

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

## **BOARD OF TRUSTEES**

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

## **SUPERINTENDENT**

Valerie Pitts, Ed.D.

**November 15, 2012**

**6:15 PM**

**Meeting Location: 200 Phillips Drive, Marin City**

Discussion (D); Action (A)

## **CALL TO ORDER 6:15 PM**

### **1. APPROVAL OF AGENDA ORDER (A)**

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

- 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)**
- B. With respect to every item of business to be discussed in Closed Session pursuant to GC Section 54956.8: **Lease Agreements and Service Contracts**

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

## **RECONVENE TO OPEN SESSION 7:00 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](http://www.smcsd.org) under School Board

## **REPORTS**

### **5. 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.

### **6. Superintendent's Report (D)**

- A. Celebrations
- B. A Team Report
- C. School Site Administrator Reports

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

### **7. California State Standards and Benchmark Assessment Reports (D)**

### **8. Pre-K to 3 Report (D)**

## **FACILITIES**

### **9. Facilities Update (D)**

## **MAINTAIN SOUND FISCAL DISCIPLINE AND OPERATIONS**

### **10. Budget Update (D)**

## **PROVIDE SAFE, HEALTHY, POSITIVE LEARNING ENVIRONMENTS**

### **11. Board Policy/Administrative Regulation 1312.3 Uniform Compliant Procedure (D)**

## **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)

- 12.** Approval of the minutes of the special meeting of October 25, 2012
- 13.** Approval of Payments of Warrants
- 14.** Approval of Personnel Action Report
- 15.** Approval of Field Trip Report
- 16.** Second reading and approval of updated Board Policy/Administrative Regulation 5144.1, Suspension and Expulsion /Due Process
- 17.** Second reading and approval of updated Administrative Regulation 5144.2, Suspension and Expulsion /Due Process (Students with Disabilities)

Entire board packet on [www.smcsd.org](http://www.smcsd.org) under School Board

## **ADJOURNMENT**

### **FUTURE BOARD AGENDA ITEMS**

#### **Annual Organizational Meeting**

#### **Regular Meeting**

First Interim Report: District

First Interim Report: WCA

School Board Month Recognition

Grade Level/Program Report

Approval of Tentative Bargaining Agreements

Approve SARC Publication

Single Plans for Student Achievement (BA & MLK)

### **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.

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 3<sup>rd</sup> Wednesday of the month at 6:30 p.m.

#### **Upcoming Dates and Important Events**

Please visit the District website [www.smcsd.org](http://www.smcsd.org)

#### **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](http://www.smcsd.org) under School Board

**Sausalito Marin City School District  
Office of the Superintendent**

**Date:** November 15, 2012  
**To:** Board of Trustees  
**From:** Valerie Pitts, Superintendent; Daniel Norbutas, Chief Academic Officer and MLK Principal; Jonnette Newton, Bayside Principal; Tenisha Tate, Assistant Principal  
**Re:** Discussion: California State Standards and Benchmark Assessment Reports

**Background**

The district administers a broad array of assessments during the course of the academic year. Some of these tests are statewide and mandatory, such as the California Standards Test (STAR), and others are assessments developed and administered within the district or school.

The Standardized Testing and Reporting (STAR) Program is a very important part of the state assessment system. STAR testing is administered annually in the spring in grades two through eleven. Tests in the STAR Program measure how well students in California public schools are learning the knowledge and skills identified in the California content standards.

- The California Modified Assessment (CMA) was developed as an alternate assessment for students who have significant cognitive disabilities and cannot take the CSTs even with accommodations or modifications.

Study Island is a district-wide assessment program. It was implemented during the 2011-2012 school year as a common multiple measurement tool in ELA and Math. The first Study Island benchmark test was administered in October 2012 and provides baseline data for instructional decisions.

A school-wide assessment tool used at Bayside to gather literacy data is The Dynamic Indicators of Basic Early Literacy Skills (DIBELS). This test measures alphabet knowledge, phonemic awareness, accuracy and fluency, reading comprehension, and vocabulary. DIBELS were designed to identify students who experience difficulties in acquiring early literacy skills in order to provide early support and prevent later reading difficulties. DIBELS is used 3 times a year at Bayside and informs instruction.

**Analysis**

Utilizing multiple measures or indicators is important when demonstrating whether a student is learning over a period of time. A variety of different ways of assessing a student is a good way to ensure that students are getting a well-rounded education. School administrators will make a separate presentation at the board meeting.

**Recommendation**

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

Backup attached: Yes \_\_\_\_\_ No X\_\_\_\_\_



**Sausalito Marin City School District**  
**Office of the Superintendent**

**Date:** November 15, 2012  
**To:** Board of Trustees  
**From:** Valerie Pitts, Superintendent and Jonnette Newton, Bayside Principal  
**Re:** Discussion: Report - Pre-K to 3

Background

Research has shown that the groundwork for early school success starts before children reach kindergarten. Low-income students and students of color often enter Kindergarten behind their affluent counterpart. Average cognitive scores are lower at school entry and the gap persists or widens over time. Measures such as the number of words in a child's vocabulary, or the amount of oral language exposure, are indicative of this gap.

Student achievement for low-income students and students of color in Marin falls far below the achievement of more advantaged students in the County. The achievement gap is readily apparent in the percentages of low-income students, students of color, and English language learners who score below proficient on standardized tests in reading and mathematics. At the school and district levels a corresponding gap exists when analyzing California's Academic Performance Index results by student subgroup performance. Four public school districts in Marin — San Rafael City Schools, Novato Unified, Sausalito Marin City, and Shoreline Unified — collectively account for 85% of low-income students and 82% of students of color.

The Marin Community Foundation has generously funded for the third year the PreK-3 Initiative Grant to continue efforts to dramatically improve school readiness and student achievement through quality early learning experiences, parent engagement, and extended time spent learning.

Analysis

The wisdom of the Foundation, the professional development, and the funds from the grant provide opportunities that work to bridge the gaps between the preschools and the regular kindergarten programs. Communication, transparency, and relationship building throughout these programs create a meaningful experience for students, parents, and staff members.

A School Readiness Assessment tool has been used to assist in assessing students' level of school readiness when they enter kindergarten. Results are reported to schools each spring.

Financial Impact

All costs are provided for through the grant.

Recommendation

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

Backup attached: Yes ☒ No ☐

## Marin Community Foundation Pre K-3 Initiative Promoting Early School Success for All



### Grant Summary

A Pre K – 3 Initiative overview is provided for use with staff, Design Team, school boards, community and public presentations. The summary provides a review of the six elements; vision, school climate, quality teaching, alignment, family engagement, and extended learning. An introduction and questions and answers are provided for clearer understanding of the Pre K – 3 Initiative goals and outcomes.

### Areas of Focus for Year 1, 2010-11

1. Family Engagement-Karen Mapp
  - a. Strategies to promote family engagement-Beyond the Bake Sale

### Areas of Focus for Year 2, 2011-12

1. English Language Arts-Dr. Laurie Olsen-Strategies for English Learners
2. SEAL Project/Sobrato Project Redwood City-Dual Immersion and English Language Development best practice
3. Cultural Proficiency-Dr. Randall Lindsey provided professional development in the “inside out model”.

### Areas of focus for Year 3, 2012 – 13

1. Mathematics – Concept Development- Ms. Eileen Smith and Ms. Danelle French
2. Pre K -3 Alignment -Dr. Kristie Kauerz and Mrs. Linda Sullivan-Dudzic
3. Sustainability through Professional Development (e.g. Cultural Proficiency)-Dr. Randall Lindsey
4. Data Review to Analyze Progress Toward Intended Goals-Ongoing work with sites

## Bayside School

### Promoting Early School Success for All

#### Pre K-3 Initiative Six Elements

#### Accomplishments

Year 2      2011-12

##### Vision

1. Operationalized the vision with all constituents.
2. Posted vision on district/school website.
- 3.

##### Climate/Cultural Proficiency

1. Participate in National Equity Project training to develop a common sense of cultural
2. Completed the NEP the listening campaign
3. Attended NEP workshops
4. Attended Cultural Proficiency Training with Dr. Randall Lindsey
5. Established Reading Buddies to reduce child/adult ratio
6. Researched Mindfulness Program
7. Surveyed teachers to determine the impact of NEP training/coaching

##### Teaching/Literacy

1. Completed GLAD training for grades 1-3.
2. Shared curriculum and strategies between Head Start and CAM Pre K
3. Implemented Bright Start at Head Start for 4 year olds.
4. Hired Teach for America teacher for Pre K-K
5. Began Common Core Standards training for ELA/Math
- 6.

