SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 10.3

Meeting Date : May 6, 2021

<u>Subject</u>: 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

<u>Recommendation</u>: Adopt Resolution No. 3203: Resolution Regarding Proposed Decision of Administrative Law Judge and Implementing Certificated Layoffs.

<u>Background/Rationale</u>: 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

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

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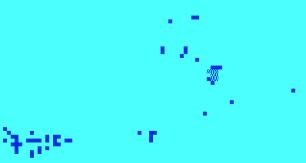
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Nicola Peruzzi. Lina Pittman, Ruth Rosa, Kares Scienco,

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