

PAJARO VALLEY UNIFIED SCHOOL DISTRICT MISSION STATEMENT

The Mission of the Pajaro Valley Unified School District is to educate and to support learners in reaching their highest potential. We prepare students to pursue successful futures and to make positive contributions to the community and global society.

May 9, 2012 REGULAR BOARD MEETING

CLOSED SESSION – 6:00 p.m. – 7:00 p.m.
PUBLIC SESSION – 7:00 p.m.

**DISTRICT OFFICE
BOARDROOM
292 Green Valley Road, Watsonville, CA 95076**

NOTICE TO THE PUBLIC: PURSUANT TO SB 343, BOARD PACKET DOCUMENTS ARE AVAILABLE FOR YOUR REVIEW AT THE FOLLOWING LOCATIONS:

- Superintendent's Office: 294 Green Valley Road, Watsonville, CA (4th Floor)
- On our Webpage: www.pvUSD.net

Notice to the Audience on Public Comment

Members of the audience are welcome to address the Board on all items not listed on this agenda. Such comments are welcome at the "Visitor Non-Agenda Items".

Members of the audience will also have the opportunity to address the Board during the Board's consideration of each item on the agenda.

Individual speakers will be allowed three minutes (unless otherwise announced by the Board President) to address the Board on each agenda item. **You must submit this card prior to the discussion of the agenda item you wish to speak to; once an item has begun, cards will not be accepted for that item.** For the record, please state your name at the beginning of your statement. The Board shall limit the total time for public input on each agenda item to 20 minutes. With Board consent, the President may increase or decrease the time allowed for public presentation, depending on the topic and the number of persons wishing to be heard. The President may take a poll of speakers for or against a particular issue and may ask that additional persons speak only if they have something new to add.

Note: Time allotment for each item is for the report portion only; it is not an anticipation of the total time for the discussion of the item.

We ask that you please turn off your cell phones and pagers when you are in the boardroom.

Please Note that Reporting out of Closed Session will Take Place AFTER Action Items.

1.0 CLOSED SESSION OPENING CEREMONY IN OPEN SESSION – 6:00 P.M.

- 1.1 Call to Order
- 1.2 Public comments on closed session agenda.

2.0 CLOSED SESSION (AND AFTER REGULAR SESSION IF NECESSARY)

- 2.1 Public Employee Appointment/Employment, Government Code Section 54957
 - a. Certificated Employees (see Attached)
 - b. Classified Employees (see attached)
- 2.2 Public Employee Discipline/Dismissal/Release/Leaves
- 2.3 Negotiations Update
 - a. CSEA
 - b. PVFT
 - c. Unrepresented Units: Management and Confidential
 - d. Substitutes – Communication Workers of America (CWA)
- 2.4 Claims for Damages
- 2.5 Pending Litigation
- 2.6 Anticipated Litigation
- 2.7 Real Property Negotiations
- 2.8 10 Expulsions

3.0 OPENING CEREMONY – MEETING OF THE BOARD IN PUBLIC - 7:00 P.M.

- 3.1 Pledge of Allegiance
- 3.2 Welcome by Board President
Trustees Kim De Serpa, Doug Keegan, Sandra Nichols, Karen Osmundson, Jeff Ursino, Willie Yahiro and President Leslie DeRose.
- 3.3 Superintendent Comments
- 3.4 Amesti Elementary School Student Choir Presentation
Teacher: Catherine Espinoza, Amesti School Librarian
5th graders
Elizabeth Bravo, Paulina Garcia, Gertrudis Rubio, Arturo Infante, Mayra Andrade, Jennifer Garcia, Ricardo Guerrero, Jackie Boyzo, Sofia Perez, Jennifer Arevalo, Jesus Magdaleno, and Kimberly Herrera

4th graders
Adam Tangonan, Fabian Mendoza, Evelyn Pulido, Evelyn Pulido, Fatima Nieves, Anjana Koshy, Carlos Vasquez, and Fatima Cabrera

3rd graders
Carolina Rubio
- 3.5 Jacob Young Financial - Teacher of the Month Award for April and May 2012
 - *Sydney Moore, MacQuiddy Elementary School, April 2012*
 - *Joel Amrani, Renaissance High School, May 2012*
- 3.6 Jacob Young Financial – Classified Employee of the Month Award for April and May 2012
 - *Carrie Marquez, Attendance Clerk, Pacific Coast Charter School, April 2012*
 - *Debbie Lerma, Attendance Specialist, Adult Education, May 2012*

4.0 APPROVAL OF THE AGENDA

5.0 APPROVAL OF MINUTES

a) Minutes for April 25, 2012

6.0 HIGH SCHOOL STUDENTS BOARD REPRESENTATIVES REPORT

7.0 VISITOR NON-AGENDA ITEMS

Public comments on items that are not on the agenda can be addressed at this time. The Board President will recognize any member of the audience wishing to speak to an item not on the agenda on a matter directly related to school business. The President may allot time to those wishing to speak, but no action will be taken on matters presented (Ed. Code Section 36146.6). If appropriate, the President or any Member of the Board may direct that a matter be referred to the Superintendent's Office for placement on a future agenda. (Please complete a card if you wish to speak.)

8.0 EMPLOYEE ORGANIZATIONS COMMENTS – PVFT, CSEA, PVAM, CWA 5 Min. Each

9.0 CONSENT AGENDA

Information concerning the Consent items listed above has been forwarded to each Board Member prior to this meeting for his/her study. Unless some Board Member or member of the audience has a question about a particular item(s) and asks that it be withdrawn from the Consent list, the item(s) will be approved at one time by the Board of Trustees. The action taken in approving Consent items is set forth in the explanation of the individual item(s).

9.1 Purchase Orders April 19 – May 2, 2012

The PO's will be available in the Superintendent's Office.

9.2 Warrants April 19 – May 2, 2012

The warrants will be available in the Superintendent's Office.

9.3 Accept with Gratitude the Following Donations from the Community Foundation of Santa Cruz County at the Jack & Peggy Baskin Center for Philanthropy: \$250 for Starlight Elementary for General Operating Support, \$1,000 for the Ivy League Tour for Pajaro Valley High School, and \$3,000 to provide academic and enrichment opportunities to Ohlone Elementary School.

9.4 Approve Scholarship Committees for Aptos High, Pajaro Valley High, Renaissance High and Watsonville High Schools.

9.5 Approve PVUSD Representation for California Interscholastic Federation.

The administration recommends approval of the Consent Agenda.

10.0 DEFERRED CONSENT ITEMS

11.0 REPORT, DISCUSSION AND POSSIBLE ACTION ITEMS

11.1 Report, discussion and possible action on Resolution #11-12-23, Temporary Borrowing Between District Funds in Order to Meet the Cash Flow Needs of the District for Fiscal Year 2012-2013.

Report by Helen Bellonzi, Director of Finance.

2 min. pres; 2 min. discussion.

11.2 Report, discussion and possible action on Resolution #11-12-24 to the Board of Supervisors of the County of Santa Cruz to Provide Temporary Cash Loans to Pajaro Valley Unified School District.

Report by Helen Bellonzi, Director of Finance.

2 min. pres; 2 min. discussion.

- 11.3 Report, discussion and possible action on Resolution #11-12-26, Recognizing May 9, 2012 as Day of the Teacher.
Report by Albert Roman, Assistant Superintendent, HR. 2 min. pres; 5 min. discussion.
- 11.4 Report, discussion and possible action on Resolution #11-12-27, Recognizing May 20 -26, 2012 as Classified Employees Week.
Report by Albert Roman, Assistant Superintendent, HR. 2 min. pres; 5 min. discussion.
- 11.5 Report, discussion and possible action on Resolution #11-12-25, Declaring District Membership in the Protected Insurance Program for School Joint Powers Authority (PIPS JPA) for Workers Compensation.
Report by Brett McFadden, CBO. 5 min. pres; 10 min. discussion.
- 11.6 Report, discussion and possible action on Resolution#11-12-28, to Eliminate Particular Kinds of Services and Decision Not to Reemploy Certificated Employees for the 2012-13 School Year.
Report by Albert Roman, Assistant Superintendent, HR. 2 min. pres; 5 min. discussion.
- 11.7 Report, discussion and possible action on Adding a May 30, 2012 Board Meeting to the Schedule to Allow Staff to Finalize 3rd Interim Report.
Report by Albert Roman, Assistant Superintendent, HR. 2 min. pres; 5 min. discussion.

12.0 ACTION ON CLOSED SESSION

13.0 GOVERNING BOARD COMMENTS/REPORTS

14.0 UPCOMING BOARD MEETINGS/REMAINING BOARD MEETINGS FOR 2012

All meetings, unless otherwise noted, take place at the District Office Boardroom, 292 Green Valley Road, Watsonville, CA. Closed Session begins at 6:00 pm; Open Session begins at 7:00 pm.

May	▪ 23	▪ Approve 3 rd Interim Report
June	▪ 13 ▪ 27	▪ ▪ 10-11 Budget Adoption
July	▪	▪ No Meetings Scheduled
August	▪ 8 ▪ 22	
September	▪ 12 ▪ 26	▪ Unaudited Actuals
October	▪ 10 ▪ 24	
November	▪ 14	▪
December	▪ 5 Annual Organization Mtg.	▪ Approve 1 st Interim Report

15.0 ADJOURNMENT

PAJARO VALLEY UNIFIED SCHOOL DISTRICT
CLOSED SESSION AGENDA
May 9, 2012

- 2.1 Public Employee Appointment/Employment, Government Code Section 54957
a. Certificated Employees
b. Classified Employees

New Hires – Probationary	
	None
New Substitutes	
	None
New Hires	
	None
Promotions	
	None
Rehires	
	None
Administrative Appointments	
	None
Transfers	
	None
Extra Pay Assignments	
	None
Extra Period Assignments	
	None
Leaves of Absence	
2	Cafeteria Assistants
1	Attendance Specialist
9	Primary Teachers
5	Secondary Teachers
2	Special Education Teachers
1	Psychologist
1	Counselor
Other	
	None
Retirements	
	None

Resignations/Terminations	
	None
Supplemental Service Agreements	
2	Primary Teachers
4	Secondary After School Teachers
4	Migrant Education Teachers
8	FCCHS
3	Child Development Teachers
Miscellaneous Actions	
	None
Separations From Service	
1	Instructional Assistant II
1	Maintenance Supervisor
Limited Term – Projects	
1	Administrative Secretary III
1	Custodian I
1	Behavior Technician
2	Data Entry Specialist
1	Enrichment Specialist
1	Office Assistant III
5	Instructional Aide – General Education
1	Lead Custodian II
Exempt	
3	Childcare
3	Student Helper
Provisional	
	None
Limited Term - Substitute	
2	Health Services Assistant
1	Instructional Assistant I
1	Instructional Assistant II
1	Office Manager



April 25, 2012
REGULAR BOARD MEETING
CLOSED SESSION – 6:00 p.m. – 7:00 p.m.
PUBLIC SESSION – 7:00 p.m.
UNADOPTED MINUTES

DISTRICT OFFICE
BOARDROOM
292 Green Valley Road, Watsonville, CA 95076

1.0 CLOSED SESSION OPENING CEREMONY IN OPEN SESSION – 6:00 P.M.

1.1 Call to Order

President DeRose called the meeting of the Board to order at 6:01 pm at 292 Green Valley Road, Watsonville, CA.

