

BEFORE THE  
LOS ANGELES COUNTY  
SUPERINTENDENT OF SCHOOLS

In the Matter of the Accusation Against:

CERTIFICATED EMPLOYEES OF THE  
LOS ANGELES COUNTY OFFICE OF  
EDUCATION,

Respondents.

OAH No. 2013030310

**PROPOSED DECISION**

This matter was heard by Eric Sawyer, Administrative Law Judge (ALJ), Office of Administrative Hearings, State of California, on April 15-16, 2013, in Downey. The record was closed and the matter was submitted for decision on April 16, 2013.

Eric Bathen, Esq., and Jordan C. Meyer, Esq., represented the Los Angeles County Office of Education (LACOE).

Richard Schwab, Esq., represented Respondents, who are identified in attachment A.

**FACTUAL FINDINGS**

*Parties and Jurisdiction*

1. The Accusation was made and filed by Darren McDuffie, Ed.D., in his official capacity as LACOE's Assistant Superintendent, Human Resources.
2. Respondents are certificated employees of LACOE.
3. On March 11, 2013, Dr. Arturo Delgado, the Los Angeles County Superintendent of Schools (County Superintendent) adopted Resolution No. 1-S to reduce and discontinue the particular kinds of certificated services specified therein no later than the beginning of the 2013-2014 school year by a total of 256.45 full-time equivalent positions.
4. The County Superintendent further determined it necessary by reason of said reductions or discontinuances to decrease the number of certificated employees at the close

of the present school year by a corresponding number of full-time equivalent positions, and directed Dr. McDuffie, or his designees, to proceed accordingly by notifying the appropriate employees to implement Resolution No. 1-S.

5. On March 1, 2013, pursuant to Education Code sections 44949 and 44955<sup>1</sup>, the County Superintendent was given notice by Dr. McDuffie of the recommendation that notice be given to Respondents that their services will not be required for the ensuing school year, and stating the reasons therefore.

6. On or before March 15, 2013, pursuant to the above-described Resolutions and the provisions of sections 44949 and 44955, Dr. McDuffie gave written notice to Respondents that it had been recommended to the County Superintendent that notice be given to them that their services will not be required for the 2013-2014 school year. Respondents requested a hearing to determine if there is cause for not employing them for the ensuing school year. Respondents were provided with all required documents.

7. Some Respondents served only pursuant to a provisional credential, and were non-reelected for that reason pursuant to the County Superintendent's Resolution No. 4-S, independent of this layoff process. Those Respondents were provided notification as a precaution, so that they could participate in and exercise any claimed rights in this matter.

8. During the hearing, LACOE rescinded the preliminary layoff notices issued to Respondents Bon B. Laronsilva, Kathleen Davis, and Danny Hong.

9. Respondent Jesus Castillo was not provided with a preliminary layoff notice on or before March 15, 2013. LACOE inadvertently addressed and mailed the preliminary layoff notice intended for him to Phillip Castillo instead. By the time LACOE staff noticed the error, they were unable to serve Respondent Jesus Castillo with a preliminary layoff notice until April 9, 2013, just one week before the hearing. It was not established when, or if, Respondent Jesus Castillo received the preliminary layoff notice. He was not present at the hearing. The ALJ dismissed the Accusation against Respondent Jesus Castillo during the hearing, for lack of jurisdiction, in that LACOE had failed to serve or provide him with the preliminary layoff notice in conformity with the Education Code.<sup>2</sup>

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<sup>1</sup> All further statutory references are to the Education Code unless otherwise noted.

<sup>2</sup> The failure to timely serve or provide a preliminary layoff notice is not a nonsubstantive procedural error pursuant to section 44949, subdivision (c)(3). The requirement of section 44949, subdivision (a), to send a preliminary layoff notice by no later than March 15th is jurisdictional. The failure to properly deliver the preliminary layoff notice to Respondent Jesus Castillo constitutes a failure to abide by a jurisdictional requirement. Even if this situation constituted a nonsubstantive procedural error for purposes of section 44949, subdivision (c)(3), the failure to timely deliver the preliminary layoff notice was an error prejudicial to Mr. Castillo, in that his notice was served only one week before the hearing, and he was not in attendance at the hearing.

