

CORONADO UNIFIED SCHOOL DISTRICT

**RESOLUTION REGARDING COMMENCEMENT OF CERTIFICATED LAYOFF:
DISCONTINUANCES AND REDUCTIONS OF PARTICULAR KINDS OF SERVICES
(AS LISTED IN EXHIBIT A); DIRECTION TO NOTIFY AFFECTED EMPLOYEES OF
RECOMMENDATION OF LAYOFF; AND RELATED ACTIONS**

Resolution Number 18-03-01

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

WHEREAS, because of the desire and need to reassess educational priorities, and it being necessary to commence implementing program changes in a timely fashion within the current structure of the law, this District's Governing Board determines that it is in the best interests of the District and the welfare of the schools and the pupils thereof, to commence certificated layoff proceedings to discontinue particular kinds of services ("PKS") as hereinafter enumerated and to reduce the corresponding number of certificated staff no later than the beginning of the 2018-2019 school year (in addition to the release of temporary certificated employees and/or the expiration of their contracts without renewals or re-issuances);

WHEREAS, the cause of this discontinuance and reduction in certificated services is not the separate statutory basis involving declining average daily attendance during either of the past two years;

WHEREAS, this discontinuance and reductions of certificated services shall result in layoffs of certificated personnel in accordance with Education Code sections 44955 and 44949 which provide a process whereby particular decisions, actions and notifications must be undertaken beginning no later than March 15 of each school year regarding layoffs of certificated personnel in order to reduce the number of certificated staff, and this Board desires to reduce certificated staff as permitted by law;

WHEREAS, this Governing Board desires to discontinue and reduce the particular kinds of certificated services as listed in Exhibit A, attached, and to that extent of full time equivalents ("FTEs"), not later than the beginning of the 2018-2019 school year (in addition to the release of temporary certificated employees and/or the expiration of their contracts without renewals or re-issuances);

WHEREAS, in the opinion of the Governing Board, it will be necessary as a result of the discontinuances and reductions of these particular kinds of services reflected in Exhibit A to decrease the number of certificated employees by a corresponding number of full-time equivalent positions;

WHEREAS, in determining the extent of staff FTE discontinuances/reductions and services to be reduced, the Governing Board has considered all assured and/or known attrition as of this time to the extent required by law, so that the total referenced above and in Exhibit A has already accounted for such attrition; but for that attrition, this Board would have found it necessary to discontinue or reduce additional particular kinds of certificated services and/or full time equivalents; and

WHEREAS, this Governing Board believes it is in the best interests of the educational process, continuity of educational services and the education of this District's students, to refrain from splitting full time elementary level classroom positions into two or more part-time positions so as to create one classroom of instruction with more than one regular classroom teacher, but rather desires to maintain full-time classroom teachers in the elementary levels, including transitional kindergarten, pre-kindergarten, kindergarten, and grades 1 through and including 5;

NOW, THEREFORE BE IT RESOLVED, DETERMINED AND ORDERED by this Governing Board, as follows:

1. All of the above recitals are true and correct;
2. The particular kinds of services as listed in Exhibit A are hereby to be, shall be and are discontinued and reduced and otherwise eliminated to the described extent not later than the beginning of the 2018-2019 school year, within the meaning of Education Code section 44955, subdivision (b);
3. It is the opinion of this Governing Board, in view of the discontinuances and reductions of these particular kinds of services, that it is necessary to decrease the number of permanent and/or probationary employees and other certificated employees serving in positions requiring certification qualifications within this School District at the close of this school year by a corresponding number of full-time equivalent positions as set forth within Exhibit A and that such decrease in the number of certificated staff be implemented by the termination of employment of certificated employees above and beyond attrition;
4. Due to the discontinuances and reductions of particular kinds of services set forth herein, the legal number of employees of the District, pursuant to Education Code section 44955, shall not be employed for the 2018-2019 school year;
5. In observing the statutory rights of a more senior certificated employee performing services in a subject matter or field identified by the District for discontinuance or reduction to displace a less senior certificated employee, the more senior certificated employee may displace ("bump") a less senior certificated employee if it is established to the satisfaction of the District that the more senior certificated employee is both competent and credentialed to render the services performed by a less senior certificated employee, subject to sections 6, 7, and 8, below, provided, however, that elementary (transitional kindergarten, pre-kindergarten, kindergarten, and first through and including fifth grades) general education classroom teaching services be provided on a full time basis by a single classroom teacher rather than having more than one general education classroom teacher being assigned to and teaching each of those classrooms' students (for example, a fractional FTE position holder cannot bump or displace that portion of a full-

time 1.00 FTE elementary classroom teaching position), analogous to *Hildebrandt v. St. Helena Unified School District* (2009) 172 Cal.App.4th 334;

