

BEFORE THE SUPERINTENDENT OF THE
ORANGE COUNTY DEPARTMENT OF EDUCATION
STATE OF CALIFORNIA

In the Matter of the Accusations Against:

CERTAIN CERTIFICATED EMPLOYEES,

Respondents.

OAH Case No. 2011030506

PROPOSED DECISION

Daniel Juárez, Administrative Law Judge (ALJ), Office of Administrative Hearings, heard this matter on April 18, 2011, in Costa Mesa, California.

Atkinson, Andelson, Loya, Ruud & Romo, and Anthony P. De Marco, Esq., and Cathie L. Fields, Esq., represented the Orange County Department of Education (OCDE).

Reich, Adell, Crost & Cvitan and Marianne Reinhold, represented those Respondents listed in Appendix A.

Michael J. DeNiro, Esq., represented Julie Ames (Respondent Ames) and John Wells (Respondent Wells).

Dean W. Hall, Esq., represented Christine Hall (Respondent Hall).

Michael Kashdan (Respondent Kashdan) represented himself.

The ALJ left the record open until April 29, 2011, to allow the parties to file closing briefs. The parties filed closing briefs timely. All briefs were marked for identification.

The matter was deemed submitted for decision on April 29, 2011.

FACTUAL FINDINGS

1. Sandy Hall, OCDE Director of Human Resources, filed the Accusations in her official capacity.
2. Respondents are presently certificated employees of OCDE.
3. On March 3, 2011, the OCDE Superintendent (Superintendent) adopted a resolution to reduce and discontinue particular kinds of certificated services no later than the

beginning of the 2011-2012 school year (the first resolution). The particular kinds of certificated services total 43 full time equivalent (FTE) teaching positions and three FTE administrative positions. The Superintendent further determined that it was necessary because of those reductions or discontinuances to decrease the number of certificated employees at the close of the present school year by a corresponding number of FTE positions and intended to notify the appropriate employees to implement those reductions or discontinuances.

4. By March 15, 2011, OCDE notified Respondents (excepting Respondent Wells) of its determination to terminate Respondents' services for the ensuing school year and the underlying reasons for termination, in accordance with Education Code sections 44949 and 44955. In addition to Respondent Wells, this notice also was not served on Respondents Eric E. Barrientos (Respondent Barrientos), Judith L. Kirchner (Respondent Kirchner), and David Valle (Respondent Valle).

5. On March 3, 2011, the Superintendent adopted a second resolution to reduce or eliminate certain certificated services and release temporary certificated employees no later than the beginning of the 2011-2012 school year (the second resolution). The second resolution cited to the first resolution. In the second resolution, the Superintendent further determined that it was necessary to release all temporary certificated employees by notification and identified three temporary employees: Respondent Barrientos, Respondent Kirchner, and Respondent Valle.

6. By March 15, 2011, OCDE notified Respondents Barrientos, Kirchner, and Valle that their services would not be required for the ensuing school year. OCDE extended them a right to request a hearing, although it explained that by extending such a right, OCDE did not intend to convert their temporary status into that of probationary or permanent. OCDE further informed Respondents Barrientos, Kirchner, and Valle of the underlying reasons for their release and cited to Education Code sections 1294, 1294.1, 1294.5, and 44954.

7. In response to the written notice, each Respondent (excepting Respondent Wells) timely requested, or was deemed to timely request, a hearing to determine if there is cause to not reemploy him or her for the 2011-2012 school year. Respondents who requested a hearing are listed in Appendix B.

8. OCDE served the Accusation and other required documents timely on each Respondent (excepting Respondent Wells).

9. All jurisdictional requirements were met, excepting Respondent Wells.

10. The first resolution reduces or discontinues 46 FTE positions for the 2011-2012 school year.

11. The 46 FTE positions at issue in this matter are particular kinds of services that may be reduced or discontinued within the meaning of Education Code section 44955.

12. The Superintendent's decision to reduce or discontinue the particular kinds of services at issue in this matter was due to the anticipated decline in State funding. The Superintendent's decision was not arbitrary or capricious; it constituted a proper exercise of discretion.

