SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION

Agenda Item# 10.3

Meeting Date : May 6, 2021

Subject : Adopt Resolution No. 3203: 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. 3203: Resolution Regarding Proposed Decision of Administrative Law Judge and Implementing Certificated Layoffs.

Background/Rationale : On February 18, 2021 the Board of Education adopted its Resolution to Eliminate Positions Due to a Reduction of Particular Kinds of Services (Resolution No. 3182). Pursuant to Resolution No. 3182, Human Resource Services sent notices to affected certificated employees on or before March 15, 2021 informing them they are subject to layoff for the 2021-2022 school year. Pursuant to Education Code § 44949, a hearing was held before an Administrative Law Judge, the Honorable Heather Rowan, on April 22, 2021. The District was able to resolve certain is

Documents Attached:

1. Resolution No. 3203
2. Executive Summary

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

Adopt Resolution No. 3203: Resolution Regarding Proposed Decision of Administrative Law Judge and Implementing Certificated Layoffs
May 6, 2021

I. Overview /History of Reduction to Parti cular Kinds of Services for 2021 -2022:

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 18, 2021, in Board Resolution No. 3182. The approved certificated reductions totaled 132.05 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 64 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 64 employees who received a layoff notice, 25 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 39 employees who timely requested a hearing, 39 submitted a Notice of Participation. A hearing was scheduled for the 39 Respondents who timely submitted a Request for Hearing and Notice of Participation.

The PKS Layoff hearing took place on April 22, 2021, and was presided over by Administrative Law Judge, Heather M. Rowan, of the Office of Administrative Hearings. The District was able to resolve certain issues with the represented teachers in advance of hearing, which limited the number of outstanding issues for hearing. At hearing, the District was able to rescind 17.9 FTE of layoff notices.

On April 30, 2021, the District received Judge Rowan's proposed decision dated April 28, 2021.

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 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 fin06.44(i)18 27 re n BT3n06.44(i)18 27 re n BT3n06.44(

SACRAMENTO CITY UNIFI

INISTRATIVE

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B

waiver of the right to a

hearing; and

ff hearing was convened on April 22, 2021, by the Office of Administrative

WHEREAS, a layo

appeared for

her who both

e rescinded; and

WHEREAS, the District did in fact grant

BE IT FURTHER RESOLVED AND ORDERED that [illegible]

Attachment "C", pursuant to Education Code section 44949, that their services will not be required by [illegible]

certificated employees [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Jorge A. Aguilar

ATTACHMENT A

	Last Name	First Name
	Hong-An	
	Dawn	
	Shannon	
	Amanda	
7	Do[illegible]	
8	Robinson	
9	Brinkley	
10	Casteel	
34	Sawusch	[illegible]
35	Hutson	[illegible]
36	Johnson	Lyndell
37	[illegible]	Jamie
38	[illegible]	[illegible]
39	Reed Gamble	[illegible]
40	[illegible]	[illegible]
43	Ballenger	James
44	Cacho	Daniel
45	Billings	Mary
46	Barnes-Gh[illegible]	[illegible]
[illegible]	[illegible]	Alexandra

48	Sevilla	Maria
49	Fleming	Tracy
50	Araujo	Spenser
51	Peruzzi	Nicola
52	Tite	Wesley
53	Wolf	Jaime
54	Aguilera	Francisco
55	Cuda	Zachary
56	Peltz Planchon	Tiffany

ATTACHMENT B

BEFORE THE

GOVERNING BOARD OF THE

[illegible]

[illegible]ATE OF CALIFORNIA

[illegible]

(OAH), State of California, heard this matter via video conference on [illegible] 22, 2021, from Sacramento, California.

Erin Ha[illegible] and Katherine Holding, Attorneys at Law, of Lozano Smith, represented the Sacramento City Unified School District (District).

