

**AGENDA OF THE REGULAR MEETING
BOARD OF TRUSTEES
MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
325 S. Peck Ave., Manhattan Beach, CA 90266**

**October 1, 2008
6:00 p.m. Closed Session
6:30 p.m. Regular Open Session**

In compliance with the Americans with Disabilities Act, for those requiring special assistance to access the Board meeting room, to access written documents being discussed at the Board meeting, or to otherwise participate at Board meetings, please contact the Board Secretary, Nancy Bogart, at 310-318-7345, ext. 5902, for assistance. Notification at least 48 hours before the meeting will enable the District to make reasonable arrangements to ensure accessibility to the Board meeting and to provide any required accommodations, auxiliary aids or services.

Writings related to a Board meeting agenda item that are distributed to at least a majority of Board members less than 72 hours before a noticed meeting, and that are public records not otherwise exempt from disclosure, will be available for inspection at the District office, 325 S. Peck Avenue, Manhattan Beach, CA 90266. Such writings may also be available on the District's website. (Government Code §54957.5 (b)).

A. CALL TO ORDER (5 minutes)

1. Call to Order (6:00)
2. Recess to Closed Session
3. Reconvene Open Session (6:30)
4. Report of Action Taken During Closed Session
5. Pledge of Allegiance
6. Approval of Agenda

B. ANNOUNCEMENTS AND COMMUNICATIONS

1. Public Comment Regarding Agenda
The purpose of this section is to permit any person in the audience to make a statement to the Board of Trustees on items on the Agenda. Persons are limited to three (3) minutes for their communication, unless the Board deems otherwise. The President will conclude the Public Comment after a reasonable length of time and proceed with the Agenda. The Board may, at its discretion, permit statements on items not on the Agenda, but pertaining to the school district, if appropriate and not an impediment to the efficiency and orderliness of the meeting; no action shall be taken on any item not appearing on the Agenda.
2. Board Member Announcements
3. Hannah Geiser and Kian Rowshiani, Student Board Members, will discuss student topics at Mira Costa High School and events and activities in the District. Natalie Pratt will report on activities at Manhattan Beach Middle School.

C. SUPERINTENDENT/CABINET REPORT

1. Governor's Budget Review/Update (Romines)
2. Independent Study
3. Supervised Suspension Classroom
4. City/District Joint Meeting
5. Senior Citizen Program
6. Staff Development Update (October 10)

D. PRESENTATION/ACTION ITEMS

None.

E. INFORMATION/DISCUSSION ITEMS

None.

F. CONSENT CALENDAR (15 Minutes)

Items included in this section are considered routine and customary school district business. Any Board member or member of the audience may request that any consent item(s) be removed, discussed and acted upon separately.

General

**Seaton
1-9**

1. Approve overnight field trip for sixth grade GATE at Long Beach Aquarium of the Pacific, October 29-30, 2008. District chaperone guidelines will be observed. Travel to and from the Aquarium of the Pacific will be by bus. The MBMS GATE parent donations will fund the cost of this field trip.

**Seaton
10-12**

2. Approve Consultant Agreement with Evalumetrics, Inc. for Physical Fitness Testing Services, from October 2008, through August 2009, to be paid an estimated amount of \$850.00, charged to account #01.0 00000.0 15000 31600 5890 0000112, Educational Services Testing Account.

**Schneider
13-14**

3. Ratify Amendment to the District Master Contract for the 2008/09 fiscal year for Nonsectarian, Nonpublic Agency (NPA) Services with Jennifer Keany and Associates, Inc. Amendment is necessary for the amount to include all renewed Individualized Education Plan (IEP) mandated service costs. Master contract is effective from July 1, 2008, through June 30, 2009, and amended effective July 1, 2008. Amount not-to-exceed \$140,500.00. This is an increase of \$93,500.00. Funds to be paid from Nonsectarian, Nonpublic Agency Services account, #01.0-65000.0-57500-11801-5810-0000053. This item has been budgeted.

**Schneider
15-16**

4. Ratify Amendment to the District Master Contract for Nonsectarian, Nonpublic School Services (NPS) with Heritage Schools, Inc. Amendment is necessary as per a change to an Individualized Education Plan (IEP). The Master Contract is effective from July 1, 2008, through June 30, 2009, and amended effective September 10, 2008. Amount not to exceed \$71,000.00. This is an increase of \$19,700.00. Funds to be paid from Nonsectarian, Nonpublic School Services account, #01.0-65000.0-57500-11802-5810-

0000053; by transferring from existing Nonsectarian, Nonpublic Agency Services account, #01.0-65000.0-57500-11802-5810-0000053. This item is budgeted given that a transfer is being made.

- Schneider 17** 5. Ratify reimbursement to parents for educational costs of not to exceed \$1,787.00, incurred from August 15, 2008, through August 20, 2008, as per Individualized Education Plan (IEP) mandated visits, and in accordance with our visitation policy. Funds to be paid from Special Education Other Services account, #01.0-65000.0-57500-71101-5813-0000053. This item has been budgeted.
- Schneider 18** 6. Ratify reimbursement to parents for educational costs of not to exceed \$500.00, incurred from September 8, 2008, through September 15, 2008, as per Individualized Education Plan (IEP) mandated visits, and in accordance with our visitation policy. Funds to be paid from Special Education Other Services account, #01.0-65000.0-57500-71101-5813-0000053. This item has been budgeted.
- Schwabe 19-20** 7. Ratify Consultant Agreement with Hugo Haezaert, to serve as the art teacher at all elementary sites, from July 1, 2008, through June 30, 2009, and paid at the rate of \$45.00 per session, not-to-exceed \$12,375.00, paid for with 2008-2009 PTA funds.
- Schwabe 21-22** 8. Ratify Consultant Agreement with Deborah (Radha) Delamarter to serve as the drama teacher at all elementary sites, from July 1, 2008, through June 30, 2009, and paid at the rate of \$45.00 per session, not-to-exceed \$28,125.00, paid for with 2008-2009 PTA funds.
- Schwabe 23-24** 9. Ratify Consultant Agreement with Dulce Capadocia to serve as the dance teacher at all elementary sites, from July 1, 2008, through June 30, 2009, and paid at the rate of \$45.00 per session, not-to-exceed \$14,625.00, paid for with 2008-2009 PTA funds.
- Schwabe 25-28** 10. Approve the three-year cycle of school year calendars for 2009-2010, 2010-2011, and 2011-2012.
- Schwabe 29-30** 11. Adopt Resolution 2008-17, Revise School Holiday, per California Education Code §37220(e).

Schwabe **Personnel**

12. Ratify employment of classified personnel at effective dates listed:
- Bennett, Steven, Building Trades Technician, M&O, Perm., 100% time, Range 30, Step 2, effective 09/22/08 (Replacement)
- Challender, Julienne, Staff Secretary, Food Services, Perm., 100% time, Range 19, Step 1, effective 09/17/08 (Replacement)
- Edwards, Valerie, PE Ass't., MBMS, Perm., 37.5% time, Range 11, Step 2, effective 09/22/08 (Replacement)
- Madrid, Janine, IA, Pennekamp, Perm., 25% time, Range 11, Step 3 (Reinstatement after lay-off)
13. Ratify leave of absence for Davisson, Darla, Food Production Team Leader, MBMS, (Contract article 6.5) effective 09/18/08-09/30/08.

14. Ratify employment of classified personnel to serve as substitute and/or short term/intermittent, district wide, at effective dates listed:
- Marin, Mary, effective 09/17/08
Nicosia, Beth, effective 09/15/08
15. Ratify change of status of classified personnel at effective dates listed:
- Delgado, Michael, Special Ed. IA/EDP Ass't., Pennekamp/Meadows, 62.5% time/37.5% time, to Special Ed. IA/EDP Ass't., Pennekamp, 75% time/25% time, effective 08/27/08 (Increase in IEP)
- Domaradzka, Anna, IA, Pennekamp, 25% time to 50% time, effective 09/15/08 (Replacement)
- LeCour, Anna, IBI, Preschool, 85% time to 100% time, effective 09/15/08 (Increase in services)
- McShane, Coquette, Special Ed. I.A., Meadows, 75% time to 81.25% time, effective 08/27/08 (Increase in IEP)
- Pellegrino, Angie, IBI, Preschool, 85% time, to 100% time, effective 09/15/08 (Increase in services)
16. Adjustment in time for EDP Assistants for elementary school early dismissal – Wednesdays, effective 09/22/08
- Bertacchi, Janice, Meadows, 37.5% time to 38.75% time
Chica, Dora, Meadows, 43.75% time to 45% time
DeHoyos, Jason, Meadows, 50% time to 51.25% time
Ramirez, Kathy, GV, 75% time to 76.25% time
Rocha, Joanna, Pennekamp 37.5% time to 40% time
Sam, Karina, GV, 43.75% time to 45% time
17. Ratify Leave of Absence for Jessica Nassau (MCHS), eff. 9/11/08 to 9/24/08, per MBUTA Contract Article #11.9, #11.10, #11.18.
18. Ratify change in status of certificated personnel as follows:
- Causey, Tammylynn (GV), change from 50% to 45%, eff. 8/26/08
Choi, Annie (MCHS), change from 60% to 80% eff. 9/12/08
Choi, Annie (MCHS), change from 80% to 100%, eff. 9/15/08
Sanchez, Tanya (GV), change from Col. 4, Step 9, to Col. 5, Step 10, eff. 8/26/08
Smith, Lauren (Preschool), change from Col. 1, Step 5, to Col. 2, Step 5, eff. 8/26/08
Tucker, Marti (PK), decrease from 33% to 30% eff. 9/9/08
Zask, Peggy (MCHS), change from Col. 5, Step 17, to Col 6, Step 17, eff. 8/26/08
19. Accept resignation of MaryRose Jeffry, (PAC), eff. 9/12/08.
20. Ratify employment of certificated substitutes at current rate of pay as follows:
- Eisner, Stephen, eff. 9/19/08
Muttera, Jill, eff. 9/15/08
Noel, Rosalea, eff. 9/16/08
Yee, Sumei, eff. 9/19/08

21. Ratify employment of Halorie Strohmeier (PAC), Col. 5, Step 2, 100%, eff. 9/15/08.
22. Ratify sixth period assignments for certificated staff as follows:
 - Clark, Tiffany (MCHS), Col. 6, Step 12, eff. 8/26/08
 - Kurz, Karl (MCHS), Col. 6, Step 5, eff. 9/11/08
 - McAvin, Michael (MCHS), Col. 6, Step 10, eff. 8/26/08

- 31-32** 23. Ratify fall 2008 Coaching Chart per attachment.

Business

- 33-51** 24. Adopt findings and recommendations from the Manhattan Beach Unified School District Measure M Bond Oversight Committee Report from 2004.

G. PUBLIC AND STAFF SUBMITTED ITEMS (10 Minutes)

(This section includes topics submitted in writing by citizens, staff, or students ten (10) working days prior to the Board meeting, by 12:00 noon, [MBUSD Board Bylaw 9322, Agenda/Meeting Materials]. Each person submitting a topic will be allocated a maximum of three minutes in which to address the Board. Some topics may be given additional time, at the Board's discretion. This section of the agenda does not take the place of the public comment section, which follows later. The requirement for advance submission of topics allows for better agenda planning, improved staff response and eliminates the Brown Act restriction against Board discussion of unagendized topics that would otherwise exist.)

None.

H. PUBLIC COMMENTS (10 minutes)

As a courtesy, please complete the Public Comment card and give it to the Recorder before the beginning of this meeting. You will have three (3) minutes to speak.

I. BOARD BUSINESS (15 minutes)

- 52-65** 1. Adopt Bylaws for Measure BB Citizens' Bond Oversight Committee.
- 66** 2. Discuss and take necessary action to appoint members to the Measure BB Citizens' Bond Oversight Committee.
3. Accept resignation of Personnel Commissioner, and discuss and give direction on appointment of replacement.
- 67-70** 4. Receive for first reading and adoption, revised Board Policies 4112.8; 4212.8; 4312.8, Employment of Relatives.
- 71-75** 5. Receive for first reading and adoption, revised Administrative Regulations 4119.11; 4219.11; 4319.11, Sexual Harassment.
- 76-84** 6. Receive for first reading and adoption, revised Board Policies and Administrative Regulations 4144; 4244; 4344, Complaints.

85-91

7. Receive for first reading and adoption, revised Board Policy 6146.1, High School Graduation Requirements.
8. Approve minutes of the regular Board meeting of June 4, 2008.
9. Approve minutes of the regular Board meeting of July 23, 2008.
10. Approve minutes of the regular Board meeting of August 6, 2008.
11. Attendance at the LACSTA fall workshop/association meeting, Saturday, October 25, at LACOE.

J. ITEMS FOR FUTURE DISCUSSION/ACTION

K. ADJOURNMENT

CLOSED SESSION AGENDA
October 1, 2008
6:00 p.m.

1. Conference with Legal Counsel - Anticipated Litigation - significant Exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9. One potential case.

**MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
CALENDAR OF EVENTS**

(Note: These dates are subject to change)

SEPTEMBER

September 30, 2008
Non-Student, Non-Teacher Day

OCTOBER

October 1, 2008, 6:30 PM
Board Meeting

October 9, 2008
Non-Student, Non-Teacher Day

October 10, 2008
Staff Development Day

October 15, 2008, 6:30 PM
Board Meeting

NOVEMBER

November 4, 2008
Election Day

November 5, 2008, 6:30 PM
Board Meeting

November 11, 2008
Veterans Day Holiday

November 19, 2008, 6:30 PM
Board Meeting

November 24-28, 2008
Thanksgiving Holidays

DECEMBER

December 10, 2008, 6:30 PM
Board Meeting

December 22-31, 2008
Winter Recess

JANUARY

January 1-2, 2009
Continuation of Winter Recess

January 19, 2009
Martin Luther King Holiday

January 21, 2009, 6:30 PM
Board Meeting

FEBRUARY

February 4, 2009, 6:30 PM
Board Meeting

February 16-20, 2009
District Recess

MARCH

March 4, 2009, 6:30 PM
Board Meeting

March 18, 2009, 6:30 PM
Board Meeting

APRIL

April 1, 2009, 6:30 PM
Board Meeting

April 6-10, 2009
Spring Break

MAY

May 6, 2009, 6:30 PM
Board Meeting

May 20, 2009, 6:30 PM
Board Meeting

May 25, 2009
Memorial Day

JUNE

June 3, 2009, 6:30 PM
Board Meeting

June 16, 2009, 6:30
Board Meeting

D. PRESENTATION/ACTION ITEMS

1. **TITLE:** Adopt the Updated Manhattan Beach Unified School District Facility Use Fee Schedule to be effective January 1, 2009

BACKGROUND: An important goal in these economic times and a mandate the board assigned to staff, is to look for ways to increase district revenue. Updating the district's facility fee schedule is a way of meeting the board's direction. Pursuant to Education Code Sections 40040-40058, the Board of Trustees can establish fees for use of school facilities. The Education Code also provides free use to certain groups. All groups entitled to free use of school facilities are listed in the fee schedule. This schedule meets and exceeds all Education Code requirements.

The school year 2002/03 was the last time the district's facility use fee schedule was updated. In preparing for the current fee schedule, staff reviewed previous years' Cost of Living Adjustments, (COLA) from School Services dashboard and found a 3% to 5% increase each year for the previous five years and the current year 08/09. A simple rounded average resulted in all fees being increased by at least 25%. Staff also reviewed the current classified custodial salary levels to make sure the 25% increase in fees covered district salary and benefit costs for custodial services. A commercial real estate company stated that typical net in retail space similar to our locations would lease for \$1.90 per square foot. Several surrounding districts were also contacted to obtain facility fee schedules. Two districts responded, Redondo Beach Unified School District, (RBUSD) and Beverly Hills Unified School District, (BHUSD) and their facility usage fees are included for your review. RBUSD rolled over their rate schedule from a previous year and is planning to update fees this year. BHUSD is using a fee schedule from 2003 but feels most fees are still competitive.

The result of the search is that all MBUSD fees have been increased by at least 25%. In all cases, fees were rounded up to the nearest dollar. The one-time charge for cleaning the high school stadium increased from \$100 to \$250, to accurately reflect the time required. Staff also endeavored to make fees more uniform to make it easier for our community to understand and our staff to implement and interpret the charges.

In order to allow ample time to communicate the changes, it is recommended that the new fee schedule be effective as of January 1, 2009.

ACTION RECOMMENDED: Adopt the updated Manhattan Beach Unified School District Facility Use Fee Schedule, effective January 1, 2009.

PREPARED BY: Dr. Steve Romines, Assistant Superintendent

DATE OF MEETING: October 15, 2008

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT

FACILITY FEE SCHEDULE 2008/09

The Board of Trustees establishes the following fees for use of school facilities pursuant under Education Code Sections 40040-40058, effective January 1, 2009.

In each case where an * appears, it means that fees may be subject to additional clean-up charges. All Fees will include any salary adjustments, when necessary, and will be included in the invoice to the lessee.

GROUPS ENTITLED TO FREE USE:

Groups entitled to free or reduced-rate use of school facilities will be granted a maximum of three (3) hours free of charge for each scheduled usage when a custodian is on a regularly scheduled assignment. These groups are identified in Education Code Section 40041, as follows:

1. Parent-Teacher Association
2. Camp Fire Girls
3. Boys Scout/Girl Scout Troops
4. Farmers' Organizations
5. School-Community Advisory Councils
6. Senior Citizens Organizations
7. Clubs and associations formed for recreational, educational, political, economic, artistic, or moral activities of the public school district.

FULL-TIME USE OF FACILITIES (CLOSED SCHOOL SITES)

Services included in Rental Fee

Normal trash pickup as provided to operating schools.

2008-2009 = \$1.90 sq. ft (this includes utilities) plus 4% per year Cost Of Living Adjustment built in hereafter.
(Effective July 1, 2009)

PARENT COOPERATIVE PRESCHOOLS AND PUBLIC SCHOOL AGENCIES ESTABLISHED IN ACCORDANCE WITH EDUCATION CODE 10904:

The rental rate per square foot shall be the same rate charged for full-time use of facilities.

NON-USE PENALTIES:

If the State Allocation Board in accordance with Education Code Section 39015 imposes non-use penalties, tenant shall pay such penalties.

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT

USE OF FACILITIES FEE SCHEDULE

2008/09

	Non-Profit Organization Per Hour	Profit Organization Per Hour
1 revised 10-15-08		
2		
3		
4 MIRA COSTA		
4 Large Gymnasium	\$60.00	\$115.00
5 Bleachers Out - one time charge \$55.00		
6 Small Gymnasium	\$60.00	\$115.00
7 Wrestling/Dance Room	\$50.00	\$65.00
8 Locker Room	\$50.00	\$65.00
9 Restrooms - Required for every gym use	\$25.00	\$25.00
10 Athletic Fields **	\$30.00	\$45.00
11 Baseball Fields **	\$50.00	\$65.00
12 Tennis Courts **	\$15.00	\$20.00
13 Music Room & Band Room	\$50.00	\$65.00
14 Cafeteria (No kitchen)	\$50.00	\$65.00
15 Weight Room	\$50.00	\$65.00
16 Swimming Pool	\$50.00	\$65.00
17 Lessee must provide a qualified lifeguard (3517.3R)		
18 Track	\$50.00	\$60.00
19 Additional fee of \$30.00/hr for lining track		
20 Football Stadium:		
21 No lights	\$115.00	\$115.00
22 With lights	\$150.00	\$150.00
23 A minimum clean-up fee of \$250.00 will be charged		
24 when bleachers and concession area are used and		
25 district employees clean facility.		
26 Auditorium:		
27 Technical dress rehearsal and performance time	\$210.00	\$300.00
28 Rehearsal, set-up and strike time (excludes	\$150.00	\$250.00
29 operation personnel and stage lighting		
30 Plus: Stage Manager Fees	Staff Mbr Current Rate	Staff Mbr Current Rate
31 Performance only clean-up charge	\$100.00 minimum	\$100.00 minimum
32 Student Aides (or minimum wage State of CA	\$10.00	\$10.00
33 which is greater)		
34 (Fees collected 72 hours in advance of performance.		
35 Deposit of \$130.00 for additional clean-up fees to		
36 be returned if not used.)		
37		
38 MBMS (Custodial Fee Required for all Lessees)		
39 Multi-Purpose Room	\$180.00	\$240.00
40 Gymnasium: Court Use	\$75.00	\$150.00
41 Gymnasium: Custodial	\$25.00	\$35.00
42 Gymnasium: 1 of 3 volleyball courts	\$25.00	\$50.00
43 Gymnasium: 2 of 3 volleyball courts	\$50.00	\$100.00
44 Gymnasium: 3 of 3 volleyball courts	\$75.00	\$150.00
45 Gymnasium: 1/2 court basketball	\$40.50	\$75.00
46 Gymnasium: Full court basketball	\$75.00	\$150.00

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT

USE OF FACILITIES FEE SCHEDULE

2008/09

47

48

ELEMENTARY SITES

49 Playgrounds (Asphalt Areas) **\$50.00** **\$65.00**

50 Cafetorium **\$50.00** **\$65.00**

51 A cafeteria worker shall be present whenever kitchen

52 facilities are used. Fees will apply.

53

54

ALL SITES

55 Parking Lot **\$25.00** **\$25.00**

56 Fees may be subject to additional clean-up charges. The District retains the right to request

57 security guards to be stationed at parking areas to protect district facilities and parking areas.

58 Classroom **\$50.00** **\$65.00**

59 Library **\$50.00** **\$60.00**

Filming (Flat Rate - Negotiable) Employee costs are not

60 included and will be charged at an hourly rate. **\$3,000/day** **\$3,000/day**

61

62

Notes

63 ** City lease agreement supersedes

64

65 Recreation Assistants may be required if activity warrants supervision and/or protection of school facilities

66

67 If operations employee is required to prepare field before and after activity, the direct cost of employee,

68 time & materials used, plus an additional 20% will be charged. Other salary adjustments, when necessary,

69 will be billed to the lessee.

