

BEVERLY HILLS UNIFIED SCHOOL DISTRICT

RESOLUTION REGARDING DISCONTINUANCE AND REDUCTION OF PARTICULAR KINDS OF SERVICES: DIRECTION TO NOTIFY AFFECTED EMPLOYEES OF RECOMMENDATION OF LAYOFF; ESTABLISHING SENIORITY TIE-BREAKING CRITERIA; AND RELATED ACTIONS

RESOLUTION NO. 2009-2010-014

On motion of member _____, seconded by member _____, the following Resolution is adopted:

WHEREAS, the Board of Education of the Beverly Hills Unified School District desires to discontinue and/or reduce the following particular kinds of certificated services not later than the beginning of the 2010-2011 school year (in addition to the release and non-reemployment of all temporary employees and long-term substitutes within the certificated service):

<u>Particular Kinds of Services</u>	<u>Full Time Equivalent Positions</u>
Reduce Kindergarten through 5 th Grade Teaching Services	6.0
Reduce 9 through 12 th Grade English Teaching Services	1.0
Reduce 9 through 12 th Grade Mathematics Teaching Services	1.0
Reduce 9 through 12 th Grade Physical Education Teaching Services	1.0
Discontinue Director, Curriculum/Instruction and Assessment	1.0
TOTAL SERVICES:	10.0 FTE

WHEREAS, in the opinion of the Board of Education, it will be necessary as a result of these discontinuances and reductions in this particular kind of service to decrease the number of certificated permanent and/or probationary employees by a corresponding number of full-time equivalent positions;

WHEREAS, this discontinuance and reduction of services shall result in layoffs of certificated personnel in accordance with Education Code Sections 44955 and 44949;

WHEREAS, in determining the services to be discontinued and reduced, the Board of Education has considered all assured and/or known attrition known as of this time, so that the above referenced totals have already accounted for such attrition and are not to be reduced further by such attrition;

WHEREAS, the Education Code requires that various actions be taken and notices be forwarded no later than March 15th of each school year regarding layoffs of certificated personnel resulting from discontinuances and reductions of particular kinds of services;

NOW, THEREFORE, BE IT RESOLVED, that the above-listed services will be discontinued and reduced to the above-described extent no later than the beginning of the 2010-2011 school year;

BE IT FURTHER RESOLVED that it is the opinion of this Board of Education, in view of the foregoing, that it is necessary to decrease the number of permanent and/or probationary employees serving in positions requiring certification qualifications within Beverly Hills Unified School District at the close of this school year by a corresponding number of full-time equivalent positions as set forth hereinabove;

BE IT FURTHER RESOLVED that the Superintendent or the Superintendent's designee(s) is/(are) instructed to take the steps necessary pursuant to the Education Code, including, in part, Sections 44955 and 44949, to reduce the certificated staff as set forth hereinabove;

BE IT FURTHER RESOLVED that for purposes of "bumping" (displacement) rights and the determination of "competency" within the meaning of Education Code Section 44955(b), competency and qualifications shall be determined upon credentials and scope of credentials, credentials including regular credentials such as preliminary or clear credentials and excluding emergency permits, waivers, short term staff permits, provisional internship permits, intern credentials, and pre-intern certificates; subject to the requirements, if any, of the Educational Employment Relations Act;

BE IT FURTHER RESOLVED that the Superintendent or the Superintendent's designee(s) is/(are) authorized to deviate from terminating certificated employees in order of seniority in accordance with Education Code 44955(d) where there is a specific need for personnel to teach a specific course or course of study, and the employee to be retained has special training and experience necessary to teach that course or course of study which others with more seniority do not possess.

BE IT FURTHER RESOLVED that this Board determines that the needs of the District and the students of this District are best served by resolving seniority ties within the meaning of Education Code Sections 44955, subdivision (b) (third paragraph) and Section 44846 (second paragraph), by applying the following criteria:

1. If a tie exists, the employee with the broadest scope of credential wins the tie-breaker, credentials including regular credentials such as preliminary or clear credentials and excluding provisional credentials (intern credentials, pre-intern certificates, waivers, short-term staff permits, emergency permits, provisional internship permits).
2. If a tie still exists, then the status of the credential is to be considered so that a clear credential would win a tie-breaker over a preliminary credential.
3. Assuming that the preceding paragraphs do not resolve all ties between employees having the same seniority date, then employees with the following subject matter authorizations, in order of preference, will be regarded as having greater seniority for purposes of determining seniority order:
 - (A) Speech and Language
 - (B) Moderate/Severe and Mild/Moderate Disabilities
 - (C) Moderate/Severe Disabilities
 - (D) Mild/Moderate Disabilities
 - (E) Math
 - (F) Sciences – Including Health
 - (G) Foreign Languages
 - (H) Computer Applications/Business
 - (I) Fine Arts (Music, Art, Humanities)
 - (J) English – Including Speech
 - (K) Social Studies / Social Science – Including Psychology & Sociology
 - (L) Multiple Subjects
 - (M) Early Childhood Education Specialist

