

SIERRA SANDS UNIFIED SCHOOL DISTRICT

**Board of Education
Special Meeting**

**March 10, 2011
District Office Conference Room
113 Felspar
www.ssusd.org**

We, the members of the Board of Education of the Sierra Sands Unified School District, are committed to providing the highest quality education in a safe environment to all K-12 students. We believe the school shares with the family, church, and community the responsibility for developing life-long learners who are responsible, productive

A G E N D A

CALL TO ORDER AND PLEDGE TO THE FLAG

6:00 P.M.

Amy Covert
Judy Dietrichson
Bill Farris
Tim Johnson, Vice President/Clerk
Tom Pearl, President
Kurt Rockwell
Michael Scott

Joanna Rummer, Superintendent

MOMENT OF SILENCE

1. ADOPTION OF AGENDA
2. PERSONNEL ADMINISTRATION
 - 2.1 Adoption of Resolution #21 1011, Reducing or Eliminating Certificated Services for the 2011-12 School Year
 - 2.2 Approval of Non-reelection of Certificated Personnel with Less than a Preliminary Credential as a Result of a Decision of the California Fifth District Court of Appeals
 - 2.3 Adoption of Resolution #22 1011, Determination of Seniority Among Certificated Employees with the Same First Paid Date of Service
 - 2.4 Adoption of Resolution #23 1011, Elimination of Classified Service

3. CONSTRUCTION ADMINISTRATION

- 3.1 Approval of First Amendment to the Contract with Barnhart, Balfour Beatty Inc. for Phase I Infrastructure Modernization of Sherman E. Burroughs High School
- 3.2 Approval of Contract with Barnhart, Balfour Beatty Inc. for Pre – Construction Services for Phase II Infrastructure (Electrical Conversion) Modernization of Sherman E. Burroughs High School
- 3.3 Notice of Completion – Sherman E. Burroughs High School L Wing Ladies Restroom Modernization

4. ADJOURNMENT

Any materials required by law to be made available to the public prior to a meeting of the Board of Education of the Sierra Sands Unified School District can be inspected during normal business hours at the district office located at 113 Felspar, Ridgecrest, CA. These materials can also be viewed on the district's internet website at www.ssusd.org.

Note: Individuals who require special accommodation, including but not limited to an American sign language interpreter, accessible seating or documentation in accessible formats, should contact the Superintendent's Office at least two days before the meeting date.

2. PERSONNEL ADMINISTRATION

2.1 Adoption of Resolution #21 1011, Reducing or Eliminating Certificated Services for the 2011-12 School Year

BACKGROUND INFORMATION: As the district continues to experience serious budget challenges due to the ongoing state and national fiscal issues, it has continued its practice of engaging in planning in an ongoing fashion. Its most recent planning process involved review and analysis of the district's fiscal situation for the rest of the 2010-11 year, as well as budget formulation for 2011-12, 2012-13, and 2013-14. That process resulted in a number of recommended actions which are being brought before the Sierra Sands Unified School District Board for its consideration. From the beginning of the fiscal crisis, it has been the desire of the district to keep necessary cuts as far away from the classroom as possible. As the fiscal crisis continues, that desire has become impossible to fulfill. Acting on the recommendations will be difficult, as each one affects faculty, staff, and the students of the community.

CURRENT CONSIDERATIONS: The most recent planning process has involved thorough review and analysis of numerous programs, consideration of student needs, and the resources available. The review and analysis process was conducted in the context of student needs as articulated by Sierra Sands Unified School District board goals. Consideration was also given to the same or similar resources being available outside of the district in meeting student needs.

A reduction in certificated staff is included in the recommendations advanced by district staff in moving forward with the district budget process. As required by education code sections 44955 and 44949, the superintendent or designee must give written notice not later than March 15 to the board and to each employee affected that it is recommended that the employee's services will not be required for the upcoming school year. Resolution #21 1011 calling for reduction or elimination of certificated services for the 2011-12 school year, as described in Exhibit A, is presented for adoption. Adoption of Resolution #21 1011 will allow staff to proceed with the determination of which employees' services may not be required for the 2011-12 school year and give those employees notice not later than March 15, 2011 of the superintendent's recommendation that they not be reemployed for the 2011-12 school year.

