

AMENDED IN SENATE JANUARY 8, 2014

SENATE BILL

No. 559

Introduced by Senator Huff

February 22, 2013

An act to amend Sections ~~44949~~ 1296, 44929.21, 44949, and 44955 of the Education Code, *and to amend Section 3543.2 of the Government Code*, relating to school employees.

LEGISLATIVE COUNSEL'S DIGEST

SB 559, as amended, Huff. Certificated employees: layoff notices.

~~Existing~~

(1) Existing law requires that, when requires the superintendent of a school district, if a reduction in the number of certificated employees employed by a school district is authorized for specified reasons, to give written notice, by no later than March 15, to the governing board of the school district and the employee that it has been recommended that a notice of termination be given to the employee. Existing law requires, if an employee requests a hearing to oppose a termination pursuant to these provisions, that a copy of the proposed decision be provided to the employee on or before May 7. Existing law further requires the notice of termination of the services of an employee in the subsequent school year be given to the employee before May 15. Existing law further requires the superintendent of the school district to give written notice, no later than March 15, to the governing board of the school district and the employee that it has been recommended that the notice of termination described above be given to the employee.

This bill would revise the deadline for the notice of termination of services to the employee to before August 1, and would revise the deadline for the notice the superintendent of a school district is required

to provide to no later than June 1. The bill delay these deadlines to May 15, June 7, and June 15, respectively, and would make various findings and declarations relating to the issuance of the these notices specified above.

(2) Existing law gives public school employee organizations the right to represent their members in their employment relations with public school employers, and limits the scope of representation to matters relating to wages, hours of employment, and other terms and conditions of employment, as defined. Existing law requires the public school employer and the exclusive representative, upon request of either party, to meet and negotiate regarding the procedures and criteria for reduction in workforce, but provides statutory procedures and criteria to apply if the public school employer and the exclusive representative do not reach a mutual agreement.

This bill would require the public school employer and the exclusive representative, upon request of the public school employer, to also meet and negotiate regarding the revised deadlines described above.

(3) Existing law provides that, after a certificated employee of a school district or a county superintendent of schools with an average daily attendance of 250 or more completes 2 consecutive years of employment and is reelected for the next succeeding school year to a position requiring certification, the employee becomes and is classified as a permanent employee of the school district or county superintendent. Existing law requires the governing board of a school district or county superintendent to notify the employee on or before March 15 of the employee’s 2nd year of probation of the decision of the governing board or school district to reelect or not reelect the employee for the next succeeding school year to the position.

This bill would delay this deadline to May 15. The bill would also delete obsolete provisions, update references, and make nonsubstantive and conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 ~~(a)Each~~

1 (a) ~~Each~~ *Revision* of the proposed state
2 budget, and the annual Budget Act, provide more predictive
3 information for purposes of the district's budgetary and personnel
4 decisions than the January budget proposed by the Governor.

5 (b) Existing law requires school districts to issue preliminary
6 reduction in force notices by March 15 and final reduction in force
7 notices by May 15 of each year.

8 (c) As a result of this existing law and in order to guarantee that
9 ~~it~~ *they* will remain fiscally solvent, school districts have relied on
10 the January budget proposed by the Governor to determine the
11 number of layoff notices that ~~it~~ *they* must give to ~~its~~ *their*
12 employees. This results in thousands of teachers receiving notices
13 that are later rescinded when more accurate information is available
14 in May when the proposed budget is revised and later when the
15 annual Budget Act is enacted.

16 (d) According to the Legislative ~~Analyst~~ *Analyst's* Office, this
17 practice unnecessarily costs taxpayers \$706 per teacher, amounting
18 to millions of dollars annually that could be spent in the classroom
19 and employing teachers.

