

RESOLUTION NO. 10/11-38

MT. DIABLO UNIFIED SCHOOL DISTRICT  
BOARD OF EDUCATION

DETERMINATION OF SENIORITY AMONG CERTIFICATED EMPLOYEES WITH THE  
SAME SENIORITY DATE ("TIE-BREAKER RESOLUTION")

WHEREAS, Education Code section 44955(b), relating to certificated layoffs, provides in relevant part, "as between employees who first rendered paid service to the district on the same date, the governing board shall determine the order of termination solely on the basis of needs of the district and the students thereof;"

THEREFORE BE IT RESOLVED that, 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 following criteria which shall be applied to resolve ties in seniority between certificated employees. These criteria are listed in priority order and each criterion shall be used only if the preceding criteria do not determine the order of termination:

1. Possession of a currently valid and properly filed credential authorizing service in special education programs
2. Possession of a currently valid and properly filed BCLAD certificate
3. Possession of a currently valid and properly filed regular credential (clear, professional clear, or preliminary)
4. Possession of a currently valid and properly filed CLAD or other valid certificate authorizing instruction to English Learners.
5. The certificated employee is "Highly Qualified" within the meaning of the No Child Left Behind Act.
6. Possession of a currently valid and properly filed credential or supplement permitting instruction in math or science.
7. Possession of a currently valid and properly filed credential or supplement permitting instruction in the designated subject area of industrial and technology education.

8. The certificated employee whose currently valid and properly filed credentials authorize a broader scope of service. (This tie-breaker is to be repeated as applicable.)
9. Possession of National Board Certification.
10. The certificated employee holding the highest current placement on the salary schedule. (This tie-breaker is to be repeated as applicable.)
11. The certificated employee who has taught at the most different grade levels while employed in the District not as a day-to-day substitute. (This tie-breaker is to be repeated as applicable.)
12. The certificated employee who has taught in the most different subject areas while employed in the District not as a day-to-day substitute. (This tie-breaker is to be repeated as applicable.)
13. If a tie still exists after application of criteria 1 to 11, the tie shall be broken by lot. Numbers shall be drawn with the lowest number drawn winning the tie and continuing until all remaining tied individuals are ranked in order.

APPROVED AND ADOPTED this 8<sup>th</sup> day of February, 2011 by the Board of Education of the Mt. Diablo Unified School District of Contra Costa County by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTENTIONS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
 President of the Board of Education of  
 Mt. Diablo Unified School District

I HEREBY CERTIFY that the foregoing resolution was duly and regularly introduced, passed and adopted by the members of the Board of Education of the Mt. Diablo Unified School District at a public meeting of the Board held on February 8, 2011.

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