



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item # 8.1d

Meeting Date: April 4, 2013

Subject: Resolution Amending Competency Criteria for Priority Schools (Ed. Code 44955(b))

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: _____)
- Conference/Action
- Action
- Public Hearing

Division:

Human Resources

Recommendation:

The Chief Human Resources Officer recommends that the Board of Education adopt Resolution No. 2745: Amending Competency Criteria for Priority Schools (Ed. Code 44955(b)).

Background/Rationale:

On February 21, 2013, the Board of Education adopted Resolution No. 2735 "Resolution of Intention to Terminate Certificated Employees Due to a Reduction of Particular Kinds of Services" and defined, in Exhibit B thereto, the term "competent" for purposes of Education Code section 44955, subdivision (b). Competency Criteria C on Exhibit B to Resolution No. 2735 defined competent for purposes of working in a Priority School.

On March 15, 2013, Sacramento County Superior Court Judge Allen Sumner issued a statement of decision in *Acquisto, et al. v. Sacramento City Unified School District* ("Acquisto decision") holding, among other things, that the Priority Schools constitute a course of study under Education Code section 44955, subdivision (d), and employees assigned to those schools may be skipped if they possess training and experience that more senior employees do not possess. The *Acquisto* decision also held that the District's criteria to determine competency to work in a Priority School that was applied during the 2012 layoff process was overbroad.

In conformance with the *Acquisto* decision, it is recommended that the Board of Education amend Criteria C of Exhibit B to Resolution No. 2735 as set forth in Resolution No. 2745 and authorize the Superintendent or his designee to take all steps necessary to carry out Resolution No. 2735 with Criteria C as amended.

Financial Considerations:

None.

Documents Attached:

Resolution No. 2745 (Resolution Amending Competency Criteria for Priority Schools)

Resolution No. 2735 (Resolution of Intention to Terminate Certificated Employees Due to a Reduction of Particular Kinds of Services)

Estimated Time of Presentation: N/A

Submitted by: Jess Serna, Chief Human Resources Officer

Approved by: Jonathan P. Raymond, Superintendent

SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION

RESOLUTION NO. 2745

RESOLUTION AMENDING COMPETENCY CRITERIA
FOR PRIORITY SCHOOLS (ED. CODE 44955(b))

WHEREAS, on February 21, 2013, the Board of Education ("Board") adopted Resolution No. 2735 "Resolution of Intention to Terminate Certificated Employees Due to a Reduction of Particular Kinds of Services" and defined, in Exhibit B thereto, the term "competent" for purposes of Education Code section 44955, subdivision (b); and

WHEREAS, Competency Criteria C of Exhibit B to Resolution No. 2735 defined competent for purposes of working in a Priority School setting; and

WHEREAS, on March 15, 2013, Sacramento County Superior Court Judge Allen Sumner issued a statement of decision in

PASSED AND ADOPTED by the Sacramento City Unified School District
Board of Education on this 4th day of April, 2013, by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

Jeff Cuneo
President of the Board of Education

ATTESTED TO:

Jonathan P. Raymond
Secretary of the Board of Education

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 terminate at the end of the 2012-2013 school year, the employment of certain certificated employees of the District as a result of this reduction or discontinuance in particular kinds of services;

WHEREAS, Education Code section 44955, subdivision (b), states that an employee who is "competent" to render a service must be retained in favor of an employee with less seniority, but does not define "competent";

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

BE IT FURTHER RESOLVED that for the purposes of Education Code section 44955, subdivision (b), "competent" shall be defined as described in Exhibit "B".

PASSED AND ADOPTED by the Sacramento City Unified School District Board of Education on this 21st day of February, 2013, by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

Jeff Cuneo
President of the Board of Education

ATTESTED TO:

Jonathan P. Raymond
Secretary of the Board of Education

**RESOLUTION NO. 2735
EXHIBIT A**

Recommended Reduction in 2013-2014 Programs Services for the Sacramento City Unified School District.

The Superintendent recommends that the Board of Education adopt a resolution to reduce the programs and services for 2013-2014 as follows:

Services	Number of Full-Time <u>Equivalent Positions</u>
Principal	12.0 FTE
Assistant Principal, Middle School	1.0
Site Instruction Coordinator	3.0
Specialist II, Learning Support Services	2.0
Coordinator II, Linked Learning	1.0
Specialist, Research	1.0
Sub Total:	20.0
<i>Clinician Psychologist/Social Worker</i>	3.0 FTE

Computer	1.0
Counselor	19.0
English	11.4
Foreign Language: Spanish	3.0
Geography (grades 9-12)	1.0
Health Science	1.0

Elementary Teacher	25.0
Teacher, Middle (CORE)	2.0
Teacher, Resource	6.5
Training Specialist	9.5
Math (grades 7-8)	8.0

Adult Education

English as a Second Language

4.0

Basic Education

1.0

Total Full Time Equivalent Reduction

153.9 FTE

RESOLUTION NO. 2735
EXHIBIT B

For the purposes of Education Code section 44955, subdivision (b), "competent" shall be defined according to the following:

- A. Highly Qualified status, as required by the No Child Left Behind Act
 - B. Possession of a BCLAD, CLAD or other equivalent English Language Learner Authorization to the extent required by the position
 - C. In order to work in a Priority School, training and/or experience working in a Priority School setting
 - D. In order to work in a Waldorf School, formal training/coursework in the Waldorf method of teaching
 - E. In order to work in a Dual Immersion program, one (1) year of experience in the past five (5) years teaching in a Dual Immersion program.
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