

BEFORE THE
GOVERNING BOARD
OF THE
TEMECULA VALLEY UNIFIED SCHOOL DISTRICT
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Respondents listed in Appendices A and B.

OAH No. 2008020596

PROPOSED DECISION

Donald P. Cole, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter in Temecula, California on April 15 and 16, 2008.

Margaret A. Chidester, Margaret A. Chidester & Associates, represented the Temecula Valley Unified School District.

Jon Y. Vanderpool, Tosdal, Smith, Steiner & Wax, represented the respondents listed in Appendix A to this Proposed Decision.

No appearance was made by or on behalf of the respondents listed in Appendix B to this Proposed Decision.

The matter was submitted on April 16, 2008.

FACTUAL FINDINGS

1. Chris Cordner, Assistant Superintendent, Human Resources of the Temecula Valley Unified School District, made and filed the accusations dated March 26, 2008 in his official capacity as the designee of Carol Leighly, Ed.D., Superintendent of the District.

2. Respondents¹ are certificated District employees.

¹ Unless otherwise noted, the term "respondents" refers collectively to all 176 respondents listed in Appendices A and B.

3. In early 2008, in accordance with Education Code sections 44949 and 44955, the District notified the Governing Board of the District of its recommendation to reduce or discontinue services for the upcoming school year.

4. On March 10, 2008, the Governing Board adopted Resolution No. 2007-08/24, determining that it would be necessary to reduce particular kinds of services at the end of the current school year. The Governing Board determined that the particular kinds of services that must be reduced for the 2008-2009 school year were the following full time equivalent (FTE) positions:

| <u>Particular Kind of Service</u> | <u>Full-Time Equivalent</u> |
|--|-----------------------------|
| Elementary Principal | 2.0 FTE |
| Director—Categorical, Library & Summer School | 1.0 FTE |
| Director—Human Resources Development | 1.0 FTE |
| TOSA—Teacher on Special Assignment—EL, Library, Title I, Health | 4.0 FTE |
| POSA—Principal on Special Assignment | 1.0 FTE |
| Elementary School Assistant Principal | 7.0 FTE |
| Middle School Assistant Principal | 3.0 FTE |
| High School Assistant Principal | 3.0 FTE |
| Program Specialist—Special Education | 2.0 FTE |
| Adaptive PE Classroom Teacher—Special Ed. | 1.0 FTE |
| School Psychologist—Special Education | 4.5 FTE |
| Nurse—Special Education | 1.5 FTE |
| PE Elementary Planning Time Teacher (K-5) | 4.5 FTE |
| Music Elementary Planning time Teacher (K-5) | 5.0 FTE |
| Special Education Classroom Teacher—Deaf and Hard of Hearing | 1.0 FTE |
| Elementary Classroom Teacher (K-8) | 56.0 FTE |
| Elementary Planning Time Teacher (K-5) | 13.6 FTE |

The proposed reductions total 111.1 full-time equivalent (FTE) positions.

5. The Governing Board further determined in Resolution No. 2007-08/24 that it would be necessary to retain certificated employees who possess special training and competency that other certificated employees with more seniority might not possess, to wit:

a. Certificated personnel who possess administrative credentials who are currently assigned to administrative positions, and who will be assigned to administrative positions for the 2008-09 school year.

b. Certificated personnel who possess a credential authorizing service in special education, including intern specialist, and except adaptive physical education teacher, who are presently assigned within the scope of that credential, and who will be assigned within the scope of that credential for the 2008-09 school year.

c. Certificated personnel who possess a credential authorizing service as a Program Specialist and who will be assigned as a Program Specialist for the 2008-09 school year.

d. Certificated personnel who possess a special education temporary credential under a STSP/PIP permit who are presently assigned within the scope of that credential, and who will be assigned within the scope of that special education credential for the 2008-2009 school year.

e. Certificated personnel in Temecula Valley Charter School (TVCS) service who are currently assigned to TVCS, and who will be assigned to TVCS teaching positions for the 2008-2009 school year.

f. Certificated personnel who possess a credential authorizing service in science, math, foreign language (Spanish & French) who are presently assigned within the scope of that credential, and who will be assigned within the scope of that credential for the 2008-09 school year.

g. Certificated personnel who have a Board Authorization per Education Code sections 44256(b), or 44258.2, or 44263 and have been approved and who are presently assigned within the scope of the Board Authorization and who will be assigned within the scope of that Board Authorization for the 2008-09 school year.

h. Certificated personnel who possess a credential authorizing service as a Special Education program Teacher on Special Assignment (TOSA) assigned to Autism or Behavior Specialist programs who are presently assigned within the scope of that credential, and who will be assigned as a TOSA within the scope of that credential for the 2008-09 school year.

i. Certificated personnel who possess a credential authorizing service as an EETT program manager Teacher on Special Assignment (TOSA) assigned to the EETT program who are presently assigned within the scope of that credential, and who will be assigned as a TOSA within the scope of that credential for the 2008-09 school year.

