

BEFORE THE GOVERNING BOARD OF THE
ALPINE COUNTY UNIFIED SCHOOL DISTRICT
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

DEIRDRE WALLACE,

Respondent.

OAH No. N2006030748

PROPOSED DECISION

This matter was heard before Karen J. Brandt, Administrative Law Judge, Office of Administrative Hearings, State of California, on April 24, 2006, in Woodfords, California.

Allen R. Vinson, Attorney at Law, represented the Alpine County Unified School District (District).

Deirdre Wallace (respondent) was present and was represented by Lesley Beth Curtis, Attorney at Law.

Evidence was received, the record was closed, and the matter was submitted on April 24, 2006.

FACTUAL FINDINGS

1. The parties stipulated that the District served all notices required to be served under the Education Code in a timely manner and that respondent's request for hearing and notice of defense were timely filed.

2. James W. Parsons, Ed.D., is both the Superintendent of the District and the principal of all the schools in the District.

3. On February 28, 2006, Superintendent Parsons recommended to the Governing Board (Board) that it adopt a resolution to reduce the following District programs and services for the 2006-2007 school year:

Certificated Positions

American Indian Early Childhood Education Coordinator	.49 FTE
Necessary Small High School Teacher	1.0 FTE
Library Media Coordinator (Temporary)	.795 FTE
Spanish Teacher	.13 FTE

4. On March 2, 2006, the Board adopted a "Resolution of Intention to Dismiss Certificated Employees," Resolution No. 05-06-11 (Resolution), which provided that it was necessary to reduce or discontinue the particular kinds of services described in Superintendent Parsons' recommendation for the 2006-2007 school year.

The Resolution, among other things, provided that each of the listed positions constituted "a particular kind of service (PKS) with the meaning of Education Code § 44955," that it was the opinion of the Board that it was "in the best interest of this District that the 2.415 FTE certificated employees ...be reduced pursuant to the adopted order of employment," and that the Board had determined that "as between employees who first rendered paid service to the District on the same date, the order of termination listed on the seniority list dated 2/28/06 has been based solely on the needs of the District and the students thereof."

The Resolution provided further that the Board had "considered all positively assured attrition which has occurred to date, that is, all deaths, retirements, and other permanent vacancies and additional attrition which may occur before the start of the 2006-2007 school year in reduction [of] these services and but for the attrition already assured and attrition anticipated would have found it necessary to reduce additional particular kinds of services."

5. The Resolution also provided that the Board had "determined that the average daily attendance in all schools of the District for the first six months in which school was in session for the current school [year] of 2005-2006 had declined below that of the corresponding period of the first six months of prior year of comparison school year." The Accusation in this matter asserts that respondent's layoff was the result of the District's determination to reduce or discontinue particular kinds of services; the Accusation does not assert that the reduction was the result of a decline in average daily attendance (ADA). At hearing, the District did not submit any evidence to show that it had experienced a decline in ADA. To the contrary, the District submitted a document entitled "Anticipated Class and/or Service Assignments for All Certificated Employees of the District for the Next Fiscal Year" that indicates that the current total student enrollment in the 2005-2006 school year as of March 31, 2006 was 136 and that the total enrollment for the 2006-2007 school year is anticipated to be 137 students. That document provides further that there was "no anticipated change to weekly student contact hours for the upcoming fiscal year." It is, therefore, found that the District did not establish that the reduction in this matter was necessitated by a decline in ADA.

Respondent's Seniority

6. Respondent is a .49 FTE probationary certificated employee. She first rendered paid service to the District as a probationary employee on August 26, 2004. She has a Preliminary Single Subject Teaching Credential in Science and Biological Sciences and a Preliminary Multiple Subjects Teaching Credential. She also has a master's degree. Except for Rita Lovell, respondent is the most junior certificated employee in the District. On March 6, 2006, Superintendent Parsons served upon respondent a "Notice of Layoff for Probationary Certificated Employee" together with a copy of the Resolution.¹

American Indian Early Childhood Education Coordinator

7. In 1997, respondent was hired by the District to be the American Indian Early Childhood Education Coordinator. This position was funded through a grant from the American Indian Early Childhood Education Program of the California Department of Education. Under this program, respondent taught reading to students in kindergarten through fourth grade who read below grade level. Students who participated in the program were taken from their regular classrooms for 20 – 30 minutes a day and provided one-on-one reading instruction. Initially, respondent trained aides who assisted her in implementing the program. After about three years, there was not sufficient funding to employ aides, so respondent ran the program herself. Even though the program applied research-based methods for teaching reading to students of Native American descent, the program was open to all students who were reading below their grade level, and not just Native American students.

