



OAKLAND UNIFIED SCHOOL DISTRICT
Office of the Superintendent of Schools

April 20, 2011

Legislative File

File ID No.: 11-0925

Introduction Date: 4/20/11

Enactment No.: _____

Enactment Date: _____

By: _____

TO: Board of Education

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

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

ACTION REQUESTED

Approval by the Board of Education of Resolution No. 1011-0142A – Amendment - 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

On March 9, 2011, the Governing Board passed Reduction and/or Elimination of Particular Kinds of Service - Certificated Layoff, Resolution No. 1011-0142. The timing of that resolution was necessary in order to comply with statutory requirements to provide notice by March 15 to certificated persons whose positions may be eliminated or reduced. Because the site budget decisions had not yet been finalized through the results-based budgeting process, the prior resolution preserved the opportunity for sites to increase class sizes to the contractual maximum in order to provide sites with maximum flexibility in budget decisions.

Although the amount of State funding for public education in School Year 2011-2012 remains uncertain, further information has developed which impacts the extent of certificated position reductions that may be needed. In particular, school sites have made their budget decisions through the results-based budgeting process, so that their actual reductions may now be considered. In addition, the certificated personnel participation in the PARS early retirement program, which the Governing Board passed after the certificated layoff resolution, can now be taken into account to reduce the number of potential layoffs.

As a result, the revised resolution reflects continued efforts to keep the funding cuts away from the classroom to the extent possible. The proposed reductions in positions are based on site decisions made through the results-based budgeting process to reduce particular program areas. 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 layoff. 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 [No. 1011-0142](#) – Amendment - 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. 1011-0142A

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

Amended Resolution for Amendment -Reduction- Reduction and/or Elimination of Particular Kinds of Service - Certificated Layoff

WHEREAS, on March 9, 2011, the Governing Board of the Oakland Unified School District passed Resolution No. 1011-0142 relating to the Reduction and/or Elimination of Particular Kinds of Service – Certificated Layoff. The timing of that resolution was necessary in order to comply with statutory requirements to provide notice by March 15 to certificated persons whose positions may be eliminated or reduced. Because the site budget decisions had not yet been finalized through the results-based budgeting process, the prior resolution preserved the opportunity for sites to increase class sizes to the contractual maximum in order to provide sites with maximum flexibility in budget decisions; and

WHEREAS, further information has developed which impacts the extent of certificated position reductions that may be needed. In particular, school sites have made their budget decisions through the results-based budgeting process, so that their actual reductions may now be considered. In addition, the certificated personnel participation in the PARS early retirement program, which the Governing Board passed after the certificated layoff resolution, can now be taken into account to reduce the number of potential layoffs; and

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	0	231.0
6 th Grade Core Teachers	3	28.0
School Psychologists	3.8	6.0
Counselors	5.0	9.0
English	0	41.0
Social Science	5.0	45.0
Drama	0	3.0
Music	1.0	8.0
Art	0	10.0
Librarians	.6	8.0
Social Workers	.4	5.0
Physical Education	0	25.0
French (as a foreign language)	1.0	5.0
German (as a foreign language)	0	1.0
Spanish (as a foreign language)	1.0	11.0
Mandarin (as a foreign language)	0	1.0
Business/ Computers	0	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	83.20	502.4

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~~ **hereby eliminates** 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	2.0	5.0
English / Non-EL Authorized	3.0	4.0
Art & EEIP Art / Non- EL Authorized	0	3.0
Physical Education / Non-EL Authorized	1.0	2.0

Social Science/ Non-EL Authorized	0	5-0
Spanish/ Non-EL Authorized	1.0	2-0
French/ Non-EL Authorized	2.0	3-0
Science/ Non-EL Authorized	1.0	2-0
Alternative Education/ Non-EL Authorized	1.0	
Multi-subject/ Non-EL Authorized	1.0	
TOTAL FTE Reduction of Non-EL Courses	12.0	28-0

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

BE IT FURTHER RESOLVED that the Governing Board, pursuant to Education Code § 44955(d)(1), finds, declares it will be necessary to retain and hereby retains 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; and -

BE IT FURTHER RESOLVED that the Governing Board finds and declares that

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; -N 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 rescind March 15 preliminary layoff notices which were sent based on Resolution No. 1011-0142 to the extent the notices are not consistent with this Amended Resolution and shall take any actions to retain these employees consistent send all appropriate notices in accordance with this Amended Resolution and 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:

NAYS:

ABSTAINED:

ABSENT:


I hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at a ~~Regular~~
~~Special~~ Meeting of the Board of Education of the Oakland Unified School District held ~~March 9~~April 20,
2011.

