

**RESOLUTION OF THE GOVERNING BOARD
OF THE MT. DIABLO UNIFIED SCHOOL DISTRICT
REGARDING THE REDUCTION OR DISCONTINUANCE
OF PARTICULAR KINDS OF SERVICE (CERTIFICATED LAYOFF)**

Resolution No. 11/12 - 34

WHEREAS, the Governing Board of the Mt. Diablo Unified School District has determined it is necessary to reduce or discontinue particular kinds of services of the District for the 2012-2013 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 deaths, resignations, retirements, nonreelections, and other permanent vacancies for 2012-2013 and, but for attrition already assured, the Governing Board would have found it necessary to reduce additional services; 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 as between certificated employees with the same seniority date; 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, 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; and

WHEREAS, all temporary employees will be given notice that their services will not be needed in the 2012-2013 school year and no permanent employee will 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.

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Mt. Diablo Unified School District that:

1. The particular kinds of service set forth below shall be reduced or discontinued no later than the beginning of the 2012-2013 school year:

District Wide	
Program Specialist, Categorical Programs, Site Based	1.00 FTE
Coordinator, Student Services 6-8	1.00 FTE
Music	.30 FTE
Library Media Teachers	.20 FTE
Resource Specialist	1.00 FTE
Special Day Class	1.00 FTE

School Psychologist	.20 FTE
Elementary Teaching Positions	
K-5 Classroom Teachers (Multiple Subject)	24.675 FTE
Middle School Teaching Positions	
Core (Multiple Subject)	5.51 FTE
Reading	1.17 FTE
AIMS	.84 FTE
Geometry	.20 FTE
Social Science	1.17 FTE
PE	.17 FTE
Math	.34 FTE
Science	2.34 FTE
English	.34 FTE
Library Media	.20 FTE
High School Teaching Positions	
World History	.20 FTE
PE	.20 FTE
Geometry	.60 FTE
Math	9.20 FTE
Algebra	1.20 FTE
Trigonometry	.20 FTE
English	14.80 FTE
Art	2.80 FTE
Social Science	5.00 FTE
Foreign Language: Spanish	2.60 FTE
Foreign Language: French	1.40 FTE
Woodworking	.60 FTE
Work Experience Education (WEE)	.40 FTE
Ceramics	.40 FTE
Earth Science	.60 FTE
Biology	3.40 FTE
Chemistry	2.20 FTE
Music	1.00 FTE
(ROP) Radio Program	.60 FTE
Total:	89.055 FTE

2. "Competency" for the purpose of Education Code section 44955 shall be determined solely upon current possession of a preliminary or clear credential for the subject matter or grade level to which the employee will be assigned at the beginning of the 2011-2012 school year.
3. 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 criteria set forth in Board Resolution 11-12 - 32, a copy of which is attached hereto, which shall be applied to resolve ties in seniority between certificated employees. The District and the Mt. Diablo Education Association (MDEA) met on February 14, 2012 and applied these criteria as to potentially affected employees and administered any lottery.

4. There is a direct and specific need within the District for certificated employees qualified to serve the needs of K-12 students with respect to the following:
 - a. Courses requiring Bilingual Cross-Cultural Language and Development (BCLAD) certificates, which are highly specialized programs requiring the possession and utilization of additional specialized certificates and/or credentials. Teachers must actively be using their BCLAD certification in their assignment to be skipped.
 - b. Bilingual School Psychologists.

Pursuant to Education Code section 44955(d)(1), it will be necessary to retain the services of certificated employees in the 2012-2013 school year, regardless of seniority, who possess these qualifications as demonstrated by the possession of a valid certificate and/or credential and use of that certificate and/or credential in the employee's 2012-2013 assignment.

5. The Superintendent or his 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 following vote of the members of the Governing Board of the Mt. Diablo Unified School District of Contra Costa County, State of California, this 27th day of February, 2012.

AYES: _____

NOES: _____

ABSTENTIONS: _____

ABSENT: _____

 Sherry Whitmarsh
 President of the Board of Education of
 Mt. Diablo Unified School District

Attested to:

 Steven Lawrence, Ph.D.
 Secretary of the Board of Education of
 Mt. Diablo Unified School District