

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

**September 16, 2009
5:00 Workshop at Mira Costa High School re Master Schedule
6:00 Closed Session
6:30 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 (20 Minutes)

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. Recognition:
 - a. Vejas Vasiliuskas, a student at Manhattan Beach Middle School, will be recognized for receiving 1st Place, Sophomore Level, in the 9th Annual National Braille Challenge.
 - b. Jill Brunkhardt, from Chevron, will be recognized for Chevron's generous donation to and for their support of the Manhattan Beach Unified School District.
 - c. The following employees will be recognized for their years of service to the District:

Denise Sams, 30 Years of Service
Barry Smith, 30 Years of Service

Rod Jorgensen, 35 Years of Service
Shirley White, 55 Years of Service

3. Board Member Announcements
4. Introduction of new Student Board Member and representative from Manhattan Beach Middle School, Jina Stanfill.
5. Jeff Whalen, Student Board Member, will discuss student topics at Mira Costa High School and events and activities in the District. Jina Stanfill will report on activities at Manhattan Beach Middle School.

C. PRESENTATION/DISCUSSION ITEMS

Members of the audience may request to speak on any item(s), prior to discussion by the Board. Speakers will have one (1) minute to address the Board.

- Schneider**
1. MBUSD H1N1 District/School Site Plans **(Information Only)**

D. PRESENTATION/ACTION ITEMS

Members of the audience may request to speak on any item(s), prior to action by the Board. Speakers will have one (1) minute to address the Board.

- Romines
1-9**
1. 2009/10 Revised Budget **(Approval is Requested)**

E. 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
10**
1. Ratify membership in several professional organizations relating to curriculum development, for a total of \$1,038.00, charged to acct. #01.0-40350.0-11100-100000-5850-112, Title II, Improving Teacher Quality.

Association for Supervision and Curriculum Development - \$89.00
Manhattan Beach Chamber of Commerce - \$135.00
Manhattan Beach Coordinating Council - \$135.00
Music Center Education Division - \$500.00
National Staff Development Council - \$179.00

- Seaton
11-15**
2. Approve field trip request from Lisa Zimmerman, girls' volleyball coach, to travel to Las Vegas on September 25-27, 2009, for a tournament. Fourteen athletes and two chaperones will travel via Southwest Airlines and will stay at the Tahiti Village Hotel. One day of school will be missed. There is no cost to the District.

- Seaton
16-19**
3. Approve field trip request from Lisa Zimmerman, girls' volleyball coach, to travel to Chicago on October 1-4, 2009, for a tournament. Fourteen athletes and two chaperones will travel via Southwest Airlines and will stay at the Double Tree Inn. Two days of school will be missed. There is no cost to the District.

- Seaton
20-23** 4. Approve field trip request from Lisa Zimmerman, girls' volleyball coach, to travel to Torrey Pines on October 16-17, 2009, for a tournament. Fourteen athletes and two chaperones will travel via automobile and will stay at the Double Tree Inn. One day of school will be missed. There is no cost to the District.
- Schneider
24-29** 5. Ratify the District Master Contract for Nonsectarian, Nonpublic Agency Services (NPA) with Kids in Motion Physical Therapy dba Kids in Motion Pediatric Therapy. Contract is necessary to renew services for the 2009/10 fiscal year, as mandated by Individualized Education Plans (IEP's). The Master Contract is effective from July 1, 2009, through June 30, 2010. Amount not-to-exceed \$8,550.00. Funds to be paid from Nonsectarian, Nonpublic Agency Services account, #01.0-65000.0-57500-11801-5810-0000051. This item has been budgeted.
- Schneider
30-35** 6. Ratify the District Master Contract for Nonsectarian, Nonpublic School Services (NPS) with The Center for Learning Unlimited. Contract is necessary to renew services for the 2009/10 fiscal year, as mandated by Individualized Education Plans (IEP's). The Master Contract is effective from July 1, 2009, through June 30, 2010. Amount not-to-exceed \$372,550.00. Funds to be paid from Nonsectarian, Nonpublic School Services account, #01.0-65000.0-57500-11802-5810-0000053. This item has been budgeted.
- Schneider
36-37** 7. Ratify the Amendment to District Master Contract for Nonsectarian, Nonpublic School Services (NPS) with The H.E.L.P. Group, Inc., and operating as Pacific Schools, Summit View Westside, and Village Glen Westside. Amendment is necessary to include transportation service to Pacific School for the 2009/10 fiscal year, as mandated by Individualized Education Plans (IEP's). The Master Contract is effective from July 1, 2009, through June 30, 2010. Amount not-to-exceed \$253,291.00. This is an increase of \$9,360.00. Funds to be paid from Nonsectarian, Nonpublic School Services account, #01.0-65000.0-57500-11802-5810-0000053. This item has been budgeted.
- Schneider
38-39** 8. Ratify Student Services Special Employment Agreement for 2009/10 fiscal year with Albert K. K. Chun, O.D., F.C.O.V.D., to provide vision therapy services, from July 1, 2009, through June 30, 2010, as mandated by an Individualized Education Plan (IEP) team meeting. Amount not-to-exceed \$300.00. Funds to be paid from Special Education account, #01.0-65000.0-50010-31400-5850-0000113. This item has been budgeted.
- Schneider
40-41** 9. Ratify Student Services Special Employment Agreement for 2009/10 fiscal year with Mary Ann Macek, Registered Nurse, to provide Individualized Education Plan (IEP) assessments, and vision and hearing assessments, from September 9, 2009, through December 31, 2009. Amount not-to-exceed \$4,137.90. Funds to be paid from Special Education account, #01.0-00000.0-00000-31400-5850-0000113. This item has been budgeted.
- Schneider
42-43** 10. Ratify Student Services Special Employment Agreement for 2009/10 fiscal year with Judi Zimmerman, Registered Nurse, to provide Individualized Education Plan (IEP) assessments, and vision and hearing assessments, from September 9, 2009, through December 31, 2009. Amount not-to-exceed \$2,228.10. Funds to be paid from Special Education account, #01.0-00000.0-00000-31400-5850-0000113. This item has been budgeted.

Personnel

11. Ratify employment of classified personnel at effective dates listed:

Anderson, Danielle, IBI, Perm., Pacific, 75% time, Range 17, Step 1, effective 09/02/09 (Replacement)

Camacho, Mabel, IBI, Perm., Robinson, 68.75% time, Range 17, Step 5, effective 09/02/09 (IEP)

Green, Lavon, IBI, Perm., Pacific, 81.25% time, Range 17, Step 2, effective 09/02/09 (IEP)

Hoffman, Alana, Special Ed. I.A., Perm., Grand View, 81.25% time, Range 12, Step 6, effective 09/02/09 (Effects of lay offs)

Klahr, Susan, IBI, Perm., MBMS, 87.5% time, Range 17, Step 2, effective 09/02/09 (IEP)

Dunlap, Julia, Occupational Therapist, Perm., Student Services, 40% time, Range 50, Step 2, effective 07/28/09 (Replacement)

Potvin, Dennis, Building Trades Specialist – Stage Manager, Perm., MCHS, 75% time, Range 28, Step 3, effective 08/17/09 (Replacement)

12. Approve resignation of classified personnel at effective dates listed:

Abbitt, Darla, Food Production Team Leader, Preschool/MCHS, effective 09/01/09 (Resignation)

Reese, Clifford, Campus Security, MCHS, effective 08/06/09 (Resignation)

13. Ratify leave of absence for classified employees at effective dates as listed:

Brown, Ronald, Operations Crew Leader, MCHS, (Contract Article 6) effective 09/01/09 – 09/13/09

Cerezo, Teresa, Food Service Assistant 1, MCHS, (Contract Article 6) effective 09/02/09 – 09/30/09

Chaney, Stephanie, Food Service Assistant 1, MCHS, (Contract Article 6) effective 09/02/09 – 09/20/09

Wilson, Janet, Health Assistant, MBMS, (Contract Article 6) effective 09/01/09 – 05/05/10

14. Ratify change of status of classified personnel at effective dates listed:

Adams, Michelle, IBI, MBMS, Perm., 81.25% time, to 100% time, effective 09/02/09 (IEP)

Anderson, Terri, Special Ed. I.A., Meadows, Perm., 81.25% time to MBMS, 87.5% time, effective 09/02/09 (IEP)

Cummings, Terri, Special Ed. I.A., Pennekamp, Perm., 41.62% time to Preschool, 50% time, effective 09/02/09 (Replacement)

Davis, Gale, Health Assistant, Pennekamp, Perm., 93.75% time to 78.75% time, effective 09/01/09 (Effects of lay offs)

Hill, Iwalani, Special Ed. I.A., Grand View, Perm., 81.25% time to MBMS 87.5% time, effective 09/02/09 (IEP)

Kahl, Diana, Health Assistant, Meadows, Perm., 81.25% time to 78.75% time, effective 09/01/09 (Effects of lay offs)

Kim, Donna, Health Assistant, Pacific, Perm., 93.75% time to 78.75% time, effective 09/01/09 (Effects of lay offs)

Knocke, Dallas, Special Ed. I.A., MBMS, Perm., 81.25% time to 75% time, effective 09/02/09 (Effects of lay offs)

Loza, Estela, Special Ed. I.A., Preschool, Perm., 81.25% time to IBI, Preschool, Perm., 75% time, effective 09/02/09 (Replacement)

Mracek, Nelly, Health Assistant, Robinson, Perm., 93.75% time to 78.75% time, effective 09/01/09 (Effects of lay offs)

Scotton, Martha, Special Ed. I.A., Pacific, Perm., 62.5% time to IBI, Pacific, Perm., 81.25% time, effective 09/02/09 (Replacement)

Sharp, Cynthia, Special Ed. I.A. Meadows, Perm., 43.75% time to 75% time, effective 09/02/09 (IEP)

Sodeika, Paula, Health Assistant, Grand View, Perm., 93.75% time to 78.75% time, effective 09/01/09 (Effects of lay offs)

Tadros, Dena, Special Ed. I.A., Meadows, Perm., 75% time to 81.25% time, effective 09/02/09 (IEP)

15. Ratify change in status for Nancy Doyle (ROB), from 80% to 100%, eff. 7/1/09.

16. Ratify leave of absence for certificated staff per MBUTA Contract Article #11.9, #11.10, #11.18 as follows:

Fish, Bob (MCHS), from 9/7/09 to 11/29/09

Miles, Dawn (GV), eff. 9/25/09 to 11/20/09

Rosenburg, Nancy (PAC), 40%, eff. 9/1/09 to 6/24/10

17. Ratify change in status for certificated personnel as follows:

Bosworth, Erin (MBMS) change from Col. 4, Step 1, to Col. 5, Step 2, eff. 9/1/09

Carlin, Ann (ROB), from 40% to 60%, eff. 9/1/09

Fulton, Dawn (PAC) (revision), eff. 9/1/09

Mellis, John (MCHS), from 80% to 100%, PERM, Col. 4, Step 25, eff. 9/1/09

Rogers, Shirlee (PAC), from 29.74%, to 36.9% (TEMP), eff. 9/1/09

Rosenburg, Nancy (PAC), from 80% to 40%, eff. 9/1/09

Slater, Marianne (GV), from Col. 5, Step 12, to Col. 6, Step 12, eff. 9/1/09

Stopp, Katherine (ROB), from 50% to 75% (revision), eff. 9/1/09

Syverson, Michelle (ROB), from Col. 3, Step 15 to Col. 4, Step 15, eff. 9/1/09

Thomas, Wilson (MBMS), from Col. 5, Step 15 to Col. 6, Step 16, eff. 9/1/09

Vanick, Cheryl (ME), from 25.71% to 37.14%, TEMP, Col. 6, Step 6, eff. 9/14/09

18. Ratify employment of Susana McKee (MCHS), Col. 2, Step 3, 80% TEMP, eff. 9/1/09.

Romines **Business**

- 44-45** 19. Approve the disposal of personal property that is no longer being used or is no longer useful, from Robinson Elementary School.
- 46-60** 20. Review monthly budget report.
- 61-63** 21. Accept Developer Fee report for the month of August 2009.

F. PUBLIC AND STAFF SUBMITTED ITEMS

(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.

G. BOARD BUSINESS (20 Minutes)

- Romines
64-75** 1. Receive for second reading and adoption, revised Board Policy, and receive for review Administrative Regulation, 3320, Claims and Actions Against the District.
- Schneider
76-79** 2. Receive, for information, revised Administrative Regulation 1312.1, Complaints Concerning District Employees.
- Schneider
80-82** 3. Receive for first reading and adoption, revised Board Policy 5021, Noncustodial Parents.
- Schneider
83-85** 4. Receive for first reading and adoption, revised Board Policy 5125, Student Records.
- Schneider
86-107** 5. Receive for first reading and review, revised Administrative Regulation 5125, Student Records.
- Schneider
108-110** 6. Receive for first reading and review, revised Administrative Regulation 5125.1, Release of Directory Information.
- Schneider
111-114** 7. Receive for first reading and adoption, revised Board Policy 5131.5, Vandalism and Graffiti.
- Schneider
115-120** 8. Receive for first reading and adoption, revised Board Policy 5145.7, Sexual Harassment.
- Schneider
121-130** 9. Receive for first reading and review, revised Administrative Regulation 5145.7, Sexual Harassment.
- Schneider
131-137** 10. Receive for first reading and adoption, revised Board Policy 5148.3, Preschool/Early Childhood Education.

- Schneider 138-141** 11. Receive for first reading and review, new Administrative Regulation 5148.3, Preschool/Early Childhood Education.
- Schneider 142-146** 12. Receive for first reading and adoption, revised Board Policy 5145.9, Hate-Motivated Behavior.
- Schneider 147-151** 13. Receive for first reading and adoption, revised Board Policy 6181, Alternative Schools/Programs of Choice.
- Schneider 152-155** 14. Receive for first reading and review, new Administrative Regulation 6181, Alternative Schools/Programs of Choice.
- Schneider 156-160** 15. Approve deletion due to renumbering, of Board Policy 6300, Preschool/Early Childhood Education.
- 16. Approve scheduling a Board workshop on October 14, 2009, on the topics of District vision, mission and goals.
- 17. LACSTA Fall Workshop/Training, Saturday, October 24, 2009, LACOE
- 18. Approve minutes of the regular Board meeting of June 3, 2009.
- 19. Approve minutes of the regular Board meeting of July 8, 2009.
- 20. Approve minutes of the regular Board meeting of July 21, 2009.

H. SUPERINTENDENT/CABINET REPORT (15 Minutes)

- 1. District API Scores
- 2. ESPN FAB 50
- 3. MCHS Master Plan Community Meeting
- 4. Secondary Monthly Discipline Meeting
- 5. Enrollment Update
- 6. MCHS Voluntary Drug Testing
- 7. *Be Our Guest* Program
- 8. MBMS Music Room Dedication
- 9. School Services: Conquering District Budgets, November 4, Garden Grove, 8:30 a.m. to 12:30 p.m., \$175.00 each

I. 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.

J. ITEMS FOR FUTURE DISCUSSION/ACTION

K. ADJOURNMENT

CLOSED SESSION AGENDA
SEPTEMBER 16, 2009
6:00 P.M.

1. Public employee discipline/dismissal/release, pursuant to Government Code Section 54957.
2. Conference with district labor negotiator Steve Romines regarding MBUTA negotiations, per Government Code Section 54957.6.
3. Conference with district labor negotiator Steve Romines regarding CSEA negotiations, per Government Code Section 54957.6.

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

(Note: These dates are subject to change)

SEPTEMBER

September 28, 2009
Local Holiday

OCTOBER

October 6, 2009, 6:30 PM
Board Meeting

NOTE NEW DATE

October 12, 2009
Staff Development Day
No Students

October 14, 2009
Board Workshop (Pending Approval)

October 21, 2009, 6:30 PM
Board Meeting

NOVEMBER

November 3, 2009
Election Day

November 4, 2009, 6:30 PM
Board Meeting

November 11, 2009
Veteran's Day

November 18, 2009, 6:30 PM
Board Meeting

November 23-27, 2009
Thanksgiving Break

DECEMBER

December 9, 2009, 6:30
Organizational Board Meeting

December 21-31, 2009
Winter Break

JANUARY

January 1, 2010
Winter Break

January 13, 2010, 6:30
Board Meeting

January 18, 2010
Martin Luther King, Jr., Holiday

FEBRUARY

February 3, 2010, 6:30 PM
Board Meeting

February 15-19, 2010
District Recess

MARCH

March 3, 2010, 6:30 PM
Board Meeting

March 17, 2010, 6:30 PM
Board Meeting

March 29-April 2, 2010
Spring Break

APRIL

April 21, 2009, 6:30 PM
Board Meeting

MAY

May 5, 2009, 6:30 PM
Board Meeting

May 19, 2009, 6:30 PM
Board Meeting

May 31, 2009
Memorial Day Holiday

JUNE

June 2, 2009, 6:30 PM
Board Meeting

June 16, 2009, 6:30 PM
Board Meeting

June 22, 2009
MBMS Promotion

June 23, 2009
Last Day of School

June 24, 2009
MCHS Graduation

D. PRESENTATION/ACTION ITEMS

1. TITLE: Adoption of 2009/10 Revised Budget

BACKGROUND: As required by Education Code, the Board needs to adopt the revised budget for the school year 2009/10. The revised budget contains any restricted or unrestricted ending fund balances from the prior year and incorporates any revisions to the State budget into the District's budget.

Upon adoption by the Board, the Revised Budget is sent to the Los Angeles County Office of Education to comply with their over site requirements. From there, it will be sent to the State of California, Department of Finance for final approval.

ACTION RECOMMENDED: Adopt the 2009/10 Revised Budget.

PREPARED BY: Steve Romines

DATE OF MEETING: September 16, 2009

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT

09/10 STATE REVISED UNRESTRICTED/RESTRICTED COMBINED BUDGET SUMMARY

	Unaudited Actuals 2008/09	Revised Budget 2009/10	Difference	
Budgeted Revenue				
Revenue Limit	\$ 38,314,156	\$ 35,170,426	\$ (3,143,730)	reflects revenue limit deficit diff of 7.844% to 18.355% 09/10
Federal Revenue	\$ 1,214,240	\$ 1,135,083	\$ (79,157)	reductions in title programs
State Revenue	\$ 7,790,996	\$ 5,521,666	\$ (2,269,330)	reduced CSR rev, categorical cuts 20%. Tier 3 set aside
Local Revenue	\$ 7,284,986	\$ 6,459,210	\$ (825,776)	mbef and city contribution minus asb, pla, booster funds
Total Projected Revenues	\$ 54,604,378	\$ 48,286,385	\$ (6,317,993)	
Expenditures				
Certificated Salaries	\$ 24,989,364	\$ 23,382,764	\$ (1,606,600)	program reductions due to revenue cuts
Classified Salaries	\$ 7,492,461	\$ 6,799,847	\$ (692,614)	program reductions due to revenue cuts
Benefits	\$ 7,741,992	\$ 7,690,716	\$ (51,276)	net benefits reduction from sal reductions and medical ins inc
Books/Supplies	\$ 2,873,072	\$ 1,762,566	\$ (1,110,506)	reflects categorical cuts and not bging for asb, pla,boosters
Services	\$ 5,851,652	\$ 9,352,824	\$ 3,501,172	contract exp related to prior year, transp. utilities, insurance
Capital Outlay	\$ 230,348	\$ -	\$ (230,348)	
Other Outgo	\$ 3,343,350	\$ 2,385,573	\$ (957,777)	net decrease in COP pmnt and sp ed law suit pmnt
Transfers of indirect/direct costs	\$ -	\$ -	\$ -	
Budgeted Expenditures	\$ 52,522,239	\$ 51,374,290	\$ (1,147,949)	
Excess of Revenues over Expenditures	\$ 2,082,139	\$ (3,087,905)		
Contributions, Sources and Uses				
Transfers Out of General Fund	\$ -	\$ -	\$ -	
Unrestricted to Restricted	\$ -	\$ -	\$ -	
Restricted to Unrestricted	\$ -	\$ -	\$ -	
Total Sources and Uses	\$ -	\$ -	\$ -	
Net Increase or Decrease in Fund Balance	\$ 2,082,139	\$ (3,087,905)		
Beginning Fund Balance	\$ 7,431,818	\$ 9,513,957		
Ending Fund Balance	\$ 9,513,957	\$ 6,426,052		

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT

09/10 STATE REVISED BUDGET UNRESTRICTED REVENUE AND EXPENDITURE SUMMARY

	Unaudited Actuals 2008/09	Revised Budget 2009/10
Budgeted Revenue		
Revenue Limit	\$ 37,506,398	\$ 34,372,036
Federal Revenue	\$ -	\$ -
State Revenue	\$ 3,061,577	\$ 2,462,873
Local Revenue	\$ 2,645,312	\$ 2,067,464
Total Projected Revenues	\$ 43,213,287	\$ 38,902,373
Expenditures		
Certificated Salaries	\$ 19,527,032	\$ 20,417,555
Classified Salaries	\$ 3,484,353	\$ 3,872,799
Benefits	\$ 5,503,881	\$ 5,945,085
Books/Supplies	\$ 929,950	\$ 1,149,750
Services	\$ 1,961,753	\$ 2,901,782
Capital Outlay	\$ 189,195	\$ -
Other Outgo	\$ 1,170,536	\$ 597,573
Transfers of indirect/direct costs	\$ -	\$ (58,635)
Budgeted Expenditures	\$ 32,766,700	\$ 34,825,909
Excess of Revenues over Expenditures	\$ 10,446,587	\$ 4,076,464
Contributions, Sources and Uses		
Transfers Out of General Fund	\$ -	\$ -
Unrestricted to Restricted	\$ (6,619,693)	\$ (5,556,368)
Flexibility Transfers	\$ -	TBD
Total Sources and Uses	\$ (6,619,693)	\$ (5,556,368)
Net Increase or Decrease in Fund Balance	\$ 3,826,894	\$ (1,479,904)
Beginning Fund Balance	\$ 5,683,564	\$ 9,510,458
Projected Ending Balance	\$ 9,510,458	\$ 8,030,554

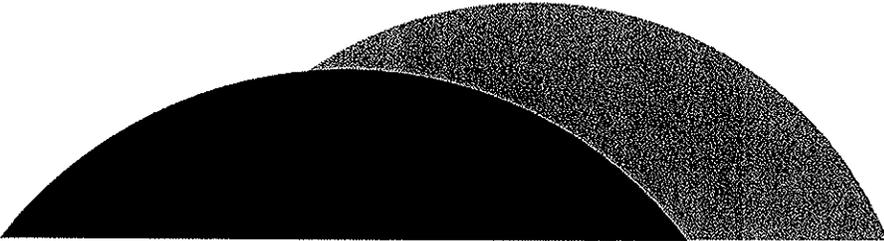
MANHATTAN BEACH UNIFIED SCHOOL DISTRICT

09/10 STATE REVISED BUDGET
RESTRICTED REVENUE AND EXPENDITURE SUMMARY

	Unaudited Actuals 2008/09	Revised Budget 2009/10
Budgeted Revenue		
Revenue Limit	\$ 807,758	\$ 798,390
Federal Revenue	\$ 1,214,240	\$ 1,135,083
State Revenue	\$ 4,729,419	\$ 3,058,793
Local Revenue	\$ 4,639,674	\$ 4,391,746
Total Projected Revenues	\$ 11,391,091	\$ 9,384,012
Expenditures		
Certificated Salaries	\$ 5,462,332	\$ 2,965,209
Classified Salaries	\$ 4,008,108	\$ 2,927,048
Benefits	\$ 2,238,111	\$ 1,745,631
Books/Supplies	\$ 1,943,122	\$ 612,816
Services	\$ 3,889,899	\$ 6,451,042
Capital Outlay	\$ 41,153	\$ -
Other Outgo	\$ 2,172,814	\$ 1,788,000
Transfers of indirect/direct costs	\$ -	\$ 58,635
Budgeted Expenditures	\$ 19,755,539	\$ 16,548,381
Excess of Revenues over Expenditures	\$ (8,364,448)	\$ (7,164,369)
Contributions, Sources and Uses		
Transfers Out	\$ -	\$ -
Unrestricted to Restricted	\$ 6,619,693	\$ 5,556,368
Flexibility Transfers	\$ -	TBD
Total Sources and Uses	\$ 6,619,693	\$ 5,556,368
Unappropriated Amount	\$ (1,744,755)	\$ (1,608,001)

**MANHATTAN BEACH UNIFIED SCHOOL
DISTRICT**

09/10 REVISED BUDGET SUMMARY



MANHATTAN BEACH UNIFIED SCHOOL DISTRICT

08/09 09/10 REVISED BUDGET TOTAL REVENUE SUMMARY

○ **TOTAL REVENUES 08/09 AND 09/10 COMPARISON**

08/09	09/10	DIFFERENCE
\$54,604,378	\$48,286,385	(\$6,317,993)

Components of Revenue Difference

\$(3,143,730) revenue limit deficit of 18.355%

\$ (79,157) federal program reductions

\$(2,269,330) Reduced CSR rev for increased class size, 20%
categorical reductions and Tier 3 set aside

\$ (825,776) net figure MBEF and City contribution minus ASB, PTA
Boosters Budgets

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT

08/09 AND 09/10 REVISED BUDGET TOTAL EXPENDITURE COMPARISON

○ TOTAL 08/09 AND 09/10 EXPENDITURE COMPARISON

08/09	09/10	DIFFERENCE
\$52,522,239	\$51,374,290	(\$1,147,949)

Components of Expenditure Difference

\$(2,350,490) Program reductions in certificated, classified salaries and benefits

\$(1,110,506) Books and Supplies reduction reflects not budgeting for

ASB, PTA and Boosters budgets and 20% categorical reductions

\$3,501,172 increases in contracts and transportation, utilities, insurance and internet services

\$ (957,777) net decrease reflects no further COP and law suit payment

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
COMPONENTS OF 09/10 ENDING FUND BALANCE

○ **09/10 Projected Ending Fund Balance**
\$6,426,052

Components of Ending Fund Balance

\$1,541,220 AB1200 Reserve for Economic Uncertainties

\$1,108,000 One time savings for COP payoff

\$ 267,000 Savings from Lawsuit final payment

\$3,509,832 One time revenue includes revolving cash, stores, earned vacation payoff and ending fund balance carried over from previous years into 09/10

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT

3 YEAR MULTI YEAR PROJECTION SUMMARY

	Revised Budget 2009/10	Projected 2010/11	Projected 2011/12
Revenues			
3 Revenue Limit	\$ 35,170,426	\$ 35,427,000	\$ 36,162,000
4 Federal Revenue	\$ 1,135,083	\$ 1,135,083	\$ 1,135,083
5 State Revenue	\$ 5,521,666	\$ 5,107,000	\$ 5,199,000
6 Local Revenue	\$ 6,459,210	\$ 4,236,000	\$ 4,567,000
7 Total Revenue	\$ 48,286,385	\$ 45,905,083	\$ 47,063,083
Expenditures			
11 Certificated Salaries	\$ 23,382,764	\$ 22,856,000	\$ 23,071,000
12 Classified Salaries	\$ 6,799,847	\$ 6,584,000	\$ 6,670,000
13 Benefits	\$ 7,690,716	\$ 7,687,000	\$ 8,010,000
14 Books and Supplies	\$ 1,762,566	\$ 1,370,000	\$ 1,328,000
15 Services	\$ 9,352,824	\$ 7,977,000	\$ 8,132,000
16 Capital Outlay	\$ -	\$ -	\$ -
17 Other Outgo	\$ 2,385,573	\$ 1,919,000	\$ 1,970,000
Total Expenditures	\$ 51,374,290	\$ 48,393,000	\$ 49,181,000
19 Excess of Revenues Over Expenditures	\$ (3,087,905)	\$ (2,487,917)	\$ (2,117,917)
20 Beginning Fund Balance	\$ 9,513,957	\$ 6,426,052	\$ 3,938,135
21 Ending Fund Balance	\$ 6,426,052	\$ 3,938,135	\$ 1,820,218
22			
23 AB1200 Designated for Economic Uncertainties	\$ 1,541,229	\$ 1,451,790	\$ 1,475,430
24 Balance	\$ 4,884,823	\$ 2,486,345	\$ 344,788
25			
26 notes			
27 09/10 includes;			
28 \$1,780,000 ARRA funds used for \$255 per ada cut			
29 \$1,030,000 Tier 3 funds set aside			
30 \$820,000 program reinstatements for 6/16/09			
31 \$300,000 program reinstatements from PTA funds			
32 10/11 and 11/12 Other local revenue reflects no city funds, pta, or mbeif supplemental			
33 revenues based on June School Services dart board			
34 expenditures include step and column			

E. CONSENT CALENDAR

1. **TITLE:** Membership Ratification

BACKGROUND: Membership in the following professional organizations is important to the work of Educational Services Department. The professional journals provide backup and information for curriculum development committees, summer work groups, department chairs and their department members and for the Executive Director of Educational Services.

