

California School Boards Association

August Layoffs

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Agenda

- Statutory Overview
- Financial Issues
- Revenue Limit
- Opinion of Board
- Timelines/Action Items
- Potential Pitfalls

August Layoffs

Education Code section 44955.5:

- (a) During the time period between five days after the enactment of the Budget Act and August 15 of the fiscal year to which that Budget Act applies, if the governing board of a school district determines that its total revenue limit per unit of average daily attendance for the fiscal year of that Budget Act has not increased by at least 2 percent, and if in the opinion of the governing board it is therefore necessary to decrease the number of permanent employees of the district, the governing board may terminate the services of any permanent or probationary certificated employees of the district, including employees holding a position that requires an administrative or supervisory credential. The termination shall be pursuant to Section 44951 and 44955 but, notwithstanding anything to the contrary in 44951 and 44955, in accordance with a schedule of notice and hearing adopted by the governing board.
- (b) This section is inoperative from July 1, 2002, to July 1, 2003, inclusive.

Changes to the Budget

- Has this section been triggered (was the February action a “Budget Act”), even though there is still potential for changes to the budget?



Revenue Limit

- “Revenue limit per unit of average daily attendance” –
 - Is this total revenue limit dollars, or specifically the revenue limit per ADA?
 - Has it increased by at least 2 percent, or not?
 - What if there is a deficit – does it refer to funded revenue limit, or authorized revenue limit?
 - When will these answers be known for sure?

“Opinion” of Board

- “Opinion of governing board it is therefore necessary to decrease the number of permanent employees of the district” –
 - Can districts use this if they only want to reduce probationary employees?
 - How does board reflect its “opinion”?
 - What kind of showing will be required?

Timelines/Actions

- What timelines/actions does the board need to adopt?
 - Preliminary Notice/Accusation
 - Request for Hearing/Notice of Defense
 - Hearing (end of June – 3 weeks in July)
 - Proposed decision (OAH August 6)
 - Final notices (August 15, recommended)

Potential Pitfalls

- What are the potential pitfalls?
 - Untested
 - Uncertainty of legislative action
 - CTA Challenge



Thank you!

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