FINANCIAL IMPLICATIONS: The district can project an approximate cost savings of \$170,000 with the reduction of positions identified in Resolution #21 1011.

SUPERINTENDENT’S RECOMMENDATION: It is recommended that the Board of Education adopt Resolution #21 1011 reducing or eliminating certificated services for the 2011-12 school year, as presented.

BEFORE THE GOVERNING BOARD OF THE
SIERRA SANDS UNIFIED SCHOOL DISTRICT
COUNTY OF KERN, STATE OF CALIFORNIA

REDUCING OR ELIMINATING CERTAIN)
CERTIFICATED SERVICES FOR THE)
2011-2012 SCHOOL YEAR)
_____)

RESOLUTION #21 1011

WHEREAS, the Governing Board of the Sierra Sands Unified School District has determined that it shall be necessary to reduce or discontinue a particular kind of service of the District as itemized in Exhibit "A" at the close of the current school year; and

WHEREAS, it shall be necessary to terminate at the end of the 2010-2011 school year, the employment of certain certificated employees of the District as a result of this reduction or discontinuance in a particular kind of service;

NOW, THEREFORE, THE BOARD RESOLVES THAT:

Pursuant to Education Code sections 44955 and 44949 the Superintendent is directed to send appropriate notice to the employee whose services shall be terminated by virtue of this action. Nothing herein shall be deemed to confer any status or rights upon temporary or categorically funded project certificated employees in addition to those specifically granted to them by statute

I CERTIFY that the above resolution, proposed by Trustee _____ and seconded by Trustee _____, was duly passed and adopted by the Governing Board of the Sierra Sands Unified School District of Kern County, California, at an official and public meeting thereof held on March 10, 2011.

AYES: _____ NOES: _____ ABSTENTIONS: _____ ABSENT: _____

DATED: _____

GOVERNING BOARD OF THE
SIERRA SANDS UNIFIED SCHOOL DISTRICT

BY: _____

TITLE: Secretary to the Board

**SIERRA SANDS UNIFIED SCHOOL DISTRICT
RESOLUTION #21 1011
EXHIBIT A**

**LIST OF CERTIFICATED SERVICES BEING REDUCED OR ELIMINATED
FOR THE 2011-2012 SCHOOL YEAR**

ELEMENTARY EDUCATION (K-5)

<u>Services Being Reduced or Eliminated</u>	<u>Net FTE Reduced</u>
Elementary Music	1.00

HIGH SCHOOL EDUCATION (9-12)

<u>Services Being Reduced or Eliminated</u>	<u>Net FTE Reduced</u>
English	1.00
NJROTC	1.00

ALTERNATIVE EDUCATION PROGRAMS

<u>Services Being Reduced or Eliminated</u>	<u>Net FTE Reduced</u>
Infant Care	1 .00
 <u>NET REDUCTION DISTRICT WIDE:</u>	 <u>4.00 FTE</u>

FTE = Full-time equivalent

2. PERSONNEL ADMINISTRATION

2.2 Approval of Non-reelection of Certificated Personnel with Less than a Preliminary Credential as a Result of a Decision of the California Fifth District Court of Appeals

BACKGROUND INFORMATION: In 2006 the Fifth Appellate Court decision regarding the Bakersfield Elementary Teachers Association v. Bakersfield City School District changed the manner in which teachers with less than preliminary teaching credentials are reemployed for the following year. In the above referenced case, the school district categorized certificated employees holding anything less than a preliminary credential (e.g., intern credential, short-term staff permit, emergency permit, credential waiver) as temporary employees. The California Fifth District Court of Appeal held that the district's policy of classifying teachers and counselors as temporary employees on the basis of holding something less than a preliminary or professional (clear) credential was not valid. The court noted in its decision that probationary employees, even those with less than a regular credential, were entitled to accrue seniority. Therefore, without a break in service to restart the seniority clock, these newly classified probationary employees could end up having more seniority than someone who is fully credentialed, a situation that would not be acceptable, specifically in times of layoff. As these employees are not to be considered temporary employees on the basis of their credential, then they had to be designated as probationary employees. The proper method to release probationary employees is the non-reelection process.

