

BEFORE THE GOVERNING BOARD OF THE  
CAPISTRANO UNIFIED SCHOOL DISTRICT

In the Matter of:

AMY ABBOTT, et al.,

Respondents.

OAH No. L2008020611

**PROPOSED DECISION**

Daniel Juárez, Administrative Law Judge with the Office of Administrative Hearings, heard this matter on April 17 and 18, 2008, in San Juan Capistrano, California.

David C. Larsen, Attorney at Law, Rutan & Tucker, represented the Capistrano Unified School District (CUSD).

Marianne Reinhold, Attorney at Law, Reich, Adell, Crost & Cvitan, represented all Respondents, except those represented by John F. Køhn, noted directly below, and those representing themselves, identified further below.

John F. Køhn, Staff Attorney, California Teachers Association, represented 13 Respondents (hereinafter sometimes referred to as "the 13 Respondents"): Joice Alapag, Kari Ambrose, Terri Arndt, Jenni Balck, Amy Devore, Brenda Gansel, Christa Jones, Andrea Julson, Tami Mays, Darla O'Leary, Christa Strick, Stephanie Veravanich, and Stacy Biggs.

The following Respondents represented themselves but were not present at the hearing on either day: Nicky Avarinejad, Nicole Brubaker, Carol Brillon, and Gregory Gibson.

All Respondents originally served with the Accusation at issue in this proceeding are listed in Appendix I and Exhibit 1. (See fn. 2.)

The Administrative Law Judge held the record open until April 23, 2008 to allow each party to submit a written closing brief. Counsel for the parties submitted closing briefs timely. The brief for CUSD was marked for identification as Exhibit 21, the brief on behalf of those respondents represented by Ms. Reinhold was marked for identification as Exhibit E, and the brief on behalf of the 13 Respondents represented by Mr. Køhn was marked for identification as Exhibit F; thereafter, the Administrative Law Judge closed the record. The parties submitted the matter for decision on April 23, 2008.

## FACTUAL FINDINGS

1. Suzette D. Lovely, CUSD Deputy Superintendent, Personnel Services, filed the Accusations in her official capacity as the designee of A. Woodrow Carter, CUSD Superintendent. CUSD served the Accusations on all Respondents timely.

2(a). The parties stipulated to the jurisdictional pleadings in the Accusations served on all Respondents. The stipulation included the following facts:

2(b). Respondents are employed as probationary or permanent certificated employees of CUSD.

2(c). On March 10, 2008, by resolution, the CUSD Governing Board (the Governing Board) determined to reduce and/or discontinue certain services within the school district, and directed the Superintendent to give notice to those employees who might be affected by that determination.

2(d). Pursuant to the Governing Board's resolution, and by March 15, 2008, the Superintendent's designee notified the Governing Board and Respondents, in writing, that it was the Superintendent's recommendation that Respondents be notified Respondents' services would not be required for the 2008-2009 school year. The written notice stated the reasons for the lay-off and informed each Respondent of his or her right to request an administrative hearing.

2(e). Respondents requested administrative hearings to determine if there was cause for not reemploying Respondents for the 2008-2009 school year.<sup>1</sup>

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

4. CUSD dismissed the Accusation as to the following Respondents: Alana Brewer, Erin Bro, Gregory Gibson, Dana Judd, Christina Lee, Julie Matters, Victor Mosconi, Catherine Prescott, Lynn Sanchez, Michael Schooler, Roni Schwartz, Roxanne Smathers, Michael Young, and Stuart Young.

5. The Governing Board's resolution number 0708-40 proposed a layoff of 306.8 full-time equivalent (FTE) positions. Specifically, the Governing Board proposed the reduction or elimination of the following particular kinds of services or programs, set forth in Table A:

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<sup>1</sup> Not all Respondents filed Notices of Defense, however, CUSD proceeded as if all Respondents had filed timely Notices of Defense, including the four Respondents who represented themselves (Avarinejad, Brubaker, Brillon, and Gibson).