Lesley Beth Curtis and Eric Lindstrom, Attorneys at Law, of [illegible] Curtis &

[illegible]

Roderick [illegible] Carrillo, Bonnie Chafee, Zachary [illegible]

[illegible]

Respondents Am

opportunity to review the updated

seniority list and lodge objections, if any. The record was clos

ISSUE

ented respondents and the District agreed

those two issues a determined, the repre

were

ed, being elimina

seniority matters to

2. Respondents Prozakis and Casteel were given the opportunity to

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

request for a hearing. [illegible]

ondent Calvin's layoff notice.

postage prepaid and addressed to the last known address

of the employee."

states that if an employee "is

ll be deemed reemployed" for the following school

ant as it refers to an emp

receiving the notices. The District "gave" respondent

s statutory requirement to send respondent Calvin his

ecord. The mail was sent to the correct address, no one

not given the notices . . . " he "sh

year. The language here is impor

Calvin his pre

preliminary notice by re

not dispute his address of

[1] The Di

signed for it, and someone wrote "n[illegible]" on the envelope. For these reasons, there

[illegible]

9. The District's recorded seniority date for respondent Tite [illegible]

substitute teacher at Rosemont High School [illegible] October 19, 2020. Respondent Tite

worked in the same classroom from October [illegible] full-time probationary employee on March [illegible], 2021. Respondent Tite argued his actual

seniority date should reflect his initial hire date of October 19, 2020.

[illegible]

[illegible] five days per week for the District. From November [illegible] February 26, 2021, he worked three days per week for the District: Monday through Wednesday. He then prepared a pr[illegible] for a substitute to implement on Thursdays and [illegible]

[illegible] transition from his part-time position to full-time [illegible] he was the teacher o[illegible] control of the "Google [illegible] he assigned grades, created the les[illegible] for the substitute [illegible] who [illegible] week schedule, he drafted pla[illegible]

12 Respondent Tite testified he was tea

ng in the same classroom for the

substitute under t Code.

#4017 states, in relevant part: "governing boards of school

employed persons

ion

or

certifica

rtificated

employee of the school district, shall be deemed to have

rved a complete school year as a probationary employee

employed as a probationary employee for the following

se

if

15. No evidence was presented at hearing that respondent Tite worked "at

the school year. The evid

least 75 percent of the number of

ESENTED RESPONDENTS AND

THE D

ISTRICT

determined that the parties entered into

16. Once the above matters wer

sues on the record. The following are a

agreements regarding the remaining i

aced on the record on April 22, 2021 .

Recital 1 of the parties' agreement n

17. The

and rec

ns. The

the previous list and impacted some of the represented respondents' positi

was made

parties stipulated that the District is not currently aware of any other change

that would impact the represented respond[illegible]

[illegible]

[illegible] credential

[illegible] Sevilla,

Brittney Thompson; Katherine Townson, and Bao Vang.

22. The District will issue final layoff notices to the following represented

[illegible]

Nicola Peruzzi, Lina Pittman, Ruth Rosa, Karen Saintino,

Wesley Tite, Tamara Toby, Paula Von Lahr, and Jaime Wolf.

RECOMMENDATIONS

1. [illegible] student Roderick Calvin.

2. Respondent Wesley Tite's seniority date of March 1, 2021 is affirmed.

DATE: April 23, 2021

Heather M. Rowan

Heather M. Rowan (Apr 28, 2021 15:13 PDT)

HEATHER M. ROWAN

Administrative Law Judge

Office of Administrative Hearings

ATTACHMENT C

	Last Name	First Name
1	Aguilera	Francisco
2	Alvarado	Lissa
3	Araujo	Spenser
4	Ballenger	James
5	Bartón	Arianna
6	Cabrera	Amanda
7	Cabrera	Amanda
8	Cabrera	Amanda
9	Cabrera	Amanda
10	Cabrera	Amanda
11	Centeno	Jorlinis
12	Chufar	Rosa
13	Cruz	Ana
14	Cruz	Ana
15	Cruz	Ana
16	Cruz	Ana
17	Cruz	Ana
18	Cruz	Ana
19	Cruz	Ana
20	Cruz	Ana
21	Cruz	Ana
22	Cruz	Ana
23	Cruz	Ana
24	Cruz	Ana
25	Cruz	Ana
26	Cruz	Ana
27	Cruz	Ana
28	Cruz	Ana
29	Cruz	Ana
30	Cruz	Ana
31	Cruz	Ana
32	Cruz	Ana
33	Cruz	Ana
34	Ramirez	Anarissa
35	Rosa	Ruth
36	Rozelius	Antonia
37	Sawusch	Kimberly
38	Sehaan	Alyssa
39	Tite	Wesley
40	Tol	