PUBLIC NOTICE

LOS ANGELES COUNTY OFFICE OF EDUCATION
9300 Imperial Highway
Downey, California 90242-4720

TO: General Public

FROM: Arturo Delgado, County Superintendent of Schools

SUBJECT: Reduction in Force Related Documents

DATE: March 11, 2013

TIME: 3:00 p.m.

LOCATION: Los Angeles County Office of Education
EC-107
9300 Imperial Highway
Downey, California 90242-4720

Resolution No. 1-S Reduction or Discontinuance of Particular Kinds of Service (PKS)
Resolution No. 2-S Termination of Temporary Contracts
Resolution No. 3-S Teacher Seniority Tie-Break Criteria
Resolution No. 4-S Release and/or Non-Reelection of Provisional Staff

Questions may be directed to Ramon Miramontes, Director, Human Resource Services at (562) 803-8348.

Please Do Not Remove

Posted March 7, 2013

Note: The Los Angeles County Office of Education encourages those with disabilities to participate fully in the public meeting process. If you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in the public meeting, please contact the Office of Risk Management at (562) 401-5760 at least 48 hours prior before the scheduled public hearing so that we may make every reasonable effort to accommodate you. [Government Code 54953.2; American Disabilities Act of 1990, 202 (42 U.S.C. 12132)]
Superintendent’s Hearing–March 11, 2013

Report

A. Reduction in Force Related Documents

**Attachment 1**
Reduction or Discontinuance of Particular Kinds of Services (PKS)

Attached is Resolution No. 1-S, to Reduce or Discontinue Particular Kinds of Service signed by the County Superintendent.

Based upon the reduction or discontinuance of the particular kinds of services set forth in Resolution No. 1-S, it will be necessary to decrease the number of certificated employees employed by the Los Angeles County Superintendent of Schools.

**Attachment 2**
Termination of Temporary Contracts

Attached is Resolution No. 2-S, Release of Employees Serving in Teaching Positions Requiring Certification Qualifications Pursuant to Temporary Contracts, signed by the County Superintendent.

Education Code Section 44954 requires the County Superintendent to notify certain temporary employees before the end of the school year of the County Superintendents decision to not reelect the employee for the next succeeding school year.

**Attachment 3**
Teacher Seniority Tie-Break Criteria

Attached is Resolution No. 3-S, Determining Order of Termination of Certificated Personnel, signed by the County Superintendent.

The County Superintendent is required to determine the order of termination, as between employees who first rendered paid service to LACOE on the same date, solely on the basis of the needs of the programs administered by the County Superintendent and the students participating in those programs.
**Attachment 4**

Release and/or Non-Reelection of Provisional Staff

Attached is Resolution No. 4-S, Release and/or Non-Reelection of Employees Serving in Teaching Positions Requiring Certification Qualifications Pursuant to Provisional Credentials, signed by the County Superintendent.

Education Code Section 44911 provides, in pertinent part, “Service by a person under a provisional credential shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of a school district.”
BEFORE THE LOS ANGELES COUNTY SUPERINTENDENT OF SCHOOLS

LOS ANGELES COUNTY, CALIFORNIA

RESOLUTION TO REDUCE OR DISCONTINUE PARTICULAR KINDS OF SERVICE

RESOLUTION NO. 1-S

WHEREAS, pursuant to Education Code section 44955, it is the opinion of the Los Angeles County Superintendent of Schools, Dr. Arturo Delgado, (hereinafter County Superintendent) that it has become necessary to reduce or discontinue particular kinds of services; and

WHEREAS, the County Superintendent of Schools is the employer of all employees working for the Los Angeles County Office of Education; and

WHEREAS, it is the opinion of the County Superintendent that the following particular kinds of services be reduced or discontinued for the 2013-2014 school year:

EDUCATIONAL PROGRAMS

A. Division of Special Education

1. Regional Director 1.0
2. Principal 2.0
3. Coordinator III 0.25
4. Coordinator II 1.0
5. Assistant Principal 3.0
6. School Psychologist 4.0
7. Senior Program Specialist 1.0
8. Audiologist 0.2
9. Teacher APE 11.0
10. Teacher AUT 10.0
11. Teacher DH 2.0
12. Teacher DHH 2.0
13. Teacher DIS-HH 3.0
14. Teacher DIS-VIS 1.0
15. Teacher ED 17.0
16. Teacher LSS 24.0
17. Teacher MD 15.0
18. Teacher Mobility 2.0
19. Teacher TMR 25.0
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<th>Position</th>
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<tr>
<td>20.</td>
<td>Counselor</td>
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<td>21.</td>
<td>School Nurse</td>
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**B. Division of Student Programs**

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<td>2.</td>
<td>Teacher CUR</td>
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<tr>
<td>3.</td>
<td>Teacher JCS</td>
<td>21.0</td>
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<tr>
<td>4.</td>
<td>Teacher Pregnant Minors</td>
<td>3.0</td>
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<td>5.</td>
<td>Teacher SDC</td>
<td>1.0</td>
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<td>6.</td>
<td>Literacy Specialist</td>
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**EDUCATIONAL SERVICES**

**A. Division of Accountability, Support and Monitoring**

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<td>2.</td>
<td>Consultant III</td>
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<td>3.</td>
<td>Consultant II</td>
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<tr>
<td>4.</td>
<td>Coordinator II</td>
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<td><strong>Subtotal</strong></td>
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**B. Division of Curriculum and Instructional Services**

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<td>2.</td>
<td>Consultant II</td>
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<td>3.</td>
<td>Senior Program Specialist</td>
<td>5.0</td>
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<tr>
<td>4.</td>
<td>Teacher Outdoor Education</td>
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<td></td>
<td><strong>Subtotal</strong></td>
<td>22.0</td>
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C. Division of Regional Occupational Preparation-CTE  

1. Director  
2. Assistant Director  
3. Consultant III  
4. Consultant II  
5. Counselor  

Subtotal 36.0

D. Division Student Support Services

1. Project Director III  
2. Consultant II  

Subtotal 2.0

HUMAN RESOURCE SERVICES

A. Beginning Teacher Program

1. Project Director III  
2. Coordinator II  

Subtotal 4.0

TECHNOLOGY SERVICES

A. Division of Instructional Technology Outreach

1. Consultant III  
2. Consultant II  

Subtotal 9.0

TOTAL 256.45
WHEREAS, it is the opinion of the County Superintendent that it is necessary by reason of the aforementioned reductions and discontinuances of service to decrease the number of certificated employees by the equivalent of 256.45 FTE employees for the 2013-2014 school year;

WHEREAS, in determining the amount of service to be reduced, the County Superintendent has considered all assured attrition, and the reductions identified above are in addition to any assured attrition known at the time of this resolution;

WHEREAS, in accordance with California Education Code section 44955(d)(1) and (d)(2) the County Superintendent hereby determines that the Reduction in Force shall not include any permanent or probationary certificated employee who, by his/her training, experience, and assignment, is described within Exhibit A to this Resolution and is incorporated as though fully set forth herein;

WHEREAS, in accordance with California Education section 44955(b), the Superintendent resolves that it will retain employees who are certificated and competent to render services over more senior employees who are not certificated and/or competent to render the same services. “Certificated” shall mean that an employee possesses a credential issued by the California Commission on Teacher Credentialing that authorizes him/her to render instruction or services in the subject matter area in which he/she claims to be entitled to render instruction or services, or has been lawfully exempted or received a waiver from the credential requirement. The criteria set forth in Exhibit B to this Resolution shall be used to determine whether an employee is competent to render services, and such criteria are incorporated as though fully set forth herein;