20 (e) Given the evidence that the existing statutory deadlines hurt
21 schools across the ~~State of California,~~ *state*, it will be more
22 productive for the schools, pupils, and teachers if the deadlines
23 for giving notice to certificated employees that the school district
24 may terminate their services are ~~extended by two and one-half~~
25 ~~months:~~ *appropriately extended.*

26 ~~SEC. 2.~~ Section 44949 of the Education Code is amended to
27 read:

28 44949. (a) (1) ~~No later than June 1 and before an employee~~
29 ~~is given notice by the governing board that his or her services will~~
30 ~~not be required for the ensuing year for the reasons specified in~~
31 ~~Section 44955, the governing board and the employee shall be~~
32 ~~given written notice by the superintendent of the district or his or~~
33 ~~her designee, or in the case of a district that has no superintendent~~
34 ~~by the clerk or secretary of the governing board, that it has been~~
35 ~~recommended that the notice be given to the employee, and stating~~
36 ~~the reasons for the notice.~~

37 (2) ~~Until the employee has requested a hearing as provided in~~
38 ~~subdivision (b) or has waived his or her right to a hearing, the~~
39 ~~notice and the reasons for the notice shall be confidential and shall~~
40 ~~not be divulged by any person, except as may be necessary in the~~

1 performance of duties. However, a violation of this requirement
2 of confidentiality, in and of itself, shall not in any manner be
3 construed as affecting the validity of any hearing conducted
4 pursuant to this section.

5 (b) The employee may request a hearing to determine if there
6 is cause for not reemploying him or her for the ensuing year. A
7 request for a hearing shall be in writing and shall be delivered to
8 the person who sent the notice pursuant to subdivision (a), on or
9 before a date specified in that subdivision, which shall not be less
10 than seven days after the date on which the notice is served upon
11 the employee. If an employee fails to request a hearing on or before
12 the date specified, his or her failure to do so shall constitute his or
13 her waiver of his or her right to a hearing. The notice provided for
14 in subdivision (a) shall advise the employee of the provisions of
15 this subdivision.

16 (c) If a hearing is requested by the employee, the proceeding
17 shall be conducted and a decision made in accordance with Chapter
18 5 (commencing with Section 11500) of Part 1 of Division 3 of
19 Title 2 of the Government Code and the governing board shall
20 have all the power granted to an agency therein, except that all of
21 the following shall apply:

22 (1) The respondent shall file his or her notice of defense, if any,
23 within five days after service upon him or her of the accusation
24 and he or she shall be notified of this five-day period for filing in
25 the accusation.

26 (2) The discovery authorized by Section 11507.6 of the
27 Government Code shall be available only if request is made
28 therefor within 15 days after service of the accusation, and the
29 notice required by Section 11505 of the Government Code shall
30 so indicate.

31 (3) The hearing shall be conducted by an administrative law
32 judge who shall prepare a proposed decision, containing findings
33 of fact and a determination as to whether the charges sustained by
34 the evidence are related to the welfare of the schools and the pupils
35 thereof. The proposed decision shall be prepared for the governing
36 board and shall contain a determination as to the sufficiency of
37 the cause and a recommendation as to disposition. However, the
38 governing board shall make the final determination as to the
39 sufficiency of the cause and disposition. None of the findings,
40 recommendations, or determinations contained in the proposed

1 decision prepared by the administrative law judge shall be binding
2 on the governing board. Nonsubstantive procedural errors
3 committed by the school district or governing board of the school
4 district shall not constitute cause for dismissing the charges unless
5 the errors are prejudicial errors. Copies of the proposed decision
6 shall be submitted to the governing board and to the employee on
7 or before July 24 of the year in which the proceeding is
8 commenced. All expenses of the hearing, including the cost of the
9 administrative law judge, shall be paid by the governing board
10 from the district funds.

11 The board, from time to time, may adopt rules and procedures
12 consistent with this section as may be necessary to effectuate this
13 section.

14 (d) Any notice or request shall be deemed sufficient when it is
15 delivered in person to the employee to whom it is directed, or when
16 it is deposited in the United States registered mail, postage prepaid
17 and addressed to the last known address of the employee.

18 (e) If after request for hearing pursuant to subdivision (b) any
19 continuance is granted pursuant to Section 11524 of the
20 Government Code, the dates prescribed in subdivision (c) that
21 occur on or after the date of granting the continuance and the date
22 prescribed in subdivision (e) of Section 44955 that occurs after
23 the date of granting the continuance shall be extended for a period
24 of time equal to the continuance.

25 *SEC. 2. Section 1296 of the Education Code is amended to*
26 *read:*

27 1296. (a) If the average daily attendance of the schools and
28 classes maintained by a county superintendent of schools is 250
29 or more, each person who, after being employed for three complete
30 consecutive school years by the superintendent in a teaching
31 position in those schools or classes requiring certification
32 qualifications and whose salary is paid from the county school
33 service fund, is reelected for the next succeeding school year to
34 such a position in those schools or classes, shall be classified as
35 and become a permanent employee of the county superintendent
36 of schools.

