

**BEFORE THE GOVERNING BOARD OF THE  
BEVERLY HILLS UNIFIED SCHOOL DISTRICT  
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA**

**RESOLUTION NO. 2018-2019-011- REVISED**

**RESOLUTION TO DISCONTINUE PARTICULAR KINDS OF SERVICE**

**WHEREAS**, Education Code sections 44949 and 44955 require action by the Board of Education to reduce or eliminate services and permit the layoff of certificated employees; and

**WHEREAS**, the Superintendent of the Beverly Hills Unified School District has recommended to the Governing Board of Education that particular kinds of services be reduced or eliminated no later than the end of the 2018-2019 school year; and

**WHEREAS**, the Governing Board has determined that a reduction or elimination of particular kinds of services is needed no later than the end of the 2018-2019 school year; and

**WHEREAS**, it will be necessary to reduce the number of certificated employees of the District as a result of the reduction or elimination of particular kinds of services; and

**WHEREAS**, the District currently employs permanent, probationary, temporary/categorical, and substitute certificated employees; and

**WHEREAS**, the Governing Board has considered all positively assured attrition which has occurred to date, that is, all deaths, resignations, retirements, and other permanent vacancies, in reducing these services and, in addition to the attrition already assured, finds it necessary to reduce additional particular kinds of services; and

**WHEREAS**, any additional attrition will be taken into account by Administration to determine whether the number of permanent and probationary employees affected by the reduction or elimination of particular kinds of services may be mitigated.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Board of the Beverly Hills Unified School District:

1. That the Board determines to reduce or eliminate the particular kinds of services in the full-time equivalents (FTE) set forth below commencing in the 2019-2020 school year:

Reduce K-5 Teaching Services	17.0	FTE
Reduce 6-8 Language Arts Teaching Services	1.6	FTE
Reduce 6-8 Science Teaching Services	.6	FTE
Reduce 6-8 Math Teaching Services	1.0	FTE
Reduce 6-8 Social Sciences Teaching Services	2.0	FTE
Reduce Technology Teaching Services	4.0	FTE

<b>TOTAL CERTIFICATED POSITIONS:</b>	<b>26.2</b>	<b>FTE</b>

2. That because of the elimination and reduction of particular kinds of services listed above it is necessary to terminate, at the end of the 2018-2019 school year, certificated employees equal in full-time equivalents to the positions affected by the reduction or elimination of the particular kinds of service.
3. That in identifying the particular kinds of services listed above for reduction or elimination, the Governing Board confirms that all programs and services performed by certificated employees of the District that are not so identified shall be maintained and staffed with individuals who are both competent and credentialed to perform such services. The Governing Board reserves the right to identify additional services for reduction or elimination.

#### Seniority of Probationary and Permanent Certificated Employees

4. That seniority shall be determined by the first date of paid service in a probationary position and as defined by law.
5. That the reduction of certificated staff be achieved by the termination of regular employees and not by terminating temporary and substitute employees.
6. That “competency” as described in Education Code section 44955(b) for the purposes of bumping shall necessarily include: (1) possession of a valid clear or preliminary credential in the subject(s) or grade level to which the employee will be assigned at the beginning of the 2019-2020 school year; (2) appropriate full (not emergency) EL authorization (if required by the position); (3) in the case of displacing junior employees teaching in a departmentalized setting, single subject credential(s) or subject matter authorization in that subject area; and (4) any training and experience necessary to meet the job requirements of specialized positions (such as Dual Immersion Teachers or Opportunity Teachers) as indicated in the relevant job descriptions.
7. That bumping shall be allowed only in cases where the senior employee is both competent and credentialed to assume the whole assignment of the more junior employee.
8. That, as between certificated employees with the same seniority date, the order of termination shall be determined solely by the criteria listed and described in **Attachment 1**, which is attached hereto and incorporated herein by this reference, and such criteria are based solely on the needs of the District and the students thereof.

#### Deviation from Seniority-based Layoffs and Displacement Rights

9. That in selecting those probationary and permanent certificated employees who shall receive notice of termination pursuant to this Resolution, Education Code section 44955 allows the Governing Board to deviate from terminating a certificated employee in order

of seniority by virtue of their competence, credential(s), assignment, and the specific needs of the District and its students.

10. That the criteria, which shall be established by testimony and other evidence, applied to deviate from terminating certificated employees who may otherwise be terminated by order of seniority, are based on the needs of the students of the District, and will ensure that, unless permitted by law, no employee will be terminated while a less senior employee is retained to render service, that the more senior employee is both certificated and competent to render.

