



# SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item 9.3

**Meeting Date:** February 21, 2019

**Subject:** Approve Resolution No. 3053: Resolution to Eliminate 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 (Action Anticipated: \_\_\_\_\_)
- Conference/Action
- Action
- Public Hearing

**Division:** Human Resource Services

**Recommendation:** Approve Resolution No. 3053: Resolution to Eliminate 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 declining enrollment, reduced or elimination of certain funds, and District program needs.

Individuals may be laid off, if necessary, when the Governing Board has reduced particular kinds of services. Resolution No. 3053 includes reference to Exhibit A which will address positions to be eliminated due to a reduction of 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 2019-20 school year, if any. 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.

**Financial Considerations:** Budget reductions needed to assist in addressing the District's declining enrollment, the elimination of certain funds and staffing needs.

**LCAP Goal(s):** Safe, Emotionally Healthy and Engaged Students, Family and Community Empowerment, Operational Excellence

**Documents Attached:**

1. Executive Summary
2. Resolution No. 3053
3. Exhibit A will be available at the Board meeting

**Estimated Time of Presentation:** 5 minutes

**Submitted by:** Cancy McArn, Chief Human Resources Officer

**Approved by:** Jorge A. Aguilar, Superintendent

# Board of Education Executive Summary

## Human Resource Services

Approve Resolution No. 3053: Resolution to Eliminate Certificated Employees  
Due to a Reduction of Particular Kinds of Service  
February 21, 2019



### I. Overview/History of Department or Program

Due to declining enrollment, reduced funding and District program needs, the District must prepare to reduce and/or eliminate particular kinds of services provided by certificated employees for the 2019-2020 school year. Accordingly, the District seeks to eliminate certain programs and services as listed in Exhibit A to the attached Resolution No. 3053 pursuant to Education Code section 44955.

The District recognizes that under state law, the District would need to provide notice on or before March 15<sup>th</sup> to any employee(s) who it later determines must be designated for layoff for the 2019-2020 school year if necessary. Such individuals would 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:

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

# Board of Education Executive Summary

## Human Resource Services

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### 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 No. 3053.

### V. Major Initiatives:

The attached resolution Exhibit A will be provided at the board meeting, which is the recommended reduction in 2019-2020 programs and services and specifically lists the services to be reduced and the number of full time equivalent (FTE) positions.

With the adoption of Resolution No. 3053, the Chief Human Resources Officer and staff will be directed to send notices to any certificated employees deemed to be affected by the elimination of positions that their services will not be required for the 2019-2020 school year. Any necessary notices will be sent to the appropriate certificated employees in order to effectuate a reduction of the certificated staff consistent with the resolution, its attachment and Education Code sections 44949 and 44955.

### VI. Results:

The layoff notice must be sent by March 15<sup>th</sup> to any 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 sent by registered or certified mail.

# Board of Education Executive Summary

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### VII. Lessons Learned/Next Steps:

Approve Resolution No. 3053 - Resolution to Eliminate Certificated Employees Due to a Reduction of Particular Kinds of Service.

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

**RESOLUTION NO. 3053**

**ELIMINATE POSITIONS 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 eliminate at the end of the 2018-2019 school year, the employment of certain certificated employees of the District as a result of this reduction or discontinuance in particular kinds of services;

**NOW, THEREFORE, BE IT RESOLVED** that the Superintendent or designee is directed to send appropriate notices to all employees whose services shall be eliminated 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.

**PASSED AND ADOPTED** by the Sacramento City Unified School District Board of Education on this 21<sup>st</sup> day of February, 2019, 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

**RESOLUTION NO. 3053**

**EXHIBIT A**

**WILL BE PROVIDED AT THE BOARD MEETING**