

C. **PRESENTATION/DISCUSSION ITEMS**

1. **TITLE:** Presentation on Internet Safety and Cyber-Bullying

BACKGROUND: At the request of the Board of Trustees, information regarding internet use, cyber-bullying and dangers related to children will be presented. Discussion of instruction related to internet safety currently in place will be included. Recommendations for future direction will be received.

The recently updated Administrative Regulation 5131.2, on cyber-bullying is included as a guide to the Board's discussion.

ACTION RECOMMENDED: None.

PREPARED BY: Ellyn Schneider, Executive Director, Student Services

DATE OF MEETING: November 3, 2010

AGENDA NOTE AGENDA NOTE AGENDA NOTE MBUSD

Students**BULLYING/CYBER-BULLYING/HARASSMENT**

The District will not tolerate bullying/cyber-bullying/harassment or any other behavior that infringes on the safety or well-being of students, staff or any other persons within the District's jurisdiction whether directed at an individual or group. This includes but is not limited to bullying/cyber-bullying/harassment or any other behavior based on race, color, creed, national origin, ethnicity, religion, gender, language, sexual orientation, political affiliation, physical or mental disability, academic or athletic ability, physical appearance and/or social/economic status. (Education Code 48900.2, 48900.3 and 48900.4)

(cf. 5131 – Conduct)

(cf. 5144.1 – Suspension/Expulsion/Due Process)

(cf. 5144.2 – Suspension/Expulsion/Due Process, Students with Disabilities)

School behavior standards shall be coordinated throughout the District with particular attention to applying the standards for bullying/cyber-bullying/harassment behaviors fairly and consistently grade by grade.

Some acts of bullying, harassment, or intimidation may be isolated and/or unintentional incidents which require that school personnel respond appropriately to the individual(s) committing the act(s). Other incidents may indicate a greater pattern of bullying, harassment, or intimidation that require the response to be directed at the classroom, school, or District levels including intervention by law enforcement. Consequences and remedial action for a student who commits an act of bullying, cyber-bullying, harassment or intimidation may range from behavioral intervention and education up to and including suspension and expulsion. (Education Code § 48900 *et seq.*)

(cf. 5131 – Conduct)

(cf. 5144.1 – Suspension/Expulsion/Due Process)

(cf. 5144.2 – Suspension/Expulsion/Due Process, Students with Disabilities)

(cf. 5145.3 – Nondiscrimination/Harassment)

Bullying, cyber-bullying, harassment and intimidation may, from time to time, be part of a continuum of student misconduct such as sexual harassment, hate-motivated behavior, assault or

child abuse, and, as such, the action of the student or the nature of the incident could be considered a violation of other aspects of student misconduct.

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BULLYING/CYBER-BULLYING/HARASSMENT

(cf. 5145.7 – Sexual Harassment)

(cf. 5145.9 – Hate-Motivated Behavior)

DEFINITIONS

Bullying is defined as an act by a student or group of students directed specifically against other students or school personnel that constitutes sexual harassment hate violence, or severe or pervasive intentional harassment, threats, or intimidation that is disruptive, causes disorder, and invades the rights of others by creating an intimidating or hostile educational environment. (Ed. Code §§ 32261.) Bullying actions can be direct or indirect, and typically, are repeated over time.

Cyber-bullying is the willful and repeated harm inflicted through an electronic act. Cyber-bullying includes e-mail messages, instant messaging, text messaging, cellular telephone communications, internet blogs, internet chat rooms, internet postings, websites or other means of communication through technology that:

1. Deliberately threatens, harasses, intimidates, or in any way, ridicules an individual or group of individuals
2. Places an individual in reasonable fear of harm to the individual or damage to the individual's property.
3. Has the effect of substantially disrupting the orderly operation of the school.
4. Sends mean, vulgar or threatening messages or images.
5. Posts sensitive, private information about another person without his/her permission.
6. Allows an individual to pretend to be someone else in order to make that person look awful.

Cyber-bullying also includes breaking into another person's account and assuming that person's identity in order to damage that person's reputation or friendships.

Students may be subject to discipline for acts of bullying and cyber-bullying, as defined above, that are related to school activity or attendance that occur at any time, including but not limited to, any of the following:

while on school grounds; while traveling to or from school; during lunch whether on or off campus, during or while going to or coming from, a school sponsored activity; on a school bus,

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or while using school property such as a district computer or other electronic or wireless device. Consequences for bullying/cyber-bullying/harassment occurring away from school grounds shall be imposed when the conduct materially and substantially disrupts school operations or interferes with the rights of others. (Education Code § 48900, 48900.4.)

INDICATORS OF BULLYING BEHAVIOR

Bullying behaviors may include, but are not necessarily limited to, the following:

1. Verbal behaviors: Hurtful, name-calling, teasing, gossiping, making threats, making slurs or epithets, making rude noises, or spreading hurtful rumors.
2. Nonverbal behaviors: Posturing, making gang signs, leering, staring, stalking, destroying property, insulting or threatening notes, using graffiti or graphic images, or exhibiting inappropriate and/or threatening gestures or actions.
3. Physical behaviors: Hitting, punching, pushing, shoving, poking, kicking, tripping, strangling, hair pulling, fighting, beating, pinching, slapping, “panting”, biting, spitting, or destroying property.
4. Emotional (Psychological) behaviors: Rejecting, terrorizing, extorting, defaming, intimidating, humiliating, blackmailing, manipulating friendships, isolating, shunning, ostracizing, using peer pressure, or rating or ranking personal characteristics.
5. Cyber-bullying behaviors: Sending insulting or threatening messages by phone, e-mail, web sites or any other electronic or written communication.

A safe and civil environment in school is the responsibility of the administration, staff, students and, parents/guardians. The District’s response to bullying/cyber-bullying/harassment shall be comprehensive and involve staff, students, parents/guardians, and the community, as appropriate, in order to address these behaviors at all school levels.

ADMINISTRATIVE RESPONSIBILITIES

1. Communicate and ensure that staff, students, and parents/guardians are informed annually of District policy and school procedures regarding bullying, cyber-bullying, harassment, and other related policies and procedures.

Students**BULLYING/CYBER-BULLYING/HARASSMENT**

2. Develop and incorporate anti-bullying procedures into behavior or discipline codes. Review and revise these procedures annually, as appropriate.
3. Create an environment where the school community understands that bullying, cyber-bullying, harassment and other related behaviors are inappropriate and will not be tolerated.
4. Develop interventions to address bullying at all levels, school-wide, classroom and individual.
5. Provide training for new staff, as needed, on identification and response to bullying, cyber-bullying, harassment and other related behaviors as well as on the use of District adopted materials related to bullying, cyber-bullying, harassment and other related behaviors as well as violence prevention.
6. Provide ongoing training to certificated and classified staff to ensure that staff is able to identify the indicators of bullying, cyber-bullying, harassment and other related behaviors and understand their individual responsibilities to appropriately respond to and report such behaviors.
7. Designate a site coordinator for oversight of the anti-bullying program, including student instruction, implementation of prevention and intervention strategies, and dissemination of bullying, cyber-bullying and harassment information to students, staff, and parents/guardians. The coordinator shall act as a contact for reporting incidents of bullying, cyber-bullying, harassment and other related behaviors to the Executive Director, Student Services or designee and serve as a liaison for District-wide efforts to promote respect and a positive school climate in or schools.
8. Enforce bullying, cyber-bullying, and harassment procedures for disciplinary action fairly and consistently per the school behavior and discipline expectations/guidelines.
9. Assess or collect information from students regarding the extent of bullying they witness or experience at school using such instruments as anonymous survey, focus group input and incident report analysis.

