

Introduced by Senator MendozaFebruary 18, 2016

An act to amend Section 44955 of the Education Code, relating to school employees.

LEGISLATIVE COUNSEL'S DIGEST

SB 1225, as introduced, Mendoza. School employees: reduction in work force.

Under existing law, when school employees are terminated pursuant to a reduction in workforce, a school district is required to terminate the employees in order of seniority. Existing law authorizes a school district to deviate from the order of seniority for those purposes for specified reasons.

This bill would make various nonsubstantive, clarifying changes to those provisions.

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. Section 44955 of the Education Code is amended
- 2 to read:
- 3 44955. (a) ~~No~~A permanent employee shall *not* be deprived
- 4 of his or her position for causes other than those specified in
- 5 Sections 44907 and 44923, and Sections 44932 to 44947, inclusive,
- 6 and ~~no~~ a probationary employee shall *not* be deprived of his or
- 7 her position for cause other than as specified in Sections 44948 to
- 8 44949, inclusive.

1 (b) ~~Whenever~~ (1) ~~If in any~~ a school year the average daily
2 attendance in all of the schools of a *school* district for the first six
3 months ~~in which that school is in session shall have declined below~~
4 the corresponding period of either of the previous two school years,
5 ~~whenever if~~ the governing board *of a school district* determines
6 that attendance in a *school* district will decline in the following
7 year as a result of the termination of an interdistrict tuition
8 agreement ~~as defined described~~ in Section 46304, ~~whenever if~~ a
9 particular kind of service is to be reduced or discontinued not later
10 than the beginning of the following school year, or ~~whenever if~~
11 the amendment of state law requires the modification of curriculum,
12 and ~~when in the opinion of if~~ the governing board of the *school*
13 district ~~determines it shall have become~~ necessary by reason of
14 any of these conditions to decrease the number of permanent
15 employees in the *school* district, the governing board *of a school*
16 *district* may terminate the services of not more than a
17 corresponding percentage of the certificated employees of the
18 *school* district, permanent as well as probationary, at the close of
19 the school year. Except as otherwise provided by statute, the
20 services of ~~no a permanent employee may shall not~~ be terminated
21 under ~~the provisions of~~ this section while ~~any a~~ probationary
22 employee, or any other employee with less seniority, is retained
23 to render a service ~~which said that the~~ permanent employee is
24 certificated and competent to render.

25 ~~In~~

26 (2) *In* computing a decline in average daily attendance for
27 purposes of this ~~section~~ *subdivision* for a newly formed or
28 reorganized school district, each school of the *school* district shall
29 be deemed to have been a school of the newly formed or
30 reorganized *school* district for both of the two previous school
31 years.

32 ~~As~~

33 (3) As between employees who first rendered paid service to
34 the *school* district on the same date, the governing board *of the*
35 *school district* shall determine the order of termination solely on
36 the basis of needs of the *school* district and the ~~students thereof.~~
37 *pupils of the school district*. Upon the request of ~~any an~~ employee
38 whose order of termination is so determined, the governing board
39 *of the school district* shall furnish in ~~writing~~ *writing*, no later than
40 five days ~~prior to before~~ the commencement of the hearing held

1 in accordance with Section 44949, a statement of the specific
2 criteria used in determining the order of termination and the
3 application of the criteria in ranking each employee relative to the
4 other employees in the group. ~~This~~ *The* requirement that the
5 governing board ~~of the school district~~ provide, on request, a written
6 statement of reasons for determining the order of termination shall
7 not be interpreted to give affected employees any legal right or
8 interest that would not exist without ~~such a~~ *the* requirement.

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

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

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

34 (1) *The school* district demonstrates a specific need for personnel
35 to teach a specific course or course of study, or to provide services
36 authorized by a services credential with a specialization in either
37 pupil personnel services or health for a school nurse, and that the
38 certificated employee has special training and experience necessary
39 to teach that course or course of study or to provide those services;
40 ~~which services that~~ others with more seniority do not possess.

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

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