6. The Governing Board directed the Superintendent or her designee to determine which employees' services would not be required for the 2008-2009 school year as a result of the reduction of the aforementioned particular kinds of services. The Governing Board further directed the Superintendent or her designee to send appropriate notices to all certificated employees of the District who would be laid off as a result of the reduction of these particular kinds of services.

7. Subsequent to the action the Governing Board took on March 10, 2008 to reduce services by 111.1 FTE positions, the District continued to evaluate personnel needs in the District. Since the Governing Board's action, after taking into consideration upcoming positively assured attrition, resignations, and retirements, the District has now determined it

can meet its fiscal needs by reducing services by a total of 95.5 FTE positions for the 2008-2009 school year.²

8. On or before March 15, 2008, the District timely served on respondents a written notice that the Superintendent had recommended, and that the Governing Board had determined, that their services would not be required for the upcoming school year. The notice set forth the reasons for the recommendation and determination. The notice advised respondents of their right to a hearing, and those respondents each had to deliver a request for a hearing in writing to the person sending the notice of termination by a specific date, which date was more than seven days after the notice of termination was served.

The recommendation and determination that respondents be terminated from employment was not related to their competency as teachers.

9. Respondents timely filed written requests for hearing to determine if there is cause for not reemploying them for the ensuing school year. The accusations were thereafter timely served on respondents. Respondents timely filed notices of defense. Certain individual certificated employees failed to file a timely notice of defense and the District declined to waive this time requirement as to those employees.³ All pre-hearing jurisdictional requirements were met.

10. The services the Governing Board addressed in Resolution No. 2007-08/24 were "particular kinds of services" that could be reduced or discontinued within the meaning of Education Code section 44955. The Board's decision to reduce or discontinue these particular kinds of services was not arbitrary or capricious, but constituted a proper exercise of discretion.

11. The reduction or discontinuation of particular kinds of services related to the welfare of the District and its pupils. The reduction or discontinuation of particular kinds of services was necessary to decrease the number of certificated employees of the District as determined by the Governing Board.

12. The Board considered all known attrition, resignations, retirements and requests for transfer in determining the actual number of necessary layoff notices to be delivered to its employees.

² Specifically, the District rescinded the adaptive PE classroom teacher-special education 1.0 FTE reduction, and amended the school psychologist FTE reduction from 4.5 to 1.5 positions, and the administrative position FTE reduction from 18 to 7 positions.

³ Certificated employees Daniel Garcia, Marvin Morton, and Elizabeth Frank claimed to have signed requests for a hearing and notices of defense and transmitted these documents to their site representatives in timely fashion. No documentation was produced in support of these claims, and the District claimed that its Human Resources office never received any such documents. Based on these considerations, the ALJ ruled at the outset of the hearing that these three individuals had waived their right to participate as respondents.

13. Initially, about 210 certificated employees received layoff notices in connection with the 111.1 FTE positions the Governing Board resolved to eliminate. The District did not know in advance to what extent the skipping directives prescribed in the Resolution would be challenged and, if challenged, would be upheld in this proceeding. The District took great care in attempting to determine the likelihood that particular individuals in particular assignments would or might reasonably be subject to layoff. The District's issuance of termination notices was based on its careful and reasonable assessment, constituted a proper exercise of its discretion, and was neither arbitrary nor capricious.

