

**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. 18/19-44

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 2019-2020 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 2019-2020 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 with special training and experience to teach a specific course or courses of study or provide a specific service; and

WHEREAS, all temporary employees will be given notice that their services will not be needed in the 2019-2020 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 2019-2020 school year:

District Wide	
Site Administrators	5.0 FTE
Central Office Administrators	3.0 FTE
School Counselors	5.0 FTE
Librarians	1.0 FTE
Elementary Teaching Positions	
Multiple Subject	10.0 FTE
Teacher Intervention, Categorical Programs, Site Based	3.0 FTE

Middle & High School Teaching Positions	
Middle School Core	5.80 FTE
Middle School Reading	1.20 FTE
Middle School ELD	0.80 FTE
Middle School ALD	0.60 FTE
High School Teacher Coach/Specialist	2.80 FTE
Electives	
6th Grade Rotation	0.20 FTE
Hands on Technology	0.20 FTE
Web	0.20 FTE
Leadership	1.00 FTE
Yearbook	0.20 FTE
Language Arts Lab	0.20 FTE
On Your Own	0.40 FTE
Enhancement (Rotation)	0.20 FTE
Service (Rotation)	0.40 FTE
World Cultures	0.20 FTE
Coding	0.40 FTE
AVID Coordinator	0.20 FTE
Academic Success	0.20 FTE
Current Events	0.20 FTE
Rotation	0.20 FTE
AVID	0.60 FTE
Instrumental Music	1.60 FTE
English	3.60 FTE
Social Science	5.40 FTE
Physical Education	2.80 FTE
French	0.40 FTE
Art	1.00 FTE
Industrial Technology	0.40 FTE
Health Careers, CTEIG Grant	0.40 FTE
Project Lead the Way, CTEIG Grant	0.40 FTE
Total:	59.20FTE

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 2019-2020 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 #18/19-44, 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) will meet and apply these criteria as to potentially affected employees and administer a lottery.
4. There is a direct and specific need within the District for certificated employees qualified to serve the needs of students of the District 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.

- b. Bilingual School Counselors
- c. International Baccalaureate Training and Experience
- d. Adaptive Physical Education credential or supplementary authorization

Pursuant to Education Code section 44955(d)(1), it will be necessary to retain the services of certificated employees in the 2019-2020 school year, regardless of seniority, who possess these qualifications as demonstrated by the possession of a valid certificate and/or credential or special training and experience and use of that certificate and/or credential or that special training and experience in the employee's 2019-2020 assignment.

- 5. The Superintendent or 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 25th day of February, 2019.

AYES: _____

NOES: _____

ABSTENTIONS: _____

ABSENT: _____

 Joanne Durkee
 President of the Board of Education of
 Mt. Diablo Unified School District

Attested to:

 Nellie Meyer, Ph.D.
 Secretary of the Board of Education of
 Mt. Diablo Unified School District