Association for Supervision & Curriculum Development	\$ 89
Manhattan Beach Chamber of Commerce	135
Manhattan Beach Coordinating Council	135
Music Center Education Division	500
National Staff Development Council	<u>179</u>
Total:	\$1,038.00

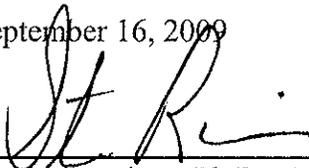
FISCAL IMPACT: The memberships will be paid from Account #01.0 40350.0 11100 10000 5850 112, Title II, Improving Teacher Quality.

ACTION RECOMMENDED: Ratification of memberships is recommended.

PREPARED BY: Carolyn Seaton, Executive Director, Educational Services

DATE OF BOARD MEETING: September 16, 2009

BUDGET APPROVED BY:



Steven Romines, Ph.D., Asst. Supt., Admin. Svcs.

AGENDA NOTE

AGENDA NOTE

AGENDA NOTE

E. CONSENT CALENDAR

2. **TITLE:** Field Trip Request from Mira Costa High School Girls' Volleyball Team

BACKGROUND: Attached is a field trip request for the girls' volleyball team to travel to Las Vegas on September 25-27, 2009, for a tournament. Fourteen athletes and two chaperones will travel via Southwest Airlines and will stay at the Tahiti Village Hotel. One day of school will be missed. There is no cost to the district.

ACTION RECOMMENDED: Approval is requested.

SUBMITTED BY: Carolyn Seaton, Executive Director, Educational Services

DATE OF BOARD MEETING: September 16, 2009

AGENDA NOTE

AGENDA NOTE

AGENDA NOTE

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
OVERNIGHT FIELD TRIP REQUEST FORM

Name of Person Requesting Approval: Lisa Zimmerman Your Position: Girls VB Coach
Your Location/School Site: MCHS Your Work Telephone: _____

Name/Grade Level(s) of Class Participating: 9-12

Dates of Travel: from 9/25 - 9/27 (Las Vegas)

Name of Destination: Las Vegas, NV + ...

Destination Address: Durango High School - 7100 W. Dewey Dr., LV

Destination Phone Number: 702-799-5850

Name of Contact Person at Destination: _____

Reason for Travel/Educational Goal: Volleyball Tournament

Number of Students Attending: Male: _____ Female: 14

*Number of Chaperones: Male: _____ Female: 2

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

- 1. _____
- 2. _____
- 3. Sabine McBride
- 4. Vesna Bain
- 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): see attached Southwest Airline

Name and Address of Hotel (be specific): Tahiti Village Hotel

How Many Days of School Will Be Missed? 1 List School Dates Missed: 9/25

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

If so, what type? _____

Will scholarships be provided? needed Will any cost (including sub costs) be borne by the district? _____ 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: Lisa Zimmerman Principal: [Signature]

Exec. Dir, Ed. Svcs: Carolyn Seaton Clerk, Board of Trustees: _____

Exhibit
version: May 21, 2008

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
Manhattan Beach, California

Girls Varsity Volleyball Travel Info

Las Vegas – Durango Tournament

Transportation – Southwest
9/25 – Flt # 1250 @ 8:20 am
9/27 – Flt # 173 @ 9:25

Hotel – Tahiti Village
7200 Las Vegas Blvd
866-538-6206

Chicago – Mother McCauley Tournament

Transportation – Southwest
10/1 – Flt #2921 @8:50 am
10/4 – Flt #985 @ 8:30 am

Hotel – Double Tree
5000 W. 127th St
Chicago
708-371-7300

14. Chaperones are encouraged to know how to provide assistance in an emergency (medical emergency, natural emergency, lost child, serious breach of a rule, etc.) by being aware of the adults on the trip who are trained in first aid, and the whereabouts of the first aid kit, etc.

You are valued for your service, and we hope that your rewards will be recognized through your chaperone volunteer experiences.

I, Sabine McBride
Full Name of Chaperone Volunteer

Chaperone volunteer of Girls Volleyball, Las Vegas NV on 9/25-9/27
Name / Destination of Trip Date

for MCHS with Lisa Zimmerman
School Site Name of Supervising Teacher / Sponsor

have read the and understand all of the responsibilities and duties as a Chaperone Volunteer, and I accept these responsibilities.

Sabine McBride 9/8/09
Signature Date

Home Phone Number Work Phone Number Cell Phone Number

14. Chaperones are encouraged to know how to provide assistance in an emergency (medical emergency, natural emergency, lost child, serious breach of a rule, etc.) by being aware of the adults on the trip who are trained in first aid, and the whereabouts of the first aid kit, etc.

You are valued for your service, and we hope that your rewards will be recognized through your chaperone volunteer experiences.

1. Vesna P Bain
Full Name of Chaperone Volunteer

Chaperone volunteer of Gross/Vball, Las Vegas NV on 9/25-9/27
Name / Destination of Trip Date

for NCHS with Lisa Zimmerman
School Site Name of Supervising Teacher / Sponsor

have read the and understand all of the responsibilities and duties as a Chaperone Volunteer, and I accept these responsibilities.

Vesna Bain 8-31-09
Signature Date

312 3702 2
Home Phone Number Work Phone Number Cell Phone Number

E. CONSENT CALENDAR

3. **TITLE:** Field Trip Request from Mira Costa High School Girls' Volleyball Team

BACKGROUND: Attached is a field trip request for the girls' volleyball team to travel to Chicago on October 1-4, 2009, for a tournament. Fourteen athletes and two chaperones will travel via Southwest Airlines and will stay at the Double Tree Inn. Two days of school will be missed. There is no cost to the district.

ACTION RECOMMENDED: Approval is requested.

SUBMITTED BY: Carolyn Seaton, Executive Director, Educational Services

DATE OF BOARD MEETING: September 16, 2009

AGENDA NOTE

AGENDA NOTE

AGENDA NOTE

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
OVERNIGHT FIELD TRIP REQUEST FORM

Name of Person Requesting Approval: L. Zimmerman Your Position: Girls VBall Coach
Your Location/School Site: HCHS Your Work Telephone: _____

Name/Grade Level(s) of Class Participating: 9-12

Dates of Travel: from 10/1 to 10/4

Name of Destination: Chicago IL - Mother McCauley High School

Destination Address: 3737 W. 99th St. Chicago IL

Destination Phone Number: 773.881.6500

Name of Contact Person at Destination: _____

Reason for Travel/Educational Goal: Volleyball Tournament

Number of Students Attending: Male: _____ Female: 14

*Number of Chaperones: Male: _____ Female: 2

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

1. Linda Pambis
2. Kathie Heineman
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): _____ = Southwest Airlines

Name and Address of Hotel (be specific): Double Tree Inn

How Many Days of School Will Be Missed? 2 List School Dates Missed: 10/1 - 10/2

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

If so, what type? _____

Will scholarships be provided? _____ Will any cost (including sub costs) be borne by the district? _____ 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: _____ Principal: _____
Exec. Dir, Ed. Svcs: Carolyn Seaton Clerk, Board of Trustees: _____

14. Chaperones are encouraged to know how to provide assistance in an emergency (medical emergency, natural emergency, lost child, serious breach of a rule, etc.) by being aware of the adults on the trip who are trained in first aid, and the whereabouts of the first aid kit, etc.

You are valued for your service, and we hope that your rewards will be recognized through your chaperone volunteer experiences.

I, Linda Monette Rambis
Full Name of Chaperone Volunteer
Chaperone volunteer of Mira Costa Girls Volleyball Team/Chicago 10/1/09 - 10/4/09
Name / Destination of Trip Date

for _____ with _____
School Site Name of Supervising Teacher / Sponsor

have read the and understand all of the responsibilities and duties as a Chaperone Volunteer, and I accept these responsibilities.

Linda Monette Rambis 9/8/09
Signature Date

Home Phone Number Work Phone Number Cell Phone Number

E. CONSENT CALENDAR

4. **TITLE:** Field Trip Request from Mira Costa High School Girls' Volleyball Team

BACKGROUND: Attached is a field trip request for the girls' volleyball team to travel to Torrey Pines on October 16-17, 2009, for a tournament. Fourteen athletes and two chaperones will travel via automobile and will stay at the Double Tree Inn. One day of school will be missed. There is no cost to the district.

ACTION RECOMMENDED: Approval is requested.

SUBMITTED BY: Carolyn Seaton, Executive Director, Educational Services

DATE OF BOARD MEETING: September 16, 2009

AGENDA NOTE

AGENDA NOTE

AGENDA NOTE

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
OVERNIGHT FIELD TRIP REQUEST FORM

Name of Person Requesting Approval: L Zimmerman Your Position: Grvs/ VB Coach
Your Location/School Site: MCHS Your Work Telephone: 310-613-2579

Name/Grade Level(s) of Class Participating: 9-12
Dates of Travel: from Oct. 16 to Oct 17th
Name of Destination: Torrey Pines High School
Destination Address: 3710 Del Mar Heights Rd, San Diego
Destination Phone Number: 858.755.0125

Name of Contact Person at Destination: _____
Reason for Travel/Educational Goal: Volleyball Tournament
Number of Students Attending: Male: _____ Female: 14
*Number of Chaperones: Male: 1 Female: 1

- Complete Name and Phone Number of Each Chaperone (use additional page if necessary):
1. Jeri Anderson _____
 2. Joe Anderson _____
 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): personal cars
Name and Address of Hotel (be specific): Doubletree, Del Mar, 11915 El Camino Real, 92130
How Many Days of School Will Be Missed? 1 List School Dates Missed: 10/16
Will Student Participate in Water Sports, Rock Climbing or Other Hazardous Activities? NO
If so, what type? _____

Will scholarships be provided? _____ Will any cost (including sub costs) be borne by the district? _____
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: Lisa Zimmerman Principal: [Signature]
Exec. Dir, Ed. Svcs: Carolyn Seaton Clerk, Board of Trustees: _____

E. CONSENT CALENDAR

5. **TITLE:** District Master Contract for 2009/10 School Year for Nonsectarian, Nonpublic Agency (NPA) Services with Kids in Motion Physical Therapy dba Kids in Motion Pediatric Therapy.

BACKGROUND: It is necessary to establish a District Master Contract for NPA Services with Kids in Motion Physical Therapy dba Kids in Motion Pediatric Therapy, to renew services for the 2009/10 fiscal year, as mandated by Individualized Education Plans (IEP's). The contract format has been updated for 2009/10 by Southwest Special Education Local Plan (SELPA).

Services will be provided as designated in the student Individualized Education Plans (IEP's). The Master contract is effective from July 1, 2009, through June 30, 2010.

FINANCIAL IMPACT:

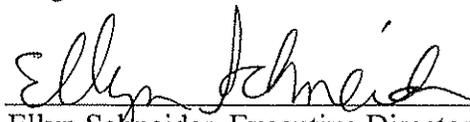
Amount not to exceed \$8,550.00.

Funds to be paid from Nonsectarian, Nonpublic Agency Services account, #01.0-65000.0-57500-11801-5810-0000051;

This item has been budgeted.

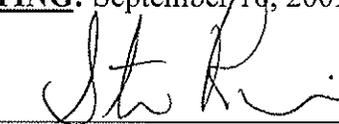
ACTION RECOMMENDED: Ratify the District Master Contract for Nonsectarian, Nonpublic Agency Services (NPA) with Kids in Motion Physical Therapy dba Kids in Motion Pediatric Therapy. Contract is necessary to renew services for the 2009/10 fiscal year, as mandated by Individualized Education Plans (IEP's). The Master Contract is effective from July 1, 2009, through June 30, 2010. Amount not to exceed \$8,550.00. Funds to be paid from Nonsectarian, Nonpublic Agency Services account, #01.0-65000.0-57500-11801-5810-0000051. This item has been budgeted.

PREPARED BY:


Ellyn Schneider, Executive Director of Student Services

DATE OF MEETING: September 16, 2009.

Approved by:



Steve Romines, Asst. Superintendent of Admin. Services

2009-2010

CONTRACT NUMBER:
S10-M090

LEA: Manhattan Beach Unified School District

NONPUBLIC SCHOOL/AGENCY/RELATED SERVICES PROVIDER:

Kids in Motion Pediatric Therapy – 1A-19-405

NONPUBLIC, NONSECTARIAN SCHOOL/AGENCY SERVICES
MASTER CONTRACT

AUTHORIZATION FOR MASTER CONTRACT AND GENERAL PROVISIONS

1. MASTER CONTRACT

This Master Contract is entered into this 16th day of September, 2009, between the Manhattan Beach Unified School District (hereinafter referred to as "LEA" or "District") and Kids in Motion Pediatric Therapy(hereinafter referred to as "CONTRACTOR") for the purpose of providing special education and/or related services to LEA students with exceptional needs under the authorization of California Education Code sections 56157, 56361 and 56365 *et seq.* and Title 5 of the California Code of Regulations section 3000 *et seq.*, AB490 (Chapter 862, Statutes of 2003) and AB1858 (Chapter 914, Statutes of 2004). It is understood that this agreement does not commit LEA to pay for special education and/or related services provided to any LEA student, or CONTRACTOR to provide such special education and/or related services, unless and until an authorized LEA representative approves the provision of special education and/or related services by CONTRACTOR.

Upon acceptance of a LEA student, CONTRACTOR shall submit to LEA an Individual Services Agreement (hereinafter referred to as "ISA") and a Nonpublic Services Student Enrollment form as specified in the LEA Procedures. Unless otherwise agreed in writing, these forms shall acknowledge CONTRACTOR's obligation to provide all services specified in the student's Individualized Education Plan (hereinafter referred to as "IEP"). The ISA shall be executed within ninety (90) days of an LEA student's enrollment. LEA and CONTRACTOR shall enter into an ISA for each LEA student served by CONTRACTOR.

Unless placement is made pursuant to an Office of Administrative Hearings (hereinafter referred to as "OAH") order, a lawfully executed agreement between LEA and parent or authorized by LEA for a transfer student pursuant to California Education Code section 56325, LEA is not responsible for the costs associated with nonpublic school placement until the date on which an IEP team meeting is convened, the IEP team determines that a nonpublic school placement is appropriate, and the IEP is signed by the LEA student's parent.

2. CERTIFICATION

CONTRACTOR shall be certified by the California Department of Education (hereinafter referred to as "CDE") as a nonpublic, nonsectarian school/agency. All nonpublic school and nonpublic agency services shall be provided consistent with the area of certification specified by CDE Certification and as defined in California Education Code, section 56366 *et seq* and within the professional scope of practice of each providers license, certification and/or credential. A current copy of CONTRACTOR's nonpublic school/agency certification or a waiver of such certification issued by the CDE pursuant to Education Code section 56366.2 must be provided to LEA on or before the date this contract is executed by CONTRACTOR. This Master Contract shall be null and void if such certification or waiver is expired, revoked, rescinded, or otherwise nullified during the effective period of this Master Contract. Total student

enrollment shall be limited to capacity as stated on CDE certification. Total LEA student enrollment shall be limited to capacity as stated in Section 24 of the Master Contract.

3. COMPLIANCE WITH LAWS, STATUTES, REGULATIONS

During the term of this contract unless otherwise agreed, CONTRACTOR shall comply with all applicable federal, state, and local statutes, laws, ordinances, rules, policies, and regulations. CONTRACTOR shall also comply with all applicable LEA policies and procedures unless, taking into consideration all of the surrounding facts and circumstances, a policy or policies or a portion of a policy does not reasonably apply to CONTRACTOR. CONTRACTOR hereby acknowledges and agrees that it accepts all risks and responsibilities for its failure to comply with LEA policies and shall indemnify LEA under the provisions of section 16 of this Agreement for all liability, loss, damage and expense (including reasonable attorneys' fees) resulting from or arising out of CONTRACTOR's failure to comply with applicable LEA policies (e.g., those policies relating to, the provision of special education and/or related services, facilities for individuals with exceptional needs, LEA student enrollment and transfer, LEA student inactive status, corporal punishment, student discipline, and positive behavior interventions).

CONTRACTOR acknowledges and understands that LEA may report to the CDE any violations of the provisions of this Master Contract; and that this may result in the suspension and/or revocation of CDE nonpublic school/agency certification pursuant to California Education Code section 56366.4(a).

4. TERM OF MASTER CONTRACT

The term of this Master Contract shall be from July 1, 2009 to June 30, 2010 (Title 5 California Code of Regulations section 3062(a)) unless otherwise stated. Neither the CONTRACTOR nor the LEA is required to renew this Master Contract in subsequent contract years. However, the parties acknowledge that any subsequent Master Contract is to be re-negotiated prior to June 30, 2010. In the event the contract is not renegotiated by June 30th, an interim contract may be made available as mutually agreed upon for up to 90 days from July 1 of the new fiscal year. (Title 5 California Code of Regulations section 3062(d)) No Master Contract will be offered unless and until all of the contracting requirements have been satisfied. The offer of a Master Contract to a CONTRACTOR is at the sole discretion of the LEA.

5. INTEGRATION/CONTINUANCE OF CONTRACT FOLLOWING EXPIRATION OR TERMINATION

This Master Contract includes the LEA Procedures and each Individual Services Agreement and they are incorporated herein by this reference. This Master Contract supersedes any prior or contemporaneous written or oral understanding or agreement. This Master Contract may be amended only by written amendment executed by both parties. Notwithstanding the foregoing, the LEA may modify the LEA procedures from time to time without the consent of CONTRACTOR.

CONTRACTOR shall provide the LEA with information as requested in writing to secure a Master Contract or a renewal.

At a minimum, such information shall include copies of teacher credentials and clearance, insurance documentation and CDE certification. The LEA may require additional information as applicable. If the application packet is not completed and returned to District, no Master Contract will be issued. If CONTRACTOR fails to execute the new Master Contract within ninety day period, all payments shall cease until such time as the new Master Contract for the current school year is signed and returned to LEA by CONTRACTOR (California Education Code section 5366(c)(1) and (2)).

6. INDIVIDUAL SERVICES AGREEMENT

This contract shall include an ISA developed for each LEA student to whom CONTRACTOR is to provide special education and/or related services. An ISA shall only be issued for LEA students enrolled with the

provided specific services. Per Diem rates for LEA students who's IEPs authorize less than a full instructional day may be adjusted proportionally. In such cases only, the adjustments in basic education rate shall be based on the percentage of a 310-minute instructional day.

Special education and/or related services offered by CONTRACTOR, shall be provided by qualified personnel as per State and Federal law, and the codes and charges for such educational and/or related services during the term of this contract, shall be as stated in Exhibit A.

63. DEBARMENT CERTIFICATION

By signing this agreement, the Contractor certifies that:

- (a) The Contractor and any of its shareholders, partners, or executive officers are not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency, and
- (b) Have not, within a three-year period preceding this contract, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a Federal, state or local government contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property; and are not presently indicted for, or otherwise criminally or civilly charged by a Government entity with, commission of any of these offenses.

The parties hereto have executed this Contract by and through their duly authorized agents or representatives. This contract is effective on the 1st day of July 2009 and terminates at 5:00 P.M. on June 30, 2010, unless sooner terminated as provide herein.

CONTRACTOR, Kids in Motion Physical Therapy Db a Kids in Motion Pediatric Therapy Nonpublic School/Agency	School District	<u>Manhattan Beach Unified School District</u>
--	--------------------	--

By: _____

Signature	Date
<u>Marci Rhee, Director</u>	
Name and Title of Authorized Representative	

By: _____

Ellyn Schneider,	Date
Executive Director of Student Services	

Notices to CONTRACTOR shall be addressed to:

Marcie Rhee, Director

Name

Kids in Motion Physical Therapy

Db a Kids in Motion Pediatric Therapy

Nonpublic School/Agency/Related Service Provider

18512 Hawthorne Blvd.

Address

Torrance

Ca

90504

City

State

Zip

(310) 594-7433

(310) 374-7985

Phone

Fax

Notices to LEA shall be addressed to:

**Ellyn Schneider,
Executive Director of Student Services**

Name and Title

Manhattan Beach Unified School District

LEA

325 S. Peck Avenue

Address

Manhattan Beach

Ca

90266

City

State

Zip

(310) 318-7345 x5913

(310) 303-3826

Phone

Fax

eschneider@mbusd.org

Email

Mail Completed Contract & Invoices to:

Tracy Angle, Accounting Specialist – MBUSD

Name and Title

325 S. Peck Avenue

Address

Manhattan Beach

Ca

90266

City

State

Zip

(310) 318-7345 x5927

(310) 303-3826

Phone

Fax

tangle@mbusd.org

Email

EXHIBIT A: RATES

CONTRACTOR Kids in Motion **CONTRACTOR NUMBER** 19089 2009-2010
(NONPUBLIC SCHOOL OR AGENCY) (CONTRACT YEAR)

Per CDE Certification, total enrollment may not exceed _____ **If blank, the number shall be as determine by CDE Certification.**

Rate Schedule. This rate schedule limits the number of _____ LEA students that may be enrolled and the maximum dollar amount of _____ the contract. It may also limit the maximum number of students that can be provided specific services. Special education and/or related services offered by CONTRACTOR, and the charges for such educational and/or related services during the term of this contract shall be as follows:

Payment under this contract may not exceed \$8,550.00
 Total LEA enrollment may not exceed 2

Rate	Period
_____	_____
_____	_____

A. Basic Education Program/Special Education Instruction
Basic Education Program/Dual Enrollment

Per diem rates for LEA students whose IEPs authorize less than a full instructional day shall be adjusted proportionally.

B. Related Services

- | | | |
|--|--------------|-----------------|
| (1) a. Transportation – Round Trip | _____ | _____ |
| b. Transportation – One Way | _____ | _____ |
| c. Transportation-Dual Enrollment | _____ | _____ |
| d. Public Transportation | _____ | _____ |
| e. Parent* | _____ | _____ |
| (2) a. Educational Counseling – Individual | _____ | _____ |
| b. Educational Counseling – Group of | _____ | _____ |
| c. Counseling – Parent | _____ | _____ |
| (3) a. Adapted Physical Education – Individual | _____ | _____ |
| b. Adapted Physical Education – Group of _____ | _____ | _____ |
| c. Adapted Physical Education – Group of _____ | _____ | _____ |
| (4) a. Language and Speech Therapy – Individual | _____ | _____ |
| b. Language and Speech Therapy – Group of 2 | _____ | _____ |
| c. Language and Speech Therapy – Group of 3 | _____ | _____ |
| d. Language and Speech Therapy – Per diem | _____ | _____ |
| e. Language and Speech - Consultation Rate | _____ | _____ |
| (5) a. Additional Instructional Assistant - Individual (must be authorized on IEP) | _____ | _____ |
| b. Additional Instructional Assistant – Group of 2 | _____ | _____ |
| c. Additional Instructional Assistant – Group of 3 | _____ | _____ |
| (6) Intensive Special Education Instruction** | _____ | _____ |
| (7) a. Occupational Therapy – Individual | _____ | _____ |
| b. Occupational Therapy – Group of 2 | _____ | _____ |
| c. Occupational Therapy – Group of 3 | _____ | _____ |
| d. Occupational Therapy – Group of 4 - 7 | _____ | _____ |
| e. Occupational Therapy - Consultation Rate | _____ | _____ |
| (9) Physical Therapy | <u>90.00</u> | <u>Per Hour</u> |
| (10) a. Behavior Intervention – BII | _____ | _____ |
| b. Behavior Intervention – BID | _____ | _____ |
| Provided by: _____ | _____ | _____ |
| (11) Nursing Services | _____ | _____ |

*Parent transportation reimbursement rates are to be determined by the LEA.
 **By credentialed Special Education Teacher.

29.

E. **CONSENT CALENDAR**

6. **TITLE:** District Master Contract for 2009/10 School Year for Nonsectarian, Nonpublic School (NPS) Services with The Center for Learning Unlimited.

BACKGROUND: It is necessary to establish a District Master Contract for NPS Services with The Center for Learning, to renew services for the 2009/10 fiscal year, as mandated by Individualized Education Plans (IEP's). The contract format has been updated for 2009/10 by Southwest Special Education Local Plan (SELPA).

Services will be provided as designated in the student Individualized Education Plans (IEP's). The Master contract is effective from July 1, 2009, through June 30, 2010.

FINANCIAL IMPACT:

Amount not to exceed \$372,550.00.

Funds to be paid from Nonsectarian, Nonpublic School Services account, #01.0-65000.0-57500-11802-5810-0000053.

This item has been budgeted.

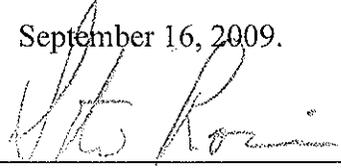
ACTION RECOMMENDED: Ratify the District Master Contract for Nonsectarian, Nonpublic School Services (NPS) with The Center for Learning Unlimited. Contract is necessary to renew services for the 2009/10 fiscal year, as mandated by Individualized Education Plans (IEP's). The Master Contract is effective from July 1, 2009, through June 30, 2010. Amount not to exceed \$372,550.00. Funds to be paid from Nonsectarian, Nonpublic School Services account, #01.0-65000.0-57500-11802-5810-0000053. This item has been budgeted.

PREPARED BY:


Ellyn Schneider, Executive Director of Student Services

DATE OF MEETING: September 16, 2009.

Approved by:


Steve Romines, Asst. Superintendent of Admin. Services

2009-2010

CONTRACT NUMBER:
S10-M005

LEA: *Manhattan Beach Unified School District*

NONPUBLIC SCHOOL/AGENCY/RELATED SERVICES PROVIDER:

The Center for Learning Unlimited – 19-64865-6206569

NONPUBLIC, NONSECTARIAN SCHOOL/AGENCY SERVICES
MASTER CONTRACT

AUTHORIZATION FOR MASTER CONTRACT AND GENERAL PROVISIONS

1. MASTER CONTRACT

This Master Contract is entered into this 16th day of September, 2009, between the Manhattan Beach Unified School District (hereinafter referred to as "LEA" or "District") and The Center for Learning Unlimited (hereinafter referred to as "CONTRACTOR") for the purpose of providing special education and/or related services to LEA students with exceptional needs under the authorization of California Education Code sections 56157, 56361 and 56365 *et seq.* and Title 5 of the California Code of Regulations section 3000 *et seq.*, AB490 (Chapter 862, Statutes of 2003) and AB1858 (Chapter 914, Statutes of 2004). It is understood that this agreement does not commit LEA to pay for special education and/or related services provided to any LEA student, or CONTRACTOR to provide such special education and/or related services, unless and until an authorized LEA representative approves the provision of special education and/or related services by CONTRACTOR.

Upon acceptance of a LEA student, CONTRACTOR shall submit to LEA an Individual Services Agreement (hereinafter referred to as "ISA") and a Nonpublic Services Student Enrollment form as specified in the LEA Procedures. Unless otherwise agreed in writing, these forms shall acknowledge CONTRACTOR's obligation to provide all services specified in the student's Individualized Education Plan (hereinafter referred to as "IEP"). The ISA shall be executed within ninety (90) days of an LEA student's enrollment. LEA and CONTRACTOR shall enter into an ISA for each LEA student served by CONTRACTOR.

Unless placement is made pursuant to an Office of Administrative Hearings (hereinafter referred to as "OAH") order, a lawfully executed agreement between LEA and parent or authorized by LEA for a transfer student pursuant to California Education Code section 56325, LEA is not responsible for the costs associated with nonpublic school placement until the date on which an IEP team meeting is convened, the IEP team determines that a nonpublic school placement is appropriate, and the IEP is signed by the LEA student's parent.

