

BEFORE THE  
BOARD OF TRUSTEES OF THE  
FONTANA UNIFIED SCHOOL DISTRICT  
STATE OF CALIFORNIA

In the Matter of the Employment Status of:

SHIRLEEN ARMSTRONG, ET AL.,

Respondents.

OAH No. 2012020874

**PROPOSED DECISION**

Robert Walker, Administrative Law Judge, State of California, Office of Administrative Hearings, heard this matter in Fontana, California, on April 26, 2012.

Melanie A. Petersen, Attorney at Law,<sup>1</sup> represented the complainant, the superintendent of the Fontana Unified School District.

The respondents are listed in exhibit A.

Marianne Reinhold Attorney at Law,<sup>2</sup> represented those respondents who are listed in exhibit B.

Megan Barnes appeared in propria persona.

No appearance was made by or on behalf of Starlena Tamillo.

The matter was submitted on April 26, 2012.

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<sup>1</sup>Melanie A. Petersen, Attorney at Law, 1 Civic Center Drive, San Marcos, California 92069.

<sup>2</sup>Marianne Reinhold, Attorney at Law, 2670 North Main Street, Suite 300, Santa Ana, California 92705.

## DEFAULT

As to Ms. Tamiillo, on proof of compliance with Government Code sections 11505 and 11509, this matter proceeded as a default pursuant to section 11520.

## FACTUAL FINDINGS

### *General Findings Concerning Statutory Requirements*

1. Education Code sections 44949 and 44955<sup>3</sup> provide for two notices to be given in connection with terminating certificated employees. The first notice, which will be referred to as the Preliminary Layoff Notice, is given by the superintendent. It is given to the governing board and to the employees the superintendent recommends for layoff. The Preliminary Layoff Notice gives the board and the employees notice that the superintendent recommends that those employees be laid off. The superintendent must give the Preliminary Layoff Notice no later than March 15. There is no requirement that a governing board take any action in March. But while it is unnecessary, governing boards usually adopt a resolution ratifying the superintendent's recommendations.

2. The second notice is a notice of a governing board's decision to terminate an employee. That notice is provided for in Section 44955 and must be given before May 15. That notice advises a teacher that the district will not require his or her services for the ensuing school year. That notice will be referred to as a Termination Notice.

3. In this case, not later than March 15, 2010, the superintendent notified the governing board and the respondents that he recommended that the respondents not be retained for the ensuing school year.

4. The Preliminary Layoff Notice stated the reasons for the recommendation. The recommendation was not related to respondents' competency.

5. A Preliminary Layoff Notice was delivered to each respondent, either by personal delivery or by depositing the notice in the United States mail, registered, postage prepaid, and addressed to respondent's last known address.

6. The Preliminary Layoff Notice advised each respondent as follows: He or she had a right to a hearing. In order to obtain a hearing, he or she had to deliver a request for a hearing in writing to the person sending the notice. The request had to be delivered by a specified date, which was a date that was not less than seven days after the notice was

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<sup>3</sup> All references to the Code are to the Education Code unless otherwise specified.

served.<sup>4</sup> And the failure to request a hearing would constitute a waiver of the right to a hearing.

7. Respondents either timely filed written requests for a hearing or obtained a waiver of their failure to file. An accusation was timely served on respondents. Respondents were given notice that, if they were going to request a hearing, they were required to file a notice of defense within five days after being served with the accusation.<sup>5</sup> Respondents either filed timely notices of defense or obtained a waiver of their failure to file. All prehearing jurisdictional requirements were either met or waived.

8. The governing board of the district resolved to reduce or discontinue particular kinds of services. Within the meaning of Section 44955, the services are “particular kinds of services” that can be reduced or discontinued. The decision to reduce or discontinue these services was not arbitrary or capricious but constituted a proper exercise of discretion.

*Services the District Intends to Reduce or Discontinue*

9. The governing board of the district determined that, because particular kinds of services are to be reduced or discontinued, it is necessary to decrease the number of permanent or probationary employees in the district.

10. The governing board of the district passed three resolutions regarding the particular kinds of services to be reduced or discontinued.