Table A

Particular Kind of Service or Program Certificated Non-Management Positions	Number of Full Time Equivalents
<b><i>Elementary Instructional Services (Self Contained Classrooms)</i></b>	
Primary Grade Classrooms	231 FTE
Kindergarten CSR (10 FTE)	
1 <sup>st</sup> Grade CSR (72 FTE)	
2 <sup>nd</sup> Grade CSR (75 FTE)	
3 <sup>rd</sup> Grade CSR (74 FTE)	
<b><i>Upper Grade Classrooms</i></b>	
Grades 4-6	16 FTE
<b><i>Secondary Instructional Services (Single Subject Course Offerings)</i></b>	
Grades 7-12	23.9 FTE
<ul style="list-style-type: none"> <li>• Art (.4 FTE)</li> <li>• English (4.5 FTE)</li> <li>• Social Science (4.5 FTE)</li> <li>• Math (4.4 FTE)</li> <li>• Science (4.0 FTE)</li> <li>• Foreign Language (3 FTE)</li> <li>• Music (.6 FTE)</li> <li>• PE (2.5 FTE)</li> </ul>	
<b><i>Instructional Support Services</i></b>	
Resource Teachers on Special Assignment	10.6 FTE
Literacy Specialist	3 FTE
Special Education (TLC; Secondary Classroom Restructuring)	10 FTE
Psychologists	3 FTE
<b><i>Certificated Management Services</i></b>	
Director I, Music	1 FTE
Director IV, Intervention & Special Education Support	1 FTE
Director VI, English Language Development	1 FTE
Executive Director I, Elementary Special Education	1 FTE
Executive Director I, Facilities Planning	1 FTE
Executive Director I, State & Federal Programs	.8 FTE
Principal on Special Assignment	.5 FTE
Program Specialist	2 FTE
Resolution Specialist	1 FTE
<b>TOTAL FULL TIME EQUIVALENTS</b>	<b>306.8 FTE</b>

6. The services at issue were "particular kinds of services" that could be reduced or discontinued within the meaning of Education Code section 44955. The Governing Board's decision to reduce or discontinue these particular kinds of services was not arbitrary or capricious, but constituted a proper exercise of discretion.

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

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

9. CUSD maintains a seniority list that contains employees' seniority dates (first date of paid service), current assignments and locations, advanced degrees, credentials, and authorizations.

10. To assure the accuracy of the seniority list, CUSD notified all Respondents of the District's records regarding each Respondent's first date of paid service and his or her credentials. CUSD asked each Respondent to verify and confirm, or seek corrections to, that information maintained by CUSD.

11. Thereafter, CUSD used the seniority list to develop flowcharts of the least senior employees currently assigned in the various services it seeks to reduce. CUSD then determined whether the least senior employees held credentials in another area and were entitled to "bump" other employees. In determining who would be laid off for each kind of service reduced, CUSD counted the number of reductions not covered by known vacancies, and determined the impact on incumbent staff in inverse order of seniority. CUSD then checked Respondents' credentials to determine whether they could "bump" other employees.

12. In various cases, several Respondents shared a first date of paid service and CUSD was required to apply the tie-breaker criteria approved by the Governing Board, as set forth in Factual Finding 13.

13. The Governing Board's resolution number 0708-40 established tie-breaker criteria as between certificated employees who first rendered service in a probationary position to the District on the same date. In developing and approving the tie-breaker criteria, the Governing Board determined that these criteria best served the needs of CUSD and its students, and would be applied, effective the 2008-2009 school year. The tie-breaker criteria set forth a point and lottery system as follows:

- a. One (1) point if the certificated employee holds an English Language (EL) or equivalent certificate. (i.e. AB 2913, SB 395, 1969, LDS, BCLAD, BCC, etc.)

- b. One (1) point for service as a certificated employee at a Title I and/or Program Improvement school within the last two years.
- c. One (1) point if the certificated employee is compliant with the requirements of NCLB Highly Qualified Teacher.
- d. One (1) point for expertise or specialty emphasis in a particular area of need (i.e. Advanced Placement courses, IB, CAHSEE, TLC, etc.).
- e. One (1) point for an additional credential authorizing service in a subject currently not being rendered.
- f. One (1) point for each advanced degree (Masters, Doctorate)
- g. One (1) point for service as a Support Provider in the BTSA/Induction Program within the last five years.
- h. One (1) point for service in a co-curricular assignment in the 2007-08 school year.

