

**Governing Board of Trustees  
SPECIAL BOARD MEETING AGENDA  
Wednesday, May 7, 2014, 3:30 PM**

**Ledyard Hakes ♦ Brenda Kracht ♦ Dawn Ovrom ♦ Bruce Shepherd ♦ Maria Simon**  
**Student Board Representative: Keelin Shaughnessy**  
**Superintendent/Secretary: Jeffrey Felix      Recording Secretary: Maria Johnson**

**1.0 CALL TO ORDER**

**2.0 OPEN SESSION**

- 2.1 Pledge to the American Flag
- 2.2 Approval of the Agenda: Any changes for the agenda must be made at this time

**3.0 COMMENTS FROM THE AUDIENCE (Agenda items)**

Anyone wishing to address the Board on an agenda items may do so. Individual speakers will be limited to three minutes. Total public input on any one subject will be limited to twenty minutes, and may be extended at the discretion of the Board President. Comments on an agenda item will be taken when the agenda item is discussed by the Board.

**4.0 ACTION ITEM**

- 4.1 Adopt Resolution Implementing Certificated Layoff: Acting Upon Proposed Decision of the Administrative Law Judge; Terminating Services of Particular Certificated Employees as a Result of Discontinuances and Reductions of Particular Kinds of Certificated Services; Providing Direction to Issue Notifications to Employees Whose Services are Terminated; and Related Actions

**5.0 ORGANIZATIONAL BUSINESS**

- 5.1 Future Agenda Items/Board Member Comments
- 5.2 Next Special Board Meeting will be Thursday, May 15, 2014, 5:00 PM  
Next Regular Board Meeting will be Thursday, May 22, 2014, 4:30 PM

**6.0 ADJOURN**

Individuals who require special accommodation (American Sign Language Interpreter, accessible seating, documentation in accessible formats, etc.) should contact the Superintendent or designee at least two days before the meeting date. In compliance with Government Code section 54957.5, non-exempt writings that are distributed to a majority or all of the Board in advance of a meeting, may be viewed at 201 Sixth Street, Coronado, CA 92118, or at the scheduled meeting. In addition, if you would like a copy of any record related to an item on the agenda, please contact Maria Johnson, Executive Assistant to the Superintendent/Board, at (619) 522-8900 x1025

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA  
FOR THE  
GOVERNING BOARD OF THE  
CORONADO UNIFIED SCHOOL DISTRICT

In the Matter of the Reduction in Force  
Proceedings Concerning:

OAH No. 2014030642

26 Certificated Employees,

Respondents.

**PROPOSED DECISION**

Roy W. Hewitt, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter in Coronado, California on April 28, 2014.

Clifford D. Weiler, Esq., of Atkinson, Andelson, Loya, Ruud & Romo, represented the Coronado Unified School District (the district).

All of the respondents who were present for the hearing were represented by Fern M. Steiner Esq., of Smith, Steiner, Vanderpool & Wax.

The matter was submitted on April 28, 2014.

**FACTUAL FINDINGS**

1. Rebekah Barakos-Cartwright, Senior Director of Human Resources for the district, made and filed the district's Statement of Reduction in Force, dated April 3, 2014, while acting in her official capacity. Senior Director Barakos-Cartwright signed the Statement of Reduction in Force as the duly appointed designee of the district's Superintendent.

2. Respondents are certificated district employees.

3. On March 4, 2014, the Governing Board (the board) of the district adopted Resolution No. 14-03-02, determining that it would be necessary to reduce or

