

BEFORE THE GOVERNING BOARD OF THE  
SAN FRANCISCO UNIFIED SCHOOL DISTRICT

In the Matter of the Accusation Against:

JESSALYN CHRISTINE AALAND, et al.

Respondents.

OAH No. 2010020406

**PROPOSED DECISION**

Administrative Law Judge David L. Benjamin, State of California, Office of Administrative Hearings, heard this matter in San Francisco, California, on April 5-8, 13 and 15, 2010.

Laura J. Schulkind and Rachel C. Gardunio, Attorneys at Law, Liebert Cassidy Whitmore, represented the San Francisco Unified School District.

Stewart Weinberg, Attorney at Law, Weinberg, Roger & Rosenfeld, represented all of the respondents who are members of the United Educators of San Francisco (UESF).

Robert D. Links, Attorney at Law, Slote & Links, represented all of the respondents who are members of the United Administrators of San Francisco (UASF).

Respondent Noreen Weddle Abulencia appeared on her own behalf.

There was no appearance by or on behalf of any remaining respondents.

The record remained open for the submission of written briefs by the district and UESF; they were to file simultaneous opening and simultaneous reply briefs by email. UESF's opening brief was marked as Exhibit M and the district's opening brief was marked as Exhibit 30. UESF's reply brief was marked as Exhibit N and the district's reply brief was marked as Exhibit 31. The district's reply brief was filed approximately 15 minutes late; after hearing argument on the matter, the document was accepted over UESF's objections. A declaration by Angie Sagastume, dated April 23, 2010, was filed and served by the district with its reply brief; there were no objections to this document, which was marked as Exhibit 32 and admitted into evidence. Respondent Abulencia filed a reply brief on April 23 and a further reply brief on April 26, 2010; there were no objections to these documents, which were marked as Abulencia D and Abulencia E, respectively. The record closed and the matter was deemed submitted on April 26, 2010.

## FACTUAL FINDINGS

1. Complainant Carlos A. Garcia issued the accusation in his official capacity as Superintendent of the San Francisco Unified School District (district).

2. Respondents are certificated employees of the district. The respondents are identified on Appendix A, attached hereto and incorporated herein by this reference.

3. On February 23, 2010, the district's governing board adopted Resolution 102-23504, in which it resolved to reduce or discontinue particular kinds of services for the 2010-2011 school year, and directed the superintendent to give notice to certificated employees that their services would be terminated at the end of the 2009-2010 school year (the PKS resolution). The services to be reduced or discontinued are identified on Appendix B, attached hereto and incorporated herein by this reference.

The resolution states that "a total of 163 FTE in administrative services and 482 FTE in instructional services (as listed on Exhibit A) shall be reduced or eliminated . . . ." (Original emphasis.)<sup>1</sup> Exhibit A to the resolution identifies the particular services to be reduced or eliminated. The reductions in administrative services called for in Exhibit A total 163 FTE, but the reductions in instructional services set forth in that document total 502 FTE, as opposed to 482 FTE. The reason for the discrepancy was not explained. Because the text of the resolution calls for reductions in services as set forth in Exhibit A, which specifically identifies the reductions to be made, it is determined that Exhibit A controls and that the entry of 482 FTE in the text of the resolution was an error.

4. As a general principle, permanent and probationary certificated employees must be laid off in inverse order of their seniority. (Ed. Code, § 44955, subd. (c).) Under Education Code section 44955, subdivision (d), however, a district may deviate from seniority and "skip" junior employees under certain circumstances.

Board Resolution 102-23504 establishes the district's skipping criteria. The resolution states:

[P]ursuant to Education Code § 44955(d)(1), it will be necessary to retain the services of certificated employees in the 2010-2011 school year regardless of seniority, who possess credentials and qualifications needed for and who are actually assigned to render service in the following programs: Math, Science, Special Education and Bilingual Education. To be considered qualified and credentialed to serve in the District's Bilingual Education Programs, the retained employee must hold a BCLAD.

---

<sup>1</sup> FTE means "full-time equivalent."

5. Under Education Code section 44955, subdivision (b), no permanent employee may be terminated “while any probationary employee, or any other employee with less seniority, is retained to render a service which said permanent employee is certificated and competent to render.” The process by which a senior employee displaces a junior employee is commonly referred to as “bumping.”

On February 23, 2010, the board adopted Resolution No. 102-23506, concerning the bumping rights of senior employees. It states in relevant part:

[T]he following criteria will be used to determine competency for retention in the position:

1. Credential in the discipline[.]
2. EL Certification:
  - a. BCLAD
  - b. CLAD
3. Service for at least one complete, continuous school year in the last five school years in the same assignment.
4. At least one year of prior experience teaching in the discipline to which the employee seeks to move within the last five years.

6. Under Education Code section 44955, subdivision (b), the governing board of a district must determine the relative seniority of employees with the same seniority date based “on the needs of the district and the students thereof.”

On February 23, 2010, the governing board adopted Resolution No. 102-23505, establishing tie-breaking criteria. The resolution states:

One point will be added for each of the following credentials or authorizations:

1. Cross Cultural Language and Academic Development (CLAD) Certification.
2. Emergency CLAD or current (as of 1/29/2010) enrollment in CLAD Certificated Program[.]
3. Possession of a Bilingual Cross Cultural Language and Academic Certification (BCLAD).

4. Breadth of credential(s). (Point awarded only if the employee also holds CLAD or BCLAD.)

Breadth is defined as follows: two or more credentials where at least one is math, science, or special education.

Any ties that may occur after application of these criteria shall be resolved by lottery.

7. On or before March 15, 2010, respondents were timely served with written notice of the superintendent's recommendation that their services will not be required for the 2010-2011 school year.<sup>2</sup> The reasons for the recommendation were set forth in these preliminary layoff notices. Each respondent timely requested a hearing to determine if there is cause for not reemploying him or her for the 2010-2011 school year. The district issued an accusation against each respondent, and each respondent filed a timely notice of defense. All prehearing jurisdictional requirements have been met.

8. Based on the governor's proposed state budget for Fiscal Year 2010-2011, the district faces a two-year projected budget deficit through Fiscal Year 2011-2012 of \$113 million. The district had hoped to avoid reductions that affected its classrooms but, after thoroughly examining its budget, came to the conclusion that it could not do so. Without the reductions called for by the PKS resolution, the district will be bankrupt.

9. Angie Sagastume is the district's Executive Director for Certificated Recruitment and Staffing. She has been with the district for 18 years, and has been involved in all of the district's layoffs since 2003. Sagastume and her staff implemented the board's resolution to reduce services.

To summarize and oversimplify a complex process, Sagastume began by updating the district's seniority lists of probationary and permanent teachers. Every teacher was asked to verify or identify discrepancies in the district's records regarding his or her seniority, credentials, and assignment; the teachers' responses were researched and the seniority lists were updated. Sagastume applied the board's tie-breaking criteria to determine the relative seniority of teachers with the same seniority date. Sagastume identified those employees who might be subject to layoff by examining the seniority list with reference to the board's PKS resolution and then, starting with the least senior probationary employee, continuing up the list until the necessary reductions were achieved. In doing so, Sagastume and her staff identified those employees who had a right to bump junior employees and those employees who were entitled to be skipped under the board's resolutions. In the course of this process, the district prepared draft bumping charts and shared them with UESF. Sagastume testified that the bumping charts are necessarily "works in progress" until rescissions have been

---

<sup>2</sup> Respondent Brian Adam Becker testified that he did not receive a preliminary layoff notice. The evidence establishes, however, that a preliminary layoff notice was timely served on Becker by mail, at his last known address, in the manner prescribed by Education Code section 44949.

accounted for and until the various claims presented in the hearing have been resolved. Sagastume testified further that when final layoff notices are sent out, no probationary employee, and no other junior employee, will be retained to render a service that a permanent employee with more seniority is certificated and competent to render. Sagastume's testimony was credible and no contrary evidence was presented.

