

BEFORE THE
GOVERNING BOARD
WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
STATE OF CALIFORNIA

In the Matter of the Certificated Reduction
In Force, West Contra Costa Unified School
District:

OAH No. N2005010640

Certain Certificated Employees,

Respondents.

PROPOSED DECISION

Administrative Law Judge Stewart A. Judson, State of California, Office of Administrative Hearings, heard this matter in Richmond, California, on April 20, 2005.

Laurie Juengert, Esq. represented complainant Cynthia Le Blanc, the Chief Academic Officer of the West Contra Costa Unified School District.

Margo Feinberg, Esq. represented those respondents listed on respondents' Exhibit A for Identification, incorporated herein, and whose numerical designations thereon are encircled.

All other respondents were neither present nor otherwise represented.

The matter was submitted on April 20, 2005.

FACTUAL FINDINGS

The parties stipulated to the following:

1. Cynthia Le Blanc (complainant) is the Chief Academic Officer of the West Contra Costa Unified School District (the District) and made and filed the accusations in her official capacity as said officer.
2. Each of the respondents, all of whom are listed on complainant's Exhibit 1, Revised List of Respondents, incorporated herein by this reference, are certificated employees of the District.

3. On March 7, 2005, the Board of Education (the Board) of the District adopted Resolution No. 65-0405 directing complainant or her designated representative to give notices to certificated employees that their services would not be required for the 2005-06 school year.

4. On January 19, 2005, the Board adopted the criteria for establishing the order of termination among respondents who have the same date of first rendering paid service.

5. On March 7, 2005, the Board adopted criteria to deviate from terminating or reappointing a certificated employee in order of least seniority to fill a demonstrated need for fully credentialed personnel and for personnel to teach a specific course or course of study which others with more seniority do not possess. Deviation from terminating or reappointing in order of least seniority will include, but not be limited to, teachers who currently hold a BCLAD authorization or prior equivalent and are currently assigned to teach in a bilingual classroom.

6. On March 11, 2005, the Board was given written notice by complainant of her recommendation that notice be given respondents that their services will be terminated or reduced at the close of the current school year.

7. On March 11, 2005, respondents were given written notice by complainant of her recommendation that notice be given respondents that their services will be terminated at the close of the current school year and stating the reasons therefor.

8. Respondents timely requested, in writing, a hearing to determine if there is cause for not terminating their services for the ensuing school year.

9. No permanent or certificated employee with less seniority is being retained to render a service that any of the respondents are certified and competent to render except as authorized by the criteria for deviating from terminating in order of least seniority.

LEGAL CONCLUSIONS

1. Cause for terminating respondents' employment relates solely to the welfare of the schools and the pupils thereof.

2. Cause exists under Education Code sections 44949 and 44955 for reducing or discontinuing those positions set forth in complainant's Exhibit 2 for the ensuing school year.

ORDER

1. Notice may be given to those respondents listed in complainant's Exhibit 2, save respondent Rana Stewart, that their services will not be required for the ensuing school year to the extent that is indicated in said Exhibit.

2. The accusations against all other respondents are dismissed.

DATED: April 26, 2005



STEWART A. JUDSON
Administrative Law Judge
Office of Administrative Hearings