

For a Listing of Upcoming Board Meetings See Page vi of this Table of Contents
Santa Monica-Malibu Unified School District
Board of Education Meeting
AGENDA

March 5, 2008

A regular meeting of the Santa Monica-Malibu Unified School District Board of Education will be held on **Wednesday, March 5, 2008**, in the **District Administrative Offices**: 1651 16th Street, Santa Monica, CA. The Board of Education will call the meeting to order at 4:00 p.m. in the Board Conference Room at the District Offices: 1651 16th Street, Santa Monica, CA., at which time the Board of Education will move to Closed Session regarding the items listed below. The public meeting will reconvene at 5:30 p.m. in the Board Room.

The public meeting will begin at 5:30 p.m.

Persons wishing to address the Board of Education regarding an item that is scheduled for this meeting must submit the "Request to Address" card **prior** to discussion of that item. Persons wishing to address the Board of Education regarding an item that is **not** scheduled on this meeting's agenda may speak during the Public Comments section by submitting the Request to Address card at the beginning of the meeting. The same card is used for either option and is printed in both Spanish and English. Cards are located with meeting materials at the back of the room. Completed cards should be submitted to the Recording Secretary.

Time Certain Items: Those items listed for a specified time (indicated in bold) are listed to give the public an indication of when a particular item of interest will come before the Board. The Board will hear the item at the affixed time. However, if it is prudent to do so, the Board may adjust the time stamp to complete an item currently on the floor, but will not delay the time stamped item for more than 15 minutes.

I. CALL TO ORDER

- A. Roll Call
- B. Pledge of Allegiance

II. PUBLIC COMMENTS FOR CLOSED SESSION ITEMS ONLY

III. CLOSED SESSION:

- Public Employee, to consider appointment, employment, performance evaluation, or dismissal of employee pursuant to GC ' 54957 as cited in the Brown Act.
- Conference with Superintendent regarding 2007-2008 Strategies for Negotiations with S.E.I.U. pursuant to GC §54957.6 as cited in the Brown Act.
- Conference with Superintendent and Assistant Superintendents regarding District Non-Represented Employees (management and confidential) pursuant to GC §54957.6, as cited in the Brown Act.

IV. BOARD OF EDUCATION – COMMENDATIONS / RECOGNITIONS

V. APPROVAL OF THE AGENDA

VI. APPROVAL OF MINUTES

- A.01 Approval of Minutes.....1

There are no minutes for approval.

VII. CONSENT CALENDAR

Consent agenda items are considered routine, as agreed by the President, Vice President and Superintendent, requiring no discussion, and are normally all approved at one time by the Board of Education. However, members of the Board of Education, staff, or the public may request an item be removed from the consent agenda for clarification and/or discussion. Consideration will occur during Section XI (Major Items).

There are no items for the Consent Calendar.

VIII. 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 are a large number of speakers, the Board may reduce the allotted time to two (2) minutes per speaker. The Brown Act (Government Code) states that Board members may not engage in discussion of issues raised during "VIII, Public Comments" except to ask clarifying questions, make a brief announcement, make a brief report on his or her own activities, or to refer the matter to staff. This Public Comment section is limited to 20 minutes. If the number of persons wishing to address the Board of Education exceeds the time limit, additional time will be provided in Section **XVI, CONTINUATION OF PUBLIC COMMENTS.**

IX. COMMUNICATIONS

The Communications section provides an opportunity for the Board of Education to hear reports from the individuals or Committee representative listed below. All reports are limited to 5 minutes or less. However, if more time is necessary, or if a report will not be presented, please notify the Board secretary eight workdays prior to the date of the meeting.

A. Student Board Member Reports

Alec Richker – Santa Monica High School

Kristen Lambert – Malibu High School

John Shippey – Olympic High School

B. SMMCTA Update – Mr. Harry Keiley

C. S.E.I.U. Update – Ms. Keryl Cartee-McNeely

D. PTA Council President Report – Rebecca Kennerly

E. Financial Oversight Committee

F. Measure "BB" Advisory Committee

X. SUPERINTENDENT'S REPORT

MAJOR and DISCUSSION Items

As a general rule, items under MAJOR and DISCUSSION will be listed in order of importance as determined by the President, Vice President and Superintendent. Individual Board members may move to request a change in the order prior to consideration of any Major item. The Board may also move any of these items out of order to be heard immediately following PUBLIC COMMENTS if it appears that there is special interest by the public or as a courtesy to staff members making presentations to the Board.