STAFF RESPONSIBILITIES

1. Create an environment where students understand that bullying, cyber-bullying, harassment and other related behaviors is unacceptable and will not be tolerated.

Students

BULLYING/CYBER-BULLYING/HARASSMENT

2. Discuss with all students the aspects of the bullying/cyber-bullying/harassment regulation and strategies to prevent bullying, cyber-bullying, harassment and other related behaviors.
3. Encourage students to report bullying, cyber-bullying, harassment and other related behaviors to appropriate staff members.
4. Learn to recognize the indicators of bullying, cyber-bullying, harassment and other related behaviors.
5. Intervene immediately and take corrective action when bullying, cyber-bullying, harassment and other related behaviors are observed.
6. Understand individual responsibility not only to intervene when bullying, cyber-bullying, harassment and other related behaviors is observed, but also, to report incidents and actions to school and/or district administrators, as required.

STUDENT RESPONSIBILITIES

1. Take responsibility for helping create a safe school environment.
2. Do not engage in or contribute to bullying, cyber-bullying, harassment and other related behaviors, either through actions or words.
3. Treat everyone with respect. Be sensitive to how others might perceive your actions or words.
4. Understand the bullying/cyber-bullying/harassment regulations and guidelines.
5. Report all incidents of teaching, bullying, cyber-bullying, harassment and other related behaviors, including intimidation or other verbal or physical abuse directed at oneself or others to a trusted teacher, counselor, administrator or other District staff member.
6. Never engage in retaliatory behavior or ask, encourage, or consent to anyone else taking retaliatory actions on your behalf.
7. Learn ways to protect oneself from bullying, cyber-bullying, harassment and other related behaviors and how to help others who have been bullied or harassed.

Students**BULLYING/CYBER-BULLYING/HARASSMENT****PARENT/GUARDIAN RESPONSIBILITIES**

1. Understand and discuss the bullying/cyber-bullying/harassment regulations and school rules with your student.
2. Report incidents of bullying, cyber-bullying, harassment and other related behaviors to your student's teacher, counselor, principal or principal's designee, and/or District administrator.
3. Learn the warning signs that your student might be a victim of bullying/cyber-bullying/harassment or display individual or group actions as a bully.

Students are expected to report all incidents of bullying, cyber-bullying, harassment, teasing or other verbal or physical abuse. Any student who feels he/she is a victim of such behaviors should immediately contact a teacher, counselor, principal or other staff person. If the student who was bullied, or the parent/guardian on behalf of the student, believes the situation has not been remedied, he/she may file a complaint in accordance with the District's Sexual Harassment complaint procedure.

Students and parents/guardians are to be informed annually of the process by which they may make a report of bullying/cyber-bullying/harassment.

RESPONSE TO COMPLAINTS

The school's/District's response to bullying, cyber-bullying, harassment and other related behaviors shall be comprehensive and involve staff, students, parents/guardians, and the community, as appropriate, in order to address bullying, cyber-bullying or harassment at all school levels. Such a program shall:

1. Take all reports of bullying, cyber-bullying, harassment and other related behaviors seriously.
2. Provide all parties involved with assurances regarding District policies on confidentiality and non-retaliation in the complaint investigation.
3. Encourage individuals who witness bullying, cyber-bullying, harassment and/or other related behaviors to report such incidents per the appropriate reporting process.

4. Obtain specific information relevant to any complaint such as the date, time, location, witness(s) and whether this was an isolated incident or related to previous incidents.

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BULLYING/CYBER-BULLYING/HARASSMENT

5. Obtain a written statement from the complainant. If the complainant is unable to provide a written statement, school personnel shall assist in writing a statement as dictated by the complainant. It is important to note that any oral report of bullying, cyber-bullying, harassment and/or other related behaviors is to be considered a complaint and, as such, must be investigated.
6. Obtain statements from any witness(s), if necessary.
7. Assure the student reporting bullying, cyber-bullying, harassment and/or other related behaviors that steps will be taken to monitor that the behavior(s) reported will not continue. Provide the student with names of school personnel who can help if the situation continues, escalates, or arises again.
8. Determine what type of action or consequences will resolve the situation. Follow the school behavior guidelines and discipline matrix. Consequences for a student who commits an act of bullying, cyber-bullying, harassment and other related behaviors shall be appropriate and consistent with related policies and school rules, according to:
 - a. The nature of the behavior
 - b. The developmental age of the student
 - c. The student's history of problem behaviors and performance
9. Inform the parent/guardian of both the victim and student who committed the act of:
 - a. The nature of the incident
 - b. The results of the investigation
 - c. The type of action(s), consequences and follow-up steps which will be taken to resolve the situation (as appropriate, to ensure confidentiality)

The principal or designee is responsible for receiving complaints alleging violations of this regulation. All staff are expected to provide appropriate supervision to enforce standards of conduct, and, if they observe or become aware of bullying, cyber-bullying, harassment and other

related behaviors, to immediately intervene, call for assistance, if needed, and report such incidents.

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All other members of the school community, including parents, volunteers and visitors, are encouraged to report any act that may be a violation of this regulation. While submission of the report form is not required, the reporting party is encouraged to use the report form available from the principal/designee of each school or at the District office. Oral reports shall also be considered official reports. Reports may be made anonymously, but formal disciplinary action may not be based solely on an anonymous report. Prompt and reasonable investigation of alleged acts of bullying, cyber-bullying and harassment is expected.

Retaliation against a student/staff member because the student/staff member has filed a complaint or assisted or participated in an investigation or proceeding related to this regulation is prohibited. A student who knowingly files a false bullying/cyber-bullying/harassment complaint or gives false statements in an investigation shall be subject to discipline up to and including suspension and expulsion, as shall any student who is found to have retaliated against another in violation of this regulation.

CONFIDENTIALITY

An allegation of bullying/cyber-bullying/harassment that involves sexual harassment, and the results of the investigation, shall be kept confidential to the extent reasonably possible.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32261 Bullying

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

44807 Duty concerning conduct of students

48900-48925 Suspension or expulsion

48908 Duties of students

51512 Prohibition use of electronic listening or recording device in classroom without permission

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CIVIL CODE

1714.1 Liability of parents and guardians for willful misconduct of minor

PENAL CODE

417.25-417.27 Laser scope

647(j) Use of camera or other instrument to invade person's privacy; misdemeanor

653.2 Electronic communication devices, threats to safety

VEHICLE CODE

23124 Use of cellular phones provisional license holders

CODE OF REGULATIONS, TITLE 5

300-307 Duties of pupils

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, 1972 Education Act Amendments

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

COURT DECISIONS

Emmett v. Kent School District No. 415, (2000) 92 F.Supp. 1088

Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675

Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503

CSBA PUBLICATIONS

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

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CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Digital Discipline: Off-Campus Student Conduct, the First Amendment and Web Sites, School Law in Review, 2001

NATIONAL SCHOOL SAFETY CENTER PUBLICATIONS

Set Straight on Bullies, 1989

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Preventing Bullying: A Manual for Schools and Communities, 1998

WEB SITES

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

California Coalition for Children's Internet Safety: <http://www.cybersafety.ca.gov>

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lr/ss>

Center for Safe and Responsible Internet Use: <http://csriu.org> and <http://cyberbully.org>

National School Boards Association: <http://www.nsba.org>

National School Safety Center: <http://www.schoolsafety.us>

NetSmartz: <http://www.netsmartz.org>

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

Reviewed: December 9, 2009

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Students

BULLYING/CYBER-BULLYING/HARASSMENT

**Manhattan Beach Unified School District
BULLYING/CYBER-BULLYING/HARASSMENT
COMPLAINT FORM**

It is the intent of the Board of Trustees of the Manhattan Beach Unified School District to provide a process for a student, parent/guardian or member of the community to address a complaint of bullying/cyber-bullying/harassment to appropriate District personnel and to receive a prompt response to such a complaint without fear of retaliation.

