

OAKLAND UNIFIED SCHOOL DISTRICT
Human Resources Services and Support

May 12, 2010

Legislative File

File ID No.: _____ 10-0938
Introduction Date: 5/12/10
Enactment No.: 10-0688
Enactment Date: 5-12-10
By: ea

TO: Board of Education

FROM: Anthony Smith, Ph.D. Superintendent
Delia Ruiz, Executive Officer, Human Resources Services & Support

SUBJECT: Resolution Adopting the Proposed Decision of the Administrative Law Judge Relating to Reductions in Certificated Positions

ACTION

Approval by the Board of Education of Resolution 0910-0243, Adopting the Proposed Decision of the Administrative Law Judge Relating to Reductions In Certificated Positions

BACKGROUND

To finalize the reduction of certificated positions the Board previously approved prior to March 15, 2010, the Education Code requires the Governing Board to consider the advisory opinion of the Administrative Law Judge who presided over the certificated layoff hearings. The final decision as to whether to eliminate the positions lies with the Governing Board. It is required that the District must send before May 15, 2010 final notices to certificated employees whose positions will be eliminated or reduced.

DISCUSSION

Prior to March 15th of this year, the Governing Board passed a resolution reducing certain certificated positions based on the District's significant budget cuts and based on preliminary outcomes of Results-Based Budgeting (RBB) in which sites and departments reduced certificated staff. The Education Code provides noticed employees a right to a hearing before an Administrative Law Judge to determine whether the Governing Board's decision is based on sufficient cause, such as financial need, and properly administered. The hearings were held on April 28, 2010. The Administrative Law Judge's advisory opinion was issued on or about May 6, 2010.

The final determination as to whether to adopt, reject, or modify the Administrative Law Judge's proposed decision lies with the Governing Board. In this case, staff believes there is significant evidence supporting the financial need for the layoffs and the legitimate manner in which the layoff was conducted.

Here, the Administrative Law Judge upheld all aspects of the layoff except that she found that the District should have laid off K-8 multi-subject teachers who did not have CLAD or BCLAD, but had other forms of valid certification to teach English Learners such as Language Development Specialist Certificate, Bilingual Certificate of Competence, Certificate of Completion of Staff Development. Because of this finding, the Administrative Law Judge determined that the District should rescind layoff notices of persons who were prejudiced by the district invalidly excluding from layoff ("skipping") such persons with other forms of English Learner certification.

However, none of the teachers who were issued layoff notices were prejudiced by the manner in which the District administered the layoff. Specifically, the teachers who received layoff notices and were represented at the hearing would have received a layoff notice regardless of whether teachers who had other forms of English Learner certification were included in the layoff or not. Moreover, the persons

who had other forms of English Learner certification should not have been laid off because they would have had the right to bump into other positions, including, without limitation, Education Enhancement/ Intervention Program positions.

RECOMMENDATION

Approval by the Board of Education of Resolution 0910-0243, relating Proposed Decision of Administrative Law Judge.

BUDGET IMPACT

Cost savings/reduction in expenditures.

ATTACHMENTS

Resolution No. 0910-0243 – Proposed Decision of Administrative Law Judge (ALJ) Relating to the Reductions In Certificated Positions
Proposed ALJ Decision In the Matter of Oakland USD, OAH No. 2010040155

Legislative File

File ID No.: _____ 10-0938
Introduction Date: 5/12/10
Enactment No.: 10-0688
Enactment Date: 5-12-10
By: _____

**RESOLUTION
OF THE
BOARD OF EDUCATION
OF THE
OAKLAND UNIFIED SCHOOL DISTRICT
Resolution No. 0910-0243**

- Proposed Decision of Administrative Law Judge Relating to Reductions in Certificated Positions -

WHEREAS, pursuant to Sections 44949 and 44955 of the California Education Code, the Governing Board of the Oakland Unified School District has considered the findings set forth in the proposed decision issued on May 6, 2010, by the Honorable Diane Schneider, Administrative Law Judge, in the Matter of Certificated Layoffs of Oakland Unified School District, OAH Case Number 2010040155; and

WHEREAS, the proposed decision contains Judge Schneider’s determination that the District’s reduction in certificated employment positions was based on financial need and the general welfare of the District’s students. In addition, the proposed decision finds that sufficient cause exists for the elimination of up to 121.0 Full Time Equivalent Positions. The proposed decision recommends that notice be given to the employees whose positions were eliminated that their services will not be required for the 2010-2011 school year, except for certain K-8 multi-subject classroom teachers who may have been prejudiced by the exclusion from layoff of persons with alternative forms of clear English Learner certification; and

