

**OAK PARK UNIFIED SCHOOL DISTRICT
5801 E. CONIFER STREET
OAK PARK, CALIFORNIA 91377
(818) 735-3206**

NOTICE OF SPECIAL CLOSED SESSION AND BOARD MEETING- AGENDA #804

Written notice is hereby given in accordance with Education Code Section 54957 that a special closed session and Board Meeting of the Board of Education of Oak Park Unified School District will be held:

DATE: Monday, May 11, 2009
TIME: 5:30 p.m. Closed Session
5:45 p.m. Open Session
PLACE: Oak Park Unified School District
Conference Room
5801 E. Conifer Street
Oak Park, CA 91377

**Call to Order
Pledge of Allegiance
Roll Call
Public Comments**

The business to be transacted at the meeting shall be limited to the following:

CLOSED SESSION

Public Employee Discipline/Dismissal/Release

OPEN SESSION

- 1. Approve Adoption of Proposed Decision Regarding Reduction in Force Hearing**
Board approval required of decision of Administrative Law Judge to proceed with layoff of Certificated Employees due to budget crisis
- 2. Approve Resolution #09-12 Implementing Certificated Layoff (Terminating Services of Certificated Employees), Acting Upon Proposed Decision of Administrative Law Judge and Providing Direction to Issue Notifications to Employees Whose Services are Terminated**
Board approval required to implement layoff process prior to May 15 deadline
- 3. Approve the Plan to Reorganize Delivery of District Office Services**
Board approval required for reorganization

Date: May 6, 2009

Anthony W. Knight, Ed.D.

Superintendent and Secretary to the
Board of Education

TO: MEMBERS, BOARD OF EDUCATION

FROM: DR. ANTHONY W. KNIGHT, SUPERINTENDENT

DATE: MAY 11, 2009

**SUBJECT: 1. APPROVE ADOPTION OF PROPOSED DECISION REGARDING
REDUCTION IN FORCE HEARING**

ACTION

ISSUE: To review and adopt the proposed decision from the administrative law judge related to the Reduction in Force Hearing.

BACKGROUND: A hearing was conducted on April 9, 2009 in the matter of proposed layoffs to certificated employees of the Oak Park Unified School District. The hearing was conducted by Samuel D. Reyes, administrative law judge, in room G-9 at Oak Park High School. The District was represented by Warren S. Kinsler, Attorney at Law, and the 13 respondents who requested the hearing were represented by Richard J. Schwab, Attorney at Law. Oral and documentary evidence was presented at the hearing and the matter was submitted for decision on April 9, 2009.

Judge Reyes submitted his written decision to the District on May 5, 2009. A copy is attached. In addition, a copy of the proposed decision has been delivered to the respondents who were parties to the hearing.

STATEMENT: If the board agrees with the proposed decision, it must be adopted in an open meeting and then filed as a final decision with Judge Reyes prior to May 15, 2009.

ALTERNATIVES: 1. Approve the proposed layoff decision as presented by Judge Reyes.
2. Request revisions to the proposed layoff decision as presented by Judge Reyes.

RECOMMENDATION: Alternative #1

Respectfully submitted,



Anthony W. Knight, Ed.D
Superintendent

Board Action: On motion of _____, seconded by _____, the Board of Education:

VOTE: AYES NOES ABSTAIN ABSENT

Iceland	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Panec	_____	_____	_____	_____
Rees	_____	_____	_____	_____
Vinson	_____	_____	_____	_____
Student	_____	_____	_____	_____

BEFORE THE
GOVERNING BOARD
OAK PARK UNIFIED SCHOOL DISTRICT
COUNTY OF VENTURA
STATE OF CALIFORNIA

In the Matter of the Layoffs Of:

OAH No.: L2009030104

Erik Amerikaner and Other Certificated
Employees of the Oak Park Unified School
District,

Respondents.

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted
by the Oak Park Unified School District as its Decision in the above-entitled matter.

This Decision shall become effective _____.

IT IS SO ORDERED _____.

OAK PARK UNIFIED SCHOOL DISTRICT
STATE OF CALIFORNIA

By _____

rfm

BEFORE THE
GOVERNING BOARD
OAK PARK UNIFIED SCHOOL DISTRICT
COUNTY OF VENTURA
STATE OF CALIFORNIA

In the Matter of the Layoffs Of:

OAH No.: L2009030104

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Employees of the Oak Park Unified School
District,

Respondents.

