

FULLERTON SCHOOL DISTRICT  
Special Meeting of the Board of Trustees  
Friday, June 19, 2009, 3:00 p.m. Closed Session, 4:30 p.m. Open Session  
District Administration Offices Board Room, 1401 W. Valencia Drive, Fullerton, California

Agenda

To: Board of Trustees and Press

From: Hilda Sugarman, President, Board of Trustees

Subject: The President of the Board of Trustees of the Fullerton School District has called a Special Meeting of said Board of Trustees to be held at the District Administration Offices Board Room, 1401 W. Valencia Drive, Fullerton, California, on Friday, June 19, 2009, 3:00 p.m.

Call to Order and Pledge of Allegiance

Public Comments – Policy

The Board meeting follows rules of decorum. The public may address the Board on items of public interest within the Board's jurisdiction. Per Board Bylaw 9323, individual speakers shall be allowed three minutes to address the Board on each agenda or non-agenda item. The Board limits the total time for public input on each item to 20 minutes. The total time allowed for public comment shall be 30 minutes. Public comments or questions about an item that is on the posted agenda will be heard at the time the agenda item is considered by the Board. Public comment about an item that is not on the posted agenda will be heard during this time. No action or discussion may take place on an item that is not on the posted agenda except as expressly authorized by law. Since the Board cannot take action on items that are not on the agenda, such items will be referred to the Superintendent. Persons wishing to address the Board are invited to complete and submit a "request to speak" slip to the secretary. These slips are available at the reception counter.

Recess to Closed Session

- Conference with District's Chief Negotiator regarding FETA (Fullerton Elementary Teachers Association) and CSEA (California School Employees Association); District Representative – Mr. Mark Douglas [Government Code sections 54954.5(f), 54957.6]
- Public Employee Discipline, Dismissal, Release, and Personnel Matters [Government Code sections 54954.5(d), 54957]
- Potential Litigation [Government Code section 54956.9(b)(1)]
- Confidential Student Services [Education Code sections 35146, 48918]

4:30 p.m. Call to Order, Pledge of Allegiance, and Report from Closed Session

Public Comments – Policy (see above)

Administrative Reports

- 1a. Budget Report Update
- 1b. Sunshine Fullerton School District Proposal to negotiate with California School Employees Association, Chapter 130, 2009/2010 Successor Agreement
- 1c. Sunshine Initial Contract Proposal from the Fullerton School District to negotiate with the Fullerton Elementary Teachers Association

Action Items

- 2a. Adopt Resolution #08/09-27 reserving the right to negotiate a reduction in salaries and/or work year for the 2009-2010 school year for all employees
- 2b. Approve salary/work year reduction for Fullerton School District Management Team Members effective for the 2009/2010 school year

Adjournment

**ADMINISTRATIVE REPORT**

**DATE:** June 19, 2009  
**TO:** Mitch Hovey, Ed.D., District Superintendent  
**FROM:** Gary Cardinale, Ed.D., Assistant Superintendent, Business Services  
**SUBJECT:** BUDGET REPORT UPDATE

Background: Hear and receive an updated budget report on the 2009/2010 budget projections. The 2009/2010 budget remains in a state of flux in Sacramento.

Rationale: This presentation will review recent budget activities and projections for the 2009/2010 budget year.

Funding: Not applicable.

Recommendation: Not applicable.

GC:gs

**ADMINISTRATIVE REPORT**

**DATE:** June 19, 2009

**TO:** Mitch Hovey, Ed.D., District Superintendent

**FROM:** Mark L. Douglas, Assistant Superintendent  
Personnel Services

**SUBJECT:** "SUNSHINE" FULLERTON SCHOOL DISTRICT PROPOSAL TO  
NEGOTIATE WITH CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION,  
CHAPTER 130, 2009-2010 SUCCESSOR AGREEMENT

Background: Fullerton School District has an interest in negotiating a Successor Agreement to the current bargaining agreement whose effective date expired on December 31, 2007.

Currently the District and the Association are in mediation related to the Successor Agreement and pending a quick resolve the District is noticing the Association of potential reductions in salary and work year for classified employees during the 2009-2010 school year.

The initial proposal from Fullerton School District for the 2009-2010 Successor Agreement is attached for review.