37 Such an employee shall have the same rights and duties as
38 employees of school districts to which Section 44882 applies.
39 Sections 44841, 44842, 44882, 44948.3, and 44948.5 are applicable
40 to these employees.

1 ~~This subdivision shall apply only to probationary employees~~
2 ~~whose probationary period commenced prior to the 1983-84 fiscal~~
3 ~~year.~~

4 (b)

5 1296. (a) If the average daily attendance of the schools and
6 classes maintained by a county superintendent of schools is 250
7 or more, each person who, after being employed for two complete
8 consecutive school years by the *county superintendent of schools*
9 in a teaching position in those schools or classes requiring
10 certification qualifications and whose salary is paid from the county
11 school service fund, is reelected for the next succeeding school
12 year to such a position in those schools or classes, shall be
13 classified as and become a permanent employee of the county
14 superintendent of schools.

15 The

16 (b) ~~The~~ county superintendent of schools shall notify the
17 employee, on or before ~~March~~ *May* 15 of the employee's second
18 complete consecutive year of employment by the *county*
19 *superintendent of schools* in a teaching position in schools or
20 classes maintained by the *county superintendent of schools*
21 requiring certification qualifications, of the decision to reelect or
22 not reelect the employee for the next succeeding school year to
23 such a position in those schools. ~~In the event that~~ *If* the county
24 *superintendent of schools* does not give notice pursuant to this
25 section on or before ~~March~~ *May* 15, the employee shall be deemed
26 reelected for the next succeeding school year.

27 Such an

28 (c) ~~An~~ employee described in subdivision (a) shall have the
29 same rights and duties as employees of school districts to which
30 ~~Section 44882~~ *44929.21* applies. ~~Sections 44841, 44842, 44882,~~
31 ~~44929.21, 44948.3, and 44948.5~~ are applicable to these employees.

32 ~~This subdivision shall apply only to probationary employees~~
33 ~~whose probationary period commenced during the 1983-84 fiscal~~
34 ~~year or any fiscal year thereafter.~~

35 (e)

36 (d) As used in this section, "teaching position" means any
37 certificated position designated as of January 1, 1983, by the county
38 board of education or the county superintendent of schools as a
39 teaching position for the purpose of granting probationary or
40 permanent status.

1 SEC. 3. Section 44929.21 of the Education Code is amended
2 to read:

3 ~~44929.21. (a) Every employee of a school district of any type~~
4 ~~or class having an average daily attendance of 250 or more who,~~
5 ~~after having been employed by the district for three complete~~
6 ~~consecutive school years in a position or positions requiring~~
7 ~~certification qualifications, is reelected for the next succeeding~~
8 ~~school year to a position requiring certification qualifications shall,~~
9 ~~at the commencement of the succeeding school year be classified~~
10 ~~as and become a permanent employee of the district.~~

11 This subdivision shall apply only to probationary employees
12 whose probationary period commenced prior to the 1983-84 fiscal
13 year.

14 ~~(b) Every~~

15 ~~44929.21. (a) An~~ employee of a school district of any type or
16 class having an average daily attendance of 250 or more who, after
17 having been employed by the district for two complete consecutive
18 school years in a position or positions requiring certification
19 qualifications, is reelected for the next succeeding school year to
20 a position requiring certification qualifications shall, at the
21 commencement of the succeeding school year be classified as and
22 become a permanent employee of the *school* district.

23 ~~The~~

24 ~~(b) The~~ governing board of the *school district* shall notify the
25 employee, on or before ~~March~~ *May* 15 of the employee's second
26 complete consecutive school year of employment by the *school*
27 district in a position or positions requiring certification
28 qualifications, of the decision to reelect or not reelect the employee
29 for the next succeeding school year to the position. In the event
30 that the governing board of the *school district* does not give notice
31 pursuant to this section on or before ~~March~~ *May* 15, the employee
32 shall be deemed reelected for the next succeeding school year.

