

BEFORE THE GOVERNING BOARD  
OF THE  
SAN LORENZO UNIFIED SCHOOL DISTRICT

In the Matter of the Accusation Against:

BREANA BANKSTON, et al,

Respondents.

OAH No. 2008030372

**PROPOSED DECISION**

Administrative Law Judge Mary-Margaret Anderson, State of California, Office of Administrative Hearings, heard this matter in San Lorenzo, California on April 16, 2008.

Elizabeth B. Mori, Attorney at Law, Fagen Friedman & Fulfroost LLP, represented the San Lorenzo Unified School District.

Respondent Nicole Saleta represented herself.

Respondents Amani Dunham and Andrew Wild did not appear and were not represented by counsel.

Margo Feinberg, Attorney at Law, represented the remaining Respondents.<sup>1</sup>

The matter was submitted for decision on April 16, 2003.

**SUMMARY**

The Governing Board of the San Lorenzo Unified School District decided to reduce or discontinue particular kinds of services provided by certificated employees for the 2008/2009 school year for budgetary reasons. The decision was not related to the competency and dedication of the teachers whose services were proposed to be reduced or eliminated.

District staff carried out the Board's decision by using a selection process involving review of credentials and seniority. The selection process complied with Education Code requirements.

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<sup>1</sup> See Appendix A, attached, for a complete list of Respondents.

## FACTUAL FINDINGS

1. Dennis Byas, Ed.D., filed the Accusations in his official capacity as Superintendent of the San Lorenzo Unified School District (District).
2. All of the Respondents are certificated employees of the District.
3. On March 4, 2008,<sup>2</sup> the District's Governing Board (Board) adopted Resolution No. 3124, which sets forth the Board's determination that it is in the best interests of the District to reduce or discontinue particular kinds of services for the 2008/2009 school year. The reasons for the reductions are solely budgetary. A total of 37.73 certificated full time equivalent (FTE) positions were targeted for reduction:

<u>Title</u>	<u>Full Time Equivalent</u>
Kindergarten-5th Grade Elementary Teachers	4.0
Art	2.0
Coordinator, Educational Services	0.2
Coordinator, English Learner Services	1.0
Coordinator, New Teacher Development	1.0
Coordinator, Special Services	2.0
Elementary Intervention	1.0
Elementary Vice Principal	2.2
High School Physical Science	1.0
High School Social Science	2.0
High School Spanish	3.0
Instrumental Music	2.0
Middle School English Language Arts/Social Science Core	6.0
Middle School Math/Science core	3.0
Physical Education	3.0
Teacher on Special Assignment: District Librarian	1.0
Teacher on Special Assignment: Elementary Literacy Coach/EL	1.0
Teacher on Special Assignment: High School Literacy	0.33
Teacher on Special Assignment: Middle School Literacy	1.0
Teacher on Special Assignment: Technology	1.0

4. The District maintains a list of certificated employees that includes seniority dates (first date of paid service), current assignments and locations, advanced degrees, credentials and authorizations. The list (referred to as the Seniority List) was updated with information supplied by the employees.

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<sup>2</sup> All dates are in 2008.



5. By letter dated March 14, Dr. Dennis D. Byas, District Superintendent, gave written notice to 27 certificated employees that he had recommended to the Board that their services would not be required by the District for the 2008/2009 school year. (District staff had calculated that the balance of 37.73 FTE positions could be reduced by attrition.) Each notice contained the reasons for the recommendation.

6. Each of the Respondents filed timely requests for hearing to determine if there is cause for terminating his or her services for the 2008/2009 school year. Accordingly, accusations were filed and served. Each Respondent filed a timely notice of defense and this hearing followed.

7. No jurisdictional issues were raised. The Parties stipulated that all notices were timely and properly served.

8. No permanent or probationary employee with less seniority is being retained to render a service for which any Respondent is certificated and competent to render.

#### LEGAL CONCLUSIONS

1. The District established jurisdiction for this proceeding as to all Respondents. All notices and other requirements of Education Code sections 44949 and 44955 have been provided or satisfied.

2. Cause exists pursuant to Education Code section 44955 to reduce the number of certificated employees in 37.73 FTE positions due to the reduction and discontinuation of particular kinds of services.

3. The proposed reductions and/or discontinuation of services are related to the welfare of the schools and the pupils as required by Education Code section 44949, subdivision (c)(3).

#### ORDER

Notice may be given to Respondents that their services will not be required for the 2008-2009 school year because of the reduction or discontinuation of particular kinds of services.

DATED: April 23, 2008



MARY-MARGARET ANDERSON  
Administrative Law Judge  
Office of Administrative Hearings

## **APPENDIX A-- LIST OF RESPONDENTS**

1. Breana Bankston
2. Michelle Barragan
3. Jennifer Brown
4. Kelly Bullock
5. Nealey Daniels
6. Amani Dunham
7. Nicole Moon
8. Daniel Pangrazio
9. Nicole Saleta
10. Emerson Salonga
11. John Sloan
12. Stephen Theall
13. Miriam Walden
14. Andrew Wild
15. Ciani Williams