##### Alignment

1. Initiated discussions between CAM and Head Start
2. Visited sites to observe alignment strategies
3. Create alignment of curriculum, assessment and instructional strategies though the Alignment Task Force

### **Family Engagement**

1. Completed a parent survey in spring 2011.
2. Held two family events: Game Night and Ujima Festival
3. Continued home visits
4. Provided workshops for in-home day care providers
5. Began Mystery Parent Readers Program in Kindergarten
6. Completed a description of tasks for parent liaison
7. Continued "Raising a Reader" in Pre K

### **Extended Learning**

1. Extended the day for kinder by one hour through the Boys and Girls Club
2. Developed Parent Release of Information form for providers to exchange information
3. Created a matrix describing services for each child
4. Incorporated additional after-school providers into a subcommittee of the Design Team
5. Continued in-school and after school Reading Partners
6. Continued homework Club with Boys and Girls Club
7. Began reading intervention using technology software through Boys and Girls Club



## **Bayside School**

### **Promoting Early School Success**

#### **Pre K-3 Initiative Six Elements**

### **Accomplishments**

**Year 1    2010-11**

#### **Vision**

1. Built relationships, developed understandings and expectations as a Design Team
2. Increased knowledge of the Design Team
3. Developed solving strategies
4. Created and agreed upon vision

#### **Climate/Cultural Proficiency**

1. Held parent focus groups to gather input on school climate and culture
2. Completed Strategies Workshop and Assessment on School Climate
3. Completed PSP survey
4. Analyzed data from surveys and focus groups to design action plan for Year 2.

#### **Teaching/Literacy**

1. Enrolled 37 students in Reading Partners
2. Attended Summer Reading Institute
3. Provided GLAD training for Pre K –K teachers
4. Hired Teach for America Teacher to reduce teacher/student ratio

#### **Alignment**

1. Created an observation form with common expectations for Pre K-K
2. Began alignment strategies conversations between Pre K- K

### Family Engagement

1. Included Pre K parents in Open House
2. Initiated Family Game Night at MLK
3. Provided social worker visitations to Pre K families/Bayside families/ and home visits
4. Established "Raising a Reader"/Book Bag programs in Pre K and K

### Extended Learning

1. Provided one hour of homework help through Boys and Girls Club
2. Provided in-school and after-school literacy support through Reading Partners.

## **Bayside Site Visit Goals 2012 – 13**

### **Element 1: Vision**

1. Develop greater community awareness and value of Pre K – 3 work (e.g. community meetings, churches)
2. Presentations of the value of Pre K – 3 grade work at Parent Events
3. Integrate vision and outreach with school district restructuring planning
4. Continue regular Design Team meetings to support vision and implementation of work

### **Element 2: School Climate**

1. Strengthen “Second Step” by purchasing new materials and offering Staff Development to Pre K through 3<sup>rd</sup> grade staff including after-school providers.
2. Further strengthen a sense of community with Writer’s Workshop in which older children help younger, Author’s Evenings that bring parents in to hear children’s work.
3. Reach out to the Marin City community (i.e. Martin Luther King Collaborative and the Parent Collaborative) to share information about the second Step program and to enlist their cooperation with reinforcing positive behaviors in afterschool settings.

### **Element 3: High Quality Teaching**

1. Complete GLAD training for any new school staff/CAM Pre K teacher
2. Provide ongoing coaching for GLAD strategies/Jabbar Bieg
3. Integrate Pre K providers into Professional development for District Common Core Standards – MCOE Training
4. Continued use of “Bright Star” to enhance Pre K literacy in CAM and Head Start Preschools
5. Provide Professional Development for Common Core Standards in ELA and Math K – 3
6. Build instructional change based on analysis of data from Bayside K – 3 at the end of each six week grading period and Head Start at GOLD checkpoints 3 times per year and Learning Center 2 times a year (e.g. teachers will analyze and document)
7. Provide opportunities for teachers to observe classrooms in schools
8. Release time to collaboratively build GLAD units based on shared ideas

Element 4: Establish vertical and horizontal alignment across various systems – standards, curricula and assessments

1. Implement and strengthen Second Step across all grades Pre K – 3
2. Implement alignment, instructional, and assessment strategies as developed by the Alignment Task Force
3. Create opportunities to visit other grade levels within Pre K – 3
4. Continue Alignment Committee meetings to inform implementation practices

Element 5: Family Engagement

1. Provide opportunities for parent trainings in accessing student information
2. Create parent literacy nights (e.g. book talks)
3. Work with the district to enhance and staff the Family Center
4. Begin a parent outreach program for parents by parents
5. Provide training for Family Center Staff on outreach and engagement

Element 6: Expanded Learning Opportunities

1. Continue Reading Partners and Boys and Girls Club work with extended learning opportunities
2. Create opportunities to increase communication between classroom teachers and extended learning providers (e.g. meetings, professional development, observations in classrooms)
3. Create a shared data system to communicate information about student progress
4. Align classroom instructional strategies and extended learning practices through shared professional development activities



# KOF Results by Element

## Bayside

Logic Model Target 80% Proficient-% Proficient

Year	2010	2011	2012	2013	2014	2015
<b>Areas Tested</b>						
<b>Self Care/Motor</b>						
Uses manipulatives	0%	13%				
Coordination	6%	17%				
Self Care/Self Help	19%	70%				
<b>Self Regulation</b>						
Comforts Self	6%	13%				
Stays focused	0%	26%				
Controls Impulse	6%	26%				
Follows Directions	6%	35%				
Negotiates w/peers	0%	22%				
Work/play cooperatively	0%	32%				
Successful in circle	6%	23%				
Handles frustrations	0%	22%				
<b>Social Expression</b>						
Relates to adults	12%	35%				
Expresses needs	6%	26%				
Expresses empathy	0%	22%				
Expresses abilities	6%	26%				
Eager to Learn	6%	30%				
Engage in Imaginative play	12%	35%				
<b>Kinder Academics</b>						
Engages with books	18%	26%				
Writes name	29%	48%				
Recognizes rhyming words	18%	53%				
Counts 10 objects	77%	95%*				
Recognizes letters	12%	25%				
Recognizes colors	82%*	80%*				
Recognizes shapes	59%	85%*				

Meets Targets 2010-\*Recognizes colors

Meets Targets 2011-\*Counts 10 objects, recognizes colors and shapes

Meets Targets 2012-\*

## Bayside Standardized Measures 2009 – 2015

API (State target 800 API)						
Year	Overall	ELL	Socio	Latino	Caucasian	AA
2009	773	N/A	781	N/A	N/A	N/A
2010	763	835	755	798	N/A	698
2011	752 (-)	844* (+)	751 (-)	866* (+)	N/A	702 (+)
2012	808(+54)*	NA 9 students	808(+55)*	882 (+14)*	NA	765 (+63)

\*meets or exceeds target

AYP (Federal Target 2011 ELA 78.4%% Math 79%%)						
Year	Overall	ELL	Socio	Latino	Caucasian	AA
ELA/Math	ELA/Math	ELA/Math	ELA/Math	ELA/Math	ELA/Math	ELA/Math
2009 – 5/5	35%/54.1%	N/A	34.7%/54%	30.8%/46.2%	N/A	32.4%/52.6%
2010 – 5/5	45.6%/54.4%	60%/66.7%	42%/52%	43.8%/56.2%	N/A	38.5%/42.3%
2011 – 3/5	38.8%/50.7%	58.8%/64.7%	39.3%/48.2%	50%/68.8%*	N/A	31.4%/50.7%
2012-4/4	48.7%/61.5%	NA	48.7%/61.5%	54.5%/72.7%	NA	45.5%/50%

\*meets or exceeds target

STAR MCF Target 55% - 75% Advanced/Proficient						
Year	Overall	ELL	Socio	Latino	Caucasian	AA
Grade 2	ELA/Math	ELA/Math	ELA/Math	ELA/Math	ELA/Math	
2009	50%/47%	N/A	50%/53%	N/A	N/A	N/A
2010	41%/59%	N/A	41%/53%	N/A	N/A	45%/55%
2011	*62%/57%*	N/A	*67%/60%*	N/A	N/A	N/A
2012	34%/42%	#3	33%/42%	#3	0	#7

\*meets or exceeds target

STAR MCF Target 60% - 75% Advanced/Proficient						
Year	Overall	ELL	Socio	Latino	Caucasian	AA
Grade 3	ELA/Math	ELA/Math	ELA/Math	ELA/Math	ELA/Math	
2009	25%/82%	N/A	N/A	N/A	N/A	N/A
2010	45%/34%	N/A	20%/40%	N/A	N/A	N/A
2011	38%/75%*	N/A	38%/77%*	N/A	N/A	N/A
2012	46%/65%	#5	46%/64%	#4	0	#6

\*meets or exceeds target

STAR MCF Target 60% - 75% Adv/Prof						
Year	Overall	ELL	Socio	Latino	Caucasian	AA
Grade 4	ELA/Math	ELA/Math	ELA/Math	ELA/Math	ELA/Math	
2009	25%/58%	N/A	N/A	N/A	N/A	N/A
2010	80%/100%	N/A	N/A	N/A	N/A	N/A
2011	*62%/50%	N/A	19%/44%	N/A	N/A	N/A
2012	*82%/72%*	#2	*82%/73%*	#5	0	#6

\*meets or exceeds target # =number tested ( ) =district-wide scores, site scores not recorded by state

STAR MCF Target 60% - 75% Adv/Prof						
Year	Overall	ELL	Socio	Latino	Caucasian	AA
Grade 5	ELA/Math	ELA/Math	ELA/Math	ELA/Math	ELA/Math	
2009	41%/50%	N/A	45%/55%	N/A	N/A	N/A
2010	34%/8%	N/A	N/A	N/A	N/A	N/A
2011	34%/22%	N/A	40%/27%	N/A	N/A	N/A
2012	(75%/67)	NA	NA	NA	NA	NA