WHEREAS, the Los Angeles County Office of Education is party to federal court litigation entitled Casey A., et al., v. Delgado, et al., Case No. CV10-00192GHK(FMO) (C.D. Cal.) and the Los Angeles County Office of Education entered a settlement agreement enforced by Court Order. The Court Order requires ongoing monitoring and periodic reporting to the Court, as well as significant and extensive skills training and cross training of staff and implementation of programs unique to Christa McAuliffe High School at Challenger. These improvements and extensive training are mandated by the Order in twelve different subject areas. Staff at McAuliffe have received extensive training and experience offered exclusively at McAuliffe in these specialized areas and programs to ensure compliance with the Order, and untrained senior staff not assigned to McAuliffe do not possess the same skills training and experience;

WHEREAS, the Education Code requires that various actions be taken and notices be forwarded no later than March 15th of each school year regarding layoffs of certificated personnel resulting from reductions of particular kinds of service;

NOW, THEREFORE, BE IT RESOLVED, by the Los Angeles County Superintendent of Schools, that for the 2013-2014 school year, the particular kinds of
services to be provided by Los Angeles County Office of Education shall be and hereby are reduced to the extent hereinabove set forth;

BE IT FURTHER RESOLVED pursuant to Education Code section 44955, that due to the reduction or discontinuance of particular kinds of services, the legal number of employees of the County Superintendent are not to be reemployed for the 2013-2014 school year;

BE IT FURTHER RESOLVED that the Assistant Superintendent of Human Resources, or his designee, is directed to give Notice of Recommendation Not to Reemploy, in accordance with the provisions of sections 44949 and 44955 of the Education Code, to the number of certificated employees allowed pursuant to Education Code section 44955;

BE IT FURTHER RESOLVED that the Assistant Superintendent of Human Resources, or his designee, is delegated the authority to take all actions necessary and proper to the accomplishment of the purposes of this Resolution.

The foregoing Resolution was adopted by Arturo Delgado, Ed.D., the duly appointed Los Angeles County Superintendent of Schools, on ________________, 2013.

DATED: ________________  __________________________________

Arturo Delgado, Ed.D.
Los Angeles County Superintendent of Schools
EXHIBIT A

“Skipping” Criteria Pursuant to Education Code section 44955(d)(1), (d)(2)

For the 2012-2013 school year to meet the requirements of Education Code section 44955, the Los Angeles County Office of Education shall retain certificated employees in the particular kinds of services identified in Resolution No. 7, regardless of their seniority (unless the employee is bumped by a more senior and competent employee), to the extent one or more of their assignments meet any of the following criteria:

1) Probationary or permanent certificated employees who have experience teaching and specialized training in the Road to Success Academy’s customized curriculum for female incarcerated high school students.

2) Probationary or permanent certificated employees who are currently assigned to Challenger Memorial Youth Center and have received specialized training and have experience in the facility wide implementation of the Positive Behavior Interventions and Supports (PBIS) pursuant to the requirements of the Casey A. Court Order and Settlement Agreement section 5.

3) Probationary or permanent certificated employees who are currently assigned to Challenger Memorial Youth Center and have received specialized training and are experienced in the facility wide implementation of the Advance Path program pursuant to the requirements of the Casey A. court order and Settlement Agreement.

4) Pursuant to (d)(2), and as a separate ground, Probationary or permanent certificated employees who are currently assigned to Challenger Memorial Youth Center whose assignment is necessary to maintain and achieve compliance with constitutional requirements relating to equal protection, consistent with the Casey A. Court Order and Settlement Agreement.

The Superintendent or designee is authorized to determine which employees qualify to be “skipped” from the Reduction in Force and to determine the manner in which the foregoing criteria shall be applied to each employee.

EXHIBIT B

“Competency” Criteria Pursuant to Education Code section 44955(b)

For the purposes of Education Code section 44955(b), “Competent” shall be defined as follows:

(1) In order to work at Road to Success Academy, experience teaching and specialized training in the Road to Success Academy’s customized curriculum for female incarcerated high school students.

(2) In order to work at Challenger Memorial Youth Center, specialized training in the facility wide implementation of the Positive Behavior Interventions and Supports (PBIS) that meets the requirements of section 5 of the Casey A. Settlement Agreement.

