

BEFORE THE
OF THE
FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT

In The Matter Of The Accusations Against
Certain Certificated Employees,

OAH NO.2010010786

Respondents.

PROPOSED DECISION

Karl S. Engeman, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on March 17, 2010, in Folsom, California.¹

Kim Kingsley Bogard, Attorney at Law, Kingsley Bogard Thompson, LLP, represented the Folsom Cordova Unified School District.

Andrea Price, Attorney at Law, Langenkamp, Curtis and Price, LLP, represented respondents.

Testimony from Martin Baumann, Assistant Superintendent of Human Resources for the District was received, and thereafter the parties reached agreement on all of the pending issues. In response to a request from the Administrative Law Judge, the parties submitted lists of certificated employees who will be given a final layoff notice and those whose layoff notice will be rescinded. Apart from the jurisdictional findings recited below, the Proposed Decision is based exclusively on the agreements of the parties which resolved all issues in this matter. The matter was submitted on April 6, 2010.

FACTUAL FINDINGS

1. Pat Goodwin is the Superintendent of the Folsom Cordova Unified School District of Sacramento County, State of California. He made and filed the Accusation in his official capacity as a public officer.

2. Each of the respondents was at all times mentioned herein, and now is, a certificated employee of the District.

¹ This matter was scheduled to recommence on April 9, 2010, to address three categories of issues which remained to be decided after the stipulations between the parties on March 17, 2010, recited below. The parties stipulated to take the April 9, 2010, hearing date off calendar based on further agreements addressing the remaining issues. Those are also addressed below.

3. On February 23, the Governing Board of the Folsom Cordova Unified School District adopted Resolutions No. 02-23-10-26 and 02-23-10-27 relating to reduction in certificated staff due to reduction or elimination of particular kinds of certificated services. The Board directed the Superintendent to give notice to certificated employees that their services will not be needed for the 2010-2011 school year by reason of a reduction or elimination of particular kinds of services.

4. On March 1, 2010, a Notice of Recommendation That Services Will Not Be Required with respect to the 2010-2011 school year was sent to all respondents in the manner prescribed by law and the Board was advised that such notices were sent.

5. Each respondent, within the time limit specified in Education Code section 44949, subdivision (b), requested a hearing to determine if there is cause for not reemploying the respondent for the ensuing school year.

6. The termination of employees will be in reverse order of seniority.

7. Based on the parties' agreement, these are the certificated employees among those receiving a notice of the March 17, 2010 hearing who will receive a final notice of layoff:

Art

Cagney, Michelle
Schaubmayer, Brian
Halverson, Summer
Carter, Jeffrey

Business and Computer Apps

Isbell, Don
Crannell, Greg
Van Inwagen, Lawrence

Counseling

Mejia, Eric
Simpson, Rennie
Vaughan, Nikka
Elkund, Barbara
Kleinle, Kristine
Botsford, Ann
White, Blaine
Hanrihan, Jeanine
Komatsu, Margie
Rathbun, Leah

English

Humphrey, Robert
Buettner, Linda
Cufaude, Brittany
Pajer, Chirstina
Mann, Jessica
Gray, David (Layoff 0.4)

French

Verspieren, Verna

Home Economics

Weston, Wendi

Mild Moderate

Maldonado, Diane
Stallions, Tonia
Hoffman, Claire
White, Wesley
Coleman, Stephanie
Thompson, Heather
McMeans, Lee Ann
Cummings, Grady

Multi Media

Southard, Scott

Multiple Subject

Leslie, Vanessa
Magowan, Heather
Sheffield, Chrystin
Schmitt, Jana
Avila, Elisa D.
Yost, Jelene K.
Bowles, Alison
Earp, Alexander
Thomson, Ehryn
Ross, Kristina D.
Marin, Zhanna

Swagerty, Amanda
Taylor-Miramontes, Kristin
Miklos, Angelica
Kuzmich, Alexandra
Curtis, Heather
Boudouris, Vickie (layoff 0.33 and rescind 0.67)

Math

Gutierrez, Elizabeth

Music

Woods, Audrey
Daynes, Carolee
Edwards, Thomas
Farruggia, Carmen
Karnaukh, Anna
Copeland, Kathryn
De Vous, Nicole
Gravin, Leo