\* = meets or exceeds MCF target

Grade 2 – Did not meet MCF Target

Grade 3 – Met MCF Target for overall math for overall and socioeconomic status

Grade 4 – Met MCF Target for overall ELA and math for overall and socioeconomic status

Grade 5 – Met target for overall ELA and Math

Cohort Data – 2009 - 2015						
Year/Grade	Overall	ELL	Socio	Latino	Caucasian	AA
	ELA/Math	ELA/Math	ELA/Math	ELA/Math	ELA/Math	
Grade 2 – 2009	50%/47%	N/A	50%/53%	N/A	N/A	N/A
Grade 3 – 2010	45%/34%	N/A	20%/40%	N/A	N/A	N/A
Grade 4 – 2011	62%/50%	N/A	19%/44%	N/A	N/A	N/A
Grade 5 - 2012	(76%/67%)	NA	NA	NA	NA	NA

Cohort Data – 2009 - 2015						
Year/Grade	Overall	ELL	Socio	Latino	Caucasian	AA
	ELA/Math	ELA/Math	ELA/Math	ELA/Math	ELA/Math	
Grade 2 – 2010	41%/59%	N/A	41%/53%	N/A	N/A	N/A
Grade 3 – 2011	38%/75%	N/A	38%/77%	N/A	N/A	N/A
Grade 4 – 2012	46%/65%	#5	46%/64%	#4	0	#6
Grade 5 - 2013						

Cohort Data – 2009 - 2015						
Year/Grade	Overall	ELL	Socio	Latino	Caucasian	AA
	ELA/Math	ELA/Math	ELA/Math	ELA/Math	ELA/Math	
Grade 2 – 2011	62%/57%	N/A	67%/60%	N/A	N/A	N/A
Grade 3 – 2012	46%/65%	#5	46%/64%	#4	0	#6
Grade 4 – 2013						
Grade 5 - 2014						

Cohort Data – 2009 - 2015						
Year/Grade	Overall	ELL	Socio	Latino	Caucasian	AA
	ELA/Math	ELA/Math	ELA/Math	ELA/Math	ELA/Math	
Grade 2 – 2012	34%/42%	#3	33%/42%	#3	0	#7
Grade 3 – 2013						
Grade 4 – 2014						
Grade 5 - 2015						



Promoting Early School Success for All

**CLASS Assessment Results**

**Marin Learning Center #1**

**Target:**            **Emotional Support and Classroom Organization (5.0) Instructional Support (3.0)**

Year	F 2011	S 2012	F 2012	S 2013	F 2013	S 2014	F 2014	S 2015
Categories								
Positive Climate	5.5	6.25 *						
Negative Climate	1.0	1.0 *						
Teacher Sensitivity	5.5	5.5 *						
Regard for Student Perspective	6.25	5.75 *						
Behavior Management	5.5	6.25 *						
Productivity	5.75	6.25 *						
Instructional Learning Format	4.5	4.75						
Concept Development	2.0	1.5						
Quality Feedback	2.75	2.25						
Language Modeling	3.0	3.75 *						

\*Meets Target S 2012-Emotional Support 4/4, Classroom Organization 2/3, Instructional Support 1/3

Promoting Early School Success for All

**CLASS Assessment Results**

**Marin Learning Center #2**

**Target:**                      **Emotional Support and Classroom Organization (5.0)**      **Instructional Support (3.0)**

Year	F 2011	S 2012	F 2012	S 2013	F 2013	S 2014	F 2014	S 2015
Categories								
Positive Climate	4.75	5.5 *						
Negative Climate	1.50	1.25						
Teacher Sensitivity	5.75	6.25 *						
Regard for Student Perspective	5.25	5.25 *						
Behavior Management	4.5	5.0 *						
Productivity	6.0	5.75 *						
Instructional Learning Format	4.0	5.25 *						
Concept Development	1.5	2.0						
Quality Feedback	2.25	2.25						
Language Modeling	2.5	2.25						

\*Meets Target S 2012- Emotional Support 3/4, Classroom Organization 3/3, Instructional Support 0/3

**Sausalito Marin City School District**  
**Office of the Superintendent**

**Date:** November 15, 2012  
**To:** Board of Trustees  
**From:** Valerie Pitts, Superintendent  
**Re:** Discussion: Facilities Update

Background

The district conducted a facilities needs analysis in spring 2012 and has identified needs for additional classroom and annual deferred maintenance tasks.

Analysis

The Superintendent will give a presentation at the board meeting for informational purposes.

Backup attached: Yes \_\_\_\_\_ No X\_\_\_\_\_

**Sausalito Marin City School District**  
**Office of the Superintendent**

**Date:** November 15, 2012  
**To:** Board of Trustees  
**From:** Valerie Pitts, Superintendent and Paula Rigney, Business Manager  
**Re:** Discussion: Budget Update

Background

The budget development and monitoring process is on-going throughout the fiscal year. Adopted budget revenue and expenditure assumptions are continually being reviewed and revised accordingly. In addition, any new information regarding the adopted State Budget Act and subsequent trailer bills that materially affect a district's budget need to be reflected in timely budget revisions.

We know that fiscal issues will continue during these challenging economic times; it is truly a tribute to the voters of our state that they would support the schools and help put our state back on the road to fiscal stability. Our task now is to be vigilant in making sure that we continue to be fiscally accountable and cost-effective.

Analysis

Other assumptions, such as expenditures related to actual staffing costs, board designated reserves, and new information received since the adoption of the State Budget Act, are being reviewed by the Superintendent and Business Manager in preparation of a more detailed report, with recommended revisions, for presentation next month.

Financial Impact

The potential of mid-year cuts is currently not an issue (approximately \$65,000). School districts are still receiving budget updates from the state and county offices of education that affect budget revisions. All will be reflected in the First Interim Budget to be presented in December.

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:** November 15, 2012  
**To:** Board of Trustees  
**From:** Valerie Pitts, Superintendent  
**Re:** Discussion: Board Policy/Administrative Regulation 1312.3  
Uniform Complaint Procedures

Background

Board Policy 1312.3 Uniform Complaint Procedures is a MANDATED policy. It has been updated to reflect NEW LAW (AB 887 and SB 559) which expands the prohibited bases of discrimination subject to uniform complaint procedures (UCP) to include genetic information, gender expression, and gender identity.

Administrative Regulation 1312.3 Uniform Complaint Procedures is also MANDATED and has been revised to add, pursuant to the CDE's Federal Program Monitoring procedures, that the annual written notification should include a statement that copies of UCP will be provided free of charge. The Administrative Regulation has also been revised to (1) require agreement of all parties (not just the complainant) before proceeding to mediation, and (2) clarify that the requirement that a complainant must wait until after 60 days of filing an appeal with the CDE before he/she pursues a civil law remedy applies only with respect to a complaint of discrimination based on state law.

Analysis

SB 559:	Prohibits discrimination based on genetic information
AB 887:	Formalizes the prohibition against discrimination based on gender identity and gender expression
AB 9 (Seth's Law):	Tightens anti-bullying policies in California schools by ensuring that all schools have clear and consistent policies and by establishing timelines for investigating claims of bullying. AB 9 will help create a respectful and safe environment for all students.

Legal Implications

Board Policy/Administrative Regulation 1312.3 Uniform Complaint Procedures are mandated.

Recommendation

This policy is brought before the board as a first read for discussion.

Backup attached: Yes ☒ No ☐

**UNIFORM COMPLAINT PROCEDURES**

The ~~Board of Trustees~~ **Governing Board** recognizes that the district's is primarily responsible for ~~complying with~~ **the district's responsibility to comply with** applicable state and federal laws and regulations governing educational programs. The district shall investigate **any** complaints alleging failure to comply with such laws and/or alleging discrimination, and shall seek to resolve those complaints in accordance with the district's uniform complaint procedures. (5 CCR 4620)

The district shall ~~follow use the uniform complaint procedures when addressing complaints alleging unlawful discrimination against any protected group as identified under Education Code 200 and 220 and Government Code 11135, including actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, or age, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any district program or activity that receives or benefits from state financial assistance. (5 CCR 4610)~~ **to resolve any complaint alleging unlawful discrimination in district programs and activities based on actual race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.**

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

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

Uniform complaint procedures shall also be used ~~when addressing~~ **to address any** complaints alleging **the district's** failure to comply with state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and ~~career technical and technical~~ training programs, child care and development programs, child nutrition programs, and special education programs, **and the development and adoption of the school safety plan.** (5 CCR 4610)

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 1312.1 - Complaints Concerning District Employees)*

*(cf. 1312.2 - Complaints Concerning Instructional Materials)*

*(cf. 3553 - Free and Reduced Price Meals)*

*(cf. 3555 - Nutrition Program Compliance)*

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

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

*(cf. 5148 - Child Care and Development)*

*(cf. 6159 - Individualized Education Program)*

*(cf. 6171 - Title I Programs)*

*(cf. 6174 - Education for English Language Learners)*

*(cf. 6175 - Migrant Education Program)*

*(cf. 6178 - Career Technical Education)*

*(cf. 6178.1 - Work-Based Learning)*



## UNIFORM COMPLAINT PROCEDURES (continued)

*(cf. 6178.2 - Regional Occupational Center/Program)*  
*(cf. 6200 - Adult Education)*

~~Complaints related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, and teacher vacancies and misassignments shall be investigated pursuant to the district's Williams uniform complaint procedure (AR 1312.4).~~

~~*(cf. 1312.4 - Williams Uniform Complaint Procedures)*~~

The Board prohibits any form of retaliation against any complainant in the complaint process. Participation in the complaint process shall not in any way affect the status, grades, or work assignments of the complainant.