discontinue particular kinds of services (PKS) at the end of the current school year. The board determined that the PKSs that must be reduced for the 2014-2015 school year consisted of the following Assistant Principal, counseling and teaching services: Academic, Support and Enrichment (ASE), transitional kindergarten (K), and grades K through five; Specials-Music, elementary, transitional K, and grades K through five; Band, elementary; Specials-Science Lab, transitional K, and grades K through five; Specials-Art/Writing (STEAM), transitional K, and grades K through five; Specials-Literacy and Reading, transitional K, and grades K through five; English Language Development; Counselor services, transitional K, and grades K through five; Assistant Principal services; Technology Resource, grades nine through 12; Counselor, grades nine through 12; English, grades nine through 12; CiTV executive producer services; Financial Math, grades nine through 12; Biotechnology, grades nine through 12; Advanced Placement Spanish Literature, grades nine through 12; Advanced Placement Music Theory, grades nine through 12; Drama/Creative Writing, grades nine through 12; Graphic Design, grades nine through 12; Advanced Woodworking, grades nine through 12; Sports Medicine, grades nine through 12; Broadcasting, grades nine through 12; Animation, grades nine through 12; Dance 1, grades nine through 12; Spanish 1, grades nine through 12; Ceramics, grades nine through 12; Success Skills, grades nine through 12; Biology, grades nine through 12; Counselor, grades six through eight; Humanities, grades six through eight; KCMS 2 Journalism, grades six through eight; Technology Resources, grades six through eight; Literacy, grades six through eight; Geometry, grades six through eight; Spanish 1B, grades six through eight; Special Education, moderate/severe; Special Education, mild/moderate; Special Education Transition program; and Special Education Assistive Technology Coordinator.

The services listed above are PKSs, which may be reduced or discontinued within the meaning of Education Code section 44955.

The total number of FTEs being reduced is 18.0969.

4. The board's decision to reduce or discontinue the services listed in Finding 3, above, is neither arbitrary nor capricious; rather, it is due to substantial deficits in the operating budget<sup>1</sup>, and is, therefore, a proper exercise of the board's discretion. The reduction and discontinuation of services 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 board. No particular kinds of services were lowered to levels less than those levels mandated by state or federal law.

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<sup>1</sup> The budget must be reduced by two million dollars over the next two academic years (\$400,000 in the 2014-2015 school year, and \$1,600,000 in the 2015-2016 school year).

5. The district considered all positively assured attrition, including resignations, retirements, and requests for transfer in determining the actual number of necessary layoff notices to be delivered to its employees.

6. On March 13, 2014, the district timely notified respondents, pursuant to California Education Code sections 44949 and 44955, of the district's intent not to reemploy them for the upcoming school year. Accordingly, respondents received written notice, on or before March 15, 2014, notifying them that the board had recommended they not be re-employed in the upcoming, 2014-2015, school year.

7. All respondents were timely served with layoff notices, a copy of the Statement of Reduction in Force, and copies of other related materials.

8. The following 26 certificated employees were timely served with layoff notices: Christine Adams; Sean Castillo; Leslie Fisher; Justine Freeman; Kristine Mason; Elizabeth Ryan; Samantha Silverman; Wendy Vanlandingham; Maggie Walters; Kathleen Arada; Anne Boyer; Leanne Johnson; Matthew Stoeber; Rachel Tomaino; Kelly Casassa; Joshua Chao; Ashley Falconer; Patrick Galligan; Kenneth Heskestad; Andrea Lau; Keving Killacky II; Consuelo Martinez; Lindsey Richter; Frank Hafnr; Tony Perri; and Tiffany Corrigan.

9. Nine of the 26 certificated employees (respondents) timely requested a hearing and filed notices of defense/participation.

10. All respondents were properly noticed of the date, time and place of the instant hearing.

11. All prehearing jurisdictional requirements have been met.

12. Respondents have been selected for notice of layoff pursuant to their seniority dates, which are based on the first day of paid service for each respondent in a probationary position. Respondents were ranked for layoff in the inverse order of their seniority dates.

13. Due to the hard work of the attorneys, the teachers, the teachers' Union and district representatives, all of the issues concerning the layoff were addressed and no opposition to the layoffs was raised during the hearing.

