

BEFORE THE GOVERNING BOARD OF THE
VALLEJO CITY UNIFIED SCHOOL DISTRICT
COUNTY OF SOLANO, CALIFORNIA

In the Matter of the Non-Reemployment of:

CERTAIN CERTIFICATED EMPLOYEES,
Respondents.

OAH No. 2011030606

PROPOSED DECISION

This matter was heard before Diane Schneider, Administrative Law Judge, State of California, Office of Administrative Hearings, in Vallejo, California, on April 20, 2011.

Donald A. Valez, Attorney at Law, Dannis, Woliver and Kelley, 71 Stevenson Street, Nineteenth Floor, San Francisco, California, represented the Vallejo City Unified School District.

David Weintraub, Attorney at Law, Beeson, Tayer & Bodine, 1404 Franklin Street, Fifth Floor, Oakland, California, represented respondents Junta Bradshaw, Asuncion Cana, Veera Dela Mater, Manpreet Grewal, Glorine Moncrieffe, Timothy Patalzick, Sarah Perry, Kristin Rogerson, Alberta Stevenson, Carolynne Walker and Jennifer Zeeb, who were not present at the hearing.¹

There was no appearance by or on behalf of respondents Flora Hankins or James Smith.

The matter was submitted for decision on April 20, 2011.

FACTUAL FINDINGS

1. Ramona Bishop made and filed the Accusations in her official capacity as Superintendent of the Vallejo City Unified School District (district).

¹ Mr. Weintraub also represented additional certificated employees noticed for layoff, who entered into a Certificated Layoff Agreement with the District. They are no longer parties to this proceeding.

2. On March 9, 2011, the district's Governing Board (board) adopted Resolution No. 2499, which sets forth the board's determination that it will be necessary for the district to reduce or discontinue particular kinds of services (PKS) for the 2011-2012 school year, for a total of 138.30 full-time equivalent (FTE) certificated positions. (Resolution No. 2499 is set forth in Attachment A.)

3. All notices were timely and properly served. All notices and other jurisdictional requirements contained in Education Code sections 44949 and 44955 have been provided or satisfied.

4. The reduction or discontinuation of services is related to the welfare of the district and of its pupils.

5. No junior employee is being retained to render a service that any respondent is certificated and competent to perform.

6. No contentions were raised by or on behalf of any respondent.

LEGAL CONCLUSIONS

1. The services identified in Attachment A are particular kinds of services that may be reduced or discontinued under Education Code section 44955. The board's decision to reduce or discontinue the identified services complied with the guidelines set forth in Education Code section 44955. The board's decision was neither arbitrary nor capricious, and was a proper exercise of its discretion.

2. Cause exists because of the reduction or elimination of particular kinds of services pursuant to Education Code section 44955 to give notice to respondents that their services will not be required for the 2011-2012 school year. The cause relates to the welfare of the schools and the pupils thereof within the meaning of section 44949.

ORDER

Notice may be given to respondents Jintra Bradshaw, Asuncion Canja, Veera Dela Mater, Manpreet Grewal, Glorine Moncrieffe, Timothy Patalzick, Sarah Perry, Kristin Rogerson, Alberta Stevenson, Carolynne Walker, Jennifer Zeeb, Flora Hankins and James Smith that their services may be reduced or eliminated for the 2011-2012 school year because of the reduction or discontinuation of particular kinds of services.

DATED: _____

DIANE SCHNEIDER
Administrative Law Judge
Office of Administrative Hearings

List of Attachments

Attachment A: Resolution No. 2499