

IRVINE UNIFIED SCHOOL DISTRICT

Resolution No. 15-16-32 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 2015-2016 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 2015-2016 school year:

Employee ID Number				
6436	6543	7295	9056	48930
53229	53293	54878	55083	55228
56049	56189	56568	56630	56836

56874	57378	57536	57550	57555
57650	57665	57692	57704	57812
58115	58173	58213	58417	58592
58593	58606	58608	58610	58617
58619	58629	58630	58638	58651
58654	58657	58658	58665	58666
58668	58669	58682	58683	58687
58691	58695	58723	58726	58729
58731	58735	58737	58757	58758
58771	58773	58774		

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 2015-2016 school year and not to re-elect the above-listed employees for the 2016-2017 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 2015-2016 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 2015-2016 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 2015-2016 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 2015-2016 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 2015-2016 school year, and not to re-elect these employees for the 2016-2017 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 2015-2016 school year:

Employee ID Number				
6451	6682	7570	7754	7902
8322	8699	8801	9167	12246
19888	20198	20443	20665	37963
38015	47197	48925	49187	49433
51213	51219	51753	51861	52373
53735	54401	54643	55057	55224
55321	55552	55698	55810	56124
56198	56267	56268	56342	56592
56617	56737	56829	56831	56918
56979	56989	57030	57173	57372
57468	57499	57501	57622	57629

57637	57646	57666	57670	57688
57771	57798	57829	57865	57900
57950	57953	57962	57973	57974
58030	58032	58144	58189	58203
58233	58303	58321	58366	58374
58391	58422	58443	58446	58597
58609	58611	58612	58613	58614
58615	58616	58618	58626	58640
58643	58663	58670	58675	58679
58681	58684	58685	58689	58697
58700	58711	58734	58755	58756
58759	58760	58763	58772	58778
58785	58787	58788	58789	58794
58805	58807	58808	58834	58929
59032	59086	59100	59131	59132
59178	59259	59266	59282	59300
59377	59454	59526		

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 2015-2016 school year and not to re-elect these employees for the 2016-2017 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 2015-2016 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 9, 2016.

ADOPTED by the Board of Education of Irvine Unified School District this 12th day of April, 2016.

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 April 12, 2016.

Secretary, Board of Education of the
Irvine Unified School District