

**Santa Monica-Malibu Unified School District
Board of Education
MINUTES**

**UNADOPTED
May 13, 2003**

A special meeting of the Santa Monica-Malibu Unified School District's Board of Education was held on Tuesday, May 13, 2003, at 5 p.m. in the Board Room of the District Administrative Offices, 1651 16th Street, Santa Monica, CA.

I CALL TO ORDER

- A. Roll Call
- B. Pledge of Allegiance

II PUBLIC COMMENTS FOR CLOSED SESSION ITEMS ONLY

III CLOSED SESSION:

- Personnel Matters Related to Reduction of Staff - EC 44955, et. Seq.

IV PUBLIC COMMENTS

Public Comments is the time when members of the audience may address the Board of Education on items not scheduled on the meeting's agenda. All speakers are limited to three (3) minutes. When there is a large number of speakers, the Board may reduce the allotted time to two(2) minutes per speaker.

V MAJOR ITEMS

These items are considered to be of major interest and/or importance and are presented for **ACTION (A)** or **INFORMATION (I)** at this time. Many have been reviewed by the Board at a previous meeting under the Discussion Items section of the agenda.

Action Items are submitted to the Board of Education with a recommendation from the Superintendent. They may be tabled or postponed by action of a quorum of the Board. .

- A.1 Adoption of Board Resolution No. 02- 30, Implementing Certificated Layoff (Terminating Services of Certificated Employees), Acting Upon Proposed Decision of Administrative Law Judge and Providing Direction to Issue Notifications to Employees Whose Services Are Terminated 1-8

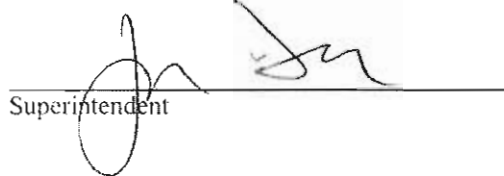
XX ADJOURNMENT

The next regular meeting of the Board of Education is scheduled to be held on Thursday, May 15, at 7 p.m. in the Santa Monica City Council chambers, 1685 Main Street, Santa Monica, CA, unless otherwise noticed.

**Meetings held in Santa Monica are taped for rebroadcast
and played on Cable Channel 16 (City TV) at 11:00 AM
on the Sunday following the Board meeting.
Meetings are rebroadcast in Malibu on Government Access
Channel 15 every Thursday at 2 PM and every
Saturday & Sunday at 8 PM**

Approved: June 12, 2003


President


Superintendent

Board Of Education Meeting Schedule					
JULY THROUGH DECEMBER, 2002					
Month	1st	2nd	3rd Discussion Meeting	4th	Special
July					No Meetings in July
August		8		22	23 - tentative: Board Retreat (29)
September	5		19 *		19 - Data Review Discussion Session
October	3 **		17 *		(30) <u>17- Race and Discipline Workshop</u>
November	7		21 *		(29)
December	5	12	19		(12) Tentative Reschedule of 12/5/02 19 - Board Agenda Management and SIP's Workshop
REVISED	REVISED	JANUARY THROUGH JUNE, 2003		REVISED	REVISED
January		9		23	23: Charter Schools discussion 30 - Parcel Tax
February	6 **		20 *		1: Board Retreat 20: Institute for Learning discussion
March	6		19(Wed)		19: Standards-based Instruction discussion 20-21 Stairway to the Starts (Civic Aud)
April	3			24	(Spring break 4/16/03 thru 4/25/03) 24: Preliminary Budget Planning discussion
May	1 **	8 13(Tues.)	15 *		(29) 13: Special Meeting 8: Special Meeting w/Financial Oversight Committee 15: Regular meeting
June		12		26	12 W/O 6/16: Graduations

** Malibu Meetings (10/3, 2/6/, 4/3, 5/1, - Malibu High School Auditorium 30215 Morningview Drive, Malibu.

* Santa Monica City Council Chambers (9/19, 10/17, 11/21, 2/20/03, 5/15) - 1685 Main Street, Santa Monica.

Agenda Distribution:

A copy of the Table of Contents is posted 72 hours in advance of regularly scheduled Board of Education meetings and is also accessible to the public 24 hours/day at the District Offices' entrance, 1651 16th Street in Santa Monica.

Complete Board of Education agendas are also available in *pdf* format, 24/7, on the District's website: www.smmusd.org.

**Santa Monica-Malibu Unified School District
Board of Education
May 13 2003**

I CALL TO ORDER - 5:10 p.m.

