

RESOLUTION NO. 038-21/22

Specifying Criteria to be Used to Determine the
Order of Termination of Certificated Employees with Equal Seniority (Tiebreaker)

WHEREAS, the Livermore Valley Joint Unified School District (District) Governing Board (Board) has determined that, in the event it may be necessary to terminate the services of certificated employees effective at the close of the 2021/2022 school year, certain specifying tiebreaker criteria should be established; and

WHEREAS, this Board has determined that between certificated employees with identical seniority dates, the established tiebreaker criteria should be used in determining the order of termination based upon needs of the District and the students thereof.

NOW, THEREFORE, IT IS HEREBY FOUND, ORDERED AND RESOLVED that:

1. Each and all of the foregoing recitals are true and correct.
2. The criteria used to determine the order of termination of certificated employees who first rendered paid service to the District on the same date, and the weight to be given to such criteria, shall be the following:

a. Category I – English Learner Certification

Need: To retain employees who have certification authorizing the holder to instruct students who are English Learners to meet the District's legal obligations to students whose primary language is other than English. The certification includes BCLAD, SB1969, SB395, CTEL, CLAD, EL, SB 2042 Credential, and any other approved program that meets State credentialing requirements for instruction of English Learners.

Employees with such certification will be retained prior to employees without such certification, regardless of points calculated below.

b. Category II – Credential

Need: To retain employees who have certification authorizing the holder to provide specialized academic instruction to students who have been identified with learning disabilities.

Credential type required for special education instruction: Education Specialist Instruction Teaching Credential (or equivalent credential under previous naming convention.)

Employees with such certification will be retained prior to employees without such certification, regardless of points calculated below.

c. Category III – Professional Preparation

Need: To retain employees with greatest flexibility of assignment based on credential and academic preparation.

- (1) Each K-12 Preliminary or Professional Clear credential held for services.....[1] point
- (2) Each K-12 added authorization.....[1] point
- (3) Each Master's Degree held.....[1] point
- (4) National Board Certification.....[1] point
- (5) Doctoral Degree.....[1] point

d. Category IV – Experience

Need: To recognize years of certificated experience in and out of district under contract which are not reflected by the employee's seniority date.

- (1) Prior in-district experience as a certificated employee on a preliminary or professional clear credential, which reflects years of service under contract other than that determined by the established seniority date (a certificated employee who may have resigned and been rehired at a later date or prior temporary service), and 75% of paid service during the school year shall equal one year experience.....[1] point
- (2) A minimum of two (2) years prior out-of district experience as a certificated employee on a preliminary or professional clear credential in another California K-12 Public School.....[1] point

If there is still a tie after applying the above criteria, then Category V will be utilized.

e. Category V – Lottery

- (1) If any two or more certificated employees who first rendered paid service on the same date still have the same number of points after application of categories I-IV provided above, the ranking of such employees shall be determined by a lottery.

This resolution shall be for the purpose of determining the relative order of termination of certain certificated employees as part of a layoff of certificated employees effective as of the end of the 2021/2022 school year. This resolution shall not be effective for any other purpose, including, but not limited to, any subsequent layoffs of certificated employees.

PASSED AND ADOPTED BY the Governing Board of the Livermore Valley Joint Unified School District on this 1st day of March, 2022, by the following vote:

AYES: Bueno____Prusso____Guzmán____Wang____White____

NOES: Bueno____Prusso____Guzmán____Wang____White____

ABSTENTIONS: Bueno____Prusso____Guzmán____Wang____White____

ABSENT: Bueno____Prusso____Guzmán____Wang____White____

Clerk of the Board of Education
Livermore Valley Joint Unified School District
of Alameda County and Contra Costa County,
State of California