1.2 Public comments on closed session agenda.

None.

2.0 CLOSED SESSION (AND AFTER REGULAR SESSION IF NECESSARY)

2.1 Public Employee Appointment/Employment, Government Code Section 54957

- a. Certificated Employees
- b. Classified Employees

New Hires – Probationary	
	None
New Substitutes	
21	Substitutes
New Hires	
1	Primary Teacher
1	Secondary Teacher
Promotions	
1	Administrative Secretary III
1	Career Development Specialist
Rehires	
	None
Administrative Appointments	
1	Principal - Interim
Transfers	
	None
Extra Pay Assignments	
24	Coaches

Extra Period Assignments	
1	Science Teacher
Leaves of Absence	
1	Cafeteria Assistant
1	Health Services Assistant
2	Instructional Assistant I
1	Instructional Assistant II
11	Primary Teachers
7	Secondary Teachers
3	Special Education Teachers
Other	
	None
Retirements	
52	<i>Teachers/Management</i>
3	<i>Confidential Staff</i>
Resignations/Terminations	
	None
Supplemental Service Agreements	
31	Primary Teachers
1	Secondary After School Teachers
9	Guest Teachers
1	Special Education Teacher
2	Primary After School Teachers
1	Teacher on Special Assignment
Miscellaneous Actions	
1	Instructional Assistant I – Special Education
4	Instructional Assistant II – Special Education
1	Custodian II
Separations From Service	
1	Transportation Dispatcher
1	Instructional Assistant I – Special Education
1	Site Computer Support Technician
Limited Term – Projects	
2	Administrative Secretaries II
2	Campus Safety Coordinators
1	Career Development Specialist

1	Custodian I
1	Custodian II
3	Instructional Assistant – General Education
2	Instructional Assistant II – Special Education
1	Library Media Technician
2	Office Assistant III
1	Parent Education Specialists
1	Testing Specialist I
1	Translator
Exempt	
5	Childcare
6	Migrant OWE
1	Safety Monitor
1	Spectra Artist
6	Student Helper
5	Workability
1	Yard Duty
Provisional	
1	Office Assistant III
1	Data Entry Specialist
Limited Term - Substitute	
7	Instructional Assistant – Migrant Children Center
2	Cafeteria Assistant

2.2 Public Employee Discipline/Dismissal/Release/Leaves

2.3 Negotiations Update

- a. CSEA
- b. PVFT
- c. Unrepresented Units: Management and Confidential
- d. Substitutes – Communication Workers of America (CWA)

2.4 Claims for Damages

2.5 Pending Litigation

2.6 Anticipated Litigation

2.7 Real Property Negotiations

2.8 12 Expulsions

3.0 OPENING CEREMONY – MEETING OF THE BOARD IN PUBLIC - 7:00 P.M.

President DeRose called the meeting of the Board in public to order at 7:13 pm.

3.1 Pledge of Allegiance

Trustee Keegan led the Board in the Pledge of Allegiance.

3.2 Welcome by Board President

Trustees Kim De Serpa, Doug Keegan, Sandra Nichols, Karen Osmundson, Jeff Ursino, Willie Yahiro and President Leslie DeRose were present.

3.3 Superintendent Comments

Superintendent Baker reported that she had attended the final report out from WASC at Renaissance High. Overall, the report was a very positive. She highlighted they noted that students had a respectful attitude and politeness towards everyone across the campus. Superintendent Baker commended the staff and the students for the successful outcome of the WASC visit.

3.4 Student Recognition

Staff, administrators, family and friends recognized and honored the following students.

- *Kayla Berrelleza - Radcliff Elementary School*
- *Brenda Leon-Vega – Academic Vocational Charter Institute (AVCI)*
- *Myra M. Gonzalez – Pajaro Valley High School*
- *Benjamin J. Benavides – Watsonville High School*

A member of MasMac gave each honoree additional mementos on behalf of the organization.

3.5 Jacob Young Financial - Teacher of the Month Award for March 2012

- *Christine Kopecky, Watsonville High School*

Jacob Young introduced the recipient of the award and asked Elaine Legorreta, Principal of WHS, to speak. Ms. Legorreta noted that Ms. Kopecky encourages her students to think deeper and teaches them about respect. Ms. Kopecky's parents were in the audience as well.

3.6 Jacob Young Financial – Classified Employee of the Month Award for March 2012

- *Diana Martinez, Attendance Specialist, EA Hall Middle School*

Matt Levy, Assistant Principal, spoke about his experience with Diana Martinez and commended her on her ability to be involved in things that make a difference. Diana's peers were also present to show their support.

3.7 Tri County Real Estate Administrator of the Month Award, March 2012

- *Richard Determan, Assistant Principal, Aptos Jr. High*

Kim Turley introduced Richard Determan, and commented about his aptitudes. Mr. Determan stated that students are always first. He went into education because it is where one can really make a difference.

Board members and administrators congratulated all recipients and thanked them for their work.

4.0 APPROVAL OF THE AGENDA

Trustee Keegan moved to approve the agenda moving item #11.3 after item #6.0. Trustee Nichols seconded the motion. The motion passed unanimously.

5.0 APPROVAL OF MINUTES

a) Minutes for March 28, 2012

Trustee Yahiro moved to approve the minutes for March 28, 2012. Trustee Keegan seconded the motion. The motion passed unanimously.

b) Minutes for April 18, 2012, Study Session, Possible School Facilities Bond, November 2012
Trustee Nichols moved to approve the minutes for the study session of April 18, 2012. Trustee De Serpa seconded the motion. The motion passed 5/0/2 (Osmundson and Ursino abstained).

6.0 HIGH SCHOOL STUDENTS BOARD REPRESENTATIVES REPORT

Fernando Crescencio and Kimberly Ortiz of Renaissance High School, asked for a moment of silence for Cynthia Madrigal and Alejandra Casares, a current RHS student and a graduate of RHS, respectively. Fernando announced that he was graduating the following day and noted that Kimberly would be attending meetings. He added that RHS would be having its first prom and was glad to see much parent support. He reported on the WASC visitation and said that parents and students representatives were invited to participate, they were interviewed and some of the issues were addressed. WASC gave great feedback in its final report. He gave an update on sports at the school. In conclusion, he reported that the school would be holding workshops about college and the benefits of attending.

Mayra Gonzalez, of Pajaro Valley High School, reported on an anti-bullying event that took place. The school held a moment of silence to support gay students at PVHS. She offered a sports updated noting that the teams are doing great. The organization that supports gay, bisexual and transgendered students on campus was nominated for a Queer Youth Leadership Award. Students are involved in volunteer work, attended the Fight for Hunger event in San Lorenzo Valley and visited home for elderly with the medical technology class.

11.0 REPORT, DISCUSSION AND POSSIBLE ACTION ITEMS

11.3 Report, discussion and possible action on Resolution #11-12-20, Supporting DREAM Act and Students.

Report by Murry Schekman, Assistant Superintendent.

Murry Schekman introduced Ramiro Medrano of the GEAR Up program to speak about this item. A presentation given by students, mostly members of DREAM clubs at Watsonville and Pajaro Valley High Schools, gave a brief background on the issue. It was noted that AB540 passed in October 2001 afforded undocumented students to pay in-state tuition instead of out-of-state tuition in California's colleges and universities. AB 130, effective on January 2012, which offers access to qualifying students to privately funded grants and scholarship, and AB 131, effective January 2013, allows access to state funds, are two bills that positively benefit undocumented students who wish to continue on to higher education. The resolution seeks to express district support for the development of DREAM clubs to provide support for immigrant youth achievement; it is also the intent to safeguard student confidentiality for DREAM-eligible youth and their families.

The following students were present either presenting or in support: David Lara, Juan Cruz Rudiel, Yadira Grajeda, Rita Medina, Jessica Muciño, Martha Rivera, Linda Guzman, and Ana Martinez.

Public comment:

Maria Bahena, parent, expressed her hope that her daughter would be able to afford to go to college, noting her dedication to studying.

Rhea DeHart, community member, noted that a resolution supporting Dream Act is long overdue. This legislation gives justice and equality of opportunity to all of our students. There is confidentiality that comes along with this type of legislation.

Trustee De Serpa moved to approve this item. Trustee Osmundson seconded the motion. The motion passed unanimously.

7.0 VISITOR NON-AGENDA ITEMS

Bill Beecher, community member, spoke of the unintended consequences of staff reductions: elimination of Assistant Principals from Elementary schools mean that Principals have to work much harder and it becomes difficult to identify any performance issues with teachers. He said that support staff needs to be put back at the sites.

Rob Bernosky, former school member in San Benito County and currently running for state assembly, commended the Board for the meeting that exhibits community involvement, student, parent, and local businesses participation. He noted that education is his priority and that of his family; his wife is a Superintendent.

8.0 EMPLOYEE ORGANIZATIONS COMMENTS – PVFT, CSEA, PVAM, CWA 5 Min. Each

Francisco Rodriguez, PVFT president and VP of AFT, noted that AFT is currently advocating for the DREAM Act and we are very pleased that it was passed. Regarding layoffs, he noted that a compromise and settlement agreement had been reached and it is the hope to begin with the process of rehiring teachers and to rehire everyone. He thanked administration for their willingness to work with us to ensure that all teachers know what they will be doing next year. He also commented about the selection of SunLife for the district life and disability programs, noting that they aim to improve benefits, with savings but no loss of benefits to employees.

Bobby Salazar, CSEA, commented on evaluations and hopes that the district could review how classified employees are evaluated. There have been additional duties placed on classified employees due to personnel reductions. Staff is swamped with work and it is important to consider all the extra work that staff has had to acquire.

Brett Knupfer, PVAM member, was pleased for the DREAM Act vote. He thanked the administration for the willingness to offer the early retirement program this year. Many teachers and other personnel will be taking the opportunity. Commended HR for the expeditious way in which it occurred. PVAM is excited to move forward with the school bond initiative; it will benefit all schools greatly. Mr. Knupfer commented on the process of administering the California Standardized Tests (CST) noting that all students are working hard to do well and that teachers have worked hard to prepare students for testing. Parents are also doing their part in ensuring students are prepared to learn each day. All efforts are paying off, as evident as how they are applying themselves to studying and testing well.

9.0 CONSENT AGENDA

Trustee Ursino moved to approve the consent agenda. Trustee Yahiro seconded the motion. President DeRose acknowledged with gratitude the donations to our schools. The motion passed unanimously.

