

**SAUSALITO MARIN CITY SCHOOL DISTRICT
BOARD OF TRUSTEES MEETING AGENDA**

BOARD OF TRUSTEES

Thomas Newmeyer, Karen Benjamin, Shirley Thornton, Ed.D. And William J. Ziegler

SUPERINTENDENT

Valerie Pitts, Ed.D.

October 11, 2012

5:00 PM

Meeting Location: 200 Phillips Drive, Marin City

Discussion (D); Action (A)

CALL TO ORDER 5:00 PM

1. APPROVAL OF AGENDA ORDER (A)

PERSONS WISHING TO ADDRESS THE BOARD PRIOR TO CLOSED SESSION (D)

2. RECESS TO CLOSED SESSION TO CONSIDER AND/OR TAKE ACTION UPON ANY OF THE FOLLOWING ITEM(S) (D/A)

- A. With respect to every item of business to be discussed in Closed Session pursuant to GC Section 54957.6: Negotiations, Sausalito District Teachers Association (SDTA) and California School Employees Association (CSEA)

RECONVENE TO OPEN SESSION 5:30 PM

3. Announcement of Reportable Action Taken in Closed Session

4. Pledge of Allegiance

PERSONS WISHING TO ADDRESS THE BOARD PRIOR TO OPEN SESSION (D)

The Sausalito Marin City School Board of Trustees welcomes and values public input and participation. School board meetings are meetings of the Board of Trustees held in public and as such, public input is structured to ensure efficiency and respect for meeting protocols. Public input rules are posted at meetings.

Entire board packet on www.smcsd.org under School Board

GOVERNANCE/PLANNING

5. Board Vacancy

- A. Board Trustee Candidate Interviews (D)
- B. Board Deliberation of Candidates (D)
- C. Board Appointment of a Trustee (A)

REPORTS

6. Trustee Reports (D)

Members of the school board will report on activities and information they wish to share. The Board may request that items be agendaized and researched for presentation at future meetings.

7. Superintendent's Report

- A. School Site Administrator Reports (D)

FACILITIES

8. Facilities (D/A)

MAINTAIN SOUND FISCAL DISCIPLINE AND OPERATIONS

9. CBEDS Enrollment Report (D)

10. Professional Service Contracts (D)

PROVIDE SAFE, HEALTHY, POSITIVE LEARNING ENVIRONMENTS

11. Suspension and Expulsion Due Process Policies (D)

Board Policy/Administrative Regulation 5144.1 Suspension and Expulsion Due Process
Administrative Regulation 5144.2 Suspension and Expulsion Due Process Students with Disabilities

ENSURE THAT ALL STUDENTS WITHIN SMCS D REACH HIGH LEVELS OF ACHIEVEMENT

12. Grant Reports (D)

- A. Pre K to 3
- B. Transforming Schools
- C. Arts

Entire board packet on www.smcsd.org under School Board

CONSENT AGENDA

The purpose of the Consent Agenda is to group items which may be approved routinely. A board member or a member of the audience may request removal of an item for discussion. (A-Roll Call)

- 13. Approval of the minutes of the regular meeting of September 27, 2012
- 14. Approval of Payments of Warrants
- 15. Approval of Personnel Action Report
- 16. Approval of Field Trip Report
- 17. Approval of Williams Quarterly Report
- 18. Second Reading and Approval of Board Policy 5131 Conduct
- 19. Second Reading and Approval of Board Policy/Administrative Regulation 5145.7 Sexual Harassment

ADJOURNMENT

FUTURE BOARD AGENDA ITEMS

- API Report
- Library Report
- Grade Level or Program Report
- Study Island Benchmark Assessment Results

SAVE THE DATES

Future District Meeting Dates

All meetings are held at the District Office, 200 Phillips Drive, Marin City at 7:00 p.m. unless otherwise noted. *The first meeting date of each month will be allocated to additional special meetings on facilities issues, special meetings, community forum, etc. as needed. The only or second meeting date of each month will be allocated to regular board meetings.

- October 25
- November 15 Third Thursday; one November meeting due to Holidays
- December 6* First Thursday due to Holidays
- December 13 Second Thursday due to Holidays

Future Charter School Board Meeting Dates

Meetings are open to the public and generally held on the school campus, 33 Buchanan Street, Sausalito. With the exception of the December meeting, meetings are held on the 3rd Wednesday of the month at 6:30 p.m.

Upcoming Dates and Important Events

Please visit the District website www.smcsd.org

Entire board packet on www.smcsd.org under School Board

Sausalito Marin City School District Board Meeting Procedures

Agendas are posted at the District Office and at Martin Luther King, Jr. Academy, both located at 200 Phillips Drive, Marin City. An agenda is also posted at Bayside Elementary School, 630 Nevada Street, Sausalito. Agendas are posted at least 72 hours in advance of a regular board meeting. All board meetings are conducted according to Education Code 35145.5 and District Board Policy 9320.

The District adheres to the Americans with Disabilities Act. Should you require special accommodations, or more information about accessibility, please contact the District Office at 415-332-3190. All efforts will be made for reasonable accommodations. Members of the public are requested to turn off or mute ALL cell phones, pagers or other communication devices upon entering the Board Meeting Room. Backup materials for items on this agenda are available for review in the Superintendent's Office.

Entire board packet on www.smcsd.org under School Board

Sausalito Marin City School District
Office of the Superintendent

Date: Oct. 11, 2012
To: Board of Trustees
From: Valerie Pitts, Superintendent
Re: Discussion/Action: Facilities Needs for K-8 program

Background

The governance team has been studying issues related to the comprehensive educational program and facilities since 2010-11. Trustees have approved professional development for teachers to improve the instructional programs to ensure access to quality, rigor and culturally relevant curriculum (International Baccalaureate). In addition, they have received presentations from administration on the value of a well-articulated K-8 school, given the enrollment between Bayside and MLK. A facilities needs analysis was conducted last spring. A K-8 program would require enough classrooms to house 9 grade levels, enrichment, intervention, and special education programs. This could be accomplished with 12 classrooms. There are currently 9 classrooms in use at Bayside (including 3 shared WCA spaces and the library) and 7 classrooms (including one portable and the library) at MLK.

Analysis

10 - 12 classrooms are needed to house a K-8 small school. This number is based on approximately one classroom per grade level, a resource room, and arts room. If MLK housed the K-8 program, an additional 4-6 classrooms would be needed. The annex would be removed due to age. Some of the portables could be moved and used. The field needs some renovation and a small primary playground and landscaping need to be added to complete a K-8 campus at MLK.

The district is currently working on a per diem basis with QKA (architects) and Architects of Achievement exploring the options for a K-8 campus at MLK. Additionally, the A team has been working on their recommendation for the comprehensive educational program.

The district must consolidate its campuses while achieving a comprehensive educational program. The superintendent will review project cost estimates.

Financial Impact

Modular classrooms (non-portable) could be erected within 6 months of DSA approved plans. The cost of 4 additional classrooms at MLK would be approximately three million. Additional playground equipment for a primary playground would cost approximately \$250,000. Total range of cost to the district for building out MLK is approximately 3.5 million. Field renovation could be pursued independently and our maintenance department can provide some increased maintenance when focused on a single K-8 site.

The district could choose to create a K-8 model at MLK. A loan or Certificate of Participation could be explored and is possible given low interest rates. The savings created from consolidating Bayside and MLK would be approximately \$450,000 per year.

Recommendation

This item is brought before Trustees for further discussion and/or to provide the Superintendent with further direction in pursuing a sustainable K-8 school model for Bayside and MLK.

Backup attached: Yes _____ No X

Sausalito Marin City School District
Office of the Superintendent

Date: October 11, 2012
To: Board of Trustees
From: Valerie Pitts, Superintendent and Paula Rigney, Business Manager
Re: Discussion: CBEDS/Enrollment Report

Background

California Longitudinal Pupil Achievement Data System (CALPADS) is the current reporting mechanism for the annual collection of basic student and staff data that includes student enrollment, course enrollment, teaching assignments, credentials and more. The official enrollment count of a district is known as California Basic Educational Data System (CBEDS) and is included in the report that is submitted to the State Department of Education as part of the CALPADS each year. The data collected in early October is used to calculate revenue allocations for the district as well as various other reports related to student and staff demographics.

Analysis

The CBEDS count is taken the first Wednesday in October each fiscal year. Our student enrollment for Bayside/MLK on October 3, 2012 was 120. This represents a decrease of 29 students from prior year CBEDS of 149. Our teaching full time equivalent (FTE) is currently 11.8.

The CBEDS count on October 3, 2012 for WCA was 289.

The public reporting of teacher assignments and credentials is also required for the School Accountability Report Card (SARC). Teachers for whom the board has approved waivers are teaching with Limited-Term Assignment Credentials that allow the district to declare them appropriately certified. Credential reviews for all teaching staff in the district are currently in progress in order to ensure compliance with state and federal requirements and to retain highly qualified staff.

Financial Impact

Staff time complete reporting has increased over the year as CBEDS aligns with CALPADS and California Longitudinal Teaching Integrated Data Education System (CALTIDES).

Recommendation

This item is brought before the board for information and discussion purposes.

Backup attached: Yes _____ No X _____

Sausalito Marin City School District
Office of the Superintendent

Date: October 11, 2012
To: Board of Trustees
From: Valerie Pitts, Superintendent and Paula Rigney, Business Manager
Re: Discussion: Professional Services Contracts 2012-2013

Background

The District contracts with the outside service providers provided in the attached breakdown.

The District has allocated for the following outside services for fiscal year 2012-2013. Small districts often need to provide services in this manner.

Financial Impact

The Professional Services Contracts Report will be used as a base for the monitoring of the current fiscal year budget and future years' comparison.

Recommendation

This item is brought before the board for information and discussion purposes.

Backup attached: Yes ___X___ No _____

SAUSALITO MARIN CITY SCHOOL DISTRICT

2012-2013

PROFESSIONAL CONSULTING/SERVICES CONTRACTS

CONSULTING/SERVICES CONTRACTS	TYPE OF SERVICE	AMOUNT	SOURCE
Object: 5800's			
Marin Schools Insurance Authority	Insurances JPA (Property Liability, Dental, Vision)	\$ 42,902.00	General Fund
Lozano Smith	Legal Services	\$ 56,000.00	General Fund
Marin County Office Education	Shared Services (Superintendent, Nurse/Psych, Technology Support, Special Ed Director, Aries/CALPAD Support)	\$ 275,107.00	General Fund
Protection One	Alarm Services for Bayside, MLK and District Office	\$ 17,837.00	General Fund
Silyco Consulting	Technology Support	\$ 43,574.00	General Fund
Optiman	Internet/Communication	\$ 11,808.00	General Fund
Cal Net	Telephone/Communication	\$ 13,348.00	General Fund
Stephen Roatch Accountancy	Auditors	\$ 16,025.00	General Fund
Stodghill Group	E-Rate	\$ 1,750.00	General Fund
Maximus	Mandated Costs	\$ 10,680.00	General Fund
Boys and Girls Club	After School Program Provider	\$ 112,500.00	ASSES
CDC	After School Program/Extended Day	\$ 27,000.00	ASSES/TSG
Learn It Therapy Services	Speech Therapist	\$ 33,744.00	Special Ed
Inc. Speech	Speech Therapist	\$ 30,256.00	Special Ed
Spectrum Center	Non-Public Schools (special education services)	\$ 153,465.00	Special Ed
Maxim	Non-Public Agency (special education services)	\$ 92,179.50	Special Ed
Lydia Tuveson	Non-Public Agency, Occupational Therapy & Physical Therapy (special education services)	\$ 2,916.00	Special Ed
Progressus Therapy Inc.	Non-Public Agency, Occupational Therapy & Physical Therapy (special education services)	\$ 2,614.50	Special Ed
Bright Path Therapists	Non-Public Agency, Occupational Therapy & Physical Therapy (special education services)	\$ 6,480.00	Special Ed
Aracelie, Consultant	In-home Parent Support (special education services)	\$ 6,677.00	Special Ed
Larkspur Corte-Madera School District	Placement (special education services)	\$ 30,000.00	Special Ed
Redwood City	E Bradley, (special education services)	\$ 19,000.00	Special Ed
Timely Transportation	Special Education Services Transportation	\$ 53,864.00	Transportation/Special Ed
Kelly Browning and Amelia Cobet-Green	Garden Consultant/Garden MT & Cooking/etc.	\$ 29,970.00	Garden Fundraising/Grants
Teach for America	Pre-K to 3 Early School Ed. Consulting /Services/etc.	\$ 42,000.00	MCF/Pre-K to 3 Grant
Reading Partners	Pre-K to 3 Early School Ed. Consulting /Services/etc.	\$ 21,200.00	MCF
National Equity Project	Equitable Learning Consulting	\$ 35,000.00	TSG & Pre-K to 3 Grants
Mosheh Milon	African Drumming Music Consultant	\$ 3,800.00	MCF/VAPA Grant
Revolution Foods	Breakfasts/Lunches/Milk	\$ 103,234.00	Cafeteria Fund
Architects of Achievement	Facilities Design Consultant	\$ 35,000.00	Capital Fund
Quattrocchi Kwok	Architect Firm	\$ 30,000.00	Capital Fund
		TOTAL COST	\$ 1,359,931.00

Sausalito Marin City School District
Office of the Superintendent

Date: October 11, 2012
To: Board of Trustees
From: Valerie Pitts, Superintendent
Re: Discussion: Suspension and Expulsion Due Process Policies

Background

The following information has been provided by CSBA:

BP/AR 5144.1 - Suspension and Expulsion/Due Process

(BP/AR revised)

Reorganized, **MANDATED** policy includes language requiring fair, consistent enforcement of suspension and expulsion rules in response to new U.S. Department of Education Office for Civil Rights (OCR) report finding disproportionate rates of suspension/expulsion by race and ethnicity, gender, and disability. Policy also revises material re: zero tolerance to encourage use of alternative disciplinary measures that keep students in school during the school day, except under specified circumstances. Reorganized **MANDATED** regulation reflects **NEW LAW (AB 746)** which expands the definition of bullying committed by means of an electronic act to include posting of messages on social media networks, and **NEW LAW (AB 143)** which requires that, when law enforcement officials are notified of certain acts by students with disabilities, they must certify that specified student records will not be disclosed without prior written consent. Regulation also contains some material formerly in BP re: parental attendance when teacher removes student from class, and clarifies timeline for the Board's decision as to whether to expel a student.

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

(AR revised)

Regulation updated to reflect **NEW LAW (AB 143)** which requires that, when law enforcement is notified of certain acts by students with disabilities, law enforcement officials must certify that specified student records will not be disclosed without prior written parental consent. Revised regulation also clarifies that students with disabilities are subject to the same suspension and expulsion procedures as nondisabled students unless otherwise specified.

