

**BEFORE THE GOVERNING BOARD OF THE
EL RANCHO UNIFIED SCHOOL DISTRICT
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA**

RESOLUTION NO. 35 – 2022/2023

REDUCTION OR DISCONTINUANCE OF PARTICULAR KINDS OF SERVICE

WHEREAS, Education Code sections 44949 and 44955 require action by the Governing Board to reduce or eliminate services and permit the layoff of certificated employees; and

WHEREAS, the Superintendent of the El Rancho Unified School District has recommended to the Governing Board that particular kinds of services be reduced or eliminated no later than the end of the 2022-2023 school year; and

WHEREAS, the Governing Board has determined that a reduction or elimination of particular kinds of services is needed no later than the end of the 2022-2023 school year; and

WHEREAS, it will be necessary to reduce the number of certificated employees of the District as a result of the reduction or elimination of particular kinds of services; and

WHEREAS, the District currently employs permanent, probationary, temporary/ categorical, and substitute certificated employees; and

WHEREAS, pursuant to Education Code Section 44955, the Board is required, as between employees who first rendered paid service to the District on the same date, to determine the order of termination solely on the basis of the needs of the District and its students; and

WHEREAS, Education Code Section 44955 requires that upon the request of any employee whose order of termination is determined as stated above, the Governing Board shall furnish in writing no later than five days prior to the commencement of the hearing held in accordance with section 44949, a statement of the specific criteria used in determining the order of termination and the application of the criteria in ranking each employee relative to the other employees in the group.

WHEREAS, the Governing Board has considered all positively assured attrition which has occurred to date, that is, all deaths, resignations, retirements, and other permanent vacancies, in reducing these services and, in addition to the attrition already assured, finds it necessary to reduce additional particular kinds of services; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the El Rancho Unified School District:

1. That the Board determines to reduce or eliminate the particular kinds of services in the full-time equivalents (FTE) set forth below commencing in the 2023-2024 school year:

PARTICULAR KINDS OF SERVICES	F.T.E
Reduce School Psychologist	2.0
Reduce Teacher Elementary Services	8.0
Reduce Elementary School Special Education Teacher, Mild/Moderate	4.0
Reduce Middle School English Teaching Services	1.0
Reduce Middle School Math Teaching Services	1.0
Reduce Middle School Social Science Teaching Services	1.0
Reduce Middle School Special Education Teacher, Mild/Moderate	1.0
Reduce High School Counseling Service	1.0
Reduce High School English Teaching Services	1.0
Reduce High School Social Science Teaching Services	1.0
Reduce High School Special Education Teacher, Mild/Moderate	2.0
Discontinue Long Term Intervention Teacher	14.0
Discontinue Principal, Independent Study	1.0
Reduce Mental Health Counselor	8.0
TOTAL	46.0

That because of the elimination and reduction of particular kinds of services listed above it is necessary to terminate, at the end of the 2022-2023 school year, certificated employees equal in full-time equivalents to the positions affected by the reduction or elimination of the particular kinds of service.

That in identifying the particular kinds of services listed above for reduction or elimination, the Governing Board confirms that all programs and services performed by certificated employees of the District that are not so identified shall be maintained and staffed with individuals who are both competent and credentialed to perform such services. The Governing Board reserves the right to identify additional services for reduction or elimination.

BE IT FURTHER RESOLVED, with regard to Seniority of Probationary and Permanent Certificated Employees, as follows:

That seniority shall be determined by the first date of paid service in a probationary position and as defined by law.

That, as between certificated employees with the same seniority date as defined in Education Code Section 44845, the order of termination shall be determined solely by the criteria listed and described in **Attachment 1**, which is attached hereto and incorporated herein by this

reference, based on information on file as of February 28, 2023, and such criteria are based solely on the needs of the District and the students thereof.