As a result of this decision, in 2006-07, the Sierra Sands Unified School District modified procedures in compliance with the Fifth Appellate Court. At this time, all certificated employees working on the basis of less than a preliminary credential were given a notice of non-reelection. Since that time, all certificated employees working on the basis of less than a preliminary credential have been notified of non-reelection in this manner.

CURRENT CONSIDERATIONS: In compliance with this court decision and to preserve the integrity of the layoff seniority list, counsel has advised the district to seek board authorization to non-reelect four certificated employees who were employed by the district for 2010-11 on the basis of less than preliminary credentials issued by the California Commission on Teacher Credentialing. The district will not be able to offer reemployment to any of the impacted employees until after July 1, 2011. Please note that the district has communicated with the Desert Area Teachers Association (DATA) as well as with all the affected employees during this process prior to the Board of Education meeting. Following board approval, the affected employees will receive a letter of non-reelection from the district prior to March 15, 2011 as required by California Education Code. This allows the district to release these employees without cause, effective at the end of the 2010-11 school year and eliminates the issue of accruing seniority without being fully credentialed.

It also allows the district to recruit, as it has previously done, for fully credentialed teachers for these positions before rehiring those not fully credentialed. If the district is unable to employ fully credentialed teachers in any of these positions, it may reemploy any or all of these impacted employees for the 2011-12 school year.

FINANCIAL IMPLICATIONS: Unknown. There is potential for additional unemployment insurance costs to the district as a result of this action.

SUPERINTENDENT'S RECOMMENDATION: Approve the non-reelection of four certificated employees employed by the district for the 2010-11 school year on less than a preliminary credential, as presented.

2. PERSONNEL ADMINISTRATION

2.3 Adoption of Resolution #22 1011, Determination of Seniority Among Certificated Employees with the Same First Paid Date of Service

BACKGROUND INFORMATION: The Board of Education has determined with the adoption of Resolution #22 1011 that there is a need to reduce or eliminate certificated staff for the 2011-12 school year.

CURRENT CONSIDERATIONS: In the case of a reduction in certificated staff, adoption of Resolution #22 1011 provides a vehicle by which the district may determine the order of termination between employees who first rendered paid service to the district on the same date. The order of determination will be based on the need of the district and the students as listed in the resolution. These criteria will be applied in determining the order of termination.

FINANCIAL IMPLICATIONS: None.

SUPERINTENDENT'S RECOMMENDATION: It is recommended that the board adopt Resolution #22 1011 as presented.

BEFORE THE GOVERNING BOARD OF THE
SIERRA SANDS UNIFIED SCHOOL DISTRICT
COUNTY OF KERN, STATE OF CALIFORNIA

DETERMINATION OF SENIORITY AMONG)
CERTIFICATED EMPLOYEES WITH SAME) RESOLUTION #22 1011
FIRST PAID DATE OF SERVICE)
TIE-BREAKER RESOLUTION)
_____)

BE IT RESOLVED by the Governing Board of the Sierra Sands Unified School District, that the order of termination between employees who first rendered paid service to the District on the same date shall be based solely on the needs of the District and the students thereof. The specific criteria and rating system used in determining this need shall be as follows, but not necessarily listed in order of importance:

- A. Credentialing (+1 for Intern; +2 for Preliminary, +3 for Clear/Life, and +1 for additional supplemental authorization)
- B. No Child Left Behind Authorization (+2 for each area in which the teacher is credentialed and is NCLB qualified)
- C. English Learner Authorizations (+2 for EL authorization: CLAD, SDAIE, or CTEL and +3 for Bilingual authorization: BCLAD or BCC)
- D. Education/Training (+2 for Master's Degree, +3 for Doctorate)

In the event tie exists after administration of the above criteria, the District will then break ties utilizing a lottery.