The terms of the original 1997 grant provided for the teaching of both reading and math. There was not, however, sufficient funding for respondent to teach math under the program.

The program also included a cultural component. On Fridays, respondent taught a class about the Washoe culture. Respondent also acted as the liaison between the District and the tribe. In the past, respondent also taught reading to a class of fifth grade students.

8. Last year, respondent was notified that she would be laid off for the 2005-2006 school year. To settle that matter, respondent and the District entered into a stipulation, which provided:

¹ In addition to respondent, Superintendent Parsons served layoff notices on Rita Lovell (Lovell) and Stephanie Bowen (Bowen). Lovell is currently a .795 FTE Library Media Coordinator (Temporary) and a .13 FTE Spanish Teacher. Lovell did not file a request for hearing in response to her layoff notice. The District rescinded Bowen's layoff notice after Hanley Rosevold, a teacher at the Alpine County Secondary Community Day School, announced his retirement for the 2006-2007 school year, and the District determined that it no longer needed to reduce a Necessary Small High School Teacher by 1.0 FTE.

1. [Respondent's] Seniority date is 8/26/04 as set forth on the District's seniority list.
2. [Respondent's] Employment status is probationary.
3. [Respondent] shall be placed on the 24 month reemployment list per Education Code Section 44957.
4. If [respondent] is reemployed during the 24 month rehire period, she shall be placed on the Certificated Salary Schedule at year 3.
5. If funding is restored for the American Indian Early Childhood Education Coordinator position, the District shall only be obligated to provide a part-time position based on the salary paid to the teacher in the position and the grant funds provided. No additional district funds will have to be used to fund this position.
6. If the American Indian Early Childhood Education Coordinator position is funded through a grant, the District shall first offer the position to certificated employees on the rehire list who are credentialed and competent to serve in the position.
7. [Respondent] will not assert any claim for back wages [for] any employment she has had with the District prior to the 2005-06 school year.

9. On June 1, 2005, the Diamond Valley School Site Council voted that, in the event the District did not receive a grant to fund the American Indian Early Childhood Education position, the Site Council would provide \$29,000 from its own funding to retain that position.

10. On June 30, 2005, respondent entered into an employment contract with the District that provided that she would serve as a part-time, probationary employee in the position of American Indian Early Childhood Education Coordinator for the 2005-2006 school year.

11. By letter dated August 8, 2005, the California Department of Education notified the District that it would not be providing any funds to the District under the American Indian Early Childhood Education Program for the 2005-2006 school year.

12. On August 17, 2005, Superintendent Parsons wrote to respondent as follows:

In light of the funding not coming through for the Early Childhood Indian Education Grant, we will, of course, utilize you as a Title I teacher with the funding provided by the Diamond Valley School Site Council. We have scheduled you for four (4) hours per day from 8:30 a.m. to 12:30 p.m. at the Diamond Valley School and assigned you specifically with Sharon Osgood. The bulk of those students in need of significant reading remediation are in this year's fourth grade class with Sharon. We are hoping that adding a certificated teacher to their instruction will enable us to provide smaller groups and more rigorous remediation.

As we continue to test students with the new M.A.P. program, we may want to reconsider how we spread your time so that you can have the maximum impact on the maximum number of students. This assignment should, however, get us started for the year...

13. On September 27, 2005, respondent entered into another employment contract with the District that provided that she would serve as a part-time, probationary employee in the position of American Indian Early Childhood Education Coordinator for the 2005-2006 school year. The September 27, 2005 contract increased respondent's hourly rate of pay above the amount set forth in the June 30, 2005 contract described in Finding 10. Although in one of its exhibits, the District described respondent's position as being categorically funded from "Carry-Over funds designated from School-Wide Project Categorically [sic] Funds," there was no indication in either the June 30 or the September 27, 2005 contract that respondent was hired pursuant to Education Code section 44909 for the 2005-2006 school year.² (See *Zalac v. Governing Board of the Ferndale Unified School District* (2002) 98 Cal.App.4th 838.)

