

**BEFORE THE BOARD OF TRUSTEES  
OF THE  
GUADALUPE UNION SCHOOL DISTRICT**

IN THE MATTER OF THE ACCUSATIONS )  
AGAINST: )

OAH NO. L2006040022

Sandra L. Rosas and Angela Soares, )  
 )  
Respondents. )  
\_\_\_\_\_ )

**PROPOSED DECISION**

Humberto Flores, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on April 25, 2006, at the offices of the Guadalupe Union School District, Guadalupe, California.

Mary Dowell, Attorney at Law, represented the Guadalupe Union School District.

Alexis Ridenour, Attorney at Law, represented the Respondents.

Evidence was received and the matter was submitted for decision.

**SUMMARY**

The Board of Trustees (Board) of the Guadalupe Union School District (District) decided to reduce or discontinue particular kinds of services provided by certificated personnel for the 2006-2007 school year for budgetary reasons. The decision was not related to the competency and dedication of the teachers whose services were proposed to be reduced or eliminated.

District staff carried out the Board's decision by using a selection process involving review of credentials and seniority, "bumping," and breaking ties between employees with the same first dates of paid service. The selection process complied with Education Code requirements.

**FACTUAL FINDINGS**

1. Hugo E. Lara, the District Superintendent of the District, filed the Accusations in his official capacity.

2. Respondents are certificated employees of the District.

3. On or about March 2, 2006, Superintendent Lara recommended that the Board give notice of non-reemployment to certain certificated employees. Mr. Lara also recommended that the Board adopt a resolution to reduce or discontinue particular kinds of services for the 2006-2007 school year. Specifically, Mr. Lara recommended the reduction and/or elimination of 3 full-time-equivalency (FTE) certificated employees as follows:

Elementary Classroom Teaching Services	3.0 FTE
--	---------

4. On March 9, 2006, the Board adopted Resolution No. 2005-2006-16, to discontinue or reduce the particular kinds of services as set forth in Factual Finding 3. The Board further determined that based on the discontinuance or reduction of services, it would be necessary to decrease the number of certificated employees at the close of the present school year by a corresponding number of full-time equivalent positions. The Board also directed the Interim Superintendent to notify the employees affected by the Board's resolution.

5. On March 10, 2006, Mr. Lara notified certificated employees, including Respondents, in writing that it had been recommended their services would not be required for the next school year. The mailing included the reasons for the notification. Respondents made timely requests for hearing.

6. The Superintendent made and filed Accusations against each Respondent.

7. Notices of Defense were timely filed by all of the employees who appeared for the hearing. All prehearing jurisdictional requirements were met.

8. The reduction or discontinuation of the particular kinds of services set forth in Factual Finding 3, related to the welfare of the District and its pupils.

9. The Board considered attrition, including resignations, retirements and requests for leave, in determining the necessary layoff notices to be delivered to employees.

10. The District maintains a Seniority List which contains employees' seniority dates (the first date of paid service in a probationary position), current assignments and locations, advanced degrees, credentials, and authorizations.

11. No junior certificated employee is being retained to perform services which a more senior employee subject to layoff is certificated and competent to render.

12. The District has projected a \$250,000 budget deficit for the ensuing school year based on declining enrollment and reduction in certain federal funds. As a result, the District plans to increase class sizes. Despite the increased class sizes, the District will remain in compliance with all contracts, and state and federal laws and regulations.

## LEGAL CONCLUSIONS

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

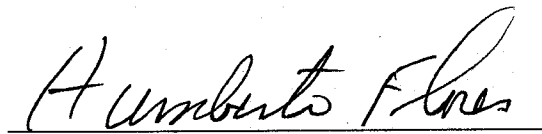
2. Cause was established as required by Education Code section 44955 to reduce the number of certificated employees due to the reduction or discontinuation of particular kinds of services. The Board's decisions to reduce or eliminate the identified services were neither arbitrary nor capricious. The decisions relate solely to the welfare of the District's schools and the pupils within the meaning of Education Code section 44949.

3. No junior certificated employee is being retained to perform services which a more senior employee subject to layoff is certificated and competent to render.

## ORDER

Notice may be given to Respondents Sandra L. Rosas and Angela Soares that their services will not be required for the 2006-2007 school year.

Dated: May 4, 2006



HUMBERTO FLORES  
Administrative Law Judge  
Office of Administrative Hearings