Analysis

The board will conduct a first reading of revised policies:

- BP/AR 5144.1 - Suspension and Expulsion/Due Process
- AR 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities)

Legal Implications

The district must be compliant with new legislation.

Recommendation

These items are brought before the board for review and discussion.

Backup attached: Yes ___X___ No _____

SUSPENSION AND EXPULSION/DUE PROCESS

~~The Board of Trustees has established policies and standards of behavior in order to promote learning and protect the safety and well-being of all students. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction.~~

~~(cf. 5144 - Discipline)~~

Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. (Education Code 48911, 48915, 48915.5)

~~(cf. 5119 - Students Expelled from Other Districts)~~

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

Suspended or expelled students shall be denied the privilege of participation in all extracurricular activities during the period of suspension or expulsion.

~~(cf. 6145 - Extracurricular and Cocurricular Activities)~~

~~Except where suspension for a first offense is warranted in accordance with law, suspension shall be imposed only when other means of correction fail to bring about proper conduct. (Education Code 48900.5)~~

~~Expulsion is an action taken by the Board for severe or prolonged breaches of discipline by a student. Except for single acts of a grave nature, expulsion shall be used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct, or when the student's presence causes a continuing danger to self or others.~~

The grounds for suspension and expulsion and the procedures for considering, recommending and/or implementing suspension and expulsion shall be those specified in law and/or administrative regulation.

Zero Tolerance

~~The Board supports a zero tolerance approach to serious offenses in accordance with state and federal law. This approach makes the removal of potentially dangerous students from the classroom a top priority and ensures the standardized treatment of all students. Staff shall immediately report to the Superintendent or designee any incidence of offenses specified in law, Board policy, and administrative regulation as cause for suspension or expulsion.~~

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, and in accordance with the district's nondiscrimination policies.

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

Except for single acts of a grave nature or offenses for which suspension or expulsion is required by law, suspension or expulsion shall be used only when the student involved has a history of misconduct and other means of correction have failed to bring about proper conduct or the student's presence causes a continuing danger to himself/herself or others.

To correct the behavior of students who are subject to discipline, the Superintendent or designee, to the extent allowed by law, shall use alternative disciplinary measures that keep students in school during the school day.

(cf. 1020 - Youth Services)
(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 6142.4 - Service Learning/Community Service Classes)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6164.5 - Student Success Teams)

Alternatives to suspension or expulsion also shall be used with students who are truant, tardy, or otherwise absent from assigned school activities.

(cf. 5113 - Absences and Excuses)
(cf. 5113.1 - Chronic Absence and Truancy)

Suspended or expelled students shall be denied the privilege of participation in all extracurricular activities during the period of suspension or expulsion.

(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)

Student Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices and appeals as specified in administrative regulation and/or law. (Education Code 48911, 48915, 48915.5)

(cf. 5119 - Students Expelled from Other Districts)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))

Removal from Class by a Teacher and Parental Attendance

When suspending a student from class for committing an obscene act, engaging in habitual profanity or vulgarity, disrupting school activities, or otherwise willfully defying valid staff authority, the teacher of the class may require any parent/guardian who lives with the student to attend a portion of the school day in the class from which the student is being suspended, to assist in resolving the classroom behavior problems. (Education Code 48900.1)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the student and his/her parents/guardians and to improve classroom behavior.

Any teacher requiring parental attendance pursuant to this policy shall apply the policy uniformly to all students within the classroom. (Education Code 48900.1)

When a teacher requires parental attendance, the principal shall send a written notice to the parent/guardian stating that his/her attendance is required pursuant to law. (Education Code 48900.1)

A parent/guardian who has received a written notice shall attend class as specified in the notice. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Education Code 48900.1)

When a parent/guardian does not respond to the request to attend school, the principal or designee shall contact him/her by telephone, mail, or other means that maintains the confidentiality of the student's records.

(cf. 5125 - Student Records)

District regulations and school-site rules for student discipline shall include procedures for implementing parental attendance requirements. Parents/guardians shall be notified of this policy prior to its implementation. (Education Code 48900.1)

(cf. 5145.6 - Parental Notifications)

Supervised Suspension Classroom

~~The Board recognizes that students who are suspended from school often have no supervision or guidance during the school hours when they are off campus and may fall behind in the coursework. The Board believes that, in many cases, it would be better to manage the student's behavior by keeping the student at school and providing him/her with supervision that is separated from the regular classroom.~~

~~The Superintendent or designee shall establish a supervised classroom suspension program which meets the requirements of law for students suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, who pose no imminent danger or threat at school, and for whom an expulsion action has not been initiated.~~

~~The Superintendent or designee shall examine alternatives to off-campus suspension and may establish a suspension program which involves progressive discipline during the school day on~~

~~campus; use of conferences between staff, parents/guardians and students; detention; student study teams or other assessment related teams; and/or referral to school support services staff. The use of such alternatives does not preclude off-campus suspensions.~~

Required Parental Attendance

~~The Board believes that parental involvement plays an important role in the resolution of classroom behavior problems. The Board expects that teachers will communicate with parents/guardians when behavior problems arise.~~

~~Whenever a student is suspended from class by a teacher because he/she committed an obscene act, engaged in habitual profanity or vulgarity, disrupted school activities, or otherwise willfully defied valid staff authority, the teacher of the class from which the student was removed may provide that the student's parent/guardian attend a portion of a school day in the class from which the student was suspended. (Education Code 48900.1)~~

~~Before requiring parental attendance, the teacher shall make reasonable efforts to have the parent/guardian visit the class voluntarily. The teacher also may inform the parent/guardian about available resources and parent education opportunities. Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the student and the parent/guardian and to improve classroom behavior.~~

~~The teacher shall apply this policy uniformly to all students within the classroom. This policy shall apply only to a parent/guardian who lives with the student. (Education Code 48900.1)~~

~~When a teacher requires parental attendance, the principal shall send a written notice to the parent/guardian stating that his/her attendance is pursuant to law. (Education Code 48900.1)~~

~~The notice shall specify that the attendance may be on either the date the student is scheduled to return to class or within one week thereafter.~~

~~A parent/guardian who has received a written notice shall attend class as specified in the notice. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Education Code 48900.1)~~

~~The principal or designee shall contact a parent/guardian who does not respond to the request to attend school. The Board recognizes that parent/guardian compliance with this policy may be delayed, modified, or prevented for reasons such as serious illness/injury/disability, absence from town, or inability to get release time from work.~~

~~District regulations and school site rules for student discipline shall include procedures for implementing parental attendance requirements. Parents/guardians shall be notified of this policy prior to its implementation. (Education Code 48900.1)~~

SUSPENSION AND EXPULSION/DUE PROCESS (continued)**Decision Not to Enforce Expulsion Order**

In cases where expulsion is mandatory pursuant to Education Code 48915(c), the enforcement of an expulsion order shall not be suspended by the Board. In all other cases of expulsion, the order for expulsion may be suspended by the Board, on case-by-case basis, pursuant to the requirements of law.

*Legal Reference:*EDUCATION CODE

212.5 Sexual harassment
 1981 Enrollment of students in community school
 17292.5 Program for expelled students
 32261 Interagency School Safety Demonstration Act of 1985
 35146 Closed sessions (re suspensions)
 35291 Rules (for government and discipline of schools)
 35291.5 Rules and procedures on school discipline
 48660-48667 Community day schools
 48900-48927 Suspension and expulsion
 48950 Speech and other communication
 49073-49079 Privacy of student records

CIVIL CODE

47 Privileged communication
 48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt
 54950-54963 Ralph M. Brown Act

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia
 11053-11058 Standards and schedules

LABOR CODE

230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child

PENAL CODE

31 Principal of a crime, defined
 240 Assault defined
 241.2 Assault fines
 242 Battery defined
 243.2 Battery on school property
 243.4 Sexual battery
 245 Assault with deadly weapon
 245.6 Hazing
 261 Rape defined
 266c Unlawful sexual intercourse

Legal References continued on next page

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Legal References continued

286 *Sodomy defined*

288 *Lewd or lascivious acts with child under age 14*

288a *Oral copulation*

289 *Penetration of genital or anal openings*

626.2 *Entry upon campus after written notice of suspension or dismissal without permission*

626.9 *Gun-Free School Zone Act of 1995*

626.10 *Dirks, daggers, knives, razors or stun guns*

868.5 *Supporting person; attendance during testimony of witness*

WELFARE AND INSTITUTIONS CODE

729.6 *Counseling*

UNITED STATES CODE, TITLE 18

921 *Definitions, firearm*

UNITED STATES CODE, TITLE 20

7151 *Gun free schools*

COURT DECISIONS

T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267

Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H., (2001) 85 Cal.App.4th 1321

Garcia v. Los Angeles Board of Education (1991) 123 Cal.App.3d 807

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182

John A. v. San Bernardino School District (1982) 33 Cal. 3d 301

ATTORNEY GENERAL OPINIONS

84 *Ops.Cal.Atty.Gen.* 146 (2001)

80 *Ops.Cal.Atty.Gen.* 91 (1997)

80 *Ops.Cal.Atty.Gen.* 85 (1997)

Management Resources:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Civil Rights Data Collection Summary, March 2012

WEB SITES

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

California Attorney General's Office: <http://www.caag.state.ca.us>

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/docs/crdc-2012-data-summary.pdf>

U.S. Department of Education, Office of Safe and Drug-Free Schools:

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

Policy
adopted:

SAUSALITO MARIN CITY SCHOOL DISTRICT
Sausalito, California

SUSPENSION AND EXPULSION/DUE PROCESS

Definitions

Suspension from school means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following: (Education Code 48925)

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board of Trustees for students of the same grade level
2. Referral to a certificated employee designated by the principal to advise students
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910. Removal from a particular class shall not occur more than once every five school days.

Expulsion means removal of a student from the immediate supervision and control, or the general supervision, of school personnel. (Education Code 48925)

Day means a calendar day unless otherwise specifically provided. (Education Code 48925)

School day means a day upon which the schools of the district are in session or weekdays during the summer recess. (Education Code 48925)

Student includes a student's parent/guardian or legal counsel. (Education Code 48925)

Principal's designee means one or more administrators or, if there is not a second administrator at one school site, a certificated person specifically designated by the principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office. (Education Code 48911)

School property, for the purposes described in Education Code 48900, includes, but is not limited to, electronic files and databases. (Education Code 48900(t))

Notice of Regulations

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, suspension, and expulsion. (Education Code 48900.1, 48980)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

(cf. 5144 - Discipline)

(cf. 5145.6 - Parental Notifications)

Grounds for Suspension and Expulsion

A student may be subject to suspension or expulsion when it is determined that he/she:

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon the person of another, except in self-defense. (Education Code 48900(a))

A student who *aids* or *abets* the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31, may be suspended, but not expelled. However, a student may be suspended or expelled pursuant to Education Code 48900(a) once he/she has been adjudged by a juvenile court to have committed, as an aider or abettor, a crime of physical violence in which the victim suffered great or serious bodily injury. (Education Code 48900(s t))

2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence. (Education Code 48900(b))

(cf. 5131 - Conduct)

(cf. 5131.7 - Weapons and Dangerous Instruments)

3. Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of, any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind. (Education Code 48900(c))

(cf. 5131.6 - Alcohol and Other Drugs)

4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as controlled substance, alcoholic beverage, or intoxicant. (Education Code 48900(d))

5. Committed or attempted to commit robbery or extortion. (Education Code 48900(e))

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

6. Caused or attempted to cause damage to school property or private property. (Education Code 48900(f))
7. Stole or attempted to steal school property or private property. (Education Code 48900(g))
8. Possessed or used tobacco or ~~any~~ products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel- , **except that** ~~±~~ this restriction shall not prohibit a student from using or possessing his/her own prescription products. (Education Code 48900(h))

(cf. 5131.62 - Tobacco)

9. Committed an obscene act or engaged in habitual profanity or vulgarity. (Education Code 48900(i))
10. Unlawfully possessed ~~or unlawfully~~ , offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5. (Education Code 48900(j))
11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))

(cf. 5131.4 - Student Disturbances)

12. Knowingly received stolen school property or private property. (Education Code 48900(l))
13. Possessed an imitation firearm. (Education Code 48900(m))

Imitation firearm means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))

14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4. (Education Code 48900(n))
15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness. (Education Code 48900(o))

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. (Education Code 48900(p))

17. Engaged in, or attempted to engage in, hazing. (Education Code 48900(q))

Hazing means a method of initiation or preinitiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. *Hazing* does not include athletic events or school-sanctioned events. (Education Code 48900(q))

18. Made terrorist threats against school officials and/or school property. (Education Code 48900.7)

A *terrorist threat* includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out. (Education Code 48900.7)

A student in grades 4-12 is also subject to suspension or recommendation for expulsion when it is determined that he/she:

19. Committed sexual harassment as defined in Education Code 212.5. (Education Code 48900.2)

Sexual harassment means that conduct, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 212.5, 48900.2)

(cf. 5145.7 - *Sexual Harassment*)

20. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233. (Education Code 48900.3)

Hate violence means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating another person a victim, interfering with the exercise of a person's victim's civil rights, or damaging a person's victim's property because of the

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

person's ~~victim's~~ race, ethnicity, color, religion, nationality, ancestry, national origin, disability, gender, gender identity, gender expression, or sexual orientation; a perception of the presence of any of those characteristics in the victim; or the victim's association with a person or group with one or more of those actual or perceived characteristics. (Education Code 233; Penal Code 422.55)

(cf. 5145.9 - Hate-Motivated Behavior)

21. Intentionally engaged in harassment, threats, or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment. (Education Code 48900.4)

(cf. 5145.3 - Nondiscrimination/Harassment)

22. Engaged in an act of bullying, including, but not limited to, bullying by means of an electronic act, directed toward a student or school personnel. (Education Code 48900(r))

Bullying means one or more acts by a student or group of students that constitutes sexual harassment pursuant to Education Code 48900.2, as defined in item #19 above; hate violence pursuant to Education Code 48900.3, as defined in item #20 above; or harassment, threats, or intimidation pursuant to Education Code 48900.4, as defined in item #21 above. (Education Code 32261)

Electronic act means the transmission of a communication, including, but not limited to, a message, text, sound, or image or post on a social network Internet web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. (Education Code 32261)

(cf. 1114 - District-Sponsored Social Media)

(cf. 5131.2 - Bullying)

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at any district school ~~under the jurisdiction of the Superintendent or principal~~ or within any other school district, at any time, including, but not limited to, the following circumstances: (Education Code 48900)

1. While on school grounds
2. While going to or coming from school

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

(cf. 5131.1 - Bus Conduct)

3. During the lunch period, whether on or off the school campus

(cf. 5112.5 - Open/Closed Campus)

4. During, going to, or coming from a school-sponsored activity

~~The Superintendent or principal may use his/her discretion to provide alternatives to suspension or expulsion for a student subject to discipline under this administrative regulation, including, but not limited to, counseling and an anger management program. (Education Code 48900(u))~~

Removal from Class by a Teacher/Parental Attendance

A teacher may suspend any student from his/her class for the remainder of the day and the following day for any act listed in "Grounds for Suspension and Expulsion" above. (Education Code 48910)

~~A teacher also may refer a student to the principal or designee for consideration of suspension from school. (Education Code 48910)~~

When removing a student from his/her class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. The student shall be appropriately supervised during the class periods from which he/she has been removed. **If that action requires the continuing presence of the student at school, he/she shall be appropriately supervised during the class periods from which he/she has been removed.** (Education Code 48910)

As soon as possible, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the removal. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if either the parent/guardian or teacher so requests. (Education Code 48910)

A student removed from class shall not be returned to class during the period of removal without the approval of the teacher of the class and the principal. (Education Code 48910)

A student removed from class shall not be placed in another regular class during the period of removal. However, if a student is assigned to more than one class per day, he/she may be placed in any other regular classes except those held at the same time as the class from which the student was removed. (Education Code 48910)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

The teacher of any class from which a student is removed may require the student to complete any assignments and tests missed during the removal. (Education Code 48913)

Pursuant to Board policy, a teacher may ~~provide that~~ **require** the parent/guardian of a student whom the teacher has removed **to** attend a portion of a school day in his/her child's classroom. When a teacher makes this request, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is requested pursuant to law. (Education Code 48900.1)

The notice shall specify that the attendance may be on either the date the student is scheduled to return to class or within one week thereafter.

