

**LA CAÑADA UNIFIED SCHOOL DISTRICT
MINUTES OF THE SPECIAL MEETING OF THE GOVERNING BOARD**

May 11, 2004

The Special Meeting of the Governing Board of La Cañada Unified School District was called to order at 5:00 p.m. by President Andy Beattie on May 11, 2004 in Room 41 at 4490 Cornishon Avenue in La Cañada, California. Present were Board Members Andy Beattie, Jinny Dalbeck, Ron Dietel, Cindy Wilcox, and Scott Tracy, Superintendent Sue Leabo, Deputy Superintendent Jim Stratton and Chief Business Officer Dave Banis.

CLOSED SESSION

The Governing Board adjourned to Closed Session at 5:01 p.m. in Room 41 at 4490 Cornishon Avenue, La Canada. Present were the five Board Members, Superintendent Sue Leabo, Deputy Superintendent Jim Stratton and Chief Business Officer Dave Banis. Closed session adjourned at 6:35 p.m.

MEMBERS PRESENT: Mr. Andy Beattie, President
Mr. Ron Dietel, Vice President
Mrs. Cindy Wilcox, Clerk
Mr. Scott Tracy, Member
Mrs. Jinny Dalbeck, Member

SPECIAL MEETING

The Special Meeting of the Governing Board was reconvened at 6:50 p.m. in Room 41 at 4490 Cornishon Avenue, La Cañada, California. Present were the five Governing Board Members, Dr. Leabo, Mr. Stratton, Mr. Banis, Executive Secretary to the Superintendent Kim Bergner. There were approximately 90 people in the audience. Mr. Beattie asked Annie Honch to lead the Pledge of Allegiance to the Flag.

REPORT OUT OF CLOSED SESSION

Mr. Beattie stated there was no business to report out of Closed Session.

Mr. Beattie read a statement to the audience regarding this evening's meeting.

District attorney, Jim Romo addressed the Board to discuss the consideration of making changes to the Administrative Law Judge's (ALJ) decision from the April 12th hearing. The ALJ found that it was appropriate to identify Particular Kind of Service (PKS) but the district had not proven it was appropriate to skip over those identified who did not possess CLAD. Two teachers were identified that the ALJ identified as acceptable layoffs, Yoder and Matchie. The board's role is whether to accept portions of the decision or modify the decision. Mr. Romo read portions of resolution 27-03-04 being presented to the board for approval. The resolution states the ALJ decision is correct with the following findings: paragraphs 1 – 12 and paragraph 17. Mr. Romo also reported the resolution is in agreement with decision 1 2 and 4. Mr. Romo is asking the board to concur on those items. Mr. Romo recommends rejecting the rest of the decision. Due to some changes at the district with resignations, leave of absences or retirements the number of teachers that will actually receive lay off notices have narrowed considerably.

Glenn Rothner, Attorney on behalf of some of the respondents addressed the board. Mr. Rothner reported he is here tonight representing Lee, Rose and Yodder. Comments are directed to the proposed decision as it would affect Yodder and Rose. Mr. Rothner opened his discussion by describing what he feels is the soundness of the ALJ decision. Mr. Rothner discussed the skipping of junior employees

who have the CLAD and the laying off of senior staff. The statute that governs layoffs enshrines as fundamental the most recently hired is the first laid off. That statute requires in order to deviate the district must demonstrate that a junior teacher has both vocation and training not possessed by a senior teacher and that those qualifications and training are necessary for the teaching of a specific course or course of study. At the hearing, both sides had the opportunity to make a factual record concerning whether there was a demonstrated need for people with the CLAD to provide specific services. There was quite a bit of testimony to that subject. In Mr. Rothner's view, the ALJ got the statue right and he appropriately weighed the evidence. Mr. Rothner reported he would like to hit on a few elements of the hearing with the ALJ stating that not a single course or course of study was identified that would have ELL students enrolled next year whose needs would not be met. Mr. Rothner stated if we accept the ruling of the ALJ then Rose can not be layed off because she has the same seniority date as some teachers that are retained. Tie breaker criteria must be set by the board in the event seniority date is the same seniority date. Because the district put its eggs in one basket and used CLAD for the reason and that is invalid, based on the ALJ decision, than Ms. Rose must be retained. Mr. Yoder has the same situation. Mr. Cartnall was not given a notice and was not layed off. Mr. Cartnall does not possess the CLAD but has submitted his application and therefore the district would treat him as though he had. Mr. Yoder is weeks away from finishing his work but he is going to be layed off. They have the same credential. Mr. Rothner stated that this question of what to do about the CLAD is one that has been the subject of much debate over the last couple of years. There are some cases where ALJ's permitted the district to skip junior teachers and there are others like this one that stated that's not the way it works. This judge stated that the difference is when a district has demonstrated shortage or need for CLAD to meet the needs of their ELL population. Mr. Rothner reported he is here representing teachers, he does a lot of work for CTA. There is not a court decision yet but the trend is to permit skipping only in those cases where there is an abundant ELL population. CTA has authorized funding for litigation should the governing board decide to stick to its position to skip junior teachers. The district needs to consider whether it is a fiscally prudent choice to reject the portion of the resolution that has been presented to you that recommends laying these teachers off.

Mr. Dietel questioned Mr. Rothner regarding school boards tie breaker criteria. Mr. Rothner reported that not all districts negotiate the tie breaker ahead of time but may present a resolution at the time of lay off for tie breaker criteria.

Mr. Dietel questioned the decision for CTA's choice to enter into litigation.