XI. 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.

- | | | |
|------|---|-------|
| A.02 | Adopt Resolution No. 07-14 – Regarding the Nonreelection of Certificated Temporary Employees | 2-4 |
| A.03 | Adopt Resolution No. 07-15 – Regarding the Nonreelection of Certificated Probationary Employees Serving in Certificated Staffing Positions Pursuant to Intern Credentials, Short-Term Staffing Permits, Provisional Internship Permits, Special Temporary Certificates, State-Issued Waivers and/or Emergency Permits | 5-9 |
| A.04 | Adopt Resolution No. 07-16 – Regarding the Nonreelection of Certificated Probationary Employees | 10-12 |
| A.05 | Adopt Resolution No. 07-17 – Releasing and Reassigning Certificated Administrators | 13-15 |
| A.06 | Adopt Resolution No. 07-18 – Releasing Certificated Administrators | 16-18 |
| A.07 | Adopt Resolution No. 07-19 – Determination of Seniority among Certificated Employees with the Same Seniority Date (“Tie-Breaker Resolution”) | 19-22 |
| A.08 | Adopt Resolution No. 07-20 – Reduction or Discontinuance of Particular Kinds of Services with Direction to Notify Affected Employees of Recommendation of Layoff | 23-25 |

XII. DISCUSSION ITEMS

These items are submitted for information (FIRST READING) and discussion. Action will generally be considered at the next regularly scheduled meeting of the Board.

There are no items for Discussion.

XIII. INFORMATIONAL ITEMS

There are no items for Information.

XIV. BOARD MEMBER ITEMS

These items are submitted by individual Board members for information or discussion, as per Board Policy 8320(b).

XV. REQUESTS BY MEMBERS OF THE PUBLIC OR DISTRICT ADVISORY COMMITTEES TO ADDRESS THE BOARD OF EDUCATION

These items are submitted by members of the public to address the Board of Education on a matter within the jurisdiction of the Board, as per Board Policy 8320(c). Requests must be submitted to the Superintendent in writing ten days before the Board meeting or prior to agenda planning, in accordance with the established agenda planning schedule, whichever is less. The written request will not exceed 500 words and will include, as an attachment, brief background information and the reason for the request.

XVI. CONTINUATION OF PUBLIC COMMENTS

A continuation of Section VIII, as needed. (If the number of persons wishing to address the Board of Education exceeds the time limit in section VIII, additional time will be provided in Section XVI, CONTINUATION OF PUBLIC COMMENTS.)

XVII. BOARD MEMBER COMMENTS

Board Member Comments is the section where a Board member may make a brief announcement or make a brief report on his or her own activities relative to Board business. There can be no discussion under "BOARD MEMBER COMMENTS."

XVIII. FUTURE AGENDA ITEMS

Items for future consideration will be listed with the projected date of consideration. The Board of Education will be given any backup information available at this time.

XIX. CLOSED SESSION

The Board of Education will, if appropriate, adjourn to CLOSED SESSION to complete discussion on items listed for CLOSED SESSION following the regular business meeting.

XX. ADJOURNMENT

This meeting will adjourn to the next regularly scheduled meeting to be held on **Thursday, March 13, 2008, at 5:30 p.m.** in the **District Administrative Offices:** 1651 16th Street, Santa Monica, CA.

Meetings held at Santa Monica City Hall are broadcast live - City TV2, Cable Channel 16.

Meetings held at the District Office and in Malibu are taped and rebroadcast in Santa Monica on CityTV2, Cable Channel 20 - Check TV listing.

Meetings are rebroadcast in Malibu on Government Access Ch. 3 every Saturday at 8pm.

SMMUSD Board of Education Meeting Schedule 2007-2008

Public Meetings begin at 5:30pm

| July through December 2007 | | | | | |
|--------------------------------|-----------------------------|-----------------------------|-----------------------------|-------------------------------|--|
| Month | 1 st Thursday | 2 nd Thursday | 3 rd Thursday | 4 th Thursday | Special Note: |
| July | | 7/12 DO | 7/19* DO | | *Special Meeting |
| August | | 8/9 DO | | 8/23 DO | 8/29: Board Retreat |
| September | 9/6 DO | | | 9/27 DO | 9/4: Board Retreat 9/29: Closed Session |
| October | 10/4 M | | 10/18 SM | 10/25* DO | 10/1: Brd Retreat 10/2: Special Mtg *Special Meeting |
| November | 11/1 M | | 11/15 SM | 11/30 WHERE (5th Thurs) | Thanksgiving 11/22-23 |
| December | | 12/13 DO | | winter break | 12/10: Board Retreat |
| December 24 – 31: Winter Break | | | | | |
| January through June 2008 | | | | | |
| January 1 – 4: Winter Break | | | | | |
| January | winter break | | 1/17 DO | 1/31 WHERE (5th Thurs) | |
| February | 2/7 M | 2/11* DO | 2/21 SM | 2/26* DO 2/27* DO | *Special Meeting |
| March | 3/5* DO | 3/13 DO | spring break | spring break | *Special Meeting Stairway 3/6 & 3/7 |
| March 17 – 28: Spring Break | | | | | |
| April | 4/3 DO | | 4/17 SM | | |
| May | 5/1 M | | 5/15 SM | 5/29 WHERE (5th Thurs) | |
| June | 6/5 DO | | | 6/26 DO | Last day of school 6/20 |

