

**BEFORE THE
COUNTY ADMINISTRATOR OF THE
INGLEWOOD UNIFIED SCHOOL DISTRICT
STATE OF CALIFORNIA**

In the Matter of the Certificated Reduction in Force of:

DEBORAH F. DECKER,

Respondent.

OAH No. 2024040864

PROPOSED DECISION

Administrative Law Judge Deena R. Ghaly, Office of Administrative Hearings (OAH), State of California, heard this matter on May 7, 2024, in Inglewood, California.

Sharon J. Ormond, Atkinson, Andelson, Loya, Ruud & Romo represented the Inglewood Unified School District (the District). The sole respondent, Deborah F. Decker, represented herself and was present throughout the hearing.

At the hearing, documentary evidence and testimony were received. The record closed and the matter was deemed submitted on the hearing day.

Extension of Due Date of the Proposed Decision

Education Code section 44949, subdivision (c)(3) provides that "[c]opies of the proposed decision shall be submitted to the governing board and to the employee on or before May 7. Subdivision (e) provides that, if a continuance is granted after a

request for hearing, the due date will be extended by the number of days equal to the continuance. On April 24, 2024, OAH Presiding Administrative Law Judge Matthew Goldsby granted the District's motion for a continuance. The hearing was rescheduled from April 25, 2024, to May 7, 2024, a period of twelve days. The due date of the proposed decision in this matter is therefore May 19, 2024.

FACTUAL FINDINGS

Jurisdictional Matters

1. The District is currently under the authority of a county administrator Dr. James Morris (County Administrator), appointed by the Los Angeles County Superintendent of Schools. The County Administrator has assumed all legal rights, duties, and powers of the District's Board of Education, in accordance with Education Code section 41326.

2. On March 6, 2024, the County Administrator adopted the Resolution Number 26/2023-2024, which proposed a layoff of certificated employees corresponding to 53 full-time equivalent (FTE) positions, including one Art Teaching Services FTE. (Exh. 1.)

3. At the hearing, the District's chief human resources officer, Brian Coffey, testified and stated the resolution is necessary because the District is facing declining student enrollment, a history of deficit spending, and other financial challenges. Mr. Coffey was involved in the budget and personnel analyses underlying the resolution. During his testimony, Mr. Coffey stated that, as many of the teachers in positions slated for layoff were able to move into vacant positions, there was a minimum of job losses associated with implementing the resolution. By the time of the hearing,

respondent Deborah F. Decker (respondent) was the only employee who had not rescinded her request for a hearing.

4. Mr. Coffey stated respondent was slated for layoff because, among the FTE's listed in the resolution, was that of Art Teaching Services. Respondent is the sole art teacher in the District. Despite her long tenure, she is, as Mr. Coffey described her, "one of [a class of] one" and therefore there is no teacher in her classification more junior than she. Additionally, respondent's sole teaching credential is a clear single subject teaching credential in art. Under these circumstances, Mr. Coffey maintained respondent could not "bump," i.e., take the place of a more junior teacher teaching a different subject. The District provided its Seniority List reflecting respondent's seniority date, assigned school, teaching credentials, and layoff status. (Exh. 8.)

5. On March 11, 2024, the District served respondent with a letter notifying her she had been recommended to the County Administrator that her services will not be required for the ensuing 2024-2025 school year, the Notice of District Statement of Reduction in Force, the District Statement of Reduction in Force and attachments, a blank Request for Hearing and Notice of Participation form; and copies of applicable law by regular and certified mail. (Exhs. 3 and 4.) The notice required teachers seeking a hearing to file their request by March 25, 2024. Respondent served her executed Request for Hearing and Notice of Participation on March 24, 2024. (Exh. 5.)

6. Respondent testified in detail regarding the studio art curriculum she has taught throughout the District. She noted that, as a teacher with over 27 years' tenure, she is the most senior of the teachers teaching subjects related to the arts and has a great deal to offer her students, her classes are always fully subscribed demonstrating a want and need for the subject she teaches, and she believes the professionalism and

broad perspective she offers to her students have inspired many of them to pursue artistic careers.

7. Respondent's testimony reflected genuine passion and dedication to both the arts and her students.

LEGAL CONCLUSIONS

1. Education Code section 44949, subdivision (a) provides:

No later than March 15 and before an employee is given notice by the governing board that his or her services will not be required for the ensuing year for the reasons specified in Section 44955, the governing board and the employee shall be given written notice by the superintendent, or in the case of a school district that has no superintendent, by the clerk or secretary of the governing board, that it has been recommended that the notice be given to the employee and stating the reasons therefor.

2. As set out in Factual Finding 5, Respondent was timely served with the notices required by Education Code section 44949, subdivision (a).

3. Education Code section 44955, subdivision (b) provides among the reasons for teacher layoffs is "whenever a particular kind of service is to be reduced or discontinued."

4. Pursuant to Education Code section 44949, subdivision (b)(3), a hearing regarding a teacher layoff "shall be conducted by an administrative law judge who shall prepare a proposed decision containing . . . a determination as to whether the charges sustained by the evidence are related to the welfare of the schools and the pupils of the schools."

5. A school district may reduce services within the meaning of Education Code section 44955, subdivision (b), "either by determining that a certain type of service to students shall not, thereafter, be performed at all by anyone, or it may 'reduce services' by determining that [proffered] services shall be reduced in extent because fewer employees are made available to deal with the pupils involved." (*Rutherford v. Board of Trustees* (1976) 64 Cal.App.3d 167, 178-179.)

6. The process of implementing layoffs is very flexible and school districts retain great flexibility in carrying out the process. (*Zalec v. Governing Bd. of Ferndale Unified School District* (2002) 98 Cal.App.4th 838.) Such decisions must be reasonable under the circumstances with the understanding that "such a standard may permit a difference of opinion." (*Santa Clara Federation of Teachers v. Governing Board* (1981) 116 Cal.App.3d 831, 838.)

7. Here, the County Administrator's decision to reduce services was a proper exercise within his discretion. No evidence was presented to show that the proposed reductions in services violated any statutory or regulatory requirement governing the District. The reduction or discontinuation of services relates to the welfare of the District's schools and pupils within the meaning of Education Code section 44949.

8. Considering the circumstances and applicable law in total, cause exists to uphold the District's decision to lay off Respondent. Although respondent has significant seniority, her teaching credentials do not allow her to displace other, less senior teachers and teach another subject and, as noted above, the County Administrator's decision to eliminate the Arts Teaching Services is within his discretion.

RECOMMENDATION

The District's Statement of Reduction in Force is sustained as to respondent Deborah F. Decker. Notice shall be given to respondent that her services will not be required for the 2024-2025 school year because of the reduction or discontinuance of particular kinds of service.

DATE: 05/13/2024

Deena R. Ghaly
Deena R. Ghaly (May 13, 2024 09:06 PDT)

DEENA R. GHALY

Administrative Law Judge

Office of Administrative Hearings