### Rescissions

10. The district has rescinded, or will rescind, the layoff notices issued to the following individuals:

Maria Andrade	Carrie Osbourne
Joan Bank	Hilary Price
Georgina Blackett	Kyphet Rattanivilay
Judith Brooks	John J. Rubio
Kimberly Campisano	Susan Shepard
Christine Chung	Wilson Sinn
Desiree Feria	Nicole Small
Rosa A. Fong	Stephanie Smith
Carlos A. Garcia	Padilla Stemmelen
Jessica Huang	Marisa Varalli
Indira Ramon Larios	Karina Violet Vela
Wendy Liu	Gonzales Lopez
Gonzales Lopez	Samuel Adam Williams
Rosalia Lopez	Sophia Wong
Roy Mehring	

These individuals are no longer respondents in this proceeding.

### Administrators

11. The district and UASF reached stipulations on various matters concerning respondents represented by UASF. The parties' stipulations are set forth in District/UASF Joint Exhibit 1.

### Bumping issues

12. UESF challenges the district's bumping criteria, which require the senior employee to demonstrate service for at least one complete, continuous school year in the same assignment, and one year teaching in the discipline to which the employee seeks to move, all within the last five years. UESF argues that these competency criteria preclude many otherwise highly-qualified individuals from bumping, including respondents Judi Bliquez, Patricia Ann Koblenz, Christina Nelson and Kevin Odle. UESF contends that the district's criteria are arbitrary and capricious, and therefore invalid.

The governing board has broad discretion to establish standards of competency for the purpose of exercising bumping rights. (*Duax v. Kern Community College Dist.* (1987) 198 Cal.App.3d 555, 564-567.) Whether the board has acted arbitrarily and capriciously “is measured by the standard set by reason and reasonable people, bearing in mind that such a standard may permit a difference of opinion on the same subject.” (*Campbell Elementary Teachers Assn. v. Abbott* (1978) 76 Cal.App.3d 796, 808.)

The fundamental requirement of competency criteria is that they must relate to the skills and qualifications to teach. (*Duax v. Kern Community College Dist.*, *supra*, 198 Cal.App.3d at pp. 556-557.) In *Duax*, the governing board adopted a competency standard that prohibited a senior employee from exercising bumping rights unless he or she could demonstrate one full year of teaching in the junior employee’s subject area within the last 10 years. The district’s assistant chancellor testified that he recommended that standard to emphasize tasks important to teaching, such as teaching skills, development of course material, interaction with students, knowledge of student abilities, and evaluation of student work. The court held that the board’s standard clearly related to the skills and qualifications to teach and, “since it requires only one year of teaching in the last ten, not one in the last two or three, we are not persuaded that it too narrowly defines competency.” (*Id.* at p. 567.)

In this case, Deputy Superintendent Richard Carranza testified that the district’s bumping criteria are designed to emphasize teaching skills and subject matter competence. In the district’s view, serving for one continuous year in a teaching assignment demonstrates that the teacher has been required to develop and implement lesson plans, communicate with parents, assess student mastery, and develop working relationships with colleagues, all on a long-term basis. Teaching in the junior employee’s subject matter for one year within the last five years is designed to assure that the teacher is current in the subject matter. As was the case in *Duax*, the board’s standards are clearly related to the skills and qualifications to teach. It is true that the board’s standards in this case are narrower than those upheld in *Duax*. An argument could be made that the board’s criteria are too strict, and that the board should have allowed teachers to demonstrate their skills over the past 10 years, or over the past six years. But this is an area that lies within the board’s discretion. It cannot be said, based on the present record, that the competency criteria adopted by the board are unreasonable. The criteria are not arbitrary and capricious and are not invalid.

13. Respondent Judi Bliquez is a peer resource teacher at Roosevelt Middle School, where she trains students to serve as peer mentors and tutors in math. She also trains conflict managers and provides peer education. She is tenured at 0.75 FTE. It appears that she was identified for layoff due to reductions in “Teachers on Special Assignment – Peer Resources.” Bliquez came to the district in 2007 with extensive experience teaching math to at-risk math learners. As UESF acknowledges, however, Bliquez has not taught a subject matter in a classroom for a full year. The evidence also fails to establish that Bliquez has one

year's experience in the past five years teaching in the discipline to which she would like to move. The evidence does not establish that Bliquez is eligible to bump a junior employee.<sup>3</sup>

14. The PKS resolution identifies reductions in a program entitled "Teachers on Special Assignment – Academic Development Program" or "TSA – ADP." There are reductions in TSA's at the elementary, middle and high school levels.

Respondents James Zucchi, Michelle See, Kristy Feibus, Elizabeth C. Hull Barnes, Justin Stoddard and Kathryn Ann Steinbach are classroom teachers. In a layoff list published by the district on March 16, 2010, which on its face identifies layoffs by subject, these respondents found that they were identified for layoff under the category "TSA – ADP." None of them is a teacher on special assignment. At hearing, they questioned whether they had been properly identified for layoff.

Sagastume testified that respondents Zucchi, See, Feibus, Barnes, Stoddard and Steinbach were identified for layoff because they were bumped by more senior teachers in the TSA – ADP program; that is why their names appeared under TSA – ADP on the March 16, 2010 list. No contrary evidence was presented.

15. Respondent Jenny Arietta is a probationary math teacher but she appears on the March 16, 2010 layoff list under the category of "Librarian," a service identified for reductions in the PKS resolution. She questions whether she was properly identified for layoff.

Sagastume testified that respondent Arietta was identified for layoff because she was bumped by a more senior librarian; that is why she appears on the March 16, 2010 list under Librarian. No contrary evidence was presented.

16. Respondent Kyle Noone teaches physical education at James Lick Middle School. Noone testified that he had reviewed certain documents that led him to believe that two physical education teachers junior to him were being retained. The evidence established that the two teachers he identified were probationary teachers who have been nonreelected for the 2010-2011 school year. The evidence does not establish that there are any teachers junior to Noone who are being retained to provide services that Noone is certificated and competent to render.

17. UESF argues that the district failed to meet its burden of proof because it did not introduce into evidence a bumping chart that identifies each employee to be laid off. UESF does not offer any authority to support this argument, and it is not persuasive.

A district is not required to identify the number of teachers to be terminated or the specific positions to be eliminated, much less the names of the specific teachers to be laid

---

<sup>3</sup> In view of these findings, it is not necessary to address the district's additional argument that, as a part-time employee, respondent Bliquez is not entitled to bump a full-time employee.

off, when it sends out preliminary layoff notices in March. (*San Jose Teachers Assn. v. Allen* (1983) 144 Cal.App.3d 627, 632-633.) And in a case like this, which involves challenges to the district's bumping and skipping criteria as well as numerous other claims which potentially affect the order of termination, the particular teachers to be terminated cannot be determined until those claims are finally resolved. To meet its burden of proof, a district must come forward with credible and persuasive evidence that it will meet its obligation under Education Code section 44955, subdivision (b); that is, that it will not terminate any permanent employee while any probationary employee, or any other employee with less seniority, is retained to render a service that the permanent employee is certificated and competent to render. The district has met its burden in this case through the credible and uncontradicted testimony of Sagastume (Finding 9) and the documents that support her testimony.

### Skipping issues

18. UESF argues that the district's skipping criteria are invalid. It asserts that Education Code section 44955, subdivision (d), "specifies the only way that a senior employee can be denied the ability to bump a junior employee. That is when the junior employees has 'special training and experience necessary' to provide a particular kind of service that is not being cut that the senior employee does not possess." Subdivision (d) of section 44955, however, does not concern the right of a senior employee to bump a junior employee; it concerns the district's right to deviate from seniority and skip a junior employee who would otherwise face layoff.

UESF goes on to argue that section 44955, subdivision (d), "does not require that the senior employee be 'actively' engaged in rendering the service at the time the decision to reduce or eliminate services is made. Adding the requirement that the senior employee must be 'actually assigned to render the service' goes beyond the authorization by the Legislature to allow a District to keep a senior employee from 'bumping' a junior employee." Again, the district resolution at issue speaks to skipping, not bumping; it does not purport to limit the right of a senior employee to bump a junior employee. The district's requirement that a skipped employee must be "actually assigned" to render the needed service is consistent with, not contrary to, the requirements of section 44955, subdivision (d). (See *Alexander v. Board of Trustees* (1983) 139 Cal.App.3d 567, 576.)

