

BEFORE THE
GOVERNING BOARD OF THE
LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT
STATE OF CALIFORNIA

In the Matter of the Non-Reemployment of:

AUDREY AMOS, KIM ANDERSON; DOROTHY
BEDRIN; JAINEEN BLOSS; LYNDY BREKKE;
HARRIET CAPITO; JANNIE DEILING; GEORGE
ENOS; DANETTE EVENS; CHARLOTTE FRENCH;
LAURIE GOMEZ; MICHELLE GONSALVAS;
SHERRE HALLAHAN; HOLLY HAMILTON; JAY
HENDRICK; BARBARA HOEFLER; JESSICA
HOLCK; KATHLEEN JONES; KOREN
KALOUSTIAN; DEBORAH KEESLING; RONNA
LAGIN; ANDREW LOCKHART; KAREN MARTIN;
ELIZABETH McCLELLAN; KELLY MOORE;
CAROL NESE-FORTE; THU HIEN NGO; MARSHA
NISHIKAWA; BETH PETERSON; CHRISTINE
PYTLIK; SHELLI RHODES; TERRI ROBERTS;
PATTY SANTIN; CAROLYN SCARLETT; PEGGY
SOBRERO; SAM STEELE; ERIN SUMMERS;
ANGELA SWENSON; JAMES TAYLOR; LESLIE
WILLIAMS; CARRIE SENG, CYNTHIA
WOODWARD, JENNIFER BLUM, TERRI
ROBERTS, LESLIE WILLIAMS, CYNTHIA
WOODWORTH, and KAREN WOODWARD,

Respondents.

OAH No. N2004030513

PROPOSED DECISION

On April 22, 2004, in Livermore, California, Perry O. Johnson, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Ann M. Murray, Esq., of Kronick, Moskovitz, Tiedermann, and Girard, Attorneys at Law, 400 Capital Mall, 27th Floor, Sacramento, California, 95814-4417, represented the Livermore Valley Joint Unified School District.

Michael D. Nelson, Esq., and Mandy G. Leigh, Esq., of Beeson, Tayer, and Bodine, Attorneys at Law, 1404 Franklin Street, Fifth Floor, Oakland, California 94612,

("Respondents' attorneys") represented Respondents herein. Also, Respondents' attorneys represented Ms Pamela Tabel and Ms Danielle Freels, who are credentialed teachers, but who hold positions with the Districts as temporary employees.

On April 22, 2004, the parties submitted the matter and the record closed.

FACTUAL FINDINGS

1. On April 2, 2004, Brenda Miller, Superintendent of Schools ("the Superintendent"), Livermore Valley Joint Unified School District ("the District"), made and filed the Accusation in her official capacity.

2. Respondents Audrey Amos, Kim Anderson; Dorothy Bedrin; Jaineen Bloss; Lynda Brekke; Harriet Capito; Jannie Deiling; George Enos; Danette Evens; Charlotte French; Laurie Gomez; Michelle Gonsalvas; Sherre Hallahan; Holly Hamilton; Jay Hendrick; Barbara Hoefler; Jessica Holck; Kathleen Jones; Koren Kaloustian; Deborah Keesling; Ronna Lagin; Andrew Loackhart; Karen Martin; Elizabeth McClellan; Kelly Moore; Carol Nese-Forte; Thu Hien Ngo; Marsha Nishikawa; Beth Peterson; Christine Pytlik; Shelli Rhodes; Terri Roberts; Patty Santin; Carolyn Scarlett; Peggy Sobrero; Sam Steele; Erin Summers; Angela Swenson; James Taylor; Leslie Williams; Carrie Seng, Cynthia Woodward, Jennifer Blum, Terri Roberts, Leslie Williams, Cynthia Woodworth, and Karen Woodward ("Respondents") are probationary or permanent certificated employees of the District.

