

**BEFORE THE GOVERNING BOARD  
OF THE  
BELLEVUE UNION SCHOOL DISTRICT  
SONOMA COUNTY, STATE OF CALIFORNIA**

Resolution and Decision Not to )  
Reemploy Classified Employees ) **RESOLUTION NO. 30**  
\_\_\_\_\_ )

WHEREAS, the Governing Board of the Bellevue Union School District (“District”) adopted a Resolution in the Matter of the Reduction or Elimination of Certain Positions in the Permanent Classified Service (“Resolution”) on or before March 15, 2025, authorizing and directing the Superintendent or Superintendent’s designee to initiate and pursue procedures necessary not to reemploy the following classified positions:

- 1. Classified Management: Chief Business Official 1.0 FTE**
- 2. Director Maintenance and Operations 1.0 FTE**
- 3. Confidential: Executive Assistant 1.0 FTE**
- 4. Accounts Payable/Receptionist: 1.0 FTE**
- 5. Newcomer Instructional Assistants – 1.5 FTE**
- 6. RSP Instructional Assistants – 2.8 FTE**
- 7. Kindergarten Instructional Assistants – 6.0 FTE**
- 8. Literacy Paraprofessionals – 4.5 FTE**
- 9. Bilingual Literacy Paraprofessional – 2.25 FTE**
- 10. Student Supervisors – 16.0 FTE**
- 11. Office Assistants – 3.0 FTE**
- 12. Family Engagement Facilitators – 4.0 FTE**
- 13. Night Custodian Early Learning Center .375 FTE**
- 14. Night Custodian Learning Center .25 FTE**
- 15. Night Custodian District Office .25 FTE**

WHEREAS the reduction or elimination of the above-listed classified positions was pursuant to Education Code sections 45117, 45298, and 45308 because of a lack of work or lack of funds; and

WHEREAS, the Superintendent, or Superintendent's designee, duly and properly served a Notice of Layoff Due to Lack of Work and/or Lack of Funds in Compliance with the Seniority Requirements of the Education Code ("Notice") on the classified employees listed on Attachment "A" on or before March 15, 2025, indicating that the Governing Board did not intend to reemploy them to the extent indicated in the Resolution and Notice for the 2025-2026 school year; and

WHEREAS, the classified employees listed on Attachment "A" were informed of their right to request a hearing and that failure to do so in writing by the date specified in the Notice would constitute a waiver of the right to a hearing; and

WHEREAS, the classified employees listed in Attachment "B" either did not submit a timely request for hearing, or submitted a timely request and then rescinded the request.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that considering the classified staff requirements of the District for the 2025-2026 school year, as well as the seniority and qualifications of each of the classified employees of the District, the services of the classified employees listed on Attachment "C" will not be required for the ensuing school year to the extent indicated in the Resolution and Notice to the employees listed in Attachment "C."

BE IT FURTHER RESOLVED that the Superintendent, or Superintendent's designee, is authorized and directed to give Final Notice to the classified employees listed on Attachment "C" that their services will not be required by this District for the 2025-2026 school year. Said

notice shall be given by serving upon said persons a true copy of this Resolution and Decision Not to Reemploy Classified Employees.

BE IT FURTHER RESOLVED that this decision is effective immediately.

Duly and regularly adopted this 6th day of May, 2025, by the following vote:

AYES: 4

NOES: 0

ABSENT: 0

Jamie Padilla  
President, Board of Trustees

I, LISA REYES, Clerk of the Governing Board of the Bellevue Union School District, do hereby certify that the foregoing Resolution was regularly introduced, passed and adopted by the Governing Board at its meeting held on May 6, 2025.

[Signature]  
Clerk, Governing Board

## EDUCATION CODE SECTIONS

### CALIFORNIA EDUCATION CODES

#### **§ 45117. Written notice to classified employee of layoff due to lack of work, lack of funds, or expiration of a specially funded program; request for hearing; failure to give notice; application of section**

(a)(1) No later than March 15 and before a classified employee is given notice by the governing board of a school district that the employee's services will not be required for the ensuing year due to lack of work or lack of funds, the governing board of the school district and the employee shall be given written notice by the superintendent of the school district or the superintendent's designee, or, in the case of a school district that has no superintendent, by the clerk or secretary of the governing board of the school district, that it has been recommended that the notice be given to the employee, stating the reasons that the employee's services will not be required for the ensuing year, and informing the employee of the employee's displacement rights, if any, and reemployment rights.