District Office (DO): 1651 16th Street, Santa Monica.
 Malibu City Council Chambers (M): 23815 Stuart Ranch Road, Malibu, CA
 Santa Monica City Council Chambers (SM): 1685 Main Street, Santa Monica.

**Santa Monica-Malibu Unified School District
Board of Education
March 5, 2008**

I CALL TO ORDER

A Roll Call

Oscar de la Torre – President
Jose Escarce – Vice President

Maria Leon-Vazquez
Ralph Mechur
Kelly Pye
Barry Snell
Kathy Wisnicki

Student Board Members

B Pledge of Allegiance

II CLOSED SESSION

TO: BOARD OF EDUCATION

ACTION
03/05/08

FROM: DIANNE TALARICO

RE: APPROVAL OF MINUTES

RECOMMENDATION NO. A.01

It is recommended that the Board of Education approve the following Minutes:

There are no minutes for approval.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

MAJOR ITEMS

TO: BOARD OF EDUCATION

ACTION/MAJOR

03/05/08

FROM: DIANNE TALARICO / TIMOTHY R. WALKER /
MICHAEL D. MATTHEWS

RE: ADOPT RESOLUTION NO. 07-14 - REGARDING THE NON-
REELECTION OF CERTIFICATED TEMPORARY EMPLOYEES

RECOMMENDATION NO. A.02

It is recommended that the Board of Education adopt Resolution No. 07-14 regarding the non-reelection of certificated temporary employees pursuant to Education Code Section 44954, effective June 2008.

COMMENT: The Board of Education is required to notify temporary certificated employees before the end of the school year of its decision to not reelect the employees for the next succeeding school year.

MOTION MADE BY:
SECONDED BY:
STUDENT ADVISORY VOTE:
AYES:
NOES:

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

RESOLUTION NO. 07-14

RESOLUTION NON-REELECTING CERTIFICATED TEMPORARY EMPLOYEES:

WHEREAS, pursuant to Education Code Section 44954, the Board may release a certificated temporary employee if the employee is notified before the end of the school year of the District's decision not to reelect the employee for the next succeeding school year; and

WHEREAS, the employees listed below are serving only pursuant to temporary employment contracts; and

WHEREAS, it is the Board's intent to not reelect the employees listed below for the subsequent 2008-2009 school year, pursuant to Education Code Section 44954;

NOW, THEREFORE, BE IT RESOLVED, that the following employees serving only pursuant to temporary employment contracts be released from employment with this school district effective upon each employee's last working day of this current school year or upon the expiration of any applicable temporary employment contract (whichever occurs first) and are not reelected for the next succeeding school year:

| | | | | | |
|------|------|------|------|------|------|
| 9980 | 4736 | 9140 | 4346 | 2210 | 4819 |
| 6871 | 9927 | 5348 | 9112 | 6842 | 1338 |
| 8525 | 1196 | 9529 | 5522 | 2952 | 6185 |
| 8643 | 1253 | 5153 | 7828 | 7926 | 4329 |
| 7839 | 4435 | 4476 | 4529 | | |

BE IT FURTHER RESOLVED, that the Superintendent or designee is directed to issue to the employees named in this Resolution the notice described in Section 44954, informing them that they will not be reemployed for the 2008-2009 school year, and to take such further and additional actions as may be necessary to accomplish 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 _____ day of _____, 2008 by the following vote:

Ayes: _____
Noes: _____
Absent: _____

Oscar de la Torre, President
Board of Education of the
Santa Monica-Malibu Unified School District

I, Dianne Talarico, 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 meeting held on _____, 2008.

