

## IRVINE UNIFIED SCHOOL DISTRICT

### Resolution No. 14-15-42 Non-Reelection of Temporary Certificated Employees

#### A. General Recitals

1. **WHEREAS**, the Board of Education employs temporary certificated employees pursuant to Sections 44909, 44918, and 44920 of the Education Code; and
2. **WHEREAS**, Education Code section 44916 requires a temporary certificated employee to receive notice, prior to the first day of paid service, of the temporary nature of the employment and the anticipated length of service; and
3. **WHEREAS**, each employee classified as a temporary certificated employee pursuant to Sections of 44909, 44918, and 44920 of the Education Code received notice, prior to their first day of paid service, of the temporary nature of the employment and anticipated length of their service; and
4. **WHEREAS**, Education Code section 44954 provides that the Board of Education shall notify temporary employees in a position requiring certification qualification of the District's decision to release the employees from such a position prior to the next succeeding school year; and
5. **WHEREAS**, through this resolution, it is the intent of the Board of Education to release each temporary certificated employee employed for the 2014-2015 school year effective no later than the last school day of the school year.

#### B. Employment of Temporary Employees as Leave Replacements Pursuant to Education Code Section 44920

1. **WHEREAS**, Education Code section 44920 permits the Board of Education to "employ as a teacher ... any person holding appropriate certification documents, and may classify such person as a temporary employee" "based upon the need for additional certificated employees during a particular semester or year because a certificated employee has been granted leave for a semester or year, or is experiencing long-term illness"; and
2. **WHEREAS**, the Board of Education employed the following certificated employees under temporary contracts pursuant to Education Code section 44920 during the 2014-2015 school year:

<u>Employee ID Number</u>					
6436	55072	56387	57029	57544	57630
6543	55083	56498	57045	57548	57632
9896	55181	56514	57064	57557	57633
10949	55188	56546	57078	57575	57638
11050	55270	56568	57097	57578	57640

12388	55274	56635	57424	57579	57648
20848	55774	56666	57451	57582	57650
20928	55803	56760	57466	57585	57653
48540	55951	56793	57476	57600	57654
51345	55959	56835	57478	57602	57660
51663	56003	56836	57481	57607	57677
54632	56057	56843	57497	57612	58173
54815	56095	56852	57504	57614	
54878	56341	56987	57509	57621	

3. **WHEREAS**, the above-listed employees may be released pursuant to Education Code section 44918 and 44954 regardless of any expiration of a contract or a specially funded project; and
4. **WHEREAS**, the Board of Education of the Irvine Unified School District has determined to release the above-listed employees at the conclusion of the current 2014-2015 school year and not to re-elect the above-listed employees for the 2015-2016 school year.

**C. Employment of Temporary Employees in Categorically Funded Programs Pursuant to Education Code Section 44909**

1. **WHEREAS**, Education Code section 44909 permits the Board of Education to “employ persons possessing an appropriate credential as certificated employees in programs and projects to perform services conducted under contract with public or private agencies, or categorically funded projects which are not required by federal or state statutes”; and
2. **WHEREAS**, Education Code section 44909 provides, “Such persons may be employed for periods which are less than a full school year and may be terminated at the expiration of the contract or specially funded project without regard to other requirements of this code respecting the termination of probationary or permanent employees other than Section 44918”; and
3. **WHEREAS**, the Board of Education employed the following certificated employees under temporary contracts in categorically funded positions pursuant to Education Code section 44909 during the 2014-2015 school year:

Categorically Funded Positions

1st Grade	Indus/Tech Ed
1st Grade: ELD	Indus/Tech Ed/Technology
2nd Grade	K-1 Combo
3rd Grade	Kindergarten
4-5 Combo	Kindergarten: Transitional
4-6 Combo: ELD	Librarian
4th Grade	Math

5th Grade	Math: Algebra/General
6th Grade	Math: General
6th Grade: APAAS	Math: General/ROP
Art: K-6	Music: 4-6 Vocal
Athletic Director/English	Nurse
Athletics/English	Pageantry/Pep
Counselor - High School	PE: Dance
Counselor - Middle School	PE: General
DHH Itinerant Teacher	ROP
Education Specialist	Sci Resource Specialist
ELD: 4th-6th grade	Sci: General
Eng: Drama	Sci: Life
Eng: General	Sci: Physical
English/ELD	Science
Exploratory/Elective/Soc Sci	SocSci
FL: French	SocSci: History
FL: Spanish	SocSci: History/Sheltered/Tutorial
Health Ed	Speech/Lang Therapist
Humanities: Eng	TOSA
Humanities: Sheltered	TOSA: Elementary Intervention