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted
by the Oak Park Unified School District as its Decision in the above-entitled matter.

This Decision shall become effective _____.

IT IS SO ORDERED _____.

OAK PARK UNIFIED SCHOOL DISTRICT
STATE OF CALIFORNIA

By _____

rfm

BEFORE THE
GOVERNING BOARD
OAK PARK UNIFIED SCHOOL DISTRICT
COUNTY OF VENTURA
STATE OF CALIFORNIA

In the Matter of the Layoffs Of:

Erik Amerikaner and Other
Certificated Employees of the
Oak Park Unified School District,

Respondents.

OAH Case No.: L2009030104

PROPOSED DECISION

Samuel D. Reyes, Administrative Law Judge, Office of Administrative Hearings, heard this matter on April 9, 2008, in Oak Park, California.

Warren S. Kinsler, Attorney at Law, represented Anthony Knight (Knight), Superintendent of the Oak Park Unified School District (District).

Richard J. Schwab, Attorney at Law, represented Erik Amerikaner (Amerikaner), Tim Chevalier (Chevalier), DJ Cook (Cook), Jessica Curtis (Curtis), Rebecca Custodio (Custodio), Michael Davis (Davis), Ty De Long (De Long), Debi Fries (Fries), Caitlin Fowler (Fowler), Julie Heeney (Heeney), Frances Hermosillo (Hermosillo), Allan Hunt (Hunt), Matt Kracht (Kracht), Dianne Large (Large), Elana Levine (Levine), Monica Mirras (Mirras), Dan O'Brien (O'Brien), Ken Paulson (Paulson), Brenda Pasqua (Pasqua), and Barbara Wechter (Wechter), collectively referred to as Respondents.

The District has decided to reduce or discontinue certain educational services and has given Respondents notice of its intent not to reemploy them for the 2009-2010 school year. Respondents requested a hearing for a determination of whether cause exists for not reemploying them for the 2009-2010 school year.

At the hearing, the District moved to dismiss the Accusation against Respondents Chevalier and Custodio, which motion was granted.

Oral and documentary evidence was received at the hearing and the matter was submitted for decision.

FACTUAL FINDINGS

1. Superintendent Knight filed the Accusation in his official capacity.
2. Respondents are certificated employees of the District.
3. On March 3, 2009, the Governing Board of the District (Governing Board) adopted Resolution number 09-06, reducing or discontinuing the following services for the 2009-2010 school year:

<u>Service</u>	<u>Full-Time Equivalent Positions</u>
Elementary Music Instruction	2.6
Elementary Counseling Services	1.0
Middle School Drama Instruction	.4
Middle School Technology Instruction	.2
Middle School Instrumental Music Instruction	.4
Middle School Special Education Instruction	1.0
High School Choral Music Instruction	.2
High School Video Production/Theatre Arts Instruction	.4
High School Science Instruction	1.0
High School Mathematics Instruction	1.0
High School Instrumental Music Instruction	.4
High School English Instruction	1.2
High School History/Social Science Instruction	.6
High School Life Skills Instruction	.2
High School Academic Decathlon Services	.1
High School Special Education Instruction	1.0
Secondary Counseling Services	2.0
ROP Computer Instruction	.5
ROP Athletic Training	.4
ROP Millwork, Cabinet-making & Drafting	<u>.5</u>
Total	15.1

4. On March 3, 2009, Superintendent Knight notified the Governing Board that he recommended that notice be given to Respondents that their services will not be required for the 2009-2010 school year due to the reduction or discontinuance of particular kinds of services.

5. On or about March 11, 2008, the District provided notice to Respondents that their services will not be required for the 2009-2010 school year due to the reduction of particular kinds of services. The notices sent to Respondents Amerikaner, Paulson, and Pasqua were designated as "precautionary," in the event that it was determined, after hearing, that they were probationary employees and not temporary as designated by the District.

6. In order to simplify the process for teachers and administrators, the notice provided by the District was included in a single "packet," which contained the documents required by Education Code sections 44949 and 44955, as well as those required by Government Code section 11500 et seq. In a Notice of Accusation, the District informed Respondents that unless they requested a hearing by March 25, 2009, the Board may proceed on the Accusation without a hearing. A form entitled "Request for Hearing/Notice of Defense" was enclosed for Respondents' use, if desired. The time for requesting a hearing was determined by adding the seven days allowed for requesting a hearing and the five days permitted for the filing of a notice of defense.