It is also the intent of the Board to protect a student or personnel member from unfair and unfounded accusations, to conduct a prompt and reasonable investigation, and to resolve any complaint in accordance with school and District policies and procedures. A complaint shall be investigated in a manner that protects the confidentiality of the parties involved.

Submission of this report form is encouraged; however, oral reports shall be considered official reports. Reports may be made anonymously, but formal disciplinary action may not be based solely on an anonymous report. Any student who feels he/she is a victim of bullying/cyber-bullying/harassment should immediately contact a teacher, counselor, principal or staff person. Staff shall assist a student and/or parent/guardian in completing this complaint form, as requested.

Name of Student: _____ **Date:** _____

Parent/Guardian/Community Member: _____
(Filing the complaint on behalf of Student)

Name of Person(s) to whom complaint is directed: _____

Date(s) of Incident: _____

Location of the Incident: _____

Was the incident of bullying, cyber-bullying or harassment reported: Yes No

If yes, to whom? _____

Date the incident was reported: _____

Please describe the complaint in as much detail as possible. You may use extra sheets of paper, if necessary. Attach any documents related to the complaint.

D. PRESENTATION / ACTION ITEMS

1. **TITLE:** Approve recommendation to offer up to two optional staff development days (12 hours) for teachers during the 2010-2011 school year.

BACKGROUND: One of the casualties of the state's budget cuts has been a dramatic reduction in staff development time. In the 1990's, many California school districts had eight days a year dedicated to staff development. That was reduced to approximately three day, then many districts, including MBUSD, have made further reductions. This year, MBUSD only had one day (October 11) devoted to staff development. The choice has been to reduce staff development days rather than reduce student instructional days.

The optional staff development day was eliminated due to budget constraints in both the 2009-10 and 2010-11 years. Using one-time federal funds, the District wants to provide staff with the opportunity for more staff development days. Quality learning organizations need time to teach and discuss best practices. We believe that these days will not only provide higher quality instruction for students, but they also are exactly in line with the intent of these federal funds. The funding for the optional staff development days will come from the Federal Government "Jobs Bill" and the American Recovery Reinvestment Act (ARRA). None of these funds will be used for administration.

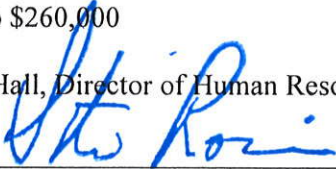
The District will provide a list of approved staff development activities. They will occur after school or on weekends between the time of board approval and March 31, 2011. Those teachers participating in the optional staff development activities which will be held outside the work day will receive their professional daily rate for up to 12 hours of staff development.

ACTION RECOMMENDED: Approve recommendation to offer up to two optional staff development days (12 hours) for teachers for the 2010-2011 school year only. Participants will be paid their professional daily rate for six hours of attendance funded through the "Jobs Bill" and ARRA funds.

FISCAL IMPACT: Up to \$260,000

PREPARED BY: Kathy Hall, Director of Human Resources

APPROVED BY: _____


Steve Romines, Assistant Superintendent
Administrative Services

DATE OF MEETING: November 3, 2010

E. CONSENT CALENDAR

1. **TITLE:** Contract to Implement the High School Involvement Partnership (HIP) between the Manhattan Beach Unified School District and Northrop Grumman Systems Corporation

BACKGROUND: The Northrop Grumman HIP program is open to seniors and involves an extensive internship opportunity in a variety of areas at Northrop's El Segundo and Space Park locations, from engineering to tooling to computers. Students accepted into the program spend two hours each day at Northrop, either before or after school. Students from other districts that have participated in the program in prior years have had the opportunity to earn high school credits through HIP. Should the Board approve this contract, we can study the feasibility of providing work experience credit to our Mira Costa seniors who participate. According to our Northrop Grumman representative, we could have up to fifteen MCHS students in this program.

FISCAL IMPACT: None.

ACTION RECOMMENDED: Approval by the Board.

PREPARED BY: Carolyn Seaton, Executive Director, Educational Services

DATE OF BOARD MEETING: November 3, 2010

AGENDA NOTE

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NORTHROP GRUMMAN

Northrop Grumman Corporation
Aerospace Systems

Strike and Surveillance
Systems Division
One Hornet Way
El Segundo, California 90245

HIGH SCHOOL INVOLVEMENT PARTNERSHIP
AGREEMENT

This Agreement is entered into as of October 5, 2010 by and between NORTHROP GRUMMAN AEROSPACE SYSTEMS a Delaware corporation, ("Northrop Grumman") and Manhattan Beach Unified School District ("Participant").

RECITALS

WHEREAS, Northrop Grumman and Participant desire to provide vocational instruction to selected students of Participant (the "Students") in connection with the High School Involvement Partnership (the "Program").

NOW, THEREFORE, in consideration of the foregoing and of the mutual agreements contained herein, the parties hereto agree as follows:

1. Northrop Grumman shall designate and provide certain space (the "Premises") for the Program at facilities operated by Northrop Grumman at no rent to Participant. The Premises shall be available for Participant's use for the Program at such times as shall be mutually agreed upon by the parties hereto. Students shall enter Northrop Grumman facilities only during the hours designated pursuant to this section and shall confine themselves to the Premises at all times unless specifically directed otherwise by Northrop Grumman.

2. Northrop Grumman shall provide and maintain adequate work space in the Premises for each Student, including the use of lavatories, as designated by Northrop Grumman. Northrop Grumman shall also provide all custodial services required in the Premises and all utilities required for the Program.
3. Participant shall provide qualified staff for the purpose of supervising instruction and monitoring progress of the Students and shall be responsible for the actions of Students participating in the Program while on any Northrop Grumman premises.
4. Northrop Grumman shall be responsible for: (i) the preparation and distribution to Participant's staff and Students in the Program of such written rules and regulations regarding Northrop Grumman's company policies and procedures as may be required by Northrop Grumman and (ii) the enforcement of Northrop Grumman's rules and regulations while Participant's staff and Students are on any Northrop Grumman premises whether such rules and regulations are distributed by Northrop Grumman or by Participant.
5. Northrop Grumman shall provide necessary supplies and materials for the Students' use in connection with the Program. Northrop Grumman may, upon the request of the Participant, provide additional equipment and procedures for the use of such equipment as is appropriate to the Program, provided that Northrop Grumman has agreed to provide such equipment. Participant shall be liable for any loss or theft or damage of any such materials, equipment or supplies.
6. Students shall not displace any regular paid employee of Northrop Grumman. Students are not employees of Northrop Grumman and shall not be employed, jointly employed or compensated by Northrop Grumman to perform tasks which are included as part of the Program while the Students are enrolled in the Program. Students participating in the Program shall remain under the direction and control of Participant.