A Roll Call

Maria Leon-Vazquez - President
Jose Escarce - Vice President -excused absence
Emily Bloomfield
Julia Brownley
Oscar de la Torre - excused absence
Mike Jordan
Shane McLoud

Moises Castillo - Santa Monica High School Student Representative - absent
Christine Hoff - Malibu High School Student Representative - absent

B Pledge of Allegiance
Led by Ms. Brownley

II CLOSED SESSION

No report/or action taken in Closed Session

TO: BOARD OF EDUCATION ACTION/MAJOR
05/13/03

FROM: JOHN E. DEASY/JOSEPH N. QUARLES/RICK BAGLEY

RE: ADOPTION OF BOARD RESOLUTION NO. 02-30 IMPLEMENTING
CERTIFICATED LAYOFF (TERMINATING SERVICES OF
CERTIFICATED EMPLOYEES), ACTING UPON PROPOSED DECISION
OF ADMINISTRATIVE LAW JUDGE AND PROVIDING DIRECTION TO
ISSUE NOTIFICATIONS TO EMPLOYEES WHOSE SERVICES ARE
TERMINATED

RECOMMENDATION NO. A.1

It is recommended that the Board of Education adopt Resolution Number 02-30: IMPLEMENTING CERTIFICATED LAYOFF (TERMINATING SERVICES OF CERTIFICATED EMPLOYEES), ACTING UPON PROPOSED DECISION OF ADMINISTRATIVE LAW JUDGE AND PROVIDING DIRECTION TO ISSUE NOTIFICATIONS TO EMPLOYEES WHOSE SERVICES ARE TERMINATED.

COMMENT: The Superintendent is recommending to the Board of Education that take action on Resolution 02-30, pursuant to California Education Code Sections 44949 and 44955.

On March 6, 2003, this Board adopted Resolution Number 02-23 reducing or discontinuing particular kinds of services with respect to probationary and tenured certificated staff. On March 13, 2003, this Board adopted Resolution Number 02-25 reducing or discontinuing particular kinds of services with respect to emergency credentialed certificated staff.

Prior to March 15, 2003, the Superintendent's designated representative(s) served notices to the appropriate certificated employees, that it has been recommended that each of their services will not be required for the 2003-2004 school year, pursuant to Education Code Sections 44949 and 44955. These notices served upon the named certificated employees listed in the adopted resolutions, advised the employees that they could request a hearing before the Governing Board to determine if there was cause for not reemploying them for the 2003-2004 school year and that if they failed to timely request a hearing, that failure would constitute the waiver of the right to a hearing, and his/her services would accordingly be terminated pursuant to the recommendation.

Fifteen employees requested a hearing and certificated employee layoff proceedings accordingly have occurred pursuant to Sections 44955 and 44949 of the Education Code, with an Administrative Law Judge having held an evidentiary hearing and then submitting a proposed decision relating to those proceedings. On April 28 and 29, 2003, a hearing on the layoffs was conducted by an Administrative Law Judge pursuant to the California

Administrative Procedure Act, and a proposed decision was rendered and received by the District on May 7, 2003.

The employees listed were sent a copy of the proposed decision of the Administrative Law Judge via registered mail and advised of their right to attend the meeting of the Board in which the following Resolution would be adopted.

Subsequent to the adoption of this Resolution and prior to May 15th, the named employees must be sent via certified and regular mail, a copy of this Resolution and a letter notifying them of their termination, which becomes effective at the end of the 2002-03 school year.

It should be noted that since the Board's initial adoption of layoff resolutions, a number of layoff notices have been rescinded as a result of attrition in the certificated workforce. As attrition continues between now and year end, it is anticipated that additional layoff notices will be rescinded. Staff will keep the Board apprised of these changes as they occur.

Public Comments
Jane Jeffries

MOTION MADE BY: Ms. Brownley
SECONDED BY: Dr. Jordan

STUDENT ADVISORY VOTE: N/A
AYES: All (5)
NOES: None (0)
ABSTENTIONS: None
ABSENT: Dr. Escarce and Mr. de la Torre

BEFORE THE GOVERNING BOARD OF THE
SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA
RESOLUTION NO. 02-30

**RESOLUTION IMPLEMENTING CERTIFICATED LAYOFF (TERMINATING
SERVICES OF CERTIFICATED EMPLOYEES), ACTING
UPON PROPOSED DECISION OF ADMINISTRATIVE LAW JUDGE AND
PROVIDING DIRECTION TO ISSUE NOTIFICATIONS
TO EMPLOYEES WHOSE SERVICES ARE TERMINATED**