Certificated employees who receive a Preliminary Notice of Layoff and who share the same date of first paid service in a probationary position shall be ranked by total points.

If the criteria listed above do not break a tie, the District shall hold a lottery at least five working days prior to the layoff hearing. Each group of tied employees shall have the right to attend the lottery and pick a lottery number. In the absence of the employee, the Deputy Superintendent, Personnel Services, will select a lottery number on behalf of the employee.

14(a). At hearing, several Respondents argued the tie-breaking criteria were unfair. Respondents argued that, pursuant to criteria (b) and (h), CUSD allotted points for the particular qualification stated, but only if that qualification was within the last two years, for criterion (b), and in the current school year, for criterion (h). Respondents argued that, to be fair, CUSD should have considered a teacher's qualifications during the whole of his or her teaching career. Those Respondents, who testified on this issue, provided testimonial evidence of their qualifications and experience that went beyond the time frame allowed by the tie-breaking criteria.

14(b). Other Respondents argued that CUSD should consider qualifications and experience, in addition to the experience set forth in the tie-breaker criteria, as developed by the Governing Board. Still other Respondents argued that some criteria only related to experience available to elementary school teachers, leaving high school teachers, for example, at a disadvantage in obtaining points.



14(c). Lastly, several other Respondents argued that criterion (d) was unfairly vague as to what was meant by "expertise or specialty emphasis in a particular area of need." Respondents pointed to the open-ended nature of the parenthetical description within the criterion.

14(d). CUSD explained that it chose to consider more recent teacher experience because such experience provided its students with more readily available teaching skills. CUSD also argued that it considered as broad a spectrum of experience and qualifications as would reasonably meet the District's needs. Respondents' arguments were insufficient to conclude that the tie-breaking criteria were unfair or inappropriately developed by the Governing Board, or inappropriately applied by CUSD. The points allotted by CUSD to Respondents were appropriate and fair.

15. Three other Respondents made specific challenges to different aspects of the lay-off process. Respondent Karen Loukides argued that her seniority date, currently set as September 5, 2000, should be August 30, 2000. That change would not dismiss the Accusation against her, but it would place her higher on the seniority list for potential recall. Loukides pointed to a 2003 administrative decision (OAH case no. 2003020034), wherein, Loukides, a respondent facing lay-off in that 2003 proceeding, had the Accusation in that matter dismissed against her. Loukides argued that CUSD dismissed the 2003 Accusation against her due to CUSD's recognition that her seniority date should have been set as August 30, 2000, the date, Loukides asserted, when she began an orientation session at CUSD. Loukides did not present sufficient evidence to support her argument, and the 2003 administrative decision, on which she relied, failed to corroborate her assertion, as it failed to explain the reasons why the Accusation in that matter was dismissed against her. Consequently, Respondent Loukides' seniority date remains September 5, 2000.

16. Respondent Kyle Russo argued that he was entitled to a greater number of tie-breaking points than CUSD allotted him. According to Russo (who obtained four points), CUSD should have allotted him five points. Russo argued that he was entitled to the extra point, pursuant to criterion (e), for having an administrative services credential. However, Russo does not hold the administrative services credential. Russo himself presented evidence from the Commission on Teacher Credentialing that showed Russo is eligible to be issued the preliminary credential when he completes all of the requirements, including, "verification of employment in an administrative position." Russo has not completed that requirement, and has not requested that the Commission on Teacher Credentialing issue him the credential. As Respondent Russo does not hold an administrative services credential, he is not entitled to the additional tie-breaking point.

17. Respondent Josephine Logie, a teacher at Ladera Ranch Middle School, with a seniority date of December 8, 2003, argued that she should "bump" another teacher, with a seniority date of February 26, 2007, who teaches the Culinary Arts Academy at Aliso Niguel High School. Logie argued that with a single subject home arts (home economics) credential, she could teach the culinary arts classes. However, the Culinary Academy classes involve the teaching of food industry subject matter, emphasizing the business aspects of the



food industry, including the restaurant and hotel businesses. As a vocational education program, the Culinary Academy prepares students to move from school into the work arena. In support of her position, Logie asserted that she has taught home economics, food and nutrition, and hospitality services when engaged with the Los Angeles Unified School District at an earlier time. Respondent Logie failed to provide sufficient evidence that her experience and credential qualify her to teach the Culinary Arts Academy at Aliso Niguel High School. (See Legal Conclusion 8.)

