



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 10.3

Meeting Date: March 3, 2011

Subject: Resolution #2647 – Resolution of Intention to Terminate Certificated Employees Due to a Reduction of Particular Kinds of Services

- 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: Approval of Resolution #2647 – Resolution of Intention to Terminate Certificated Employees Due to a Reduction of Particular Kinds of Services

Background/Rationale: The District is facing a budget deficit of approximately \$22 million dollars for the 2011-2012 school year if tax extensions are not approved by voters in June (“worst case scenario”). Due to the magnitude of the projected deficit, the District must reduce spending throughout its budget, which includes laying off certificated staff. By providing notice of layoff to an appropriate number of certificated employees, the District will ensure that it takes adequate action to support necessary reductions to its budget. As referenced above, this resolution is based on the “worst case scenario.” Thus, if voters approve the tax extensions, the District will be able to reinstate a currently unascertainable number of employees noticed for layoff. The District will continue to identify and consider alternative solutions to minimize the impact of budget reductions on District employees.

With the adoption of Resolution # 2647, the Chief Human Resources Officer and Human Resources Staff will be directed to send notices to affected certificated employees informing them that their services will not be required for the 2011-2012 school year. The resolution also adopts criteria that Human Resources Staff will use to determine whether employees whose services are being eliminated have sufficient experience and qualifications to bump less senior employees. Finally, the resolution directs that layoff notices 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 listed on the resolution and its attachments in accordance with Education Code sections 44949 and 44955.

Financial Considerations: To be presented at the Board meeting.

Documents Attached:

Resolution # 2647

Exhibit A – available at Board meeting

Exhibit B – available at Board meeting

Estimated Time of Presentation: 10 minutes

Submitted by: Robert R. Garcia, CHRO

Approved by: Jonathan Raymond, Superintendent

Board of Education Executive Summary



Human Resource Services – Certificated Layoff Resolution No. 2647 March 3, 2011

I. Overview/History:

The District is facing a budget deficit of approximately \$22 million for the 2011-2012 school year if voters do not approve tax extensions in June. Due to the magnitude of the projected deficit, the District must reduce spending throughout its budget, which includes laying off certificated employees.

Individuals may be laid off when the Board of Education decides to reduce particular kinds of services. In general, the least senior employee(s) will be the employee(s) who receive layoff notices. Under state law, school districts must provide notice on or before March 15th to employees who are designated for layoff at the end of the current school year. These individuals have the right to request a hearing before an Administrative Law Judge (“ALJ”) to challenge the cause for layoff. The ALJ is required to submit his or her proposed decision by no later than May 7th. After the Board takes action on the proposed decision the District must provide final notice of layoff to employees before May 15th.

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(a) – “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 44949 to 44949, inclusive.”
- Education Code 44955(c) – “The governing board shall make assignments and reassignments in such a manner that employees shall be retained to render any service which their seniority and qualifications entitle them to render.

III. Budget Impact:

See budget presentation.

IV. Goals, Objectives and Measures:

The Education Code provides the specific reason 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

Board of Education Executive Summary



Human Resource Services – Certificated Layoff

Resolution No. 2647

March 3, 2011

PKD layoff is when the Board of Education decides to eliminate or reduce programs, services of classes (i.e., counseling, nursing, foreign language). The District will determine and identify 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. This information is contained in Resolution #2647, a complete copy of which will be presented at the Board meeting.

V. Major Initiatives:

With the adoption of Resolution # 2647, the Chief Human Resources Officer and Human Resources Staff will be directed to send notices to affected certificated employees informing them that their services will not be required for the 2011-2012 school year. The resolution also adopts criteria that Human Resources Staff will use to determine whether employees whose services are being eliminated have sufficient experience and qualifications to bump less senior employees and will include competency criteria. Finally, the resolution directs that layoff notices 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 listed on the resolution, its attachments and in accordance with Education Code sections 44949 and 44955.

VI. Results:

The layoff notices must be sent by registered or certified mail or personally served on employees by March 15th. Each packet 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 #2647 - Resolution of Intent 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. 2647

**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 2010-2011 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 3rd day of March, 2011, by the following vote:

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

Gustavo Arroyo,
President of the Board of Education

ATTESTED TO:

Jonathan P. Raymond
Secretary of the Board of Education

EXHIBIT A

[To be available at Board meeting]

EXHIBIT B

[To be available at Board meeting]