2. CERTIFICATION

CONTRACTOR shall be certified by the California Department of Education (hereinafter referred to as "CDE") as a nonpublic, nonsectarian school/agency. All nonpublic school and nonpublic agency services shall be provided consistent with the area of certification specified by CDE Certification and as defined in California Education Code, section 56366 *et seq* and within the professional scope of practice of each providers license, certification and/or credential. A current copy of CONTRACTOR's nonpublic school/agency certification or a waiver of such certification issued by the CDE pursuant to Education Code section 56366.2 must be provided to LEA on or before the date this contract is executed by CONTRACTOR. This Master Contract shall be null and void if such certification or waiver is expired, revoked, rescinded, or otherwise nullified during the effective period of this Master Contract. Total student

enrollment shall be limited to capacity as stated on CDE certification. Total LEA student enrollment shall be limited to capacity as stated in Section 24 of the Master Contract.

3. COMPLIANCE WITH LAWS, STATUTES, REGULATIONS

During the term of this contract unless otherwise agreed, CONTRACTOR shall comply with all applicable federal, state, and local statutes, laws, ordinances, rules, policies, and regulations. CONTRACTOR shall also comply with all applicable LEA policies and procedures unless, taking into consideration all of the surrounding facts and circumstances, a policy or policies or a portion of a policy does not reasonably apply to CONTRACTOR. CONTRACTOR hereby acknowledges and agrees that it accepts all risks and responsibilities for its failure to comply with LEA policies and shall indemnify LEA under the provisions of section 16 of this Agreement for all liability, loss, damage and expense (including reasonable attorneys' fees) resulting from or arising out of CONTRACTOR's failure to comply with applicable LEA policies (e.g., those policies relating to, the provision of special education and/or related services, facilities for individuals with exceptional needs, LEA student enrollment and transfer, LEA student inactive status, corporal punishment, student discipline, and positive behavior interventions).

CONTRACTOR acknowledges and understands that LEA may report to the CDE any violations of the provisions of this Master Contract; and that this may result in the suspension and/or revocation of CDE nonpublic school/agency certification pursuant to California Education Code section 56366.4(a).

4. TERM OF MASTER CONTRACT

The term of this Master Contract shall be from July 1, 2009 to June 30, 2010 (Title 5 California Code of Regulations section 3062(a)) unless otherwise stated. Neither the CONTRACTOR nor the LEA is required to renew this Master Contract in subsequent contract years. However, the parties acknowledge that any subsequent Master Contract is to be re-negotiated prior to June 30, 2010. In the event the contract is not renegotiated by June 30th, an interim contract may be made available as mutually agreed upon for up to 90 days from July 1 of the new fiscal year. (Title 5 California Code of Regulations section 3062(d)) No Master Contract will be offered unless and until all of the contracting requirements have been satisfied. The offer of a Master Contract to a CONTRACTOR is at the sole discretion of the LEA.

5. INTEGRATION/CONTINUANCE OF CONTRACT FOLLOWING EXPIRATION OR TERMINATION

This Master Contract includes the LEA Procedures and each Individual Services Agreement and they are incorporated herein by this reference. This Master Contract supersedes any prior or contemporaneous written or oral understanding or agreement. This Master Contract may be amended only by written amendment executed by both parties. Notwithstanding the foregoing, the LEA may modify the LEA procedures from time to time without the consent of CONTRACTOR.

CONTRACTOR shall provide the LEA with information as requested in writing to secure a Master Contract or a renewal.

At a minimum, such information shall include copies of teacher credentials and clearance, insurance documentation and CDE certification. The LEA may require additional information as applicable. If the application packet is not completed and returned to District, no Master Contract will be issued. If CONTRACTOR fails to execute the new Master Contract within ninety day period, all payments shall cease until such time as the new Master Contract for the current school year is signed and returned to LEA by CONTRACTOR (California Education Code section 5366(c)(1) and (2)).

6. INDIVIDUAL SERVICES AGREEMENT

This contract shall include an ISA developed for each LEA student to whom CONTRACTOR is to provide special education and/or related services. An ISA shall only be issued for LEA students enrolled with the

provided specific services. Per Diem rates for LEA students who's IEPs authorize less than a full instructional day may be adjusted proportionally. In such cases only, the adjustments in basic education rate shall be based on the percentage of a 310-minute instructional day.

Special education and/or related services offered by CONTRACTOR, shall be provided by qualified personnel as per State and Federal law, and the codes and charges for such educational and/or related services during the term of this contract, shall be as stated in Exhibit A.

63. DEBARMENT CERTIFICATION

By signing this agreement, the Contractor certifies that:

- (a) The Contractor and any of its shareholders, partners, or executive officers are not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency, and
- (b) Have not, within a three-year period preceding this contract, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a Federal, state or local government contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property; and are not presently indicted for, or otherwise criminally or civilly charged by a Government entity with, commission of any of these offenses.

The parties hereto have executed this Contract by and through their duly authorized agents or representatives. This contract is effective on the 1st day of July 2009 and terminates at 5:00 P.M. on June 30, 2010, unless sooner terminated as provide herein.

CONTRACTOR,
The Center for Learning Unlimited

Nonpublic School/Agency

School
District Manhattan Beach Unified School District

By: _____
Signature Date
Virginia Erxleben, Ed.D., Director
Name and Title of Authorized
Representative

By: _____
Ellyn Schneider, Date
Executive Director of Student Services

Notices to CONTRACTOR shall be addressed to:

Virginia Erxleben, Ed.D., Director

Name

The Center for Learning Unlimited

Nonpublic School/Agency/Related Service Provider

2785 Pacific Coast Highway, Suites C-H

Address

Torrance Ca 90505

City State Zip
(310) 544-1644 (310) 265-0657

Phone Fax

www.clu.org

Email

Notices to LEA shall be addressed to:

**Ellyn Schneider,
Executive Director of Student Services**

Name and Title

Manhattan Beach Unified School District

LEA

325 S. Peck Avenue

Address

Manhattan Beach Ca 90266

City State Zip
(310) 318-7345 x5913 (310) 303-3826

Phone Fax

eschneider@mbusd.org

Email

Mail Completed Contract & Invoices to:

Tracy Angle, Accounting Specialist – MBUSD

Name and Title

325 S. Peck Avenue

Address

Manhattan Beach Ca 90266

City State Zip
(310) 318-7345 x5927 (310) 303-3826

Phone Fax

tangle@mbusd.org

Email

EXHIBIT A: RATES

CONTRACTOR Center for Learning **CONTRACTOR NUMBER** 15250 2009-2010
(NONPUBLIC SCHOOL OR AGENCY) (CONTRACT YEAR)

Per CDE Certification, total enrollment may not exceed _____ **If blank, the number shall be as determine by CDE Certification.**

Rate Schedule. This rate schedule limits the number of LEA students that may be enrolled and the maximum dollar amount of the contract. It may also limit the maximum number of students that can be provided specific services. Special education and/or related services offered by CONTRACTOR, and the charges for such educational and/or related services during the term of this contract shall be as follows:

Payment under this contract may not exceed \$372,550.00
 Total LEA enrollment may not exceed 4

Rate	Period
<u>179.45</u>	<u>Per Day</u>

A. Basic Education Program/Special Education Instruction
Basic Education Program/Dual Enrollment

Per diem rates for LEA students whose IEPs authorize less than a full instructional day shall be adjusted proportionally.

B. Related Services

(1) a. Transportation – Round Trip	_____	_____
b. Transportation – One Way	_____	_____
c. Transportation-Dual Enrollment	_____	_____
d. Public Transportation	_____	_____
e. Parent*	_____	_____
(2) a. Educational Counseling – Individual	<u>95.00</u>	<u>Per Hour</u>
b. Psychological Services	<u>145.00</u>	<u>Per Hour</u>
c. Counseling – Parent	_____	_____
(3) a. Adapted Physical Education – Individual	_____	_____
b. Adapted Physical Education – Group of _____	_____	_____
c. Adapted Physical Education – Group of _____	_____	_____
(4) a. Language and Speech Therapy – Individual	<u>115.00</u>	<u>Per Hour</u>
b. Language and Speech Therapy – Group of 2	_____	_____
c. Language and Speech Therapy – Group of 3	_____	_____
d. Language and Speech Therapy – Per diem	_____	_____
e. Language and Speech - Consultation Rate	_____	_____
(5) a. Additional Instructional Assistant - Individual (must be authorized on IEP)	<u>55.00</u>	<u>Per Hour</u>
b. Additional Instructional Assistant – Group of 2	_____	_____
c. Additional Instructional Assistant – Group of 3	_____	_____
(6) Intensive Special Education Instruction**	_____	_____
(7) a. Occupational Therapy – Individual	_____	_____
b. Occupational Therapy – Group of 2	_____	_____
c. Occupational Therapy – Group of 3	_____	_____
d. Occupational Therapy – Group of 4 - 7	_____	_____
e. Occupational Therapy - Consultation Rate	_____	_____
(9) Physical Therapy	_____	_____
(10) a. Behavior Intervention – BII	<u>55.00</u>	<u>Per Hour</u>
b. Behavior Intervention – BID	_____	_____
Provided by: _____	_____	_____
(11) Nursing Services	_____	_____

*Parent transportation reimbursement rates are to be determined by the LEA.
 **By credentialed Special Education Teacher.

E. CONSENT CALENDAR

7. **TITLE:** Amendment to District Master Contract for 2009/10 School Year for Nonsectarian, Nonpublic School (NPS) Services with The H.E.L.P. Group, Inc. operating as Pacific Schools, Summit View Westside, and Village Glen Westside.

BACKGROUND: It is necessary to amend District Master Contract for NPS Services with The H.E.L.P. Group, Inc., to include transportation to Pacific School, for the 2009/10 fiscal year, as service is mandated by Individualized Education Plans (IEP's).

Services will be provided as designated in the student Individualized Education Plans (IEP's). The Master contract is effective from July 1, 2009, through June 30, 2010.

FINANCIAL IMPACT:

Amount not to exceed \$253,291.00.

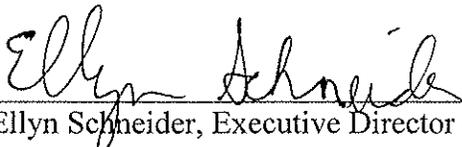
This is an increase of \$9,360.00.

Funds to be paid from Nonsectarian, Nonpublic School Services account, #01.0-65000.0-57500-11802-5810-0000053.

This item has been budgeted.

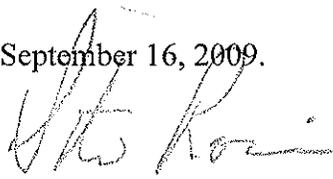
ACTION RECOMMENDED: Ratify the Amendment to District Master Contract for Nonsectarian, Nonpublic School Services (NPS) with The H.E.L.P. Group, Inc., and operating as Pacific Schools, Summit View Westside, and Village Glen Westside. Amendment is necessary to include transportation service to Pacific School for the 2009/10 fiscal year, as mandated by Individualized Education Plans (IEP's). The Master Contract is effective from July 1, 2009, through June 30, 2010. Amount not to exceed \$253,291.00. This is an increase of \$9,360.00. Funds to be paid from Nonsectarian, Nonpublic School Services account, #01.0-65000.0-57500-11802-5810-0000053. This item has been budgeted.

PREPARED BY:


Ellyn Schneider, Executive Director of Student Services

DATE OF MEETING: September 16, 2009.

Approved by:


Steve Romines, Asst. Superintendent of Admin. Services

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

(Education Code Section 56365 et seq.)

THE GENERAL AGREEMENT FOR NONSECTARIAN, NONPUBLIC SCHOOL / AGENCY SERVICES, made and entered into on **September 16, 2009**, effective July 1, 2009 through June 30, 2010, between **Manhattan Beach Unified School District**, County of Los Angeles, hereinafter referred to as the "District" and **The H.E.L.P. Group, Inc. dba Pacific Schools, Summit View Westside School and Village Glen Westside School**, hereinafter referred to as the "Contractor," located at 13130 Burbank Blvd., Sherman Oaks, Ca 91401, is hereby amended effective July 1, 2009, and ratified on , **September 16, 2009** as follows:

EXHIBIT A: RATES

Payment under this contract may not exceed **\$253,291.00**

Pacific Schools Transportation **\$90.00** Per Day

- CONTRACTOR -

- DISTRICT -

The H.E.L.P. Group, Inc.
Db a Summit View Westside School
& Village Glen Westside School

Manhattan Beach Unified School District

Name of Non-Public School/Agency

By _____
Contracting Officer's Signature

by _____
Signature

Carol Coelho, Contract Administrator

Ellyn Schneider,
Executive Director of Student Services

Date: _____

Date: _____

E. **CONSENT CALENDAR**

8. **TITLE:** Student Services Special Employment Agreement for 2009/10 School Year with Albert K.K. Chun, O.D., F.C.O.V.D.

BACKGROUND: An agreement is needed between the District and Albert K.K. Chun, O.D., F.C.O.V.D., to provide vision therapy, as mandated by an Individualized Education Plan (IEP) team meeting. Contract is effective from July 1, 2009, through June 30, 2010.

FINANCIAL IMPACT:

Not to exceed \$300.00.

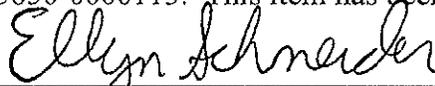
Funds to be paid from Special Education account,

#01.0-65000.0-50010-31400-5850-0000113;

This item has been budgeted.

ACTION RECOMMENDED: Ratify Student Services Special Employment Agreement for 2009/10 fiscal year with Albert K.K. Chun, O.D., F.C.O.V.D., to provide vision therapy services, from July 1, 2009, through June 30, 2010, as mandated by an Individualized Education Plan (IEP) team meeting.. Amount not to exceed \$300.00. Funds to be paid from Special Education account, #01.0-65000.0-50010-31400-5850-0000113. This item has been budgeted.

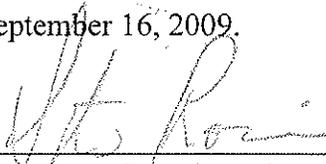
PREPARED BY:



Ellyn Schneider, Executive Director of Student Services

DATE OF MEETING: September 16, 2009.

Approved by:



Steve Romines, Asst. Superintendent of Administrative Services

AGENDA NOTE

AGENDA NOTE

AGENDA NOTE

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

WHEREAS, It is the desire of the Governing Board of the Manhattan Beach Unified School District to employ or use the services of Albert K.K. Chun, O.D., F.C.O.V.D. social security or Tax I.D. number _____ in the Special Education Department, and

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

WITNESSETH:

THEREFORE, this agreement is made and entered into the 1st day of July, 2009, by and ratified by the Board of Directors on July 25, 2007, between the Manhattan Beach Unified School District and the above named person/agency, hereinafter called:

Albert K.K. Chun, O.D., F. C. O. V. D., 3537 Torrance Blvd., Suite 18, Torrance, Ca 90503

SERVICES TO BE RENDERED

Said person/agency will serve/provide the following service(s): Consultant to assist with special education
Vision Therapy.

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

PAYMENT TO BE MADE BY THE DISTRICT

In consideration of the service(s) to be rendered, the District agrees to pay \$95.00 per 45min. therapy session;
3x / year. Not to Exceed \$300.00

DATE(S) OF SERVICE

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

From July 1, 2009 through June 30, 2010, under the direction of the Executive Director of Student

Services. This agreement may be terminated by either parties with twenty (20) days written notice.

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

01.0-65000.0-50010-31400-5850-0000113

Account Number

Albert K.K. Chun, O.D., F.C.O.V.D.
Provider of Service

Vision Therapy

Ellyn Schneider,
Executive Director of Student Services

E. CONSENT CALENDAR

9. **TITLE:** Student Services Special Employment Agreement for 2009/10 School Year with Mary Ann Macek, Registered Nurse.

BACKGROUND: An agreement is needed between the District and Mary Ann Macek, Registered Nurse, to provide Individualized Education Plan (IEP) assessments, and vision and hearing assessments, as needed by the Student Services Department. Contract is effective from September 9, 2009, through December 31, 2009.

FINANCIAL IMPACT:

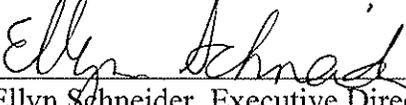
Not to exceed \$4,137.90.

Funds to be paid from Special Education account,
#01.0-00000.0-00000-31400-5850-0000113;

This item has been budgeted.

ACTION RECOMMENDED: Ratify Student Services Special Employment Agreement for 2009/10 fiscal year with Mary Ann Macek, Registered Nurse, to provide Individualized Education Plan (IEP) assessments, and vision and hearing assessments, from September 9, 2009, through June 31, 2009. Amount not to exceed \$4,137.90. Funds to be paid from Special Education account, #01.0-00000.0-00000-31400-5850-0000113. This item has been budgeted.

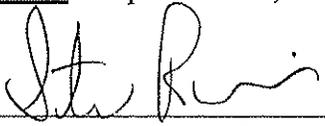
PREPARED BY:



Elyn Schneider, Executive Director of Student Services

DATE OF MEETING: September 16, 2009.

Approved by:



Steve Romines, Asst. Superintendent of Administrative Services

AGENDA NOTE

AGENDA NOTE

AGENDA NOTE

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

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

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

WITNESSETH:

THEREFORE, this agreement is made and entered into the 16th day of September, 2010, by and between the Manhattan Beach Unified School District and the above named person/agency, hereinafter called:
Mary Ann Macek,
Located at: Torrance, Ca 90505

SERVICES TO BE RENDERED

Said person/agency will serve/provide the following service(s): Hearing, Vision, and IEP Assessment.

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

PAYMENT TO BE MADE BY THE DISTRICT

In consideration of the service(s) to be rendered, the District agrees to pay \$31.83 per hour; not-to-exceed 130 hrs.

Not to Exceed \$4,137.90

DATE(S) OF SERVICE

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

From September 9, 2009 through December 31, 2009, under the direction of the Executive Director of Student Services. This agreement may be terminated by either parties with twenty (20) days written notice.

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

01.0-00000.0-00000-31400-5850-0000113

Account Number

Nurse Consultant

Program

Mary Ann Macek, Nurse Consultant

Ellyn Schneider
Executive Director of Student Services

Steven Romines, Ed.D.
Assistant Superintendent of Administrative Services

E. CONSENT CALENDAR

10. **TITLE:** Student Services Special Employment Agreement for 2009/10 School Year with Judi Zimmerman, Registered Nurse.

BACKGROUND: An agreement is needed between the District and Judi Zimmerman, Registered Nurse, to provide Individualized Education Plan (IEP) assessments, and vision and hearing assessments, as needed by the Student Services Department. Contract is effective from September 9, 2009, through December 31, 2009.

FINANCIAL IMPACT:

Not to exceed \$2,228.10.

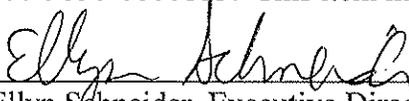
Funds to be paid from Special Education account,

#01.0-00000.0-00000-31400-5850-0000113;

This item has been budgeted.

ACTION RECOMMENDED: Ratify Student Services Special Employment Agreement for 2009/10 fiscal year with Judi Zimmerman, Registered Nurse, to provide Individualized Education Plan (IEP) assessments, and vision and hearing assessments, from September 9, 2009, through December 31, 2009. Amount not to exceed \$2,228.10. Funds to be paid from Special Education account, #01.0-00000.0-00000-31400-5850-0000113. This item has been budgeted.

PREPARED BY:


Ellyn Schneider, Executive Director of Student Services

DATE OF MEETING: September 16, 2009.

Approved by:



Steve Romines, Asst. Superintendent of Administrative Services

AGENDA NOTE

AGENDA NOTE

AGENDA NOTE

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

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

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

WITNESSETH:

THEREFORE, this agreement is made and entered into the 16th day of September, 2010, by and between the Manhattan Beach Unified School District and the above named person/agency, hereinafter called:

Judi Zimmerman

Located at: Manhattan Beach, Ca 90266

SERVICES TO BE RENDERED

Said person/agency will serve/provide the following service(s): Hearing, Vision, and IEP Assessment.

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

PAYMENT TO BE MADE BY THE DISTRICT

In consideration of the service(s) to be rendered, the District agrees to pay \$31.83 per hour; not-to-exceed 70 hrs.

Not to Exceed \$2,228.10

DATE(S) OF SERVICE

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

From September 9, 2009 through December 31, 2009, under the direction of the Executive Director of Student Services. This agreement may be terminated by either parties with twenty (20) days written notice.

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

01.0-00000.0-00000-31400-5850-0000113

Account Number

Judi Zimmerman, Nurse Consultant

Nurse Consultant
Program

Ellyn Schneider
Executive Director of Student Services

Steven Romines, Ed.D.
Assistant Superintendent of Administrative Services

E. **CONSENT ITEM**

19. **TITLE:** Approve the Disposal of Robinson Elementary School Personal Property No Longer Used and Useful

BACKGROUND: Per Education Code 81452 (a-c) the governing boards have the authority to dispose of personal property whose aggregate value is less than \$5,000. Robinson Elementary School has collected district personal property whose aggregate value is less than \$5,000. The intention is to donate the material since the overall value is insufficient to defray the cost of advertising for a sale.

ACTION RECOMMENDED: Approve the disposal of Robinson Elementary School personal property no longer used and useful

PREPARED BY: Steve Romines

DATE OF BOARD MEETING: September 16, 2009

Steven Romines

From: Joni Wianecki
Sent: Wednesday, September 09, 2009 8:35 AM
To: Steven Romines
Subject: Teachers of America Donation

Steve: Per Richard, we have:

- 8 TV
- 5 Overheads
- 1 Printer
- 3 Laser Dics
- 4 White Screens for Overheads
- 2 Maps

E. **CONSENT ITEM**

20. **TITLE:** Review Monthly Budget Report

BACKGROUND: The Board requested a monthly budget report showing budget to actual expenditures. Differences in this report when compared to the Revised Budget Report are due to the timing and the continued efforts to take approved budget reinstatement summary amounts and assign them to actual individual salaries and benefits accounts. Once complete the monthly budget report will match the budget summary sheets.

ACTION RECOMMENDED: Review Monthly Budget Report.

PREPARED BY: Steve Romines

DATE OF MEETING: September 16, 2009

75333- MANHATTAN BEACH USD

CUMULATIVE OBJECT SUMMARY - ALL EXPENDITURE OBJECTS

Resource Range: 00000.0 - 19999.9 Unrestricted Resources

Object	Object Description	Adopted Budget	Current Budget	Expenditures	Encumbrances	Pre-Encumbrances	Balance	% Left
1110	Teachers' Salaries-Full-Time	0.00	16,449,876.00	0.00	0.00	0.00	16,449,876.00	100.00
1130	Teachers Salaries-Hrly/Daily	0.00	173,500.00	604.77	0.00	0.00	172,895.23	99.65
1160	Teachers' Salaries-Substitute	0.00	363,306.00	2,483.66	0.00	0.00	360,822.34	99.32
1165	Teacher Sal-Sub, In Service	0.00	11,200.00	159.15	0.00	0.00	11,040.85	98.58
1166	Teacher Sal-Sub, Prin mtg	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1170	Teachers' Salaries-Extra Duty	0.00	146,678.00	0.00	0.00	0.00	146,678.00	100.00
1175	Teacher Sal-Stipend-Monthly	0.00	75,606.00	0.00	0.00	0.00	75,606.00	100.00
1180	Teachers' Salaries-Comp Time	0.00	14,000.00	1,225.46	0.00	0.00	12,774.54	91.25
1210	Cert Pupil Supp Sal-Full-Time	0.00	762,340.00	1,193.85	0.00	0.00	761,146.15	99.84
1230	Cert Pupil Supp Sal-Hrly/Daily	0.00	38,904.00	939.17	0.00	0.00	37,964.83	97.59
1270	Cert Pupil Supp Sal-Extra Duty	0.00	10,116.00	0.00	0.00	0.00	10,116.00	100.00
1310	Cert Supervisor & Admin Sal-FT	0.00	1,551,029.00	110,981.12	0.00	0.00	1,440,047.88	92.84
1930	Other Certif Sal-Hrly/Dly	0.00	1,000.00	0.00	0.00	0.00	1,000.00	100.00
Totals for Major Object 1000 - 1999		0.00	19,597,555.00	117,587.18	0.00	0.00	19,479,967.82	99.40

47.

75333- MANHATTAN BEACH USD
CUMULATIVE OBJECT SUMMARY - ALL EXPENDITURE OBJECTS
Fund :01.0 - General Fund
PRELIMINARY

Resource Range: 00000.0 - 19999.9 Unrestricted Resources

Object	Object Description	Adopted Budget	Current Budget	Expenditures	Encumbrances	Pre-Encumbrances	Balance	% Left
2110	Instruct Aide Sal-Full-Time	0.00	120,226.00	3,303.50	0.00	0.00	116,922.50	97.25
2130	Instruct Aide Sal-Hourly/Daily	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2170	Instruct Aide Sal-Extra Duty	0.00	70,000.00	0.00	0.00	0.00	70,000.00	100.00
2210	Classif Support Sal-Full-Time	0.00	1,469,446.00	121,814.99	0.00	0.00	1,347,631.01	91.71
2230	Classif Support Sal-Hrly/Daily	0.00	89,543.00	1,678.50	0.00	0.00	87,864.50	98.13
2240	Classif Support Sal-Overtime	0.00	11,000.00	547.31	0.00	0.00	10,452.69	95.02
2260	Classif Support Sal-Substitute	0.00	95,250.00	17,858.61	0.00	0.00	77,391.39	81.25
2310	Class Supp & Admin Sal-FT	0.00	147,979.00	11,859.05	0.00	0.00	136,119.95	91.99
2320	Class Supp & Admin Sal-PT	0.00	14,400.00	720.00	0.00	0.00	13,680.00	95.00
2340	Class Supp & Admin Sal-OT	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2410	Cler Tech Office Staff Sal-FT	0.00	1,540,555.00	66,809.23	0.00	0.00	1,473,745.77	95.66
2430	Cler Tech Off Staff Sal-H/D	0.00	10,400.00	1,259.02	0.00	0.00	9,140.98	87.89
2440	Cler Tech Office Staff Sal-OT	0.00	4,000.00	0.00	0.00	0.00	4,000.00	100.00
2460	Cler Tech Off Staff Sal-Sub	0.00	0.00	790.13	0.00	0.00	-790.13	0.00
2470	Cler Tech Off Staff Sal-Ex-Dty	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2999	Classified Error Account	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Totals for Major Object 2000 - 2999		0.00	3,572,799.00	226,640.34	0.00	0.00	3,346,158.66	93.66

48.

Object	Object Description	Adopted Budget	Current Budget	Expenditures	Encumbrances	Pre-Encumbrances	Balance	% Left
3111	STRS, Certificated Positions	0.00	2,325,053.00	8,637.90	0.00	0.00	2,316,415.10	99.63
3112	STRS, Classified Positions	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3211	PERS, Certificated Positions	0.00	10,836.00	0.00	0.00	0.00	10,836.00	100.00
3212	PERS, Classified Positions	0.00	338,095.00	21,585.50	0.00	0.00	316,509.50	93.62
3311	OASDI, Certificated Positions	0.00	16,644.00	28.52	0.00	0.00	16,615.48	99.83
3312	OASDI, Classified Positions	0.00	219,457.00	19,742.57	0.00	0.00	199,714.43	91.00
3331	Medicare, Cert Positions	0.00	38,387.00	1,731.73	0.00	0.00	36,655.27	95.49
3332	Medicare, Class Positions	0.00	51,327.00	4,627.94	0.00	0.00	46,699.06	90.98
3411	Hlth & Wlfr Benefits, Cert	0.00	1,863,098.00	0.00	0.00	0.00	1,863,098.00	100.00
3412	Hlth & Wlfr Benefits, Class	0.00	593,382.00	0.00	0.00	0.00	593,382.00	100.00
3511	State Unemploy Insur, Cert Pos	0.00	8,200.00	358.31	0.00	0.00	7,841.69	95.63
3512	State Unemploy Insur, Clas Pos	0.00	10,619.00	957.55	0.00	0.00	9,661.45	90.98
3611	Worker Comp Insur, Cert Pos	0.00	78,796.00	2,948.16	0.00	0.00	75,847.84	96.26
3612	Worker Comp Insur, Class Pos	0.00	102,948.00	5,595.38	0.00	0.00	97,352.62	94.56
3711	Retiree Benefits, Cert Pos	0.00	200,000.00	15,657.93	0.00	0.00	184,342.07	92.17
3811	PERS Reduction, Cert Pos	0.00	4,125.00	26.77	0.00	0.00	4,098.23	99.35
3812	PERS Reduction, Classif Pos	0.00	84,118.00	7,334.41	0.00	0.00	76,783.59	91.28
3999	Benefits-Error	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Totals for Major Object 3000 - 3999		0.00	5,945,085.00	89,232.67	0.00	0.00	5,855,852.33	98.50

49.