18. The parties stipulated that the seniority date of Respondent Patricia Hine is August 20, 2004, and not August 22, 2005.

19(a). CUSD argued the 13 Respondents (those represented by Mr. Køhn) should be "skipped," though they may be junior to other Respondents that CUSD seeks to lay-off. The 13 Respondents teach (or will teach in the ensuing school year) at Kinoshita Elementary School (Kinoshita), a school within CUSD. Due to its low student test scores, Kinoshita is identified as a program improvement school. As a program improvement school, Kinoshita must make efforts to raise its student test scores or be penalized. Kinoshita is in its third year as a program improvement school. Kinoshita is also known as a "Title I" school because it has a high percentage of low-income students (a 90 percent poverty rate) and the highest percentage of English language learners, meaning children whose native language is not English (80.5 percent). Kinoshita holds the highest percentages of low-income and non-English-speaking students in CUSD.

19(b). Kinoshita's efforts to end its program improvement status are predicated on the use of an outside training program (known by the acronym, ALS). The ALS program imparts specific teaching and learning methods in language arts. The training program teaches the teachers, including the 13 Respondents, by providing them intensive instruction, coaching, and observing the teachers in the classroom setting, among other things, over a three-year period. CUSD believes that this method of training and teaching will eventually lead Kinoshita out of program improvement status. All teachers at Kinoshita are required to be trained by ALS and implement the ALS teaching methodology when teaching students; they have completed two of the three-year training years. Kinoshita will continue to use the ALS program through the 2008-2009 school year. The ALS program constitutes a specific course of study that the teachers at Kinoshita, including the 13 Respondents, implement in teaching their students; it is specific to Kinoshita's particular needs as a Title I and program improvement school.

20. Some Respondents argued that they had similar training to the ALS training received by the Kinoshita teachers, but none of that training was conducted by the ALS entity. Only one teacher had some ALS training, but not in a quantity similar to that of the 13 Respondents.

21. No certificated employee junior to any Respondent was retained to perform any services that any Respondent was certificated and competent to render.

## LEGAL CONCLUSIONS

1. The parties met all notice and jurisdictional requirements set forth in Education Code sections 44944 and 44945.

2. Cause exists to sustain CUSD's action to reduce or discontinue 306.8 full-time equivalent positions, as set forth in CUSD's resolution number 0708-40 for the 2008-2009 school year, pursuant to Education Code sections 44949 and 44955, as set forth in Factual Findings 1-21, and Legal Conclusions 3-11.

3. Education Code section 44955 states, in pertinent part:

[¶] . . . [¶]

(b) whenever a particular kind of service is to be reduced or discontinued not later than the beginning of the following school year, or . . . when in the opinion of the governing board of the district it shall have become necessary by reason of any of these conditions to decrease the number of permanent employees in the district, the governing board may terminate the services of not more than a corresponding percentage of the certificated employees of the district, permanent as well as probationary, at the close of the school year. Except as otherwise provided by statute, the services of no permanent employee may be terminated under the 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.

[¶] . . . [¶]

As between employees who first rendered paid service to the district on the same date, the governing board shall determine the order of termination solely on the basis of needs of the district and the students thereof. Upon the request of any employee whose order of termination is so determined, the governing board shall furnish in writing no later than five days prior to the commencement of the hearing held in accordance with Section 44949, a statement of the specific criteria used in determining the order of termination and the application of the criteria in ranking each employee relative to the other employees in the group. This requirement that the governing board provide, on request, a written statement of reasons for determining the order of termination shall not be interpreted to give affected employees any legal right or interest that would not exist without such a requirement.

(c) Notice of such termination of services shall be given before the 15th of May in the manner prescribed in Section 44949, and services of such employees shall be terminated in the inverse of the order in which they were



employed, as determined by the board in accordance with the provisions of Sections 44844 and 44845. In 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.