The Board encourages the early, informal resolution of complaints at the site level whenever possible.

~~The Board acknowledges and respects every individual's right to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process. This may include keeping the identity of the complainant confidential, as appropriate and except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee, on a case-by-case basis.~~

~~*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*~~  
~~*(cf. 5125 - Student Records)*~~  
~~*(cf. 9011 - Disclosure of Confidential/Privileged Information)*~~

~~The Board prohibits any form of retaliation against any complainant in the complaint process, including but not limited to a complainant's filing of a complaint or the reporting of instances of discrimination. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.~~

~~The Board recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving their problem through mediation, the Superintendent or designee shall initiate that process. The Superintendent or designee shall ensure that the results are consistent with state and federal laws and regulations.~~

The Board recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving the problem through mediation, the Superintendent or

**UNIFORM COMPLAINT PROCEDURES** (continued)

designee shall initiate that process. The Superintendent or designee shall ensure that the results are consistent with state and federal laws and regulations.

In investigating complaints, the confidentiality of the parties involved and the integrity of the process shall be protected. As appropriate, the Superintendent or designee may keep the identity of a complainant confidential to the extent that the investigation of the complaint is not obstructed.

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*  
*(cf. 5125 - Student Records)*  
*(cf. 9011 - Disclosure of Confidential/Privileged Information)*

The district's Williams uniform complaint procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to the following:

1. Sufficiency of textbooks or instructional materials
2. Emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff
3. Teacher vacancies and misassignments
4. Deficiency in the district's provision of instruction and/or services to any student who, by the completion of grade 12, has not passed one or both parts of the high school exit examination

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*  
*(cf. 6162.52 - High School Exit Examination)*  
*(cf. 6179 - Supplemental Instruction)*

*Legal Reference:*

EDUCATION CODE  
 200-262.4 Prohibition of discrimination  
 8200-8498 Child care and development programs  
 8500-8538 Adult basic education  
 18100-18203 School libraries  
 32289 School safety plan, uniform complaint procedure  
 35186 Williams uniform complaint procedure  
 41500-41513 Categorical education block grants  
 48985 Notices in language other than English  
 49060-49079 Student records  
 49490-49590 Child nutrition programs

*Legal Reference, continued next page:*

## UNIFORM COMPLAINT PROCEDURES (continued)

52160-52178 *Bilingual education programs*  
52300-52490 *Career-technical education*  
52500-52616.24 *Adult schools*  
52800-52870 *School-based coordinated programs*  
54000-54028 *Economic impact aid programs*  
54100-54145 *Miller-Unruh Basic Reading Act*  
54400-54425 *Compensatory education programs*  
54440-54445 *Migrant education*  
54460-54529 *Compensatory education programs*  
56000-56867 *Special education programs*  
59000-59300 *Special schools and centers*  
64000-64001 *Consolidated application process*  
GOVERNMENT CODE  
11135 *Nondiscrimination in programs or activities funded by state*  
12900-12996 *Fair Employment and Housing Act*  
PENAL CODE  
422.6 *Interference with constitutional right or privilege*  
CODE OF REGULATIONS, TITLE 5  
3080 *Application of section*  
4600-4687 *Uniform complaint procedures*  
4900-4965 *Nondiscrimination in elementary and secondary education programs*  
UNITED STATES CODE, TITLE 20  
6301-6577 *Title I basic programs*  
6601-6777 *Title II preparing and recruiting high quality teachers and principals*  
6801-6871 *Title III language instruction for limited English proficient and immigrant students*  
7101-7184 *Safe and Drug-Free Schools and Communities Act*  
7201-7283g *Title V promoting informed parental choice and innovative programs*  
7301-7372 *Title V rural and low-income school programs*

### *Management Resources:*

#### 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/offices/OCR>~~

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

Policy  
adopted:

SAUSALITO MARIN CITY SCHOOL DISTRICT  
Sausalito, California



## UNIFORM COMPLAINT PROCEDURES

### Compliance Officers

~~The Board of Trustees designates the following compliance officer to receive and investigate complaints and to ensure district compliance with law:~~

The following compliance officer(s) shall receive and investigate complaints and shall ensure district compliance with law:

Superintendent  
Sausalito Marin City School District  
200 Phillips Drive, Marin City, CA 94965  
415-332-3190

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the Superintendent or designee.

*(cf. 9124 - Attorney)*

### Notifications

The Superintendent or designee shall annually provide written notification of the district's uniform complaint procedures to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

*(cf. 0420 - School Plans/Site Councils)*  
*(cf. 1220 - Citizen Advisory Committees)*  
*(cf. 4112.9/4212.9/4312.9 - Employee Notifications)*  
*(cf. 5145.6 - Parental Notifications)*

~~The Superintendent or designee shall make available copies of the district's uniform complaint procedures free of charge. (5 CCR 4622)~~

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable

**UNIFORM COMPLAINT PROCEDURES** (continued)

3. Advise the complainant of the appeal process pursuant to Education Code 262.3, including the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies
4. Include statements that:
  - a. The district is primarily responsible for compliance with state and federal laws and regulations
  - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline
  - c. An unlawful discrimination complaint must be filed not later than six months from the date the alleged discrimination occurs, or six months from the date the complainant first obtains knowledge of the facts of the alleged discrimination
  - d. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 days of receiving the district's decision
  - e. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision
  - f. Copies of the district's uniform complaint procedures are available free of charge.

*(cf. 5145.6—Parental Notifications)*

**Procedures**

The following procedures shall be used to address all complaints which allege that the district has violated federal or state laws or regulations governing educational programs **or has committed unlawful discrimination.**

**All complaints shall be investigated and resolved within 60 days of the receipt of the complaint.** Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4631 and 4633.



## UNIFORM COMPLAINT PROCEDURES (continued)

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

### Step 1: Filing of Complaint

Any individual, public agency or organization may file a written complaint of the district's alleged noncompliance with federal or state laws or regulations governing educational programs. ~~alleged noncompliance by the district.~~ (5 CCR 4630)

A complaint concerning unlawful discrimination may be filed only by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination.

A ~~The~~ complaint ~~alleging unlawful discrimination~~ shall be initiated no later than six months from the date when the alleged discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination. ~~A complaint may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination.~~ However, upon written request by the complainant, the Superintendent or designee may extend the filing period for up to 90 days. (5 CCR 4630)

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

### Step 2: Mediation

Within three days of receiving the complaint, the compliance officer may informally discuss with ~~all the complainant~~ parties the possibility of using mediation. If the ~~complainant~~ parties agrees to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a discrimination complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall precede with his/her investigation of the complaint.

## UNIFORM COMPLAINT PROCEDURES (continued)

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (5 CCR 4631)

### Step 3: Investigation of Complaint

~~The compliance officer is encouraged to hold an investigative meeting within five days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.~~

~~The complainant and/or his/her representative shall have an opportunity to present the complaint and evidence or information leading to evidence to support the allegations in the complaint. (5 CCR 4631)~~

~~A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or his/her engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631)~~

~~The district's refusal to provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement in any other obstruction of the investigation, may result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the complainant. (5 CCR 4631)~~

Within 10 days of receiving the complaint, the compliance officer shall provide the complainant and/or his/her representative an opportunity to present the complaint and any evidence, or information leading to evidence, to support the allegations in the complaint. The compliance officer also shall collect all documents and interview all witnesses with information pertinent to the complaint.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631)

In accordance with law, the district shall provide the investigator with access to records and/or other information related to the allegation in the complaint. (5 CCR 4631)



## **UNIFORM COMPLAINT PROCEDURES (continued)**

### **Step 4: Response**

Within 30 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in Step #5 below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five days, file his/her complaint in writing with the Board.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 days of the district's initial receipt the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

### **Step 5: Final Written Decision**

The district's decision shall be in writing and sent to the complainant. (5 CCR 4631)

The district's decision shall be written in English and ~~in the language of the complainant whenever feasible or as required by law.~~ , when required by Education Code 48985, in the complainant's primary language.

For all complaints, tThe decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered (~~5 CCR 4631~~)
2. The conclusion(s) of law (~~5 CCR 4631~~)
3. Disposition of the complaint (~~5 CCR 4631~~)
4. Rationale for such disposition (~~5 CCR 4631~~)
5. Corrective actions, if any are warranted (~~5 CCR 4631~~)
6. Notice of the complainant's right to appeal the district's decision within 15 days to the CDE and procedures to be followed for initiating such an appeal (~~5 CCR 4631~~)

## UNIFORM COMPLAINT PROCEDURES (continued)

7. ~~For discrimination complaints, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies (Education Code 262.3)~~

In addition, any decision concerning a discrimination complaint based on state law shall include a notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. (Education Code 262.3)

~~If an employee is disciplined as a result of the complaint~~ If investigation of a complaint results in discipline to a student or an employee, the decision shall simply state that effective action was taken and that the student or employee was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action.