75333- MANHATTAN BEACH USD

CUMULATIVE OBJECT SUMMARY - ALL EXPENDITURE OBJECTS

Resource Range: 00000.0 - 19999.9 Unrestricted Resources

Object	Object Description	Adopted Budget	Current Budget	Expenditures	Encumbrances	Pre-Encumbrances	Balance	% Left
4210	Books & Oth Reference Material	0.00	1,450.00	0.00	0.00	0.00	1,450.00	100.00
4220	Library Books	0.00	0.00	-2,719.27	0.00	0.00	2,719.27	0.00
4310	Materials and Supplies	0.00	224,625.00	21,923.55	57,156.32	0.00	145,545.13	64.79
4340	Computer Software & Relat Exp	0.00	112,335.00	8,062.08	56.71	0.00	104,216.21	92.77
4350	Office Supplies	0.00	128,840.00	3,422.00	47,140.56	0.00	78,277.44	60.76
4360	Tires, Fuel and Oil	0.00	20,000.00	20.00	0.00	0.00	19,980.00	99.90
4370	Custodial/Operation Supplies	0.00	200,000.00	23,321.44	202,941.68	0.00	-26,263.12	-13.13
4380	Maintenance Supplies	0.00	50,000.00	1,139.64	11,981.61	0.00	36,878.75	73.76
4390	Other Supplies	0.00	7,000.00	397.80	0.00	0.00	6,602.20	94.32
4400	Non-Capitalized Equipment	0.00	160,000.00	0.00	0.00	0.00	160,000.00	100.00
4415	Non-cap Equip, L-r-O	0.00	245,500.00	25,584.67	136,706.78	0.00	83,208.55	33.89
Totals for Major Object 4000 - 4999		0.00	1,149,750.00	81,151.91	455,983.66	0.00	612,614.43	53.28

50.

75333- MANHATTAN BEACH USD
CUMULATIVE OBJECT SUMMARY - ALL EXPENDITURE OBJECTS
Fund :01.0 - General Fund
PRELIMINARY

Resource Range: 00000.0 - 19999.9 Unrestricted Resources

Object	Object Description	Adopted Budget	Current Budget	Expenditures	Encumbrances	Pre-Encumbrances	Balance	% Left
5210	Mileage & Car Allowances	0.00	47,708.00	1,852.20	0.00	0.00	45,855.80	96.12
5220	Travel and Conferences	0.00	9,500.00	1,175.00	190.00	0.00	8,135.00	85.63
5310	Dues and Memberships	0.00	35,924.00	12,903.00	540.00	0.00	22,481.00	62.58
5400	Insurance	0.00	530,000.00	539,550.00	0.00	0.00	-9,550.00	-1.80
5510	Natural Gas Services	0.00	141,000.00	5,794.61	0.00	0.00	135,205.39	95.89
5520	Electricity Services	0.00	875,000.00	116,448.54	0.00	0.00	758,551.46	86.69
5530	Water	0.00	126,300.00	14,391.94	0.00	0.00	111,908.06	88.61
5550	Laundry and Cleaning	0.00	100.00	0.00	0.00	0.00	100.00	100.00
5560	Waste Disposal	0.00	118,000.00	9,336.10	0.00	0.00	108,663.90	92.09
5610	Rentals, Leases and Repairs	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5630	Repairs	0.00	35,250.00	11,051.93	49,879.00	0.00	-25,680.93	-72.85
5635	Maintenance Agreement	0.00	12,500.00	922.80	1,194.75	0.00	10,382.45	83.06
5710	Direct Costs for Transfer Serv	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5800	Oth Contracted Services	0.00	54,000.00	8,154.22	0.00	0.00	45,845.78	84.90
5812	Trans-Pupil Cntrcts w/ Cntrctr	0.00	1,200.00	0.00	0.00	0.00	1,200.00	100.00
5820	Legal, Audit, & Election Costs	0.00	215,000.00	1,800.00	0.00	0.00	213,200.00	99.16
5830	Advertisement	0.00	11,000.00	0.00	0.00	0.00	11,000.00	100.00
5840	Computer/Technlgy Related Serv	0.00	2,800.00	0.00	0.00	0.00	2,800.00	100.00
5850	Conslt/Ind Contractors(NonEmp)	0.00	219,000.00	5,875.00	5,875.00	0.00	207,250.00	94.63
5860	Fingprnt,Phys, XRY&Oth Emp Cst	0.00	6,000.00	-313.00	10,500.00	0.00	-4,187.00	-69.78
5880	Other Charges/Fees	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5890	Other Services	0.00	272,000.00	7,259.46	45,112.00	0.00	219,628.54	80.75
5910	Communications	0.00	189,500.00	22,227.02	0.00	0.00	167,272.98	88.27
5999	Other Services Error Account	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Totals for Major Object 5000 - 5999		0.00	2,901,782.00	758,428.82	113,290.75	0.00	2,030,062.43	69.96

51.

Object	Object Description	Adopted Budget	Current Budget	Expenditures	Encumbrances	Pre-Encumbrances	Balance	% Left
7142	Tuition, Exs Cost, COE	0.00	50,000.00	0.00	0.00	0.00	50,000.00	100.00
7221	Tfr of Apptmnts to Dist	0.00	359,906.00	117,449.00	0.00	0.00	242,457.00	67.37
7283	All Other Transfers to JPAs	0.00	21,000.00	0.00	0.00	0.00	21,000.00	100.00
Totals for Major Object 7100 - 7299		0.00	430,906.00	117,449.00	0.00	0.00	313,457.00	72.74
7319	Direct/Indirect Costs Serves	0.00	-58,635.00	0.00	0.00	0.00	-58,635.00	100.00
Totals for Major Object 7300 - 7399		0.00	-58,635.00	0.00	0.00	0.00	-58,635.00	100.00
7438	Debt Service - Interest	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7439	Other Debt Service Payments	0.00	166,667.00	166,666.67	0.00	0.00	0.33	0.00
Totals for Major Object 7400 - 7609		0.00	166,667.00	166,666.67	0.00	0.00	0.33	0.00
7612	Btwn GF and Special Res Fnd	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Totals for Major Object 7610 - 7629		0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total for Resource Range 00000.0 - 19999.9 U		0.00	33,705,909.00	1,557,156.59	569,274.41	0.00	31,579,478.00	93.69

Resource Range: 20000.0 - 99999.9 Restricted Resources

Object	Object Description	Adopted Budget	Current Budget	Expenditures	Encumbrances	Pre-Encumbrances	Balance	% Left
1110	Teachers' Salaries-Full-Time	0.00	1,796,745.00	5,700.31	0.00	0.00	1,791,044.69	99.68
1130	Teachers Salaries-Hrly/Daily	0.00	36,500.00	22,225.50	0.00	0.00	14,274.50	39.11
1160	Teachers' Salaries-Substitute	0.00	20,000.00	0.00	0.00	0.00	20,000.00	100.00
1165	Teacher Sal-Sub, In Service	0.00	18,900.00	-11.92	0.00	0.00	18,911.92	100.06
1170	Teachers' Salaries-Extra Duty	0.00	17,500.00	80.21	0.00	0.00	17,419.79	99.54
1210	Cert Pupil Supp Sal-Full-Time	0.00	545,312.00	5,460.60	0.00	0.00	539,851.40	99.00
1230	Cert Pupil Supp Sal-Hrly/Daily	0.00	23,970.00	827.58	0.00	0.00	23,142.42	96.55
1310	Cert Supervisor & Admin Sal-FT	0.00	472,759.00	24,981.22	0.00	0.00	447,777.78	94.72
1330	Cert Sup & Admin Sal-Hrly/Dly	0.00	8,523.00	0.00	0.00	0.00	8,523.00	100.00
1930	Other Certif Sal-Hrly/Dly	0.00	0.00	0.00	0.00	0.00	0.00	0.00
1960	Other Certif Sal-Substitute	0.00	25,000.00	0.00	0.00	0.00	25,000.00	100.00
1999	Cert Error Account	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Totals for Major Object 1000 - 1999		0.00	2,965,209.00	59,263.50	0.00	0.00	2,905,945.50	98.00

75333- MANHATTAN BEACH USD

CUMULATIVE OBJECT SUMMARY - ALL EXPENDITURE OBJECTS

Fund :01.0 - General Fund
PRELIMINARY

Resource Range: 20000.0 - 99999.9 Restricted Resources

Object	Object Description	Adopted Budget	Current Budget	Expenditures	Encumbrances	Pre-Encumbrances	Balance	% Left
2110	Instruct Aide Sal-Full-Time	0.00	1,871,298.00	20,834.13	0.00	0.00	1,850,463.87	98.89
2130	Instruct Aide Sal-Hourly/Daily	0.00	59,850.00	35,761.74	0.00	0.00	24,088.26	40.25
2140	Instruct Aide Sal-Overtime	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2160	Instruct Aide Sal-Substitutes	0.00	30,000.00	113.58	0.00	0.00	29,886.42	99.62
2170	Instruct Aide Sal-Extra Duty	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2210	Classif Support Sal-Full-Time	0.00	645,401.00	69,336.65	0.00	0.00	576,064.35	89.26
2230	Classif Support Sal-Hrly/Daily	0.00	8,938.00	1,322.68	0.00	0.00	7,615.32	85.20
2240	Classif Support Sal-Overtime	0.00	0.00	1,208.99	0.00	0.00	-1,208.99	0.00
2260	Classif Support Sal-Substitute	0.00	20,000.00	2,550.40	0.00	0.00	17,449.60	87.25
2310	Class Supp & Admin Sal-FT	0.00	72,826.00	6,068.80	0.00	0.00	66,757.20	91.67
2410	Cler Tech Office Staff Sal-FT	0.00	216,735.00	16,751.66	0.00	0.00	199,983.34	92.27
2430	Cler Tech Off Staff Sal-H/D	0.00	0.00	540.72	0.00	0.00	-540.72	0.00
2440	Cler Tech Office Staff Sal-OT	0.00	1,500.00	0.00	0.00	0.00	1,500.00	100.00
2460	Cler Tech Off Staff Sal-Sub	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2470	Cler Tech Off Staff Sal-Ex-Dty	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2930	Other Classif Sal-Hourly/Daily	0.00	500.00	0.00	0.00	0.00	500.00	100.00
2999	Classified Error Account	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Totals for Major Object 2000 - 2999		0.00	2,927,048.00	154,489.35	0.00	0.00	2,772,558.65	94.72

54.

Resource Range: 20000.0 - 99999.9 Restricted Resources

Object	Object Description	Adopted Budget	Current Budget	Expenditures	Encumbrances	Pre-Encumbrances	Balance	% Left
3111	STRS, Certificated Positions	0.00	349,090.00	4,800.62	0.00	0.00	344,289.38	98.62
3112	STRS, Classified Positions	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3211	PERS, Certificated Positions	0.00	3,058.00	71.96	0.00	0.00	2,986.04	97.65
3212	PERS, Classified Positions	0.00	282,803.00	14,662.32	0.00	0.00	268,140.68	94.82
3311	OASDI, Certificated Positions	0.00	3,909.00	109.15	0.00	0.00	3,799.85	97.21
3312	OASDI, Classified Positions	0.00	181,314.00	11,600.87	0.00	0.00	169,713.13	93.60
3331	Medicare, Cert Positions	0.00	6,893.00	868.07	0.00	0.00	6,024.93	87.41
3332	Medicare, Class Positions	0.00	42,424.00	2,732.73	0.00	0.00	39,691.27	93.56
3411	Hlth & Wlfr Benefits, Cert	0.00	242,045.00	0.00	0.00	0.00	242,045.00	100.00
3412	Hlth & Wlfr Benefits, Class	0.00	469,425.00	0.00	0.00	0.00	469,425.00	100.00
3511	State Unemploy Insur, Cert Pos	0.00	1,589.00	179.82	0.00	0.00	1,409.18	88.68
3512	State Unemploy Insur, Clas Pos	0.00	8,781.00	565.41	0.00	0.00	8,215.59	93.56
3611	Worker Comp Insur, Cert Pos	0.00	15,192.00	1,481.79	0.00	0.00	13,710.21	90.25
3612	Worker Comp Insur, Class Pos	0.00	84,673.00	3,815.74	0.00	0.00	80,857.26	95.49
3811	PERS Reduction, Cert Pos	0.00	0.00	167.86	0.00	0.00	-167.86	0.00
3812	PERS Reduction, Classif Pos	0.00	54,435.00	4,739.79	0.00	0.00	49,695.21	91.29
3999	Benefits-Error	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Totals for Major Object 3000 - 3999		0.00	1,745,631.00	45,796.13	0.00	0.00	1,699,834.87	97.38

75333- MANHATTAN BEACH USD
CUMULATIVE OBJECT SUMMARY - ALL EXPENDITURE OBJECTS
Fund :01.0 - General Fund
PRELIMINARY

Resource Range: 20000.0 - 99999.9 Restricted Resources

Object	Object Description	Adopted Budget	Current Budget	Expenditures	Encumbrances	Pre-Encumbrances	Balance	% Left
4110	Textbooks	0.00	101,348.00	64,934.07	195,952.74	0.00	-159,538.81	-157.42
4210	Books & Oth Reference Material	0.00	1,000.00	0.00	0.00	0.00	1,000.00	100.00
4220	Library Books	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4310	Materials and Supplies	0.00	216,182.00	12,149.67	33,009.36	0.00	171,022.97	79.11
4340	Computer Software & Relat Exp	0.00	0.00	4,985.84	247.35	0.00	-5,233.19	0.00
4350	Office Supplies	0.00	103,486.00	17,434.89	97,139.92	0.00	-11,088.81	-10.72
4380	Maintenance Supplies	0.00	80,000.00	39,591.03	136,195.31	0.00	-95,786.34	-119.73
4386	Maint. Supplies, Pool	0.00	65,000.00	19,957.08	47,070.23	0.00	-2,027.31	-3.12
4400	Non-Capitalized Equipment	0.00	32,500.00	6,148.16	149,098.99	0.00	-122,747.15	-377.68
4415	Non-cap Equip, L-t-O	0.00	13,300.00	1,322.39	6,591.52	0.00	5,386.09	40.50
Totals for Major Object 4000 - 4999		0.00	612,816.00	166,523.13	665,305.42	0.00	-219,012.55	-35.74

56.

Resource Range: 20000.0 - 99999.9 Restricted Resources

Object	Object Description	Adopted Budget	Current Budget	Expenditures	Encumbrances	Pre-Encumbrances	Balance	% Left
5210	Mileage & Car Allowances	0.00	7,710.00	723.39	0.00	0.00	6,986.61	90.62
5220	Travel and Conferences	0.00	87,613.00	4,620.00	0.00	0.00	82,993.00	94.73
5310	Dues and Memberships	0.00	500.00	1,809.00	0.00	0.00	-1,309.00	-261.80
5630	Repairs	0.00	95,000.00	52,273.80	105,642.59	0.00	-62,916.39	-66.23
5635	Maintenance Agreement	0.00	25,000.00	4,012.77	17,426.51	0.00	3,560.72	14.24
5710	Direct Costs for Transfer Serv	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5800	Oth Contracted Services	0.00	22,401.00	0.00	0.00	0.00	22,401.00	100.00
5810	Contracted Services	0.00	3,140,500.00	16,744.17	165,216.83	0.00	2,958,539.00	94.21
5811	Transporation - by county	0.00	75,000.00	0.00	0.00	0.00	75,000.00	100.00
5812	Trans-Pupil Cntrcts w/ Cntrctr	0.00	650,968.00	427.00	0.00	0.00	650,541.00	99.93
5813	Trans - common carrier/parents	0.00	27,200.00	238.14	0.00	0.00	26,961.86	99.12
5820	Legal, Audit, & Election Costs	0.00	366,000.00	0.00	0.00	0.00	366,000.00	100.00
5830	Advertisement	0.00	0.00	174.20	0.00	0.00	-174.20	0.00
5850	Conslt/Ind Contractors(NonEmp)	0.00	217,250.00	11,300.00	127,040.00	0.00	78,910.00	36.32
5880	Other Charges/Fees	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5890	Other Services	0.00	201,000.00	5,166.96	0.00	0.00	195,833.04	97.43
5910	Communications	0.00	6,000.00	238.49	0.00	0.00	5,761.51	96.03
5920	Cellphone Stipend	0.00	900.00	75.00	0.00	0.00	825.00	91.67
5999	Other Services Error Account	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Totals for Major Object 5000 - 5999		0.00	4,923,042.00	97,802.92	415,325.93	0.00	4,409,913.15	89.58
7142	Tuition, Exs Cost, COE	0.00	1,785,000.00	0.00	1,616,000.00	0.00	169,000.00	9.47
7221	Tfr of Appmnts to Dist	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7283	All Other Transfers to JPAs	0.00	3,000.00	0.00	0.00	0.00	3,000.00	100.00
Totals for Major Object 7100 - 7299		0.00	1,788,000.00	0.00	1,616,000.00	0.00	172,000.00	9.62

57

Object	Object Description	Adopted Budget	Current Budget	Expenditures	Encumbrances	Pre-Encumbrances	Balance	% Left
7310	Direct Spp/Indirect Costs	0.00	58,635.00	0.00	0.00	0.00	58,635.00	100.00
<i>Totals for Major Object 7300 - 7399</i>		0.00	58,635.00	0.00	0.00	0.00	58,635.00	100.00
7615	Fm GF to Dfd Mt Fund	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<i>Totals for Major Object 7610 - 7629</i>		0.00	0.00	0.00	0.00	0.00	0.00	0.00
<i>Total for Resource Range 20000.0 - 99999.9 R</i>		0.00	15,020,381.00	523,875.03	2,696,631.35	0.00	11,799,874.62	78.56

Object	Object Description	Adopted Budget	Current Budget	Expenditures	Encumbrances	Pre-Encumbrances	Balance	% Left
<i>Total for Fund</i>	<i>01.0-General Fund</i>	0.00	48,726,290.00	2,081,031.62	3,265,905.76	0.00	43,379,352.62	89.03

75333- MANHATTAN BEACH USD
 CUMULATIVE OBJECT SUMMARY - ALL EXPENDITURE OBJECTS
 Fund :01.0 - General Fund
 PRELIMINARY

Resource Range: 20000.0 - 99999.9 Restricted Resources

Object Description	Adopted Budget	Current Budget	Expenditures	Encumbrances	Pre-Encumbrances	Balance	% Left
<u>Total for Distric 75333</u>	<u>0.00</u>	<u>48,726,290.00</u>	<u>2,081,031.62</u>	<u>3,265,905.76</u>	<u>0.00</u>	<u>43,379,352.62</u>	<u>89.03</u>

E. CONSENT ITEM

21. **TITLE:** Developer Fees

BACKGROUND: The attached material details the District's share of Developer Fees collected during the month of August, 2009. The total received for the month of August is \$3,177.04

ACTION RECOMMENDED: No action is recommended.

PREPARED BY: Steve Romines

DATE OF BOARD MEETING: September 16, 2009

**Manhattan Beach Unified School District
Developer Fees
Report of Collections to Date**

1986/87	27,550.00	1997/98	858,526.83
1987/88	370,367.30	1998/99	949,097.79
1988/89	367,185.00	1999/00	845,723.70
1989/90	664,577.39	2000/01	973,429.53
1990/91	310,430.11	2001/02	887,811.27
1991/92	273,011.74	2002/03	1,028,120.90
1992/93	230,276.57	2003/04	1,101,872.99
1993/94	407,139.86	2004/05	984,925.42
1994/95	327,074.42	2005/06	1,013,410.79
1995/96	456,396.95	2006/07	990,987.60
1996/97	518,156.57	2007/08	787,883.02

2008/09	
July	25,751.91
August	53,606.66
September	72,427.57
October	27,352.00
November	12,487.24
December	40,224.65
January	30,844.64
February	2,779.91
March	12,852.85
April	16,191.07
May	12,101.51
June	23,281.85
2008/09 Total	329,901.86

2009/10	
July	20,011.47
August	3,177.04
September	
October	
November	
December	
January	
February	
March	
April	
May	
June	
2009/10 Total	23,188.51

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT

DEVELOPER FEES
August-09

<u>DATE</u>	<u>ADDRESS</u>	<u>ADDITION/ NEW CONSTRUCTION</u>	<u>SQUARE FOOTAGE</u>	<u>AMT PAID</u>
Aug				
4	219 38th Place	New Construction	289	760.07
26	600 N Poinsettia Ave	New Construction	919	2,416.97

Total: \$3,177.04

G. **BOARD BUSINESS**

1. **TITLE:** Receive for Second Reading and Adoption, Revised Board Policy 3320, Claims and Actions Against the District

BACKGROUND: Manhattan Beach Unified Board Policy 3320, Claims and Actions Against the District, are presented to the Board as revisions for second reading and adoption. The policy has been updated to more accurately describe authorization for the district to adopt a procedure to govern the processing of claims not covered by the Government Claims Act (formerly the Tort Claims Act). The regulation is also updated to reflect **NEW LAW** (SB 640) which exempts from the six-month filing limitation certain types of claims suffered as a result of childhood sexual abuse. The section on "Delivery and Forms of Claims" is revised to clarify mailing requirements.

FINANCIAL IMPACT: None

ACTION: Receive for First Reading and Adoption, revised Board Policy 3320, Claims and Actions Against the District.

PREPARED BY: Steve Romines, Assistant Superintendent, Administrative Services

DATE OF BOARD MEETING: September 16, 2009

Business and Noninstructional Operations

CLAIMS AND ACTIONS AGAINST THE DISTRICT

The Governing Board intends that the district's operations minimize risk, protect district resources, and promote the safety of students, staff, and the public. Any and all claims for money or damages against the district shall be presented to and acted upon in accordance with Board policy and administrative regulation.

*(cf. 3530 - Risk Management/Insurance)
(cf. 5143 - Insurance)*

Claims for money or damages not governed by the Government Claims Act (Government Code 810-996.6) or excepted by Government Code 905 shall be presented consistent with the manner and time limitations in the Government Claims Act, unless a procedure for processing such claims is otherwise provided by state or federal law. Such compliance is a prerequisite to any court action consistent with the provisions of Government Code 945.4.

~~Compliance with this policy and accompanying administrative regulation is a prerequisite to any court action, unless the claim is governed by statutes or regulations, which expressly free the claimant from the obligation to comply with district policies and procedures and the claims procedures set forth in the Government Code.~~

The Governing Board delegates to the Superintendent the authority to allow, compromise or settle claims of \$50,000 or less. (Government Code 935.4)

This policy is intended to apply retroactively to any existing causes of action and/or claims for money and/or damages.

Roster of Public Agencies

The Superintendent or designee shall file the information required for the Roster of Public Agencies with the Secretary of State and the County Clerk. Any changes to such information shall be filed within 10 days after the change ~~in facts~~ **has occurred**. (Government Code 53051)

This information shall include the name of the school district, the mailing address of the Board, and the names and addresses of the Board presiding officer, the Board clerk or secretary, and other members of the Board. (Government Code 53051)

Business and Noninstructional Operations

CLAIMS AND ACTIONS AGAINST THE DISTRICT

Legal Reference:

EDUCATION CODE

35200 Liability for debts and contracts

35202 Claims against districts; applicability of Government Code

GOVERNMENT CODE

800 Cost in civil actions

810-996.6 Claims and actions against public entities

53051 Information filed with secretary of state and county clerk

PENAL CODE

72 Fraudulent claims

COURT DECISIONS

City of Stockton v. Superior Court, (2007) 42 Cal. 4th 730

Connelly v. County of Fresno, (2006) 146 Cal.App. 4th 29

CSEA v. South Orange Community College District, (2004) 123 Cal.App.4th 574

CSEA v. Azusa Unified School District, (1984) 152 Cal.App.3d 580

Management Resources:

WEB SITES

California Secretary of State's Office: <http://www.sos.ca.gov>

Policy MANHATTAN BEACH UNIFIED SCHOOL DISTRICT

adopted: January 18, 2006 Manhattan Beach, California

reviewed: September 5, 2007

revised: September 2, 2009

Business and Noninstructional Operations

CLAIMS AND ACTIONS AGAINST THE DISTRICT

Time Limitations

The following time limitations apply to claims against the district:

1. Claims for money or damages relating to a cause of action for death or for injury to person, personal property or growing crops shall be presented to the Governing Board not later than six months after the accrual of the cause of action. (Government Code 905, 911.2)

~~2. Claims for money or damages specifically excepted from Government Code 905 shall be filed not later than six months after the accrual of the cause of action; (Government Code 905, 911.2, 935)~~

2. Claims for money or damages as authorized in Government Code 905 and not included in item #1 above, including claims for damages to real property, shall be filed not later than one year after the accrual of the cause of action. (Government Code 905, 911.2)

Late Claims

Any person presenting a claim under item #1 ~~or #2~~ above later than six months after the accrual of the cause of action shall present, along with the claim, an application to file a late claim. Such claim and application to file a late claim shall be filed not later than one year after the accrual of the cause of action. (Government Code 911.4)

If a claim under item #1 ~~or #2~~ is filed late and is not accompanied by an application to file a late claim, the Board or Superintendent shall, within 45 days, give written notice that the claim was not filed timely and that it is being returned without further action.

The Board or Superintendent shall grant or deny the application to file a late claim within 45 days after it is presented. This 45-day period may be extended by written agreement of the claimant and the Board or Superintendent provided that such agreement is made before the expiration of the 45-day period. (Government Code 911.6)

The Board or Superintendent shall grant the application to file a late claim under any one of the following circumstances: (Government Code 911.6)

1. The failure to present the claim was through mistake, inadvertence, surprise or excusable neglect and the district was not prejudiced in its defense of the claim by the failure to present the claim within the time limit;

Business and Noninstructional Operations

CLAIMS AND ACTIONS AGAINST THE DISTRICT

2. The person who sustained the alleged injury, damage or loss was a minor during all of the time specified for presentation of the claim;
3. The person who sustained the alleged injury, damage or loss was physically or mentally incapacitated during all of the time specified for presentation of the claim and the disability was the reason he/she failed to present the claim;
4. The person who sustained the alleged injury, damage or loss died before the expiration of the time specified for the presentation of the claim.

If the application to present a late claim is denied, the claimant shall be given notice in the form set forth in Government Code ~~911.3~~ **911.8**. (Government Code ~~911.3~~ **911.8**)

If the Board or Superintendent does not take action on the application to file a late claim within 45 days, the application shall be deemed to have been denied on the 45th day unless such time period has been extended, in which case it shall be denied on the last day of the period specified in the extension agreement. (Government Code 911.6)

Delivery of Claims

A claim, any amendment thereto, or an application to present a late claim shall be deemed presented and received when delivered to the office of the Superintendent or deposited in a post office, sub post office, substation, or mail chute or other like facility maintained by the U.S. Government, in a sealed envelope properly addressed to the district office with postage paid *or when otherwise actually received in the district office or by the Board secretary or clerk*. (Government Code 915, 915.2)

Claims shall be submitted on the district claim form. The Board or Superintendent may return a claim not using the district's claim form and the claim may be resubmitted using the district's form. (Government Code 910.4)

Claim Form

Claims shall be submitted on the district claim form. The Board or Superintendent may return a claim not using the district's claim form and the claim may be resubmitted using the district's form. (Government Code 910.4)

Business and Noninstructional Operations**CLAIMS AND ACTIONS AGAINST THE DISTRICT****Notice of Claim Insufficiency**

The Superintendent shall review all claims for sufficiency of information.

