

**BEFORE THE
GOVERNING BOARD OF THE
CENTINELA VALLEY UNION HIGH SCHOOL DISTRICT
In the Matter of the Statement of Reduction in Force
Against:**

**CERTAIN CERTIFICATED EMPLOYEES OF THE
CENTINELA VALLEY UNION HIGH SCHOOL DISTRICT,
Respondents.**

OAH No. 2024030473

PROPOSED DECISION

Erlinda G. Shrenger, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, heard this matter on April 12, 2024, in Lawndale, California.

Christine K. Hsu and Katie J. Oh, Olivarez Madruga Law Organization, LLP, represented the Centinela Valley Union High School District (District).

Carlos R. Perez and Alejandra Gonzalez-Bedoy, Law Office of Carlos R. Perez, represented respondents Brianna Williamson, Derrick Hill, Crystal Gonzalez, Tracey Tran, and James Rollins, but did not represent respondent Linda Nguyen. Respondent James Rollins was the only respondent present at the hearing.

Jeremy Zuniga, Executive Director of South Bay United Teachers, and Temisha Brame, President of the Centinela Valley Secondary Teachers Association, were present during the hearing.

Oral and documentary evidence was received, and argument was heard. Pursuant to the agreement of counsel, the ALJ redacted the student names and identification numbers contained in Exhibit D. The record closed and the matter was submitted for decision on April 12, 2024.

FACTUAL FINDINGS

Board Resolution

1. Stephen Nellman, Ed.D., Superintendent of the District, made and filed the Statement of Reduction in Force in his official capacity. Pamela Brown, Ed.D. (Dr. Brown), is the Assistant Superintendent of Diversity, Equity, and Inclusion. Daniel Urrutia, Ed.D. (Dr. Urrutia), is the Assistant Superintendent of Business Services. Drs. Brown and Urrutia were involved in implementing certain aspects of the layoff.

2. On February 13, 2024, the Governing Board of the District (Board) adopted Resolution No. 23-24/015 (Resolution), which proposed a layoff of certificated employees corresponding to 5.6 full-time equivalent (FTE) positions. (Exh. 1.) The Board determined that such action is in the best interest of the District and the welfare of the District's schools and students. The Resolution provided for the reduction or discontinuance of the following particular kinds of services:

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<u>PARTICULAR KINDS OF SERVICE</u>	<u>FTE Reduction</u>
Health Science	4.6
Career Technical Education (CTE) - Public Service	<u>1.0</u>
Total FTE Reduction	5.6

3. The Resolution established tiebreaker criteria for determining the relative seniority of certificated employees who first rendered paid service to the District on the same date. (Exh. 1, pp. 4-5.) It provided that the order of termination shall be based on the needs of the District and its students in accordance with certain criteria. Specifically, the tiebreaker criteria required consideration of the type of credentials (preliminary versus clear), possession of any English Language authorizations, and possession of any advanced degrees (master's or doctorate). In the event of a tie after reference to all the listed criteria, the tie would be broken by drawing lots.

4. The Resolution was required because of the District's need to reduce services in order to address the District's current and projected budget deficits, which are the amounts the District's expenditures exceed its revenues. The District has declining enrollment and declining revenues, and is projecting deficit spending over the next three years. The District is projected to have budget deficits of \$1.6 million in the 2024-2025 school year, and \$4.3 million in the 2025-2026 school year. The District has determined the reduction in force proposed in the Resolution will stabilize the District's fiscal health and enable it to meet its financial expenditures in the next school year. Dr. Urrutia explained the District's budget deficit amounts would be larger if the reduction in force is not implemented. The District's budget determinations related to this layoff proceeding were reviewed and approved, as required, by the Los Angeles County Office of Education.

Layoff Notices

5. Between February 14, 2024, through March 15, 2024, the District served six certificated employees (collectively, respondents) with written notice (March 15 notice) that it had been recommended notice be given to them pursuant to Education Code sections 44949 and 44955 that they may be released from their current position at the close of the current 2023-2024 school year. (Exhs. 4, 5.) The March 15 notice explained the reasons for the recommendation and notified respondents of their right to request a hearing to determine if there is cause for not reemploying them for the 2024-2025 school year.

6. Respondents are permanent certificated employees of the District. They are: Brianna Williamson (#296), Derrick Hill (#242), Crystal Gonzalez (#222), Tracey Tran (#216), Linda Nguyen (#211), and James Rollins (#187). The individual respondents are identified by their number on the District's seniority list (Exhibit 13).