WHEREAS, Section 44949 of the California Education Code requires the Governing Board to make the final determination as to whether there is sufficient cause to reduce the positions set forth in the table below and whether the reduction was implemented in accordance with the Governing Board’s resolutions; and

WHEREAS, none of the teachers who were issued preliminary layoff notices were prejudiced by the manner in which the District administered the layoff. Specifically, the teachers who received layoff notices and were represented at the layoff hearing would have been included validly in the reduction of positions regardless of whether teachers who had other forms of English Learner certification were skipped or included in the layoff. Moreover, the persons who had other forms of English Learner certification would not have been subject to lay off because they have greater seniority than other employees within the District and are competent to teach in other positions, including, without limitation, Education Enhancement/ Intervention Program positions.

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Oakland Unified School District (hereinafter “Board”), having reviewed, hereby accepts the findings set forth in the Honorable Diane Schneider’s proposed decision which states that sufficient cause, including financial need and the general welfare of the District’s students, exists for the elimination and/or reduction of the following positions:

PARTICULAR KINDS OF SERVICES	NUMBER OF FULL-TIME EQUIVALENT POSITIONS
Counselor	2.0
Adult Ed, OACE Central Instruction Support	2.0

Adult Ed, English as a Second Language	14.0
Adult Ed, Parenting Education	1.0
Adult Ed, Career Technical Education	5.0
Adult Ed, Adults with Disabilities/ 50+	16.0
K-8 Multi-Subject Classroom Teachers (CORE & Self-contained classrooms)	81.0
Total FTE Reduction:	121.0

BE IT FURTHER RESOLVED that the Board, having accepted the findings set forth in the proposed decision, hereby adopts the proposed decision in all respects; and

BE IT FURTHER RESOLVED that the Board declares that no K-8 multi-subject classroom teachers are prejudiced by the method in which the layoff shall be implemented and further declares that their positions would have been eliminated under the administrative law judge's interpretation of Resolution Number 0910-0159; therefore no K-8 multi-subject classroom teachers' preliminary layoff notice shall be rescinded other than for an employee who obtained a clear CLAD or BCLAD certificate prior to May 7, 2010; and

BE IT FURTHER RESOLVED that the Board declares that the adoption of the decision shall not constitute an admission or waiver of any legal arguments on the part of the District. Nor shall the adoption of the decision be considered procedural in the nature or the promulgation of District Board policy. Moreover, any and all principles set forth in the decision shall be strictly limited to the layoff context and to the individuals in the named decision and shall not be interpreted to apply globally to all District employees outside of the layoff context; and

BE IT FURTHER RESOLVED that the Superintendent or his designated representative is directed to send appropriate notices in accordance with the provisions of California Education Code Section 44949 and Section 44955 to those employees identified by the Superintendent or his designee whose positions are lost or reduced by virtue of this action; and

BE IT FURTHER RESOLVED that this decision is effective immediately.

Passed by the following vote:

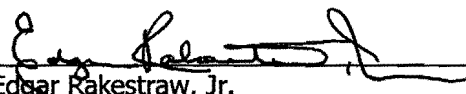
AYES: Jody London, Jumoke Hodge, David Kakishiba, Alice Spearman,
Vice President Christopher Dobbins, President Gary Yee

NAYS: None

ABSTAINING: None

ABSENT: Noel Gallo

I hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at a Regular Meeting of the Board of Education of the Oakland Unified School District held May 12, 2010.


Edgar Rakestraw, Jr.
Secretary, Board of Education
Oakland Unified School District

Attachment: Proposed ALJ Decision In the Matter of Oakland USD, OAH No. 2010040155

BEFORE THE GOVERNING BOARD OF THE
OAKLAND UNIFIED SCHOOL DISTRICT
COUNTY OF ALAMEDA, CALIFORNIA

In the Matter of the Non-Reemployment of:
CERTAIN CERTIFICATED EMPLOYEES,
Respondents.

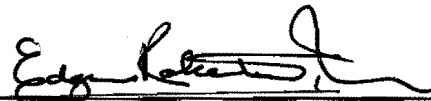
OAH No. 2010040155

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Governing Board of the Oakland Unified School District as the Decision in the above-entitled matter.

This Decision shall become effective on 5-12-10.

IT IS SO ORDERED _____.