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

TO: BOARD OF EDUCATION

ACTION/MAJOR

03/05/08

FROM: DIANNE TALARICO / TIMOTHY R. WALKER /
MICHAEL D. MATTHEWS

RE: ADOPT RESOLUTION NO. 07-15 - REGARDING THE NON-
REELECTION OF CERTIFICATED PROBATIONARY EMPLOYEES
SERVING IN CERTIFICATED STAFFING POSITIONS PURSUANT TO
INTERN CREDENTIALS, SHORT-TERM STAFFING PERMITS,
PROVISIONAL INTERNSHIP PERMITS, SPECIAL TEMPORARY
CERTIFICATES, STATE-ISSUED WAIVERS AND/OR EMERGENCY
PERMITS

RECOMMENDATION NO. A.03

It is recommended that the Board of Education adopt Resolution No. 07-15 regarding the non-reelection of certificated probationary employees (Intern Credentials, Short-Term Staffing Permits, Provisional Internship Permits, Provisional Internship Permits, Special Temporary Certificates, State-Issued Waivers and/or Emergency Permits) pursuant to Education Code Section 44929.21(b), effective June 2008.

COMMENT: The Board of Education is required to notify probationary employees on or before March 15 of the employee's second complete consecutive school year of employment of its decision to not reelect the employee for the next succeeding school year.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY VOTE:

AYES:

NOES:

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

RESOLUTION NO. 07-15

**RESOLUTION NON-REELECTING CERTIFICATED PROBATIONARY EMPLOYEES
SERVING IN CERTIFICATED STAFFING POSITIONS PURSUANT TO INTERN
CREDENTIALS, SHORT-TERM STAFFING PERMITS, PROVISIONAL INTERNSHIP
PERMITS, SPECIAL TEMPORARY CERTIFICATES, STATE-ISSUED WAIVERS
AND/OR EMERGENCY PERMITS:**

WHEREAS, pursuant to Education Code Section 44929.21(b), the Board is required to notify probationary employees on or before March 15 of the employee's second complete consecutive school year of employment of its decision to not reelect the employee for the next succeeding school year; and

WHEREAS, the time served by those employees possessing only intern credentials, short-term staffing permits, provisional internship permits, special temporary certificates, state-issued waivers and/or emergency permits cannot be included in computing the services required as a prerequisite to attainment of/or eligibility to classification as a permanent employee (Education Code Section 44911);

WHEREAS, the following employees have been employed by this District in certificated staffing positions pursuant to temporary contracts and/or as employees serving solely pursuant to and possessing only intern credentials, short-term staffing permits, provisional internship permits, special temporary certificates, state-issued waivers and/or emergency permits, as indicated below:

| | | | |
|------|------|------|------|
| 0525 | 9452 | 9311 | 5093 |
|------|------|------|------|

WHEREAS, the performance of each of the above-named employees during his/her probationary period has not been sufficient to warrant the continuation of his/her probationary status; and

WHEREAS, as this Board reviews the educational priorities of this District and the methods and means of providing educational services and determines the kinds of personnel required, this Board intends to decrease, where possible, reliance upon employees serving in certificated staffing positions pursuant to and possessing only provisional certificates/credentials such as intern credentials, short-term staffing permits, provisional internship permits, special temporary certificates, state-issued waivers and/or emergency permits and recognizes such effort to be consistent with state

and federal laws (including especially the federal No Child Left Behind Act) and with elevating the training and/or experience levels of its certificated staff to provide the most highly qualified certificated staff available for this District's students;

WHEREAS, the Commission on Teacher Credentialing and its representatives have been discussing a higher level of due diligence as to local districts' diligent searches to recruit a sufficient number of certificated teachers;

WHEREAS, this Board understands representatives of this District will conduct appropriate diligent searches intended to successfully recruit a sufficient number of certificated staff to replace various current employees holding only intern credentials, short-term staffing permits, provisional internship permits, special temporary certificates, state-issued waivers and/or emergency permits, including those individuals named above in this Resolution, so that:

- A. the Board would not be able to approve the required Declaration of Need to the extent allowing the employees listed above and possessing only emergency permits to be reemployed:
- B. it is appropriate to non-reelect, release and non-renew the employment of the employees listed below in order to ensure available staffing space for the qualified, regularly credentialed employees who are intended to be hired instead of those individuals holding only intern credentials, short-term staffing permits, provisional internship permits, special temporary certificates, state-issued waivers and/or emergency permits;

WHEREAS, for the above reasons whether considered individually or cumulatively, this Board wishes to terminate the services of the above listed employees effective upon the close of the current school year or upon the expiration of any applicable temporary employment contract (whichever occurs first);

WHEREAS, nothing within this Resolution is based upon financial reasons nor reduces the number of certificated staffing positions in this District, and this Resolution shall remain in effect and take precedence over any Resolution commencing a layoff of certificated employees, so that these listed individuals' employment will be terminated by this

Resolution regardless of any certified layoff and rights to reemployment following a certified layoff;

WHEREAS, whether or not this formal action and notice are required, this Board wishes to provide notice to these employees whose services will not be continued into next school year, of their non-reemployment and release from employment (effective upon the close of the 2007-2008 school year), so such individuals may commence considerations of employment alternatives elsewhere for the next school year;