Nurses

Roome, Heidi
Merritt, Jerilyn
Mallett, Donna Mae (layoff 0.2 and rescind 0.6)

Physical Education

Woodward, Narkisha
Atwood, Jessica
Steinhart-Salgado

Life Science

Frizzell, Sarah
Schultz, Heidi

Social Science

Green, John
Cooper, Cole
Shields, Keith
Bennett, James

Duenas, Sarah

Speech Pathologist

Rodgers, Kathleen

8. Based on agreement of the parties, the following certificated employees have received or will receive a Notice of Rescission of their layoff notices:

Art

Kraushar, Kristina

Kile, Debra

Business and Computer Apps

Krikourian, Debra

Counseling

Rome, Penny

Burnett, Donna

English

Tippet, Robert (District will rescind)

Holton, Jeanine (District will rescind)

Bergsten, Amy (District will rescind)

Gray, David (District will rescind 0.6 FTE)

Home Economics

Monterosa (District will rescind)

Olsen, Linda (District will rescind)

Music

Olsen, Katheryn

Math

Caplan, Faith

Multiple Subject

Spaulding, Sandra
Alfaro, Claudia
Curtan, Kelly
Stroeve, Yoly
Perez, Pedro
Barajas, Flavia
Chicca, Gloria
Borruso, Melinda
Triviso, Carmen
Bright, Colleen
McManus, Adrien
Boudouris, Vickie (layoff 0.33 and rescind 0.67)
Hardy, Jessica

Nursing

Bloom, Ashley
Mallett, Donna Mae (partially rescind 0.6 of 0.8)

Physical Education

Hendrickson, Bernadette
Saldutti, Gary
Idrogo, Tracy

Psychologists

Staton, Allison
Rodriguez, Haley
Trotta, Joan
Peterson, Julie

Reading

Alexander-Moore, Lori

Life Science

Kirby, JoAnn
Marcucci, Melissa

Speech Pathologists

Eggert, Alyssa
McLellan, Janet

9. Following the March 17, 2010 hearing, the parties reached agreement as to the remaining certificated employees whose hearing was noticed for April 9, 2010. Based on the agreement of the parties, Melinda Nardinelli will be permitted to teach the ROP Careers in Education course currently taught by Jill Whitmire. As a result, it was agreed that Jill Whitmire will receive a final layoff notice and Melinda Nardinelli's notice will be rescinded. It was also agreed that each of the multiple subject certificated employees who received a layoff notice designating April 9, 2010, as their hearing date shall have his or her layoff notice rescinded. These employees are:

Jarvinen, Rosemary
Ayunts, Narine
Keith, Deborah
Chan, Matthew
Harlin, Christina
Rubow, Kristin
Buffalo, Tracey
Webster, Brooke
Mencarelli, Laura
Hladik, Terri
Fagan, Jennifer
Criss, Lisa
Donovan, Jeri
Antonetti, Tara
Wolking, Melissa
Sancedo, Heather

10. The parties also agreed that as a result of the rescission of notices to multiple subject teachers, the District will also rescind notices to the following certificated employees:

Tippet, Robert
Holton, Jeanine
Bergsten, Amy
Gray, David (District will rescind 0.6 FTE)
Barr-Smith, Claire²

² The first four names were included in the first stipulation as persons whose notices the District intended to rescind. Ms. Barr-Smith was listed as a certificated employee teaching reading who would receive a final layoff notice. The second stipulation specifically rescinding the notice to Ms. Barr-Smith obviously supercedes the first.

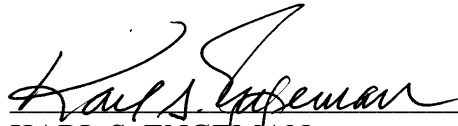
LEGAL CONCLUSIONS

There are no legal issues to address, as the parties' stipulations, by their terms, resolve all outstanding issues in this matter.

ORDER

Notice shall be given to the identified respondents that their services will not be required for the 2010-2011 school year because of the reduction and discontinuance of particular kinds of services.

Dated: April 20, 2010


KARL S. ENGEMAN
Administrative Law Judge
Office of Administrative Hearings