

**BEFORE THE BOARD OF TRUSTEES OF THE
CAPISTRANO UNIFIED SCHOOL DISTRICT
COUNTY OF ORANGE, STATE OF CALIFORNIA**

RESOLUTION NO. 2122-61

**RESOLUTION TERMINATING SERVICES OF
CLASSIFIED EMPLOYEE FOR
LACK OF WORK AND/OR LACK OF FUNDS
(Education Code §§ 45117 and 45308)**

WHEREAS, on March 2, 2022, the Capistrano Unified School District Board of Trustees adopted Resolution No. 2122-61 to reduce or eliminate services and permit the layoff of classified employees by no later than the end of the 2021-2022 school year, as described and set forth in that Resolution;

WHEREAS, on or before March 15, 2022, and after the Board of Trustees was informed of the recommendation that affected classified employees, as identified below, receive notice that their services will not be required for the ensuing school year (2022-2023), the Superintendent's designated representatives served notice on the classified employees that it has been recommended that their services will not be required for the 2022-2023 school year pursuant to Education Code sections 45117 and 45308 (referred to herein as a preliminary layoff notice);

WHEREAS, the preliminary layoff notices advised the recipients that they could request a hearing to determine if there was cause for not reemploying him or her for the 2022-2023 school year, and that failure to timely request a hearing shall constitute a waiver of the right to a hearing and their services will accordingly be terminated pursuant to the recommendation, without a hearing;

WHEREAS, the recipients did not request a hearing within the time allowed to determine if there is cause for not reemploying them for the ensuing school year, or submitted and then subsequently withdrew their request for a hearing, and, therefore, waived any rights to a hearing, and the jurisdictional and statutory prerequisites have been satisfied as to all such employees as required by law;

WHEREAS, Education Code section 45117, subdivision (c), provides that this Board of Trustees shall make the final determination as to the sufficiency of the cause and disposition of the layoff;

WHEREAS, Education Code section 45117, subdivision (c), requires final Board action and notifications to employees no later than May 13, 2022;

WHEREAS, the services of no permanent or other classified employee are being terminated while any probationary or any other classified employee with less seniority is being retained to render a service which the permanent or other employee is competent to render, within the meaning of, and except as permitted by, Education Code section 45308;

WHEREAS, sufficient cause exists for the termination of the identified classified positions, and pursuant to and within the meaning of Education Code section 45117, said cause relates to the welfare of the schools and the pupils thereof;

WHEREAS, rights to reemployment pursuant to Education Code section 45117 and/or 45308 shall be provided to the qualifying classified employees whose services are terminated as a result of this layoff.

NOW, THEREFORE, BE IT RESOLVED that sufficient cause exists for the termination of the services of the following classified employees:

Position Elimination/Classified Management and Classified Non-Management	Number of Full Time Equivalents	Total Number of Positions Eliminated	Total Number of Eliminated Positions Currently Vacant
Autism Specialist	3.0	3	0
TOTAL FTE	3.0	3	0

BE IT FURTHER RESOLVED that the employment of the affected classified employees listed above be and hereby is terminated effective upon the close of this school year, i.e., the end of the last working day prior to July 1, 2022;

BE IT FURTHER RESOLVED that this decision is effective immediately and that the Superintendent or designee may take such actions as are necessary and appropriate to implement this Board's decision, including at least giving appropriate notice to the classified employee listed above of the termination because of lack of work and/or lack of funds to take effect upon the close of the school year, with these notices being given on or before May 13, 2022, in the manner prescribed in Education Code section 45117;

BE IT FURTHER RESOLVED that reemployment rights be afforded in accordance with the Education Code, if and when reemployment is offered and to the extent any reemployment rights are applicable to any of the above referenced employees.

The foregoing Resolution was **PASSED** and **ADOPTED** at a regular meeting of the Governing Board of the Capistrano Unified School District on the 4th day of May, 2022 by the following vote:

AYES:

Bullockus
Davis
Flanacek
Jones

McNicholas

NOES:

ABSENT:

ABSTAIN:

Castillanos

Dated: May 4, 2022

Martha McNicholas

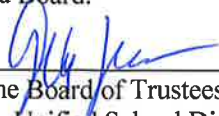
President, Board of Trustees
Capistrano Unified School District
County of Orange, State of California

STATE OF CALIFORNIA]
COUNTY OF ORANGE]

I, GILA JONES, Clerk of the Board of Trustees of the Capistrano Unified School District of San Juan Capistrano, California, hereby certify that the foregoing is a full, true, and correct copy of a resolution

adopted by said Board at a regular meeting thereof held at its regular place of meeting at the time and by the vote above stated, which resolution is on file in the office of said Board.

Dated: May 4, 2022



Clerk of the Board of Trustees
Capistrano Unified School District
County of Orange, State of California