33 ~~This subdivision shall apply only to probationary employees~~
34 ~~whose probationary period commenced during the 1983-84 fiscal~~
35 ~~year or any fiscal year thereafter.~~

36 SEC. 4. Section 44949 of the Education Code is amended to
37 read:

38 44949. (a) (1) No later than ~~March~~ *May* 15 and before an
39 employee is given notice by the governing board of the *school*
40 *district* that his or her services will not be required for the ensuing

1 year for the reasons specified in Section 44955, the governing
2 board *of the school district* and the employee shall be given written
3 notice by the superintendent of the *school* district or his or her
4 designee, or in the case of a school district that has no
5 superintendent by the clerk or secretary of the governing ~~board,~~
6 *board of the school district*, that it has been recommended that the
7 notice be given to the employee, and stating the reasons therefor.

8 (2) Until the employee has requested a hearing as provided in
9 subdivision (b) or has waived his or her right to a hearing, the
10 notice and the reasons therefor shall be confidential and shall not
11 be divulged by any person, except as may be necessary in the
12 performance of duties. However, ~~the~~ a violation of this requirement
13 of confidentiality, in and of itself, shall not in any manner be
14 construed as affecting the validity of any hearing conducted
15 pursuant to this section.

16 (b) The employee may request a hearing to determine if there
17 is cause for not reemploying him or her for the ensuing year. A
18 request for a hearing shall be in writing and shall be delivered to
19 the person who sent the notice pursuant to subdivision (a), on or
20 before a date specified in that subdivision, which shall not be less
21 than seven days after the date on which the notice is served upon
22 the employee. If an employee fails to request a hearing on or before
23 the date specified, his or her failure to do so shall constitute his or
24 her waiver of his or her right to a hearing. The notice provided for
25 in subdivision (a) shall advise the employee of the provisions of
26 this subdivision.

27 (c) If a hearing is requested by the employee, the proceeding
28 shall be conducted and a decision made in accordance with Chapter
29 5 (commencing with Section 11500) of Part 1 of Division 3 of
30 Title 2 of the Government Code and the governing board *of the*
31 *school district* shall have all the power granted to an agency in
32 that chapter, except that all of the following shall apply:

33 (1) The respondent shall file his or her notice of ~~participation,~~
34 *defense*, if any, within five days after service upon him or her of
35 the ~~District Statement of Reduction in Force~~ *accusation* and he or
36 she shall be notified of this five-day period for filing in the ~~District~~
37 ~~Statement of Reduction in Force.~~ *accusation.*

38 (2) The discovery authorized by Section 11507.6 of the
39 Government Code shall be available only if request is made
40 therefor within 15 days after service of the ~~District Statement of~~

1 ~~Reduction in Force~~, *accusation*, and the notice required by Section
2 11505 of the Government Code shall so indicate.

3 (3) The hearing shall be conducted by an administrative law
4 judge who shall prepare a proposed decision, containing findings
5 of fact and a determination as to whether the charges sustained by
6 the evidence are related to the welfare of the schools and the pupils
7 of the schools. The proposed decision shall be prepared for the
8 governing board *of the school district* and shall contain a
9 determination as to the sufficiency of the cause and a
10 recommendation as to disposition. However, the governing board
11 *of the school district* shall make the final determination as to the
12 sufficiency of the cause and disposition. None of the findings,
13 recommendations, or determinations contained in the proposed
14 decision prepared by the administrative law judge shall be binding
15 on the governing ~~board~~. *board of the school district*.
16 Nonsubstantive procedural errors committed by the school district
17 or governing board of the school district shall not constitute cause
18 for dismissing the charges unless the errors are prejudicial errors.
19 Copies of the proposed decision shall be submitted to the governing
20 board *of the school district* and to the employee on or before ~~May~~
21 *June 7* of the year in which the proceeding is commenced. All
22 expenses of the hearing, including the cost of the administrative
23 law judge, shall be paid by the governing board *of the school*
24 *district* from the *school* district funds.

25 (d) Any notice or request shall be deemed sufficient when it is
26 delivered in person to the employee to whom it is directed, or when
27 it is deposited in the United States registered mail, postage prepaid
28 and addressed to the last known address of the employee.

29 (e) If after a request for *a* hearing pursuant to subdivision (b) a
30 continuance is granted pursuant to Section 11524 of the
31 Government Code, the dates prescribed in subdivision (c) that
32 occur on or after the date of granting the continuance and the date
33 prescribed in subdivision (c) of Section 44955 that occurs after
34 the date of granting the continuance shall be extended for a period
35 of time equal to the continuance.

