



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item # 6.1

Meeting Date: May 10, 2013

Subject: **Resolution No. 2750: Resolution Regarding Proposed Decision of Administrative Law Judge and Implementing Certificated Layoff**

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: _____)
- Conference/Action
- Action
- Public Hearing

Learning Support Unit/Department: Human Resource Services

Recommendation: Adoption of Resolution No. 2750: Resolution Regarding Proposed Decision of Administrative Law Judge and Implementing Certificated Layoff.

Background/Rationale: On February 21, 2013, the Board of Education adopted its Resolution of Intention to Terminate Certificated Employees Due to a Reduction of Particular Kinds of Services (Resolution No. 2735). Pursuant to Resolution No. 2735, Human Resource Services sent notices to affected certificated employees on or before March 15, 2013 informing them they are subject to layoff for the 2013-2014 school year. Pursuant to Education Code §44949, a hearing was held before Administrative Law Judge, the Hon. Jonathan Lew, commencing on April 22nd and ending on May 1, 2013.

The Administrative Law Judge's proposed decision to the Board is anticipated to be received on May 9. None of the findings, recommendations, or determinations contained in the proposed decision prepared by the Administrative Law Judge shall be binding on the Board of Education. The Board, at this special meeting, makes the final determination to either adopt the proposed decision or adopt, as modified or revised, or reject, in whole or in part, the proposed decision by its Resolution No. 2750. The Board's final determination will decide which certificated employees are to receive final layoff notices before May 15, 2013.

If the Superintendent recommends modifications or revisions to the proposed decision for consideration by the Board, or to reject, in whole or in part, the proposed decision, it is recommended that the parties be allowed to present or argue their positions regarding the proposed changes. The time allotted for such presentations would be determined by the Board. The Board shall have the opportunity to pose questions to the parties and may reconvene, if desired, into closed session for deliberations and for consultation with its counsel. The Board's final decision would be made in open session.

Once the decision is adopted, final layoff notices shall be served on the affected employees before May 15, 2013 as provided by law.

Financial Considerations: N/A

Documents Attached:

1. Draft of Resolution No. 2750 (subject to revision)

Estimated Time of Presentation: Unknown until proposed decision is received.

Submitted by: Jess Serna, Chief Human Resources Officer

Approved by: Jonathan P. Raymond, Superintendent

**SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION**

RESOLUTION NO. 2750

**RESOLUTION REGARDING PROPOSED DECISION OF ADMINISTRATIVE LAW
JUDGE AND IMPLEMENTING CERTIFICATED LAYOFF**

WHEREAS, on February 21, 2013, the Board of Education of the Sacramento City Unified School District ("Board") adopted Resolution No. 2735, Resolution of Intention to Terminate Certificated Employees Due to a Reduction of Particular Kinds of Services; and

WHEREAS, the Superintendent or designee duly and properly served notice on the affected certificated employees on or before March 15, 2013 indicating that the Governing Board did not intend to reemploy them for the 2013-14 school year to the extent indicated in Resolution No. 2735; and

WHEREAS, a certificated layoff hearing was held on April 22 to May 1, 2013 related to the Board's decision to notice certain certificated employees for layoff; and

WHEREAS, on May 9, 2013, the Honorable Jonathan Lew, Administrative Law Judge, issued his proposed decision in the Matter of Certificated Layoffs of Sacramento City Unified School District, OAH Case Number 2013030556; and

WHEREAS, pursuant to Sections 44949 and 44955 of the California Education Code, the Board has considered the findings, recommendations, or determinations contained in the proposed decision by Judge Lew, in OAH Case Number 2013030556; and

WHEREAS, the proposed decision sets forth the determination that sufficient cause exists for the elimination of full time equivalent positions, as described in the proposed decision set forth in Exhibit A, and recommends that notices be given to the certificated employees holding those positions that their services will not be required for the 2013-2014 school year; and

WHEREAS, section 44949 of the California Education Code requires the Board to make the final decision as to the sufficiency of the cause and disposition regarding certificated employee layoffs.

NOW, THEREFORE, BE IT RESOLVED that the Board has considered the findings, recommendations, or determinations set forth in the proposed decision and adopts **[the proposed decision] [the proposed decision as revised below]**, as the Board's final decision, which final decision is incorporated herein by this reference.

[Insert text describing how the proposed decision has been revised by the Board if the proposed decision is not adopted in its entirety.]

BE IT FURTHER RESOLVED that the adoption of the final decision by the Board shall not be considered the promulgation of District Board policy.

BE IT FURTHER RESOLVED that the services set forth in Resolution No. 2735 be eliminated commencing with the 2013-14 school year as described in that Resolution and the Superintendent or his authorized representative is directed to send appropriate notices in accordance with the provisions of California Education Code section 44949 and section 44955 to those employees whose positions will be eliminated pursuant to the final decision adopted by the Board. This Resolution incorporating the final decision of the Board is effective immediately.

BE IT FURTHER RESOLVED that the Superintendent and his designee are hereby authorized to send final notices of lay off to all Respondents consistent with this Resolution and Education Code section 44955 before May 15, 2013.

BE IT FURTHER RESOLVED that after the notices are sent to employees whose positions are to be eliminated for the 2013-14 school year, the Superintendent is directed, consistent with budget constraints, to continuously review for recommendation and restoration of positions in accordance with the needs of the District and the Education Code.

PASSED AND ADOPTED by the Board of Education of the Sacramento City Unified School District on this 10th day of May, 2013, by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

Jeff Cuneo
President

ATTESTED TO:

Jonathan P. Raymond
Secretary of the Board of Education