

**MORGAN HILL UNIFIED SCHOOL DISTRICT**  
**Morgan Hill, California**

**Resolution**

**Resolution to Adopt Criteria for Determining Order of Seniority for  
Those Employees with the Same Date of First Paid Service in a Probationary Position**

**WHEREAS**, Education Code section 44955 provides for the termination of certificated employees because of reduction of particular kinds of services; and

**WHEREAS**, the order of termination is generally based on the date a teacher first rendered paid service in a probationary position; and

**THEREFORE, BE IT RESOLVED** that to meet the requirements of Education Code section 44955, the following criteria for determining order of seniority for those employees with the same date of first paid service will be followed.

- 7.2.4 To meet the requirements of [Education Code] section 44955, the following criteria for determining order of seniority for those hired on the same date will be used.
- 7.2.5 In cases of a tie, those teachers with broader authorization to teach shall be considered more senior than those with narrower authorization to teach.
- 7.2.6 If this still results in a tie, then those certificated staff with a credential in Special Education or certified to teach English Language Learners with certificates including but not limited to CLAD/BCLAD or SDAIE certificates shall be considered to be the most senior.
  - 7.2.6.1 If a unit member has both a Special Education credential and an English Language Learner authorization, that teacher shall be the most senior.
  - 7.2.6.2 If no unit member has these authorizations, than the tie shall be broken by giving seniority to the teacher closest to completion of the certificate or Special Education credential.
  - 7.2.6.3 If a tie still remains then the most senior teacher is the one that has, for the most time, previously held a certificated position in MHUSD on temporary contract(s) and possessed, at the minimum, a valid preliminary teaching certificate while under the temporary contract(s).
- 7.2.7 If this still results in a tie, the most senior teacher would be the one with the most units approved by the District beyond the baccalaureate degree and the teaching credential.
- 7.2.8 If this still results in a tie, the most senior teacher would be the one with the most teaching experience in K-12 public or K-12 private schools accredited by an accrediting agency recognized by the U.S. Department of Education.

7.2.9 In the event that common day hires have equal qualifications based on application of the above criteria, the District will then break ties by utilizing a lottery.

**PASSED AND ADOPTED** by the Board of Education of the MORGAN HILL UNIFIED SCHOOL DISTRICT at a regular meeting held on February 1, 2022 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

DATED: February 1, 2022

SIGNED: \_\_\_\_\_  
Heather Orosco, Clerk  
Board of Education

I, Dr. Carmen Garcia, Secretary of the Board of Education, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Board of Education of the MORGAN HILL UNIFIED SCHOOL DISTRICT at the regular meeting on February 1, 2022 which resolution is on file in the office of said Board.

DATED: February 1, 2022

SIGNED: \_\_\_\_\_  
Dr. Carmen Garcia, Secretary  
Board of Education