

RESOLUTION NO. 2009-10-17

RESOLUTION TO DECREASE THE NUMBER OF CERTIFICATED EMPLOYEES DUE TO A REDUCTION IN SERVICE AND DIRECTION TO ADMINISTRATION TO GIVE AFFECTED EMPLOYEES NOTICE

WHEREAS, on March 4, 2010, this Board of Education adopted Resolution No. 2009-10-14 which reduced or eliminated particular kinds of services equal to 7.60 full time equivalent (FTE) positions not later than the beginning of the 2010-2011 school year;

WHEREAS, on or before March 15, 2010, the Superintendent and/or his designated representatives served notices to 8 certificated employees that it was recommended that each of their services will not be required for the 2010-2011 school year pursuant to Education Code sections 44949 and 44955;

WHEREAS, the notices served upon those certificated employees advised them that they could request a hearing to determine if there was cause for not re-employing them for the 2010-2011 school year and that if they failed to timely request a hearing, the failure to do so would constitute a waiver of the right to a hearing and his/her services would be terminated pursuant to the Superintendent's recommendation;

WHEREAS, various employees did not request a hearing regarding the recommendation and thus waived their right to a hearing;

WHEREAS, other employees requested a hearing and, accordingly, on April 30, 2010, an evidentiary hearing was held pursuant to sections 44949 and 44955 of the Education Code;

WHEREAS, an Administrative Law Judge presided over the hearing and produced a proposed decision, a true and correct copy of which is attached hereto as Exhibit 1, for consideration by this Board of Education;

WHEREAS, the Board finds that sufficient cause exists for the termination of those FTE who did not request a hearing and those listed in Resolution No. 2009-10-14 ;

WHEREFORE, IT IS RESOLVED, the Board accepts the proposed decision of the Administrative Law Judge and adopts that decision as the decision of the Board itself;

BE IT FURTHER RESOLVED, the decision is effective immediately and the Superintendent or designee shall take such actions that are necessary and appropriate to implement this Board's decision, including giving appropriate notice, both to those certificated employees who did not request a hearing and those employees identified in the proposed decision, of the termination of their services to take effect upon the close of this school year;

BE IT FURTHER RESOLVED, the Superintendent or designee is hereby authorized to give notice to the aforementioned employees, on behalf of the Board, on or before May 14, 2010, in the manner described in Education Code section 44949;

BE IT FURTHER RESOLVED, that reemployment rights shall be afforded in accordance with the Education Code.

ADOPTED by the Governing Board of the Willows Unified School District on May 6, 2010, by the following votes:

AYES:

NOES:

ABSENT:

I hereby certify that the foregoing is a true and correct copy of a Resolution of the Governing Board of the Willows Unified School District of Glenn County adopted by said Governing Board at its meeting on May 6, 2010.

Secretary of the Governing Board