36 (f) The governing board *of a school district* may adopt from
37 time to time rules and procedures not inconsistent with this section
38 as may be necessary to effectuate this section.

1 ~~SEC. 3.~~

2 ~~SEC. 5.~~ Section 44955 of the Education Code is amended to
3 read:

4 44955. (a) No permanent employee shall be deprived of his
5 or her position for causes other than those specified in Sections
6 44907 and 44923, and Sections 44932 to 44947, inclusive, and no
7 probationary employee shall be deprived of his or her position for
8 cause other than as specified in Sections 44948 to 44949, inclusive.

9 (b) (1) ~~Whenever~~~~if~~ in any school year the average daily
10 attendance in all of the schools of a *school* district for the first six
11 months in which school is in session shall have declined below
12 the corresponding period of either of the previous two school years,
13 ~~whenever if~~ the governing board ~~of a school district~~ determines
14 that attendance in ~~a the school~~ district will decline in the following
15 year as a result of the termination of an interdistrict education
16 agreement as set forth in Section 46304, ~~whenever if~~ a particular
17 kind of service is to be reduced or discontinued not later than the
18 beginning of the following school year, or ~~whenever if~~ the
19 amendment of state law requires the modification of curriculum,
20 and when in the opinion of the governing board ~~of the a school~~
21 district it shall have become necessary by reason of any of these
22 conditions to decrease the number of permanent employees in the
23 *school* district, the governing board ~~of the school district~~ may
24 terminate the services of not more than a corresponding percentage
25 of the certificated employees of the *school* district, permanent as
26 well as probationary, at the close of the school year. Except as
27 otherwise provided by statute, the services of a permanent
28 employee shall not be terminated under this section while any
29 probationary employee, or any other employee with less seniority,
30 is retained to render a service that the permanent employee is
31 certificated and competent to render.

32 (2) In computing a decline in average daily attendance for
33 purposes of this section for a newly formed or reorganized school
34 district, each school of the *school* district shall be deemed to have
35 been a school of the newly formed or reorganized *school* district
36 for both of the two previous school years.

37 (3) As between employees who first rendered paid service to
38 the school district on the same date, the governing board ~~of the~~
39 *school district* shall determine the order of termination solely on
40 the basis of needs of the school district and the pupils of the *school*

1 district. Upon the request of an employee whose order of
2 termination is determined, the governing board *of the school district*
3 shall furnish in writing no later than five days ~~prior to~~ *before* the
4 commencement of the hearing held in accordance with Section
5 44949 a statement of the specific criteria used in determining the
6 order of termination and the application of the criteria in ranking
7 each employee relative to the other employees in the group. This
8 requirement that the governing board *of the school district* provide,
9 on request, a written statement of reasons for determining the order
10 of termination shall not be interpreted to give affected employees
11 any legal right or interest that would not exist without that
12 requirement.

13 (c) (1) Notice of termination of services shall be given before
14 ~~August 1~~ *June 15* in the manner prescribed in Section 44949, and
15 services of those employees shall be terminated in the inverse of
16 the order in which they were employed, as determined by the
17 *governing board of the school district* in accordance with Sections
18 44844 and 44845. If a permanent or probationary employee is not
19 given the notices and a right to a hearing as provided for in Section
20 44949, he or she shall be deemed reemployed for the ensuing
21 school year.

22 (2) The governing board *of a school district* shall make
23 assignments and reassignments in such a manner that employees
24 shall be retained to render any service that their seniority and
25 qualifications entitle them to render. However, ~~prior to~~ *before*
26 assigning or reassigning ~~any a~~ a certificated employee to teach a
27 subject that he or she has not previously taught, and for which he
28 or she does not have a teaching credential or that is not within the
29 employee's major area of postsecondary study or the equivalent
30 thereof, the governing board *of the school district* shall require the
31 employee to pass a subject matter competency test in the
32 appropriate subject.

