

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

**RESOLUTION NO. 3136**

**RESOLUTION REGARDING PROPOSED DECISION OF ADMINISTRATIVE**

**LAW JUDGE AND IMPLEMENTING CERTIFICATED LAYOFFS**

adult education parent participation preschool teachers deemed to be temporary employees pursuant to Education Code section 44929.25, as described in the Proposed Decision, they are hereby released from employment at the end of the 2010-2011 school year and shall

[REDACTED]

[REDACTED]

Superintendent or Superintendent's designee.

**PASSED AND ADOPTED** by the Sacramento City Unified School District Board of Education on

[REDACTED]



**ATTACHMENT B**  
**[ALJ'S PROPOSED DECISION]**

**BEFORE THE  
GOVERNING BOARD OF THE  
SACRAMENTO CITY UNIFIED SCHOOL DISTRICT  
STATE OF CALIFORNIA**

**In the Matter of the Teacher Reduction in Force for:**

**CERTAIN CERTIFICATED EMPLOYEES, Respondents.**

**OAH No. 2020040078**

**PROPOSED DECISION**

Heather M. Rowan, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, heard this matter telephonically on April 28 and 29, 2020.

Gabriela D. Flowers and Katherine Holding, Attorneys at Law, of Lozano Smith

represented the Sacramento City Unified School District (District)

Lesley Beth Curtis, Attorney at Law, of Langenkamp Curtis & Price, represented

received from respondent Chapman. The record was closed and the records

submitted for decision on May 1, 2020.

## FACTUAL FINDINGS

1. The District is a large urban school district that provides services to 40,000 students in and surrounding the City of Sacramento. Respondents are certificated employees.
2. Cancy McArn is the District's Chief Human Resources Officer. She, with her staff, compiled the data that led to recommendations to the District's Governing Board (Board) regarding the reduction of particular kinds of services (PKS). The actions of Ms. McArn and the Board were taken in their official capacities.

5. Following a series of meetings with school principals, supervisors, assistant superintendents, Budget Department representatives, and District

[REDACTED]

services to be reduced and/or eliminated to address the anticipated budget deficit.





Physical Education	3.0
*School Nurse	1.0
*School Psychologist	1.0
*School Social Worker	1.0
*Science: Biological Sciences	1.2
*Science: General Science	1.5
*Science: Physical Science	1.0
Social Science	2.9
Teacher, Elem., Spec. Subj: Art	1.4
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*Teacher, Elementary, Spec. Subj. Phys Ed	2.0
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*Teacher, K-8 (K-6)	3.0
*Teacher, Middle (CORE)	2.4
*Teacher, Middle (Special Ed)	1.0
Teacher, Special Ed (Orally Impaired)	1.0
Teacher, Resource	4.4
Training Specialist	2.8
Sub Total	54.0

9. The services set forth in Resolution 3120 are "particular kinds of services"

that may be reduced or discontinued.



This resignation is unconditional, effective and irrevocable.

upon receipt by the undersigned Superintendent's designee as "approved." I understand it is my responsibility to turn in my keys, phone, badge, equipment, etc. to my city

administrator.

Respondent Chapman signed the form on June 12, 2015. The Superintendent's

his designee accepted and approved it on July 1, 2015. Respondent Chapman testified she had accepted a position with A. Warren McClaskey Adult Center (McClaskey) as a .5 FTE teacher in the Parent Participation Preschool. She began that position in the 2015-2016 school year.

form, which it does annually. Respondent Chapman signed the form, by which she acknowledged she was a permanent teacher, her seniority date was September 3, 2002, and she was a part-time teacher at McClaskey. Respondent also submitted her employee evaluation from the 2018-2019 school year, on which her supervisor checked the box indicating respondent Chapman's status was "permanent."

17. Respondent Chapman argued she is a permanent teacher with a seniority date of September 3, 2002. The District informed her of this on multiple occasions, and

[REDACTED]

produced at hearing lists respondent Chapman's seniority date as September 3, 2002.

18. The District provided respondent Chapman with incorrect information – on more than one occasion. And it did not

[REDACTED]

Respondent Chapman is employed to teach adults. The Parent Participation

Preschool program is designed to teach the participants... [REDACTED]

preschool students. The parents are enrolled in the adult education program and the children are not considered for attendance purposes. Respondent Chapman is

employed at 50 percent time, which is below the 60... [REDACTED]

eliminated the Administrative Assistant program after the 2017-2018 school year, but retained Ms. Johnson for the 2018-2019 school year to allow the enrolled students to complete the program. For the 2019-2020 school year, Ms. Johnson co-taught in the Integrated Education Program for English as a Second Language (ESL) students.

23. Sue Gilmore, PhD., has been the District's Director of Adult Education for 10 years. She testified that after the Administrative Assistant program was phased out,

Ms. Johnson was retained for one year to co-teach in a classroom. [REDACTED]