If the claim is found insufficient or found not to satisfy the form requirements under Government Code 910.4, the Board or Superintendent may, within 20 days of receipt of the claim, either personally deliver or mail to the claimant, at the address stated in the claim or application, a notice stating with particularity the defects or omission in the claim. (Government Code 910.8, 915.4)

The Superintendent or Board shall not act upon the claim until at least 15 days after such notice is given. (Government Code 910.8)

Amendments to Claims

Claims may be amended within the time limits provided under the section entitled "Time Limitations" above or prior to final action by the Board, whichever is later, if the claim, as amended, relates to the same transaction or occurrence which gave rise to the original claim. (Government Code 910.6)

Action on Claims

Within 45 days after the presentation or amendment of a claim, the Board shall take action on the claim. This time limit may be extended by written agreement before the expiration of the 45-day period. If the 45-day period has expired, the time limit may be extended if legal action has not been commenced or barred by legal limitations. (Government Code 912.4)

The Board may act on the claim in one of the following ways: (Government Code 912.6)

1. If the Board finds that the claim is not a proper charge against the district, the claim shall be rejected.
2. If the Board finds that the claim is a proper charge against the district and is for an amount justly due, the claim shall be allowed.
3. If the Board finds that the claim is a proper charge against the district but is for an amount greater than is justly due, the Board shall either reject the claim or allow it in the amount justly due and reject it as to the balance.

Business and Noninstructional Operations

CLAIMS AND ACTIONS AGAINST THE DISTRICT

4. If legal liability of the district or the amount justly due is disputed, the Board may reject or compromise the claim.

If the Board allows the claim in whole or in part or compromises the claim and the claimant accepts the amount allowed or offered to settle the claim, the Board may require the claimant to accept it in settlement of the entire claim. (Government Code 912.6)

The Superintendent or designee shall transmit to the claimant written notice of action taken or inaction, which is deemed rejection. The notice shall be in the form set forth in Government Code 913 and shall either be personally delivered or mailed to the address stated in the claim or application. (Government Code 913, 915.4)

Regulation MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
approved: January 18, 2006 Manhattan Beach, California
reviewed: September 5, 2007
revised: September 2, 2009

(a)

Business and Noninstructional Operations

CLAIMS AND ACTIONS AGAINST THE DISTRICT

CLAIM FORM AGAINST MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
Government Code Sections 910 and 910.2

Name of Claimant: _____

Address: _____

Phone Number: _____ (day) _____ (evening) _____

Date the injury/damage occurred: _____

Place the injury/damage occurred: _____

Describe how and under what circumstances the injury/damage occurred: _____

What particular action by the district and/or its employees caused the alleged damage or injury: (List employee name(s), if known): _____

State the amount of the claim if it is less than \$10,000: \$ _____

Include the estimated amount of any prospective injury, damage or loss insofar as it may be known at the time this claim is presented and list the basis for the computation of the amount claimed:

If the dollar amount is more than \$10,000, no dollar amount shall be stated but please indicate whether the claim is a limited civil claim (total dollar amount less than \$25,000):
Limited Civil Case: Yes _____ No _____

Names, addresses and phone numbers of any witnesses, doctors, and hospitals: _____

Warning: It is unlawful to knowingly present or cause to be presented any false or fraudulent claim for payment of a loss or injury. Penal Code Section 500 provides that a person who files such a claim may be guilty of a felony punishable by imprisonment and by a fine not exceeding \$50,000

Signature: _____

Date: _____

Exhibit MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
version: January 18, 2006 Manhattan Beach, California
reviewed: September 5, 2007

NOTICE OF FAILURE TO USE DISTRICT'S CLAIM FORM
Government Code Section 910.4

TO: [Claimant]
[Address]

RE: Claim Filed [date]

The claim you presented to the Superintendent or designee on [date] is being returned because it was not presented on the district's claim form as required by Government Code Section 910.4 and in accordance with Board policy and administrative regulation. Because the claim was not presented on the district's form, no action was taken on the claim.

You may resubmit your claim using the district's claim form, which may be obtained at the district office. Note that your claim must still comply with the time limits in the Government Code specified for filing of such claims. For fur

Exhibit MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
version: January 18, 2006 Manhattan Beach, California
reviewed: September 5, 2007

NOTICE OF INSUFFICIENCY
Government Code Section 910.8

TO: [Claimant]
[Address]

RE: Claim Filed [date]

The claim presented by you on [date] fails to comply substantially with the requirements of Government Code Sections 910 and 910.2 or with the requirements of the district's claim form provided under Government Code Section 910.4. Specifically, your claim is insufficient because of the following defects or omissions:

Therefore, the claim is being returned to you without further action or consideration. If you wish to pursue this further, you should consult the Government Code or legal counsel.

The Governing Board will not take any action on the claim for a period of fifteen (15) days from the date of this notice.

Dated:

Signature

Typed Title of Officer

Exhibit MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
version: January 18, 2006 Manhattan Beach, California
reviewed: September 5, 2007

NOTICE OF FAILURE TO FILE IN A TIMELY MANNER
Government Code Section 911.3

TO: [Claimant]

[Address]

RE: Claim Filed [date]

The claim you presented to the Superintendent or designee on [date] is being returned because it was not presented within six months after the event or occurrence as required by law. See Sections 901 and 911.2 of the Government Code. Because the claim was not presented within the time allowed by law, no action was taken on the claim.

Your only recourse at this time is to apply without delay to Manhattan Beach Unified School District for leave to present a late claim. See Sections 911.4 to 912.2, inclusive, and Section 946.6 of the Government Code. Under some circumstances, leave to present a late claim will be granted. See Section 911.6 of the Government Code.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Exhibit MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
version: January 18, 2006 Manhattan Beach, California
reviewed: September 5, 2007

DENIAL OF APPLICATION TO FILE A LATE CLAIM
Government Code Section 911.8

TO: [Claimant]
[Address]

RE: Claim Filed [date]

Your application to file a late claim presented on [date] has been denied. The Governing Board has determined that your claim does not satisfy one of the four conditions listed in Government Code Section 911.6.

WARNING

If you wish to file a court action on this matter, you must first petition the appropriate court for an order relieving you from the provisions of Government Code Section 945.4 (claims presentation requirement). See Government Code Section 945.6. Such petition must be filed with the court within six (6) months from the date your application for leave to present a late claim was denied.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Exhibit MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
version: January 18, 2006 Manhattan Beach, California
reviewed: September 5, 2007

NOTICE OF ACTION TAKEN ON CLAIM
Government Code Section 913

Dear :

Notice is hereby given that the claim you presented to the Manhattan Beach Unified School District on [date] was [rejected, allowed, allowed in the amount of \$ and rejected to the balance, rejected by operation of law or other appropriate language, whichever is applicable] on [date of action or rejection by operation of law].

WARNING

Subject to certain exceptions, you have only six (6) months from the date this letter was personally delivered or deposited in the mail to file a court action on this claim. See Government Code Section 945.6.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Dated:

Signature

Typed Title of Officer

Exhibit MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
version: January 18, 2006 Manhattan Beach, California
reviewed: September 5, 2007

G. BOARD BUSINESS

2. **TITLE:** Receive, for information, **revised** Administrative Regulation 1312.1, Complaints Concerning District Employees.

BACKGROUND: Manhattan Beach Unified District Board Administrative Regulation 1312.1, Complaints Concerning District Employees, is presented for Board review.

The regulation has been updated to include language that states that should a complaint not be resolved by the decision of the Superintendent or designee and the complainant wishes to address the Board on the complaint, this decision to address the Board must be presented to the Board within 30 days. The Board will then have 30 days to decide to hear or not hear the complaint; hear the complaint, if the Board's decision is to do so; and issue its final decision.

FINANCIAL IMPACT: None

ACTION: Receive, for information, **revised** Administrative Regulation 1312.1, Complaints Concerning District Employees.

PREPARED BY: Ellyn Schneider, Executive Director, Student Services

DATE OF BOARD MEETING: September 16, 2009

AGENDA NOTE

AGENDA NOTE

AGENDA NOTE

INFORMATION ONLY

MBUSD

AR 1312.1(a)

Community Relations

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

The Superintendent or designee shall determine whether a complaint should be considered a complaint against the district and/or an individual employee, and whether it should be resolved by the district's process for complaints concerning personnel and/or other district procedures.

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4144/4244/4344 - Complaints)

To promote prompt and fair resolution of the complaint, the following procedures shall govern the resolution of complaints against district employees:

1. Every effort should be made to resolve a complaint at the earliest possible stage. Whenever possible, the complainant should communicate directly to the employee in order to resolve concerns.
2. If a complainant is unable or unwilling to resolve the complaint directly with the employee, he/she may submit an oral or written complaint to the employee's immediate supervisor or the principal.
3. All complaints related to district personnel other than administrators shall be submitted in writing to the principal or immediate supervisor. If the complainant is unable to prepare the complaint in writing, administrative staff shall help him/her to do so. Complaints related to a principal or central office administrator shall be initially filed in writing with the Superintendent or designee. Complaints related to the Superintendent shall be initially filed in writing with the Board.
4. When a written complaint is received, the employee shall be notified within five days or in accordance with collective bargaining agreements.
5. A written complaint shall include:
 - a. The full name of each employee involved
 - b. A brief but specific summary of the complaint and the facts surrounding it

Community Relations

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

c. A specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter

6. Staff responsible for investigating complaints shall attempt to resolve the complaint to the satisfaction of the parties involved within 30 days.

7. Both the complainant and the employee against whom the complaint was made may appeal a decision by the principal or immediate supervisor to the Superintendent or designee, who shall attempt to resolve the complaint to the satisfaction of the person involved within 30 days. Parties should consider and accept the Superintendent or designee's decision as final. However, the complainant, the employee, or the Superintendent or designee may ask to address the Board regarding the complaint *within 30 days of the receipt of the Superintendent or designee's decision.*

The Board may consider the matter at its next regular Board meeting or at a special Board meeting. If the complaint is heard by the Board, its decision will be made within 30 days. The Board may decide not to hear the complaint, in which case the Superintendent or designee's decision shall be final.

8. Before any Board consideration of a complaint, the Superintendent or designee shall submit to the Board a written report concerning the complaint, including but not limited to:

a. The full name of each employee involved

b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Board and the parties as to the precise nature of the complaint and to allow the parties to prepare a response

c. A copy of the signed original complaint

d. A summary of the action taken by the Superintendent or designee, together with his/her specific finding that the problem has not been resolved and the reasons

9. The Board may uphold the Superintendent's decision without hearing the complaint.

10. All parties to a complaint may be asked to attend a Board meeting in order to clarify the issue and present all available evidence.

Community Relations

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

11. A closed session may be held to hear the complaint in accordance with law.

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9323 - Meeting Conduct)

12. The decision of the Board shall be final.

Any complaint of child abuse or neglect alleged against a district employee shall be reported to the appropriate local agencies in accordance with law, Board policy and administrative regulation.

(cf. 5141.4 - Child Abuse Reporting Procedures)

Regulation MANHATTAN BEACH UNIFIED SCHOOL DISTRICT

approved: March 16, 2005 Manhattan Beach, California

reviewed: September 5, 2007

Revised:

G. BOARD BUSINESS

3. **TITLE:** Receive for First Reading and Adoption Manhattan Beach Unified District revised Board Policy 5021, Noncustodial Parents

BACKGROUND: Manhattan Beach Unified District Board Policy 5021, Noncustodial Parents, is presented as a revision for Board adoption. This revised policy contains new language clarifying that the parent who enrolls a child is presumed to be the parent with custody and that, unless the district receives a copy of a certified court order restricting access, both parents are presumed to have equal rights regarding their child, including picking the student up after school or otherwise removing the student from school, accessing student records, participating in school activities, or visiting the school.

FINANCIAL IMPACT: None

ACTION: Receive for First Reading and Adoption Manhattan Beach Unified District Board Policy 5021, Noncustodial Parents

PREPARED BY: Ellyn Schneider, Executive Director, Student Services

DATE OF MEETING: September 16, 2009

AGENDA NOTE

AGENDA NOTE

AGENDA NOTE

Students

NONCUSTODIAL PARENTS

The Governing Board recognizes the right of parents/guardians to be involved in the education of their children and desires to balance that right with the district's need to ensure the safety of students while at school.

*(cf. 5020 - Parent Rights and Responsibilities)
(cf. 6020 - Parent Involvement)*

The parent/guardian who enrolls a child in a district school shall be presumed to be the child's custodial parent/guardian and shall be held responsible for the child's welfare.

~~Nonecustodial parents generally retain the same rights as custodial parents unless a court order restricts the rights of the nonecustodial parent. These rights include, but are not limited to, accessing his/her child's student records, participating in school activities, and visiting the child at school. If a completed or pending legal action curtails the nonecustodial parent's rights, the parent/guardian with custody shall provide evidence of this action to the Superintendent or designee.~~

School officials shall presume that both parents/guardians, regardless of their marital status, have equal rights regarding their child, including, but not limited to, picking the student up after school or otherwise removing the student from school, accessing student records, participating in school activities, or visiting the school, unless the parent provides a valid court order restricting access to the child and/or his/her student information. When a court issues an order restricting a parent's/guardian's access to the child and/or to his/her student information, a parent/guardian shall promptly provide a copy of the certified court order to the principal or designee ~~upon~~ at the time of the child's enrollment or upon a change in circumstances. If provided with a copy of a certified court order, school officials shall abide by applicable terms of the order.

*(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 5111.1 - District Residency)
(cf. 5125 - Student Records)
(cf. 5141 - Health Care and Emergencies)
(cf. 5142 - Safety)
(cf. 6020 - Parent Involvement)
(cf. 6159 - Individualized Education Program)*

~~Upon request, the district shall provide nonecustodial parents with announcements and notices that are sent to the custodial parent.~~

Students

NONCUSTODIAL PARENTS

~~While both parents can visit the child at school, only the custodial parent has the right to remove the child from school property. Only a verified note or an emergency card from the custodial parent will be cause for exception to this provision.~~

~~(cf. 5141 - Health Care and Emergencies)~~

In the event of an attempted violation of a *certified* court order *by a noncustodial parent/guardian* that restricts access to a student, ~~staff~~ *the principal or designee* shall contact the *student's* custodial parent and local law enforcement officials; and shall make the student available only after one or both of these parties consent.

Legal Reference:

EDUCATION CODE

48204 Residency requirements

49061 Definitions

49069 Absolute right to access

49091.10-49091.19 Parental review of curriculum and instruction

49408 Emergency information

56028 Definition, parent for special education

51100-51102 Parent/guardian rights

FAMILY CODE

3002 Joint legal custody, definition

3003 Joint legal custody, definition

3006 Sole legal custody, definition

3025 Parental access to records

6550-6552 Caregivers

GOVERNMENT CODE

810-996.6 Government Claims Act

6205-6211 Confidentiality of residence for victims of domestic violence

Management Resources:

WEB SITES

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

California Association of Supervisors of Child Welfare and Attendance:

<http://www.cascwa.org>

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

Policy MANHATTAN BEACH UNIFIED SCHOOL DISTRICT

adopted: September 5, 2007 Manhattan Beach, California

revised:

G. **BOARD BUSINESS**

4. **TITLE:** Receive for First Reading and Adoption, revised Board Policy 5125, Student Records

BACKGROUND: Manhattan Beach Unified District Board Policy, Student Records, is presented to the Board for revision. This **MANDATED** policy is updated to reflect **NEW FEDERAL REGULATIONS** including (1) revised definitions of attendance, disclosure, and personally identifiable information (see section entitled “Definitions”); (2) new requirements for disclosures in response to a court order under the USA Patriot Act or in response to an emergency or to organizations conducting a study (see “Persons Granted Access Without Prior Written Consent”); (3) additional security requirements to ensure that persons are only accessing those records in which they have a legitimate educational interest (see “Access to Records by Authorized Persons”); and (4) new procedures for the release of records that have been “de-identified” since all personally identifiable information has been removed (see “De-identification of Records”).

FINANCIAL IMPACT: None

ACTION: Receive for First Reading and Adoption, revised Board Policy 5125, Student Records

PREPARED BY: Ellyn Schneider, Executive Director, Student Services

DATE OF MEETING: September 16, 2009

AGENDA NOTE

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Students

STUDENT RECORDS

The Governing Board recognizes the importance of keeping accurate, comprehensive student records as required by law. ~~Procedures for maintaining the confidentiality of student records shall be consistent with state and federal law.~~ ***The Superintendent or designee shall ensure that the district's administrative regulation and school site procedures for maintaining the confidentiality of student records are consistent with state and federal law.***

The Superintendent or designee shall establish regulations governing the identification, description and security of student records, as well as timely access for authorized persons. These regulations shall ensure parental rights to review, inspect and copy student records and shall protect the student and ~~the student's~~ ***his/her*** family from invasion of privacy.

- (cf. 3580 - District Records)
- (cf. 4040 - Employee Use of Technology)
- (cf. 5125.1 - Release of Directory Information)
- (cf. 5125.2 - Withholding Grades, Diploma or Transcripts)
- (cf. 5125.3 - Challenging Student Records)

The Superintendent or designee shall designate a certificated employee to serve as custodian of records, with responsibility for student records at the district level. At each school, the principal or a certificated designee shall act as custodian of records for students enrolled at that school. The custodian of records shall be responsible for implementing Board policy and administrative regulation regarding student records. (5 CCR 431)

Legal Reference:

EDUCATION CODE

- 48201 Student records for transfer students who have been suspended/expelled
- 48904-48904.3 Withholding grades, diplomas, or transcripts of pupils, ~~causing~~ ***liability of parent for*** property damage or injury; transfer of pupils to new school districts; ~~notice to rescind decision to withhold~~
- 48918 Rules governing expulsion procedures
- 49060-49079 ~~Pupil~~ ***Student*** records
- 49091.14 Parental review of curriculum
- 51747 Independent study programs
- 56050 Surrogate parents
- 56055 Foster parents

CODE OF CIVIL PROCEDURE

- 1985.3 Subpoena duces tecum

FAMILY CODE

Students

STUDENT RECORDS

3025 Access to records by noncustodial parents
GOVERNMENT CODE

6252-6260 Inspection of public records
HEALTH AND SAFETY CODE

120440 Immunizations; disclosure of information
WELFARE AND INSTITUTIONS CODE

681 Truancy petitions

16010 Health and education records of a minor
CODE OF REGULATIONS, TITLE 5

430-438 Individual ~~pupil~~ **student** records

16020-16027 Destruction of records of school districts
UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act
CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

~~300.500-Definition of "personally identifiable"~~

300.501 Opportunity to examine records for parents of student with disability

~~300.573-Destruction of information~~

COURT DECISIONS

~~Falvo v. Owasso Independent School District, 220 F.3d. 1200 (10th Cir. 2000)~~

Management Resources:

FEDERAL REGISTER

Final Rule and Analysis of Comments and Changes, Family Educational Rights and Privacy,
December 9, 2008, Vol. 73, No. 237, pages 74806-74855

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Joint Guidance on the Application of FERPA and HIPAA to Student Health Records, November
2008

WEB SITES

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

U.S. Department of Education, Family Policy Compliance Office:
<http://www.ed.gov/policy/gen/guid/fpco/index.html>

Policy MANHATTAN BEACH UNIFIED SCHOOL DISTRICT

adopted: October 20, 2004 Manhattan Beach, California

reviewed: September 5, 2007

revised:

G. BOARD BUSINESS

5. **TITLE:** Receive for First Reading and Review, revised Administrative Regulation 5125, Student Records

BACKGROUND: Manhattan Beach Unified District Administrative Regulation 5125, Student Records, is presented to the Board for review. This **MANDATED** regulation is updated to reflect **NEW FEDERAL REGULATIONS** including (1) revised definitions of attendance, disclosure, and personally identifiable information (see section entitled “Definitions”); (2) new requirements for disclosures in response to a court order under the USA Patriot Act or in response to an emergency or to organizations conducting a study (see “Persons Granted Access Without Prior Written Consent”); (3) additional security requirements to ensure that persons are only accessing those records in which they have a legitimate educational interest (see “Access to Records by Authorized Persons”); and (4) new procedures for the release of records that have been “de-identified” since all personally identifiable information has been removed (see “De-identification of Records”).

FINANCIAL IMPACT: None

ACTION: Receive for First Reading and Review, revised Administrative Regulation 5125, Student Records

PREPARED BY: Ellyn Schneider, Executive Director, Student Services

DATE OF MEETING: September 16, 2009

AGENDA NOTE

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Students

STUDENT RECORDS

Definitions

Student means any individual who is or has been in attendance at the district and regarding whom the district maintains student records. (34 CFR 99.3)

Attendance includes, but is not limited to, attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunication technologies for students who are not physically present in the classroom, and the period during which a person is working under a work-study program. (34 CFR 99.3)

*Student records are any items of information (in handwriting, print, tape, film, computer, or other medium) gathered within or outside the district that are directly related to an identifiable student and maintained by the district, ~~or~~ required to be maintained by an employee in the performance of his/her duties, **or maintained by a party acting for the district**. Any information maintained for the purpose of second-party review is considered a student record. ~~A student record may be recorded in handwriting, print, computer media, video or audio tape, film, microfilm, microfiche, or by other means.~~ Student records include the student's health record. (34 CFR 99.3; Education Code 49061, 49062; 5 CCR 430)*

Student records do not include: (34 CFR 99.3; Education Code 49061, 49062; 5 CCR 430)

1. Directory information

(cf. 5125.1 - Release of Directory Information)

2. Informal notes compiled by a school officer or employee which remain in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a substitute

3. Records of the law enforcement unit of the district, subject to the provisions of 34 CFR 99.8

(cf. 3515 - Campus Security)

~~(cf. 3515.3 - District Police/Security Department)~~

4. Records created or received by the district after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student

5. Grades on peer-graded papers before they are collected and recorded by a teacher

Students

STUDENT RECORDS

Mandatory permanent student records are those records which are maintained in perpetuity and which schools have been directed to compile by state law, regulation, or administrative directive. (5 CCR 430)

Mandatory interim student records are those records which the schools are directed to compile and maintain for stipulated periods of time and are then destroyed in accordance with state law, regulation, or administrative directive. (5 CCR 430)

Permitted student records are those records having clear importance only to the current educational process of the student. (5 CCR 430)

Access means a personal inspection and review of a record, an accurate copy of a record or receipt of an accurate copy of a record, an oral description or communication of a record, and a request to release a copy of any record. (Education Code 49061)

Disclosure means to permit access to, or the release, transfer, or other communication of personally identifiable information contained in education records to any party, ***except the party that provided or created the record***, by any means including oral, written, or electronic. ~~means.~~ (34 CFR 99.3)

Personally identifiable information includes, but is not limited to ~~the student's name, the name of the student's parent/guardian or other family member, the address of the student or student's family, a personal identifier such as the student's social security number or student number, and a list of personal characteristics or other information that would make the student's identity easily traceable.~~ (34 CFR 99.3)

- 1. The student's name*
- 2. The name of the student's parent/guardian or other family members*
- 3. The address of the student or student's family*
- 4. A personal identifier, such as the student's social security number, student number, or biometric record (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting)*
- 5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name*

Students

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6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty

7. Information requested by a person who the district reasonably believes knows the identity of the student to whom the student record relates

Adult student is a person who is or was enrolled in school and who is at least 18 years of age. (5 CCR 430)

Parent/guardian means a natural parent, an adopted parent, ~~or~~ legal guardian, *surrogate parent, or foster parent.* (Education Code 49061, **56050, 56055**)

School officials and employees are officials or employees whose duties and responsibilities to the district, whether routine or as a result of special circumstances, require that they have access to student records. *School officials and employees include contractors, consultants, volunteers, or other parties to whom the district has outsourced district functions and who perform services for which the district would otherwise use employees.*

A legitimate educational interest is one held by officials or employees whose duties and responsibilities to the district, whether routine or as a result of special circumstances, require that they have access to student records.

Custodian of records is the employee responsible for the security of student records maintained by the district and for devising procedures for assuring that access to such records is limited to authorized persons. (5 CCR 433)

County placing agency means the county social service department or county probation department. (Education Code 49061)

~~Changes to Student Records~~

~~No additions except routine updating shall be made to a student's record after high school graduation or permanent departure without prior consent of the parent/guardian or adult student. (5 CCR 437)~~

~~Only a parent/guardian having legal custody of the student or an adult student may challenge the content of a record or offer a written response to a record. (Education Code 49061)~~

Students

STUDENT RECORDS

~~(cf. 5125.3 Challenging Student Records)~~

~~Retention and Destruction of Student Records~~

~~All anecdotal information and assessment reports maintained as student records shall be dated and signed by the individual who originated the data. (5 CCR 431)~~

~~The following mandatory permanent student records shall be kept indefinitely. (5 CCR 432, 437)~~

~~1. Legal name of student~~

~~2. Date and place of birth and method of verifying birth date~~

~~(cf. 5111 Admission)~~

~~3. Sex of student~~

~~4. Name and address of parent/guardian of minor student~~

~~a. Address of minor student if different from the above~~

~~b. Annual verification of parent/guardian's name and address and student's residence~~

~~(cf. 5111.1 District Residency)~~

~~(cf. 5111.12 Residency Based on Parent/Guardian Employment)~~

~~(cf. 5111.13 Residency for Homeless Children)~~

~~5. Entrance and departure date of each school year and for any summer session or other extra session~~

~~6. Subjects taken during each year, half year, summer session, or quarter, and marks or credits given~~

~~(cf. 5121 Grades/Evaluation of Student Achievement)~~

~~7. Verification of or exemption from required immunizations~~

~~(cf. 5141.31 Immunizations)~~

Students

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~~8. Date of high school graduation or equivalent~~

~~Mandatory interim student records, unless forwarded to another district, shall be maintained subject to destruction during the third school year following a determination that their usefulness has ceased or the student has left the district. These records include: (Education Code 48918, 51747; 5 CCR 432, 437, 16027)~~

~~1. Expulsion orders and the causes therefor~~

~~(cf. 5144.1 Suspension and Expulsion/Due Process)~~

~~(cf. 5144.2 Suspension and Expulsion/Due Process (Students with Disabilities))~~

~~2. A log identifying persons or agencies who request or receive information from the student record~~

~~3. Health information, including verification or waiver of the health screening for school entry~~

~~(cf. 5141.32 Health Screening for School Entry)~~

~~4. Information on participation in special education programs, including required tests, case studies, authorizations, and evidence of eligibility for admission or discharge~~

~~(cf. 6159 Individualized Education Program)~~

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

~~5. Language training records~~

~~(cf. 6174 Education for English Language Learners)~~

~~6. Progress slips/notices required by Education Code 49066 and 49067~~

~~7. Parental restrictions/stipulations regarding access to directory information~~

~~8. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action~~

~~9. Parent/guardian authorization or denial of student participation in specific programs~~

~~10. Results of standardized tests administered within the past three years~~

Students

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~~(cf. 6162.51 Standardized Testing and Reporting Program)~~

~~(cf. 6162.52 High School Exit Examination)~~

~~11. Written findings resulting from an evaluation conducted to determine whether it is in a student's best interest to remain in independent study~~

~~(cf. 6158 Independent Study)~~

~~Permitted student records may be destroyed six months after the student completes or withdraws from the educational program, including: (5 CCR 432, 437)~~

~~1. Objective counselor/teacher ratings~~

~~2. Standardized test results older than three years~~

~~3. Routine disciplinary data~~

~~(cf. 5144 Discipline)~~

~~4. Verified reports of relevant behavioral patterns~~

~~5. All disciplinary notices~~

~~6. Supplementary attendance records~~

~~Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process of destruction. (5 CCR 437)~~

Persons Granted Access to Student Records Without Prior Written Consent

~~Persons, agencies, or organizations specifically granted access rights pursuant to law shall have access without prior written parental consent or judicial order. In addition, parental consent is not required when information is shared with other persons within educational institutions, agencies, or organizations obtaining access, as long as those persons have a legitimate educational interest in the information. (Education Code 49076)~~

The following persons or agencies shall have absolute access to any and all student records in accordance with law:

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1. Parents/guardians of students younger than age 18 (Education Code 49069)

Access to student records and information shall not be denied to a parent because he/she is not the child's custodial parent. (Family Code 3025)

2. An adult student age 18 or older or a student under the age of 18 who attends a postsecondary institution, in which case the student alone shall exercise rights related to his/her student records and grant consent for the release of records (34 CFR 99.5)

3. Any person, agency, or organization authorized in compliance with a court order or lawfully issued subpoena (Education Code 49077)

Unless otherwise instructed by the court, the Superintendent or designee shall, prior to disclosing a record pursuant to a court order or subpoena, give the parent/guardian or adult student at least three days' notice of the name of the requesting agency and the specific record requested, if lawfully possible within the requirements of the judicial order. (34 CFR 99.31; 5 CCR 435)

In addition, the following persons or agencies shall have access to those particular records that are relevant to ~~their~~ legitimate educational interest of the requester: (34 CFR 99.31; Education Code 49076)

1. Parents/guardians of a dependent student age 18 or older.
2. Students aged 16 or older or who have completed the 10th grade.
3. School officials and district employees, ~~(consistent with criteria defined by the district.)~~
4. Members of a school attendance review board (**SARB**) and any volunteer aide age 18 or older who has been investigated, selected, and trained by ~~such a board~~ **SARB** to provide follow-up services to a referred student.