Alleged Retention of Less Tenured Staff

14. No certificated employee junior to any respondent was retained to perform any services which any respondent with more seniority was certificated and competent to render. Further, and with regard to certain employees specifically identified by respondents:

a. *Retention of Mike Vaez and Rachel Ross, and layoff of Dennis Perez, Patrick DeLa Cruz, Darcy Hernandez, Greg Page, Debra Berna, and Amber Lane.* The District has rescinded the layoff notice issued to Dennis Perez, who had the same seniority date as, but more tiebreaker points than, Mike Vaez. Rachel Ross has a single subject credential in English and teaches middle school language arts. Patrick DeLa Cruz, Darcy Hernandez,⁴ Greg Page, and Debra Bernal each have higher seniority than Ms. Ross, and have supplemental authorizations to teach English. However, the District determined that none are NCLB (No Child Left Behind) compliant in English, and thus are not qualified to "bump" (i.e., displace) Ms. Ross. On the other hand, Amber Lane, who also has a supplemental authorization to teach English, is NCLB compliant in that subject. The District has, however, determined that Ms. Lane, who is presently an elementary school teacher, is not qualified to teach at the secondary level, because of the lack of any indication that she has ever taught at that level in the past.

b. *Layoff of Deanne Johnson.* The District did not issue a layoff notice to Deanne Johnson.

c. *Delayed layoff of Audra McGuire.* Though the District did not issue layoff notices to all employees simultaneously, Audra McGuire timely received a notice of termination prior to March 15, 2008.

⁴ Darcy Hernandez is an elementary school teacher with a multiple subject credential, as well as a supplementary authorization in English. She is NCLB compliant with regard to her credential, but not with regard to her supplementary authorization. Ms. Hernandez credibly testified that she did not realize she was not NCLB compliant in her English supplemental authorization until some point during these layoff proceedings. She did not testify that the District erroneously told her she possessed such compliance, however. Instead, she made the assumption that her NCLB compliance—which in fact applied only to her multiple subject credential—applied as well to her supplementary authorization. Respondents cited no authority in support of their assertion that the District's actions or policies violated the due process rights of Ms. Hernandez.

d. *Layoff of Timothy Woods.* The District properly served a layoff notice on PE teacher Timothy Woods. Mr. Woods does not have the right to bump more junior certificated employees who teach middle school math and science, since all District middle school math and science classes are taught in a departmentalized setting, and Mr. Woods' multiple-subject credential does not authorize him to teach such classes in such a setting.

e. *Retention of Rodney Bayaca.* Rodney Bayaca is a school counselor. Neither Mr. Bayaca nor any more senior counselor received a layoff notice.

f. *Layoff of Martin Morton, Paul Rittenberg, and Stephen Stametelatos.* Though these three employees each received layoff notices, the District in fact seeks to exempt them from layoff; they do not appear on the District's final proposed layoff list. Respondents have neither challenged nor presented evidence that the exemption of these three employees would violate the Governing Board's "skipping" (i.e., exemption) criteria or would otherwise be improper.

g. *Retention of Gina Martinot retained, and layoff of Dennis Perez.* The layoff notice issued to Dennis Perez has been rescinded.

Alleged Inability to Demonstrate Adequate Grounds for Skipping/Retention of Less Tenured Staff

15. The Governing Board's skipping criteria are supported by adequate grounds and reflect a reasonable exercise of its discretion. The District's application of the Board's skipping criteria was proper; the District did not improperly skip certificated employees. Further, and with regard to certain employees specifically identified by respondents:

a. *Layoff of Kelly Manzani, Leslie Bouchard, and Stephen Stametelatos.* The District stated at the hearing that neither Kelly Manzani nor Leslie Bouchard will be laid off. As noted above, the District is seeking to exempt Stephen Stametelatos.

b. *Layoff of Krystal Fielstra.* The District is seeking to exempt Krystal Fielstra. Respondents have neither challenged nor presented evidence that the skipping of Ms. Fielstra would violate the Governing Board's skipping criteria or would otherwise be improper.

c. *Layoff of Leticia Del Moral.* Leticia Del Moral, a certificated psychologist, is bilingual and has the skills to work with the District's second-language students. However, no evidence was presented that Ms. Del Moral is English-Learner certified or, as claimed, a "bilingual specialist." Further, Ms. Del Moral has a PPS (psychology or counseling) credential; she is not credentialed as a teacher. Additionally, no evidence was presented or specific argument articulated as to how Ms. Moral's termination would be improper in connection with any skipping criteria or vis-à-vis other employees. In any event, the District no longer intends to lay off Ms. Del Moral; her name does not appear on the District's final proposed layoff list.

d. *Retention of Mike Vaez, layoff of Dennis Perez.* As noted, the District has rescinded the layoff notice issued to Dennis Perez.

e. *Layoff of Deanne Johnson.* As noted, the District did not issue a layoff notice to Deanne Johnson.

