

As determined by the Superintendent, a necessary reduction in personnel may include the reduction of personnel employed pursuant to employment arrangements not covered by this policy. For the termination at any time of at-will employment, see DCD; for the termination of a probationary contract, see DFAA and DFAB; for the termination of a continuing contract, see DFCA; and for the termination at the end of the contract period of a contract not governed by Chapter 21 of the Education Code, see DCE.

#### APPLICABILITY

This policy shall apply only **when a** reduction ~~s~~ in force ~~of contractual employees when the reduction in force~~ requires ~~the termination of~~:

1. **The nonrenewal or termination of a term contract; or** ~~A contract governed by Chapter 21 of the Education Code in the following circumstances:~~
  - a. ~~A probationary contract during the contract period;~~
  - b. ~~A term contract during the contract period; or~~
  - c. ~~A term contract at the end of the contract period.~~
2. **The termination of a** contract not governed by Chapter 21 of the Education Code during the contract period.

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**Note:** ~~— This policy shall not apply to termination at any time of at-will employment [see DCD]; termination of a continuing contract [see DFCA]; termination of a probationary contract at the end of the contract period [see DFAA]; or termination at the end of the contract period of a contract not governed by Chapter 21 of the Education Code [see DCE].~~

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#### DEFINITIONS

Definitions used in this policy are as follows:

1. “Financial exigency” shall mean any event or occurrence that creates a need for the District to reduce financial expenditures for personnel, including, **for example, but not limited to**, a decline in the District’s financial resources, a decline in enrollment, a **reduction in** ~~cut in~~ funding, a decline in tax revenues, ~~or an unanticipated expense or capital need, or an increase in expenses.~~
2. “Program change” shall mean any elimination, curtailment, or reorganization of a curriculum offering, program, or school operation, **including, for example,** ~~The term shall include, but not be limited to~~, a change in curriculum objectives, a

modification or reorganization of staffing patterns on a particular campus or Districtwide, a redirection of financial resources to meet the educational needs of the students, a lack of student response to particular course offerings, legislative revisions to programs, or a reorganization or consolidation of two or more individual schools or school districts.

3. "Discharge" shall mean termination of a contract during the contract period.
4. "Nonrenewal" shall mean the termination of a term contract at the end of the contract period.

GENERAL GROUNDS

A reduction in force may take place when the **Superintendent recommends and the** Board determines that **a** financial exigency or a program change requires the discharge or nonrenewal of one or more employees in accordance with this policy. ~~A Such a~~ determination **of financial exigency** constitutes sufficient cause for discharge or **sufficient reason for** nonrenewal. **A determination of a program change constitutes sufficient reason for nonrenewal.**

SCOPE OF  
REDUCTION

When a reduction in force is to be implemented, the Superintendent shall ~~make recommendations to the Board~~ and the Board shall determine the employment areas to be affected. In determining affected employment areas, the Board may combine or coordinate employment areas, ~~as defined below~~ (e.g., the Board may combine "elementary programs" and "compensatory education programs" to identify an employment area of "elementary compensatory education programs").

EMPLOYMENT AREAS

Employment areas **may** include, **for example,** ~~but are not limited to:~~

1. Elementary grades, levels, subjects, departments, or programs.
2. Secondary grades, levels, subjects, departments, or programs.
3. Special programs, such as gifted and talented, bilingual/ESL programs, special education **and related services**, compensatory education, **career and technical education**, and migrant education. Each special program is a separate employment area.
4. Counseling programs.
5. Library programs.
6. Nursing and other health services programs.

CRITERIA FOR  
DECISION

7. An educational support program that does not provide direct instruction to students.
8. Other Districtwide programs.
9. An individual campus.
10. Any administrative position(s), unit, or department.

**11. Programs funded by state or federal grants or other dedicated funding.**

~~11.~~**12.** Other contractual position(s).

**After the Board has determined the employment area(s) to be affected,** ~~the Superintendent shall recommend to the Board the~~ discharge or nonrenewal of employees within the affected employment area(s) ~~because of a reduction in force,~~ based on the following criteria. These criteria are listed in order of importance; the Superintendent shall apply them sequentially to the extent necessary to identify the employees who least satisfy the criteria and therefore are subject to the reduction in force. **For example, i.e.,** if all necessary reductions can be accomplished by applying the ~~first certification~~ criterion, it is not necessary to apply the ~~second performance~~ criterion **and so forth, etc.**

1. **Qualifications for Current or Projected Assignment**~~Certification: Appropriate e~~Certification, **multiple or composite certifications, licensure, endorsement, and/or** highly qualified status ~~for current or projected assignment, bilingual or multilingual capabilities, and/or specialized or advanced content-specific training or skills for the current or projected assignment.~~
2. Performance: Effectiveness, as reflected by: ~~appraisal records and other written evaluative information.~~
  - a. **The most recent formal appraisal, whether completed by the District or by a previous district; and**
  - b. **Any other written evaluative information, including disciplinary information, from the last 36 months.**

If the Superintendent at his or her discretion decides that the documented performance differences between two or more reduction-in-force prospects are too insubstantial to rely upon, he or she may proceed to apply **the remaining criteria in the order listed below** ~~criteria 3 and, thereafter and to the extent needed, criterion 4.~~

- ~~3. Seniority: Length of service in the District, as measured from the employee's most recent date of hire.~~

3. **Extra Duties: Currently performing an extra-duty assignment, such as department chair, band director, athletic coach, or activity sponsor.**
4. Professional Background: Professional education and work experience related to the current or projected assignment.
5. **Seniority: Length of service in the District, as measured from the employee's most recent date of hire.**

CONSIDERATION  
FOR AVAILABLE  
POSITIONS

Once the Superintendent has identified the appropriate employees in the affected area(s), those employees may apply for other available positions for which they are qualified. An employee is responsible for reviewing posted vacancies, submitting an application, and otherwise complying with District procedures to be considered for a particular vacancy.