11. One resolution concerned 4.00 FTE and was as follows:

Early Reading First Bilingual Family Literacy Specialist	1.00 FTE
Early Reading First Intervention Specialist	3.00 FTE
Total Full-Time Equivalent Reductions	4.00 FTE

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<sup>4</sup> Employees must be given at least seven days in which to file a request for a hearing. Education Code section 44949, subdivision (b), provides that the final date for filing a request for a hearing “shall not be less than seven days after the date on which the notice is served upon the employee.”

<sup>5</sup> Pursuant to Government Section 11506, a party on whom an accusation is served must file a notice of defense in order to obtain a hearing. Education Code section 44949, subdivision (c)(1), provides that, in teacher termination cases, the notice of defense must be filed within five days after service of the accusation.

12. One resolution concerned 9.00 FTE and was as follows:

Elementary EL Intervention	1.00 FTE
Elementary Instructional Support	1.00 FTE
Elementary Instructional Support-Intervention	1.00 FTE
Middle School EL Intervention	1.00 FTE
Middle School Instructional Support	2.00 FTE
High School Instructional Support	2.00 FTE
High School Instructional Support-Intervention	1.00 FTE
<b>Total Full-Time Equivalent Reductions</b>	<b>9.00 FTE</b>

13. One resolution concerned 22.00 FTE and was as follows:

Elementary (Multiple Subject)	12.00 FTE
High School Business/Computer Science	1.00 FTE
High School ELD (English)	1.00 FTE
High School English	2.00 FTE
High School Foreign Language: French	1.00 FTE
High School Mathematics	3.00 FTE
High School Science: Earth/Geosciences	2.00 FTE
<b>Total Full-Time Equivalent Reductions</b>	<b>22.00 FTE</b>

*Notices to be Rescinded*

14. The district stipulated that it will rescind the Preliminary Layoff Notice served on the following respondents:

	<b>LAST</b>	<b>FIRST</b>	<b>MI</b>
4	BASULTO	MINNIE	S
5	CHIEK	TESSA	R
6	DANGANAN	MICHELLE	T
7	DAWSON	MARAJHA	N
8			K
9	FLORES	JENNIFER	T
10			E
11	GARCES	MARIA	A
12			S
13	HERNANDEZ	TAMARA	L
14			T
15	MARCHAN-GREINER	VALENTINE	

16			S
17			C
18			
19			
20			
21	SANCHEZ	ARGELIA	C
22	SIMNJANOVSKI	RISTE	
23	SORIANO	ROBERT	M
24	TAMILLO	STARLENA	R
25	TEMPLE	NANCY	E
26			
27			E

*Tie-Breaking Criteria Based on the Current Needs of the District and Students*

15. Pursuant to Section 44955, subdivision (b), the governing board of the district adopted criteria for determining the order of termination as among employees who first rendered paid service on the same day. Section 44955, subdivision (b), requires a district to adopt such criteria and provides that the criteria are to be based on “needs of the district and the students . . . .”

16. The district’s tie-breaking criteria are as follows:

The following rating system shall be applied in determining the order of termination of certificated employees:

- A. Total Number of Credentials, Subject Matter Authorizations and Supplemental Authorizations
- B. Credential Status (Clear, Preliminary, Intern, Permit)
- C. Total Number of Years of Teaching Experience in the Fontana Unified School District
- D. Total Number of Verified Years of Teaching Experience post Bachelor’s Degree

**TIE-BREAKING PROCEDURE**

In the event that common day hires have equal qualifications based on application of the above criteria, the District will then break ties by utilizing a lottery.

17. In this case, the district did not apply tie-breaking criteria.

### *District Did Not Engage In Skipping*

18. Pursuant to Section 44955, subdivision (d)(1), a district may deviate from terminating employees in the order of seniority, i.e., a district may *skip* over teachers with a particular qualification and terminate more senior teachers who do not possess that qualification. In order to skip, a district must demonstrate a specific need for personnel to teach a specific course or course of study or for personnel with a specialization in personnel services or nursing. If the need concerns a course or course of study, the district may skip a junior employee only if employees with more seniority do not possess the special training and experience necessary to teach the course and only if the junior employee does possess that special training and experience.

