

**BOARD OF EDUCATION OF THE
DAVIS JOINT UNIFIED SCHOOL DISTRICT**

RESOLUTION NO. 40-09

**RELATIVE TO THE REDUCTION OR ELIMINATION OF
PARTICULAR KINDS OF CERTIFICATED SERVICES**

WHEREAS, the Superintendent has recommended to the Board of Education of the Davis Joint Unified School District (“District”) that it shall be necessary to reduce or eliminate the particular kinds of services of the District described below not later than the beginning of the 2009-10 school year; and

WHEREAS, Education Code sections 44949 and 44955 require action by the Board of Education to reduce or eliminate particular kinds of services of the District not later than the beginning of the next school year; and

WHEREAS, the Board of Education has determined it shall be necessary and in the best interest of the District to reduce or eliminate the particular kinds of services described below and to decrease a corresponding number of certificated employees in the District not later than the beginning of the 2009-10 school year; and

WHEREAS, the Board of Education is required by law to give written notice to all certificated employees to be laid off as a result of a decision to reduce or eliminate particular kinds of certificated services prior to March 15; and

WHEREAS, the Board of Education has considered all positively assured attrition, including deaths, resignations, retirements and other permanent vacancies, for 2009-10 which has occurred up to and including February 24, 2009 in determining the needed services to be reduced or eliminated; and

WHEREAS, the Board of Education is authorized by the Education Code section 44955 to establish criteria based upon the needs of the district and the students thereof for determining the order of termination as between certificated employees who first rendered paid service to the District on the same date; and

WHEREAS, Education Code section 44955 provides that the services of no permanent employee may be terminated while any probationary or any other employee with less seniority is retained to render a service which the permanent employee is certificated and competent to render; and

WHEREAS, the Board of Education is authorized by Education Code section 44955 to deviate from terminating certificated employees in order of seniority where the district demonstrates a specific need for personnel to teach a specific course or courses of study; and

WHEREAS, the Board of Education is required by the No Child Left Behind Act of 2001 (“NCLB”) to take steps to ensure that all teachers who are assigned to teach core academic

subjects, including teachers in alternative programs, have met NCLB requirements as “highly qualified” since the beginning of the 2006-07 school year

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Davis Joint Unified School District:

1. That all of the foregoing recitals are true and correct.
2. That the particular kinds of certificated services shall be reduced or eliminated not later than the beginning of the 2009-10 school year as follows:

(A) Elementary (Grades K-6) Classroom Instructional Services:

1. Elem. Classroom Teaching Services	<u>15.0 FTE</u>
	<i>15.0 FTE</i>

(B) Secondary (Grades 7-12) Departmentalized Instructional Services:

2. English	3.0 FTE
3. Mathematics	3.2 FTE
4. Social Science	1.0 FTE
5. Health	.4 FTE
6. Physical Education	2.4 FTE
7. General Computer/Technology	.6 FTE
8. Art	.8 FTE
9. Photography	.2 FTE
10. Spanish	1.2 FTE
11. Basic Auto	.2 FTE
12. Business Law	.2 FTE
13. Internetworking : I & II (ROP)	<u>.4 FTE</u>
	<i>13.6 FTE</i>

(C) Educational Services:

14. School Psychologist Services	1.0 FTE
15. Secondary Counseling Services	2.8 FTE
16. AVID Services	1.0 FTE
17. 7-9 Athletic Director Services	.6 FTE
18. 7-9 Student Activities Director/Leadership Services	<u>.6 FTE</u>
	<i>6.0 FTE</i>

(D) Administration Services

19. Site Administrative Positions	<u>2.7 FTE</u>
	<i>2.7 FTE</i>

TOTAL 37.3 FTE

That as a result of the foregoing elimination or reduction of particular kinds of certificated services it is necessary to terminate at the end of the 2008-09 school year the employment of a corresponding number of probationary and/or permanent certificated employees of the District.

3. That for purposes of calculating seniority, credentials held and information necessary to apply skipping, bumping and tie-breaker criteria, the District will consider only such documentation provided to the Human Resources Office by certificated personnel by February 6, 2009.

4. That “competency” as described in Education Code Sections 44955, 44956 and 44957 for the purpose of bumping and reemployment rights shall be determined upon current possession of a preliminary or clear credential for the subject matter or grade level to which the employee may bump or will be assigned; a BCLAD if the assignment requires that authorization (Elementary Spanish Immersion, EL Teacher); an EL authorization if the assignment requires that authorization; a certificate issued by the American Montessori Society or American Montessori International if the assignment requires that authorization (Davis Montessori Program); and service within the last five (5) years for teachers on special assignment as English Learning Specialists or Math Specialists. Further, that due to the specific need of the District to hire and retain only highly qualified teachers in academic subject areas, “competency” shall require (highly qualified) current confirmation of qualification of academic subject competency, or verifiable eligibility for competency if not previously reviewed by the District, in all subjects of a proposed assignment, including assignments teaching multiple academic subjects and assignments in secondary alternative schools, in accordance with the NCLB.

