



School Board Briefing/Proposed Action Report

Informational (no action required by Board) **Action Report** (Board will be required to take action)

DATE: September 7, 2015
FROM: Dr. Larry Nyland, Superintendent
LEAD STAFF: John Cerqui, Acting General Counsel, (206) 252-0110,
jcerqui@seattleschools.org

I. TITLE

Resolution 2015/16-5: Addressing Imminent Strike
Action

For Introduction: September 8, 2015

For Action: September 8, 2015

II. WHY BOARD ACTION IS NECESSARY

Board Action is required because the attached resolution (Resolution No. 2015/16-5) authorizes the Superintendent to take necessary actions in the event of a strike or work stoppage, including the closing or limiting of access to school buildings, facilities, and properties; seeking assistance from proper authorities if health or safety issues arise; suspending regular legislative meetings of the Board. ~~suspending use of sick leave for striking employees, unless proper documentation is provided~~, and taking legal action to address any strike or concerted activity.

III. FISCAL IMPACT/REVENUE SOURCE

The fiscal impact for adopting Resolution 2015/16-5 is difficult to quantify in advance, but it would include but not be limited to legal fees for any necessary court action and costs to secure district property and facilities.

IV. POLICY IMPLICATION

See Resolution 2015/16-5.

V. RECOMMENDED MOTION

I move that the Board of Directors approve Board Resolution No. 2015/16-5 and find that immediate adoption of this resolution is in the best interest of the District.

VI. BOARD COMMITTEE RECOMMENDATION

None.

VII. BACKGROUND INFORMATION

The District and the Seattle Education Association (“SEA”) have been bargaining over the terms and conditions for a new collective bargaining agreement since May 2015. On September 3, 2015, the Seattle Education Association “voted to strike” starting on September 9, 2015, unless a tentative agreement on a collective bargaining agreement is reached. Because no tentative agreement has been reached, District staff are requesting that the School Board adopt Resolution

2015/16-5 to authorize the Superintendent to take certain actions to end the strike and protect District property and resources.

The District considers a strike or the concerted refusal to provide contracted for services to be unlawful. Such action causes irreparably harm and disrupts the education program of the District, students, families and others.

In the event a strike or work stoppage commences, the residents of the District and the school age children in the community will be injured through the actions of the Seattle Education Association. Immediate Action by the Board of Directors on Resolution No. 2015/16-5 is in the best interest of the District.

VIII. STATEMENT OF ISSUE

Whether to approve Board Resolution No. 2015/16-5.

IX. ALTERNATIVES

Not approve Board Resolution No. 2015/16-5. This alternative is not recommended, as Resolution No. ~~2015~~2015/16-5 authorizes the Superintendent to take steps to end the strike, prevent educational injury to students, damage to District property, unnecessary loss of District funds, and irreparable injury to the educational system.

X. RESEARCH AND DATA SOURCES / BENCHMARKS

Similar Board Resolutions were approved by the Board of Directors of the Spokane School District and Pasco School District in the last 10 days.

XI. TIMELINE FOR IMPLEMENTATION / COMMUNITY ENGAGEMENT

Upon approval of this motion, Board Resolution No. 2015/16-5 will be approved and ready for implementation in the event that a strike or work stoppage commences.

XII. ATTACHMENTS

- ~~None—Board Resolution No. 2015/16-5 will be handed out at the September 8, 2015 meeting.~~ [See Below](#)

**Seattle School District No. 1
Board Resolution**

Resolution No. 2015/16-5

A RESOLUTION of the Board of Directors of Seattle School District No. 1, King County, Washington to prescribe District responses to a strike or work stoppage by the Seattle Education Association and its bargaining unit members.