3. Ms Pamela Tabel and Ms Danielle Freels appeared at the hearing to declare either that the status of temporary employee status is improper or that despite that status as temporary employee the District is obligated to offer employment for the ensuing school year. However, neither Ms Tabel nor Ms Freels are deemed as Respondents, who have standing to contest the District's prospective lay-off action.

4. On March 2, 2004, Brenda Miller, the District's Superintendent ("Superintendent") presented the District's Governing Board a recommendation in the form of written confidential memorandum that the District give notice that particular kinds of services, then offered through the District, be eliminated by the District for the ensuing school year (that is, the term of 2004-2005).

5. On March 2, 2004, the District's Governing Board unanimously adopted Resolution number 44-03/04.

The resolution recites that, it has become necessary for the District to reduce and/or to discontinue, no later than the beginning of the 2004-2005 school year, particular kinds of services in the form of an array of ten distinct categories in the sum of 109.84 FTE (full time equivalent) certificated positions as follows:

60	FTE positions	Elimination of Elementary Class Size Reduction
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1.5	FTE	“	program in grades Kindergarten, Second & Third grades;
7.18	FTE	“	Reduction of Fourth Grade Music Program;
3.68	FTE	“	Reduction of the High School program by modifying the ratio of student to teacher to 30:1;
1.0	FTE	“	Reduction of the Middle School Program by modifying the ratio of student to teacher to 31:1;
5.0	FTE	“	Reduction of the BTSA/Title II Program;
2.84	FTE	“	Reduction of the Title I Program;
0.80	FTE	position	Reduction of the English Language Development Specialist Program (ELD);
1.84	FTE	positions	Reduction of [portion of teacher position by virtue of prospect of lower receipts through] Donations [from Private Foundation];
26.0	FTE	“	Reduction of School Improvement Program (SIP); and Reduction of Elementary Classroom Teaching Program Arroyo due to potential opening of Charter School in light of closure of Arroyo Mocho and Almond Avenue Elementary Schools Program.

6. By individual letters, dated March 10, 2004, the District's Superintendent dispatched, via hand delivery, preliminary notices¹ to a number of FTE position holders, including each respondent, who had status as a permanent or probationary employee. The letter stated that the District's Governing Board had an intention to reduce or to discontinue the particular service provided by each person who received the notice. Hence, due to the prospective elimination of the particular kind of service now rendered to the District, each of the recipient Respondents learned the District would not reemploy the named individual in the certificated positions each had worked.

The letter, dated March 10, 2004, which had attached to it the District's resolution and other pertinent documents², also conveyed to each respondent that no certificated employee of the District having less seniority than each respective respondent would be retained for the 2004-2005 school year to render a service that each respondent was then credentialed and competent to render to students under the District's competency criteria.

7. Also, by another letter, dated March 10, 2004, the District's Superintendent sent a number of preliminary notices to FTE position holders, who were temporary teachers or emergency credentialed teachers. Although those teachers, as individuals, have no vested property interests in his or her respective employment so as to grant each individual temporary employee standing under Education Code section 44949 and 44955 to a hearing to challenge in this matter on questions of bumping mechanism or skipping procedures, the

¹ "Notice of Recommendation That Services Will Not be Required."

² Request for Hearing form and copies of Education Code sections 44949 and 44955.

District informed those temporary or emergency credentialed teachers of his or her ability to appear at the hearing to challenge the propriety of being deemed either a temporary³ teacher or emergency credentialed teacher.

8. The written preliminary notice to each respondent from the District's Superintendent and the District's resolution set out legally sufficient reasons of the District's Board's intent to eliminate the course as taught by each affected respondent.

9. Each Respondent timely requested in writing a hearing to determine whether or not cause exists for not reemploying each respondent for the ensuing school year.

10. The District's Superintendent caused to be timely served upon each respondent the Accusation, dated April 2, 2004, and related documents. Each respondent filed timely notices of defense.