19. In this case, the governing board of the district chose not to engage in skipping.

### *Right to be Retained According to Seniority and Qualifications – Date of Hire*

20. Job security is not inherent in seniority. The Legislature chose to provide teachers with limited job security according to their seniority.

21. In this case no issues were raised concerning the accuracy of the district's seniority list.

### *Right to be Retained According to Seniority and Qualifications – (Bumping)*

22. The second paragraph of section 44955, subdivision (c), does not add to teachers' seniority rights. It does, however, make it clear that governing boards must make assignments in such a way as to protect seniority rights. Employees must be retained to render any service their *seniority* and qualifications entitle them to render. Thus, if a senior teacher whose regular assignment is being eliminated is certificated and competent to teach a junior teacher's courses, the district must retain the senior teacher and reassign him or her to render that service. This is commonly referred to as bumping. The district must either reassign or terminate the junior employee.

23. William Cardosi, whose seniority date is August 30, 2007, teaches one of the services being reduced and is subject to layoff. Megan Barnes, whose seniority date is September 23, 2011, does not teach one of the services being reduced. Mr. Cardosi, however, is qualified to fill Ms. Barnes's position. Thus, Mr. Cardosi has a right to bump into Ms. Barnes's position, and he has elected to do that.

24. Ms. Barnes contends that there are other open positions for which Mr. Cardosi is qualified and for which he could apply. Ms. Barnes contends that, because Mr. Cardosi could apply for other open positions, he has no right to bump into her position. Ms. Barnes's contention is similar to the argument made in favor of inverse bumping, which had been rejected.

25. The second paragraph of section 44955, subdivision (c), speaks of the duty of a school board to make assignments in such a manner that employees will be retained to render any service “their *seniority* . . . [entitles] them to render.” (Italics added.) A teacher’s entitlement to bump a junior teacher out of his or her assignment derives from the senior teacher’s *seniority*. A teacher’s seniority does not entitle him or her to bump a more senior teacher out of his or her assignment just because the more senior teacher could move into some other position. *Duax v. Kern Community College District* (1987) 196 Cal.App.3d 555, concerned the seniority rights of teachers in community colleges. The bumping rights are similar to those provided by the second paragraph of section 44955, subdivision (c). Mr. Duax, a community college teacher who was being terminated, contended that the college was required to bump a more senior teacher out of his position because Mr. Duax was qualified to fill that position, and the more senior teacher had a right to move into a different position. The court rejected Mr. Duax’s claim that he had a right to “inverse bumping.” The court said the district’s “obligation to make assignments and reassignments . . . is limited to attempting to place an employee who would otherwise be terminated in a position being held by another employee with *less seniority*.” (Italics added.) (*Duax, supra*, 196 Cal.App.3d at p. 568.)

26. Mr. Cardosi has a right to bump into the position held by the least senior social studies teacher, and that is Ms. Barnes’s position. Ms. Barnes has no right to require the district to place Mr. Cardosi in some other position and no right to require Mr. Cardosi to apply for some other position.

27. Gary Gonzalez, whose seniority date is August 18, 2010, teaches one of the services being reduced and is subject to layoff. Ariana Mota, whose seniority date is January 23, 2012, does not teach one of the services being reduced. It is possible that Mr. Gonzalez would be qualified to fill Ms. Mota’s position. Mr. Gonzalez, however, stipulated that he is not to be considered as a candidate to bump into Ms. Mota’s position.

28. The district seeks to retain five junior teachers in instructional support positions and one junior teacher in a special school improvement grant (SIG) position while terminating four senior teachers who contend that they are certificated and competent to render the services the junior teachers render. Instructional support teachers do not have classrooms and do not have students assigned to them. They provide support for other teachers and can provide direct support to particular students.

29. The district does not contend that the instructional support positions and the SIG position satisfy the requirements for skipping, i.e., the district does not contend that they concern “a specific course or course of study” within the terms of Code section 44955, subdivision (d)(1). Indeed, it would be impossible to defend the proposition that the junior teachers’ positions are “a specific course or course of study.”

30. At the time the district decided not to serve preliminary layoff notices on the junior teachers while serving notices on more senior teachers, the district did not review the more senior teachers’ personnel files to determine whether they were competent to bump into

the junior teachers' positions. At the hearing, however, the district contended that the more senior teachers are not competent to bump into the junior teachers' positions.

