

**RESOLUTION NO. 1681
BEFORE THE GOVERNING BOARD OF THE
PLUMAS UNIFIED SCHOOL DISTRICT
COUNTY OF PLUMAS**

**FINAL RESOLUTION AND DECISION TO TERMINATE CERTIFICATED
EMPLOYEES DUE TO A REDUCTION OF PARTICULAR KINDS OF SERVICES
("FINAL CERTIFICATED LAYOFF RESOLUTION")**

WHEREAS, on March 12, 2025, this Board adopted Resolution No. 1671, which ordered the reduction or elimination of particular kinds of certificated services;

WHEREAS, the Resolution authorized and directed the Superintendent, or his designee, to implement the certificated layoff resolutions pursuant to California Education Code sections 44949, 44955, and other applicable provisions of law based on the reduction and/or discontinuance of particular kinds of services;

WHEREAS, the Superintendent, or his designee, duly and properly served preliminary layoff notices on impacted certificated employees by March 15, 2025, informing them that they would be laid off at the end of the 2024-2025 school year, as a result of the reduction of particular kinds of services, and affording them the right to request a hearing regarding their proposed layoff;

WHEREAS, on or about April 10, 2025, employees who timely requested a hearing were served with a statement of reduction in force, informing them of their right to file a notice of participation under applicable law;

WHEREAS, thereafter a layoff hearing was scheduled before the Office of Administrative Hearings (OAH) for April 24, 2025, and all certificated employees but two resolved their layoff issues without the need for hearing;

WHEREAS, the layoff hearing was held before Administrative Law Judge Sean Gavin with the OAH on April 24, 2025, to determine whether there is cause to terminate Lauren McIntyre and Sarah Cardin;

WHEREAS, a Proposed Decision dated May 6, 2025, was submitted by Administrative Law Judge Gavin pertaining to those employees who appeared for the hearing, a true and correct copy of which is attached hereto as "**Attachment A**," and fully incorporated herein by this reference; and

WHEREAS, none of the remaining impacted employees timely filed a request for hearing or a notice of participation;

WHEREAS, Education Code section 44955, subdivision (c) requires that final layoff notices be issued to impacted certificated employees prior to May 15, 2025;

WHEREAS, the Board has duly considered said Proposed Decision;

NOW, THEREFORE, BE IT RESOLVED that the Board adopts the Proposed Decision in full as the decision of the Board.

THE BOARD HEREBY FINDS SUFFICIENT CAUSE for not retaining the following employees, identified by identification number, who shall have their employment reduced or discontinued in the amount set forth below:

EMPLOYEE I.D. NUMBER FULL TIME EQUIVALENT ("FTE")

Teacher 1702	1.0 FTE
Teacher 1747	1.0 FTE

BE IT FURTHER RESOLVED that this Board hereby directs the Superintendent or designee to notify the impacted employees before May 15, 2025, that their services will be discontinued in the amount set forth above, effective at the end of the 2024-25 school year.

BE IT FURTHER RESOLVED THAT this decision shall be effective immediately.

PASSED AND ADOPTED by the Governing Board on May12, 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____, President of Governing Board
Plumas Unified School District
Plumas County, California

**BEFORE THE
GOVERNING BOARD OF THE
PLUMAS UNIFIED SCHOOL DISTRICT**

In the Matter of the Teacher Reduction in Force of:

CERTAIN CERTIFICATED EMPLOYEES, Respondents

OAH No. 2025040492

PROPOSED DECISION

Sean Gavin, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on April 24, 2025, from Sacramento, California.

Michelle L. Cannon, Attorney at Law, represented the Plumas Unified School District (District).

Respondents Sarah Cardin and Lauren McIntyre (collectively, "respondents") appeared at the hearing. All other named respondents resolved their cases prior to hearing. Andrea Price, Attorney at Law, represented respondent Cardin. Respondent McIntyre appeared without an attorney.

Evidence was received, the record closed, and the parties submitted the matter for decision on April 24, 2025.