WHEREAS, this Board reserves the right to identify additional similarly situated employees as planning for educational services for the coming school year continues;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that each of the individual employees indicated above, serving in certificated staffing positions pursuant to and possessing only intern credentials, short-term staffing permits, provisional internship permits, special temporary certificates, state-issued waivers and/or emergency permits, be released from employment with this school district effective upon each employee's last working day of this current school year or upon the expiration of any applicable temporary employment contract (whichever occurs first) and are not reemployed and not reelected for the next succeeding school year;

BE IT FURTHER RESOLVED AND ORDERED that the Superintendent or the Superintendent's designee provide notice to each of the above of his or her release and non-reelection effective upon each employee's last working day of this current school year or upon the expiration of any applicable temporary employment contract (whichever occurs first), and that his or her employment with the District is thereby ended accordingly.

BE IT FURTHER RESOLVED AND ORDERED that the Superintendent or the Superintendent's designee engage in due diligence searches to recruit a sufficient number of regularly credentialed certificated employees to replace those holders of intern credentials, short-term staffing permits, provisional internship permits, special temporary certificates, state-issued waivers and/or emergency permits listed above, in accordance with the requirements of law.

The foregoing Resolution was adopted by the Board of Education of the Santa Monica-Malibu Unified School District on the _____ day of _____, 2008 by the following vote:

Ayes: _____

Noes: _____

Absent: _____

Oscar de la Torre, President
Board of Education of the
Santa Monica-Malibu Unified School District

I, Dianne Talarico, 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 meeting held on _____, 2008.

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

TO: BOARD OF EDUCATION ACTION/MAJOR
03/05/08

FROM: DIANNE TALARICO / TIMOTHY R. WALKER /
MICHAEL D. MATTHEWS

RE: ADOPT RESOLUTION NO. 07-16 - REGARDING THE NON-
REELECTION OF CERTIFICATED PROBATIONARY EMPLOYEES

RECOMMENDATION NO. A.04

It is recommended that the Board of Education adopt Resolution No. 07-16 regarding the non-reelection of certificated probationary employees pursuant to Education Code Section 44929.21(b), effective June 2008.

COMMENT: The Board of Education is required to notify probationary employees on or before March 15 of the employee's second complete consecutive school year of employment of its decision to not reelect the employee for the next succeeding school year.

MOTION MADE BY:
SECONDED BY:
STUDENT ADVISORY VOTE:
AYES:
NOES:

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

RESOLUTION NO. 07-16

RESOLUTION NON-REELECTING CERTIFICATED PROBATIONARY EMPLOYEES:

WHEREAS, pursuant to Education Code Section 44929.21(b), the Board is required to notify probationary employees on or before March 15 of the employee's second complete consecutive school year of employment of its decision to not reelect the employee for the next succeeding school year; and

WHEREAS, the following employees have been employed by this District in positions requiring certification qualifications, and are serving as probationary employees as indicated below:

| | | | | |
|------|------|------|------|------|
| 9485 | 8141 | 0188 | 7355 | 0198 |
| 6062 | 5282 | 3623 | | |

WHEREAS, the performance of each of the above-named employees during his/her probation period has not been sufficient to warrant the continuation of his/her probationary status and/or the granting of tenure;

WHEREAS, it is the Board's intent to not reelect the above-named employees for the subsequent school year, 2008-2009, pursuant to Education Code Section 44929.21(b);

WHEREAS, the decision to non-reelect the above employees is made on an individual basis.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That the Board has determined that it is necessary at this time to send notice to each of the individual employees indicated above that he/she will not be reelected for the subsequent school year for the reasons set forth above, and as further supported by documents possessed by the District; and
2. That the Superintendent, or designee, is directed to issue to each individual employee listed above the notice described in Section 44929.21(b) prior to March 15, 2008, that he/she will not be reemployed for the 2008-2009 school year; and

3. That the Superintendent, or designee, is directed to take such further and additional actions as are necessary and appropriate to accomplish 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 _____ day of _____, 2008 by the following vote:

Ayes: _____
Noes: _____
Absent: _____

Oscar de la Torre, President
Board of Education of the
Santa Monica-Malibu Unified School District

I, Dianne Talarico, 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 meeting held on _____, 2008.