Edgar Rakestraw, Jr., Secretary
Board of Education

LEGISLATIVE FILE

File ID No. 10-0938
Introduction Date 5-12-10
Enactment No. 10-0688
Enactment Date 5-12-10 *Bo*

BEFORE THE GOVERNING BOARD OF THE
OAKLAND UNIFIED SCHOOL DISTRICT
COUNTY OF ALAMEDA, CALIFORNIA

In the Matter of the Non-Reemployment of:

CERTAIN CERTIFICATED EMPLOYEES,

Respondents.

OAH No. 2010040155

PROPOSED DECISION

This matter was heard before Diane Schneider, Administrative Law Judge, State of California, Office of Administrative Hearings, in Oakland, California, on April 28, 2010.

Marion McWilliams, Deputy General Counsel, Office of General Counsel, Oakland Unified School District, represented the Oakland Unified School District.

David Weintraub and Dusty L. Collier, Attorneys at Law, Beeson Tayer & Bodine, represented respondents, all of whom are identified in Attachment A.

The record was held open at the request of the parties to permit them to file simultaneous closing briefs, which were timely filed on April 29, 2010. The Oakland Unified School District's brief was marked as Exhibit 13, and respondents' brief was marked as Exhibit I.

The record closed and the matter was submitted on April 29, 2010.

FACTUAL FINDINGS

1. Anthony Smith made and filed the Accusation in his official capacity as Superintendent of the Oakland Unified School District (district).
2. On March 10, 2010, the district's governing board adopted Resolution No. 0910-0159, which sets forth the board's determination that it will be necessary for the district to reduce or discontinue particular kinds of services (PKS) for the 2010-2011 school year, for a total of 121 full-time equivalent (FTE) certificated positions. (Resolution No. 0910-0159 is set forth in Attachment B.)

3 All notices were timely and properly served. All notices and other jurisdictional requirements contained in Education Code sections 44949 and 44955 have been provided or satisfied.

4. The respondents in this matter are identified in Attachment A. At the hearing, the parties stipulated that Evelyn Chan and Rodney Jones have resigned. The parties further stipulated that the following teachers identified in Attachment A are not parties to the layoff proceedings because they were not served with layoff notices or because they are temporary employees: Christine Illochi, Sharon Jeffery, Dana Lee McIntyre, Jessica Sawczuk, Ruby Simmons, Yolanda Young and Wesley Jacques. The Accusation will be dismissed as to these employees.

Additionally, at the hearing, the district fully rescinded layoff notices issued to Sylvester Saunders, Joan Adams, Catherine Borquez, Terri Barr, Susanna Mori, Deborah Gordon, Diana MacDonald and Anne Hamilton. The Accusation will be dismissed as to these employees. In light of these rescissions, any issues raised by these respondents in connection with their layoffs are moot. The district partially rescinded the layoff notice issued to Armando Florez, who will be retained for 0.6 FTE and laid off for 0.4 FTE. The Accusation filed against Florez will be dismissed for 0.6 FTE.

5. Pursuant to Resolution No. 0910-0159, the board took action to reduce or eliminate the following particular kinds of services for the 2010-2011 school year.

<u>Position</u>	<u>FTE</u>
Counselor	2.0
Adult Ed, OACE Central Instruction Support	2.0
Adult Ed, English as a Second Language	14.0
Adult Ed, Parenting Education	1.0
Adult Ed, Career Technical Education	5.0
Adult Ed, Adults with Disabilities/50+	16.0
K-8 Multi-Subject Classroom Teachers (CORE and Self-contained classrooms)	<u>81.0</u>
	121.0
Total FTE: 121.0	

6. Board Resolution No. 0910-0159 also resolved to retain, regardless of seniority (i.e., "skip" in the layoff process), certificated employees who possess a CLAD¹ or BCLAD² certificate:

BE IT FURTHER RESOLVED that pursuant to Education Code § 44955(d)(1) it will be necessary to retain the services of

¹ Cross-Cultural, Language and Academic Development.

² Bilingual, Cross-Cultural, Language and Academic Development.

K-12 teachers in the 2010-2011 school year regardless of seniority, who possess certification and credentials needed for the following programs: CLAD or Bilingual Education/BCLAD in the K-12 program. The CLAD/BCLAD skipping criteria does not apply to Adult Education or Counselors.

Superintendent Smith recommended that the board adopt this resolution to "enable the District to meet its state and federal requirements for serving English learners by not laying off employees who are in the program area to be reduced (K-8) if they have CLAD or BCLAD certification."

