

FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT
125 East Bidwell Street, Folsom, California 95630

REVISED

June 11, 2009

AGENDA

Board of Education

SPECIAL BOARD MEETING

Folsom High School

Multipurpose Room

1655 Iron Point Road, Folsom CA 95630

BOARD OF EDUCATION

Ed Short, President

Teresa A. Stanley, Vice President

JoAnne Reinking, Clerk

Richard Shaw, Member

Roger Benton, Member

5:00 PM OPEN SESSION

Pledge of Allegiance and Roll Call

CLOSED SESSION

XA Certificated Personnel

- Administrative Reassignment: Secondary, District Music
- Administrative Appointment: Elementary

ADOPTION OF AGENDA

Approve Agenda

PUBLIC PARTICIPATION

0809-244 Time will be given to speakers at the discretion of the Board Chairperson. The law allows the public to address the Board on any matter not on the agenda, but the law prohibits action by the Board on non-agenda items.

AGENDA CONSENT

0809-245 **Approve Lease-Leaseback Agreement:** Asphalt Projects at Sutter Middle School and Cordova Meadows Elementary School

DISCUSSION

0809-246 **2008/09 and 2009/10 Budget Update**

DISCUSSION/ACTION

0809-247 **Adopt Resolution No. 06-11-09-30:** Reduction in Certificated Staff Due to Reduction or Elimination of Particular Kinds of Service

0809-248 **Adopt Resolution No. 06-11-09-31:** Concerning Order of Seniority of Certificated Employees First Rendering Paid Probationary Service on the Same Day

0809-249 **Adopt Resolution No. 06-11-09-32:** Commencement, during the 2009/10 School Year, of a Certificated Layoff in Accordance with Education Code Sec. 44955.5

DISCUSSION

0809-250 **Board of Education 2009-2010 Proposed Contract Opens to Folsom Cordova Education Association and Announcement of Public Hearing Scheduled for June 18, 2009 Board Meeting**

NOTE: If you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in the public meeting, contact the Superintendent's Office at (916) 355-1100 at least 48 hours before the scheduled Board meeting so that we may make every reasonable effort to accommodate you. [Government Code § 54953.2; Americans with Disabilities Act of 1990, § 202 (42 U.S.C. §12132).]

Writings that are public records, part of this regular meeting's Open Session, and distributed to all or a majority of the Governing Board less than 72 hours prior to this meeting will be made available to the public at the Superintendent's office, 125 East Bidwell Street, Folsom, CA, and may be posted on the District's website at www.fcusd.org.

FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT
BOARD AGENDA FORM

ITEM NUMBER: 0809-244

AGENDA TITLE: **Public Participation** – The law allows the public to address the Board on any matter not on the agenda, but the law prohibits action by the Board on non-agenda items.

RESPONSIBLE: Board President

Special Board Meeting Date: June 11, 2009

Public Participation

Consent

Discussion/Action

Information

BACKGROUND INFORMATION:

Time will be given to speakers at the discretion of the Board Chairperson. The law allows the public to address the Board on any matter not on the agenda, but the law prohibits action by the Board on non-agenda items.

Speaker will stand and state name before addressing the Board.

FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT

BOARD AGENDA FORM

ITEM NUMBER: 0809-245

AGENDA TITLE: **Approve Lease-Leaseback Agreement:** Asphalt Projects at Sutter Middle School and Cordova Meadows Elementary

RESPONSIBLE: Deborah Bettencourt, Deputy Superintendent/CFO

PRESENTER: Deborah Bettencourt, 355-1111, ext. 114
Jim Bonovich, Director of Maintenance and Operations, 631-0501

Board Meeting Date: June 11, 2009

Consent

Discussion/Action

Discussion

BACKGROUND INFORMATION:

School site playground hard courts are regularly repaired and/or overlaid for general maintenance purposes. Over the years, normal wear and tear necessitates major overhauls, to the extent of complete replacement, due to excessive cracking and crumbling, which may create potential safety hazards. The two sites above have been identified for replacement of specified hard court areas. The funds to replace hard courts have been delineated on the District's 5-year Deferred Maintenance Plan. Landmark Construction is working with maintenance staff to deliver the projects within budget. Department of State Architect approval is not required.