(cf. 5113.1 - Truancy)

5. Officials and employees of other public schools, ~~or~~ school systems, *or postsecondary institutions* where the student intends or is directed to enroll, including local, county, or state correctional facilities where educational programs leading to high school graduation are provided, *or where the student is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer.*

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6. Federal, state, and local officials, as needed for program audits or compliance with law.

7. Any district attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition *or a prosecuting agency for consideration against a parent/guardian for failure to comply with compulsory education laws.*

~~8. A prosecuting agency for consideration against a parent/guardian for failure to comply with compulsory education laws~~

8. Any probation officer or district attorney for the purposes of conducting a criminal investigation or an investigation in regards to declaring a person a ward of the court or involving a violation of a condition of probation.

9. Any judge or probation officer for the purpose of conducting a truancy mediation program for a student, or for purposes of presenting evidence in a truancy petition pursuant to Welfare and Institutions Code 681.

Upon releasing student information to a judge or probation officer in such cases, the Superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours. (Education Code 49076)

10. Any county placing agency for the purpose of fulfilling educational case management responsibilities required by the juvenile court or by law pursuant to Welfare and Institutions Code 16010 and to assist with the school transfer or enrollment of a student.

(cf. 6173.1 - Education for Foster Youth)

Foster family agencies with jurisdiction over currently enrolled or former students may access those students' records of grades and transcripts, and any individualized education program (IEP) developed and maintained by the district with respect to such students. (Education Code 49069.3)

(cf. 6159 - Individualized Education Program)

When authorized by law to assist law enforcement in investigations of suspected kidnapping, the Superintendent or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to ~~any public~~ **another** school district or California private school. The information shall be released only to designated peace officers,

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federal criminal investigators, and federal law enforcement officers whose names have been submitted in writing by their law enforcement agency in accordance with the procedures specified in Education Code 49076.5. (Education Code 49076.5)

The Superintendent or designee may release information from student records to the following: (*34 CFR 99.31, 99.36*; Education Code 49076)

1. Appropriate persons, *including parents/guardians*, in an emergency, if the health and safety of a student or other persons are at stake.
2. Accrediting associations.
3. Under the conditions specified in Education Code 49076 and *34 CFR 99.31*, organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, *provided that:*
 - a. The study is conducted in a manner that does not permit personal identification of parents/guardians and students by individuals other than representatives of the organization who have legitimate interests in the information.*
 - b. The information is destroyed when no longer needed for the purposes for which the study is conducted.*
 - c. The district enters into a written agreement with the organization that includes the information in 34 CFR 99.31*
4. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll.
5. Agencies or organizations in connection with a student's application for or receipt of financial aid.

However, information permitting the personal identification of a student or his/her parents/guardians for these purposes may be disclosed only as may be necessary to determine the eligibility of the student for financial aid, ~~to~~ determine the amount of financial aid, ~~to~~ determine the conditions which will be imposed regarding the financial aid, or to enforce the terms or conditions of the financial aid.

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6. County elections officials for the purpose of identifying students eligible to register to vote and offering such students an opportunity to register.

The Superintendent or designee may release *specified in law regarding* a student's immunization record information to local health departments operating countywide or regional immunization information and reminder systems and the ~~State~~ *California* Department of Health Services. ~~The following information may be released: (Health and Safety Code 120440)~~

- ~~1. Name of the student and the student's parent/guardian~~
- ~~2. Student's gender~~
- ~~3. Student's date and place of birth~~
- ~~4. Types and dates of immunizations received~~
- ~~5. Manufacturer and lot number of the immunization received~~
- ~~6. Adverse reaction to the immunization~~
- ~~7. Other non-medical information necessary to establish the student's unique identity and record~~

Prior to releasing such information, the Superintendent or designee shall notify the parent/guardian of his/her rights in accordance with law. (Health and Safety Code 120440)

Persons Granted Access to Student Records with Prior Written Consent

Persons, agencies, or organizations not afforded access rights ~~pursuant to~~ *by* law may be granted access only through written permission of the parent/guardian or adult student, or by judicial order. (Education Code 49075)

Only a parent/guardian having legal custody of the student may consent to the release of records to others. Either parent may grant consent if both parents notify the district, in writing, that such an agreement has been made. (Education Code 49061)

(cf. 5021 - Noncustodial Parents)

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Any person or agency granted access is prohibited from releasing information to another person or agency without written permission from the parent/guardian or adult student. (Education Code 49076)

Access to Records by Authorized Persons

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained in different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians shall be notified of the location of student records if not centrally located. (Education Code 49069; 5 CCR 433)

The custodian of records shall be responsible for the security of student records and shall assure that access is limited to authorized persons. (5 CCR 433)

The custodian of records shall develop reasonable methods, including physical, technological, and administrative controls, to ensure that school officials and employees obtain access to only those student records in which they have legitimate educational interests. (34 CFR 99.31)

To inspect, review, or obtain copies of student records, authorized persons shall submit a request to the custodian of records. For those individuals for whom the law requires that access be granted based on a legitimate educational interest, the request shall specify such interest involved. Prior to granting the request, the custodian of records shall authenticate the individual's identity.

When prior written consent is required by law, the parent/guardian shall provide a signed and dated written consent before the district discloses the student record. Such consent may be given through electronic means in those cases where it can be authenticated. The district's consent form shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. Upon request by the parent/guardian, the district shall provide him/her a copy of the records disclosed. (34 CFR 99.30)

Within five business days following the date of request, a parent/guardian or other authorized person shall be granted access to inspect, review, and obtain copies of student records during regular school hours. (Education Code 49069)

~~*Note: Education Code 49069 mandates procedures for the availability of qualified certificated personnel to interpret records when requested. The following paragraph may be expanded to*~~

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~~include specific procedures for persons to request and receive the assistance of certificated personnel.~~

Qualified certificated personnel shall be available to interpret records when requested. (Education Code 49069)

The custodian of records or the Superintendent or designee shall prevent the alteration, damage, or loss of records during inspection. (5 CCR 435)

~~Procedures for Access~~

~~Student records shall be maintained in a central file at the school attended by the student or, when records are maintained in different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians shall be notified of the location of student records if not centrally located. (Education Code 49069; 5 CCR 433)~~

~~To inspect, review, or obtain copies of student records, authorized persons shall submit a request to the custodian of records.~~

~~Authorized persons, organizations, or agencies from outside the school whose access requires consent from the parent/guardian or adult student shall submit their request, together with any required authorization, to the Superintendent or designee or the custodian of records. (5 CCR 435)~~

~~When required by law, the parent/guardian shall provide a signed and dated written consent before the district discloses the student record. The consent shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. Upon request by the parent/guardian, the district shall provide him/her a copy of the records disclosed. (34 CFR 99.30)~~

~~Within five days following the date of request, an authorized person shall be granted access to inspect, review, and obtain copies of student records during regular school hours. (Education Code 49069; 5 CCR 431)~~

~~Qualified certificated personnel shall be available to interpret records when requested. (Education Code 49069)~~

~~The custodian of records shall be responsible for the security of student records and shall assure that access is limited to authorized persons. (5 CCR 433)~~

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~~The custodian of records or the Superintendent or designee shall prevent the alteration, damage, or loss of records during inspection. (5 CCR 435)~~

~~Prior to disclosing a record pursuant to a court order, the Superintendent or designee shall, unless otherwise instructed by the order, give the parent/guardian or adult student at least three days' notice of the name of the requesting agency and the specific record requested if lawfully possible within the requirements of the judicial order. (5 CCR 435)~~

~~When the district discloses personally identifiable information to officials of another school, school system, or postsecondary institution where the student seeks or intends to enroll, the Superintendent or designee shall make a reasonable attempt to notify the parent/guardian or adult student at his/her last known address, provide a copy of the record that was disclosed, and give him/her an opportunity for a hearing to challenge the record. (34 CFR 99.34)~~

~~Upon releasing student information to a judge or probation officer for the purpose of conducting a truancy mediation program or presenting evidence in a truancy petition, the Superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours. (Education Code 49076)~~

~~If the district is planning to release a student's immunization information to the county health department or state Department of Health Services, the Superintendent or designee shall inform the student's parents/guardians of the following: (Health and Safety Code 120440)~~

- ~~1. The type of information that will be shared~~
- ~~2. The name and address of the agency with which the district will share the information~~
- ~~3. That any shared information shall be treated as confidential and shall be used to share only with each other and, upon request, with health care providers, child care facilities, family child care homes, service providers for the Women, Infants and Children (WIC) food program, county welfare departments, foster care agencies, and health care plans~~
- ~~4. That the information may be used only to provide immunization service; to provide or facilitate third-party payer payments for immunizations; to compile and disseminate statistical information on immunization status on groups of people, without identifying the student~~
- ~~5. That the parent/guardian has the right to examine any immunization-related information shared in this manner and to correct any errors~~

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~~6. That the parent/guardian may refuse to allow this information to be shared~~

~~Duplication of Student Records~~

~~To provide copies of any student record, the district shall charge a reasonable fee not to exceed the actual cost of furnishing the copies. No charge shall be made for providing up to two transcripts or up to two verifications of various records for any former student. No charge shall be made to locate or retrieve any student record. (Education Code 49065)~~

~~The Superintendent or designee shall set a fee and update the amount periodically if actual costs change.~~

~~(cf. 3260 - Fees and Charges)~~

Access Log

A log shall be maintained for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the records and the legitimate educational interest of the requester. (Education Code 49064)

In every instance of inspection by persons who do not have assigned educational responsibility, the school custodian of records shall make an entry in the log indicating the record inspected, the name of the person granted access, the reason access was granted, and the time and circumstances of inspection. (5 CCR 435)

The log does not need to record access by: (Education Code 49064)

1. Parents/guardians or adult students.
2. Students 16 years of age or older or who have completed the 10th grade.
3. Parties obtaining district-approved directory information.

(cf. 5125.1 - Release of Directory Information)

4. Parties who provide written parental consent, in which case the consent notice shall be filed with the record pursuant to Education Code 49075.

5. School officials or employees who have a legitimate educational interest.

Students**STUDENT RECORDS**

The log shall be accessible only to the parent/guardian, adult student, dependent adult student, student aged 16 years or older or who has completed the 10th grade, custodian of records, and certain state/federal officials. (Education Code 49064; 5 CCR 432)

De-Identification of Records

The Superintendent or designee may release information from a student record without prior consent of the parent/guardian or adult student after the removal of all personally identifiable information, provided that he/she has made a reasonable determination that the student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information. (34 CFR 99.31)

~~*Note: 34 CFR 99.31, as amended by 73 Fed. Reg. 237, authorizes the release of de-identified, disaggregated data for educational research purposes by allowing the district to attach a code to each record so that the researcher can match multiple information received from the district (e.g., so that the researcher can match data on district graduation rates with rates of English language learners).*~~

The Superintendent or designee may release de-identified student data from education records for the purpose of educational research in accordance with the conditions specified in 34 CFR 99.31.

Duplication of Student Records

To provide copies of any student record, the district shall charge a reasonable fee not to exceed the actual cost of providing the copies. No charge shall be made for providing up to two transcripts or up to two verifications of various records for any former student. No charge shall be made to locate or retrieve any student record. (Education Code 49065)

Changes to Student Records

No additions except routine updating shall be made to a student's record after high school graduation or permanent departure without prior consent of the parent/guardian or adult student. (5 CCR 437)

Only a parent/guardian having legal custody of the student or an adult student may challenge the content of a record or offer a written response to a record. (Education Code 49061)

(cf. 5125.3 - Challenging Student Records)

Students

STUDENT RECORDS

Retention and Destruction of Student Records

All anecdotal information and assessment reports maintained as student records shall be dated and signed by the individual who originated the data. (5 CCR 431)

The following mandatory permanent student records shall be kept indefinitely: (5 CCR 432, 437)

1. Legal name of student.

2. Date and place of birth and method of verifying birth date.

(cf. 5111 - Admission)

3. Sex of student.

4. Name and address of parent/guardian of minor student

a. Address of minor student if different from the above.

b. Annual verification of parent/guardian's name and address and student's residence.

(cf. 5111.1 - District Residency)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

(cf. 5111.13 - Residency for Homeless Children)

5. Entrance and departure dates of each school year and for any summer session or other extra session.

6. Subjects taken during each year, half-year, summer session, or quarter, and marks or credits given.

(cf. 5121 - Grades/Evaluation of Student Achievement)

7. Verification of or exemption from required immunizations.

(cf. 5141.31 - Immunizations)

Students

STUDENT RECORDS

8. Date of high school graduation or equivalent

Mandatory interim student records, unless forwarded to another district, shall be maintained subject to destruction during the third school year following a determination that their usefulness has ceased or the student has left the district. These records include: (Education Code 48918, 51747; 5 CCR 432, 437, 16027)

1. Expulsion orders and the causes therefore

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

2. A log identifying persons or agencies ~~who~~ that request or receive information from the student record.

3. Health information, including verification or waiver of the health screening for school entry.

(cf. 5141.32 - Health Screening for School Entry)

4. Information on participation in special education programs, including required tests, case studies, authorizations, and evidence of eligibility for admission or discharge.

(cf. 6159 - Individualized Education Program)

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

5. Language training records.

(cf. 6174 - Education for English Language Learners)

6. Progress slips/notices required by Education Code section 49066 and 49067.

7. Parental restrictions/stipulations regarding access to directory information

8. Parent/guardian or adult student rejoinders to challenged records and ~~to~~ disciplinary action.

9. Parent/guardian authorization or denial of student participation in specific programs.

Students

STUDENT RECORDS

10. Results of standardized tests administered within the past three years.

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6162.52 - High School Exit Examination)

11. Written findings resulting from an evaluation conducted after a specified number of missed assignments to determine whether it is in a student's best interest to remain in independent study.

(cf. 6158 - Independent Study)

Permitted student records may be destroyed six months after the student completes or withdraws from the educational program, including: (5 CCR 432, 437)

- 1. Objective counselor and/or teacher ratings.*
 - 2. Standardized test results older than three years.*
 - 3. Routine disciplinary data.*
- (cf. 5144 - Discipline)*
- 4. Verified reports of relevant behavioral patterns.*
 - 5. All disciplinary notices.*
 - 6. Supplementary attendance records.*

Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process of destruction. (5 CCR 437)

Transfer of Student Records

If a student transfers into this district from any other school district or a private school, the Superintendent or designee shall inform the parent/guardian of his/her rights regarding student records, including the right to review, challenge, and receive a copy of student records. (Education Code 49068; 5 CCR 438)

Students**STUDENT RECORDS**

When a student transfers into this district from another, the Superintendent or designee shall request that the student's previous district provide any records, either maintained by that district in the ordinary course of business or received from a law enforcement agency, regarding acts committed by the transferring student that resulted in his/her suspension or expulsion. (Education Code 48201)

(cf. 4158/4258/4358 - Employee Security)

(cf. 5119 - Students Expelled From Other Districts)

When a student transfers from this district to another school district or to a private school, the Superintendent or designee shall forward a copy of the student's mandatory permanent record as requested by the other district or private school. The original record or a copy shall be retained permanently by this district. If the transfer is to another California public school, the student's entire mandatory interim record shall be forwarded. If the transfer is out of state or to a private school, the mandatory interim record may be forwarded. Permitted student records may be forwarded to any other district or private school. (5 CCR 438)

Upon receiving a request from a county placing agency to transfer a student in foster care out of a district school, the Superintendent or designee shall transfer the student's records to the next educational placement within two business days. (Education Code 49069.5)

(cf. 6173.1 - Education for Foster Youth)

All student records shall be updated before they are transferred. (5 CCR 438)

Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent/guardian. (5 CCR 438)

If the district is withholding grades, diploma, or transcripts from the student because of his/her damage or loss of school property, this information shall be sent to the requesting district along with the student's records. (***Education Code 48904.3***)

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

Notification of Parents/Guardians

Students**STUDENT RECORDS**

Upon students' initial enrollment, and at the beginning of each year thereafter, the Superintendent or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. Insofar as practicable, the district shall provide these notices in the student's home language and shall effectively notify parents/guardians or eligible students who are disabled. (34 CFR 99.7; Education Code 49063)

(cf. 5145.6 - Parental Notifications)

The notice shall include: (34 CFR 99.7, 99.34; Education Code 49063)

1. The types of student records kept by the district and the information contained therein
2. The title(s) of the official(s) responsible for maintaining each type of record
3. The location of the log identifying those who request information from the records
4. District criteria for defining school officials and employees and for determining legitimate educational interest
5. District policies for reviewing and expunging student records
6. The right to inspect and review student records, and the procedures for doing so
7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights

(cf. 5125.3 - Challenging Student Records)

8. The cost, if any, charged for duplicating copies of records
9. The categories of information defined as directory information pursuant to Education Code 49073
10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law

Students

STUDENT RECORDS

11. The availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions, and instructional aims of every course offered by the school

(cf. 5020 - Parent Rights and Responsibilities)

12. Any other rights and requirements set forth in Education Code 49060-49078, and the right of parents/guardians to file a complaint with the United States Department of ~~Health, Education, and Welfare~~ concerning an alleged failure by the district to comply with 20 USC 1232g

13. A statement that the district forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll *or is already enrolled as long as the disclosure is for purposes related to the student's enrollment*

Regulation MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
approved: October 20, 2004 Manhattan Beach, California
revised: September 5, 2007

G. **BOARD BUSINESS**

6. **TITLE:** Receive for First Reading and Review, revised Administrative Regulation 5125.1, Release of Directory Information

BACKGROUND: Manhattan Beach Unified District Administrative Regulation 5125.1, Release of Directory Information, is presented to the Board for review. This **MANDATED** regulation is updated to reflect **NEW FEDERAL REGULATIONS** which clarify that a student's social security number or student identification number may not be designated as directory information.

FINANCIAL IMPACT: None

ACTION: Receive for First Reading and Review, revised Administrative Regulation 5125.1, Release of Directory Information

PREPARED BY: Ellyn Schneider, Executive Director, Student Services

DATE OF MEETING: September 16, 2009

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Students

RELEASE OF DIRECTORY INFORMATION

Definition

Directory information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Such student information includes: (34 CFR 99.3; Education Code 49061)

1. Name
2. Address
3. Telephone number
4. ~~Electronic mail~~ **Email** address
- ~~5. Photograph~~
5. Date and place of birth
6. Major field of study
7. Participation in officially recognized activities and sports
8. Weight and height of athletic team members
9. Dates of attendance
10. Degrees and awards received
11. Most recent previous school attended

Notification to Parents/Guardians

At the beginning of each school year, all parents/guardians shall be notified as to the categories of directory information the school or district plans to release and the recipients of the information. The notification shall also inform parents/guardians of their right to refuse to let the district designate any or all types of information as directory information and the period of time within which a parent/guardian must notify the district in writing that he/she does not want a certain category of information designated as directory information. (34 CFR 99.37 Education Code 49063, 49073;)

Students

RELEASE OF DIRECTORY INFORMATION

(cf. 5125 - Student Records)
(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall notify parents/guardians that they may request that the district not release the name, address, and telephone number of their child to military recruiters, employers, or institutions of higher education without prior written consent. (20 USC 7908)

Parent/Guardian Consent

Directory information shall not be released regarding any student whose parent/guardian notifies the district in writing that such information not be disclosed without the parent/guardian's prior consent. (20 USC 1232g; ~~20 USC~~ 7908; Education Code 49073)

For a former student, the district shall continue to honor any valid request to opt out of the disclosure of directory information made while the student was in attendance at the district, unless the opt-out request has been rescinded. (34 CFR 99.37)

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

G. BOARD BUSINESS

7. **TITLE:** Receive for First Reading and Adoption, revised Board Policy 5131.5, Vandalism and Graffiti

BACKGROUND: Manhattan Beach Unified District Board Policy 5131.5, Vandalism and Graffiti, is presented to the Board as a revision for first reading and adoption. The retitled policy contains new language directing the Superintendent to collaborate with local law enforcement and the city or county to develop vandalism and graffiti prevention strategies, to investigate certain incidents of vandalism or graffiti pursuant to the district's nondiscrimination policies, as appropriate, and to cover up graffiti as soon as possible.

FINANCIAL IMPACT: None

ACTION: Receive for First Reading and Adoption, revised Board Policy 5131.5, Vandalism and Graffiti

PREPARED BY: Ellyn Schneider, Executive Director, Student Services

DATE OF MEETING: September 16, 2009

AGENDA NOTE

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Student**VANDALISM AND GRAFFITI**

~~The Governing Board considers vandalism a very serious matter. Vandalism includes the negligent, willful, or unlawful damaging or theft of any district-owned real or personal property, including the writing of graffiti.~~

~~(cf. 3515.4 - Recovery for Property Loss or Damage)~~

The Governing Board desires to enhance student learning by striving to provide an environment where students and staff can feel safe and secure and can take pride in their school. To that end, the Superintendent or designee shall develop strategies for preventing graffiti and vandalism on school grounds, including collaborating with local law enforcement and city and county officials, as appropriate, to help develop a coordinated response to graffiti and vandalism in the community.

(cf. 0450 - Comprehensive Safety Plan)

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

(cf. 3515 - Campus Security)

(cf. 5131.7 - Positive School Climate)

(cf. 5136 - Gangs)

(cf. 5138 - Conflict Resolution/Peer Mediation)

Students and staff are encouraged to report any graffiti or vandalism to the principal or designee for investigation. The principal or designee shall determine whether the incident necessitates an investigation pursuant to the district's sexual harassment, hate-motivated behavior, or nondiscrimination grievance procedure.

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

As appropriate, the principal or designee may contact local law enforcement in instances when the graffiti is repetitive, identifies particular targets or groups, identifies the perpetrator, and/or contains incitements to violence, threats, or intimidation. Photographs or other evidence of the vandalism or graffiti shall be preserved as necessary for investigation by the district or law enforcement and as evidence in any district disciplinary proceedings.

The principal or designee shall ensure that graffiti on school grounds is removed and covered as soon as possible, and if practicable before the beginning of the school day.

Student

VANDALISM AND GRAFFITI

~~Any district~~ *A student who commits an act of vandalism or graffiti on school grounds shall be subject to disciplinary action, by the district and also may be prosecuted through other legal means including, but not limited to, suspension or expulsion in accordance with Board policy and administrative regulation.* If reparation of damages is not made, the district also may withhold the student's grades, diploma and/or transcripts in accordance with law.

- (cf. 3515.4 - Recovery for Property Loss or Damage)*
- (cf. 5125.2 - Withholding Grades, Diploma or Transcripts)*
- (cf. 5131 - Conduct)*
- (cf. 5144 - Discipline)*
- (cf. 5144.1 - Suspension and Expulsion/Due Process)*

Legal Reference:

EDUCATION CODE

48900 Grounds for suspension or expulsion

48904 Willful misconduct, limit of liability of parent or guardian

48904.3 Withholding grades, diplomas, or transcripts of pupils causing property damage or injury; ~~transfer of pupils to new school districts; notice to rescind decision to withhold~~

CIVIL CODE

51.7 Right to be free from violence

52.1 Discrimination liability

1714.1 Liability of parent or guardian for act of willful misconduct by a minor

GOVERNMENT CODE

53069.5 Reward for information concerning person causing death, injury, or property damage; ~~liability for reward~~

PENAL CODE

594 Vandalism

594.1 Aerosol containers of paint

594.2 Intent to commit vandalism or graffiti

594.6 Vandalism or graffiti, community service

640.5 Graffiti; facilities or vehicles of governmental entity

640.6 Graffiti

CODE OF REGULATIONS, TITLE 5

305 ~~Pupil~~ *Student* responsible for care of property

MBUSD

BP 5131.5(c)

Student

VANDALISM AND GRAFFITI

Management Resources:

WEB SITES

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

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

Policy MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
adopted: July 14, 1993 Manhattan Beach, California
revised:

G. **BOARD BUSINESS**

8. **TITLE:** Receive for First Reading and Adoption, revised Board Policy 5145.7, Sexual Harassment

BACKGROUND: Manhattan Beach Unified District Board 5145.7, Sexual Harassment, is presented to the Board for revision. The **MANDATED** policy is revised to reflect **NEW COURT DECISION** which details the standards for determining district liability for sexual harassment under state law. Material formerly included in the policy in reference to timeless for complaint investigation has been moved to the regulation.

FINANCIAL IMPACT: None

ACTION: Receive for First Reading and Adoption, revised Board Policy and Administrative Regulation 5145.7, Sexual Harassment

PREPARED BY: Ellyn Schneider, Executive Director, Student Services

DATE OF MEETING: September 16, 2009

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Students

SEXUAL HARASSMENT

The Governing Board is committed to maintaining an educational environment that is free from harassment *and discrimination*. The Board prohibits sexual harassment of students by ~~another~~ *other* students, ~~by an~~ employees, or ~~by any~~ other persons, at school or at school-sponsored or school-related activity or event. *The Board also prohibits retaliatory behavior or action against persons who complain, testify, assist, or otherwise participate in district complaint processes.*

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

A copy of the district’s sexual harassment policy will be sent to parents/guardians of students at the beginning of each school year or at the time of enrollment.

~~Teachers will discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of sexual harassment.~~ *The Superintendent or designee shall ensure that all district students receive age-appropriate instruction and information on sexual harassment.* Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment can occur between people of the same gender.
2. A clear message that students do not have to endure sexual harassment. ~~Students should be encouraged to report observed instances of sexual harassment, even where the victim of the harassment has not complained.~~
3. *Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained*
4. ~~Information about the person(s) at the school or in the district to whom a report of sexual harassment should be made, and about the process the school and/or district uses to investigate such a report.~~ *Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made*

~~(cf. 5131.5 – Vandalism, Theft and Graffiti)~~
~~(cf. 5137 – Positive School Climate)~~
~~(cf. 5141.41 – Child Abuse Prevention)~~
~~(cf. 6142.1 – Family Life/Sex Education)~~
(cf. 5145.3 - Nondiscrimination/Harassment)

Students

SEXUAL HARASSMENT

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

Complaint Process

Any student who ~~believes~~ *feels* that he/she ~~and/or another student~~ is being or has been subjected to ~~sexual harassment~~ *sexually harassed by a school employee, another student, or a non-employee on school grounds or at a school-related activity (e.g., a visiting athlete or coach)* shall immediately contact ~~the school principal or his/her designee~~ *his/her teacher or any other employee. An employee who receives such a complaint shall report it in accordance with the corresponding administrative regulation.*

*(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 5141.4 - Child Abuse Prevention and Reporting)*

~~Any school employee who observes any incident of sexual harassment against any student shall similarly report his/her observation to the principal or his/her designee, whether or not the victim makes a complaint. If the student contacts another school staff member, such as a teacher or an advisor, that person should immediately inform the principal or his/her designee of the alleged incident.~~

~~(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 5141.4 - Child Abuse Reporting Procedures)~~

~~The principal or designee to whom a complaint of sexual harassment is reported shall immediately investigate the complaint in a way that protects the privacy of all parties concerned (a copy of AR 1312.3 - Uniform Complaint Procedures should be furnished to the victim). When the principal or designee finds that sexual harassment has occurred, he/she will take immediate, appropriate action to end the harassment and address its effects on the victim. The principal or designee will file a report with the Superintendent or his/her designee and will refer the matter to law enforcement as appropriate.~~

~~In any case of sexual harassment involving the principal or any other district employee to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall report to the district's nondiscrimination coordinator or to the Superintendent or designee.~~

The Superintendent or designee shall ensure that any complaints regarding sexual harassment are immediately investigated in accordance with the corresponding administrative

Students

SEXUAL HARASSMENT

regulation. When the Superintendent or designee has determined that harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and to address its effects on the victim.