The Alleged Reduction of Particular Kinds of Services Below Legally-Mandated Levels

16. The proposed reductions in particular kinds of services will not result in a deprivation to District students of any services mandated by state or federal law. Further, and with regard to certain employees specifically identified by respondents:

a. *Layoff of Leticia Del Moral.* No evidence was presented that Ms. Del Moral is, as claimed, a "bilingual specialist." Further, no evidence was presented that federal- and state-mandated service levels will not be met as a result of the layoff of Ms. Del Moral. As noted, the District no longer intends to lay off Leticia Del Moral.

b. *Layoff of Nicole Lombardi-Risen.* As noted, the District has rescinded its proposed elimination of the 1 FTE adaptive PE classroom position currently held by Nicole Lombardi-Risen. The District has indicated that Ms. Lombardi-Risen may nonetheless be bumped by a more senior certificated employee. Whether or not this occurs, the services to be provided to District students via the adaptive PE classroom position will remain in effect, and thus no deprivation of any mandated services will occur.

c. *Layoff of Deanne Johnson.* As noted, Deanne Johnson did not receive a layoff notice.

d. *Layoff of Anthony Maldonado.* Anthony Maldonado is a District psychologist. Even if he is laid off, the District will retain a sufficient number of psychologists to meet any state or federal mandates.

e. *Layoff of Elena Perez.* Regardless of the layoff of Elena Perez, a teacher on special assignment, all services mandated under Title III will still be provided.

f. *Layoff of Michelle Presley.* Michelle Presley is a teacher on special assignment. She is a "Health Itinerant Teacher" for the District, providing health education to district students in areas including safe school, drug, alcohol and tobacco, HIV, and pregnancy and sexually transmitted disease prevention. The District receives public funding for the services Ms. Presley provides, and will continue to receive such funding for at least one more year after (and if) Ms. Presley is laid off. Though the evidence suggested that the District has not yet determined exactly how it will continue to meet mandated service levels if Ms. Presley is laid off, it was established that other means do exist through which the District will provide mandated health-related services.

Alleged Incorrect Application of Tiebreaker Criteria

17. Between those employees who first rendered paid service to the District on the same date, the Governing Board determined their order of termination solely on the basis of needs of the District and the students. The specific criteria used to determine the order of termination were:

- a. 1 point if the certificated employee has received an effective rating, or above, in each Element under all Standards evaluated on the latest evaluation subsequent to the 2005/2006 school year. If no evaluation has occurred since 2005/2006, then a satisfactory rating will be presumed.
- b. 1 point for holding a Cross-cultural, Language and Academic Development (CLAD) Certificate.
- c. 2 points for holding a Bilingual Cross-cultural Language and Academic Development (BCLAD) Certificate or Bilingual Certificate of Competence (BCC).
- d. 1 point for each current, valid credential held.
- e. 1 point for "hard to hire" credentials held (math, science, special education, Spanish & French).
- f. $\frac{1}{2}$ point for each additional supplemental authorization appearing on the face of the credential provided that the subject is offered in the District's instructional program in 2008-2009.
- g. $\frac{1}{2}$ point for each Board authorization for 2007/2008.
- h. 1 point for an earned Master's degree.
- i. 1 point for each year of step placement on salary schedule.
- j. 1 point for serving as a BTSA Support Provider or PAR Consulting teacher in the last five years.
- k. 1 point for NCLB HQT status compliance.
- l. 1 point for National Board Certification
- m. 1 point for completion of each TVUSD training in 2007-2008 and the last two school years (2006-07, 2005-06):
 - LAP/ACE Development and Pilot (K-5)
 - Essential Elements of Instruction (K-12)
 - Beginning Teacher Support and Assistance (BTSA) (K-12)

- GATE Certification (Susan Winebrenner) (K-12)
- SIOP Training (6-12)
- PLC Leadership Training (K-12)
- Assessment for Learning (K-5)

