

**Santa Monica-Malibu Unified School District
Board of Education Meeting
Updates to March 11, 2004**

MINUTES

CONSENT AGENDA

MAJOR ITEMS

- A.7 Adopt Amended Resolution No. 03-10...
FTE's reduced to 37.9

kg

TO: BOARD OF EDUCATION ACTION/MAJOR
03/11/04

FROM: JOHN E. DEASY/JOSEPH N. QUARLES/KATHY SCOTT

RE: ADOPT AMENDED RESOLUTION NO. 03-10: REDUCTION OR DISCONTINUANCE OF PARTICULAR KINDS OF SERVICES WITH DIRECTION TO NOTIFY AFFECTED EMPLOYEES OF RECOMMENDATION OF LAYOFF; ESTABLISHING ORDER OF SENIORITY ("TIE-BREAKING CRITERIA"); AND RELATED ACTIONS

RECOMMENDATION NO. A.07

It is recommended that the Board of Education approve amended Resolution 03-10 for the reduction or discontinuance of particular kinds of services as indicated on the Resolution, effective June, 2004.

COMMENT: The Superintendent of Santa Monica-Malibu Unified School District recommends to the Governing Board that the employees effected by the reductions listed on the attached Resolution 03-10 not be reemployed for the 2004-2005 school year and that the Board give notice as required by Education Code Sections 44949 and 44955 that their services will not be required.

Resolution No. 03-10, adopted at the March 4, 2004 meeting, is amended to include known attrition, reassignments, non-reelections, etc.

MOTION MADE BY:
SECONDED BY:

STUDENT ADVISORY VOTE: N/A
AYES:
NOES:
ABSTENTIONS:

**BEFORE THE BOARD OF EDUCATION OF THE
SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA**

**AMENDED
RESOLUTION NO 03-10.**

REDUCTION OR DISCONTINUANCE OF PARTICULAR KINDS OF SERVICE

WHEREAS, pursuant to Education Code Section 44955, it is the opinion of this Board that it has become necessary to reduce or discontinue particular kinds of service; and

WHEREAS, this Board does not desire to reduce the services of permanent certificated employees based upon a reduction of average daily attendance during the past two years; and

WHEREAS, it is the opinion of this Board that the following kinds of services be reduced or discontinued for the 2004-2005 school year:

Particular Kinds of Services and Full-Time Equivalents

1.	Woodshop	.2 FTE
2.	Art	2.0 FTE
3.	ESL	1.0 FTE
4.	Elementary	11.0 FTE
5.	English	8.0 FTE
6.	Industrial Technology	.5 FTE
7.	Music	1.2 FTE
8.	P.E.	4.0 FTE
9.	Spanish	2.0 FTE
10.	French	1.0 FTE
11.	Japanese	1.0 FTE
12.	Math	6.0FTE

TOTAL SERVICES REDUCED = 37.9 FTE

WHEREAS, it is the opinion of this Board that it is necessary by reason of the aforementioned reductions and discontinuances of service to decrease the number of certificated employees by the equivalent of 37.9 FTE employees for the 2004-2005 school year.

WHEREAS, in determining the service to be reduced, the Board of Education has considered all assured and/or attrition known as of the time of this Resolution, and the reductions set forth above are in addition to any known and assured attrition;

WHEREAS, the District currently employs various persons serving in certificated positions serving solely pursuant to and possessing only emergency permits (sometimes also referred to as "emergency credentials;" Education Code Section 44300 et. seq.);

WHEREAS, the time served by employees serving in certificated staffing positions pursuant to, and possessing only emergency permits cannot be included in computing the service required as a prerequisite to attainment of or eligibility to classification as a permanent employee, and such employees therefore are non-probationary and non-permanent employees pursuant to Education Code Section 44911 and administrative interpretations;

WHEREAS, it is the Board's belief that individuals employed solely pursuant to emergency permits are not entitled to the rights of a probationary or permanent certificated employees within the layoff process and therefore they have been non-re-elected by Resolution.

WHEREAS, due to the legal uncertainty as to whether employees possessing solely emergency permits serving in the particular kind of service being reduced are entitled to be included in the layoff process, the Board has determined to, as a precaution, give said employees the same type of layoff notices as would be provided to probationary or permanent certificated employees despite the fact that said employees have no probationary seniority;

WHEREAS, the Education Code requires that various actions be taken and notices be forwarded no later than March 15th of each school year regarding layoffs of certificated personnel resulting from reductions of particular kinds of service;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Education of the Santa Monica-Malibu Unified School District, that for the 2004-2005 school year, the particular kinds of services to be provided by said District shall be and hereby are reduced to the extent hereinabove set forth.

BE IT FURTHER RESOLVED that due to the reduction or discontinuance of particular kinds of services, the legal number of employees of the District, pursuant to Education Code Section 44955, not be reemployed for the 2004-2005 school year.

BE IT FURTHER RESOLVED that the Superintendent, or his designee, is directed to give Notice of Recommendation Not to Reemploy, in accordance with the provisions of Section 44949 and 44955 of the Education Code, to the number of certificated employees allowed pursuant to Education Code Section 44955.

BE IT FURTHER RESOLVED that the Superintendent, or his designee, is delegated the authority to take all actions necessary and proper to the accomplishment of the purposes of this Resolution.

The foregoing Resolution was adopted by the Board of Education of the Santa Monica-Malibu Unified School District on the 11th day of March, 2004 by the following vote:

AYES: ___
NOES: ___
ABSENT: ___

Jose Escarce, President, Board of Education
Santa Monica-Malibu Unified School District

I, John E. Deasy, Secretary of the Board of Education of the Santa Monica-Malibu Unified School District, do certify that the foregoing Resolution was regularly introduced, passed and adopted by the Board of Education at its Regular Board Meeting held on March 11, 2004.

John E. Deasy, Secretary
Board of Education
Santa Monica-Malibu Unified School District

Attachment A (available at conclusion of Closed Session)