I CERTIFY that the above resolution, proposed by Trustee _____ and seconded by Trustee _____, was duly passed and adopted by the Governing Board of the Sierra Sands Unified School District of Kern County, California, at an official and public meeting thereof held on March 10, 2011, by the following vote:

AYES: _____ NOES: _____ ABSTENTIONS: _____ ABSENT: _____

DATED: _____

GOVERNING BOARD OF THE
SIERRA SANDS UNIFIED SCHOOL DISTRICT

BY: _____

TITLE: Secretary to the Board

2. PERSONNEL ADMINISTRATION

2.4 Adoption of Resolution #23 1011, Elimination of Classified Service

BACKGROUND INFORMATION: As the district continues to experience serious budget challenges due to the ongoing state and national fiscal issues, it has continued its practice of engaging in planning in an ongoing fashion. Its most recent planning process involved review and analysis of the district's fiscal situation for the rest of 2010-11, as well as budget formulation for 2011-12, 2012-13, and 2013-14. That process resulted in a number of recommended actions which are being brought before the Sierra Sands Unified School District Board for its consideration. From the beginning of the fiscal crisis, it has been the desire of the district to keep necessary cuts as far away from the classroom as possible. As the fiscal crisis continues, that desire has become impossible to fulfill. Acting on the recommendations will be difficult, as each one affects faculty, staff, and the students of the community.

CURRENT CONSIDERATIONS: The most recent planning process in which staff has been engaged, has involved thorough review and analysis of numerous programs, consideration of student needs and the resources available. The review and analysis process was conducted in the context of student needs as articulated by Sierra Sands board goals. Consideration was also given to the same or similar resources being available outside of the district in meeting student needs.

California Education Code sections 45101, 45114, 45117, and 45308 authorize a school district to layoff classified employees due to a lack of work and/or lack of funds upon forty-five (45) days prior notice. Resolution #23 1011 calling for elimination of classified services for the 2011-12 school year is presented for adoption. Adoption of Resolution #23 1011 will allow staff to proceed with the determination of which employees' services may not be required for the 2011-12 school year and authorize the district to layoff classified employees due to a lack of work and/or a lack of funds. Layoffs will become effective after June 30, 2011.

FINANCIAL IMPLICATIONS: The district estimates that it may be able to save \$35,740 with the elimination of positions identified in Resolution #23 1011.

SUPERINTENDENT'S RECOMMENDATION: It is recommended that the Board of Education adopt Resolution #23 1011 eliminating classified services for the 2011-12 school year, as presented.

BEFORE THE BOARD OF EDUCATION
OF THE SIERRA SANDS UNIFIED SCHOOL DISTRICT

RESOLUTION #23 1011
Reduction of Classified Service

WHEREAS, Education Code sections 45101, 45114, 45117 and 45308 authorize the district to layoff classified employees for lack of work and/or lack of funds upon forty-five (45) days prior notice; and

WHEREAS due to lack of work and/or funding, certain classified services now being provided by the district must be reduced or eliminated effective June 30, 2011;

NOW, THEREFORE, BE IT RESOLVED that as of the 10th day of March, 2011, the following positions be eliminated:

Paraprofessional Two 5 hour positions (Mesquite)

BE IT FURTHER RESOLVED that the District Superintendent be authorized and directed to give notice of reduction and termination of employment to the affected employees of this district pursuant to district rules and regulations and applicable provisions of the Education Code not later than forty-five (45) days prior to the effective date of such reduction or discontinuance as set forth above.

BE IT FURTHER RESOLVED that the District Superintendent be authorized and directed to take any other actions necessary to effectuate the intent of this resolution.

The foregoing Resolution was adopted at the special meeting of the governing board of the Sierra Sands Unified School District on the 10th of March, 2011 by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

Joanna Rummer,
Secretary to the Board of Education

3. CONSTRUCTION ADMINISTRATION

3.1 Approval of First Amendment to the Contract with Barnhart, Balfour Beatty Inc. for Phase I Infrastructure Modernization of Sherman E. Burroughs High School

BACKGROUND INFORMATION: At the meeting of the Board of Education on May 22, 2009 the board contracted with Barnhart in the sum of \$310,877 for Phase I Infrastructure Modernization of Sherman E. Burroughs High School. This contract included all contingencies and allowances. The scope of this contract included the replacement of sewer lines, water systems, gas systems and electrical system conduits.