18. The District properly applied the tiebreaker criteria and gave notice to the following employees that their services would no longer be required for the upcoming school year: Heidi Acosta, Debra Bernal, Kelly Carillo, Terilyn Colacino, Laura Cooper, Troy Constein, Vicki Crabtree, Therese Davis, Emily Foster, Tiana Fox, Casey Garrison, Sonja Grover, Andrew Hajdu, James Harris, Stephanie Hunter, Kim Huth, Adrienne Lara, Colleen Lippe, Teresa Lyons, Zsanna Marble, Audra McGuire, Shamonique Moore, Megan Moser, Christine Olin, Frank Parla, Marciela Ramirez-Guerrero, Herschel Ramirez, Rodrigo Sanchez, Kristy Santoro, Jennifer Scharf, Linda Scofield, Michelle Stevens, Anna Tapley, Natalie Waddell, Robert Weeg, Denise Yoak, and Amber Zering. Further, and with regard to certain employees and tiebreaker criteria specifically identified by respondents:

a. With regard to BTSA training, James Harris, a third grade teacher with a multiple subject credential, received his mandatory BTSA training while employed with the Oceanside Unified School District, prior to his employment with the District. He was not offered BTSA training when he commenced his employment with Temecula Valley USD. Nonetheless, the Board's determination that a tiebreaker point be awarded for BTSA training only when such training was secured within the District, and the District's application of this criterion to Mr. Harris so as to deny him a tiebreaker point for his out-of-District BTSA training, constituted a proper exercise of discretion, and was neither arbitrary nor capricious.

b. With regard to employee evaluations, respondents presented no evidence that any certificated employees either were denied a tiebreaker point by reason of erroneous application of this criterion (i.e., that they did not receive the point despite an effective rating in each element evaluated), or received improper or unfair evaluations. Instead, respondents contended that, due to the evaluation procedures prescribed in the collective bargaining agreement, to award a tiebreaker point only in the case of across-the-board effective ratings is irrational and unfair. However, the Board's establishment of this tiebreaking criterion constituted a proper exercise of its discretion and was neither arbitrary nor capricious.

c. With regard to GATE certification, Anne Tapley, an elementary school teacher with a multiple subject credential, earned her GATE certification in 1998. She was not offered GATE training by the District, and accordingly received such training at UC Riverside. Nonetheless, the Board's determination that a tiebreaker point be awarded as to GATE certification only if secured within the District, and the District's application of that criterion to deny a tiebreaker point to Ms. Tapley, constituted a proper exercise of discretion and was neither arbitrary or capricious.

19. With regard to NCLB compliance, Kelly Gradstein, a first grade teacher, was told by her principal that she would receive a tiebreaker point for NCLB compliance, but was

not given one, because, through no fault of her own, her paperwork pertaining to NCLB compliance was not processed by the school in timely fashion, despite numerous inquiries by Ms. Gradstein as to the status of her NCLB compliance, numerous assurances given to her that the paperwork would be taken care of and, more specifically, that she would receive a tiebreaker point for being NCLB compliant, and Ms. Gradstein's reliance on those assurances. It is undisputed that Ms. Gradstein was fully eligible to become NCLB compliant, took all necessary steps to become NCLB compliant, and would have received formal NCLB-compliant status but for the inadvertent failure of her school to process her paperwork so that she could receive that status formally.

As concluded in Legal Conclusion 2, the District is estopped from denying to Ms. Gradstein a tiebreaker point with regard to NCLB compliance.

Alleged Incorrect Seniority Dates

20. Jacqueline Hilton was employed by the District from 2002 to 2006, on a half-time (fifty percent) probationary contract. She resigned her District employment in the spring of 2006. She was reemployed by the District in August 2007 on a day-to-day and then long-term substitute basis. On November 26, 2007, she was employed on a full-time basis. At some point on or after November 26, 2007, she was erroneously given a permanent contract,⁵ even though, as a half-time employee throughout her prior employment with the District, she could not properly have attained permanent status.⁶ Later, in the context of the present layoff proceedings, the District discovered its error, and Ms. Hilton was properly reclassified as a probationary employee.

Since Ms. Hilton resigned from her probationary employment in 2006, and was reemployed on a regular (i.e., non-substitute) basis on November 26, 2007, the latter date is her seniority date.⁷

21. Meagan Townley, a fourth grade teacher, began her employment with the District in October 2005, as a day-to-day substitute. She continued in that capacity on a sporadic basis until approximately January 2007. In February or March 2007, she was assigned to a long-term substitute position, and completed the school year in that

⁵ Ms. Hilton testified that she was given a permanent contract as early as 2004, i.e., after two years as a half-time employee. She testified further that she was given a "temporary" contract in November 2007, and a permanent contract in February 2008.

⁶ Ms. Hilton could not properly have been given permanent status because, as a half-time teacher, she had never worked 75 percent of school days in any year, without which "credit" for having completed a probationary year could not be earned.