FACTUAL FINDINGS

Jurisdictional Matters

1. James Frost is the District's Interim Superintendent. Mr. Frost's actions, and those of the District's staff and Governing Board (Board), were taken solely in their official capacities.

2. On or before March 12, 2025, Mr. Frost recommended to the Board a reduction of particular kinds of services (PKS) and the termination of services of a corresponding number of certificated employees. The same day, the Board adopted Resolution No. 1671 – Revised, "Resolution to Decrease the Number of Certificated Employees Due to a Reduction in Particular Kinds of Services" (Resolution). The Resolution provided, in relevant part:

NOW THEREFORE, BE IT RESOLVED, by the Governing Board of the Plumas Unified School District for the 2025-2026 school year, the particular kinds of services to be provided by said District shall be and hereby are reduced to the extent set forth below:

Position	FTE
Certificated Student Nurse	.17
Certificated Student Nurse	.17
CRC Enrichment	1.0
Teacher	1.0

Teacher	1.0
Teacher	1.0
Counselor	.5

3. The Resolution also included, as Exhibit A, criteria for determining the order of seniority for employees with the same first date of probationary service (Resolution Tie-Breaking Criteria) and, as Exhibit B, criteria for determining whether a certificated employee subject to layoff was competent to perform a service (Competence Criteria).

4. Additionally, the Resolution provided for a process commonly known as "skipping," in which a District deviates from the normal order of layoffs for personnel who have special training, experience, or credentials that others with more seniority do not have. In that regard, the Resolution provided:

[T]his Board is authorized by Education Code section 44955 to deviate from terminating certificated employees in order of seniority where the District demonstrates a specific need for personnel to teach a specific course or course of study or to provide services authorized by a services credential with a specialization in either pupil personnel services or health for a school nurse, and that the certificated employee has special training and experience necessary to teach that course or course of study or to provide those services, which others with more seniority do not possess.

5. The Resolution directed Mr. Frost or his designee to notify all employees whose services would be terminated as a result of the Resolution. On March 13, 2025, District personnel, as designated by Mr. Frost, served several certificated employees, including respondents, with written layoff notices. The District submitted into evidence notices to nine employees. The notices to six employees, including both respondents, were titled "Notice of Layoff." Two employees received a "Notice of Layoff/Reduction in Hours." One employee received a "Notice of Layoff & Bumping Rights." A copy of the Resolution was served with each notice.

6. Respondents timely requested a hearing. This hearing followed, as provided for in Education Code section 44949.

Reasons for Reduction of PKS

7. Mr. Frost testified at hearing about the reason for the District's layoffs. He has been the District's Interim Superintendent since November 2024. He explained he recommended reducing PKS and associated layoffs because of the District's financial situation. Specifically, the District received a financial report in December 2024 that showed significant deficit spending and a risk of insolvency. Among other factors, declining enrollment contributed to the poor financial outlook. In response, the District has applied to the State for help. The State has assigned a fiscal advisor and has agreed to advance some payments to help bridge any financial shortfalls between this fiscal year and the next.

District's Seniority List

DISTRICT'S CREATION OF SENIORITY LIST AND TIE-BREAKING ANALYSIS

8. Betsy Webster has been a Human Resources (HR) Specialist for the District for almost four years. The District is the only school district in Plumas County, and the District and County Office of Education share a close relationship. Some individuals, like Ms. Webster, perform work for the District although they are employed by the County.

9. At hearing, Ms. Webster explained one of her duties as an HR Specialist is to maintain the District's seniority list. She maintains it as a chart that shows information from the District's personnel files about its certificated employees, including first date of paid service, status as either permanent or probationary, school site assignment, FTE, the class or grade taught, and information about employees' credentials. An individual's first date of paid service is known as their "seniority date."

