

BOARD OF EDUCATION  
SAN DIEGO UNIFIED SCHOOL DISTRICT  
SAN DIEGO, CALIFORNIA

Resolution Reducing or Eliminating )  
Certain Certificated Services )  
For the 2024-2025 School Year ) RESOLUTION  
(Education Code section 44949/44955) )  
(District/SDEA Collective Bargaining )  
Agreement, Article 19) )

WHEREAS, Sections 44949 and 44955 of the Education Code require action by the Governing Board in order to reduce or eliminate services and permit the layoff of certificated employees; and,

WHEREAS, Section 3543.2(c) of the Government Code provides that, notwithstanding Section 44955 of the Education Code, a public school employer and an exclusive representative may negotiate contractual procedures and criteria for the layoff of certificated employees for lack of funds; and

WHEREAS, the Superintendent of the San Diego Unified School District (“District”) has recommended to the Governing Board that particular kinds of services be reduced or eliminated no later than the beginning of the 2024-2025 school year; and,

WHEREAS, the District and the San Diego Education Association (“SDEA”) have negotiated procedures and criteria for the layoff and reemployment of probationary employees for lack of funds, to supersede the provisions of Education Code section 44955 and apply when Education Code section 44955 would otherwise apply; and

WHEREAS, the agreement between the District and SDEA specifies that, for the layoff of permanent certificated employees, the provisions of the California Education Code are applicable; and

WHEREAS, the Governing Board has determined that a reduction or elimination of particular kinds of services is needed no later than the beginning of the 2024-2025 school year; 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.

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the San Diego Unified School District:

1. That all of the foregoing recitals are true and correct.
2. That because of the financial constraints resulting from revenue being insufficient to maintain the current levels of programs, and necessary program changes resulting therefrom, the Governing Board hereby determines to reduce or eliminate those positions set forth in **Exhibit A**, attached hereto and incorporated by reference herein, listing by level, subject field or classification, and full-time equivalent, those positions which shall be reduced or eliminated no later than the beginning of the 2024-2025 school year.

3. That because of the elimination and reduction of particular kinds of services listed in **Exhibit A** it is necessary to terminate at the end of the 2023-2024 school year certificated employees equal in number to the positions affected in the reduction or elimination of the above-described particular kinds of service.
4. That the seniority and qualifications of some of the employees in the services being reduced or eliminated are such that they have displacement rights by virtue of seniority, and that no employee will be terminated while a less senior employee is retained to render a service which the more senior employee is both certificated and competent to render.
5. That in selecting those permanent certificated employees who shall receive notice of termination pursuant to this Resolution, Education Code section 44955 requires the Governing Board to state specific criteria to be used in determining the order of termination of certificated employees who first rendered paid service to the Governing Board in a probationary position on the same date.
6. That the criteria to be used in determining the order of termination of permanent certificated employees who first rendered paid service to the Governing Board in a probationary position on the same date are listed and described in **Exhibit B**, which is attached hereto and incorporated by reference herein.
7. That the criteria to be used in determining the order of termination of permanent certificated employees who first rendered paid service to the Governing Board in a probationary position on the same date, listed and described in **Exhibit B**, are based solely on the needs of the San Diego Unified School District and the students thereof
8. That in determining the order of termination of probationary certificated employees who first rendered paid service to the Governing Board in a probationary position on the same date, Article 19.1.3.4 of the collective bargaining agreement provides that this determination shall be made by lot, conducted in the presence of at least two SDEA representatives.
9. That the Superintendent or his designated representative will ensure that a lottery is conducted in accordance with Article 19.1.3.4 of the collective bargaining agreement to determine the order of termination of probationary certificated employees who first rendered paid service to the Governing Board in a probationary position on the same date.
10. That in selecting those 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.
11. That the criteria that will be 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 no employee will be terminated while a less senior employee is retained to render service which the more senior employee is both certificated and competent to render, as those criteria are applied to permanent certificated employees pursuant to the Education Code and probationary certificated employees pursuant to Article 19 of the collective bargaining agreement.

12. That in observing the statutory rights of more senior certificated employees performing services in a subject matter or field identified by the District for reduction or elimination to displace a less senior certificated employee, a more senior certificated employee may displace less senior certificated employee if it is established to the satisfaction of the District that the more senior certificated employee is competent and credentialed to render the services performed by a less senior certificated employee. Qualifications for a position must include certification qualifications (including appropriate authorizations such as the English Learner Authorization or Autism Authorization). In no event may a more senior employee displace a less senior employee unless the more senior employee is both competent and credentialed for the entire assignment of the less senior employee.
13. That the Superintendent or his designated representative will send timely, appropriate notices to all employees possibly affected by virtue of the reduction and elimination of particular kinds of service.
14. That the action of this Governing Board will not, in any way, be considered to prejudice the rights of certificated employees to whom notice will be given as to the Superintendent's consideration of any proposed decision by an administrative law judge in the event a hearing is requested by any employee.

ADOPTED by the Governing Board of San Diego Unified School District this Fifth day of March, 2024 by the following vote:

AYES:  
 NAYS:  
 ABSENT:  
 ABSTAIN:

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STATE OF CALIFORNIA    )  
                                   )    SS:  
 COUNTY OF SAN DIEGO    )

I, Martha Stultz, Board Action Officer, Board of Education, San Diego Unified School District, do hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by said board at a meeting thereof held on the day and by the vote above stated, which resolution is on file with the minutes of said meeting.

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Board Action Officer, Board of Education  
 San Diego Unified School District

**SAN DIEGO UNIFIED SCHOOL DISTRICT**

March 5, 2024

**EXHIBIT A**

**Reduction/Elimination of Particular Kinds of Services**

As Adopted March 5, 2024

<b>PKS Area</b>	<b>Total FTE in PKS Layoff Group</b>
English, Reading, Language Arts	27.985
Foreign Language: French	1.4
Foreign Language: Spanish	2.75
Foundational-Level General Science	0.2
Foundational-Level Mathematics	2
General Subjects/Elementary	93.72
Mathematics	6.06
Physical Education	7.89
Science: Biology	11.2
Science: Chemistry	6
Services: Counseling	7.36
Social Science	8
Principals	1
Associate Principals	5
Instructional Coordinators	21
Other Central Office Administrators	21
<b>GRAND TOTAL:</b>	<b>222.565</b>

## **San Diego Unified School District**

### **Exhibit B**

#### **Criteria to be Applied to Determine Order of Layoff for Those Certificated Employees with the Same Date of Hire**

As Adopted March 5, 2024

The following criteria will be applied in the priority order indicated to determine which certificated employees meet the particular needs of the District in the event that all certificated employees with the same date of hire are not terminated. These criteria meet the particular needs of the District at the present time:

1. Persons currently assigned to a High Priority School.
2. Persons with preliminary or clear Bilingual Certificate of Competence (BCLAD) or equivalent.
3. Persons with preliminary or clear credentials authorizing service in the areas of Special Education.
4. Persons with the greater number of preliminary or clear single subject credentials.
5. Persons with the greater number of subject matter authorizations.
6. Persons with a Master's Degree that Human Resources has used for salary schedule placement in accordance with SDEA/SDUSD Collective Bargaining Agreement Appendix A, B, F, and G Section 2.
7. Persons with the greatest sum when the last four digits of the social security number are added together.