(3) In order to work at McAuliffe High School, specialized training and experience in the implementation of the Advanced Path program that meets the requirement of the Casey A. Court Order and Settlement Agreement.

(4) Pursuant to (d)(2), and as a separate ground, Probationary or permanent certificated employees who are currently assigned to Challenger Memorial Youth Center whose assignment is necessary to maintain and achieve compliance with constitutional requirements relating to equal protection, consistent with the Casey A. Court Order and Settlement Agreement.
BEFORE THE LOS ANGELES COUNTY SUPERINTENDENT OF SCHOOLS,
STATE OF CALIFORNIA

RESOLUTION REGARDING RELEASE OF EMPLOYEES SERVING IN TEACHING
POSITIONS REQUIRING CERTIFICATION QUALIFICATIONS PURSUANT TO
TEMPORARY CONTRACTS

RESOLUTION NO. 2-S

WHEREAS, the County Superintendent currently employs various persons serving in
teaching positions pursuant to temporary employment contracts;

WHEREAS, some employees’ temporary contracts indicate an expiration date of
June 30, 2013, at the latest;

WHEREAS, Education Code Section 44954 arguably requires the County
Superintendent to notify certain temporary employees before the end of the school year of the
County Superintendent’s decision to not reelect the employee for the next succeeding school
year;

WHEREAS, the County Superintendent wishes to terminate the services of the below
listed employees serving in teaching positions pursuant to temporary employment contracts;

WHEREAS, the County Superintendent wishes to provide notice to employees whose
services will not be continued into next school year, of their nonreelection and release from
employment (effective upon the close of the current school year), so such individuals may
commence consideration of employment alternatives elsewhere for the next school year;

WHEREAS, the County Superintendent reserves the right to identify additional similarly
situated employees as planning for educational services for the coming school year continues;

NOW, THEREFORE, BE IT DETERMINED, that the individuals identified in
Exhibit A serving pursuant to temporary contracts are not reelected for the next succeeding
school year and are released from employment with the Los Angeles County Superintendent of
Schools effective upon the last day of this current school year or their temporary contract,
whichever occurs first:
BE IT FURTHER DETERMINED that the Assistant Superintendent of Human Resources or his designee(s) provide notice to each employees identified in Exhibit A of his or her release and non reelection effective upon the close of the 2012-2013 school year or the expiration of any applicable temporary contract (whichever occurs first), and that his or her employment with the Los Angeles County Superintendent of Schools is thereby ended accordingly.

The foregoing Determination was made on the ____ day of _____________, 2013.

_______________________________
Arturo Delgado, Ed.D.
Los Angeles County Superintendent of Schools
BEFORE THE LOS ANGELES COUNTY SUPERINTENDENT OF SCHOOLS
STATE OF CALIFORNIA

RESOLUTION DETERMINING ORDER OF TERMINATION
FOR CERTIFICATED PERSONNEL

RESOLUTION NO. 3-S

WHEREAS, pursuant to Education Code Section 44955, the County Superintendent is required, as between employees who first rendered paid service to the County Superintendent on the same date, to determine the order of termination solely on the basis of the needs of the programs administered by the County Superintendent and the students participating in those programs; and

WHEREAS, Education Code Section 44955 requires that upon the request of any employee whose order of termination is determined as stated above, the County Superintendent shall furnish in writing no later than five days prior to the commencement of the hearing held in accordance with Section 44949, a statement of the specific criteria used in determining the order of termination and the application of the criteria in ranking each employee relative to the other employees in the group.