70

71 If clean-up is required, any salary adjustments, will be billed to the lessee.

72

73 Overtime of employee may result in adjustments of charges.

74

75 Specific activities, other than those for which the facilities were specifically designed, planned, and

76 maintained, shall be negotiated on an individual basis for the contract and the fee schedule.

**BEVERLY HILLS UNIFIED SCHOOL DISTRICT
FEE SCHEDULE FOR USE OF FACILITIES**

**DIRECT COST
Effective 7/1/2003**

BOARD POLICY 1330

Rental of school facilities based on four (4) hours of use:

<u>School</u>	<u>Facility</u>	<u>Direct Cost</u>
<u>Elementary</u>	Auditorium: Performance	\$350.00 + Labor
	Add'l. Hour	88.00
	Auditorium: Rehearsal	175.00 + Labor
	Add'l. Hour	45.00
	Classroom	75.00 + Labor
	Add'l. Hour	20.00
	Cafeteria (w/o kitchen)	100.00 + Labor
	Add'l. Hour	25.00
	Fields/Playgrounds	200.00 + Labor
	Add'l. Hour	50.00
<u>High School</u>	K.L. Peters Aud.: Performance (8) hours	\$800.00 + Theater Tech, Lighting/Sound Tech, Custodial, Security
	Add'l. Hour	225.00
	K.L. Peters Aud.: Rehearsal (4) hours	400.00 + Theater Tech, Lighting/Sound Tech, Custodial
	Add'l. Hour	125.00
	Salter Theater: Performance (8) hours	650.00 + Theater Tech, Lighting/Sound Tech, Custodial, Security
	Add'l. Hour	175.00
	Salter Theater: Rehearsal (4) hours	325.00 + Theater Tech, Lighting/Sound Tech, Custodial
	Add'l. Hour	100.00
	Lecture Hall "A" (Theatre 40)	200.00 + Theater Tech, Labor
	Add'l. Hour	50.00
	Classroom	75.00 + Labor
	Add'l. Hour	20.00
	Student Cafeteria	200.00 + Labor
	Add'l. Hour	50.00
	Faculty Dining Rm.,	150.00 + Labor
	Add'l. Hour	38.00
	Multi-Media Room	500.00 + Labor
	Add'l. Hour	125.00
	Gym: Swim Gym	800.00 + Labor
	Add'l. Hour	200.00
Gym: East/West w/o Bleachers	350.00 + Labor	
Add'l. Hour	88.00	
Nickoll Field (Main w/Bleachers)	600.00 + Labor	
Add'l. Hour	125.00	
Upper Field/North, Track, Outdoor Basketball Courts	200.00 + Labor	
Outdoor Basketball Courts	100.00	
Parking Structure/Front Lawn	200.00 + Labor	
Add'l. Hour	50.00	
North Parking Lot	500.00 + Labor (per day)	

Any School Site Filming 7,000.00/1-12 Hours

If special services or additional times are required, staffing will be adjusted accordingly and overtime rates of \$45./hour per custodian, security and groundskeeper will prevail (PTA's \$35/per hour).

NOTE: Following information refers to current fees listed herein.

Other Relevant Rates:

Grand Piano (based on eight (8) hours of use)	\$300.00
Piano Tuning	200.00

**BEVERLY HILLS UNIFIED SCHOOL DISTRICT
FEE SCHEDULE FOR USE OF FACILITIES**

FAIR MARKET
Effective 7/1/2003

Non-Profit Residence

BOARD POLICY 1330

Rental of school facilities based on four (4) hours of use:

<u>School</u>	<u>Facility</u>	<u>Fair Market</u>
<u>Elementary</u>	Auditorium: Performance	\$700.00 + Labor
	Add'l. Hour	175.00
	Auditorium: Rehearsal	500.00 + Labor
	Add'l. Hour	125.00
	Classroom	200.00 + Labor
	Add'l. Hour	50.00
	Cafeteria (w/o kitchen)	300.00 + Labor
	Add'l. Hour	50.00
	Fields/Playgrounds	300.00 + Labor
	Add'l. Hour	75.00
<u>High School</u>	K.L. Peters Aud.: Performance (8) hours	\$2500.00 +Theater Tech, Lighting/Sound Tech, Custodial, Security
	Add'l. Hour	625.00
	K.L. Peters Aud.: Rehearsal (4) hours	1250.00 +Theater Tech, Lighting/Sound Tech, Custodial
	Add'l. Hour	320.00
	Salter Theater: Performance (8) hours	800.00 +Theater Tech, Lighting/Sound Tech, Custodial, Security
	Add'l. Hour	200.00
	Salter Theater: Rehearsal (4) hours	400.00 +Theater Tech, Lighting/Sound Tech, Custodial
	Add'l. Hour	100.00
	Lecture Hall "A" (Theatre 40)	450.00 + Theater Tech, Labor
	Add'l Hour	113.00
	Classroom	200.00 + Labor
	Add'l. Hour	50.00
	Student Cafeteria	500.00 + Labor
	Add'l. Hour	125.00
	Faculty Dining Rm	250.00 + Labor
	Add'l. Hour	63.00
	Multi-Media Room	1000.00 + Labor
	Add'l Hour	250.00
	Gym: Swim Gym	1000.00 + Labor
	Add'l Hour	250.00
	Gym: East/West w/o Bleachers	500.00 + Labor
	Add'l. Hour	100.00
Nickoll Field (Main w/Bleachers)	600.00 + Labor	
Add'l. Hour	150.00	
Upper Field/North, Track, Outdoor Basketball Courts	350.00 + Labor	
Outdoor Basketball Courts	200.00	
Parking Structure/Front Lawn	500.00 + Labor	
Add'l. Hour	125.00	
North Parking Lot	1000.00 + Labor (per day)	

<u>Any School Site</u>	<u>Filming</u>	<u>7,000.00/1-12 Hours</u>
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If special services or additional times are required, staffing will be adjusted accordingly and overtime rates of \$45./hour per custodian, security and groundskeeper will prevail (PTA's \$35./per hour).

NOTE: Following information refers to current fees listed herein.

<u>Other Relevant Rates:</u>	
Grand Piano (based on eight (8) hours of use)	\$300.00
Piano Tuning	200.00

**BEVERLY HILLS UNIFIED SCHOOL DISTRICT
FEE SCHEDULE FOR USE OF FACILITIES**

FAIR MARKET
Effective 7/1/2003

BOARD POLICY 1330

Rental of school facilities based on four (4) hours of use:

<u>School</u>	<u>Facility</u>	<u>Fair Market</u>
<u>Elementary</u>	Auditorium: Performance	\$700.00 + Labor
	Add'l. Hour	175.00
	Auditorium: Rehearsal	500.00 + Labor
	Add'l. Hour	125.00
	Classroom	200.00 + Labor
	Add'l. Hour	50.00
	Cafeteria (w/o kitchen)	300.00 + Labor
	Add'l. Hour	50.00
	Fields/Playgrounds	300.00 + Labor
	Add'l. Hour	75.00
<u>High School</u>	K.L. Peters Aud.: Performance (8) hours	\$2500.00 + Theater Tech, Lighting/Sound Tech, Custodial, Security
	Add'l. Hour	625.00
	K.L. Peters Aud.: Rehearsal (4) hours	1250.00 + Theater Tech, Lighting/Sound Tech, Custodial
	Add'l. Hour	320.00
	Salter Theater: Performance (8) hours	800.00 + Theater Tech, Lighting/Sound Tech, Custodial, Security
	Add'l. Hour	200.00
	Salter Theater: Rehearsal (4) hours	400.00 + Theater Tech, Lighting/Sound Tech, Custodial
	Add'l. Hour	100.00
	Lecture Hall "A" (Theatre 40)	450.00 + Theater Tech, Labor
	Add'l Hour	113.00
	Classroom	200.00 + Labor
	Add'l. Hour	50.00
	Student Cafeteria	500.00 + Labor
	Add'l. Hour	125.00
	Faculty Dining Rm	250.00 + Labor
	Add'l. Hour	63.00
	Multi-Media Room	1000.00 + Labor
	Add'l Hour	250.00
	Gym: Swim Gym	1000.00 + Labor
	Add'l Hour	250.00
	Gym: East/West w/o Bleachers	500.00 + Labor
	Add'l. Hour	100.00
	Nickoll Field (Main w/Bleachers)	600.00 + Labor
Add'l. Hour	150.00	
Upper Field/North, Track, Outdoor Basketball Courts	350.00 + Labor	
Add'l. Hour	200.00	
Parking Structure/Front Lawn	500.00 + Labor	
Add'l. Hour	125.00	
North Parking Lot	1000.00 + Labor (per day)	
<u>Any School Site</u>	Filming	7,000.00/1-12 Hours

If special services or additional times are required, staffing will be adjusted accordingly and overtime rates of \$45./hour per custodian, security and groundskeeper will prevail.

NOTE: Following information refers to current fees listed herein.

<u>Other Relevant Rates:</u>	
Grand Piano (based on eight (8) hours of use)	\$300.00
Piano Tuning	200.00

Redondo Beach Unified School District
New Facility Use Fees
Sept. 2008

Elementary	NON PROFIT	PROFIT
Basketball Courts	\$ 25.00	\$ 50.00
Cafeteria	\$ 25.00	\$ 35.00
Classrooms	\$ 30.00	\$ 45.00
Custodian	\$ 45.00	\$ 55.00
Library	\$ 30.00	\$ 40.00
Parking Lot	\$ 20.00	\$ 25.00
Playground	\$ 10.00	\$ 15.00
Sports Fields	\$ 20.00	\$ 30.00
Multipurpose Room	\$ 70.00	\$ 90.00
Security	\$ 25.00	\$ 35.00
RUHS		
Auditorium Rehearsal/Hour	\$ 100.00	\$ 125.00
Auditorium Performance/Hour	\$ 125.00	\$ 175.00
Stage Manager \$35.00/hr		
Asst Stage Manager \$19.00/hr		
Student Theatre Tech \$8.00/hr		
Custodian/Hour	\$ 45.00	\$ 55.00
Band Room	\$ 35.00	\$ 45.00
Cafeteria	\$ 50.00	\$ 80.00
Choir Room	\$ 35.00	\$ 45.00
Classrooms	\$ 30.00	\$ 45.00
Dance Room	\$ 35.00	\$ 45.00
Drama Room	\$ 45.00	\$ 60.00
Field/Boys	\$ 30.00	\$ 40.00
Field/Girls	\$ 30.00	\$ 40.00
Gym/Large	\$ 40.00	\$ 75.00
Gym/Small	\$ 40.00	\$ 55.00
Memorial Field	\$ 20.00	\$ 40.00
Parking Lot Fee	\$ 20.00	\$ 25.00
Pool	\$ 35.00	\$ 50.00
Sea Hawk Bowl	\$ 50.00	\$ 75.00
Stadium Track Only	\$ 20.00	\$ 25.00
Tennis Courts	\$ 15.00	\$ 20.00
Weight Room	\$ 35.00	\$ 45.00
Wrestling Room	\$ 35.00	\$ 45.00

*Multi Purpose Rooms are defined as cafeteria with actual stages. Perras, Washington, and Lincoln

** All fees are for facilities only. An additional fee will be charged for lights where applicable.

***Need 503C for non profit rate

NOTE: Exempt groups, AYSO, Little League, RBYB, PTA, Scouts, etc., would only be charged custodial time, if a custodian was not on site at the time of the event.

Club teams are not exempt groups.

8.
(310)
303-3823

F. CONSENT CALENDAR

1. **TITLE:** Adopt Resolution 2008-14 -- Resolution Regarding Sufficiency of Instructional Materials and Certification of Provision of Standards-Aligned Instructional Materials, Grades K-12, for 2008-2009

BACKGROUND: Education Code 60119 specifies that the governing boards of school districts are to certify compliance with *Education Code* Section 60119 and *California Code of Regulations, Title 5, Section 9531 (c)*. District and county office of education local governing boards are required to hold an annual public hearing and adopt a resolution stating whether each pupil in the district has, or will have prior to the end of that year, sufficient textbooks or instructional materials in each subject consistent with the content and cycles of the curriculum framework adopted by the State Board of Education.

The Certification of Provision of Standards-Aligned Instructional Materials must be renewed following a primary state adoption of standards-aligned instructional materials for K-8 in history-social science, mathematics, reading/language arts, and science. The certification for grades 9-12 must be renewed following local governing board adoption of standards-aligned instructional materials in any of the above subject areas. This certification is required before remaining IMFRP funds may be spent on other adopted instructional materials or other approved purposes as listed in *Education Code* Section 60242. The certification must be kept on file in the district for auditing purposes.

Once a local governing board certifies that it has provided each pupil with standards aligned instructional materials, the district or county office of education may use 100 percent of any remaining IMFRP funds to purchase other instructional materials consistent with the content and cycles of the curriculum frameworks.

ACTION RECOMMENDED: Adoption of Resolution 2008-14 and Certification of Provision of Standards-Aligned Instructional Materials is recommended.

PREPARED BY: Carolyn Seaton, Executive Director, Educational Services

DATE OF BOARD MEETING: October 15, 2008

AGENDA NOTE AGENDA NOTE AGENDA NOTE

Manhattan Beach Unified School District

Resolution 2008-14

RESOLUTION REGARDING SUFFICIENCY OF INSTRUCTIONAL MATERIALS:

Whereas, the governing board of the Manhattan Beach Unified School District, in order to comply with the requirements of Education Code Section 60119 held a public hearing on October 15, 2008, and which did not take place during or immediately following school hours, and;

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

Whereas, the governing board encouraged participation by parents, teachers, members of the community, and bargaining unit leaders in the public hearing, and;

Whereas, information provided at the public hearing and to the governing board at the public meeting detailed the extent to which textbooks and instructional materials were provided to all students, including English learners, in the district, and;

Whereas, the definition of "sufficient textbooks or instructional materials" means that each pupil has a textbook or instructional materials, or both, to use in class and to take home, and;

Whereas, sufficient textbooks and instructional materials were provided to each student, including English learners, in mathematics, science, history-social science, and English/language arts, including the English language development component of an adopted program, consistent with the cycles and content of the curriculum frameworks, and;

Whereas, sufficient textbooks or instructional materials were provided to each pupil enrolled in foreign language or health classes, and;

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

Manhattan Beach Unified School District

Resolution 2008-14 (Continued)

Therefore, it is resolved that for the 2008-09 school year, the Manhattan Beach Unified School District has provided each pupil with sufficient textbooks and instructional materials aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks.

PASSED AND ADOPTED THIS 15th day of October, 2008, at a Regular Meeting, by:

Amy Howorth, President

Nancy Hersman, Vice-President

Ida VanderPoorte, Clerk

Bill Fournell, Member

Bill Eisen, Member

Manhattan Beach Unified School District

Certification of Provision of Standards-Aligned Instructional Materials
End of Fiscal Year 2008-2009
PUPIL TEXTBOOK AND INSTRUCTIONAL
MATERIALS INCENTIVE PROGRAM
GRADES K-12

The local governing board of the Manhattan Beach Unified School District hereby certifies that as of this date, each pupil in the district, in Kindergarten through grade twelve, has been provided with a standards-aligned textbook or basic instructional materials in each of the following areas:

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

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

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

Certification was approved by the local governing board at a public meeting held on October 15, 2008.

Following the California State Board of Education adoption of Kindergarten through grade eight instructional materials, the district must certify compliance with the 24-month requirement in *Education Code Section 60422(a)* which requires districts to provide each student in Kindergarten through grade eight with a state-adopted textbook or basic instructional materials by the start of the school term that commences no later than 24 months from the date of adoption by the State Board of Education. Below is a table showing the currently scheduled adoption dates for the four core curriculum areas and the 24 month deadline:

State Board adoption date and date for provision of materials:

Subject	Adoption Date	24 Month Date
History-Social Science	November 2005	Fall 2007
Science	November 2006	Fall 2008
Mathematics	November 2007	Fall 2009
Reading/Language Arts	November 2008	Fall 2010

The local governing board of Manhattan Beach Unified School District has provided each pupil in Kindergarten through grade eight with a state adopted standards-aligned textbook or basic instructional materials in the following subjects by the date indicated below to meet the 24 month rule in EC 60422 (a):

Subject	SBE Adoption Date	24 Month Date	MBUSD Board Adoption Date
History-Social Science	November 2005	Fall 2007	May 2006
Science-Secondary	November 2006	Fall 2008	July 2007
Science-Elementary			February 2008
Mathematics-Gr. 8 & MCHS	November 2007	Fall 2009	June 2008
Mathematics-K-7			In Process
Reading/Language Arts	November 2008	Fall 2010	In Process

PASSED AND ADOPTED THIS 15th day of October, 2008, at a Regular Meeting, by:

Amy Howorth, President

Nancy Hersman, Vice-President

Ida VanderPoorte, Clerk

Bill Fournell, Member

Bill Eisen, Member

**Instructional Materials Survey For Compliance With Education Code Sections 1240 (i) And 60119
Elementary School Level – 2008**

ESSENTIAL COMPONENT	OBJECTIVE	Compliance With Education Code Sections 1240 (i) And 60119		PURCHASED		TO USE	
		GRADE	YES	NO	YES	NO	
RLA/ELD Textbooks or Instructional Materials	School/district provides SBE-adopted core textbooks or instructional materials, and/or accelerated interventions, in RLA/ELD (2002-2008 adoption, including interventions), for each pupil to use in class and to take home.	K	X		X		
		1	X		X		
		2	X		X		
		3	X		X		
		4	X		X		
		5	X		X		
		6	N/A		N/A		N/A
Comments:		<p>The elementary school has distributed to students the district's selection of SBE-adopted RLA/ELD textbook or instructional materials.</p> <p>SBE-adopted basic programs for RLA/ELD include:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Houghton Mifflin, <i>Houghton Mifflin Reading: A Legacy of Literacy</i>, 2003*, Gr. K-6 <input checked="" type="checkbox"/> SRA/McGraw-Hill, <i>SRA/Open Court Reading</i>, 2000 & 2002*, Gr. K-6 <p>[*In Spanish as alternate format]</p> <p>SBE-adopted intervention programs for RLA/ELD include:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Glencoe/McGraw-Hill (Sopris West), <i>Language! A Literacy Intervention Curriculum</i>, 2002, Gr. 4-8 <input type="checkbox"/> Hampton Brown, <i>High Point</i>, 2001, Gr. 4-8 <input type="checkbox"/> Hampton Brown, <i>High Point</i> (for English Learners), 2001, Gr. 4-8 <input type="checkbox"/> Pearson Longman, <i>The Shining Star Program</i>, 2004/2005, Gr. 4-8** <input type="checkbox"/> Scholastic, <i>Read 180</i>, 2002, Gr. 4-8 <input type="checkbox"/> Sopris West, <i>Language!</i> 3rd Edition, 2004, Gr. 4-8** <input type="checkbox"/> Sopris West, <i>Language!</i> 3rd Edition (for English Learners), 2004, Gr. 4-8** <input type="checkbox"/> SRA/McGraw-Hill, <i>SRA/Reach Program</i>, 2002, Gr. 4-8 <input type="checkbox"/> Voyager Expanded Learning, <i>Voyager Passport</i>, 2004/2005, Gr. 4-8** <input type="checkbox"/> Wright Group/McGraw-Hill, <i>Fast Track Reading Program</i>, 2002/2003, Gr. 4-8 <p>[**Programs added by 2005 Follow-Up Adoption]</p> <p><input type="checkbox"/> Alternative Current Materials</p> <p>The district has developed an instructional program consistent with the content and cycles of the curriculum frameworks for this curricular area by combining one or more instructional resources. The program is provided to all students at this grade level or enrolled in these courses. A copy of the local governing board resolution of sufficiency is attached.</p>					
		<p>Note: The Clearinghouse for Specialized Media and Translations at http://www.cde.ca.gov/te/pn/sm provides instructional materials in accessible formats for students with disabilities.</p> <p>Note: new RLA/ELD instructional materials will be adopted by the SBE in November 2008. While districts may continue to use the previously adopted materials to meet the sufficiency requirements of EC Section 60119, the Instructional Materials Funding Realignment Program (EC Section 60422) requires that newly adopted materials be purchased by the start of the fall term no later than 24 months after a SBE adoption.</p>					

**Instructional Materials Survey For Compliance With Education Code Sections 1240 (i) And 60119
Elementary School Level – 2008**

ESSENTIAL COMPONENT	OBJECTIVE	Compliance With Education Code Sections 1240 (i) And 60119		PURCHASED		TO USE	
		GRADE	YES	NO	YES	NO	
Mathematics Textbooks or Instructional Materials	School/district provides SBE-adopted core textbooks or instructional materials in mathematics (2007-2013 adoption), for each pupil to use in class and to take home.	K	X		X		
		1	X		X		
		2	X		X		
		3	X		X		
		4	X		X		
		5	X		X		
		6	N/A		N/A		
	<p>Comments: The instructional materials for mathematics being implemented in all MBUSD elementary schools are textbooks and ancillary materials from the 2001 Saxon series. These materials were state adopted and are standards-aligned. A district-wide adoption for new mathematics materials for grades K-7 will take place this fall.</p> <p>Note: The Clearinghouse for Specialized Media and Translations at http://www.cde.ca.gov/rs/rs/sm provides instructional materials in accessible formats for students with disabilities.</p> <p>Note: The 2001 adoption list (http://www.cde.ca.gov/ci/mi/hmi) expired November 2007. Though those programs are no longer state adopted, districts may continue to use them to meet the sufficiency requirements of EC Section 60119. However, the Instructional Materials Funding Realignment Program (EC Section 60422) requires that newly adopted materials be purchased by the start of the fall term no later than 24 months after a SBE adoption.</p>						
	<p>Alternative Current Materials The district has developed an instructional program consistent with the content and cycles of the curriculum frameworks for this curricular area by combining one or more instructional resources. The program is provided to all students at this grade level or enrolled in these courses. A copy of the local governing board resolution of sufficiency is attached.</p> <p><input type="checkbox"/> Sadlier-Oxford, <i>Progress in Mathematics CA Edition</i>, 2008, Gr. K-6 <input type="checkbox"/> Saxon, <i>California Saxon Math</i>, 2008, K-6 <input type="checkbox"/> SRA/McGraw-Hill, <i>SRA Real Math</i>, 2009, K-6 <input type="checkbox"/> TPS Publishing Co., <i>CA State Standards Aligned Mathematics Program</i>, 2007, K-3 <input type="checkbox"/> Wright Group/McGraw-Hill, <i>California Everyday Mathematics</i>, 2008, K-6</p>						