The governing board shall make assignments and reassignments in such a manner that employees shall be retained to render any service which their seniority and qualifications entitle them to render. However, prior to assigning or reassigning any certificated employee to teach a subject which he or she has not previously taught, and for which he or she does not have a teaching credential or which is not within the employee's major area of postsecondary study or the equivalent thereof, the governing board shall require the employee to pass a subject matter competency test in the appropriate subject.

(d) Notwithstanding subdivision (b), a school district may deviate from terminating a certificated employee in order of seniority for either of the following reasons:

(1) The 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 or course of study or to provide those services, which others with more seniority do not possess.

4. Education Code section 44949 states, in pertinent part:

(a) No later than March 15 and before an employee is given notice by the governing board that his or her services will not be required for the ensuing year for the reasons specified in Section 44955, the governing board and the employee shall be given written notice by the superintendent of the district or his or her designee, or in the case of a district which has no superintendent by the clerk or secretary of the governing board, that it has been recommended that the notice be given to the employee, and stating the reasons therefor.

¶ . . . ¶

(b) The employee may request a hearing to determine if there is cause for not reemploying him or her for the ensuing year.

(c) In the event a hearing is requested by the employee, the proceeding shall be conducted and a decision made in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2

of the Government Code and the governing board shall have all the power granted to an agency therein, except that all of the following shall apply:

(1) The respondent shall file his or her notice of defense, if any, within five days after service upon him or her of the accusation and he or she shall be notified of this five-day period for filing in the accusation.

[¶] . . . [¶]

(3) The hearing shall be conducted by an administrative law judge who shall prepare a proposed decision, containing findings of fact and a determination as to whether the charges sustained by the evidence are related to the welfare of the schools and the pupils thereof. The proposed decision shall be prepared for the governing board and shall contain a determination as to the sufficiency of the cause and a recommendation as to disposition. However, the governing board shall make the final determination as to the sufficiency of the cause and disposition. None of the findings, recommendations, or determinations contained in the proposed decision prepared by the administrative law judge shall be binding on the governing board. Nonsubstantive procedural errors committed by the school district or governing board of the school district shall not constitute cause for dismissing the charges unless the errors are prejudicial errors. Copies of the proposed decision shall be submitted to the governing board and to the employee on or before May 7 of the year in which the proceeding is commenced.

5. The services identified in the Governing Board's resolution number 0708-40 are particular kinds of services that the Governing Board can reduce or discontinue under Education Code section 44955. The Governing Board's decision to reduce or discontinue the identified services was not arbitrary or capricious, and was a proper exercise of its discretion. Cause for the reduction or discontinuation of services relates solely to the welfare of CUSD's schools and pupils within the meaning of Education Code section 44949. CUSD identified the certificated employees providing the particular kinds of services that the Governing Board directed to be reduced or discontinued.

6. 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.)

7. The evidence did not support Respondents' arguments alleging the tie-breaking criteria were unfair or inappropriately applied by CUSD (Factual Finding 14). The criteria were reasonable and fair. In assessing tie-breaking criteria (b) and (h), CUSD decided to look at more recent teacher experience because it concluded that the more recent a



teacher's experience, the more readily that experience is put to effective use with students. That decision was reasonable. The broad wording of criterion (d)'s teacher expertise was also reasonable. The broad description allowed CUSD to consider all teacher expertise. CUSD could then further assess each teacher's expertise in juxtaposition with the school district's particular needs. The evidence supported a conclusion that all Respondents proffered all of their claimed expertise, even though CUSD then considered some experience as meeting a school need while other experience did not. Those discretionary decisions must be left to the special competence of CUSD. (*Duax v. Kern Community College District* (1987) 196 Cal.App.3d 555, 565 [citing *Martin v. Kentfield School District* (1983) 35 Cal.3d 294, 299].) CUSD applied the tie-breaking criteria appropriately and fairly, and the criteria themselves were fair and reasonable.