Skipping Issues

7. Respondents do not contest the validity of the board's skipping criteria per se.³ They contend, however, that the district applied the criteria in an arbitrary and capricious manner.

8. Failure to Skip Emergency CLAD and BCLAD: The district did not skip teachers who possess an emergency CLAD or BCLAD certificate because there is no guarantee that such teachers will be able to renew their emergency certificate or that they will complete the necessary requirements to obtain clear CLAD or BCLAD certification. Respondents who hold an emergency CLAD or BCLAD certificate contend that the district should have skipped them too because, like holders of a CLAD or BCLAD certificate, they are authorized to teach in bilingual programs with the emergency credential. This contention lacks merit. It is within the district's discretion to determine that it would only skip bilingual teachers who have received CLAD or BCLAD certification.

9. Expansion of Skipping Criteria to Encompass Credentials not Expressly Listed in Resolution: The district interpreted the board's "CLAD/BCLAD skipping criteria" to include authorization to skip any employee who possessed an English learner (EL) certification. The district, therefore, skipped employees who possessed any certification to teach EL, including Bilingual Certificate of Competence (BCC), Language Development Specialist Certificate (LDS) and the Certificate of Completion of Staff Development (CCSD). The skipped employees were not issued preliminary layoff notices and are not respondents. Respondents contend that the district's inclusion of these EL certifications in its skipping criteria impermissibly broadens the board's resolution. They are correct. The plain language of Resolution 0910-0159 only authorizes the district to skip holders of BCLAD and CLAD certifications. The prefatory language in the resolution that affirms the board's intent to retain employees who are qualified to serve the needs of English learners is

³ Respondents acknowledge that Education Code section 44955, subdivision (d)(1), allows a school district to deviate from seniority order in terminating a certificated employee when "the district demonstrates a specific need for personnel to teach a specific course or course of study . . . and that the certificated employee has special training or experience necessary to teach that course or course of study . . . which others with more seniority do not possess."

not part of the skipping criteria adopted by the board and, therefore, does not authorize the district to skip employees who hold EL certifications other than CLAD or BCLAD. The district's inclusion of other EL certifications into its skipping criteria exceeds the board's mandate and, therefore, constitutes an abuse of discretion.

The employees who were improperly skipped should have received layoff notices. The appropriate remedy, which will be ordered, is to direct the district to identify the teachers who were improperly skipped and a corresponding number of the most senior employees who were prejudiced by such skips. Those employees who were prejudiced by the district's invalid skips may not be laid off. (See *Alexander v. Board of Trustees* (1983) 139 Cal.App.3d 567, 576.)

Equitable Estoppel

10. Six respondents who were recruited by the district to move here from Spain in order to teach in the district assert that the district is estopped from laying them off in this proceeding.⁴ While their individual circumstances are somewhat different, the gist of their collective claim is that district personnel knowingly misrepresented that their jobs would be secure with emergency credentials as long as they pursued their CLAD or BCLAD and obtained it within a specified time.⁵ This assertion lacks merit. There is no basis, either in fact⁶ or law,⁷ to justify application of the doctrine of equitable estoppel.

⁴ The teachers asserting this claim are Alberto Alonso De La Cruz, Jorge Urdaniz, Maria Moreno De La Furento, Marta Poyatos Martin, Maria Cristina Turienzo, and Mireya Artabe-Torviso.

⁵ Most of the respondents claim they were told that they had three years to obtain CLAD or BCLAD certification. One respondent, Rocio Aranda-Alcaide, was not given a specified time period in which to obtain CLAD or BCLAD certification. She claims, however, that she was assured by a district representative that her job would be secure as long as she possessed an emergency BCLAD and continued to pursue a CLAD or BCLAD.

⁶ The elements of estoppel are (1) a representation or concealment of material facts (2) made with knowledge of the facts (3) to a party ignorant of the truth (4) with intention that the latter act upon it and (5) the party must have been induced to act upon it. (See 7 Witkin, Summary of Cal. Law (1974 ed.), Equity § 132, p. 5352, and cases cited therein.) "Where one of these elements is missing there can be no estoppel." (*California School Employees Assn. v. Jefferson Elementary School District* (1975) 45 Cal.App.3d 668, 692.) Here, the evidence failed to establish that district personnel made intentional misrepresentations to respondents.

