART-TIME EMPLOYMENT

Legal Reference:

EDUCATION CODE

22119.5 Creditable service, definition

22138.5 Full-time, definition

22713 Part-time employment; reduction of workload from full-time; credit

22903 *Payment of contributions by employer for tax deferred purposes*

44922 Regulations; reduction to part-time employment

GOVERNMENT CODE

21110-21120 Reduced workload, partial service retirement under PERS

53201 Health and welfare benefits: election by officers and employees

Management Resources:

WEB SITES

California Public Employees' Retirement System: <http://www.calpers.ca.gov>

California State Teachers' Retirement System: <http://www.calstrs.com>

Regulation
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reviewed:

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
Manhattan Beach, California