



## SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 10.5

**Meeting Date:** May 7, 2020

**Subject:** Adopt Resolution No. 3136: Resolution Regarding Proposed Decision of Administrative Law Judge and Implementing Certificated 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. 3136: Resolution Regarding Proposed Decision of Administrative Law Judge and Implementing Certificated Layoffs.

**Background/Rationale:** On February 20, 2020 (Resolution No. 3120) the Board of Education adopted its Resolution to Eliminate Positions Due to a Reduction of Particular Kinds of Services (Resolution No. 3120). Pursuant to Resolution No. 3120, Human Resource Services sent notices to affected certificated employees on or before March 15, 2020 informing them they are subject to layoff for the 2020-2021 school year. Pursuant to Education Code §44949, a hearing was held before Administrative Law Judge, the Honorable Heather M. Rowan, commencing on April 28, 2020 and ending on April 29, 2020.

The Administrative Law Judge's proposed decision to the Board was received by May 7, 2020. 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 meeting, will consider the proposed decision by its Resolution No. 3136. The Board's final determination as to the proposed decision will decide which certificated employees are to receive final layoff notices before May 15, 2020.

Once the resolution is adopted, final layoff notices shall be served on the affected employees before May 15, 2020 as provided by law.

**Financial Considerations:** N/A

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

**Documents Attached:**

1. Resolution 3136 will be provided at the Board meeting
2. Executive Summary

<p><b>Estimated Time of Presentation:</b> 5 minutes <b>Submitted by:</b> Cancy McArn, Chief Human Resources Officer <b>Approved by:</b> Jorge A Aguilar, Superintendent</p>
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## Board of Education Executive Summary

### Human Resource Services

Adopt Resolution No. 3136: Resolution Regarding Proposed Decision of Administrative Law Judge and Implementing Certificated Layoffs  
May 7, 2020



#### **I. Overview/History of Reduction to Particular Kinds of Services for 2020-2021:**

Due to concerns associated with District program needs, reduced funding, and declining enrollment it was recommended that the Board approve a reduction of particular kinds of services ("PKS"), which it did on February 20, 2020, in Board Resolution No. 3120. The approved certificated reductions totaled 82 full time equivalency ("FTE"). The Board also approved certain skipping and competency criteria as well as tie-breaking criteria for the PKS resolution.

Before and after the Board approved these resolutions, staff considered attrition in order to reduce the number of current employees who would be subject to reduction. As a result, a total of 17 layoff notices were sent to impacted employees in inverse seniority order. Employees who were served a preliminary layoff notice had seven days to request a hearing. Of the 17 employees who received a layoff notice, 6 did not timely request a hearing. Employees who timely requested a hearing were served with a Statement of Reduction in Force per Education Code section 44949, for which they were required to submit a Notice of Participation within five days. Of the 11 employees who timely requested a hearing, only 10 submitted a Notice of Participation. A hearing was scheduled for the 10 Respondents who timely submitted a Request for Hearing and Notice of Participation.

The PKS Layoff hearing took place on April 28 and 29, 2020, and was presided over by Administrative Law Judge, Heather M. Rowan, of the Office of Administrative Hearings. Over the course of two days, both the District and Respondents called witnesses, engaged in cross-examination, and offered documentary evidence. At hearing, the District was able to rescind 3.26 FTE of layoff notices due to additional attrition and availability of assignment based on credentialing.

On May 1, 2020, both parties filed written closing briefs for Judge Rowan's consideration. By May 7, 2020, the District received Judge Rowan's proposed decision.

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

Education Code section 44949 requires the administrative law judge who presides over the layoff hearing to "prepare a proposed decision, containing findings of fact and a determination as to whether the charges sustained by the evidence are related to the welfare of the schools and the pupils of the schools. The proposed decision shall be prepared for the governing board and shall contain a determination as to the sufficiency of the cause and a recommendation as to disposition. However, the

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May 7, 2020



governing board shall make the final determination as to the sufficiency of the cause and disposition. None of the findings, recommendations, or determinations contained in the proposed decision prepared by the administrative law judge shall be binding on the governing board.”

Education Code section 44955 requires that final layoff notices be served on affected employees before May 15.

#### **III. Budget:**

Position reductions are needed to assist in addressing the District’s declining enrollment, the elimination of certain funds, and staffing needs.

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

Judge Rowan was tasked with determining whether the District satisfied the requirements of Education Code sections 44949 and 44955 when it reduced 82 FTE of particular kinds of services.

There was no dispute regarding the District’s competency, skipping, or tie-breaking criteria.

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

It is recommended that the Board consider the proposed decision and authorize staff to send final layoff notices to affected employees according to same, per the attached resolution.

#### **VI. Results:**

With the adoption of Resolution No. 3136, the Chief Human Resources Office and staff will be directed to send final layoff notices to affected employees per the Judge’s decision.

These final layoff notices must be sent to employees before May 15, 2020 as required by law.