7. Participant hereby assumes entire responsibility and liability for any and all damage or injury of any kind or nature whatsoever (including death therefrom) to all persons and all property (including loss of use thereof) caused by, resulting from, arising out of or occurring in connection with the Program or the Students' or Participant's use of any Northrop Grumman premises. Except for willful acts of misconduct or gross negligence of Northrop Grumman, Participant shall indemnify and hold Northrop Grumman, its officers, agents and employees free and harmless from any and all expenses, claims or demands made and from any and all liability, loss, damage or expense of any kind whatsoever which may be incurred by reason of any theft or damage to property, or death of or injury to persons, arising out of the Program or the Students' or Participant's use of any Northrop Grumman premises. Northrop Grumman shall not have any responsibility for or incur any liability regarding any Student or Participant's staff or any property of any Student or of Participant's staff except as specifically provided herein. In no event shall Northrop Grumman be liable to Participant for any incidental, consequential, special or punitive damages arising out of or related to this Agreement.
8. During the term of this Agreement, Participant shall maintain such public liability, property damage, workers' compensation or such other insurance as Northrop Grumman may require from time to time in its sole discretion.
9. This Agreement shall be in effect for the period beginning February 14, 2011 to June 10, 2011. This Agreement may be amended only by mutual written agreement of the parties hereto. This Agreement is not a lease or a license, and may be terminated by either party for any reason upon receipt by either party of written notification thirty (30) days prior to the date of such termination.
10. Participant represents and warrants that the Program shall be conducted pursuant to Section 51769 of the Education Code of California and Sections 10090 and 10107, as applicable, of the California Administrative Code, Title 5.

11. The individuals executing this Agreement on behalf of the parties hereto represent and warrant that they are duly authorized to execute and deliver this Agreement on behalf of such entities.

12. This Agreement shall be governed by and construed in accordance with the laws of the State of California, exclusive of its choice of law provisions. Any dispute arising out of or in connection with this Agreement shall be resolved by the judicial reference proceeding pursuant to California CCP 638. The judicial referee shall be empowered to hear and resolve all legal and factual issues.

13. This Agreement constitutes the entire agreement between the parties regarding the subject matter hereof, and supercedes any all prior discussions, negotiations or agreements, whether written or oral.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first set forth above.

PARTICIPANT

NORTHROP GRUMMAN SYSTEMS CORPORATION

By: _____

By: _____

By: _____
Signature

By: _____
Signature

By: _____
Title

By: _____
Title

By: _____
Date

By: _____
Date

E. CONSENT CALENDAR

2. **TITLE:** Overnight Field Trip – Mira Costa’s Broadcast Journalism Students to the National Scholastic Journalism Convention and Competition, Kansas City, Missouri.

BACKGROUND: Students from the Mira Costa High School Broadcast Journalism class will travel to Kansas City to participate in the National Scholastic Journalism Convention and Competition on November 10-14, 2010. The National Association of Secondary School Principals has placed this convention on the National Advisory List of Contests and Activities for 2010-2011. Students will have the opportunity to participate in convention sessions and on-site contests and critiques, which include forty-six categories of Write-off competitions. There will be ten male students and ten female students participating in this event, with one adult male chaperone and one adult female chaperone. The substitute teacher cost for three days will be billed to the Mira Costa Media Arts Foundation.

The cost for this field trip will be paid for by each student. The Mira Costa Media Arts Foundation offered partial scholarships, however, none were requested and the Foundation will cover the cost for Mr. Hernandez to participate.

ACTION RECOMMENDED: Approval is requested .

PREPARED BY: Carolyn Seaton, Executive Director, Educational Services and Ben Dale, MCHS Principal

DATE OF BOARD MEETING: November 3, 2010

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
OVERNIGHT FIELD TRIP REQUEST FORM

Name of Person Requesting Approval: Michael Hernandez Your Position: Teacher
Your Location/School Site: Mira Costa Your Work Telephone: x5146

Name/Grade Level(s) of Class Participating: Broadcast Journalism

Dates of Travel: from Nov. 10 - Nov 14, 2010 to _____

Name of Destination: Kansas City, MO (Kansas City Marriott)

Destination Address: 200 W. 12th Street Kansas City, MO 64105

Destination Phone Number: (816) 421-6800

Name of Contact Person at Destination: Michael Hernandez

Reason for Travel/Educational Goal: NSPA Journalism Convention

Number of Students Attending: Male: 10 Female: 10

*Number of Chaperones: Male: 1 Female: 1

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

1. Michael Hernandez
2. Lynette Campbell
3. _____
4. _____
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: _____ Contact: _____
(Proof of Insurance must accompany this form.)

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

Method of Transportation (be specific): Air / Taxi / Shuttle

Name and Address of Hotel (be specific): Kansas City Marriott Address above

How Many Days of School Will Be Missed? 1 List School Dates Missed: NOV 12

Will Student Participate in Water Sports, Rock Climbing or Other Hazardous Activities? NO

If so, what type? _____

Will scholarships be provided? NO Will any cost (including sub costs) be borne by the district? NO

If so, why? _____

Account Number to be Charged: _____

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

Signatures: Your Signature: [Signature] Principal: [Signature]

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

Exhibit
version: May 21, 2008

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
Manhattan Beach, California

E. CONSENT CALENDAR

1. **TITLE:** Contract to Implement the High School Involvement Partnership (HIP) between the Manhattan Beach Unified School District and Northrop Grumman Systems Corporation

BACKGROUND: The Northrop Grumman HIP program is open to seniors and involves an extensive internship opportunity in a variety of areas at Northrop's El Segundo and Space Park locations, from engineering to tooling to computers. Students accepted into the program spend two hours each day at Northrop, either before or after school. Students from other districts that have participated in the program in prior years have had the opportunity to earn high school credits through HIP. Should the Board approve this contract, we can study the feasibility of providing work experience credit to our Mira Costa seniors who participate. According to our Northrop Grumman representative, we could have up to fifteen MCHS students in this program.

FISCAL IMPACT: None.

ACTION RECOMMENDED: Approval by the Board.

PREPARED BY: Carolyn Seaton, Executive Director, Educational Services

DATE OF BOARD MEETING: November 3, 2010

AGENDA NOTE

AGENDA NOTE

AGENDA NOTE

2. Northrop Grumman shall provide and maintain adequate work space in the Premises for each Student, including the use of lavatories, as designated by Northrop Grumman. Northrop Grumman shall also provide all custodial services required in the Premises and all utilities required for the Program.
3. Participant shall provide qualified staff for the purpose of supervising instruction and monitoring progress of the Students and shall be responsible for the actions of Students participating in the Program while on any Northrop Grumman premises.
4. Northrop Grumman shall be responsible for: (i) the preparation and distribution to Participant's staff and Students in the Program of such written rules and regulations regarding Northrop Grumman's company policies and procedures as may be required by Northrop Grumman and (ii) the enforcement of Northrop Grumman's rules and regulations while Participant's staff and Students are on any Northrop Grumman premises whether such rules and regulations are distributed by Northrop Grumman or by Participant.
5. Northrop Grumman shall provide necessary supplies and materials for the Students' use in connection with the Program. Northrop Grumman may, upon the request of the Participant, provide additional equipment and procedures for the use of such equipment as is appropriate to the Program, provided that Northrop Grumman has agreed to provide such equipment. Participant shall be liable for any loss or theft or damage of any such materials, equipment or supplies.
6. Students shall not displace any regular paid employee of Northrop Grumman. Students are not employees of Northrop Grumman and shall not be employed, jointly employed or compensated by Northrop Grumman to perform tasks which are included as part of the Program while the Students are enrolled in the Program. Students participating in the Program shall remain under the direction and control of Participant.

11. The individuals executing this Agreement on behalf of the parties hereto represent and warrant that they are duly authorized to execute and deliver this Agreement on behalf of such entities.

12. This Agreement shall be governed by and construed in accordance with the laws of the State of California, exclusive of its choice of law provisions. Any dispute arising out of or in connection with this Agreement shall be resolved by the judicial reference proceeding pursuant to California CCP 638. The judicial referee shall be empowered to hear and resolve all legal and factual issues.