*Reduction and Elimination of Particular Kinds of Services*

10. Resolution No. 1-S provides for the reduction or elimination of the following particular kinds of services:

A.	Division of Special Education	FTE
1.	Regional Director	1.0
2.	Principal	2.0
3.	Coordinator III	0.25
4.	Coordinator II	1.0
5.	Assistant Principal	3.0
6.	School Psychologist	4.0
7.	Senior Program Specialist	1.0
8.	Audiologist	0.2
9.	Teacher APE	11.0
10.	Teacher AUT	10.0
11.	Teacher DH	2.0
12.	Teacher DHH	2.0
13.	Teacher DIS-HH	3.0
14.	Teacher DIS-VIS	1.0
15.	Teacher ED	17.0
16.	Teacher LSS	24.0
17.	Teacher MD	15.0
18.	Teacher Mobility	2.0
19.	Teacher TMR	25.0
20.	Counselor	12.0
21.	School Nurse	4.0
B.	Division of Student Programs	FTE
1.	Teacher CDS	8.0
2.	Teacher CUR	2.0
3.	Teacher JCS	21.0
4.	Teacher Pregnant Minors	3.0
5.	Teacher SDC	1.0
6.	Literacy Specialist	2.0
C.	Division of Accountability, Support and Monitoring	FTE
1.	Project Director III	2.0
2.	Consultant III	1.0
3.	Consultant II	1.0
4.	Coordinator II	2.0

D.	Division of Curriculum and Instructional Services	FTE
	1. Project Director III	5.0
	2. Consultant II	10.0
	3. Senior Program Specialist	5.0
	4. Teacher Outdoor Education	2.0
E.	Division of Regional Occupational Preparation-CTE	FTE
	1. Director	1.0
	2. Assistant Director	1.0
	3. Consultant III	6.0
	4. Consultant II	1.0
	5. Counselor	27.0
F.	Division Student Support Services	FTE
	1. Project Director III	1.0
	2. Consultant II	1.0
G.	Beginning Teacher Program	FTE
	1. Project Director III	1.0
	2. Coordinator II	3.0
H.	Division of Instructional Technology Outreach	FTE
	1. Consultant III	1.0
	2. Consultant II	8.0
TOTAL		256.45

11. The services or programs set forth in Factual Finding 10 are particular kinds of services which may be reduced or discontinued within the meaning of section 44955. The County Superintendent's determination to reduce or discontinue these services or programs is within his sound discretion and was not proven to be arbitrary or capricious. The reduction or discontinuation of services is related to the welfare of LACOE and its pupils, and it has become necessary to decrease the number of certificated employees.

12. LACOE considered personnel changes due to attrition, retirements, and the releases of provisionally credentialed and temporary employees in making its determination to issue layoff notices.

13. LACOE maintains a seniority list which contains employees' seniority dates, current assignments and locations, credentials, and authorizations. LACOE used the seniority list to identify the most junior employees working in a particular kind of service being reduced or discontinued and determine which employees would receive layoff notices.

14. The County Superintendent also adopted Resolution 3-S, which contained criteria to be used in determining the order of termination of certificated employees who first rendered paid service to LACOE on the same date. The County Superintendent determined that such criteria best served the needs of LACOE and its pupils. Respondents did not challenge the tie-breaking criteria.

#### *Skipping*

15. Pursuant to exhibit A of Resolution No. 1-S, the County Superintendent determined to retain certain certificated staff in the particular kinds of services identified in Factual Finding 10, regardless of seniority who, by their training, experience, and assignment, meet any of the following criteria:

A. Probationary or permanent certificated employees who have experience teaching and specialized training in the Road to Success Academy's customized curriculum for female incarcerated high school students.

B. Probationary or permanent certificated employees who are currently assigned to Challenger Memorial Youth Center and have received specialized training and have experience in the facility wide implementation of the Positive Behavior Interventions and Supports (PBIS) pursuant to the requirements of the *Casey A.* settlement agreement (section 5) and court order enforcing the same.

C. Probationary or permanent certificated employees who are currently assigned to Challenger Memorial Youth Center and have received specialized training and are experienced in the facility-wide implementation of the Advance Path program pursuant to the requirements of the *Casey A.* settlement agreement and court order enforcing the same.