UESF's argument that the district's skipping criteria are inconsistent with state law is not persuasive.

19. UESF argues that the district improperly retained Philip Pasmanick, who is not a respondent in this proceeding. Pasmanick is a bilingual classroom teacher at Hillcrest Elementary School. He holds a multiple subject credential, a single subject credential in Spanish, and a bilingual certificate of competence. (He also holds various designated subject adult education credentials, including one in health occupations and one in English and Speech Arts; these credentials, however, do not authorize him to teach at the K-12 level.) Pasmanick is a permanent employee with a seniority date of August 19, 2009. The reason



for his recent seniority date is that he was employed by the district as a permanent teacher, left district employment, and then returned on August 19, 2009. Under Education Code sections 44931 and 44848, a teacher who leaves district employment and returns within 39 months is entitled to retain his tenure, but loses his original seniority date; his seniority date becomes the date he is reemployed. (*San Jose Teachers Assn. v. Allen*, *supra*, 144 Cal.App.3d at p. 641.) Sagastume testified that Pasmanick was retained because the district laid off probationary employees before permanent employees. It is her understanding that all probationary employees in a particular kind of service, regardless of their seniority, must be terminated before a permanent employee rendering the same service is terminated. Her understanding is correct. (Ed. Code, § 44955, subd. (b).)

UESF acknowledges that Pasmanick is properly classified as a permanent employee but asserts that, under *Allen*, he “[does] not get to exercise the rights of permanency” in a layoff. *Allen* does not so hold. The reemployed employees in *Allen* were classified as permanent employees. The court held that their seniority dates changed when they were reemployed, but did not hold that they were misclassified or that they were not entitled to the rights of permanent employees under Education Code section 44955.

UESF asserts that the PKS resolution calls for the elimination of 10 middle school English teachers and 20 high school English teachers, and that there are 96 teachers with English credentials senior to Pasmanick and 13 who share the same seniority date. Pasmanick, however, is a bilingual classroom teacher, not an English teacher. UESF states that Pasmanick is the most junior employee with a health credential, while others with health credentials are being laid off. Pasmanick’s designated subject adult education credential, however, does not authorize him to teach in elementary school and he is not a health teacher.

The evidence fails to establish that the district improperly retained Pasmanick.

20. UESF argues that the district improperly retained Liana Jane Wong, who is not a respondent in this proceeding. Wong is a high school counselor. She is a permanent employee with a recent seniority date of August 31, 2009, because, like Pasmanick, she attained permanent status with the district, left district employment, and was reemployed within 39 months on August 31, 2009. Sagastume testified that Wong did not receive a layoff notice because probationary counselors were laid off before she, as a permanent employee, was reached.

UESF asserts that the PKS resolution authorizes the elimination of seven middle school counselors and 18 high school counselors and there are only eight counselors on the layoff list junior to Wong, and 43 who are senior to Wong. UESF does not state the factual basis for its assertion, and does not address the fact that there are over 35 probationary counselors. Probationary counselors must be terminated before any permanent counselor, such as Wong, is terminated.

The evidence fails to establish that the district improperly retained Wong.

21. Respondent Christina Romano is a reading recovery and literacy specialist at Bryant Elementary School, a bilingual school. She has a multiple subject credential, a BCLAD, a CLAD, and a reading recovery certificate. She works with first through fifth grade students on a pull-out or push-in basis. For the students in grades one and two, she instructs in Spanish; she introduces instruction in English to second grade students about half-way through the semester. For third grade students, she typically instructs in English and by the fourth grade her instruction is entirely in English.

Romano received a layoff notice under the provisions of the PKS resolution that call for a 4.0 FTE reduction in “Resource Teachers – Literacy,” a program identified in the resolution as a “non-classroom program.” Romano contends that she should be skipped under the provisions of the PKS resolution that allow the district to deviate from seniority to retain teachers who are “actually assigned to render service in the Bilingual Education program.” Sagastume testified, however, that the bilingual program refers to the teaching program, and that the position of Literacy Specialist is not part of the district’s bilingual program. The PKS resolution supports Sagastume’s testimony.

Romano is not entitled to be skipped. It is recognized that she works in a bilingual school and uses Spanish in her work as a literacy specialist. The district, however, may deviate from seniority only when it can demonstrate a need to retain teachers for a particular course or course of study. (Ed. Code, § 44955, subd. (d).) The evidence does not establish that literacy specialists teach a course or course of study, and the district has not identified a need to retain literacy specialists.

22. Respondent Erin Stack is an Instructional Resource Facilitator (IRF) at Monroe Elementary School, where she works half-time as a literacy coach and half-time as a school advocate. In essence, she works with teachers to help them improve classroom education. Stack contends that she should be skipped because she holds a BCLAD. Stack, however, does not meet the skipping criteria because she is not actually assigned to provide bilingual education. Stack is not entitled to be skipped.

### Seniority issues

23. The general rule is that a certificated employee’s seniority commences “on the date upon which he first rendered paid service in a probationary position.” (Ed. Code, § 44845.)

24. Respondent Christine Maiko Lee holds a certificated position as a counselor. She has been assigned a seniority date of November 3, 2008. Lee asserts that she is entitled to an earlier seniority date by virtue of her prior service to the district as a Wellness Coordinator.

Prior to November 2008, Lee worked for the district as a classified employee. In Fall 2002, Lee accepted a position with the district as a Health Worker IV (Class 2588), commonly known as a “Wellness Coordinator.” As a Wellness Coordinator, Lee coordinated

mental health services, counseling services, and workshops and promoted health awareness activities and events. She worked under the School Health Program. This position did not require a Pupil Personnel Services credential, but Lee obtained her PPS credential in June 2005.

In Spring 2006, the district and UESF encouraged all of the Wellness Coordinators to obtain a PPS credential and become certificated employees of the district. It appears the district had learned that, because of their direct contact with students, some Wellness Coordinators and Learning Support Consultants (LSC's) were required by state law to be credentialed. Lee was not informed that she would lose her job if she failed to become certificated, but she and all of the other Wellness Coordinators were encouraged to make the switch because it would mean more job security.

In June 2006 Lee applied for a certificated position as a Wellness Coordinator. Her transition to a certificated position was delayed for over a year while the district corrected a mistake in Lee's salary level. The first day she rendered paid service to the district in a probationary capacity was November 3, 2008, the day the district has assigned to her as her seniority date.

Lee acknowledges that, as a general rule, classified service may not be tacked on to certificated service to establish an earlier seniority date. Lee asserts that she falls within an exception set forth in Education Code section 44066, which reads as follows:

A governing board of any school district . . . or other appointing authority shall not require an employee or applicant to possess any certification, license, or other credential unless the possession of such a certification, license, or other credential is required by statute or is based upon a bona fide occupational qualification.

It is the intent of the Legislature that any person who had served in a position for which certification, license, or other credential not necessitated by statute or bona fide occupational qualification, had been required, and in a position which was designated by the governing board as a position requiring certification qualifications, shall be deemed to be an employee in a position requiring certification qualifications for as long as he or she holds such position and it is further the intent of the Legislature that such position shall be deemed to be a certificated position for as long as such person holds such position.

Lee claims that she was required by the district to obtain a credential and that, under section 44066, she is entitled to seniority for all of the time she served as a Wellness Coordinator.

Lee's argument is not persuasive, for two reasons. As Lee acknowledged in her testimony, although the district encouraged the Wellness Coordinators to become credentialed, it did not require them to do so; Lee herself was already credentialed in the spring of 2006. More fundamentally, section 44066 addresses employees who were wrongly required to become credentialed. It expresses the Legislature's intent that such an employee shall be deemed certificated for the period that he or she was required to have a credential that was "not necessitated by statute or bona fide occupational qualification." Even if Lee and the other Wellness Coordinators were required to become credentialed, there is no evidence that the credential was not necessitated by statute or that it was not a bona fide occupational qualification. The only evidence on that point suggests that the credential was required by state law.