- 9.1 Purchase Orders March 22 – April 18, 2012**
- 9.2 Warrants March 22 – April 18, 2012**
- 9.3 Accept with Gratitude Donation of \$416.67 from the Bay Area Sports Hall of Fame in Support of the Wells Fargo Foundation for the KNBR Step Up to the Plate for Education grant for Ann Soldo School.**
- 9.4 Accept with Gratitude a \$3,000 grant from the Wells Fargo Foundation for the KNBR Step Up to the Plate for Education Grant for Ann Soldo School.**
- 9.5 Approve the Williams Report, January – March 2012; Number of Complaints: Zero.**
- 9.6 Approve Student Visit to Kawkami Junir High in Kawakami-mura with the Watsonville-Kawakami Sister City Program on May 9th through the 18th.**
- 9.7 Approve CAHSEE Passage Waiver for Student #11-12-32, English Language Arts, Pajaro Valley High School.**

10.0 DEFERRED CONSENT ITEMS

None.

11.0 REPORT, DISCUSSION AND POSSIBLE ACTION ITEMS (cont'd)

11.1 Report, discussion and possible action on Selection of Sun-Life for District Life and Disability Employee Benefits.

Report by Brett McFadden, CBO.

Brett McFadden noted that the selection of the new carrier comes out of the joint benefits committee. Staff conducted an exhaustive review of many providers and came to the conclusion that this company will be the best choice for the District. The new pricing associated with the change will save the district about \$200,000 a year. This company would replace Unum, the current provider.

Board participated with questions.

Trustee Yahiro moved to approve this item. Trustee Keegan seconded the motion. The motion passed unanimously.

11.2 Report, discussion and possible action on Resolution #11-12-21, Supplemental Early Retirement Program (SERP) Incentive for Certificated Non-Management, Management and Confidential Employees.

Report by Albert Roman, Assistant Superintendent, HR.

Albert Roman reported that it is a formality to approve this resolution. No changes were made to the original incentive proposal and he noted that the district has been able to meet the threshold to realized the expected savings. He added that this would serve in minimizing the number of employees who may be laid off.

Board participated with comments.

Trustee Nichols noted a correction that needs to be made to the resolution. She also requested to have a report that would outline the savings. Trustee Nichols moved to approve this item. Trustee Keegan seconded the motion.

Board continued with discussion. Albert Roman mentioned that the proposal has already been reviewed by the COE.

Public comment:

Jack Carroll, teacher, requested that a change be made to show "certificated" staff. He added that the offer omits staff from Early Childhood Education and Adult Education teachers from the SERP. Those programs have a narrow pay schedule and there is no opportunity for the district to make any savings.

The motion passed unanimously.

12.0 ACTION ON CLOSED SESSION

2.1 Public Employee Appointment/Employment, Government Code Section 54957

a. Certificated Employees

Trustee Nichols moved to approve the certificated report with the addition of 52 retirements. Trustee Keegan seconded the motion. The motion passed unanimously.

b. Classified Employees

Trustee Nichols moved to approve the classified report with the addition of 3 retirements. Trustee Keegan seconded the motion. The motion passed unanimously.

2.8 12 Expulsions

Action on Expulsions:

Trustee Osmundson moved to approve the recommendation of the Administrative Panel for the following expulsion:

11-12-059

Trustee Nichols seconded the motion. The motion passed 6/1/0 (De Serpa dissented).

Trustee Osmundson moved to approve the recommendation of the Hearing Panel for the following expulsion:

11-12-067

Trustee Nichols seconded the motion. The motion passed unanimously.

Trustee Osmundson moved to approve the recommendation of the District Administration for the following expulsion:

11-12-069

Trustee Nichols seconded the motion. The motion passed unanimously.

Trustee Osmundson moved to approve the recommendation of the District Administration for the following expulsion:

11-12-070

Trustee Nichols seconded the motion. The motion passed 6/1/0 (De Serpa dissented).

Trustee Osmundson moved to approve the recommendation of the District Administration for the following expulsion:

11-12-071

Trustee Nichols seconded the motion. The motion passed 6/1/0 (De Serpa dissented).

Trustee Osmundson moved to approve the recommendation of the District Administration for the following expulsion:

11-12-072

Trustee Nichols seconded the motion. The motion passed 6/1/0 (De Serpa dissented).

Trustee Osmundson moved to approve the recommendation of the District Administration with the request to correct the student expulsion number from 11-12-072 to 11-12-073 on the hearing waiver summary for the following expulsion:

11-12-073

Trustee Nichols seconded the motion. The motion passed unanimously.

Trustee Osmundson moved to approve the recommendation of the District Administration for the following expulsion:

11-12-074

Trustee Nichols seconded the motion. The motion passed unanimously.

Trustee Osmundson moved to approve the recommendation of the District Administration for the following expulsion:

11-12-075

Trustee Nichols seconded the motion. The motion passed unanimously.

Trustee Osmundson moved to approve the recommendation of the District Administration for the following expulsion:

11-12-078

Trustee Nichols seconded the motion. The motion passed 6/1/0 (De Serpa dissented).

Trustee Osmundson moved to approve the recommendation of the District Administration for the following expulsion:

11-12-079

Trustee Nichols seconded the motion. The motion passed 6/1/0 (De Serpa dissented).

The Board tabled decision for expulsion #11-12-077 for the following meeting.

13.0 GOVERNING BOARD COMMENTS/REPORTS

Trustee Osmundson stated that she was attending all open houses and it is fun.

Trustee Yahiro invited all to the bus rodeo on Saturday at the Fairgrounds. He noted that he attended the celebration of life for Naomi Ubberheim, a great teacher and wonderful lady.

Trustee De Serpa extended congratulations to Bradley's librarian for the award that she received.

President DeRose reported that May 11 is the Santa Cruz County College Committee's collaborative effort between all school districts and local universities to get students excited about college at an early age.

14.0 UPCOMING BOARD MEETINGS/REMAINING BOARD MEETINGS FOR 2012

All meetings, unless otherwise noted, take place at the District Office Boardroom, 292 Green Valley Road, Watsonville, CA. Closed Session begins at 6:00 pm; Open Session begins at 7:00 pm.

May	<ul style="list-style-type: none">▪ 9▪ 23	<ul style="list-style-type: none">▪ Approve 3rd Interim Report
June	<ul style="list-style-type: none">▪ 13▪ 27	<ul style="list-style-type: none">▪ 10-11 Budget Adoption
July	<ul style="list-style-type: none">▪	<ul style="list-style-type: none">▪ No Meetings Scheduled
August	<ul style="list-style-type: none">▪ 8▪ 22	
September	<ul style="list-style-type: none">▪ 12▪ 26	<ul style="list-style-type: none">▪ Unaudited Actuals
October	<ul style="list-style-type: none">▪ 10▪ 24	
November	<ul style="list-style-type: none">▪ 14	<ul style="list-style-type: none">▪
December	<ul style="list-style-type: none">▪ 5 Annual Organization Mtg.	<ul style="list-style-type: none">▪ Approve 1st Interim Report

15.0 ADJOURNMENT

There being no further business to address the Board adjourned at 8:59 pm.

Dorma Baker, Superintendent



PAJARO VALLEY UNIFIED SCHOOL DISTRICT



Board Agenda Backup

Item No: 9.3

Date:	May 9, 2012
Item:	Accept with Gratitude the Following Donations from the Community Foundation of Santa Cruz County at the Jack & Peggy Baskin Center for Philanthropy: \$250 for Starlight Elementary for General Operating Support, \$1,000 for the Ivy League Tour for Pajaro Valley High School, and \$3,000 to provide academic and enrichment opportunities to Ohlone Elementary School.
Overview:	The Board acknowledges and recognizes the generosity of community members and businesses. Their commitment to education is evident through their contribution.
Recommendation:	Accept with gratitude.

Prepared By: Dorma Baker, Superintendent

Superintendent's Signature:

Dorma Baker

COMMUNITY FOUNDATION
SANTA CRUZ COUNTY
at the Jack & Peggy Baskin Center for Philanthropy

7807 Soquel Drive / Aptos, CA 95003 / 831.662.2000 / www.cfsc.org

April 5, 2012

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Ms. Dorma Baker, Superintendent
Pajaro Valley Unified School District
294 Green Valley Road
Watsonville, CA 95076

Re: Grant Number 2012-0170

Dear Ms. Baker:

I am pleased to notify you that the Community Foundation's Board of Directors has approved a donor-advised grant to your organization in the amount of \$250 for general operating support at Starlight Elementary School.

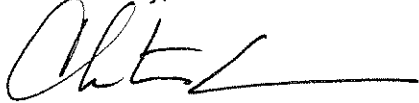
This grant has been made possible by a recommendation by the **Driscoll's Charitable Fund** in honor of Luis Jesus Garcia for his time volunteering at the school. Thank you letters to the fund are encouraged and may be sent to the donor-advisor in care of the Community Foundation.

Please review this letter carefully and retain it for your records. By depositing the enclosed check you agree to the following:

- Use grant funds only for the purposes indicated above. Substantive changes involving the reallocation of grant funds must be approved in advance by the Foundation;
- Maintain records that clearly show how grant funds were spent and make such records available to the Foundation and its auditors upon request;
- Affirm that the donor-advisor whose fund name appears in this letter, and any member of his/her family, have not received any tangible benefit, goods, or services whatsoever as a result of this grant; and
- Certify that this donation will not be used to satisfy the payment of any pledge or other financial obligation on behalf of the donor-advisor and/or his/her family members.

This grant may be publicly listed in publications, advertisements, announcements etc. as being awarded from *The Driscoll's Charitable Fund at Community Foundation Santa Cruz County*. If you have any questions about this grant, please contact me at christina@cfsc.org or 831.662.2070.

Sincerely,



Christina Cuevas
Program Director

Enclosure: Check #80040

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SANTA CRUZ COUNTY
at the Jack & Peggy Baskin Center for Philanthropy

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April 4, 2012

Ms. Dorma Baker, Superintendent
Pajaro Valley Unified School District
294 Green Valley Road
Watsonville, CA 95076

Re: Grant Number 2012-0167

Dear Ms. Baker:

I am pleased to notify you that the Community Foundation's Board of Directors has approved a donor-advised grant to your organization in the amount of \$1,000 for the 2012 Ivy League Tour for Pajaro Valley Unified High School students.

This grant has been made possible by a recommendation by Mr. and Mrs. Rocky Franich, the advisors to the **Rocky and Judy Franich Fund**. Thank you letters to the fund are encouraged and may be sent to the donor-advisors in care of the Community Foundation.

Please review this letter carefully and retain it for your records.