Edgar Rakestraw, ~~Jr.~~, Secretary, Board of Education
Oakland Unified School District

OAKLAND UNIFIED SCHOOL DISTRICT
Office of the Superintendent of Schools

April 20, 2011

Legislative File

File ID No.: 11-0925
Introduction Date: 4/20/11
Enactment No.: 11-0652
Enactment Date: 4/20/11
By: 

TO: Board of Education

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

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

ACTION REQUESTED

Approval by the Board of Education of Resolution No. 1011-0142A – Amendment - 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

On March 9, 2011, the Governing Board passed Reduction and/or Elimination of Particular Kinds of Service - Certificated Layoff, Resolution No. 1011-0142. The timing of that resolution was necessary in order to comply with statutory requirements to provide notice by March 15 to certificated persons whose positions may be eliminated or reduced. Because the site budget decisions had not yet been finalized through the results-based budgeting process, the prior resolution preserved the opportunity for sites to increase class sizes to the contractual maximum in order to provide sites with maximum flexibility in budget decisions.

Although the amount of State funding for public education in School Year 2011-2012 remains uncertain, further information has developed which impacts the extent of certificated position reductions that may be needed. In particular, school sites have made their budget decisions through the results-based budgeting process, so that their actual reductions may now be considered. In addition, the certificated personnel participation in the PARS early retirement program, which the Governing Board passed after the certificated layoff resolution, can now be taken into account to reduce the number of potential layoffs.


As a result, the revised resolution reflects continued efforts to keep the funding cuts away from the classroom to the extent possible. The proposed reductions in positions are based on site decisions made through the results-based budgeting process to reduce particular program areas. 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 layoff. 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 No. 1011-0142A – Amendment - 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.

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WHEREAS, further information has developed which impacts the extent of certificated position reductions that may be needed. In particular, school sites have made their budget decisions through the results-based budgeting process, so that their actual reductions may now be considered. In addition, the certificated personnel participation in the PARS early retirement program, which the Governing Board passed after the certificated layoff resolution, can now be taken into account to reduce the number of potential layoffs; and

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.

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Music	1.0
Art	0
Librarians	.6
Social Workers	.4
Physical Education	0
French (as a foreign language)	1.0
German (as a foreign language)	0
Spanish (as a foreign language)	1.0
Mandarin (as a foreign language)	0
Business/ Computers	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	83.20

BE IT FURTHER RESOLVED that, in addition to the particular kinds of service listed above and for the foregoing financial reasons, the Governing Board hereby eliminates 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:

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Physical Education / Non-EL Authorized	1.0

Social Science/ Non-EL Authorized	0
Spanish/ Non-EL Authorized	1.0
French/ Non-EL Authorized	2.0
Science/ Non-EL Authorized	1.0
Alternative Education/ Non-EL Authorized	1.0
Multi-subject/ Non-EL Authorized	1.0
TOTAL FTE Reduction of Non-EL Courses	<u>12.0</u>

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

BE IT FURTHER RESOLVED that the Governing Board, pursuant to Education Code § 44955(d)(1), finds, declares and hereby retains 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; and

BE IT FURTHER RESOLVED that the Governing Board finds and declares that 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 rescind March 15 preliminary layoff notices which were sent based on Resolution No. 1011-0142 to the extent the notices are not consistent with this Amended Resolution and shall take any actions to retain these employees consistent with this Amended Resolution and the provisions of Education Code §§ 44949 and 44955.

Passed by the following vote:

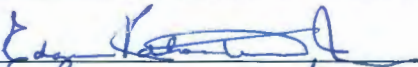
AYES: David Kakishiba, Jumoke Hodge, Christopher Dobbins, Alice Spearman
Acting President Noel Gallo

NAYS: None

ABSTAINED: None

ABSENT: President Gary Yee, Vice President Jody London

I hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at a Special Meeting of the Board of Education of the Oakland Unified School District held April 20, 2011.



Edgar Rakestraw, Jr., Secretary, Board of Education
Oakland Unified School District