Staff requests authorization to enter into the Lease-Leaseback Agreement for this project, based on a total maximum amount of \$863,661 for Cordova Meadows Elementary and for Sutter Middle School.

FISCAL IMPACT:

The project has a guaranteed maximum amount of \$863,661 and will be funded with Deferred Maintenance Funds.

RECOMMENDATION:

The Board of Education approve the Lease-Leaseback Agreement with Landmark Construction for the asphalt replacement projects Sutter Middle School and Cordova Meadows Elementary School.

FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT

BOARD AGENDA FORM

ITEM NUMBER: 0809-246

AGENDA TITLE: 2008/09 and 2009/10 Budget Update

RESPONSIBLE: Patrick Godwin, Superintendent

PRESENTER: Patrick Godwin, Superintendent – 355-1100, Ext. 107

Board Meeting Date: June 11, 2009

_____ Consent

_____ Discussion/Action

_____ Discussion

BACKGROUND INFORMATION:

Staff will update the Board on the status of the current state budget and actions taken to minimize the impact to the District.

FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT

BOARD AGENDA FORM

ITEM NUMBER: 0809-247

AGENDA TITLE: **Adopt Resolution No. 06-11-09-30:** Reduction in Certificated Staff Due to Reduction or Elimination of Particular Kinds of Service

RESPONSIBLE: Patrick Godwin, Superintendent

PRESENTER: Marty Baumann, Assistant Superintend, Human Resources 355-1111, ext. 119

Board Meeting Date: June 11, 2009

_____ Consent

_____ Discussion/Action

_____ Discussion

_____ Information

BACKGROUND INFORMATION:

The Board of Trustees will be presented with a recommendation from the Superintendent to reduce particular kinds of service for the 2009-2010 school year that will require the layoff of certificated staff.

Attached is Resolution No. 06-11-09-30 which states the services of certificated staff to be reduced or eliminated in order to permit the layoff of certificated employees.

FISCAL IMPACT:

To be determined.

RECOMMENDATION:

That the Board adopt Resolution No. 06-11-09-30, Layoff of Certificated Employees.

Resolution No. 06-11-09-30

**BEFORE THE BOARD OF EDUCATION
of the
FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT**

**Reduction in Certificated Staff Due to
Reduction or Elimination of Particular Kinds of Service
During the 2009/10 School Year
As Authorized by Education Code § 44955.5**

WHEREAS, on June 11, 2009, the Board of Education of the Folsom Cordova Unified School District (“Board of Education” or “Board”) adopted Resolution No. 06-11-09-32 and made the required statutory findings that cause existed to initiate a certificated layoff pursuant to Education Code section 44955.5.

WHEREAS, it is necessary to reduce particular kinds of certificated service of the District during the 2009/10 school year.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Education of the Folsom Cordova Unified School District that:

1. The certificated services set forth in Exhibit “A” shall be reduced or eliminated for the 2009/2010 school year.
2. Anticipated certificated employee attrition (resignation, retirements, non-reelections, temporary teacher releases, etc.) have been considered. Nevertheless, it is still necessary to terminate certificated full-time equivalent positions as set forth in Exhibit “A”.
3. It will be necessary to retain the services of certificated employees, regardless of seniority, who possess qualifications and competencies needed in the projected educational programs listed on Exhibit “B” for the 2009/10 school year which are not possessed by more senior employees thereby subject to layoff.
4. The Superintendent, or designee, is authorized and directed to send a Notice of Recommendation of Non-reemployment to any employee whose services shall be terminated by virtue of this Resolution.

THE FOREGOING RESOLUTION was duly passed and adopted by the Board of Education of the Folsom Cordova Unified School District at a special meeting held on the 11th day of June, 2009, by the following roll call vote:

AYES: _____ NOES: _____ ABSTENTION: _____ ABSENT: _____

Signed and approved by me after its passage.

