

BEFORE THE
GOVERNING BOARD OF
LOS ALTOS SCHOOL DISTRICT
COUNTY OF SANTA CLARA, CALIFORNIA

In the Matter of the Accusation Against:

MARY ALBER, et al.,

Respondents.

OAH No. 2011030660

PROPOSED DECISION

Administrative Law Judge Ruth S. Astle, State of California, Office of Administrative Hearings, heard this matter in Los Altos, California on April 21, 2011.

John R. Yeh, Attorney at Law, Dannis, Woliver and Kelley, represented the Los Altos School District.

Christopher E. Schumb, Attorney at Law, represented all respondents.

The matter was continued twice. A signed stipulation was filed May 23, 2011. Notwithstanding any date set forth in the stipulation the matter was submitted for decision on May 23, 2011.

FACTUAL FINDINGS

1. Jeffrey Baier made the accusation in his official capacity of Superintendent of Los Altos School District.

2. All respondents are certificated employees of the district. A list of respondents is attached as Attachment A

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 March 7, 2011, the Governing Board of the Los Altos School District adopted Resolution No. 10/11-17. The Board resolved to reduce or discontinue 42.40 Full Time Equivalent particular kinds of services for the 2011-2012 school year. A copy of the Resolution is attached as Attachment B.

5. The services set forth in the resolution are particular kinds of services that may be reduced or discontinued within the meaning of Education Code section 44955.

6. On May 23, 2011, the district and the respondents entered into a stipulation resolving all factual matters. The stipulation is attached as Attachment C.

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

LEGAL CONCLUSIONS

1. All notice and jurisdictional requirements set forth in Education Code sections 44949 and 44955 were met.

2. Cause exists to reduce the number of certificated employees at the Los Altos School District due to the reduction or discontinuance of particular kinds of services pursuant to Education Code section 44955. The cause relates solely to the welfare of the schools and the pupils thereof within the meaning of Education Code section 44949.

3. No junior certificated employee is scheduled to be retained to perform services which a more senior employee is certificated and competent to render.

ORDER

1. The Lay-off notices issued to Mary Alber, Douglas Core, MaryLou McKenna, Sascha Mowrey, Karina Salmon, Grace Choi, Vanessa Jordan, Courtney McAlpin, Kim Nero, and Amelia Shelley are rescinded. Vincent Lewis retains .373 FTE of his position, Christine Eustice retains .5 FTE of her position, Mary Katie Mather retains .167 FTE of her position.

2. Notice may be given to all other respondents that his/her services will be reduced or eliminated for the 2011-2012 school year.

DATED:

RUTH S. ASTLE
Administrative Law Judge
Office of Administrative Hearings