This notice shall also:

1. **Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternate date**
2. **State that if the parent/guardian does not have a means of transportation to school, he/she may ride the school bus with the student**
3. **Ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by Education Code 48900.1**

Suspension by Superintendent, Principal, or Principal's Designee

~~The Superintendent or principal may suspend a student from school for not more than five consecutive school days unless the suspension is extended pending expulsion. (Education Code 48911)~~

The Superintendent, principal, or designee may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above. A student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct in the student. (Education Code 48900.5)

However, the Superintendent, principal, or designee may impose a suspension upon a first offense if he/she determines that the student violated items #1-5 listed in "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48900.5)

In addition, tThe Superintendent or principal shall immediately suspend any student found at school or at a school activity to be: (Education Code 48915)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife, as defined in Education Code 48915(g), ~~at another person~~
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above
5. Possession of an explosive as defined in 18 USC 921

~~*Explosive means a destructive device and includes, but is not limited to, any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine or similar device. A destructive device includes any other type of weapon (except a shotgun or shotgun shell recognized by the United States Secretary of Army as suitable for sporting purposes) which might be converted to project an explosive. (18 USC 921)*~~

~~Suspension also may be imposed upon a first offense if the Superintendent or principal determines that the student violated items #1-5 listed in "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48900.5)~~

The Superintendent, principal, or designee may suspend a student from school for not more than five consecutive school days unless the suspension is extended pending expulsion. (Education Code 48911)

A student may be suspended from school for not more than 20 school days in any school year unless, for purposes of adjustment, the student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion. (Education Code 48903, 48911, 48912)

(cf. 6184 - Continuation Education)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

The district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code 48903)

Suspensions shall be initiated according to the following procedures:

1. **Informal Conference:** Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or principal's designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action, presented with the evidence against him/her, and given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911)

This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists **involving a clear and present danger to the lives, safety, or health of students or school personnel**. ~~An emergency situation involves a clear and present danger to the lives, safety, or health of students or school personnel.~~ If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of the conference. The conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911)

2. **Administrative Actions:** All requests for student suspension are to be processed by the principal or designee ~~of the school in which the student is enrolled at the time of the misbehavior~~. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)
3. **Notice to Parents/Guardians:** At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. (Education Code 48911)

This notice shall state the specific offense committed by the student. (Education Code 48900.8)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

In addition, the notice may state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may add that state law requires the parent/guardian to respond to such requests without delay.

4. **Parent/Guardian Conference:** Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the causes and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

While the parent/guardian is required to respond without delay to a request for a conference about a student's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied readmission solely because the parent/guardian failed to attend the conference. (Education Code 48911)

5. **Extension of Suspension:** If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision. (Education Code 48911(g))

Any extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension. Extension of the suspension may be made only if the Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

Suspension by the Board

The Board may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above and within the limits specified in "Suspension by Superintendent, Principal, or Principal's Designee" above. (Education Code 48912)

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester if any of the acts listed in "Grounds for Suspension and Expulsion" occurred. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold closed sessions if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 49073-49079. (Education Code 35146, 48912)

(cf. 9321 - Closed Session Purposes and Agendas)

The Board shall provide the student and his/her parent/guardian with written notice of the closed session by registered or certified mail. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session. (Education Code 35146, 48912)

Supervised Suspension Classroom

Students for whom an expulsion action has not been initiated and who pose no imminent danger or threat to the school, **students, or staff** may be assigned to a supervised suspension classroom in a separate classroom, building, or site for the entire period of suspension. The following conditions shall apply: (Education Code 48911.1)

1. The supervised suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The supervised suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. Each student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to a supervised suspension classroom, the principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification shall be made in writing. (Education Code 48911.1)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Authority to Expel

A student may be expelled only by the Board.

The Board shall expel, as required by law, any student found to have committed any offense listed below under "Mandatory Recommendation and Mandatory Expulsion." (Education Code 48915)

~~The Board may also order a student expelled for any of the acts~~ For all other grounds listed above under "Grounds for Suspension and Expulsion," ~~upon recommendation by the principal, Superintendent, hearing officer, or administrative panel, based on either or both of the following finding(s)~~ the Board shall order a student expelled upon the recommendation of the Superintendent, principal, or designee, only if the Board makes a finding of either or both of the following: (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct
2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

Mandatory Recommendation for Expulsion

Unless the principal, Superintendent or designee finds that expulsion is inappropriate due to particular circumstances, the principal or the Superintendent or designee shall recommend a student's expulsion for any of the following acts: (Education Code 48915(a))

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife as defined in Education Code 48915(g), explosive, or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance, as listed in Health and Safety Code 11053-11058, except for the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Mandatory Recommendation and Mandatory Expulsion

The ~~principal~~, Superintendent, **principal**, or designee shall recommend that the Board expel any student found at school or at a school activity to be: (Education Code 48915(c))

1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the firearm from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife as defined in Education Code 48915(g) at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above
5. Possessing an explosive as defined in 18 USC 921

Upon finding that the student committed any of the above acts, the Board shall expel the student. (Education Code 48915)

Student's Right to Expulsion Hearing

~~The student is entitled to a hearing to determine whether the student should be expelled.~~ **Any student recommended for expulsion shall be entitled to a hearing to determine whether he/she should be expelled.** The hearing shall be held within 30 school days after the ~~Superintendent~~, **Superintendent**, principal or ~~Superintendent~~ or designee determines that one of the acts listed under "Grounds for Suspension and Expulsion" has ~~occurred~~. (Education Code 48918(a))

The student is entitled to at least one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion. (Education Code 48918(a))

If the Board finds it impractical during the regular school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. (Education Code 48918(a))

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (Education Code 48918(a))

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (Education Code 48918(a))

After a determination that one of the grounds listed above under "Grounds for Suspension and Expulsion" has occurred, the Superintendent, principal, or designee shall offer the student and his/her parent/guardian the option to waive a hearing and stipulate to the expulsion. The stipulation agreement shall be in writing and shall be signed by the student and his/her parent/guardian.

Rights of Complaining Witness

An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental, or emotional needs of a student who is the complaining witness. (Education Code 48918.5)

Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of his/her right to: (Education Code 48918.5)

1. Receive five days' notice of his/her scheduled testimony at the hearing
2. Have up to two adult support persons of his/her choosing present in the hearing at the time he/she testifies
3. Have a closed hearing during the time he/she testifies

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending. (Education Code 48918.5)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)**Written Notice of the Expulsion Hearing**

Written notice of the expulsion hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include: (Education Code 48900.8, 48918(b))

1. The date and place of the hearing.
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based.
3. A copy of district disciplinary rules which relate to the alleged violation.
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).

(cf. 5119 - Students Expelled from Other Districts)

5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a nonattorney advisor.

Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

Nonattorney advisor means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

6. The right to inspect and obtain copies of all documents to be used at the hearing.
7. The opportunity to confront and question all witnesses who testify at the hearing.
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.

SUSPENSION AND EXPULSION/DUE PROCESS (continued)**Conduct of Expulsion Hearing**

1. **Closed Session:** Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such request is made, the meeting shall be public unless another student's privacy rights would be violated. (Education Code 48918(c))

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student shall also be allowed to attend the closed session. (Education Code 48918(c))

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/her testimony heard in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c))

2. **Record of Hearing:** A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))
3. **Subpoenas:** Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with the Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20. (Education Code 48918(i))

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be considered by the Board in closed session, or in open session if so requested by the student, before the meeting. The Board's decision in response to such an objection shall be final and binding. (Education Code 48918(i))

If the Board determines, or if the hearing officer or administrative panel finds and submits to the Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below. (Education Code 48918(i))

4. **Presentation of Evidence:** Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion" above. (Education Code 48918(h))

Findings of fact shall be based solely on the evidence at the hearing. While no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (Education Code 48918(f))

In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record.

5. **Testimony by Complaining Witnesses:** The following procedures shall be observed when hearings involve allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)
- a. Any complaining witness shall be given five days' notice before being called to testify.
 - b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during his/her testimony.
 - c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

- d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
- e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.
- f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
- g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.
 - (1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
 - (2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.
 - (3) The person conducting the hearing may:
 - (a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
 - (b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours
 - (c) Permit one of the support persons to accompany the complaining witness to the witness stand

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

6. ~~**Decision Within 10 School Days:** The Board's decision on whether to expel a student shall be made within 10 school days after the conclusion of the hearing, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))~~
- 7 6. **Decision Within 40 School Days:** If the Board does not meet on a weekly basis, its **The Board's** decision on **as to** whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. Alternatively, the Board may appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled. (Education Code 48918(d))

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures applicable to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing," **including the requirement to issue its decision within 40 school days of the student's removal from school, unless the student requests that the decision be postponed.** (Education Code 48918 (a) and (d))

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated. The Superintendent or designee shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with district staff, including the student's teachers, and with the student's parent/guardian. The decision to not recommend expulsion shall be final. (Education Code 48918(e))

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order. (Education Code 48918(f))

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion for a period of one year. (Education Code 48917, 48918)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

The Board shall make its decision about the student's expulsion within 40 school days after the date of the student's removal from school unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

Final Action by the Board

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer, or an administrative panel, the final action to expel shall be taken by the Board at a public meeting. (Education Code 48918(j))

(cf. 9321.1 - Closed Session Actions and Reports)

If the Board conducts the hearing and reaches a decision not to expel, this decision shall be final and the student shall be reinstated immediately.

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for an act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during the summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916)

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include: (Education Code 48916)

1. Periodic review, as well as assessment at the time of review, for readmission
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs

With parent/guardian consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school. (Education Code 48916.5)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)**Written Notice to Expel**

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed in ~~Education Code 48900, 48900.2, 48900.3, 48900.4, 48900.7, or 48915 (Education Code 48900.8)~~ above under "Grounds for Suspension and Expulsion" (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board of Education (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 (Education Code 48918)

Decision Not to Enforce Expulsion Order

In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion, the Board shall take into account the following criteria:

1. The student's pattern of behavior
2. The seriousness of the misconduct
3. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

The suspension of the enforcement of an expulsion shall be governed by the following:

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code 48917)
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code 48917)
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the district's rules and regulations governing student conduct. (Education Code 48917)
4. When the suspension of the enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. (Education Code 48917)
6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall also inform the parent/guardian of the right to appeal the expulsion to the County Board, **the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of his/her status with the expelling district, pursuant to Education Code 48915.1(b).** (Education Code 48918(j))
7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. (Education Code 48917)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)**Right to Appeal**

The student or parent/guardian is entitled to file an appeal of the Board's decision with the County Board. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion action ~~order~~ is suspended and the student is placed on probation. (Education Code 48919)

The student shall submit a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the County Board. The district shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)

Notifications to Law Enforcement Authorities

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (Education Code 48902)

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance. ~~In addition, law enforcement authorities shall be notified regarding any acts by students regarding the possession, sale, or furnishment of firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(1) or (5) or Penal Code 626.9 and 626.10. (Education Code 48902) or possession of weapons or firearms in violation of Penal Code 626.9 and 626.10. (Education Code 48902)~~

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering, or sale of controlled substances, alcohol, or intoxicants of any kind. (Education Code 48902)

Post-Expulsion Placements

The Board shall refer expelled students to a program of study that is: (Education Code 48915, 48915.01)

1. Appropriately prepared to accommodate students who exhibit discipline problems

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

2. Not provided at a comprehensive middle, junior, or senior high school or at any elementary school, unless the program is offered at a community day school established at such a site
3. Not housed at the school site attended by the student at the time of suspension

(cf. 6158 - Independent Study)

(cf. 6185 - Community Day School)

When the placement described above is not available, and when the County Superintendent so certifies, students expelled for acts described in items #6-13 and ~~#20-22~~ #19-21 under "Grounds for Suspension and Expulsion" above may be ~~instead~~ referred to a program of study that is provided at another comprehensive middle, junior, or senior high school, or at an elementary school. (Education Code 48915)

The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12. (Education Code 48916.1)

Readmission After Expulsion

Readmission procedures shall be as follows:

1. On the date set by the Board when it ordered the expulsion, the district shall consider readmission of the student. (Education Code 48916)
2. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
3. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 49073-49079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.
4. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

5. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)
6. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school. (Education Code 48916)
7. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

Maintenance of Records

The Board shall maintain a record of each expulsion, including the specific cause(s) of the expulsion. (Education Code 48900.8)

The Expulsion records of any student shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon receipt of a written request by the admitting that school. (Education Code 48900.8; 48918(k))

(cf. 5125 - Student Records)

The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (Education Code 48915.1)

(cf. 5119 - Students Expelled from Other Districts)

Outcome Data

The Superintendent or designee shall maintain the following data: (Education Code 48900.8, 48916.1)

1. The number of students recommended for expulsion
2. The specific grounds for each recommended expulsion

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

3. Whether the student was subsequently expelled
4. Whether the expulsion order was suspended
5. The type of referral made after the expulsion
6. The disposition of the student after the end of the expulsion period

