

**BEFORE THE BOARD OF EDUCATION OF THE
SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA**

RESOLUTION

**RESOLUTION NON-REELECTING CERTIFICATED PROBATIONARY EMPLOYEES
SERVING IN CERTIFICATED STAFFING POSITIONS PURSUANT TO INTERN
CREDENTIALS, SHORT-TERM STAFFING PERMITS, PROVISIONAL INTERNSHIP
PERMITS, SPECIAL TEMPORARY CERTIFICATES, STATE-ISSUED WAIVERS AND/OR
EMERGENCY PERMITS:**

WHEREAS, pursuant to Education Code Section 44929.21(b), the Board is required to notify probationary employees on or before March 15 of the employee's second complete consecutive school year of employment of its decision to not reelect the employee for the next succeeding school year; and

WHEREAS, the time served by those employees possessing only intern credentials, short-term staffing permits, provisional internship permits, special temporary certificates, state-issued waivers and/or emergency permits cannot be included in computing the services required as a prerequisite to attainment of/or eligibility to classification as a permanent employee (Education Code Section 44911);

WHEREAS, the following employees have been employed by this District in certificated staffing positions pursuant to temporary contracts and/or as employees serving solely pursuant to and possessing only intern credentials, short-term staffing permits, provisional internship permits, special temporary certificates, state-issued waivers and/or emergency permits, as indicated below:

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WHEREAS, the performance of each of the above-named employees during his/her probationary period has not been sufficient to warrant the continuation of his/her probationary status; and

WHEREAS, as this Board reviews the educational priorities of this District and the methods and means of providing educational services and determines the kinds of personnel required, this Board intends to decrease, where possible, reliance upon employees serving in certificated staffing positions pursuant to and possessing only provisional certificates/credentials such as intern credentials, short-term staffing permits, provisional internship permits, special temporary certificates, state-issued waivers and/or emergency permits and recognizes such effort to be consistent with state and federal laws (including especially the federal No Child Left Behind Act) and with elevating the training and/or experience levels of its certificated staff to provide the most highly qualified certificated staff available for this District's students;

WHEREAS, the Commission on Teacher Credentialing and its representatives have been discussing a higher level of due diligence as to local districts' diligent searches to recruit a sufficient number of certificated teachers;

WHEREAS, this Board understands representatives of this District will conduct appropriate diligent searches intended to successfully recruit a sufficient number of certificated staff to replace various current employees holding only intern credentials, short-term staffing permits, provisional internship permits, special temporary certificates, state-issued waivers and/or emergency permits, including those individuals named above in this Resolution, so that:

A) the Board would not be able to approve the required Declaration of Need to the extent allowing the employees listed above and possessing only emergency permits to be reemployed:

B) it is appropriate to non-reelect, release and non-renew the employment of the employees listed above in order to ensure available staffing space for the qualified, regularly credentialed employees who are intended to be hired instead of those individuals holding only intern credentials, short-term staffing permits, provisional internship permits, special temporary certificates, state-issued waivers and/or emergency permits;

WHEREAS, for the above reasons whether considered individually or cumulatively, this Board wishes to terminate the services of the above listed employees effective upon the close of the current school year or upon the expiration of any applicable temporary employment contract (whichever occurs first);

WHEREAS, nothing within this Resolution is based upon financial reasons nor reduces the number of certificated staffing positions in this District, and this Resolution shall remain in effect and take precedence over any Resolution commencing a layoff of certificated employees, so that these listed individuals' employment will be terminated by this Resolution regardless of any certified layoff and rights to reemployment following a certified layoff;

WHEREAS, whether or not this formal action and notice are required, this Board wishes to provide notice to these employees whose services will not be continued into next school year, of their non-reemployment and release from employment (effective upon the close of the 2018-2019 school year), so such individuals may commence considerations of employment alternatives elsewhere for the next school year;

WHEREAS, this Board reserves the right to identify additional similarly situated employees as planning for educational services for the coming school year continues;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that each of the individual employees indicated above, serving in certificated staffing positions pursuant to and possessing only intern credentials, short-term staffing permits, provisional internship permits, special temporary certificates, state-issued waivers and/or emergency permits, be released from employment with this school district effective upon each employee's last working day of this current school year or upon the expiration of any applicable temporary employment contract (whichever occurs first) and are not reemployed and not reelected for the next succeeding school year;

BE IT FURTHER RESOLVED AND ORDERED that the Superintendent or the Superintendent's designee provide notice to each of the above of his or her release and non-reelection effective upon each employee's last working day of this current school year or upon the expiration of any applicable temporary employment contract (whichever occurs first), and that his or her employment with the District is thereby ended accordingly.

BE IT FURTHER RESOLVED AND ORDERED that the Superintendent or the Superintendent's designee engage in due diligence searches to recruit a sufficient number of regularly credentialed certificated employees to replace those holders of intern credentials, short-term staffing permits, provisional internship permits, special temporary certificates, state-issued waivers and/or emergency permits listed above, in accordance with the requirements of law.

The foregoing Resolution was adopted by the Board of Education of the Santa Monica-Malibu Unified School District on the 7th day of March, 2019 by the following vote:

Ayes: _____
Noes: _____
Abstentions: _____
Absent: _____

Richard Tahvildaran-Jesswein, President
Board of Education of the
Santa Monica-Malibu Unified School District

I, Ben Drati, Secretary of the Board of Education of the Santa Monica-Malibu Unified School District, do certify that the foregoing Resolution was regularly introduced, passed and adopted by the Board of Education at its regular meeting held on March 7, 2019.

Ben Drati, Secretary
Board of Education of the
Santa Monica-Malibu Unified School District