

Santa Barbara Unified School District

Administrative Regulation

AR 4317.3

Management and Confidential Personnel

PERSONNEL REDUCTION

When the district needs to reduce the kind and/or number of management staff, layoff proceedings shall be initiated at the recommendation of the Superintendent or designee and after consultation with legal counsel.

Certificated Management

When the district needs to reduce the number and/or kind of certificated management staff and also needs to reduce the overall number of certificated employees, the district shall proceed pursuant to the requirements of Education Code 44955. By March 15, affected employees shall be notified of the Board's action by registered mail or in person.

When the district needs to reduce the number and/or kind of certificated management staff and intends to place the displaced personnel in other certificated positions (causing no reduction in the overall number of certificated employees of the district), the district shall proceed pursuant to Education Code 44951. By March 15, affected employees shall be notified of the Board's action by registered mail or in person. If the notice is presented in person, the employee's signature acknowledging receipt of the notice shall be obtained on the district's copy of the notice.

During the time period between five days after enactment of the Budget Act and August 15, the Board may determine that the total revenue limit per ADA has not increased by at least two percent and that the district needs to reduce the number and/or kind of management staff pursuant to Education Code 44955.5. In such a situation, the Board shall adopt a schedule of notice and hearings and shall otherwise proceed pursuant to Education Code 44951 or 44955.

An employee who has served as an administrator in the district for at least two years shall have permanent certificated status in the district as a teacher. (Education Code 44893, 44894, 44929.21) However, the period of employment in the administrative position is not included when calculating seniority related to layoff and reemployment, except for: (Education Code 44956.5)

1. Site administrators who are entitled to earn up to three years' seniority for these purposes.
2. Administrators who were initially employed in an administrative position before July 1, 1983.

Classified Management/Confidential Employees

Classified managers shall be entitled to the same procedure and have the same layoff rights as all other classified employees.

(cf. 4217.3 - Layoff/Rehire)

(cf. 4300 - Management, Supervisory and Confidential Personnel)

Senior Management of the Classified Service

The Board may by resolution abolish any or all positions of the senior management of the classified service. Any employee occupying a senior management position abolished by Board action shall become

a member of the classified or certificated service in a position to which he/she would otherwise be entitled if the employee had not been in a senior management position. (Education Code 45104.5)

Whenever a reduction in the number of management positions becomes necessary, the Superintendent shall consider the following factors:

1. Overall needs of the district.
2. Evaluation data.
3. Specific requirements of the position(s) affected, including credentials, experience, etc.
4. Years of service in management positions.

If there is the need to reduce the number and/or kind of certificated management employees the district shall proceed pursuant to Education Code 44951, giving the employee notification no later than March 15. If there is the need to reduce the number of classified management/confidential employees, they shall be subject to the same procedures and the same layoff rights as set forth in district policy, regulation and/or collective bargaining agreement for layoff of classified employees.

Management employees who have been reassigned due to a reduction in the number of management positions may, at the discretion of the Superintendent, be re-appointed to an opening in a position for which they are qualified without such position being advertised as a vacancy.

Legal Reference:

EDUCATION CODE

44951	<i>Continuation in position unless notified</i>
44955	<i>Certificated employee layoff</i>
44955.5	<i>Termination of certificated employees; insufficient increase in revenue limits</i>
44956	<i>Reemployment rights of laid-off certificated employees</i>
44956.5	<i>Seniority of certificated administrators</i>
45100.5	<i>Senior management positions</i>
45104.5	<i>Abolition of position</i>
45108.5	<i>Senior management employee</i>
45114	<i>Layoff and reemployment procedures</i>
45117	<i>Notice of layoff</i>
45298	<i>Reemployment and promotional exam</i>
45308	<i>Order of layoff and reemployment</i>

SANTA BARBARA UNIFIED SCHOOL DISTRICT
Santa Barbara, California January 26, 2010; April 12, 2011