Lee argues that, at the least, she should be given an earlier seniority because the district's salary errors prevented her from assuming a certificated position earlier. Lee cites no authority, and no authority has been found, for the proposition that administrative errors estop the district from applying the seniority rule set forth in Education Code section 44845. Lee's assigned seniority date of November 3, 2008, is correct.

25. Respondent Sandeep Kumar has an employment history with the district that is similar to respondent Lee's. Kumar is a certificated Learning Support Professional (LSP). He provides mental health perspectives to students and staff at his assigned schools. He has been assigned a seniority date of August 19, 2009, the first date that he rendered paid service to the district in a probationary position.

From August 27, 2007, to August 19, 2009, Kumar worked for the district in a classified position as an LSP. In 2007 and 2008, the district encouraged the LSP's to become certificated in the same way that it encouraged the Wellness Coordinators. At a meeting with the LSP's, district employee Meyla Rewin stated that within three to five years, they would not be able to continue in their jobs without a certification. Kumar went back to school and earned his PPS credential in December 2008, and presented it to the district in July 2009. (He delayed presenting it to the district to preserve his health benefits over the summer.)

Like respondent Lee, Kumar contends that he is entitled to seniority for his classified service. It is not clear that Kumar was required to obtain a PPS credential; giving employees "three to five years" to obtain a certification appears to be an expression of encouragement as opposed to a job requirement. But, even if the district required Kumar to get a PPS credential, Kumar has not shown that the requirement was not based on statute or that it was not a bona fide occupational qualification. Kumar's assigned seniority date of August 19, 2009, is correct.

26. Respondent Kathleen Ferdon is a literacy specialist at Paul Revere Elementary School. Her assigned seniority date is September 20, 2005. She seeks an earlier seniority date based upon her work as a day-to-day substitute for the district during the 2004-2005 school year, when she worked 183 days. Under certain circumstances, an employee may tack on her earlier service as a substitute to establish an earlier seniority date, but that benefit

does not apply to service rendered as a day-to-day substitute. (Ed. Code, § 44918, subd. (d).) Ferdon's assigned seniority date is correct.

27. Respondent Noreen Abulencia is an elementary school teacher. She challenges her assigned seniority date of August 23, 2006.

Abulencia became a permanent tenured teacher in the district's Child Development Program on February 12, 1992. (Child Development Programs are described in Education Code section 8360 et seq.) On August 12, 2006, pursuant to a provision in the collective bargaining agreement between UESF and the district, Abulencia transferred to the district's K-12 program and became an elementary school teacher. According to Abulencia, she was told by district staff that she would keep her 1992 seniority date when she transferred to the elementary school classroom, and she believes another child development teacher in her situation was allowed to do so. However, she was assigned a new seniority date of August 12, 2006. She believes her seniority date should be February 12, 1992.

In their briefs, the district, UESF, and Abulencia analyze the Education Code provisions that are relevant to Abulencia's situation. (UESF supports Abulencia's claim.) None of the briefs, however, discusses *San Jose Teachers Assn. v. Allen*, supra, 144 Cal.App.3d 627, which appears to be on point. Eight of the appellants in *Allen* had transferred from the district's child development program into the regular education program. The trial court concluded that their seniority commenced with their service in the regular education program, not the children's center program. The issue addressed by the court of appeal was "whether prior service in the children's center program must be considered in fixing the first date of paid service in a probationary program." The court held that such service must be considered. The court reasoned that the appellants were "permanent" employees within the meaning of Education Code section 44884 (now section 44929.21) because children's center employees serve in positions requiring certification qualifications. As permanent employees, their seniority is measured from the date they first rendered paid service to the district in a probationary position. Therefore, the court held, the appellants' probationary service in the children's center must be counted in determining their seniority.

It follows from the court's holding in *Allen* that Abulencia's assigned seniority date of August 12, 2006, is incorrect. Her seniority date should be the date she first rendered paid service to the district's Child Development Program in a probationary position. It is not clear whether that date is February 12, 1992, or an earlier date. The district will be ordered to review its records and determine the correct date.

28. It was stipulated at hearing that respondent Laura Belfiglio-Gold's seniority date is August 23, 2006.

29. Respondent Roberto Noceda is a Spanish bilingual teacher who has been assigned a seniority date of August 19, 2009. From 2004 to 2009 Noceda taught at a charter school in the district. He contends that he is entitled to tack on his earlier charter school teaching experience to establish an earlier seniority date. Noceda offers no authority for his

contention, and none has been found. As noted above, a teacher's seniority commences on the date he "first rendered paid service in a probationary position." (Ed. Code, § 44845.) Charter schools, however, are not subject to this provision, as they are generally exempt from the laws governing school districts. (Ed. Code, § 47610.) The evidence does not establish that Noceda's assigned seniority date is incorrect.

### Core Substitutes

30. The PKS resolution proposes to eliminate 15.0 FTE in Core Substitute Services. This represents all or substantially all of the Core Substitute positions. (The number of Core Substitutes is not clear from the evidence: UESF asserts that there are 15, while one district document appears to state that there are 16.) There is a case pending in the court of appeal in which the district and UESF are litigating the proper classification of Core Substitutes. For the sole purpose of administering the present layoff proceeding, however, the district and UESF stipulate that the Core Substitutes shall be treated as probationary employees.

UESF asserts that the effect of this stipulation is that Core Substitutes are "by and large immune from layoff because of their seniority." The Core Substitutes, however, are probationary employees in a service that the district has chosen to substantially reduce or eliminate entirely. They are not immune from layoff. In this proceeding, no Core Substitute has asserted the right to bump a junior employee, or claimed that he or she has been improperly denied that right.

### Classification issues

31. The district has classified certain certificated employees as temporary employees. Temporary employees are not entitled to the due process protections afforded by Education Code sections 44949 and 44955. (*Kavanaugh v. West Sonoma County Union High School Dist.* (2003) 29 Cal.4th 911, 916-918.) The district, however, sent "precautionary" layoff notices to temporary employees in the event any such employee wished to challenge his or her classification. The respondents classified by the district as temporary are identified on the district's Exhibit 11. (Exhibit 11 was created before the district and UESF stipulated that Core Substitutes would be treated as probationary employees; pursuant to the parties' stipulation, any Core Substitutes identified on Exhibit 11 are probationary, not temporary employees, for the purpose of this layoff.)

32. Respondent Jean-Pierre Ryan De Oliveira first came to work for the district in August 2009 as a coordinator in the "GEAR UP" program, a federally-funded program that encourages middle and high school students to go to college. The district classified De Oliveira as a temporary employee in a categorically-funded program. (Ed. Code, § 44909.) The district has chosen not to renew De Oliveira's contract because of cutbacks in the GEAR UP program.

De Oliveira contends that he cannot be terminated because, although there may be cutbacks in GEAR UP, the program has not been completely eliminated. De Oliveira relies on *Bakersfield Elementary Teachers Assn. v. Bakersfield City School Dist.* (2006) 145 Cal.App.4th 1260, to support his argument, but his reliance is misplaced. In *Bakersfield*, the court found that certain employees in categorically-funded programs had been misclassified. Because of that misclassification, they were entitled to be treated as probationary employees and could not be laid off unless the funding for their programs ended. In this case, however, the evidence fails to establish that De Oliveira was misclassified. He is a temporary employee. De Oliveira can be released whether or not the funding for GEAR UP continues. He is not entitled to the protections of Education Code sections 44949 and 44955.

33. Respondent Cheryl McDavid was hired as a physical education teacher under a temporary contract for the 2009-2010 school year. Like De Oliveira, McDavid contends that she should be treated as a probationary employee and she relies upon the same legal authority. As in De Oliveira's case, the evidence fails to establish that McDavid was misclassified as a temporary employee. She is not entitled to the protections of Education Code sections 44949 and 44955.