13. This Agreement constitutes the entire agreement between the parties regarding the subject matter hereof, and supercedes any all prior discussions, negotiations or agreements, whether written or oral.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first set forth above.

PARTICIPANT

NORTHROP GRUMMAN SYSTEMS CORPORATION

By: _____

By: _____

By: _____
Signature

By: _____
Signature

By: _____
Title

By: _____
Title

By: _____
Date

By: _____
Date

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
OVERNIGHT FIELD TRIP REQUEST FORM

E6153

Name of Person Requesting Approval: Michael Hernandez Your Position: Teacher
Your Location/School Site: Mira Costa Your Work Telephone: 25146

Name/Grade Level(s) of Class Participating: Broadcast Journalism

Dates of Travel: from Nov. 10 - Nov 14, 2010 to _____

Name of Destination: Kansas City, MO (Kansas City Marriott)

Destination Address: 200 W. 12th Street Kansas City, MO 64105

Destination Phone Number: (816) 421-6800

Name of Contact Person at Destination: Michael Hernandez

Reason for Travel/Educational Goal: NSPA Journalism Convention

Number of Students Attending: Male: 10 Female: 10

*Number of Chaperones: Male: 1 Female: 1

- Complete Name and Phone Number of Each Chaperone (use additional page if necessary):
- Michael Hernandez
 - Lynette Campbell
 - _____
 - _____
 - _____

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: _____ Contact: _____
(Proof of Insurance must accompany this form.)

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

Method of Transportation (be specific): Air / Taxi / Shuttle

Name and Address of Hotel (be specific): Kansas City Marriott Address above

How Many Days of School Will Be Missed? 1 List School Dates Missed: NOV 12

Will Student Participate in Water Sports, Rock Climbing or Other Hazardous Activities? NO
If so, what type? _____

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

Account Number to be Charged: _____

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

Signatures:
Your Signature: [Signature] Principal: [Signature]

Exec. Dir, Ed. Srvs: Cadlyne Seaton Clerk, Board of Trustees: _____

Exhibit
version: May 21, 2008
MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
Manhattan Beach, California

E. CONSENT CALENDAR

1. **TITLE:** Contract to Implement the High School Involvement Partnership (HIP) between the Manhattan Beach Unified School District and Northrop Grumman Systems Corporation

BACKGROUND: The Northrop Grumman HIP program is open to seniors and involves an extensive internship opportunity in a variety of areas at Northrop's El Segundo and Space Park locations, from engineering to tooling to computers. Students accepted into the program spend two hours each day at Northrop, either before or after school. Students from other districts that have participated in the program in prior years have had the opportunity to earn high school credits through HIP. Should the Board approve this contract, we can study the feasibility of providing work experience credit to our Mira Costa seniors who participate. According to our Northrop Grumman representative, we could have up to fifteen MCHS students in this program.

FISCAL IMPACT: None.

ACTION RECOMMENDED: Approval by the Board.

PREPARED BY: Carolyn Seaton, Executive Director, Educational Services

DATE OF BOARD MEETING: November 3, 2010

AGENDA NOTE

AGENDA NOTE

AGENDA NOTE

2. Northrop Grumman shall provide and maintain adequate work space in the Premises for each Student, including the use of lavatories, as designated by Northrop Grumman. Northrop Grumman shall also provide all custodial services required in the Premises and all utilities required for the Program.
3. Participant shall provide qualified staff for the purpose of supervising instruction and monitoring progress of the Students and shall be responsible for the actions of Students participating in the Program while on any Northrop Grumman premises.
4. Northrop Grumman shall be responsible for: (i) the preparation and distribution to Participant's staff and Students in the Program of such written rules and regulations regarding Northrop Grumman's company policies and procedures as may be required by Northrop Grumman and (ii) the enforcement of Northrop Grumman's rules and regulations while Participant's staff and Students are on any Northrop Grumman premises whether such rules and regulations are distributed by Northrop Grumman or by Participant.
5. Northrop Grumman shall provide necessary supplies and materials for the Students' use in connection with the Program. Northrop Grumman may, upon the request of the Participant, provide additional equipment and procedures for the use of such equipment as is appropriate to the Program, provided that Northrop Grumman has agreed to provide such equipment. Participant shall be liable for any loss or theft or damage of any such materials, equipment or supplies.
6. Students shall not displace any regular paid employee of Northrop Grumman. Students are not employees of Northrop Grumman and shall not be employed, jointly employed or compensated by Northrop Grumman to perform tasks which are included as part of the Program while the Students are enrolled in the Program. Students participating in the Program shall remain under the direction and control of Participant.

11. The individuals executing this Agreement on behalf of the parties hereto represent and warrant that they are duly authorized to execute and deliver this Agreement on behalf of such entities.

12. This Agreement shall be governed by and construed in accordance with the laws of the State of California, exclusive of its choice of law provisions. Any dispute arising out of or in connection with this Agreement shall be resolved by the judicial reference proceeding pursuant to California CCP 638. The judicial referee shall be empowered to hear and resolve all legal and factual issues.

13. This Agreement constitutes the entire agreement between the parties regarding the subject matter hereof, and supercedes any all prior discussions, negotiations or agreements, whether written or oral.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first set forth above.

PARTICIPANT

NORTHROP GRUMMAN SYSTEMS CORPORATION

By: _____

By: _____

By: _____
Signature

By: _____
Signature

By: _____
Title

By: _____
Title

By: _____
Date

By: _____
Date

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
OVERNIGHT FIELD TRIP REQUEST FORM

E6153

Name of Person Requesting Approval: Michael Hernandez Your Position: Teacher
Your Location/School Site: Mira Costa Your Work Telephone: 25146
Name/Grade Level(s) of Class Participating: Broadcast Journalism
Dates of Travel: from Nov. 10 - Nov 14, 2010 to _____
Name of Destination: Kansas City, MO (Kansas City Marriott)
Destination Address: 200 W. 12th Street Kansas City, MO 64105
Destination Phone Number: (816) 421-6800
Name of Contact Person at Destination: Michael Hernandez
Reason for Travel/Educational Goal: NSPA Journalism Convention
Number of Students Attending: Male: 10 Female: 10
Number of Chaperones: Male: 1 Female: 1

- Complete Name and Phone Number of Each Chaperone (use additional page if necessary):
- Michael Hernandez
 - Lynette Campbell
 - _____
 - _____
 - _____

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: _____ Contact: _____
(Proof of Insurance must accompany this form.)
Address: _____ City/State/Zip/Phone: _____

Method of Transportation (be specific): Air / Taxi / Shuttle
Name and Address of Hotel (be specific): Kansas City Marriott Address above
How Many Days of School Will Be Missed? 1 List School Dates Missed: NOV 12
Will Student Participate in Water Sports, Rock Climbing or Other Hazardous Activities? NO
If so, what type? _____
Will scholarships be provided? NO Will any cost (including sub costs) be borne by the district? NO
If so, why? _____
Account Number to be Charged: _____

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

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

Exhibit
version: May 21, 2008

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
Manhattan Beach, California

G. BOARD BUSINESS

1. **TITLE:** Receive for Board adoption **REVISED** Board Policy 1240, Volunteer Assistance and review **REVISED** Administrative Regulation 1240, Volunteer Assistance.

BACKGROUND: On July 9, 2010, Governor Schwarzenegger signed legislation (**AB 346**) which revises requirements pertaining to background checks for noncertificated employees and volunteers who work with students in a district-sponsored student activity program. Supporters had argued that the legislation was needed to undo some unintended impacts of a law the governor signed last fall (**AB 1025**). Under **AB 1025**, noncertificated employees and volunteers who supervise, direct, or coach student activity programs would have been required, beginning July 1, to obtain an Activity Supervisor Clearance Certificate through the Commission on Teacher Credentialing.

