

BEFORE THE
GOVERNING BOARD OF THE
BLACK OAK MINE UNIFIED SCHOOL DISTRICT
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

OAH No. N2007030760

RHONDA PHILLIPS,

Respondent.

PROPOSED DECISION

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

Heather M. Edwards, Attorney at Law, represented the Black Oak Mine Unified School District (District).

Andrea Price, Attorney at Law, represented Rhonda Phillips (respondent).

The parties entered into a settlement agreement on the record at the hearing. The parties requested that the Administrative Law Judge prepare a Proposed Decision that incorporated the terms of their settlement agreement.

STIPULATED JURISDICTIONAL FINDINGS

1. Rob Schamberg (Schamberg) is the Superintendent of the District. He made and filed the Accusation in his official capacity.

2. Respondent was at all relevant times, and now is, a certificated employee of the District.

3. On or about March 8, 2007, pursuant to Education Code sections 44949 and 44955, Schamberg gave the Governing Board of the District written notice of his recommendation that notice be given to respondent that her services would not be required for the ensuing school year and stating the reasons therefore. On March 8, 2007, the

Governing Board adopted a Resolution directing Schamberg to give notice to respondent that her services would not be required for the 2007-2008 school year.

4. On March 9, 2007, pursuant to a letter entitled "Notice of Layoff", Schamberg gave written notice to respondent that, pursuant to Education Code sections 44949 and 44955, her services would not be required for the ensuing school year and stating the reasons therefor.

5. On March 15, 2007, respondent timely requested in writing a hearing to determine if there was cause for not reemploying her for the 2007-2008 school year.

6. At the hearing on April 16, 2007, the parties entered into the settlement agreement set forth in the Order below.

SETTLEMENT AGREEMENT AND ORDER

Pursuant to the settlement agreement between the parties, it is hereby ordered that the District shall rescind the March 9, 2007 Notice of Layoff served upon respondent Rhonda Phillips and shall guarantee respondent a position within the District at 1.0 FTE and within her credential for the 2007-2008 school year.

DATED: April 18, 2007


KAREN J. BRANDT
Administrative Law Judge
Office of Administrative Hearings