14. The work that respondent has been performing during the 2005-2006 school year is different from the work she previously performed for the District. For one and one-half hours in the morning, she works with Sharon Osgood's (Osgood's) third and fourth grade students teaching reading. According to respondent, when reading is taught, the students are divided into three groups: Osgood teaches reading to one group, respondent teaches reading to

² Education Code section 44909, in relevant part, provides:

The governing board of any school district may employ persons possessing an appropriate credential as certificated employees in programs and projects to perform services conducted under contract with public or private agencies, or categorically funded projects which are not required by federal or state statutes. The terms and conditions under which such persons are employed shall be mutually agreed upon by the employee and the governing board and such agreement shall be reduced to writing. ... Such persons may be employed for periods which are less than a full school year and may be terminated at the expiration of the contract or specially funded project without regard to other requirements of this code respecting the termination of probationary or permanent employees other than Section 44918.

a second group, and the third group works with an aide on the Read Naturally Program (see Findings 18-24 below).

Respondent also teaches a math class to ten fifth-grade students in a separate classroom. In addition, respondent has recess duty.

15. There was a dispute as to whether there was a "cultural component" to respondent's position for the current school year. Respondent asserted that she did "not really" provide a Native American program. She testified that she still acted "a little" as a liaison to the tribe, and that she had tried to coordinate a Native American Thanksgiving program, but she described this work as "voluntary."

Superintendent Parsons asserted that there was still a cultural component to respondent's position for the 2005-2006 school year, albeit "downsized" from prior years. He asserted that, in her position as the American Indian Early Childhood Education Coordinator, respondent attempted to make arrangements with a local tribe to provide story telling and a display for one or two days; although those arrangements fell through, respondent was going to try to reschedule them. In addition, respondent, on occasion, attended meetings with a parent advisory group from the tribe during school hours. Superintendent Parsons did not know how many, if any, of those meetings respondent had attended this school year.

It is found that, even if there has been a Native American cultural component to respondent's position this year, that component is minimal.

16. Respondent asserted that, given the changes in her teaching duties for the 2005-2006 school year and Superintendent Parsons' August 17, 2005 letter, she has not been functioning as the American Indian Early Childhood Education Coordinator; instead, she has been functioning as a Title I reading teacher and a math teacher. She asserted that the Resolution should, therefore, have identified the services being reduced as a Title I reading teacher and a math teacher, and not an American Indian Early Childhood Education Coordinator. She also asserted that her duties as a math teacher were not included in the job duties of an American Indian Early Childhood Education Coordinator and were, therefore, not subject to layoff pursuant to the Resolution. Superintendent Parsons asserted that, because all the students assigned to respondent are "at-risk" and math was a permissible component of the original American Indian Early Childhood Education grant, respondent's current teaching assignments are "consistent" with the description of her position as the American Indian Early Childhood Education Coordinator. Neither party submitted a job description for the American Indian Early Childhood Education Coordinator position. The parties' assertions on this issue are addressed in Legal Conclusion 3 below.

17. There was no evidence submitted to indicate whether there may be any monies available to the District, either through the Site Council or a grant provided by the California

Department of Education, to fund the American Indian Early Childhood Education Coordinator position for the 2006-2007 school year.

Read Naturally Program and Study Halls Monitored by Classified Aides

18. Karen Mortimer (Mortimer) is currently employed by the District as an Instructional Aide – Title I, a Restricted Position. Jacqueline Tan (Tan) is employed as an After School Program Coordinator. Although Tan has a teaching credential, both Mortimer and Tan are classified employees.

19. Mortimer and Tan report to Nancy Lampson (Lampson), Director of Instructional Services for the Alpine County Office of Education. Lampson is an administrator who does not have any teaching assignments. She does, however, possess a teaching credential. As part of her duties, Lampson administers the Read Naturally Program for the District. According to the Read Naturally website, the program offers “struggling readers a safe, structured, and highly motivated opportunity to engage in reading on a regular basis.” The website describes the program as “an individualized program” that “allows students to work independently most of the time.”