8. Respondents Loukides and Russo failed to present sufficient evidence to support their arguments, as set forth in Factual Findings 15 and 16. Similarly, Respondent Logie did not establish, through adequate evidence, that her single subject home arts credential would qualify her to teach the more expansive, business/vocational orientation of the high school Culinary Arts Academy. (Factual Finding 17.)

9. "The general rule is that any reduction in staff is to be made according to seniority. However, the exception to that rule permits retention of an employee holding a special credential or *needed skill*, even though that retention results in termination of the senior employee." (*Santa Clara Federation of Teachers v. Governing Board of Santa Clara Unified School District* (1981) 116 Cal.App.3d 831, 843 [italics added].)

10. CUSD and the 13 Respondents established the 13 Respondents should be "skipped" due to their specialized training to teach, using the ALS methodology, a specialized course of study, at Kinoshita. CUSD demonstrated a specific need for these 13 teachers to teach, as they have learned (and will continue to learn) through the ALS training program over the last two years. Through that on-going training, the 13 Respondents established that they have the specialized experience necessary to teach the students at Kinoshita that other Respondents with more seniority do not possess. While other Respondents may have excellent training that may even have some similarity to the ALS program, the evidence did not establish that the non-ALS training was sufficiently similar to make more senior Respondents competent to teach at Kinoshita as the 13 Respondents are. Respondents argued that many of them teach at other Title I schools and, thus, have the requisite credentials to teach at Kinoshita. However, credentials alone are not enough in this circumstance. Here, the intensive and particular instruction provided by the contracted entity (ALS), developed specific skills and experience in the 13 Respondents that no other Respondent showed they had. Kinoshita is unique in that it is a Title I school, on performance improvement status, and it has the most low-income and non-English-speaking students of any other school in CUSD. Through ALS training over the past two years, the 13 Respondents now possess unique and specialized skills with which to teach the students at Kinoshita. It is therefore appropriate for CUSD to "skip" the 13 Respondents.

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

#### ORDER

1(a). The Accusation served on Respondents (those Respondents identified in Appendix A and Exhibit 1), is sustained, with the exceptions, as discussed above, of Respondents Alana Brewer, Erin Bro, Gregory Gibson, Dana Judd, Christina Lee, Julie Matters, Victor Mosconi, Catherine Prescott, Lynn Sanchez, Michael Schooler, Roni Schwartz, Roxanne Smathers, Michael Young, and Stuart Young; and with the exceptions, as discussed above of Respondents Joice Alapag, Kari Ambrose, Terri Arndt, Jenni Balck, Amy Devore, Brenda Gansel, Christa Jones, Andrea Julson, Tami Mays, Darla O'Leary, Christa Strick, Stephanie Veravanich, and Stacy Biggs.

1(b). Notice shall be given to Respondents, other than those excepted above, as required by law, that their services will be terminated at the close of the 2007-2008 academic year. Notice shall be given in inverse order of seniority.

Dated: April 29, 2008

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DANIEL JUAREZ  
Administrative Law Judge  
Office of Administrative Hearings



APPENDIX I  
RESPONDENTS IN OAH CASE NO. L2008020611, BY ALPHABETICAL ORDER<sup>2</sup>

FIRST NAME	LAST NAME
Amy	Abbott
Joice	Alapag
Kari	Ambrose
Nicky	Anvarinejad
Delores	Argast
Stephanie	Avera
Jennifer	Balck
Michelle	Balogh
Christyann	Banuelos
Natalie	Baptiste
Brian	Barnes
Ingrid	Beaty
Jesus	Becerra
Janet	Bentley
Quinn	Beyer
Stacy	Biggs
Wendy	Billman
Brooke	Bismack
Andrika	Bowen
Sandra	Boylan
Kelly	Brennan
Alana	Brewer
Carol	Brillon
Teresa	Brooks
Tracey	Brooks
Nicole	Brubaker
Annette	Bushkin
Joan	Calkins
Angela	Cantacessi
Marcella	Carlini-Castiglia

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<sup>2</sup> CUSD submitted the respondent list set forth in Appendix I to the Administrative Law Judge. However, Appendix I appears to be incomplete. In accordance with CUSD's undisputed representation at hearing, Respondents, as listed in Exhibit 1, comprise a complete listing of Respondents in this matter. Therefore, both Appendix I, as attached here to the Proposed Decision, and Exhibit 1, as admitted into the record at hearing, together, comprise a complete list of Respondents in this matter (though the combined lists duplicate various Respondents).