Regulation
approved:

SAUSALITO MARIN CITY SCHOOL DISTRICT
Sausalito, California

SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES)

A student identified as an individual with disabilities pursuant to the Individuals with Disabilities Education Act (IDEA), 20 USC 1400-1482, is subject to the same grounds for suspension and expulsion which apply to students without disabilities, **except as otherwise specified in this administrative regulation.**

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

~~Procedures for Students Not Yet Eligible for Special Education Services~~

~~A student who has not been officially identified as a student with disabilities pursuant to IDEA and who has engaged in behavior that violated the district's code of student conduct may assert any of the protections under IDEA only if the district *had knowledge* that the student is disabled before the behavior that precipitated the disciplinary action occurred. (20 USC 1415(k)(5); 34 CFR 300.534)~~

~~The district shall be deemed to *have knowledge* that the student has a disability if one of the following conditions exists: (20 USC 1415(k)(5); 34 CFR 300.534)~~

- ~~1. The parent/guardian has expressed concern to district supervisory or administrative personnel in writing, or to a teacher of the student, that the student is in need of special education or related services.~~
- ~~2. The parent/guardian has requested an evaluation of the student for special education pursuant to 34 CFR 300.300-300.311.~~

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

- ~~3. The teacher of the student or other district personnel has expressed specific concerns directly to the district's director of special education or to other supervisory district personnel about a pattern of behavior demonstrated by the student.~~

~~The district would be deemed to *not have knowledge* that a student is disabled if the parent/guardian has not allowed the student to be evaluated for special education services or has refused services. In addition, the district would be deemed to *not have knowledge* if the district conducted an evaluation pursuant to 34 CFR 300.300-300.311 and determined that the student was not an individual with a disability. When the district is deemed to not have knowledge of the disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior. (20 USC 1415(k)(5); 34 CFR 300.534)~~

SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES) (continued)

~~If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures pursuant to 34 CFR 300.530, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities. (20 USC 1415(k)(5); 34 CFR 300.534)~~

Suspension

The Superintendent or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year, as long as the suspension(s) does not constitute a change in placement pursuant to 34 CFR 300.536. (Education Code 48903; 34 CFR 300.530)

The principal or designee shall monitor the number of days, including portions of days, in which a student with a valid individualized education program (IEP) has been suspended during the school year.

(cf. 6159 - Individualized Education Program)

The ~~district~~ **Superintendent or designee** shall determine, on a case-by-case basis, whether a pattern of removals of a student from his/her current educational placement for disciplinary reasons constitutes a change of placement. A *change of placement* shall be deemed to have occurred under any of the following circumstances: (34 CFR 300.536)

1. The removal is for more than 10 consecutive school days.
2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:
 - a. The series of removals total more than 10 school days in a school year.
 - b. The student's behavior is substantially similar to his/her behavior in previous incidents that resulted in the series of removals.
 - c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another, indicate a change of placement.

SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES) (continued)

If the removal has been determined to be a *change of placement* as specified in items #1-2 above, or the student is suspended for more than 10 school days in the same school year, the student's IEP team shall determine the appropriate educational services. (34 CFR 300.530) Such services shall be designed to enable the student to continue to participate in the general education curriculum in another setting, to progress toward meeting the goals set out in his/her IEP, and to address the student's behavior violation so that it does not recur. (20 USC 1412(a)(1)(A); 34 CFR 300.530)

If the IEP of a student with a disability requires the district to provide the student with transportation, the district shall provide the student with an alternative form of transportation at no cost to him/her or to his/her parent/guardian when he/she is to be excluded from school bus transportation. (Education Code 48915.5)

(cf. 3541.2 - Transportation for Students with Disabilities)

Services During Suspension

~~Any student suspended for more than 10 school days in the same school year shall continue to receive services during the term of the suspension. School personnel, in consultation with at least one of the student's teachers, shall determine the extent to which services are needed as provided in 34 CFR 300.101(a), so as to enable the student to continue to participate in the general education curriculum in another setting and to progress toward meeting the goals as set out in his/her IEP. (20 USC 1412(a)(1)(A); 34 CFR 300.530)~~

~~If a student with disabilities is excluded from school bus transportation, the student shall be provided with an alternative form of transportation at no cost to the student or his/her parent/guardian, provided that transportation is specified in his/her IEP. (Education Code 48915.5)~~

~~*(cf. 3541.2 - Transportation for Students with Disabilities)*~~

Interim Alternative Educational Placement Due to Dangerous Behavior

The district may unilaterally place a student with a disability in an appropriate interim alternative educational setting for up to 45 school days, without regard to whether the behavior is a manifestation of the student's disability, when the student commits one of the following acts while at school, going to or from school, or at a school-related function: (20 USC 1415(k)(1)(G); 34 CFR 300.530)

1. Carries or possesses a weapon, as defined in 18 USC 930

SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES) (continued)

2. Knowingly possesses or uses illegal drugs
3. Sells or solicits the sale of a controlled substance as identified in 21 USC 812(c), Schedules I-V
4. Inflicts serious bodily injury upon another person as defined in 18 USC 1365

The student's interim alternative educational setting shall be determined by his/her IEP team. (20 USC 1415(k)(1)(G), 34 CFR 300.531)

On the date the decision to take disciplinary action is made, the parents/guardians of the student shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

A student who has been removed from his/her current placement because of dangerous behavior shall receive services, **although in another setting**, to the extent necessary to allow him/her to participate in the general education curriculum and to progress toward meeting the goals set out in his/her IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

Manifestation Determination

The following procedural safeguards shall apply when a student is suspended for more than 10 consecutive school days, when a series of removals of a student constitutes a pattern, or when a change of placement of a student is contemplated due to a violation of the district's code of conduct:

1. Notice: On the date the decision to take disciplinary action is made, the parents/guardians of the student shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

(cf. 5145.6 - Parental Notifications)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

2. **Manifestation Determination Review:** Immediately if possible, but in no case later than 10 school days after the date the decision to take disciplinary action is made, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES) (continued)

At the manifestation determination review, the district, the student's parent/guardian, and relevant members of the IEP team (as determined by the district and parent/guardian) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents/guardians, to determine whether the conduct in question was either of the following: (20 USC 1415(k)(1)(E); 34 CFR 300.530)

- a. Caused by or had a direct and substantial relationship to the student's disability
- b. A direct result of the district's failure to implement the student's IEP, in which case the district shall take immediate steps to remedy those deficiencies

If the manifestation review team determines that ~~a condition in either #a or #b above was met~~, **either of the above conditions applies**, the student's conduct shall then be determined to be a manifestation of the student's disability. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

3. **Determination that Behavior is a Manifestation of the Student's Disability:** When the conduct has been determined to be a manifestation of the student's ~~his/her~~ disability, the IEP team shall conduct a functional behavioral assessment, unless ~~a functional behavioral assessment~~ **one** had been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a behavioral intervention plan for the student. If a behavior intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

The student shall be returned to the placement from which he/she was removed, unless the parent/guardian and ~~district~~ **Superintendent or designee** agree to a change of placement as part of the modification of the behavioral intervention plan. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

4. **Determination that Behavior is Not a Manifestation of the Student's Disability:** ~~If the manifestation determination review team determines that the student's behavior~~ **When it has been determined that the student's conduct** was not a manifestation of his/her disability, the student may be disciplined in accordance with the procedures for students without disabilities. **However, the student's IEP team shall determine services necessary to enable him/her to participate in the general education curriculum in another setting and to allow him/her to progress toward meeting the goals set out in his/her IEP.** (20 USC 1415(k)(1)(D); 34 CFR 300.530)

SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES) (continued)

~~The student shall receive services to the extent necessary to participate in the general education curriculum in another setting and to allow him/her to progress toward meeting the goals set out in his/her IEP.~~ As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

(cf. 6158 - Independent Study)

(cf. 6185 - Community Day School)

Due Process Appeals

If the parent/guardian disagrees with any district decision regarding placement under 34 CFR 300.530 (suspension and removal for dangerous circumstances) or 34 CFR 300.531 (interim alternative placement), or the manifestation determination under 34 CFR 300.530(e), he/she may appeal the decision by requesting a hearing. The district may request a hearing if the district believes that maintaining the student's current placement is substantially likely to result in injury to the student or others. In order to request a **due process** hearing, the requesting party shall file a complaint pursuant to 34 CFR 300.507 and 300.508(a) and (b). (20 USC 1415(k)(3); 34 CFR 300.532)

Whenever a hearing is requested as specified above, the parent/guardian or the district shall have an opportunity for an expedited due process hearing consistent with requirements specified in 34 CFR 300.507, 300.508 (a)-(c), and 300.510-300.514.

If the student's parent/guardian or the district has initiated a due process hearing under 34 CFR 300.532 as detailed above, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and district agree otherwise. (20 USC 1415(k)(4); 34 CFR 300.533)

Readmission

Readmission procedures for students with disabilities shall be the same as those **adopted for used** ~~for all students~~ **without disabilities**. Upon readmission **of a student with disabilities**, an IEP team meeting shall be convened **to review and, as necessary, modify the student's IEP**.

SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES) (continued)

~~Suspension of Expulsion~~ Decision Not to Enforce Expulsion Order

The ~~Board of Trustees'~~ **Governing Board's** criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities in the same manner as they are applied to all other students. (Education Code 48917)

Notification to Law Enforcement Authorities

~~Prior to the suspension or expulsion of any student with a disability, the principal or designee shall notify appropriate city or county law enforcement authorities of any act of assault with a deadly weapon which may have violated Penal Code 245. (Education Code 48902)~~

~~The principal or designee also shall notify appropriate city or county law enforcement authorities of acts by any student with a disability which may involve the possession or sale of narcotics or of a controlled substance or possession of weapons or firearms in violation of Penal Code 626.9 and 626.10. (Education Code 48902)~~

~~Within one school day after a suspension or expulsion of a student with disabilities, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any act by the student which may violate Education Code 48900(e) or (d), relating to the possession, use, offering or sale of controlled substances, alcohol or intoxicants of any kind. (Education Code 48902)~~

(cf. 5131.7 - Weapons and Dangerous Instruments)

Law enforcement notification requirements involving students with disabilities shall be the same as those specified for all students in AR 5144.1 - Suspension and Expulsion/Due Process.

When giving any required notification concerning a student with disabilities to any law enforcement official, the principal or designee shall require the law enforcement official to certify in writing that he/she will not disclose the student's information or records to any other person without the prior written consent of the student's parent/guardian. (Education Code 49076)

(cf. 5131.7 - Weapons and Dangerous Instruments)

SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES) (continued)

Report to County Superintendent of Schools

The Superintendent or designee shall report to the County Superintendent of Schools when any special education student has been expelled or suspended for more than 10 school days. The report shall include the student's name, last known address, and the reason for the action. (Education Code 48203)

Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been determined to be eligible for special education and related services and who has violated the district's code of student conduct may nevertheless assert any of the protections under IDEA, if the district had *knowledge* of the student's disability. (20 USC 1415(k)(5); 34 CFR 300.534)

Knowledge means that, before the occurrence of the behavior that precipitated the disciplinary action, one of the following occurred: (20 USC 1415(k)(5); 34 CFR 300.534)

1. The parent/guardian, in writing, has expressed concern to district supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education or related services.
2. The parent/guardian has requested an evaluation of the student for special education pursuant to 20 USC 1414(a)(1)(B) or 34 CFR 300.300-300.311.

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

3. The teacher of the student or other district personnel has expressed specific concerns directly to the district's director of special education or other supervisory district personnel about a pattern of behavior demonstrated by the student.

However, the district shall not be deemed to have knowledge of a student's disability if the student's parent/guardian has not allowed him/her to be evaluated for special education services or has refused services or, after evaluating the student pursuant to 34 CFR 300.300-300.311, the district determined that he/she was not an individual with a disability.

When the district is deemed to not have knowledge of a student's disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior. (20 USC 1415(k)(5); 34 CFR 300.534)

SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES) (continued)

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures pursuant to 34 CFR 300.530, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities. (20 USC 1415(k)(5); 34 CFR 300.534)

Legal Reference:

EDUCATION CODE

35146 *Closed sessions (re suspensions)*
 35291 *Rules (of governing board)*
 48203 *Reports of severance of attendance of disabled students*
 48900-48925 *Suspension and expulsion*
 49076 *Access to student records*
 56000 *Special education; legislative findings and declarations*
 56320 *Educational needs; requirements*
 56321 *Development or revision of individualized education program*
 56329 *Independent educational assessment*
 56340-56347 *Individual education program teams*
 56505 *State hearing*

PENAL CODE

245 *Assault with deadly weapon*
 626.2 *Entry upon campus after written notice of suspension or dismissal without permission*
 626.9 *Gun-Free School Zone Act*
 626.10 *Dirks, daggers, knives, razors or stun guns*

UNITED STATES CODE, TITLE 18

930 *Weapons*
 1365 *Serious bodily injury*

UNITED STATES CODE, TITLE 20

1412 *State eligibility*

1415 *Procedural safeguards*

UNITED STATES CODE, TITLE 21

812(c) *Controlled substances*

UNITED STATES CODE, TITLE 29

706 *Definitions*

794 *Rehabilitation Act of 1973, Section 504*

CODE OF FEDERAL REGULATIONS, TITLE 34

104.35 *Evaluation and placement*

104.36 *Procedural safeguards*

300.1-300.818 *Assistance to states for the education of students with disabilities, especially:*

300.530-300.537 *Discipline procedures*

COURT DECISIONS

Schaffer v. Weast (2005) 125 S. Ct. 528

Parents of Student W. v. Puyallup School District, (1994 9th Cir.) 31 F.3d 1489

M.P. v. Board of Trustees of Grossmont Union High School District, (1994) 858 F.Supp. 1044

Honig v. Doe, (1988) 484 U.S. 305

SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES) (continued)

Management Resources:

FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

WEB SITES

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

U.S. Department of Education, Office of Special Education Programs:

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

Regulation
approved:

SAUSALITO MARIN CITY SCHOOL DISTRICT
Sausalito, California

Sausalito Marin City School District
Office of the Superintendent

Date: October 11, 2012
To: Board of Trustees
From: Valerie Pitts, Superintendent
Re: Discussion: Reports: Pre K to 3 Grant; Transformation School Grant; Arts Grant

Background

SMCSD is the recipient of three grants from the Marin Community Foundation: Pre-K-3rd, Visual and Performing Arts and the Transforming Schools Grant. Each year mid and end of year progress reports are filed online at the MCF reporting site.

Analysis

MCF staff works closely with SMCSD staff to develop and implement project goals, develop supporting budgets and monitor and collect data on goals progress. The district must plan to sustain the program goals achieved with grant funding and demonstrated decreased reliance on grant funds to implement program goals.