20. Lampson trained both Mortimer and Tan to monitor District students who are involved in the Read Naturally Program. Under the program, the students first read a story out loud to one of the aides. The students then practice on their own, reading along with a tape recording. The students read the story many times with the tape recording until they can read it fluently. When they are ready, the students again read the story out loud to an aide. The students graph their own progress. The aides may assist students as they fill in their graphs, but the aides do not complete graphs for the students. Mortimer also corrects the students’ answer books using a key that she has been given. The aides do not grade or monitor the progress of the students. Instead, each grading period, using the students’ graphs, Lampson completes a progress report for each student and provides those progress reports to the students’ teachers. It is up to the teachers whether they take the progress reports into consideration when they grade the students.

21. From 8:30-10:00 a.m. each school day, Mortimer monitors the students who participate in the Read Naturally Program from Osgood’s third and fourth grade classes. Although Tan is designated as the After School Program Coordinator, she begins work at 12:00 noon and monitors students in the first, second, fifth, sixth and seventh grades who participate in the Read Naturally Program during the school day. Neither aide reports to any teachers about the progress of the students, although they may respond to particular inquiries a teacher may have. If they have any questions or problems with any students, the aides speak to Lampson about them.

22. Mortimer and Tan also monitor study halls during the school day. According to Tan, during study hall, the students generally do their homework assignments. Sometimes, a teacher may ask her to watch the students do particular assignments during study hall. The classroom teachers provide the course work and determine which students should attend study

hall. Any student discipline or supervision issues that may arise during study hall are referred to the classroom teacher or the principal's office. Tan and Mortimer do not instruct or grade any students in the study halls they monitor.

23. On October 4, 2004, respondent entered into a contract with the District to serve as a certificated, part-time employee in the position of After School Program Instructor from July 1, 2004 to June 30, 2005. Effective January 31, 2005, respondent resigned from this position, after the time commitment increased to 25 hours a week and she was informed that she could no longer work both as the After School Program Instructor and the American Indian Early Childhood Education Coordinator, since together those two positions totaled over 40 hours a week.

24. Respondent asserted that the District is violating Education Code sections 45343, 45344, and 46300 by allowing two classified aides to function as independent classroom reading and study hall teachers during time for which the District is claiming ADA. According to respondent, the District is legally prohibited from reducing her teaching services while maintaining the services of two classified aides to perform teaching services that are similar to the teaching services that she is currently performing and is certificated and competent to perform. The District asserted that the functions that the aides are performing are appropriate to their aide classifications and that respondent, as a certificated employee, cannot "bump" a classified employee. In addition, the District asserted that neither respondent nor the Alpine County Teachers Association previously asserted that the classified aides were improperly performing services that certificated teachers should perform, filed a grievance with respect to this issue, or asserted to the Public Employees Relations Board (PERB) that the District's utilization of the aides constituted an unfair labor practice. The parties' assertions regarding these issues are addressed in Legal Conclusion 4 below.

Moser's Resignation

25. Henri Moser (Moser) is a permanent, full-time, certificated employee whose first date of paid probation service was August 23, 2001. He has both a teaching and an administrative credential. Moser started his District employment as a full-time teacher in Bear Valley Elementary School. When he obtained his administrative credential last year, he became the Vice Principal for the Bear Valley elementary and high schools. During the current school year, Moser has spent 75 percent of his time teaching kindergarten through eighth grade, and 25 percent of his time as Vice Principal. There are currently 13 students in the Bear Valley Elementary School. Moser is the only teacher in that school. The District anticipates that there will be 11 students in the school in the 2006-2007 school year.

26. After the Board issued the Resolution and Superintendent Parsons sent out the layoff notices, and approximately three weeks before the hearing in this matter, Moser submitted his resignation for the upcoming school year. Respondent asserts that the Board should take Moser's resignation into consideration when determining whether she should be laid off and offer her the teaching component of Moser's position.

27. The Bear Valley schools are on the other side of the mountain from the District office. In good weather, it takes approximately one hour to drive between the Bear Valley schools and the District office; in winter and when there is snow on the ground, it may take three to four hours to make this journey. Because Superintendent Parsons is the only principal in the District, he and the Board determined that, given the significant distance, there was a need for a part-time vice principal to be located at the Bear Valley schools. When Moser submitted his resignation, Superintendent Parsons and the Board determined that they needed to retain a single full-time employee to act as both a part-time teacher and a part-time administrator. The District is currently advertising for a replacement for Moser for the 2006-2007 school year. Superintendent Parsons asserted that it would not make sense to try to hire a .75 FTE teacher and a separate .25 FTE Vice Principal. Given both the location and size of Bear Valley Elementary School, Superintendent Parsons' and the Board's determination to hire a single individual to perform both administrative and teaching duties is reasonable.