Up until **final action by the Board to end an employee's contract** ~~the date of a hearing requested in accordance with this policy, the an employee who applies for an open position~~ must be offered **an open** ~~the~~ position if the employee **applies for the position**, meets the District's objective criteria for ~~the that~~ position, and is the most qualified internal applicant ~~for the position~~.

NOTICE AND HEARING

After considering the Superintendent's recommendation, the Board shall determine the employees to be proposed for discharge or nonrenewal, as appropriate. The Superintendent shall provide each employee written notice of the proposed action, including a statement of the reason(s) requiring such action and notice that the employee is entitled to a hearing.

NONRENEWAL

An employee receiving a notice of proposed nonrenewal may request a hearing in accordance with DFBB.

DISCHARGE

An employee receiving notice of proposed discharge during the period of a contract governed by Chapter 21 of the Education Code may request a hearing ~~before an independent hearing examiner~~ in accordance with DFD.

An employee receiving notice of proposed discharge during the period of an employment contract not governed by Chapter 21 of the Education Code may request a hearing before the Board or its designee in accordance with DCE.

As determined by the Superintendent, a necessary reduction in personnel may include the reduction of personnel employed pursuant to employment arrangements not covered by this policy. For the termination at any time of at-will employment, see DCD; for the termination of a probationary contract, see DFAA and DFAB; for the termination of a continuing contract, see DFCA; and for the termination at the end of the contract period of a contract not governed by Chapter 21 of the Education Code, see DCE.

APPLICABILITY

This policy shall apply only when a reduction in force requires:

1. The nonrenewal or termination of a term contract; or
2. The termination of a contract not governed by Chapter 21 of the Education Code during the contract period.

DEFINITIONS

Definitions used in this policy are as follows:

1. "Financial exigency" shall mean any event or occurrence that creates a need for the District to reduce financial expenditures for personnel, including, for example, a decline in the District's financial resources, a decline in enrollment, a reduction in funding, a decline in tax revenues, an unanticipated capital need, or an increase in expenses.
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GENERAL GROUNDS

A reduction in force may take place when the Superintendent recommends and the Board determines that a financial exigency or a program change requires the discharge or nonrenewal of one or more employees in accordance with this policy. A determination of financial exigency constitutes sufficient cause for discharge or sufficient reason for nonrenewal. A determination of a program change constitutes sufficient reason for nonrenewal.

TERMINATION OF EMPLOYMENT  
REDUCTION IN FORCE

DFF  
(LOCAL)

SCOPE OF  
REDUCTION

When a reduction in force is to be implemented, the Superintendent shall recommend and the Board shall determine the employment areas to be affected. In determining affected employment areas, the Board may combine or coordinate employment areas (e.g., the Board may combine “elementary programs” and “compensatory education programs” to identify an employment area of “elementary compensatory education programs”).

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7. An educational support program that does not provide direct instruction to students.
8. Other Districtwide programs.
9. An individual campus.
10. Any administrative position(s), unit, or department.
11. Programs funded by state or federal grants or other dedicated funding.
12. Other contractual position(s).

CRITERIA FOR  
DECISION

After the Board has determined the employment area(s) to be affected, the Superintendent shall recommend discharge or nonrenewal of employees within the affected employment area(s), based on the following criteria. These criteria are listed in order of importance; the Superintendent shall apply them sequentially to the extent necessary to identify the employees who least satisfy the criteria and therefore are subject to the reduction in force. For example, if all necessary reductions can be accomplished by applying the first criterion, it is not necessary to apply the second criterion and so forth.

TERMINATION OF EMPLOYMENT  
REDUCTION IN FORCE

DFF  
(LOCAL)

1. Qualifications for Current or Projected Assignment: Certification, multiple or composite certifications, licensure, endorsement, highly qualified status, bilingual or multilingual capabilities, and/or specialized or advanced content-specific training or skills for the current or projected assignment.
2. Performance: Effectiveness, as reflected by:
  - a. The most recent formal appraisal, whether completed by the District or by a previous district; and
  - b. Any other written evaluative information, including disciplinary information, from the last 36 months.

If the Superintendent at his or her discretion decides that the documented performance differences between two or more reduction-in-force prospects are too insubstantial to rely upon, he or she may proceed to apply the remaining criteria in the order listed below.

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NONRENEWAL

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TERMINATION OF EMPLOYMENT  
REDUCTION IN FORCE

DFE  
(LOCAL)

DISCHARGE

An employee receiving notice of proposed discharge during the period of a contract governed by Chapter 21 of the Education Code may request a hearing in accordance with DFE.

An employee receiving notice of proposed discharge during the period of an employment contract not governed by Chapter 21 of the Education Code may request a hearing before the Board or its designee in accordance with DCE.