11. All pre-hearing jurisdictional requirements were met.

12. At the hearing of this matter, the District withdrew Accusations as filed against Respondents Jennifer Blum, Terri Roberts, Leslie Williams, Karen Woodward, Cynthia Woodworth, Linda Dinwiddie and Jaileen Bloss. By its withdrawal of the Accusation in that limiting scope, the District will retain the services of those respondents.

13. The Superintendent for the District appeared at the hearing of this matter to provide credible and persuasive evidence.

The Superintendent is responsible for advising the District's governing board on all aspects of the district's provision of educational services as weighed against the fiscal abilities of the district.

The Superintendent in her official capacity was reasonable in her exercise of discretion in executing the procedures associated with lay-off of required by the Board's resolution. The District governing board's subject designee was not arbitrary, capricious nor fraudulent in carrying out the District's Resolution 44-03/04

The prospective elimination of particular kinds of services for the 2004-2005 school year directly results from a prospective shortfall in money for the District's budget. In order to partially aid the District in crafting a reasonable budget for the ensuing school year the Superintendent recommended that certain certificated positions be eliminated due to lack of funds that may be distributed to the District for the ensuing school year.

Respondents' Contentions

³ *Kavanaugh v. West Sonoma County Union High School District* (2003) 29 Cal 4th 911.

14. Respondents contend that the District's lay-off action will result in school programs being not in compliance with state law on the matter of English language requirements. The action purportedly may result in a cut in teacher personnel that is arbitrary and illegal.

Further Respondents contend that the Superintendent made recommendations to the District's governing board regarding the proposed teacher lay-off action that lacked knowledge of sound budget or fiscal precepts. Respondents advance that the Superintendent did not consult with the community of parents and other local interests (outside the District) on the prospective budget for the ensuing school term. Moreover, Respondents' assert that a local foundation that has made donations of about \$300,000 in past years has not been adequately factored into the budget for the upcoming school year.

Also, Respondents contend, through input from the local teacher union representative, that the program called "Classroom size reduction," provides the District with tremendous sums of money that does not warrant reduction of teacher positions. Respondent allude to the District's executives effecting miscalculations or "bad math" in reaching conclusions for teacher lay-offs as associated with elimination of the Classroom size reduction program.

And, other respondents contend the District's action is procedurally defective and improper insofar as the prospective layoff of the subject credentialed employees does not fully account for seniority of those persons in light of the District's retention of credentialed employees who are junior in time, or equal in time, in service to respondents.

Certain teachers, who serve under temporary employee contracts, assert that the District's action is improper due to (a) existence of a "conversion scheme" that acts to equitable estops that lay off due to representations made by District administrators or (b) special education programs under state and federal law that mandates education for persons with developmental disabilities will be violated.

Respondents' various and respective contentions are without merit and are rejected.

Labor Union's Assertions

15. Richard Edward Boyd, Jr., Chapter Services Consultant of the California Teachers' Association ("Union Representative") appeared at the hearing of this matter. However, the evidence offered by him is not persuasive.

Union Representative claims that analysis by the District indicates that the Class Size Reduction program "makes money" for the District's general fund account. But, the analysis by the Union Representative is not reliable or trustworthy. The unreliable analysis is founded upon information transmitted to the union from the District's Student Services unit as opposed to the District's Fiscal Services operations.

The lay-off proceeding for which the hearing in this matter was conducted is not the proper forum for the labor union to advance its argument on District savings with regard to the balance between teacher salaries and costs of operations in the District.

Claims of Individual Teachers at Hearing

16. Respondent Patricia Santin appeared at the hearing to offer evidence under oath ("Respondent Santin").

Respondent Santin worked for the District as a first grade teacher during the current school year. August 31, 2000, is her first day of paid service to the District.

Respondent Santin holds a Multiple Subject credential as issued by the State of California Commission on Teacher Credentialing ("CTC").