7. On March 17, 2009, Respondent Chevalier requested a hearing by submitting the District-provided "Request for Hearing/Notice of Defense." On the same date, Respondents Curtis, Custodio, Davis, Fries, Heeney, Hermosillo, Hunt, Kracht, Large, Mirras, O'Brien, and Wechter submitted individual documents entitled "Request For Hearing," which stated in printed text, which was the same on all the documents: "I hereby request a hearing to determine whether there is cause to not re-employ me for the 2009-2010 school year." All of the requests for hearing were timely submitted.

8. On March 18, 2009, Respondent Chevalier filed a separate notice of defense by submitting the District-provided "Request for Hearing/Notice of Defense." On March 17, 2009, Respondents Curtis, Custodio, Davis, Fries, Heeney, Hermosillo, Hunt, Kracht, Large, Mirras, O'Brien, and Wechter submitted individual documents entitled "Notice of Defense," which stated, in text identical in all the documents, that the employee requested a hearing, that the employee objected to the accusation in that it did not state acts or omissions upon which the District may proceed, and that the employee objected to the form of the accusation. All of the notices of defense were timely submitted.

9. On March 17, 2009, Respondent's counsel filed a "Joint Notice of Defense" on behalf of all Respondents, specifically requesting a hearing and raising other defenses to the accusations. Respondents were entitled to rely on the District's statements contained in its Notice of Accusation and other documents served on Respondents, set forth in factual finding number 6, and the joint notice of defense constitutes the timely request for hearing and notice of defense for Respondents Amerikaner, Cook, De Long, Fowler, Levine, Paulson, and Pasqua, as well as duplicative ones for the Respondents who submitted their individual documents, as set forth in factual finding numbers 7 and 8.

10. All prehearing jurisdictional requirements have been met.
11. The services set forth in factual finding number 3 are particular kinds of services which may be reduced or discontinued within the meaning of Education Code section 44955.¹
12. The decision by the Governing Board to reduce or discontinue the services set forth in factual finding number 3 is neither arbitrary nor capricious but is rather a proper exercise of the District's discretion.
13. Given the anticipated lack of funding and its impact on the District's ability to carry out its educational mandate, the reduction of services set forth in factual finding number 3 is related to the welfare of the District and its pupils, and it has become necessary to decrease the number of certificated employees as determined by the Governing Board.
14. In determining the number of final layoff notices to issue, the District expects to take into account the possible retirements or resignations of three or four certificated employees.
15. On February 17, 2009, the Governing Board adopted Resolution No. 09-02, setting forth the criteria to determine seniority among employees who first rendered paid service in a probationary position on the same date (tie-breaking criteria). The tie-breaking criteria are reasonable as they relate to the skills and qualifications of certificated employees. Moreover, the District properly utilized the criteria to break ties involving Respondents.
16. Application of the tie-breaking criteria impacted employees with a seniority date of August 27, 2007, including several Respondents. Respondent Curtis holds a preliminary single subject (English) credential and an authorization in social studies. Respondents Amerikaner, Chevalier, Custodio, De Long, and Fowler, and retained employees Stephanie Walker-Sean and Jan Willis (Willis), were all ranked ahead of Respondent Curtis in the seniority list because they hold clear credentials, which credentials are ranked above preliminary credentials in the tie-breaking criteria.
17. Respondent Curtis challenges her seniority date. She started working on August 24, 2007, when she was required to participate in a mandatory orientation meeting for all new employees. She is credentialed and competent to teach high school English, a service Willis has been retained to perform.

¹ All further references are to the Education Code.

18. Respondent Mirras, who holds a preliminary single subject (math) credential, also challenges her assigned seniority date of August 25, 2008. She attended a curriculum conference on August 11, 2008, for which she was paid her regular salary. However, even with the earlier seniority date, Respondent Mirras is the most junior math teacher in a service reduced by 1 FTE position.

19. Respondent Kracht, whose seniority date is August 30, 2004, holds a single subject credential (biological sciences) and authorizations in chemistry and geological sciences. He taught high school science, a service that suffered a 1 FTE reduction.

20. Respondents Amerikaner, Paulson, and Pasqua did not appear at the hearing. The District has designated them as temporary employees for that portion of their assignment that involves teaching in ROP subjects being discontinued. No evidence was presented to establish that they were certificated and competent to render a service a more junior employee was retained to render.

21. Except for the possible exception of Respondent Curtis, no certificated employee junior to any Respondent was retained to render a service which any of the Respondents are certificated and competent to render.

