

BEFORE THE  
GOVERNING BOARD OF THE  
SAN CARLOS SCHOOL DISTRICT

In the Matter of the Statement of Reduction  
in Force of Certificated Employees:

OAH No. 2019040642

CAROL CAMPBELL, ANDREA DIMAS,  
LAURA MACFARLANE, WENDY  
SALAZAR,

Respondents.

**PROPOSED DECISION**

Administrative Law Judge Juliet E. Cox, State of California, Office of Administrative Hearings, heard this matter on May 1, 2019, in San Carlos, California.

Attorney at Law Tami E. Culkar represented complainant Michelle Harmeier, Superintendent of the San Carlos School District.

Attorney at Law Christopher Schumb represented all respondents.

The matter was submitted on May 1, 2019.

**FACTUAL FINDINGS**

1. At its February 28, 2019, meeting, the Governing Board of the San Carlos School District adopted District Resolution 12:18/19 (the PKS Resolution). The PKS Resolution declares the District's intention for the 2019–2020 school year to reduce services as follows: Counselors, 2.2 full-time equivalent positions (FTE); Elementary Teachers, 4.0 FTE; Middle School Teachers, 2.0 FTE; Elective Teacher, 1.0 FTE.

2. The District's Assistant Superintendent gave timely notice in writing to respondents Carol Campbell, Andrea Dimas, Laura MacFarlane, and Wendy Salazar that the District's executive staff members would recommend to the District Board that the District not re-employ these respondents for the 2019–2020 school year. Each respondent's notice stated that the PKS Resolution and "the seniority and qualifications of each of the certificated employees of the District" would be the bases for the recommendation against re-employment.

3. All respondents requested hearings on their re-employment. Acting in her official capacity as Superintendent of the District, Michelle Harmeier signed a Statement of Reduction in Force alleging the District's grounds for not re-employing respondents for the 2019–2020 school year. Each respondent received timely service of the Statement of Reduction in Force, and each filed a timely Notice of Participation in the hearing.

#### *Elective Teacher*

4. Respondent Carol Campbell is a certificated District employee who holds a clear single-subject credential authorizing her to teach German. Campbell received a notice from the District, as described in Finding 2, because of its decision to reduce services provided by an Elective Teacher.

5. Harmeier recommends that the District employ Campbell for the 2019–2020 school year, but on terms somewhat different from the terms of Campbell's employment for the 2018–2019 school year. In reliance on Harmeier's explanation of the 2019–2020 school year employment terms, Campbell elected at the hearing not to contest the recommendation against her re-employment for the 2019–2020 school year in the position she held for the 2018–2019 school year.

6. No permanent or probationary employee with less seniority is being retained to render a service for which Campbell is certificated and competent.

#### *Counselors*

7. Respondents Wendy Salazar, Andrea Dimas, and Laura MacFarlane are certificated District employees who hold clear pupil personnel services credentials authorizing them to work as school counselors. They received notices from the District, as described in Finding 2, because of its decision to reduce services provided by Counselors.

8. Dimas and MacFarlane did not attend the hearing.

9. Before the District's Governing Board adopted the PKS Resolution, it worked with the District's executive staff, with community members, and with the San Mateo County Office of Education to analyze and evaluate the District's services and financial resources. The District will continue during the 2019–2020 school year to offer counseling services to its students. After the reduction by 2.2 FTE, the District will retain personnel representing 4.0 FTE.

10. No permanent or probationary employee with less seniority is being retained to render a service for which Salazar, Dimas, or MacFarlane is certificated and competent.

## LEGAL CONCLUSIONS

1. Jurisdiction in this matter exists under Education Code sections 44949 and 44955. The District's pre-hearing notices and actions, described in Findings 1 through 3, satisfied these statutes' requirements.

2. Because of the matters stated in Findings 1, 5, 8, and 9, the services listed in the PKS Resolution are services that may be reduced or discontinued under applicable statutory and decisional law.


3. The matters stated in Findings 5, 8, and 9 confirm that the decision to reduce the services stated in the PKS Resolution, by the amounts stated in that resolution, is neither arbitrary nor capricious; instead, it is a proper exercise of the District's discretion.

4. The matters stated in Findings 6 and 10 and in Legal Conclusions 2 and 3 constitute cause under Education Code section 44955 to give notice to respondents that their services will not be required for the upcoming 2019–2020 school year. In accordance with Education Code section 44949, the cause relates solely to the welfare of the schools and the pupils thereof.

## RECOMMENDATION

The San Carlos School District may give notice to respondents that the District will not require respondents' services for the 2019–2020 school year.

DATED: May 3, 2019

DocuSigned by:  
  
JULIE E. COX  
Administrative Law Judge  
Office of Administrative Hearings