Disciplinary Actions

Any student who engages in sexual harassment of anyone at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students grades 4 through 12, ~~(Education Code 48900.2)~~, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account. ~~Such circumstances shall include but are not limited to:~~

- ~~1. Age and maturity of the victim and of the perpetrator.~~
- ~~2. Pervasiveness and severity of the alleged harassing conduct.~~
- ~~3. Prior complaints against the perpetrator.~~

~~In addition, to warrant suspension/expulsion, the alleged conduct “must be considered by a reasonable person of the same gender to be sufficiently severe or pervasive to have a negative impact upon the individual’s academic performance or to create an intimidating, hostile, or offensive educational environment.” (Education Code 48900.2)~~

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

~~Any employee who permits or engages in the sexual harassment of a student is subject to disciplinary action up to and including dismissal.~~

~~(cf. 1312.1 – Complaints Concerning District Employees)~~

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

(cf. 5131 - Conduct)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Confidentiality and Record-Keeping

Students

SEXUAL HARASSMENT

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)*

The Superintendent or his/her designee ~~will~~ **shall** maintain a record of all reported cases of sexual harassment in order to monitor, address, and prevent repetitive harassing behavior in ~~district~~ **the** schools.

~~Information gathered in the course of investigating any and all sexual harassment complaints will be kept confidential to the greatest extent possible.~~

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform Complaint Procedures

4900-4965 Nondiscrimination in elementary and secondary education programs ~~receiving state financial assistance~~

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, Discrimination

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

~~2000d-2000d-7 Title VI, Civil Rights Act of 1964~~

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

106.1-106.71 Nondiscrimination on the basis of sex in education programs

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SEXUAL HARASSMENT

COURT DECISIONS

- Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567*
- Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130*
- Reese v. Jefferson School District, (2001) 208 F.3d 736
- Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
- Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989
- ~~Nabozny v. Podlesny, (1996, 7th Cir.) 92 F.3d 446~~
- ~~Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447~~
- ~~Oona R. S. etc. v. Santa Rosa City Schools et al, (1995) 890 F.Supp. 1452~~
- ~~Rosa H. v. San Elizario Ind. School District, (W.D. Tex. 1995) 887 F. Supp. 140, 143~~
- ~~Clyde K. v. Puyallup School District #3, (1994) 35 F.3d 1396~~
- ~~Patricia H. v. Berkeley Unified School District, (1993) 830 F.Supp. 1288~~
- ~~Franklin v. Gwinnet County Schools, (1992) 112 S. Ct. 1028~~
- ~~Kelson v. City of Springfield, Oregon, (1985, 9th Cir.) 767 F.2d 651~~
- Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473*
- Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447*

Management Resources:

~~OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS
GENERAL~~

~~Protecting Students from Harassment and Hate Crime: A Guide for Schools, January 1999~~

OFFICE OF CIVIL RIGHTS' PUBLICATIONS

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance, January 2001

~~Sexual Harassment Guidance, March 1997~~

WEB SITES

~~OCR: <http://www.ed.gov/offices/OCR>~~

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

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/index.html>

Policy MANHATTAN BEACH UNIFIED SCHOOL DISTRICT

adopted: October 17, 2001 Manhattan Beach, California

reviewed: September 5, 2007

revised:

G. **BOARD BUSINESS**

9. **TITLE:** Receive for First Reading and Review, revised Administrative Regulation 5145.7, Sexual Harassment

BACKGROUND: Manhattan Beach Unified District Administrative Regulation 5145.7, Sexual Harassment, is presented to the Board for revision. The **MANDATED** applicable policy is revised to reflect **NEW COURT DECISION** which details the standards for determining district liability for sexual harassment under state law. Material formerly included in the policy in reference to timelessness for complaint investigation has been moved to the regulation.

The revised regulation contains a revised site-level complaint process/grievance procedure to reflect guidance from the U.S. Department of Education Office for Civil Rights, including timelines for completing various steps in the investigative process, interim measures to be taken by the district pending the results of the investigation, optional mediation in cases of student-to-student harassment, and items to be included in the written report on the findings of the investigation.

FINANCIAL IMPACT: None

ACTION: Receive for First Reading and Review, revised Administrative Regulation 5145.7, Sexual Harassment

PREPARED BY: Ellyn Schneider, Executive Director, Student Services

DATE OF MEETING: September 16, 2009

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SEXUAL HARASSMENT

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

1. Submission to the conduct is explicitly or implicitly made a term or condition of ~~an individual's employment~~, ***a student's*** academic status or progress
2. Submission to or rejection of the conduct by ~~an individual~~ ***the student*** is used as the basis for academic ~~or employment decisions~~ affecting the individual
3. The conduct has the purpose or effect of having a negative impact on the ~~individual's~~ ***student's*** academic ~~or work~~ performance, or of creating an intimidating, hostile, or offensive educational ~~or work~~ environment
4. Submission to or rejection of the conduct by the individual ***student*** is used as the basis for any decision affecting the ~~individual~~ ***student*** regarding benefits and services, honors, programs, or activities available at or through ~~the school~~ ***any district program or activity***

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual relations or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation
4. Sexual jokes, ***derogatory posters, notes, stories, cartoons***, drawings, pictures or ***obscene*** gestures, ***or computer-generated images of a sexual nature***
5. Spreading sexual rumors.
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. ***Massaging, grabbing, fondling, stroking, or brushing the body***

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8. Touching an individual's body or clothes in a sexual way.

~~8. Unwanted touching of an individual's clothes or body, sexual or not.~~

~~9. Limiting a student's access to educational tools.~~

~~10. Cornering or blocking normal movements; unreasonable invasion of personal space.~~

9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex

10. Displaying sexually suggestive objects ~~in the educational environment~~

~~12. 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.~~

School-Level Complaint Process/Grievance Procedure

1. Notice and Receipt of Complaint: Any student who believes he/she has been subjected to sexual harassment or who has witnessed sexual harassment may file a complaint with any school employee. Within 24 hours of receiving a complaint, the school employee shall report it to the district Coordinator for Nondiscrimination/Principal. In addition, any school employee who observes any incident of sexual harassment involving a student shall, within 24 hours, report this observation to the Coordinator/Principal, whether or not the victim files a complaint.

In any case of sexual harassment involving the Coordinator/Principal to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall instead report to the Superintendent or designee.

2. Initiation of Investigation: The Coordinator/Principal shall initiate an impartial investigation of an allegation of sexual harassment within five school days of receiving notice of the harassing behavior, regardless of whether a formal complaint has been filed. The district shall be considered to have "notice" of the need for an investigation upon receipt of information from a student who believes he/she has been subjected to harassment, the student's parent/guardian, an employee who received a complaint from a student, or any employee or student who witnessed the behavior.

If the Coordinator/Principal receives an anonymous complaint or media report about alleged

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sexual harassment, he/she shall consider the specificity and reliability of the information, the seriousness of the alleged incident, and whether any individuals can be identified who were subjected to the alleged harassment in determining whether it is reasonable to pursue an investigation.

3. Initial Interview with Student: When a student or parent/guardian has complained or provided information about sexual harassment, the Coordinator/Principal shall describe the district's grievance procedure and discuss what actions are being sought by the student in response to the complaint. The student who is complaining shall have an opportunity to describe the incident, identify witnesses who may have relevant information, provide other evidence of the harassment, and put his/her complaint in writing. If the student requests confidentiality, he/she shall be informed that such a request may limit the district's ability to investigate.

4. Investigation Process: The Coordinator/Principal shall keep the complaint and allegation confidential, except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

The Coordinator/Principal shall interview individuals who are relevant to the investigation, including, but not limited to, the student who is complaining, the person accused of harassment, anyone who witnessed the reported harassment, and anyone mentioned as having relevant information. The Coordinator/Principal may take other steps such as reviewing any records, notes, or statements related to the harassment or visiting the location where the harassment is alleged to have taken place.

When necessary to carry out his/her investigation or to protect student safety, the Coordinator/Principal also may discuss the complaint with the Superintendent or designee, the parent/guardian of the student who complained, the parent/guardian of the alleged harasser if the alleged harasser is a student, a teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth, law enforcement and/or child protective services, and district legal counsel or the district's risk manager.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

5. Interim Measures: The Coordinator/Principal shall determine whether interim measures are necessary during and pending the results of the investigation, such as placing students in separate classes or transferring a student to a class taught by a different teacher.

6. Optional Mediation: In cases of student-to-student harassment, when the student who

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complained and the alleged harasser so agree, the Coordinator/Principal may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator, or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree, and he/she shall be advised of the right to end the informal process at any time.

7. Factors in Reaching a Determination: In reaching a decision about the complaint, the Coordinator/Principal may take into account:

- a. Statements made by the persons identified above*
- b. The details and consistency of each person's account*
- c. Evidence of how the complaining student reacted to the incident*
- d. Evidence of any past instances of harassment by the alleged harasser*
- e. Evidence of any past harassment complaints that were found to be untrue*

To judge the severity of the harassment, the Coordinator/Principal may take into consideration:

- a. How the misconduct affected one or more students' education*
- b. The type, frequency, and duration of the misconduct*
- c. The identity, age, and sex of the harasser and the student who complained, and the relationship between them*
- d. The number of persons engaged in the harassing conduct and at whom the harassment was directed*
- e. The size of the school, location of the incidents, and context in which they occurred*
- f. Other incidents at the school involving different students*

8. Written Report on Findings and Follow-Up: No more than 30 days after receiving the complaint, the Coordinator/Principal shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause. If an extension is

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needed, the Coordinator/Principal shall notify the student who complained and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If sexual harassment occurred, the report shall also include any corrective actions that have or will be taken to address the harassment and prevent any retaliation or further harassment. This report shall be presented to the student who complained, the person accused, the parents/guardians of the student who complained and the student who was accused, and the Superintendent or designee.

In addition, the Coordinator/Principal shall ensure that the harassed student and his/her parent/guardian are informed of the procedures for reporting any subsequent problems. The Coordinator/Principal shall also make follow-up inquiries to see if there have been any new incidents or retaliation and shall keep a record of this information.

Enforcement of District Policy

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti

(cf. 5131.5 - Vandalism, Theft, and Graffiti)

2. Providing training to students, staff, and parents/guardians about how to recognize harassment and how to respond

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

3. Disseminating and/or summarizing the district's policy and regulation regarding sexual harassment

4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to parents/guardians and the community

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

(cf. 5125 - Student Records)

Students

SEXUAL HARASSMENT

5. Taking appropriate disciplinary action

In addition, disciplinary measures may be taken against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.

(cf. 4118 - Suspension/Disciplinary Action)

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

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Notifications

A copy of the district's sexual harassment policy *and regulation* shall be:

1. *Be* included in the notifications that are sent to parents/guardians at the beginning of each school year. (Education Code 48980)

~~(cf. 5145.6 - Notifications Required by Law~~ *Parental Notifications*)

2. *Be* displayed in a prominent location ~~near each school principal's office~~ *in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted* (Education Code 231.5)
~~(Education Code 212.6)~~

3. *Be* provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session. (Education code ~~212.6~~ 231.5)

4. ~~Included~~ *Appear* in any school or district publication that sets forth the school or district's comprehensive rules, regulations, procedures, and standards of conduct. (Education Code ~~212.6~~ 231.5)

5. *Be included in the student handbook*

6. *Be* provided to employee and employee organizations.

~~Complaint Procedures~~

~~In response to a complaint of sexual harassment, the following steps will be taken:~~

Students

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~~1. The principal or designee shall immediately investigate all complaints of sexual harassment. In so doing, he/she shall talk individually with:~~

- ~~a. The student or individual who is making the complaint.~~
- ~~b. The victim of harassment if other than the complainant.~~
- ~~c. The person accused of harassment~~
- ~~d. Anyone who witnessed the harassment take place.~~
- ~~e. Anyone mentioned as having related information.~~

~~2. The student or individual who makes a complaint shall have an opportunity to describe the incident, present witnesses and other evidence of the harassment, and put his/her complaint in writing.~~

~~3. The principal or designee shall discuss the complaint only with the people described above. When necessary to carry out his/her investigation, or for other good reasons that apply to the particular situation, the principal or designee also may discuss the complaint with the following persons:~~

- ~~a. The Superintendent or designee~~
- ~~b. The parent/guardian of the student who made the complaint~~
- ~~c. The parent/guardian of the harassment victim~~
- ~~d. The parent/guardian of the person accused of harassment~~
- ~~e. A teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth~~
- ~~f. Child protective agencies responsible for investigating child abuse reports~~
- ~~g. Legal counsel for the district~~

~~(cf. 5141.41 Child Abuse Prevention)~~

Students

SEXUAL HARASSMENT

~~4. The principal or designee shall inform the student victim that he/she has the right to file a formal complaint at any time in accordance with the district's uniform complaint procedures. If the student wishes to file a formal complaint, the principal or designee shall assist the student as requested.~~

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

~~5. In reaching a decision about the complaint, the principal or designee may take into account:~~

- ~~a. Statements made by the persons identified above~~
- ~~b. The details and consistency of each person's account~~
- ~~c. Evidence of how the victim reacted to the incident~~
- ~~d. Evidence of past instances of harassment by the accused~~
- ~~e. Evidence of past harassment complaints that were found to be untrue~~

~~6. To judge the severity of the harassment, the principal or designee may take into consideration:~~

- ~~a. How the harassment affected the education of the victim(s)~~
- ~~b. The type, frequency and duration of the harassment~~
- ~~c. The number of victims involved~~
- ~~d. The age and sex of the person accused of harassment~~
- ~~e. The place and situation where the incident occurred~~
- ~~f. Other incidents at the school, including incidents of harassment that were not related to sex, committed by the perpetrator~~

~~7. The principal or designee shall write a report of his/her findings, decision, and reasons for the decision, and shall present this report to the complainant and/or the victim, and to the person accused. The parents of both will be included in this process.~~

~~8. The principal or designee shall give the Superintendent or designee a written report of the~~

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~~complaint and investigation. If he/she verifies that sexual harassment occurred, this report shall include a description of the evidence used to verify that the harassment took place, an explanation of the process used to collect that evidence, a list of the steps taken to end the harassment, a list of the consequences received by the perpetrator, and an action plan that will ensure that retaliation and/or further harassment will not occur to the victim or to anyone else involved in resolving the incident~~

~~Enforcement~~

~~The Superintendent or designee, and/or the principal or designee, shall take appropriate actions to reinforce the district's sexual harassment policy. As needed, these actions may include any of the following:~~

- ~~1. Removing vulgar or offending graffiti~~
- ~~2. Providing staff inservice and student instruction or counseling~~
- ~~3. Notifying parents/guardians~~
- ~~4. Notifying child protective services~~
- ~~5. Taking appropriate disciplinary action. In addition, the principal or designee may take disciplinary measures against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.~~

Regulation MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
approved: October 17, 2001 Manhattan Beach, California
reviewed: September 5, 2007
revised:

G. **BOARD BUSINESS**

10. **TITLE:** Receive for First Reading and Adoption, revised Board Policy 5148.3, Preschool/Early Childhood Education

BACKGROUND: Manhattan Beach Unified District Board Policy 5148.3, Preschool/Early Childhood Education, is presented to the Board for revision. This policy is renumbered (formerly 6300) to be located in same section as other policies and regulations related to child care and development. The policy has also been updated to (1) reflect **NEW LAW** (AB 2759) which consolidates a number of programs into a new California State Preschool Program; (2) encourage collaboration with county office of education, and (3) language on staff development.

The **NEW MANDATED** regulation reflects requirements of the California State Preschool Program as added by **NEW LAW** (AB 2759). When approved by the California Department of Education under the California State Preschool Program (CSPP), the district may operate one or more part-day and/or full-day preschool programs in accordance with law and the terms of the state contract. This new regulation deals with the CSPP requirements. At present, Manhattan Beach Unified School District does not offer a CSPP program. In place of the CSPP program, the district offers its own program that is self-sufficient and has no commingling of funds with the general or other restricted funds of the district. The regulation would only apply if the Board at some time in the future decides to operate a CSSS preschool.

FINANCIAL IMPACT: None

ACTION: Receive for First Reading and Adoption, revised Board Policy 5148.3, Preschool/Early Childhood Education

PREPARED BY: Ellyn Schneider, Executive Director, Student Services

DATE OF MEETING: September 16, 2009

AGENDA NOTE

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Students**PRESCHOOL/EARLY CHILDHOOD EDUCATION**

The Governing Board recognizes that high-quality preschool experiences for children ages 3-~~5~~4 years help them develop knowledge, skills, and attributes necessary to be successful in school and provide for a smooth transition into the elementary education program. Such programs should provide developmentally appropriate activities in a safe, well-supervised, cognitively rich environment.

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

Collaboration with Community Programs

The Superintendent or designee shall collaborate with other agencies, organizations, the county office of education, and private preschool providers to assess the availability of preschool programs in the community and the extent to which the community's preschool needs are being met. The Board encourages the development of a community-wide plan to increase children's access to high-quality preschool programs.

(cf. 1020 - Youth Services)

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

(cf. 1700 - Relations Between Private Industry and the Schools)

Information about preschool options in the community shall be provided to parents/guardians upon request.

The Superintendent or designee shall establish partnerships with feeder preschools to facilitate articulation of the preschool curriculum with the district's elementary education program.

District Preschool Programs

When the Board determines that it is feasible, the district may provide preschool services at or near district schools.

The Board shall set priorities for establishing or expanding services as resources become available.

On a case-by-case basis, the Board shall determine whether the district shall directly administer preschool programs or contract with public or private providers to offer such programs.

Students

PRESCHOOL/EARLY CHILDHOOD EDUCATION

Facilities for preschool classrooms shall be addressed in the district’s comprehensive facilities plan, including an assessment as to whether adequate and appropriate space exists on school sites. As necessary, the Superintendent or designee shall provide information to the Board regarding facilities financing options for preschool classrooms and/or facilities available through partnering organizations.

(cf. 7110 - Facilities Master Plan)
(cf. 7210 - Facilities Financing)

To enable children of working parents/guardians to participate in the district’s preschool program, the Superintendent or designee shall recommend strategies to provide a full-day program *and/or to link to other full-day child care programs in the district or community to the extent possible.*

(cf. 5148 - Child Care and Development)
(cf. 5148.1 - Child Care Services for Parenting Students)

~~Inasmuch as~~ **Because** parents/guardians are essential partners in supporting the development of their children, the Superintendent or designee shall involve them in program planning. Program staff shall encourage volunteerism in the program and shall communicate frequently with parents/guardians of enrolled students regarding their child’s progress.

(cf. 1240 - Volunteer Assistance)
(cf. 6020 – Parent Involvement)

~~The Board shall adopt standards which identify the knowledge, skills, and experience that students will be expected to attain in the district’s preschool program in order to be prepared for the early primary grades, including but not be limited to, development of language, cognitive, social, emotional, and physical skills.~~

~~The district’s preschool program shall provide culturally and linguistically appropriate services and support the needs of English learners. The program also shall provide appropriate services for students with disabilities, including but not limited to early screening to identify special needs among preschool students and intervention services to assist students identified with special needs in accordance with law.~~

The district's program shall be aligned with preschool learning foundations published by the California Department of Education which identify the knowledge, skills, and competencies

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PRESCHOOL/EARLY CHILDHOOD EDUCATION

that children typically attain as they complete their first or second year of preschool. Program components shall address social-emotional, physical, and cognitive development in key areas that are necessary for kindergarten readiness.

The district's preschool program shall provide appropriate services to support the needs of English learners and children with disabilities.

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

~~(cf. 6164.6 - Identification and Education Under Section 504)~~

(cf. 6174 - Education for English Language Learners)

To maximize the ability of children to succeed in the preschool program, program staff shall support students' health through proper nutrition and physical activity and shall provide or make referrals to health and social services.

(cf. 3550 - Food Services/Child Nutrition Program)

(cf. 5030 - Student Wellness)

(cf. 5141.32 - Health Screening for School Entry)

(cf. 5141.6 - Student Health and Social Services)

The Superintendent or designee shall ensure that administrators, teachers, and paraprofessionals in district preschool programs possess the appropriate credential(s) or permit(s) issued by the Commission on Teacher Credentialing, ~~and~~ meet any additional qualifications established by the Board ***and participate in professional development opportunities designed to continually enhance their knowledge and skills.***

(cf. 4112.2 - Certification)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

(cf. 4112.5/4312.5 - Criminal Record Check)

(cf. 4212.5 - Criminal Record Check)

(cf. 4222 - Teacher Aides/Paraprofessionals)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall develop and implement an annual plan of evaluation which conforms to state requirements. (5 CCR 18279)

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He/she shall regularly report to the Board regarding enrollments in district preschool programs and the effectiveness of the programs in preparing preschool students for transition into the elementary education program.

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference:

EDUCATION CODE

8200-~~8498~~ **8499.10** Child Care and Development Services Act, especially:

8200-8209 General provisions for child care and development services

8230-8233 Migrant Child Care and Development Program

8235-~~8237~~ **8239** *California* state preschool programs

~~8240-8244~~ ~~General child care programs~~

8250-8252 Programs for children with special needs

8263 Eligibility and priorities for subsidized child development services

8360-8370 Personnel qualification

8400-8409 Contracts

8493-8498 Facilities

54740-54749 Cal-SAFE program for pregnant/parenting students and their children

HEALTH AND SAFETY CODE

1596.70-1596.895 California Child Day Care Act

1596.90-1597.21 Day care centers

120325-120380 Immunization requirements

CODE OF REGULATIONS, TITLE 5

18000-~~18122~~ **18434** General provisions, general child care programs

~~18130-18136~~ ~~State Preschool Program~~

~~18180-18192~~ ~~Federal and State Based Migrant Programs~~

~~18210-18213~~ ~~Severely Handicapped Program~~

~~18270-18281~~ ~~Program quality, accountability~~

~~18290-18292~~ ~~Staffing ratios~~

~~18295~~ ~~Waiver of qualifications for site supervisor~~

~~18300-18308~~ ~~Appeals and dispute resolution~~

80105-80125 *Permits authorizing service in child development programs*

UNITED STATES CODE, TITLE 20

6311-6322 Title I, relative to preschool

6319 Qualifications for teachers and paraprofessionals

6371-6376 Early Reading First

6381-6381k Even Start family literacy programs

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PRESCHOOL/EARLY CHILDHOOD EDUCATION

6391-6399 Education of migratory children

UNITED STATES CODE, TITLE 42

9831-9852 Head Start programs

9858-9858q Child Care and Development Block Grant

CODE OF FEDERAL REGULATIONS, TITLE 22

101151-101239.2 General requirements, licensed child care centers, including:

101151-101163 Licensing and application procedures

101212-101231 Continuing requirements

101237-101239.2 Facilities and equipment

CODE OF FEDERAL REGULATIONS, TITLE 45

1301-1310 Head Start

Management Resources:

CSBA PUBLICATIONS

Expanding Access to High-Quality Preschool Programs: A Resource and Policy Guide for School Leaders, 2005

CDE PUBLICATIONS

California Preschool Learning Foundations, Vol. 1, 2008

Preschool English Learners: Principles and Practices to Promote Language, Literacy, and Learning, 2007

Prekindergarten Learning Development Guidelines, 2000

First Class: A Guide for Early Primary Education, 1999

CDE MANAGEMENT BULLETINS

08-13 California State Preschool Program, November 2008

01-06 The Desired Results for Children and Families System, May 31, 2001

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Good Start, Grow Smart, April 2002

WEB SITES

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

California Association for the Education of Young Children: <http://www.caeyc.org>

California Children and Families Commission: <http://www.ccfcc.ca.gov>

California County Superintendents Educational Services Association: <http://www.ccsesa.org>

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

California Head Start Association: <http://caheadstart.org>

California Preschool Instructional Network: <http://www.cpin.us>

Child Development Policy Institute: <http://www.cdpi.net>

Cities, Counties, and Schools Partnership: <http://www.ccspartnership.org>

First 5 Association of California: <http://www.f5ac.org>

National Institute for Early Education Research: <http://nieer.org>

MBUSD

BP 5148.3(f)

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PRESCHOOL/EARLY CHILDHOOD EDUCATION

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

Preschool California: <http://www.preschoolcalifornia.org>

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

Policy MANHATTAN BEACH UNIFIED SCHOOL DISTRICT

adopted: September 5, 2007 Manhattan Beach, California

revised:

G. BOARD BUSINESS

11. **TITLE:** Receive for First Reading and Review, **NEW** Administrative Regulation 5148.3, Preschool/Early Childhood Education

BACKGROUND: Manhattan Beach Unified District **NEW** Administrative Regulation 5148.3, Preschool/Early Childhood Education, is presented to the Board for review. The applicable Board Policy is renumbered (formerly 6300) to be located in same section as other policies and regulations related to child care and development. The policy has also been updated to (1) reflect **NEW LAW** (AB 2759) which consolidates a number of programs into a new California State Preschool Program; (2) encourage collaboration with county office of education, and (3) language on staff development.

The **NEW MANDATED** regulation reflects requirements of the California State Preschool Program as added by **NEW LAW** (AB 2759). When approved by the California Department of Education under the California State Preschool Program (CSPP), the district may operate one or more part-day and/or full-day preschool programs in accordance with law and the terms of the state contract. This new regulation deals with the CSPP requirements. At present, Manhattan Beach Unified School District does not offer a CSPP program. In place of the CSPP program, the district offers its own program that is self-sufficient and has no commingling of funds with the general or other restricted funds of the district. The regulation would only apply if the Board at some time in the future decides to operate a CSSS preschool.

FINANCIAL IMPACT: None

ACTION: Receive for First Reading and Review, **NEW** Administrative Regulation 5148.3, Preschool/Early Childhood Education

PREPARED BY: Ellyn Schneider, Executive Director, Student Services

DATE OF MEETING: September 16, 2009

AGENDA NOTE

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NEW REGULATION

When approved by the California Department of Education under the California State Preschool Program (CSPP), the district may operate one or more part-day and/or full-day preschool programs in accordance with law and the terms of the state contract.

(cf. 5148 - Child Care and Development)
(cf. 5148.1 - Child Care Services for Parenting Students)
(cf. 5148.2 - Before/After School Programs)

Eligibility and Enrollment Priorities for Full-Day and Part-Day Programs

Children eligible for the district's full-day or part-day CSPP program include those who will have their third or fourth birthday on or before December 2 of the fiscal year in which they are enrolled in the program. (Education Code 8235, 8236)

The Superintendent or designee shall refer to the county's centralized eligibility list to identify children in need of services.

Children shall be eligible for subsidized services if their family meets one or more of the criteria specified in Education Code 8263 and 8263.1. (Education Code 8235)

For a child to be eligible for the district's full-day program, his/her family shall, in addition to meeting the above criteria, demonstrate need for the services due to any of the following circumstances: (Education Code 8235, 8263)

1. The child is identified by a legal, medical, or social services agency or emergency shelter as a recipient of protective services; as being neglected, abused, or exploited; or as at risk of being neglected, abused, or exploited.
2. The parents/guardians are engaged in vocational training leading directly to a recognized trade, paraprofession, or profession; are employed or seeking employment; seeking permanent family housing; or are incapacitated.