LEGAL CONCLUSIONS

1. Jurisdiction for the subject proceeding exists pursuant to sections 44949 and 44955, by reason of factual finding numbers 1 through 10.

Respondents argue that the process utilized by the District in providing all required documents in a single step is not authorized by section 44949 and, therefore, jurisdiction does not exist. They correctly point out that the statute provides for a two-step process. Thus, section 44949, subdivision (a), provides for a notice of non-reemployment; section 44949, subdivision (b), requires the employee to request a hearing within seven days of service of the notice; and section 44949, subdivision (c)(1), requires that, "In the event a hearing is requested by the employee, the proceeding shall be conducted and a decision made in accordance with [the Administrative Procedure Act] . . . except that . . . [t]he respondent shall file his or her notice of defense, if any, within five days after service upon him or her of the accusation and he or she shall be notified of this five-day period for filing in the accusation."

Section 44949 does not contain a specific penalty for deviation from the two-step process. It does state, in subdivision (c)(3), that "[n]onsubstantive procedural errors committed by the school district or governing board of the school district shall not constitute cause for dismissing the charges unless the errors are prejudicial."

In this case, the District has afforded Respondents all procedural safeguards and complied with all requirements found in section 44949. The District provided Respondents with all required notices and documents, and afforded them the opportunity to request a hearing and to file a notice of defense. They were allowed the statutory time to file the required documents. Moreover, the merging of the two steps into one can at most be characterized as a "nonsubstantive procedural error," and no prejudice to any Respondent has been established. No Respondent testified about any confusion or apprehension about the process. More importantly, no Respondent was deprived of the opportunity to be heard. The seven Respondents who did not individually reply to notices, Amerikaner, Cook, De Long, Fowler, Levine, Paulson, and Pasqua, were protected by the joint notice of defense filed by counsel. Accordingly, Respondents' argument is unpersuasive and jurisdiction exists in this matter.

2. The services listed in factual finding number 3 are particular kinds of services within the meaning of section 44955, by reason of factual finding numbers 3 and 11.

3. Cause exists under sections 44949 and 44955 for the District to reduce or discontinue the particular kinds of services set forth in factual finding number 3, which cause relates solely to the welfare of the District's schools and pupils, by reason of factual finding numbers 1 through 21.

4. The seniority date of a certificated employee is defined as the date the employee "first rendered paid service in a probationary capacity." (§ 44845.) If the date on which the employee first rendered paid service in a probationary capacity is incorrect, the employee's seniority date may need to be adjusted to reflect the earlier first date of probationary service. (*Bakersfield Elementary Teachers Association v. Bakersfield City School District* (2006) 145 Cal.App.4th 1260, 1273.) Respondent Curtis' correct seniority date is August 24, 2007, because she actually first rendered paid service on that date. She was required to attend new employee orientation and received her regular salary. This new seniority may impact her retention, depending on whether Willis also attended the mandatory new employee orientation. Inasmuch as no evidence was received regarding Willis, the order is contingent on such information being provided to the Governing Board.

5. Cause exists to terminate the services of Respondents Amerikaner (.5 FTE), Cook (.6 FTE), Davis, De Long (.6 FTE), Fries, Fowler (.6 FTE), Heeney, Hermosillo (.6 FTE), Hunt (.4 FTE), Kracht, Large, Levine (.8 FTE), Mirras, O'Brien, Paulson (.5 FTE), Pasqua (.4 FTE), and Wechter (.2 FTE), for the 2009-2010 school year due to the reduction of particular kinds of services, by reason of factual finding numbers 1 through 21, and legal conclusion numbers 1 through 3.

ORDER

1. The Accusation is sustained in part with respect to Respondent Curtis, and she may be notified that her services will not be needed during the 2009-2010 school year due to the reduction of particular kinds of services, but only if Willis has a seniority date of August 24, 2007. Absent a commensurate change in Willis' seniority date, Respondent Curtis shall be retained for the 2009-2010 school year.

2. The Accusation is sustained and the District may notify Respondents Erik Amerikaner, DJ Cook, Michael Davis, Ty De Long, Debi Fries, Caitlin Fowler, Julie Heeney, Frances Hermosillo, Allan Hunt, Matt Kracht, Dianne Large, Elana Levine, Monica Mirras, Dan O'Brien, Ken Paulson, Brenda Pasqua, and Barbara Wechter that their services, or some of their services, will not be needed during the 2009-2010 school year due to the reduction of particular kinds of services.