7. Respondents Crystal Gonzalez (#222), Linda Nguyen (#211), and James Rollins (#187) were the only respondents who submitted written requests for a hearing to determine if there is cause for not reemploying them for the 2024-2025 school year. (Exh. 6.) By failing to submit a written request for a hearing, respondents Brianna Williamson (#296), Derrick Hill (#242), and Tracey Tran (#216) waived their right to a hearing to contest their status as employees subject to layoff. (Ed. Code, § 44955, subd. (b).)

8. The District timely served a Statement of Reduction in Force with required accompanying documents on Ms. Gonzalez, Ms. Nguyen, and Mr. Rollins. (Exhs. 7, 9.) The District received timely Notice of Participation forms only from Ms. Gonzalez and Ms. Nguyen. (Exh. 8.) The District served a Notice of Hearing on Ms.

Gonzalez, Ms. Nguyen, and Mr. Rollins. (Exhs. 11, 12.) The District did not object to Mr. Rollins participating in the layoff proceeding.

Seniority List

9. The District maintains a seniority list for certificated employees that shows their seniority ranking, permanency description, job title, current assignment, work location, credentials, authorizations, and advanced degrees. (Exh. 13.) The District's Governing Board adopted the seniority list on February 13, 2024, as part of the Resolution.

10. Certificated employees, including respondents, were given access to the seniority list to update or correct their information. Certificated employees, including respondents, were requested by letter to verify their seniority list information. Dr. Brown testified none of the respondents involved in this layoff proceeding reported any errors with their information on the seniority list.

11. The District used the seniority list to develop a proposed layoff list of the least senior employees currently assigned in the two services being reduced. The District then determined whether the least senior employees held credentials in another area and were entitled to "bump" other employees. A senior teacher whose position is discontinued has the right to transfer to a continuing position which he or she is certificated and competent to fill. In doing so, the senior employee may displace or "bump" a junior employee who is filling that position. (*Lacy v. Richmond Unified School District* (1975) 13 Cal.3d 469.) In determining who would be laid off for each kind of service reduced, the District counted the number of reductions not covered by the known vacancies, and determined the impact on incumbent staff in inverse order of seniority.

12. The District identified Linda Nguyen (#211) as an employee subject to layoff but who also had “bumping” rights allowing her to elect reassignment to another position she was certificated and competent to fill. Ms. Nguyen holds clear single-subject credentials in Health and CTE-Hospitality, Tourism and Recreation. Ms. Nguyen currently teaches at Leuzinger High School in a 0.6 FTE position in Health and a 0.4 FTE position in CTE-Hospitality, Tourism and Recreation.

13. Ms. Nguyen is subject to layoff for her 0.6 FTE position in Health. However, by letter dated April 8, 2024, the District notified Ms. Nguyen of her right to elect reassignment to a 1.0 FTE position in CTE Health and Hospitality, which she is certificated and competent to teach. (Exh. 14.) Ms. Nguyen agreed to the reassignment. Dr. Brown explained the 1.0 FTE position in CTE Health and Hospitality is currently a vacant position. The remaining 0.4 FTE of Ms. Nguyen’s current position will be increased to 1.0 FTE to implement her reassignment.

14. Dr. Brown testified the District did not have to apply, in this layoff, the tiebreaker criteria adopted in the Resolution. The District considered all known attrition, resignations, and retirements in determining the actual number of necessary layoff notices to be delivered.

PKS Reduction

15. Dr. Brown explained the reason for the 4.6 FTE reduction in Health Science was because, in the 2024-2025 school year, Health classes will be embedded in Biology classes and will no longer be a separate elective. Dr. Brown explained Health was a separate elective when the District had an eight-period school day. The school day was changed to six periods in the current 2023-2024 school year and will remain at six periods in the next school year. With a six-period school day, the District

determined Health could be embedded in Biology classes, thus reducing the need for certificated employees to teach stand-alone Health classes.

16. Dr. Brown explained the 1.0 FTE reduction in CTE-Public Service was due to declining enrollment and reduced student interest in the program. The District has approximately nine or 10 CTE programs that cover a variety of subjects. The District surveys students at middle schools that are feeder schools for the District's high schools to determine the students' level of interest in the various CTE programs. The survey results showed the CTE-Public Service program was one of the bottom three programs with low student interest.