WHEREAS, the Board of Directors of the Seattle School District No. 1 ("District") has substantial grounds to believe a strike by the Seattle Education Association ("SEA") and employees represented by the SEA has been called or is imminent, and that SEA employees may not report for work on September 9, 2015, the agreed first student day of the 2015-2016 school year; and

WHEREAS, it is unlawful in the State of Washington for teachers and other school employees to strike or otherwise refuse to perform their official duties; and

WHEREAS, a strike for any reason by District teachers or other personnel is harmful and damaging to the District, our students, and our community; and

WHEREAS, a strike is an emergency requiring the immediate action of the Board to reduce the irreparable injury to our students and to the educational process caused by the strike; now, therefore,

BE IT RESOLVED:

1. Superintendent's Authority. The Superintendent shall take the actions he deems appropriate to protect and serve the District's interests during the duration of the strike. References to the Superintendent in this resolution shall mean the Superintendent and/or his lawful designee(s).
2. School Closures and Work Schedules for Non-SEA Employees. During the period of a strike or work stoppage, the Superintendent is authorized to close any school or school facility. The closure shall continue during the emergency created by the strike until the Superintendent deems it in the interests of the District and its students to open some or all of the schools, and/or to take other actions to enable students to receive grades and credit toward progression in school and graduation. All full-time (year-round) employees will continue to work normal hours.
3. Limitation of Access to School Facilities. Effective immediately, and for the duration of the strike, access to the public school grounds and public school buildings of the District shall be limited to police officers, deputy sheriffs and other officers of the law; employees and other agents of the District who are not withholding services and who are expected to report to work; students who are enrolled in the District or are in the process of being enrolled; parents or other persons escorting students to and from school; persons attending, coaching and participating in District athletic events and practices or other scheduled facility use activities in District facilities; other persons whose presence on school property or in a school building is deemed necessary,

desirable or permissible by the Superintendent; and other persons whose presence on school property may be authorized consistent with legal requirements. The Superintendent shall seek legal assistance from the proper authorities to have removed from District property any person whose presence is not authorized during the strike.

4. Temporary Employees. The Superintendent is authorized to temporarily employ off-duty Seattle Police Department or other security personnel, and other temporary staff, at rates of pay that the Superintendent deems reasonable, in accordance with any considerations of law, and to obtain by rental or purchase such additional facilities, equipment, supplies, and materials as he may deem necessary to protect District property (real and personal) and to ensure the safe operation of the District.

5. Authorization of Legal Action. Subject to the direction of and consultation with the Superintendent, the law firm of Perkins Coie LLP is engaged, authorized and directed to take any and all lawful steps necessary to terminate any strike or concerted refusal to perform services by the nonsupervisory certificated staff of the Seattle School District, and is further authorized and directed to bring suit to enjoin such activity against any and all individual employees participating in a strike or concerted refusal to perform services, against any union, association, corporation, or conspiracy of or including such persons, and against other persons or organizations acting in concert with such organizations and/or persons; to recover a monetary judgment against any and all persons, associations, unions or other organizations participating in such activities to the extent of any damage suffered by the District; to seek enforcement by contempt citations, fines, and/or all other appropriate remedies of any orders or other relief granted; and to seek any other remedies and/or take any other action—whether equitable, legal, or administrative--which may be available to the District and/or its Board in relation to the strike or in relation to violation of the laws regarding collective bargaining.

6. Continued Bargaining. Notwithstanding an unlawful SEA strike, the Board directs the Superintendent to continue to bargain in good faith with SEA over matters not yet resolved through negotiations, and to pursue with flexibility and reasonable patience the ongoing mediation process and other legal avenues for reaching a settlement.

7. Suspension of Board of Directors Regular Meeting Schedule. The Board's regular legislative meeting schedule is suspended until reinstated by the Board President. Currently scheduled board committee meetings will remain on the calendar, unless the committee chair cancels the board committee meeting with 24 hour notice after determining that staff resources need to be focused on collective bargaining and negotiations.

8. Implementation of Resolution. The Superintendent and the administrative staff of the District are authorized and directed to take all steps necessary for the full and effective implementation of this resolution.

ADOPTED this 8th day of September 2015.

Sherry Carr, President

Sharon Peaslee, Vice-President

Stephan Blanford, Member

Harium Martin-Morris, Member

Martha McLaren, Member

Betty Patu, Member

Sue Peters, Member

ATTEST: _____
Dr. Larry Nyland, Superintendent
Secretary, Board of Directors
Seattle School District No. 1
King County, Washington