10. Ms. Webster prepared the District's seniority list in October 2024 as part of her regular job duties. She testified that as part of that process, she verified the accuracy of the information in the District's personnel records. According to the District's records, 18 teachers, including respondents, had the seniority date August 21, 2024 (collectively, the "August 21 Teachers"). To break this "tie," Ms. Webster applied two of the three criteria specified in the District's Collective Bargaining Agreement (CBA) with the Plumas County Teachers' Association (the "CBA Tie-Breaking Criteria"). Specifically, section 18.02B of the CBA provides:

In the event that a number of individuals have the same first date of paid service, the following criteria will be used

in determining the order of layoff. Equal weight shall be given each of the following:

1. Teaching experience in subject areas of credentials
2. Authorization of credentials
3. Number of years of classroom teaching experience

11. Ms. Webster applied the last two CBA Tie-Breaking Criteria. First, she assigned points based on the August 21 Teachers' "authorization of credentials." Those with full credentials received three points, supplemental authorizations received two points, English Language Learner (ELL) authorizations received two points, and provisional credentials received one point. Ten of the teachers, including respondents, received the maximum of five points for maintaining a full credential and an ELL authorization.

12. Next, Ms. Webster ranked the August 21 Teachers based on their number of years of classroom teaching experience. Respondent McIntyre had seven years of classroom teaching experience, which was fourth most among the 10 teachers who earned five points based on their credential authorizations. Therefore, her final rank was fourth among the August 21 Teachers. Her corresponding rank on the full seniority list was 121.

13. Respondent Cardin had zero years of classroom teaching experience, so Ms. Webster ranked her tenth among the 10 teachers who earned five points based on their credential authorizations. Her corresponding rank on the full seniority list was 127. Another August 21 Teacher, Cristian Araiza, also received five points for his credential authorizations and had zero years of classroom teaching experience. Ms.

Webster ranked Mr. Araiza ninth, one spot ahead of respondent Cardin. Mr. Ariaza's corresponding rank on the full seniority list was 126. Ms. Webster did not explain, either in the documents she prepared or at hearing, why she ranked Mr. Araiza ahead of respondent Cardin despite their identical credential authorizations and years of classroom teaching experience.

14. After Ms. Webster applied the second and third CBA Tie-Breaking Criteria, she stopped her analysis and adjusted the full seniority list accordingly. She explained she never applied the first CBA Tie-Breaking Criterion—teaching experience in subject areas of credentials—because doing so would have been difficult. Specifically, the District would have had to contact each teachers' previous employers to determine whether their prior teaching experience had been in the subject area of their credentials. Ms. Webster testified she would have made such efforts if necessary, but after applying the second and third CBA Tie-Breaking Criteria, she believed no ties remained.

15. Ms. Webster finished updating the seniority list in October 2024. Between November 2024 and January 2025, she added three more certificated employees hired after October 2024, but she did not otherwise update the seniority list based on the Resolution or resulting layoff notices. The Resolution Tie-Breaking Criteria includes nearly the same language as the CBA Tie-Breaking Criteria. The only difference is that the Resolution Tie-Breaking Criteria also includes an additional sentence: "In the event the above criteria are not successful in determining seniority, a lottery will be used to determine the order of layoff."

16. That same sentence appears in Section 18.02C of the CBA, followed by another: "The lottery shall take place prior to the issuance of layoff notices and shall be

conducted in the presence of representatives of the Board and the Association.” In contrast, the Resolution Tie-Breaking Criteria does not include this final sentence.

17. Ms. Webster finalized the seniority list before the Board adopted the Resolution. As a result, she applied the CBA Tie-Breaking Criteria, not the Resolution Tie-Breaking Criteria. Consequently, the District did not employ a lottery to determine the order of layoff for those who remained tied, such as respondent Cardin and Mr. Araiza.

RESPONDENTS’ EVIDENCE OF INACCURATE SENIORITY DATE

18. As noted above, the District’s seniority list identified August 21, 2024, as respondents’ seniority date. At hearing, respondent Cardin testified her seniority date should be August 15, 2024, because on that day she attended a New Hire Orientation at the District office. She submitted an email from the District’s HR Supervisor, dated August 1, 2024, which stated, in relevant part: “To ensure a smooth transition and to provide you with the necessary information and resources, we have organized a New Hire Orientation. We kindly request that you save the following date . . .” Respondent Cardin also submitted a timesheet showing the District paid her for 5.25 hours on August 15, 2024, for “New Employee District Day.”