DATED: 5/4/09



SAMUEL D. REYES

Administrative Law Judge

Office of Administrative Hearings

TO: MEMBERS, BOARD OF EDUCATION
FROM: DR. ANTHONY W. KNIGHT, SUPERINTENDENT
DATE: MAY 11 2009
**SUBJECT: 2. APPROVE RESOLUTION #09-12 IMPLEMENTING
CERTIFICATED LAYOFF (TERMINATING SERVICES OF
CERTIFICATED EMPLOYEES), ACTING UPON PROPOSED
DECISION OF ADMINISTRATIVE LAW JUDGE AND
PROVIDING DIRECTION TO ISSUE NOTIFICATIONS TO
EMPLOYEES WHOSE SERVICES ARE TERMINATED**

ACTION

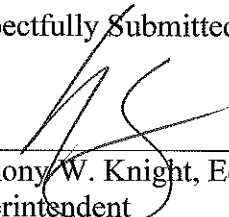
ISSUE: Should the Board of Education approve Resolution #09-12 Implementing Certification Layoff (terminating services of certificated employees), acting upon proposed decision of Administrative Law Judge and providing direction to issue notifications to employees whose services are terminated?

BACKGROUND: As a result of a decision of the Administrative Law Judge and to meet the May 15 deadline prescribed by law, the Board is being asked to approve this Resolution allowing the District to issue notifications to certificated employees of terminations due to the Governor's proposed 2009-2010 state budget which forces the District to cut approximately \$1,500,000 from its budget.

ALTERNATIVES: 1. Approve Resolution #09-12
2. Do not approve Resolution #09-12

RECOMMENDATION: Alternative #1

Respectfully Submitted:



Anthony W. Knight, Ed.D.
Superintendent

Board Action:	On motion of _____,	seconded by _____,	the Board of Education:	
VOTE:	AYES	NOES	ABSTAIN	ABSENT
Iceland	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Panec	_____	_____	_____	_____
Rees	_____	_____	_____	_____
Vinson	_____	_____	_____	_____
Student	_____	_____	_____	_____

**BEFORE THE GOVERNING BOARD OF THE
OAK PARK UNIFIED SCHOOL DISTRICT
COUNTY OF VENTURA, STATE OF CALIFORNIA**

RESOLUTION #09-12

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

WHEREAS, on March 3, 2009, this Board adopted Resolution No. 09-06 which included, in part, discontinuing and reducing particular kinds of certificated services not later than the beginning of the 2009-2010 school year, as described and set forth in that Resolution;

WHEREAS, on March 3, 2009, the Superintendent gave a notice to this Board recommending that various employees receive notice or a precautionary notice that their services will not be required for the ensuing school year (2009-2010), pursuant to Education Code sections 44949 and 44955;

WHEREAS, on or about March 11 and 12, 2009, and before March 15, 2009, the Superintendent's designated representatives served notices and precautionary notices to twenty (20) employees, including those referenced in this Resolution, that it has been recommended that each of their services will not be required for the 2009-2010 school year pursuant to Education Code sections 44949 and 44955

WHEREAS, said notices advised the recipients that they could request a hearing to determine if there was cause for not reemploying them for the 2009-2010 school year and that if they failed to timely request a hearing, that failure shall constitute a waiver of the right to a hearing and his/her services will accordingly be terminated pursuant to the recommendation, without a hearing;

WHEREAS, twenty employees who received a notice or a precautionary notice requested a hearing;

WHEREAS, pursuant to each employees' request, an evidentiary hearing was scheduled for April 9, 2009, pursuant to Education Code sections 44955 and 44949 before an Administrative Law Judge;

WHEREAS, on April 9, 2009, an Administrative Law Judge held an evidentiary hearing on the layoffs pursuant to the California Administrative Procedure Act, and rendered a proposed decision on May 5, 2009, a copy of which has been provided to the Respondents and their counsel, and attached hereto;

WHEREAS, the Accusations against Respondents Tim Chevalier and Rebecca Custodio were dismissed by the District at the time of the hearing;

WHEREAS, this Board has received and considered the proposed decision of the Administrative Law Judge in OAH Case No. 2009030104, and any arguments submitted by or on behalf of the parties regarding that proposed decision;

WHEREAS, Education Code section 44949, subdivision (c)(3), provides that this Board shall make the final determination as to the sufficiency of the cause and disposition of the layoff;