⁷ *Shoban v. Board of Trustees of the Desert Center Unified School District* (1969) 276 Cal.App.2d 534, 544 [estoppel should not be invoked against the government where to do so would be harmful to a specific public policy or public interest]; *Fleice v. Chualar Union Elementary School District* (1988) 206 Cal.App.3d 886, 893 [estoppel cannot be invoked to contravene statutory provisions that define an agency's powers]. Application of equitable estoppel in the instant case would defeat the Board's statutory authority to define skipping criteria and would provide respondents with greater rights than other employees.

Other Matters

11. The reduction or discontinuation of services is related to the welfare of the district and of its pupils.

12. With the exception of the teachers who have been prejudiced by the district's improper skipping, as described in Factual Findings 6, 7, and 9, no permanent employee is being terminated while any junior employee is being retained to render a service which the permanent employee is certificated and competent to perform.

13. Any contentions raised by respondents and not discussed above have been found to be without merit and are hereby rejected.

LEGAL CONCLUSIONS

1. The services identified in Attachment B are particular kinds of services that may be reduced or discontinued under Education Code section 44955. The board's decision to reduce or discontinue the identified services complies with the guidelines set forth in Education Code section 44955. The board's decision was neither arbitrary nor capricious, and was a proper exercise of its discretion.

2. Based upon the matters set forth in Factual Finding 4, cause does not exist to issue final layoff notices to Evelyn Chan, Rodney Jones, Christine Illochi, Sharon Jeffery, Dana Lee McIntyre, Jessica Sawczuk, Ruby Simmons, Yolanda Young, Wesley Jacques, Sylvester Saunders, Joan Adams, Catherine Borquez, Terri Barr, Susanna Mori, Deborah Gordon, Diana MacDonald, Anne Hamilton, and Armando Florez (for 0.6 FTE).^B

3. Based upon the matters set forth in Factual Findings 6, 7 and 9, it was established that the district impermissibly broadened the scope of the skipping criteria contained in Resolution No. 0910-0159 when it skipped employees who possessed English learner authorizations other than CLAD or BCLAD certifications. Cause, therefore, exists to require the district to identify the most senior employees who have been prejudiced by the district's invalid skips. Cause does not exist to issue final layoff notices to these employees.

4. Cause exists because of the reduction or elimination of particular kinds of services pursuant to Education Code section 44955 to give notice to the remaining respondents identified in Attachment A, that their services will not be required for the 2010-2011 school year. The cause relates to the welfare of the schools and the pupils thereof within the meaning of section 44949.

^B Florez may be issued a final layoff notice for 0.4 FTE.

ORDER

1. The Accusation is dismissed as to Evelyn Chan, Rodney Jones, Christine Illochi, Sharon Jeffery, Dana Lee McIntyre, Jessica Sawczuk, Ruby Simmons, Yolanda Young, Wesley Jacques, Sylvester Saunders, Joan Adams, Catherine Borquez, Terri Barr, Susanna Mori, Deborah Gordon, Diana MacDonald, Anne Hamilton, and Armando Florez (for 0.6 FTE)

2. The district shall identify the most senior employees who were prejudiced by the district's invalid skips, as set forth in Legal Conclusion 3. The district may not issue final layoff notices as to these employees. The Accusation as to these employees is dismissed.

3. Notice may be given to the remaining respondents identified in Attachment A, that their services will not be required for the 2010-2011 school year because of the reduction or elimination of particular kinds of services.

Dated: May 6, 2010



DIANE SCHNEIDER
Administrative Law Judge
Office of Administrative Hearings

Attachment A

1	Addison	Bertha
2	Adams	Joan
	Aranda-	
3	Alcaide	Rodo
	Artabe	
4	Torvisco	Mireya
5	Bandy	Elisabeth A
6	Barr	Teri
7	Basbas	Editha E
8	Bell	Vernon
9	Borquez	Catherine
10	Branson	Connie
11	Cazorla-Luna	Rebeca
12	Chan	Evelyn
	De La Cruz	
13	Alonso	Alberto
	De La Fuente	
14	Moreno	María Ant
15	Degraw	Mishaa
16	Elin	Daphne
17	FLOREZ	ARMANDO
18	García	Jose
19	Gordon	Deborah
20	Gorham	Patricia E
21	Hall	Arthur
22	Hamilton	Anne
		Thomas
23	Hand	Calvert
24	Harrell	Charlotte
		Elizabeth
25	Hennen	Cooney
26	Hood	Jennifer
27	Jacques	Wesley
28	Jeffery	Sharon
29	Jones	Carolyn A
30	Jones	Rodney A
31	KEIM	ROBERT
32	King	Elizabeth N
33	Louie	Mark D.
34	LOUIE	LINDA
35	MacDonald	Diana
36	Malloy	Corigan
37	Manuel	Martha Inez
38	Montyre	Dana Lee
39	Mori	Suzanna
40	Negley	Joanna L
41	Patton-Lut	Ameenah
		Peggie
42	Peters	Lovelace