## LEGAL CONCLUSIONS

1. Jurisdiction in this matter exists under Education Code sections 44949 and 44955. All notices and jurisdictional requirements contained in those sections were satisfied.

2. A district may reduce services within the meaning of 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.)

3. The decision to reduce or discontinue a particular kind of service is not tied in with any statistical computation. It is within the governing authority’s discretion to determine the amount by which a particular kind of service will be reduced or discontinued as long as the district does not reduce a service below the level required by law. (*San Jose Teachers Assn. v. Allen* (1983) 144 Cal.App.3d 627, 635-636.) A school district has wide discretion in setting its budget, and a layoff decision will be upheld unless it was fraudulent or so palpably unreasonable and arbitrary as to indicate an abuse of discretion as a matter of law. (*California Sch. Employees Assn. v. Pasadena Unified Sch. Dist.* (1977) 71 Cal.App.3d 318, 322.)

4. The services listed in Factual Finding 3 are each determined to be a PKS within the meaning of Education Code section 44955.

5. Based on the Factual Findings, considered in their entirety, cause exists to reduce the number of certified employees of the district due to budgetary reasons.

6. Cause to reduce or discontinue services relates solely to the welfare of the district and its pupils within the meaning of Education Code section 44949.

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

8. Cause exists to give all respondents notice that their services are not needed for the ensuing, 2014-2015, school year.

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RECOMMENDATION

Prior to May 15, 2014, notice shall be given to all respondents that their services will not be required for the ensuing school year due to the projected budget deficit and the resulting need to reduce and/or discontinue certain kinds of services.

DATED: May 5, 2014

\_\_\_\_\_/s/\_\_\_\_\_  
ROY W. HEWITT  
Administrative Law Judge  
Office of Administrative Hearings

**CORONADO UNIFIED SCHOOL DISTRICT**  
Coronado, California

**RESOLUTION IMPLEMENTING CERTIFICATED LAYOFF;**  
**ACTING UPON PROPOSED DECISION OF THE ADMINISTRATIVE LAW JUDGE;**  
**TERMINATING SERVICES OF PARTICULAR CERTIFICATED EMPLOYEES AS A**  
**RESULT OF DISCONTINUANCES AND REDUCTIONS OF PARTICULAR KINDS OF**  
**CERTIFICATED SERVICES; PROVIDING DIRECTION TO ISSUE NOTIFICATIONS**  
**TO EMPLOYEES WHOSE SERVICES ARE TERMINATED; AND RELATED ACTIONS**

**RESOLUTION # 14-05-01**

On motion of member \_\_\_\_\_, seconded by member \_\_\_\_\_, the following Resolution is adopted:

WHEREAS, on March 4, 2014 this Governing Board of the Coronado Unified School District adopted Resolution Number 14-03-02 which included, in part, discontinuing and reducing, not later than the beginning of the 2014-2015 school year, various certificated services in various amounts as specified and listed in that Resolution;

WHEREAS, on or before March 15, 2014, the Superintendent or his designated representative(s) served notice to this Governing Board of his recommendation that the employees named below in this Resolution receive notice (or precautionary notice) that each of their services will not be required for the ensuing school year (2014-2015), pursuant to Education Code sections 44949 and 44955;

WHEREAS, on or before March 15, 2014, the Superintendent or his designated representative(s) served notices or precautionary notices to the appropriate certificated employees (including those named in this Resolution, below) that it has been recommended that each of their services will not be required for the 2014-2015 school year, pursuant to Education Code sections 44949 and 44955 and informing each of their right to a hearing to determine if there was cause for not reemploying them for the 2014-2015 school year and that "if you fail to request a hearing on or before that date, your failure to do so shall constitute a waiver of your right to a hearing and your services will accordingly be terminated as indicated above and for the reasons indicated above, without a hearing";

WHEREAS, some of the certificated employees named below did not file any request for hearing or Notice of Participation in this matter or otherwise waived their right to a hearing;