- (N) Librarian
- (O) Pupil Personnel Services, Nursing
- (P) Physical Education
- (Q) Home Economics
- (R) Administrative Services
- (S) Designated Subjects Vocational Education

4. If a tie still exists, then the employee possessing a BCLAD certification will be regarded as having greater seniority for purposes of determining seniority order than certificated employees currently possessing only CLAD, EL, ELAD, or LDS certification. Similarly, a certificated employee possessing CLAD (non-emergency), EL, ELAD, or LDS certification will be regarded as having greater seniority for purposes of determining seniority order than certificated employees currently possessing only SDAIE certification pursuant to SB 1969 or SB 395. Similarly, a certificated employee possessing SDAIE certification pursuant to SB 1969 or SB 395 will be regarded as having greater seniority for purposes of determining seniority order than certificated employees possessing emergency CLAD certification. Similarly, a certificated employee possessing emergency CLAD certification will be regarded as having greater seniority for purposes of determining seniority order than certificated employees not having certification/authorization to teach English Language Learners.
5. Assuming that the preceding paragraphs do not resolve all ties between employees having the same seniority date, then employees with a Ph.D. /Ed.D from an accredited institution of higher education will be regarded as having greater seniority for purposes of determining seniority order than employees possessing a masters degree from an accredited institution of higher education. Similarly, employees with a masters degree from an accredited institution of higher education will be regarded as having greater seniority for purposes of determining seniority order than employees possessing two bachelors degrees. Similarly, employees with two Bachelors Degrees from an accredited institution of higher education will be regarded as having greater seniority for purposes of determining seniority than employees possessing a bachelors degree and an associate of arts/science degree from an accredited institution of higher education. Similarly, employees with a bachelors degree and an associate of arts/science from an accredited institution of higher education will be regarded as having greater seniority for purposes of determining seniority order than employees possessing a single bachelors degree from an accredited institution of higher education.
6. Assuming that the preceding paragraphs do not resolve all ties between certificated employees having the same seniority date then certificated employees will be ranked by total semester credits earned at an accredited institution of higher education after earning a Bachelors Degree starting with the greatest number of credits to the least number of credits.
7. Assuming that the preceding paragraphs do not resolve all ties between employees having the same seniority date, then certificated employees with undergraduate majors in the following subject matter areas, in order of preference, will be regarded as having greater seniority for purposes of determining seniority order:
 - (A) Speech and Language
 - (B) Moderate/Severe and Mild/Moderate Disabilities
 - (C) Moderate/Severe Disabilities
 - (D) Mild/Moderate Disabilities
 - (E) Math
 - (F) Sciences – Including Health
 - (G) Foreign Languages
 - (H) Computer Applications/Business
 - (I) Fine Arts (Music, Art, Humanities)
 - (J) English – Including Speech
 - (K) Social Studies / Social Science – Including Psychology & Sociology
 - (L) Multiple Subjects
 - (M) Early Childhood Education Specialist
 - (N) Librarian

- (O) Pupil Personnel Services, Nursing
- (P) Physical Education
- (Q) Home Economics
- (R) Administrative Services
- (S) Designated Subjects Vocational Education

8. If a tie still exists, then the total time as a credentialed employee in this District is to be considered (other than as a day-to-day or long-term substitute), with the winner having served the greater time
9. If a tie still exists, the employee with the most current number of types of teaching assignments (different types of courses) wins the tie-breaker
10. If a tie still exists, the tie will be resolved by lot.

Such criteria shall be applied to rank the order of individuals for purposes of layoff and reemployment, subject to exceptions allowed by law;

IN WITNESS OF the adoption of the foregoing Resolution, we, the members present and voting thereon, have hereunto set our hands this 25th day of February, 2010, at a regular meeting duly held at 255 South Lasky Drive, Beverly Hills, Los Angeles County, California, 90212-3697.

BOARD OF EDUCATION OF THE
BEVERLY HILLS UNIFIED SCHOOL DISTRICT

Approval:

Dissenting:

Abstaining:

Absent:

I, Dr. Jerry Gross, Superintendent and Secretary to the Board of Education of the Beverly Hills Unified School District of Los Angeles County, California, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly adopted by said Board at a regular meeting thereof, at the time and place and by the vote above stated, which Resolution is on file and of record in the office of said Board.

Date: February 25, 2010

Superintendent/Secretary to Board of Education of
Beverly Hills Unified School District