



Bringing Oakland Together for Our Students

Why Sacramento City Matters for Oakland

March 30, 2011

As a result of the state budget crisis, more than 18,500¹ pink-slips were sent to California teachers on March 15. Here in Oakland, the district issued 538 layoff notices to certificated district employees.²

A [state policy](#) known as "last-in, first-out" (LIFO) determines which teachers receive pink slips. Teachers, students, and families city-wide have been stunned by both the sheer number of layoffs and the recognition that LIFO policies [hit some schools harder than others](#). Those schools hit hardest tend to be in the city's poorest neighborhoods, often with the highest levels of crime, lowest levels of student achievement, and highest levels of teacher turnover.

Sacramento City protects students' constitutional rights.

In Sacramento City, Superintendent Jonathan Raymond and the Board of Education sought to protect students in the six "Superintendent's Priority Schools" from the effects of teacher layoffs. These academically troubled schools, where the district had difficulty recruiting staff, [were identified](#) in March 2010 as part of an effort to improve underperforming schools that had failed to adequately serve students. Students at these six schools will not experience the devastating effects of teacher layoffs because none of their teachers will be laid off for the 2011-2012 school year.

Using the Law to Protect: Sacramento City's action to protect students is based on a state law that calls for two important exceptions to seniority-based lay-offs ("Skipping"). Under the Education Code, Districts are allowed to deviate from seniority-based layoffs:

1. for hard-to-staff fields (such as special education, math, or science), Cal. Educ. Code §44955(d)(1); and
2. "for purposes of maintaining or achieving compliance with constitutional requirements related to equal protection of the laws." Cal. Educ. Code § 4955(d)(2).

([Click here](#) to read about the settlement in LAUSD that complies with this provision).

¹ California Department of Education. <http://www.cde.ca.gov/nr/re/ht/fe.asp>

² Including 231 elementary teachers, 11 counselors, 6 psychologists, 8 librarians, 13 social workers, 18 foreign language teachers, 11 drama and music teachers, 10 art teachers, 13 vocational education teachers, 45 middle and high school social studies teachers, 41 middle and high school English teachers, 28 6th grade Core teachers, 46 Adult Education teachers, 4 Alternative Education teachers, and 25 Physical Education teachers.

The Board Leads: On March 3, 2011, the Sacramento City Unified Board of Education approved a [Resolution to Determine Criteria for Deviation from Terminating a Certificated Employee in Order of Seniority](#) also known as “Skipping Criteria.” In addition to skipping teachers in “hard-to staff” fields, the district also chose to “skip” the teachers working at the Superintendent’s Priority Schools.

From the Resolution, Sacramento City’s “Skipping Criteria” include the following:

1. individuals with the following certifications:
 - a. BCLAD (bilingual)
 - b. Special Education
 - c. High school math
2. **individuals teaching in Priority Schools (the 6 schools designated by the Superintendent) [emphasis added]**
3. individuals with the following experiences:
 - a. one or more years teaching in the Dual-Language Immersion Program
 - b. two or more years teaching and/or specialized training in a home or hospital setting
 - c. formal Waldorf method training
 - d. experience in the Accelerated Academy Program

What can Oakland Unified do now?

OUSD must use the power it already possesses under the Education Code to uphold students' constitutional, fundamental right to basic equality of educational opportunity. Current law (Education Code) requires a district to deviate from seniority-based layoffs "for purposes of maintaining or achieving compliance with constitutional requirements related to equal protection of the laws." Cal. Educ. Code § 44955(d)(2).

Rescinding Layoff Notices: The first step is to figure out how to rescind the layoff notices that have already been issued. Recognizing the no teacher layoff is good, OUSD should begin by working *with* the Oakland Education Association (OEA) and community groups to develop criteria for how to rescind the layoff notices issued on March 15. OEA President Betty Olson-Jones, in a March 22 open letter to the community, states that the OEA is “open to creative suggestions that will help minimize the instability caused by massive layoffs[.]”³ The criteria should be developed by OUSD, OEA, and community groups in such a way that will:

- (1) protect the most vulnerable schools that would otherwise suffer dramatic percentages of teacher layoffs;
- (2) distribute the remaining teacher layoffs more fairly across our public schools; and
- (3) be respectful of teachers and their collective bargaining rights.

This plan might include options such as entirely rescinding the layoff notices for the teachers at a select group of schools deemed most academically vulnerable, creating categories of schools based on academic performance and assigning each category a maximum percentage of the staff which can be laid off; or rescinding the notices such that no school has more than the district average of layoffs.

³ <http://www.indybay.org/newsitems/2011/03/29/18675835.php>

In the future, OUSD can also provide effective teacher attraction and retention supports at those schools that have suffered from high teacher turnover rates and have a disproportionately high number of newer teachers, with the goal of reducing teacher turnover at those schools.

For more information:

- [OUSD Layoff Information](#)
- [SCUSD Board Resolution](#)
- **Article:** [SCUSD to create 'Superintendent's Priority Schools' for six most academically troubled schools](#)
- **Editorial:** [Latitude Needed on Last Hired First Fired.](#)