WHEREAS, various employees requested a hearing and certificated employee layoff proceedings accordingly have occurred pursuant to sections 44955 and 44949 of the Education Code, with an Administrative Law Judge having held an evidentiary hearing and then submitting a proposed decision relating to those proceedings;

WHEREAS, this Governing Board has received and considered the proposed decision of the Administrative Law Judge (a copy of which is attached) and any arguments submitted by or on behalf of the parties regarding that proposed decision;

WHEREAS, the Education Code provides that this Governing Board shall make the final determination as to the sufficiency of the cause and disposition;

WHEREAS, Education Code section 44955, subdivision (c), requires Board action regarding, and notifications to, certificated employees who are being laid off, no later than May 14, 2014;

WHEREAS, the jurisdictional and statutory prerequisites have been satisfied as to the individuals referenced within this Resolution to the extent required by law, sufficient cause exists for the termination of the certificated employees named in this Resolution below, that cause relates to the welfare of the schools and the pupils thereof within the meaning of Education Code section 44949, subdivision (c)(3) to the extent that provision applies, and said cause does not relate to the quality of job performance of any of the employees listed below;

WHEREAS, the particular kinds of services to be discontinued and reduced as referenced in Resolution No. 14-03-02 are determined to be particular kinds of services within the meaning of Education Code section 44955 and will be discontinued and reduced within the meaning of Education Code section 44955 not later than the beginning of the 2014-2015 school year;

WHEREAS, the service of no permanent employee (or other employee) is being terminated while any probationary employee, or any other employee with less seniority is being retained to render a service which said permanent employee is certificated and competent to render, within the meaning of Education Code section 44955; the individuals whose employment is being terminated are not certificated and competent (within the meaning of Education Code section 44955 and Board Resolution Number 14-03-02) to render the service being performed by any employee with less seniority who is being retained within the meaning of Education Code section 44955;

WHEREAS, various certificated employees were included in the layoff process on a precautionary basis and are continued to be included on a precautionary basis, out of an abundance of caution; and

WHEREAS, this Resolution is not intended to and does not grant any named employees included in this Resolution and who continue to be included in this layoff process, on a precautionary basis, any rights greater than provided by law, nor to nullify any provisions within each impacted individual's employment contract, nor to supersede any other notice or action by this Board to release or otherwise terminate the services of any impacted individual;

WHEREAS, rights to reemployment to those employees entitled to reemployment pursuant to Education Code sections 44956 and/or 44957 shall be provided to the certificated employees whose services are terminated in whole or in part as a result of this layoff, subject however to the immediately preceding paragraph of this Resolution as related to the certificated employees named in this Resolution;



NOW, THEREFORE, BE IT RESOLVED, that all of the above recitals are true and correct;

BE IT FURTHER RESOLVED, that this Governing Board accepts the proposed decision of the Administrative Law Judge and adopts that proposed decision (a copy of which is attached) as the decision of this Governing Board;

BE IT FURTHER RESOLVED, that the employment with Coronado Unified School District of the following employees be and hereby is terminated, effective upon the close of this current school year (i.e., the end of each such employee's last working day prior to July 1, 2014) in the following amounts of full time equivalents (FTEs) and that this decision is effective immediately:

Services are terminated to the full extent of employment:

Adams, Christine	(Layoff of 1.0 FTE; i.e., all of employment)
Arada, Kathleen	(0.5145 FTE; i.e., all of employment)
Casassa, Kelly	(0.5145 FTE; i.e., all of employment)
Chao, Joshua	(Layoff of 1.0 FTE; additional 0.20 FTE overload is also removed)
Freeman, Justine	(0.5145 FTE; i.e., all of employment)
Johnson, Leanne	(0.50 FTE; i.e., all of employment)
Lau, Andrea	(1.0 FTE; i.e., all of employment)
Mason, Kristine	(0.5145 FTE; i.e., all of employment)
Richter, Lindsey	(0.5145 FTE; i.e., all of employment)
Silverman, Samantha	(1.0 FTE, i.e., all of employment)
Walters, Maggie	(0.6895 FTE, i.e., all of employment)