### Appeals to the California Department of Education

If dissatisfied with the district's decision, the complainant may appeal in writing to the CDE within 15 days of receiving the district's decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant has appealed the district's decision, the Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's complaint procedures
7. Other relevant information requested by the CDE

## **UNIFORM COMPLAINT PROCEDURES (continued)**

The CDE may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists, including cases in which the district has not taken action within 60 days of the date the complaint was filed with the district.

### **Civil Law Remedies**

A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders.

For discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. ~~The moratorium does not apply to injunctive relief and is applicable only if~~ , **provided** the district has appropriately and in a timely manner apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622. **The moratorium does not apply to injunctive relief and to discrimination complaints based on federal law.**

Regulation  
approved:

**SAUSALITO MARIN CITY SCHOOL DISTRICT**  
Sausalito, California

**SAUSALITO MARIN CITY SCHOOL DISTRICT  
BOARD MEETING MINUTES  
October 25, 2012**

**ATTENDANCE**

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

The meeting was called to order at 4:30 p.m.

The agenda order was approved.

**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 4:31 p.m.

**RECONVENE TO OPEN SESSION**

Open session reconvened at 5:07 p.m.

**Report Out from Closed Session**

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

**Pledge of Allegiance**

President Newmeyer led the Pledge of Allegiance.

**PERSONS WISHING TO ADDRESS THE BOARD PRIOR TO OPEN SESSION**

There was no public comment.

**REPORTS**

**Trustee Reports** - None

**Superintendent's Report**

Superintendent Pitts reported that Schools Rule, an organization of Marin school foundations, has awarded Sausalito Marin City School District \$2,500.

**FACILITIES**

Mary DeMund, volunteer reading specialist at Bayside, voiced her opposition to creating a K-8 school in Marin City.



Superintendent Pitts introduced Debra McGuire, Quattrocchi Kwok, Inc., who gave a power point presentation titled, Martin Luther King Junior Academy K-8 Campus Planning- October 25, 2012, highlighting:

- Annex removal
- Site improvements for better access and use of outdoor spaces
- Modular classroom placement.

Ms. McGuire explained the difference between modular classrooms and portables. She asked for the board's permission to pursue modular classrooms and introduced Todd Lee, Greystone West, who explained the need to identify a modular manufacturer which will guide the coordination of other improvements such as site work, grading, playground, parking, walkways.

Trustee Thornton asked for more of a description of how the campus will look. Superintendent Pitts reiterated that a K-8 model is a great model for a small school. Preschool will be included in the model. She explained that space currently occupied by the district office will be reconfigured to classroom space and some services. District office staff will be relocated to an existing portable. The district will utilize the Marin City library (a block away) and improve classroom libraries. After school programs, which include several providers, are being discussed.

#### **Agreement for Architectural Services**

**M/s/c Newmeyer/Benjamin/all** to approve the Agreement for Architectural Services with Quattrocchi Kwok, Inc, amended to reflect that the district will pay when it is funded; no late fees to be applied for at least thirty days after the district receives the funds.

#### **Agreement for Construction Management Services**

**M/s/c Newmeyer/Benjamin/all** to approve the Agreement for Construction Management Services with Greystone West.

#### **Approval of Request for Bids for Modular Contractor**

**M/s/c Newmeyer/Benjamin/all** to approve Request for Bids for Modular Contractor

#### **CONSENT AGENDA**

**M/s/c - Roll Call Newmeyer/Thornton/ Ayes 4 Noes 0** to approve the consent agenda:

- Minutes of the meeting of October 11, 2012

#### **ADJOURNMENT**

**Thornton/Benjamin/all** to adjourn at 5:30 p.m.

---

Signature/Date

---

Title



## **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.

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 3<sup>rd</sup> Wednesday of the month at 6:30 p.m.

### **Upcoming Dates and Important Events**

Please visit the District website [www.smcsd.org](http://www.smcsd.org)

**Sausalito Marin City School District**

**Payment of Warrants**

11/15, 2012

Attached warrants include:

Batch 18 Fund 01 in the amount of \$4,637.35

Batch 19 Fund 01 in the amount of \$126,853.19

Batch 19 Fund 40 in the amount of \$2,500.00

Batch 20 Fund 01 in the amount of \$37,757.17

Batch 21 Fund 01 in the amount of \$47,067.66

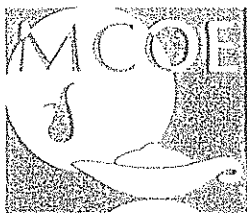
Batch 21 Fund 40 in the amount of \$22,754.93

Batch 22 Fund 01 in the amount of \$30,459.78

Batch 22 Fund 40 in the amount of \$616.35

Prepared by Vida Moattar

Sausalito Marin City School District Business Office



# MARIN COUNTY

## OFFICE OF EDUCATION

1111 LAS GALLINAS AVENUE/P.O. BOX 4925  
SAN RAFAEL, CA 94913-4925  
marincoe@marin.k12.ca.us

MARY JANE BURKE  
MARIN COUNTY  
SUPERINTENDENT OF SCHOOLS

(415) 472-4110  
FAX (415) 491-6625

### VENDOR PAYMENT CERTIFICATION

Date 10/8/12

District Name Sausalito Marin City District No. 47

The Governing Board of the District named hereon hereby authorizes and directs payment of vendor payments in the total of \$ 4637.35.

<u>FUND NUMBER</u>	<u>BATCH NUMBER</u>	<u>AMOUNT</u>
<u>01</u>	<u>18</u>	<u>4637.35</u>

Authorized Signature Paula Pigney

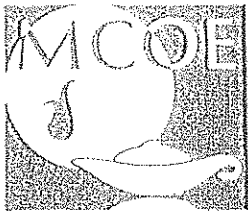
DISTRICT: 47 SAUSALITO SCHOOL DISTRICT

BATCH: 0018 GENERAL FUND

FUND : 01 GENERAL FUND

Q	ANT	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	
02984831		070655/	JAN MCDUGAL				
			PV-130109	01-0000-0-9211.00-0000-0000-000-000-000		Sept. 12 EOM Pay	4,637.35
				WARRANT TOTAL			\$4,637.35
***	FUND	TOTALS ***		TOTAL NUMBER OF WARRANTS: 1		TOTAL AMOUNT OF WARRANTS:	\$4,637.35*
***	BATCH	TOTALS ***		TOTAL NUMBER OF WARRANTS: 1		TOTAL AMOUNT OF WARRANTS:	\$4,637.35*
***	DISTRICT	TOTALS ***		TOTAL NUMBER OF WARRANTS: 1		TOTAL AMOUNT OF WARRANTS:	\$4,637.35*

Printed: 10/10/2012 12:55:31



# MARIN COUNTY

## OFFICE OF EDUCATION

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MARY JANE BURKE  
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SUPERINTENDENT OF SCHOOLS

(415) 472-4110  
FAX (415) 491-6625

### VENDOR PAYMENT CERTIFICATION

Date 10/10/12

District Name Sausalito Marin City District No. 47

The Governing Board of the District named hereon hereby authorizes and directs payment of vendor payments in the total of \$ 129,353.19.

<u>FUND NUMBER</u>	<u>BATCH NUMBER</u>	<u>AMOUNT</u>
<u>01</u>	<u>19</u>	<u>126,853.19</u>
<u>40</u>	<u>19</u>	<u>2,500.00</u>

Authorized Signature Paula Rigney

DISTRICT: 47 SAUSALITO SCHOOL DISTRICT  
BATCH: 0019 GENERAL FUND  
FUND : 01 GENERAL FUND

W	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	
02985325		070674/	BRUCE ABBOTT				
			PV-130118	01-9479-0-5849.00-0000-2100-101-000-000	9/12		753.00
				WARRANT TOTAL			\$753.00
02985326		070358/	AT&T				
			PO-130003	1. 01-0000-0-5970.00-0000-7200-700-000-000	9/12		186.32
				WARRANT TOTAL			\$186.32
02985327		070329/	AT&T CALNET 2				
			PO-130001	1. 01-0000-0-5970.00-0000-2700-700-000-000	9/12		352.76
				WARRANT TOTAL			\$352.76
02985328		070716/	BAY AREA SPEECH WORKS				
			PV-130112	01-6500-0-5800.00-5770-1190-700-000-000	1536		3,441.00
				WARRANT TOTAL			\$3,441.00
02985329		070513/	BOYS AND GIRLS CLUB				
			PO-130122	1. 01-6010-0-5840.00-1110-1010-700-000-000	SMCSD 10-2012		11,250.00
				WARRANT TOTAL			\$11,250.00
02985330		070550/	KELLY BROWNING				
			PV-130119	01-9471-0-5800.00-1110-1010-700-000-000	2		1,840.00
				WARRANT TOTAL			\$1,840.00
02985331		000256/	BUCK'S SAW SERVICE				
			PV-130114	01-8150-0-5600.00-0000-8110-735-000-000	11315		164.09
				WARRANT TOTAL			\$164.09
02985332		070652/	CAMERON COMMUNICATIONS				
			PV-130122	01-8150-0-5600.00-0000-8110-735-000-000	3581		120.00
				WARRANT TOTAL			\$120.00
02985333		070667/	JULIANNE EDMONDSON				
			PV-130120	01-0000-0-4300.00-1110-1010-101-000-000		CLASSROOM SUPPLIES	41.89
				WARRANT TOTAL			\$41.89
02985334		070538/	EDUCATIONAL DATA SYSTEMS				
			PO-130134	1. 01-0000-0-4300.00-1110-1010-100-000-000	91211469		139.10