34. Respondent Jennifer Kennedy was hired under a temporary contract for the 2009-2010 school year after previous employment with the district as a day-to-day and a long-term substitute. Kennedy does not contend that she was misclassified, and the evidence failed to establish that she was misclassified.

35. No other temporary employees challenged their classification.

#### Other matters

36. The cause for the reduction in particular kinds of services relates to the welfare of the schools and the pupils thereof.

37. Except as otherwise permitted by statute, no permanent employee is being terminated while any probationary employee, or any other employee with less seniority, is being retained to render a service which the permanent employee is certificated and competent to render.

38. Any contentions raised by respondents and not discussed above have been found to be without merit and are hereby rejected.

### LEGAL CONCLUSIONS

1. By reason of the matters set forth in Finding 27, cause exists to require the district to change the August 23, 2006 seniority date it has assigned to respondent Noreen Abulencia, and to verify her correct seniority date.

2. By reason of the matters set forth in Findings 31 through 35, the employees identified on the district's Exhibit 11 (with the exception of Core Substitutes) are temporary employees. Because the provisions of Education Code sections 44949 and 44955 apply only to probationary and permanent employees, they are not entitled to the protections afforded by those sections and it is not necessary to decide whether there is cause for not reemploying them for the 2010-2011 school year. The district may, but is not required to, give them notice that their services will not be required for the 2010-2011 school year.

3. As to the remaining respondents, cause exists because of the reduction or elimination of particular kinds of services pursuant to Education Code sections 44949 and 44955 to give notice to respondents in 665 FTE positions (163 FTE in administrative services and 502 FTE in instructional services) that their services will not be required for the 2010-2011 school year. The cause relates solely to the welfare of the schools and the pupils thereof within the meaning of Education Code section 44949.

### ORDER

1. The district shall correct the seniority date of respondent Noreen Abulencia, as set forth in Legal Conclusion 1.

2. Notice may be given to respondents in 665 FTE positions (163 FTE in administrative services and 502 FTE in instructional services) that their services will not be required for the 2010-2011 school year because of the reduction or elimination of particular kinds of services.

DATED: \_\_\_\_\_

---

DAVID L. BENJAMIN  
Administrative Law Judge  
Office of Administrative Hearings



## APPENDIX A

Aaland	Jessalyn
Abdallah	Amy
Abdelhamid	Rahima
Abell	Jane
Abernathy	Karena
Abulencia	Noreen
Adams	Dana
Adams	Kimberly
Adams	Sheila
Adcock	Tanayah
Adisa	Karimah
Afflick	Stacy
Aguiiao	Lindsay
Akram	Susan
Alaimo	Molly Jo
Alexander	Wendy
Algarin-Tangeman	Hope
Allen	Rehema
Altshuler	Dana
Alvarado	Crystal
Alvarez	Diana
Amador	Omar
Amsler	Terrance
Andrade	Maria
Andron	Shira
Angell	Alison
Angus	Kathleen
Applin	Angela
Arabia	Hugo
Aragon	Catherine
Aravamudhan	Harini
Archer	Bradley
Archer	Marylynn
Archer	Megan
Arietta	Jenny
Arinwine	Anthony
Armstrong	Christine Kyong-Joo
Arroyo	Vincent
Atkinson	Emily
Attaway	Matthew
Audap	Susan

Avenis	Leonida
Avila	Peter
Ayala	Robert
Babcock	Arianne
Babiera	Djuna
Baker	Keli
Ballantyne	Leah
Bamberger	Terry
Bank	Joan M
Banks	Randie
Barbary	Michelle
Bargagna	Chiara
Barnes	Elizabeth
Barton	James
Bass	Stephen
Bassinette	Robert
Becker	Brian
Beckwith	Troy
Beeler	Caroline
Beetem	Elizabeth
Belfiglio-Gold	Laura
Bell	Ananda Benjamin
Bell-Davis	Teleah
Bennett	Sara
Benzer	Tiffany
Berenstein-Sibley	Cindy
Berman-Schroff	Naomi
Biggs	Sarah
Bjorklund	Amelia
Black	Jessica
Blackett	Georgina
Blankenship	Ethan
Blaschak	Sara
Bliquez	Judi
Blume	Adam
Bonanno	Annette
Bonanno	Annette
Booth	Anna Marie
Boran	Candace
Borowski	Matthew
Bostwick	Katherine

Bourquin	Jennifer
Bowen	Julie
Boyd	John
Braxton	Anthony
Bray	Jessica
Brennan	Molly
Briggs	Stuart
Brook	Lori
Brooks	Judith
Brown	Gregory
Brown	Marleen
Brown	Timothy
Bryant	Shannon
Burdick	Lindsey
Burke	Catherine T.
Byrd	Dennis
Callahan	Matthew
Calloway	Eric
Caminos	Hannah
Campisano	Kimberley Anne
Carlisle	Lindsay
Carrera	Jose
Carrillo	Christina
Cary	Christopher
Casallas	Edwin
Casey	Angela
Castro	Lenin
Castro	Marianella
Catalini	Antonio
Cavagnaro	Rebecca
Cervone	Monina
Chai	Jane
Chaires	Daniel
Chan	Christina
Chan	Ella
Chan	Esther
Chan	Flora
Chau	Kimberly
Chechile	Cory
Chen	Sylvia
Cheng	Lance
Chi	Demetria
Chiarchiaro	Jessica
Chinn	Vivian
Chiu	Clarissa

Chiu	Connie
Choi	Flora
Chong	Fong
Choy	Tina Lee
Chubin	Wayne
Chung	Christine
Clark	Sandra Sue
Coghlan	Denise
Coghlan	Patrick
Colan	Jason
Coleman	Rashaida
Colker	Jennifer
Collett	Jennifer
Colvin	Jessica
Copeland	Patricia
Corda	Helana
Corsinotti	David
Cortez	Karen
Costantini	Sergio
Courtney	Celenia
Crabtree	Stephanie
Cravens	Alice
Crew	Lauren
Criswell	Margaret
Cuevas-Antillon	Jorge
Cuiriz	Raul
Curcio	Nicole
Currin-Womack	Bethany
Curtin	Jennifer
Curtis-Wesley	Deonne
Dahm	Emily
Dal Porto	Stephanie
Danforth	Brian
Dave	Minauti
Dawn Gonzales	
French	Sunny
De Bruin	Jessica
De Folco	Therese
De La Torre	Ileana
De Loza	Miguel
De Oliveira	Jean Pierre
de Sousa	Karen
Delgado	Chela
Diamond	Sara
Diaz	Ariana

Dicharry	Elise
Dick	Stuart
Dijulio	Katherine
Dinapoli	Lisa
Doetch	Amanda
Dolgin	Stephen M
Donovan	Kaitlin
Doyle	Jack
Doyle	Marlena
Doyle	Miranda
Drum	Michael
Dudash	Tawnya R
Dunbar	Emma
Duran	Jose
Duskin	Zoe
Dvorak	Jeffrey
Dyhrberg	Liselotte
Early	Bridget
Edwards	Deborah
Eldred	Stefanie
Elisalde	Mary
Ellet	Andrew
Elliott	Rachel
Ellis	Elaine
Elmansoumi	Deirdre
Emilianowicz	Kimberly
Enger	Megan
Erickson	Brittany
Eros	Rebecca
Ervin	Stephanie
Escobar	Carlos
Esoldo	Anthony
Esparza	Rosalinda
Evans	Rebekah
Evenhouse	Genevieve
Faigenbaum	Deborah
Fanning	Kevin
Farrell	Catharine F.
Farrell	Erin
Fatemi	Kian
Fedorchuk	Deborah
Feibus	Kristy
Feit	Joana
Fenton	Jeanine
Ferdon	Kathleen