(2) Until the classified employee has requested a hearing as provided in subdivision (b) or has waived their right to a hearing, the notice and the reasons for the notice shall be confidential and shall not be divulged by any person, except as may be necessary in the performance of duties. However, a violation of this requirement of confidentiality, in and of itself, shall not in any manner be construed as affecting the validity of a hearing conducted pursuant to this section.

(b) A classified employee may request a hearing to determine if there is cause for not reemploying the employee for the ensuing year. A request for a hearing shall be in writing and shall be delivered to the person who sent the notice, on or before a date specified in subdivision (a), which shall not be less than seven days after the date on which the notice is served upon the employee. If an employee fails to request a hearing on or before the date specified, the employee's failure to do so shall constitute a waiver of the employee's right to a hearing. The notice provided for in subdivision (a) shall advise the employee of the provisions of this subdivision.

(c) If a hearing is requested by a classified employee under subdivision (b), the proceeding shall be conducted and a decision made in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the governing board of a school district shall have all the power granted to an agency in that chapter, except that all of the following shall apply:

(1) The respondent shall file their notice of participation, if any, within five days after service upon the respondent of the District Statement of Reduction in Force and the respondent shall be notified of this five-day period for filing in the District Statement of Reduction in Force.

(2) The discovery authorized by Section 11507.6 of the Government Code shall be available only if a request is made for discovery within 15 days after service of the District Statement of

Reduction in Force, and the notice required by Section 11505 of the Government Code shall so indicate.

(3)(A) The hearing shall be conducted by an administrative law judge who shall prepare a proposed decision, containing findings of fact and a determination as to whether the charges sustained by the evidence are related to the welfare of the schools and the pupils of the schools. The proposed decision shall be prepared for the governing board of the school district and shall contain a determination as to the sufficiency of the cause and a recommendation as to disposition. However, the governing board of the school district shall make the final determination as to the sufficiency of the cause and disposition. None of the findings, recommendations, or determinations contained in the proposed decision prepared by the administrative law judge shall be binding on the governing board of the school district. Nonsubstantive procedural errors committed by the school district or governing board of the school district shall not constitute cause for dismissing the charges unless the errors are prejudicial errors. Copies of the proposed decision shall be submitted to the governing board of the school district and to the classified employee on or before May 7 of the year in which the proceeding is commenced. All expenses of the hearing, including the cost of the administrative law judge, shall be paid by the governing board of the school district from school district funds. Any notice or request shall be deemed sufficient when it is delivered in person to the employee to whom it is directed, or when it is deposited in the United States registered mail, postage prepaid, and addressed to the last known address of the employee. Notice of termination shall be given to the employee before May 15. If a continuance was granted after a request for hearing was made, the deadlines described in this section shall be extended for the number of days of that continuance.

(B) For purposes of this section, “cause” for layoff includes school district compliance with the seniority requirements of this code, including Section 45308.

(4) An employee may be represented at a hearing by an attorney or by a nonattorney representative of the employee organization designated as the exclusive representative of the employees in the employee’s classification, if any.

(d)(1) Notwithstanding subdivisions (a) to (c), inclusive, or any other law, during the time period between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which that Budget Act applies, if the governing board of a school district determines that its total local control funding formula apportionment per unit of average daily attendance for the fiscal year of that Budget Act has not increased by at least 2 percent, and if the governing board of a school district determines it is therefore necessary to decrease the number of classified employees of the school district due to lack of work or lack of funds, the governing board of the school district may issue a District Statement of Reduction in Force to those employees in accordance with a schedule of notice and hearing to be adopted by the governing board of the school district.

(2) Paragraph (1) shall be inoperative during any period that Section 44955.5 is inoperative as it applies to certificated employees.

(e)(1) If a permanent classified employee is not given the notices and a right to a hearing as provided for in this section, the employee shall be deemed reemployed for the ensuing school year, except that nothing in this section shall be construed to interfere with the right of a district to release probationary employees who never become permanent without notice or hearing.

(2) For purposes of this subdivision, “permanent employee” includes an employee who was permanent at the time the notice or right to a hearing was required and an employee who became permanent after the date of the required notice.