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

TO: BOARD OF EDUCATION ACTION/MAJOR
03/05/08

FROM: DIANNE TALARICO / TIMOTHY R. WALKER /
MICHAEL D. MATTHEWS

RE: ADOPT RESOLUTION NO. 07-17 - RELEASING AND REASSIGNING
CERTIFICATED ADMINISTRATORS

RECOMMENDATION NO. A.05

It is recommended that the Board of Education approve the attached Resolution No. 07-17 - Releasing and Reassigning Certificated Administrators pursuant to Education Code Section 44951 as indicated on the Resolution, effective June 2008.

COMMENT: The Board of Education is required to notify certificated administrators on or before March 15 of its decision that the employee may be released from an administrative position and reassigned to a teaching position for the next succeeding school year.

MOTION MADE BY:
SECONDED BY:
STUDENT ADVISORY VOTE:
AYES:
NOES:

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

RESOLUTION NO. 07-17

RESOLUTION RELEASING AND REASSIGNING CERTIFICATED ADMINISTRATORS

WHEREAS, California Education Code Section 44951 requires that unless a certificated employee holding a position requiring an administrative or supervisory credential is sent written notice by registered mail by March 15, or, unless the signature of the employee is obtained on the written notice by March 15 that he or she may be released from his or her position for the following school year, and reassigned to a teaching position, then he or she may be continued in the position; and,

WHEREAS, the purpose of California Education Code Section 44951 is to afford affected administrative employees adequate notice of possible reassignment or release and sufficient time to permit such employees to possibly seek other administrative employment prior to the beginning of the next school year; and,

WHEREAS, the employees listed below are currently employed by the Santa Monica-Malibu Unified School District in positions requiring an administrative credential; and,

WHEREAS, the Board and Superintendent have considered, on an individual basis, the performance of the employees listed below and the anticipated needs of the District and have determined that the certificated employees listed below be given notice of their potential release from their administrative assignment and salary placement at the end of the 2007-2008 school year to a teaching position and its respective salary placement for the 2008-2009 school year.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, the Board of Education has determined, upon consideration on an individual basis, that the individuals listed below, each of whom is a certificated employee, may be released from his or her administrative position and salary placement at the end of the 2007-2008 school year to a teaching position and its respective salary placement for the 2008-2009 school year, and the Superintendent, or designee, is hereby authorized to give written notice of this possible action.

6029

4989

The foregoing Resolution was adopted by the Board of Education of the Santa Monica-Malibu Unified School District on the _____ day of _____, 2008, by the following vote:

Ayes: _____
Noes: _____
Absent: _____

Oscar del la Torre, President
Board of Education of the
Santa Monica-Malibu Unified School District

I, Dianne Talarico, 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 meeting held on _____, 2008.

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

TO: BOARD OF EDUCATION

ACTION/MAJOR

03/05/08

FROM: DIANNE TALARICO / TIMOTHY R. WALKER /
MICHAEL D. MATTHEWS

RE: ADOPT RESOLUTION NO. 07-18 - RELEASING CERTIFICATED
ADMINISTRATORS

RECOMMENDATION NO. A.06

It is recommended that the Board of Education approve the attached Resolution No. 07-18 - Releasing Certificated Administrators pursuant to Education Code Section 44951 as indicated on the Resolution, effective June 2008.

COMMENT: The Board of Education is required to notify certificated administrators on or before March 15 of its decision to release the employees for the next succeeding school year.

MOTION MADE BY:
SECONDED BY:
STUDENT ADVISORY VOTE:
AYES:
NOES:

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

RESOLUTION NO. 07-18

RESOLUTION RELEASING CERTIFICATED ADMINISTRATORS

WHEREAS, California Education Code Section 44951 requires that unless a certificated employee holding a position requiring an administrative or supervisory credential is sent written notice by registered mail by March 15, or, unless the signature of the employee is obtained on the written notice by March 15 that he or she shall be released from his or her position for the following school year, then he or she shall be continued in the position; and,

WHEREAS, the purpose of California Education Code Section 44951 is to afford affected administrative employees adequate notice of reassignment or release and sufficient time to permit such employees to possibly seek other administrative employment prior to the beginning of the next school year; and,

WHEREAS, the employees listed below are currently employed by the Santa Monica-Malibu Unified School District in positions requiring an administrative credential; and,

WHEREAS, the Board and Superintendent have considered, on an individual basis, the performance of the employees listed below and the anticipated needs of the District and have determined that the certificated employees listed below be given notice of their release from their administrative assignment and salary placement at the end of the 2007-2008 school year.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, the Board of Education has determined, upon consideration on an individual basis, that the individuals listed below, each of whom is a certificated employee, shall be released from his or her administrative position and salary placement at the end of the 2007-2008 school year, and the Superintendent, or designee, is hereby authorized to give written notice of this action.