WHEREAS, the particular kinds of services to be discontinued and reduced as referenced in Resolution No. 09-06 are each determined to be a particular kind of service within the meaning of Education Code section 44955;

WHEREAS, Education Code section 44955, subdivision (c), requires final Board action and notifications to employees no later than May 14, unless that date is extended pursuant to Education Code section 44949, subdivision (e);

WHEREAS, the particular kinds of services referenced in Resolution No. 09-06 will be discontinued and reduced within the meaning of Education Code section 44955 not later than the beginning of the 2009-2010 school year;

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

WHEREAS, sufficient cause exists for the termination of up to 15.1 full-time equivalent certificated positions, and pursuant to and within the meaning of Education Code section 44949, said cause relates to the welfare of the schools and the pupils thereof;

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

BE IT FURTHER RESOLVED that sufficient cause exists for the termination of the services of the following certificated employees in the following amounts of full-time equivalencies (all amounts being 1.0 full-time equivalency unless indicated otherwise), and in the following order, starting with the most junior employee:

- | | |
|-----|---------|
| 1. | 0.2 FTE |
| 2. | 1.0 FTE |
| 3. | 0.6 FTE |
| 4. | 0.6 FTE |
| 5. | 0.6 FTE |
| 6. | 0.6 FTE |
| 7. | 1.0 FTE |
| 8. | 1.0 FTE |
| 9. | 0.8 FTE |
| 10. | 1.0 FTE |
| 11. | 1.0 FTE |
| 12. | 0.4 FTE |

Precautionary Notices:

- | | |
|-----|---------|
| 13. | 0.4 FTE |
| 14. | 0.5 FTE |
| 15. | 0.5 FTE |

BE IT FURTHER RESOLVED that the employment of each of the certificated employees listed above be and hereby is terminated effective upon the close of this school year, i.e., the end of the last working day as to each employee prior to July 1, 2009;

BE IT FURTHER RESOLVED that this decision is effective immediately and that the Superintendent or his designee(s) may take such actions as are necessary and appropriate to implement this Board's decision, including at least giving appropriate notice to those certificated employees listed above of the termination of their services because of discontinuances and reductions of particular kinds of services to take effect upon the close of this school year, with these notices being given on or before May 14, 2009, in the manner prescribed in Education Code section 44949;

BE IT FURTHER RESOLVED that as to the three employees who are identified as having received Precautionary Notices in the list above:

- (A) These employees received a precautionary preliminary layoff notices on the basis that they were working in a service identified for reduction or discontinuance;
- (B) This Board is of the opinion that these employees are properly classified and contracted as temporary employees;
- (C) These three employees already have been released from employment pursuant to Education Code Section 44954;
- (D) The foregoing employees shall receive a precautionary form of layoff notice in the event of a future challenge to their status as a temporary employees and release pursuant to Section 44954;
- (E) Service of a precautionary layoff notice is not intended to: (1) grant probationary status, reemployment rights, or any rights not otherwise required by law; and/or (2) nullify or supersede any prior notice of release and non-reelection; and
- (F) It is the intent of this Board that even if the foregoing employees were entitled to participate in the layoff process (which is not conceded), their release and non-reelection remains in effect and the reemployment rights which might exist within the layoff process are not applicable to them.

BE IT FURTHER RESOLVED that reemployment rights be afforded in accordance with the Education Code, if and when reemployment is offered and to the extent any reemployment rights are applicable to any of the above referenced employees.

The foregoing Resolution was adopted by the Governing Board of the Oak Park Unified School District on the 11th day of May, 2009 by the following vote:

AYES: _____
NOES: _____
ABSENT: _____

President, Governing Board of the
Oak Park Unified School District

I, Barbara Laifman, Clerk of the Governing Board of the Oak Park Unified School District, do certify that the foregoing Resolution was regularly introduced, passed and adopted by the Governing Board at its special meeting held on May 11, 2009.

Clerk, Governing Board of the
Oak Park Unified School District

Attachment: Proposed Decision

TO: MEMBERS, BOARD OF EDUCATION

FROM: DR. ANTHONY W. KNIGHT, SUPERINTENDENT

DATE: MAY 11, 2009

SUBJECT: 3. APPROVE THE PLAN TO REORGANIZE DELIVERY OF DISTRICT OFFICE SERVICES

ACTION

ISSUE: Should the Board of Education approve a plan developed by staff to reorganize the delivery of services provided by the District Office?

