

BOARD AGENDA

SPECIAL BOARD MEETING
September 29, 2011

ACTION ITEM

TO: Board of Education

PRESENTED BY: Ingrid Munsterman, Assistant Superintendent, Human Resources Division

SUBJECT: Ratification of Memorandum of Understanding (“MOU”) between the District and Association of Colton Educators (“ACE”) Concerning Reappointments from the 2010-11 Certificated Layoff

GOAL: Personnel Development

STRATEGIC PLAN: Strategy #1 – Communication

BACKGROUND: The District engaged in a certificated layoff during the 2010-11 school year, to take effect upon the commencement of the 2011-12 school year in accordance with applicable education code provisions and board policy. The District included the “competency” criteria, “one year of full-time experience in the relevant subject matter area” in Resolution No.11-44, adopted March 3, 2011, which initiated the layoff. Said criteria is also included in Board Policy 4117.3.

The District and ACE have negotiated a Memorandum of Understanding whereby, after the ratification of the MOU, the District shall not require “one year of full-time experience in the relevant subject matter area” as a condition precedent to reappointment.

The MOU applies to reappointments made after the ratification of this Agreement. Any and all reappointments made prior to the ratification of this agreement shall remain in effect and the ACE expressly agrees that these reappointments were made in compliance with applicable law. No employee previously denied reappointment due to a failure to meet the “one year of full-time experience in the relevant subject matter area” shall have any right of action against the District as a result of this MOU.

BUDGET IMPLICATIONS: No impact to the General Fund

RECOMMENDATION: That the Board ratify the Memorandum of Understanding (“MOU”) between the District and Association of Colton Educators (“ACE”) Concerning Reappointments from the 2010-11 Certificated Layoff.

ACTION: On motion of Board Member _____ and _____, the Board ratified the above recommendation as presented.

MEMORANDUM OF UNDERSTANDING

REAPPOINTMENT OF LAID OFF WORKERS/APPLICATION OF COMPETENCY

This Memorandum of Understanding (“MOU”) is entered into by and between the Colton Unified School District (“District”) and the Association of Colton Educators (“Association”) (collectively, the “Parties”).

WHEREAS, the District engaged in a certificated layoff during the 2010-2011 school year, to take affect upon the commencement of the 2011-2012 school year in accordance with applicable education code provisions and board policy; and

WHEREAS, the District included the “competency” criteria, “one year of full-time experience in the relevant subject matter area” in Resolution No.11-44, adopted March 3, 2011, which initiated the layoff. Said criteria is also included in Board Policy 4117.3;

WHEREAS, the District has applied this “competency” criteria for the purposes of bumping and reappointment pursuant to Education Code sections 44956 and 44957;

WHEREAS, the Association has challenged the use of the competency criteria for the purposes of rehire;

WHEREAS, the District contends that the use of said “competency” criteria is legal and in full compliance with the relevant Education Code provisions; and

WHEREAS, notwithstanding this disagreement, the Parties wish to resolve this matter without litigation.

NOW THEREFORE, the Parties hereto agree as follows:

1. For the purposes of rehire only, and commencing after the ratification of this agreement by the District Governing Board, the District agrees to apply the following competency criteria:

- (A) Possession of a valid credential in the relevant subject matter area.
- (B) Academic training as evidenced by “highly qualified” status under the No Child Left Behind Act.
- (C) An appropriate EL authorization (to the extent required by the position).

The District shall not require “one year of full-time experience in the relevant subject matter area” as a condition precedent to reappointment.

2. The Agreement applies to reappointments made after the ratification of this Agreement. Any and all reappointments made prior to the ratification of this agreement shall remain in effect and the Association expressly agrees that these reappointments were made in

compliance with applicable law. No employee previously denied reappointment due to a failure to meet the “one year of full-time experience in the relevant subject matter area” shall have any right of action against the District as a result of this MOU.

3. This agreement shall apply to the layoff initiated during the 2010-2011 school year to take effect upon the commencement of the 2011-2012 school year only.

4. This MOU is unique unto its own circumstances and shall in no way set a precedent for any other employee in the future and furthermore, no party hereto shall cite this MOU or its terms as past practice for any purpose in the future.

5. This MOU resolves any and all disputes regarding the reappointment of laid off workers that occurred before the ratification of this MOU.

6. This MOU is subject to ratification by the District Governing Board.

FOR THE DISTRICT:

Ingrid Munsterman, Assistant Superintendent
Human Resources Division

Date

FOR THE ASSOCIATION:

Karen Houck, President

Date

DRAFT

BOARD AGENDA

**REGULAR MEETING
September 29, 2011**

ACTION ITEM

TO: Board of Education

PRESENTED BY: Jaime R. Ayala, Assistant Superintendent, Business Services Division

SUBJECT: Approval of Purchase Orders

GOAL: Student Performance / Personnel Development

STRATEGIC PLAN: Strategy #1 – Communication

BACKGROUND: Purchase orders in excess of \$10,000 are presented to the Board of Education for approval.

On January 13, 2011 the Board approved the acceptance of American Recovery and Reinvestment (ARRA) Act of 2009 Enhancing Education Through Technology (EETT) Competitive Grant Funds for the 2009-10 and 2010-11 school years. The total award was \$500,000.

The grant was written to purchase computers and other technology for all secondary schools to support students’ achievement, attendance, graduation rate and meeting college entrance requirements.

This purchase order represents the final purchase of computers for all secondary schools and meets the grant requirements that all funds be obligated by September 30, 2011.

BUDGET IMPLICATIONS: General Fund 01 Expenditures: \$ 45,736.86
Total Expenditures: \$ 45,736.86

RECOMMENDATION: That the Board approve Purchase Orders in excess of \$10,000 for a total of \$ 45,736.86

ACTION: On motion of Board Member _____ and _____, the Board approved purchase orders as recommended.

<u>P.O.</u>	<u>VENDOR</u>	<u>DESCRIPTION</u>	<u>RESOURCE</u>	<u>RESOURCE DESCRIPTION</u>	<u>AMOUNT</u>
021457	Dell	Tech Eq./Proj. Cent. Adm.	4048	NCLB: ARRA TTL II,PT D, TECH ED.	\$45,736.86
TOTAL					\$45,736.86