By depositing the enclosed check you agree to the following:

- Use grant funds only for the purposes indicated above. Substantive changes involving the reallocation of grant funds must be approved in advance by the Foundation;
- Maintain records that clearly show how grant funds were spent and make such records available to the Foundation and its auditors upon request;
- Affirm that the donor-advisor whose fund name appears in this letter, and any member of his/her family, have not received any tangible benefit, goods, or services whatsoever as a result of this grant; and
- Certify that this donation will not be used to satisfy the payment of any pledge or other financial obligation on behalf of the donor-advisor and/or his/her family members.

This grant may be publicly listed in publications, advertisements, announcements etc. as being awarded from *The Rocky and Judy Franich Fund at Community Foundation Santa Cruz County*. If you have any questions about this grant, please contact me at christina@cfsc.org or 831.662.2070

Sincerely,

Christina Cuevas
Program Director

Enclosure: Check #25139

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April 26, 2012

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James F. Watson

Ms. Dorma Baker, Superintendent
Pajaro Valley Unified School District
294 Green Valley Road
Watsonville, CA 95076

Re: Grant Number 2012-0228

Dear Ms. Baker:

I am pleased to notify you that the Community Foundation's Board of Directors has approved a donor-advised grant to your organization in the amount of \$3,000 to provide academic and enrichment opportunities to Ohlone Elementary School.

This grant has been made possible by a recommendation by the **Driscoll's Charitable Fund**. Thank you letters to the fund are encouraged and may be sent to the fund in care of the Community Foundation. If you have any questions about this grant, please contact me at christina@cfsc.org or 831.662.2070.

Please review this letter carefully and retain it for your records. By depositing the enclosed check you agree to the following:

- Use grant funds only for the purposes indicated above. Substantive changes involving the reallocation of grant funds must be approved in advance by the Foundation;
- Maintain records that clearly show how grant funds were spent and make such records available to the Foundation and its auditors upon request;
- Affirm that the donor-advisor whose fund name appears in this letter, and any member of his/her family, have not received any tangible benefit, goods, or services whatsoever as a result of this grant; and
- Certify that this donation will not be used to satisfy the payment of any pledge or other financial obligation on behalf of the donor-advisor and/or his/her family members.

Final Report Due: April 30, 2013

Use the following link to access the appropriate report form: www.cfsc.org/ReportFormA. Please note that outstanding grant reports will delay payment on future grants until the required reports have been submitted.

This grant may be publicly listed in publications, advertisements, announcements etc. as being awarded from *The Driscoll's Charitable Fund at Community Foundation Santa Cruz County*.

Sincerely,



Christina Cuevas
Program Director

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PAJARO VALLEY UNIFIED SCHOOL DISTRICT



Board Agenda Backup

Item No: 9.4

Date: May 9, 2012

Item: High School Scholarship Committee 2011-12

Overview: Each school year, per Administrative Policy 5314, administration submits a list of names to the Board of Trustees for nomination to each high school Scholarship Committee. The names reflect participation on the part of administration, classified staff, community, parents, students, and teachers. The group of individuals work together to review scholarship applications and determine scholarship(s). Principals nominate participants annually for their individual site and process.

Recommendation: Approve Scholarship Committee membership as submitted. Administrative Policy 5314 requires Board approval of the Scholarship Committee for Watsonville High School, Aptos High School, Pajaro Valley High School, and Renaissance High School

Budget Considerations: N/A

Funding Source:

Budgeted: Yes: ☐ No: ☐

Amount: \$

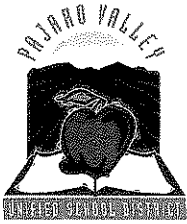
Prepared By: Murry Schekman, Assistant Superintendent of Secondary Education

Superintendent's Signature: Dorm Bor

**Secondary Education
Scholarship Committees
2011-12**

School	Members	Group Representing
Aptos High School	Larry Johnson	Teacher
	Tim Manor	Counselor
	Cheryl Nickel	Classified
	Tom Whitwam	Teacher
	Trish Cronin	Teacher
	Michelle Olson	Parent
	Mark Rogers	Administrator
	Roberto Zuniga	Administrator/ELS
Pajaro Valley High School	Jana Baumann	Teacher
	Diane Bensberg	Community Member
	Deanna Young	Assistant Principal - Guidance
	Maria Elena Valenzuela	Teacher
	Jim Lucas	Teacher
	Ximena Ospina	Counselor
	Nancy Puente	Counselor
Renaissance High School	Artemisa Cortez	Principal
	Joel Amrani	ROP Counselor/Scholarship Organizer
	Kim Sakamoto	Teacher
	Pat Horner	Classified
	Anna Solis	Classified
	Laura Solis	Parent
	Tom House	Donor
	Mary Altier	Donor
Watsonville High School	Tracey Runeare	Administrator – Chairperson
	Gabriela Mora	Counselor- Scholarship Coordinator
	Angelica Echevarria	Counselor
	Debra Finney	Teacher – English
	Bill Callahan	Teacher – Science
	Vivian Moutafian	Math
	Daisy Villicana	Community Member
	Silvia Alba	MEST
	Bob Linney	Teacher – Social Studies

PAJARO VALLEY UNIFIED SCHOOL DISTRICT



Board Agenda Backup

Item No:

9.5

Date: May 9, 2012

Item: California Interscholastic Federation – PVUSD Representation

Overview: Each year the Board of Trustees reviews and approves the list of employees who serve as our district representatives to the C.I.F. In the past our representatives have included the Principal and the Athletic Director from each of our comprehensive high schools.

It is therefore staff's recommendation that the following individuals be approved to serve as the district's representatives to the California Interscholastic Federation:

Principal PVHS- Pancho Rodriguez
Athletic Director PVHS – Robert Gomez
Principal AHS – Casey O'Brien
Athletic Director AHS – Mark Dorfman
Principal WHS – Elaine Legorreta
Athletic Director WHS – Brad Hubbard

Respectfully Submitted

Recommendation: Approve

Budget Considerations:

Funding Source: N/A

Budgeted: Yes: ☐ No: ☐

Amount: \$

Prepared By: Murry Schekman, Assistant Superintendent , Secondary Education

Superintendent's Signature:

Dorm Box



Board Agenda Backup

Item No: 11.1

Date: May 9, 2012

Item: Resolution 11-12-23 for temporary borrowing between district funds in order to meet the cash flow needs of the district for Fiscal Year 2012/13.

Overview: The district under Education Code Section 42603 is allowed to make temporary loans between funds to meet the cash flow needs of the district.

42603. The governing board of any school district may direct that moneys held in any fund or account may be temporarily transferred to another fund or account of the district for payment of obligations. The transfer shall be accounted for as temporary borrowing between funds or accounts and shall not be available for appropriation or be considered income to the borrowing fund or account. Amounts transferred shall be repaid either in the same fiscal year, or in the following fiscal year if the transfer takes place within the final 120 calendar days of a fiscal year. Borrowing shall occur only when the fund or account receiving the money will earn sufficient income, during the current fiscal year, to repay the amount transferred. No more than 75 percent of the maximum of moneys held in any fund or account during a current fiscal year may be transferred.

Recommendation: The Administration recommends adoption of the resolution for temporary borrowing of moneys held in other funds to meet the cash flow needs of the district.

Budget Considerations:

Funding Source:

Budgeted: Yes ☐ No ☐

Amount:

PREPARED BY SIGNATURE: Helen Bellonzi

REVIEWED BY SIGNATURE: Brett McFadden

SUPERINTENDENT SIGNATURE: Dorm B...

PAJARO VALLEY UNIFIED SCHOOL DISTRICT

Resolution # 11-12-23

Resolution Authorizing the Temporary Transfer of Fund Balances To Alleviate Cash Flow Needs

WHEREAS, from time to time, cash flow needs may arise due to timing differences between expenditure obligations and revenue receipts, and

WHEREAS, Education code Section 42600 through 42603 allow for temporary transfers of designated or unappropriated fund balances between funds to alleviate cash flow needs.

Now, there fore, be it resolved, the Board of Trustees of the Pajaro Valley Unified School District authorizes the Associate Superintendent of Business to transfer fund balances between funds in order to alleviate cash flow needs for Fiscal Year 2012/13. Transfers will be repaid to the lending fund with interest at Pajaro Valley Unified School District's earnings rate as established and apportioned by the Santa Cruz County Auditor.

Be it further resolved, pursuant to Education code 42603, temporary fund balance transfers will be repaid within the same fiscal year unless the transfer was made within 120 days of the end of the fiscal year, in which case, the fund balance transfer will be repaid within 120 days of the transfer date.

Passed and adopted by the Board of Trustees of the Pajaro Valley Unified School District, County of Santa Cruz, State of California, this 9th day of May, 2012, by the following vote:

Ayes: _____

Noes: _____

Abstain: _____

Absent: _____

Attest: _____
Secretary to the Board of Trustees

President, Board of Trustees



Board Agenda Backup

Item No: 11.2

Date: May 9, 2012

Item: A RESOLUTION TO THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ TO PROVIDE TEMPORARY CASH LOANS TO PAJARO VALLEY UNIFIED SCHOOL DISTRICT Resolution #11-12-24

Overview: A district's General Fund can periodically run a negative cash balance due to the timing of revenue from various funding sources. Our current cash flow analysis projects the district will be able to meet its obligations with internal borrowing in fiscal year 2012/13. Staff is requesting this temporary cash borrowing pursuant to Education Code section 42620 with the County Treasurer in the event the State Budget, when adopted, reduces the district further or adds additional deferrals and our cash position changes. We are submitting this resolution to create the opportunity to pursue the best possible temporary borrowing mechanism for the district in 2012/13.

Recommendation: Adoption of the resolution authorizing staff to pursue participation of the Pajaro Valley Unified School District in the temporary cash borrowing pursuant to Education Code 42620, process with the Santa Cruz County Treasurer should it be necessary.

Budget Considerations:

Funding Source:

Budgeted: Yes ☐ No ☐

Amount:

PREPARED BY SIGNATURE: Helen Bellonzi

REVIEWED BY SIGNATURE: Brett McFadden

SUPERINTENDENT SIGNATURE: Dorm BAH

Resolution # 11-12-24

**A RESOLUTION TO THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA CRUZ
TO PROVIDE TEMPORARY CASH LOANS TO
PAJARO VALLEY UNIFIED SCHOOL DISTRICT**

WHEREAS, pursuant to Education Code section 42620, when a school district does not have sufficient money to its credit to meet current expenses of maintenance of the district, the board of supervisors of the county shall order, and the auditor and treasurer of the county shall make, a temporary transfer from any funds of the county not immediately needed to pay claims against them, to the school fund of the amount needed, not exceeding 85% of the amount of money which will accrue to the school district during the fiscal year.

