



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 10.4

Meeting Date: May 5, 2011

Subject: Resolution No. 2656: 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. 2656: Resolution Regarding Proposed Decision of Administrative Law Judge and Implementing Certificated Layoff

Background/Rationale: On March 3, 2011, the Board of Education adopted its Resolution of Intention to Terminate Certificated Employees Due to a Reduction of Particular Kinds of Services (Resolution No. 2647). Pursuant to Resolution No. 2647, the District's administration sent notices to affected certificated employees on or before March 15, 2011 informing them they are subject to layoff for the 2011-2012 school year. Pursuant to Education Code §44949, a hearing was held before an administrative law judge commencing on April 26th and proceeded until the matter was taken under submission for a proposed decision to the Board of Education.

The administrative law judge must submit a proposed decision to the Board of Education by no later than May 7. The proposed decision may be received by the Board in time for the May 5th regular Board meeting. If not received by May 5, a special Board meeting will have to be called.

After the proposed decision is received, the Board shall either adopt the proposed decision or adopt, as modified, the proposed decision.

Once the decision is adopted, final layoff notices shall be served on the affected employees before May 15, 2011 as provided by law.

Financial Considerations: N/A

Documents Attached:

1. Resolution No. 2656
2. Proposed decision of Administrative Law Judge (when available)

Estimated Time of Presentation: 5 minutes

Submitted by: Robert Garcia, Chief Human Resources Officer

Approved by: Jonathan P. Raymond, Superintendent

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

RESOLUTION NO. 2656

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

WHEREAS, pursuant to Sections 44949 and 44955 of the California Education Code, the Board of Education of the Sacramento City Unified School District ("Board") has considered the findings, recommendations, or determinations contained in the proposed decision by the Honorable Catherine B. Frink, Administrative Law Judge, in the Matter of Certificated Layoffs of Sacramento City Unified School District, OAH Case Number 2011010622; 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 notice be given the certificated employees holding these positions that their services will not be required for the 2011-2012 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, as the Board's final decision, in full [or adopts the proposed decision as the final decision as modified by the Board and set forth in Exhibit B] which final decision is incorporated herein by this reference.

BE IT FURTHER RESOLVED that the adoption of the final decision by the Board shall not constitute an admission or waiver of any legal arguments on the part of the District. Nor shall the adoption of the final decision be considered the promulgation of District Board policy.

BE IT FURTHER RESOLVED that 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 after the notices are sent to employees whose

positions are to be eliminated for the 2011-12 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 _____ day of May, 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