

BEFORE THE
BOARD OF TRUSTEES OF THE
HEALDSBURG UNIFIED SCHOOL DISTRICT
SONOMA COUNTY, STATE OF CALIFORNIA

In the Matter of the Accusation Against:

FREDERICK A. ROBERTS,

Respondent.

OAH No. 2011040343

PROPOSED DECISION

Administrative Law Judge Melissa G. Crowell, State of California, Office of Administrative Hearings, heard this matter in Santa Rosa, California, on April 25, 2011.

Loren Soukup, Schools Legal Counsel, School and College Legal Services, represented complainant Jeff Harding, Ed.D., Superintendent, Healdsburg Unified School District.

Andy Wittholm, Chapter Services Consultant, California Teachers Association, appeared on behalf of respondent Frederick A. Roberts, who was present throughout the proceedings.

The matter was submitted for decision on April 25, 2011.

FACTUAL FINDINGS

1. Jeff Harding, Ed.D., made and filed the Accusation in his official capacity as Superintendent of the Healdsburg Unified School District.

2. Respondent Frederick A. Roberts is a certificated employee of the district.

3. On March 9, 2011, the district's Board of Trustees adopted Resolution No. 11-37 reducing particular kinds of services and directing the superintendent or his designee to give appropriate notices to certificated employees whose positions will be affected by the action.

4. On March 11, 2011, Superintendent Harding gave written notice to certificated employees, including respondent, of the recommendation that their services would be reduced or eliminated for the 2011-2012 school year. Each notice set forth the reasons for the recommendation.

5. Respondent filed a timely request for hearing to determine if there is cause for terminating his services for the 2011-2012 school year. An accusation was served on respondent, and he filed a notice of defense. All prehearing jurisdictional requirements have been met.

6. In its resolution, the board took action to reduce or eliminate the following particular kinds of services for the 2011-2012 school year:

<u>Services</u>	<u>FTE¹ Reduction</u>
Elementary Teachers (categorically funded)	1.46
Math	0.80
PE	0.20
English	0.40
Art	0.60
Physical Science	0.40
Total:	3.86

7. Superintendent Harding's recommendation and the board's resolution were required by a declining enrollment, and the district's financial circumstances.

8. Respondent is a permanent employee of the district. He holds a clear single subject credential in Chemistry. His position is a 0.4 FTE. Respondent was noticed for layoff because the board's resolution has eliminated 0.4 FTE in Physical Science. Respondent is the most junior teacher of Chemistry, a Physical Science. His credential does not authorize him to teach in the subject area of Agriculture or Agricultural Science.

9. No permanent or probationary employee with less seniority is being retained to render a service for which respondent is certificated and competent to render.

10 The cause for the layoff relates to the welfare of the schools and their pupils.

LEGAL CONCLUSIONS

1. Jurisdiction for this 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 of particular kinds of services pursuant to Education Code section 44955 to give notice to respondent that his services will not be

¹ Full-time equivalent positions.

required for the 2011-2012 school year. The cause relates solely to the welfare of the schools and the pupils thereof within the meaning of Education Code section 44949.

ORDER

Notice may be given to respondent Frederick A. Roberts that his services will not be required for the 2011-2012 school year because of the reduction of particular kinds of services.

DATED: _____

MELISSA G. CROWELL
Administrative Law Judge
Office of Administrative Hearings