1964

4197

The foregoing Resolution was adopted by the Board of Education of the Santa Monica-Malibu Unified School District on the _____ day of _____, 2008, by the following vote:

Ayes: _____
Noes: _____
Absent: _____

Oscar del la Torre, President
Board of Education of the
Santa Monica-Malibu Unified School District

I, Dianne Talarico, 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 meeting held on _____, 2008.

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

TO: BOARD OF EDUCATION

ACTION/MAJOR

03/05/08

FROM: DIANNE TALARICO / TIMOTHY R. WALKER /
MICHAEL D. MATTHEWS

RE: ADOPT RESOLUTION NO. 07-19 - DETERMINATION OF
SENIORITY AMONG CERTIFICATED EMPLOYEES WITH THE SAME
SENIORITY DATE ("TIE-BREAKER RESOLUTION")

RECOMMENDATION NO. A.07

It is recommended that the Board of Education adopt Resolution
No. 07-19 - "Tie-Breaker Resolution".

COMMENT: As the District prepares to implement the reduction or
discontinuation of particular kinds of services, there
is a requirement to have Board direction regarding the
determination of seniority status among probationary and
tenured certificated employees with the same date of
seniority. Consequently, the Board must act to direct
staff as to the specific criteria to be used in
determining the order of termination between
certificated employees who have the same seniority date.

MOTION MADE BY:
SECONDED BY:
STUDENT ADVISORY VOTE:
AYES:
NOES:

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

RESOLUTION NO. 07-19

**DETERMINATION OF SENIORITY AMONG CERTIFICATED EMPLOYEES
WITH THE SAME SENIORITY DATE ("TIE-BREAKER RESOLUTION")**

WHEREAS, pursuant to Education Code Section 44955, the Board is required, as between employees who first rendered paid service to the District on the same date, to determine the order of termination solely on the basis of the needs of the District and its students; and

WHEREAS, Education Code Section 44955 requires that upon the request of any employee whose order of termination is determined as stated above, the Board of Education shall furnish in writing no later than five days prior to the commencement of the hearing held in accordance with Section 44949, a statement of the specific criteria used in determining the order of termination and the application of the criteria in ranking each employee to the other employees in the group.

NOW THEREFORE, BE IT RESOLVED, as follows:

1. That this Board determines that the needs of the District and the students of this District are best served by resolving seniority ties within the meaning of Education Code Section 44955, subdivision (b) (third paragraph) and Section 44846, by applying the criteria set forth in paragraphs 4 through 15 below:
2. That as between employees who first rendered paid service to the district in a probationary position on the same date, the order of termination of said employees shall be determined by reference to the criteria which follow and the application thereof to each employee;
3. That the criteria set forth in paragraphs 4 through 15 below are listed in priority order and each criterion shall be used only if the preceding criteria do not delineate the order of termination;
4. As between certificated employees possessing the same seniority date, the employee who is highly qualified within the meaning of the No Child Left Behind Act wins the tie-breaker over an employee who is not highly qualified within the meaning of the No Child Left Behind Act;
5. Assuming that the preceding paragraphs do not resolve all ties between employees having the same seniority date, the certificated employee holding currently valid and properly filed BCLAD/BCC, or equivalent, wins the tie-breaker;
6. Assuming that the preceding paragraphs do not resolve all ties between employees having the same seniority date, the employee who possesses a currently valid and properly filed CLAD, or equivalent, wins the tie-breaker;

7. Assuming that the preceding paragraphs do not resolve all ties between employees having the same seniority date, the certificated employee having on file with the District a National Board Certificate wins the tie-breaker;
8. Assuming that the preceding paragraphs do not resolve all ties between employees having the same seniority date, the certificated employee holding a clear credential wins over those holding a less permanent credential such as a preliminary credential;
9. Assuming that the preceding paragraphs do not resolve all ties between employees having the same seniority date, then employees possessing multiple authorizations and supplemental authorization on credentials will be regarded as having greater seniority for purposes of determining seniority order than certificated employees having only multiple authorizations (ranked by number of authorizations). Similarly, certificated employees possessing multiple authorizations on credentials will be regarded as having greater seniority for purposes of determining seniority order than certificated employees having only single authorization credentials and multiple supplemental authorizations. Similarly, certificated employees possessing single authorization credentials and multiple supplemental authorizations will be regarded as having greater seniority for purposes of determining seniority order than certificated employees having only a single authorization and single supplemental authorization. Similarly, certificated employees possessing a single authorization and single supplemental authorization will be regarded as having greater seniority for purposes of determining seniority order than certificated employees having only a single authorization on credentials;
10. Assuming that the preceding paragraph does not resolve all ties between employees having the same seniority date, then employees only possessing a preliminary credential will be regarded as having greater seniority for purposes of determining seniority order than employees possessing lesser credentials, including but not limited to, a provisional credential/certificate such as an intern credential, emergency permit; Short-Term Staffing Permit ("STSP"), Provisional Internship Permit ("PIP"), Special Temporary Certificate ("STC") or State-Issued Waiver;
11. Assuming that the preceding paragraph does not resolve all ties between employees having the same seniority date, then the certificated employee holding the highest current step placement on the salary schedule will be regarded as having greater seniority for purposes of determining seniority order;
12. Assuming that the preceding paragraph does not resolve all ties between employees having the same seniority date, then employees with the earliest original hire date within this District will be regarded as having greater seniority for purposes of determining seniority order;
13. Assuming that the preceding paragraph does not resolve all ties between employees having the same seniority date, then employees with a Phd./Ed.D/J.D. from an accredited institution of higher education will be regarded as having

