



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 12.1m

Meeting Date: June 18, 2020

Subject: **Adopt Resolution No. 3149: Resolution to Implement Final Ruling Related to 2019 Child Development Permitted Teacher Layoffs**

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

Division: Human Resource Services

Recommendation: Adopt Resolution No. 3149: Resolution to Implement Final Ruling Related to 2019 Child Development Permitted Teacher Layoffs.

Background/Rationale: Due to concerns associated with District program needs and budget constraints, on February 21, 2019 the Board approved a layoff for lack of work and/or lack of funds in Board Resolution No. 3056, which identified positions to be reduced or eliminated including certain teaching positions in the District's Child Development Department. Also on February 21, 2019, the Board approved Resolution No. 3053 to eliminate positions due to a reduction of particular kinds of services ("PKS"), which also included certain child development teaching positions.

On October 22, 2019, the Sacramento City Teachers Association ("SCTA") filed a petition for a writ of mandate in Sacramento County Superior Court ("Writ Petition"), challenging the District's layoff of child development permitted teachers under Education Code section 8366 and Resolution No. 3056.

Education Code section 8366 requires teachers in a child development program to possess a teaching permit issued by the California Commission on Teacher Credentialing. These teachers are certificated employees but may be laid off due to lack of work or lack of funds, the same legal basis to lay off classified employees.

A hearing on the Writ Petition took place on May 26, 2020. On June 2, 2020, the Court issued its final ruling granting in part and denying in part the Writ Petition. The Court found that the District properly classified child development teachers as certificated employees and that Resolution No. 3056 was valid, rejecting SCTA's arguments that the resolution was invalid and that child development teachers were misclassified. The Court denied the Writ Petition to the extent SCTA attempted to challenge the PKS layoff. The Court determined that the order of layoff under Education Code section 8366 is to be done by strict seniority, regardless of positions identified for layoff. Four more junior child development permitted teachers were retained for the 2019-2020 school year.

The Board, at this meeting, will take action to implement the Court's final ruling to: (1) rescind the layoff notices of the four most senior employees who remain laid off and rehire these individuals; and (2) to issue layoff notices to the corresponding four more junior teachers who were retained as identified in the final ruling.

Financial Considerations: N/A

LCAP Goal(s): Safe, Emotionally Healthy and Engaged Students

Documents Attached:

1. Resolution 3149

<p>Estimated Time of Presentation: N/A Submitted by: Cancy McArn, Chief Human Resources Officer Approved by: Jorge A. Aguilar, Superintendent</p>
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**SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION**

RESOLUTION NO. 3149

**RESOLUTION TO IMPLEMENT FINAL RULING RELATED TO 2019 CHILD
DEVELOPMENT PERMITTED TEACHER LAYOFFS**

WHEREAS, On February 21, 2019, the Board approved Resolution No. 3056: Notice of Layoff: Classified Employees—Reduction in Force Due To Lack of Funds and/or Lack of Work (“Resolution No. 3056”); and

WHEREAS, Resolution No. 3056 identified the following child development teaching positions for layoff: 10 month 8-hour Teacher, Child Development: 17.0 FTE; 12 month 8-hour Teacher, Child Development: 12.0 FTE; 10 month 6-hour Teacher, Resource, Parent/Preschool Adult: 2.0 FTE; and 10 month 6-hour Teacher, Resource, Parent/Preschool: 1.0 FTE; and

WHEREAS, teachers in the District’s Child Development Department are required to possess a teaching permit issued by the California Commission on Teacher Credentialing and may be subject to layoff under Education Code section 8366; and

WHEREAS, the order of layoff for child development permitted teachers subject to layoff was determined by seniority in position identified for reduction in the layoff resolution, which is generally the same process that is done for classified and credentialed certificated layoffs; and

WHEREAS, on October 22, 2019, the Sacramento City Teachers Association (“SCTA”) challenged the layoff of child development permitted teachers by filing a petition for a writ of mandate in Sacramento County Superior Court, case number 34-2019-80003250 (“Writ Petition”); and

WHEREAS, a final ruling on the Writ Petition was issued by the Court on June 2, 2020; and

WHEREAS, the Court’s final ruling upheld Resolution No. 3056; denied any challenge to the certificated layoff process; determined that the order of layoff for child development permitted teachers is to be based on strict seniority; determined that to correct slight deviation from such order of layoff, the District rescind the layoff notices of the four most senior child development permitted teachers who remain laid off and to rehire those four individuals, and to correspondingly issue layoff notices to the four more junior teachers who were not originally issued a layoff notice pursuant to Resolution No. 3056; and

WHEREAS, the District must abide by the Court’s final ruling; and

THEREFORE BE IT RESOLVED that, to the extent it has not already been done, the Board hereby directs the Superintendent, or his authorized designee, to rescind the layoff notices issued to the four most senior child development permitted teachers who remained laid off as of June 2, 2020, and to rehire such individuals, pursuant to the Court’s final ruling.

BE IT FURTHER RESOLVED that the Board hereby directs the Superintendent, or his authorized designee, to issue layoff notices pursuant to Education Code section 8366 to the four less senior retained child development permitted teachers identified in the Court’s final ruling and to inform those four affected employees of any reemployment rights they may have under Education Code section 8366. Such layoff shall become effective June 30, 2020.

PASSED AND ADOPTED by the Sacramento City Unified School District Board of Education on this 18th day of June, 2020, by the following vote:

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

Jessie Ryan,
President of the Board of Education

ATTESTED TO:

Jorge A. Aguilar
Secretary of the Board of Education