Preliminary Notices of Layoff to Probationary and Permanent Employees

11. That the Superintendent or designee will send appropriate notices to all probationary and permanent employees possibly affected by the reduction and elimination of particular kinds of service. The notices shall state it has been recommended that each of their services will not be required for the 2019-2020 school year, pursuant to Education Code sections 44949 and 44955.
12. That the Superintendent or designee is delegated authority to take all actions necessary and appropriate to the accomplishment of the purposes of this Resolution.

The foregoing Resolution was adopted by the Governing Board of the Beverly Hills Unified School District on the 29<sup>th</sup> day of January, 2019, by the following vote:

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

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

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

\_\_\_\_\_  
President, Governing Board of the  
Beverly Hills Unified School District

I, \_\_\_\_\_, Clerk of the Governing Board of the Beverly Hills Unified School District, do certify that the foregoing Resolution was regularly introduced, passed and adopted by the Governing Board at its regular meeting held on January 29, 2019.

\_\_\_\_\_  
Clerk, Governing Board of the  
Beverly Hills Unified School District

## **ATTACHMENT 1**

### **DETERMINATION OF SENIORITY AMONG CERTIFICATED EMPLOYEES WITH THE SAME SENIORITY DATE (“Tie-Breaker Criteria”)**

The District values the services of all employees who may, by coincidence, share the same date of first paid service in a probationary position. Education Code section 44955, subdivision (b), related 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.”

Education Code section 44846, related to reemployment following the termination of services, provides in relevant part, “As between two or more employee who first rendered paid service to the district on the same date, and who, following the termination of services, have a statutory preference to reappointment in the order of original employment, the governing board shall determine the order of reemployment solely on the basis of the needs of the district and the students thereof.”

Based upon the needs of the District and the students thereof, the following criteria shall be applied in order, one step at a time, to resolve all ties between certificated employees having the same seniority date, as defined in Education Code section 44845, and thus delineate the order of termination in the event of a layoff and/or reappointment of certificated staff:

1. Persons with Master’s Degrees in the following areas listed in order of priority:
  - a. Math
  - b. Science
  - c. English
2. Persons with Bachelor’s Degrees in the following areas listed in order of priority:
  - a. Math
  - b. Science
  - c. English
3. Persons who hold a BCLAD or other comparable EL Authorization
4. Persons who hold CLAD or other comparable EL Authorization
5. Persons with Clear (or Life) Credentials and authorizations allowing service in the following areas listed in order of priority:
  - a. Special Education
  - b. Math
  - c. English
  - d. Science

6. Persons with Subject Matter Authorization in the following areas listed in order of priority:
  - a. Special Education
  - b. Math
  - c. English
  - d. Science
  - e. Persons with Clear Credentials (in subject matters not listed above)
7. Persons with Preliminary Credentials and authorizations allowing service in the following areas listed in order of priority:
  - a. Special Education
  - b. Math
  - c. English
  - d. Science
8. Persons with Intern Credentials and authorizations allowing service in the following areas listed in order of priority:
  - a. Special Education
  - b. Math
  - c. English
  - d. Science
9. Persons with Supplemental Authorizations in the following areas listed in order of priority:
  - a. Special Education
  - b. Math
  - c. English
  - d. Science
10. Persons with Master's Degrees
11. Persons with Preliminary Credentials
12. Persons with Intern Credentials
13. Persons with multiple teaching credentials
14. Persons with National Board Certification
15. Years of total credentialed teaching experience inside and outside of the District
16. Number of units from an accredited college or university beyond Bachelor's Degree
17. Persons with a Reading Certificate

18. Lottery:

- a. If the criteria listed above do not break a tie, the District shall hold a lottery at least five work days prior to the layoff hearing. Each group of tied employees shall have the right to attend the lottery and pick a lottery number. In the absence of the employee, the Superintendent or designee will select a lottery number on behalf of the employee.
- b. As between tied employees, low lottery numbers will indicate low seniority for that hire date. For example, an individual with a lottery number of “1” would be laid off before an individual with a lottery number of “10.”

The foregoing criteria reflect the current needs of the District and the students thereof and shall be applied to rank the order of individuals for purposes of layoff at the end of the 2018-2019 school year, and reemployment thereafter pursuant to Education Code section 44956 or 44957, subject to exceptions allowed by law.