This CDE template lists for schools/districts all the SBE-adopted instructional materials. This form is to assist county superintendents of schools to evaluate the sufficiency of textbooks or instructional materials.
California Department of Education

**Instructional Materials Survey For Compliance With Education Code Sections 1240 (i) And 60119
Elementary School Level – 2008**

ESSENTIAL COMPONENT	OBJECTIVE	Compliance With Education Code Sections 1240 (i) And 60119		PURCHASED		TO USE		
		GRADE	YES	NO	YES	NO		
History-Social Science Textbooks or Instructional Materials	School/district provides SBE-adopted core textbooks or instructional materials in history-social science (2005-2011 adoption), for each pupil to use in class and to take home.	K	X			X		
		1	X			X		
		2	X				X	
		3	X				X	
		4	X				X	
		5	X				X	
		6	N/A				N/A	
	<p>The elementary school has distributed to students the district's selection of SBE-adopted history-social science textbook or instructional materials.</p> <p>SBE-adopted history-social science programs include:</p> <p><input type="checkbox"/> Glencoe/McGraw-Hill, <i>Glencoe Discovering Our Past*</i>, 2006, Gr. 6-8</p> <p><input checked="" type="checkbox"/> Harcourt School Publishers, <i>Reflections: California Series*</i>, 2007, Gr. K-6</p> <p><input type="checkbox"/> Holt, Rinehart and Winston, <i>Holt California Social Studies*</i>, 2006, Gr. 6-8</p> <p><input checked="" type="checkbox"/> Houghton Mifflin, <i>Houghton Mifflin Social Science</i>, 2007, Gr. K-6</p> <p><input type="checkbox"/> Macmillan/McGraw-Hill, <i>California Vistas</i>, 2007*, Gr. K-6</p> <p><input type="checkbox"/> McDougal Littell, <i>McDougal Littell California Middle School Social Studies Series*</i>, 2006, Gr. 6-8</p> <p><input type="checkbox"/> Oxford University Press, <i>Oxford History-Social Science Program for California</i>, 2005, Gr. 5-8</p> <p><input type="checkbox"/> Pearson Prentice Hall, <i>Prentice Hall Social Studies</i>, 2006, Gr. 6-8</p> <p><input type="checkbox"/> Pearson Scott Foresman, <i>Scott Foresman History-Social Science for California*</i>, 2006, Gr. K-5</p> <p><input type="checkbox"/> Teachers' Curriculum Institute, <i>History Alive! California Middle Schools Program*</i>, 2005, Gr. 6-8</p> <p>[* Available in Spanish as alternate format]</p> <p><input type="checkbox"/> Alternative Current Materials</p> <p>The district has developed an instructional program consistent with the content and cycles of the curriculum frameworks for this curricular area by combining one or more instructional resources. The program is provided to all students at this grade level or enrolled in these courses. A copy of the local governing board resolution of sufficiency is attached.</p>	<p>Comments:</p> <p>The Harcourt School Publishers series was adopted by the Board for use in K and 5 in 2006. The Board approved the adoption of the Houghton Mifflin series for grades 1-4 at that same time.</p> <p>Note: The Clearinghouse for Specialized Media and Translations at http://www.cde.ca.gov/ie/prl/sml provides instructional materials in accessible formats for students with disabilities.</p> <p>Note: The 1999 adoption list expired July 2005. Though those programs are no longer state adopted, districts may continue to use them to meet the sufficiency requirements of EC Section 60119. However, the Instructional Materials Funding Realignment Program (EC Section 60422) requires that newly adopted materials be purchased by the start of the fall term no later than 24 months after a SBE adoption.</p>						

**Instructional Materials Survey For Compliance With Education Code Sections 1240 (i) And 60119
Middle School Level - 2008**

ESSENTIAL COMPONENT	OBJECTIVE	Compliance With Education Code Sections 1240 (i) And 60119		PURCHASED		TO USE	
		GRADE		YES	NO	YES	NO
RLA/ELD Textbooks or Instructional Materials	School/district provides SBE-adopted core textbooks or instructional materials, and/or accelerated interventions, in RLA/ELD (2002-2008 adoption, including interventions), for each pupil to use in class and to take home.	6		X		X	
		7		X		X	
		8		X		X	
<p>The elementary school has distributed to students the district's selection of SBE-adopted RLA/ELD textbook or instructional materials.</p> <p>SBE-adopted basic programs for RLA/ELD include:</p> <p><input type="checkbox"/> Houghton Mifflin, <i>Houghton Mifflin Reading: A Legacy of Literacy</i>, 2003*, Gr. K-6</p> <p><input type="checkbox"/> SRA/McGraw-Hill, <i>SRA/Open Court Reading</i>, 2000 & 2002*, Gr. K-6</p> <p><input type="checkbox"/> Glencoe/McGraw-Hill, <i>The Reader's Choice</i>, 2002, Gr. 6-8</p> <p><input type="checkbox"/> Holt, Rinehart and Winston, <i>Literature and Language Arts</i>, 2003, Gr. 6-8</p> <p><input type="checkbox"/> McDougal Littell, <i>McDougal Littell Reading and Language Arts Program</i>, 2002, Gr. 6-8</p> <p><input type="checkbox"/> Prentice Hall, <i>Prentice Hall Literature: Timeless Voices, Timeless Themes</i>, 2002, Gr. 6-8</p> <p>[*Note: In Spanish as alternate format]</p> <p>SBE-adopted intervention programs for RLA/ELD include:</p> <p><input type="checkbox"/> Glencoe/McGraw-Hill (Sopris West), <i>Language! A Literacy Intervention Curriculum</i>, 2002, Gr. 4-8</p> <p><input type="checkbox"/> Hampton Brown, <i>High Point</i>, 2001, Gr. 4-8</p> <p><input checked="" type="checkbox"/> Hampton Brown, <i>High Point (for English Learners)</i>, 2001, Gr. 4-8</p> <p><input type="checkbox"/> Pearson Longman, <i>The Shining Star Program</i>, 2004/2005, Gr. 4-8**</p> <p><input type="checkbox"/> Scholastic, <i>Read 180</i>, 2002, Gr. 4-8</p> <p><input type="checkbox"/> Sopris West, <i>Language! 3rd Edition</i>, 2004, Gr. 4-8**</p> <p><input type="checkbox"/> Sopris West, <i>Language! 3rd Edition (for English Learners)</i>, 2004, Gr. 4-8**</p> <p><input type="checkbox"/> SRA/McGraw-Hill, <i>SRA/Reach Program</i>, 2002, Gr. 4-8</p> <p><input type="checkbox"/> Voyager Expanded Learning, <i>Voyager Passport</i>, 2004/2005, Gr. 4-8**</p> <p><input type="checkbox"/> Wright Group/McGraw-Hill, <i>Fast Track Reading Program</i>, 2002, Gr. 4-8</p> <p>[**Program added by 2005 Follow-Up Adoption]</p> <p><input checked="" type="checkbox"/> Alternative Current Materials</p> <p>The district has developed an instructional program consistent with the content and cycles of the curriculum frameworks for this curricular area by combining one or more instructional resources. The program is provided to all students at this grade level or enrolled in these courses. A copy of the local governing board resolution of sufficiency is attached.</p>		<p>Comments: In grades six through eight, McDougal Littell <i>Language of Literature</i> is implemented in all English/language arts classes. This series appeared on the AB 2519-1999 list of approved reading/language arts instructional materials. Though this series was adopted prior to 2002, teachers in grades six through eight supplement instruction with a minimum of three core literature novels at each grade level. All California content standards for English/language arts are taught using a combination of the McDougal Littell anthology and the core literature novels. New English/language arts instructional materials are scheduled to be reviewed and adopted during the 2008-2009 school year.</p> <p>Note: The Clearinghouse for Specialized Media and Translations at http://www.cde.ca.gov/te/tp/ism/ provides instructional materials in accessible formats for students with disabilities.</p> <p>Note: new RLA/ELD instructional materials will be adopted by the SBE in November 2008. While districts may continue to use the previously adopted materials to meet the sufficiency requirements of EC Section 60119, the Instructional Materials Funding Realignment Program (EC Section 60422) requires that newly adopted materials be purchased by the start of the fall term no later than 24 months after a SBE adoption.</p>					

This CDE template lists for schools/districts all the SBE-adopted instructional materials. This form is to assist county superintendents of schools to evaluate the sufficiency of textbooks or instructional materials.
California Department of Education

**Instructional Materials Survey For Compliance With Education Code Sections 1240 (i) And 60119
Middle School Level - 2008**

ESSENTIAL COMPONENT	OBJECTIVE	Compliance With Education Code Sections 1240 (i) And 60119		PURCHASED		TO USE	
		GRADE	YES	NO	YES	NO	
Mathematics Textbooks or Instructional Materials	School/district provides SBE-adopted core textbooks or instructional materials in mathematics (2007-2013 adoption), for each pupil to use in class and to take home.	6	X			X	
		7	X			X	
		8	X			X	
<p>Comments: New instructional materials for mathematics instruction in grades six, seven, and eight (intervention purposes) will occur in the fall of 2008. Algebra I/II and Algebra AB materials were already selected and Board approved in the spring of 2008.</p> <p>Note: The Clearinghouse for Specialized Media and Translations at http://www.cde.ca.gov/rs/dp/dm provides instructional materials in accessible formats for students with disabilities.</p> <p>Note: The 2001 adoption list (http://www.cde.ca.gov/cirma/frm) expired November 2007. Though those programs are no longer state adopted, districts may continue to use them to meet the sufficiency requirements of EC Section 60119. However, the Instructional Materials Funding Realignment Program (EC Section 60422) requires that newly adopted materials be purchased by the start of the fall term no later than 24 months after a SBE adoption.</p>							
	<p>The middle school has distributed to students the district's selection of SBE-adopted mathematics textbook or instructional materials (as listed on the CDE web site).</p> <p>SBE-adopted Basic Grade-Level Mathematics Programs include:</p> <p><input type="checkbox"/> CGP Education, <i>California Standards-Driven Mathematics Program</i>, 2007, Gr. 6-8</p> <p><input type="checkbox"/> CPM Educational Program, <i>Algebra Connections</i>, 2008, Gr. 8</p> <p><input type="checkbox"/> Glencoe/McGraw-Hill, <i>Glencoe California Mathematics & Algebra 1: Concepts, Skills, and Problem Solving</i>, 2008, Gr. 6-8</p> <p><input type="checkbox"/> Harcourt School Publishers, <i>California HSP Math</i>, 2009, Gr. K-6</p> <p><input type="checkbox"/> Holt, Rinehart and Winston, <i>Holt California Mathematics</i>, 2008, Gr. 6-8</p> <p><input type="checkbox"/> Houghton Mifflin Company, <i>Houghton Mifflin California Math</i>, 2009, Gr. K-6</p> <p><input type="checkbox"/> Key Curriculum Press, <i>Discovering Algebra</i>, 2008, Gr. 8</p> <p><input type="checkbox"/> Kinetic Books, <i>Algebra 1</i>, 2007, Gr. 8</p> <p><input type="checkbox"/> Macmillan/McGraw-Hill, <i>Macmillan/McGraw-Hill Math</i>, 2009, Gr. K-6</p> <p><input type="checkbox"/> McDougal Littell, <i>McDougal Littell CA Pre-Algebra and Algebra 1</i>, 2008, Gr. 7-8</p> <p><input checked="" type="checkbox"/> McDougal Littell, <i>McDougal Littell CA Math Course 1, Course 2, Algebra 1</i>, 2008, Gr. 6-8</p> <p><input type="checkbox"/> Pearson Scott Foresman, <i>Scott Foresman – Addison Wesley enVisionMath California</i>, 2009, Gr. K-6</p> <p><input type="checkbox"/> Pearson Prentice Hall, <i>Prentice Hall Mathematics California</i>, 2008, Gr. 6-8</p> <p><input type="checkbox"/> Pearson Prentice Hall, <i>Prentice Hall Mathematics Algebra 1</i>, 2009, Gr. 8</p> <p><input type="checkbox"/> Sadlier-Oxford, <i>Progress in Mathematics CA Edition</i>, 2008, Gr. K-6</p> <p><input type="checkbox"/> Saxon, <i>California Saxon Math</i>, 2008, Gr. K-6</p> <p><input type="checkbox"/> SRA/McGraw-Hill, <i>SRA Real Math</i>, 2009, Gr. K-6</p> <p><input type="checkbox"/> Wright Group/McGraw-Hill, <i>California Everyday Mathematics</i>, 2008, Gr. K-6</p> <p><input checked="" type="checkbox"/> Alternative Current Materials The district has developed an instructional program consistent with the content and cycles of the curriculum frameworks for this curricular area by combining one or more instructional resources. The program is provided to all students at this grade level or enrolled in these courses. A copy of the local governing board resolution of sufficiency is attached.</p>						

**Instructional Materials Survey For Compliance With Education Code Sections 1240 (i) And 60119
Middle School Level - 2008**

ESSENTIAL COMPONENT	OBJECTIVE	Compliance With Education Code Sections 1240 (i) And 60119		PURCHASED		TO USE	
		GRADE		YES	NO	YES	NO
History-Social Science Textbooks or Instructional Materials	School/district provides SBE-adopted core textbooks or instructional materials in history-social science (2005-2011 adoption), for each pupil to use in class and to take home.	6		X		X	
		7		X		X	
		8		X		X	
		<p>Comments: The Holt, Rinehart, and Winston series was Board approved in May of 2006 for implementation in grade six. The series approved for use in grades seven and eight was Glencoe-McGraw-Hill.</p> <p>Note: The Clearinghouse for Specialized Media and Translations at http://www.cde.ca.gov/ir/psm/ provides instructional materials in accessible formats for students with disabilities.</p> <p>Note: The 1999 adoption list expired July 2005. Though those programs are no longer state adopted, districts may continue to use them to meet the sufficiency requirements of EC Section 60119. However, the Instructional Materials Funding Realignment Program (EC Section 60422) requires that newly adopted materials be purchased by the start of the fall term no later than 24 months after a SBE adoption.</p>					

The middle school has distributed to students the district's selection of SBE-adopted history-social science textbooks or instructional materials.

SBE-adopted history-social science programs include:

Glencoe/McGraw-Hill, *Glencoe Discovering Our Past**, 2006, Gr. 6-8

Harcourt School Publishers, *Reflections: California Series**, 2007, Gr. K-6

Holt, Rinehart and Winston, *Holt California Social Studies**, 2006, Gr. 6-8

Houghton Mifflin, *Houghton Mifflin Social Science*, 2007, Gr. K-6

Macmillan/McGraw-Hill, *California Vistas**, 2007, Gr. K-6

McDougal Littell, *McDougal Littell California Middle School Social Studies Series**, 2006, Gr. 6-8

Oxford University Press, *Oxford History-Social Science Program for California*, 2005, Gr. 5-8

Pearson Prentice Hall, *Prentice Hall Social Studies**, 2006, Gr. 6-8

Teachers' Curriculum Institute, *History Alive! California Middle Schools Program**, 2005, Gr. 6-8

[*Available in Spanish as alternate format]

Alternative Current Materials

The district has developed an instructional program consistent with the content and cycles of the curriculum frameworks for this curricular area by combining one or more instructional resources. The program is provided to all students at this grade level or enrolled in these courses. A copy of the local governing board resolution of sufficiency is attached.

**Instructional Materials Survey For Compliance With Education Code Sections 1240 (i) And 60119
Middle School Level - 2008**

ESSENTIAL COMPONENT	OBJECTIVE	Compliance With Education Code Sections 1240 (i) And 60119		PURCHASED		TO USE	
		GRADE	YES	NO	YES	NO	
Science Textbooks or Instructional Materials	School/district provides SBE-adopted core textbooks or instructional materials in science (2006-2012 adoption), for each pupil to use in class and to take home.	6	X		X		
		7	X		X		
		8	X		X		
<p>Comments:</p> <p>The Holt series was implemented in 2007-2008 at all middle school grade levels.</p> <p>Note: The Clearinghouse for Specialized Media and Translations at http://www.cde.ca.gov/re/oi/nism provides instructional materials in accessible formats for students with disabilities.</p> <p>Note: The 2000 adoption list expired July 2006. Though those programs are no longer state adopted, districts may continue to use them to meet the sufficiency requirements of EC Section 60119. However, the Instructional Materials Funding Realignment Program (EC Section 60422) requires that newly adopted materials be purchased by the start of the fall term no later than 24 months after a SBE adoption.</p>							

This CDE template lists for schools/districts all the SBE-adopted instructional materials. This form is to assist county superintendents of schools to evaluate the sufficiency of textbooks or instructional materials.
California Department of Education

**Instructional Materials Survey For Compliance With Education Code Sections 1240 (j) And 60119
Middle School Level - 2008**

ESSENTIAL COMPONENT	OBJECTIVE	Compliance With Education Code Sections 1240 (j) And 60119		PURCHASED		TO USE	
		Program	YES	NO	YES	NO	
Foreign Language Textbooks or Instructional Materials	<p>School/district provides state-adopted foreign language textbooks or instructional materials (2003-2011 adoption cycle) in all classrooms for all students enrolled in foreign language courses.</p> <p>SBE-adopted foreign language programs include:</p> <p>Spanish</p> <p><input type="checkbox"/> EMC/Paradigm Publishing, <i>Navegando 1A and 1B, 2005**</i></p> <p><input type="checkbox"/> Glencoe/McGraw-Hill, <i>Glencoe Spanish 1Buen viaje!</i></p> <p><input type="checkbox"/> Glencoe/McGraw-Hill, <i>Glencoe Middle School Spanish Como te va?</i></p> <p><input type="checkbox"/> Holt, Rinehart and Winston, <i>Ven conmigo! Holt Spanish</i></p> <p><input type="checkbox"/> McDougal, Littell & Company, <i>Tu mundo/Nuestro mundo</i></p> <p><input checked="" type="checkbox"/> McDougal, Littell & Company, <i>En español!</i></p> <p><input type="checkbox"/> Prentice Hall, Inc., <i>Realidades</i></p> <p><input type="checkbox"/> Wright Group, <i>¡Viva el español!, 2005, Gr. 1-6**</i></p> <p>French</p> <p><input type="checkbox"/> Glencoe/McGraw-Hill, <i>Glencoe French 1 Bon voyage!</i></p> <p><input type="checkbox"/> Holt, Rinehart and Winston, <i>Allez, viens! Holt French</i></p> <p><input checked="" type="checkbox"/> McDougal, Littell & Company, <i>Discovering French, Nouveau!</i></p> <p>German</p> <p><input type="checkbox"/> McDougal, Littell & Company, <i>Auf Deutsch!</i></p> <p>Japanese</p> <p><input type="checkbox"/> Cheng and Tsui, <i>Mirai</i></p> <p>Latin</p> <p><input type="checkbox"/> Cambridge University Press, <i>Cambridge Latin Course</i></p> <p><input type="checkbox"/> Glencoe/McGraw-Hill, <i>Glencoe Latin 1: Latin for Americans</i></p> <p><input type="checkbox"/> Prentice-Hall, Inc., <i>Ecce Romani</i></p> <p>*Under Education Code 60119 (a)(1)(C): "The provision of the textbooks, instructional materials or science equipment specified in this subparagraph is not a condition of receipt of funds provided by this subdivision."</p> <p>[**Program added by 2005 Follow-Up Adoption]</p>	<p>The middle school has distributed to students state-adopted foreign language textbooks or instructional in all classrooms for all students enrolled in foreign language course(s).*</p>	<p>Spanish <input checked="" type="checkbox"/></p> <p>French <input checked="" type="checkbox"/></p> <p>German <input type="checkbox"/></p> <p>Japanese <input type="checkbox"/></p> <p>Latin <input type="checkbox"/></p> <p>Other <input type="checkbox"/></p>	<p>Comments: The middle school Spanish and French textbooks are older editions (1998) than those that are currently listed on the SBE-approved list (2004). They are aligned to the new high school foreign language textbooks that were purchased as part of the Foreign Language Assistance Program (FLAP) grant.</p>	<p>Note: The Clearinghouse for Specialized Media and Translations at http://www.cde.ca.gov/te/pri/sm/ provides instructional materials in accessible formats for students with disabilities.</p>		

22.