6. Subject to requirements (if any) within the Educational Employment Relations Act, that for purposes of “competency” as to “bumping” (displacement) rights within the meaning of Education Code section 44955(b) and as to reemployment rights within the meaning of Education Code sections 44956 and 44957, to the extent such might apply, “competency” shall be based upon all of the following:
 - possession and current filing of a preliminary or clear credential for the subject matter into which the employee would bump for the 2018-2019 school year or as to which reemployment would apply;
 - possession and current filing of an appropriate EL certification (other than emergency or waiver) for the subject matter into which the employee would bump for the 2018-2019 school year or as to which reemployment would apply.
7. For purposes of seniority tie-breaking criteria within the meaning of Education Code section 44955, subdivision (b) (third paragraph) and section 44846 (second paragraph), the Governing Board determines that seniority ties shall be broken in accordance with the criteria listed within Exhibit B, said criteria being based solely upon the needs of the District and the students thereof;
8. The Governing Board also hereby delegates, pursuant to Education Code section 35161, to the District Superintendent and, in the discretion of the District Superintendent, the District Superintendent’s designee, the determination of such other “competency” standards (Education Code section 44955, subdivision (b)) and seniority tie-breaking criteria as well as “skipping” standards (Education Code section 44955, subdivision (d)(1)) as may be appropriate as the identification and bumping processes are applied and implemented;
9. 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 implement the above and to reduce the certificated staff as set forth hereinabove;
10. Any employee laid off as a result of this action shall maintain the rights to reemployment as provided by law;
11. The actions of this Governing Board will not, in any way, be considered to prejudice the rights of any certificated employee to whom notice will be given of the Superintendent’s recommendations, should any employee request a hearing to contest this matter.

IN WITNESS of the adoption of the foregoing Resolution, we, the members present and voting thereof, have hereunto set our hands this 1st day of March, 2018. Executed in Coronado, San Diego County, California.

GOVERNING BOARD OF THE
CORONADO UNIFIED SCHOOL
DISTRICT

Approval:

Dissenting:

Abstaining:

I, Karl Mueller, Superintendent and Secretary to the Governing Board of the Coronado Unified School District of San Diego 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 meeting thereof, the vote above stated, which Resolution is on file and of record in the office of the Superintendent.

Date: March 1, 2018

Superintendent/Secretary to Governing Board
Coronado Unified School District

EXHIBIT A

**IDENTIFICATION OF
PARTICULAR KINDS OF SERVICES (PKS)
AND
FULL TIME EQUIVALENCIES (FTEs)
TO BE DISCONTINUED AND REDUCED NO LATER THAN
THE BEGINNING OF THE ENSUING SCHOOL YEAR (2018-2019)**

<u>Particular Kinds of Services (PKS)</u> (Not listed in order of priority; numbers are to facilitate referencing any particular PKS)	<u>Full Time Equivalent Positions</u>	<u>Impact *</u>	
1.	Sports Medicine certificated teaching services, Career Technical Education**	0.20 (all)	District-wide elimination of this certificated service; one section, at Coronado High School
2.	Choir teaching services, Career Technical Education**	0.20	Reduction of this service; one section, at Coronado High School
3.	French teaching services	0.20 ***	Reduction of this service; one section, at Coronado High School ***
4.	Engineering teaching services; Career Technical Education**	0.20	Reduction of this service; one section, at Coronado High School
5.	English teaching services, high school	0.60	Reduction of this service; three sections, at Coronado High School
6.	Math (integrated math) teaching services, high school	1.0 ****	Reduction of this service; one full time position, at Coronado High School ****
7.	Assistant principal services, high school	1.0	Reduction; at Coronado High School
Total FTEs (subject to footnotes below or on the next page)		3.4	

* The referenced location does not necessarily mean that person holding that position will be the individual who is laid off as a result of this Resolution. Seniority and other factors as mentioned in the body of this Resolution will impact the “bumping” process so that the legally appropriate most junior certificated employee will be the individual laid off.

** Inclusion of these positions is for informational and/or precautionary purposes and does not grant any rights to any individual beyond those rights required by law.

*** The person serving in this particular kind of service will be placed into another available position in this amount of FTE without the need to lay off any certificated employee, but this particular kind of service will be impacted as indicated.

**** This reduction of this particular kind of service is being achieved through a certificated employee’s resignation plus the corresponding release/non-renewal of the temporary certificated employee who was serving in this position.

EXHIBIT B

CRITERIA FOR BREAKING SENIORITY TIES

Subject to requirements (if any) within the Educational Employment Relations Act, this Governing Board determines, based solely on the needs of this District and the students of this District, that seniority ties within the meaning of Education Code sections 44955, subdivision (b) (third paragraph) and section 44846, shall be resolved by applying the following criteria, to be applied in the following order, one step at a time. Such criteria shall be applied to rank the order of individuals for purposes of layoff and reemployment, subject to exceptions allowed by law. The criteria are as follows:

- That individual who possesses the broader scope of credentials on file with the County Office of Education and this District and the credential would be currently applicable for use in our school district.
- If a tie still exists, the employee who possesses a then currently valid and properly filed BCLAD, or equivalent (excluding emergency and waiver) wins the tie breaker.
- If a tie still exists, the employee who possesses a then currently valid and properly filed CLAD, or equivalent (excluding emergency and waiver) wins the tie breaker.
- If a tie still exists, the certificated employee holding a clear credential wins the tie breaker over those holding a less permanent credential such as a preliminary credential.
- If a tie still exists, the certificated employee holding an administrative services credential wins the tie breaker.
- Date of issuance of the earliest California clear, life, standard or similar credential as indicated as the date of issuance on the website of the California Commission on Teacher Credentialing or if no date of issuance is on the website, the date of issuance on the copy of the earliest such credential on file with this District.
- Possession of a Masters Degree which is on file at the District Office.
- If a tie still exists, the tie would be broken by lottery with the lowest number winning the tie.