

OAKLAND UNIFIED SCHOOL DISTRICT
Office of the Superintendent of Schools

March 9, 2011

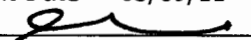
Legislative File

File ID No.: 11-0558

Introduction Date: 03/09/11

Enactment No.: 11-0379

Enactment Date 03/09/11

By: 

TO: Board of Education

FROM: Anthony Smith, Ph.D. Superintendent
Barbara Gee, Executive Officer, Human Resources Services & Support

SUBJECT: Reduction and/or Elimination of Particular Kinds of Service - Certificated Layoff,
Resolution No. 1011-0142

ACTION REQUESTED

Approval by the Board of Education of Resolution 1011-0142 - Reduction and/or Elimination of Particular Kinds of Service - Certificated Layoff, based upon the needs of the District for the 2011-2012 school year, pursuant to Education Code Sections 44944 and 44955.

DISCUSSION

Although the State's and District's budgets have yet to be ratified, California Education Code requires notice be provided by March 15th to certificated employees whose positions may be reduced or eliminated. This year, the State's proposed budget is contingent upon the substantial uncertainty of whether a proposed tax extension measure gets on a special election ballot, and this measure's success at the polls. Moreover, even the proposed State budget results in a net reduction to the District at a time when other funding sources are also decreasing. Although the District has historically taken severe steps to keep the funding cuts away from the classroom to the extent possible, the continuation of such drastic cuts paired with the uncertainty, eliminate that as a viable option for this year.

The proposed reductions in positions are across various courses and reflect a potential increase in class sizes to the maximums set by the District's collective bargaining agreement. In addition, as provided by State law, this resolution provides for the full flexing of adult education funds to ensure that the District has flexibility in the event of continued State budget uncertainty. Thus, in view of the uncertainty, all adult education staff are being issued notices of possible lay off. . The resolution also helps to enable the District to meet its state and federal requirements for serving English Learners by laying off K-12 teachers who do not have any form of English Learner (EL) authorization, but retaining teachers, regardless of seniority, who have the specialized certification necessary to teach in bilingual classrooms. The resolution also provides that persons who hold credentials to teach in Special Education, which is a specialized area of high need within the District, will not be subject to layoff. In addition, persons with specialized training in the Seneca Integrated Mental Health Model and experience in teaching in an integrated mental health classroom setting, will not be subject to layoff, as these skills have been highly valuable in serving students assigned to community day schools.

If budget circumstances change, layoff notices can be rescinded prior to May 9th or further layoffs may be conducted in August in the event a State budget passes within a statutorily prescribed window. Employees who are in the limited areas that are being reduced are entitled to re-employment in vacancies for a period of 39 months if they are permanent employees or 24 months if they are probationary employees.

RECOMMENDATION

Approval by the Board of Education of Resolution 1011-0142 - Reduction and/or Elimination of Particular Kinds of Service - Certificated Layoff, based upon the needs of the District for the 2011-2012 school year, pursuant to Education Code Sections 44944 and 44955.

Attachment: Resolution No. 1011-0142

**RESOLUTION
OF THE
BOARD OF EDUCATION
OF THE
OAKLAND UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 1011-0142**

Legislative

File ID No.: **11-0558**

Introduction Date: 03/09/11

Enactment No.: 11-0371

Enactment Date: 03/09/11

By: 

Reduction and/or Elimination of Particular Kinds of Service - Certificated Layoff

WHEREAS, Sections 44949 and 44955 of the California Education Code require action by the Governing Board if the services of certificated staff are to be reduced or eliminated in order to permit the layoff of certificated employees; and

WHEREAS, the Governing Board of the Oakland Unified School District has determined that it shall be necessary to decrease the programs and/or certificated positions set forth in the table below no later than the beginning of the 2011-2012 school year; and

WHEREAS, there is within the District a shortage of certificated employees retained and qualified to serve the needs of K-12 students with respect to the following services: Special Education and Bilingual Education/BCLAD (or other form of clear bilingual authorization); and

WHEREAS, there is a direct and specific need for K-12 teachers who possess certification to teach Special Education or Bilingual Education/BCLAD (or other form of clear bilingual authorization); these are highly specialized programs requiring the possession of additional, specialized credentials by certificated employees; and

WHEREAS, there is a high need for middle and high school teachers who possess specialized training in the Seneca Integrated Mental Health Model certification and experience in teaching in an integrated mental health classroom serving community day school students; and

WHEREAS, a lack of certificated employees possessing the credentials necessary to provide the services identified above would impair the ability of the District's students to meet state and federal requirements; and

WHEREAS, in light of substantial uncertainty in the State's budget and anticipated funding reductions by the State and Federal governments to the District, it shall be fiscally necessary to terminate at the end of the 2011 school year the employment of certain certificated employees of the District as a result of the elimination of the programs. If budget circumstances change, layoff notices can be rescinded prior to May 9th or further layoffs may be conducted in August in the event a State budget passes within a statutorily prescribed window,