5. That as between employees who first rendered paid service on the same date, the order of termination and rehire shall be based solely on the needs of the District and the students thereof as determined by the point system described herein. This system shall be applied only where the implementation of layoffs or rehire actually impacts two or more employees with the same first date of paid service and is applied only to those employees. In the case of each tie, points shall be granted to each affected employee based upon all the following criteria:

- a. Possession of a currently valid preliminary or clear California professional, standard or general teaching credential; *2 points*
- b. Possession of more than one valid preliminary or clear California teaching credentials; *2 points*
- c. Possession of one or more language certifications (*e.g.*, LDS, CLAD, SB 1969, SB 395, BCC, BCLAD, Certificate of Completion of Staff Development) authorizing instruction to English Learners; *2 points*
- d. Possession of one or more of the following currently valid subject matter authorizations: RSP, SDC, Psychologist, Speech and Language, Reading Credential, Sciences, Math, Foreign Languages - *1 point for each listed authorization.*

- e. (Applicable only to a tie between an employee holding a valid Intern Credential and an employee holding a lesser credential/certificate including, but not limited to, provisional credentials/certificates, Short Term Staffing Permit, Pre-Intern Certificated, Provisional Intern Permit, Special Temporary Certificate or State issued waiver) The certificated employee with a valid Intern Credential shall receive *2 points*.
- f. In any case where a tie results after calculating the cumulative points for each the above criteria, then the tie shall be broken by ranking the tied employees from lowest to highest according to the last four digits of their social security number, with the lower number deemed less senior than the next higher number.

6. That due to the specific need of the District to hire and retain only highly qualified teachers in core academic subject areas, the Superintendent and/or his designee is authorized to deviate from terminating certificated employees in order of seniority only in instances where the less senior employee possesses a currently valid intern, preliminary or clear California teaching credential and evidence of core academic subject competency in accordance with the NCLB and the more senior employee meets certification or licensing requirements solely on an emergency, temporary, or provisional basis except a valid intern credential, or does not possess evidence of core academic subject competency in accordance with the NCLB.

7. That due to the need of the District to retain those individual teachers in the specific courses or courses of study identified below due to their specialized training and experience related to those courses which more senior employees do not possess, the Superintendent and/or his designee is authorized to deviate from terminating those certificated employees in order of seniority in instances where they are currently assigned to teach those courses and will be assigned to teach those courses again for the next school year and more senior employees do not possess the same specialized training and experience related to the course:

- a. Teachers holding a BCLAD and teaching Spanish Immersion Classes;
- b. Instructors in the Elementary Reading Program who hold specialized reading certification;
- c. Special Education Program; or
- d. Teachers holding an American Montessori Society Certificate or American Montessori International Certificate and teaching Davis Montessori Program classes.

8. That the Superintendent and/or his designee is directed to send appropriate notices to all employees to be affected by virtue of this action in accordance with the provisions of the California Education Code and to afford all such employees all rights to which they are entitled under law. Such notices shall include, but not be limited to, notice to employees whose positions are eliminated but they are not laid off due to bumping rights and notice to employees who are laid off.

9. A teacher receiving a layoff notice who may have bumping rights and is qualified and willing to accept a teaching assignment to an alternative education program shall provide written notice of such consent in his/her request for hearing. The District shall provide notice of such opportunity in notices to teachers.

10. That the Superintendent and/or his designee is directed to make such assignments and reassignments of remaining employees following calculation of the layoff in such manner that certificated employees are retained to render any service which their seniority and qualifications entitle them to render.

PASSED AND ADOPTED by the Board of Education of the Davis Joint Unified School District on March 3, 2009 by the following vote:

AYES: Allen, Daleiden, Harris, Lovenburg, Taylor
NOES: None
ABSENT None
ABSTENTIONS: None


CERTIFICATION

STATE OF CALIFORNIA)
) ss.
COUNTY OF YOLO)

I certify the above is a true copy of a resolution adopted by the Board of Education of the Davis Joint Unified School District at a meeting held on March 3, 2009.

DATED: March 3, 2009

BOARD OF EDUCATION OF THE
DAVIS JOINT UNIFIED SCHOOL DISTRICT,
COUNTY OF YOLO, STATE OF CALIFORNIA

BY: 
JAMES HAMMOND
Superintendent