



FOR IMMEDIATE RELEASE

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San Francisco Appellate Court Confirms California School Board's Final Authority on Layoffs of Part-Time vs. Full-Time Teachers

Lawrence M. (Larry) Schoenke, Shareholder and litigator in the Labor Employment and Personnel practice area of Miller Brown & Dannis, represented the St. Helena Unified School District in the California Court of Appeal, San Francisco, case in which the Court decided that part-time school employees with greater seniority are not automatically entitled to displace full-time employees with lesser seniority. In this important and timely decision, the Court confirms a School Board's power to determine the amount of time a teacher or other certificated employee will serve students, thereby enabling the Board to better staff their educational programs and carry out the educational mission of the District.

SAN FRANCISCO, CA – March 31, 2009 – The Labor Employment and Personnel division of Miller Brown & Dannis (MBD), California's full-service education law firm since 1978, announced a significant victory for all California school districts in the appellate court ruling that recognizes the School Board's "special competence" to determine the educational needs of its students in staffing schools and educational programs. Miller Brown & Dannis successfully represented the St. Helena School District at the administrative layoff hearing, at the trial court level in Napa Valley and in the litigation before the California Court of Appeal in San Francisco.

Lawrence M. (Larry) Schoenke, lead litigator for Miller Brown & Dannis representing the St. Helena Unified School District, states: "All California School and Community College Governing Boards will benefit from this decision because it provides much needed clarity regarding the flexibility they have in determining layoffs. If the Districts are going to successfully handle budget cuts, while at the same time retain any hope of improving our schools, the governing boards need to be able to make layoff decisions based on what's best for the students.

Continues Schoenke: "This is a victory for all California School Districts, as well as the communities they serve, in that it offers relinquishment in certain circumstances (here where the issue is the layoff of part-time vs. full-time employees), from the strict adherence to the rule of seniority."

Validating the arguments Miller Brown & Dannis has been making for years on behalf of school districts in various administrative hearings throughout California, the Court of Appeal in San Francisco agreed with MBD that the needs of the District's educational program come first, regardless of seniority issues relating to the lay off of part-time vs. full-time teachers. In this case, the retention of a full-time employee provided necessary consistency for the educational program in question and was, therefore, deemed a better decision than retaining a part-time employee on the basis of seniority alone. Miller Brown & Dannis was successful in representing the St. Helena School District all the way through this case, from the administrative level, to the trial court, and ultimately in the appellate court, bringing clarity to complex legal issues that effect every school district throughout the state.

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About Miller Brown & Dannis (MBD)–

Founded in 1978, Miller Brown & Dannis is a full-service education law firm, exclusively serving California. Representing numerous school districts, community college districts and county offices of education, MBD is recognized throughout California as a firm that applies creative, proactive, in-depth advice and strategies to achieve cost-effective results on behalf of its clients.