

**BEFORE THE BOARD OF EDUCATION  
OF THE RIM OF WORLD UNIFIED SCHOOL DISTRICT**

In the Matter of the Accusation Against:	)	OAH NO. L2008030507
	)	
Respondents Listed on Attached Exhibit A	)	
	)	
Respondents.	)	
_____	)	

**PROPOSED DECISION**

Humberto Flores, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on April 29, 2008, at the Board Room of the Rim of the World Unified School District, Blue Jay, California.

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

Carlos Perez, Attorney at Law, represented respondents John Beresford Jr., Stacy Chapman, Jessica De La Tejera, Amanda Farr, Bonnie Harris, Caris Leidner, Amanda Markovich, Kelly Maynard, Jeffrey Moss, Nicholas Shalome, Tracy Olsen, and Mary Smith.

Respondents Jeannine Jones and Carrie Renfro did not appear and were not represented at the hearing.

Evidence was received and the matter was submitted for decision.

**SUMMARY**

The Board of Education of the Rim of the World Unified School District (District) decided to reduce or discontinue particular kinds of services provided by certificated personnel 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, "bumping," and breaking ties between employees with the same first dates of paid service. The selection process complied with Education Code requirements.

## FACTUAL FINDINGS

1. Joseph Woodford, the Interim Director of Personnel Services for the District, filed the Accusation in his official capacity and on behalf of Ronald Peavy, Interim Superintendent of the Rim of the World Unified School District.

2. Respondents are certificated employees of the District.

3. On March 6, 2008, Mr. Seymour recommended that the Board of Education adopt a resolution to reduce or discontinue elementary classroom teacher services and particular kinds of services (PKS) for the 2008-2009 school year. Mr. Seymour recommended the reduction and/or elimination of 25 full-time-equivalency (FTE) certificated employees as follows:

(1) Elementary Classroom Teachers	15 FTE
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(2) PKS	10 FTE
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### TOTAL CERTICATED POSITIONS

25 FTE

4. On March 6, 2008, the Board adopted Resolution No. 07-08-14, to discontinue or reduce the particular kinds of services, to wit: **elementary classroom teachers representing 15 FTE certificated employees.**<sup>1</sup> The Board further determined that based on the discontinuance or reduction of services, it would be necessary to decrease the number of certified employees at the close of the present school year by a corresponding number of full-time equivalent positions.

5. On March 13, 2008, the Mr. Woodford notified respondents in writing that he had recommended to the governing board that their services would not be required for the next school year. The mailing included the reasons for the notification. The Notice stated that "Your request for a hearing must be in writing and delivered by March 28, 2008. . . . If you fail to request a hearing on or before this date, your failure to do so shall constitute a waiver of your right to a hearing." All but two of the respondents (Jeannine Jones and Carrie Renfro) requested a hearing.

6. On March 13, 2008, Mr. Woodford made and filed Accusations against each of the named respondents.

7. The reduction or discontinuation of the particular kinds of services set forth in Factual Finding 4, related to the welfare of the District and its pupils.

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<sup>1</sup> The Board decided not to reduce PKS by the 10 FTE at the high school level as originally recommended by Mr. Seymour in section (2) of his March 6, 2008 recommendation to the Board.



8. The Board considered attrition, including resignations, retirements and requests for leave, in determining the necessary layoff notices to be delivered to employees.

9. The District maintains a Seniority List which contains employees' seniority dates (the first date of paid service in a probationary position), current assignments and locations, advanced degrees, credentials, and authorizations.

10. The District established tie breaker nine criteria for employees with the same first date of paid service who were affected by the proposed layoff. The first eight criteria were based on objective standards and were a proper exercise of the District's discretion. Criterion number nine was based on a comparison of the most recent employee evaluations. This criterion has a certain amount of subjectivity because of potentially different individual standards of the various supervisors who performed the evaluations. However, the District did not have to apply this criterion here since all of the named respondents who would be affected by the application of this criterion are subject to lay off.

11. No junior certificated employee is being retained to perform services which a more senior employee subject to layoff is certificated and competent to render.

12. Prior to the hearing, the District withdrew and made a motion to dismiss the accusations against respondent Bonnie Harris. During the hearing, the District made a motion to dismiss the accusations against respondents Mary Smith, Amanda Markovich and Jeffrey Moss. The motions to dismiss the Accusations against respondents Harris, Smith Markovich and Moss were granted.

### **LEGAL CONCLUSIONS**

1. All notices and other requirements of Education Code sections 44949 and 44955 were met. Therefore, jurisdiction was established for this proceeding as to all Respondents.

2. Cause was established as required by Education Code section 44955 to reduce the number of certificated employees due to the reduction or discontinuation of particular kinds of services, as set forth in Factual Finding 4. The Board's decisions to reduce or eliminate the identified services were neither arbitrary nor capricious. The decisions relate solely to the welfare of the District's schools and the pupils within the meaning of Education Code section 44949.

3. No junior certificated employee is being retained to perform services which a more senior employee subject to layoff is certificated and competent to render.

4. Cause exists to layoff respondents John Beresford Jr., Stacy Chapman, Candice Coffey, Jessica De La Tejera, Amanda Farr, Jeannine Jones, Caris Leidner, Kelly Maynard, Nicholas Shalome, Tracy Olsen, and Carrie Renfro.

5. Cause exists to dismiss the Accusations against employees Bonnie Harris, Mary Smith, Amanda Markovich and Jeffrey Moss, pursuant to Factual Finding 12.

**ORDER**

1. Notice may be given to respondents John Beresford Jr., Stacy Chapman, Candice Coffey, Jessica De La Tejera, Amanda Farr, Jeannine Jones, Caris Leidner, Kelly Maynard, Nicholas Shalome, Tracy Olsen, and Carrie Renfro, that their services will not be required for the 2008-2009 school year.

2. The Accusations against respondents Bonnie Harris, Mary Smith, Amanda Markovich and Jeffrey Moss are dismissed.

Dated: \_\_\_\_\_

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HUMBERTO FLORES  
Administrative Law Judge  
Office of Administrative Hearings

RIM OF THE WORLD UNIFIED SCHOOL DISTRICT

EXHIBIT "A"

BERESFORD, JR.  
CHAPMAN  
COFFEY  
DE LA TEJERA  
FARR  
HARRIS  
JONES  
LEIDNER  
MARKOVICH  
MAYNARD  
MOSS  
NICHOLAS  
OLSEN  
RENFRO  
SMITH

JOHN  
STACY  
CANDICE  
JESSICA  
AMANDA  
BONNIE  
JEANNINE  
CARIS  
AMANDA  
KELLY  
JEFFREY  
SHALOME  
TRACY  
CARIE  
MARY