Rationale: Government Code Section 3547 requires that all initial proposals of exclusive representative and of public school employers relating to matters within the scope of representation be presented at a public meeting. Proposals become public record once they are presented ("sunshined").

The Classified/District 2009-2010 Successor Agreement will be re-opened for contract discussion with CSEA Chapter 130.

Funding: Not applicable.

Recommendation: Not applicable.

MD:cs  
Attachment

FULLERTON SCHOOL DISTRICT  
SUNSHINE  
PROPOSAL TO CSEA #130  
2009-2010  
June 19, 2009

The Parties are in a process of mediation for the Agreement that expired December 2007. Absent a timely resolve to those issues the District is interested in continuing those negotiations to resolve interests in the following Contract Articles:

Article 6: Pay and Allowances

The District has an interest in reviewing the classified tuition reimbursement program and freezing the program for the next two years. The District has an interest in reducing salary schedules and work years for association members in order to maintain the District's fiscal solvency.

Article 8: Health Insurance

The District has an interest in reviewing Fringe Benefits for current and retired association members.

Close CSEA Articles of Agreement that have been tentatively agreed upon during 2008-2009 negotiation sessions.

**ADMINISTRATIVE REPORT**

**DATE:** June 19, 2009  
**TO:** Mitch Hovey, Ed.D., District Superintendent  
**FROM:** Mark L. Douglas, Assistant Superintendent, Personnel Services  
**SUBJECT:** “SUNSHINE” INITIAL CONTRACT PROPOSAL FROM THE FULLERTON SCHOOL DISTRICT TO NEGOTIATE WITH THE FULLERTON ELEMENTARY TEACHERS ASSOCIATION (FETA)

Background: Meeting and negotiating shall not take place on any proposal until a reasonable time has elapsed after the submission of the proposal to enable the public to become informed and until the public has had the opportunity to express itself regarding the proposal at a Board meeting.

The current agreement allows for re-openers to be negotiated for the 2009-2010 school year with Fullerton Elementary Teachers Association (FETA). Once the Association and the Board’s initial proposals have been submitted, the collective bargaining process may begin.

Rationale: Government Code Section 3547 requires that all initial proposals of exclusive representative and of public school employers relating to matters within the scope of representation be presented at a public meeting. Proposals become public record once they are presented (“sunshined”).

Funding: Not applicable.

Recommendation: Not applicable.

MD:cs  
Attachment

FULLERTON SCHOOL DISTRICT  
SUNSHINE  
INITIAL PROPOSAL TO FETA  
2009-2010  
June 19, 2009

The Parties agreed to re-open for 2009-2010 Salaries, Fringe Benefits, and two additional articles.

Article 9: Work Year

The District has an interest in reviewing the certificated work year in an order to maintain fiscal solvency for 2009-2010 school year.

Article 14: Class Size

The District has an interest in reviewing the certificated class size ratios for 2009-2010 school year in order to maintain fiscal solvency.

Article 16: Salaries

The District has an interest in negotiating a reduction in salaries and salary schedules for the 2009-2010 school year in order to maintain fiscal solvency.

Article 17: Fringe Benefits

The District has an interest in reviewing Fringe Benefits for current and retired association members.

**ACTION ITEM**

**DATE:** June 19, 2009

**TO:** Board of Trustees

**FROM:** Mitch Hovey, Ed.D., District Superintendent

**PREPARED BY:** Mark L. Douglas, Assistant Superintendent, Personnel Services

**SUBJECT:** **ADOPT RESOLUTION #08/09-27 RESERVING THE RIGHT TO NEGOTIATE A REDUCTION IN SALARIES AND/OR WORK YEAR FOR THE 2009-2010 SCHOOL YEAR FOR ALL EMPLOYEES**

Background: Fullerton School District has experienced severe budgetary concerns requiring reductions and adjustments of approximately \$8.1 million for 2008-2009 and an additional \$13.5 million for 2009-2010, totaling \$21.6 million in two years. In order to help meet the 3% reserve requirement and maintain fiscal solvency, the District is seeking a reduction in work year and/or salary that may require adjustments in salary schedules and/or work calendars. The District "sunshined" its proposals as a notice of its interest in negotiating the reductions as reflected in item numbers 1b and 1c of this Board Agenda.