Respondent Santin holds a CTC issued Supplemental Credential in Home Economics and Business. But, the credential only authorizes Respondent Santin to teach the departmentalized courses of Home Economics and Business in grades nine and below. Respondent Santin has no teacher's credential to teach at the high school level.

Respondent Santin provides no competent evidence that the District has retained any faculty member junior to her for which Ms Santin possesses a credential and is competent to teach or to provide service to the District's students.

17. Respondent Michelle Gonsalvas appeared at the hearing to offer evidence under oath ("Respondent Gonsalvas").

During the current school year, Respondent Gonsalvas has taught fifth grade bilingual classes at Portola Elementary School. Her first date of paid service to the District was August 31, 2000.

Respondent Gonsalvas compellingly declares that she has been a teacher for twenty years.

Respondent Gonsalvas holds a life time Multiple Subject credential for kindergarten through eighth grade. Also, she holds a BCLAD as she is fluent in Spanish. Respondent Gonsalvas represents that she has participated in the ELD program.

Respondent Gonsalvas claims that she possesses personal knowledge that the District faces a situation involving Spanish speaking student that is of "crisis proportion."

But, Ms. Gonsalvas is not persuasive that the District can reasonably determine that she is licensed and competent to teach Spanish at the middle school, or higher, level.

Respondent Gonsalvas provides no competent evidence that the District has retained any faculty member junior to her for which Ms Gonsalvas possesses a credential and is competent to teach or to provide service to the District's students.

18. Official Notice⁴ is taken of the policy set by the California Legislature in Education Code section 44253.1⁵

But, California state law in mandating that school district provide specialized services to students with limited English language skills is not violated in a manner as to give cause to find the District's prospective lay-off action is defective. Evidence does not show that mandated services in the District for the ensuing school year are in jeopardy of being reduced below the level required by law. (*California Teachers Assn. v. Board of Trustees* (1982) 132 Cal.App. 3d 32, 34-35; *Rutherford v. Board of Trustees* (1976) 64 Cal. App. 3d 167; *Degner v. Governing Board* (1977) 67 Cal. App. 3d 689.)

19. Respondent Christine Pytlik appeared at the hearing to offer evidence under oath ("Respondent Pytlik").

Respondent Pytlik has a first date of paid service with the District of August 27, 2001. She holds a Multiple Subject credential.

During the current school year, Respondent Pytlik taught first grades classes. She claims that she has provided English Learner liaison services to the District over her term of service. Also, she has held the position of "reading intervention" teacher for three distinct sessions.

Currently, Respondent Pytlik works with two special education students, whose parents had sought the children to be part of the "Full Inclusion" program. One of the students has a diagnosis of Asperger's Disorder⁶ while the other student has been diagnosed as having Down's Syndrome.

⁴ Government Code section 11515.

⁵ Education Code section 44253.1, sets out, in part: "The Legislature finds and declares that almost one million... pupils in California's public schools are of limited English proficiency.... The Legislature recognizes that limited-English proficient pupils have the same right to a quality education as all California pupils. For these pupils to have access to quality education, their special needs must be met by teachers who have essential skills and knowledge related to English language development...."

⁶ "Asperger's Disorder" involves features that reflect severe and sustained impairment in social interaction and the development of restricted, repetitive patterns of behavior, interests and activities. *Diagnostic and Statistical Manual for Mental Disorders*, Fourth Ed., Text Revision (DSM-IV-TR), (2000), p.80.

Respondent Pytlik provides no competent evidence that the District has retained any faculty member junior to her for which Ms Pytlik possesses a credential and is competent to teach or to provide service to the District's students.

20. Ms Pamela Tabel offered evidence at the hearing.

Ms Tabel first worked for the district as of August 26, 2002. During the current school year, Ms Tabel has provided teacher services to the District under a temporary employee contract. For the school term 2003-2004, Ms Tabel held the status of intern.

Ms Tabel teaches ceramics at Granada High School under a single subject, preliminary credential in Art.