Attached are year end reports for each of the three MCF grants received by SMCSD.

Financial Impact

Grant funding totals for fiscal year 2012/2013 are as follows:

Pre K to 3	\$ 121,390
Transformational School	\$ 485,000
Arts	\$ <u>188,700</u>
 Grand Total	 \$ 795,090

Recommendation

This item is brought before the board for review and discussion.

Backup attached: Yes No



MARIN COMMUNITY FOUNDATION

Submitted Progress Report for Sausalito Marin City School District

Reporting Period End Date:
7/31/2012

Grant Period:
8/1/2011 - 7/31/2012

Grant No: 2011-02760

Grant Amount: \$121,390.00

Target Rationale

Term Definition: "Target students" include students of color, low-income students, and/or ELL students.

Approach 1: All participating schools within the District should have completed alignment processes at the time of reporting in order to answer "yes" to those metrics. If not all schools have completed alignment, please enter "no" in the appropriate line and use the text box to explain the status of those schools that have not yet reached alignment.
 Approach 3: Please include all students participating in extended structured learning environments, not only those targeted by MCF support. Extended structured learning environments include programs such as: Afterschool programs with curriculum aligned with K-3 curriculum; Increased access to literacy instruction as a result of home visits and parent workshops; Summer school/summer academy; Extended day tutoring; Full day kindergarten.

Metric Reporting

Question Text	Response	Target
Measurable Outcomes related to MCF's approach, Increase K-3 students' extended learning		
Afterschool and extended learning staff participating in Early School Success vision and goals	100.00%	100.00%
Activity and Output Metric(s) related to MCF's approach, Ensure quality early childhood programs		
District and sites completed assessment of equity barriers or conditions	Yes	Yes
Action Plan to address equity issues for District and sites has been uploaded with this report (upload on last page)	Yes	Yes
Baseline data collected (via AERIES) on preschool experience of target populations	Yes	Yes
Baseline data analyzed to determine percent of children with and without preschool experience	Yes	Yes
Preschool partners identified who have, or have not, been included in previous PreK-3 grant activities	Yes	Yes
District and site data systems developed and implemented to report on targeted students	No	Yes
Design teams reviewed assessment data (KOF, CELDT, DIBELS, CST, etc.) disaggregated by subgroups	Yes	Yes
Alignment of PreK-3 standards and curriculum for literacy and language development completed	Yes	Yes
Alignment of PreK-3 assessment for literacy and language development completed	No	Yes
Alignment of PreK-3 standards and curriculum for social emotional development completed	Yes	Yes
Alignment of PreK-3 assessment for social emotional development completed	No	Yes
Measurable Outcomes related to MCF's approach, Ensure quality early childhood programs		



MARIN COMMUNITY FOUNDATION

Submitted Progress Report for Sausalito Marin City School District

Reporting Period End Date:
7/31/2012

Grant Period:
8/1/2011 - 7/31/2012

Grant No: 2011-02760

Grant Amount: \$121,390.00

PreK teachers who participated in professional development related to Early School Success vision and goals	100.00%	100.00%
K-3 teachers who participated in professional development related to Early School Success vision and goals	100.00%	100.00%
Activity and Output Metric(s) related to MCF's approach, Increase parent involvement in education		
Family literacy activities offered during the school year	6	6
Measurable Outcomes related to MCF's approach, Increase parent involvement in education		
Families who participated in more than one school conference	75.00%	50.00%
Families satisfied with school climate based on school survey results	50.00%	80.00%
Families satisfied with amount of family engagement based on school survey results	50.00%	80.00%

Questions

Question Text	Response
Number of site-based Progress Reports completed by schools and uploaded with this report (upload feature on final page).	N/A. See explanation below.
If site-based Progress Reports were not completed and uploaded with this report, please explain.	This is a single site School District and no additional site reports are required.
Please comment on any metrics that were not met or are marked as "n/a".	Data System: A data system of targeted students is in process of completion. Additional information on assessments is currently being collected. Pre K parents attended two conferences. K-3 met with all parents at least one time, but only half twice. Bayside did not implement a parent survey in 2012.
What challenges have you encountered at the district level and/or across school sites in implementing this grant?	New Superintendent New Business Manager Small size of the school/district team.
Describe the priority actions taken to address educational equity during this grant period.	Continued work with the National Equity Project Our Teach For America Teacher provided small group instruction that increased educational access for targeted students in Pre K and K. The Kindergarten day was extended by one hour for literacy activities. Reading Partners provided individualized tutoring in literacy for targeted students. Coordination of after school provider programs to ensure access for all targeted students.



MARIN COMMUNITY FOUNDATION

Submitted Progress Report for Sausalito Marin City School District

Reporting Period End Date: 7/31/2012

Grant Period: 8/1/2011 - 7/31/2012

Grant No: 2011-02760

Grant Amount: \$121,390.00

Describe the extent to which Early School Success sites have established ongoing cycles of classroom observations and curriculum meetings that support the horizontal and vertical alignment of standards/curriculum/assessment for PreK-3.

Monthly alignment meetings PreK-3 and a four day alignment group created an alignment of curriculum, including GLAD units, Second Step, and Handwriting Without Tears.

Describe the extent to which Early School Success sites practice integration of PreK, K-3, afterschool, and community partners in professional development programs, family support meetings, and intervention programs.

Shared family events with Pre K-3, i.e. Family Bingo Night, Open House, Ujima Festival. NEP included all Pre K and afterschool providers. Restorative Justice training was shared with the school community and community stakeholders.

Describe the types of family engagement activities that occurred at each school site.

Held two family events: game night and Ujima Festival. Created Mystery Parent Readers in K. Provided workshops for in home day care providers. Our work with NEP was initiated to address the concerns of our parents and staff regarding the school culture and climate. While change overall is slow, the year brought about a perceivable shift in how the school felt to parents, staff and students. A parent leadership retreat was held in the beginning of this year and these parent leaders will be instrumental in supporting the ongoing change in the school.

Describe the types of extended learning environment activities that were offered at each school site.

Extended kindergarten day by one hour. Students were exposed to literature and other literacy based games and activity. Head Start day for four year olds was extended by one hour. Continued implementation of Reading Partners during the school day and after school.

Describe how data systems are being used to track student outcomes. Include successes and challenges.

Data entering into Aries system for preK students; KOF and DIBLES assessments are used to establish baseline in K, 1 and 2; Reading Eggs/Study Island implemented for the K-3 grades with accessible updates on progress and outcomes; accelerated reading and math provide monthly reports resulting in student rewards for meeting goals. Use Study Island benchmarks every twelve weeks. CST provides follow up data at the end of the year. Pre K uses assessment data at quarterly checkpoints for curriculum planning and individual intentional teaching. KO



MARIN COMMUNITY FOUNDATION

Submitted Progress Report for Sausalito Marin City School District

Reporting Period End Date:
7/31/2012

Grant Period:
8/1/2011 - 7/31/2012

Grant No: 2011-02760

Grant Amount: \$121,390.00

Explanations for Non-Applicable Responses

Question Text	Explanation for 'NA' Response
Number of site-based Progress Reports completed by schools and uploaded with this report (upload feature on final page).	Single site school District



MARIN COMMUNITY FOUNDATION

Submitted Progress Report for Sausalito Marin City School District

Reporting Period End Date:
7/31/2012

Grant Period:
8/1/2011 - 7/31/2012

Grant No: 2011-02755

Grant Amount: \$485,000.00

Metric Reporting

Question Text	Response	Target
Activity and Output Metric(s) related to MCF's approach, Transform Sausalito/Marin City schools		
Accelerated intervention curriculum for grades 2-8 implemented	Yes	Yes
Progress monitored with benchmark assessments	Yes	Yes
Middle school master schedule developed	Yes	Yes
Curriculum and instruction for K-8 articulated by convening one set of staff meetings and PD	Yes	Yes
Culturally responsive positive behavior support system developed	Yes	Yes
Individualized learning plans implemented across all providers for grades K-8	No	Yes
Matrix of support for students developed	Yes	Yes
Afterschool program for MLK students developed	Yes	Yes
Case management system across educational and support providers developed	No	Yes
Metrics for monitoring of student progress developed	Yes	Yes
Sustainability plan for support efforts and grant projects developed	Yes	Yes
Parent communications and involvement routines established	No	Yes
Appropriate summer school programs for preK-8 developed	Yes	Yes
Measurable Outcomes related to MCF's approach, Transform Sausalito/Marin City schools		
Increase in MLK parent participation in classes and workshops, beyond September 2010 baseline	10.00%	10.00%
Teachers trained on standards-based unit assessments in English, Math, Social Studies and Science	50.00%	100.00%



MARIN COMMUNITY FOUNDATION

Submitted Progress Report for Sausalito Marin City School District

Reporting Period End Date:
7/31/2012

Grant Period:
8/1/2011 - 7/31/2012

Grant No: 2011-02755

Grant Amount: \$485,000.00

Questions	
Question Text	Response
Detail the system developed at MLK Academy for teacher collaboration.	<p>Teacher collaboration occurs on a daily basis at MLK. Professional Learning Communities tenets form the basis of the collaborative learning among teachers at MLK. Teachers meet each Wednesday to study curriculum and assessment, arts and technology integration, Restorative Justice, and Positive Behavior Support; professional development is embedded throughout the year promoting collaboration and a professional learning culture. Advanced professional development workshops also occur during the year and summer. Our Chief Academic Officer works with our assistant principal and teacher leaders to create meaningful and sustained collaboration.</p> <p>what we are doing</p> <p>Teachers are doing districtwide embedded professional development on early release day 2x month and 2x a month for two hours.</p> <p>Flexible schedules for arts and enrichment teachers to integrate and collaborate with core teachers</p> <p>Focus area meetings - Math and Language Arts - content specific curriculum work</p> <p>Google Docs - communicate and collaborate</p> <p>informal meetings occur daily - highly collaborative group</p>
Describe the use of formative assessments and how the data was analyzed/used at MLK Academy to improve instruction and provide targeted interventions.	<p>Study island</p> <p>Benchmark assessments in English/Language Arts were implemented quarterly using standards aligned assessments in Study Island curriculum. Teachers used these assessments to adjust their instruction and as a way to assist students in understanding their own learning progress. All assessments were computer-based and results are immediate allowing teachers to have real time results. Individual and grade level student results improved over time. The data was also used as a multiple measure (with grades and CST scores) to determine levels of intervention support needed for each student. Students who were identified as at-risk of retention had individual learning plans and were required to demonstrate proficiency using Study Island and other teacher made assessments</p>
Describe the positive steps taken toward strengthening feedback loops between parents and teachers, specifically. How has this effected student progress?	<p>The district established a functioning website and email notification system allowing email, calls and text messages to be sent to parents. Additionally, formal parent conferences were conducted three times a year and many informal conferences were called to address student achievement and attendance. Teachers regularly made phone calls to parents and the assistant principal made home visits as necessary. A foundation of high expectations for student learning and attendance was established.</p>



MARIN COMMUNITY FOUNDATION

Submitted Progress Report for Sausalito Marin City School District

Reporting Period End Date:
7/31/2012

Grant Period:
8/1/2011 - 7/31/2012

Grant No: 2011-02755

Grant Amount: \$485,000.00

If any targets in this report were not met, please describe barriers.

Parent participation and involvement is a challenge for many reasons (some of which are beyond our control). Circumstances related to poverty and other socio economic indicators place are children in a high risk category. We believe we can create a safe and nurturing environment for students and that with high expectations we can increase parent engagement simply by improving the school's reputation.

Case management systems were not easily addressed last year due to these issues as well little coordination between school and other agency services but gaps were identified, and processes begun for more indepth inter-agency collaboration and case management.



MARIN COMMUNITY FOUNDATION

Draft of Progress Report for Sausalito Marin City School District

Reporting Period End Date:
6/30/2012

Grant Period:
7/1/2011 - 6/30/2012

Grant No: 2011-02610

Grant Amount: \$188,700.00

Target Rationale

The target for the number of students served was calculated using the following information from each school site: MLK=44, Willow Creek=252, and Bayside =122

Metric Reporting

Question Text	Response	Target
Associated Impact Metric(s) related to MCF's approach, Implement demonstration projects		
District plans revised and curricula implemented	Yes	Yes
Students receiving standards-based arts education instruction in the demonstration districts	124	418

Questions

Question Text	Response
Describe the specific actions by the District to bring the arts to the core of the curriculum.	District supported the summer Arts Institute and encouraged teachers to attend. Monthly Arts Integration Professional Development was scheduled once a month for teachers at both sites. Students received weekly discreet art instruction at Bayside. MLK and Bayside received discreet music classes once a week. Bayside teachers met with art teacher during their prep to plan integration for various units of instruction. Music teacher was a full time credentialed teacher. An art exhibit at local community center was established for Bayside and WCA families and community. There was a joint halloween concert with Bayside and WCA held at Bayside for students and families.
Please report progress on the deliverables listed in the MOU that were to be completed during the reporting semester.	Separate document attached



MARIN COMMUNITY FOUNDATION

Draft of Progress Report for Sausalito Marin City School District

Reporting Period End Date:
6/30/2012

Grant Period:
7/1/2011 - 6/30/2012

Grant No: 2011-02610

Grant Amount: \$188,700.00

Describe any challenges in bringing arts to the core of the curriculum.

No arts coordinator. Without the arts coordinator the support for the art teacher looked differently as well as the quality of the art instruction and projects. The coordinator assisted with making art visible for parent education at family nights (Back to School Night; Open House). MLK students did not receive discreet art classes due to scheduling difficulties. Challenging to find a teacher to teach art for one period a day.
Music teacher spent afterschool hours at Bayside campus serving Willow Creek students only. Bayside students took bus home and other Bayside students were not encouraged to return to music room afterschool.
Running middle school music program at MLK with musical instruments at Bayside campus. No instruments at MLK.

^Job descriptions for all arts-related positions, funded by MCF, have been uploaded with this report (y/n)

No

^Resumes of independent contractors for all arts-related positions, funded by MCF, have been uploaded with this report (y/n)

No

^Copies of arts independent contractor contracts, funded by MCF, have been uploaded with this report (y/n)

No

**SAUSALITO MARIN CITY SCHOOL DISTRICT
BOARD MEETING MINUTES
September 27, 2012**

ATTENDANCE

Board Members Present: Thomas Newmeyer, William Ziegler and Shirley Thornton, Ed. D.
Superintendent: Valerie Pitts, Ed. D.
Board Member Absent: Karen Benjamin

President Thomas Newmeyer called the meeting to order at 6:00 p.m.

