

Certificated Personnel

Personnel Reduction

For purposes of reduction of certificated personnel, terminations shall generally be in order of least seniority. The District may deviate from terminating or reappointing a certificated employee 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; or
2. To maintain or achieve compliance with constitutional requirements related to equal protection of the law.

Before assigning or reassigning any certificated employee to teach a subject which he/she has not previously taught, and for which he/she does not have a teaching credential or which is not within the employee's major area of postsecondary study, the Board shall require the employee to pass a subject matter competency test in the appropriate subject. (E.C. 44955, 44956) (cf. 4112.2 - Certification)

Terminated certificated employees shall not be subject to any requirements that were not imposed on employees who continued in service; their period of absence shall be treated as a leave of absence and not considered a break in the continuity of their service. (E.C. 44956, 44957)

Notice and Right to Hearing

When the District needs to reduce the number of certificated staff, the District shall adhere to the notice, hearing and layoff procedures in E.C. 44949 and 44955.

When the Board, during the time period between five days after enactment of the Budget Act and August 15, determines that the total revenue limit per ADA has not increased by at least two percent and that the District therefore needs to reduce the number of certificated staff pursuant to E.C. 44955.5, the Board shall adopt a schedule of notice and hearings, and the District shall otherwise proceed pursuant to Education Code 44949 and 44955. (E.C. 44955.5)

Reappointment

If the number of employees is increased or the discontinued service reestablished, permanent certificated employees under 65 years of age shall have the right to reappointment in order of seniority for 39 months after being terminated. Probationary certificated employees under 65 years of age shall have the same right for 24 months after being terminated, subject to the prior reappointment rights of permanent employees. (E.C. 44956, 44957)

Approved: (10/96) Santa Ana, CA