

BEFORE THE COUNTY SUPERINTENDENT OF SCHOOLS  
SOLANO COUNTY OFFICE OF EDUCATION

In the Matter of the Non-reemployment of  
Two Full Time Equivalent Juvenile Court  
and Community Schools Certificated  
Employees

OAH No. N2004020421

**PROPOSED DECISION**

This matter was heard before Michael C. Cohn, Administrative Law Judge, State of California, Office of Administrative Hearings, in Fairfield, California on April 1, 2004.

Namita S. Brown, Attorney at Law, represented the Solano County Office of Education.

A. Eugene Huguenin, Attorney at Law, represented respondent Maurice Washington.

The matter was submitted on April 1, 2004.

**FACTUAL FINDINGS**

1. On February 25, 2004, the Solano County Superintendent of Schools adopted Resolution No. S03-04-01 eliminating six full-time equivalent (FTE) juvenile hall, court and community school teacher positions no later than the beginning of the 2004-2005 school year, and directing that the appropriate notices be sent to all employees whose positions might be lost as a result of this action.

2. On February 27, 2004, the associate superintendent gave written notice, under Education Code sections 44949 and 44955, to six certificated employees that it had been recommended that they not be reemployed for the 2004-2005 school year.

3. Four of the employees receiving these notices filed timely notices requesting a hearing to determine if there was cause for not reemploying them for the 2004-2005 school year. One of those employees was respondent Maurice Washington.

4. Washington is the only respondent still subject to termination in this proceeding; the notices sent to the other three respondents, all of whom are senior to Washington, have been rescinded.

5. The parties stipulated that Washington's seniority date is February 8, 1989. He is senior to another court and community school teacher who is not being terminated—Carol Harris. However, the parties stipulated that Harris serves as a literacy facilitator, a position in which Washington is not competent to serve because he lacks the requisite training in literacy and reading. Washington is also senior to court and community school teacher Shelly L. Nissen. Nissen was one of the six employees served with the February 27, 2004 notice referred to in Finding 2. She did not request a hearing and is not a respondent in this proceeding. The parties stipulated that Washington will be the first employee recalled should it not be necessary to terminate two FTE positions.

6. The parties stipulated that Michael Golomb has correctly been given a seniority date of September 15, 1981. Golomb attained tenure as a teacher in the county office by virtue of his service in that position for nearly six years before becoming a principal on July 1, 1987.

7. The parties stipulated that all jurisdictional requirements for this proceeding have been met.

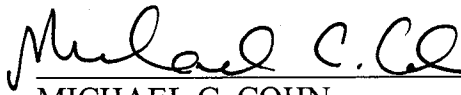
#### LEGAL CONCLUSIONS

Because of the reduction of a particular kind of service—juvenile hall and court and community teacher positions—cause exists under Education Code sections 44949 and 44955 to give notice to respondent Maurice Washington that his services will not be required for the 2004-2005 school year.

#### ORDER

Notice may be given respondent Maurice Washington that his services will not be required for the 2004-2005 school year.

DATED: April 5, 2004

  
MICHAEL C. COHN  
Administrative Law Judge  
Office of Administrative Hearings