

MDUSD BOARD OF EDUCATION
RESOLUTION NO. 20/21-52

Regarding the Reduction or Discontinuance of Particular Kinds of Services (Certificated Layoff)

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 2021-2022 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 2021-2022 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 2021-2022 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.

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 2021-2022 school year:

Elementary Teaching Positions	
Multiple Subject	24.80 FTE
Intervention	1.50 FTE
Middle & High School Teaching Positions	
Middle School Core	2.36 FTE
Science 6	0.34 FTE
Science 7	0.51 FTE

Science 8	0.17 FTE
English	0.60 FTE
Living Earth	0.20 FTE
Spanish	0.20 FTE
Social Science	0.60 FTE
Alternative Education	0.60 FTE
Total:	31.88 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 2021-2022 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 # 20/21-47, 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 who possess special training and/or experience, or competency, necessary to teach specific courses or courses of study or to provide specific services to students of the District, which others with more seniority do not possess, as follows:
 - 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. Courses requiring IB: Completion of District Approved International Baccalaureate training, which are highly specialized programs requiring the possession and utilization of additional training.
 - c. Bilingual School Counselors and Psychologists which are highly specialized fields.
 - d. Courses requiring Adaptive Physical Education credential or supplementary authorization which are highly specialized programs requiring the possession and utilization of additional specialized certificates and/or credentials.

Pursuant to Education Code section 44955(d)(1), it will be necessary to retain the services of certificated employees in the 2021-2022 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 that certificate and/or credential or that special training and experience in the employee’s 2021-2022 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.

AYES: NOES: ABSENCES: ABSTENTIONS:

Cherise Khaund, Board President

Debra Mason, Board Vice President

Linda Mayo, Board Member

Erin McFerrin, Board Member

Keisha Nzewi, Board Member

Dr. Adam Clark, Superintendent

Adopted at the meeting of the MDUSD Governing Board of Education on 03/10/2021.