Instructional Materials Survey For Compliance With Education Code Sections 1240(i) And 60119 High School Level 2008

ESSENTIAL COMPONENT	OBJECTIVE	Compliance With Education Code Sections 1240(i) and 60119	GRADE	PURCHASED		TO USE	
				YES	NO	YES	NO
English-Language Arts Textbooks or Instructional Materials	School/district provides state standards-aligned English/language arts textbooks or instructional materials in all classrooms for all students enrolled in grades 9-12 English courses, including all SBE-adopted intervention programs for appropriate students.	The high school has distributed to students state standards-aligned English/Language arts textbooks or instructional materials in all classrooms for all students enrolled in grades 9-12 English courses, including all SBE-adopted intervention programs for appropriate students.	9	X		X	
			10	X		X	
			11	X		X	
			12	X		X	
		<p>SBE-adopted intervention programs for RLAI/ELD include:</p> <input type="checkbox"/> Glencoe/McGraw-Hill (Sopris West), Language! A Literacy Intervention Curriculum, 2002, Gr. 4-8 <input type="checkbox"/> Hampton Brown, High Point, 2001, Gr. 4-8 <input type="checkbox"/> Hampton Brown, High Point (for English Learners), 2001, Gr. 4-8 <input type="checkbox"/> Pearson Longman, The Shining Star Program, 2004/2005, Gr. 4-8** <input type="checkbox"/> Scholastic, Read 180, 2002, Gr. 4-8 <input type="checkbox"/> Sopris West, Language! 3 rd Edition, 2004, Gr. 4-8** <input type="checkbox"/> Sopris West, Language! 3 rd Edition (for English Learners), 2004, Gr. 4-8** <input type="checkbox"/> SRA/McGraw-Hill, SRA/Reach Program, 2002, Gr. 4-8 <input type="checkbox"/> Voyager Expanded Learning, Voyager Passport, 2004/2005, Gr. 4-8** <input type="checkbox"/> Wright Group/McGraw-Hill, Fast Track Reading Program, 2002, Gr. 4-8 <input checked="" type="checkbox"/> Alternative Curriculum Materials	<p>Comments: Mira Costa High School's English/language arts program is based on core literature. Appropriate instructional materials, including copies of all literature selections, are provided to all students enrolled in grades nine-twelve English classes. The California State Standards in English/language arts are taught through the core novels, writing activities, grammar instruction, and incorporation of other supplemental materials.</p>				

24.

Instructional Materials Survey For Compliance With Education Code Sections 1240(i) And 60119 High School Level 2008

ESSENTIAL COMPONENT	OBJECTIVE	Compliance With Education Code Sections 1240(i) and 60119	PURCHASED		TO USE	
			YES	NO	YES	NO
Mathematics Textbooks or Instructional Materials	School/district provides state standards-aligned textbooks or instructional materials in Algebra I and mathematics textbooks in other subject areas, in all classrooms for all students enrolled in grades 9-12 mathematics courses.	The high school has distributed to students state standards-aligned mathematics textbooks or instructional materials in all classrooms for all students enrolled in grades 9-12 mathematics courses.	X		X	
			X		X	
			X		X	
			X		X	
			X		X	
			X		X	
			X		X	
			X		X	
Comments: Mira Costa High School recently completed an instructional materials adoption process for mathematics. Students will be issued new mathematics textbooks with the possible exception of students enrolled in Advanced Placement (AP) mathematics courses. Since AP courses are at the college level, textbooks are purchased by the parents and are selected by instructors in accordance with AP guidelines.						

This California Department of Education template lists for schools/districts all the SBE-adopted instructional materials. This form is to assist county superintendents of schools to evaluate the sufficiency of textbooks or instructional materials. Modified September 2006.

**Instructional Materials Survey For Compliance With Education Code Sections 1240(i) And 60119
High School Level 2008**

ESSENTIAL COMPONENT	OBJECTIVE	Compliance With Education Code Sections 1240(i) and 60119	PROGRAM	PURCHASED		TO USE	
				YES	NO	YES	NO
History-Social Science Textbooks or Instructional Materials	School/district provides state standards-aligned history-social science textbooks or instructional materials in all classrooms for all students enrolled in grades 10-12 history-social science courses.	The high school has distributed to students state standards-aligned history-social science textbooks in all classrooms for all students enrolled in grades 10-12 history-social science courses.	Geography (where appropriate)	X		X	
			World History	X		X	
			US History	X		X	
			Economics	X		X	
			Government	X		X	
			Comments:				

**Instructional Materials Survey For Compliance With Education Code Sections 1240(i) And 60119
High School Level 2008**

ESSENTIAL COMPONENT	OBJECTIVE	Compliance With Education Code Sections 1240(i) and 60119	PROGRAM	PURCHASED		TO USE				
				YES	NO	YES	NO			
Science Textbooks or Instructional Materials	School/district provides state standards-aligned science textbooks in all classrooms for all students enrolled in grades 9-12 science courses.	The high school has distributed to students state standards-aligned science textbooks or instructional materials in all classrooms for all students enrolled in 9-12 science courses. For courses determined to be laboratory science courses by the school/district, science laboratory equipment is made available to all students enrolled in these 9-12 science courses.* *Under Education Code 60119 (a)(1)(C): "The provision of the textbooks, instructional materials or science equipment specified in this subparagraph is not a condition of receipt of funds provided by this subdivision."	Earth/Physical Science	X		X				
			Biology	X		X				
			Chemistry	X		X				
			Physics	X		X				
			Physiology	X		X				
			Environmental Science	X		X				
			Equipment*	X		X				
			Other:	N/A		N/A				
			Comments: New science instructional materials were implemented during the 2007-2008 school year.							

This California Department of Education template lists for schools/districts all the SBE-adopted instructional materials. This form is to assist county superintendents of schools to evaluate the sufficiency of textbooks or instructional materials. Modified September 2006.

**Instructional Materials Survey For Compliance With Education Code Sections 1240(i) And 60119
High School Level 2008**

ESSENTIAL COMPONENT	OBJECTIVE	Compliance With Education Code Sections 1240(i) and 60119	PROGRAM	PURCHASED		TO USE	
				YES	NO	YES	NO
Foreign Language Textbooks or Instructional Materials	School/district provides curriculum framework-aligned foreign language textbooks or instructional materials in all classrooms for all students enrolled in foreign language courses. *Under Education Code 60119 (a)(1)(C): "The provision of textbooks, instructional materials or science equipment specified in this subparagraph is not a condition of receipt of funds provided by this subdivision."	The high school has distributed to students state Curriculum framework-aligned foreign language textbooks or instructional materials in all classrooms for all students enrolled in foreign language courses.*	Spanish	X		X	
			French	X		X	
			Latin	N/A		N/A	
			German				
			Japanese				
Other:							
			Comments: No new Latin textbooks have been adopted by the SBE or MBUSD. Textbooks are provided to every foreign language student.				

This California Department of Education template lists for schools/districts all the SBE-adopted instructional materials. This form is to assist county superintendents of schools to evaluate the sufficiency of textbooks or instructional materials. Modified September 2006.

**Instructional Materials Survey For Compliance With Education Code Sections 1240(i) And 60119
High School Level 2008**

ESSENTIAL COMPONENT	OBJECTIVE	Compliance With Education Code Sections 1240(i) and 60119	PROGRAM	PURCHASED		TO USE	
				YES	NO	YES	NO
Health Textbooks or Instructional Materials	School/district provides curriculum framework-aligned health instructional textbooks or materials in all classrooms for all students enrolled in health courses.	The high school has distributed to students curriculum framework-aligned health textbooks or instructional materials in all classrooms for all students enrolled in health courses.*	Health	X		X	
			Other:				
			Other:				
<p>*Under Education Code 60119 (a)(1)(C): "The provision of textbooks, instructional materials or science equipment specified in this subparagraph is not a condition of receipt of funds provided by this subdivision."</p>			<p>Comments: A new health textbook was adopted by the Board in 2007, Holt: <i>Lifetime Health</i> as well as its companion supplement, Holt: <i>Sexuality and Society</i>. The Board also approved the use of the <i>Positive Prevention</i> HIV/AIDS curriculum for Mira Costa High School.</p>				

This California Department of Education template lists for schools/districts all the SBE-adopted instructional materials. This form is to assist county superintendents of schools to evaluate the sufficiency of textbooks or instructional materials. Modified September 2006.

F. CONSENT CALENDAR

2. **TITLE:** Field Trip Request for Mira Costa High School students to participate in the Model UN Conference at McGill University.

BACKGROUND: Mira Costa High School is requesting Board approval for thirty-five students and four chaperones to travel via airline to McGill University, Montreal, Canada, on November 2-9, 2008. Accommodations will be at the Centerville Hotel. Five days of school will be missed.

The students, escorted by Mira Costa teacher Robert Timberlake, will participate in the Model U.N. Conference. They will write position papers and conduct research and participate in the debate with approximately 600 students.

Scholarships will be provided. Substitute costs will be borne by the school.

ACTION RECOMMENDED: Approval is requested.

SUBMITTED BY: Carolyn Seaton, Executive Director, Educational Services

DATE OF BOARD MEETING: October 15, 2008

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
OVERNIGHT FIELD TRIP REQUEST FORM

Name of Person Requesting Approval: R. Timballe Your Position: Teacher
Your Location/School Site: MCHS Your Work Telephone: 30 303-3350

Name/Grade Level(s) of Class Participating: Model UN

Dates of Travel: from 4/2/08 to 4/9/08

Name of Destination: McGill University Montreal Canada

Destination Address: Montreal

Destination Phone Number: N/A

Name of Contact Person at Destination: _____

Reason for Travel/Educational Goal: Model UN conference

Number of Students Attending: Male: 17 Female: 18

*Number of Chaperones: Male: 2 Female: 2

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

1. Wayne Kautson
2. Robert Timballe
3. Nancy Heisman
4. Cheryl Burke
5. _____

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: Travel Store Contact: See Copy
(Proof of Insurance must accompany this form.)

Address: on file City/State/Zip/Phone: _____

Method of Transportation (be specific): FH

Name and Address of Hotel (be specific): Center Ville Hotel

How Many Days of School Will Be Missed? 5 List School Dates Missed: 11/3-11/7

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

If so, what type? NO

Will scholarships be provided? Yes 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. Svcs : _____ Clerk, Board of Trustees: _____

F. **CONSENT ITEM**

24. **TITLE:** Adopt the Findings and Recommendations from the Manhattan Beach Unified School District Measure M Bond Oversight Committee Report from 2004

BACKGROUND: The Measure M Bond Oversight Committee has provided valuable historic information summarizing their activities. At the September 17, 2008 regularly scheduled meeting, the board reviewed and discussed the Findings and Recommendations from that report. Direction was provided by the board to bring the item back for adoption. The intent is to use this report to contribute to the success of any future bond expenditure activities.

Eight (8) Findings and Recommendations were provided by the Bond Oversight Committee. The entire report is included in the board packet for review and the Findings and Recommendations can be found on the report pages 10-12.

ACTION RECOMMENDED: Adopt the Findings and Recommendations from the Manhattan Beach Unified School district Measure M Bond Oversight Committee Report from 2004

PREPARED BY: Steve Romines

DATE OF BOARD MEETING: October 1, 2008

Manhattan Beach Unified School District
Measure M Bond Oversight Committee Report
August 18, 2004

Introduction

The Measure M Bond Oversight Committee (BOC) was reconvened in November 2003 by the present Manhattan Beach Unified School District (District) Board of Trustees (Board) to investigate cost overruns on Mira Costa High School (MCHS) construction projects. The BOC met ten times in public meetings and posted agendas, meeting minutes and supporting information via the District's public notice email distribution list and on the District's Web Site: www.mbusd.org/staff/bond/index.html.

While the BOC's focus was on Measure M, project costs at the elementary and middle school sites and the District's use of alternate funding sources were examined as to their impact on MCHS overruns. This report summarizes the committee's findings.

The BOC is an all-volunteer committee of Manhattan Beach citizens. No funds were expended by the committee. At the BOC's request, District staff provided copies of records and prepared financial spreadsheets. Committee meetings were often attended by MCHS and District administrators, Board members and other interested parties. Anyone who expressed interest was invited to join the BOC's email distribution list and to attend its meetings.

Members attending six or more committee meetings in 2003-2004 included: LeRoy Nelson (Chairman), Gary Stabile (Vice Chairman), Duane Hove (Secretary), Walt Dougher, Russ Lesser, Howard Sofen and Erika White.

Frequent guests included Bill Cooper, Sandra Hardy, Herb Hinsche, Lynn McCormack, Steve McMahon, and David Wachtfogel.

The organization of the BOC report is as follows:

Introduction.....	1
What Went Wrong and Why	2
Findings and Recommendations.....	10
Exhibit A: Measure A Summary	13
Exhibit B: Sources of Construction Funds.....	14
Exhibit C: Construction Expenditures by Site and Project.....	16

A copy of this report and copies of the documents mentioned in this report are posted on the BOC's page on the District web site:

<http://www.mbusd.org/staff/bond/index.html>

What Went Wrong and Why

Measure A Projects

The original plan for the modernization of all District schools and the construction of a new middle school was developed over several years with the help of HMC Architects. Site-based facilities committees submitted proposals to the Facilities Steering Committee, which incorporated them into District-wide project lists. HMC filled in the gaps and provided time and cost estimates for all of the projects. The total estimated cost of the proposed projects was \$87 million. Election consultants surveyed the community to determine the kinds and total cost of projects the voters were willing to fund with a bond measure. The consultants determined that voters were willing to fund about half of the total cost.

A Community Relations Advisory Committee was formed to prioritize the projects and to develop a proposal that the Board and community would approve. That committee's report to the Board is posted on the BOC page on the District web site. The recommended \$51.3 million budget was approved by the Board on June 15, 1995. It called for the immediate approval of \$10 million in Certificates of Participation (COP) to start several time-critical modernization projects prior to the approval and funding of a \$47.3 million bond measure (Measure A). The budget summary page produced by HMC, the Board meeting minutes, the bond resolution, and the ballot measure were included in the School Services of California (SSC) Report as Appendices A-D (available on the web site).

COP #1

The COP was issued in August 1995, and Measure A was approved by the voters on November 7, 1995. The Measure A bonds were scheduled to be issued in three series: Series A in 1996, Series B in 2001 and Series C in 2006. Each series was to be repaid from additional property taxes over a period of 25 years. Also, half of a projected \$20 million from the Special Reserve Fund (proceeds from previous sales of property, including Aviation High School) was to be spent on the construction of a new middle school.

A COP is a lease financing agreement in the form of tax-exempt securities similar to bonds, but without the requirement of a vote of citizens. A COP is a method of borrowing against the value of the District's assets in order to finance other assets. The leased assets are held by a trustee corporation (with the same Board members) for the benefit of the COP investors.

The COP was to be a bridge loan, which was to be retired with proceeds from the Series B and Series C bonds. The COP was used to fund time-critical modernization projects that were included in the original \$51.3 million budget. There was no separate budget for COP projects in the original plan, but a 1999 COP Report does show which projects were funded by the COP. When the Measure A projects were completed, the District would have six modernized elementary schools (including the former Manhattan Beach Intermediate (MBI) site, which was actually only partially modernized), a new middle school, a modernized high school, \$10 million in the Special Reserve Fund, and no debt other than the bonds.

General Fund Augmentation

The original financial plan for Measure A also included a provision to siphon off \$800,000 per year for ten years from interest and reserves to augment the General Fund. This provision was proposed to maintain programs that had been supported by interest on the Special Reserve Fund. Of the \$8 million allocated for this purpose, \$2 million was expected to come from interest on bond funds (float), and \$6 million was expected to be withdrawn from reserves, which were also to be replenished from the proceeds of the sale of Series C bonds in 2006.

Since bond funds cannot be used for General Fund expenditures, one might ask whether this \$6 million replenishment of the Special Reserve Fund from the bond fund was legal. It was legal, because the bond funds were technically replenishing part of the \$10 million of reserves used to build the new middle

school. The District planned to spend \$10 million of reserves on the middle school in 1997-1999, of which \$6 million were to be repaid from Series C bond funds in 2006. Therefore, the planned net construction spending from the Special Reserve Fund was really \$4 million, not \$10 million. The other \$6 million of reserves was to be transferred from the Special Reserve Fund to the General Fund. The Board actually approved transferring \$3.5 million from the Special Reserve Fund to the State Modernization Fund on March 8, 2002, and reserves were not replenished from bond funds, so the net result was pretty close to the original plan of \$4 million of reserves spent on construction.

Robinson Scope Increases

The biggest project funded by the COP was the modernization of Robinson. The reopening of Robinson required establishing an attendance boundary that was closer to Pacific than to Robinson. Some of the prospective Robinson parents protested the boundary. In order to placate these parents, the District Superintendent and Board attempted to make Robinson more attractive by adding many enhancements to the Robinson modernization plan. Conspicuous examples included new cabinetry, large-screen TVs and VCRs in every classroom. Since Robinson was relatively small, the cost of these scope increases was a small percentage of the total budget, although they contributed to a 43% increase over the original Robinson budget. However, since Robinson was the first school modernized, it became the development model and the financial baseline for all of the others. Costs escalated along with expectations for each successive modernization project.

Class Size Reduction

Class size reduction (CSR) was another budget buster. CSR was adopted by the State in 1996, the year after Measure A was approved. Implementing CSR for grades K-3 required 28 additional classrooms. The state eventually provided funding to support a portion of the costs of adding CSR classrooms. CSR also greatly increased the demand for classroom portables and for classroom renovation and construction statewide, which resulted in unexpected cost increases for all subsequent new construction and modernization projects.

Additional Revenues

At a Board meeting on January 26, 1999, the Board directed District staff to include alternative funding sources for modernization. On March 24, 1999, District staff produced a Bond/COP Report that showed potential revenues of \$77.3 million, which was \$26 million larger than the original budget of \$51.3 million. The \$26 million increase had three components. (1) The \$10 million COP, which was listed as a *separate funding source* from the bond proceeds for the first time. (2) \$6 million of additional bond proceeds, which were listed as \$47.3 million instead of the planned \$41.3 million. (3) An initial \$10 million estimate for State School Modernization Funds (discussed later in this report). As noted previously, \$16 million of the \$47.3 million bond proceeds were originally intended to pay off the \$10 million COP and to replenish \$6 million of reserves, not as separate sources of modernization funding. Treating these amounts as independent funding sources had the same financial impact as drawing down reserves. On May 17, 1999, the District Superintendent sent a memo to the Board proposing to refinance rather than pay off the COP; this alternative proposal was quietly supported by a majority of Board members but not discussed publicly until after Measure M was approved. It is not known whether the \$6 million shift was deliberate or accidental. Adding that \$6 million to the construction budget would have made sense if the Board had not transferred \$6.7 million from the Special Reserve Fund to the General Fund between 1999 and 2004.

When the Series B and Series C bonds were sold much earlier than planned because of rapidly increasing property tax income, the District did not use the proceeds to pay off the COP, it did not restore reserves as planned, and it did not adjust expenditures to match revenues. Instead, the District took advantage of

favorable interest rates to refinance COP #1 in 2001, which added a little over \$4 million to construction funding by increasing indebtedness. The increased debt service for the refinanced COP #1 consumes the income that the District receives each year from Developer Fees. Thus, Developer Fees are fully committed to modernization through 2020. As of June 30, 2004, \$5.3 million of Developer Fees have been spent on modernization.

Cost Increases

The 1999 Bond/COP Report showed that actual plus expected/projected expenses for Measure A projects had expanded to consume the extra \$26 million of potential revenues. The magnitude of this growth was not obvious to the Board, however, because the report did not show the original budget amount. One Board member produced a modified version of this report in April 1999 that included a column for the project budgets. An updated version of this report is included as Exhibit A, Measure A Summary.

Some of the cost increases reflected the general construction cost increases that resulted from the increased demand for school contractor services statewide. However, most of the increases were scope increases beyond the original budget, such as those discussed previously for Robinson. Many of these scope increases involved projects included in the original site proposals, but not included in the recommended project list. In other words, the Board ultimately approved many of the lower-priority projects requested by the school principals and site facilities committees, even though they were not included in the approved plans, and even though adequate funding was not available.

Some of the cost increases were due to unforeseen conditions discovered during construction. The original budget included a 5% contingency allowance, but this was exceeded for almost every project. The contingency allowance should have been several times larger for all school modernization projects and even larger for the older schools—Grandview and Pacific—where serious termite damage and rat infestation problems were uncovered during construction. The March 1999 Bond/COP Report included an additional 10% contingency allowance for the remaining K-8 costs.

Middle School Construction Cost Increases

The cost of building Manhattan Beach Middle School (MBMS) increased an estimated \$2 million when the Board decided to resolve the threat of litigation by residents north of the campus by moving the school approximately 100 yards to the south. This decision was made just before the bid packages were submitted to contractors. Half of the cost increase was due to the lateness of the change of plans. Additional costs were incurred at MBMS after the prime steel contractor defaulted, causing serious delays in the construction schedule. In order to maintain the completion date in the face of these challenges, the District negotiated with the subcontractors to accelerate the remaining work. The District attempted to recover the additional costs through litigation, but the legal fees ended up greatly exceeding the amount recovered.

State School Modernization Matching Funds

The District's modernization budget received substantial relief in the form of State matching funds, which were initially approved by State voters in November 1998, three years after Measure A was approved. For projects submitted before September 15, 2001, the State matched district funds 4 to 1 for modernization (80% match) and 1 to 1 for new construction (50% match), with limits based on school enrollment. The District created School Modernization Fund 82 on April 28, 1999.

The District was not able to take advantage of State matching funds for Robinson or MBMS because of timing issues, but applications for State matching funds were submitted for each of the other five schools as their modernization plans were approved. Each project was approved for the maximum amount of State matching funds based on school enrollment, and the District transferred its required contributions from bond funds to the School Modernization Fund. All of the District contributions to the School

Modernization Fund should have come from Measure A, but more than half (\$1.9 million) was actually transferred from Measure M. Amended applications were submitted to take advantage of any enrollment growth after the completion of each modernization project. Because of the large backlog of approved projects, receipt of matching funds was sometimes delayed for years, until additional bond measures were approved by the voters. A total of \$13.0 million (80% of the \$16.2 million total) in State matching funds was approved, compared to the March 1999 estimate of \$10.0 million. An additional \$1.5 million of State matching funds for MCHS enrollment growth has not yet been received.

Although State matching funds were allocated to each school site, they were never allocated to specific projects at those sites. The existence of these additional funds was used to justify Board approval of many incremental scope increases in addition to covering some of the increases in the costs of the originally budgeted projects.

Routine Restricted Maintenance Account (RRMA)

Districts receiving State matching funds after November 1998 are required to contribute at least 3% of their General Fund budget to an RRMA fund for the next 20 years. The State matches up to ½% of this contribution under the State School Deferred Maintenance Program. The District is required to contribute about \$1.4 million each year to RRMA. Since 1995, the District has transferred interest on the Special Reserve Fund to the RRMA, and the balance has been paid from the General Fund. The total RRMA contribution could be considered a cost of modernization, since the requirement resulted from accepting State matching funds. However, the RRMA contribution could also be considered a prudent operating expense regardless of modernization.