31. Mark W. McLaughlin is the district's Director of Certified Human Resources. Mr. McLaughlin testified as to why the district chose to retain the junior teachers. The following is a paraphrased summary of part of his testimony: An instructional support teacher needs to have certain skills and personality traits. He or she needs to be social, well organized, and focused. He or she needs to be able to accept criticism, able to interact with others without creating conflict, and able to act as a mentor to students. Not everyone is capable of these things. An instructional support teacher needs to have experience in analyzing student data. An instructional support teacher needs to be able to support teachers and students in the Advancement Via Individual Determination (AVID) program. The program has no curriculum; it focuses on organizational and study skills. I do not know whether any of the senior teachers have AVID training.

32. Mr. McLaughlin acknowledged that one would hope that all teachers have had experience in analyzing student data.

33. In testifying regarding the junior teachers, Mr. McLaughlin emphasized the training the district provided to them during the current school year and said, if we permitted more senior teachers to bump into their positions, our instructional support program would suffer a one-year setback.

34. The district failed to prove that the senior teachers are not competent to render the services the junior teachers are being retained to render.

35. One of the junior teachers is Monica Heredia. This is Ms. Heredia's first year with the district. Mr. McLaughlin testified as to the services she is providing as an instructional support teacher in a middle school, a school for students in the sixth through eighth grades. Before this year, Ms. Heredia's experience had been with students in the first and second grades. Mr. McLaughlin testified that Ms. Heredia has the type of personality one needs to support students and teachers, and her personality fits the dynamics of the school. Mr. McLaughlin was not aware of Ms. Heredia's having had any special training before this year, but she has had substantial special training this year.

36. One of the junior teachers is Mary Santini. This is Ms. Santini's first year with the district. She is working with ninth grade students. Before this year, Ms. Santini's experience had been with students in kindergarten through eighth grade. She is a reading specialist and has taught in reading intervention programs. She has experience as an AVID site team member. Mr. McLaughlin testified that, since Mary Santini has been here, she would have had at least 12 to 16 hours of special training. Curtis Dison has a seniority date of July 23, 2001. Mr. Dison is one of the senior teachers on whom the district served a Preliminary Layoff Notice. This year, Mr. Dison is teaching in the same school in which Ms. Santini is teaching. Mr. Dison testified that Ms. Santini teaches classes he taught before the district asked him to take another assignment. Mr. Dison began this school year teaching



three periods of a special program for ninth grade students who have at least a 2.0 grade point average. The program is known as FAST. When a computer teacher was given the position of assistant principal, the district asked Mr. Dison to teach that teacher's computer classes. Ms. Santini was already teaching three FAST classes. The district assigned Mr. Dison's FAST classes to her. With that change of assignment, Ms. Santini teaches a full schedule of FAST classes. Thus, the district seeks to terminate Mr. Dison while retaining Ms. Santini to teach classes he taught – and if it were not for the computer teacher's having moved to the assistant principal position, Mr. Dison would still be teaching those classes. The district failed to prove that Mr. Dison is not competent to render the service Ms. Santini is being retained to render.

37. One of the junior teachers is Donna Carlson. This is Ms. Carlson's first year with the district. Mr. McLaughlin testified as to the services she is providing as an instructional support teacher in an elementary school. Ms. Carlson provides support for students in a reading program for students who have learning disabilities or other conditions that qualify them for special education services. Before coming to the district, Ms. Carlson worked with special education students as an intervention behavior counselor, worked as a literacy coach and worked as a reading instructional coach. This experience is relevant to the work she does as an instructional support teacher.

38. One of the junior teachers is Ledina Geeter. This is Ms. Geeter's second year with the district. Ms. Geeter works as an instructional support teacher in a high school Rapid Credit Recovery program. Mr. McLaughlin testified that he did not know what that program was but that it would involve supporting either students or teachers.

