

BEFORE THE
GOVERNING BOARD
PLEASANT VALLEY SCHOOL DISTRICT
COUNTY OF VENTURA
STATE OF CALIFORNIA

In the Matter of the Layoff of:

Tiffany Baker and other certificated
employees of the Pleasant Valley
School District,

Respondents.

OAH Case No. L2011030282

PROPOSED DECISION

Samuel D. Reyes, Administrative Law Judge, Office of Administrative Hearings, heard this matter on April 13, 2011, in Camarillo, California.

Margaret A. Chidester, Attorney at Law, represented Evalene Townend (Townend), Director Human Resources, Pleasant Valley School District (District).

Tareq M. Hishmeh, Attorney at Law, represented Tiffany Baker, Barbara Broihier, Keeva Conde, Marissa Dahme, Kristin Durley, Renee Guiang, Lindsay Harley, Kent Jacobs, Gloria Kirk, Holly Mauck, Tanya Narasaki, Wanda Nealon, Michelle Ross, Cheri Toyen, Carrie Watterson, and Amy Wood (Respondents).

The District has decided to reduce or discontinue certain educational services and has given Respondents notice of its intent not to reemploy them for the 2011-2012 school year. Respondents requested a hearing for a determination of whether cause exists for not reemploying them for the 2011-2012 school year.

Oral and documentary evidence, and evidence by oral stipulation on the record, was received at the hearing, and the matter was submitted for decision.

FACTUAL FINDINGS

1. Director Townend filed the Accusations in her official capacity.
2. Respondents are certificated employees of the District.

3. On March 14, 2011, the Governing Board of the District (Governing Board), following the recommendation of the District’s Superintendent and Director Townend, adopted Resolution Number 11-07, reducing or discontinuing the following services for the 2011-2012 school year:

<u>Service</u>	<u>FTE¹ Reduction</u>
(1.1) K-6 Counselors	2.00
(1.2) K-8 Elementary Music, Band Teachers	2.00
(1.3) K-5 Classroom Teachers	30.00
(1.4) K-8 Elementary School Psychologist	1.00
(1.5) Jr. Kindergarten Teachers	<u>1.44</u>
Total	36.44

4. Director Townend thereafter provided written notice to the Governing Board and to Respondents that she recommended the termination of Respondents’ services for the 2011-2012 school year due to the reduction of particular kinds of services.

5. On March 15, 2011, the District provided notice to Respondents that their services will not be required for the 2011-2012 school year due to the reduction of particular kinds of services. Respondents filed timely requests for hearing.

6. On March 28, 2011, the District filed and served the Accusation and other required documents on Respondents. Respondents thereafter timely filed Notices of Defense, seeking a determination of whether cause exists for not reemploying them for the 2011-2012 school year.

7. All prehearing jurisdictional requirements have been met.

8. The services set forth in factual finding number 3 are particular kinds of services which may be reduced or discontinued within the meaning of Education Code section 44955.²

9. The Governing Board’s decision to reduce or discontinue the particular kinds of services is neither arbitrary nor capricious but is rather a proper exercise of its discretion.

¹ Full-time equivalent position.

² All further references are to the Education Code.

10. The reduction or discontinuation of services set forth in factual finding number 3 is related to the welfare of the District and its pupils, and it has become necessary to decrease the number of certificated employees as determined by the Governing Board.

11. Subsequent to the adoption of Resolution Number 11-07, the District decided not to reduce or discontinue the services of Kindergarten through Eighth Grade elementary music and band teachers, and rescinded the preliminary notices issued to Robyn Kodish and Kimberly Michaud.

12. The District did not retain any certificated employee junior to Respondents to render a service which Respondents are certificated and competent to render.

LEGAL CONCLUSIONS

1. Jurisdiction for the subject proceeding exists pursuant to sections 44949 and 44955, by reason of factual finding numbers 1 through 7.

2. The services listed in factual finding number 3 are determined to be particular kinds of services within the meaning of section 44955, by reason of factual finding numbers 3 and 8.

3. Cause exists under sections 44949 and 44955 for the reduction of the particular kinds of services set forth in factual finding number 3, which cause relates solely to the welfare of the District's schools and pupils, by reason of factual finding numbers 1 through 12.

4. Cause exists to terminate the services of Respondents, by reason of factual finding numbers 1 through 12, and legal conclusion numbers 1 through 3.

ORDER

The Accusation is sustained and the District may notify Tiffany Baker, Barbara Broihier, Keeva Conde, Marissa Dahme, Kristin Durley, Renee Guiang, Lindsay Harley, Kent Jacobs, Gloria Kirk, Holly Mauck, Tanya Narasaki, Wanda Nealon, Michelle Ross, Cheri Toyen, Carrie Watterson, and Amy Wood that their services will not be needed during the 2011-2012 school year due to the reduction of particular kinds of services.

DATED: _____

SAMUEL D. REYES
Administrative Law Judge
Office of Administrative Hearings