ISSUES

The parties agreed that the following issues are before the Board for determination:

1. Should the Resolution have referred to respondent's services as a Title 1 reading teacher and a math teacher, and not as the American Indian Early Childhood Education Coordinator?
2. May the District lay off respondent when it continues to employ classified aides to provide reading and study hall services?
3. Has the District properly taken into account all positively assured attrition between the time the Board issued its Resolution and the time of the actual layoff, particularly with respect to the teaching duties of Moser?

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. Cause exists under Education Code sections 44949 and 44955 for the District to reduce or discontinue particular kinds of services. The cause for this reduction or discontinuation relates solely to the welfare of the schools and the pupils thereof. As set forth in Finding 5, the District did not establish that the reduction in this matter was necessitated by a decline in average daily attendance.

American Indian Early Childhood Education Coordinator

3. As set forth in Finding 16, respondent asserted that the Resolution should have identified the services being reduced as a Title I reading teacher and a math teacher, and not an American Indian Early Childhood Education Coordinator. Respondent's assertion is not persuasive.

While respondent may have been assigned to teach reading and math during the current school year, both her June 30 and her September 27, 2005 contracts specifically provided that she would be serving in the position of American Indian Early Childhood Education Coordinator. Even if Superintendent Parsons may have raised some question about the nature of respondent's position when he stated in his August 17, 2005 letter that the District would "utilize" her as "a Title I teacher," respondent's September 27, 2005 contract, signed *after* Superintendent Parsons' August 17, 2005 letter, made clear that respondent would be serving in the position of American Indian Early Childhood Education Coordinator during the 2005-2006 school year.

The fact that respondent's teaching assignments in the position of American Indian Early Childhood Education Coordinator may have changed in the 2005-2006 school year to include a new math class and a different reading assignment, and to eliminate much of the cultural component did not mandate a different description of that position in the Resolution. Education Code section 44955, subdivision (b), in relevant part, provides that, "...whenever a particular kind of service is to be reduced or discontinued ... and 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." In *California Teachers Association v. Board of Trustees of the Goleta Union School District* (1982) 132 Cal.App.3d 32, 36, the court found that a recommendation that 11 kindergarten through sixth grade classes be reduced properly stated a reduction of particular kinds of services under Education Code section 44955. The court reasoned that, although teachers in elementary school classes may teach many different subjects, the school district was not be precluded from reducing the services of those teachers merely because they organized "their curriculum in a multidisciplinary manner." Similarly, in this case, the District is not precluded from identifying respondent's particular kind of service as the American Indian Early Childhood Education Coordinator just because she may now teach both reading and math in that position.

The District is facing financial uncertainty as to whether there will be funding for respondent's position next year. (See *San Jose Teachers Association v. Allen* (1983) 144 Cal.App.3d 627, 639 ["Section 44955 does not prohibit consideration of financial difficulties as the motivation for terminations and, in fact, when adverse financial circumstances dictate reduction in certificated staff, section 44955 is the only statutory authority available to school districts to effectuate a reduction."].) The Resolution and the March 6, 2006 layoff letter

gave respondent adequate notice under section 44955 that her entire .49 FTE would be reduced when it informed her that her position as the American Indian Early Childhood Education Coordinator would be eliminated for the 2006-2007 school year.

Read Naturally Program and Study Halls Monitored by Classified Aides

4. As set forth in Finding 24, respondent asserted that the District is legally prohibited from reducing her teaching services while retaining two classified aides to perform allegedly similar teaching functions.³ Again, respondent's assertion is not persuasive.

A school district may not dismiss an employee pursuant to section 44955 and yet continue the identical kind of service and position held by the terminated employee. (*Santa Clara Federation of Teachers v. Governing Board of Santa Clara Unified School District* (1981) 116 Cal.App.3d 831, 844.) In order for this prohibition to apply, there must be a showing that there is no difference in the method or manner of providing a particular service between the terminated teacher and the substitute personnel. (*San Jose Teachers Association, supra*, 144 Cal.App.3d at p. 640.) Respondent has not made this showing. The services that the classified aides are providing with respect to the Read Naturally Program are not identical to the services that certificated teachers provide when teaching reading. The aides are merely monitoring students as they proceed independently through the Read Naturally Program; they are not providing any instruction, doing any evaluations, or giving any grades. Similarly, the classified aides are only monitoring students in study halls; they are not providing teaching services. Their services, therefore, are not identical to those of respondent.