39. One of the junior teachers is Abigail Querubin-Villareal. Ms. Querubin-Villareal has a seniority date of November 12, 2008. Mr. McLaughlin testified that Ms. Querubin-Villareal supports teachers who have a large number of English language learners (ELL) in their classes. She also works in the district office helping to develop the district's ELL master plan and providing administrators with information about the ELL master plan. Mr. McLaughlin testified that he did not know whether Ms. Querubin-Villareal has special training.

40. One of the junior teachers is Marcus Soward. This is Mr. Soward's first year with the district. Mr. Soward is not an instructional support teacher. He is working under the SIG. He focuses on lesson design, curriculum mapping, pacing, remediation for students who need intervention, and language development. Mr. Soward works with an outside consulting company. McLaughlin was not aware of Mr. Soward's having had any special training before this year, but he has worked with the outside consulting company this year.

41. Matthew Johnson is one of the senior teachers on whom the district served a Preliminary Layoff Notice. Mr. Johnson has a seniority date of September 7, 2010. Mr. Johnson teaches 10th grade English. He provides remedial training to students who have failed to pass a standardized English proficiency examination, the California High School Exit Examination (CAHSEE). He tries to prepare those students to write an essay and

answer multiple choice questions. He uses writing benchmarks and provides practice questions. Mr. Johnson testified that he could do the work Ms. Santini is doing and could do the work Mr. Soward is doing. The district failed to prove that Mr. Johnson is not competent to render the services Ms. Santini and Mr. Soward are being retained to render.

42. Michael Vedo is one of the senior teachers on whom the district served a Preliminary Layoff Notice. Mr. Vedo has a seniority date of August 30, 2010. Mr. Vedo teaches sophomore English. Like Mr. Johnson, he provides remedial training to students who have failed to pass the CAHSEE. Also, Mr. Vedo has worked on a special team to facilitate the use of a new textbook, and he has met with the outside consulting company with which Mr. Soward works. Mr. Vedo testified that, while Mr. Soward has attended those meetings, he has not participated in the discussions. The district failed to prove that Mr. Vedo is not competent to render the services Mr. Soward is being retained to render.

43. Gary Gonzalez is one of the senior teachers on whom the district served a Preliminary Layoff Notice. Mr. Gonzalez has a seniority date of August 18, 2010. Mr. Gonzalez works at Fontana High School. He teaches one class in leadership. The balance of his time is devoted to his position as student activities director. Mr. Gonzalez has been teaching since 1997. Before coming to Fontana, Mr. Gonzalez developed a program called Building Competent Learners. He has not worked with an AVID program, but in developing the Building Competent Learners program, he took ideas from AVID. The program he developed focused on organization, budgeting one's time, and study skills. Students were taught such simple things as how to approach a teacher to ask for help. Mr. Gonzalez testified that the program he developed was very similar to AVID. The district failed to prove that Mr. Gonzalez is not competent to render the services the instructional support teachers are being retained to render.

44. Except with regard to Mr. Gonzalez, there is no question regarding certification. That is, with regard to the other senior teachers, the district contends only that they are not competent to render the services the junior teachers are being retained to render. With regard to Mr. Gonzalez, however, Mr. McLaughlin testified that he could not bump into one of the junior teacher's positions because they have multiple subject credentials while Mr. Gonzalez has a single subject credential in social science. Bumping, however, does not depend on a senior teacher's having the same certification a junior teacher has. The only requirement is that the senior teacher is certificated to render the service the junior teacher is being retained to render, and there was no evidence that a teacher with a single subject credential in social science cannot serve as an instructional support teacher or in a SIG position.

45. From Mr. McLaughlin's testimony it is clear that the district did not consider the senior teachers' bumping rights. What the district did, in effect, was to skip junior teachers to whom the district has provided some special training. And the district, in effect, skipped them in spite of the fact that they are not in positions that could qualify for skipping pursuant to the requirements of Code section 44955, subdivision (d)(1). That is something the district is not permitted to do.