BE IT FURTHER RESOLVED, with regard to Competency of Probationary and Permanent Certificated Employees, as follows:

That “competency” as described in Education Code section 44955(b) for the purposes of bumping shall necessarily include: (1) possession of a valid clear or preliminary credential in the subject(s) or grade level to which the employee will be assigned at the beginning of the 2023-2024 school year; (2) BCLAD authorization (if required by the position); (3) in the case of displacing junior employees teaching in a departmentalized setting, single subject credential(s) or subject matter authorization in that subject area; and (4) any training and experience necessary to meet the job requirements of specialized positions (such as Dual Immersion Teachers, International Baccalaureate Teachers and Project Lead The Way Teachers).

That bumping shall be allowed only in cases where the senior employee is both competent and credentialed to assume the whole assignment of the more junior employee.

BE IT FURTHER RESOLVED, with regard to Deviation from Seniority-based Layoffs and Displacement Rights, as follows:

That in selecting those probationary and permanent certificated employees who shall receive notice of termination pursuant to this Resolution, Education Code section 44955 allows the Governing Board to deviate from terminating a certificated employee in order of seniority by virtue of their competence, credential(s), assignment, and the specific needs of the District and its students.

That the criteria, which shall be established by testimony and other evidence, applied to deviate from terminating certificated employees who may otherwise be terminated by order of seniority, are based on the needs of the students of the District, and will ensure that, unless permitted by law, no employee will be terminated while a less senior employee is retained to render service, that the more senior employee is both certificated and competent to render.

BE IT FURTHER RESOLVED, with regard to Preliminary Notices of Layoff to Probationary and Permanent Employees, as follows:

That the Superintendent or designee will send appropriate notices to all probationary and permanent employees possibly affected by the reduction and elimination of particular kinds of service. The notices shall state it has been recommended that each of their services will not be required for the 2023-2024 school year, pursuant to Education Code sections 44949 and 44955.

That the Superintendent or designee is delegated authority to take all actions necessary and appropriate to the accomplishment of the purposes of this Resolution.

The foregoing Resolution was adopted by the Governing Board of the El Rancho Unified School District on the 7th day of March, 2023, by the following roll call vote:

AYES: _____

NOES: _____

ABSENT: _____

I, John Contreras, Clerk of the Governing Board of the El Rancho Unified School District, do certify that the foregoing Resolution was regularly introduced, passed and adopted by the Governing Board at its regular meeting held on March 7, 2023.

John Contreras, Clerk
Governing Board of the El Rancho Unified School
District

Attachment 1 To Resolution No. - #35 – 2022/2023

EL RANCHO UNIFIED SCHOOL DISTRICT

**CRITERIA TO BE APPLIED TO DETERMINE ORDER OF LAYOFF FOR THOSE
CERTIFICATED EMPLOYEES WITH THE SAME DATE OF FIRST PAID
PROBATIONARY SERVICE**

The following criteria will be applied in the priority order indicated to determine which certificated employees meet the particular needs of the District in the event that all certificated employees with the same seniority date are not terminated. To establish the order of seniority, each criterion in the order specified shall be used only if application of the preceding criteria does not resolve all ties between employees having the same seniority date.

1. Type of credential (e.g. Professional Clear professional, preferred over Preliminary; Preliminary preferred over Intern)
2. Bilingual Cross – cultural Language and Academic Development (BCLAD)
3. EL Certification/ Authorization (CTEL, CLAD, LDS, etc.
4. NCLB/ESSA Highly Qualified Certification
5. Post-graduate degrees
6. Years of teaching experience in a public school counted towards salary placement (1-12 years maximum credit)
7. First day of District service in a certificated position (including substitute teaching)

If a tie still exists, the governing board hereby directs the Superintendent or designee to notify the candidates who have received the tie-votes to appear either personally or by a representative at a time and place designated to determine the tie break by the drawing of lots to set the seniority order.

The foregoing criteria shall be applied to rank the order of individuals for purposes of layoff at the end of the 2022-2023 school year, and reemployment thereafter pursuant to Education Code sections 44956 or 44957, subject to exceptions allowed by law.