D. Probationary or permanent certificated employees who are currently assigned to Challenger Memorial Youth Center whose assignment is necessary to maintain and achieve compliance with constitutional requirements relating to equal protection, consistent with the *Casey A.* settlement agreement and court order enforcing the same.

#### The Challenger Memorial Youth Center Skip

16. LACOE is party to a federal court class-action lawsuit entitled *Casey A., et al., v. Delgado, et al.*, case no. CV10-00192GHK(FMO) (C.D. Cal.). LACOE entered into a settlement agreement, which is enforced by order of the federal district court. Respondents were not parties to that litigation, and were not involved in the settlement.

17. The Challenger Memorial Youth Center (Camp Challenger) is a camp operated by the Los Angeles County Probation Department serving juvenile offenders. LACOE operates Christa McAuliffe High School (CMHS), which provides educational services to the residents, who are described as fragile and in need of specialized educational services. The students are transitory, in that the average attendance for any given student is four to five months before being transferred to another facility or leaving Probation Department supervision. It was alleged in the lawsuit that the rehabilitative and educational programs at CMHS were constitutionally deficient.

18. The settlement agreement requires ongoing monitoring and periodic reporting to the district court, as well as significant and extensive skills training and cross-training of staff and implementation of programs unique to CMHS. The improvements and extensive training are mandated by the settlement agreement in 13 different subject areas. Staff at CMHS have received extensive training and experience offered exclusively in these specialized areas and programs to ensure compliance with the settlement agreement, and untrained staff not assigned to CMHS do not possess the same training and experience. On average, CMHS teachers receive three to six hours per week of training. For example, staff receive intensive professional development, including one-on-one instructional coaching, weekly collaborative sessions, weekend training, and access to on-line course materials. Staff have also received Tier I and Tier II training in the Positive Behavior and Intervention Support (PBIS) process, focusing on productively responding to negative behaviors. Some staff have also received highly specialized training and certification in Career and Technical Education (CTE), which focuses on vocational training. Other areas of specialized training and curriculum include Intensive Reading Intervention (Read 180), Professional Learning Communities (PLCs), Think Through Math, and Achieve 3000 (literacy skills).

19. The specialized training for CMHS staff began in the Fall of 2010 and intensified in the Spring of 2011. At the end of the 2010-2011 school year, the County Superintendent resolved to layoff certificated staff from LACOE. Some teachers at CMHS were laid off as a result of that proceeding, and were replaced the following school year by those who did not have the same specialized training and experience. As a result of the change in staff at CMHS related to the layoff, the progress toward the goals mandated in the settlement agreement was frustrated and overall improvement stalled. In the last two school years, the improvement at CMHS has increased dramatically, as reported by the monitor appointed by the parties to oversee implementation of the settlement agreement.

20. Some of the specialized training and curriculum used at CMHS is also available at other camp sites within LACOE, such as PBIS, Read 180, Advance Path, Achieve 3000, and Think Through Math. However, the training and curriculum offered at other camps or schools is different from that offered at CMHS and is not bundled together in the same comprehensive and intensive manner that it is at CMHS.

### The Road to Success Academy Skip

21. The Road to Success Academy (RTSA) at Scott Scudder Camp is an all-girls school comprised of female juvenile offenders. It is the only one of its kind in Los Angeles County. The camp is operated by the Probation Department, and RTSA is operated by LACOE. RTSA is similar in some ways to CMHS, in that the student population is in need of specialized education and is transitory. In October of 2010, a number of reforms were instituted at RTSA, as part of a comprehensive package of recommendations made by the Los Angeles County Board of Supervisors. As one witness described the situation, LACOE was in need of “taking back control of RTSA,” by empowering teachers to teach and not simply deal with negative behaviors and discipline. The RTSA reforms are modeled after charter schools. RTSA is able to plan its own curriculum and not be held to LACOE’s usual curriculum pacing.

22. Many of the same skills and experience discussed above regarding CMHS are integrated into the training of staff at RTSA, including specialized group training and one-on-one coaching on a weekly basis, as well as further support and training off-site. The culmination of the specialized training and integrated coaching manifest unique skills and experience for certificated personnel at RTSA, and untrained senior staff not assigned to RTSA do not possess the same training and experience. For example, PLCs are used to design cross-curricular and thematic teaching units, which is integral to the new RTSA model. Staff have also been trained to use “circle” methods of group discussion to allow teachers to better know and understand students. Transition services are also utilized, focusing on career and vocational guidance to students.

23. Although there has been some turn-over at RTSA due to retirement, the newly assigned teachers have had to undergo intensive training in the above-described areas. It has taken a number of months for those new teachers to master the specialized training and curriculum at RTSA. Some of the specialized training and curriculum used at RTSA is also available at other camp sites within LACOE. However, that training and curriculum offered at other camps or schools is different from that offered at RTSA and is not bundled together with the same intensity as it is at RTSA.

### Other Skipping Issues

24. Charles Campos. Respondent Campos is deaf. He uses American Sign Language (ASL) in teaching his adapted physical education (APE) classes, which are comprised of students who are deaf or hearing impaired. Respondent Campos knows of no other deaf or hearing impaired teacher in LACOE’s APE department. Respondent Campos argues that laying off the only known such deaf teacher will violate his constitutional rights. As the County Superintendent has not exercised his discretion in skipping such personnel, the ALJ has no jurisdiction to grant the relief Respondent Campos requests.<sup>3</sup>

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<sup>3</sup> Education Code section 44955, subdivision (d), provides the exclusive purview of skipping decisions to school boards or county superintendents, not to teachers, parents or

25. Tyesa Walton. Respondent Walton is senior to Roshawn Perkins, who is assigned to part of the CMHS program. Ms. Perkins has been skipped, because she possesses the special experience and training described above. Respondent Walton has the same credential as Ms. Perkins. She teaches in a special day class at a juvenile facility for incarcerated students. Respondent Walton contends that she could serve in Ms. Perkin's position, and therefore she either should have been skipped or she could have bumped into Ms. Perkin's position. However, it was not established that Respondent Walton possesses the same special experience and training as Ms. Perkins or other CMHS staff. For that reason, she may not bump into Ms. Perkin's assignment, nor should she be skipped under the County Superintendent's skipping criteria.

26. Laura Wilson. Respondent Wilson is a Literacy Specialist at the Central Juvenile Hall. She is senior to, and has the same credentials as Diem Johnson, who is the Literacy Specialist at RTSA. Respondent Wilson contends she could serve in Ms. Johnson's position, and therefore she should either bump into that position or she should have been skipped. While Respondent Wilson has received similar parts of some of the training and coaching received by certificated staff at RTSA, it was not established that she has received the same special training and experience, or with the same intensity, as RTSA staff. If Respondent Wilson replaced Ms. Johnson, she would require extensive, and intensive, training and coaching to perform Ms. Johnson's position. Under these circumstances, it was not established that Respondent Wilson should have bumped into Ms. Johnson's position or been included in the County Superintendent's skipping decision relative to RTSA staff.

27. Respondents Dawn Howell and Giovanni Boskovich have the same credential as skipped teacher Aimee Nobles, who teaches at a CMHS site. Respondents Howell and Boskovich are more senior than Ms. Nobles. However, it was not established that Respondents Howell or Boskovich have the same special training and experience that Ms. Nobles possesses. Therefore, it was not established that these two Respondents should have bumped into Ms. Nobles position or been included in the County Superintendent's skipping decision relative to CMHS staff.

#### *Seniority Date Disputes*

28. Kyle Kelley. Respondent Kelley disputes his seniority date of August 27, 2012. He contends his correct seniority date is August 30, 2011, but concedes that seniority date will not prevent him from being laid off. He would like a change in his seniority date for

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students. Therefore, the ALJ has no jurisdiction to determine whether a new skip category should be created for this Respondent or any other. Although section 44955, subdivision (d)(2), does provide for skipping junior personnel for purposes of "maintaining or achieving compliance with constitutional requirements related to equal protection of the laws," that skipping decision is solely within the discretion of the County Superintendent, not a teacher. Respondent Campos has other forums to request relief should he contend he has been discriminated against by reason of his disability.



better positioning should LACOE engage in rehiring this summer. Respondent Kelley worked during the 2011-2012 school year under a variable term waiver in speech and language pathology. In April of 2012, he was told he would no longer be employed by LACOE and was asked to sign a voluntary separation form, which he did. He testified that he was led to believe he would be rehired the following school year, and that is one of the reasons he signed the voluntary separation form. He contends he was misled into resigning his position and that LACOE should be estopped from changing his seniority date based on his separation from employment in April of 2012.<sup>4</sup> However, Respondent Kelley failed to establish all elements of estoppel. Respondent Kelley knew he was voluntarily separating from service when he signed the form in question and that he would no longer be employed by LACOE at that time. Respondent Kelley failed to prove that his separation from employment in April of 2012 was wrongful or that LACOE staff made a misrepresentation in asking him to sign the separation form. A change of his seniority date is not warranted.

29. Linda Hart Riley. Respondent Hart Riley disputes her seniority date of November 29, 2010. She began her employment with LACOE on January 5, 2008, which she contends should be her seniority date. Respondent Hart Riley concedes that even with a new seniority date, she would still be subject to layoff. When she began her employment with LACOE, Respondent Hart Riley was teaching in a position which required an English Language Learner certificate, which she was in the process of obtaining. LACOE records indicate that she was given a notice of non-reelection at the end of the 2009-2010 school year because she had not yet obtained her ELL certificate. LACOE served her with a notice of non-reelection in March of 2010. Respondent Hart Riley signed a form indicating her receipt of the non-reelection notice at that time, which was presented during the hearing.<sup>5</sup> LACOE records show that thereafter, she was employed as a substitute teacher. It was not until November of 2010, after she obtained her ELL certificate, that she was employed full-time and received regular pay. A change in her seniority date is not warranted.

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<sup>4</sup> Estoppel may be invoked when a party establishes the following elements: (1) the party to be estopped must be apprised of the facts; (2) the party to be estopped made a statement which he/she intended to be acted upon, or must so act that the party asserting the estoppel had a right to believe it was so intended; (3) the other party must be ignorant of the true state of facts; and (4) the other party must rely upon the conduct to his/her injury. (*Crumpler v. Board of Administrators* (1973) 32 Cal.App.3d 567, 581.) However, cases applying estoppel to government entities also involve some sort of misrepresentation, misleading action or inaccurate information negligently given by the involved agency. (*Id.*, at 580-582.)

<sup>5</sup> Education Code section 44848 mandates that a certificated employee loses a previously established seniority date when they are dismissed, resigned or non-reemployed for reasons other than being laid off.

30. Tyesa Walton. She also disputes her seniority date of August 29, 2010. She was initially hired by LACOE on October 30, 2007, which she contends is her correct seniority date. In fact, Respondent Walton received a letter from LACOE staff in December of 2010 advising her that that was her seniority date. However, the seniority date stated in that letter was erroneous. That is because on March 5, 2010, Respondent Walton had received a non-reelection notice due to her failure to obtain an ELL certificate. (See footnote 5 below.) She did not appeal or contest her non-reelection at that time, although she now contends that her non-reelection was wrongful. She thereafter obtained her ELL certificate in June of 2010, was rehired by LACOE, and began her employment on August 29, 2010. Respondent Walton was advised by LACOE staff in November of 2012 that her appointed seniority date was in August of 2010. Respondent Walton did not demonstrate that she had detrimentally relied on the erroneous information stated in the December 2010 letter, or that LACOE's error in stating an incorrect seniority date in that letter was prejudicial to her.<sup>6</sup> Under these circumstances, a change in her seniority date is not warranted.

31. Taking into account the changes described above, no junior certificated employee is scheduled to be retained to perform services that a more senior employee is certificated and competent to render.

## LEGAL CONCLUSIONS

1. In administrative hearings dealing with personnel matters, the burden of proof is ordinarily on the agency prosecuting the charges. (*Parker v. City of Fountain Valley* (1981) 127 Cal.App.3d 99, 113.) For example, in personnel matters concerning the dismissal of a teacher for cause, the burden of proof is on the discharging school district. (*Gardner v. Commission on Prof. Competence* (1985) 164 Cal.App.3d 1035.) In this case, the County Superintendent bears the burden of proof. As no other law or statute requires otherwise, the standard of proof in this case is the preponderance of the evidence. (Evid. Code, § 115.)

2. All notice and jurisdictional requirements of sections 44949 and 44955 were met, with the exception of the service of the preliminary layoff notice on Respondent Jesus Castillo. Because Respondent Castillo was not served by the statutory deadline, the Accusation against him should be dismissed. (Factual Findings 1-9.)

3. (A) Respondents argue that all those subject to layoff in the same particular kind of service area as Respondent Castillo with greater seniority than he must be retained. Respondents rely on a literal interpretation of Education Code section 44955, subdivision (b), which provides, "the services of no permanent employee may be terminated under the

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<sup>6</sup> Therefore, Respondent Walton cannot establish the elements of estoppel. In addition, the erroneous statement of her seniority date in the December 2010 letter would constitute a nonsubstantive procedural error for purposes of section 44949, subdivision (c)(3), that could not constitute cause to dismiss the Accusation against her absent her showing the error was prejudicial.

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.” This is the so-called “domino theory.”

(B) Application of the domino theory is not supported by relevant legal authority. For example, it has been suggested that the proper remedy for such a situation is for a “corresponding number of the most senior employees” who did receive a layoff notice to have their notices withdrawn. (*Alexander v. Delano Joint Union High School District* (1983) 139 Cal.App.3d 567, 576.) Section 44949, subdivision (c)(3), provides that “non-substantive procedural errors committed by the school district . . . shall not constitute cause for dismissing the charges unless the errors are prejudicial errors.” This provision suggests that when a school district, through oversight, fails to notice one employee, that procedural error should only result in one corresponding respondent having his/her layoff notice withdrawn, as that employee would be most properly viewed as the one suffering prejudice. Also, a legal scholar on school district layoff cases in California disapproves of applying the domino theory in cases of good-faith errors by school districts. (Ozsogomonyan, *Teacher Layoffs in California: An Update*, (1979) 30 Hastings Law Journal 1727, 1754-1759.) Finally, the approach approved by the *Alexander* court has been generally accepted by ALJs of the Office of Administrative Hearings in cases of good faith errors by school districts.

(C) In this case, the failure to timely provide Respondent Castillo with a preliminary layoff notice was the result of inadvertence. Thus, the appropriate remedy is for LACOE to rescind the layoff notice to the most senior Respondent in the same particular kind of service subject area corresponding with Respondent Castillo’s. LACOE staff shall be ordered to make that determination and take that action. (Factual Findings 1-9.)

4. (A) Education Code section 44955, subdivision (d)(1), permits a school district to deviate from the order of seniority in teacher layoffs when “the district demonstrates a specific need for personnel to teach a specific course or course of study . . . and that the employee [who is retained] has special training and experience necessary to teach that course or course of study . . . which others with more seniority do not possess.”

(B) In this case, the County Superintendent established a specific need for personnel at CMHS and RTSA to teach using methods and processes obtained through extensive and intensive training and coaching. The special experience and training received by staff has permeated into the unique curriculum and courses of study offered at CMHS and RTSA. It is not necessary that the special training and experience be related solely to the courses; it can also relate to the process of how the course of study is offered or taught. A prior layoff of CMHS staff indicated that replacing certificated staff by those without the special training and experience destabilized the situation, and reversed progress toward court-mandated goals and expectations. That situation demonstrates how necessary the special experience and training is to working at CMHS. Though there has been some turn-over at both CMHS and RTSA, the replacement staff has only been able to perform the positions in question after receiving the extensive and intensive training and experience possessed by those already at CMHS and RTSA. It was therefore established that the County

Superintendent's skipping decisions relative to CMHS and RTSA were appropriate, in that the skipped teachers possess special training and experience to teach the unique courses of study at those schools that others within LACOE more senior to them do not possess. (Factual Findings 1-27.)

5. The services identified in Resolution No. 1-S are particular kinds of services that can be reduced or discontinued pursuant to section 44955. The County Superintendent's decision to reduce or discontinue the identified services was neither arbitrary nor capricious, and was a proper exercise of his discretion. Services will not be reduced below mandated levels. Cause for the reduction or discontinuation of those particular services relates solely to the welfare of LACOE's schools and pupils within the meaning of section 44949. (Factual Findings 1-14.)

6. Cause exists to reduce the number of certificated employees of LACOE due to the reduction and discontinuation of particular kinds of services. (Factual Findings 1-14.)

7. During the hearing, the District rescinded the layoff notices issued to Respondents Bon B. Laronsilva, Kathleen Davis, and Danny Hong. The Accusations against them will be dismissed. (Factual Finding 8.)

