

CORONADO UNIFIED SCHOOL DISTRICT
Coronado, California

**RESOLUTION IMPLEMENTING CERTIFICATED LAYOFF:
TERMINATING SERVICES OF PARTICULAR CERTIFICATED EMPLOYEES
AS A RESULT OF DISCONTINUANCES AND REDUCTIONS OF
PARTICULAR KINDS OF CERTIFICATED SERVICES; PROVIDING
DIRECTION TO ISSUE NOTIFICATIONS TO EMPLOYEES WHOSE
SERVICES ARE TERMINATED; AND RELATED ACTIONS**

RESOLUTION # 17-04-02

On motion of Member _____, seconded by Member _____, the following Resolution is adopted:

WHEREAS, on March 2, 2017, this Governing Board of the Coronado Unified School District adopted Resolution Number 17-03-02 which included, in part, discontinuing and reducing, not later than the beginning of the 2017-2018 school year, various certificated services in various amounts as specified and listed in that Resolution;

WHEREAS, on or before March 15, 2017, the Superintendent or his designated representative(s) served notice to this Governing Board of his recommendation that the employees named below in this Resolution receive notice (or precautionary notice) that each of their services will not be required for the ensuing school year (2017-2018), pursuant to Education Code sections 44949 and 44955;

WHEREAS, on or before March 15, 2017, the Superintendent or his designated representative(s) served notices or precautionary notices to the appropriate certificated employees (including those named in this Resolution, below) that it has been recommended that each of their services will not be required for the 2017-2018 school year, pursuant to Education Code sections 44949 and 44955 and informing each of their right to a hearing to determine if there was cause for not reemploying them for the 2017- 2018 school year and that “if you fail to request a hearing on or before that date, your failure to do so shall constitute a waiver of your right to a hearing and your services will accordingly be terminated as indicated above and for the reasons indicated above, without a hearing”;

WHEREAS, none of the certificated employees named below filed any request for hearing or Notice of Participation in this matter or otherwise waived their right to a hearing; **WHEREAS**, the Education Code provides that this Governing Board shall make the final determination as to the sufficiency of the cause and disposition;

WHEREAS, Education Code section 44955, subdivision (c), requires Board action regarding, and notifications to, certificated employees who are being laid off, no later than May 14, 2017;

WHEREAS, the jurisdictional and statutory prerequisites have been satisfied as to the individuals referenced within this Resolution to the extent required by law, sufficient cause exists for the termination of the certificated employees named in this Resolution below, that cause relates to the welfare of the schools and the pupils thereof within the meaning of Education Code section 44949, subdivision (c)(3) to the extent that provision applies, and said cause does not relate to the quality of job performance of any of the employees listed below;

WHEREAS, the particular kinds of services to be discontinued and reduced as referenced in Resolution No. 17-03-02 are determined to be particular kinds of services within the meaning of Education Code section 44955 and will be discontinued and reduced within the meaning of Education Code section 44955 not later than the beginning of the 2017-2018 school year;

WHEREAS, the service of no permanent employee (or other employee) is being terminated while any probationary employee, or any other employee with less seniority is being retained to render a service which said permanent employee is certificated and competent to render, within the meaning of Education Code section 44955; the individuals whose employment is being terminated are not certificated and competent (within the meaning of Education Code section 44955 and Board Resolution Number 17-03-02) to render the service being performed by any employee with less seniority who is being retained within the meaning of Education Code section 44955;

WHEREAS, various certificated employees were included in the layoff process on a precautionary basis and are continued to be included on a precautionary basis, out of an abundance of caution; and

WHEREAS, this Resolution is not intended to and does not grant any named employees included in this Resolution and who continue to be included in this layoff process on a precautionary basis, any rights greater than provided by law, nor to nullify any provisions within each impacted individual's employment contract, nor to supersede any other notice or action by this Board to release or otherwise terminate the services of any impacted individual;

WHEREAS, rights to reemployment to those employees entitled to reemployment pursuant to Education Code sections 44956 and/or 44957 shall be provided to the certificated employees whose services are terminated in whole or in part as a result of this layoff, subject however to the immediately preceding paragraph of this Resolution as related to the certificated employees named in this Resolution;

NOW, THEREFORE, BE IT RESOLVED, that all of the above recitals are true and correct;

BE IT FURTHER RESOLVED, that the employment with Coronado Unified School District of the following employees be and hereby are terminated to the extent referenced, effective upon the close of this current school year (the end of that employee's last working day prior to July 1, 2016) and that this decision is effective immediately:

Debra Buchanan (0.2 FTE, relating to physical education teaching services)
Tammie Pontsler (0.2 FTE, relating to home economics teaching services)

BE IT FURTHER RESOLVED, that the above referenced employees be given appropriate notice by the Superintendent or his designee(s) of the termination of those portions of their services, with such notices being given on or before May 14, 2017, in the manner prescribed by law;

BE IT FURTHER RESOLVED, that reemployment rights be afforded to the above referenced employees in accordance with and to the extent applicable by the Education Code, if and when reemployment for the above removed portions of their employments is available;

BE IT FURTHER RESOLVED, that as to each of the following employees who were notified of the recommendation of layoff on a precautionary basis:

Justine Freeman (.40 FTE, relating to Academic, Support & Enrichment teaching services)

Lisa Kinzel (.6 FTE, relating to Academic, Support & Enrichment teaching services)

Natasha Mulholland (1.0 FTE, relating to English teaching services)

- (A) It is confirmed and determined that each is not subject to the certificated layoff process;
- (B) As a precaution, out of an abundance of caution, and consistent with their being considered on a precautionary basis, this Board continues to treat each on a precautionary basis and accordingly directs each to receive a precautionary notice of layoff; no additional rights not otherwise required by law are granted by this Board decision and action.
- (C) The employment of each of the above named employees who receive(d) notices on a precautionary basis is terminated to the extent referenced above effective upon the close of this school year, i.e., the end of the last working day as to each employee on or prior to June 30, 2017;

BE IT FURTHER RESOLVED, that these decisions are effective immediately and that the Superintendent or the Superintendent's designee(s) take such actions as are necessary and appropriate to implement these decisions, including at least giving appropriate notices to those certificated employees referenced or listed above of the termination of their services, with those notices being given in the manner prescribed by law.

IN WITNESS OF the adoption of the foregoing Resolution we, the members present and voting thereon, have hereunto set our hands the 13th day of April, 2017, at a duly scheduled meeting held in Coronado, San Diego County, California.

GOVERNING BOARD OF THE
CORONADO UNIFIED SCHOOL DISTRICT

Approval:

Absent:

Dissenting:

Abstaining:

I, Karl C. Mueller, Superintendent and Secretary to the Governing Board of the Coronado Unified School District of San Diego County, California, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly adopted by said Board at a duly scheduled meeting thereof.

Date: _____

Superintendent/Secretary to the Governing Board
of Coronado Unified School District