⁷ See Legal Conclusion 3.

assignment.⁸ She continued her employment as a long-term substitute at the commencement of the 2007-2008 school year, apparently working in that capacity until as late as September 19. She applied for full-time employment, which she was granted, effective September 24, 2007. There was, however, a two-day break in service between her last day as a long-term substitute (September 19) and her first day of her regular employment (September 24). Because of this two-day break in service, Ms. Townley's seniority date is September 24, 2007.⁹

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 as to all respondents.

2. Promissory estoppel applies whenever a promise induces action that would result in an injustice if the promise were not enforced. The required elements are: (1) A promise is clear and unambiguous in its terms; (2) reliance by the party to whom the promise is made; (3) the promisee's reliance must be both reasonable and foreseeable; and (4) the promisee must be injured by his or her reliance. (*Lange v. TIG Insurance Co.* (1998) 68 Cal.App.4th 1179, 1185.) The District is estopped from denying to Kelly Gradstein a tiebreaker point for being NCLB compliant. This does not, however, affect the District's proposed layoff of Ms. Gradstein.¹⁰

3. If a certificated employee resigns and is thereafter reemployed, her date of employment is normally—and with exceptions inapplicable here—deemed by Education Code section 44848 to be the date of reemployment. (*San Jose Teachers Association v. Allen* (1983) 144 Cal.App.3d 627, 641.)¹¹

⁸ A several-day break in Ms. Townley's service in early May 2007 occurred, but is irrelevant to this proceeding, especially in light of the District's position that a long-term substitute position requires three weeks of service, which Ms. Townley unquestionably had, from mid-May 2007 until the end of the school year.

⁹ See Legal Conclusion 3.

¹⁰ The District agreed at the hearing to award Ms. Gradstein the additional tiebreaker point, if respondents agreed, as they did, that a new lottery be held, since the granting of a tiebreaker point to Ms. Gradstein would result in a new "tie" between Ms. Gradstein and one other certificated employee. The District has represented, and respondents do not contest, that even if, as a result of the lottery, Ms. Gradstein is accorded a higher seniority date than the other employee, Ms. Gradstein would still be subject to layoff. Ms. Gradstein's position vis-à-vis the other employee may have significance in terms of recall rights, a matter not, however, at issue in this proceeding.

¹¹ Section 44848 provides:

"When any certificated employee shall have resigned or been dismissed for cause and shall thereafter have been reemployed by the board, his date of employment shall be deemed to be the date on which he first accepted reemployment (if reemployed before July 1, 1947) or rendered paid service (if reemployed after June 30, 1947) after his reemployment. When an employee's services are terminated for lack of enrollment

4. Cause exists under Education Code sections 44949 and 44955 for the Temecula Valley Unified School District to reduce or discontinue particular kinds of services. The cause for the reduction or discontinuation of particular kinds of services related solely to the welfare of the schools and the pupils thereof. A preponderance of the evidence sustained the charges set forth in the accusation. It is recommended that the Board give respondents¹² Heidi Acosta, Kirstin Apodaca, Tiffany Aptaker, Shannon Arrieta, Jill Bacon, Kandra Barnett, Debra Bernal, Annette Bonaventura, Jodie Brown, Eric Burlingham, Darren Caster, Robert Caster, Noelle Catiller, Lecia Cecconi-Roberts, Troy Constein, Laura Cooper, Jose Cruz, Angela Cueva, Patrick DeLa Cruz, Kassie Denny, Sonia Dombroski, Courtney Evans, James Fenney III, Sheryl Ferns, Kim Ferrera, Emily Foster, Tiana Fox, Casey Garrison, Kelly Gradstein, Janene Greenelsh, Sonja Grover, Gustavo Guerra, Tanya Hagenbuch, Andrew Hajdu, James Harris, Bridget Heeren, Darcy Hernandez, Jacqueline Hilton, Lauren Hoxmeier, Stephanie Hunter, Kim Huth, Tonia Jackson, Shelley Jacobson, Carynn Kanow, Michael Knight, Ann Kuentz, Amber Lane, Adrienne Lara, Colleen Lippe, Nicole Lombardi-Risen, Anthony Maldonado, Zsanna Marble, Sherryl Martinez, Lisa McCaughey, Ashley Meredith, Alan Mills, Gail Molstre, Creighton Morrison, Donald Mowrer, Stanley Nickel, Jennifer Nolte, Greg Page, Sang Park, Destiny Patino, Andrea Plummer, Michelle Presley, Maricela Ramirez-Guerrero, Salvador Reza, Cynthia Salazar, Robin Schenck, Patricia Schockert, Jennifer Scholz, Megan Schuck, Linda Scofield, Sarah Strandberg, Anna Tapley, Wendy Thyfault, Meagan Townley, Noel Van Leeuwen, Jessica Wells, Craig Winger, Timothy Woods, and Erica Wright notice before May 15, 2008, that their services are no longer required by the District.