WHEREAS, the Pajaro Valley Unified School District has requested temporary cash loan financing periodically during the year, in the amounts of \$9,000,000 to cover operating expenses for the 2012/13 fiscal year; and

WHEREAS, the Pajaro Valley Unified School District will receive funding during the course of the 2012/13 fiscal year from both the state and local property tax sources, and will rely on those funds to repay temporary cash borrowing if any;

Now, therefore, be it resolved, the Board of Education of the Pajaro Valley Unified School District requests temporary cash flow transfers as needed during the 2012/13 fiscal year to cover the district's current expenses of maintenance of the district, to be repaid by way of a transfer made by the County Treasurer of any monies accruing to the district before any other obligation of the district is paid from those monies.

Be it further resolved, that the loan or loans shall be subject to interest at the pooled treasury rate.

Passed and adopted by the Board of Trustees of the Pajaro Valley Unified School District, County of Santa Cruz, State of California, this ninth day of May, 2012, by the following vote:

Ayes: _____

Noes: _____

Abstain: _____

Absent: _____

Attest: _____

Secretary to the Board of Trustees

President, Board of Trustees

PAJARO VALLEY UNIFIED SCHOOL DISTRICT



Board Agenda Backup

Item No: 11.3

Date: May 9, 2012

Item: Resolution #11-12-26, Declaring May 9, 2012 as Day of the Teacher

Overview: The attached resolution highlights a few of the reasons educators of Pajaro Valley Unified School District merit recognition and appreciation during Day of the Teacher.

PVUSD believes the contribution of teachers is crucial and values the great work and positive impact that teachers have on the lives of the students of the Pajaro Valley Unified School

Recommendation: Approve resolution #11-12-26

Prepared By: Albert Roman, Assistant Superintendent

Superintendent's Signature: DORMA B. L.



PAJARO VALLEY UNIFIED SCHOOL DISTRICT

District Resolution No. 11-12-26

On the motion of :

Duly seconded by:

Resolution Declaring May 9th 2012 as Day of the Teacher

WHEREAS, the contribution of teachers is crucial in the lives of the students of Pajaro Valley Unified School District; and

WHEREAS, the economic, political and cultural well-being of this nation is enriched through public education and its teachers; and

WHEREAS, the Pajaro Valley Unified School District has over 1,300 certificated employees; and

WHEREAS, the Board of Trustees and citizens of the Pajaro Valley Unified School District are gratified by the dedicated, hard work of our teachers; and

NOW, THEREFORE BE IT RESOLVED that the Pajaro Valley Unified School District salutes its teachers and declares May 9, 2012, Day of the Teacher;

AND BE IT FURTHER RESOLVED, that the Board of Trustees of the Pajaro Valley Unified School District urges students, parents, and community members to take measures to give special meaning to this significant celebration.

PASSED AND ADOPTED this 9th day of May, 2012, by the Governing Board of Pajaro Valley Unified School District, County of Santa Cruz, State of California, by the following vote:

AYES:

NOES:

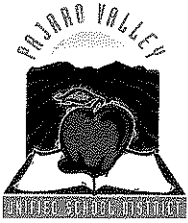
ABSENT:

The foregoing resolution is hereby adopted.

Leslie L. DeRose, Board President

Dorma Baker, Superintendent

PAJARO VALLEY UNIFIED SCHOOL DISTRICT



Board Agenda Backup

Item No: 11.4

Date:	May 9, 2012
Item:	Resolution #11-12-27, Declaring May 20 – 26, 2012 as Classified Employees Week
Overview:	This resolution highlights the importance of recognizing classified employees of Pajaro Valley Unified School District and their valuable work. PVUSD believes the contribution of classified employees is crucial and values the great work and positive impact they have on the lives of the students of our community.
Recommendation:	Approve resolution #11-12-27.

Prepared By: Dorma Baker, Superintendent

Superintendent's Signature: Dorma Baker



PAJARO VALLEY UNIFIED SCHOOL DISTRICT

District Resolution No.: 11-12-27
On the motion of:
Duly seconded by:

Resolution Declaring May 20 -26, 2012 as Classified Employees Week

WHEREAS, the classified employees of the District support a positive instructional environment in a variety of ways each day; and

WHEREAS, the contributions of classified staff are invaluable to the PVUSD;

WHEREAS, almost half of the employees of the Pajaro Valley Unified School District are classified workers;

WHEREAS, the PVUSD has almost 1,000 dedicated and hard working classified employees;

NOW, THEREFORE BE IT RESOLVED that the Pajaro Valley Unified School District salutes its classified employees and declares May 20 - 26, 2012 as Classified Employees Week.

AND BE IT FURTHER RESOLVED, that the Board of Trustees of the Pajaro Valley Unified School District urges students, parents, and community members to take measures to give special meaning to this significant celebration.

PASSED AND ADOPTED this 9th day of May, 2012, by the Governing Board of Pajaro Valley Unified School District, County of Santa Cruz, State of California, by the following vote:

AYES:

NOES:

ABSENT:

The foregoing resolution is hereby adopted.

Leslie L. DeRose, Board President

Dorma Baker, Superintendent



PAJARO VALLEY UNIFIED SCHOOL DISTRICT



Board Agenda Backup

Item No: 11.5

Date: May 9, 2012

Item: **Approval of Resolution #11-12-25, declaring district membership in the PIPS Joint Powers Authority for Workers Compensation**

Overview: Staff is recommending board approval of a resolution directing the district to join the Protected Insurance Program for Schools Joint Powers Authority (PIPS JPA). The district would no longer operate a self funded system for the administration of its workers compensation program. There would be no change to employee benefits in this area. The proposal would result in significant fiscal savings to the district's worker compensation fund. In addition, the PIPS program would result in a substantial increase in overall customer service and safety prevention services to district staff.

BACKGROUND

District staff conducted an analysis of various JPA and self funded models for the administration of a workers compensation program. Analysis indicated that the PIPS JPA provided the most optimal level of services to employees, a seamless transition, out-year liability protection, and substantial cost savings. The following is a comparison of the PIPS program to that of the district's current self-funded model:

Protected Insurance Program for Schools JPA

- ✓ PIPS funds at a 99 percent confidence level
- ✓ Largest workers' compensation program for schools in the United States.
- ✓ 420 of the state's 1,105 districts and COEs belong
- ✓ Exclusive membership - Only includes California school districts, COEs, and community colleges
- ✓ First dollar coverage, there is no district self-insured retention layer
- ✓ Rate includes 7 years of claims administration of claims
- ✓ Fully intergraded loss control services
- ✓ Work Comp Analysts services – part of membership
- ✓ On-line trainings
- ✓ *UltraClaims* Online reporting
- ✓ Monthly payment plan

Pajaro Valley USD's current self-funded model

- \$500,000 self-insured retention
- 30 percent exposure rate - annual funding will not be adequate to cover long-term claims
- Annual on-going claims administration
- District has to fund loss control services directly
- Significant legal costs, \$346,944 per year average for the past three years
- Continual growth in open claim reserve liability - The district has been self-insured since July 1, 2002:
 - According to the 2010 PVUSD actuarial study, the projected liability for unpaid losses as of June 30, 2010 using the non-discounted 80% confidence level is \$10,889,000. This represents nine years of being self-insured.

2010-2011 estimated funding comparison

Based on the Bay Actuarial Report dated 4/29/10, at a 70 percent confidence level, the district would be funding at; \$1.82, plus claims administration of .31 plus excess insurance (SAWCX II) of .1551 and .04 for loss control services for a total funding rate of \$2.325

2011/12 district self-funded rate @ 2.325	\$2,412,673
2011/12 PIPS rate @ \$2.10	<u>\$2,179,188</u>
Difference	\$ 233,485

PVUSD average legal expense (3yrs)	\$ 346,944
------------------------------------	------------

Total annual estimated savings	\$ 580,429
---------------------------------------	-------------------

(District rate calculated on an annual payroll of \$103,770,898 for 2011-12)

Legal expenses are included as part of the claim costs within PIPS. As a result, the district will not incur additional legal expenses. The estimated 70 percent self-funded rate is only an estimate; there is a 30 percent probability that the total claim costs for the district's program year will exceed the estimated cost versus PIPS which is funded at 99 percent.

PIPS rate history

2003-04	\$2.54
2004-05	\$2.82
2005-06	\$2.74
2006-07	\$2.46
2007-08	\$2.22
2008-09	\$2.10
2009-10	\$2.18
2010-11	\$2.08
2011-12	\$2.19

Rates listed above represent the composite rates for the PIPS JPA since the program's inception. An individual district amount (called an ex-mod factor) is determined annually for each member within PIPS. This ex-mod is then applied to the composite rate to determine individual member rates.

As demonstrated above, the PIPS annual funding rates have remained stable since inception in 2002/03. The size of the PIPS program (over \$9 billion in payroll) provides this stability. Furthermore, had the district been in PIPS since the program's inception, it would not have had any projected liability for unpaid losses for those years. This is because the PIPS program provides first dollar coverage. The district self-funded model does not. Finally, the PIPS program has developed over \$25 million in equity since inception, further protecting members from high cost claims.

There are only a handful of districts in the state that individually self-insure their workers compensation coverage today. Staff analysis found less than two dozen still in existence. The vast majority of California school districts participate in workers comp JPA programs. PIPS is the largest such program in California and the nation with 420 school districts, COEs, and community colleges participating.

Transition

The transition from the current self-insured structure to PIPS will be essentially seamless. Operationally, employees and district staff will see little to no change. The claim process will remain the same with claims being handled by the current processing office in San Jose, CA. The district will continue receiving claims analysis and input services that Keenan Associates is currently providing – but at no additional cost.

There will be no change to district staffing. The Workers Comp Coordinator position will remain in the Human Resources Department. The department will continue to oversee program administration, coordinate employee and program safety/prevention trainings, and facilitate employee claims.

Current and past claims will continue to be administered per the district's current program. Reserves from the district's worker compensation program fund will be used to administer and pay current claims. However, the district will no longer incur legal fees as the PIPS program will subsume these costs and services on the district's behalf. This will result in additional savings to the district over the life of existing claims.

As a member of PIPS, the district will receive PIPS loss control services which are focused on reducing common worker compensation losses on a statewide basis. The district will receive full access to all in-person and on-line trainings provided by PIPS staff at no additional cost. The district must currently incur additional costs to receive these services from outside entities.

District service team

One of the largest advantages, aside from cost savings, is the use of a dedicated service team. PIPS will, within the proposed contract, provide onsite experts for loss control, account management and claims analyst functions to the district. The district current pays extra for these services.

The service team provides support within the district for many services that are more difficult to accomplish within because of staffing reductions. The loss control consultant will perform ergonomic evaluations, research any facility issues when a claim is filed and conduct trainings for district staff. The claims analyst is a conduit between claims staff, district personnel and medical providers. This allows the district to get additional information when return to work slips are ambiguous or a doctor is putting an employee off work 2-weeks at a time, rather than giving the employer a real estimate of time away from work. Nurse case-managers are also an advantage within PIPS. They are assigned to claims when necessary at no additional cost.