Pursuant to the **NEW LAW (AB 346)** which is **effective immediately**, any noncertificated employee or volunteer who works with students in a student activity program (not just those who supervise, direct or coach the programs) must be fingerprinted. Under the new law, districts can choose whether to require individuals to obtain the Activity Supervisor Clearance Certificate or obtain clearance through a Department of Justice and Federal Bureau of Investigation background check, or to accept either as acceptable evidence of a criminal background check. A DOJ check alone is insufficient. From September 1, 2010, through December 31, 2010, classified employees and volunteers who were previously fingerprinted for the Department of Justice only may complete FBI fingerprinting for a fee of \$19.00.

In addition, determining which positions “work with students in a student activity program” is a local decision. **AB 346** does retain exemptions for volunteer supervisors for breakfast, lunch, or other nutritional periods, and volunteer nonteaching aides under the immediate supervision and direction of certificated personnel. The new law also clarifies that these exemptions include parents/ guardians volunteering in a classroom or on a field trip or community members providing noninstructional services.

The following **REVISED** Board Policy and Administrative Regulation 1240, Volunteer Assistance, are updated to reflect **NEW LAW (AB 346)** which requires any volunteer who works with students in a student activity program (not just those who supervise, direct, or coach the activity) to obtain an Activity Supervisory Clearance Certificate from the Commission on Teacher Credentialing (CTC), unless the district requires the volunteer to instead clear a Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) criminal background check or the volunteer is otherwise exempted by law.

ACTION RECOMMENDED: Receive for Board action **REVISED** Board Policy 1240, Volunteer Assistance and review **REVISED** Administrative Regulation 1240, Volunteer Assistance.

PREPARED BY: Kathy Hall, Director of Human Resources

DATE OF MEETING: November 3, 2010

AGENDA NOTE AGENDA NOTE AGENDA NOTE

REVISED BOARD POLICY MBUSD

BP1240 (a)

Community Relations

VOLUNTEER ASSISTANCE

The Governing Board recognizes that volunteer assistance in schools can enrich the educational program, increase supervision of students, and contribute to school safety while strengthening the schools' relationships with the community. The Board encourages parents/guardians and other members of the community to share their time, knowledge, and abilities with students. ~~The Board also encourages community members to serve as mentors providing support and motivation to students.~~

- (cf. 1000 - Concepts and Roles)
- (cf. 1700 - Relations Between Private Industry and the Schools)
- (cf. 4127/4227/4327 - Temporary Athletic Team Coaches)
- (cf. 4222 - Teacher Aides/Paraprofessionals)
- (cf. 5020 - Parent Rights and Responsibilities)
- (cf. 5148 - Child Care and Development)
- (cf. 5148.2 - Before/After School Programs)
- (cf. 6020 - Parent Involvement)
- (cf. 6171 - Title I Programs)

The Superintendent or designee shall develop and implement a plan for recruiting, screening and placing volunteers, including strategies for reaching underrepresented groups of parents/guardians and community members. He/she may also recruit community members to serve as mentors *to students* and/or make appropriate referrals to community organizations.

- (cf. 1020 - Youth Services)
- (cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

~~The Superintendent or designee shall establish procedures for determining whether volunteers possess the qualifications, if any, required by law and administrative regulation for the types of duties they will perform.~~

As appropriate, the Superintendent or designee shall provide volunteers with information about school goals, programs, and practices and an orientation or other training related to their specific responsibilities. Employees who supervise volunteers shall ensure that volunteers are assigned meaningful responsibilities that utilize their skills and expertise and maximize their contribution to the educational program.

Community Relations

VOLUNTEER ASSISTANCE

Volunteer maintenance work shall be limited to those projects that do not replace the normal maintenance duties of classified staff. The Board nevertheless encourages volunteers to work on short-term projects to the extent that they enhance the classroom or school, do not significantly increase maintenance workloads, and comply with employee negotiated agreements.

Volunteer aides shall not be used to assist certificated staff in performing teaching or administrative responsibilities in place of regularly authorized classified employees who have been laid off. (Education Code 35021)

Volunteers shall act in accordance with district policies, regulations and school rules. The Superintendent or designee shall be responsible for investigating and resolving complaints regarding volunteers.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 3515.2 - Disruptions)

The Board encourages principals to develop a means for recognizing the contributions of each school's volunteers.

(cf. 1150 - Commendations and Awards)

The Superintendent or designee shall periodically report to the Board regarding the district's volunteer assistance program.

Qualifications

The Superintendent or designee shall establish procedures for determining whether volunteers possess the qualifications, if any, required by law and administrative regulation for the types of duties they will perform.

Prior to assuming a volunteer position to work with students in a district-sponsored student activity program, a volunteer shall possess an Activity Supervisor Clearance Certificate issued by the Commission on Teacher Credentialing or shall obtain both a Department of Justice and Federal Bureau of Investigation criminal background check through the district. (Education Code 49024)

Community Relations

VOLUNTEER ASSISTANCE

Legal Reference:

EDUCATION CODE

8482-8484.6 After School Education and Safety program

8484.7-8484.9 21st Century Community Learning Center program

35021 Volunteer aides

35021.1 Automated records check

35021.3 Registry of volunteers for before/after school programs

44010 Sex offense; definition

44227.5 Classroom participation by college methodology faculty

44814-44815 Supervision of students during lunch and other nutrition periods

45125 Fingerprinting requirements

45125.01 Interagency agreements for criminal record information

45340-45349 Instructional aides

45360-45367 Teacher aides

49024 Activity Supervisor Clearance Certificate

49406 Examination for tuberculosis

GOVERNMENT CODE

3543.5 Prohibited interference with employees' rights

HEALTH AND SAFETY CODE

1596.871 Fingerprints of individuals in contact with child day care facility clients

LABOR CODE

1720.4 Public works; exclusion of volunteers from prevailing wage law

3364.5 Persons performing voluntary services for school districts

PENAL CODE

290 Registration of sex offenders

290.4 Information re sex offenders

290.95 Disclosure by person required to register as sex offender

CODE OF REGULATIONS, TITLE 22

101170 Criminal record clearance

101216 Health screening, volunteers in child care centers

UNITED STATES CODE, TITLE 20

6319 Qualifications and duties of paraprofessionals, Title I programs

ATTORNEY GENERAL OPINIONS

62 Ops. Cal. Atty. Gen. 325 (1979)

COURT DECISIONS

Whisman Elementary School District, (1991) PERB Decision No. 868

Community Relations

VOLUNTEER ASSISTANCE

Management Resources:

WEB SITES

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

California Department of Education, Parents/Family and Community:

<http://www.cde.ca.gov/ls/pf>

California Department of Justice, Megan's Law: <http://www.meganslaw.ca.gov>

California Parent Teacher Association: <http://www.capta.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

National Coalition for Parent Involvement in Education: <http://www.ncpie.org>

National Parent Teacher Association: <http://www.pta.org>

Policy MANHATTAN BEACH UNIFIED SCHOOL DISTRICT

adopted: March 16, 2005 Manhattan Beach, California

reviewed: September 5, 2007

revised: June 2, 2010

revised:

REVISED ADMINISTRATIVE REGULATION MBUSD

AR 1240 (a)

Community Relations

VOLUNTEER ASSISTANCE

Duties of Volunteers

Volunteers may assist certificated personnel in the performance of their duties, in the supervision of students, and in instructional tasks, which, in the judgment of the certificated personnel to which the volunteer is assigned, may be performed by a person not licensed as a classroom teacher. These duties shall not include assignment of grades to students. (Education Code 45343, 45344, 45349)

(cf. 4222 - Teacher Aides/Paraprofessionals)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

Volunteers may supervise students during lunch, breakfast, or other nutritional periods or may serve as nonteaching aides under the immediate supervision and direction of certificated personnel to perform noninstructional work which assists certificated personnel in the performance of teaching and administrative responsibilities. (Education Code 35021, 44814, 44815)

Volunteers may work on short-term facilities projects pursuant to Board policy and the section below entitled "Volunteer Facilities Projects."

