

BEFORE THE
GOVERNING BOARD OF THE
BLACK OAK MINE UNIFIED SCHOOL DISTRICT
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Fran Duckon,

Respondent.

OAH No. N2006040071

PROPOSED DECISION

Ann Elizabeth Sarli, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on April 18, 2006, in Georgetown California.

David Girard, and Heather Edward, Attorneys at Law, represented the Black Oak Mine Unified School District.

Andrea Price, Attorney at Law, represented respondent Fran Duckon.

The parties represented at hearing that they had reached a settlement of the matter. They orally set forth the terms of the settlement, which were captured by the court reporter on the official hearing record. Additionally, the parties requested that the Administrative Law Judge prepare a Proposed Decision incorporating the terms of their stipulation within the Factual Findings and Order.

STIPULATED JURISDICTIONAL FINDINGS

1. Rob Schamberg is the Superintendent of the District. His actions and the actions of the Governing Board were taken in their official capacities.
2. On March 13, 2006, at a regular meeting of the District's Board of Trustees (the Governing Board), the Governing Board of the District was given notice of the Superintendent's recommendations that respondent be given notice that .1912 full-time equivalent (FTE) of her services would not be required for the next school year and stating the reasons for that recommendation.
3. On March 13, 2004, the Board adopted a Resolution, providing for the reduction or elimination of particular kinds of services.

4. On March 14, 2006, the District personally served on respondent a written notice that it had been recommended that notice be given to respondent, pursuant to Education Code sections 44949 and 44955, that .1912 FTE of her services would not be required for the next school year. The written notice set forth the reasons for the recommendation and noted that the Board had passed a Resolution reducing or discontinuing particular kinds of services which reduced the certificated staff by .4428 FTE certificated positions.

5. Respondent was advised that a portion of her services, .1912 FTE, would be eliminated in the ensuing school year. Respondent timely requested in writing a hearing to determine if there is cause for not re-employing her for .1912 FTE for the ensuing school year.

6. The Superintendent made and filed an Accusation against respondent pursuant to her request for a hearing. The Accusation with required accompanying documents and a blank Notice of Defense was timely served on respondent.

7. Respondent timely filed a Notice of Defense to the Accusation.


STIPULATED FACTUAL FINDINGS AND ORDER

1. Respondent is a permanent certificated employee of the District for .75 FTE.

2. In the 2006-2007 school year, the District shall retain respondent to teach .75 FTE within her credentials (multiple subject, special education and resource teacher).

3. By June 30, 2006, respondent shall obtain appropriate authorization from the California Commission on Teacher Credentialing to provide instruction for students whose second language is English. Appropriate authorization may include an emergency credential in instruction of English language learners.

DATED: April 19, 2006



ANN ELIZABETH SARLI
Administrative Law Judge
Office of Administrative Hearings