DISTRICT: 47 SAUSALITO SCHOOL DISTRICT  
BATCH: 0019 GENERAL FUND  
FUND : 01 GENERAL FUND

1	JNT	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	
			2.	01-0000-0-4300.00-1110-1010-101-000-000	91211469		89.41
				WARRANT TOTAL			\$228.51
02985335	002270/		FISHMAN SUPPLY CO.				
			CM-130001	01-8150-0-4300.00-0000-8100-735-000-000	887092		21.21
			PO-130082	1. 01-8150-0-4300.00-0000-8100-735-000-000	883878		1,921.29
				1. 01-8150-0-4300.00-0000-8100-735-000-000	893878.1		218.29
				1. 01-8150-0-4300.00-0000-8100-735-000-000	886847		635.83
				1. 01-8150-0-4300.00-0000-8100-735-000-000	887091		162.26
				1. 01-8150-0-4300.00-0000-8100-735-000-000	888747		209.24
				WARRANT TOTAL			\$3,125.70
02985336	070622/		HANDWRITING WITHOUT TEARS				
			PO-130151	1. 01-9472-0-5210.00-1110-1010-100-000-000	711988-1		305.00
				WARRANT TOTAL			\$305.00
02985337	000045/		MARIN COUNTY OFFICE OF EDUC				
			PV-130117	01-9472-0-5210.00-1110-1010-100-000-000	130264		1,700.00
				WARRANT TOTAL			\$1,700.00
02985338	070470/		MARIN RESOURCE RECOVERY CENTER				
			PO-130123	1. 01-0000-0-5550.00-0000-8200-000-000-000	9/12		499.00
				WARRANT TOTAL			\$499.00
02985339	070218/		COUNTY OF MARIN				
			PV-130113	01-0000-0-5300.00-0000-7110-725-000-000	16029390		807.00
				WARRANT TOTAL			\$807.00
02985340	070447/		MAXIM HEALTHCARE SERVICES				
			PO-130076	1. 01-6500-0-5835.00-5770-1182-700-000-000	1045360084		2,120.00
				WARRANT TOTAL			\$2,120.00
02985341	000058/		P G & E CO				
			PV-130115	01-7230-0-4301.00-0000-3600-700-000-000	3085089005		362.45



DISTRICT: 47 SAUSALITO SCHOOL DISTRICT  
BATCH: 0019 GENERAL FUND  
FUND : 01 GENERAL FUND

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	AMOUNT	
WARRANT TOTAL														\$362.45	
02985342	070709/	KARLI PIERCE													
		PV-130125		01-0000-0-4300.00-1110-1010-101-000-000									Classroom supplies	233.20	
WARRANT TOTAL														\$233.20	
02985343	070384/	FLORA SANCHEZ													
		PV-130121		01-0000-0-4300.00-1110-1010-100-000-000									bAYSIDE SUPPLIES	13.76	
WARRANT TOTAL														\$13.76	
02985344	070405/	SCHOOLYARD COMUNICATIONS													
		PO-130053	1.	01-0000-0-5841.00-0000-2700-700-000-000									12-8573	1,414.04	
WARRANT TOTAL														\$1,414.04	
02985345	001811/	STATE OF CALIFORNIA													
		PV-130111		01-0000-0-5821.00-0000-7200-725-000-000									932485	96.00	
WARRANT TOTAL														\$96.00	
02985346	070525/	US BANCORP EQUIP. FINANCE INC													
		PO-130028	1.	01-0000-0-5605.00-0000-7200-700-000-000									9/12	744.47	
WARRANT TOTAL														\$744.47	
02985347	070714/	WEST MARIN CITIZEN													
		PV-130116		01-0000-0-5803.00-0000-7200-700-000-000									9991	72.00	
WARRANT TOTAL														\$72.00	
02985348	002172/	WILLOW CREEK ACADEMY													
		PV-130123		01-0000-0-8096.00-0000-9200-103-000-000									Oct. 12 in lieu	96,983.00	
WARRANT TOTAL														\$96,983.00	
*** FUND	TOTALS ***	TOTAL NUMBER OF WARRANTS: 24												TOTAL AMOUNT OF WARRANTS:	\$126,853.19*

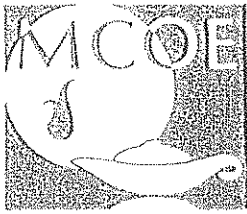
DISTRICT: 47 SAUSALITO SCHOOL DISTRICT

BATCH: 0019 GENERAL FUND

FUND : 40 SPECIAL RESERVE~CAP OUTLAY #1

1	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	AMOUNT
02985349	070056/	BANK OF NEW YORK MELLON												
	PV-130124		40	0000	0	5831	00	0000	8500	000	000	000	252-1646498	500.00
	PV-130126		40	0000	0	5831	00	0000	8500	000	000	000	252-1652453	500.00
	WARRANT TOTAL													\$1,000.00
02985350	002616/	US BANK OPERATIONS CENTER												
	PV-130110		40	0000	0	5831	00	0000	8500	000	000	000	3224246	1,500.00
	WARRANT TOTAL													\$1,500.00
*** FUND			TOTALS ***		TOTAL NUMBER OF WARRANTS:				2	TOTAL AMOUNT OF WARRANTS:				\$2,500.00*
*** BATCH			TOTALS ***		TOTAL NUMBER OF WARRANTS:				26	TOTAL AMOUNT OF WARRANTS:				\$129,353.19*
*** DISTRICT			TOTALS ***		TOTAL NUMBER OF WARRANTS:				26	TOTAL AMOUNT OF WARRANTS:				\$129,353.19*

Printed: 10/12/2012 08:42:29



# MARIN COUNTY

## OFFICE OF EDUCATION

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SAN RAFAEL, CA 94913-4925  
marincoe@marin.k12.ca.us

MARY JANE BURKE  
MARIN COUNTY  
SUPERINTENDENT OF SCHOOLS

(415) 472-4110  
FAX (415) 491-6625

### VENDOR PAYMENT CERTIFICATION

Date 10/17/17

District Name Sausalito Marin City District No. 47

The Governing Board of the District named hereon hereby authorizes and directs payment of vendor payments in the total of \$ 37,757.17

<u>FUND NUMBER</u>	<u>BATCH NUMBER</u>	<u>AMOUNT</u>
<u>01</u>	<u>20</u>	<u>37,757.17</u>
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Authorized Signature Paula Rigney

DISTRICT: 47 SAUSALITO SCHOOL DISTRICT  
BATCH: 0020 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	
02986074	070711/	BRIGHT PATH THERAPISTS												
		PO-130135	1.	01		6500-0-5835.00-5770-1182-700-000-000							206-7	157.50
		WARRANT TOTAL												\$157.50
02986075	070550/	KELLY BROWNING												
		PO-130129	1.	01		9471-0-5800.00-1110-1010-700-000-000							11/12	240.00
		PV-130131		01		9471-0-4300.00-1110-1010-700-000-000							Garden program supplies	149.09
		WARRANT TOTAL												\$389.09
02986076	002183/	TRELLIS CONDRA												
		PV-130129		01		0000-0-4300.00-1110-1010-101-000-000							Lunches 10/15/12	15.00
		WARRANT TOTAL												\$15.00
02986077	070569/	FORREST CORSON												
		PV-130128		01		8150-0-4300.00-0000-8100-735-000-000							Batteries	16.26
		WARRANT TOTAL												\$16.26
02986078	002270/	FISHMAN SUPPLY CO.												
		PO-130082	1.	01		8150-0-4300.00-0000-8100-735-000-000							886847.1	97.10
		WARRANT TOTAL												\$97.10
06079	000506/	LOZANO SMITH												
		PO-130073	1.	01		0000-0-5829.00-0000-7100-000-000-000							42014.5	1,836.00
		WARRANT TOTAL												\$1,836.00
02986080	000045/	MARIN COUNTY OFFICE OF EDUC												
		PO-130069	1.	01		0000-0-5840.00-0000-7705-700-000-000							130379	2,840.25
		PV-130127		01		0000-0-5840.10-0000-3120-700-000-000							121620	11,070.30
		WARRANT TOTAL												\$13,910.55
02986081	000047/	MARIN MUNICIPAL WATER DST												
		PO-130010	1.	01		0000-0-5535.00-0000-8200-000-000-000							8-10/12	3,671.12
		WARRANT TOTAL												\$3,671.12
02986082	070447/	MAXIM HEALTHCARE SERVICES												
		PO-130076	1.	01		6500-0-5835.00-5770-1182-700-000-000							1071030084	2,120.00