Ed Short
President of the Governing Board

ATTEST:

JoAnne Reinking, Clerk of the Governing Board

EXHIBIT "A"
to
RESOLUTION NO. 06-11-09-30
of the
FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT

Services to Be Reduced or Eliminated
Pursuant to a Certificated Employee Layoff
Authorized by Education Code §44955.5

Particular Service or Program to be Reduced or Eliminated	Grade Level	No. of FTE
Associate Supt. Student Support Services	K - 12	.45
Assistant Principal	6 - 9	1.0
Assistant Principal – Adult Ed		.50
Director of State and Federal Programs	K - 12	1.0
Principal – Alt Ed	9 - 12	1.5
Total Administration		4.45
Art	7 - 12	4.9
Business	9 - 12	1.8
Computers	7 - 12	2.5
Counselor	K - 12	11.0
Drivers Ed	9 - 12	0.33
English	7 - 12	3.6
French	9 - 12	2.0
German	9 - 12	0.6
Health	9 - 12	0.33
Home Economics	7 - 12	3.4
Lead Teachers	K - 12	4.0
Math	9 - 12	0.83
Media Productions	9 - 12	0.2
Military Instructor	7 - 12	1.0
MS - Self Contained	K - 6	15.0
Music	7 - 12	5.6

Particular Service or Program to be Reduced or Eliminated	Grade Level	No. of FTE
Newcomer	K - 6	1.0
Physical Education	9 - 12	3.9
Science, Life	9 - 12	1.34
Science, Social	7 - 12	3.0
Spanish	7 - 12	3.6
Starbase	K - 6	1.0
Student Body	6 - 9	0.4
Technology	6 - 12	3.5
Total Certificated		74.83

EXHIBIT “B”
to
RESOLUTION NO. 06-11-09-30
of the
FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT

**Programs for Which the Board of Education Has
Resolved to Retain the Services of Certificated Employees,
Regardless of Seniority, Who Possess Qualifications and Competencies
Needed in the Projected Educational Programs**

1. FLES
2. Mather Youth Academy
3. AP/ACE

**FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT
BOARD AGENDA FORM**

ITEM NUMBER: 0809-248

AGENDA TITLE: Adopt Resolution No. 06-11-09-31: Concerning Order of Seniority of Certificated Employees First Rendering Paid Probationary Service on the Same Day

RESPONSIBLE: Patrick Godwin, Superintendent

PRESENTER: Marty Baumann, Assistant Superintend, Human Resources 355-1111, ext. 119

Board Meeting Date: June 11, 2009

_____ Consent

Discussion/Action

_____ Discussion

_____ Information

BACKGROUND INFORMATION:

The determination of which certificated employees will receive layoff notices is based on their seniority with the District. A certificated employee's seniority begins with the first day in paid probationary status and does not include services prior to that date. Due to the unique nature of school district employment, several employees will have the same beginning date of paid service as probationary employees. In order to prioritize employees, Education Code 44955 allows the Governing Board to determine the order of layoff based on the needs of the District and its students. The mechanism for outlining the Board's criteria for this prioritization is a Board resolution specifically stating the areas to be considered when ordering seniority.

Attached is Resolution No. 06-11-09-31, which outlines the Superintendent's recommended criteria for ordering the seniority of those employees who have first rendered paid probationary service on the same date.

FISCAL IMPACT:

To be determined.

RECOMMENDATION:

That the Board adopt Resolution No. 06-11-09-31, Ordering the Seniority of Certificated Employees.

Resolution No. 06-11-09-31

**BEFORE THE BOARD OF EDUCATION
of the
FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT**

**Concerning Order of Seniority of Certificated Employees
First Rendering Paid Probationary Service on the Same Day**

WHEREAS, on June 11, 2009, the Board of Education of the Folsom Cordova Unified School District (“Board of Education” or “Board”) adopted Resolution No. 06-11-09-32 and made the required statutory findings that cause existed to initiate a certificated layoff pursuant to Education Code section 44955.5.

WHEREAS, Section 44955 of the California Education Code provides that the relative seniority for layoff purposes of certificated employees first rendering paid probationary service to a district on the same date shall be determined by the governing board on the basis of needs of the district and the students thereof.