Summary

The transition to PIPS will result in significant savings for the district and will eliminate the long-term financial risks involved with traditional self-insured programs. Workers compensation claim liabilities continue to grow annually. PIPS will provide the program structure that will allow the district to transfer this exposure away from the district's budget.

Recommendation: Approve Resolution #11-12-25, authorizing the district to join the PIPS JPA effective July 1, 2012.

Prepared By: Brett W. McFadden, Chief Business Officer

Superintendent's Signature: Dorm Bal

**Resolution #11-12-25 of the Board of Directors of the
Pajaro Valley Unified School District**

**Declaring Membership in the
Protected Insurance Program for Schools JPA (PIPS)**

WHEREAS, California school and college districts have determined there is a need for affordable workers' compensation coverage by combining their respective efforts to establish, operate and maintain a Joint Power Agency for workers' compensation coverages; and

WHEREAS, Title I, Division 7, Chapter 5, Article I (Section 6500 et seq.) of the Government Code of the State of California authorizes joint exercise by two or more public agencies of any power common to them,

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Pajaro Valley Unified School District declares its membership in the Protected Insurance Program for Schools JPA and instructs its duly authorized agent to execute on behalf of Pajaro Valley Unified School District the attached Joint Powers Agreement appoints Brett McFadden, CBO as its official representatives to the Protected Insurance Program for Schools JPA.

PASSED AND ADOPTED May 12, 2012, by the following vote:

AYES:

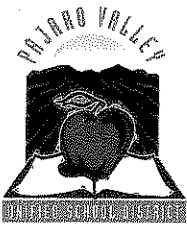
NOES:

ABSENT:

STATE OF CALIFORNIA
COUNTY OF SANTA CRUZ

I, Dorma Baker, Secretary of Governing Board, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the Governing Board at a regularly called and conducted meeting held on said date.

Secretary of Governing Board



Board Agenda Backup

Item No: 11.6

Date: May 9, 2012

Item: Consideration and Approval of Resolution to Eliminate Particular Kinds of Services and Decision Not to Reemploy Certificated Employees for the 2012-13 School Year.
RESOLUTION #:11-12-28

Overview: On February 8, and February 22, 2012, it was necessary for the Board of Trustees of the Pajaro Valley Unified School District to adopt Resolution No's 11-12-10 and 11-12-19 to decrease certificated employees pursuant Education Code Sections 44949 and 44955 due to a reduction in particular kinds of services.

Notices of non-reemployment were properly served to certificated employees listed on Exhibit "B," attached hereto, and incorporated herein by reference, on or before March 15, 2012.

It has been determined that up to 87.28 full-time equivalent services of the District be reduced and an equivalent number of certificated employees shall be laid off for the ensuing 2012-2013 school year.

Recommendation: It is recommended that the Board of Education approve the Resolution regarding non-reemployment of certificated employees for the 2012-2013 school year.

Budget N/A
Considerations

Funding Source: N/A

Budgeted: N/A

Amount: N/A

Prepared by: Dr. Albert J. Roman, Assistant Superintendent, Human Resources

Superintendent Signature: 

PAJARO VALLEY UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 11-12-28

FINAL ACTION TO ELIMINATE PARTICULAR KINDS OF SERVICES
AND NOT TO REEMPLOY CERTIFICATED EMPLOYEES
FOR THE 2012-2013 SCHOOL YEAR

WHEREAS, on February 8, 2012 the Governing Board adopted Resolution 11-12-10 and on February 22, 2012 the Governing Board adopted Resolution 11-12-19 (“Resolutions”), attached hereto collectively as Exhibit A, to eliminate 87.28 total full time equivalent (“FTE”) of the services identified in the Resolutions effective with the 2012-13 school year;

WHEREAS, the Superintendent, or Superintendent’s designee, duly and properly served notice on the affected certificated employees on or before March 15, 2012 indicating that the Governing Board did not intend to reemploy these employees to the extent indicated in the Resolutions for the 2012-2013 school year;

WHEREAS, the certificated employees listed in Exhibit B were informed of their right to request a hearing and that failure to do so in writing would constitute a waiver of their right to a hearing;

WHEREAS, the certificated employees listed in Exhibit B requested a hearing;

WHEREAS, on or about April 20, 2012, the certificated employees listed in Exhibit B entered into a Settlement and Compromise Agreement in which they waived their right to a hearing. The Settlement and Compromise Agreement is attached as Exhibit C;

WHEREAS, the Governing Board has duly considered whether to terminate the services of the certificated employees listed in Exhibit B and determined that the services of these employees will be eliminated to the extent indicated in Exhibits A and C;

WHEREAS, the Governing Board hereby finds sufficient cause for not reemploying the certificated employees listed in Exhibit B to the extent indicated in

Exhibits A and C and pursuant to the Settlement and Compromise Agreement and finds that the decision not to reemploy these employees relates to the welfare of the schools of the District and the pupils thereof; and

WHEREAS, pursuant to Education Code sections 44949 and 44955, final notice may be delivered to the affected employees, notifying them that they will not be reemployed for the 2012-2013 school year.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that 87.28 FTE of particular kinds of services be eliminated commencing with the 2012-13 school year as outlined in Exhibit A and adopted by the Governing Board on February 8 and 22, 2012, respectively. The Superintendent or her designee is authorized to take all actions necessary to implement this Resolution.

Duly and regularly adopted this 9th day of May, 2012 by the following vote:

AYES:	_____
NOES:	_____
ABSENT:	_____
ABSTENTION:	_____

Dorma Baker, Board Secretary

EXHIBIT A

[PKS Resolutions 11-12-10 and 11-12-19]

BEFORE THE BOARD OF TRUSTEES OF THE
PAJARO VALLEY UNIFIED SCHOOL DISTRICT
SANTA CRUZ COUNTY, CALIFORNIA

IN THE MATTER OF:
REDUCTION OR DISCONTINUATION OF
PARTICULAR KINDS OF SERVICES

RESOLUTION NO. 11-12-10
RESOLUTION FOR THE REDUCTION OR
DISCONTINUATION OF PARTICULAR KINDS
OF SERVICES AND LAYOFF OF CERTIFICATED
EMPLOYEES

WHEREAS, the Superintendent has recommended that the Governing Board adopt a resolution to reduce or discontinue particular kinds of services, listed on the attached Exhibit "A", for the 2012-13 year;

WHEREAS, the Governing Board of the District has determined that it should adopt all of the Superintendent's recommendations;

WHEREAS, it shall be necessary to terminate at the end of the 2011-2012 school year the employment of certain certificated employees of the District as a result of this reduction or discontinuance in particular kinds of services;

WHEREAS, Education Code section 44955, subdivision (b), states that an employee who is "competent" to render a service must be retained in favor of an employee with less seniority, but does not define "competent;"

NOW, THEREFORE, BE IT RESOLVED that the reduction or discontinuation of the particular kinds of services of the District as itemized in Exhibit "A" take effect on midnight of June 30, 2012;

BE IT FURTHER RESOLVED that the Superintendent or his/her designee is directed to send appropriate notices to all employees whose services may be terminated by virtue of this action and to take any other actions necessary to consummate the purposes of this resolution. 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;

BE IT FURTHER RESOLVED that an employee shall be considered "competent" to render services if he or she retains the necessary credential, has taught the subject matter or otherwise rendered the particular service for one full year within the past 10 years, and is Highly Qualified under NCLB.

Adopted by the Governing Board of the Pajaro Valley Unified School District this 8th day of February, 2012.

AYES: 4 (DeRose, Denner, Keegan, Ursino)

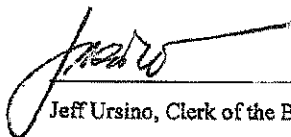
NOES: 2 (Nichols, Osmundson)

ABSENT: 1 (Yahiro)

ABSTAIN: 0

I, Jeff Ursino, Clerk of the Board of Trustees of the Pajaro Valley Unified School District, HEREBY CERTIFY that the foregoing Resolution was duly introduced, passed and adopted by the Governing Board at a meeting thereof held on the 8th day of February, 2012 by the votes indicated above.

IN WITNESS THEREOF, I have hereto set my hand this 8th day of February, 2012.



Jeff Ursino, Clerk of the Board of Trustees

EXHIBIT A

**Pajaro Valley Unified School District
Certificated Personnel
February 8, 2012
Resolution # 11-12-10**

To: Governing Board

From: Dr. Albert J. Roman, Assistant Superintendent

RE: Recommended Reductions for Discontinuation of Particular Kinds of Services

It is the recommendation of the District staff that the Board adopt a resolution to reduce or discontinue the particular kinds of services, listed below, effective June 30, 2012.

Position	FTE
1 Reading Intervention	3.56
2 K-3 Intervention	21.20
3 ELD/English	0.50
4 WASC Extra Period	0.34
5 Technology Support Teacher	0.10
6 Content Area Teacher	1.50
7 Science/ELD	1.00
8 ELD/ELS	0.50
9 Teacher on Special Assignment Science	1.00
10 Second Grade Teacher	2.00
11 Fifth Grade Teacher	1.00
12 Cotsen Mentor	2.00
13 First/Second Combo	1.00
14 Sixth Grade Math/Science	1.00
15 English	0.17
16 US History/Writing/English	0.17
17 Kinder Teacher (WCSA)	1.00
18 Science	0.71
19 Math	0.17
20 English	0.51
21 Arts	0.17
22 Multiple Subject Middle School Teachers (QEIA)	14.00
23 Multiple Subject Elementary School Teachers (QEIA)	24.00
24 PE Release Time	0.10
TOTAL FTE	77.70

BEFORE THE BOARD OF TRUSTEES OF THE
PAJARO VALLEY UNIFIED SCHOOL DISTRICT
SANTA CRUZ COUNTY, CALIFORNIA

IN THE MATTER OF:
REDUCTION OR DISCONTINUATION OF
PARTICULAR KINDS OF SERVICES

RESOLUTION NO. 11-12-19
RESOLUTION FOR THE REDUCTION OR
DISCONTINUATION OF PARTICULAR KINDS
OF SERVICES AND LAYOFF OF CERTIFICATED
EMPLOYEES

WHEREAS, the Superintendent has recommended that the Governing Board adopt a resolution to reduce or discontinue particular kinds of services, listed on the attached Exhibit "A", for the 2012-13 year;

WHEREAS, the Governing Board of the District has determined that it should adopt all of the Superintendent's recommendations;

WHEREAS, it shall be necessary to terminate at the end of the 2011-2012 school year the employment of certain certificated employees of the District as a result of this reduction or discontinuance in particular kinds of services;

WHEREAS, Education Code section 44955, subdivision (b), states that an employee who is "competent" to render a service must be retained in favor of an employee with less seniority, but does not define "competent;"

NOW, THEREFORE, BE IT RESOLVED that the reduction or discontinuation of the particular kinds of services of the District as itemized in Exhibit "A" take effect on midnight of June 30, 2012;

BE IT FURTHER RESOLVED that the Superintendent or his/her designee is directed to send appropriate notices to all employees whose services may be terminated by virtue of this action and to take any other actions necessary to consummate the purposes of this resolution. 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;

BE IT FURTHER RESOLVED that an employee shall be considered "competent" to render services if he or she retains the necessary credential, has taught the subject matter or otherwise rendered the particular service for one full year within the past 10 years, and is Highly Qualified under NCLB.