19. Respondent Cardin believes other August 21 Teachers also attended the New Hire Orientation on August 15, 2024, but she does not recall specifically who did. Respondent McIntyre testified she also received a similar email invitation, attended the New Hire Orientation, and was paid for attending.

District's Selection of Teachers for Layoff

20. Ms. Webster testified the District's "cabinet," meaning the superintendent and directors, decided which teachers to lay off. She did not participate in the decision.

21. Mr. Frost participated in the process of deciding which teachers to lay off pursuant to the Resolution. He testified that when the Board used the word "Teacher" in the Resolution, it meant "self-contained classroom teacher." He explained at hearing, "that was our intent" because the District believed its single classroom teachers were overstaffed. He clarified that the District intended to retain high school teachers, who typically teach the same subject to multiple sets of students throughout the day, rather than elementary school teachers, who teach multiple subjects to the same set of students within the same classroom each day. Mr. Frost confirmed the District preferred to retain high school teachers over elementary school teachers even when the high school teachers were less senior than the elementary school teachers.

22. Mr. Frost further testified that the District opted to retain less senior teachers who had experience teaching math. Specifically, the teacher who ranked 125 on the seniority list, Jefferson Dolan, was less senior than respondent McIntyre, who ranked 121. Nevertheless, the District did not serve Mr. Dolan a layoff notice in part because of his background teaching math.

23. Ultimately, the District opted not to serve layoff notices to five teachers who were less senior than both respondents. Four of those teachers, ranked 129, 131, 133, and 137 on the seniority list, taught science, math, or social science at the high school level. The fifth teacher, ranked 135, taught English at the high school level under a single subject credential.

24. Despite passing over these less senior teachers for layoff notices, the District insisted it did not engage in skipping as provided for in the Resolution. Respondents submitted into evidence the District's response to certain requests for production of documents. In response to a request for "[d]ocuments reflecting the special experience and training of any less senior employee that the District proposes to skip and retain out of seniority order," the District replied: "Not applicable. Junior employees were only retained if more senior employees in positions to be eliminated do not have the credentials to teach the subject matter."

25. At hearing, Ms. Webster testified that sometime in April 2025, she reviewed a document that explained the District skipped teachers with credentials in science or mathematics and high school teachers. The District did not offer the document into evidence.

Analysis

ADEQUACY OF THE RESOLUTION

26. School districts may lay off teachers "whenever a particular kind of service is to be reduced or discontinued not later than the beginning of the following school year." (Ed. Code, § 44955, subd. (b).) Here, the Board stated through the Resolution its intention to decrease certain District programs and services for the 2025-2026 school year. It therefore resolved to reduce specified "particular kinds of services."

27. However, as relevant here, the Resolution identified 3.0 FTE "Teacher" positions to reduce. In doing so, the Board conflated a PKS with an individual performing that PKS. "Teacher" is not a PKS.

28. Rather, “[a]t the elementary school level, reduction of classroom teaching can be a reduction of a particular kind of service.” (*San Jose Teachers Assn. v. Allen* (1983) 144 Cal.App.3d 627, 631.) Similarly, “[s]ince high school offerings, such as mathematics, science, history and art, are particular kinds of service, logically elementary grade classes which teach the same offerings, although with a single teacher, are particular kinds of service.” (*Cal. Teachers Assn. v. Bd. of Trustees* (1982) 132 Cal.App.3d 32, 36.)

29. Mr. Frost and Ms. Webster explained that before adopting the Resolution, the Board discussed the need to lay off elementary school teachers due to overstaffing. No evidence refutes that. However, whatever the Board’s motivations, the Resolution is clear on its face and identifies merely “Teacher” as the PKS to reduce. The Board did not identify, for example, “elementary classroom teaching” as a PKS to reduce. Consequently, assuming the Resolution authorized any layoffs, the District would have been required under Education Code section 44955 to lay off its three least senior teachers, subject to adjustments for bumping or skipping.