MCHS Modernization

The amount allocated to MCHS modernization in the District's March 24, 1999 Bond/COP Report was arrived at by deducting the projected costs of all other modernization projects from the projected revenues. The balance available for MCHS modernization was 126% more than the original budget. Although this allocation may have appeared ample to most observers, there were several reasons to believe that this amount would not be sufficient. First, bids received a few months previously for the Meadows modernization project were much higher than expected – projected costs to completion were 176% over the budget. Even greater cost increases were predicted for Pennekamp, the next school to be modernized. Second, MCHS modernization was not expected to start for one year, and was expected to take several years, so additional cost increases were likely to occur because of cost inflation due to the later start. Third, modernization costs have consistently exceeded estimates (even revised estimates) by significant amounts (Exhibit A. Measure A Summary). The K-8 modernization costs grew from the 1995 budget of \$41.0 million to the 1999 estimate of \$53.9 million (32% increase) to the 2004 estimate of \$64.1 million (56% increase over budget). The MCHS modernization costs grew from the 1995 budget of \$10.3 million to the 1999 estimate of \$23.4 million (126% increase) to the 2004 estimate of \$27.1 million (163% increase over budget).

Measure A Projects - The Bottom Line

The total costs of Measure A projects grew from the 1995 budget of \$51.3 million to the 1999 estimate of \$77.3 million (51% increase) to the 2004 estimate of \$91.2 million (136% increase over budget). Even after expanding the funds available by refinancing the COP and by adding developer fees and donations subsequent to the 1999 report, the project costs continued to grow faster than the available funds. Our best estimate is that the total costs of Measure A projects exceeded all available funds other than Measure M and the remaining reserves by \$13.2 million dollars (Exhibit A. Measure A Summary). The impact on Measure M is discussed in a later section.

Measure M Projects

On August 4, 2000, the Board authorized placing a \$26 million bond on the ballot; the Board's resolution is included in the SSC Report. Measure M was approved by the voters on November 7, 2000. The bond proceeds were to be used for the construction of five new two-story buildings at MCHS.

The Measure M campaign in 2000 advertised that all Measure A projects were "on time and on budget." The "on time" claim was substantially correct, although schedules were frequently maintained by using emergency declarations (to avoid the time-consuming competitive public bidding process) and costly accelerated work schedules. However, the "on budget" claim was only true if one retroactively included the \$26 million of additional revenues identified in the March 1999 report in the budget. That is not what an average citizen would understand as "on budget", but it was an effective campaign slogan.

Bond Oversight Committee

The Board passed a resolution on July 5, 2000 which stated, "In the event that a statewide ballot proposition is approved on November 7, 2000 lowering the required voter approval level from its current two-thirds, it is the intent of the District to have its election governed by the provisions of such statewide proposition if otherwise permitted by law." Proposition 39 was approved. It required districts to form a Citizens' Oversight Committee with specific duties and membership requirements. The primary requirement is ensuring that bond revenues are expended only for the purposes described in Article XIII A, Section 1(b) (3) of the California Constitution:

Bonded indebtedness incurred by a school district ... for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities ... , approved by 55 percent of the voters of the district ... , voting on the proposition on or after the effective date of the measure adding this paragraph. This paragraph shall apply only if the proposition approved by the voters and resulting in the bonded indebtedness includes all of the following accountability requirements:

(A) A requirement that the proceeds from the sale of the bonds be used only for the purposes specified in Article XIII A, Section 1(b) (3), and not for any other purpose, including teacher and administrator salaries and other school operating expenses.

(B) A list of the specific school facilities projects to be funded and certification that the school district board ... has evaluated safety, class size reduction, and information technology needs in developing that list.

Applications for the Bond Oversight Committee (BOC) were accepted in December and members were appointed by the Board in January, 2001. The BOC met five times during 2001 and once in 2002: 01/31/01, 03/14/01, 04/25/01, 08/21/01, 10/26/01 and 05/21/02. At the April 25, 2001 meeting, State modernization matching funds for MCHS were estimated at \$7.7 million. The architect presented exterior design concepts for the two-story classroom building and for the student services building. Timelines were slipping for all construction projects. The next meeting was to be scheduled when the preliminary plans for both buildings were available. On August 21, 2001, the architect presented interior design concepts for both buildings. On October 26, 2001, at a joint meeting with the MCHS facilities committee, the architect presented schematics of the exterior design for both buildings. The Deputy Superintendent stated that it was too early to tell if the MCHS projects were on budget. "We are OK for now. ... We will know more when the bids come in..." According to an email status report on January 24, 2002, the plans for both buildings were submitted to the Division of State Architect (DSA). BOC was not given an opportunity to review the plans. The Deputy Superintendent reported, "I am not concerned about the budget (yet), but want to be sure that we stay within budget on the first two buildings." At the final meeting on May 21, 2002, it was reported that plans had been received from DSA the previous day. Bids were scheduled in July, with start of construction in September. The committee reviewed an updated site plan and building models. The Deputy Superintendent's final email status report to the BOC on October 15, 2002 indicated problems with structural steel for the two-story classroom building and problems with DSA approval of plans for the student services building. There was no mention of any shortfall of construction funding.

Measure M Accounting

The District's accounting staff has been very thin for many years because of many rounds of cost reductions to balance operating budgets. District staff was able to produce two spreadsheets that reconciled the sources of funds and ending balances with the actual expenditures by site and by project (Exhibit B. Sources of Construction Funds and Exhibit C. Construction Expenditures by Site and Project). District staff also produced several versions of a spreadsheet that summarized budgets and expenditures by site and by project, but this report included several discrepancies. SSC included a simplified version of this spreadsheet in their revised report of April 2004, but their spreadsheet also contains many discrepancies. Resolving the remaining discrepancies would take resources that are currently not available to the BOC.

Although all Measure M funds were spent on projects at MCHS as promised, it appears that \$13.2 million of Measure M funds were spent on MCHS modernization (\$1.9 million on the District's share of the State School Modernization matching fund and \$11.3 million on scope increases for MCHS modernization projects). The total cost of MCHS modernization was \$27.1 million, 163% over the original \$10.3 million budget. Thus, more than half of the \$26 million Measure M funds were spent on MCHS modernization instead of on new construction, as planned. **Measure M funds diverted to MCHS modernization equaled 91% of the original budgets of the library and performing arts buildings.**

Constructability Review and Value Engineering

At the December 17, 2003 BOC meeting, a number of local construction industry professionals provided information about construction management, project management and inspection services. There was consensus among these experts that pre-construction planning and design reviews are necessary to project success. These reviews should take place early in the design phase, well before construction bids are solicited.

A constructability review involves an analysis of essential construction needs, desired project features and budget. This review should determine whether the essential elements of the project could be constructed within the target budget and the extent to which desired elements can be included. The cost of essential plus desired elements generally exceeds the projected budget, requiring decisions and design changes to match the project's features with available funding. Value engineering involves an analysis of how to get the most value out of each budget dollar. This also involves tradeoffs between what is desired and what is economically feasible. Implementation of constructability review and value engineering early in the design phase of the project enhances the likelihood of achieving desired construction results within budget and minimizing the need for expensive change orders at later stages of construction.

Design reviews are most effective when conducted by expert individuals or organizations that (1) are on board at the earliest stages of the project, (2) do not have an economic incentive to increase the scope and cost of the project, and (3) do not have a relationship with the architect or general contractors that would undermine their independence and objectivity. The architect and general contractor typically have economic interests in expansive design and construction, which conflict with the goals of design reviews. A construction manager could possibly perform these functions. A "construction client advocate" is most likely to meet all of these criteria, but would probably add 3% to project soft costs.

The District's construction manager provided a constructability review on June 14, 2002 and two lists of value engineering suggestions for the MCHS Student Services and Administration Building: \$566,000 on June 14, 2002 and \$177,500 more on September 9, 2002. The total amount of the value engineering suggestions represented only 15% of the original project budget (\$4.9 million). The constructability review estimated construction costs at \$6.0 million, which was 24% over the original project budget, and this estimate did not include any allowance for subsequent change orders, scope increases or soft costs.

The total cost of this building is now projected to reach \$9.7 million, 100% over the original budget. The value engineering suggestions were hopelessly insufficient to keep the project on budget. Moreover, the bid packages for this building were approved by the Board on October 23, 2002, so the design reviews were performed far too late for serious consideration or beneficial effect. All of the value engineering suggestions were rejected by the MCHS facilities committee, and the Board approved none of them.

MCHS Building Cost Increases

The MCHS facilities committee, like facilities committees at other school sites, worked with the architects to refine and enhance the construction plans without evaluating the cost implications of the proposed enhancements. The Board approved these enhanced plans without evaluating the cost implications.

Harry Ford provided an interesting analysis of changes in MCHS building sizes and costs based on documents provided by

District staff. His figures have been updated in the table below based on recent data. Each of these buildings ended up costing about three times the architect’s \$160 per square foot original estimate and nearly twice the \$189 per square foot average cost of new high school construction published by the California Office of Public School Construction on October 23, 2002.

		Finish	Total Cost	Sq. Ft.	Cost/SF
Two-story Classroom Building	Budget	Aug. 2001	\$1,632,000	10,200	\$160
	Actual	Mar. 2003	\$4,767,943	13,683	\$348
	Increase	19 Months	192%	34%	118%
Student Services Building	Budget	Apr. 2002	\$2,824,000	17,650	\$160
	Actual	Dec. 2003	9,730,080	26,987	\$361
	Increase	20 Months	245%	53%	125%

When the low bids for construction of these two new buildings at MCHS came in around twice their original budgets, it should have become painfully obvious to the Board and District administration that the construction budget at MCHS was in trouble. Original budgets were not discussed when the construction bids were brought to the Board for approval. However, the Superintendent and Deputy Superintendent began looking once again for additional sources of funds. Preliminary studies indicated that the unused hillside north of Ladera could generate as much as \$20 million in additional revenues that could be used for construction. This information was not shared with the public, and it was apparently not shared with the entire Board at that time either. In a February 23, 2003 letter to residents of Manhattan Beach regarding the proposed \$7.5 million parcel tax, the Superintendent stated, “We have no more land for sale.”

Financial Crisis

The Board was confronted by several problems in recent years that distracted it from closely monitoring the construction budget: rapid uncontrolled growth of operating deficits, the Measure E parcel tax campaign to alleviate them, and the development of rivalries and animosities between Board members.

The financial situation reached a crisis early in 2003, when the District was forced to deal with a \$4 million deficit created by uncontrolled expenditure growth and unexpected midyear State budget cuts. Well-attended public Board meetings were held at MBMS on February 5 and 19, 2003, where the discussion of personnel cuts brought forth passionate pleas from constituents to save jobs and programs. A majority of Board members favored spending reserves to avoid making staff reductions in the current year. One Board member wanted to set a limit on the amount of the withdrawal, and the motion failed when no limit was proposed. However, the Board subsequently failed to make enough staff reductions to eliminate the budget deficit, so the District was required by law to transfer funds from the Special Reserve Fund to the General Fund to balance the budget. In effect, the Board decided to spend the reserves by default.

The Board voted on March 5, 2003 to place a \$7.5 million parcel tax on the ballot. The statements made by the District in support of Measure E touting the success of modernization and construction projects were even less accurate and less credible than the claims made in support of Measure M. Measure E failed on June 3, 2003.

Parent organizations responded to the operating budget financial crisis with the Vital Programs fundraising campaign. In spite of their heroic fundraising efforts, \$2.75 million had to be transferred from the Special Reserve Fund to the General Fund in 2002-03 and another \$2.34 million was transferred in 2003-04.

The full magnitude of the construction funding shortfall reportedly first came to the attention of the Superintendent and Board members in July 2003. A summary of expenditures versus income for all construction projects was compiled in a spreadsheet by District staff and updated by the Board President, published in a local newspaper, and presented at a public Board meeting in August 2003. The community was outraged. SSC was hired in October 2003 to audit the construction projects. Financial mismanagement became a major issue in the November 2003 Board election; both of the incumbent candidates were defeated.

The BOC was reconvened in November 2003 after not meeting since May 2002. SSC issued a report in January 2004 and then issued an addendum in April 2004 to answer some of the questions that the first report failed to address. The BOC did not consider the answers in either version of the SSC Report to be satisfactory, so the three BOC officers undertook the arduous task of writing this new report.

A law firm specializing in construction law and an owner's construction advocate were hired in 2004 to evaluate the District's recovery options. Bids for a forensic audit of the last two construction projects (the MCHS Student Services Building and the Education Center) were received in August 2004. Based on past experience, the BOC expects that all of these efforts will enable the District to recover \$100,000 or less after deducting recovery costs.

Education Center

The Education Center is not discussed in this report because it is self-funding. Debt service on the \$5 million COP #2 plus the loss of interest on the \$0.75 million transferred from the Special Reserve Fund to pay for the Education Center are less than the rent the District projected that it would have to pay at the previous District Office. After 20 years of interest and debt payments less than projected rents, the District will own the building.

Conclusion

The District spent two to three times the original budget on modernization projects at five of the seven school sites as well as on the two new construction projects at MCHS. Only three major projects experienced less than 50% growth from the original budget: Robinson, MBMS and the Education Center. Although every project increased significantly in scope, the District received tangible value for every additional expenditure. Even the estimated \$1 million spent on acceleration charges at MBMS, because of the late decision to move the buildings and because of the defaulting contractor, provided a tangible value. Finishing MBMS on time enabled the District to save over \$1 million by not adding enough portables at MBI to accommodate all of the 6th graders. The results obtained reflect the high quality of facilities that the vast majority of community members requested for our children.

The three authors of this report did not have sufficient resources to answer all of the questions that have been asked, but we have attempted to understand and explain what when wrong and why in sufficient detail to enable us to develop the following findings and recommendations, which we hope will permit the District to avoid repeating past mistakes.

Findings and Recommendations

Finding 1: The Measure M Bond Oversight Committee (BOC) was never empowered to perform its advertised function and it did not do so.

Background: Measure M was passed in the same election as Proposition 39, which requires an independent Citizens' Oversight Committee with specific membership and duties. Measure M passed with a 2/3 vote, and it was not required to meet the requirements of Proposition 39. However, the Board resolved to treat the BOC as if it was so empowered. This did not occur. BOC meetings were called by the Deputy Superintendent at his discretion and with his agendas. Eventually, meetings were not called at all, and individual BOC member's requests for information were not answered.

Recommendation: Oversight committees should elect their own officers, call meetings at their own discretion, set their own agendas, and receive unqualified support from the Board, District administration and contractor officials. If requested support is not forthcoming, the Committees should make this known to the public at Board meetings and through the local media.

Finding 2: A unified project budget and expenditure accounting was and is lacking.

Background: A project budget showing funding sources and actual plus projected expenditure accounting did not exist when the BOC was convened in 2001 or when it was reconvened in 2003. Subsequent efforts by School Services of California (SSC) and by District staff to account for expenditures produced conflicting results. Complete and credible accounting of the sources of funds (Exhibit B. Sources of Construction Funds) and actual expenditures (Exhibit C. Construction Expenditures by Site and Project) was recently completed by school site, but is still not available for all of the Mira Costa High School (MCHS) projects enumerated in the next finding.

Recommendation: A project budget should be prepared showing the expected costs and specific sources of funds for each project prior to initiating construction. All project expenditures should be tracked against budgets and funding sources in a spreadsheet format. The spreadsheet should be kept current, reviewed regularly by the BOC and Board, published on the District web site, and made available to the print media.

Finding 3: While the Measure M Bond proceeds were expended at MCHS, they were not all used for the purposes outlined in the MCHS Facilities Committee's September 21, 2000 public communication just prior to the Measure M vote and in the District's budget published on April 25, 2001- five months after the bond's approval.

Background: Measure M voters were promised that the following projects would be completed at MCHS at a cost of \$26 million:

- Phase 1.** Campus renovations already complete and paid for by \$12 million of Measure A funds [Finished]
- Phase 2.** General Classroom Building [Finished] and Maintenance and Operations/Field House Building [Canceled]
- Phase 3.** Student Services Building [Finished]
- Phase 4.** Library/Media Arts Building [Unfinished]

Phase 5. General Classroom Building with a 250-seat lecture hall [Unfinished]

Although more than \$12 million of Measure A and related modernization funds were spent on MCHS Phase 1 modernization projects as advertised, that amount was not sufficient to complete the campus renovations. \$13.2 million of Measure M funds were used to pay for part of Phase 1. Because Measure M funds were diverted to cover MCHS modernization cost overruns, insufficient Measure M funds remain for the Maintenance & Operations/Field House Building, the Library/Media Arts Building and the second General Classroom Building. The latter two buildings are now referred to as the Library and Performing Arts Buildings, respectively.

Recommendation: Bond funds raised for specific purposes should be allocated to those purposes. Funds should not be diverted to alternate uses/projects.

Finding 4: The MCHS building projects (and others) did not utilize independent constructability reviews and value engineering studies to achieve cost-effective use of Measure M funds.

Background: Constructability review analyzes and reconciles essential construction needs, desired but nonessential construction needs, and budgets. Value engineering studies analyze how to optimize available funding to achieve the desired results. To be effective, constructability reviews and value engineering studies must be implemented early in the design phase by experienced professionals with the appropriate incentives to reduce costs. The constructability reviews and value engineering studies conducted for the MCHS projects were conducted too late and were not sufficiently comprehensive to keep the costs of the projects within the original budgets. None of the suggestions were approved.

Recommendation: Construction projects should utilize the expertise of independent contractors to perform constructability reviews and value engineering studies early in the design phase. Results of these analyses should be reviewed by District staff, the BOC and the Board before the architect proceeds to final design. The reasons for not accepting cost saving recommendations should be disclosed publicly.

Finding 5: MCHS project cost growth was largely due to added work and soft costs. Change orders contributed little to cost overruns. Significant cost growth resulted from differences between planned building concepts and designs included in bid packages.

Background: The Measure M bond had specific project designs in mind with accompanying cost estimates. While soft costs (architects, construction manager, legal) were supposed to have been included, it is not at all clear that they were appropriately accounted for. Often the scope of projects enlarged to incorporate items not budgeted and soft costs either were not escalated or were not included at all.

An accounting prepared by District staff after the fact, with the assistance of interested parties, revealed that change orders, often blamed for increased costs, averaged 3 percent of planned costs. Added work averaged 26 percent and soft costs averaged 32 percent of planned costs. Cost growth between concept and bid design for the General Classroom Building was 48 percent and for the Student Services Building was 100 percent. Total project costs averaged 58 percent over planned costs.

Recommendation: Scope changes and added work should not be undertaken unless specific funding is available and committed. Change orders are to be expected and budgeted for. Strict adherence to these principles is the duty of the Board and should be implemented by the District staff. Monthly fiscal reports should be made available to a properly empowered BOC and to the public.

Finding 6: District administrators and Board members concealed past and impending project overruns, which avoided public scrutiny and ultimately led to the inability to complete major portions of promised construction at MCHS.

Background: The citizens of the District were first informed of project budget shortfalls when print media revealed massive overruns in District projects across the board - overruns which ultimately proved serious enough to eliminate major planned MCHS facilities. Subsequent investigations, including recovered email text and statements by former Board members, revealed that District administrators and Board members were aware of these overruns long before informing the public. Indeed, the Board authorized the overrun expenditures piecemeal.

Recommendation: District administrators and Board members should immediately inform the BOC and the public when financing shortfalls threaten the completion of promised construction projects. Debate on alternatives should be made public early and often.

Finding 7: The Board yielded to demands from staff and parents for excessive spending on individual school site projects.

Background: Board members and the public were not formally notified that available funds were insufficient to complete planned district-wide projects promised in bond measure advocacy literature. However, Board members were aware of substantial individual project overruns. Cumulative impacts, starting at the elementary level and proceeding through MBMS, combined with project growth at MCHS, contributed to an over \$20,000,000 shortfall. Excessive spending at Robinson started a chain reaction of demands for at least equal improvements at other elementary schools, each adding to the cumulative deficit. Unbudgeted special projects exacerbated financial difficulties. Measure M funds intended for new construction were used for MCHS modernization. Therefore, MCHS new construction projects, having been scheduled last, bore the ultimate consequences -- the loss of three buildings promised during the Measure M campaign. The Board is responsible for insuring that all of the projects are completed on time and on budget as promised. Lack of knowledge and ongoing public disclosure are inexcusable.

Recommendation: Bond funds approved by taxpayers for specific purposes should be allocated to project budgets as the campaign literature described. Total expenses cannot be allowed to exceed the total funding available. Spending for a particular project should not be allowed to exceed its budget unless spending for other projects are reduced below their budgets by enough to make up the difference or unless other funding sources are available and committed. Doing so without public approval is irresponsible.

Finding 8: The construction manager's contract terms were not conducive to cost savings.

Background: The Construction Manager was paid a percentage of project funds, including change orders and extra work. Therefore, there was little incentive for the Construction Manager to minimize costs. The crucial period where the Construction Manager's expertise is most cost effective is between concept and final design. The scope of the two MCHS buildings was allowed to increase dramatically during the design phase. Several value-engineering recommendations by the Construction Manager came too late in the projects and were too limited in scope to restore the projects to their original budgets.

Recommendation: Contract terms should be negotiated in a manner that provides an incentive for the Construction Manager to maximize quality at the lowest cost. Alternatively, a Construction Advocate should be hired whose sole purpose is to represent the District's best interests. District staff should seek and implement project value engineering recommendations early in the design phase.

