

BEFORE THE
GOVERNING BOARD
RIM OF THE WORLD UNIFIED SCHOOL DISTRICT
STATE OF CALIFORNIA

In the Matter of Accusation Against:

OAH No. L2004030276

SIXTEEN CERTIFICATED EMPLOYEES,

Respondents.

PROPOSED DECISION

On April 27, 2004, in Riverside, California, Alan S. Meth, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Sherry G. Gordon, Attorney at Law, represented the Rim of the World Unified School District.

Ronald G. Skipper, Attorney At Law, represented the following respondents: Annette Brown, Heidi Erlanger, Joyce Garrison, Andrea Ingham, Dawn Malcolm, James Olsen, Sherri Soto, and Janice Williamson. Respondents Timothy Barany, Morgan Black, Brandon Harms, Heather Katz, Ward Lee, Shannon Millen, Richard Vega, and Mark Warhol did not submit notices of defense or requests for hearing or appeared at the hearing.

The matter was submitted on April 27, 2004.

FACTUAL FINDINGS

1. On March 12, 2004, Dr. Clint Harwick, Superintendent of the Rim of the World Unified School District (hereafter, "the District"), made and filed the accusations against respondents in his official capacity.

2. Respondents are certificated employees of the District.

3. Before March 15, 2004, pursuant to Education Code sections 44949 and 44955, the Superintendent notified the Governing Board of the District of the Superintendent's recommendation that respondents be notified their services will not be required for the ensuing school year. The Superintendent's notification to the Governing Board set forth the reasons for the recommendation.

4. On or before March 15, 2004, each respondent was given written notice by the Superintendent that it has been recommended that notice be given to respondents, pursuant to Education Code sections 44949 and 44955, that their services will not be required for the ensuing year. Each written notice set forth the reasons for the recommendation.

5. Accusations were timely served on all respondents. Respondents Brown, Erlanger, Garrison, Ingham, Malcolm, Olsen, Soto, and Williamson timely requested in writing a hearing to determine if there is cause for not reemploying them for the ensuing school year. All pre-hearing jurisdictional requirements have been met.

6. The Governing Board of the District took action to reduce or discontinue the following services for the 2004-05 school year:

Elementary Classroom Teacher	3 full time equivalents
Elementary Special Education	2 full time equivalents
Middle School Special Education	3 full time equivalents
High School Art	1 full time equivalents
High School Science	1 full time equivalents
High School English	4 full time equivalents
High School Math	2 full time equivalents

The proposed reductions total 16 full-time equivalent positions.

The services set forth above are particular kinds of services which may be reduced or discontinued within the meaning of Education Code section 44955. The decision to reduce or discontinue the services is neither arbitrary nor capricious but rather a proper exercise of the District's discretion.

7. No certificated employee junior to any respondent is retained to perform services which any respondent is certificated and competent to render.

8. The reduction or discontinuation of services is related to the welfare of the District and its pupils, and it has become necessary to decrease the number of certificated employees of the District as determined by the Governing Board.

9. The District considered all known attrition, resignations, retirements and requests for transfer in determining the actual number of necessary layoff notices to be delivered to its employees.

LEGAL CONCLUSIONS

1. Jurisdiction for the subject proceeding exists pursuant to Education Code sections 44949 and 44955, and all notices and other requirements of those sections have been provided as required.

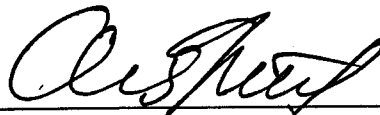
2. Cause exists because of the reduction or discontinuation of particular kinds of services pursuant to Education Code section 44955 to give notice to respondents in 16 full-time equivalent positions as set forth in the Factual Findings. The cause relates solely to the welfare of the schools and the pupils thereof within the meaning of Education Code section 44949.

ORDER

The Accusations served on respondents Timothy Barany, Morgan Black, Annette Brown, Heidi Erlanger, Joyce Garrison, Brandon Harms, Andrea Ingham, Heather Katz, Ward Lee, Dawn Malcolm, Shannon Millen, James Olsen, Sherri Soto, Richard Vega, Mark Warhol, and Janice Williamson are sustained. Notice shall be given to each respondent before May 15, 2004 that his or her services will not be required for the 2004-05 school year to the extent of 16 full-time equivalents positions pursuant to the Governing Board's resolution because of the reduction of particular kinds of services.

Notice shall be given in inverse order of seniority.

DATED: 4/29/04



ALAN S. METH
Administrative Law Judge
Office of Administrative Hearings