

**San Bernardino City Unified School District**

Minutes of a Special Meeting of the Board of Education

**MINUTES**  
**ADOPTED**  
5/20/08

Community Room  
Board of Education Building  
777 North F Street  
San Bernardino, California

March 11, 2008

5:30 p.m.

Present: President Teresa Parra; Vice President Danny Tillman; Board Members Louise Ayala, Marlin Brown, Judi Penman, Lynda Savage, and Elsa Valdez; Superintendent Arturo Delgado; Assistant Superintendents Mel Albiso, Narciso Cardona, Dayton Gilleland, Mohammad Islam, Yolanda Ortega, John Peukert, and Harold Vollkommer; and Superintendent's Assistant Mary Beth Gosnell. Minutes recorded by Administrative Assistant Jennifer Owens.

Absent: Deputy Superintendent Judy White and Assistant Superintendent Paul Shirk

**SESSION ONE - Opening**

**1.0 - Opening**

**1.1 - Call to Order**

President Parra called the meeting to order at 5:30 p.m.

**1.2 - Pledge of Allegiance to the Flag**

The meeting was opened with the Pledge of Allegiance to the Flag of the United States of America.

**SESSION TWO – Other Matters Brought by Citizens**

**2.0 - Other Matters Brought by Citizens**

Linda Whitaker, SBTA President, stated that laying off teachers should be the last priority. Mrs. Whitaker asked to know which programs and administrators will be affected. Danny Tillman stated that the Board doesn't know what will happen with the Governor's May Revise. The Board is going to do everything it takes to not eliminate any positions. Teresa Parra asked how much was cut from each division's budget. Dr. Delgado reported that all divisions cut their budgets by 10 percent. Mrs. Parra stated that she would like their budgets cut 15-20 percent before affecting classrooms. Some departments could be eliminated without affecting students. More money needs to come from the District offices.

Dr. Delgado stated that over the last two years, 20 percent has been cut. We may not have to move forward with Phase II and will continue to look for ways to stay away from classrooms. A lot of sacrifices are being made in administration.

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Louise Ayala stated that until she sees cuts at the top, she will vote no. Teachers should be the last touched. Judi Penman stated that she feels she is voting blindly. There are departments that have a lot of fluff. She can't support this layoff and asked what would happen if they don't do this. Danny Tillman stated that if the Board doesn't take this action and the Governor goes forward with his budget, the District could go bankrupt. The majority of the budget is spent on teachers. It is the Board's responsibility to be fiscally sound.

Marlin Brown stated that the Board has been conservative in the past and set aside an additional 2 percent reserve. Part of this is allowing us to not take more drastic measures. The Board has protected class size reduction which is saving teaching positions, and they are protecting arts and music programs.

Dr. Brown asked if these teachers could be long-term subs and rehired when there are openings. Dr. Brown expressed his confidence in the Superintendent. The Board hired him to make these decisions.

Elsa Valdez stated that the Board is preparing to protect against a worst case scenario. Dr. Delgado stated that the Board approved Phases I and II and will be asked to notify the 155 teachers. It fulfills the obligation under the law. It is not our intent to do this if not necessary. Dr. Valdez stated that we need to be upset with legislators and advised all to put pressure on the Governor. They need to work collaboratively.

Eva Sanchez stated she has a complaint against the principal at Belvedere Elementary School. Ms. Sanchez asked for assistance for her son. Blanca Sanchez requested help with her sons who are in the second and fourth grades at Belvedere Elementary School. Blanca Ortega said her brother was mistreated by the principal at Belvedere Elementary School. Teresa Parra referred these speakers to Dayton Gilleland.

Gil Navarro, County School Board Member, recommended the District create a budget review committee. Mr. Navarro, education advocate, stated he filed a complaint of child abuse with the School Police Chief on behalf of Blanca Ortega. Marlin Brown stated that the County Board approves our district's budget and they gave the District a clean bill of health.

Five California Cadet Corps students asked the Board not to eliminate Cadet Corps teaching positions. Teresa Parra asked the students to write a letter to the Governor. Danny Tillman commended the students for coming to the meeting and stated that the Cadet Corps was another example of the great programs in the District.