Exhibit A. Measure A Summary (\$ Million)

Manhattan Beach Unified School District Bond Oversight Committee

Excludes Measure M Buildings, New Track, Education Center

Revenue Source	Original Budget	Projected Revenue	Percent of Budget	Used Revenue	Percent of Budget
As of date	06/15/95	03/24/99	03/24/99	04/14/04	04/14/04
COP #1	0.0	10.0		14.9	
Measure A	41.3	47.3		41.3	
Special Reserves	10.0	10.0		3.5	
Modernization	0.0	10.0		13.0	
Developer Fees	0.0	0.0		5.3	
Measure M	0.0	0.0		13.2	
Revenue Totals	51.3	77.3	151%	91.2	178%

School or Project	Plan Year	Bids Approved	Original Budget	Expended	Cost to Complete	Projected Cost	Percent of Budget	Total Cost	Percent of Budget
As of date	06/15/95	01/08/99	03/24/99	03/24/99	03/24/99	03/24/99	03/24/99	04/14/04	04/14/04
Robinson	1996	03/27/96	2.6	3.5	0.0	3.5	136%	3.7	143%
MBMS	1997	05/28/97	19.2	20.1	1.5	21.6	113%	22.5	117%
MBI Conversion	1996	06/24/98	4.7	2.6	1.5	4.1	52%	2.5	54%
Meadows	2001	12/09/98	1.7	1.2	3.5	4.7	276%	5.4	314%
Pennekamp	2000	10/13/99	1.8	1.5	3.8	5.3	291%	6.1	333%
Portables	1996	07/19/00	3.2	(Included in MBI Conversion)				2.3	72%
Grand View	1997	12/11/00	3.6	1.8	4.2	6.0	168%	8.4	236%
Pacific	1999	07/18/01	3.0	1.7	4.5	6.2	204%	10.5	346%
Other	1996		1.2	0.4	0.0	0.4	36%	2.7	230%
Contingency			(5% included)		2.0	2.0			
K-8 Subtotals			41.0	32.9	21.0	53.9	132%	64.1	156%
MCHS	1997		10.3	5.8	17.6	23.4	226%	27.1	263%
Pool	1996	01/31/96							
Infrastructure		05/24/00							
Phase 1A&1B		05/02/01							
Phase 1C		06/18/02							
Phase 1D		05/17/03							
Cost Totals			51.3	38.7	38.6	77.3	151%	91.2	178%

Exhibit B. Sources of Construction Funds

Manhattan Beach Unified School District
Business Services Division
Bond Oversight Committee

Capital Accounts and Other Funding Sources	Starting Balance 6/30/95	Expenditures & Transfers							9 years Ending Balance 06/30/04			
		Income		Expenditures & Transfers								
		Revenues	Interest & Refinance Income	Construction/Modernization Expenditures	State Modernization Match	Refinance costs / Debt Service	Non-Construction Expenses	Deferred Maintenance Match		Property Purchase	General Fund Bailout	
COP #1 (Modernization)	-	10,272,115	4,783,732	14,931,415	-	-	48,102	-	-	-	-	76,330
Measure A	-	46,714,405	3,611,295	40,032,601	1,311,758	8,249,976	-	-	-	-	-	731,365
Special Reserves	10,000,000	-	-	3,500,000	-	-	-	-	-	-	-	6,500,000
State Modernization	-	16,229,087	-	16,229,087	-	-	-	-	-	-	-	-
Developer Fees	9,098	7,706,406	227,412	5,288,036	317,214	2,284,994	-	-	-	-	-	52,672
Modernization Donations	-	41,302	-	41,302	-	-	-	-	-	-	-	-
Modernization Total	10,009,098	80,963,314	8,622,439	80,022,441	1,311,758	8,567,190	2,333,096	-	-	-	-	7,360,367
Measure M	-	26,001,631	933,473	22,267,166	1,933,401	824,430	-	-	-	-	-	1,910,106
Special Reserves	8,986,714	-	5,337,203	750,000	-	-	-	5,160,488	1,526,240	6,693,314	-	193,875
MCHS Track Donations	-	266,500	-	266,500	-	-	-	-	-	-	-	-
COP #2 (Ed.Center)	-	4,609,330	81,364	4,643,534	-	-	34,237	-	-	-	-	12,923
TOTAL	18,995,812	111,840,775	14,974,479	107,949,641	3,245,159	9,391,620	2,367,333	5,160,488	1,526,240	6,693,314	-	9,477,272

Donations/Grants

Body Glove	45,000	Mira Costa Pool	COP Interest	670,703
Chevron	20,000	Robinson	Refinanced COP	4,068,529
FEMA	21,302	Robinson		4,739,232
Modernization	41,302			
MBAF	150,000	Mira Costa Track		
Waste Grant	100,000	Mira Costa Track		
MBAF	16,500	Mira Costa Track		
MCHS Track	266,500			
TOTAL	307,802			

Projected Costs

2004-05 General Fund Reserves	(1,329,974)
2004-05 Debt Service	(917,125)
Final Ed Center costs	(570,179)
Final 1d costs	(208,879)
Final SSB costs	(671,990)
Projected Revenues	(3,698,147)
2004-05 Developer Fees	900,000
Projected Balance 6/30/05	6,679,125

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Sources.xls - Construction

Notes to "Sources Of Construction Funds" Report of 7/22/2004

Income

1. Donations: All donations that were recognized within the construction accounts were recorded. Other donations that were used for construction purposes were not historically recorded within the district construction accounts. Identifying those donations and determining what they were used for, back to 1995 is very difficult given many changes to the accounting software providers during the time period.
2. State Modernization: This account contains of the District's 20% contributions (the State Modernization Match Expenditure) plus the State's 80% contributions.

Expenditures

3. State Modernization Match: This column shows the District's 20% contributions to the State Modernization account. The "match" amounts were transferred from the District's bond funds to the State Modernization account, where it was matched by the State's 80% contributions.
4. Refinance Costs/Debt Service: the costs of the COP refinancing and debt service were paid from bond funds.
5. Deferred Maintenance Match: Minimally the District matches the State allocation for Deferred Maintenance up to one-half of 1% of the district annual General Fund budget. Because the district needs were so great during the time period reported, the district contributed and spent, more than the minimum amount required to achieve full funding.
6. Property purchases: As reported, the amount shown reflects the net proceeds and use of property purchases and sales during the time period reflected.

Exhibit C. Construction Expenditures
by Site and Project

Manhattan Beach Unified School District
Business Services Division
Bond Oversight Committee

Construction Costs							
SITE	Planning Estimates 1995	Yr of Construc.	Construction Estimates	Bid Amounts	Change Orders	% Change Orders	Total Constr. Costs
Meadows	\$ 2,699,023	98-99	\$ 3,482,703	\$ 3,028,437	\$ 272,372	8.99%	\$ 3,300,809
Pennekamp	\$ 3,026,253	99-00	\$ 1,874,200	\$ 3,000,355	\$ 341,138	11.37%	\$ 3,341,493
Grand View	\$ 4,977,458	00-01	\$ 4,540,910	\$ 4,464,900	\$ 267,318	5.99%	\$ 4,732,218
Pacific	\$ 5,309,959	01-02	\$ 5,676,078	\$ 5,237,343	\$ 918,465	17.54%	\$ 6,155,808
Robinson	\$ 2,558,300	95-96	\$ 2,560,000	\$ 1,960,325	\$ 305,378	15.58%	\$ 2,265,703
MBI	\$ 3,198,790	95-98		\$ 2,067,150			\$ 2,067,150
Ladera							
MBMS	\$ 19,160,200	97-98		\$ 18,555,212	\$ (1,161,537)	-6.26%	\$ 17,393,675
CDC							
Old District Office							
Technology							
Portables							
SUBTOTAL	\$ 40,929,983		\$ 18,133,891	\$ 38,313,722	\$ 943,134	2.46%	\$ 39,256,856
Mira Costa High School							
Pacific Shores		95					
Portables							
Various MCHS	\$ 4,711,110						
Pool	\$ 1,100,000	96-97					
Science Classes		99		\$ 370,008	\$ 20,410	5.52%	\$ 390,418
Marine Sci Lab		99		\$ 389,633	\$ 10,669	2.74%	\$ 400,302
Broadcast Studio		99		\$ 478,000	\$ 53,807	11.26%	\$ 531,807
Auditorium	\$ 2,229,000	Sum 00		\$ 546,829	\$ (30,000)	-5.49%	\$ 516,829
Utility Upgrade	\$ 2,038,390	99-00	\$ 5,000,000	\$ 4,338,217	\$ 27,242	0.63%	\$ 4,365,459
Phase 1A & 1B	\$ 5,497,970	Sum 01	\$ 3,062,350	\$ 2,312,247	\$ 88,627	3.83%	\$ 2,400,874
Phase 1C	\$ 2,425,262	Sum02	\$ 2,839,125	\$ 2,677,496	\$ 73,542	2.75%	\$ 2,751,038
Phase 1D *	\$ 2,361,325	Sum03	\$ 2,062,500	\$ 1,692,117	\$ 3,358	0.20%	\$ 1,695,475
Two Story	\$ 2,360,125	02-03	\$ 3,505,490	\$ 3,238,721	\$ 231,339	7.14%	\$ 3,470,060
Student Services *	\$ 3,025,500	02-03	\$ 6,025,823	\$ 6,668,628	\$ 467,183	7.01%	\$ 7,135,811
Track	\$ 380,000	03		\$ 594,000	\$ 29,699	5.00%	\$ 623,699
Sub Total MCHS	\$ 26,128,682		\$ 22,495,288	\$ 23,305,896	\$ 975,876	4.19%	\$ 24,281,772
Debt Service	\$ -		\$ -	\$ -	\$ -		\$ -
TOTAL COMPLETED	\$ 67,058,665		\$ 40,629,179	\$ 61,619,618	\$ 1,919,010	3.11%	\$ 63,538,628
MCHS Perform. Arts	\$ 5,726,000	???					
MCHS Library	\$ 3,971,000	???					
MBI Modernization	\$ 7,812,403	???					
Education Center	\$ 5,000,000	02-03	\$ 4,996,592	\$ 4,790,879	\$ 141,674	2.96%	\$ 4,932,553
GRAND TOTAL	\$ 89,568,068		\$ 45,625,771	\$ 66,410,497	\$ 2,060,684	3.10%	\$ 68,471,181

* includes bills not yet received

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Exhibit C. Construction Expenditures
by Site and Project

Manhattan Beach Unified School District
Business Services Division
Bond Oversight Committee

SITE	Added Work							Total Added Work
	Windows	Special Projects	Roofing	Demolition, Security, Move	Parking, Paving	Fum, Elect, Heat, Fence, Paint, Misc.		
Meadows	\$ 215,147	\$ 283,554	\$ 347,594			\$ 45,504	\$ 891,799	
Pennekamp	\$ 297,793	\$ 255,892	\$ 330,402		\$ 444,583	\$ 33,164	\$ 1,361,834	
Grand View		\$ 836,680	\$ 287,684		\$ 332,378	\$ 275,294	\$ 1,732,036	
Pacific		\$ 1,966,834	\$ 202,459			\$ 372,226	\$ 2,541,519	
Robinson		\$ 5,718	\$ 386,458	\$ 65,637	\$ 135,134	\$ 184,128	\$ 757,075	
MBI	\$ 15,850					\$ 29,395	\$ 45,245	
Ladera		\$ 294,874					\$ 294,874	
MBMS						\$ 478,968	\$ 478,968	
CDC		\$ 80,631					\$ 80,631	
Old District Office		\$ 76,521					\$ 76,521	
Technology		\$ 2,176,457					\$ 2,176,457	
Portables		\$ 2,126,104		\$ 154,771			\$ 2,280,875	
SUBTOTAL	\$ 528,790	\$ 8,103,265	\$ 1,534,597	\$ 220,408	\$ 912,095	\$ 1,418,679	\$ 12,717,834	
Mira Costa High School								
Pacific Shores		\$ 91,500					\$ 91,500	
Portables		\$ 2,266,874		\$ 167,668			\$ 2,434,542	
Various MCHS	\$ 758,603	\$ 782,058	\$ 910,662	\$ 178,149	\$ 359,653	\$ 1,037,126	\$ 4,026,251	
Pool		\$ 1,369,910					\$ 1,369,910	
Science Classes								
Marine Sci Lab								
Broadcast Studio								
Auditorium								
Utility Upgrade		\$ 402,960					\$ 402,960	
Phase 1A & 1B								
Phase 1C						\$ 7,310	\$ 7,310	
Phase 1D *				\$ 23,505			\$ 23,505	
Two Story		\$ 29,491		\$ 27,622			\$ 57,113	
Student Services *				\$ 13,434			\$ 13,434	
Track							\$ -	
Sub Total MCHS	\$ 758,603	\$ 4,942,793	\$ 910,662	\$ 410,378	\$ 359,653	\$ 1,044,436	\$ 8,426,525	
Debt Service	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
TOTAL COMPLETED	\$ 1,287,393	\$ 13,046,058	\$ 2,445,259	\$ 630,786	\$ 1,271,748	\$ 2,463,115	\$ 21,144,359	
MCHS Perform. Arts								
MCHS Library								
MBI Modernization								
Education Center		\$ 225,000					\$ 225,000	
GRAND TOTAL	\$ 1,287,393	\$ 13,271,058	\$ 2,445,259	\$ 630,786	\$ 1,271,748	\$ 2,463,115	\$ 21,369,359	

* includes bills not yet received

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Exhibit C. Construction Expenditures
by Site and Project

Manhattan Beach Unified School District
Business Services Division
Bond Oversight Committee

SITE	Other Costs (Soft Costs)							Grand Total
	Architect, Eng. Testing	PCMS	Inspector	Asbestos	Legal, EIR, Refinance	Furn, Equip, Supplies	Total Other Costs	
Meadows	\$ 536,695	\$ 378,060	\$ 55,000		\$ 61,188	\$ 178,229	\$ 1,209,172	\$ 5,401,780
Pennekamp	\$ 646,018	\$ 392,773	\$ 75,822		\$ 80,856	\$ 216,253	\$ 1,411,522	\$ 6,114,849
Grand View	\$ 780,846	\$ 607,672	\$ 76,793	\$ 157,174	\$ 93,148	\$ 227,537	\$ 1,943,170	\$ 8,407,424
Pacific	\$ 563,673	\$ 708,947	\$ 68,280		\$ 110,771	\$ 339,710	\$ 1,791,381	\$ 10,488,708
Robinson	\$ 288,135			\$ 46,829	\$ 37,411	\$ 263,288	\$ 635,663	\$ 3,658,441
MBI	\$ 352,067				\$ 68,990	\$ 15,339	\$ 436,396	\$ 2,548,791
Ladera							\$ -	\$ 294,874
MBMS	\$ 2,030,814	\$ 955,286	\$ 98,000	\$ 68,647	\$ 889,646	\$ 593,170	\$ 4,635,563	\$ 22,508,206
CDC						\$ 16,080	\$ 16,080	\$ 96,711
Old District Office						\$ 57,065	\$ 57,065	\$ 133,586
Technology							\$ -	\$ 2,176,457
Portables	\$ 28,180						\$ 28,180	\$ 2,309,055
SUBTOTAL	\$ 5,226,428	\$ 3,042,738	\$ 373,695	\$ 272,650	\$ 1,342,010	\$ 1,906,671	\$ 12,164,192	\$ 64,138,882
Mira Costa High School							\$ -	\$ 91,500
Pacific Shores							\$ 30,528	\$ 2,465,070
Portables	\$ 30,528						\$ -	\$ 1,369,910
Various MCHS	\$ 955,814			\$ 27,410	\$ 546,366	\$ 816,114	\$ 2,345,704	\$ 6,371,955
Pool							\$ -	\$ 472,471
Science Classes	\$ 44,261		\$ 5,000	\$ 32,792			\$ 82,053	\$ 474,849
Marine Sci Lab		\$ 37,015	\$ 4,740	\$ 32,792			\$ 74,547	\$ 602,556
Broadcast Studio	\$ 70,749						\$ 70,749	\$ 624,251
Auditorium	\$ 74,630			\$ 32,792			\$ 107,422	\$ 5,411,484
Utility Upgrade	\$ 618,080		\$ 24,985				\$ 643,065	\$ 3,066,184
Phase 1A & 1B	\$ 297,419	\$ 329,216	\$ 38,675				\$ 665,310	\$ 3,690,892
Phase 1C	\$ 460,283	\$ 378,741	\$ 14,020	\$ 79,500			\$ 932,544	\$ 2,456,597
Phase 1D *	\$ 389,381	\$ 235,936	\$ 67,500	\$ 44,800			\$ 737,617	\$ 4,767,943
Two Story	\$ 712,668	\$ 428,629	\$ 95,890		\$ 3,583		\$ 1,240,770	\$ 9,058,090
Student Services *	\$ 1,038,618	\$ 761,036	\$ 106,540		\$ 2,651		\$ 1,908,845	\$ 782,120
Track	\$ 63,851	\$ 94,570					\$ 158,421	\$ 41,705,872
Sub Total MCHS	\$ 4,756,282	\$ 2,265,143	\$ 357,350	\$ 250,086	\$ 552,600	\$ 816,114	\$ 8,997,575	\$ 4,915,652
Debt Service	\$ -	\$ -	\$ -	\$ -	\$ 4,915,652	\$ -	\$ 4,915,652	\$ 4,915,652
TOTAL COMPLETED	\$ 9,982,710	\$ 5,307,881	\$ 731,045	\$ 522,736	\$ 6,810,262	\$ 2,722,785	\$ 26,077,419	\$ 110,760,406
MCHS Perform. Arts	\$ 51,749	\$ 180,000					\$ 231,749	\$ 231,749
MCHS Library	\$ 250,620	\$ 76,500					\$ 327,120	\$ 327,120
MBI Modernization								
Education Center	\$ 450,839	\$ 544,590	\$ 132,541	\$ 37,265	\$ 181,119	\$ -	\$ 1,346,354	\$ 6,503,907
GRAND TOTAL	\$ 10,735,918	\$ 6,108,971	\$ 863,586	\$ 560,001	\$ 6,991,381	\$ 2,831,494	\$ 28,091,351	\$ 117,931,891

* includes bills not yet received

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I. BOARD BUSINESS

1. **TITLE:** Receive for Adoption, Measure BB Citizens' Bond Oversight Committee Bylaws

BACKGROUND: The District has placed on the November 4, 2008 General Election ballot, Measure BB which will authorize \$67,480,000 in general obligation bonds for facility construction and improvements at Mira Costa High School and the pay off of outstanding Certificates of Participation (COP's). Measure BB is being conducted under Proposition 39, the Strict Accountability in Local Construction Bonds Act of 2000 and requires a 55 percent vote to pass.

Should Measure BB pass in November, there are many duties, assignments and responsibilities of District staff and the Board before these bonds can be sold. The Board desires that these actions by District staff and the Board be transparent and available to the public. With this, comes the obligation of the District to establish a Citizens' Bond Oversight Committee pursuant to Section 15278 of the California Education Code in order to satisfy the accountability requirements of Proposition 39.

In this spirit of accountability and full disclosure, the Board, in anticipation of the November 4th election, has directed staff to work with a Board subcommittee (Ms. VanderPoorte and Mr. Fournell) to develop bylaws for a Measure BB Citizens' Bond Oversight Committee. The Board recognizes that there may be need to modify and/or add to the language of these bylaws; however, these bylaws will become the foundation to carry forth, with clear direction, the intent of the law and this Board.

FINANCIAL IMPACT: None. However, the bylaws do include language that states that the Board will approve an annual budget for the committee which is sufficient to carry out the duties and activities set forth in the bylaws and Proposition 39. This budget will be developed and presented to the Board after the November 4 election.

ACTION: Receive for Adoption, Measure BB Citizens' Bond Oversight Committee Bylaws

PREPARED BY: Beverly Rohrer, Superintendent

AGENDA NOTE AGENDA NOTE AGENDA NOTE

**MEASURE BB CITIZENS' BOND OVERSIGHT COMMITTEE
BYLAWS**

SECTION I

COMMITTEE ESTABLISHED

The Manhattan Beach Unified School District (the "District") was successful at the election conducted on November 4, 2008, in obtaining authorization from the District's voters to issue up to \$67,480,000 aggregate principal amount of the District's general obligation bonds, pursuant to a 55 percent vote. The election was conducted under Proposition 39, chaptered as the Strict Accountability in Local School Construction Bonds Act of 2000, as Section 15264 et. seq., of the California Education Code ("Proposition 39").

Pursuant to Section 15278 of the Education Code, the District is now obligated to establish a Citizens' Bond Oversight Committee in order to satisfy the accountability requirements of Proposition 39. The Board of Trustees of the Manhattan Beach Unified School District ("Board") hereby establishes the Measure BB Citizens' Bond Oversight Committee which shall have the duties and rights set forth in these Bylaws.

SECTION II

COMMITTEE'S MISSION

The Measure BB Citizens' Bond Oversight Committee is to independently review and authenticate the planning and execution of the Manhattan Beach Unified School District Measure BB bond program to inform the public and Board concerning the expenditure of bond proceeds and to ensure that such bond proceeds are expended in accordance with the intention of the voters and state law.

SECTION III

NAME AND LOCATION

- 3.01 The name of the committee will be the Measure BB Citizens' Bond Oversight Committee (the "Committee"). The Committee was established by Resolution of the Board of Trustees of the Manhattan Beach Unified School District, pursuant to the passage of Measure BB on November 4, 2008, by the electorate of the Manhattan Beach Unified School District.

- 3.02 The office of the Committee shall be located in the Administrative Offices of the Manhattan Beach Unified School District, located at 325 South Peck Avenue, Manhattan Beach, CA, 90266.

SECTION IV

PURPOSE

- 4.01 Pursuant to Education Code Section 15278, the purpose of the Committee is to inform the public and the Board concerning the expenditures of Measure BB bond proceeds. The Committee shall actively review and report on the proper expenditure of taxpayers' money for school construction, and advise the public as to whether the District is in compliance with the requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution, set forth below.
- 4.02 The Committee shall convene to provide oversight for, but not limited to, the following:
1. Ensuring that Measure BB bond proceeds are expended only for the purposes described in paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.
 2. Ensuring that Measure BB bond proceeds are not used for any teacher or administrative salaries or other school operating expenses.

