

**RESOLUTION OF THE GOVERNING BOARD
OF THE ATWATER ELEMENTARY SCHOOL DISTRICT
REGARDING THE REDUCTION OR DISCONTINUANCE
OF PARTICULAR KINDS OF SERVICE (CERTIFICATED LAYOFF)**

Resolution No. 07-08-16

WHEREAS, the Governing Board of the Atwater Elementary School District has determined it is necessary to reduce or discontinue particular kinds of services of the District for the 2008-2009 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 2008-2009 and, but for attrition already assured, the Governing Board would have found it necessary to reduce additional services; 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 to teach a specific course or courses of study;

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Atwater Elementary School District:

1. That the particular kinds of service set forth below be reduced or discontinued no later than the beginning of the 2008-2009 school year:

Principal	1.00 FTE
Assistant Principal	1.00 FTE
Director of Special Programs	1.00 FTE
Director of English Language Development	1.00 FTE
Technology Coordinator	1.00 FTE
School Psychologist	1.00 FTE
Intervention Specialist	1.00 FTE
District Librarian	1.00 FTE
Counselor	2.00 FTE
Music Teacher (K-8)	3.00 FTE
Reading First Coach	3.00 FTE
Reading Teacher	1.00 FTE

Middle School Classroom Teaching Positions	
Alternative Education Teacher	1.00 FTE
Nutrition and Wellness Teacher	1.00 FTE
Elementary Classroom Teaching Positions	
K-6 Elementary Teachers	19.00 FTE
TOTAL	38.00 FTE

2. That “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 2008-2009 school year.

3. 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:
 - a. Possession of a currently valid and properly filed regular credential (clear, professional clear, or preliminary)
 - b. Possession of a currently valid and properly filed BCLAD certificate
 - c. Possession of a currently valid and properly filed CLAD, EL, SDAIE, or other valid certificate authorizing instruction to English Language Learners
 - d. The certificated employee is “Highly Qualified” within the meaning of the No Child Left Behind Act.
 - e. 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.)
 - f. The certificated employee holding the highest current placement on the salary schedule. (This tie-breaker is to be repeated as applicable.)
 - g. If a tie still exists after application of criteria a. to f., 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.

4. That the Superintendent or his 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.

PASSED AND ADOPTED by the following vote of the members of the Governing Board of the Atwater Elementary School District of Merced County, State of California, this 10th day of March, 2008.

AYES:
NOES:
ABSTENTIONS:
ABSENT:

Dated: _____

Secretary to the Governing Board