Ms Tabel offers insufficient evidence to establish that she has status as a probationary or tenured teacher with the district. Ms Tabel lacks standing to engage in a contest of the District's prospective action to reduce or eliminate particular kinds of services that may result in the loss of the position occupied by her.

21. Ms Danielle Freels offered evidence at the hearing.

Ms Freels first worked for the district as of August 27, 2002. At the end of the school year of 2002-2003, she was released from her employment with the District. But, near the commencement of the current school year, the District offered Ms Freels a temporary employee teacher contract, which she signed. During the current school year, Ms Freels has provided teacher services to the District under the temporary employee contract.

Ms Freels holds a multiple subject professional clear credential. Currently, she teaches second grade classes. Ms Freels represents that she has six years experience as a teacher, which includes services as a first grade teacher.

Ms Freels claims that two principals of schools of the District made reference to a program called "conversion," which purportedly would allow her temporary status to be changed to probationary or tenured employee status. But, Ms Freels did not call as a witness to the proceeding either of the school principals to corroborate the account of District policy as described by her. Nor, did Ms Freels demonstrate that she possesses the qualification, experience or knowledge of District employment practices as to render competent testimony regarding current controlling District policy on the notion of "conversion."

The District's Reasonable Basis to Proceed

22. Ms Yolanda Charmine Holmes, Director of Human Resources, appeared at the hearing of this matter to offer credible and persuasive evidence.

Ms Holmes is directly involved and knowledgeable of the details of many administrative matters pertaining to certificated employees. Ms Holmes provided expert

witness opinions on the District policies and practices of matter, including but not limited to: credential standing of employees; hire dates for temporary employees hired to replace a permanent teacher on leave and for emergency credentialed teachers; seniority dates for permanent and probationary teachers; as well as the array of services, academic offerings and programs offered by the District for its students.

Upon learning that the District was required to initiate lay-off proceedings for teacher employees of the District, Ms Holmes and other employees of the Office of Education effected reasonable and lawful steps to develop the District's seniority list for the District's teachers.

Ms Holmes accurately attended to identifying the District's teacher who were properly designated as provisional employees and temporary teachers. Also, she studied and set forth on the District's seniority list for probationary and permanent employees the dates that established first day of paid service to the District by the permanent and probationary teachers, who have standing under Education Code sections 44949 and 44955.

During the current school year, the District's governing board has approved certain natural attrition (resignations or retirements) of teachers who will not return to teach in the District during the next school year.

Ms Holmes compellingly establishes that over her three year term of service as the District's Human Resources Director, she has not implemented or recognized a past practice of "conversion" so as to alter during a school term the status of a temporary employee-teacher to the status of probationary or tenured employee.

23. Ms Judith Hintz, Assistant Director for the District's Human Resources Department, appeared at the hearing to provide credible and compelling evidence.

Ms Hintz established that Respondent Santin has a supplemental authorization by a credential issued by CTC to teach Home Economics and Business for eight grade or lower grades. However, the District only has teaching positions in grades nine through twelve. And, the District has three teachers with credentials to teach Business through grade 12 in the persons of Thomas Curl, Brian Divizich and Diane Russell (although Ms Russell holds an emergency credential for the current year).

Also, Ms Hintz shows that even though a teacher holds a BCLAD certificate so as to provide instruction to students with limited English language skills, the BCLAD does not authorize a teacher to teach a specialized foreign language class such as Spanish at the high school level.

And, Ms Hintz establishes that for the current school year, the District did not implement or execute a conversion program so as to alter temporary employee contracts into probationary employee teacher status contracts. For the current year, temporary contracts were used to "back fill" for teachers on leave of absence status or to meet requirements of

categorically funded programs. The District employed a number of teachers as temporary employees⁷ as replacements for permanent teachers then on leaves of absence or for the provision of services through categorically funded programs. The existence of the pool of temporary teachers did not confer any benefit of probationary status onto the affected temporary teachers, who have no standing in this administrative proceeding under Education Code sections 44949 or 44955.

