

**BEFORE THE GOVERNING BOARD OF THE  
COAST UNIFIED SCHOOL DISTRICT  
COUNTY OF SAN LUIS OBISPO  
STATE OF CALIFORNIA**

In The Matter of the Accusations Against	)	OAH NO. L2005030490
	)	
KOLYNN YOUNGER	)	
JAN M. BOUGHTER	)	
	)	
Respondents.	)	
_____	)	

**PROPOSED DECISION**

Humberto Flores, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on April 18, 2005, at Paso Robles, California.

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

John F. Sachs, Attorney at Law, represented Respondents.

Evidence was received and the matter was submitted for decision.

**FACTUAL FINDINGS**

1. Dr. Pamela Martens, the Superintendent of the District, filed the Accusations in her official capacity.
2. Respondents are certificated employees of the District.
3. On or before February 24, 2005, Superintendent Martens recommended that the Governing Board adopt a resolution to reduce or discontinue particular kinds of services for the 2005-2006 school year. Superintendent Martens recommended the reduction and/or elimination of 2 full time equivalency certificated employees ("FTE's") as follows:

Elementary Education	
Self-contained Classrooms -- Grades K-5	2 FTEs

4. The Board agreed with the recommendations and adopted Resolution No. 04-05-8 (Resolution).

5. On or before March 15, 2005, pursuant to Education Code sections 44949 and 44955, Superintendent Martens notified Respondents by mail that their services would not be required for the next school year. The mailing included the reasons for the notification.

6 Respondents made timely requests for hearing.

7. On March 24, 2005, the Superintendent made and filed an Accusation against each of the employees who requested a hearing.

8. Notices of Defense were timely filed by all of the employees who appeared for the hearing. 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. 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. There were a number of certificated employees with later dates of hire than respondents, however, these employees are credentialed, experienced and are needed to teach certain classes that respondents are not credentialed or qualified to teach. These certificated employees were properly retained despite having later dates of hire than respondents.

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.

### **LEGAL CONCLUSIONS**

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

2. Cause was established as required by section 44955 to reduce the number of certificated employees. 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 section 44949. This conclusion is based on factual findings 3 through 9.

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, based on factual findings 10 and 11.

## ORDER

Notice may be given to Respondents Kolynn Younger and Jan M. Boughter that their services will not be required for the 2005-2006 school year.

Dated: \_\_\_\_\_

\_\_\_\_\_  
HUMBERTO FLORES  
Administrative Law Judge  
Office of Administrative Hearings