

BEFORE THE  
GOVERNING BOARD  
RAMONA UNIFIED SCHOOL DISTRICT  
STATE OF CALIFORNIA

In the Matter of Accusation Against:

OAH No. L2004030481

SEVENTEEN CERTIFICATED  
EMPLOYEES,

Respondents.

**PROPOSED DECISION**

On April 16, 2004, in Ramona, California, Alan S. Meth, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Mark R. Bresee, Attorney at Law, represented the Ramona Unified School District.

Fern M. Steiner, Attorney At Law, represented the following respondents: Connie Ochoa, Susan Stanfield, Jill VanGassen, Leslie Wilson, and Kimberly Wilson.

Respondent Margaret Millen did not request a hearing and did not appear at the hearing.

The matter was submitted on April 16, 2004.

**FACTUAL FINDINGS**

1. On March 23, 2004, Joe Annicharico, Jr. Ph.D., Assistant Superintendent, Human Resources Development of the Ramona Unified School District (hereafter, "the District"), made and filed the accusations against respondents in his official capacity.

Prior to the hearing, the District requested the accusations against Robin Arend, Lea Jenkins, Faith Lakamp, Amanda Language, Becky Leduc, Jerry Patenaude, Stefanie Reagan, Carol Scheuer, Kathleen Schweitzer, Kristine Whigham, and Jennifer Woods be dismissed. The motion was granted.

2. Respondents are certificated employees of the District.

3. Before March 15, 2004, pursuant to Education Code sections 44949 and 44955, the Superintendent notified the Governing Board of the District of the Superintendent's recommendation that respondents be notified their services will not be required for the ensuing school year. The Superintendent's notification to the Governing Board set forth the reasons for the recommendation.

4. On or before March 15, 2004, each respondent was given written notice by the Superintendent that it has been recommended that notice be given to respondents, pursuant to Education Code sections 44949 and 44955, that their services will not be required for the ensuing year. Each written notice set forth the reasons for the recommendation.

5. Each respondent timely requested in writing a hearing to determine if there is cause for not reemploying them for the ensuing school year. Accusations were timely served on respondents, and each respondent filed a timely Notice of Defense. All pre-hearing jurisdictional requirements have been met.

6. The Governing Board of the District took action to reduce or discontinue the following services for the 2004-05 school year:

Elementary Classroom Teaching Services (Gr. K-6)--  
6 full-time equivalents

Prior to the hearing, the District determined to reduce the number of full-time equivalent positions to 5.6.

The services set forth above are particular kinds of services which may be reduced or discontinued within the meaning of Education Code section 44955. The decision to reduce or discontinue the services is neither arbitrary nor capricious but rather a proper exercise of the District's discretion.

7. No certificated employee junior to any respondent is retained to perform services which any respondent is certificated and competent to render.

8. The reduction or discontinuation of services is related to the welfare of the District and its pupils, and it has become necessary to decrease the number of certificated employees of the District as determined by the Governing Board.

9. The District considered all known attrition, resignations, retirements and requests for transfer in determining the actual number of necessary layoff notices to be delivered to its employees.

10. The Governing Board adopted a resolution listing criteria to be applied to determine the order of layoff for those certificated employees with the same date of first paid probationary service. The criteria were to be applied in the following priority order indicated in the resolution: (1) persons with preliminary or clear credentials; (2) persons with preliminary or clear credentials or certificates authorizing services in the classes for limited

or non-English proficient students priority listed as follows: (A) BCLAD, (B) CLAD, (C) language development specialist certificate, (D) supplemental authorization for English as a second language, and (E) SDAIE; (3) persons with the most years of teaching experience in current department; (4) persons with the most years of teaching experience in current grade assignment; (5) persons with one or more of the following credentials, certificated and/or graduate degrees priority listed as follows: (A) two or more teaching credentials, (B) standard secondary or single subject credential, and (C) standard elementary or multiple subject credential; (6) persons with specialized training/experience in Early Literacy Intervention; and (7) use of the last four digits of the person's social security number with the highest number being the most senior.

### LEGAL CONCLUSIONS

1. Jurisdiction for the subject proceeding exists pursuant to Education Code sections 44949 and 44955, and all notices and other requirements of those sections have been provided as required.

2. Cause exists because of the reduction or discontinuation of particular kinds of services pursuant to Education Code section 44955 to give notice to respondents in 5.6 full-time equivalent positions as set forth in the Factual Findings. The cause relates solely to the welfare of the schools and the pupils thereof within the meaning of Education Code section 44949.

### ORDER

1. The Accusations against Robin Arend, Lea Jenkins, Faith Lakamp, Amanda Language, Becky Leduc, Jerry Patenaude, Stefanie Reagan, Carol Scheuer, Kathleen Schweitzer, Kristine Whigham, and Jennifer Woods are dismissed.

2. The Accusations served on respondents Margaret Millen, Connie Ochoa, Susan Stanfield, Jill VanGassen, Kimberly Wilson, and Leslie Wilson are sustained. Notice shall be given to each respondent before May 15, 2004, that his or her services will not be

required for the 2004-05 school year to the extent of 5.6 full-time equivalent positions pursuant to the Governing Board's resolution because of the reduction of particular kinds of services.

Notice shall be given in inverse order of seniority.

DATED: \_\_\_\_\_

4/29/04



ALAN S. METH  
Administrative Law Judge  
Office of Administrative Hearings