BACKGROUND: Through a combination of reorganization, cuts and leaving vacant positions unfilled, staff has determined that essential services can continue to be delivered to support the district in these difficult times of economic uncertainty. While the District Office support system in terms of both administrative and classified positions is already thin, staff is committed to doing its part to protect as many programs and positions as possible across the entire district.

ALTERNATIVES:

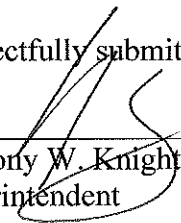
1. Approve the reorganization plan submitted by staff
2. Do not approve the reorganization plan submitted by staff.
2. Amend the reorganization plan submitted by staff.

RECOMMENDATION: Alternative #1

RATIONALE: The District is facing a revenue shortfall next year that necessitates a review of every aspect of our organization.

FISCAL IMPACT: A preliminary estimate is that the reorganization will save approximately \$215,000 annually.

Respectfully submitted:



Anthony W. Knight, Ed.D.
Superintendent

Board Action: On motion of _____, seconded by _____ the Board of Education:

VOTE:	Ayes	Noes	Abstain	Absent
Iceland	_____	_____	_____	_____
Laifman	_____	_____	_____	_____
Panec	_____	_____	_____	_____
Rees	_____	_____	_____	_____
Vinson	_____	_____	_____	_____
Student Rep	_____	_____	_____	_____

ADMINISTRATION PROPOSAL FOR DISTRICT OFFICE REORGANIZATION

Board Meeting, May 11, 2009

BACKGROUND

The Administration is proposing a reduction and reorganization of District Office staffing for 2009-10. Although the current staffing is already extremely thin, with workloads continuing to increase, the move is made necessary by the State's continuing budget crisis.

Total Projected Cost Savings of Proposal: \$241,594

ADMINISTRATIVE POSITIONS

Director, Teaching & Learning – The incumbent Director, Laurel Ford, officially retired April 15, 2009. Staff is recommending that the position not be refilled in 2009-10. In 2009-10, staff is recommending that Ms. Ford be engaged as a consultant for the time permitted by the STRS retirement system (52 days/\$30,000). As a consultant, Ms. Ford would lead the major curriculum activities of the District, including Curriculum Council, the Consolidated Application, testing, and staff development.

Projected Cost Savings: \$119,506

Child Nutrition Services: - On March 3, 2009, in consideration of declining revenues, the Board approved the Resolution #09-09 for Reduction In Force, eliminating the administrative position of Director, Child Nutrition Services (CNS). As federal law requires the District to provide food services to students, staff is recommending that this responsibility be given to Julie Suarez, Director, Business Operations. Ms. Suarez previously served as CNS director from 2001-2005, the last time the program was self-supporting. In recognition of added responsibility for an additional department, it is recommended that Ms. Suarez be moved from Range D, Step 3 of the Administrative salary schedule, to Range E, Step 5.

Projected Cost Savings: \$72,030

SUPPORT POSITIONS;

Staff is proposing the elimination of one clerical support position at the District Office, reclassification of the current Data Support Specialist position and a realignment of the remaining clerical staff to provide support to the district-level departments.

Business Office Department Clerk - In response to the State's budget crisis, the Department Clerk Position in the Business has remained vacant since August 2008 (Range 10). This position was intended to provide support for both the Assistant Superintendent and the Director of Business Operations. Staff is now recommending that this position (Range 10 on the classified salary schedule) be eliminated.

New Support Positions - It is recommended that the Board authorize the establishment of two new classified positions (Business Department Assistant and Curriculum Department Assistant) and approve the related job description attached. These new positions will be placed on Range 20 of the classified salary schedule. In addition to providing clerical support to the respective departments, it is intended that these positions will provide a high level of technological skill, particularly in the area of student and financial data. It is expected that these new position can be filled within the ranks of existing employees.

Data Support Position - It is recommended that the Board reclassify the employee serving as Data Support Specialist (Range 23) to the newly created Curriculum Department Assistant position. Although the

incumbent will be technically placed on Range 20, the classified union contract specifies that salary of the reclassified employees must be "Y" rated. This means that the employee maintains the salary placement held at the time of reclassification (in this case, Range 23, Step 3), until such time as the new range (Range 20) increases to equal or exceed the Y-rated amount. Upon the reclassification, it is recommended that the Data Support Specialist position be eliminated.

Business Department Assistant - It is recommended that the notice of opportunity for this position be posted within the District only. As required by the classified contract, the job will be posted for 7 days, after which interviews will be conducted, and a candidate selected. It is intended that the position vacated by the newly-appointed Assistant will not be refilled due to budgetary constraints.