Mr. Romo addressed some of the questions the board asked of Mr. Rothner. Mr. Romo responded to the tie breaker criteria. The reference to the tie breaker criteria does not state that the district must have a standing policy of rule in reference to tie breaking criteria under those circumstances where seniority date is the same. CLAD has been used as a tie breaker. CLAD can be used in either way according to current case law. There is no precedential case at this time. Mr. Romo responded he hates to hear there is authorization by CTA to go forward on this issue. Mr. Romo reported there currently is a gap in the law. Mr. Romo reported the board has received the transcript with testimony regarding sufficient evidence of the need for CLAD. The board has to draw their own conclusion.

OPPORTUNITY TO ADDRESS BOARD

The following audience members addressed the Board:

Lisa Singelyn, PTA President at LCE
John Caire, Resident
Jennifer Ridicile, Parent

PROPOSED ACTION ITEMS

1. First Reading

- a. ***Resolution 27-03-04 Acting upon proposed decision of Administrative Law Judge, terminating services of appropriate certificated employees as a result of discontinuances and reductions of particular kinds of certificated services (implementing layoff of certificated employees), providing direction to issue notifications to employees whose services are terminated, and related actions.** . It was moved and seconded (Dietel/Tracy) to approve Resolution 27-03-04 Acting upon proposed decision of Administrative Law Judge, terminating services of appropriate certificated employees as a result of discontinuances and reductions of particular kinds of certificated services (implementing layoff of certificated employees), providing direction to issue notifications to employees whose services are terminated, and related actions. Mr. Dietel asked Dr. Leabo after hearing briefs by both attorney's if her recommendation remains the same. Dr. Leabo responded her recommendation does not change.

Mrs. Wilcox proposed an amendment deleting Stattler, Rose, Yoder, and Lee from the resolution. No second was received. Mrs. Dalbeck reported if the district does not lay off these teachers cuts of approximately \$200,000 would have to be made from elsewhere. With the recent classified cuts there is nowhere else to cut from for classified staff. Mrs. Dalbeck questioned where else would cuts come from. Dr. Leabo reported there is about \$100,000 in Extra Duty/Extra Pay, which would mean, as an example, there would be no paid coaching positions. The district is already down to less than \$100,000 in supply money. So this might take all the supply money. Dr. Leabo clarified current classified staffing.

Mr. Beattie stated the board needs to decide whether or not the board made the right decision to use CLAD in the first place. Mr. Beattie wants to stand behind what was first decided on, not addressing personality, but addressing the need to reduce our personnel count.

Mrs. Wilcox agrees that the district needs the right to lay off and feels the original decision was the right decision. However, we can spend \$200,000 pursuing this legally or spend \$200,000 retaining these teachers. Mrs. Wilcox doesn't feel we have a strong enough case to appeal the ALJ decision, doesn't want to spend the money on legal issues, and stands by the recommendation to amend the resolution to retain these teachers.

Mr. Tracy stated he stands by the decision to use CLAD then and he stands by it now. We are in an era of limited resources and it has been a never ending battle. Over the last two years there has been tremendous cost cutting while trying to keep the cuts out of the classroom. This year it was determined there was a \$1 million short fall. In that process we identified a need to lay off 21.1 equivalent employees. Before lay off notices were issued the district found the need to issue only 17.1 and since then there have been more resignations and now we are down to 5. It becomes an economical decision at this point.

Mr. Romo estimated the cost of defense in Superior Court to be approximately \$10,000 to \$15,000.00.

Dr. Leabo reported it is possible these teachers will have positions next year. Mr. Rothner has not discussed with CTA whether they would consider a suit if these teachers have jobs next year.

Mrs. Dalbeck stated she still supports the decision to use CLAD for layoffs. However, aside from the legal costs of a lawsuit there is also staff time involved. We are thinly staffed and it is too much to expect our staff to deal with this litigation. Mrs. Dalbeck made a motion to amend the resolution to remove Yoder and Rose from the lay off list and leave the other three on the list. Mr. Tracy seconded the motion. Mr. Beattie called for a vote on the amendment. The vote was 3 No, 2 Yes.

Mr. Tracy made an amendment to delete Rose from the Resolution. No second was received.

Leabo stated she wants to assure the board and any member of the audience that anyone that does not have to receive a lay off notice will not receive a lay off notice.

It was moved and seconded (Tracy/Dalbeck) to reconsider the amendment that would remove Yoder and Rose from the Resolution with required legal modifications to the resolution. Mr. Dietel feels this is an awful decision and it is the easy way out and we are presuming Mr. Rothner's statements are clearly from CTA. Mr. Romo discussed the other modifications that would be required to amend the resolution removing Yoder and Rose from the Resolution.

The motion to reconsider the amendment that would remove Yoder and Rose and make necessary legal modifications was adopted by a 3:2 Vote.

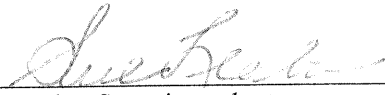
The motion to adopt the Resolution as modified was adopted by a 3:2 Vote. Ayes – Dalbeck, Tracy and Wilcox; Noes – Beattie, Dietel.

COMMUNICATIONS

None

ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 9:25 p.m. The Next Regular Meeting of the Governing Board will be held on Tuesday, May 18, 2004, at 7:00 p.m. in Room 41 at 4490 Cornishon Avenue.

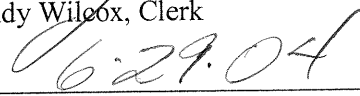


Sue Leabo, Superintendent
Secretary to the Governing Board

MINUTES APPROVED



Cindy Wilcox, Clerk



Date