ORDER

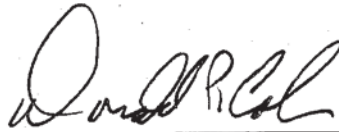
The accusations served on respondents Heidi Acosta, Kirstin Apodaca, Tiffany Aptaker, Shannon Arrieta, Jill Bacon, Kandra Barnett, Debra Bernal, Annette Bonaventura, Jodie Brown, Eric Burlingham, Darren Caster, Robert Caster, Noelle Catiller, Lecia Cecconi-Roberts, Troy Constein, Laura Cooper, Jose Cruz, Angela Cueva, Patrick DeLa Cruz, Kassie Denny, Sonia Dombroski, Courtney Evans, James Fenney III, Sheryl Ferns, Kim Ferrera, Emily Foster, Tiana Fox, Casey Garrison, Kelly Gradstein, Janene Greenelsh, Sonja Grover, Gustavo Guerra, Tanya Hagenbuch, Andrew Hajdu, James Harris, Bridget Heeren, Darcy Hernandez, Jacqueline Hilton, Lauren Hoxmeier, Stephanie Hunter, Kim Huth, Tonia Jackson, Shelley Jacobson, Carynn Kanow, Michael Knight, Ann Kuentz, Amber Lane, Adrienne Lara, Colleen Lippe, Nicole Lombardi-Risen, Anthony Maldonado, Zsanna Marble, Sherryl Martinez, Lisa McCaughey, Ashley Meredith, Alan Mills, Gail Molstre, Creighton Morrison, Donald Mowrer, Stanley Nickel, Jennifer Nolte, Greg Page, Sang Park, Destiny Patino, Andrea Plummer, Michelle Presley, Maricela Ramirez-Guerrero, Salvador

or discontinuance of service or are otherwise interrupted in a manner declared by law not to constitute a break in service, his original order of employment shall stand."

¹² This list, and the corresponding list in the Order below, includes a number of individuals who, though timely served with a preliminary layoff notice, never filed a request for a hearing and thus are not respondents.

Reza, Cynthia Salazar, Robin Schenck, Patricia Schockert, Jennifer Scholz, Megan Schuck, Linda Scofield, Sarah Strandberg, Anna Tapley, Wendy Thyfault, Meagan Townley, Noel Van Leeuwen, Jessica Wells, Craig Winger, Timothy Woods, Erica Wright are sustained. Notice shall be given to these respondents before May 15, 2008, that their services will not be required for the upcoming school year because of the reduction or discontinuation of particular services as indicated.

DATED: 5-6-08



DONALD P. COLE
Administrative Law Judge
Office of Administrative Hearings

Appendix A

1. Acosta, Heidi
3. Aguilar, Sarah
4. Alix, Gregory
8. Armijo, Alison
9. Armstrong, Amy
10. Arrieta, Shannon
11. Augustine, Lori
12. Bacon, Jill
13. Balland, Michele
14. Baranksi, Michelle
15. Barnett, Kandra
16. Baughman, Brett
17. Bernal, Debra
18. Berry, James
19. Bishop, Adam
20. Bonaventure, Annette
21. Bouchard, Leslie
22. Brannon, Tobin
24. Brown, Christina
25. Brown, Jean
26. Brown, Jodie
27. Burlingham, Eric

29. Carrillo, Kelly
 30. Caster, Darren
 31. Cecconi-Roberts, Lecia
 32. Cisneros, Sarah
 33. Colacino, Terilyn
 34. Constein, Troy
 35. Cooper, Allison
 36. Cooper, Laura
 37. Cortez, Sharill
 38. Crabtree, Vicki
 39. Crouch, Carolyn
 40. Cruz, Alexander
 41. Cruz, Jose
 42. Cueva, Angela
 43. Davis, Therese
 44. Del Moral, Leticia
-
45. DeLa Cruz, Patrick
 46. Denny, Kassie
 47. Dixon, Stacie
 48. Dombroski, Sonia
 49. D'Souza, Aruna
 50. Dunbar, Michael
 51. Egerton, Cambie