NOW, THEREFORE, BE IT DETERMINED, as follows:

1. That the County Superintendent determines that the needs of the programs under her jurisdiction and the students participating in those programs are best served by resolving seniority ties within the meaning of Education Code Sections 44955, subdivision (b) (third paragraph) and Section 44846, by applying the criteria set forth in paragraphs 4 through 10 below;

2. That as between employees who first rendered paid service to the County Superintendent in a probationary position on the same date, the order of termination of said employees shall be determined by reference to the criteria which follow and the application thereof to each employee;

3. That the criteria set forth in paragraphs 4 through 7 below are listed in priority order and each criterion shall be used only if the preceding criteria do not delineate the order of termination;

4. As between certificated employees possessing the same seniority date as defined in Education Code Section 44845, then employees who possess authorization to teach English Language Learners (i.e., CLAD, BCLAD, SDAIE certification pursuant to SB 1969 or SB 395, LDS certification) will be regarded as having greater seniority for purposes of determining seniority order than employees who do not possess such authorization;
5. Assuming that the preceding paragraphs do not resolve all ties between employees having the same seniority date, then employees with the following authorizations, in order of preference, will be regarded as having greater seniority for purposes of determining seniority order:

   a. Clinical Rehabilitative, Language, Speech, and Hearing
   b. Deaf and Hard of Hearing
   c. Visually Impaired
   d. Adapted Physical Education
   e. Resource Services (RSP/RST)
   f. Severely Handicapped/Moderate-Severe
   g. Learning Handicapped/Mild-Moderate
   h. OT/PI
   i. Early Childhood
   j. Standard Fisher
   k. General Elementary/Secondary/Special Education
   l. Ryan Elementary/Secondary
   m. Single Subject
   n. Multiple Subject

6. Assuming that the preceding paragraphs do not resolve all ties between employees having the same seniority date, employees possessing the greater number of non-provisional credentials that may be used in rendering service to the County Superintendent will be regarded as having greater seniority for purposes of determining seniority order than employees possessing the lesser number of such credentials;

7. Assuming that the preceding paragraphs do not resolve all ties between employees having the same seniority date, then employees with the following provisional credentials, in order of preference, will be regarded as having greater seniority for purposes of determining seniority order:

   a. District Intern
   b. University Intern
   c. Variable Term Waiver
   d. Provisional Internship Permit
   e. Short Term Staff Permit

8. Assuming that the preceding paragraphs do not resolve all ties between employees having the same seniority date, then employees with earlier first dates of paid service to the County Superintendent in any capacity will be regarded as having greater seniority for purposes of determining seniority order than employees with later first dates of paid service to the County Superintendent in any capacity;

9. Assuming that the preceding paragraphs do not resolve all ties between employees having the same seniority date, then employees with an earlier date of
first certification by the California Commission on Teacher Credentialing (CCTC) will be regarded as having greater seniority for purposes of determining seniority order than employees with a later date of first certification by CCTC;

Such criteria shall be applied to rank the order of individuals for purposes of layoff and reemployment, subject to exceptions allowed by law;

The foregoing Resolution was adopted by the Los Angeles County Superintendent of Schools on the _____ day of __________________, 2013.

____________________________________
Arturo Delgado, Ed.D.
Los Angeles County Superintendent of Schools
BEFORE THE LOS ANGELES COUNTY SUPERINTENDENT OF SCHOOLS, 
STATE OF CALIFORNIA

RESOLUTION REGARDING RELEASE AND/OR NON-REELECTION OF 
EMPLOYEES SERVING IN TEACHING POSITIONS REQUIRING CERTIFICATION 
QUALIFICATIONS PURSUANT TO PROVISIONAL CREDENTIALS.

RESOLUTION NO. 4-S

WHEREAS, the County Superintendent currently employs various persons serving in 
teaching positions pursuant to temporary employment contracts and/or as employees serving 
solely pursuant to and possessing only Short Term Permits or instead as employees serving 
solely pursuant to and possessing only a Provisional Intern Permit, or instead as employees 
serving solely pursuant to and possessing only a variable term waiver or instead as employees 
serving solely pursuant to and possessing only a university or District internship credential;

WHEREAS, the time served by employees serving in teaching positions pursuant to, and 
possessing only Short Term Staff Permit, Provisional Intern Permit or variable term waivers 
cannot be included in computing the service required as a prerequisite to attainment of or 
eligibility to classification as a permanent employee;