DISTRICT: 47 SAUSALITO SCHOOL DISTRICT  
BATCH: 0020 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	AMOUNT
WARRANT TOTAL														\$2,120.00
02986083	002358/	MAXIMUS												
		PO-130021	1.	01	0000	0	5840	00	0000	7200	725	000	000	101965.01.04
														3,000.00
WARRANT TOTAL														\$3,000.00
02986084	000058/	P G & E CO												
		PO-130000	1.	01	0000	0	5510	00	0000	8200	000	000	000	Due 10/19/12
														28.38
WARRANT TOTAL														\$28.38
02986085	070709/	KARLI PIERCE												
		PV-130130		01	0000	0	4300	00	1110	1010	101	000	000	Classroom supplies
														41.92
WARRANT TOTAL														\$41.92
02986086	001953/	SPECTRUM CENTER												
		PO-130075	1.	01	6500	0	5833	00	5750	1185	700	000	000	96004
														4,773.78
			1.	01	6500	0	5833	00	5750	1185	700	000	000	96005
														7,700.47
WARRANT TOTAL														\$12,474.25
*** FUND	TOTALS ***	TOTAL NUMBER OF WARRANTS: 13										TOTAL AMOUNT OF WARRANTS:	\$37,757.17*	
*** BATCH TOTALS ***		TOTAL NUMBER OF WARRANTS: 13										TOTAL AMOUNT OF WARRANTS:	\$37,757.17*	
*** DISTRICT TOTALS ***		TOTAL NUMBER OF WARRANTS: 13										TOTAL AMOUNT OF WARRANTS:	\$37,757.17*	



(415) 472-4110  
FAX (415) 491-6625

Date 10/24/12

The Governing Board of the District named hereon hereby authorizes and directs payment of vendor payments in the total of \$ 69,822.59.

Authorized Signature

Paula Rigney

DISTRICT: 47 SAUSALITO SCHOOL DISTRICT  
BATCH: 0021 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		
02986828	000192/	AT&T				
		PO-130002	1. 01-0000-0-5970.00-0000-2700-000-000-000	10/12		1,480.64
			WARRANT TOTAL			\$1,480.64
02986829	070329/	AT&T CALNET 2				
		PO-130001	1. 01-0000-0-5970.00-0000-2700-700-000-000	10/12		441.33
			WARRANT TOTAL			\$441.33
02986830	070690/	AMELIA CORBETT GREEN				
		PO-130130	1. 01-9471-0-5840.00-1110-1010-700-000-000	11/12		1,505.45
		PV-130138	01-9471-0-5800.00-1110-1010-700-000-000	Cooking lessons 10/12		1,605.00
			WARRANT TOTAL			\$3,110.45
02986831	070693/	DANIELLE DENTON				
		PV-130137	01-0000-0-4300.00-1110-1010-101-000-000	Reimb. Field Trip Fees		40.00
			WARRANT TOTAL			\$40.00
02986832	070667/	JULIANNE EDMONDSON				
		PV-130140	01-0000-0-4300.00-1110-1010-101-000-000	Reimb. classroom supplies		31.88
			WARRANT TOTAL			\$31.88
86833	070235/	ETS				
		PV-130141	01-1100-0-4300.00-1110-1010-100-000-000	SP20033343		37.62
			WARRANT TOTAL			\$37.62
02986834	000701/	HYDREX PEST CONTROL				
		PO-130080	1. 01-0000-0-5525.00-0000-8200-000-000-000	10/12		340.00
			WARRANT TOTAL			\$340.00
02986835	000039/	KAISER FOUNDATION				
		PV-130132	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		3,918.19
			01-0000-0-9520.00-0000-0000-000-000-000	578-0002		14,199.80
			01-0000-0-9520.00-0000-0000-000-000-000	16734-0002		1,888.26
			WARRANT TOTAL			\$20,562.47

DISTRICT: 47 SAUSALITO SCHOOL DISTRICT  
BATCH: 0021 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		
02986836	001794/	LOUIE'S DELI				
		PV-130139	01-0000-0-4300.00-0000-2700-100-000-000	4288		261.00
			01-0000-0-4300.00-0000-2700-101-000-000	4288		261.00
			WARRANT TOTAL			\$522.00
02986837	002753/	MACGILL DISCOUNT SCHOOL NURSE				
		PO-130157	1. 01-0000-0-4300.00-1110-3140-100-000-000	421424		153.72
			WARRANT TOTAL			\$153.72
02986838	070164/	MARIN CITY COMMUNITY SERVICES				
		PV-130142	01-6010-0-5840.00-1110-1010-101-000-000	After School Program 9-10/12		5,400.00
			WARRANT TOTAL			\$5,400.00
02986839	000117/	MARIN SCHOOLS JPA/VISION				
		PV-130134	01-0000-0-9520.00-0000-0000-000-000-000	11/12		445.02
			WARRANT TOTAL			\$445.02
02986840	070447/	MAXIM HEALTHCARE SERVICES				
		PO-130076	1. 01-6500-0-5835.00-5770-1182-700-000-000	1083170084		2,014.00
			1. 01-6500-0-5835.00-5770-1182-700-000-000	1102030084		2,093.50
			WARRANT TOTAL			\$4,107.50
02986841	000015/	MSIA DENTAL				
		PV-130133	01-0000-0-9520.00-0000-0000-000-000-000	11/12		4,464.82
			WARRANT TOTAL			\$4,464.82
02986842	000058/	P G & E CO				
		PO-130000	1. 01-0000-0-5510.00-0000-8200-000-000-000	Due 11/1/12		648.24
			WARRANT TOTAL			\$648.24
02986843	002538/	KENNETH PRICE				
		PV-130136	01-9479-0-4300.00-1110-1010-101-000-000	OJ Services 10/13/12		150.00
			WARRANT TOTAL			\$150.00
02986844	070222/	PROTECTION ONE				
		PO-130133	1. 01-0000-0-5840.00-0000-8300-100-000-000	11/12		68.93



DISTRICT: 47 SAUSALITO SCHOOL DISTRICT  
BATCH: 0021 GENERAL FUND  
FUND : 01 GENERAL FUND

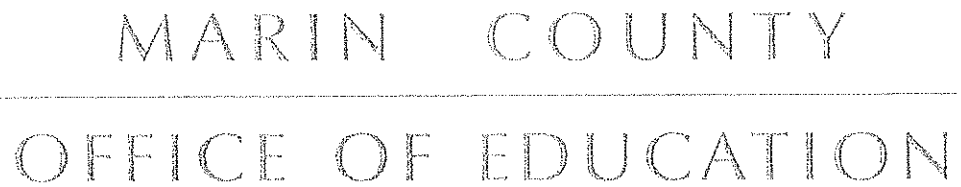
WARRANT	VENDOR/ADDR	NAME (REMIT)	DEPOSIT TYPE	ABA NUM	ACCOUNT NUM	AMOUNT
REQ#	REFERENCE	LN	FD RESC Y OBJT SO GOAL FUNC LOC ACT GRP	DESCRIPTION		
		2.	01-0000-0-5840.00-0000-8300-101-000-000	11/12		578.46
		3.	01-0000-0-5840.00-0000-8300-103-000-000	11/12		103.29
			WARRANT TOTAL			\$750.68
02986845	070522/	TENISHA TATE				
		PV-130135	01-9472-0-4300.00-0000-2495-100-000-000	Reimb. Retreat & Festival		78.29
			01-9479-0-4300.00-1110-1010-101-000-000	Reimb. Retreat & Festival		405.00
			WARRANT TOTAL			\$483.29
02986846	002834/	TIMELY TRANSPORTATION				
		PO-130024	1. 01-7230-0-5840.00-1110-3600-700-000-000	11/12		3,898.00
			WARRANT TOTAL			\$3,898.00
*** FUND	TOTALS ***		TOTAL NUMBER OF WARRANTS: 19	TOTAL AMOUNT OF WARRANTS:		\$47,067.66*

DISTRICT: 47 SAUSALITO SCHOOL DISTRICT

BATCH: 0021 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	AMOUNT
02986847	070691/	ARCHITECTS OF ACHIEVEMENT												
		PO-130027	1.	40-0000-0-5807.00-0000-8500-700-000-000									09-12-11328	2,563.00
		WARRANT TOTAL												\$2,563.00
02986848	070701/	QUATTROCCHI KWOK												
		PO-130029	1.	40-0000-0-6210.00-0000-8500-700-000-000									12399	20,191.93
		WARRANT TOTAL												\$20,191.93
*** FUND	TOTALS ***					TOTAL NUMBER OF WARRANTS:	2						TOTAL AMOUNT OF WARRANTS:	\$22,754.93*
*** BATCH	TOTALS ***					TOTAL NUMBER OF WARRANTS:	21						TOTAL AMOUNT OF WARRANTS:	\$69,822.59*
*** DISTRICT	TOTALS ***					TOTAL NUMBER OF WARRANTS:	21						TOTAL AMOUNT OF WARRANTS:	\$69,822.59*



(415) 472-4110  
FAX (415) 491-6625

Date 10/31/12

District Name                      Sausalito Marin City                      District No.    47

The Governing Board of the District named hereon hereby authorizes and directs payment of vendor payments in the total of \$ 31,076.13.