46. Evidence Code section 500 provides: “Except as otherwise provided by law, a party has the burden of proof as to each fact the existence or nonexistence of which is essential to the claim for relief or defense that he is asserting.” The district has the burden of proving that it is justified in terminating the senior teachers. What the district’s evidence shows is that – if Mr. Dison, Mr. Gonzalez, Mr. Vedo, and Mr. Johnson were put into the instructional support positions or the SIG position – they probably would need at least 12 to 16 hours of special training during the first seven months of the school year. It is possible that one or more of those gentlemen do not have the interpersonal skills necessary to competently render the services required of an instructional support teacher, but the district did not offer any evidence in support of that proposition. The district failed to prove that Mr. Dison, Mr. Gonzalez, Mr. Vedo, and Mr. Johnson are not competent to bump into the instructional support positions or the SIG position. Without proving that, the district may not terminate them while retaining junior employees to render those services.

#### *Mandated Services*

47. State and federal laws mandate that certain services be provided at or above mandated levels. There was no evidence that the district is reducing those services below mandated levels.

#### *Summary of Findings Regarding Retention of Employees*

48. Pursuant to the district’s stipulation, the district shall rescind the Preliminary Layoff Notices served on the respondents listed in Finding 14.

49. The district shall not terminate Mr. Dison, Mr. Gonzalez, Mr. Vedo, or Mr. Johnson.

50. With regard to respondents who are permanent employees, the district will not be retaining any probationary employee to render a service that such a respondent is certificated and competent to render.

51. With regard to respondents who are permanent employees, the district will not be retaining any employee with less seniority than such a respondent has to render a service that the respondent is certificated and competent to render.<sup>6</sup>

52. With regard to respondents who are either permanent or probationary employees, the district will not be retaining any employee with less seniority than such a

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<sup>6</sup> Section 44955, subdivision (b), provides seniority protection for a permanent employee in terms of the services *the employee is* “*certificated and competent to render.*”

respondent has to render a service that the respondent's qualifications entitle him or her to render.<sup>7</sup>

## LEGAL CONCLUSIONS

### *General Conclusions*

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

2. Within the terms of Code sections 44949 and 44955, the district has cause to reduce or discontinue particular kinds of services and to give Termination Notices to certain respondents. The cause relates solely to the welfare of the schools and the pupils.

### *Bumping*

3. Code section 44955 concerns a reduction in the number of a school district's employees. Job security is not inherent in seniority. In Code section 44955, however, the Legislature chose to provide teachers with limited job security according to their seniority. Students and society, in general, benefit from the Legislature's choice. If school districts were permitted simply to choose which teachers not to rehire, one could expect some teachers to be much more cautious in deciding what to discuss and what ideas to express. In *Board of Education v. Round Valley Teachers Association* (1996) 13 Cal.4th 269, 278, the Supreme Court quoted with approval from *Turner v. Board of Trustees* (1976) 16 Cal.3d 818. The *Turner* court noted various interests that are affected by rules regarding the hiring and retention of teachers. The Court said, "Our school system is established not to provide jobs for teachers but rather to educate the young." (*Turner, supra*, 16 Cal.3d at p. 825.) Students and society benefit from teachers' willingness to promote critical discussions of important – and sometimes unpopular – topics. It is primarily for the benefit of students that the seniority rights provided in Code section 44955 must be protected.

4. A teacher's seniority rights are limited, generally, by what he or she is certificated and competent to teach and by the services a school district chooses to offer. Subject to these limitations, however, a teacher, generally, has a right to be terminated according to his or her seniority.

5. The second paragraph of section 44955, subdivision (c), requires governing boards to make assignments in such a way as to protect seniority rights. Employees must be retained to render any service their *seniority* and qualifications entitle them to render. Thus,

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<sup>7</sup> Section 44955, subdivision (c), provides seniority protection for both permanent and probationary employees in terms of the services *an employee's "qualifications entitle [him or her] to render."*

if a senior teacher whose regular assignment is being eliminated is certificated and competent to render a service a junior teacher is rendering, the district must retain the senior teacher.

6. By reason of the matters set forth in Findings 28 through 46, it is determined that the district failed to prove that Mr. Dison, Mr. Gonzalez, Mr. Vedo, and Mr. Johnson are not certificated and competent to render the services that junior employees are being retained to render.

*Cause Exists to Terminate Certain Respondents*

7. Except for those respondents whose notices the district has stipulated to rescind and except for Mr. Dison, Mr. Gonzalez, Mr. Vedo, and Mr. Johnson, cause exists to give notice to the respondents that their services will not be required for the ensuing school year.