24. Mr. James Fitzgerald, the District's Director of Student Services in Special Education Services ("Mr. Fitzgerald"), appeared at the hearing to offer credible evidence.

Mr. Fitzgerald established that under IDEA (a federally funded program to provide services to students with developmental disabilities), an IEP ("individual education program") does not preclude reassignment or change of a teacher to an affected student. The evidence from Mr. Fitzgerald refutes and overcomes the evidence and argument by Respondent Pytlik.

Ultimate Findings

25. The recommendation of the District's superintendent and the Board's decision to eliminate or discontinue a number of FTE positions, including the positions held by each respondent, were neither arbitrary nor capricious. Rather, the superintendent's recommendation and the Board's decision were within the proper exercise of the District's discretion.

26. The District's proposed elimination or discontinuation of a number of FTE positions, including the positions respectively held by respondents, for the ensuing school year is related to the welfare of the District and its overall student population.

27. The Board determined that it will be necessary, due to the elimination of particular kinds of services, to decrease the number of teachers before the beginning of the next academic year. The Board lawfully directed the notification to respondents of the elimination of the certificated positions held by each respondent.

28. The District has considered all known attrition, including resignations and retirements, in determining the actual number of necessary layoff notices to be delivered to its employees. But, whether or not the District accounted for loss of teachers, by resignations or retirements, has no bearing on the authority and the discretion of the governing board to issue final notices under this lay-off procedure due to the rationale decision to eliminate or reduce particular kinds of services for the ensuing school year.

29. The District seeks to skip and retain certain junior employees who are credentialed and competent to perform services that certain more senior employees are not. As with most other school districts, the District has been impacted by the reduction in

⁷ Education Code 44920

funding from the State, necessitating the issuance of the layoff notices. In determining the needs of the students and the schools, the Superintendent considered that there is an issue regarding the solvency of the District and is being subjected to a credentials audit by the County Office of Education. Further, she is concerned about not jeopardizing funding from *No Child Left Behind*, a federal program. As a result, the District has determined that the District must have teachers who are credentialed to teach the classes to which they are assigned.

30. No competent and credible evidence establishes that as a result of the proposed elimination of the full time equivalent positions respectively held by respondents herein, the District will retain any teacher who is junior to such respondents to perform services for which respondents have been certificated or found to be competent to teach in such FTE positions for the next school year.

LEGAL CONCLUSIONS

1. Jurisdiction in this matter exists under Education Code sections 44949 and 44955. All notices and jurisdictional requirements contained in those sections were satisfied.

2. The District provided all notices and other requirements of Education Code sections 44949 and 44955. This conclusion of law is made by reason of the matters set forth in Factual Findings 1 and 11.

3. Evidence Code section 664 establishes a presumption that the action or official duties of a public entity, such as the District and its governing board, have been regularly performed. Respondents offer no evidence to rebut the presumption that the District has properly performed actions related to the procedures that seek the non reemployment of respondents.

4. Judgments entered by a tribunal on the stipulation of the parties have the same effect as acts tried on the merits. *John Siebel Associates v. Keele* (1986) 188 Cal. App. 3d 560, 565.

The District stipulates to withdraw the Accusation against those teachers named in Factual Finding 12. The stipulation is binding on the parties.

5. A District may reduce services within the meaning of 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 vs. Board of Trustees* (1976) 64 Cal.App.3d 167, 178-179.

6. A senior teacher whose position is discontinued has the right to transfer to a continuing position which he or she is certificated and competent to fill. In doing so, the

senior employee may displace or "bump" a junior employee who is filling that position. *Lacy vs. Richmond Unified School District* (1975) 13 Cal. 3d 469. Junior teachers may be given retention priority over senior teachers if the junior teachers possess superior skills or capabilities which their more senior counterparts lack. *Poppers vs. Tamalpais Union High School District* (1986) 184 Cal.App.3d 399; *Santa Clara Federation of Teachers, Local 2393 vs. Board of Santa Clara Unified School District* (1981) 116 Cal.App.3d 831.

7. A teacher who accepts a contract as a temporary teacher are estopped to claim probationary status, absent a clear statutory mandate that warrants the contract be abrogated. (*Santa Barbara Federation of Teachers v. Santa Barbara High Sch. Dist.* (1977) 76 Cal. App. 3d 223, 227-228; *Fine v. Los Angeles Unified School District* (2004) 116 Cal. App.4th 1070, 1079.)

The temporary teachers who appeared at the hearing of this matter - Ms Tabel and Ms Freels – offer no competent evidence to refute the District's position that each teacher holds status as a teacher under temporary contracts with the District. Hence neither teacher has standing as a Respondent to contest the District's lay-off action.

8. In this matter the teachers who held contractual positions as temporary employees did not present competent evidence to establish a basis for the application of the doctrine of equitable estoppel. The facts in this matter do not present the elements necessary for the District's lay-off action to be set aside as to the complaining temporary employees. (*Shoban v. Board of Trustees of Desert Center Unified School District* (1969) 376 Cal.App.2d 534, 544-546.) No competent and credible evidence shows that Ms Freels or Ms Tabel reasonably relied upon information or guidance from responsible personnel of the District that misled the temporary teachers to their respective detriment.

9. Cause exists under Education Code sections 44949 and 44955 for the Livermore Valley Joint Unified School District to reduce or discontinue particular kinds of services. The cause for the reduction or discontinuance of particular kinds of services is related solely to the welfare of the schools and the pupils thereof.

No employee with less seniority than any Respondent is being retained to render a service which any Respondent is certificated and competent to render.

10. The District's lay-off action is necessary. The District's proposed action is consistent with the law. And, the District's contemplated lay-off action is reasonable in its execution.

ORDER

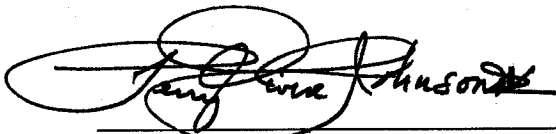
1. The Accusation served on each respondent is sustained, except that the Accusation is dismissed as to Respondents Jennifer Blum, Terri Roberts, Leslie Williams, Karen Woodward, Cynthia Woodworth, Linda Dinwiddie and Jaineen Bloss

2. The Accusation served on Respondents Audrey Amos, Kim Anderson; Dorothy Bedrin; Lynda Brekke; Harriet Capito; Jannie Deiling; George Enos; Danette Evens; Charlotte French; Laurie Gomez; Michelle Gonsalvas; Sherre Hallahan; Holly Hamilton; Jay Hendrick; Barbara Hoefler; Jessica Holck; Kathleen Jones; Koren Kaloustian; Deborah Keesling; Ronna Lagin; Andrew Lockhart; Karen Martin; Elizabeth McClellan; Kelly Moore; Carol Nese-Forte; Thu Hien Ngo; Marsha Nishikawa; Beth Peterson; Christine Pytlik; Shelli Rhodes; Terri Roberts; Patty Santin; Carolyn Scarlett; Peggy Sobrero; Sam Steele; Erin Summers; Angela Swenson; James Taylor; Leslie Williams; and Carrie Seng is sustained.

Notice may be given before May 15, 2004 to Respondents, as well as the temporary teacher employees who received preliminary notices before March 15, 2004, that their services will not be required for the 2004-05 school year because of the reduction or discontinuance of particular kinds of services as indicated.

3. Notice shall be given in inverse order of seniority.

DATED: April 30, 2004

A handwritten signature in black ink, appearing to read "Perry O. Johnson", is written over a horizontal line.

PERRY O. JOHNSON
Administrative Law Judge
Office of Administrative Hearings