Authorized Signature

Paula Bignuz

DISTRICT: 47 SAUSALITO SCHOOL DISTRICT  
BATCH: 0022 GENERAL FUND  
FUND : 01 GENERAL FUND

W	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	
02987565		002765/	ALADDINS AUTOMOTIVE				
			PO-130147	1. 01-7230-0-5600.00-0000-3600-700-000-000		Bus service	541.50
				WARRANT TOTAL			\$541.50
02987566		070329/	AT&T CALNET 2				
			PO-130001	1. 01-0000-0-5970.00-0000-2700-700-000-000		10/12	63.64
				WARRANT TOTAL			\$63.64
02987567		000006/	BAY CITIES REFUSE INC				
			PO-130128	1. 01-0000-0-5550.00-0000-8200-000-000-000		11/12	643.80
				WARRANT TOTAL			\$643.80
02987568		070513/	BOYS AND GIRLS CLUB				
			PO-130122	1. 01-6010-0-5840.00-1110-1010-700-000-000		SMCSD 11-2012	11,250.00
				WARRANT TOTAL			\$11,250.00
02987569		070711/	BRIGHT PATH THERAPISTS				
			PO-130135	1. 01-6500-0-5835.00-5770-1182-700-000-000		2647	675.00
				WARRANT TOTAL			\$675.00
02987570		070693/	DANIELLE DENTON				
			PV-130148	01-9479-0-4300.00-1110-1010-101-000-000		Reimb. 10/25 field trip	63.58
				WARRANT TOTAL			\$63.58
02987571		002547/	DISCOVERY OFFICE SYSTEMS				
			PV-130145	01-0000-0-5605.00-0000-7200-725-000-000		55E1127711	1,250.00
				WARRANT TOTAL			\$1,250.00
02987572		002890/	LOUIS EDNEY				
			PV-130149	01-9479-0-4300.00-1110-1010-101-000-000		Reimb. 10/25 field trip	45.70
				WARRANT TOTAL			\$45.70
02987573		001807/	EMPLOYMENT DEVELOPMENT DEPT.				
			PV-130144	01-0000-0-9515.00-0000-0000-000-000-000		LEC Q3 942-4117-1	1,418.10
				WARRANT TOTAL			\$1,418.10
02987574		000023/	GOODMAN BUILDING SUPPLY CO.				
			PO-130083	1. 01-8150-0-4300.00-0000-8100-735-000-000		Due 11/11/12	201.90

DISTRICT: 47 SAUSALITO SCHOOL DISTRICT  
BATCH: 0022 GENERAL FUND  
FUND : 01 GENERAL FUND

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						\$201.90
02987575	000595/	GRAINGER				
		PO-130119	1. 01-8150-0-4300.00-0000-8100-735-000-000	9951568105		500.00
		PV-130143	01-8150-0-4300.00-0000-8100-735-000-000	9951568105		32.13
		WARRANT TOTAL				\$532.13
02987576	070685/	JOHN GRIFFIN				
		PV-130151	01-9479-0-4300.00-1110-1010-101-000-000	Reimb. bridge toll		6.00
		WARRANT TOTAL				\$6.00
02987577	070447/	MAXIM HEALTHCARE SERVICES				
		PO-130076	1. 01-6500-0-5835.00-5770-1182-700-000-000	1121760084		1,696.00
		WARRANT TOTAL				\$1,696.00
02987578	070573/	MCMASTER CARR				
		PO-130164	1. 01-8150-0-4300.00-0000-8100-735-000-000	40006822		53.01
		WARRANT TOTAL				\$53.01
02987579	001011/	NOR MAR ENGRAVERS				
		PO-130158	1. 01-0000-0-4300.00-0000-7110-725-000-000	14065		64.56
		WARRANT TOTAL				\$64.56
02987580	000058/	P G & E CO				
		PO-130000	1. 01-0000-0-5510.00-0000-8200-000-000-000	Due 11/8/12		5,827.18
		WARRANT TOTAL				\$5,827.18
02987581	070709/	KARLI PIERCE				
		PV-130150	01-9479-0-4300.00-1110-1010-101-000-000	Reimb. 10/25 field trip		49.10
		WARRANT TOTAL				\$49.10
02987582	001206/	SHELL OIL CO.				
		PV-130147	01-0000-0-4301.00-0000-8110-735-000-000	10/12		118.12
		WARRANT TOTAL				\$118.12
02987583	070200/	STANDARD INSURANCE COMPANY CB				
		PV-130146	01-0000-0-9520.00-0000-0000-000-000-000	503140-5001		353.30

DISTRICT: 47 SAUSALITO SCHOOL DISTRICT  
BATCH: 0022 GENERAL FUND  
FUND : 01 GENERAL FUND

1	NT	VENDOR/ADDR	NAME (REMIT)	REQ#	REFERENCE	LN	FD	RESC	Y	OBJT	SO	GOAL	FUNC	LOC	ACT	GRP	ABA NUM	ACCOUNT NUM	DESCRIPTION	AMOUNT						
-----																										
								01-0000-0-9520.00-0000-0000-000-000-000										503140-5000		107.16						
								WARRANT TOTAL																		\$460.46
02987584		002680/	STEPHEN ROATCH ACCOUNTANCY																							
					PO-130121	1.		01-0000-0-5809.00-0000-7110-000-000-000											11-12 Audit Billing 3	5,500.00						
					WARRANT TOTAL																				\$5,500.00	
		*** FUND	TOTALS ***					TOTAL NUMBER OF WARRANTS:					20		TOTAL AMOUNT OF WARRANTS:							\$30,459.78*				

DISTRICT: 47 SAUSALITO SCHOOL DISTRICT

BATCH: 0022 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	AMOUNT
02987585	070701/	QUATTROCCHI KWOK												
		PO-130029	1.	40-0000-0-6210.00-0000-8500-700-000-000									12399	616.35
													WARRANT TOTAL	\$616.35
*** FUND	TOTALS ***					TOTAL NUMBER OF WARRANTS:	1						TOTAL AMOUNT OF WARRANTS:	\$616.35*
*** BATCH TOTALS ***						TOTAL NUMBER OF WARRANTS:	21						TOTAL AMOUNT OF WARRANTS:	\$31,076.13*
*** DISTRICT TOTALS ***						TOTAL NUMBER OF WARRANTS:	21						TOTAL AMOUNT OF WARRANTS:	\$31,076.13*

Printed: 11/02/2012 08:44:18

Sausalito Marin City School District  
Personnel Action Report  
2012/2013-5

Date of Board Meeting: November 15, 2012

Action	Name	Title	FTE	Site	Effective Date
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**Classified**


**Certificated**


**Confidential**


**Administrative**

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NOTE: No personnel action to report this month



## Field Trip

**Dates:** October 25, 2012  
**Destination:** Mission Culture Center San Francisco, CA  
**Teacher:** Ms. Denton, Ms. Pierce, Ms. Zeisler  
**Grade:** 6<sup>th</sup> and 7<sup>th</sup> Grade  
**Standards Supported:** Visual Arts (1.2-1.3 & 3.2-3.3), Historical/Cultural (4.2)  
**Funding:** District Field Trip Funds  
**Cost:** \$ 490.00

**Dates:** November 9, 2012  
**Destination:** College of Marin 17<sup>th</sup> Annual Peer Summit, CA  
**Teacher:** Ms. Zeisler, Ms. Suto, Ms. Tate  
**Grade:** 7<sup>th</sup> and 8<sup>th</sup> Grade  
**Standards Supported:**  
**Funding:** District Field Trip Funds/MCF Grant  
**Cost:** \$ 200.00

**Dates:** November 13, 2012  
**Destination:** Slide Ranch: 2025 Shoreline Hwy., Muir Beach, CA  
**Teacher:** Mr. Scullion, Ms. Franz  
**Grade:** 3<sup>rd</sup> and 4<sup>th</sup> Grade  
**Standards Supported:** Environmental/Life Science  
**Funding:** District and Garden Grant  
**Cost:** \$ 350.00

**Dates:** November 15, 2012  
**Destination:** Historical Society, Downtown Sausalito, CA  
**Teacher:** Mr. Scullion  
**Grade:** 3<sup>rd</sup> Grade  
**Standards Supported:** History  
**Funding:** District Field Trip  
**Cost:** \$ 0.00

**Dates:** November 29, 2012  
**Destination:** Marin Theatre Company  
**Teacher:** All MLK Staff  
**Grade:** 5<sup>th</sup>- 8<sup>th</sup> Grade  
**Standards Supported:** Visual and Performing Arts – Theatre Arts  
**Funding:** Field Trip Funds/MCF Grant  
**Cost:** \$ 200.00

**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. 4<sup>th</sup> 1267

*Woodbury v. Dempsey* (2003) 108 Cal. App. 4<sup>th</sup> 421

*Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H.*, (2001) 85 Cal.App.4<sup>th</sup> 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**, 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~~ ~~e~~ 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(c) 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/osep/index.html>*

Regulation  
approved:

**SAUSALITO MARIN CITY SCHOOL DISTRICT**  
Sausalito, California