Projected Cost Savings: \$50,058

RECOMMENDATION

Assuming the Board's approval of the forgoing proposal, the District Office workload will be assessed and redistributed to create an equitable share of the burden among the departments. It is recommended the Board approve the Administration recommendation.

OAK PARK UNIFIED SCHOOL DISTRICT

CLASS TITLE: CURRICULUM DEPARTMENT ASSISTANT BUSINESS DEPARTMENT ASSISTANT

DEFINITION

This is a 12-month position, 8 hours per day
Salary: Range 20

Under the direction of an Assistant Superintendent and/or District-level Director, performs highly-skilled and complex secretarial and data support duties as appropriate to the assigned department(s), utilizing computers and other technology necessary to complete the tasks of the assignment; establishes priorities and organizes workflow and provides accurate, relevant, and responsive information externally and internally; performs a variety of specialized duties involved in the computerized collection, processing, input, verification, analysis, record-keeping and reporting of a variety of District data for student and business information systems.

EXAMPLE OF DUTIES

- Plans, organizes, coordinates, and oversees department activities and communication; performs responsible clerical and secretarial duties;
- Establishes priorities and assures the timely and procedurally correct completion of administrative support, secretarial and clerical assignments, assists with special projects as needed;
- As appropriate to the assigned department, utilizes existing District data systems and software to manage student, instructional or business data, and prepares related reports
- Ensures the stability, reliability, accuracy and completeness of data, data access, and data quality across the District;
- As appropriate to the assigned department, prepares, maintains and produces reports related to students, staff, attendance, enrollment, grades, demographics, assessment, and business and financial services;
- Completes reports to local, state and federal agencies, complying with established deadlines;
- As appropriate to the assigned department, provides end-user support to District personnel concerning the student information or business financial systems;
- Prepares a wide variety of materials for distribution including correspondence, reports, requisitions, memoranda, and Board agenda items;
- Understands, applies, and articulates District policies rules and regulations relating to the specific department; works with district and department budgets;
- Establishes and maintains records and files; compiles statistical data for report generation;
- Maintains a calendar for the assigned administrator and for district-wide activities, and schedules meetings and conferences;
- As appropriate to the assigned department, contacts vendors to order and receive supplies, curriculum, texts, materials, services and equipment;
- Opens, sorts, and routes mail;
- May serve as receptionist for the Department and/or the District and as such presents an effective first contact with the public;
- Performs other related duties as assigned.

EMPLOYMENT STANDARDS:

Knowledge of:

- Effective practices of office organization and management, efficient record keeping methods, use of office equipment and software applications including word processing, database and spreadsheet usage
- Correct English usage, grammar, spelling, punctuation, vocabulary, and composition;
- Proper phone etiquette, public relations and interpersonal skills, including tact, courtesy, and patience.
- Principles, practices, procedures and techniques involved in the collection, processing, input, verification, analysis and reporting of statistical data
- Principles, practices and techniques used in spreadsheets and relational databases, specifically in financial and/or student information systems, as appropriate for the assigned department;
- Data control procedures and data entry operations
- Report writing and statistical record-keeping techniques
- Desktop troubleshooting

Ability to:

- Plan, organize, coordinate, and oversee day-to-day activities of assigned department;
- Perform responsible secretarial and clerical duties; communicate effectively orally and in writing
- Meet schedules and time lines; establish and revise priorities as needed to accomplish assignments;
- Work independently and make decisions within the guidelines of the department administrator;
- Establish and maintain cooperative and effective working relationships with others
- Operate computers and related peripheral equipment
- Perform a variety of specialized duties involved in the computerized collection, processing, input, verification and analysis of a variety of District data
- Maintain and analyze District computer systems and databases to meet the data collection, analysis and reporting needs of the District
- Ability to train others in the proper use of computer software
- Provide work direction to others as required from time to time;
- Learn, interpret, explain and apply rules, regulations, and policies;
- Compile and maintain accurate records and reports;
- Develop and implement new computer applications involving technology as needed;
- Type at 55-60 WPM.

Education and Experience:

- High school diploma or equivalent
- Experience in a public school setting is highly desirable
- SQL knowledge desirable
- Financial and/or student information system experience desirable

WORKING CONDITIONS:

District Office environment subject to frequent interruptions, demanding timelines and contact with District employees and the public; long periods of time at computer keyboard.