Ferguson	Kyla
Feria	Desirae
Fernandez	Cristal
Feroz	Rie
Ferreboeuf	Marielle
Fetzer	Lori
Fewell	William
Fields	Tamara
Finkelstein	Eliza
Fitzsimons	Matthew
Fix	Jacqueline
Flanagan	Steve
Folan	Adrienne
Fong	Rosa A.
Forsyth	Rhonda
Foster	Althea M.
Fox	Dennis Wayne
Francis	Andrea
Frandle	Jody
Frazee	Julie
Freed	Linda Ann
Frost	Daniel
Fujiwara	Emma
Futol	Jhulsany
Gaines	Perla
Gallegos	Erica
Gallo	Shawna
Garahan	Amelia
Garcia	Carlos
Garcia	Luciane
Garcia	Manolete C.
Garcia	Sara
Gardner	George
Garrett	Martin
Garza	Julieta
Gascon	Alba
Gaver	Chad
Gee	Pamela
Gee	Robyn
Geerdes	Sophia
Geiges	Emily
Geiser	Christian
Gerbic	David
Gerrity	Shannon
Ginsberg	Melissa

Giovannelli	Catherine
Gipson	Steven
Gittleman	Nancy
Glasser	Nicholas
Gomez	Maya
Gomez	Michael
Gonzales	Lindsay
Gonzalez Garcia	Jose
Gonzalez	Alicia
Gordon-Risz	Amy
Grabel	Rachel
Grande	Emily
Grimsley	Marley
Gross	Aimee
Guenza	Michael
Gushiken	Keith
Gutierrez	Dante
Guzman	Marcella
Hall	Tefel
Hamdard	Shawn
Hamilton	Anna
Hamilton	William A.
Hammond	Sarah
Hankle	Steven
Hanna	Tracy
Harker	Sunny
Harrington	Allison
Harris	Jessica
Harris	Yukendra
Hartigan	Carolyn
Hartley	Kenneth
Hayes	Anne
Hayes	Tara
Heffernan	Tracy
Helmers	Jessica
Henderson	Tess
Henning	Paula S
Herrera	Mark
Higginbotham	Andre
Higgins	Matthew
Hill	Aimee
Hilmoe	Kristen
Hinckley	Colette
Hinojosa	Carla
Ho	Victor

Hoang	Ly
Hoang	Robert
Hoelscher	Tina
Hogan	Heather
Holtz	Mara
Horowitz	Talya
Hoshibata	Kristi
Houseman	Nora
Howell	Kristen
Hsuan	Shao-Chun
Huang	Ching-Fen
Huang	Jessica
Huang	Jessica
Hunt	Jacklyn
Hutchinson	John
Hutchinson-Szekely	Vanessa
Huynh	Vi
Ibabao	Cheryl
Imperato	Matthew
Ina	Cecily
Inglis	Natalie
Isola	Raymond
Iuen	Bronwen
Iwantsch	Rebecca
Iwaszewicz	Elizabeth
Jacobsen	Paul
Jameson	Brian
Jazayeri	Nader
Jensen	Jeffrey
Jernigan	Douglas
Jilek	Jennifer
Johnsen	Hans
Johnson III	David
Johnson	Maggie
Jones	Julia
Jones-Davis	Taffany
Jordheim	Jenna
Juncker	Michael
Jupiter-Jones	Annie
Kaloustian	Suzy
Kameny	Susan
Karney	Anna
Kasner	Kimberly
Kasper	Catherine
Kauffman	Benjamin

Kaune	Aundrea
Kavanagh	Staci
Kawaii	Darren Anthony
Keane	Kristin N
Keane	Kristine M
Kehoe	Dylan
Kelder	Andrew
Kelly	Kathleen
Kennedy	Jennifer
Kenny	Li Ping
Khaykin	Alla
Kifer	Kristina
Kimura	Kyoko
King	Denise
King	Nicole
Kitterman	Allison
Knight	Mariah
Ko	Jae
Koblenz	Patricia
Koehler	Liana
Korngold	Shem
Korp	Christa
Kotleba	Sarah
Krajewski	Christine
Krasner	Jennifer
Krause	Natalie
Kuhr	Jennifer
Kumar	Sandeep
Kwong	Allison
Lai	Marissa
Lam	Bik Y
Lam	Douglas
Lam	Rebecca
Lam	Tat
Lam	Tina
Lambert	Melissa Anne
Lancaster	Amber
Larios	Indira
Larkin	Joy
Latasa	Elizabeth
Laubner	Jeannine
Laurence	Leslie
Lauricella	Michael
Lauten	Erin
Law	Benjamin

Law	Jacqulyne
Le	Jacqueline
Leary	Jessica
Ledesma	Alejandro
Lee	Allison
Lee	Amy
Lee	Cassandra
Lee	Christine
Lee	Elizabeth G
Lee	Endora
Lee	Jane
Lee	Jonathan
Lee	Lisa
Lee	Michelle
Lee	Richard
Lee	Sharon
Lemon-Jones	Kanikah M
Leofanti	Carolyn
Leontie	Heidi
Lepe	Sylvia
Levien	Zareen
Li	Katie
Lie	Raymond
Ligh	Cassandra
Lindl	Courtney
Ling	Hanon
Linker	Sharon E
Liu	Wendy
Liu	Yang
Lo	Bonnie
Lockett	Virgil
Long	Kimberly
Longnecker	Michael
Lopez Gonzalez	Ramon
Lopez	Rosalia
Louie	Kingston
Low	Meiquin
Lowry	Bryan
Lu	Kim
Lu	Victoria
Lucey	Elizabeth
Ludwig	Rose
Luger	Joseph
Lugo Mendoza	Liliana
Ly	Loan

Ma	Constance
MacClain	Elizabeth
Macfarlane	Cynthia
Madhavan	Harini
Madrigal	Nancy
Magsanay	Matthew
Mahto	Shirvan
Majka	Angela
Makeba	Talibah-Awele
Makovec	Breanne
Mankini	Anthony
Mansfield	Deborah
Mantius	Robin
Manzo	Mia
Maog	Marie Christine
Marcoccio	Margaret
Markarian	Daniel J
Marlowe-Wood	Marina
Marsh	Whitney
Marshall	Tamra
Martin	Gilbert
Martin	Thomas Michael
Martinez	Allison
Martinez	Maria A
Martinez	Maria C
Martling	Casey
Massey	Nicole
Mattice	Steven
Maybaum	Natalie
Mayoral	Lucinda
McCall	Russell
McClain	Mary
McCormac	Catherine
McDaniel	Tamara
McDavid	Cheryl
McGarrah	Karen
McGirr	Heather
McKeever	Amy
McMahan	Jeffrey
McMahon	Megan
Mehring	Roy
Melton	Micah
Mercurio	Megan
Metivier	Sandra
Meyers	Nicholas

Michelson	Wendy
Mickley	Kate
Miller	Judith
Miller	Monica
Milstead	Jill
Min	Helen
Miranda	Christopher
Mironov	Jason
Molless	Jennifer
Momjian	Betty
Monaghan	Josephine
Moore	Christopher
Moore	Conrad
Moore	Stephen
Morgan	Susanna
Morgan	Todd
Morris	Caitlin
Morris	Darby
Morton	Laura
Mousakhani	Sepideh
Mueller	Brenda
Mueller	Monica
Muldoon	Mary
Muller	Kathryn
Mullin	Erik
Mullin	Kellie
Nakamoto	Galina
Nankin	Ilana
Naughton	Stephen
Navarro	Charles
Navarro	Sheila
Negron	Jenny
Nehm	Charlotte
Neil	Sean
Nelson	Christina
Nelson	Katherine
Nelson	Vanessa
Nevis	Amelia
Newling	Mary-Louise
Newton	Sarah
Ngo	Dat
Nguyen	Bich
Nguyen	Ho
Nguyen	Mai-Tien
Nickelson	Yolanda