WHEREAS, some persons holding solely Short Term Staffing Permit, Provisional Intern 
Permit, variable term waivers or intern credentials are also employed pursuant to temporary 
contracts;

WHEREAS, some employees’ temporary contracts indicate an expiration date of 
June 30, 2013 at the latest;

WHEREAS, Education Code section 44954 arguably requires the County 
Superintendent to notify certain temporary employees before the end of the school year of the 
County Superintendent’s decision to not reelect the employee for the next succeeding school 
year;

WHEREAS, as the County Superintendent reviews the educational priorities of the Los 
Angeles County Office of Education and the methods and means of providing educational 
services and determines the kinds of personnel required, the County Superintendent intends to 
decrease, where possible, reliance upon employees serving in certificated staffing positions 
pursuant to and possessing only provisional permits, and recognizes such effort to be consistent 
with state and federal laws (including especially the federal No Child Left Behind Act) and with 
elevating the training and/or experience levels of its certificated staff to provide the most highly 
qualified certificated staff available for students served by the County Superintendent and Los 
Angeles County Office of Education;
WHEREAS, in order to employ individuals holding Provisional permits, the County Superintendent is required to conduct a diligent search with a result that the County Superintendent is unable to recruit a sufficient number of fully certificated teachers and must submit to the California Commission on Teacher Credentialing a Declaration of Need verifying that there is an insufficient number of certificated persons who meet the County Superintendent’s specified employment criteria for the positions as to which emergency permits are requested;

WHEREAS, the employment of persons holding only provisional permits or variable term waivers is governed by and subject to such unavailability of other certificated individuals, yet the County Superintendent believes current circumstances indicate a significant probability exists that a sufficient number of fully credentialed teachers (for example, possessing preliminary or clear credentials) will be available to perform the services of those Provisional permit or variable term waiver employees listed below, so that the County Superintendent cannot fulfill the legal prerequisites contained within statues and regulations upon which these individuals’ continued employment is conditioned, the County Superintendent will not be able to approve the Declaration of Need as to some of these listed employees, and the individuals listed below will accordingly not be reemployed by the County Superintendent;

WHEREAS, service as an intern does not advance an individual towards acquiring tenure until the person has completed a teaching internship program and is then employed for at least one complete school year by the employer for which he or she served as an intern during the immediately preceding school year, with tenure being achieved upon reelection for the next succeeding school year following the completion of the one year after the internship program (Education Code section 44466);

WHEREAS, for the above reasons whether considered individually or cumulatively, the County Superintendent wishes to terminate the services of the below listed employees effective upon the close of this current school year;

WHEREAS, the County Superintendent wishes to provide notice to employees whose services will not be continued into the next school year, of their non-reelection and release from employment (effective upon the close of the current school year), so such individuals may commence consideration of employment alternatives elsewhere for the next school year;

WHEREAS, the County Superintendent reserves the right to identify additional similarly situated employees as planning for educational services for the coming school year continues;
NOW, THEREFORE BE IT DETERMINED, that the individuals identified in Exhibit A serving pursuant to temporary contracts and/or serving pursuant solely to and possessing only Short Term Staffing Permits or Provisional Intern Permits or variable term waivers, or internship credentials are not reelected for the next succeeding school year and are released from employment with the Los Angeles County Superintendent of Schools effective upon the last day of this current school year or their temporary contract, whichever occurs first.

BE IT FURTHER DETERMINED, that the County Superintendent or his designee(s) provide notice to each of the above employees of his or her release and non-reelection effective upon close of the 2012-2013 school year or the expiration of any applicable temporary contract (whichever occurs first), and that his or her employment with the Los Angeles County Superintendent of Schools is thereby ended accordingly.

The foregoing Determination was made on the ____ day of March, 2013.

_______________________________________
Arturo Delgado, Ed.D.
Los Angeles County Superintendent of Schools