M/s/c Ziegler/Thornton/all to move Item # 21 from the Amendment to Agenda to the Consent Agenda, hear other agenda items around the category SUFFICIENCY OF TEXTBOOKS AND INSTRUCTIONAL MATERIALS which was noticed to begin at 7:15 p.m., and approve the remaining agenda order

PERSONS WISHING TO ADDRESS THE BOARD PRIOR TO CLOSED SESSION

There was no public comment.

CLOSED SESSION

The Board and Superintendent convened closed session at 6:01 p.m.

RECONVENE TO OPEN SESSION

Open session reconvened at 6:30 p.m.

Report Out from Closed Session

President Newmeyer announced that there was no reportable action taken in closed session.

Pledge of Allegiance

Trustee Thornton led the Pledge of Allegiance.

PERSONS WISHING TO ADDRESS THE BOARD PRIOR TO OPEN SESSION

There was no public comment.

REPORTS

Trustee Reports

- Trustee Thornton reported on the well-attended Bayside Back to School Night; she complemented staff for a good and informative family event.
- Trustee Ziegler reported that the Finance Committee has been working on facilities issues and will most likely make a report at the October board meeting.
- President Newmeyer reported that Willow Creek Academy parents and supporters were conducting a phone-a-thon this evening in an effort to raise funds.

Superintendent's Report

Superintendent Valerie Pitts announced that Martin Luther King Jr. Academy would host a "Boys to Men" speakers' series beginning Friday, September 28, 2012 from 1:20 to 2:20. The first topic will be "Imagine Career". These events are sponsored by Phoenix Project of Marin in Partnership with the Marin City Community Services District and First Missionary Baptist Church.

School Site Administrator Reports

- Daniel Norbutas, Chief Academic Officer and Martin Luther King, Jr. Academy Principal, reported on the use of Restorative Justice practices and staff professional development plans.
- Jonnette Newton, Bayside Elementary Principal, reported that at the close of the first month of classes, there is a positive climate at the school and that they too are focused on Restorative Justice practices. Teachers are also working at International Baccalaureate on a daily basis. Ms. Newton shared a letter from one of her students who would very much like to learn to play a musical instrument at school. Two Bayside students transferred to Willow Creek Academy this past week.
- Willow Creek Academy – No report.

Trustee Thornton expressed concern about student transfers and suggested there be a policy established that lessens the impact of transfers between Bayside and Willow Creek Academy. Superintendent Pitts will look into it. Trustee Thornton also requested monthly updates to the board on where new/exiting students come from/go to, suspensions, and children at risk academically.

SUFFICIENCY OF TEXTBOOKS AND INSTRUCTIONAL MATERIALS 7:15 PM

Public Hearing on Sufficiency of Textbooks and Instructional Materials 2012/2013 School Year

In order to comply with Education Code (EC 60119), a public hearing was held to take public input as to whether each pupil in the District has sufficient textbooks or instructional materials in specified subjects that are aligned to the academic content standards and consistent with the contents and cycles of the curriculum frameworks adopted by the State Board. President Newmeyer opened the Public Hearing at 7:15. There being no public comment, the regular meeting was allowed to resume.

Action on Sufficiency of Textbooks and Instructional Materials for the 2012/2013 School Year

M/s/c – Roll Call Thornton/Ziegler/ Ayes 3 Noes 0 Absent 1 to approve Resolution #672, Sufficiency of Textbooks and Instructional Materials.

ATTRACT, RETAIN AND INSPIRE HIGHLY QUALIFIED STAFF

Professional Development Report

Daniel Norbutas shared that teachers are currently focused on culture, building relationships and developing International Baccalaureate practices. A meeting is scheduled next week to discuss next steps for IB.

FACILITIES

Facilities Needs

Superintendent Pitts concurred with Trustee Ziegler that works in process should be ready for presentation at the October meeting.

PROVIDE SAFE, HEALTHY, POSITIVE LEARNING ENVIRONMENTS

The board conducted a first reading of two anti-bullying policies:

- A. Board Policy 5131 Conduct
- B. Board Policy/Administrative Regulation 5145.7 Sexual Harassment

The policies will be agendized for a second reading and board action at the October board meeting.

MAINTAIN SOUND FISCAL DISCIPLINE AND OPERATIONS

Business Update

Business Manager, Paula Rigney, discussed multi-year budget projections under different scenarios; for instance depending on election outcomes, and the return of the weighted student formula. These projections are posted on the district website.

GOVERNANCE/PLANNING

Board Vacancy

Superintendent Pitts distributed a Timeline, revised September 26, 2012, to guide the board through the appointment process within the required 60 day period of time. The board vacancy has been publicized and application packets are available on the district website or at the district office. The timeline anticipates interviews/appointment at the October 11 board meeting.

Trustee Thornton suggested an information session for prospective board candidates. Superintendent Pitts concurred.

Declaration to Exception to Class Size Maximum

M/s/c Thornton/Ziegler/all to make the following declaration: "The Sausalito Marin City School District Board of Trustees declares that all possible alternatives to class size averaging have been exhausted and the district is unable to achieve the 20:1 in a way that is educationally acceptable."

CONSENT AGENDA

M/s/c Roll Call Ziegler/Thornton/ Ayes 3 Noes 0 Absent 1 to approve the consent agenda as follows:

- Minutes of the regular meeting of August 23, 2012
- Minutes of the special meeting of September 13, 2012
- Payments of Warrants
- Personnel Action Report
- Certification of the 2012/2013 Operations Application, K-3 Class Size Reduction Program (CSR).

- Field Trip to Jellystone Park Cobb Mountain

The October 25, 2012 board meeting was rescheduled to Thursday, October 11.

ADJOURNMENT

Thornton/Ziegler/all to adjourn at 7:40 p.m.

Signature/Date

Title

FUTURE BOARD AGENDA ITEMS

- Staff Development Report
- STAR Assessment/CST/Multiple Measures Report
- Annual Arts Grant Report
- Instructional Materials Resolution
- Sunshine Negotiations
- Honoring Tenured Teachers
- Business Update

SAVE THE DATES

Future District Meeting Dates

All meetings are held at the District Office, 200 Phillips Drive, Marin City at 7:00 p.m. unless otherwise noted. *The first meeting date of each month will be allocated to additional special meetings on facilities issues, special meetings, community forum, etc. as needed. The only or second meeting date of each month will be allocated to regular board meetings.

- September 13*
- September 27
- October 11*
- October 25
- November 15 Third Thursday; one November meeting due to Holidays
- December 6* First Thursday due to Holidays
- December 13 Second Thursday due to Holidays

Future Charter School Board Meeting Dates

Meetings are open to the public and generally held on the school campus, 33 Buchanan Street, Sausalito. With the exception of the December meeting, meetings are held on the 3rd Wednesday of the month at 6:30 p.m.

Upcoming Dates and Important Events

Please visit the District website www.smcsd.org

Sausalito Marin City School District

Payment of Warrants

10/11, 2012

Attached warrants include:

Batch 15 Fund 01 in the amount of \$25,109.18

Batch 15 Fund 40 in the amount of \$1,612.45

Batch 16 Fund 01 in the amount of \$251,131.55

Batch 17 Fund 01 in the amount of \$50,433.12

Batch 17 Fund 40 in the amount of \$500.00

Prepared by Vida Moattar

Sausalito Marin City School District Business Office

DISTRICT: 47 SAUSALITO SCHOOL DISTRICT
 BATCH: 0015 GENERAL FUND
 FUND : 01 GENERAL FUND

NT	VENDOR/ADDR	NAME (REMIT)	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM	AMOUNT
REQ#	REFERENCE	LN	FD RESC Y OBJT SO GOAL FUNC LOC ACT GRP	DESCRIPTION		
02982844	070067/	APPLE				
	PV-130080		01-9479-0-4300.00-1110-1010-101-000-000	4 invoices, PO 130091		5,391.74
			WARRANT TOTAL			\$5,391.74
02982845	070550/	KELLY BROWNING				
	PO-130129	1.	01-9471-0-5800.00-1110-1010-700-000-000	10/12		240.00
	PV-130084		01-9471-0-4300.00-1110-1010-700-000-000	Garden supplies		94.47
			WARRANT TOTAL			\$334.47
02982846	070684/	GLENA COLEMAN				
	PV-130085		01-9472-0-4300.00-1110-1010-100-000-000	Reimb. Pre K supplies		121.70
			WARRANT TOTAL			\$121.70
02982847	070690/	AMELIA CORBETT GREEN				
	PO-130130	1.	01-9471-0-5840.00-1110-1010-700-000-000	10/12		1,505.45
			WARRANT TOTAL			\$1,505.45
02982848	001807/	EMPLOYMENT DEVELOPMENT DEPT.				
	PV-130079		01-0000-0-9515.00-0000-0000-000-000-000	942-4117-1 LEC 4-6/12		29.99
			WARRANT TOTAL			\$29.99
02982849	001509/	PAULA HAMMONS				
	PV-130083		01-0000-0-4300.00-1110-1010-100-000-000	Reimb. Incentives		95.91
			WARRANT TOTAL			\$95.91
02982850	070624/	LARKSPUR CORTE MADERA SCHOOL				
	PV-130081		01-0000-0-4300.00-0000-7200-725-000-000	3		530.36
			01-0000-0-5300.00-0000-7110-725-000-000	3		907.93
			WARRANT TOTAL			\$1,438.29
02982851	000506/	LOZANO SMITH				
	PO-130073	1.	01-0000-0-5829.00-0000-7100-000-000-000	40447-50		478.89
			WARRANT TOTAL			\$478.89
02982852	000045/	MARIN COUNTY OFFICE OF EDUC				
	PO-130114	1.	01-0000-0-5940.00-0000-2700-700-000-000	130212		450.00

DISTRICT: 47 SAUSALITO SCHOOL DISTRICT
 BATCH: 0015 GENERAL FUND
 FUND : 01 GENERAL FUND

V	INT	VENDOR/ADDR REQ#	NAME (REMIT) REFERENCE LN	DEPOSIT TYPE FD RESC Y OBJT SO GOAL FUNC LOC ACT GRP	ABA NUM	ACCOUNT NUM DESCRIPTION	AMOUNT

WARRANT TOTAL							\$450.00
02982853		070447/	MAXIM HEALTHCARE SERVICES				
			PO-130076 1.	01-6500-0-5835.00-5770-1182-700-000-000		1002970084, 1017940084	3,604.00
				WARRANT TOTAL			\$3,604.00
02982854		000548/	MOLLIE STONE'S				
			PV-130082	01-0000-0-4300.00-0000-7200-725-000-000		93105	35.60
				WARRANT TOTAL			\$35.60
02982855		000058/	P G & E CO				
			PV-130078	01-7230-0-4301.00-0000-3600-700-000-000		3085089005	68.39
				WARRANT TOTAL			\$68.39
02982856		000056/	PBI				
			PO-130008 1.	01-0000-0-5960.00-0000-2700-700-000-000		7-9/12 lease	535.38
				WARRANT TOTAL			\$535.38
02982857		002729/	RHODE ISLAND NOVELTY IMPORTERS				
			PO-130138 1.	01-0000-0-4300.00-1110-1010-100-000-000		2920889	97.35
				WARRANT TOTAL			\$97.35
02982858		001953/	SPECTRUM CENTER				
			PO-130075 1.	01-6500-0-5833.00-5750-1185-700-000-000		95373-4	6,928.02
				WARRANT TOTAL			\$6,928.02
02982859		001811/	STATE OF CALIFORNIA				
			PV-130077	01-0000-0-5821.00-0000-7200-725-000-000		926882	96.00
				WARRANT TOTAL			\$96.00
02982860		002834/	TIMELY TRANSPORTATION				
			PO-130024 1.	01-7230-0-5840.00-1110-3600-700-000-000		10/12	3,898.00
				WARRANT TOTAL			\$3,898.00
***	FUND	TOTALS ***		TOTAL NUMBER OF WARRANTS:	17	TOTAL AMOUNT OF WARRANTS:	\$25,109.18*

DISTRICT: 47 SAUSALITO SCHOOL DISTRICT
 BATCH: 0015 GENERAL FUND

FUND : 40 SPECIAL RESERVE-CAP OUTLAY #1

INVT	VENDOR/ADDR	NAME (REMIT)	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM	AMOUNT
	REQ#	REFERENCE LN	FD RESC Y OBJT SO GOAL FUNC LOC ACT GRP		DESCRIPTION	
02982861	070691/	ARCHITECTS OF ACHIEVEMENT				
		PO-130027	1. 40-0000-0-5807.00-0000-8500-700-000-000		08-12-11321	1,612.45
			WARRANT TOTAL			\$1,612.45
*** FUND	TOTALS ***		TOTAL NUMBER OF WARRANTS: 1		TOTAL AMOUNT OF WARRANTS:	\$1,612.45*
*** BATCH	TOTALS ***		TOTAL NUMBER OF WARRANTS: 18		TOTAL AMOUNT OF WARRANTS:	\$26,721.63*
*** DISTRICT	TOTALS ***		TOTAL NUMBER OF WARRANTS: 18		TOTAL AMOUNT OF WARRANTS:	\$26,721.63*

Printed: 09/24/2012 11:41:57

DISTRICT: 47 SAUSALITO SCHOOL DISTRICT
 BATCH: 0016 GENERAL FUND
 FUND : 01 GENERAL FUND

W	NT	VENDOR/ADDR REQ#	NAME (REMIT) REFERENCE LN	FD	RESC	Y	OBJT	SO	GOAL	FUNC	LOC	ACT	GRP	ABA NUM	ACCOUNT NUM DESCRIPTION	AMOUNT
02983622		002765/	ALADDINS AUTOMOTIVE													
			PO-130147	1.	01	-7230	-0	-5600	.00	-0000	-3600	-700	-000	-000	Bus maintenance 9/12	953.70
															WARRANT TOTAL	\$953.70
02983623		000192/	AT&T													
			PO-130002	1.	01	-0000	-0	-5970	.00	-0000	-2700	-000	-000	-000	9/12	1,480.64
															WARRANT TOTAL	\$1,480.64
02983624		070329/	AT&T CALNET 2													
			PO-130001	1.	01	-0000	-0	-5970	.00	-0000	-2700	-700	-000	-000	9/12	480.40
															WARRANT TOTAL	\$480.40
02983625		002601/	FIRST STUDENT INC.													
			PV-130088		01	-7230	-0	-5840	.00	-1110	-3600	-100	-000	-000	10720942, 10716651, 10717815	5,811.23
															WARRANT TOTAL	\$5,811.23
02983626		070708/	IXL LEARNING													
			PO-130150	1.	01	-6500	-0	-4307	.00	-5770	-1110	-700	-000	-000	S235283	67.00
															WARRANT TOTAL	\$67.00
02983627		070501/	MARIN HEAD START													
			PO-130152	1.	01	-9472	-0	-5840	.00	-1110	-1010	-100	-000	-000	50131	8,193.50
															WARRANT TOTAL	\$8,193.50
02983628		070447/	MAXIM HEALTHCARE SERVICES													
			PO-130076	1.	01	-6500	-0	-5835	.00	-5770	-1182	-700	-000	-000	103338004	1,696.00
															WARRANT TOTAL	\$1,696.00
02983629		000046/	MCSBA													
			PV-130089		01	-0000	-0	-4300	.00	-0000	-7200	-725	-000	-000	201205	100.00
															WARRANT TOTAL	\$100.00
02983630		001927/	MILL VALLEY SERVICES													
			PO-130149	1.	01	-0000	-0	-4300	.00	-0000	-7200	-725	-000	-000	77688	76.63
															WARRANT TOTAL	\$76.63
02983631		070713/	DANIEL NORBUTAS													
			PV-130091		01	-0000	-0	-4300	.00	-1110	-1010	-101	-000	-000	Reimb. Supplies Certificate	250.00