greater seniority for the purposes of determining seniority order than employees possessing a Masters degree from an accredited institution of higher education;

14. Assuming that the preceding paragraph does not resolve all ties between employees having the same seniority date, then the employee with the earliest date of conferral of a Masters degree from an accredited institution of higher education will be regarded as having greater seniority for purposes of determining seniority order;
15. Assuming that the preceding paragraph does not resolve all ties between employees having the same seniority date, then the employee with the highest undergraduate grade point average will be regarded as having greater seniority for the purposes of determining seniority order.

Such criteria shall be applied to rank the order of individuals for purposes of layoff and reemployment, subject to exceptions allowed by law;

The foregoing Resolution was adopted by the Board of Education of the Santa Monica-Malibu Unified School District on the _____ day of _____, 2008, by the following vote:

AYES: _____
NOES: _____
ABSENT: _____

Oscar de la Torre, President
Board of Education
Santa Monica-Malibu Unified School District

I, Dianne Talarico, 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 meeting held on _____, 2008.

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

TO: BOARD OF EDUCATION

ACTION/MAJOR

03/05/08

FROM: DIANNE TALARICO / TIMOTHY R. WALKER /
MICHAEL D. MATTHEWS

RE: ADOPT RESOLUTION NO. 07-20 - REDUCTION OR
DISCONTINUANCE OF PARTICULAR KINDS OF SERVICES WITH
DIRECTION TO NOTIFY AFFECTED EMPLOYEES OF
RECOMMENDATION OF LAYOFF

RECOMMENDATION NO. A.08

It is recommended that the Board of Education approve Resolution 07-20 for the reduction or discontinuance of particular kinds of services (English teaching services, math teaching services, physical education teaching services, history teaching services and music teaching services), as indicated on the Resolution, effective June 2008.

COMMENT: The Superintendent of the Santa Monica-Malibu Unified School District recommends to the Governing Board that the services enumerated in Resolution No. 07-20 are to be reduced or discontinued no later than the beginning of the 2008-2009 school year, and that the Board give notice as required by Education Code Sections 44949 and 44955 to those employees whose services will not be required.

MOTION MADE BY:
SECONDED BY:
STUDENT ADVISORY VOTE:
AYES:
NOES:

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

**RESOLUTION NO. 07-20
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 services; 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 particular kind of service be reduced or discontinued for the 2008-2009 school year:

WHEREAS, it is the opinion of this Board that the following particular kinds of service be reduced or discontinued for the 2008-2009 school year:

- | | | |
|----|--|----------------|
| 1. | Secondary English Instruction | 3.0 FTE |
| 2. | Secondary Math Instruction | 1.0 FTE |
| 3. | Secondary Physical Education Instruction | 1.0 FTE |
| 4. | Secondary Music Instruction | .50 FTE |
| 5. | Elementary Music Instruction | 1.0 FTE |
| 6. | Secondary History Instruction | <u>2.0 FTE</u> |

TOTAL CERTIFICATED POSITIONS 8.5 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 8.50 FTE employees for the 2008-2009 school year;

WHEREAS, in determining the amount of service to be reduced, the Board of Education has considered all assured attrition, and the reduction identified above is in addition to any assured attrition known at the time of this resolution;

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 2008-2009 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 set forth above, the legal number of employees of the District, pursuant to Education Code Section 44955, not be reemployed for the 2008-2009 school year.

BE IT FURTHER RESOLVED that the Superintendent, or designee, is directed to give Notice of Recommendation Not to Reemploy, in accordance with the provisions of Sections 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 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 _____ day of _____ 2008, by the following vote:

AYES: _____
NOES: _____
ABSENT: _____

Oscar de la Torre, President
Board of Education
Santa Monica-Malibu Unified School District

I, Diane Talarico, 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 _____, 2008.

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