Noceda	Roberto
Nocedal	Maria Lourdes
Noguchi	Yukari
Noone	Kyle
Norris	Julie
Northup	Harvest
Norton	Donald
Novack	Ryan
Nunez	Damian
O'Boyle	Cashel
O'Brien	George
O'Connor	Richard C
O'Connor	Sheila
Odle	Kevin
Ogden Daniel	Carmen
Ogden Daniel	Carmen
Okita	Brian
O'Leary	Phyllis Catherine
Olexo	Nancy
Oliva-Sullivan	Melissa
Olmedo	Cynthia
Olson	Kathryn
Olson	Roger
O'Neill	Margaret
Ong	Melvin D
Orlando	Corey
O'Rourke	Sarah
Osborne	Carrie
Osorno	Jaime
Otero	Ana
Ouyang	Jian
Padilla-Stemmelen	Monica
Palarca	Hansel
Palmieri	Angela
Papagni	John
Papatolicas	Shane
Patrone	Jason
Paw	Nelson
Peoples	Tracy
Perkiss	Evan
Persley	Shannon
Petercupo	Nancy
Peters	Gaela
Peters	Jacqueline
Peters	Sabrina

Pettiford	Helen
Pettiford	Ralph
Phipps	Brigitte
Pitre	Felicia
Plack	Leah
Podhorecki	Mark E
Pon	Christina
Pooner	Sarah
Portillo	Ismael
Powers	Mary
Prejean	Masharika
Preyer-Watts	Mary-Michael
Price	Hilary
Pringle	Catherine
Pringle-Dressler	Rachael
Proctor	Morgan
Proctor	Nicholas
Prola	Kenneth
Quan	La' Tricia
Quezada	Ruben
Quillin	Leslie
Raeder	Jennifer
Randolph	Asa
Rankin	Robert
Rattanavilay	Kyphet
Raupers	Elizabeth
Read	Melissa
Reed	Lancelot
Reid	Mark
Reilly	Brendan
Reiss	David
Rensman	Sarah
Richardson	Dale
Richardson	Jenny
Ricketts	Bessie M.
Riechel	Aimee
Riggs	Kelli
Riley	Dylan
Ripley	Katherine
Risi	Brian
Rodriguez	Eric
Rodriguez	Lilia
Rodriguez	Molly Ruth
Rolfson	Autumn
Romano	Christina

Roscigno	Christi
Roselli	Sarah
Rosen	Elena
Rosenfeld	Jessica
Rosenman	David A
Ross	Nia
Rounkle	Lauren
Rowley	Margaret
Rozenoer	Nadine
Rozum	Alicia
Rubio	John
Ruiz	Kandy
Ruiz	Lucia
Russo	Dominic
Sabatini	Joanna
Sacks March	Dania
Safavi	Farzaneh
Safavi	Farzaneh
Sakura	Aiko
Salva	Asuncion
Sambrone	Amber
Sanchez	Jose
Sanchez	Lindsay
Sanchez	Mark
Sanger	Catherine
Sarikey	Curtiss
Sarile	Christina
Sarith	Soratha
Sarver	Stephanie
Sasada	Kari
Sass	Russell
Sasso	Steven N
Satow	Valerie
Schaper	Andrew
Scheid	Teresa
Schickenberg	Michael
Schiff	Gael
Schlx	Lyndsey
Scott	Tadd
See	Michelle
Seligson	Walker
Sendejo	Christina
Shapiro	Adina
Sheehan	Claire
Shehan	Claudia P

Shepard	Susan
Sheppeck	Alicia
Sherfey	Barbara
Shimizu	Lacie
Siebert	Tana
Simard	John
Sinai	Vanessa
Singh	Bobby
Sinn	Wilson
Sivakumaran	Chandra
Skrivanich	Mary Ann
Small	Nicole
Smith	David
Smith	Heather
Smith	Stefanie K
Smith	Stephanie R
Snyder	Rebecca
Soltis	Linda J.
Somasunderam	Ilana
Sorro	Giulio
Spencer	Alison
Spiva	Derrick
Spurchase	Lauren
Sroka	Peter
Stack	Erin
Stanton	Kathleen
Starn	Kristine
Steinbach	Kathryn
Steinbeisser	Erwin
Steinberg	Amy
Steinfels	Jacqueline
Steinheimer	Kate
Stewart	Emmanuel S
Stewart	James
Stoddard	Justin
Stoltz	Megan
Stone	Christina
Stones	Rachel
Storm	Christian
Storm	Claire
Strain	Robert
Strong	Katina
Sugano	Aya
Sumner	Nicole
Sylvester	Richard



Talbot	Scot
Tappmeyer	Karie
Tavarez	Ricardo
Teper	Mina
Teper	Vlada
Terry	Kimberly
Tesfai	Lul
Thiara	Balraj
Thomas	Ayana
Thomas	Rick
Thongma	Methinee
Thormann	Gabrielle
Thornton	Antoinette
Tietz	Katrina
Tilston	Lauren
Todd	Grey
Toofer	Doreen
Toor	Jasbir
Touch	Chatree
Tovar	Gabriel
Toy	Cherise
Traver	Elizabeth
Traverso	Victoria
Traylor	Katrina
Tretheway	Jamie
Truong	Si
Tsang	Kwok K
Tuchman	Sivan
Tucker	Dominique
Tukloff	Wendy
Twiest	Sarah
Tyree	David
Tyson	Jessica
Ung	Vicky
Valdes	Mitzila
Valkevich	Jean
Van Dyke	Emily
Van Engers	Max
Van Velsor	Sarah
Varalli	Marisa
Vargas	Andrea
Vargas	Juan
Vedder	Emily
Vela	Karina
Velez	Amadis

Vera	Christopher
Vieira	Kristoffer
Villicana	Maximiliano
Visser	Briana
Vizier	Ryan
Vuong	Baya
Wade	Heather
Wallace	Morgan
Walsh	Katherine
Wang	Ming
Wang	Pei-Fen
Wantorek	Michael
Ward	Kathleen
Warner	Timothy
Waterbury	Janneth L
Watkins	Deedra
Watson	David
Wax	Leslie
Weaver	Jodie
Weger	Micah
Weiner	Mairin
Weinstein	Lori
Weis	Aaron
Weiss	Claire
Wentworth	Colleen
Wermuth	Josette
Wheeler	Erin
Whelan	Stephanie
White	Adam
Wieder	Sarah
Wilks	Jennifer
Williams	Megan
Williams	Samuel
Wong	Elizabeth
Wong	Ellen
Wong	Sophia
Woo	Esther
Woo	Johanna
Yackzan	Kimberly
Yam	Helen
Yamamoto	Michelle
Yasuda	Armaita
Yee	Chandra
Yee	Jennifer
Yee	Kenny

Yildiz	Suzan
Yoder	Kenneth
Yoshitsugu	Grace
Young	Manuel
Young	Stephanie
Yuzbash	Irada
Zamora	Laura
Zamula	Annelise
Zarate	Oscar
Zavala	Ramon
Zeng	Yi
Zhao	Ann
Zhao	Sandra
Zolt	Ethan
Zucchi	James