**SESSION THREE - Closed Session**

**3.0 - Closed Session**

As provided by law, the Board met in Closed Session for consideration of the following:

**Public Employee Discipline/Dismissal/Release—Certificated Employees**

**Notification of Reduction in Work Year and/or Reassignment to a Position Authorized by Credential**

**Conference with Legal Counsel—Anticipated Litigation**

Significant Exposure to Litigation: One case

**SESSION FOUR – Action Items**

**4.0 - Action Items**

**4.1 - RESOLUTION TO ADOPT CRITERIA FOR RESOLVING TIES IN SENIORITY RELATED TO CERTIFICATED LAYOFFS**

Upon motion by Member Savage, seconded by Member Tillman, and approved by the affirmative vote of Members Brown, Parra, Savage, Tillman, and Valdez (Noes: Ayala and Penman), the following was adopted:

WHEREAS, Education Code section 44955, subsection (b), related to certificated layoffs, provides in relevant part, “[a]s between employees who first rendered paid service to the district on the same date, the governing board shall determine the order of termination solely on the basis of need of the district and the students thereof;”

NOW, THEREFORE, BE IT RESOLVED that based upon the needs of the District and the students thereof, in the event of a certificated layoff the following criteria shall be applied in order based on information on file as of March 11, 2008, one step at a time until the tie is broken, to resolve ties in seniority between certificated employees:

1. Highly Qualified status pursuant to the No Child Left Behind Act.
2. Authorization to teach English Language Learners (CLAD, BCLAD, SB395, SDAIE, etc.)
3. Number of additional credentials or supplemental authorizations.
4. Credential status in area of assignment in order of priority: a) clear; b) preliminary; c) intern; d) provisional/other.
5. Total years of creditable service outside the District
6. Possession of a Masters Degree - earliest date prevails.
7. If a tie still exists after applying steps one through six (1-6) above, seniority shall be determined based upon a comparison of the most recent employee evaluations or classroom observations if there is no employee evaluation on file.

4.2 - REDUCTION OF PARTICULAR KINDS OF CERTIFICATED SERVICES

Upon motion by Member Savage, seconded by Member Tillman, and approved by the affirmative vote of Members Brown, Parra, Savage, Tillman, and Valdez (Noes: Ayala and Penman), the following was adopted:

WHEREAS, the Board of Education of the San Bernardino City Unified School District has determined that the particular kinds of services set forth herein must be reduced or discontinued; and

WHEREAS, it is the opinion of the Board that because of the aforementioned reason, it is in the best interest of the District that the number of certificated employees of the District must be reduced; and

WHEREAS, this Board does not desire to reduce the services of regular certificated employees based solely upon reduction of average daily attendance during the past two years.

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the San Bernardino City Unified School District as follows:

- A. That the particular kinds of services set forth below be reduced or eliminated commencing in the 2008-2009 school year:

Elementary Teacher	101 F.T.E.
Counselor	27 F.T.E.
Secondary Teacher	27 F.T.E.
English	4 F.T.E.
Social Studies	7 F.T.E.
Physical Education	7 F.T.E.
Cadet Corps	5 F.T.E.
For. Lang. (Spanish)	2 F.T.E.
Art	1 F.T.E.
Auto Shop	1 F.T.E.

TOTAL CERTIFICATED POSITIONS: 155 F.T.E.

- B. That due to the reduction or elimination of particular kinds of services, the corresponding number of certificated employees of the District shall be terminated pursuant to Education Code section 44955.
- C. That the reduction of certificated staff be achieved by the termination of regular employees and not by terminating temporary and substitute employees.

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- D. That “competency” as described in Education Code section 44955(b), 44956, and 44957, for the purposes of bumping and reemployment, shall necessarily include possession of a valid credential in the relevant subject matter area.
- E. That, as between certificated employees with the same seniority date, the order of termination shall be determined solely by Board-adopted criteria.
- F. That the District Superintendent or designee is directed to initiate layoff procedures and give appropriate notice pursuant to Education Code sections 44955 and 44949.

**SESSION FIVE - Closing**

**5.0 - Adjournment**

By the affirmative vote of the members, the meeting was adjourned at 6:50 p.m.

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, March 18, 2008, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.