On the motion of Member Ms. Brownley, seconded by Dr. Jordan, the following Resolution is adopted:

RESOLVED, by the Governing Board of the Santa Monica-Malibu Unified School District that:

WHEREAS, on March 6, 2003, this Board adopted Resolution Number – 02-23 reducing or discontinuing particular kinds of services; and

WHEREAS, on March 13, 2003, this Board adopted Resolution Number – 02-25 reducing or discontinuing particular kinds of services; and

WHEREAS, on March 6, 2003, and before March 15, 2003 the Superintendent served notice to this Board of his recommendation that the employees listed herein below receive notice that their services will not be required for the ensuing school year (2003-2004), pursuant to Education Code Sections 44949 and 44955; and

WHEREAS, on or before March 15, 2003, the Superintendent's designated representative(s) served notices to the appropriate certificated employees, including those listed below, that it has been recommended that each of their services will not be required for the 2003-2004 school year, pursuant to Education Code Sections 44949 and 44955;

WHEREAS, said notices served upon those certificated employees listed below advised them that they could request a hearing before the Governing Board to determine if there was cause for not reemploying them for the 2003-2004 school year and that if they failed to timely request a hearing, that failure would constitute the waiver of the right to a hearing, and his/her services would accordingly be terminated pursuant to the recommendation;

WHEREAS, various employees requested a hearing and certificated employee layoff proceedings accordingly have occurred pursuant to Sections 44955 and 44949 of the Education Code, with an Administrative Law Judge having held an evidentiary hearing and then submitting a proposed decision relating to those proceedings;

WHEREAS, on April 28 and 29, 2003, a hearing on the layoffs was conducted by an Administrative Law Judge pursuant to the California Administrative Procedure Act, and a proposed decision was rendered on May 6, 2003 and

WHEREAS, this Board has received and considered the proposed decision of the Administrative Law Judge in OAH Case No. L2003030132 and any arguments submitted by or on behalf of the parties regarding that proposed decision;

WHEREAS, the Education Code provides that this Board shall make the final determination as to the sufficiency of the cause and disposition;

WHEREAS, the particular kinds of services to be discontinued and reduced as referenced in Board Resolution No. 02-23 and No. 02-25 are each determined to be a particular kind of service within the meaning of Education Code Section 44955;

WHEREAS, the particular kinds of services referenced in Board Resolution No. 02-23 and 02-25 will be discontinued and reduced within the meaning of Education Code Section 44955 not later than the beginning of the 2003-2004 school year;

WHEREAS, the services of no permanent employee (or other employee) are being terminated, in whole or in part, while any probationary employee, or any other employee with less seniority is being retained to render a service which said permanent (or other) employee is certificated and competent to render, within the meaning of Education Code Section 44955(b); the individuals whose employment is being terminated, in whole or in part, are not certificated and competent (within the meaning of Education Code Section 44955) to render the service being performed by any employee with less seniority who is being retained;

WHEREAS, sufficient cause exists for the termination of up to 61.4 full-time equivalent certificated positions, and pursuant to and within the meaning of Education Code Section 44949, said cause relates to the welfare of the schools and the pupils thereof;

NOW, THEREFORE, BE IT RESOLVED that this Board accepts the proposed decision of the Administrative Law Judge and adopts that proposed decision (a copy of which is attached) as the decision of this Board of Education;

BE IT FURTHER RESOLVED that sufficient cause exists for the termination of the services of the following certificated employees to the extent indicated (which constitutes each employee's entire employment with this District):

Pursuant to the adoption of the proposed decision of the Administrative Law Judge:

<u>Art</u>				Total Art	2.0 FTE
425241	Malibu High School	1.00	*		
843060	Lincoln	1.00			
<u>Counselor</u>				Total Counselors	1.0 FTE
986645	Malibu High School	100	*		
<u>Elementary</u>				Total Elem.	17.0 FTE
781496	Webster	1.00	*		
373220	Webster	1.00	*		
858935	Will Rogers	1.00	*		

Elementary (Continued)

054479	John Muir	1.00	*
732905	John Muir	1.00	*
118505	John Muir	1.00	*
908845	John Muir	1.00	*
837730	SMASH	1.00	
157702	Rogers	1.00	
045999	Roosevelt	1.00	
102023	Cabrillo	1.00	
903771	PDMS	1.00	
335966	SMASH	1.00	
592648	SMASH	1.00	
853908	Franklin	1.00	
675548	Muir	1.00	
398514	Grant	1.00	