DISTRICT: 47 SAUSALITO SCHOOL DISTRICT
 BATCH: 0016 GENERAL FUND
 FUND : 01 GENERAL FUND

V.	INT	VENDOR/ADDR	NAME (REMIT)	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM	AMOUNT
		REQ#	REFERENCE LN	FD RESC Y OBJT SO GOAL FUNC LOC ACT GRP		DESCRIPTION	
WARRANT TOTAL							\$250.00
02983632		000694/	ORIENTAL TRADING CO.				
			PO-130139	1. 01-0000-0-4300.00-1110-1010-100-000-000		652915014-01	118.45
WARRANT TOTAL							\$118.45
02983633		000058/	P G & E CO				
			PO-130000	1. 01-0000-0-5510.00-0000-8200-000-000-000		Due 10/1/12	3,052.59
WARRANT TOTAL							\$3,052.59
02983634		070222/	PROTECTION ONE				
			PO-130133	1. 01-0000-0-5840.00-0000-8300-100-000-000		10/12	68.93
				2. 01-0000-0-5840.00-0000-8300-101-000-000		10/12	578.46
				3. 01-0000-0-5840.00-0000-8300-103-000-000		10/12	103.29
WARRANT TOTAL							\$750.68
02983635		001206/	SHELL OIL CO.				
			PV-130090	01-0000-0-4301.00-0000-8110-735-000-000		9/12	367.51
WARRANT TOTAL							\$367.51
07	36	070522/	TENISHA TATE				
			PV-130092	01-0000-0-4300.00-1110-1010-100-000-000		Reimb. Back to School Night	39.22
WARRANT TOTAL							\$39.22
02983637		002172/	WILLOW CREEK ACADEMY				
			PV-130087	01-0000-0-7299.00-0000-9200-103-000-000		Sept.12 in lieu	82,219.00
				01-0000-0-8096.00-0000-9200-103-000-000		Sept.12 in lieu	145,475.00
WARRANT TOTAL							\$227,694.00
*** FUND TOTALS ***				TOTAL NUMBER OF WARRANTS:	16	TOTAL AMOUNT OF WARRANTS:	\$251,131.55*
*** BATCH TOTALS ***				TOTAL NUMBER OF WARRANTS:	16	TOTAL AMOUNT OF WARRANTS:	\$251,131.55*
*** DISTRICT TOTALS ***				TOTAL NUMBER OF WARRANTS:	16	TOTAL AMOUNT OF WARRANTS:	\$251,131.55*

Printed: 09/28/2012 09:35:18

DISTRICT: 47 SAUSALITO SCHOOL DISTRICT
 BATCH: 0017 GENERAL FUND
 FUND : 01 GENERAL FUND

WARRANT	VENDOR/ADDR REQ#	NAME (REMIT) REFERENCE	LN	FD	RESC	Y	OBJT	SO	GOAL	FUNC	LOC	ACT	GRP	ABA NUM	ACCOUNT NUM DESCRIPTION	AMOUNT
02984463	070638/	ARCHIPELAGO LEARNING INC.														
		PO-130137	1.	01	-1100	-0	-4300	.00	-1110	-1010	-100	-000	-000		62933	1,665.16
			2.	01	-1100	-0	-4300	.00	-1110	-1010	-101	-000	-000		62933	2,893.32
															WARRANT TOTAL	\$4,558.48
02984464	002550/	ASSOCIATED VALUATION SERVICES														
		PO-130005	1.	01	-0000	-0	-5849	.00	-0000	-7200	-700	-000	-000		3923	240.50
															WARRANT TOTAL	\$240.50
02984465	000006/	BAY CITIES REFUSE INC														
		PO-130128	1.	01	-0000	-0	-5550	.00	-0000	-8200	-000	-000	-000		10/12	643.80
															WARRANT TOTAL	\$643.80
02984466	000256/	BUCK'S SAW SERVICE														
		PV-130107		01	-8150	-0	-5600	.00	-0000	-8110	-735	-000	-000		271382	164.09
															WARRANT TOTAL	\$164.09
02984467	070672/	ARACELI CASTANEDA														
		PO-130115	1.	01	-6500	-0	-5840	.00	-5770	-7120	-700	-000	-000		9/12	600.00
		PO-130116	1.	01	-6500	-0	-5840	.00	-5770	-7120	-700	-000	-000		9/12 Mileage	111.76
															WARRANT TOTAL	\$711.76
02984468	070569/	FORREST CORSON														
		PV-130105		01	-8150	-0	-4300	.00	-0000	-8100	-735	-000	-000		Irrigation risers	16.48
				01	-9479	-0	-4300	.00	-1110	-1010	-101	-000	-000		Tents for camping trip	402.05
															WARRANT TOTAL	\$418.53
02984469	070218/	COUNTY OF MARIN														
		PV-130098		01	-0000	-0	-5300	.00	-0000	-7110	-725	-000	-000		16029344	807.00
															WARRANT TOTAL	\$807.00
02984470	002547/	DISCOVERY OFFICE SYSTEMS														
		PO-130026	1.	01	-0000	-0	-5605	.00	-0000	-7200	-725	-000	-000		9/12	26.30
			3.	01	-0000	-0	-5605	.00	-1110	-1010	-101	-000	-000		9/12	29.55
															WARRANT TOTAL	\$55.85

DISTRICT: 47 SAUSALITO SCHOOL DISTRICT
 BATCH: 0017 GENERAL FUND
 FUND : 01 GENERAL FUND

WARRANT	VENDOR/ADDR REQ#	NAME (REMIT) REFERENCE LN	DEPOSIT TYPE FD RESC Y OBJT SO GOAL FUNC LOC ACT GRP	ABA NUM	ACCOUNT NUM DESCRIPTION	AMOUNT
02984471	001807/	EMPLOYMENT DEVELOPMENT DEPT.				
		PV-130097	01-0000-0-9515.00-0000-0000-000-000-000		UI Q3, 2012-94241171	4,983.75
			WARRANT TOTAL			\$4,983.75
02984472	070263/	FEDEX				
		PV-130095	01-0000-0-5960.00-0000-2700-700-000-000		2-030-02172	18.40
			WARRANT TOTAL			\$18.40
02984473	002270/	FISHMAN SUPPLY CO.				
		PO-130082	1. 01-8150-0-4300.00-0000-8100-735-000-000		887091.1	41.69
			WARRANT TOTAL			\$41.69
02984474	001439/	GOLDEN STATE LUMBER				
		PV-130099	01-8150-0-4300.00-0000-8100-735-000-000		96006	175.98
			WARRANT TOTAL			\$175.98
02984475	000023/	GOODMAN BUILDING SUPPLY CO.				
		PO-130083	1. 01-8150-0-4300.00-0000-8100-735-000-000		Due 10/11/12	173.07
			WARRANT TOTAL			\$173.07
02984476	001704/	HOME DEPOT				
		PV-130096	01-8150-0-4300.00-0000-8100-735-000-000		Concrete Mix	143.55
			WARRANT TOTAL			\$143.55
02984477	000039/	KAISER FOUNDATION				
		PV-130103	01-0000-0-3402.00-0000-7110-700-000-000		16734-0001	556.22
			01-0000-0-9520.00-0000-0000-000-000-000		16734-0001	5,169.21
			01-0000-0-9520.00-0000-0000-000-000-000		578-0002	17,433.72
			WARRANT TOTAL			\$23,159.15
02984478	000045/	MARIN COUNTY OFFICE OF EDUC				
		PO-130025	1. 01-0000-0-5930.00-0000-2700-700-000-000		130280	1,404.55
			WARRANT TOTAL			\$1,404.55
02984479	000117/	MARIN SCHOOLS JPA/VISION				
		PV-130102	01-0000-0-9520.00-0000-0000-000-000-000		10/12	280.56

DISTRICT: 47 SAUSALITO SCHOOL DISTRICT
 BATCH: 0017 GENERAL FUND
 FUND : 01 GENERAL FUND

WARRANT	VENDOR/ADDR	NAME (REMIT)	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM	AMOUNT
	REQ#	REFERENCE LN	FD RESC Y OBJT SO GOAL FUNC LOC ACT GRP		DESCRIPTION	
WARRANT TOTAL						\$280.56
02984480	000015/	MSIA DENTAL				
		PV-130101	01-0000-0-9520.00-0000-0000-000-000-000		10/12	4,464.82
WARRANT TOTAL						\$4,464.82
02984481	000058/	P G & E CO				
		PO-130000	1. 01-0000-0-5510.00-0000-8200-000-000-000		Due 10/8/12	3,141.81
WARRANT TOTAL						\$3,141.81
02984482	070384/	FLORA SANCHEZ				
		PV-130104	01-6286-0-5230.00-1110-1010-700-000-000		9/12 Mileage	8.32
WARRANT TOTAL						\$8.32
02984483	001177/	SCHOOL ADMINISTRATORS PUBLISH				
		PV-130094	01-1100-0-4300.00-1110-1010-100-000-000		1099-Replacement check	73.95
WARRANT TOTAL						\$73.95
02984484	070281/	SCHOOL OUTFITTERS				
		PO-130113	1. 01-9476-0-4400.00-1454-1010-100-000-000		11038575	184.88
WARRANT TOTAL						\$184.88
02984485	070406/	SILYCO				
		PO-130032	1. 01-0000-0-5849.00-0000-2420-700-000-000		SEP2012	3,600.00
WARRANT TOTAL						\$3,600.00
02984486	070245/	SPRING HILL FARM				
		PV-130093	01-9471-0-5819.00-1110-1010-700-000-000		Bayside K visit 10/23/12	150.00
			01-9473-0-5819.00-1110-1010-100-000-000		Bayside K visit 10/23/12	150.00
WARRANT TOTAL						\$300.00
02984487	070200/	STANDARD INSURANCE COMPANY CB				
		PV-130100	01-0000-0-9520.00-0000-0000-000-000-000		503140-5001	353.30
			01-0000-0-9520.00-0000-0000-000-000-000		503140-5000	107.16
WARRANT TOTAL						\$460.46
02984488	070677/	LYDIA TUVESON				
		PO-130077	1. 01-6500-0-5835.00-5770-1182-700-000-000		02LT2012-13	202.50

DISTRICT: 47 SAUSALITO SCHOOL DISTRICT
 BATCH: 0017 GENERAL FUND
 FUND : 01 GENERAL FUND

WARRANT	VENDOR/ADDR	NAME (REMIT)	DEPOSIT TYPE										ABA NUM	ACCOUNT NUM	AMOUNT
	REQ#	REFERENCE	LN	FD	RESC	Y	OBJT	SO	GOAL	FUNC	LOC	ACT	GRP	DESCRIPTION	

WARRANT TOTAL															\$202.50
02984489	000078/	WATERSTREET CO													
		PV-130106												Maintenance supplies	15.67
WARRANT TOTAL															\$15.67
*** FUND	TOTALS ***													TOTAL AMOUNT OF WARRANTS:	\$50,433.12*

DISTRICT: 47 SAUSALITO SCHOOL DISTRICT
 BATCH: 0017 GENERAL FUND
 FUND : 40 SPECIAL RESERVE-CAP OUTLAY #1

WARRANT	VENDOR/ADDR	NAME (REMIT)	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM	AMOUNT
	REQ#	REFERENCE LN	FD RESC Y OBJT SO GOAL FUNC LOC ACT GRP		DESCRIPTION	
02984490	070056/	BANK OF NEW YORK MELLON				
		PV-130108	40-0000-0-5831.00-0000-8500-000-000-000		252-1649683	500.00
			WARRANT TOTAL			\$500.00
*** FUND TOTALS ***			TOTAL NUMBER OF WARRANTS: 1		TOTAL AMOUNT OF WARRANTS:	\$500.00*
*** BATCH TOTALS ***			TOTAL NUMBER OF WARRANTS: 28		TOTAL AMOUNT OF WARRANTS:	\$50,933.12*
*** DISTRICT TOTALS ***			TOTAL NUMBER OF WARRANTS: 28		TOTAL AMOUNT OF WARRANTS:	\$50,933.12*

Printed: 10/05/2012 09:21:38

Sausalito Marin City School District
 Personnel Action Report
 2012/2013-4

Date of Board Meeting: October 11, 2012

Action	Name	Title	FTE	Site	Effective Date
--------	------	-------	-----	------	----------------

Classified

Certificated

Confidential

Administrative

--	--	--	--	--	--

NOTE: No personnel action to report this month

Field Trip

Dates: September 28-30, 2012
Destination: Jellystone Park, 14117 Bottle Rock Road, CA
Teacher: Ms. Banks, Ms. Tate
Grade: Kindergarten (and families)
Standards Supported: Academic Success & Nutrition
Funding: District Field Trip Funds
Cost: \$ 1,500.00

Dates: October 11, 2012
Destination: Tolay Fall Festival, Tolay Lake Regional Park, Petaluma CA
Teacher: Ms. Banks, Ms. Trevor, Ms. Franz
Grade: Kindergarten, 1st Grade, 2nd Grade
Standards Supported: Social Studies: 1.2 to 1.5
Funding: Garden Grant
Cost: \$ 0.00

Dates: October 23, 2012
Destination: Peter Pumpkin Patch. Spring Hill Farm 4235 Spring Hill Road, Petaluma CA
Teacher: Ms. Banks, Ms. Trevor
Grade: Kindergarten, 1st Grade
Standards Supported: Life Science: appearance & behavioral of plants & animals.
Funding: District and Garden Grant
Cost: \$ 350.00

Dates: November 14, 2012
Destination: San Francisco Opera, 301 Van Ness, San Francisco CA
Teacher: Ms. Cassidy, Ms. Zeisler
Grade: 7th Grade, 8th Grade
Standards Supported: ELA : 1.5, 1.6, 3.1 to 3.6 and 4.1 (visual/perf.arts/music)
Funding: TSG Grant
Cost: \$ 385.00

Dates: November 30, 2012
Destination: Sausalito Ferry, Bridgeway, Sausalito CA
Teacher: Ms. Banks, Ms. Trevor, Ms. Franz
Grade: Kindergarten, 1st Grade, 2nd Grade
Standards Supported:
Funding: Field Trip Funds
Cost: \$ 120.00

Valenzuela/CAHSEE Lawsuit Settlement
Quarterly Report on Williams Uniform Complaints
 [Education Code § 35186(d)]

District: Sausalito Marin City School District

Person completing this form: Valerie Pitts, Ed.D. Title: Superintendent

Quarterly Report Submission Date: July 2012
 October 2012
 January 2013
 April 2013

Date for information to be reported publicly at governing board meeting October 11, 2012

Please check the box that applies:

- No complaints were filed with any school in the district during the quarter indicated above.
- Complaints were filed with schools in the district during the quarter indicated above. The following chart summarizes the nature and resolution of these complaints.