Services are being partially terminated, as follows:

Boyer, Anne	(Layoff/terminated as to 0.20 FTE; keeps 0.20 FTE)
Castillo, Sean	(Layoff/terminated as to 0.40 FTE; keeps 0.60 FTE)
Fisher, Leslie	(Layoff/terminated as to 0.60 FTE; keeps 0.40 FTE)
Galligan, Patrick	(Layoff/terminated as to 0.60 FTE; keeps 0.40 FTE) (he is not being terminated as to the 0.20 portion which had been identified as precautionary)
Heskestad, Kenneth	(Layoff/terminated as to 0.20 FTE; keeps 0.80 FTE)
Killacky II, Kevin	(Layoff/terminated as to 0.34 FTE; keeps 0.16 FTE)
Martinez, Consuelo	(Layoff/terminated as to 0.20 FTE; keeps 0.40 FTE)
Ryan, Elizabeth	(Layoff/terminated as to 0.2855 FTE; keeps 0.7145 FTE)

Stoever, Matthew	(Layoff/terminated as to 0.20 FTE; keeps .080 FTE)
Tomaino, Rachel	(Layoff/terminated as to 0.225 FTE; keeps 0.2895 FTE)
Vanlandingham, Wendy	(Layoff/terminated as to 0.5145 FTE; keeps 0.2242 FTE)

BE IT FURTHER RESOLVED, that each of the above employees in the immediately preceding section be given appropriate notice by the Superintendent or his designee(s) of the termination of each's services to the extent reflected above, with such notice being given on or before May 14, 2014, in the manner prescribed by law;

BE IT FURTHER RESOLVED, that reemployment rights be afforded to the above in accordance with and to the extent applicable by the Education Code, if and when reemployment is available;

BE IT FURTHER RESOLVED, that as to each of the following employees who were notified of the recommendation of layoff on a precautionary basis:

Hafner, Frank (0.1054 FTE, all; outside school hours only, e.g., extra curricular stipend position)

Perri, Tony (0.75 FTE, all; credential not necessary per job description so not certificated employee)

Corrigan, Tiffany (0.5145 FTE, i.e., all)

- (A) It is confirmed and determined that each is not subject to the certificated layoff process;
- (B) As a precaution out of an abundance of caution, and consistent with their being considered on a precautionary basis, this Board continues to treat each on a precautionary basis and accordingly directs each to receive a precautionary notice of layoff; no additional rights not otherwise required by law are granted by this Board decision and action.

The employment of each of the above named employees who receive(d) notices on a precautionary basis is terminated effective upon the close of this school year, i.e., the end of the last working day as to each employee on or prior to June 30, 2014 or upon the expiration of any temporary contract, whichever occurs earlier;

BE IT FURTHER RESOLVED that these decisions are effective immediately and that the Superintendent or the Superintendent's designee(s) take such actions as are necessary and appropriate to implement these decisions, including at least giving appropriate notices to those certificated employees referenced or listed above of the termination of their services, with those notices being given in the manner prescribed by law.

IN WITNESS OF the adoption of the foregoing Resolution we, the members present and voting thereon, have hereunto set our hands the \_\_\_th day of May, 2014, at a duly scheduled meeting held in Coronado, San Diego County, California.

GOVERNING BOARD OF THE

CORONADO UNIFIED SCHOOL DISTRICT

Approval:

Absent:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Dissenting:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Abstaining:

\_\_\_\_\_

\_\_\_\_\_

I, Jeffrey Felix, Superintendent and Secretary to the Governing Board of the Coronado Unified School District of San Diego County, California, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly adopted by said Board at a duly scheduled meeting thereof.

Date: \_\_\_\_\_

\_\_\_\_\_  
Superintendent/Secretary to the Governing Board  
of Coronado Unified School District