33 (d) Notwithstanding subdivision (b), a school district may
34 deviate from terminating a certificated employee in order of
35 seniority for either of the following reasons:

36 (1) The *school* district demonstrates a specific need for personnel
37 to teach a specific course or course of study, or to provide services
38 authorized by a services credential with a specialization in either
39 pupil personnel services or health for a school nurse, and that the
40 certificated employee has special training and experience necessary

1 to teach that course or course of study or to provide those services,
2 which others with more seniority do not possess.

3 (2) For purposes of maintaining or achieving compliance with
4 constitutional requirements related to equal protection of the laws.

5 *SEC. 6. Section 3543.2 of the Government Code is amended*
6 *to read:*

7 3543.2. (a) The scope of representation shall be limited to
8 matters relating to wages, hours of employment, and other terms
9 and conditions of employment. “Terms and conditions of
10 employment” mean health and welfare benefits as defined by
11 Section 53200, leave, transfer and reassignment policies, safety
12 conditions of employment, class size, procedures to be used for
13 the evaluation of employees, organizational security pursuant to
14 Section 3546, procedures for processing grievances pursuant to
15 Sections 3548.5, 3548.6, 3548.7, and 3548.8, the layoff of
16 probationary certificated school district employees, pursuant to
17 Section 44959.5 of the Education Code, and alternative
18 compensation or benefits for employees adversely affected by
19 pension limitations pursuant to *former* Section 22316 of the
20 Education Code, *as that section read on December 31, 1999*, to
21 the extent deemed reasonable and without violating the intent and
22 purposes of Section 415 of the Internal Revenue Code. In addition,
23 the exclusive representative of certificated personnel has the right
24 to consult on the definition of educational objectives, the
25 determination of the content of courses and curriculum, and the
26 selection of textbooks to the extent such matters are within the
27 discretion of the public school employer under the law. All matters
28 not specifically enumerated are reserved to the public school
29 employer and may not be a subject of meeting and negotiating,
30 provided that nothing herein may be construed to limit the right
31 of the public school employer to consult with any employees or
32 employee organization on any matter outside the scope of
33 representation.

34 (b) Notwithstanding Section 44944 of the Education Code, the
35 public school employer and the exclusive representative shall,
36 upon request of either party, meet and negotiate regarding causes
37 and procedures for disciplinary action, other than dismissal,
38 including a suspension of pay for up to 15 days, affecting
39 certificated employees. If the public school employer and the

1 exclusive representative do not reach mutual agreement, then ~~the~~
2 ~~provisions of~~ Section 44944 of the Education Code shall apply.

3 (c) Notwithstanding Section 44955 of the Education Code, the
4 public school employer and the exclusive representative shall,
5 upon request of either party, meet and negotiate regarding
6 procedures and criteria for the layoff of certificated employees for
7 lack of funds. If the public school employer and the exclusive
8 representative do not reach mutual agreement, then ~~the provisions~~
9 ~~of~~ Section 44955 of the Education Code shall apply.

10 (d) *Notwithstanding Sections 44949 and 44955 of the Education*
11 *Code, the public school employer and the exclusive representative*
12 *shall, upon request of the public school employer, meet and*
13 *negotiate regarding changes to the deadlines for actions specified*
14 *in Sections 44949 and 44955. If the public school employer and*
15 *the exclusive representative do not reach a mutual agreement,*
16 *then Sections 44949 and 44955 of the Education Code shall apply.*

17 ~~(d)~~

18 (e) Notwithstanding Section 45028 of the Education Code, the
19 public school employer and the exclusive representative shall,
20 upon request of either party, meet and negotiate regarding the
21 payment of additional compensation based upon criteria other than
22 years of training and years of experience. If the public school
23 employer and the exclusive representative do not reach mutual
24 agreement, then ~~the provisions of~~ Section 45028 of the Education
25 Code shall apply.

26 ~~(e)~~

27 (f) Pursuant to Section 45028 of the Education Code, the public
28 school employer and the exclusive representative shall, upon the
29 request of either party, meet and negotiate a salary schedule based
30 on criteria other than a uniform allowance for years of training
31 and years of experience. If the public school employer and the
32 exclusive representative do not reach mutual agreement, then ~~the~~
33 ~~provisions of~~ Section 45028 of the Education Code requiring a
34 salary schedule based upon a uniform allowance for years of
35 training and years of experience shall apply. A salary schedule
36 established pursuant to this subdivision shall not result in the
37 reduction of the salary of any teacher.

O