

Personnel Reduction

The Governing Board may reduce the number of certificated personnel, or their hours and wages, due to any of the following conditions: (Education Code 44955)

1. Declining enrollment, provided that the percentage of reduction in probationary and permanent certificated personnel shall not exceed the corresponding percentage of student attendance lost;
2. Reduction or discontinuance of programs or services;
3. State-mandated modification of the curriculum; or
4. The fiscal crisis that may occur after enactment of the Budget Act when the total revenue limit per ADA has not increased by at least two percent. (Education Code 44955.5)

The Board recognizes that its authority in the reduction of personnel is subject to legal requirements. Except as otherwise provided by statute, a permanent employee who is certificated and competent to render a service shall not be terminated or given a reduction in hours and wages while a probationary employee or other employee with less seniority is retained to render the service. (Education Code 44955)

No permanent certificated employee shall be terminated or given a reduction in hours and wages while any probationary employee or other employee with less seniority is retained to render a service which a permanent employee is certified and competent to render, except as otherwise provided by law.

In cases of declining enrollment, the percentage of reduction in probationary and permanent certificated personnel shall not exceed the corresponding percentage of student attendance lost.

The Board shall adhere to the notice, hearing and layoff procedures in Education Codes 44949 and 44955.

(cf. 4113 - Assignment)

(cf. 4115 - Evaluation/Supervision)

(cf. 4117.4 - Dismissal)

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

44956-44959.5 Rights of employees

GOVERNMENT CODE

3543.2 Scope of representation

Forker v. Board of Trustees (1984) 160 Cal.App.3d 13

Moreland Teachers Assoc. v. Kurze (1980) 109 Cal.App.3d 648

King v. Berkeley Unified School District (1979) 89 Cal.App. 3d 1016

Menagh v. Montebello Unified School District (1993) 20 Cal.App.4th 1846

Policy FRESNO UNIFIED SCHOOL DISTRICT

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