## APPENDIX B

	Particular Kind of Services	Equivalent positions including preparation and travel periods	Division Total	Total
<b>I.</b>	<b>Administrative Services</b>			
	Reduce Associate Superintendent - Academic & Professional Development	1.00		
	Reduce Associate Superintendent - Leadership, Equity, Achievement & Design	1.00		
	Reduce Associate Superintendent - Student Support Services	1.00		
			<b>3.00</b>	
	Reduce Assistant Superintendent - Academics & Professional Development	1.00		
	Reduce Assistant Superintendent - Elementary School Operations	3.00		
	Reduce Assistant Superintendent - High School Operations	1.00		
			<b>5.00</b>	
	Reduce Sr. Executive Director - Academics & Professional Development Teaching & Learning	1.00		
	Reduce Sr. Executive Director - Human Resources: Classroom Services	1.00		
	Reduce Sr. Executive Director - Labor Relations	1.00		
	Reduce Sr. Executive Director - Student Services & Support	1.00		
			<b>4.00</b>	
	Reduce Executive Director - Academics & Professional Development Special Education Services	1.00		
	Reduce Executive Director - Alternative Education Services	1.00		
	Reduce Executive Director - Charter/Small School by Design	1.00		
	Reduce Executive Director - Child Development Program	1.00		
	Reduce Executive Director - Educational Placement Center	1.00		
	Reduce Executive Director - Human Resources Certificated Operations	1.00		
	Reduce Executive Director - Leadership for Equity	1.00		
	Reduce Executive Director - Office of Equity Assurance	1.00		
	Reduce Executive Director - Reform & Accountability	1.00		
			<b>9.00</b>	
	Reduce Director - Academics & Professional Development Learning Support & Equity	1.00		
	Reduce Director - Academics & Professional Development Secondary Programs	1.00		
	Reduce Director - Academics & Professional Development State & Federal Programs	1.00		
	Reduce Director - Child Development Program	1.00		
	Reduce Director - Human Resources Strategic Planning	1.00		
	Reduce Director - Leadership, Equity, Achievement & Design-Family Voice	1.00		
	Reduce Director - Policy & Operations	1.00		
	Reduce Director - Pupil Services	1.00		
			<b>8.00</b>	
	Reduce Supervisor - Academics & Professional Development AVID Program	1.00		
	Reduce Supervisor - Academics & Professional Development Career Technical Education	1.00		
	Reduce Supervisor - Academics & Professional Development County & Court Schools	1.00		
	Reduce Supervisor - Academics & Professional Development Educational Technology	1.00		
	Reduce Supervisor - Academics & Professional Development English Learner Support Services	2.00		

	Reduce Supervisor - Academics & Professional Development Learning Support & Equity	1.00		
	Reduce Supervisor - Academics & Professional Development Professional Learning & Leadership	1.00		
	Reduce Supervisor - Academics & Professional Development Screening & Assessment	1.00		
	Reduce Supervisor - CAHSEE/School Operations & Instructional Support	1.00		
	Reduce Supervisor - Human Resources Business Analysis & Information Technology	1.00		
	Reduce Supervisor - Leadership, Equity, Achievement & Design-Coaching & Organizational Reform	1.00		
			<b>12.00</b>	
	Reduce Program Administrator - Academics & Professional Development BTSA	1.00		
	Reduce Program Administrator - Assessment & Accountability	1.00		
	Reduce Program Administrator - Academics & Professional Development English Learner Support	1.00		
	Reduce Program Administrator - Academics & Professional Development Master Teacher Program	1.00		
	Reduce Program Administrator - Academics & Professional Development Math & Science	2.00		
	Reduce Program Administrator - Academics & Professional Development Multilingual	1.00		
	Reduce Program Administrator - Academics & Professional Development Physical Education	1.00		
	Reduce Program Administrator - Academics & Professional Development State & Federal Programs	1.00		
	Reduce Program Administrator - Policy & Operations	1.00		
	Reduce Program Administrator - Research, Planning & Accountability: Achievement Assessments	1.00		
	Reduce Program Administrator - Student Support Services Counseling & Social Services	3.00		
	Reduce Program Administrator - Student Support Services Intervention	3.00		
			<b>17.00</b>	
				<b>58.00</b>
	Reduce Child Development Site Managers	7.00		
			<b>7.00</b>	
	Reduce Elementary School - Principals	31.00		
	Reduce Elementary School - Assistant Principals	11.00		
			<b>42.00</b>	
	Reduce Middle School - Principals	9.00		
	Reduce Middle School - Assistant Principals	12.00		
			<b>21.00</b>	
	Reduce High School - Principals	11.00		
	Reduce High School - Assistant Principals	24.00		
			<b>35.00</b>	
				<b>105.00</b>
	<b>Subtotal for Administrative Services</b>	<b>163.00</b>		
	<b>Total for Administrative Services</b>		<b>163.00</b>	<b>163.00</b>
<b>II.</b>	<b>Elementary School Program (K-8)</b>			
	Reduce Computer Technology Integration Specialist	4.00		

	Reduce Instructional Reform Facilitator Program	10.00		
	Reduce Librarians	4.00		
	Reduce Nurses	5.00		
	Reduce Resource Teachers-Literacy	4.00		
	Reduce Social Workers	15.00		
	Reduce Teacher on Special Assignment-Academic Professional Development Program	25.00		
	Reduce Visual Arts and Performing Arts Program-Star Initiative	12.00		
	<b>Subtotal for Elementary School Non-Classroom Programs</b>	<b>79.00</b>		
	Reduce the Classroom Program as follows:			
	Art Program	1.00		
	Music Program	1.00		
	Physical Education	3.00		
	Reduce Kinder Services	50.00		
	Reduce 1st Grade Services	35.00		
	Reduce 2nd Grade Services	30.00		
	Reduce 3rd Grade Services	30.00		
	Reduce 4th Grade Services	12.00		
	Reduce 5th Grade Services	12.00		
	<b>Subtotal for Elementary School Classroom Programs</b>	<b>174.00</b>		
	<b>Total for Elementary School Programs</b>		<b>253.00</b>	<b>253.00</b>
<b>III.</b>	<b>Middle School Program</b>			
	Reduce Computer Technology Integration Specialists	2.00		
	Reduce Counselors	7.00		
	Reduce Instructional Reform Facilitator Program	5.00		
	Reduce Librarians	4.00		
	Reduce Nurses	2.00		
	Reduce Social Workers	3.00		
	Reduce Teacher on Special Assignment-Academic Professional Development Program	15.00		
	Reduce Teacher on Special Assignment-Peer Resources	2.00		
	Reduce Teacher on Special Assignment-Student Support Services	2.00		
	<b>Subtotal for Middle School Non-Classroom Programs</b>	<b>42.00</b>		
	Reduce the Classroom Program as follows:			
	Art (Secondary Level)	5.00		
	Dance (Secondary Level)	1.00		
	English (Secondary Level)	10.00		
	Music (Secondary Level)	5.00		
	Physical Education (Secondary Level)	2.00		
	Social Science (Secondary Level)	10.00		
	Reduce 6th Grade Language Arts/Social Studies Core	11.00		
	Reduce 7th Grade Language Arts/Social Studies Core	11.00		
	Reduce 8th Grade Language Arts/Social Studies Core	11.00		
	<b>Subtotal for Middle School Classroom Programs</b>	<b>66.00</b>		
	<b>Total for Middle School Programs</b>		<b>108.00</b>	<b>108.00</b>

<b>IV.</b>	<b>High School Services</b>			
	Reduce Computer Integration Technology Specialists	2.00		
	Reduce Counselors	18.00		
	Reduce Instructional Reform Facilitator Program	5.00		
	Reduce Librarians	2.00		
	Reduce Nurses	1.00		
	Reduce Teacher on Special Assignment-Academic Professional Development Program	15.00		
	Reduce Teacher on Special Assignment-Peer Resources	3.00		
	Reduce Teacher on Special Assignment-Student Support Services	2.00		
	<b>Subtotal for High School Non-Classroom Programs</b>	<b>48.00</b>		
	Reduce the Classroom Program as follows:			
	Art (Secondary Level)	5.00		
	Cantonese (Secondary Level)	1.00		
	English (Secondary Level)	20.00		
	Health (Secondary Level)	3.00		
	Home Economics	2.00		
	Italian (Secondary Level)	2.00		
	JROTC - Junior Reserve Officer Training Corps	2.00		
	Mandarin (Secondary Level)	1.00		
	Music (Secondary Level)	5.00		
	Physical Education (Secondary Level)	10.00		
	Social Science (Secondary Level)	20.00		
	Spanish (Secondary Level)	2.00		
	Reduce Vocational Educational Programs:			
	1. Culinary Arts	1.00		
	2. Hospitality, Tourism, Recreation	1.00		
	3. Building & Construction	1.00		
	4. Architectural Design	1.00		
	5. Finance & Business	1.00		
	<b>Subtotal for High School Classroom Programs</b>	<b>78.00</b>		
	<b>Total for High School Programs</b>		<b>126.00</b>	<b>126.00</b>
<b>V.</b>	<b>Core Substitute Services</b>	<b>15.00</b>		<b>15.00</b>
	<b>TOTAL REDUCTIONS FOR ALL PROGRAMS</b>			<b>665.00</b>