Rationale: A minimum compensation reduction of 3% for all Certificated and Classified employees will help to offset the \$13.5 million reduction in the 2009-2010 unrestricted budget and maintain the required 3% reserve.

Funding: Not applicable.

Recommendation: Adopt Resolution #08/09-27 reserving the right to negotiate a reduction in salaries and/or work year for the 2009-2010 school year for all employees.

MD:cs  
Attachment

## RESOLUTION #08/09-27 OF THE FULLERTON SCHOOL DISTRICT

WHEREAS, the State of California is projecting a State budget shortfall of \$24.1 billion for the 2009-2010 fiscal year;

WHEREAS, the State of California may be proposing a \$5 billion reduction in State support for K-12 public schools in the 2009-2010 fiscal year;

WHEREAS, as a result of these unprecedented cutbacks in State funding, the Fullerton School District will be required to reduce its 2009-2010 budget in the amount of \$13.5 million;

WHEREAS; employee salaries and benefits are over 86% of the school district budget;

WHEREAS; due to the uncertainty of the law, the Governing Board of the Fullerton School District wishes to reserve its right to negotiate and/or enact salary reductions for certificated and classified employees for the 2009-2010 fiscal year.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Board of the Fullerton School District does hereby:

- 1) Find that it is necessary to negotiate a reduction in salaries for certificated and classified employees for the 2009-2010 fiscal year.
- 2) Reserve its right to initiate negotiations under the State's collective bargaining laws, Government Code section 3540 et seq., to reduce certificated and classified salaries for the 2009-2010 fiscal year.
- 3) The work year, compensation and benefits for the fiscal year 2009-2010 are hereby declared to be indefinite pending negotiations, and all salary schedules shall continue on an interim, indefinite basis only, subject to any negotiated and/or adopted changes.
- 4) The Superintendent or designee shall notify all administrative, supervisory, confidential, and unrepresented employees before July 1, 2009, of the indefinite nature of the 2009-2010 work year, compensation and benefits, with the possibility that significant adjustments may be made with respect to work year, compensation and benefits and other cost-containment matters.
- 5) The Superintendent or designee shall notify the exclusive representatives of any recognized bargaining units (classified and certificated) before July 1, 2009, of the indefinite nature of the 2009-2010 work year, compensation and benefits, and request to schedule negotiations, which may require reductions regarding the work year, compensation and benefits for the 2009-2010 fiscal year and other cost-containment matters.

PASSED AND ADOPTED by the Board of Education of the Fullerton School District on this 19th day of June 2009.

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Hilda Sugarman, Board President

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Ellen Ballard, Clerk of the Board



**ACTION ITEM**

**DATE:** June 19, 2009

**TO:** Board of Trustees

**FROM:** Mitch Hovey, Ed.D., District Superintendent

**PREPARED BY:** Mark L. Douglas, Assistant Superintendent, Personnel Services

**SUBJECT:** **APPROVE SALARY/WORK YEAR REDUCTION FOR FULLERTON SCHOOL DISTRICT MANAGEMENT TEAM MEMBERS EFFECTIVE FOR THE 2009/2010 SCHOOL YEAR**

Background: Fullerton School District has experienced severe budgetary concerns requiring reductions and adjustments of approximately \$8.1 million for 2008-2009 and an additional \$13.5 million for 2009-2010, totaling \$21.6 million in two years. In order to help meet the 3% reserve requirement and maintain fiscal solvency, the District is seeking a reduction in work year and/or salary that may require adjustments in salary schedules and/or work calendars. In order to help meet this goal, the Management Team Members will take a reduction of a minimum of 3% in total compensation.

In the case of Certificated Management Team Members, this reduction can take place effective July 1, 2009. However, Classified Management Team Members must take their reduction through a layoff process, or take voluntary reductions, that would be presented to the Board of Trustees for approval at a future Board Meeting.

Rationale: A minimum compensation reduction of 3% for all Certificated and Classified Management Team Members will help to offset the \$13.5 million reduction in the 2009-2010 unrestricted budget and maintain the required 3% reserve.

Funding: Not applicable.

Recommendation: Approve salary/work year reduction for Fullerton School District Management Team Members effective for the 2009/2010 school year.

MD:cs