English

421165	MHS	1.00	*	Total English	10.6 FTE
693963	Lincoln MS	1.00	*		
794276	SAMOH	1.00	*		
950537	SAMOH	1.00	*		
249202	SAMOH	.60	*		
794276	SAMOH	1.00			
952461	SAMOH	1.00			
927322	MHS	1.00			
215075	MHS	1.00			
943994	SAMOH	1.00			
589424	MHS	1.00			

Industrial Arts

700858	SAMOH	1.00		Total Ind. Art	2.0 FTE
701058	SAMOH	1.00			

Mathematics

453164	JAMS	1.00	*	Total Math.	5.0 FTE
957539	SAMOH	1.00	*		
894903	SAMOH	1.00	*		
319395	SAMOH	1.00	*		
641674	SAMOH	1.00	*		

Music

802267	Ed Services	1.00		Total Music	6.0 FTE
295811	SAMOH	1.00			
649450	MHS	1.00			
773869	Lincoln	1.00			
568444	JAMS	1.00			
686948	SAMOH	1.00			

<u>Nurse</u>			Total Nurses	5.0 FTE
760321	Roosevelt	0.80		
946668	Edison	0.60		
482550	Rogers	0.80		
786133	SAMOH	1.00		
232308	Webster	0.80		
472956	Lincoln	1.00		
<u>Science</u>			Total Science	5.0 FTE
738584	JAMS	1.00	*	
563314	SAMOH	1.00	*	
611444	SAMOH	1.00	*	
046073	SAMOH	1.00	*	
397519	SAMOH	1.00	*	
<u>Social Studies</u>			Total Soc. St.	3.8 FTE
393525	JAMS	1.00	*	
160830	JAMS	1.00	*	
045329	Olympic HS	1.00	*	
741466	SAMOH	.80	*	
<u>Spanish</u>			Total Spanish	4.0 FTE
514688	SAMOH	1.00	*	
046121	SAMOH	1.00	*	
741083	SAMOH	1.00	*	
615076	SAMOH	1.00		
Total Certificated Employees				61.4 FTE

* - Employees with emergency credentials and a seniority date of 00/00/00.

BE IT FURTHER RESOLVED that the employment of each of the certificated employees listed above be and hereby is terminated effective upon the close of this school year, i.e., the end of the last working day as to each employee prior to July 1, 2003

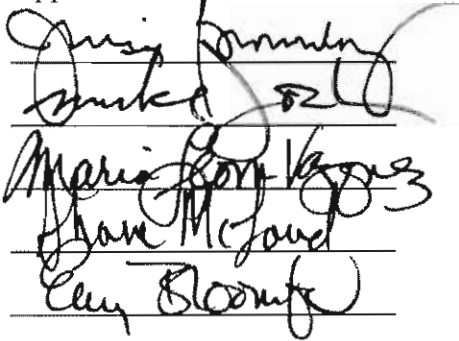
BE IT FURTHER RESOLVED that this decision is effective immediately and that the Superintendent or his designee(s) may take such actions as are necessary and appropriate to implement this Board's decision, including at least giving appropriate notice to those certificated employees listed above of the termination of their services because of discontinuances and reductions of particular kinds of services to take effect upon the close of this school year, with these notices being given on or before May 14, 2003, in the manner prescribed in Education Code Section 44949;

BE IT FURTHER RESOLVED that reemployment rights be afforded in accordance with the Education Code, if and when reemployment is offered and to the extent any reemployment rights are applicable to any of the above referenced employees, unless this Board has also determined to not reelect that employee.

IN WITNESS OF the adoption of the foregoing Resolution, we, the members present and voting thereon, have hereunto set our hands this 13th day of May, 2003.

GOVERNING BOARD OF THE
SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT

Approval:



Dissenting:

Absent:

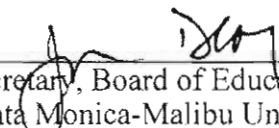
Oscar de la Torre

Jose Escarce

Abstaining:

I, John E. Deasy, Secretary of the Governing Board of the Santa Monica-Malibu Unified School District, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly adopted by said Board at the May 13, 2003 meeting thereof, at the time and place and by the vote above stated, which Resolution is on file and of record in the office of said Board.

5/13/03:
Date


Secretary, Board of Education
Santa Monica-Malibu Unified School District

Attached to Permanent Minutes: Proposed (adopted) decision of the Administrative Law Judge