4. **WHEREAS**, Education Code section 44909 requires the “terms and conditions under which such persons are employed shall be mutually agreed upon by the employee and the Board of Education and such agreement shall be reduced in writing”; and
5. **WHEREAS**, each of the above-listed individuals was employed pursuant to a mutually agreed-upon contract between the employee and the Board of Education and for the term of the contract or project; and
6. **WHEREAS**, the employees were hired to perform services conducted under contract with public or private agencies or categorically funded projects which are not required by federal or state statutes; and
7. **WHEREAS**, each employee’s contract specifically identified the particular contract or project under which their services were to be performed; and
8. **WHEREAS**, the term for each specifically fund project or contract has expired, or will expire by the termination date of each employee’s contract; and
9. **WHEREAS**, all categorical funds used to justify the above-listed employees’ classification as temporary under Education Code section 44909 will be expended and therefore will expire at the end of the 2014-2015 school year; and
10. **WHEREAS**, no categorical funding used to justify the above-listed employees’ classification as temporary under Education Code section 44909 has a duration beyond the 2014-2015 school year; and

11. **WHEREAS**, accordingly, each of the above-listed employees designated as temporary by the District under Education Code section 44909 may be released at the end of the 2014-2015 school year without the procedural requirements applicable to probationary and permanent employees; and
12. **WHEREAS**, the Board of Education has determined to release the above-listed employees, whether their lawful status is considered to be temporary or probationary, at the end of the current 2014-2015 school year, and not to re-elect these employees for the 2015-2016 school year, consistent with the terms of Education Code sections 44909, and 44954.

**D. Employment of Temporary Employees to Replace Regular Employees Assigned to Categorically Funded Programs Pursuant to Education Code Section 44909**

1. **WHEREAS**, Education Code section 44909 further provides, “Whenever any certificated employee in the regular educational program is assigned to a categorically funded project not required by federal or state statute and the district employs an additional credentialed person to replace that certificated employee, the replacement certificated employee shall be subject to the provisions of Section 44918”; and
2. **WHEREAS**, the lawful status of certificated employees employed pursuant to this provision of Education Code section 44909 is temporary; and
3. **WHEREAS**, the Board of Education employed the following certificated employees under temporary contracts to replace regular employees assigned to categorically funded projects or programs pursuant to Education Code section 44909 during the 2014-2015 school year:

Employee ID Number					
7570	51861	56169	56979	57477	57629
7754	51975	56248	56990	57487	57631
8322	52373	56268	57030	57492	57636
8699	53213	56301	57055	57499	57637
9724	53435	56312	57080	57500	57639
10903	53735	56319	57082	57510	57646
11533	54507	56397	57168	57512	57647
12364	54551	56501	57173	57513	57649
12581	54611	56567	57299	57514	57655
12689	54642	56592	57371	57515	57682
19826	54643	56593	57372	57545	57687
19838	54662	56599	57393	57553	57688
19968	55057	56620	57422	57554	57770
20198	55350	56626	57448	57576	58023
38015	55552	56654	57459	57577	58024
48031	55564	56723	57463	57606	58056

48058	55826	56737	57464	57611	58105
48875	55834	56748	57465	57613	58133
49253	55845	56774	57467	57616	58144
50151	55905	56814	57468	57617	58154
50193	55945	56834	57470	57620	58203
50997	56059	56895	57471	57623	58256
51219	56124	56927	57473	57628	58391
					58134

4. **WHEREAS**, the Board of Education of the Irvine Unified School District has determined to release each of the above-listed employees at the end of the current 2014-2015 school year and not to re-elect these employees for the 2015-2016 school year.

**NOW, THEREFORE, BE IT RESOLVED** that the above recitals are true and correct;  
and

**BE IT FURTHER RESOLVED** that the Board of Education of the Irvine Unified School District hereby directs that notice be provided to each of the above employees of his or her release effective upon the close of the 2014-2015 school year or the expiration of any applicable temporary contract (whichever occurs first), that his or her employment with the Irvine Unified School District is thereby ended accordingly, that the employee is not re-elected to employment for the next succeeding school year, and that the notification be provided on or before June 18, 2015.

**ADOPTED** by the Board of Education of Irvine Unified School District this 5<sup>th</sup> day of May, 2015.

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

\_\_\_\_\_  
President, Board of Education of the  
Irvine Unified School District

I, \_\_\_\_\_, Secretary of the Board of Education of the Irvine Unified School District, do certify that the foregoing Resolution was regularly introduced, passed and adopted by the Board of Education at its regular meeting held on May 5, 2015.

\_\_\_\_\_  
Secretary, Board of Education of the  
Irvine Unified School District