(f)(1) A classified employee shall not be laid off if a short-term employee is retained to render a service that the classified employee is qualified to render. This subdivision does not create a layoff notice requirement for any individual hired as a short-term employee, as defined in Section 45103, for a period not exceeding 60 days.

(2) This subdivision does not apply to the retention of a short-term employee, as defined in Section 45103, who is hired for a period not exceeding 60 days after which the short-term service may not be extended or renewed.

(g) Notwithstanding the other requirements of this code respecting layoff of permanent classified employees, when classified positions must be eliminated as a result of the expiration of a specially funded program, the employees to be laid off shall be given written notice not less than 60 days prior to the effective date of their layoff informing them of their layoff date and their displacement rights, if any, and reemployment rights.

(h) If, after January 1, 2021, the Legislature provides certificated employees with any additional rights to notice or hearing as to layoffs, then permanent classified employees and those who become permanent classified employees shall be afforded the same rights by the school district.

(i) The governing board of the school district may adopt from time to time rules and procedures not inconsistent with this section as may be necessary to effectuate this section.

(j) This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 6 (commencing with Section 45240).

**§ 45298. Persons laid off; reemployment eligibility, preference, promotional examinations; time period; voluntary demotions or reductions in assigned time, eligibility for return**

(a) A person laid off because of lack of work or lack of funds shall be eligible for reemployment for a period of 39 months as follows:

(1) The person's reemployment shall take preference over new applicants.

(2) The person shall have the right to participate in promotional examinations within the district during the period of 39 months.

(3) If the person is reemployed in a new position and fails to complete the probationary period in the new position, he or she shall be returned to the reemployment list for the remainder of the

39-month period. The remaining time period shall be calculated as the time remaining in the 39-month period as of the date of reemployment.

(b) An employee who takes a voluntary demotion or a voluntary reduction in assigned time in lieu of layoff or to remain in his or her present position rather than be reclassified or reassigned, shall be granted the same rights as persons laid off and shall retain eligibility to be considered for reemployment for an additional period of up to 24 months, provided that the same tests of fitness under which the employee qualified for appointment to the class still apply. The personnel commission shall make the determination of the specific period eligibility for reemployment on a class-by-class basis.

(c) An employee who takes a voluntary demotion or a voluntary reduction in assigned time in lieu of layoff shall be, at the option of the employee, returned to a position in his or her former class or to a position with increased assigned time as vacancies become available, and without limitation of time, but if there is a valid reemployment list the employee shall be ranked on that list in accordance with his or her proper seniority.

#### **§ 45308. Order of layoff and reemployment; length of service**

(a) Classified employees shall be subject to layoff for lack of work or lack of funds. If a classified employee is laid off, the order of layoff within the class shall be determined by length of service. The employee who has been employed the shortest time in the class, plus higher classes, shall be laid off first. Reemployment shall be in order of seniority.

(b)(1) For purposes of this section, in school districts with an average daily attendance below 250,000 for service commencing or continuing after July 1, 1971, "length of service" means all hours in paid status, whether during the school year, a holiday, recess, or during any period that a school is in session or closed, but does not include any hours compensated solely on an overtime basis as provided for in Section 45128. Nothing in this section shall preclude the governing board of a school district from entering into an agreement with the exclusive representative of the classified employees that defines "length of service" to mean the hire date. For purposes of this section, in school districts with an average daily attendance of 250,000 or more, for service commencing or continuing after January 1, 1986, "length of service" shall be determined by the date of hire.

(2) If a governing board enters into an agreement with the exclusive representative of classified employees that defines "length of service" to mean the hire date, the governing board may define "length of service" to mean the hire date for a classification of employee not represented by any exclusive bargaining unit.

(c) This section does not preclude the granting of "length of service" credit for time spent on unpaid illness leave, unpaid maternity leave, unpaid family care leave, or unpaid industrial accident leave. In addition, for military leave of absence, "length of service" credit shall be granted pursuant to Section 45297. In the event an employee returns to work following any other unpaid leave of absence, no further seniority shall be accrued for the time not worked.

(d) "Hours in paid status" shall not be interpreted to mean any service performed before entering into a probationary or permanent status in the classified service of the school district except service in restricted positions as provided in this chapter.