Qualifications of Volunteers

Volunteers providing supervision or instruction of students pursuant to Education Code 45349 shall give evidence of basic skills proficiency. (Education Code 45344.5, 45349)

(cf. 4212 - Appointment and Conditions of Employment)

~~Beginning July 1, 2010, any volunteer who supervises, directs, or coaches a student activity program shall be required to obtain an Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing. Student activity programs include, but are not limited to, scholastic programs, interscholastic programs, and extracurricular activities sponsored by the district or a school booster club, such as cheer team, drill team, dance team, and marching band. This requirement shall not apply to volunteer supervisors for breakfast, lunch, or other nutritional periods or to volunteer nonteaching aides under the immediate supervision and direction of certificated personnel pursuant to Education Code 35021. (Education Code 49024)~~

Community Relations

VOLUNTEER ASSISTANCE

Any volunteer working with students in a district-sponsored student activity program shall obtain an Activity Supervisor Clearance Certificate or criminal background check in accordance with Board policy. The Superintendent or designee shall determine which volunteer positions in the district are subject to this requirement.

(cf. 4212.5 - Criminal Background Check)

"Student activity programs" include, but are not limited to, scholastic programs, interscholastic programs, and extracurricular activities sponsored by the district or a school booster club, such as cheer team, drill team, dance team, and marching band. This requirement shall not apply to volunteer supervisors for breakfast, lunch, or other nutritional periods or to volunteer nonteaching aides under the immediate supervision and direction of certificated personnel pursuant to Education Code 35021, including parents/guardians volunteering in a classroom or on a field trip or community members providing noninstructional services. (Education Code 49024)

*(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)
(cf. 6145 - Extracurricular and Cocurricular Activities)*

The Superintendent or designee shall not assign any person required to register as a sex offender pursuant to Penal Code 290 as a volunteer who assists certificated personnel in the performance of their duties; supervises students during lunch, breakfast, or other nutritional period; or serves as a nonteaching aide to perform noninstructional tasks. In addition, a person who is required to register as a sex offender because of a conviction for a crime where the victim was a minor under age 16 shall not serve as a volunteer in any capacity in which he/she would be working directly and in an unaccompanied setting with minors on more than an incidental and occasional basis or have supervision or disciplinary power over minors. (Education Code 35021, 45349; Penal Code 290.95)

(cf. 3515.5 - Sex Offender Notification)

The Superintendent or designee may require all volunteers to disclose their status as a registered sex offender and/or provide the district with sufficient information in order to allow verification of this status on the Department of Justice's Megan's Law web site.

No volunteer shall be assigned to provide supervision *supervise* or instruction of students unless he/she has submitted evidence of an examination within the past 60 days to determine that he/she

Community Relations

VOLUNTEER ASSISTANCE

is free of active tuberculosis. Volunteers who skin test negative shall thereafter be required to take a tuberculosis test every four years in accordance with Education Code 49406. (Education Code 45106, 45347, 45349, 49406)

The Superintendent or designee may exempt from tuberculosis testing requirements those volunteers who serve less than a school year and whose functions do not require frequent or prolonged contact with students. (Education Code 49406)

~~(cf. 4112.4/4212.4/4312.4—Health Examinations)~~

~~The Superintendent or designee may exempt from tuberculosis testing requirements those volunteers who serve less than a school year and whose functions do not require frequent or prolonged contact with students. (Education Code 49406)~~

Volunteer Facilities Projects

All volunteer facilities projects shall have approximate start and completion dates and **must shall** be approved by the principal in advance. ~~Projects approved by the principal~~ shall also be approved in advance by the Superintendent or designee if they involve the following types of work:

1. Alterations, additions, or repairs to buildings and grounds
2. Construction involving wall or roof penetration, drilling, or nailing
3. Structural modifications
4. Electrical, electronic, plumbing, or heating, and cooling work
5. Painting
6. Installation of carpet, *playground equipment, benches, sprinkler systems, marquees or signs*
- ~~7. Installation of playground equipment and benches~~
- ~~8. Installation of sprinkler systems~~
7. Paving

Community Relations

VOLUNTEER ASSISTANCE

~~10. Installation of marquees and signs~~

8. Tree planting, pruning, or removal

The Superintendent or designee shall ensure that volunteers possess the appropriate license and/or have sufficient expertise appropriate to the project. He/she shall also ensure that such projects comply with building and safety codes and other applicable laws and collective bargaining agreements. The district shall provide on-site assistance and supervision for such projects as necessary. Projects shall be inspected upon completion to ensure that the work was done satisfactorily.

(cf. 3514 - Environmental Safety)

(cf. 3514.1 - Hazardous Substances)

~~(cf. 7111 - Evaluating Existing Buildings)~~

(cf. 7140 - Architectural and Engineering Services)

Regulation MANHATTAN BEACH UNIFIED SCHOOL DISTRICT

approved: March 16, 2005 Manhattan Beach, California

reviewed: September 5, 2007

reviewed: June 2, 2010

reviewed:

G. BOARD BUSINESS

2. **TITLE:** Adopt **REVISED** Board Policy 4020, Drug and Alcohol-Free Workplace

BACKGROUND: This **MANDATED AND UPDATED** policy has been revised to more accurately reflect the assurances that district must make to the California Department of Education, including the provision of a drug-free workplace, notifications to employees about the district's policy, action that will be taken in the event an employee has violated the prohibition, and the requirement that employees abide by the policy and notify the district of any criminal drug or alcohol statute conviction which is received for a violation occurring in the workplace. The language formerly in the policy in reference to specific discipline that will be taken against an employee has been deleted and is covered in other policies.

ACTION RECOMMENDED: Adopt **REVISED** Board Policy 4020, Drug and Alcohol-Free Workplace

PREPARED BY: Kathy Hall, Director, Human Resources

DATE OF MEETING: November 3, 2010

AGENDA NOTE AGENDA NOTE AGENDA NOTE

REVISED BOARD POLICY MBUSD

BP 4020(a)

Personnel

DRUG AND ALCOHOL-FREE WORKPLACE

The Governing Board believes that the maintenance of drug- and alcohol-free workplaces is essential to school and district operations *staff and student safety and to help ensure a productive and safe work and learning environment.*

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

~~No~~ An employee shall *not* unlawfully manufacture, distribute, dispense, possess, *or* use ~~or be~~ under the influence of any alcoholic beverage, drug or controlled substance *while on duty, on district property, or at a school-related activity or event. (Government Code 8355; 41 USC 701)*

In addition, an employee shall not use or be under the influence of any alcoholic beverage or controlled substance, as defined in 21 USC 81 at any school district workplace, while on duty, on district property, or at a district-related activity or event.

These prohibitions apply before, during and after school hours. A school district workplace is any place where school district work is performed, any school-owned or school-approved vehicle used to transport students to and from school or school activities; any off-school sites when accommodating a school-sponsored or school-approved activity or function where students are under district jurisdiction; or during any period of time when an employee is supervising students on behalf of the district or otherwise engaged in district business.