FIRST NAME	LAST NAME
Brian	Carmer
Carolyn	Carrie
Kristen	Chapman
Bernadette	Clark
Nick	Corbin
Melissa	Cox
Jenika	Cracchiolo
Jason	Cropley
Liza	Dembiec
Leigh	Devlin
Amy	Devore
Kendra	Dixon
Lindy	Donsker
Kimberly	Downing
Mariann	Duff
Mary	Dunncliffe
Judy	Eckrote
Kristen	Edson
Ellen	Eltiste
Kayla	Evans
Jane	Evert
Teresa	Fantasia
Anne Marie	Faris
Brenda	Fatehi
Michelle	Fialho
Maggie	Fisher
Sarah	Flanagan
Brooke	Foster
Debra	Franzi
Eric	Frommholz
Christopher	Gallagher
Gregory	Gibson
Sarah	Gibson
Elizabeth	Gibson
Tiffany	Gilstrap
Kimberly	Goode
Midori	Gordon
Jocelyn	Graham
Carrie-Anne	Gray
Vernon	Gries
Krista	Guthrie
Michael	Hale



FIRST NAME	LAST NAME
James	Hammons
Juliean	Hansen
Lacey	Hansen
Johanna	Heavlin-Martinez
Patricia	Hine
Gail	Hodel
Todd	Hoffman
Heather	Hollis
Kirsten	Hollis
Sheri	Jahn
Nicole	Jarrell
Michael	Jensen
Maria	Johnson
Shaina	Johnson
Tricia	Johnson
Dana	Judd
Andrea	Julson
Elisa	Koenig
Christina	Kolley
Jamie	Koskie
Troy	Kubly
Nicole	LaMarre
Justine	Lang
Cynthia	Laroche
Erin	Last
Cynthia	Lawbaugh
Christina	Lee
Josephine	Logie
Deborah	Lombrano
Karen	Loukides
Jennifer	Love
MaryAnn	Mackey
Heidi	Marshall
Andrew	Mashburn
Julie	Matters
Deanne	Mayemura
Mariah	Mayer
Tami	Mays
Shannon	Mc Kinstry
Hayley	Mc Lellan
Heather	McDaniel-Siplivy
Cynthia	McGinley

FIRST NAME	LAST NAME
Randall	McGraw
Sarah	McKeon
Bonny	Meyers
Nicole	Misiraca
Carrie	Montez
Michelle	Montgomery
Diana	Morgan
Victor	Mosconi
Orla	Murphy
Shari	Newman
Darla	O'Leary
Katherine	Olsen
Susan	Paradise
Eric	Paulsen
Ryan	Persinger
Christin	Peterson
David	Ponce
Lari	Portas
Angela	Portnoff
Gina	Poteet
Catherine	Prescott
Karen	Primack
Susan	Puccinelli
Mark	Quest
Catherine	Ramirez
Stacy	Rumpf
Kyle	Russo
Timothy	Sampson
Lynn	Sanchez
Reannah	Sartoris
Michael	Schooler
Elisa	Schoonover
Roni	Schwartz
Andrea	Semas
Celina	Shwam
Tara	Sieling
Kylie	Siglock
Kelly	Skon
Amanda	Soboleski
Nayla	Southworth
Carly	Squires
Cynthia	Stark



FIRST NAME	LAST NAME
Barbara	Starr
Jennifer	Stevens
Christa	Strick
Shari	Suda
Celeste	Swanson
Steven	Tobenkin
Mary	Todd
Laura	Trudeau
Jill	Tumminia
Kristen	Valenti
Stephanie	Veravanich
Natalie	Wade
Kristen	Walker
Kathleen	Wegner
Rhonda	Weidetz
Karen	Welch
Lelia	West
Elizabeth	Willey
Kimberly	Williams
Christine	Wilson
Holly	Wiseman
Michael	Young
Marissa	Young
Maureen	Zimmer