NOW, THEREFORE, BE IT RESOLVED by this Board that

1. The following criteria are authorized and directed to be applied, in the order listed, to determine the relative seniority of those certificated employees who first rendered paid probationary service on the same day:
 - a. Possession of a credential which is needed by the school program;
 - b. Breadth of credentials possessed (including BCLAD/CLAD and other certificates);
 - c. Bilingual certification or skill where need for language exists;
 - d. All other factors deemed equal, by lot.
2. The Board hereby approves the exercise of judgment of the District Superintendent, or designee, in applying the criteria set forth above.

THE FOREGOING RESOLUTION was duly passed and adopted by the Board of Education of the Folsom Cordova Unified School District at a special meeting held on the 11th day of June, 2009, by the following call vote:

AYES: _____ NOES: _____ ABSTENTION: _____ ABSENT: _____

Signed and approved by me after its passage.

Ed Short
President of the Governing Board

ATTEST:

JoAnne Reinking, Clerk of the Governing Board

**FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT
BOARD AGENDA FORM**

ITEM NUMBER: 0809-249

AGENDA TITLE: Adopt Resolution No. 06-11-09-32: Commencement, during the 2009/2010 school year, of a Certificated Layoff In Accordance with Education Code §44955.5

RESPONSIBLE: Patrick Godwin, Superintendent

PRESENTER: Marty Baumann, Assistant Superintend, Human Resources 355-1111, ext. 119

Board Meeting Date: June 11, 2009

_____ Consent

Discussion/Action

_____ Discussion

_____ Information

BACKGROUND INFORMATION:

California Education Code section 44955.5 permits a governing board to terminate services of permanent or probationary certificated employee (including administrative/supervisory) if prior to August 15:

- (A) The Board determines that its total revenue limit per unit of average daily attendance for the fiscal year of that Budget Act has not increased by at least 2%; **and,**
- (B) In the opinion of the Board it is therefore necessary to decrease the number of certificated employees in the district.

An August 15 certificated layoff has the same essential procedural components as a May 15 layoff. The essential procedural components include: Preliminary Notice of Layoff; Request for Hearing; Accusation; Notice of Defense; Discovery; Hearing; and Final Notice.

Attached is Resolution No. 06-11-09-32

FISCAL IMPACT:

To be determined.

RECOMMENDATION:

That the Board adopt Resolution No. 06-11-09-32, Commencement, during the 2009/10 School Year, of a Certificated Layoff

Resolution No. 06-11-09-32

BEFORE THE BOARD OF EDUCATION
of the
FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT

Commencement, during the 2009/10 School Year, of a Certificated Layoff
In Accordance with Education Code §44955.5,

WHEREAS, the Governor of California signed a Budget Act for the 2009/10 fiscal year on February 20, 2009.

WHEREAS, Education Code § 44955.5 (a) authorizes the governing board of a school district to terminate the services of certificated employees provided specified findings are made [see Exhibit A for the full text of § 44955.5 (a)].

WHEREAS, an Education Code § 44955.5 (a) layoff is conducted in accordance with the provisions of Education Code §§ 44951 and 44955 except that the schedule of notice and hearing shall be adopted by the governing board.

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Folsom Cordova Unified School District:

1. The total revenue limit per unit of average daily attendance for the 2009/10 fiscal year did not increase by at least two percent (2%).
2. It is the opinion and decision of this Board that it is therefore necessary to decrease the number of permanent employees in the District by terminating the services of permanent and probationary certificated employees of the District
3. The termination of services of certificated employees shall be pursuant to Education Code §§ 44955.5, § 44951 and § 44955 in accordance with a schedule of notice and hearing established by this Governing Board (see Exhibit "B" for the schedule).

THE FOREGOING RESOLUTION was duly passed and adopted by the Board of Education of the Folsom Cordova Unified School District at a special meeting held on the 11th day of June, 2009, by the following roll call vote:

AYES: _____ NOES: _____ ABSTENTION: _____ ABSENT: _____

Signed and approved by me after its passage.