CURRENT CONSIDERATIONS: The addition of the new career and technical education building (CTE) will exceed the service capacity of the already over extended electrical service supply. A component of the Sherman E. Burroughs High School modernization is the complete replacement of the electrical supply service to and within the entire campus. This component has been designed and is currently entering the pre – construction phase of the project. Essential to the success of this phase of modernization is the new SCE electrical feed along Drummond Avenue. It has been determined that the most efficient means to contract for this work is to amend the original contract with Barnhart for Phase I modernization of Sherman E. Burroughs High School.

FINANCIAL CONSIDERATIONS: Much of the contingency fund for Phase I was not expended \$310,877 and will be applied to the current project. The guaranteed maximum price (GMP) for the current project is \$451,084. The district contingency has been set at \$45,108. The total cost of this project is \$496,192.

The sources of funding for Amendment 1 are remaining Phase I contingency, Measure “A” (QSCB), deferred maintenance, and the Inyo-Kern Schools Financing Authority.

SUPERINTENDENT’S RECOMMENDATION: It is recommended that the Board of Education authorize the district to enter into an agreement to amend the contract with Barnhart, Balfour Beatty Inc. for the Phase I Infrastructure Modernization of Sherman E. Burroughs High School in the amount of \$496,192 as presented.

3. CONSTRUCTION ADMINISTRATION

3.2 Approval of Contract with Barnhart, Balfour Beatty Inc. for Pre – Construction Services for Phase II Infrastructure (Electrical Conversion) Modernization of Sherman E. Burroughs High School

BACKGROUND INFORMATION: Phase I Infrastructure Modernization of Sherman E. Burroughs High School was completed in summer 2009. The scope of that work included the replacement of sewer lines, water systems, gas systems and electrical system conduits.

CURRENT CONSIDERATIONS: The addition of the new career and technical education building (CTE) will exceed the service capacity of the already over extended electrical supply service. A component of the Sherman E. Burroughs High School modernization is the complete replacement of the electrical supply service to and within the entire campus. This component has been designed and is currently entering the preconstruction phase of the project. All of the district’s lease, lease-back modernization projects have included a preconstruction contract with Barnhart for a wide variety of services that help insure the success of the project.

FINANCIAL CONSIDERATIONS: The cost of the preconstruction contract with Barnhart, Balfour Beatty has been set at \$47,850.

The sources of funding for this contract are Measure “A” (QSCB), deferred maintenance, and the Inyo-Kern Schools Financing Authority.

SUPERINTENDENT’S RECOMMENDATION: It is recommended that the Board of Education authorize the district to contract for preconstruction services with Barnhart, Balfour Beatty Inc. for the Phase II Infrastructure (Electrical Conversation) Modernization of Sherman E. Burroughs High School in the amount of \$47,850 as presented.

3. CONSTRUCTION ADMINISTRATION

3.3 Notice of Completion – Sherman E. Burroughs High School L Wing Ladies Restroom Modernization

BACKGROUND INFORMATION: At the special board meeting of January 6, 2011 the board approved Resolution #13 1011, to modernize the L Wing ladies restroom, as the result of the total collapse of the sewer system. The district self performed this work by contracting primarily with PVC Plumbing and Mechanical.

CURRENT CONSIDERATIONS: This project is complete. This project was conducted as an emergency modernization under the authority of the Kern County Superintendent of Schools. The district is required to notify the Kern County Superintendent of Schools of the completion of this project.

FINANCIAL IMPLICATIONS: The cost of this project was set at the “not to exceed” amount of \$50,000. The actual cost of this project was \$32,819.41.

SUPERINTENDENT’S RECOMMENDATION: It is recommended that the board authorize administration to notify the Kern County Superintendent of Schools of the completion of the L Wing ladies restroom modernization.