

BEFORE THE
GOVERNING BOARD OF
MOUNT PLEASANT ELEMENTARY SCHOOL DISTRICT
COUNTY OF SANTA CLARA, CALIFORNIA

In the Matter of the Accusation Against:

KATIE ADAMS, et al,

Respondents.

OAH No. 2010021080

PROPOSED DECISION

Administrative Law Judge Melissa G. Crowell, State of California, Office of Administrative Hearings, heard this matter in San Jose, California on April 12, 2010.

Namita S. Brown, Attorney at Law, Fagen Friedman & Fulfroost LLP, represented the Mount Pleasant Elementary School District.

Christopher E. Schumb, Attorney at Law, represented all respondents identified on Attachment A, with the exception of George Garcia and Nichole Moran.

There was no appearance by, or on behalf of, respondents George Garcia and Nichole Moran.

The matter was submitted for decision on April 12, 2010.

FACTUAL FINDINGS

1. George Perez made the accusation in his official capacity of Superintendent of Mount Pleasant Elementary School District.

2. The respondents in this matter are identified in Attachment 1. They are certificated employees of the district.

3. It was stipulated that all of the jurisdictional requirements of Education Code sections 44949 and 44955 have been met in this proceeding.

4. On February 10, 2010, the Governing Board of the Mount Pleasant Elementary School District adopted Resolution No. 09/10-10. The Board resolved to reduce or discontinue the following services for the 2010-2011 school year:

| <u>Services</u> | <u>FTE¹ Reduction</u> |
|--------------------------------------|----------------------------------|
| Counselor | 2.0 FTE |
| Art Teacher | 1.0 FTE |
| Music Teacher | 1.0 FTE |
| P.E. Teacher | 0.2 FTE |
| Multiple Subject Teacher | 21.0 FTE |
| TOSA (Teacher on Special Assignment) | 5.0 FTE |
| Total Full-Time Equivalent Reduction | 30.2 FTE |

5. The services set forth above are particular kinds of services that may be reduced or discontinued within the meaning of Education Code section 44955. None of the reductions is for a mandated service.

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

7. The reduction or discontinuation of services is related to the welfare of the district and of its pupils.

LEGAL CONCLUSIONS

1. Because of the reduction or elimination of particular kinds of services set forth in Finding 4, cause exists pursuant to Education Code section 44955 to give notice to respondents that their services will not be required for the 2010-2011 school year. This cause solely relates to the welfare of the schools and the pupils thereof within the meaning of Education Code section 44949.

ORDER

Notice may be given to respondents listed in Attachment A that their services will not be required for the 2010-2011 school year.

DATED:

MELISSA G. CROWELL
Administrative Law Judge
Office of Administrative Hearings

¹ Full-time equivalent reduction.

1. Adams, Katie
2. Argandona, Roberto
3. Bay, Kelly
4. Bourgeois, Ryan
5. Burns, Elisha
6. Cosmas, Kimberly
7. De La Torre, Rosa
8. Franksen, Brittany
9. Garcia, George
10. Garcia, Paulina
11. Hues, Julie
12. Kaplan, Sharon
13. Koide, Maurissa
14. Law, Caroline
15. Mendoza, Anabel
16. Moran, Nichole
17. Murray, Jacquelyn
18. Purcell, Christina
19. Schaa, Joshua
20. Somers, Kara
21. Stenberg, Anthony
22. Tsang, Maggie
23. Vaughn, Lisa
24. Walter, Regina
25. Wu, Ling Jui Amy

ATTACHMENT A