Adopted by the Governing Board of the Pajaro Valley Unified School District this 22nd day of February, 2012.

AYES: 4

NOES: 0

ABSENT: 0

ABSTAIN: 0

I, Jeff Ursino, Clerk of the Board of Trustees of the Pajaro Valley Unified School District, HEREBY CERTIFY that the foregoing Resolution was duly introduced, passed and adopted by the Governing Board at a meeting thereof held on the 22nd day of February, 2012 by the votes indicated above.

IN WITNESS THEREOF, I have hereto set my hand this 22nd day of February, 2012.



Jeff Ursino, Clerk of the Board of Trustees

EXHIBIT A

**Pajaro Valley Unified School District
Certificated Personnel
February 22, 2012
Resolution # 11-12-19**

To: Governing Board

From: Dr. Albert J. Roman, Assistant Superintendent

RE: Recommended Reductions for Discontinuation of Particular Kinds of Services

It is the recommendation of the District staff that the Board adopt a resolution to reduce or discontinue the particular kinds of services, listed below, effective June 30, 2012.

Position	FTE
1 Middle School Multiple Subject Teacher	2.00
2 English Teacher	0.50
3 Life Science Teacher	0.17
4 Foundational Math Teacher	0.17
5 English Teacher	0.34
6 Home Economics Teacher	0.34
7 Physical Education	0.51
8 Child Development Teacher	4.00
9 Child Development Assistant Teacher	2.25

TOTAL FTE 10.28

EXHIBIT B
[List of Respondents]

REQUEST FOR HEARING

LAST	FIRST	Letter Type
ABTAHI	ATTOSA	Layoff
ANDERSON	SARAH	Layoff
ANDRADE	DENISE	Layoff
BALTAZAR	WENDY	Layoff
BAN	MIRIAM	Layoff
BENDER	JESSICA	Layoff
BERLA	LILLIAN	Layoff
BIRCHLER	LARA	Layoff
BIVINS	LORI	Layoff
BLANKENSHIP	RANDALL	Layoff
CAMACHO	KIMBERLY	Layoff
CASTRO	CYNTHIA	Layoff
CATON	KRISTIANA	Layoff
CORBIN	SARAH	Layoff
DELIBERT	MICHELE	Layoff
DENNIS	MELISSA	Layoff
DHESI	MANJIT	Layoff
DIAZ	KATHY	Layoff
DIAZ	NATALY	Layoff
DICKINSON	JULIANNE	Layoff
EBERT	BARBARA	Layoff
ERIK	JOHNSON, ERIK	Layoff
FELTON	MIRANDA	Layoff
FERNANDEZ	MARIA	Layoff
FIGUEROA AVILA	JAIRA	Layoff
FRIEDMAN	EMILY	Layoff
FURUYAMA	SABRINA	Layoff
GALLOWAY	CATRINA	Layoff
GONZALES	SARA	Layoff
GREGORIO	JOSEPH	Layoff

REQUEST FOR HEARING

LAST	FIRST	Letter Type
GROARK	KATHERINE	Layoff
GUILLEN	ELENA	Layoff
GUTIERREZ JR	MARTIN	Layoff
HAKE	BENJAMIN	Layoff
HAUGHEY	MEADOW	Layoff
HEWITT	ERIN	Layoff
HOFFMAN	ROBERT	Layoff
JACOBS	ELISE	Layoff
JONES	RYAN	Layoff
KAUO	DEBORAH	Layoff
KEMSLEY	SHANA	Layoff
KENNETH	JANKE, KENNETH	Layoff
KENSINGER	STACEY	Layoff
KIMBALL	TAURA	Layoff
LEAHY	ALAYNE	Layoff
LEGORRETA	ERIN	Layoff
LEIGHTON	LANNY	Layoff
LONA	ROSA	Layoff
MADSEN	TANYA	Layoff
MANIER	JENNIFER	Layoff
MANLEY	LIZA	Layoff
MATIS	BLAINE	Layoff
MCKEE	CHARMAYNE	Layoff
MCKENNA	MOLLY	Layoff
MCMILLAN	PATRICK	Layoff
MENSINGER	MARION	Layoff
MYERS	RAYMOND	Layoff
NINO	JULIE	Layoff
PEARMAN	JASON	Layoff
PHIPPS-CRAIG	DENISE	Layoff

REQUEST FOR HEARING

LAST	FIRST	Letter Type
PONCE	SONIA	Layoff
PREUDHOMME SILVER	MELISA	Layoff
RAMIREZ	DENIS	Layoff
RAYGOZA	ALEJANDRA	Layoff
REED	MONICA	Layoff
ROYER	KATE	Layoff
RUDOLPH	SHAUN	Layoff
SAMPSON	DIANE	Layoff
SUMMERS WINTERBURN	SARA	Layoff
SYLVIA	QUALLS, SYLVIA	Layoff
TERRY	KATHLEEN	Layoff
TORRES PALOMAREZ	OCTAVIO	Layoff
TOUMEY	JAMES	Layoff
VALENTINE	CHRISTINA	Layoff
VIVO	ANTONIO	Layoff
WILKINSON	JOAN	Layoff
WILLHITE	JULIE	Layoff
WOODHOUSE	LISA	Layoff
WOODS	JESSICA	Layoff
ZORR	JASON	Layoff
ARNOW	LAURA	Precautionary Layoff
BALLI	ANDREA	Precautionary Layoff
BEAR	JENNIFER	Precautionary Layoff
BELLUE	HEATHER	Precautionary Layoff
BERRY	KATHLYN	Precautionary Layoff
CHRISTENSEN	BRENDA	Precautionary Layoff
CID-CASTRO	MARIA	Precautionary Layoff
CONLEY	CONNIE	Precautionary Layoff
CYR	JENNY	Precautionary Layoff
DIGRAZIA	CHERYL	Precautionary Layoff

REQUEST FOR HEARING

LAST	FIRST	Letter Type
DUARTE	MARISOL	Precautionary Layoff
FINKEL	ASHA	Precautionary Layoff
FORSYTH	HEATHER	Precautionary Layoff
FOUNTAIN	KATHERINE	Precautionary Layoff
FULLER	SHAWNA	Precautionary Layoff
GARCIA-BARRANCO	MONICA	Precautionary Layoff
HOOD	ZACHARY	Precautionary Layoff
ISLAS	JANETTE	Precautionary Layoff
KEARNEY	LORI	Precautionary Layoff
KEYLOCK	VALERIE	Precautionary Layoff
LINTON	MATTHEW	Precautionary Layoff
LOCATELLI	NANCY	Precautionary Layoff
MALLORY RECKERS	DANA	Precautionary Layoff
MANOR	CHRISTA	Precautionary Layoff
MANRIQUEZ	KAREN	Precautionary Layoff
MARINEZ LOPEZ	BLANCA	Precautionary Layoff
MENDOZA	KRISTY	Precautionary Layoff
MILBURN	REBECCA	Precautionary Layoff
MILLER	KATHRYN	Precautionary Layoff
MORA	BENJAMIN	Precautionary Layoff
OSBORN	REBEKAH	Precautionary Layoff
PAPPANASTOS	ANASTASIA	Precautionary Layoff
PELK	LINDA	Precautionary Layoff
PENA	GLORIA	Precautionary Layoff
RAMIREZ	CHARMAINE	Precautionary Layoff
RAMIREZ II	RAFAEL	Precautionary Layoff
REED	KAREN	Precautionary Layoff
RIOS METCALF	MAGDALENA	Precautionary Layoff
ROGERS	LYNNE	Precautionary Layoff
SAULLO	NOEL	Precautionary Layoff

REQUEST FOR HEARING

LAST	FIRST	Letter Type
SOETAERT	TUESDAY	Precautionary Layoff
SORENSEN	SOFIA	Precautionary Layoff
TILLEY	BRIDGET	Precautionary Layoff
TUCKER	TANJA	Precautionary Layoff
WALLACE	KIMBERLY	Precautionary Layoff
WARD-MCCHESNEY	NANCY	Precautionary Layoff

EXHIBIT C

[Settlement and Compromise Agreement]

SETTLEMENT AND COMPROMISE AGREEMENT**April 20, 2012**

The Pajaro Valley Unified School District ("District") and the Pajaro Valley Federation of Teachers ("PVFT"), hereinafter referred to jointly as "the Parties," agree to resolve the Spring 2012 lay off of certificated employees represented by PVFT on the following terms and conditions:

1. **Authorization to Layoff.** The District may lay off up to 87.28 FTE of certificated employees in the K-12 and Early Childhood program. No employee shall be laid off in excess of the FTE reduction allowed by Board Resolution Nos. 11-12-10 (77 FTE) and 11-12-19 (10.28 FTE), except as a result of "bumping" as permitted under the Education Code.
2. **Contracting out.** The District shall not contract out bargaining unit work that was previously performed by certificated employees who are being laid off for the 2012-13 school year, or who remain on the layoff list from the 2011-2012 layoffs, without completing negotiations on the issue with PVFT. If the bargaining unit members laid off are not qualified or competent to provide the service or members who are qualified and competent refuse to provide the service, the District may advertise such positions previously performed by unit members.
3. **Transfer of Unit Work Out of the Bargaining Unit.** The District shall not transfer the primary duties performed by certificated employees in the bargaining unit, including employees laid off, to management, supervisory or confidential personnel, to classified employees, or any other non-bargaining unit personnel. No non-unit positions shall be created to perform work previously performed by laid-off certificated employees without completing negotiations with PVFT on the issue.
4. **Fully Credentialed.** Following their layoff, certificated employees with preliminary or clear credentials (hereinafter referred to as "fully credentialed") shall be re-employed in vacant positions for which they are certificated and competent to serve based on seniority in the District and in advance of certificated employees who are not fully credentialed and competent to serve.
5. **Seniority Dates and Non-Precedential.** The seniority dates set forth on the attached seniority list shall be deemed correct for purposes of the layoff of employees noticed for layoff herein and in the bargaining unit represented by the PVFT, who are laid off on or before May 15, 2012, and the re-employment rights of any such employees, except for the ECE employees. This seniority list is Attachment 1. The use of this list shall not be precedential for any subsequent layoff proceedings, or re-employments thereto.

The Parties shall review and correct seniority dates, as necessary, for ECE employees before subsequent layoff notices, if any, are issued.