BUMPING AND SKIPPING

30. The District argued it did not engage in skipping when it chose not to lay off teachers less senior than respondents. Rather, the District argued respondents did not have the credentials or competency to “bump” those less senior teachers. In taking this position, the District confused bumping and skipping. The District engaged in skipping.

31. School districts must generally lay off teachers in inverse seniority order. (Ed. Code, § 44955, subds. (b), (c).) However,

Senior employees are given "bumping" rights in that they will not be terminated if there are junior employees retained who are rendering services which the senior employee is certificated and competent to render. Conversely, as in this case, a district may move upward from the bottom of the seniority list, "skipping" over and retaining junior employees who are certificated and competent to render services which more senior employees are not.

(Alexander v. Bd. of Trustees (1983) 139 Cal.App.3d 567, 571-572 [citing *Moreland Teachers Assn. v. Kurze* (1980) 109 Cal.App.3d 648, 655; *King v. Berkeley Unified School Dist.* (1979) 89 Cal.App.3d 1016, 1023.])

32. Here, the District incorrectly claimed respondents were laid off because they were not certificated or competent to bump any less senior teachers. But before considering a teacher's bumping rights, that teacher must be a candidate for layoff. Here, respondents' bumping rights are irrelevant because the District only reached them on the seniority list by inappropriately skipping less senior teachers.

33. Respondent McIntyre ranked 121 on the seniority list. Respondent Cardin ranked 127. They both received layoff notices. The teachers ranked 129, 131, 133, 135, and 137 on the seniority list did not. Thus, the District skipped five teachers who were less senior than both respondents.

34. As relevant here, the law permits skipping if a school district demonstrates two things: (1) "a specific need for personnel to teach a specific course or course of study"; and (2) "that the [less senior] certificated employee has special

training and experience necessary to teach that course or course of study . . . which others with more seniority do not possess." (Ed. Code, § 44955, subd. (d)(1).)

35. Mr. Frost and Ms. Webster explained the District chose not to lay off the teachers less senior than respondents because those teachers taught science, math, or at the high school level. The District's witnesses testified to the difficulty retaining math and science teachers and to overstaffing at the elementary level. Nevertheless, the District did not demonstrate it was authorized to skip the teachers less senior to respondents.

36. Notably, the District denied it engaged in skipping. That denial informed the District's discovery responses, in which it asserted it did not maintain any documents reflecting the special experience and training of the less senior employees it proposed to skip. Although nothing in the statute requires a district to demonstrate its special needs that justify skipping via formal written policies, course or job descriptions, or program requirements (see *Bledsoe v. Biggs Unified School Dist.* (2008) 170 Cal.App.4th 127, 138), the District's failure to maintain or produce any such documents undermines any finding that skipping was appropriate.

37. Furthermore, to the extent the District's witnesses testified that its less senior teachers possessed special training and experience, such testimony is not credible in this case in the absence of supporting documents. "If weaker and less satisfactory evidence is offered when it was within the power of the party to produce stronger and more satisfactory evidence, the evidence offered should be viewed with distrust." (Evid. Code, § 412.)

38. Therefore, contrary to the District's position that it correctly applied respondent's bumping rights, the District actually skipped less senior teachers than

respondents. Because the District did not make the showing required under Education Code section 44955, subdivision (d)(1), such skipping was improper.

ADDITIONAL FINDINGS REGARDING THE DISTRICT'S SENIORITY LIST

39. As explained above, the District improperly skipped five teachers less senior to respondents. That finding is based on the seniority list. However, the evidence strongly suggests the seniority list is inaccurate.

40. First, respondent Cardin credibly testified she first rendered paid service to the District on August 15, 2024, when she attended a New Hire Orientation. She supported her testimony with an email inviting her to attend to receive "necessary information and resources" and a timesheet showing the District paid her to attend. Although respondent McIntyre did not produce supporting documents, she credibly testified she received a similar email invitation, attended the orientation, and was paid to attend. Consequently, respondents' seniority date should be August 15, 2024, not August 21, 2024.

41. The District argued the other August 21 Teachers also attended the orientation. Therefore, in the District's view, adjusting respondents' seniority date would not affect any part of this case, as the other August 21 Teachers' seniority dates would also be adjusted. The evidence did not support that conclusion.

