

**Certificated Personnel**

**PERSONNEL REDUCTION**

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

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)

Note: There is great inconsistency among the appellate courts in their interpretation of what constitutes "competence." In Forker v. Board of Trustees and Moreland Teachers Association v. Kurze, "competent" is interpreted as meaning "possessing special skills," and in King v. Kerkeley Unified School District, the court ruled that a teacher's limited academic background can render a teacher "not competent" for layoff purposes. In Menagh v. Montebello Unified School District, "competent" was interpreted as simply meaning "not incompetent," this case, however, has been depublished.

To be considered competent, an employee must have academic training and one year of full-time experience in the specialized area to which the district would be able to assign him/her. The district will also consider the recency of the employee's experience.

(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.4<sup>th</sup> 1846*

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**WEST SONOMA COUNTY UHSD**

Sebastopol, CA