6. Preferences for Displaced Certificated Employees.

For the 2012-2013 school year only, preferences for Displaced Certificated Employees:

This process applies to displaced certificated employees, who shall have priority over all employees requesting a transfer to vacant positions. A "displaced certificated employee" ("displaced employee") is one whose position in the 2011-12 year has been eliminated for the 2012-2013 year by the District and is being reassigned and not laid off, but due to seniority, is being retained while a more junior employee is being laid off.

- a. The District shall post a *list of vacant positions* where notices are ordinarily posted, by an agreed-upon date so that it is available for review by displaced employees. The list shall be amended as vacancies arise. The list shall be prominently displayed. No vacant position shall be filled unless and until the process set forth here is followed. In addition, the District shall post copies of the *seniority list*, and shall make such corrections to erroneous information as it determines exist, and post corrected lists.
- b. After displaced employees have been afforded 48 hours to review the list(s) of vacant positions, they shall be allowed to specify in writing, in a manner to be agreed upon by the District and the Federation, which site(s) and/or grade levels each prefers to accept for reassignment.
- c. Displaced employees with the highest seniority in accordance with district-wide seniority shall be offered assignment to vacant positions at the employee's site in 2011-2012, in which the employee is certificated and competent. Next, the most senior displaced employee shall be offered the vacancy s/he has identified as his/her top choice. If more than one employee has identified the same grade level/site, the position shall be offered to the most senior displaced employee. If there are no identified vacant positions on the employee's preference list, the employee(s) shall be afforded an opportunity to select from among the remaining assignments, again in district-seniority order.

7. Preferences for Laid Off Certificated Employees. Each laid off certificated employee shall indicate in writing to the District, in a manner to be agreed upon by the District and the Federation, which site(s) and/or grade levels s/he prefers to accept for recall from layoff. As positions become vacant, they shall be offered to employees in

order of seniority, and, to the extent practicable, the District will attempt to satisfy employees based upon their indicated preferences. Unless the employee accepts the offered position within 48 hours, the offer shall be rescinded as to that position and the employee shall have no entitlement to the position offered. Employees who reject an offer shall still retain any recall rights under the Education Code. If the employee accepts a full time position under contract with another school district, s/he shall notify Human Resources and shall be removed from the re-employment list for that year. In the event the employee becomes unemployed in the course of the year, s/he upon written notice to the District shall be placed on the re-employment list in order of seniority.

8. **Integration of Employees Laid Off in Prior Years.** Certificated and competent employees who are on a re-employment list from a prior layoff and the employees being laid off in this proceeding, except those whose re-employment rights have expired, shall be merged onto a single list and the employees shall be given preference based on (1) an employee's classification among all those laid off in this layoff (i.e. permanent employees have rights over probationary employees, and probationary first and second year employees have rights over employees classified as probationary zero), and seniority for permanent employees is based on one's first date of paid service in a probationary position; (2) among first and second year probationary employees, seniority is based on one's first date of paid service in fully credentialed probationary position; and, (3) for probationary zero employees seniority is based on one's first date of paid service in a probationary position.

Any laid off probationary or permanent employee, if rehired in a non-temporary or categorically funded position, shall be employed as a probationary or permanent as the case may be.

The District shall publish a list to provide to the PVFT, including the names of all employees who have current rehire rights, and when such rights expire. The Parties shall meet and confer over the list, in the event there are disputes as to those listed, and when rehire rights expire.

9. **Job Swapping.** Contingent upon written approval by the District in any given case, unit members affected by the layoff shall be entitled to work out with other unit members a job swap, under which certificated employees "trade" assignments. Said swap must occur, absent special circumstances, no later than two weeks prior to the first day of instruction.
10. **Procedure between PVFT and the District to fill vacancies from displacement, transfer and recall/rehire.** In order to minimize or prevent disputes over recall or

filling of vacancies, the District shall, by email, contact the PVFT President and/or his designees, once it has a *list of vacancies*, on or about May 2, 2012, to consult and confer on this process. The Parties understand that filling vacancies, and recall/rehire efforts, may require multiple meetings.

Accordingly, the Parties agree to schedule such meetings together, so as to consult and confer until the process is concluded, as follows:

- a. During the week of, May 7-11, 2012, the District will place displaced teachers in vacant positions using a process agreed upon by PVFT.
- b. Between May 14-25, 2012, the District will complete the transfer request process.
- c. On May 29, 2012, the Parties shall meet to review and discuss the list of eligible rehires and vacancies, the announcement for vacant positions, a timeline to fill vacant positions, and job swapping requests.

The Parties shall make every effort to place teachers with rehire rights in vacant positions by June 8, 2012, the last day of the school year.

11. Procedure between PVFT and the District to fill vacant positions, after June 8, 2012. The District shall, by email, contact the PVFT President and/or his designee, prior to recalling an employee or otherwise filling a vacancy. If the PVFT representative does not communicate with the District within 48 hours of the District's contact, the District shall proceed to recall a laid off employee or fill the position. When less than 48 hours is important for the particular position, the District shall so indicate in its initial communication and if no response is received, the district may proceed to fill the position. However, failure of PVFT to confer or communicate within the specified time shall not relieve the District of its obligations under the Education Code to offer reinstatement to those laid off employees with the seniority, credentialing and competencies to fill a position. This provision for communication between the parties shall be in addition to any other agreements reached between the parties in regard to communication over implementation of this agreement, and shall not supercede PVFT's rights to information under the EERA.

The District shall also provide the PVFT with a weekly list of vacancies and who filled such vacancies, including their contact information, beginning June 11, 2012.

The Parties may also meet, once weekly, to discuss vacancies and eligible rehires who may fill such vacancies.

12. *Non-issuance of May 15 Layoff Notices.* Based on the District having established a need for employees with a BCLAD authorization to fill certain needed positions, the District shall not lay off (i.e. issue a May 15 notice) all noticed certificated employees who possess a BCLAD authorization regardless of credential, *provided the employee's assignment for the 2012-2013 school year requires a certificated employee who possesses a BCLAD authorization.*
13. *Recall from Layoff.* Any District employee possessing a BCLAD who is laid off because vacancies are not available or known as of May 15, 2012, shall be recalled to vacant positions requiring a BCLAD which subsequently become available.
14. *Application of Tie-Breaking Criteria.* In applying the tie-breaking criteria in Resolution No. 11-12-14 for layoff or re-employment of 2012-2013 laid off employees, criterion # 1 shall be applied first to break any seniority date ties among employees. If criterion #1 does not break all ties needed for implementation of layoff or recall, then criterion # 2 shall be used. The term "equivalent," as used in criterion # 2, shall mean all generally accepted equivalencies. If criterion # 2 is insufficient to break all remaining ties, then criteria 3, 4, 5, 6 and 7 shall be utilized in the same descending order (i.e. #3, followed by #4, etc.). For purposes of this layoff, all time served as a full-time employee shall be aggregated for purposes of calculating service in criteria 6 and 7. Part-time service shall be aggregated and converted to full-time service.

An additional tie-breaking criterion as to employees with the same seniority date shall be one point for each grade level taught by a multiple subject credentialed teacher being considered for re-employment in a position requiring a multiple subject credential.
15. Article XIV, Paragraph C, No. 5 shall be amended for the current school year only, to provide: "Continuing employees shall receive written notification of their grade level and/or subjects assignment and school assignment on or about June 15, 2012, except where good cause exists, such as late resignations, retirements, new projects, or unexpected program changes.
16. The Parties agree that the employees listed in Attachment 2, Temporary/Categorical Precautionary Layoffs, were properly released as temporary employees.
17. The following temporary employees have rehire rights under a prior layoff agreement that will expire on June 30, 2012: Kristen Phillips Matson, Selco Ruiz, and Jordan Sugarik. For these employees only, the District will grant rehire rights through June 30, 2013. The parties agree that these employees will be placed on the reemployment list after those on the reemployment list referred to in #8 above.

18. The District and PVFT have not reached agreement regarding the status of employee Dana Mallory Rockers. The District believes she is temporary and has been properly released as a temporary employee. For the purposes of this layoff only, the Parties agree to the following:
- a. The District will issue a final layoff notice to this employee.
 - b. This employee will have rehire rights for a period of twenty-four (24) months.
 - c. Each Party reserves the right to contest the status of this employee at a later date.
19. **Child Development Teachers.** Regarding the 4.0 reduction in the Early Childhood Education (ECE) program, the District agrees that no senior employee will be laid off while a more junior employee is retained to render a service, which the more senior employee is certificated and competent to render. "Certificated and competent" includes having the appropriate number of units for the infant program. In addition, a full time employee shall be offered a part-time position if any part-time employee who is junior to the full time employee is being retained to provide a service that the more senior full time employee is certificated and competent to render in which case the senior employee shall be offered a position with at least the same number of hours as assigned to the junior employee. The junior employee will be released or laid off, as appropriate. To the fullest extent possible, part-time assignments shall be aggregated to come as close as possible to the 1.00 FTE contract of 1.00 FTE Child Development teachers.

Seniority dates shall be determined in accordance with Article XVIII of the Parties' collective bargaining agreement.

Notwithstanding anything contained herein, site supervisors who are exempt from seniority-based lay off shall not be subject to this provision because of Article XVIII, Paragraph A, 3 c.

20. **Dispute Resolution.** Any disputes which arise concerning an alleged violation, misinterpretation or misapplication of the terms and conditions of this Settlement and Compromise Agreement shall be resolved by the Parties' Grievance Procedure as set forth in Article XVI of the collective bargaining agreement. Any employee, laid off employee, or the PVFT (on behalf of any employee laid off herewith) shall be entitled to file a grievance. Grievances shall be processed under Article XVI, except as follows:

- a. The grievance shall be filed within 30 days of when the grievant knew, or reasonably should have known, of the facts giving rise to the grievance.

- b. Grievances shall be filed directly with the Assistant Superintendent of Human Resources.
 - c. The Arbitrator's decision shall be considered non-precedential as to any future layoffs.
21. **Waiver of Right to Hearing.** The PVFT, on behalf of its bargaining unit members who have requested a lay off hearing, hereby waives the hearing provided for under Education Code sections 44949 and 44955.
22. **Non-precedential.** This agreement shall be considered non-precedential as to any future layoffs.

Dated: April 20, 2012

By:


Pajaro Valley Federation of Teachers

Dated: April 20, 2012

By:


Pajaro Valley Unified School District

Attachments

PAJARO VALLEY UNIFIED SCHOOL DISTRICT



Board Agenda Backup

Item No: 11.7

Date:	May 9, 2012
Item:	Addition of Board Meeting on May 30, 2012 to the Board Meeting Schedule.
Overview:	The 3 rd Interim report needs to go to the Board by the 1 st of June and staff requests a meeting at the end of May so that they have ample time to finalize the item.
Recommendation:	Approve addition of May 30 meeting.

Prepared By: Dorma Baker, Superintendent

Superintendent's Signature: Dorma Baker