



**CAMBRIAN SCHOOL DISTRICT
BOARD OF TRUSTEES**

RESOLUTION NUMBER: 20-21-17

**REDUCTION OR DISCONTINUANCE OF PARTICULAR KINDS OF SERVICE
OF CERTIFICATED EMPLOYEES**

WHEREAS, the Governing Board of the Cambrian School District has determined it is necessary to reduce or discontinue particular kinds of services of the District for the 2021-2022 school year in accordance with Education Code sections 44949 and 44955; and

WHEREAS, due to the reduction or discontinuance of services, the Governing Board has determined that it is in the best interest of the District that the number of regular certificated employees of the District be reduced; and

WHEREAS, the Governing Board has considered all positively assured attrition, including all resignations, retirements, non-reelections, and other permanent vacancies for 2021-2022 and, in addition to attrition already assured, the Governing Board finds it necessary to reduce and/or discontinue additional services as set forth herein; and

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

WHEREAS, the Governing Board is authorized by Education Code section 44955 to establish criteria based upon the needs of the District and its students for determining the order of termination between certificated employees with the same seniority date; and

WHEREAS, Education Code section 44955 authorizes the District 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, or to provide services authorized by a bilingual authorization and that the certificated employee has special training and experience necessary to teach that course or course of study or to provide those services, which others with more seniority do not possess; and

WHEREAS, in order for an employee to be eligible for reassignment to a position held by an employee with less seniority, the senior employee must be both credentialed and competent to render the service currently being performed by the junior employee pursuant to Education Code sections 44955, 44956, and 44957 and the competency criteria set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Cambrian School District:

1. That the particular kinds of service set forth below be reduced or discontinued no later than the beginning of the 2021-2022 school year:
 - A. Reduce services provided by 11.0 FTE multiple subject K-8 certificated employees.

2. That for the purpose of implementing this Resolution, a more senior employee is defined as “competent” for reassignment into a position currently held by a more junior employee pursuant to Education Code section 44955, subdivision (b), if the employee:
 - A. currently possesses clear or preliminary credential(s) authorizing the subject(s) and grade level(s) to which the employee will be assigned at the beginning of the 2021-2022 school year, and
 - B. has performed services in the setting to which he/she will be assigned at the beginning of the 2021-2022 school year for at least one semester in the past five school years, and
 - C. has filed documentation meeting the requirements of the Every Student Succeeds Act (ESSA) showing that the employee “meets applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(14)(C)),” to which he/she will be assigned at the beginning of the 2021-2022 school year.

3. That, except as required by law, the order of termination shall be based solely on the needs of the District and its students as determined by the following criteria which shall be applied to resolve ties in seniority between certificated employees. These criteria are listed in priority order and each criterion shall be used only if the preceding criteria do not determine the order of termination:

#	Tie-breaking criterion	Points
1	Possession of a currently valid preliminary or clear California teaching credential	1 point (maximum)
2	Possession of more than one valid preliminary or clear California teaching credential	1 point (maximum)
3	Possession of a Special Education credential	1 point (maximum)
4	Possession of one or more English Language Learner Certification or other EL qualifying credential.	1 point (maximum)
5	Full years of certificated teaching service, as defined by Education Code section 44908, with any California public school district	1 point for every full year of service
6	Possession of one or more supplemental or subject matter authorizations within California teaching credential	1 point (maximum)
7	Possession of one or more post-graduate degree(s)	1 point (maximum)
8	Possession of an undergraduate major or minor in: mathematics or science.	1 point (maximum)

In any case, where a tie results after calculating the cumulative points for each of the above criteria, then the tie shall be broken by a lottery conducted by the Superintendent or designee.

4. That pursuant to Education Code section 44846, for persons having a statutory reemployment preference, the order of rehire as between employees who first rendered paid service on the same day shall be determined according to the same criteria described above.
5. That employees must have filed responses to the Personnel Office by January 15, 2021 if they disagreed with the notification of credential(s) sent by the Personnel Office dated January 4, 2021, and evidencing credentials, certifications, authorizations, degrees or other requirements in order to be considered for the purpose of determining seniority placement, order of layoff, and competency in this proceeding.
6. That the Superintendent or her designee is directed to send appropriate notices to all employees whose positions may be affected by virtue of this action in accordance with the provisions of the Education Code and to afford all such employees all rights to which they are entitled under law.

PASSED AND ADOPTED by the Board of Trustees of Cambrian School District, this 4th day of March, 2021., by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Dr. Carrie Andews, Secretary
Governing Board of Trustees