42. To the contrary, although respondent Cardin testified she believed other August 21 Teachers attended the Orientation, she did not know who specifically. Ms. Webster, on the other hand, confirmed she verified the dates on the seniority list are accurate. Therefore, the preponderance of the evidence is that respondents' seniority date is August 15, 2024, but the other August 21 Teachers' seniority date is August 21, 2025.

43. Despite this error, respondents were still more senior than at least five August 21 Teachers as reflected in the District's seniority list. Changing their seniority date to August 15, 2024, would only make them even more senior relative to those below them on the list. No teachers have a seniority date between August 15 and August 21, 2024. As a result, the evidence did not establish respondents received their layoff notices as a result of this error.

44. Secondly, Ms. Webster did not apply the Resolution Tie-Breaking Criteria when she prepared the seniority list. Rather, she used the CBA Tie-Breaking Criteria, which are substantially similar but not identical. Furthermore, in addition to applying the wrong criteria, she misapplied the criteria she did use.

45. Specifically, under both the Resolution and the CBA, "equal weight shall be given" to each of the three criteria. Ms. Webster chose not to apply one of those three criteria because doing so would have been, in her view, unnecessary and difficult. Nevertheless, contrary to her testimony, ties remained after she applied two of the three criteria. For example, respondent Cardin and Mr. Araiza were tied. The evidence did not establish how Ms. Webster broke that tie, but it was not by any method provided for in either Tie-Breaking Criteria.

46. Ms. Webster's errors, as described above, render the entire seniority list dubious. Nevertheless, in its current form, the seniority list shows respondents were still more senior than at least five August 21 Teachers. As a result, the evidence did not establish respondents received their layoff notices as a result of Ms. Webster's errors.

Summary of Findings

47. The Board's Resolution did not properly identify a PKS to be reduced related to teaching. On that basis, the Resolution does not authorize respondent's layoffs.

48. Moreover, even interpreting "Teacher" to mean generalized teaching services, the Resolution would have required the District to lay off its three least senior teachers, subject to appropriate bumping and/or skipping. The District did not do so. Instead, it skipped five teachers less senior to respondents, but it did not demonstrate the skipped teachers possessed special training and experience that respondents did not possess. On that basis, assuming the Resolution properly identified PKS to be reduced, respondents' layoff notices would still be invalid.

49. The District created its seniority list contrary to the terms of the Resolution Tie-Breaking Criteria. The District also included incorrect seniority dates for respondents. However, the evidence did not show respondents received their layoff notices as a result of these errors.

LEGAL CONCLUSIONS

Jurisdiction and Burden and Standard of Proof

1. All notice and jurisdictional requirements set forth in Education Code sections 44949 and 44955 were met. As no law requires otherwise, the standard of proof in this matter is a preponderance of the evidence. (Evid. Code, § 115.) "Except as otherwise provided by law, a party has the burden of proof as to each fact the

existence or nonexistence of which is essential to the claim for relief or defense that he is asserting." (Evid. Code, § 500.)

District's Authority to Lay Off Respondents Pursuant to the Resolution

2. Under Education Code section 44955, subdivision (b):

Whenever . . . a particular kind of service is to be reduced or discontinued not later than the beginning of the following school year . . . and when in the opinion of the governing board of the district it shall have become necessary by reason of any of these conditions to decrease the number of permanent employees in the district, the governing board may terminate the services of not more than a corresponding percentage of the certificated employees of the district, permanent as well as probationary, at the close of the school year. Except as otherwise provided by statute, the services of no permanent employee may be terminated under the provisions of this section while any probationary employee, or any other employee with less seniority, is retained to render a service which said permanent employee is certificated and competent to render.

3. "At the elementary school level, reduction of classroom teaching can be a reduction of a particular kind of service." (*San Jose Teachers Assn. v. Allen, supra*, 144 Cal.App.3d at p. 631.) "Since high school offerings, such as mathematics, science, history and art, are particular kinds of service, logically elementary grade classes which

teach the same offerings, although with a single teacher, are particular kinds of service." (*Cal. Teachers Assn. v. Bd. of Trustees, supra*, 132 Cal.App.3d at p. 36.)