NOW, THEREFORE, BE IT RESOLVED that the following particular kinds of services shall be reduced or eliminated at the close of the 2011 school year:

POSITION/ AREA OF SERVICE:	FTE
Adult Education Counselor	2.0
Adult Education Teachers	46.0
K-5 Multi-subject Teachers	231.0
6 th Grade Core Teachers	28.0
School Psychologists	6.0
Counselors	9.0
English	41.0
Social Science	45.0
Drama	3.0
Music	8.0
Art	10.0
Librarians	8.0
Social Workers	13.0
Physical Education	25.0
French (as a foreign language)	5.0
German (as a foreign language)	1.0
Spanish (as a foreign language)	11.0
Mandarin (as a foreign language)	1.0
Business/ Computers	3.0
ROP Computers	3.2
ROP Art Digital Film/ Video Production	.8
ROP Architecture Design/ Drafting/ Geometry	1.0
ROP Construction Tech	.6
ROP Graphic Arts/ Graphic Design	2.6
ROP Radio/ TV Technology Production	1.0
ROP Legal Occupations	.6
ROP Fashion Design	.4
ROP Urban Design	.2
Community Day Middle School teachers	4.0
TOTAL FTE REDUCTION	510.4

and;

BE IT FURTHER RESOLVED that, in addition to the particular kinds of service listed above and for the foregoing financial reasons, the Governing Board intends to eliminate all kindergarten through 12th grade courses (except for Special Education, Regional Occupational Program courses, and ROTC) in the 2011-2012 school year that are not accessible to English Learners because the certificated teacher does not currently possess a valid English Learner ("EL") authorization for the 2011-2012 school year. The service areas impacted by these reductions are as follows:

POSITION/ AREA OF SERVICE:	FTE
Math / Non-EL Authorized	5.0
English / Non-EL Authorized	4.0
Art & EEIP Art / Non- EL Authorized	3.0
Physical Education / Non-EL Authorized	2.0
Social Science/ Non-EL Authorized	5.0
Spanish/ Non-EL Authorized	2.0
French/ Non-EL Authorized	3.0
Science/ Non-EL Authorized	2.0

Alternative Education/ Non-EL Authorized	1.0
Multi-subject/ Non-EL Authorized	1.0
TOTAL FTE Reduction of Non-EL Courses	28

and;

BE IT FURTHER RESOLVED that the Governing Board has considered positively accrued and anticipated attrition and that even with the accrued and anticipated attrition, it is necessary to terminate certificated employees equal in number to the positions identified in this resolution; and

BE IT FURTHER RESOLVED that pursuant to Education Code § 44955(d)(1) it will be necessary to retain the services of K-12 teachers in the 2011-2012 school year regardless of seniority, who possess certification and credentials needed for the following programs: Special Education or clear Bilingual Education/BCLAD (or other form of clear bilingual authorization) in the K-12 program.

Furthermore, competency in the K-12 program for purposes of Education Code section 44955 shall be determined by possession of a preliminary or clear credential for the subject matter or grade level to which the employee will be assigned at the beginning of the 2011-2012 school year and current possession of certification and/or credentials to teach English Learners for the entirety of the 2011-2012 school year. In addition, competency in the K-12 program for purposes of Education Code section 44955 and in order to bump into 6th Grade Core classes, a teacher must hold the proper credentials and must have taught each of the particular subjects included in the core course, in either a core or single-subject setting, for at least one year of the past three years. Lastly, competency in the community day school program for purposes of Education Code section 44955 and in order to bump into a community day school position requires specialized training in the Seneca Integrated Mental Health Model and at least one year of experience teaching community day students in an integrated mental health classroom setting in the last three years; and

BE IT FURTHER RESOLVED that, as between employees who have the same seniority date, the tie in seniority date and the resulting order of layoff shall be broken through a lottery. Numbers shall be drawn with the lowest number drawn winning the tie and continuing until all remaining tied individuals are ranked in order; and

BE IT FURTHER RESOLVED that the Superintendent or his designated representative is directed to send all appropriate notices in accordance with the provisions of Education Code §§ 44949 and 44955 to all employees whose positions will be lost by virtue of this action.

Passed by the following vote:

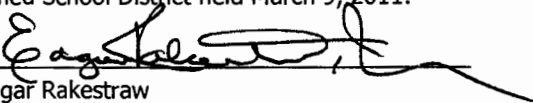
AYES: Jumoke Hodge, Christopher Dobbins, Alice Spearman, David Kakishiba,
Vice President Jody London, President Gary Yee

NAYS: Noel Gallo

ABSTAINED: None

ABSENT: None

I hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at a Regular Meeting of the Board of Education of the Oakland Unified School District held March 9, 2011.


Edgar Rakestraw
Secretary, Board of Education
Oakland Unified School District