8. No junior certificated employee is scheduled to be retained to perform services that a more senior employee is certificated and competent to render. (Factual Findings 1-31.)

#### ORDER

1. The Accusation against Respondent Jesus Castillo is dismissed. He shall not be given a final layoff notice for the next school year.

2. In light of the dismissal of the Accusation against Respondent Jesus Castillo, LACOE staff shall determine the most senior Respondent in the same particular kind of service area as Jesus Castillo. The Accusation against that most senior Respondent shall be dismissed, and that most senior Respondent shall not be given a final layoff notice for the next school year.

3. The Accusation against Respondents Bon B. Laronsilva, Kathleen Davis, and Danny Hong are dismissed. LACOE shall not give them final layoff notices for the next school year.

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4. The Accusation is sustained against the remaining Respondents. LACOE may give a final notice of layoff to those Respondents. Notice shall be given to those Respondents that their services will not be required for the 2013-2014 school year, and such notice shall be given in inverse order of seniority.

Dated: May 1, 2013

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ERIC SAWYER  
Administrative Law Judge  
Office of Administrative Hearing

### Attachment A: The Respondents

Abascal, Claudia*	Hossum, Cheryl*
Aguilar, Sara	Howell, Dawn
Aguilera, Rudi	Ito, Brandon
Arellanes, Geraldine	James, Shemi
Arteaga, Monique	Johnson, Yves
Avila, Julie	Jones, Amanda
Baird, Jeffrey	Kelley, Jonathan
Balsam, Theora	Kelley, Kyle
Barnett, Gina*	Kuehner, Joseph
Boskovich, Giovanni	Larsonsilva, Bon
Bowen, Tiffani	Leung, Alisha
Bradley, Maria*	Levine, Jacqueline
Brinkley, Christa	Llamas, Miriam
Burkhalter, Christine	Lopez, Jazmin
Burton, Michelle	Lopez, Loraine*
Campos, Charles	Lowery, Marieka
Castillo, Jesus	Malomo, Oghenevwaire
Cho, Kimberly	Martin, Ariana*
Christopher, John	Martinez, Emily
Clark, Newman*	Martinez, Karina*
Crummitt, Ray	Matsunaga, Kayce
Davis, Kathleen	McCloud, Richard
Didomenico, Jory	McNeal, Michelle*
DiPierro, Gary	Mejia, Miriam*
Enriquez, Feliciana*	Mitchell, Cassandra*
Escareno, Jenna	Miyasato, Phillip
Espinosa, Shelley*	Montoya, Mary
Flores, Gerardo	Moore, Barbara
Florido, Michael	Moore, Teresa*
Franco, Ofelia	Moore, Tonya
Frias, Emilia	Morehead, Joseph*
Garay, Ana	Nicoll, Robert
Glass, Mae*	Nwankwo, Ifeyinwa Ngozi
Gomez, Angelic	Ortega, Ivette
Gonzalez, Gladys*	Osuji, Samuel*
Gordon, Francis*	Pearson, Amy
Hairrington, Lisa	Perez, Joanne
Hardy, Stephanie*	Perez, Linda
Hart Riley, Linda	Perez, Nancy*
Hayman, April	Peterson, Brenda*
Hendler, Omer*	Pham, Lou Verna *
Hogan, Sarah	Pinedo, Adrian
Hong, Danny	Pittluck, Arielle*

Quincy, Gissell  
Rada, Elizabeth\*  
Rancatore, Dana  
Riegler, Trina\*  
Roberts Wilson, Laura  
Rodriguez, Nancy  
Rojas, Gustavo  
Romero, Luis  
Salazar, Francisco\*  
Salazar, Luvina  
Salinas, Natalia\*  
Sanchez, Mayra\*  
Shah, Rina\*  
Simmons, Kathrin  
Soto, Claudia\*  
Sparks, Jerane\*

Stuart, Tara  
Teller, Adair  
Tittle, Anne  
Torres, Araceli  
Torres, Juan  
Trieu, Danny  
Trout, Sara  
Uti, Eno  
VanGelder, Matthew\*  
Vargas, Margarita  
Walton, Tyesa  
Warren, Natasha\*  
Wecker, Paul\*  
Whittemore, Heather  
Wilhelmus, Christy  
Young, Raven

\* denotes a person who served under a provisional