52. Farmer, Kristin
53. Fenny III, James
54. Ferns, Sheryl
55. Ferrera, Kim
56. Fielstra, Krystal
57. Foster, Emily
58. Fox, Tiana
59. Gaines, Benjamin
60. Garcia, Rachel
61. Garrison, Casey
62. Gradstein, Kelly
63. Greenelsh, Janene
64. Griffis, Marissa
65. Grover, Sonja
66. Guerra, Gustavo
67. Hagenbuch, Tanya
68. Hajdu, Andrew
70. Harris, James
71. Heeren, Bridget
72. Heimbach, Leah
73. Hernandez, Darcy
75. Hilton, Jacqueline
76. Hoxmeier, Lauren

- 77. Hunter, Stephanie
 - 78. Huth, Kim
 - 79. Jackson, Tonia
 - 81. Jordan, Maria
 - 82. Kanow, Carynn
 - 83. Khoyi, Shahrzad
 - 84. Kingman, Brian
 - 85. Knight, Michael
 - 86. Kuentz, Ann
 - 87. Landraint, Sunday
 - 88. Lane, Amber
 - 89. Lara, Adrianne
 - 90. Lippe, Colleen
 - 91. Lombardi-Risen, Nicole
 - 92. Lyons, Teresa
 - 93. Maldonado, Anthony
-
- 94. Manzani, Kelly
 - 95. Marabotto, Donna
 - 96. Marble, Zsanna
 - 97. Marcoux, Erika
 - 98. McCabe, Patricia
 - 99. McCaughey, Lisa
 - 100. McGuire, Audra-Noel

101. Meredith, Ashley
102. Meyers, Keith
103. Mills, Alan
104. Mitchell, Mark
105. Moore, Evan
106. Morales, Kristan
107. Morel, Christopher
108. Morrison, Creighton
109. Moser, Megan
110. Mowrer, Donald
111. Mull, Jessica
112. Myers, Susan
113. Nevens, Patrick
114. Newton, Dana
116. Nolte, Jennifer
118. Olin, Christine
119. Page, Greg
120. Paino, Jacob
121. Park, Sang
122. Parla, Frank
123. Patino, Destiny
124. Patricio, Robyn
125. Perez, Dennis

- 126. Perez, Luz Elena
 - 127. Pinckard, Jim
 - 128. Plummer, Andrea
 - 129. Presley, Michelle
 - 130. Ramirez, Herschel
 - 131. Ramirez-Guerrero, Maricela
 - 132. Rasmussen, Ashley
 - 133. Razukas, Matthew
 - 134. Reece, Thomas
 - 135. Reza, Salvador
 - 136. Richard, Holly
 - 137. Rittenberg, Paul
 - 138. Robinson, Robbie
 - 140. Rodriguez, Kathryn
 - 141. Salazar, Cynthia
 - 142. Sanchez, Rodrigo
-
- 143. Santoro, Kristy
 - 144. Scarcella, Anthony
 - 145. Schap, Charles
 - 146. Scharf, Jennifer
 - 147. Schenck, Robin
 - 150. Scholz, Jennifer
 - 151. Scofield, Linda

- 152. Shackelford, Joel
- 153. Smith, Breck
- 155. Sonia, Edward
- 156. Stamatelatos, Stephan
- 157. Stevens, Michelle
- 158. Strandberg, Sarah
- 159. Suggett, Roy
- 160. Summer, Jennifer
- 161. Tapley, Anna
- 162. Thurman, Tara
- 163. Thyfault, Wendy
- 164. Townley, Meagan
- 165. Trout, Noel
- 166. Van Leeuwen, Noel
- 167. Voechting, Beverly
- 169. Weeg, Robert
- 170. Wells, Jessica
- 171. Wilson, Graham
- 172. Winger, Craig
- 173. Wood, Tyler
- 174. Wright, Erica
- 175. Yoak, Denise

Appendix B

2. Addison, Richard
5. Allen, Georgeanna
6. Apodaca, Kirstin
7. Aptaker, Tiffany
23. Brennan, Alicia
28. Carbajal, Edward
69. Hamilton, Kristen
74. Hickey, Robert
80. Jacobson, Shelly
115. Nickel, Stanley
117. Nunez, Amy
139. Rodriguez, Gilbert
148. Schockert, Patricia
154. Smith, Carla
168. Waddell, Natalie