SECTION V

COMMITTEE ACTIVITIES

- 5.01 The Committee shall engage in any of the following activities in furtherance of its purpose:
1. Actively review and report on the proper expenditure of taxpayers' money for school construction.
 2. Advise the public as to whether the District is in compliance with the requirements of Article XIII A of the "California Constitution."
 3. Conduct all business in accordance with the provisions of the *Ralph M. Brown Public Meeting Act* ("the Brown Act") of the State of California which shall include the posting of agendas and minutes of the Committee meetings on the District's website.
 4. Provide for communication with and from the community on all issues related to Measure BB.
 - a. The Committee shall issue a Quarterly Report of its activities to the Board. Each Quarterly Report shall concern the events of the preceding calendar quarter and shall be distributed within 60 days of the end of the calendar quarter to which it pertains.

- b. In addition, the Committee may prepare, approve, and distribute other progress reports of its activities, findings, and recommendations to the Superintendent, the Board, and the public. If in conducting its duties and activities, the Committee finds it necessary to report to the Board on any item it deems to be of immediate concern, the Committee may request that the Board call a special Board meeting as soon as possible in accordance with the provisions of the Brown Act.
 - c. The Committee reports shall be posted on the District's website.
 - 5. All documents received and reports issued by the Committee shall be made available for public viewing on the District's website.
- 5.02 In furtherance of its purpose, the Committee may engage in any of the following activities per statute:
 - 1. Receive and review copies of the required annual, independent financial/performance audits.
 - 2. Inspect school facilities and grounds to ensure that Measure BB bond proceeds are expended in compliance with paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.
 - 3. Receive and review copies of any deferred maintenance proposals or plans developed by the District including any reports required by Section 17584.1.
 - 4. Review efforts by the District to maximize Measure BB bond proceeds by implementing cost-saving measures, including, but not limited to, all of the following:
 - a. Mechanisms designed to reduce the costs of professional fees.
 - b. Mechanisms designed to reduce the costs of site preparation.
 - c. Mechanisms designed to reduce costs by incorporating efficiencies in school site design.
- 5.03 The Committee may review any documents and proposals related to the expenditure of Proposition BB proceeds and make recommendations in accordance with its Purpose and Activities, as stated in Sections IV and V of these bylaws, Measure BB, and Proposition 39. However, the Board, in its sole discretion, may act on any recommendations, as it deems appropriate.
- 5.04 In recognition of the fact that the Committee is charged with overseeing the expenditure of bond proceeds, the Board has not charged the Committee for the following:
 - 1. Projects financed through the State of California, developer fees, certificates of participation, lease/revenue bonds, the general fund, or the lease of surplus property shall be outside the authority of the Committee.

2. The establishment of priorities and order of construction for the bond projects shall be based on District criteria established by the Board.
3. The selection of architects, engineers, soils engineers, construction managers, project managers, California Environmental Quality Act consultants, and such other professional service firms as are required to complete the project based on District criteria established by the Board.
4. The approval of the design for each project including exterior materials, paint color, interior finishes, site plans, and construction methods shall be made by the Board and District staff.
5. The selection of independent audit firm(s), performance audit consultants and such other consultants as are necessary to support the activities of the Committee.
6. The approval of an annual budget for the Committee that is sufficient to carry out the activities set forth in Proposition 39.
7. The appointment or reappointment of qualified applicants to serve on the Committee, subject to legal limitations, and based on criteria adopted by the Board.

SECTION VI

DISTRICT DUTIES AND SUPPORT

- 6.01 Either the Board or Superintendent, as the Board shall determine, shall have the following duties reserved to it, and the Committee shall have no jurisdiction over the following types of activities:
 1. Approval of construction contracts
 2. Approval of construction change orders
 3. Appropriation of construction funds
 4. Handling of all legal matters
 5. Approval of construction plans and schedules
 6. Approval of the sale of bonds

- 6.02 The District acknowledges that effective oversight by the Committee is not only required by law but is essential to the District's ability to accomplish the construction, repair, and modernization of its school. Therefore, the District commits to support the oversight process through cooperation with the Committee, by providing the Committee with access to information and with sufficient logistical support so that the Committee may effectively perform its oversight function. Further, the District will insure that with regard to the Committee, all District personnel are committed to open communication, the timely sharing of information, and teamwork.
- 6.03 The District shall provide necessary administrative and technical support to the Committee as shall be consistent with the Committee's purpose, including but not limited to:
1. Preparation of and posting of public notices as required by the Brown Act, ensuring that all notices to the public are provided in the same manner as notices regarding meetings of the Board.
 2. Provision of a meeting room, including any necessary audio/visual equipment.
 3. Preparation and copies of any document or meeting materials, such as agendas and reports.
 4. Retention of all Committee records.

SECTION VII

MEMBERSHIP

- 7.01 The Committee shall be composed of a minimum of seven (7) members appointed by the Board after an open and public recruitment process. The Board, at its sole discretion, may appoint more than seven (7) members provided that any appointments beyond seven (7) result in an odd number of active members serving at any one time. Committee members are required to reside within the boundaries of the Manhattan Beach Unified School District (MBUSD). Employees, officials, vendors, contractors, or consultants of the District are not eligible for voting or active membership on the Committee.
- 7.02 Per Education Code Section 15278-15282, the Committee shall include, at least:
1. One member who is active in a bona fide taxpayers' organization.
 2. One member who is active in a business organization representing the business community within the District.
 3. One member who is active in a senior citizens' organization.
 4. One member who is a parent or guardian of a child enrolled in the District.

5. One member who is a parent or guardian of a child enrolled in the District and active in PTA/PTSA or School site Council.
- 7.03 A member originally appointed to serve a term in one of these categories who, during the course of that term, no longer qualifies for that category, must so notify the Board and resign from the committee.
 - 7.04 In addition to the above requirements, the following areas of expertise are desirable:
 1. Architecture/Engineering
 2. Construction Law
 3. Financial Management
 4. Real Estate Sales/Development
 5. Construction Management
 - 7.05 Committee members may not hold any incompatible office or position during their term of membership, as those terms are defined in Article 4.7 of Division 4, of Title I (commencing with section 1125) of the Government Code, and shall abide by the conflict of interest prohibitions contained in Article 4 of Division 4, of Title I (commencing with section 1090) of the Government Code. Any member shall disclose immediately any possible or potential conflict of interest to the Committee. A Committee member's failure to disclose any possible or potential conflict of interest when known will result in the member's removal from the Committee.
 - 7.06 Committee members are not eligible to apply for contracts related to the Measure BB bond and other construction with the District until two (2) years after leaving the Committee.
 - 7.07 The Superintendent; Assistant Superintendent, Administrative Services; one representative from MBUTA and CSEA; and one Board member may serve as ex-officio members of the Committee. These ex-officio members shall have no voting rights as members of the Committee.

SECTION VIII

TERMS OF OFFICE

- 8.01 Committee members are appointed by the Board for a term of two (2) years, except as otherwise provided herein. No member may serve more than two consecutive terms. The two-year (2) terms shall be staggered, so that one-half of the members' terms matures each year. Should a member resign his/her position before his/her term matures, the Board will appoint a new member to complete the term. At the discretion of the Board, members serving partial terms may be reappointed to serve two complete terms at the conclusion of the partial term.
- 8.02 At the Committee's first meeting, members will draw lots in order to stagger the starting initial two-year (2) terms as follows:
 1. One-half of the members will serve a two-year (2) term, and,

2. One-half of the members will serve an initial one-year (1) term.
- 8.03 The members serving the initial one (1) year term will be eligible for reappointment of two full terms at the discretion of the Board.
- 8.04 Should the Board increase the number of members on the Committee, the Committee will make the necessary adjustments to terms in order to once again have one-half of the members' terms maturing each year.
- 8.05 The Committee members shall not be compensated for their services.
- 8.06 Following an absence of one year, any Committee member whose term has expired due to statutory term limits shall be eligible to serve again.

SECTION IX

REMOVAL FROM OFFICE

- 9.01 The Board may remove any Committee member, for cause, including failure to attend without reason acceptable to the Committee, three (3) consecutive Committee meetings or for failure to comply with the Committee's Ethics Policy. Upon a member's removal, his/her seat shall be declared vacant. The Board, in accordance with the established appointment process, shall fill any vacancies on the Committee.

SECTION X

COMMITTEE RULES & PROCEDURES

- 10.01 The Committee shall meet monthly or as the Committee shall deem necessary to conduct its business on dates to be determined by the Committee at its organizational meeting. The date upon which, and the hour and place at which, each such regular meeting shall be held shall be fixed by the Committee and posted on the District's website. To the extent permitted by the Brown Act, such meetings may be held by teleconference.
- 10.02 Special meetings and established subcommittee meetings may be called in accordance with the provisions of the Brown Act, as amended or supplemented from time to time. To the extent permitted by the Brown Act, such meetings may be held by teleconference.
- 10.03 All meetings of the Committee shall be called, noticed, held and conducted subject to the provisions of the Brown Act. Each Committee shall cause minutes of all meetings to be kept and shall, as soon as possible after each meeting, cause a copy of the minutes to be forwarded to District staff for posting on the District's website.
- 10.04 Any person wishing to speak during the Public Comments section of the Committee's agenda, at the beginning and/or end of each meeting, shall first complete a speaker

request card and submit the card to the Committee Secretary prior to the public comments section of the agenda.

1. Individual speakers before the Committee shall have a three-minute time limit per item. The Chairman may increase this time limit by no more than ten minutes.
 2. The Chairman shall ensure that all persons addressing the Committee confine the subject matter of their remarks to the particular matter before the Committee.
 3. If a member of the audience has addressed the Committee on matters which are not on the posted agenda for that meeting, members shall refrain from discussing such matters. If the non-agenda matter raised by a member of the public concerns an issue that is within the subject matter jurisdiction of the Committee, any member may request that the Committee vote to place that matter on a future agenda.
 4. Persons addressing the Committee shall address the Committee as a whole and shall not direct comments to individual members of the Committee or to members of the audience.
- 10.05 In the event of disorderly conduct by members of the public, the Committee may order the meeting room cleared pursuant to California Government Code §54957.9.
- 10.06 A majority of active members of the Committee shall constitute a quorum for the transaction of business, except that less than a quorum may convene from time to time.
- 10.07 Each member of the Committee shall be entitled to one vote to be entered in person. Members may not vote by absentee or proxy. No action shall be taken by members present and voting, unless a quorum is present. Recommendations to the Board to approve or disapprove a project must be approved by a majority of the active members of the Committee.
- 10.08 Regular attendance by Committee members is crucial to effective operation of the Committee and timely implementation of Measure BB projects. Members are expected to attend all meetings.

SECTION XI.

COMMITTEE OFFICERS

- 11.01 The officers of the Committee shall be a Chairman, a Vice Chairman and a Secretary. The Chairman shall chair the Committee meetings. The Vice Chairman shall act as Chairman only when the Chairman is absent.
- 11.02 The Chairman and Vice Chairman must be members of the Committee, and shall be elected by a majority of the Committee at the organizational meeting each year. The Chairman and Vice Chairman shall serve for no more than two (2) one-year terms in their respective offices. The Secretary shall be appointed by the Committee and need not be a member of the Committee.
- 11.03 The duties of the Chairman are to:
1. Preside at meetings of the Committee.
 2. Appear before the Board and other bodies to present and discuss the official actions of the Committee.
- 11.04 The duties of the Vice Chairman are to:
1. Preside at Committee meetings in the absence of the Chairman.
 2. Appear before the Board and other bodies to present and discuss the official actions of the Committee in the absence of the Chairman.
- 11.05 The duties of the Secretary are to:
1. Record and maintain minutes of all meetings of the Committees.
 2. Distribute minutes of all meetings of the Committee to all Committee members, to the Board, and to District staff for posting on the District's website.
 3. Distribute Committee meeting agendas to all Committee members, to all other persons requesting copies of the agenda so that provisions of the Brown Act are followed, and to District staff for posting on the District's website.
 4. Distribute all Committee reports to all Committee members, to the Board and to District staff for posting on the District's website.
 5. Keep all documents officially received by the Committee in the course of its business, and to forward copies of all such documents to the District staff.
 6. Prepare all necessary correspondence of the Committee.
 7. Arrange and coordinate meeting locations and teleconferences of the Committee

SECTION XII

AMENDMENTS

- 12.01 These Bylaws shall become effective upon approval of the Board and ratification by the Committee.
- 12.02 These Bylaws may be amended, changed, added to, or repealed by the Board, as deemed necessary. Additional or supplemental operational guidelines or procedures may be adopted by the Committee by a majority vote of all the members of the Committee, providing such additional or supplemental operational guidelines or procedures are not in conflict with these Bylaws, any Resolution or Ordinance of the Board, or any state law, including but not limited to the provisions of the Brown Act and the Education Code.

SECTION XIII

TERMINATION

- 13.01 The Committee shall automatically terminate and disband at the earlier of the date:
1. All bond proceeds have been expended, or
 2. All projects funded by Measure BB bond proceeds are complete.
- 13.02 At the time of the termination of the Committee for the reasons stated in 13.01, the Committee shall prepare a final report of findings and recommendations to be presented and received by the Board at a regularly scheduled Board meeting within 60 days of the termination.

APPENDIX I

EXCERPT FROM CALIFORNIA CONSTITUTION ARTICLE 13A (TAX LIMITATION)

SECTION 1.

(a) The maximum amount of any ad valorem tax on real property shall not exceed One percent (1%) of the full cash value of such property. The one percent (1%) tax to be collected by the counties and apportioned according to law to the districts within the counties.

(b) The limitation provided for in subdivision (a) shall not apply to ad valorem taxes or special assessments to pay the interest and redemption charges on any of the following:

- (1) Indebtedness approved by the voters prior to July 1, 1978.
- (2) Bonded indebtedness for the acquisition or improvement of real property approved on or after July 1, 1978, by two-thirds of the votes cast by the voter voting on the proposition.
- (3) Bonded indebtedness incurred by a school district, community college district, or county office of education for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, approved by 55 percent of the voters of the district or county, as appropriate, voting on the proposition on or after the effective date of the measure adding this paragraph. This paragraph shall apply only if the proposition approved by the voters and resulting in the bonded indebtedness includes all of the following accountability requirements:

(A) A requirement that the proceeds from the sale of the bonds be used only for the purposes specified in Article XIII A, Section 1(b) (3), and not for any other purpose, including teacher and administrator salaries and other school operating expenses.

(B) A list of the specific school facilities projects to be funded and certification that the school district board, community college board, or county office of education has evaluated safety, class size reduction, and information technology needs in developing that list.

(C) A requirement that the school district board, community college board, or county office of education conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed.

(D) A requirement that the school district board, community college board, or county office of education conduct an annual, independent

financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects.

- (c) Notwithstanding any other provisions of law or of this Constitution, school districts, community college districts, and county offices of education may levy a 55 percent vote ad valorem tax pursuant to subdivision (b).

APPENDIX II

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT MEASURE BB CITIZENS' BOND OVERSIGHT COMMITTEE

ETHICS POLICY STATEMENT

This Ethics Policy Statement provides general guidelines for committee members to follow in carrying out their roles. Not all ethical issues that committee members face are covered in this statement. However, this statement captures some of the critical areas that help define ethical and professional conduct for committee members. The provisions of this statement were developed from existing laws, rules, policies and procedures as well as from concepts that define generally accepted good business practices. Committee members are expected to strictly adhere to the provisions of this Ethics Policy.

POLICY

CONFLICT OF INTEREST A committee member shall not attempt to influence a District decision related to: (1) any contract funded by bond proceeds or (2) any construction project that will benefit the Committee member's outside employment, business, or personal finances or benefit an immediate family member, such as a spouse, child or parent.

OUTSIDE EMPLOYMENT A Committee member shall not influence a District decision related to any construction project involving the interests of a person with whom the member has an agreement concerning current or future employment, or remuneration of any kind.

COMMITMENT TO UPHOLD LAW A Committee member shall uphold the federal and California Constitutions, the laws and regulations of the United States and the State of California (particularly the Education Code) and all other applicable government entities, and the policies, procedures, rules and regulations of the Manhattan Beach Unified School District.

COMMITMENT TO DISTRICT A Committee member shall place the interests of the District above any personal or business interests of the member.

I. BOARD BUSINESS

2. **TITLE:** Discuss and take necessary action to appoint members to the Measure BB Citizens' Bond Oversight Committee

BACKGROUND: The District has placed on the November 4, 2008 General Election ballot, Measure BB which will authorize \$67,480,000 in general obligation bonds for facility construction and improvements at Mira Costa High School and the pay off of outstanding Certificates of Participation (COP's). Measure BB is being conducted under Proposition 39, the Strict Accountability in Local Construction Bonds Act of 2000 and requires a 55 percent vote to pass.

Pursuant to Section 15278 of the California Education Code, should Measure BB be authorized, the District is obligated and so desires to establish a Citizens' Bond Oversight Committee to independently review, authenticate and report on the planning and execution of the Measure BB Bond Program.

As stipulated under Section VII, Membership, of the Measure BB Citizens' Bond Oversight Committee Bylaws, the Committee shall be composed of a minimum of seven (7) members appointed by the Board after an open and public recruitment process. Applicants are required to reside within the boundaries of the District and are appointed for two (2) year terms. No member may serve more than two consecutive terms. A Committee member may not hold any incompatible office or position during his/her term of membership.

Under the leadership of the appointed Board subcommittee of Ms. VanderPoorte and Mr. Fournell, the District has been seeking applications for membership to the Bond Oversight Committee since July of this year. The Board subcommittee has reviewed the applications submitted thus far and is prepared to make recommendations, for discussion and action, to the Board, as a whole.

FINANCIAL IMPACT: Committee members serve without compensation. However, the bylaws do include language that states that the Board will approve an annual budget for the committee which is sufficient to carry out the duties and activities set forth in the bylaws and Proposition 39. This budget will be developed and presented to the Board after the November 4 election.

ACTION: Discuss and take necessary action to appoint members to the Measure BB Citizens' Bond Oversight Committee

PREPARED BY: Beverly Rohrer, Superintendent

AGENDA NOTE AGENDA NOTE AGENDA NOTE

I. **BOARD BUSINESS**

4. **TITLE:** Receive for First Reading and Adoption, revised Board Policies 4112.8; 4212.8; 4312.8, Employment of Relatives

BACKGROUND: Manhattan Beach Unified Board Policies 4112.8; 4212.8; 4312.8, Employment of Relatives is presented to the Board as a revision for first reading and adoption. The updated policy contains new language prohibiting the appointment of an employee to a position where a relative has management, supervisory, evaluation, or promotion responsibilities and prohibiting an employee from participating in a decision that singularly applies to a relative. The policy also contains language authorizing the Superintendent to prohibit the appointment of an employee to a position in which his/her relationship to another employee may result in an adverse impact.

As delegated by the Board, Board of Trustees' Vice President, Nancy Hersman has reviewed and commented on this policy. Her recommendations have been included in this revision. Mrs. Hersman is recommending adoption with this first reading.

FINANCIAL IMPACT: None

ACTION: Receive for First Reading and Adoption, revised Board Policies 4112.8; 4212.8; 4312.8, Employment of Relatives

PREPARED BY: Janet Schwabe, Deputy Superintendent

AGENDA NOTE AGENDA NOTE AGENDA NOTA

67.

Personnel

EMPLOYMENT OF RELATIVES

~~In order to preclude situations which could bring about a conflict of interest for members of the administrative staff, an employee shall not be appointed to a position where a member of his/her immediate family maintains supervisory or evaluation responsibilities for the position.~~

The Governing Board desires to maximize staff and community confidence in district hiring, promotion, and other employment decisions by promoting practices that are free of conflicts of interest or the appearance of impropriety.

(cf. 4030 - Nondiscrimination in Employment)

(cf. 9270 - Conflict of Interest)

~~Immediate family members may be employed at the same department or work location with the approval of the Superintendent or designee.~~

~~(cf. 9270 - Conflict of Interest)~~

The Board prohibits the appointment of any person to a position for which his/her relative maintains management, supervisory, evaluation, or promotion responsibilities and prohibits an employee from participating in any decision that singularly applies to any of his/her relatives.

(cf. 4111/4211/4311 - Recruitment and Selection)

(cf. 4115 - Evaluation/Supervision)

(cf. 4215 - Evaluation/Supervision)

(cf. 4315 - Evaluation/Supervision)

For purposes of this policy, relative includes the individual's spouse, domestic partner, parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse or domestic partner.

MBUSD

BP 4112.8 (b)

4212.8

4312.8

Personnel

EMPLOYMENT OF RELATIVES

In addition, the Superintendent or designee may determine, on a case-by-case basis, whether to appoint a person to a position in the same department or facility as an employee with whom he/she maintains a personal relationship when that relationship has the potential to create (1) an adverse impact on supervision, safety, security, or morale of other district employees or (2) a conflict of interest for the individuals involved which is greater because of their relationship than it would be for another person.

(cf. 4031 - Complaints Concerning Discrimination in Employment)

An employee shall notify his/her supervisor within 30 days of any change in his/her circumstances that may constitute a violation of this policy.