General Subject Area	Total # of Complaints	# Resolved	# Unresolved
Textbooks and Instructional Materials	0	0	0
Teacher Vacancy or Misassignment	0	0	0
Facilities Conditions	0	0	0
CAHSEE Intensive Instruction and Services	0	0	0
TOTALS	0	0	0

Valerie Pitts, Ed.D.
 Print Name of District Superintendent

 Signature of District Superintendent

 Date

CONDUCT

The ~~Board of Trustees~~ **Governing Board** believes that all students have the right to be educated in a positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, ~~while~~ going to or coming from school, ~~while~~ at school activities, ~~and while on~~ **or using** district transportation.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5112.5 - Open/Closed Campus)

(cf. 5131.1 - Bus Conduct)

(cf. 5137 - Positive School Climate)

(cf. 6145.2 - Athletic Competition)

~~Conduct is considered appropriate when students are diligent in study, careful with school property, courteous, and respectful toward their teachers, other staff, students, and volunteers.~~

The Superintendent or designee shall ensure that each school site develops standards of conduct and discipline consistent with district policies and administrative regulations. Students and parents/guardians shall be notified of district and school rules related to conduct.

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others, **including, but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats**

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5142 - Safety)

2. ~~Conduct that disrupts the orderly classroom or school environment~~

(cf. 5131.4 - Student Disturbances)

23. **Discrimination, Hharassment, intimidation or bullying** of students or staff, including **sexual harassment, hate-motivated behavior**, ~~such as bullying, including cyberbullying, intimidation,~~ hazing or initiation activity, ~~ridicule,~~ extortion, or any other verbal, written, or physical conduct that causes or threatens to cause **violence**, bodily harm or emotional suffering, ~~in accordance with the section entitled "Bullying/Cyberbullying" below~~ **substantial disruption**

~~"Cyberbullying" includes the transmission of communications, posting of harassing messages, direct threats, social cruelty, or other harmful texts, sounds, or images on the Internet, social networking sites, or other digital technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another~~

CONDUCT (continued)

~~person's electronic account and assuming that person's identity in order to damage that person's reputation or friendships.~~

- (cf. 5131.2 - Bullying)*
- (cf. 5145.3 - Nondiscrimination/Harassment)*
- (cf. 5145.7 - Sexual Harassment)*
- (cf. 5145.9 - Hate-Motivated Behavior)*

3. Conduct that disrupts the orderly classroom or school environment

(cf. 5131.4 - Student Disturbances)

4. Willful defiance of staff's authority

54. Damage to or theft of property belonging to students, staff, or the district

(cf. 3515.4 - Recovery for Property Loss or Damage)
(cf. 5131.5 - Vandalism and Graffiti)

The district shall not be responsible for students' personal belongings which are brought on campus or to a school activity and are lost, stolen, or damaged.

6. Obscene acts or use of profane, vulgar, or abusive language

(cf. 5145.2 - Freedom of Speech/Expression)

7. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drugs

(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5131.62 - Tobacco)
(cf. 5131.63 - Steroids)

85. Possession or use of a laser pointer, unless used for a valid instructional or other school-related purpose, including employment (Penal Code 417.27)

~~Prior to bringing a laser pointer on school premises, students shall first obtain permission from the principal or designee. The principal or designee shall determine whether the requested use of the laser pointer is for a valid instructional or other school-related purpose.~~ **for a valid instructional or school-related purpose, a student shall obtain permission from the principal or designee**

CONDUCT (continued)

~~6. — Use of profane, vulgar, or abusive language~~

~~(cf. 5145.2 — Freedom of Speech/Expression)~~

9. Use of a cellular/digital telephone, pager, or other mobile communications device during instructional time

Such devices shall be turned off in class, except when being used for a valid instructional or other school-related purpose as determined by the teacher or other district employee, and at any other time directed by a district employee. Any device with camera, video, or voice recording function shall not be used in any manner which infringes on the privacy rights of any other person.

No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to purposes related to the student's health. (Education Code 48901.5)

107. Plagiarism or dishonesty in school work or on tests

~~(cf. 5131.9 - Academic Honesty)~~

~~(cf. 6162.54 - Test Integrity/Test Preparation)~~

~~(cf. 6162.6 - Use of Copyrighted Materials)~~

118. Inappropriate attire

~~(cf. 5132 - Dress and Grooming)~~

129. Tardiness or unexcused absence from school

~~(cf. 5113 - Absences and Excuses)~~

~~(cf. 5113.1 — Chronic Absence and Truancy)~~

130. Failure to remain on school premises in accordance with school rules

~~(cf. 5112.5 - Open/Closed Campus)~~

~~11. — Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drug in violation of school rules~~

~~(cf. 5131.6 — Alcohol and Other Drugs)~~

~~(cf. 5131.62 — Tobacco)~~

~~(cf. 5131.63 — Steroids)~~

CONDUCT (continued)

Employees are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or receive a report of a violation of these standards, to immediately intervene or call for assistance. If an employee believes a matter has not been resolved, he/she shall refer the matter to his/her supervisor or administrator for further investigation.

When a school official suspects that a search of a student or his/her belongings will turn up evidence of the student's violation of the law or school rules, such a search shall be conducted in accordance with BP/AR 5145.12 - Search and Seizure.

(cf. 5145.12 - Search and Seizure)

When a student uses any prohibited device, or uses a permitted device in any unethical or illegal activity, a district employee may confiscate the device. The employee shall store the item in a secure manner until an appropriate time.

Students who violate district or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, **referral to a student success team or counseling services**, or denial of participation in extracurricular or cocurricular activities **or other privileges** in accordance with Board policy and administrative regulation. The Superintendent or designee shall notify local law enforcement as appropriate.

(cf. 1020 - Youth Services)

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

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5127 - Graduation Ceremonies and Activities)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

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

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

(cf. 6020 - Parent Involvement)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Success Teams)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

Students also may be subject to discipline ~~for any off-campus conduct during nonschool hours which poses a threat or danger to the safety of students, staff, or district property, or substantially disrupts the educational program of the district or any other district in accordance with law, Board policy, or administrative regulation.~~ **in accordance with law, Board policy, or administrative regulation, for any off-campus conduct during nonschool hours which poses a threat or danger to the safety of students, staff, or district property, or substantially disrupts school activities.**

CONDUCT (continued)**~~Possession/Use of Cellular Phones and Other Mobile Communications Devices~~**

~~No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to health-related purposes. (Education Code 48901.5)~~

~~Students may possess or use on school campus personal electronic signaling devices including, but not limited to, pagers and cellular/digital telephones, as well as other mobile communications devices including, but not limited to, digital media players, personal digital assistants (PDAs), compact disc players, portable game consoles, cameras, digital scanners, and laptop computers, provided that such devices do not disrupt the educational program or school activity and are not used for illegal or unethical activities such as cheating on assignments or tests.~~

~~If a disruption occurs or a student uses any mobile communications device for improper activities, a school employee shall direct the student to turn off the device and/or shall confiscate it. If the school employee finds it necessary to confiscate the device, he/she shall return it at the end of the class period or school day.~~

~~In accordance with the Board's policy and administrative regulation on search and seizure, a school official may search a student's mobile communications device, including, but not limited to, reviewing messages or viewing pictures.~~

~~(cf. 5145.12—Search and Seizure)~~

~~Students shall not use mobile communications devices, even in hands-free mode, while driving on school grounds or to or from a school-related activity.~~

~~A student who violates this policy may be prohibited from possessing a mobile communications device at school or school-related events and/or may be subject to further discipline in accordance with Board policy and administrative regulation.~~

Bullying/Cyberbullying

~~The Board desires to prevent bullying by establishing a positive, collaborative school climate and clear rules for student conduct.~~

~~(cf. 5137—Positive School Climate)~~

~~(cf. 5138—Conflict Resolution/Peer Mediation)~~

~~(cf. 6164.2—Guidance/Counseling Services)~~

CONDUCT (continued)

~~The district may provide students instruction, in the classroom or other educational settings, that promotes communication, social skills, and assertiveness skills and educates students about appropriate online behavior and strategies to prevent and respond to bullying and cyberbullying. This instruction may involve parents/guardians, staff, and community members.~~

~~(cf. 1220—Citizen Advisory Committees)~~

~~(cf. 6163.4—Student Use of Technology)~~

~~School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies. Parents/guardians and students also may be provided with similar information.~~

~~(cf. 4131—Staff Development)~~

~~(cf. 4231—Staff Development)~~

~~(cf. 4331—Staff Development)~~

~~(cf. 5136—Gangs)~~

~~Students may submit a verbal or written complaint of conduct they consider to be bullying to a teacher or administrator and may also request that their name be kept in confidence. The Superintendent or designee may establish other processes for students to submit anonymous reports of bullying. Complaints of bullying or harassment shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7—Sexual Harassment.~~

~~When a student is suspected of or reported to be using electronic or digital communications to engage in cyberbullying against other students or staff or to threaten district property, the investigation shall include documentation of the activity, identification of the source, and a determination of the impact or potential impact on school activity or school attendance.~~

~~Students shall be encouraged to save and print any messages sent to them that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.~~

~~Any student who engages in cyberbullying using district-owned equipment, on school premises, or off-campus in a manner that impacts a school activity or school attendance shall be subject to discipline in accordance with district policies and regulations. If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.~~

CONDUCT (continued)*Legal Reference:*EDUCATION CODE*200-262.4 Prohibition of discrimination*~~*32261 Bullying*~~*32280-32289 Comprehensive safety plan**35181 Governing board ~~policy on responsibilities of students~~ authority to set policy on responsibilities of students**35291-35291.5 Rules**44807 Duty concerning conduct of students**48900-48925 Suspension ~~or~~ and expulsion*~~*48908 Duties of students*~~*51512 Prohibition ~~use of~~ against electronic listening or recording device in classroom without permission*CIVIL CODE*1714.1 Liability of parents and guardians for willful misconduct of minor*PENAL CODE*288.2 Harmful matter with intent to seduce**313 Harmful matter**417.25-417.27 Laser scope or laser pointer**647 Use of camera or other instrument to invade person's privacy; misdemeanor**647.7 Use of camera or other instrument to invade person's privacy; punishment**653.2 Electronic communication devices, threats to safety*VEHICLE CODE~~*23123-23124 Use of cellular phones provisional license holders*~~ *Prohibitions against use of electronic devices while driving*CODE OF REGULATIONS, TITLE 5*300-307 Duties of ~~pupils~~ students*UNITED STATES CODE, TITLE 42*2000h-2000h6 Title IX, 1972 Education Act Amendments*UNITED STATES CODE, TITLE 47*254 Universal service discounts (e-rate)*COURT DECISIONS*J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094**LaVine v. Blaine School District, (2000, 9th Cir.) 257 F.3d 981**Emmett v. Kent School District No. 415, (2000) 92 F.Supp. 1088**Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675**New Jersey v. T.L.O., (1985) 469 U.S. 325**Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503*Management Resources:CSBA PUBLICATIONS*Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011**Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010**Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*Bullying at School, 2003*NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS~~*Digital Discipline: Off-Campus Student Conduct, the First Amendment and Web Sites, School Law in Review, 2001*~~NATIONAL SCHOOL SAFETY CENTER PUBLICATIONS~~*Set Straight on Bullies, 1989*~~U.S. DEPARTMENT OF EDUCATION PUBLICATIONS~~*Preventing Bullying: A Manual for Schools and Communities, 1998*~~

CONDUCT (continued)

WEB SITES

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

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

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

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

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

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

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

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

Policy
adopted:

SAUSALITO MARIN CITY SCHOOL DISTRICT
Sausalito, California

SEXUAL HARASSMENT

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits sexual harassment of students at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against any person who files a complaint, testifies, or otherwise participates 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)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

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

Instruction/Information

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 could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained
4. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
5. Information about the rights of students and parents/guardians to file a criminal complaint, as applicable.

Complaint Process

Any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity (e.g., by a visiting athlete or coach) shall immediately contact his/her teacher or any other employee. An employee who receives such a complaint shall report it in accordance with administrative regulation.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

SEXUAL HARASSMENT

The Superintendent or designee shall ensure that any complaints regarding sexual harassment are immediately investigated in accordance with administrative 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 or sexual violence 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 in grades 4-12, 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.

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

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

Confidentiality and Record-Keeping

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 designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in the schools.

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

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, discrimination

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

SEXUAL HARASSMENT

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

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, 9th Cir.) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

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:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Sexual Violence, April 4, 2011

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance, January 2001

WEB SITES

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

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>

Policy
adopted:

SAUSALITO MARIN CITY SCHOOL DISTRICT

SEXUAL HARASSMENT

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

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

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

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

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 flirtations, 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, 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

SEXUAL HARASSMENT

8. Touching an individual's body or clothes in a sexual way
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
11. Sexual assault, sexual battery, or sexual coercion.

School-Level Complaint Process/Grievance Procedure

Complaints of sexual harassment, or any behavior prohibited by the district's Nondiscrimination/Harassment policy - BP 5145.3, shall be handled in accordance with the following 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 sexual harassment, he/she shall determine whether it is reasonable to pursue an investigation considering 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.

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

SEXUAL HARASSMENT

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-on-student harassment, when the student who 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.

(cf. 5138 - Conflict Resolution)

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

SEXUAL HARASSMENT

- 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 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 it is determined that 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 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:

SEXUAL HARASSMENT

1. Removing vulgar or offending graffiti

(cf. 5131.5 - Vandalism 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)

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:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)

(cf. 5145.6 - Parental Notifications)

2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted, including school web sites (Education Code 231.5)

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 231.5)

SEXUAL HARASSMENT

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

Policy
adopted:

SAUSALITO MARIN CITY SCHOOL DISTRICT