

Certificated Personnel

Personnel Reduction

The Board of Education may reduce the number of probationary and permanent certificated employees when, in its opinion, any of the following conditions makes such reduction necessary: (E.C. 44955, 44955.5)

1. Average daily attendance (ADA) in all of the schools in the District during the first six months of the school year has declined below the level for the same period in either of the previous two school years.
2. A particular kind of service is to be reduced or discontinued not later than the beginning of the following school year.
3. Attendance in the District will decline in the following year as a result of the termination of an interdistrict tuition agreement.
4. An amendment of state law requires modification of the curriculum.
5. During the time period between five days after the enactment of the Budget Act and August 15 of that fiscal year, the Board determines that the District's total revenue limit per ADA for the fiscal year of that Budget Act has not increased by at least two percent. (Education Code 44955.5)

Determination of the Order of Layoffs

When it is necessary to reduce the number of certificated employees for any of the reasons listed above, the services of employees shall be terminated in the inverse of the order in which they were employed by the District in probationary status, except as otherwise authorized by law. (Education Code 44844, 44955)

The Superintendent or designee shall maintain the seniority list for this purpose.

Unless otherwise provided by law, a permanent employee shall have the right to be retained over a probationary employee or any employee with less seniority if the position is one for which he/she is certificated and competent to render service. (Education Code 44955)

To determine the order of termination between employees who first rendered paid service on the same date, the District shall rank order those employees solely on the basis of the needs of the District and students. Upon the request of an employee whose order of termination is to be determined based on such ranking, the District shall furnish the employee, no later than five days

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prior to the commencement of the administrative hearing on the layoff, a written statement of the specific criteria used in determining the order of termination and the application of the criteria in ranking the employee relative to the other employees in the group. (Education Code 44955)

The District may deviate from terminating certificated employees in order of seniority for either of the following reasons: (Education Code 44955, 44956)

1. To fill a demonstrated specific need for personnel to teach a specific course or courses of study, or to provide services authorized by a services credential with a specialization in either student personnel services or health for a school nurse, when the certificated employee has the necessary special training and experience which others with more seniority do not possess;
2. To maintain or achieve compliance with constitutional requirements related to equal protection of the law.

Legal Reference:

EDUCATION CODE

|                |  |
|----------------|--|
| 44830          | Employment of certificated persons         |
| 44949          | Dismissal of probationary employees        |
| 44955          | Reduction in number of permanent employees |
| 44955.5        | Termination of certificated employees      |
| 449556-44959.5 | Rights of employees                        |

GOVERNMENT CODE

|        |                         |
|--------|-------------------------|
| 3543.2 | Scope of representation |
|--------|-------------------------|

UNEMPLOYMENT INSURANCE CODE

|      |   |
|------|---|
| 1089 | Notification of unemployment insurance benefits |
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Adopted: (7-88 7-96 6-06) 2-19

ORANGE UNIFIED SCHOOL DISTRICT  
Orange, California