Legal Reference:

EDUCATION CODE

35107 School district employees

FAMILY CODE

297-297.5 Rights, protections, benefits under the law; registered domestic partners

GOVERNMENT CODE

1090-1098 Prohibitions applicable to specified officers

12940 Unlawful employment practices

CODE OF REGULATIONS, TITLE 2

7292.0-7292.6 Marital status discrimination, especially:

7292.5 Employee selection

MBUSD

**BP 4112.8 (c)
4212.8
4312.8**

Personnel

EMPLOYMENT OF RELATIVES

Management Resources:

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Institute for Local Government: <http://www.cacities.org/index.jsp?zone=ilsg>

Policy MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
adopted: September 5, 2007 Manhattan Beach, California
revised:

I. BOARD BUSINESS

5. **TITLE:** Receive for First Reading and Adoption, revised Administrative Regulations 4119.11; 4219.11; 4319.11, Sexual Harassment

BACKGROUND: Manhattan Beach Unified Administrative Regulations 4119.11; 4219.11; 4319.11, Sexual Harassment is presented to the Board as revisions for first reading and adoption. The regulations are revised to reflect **NEW REGULATIONS** which detail the sexual harassment training requirements for supervisory employees including (1) defining supervisor as any person with the authority to hire, transfer, fire, suspend, layoff, assign, or reward an employee and (2) clarifying that employers may offer computer-based training as long as the training is interactive and provides a link as to how to contact a trainer to answer a question within two business days.

As delegated by the Board, Board of Trustees' Vice President, Nancy Hersman has reviewed and commented on this policy. Her recommendations have been included in this revision. Mrs. Hersman is recommending adoption with this first reading.

FINANCIAL IMPACT: None

ACTION: Receive for First Reading and Adoption, revised Administrative Regulations 4119.11; 4219.11; 4319.11, Sexual Harassment

PREPARED BY: Janet Schwabe, Deputy Superintendent

AGENDA NOTE AGENDA NOTE AGENDA NOTE

Personnel

SEXUAL HARASSMENT

Definitions

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the work or educational setting when: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of such conduct by the individual is used as the basis for an employment decision affecting him/her.
3. The conduct has the purpose or effect of ~~unreasonably interfering with the other individual's work performance, creating an intimidating, hostile, or offensive work environment, or adversely affecting the other individual's evaluation, advancement, assigned duties, or any other condition of employment or career development~~ having a negative impact upon the individual's work or has the purpose or effect of creating an intimidating, hostile, or offensive work environment. The conduct is sufficiently severe, persistent, pervasive, or objectively offensive so as to create a hostile or abusive working environment or to limit the individual's ability to participate in or benefit from an education program or activity.
4. Submission to or rejection of the conduct by the other individual is used as the basis for any decision affecting him/her regarding benefits, services, honors, programs, or activities available at or through the district.

Other examples of actions that might constitute sexual harassment, whether committed by a supervisor, a co-worker, or a non-employee, in the work or educational setting, include, but are not limited to:

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors

Personnel

SEXUAL HARASSMENT

- 2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects
- 3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

Prohibited sexual harassment may also include any act of retaliation against an individual who reports a violation of the district's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

Training

~~By January 1, 2006, and every two years thereafter,~~ Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours of classroom or other effective interactive training and education regarding sexual harassment. All newly hired or promoted supervisory employees shall receive training within six months of their assumption of the supervisory position. (Government Code 12950.1)

Supervisory employees mean any persons with the authority to hire, transfer, fire, suspend, layoff, assign, or reward an employee.

The district's training and education program for supervisory employees shall include information and practical guidance regarding the federal and state ~~statutory~~ laws on the prohibition against and the prevention and correction of sexual harassment, and the remedies available to the victims of sexual harassment in employment. The training shall also include *all of the content specified in 2 CCR 7288.0* and practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation. (Government Code 12950.1; 2 CCR 7288.0)

The district may offer computer-based training as long as the training is interactive and provides a link as to how to contact a trainer to answer a question within two business days.

In addition, the Superintendent or designee shall ensure that all employees receive periodic training regarding the district's sexual harassment policy, particularly the procedures for filing complaints and employees' duty to use the district's complaint procedures.

Personnel

SEXUAL HARASSMENT

Notifications

A copy of the Board policy and this administrative regulation shall: (Education Code 231.5)

1. Be displayed in a prominent location in the main administrative building, *district office*, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted
2. Be provided to each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year or whenever a new employee is hired

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct

All employees shall receive either a copy of information sheets prepared by the California Department of Fair Employment and Housing (DFEH) or a copy of district information sheets that contain, at a minimum, components on: (Government Code 12950)

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The district's complaint process available to the employee

(cf. 4031 - Complaints Concerning Discrimination in Employment)

5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact DFEH and the EEOC

MBUSD

**AR 4119.11 (d)
4219.11
4319.11**

Personnel

SEXUAL HARASSMENT

7. The protection against retaliation provided by 2 CCR 7287.8 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC

In addition, the district shall post, in a prominent and accessible location, DFEH's poster on discrimination in employment and the illegality of sexual harassment. (Government Code 12950)

Policy MANHATTAN BEACH UNIFIED SCHOOL DISTRICT

approved: September 5, 2007 Manhattan Beach, California

revised:

I. **BOARD BUSINESS**

6. **TITLE:** Receive for First Reading and Adoption, revised Board Policies and Administrative Regulations 4144; 4244; 4344, Complaints

BACKGROUND: Manhattan Beach Unified Board Policies and Administrative Regulations 4144; 4244; 4344, Complaints are presented to the Board as revisions for first reading and adoption. The updated policy and regulation is revised to clarify the types of complaints subject to this procedure. In addition, the policy also contains updated language on retaliation and confidentiality. The revised regulation contains timelines and authorizes the Board to uphold the Superintendent's investigative findings without conducting a hearing.

As delegated by the Board, Board of Trustees' Vice President, Nancy Hersman has reviewed and commented on this policy. Her recommendations have been included in this revision. Mrs. Hersman is recommending adoption with this first reading.

FINANCIAL IMPACT: None

ACTION: Receive for First Reading and Adoption, revised Board Policies and Administrative Regulations 4144; 4244; 4344, Complaints

PREPARED BY: Janet Schwabe, Deputy Superintendent

AGENDA NOTE AGENDA NOTE AGENDA NOTE

MBUSD

BP 4144 (a)

4244

4344

Personnel

COMPLAINTS

The Governing Board recognizes the need for ~~providing employees with a complaint process~~ to establish a process to allow employees and job applicants to have their concerns heard in an expeditious and unbiased manner. The Board expects that employees and supervisors will make every effort to resolve complaints and disagreements informally before filing a formal complaint.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 3320 - Claims and Actions Against the District)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

The Board prohibits retaliation against complainants. The Superintendent or designee may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint.

(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

All matters related to a complaint shall be kept confidential and any document, communication, or record regarding the complaint shall be placed in a separate file and shall not be placed in an employee's personnel file.

(cf. 4112.6/4212.6/4312.6 - Personnel Records)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

35186 Williams uniform complaint procedures

MBUSD

BP 4144 (b)

4244

4344

Personnel

COMPLAINTS

44110-44114 Reporting by school employees of improper governmental activity

GOVERNMENT CODE

3543 Public school employees' rights

3543.1 Rights of employee organizations

53296-53299 Disclosure of confidential information; whistleblower

54957 Closed session; personnel matters

LABOR CODE

1102.5-1106 Whistleblower protections

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in district programs and activities

Management Resources:

WEB SITES

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

Policy MANHATTAN BEACH UNIFIED SCHOOL DISTRICT

adopted: September 5, 2007 Manhattan Beach, California

revised:

Personnel

COMPLAINTS

Except as specified below, the following procedure shall be used for any complaint by an employee alleging misapplication of the district's policies, regulations, rules, or procedures or for "whistleblower" complaints by an employee or job applicant regarding an improper district activity including, but not limited to, an allegation of gross mismanagement, a significant waste of funds, an abuse of authority, or a specific danger to public health or safety.

(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)

Complaints alleging unlawful discrimination on any basis specified in the district's nondiscrimination policies, including complaints of sexual harassment, shall be resolved in accordance with the district's procedure for complaints regarding discrimination in employment.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

Complaints regarding unlawful discrimination in district programs or the district's failure to comply with state or federal laws regarding educational programs shall be resolved in accordance with the district's Uniform Complaint Procedures. Complaints regarding sufficiency of textbook materials, teacher vacancy or misassignment, an urgent or emergency facility condition, or the failure to provide intensive instruction to students who did not pass the high school exit examination by the end of grade 12 shall be resolved in accordance with the district's Williams Uniform Complaint Procedures. (Education Code 35186; 5 CCR 4621)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

For complaints regarding working conditions or other subjects of negotiation, the employee shall use the grievance procedure specified in the applicable collective bargaining agreement.

Personnel

COMPLAINTS

Any of the time limits specified in this procedure may be extended by written agreement between the district and complainant.

Step 1: Informal Complaint Process

Prior to instituting a formal, written complaint, the employee shall first discuss the issue with his/her supervisor or the principal of the school where the alleged act took place. Formal complaint procedures shall not be initiated until the employee has first attempted to resolve the complaint informally.

Step 2: Site Level Formal Complaint Process

If a complaint has not been satisfactorily resolved through the informal process in Step 1, the complainant may file a written complaint with his/her immediate supervisor or principal within 60 days of the act or event which is the subject of the complaint. If an employee fails to file a written complaint within 60 days, the complaint shall be considered settled on the basis of the answer given at the preceding step.

In the written complaint, the employee shall specify the nature of the problem, including names, dates, locations, witnesses, the remedy sought by the employee, and a description of informal efforts to resolve the issue.

Within 10 working days of receiving the complaint, the immediate supervisor or principal shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint. Within five working days after the meeting, he/she shall prepare and send a written response to the complainant.

Step 3: District Level Appeal

If a complaint has not been resolved to the complainant's satisfaction at Step 2, the complainant may file the written complaint with the Superintendent or designee within five working days of receiving the written response from the immediate supervisor or the principal. The complainant shall include all information presented to the immediate supervisor or principal at Step 2.

MBUSD

AR 4144 (c)

4244

4344

Personnel

COMPLAINTS

Within 10 working days of receiving the complaint, the Superintendent or designee shall conduct any necessary investigation, including reviewing the investigation and written response by the immediate supervisor or principal at Step 2, and shall meet with the complainant in an effort to resolve the complaint. Within five working days after the meeting, he/she shall prepare and send a written response to the complainant.

Step 4: Appeal to the Governing Board

If a complaint has not been resolved to the complainant's satisfaction at Step 3, the complainant may file a written appeal to the Board within five working days of receiving the Superintendent or designee's response. All information presented at Steps 1, 2, and 3 shall be included with the appeal, and the Superintendent or designee shall submit to the Board a written report describing attempts to resolve the complaint and the district's response.

The Board may uphold the findings by the Superintendent or designee without hearing the complaint or the Board may hear the complaint at a regular or special Board meeting. The hearing shall be held in closed session if the complaint relates to matters that may be addressed in closed session in accordance with law.

(cf. 9321 - Closed Session Purposes and Agendas)

The Board shall make its decision within 30 days of the hearing and shall send its decision to all concerned parties. The Board's decision shall be final.

~~The following guidelines shall prescribe the manner in which complaints are handled:~~

~~1. A "complaint" shall be defined as an alleged misapplication of the district's policies, regulations, rules or procedures. Procedures for the resolution of employee complaints provide a route of appeal through administrative channels and to the Governing Board, if necessary. If the complaint is related to discrimination, the district's procedure for complaints concerning discrimination should be used.~~

~~(cf. 4031 - Complaints Concerning Discrimination in Employment)~~

Personnel

COMPLAINTS

~~2. If a complaint involves sexual harassment, the initial complaint should be made directly to the offending employee's immediate supervisor. An employee is not required to resolve sexual harassment complaints with the offending person.~~

~~3. So as not to interfere with school schedules, meetings related to a complaint shall be held before or after the complainant's regular working hours.~~

~~4. All matters related to a complaint shall be kept confidential. Only those individuals directly involved in resolving the complaint shall be informed of the complaint.~~

~~5. All documents, communications and records dealing with the complaint shall be placed in a district complaint file. No such material shall be placed in an employee's personnel file.~~

~~6. No reprisals shall be taken against any participant in a complaint procedure by reason of such participation.~~

~~7. Time limits specified in these procedures may be reduced or extended in any specific instance by written mutual agreement of the parties involved. If specified or adjusted time limits expire, the complaint may proceed to the next step.~~

~~8. Any complaint not taken to the next step within prescribed time limits shall be considered settled on the basis of the answer given at the preceding step.~~

~~Informal Complaints~~

~~Employees are encouraged to resolve complaints informally. Formal complaint procedures shall not be initiated unless informal efforts to resolve the complaint have been exhausted and the complainant has provided a written description of such efforts.~~

~~Formal Complaint Procedure - Step 1~~

~~If a complaint has not been satisfactorily resolved by informal procedures, the complainant may file a written complaint with the immediate supervisor or principal within 60 days of the act or event which is the subject of the complaint.~~

Personnel

COMPLAINTS

~~Within five working days of receiving the complaint, the immediate supervisor or principal shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.~~

~~The immediate supervisor or principal shall present all concerned parties with a written answer to the complaint within 10 working days after the meeting.~~

~~Formal Complaint Procedure - Step 2~~

~~If a complaint has not been satisfactorily resolved at Step 1, the complainant may file the written complaint with the Superintendent or designee within five working days of receiving the answer at Step 1. All information presented at Step 1 shall be included with the complaint, and the immediate supervisor or principal shall submit to the Superintendent or designee a report describing attempts to resolve the complaint at Step 1.~~

~~Within five working days of receiving the complaint, the Superintendent or designee shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.~~

~~The Superintendent or designee shall present all concerned parties with a written answer to the complaint within 10 working days after the meeting.~~

~~Formal Complaint Procedure - Step 3~~

~~If a complaint has not been satisfactorily resolved at Step 2, the complainant may file a written appeal to the Board within five working days of receiving the answer at Step 2. All information presented at Steps 1 and 2 shall be included with the appeal, and the Superintendent or designee shall submit to the Board a report describing attempts to resolve the complaint at Step 2.~~

~~An appeal hearing shall be held at the next regularly scheduled Board meeting which falls at least 12 days after the appeal is filed. This hearing shall be held in closed session if the complaint relates to matters properly addressed in closed session.~~

~~(cf. 9321 - Closed Session Purposes and Agendas)~~

MBUSD

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Personnel

COMPLAINTS

~~The Board shall make its decision within 30 days of the hearing and shall mail its decision to all concerned parties. The Board's decision shall be final.~~

Regulation MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
approved: September 5, 2007 Manhattan Beach, California
revised:

I. **BOARD BUSINESS**

7. **TITLE:** Receive for First Reading and Adoption, revised Board Policy 6146.1, High School Graduation Requirements

BACKGROUND: Manhattan Beach Unified Board Policy 6146.1, High School Graduation Requirements, is presented to the Board as a revision for first reading. The revised policy adds language on the number of courses high school students must be enrolled in each semester, each year until graduation. The high school has used this requirement for several years; however, it has not been stated in district policy. This is to ensure that the requirement be stated with other requirements for high school graduation.

As delegated by the Board, Board of Trustees' Vice President, Nancy Hersman has reviewed and commented on this policy. Her recommendations have been included in this revision. Mrs. Hersman is recommending adoption with this first reading.

FINANCIAL IMPACT: None

RECOMMENDED ACTION: Receive for First Reading and Adoption, revised Board Policy 6146.1, High School Graduation Requirements

PREPARED BY: Ellyn Schneider, Executive Director, Student Services

DATE OF MEETING: October 1, 2008

AGENDA NOTE

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Instruction**HIGH SCHOOL GRADUATION REQUIREMENTS**

The Governing Board desires to prepare all students to obtain a diploma of high school graduation to enable them to take advantage of opportunities for postsecondary education and/or employment.

(cf. 5127 - Graduation Ceremonies and Activities)

(cf. 5147 - Dropout Prevention)

(cf. 5149 - At-Risk Students)

(cf. 6143 - Courses of Study)

(cf. 6146.3 - Reciprocity of Academic Credit)

Course Requirements

To obtain a diploma of graduation from high school, students shall complete at least the following courses in grades 9-12, with each course being one year unless otherwise specified:

1. Four courses in English (Education Code 51225.3)

(cf. 6142.91 - Reading/Language Arts Instruction)

2. Two courses in mathematics (Education Code 51225.3)

At least one mathematics course, or a combination of the two mathematics courses required for completion in grades 9-12, shall meet or exceed state academic content standards for Algebra I. (Education Code 51224.5)

Completion, prior to grade 9, of algebra coursework that meets or exceeds state academic content standards shall satisfy the algebra coursework requirement but shall not exempt a student from the requirement to complete two mathematics courses in grades 9-12. (Education Code 51224.5)

(cf. 6011 - Academic Standards)

(cf. 6142.92 - Mathematics Instruction)

3. Two courses in science, including biological and physical sciences (Education Code 51225.3)

Instruction

HIGH SCHOOL GRADUATION REQUIREMENTS

(cf. 6142.93 - Science Instruction)

4. Three courses in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics (Education Code 51225.3)

(cf. 6142.3 - Civic Education)

5. One course in visual or performing arts, foreign language, or American Sign Language (Education Code 51225.3)

(cf. 6142.6 - Visual and Performing Arts Education)

6. Two courses in physical education/athletics, unless the student has been exempted pursuant to other sections of the Education Code (Education Code 51225.3)

(cf. 6142.7 - Physical Education)

7. One semester course in health/adult living including service learning

(cf. 6142.4 - Service Learning/Community Service Classes)

8. Seventeen semesters of electives

Making a total of 230 credits.

A student enrolled in grades 9, 10, and 11 shall be enrolled in a minimum of six (6) courses, per semester, to complete his/her prescribed courses of study for graduation. A student enrolled in grade 12 shall be enrolled in a minimum of five (5) courses, per semester, to complete his/her course of study for graduation. When a student can demonstrate extenuating circumstances that prevent him/her from attending the required number of courses per semester, per year (i.e. health, family or economic reasons), the Principal/designee must approve the modified schedule.

Because the prescribed course of study may not accommodate the needs of some students, the Board shall provide alternative means for the completion of prescribed courses in accordance with law.

(cf. 6146.11 - Alternative Credits Toward Graduation)

Instruction

HIGH SCHOOL GRADUATION REQUIREMENTS

(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)

High School Exit Examination

Each student completing grade 12 shall have successfully passed the state exit examination in language arts and mathematics as a condition of high school graduation. (Education Code 60851, 60859)

(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)

(cf. 6159 - Individualized Education Program)

(cf. 6162.52 - High School Exit Examination)

Supplemental instruction shall be offered to any student in grade 7-12 who does not demonstrate "sufficient progress," as defined in Board policy, toward passing the exit examination. (Education Code 37252, 60851)

(cf. 5148.2 - Before/After School Programs)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6176 - Weekend/Saturday Classes)

(cf. 6177 - Summer School)

(cf. 6179 - Supplemental Instruction)

Students who have not passed one or both parts of the exit exam by the end of grade 12 shall have the opportunity to receive intensive instruction and services for up to two consecutive academic years after completion of grade 12 or until they have passed both parts of the exam, whichever comes first. (Education Code 37254)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 5145.6 - Parental Notifications)

(cf. 6164.2 - Guidance/Counseling Services)

Instruction

HIGH SCHOOL GRADUATION REQUIREMENTS

Options for Students Not Passing the High School Exit Examination

Upon receipt of the results of the last administration of the exit examination to high school seniors, the Superintendent or designee shall identify students who have fulfilled all local and state graduation requirements except for passage of the exit examination and shall notify them, and their parents/guardians, of the educational options offered by the district.

The Superintendent or designee shall regularly report to the Board regarding the number of students who have fulfilled all local and state graduation requirements except for passage of the exit examination and the resources that have been offered to such students.

Certificates of Completion

Students who have passed all the district's course requirements by the end of their senior year but are unable to pass the high school exit examination shall receive a certificate of completion.

The Superintendent or designee shall regularly report to the Board regarding the number of students receiving a certificate of completion and the resources that have been offered to such students.

Retroactive Diplomas

The district may retroactively grant a high school diploma to a former student who is an honorably discharged veteran of the Korean War or the Vietnam War, provided that he/she was enrolled in a district school immediately preceding military service and he/she did not receive a diploma because his/her education was interrupted due the military service. (Education Code 51430)

In addition, the Board may retroactively grant a diploma to a deceased former student who satisfies the above conditions. The diploma shall be received by the deceased student's next of kin. (Education Code 51430)

Legal Reference:

EDUCATION CODE

35186 Williams Uniform Complaint Procedures

37252 Supplemental instructional programs

Instruction

HIGH SCHOOL GRADUATION REQUIREMENTS

37254 Supplemental instruction based on failure to pass exit exam by end of grade 12

37254.1 Required student participation in supplemental instruction

47612 Enrollment in charter school

48200 Compulsory attendance

48412 Certificate of proficiency

48430 Continuation education schools and classes

48645.5 Acceptance of coursework

51224 Skills and knowledge required for adult life

51224.5 Algebra instruction

51225.3 Requirements for graduation

51225.5 Honorary diplomas; foreign exchange students

51228 Graduation requirements

51240-51246 Exemptions from requirements

51250-51251 Assistance to military dependents

51410-51412 Diplomas

51420-51427 High school equivalency certificates

51450-51455 Golden State Seal Merit Diploma

51745 Independent study restrictions

52378 Supplemental school counseling program

56390-56392 Recognition for educational achievement, special education

MBUSD

BP 6146.1 (f)

Instruction

HIGH SCHOOL GRADUATION REQUIREMENTS

60850-60859 High school exit examination

66204 Certification of high school courses as meeting university admissions criteria

CODE OF REGULATIONS, TITLE 5

1600-1651 Graduation of pupils from grade 12 and credit toward graduation

COURT DECISIONS

O'Connell v. Superior Court (Valenzuela), (2006) 141 Cal.App.4th 1452

Management Resources:

CSBA PUBLICATIONS

Preparing for the High Stakes of the High School Exit Exam: An Examination of Certificates of Completion, Policy Advisory, September 2005

WEB SITES

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

California Department of Education, California High School Exit Examination:
<http://www.cde.ca.gov/ta/tg/hs>

Policy MANHATTAN BEACH UNIFIED SCHOOL DISTRICT

adopted: April 2, 2008 Manhattan Beach, California