Attachment B

LFId. No. 10-0264
 Introduction Date: 3-1-10
 Enactment No.: 10-0424
 Enactment Date: 3-10-10
 By:

**RESOLUTION
 OF THE
 BOARD OF EDUCATION
 OF THE
 OAKLAND UNIFIED SCHOOL DISTRICT
 RESOLUTION NO. 0910-0168**

Reduction and/or Elimination of Particular Kinds of Service - Certificated Layoff

WHEREAS, Sections 44949 and 44955 of the California Education Code require action by the Governing Board if the services of certificated staff are to be reduced or eliminated in order to permit the layoff of certificated employees; and

WHEREAS, the Governing Board of the Oakland Unified School District has determined that it shall be necessary to decrease the programs and/or certificated positions set forth in the table below no later than the beginning of the 2010-2011 school year; and

WHEREAS, there is within the District a shortage of certificated employees retained and qualified to serve the needs of K-12 students with respect to the following services for English Learners: CLAD or Bilingual Education/BCLAD authorization for the entirety of the 2010-2011 school year; and

WHEREAS, there is a high need for K-12 teachers who possess certification to teach English learners, including CLAD or Bilingual Education/BCLAD; these are highly specialized programs requiring the possession of additional, specialized credentials by certificated employees; and

WHEREAS, a lack of certificated employees possessing the credentials necessary to provide the services identified above would impair the ability of the District's students to meet state and federal requirements; and

WHEREAS, there is a direct and specific need within the District for certificated employees possessing the credentials necessary to provide the services identified above in the 2010-2011 school year; and

WHEREAS, in light of substantial budget reductions by the State, it shall be fiscally necessary to terminate at the end of the 2010 school year the employment of certain certificated employees of the District as a result of the elimination of the programs. If budget circumstances change, layoff notices can be rescinded prior to May 7th or further layoffs may be conducted in August.

NOW, THEREFORE, BE IT RESOLVED that the following particular kinds of services shall be reduced or eliminated at the close of the 2010 school year:

Position	FTE
Counselor	2.0
Adult Ed, OACE Central Instruction Support	2.0
Adult Ed, English as a Second Language	14.0
Adult Ed, Parenting Education	1.0
Adult Ed, Career Technical Education	5.0
Adult Ed, Adults with Disabilities/50+	16.0
K-8 Multi-Subject Classroom Teachers (CORE and Self-contained classrooms)	81.0
	121.0
Total FTE: 121.0	

BE IT FURTHER RESOLVED that the Governing Board has considered positively accrued and anticipated attrition and that even with the accrued and anticipated attrition, it is necessary to terminate certificated employees equal in number to the positions identified in this resolution; and

BE IT FURTHER RESOLVED that pursuant to Education Code § 44955(d)(1) it will be necessary to retain the services of K-12 teachers in the 2010-2011 school year regardless of seniority, who possess certification and credentials needed for the following programs: CLAD or Bilingual Education/BCLAD in the K-12 program. The CLAD/ BCLAD skipping criteria does not apply to Adult Education or Counselors. Furthermore, competency in the K-12 program for purposes of Education Code section 44955 shall be determined by possession of a preliminary or clear credential for the subject matter or grade level to which the employee will be assigned at the beginning of the 2010-2011 school year and current possession of certification and/or credentials to teach English Learners for the entirety of the 2010-2011 school year; and

BE IT FURTHER RESOLVED that the Superintendent or his designated representative is directed to send all appropriate notices in accordance with the provisions of Education Code §§ 44949 and 44955 to all employees whose positions will be lost by virtue of this action.

Passed by the following vote:


AYES: Jody London, David Kakishiba, Jumoke Hodge, Noel Gallo,
Vice President Christopher Dobbins, President Gary Yee

NAYS: Alice Spearman

ABSTAINED: None

ABSENT: None

I hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at a Regular Meeting of the Board of Education of the Oakland Unified School District held March 10, 2010.


Edgar Rakestraw, Jr.
Secretary, Board of Education
Oakland Unified School District