



# SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 9.3

**Meeting Date:** February 21, 2013

**Subject:** **Approve Resolution #2735: Intention to Terminate Certificated Employees Due to a Reduction of Particular Kinds of Service**

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

**Division:** Human Resource Services

**Recommendation:** **Approve Resolution #2735: Intention to Terminate Certificated Employees Due to a Reduction of Particular Kinds of Service**

**Background/Rationale:** Staff recommends the reduction and/or elimination of particular kinds of services provided by certificated employees due to uncertainty of the State's funding allocations for school districts and District and program needs.

Individuals may be laid off when the governing board has reduced particular kinds of services. Resolution #2735 includes reference to Exhibit A which will address positions to be reduced due to reduction of a particular kind of service; and Exhibit B, details the requirements to be deemed "competent" to serve in specified positions as authorized under Education Code section 44955.

Under state law, school districts must provide notice on or before March 15<sup>th</sup> to employees who are designated for layoff for the 2013-14 school year. These individuals have the right to request a hearing to challenge the cause for layoff. The final decision for layoffs must occur before the 15<sup>th</sup> of May.

With adoption of Resolution #2735, the Chief Human Resources Officer and staff will be directed to send notices to affected certificated employees that their services will not be required for the 2013-14 school year, and that said notices should be sent to the appropriate certificated employees in order to effectuate a reduction of the certificated staff in an amount equal to the number of full-time equivalent positions, consistent with the resolution, its attachments and Education Code sections 44949 and 44955.

**Financial Considerations:** Budget reductions needed to assist in addressing the District's budget shortfall.

**Documents Attached:**

- 1) Board of Education Executive Summary
- 2) Resolution #2735
- 3) Exhibit A and B will be available at the Board meeting.

**Estimated Time of Presentation:** 5 minutes

**Submitted by:** Jess Serna, Chief Human Resources Officer

**Approved by:** Jonathan P. Raymond, Superintendent

# **Board of Education Executive Summary**

## **Human Resource Services – Certificated Layoff**

February 21, 2013



### **I. Overview/History:**

The District is facing serious budget reductions for the 2013-14 school year. Due to the financial impact of this budget reality, the District must prepare for all possibilities including the decision to reduce certain services for the 2013-14 school year.

Individuals may be laid off when the governing board has reduced particular kinds of services. Under state law, school districts must provide notice on or before March 15<sup>th</sup> to employees who are designated for layoff for the 2013-14 school year. These individuals have the right to request a hearing to challenge the cause for layoff and the final decision for layoffs must occur before the 15<sup>th</sup> of May.

### **II. Driving Governance:**

- Education Code 44949 – “No later than March 15 and before an employee is given notice by the governing board that his or her services will not be required for the ensuing year for the reasons specified in Section 44955, the governing board and the employee shall be given written notice by the superintendent of the district or his or her designee.”
- Education Code 44955 - “No permanent employee shall be deprived of his or her position for causes other than those specified in Sections 44907 and 44923, and Sections 44932 to 44947, inclusive, and no probationary employee shall be deprived of his or her position for cause other than specified in Sections 44948 to 44949, inclusive.”
- Board Policy – Administrative Regulation 4117.3 – Personnel Reduction – When the district needs to reduce the number of certificated staff, the district shall adhere to the notice, hearing and layoff procedures in Education Code 44949 and 44955.

### **III. Budget Impact**

Budget reductions needed to assist in addressing the District’s budget shortfall.

### **IV. Goals, Objectives and Measures:**

The Education Code provides the specific reasons and methods to lay off certificated employees under Education Code 44949 and 44955. Reduction of particular kinds of services (PKS) and/or decline in average daily attendance (ADA) are the two methods generally used as a basis for a certificated layoff. A PKS layoff is when the Board of Education decides to eliminate or reduce programs, services or classes (i.e., counseling, nursing, foreign language). The District has determined and identified the particular kinds of services (PKS) to be reduced or eliminated and the number of full time equivalent (FTE) or portion of one FTE to be reduced. That information is contained in Resolution #2735 Intention to Terminate Certificated Employees Due to a Reduction of Particular Kinds of Service attached to this summary.

# **Board of Education Executive Summary**

## **Human Resource Services – Certificated Layoff**

February 21, 2013

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### **V. Major Initiatives:**

The attached resolution includes Exhibit A and B. Exhibit A is the recommended reduction in 2013-14 program services and specifically lists the services to be reduced and the number of full time equivalent positions. Exhibit B details the requirements to be deemed “competent” to serve in specified positions as authorized under Education Code section 44955. per Education Code 44955.

With the adoption of Resolution #2735 the Chief Human Resources Officer and staff will be directed to send notices to affected certificated employees that their services will not be required for the 2013-14 school year. Notices will be sent to the appropriate certificated employees in order to effectuate a reduction of the certificated staff consistent with the resolution, its attachments and Education Code sections 44949 and 44955.

### **VI. Results:**

The layoff notice must be sent by March 15<sup>th</sup> to each employee who may be laid off. The packet each person receives will include:

- a) Notice of recommendation that services will not be required.
- b) Copy of signed Board resolution.
- c) Request for hearing, with notification that request must be filed seven days after service of the notice.
- d) Proof of service.

The notice packet must be personally served or sent by registered or certified mail.

### **VII. Next Steps:**

Approve Resolution #2735 - Resolution of Intention to Terminate Certificated Employees Due to a Reduction of Particular Kinds of Services and direct staff to issue the appropriate layoff notices to individual employees no later than March 15th.

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

**RESOLUTION NO. 2735**

**RESOLUTION OF INTENTION TO TERMINATE  
CERTIFICATED EMPLOYEES DUE TO A REDUCTION  
OF PARTICULAR KINDS OF SERVICES**

**WHEREAS**, the Board of Education of the Sacramento City Unified School District has determined that it shall be necessary to reduce or discontinue the particular kinds of services of the District as itemized in Exhibit “A” at the close of the current school year; and

**WHEREAS**, it shall be necessary to terminate at the end of the 2012-2013 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 Superintendent or designee is directed to send appropriate notices to all employees whose services shall be terminated by virtue of this action. 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 for the purposes of Education Code section 44955, subdivision (b), “competent” shall be defined as described in Exhibit “B”.

**PASSED AND ADOPTED** by the Sacramento City Unified School District Board of Education on this 21st day of February, 2013, by the following vote:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

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Jeff Cuneo  
President of the Board of Education

ATTESTED TO:

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Jonathan P. Raymond  
Secretary of the Board of Education