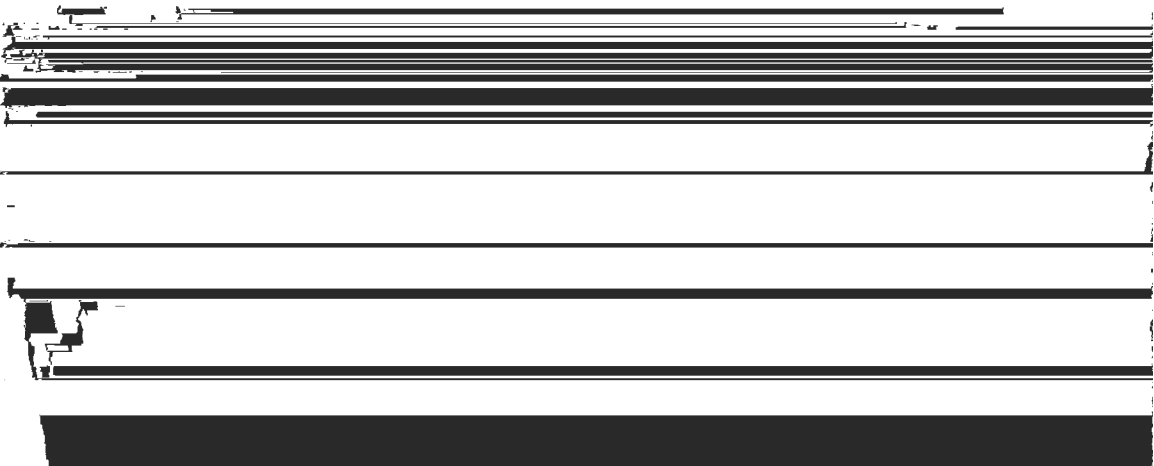
**RESPONDENTS VON LAHR AND TOBY**

25. Respondents Paula von Lahr and Tamara Toby are full time teachers in the Parent Participation Preschool program at McClaskey. Each is credentialed in adult education. Respondent von Lahr's seniority date is October 5, 1998. Respondent Toby's seniority date is September 8, 2015.

26. Ms. Ramos testified that the District's funds come from various sources. Some are based on attendance, some on grants, and some are one-time funds for particular programs. There are programs the District values that it continues to subsidize, even though the program may not be solvent or have its own source of funds. The District subsidizes these programs with General Funds. The Parent Participation Preschool is one such program.

27. Dr. Gilmore testified that the Parent Participation Preschool program collects \$160,000 in fees per year. The program costs \$435,000 to operate. As another cost-saving measure, the District is eliminating the program. All teachers in the Parent Participation Preschool program will be either laid off or their services will not be requested for the 2020-2021 school year.<sup>4</sup> Neither respondent Toby nor von Lahr have

<sup>4</sup> The District and teachers' Collective Bargaining Agreement defines "per





additional credentials, and neither argued a right to bump another teacher in a different position.<sup>5</sup>

### **Respondent Cacho**

28. Jay Carrithers' seniority date is August 27, 2014. In the 2019-2020 school year, Mr. Carrithers was teaching CTE: Engineering and Design (Engineering and Design) at the District's Engineering and Sciences High School. During the "One-Stop

Staffing" process (One-Stop) the District employs to identify and select staff for the

[REDACTED]

upcoming school year, it was determined Mr. Carrithers does not have the proper credential to teach Engineering and Design.<sup>6</sup> Mr. Carrithers is credentialed to teach CTE: Building Trades and Construction (Building Trades).

29. Respondent Daniel Cacho was hired on February 3, 2020, to teach Building Trades, in which he holds a credential. Resolution 3120 identified 1.0 CTE in

[REDACTED]

Cacho, and is qualified to teach Building Trades. Respondent Cacho received a layoff notice.

30. Jake Hansen has been a Human Resource Analyst for the District for 10 years. He testified that he collected data during and after One-Stop to identify positions to be reduced in the PKS reduction. He and his colleagues then conducted a seniority analysis to determine which teachers should receive layoff notices based on the reduction of PKS.

31. Mr. Hansen testified that Mr. Carithers is not a teacher. Mr. Carithers is a Human Resource Analyst. Mr. Carithers testified that he collected data during and after One-Stop to identify positions to be reduced in the PKS reduction. He and his colleagues then conducted a seniority analysis to determine which teachers should receive layoff notices based on the reduction of PKS.

Engineering and Design and the Office of the Superintendent of Schools.

a CTE: Building Trades and Constriction position. (Ex. 1.) Mr. Carrithers will likely take the position currently held by [sic] Mr. Cacho once the surplus process has concluded.

## LEGAL CONCLUSIONS

[REDACTED]

sections 44949 and 44955. All notices and other jurisdictional requirements of sections 44949 and 44955 were met.

2. A District may reduce services within the meaning of section 44955, subdivision (b), "either by determining that a certain type of service to students shall not, thereafter, be performed at all by anyone, or it may 'reduce services' by

determining that proffered services shall be reduced. [REDACTED]

[REDACTED]

not become a probationary employee under the provisions of Section 44954.

As set forth in Factual Finding 21, respondent Chapman is a temporary teacher under Section 44929.25. She is not subject to the layoff procedures in Education Code sections 44949 and 44955. The Statement of Reduction in Force filed against her must

[REDACTED]

## **Respondent Cache**

4. Education Code section 44955, subdivision (b) provides, in part:

... whenever a particular kind of service is to be reduced or

preponderance of the evidence that a PKS was reduced (or even modified). Rather, the District moved Mr. Carrithers from Engineering and Design to Building Trades, and found itself with more teachers than positions. Because there was no reduction of

PKS, respondent Cacho's layoff notice must be rescinded.

5. The services the District seeks to eliminate in this matter, as set forth in Resolution 3120, are the particular kinds of service that may be reduced or discontinued within the meaning of Education Code section 44955. Except as applied

to its identifying 1.0 FTE in CTE Building Trades and Construction, the Board's decision

## RECOMMENDATION

1. The Sacramento City Joint Unified School District's action to reduce or

eliminate the particular kinds of services identified in Resolution 3120 for the 2020

## ATTACHMENT C

	<b>Last Name</b>	<b>First Name</b>
1	Chacon	Kristal
2	Cuda	Zachary
3	Dowd	Rachelle
4	Hasseltine	Sally
5	Johnson	Valyncia
6	Kunze	Dean
7	Mo	Melody
8	Moran	Galen
9	Rideout	Michael
10	Toby	Tamara
11	Von Lahr	Paula
12	Watson	Dustin