17. Dr. Brown also explained the CTE-Public Service program has greater issues with enrollment than other CTE programs. Typically, a teacher in a 1.0 FTE position teaches five class periods per school day, with 36 students per class, for a total of 180 students. In the current school year, the CTE-Public Service program has a total of 27 students enrolled, and two class periods have no students enrolled.

18. Respondent James Rollins (#187) is a CTE teacher with a seniority date of August 17, 2015, which he does not dispute. He holds a clear CTE Teaching Credential in Public Service. Mr. Rollins is currently assigned as a CTE Teacher at Hawthorne High School.

19. Mr. Rollins testified in detail regarding his involvement in developing the School of Criminal Justice (SCJ) Academy starting in 2015. Mr. Rollins used his law enforcement background, which included almost 10 years as a police officer, to develop a program of criminal justice related courses and experiences for his students. In September 2023, the SCJ Academy was renamed the School of Public Safety. The focus of the program changed from criminal justice to fire science. Mr. Rollins feels the

refocusing of the program to fire science resulted in lower student interest. Mr. Rollins testified he is the only teacher at his school site and in the District with a CTE-Public Service credential.

20. Mr. Rollins disagrees with the District's claim of declining student interest in criminal justice related programs. At a recent career fair in March 2024, Mr. Rollins heard from 64 students (not from the SCJ Academy) expressing an interest in law enforcement and security. (See Exh. D.) Mr. Rollins reviewed the survey results presented to the Governing Board, which showed the School of Public Safety (formerly the SCJ Academy) as one of the three lowest enrolled Academies in the District. (Exh. C.) The survey indicated the School of Public Safety had an enrollment of 34 students in Fall 2023. Mr. Rollins attributes the low enrollment to the refocusing of the program to fire science. He feels criminal justice is a subject of high interest among students.

21. Mr. Rollins' testimony reflected his passion and dedication to the SCJ Academy program he helped to develop, and his commitment to the well-being of students. However, Mr. Rollins was properly identified as an employee subject to layoff to account for the 1.0 FTE reduction in CTE-Public Service.

LEGAL CONCLUSIONS

1. All notice and jurisdictional requirements set forth in Education Code sections 44949 and 44955 were met. (Factual Findings 1-8.)

2. The services identified in the Resolution are particular kinds of services which may be reduced or discontinued under Education Code section 44955. The Board's decision to reduce or discontinue the identified services was not arbitrary or capricious and was a proper exercise of its discretion. Cause for the reduction or

discontinuation of services relates solely to the welfare of the District's schools and pupils within the meaning of Education Code section 44949.

3. A school district may reduce services within the meaning of section 44955, subdivision (b), "either by determining that a certain type of service to students shall not, thereafter, be performed at all by anyone, or it may 'reduce services' by determining that proffered services shall be reduced in extent because fewer employees are made available to deal with the pupils involved." (*Rutherford v. Board of Trustees* (1976) 64 Cal.App.3d 167, 178-179.)

4. Boards of education hold significant discretion in determining the need to reduce or discontinue particular kinds of services, which is not open to second-guessing in this proceeding. (*Rutherford v. Board of Trustees, supra*, 64 Cal.App.3d at p. 167.) Such policy-making decisions are not subject to arguments as to the wisdom of their enactment, their necessity, or the motivations for the decisions. (*California Teachers Assn. v. Huff* (1992) 5 Cal.App.4th 1513, 1529.) Such decisions and action must be reasonable under the circumstances, with the understanding that "such a standard may permit a difference of opinion." (*Santa Clara Federation of Teachers v. Governing Board* (1981) 116 Cal.App.3d 831.)

5. Cause exists, pursuant to Education Code section 44949 and 44955, to reduce the number of certificated employees of the District due to the reduction or discontinuation of particular kinds of services. The District identified the certificated employees providing the particular kinds of services that the Board directed be reduced or discontinued.

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

ORDER

1. Notice shall be given to employees occupying 5.6 full-time equivalent certificated positions that their services will not be required for the 2024-2025 school year because of the reduction and discontinuance of particular kinds of services.
2. Notice shall be given in inverse order of seniority.

DATE: 04/23/2024

Erlinda Shrenger
Erlinda Shrenger (Apr 23, 2024 12:49 PDT)

ERLINDA G. SHRENGER

Administrative Law Judge

Office of Administrative Hearings