**ORDER**

1. Pursuant to stipulation, the district shall rescind the Preliminary Layoff Notices served on the following respondents, and the district shall not give Termination Notices to them:

	<b>LAST</b>	<b>FIRST</b>	<b>MI</b>
4	BASULTO	MINNIE	S
5	CHIEK	TESSA	R
6	DANGANAN	MICHELLE	T
7	DAWSON	MARAJHA	N
8			K
9	FLORES	JENNIFER	T
10			E
11	GARCES	MARIA	A
12			S
13	HERNANDEZ	TAMARA	L
14			T
15	MARCHAN-GREINER	VALENTINE	
16			S
17			C
18			
19			
20			
21	SANCHEZ	ARGELIA	C
22	SIMNJANOVSKI	RISTE	

23	SORIANO	ROBERT	M
24	TAMILLO	STARLENA	R
25	TEMPLE	NANCY	E
26			
27			E

As to those respondents, the accusation is dismissed.

2. The district shall not give Termination Notices to Mr. Dison, Mr. Gonzalez, Mr. Vedo, or Mr. Johnson. As to those respondents, the accusation is dismissed.

3. The district may give Termination Notices to the remaining respondents.

Dated: May 2, 2012

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ROBERT WALKER  
Administrative Law Judge  
Office of Administrative Hearings

EXHIBIT A

RESPONDENTS

FONTANA UNIFIED SCHOOL DISTRICT

2012

	<b>LAST</b>	<b>FIRST</b>	<b>MI</b>
1	ARMSTRONG	SHIRLEEN	
2	ATCHLEY	LORALEI	A
3	BARNES	MEGAN	N
4	BASULTO	MINNIE	S
5	CHIEK	TESSA	R
6	DANGANAN	MICHELLE	T
7	DAWSON	MARAJHA	N
8	DUFFIELD	ALLISON	K
9	FLORES	JENNIFER	T
10	FULLER	KRISTEN	E
11	GARCES	MARIA	A
12	GONZALEZ	GARY	S
13	HERNANDEZ	TAMARA	L
14	JOHNSON	MATTHEW	T
15	MARCHAN- GREINER	VALENTINE	
16	MARROQUIN	ERICK	S
17	ORTON	JENNIFER	C
18	QUINTERO	LIZA	
19	SALAZAR	TANYA	
20	SALDANA	EVELYN	
21	SANCHEZ	ARGELIA	C
22	SIMNJANOVSKI	RISTE	
23	SORIANO	ROBERT	M
24	TAMILLO	STARLENA	R
25	TEMPLE	NANCY	E
26	VEDO	MICHAEL	
27	WEAVER	SHELLEY	E

# EXHIBIT B

## RESPONDENTS REPRESENTED BY MS. REINHOLD

### FONTANA UNIFIED SCHOOL DISTRICT

2012

	<b>LAST</b>	<b>FIRST</b>	<b>MI</b>
1	ARMSTRONG	SHIRLEEN	
2	ATCHLEY	LORALEI	A
3			N
4	BASULTO	MINNIE	S
5	CHIEK	TESSA	R
6	DANGANAN	MICHELLE	T
7	DAWSON	MARAJHA	N
8	DUFFIELD	ALLISON	K
9	FLORES	JENNIFER	T
10	FULLER	KRISTEN	E
11	GARCES	MARIA	A
12	GONZALEZ	GARY	S
13	HERNANDEZ	TAMARA	L
14	JOHNSON	MATTHEW	T
15	MARCHAN- GREINER	VALENTINE	
16	MARROQUIN	ERICK	S
17	ORTON	JENNIFER	C
18	QUINTERO	LIZA	
19	SALAZAR	TANYA	
20	SALDANA	EVELYN	
21	SANCHEZ	ARGELIA	C
22	SIMNJANOVSKI	RISTE	
23	SORIANO	ROBERT	M
24			R
25	TEMPLE	NANCY	E
26	VEDO	MICHAEL	
27	WEAVER	SHELLEY	E



**FONTANA UNIFIED SCHOOL DISTRICT**

**OAH No. 2012020874**

**Mail PD to: Mark W. McLaughlin  
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