Ed Short
President of the Governing Board

ATTEST:

JoAnne Reinking, Clerk of the Governing Board

EXHIBIT "A"
TO RESOLUTION NO. 06-11-09-32

FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT

(Text of Education Code Section 44955.5)

44955.5. (a) During the time period between five days after the enactment of the Budget Act and August 15 of the fiscal year to which that Budget Act applies, if the governing board of a school district determines that its total revenue limit per unit of average daily attendance for the fiscal year of that Budget Act has not increased by at least 2 percent, and if in the opinion of the governing board it is therefore necessary to decrease the number of permanent employees in the district, the governing board may terminate the services of any permanent or probationary certificated employees of the district, including employees holding a position that requires an administrative or supervisory credential. The termination shall be pursuant to Sections 44951 and 44955 but, notwithstanding anything to the contrary in Sections 44951 and 44955, in accordance with a schedule of notice and hearing adopted by the governing board.

(b) This section is inoperative from July 1, 2002, to July 1, 2003, inclusive.

EXHIBIT "B"
TO RESOLUTION NO. 06-11-09-32

FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT

**SCHEDULE OF NOTICE AND HEARING
FOR CERTIFICATED EMPLOYEE LAYOFF
DURING THE 2009/10 SCHOOL YEAR
AS AUTHORIZED BY EDUCATION CODE §44955.5**

DATE	ACTIVITY
June 11, 2009	Resolutions Adopted by the Board of Education to initiate an Education Code §44955.5 certificated layoff.
June 12, 2009	Superintendent (or designee) to file Motion to Set Hearing Date(s) with the Office of Administrative Hearings <i>Note: In order to mail <u>Notice of Hearing</u> on June 19, the hearing date must be finally established between June 12 and June 19</i>
June 19, 2009	Documents Served on Respondent Employees: a. Notice of Recommendation That Services Will Not Be Required; b. Request for Hearing Form; c. Accusation; d. Notice of Defense; e. Notice of Hearing.
<i>The Later Of</i> Either June 29, 2009 Or Ten (10) calendar days after mailing of Accusation and Notice of Hearing	Last Day for the District to receive the following documents from Respondent Employees: a. Request for Hearing; and b. Notice of Defense
<i>The Later Of</i> Either July 6, 2009 Or Six (6) calendar days before the first day of hearing	Last date for Respondent Employees to request Discovery from the District.

DATE	ACTIVITY
July 14-15, 2009	Hearing conducted by an Administrative Law Judge.
July 26, 2009	Last day for the Administrative Law Judge to submit his/her proposed decision to the Board of Education.
July 30, 2009	Board of Education acts to accept, reject or modify the proposed decision of the Administrative Law Judge.
July 31, 2009	<p>Notice mailed to Respondent Employees of termination of services.</p> <p><i>Notes: For 2009/10</i></p> <p><i>August 6 (Thursday) and August 7 (Friday) are Teacher workdays</i></p>

FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT

BOARD AGENDA FORM

ITEM NUMBER: 0809-250

AGENDA TITLE: Board of Education 2009-2010 Proposed Contract Openers to the Folsom Cordova Education Association and Announcement of Public Hearing Scheduled for the June 18, 2009 Regular Board Meeting

RESPONSIBLE: Patrick Godwin, Superintendent

PRESENTER: Marty Baumann, Assistant Superintendent, Human Resources –
355-1111, Ext. 119

Board Meeting Date: June 11, 2009

Consent

Discussion/Action

Discussion

Information

BACKGROUND INFORMATION:

In accordance with Government Code Section 3547, the Board of Trustees intends to begin the collective bargaining process with the Folsom Cordova Education Association in accordance with the following guidelines:

- a) All initial proposals of exclusive representatives and of public school employers, which relate to matters within the scope of representation, shall be presented at a public meeting of the public school employer and, thereafter, shall be public records.
- b) Meeting and negotiating shall not take place on any proposal until a reasonable time has elapsed after the submission of the proposal to enable the public to become informed and until the public has the opportunity to express itself regarding the proposal at a meeting of the public school employer.
- c) After the public has had the opportunity to express itself, the public school employer shall, at a meeting which is open to the public, adopt its initial proposal.

This information is being provided at the Board of Education meeting as information. A public hearing is scheduled on June 18, 2009, to permit the public an opportunity to address the Board on its bargaining requests.