First priority for enrollment in any CSPP program shall go to neglected or abused children age 3-4 years who are recipients of child protective services or who are at risk of being neglected, abused, or exploited, upon written referral from a legal, medical, or social service agency. If

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unable to enroll a child in this category, the district shall refer the child's parent/guardian to local resource and referral services so that services for the child can be located. (Education Code 8236)

(cf. 1020 - Youth Services)

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

(cf. 1700 - Relations Between Private Industry and the Schools)

After all such children are enrolled, the district shall give priority to eligible children age 4 years prior to enrolling eligible children age 3 years. (Education Code 8236)

Additional Requirements for Part-Day Program

The district's part-day CSPP program shall operate a minimum of three hours per day but less than four hours per day, excluding time for home-to-school transportation, and for a minimum of 175 days per year unless otherwise specified in the program's contract. (Education Code 8235)

(cf. 6111 - School Calendar)

(cf. 6112 - School Day)

After all eligible children have been enrolled, the program may fill up to 10 percent of its enrollment, calculated throughout the entire contract, with children whose family income is no more than 15 percent above the income eligibility threshold. (Education Code 8235)

The district may certify eligibility and enrollment up to 120 calendar days prior to the first day of the beginning of the preschool year. After establishing eligibility at the time of initial enrollment, a child shall remain eligible for the part-day program for the remainder of the program year. (Education Code 8237)

Fees shall not be assessed for families whose children are enrolled in the part-day program. (Education Code 8235)

Additional Requirements for Full-Day Program

The district's full-day CSPP program shall operate the number of hours per day necessary to meet the child care and development needs of families and for a minimum of 246 days per year, unless otherwise specified in the program's contract. (Education Code 8235)

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NEW REGULATION

Fees for participation in the full-day program shall be assessed and collected in accordance with a fee schedule established by the Superintendent of Public Instruction. (Education Code 8235)

(cf. 3260 - Fees and Charges)

The district shall involve parents/guardians in the decision-making process to determine whether and how much to charge for field trip expenses and whether to require parents/guardians to provide diapers. A child shall not be denied participation in a field trip due to the parent/guardian's inability or refusal to pay the fee, and no adverse action shall be taken against a parent/guardian for that inability or refusal. (Education Code 8263)

Families shall establish eligibility for their children for subsidized services at the time of initial enrollment and shall provide ongoing eligibility documentation as changes in income or family size occur. If a child becomes ineligible for subsidized services, he/she shall continue to be eligible for part-day services, if available, or the family shall pay the full cost to remain in the program. If the need for services drops below four hours per day, the child shall be enrolled for only part-day services.

Regulation: MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
adopted: Manhattan Beach, California

G. BOARD BUSINESS

12. **TITLE:** Receive for First Reading and Adoption, revised Board Policy 5145.9, Hate-Motivated Behavior

BACKGROUND: Manhattan Beach Unified District Board Policy 5145.9, Hate-Motivated Behavior, is presented to the Board as a revision for first reading and adoption. The policy has been updated to explicitly prohibit discriminatory behavior or statements that degrade an individual on the basis of a protected category of discrimination and to provide for multi-agency collaborations to promote safe environments for youth. It also contains a new section on "Grievance Procedures" and directs the Principal to immediately investigate any complaint of hate-motivated behavior in accordance with the school-level grievance procedure specified in AR 5145.7 - Sexual Harassment.

FINANCIAL IMPACT: None

ACTION: Receive for First Reading and Adoption, revised Board Policy 5145.9, Hate-Motivated Behavior

PREPARED BY: Ellyn Schneider, Executive Director, Student Services

DATE OF MEETING: September 16, 2009

AGENDA NOTE

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Student

HATE-MOTIVATED BEHAVIOR

~~The Governing Board affirms the right of every student to be protected from hate-motivated behavior. It is the intent of the Board to promote harmonious relationships that enable students~~
In order to create a safe learning environment for all students, the Governing Board desires to protect the right of every student to be free from hate-motivated behavior and will promote harmonious relationships among students so as to enable them to gain a true understanding of the civil rights and social responsibilities of people in our society. ~~Behavior or statements~~ ***The district prohibits discriminatory behavior or statements*** that degrade an individual on the basis of his/her ***actual or perceived*** race, ethnicity, culture, heritage, gender, ***sex***, sexual orientation, physical/mental attributes, religious beliefs or practices. ~~shall not be tolerated.~~

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

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 5131.5 - Vandalism ~~Theft~~ and Graffiti)

(cf. 5136 - Gangs)

(cf. 5137 - Positive School Climate)

(cf. 5141.52 - Suicide Prevention)

(cf. 5145.3 - Nondiscrimination/Harassment)

~~(cf. 5145.7 - Sexual Harassment)~~

~~(cf. 6141.6 - Multicultural Education)~~

(cf. 5147 - Dropout Prevention)

(cf. 5149 - At-Risk Students)

The Superintendent or designee shall collaborate with regional programs and community organizations to promote safe environments for youth. These efforts shall be focused on providing an efficient use of district and community resources.

(cf. 1020 - Youth Services)

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

(cf. 1700 - Relations Between Private Industry and the Schools)

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

(cf. 6020 - Parent Involvement)

The district shall provide age-appropriate instruction to help promote an understanding of and respect for human rights, diversity, and tolerance in a multicultural society and to provide strategies to manage conflicts constructively.

Student

HATE-MOTIVATED BEHAVIOR

- (cf. 5138 - Conflict Resolution/Peer Mediation)*
- (cf. 6142.3 - Civic Education)*
- (cf. 6142.4 - Service Learning/Community Service Classes)*
- (cf. 6141.94 - History-Social Science Instruction)*

The Superintendent or designee shall ensure that staff receive training on recognizing hate-motivated behavior and on strategies to help respond appropriately to such behavior.

- (cf. 4131 - Staff Development)*
- (cf. 4231 - Staff Development)*
- (cf. 4331 - Staff Development)*

Grievance Procedures

Any student who ~~feels~~ *believes* that he/she is a victim of hate-motivated behavior shall immediately contact the principal or designee. *Upon receiving such a complaint, the Principal shall immediately investigate the complaint in accordance with school-level complaint process/grievance procedures as described in AR 5145.7 - Sexual Harassment.* ~~If the student believes that the situation has not been remedied by the principal or designee, he/she may file a complaint in accordance with district complaint procedures.~~

- ~~*(cf. 1312.1 - Complaints Concerning District Employees)*~~
- ~~*(cf. 1312.3 - Uniform Complaint Procedures)*~~

A student who has been found to have demonstrated hate-motivated behavior shall be subject to discipline in accordance with law, Board policy, and administrative regulation.

- (cf. 1312.1 - Complaints Concerning District Employees)*
- (cf. 1312.3 - Uniform Complaint Procedures)*
- (cf. 5131- Conduct)*
- (cf. 5144 - Discipline)*
- (cf. 5144.1 - Suspension and Expulsion/Due Process)*
- (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*
- (cf. 5145.7 - Sexual Harassment)*

Staff who receive notice of hate-motivated behavior or personally observe such behavior shall notify the principal, Superintendent or designee, and law enforcement, as appropriate. ~~Students demonstrating hate-motivated behavior shall be subject to discipline in accordance with Board policy and administrative regulation.~~

Student

HATE-MOTIVATED BEHAVIOR

~~(cf. 3515.3 - District Police/Security Department)~~
~~(cf. 4158/4258/4358 - Employee Security)~~
~~(cf. 5144 - Discipline)~~
~~(cf. 5144.1 - Suspension and Expulsion/Due Process)~~
~~(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))~~

~~As necessary, the district shall also provide counseling, guidance and support, as necessary, to those students who are the victims of hate-motivated behavior. In addition, the district shall provide counseling and appropriate sensitivity training and diversity education for students exhibiting hate-motivated behavior.~~

~~(cf. 6164.2 - Guidance/Counseling Services)~~

~~The Superintendent or designee shall ensure that staff receive appropriate training to recognize hate-motivated behavior and methods for handling such behavior in appropriate ways.~~

~~(cf. 4131 - Staff Development)~~
~~(cf. 4231 - Staff Development)~~
~~(cf. 4331 - Staff Development)~~

~~The district shall provide age-appropriate instruction to help promote understanding of and respect for human rights.~~

~~At the beginning of each school year, students and staff shall receive a copy of the district's policy on hate-motivated behavior.~~

Legal Reference:

EDUCATION CODE

200-262 Prohibition of discrimination on the basis of sex

32282 School safety plans

48900.3 Suspension for hate violence

48900.4 Suspension or expulsion for threats or harassment

PENAL CODE

~~186.21 Street terrorism; legislative findings and declarations~~

~~422.6-422.95 Civil Rights~~

~~628-628.1 School crime reporting~~

~~11410-11414 Terrorism~~

Student

HATE-MOTIVATED BEHAVIOR

~~13023 Reports by law enforcement of crimes motivated by race, ethnicity, religion, sexual orientation or physical or mental disability~~

~~13519.6 Hate crimes, training courses and guidelines~~

~~422.55 Definition of hate crime~~

~~422.6 Crimes, harassment~~

~~CODE OF REGULATIONS, TITLE 5~~

~~4600-4687 Uniform Complaint Procedures~~

~~4900-4965 Nondiscrimination in elementary and secondary education programs~~

~~UNITED STATES CODE, TITLE 18~~

~~245 Federally protected activities~~

Management Resources:

~~CSBA PUBLICATIONS~~

~~Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1995~~

~~ALAMEDA OFFICE OF EDUCATION & CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS~~

~~Hate-Motivated Behavior in Schools: Response Strategies for School Boards, Administrators, Law Enforcement and Communities, 1997~~

~~CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES~~

~~California Student Safety and Violence Prevention – Laws and Regulations, April 2004~~

~~U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS & NATIONAL ASSOCIATION OF ATTORNEYS GENERAL PUBLICATIONS~~

~~Protecting Students from Harassment and Hate Crime: A Guide for Schools, 1999~~

~~U.S. DEPARTMENT OF JUSTICE PUBLICATIONS~~

~~Preventing Youth Hate Crimes: A Guide for Schools and Communities, 1997~~

~~WEB SITES~~

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

~~California Association of Human Relations Organizations: <http://www.cahro.org>~~

~~CDE: <http://www.cde.ca.gov>~~

~~National Youth Violence Prevention Resource Center: <http://www.safeyouth.org>~~

~~California Association of Human Relations Organizations: <http://www.cahro.org>~~

~~United States Department of Education, Office of Civil Rights: <http://www.ed.gov/offices/OCR/index.html>~~ **about/offices/list/ocr**

~~U.S. Department of Justice, Community Relations Service: <http://www.usdoj.gov/crs>~~

Policy MANHATTAN BEACH UNIFIED SCHOOL DISTRICT

adopted: September 5, 2007 Manhattan Beach, California

revised:

G. BOARD BUSINESS

13. **TITLE:** Receive for First Reading and Adoption revised Board Policy 6181, Alternative Schools/Programs of Choice.

BACKGROUND: The policy and regulation has been retitled, and the language updated throughout, to reflect CDE terminology distinguishing "alternative schools and programs of choice" (e.g., magnet school, school-within-a-school) from other types of alternative schools for at-risk youth. The policy also is expanded to clarify the differences between these types of schools/programs and traditional schools/programs, to add language on waiver requests, and to add language on program evaluation formerly addressed in regulation.

FINANCIAL IMPACT: None

ACTION: Receive for First Reading and Adoption revised Board Policy 6181, Alternative Schools/Programs of Choice.

PREPARED BY: Ellyn Schneider, Executive Director, Student Services

DATE OF MEETING: September 16, 2009

AGENDA NOTE

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Instruction

ALTERNATIVE SCHOOLS/PROGRAMS OF CHOICE

~~The Governing Board desires to provide a variety of education programs designed to address students' diverse learning needs and enhance student achievement through innovative methods and ideas.~~

~~The Board may establish and maintain alternative schools or separate class groups within a school in order to fulfill the objectives specified in Education Code 58500.~~

The Governing Board desires to provide a variety of innovative educational programs to accommodate students' diverse learning needs and interests, foster student engagement in the schools, and enhance student achievement. Toward this end, the Board may establish and maintain alternative schools or programs of choice.

A district alternative school or program of choice may differ from the traditional educational program in its academic emphasis, sequence of curriculum, educational philosophy, instructional strategy, structure, setting, size, scheduling, targeted student population, decision-making process, and/or other components. All alternative schools or programs of choice shall offer enrolled students the opportunity to acquire the knowledge and skills necessary to achieve district content standards in core academic subjects and shall provide access to the course of study required for high school graduation.

- (cf. 6011 - Academic Standards)*
- (cf. 6143 - Courses of Study)*
- (cf. 6146.1 - High School Graduation Requirements)*
- (cf. 6158 - Independent Study)*
- (cf. 6172.1 - Concurrent Enrollment in College Classes)*
- (cf. 6178 - Career Technical Education)*

Any staff member, ~~The~~ parent/guardian of any student, or other interested person may request the Board to establish an alternative school or program. ~~(Education Code 58502)~~ The Superintendent or designee shall establish procedures and criteria for reviewing proposals. Based on such criteria, he/she shall evaluate all proposals received and present his/her recommendation to the Board for action.

As necessary to provide flexibility to alternative schools or programs of choice to improve student performance and/or streamline operations, the Superintendent or designee may request that the Superintendent of Public Instruction waive any provision of the Education Code except provisions specified in Education Code 58509.

Instruction

ALTERNATIVE SCHOOLS/PROGRAMS OF CHOICE

(cf. 0420 - School Plans/Site Councils)

The Superintendent or designee shall establish processes to ensure communication among staff in the alternative schools or programs of choice and staff in the regular educational program in order to share information and ideas.

~~The Superintendent or designee may establish an advisory committee of staff and community members to evaluate proposals for alternative schools. The Board shall approve or disapprove proposals after considering the recommendation of the committee and the Superintendent or designee.~~

~~(cf. 1220 - Citizen Advisory Committees)~~

~~Alternative schools or class groups shall offer the Board-adopted core curriculum. With Board approval, the schools or programs may differ from ongoing programs in other ways that include, but are not limited to, the following:~~

- ~~1. They may emphasize a specific element of the approved curriculum.~~
- ~~2. They may present the approved curriculum in a sequence different from that used in other district programs.~~
- ~~3. Their staff may emphasize specific instructional strategies.~~
- ~~4. The decision-making process for their governance may differ from the processes used in other programs.~~

~~Alternative schools shall comply with state and federal law and Board policy regarding nondiscrimination in district programs.~~

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

~~The Superintendent or designee shall annually evaluate alternative schools in accordance with law. (Education Code 58510)~~

~~He/she shall report the evaluation results to the Board.~~

~~(cf. 0500 - Accountability)~~

~~(cf. 6190 - Evaluation of the Instructional Program)~~

Instruction**ALTERNATIVE SCHOOLS/PROGRAMS OF CHOICE****Program Evaluation**

The Superintendent or designee shall conduct an annual evaluation of each alternative school or program of choice which includes testing of basic skills for student participants and which identifies the variables that may have affected student academic achievement. The evaluation process shall include input from teachers, parents/guardians, and students from the alternative school or program of choice. (Education Code 58510)

Evaluation reports shall be sent to the Superintendent of Public Instruction on or before August 1 following the close of the school year. (Education Code 58510)

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - Standardized Testing and Reporting Program)

Prior to submitting the evaluation report to the Superintendent of Public Instruction, the Superintendent or designee shall report the evaluation results to the Board. The Board shall review the effectiveness of the school or program in meeting program objectives, compare student achievement data with that of students in other district schools, evaluate changes in the school or program over time, and make program modifications as needed.

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference:**EDUCATION CODE**

35160.5 Intradistrict open enrollment

41505-41508 Pupil Retention Block Grant

48980 Parental notifications

52052 Academic Performance Index

52900-52904 Alternative education and work centers for school dropouts

58500-58512 Alternative schools

~~60850-60856 High school exit examination~~

CODE OF REGULATIONS, TITLE 5

1068-1074 Alternative schools accountability model

11705 Charter schools as alternative schools

COURT DECISIONS

American Civil Rights Foundation v. Los Angeles Unified School District, (2008) 169

Cal.App.4th 436

Instruction

ALTERNATIVE SCHOOLS/PROGRAMS OF CHOICE

Management Resources:

~~WEB SITES~~

~~CDE: www.cde.ca.gov~~

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Creating and Sustaining Successful K-8 Magnet Schools, September 2008

Innovations in Education: Successful Magnet High Schools, September 2008

WEB SITES

California Department of Education, Alternative Schools of Choice:

<http://www.cde.ca.gov/sp/eo/as>

Foundation for California Community Colleges, Early College High School Initiative:

<http://www.foundationccc.org/ECHS>

U.S. Department of Education, Office of Innovation and Improvement:

<http://www.ed.gov/about/offices/list/oi>

Policy MANHATTAN BEACH UNIFIED SCHOOL DISTRICT

adopted: September 5, 2007 Manhattan Beach, California

revised:

G. BOARD BUSINESS

14. **TITLE:** Receive for First Reading and Review **NEW** Administrative Regulation 6181, Alternative Schools/Programs of Choice.

BACKGROUND: The applicable policy has been retitled, and the language updated throughout, to reflect CDE terminology distinguishing "alternative schools and programs of choice" (e.g., magnet school, school-within-a-school) from other types of alternative schools for at-risk youth. The policy also is expanded to clarify the differences between these types of schools/programs and traditional schools/programs, to add language on waiver requests, and to add language on program evaluation formerly addressed in regulation.

The **NEW** regulation includes material formerly in policy in reference to establishment of an advisory committee to evaluate proposals for new schools/programs and nondiscrimination in student enrollment.

FINANCIAL IMPACT: None

ACTION: Receive for First Reading Review **NEW** Administrative Regulation 6181, Alternative Schools/Programs of Choice.

PREPARED BY: Ellyn Schneider, Executive Director, Student Services

DATE OF MEETING: September 16, 2009

AGENDA NOTE

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Instruction

ALTERNATIVE SCHOOLS/PROGRAMS OF CHOICE

Notifications

At the beginning of each school year, the "Notice of Alternative Schools" shall be sent to all parents/guardians as set forth in Education Code 58501. During the entire month of March of each year, a copy of this notice shall be posted at each school in at least two places normally visible to students, teachers, and visiting parents/guardians. (Education Code 58501)

(cf. 5145.6 - Parental Notifications)

Copies of the law providing for alternative schools or programs of choice (Education Code 58500-58512) shall be made available in the district office and each school office to any interested parent/guardian, teacher, or student. (Education Code 58501)

Proposals

All proposals for the establishment of an alternative school or program of choice shall:

1. Address the district's vision, goals, and academic standards

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 6011 - Academic Standards)

2. Demonstrate that the number of students interested in enrolling in the alternative school or program of choice is sufficient to meet desired student-teacher staffing ratios

(cf. 6151 - Class Size)

3. Demonstrate that teachers are willing to work within the school or program

4. Demonstrate that the proposed operational plan conforms to district timelines and makes equitable use of district staff, facilities, and resources

5. Provide a statement of the specific anticipated costs of implementing the proposal as well as funding sources, including outside funding sources and/or district support

6. Include a comprehensive plan for an annual evaluation of the program to be carried out by the district

Instruction

ALTERNATIVE SCHOOLS/PROGRAMS OF CHOICE

(cf. 0500 - Accountability)
(cf. 6190 - Evaluation of the Instructional Program)

The Superintendent or designee may establish an advisory committee of staff, parents/guardians, and community members to evaluate proposals for alternative schools or programs of choice and make recommendations to the Superintendent.

(cf. 1220 - Citizen Advisory Committees)

Enrollment

The district may establish alternative schools or programs of choice in each attendance area and/or on a district wide basis with enrollment open to all students district wide. (Education Code 58505)

(cf. 5116.1 - Intradistrict Open Enrollment)

Students enrolled in alternative schools or programs of choice shall be selected entirely from volunteers. (Education Code 58503)

Alternative schools and programs of choice shall comply with state and federal law and Board policy regarding nondiscrimination in district programs.

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

Previous classroom performance shall not be a criterion limiting any student from the opportunity to attend an alternative school or program of choice. (Education Code 58504)

When an alternative class group is established within a school, the Superintendent or designee shall ensure that students currently enrolled in the school will not be displaced.

Operations

The district shall maintain and fund alternative schools or programs of choice at the same level of support as other district educational programs for students of the same age level. (Education Code 58507)

(cf. 3100 - Budget)

Instruction

ALTERNATIVE SCHOOLS/PROGRAMS OF CHOICE

Teachers employed in alternative schools or programs of choice shall be selected entirely from volunteers. (Education Code 58503)

(cf. 4113 - Assignment)

Course credits earned in an alternative school or program of choice shall be equivalent to the credits earned in other district schools. Students enrolled in such schools or programs shall be expected to complete all district graduation requirements and shall earn a regular diploma.

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6162.52 - High School Exit Examination)

Regulation MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
reviewed:

G. BOARD BUSINESS

15. **TITLE:** Delete Manhattan Beach Unified District Policy 6300, Preschool/Early Childhood Education.

BACKGROUND: Manhattan Beach Unified District Board Policy 6300, Preschool/Early Childhood Education, is presented to the Board for deletion. This policy and new regulation have been renumbered to BP/AR 5148.3 – Preschool/Early Childhood Education.

FINANCIAL IMPACT: None

ACTION: Delete Manhattan Beach Unified District Policy 6300, Preschool/Early Childhood Education.

PREPARED BY: Ellyn Schneider, Executive Director, Student Services

DATE OF MEETING: September 16, 2009

AGENDA NOTE

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Instruction**PRESCHOOL/EARLY CHILDHOOD EDUCATION**

~~The Governing Board recognizes that high-quality preschool experiences for children ages 3-5 help them develop knowledge, skills, and attributes necessary to be successful in school and provide for a smooth transition into the elementary education program. Such programs should provide developmentally appropriate activities in a safe, well-supervised, cognitively rich environment.~~

~~(cf. 6011 Academic Standards)~~

~~(cf. 6143 Courses of Study)~~

District Preschool Programs

~~When the Board determines that it is feasible, the district may provide preschool services at or near district schools.~~

~~Facilities for preschool classrooms shall be addressed in the district's comprehensive facilities plan, including an assessment as to whether adequate and appropriate space exists on school sites. As necessary, the Superintendent or designee shall provide information to the Board regarding facilities financing options for preschool classrooms and/or facilities available through partnering organizations.~~

~~(cf. 7110 Facilities Master Plan)~~

~~(cf. 7210 Facilities Financing)~~

~~To enable children of working parents/guardians to participate in the district's preschool program, the Superintendent or designee shall recommend strategies to provide a full-day program.~~

~~(cf. 5148 Child Care and Development)~~

~~(cf. 5148.1 Child Care Services for Parenting Students)~~

~~Inasmuch as parents/guardians are essential partners in supporting the development of their children, the Superintendent or designee shall involve them in program planning. Program staff shall encourage volunteerism in the program and shall communicate frequently with parents/guardians of enrolled students regarding their child's progress.~~

~~(cf. 1240 Volunteer Assistance)~~

~~(cf. 6020 Parent Involvement)~~

Instruction

PRESCHOOL/EARLY CHILDHOOD EDUCATION

~~The Board shall adopt standards which identify the knowledge, skills, and experience that students will be expected to attain in the district's preschool program in order to be prepared for the early primary grades, including but not be limited to, development of language, cognitive, social, emotional, and physical skills.~~

~~The district's preschool program shall provide culturally and linguistically appropriate services and support the needs of English learners. The program also shall provide appropriate services for students with disabilities, including but not limited to early screening to identify special needs among preschool students and intervention services to assist students identified with special needs in accordance with law.~~

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

~~(cf. 6164.6 Identification and Education Under Section 504)~~

~~To maximize the ability of children to succeed in the preschool program, program staff shall support students' health through proper nutrition and physical activity and shall provide or make referrals to health and social services.~~

~~(cf. 3550 Food Services/Child Nutrition Program)~~

~~(cf. 5030 Student Wellness)~~

~~(cf. 5141.32 Health Screening for School Entry)~~

~~(cf. 5141.6 Student Health and Social Services)~~

~~The Superintendent or designee shall ensure that administrators, teachers, and paraprofessionals in district preschool programs possess the appropriate credential(s) or permit(s) issued by the Commission on Teacher Credentialing and meet any additional qualifications established by the Board.~~

~~(cf. 4112.2 Certification)~~

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

~~(cf. 4112.5/4312.5 Criminal Record Check)~~

~~(cf. 4212.5 Criminal Record Check)~~

~~(cf. 4222 Teacher Aides/Paraprofessionals)~~

~~The Superintendent or designee shall develop and implement an annual plan of evaluation which conforms to state requirements. (5 CCR 18279)~~

Instruction

PRESCHOOL/EARLY CHILDHOOD EDUCATION

~~He/she shall regularly report to the Board regarding enrollments in district preschool programs and the effectiveness of the programs in preparing preschool students for transition into the elementary education program.~~

~~(cf. 0500 - Accountability)~~

~~(cf. 6190 - Evaluation of the Instructional Program)~~

~~Legal Reference:~~

~~EDUCATION CODE~~

~~8200-8498 Child Care and Development Services Act, especially:~~

~~8200-8209 General provisions for child care and development services~~

~~8230-8233 Migrant Child Care and Development Program~~

~~8235-8237 State Preschool Programs~~

~~8240-8244 General child care programs~~

~~8250-8252 Programs for children with special needs~~

~~8263 Eligibility and priorities for subsidized child development services~~

~~8360-8370 Personnel qualification~~

~~8400-8409 Contracts~~

~~8493-8498 Facilities~~

~~54740-54749 Cal-SAFE program for pregnant/parenting students and their children~~

~~HEALTH AND SAFETY CODE~~

~~1596.70-1596.895 California Child Day Care Act~~

~~1596.90-1597.21 Day care centers~~

~~120325-120380 Immunization requirements~~

~~CODE OF REGULATIONS, TITLE 5~~

~~18000-18122 General provisions, general child care programs~~

~~18130-18136 State Preschool Program~~

~~18180-18192 Federal and State Based Migrant Programs~~

~~18210-18213 Severely Handicapped Program~~

~~18270-18281 Program quality, accountability~~

~~18290-18292 Staffing ratios~~

~~18295 Waiver of qualifications for site supervisor~~

~~18300-18308 Appeals and dispute resolution~~

~~UNITED STATES CODE, TITLE 20~~

~~6311-6322 Title I, relative to preschool~~

~~6319 Qualifications for teachers and paraprofessionals~~

~~6371-6376 Early Reading First~~

~~6381-6381k Even Start family literacy programs~~

~~6391-6399 Education of migratory children~~

Instruction

PRESCHOOL/EARLY CHILDHOOD EDUCATION

~~UNITED STATES CODE, TITLE 42~~

~~9831-9852 Head Start programs~~

~~9858-9858q Child Care and Development Block Grant~~

~~CODE OF FEDERAL REGULATIONS, TITLE 22~~

~~101151-101239.2 General requirements, licensed child care centers, including:~~

~~101151-101163 Licensing and application procedures~~

~~101212-101231 Continuing requirements~~

~~101237-101239.2 Facilities and equipment~~

~~CODE OF FEDERAL REGULATIONS, TITLE 45~~

~~1301-1310 Head Start~~

~~Management Resources:~~

~~CSBA PUBLICATIONS~~

~~Expanding Access to High-Quality Preschool Programs: A Resource and Policy Guide for School Leaders, 2005~~

~~CDE PUBLICATIONS~~

~~Prekindergarten Learning Development Guidelines, 2000~~

~~First Class: A Guide for Early Primary Education, 1999~~

~~CDE MANAGEMENT BULLETINS~~

~~01-06 The Desired Results for Children and Families System, May 31, 2001~~

~~U.S. DEPARTMENT OF EDUCATION PUBLICATIONS~~

~~Good Start, Grow Smart, April 2002~~

~~WEB SITES~~

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

~~California Association for the Education of Young Children: <http://www.caeye.org>~~

~~California Children and Families Commission: <http://www.ccfcc.ca.gov>~~

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

~~California Head Start Association: <http://caheadstart.org>~~

~~Child Development Policy Institute: <http://www.edpi.net>~~

~~First 5 Association of California: <http://www.f5ac.org>~~

~~National Institute for Early Education Research: <http://nieer.org>~~

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

~~Preschool California: <http://www.preschoolcalifornia.org>~~

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

~~Policy MANHATTAN BEACH UNIFIED SCHOOL DISTRICT~~

~~adopted: September 5, 2007 Manhattan Beach, California~~