4. As explained in Factual Findings 26 through 29 and 47, above, the preponderance of the evidence is that the District's Resolution did not properly identify a particular kind of service to be reduced related to teaching. Therefore, the preponderance of the evidence did not show it was necessary, by reason of the reduction of a particular kind of service related to teaching, to decrease the number of permanent employees in the District for the 2025-2026 school year. As a result, the Resolution does not provide a lawful basis for the District to decrease its number of teachers in the District for the 2025-2026 school year, and the Board may not terminate the services of respondents, pursuant to Education Code section 44955, subdivision (b).

District's Authority to Skip Teachers Less Senior than Respondents

5. Certificated employees subject to layoff "shall be terminated in the inverse of the order in which they were employed." (Ed. Code, § 44955, subd. (c).) To accomplish this, "[t]he governing board shall make assignments and reassignments in such a manner that employees shall be retained to render any service which their seniority and qualifications entitle them to render." (*Ibid.*)

6. Under Education Code section 44955, subdivision (d)(1), notwithstanding subdivision (b) of that section, a school district may deviate from terminating a certificated employee in order of seniority if, as relevant to this matter:

The district demonstrates a specific need for personnel to teach a specific course or course of study . . . and that the certificated employee has special training and experience

necessary to teach that course or course of study or to provide those services, which others with more seniority do not possess.

7. As explained in Factual Findings 30 through 38 and 48, above, the preponderance of the evidence is that the District skipped the teachers ranked 129, 131, 133, 135, and 137 on the seniority list, all of whom were less senior to respondents, who were ranked 121 and 127 on the same list. The District did not demonstrate a specific need for personnel to teach a specific course or course of study or that those less senior teachers have special training and experience necessary to teach such a course or course of study, or to provide services, which respondents do not possess. The District therefore may not lay off respondents because it did not demonstrate a lawful basis to deviate from the requirement that it lay off teachers in the inverse order in which they were employed, pursuant to Education Code section 44955, subdivisions (c) and (d)(1).

The District's Seniority List and Respondents' Seniority Dates

8. Under Education Code section 44955, subdivision (b):

As between employees who first rendered paid service to the district on the same date, the governing board shall determine the order of termination solely on the basis of needs of the district and the students thereof. Upon the request of any employee whose order of termination is so determined, the governing board shall furnish in writing no later than five days prior to the commencement of the hearing held in accordance with Section 44949, a statement

of the specific criteria used in determining the order of termination and the application of the criteria in ranking each employee relative to the other employees in the group. This requirement that the governing board provide, on request, a written statement of reasons for determining the order of termination shall not be interpreted to give affected employees any legal right or interest that would not exist without such a requirement.

9. As explained in Factual Findings 40 through 42 and 49, above, the preponderance of the evidence is that respondent Cardin's and respondent McIntyre's seniority date with the District is August 15, 2024. The District's seniority list, which shows their seniority date as August 21, 2025, is inaccurate. The error did not cause either respondent to receive a layoff notice they should not have received.

10. As explained in Factual Findings 44 through 46 and 49, above, the preponderance of the evidence is that the District did not apply the Resolution Tie-Breaking criteria adopted by the Board, but rather applied the CBA Tie-Breaking Criteria. The preponderance of the evidence also showed that the District misapplied the CBA Tie-Breaking Criteria because it did not give equal weight to all three criteria and did not break any remaining ties in an authorized manner. The errors did not cause either respondent to receive a layoff notice they should not have received.

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RECOMMENDATION

The Statement of Reduction in Force is overruled. The District shall reemploy respondents Sarah Cardin and Lauren McIntyre for the 2025-2026 school year.

DATE: May 6, 2025

A handwritten signature in black ink, appearing to read "Sean Gavin", followed by a horizontal line with a small flourish at the end.

SEAN GAVIN

Administrative Law Judge

Office of Administrative Hearings