

**BEFORE THE GOVERNING BOARD OF THE
KERN HIGH SCHOOL DISTRICT
COUNTY OF KERN
STATE OF CALIFORNIA**

In The Matter of the Accusation Against:)	OAH NO. L2005030854
)	
ROSEANN C. ADKINS)	
)	
Respondents.)	
_____)	

PROPOSED DECISION

Humberto Flores, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on April 25, 2005, at Bakersfield, California.

Peter Carton, Attorney at Law, represented the Administration of the South Fork Unified School District (District).

Ernest H. Tuttle III, Attorney at Law, represented Respondent.

Evidence was received and the matter was submitted for decision.

FACTUAL FINDINGS

1. Dr. Donald E. Carter, the Superintendent of the District, filed the Accusation in her official capacity.

2. Respondent is a permanent certificated employee of the District.

3. On or before March 7, 2005, Superintendent Carter recommended that the Governing Board adopt a resolution to reduce or discontinue particular kinds of services for the 2005-2006 school year. Superintendent Carter recommended the reduction and/or elimination of full time equivalency certificated employees ("FTE's") as follows:

**Service Being Reduced
or Eliminated**

FTE Reduction

WIA Funding Reduction
Pharmacy Tech (BAS/CRD)

.83 FTE

WIA Funding Reduction
Business Skills (BAS/CRD)

1.00 FTE

Funding Reduction/Declining Enrollment
Business/Computers

.86 FTE

Total FTE Reduction

2.69 FTE

4. The Board agreed with the recommendations and adopted a Resolution dated March 7, 2005, reducing or discontinuing services as set forth in finding 3.

5. On March 9, 2005, pursuant to Education Code sections 44949 and 44955, Superintendent Carter notified Respondent by mail that their services would not be required for the next school year. The mailing included the reasons for the notification.

6 Respondent made a timely request for hearing.

7. On April 6, 2005, the Superintendent made and filed an Accusation against Respondent.

8. A Notice of Defense was timely filed by Respondent. All prehearing jurisdictional requirements were met.

9. The reduction or discontinuation of particular kinds of services related to the welfare of the District and its pupils.

10. Respondent teaches a Pharmacy Technician class that is funded by WIA.¹ As of the date of the hearing, the District had not been informed whether it will receive WIA funds for Respondent's class for the 2005-2006 school year. There are no other funds available from other programs to fund Respondent's class. The District considers Respondent an excellent teacher and it plans to retain Respondent if the District receives WIA funding for her class for the 2005-2006 school year. Respondent is not credentialed to teach any other class.

LEGAL CONCLUSIONS

1. All notices and other requirements of Education Code sections 44949 and 44955 were met. Therefore, jurisdiction was established for this proceeding.

¹ WIA refers to the Workforce Investment Act. Under this act, the federal government provides funds for adult education, vocational courses and English literacy.

2. Cause was established as required by Education Code section 44955 to reduce the number of certificated employees. The Board's decision to reduce or eliminate the identified services was neither arbitrary nor capricious. The decision relates solely to the welfare of the District's schools and the pupils within the meaning of section 44949. This conclusion is based on factual findings 3 through 10.

ORDER

Notice may be given to Respondent Roseann C. Adkins that her services will not be required for the 2005-2006 school year.

Dated: April 29, 2005

Humberto Flores
HUMBERTO FLORES
Administrative Law Judge
Office of Administrative Hearings