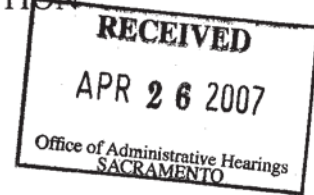


BEFORE THE
SONOMA COUNTY SUPERINTENDENT OF SCHOOLS
SONOMA COUNTY OFFICE OF EDUCATION
STATE OF CALIFORNIA



In the Matter of the Accusation Against:

JEFFREY GRAY, MARIA HARTNETT-
LAUBE, CAROLYN HOY, CATHERINE
LEE, MEGAN LESSER, MERI
LUSCOMBE, AND VALERIE
SPIZARSKY,

OAH No. N 2007030890

Respondents.

PROPOSED DECISION

Administrative Law Judge Ruth S. Astle, State of California, Office of Administrative Hearings, heard this matter in Windsor, California, on April 18, 2007.

Elizabeth Mori, Attorney at Law, represented complainant.

James F. DeMartini, Attorney at Law, represented respondents.

The matter was submitted on April 18, 2007.

FACTUAL FINDINGS

1. Carl Wong, Superintendent for Sonoma County (County Superintendent) made the accusation in his official capacity.

2. At all times mentioned herein, each respondent has been employed by the Sonoma County Office of Education as a certificated employee.

3. At the beginning of the hearing the accusation was dismissed as to Carolyn Hoy and Megan Lesser.

4. On March 13, 2007, the Assistant Superintendent-Human Resources, Certificated Personnel, gave the County Superintendent written notice, pursuant to Education Code sections 44949 and 44955, of his recommendation that notice be given respondents that his or her services would not be required for the next school year (2007-2008). That letter stated the reasons for the recommendation.

5. Each respondent, in writing, requested a hearing to determine if there is cause for not reemploying him or her for the next school year.

6. Cause exists within the meaning of Education Code section 44949 and 44955 for not reemploying respondents for the next school year because, by Revised Resolution of the County Superintendent adopted on March 13, 2007, the County Superintendent determined it was necessary to reduce or eliminate certain particular kinds of services and that as a result of those reductions or eliminations it was necessary to decrease the number of certificated employees of the County Office of Education to the extent set forth in the Revised Resolution as of the close of the current school year.

The reduction of particular kinds of services is due to program transfers from the County Office of Education to the individual school districts.

The two services specifically relevant to this hearing are:

0.2 F.T.E. Adaptive Physical Education
10.0 F.T.E. Special Education Preschool

7. Cause for not reemploying respondents relates solely to the welfare of the Sonoma County Office of Education and the pupils thereof within the meaning of Education Code sections 44949 and 44955.

8. No permanent or probationary certificated employee of the County Superintendent having less seniority than respondents will be retained to render a service which respondents are certificated, competent and legally entitled to render.

Maria Hartnett-Laube is presently a .8 F.T.E. employee assigned to teach Adaptive Physical Education. Her position will be reduced to .6 F.T.E. for the 2007-2008 school year.

Jeffrey Gray, Catherine Lee, Meri Luscombe, and Valerie Spizarsky are assigned to teach Special Education Preschool. Each will not be reemployed for the 2007-2008 school year.

LEGAL CONCLUSIONS

1. By reason of the Factual Findings set forth above, cause exists for the County Superintendent pursuant to Education Code sections 44949 and 44955 to give notice to respondents Gray, Lee, Luscombe and Spizarsky, that his or her services will not be required by the County Superintendent for the 2007-2008 school year.

2. By reason of the Factual Findings set forth above, cause exists for the County Superintendent pursuant to Education Code sections 44949 and 44955 to give notice to Maria Hartnett-Laube, that her services will be reduced from .8 F.T.E to .6 F.T.E for the 2007-2008 school year.

ORDER

Notice may be given by the County Superintendent to respondents Hartnett-Laube, Gray, Lee, Luscombe and Spizarsky, that his or her services will be reduced or not required pursuant to Legal Conclusions 1 and 2, above, by the County Office of Education for the 2007-2008 school year.

DATED: April 24, 2007

Ruth S. Astle

RUTH S. ASTLE
Administrative Law Judge
Office of Administrative Hearings