

BEFORE THE
GOVERNING BOARD OF THE
DIXON UNIFIED SCHOOL DISTRICT
COUNTY OF SOLANO, CALIFORNIA

In the Matter of the Statement of Reduction
in Force Against Certain Certificated
Employees,

OAH No. 2019030302

Respondents.

PROPOSED DECISION

Administrative Law Judge Diane Schneider, State of California, Office of Administrative Hearings, heard this matter on April 9, 2019, in Dixon, California.

John W. Dietrich, Attorney at Law, Atkinson, Andelson, Loya, Ruud & Romo, Sacramento, California, represented the Dixon Unified School District.

Costa Kerestenzis and Christopher Hammer, Attorneys at Law, Beeson, Tayer & Bodine, Sacramento, California, represented respondents James S. Bair IV, Lindsey C. Curley, Tammy M. Fagan, Ellen C. Main, Alexander Y. McCarthy-Donovan, Jacob A. Ritschel, Tahira Singh and Riley R. Steidlmayer, who were not present at the hearing.

There was no appearance by or on behalf of respondents Kayla E. Cimini, Matthew S. Forrest, Rebecca E. Krumdieck, Tracey A. Leveroni, Melanie A. Sadorra, Robert G. Stoces, or Emily F. Titus.

The matter was submitted for decision on April 9, 2019.

FACTUAL FINDINGS

1. Respondents James S. Bair IV, Lindsey C. Curley, Tammy M. Fagan, Ellen C. Main, Alexander Y. McCarthy-Donovan, Jacob A. Ritschel, Tahira Singh, Riley R. Steidlmayer, Kayla E. Cimini, Matthew S. Forrest, Rebecca E. Krumdieck, Tracey A. Leveroni, Melanie A. Sadorra, Robert G. Stoces, and Emily F. Titus are certificated employees of the Dixon Unified School District (District).

2. On February 21, 2019, pursuant to the recommendation of Superintendent Brian Dolan, the District's Board of Trustees (Board) adopted Resolution No. 19-1598, which sets forth the Board's determination that it is in the best interests of the District, and the welfare of the schools and its pupils, to reduce or discontinue particular kinds of services (PKS) for the 2019-2020 school year, for a total of 11.7 full-time equivalent (FTE) certificated positions. (Resolution No. 19-1598 is set forth in Attachment A.)

3. Superintendent Dolan delegated the authority to administer the reduction in force proceeding to Leanne Medina Estrada, Director of Human Resources. Estrada made and filed the Notice of Recommendation That Services Will Not Be Required (Notice) in her official capacity as the District's Director of Human Resources.

4. All Notices were timely and properly served on respondents. All Notices and other jurisdictional requirements contained in Education Code sections 44949 and 44955 have been provided or satisfied.

5. With the exception of Titus and Leveroni, all respondents requested a hearing.

6. At hearing, the District presented a Proposed Final Layoff List (Layoff List) that includes the following 10 respondents: Curley, Fagan, McCarthy-Donovan, Ritschel, Singh, Steidlmayer, Forrest, Krumdieck, Leveroni, and Stoces. Pursuant to the Layoff List, respondents will receive layoff notices for 1.0 FTE, with the following exceptions: Forrest (0.6), McCarthy-Donovan (0.4), and Steidlmayer (0.4).

7. According to the Layoff List, layoff notices have been rescinded for the following five respondents: Bair IV, Cimini, Sadorra, Main, and Titus.

8. The reduction or discontinuation of services is related to the welfare of the District and of its pupils.

9. No junior employee is being retained to render a service that any respondent is certificated and competent to perform.

10. No contentions were raised by or on behalf of respondents.

LEGAL CONCLUSIONS

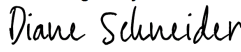
1. The services identified in Attachment A are particular kinds of services that may be reduced or discontinued under Education Code section 44955. The Board's decision to reduce or discontinue the identified services complied with the guidelines set forth in Education Code section 44955. The Board's decision was neither arbitrary nor capricious and was a proper exercise of its discretion.

2. Cause exists because of the reduction or elimination of particular kinds of services pursuant to Education Code section 44955 to give notice to the respondents identified in the Layoff List, set forth in Factual Finding 6, that their services will not be required for the 2019-2020 school year. The cause for the reduction or discontinuation of particular kinds of services relates to the welfare of the schools and the pupils thereof within the meaning of section 44949.

ORDER

Notice may be given to respondents Lindsey C. Curley, Tammy M. Fagan, Alexander Y. McCarthy-Donovan, Jacob A. Ritschel, Tahira Singh, Riley R. Steidlmayer, Matthew S. Forrest, Rebecca E. Krumdieck, Tracey A. Leveroni, and Robert G. Stoces that their services will be reduced or eliminated for the 2019-2020 school year because of the reduction or discontinuation of particular kinds of services.

DATED: April 15, 2019

DocuSigned by:

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DIANE SCHNEIDER
Administrative Law Judge
Office of Administrative Hearings

List of Attachments

Attachment A: Resolution No. 19-1598