

BEFORE THE
GOVERNING BOARD OF THE
PARADISE UNIFIED SCHOOL DISTRICT
COUNTY OF BUTTE, STATE OF CALIFORNIA

In the Matter of the Accusations Against:

OAH No. N2007031012

CYDNEY DIXON, AMY KEENE,
DERRICK BOSLOW, HEATHER BUSK,
CHRIS JENSEN, ROBIN PATTERSON,
JORDY TOLLEFSON, AMALIA CONSOLI,
MELISSA MUSSO, JOE LODIGIANI,
CARRIE DAWES, SIGNE HANCOCK,
MIKE NEWTON, VALERIE ROLPH,
KATHRYN KENNEDY, RYAN LOGELIN,
JUDIE HALL, DEBRA DODSON, MIKE
STORY, DONNY KOEHLER, RANDI
SALADO, DARREN MASSA, MIKE
O'CONNOR, SONJA HUSS, JEFF
WROBEL, KATHRYN THOMAS, TINA
MALCOLM, JORI KRUDLER, BARBARA
MICHAEL,

Respondents.

PROPOSED DECISION

This matter was heard before Karen J. Brandt, Administrative Law Judge, Office of Administrative Hearings, State of California, on May 16, 2007, in Paradise, California.

Michelle L. Cannon, Attorney at Law, represented the Paradise Unified School District (District).

Joan Maredyth, Attorney at Law, represented all the certificated employees listed in the caption (respondents).

At hearing, the District rescinded the layoff notices and withdrew the accusations against the respondents listed in Stipulation 6, below. In addition, the parties stipulated to the factual findings and legal conclusions set forth in Stipulations 1 through 13, below.

STIPULATIONS

1. Stephen A. Jennings is the Superintendent of the District. He made and filed the accusations in his official capacity.
2. Respondents are employed by the District as permanent or probationary certificated employees and rendered their first paid service to the District in a probationary position on the dates indicated on the seniority list attached to the accusations.
3. On or about March 6, 2007, the Governing Board of the District (Governing Board) was given written notice of Mr. Jennings's recommendations that notice be given to respondents, pursuant to Education Code sections 44949 and 44955, that their services would not be required for the ensuing school year and stating the reasons therefor.
4. On or about March 13 and/or 15, 2007, respondents were given written notice of Mr. Jennings's recommendations pursuant to Education Code sections 44949 and 44955, that their services would not be required for the ensuing school year, and stating the reasons therefor.
5. Pursuant to Education Code section 44949, respondents, in writing, duly requested a hearing to determine if there was cause for not reemploying them for the ensuing school year.
6. At hearing, the District rescinded the layoff notices and withdrew the accusations served upon respondents Signe Hancock, Mike O'Connor, Tina Malcolm, Jori Krudler and Barbara Michael.
7. On March 13, 2007, Mr. Jennings notified respondent Joe Lodigiani that Mr. Jennings had recommended to the Governing Board that .8 FTE of Mr. Lodigiani's services would not be required for the 2007-2008 school year. At hearing, the District reduced the .8 FTE set forth in the March 13, 2007 notice to .2 FTE.
8. Cause exists within the meaning of Education Code sections 44949 and 44955 for not reemploying respondents, other than those listed in Stipulation 6, for the ensuing school year in that the Governing Board has decided to reduce or discontinue particular kinds of services of the District beginning not later than the commencement of the 2007-2008 school year as set forth in Governing Board Resolution No. 06/07-13, attached to the accusations.
9. In the opinion of the Governing Board, it will be necessary to decrease the number of certificated employees in the District on account of the above reduction or discontinuance of services. As a consequence, the Governing Board has determined that the services of certificated employees, equal in number to those employees providing services to

be reduced or discontinued, shall be terminated at the close of the current 2006-2007 school year.

10. Respondents, other than those listed in Stipulation 6, fit within one of the following classifications:

- (a) Respondents are and have been employed as certificated employees of the District providing one or more of the particular kinds of service which the Governing Board has determined that it is necessary to reduce or discontinue, and respondents' positions will be terminated as a result of the foregoing decisions.
- (b) Respondents' positions will be taken by employees whose regular positions will be eliminated by virtue of the foregoing reduction or discontinuance of particular kinds of service and who (a) are certificated and competent to perform respondents' duties and (b) have greater District seniority than respondents.

As a result of the foregoing, the services of respondents, other than those listed in Stipulation 6, as certificated employees will be terminated.

11. Notices were sent to respondents solely on the basis of their seniority with the District. The District will not retain any certificated employee with less seniority than respondents, during the 2007-2008 school year, to render services which respondents are certificated and competent to perform. The Governing Board has further determined that, as between employees who first rendered paid service to the District on the same dates, the Order of Termination has been determined solely on the basis of the needs to the District and the students thereof.

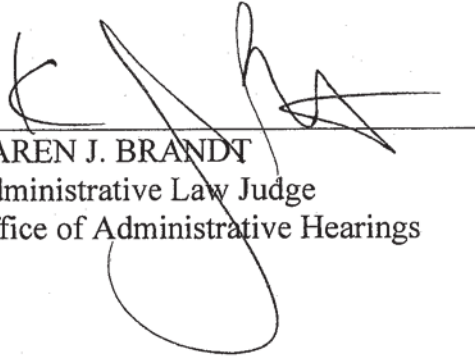
12. Cause for not reemploying respondents, other than those listed in Stipulation 6, is related solely to the welfare of the school and the pupils thereof, within the meaning of Education Code sections 44949 and 44955.

13. Respondents and the District agree that the document entitled "May 2007 Layoff Agreement" embodies an agreement between the District and those respondents who sign and deliver the agreement to the District Office on or before the close of business on May 17, 2007.

ORDER

Pursuant to Education Code sections 44949 and 44955, the Governing Board of the Paradise Unified School District may give notice to respondents, other than those listed in Stipulation 6, that their services will not be required for the ensuing school year 2007-2008.

DATED: May 22, 2007



KAREN J. BRANDT
Administrative Law Judge
Office of Administrative Hearings