Moreover, respondent, as a certificated employee, cannot "bump" a classified employee because the procedures and reasons for laying off certificated employees under Education Code sections 44949 and 44955 are different from those applicable to classified employees under Education Code section 45308.⁴ (*Rutherford v. Board of Trustees* (1976) 64 Cal.App.3d 167, 180 [a certificated employee could not "bump" children's center or Head Start employees out of their positions because the statutory grounds permitting termination of the two types of employees were different].)

In sum, respondent did not show that the District is legally prohibited from reducing her teaching services while maintaining the services of two classified aides.

³ The question of whether District is violating Education Code sections 45343, 45344, and 46300 by utilizing Mortimer and Tan as they are now being utilized is beyond the scope of a layoff hearing and will not be addressed in this decision.

⁴ Education Code section 45308, in relevant part, provides:

Classified employees shall be subject to layoff for lack of work or lack of funds. Whenever a classified employee is laid off, the order of layoff within the class shall be determined by length of service. The employee who has been employed the shortest time in the class, plus higher classes, shall be laid off first.

Positively Assured Attrition

5. Finally, respondent asserted that the Board should take Moser's resignation into consideration when determining whether she should be laid off and offer her the teaching component of Moser's position. Respondent's argument on this issue is also not persuasive.

While the Board included in the Resolution that the layoff was due to a decline in ADA, the District did not establish this assertion; instead this matter proceeded as a PKS reduction. (See Finding 5 and Legal Conclusion 2.) A school district does not have to take into consideration attrition when making PKS reductions. As the court in *San Jose Teachers Association, supra*, 144 Cal.App.3d at pp. 634-636 explained, "In making a final decision on PKS reductions, the extent to which the services are reduced inherently determines the number of positions to remain. If a service is to be eliminated, for example, it is obvious that it is unnecessary to consider attrition in any way."

Even if Moser's attrition had to be taken into consideration, respondent has not shown that she should be retained to fill a portion of Moser's current teaching duties when she is not certificated or competent to assume his administrative duties. In *Murray v. Sonoma County Office of Education* (1989) 208 Cal.App.3d 456, a part-time school nurse, who had been laid off, contended that she was entitled to be rehired as a part-time nurse before an employee with less seniority could be hired to fill a full-time school nurse position. The court found that when part-time employees are laid off, they are not entitled to full-time positions that subsequently open up; instead, they are entitled only to be returned to the status they occupied prior to layoff. Moreover, the part-time nurse did not have the right to force the Office of Education to divide a full-time position to accommodate her desire for a part-time job. (*Id.* at p. 460.)

The reasoning set forth in *Murray* is applicable in this matter. Respondent has a .49 FTE teaching position. Moser has a .75 FTE teaching position and a .25 FTE administrative position. Given the location and small size of Bear Valley Elementary School, the Superintendent and the Board have determined that Moser's current position should be filled by a single full-time employee who is credentialed and competent to be both a teacher and an administrator. Respondent does not have an administrative credential. The District cannot be forced to divide up Moser's job to give respondent a .49 FTE teaching position, and then have to seek a second employee to fill the remaining FTE time as both a teacher and an administrator.

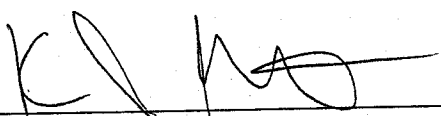
6. In sum, American Indian Early Childhood Education Coordinator is a particular kind of service that could be discontinued under Education Code section 44955. The Board's decision to discontinue that service was neither arbitrary nor capricious, and was a proper exercise of its discretion. The decision was based on the welfare of the District and its pupils. The District identified respondent as providing the particular kind of service that

the Board directed be discontinued. No junior certificated employee is scheduled to be retained to perform services that respondent is certificated and competent to render. A preponderance of the evidence sustained the charges set forth in the Accusation.

ORDER

The Accusation served on respondent Deirdre Wallace is sustained. Notice shall be given to respondent before May 15, 2006 that her services will not be required because of the discontinuation of the particular kind of services.

DATED: May 3, 2006



KAREN J. BRANDT
Administrative Law Judge
Office of Administrative Hearings