13. The reduction or discontinuation of particular kinds of services related to the welfare of OCDE and its pupils. The reduction or discontinuation of particular kinds of services was necessary to decrease the number of certificated employees of OCDE, as determined by the Superintendent.

14. OCDE identified the certificated employees providing the particular kinds of services that the Superintendent directed to be reduced or discontinued. The certificated employees subject to layoff are listed in Appendix C, excepting Respondents Wells and Jose Maduena, as discussed, *post*.

15. The recommendation that Respondents be terminated from employment was not related to their performance as teachers.

16. OCDE seeks to "skip" certain certificated employees, that is, exempt them from layoff, pursuant to Education Code section 44955, subdivision (d)(1). (See Legal Conclusion 6, for the pertinent statutory language.) The proposed individual "skips" are involved in five particular educational programs that OCDE asserts constitute specific courses or courses of study : the visually handicapped program, the PIES program, the U.C. Irvine program, the Pacific Coast High School program, and the Sunburst Academy program.

17. Regarding the visually handicapped program, OCDE seeks to "skip" Respondent Cora B. Lee (Respondent Lee) as the only teacher in its visually handicapped program for elementary students and asserts that Respondent Lee has specialized training and experience to teach in the visually handicapped program.

18. Regarding the PIES program, OCDE seeks to "skip" Respondent Elizabeth M. Desloge (Respondent Desloge) as the teacher with special training and experience working with infants in the PIES program. The PIES acronym was not conclusively defined; OCDE explained that the PIES program is an inter-agency support program for parents and their infants and toddlers.

19. Regarding the U.C. Irvine program, OCDE seeks to "skip" Respondents Susan S. Keir (Respondent Keir) and Jose James Newkirk (Respondent Newkirk), arguing that Respondent's Keir and Newkirk have the specialized training and experience needed to teach in the U.C. Irvine program.

20. OCDE's Pre-Hearing Brief identifies Terra D. Bernard, instead of Respondent Newkirk, as the teacher OCDE intends to "skip" in the U.C. Irvine program, but the evidence does not contain data regarding a teacher with the name, Terra D. Bernard. Therefore, the ALJ makes no findings regarding a teacher with the name of Terra D. Bernard.

21. The U.C. Irvine program is a collaborative therapy program for students who have failed in a traditional classroom environment due to medical, psychological, or behavioral problems. The program has three requirements of its teachers: 1) have a California multiple subject K-8 teaching credential; 2) complete a one-year undergraduate course in ADHD (attention deficit-hyperactivity disorder) at U.C. Irvine and receiving a certificate of completion, or equivalent training and demonstrated competency in behavior analysis techniques from an accredited university or professional association; and 3) have at least one year experience working at and demonstrating proficiency in implementing the behavior program at the U.C. Irvine program as either a student teacher, behavior specialist, substitute teacher, university approved volunteer, or a U.C. approved contractor.

22. OCDE argues that Respondents Keir and Newkirk meet these requirements and that possessing these requirements equate to the special training and experience needed to teach at the U.C. Irvine program.

23. Regarding the Pacific Coast High School program, OCDE seeks to “skip” Respondents Julie L. Springston (Respondent Springston), Marsha Garten (Respondent Garten), and Shanti Sioux Schiller (Respondent Schiller). The Pacific Coast High School program is designed to meet the University of California requirements of non-site-based independent study schools, including requiring teachers to be certified as “highly qualified” under the federal No Child Left Behind Act. OCDE asserts that Respondents Springston, Garten, and Schiller possess the necessary special training and experience to teach within the Pacific Coast High School program.

24(a). Regarding the Sunburst Academy program, OCDE seeks to “skip” Respondents Carol J. Drellack (Respondent Drellack), Judith M. Walsh (Respondent Walsh), Raphael H. Nguyen (Respondent Nguyen), Mary F. Schegetz (Respondent Schegetz), and Tanya G. Adams (Respondent Adams). The Sunburst Academy program is a program conducted in conjunction with the National Guard. Students enrolled in the program are candidates for the National Guard. The program is located on a military base and involves instruction in educational cycles. Each cycle has a two-week orientation at the beginning and two 10-week semesters. Teachers undertake special training before each cycle in Washington, D.C. and in other locations. Training builds on prior training.

24(b). High teacher turnover in 2010 led the Director of Youth Programs for the California Military Department’s Office of the Adjutant General, in March 2010, to assert his concern about the increased costs of training new teachers, the resultant difficulty in meeting national training standards for staff, and the Sunburst Academy’s continuity. There was no persuasive evidence that these concerns continue for the current school year. For the reasons set forth in Legal Conclusion 9, the ALJ did not consider the California Military Department’s concerns in reaching his conclusions on this issue.

25. OCDE’s evidence in support of its proposed “skips,” provided mostly by the testimony of OCDE’s Director of Human Resources, was limited. Nonetheless, given the lack of evidence or argument in opposition, the evidence in support of skipping, as OCDE proposed, constituted a preponderance of the evidence.

26(a). With the exception of Respondent Wells, Hall, and Kashdan, no other Respondent asserted any opposition to OCDE's proposed "skips." Saliently, an assessment of Respondents Wells's, Hall's, and Kashdan's oppositions to the proposed "skips" revealed that none of these oppositions were substantive. In the case of Respondent Kashdan, the basis he cited for his opposition was insufficient. Thus, Respondents Wells, Hall, and Kashdan failed to adequately counter the evidence and argument in favor of "skipping," as OCDE proposes.

26(b). At hearing, Respondent Wells failed to present any evidence or assert any argument in opposition to the proposed skips. In its Pre-Hearing Brief (footnote 7), OCDE asserted that Respondent Wells opposed the "skips" and that in his Notice of Defense, Respondent Wells described the proposed skips as "illegal." With no evidence or argument presented at hearing, however, this assertion was dismissed.

26(c). At hearing, Respondent Hall also failed to present any evidence or assert any argument in opposition to the proposed skips. Like Respondent Wells, it is only in OCDE's Pre-Hearing Brief (footnote 7) that OCDE informed the ALJ that Respondent Hall opposed the proposed "skips." In her Trial Brief, Respondent Hall argues that OCDE has "greatly expanded" the "skipping rules," pursuant to Education Code section 44955, subdivision (d)(1). However, instead of opposing or contesting the "skips," Respondent Hall sought to be "skipped" in similar fashion to the proposed Sunburst Academy "skips." (See also Factual Finding 24(a).) With no evidence or argument presented at hearing, the assertion of Respondent Hall's opposition to the proposed "skips" was dismissed.

26(d). In his closing brief, Respondent Kashdan argued that the proposed "skipping" of the Sunburst Academy was unnecessary, but he based his argument on his belief that OCDE had based its proposed "skip" on the California Military Department's 2010 concerns about teacher turnover. (Factual Finding 24(b).) As discussed in Legal Conclusion 9, the California Military Department's concerns about teacher turnover are irrelevant to the determination of whether the Sunburst Academy teachers have specialized training and experience to teach a specific course or course of study, as required by Education Code section 44955, subdivision (d)(1), and as such, those concerns were not considered in reaching the legal conclusions herein. Therefore, Respondent Kashdan's argument against the proposed skipping of the Sunburst Academy was insufficient to prevail.

27(a). Respondent Wells argued that OCDE failed to serve him with the preliminary notice of layoff. The evidence supports Respondent Wells.

27(b). Respondent Wells's previous address was in Laguna Niguel, California. His current address is in Aliso Viejo, California. Upon direction by OCDE administration in January 2011, Respondent Wells, on February 9, 2011, updated and corrected his address from Laguna Niguel to Aliso Viejo, using the OCDE's teacher data verification computer program. Respondent Wells proffered a print out of the teacher data verification program as of March 8, 2011, showing his updated and corrected Aliso Viejo address.

27(c). OCDE mailed the notice of layoff to Respondent Wells on March 9, 2011, but mailed it to the Laguna Niguel address. Respondent Wells did not receive it by March 15, 2011, as he did not reside at the Laguna Niguel address.

27(d). After March 15, 2011, Respondent Wells inquired with OCDE administration about not having received the notice of layoff by the statutory deadline.

27(e). On March 18, 2011, Respondent Wells received the notice of layoff by electronic mail. He then filed a Request for Hearing, dated March 18, 2011. This Request for Hearing contained Respondent Wells's old Laguna Niguel address.

27(f). There was conflicting evidence regarding why Respondent Wells placed his old Laguna Niguel address on his hearing request form. Respondent Wells asserted that OCDE staff advised him to use the Laguna Niguel address on his hearing request form. The OCDE staff member Respondent Wells identified as having advised him to do so testified that she did not advise him to use any particular address. This conflict need not be resolved, as the result would be irrelevant. Since OCDE was required to have served Respondent Wells with the notice of layoff by March 15, 2011, whichever address he identified on his hearing request form, dated March 18, 2011, is irrelevant.

27(g). OCDE did not dispute that Respondent Wells corrected and updated his address to the newer Aliso Viejo address in February 2011, nor did it dispute that the teacher data verification program contained Respondent Wells's newer address on March 8, 2011. Instead, OCDE argued that it had not processed the administrative form (personnel action notice) in time to officially change Respondent Wells's address before serving the notices of layoff. OCDE further argued that Respondent Wells had not authorized his change of address in accordance with internal OCDE human resources policies and procedures (requiring Respondent Wells's signature). OCDE also argued that Respondent Wells was not a credible witness based on his assertion that OCDE staff advised him to use the Laguna Niguel address on his hearing request form. Despite OCDE staff testimony contradicting Respondent Wells, there was no conclusive evidence to support a conclusion that Respondent Wells was not credible or that his veracity should be questioned any more than that of the OCDE staff member. This is true, particularly given that his actions to identify his address after March 15, 2011, are irrelevant; and thus, fabricating the reason he used the Laguna Niguel address on his hearing request form would provide him no advantage.

27(h). The evidence established that Respondent Wells's last known address was the Aliso Viejo address and OCDE failed to serve Respondent Wells with the notice of layoff at his last known address by or before March 15, 2011. There was no evidence that Respondent Wells sought to evade service, whether in person or by mail. As notice was defective, Respondent Wells cannot be laid off. (See Legal Conclusions 11-14.)

28. As Respondent Wells's argument is successful, Respondents' counsel Reinhold correctly argued that the most senior teacher slated to receive a layoff notice in Respondent Wells's same teaching program (ACCESS), should have their notice rescinded, as further discussed in Legal Conclusion 16. That individual is Jose Maduena (Respondent Maduena).

29(a). Respondent Ames argued that she should bump Respondent Newkirk to teach at the University of California, Irvine Child Development Center (UCICDC)¹ because she is qualified and competent to teach in the UCICDC program and because she has an earlier seniority date than Respondent Newkirk. Respondent Ames noted that she had a seniority date of January 12, 2004, while Respondent Newkirk has a seniority date of October 7, 2009.

29(b). Sabrina E. B. Schuck, Ph.D., Assistant Professor of Pediatrics and Director of the UCICDC, testified and explained that there are three requirements to teaching at the UCICDC program. The requirements are the same as noted in Factual Finding 21: 1) having a California multiple subject K-8 teaching credential; 2) completing a one-year undergraduate course in ADHD (attention deficit-hyperactivity disorder) at U.C. Irvine and receiving a certificate of completion, or equivalent training and demonstrated competency in behavior analysis techniques from an accredited university or professional association; and 3) having at least one year experience working at and demonstrating proficiency in implementing the behavior program at the UCICDC as either a student teacher, behavior specialist, substitute teacher, university approved volunteer, or a U.C. approved contractor.

29(c). Respondent Ames did not contest the three requirements, but argued that she had completed all three. However, Respondent Ames provided no persuasive evidence that she had completed the third requirement of at least one-year experience working at and demonstrating proficiency in implementing the behavior program at UCICDC in one of the capacities delineated. With no such evidence, she did not establish that she was qualified and competent to teach at the UCICDC program.

30. Respondent Kashdan questioned the numerical scope of the proposed layoff, given that his classrooms are full and increasing in numbers of students. He requested no specific relief.

31. Respondent Hall argued that OCDE should “skip” her from layoff. She asserted that she has special training and experience as a teacher responsible for assessment testing at various OCDE sites, and described her duties, responsibilities, and training. Respondent Hall likened her own training and experience to that of the teachers in the Sunburst program, contending that, in her view, the Sunburst “skip” was a “skip” based not on special training and experience, but training to function within a specialized program. Respondent Hall believes her situation is similar, and seeks to be “skipped” in similar fashion.

32. Respondents Adrienne Beauchamp, Jennifer Mahoney, Alison Wilson, Cara Pettite, Kristi Burnette, Stacy Green, Michael Rainis, Ruth Ann Ramirez, Martin Juarez, and Wendy Arteaga, all made arguments that they were competent and qualified to “bump” into other teaching positions at either the Pacific Coast High School program or the Sunburst Academy program. However, these Respondents provided inadequate and insufficient evidence to establish their assertions.

¹ The UCICDC appears to be the same program as referenced in Factual Finding 21.

33. OCDE's Director of Human Resources testified that Cynthia Dimmit (Dimmit) is a teacher under a temporary contract whom OCDE intends to release, pursuant to the terms of her temporary employment contract. OCDE hired Dimmit after March 15, 2011, and so the Superintendent did not consider Dimmit's temporary position when resolving to reduce the particular kinds of services and temporary employee services in the first or second resolutions. Thus, Dimmit was not a part of the reduction equation. Certain Respondents argued that Dimmit's release should count against the FTE positions to be reduced, like the other temporary employees at issue in this proceeding, Respondents Barrientos, Kirchner, and Valle. However, OCDE had hired and considered the positions of Respondents Barrientos, Kirchner, and Valle, when resolving to reduce services on March 3, 2011. That was not true of Dimmit; she had not yet been hired. Therefore, the Superintendent determined and identified the 43 FTE teaching positions at issue in this proceeding prior to, and independent of, Dimmit's temporary contracted position. Her release should not count against the FTE teaching positions to be reduced by the first and second resolutions.

34. No certificated employee junior to any respondent was retained to render a service that any respondent is certificated and competent to render.

LEGAL CONCLUSIONS

1. The parties met all notice and jurisdictional requirements set forth in Education Code sections 44949 and 44955, except as noted for Respondent Wells. (See Legal Conclusion 14.)

2. A school district may reduce services within the meaning of Education Code section 44955, subdivision (b), "either by determining that a certain type of service to students shall not, thereafter, be performed at all by anyone, or it may 'reduce services' by determining that proffered services shall be reduced in extent because fewer employees are made available to deal with the pupils involved." (*Rutherford v. Board of Trustees* (1976) 64 Cal.App.3d 167, 178-179.)

3. The services identified in the first resolution are particular kinds of services that the Superintendent can reduce or discontinue under Education Code section 44955. The Superintendent's decision to reduce or discontinue the identified services was not arbitrary or capricious, and was a proper exercise of his discretion. Cause for the reduction or discontinuation of services relates solely to the welfare of OCDE's schools and pupils within the meaning of Education Code section 44949.

4. OCDE properly identified the certificated employees providing the particular kinds of services that the Superintendent directed to be reduced or discontinued.

5. The Superintendent exercised his discretion in determining OCDE's specific needs for teachers with special training and experience to teach specific courses or courses of study. (Educ. Code, § 44955, subd. (d)(1).)

6. Education Code section 44955, subdivision (d)(1) states in pertinent part, “a school district may deviate from terminating a certificated employee in order of seniority [if] . . . [t]he 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 of study or to provide those services, which others with more seniority do not possess.”

7. The evidence constituted a preponderance of the evidence that the visually handicapped program, the PIES program, the U.C. Irvine program, the Pacific Coast High School program, and the Sunburst Academy program were all courses of study for which OCDE had a specific need, and that the identified teachers possessed the necessary special training and experience to teach in those programs.

8. OCDE argued that because these same proposed “skips” were proposed and litigated in past administrative hearings (2009 and 2010), and upheld by the ALJs in those matters, that arguments against these same “skips” were barred by the doctrine of collateral estoppel. As the “skips” were determined to be appropriate, and with no persuasive argument from Respondents against the “skips,” collateral estoppel was not analyzed and thus not imposed regarding any issue in this proceeding.

9. Regarding the “skipping” of the teachers at the Sunburst Academy program, the issue of the concerns raised by the Military Department in 2010 were not considered in concluding that the Sunburst Academy teachers could be skipped. Whether another agency has concerns like teacher turnover rates fails to impact whether the Sunburst Academy program is a special course of study, or whether the teachers intended to be skipped possess special training and experience necessary to teach within that program. (Educ. Code, § 44955, subd. (d)(1).) As such, evidence of the Military Department’s concerns were irrelevant to the determinations that must be made herein and not considered.

10. Respondent Hall’s argument that OCDE should “skip” her due to her training and experience involving assessment testing was unsuccessful. “Skipping” is within the discretion of the school district, or here, the Superintendent. (Educ. Code, §§ 44955, subd. (d)(1); 1294.) Teachers cannot require districts or superintendents to “skip” them. As the Superintendent has not resolved to “skip” certificated employees who have special training and experience equivalent to that of Respondent Hall, her argument fails the initial threshold analysis for “skipping.”

11. Education Code section 44949, subdivision (d), provides that “any notice . . . shall be deemed sufficient when . . . it is deposited in the United States registered mail, postage prepaid and addressed to the last known address of the employee.”

12. Education Code section 44955, subdivision (c), provides that “[i]n the event that a permanent or probationary employee is not given the notices and a right to a hearing as provided for in Section 44949, he or she shall be deemed reemployed for the ensuing school year.

13. Pursuant to the pertinent statutory provisions, notice of layoff must be served on or before March 15. (Educ. Code, §§ 44949, subd. (a); 44955, subd. (c).)

14. OCDE failed to serve Respondent Wells at his last known address on or before March 15, 2011. He is therefore deemed reemployed for the ensuing school year. (Educ. Code, §§ 44949, subd. (a); 44955, subd. (c).)

15. Respondents' counsel (Reinhold) argued that if Respondent Wells's Accusation is not sustained, the ALJ must dismiss the Accusations of all Respondents who are more senior than Respondent Wells. Respondents' argument is referred to as "the domino theory." This theory is unavailing.

16. Reinhold's alternative argument prevails. To cure the result of its service defect against Respondent Wells, OCDE must retain the most senior employee competent and credentialed to render Respondent Wells's service. That individual is Respondent Jose Maduena (Respondent Maduena). Such an act is an appropriate cure for the school district's failure, and such a cure has been recognized by the courts. (See *Alexander v. Board of Trustees* (1983) 139 Cal.App.3d 567, 576-577.)

17. Regarding the temporary employees, Respondents Barrientos, Kirchner, and Valle, temporary employees may be dismissed "so long as the temporary employee is notified before the end of the school year." (*Kavanaugh v. West Sonoma County Union High School District, et al.* (2003) 29 Cal.4th 911, 917-918 [citing *Taylor v. Board of Trustees* (1984) 36 Cal.3d 500, 505].)

18. Respondent Kashdan failed to request any specific relief and did not present any evidence to support a conclusion that he should not be subject to layoff.

19. With the exceptions of Respondents Wells and Maduena, OCDE established cause to not reemploy Respondents for the 2011-2012 school year.

20. No junior certificated employee is scheduled to be retained to perform services that a more senior employee is certificated and competent to render.

21. Cause exists to sustain OCDE's action to reduce or discontinue the full-time equivalent positions set forth in OCDE's first resolution for the 2011-2012 school year,

pursuant to Education Code sections 44949, 44955, and 1294, as set forth in Factual Findings 1-34, and Legal Conclusions 1-21.

ORDER

1. The Accusations served on Respondents listed in Appendix C are sustained.
2. Notice shall be given to Respondents listed in Appendix C that their services will be terminated at the close of the 2010-2011 school year.
3. The Accusations served on Respondents John Wells and Jose Maduena are dismissed. The Orange County Department of Education shall not lay off Respondents John Wells and Jose Maduena.

Dated: May 4, 2011

DANIEL JUAREZ
Administrative Law Judge
Office of Administrative Hearings

Appendix A—OAH Case No. 2011030506
Respondents Represented by Reich, Adell & Cvitan

1. Alvarado, Mario
2. Arteaga, Wendy
3. Barrientos, Eric
4. Beauchamp, Adrienne
5. Colburn, John
6. Endsley, Celia
7. Gonzales, Steve
8. Green, Stacy
9. Gunther, Marcus
10. Holliman, P. Lee
11. Ismael, Dinah
12. Juarez, Martin
13. Kee, Carol
14. Kirchner, Judy
15. Maduena, Jose
16. Mahoney, Jennifer
17. Pettite, Cara
18. Ranis, Michael
19. Ramirez, Monica
20. Ramirez, Ruth
21. Rishagen, Dana
22. Rogers, Cynthia
23. Schiller, Shanti
24. Stein Richard
25. Stoltz, Cheryl
26. Valle, David
27. Wilson, Alison
28. Parker, Brianne
29. Torres, Sonia
30. Mario Alvarado

Appendix B—OAH Case No. 2011030506
Respondents Who Requested a Hearing

1.	Alvarado, Mario	40.	Shelley, Dawn
2.	Ames, Julie	41.	Stein, Richard
3.	Arteaga, Wendy	42.	Stoltz, Cheryl
4.	Barrientos, Eric	43.	Taylor, Marie
5.	Beauchamp, Adrienne	44.	Torres, Sonia
6.	Burnette, Kristi	45.	Valle, David
7.	Carter, Amelia	46.	Walrath, Preston
8.	Charlton, John	47.	Wells, John
9.	Clark, Adriana	48.	Wilson, Alison
10.	Colburn, John		
11.	Delmastro, David		
12.	Endsley, Celia		
13.	Engel, Christina		
14.	Gonzales, Steve		
15.	Green, Stacy		
16.	Gunther, Marcus		
17.	Hall, Christine		
18.	Hinkle, Ryan		
19.	Hollimon, Paul		
20.	Ismail, Dinah		
21.	Juarez, Martin		
22.	Kashdan, Michael		
23.	Kee, Carol		
24.	Kirchner, Judith		
25.	Ko, Kenneth		
26.	Maduena, Jose		
27.	Mahoney, Jennifer		
28.	Manzanarez, Kimberly		
29.	Nash, William		
30.	Parker, Brianne		
31.	Pettite, Cara		
32.	Ranis, Michael		
33.	Ramirez, Monica		
34.	Ramirez, Ruth		
35.	Rishagen, Dana		
36.	Rogers, Cynthia		
37.	Roman, Michael		
38.	Salio, Elizabeth		
39.	Schiller, Shanti		

Appendix C—OAH Case No. 2011030506

Respondents Whose Accusations are Sustained and May be Laid Off

- | | | | |
|-----|----------------------|-----|------------------|
| 1. | Pettite, Cara | 40. | McGuire, Abby |
| 2. | Green, Stacy | 41. | Kowalski, Shelbi |
| 3. | Stein, Richard | 42. | Kirchner, Judith |
| 4. | Ko, Kenneth | 43. | Barrientos, Eric |
| 5. | Burnette, Kristi | 44. | Valle, David |
| 6. | Gunther, Marcus | | |
| 7. | Hinkle, Ryan | | |
| 8. | Colburn, John | | |
| 9. | Beauchamp Adrienne | | |
| 10. | Rishagen, Dana | | |
| 11. | Wilson, Alison | | |
| 12. | Endsley, Celia | | |
| 13. | Arteaga, Wendy | | |
| 14. | Salio, Elizabeth | | |
| 15. | Roman, Michael | | |
| 16. | Charlton, John | | |
| 17. | Kashdan, Michael | | |
| 18. | Juarez, Martin | | |
| 19. | Rainis, Michael | | |
| 20. | Shelley, Dawn | | |
| 21. | Ramirez, Ruth | | |
| 22. | Mahoney, Jennifer | | |
| 23. | Hall, Christine | | |
| 24. | Torres, Sonia | | |
| 25. | Walrath, Preston | | |
| 26. | Stoltz, Cheryl | | |
| 27. | Ramirez, Monica | | |
| 28. | Ismail, Dinah | | |
| 29. | Ames, Julie | | |
| 30. | Oda, Christine | | |
| 31. | Engel, Christina | | |
| 32. | Clark, Adriana | | |
| 33. | Gramling, Sharon | | |
| 34. | Manzanarez, Kimberly | | |
| 35. | Taylor, Marie | | |
| 36. | Dean, Marnie | | |
| 37. | Lopez, Jessica | | |
| 38. | Alavarez, Erica | | |
| 39. | Powers, Joseph | | |