~~(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)~~

~~(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)~~

The Superintendent or designee shall notify employees of these prohibitions *of the district's prohibition against drug use and the actions that will be taken for violation of such prohibition. (Government Code 8355; 41 USC 702I)*

An employee shall abide by the terms of this policy and notify the district, within five days, of any criminal drug or alcohol statute conviction which he/she receives for a violation occurring in the workplace *his/her conviction for violation in the workplace of any criminal drug statute. (Government Code 8355; 41 USC 702I)*

The Superintendent or designee shall notify the appropriate federal granting or contracting agencies within 10 days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace. (41 USC 701)

Personnel

DRUG AND ALCOHOL-FREE WORKPLACE

~~The Board may not employ or retain in employment persons convicted of a controlled substance offense as defined in Education Code 44011. If any such conviction is reversed and the person acquitted in a new trial or the charges dismissed, his/her employment is no longer prohibited. A plea or verdict of guilty, a finding of guilt by a court in a trial without a jury, or a conviction following a plea of nolo contendere shall be deemed to be a conviction. (Education Code 44836, 45123)~~

~~(cf. 4112—Appointment and Conditions of Employment)
(cf. 4212—Appointment and Conditions of Employment)~~

~~A classified employee may be reemployed after conviction of such an offense if the Board determines, from the evidence presented, that the person has been rehabilitated for at least five years. (Education Code 45123)~~

~~The Board may take appropriate disciplinary action, up to and including termination, or require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state or local health, law enforcement or other appropriate agency.~~

~~(cf. 4117.4—Dismissal)
(cf. 4118—Suspension/Disciplinary Action)
(cf. 4218—Dismissal/Suspension/Disciplinary Action)~~

41 USC 703 requires the district, within 30 days of receiving notification from an employee of his/her conviction of a controlled substance offense, to either discipline the employee or require him/her to complete a drug rehabilitation program as specified below. Pursuant to Education Code 44940 and 45304, when a certificated or classified employee is charged with a controlled substance offense as defined in Education Code 44011, the district must place the employee on a mandatory leave of absence. If the employee is ultimately convicted of the offense, Education Code 44836 and 45123 require the employee to be dismissed.

In accordance with law and the district's collective bargaining agreements, the Superintendent or designee shall take appropriate disciplinary action, up to and including termination, against an employee for violating the terms of this policy and/or shall require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state, or local health or law enforcement agency or other appropriate agency.

*(cf. 4112 - Appointment and Conditions of Employment)
(cf. 4117.4 - Dismissal)*

Personnel

DRUG AND ALCOHOL-FREE WORKPLACE

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4212 - Appointment and Conditions of Employment)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

The Superintendent or designee shall establish a drug- and alcohol-free awareness program to inform employees about: (Government Code 8355, *USC 701*)

1. The dangers of drug and alcohol abuse in the workplace
2. The district policy of maintaining ~~a drug-and-alcohol-free~~ workplace
3. ~~Any~~ Available drug and alcohol counseling, rehabilitation, and employee assistance programs

(cf. 4159/4259/4359 - Employee Assistance Programs)

4. The penalties that may be imposed on employees for drug and alcohol abuse violations *occurring in the workplace*

Legal Reference:

EDUCATION CODE

44011 Controlled substance offense

44425 Conviction of controlled substance offenses as grounds for revocation of credential

44836 Employment of certificated persons convicted of controlled substance offenses

44940 Compulsory leave of absence for certificated persons

44940.5 Procedures when employees are placed on compulsory leave of absence

45123 Employment after conviction of controlled substance offense

45304 Compulsory leave of absence for classified persons

GOVERNMENT CODE

8350-8357 Drug-free workplace

UNITED STATES CODE, TITLE 20

7111-7117 Safe and Drug Free Schools and Communities Act

UNITED STATES CODE, TITLE 21

812 Schedule of controlled substances

CODE OF FEDERAL REGULATIONS, TITLE 21

1308.01-1308.49 Schedule of controlled substances

COURT DECISIONS

Cahoon v. Governing Board of Ventura USD, (2009) 171 Cal.App.4th 381

Ross v. RagingWire Telecommunications, Inc., (2008) 42 Cal.4th 920

Personnel

DRUG AND ALCOHOL-FREE WORKPLACE

Management Resources:

WEB SITES

California Department of Alcohol and Drug Programs: <http://www.adp.ca.gov>

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

U.S. Department of Labor: <http://www.dol.gov>

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

G. BOARD BUSINESS

3. **TITLE:** Receive for Board adoption **REVISED** Board Policy 4156.2/4256.2/4356.2, Awards and Commendations

BACKGROUND: This **MANDATED** policy is revised to reflect the membership of the merit awards committee, adds encouragement of staff recognition during designated recognition days, and clarifies the role of the Superintendent and the Board in granting awards.

ACTION RECOMMENDED: Receive for Board adoption **REVISED** Board Policy 4156.2/4256.2/4356.2, Awards and Commendations

PREPARED BY: Kathy Hall, Director, Human Resources

DATE OF MEETING: November 3, 2010

AGENDA NOTE AGENDA NOTE AGENDA NOTE

REVISED BOARD POLICY MBUSD

BP 4156.2(a)
4256.2
4356.2

Personnel

AWARDS AND RECOGNITION

The Governing Board believes the district's employees are its most valuable resource and encourages recognition of the services they provide. *The Governing Board values its instructional and noninstructional staff and desires to recognize their outstanding service in order to increase employee morale and encourage creative and innovative performance.* The Superintendent or designee may issue service pins, certificates, plaques or other mementos in accordance with Board policy and administrative regulations.

(cf. 1150 - Commendations and Awards)
(~~cf. 3300 - Expenditures/Expending Authority~~)
(cf. 5126 - Awards for Achievement)

The Board encourages recognition of all staff during days of significance designated by the Board, state law, or state resolution.

(cf. 6115 - Ceremonies and Observances)

The Board authorizes awards to employees who: (Education Code 44015)

1. Propose ideas or procedures which eliminate or reduce district expenditures or improve district operations
2. Perform special acts or services in the public interest
3. By their superior accomplishments, make exceptional contributions to the efficiency, economy, or other improvement in district operations

~~The Superintendent or designee shall recommend individuals to the Board for such awards.~~

~~The Superintendent or designee shall establish regulations governing employee awards.~~

As the district budget permits, the Superintendent or designee may recognize such employees by issuing service pins, certificates, plaques, and/or other mementos. In addition, he/she may recommend employees to the Board for recognition at a public Board meeting.

(cf. 3100 - Budget)

MBUSD

BP 4156.2(b)

4256.2

4356.2

Personnel

AWARDS AND RECOGNITION

(cf. 3300 - Expenditures and Purchases)

The Superintendent or designee shall establish procedures for the selection of individual employees to receive awards.

The Superintendent or designee may appoint one or more merit award committees consisting of Board members, district employees, and/or private citizens to review employee contributions and recommend awards.

Monetary awards to employees shall not exceed \$200 unless expressly approved by the Board. (Education Code 44015)

(cf. 1220 - Citizen Advisory Committees)

(cf. 9140 - Board Representatives)

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

35161 Powers and duties generally

37222.10 Days of significance, including Day of the Teacher

44015 Awards to Employees

45460 Classified School Employee Week

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance: The Board's Relationship to District Staff, 2008

WEB SITES

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

Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>

Policy MANHATTAN BEACH UNIFIED SCHOOL DISTRICT

adopted: September 5, 2007 Manhattan Beach, California

revised: