

<b>Board Office Use: Legislative File Info.</b>	
File ID Number	26-1194
Introduction Date	5/13/2026
Enactment Number	
Enactment Date	



**OAKLAND UNIFIED  
SCHOOL DISTRICT**  
Community Schools, Thriving Students

# Memo

**To** Board of Education

**From** Tara Gard, Deputy Superintendent, Business & Operations  
Jenine Lindsey, General Counsel

**Board Meeting Date** May 13, 2026

**Subject** Board of Education of Education Acceptance of Proposed Decision of the Office of Administrative Hearings and Ordering the Layoff of Permanent Classified Employee(s) Pursuant to Education Code Section 45117

**Ask of the Board** Approval by the Board of Education of Resolution No. 2526-0017 accepting the Proposed Decision of the Office of Administrative Hearings and ordering the layoff of permanent classified employee(s) for lack of work/lack of funds pursuant to Education Code section 45117.

**Background**

On February 25, 2026, the Board of Education adopted Resolution No. 2526-0082, determining that it was necessary to reduce or discontinue certain classified services for the 2026–2027 school year due to lack of work and/or lack of funds pursuant to California Education Code section 45117.

Consistent with statutory requirements, the District issued notices to affected permanent classified employees advising them of the proposed layoff actions and their right to request a hearing before the Office of Administrative Hearings (“OAH”). One employee, Daniel Alvarado, Student Assignment Counselor, timely requested a hearing.

An evidentiary hearing was conducted before an Administrative Law Judge (“ALJ”) on April 23, 2026. Following the hearing, the ALJ issued a Proposed Decision dated April 27, 2026, concluding that cause exists to sustain the layoff and that the District’s actions were supported by the evidence and related to the welfare of the schools and pupils of the District.

The attached resolution formally adopts the ALJ’s Proposed Decision as the final decision of the Board and orders the layoff effective June 30, 2026.

**Discussion**

Education Code section 45117 governs the layoff of permanent classified employees due to lack of work or lack of funds. The statute requires that affected employees be provided notice and an opportunity for an evidentiary hearing before an administrative law judge if requested.

The proposed resolution memorializes the completion of the required hearing process and authorizes implementation of the layoff determination consistent with the ALJ's findings and applicable law. The resolution further directs the Superintendent or designee to provide all required notices and maintain reemployment rights pursuant to Education Code sections 45308 and 45114.

Under the resolution, the affected employee will retain statutory reemployment rights for a period of thirty-nine (39) months and will have preferred right to reappointment, in order of seniority, to any vacant position for which they are qualified.

**Recommendation**

Approval by the Board of Education of Resolution No. 2526-0017 accepting the Proposed Decision of the Office of Administrative Hearings and ordering the layoff of permanent classified employee(s) for lack of work/lack of funds pursuant to Education Code section 45117.

**Fiscal Impact**

The reduction of classified services is part of the District's ongoing efforts to align staffing expenditures with available funding and operational needs. Approval of this resolution will assist the District in managing personnel costs associated with budgetary constraints and declining or shifting operational demands.

**Attachment**

- *Board of Education of Resolution No. 2526-0017 accepting the Proposed Decision of the Office of Administrative Hearings and ordering the layoff of permanent classified employee(s) for lack of work/lack of funds pursuant to Education Code section 45117*
- *ALJ Proposed Decision- OAH No. 2026040451*

**RESOLUTION OF THE BOARD OF EDUCATION OF THE  
OAKLAND UNIFIED SCHOOL DISTRICT**

**RESOLUTION NO. 2526-0017**

**ACCEPTING THE PROPOSED DECISION OF THE  
OFFICE OF ADMINISTRATIVE HEARINGS AND ORDERING THE LAYOFF OF  
PERMANENT CLASSIFIED EMPLOYEE(S) FOR LACK OF WORK / LACK OF FUNDS  
PURSUANT TO EDUCATION CODE SECTION 45117**

**WHEREAS**, the Governing Board of the Oakland Unified School District ("District") adopted Resolution No. 2526-0082 on February 25, 2026, determining that it was necessary to reduce or discontinue particular kinds of classified services for the 2026-2027 school year due to lack of work / lack of funds, pursuant to Education Code section 45117; and

**WHEREAS**, in accordance with Education Code section 45117, the District caused written notice to be served on the affected classified employee(s) informing them of the Board's action and of their right to request a hearing; and

**WHEREAS**, the following permanent classified employee(s) timely requested a hearing:

**Daniel Alvarado - Student Assignment Counselor**

**WHEREAS**, an evidentiary hearing was held before an Administrative Law Judge ("ALJ") of the Office of Administrative Hearings ("OAH") on April 23, 2026, pursuant to Education Code section 45117; and

**WHEREAS**, the ALJ issued a Proposed Decision on April 27, 2026, a copy of which was served on the Governing Board and the affected employee(s) on or before May 7, 2026, as required by Education Code section 45117(c)(3)(A); and

**WHEREAS**, the ALJ's Proposed Decision found that cause exists to sustain the layoff of the affected classified employee(s) identified herein, and that the charges are related to the welfare of the schools and pupils of the District; and

**WHEREAS**, the Governing Board has reviewed and considered the Proposed Decision of the ALJ, the record of the OAH hearing, and all relevant evidence and materials; and

**WHEREAS**, the Governing Board finds that the Proposed Decision of the ALJ should be adopted in its entirety, and that the reduction in classified services remains necessary.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Board of the Oakland Unified School District as follows:

**Section 1. Adoption of Proposed Decision.** The Governing Board hereby adopts the Proposed Decision of the Administrative Law Judge of the Office of Administrative Hearings dated April 27, 2026, in its entirety, as the final decision of the Governing Board.

**Section 2. Order of Layoff.** The Governing Board hereby orders the layoff, effective June 30, 2026, of the following permanent classified employee(s) due to lack of work / lack of funds:

**Daniel Alvarado - Classified Employee - Student Assignment Counselor 0.40 FTE**

**Section 3. Notice to Employee(s).** The Superintendent or designee is directed to cause written notice of termination to be given to the affected employee(s) on or before May 15, 2026, by personal service or registered mail, as required by Education Code section 45117, notifying them that their services will not be required for the 2026-2027 school year.

**Section 4. Reemployment Rights.** The affected employee(s) shall be placed on the District's reemployment list and shall retain reemployment rights for a period of thirty-nine (39) months from the effective date of layoff, pursuant to Education Code sections 45308 and 45114. During this period, the employee(s) shall have preferred right to appointment, in order of seniority, to any vacant position for which they are qualified.

**Section 5. Authorization.** The Superintendent or designee is authorized and directed to take all actions necessary to implement this Resolution, including but not limited to providing required notices, updating seniority and reemployment lists, and filing any documents required by law.

**Section 6. Severability.** If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application.

**Section 7. Effective Date.** This Resolution shall take effect immediately upon its adoption.

**PASSED AND ADOPTED** by the Governing Board of the Oakland Unified School District at a regular meeting duly held on May 13, 2026, by the following vote:

**PREFERENTIAL AYES:**

**PREFERENTIAL NAYS:**

**PREFERENTIAL ABSTENTION:**

**AYES:**

**NAYS:**

**ABSTAINED:**

**ABSENT:**

**RECUSED:**

**CERTIFICATION**

We, \_\_\_\_\_ and \_\_\_\_\_, President and Interim Secretary of the Board of Education of the Oakland Unified School District, respectively, do hereby certify that the foregoing Resolution was duly adopted by the Board of Education of said District at a Regular Meeting held on the 13<sup>th</sup> day of May 2026, with a copy of the Resolution being on file in the Office of the Board of Education of the District, and that the same has been duly recorded in the minutes of said meeting.

OAKLAND UNIFIED SCHOOL DISTRICT

Legislative File Info.	
File ID Number:	26-1148
Introduction Date:	5/13/2026
Enactment No.	
Enactment Date:	

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Jennifer Brouhard, President  
Board of Education

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Dr. Denise Saddler, Interim Superintendent and  
Secretary, Board of Education

**BEFORE THE  
BOARD OF TRUSTEES  
OAKLAND UNIFIED SCHOOL DISTRICT  
STATE OF CALIFORNIA**

**In the Matter of the Statement of Reduction in Force of:**

**DANIEL ALVARADO, Classified Employee, Respondent.**

**OAH No. 2026040451**

**PROPOSED DECISION**

Administrative Law Judge Carl D. Corbin, State of California, Office of Administrative Hearings, heard this matter on April 23, 2026, by videoconference.

Attorneys Candace Dabney-Smith, Roxanne De La Rocha, Shalini Anadkat, and Jenine Lindsey represented complainant Jeff Dillon, Sr., Interim Chief Talent Officer, Talent Division, Oakland Unified School District.

Respondent Daniel Alvarado represented himself at hearing.

The record closed and the matter was submitted for decision on April 23, 2026.

**FACTUAL FINDINGS**

1. On February 25, 2026, the Board of Trustees (Board) of the Oakland Unified School District (District) adopted Resolution No. 2526-0082 (Resolution) to reduce or eliminate classified services for the 2026-2027 school year, effective at the

end of the 2025-2026 school year. In the Resolution, the Board found that the specified reductions were necessary due to “lack of funds and/or program need,” and directed the District’s Superintendent or designee to send appropriate notices to the affected classified employees.

2. The services to be eliminated in the Resolution included, “Student Assignment Counselor, 0.40 FTE [full-time equivalent].” The District maintains a classified seniority list for this position, respondent Daniel Alvarado is employed for 0.40 FTE in this class for the 2025-2026 school year, and he is the least senior individual in this class. Respondent Alvarado has not worked in any other class within the District, and he has no displacement rights.

3. On March 13, 2026, Tara Gard, District Chief Talent Officer, Talent Division,<sup>1</sup> wrote a letter to respondent Alvarado that provided notice that, based on the Resolution and “as part of the District’s budget balancing process to ensure the long-term fiscal stability of the District,” his employment with the District will terminate at the close of the current school year on June 30, 2026 (Notice). The Notice informed respondent Alvarado that he may request a hearing to determine if there is cause for not employing him for the 2026-2027 school year. The Notice included a copy of the Resolution, a blank form to request a hearing, and relevant Education

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<sup>1</sup> Gard is no longer in this position.

Code sections. The Notice was timely served on respondent Alvarado by certified mail.<sup>2</sup>

4. On March 17, 2026, respondent Alvarado timely filed a request for hearing.

5. On April 2, 2026, the District served respondent Alvarado a Reduction in Force packet, which included a Statement to Respondent, a Statement of Reduction in Force charging there exists cause for terminating his employment with the District, a blank Notice of Participation form, and other documents.

6. On April 4, 2026, respondent Alvarado timely filed a Notice of Participation form. This proceeding followed.

### **Lack of Work or Lack of Funds**

7. It is undisputed that respondent Alvarado was timely served all required notices, that he is the least senior individual in the class Student Assignment Counselor, that he is only working a 0.40 FTE in this position for the 2025-2026 school year, that his entire 0.40 FTE position is being eliminated pursuant to the Resolution, and that he has no bumping rights. Respondent Alvarado disputes the District's contention that his layoff is due to a lack of work or lack of funds.

8. Complainant Jeff Dillon, Sr., District Interim Chief Talent Officer, Talent Division, testified credibly regarding the Resolution, the District's actions implementing

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<sup>2</sup> Any notice required by the Education Code to be mailed by registered mail shall be deemed sufficient if mailed by certified mail. (Ed. Code, § 70.) All statutory references are to the Education Code unless otherwise specified.

the Resolution, and that the Board's action to lay off certain classified positions, including respondent Alvarado's, was solely related to the welfare of the District's schools and students. He testified, without dispute, that the District is facing an extraordinary \$100 million deficit that is requiring significant position reductions and eliminations. He further testified, without dispute, that in determining which positions to be reduced or eliminated, various departments within the District, including respondent Alvarado's, provided the Talent Division with recommendations on which positions could be reduced or eliminated, and the Resolution was based on these recommendations and other information.

9. Respondent Alvarado testified credibly to the work he performs as a Student Assignment Counselor, and to the importance of this position to the students and families served by the District. He testified his belief, without other evidence, that his position "generated" revenue such that his position should not be eliminated. He also testified his belief, without other evidence, that the District did not have a lack of work for his position and the fact that the District was going to be adding four transitional kindergarten hubs for the 2026-2027 school year would result in further work for his position such that his position should not be eliminated. Facing a \$100 million deficit, the District Board has significant discretion in managing its finances and budget, in reorganizing its departments, and in determining when services are no longer required due to a lack of work.

10. The evidence established that the District has a lack of work and lack of funds such that respondent Alvarado's services as a Student Assignment Counselor, will not be required for the 2026-2027 school year.

## LEGAL CONCLUSIONS

1. Classified employees shall be subject to layoff for lack of work or lack of funds, and the order of such layoffs within the class shall be determined by length of service. (§§ 45114, 45117, subds. (a)(1) & (c)(3)(B), 45308, subd. (a).) A district board has wide discretion to modify, reduce, or eliminate services its classified employees provide, due to lack of work or lack of funds, so long as the board's decision to reduce particular kinds of services is not fraudulent, arbitrary, or capricious. (See *San Jose Teachers Assn. v. Allen* (1983) 144 Cal.App.3d 627, 637.)

The Board's exercise of its discretion to reduce or eliminate certain classified services, as set forth in its Resolution regarding respondent Alvarado, is not fraudulent, arbitrary, or capricious, and is solely related to the welfare of its schools and its pupils. (Factual Findings 1, 8, 10.)

2. A district shall give written preliminary notice of a layoff to a classified employee no later than March 15, providing notice that the employee's services will not be required for the ensuing year due to lack of work or lack of funds, and informing the employee of any displacement rights and reemployment rights. (§ 45117, subd. (a).)

The District's pre-hearing notices and actions associated with respondent Alvarado satisfied the jurisdictional and notice requirements of sections 45114, 45117, and 45308. (Factual Findings 1-3, 5 & 7.) He is the least senior individual in his class and, therefore, no individual is being retained in his class who is less senior than him. (Factual Findings 2 & 7.) He has not worked in any other class within the District, and he has no displacement rights. (Factual Findings 2 & 7.)

3. Sufficient cause exists under sections 45114, 45117, and 45308 to sustain the District's statement of reduction in force and to give respondent Alvarado notice that the District will not require his services as a Student Assignment Counselor for the 2026-2027 school year. Respondent Alvarado's arguments have been considered and rejected.

### **RECOMMENDATION**

The District may give final notice to respondent Daniel Alvarado that the District will not require his services as a Student Assignment Counselor for the 2026-2027 school year.

DATE: **04/27/2026**

*Carl D. Corbin*

CARL D. CORBIN

Administrative Law Judge

Office of Administrative Hearings