

BEFORE THE  
GOVERNING BOARD OF THE  
CHICO UNIFIED SCHOOL DISTRICT  
STATE OF CALIFORNIA

In The Matter of the Non-Reemployment  
of:

CERTAIN CERTIFICATED PERSONNEL  
EMPLOYED BY THE CHICO UNIFIED  
SCHOOL DISTRICT,

Respondents.

OAH No. 2008030189

**PROPOSED DECISION**

This matter was heard before Administrative Law Judge Jonathan Lew, State of California, Office of Administrative Hearings, on April 24, 2008, in Chico, California.

Paul Gant, Esq., and Kim Kingsley Bogard, Esq., of Kingsley Bogard Thompson, L.L.P., Attorneys at Law, and Bob Feaster, Assistant Superintendent, Human Resources, represented the Chico Unified School District (District).

Lesley Beth Curtis, Esq., of Langenkamp and Curtis, L.L.P., Attorneys, represented all but those otherwise named respondents, certificated District employees receiving notice that their services would not be required for the upcoming school year.

Evidence was received and the matter was submitted on April 24, 2008.

**FACTUAL FINDINGS AND DISCUSSION**

1. Kelley Staley is the Superintendent of the Chico Unified School District (District). Her actions and the actions of the District Governing Board were taken in their official capacities.
2. Respondents are permanent or probationary certificated employees of the District. On March 13, 2008, the District served on each respondent a written notice that it had been recommended that notice be given to respondents pursuant to Education Code sections 44949 and 44955 that their services would be reduced or would not be required for

the 2008-2009 school year. Each written notice set forth the reasons for the recommendation and noted that the District Governing Board had passed a Resolution reducing the certificated staff by 221.0055 full-time equivalent (FTE) positions. Respondents timely requested in writing a hearing to determine if there is cause for not reemploying them for the ensuing school year.

3. The Superintendent made and filed Accusations against respondents. The Accusations with required accompanying documents and blank Notices of Defense were timely served on respondents.

4. On February 20, 2008, The District Governing Board adopted Resolution No. 1011-08 and Resolution No. 1013-08; and on March 5, 2008, adopted Resolution No. 1014-08. The District Governing Board directed the Superintendent to give notice to affected certificated employees that their services would be reduced or not required for the next school year and stating the reasons for that recommendation.

5. On February 20, 2008, the District Governing Board determined that it was necessary to decrease programs and services and thus it was necessary to reduce teaching services affecting employment of 221.005 FTE positions. The District Governing Board adopted Resolution No. 1011-08 providing for the reduction or elimination of the following particular kinds of services (PKS):

	<u>FTE</u> <u>Reduction</u>
<b><u>Administrators</u></b>	
District Level Administrators	9.0000
School Site Administrators	29.0000
	<hr/> 38.0000
<b><u>Elementary Education</u></b>	
Teachers (classes/sections, K-6)	28.0000
Music/PE/Arts Elementary Teachers- Regular Education Teachers	0.9000
Title I Elementary Teachers	11.5700
21st Century Elementary Teachers	3.6212
Title III Elementary Teachers	1.0000
After School ES Elementary Teachers	2.4088
Healthy Start Elementary Teachers	0.4000
English Language Acquisition Elementary Teachers	0.5200
Arts & Music Block Grant Elementary Teachers	0.6000
GATE Elementary Teachers	1.0000
School Base Coordinated Program Elementary Teachers	5.0000
Professional Development Block Grant Elementary Teachers	1.0000
Quality Education Investment Act Elementary Teachers	2.0000
Elementary Physical Education Teacher	0.2000
Elementary Music	3.0000
	<hr/> 61.2200

**Junior High School**

Math	3.0000
English	3.0000
Physical Science	2.0000
Life Science	2.0000
Social Science	3.0000
Physical Education	3.0000
Middle School Activities Advisor (release time)	1.2000
Resource Specialist Teacher (special education)	2.0000
Business	1.6000
Spanish	0.8000
Art	2.8000
Journalism/Yearbook	0.6000
Music	2.0000
Drama	0.6000
Home Economics	2.0000
Student Government	0.6000
Outdoor Adventure	1.2000
Title I Jr. High Teachers	0.8000
21st Century Jr. High Teachers	2.0000
Physical Education Incentive Jr. High Teachers	0.5000
PE Jr. High Teachers (categorically funded)	0.2000
Opportunity Jr. High Teachers	4.4000
	<hr/>
	<b>39.3000</b>

**High School**

Math	4.0000
English	4.0000
Physical Science	2.0000
Life Science	2.0000
Social Science	4.0000
Physical Education	4.0000
Senior High School Student Activities Advisor (release time)	0.8000
High School Athletic Directors	0.8000
Alternative Education Teachers	4.0000
Agriculture	3.0000
Business	5.0000
Spanish	10.2000
French	1.6000
Japanese	0.4000
Art	2.0000
Photography	1.6000
Journalism/Yearbook	0.6000
Music	3.4000
Dance	0.2000



Drama	0.4000
Home Economics	2.8000
Industrial Technology	3.2000
AVID (Advancement Via Individual Determination)	0.4000
Physical Education (sports conditioning/personal fitness)	1.2000
Student Government	0.4000
Psychology	1.2000
Theory of Knowledge	0.2000
Work Experience	1.0000
Perkins High School Teachers	0.2000
21st Century High School Teachers	0.8000
Smaller Learning Community High School Teachers	3.1200
CAHSEE High School Teachers	0.5200
Partnership High School Teachers	0.6000
School Base Coordinated Program High School Teachers	0.7200
Special Second Program High School Teachers	0.4000
Opportunity High School Teachers	1.4000
Professional Development High School Teachers	0.5000
	<hr/>
	72.6600
<b><u>Nurse/Speech Therapist</u></b>	
MediCal Nurse	1.0000
MediCal Speech Therapist	0.8000
	<hr/>
	1.8000
<b><u>Counselors</u></b>	
Supplemental Counseling (1802) Counselors	7.0000
	<hr/>
	7.0000
<b><u>School Psychologists (grant funded)</u></b>	
	1.0255
	<hr/>
	1.0255

TOTAL FULL TIME EQUIVALENT (FTE) REDUCTION      **221.0055**

6. The Superintendent caused each of the employees identified in ATTACHMENT A to this Decision to be served with a written Notice of Intention to Dismiss (preliminary notice) on or before March 15, 2008. The written preliminary notices advised respondents of the Superintendent's recommendation to the Board that their services would not be required for the upcoming school year. The preliminary notice set forth the reasons for the recommendation and for the reductions and eliminations of the particular kinds of services.

7. The employees identified by name in ATTACHMENT B to this Decision each timely filed a written Request for Hearing to determine if there was cause for not reemploying them for the ensuing year.

8. The District timely served Accusations on each respondent who timely filed a Request for Hearing. Along with being served the Accusation, each respondent also received a copy of the Board's Resolution and a copy of the detail identifying each particular kind of service slated by the District for reduction or elimination.

9. Each respondent identified in ATTACHMENT C to this Decision timely filed a Notice of Defense to the Accusation, either in person or through counsel.

10. All respondents who appeared at the time of hearing were represented by counsel. No appearing respondent indicated that he or she was not represented.

#### *Employees in Categorically Funded Programs*

11. Of the 221.0055 FTE positions slated for reduction, 47 relate to categorically funded programs. Respondents contend that each employee listed as teaching in a categorically funded position, as well as employees filling in for tenured teachers moved to categorically funded positions, are entitled to participate in the layoff process, to be given a seniority date and to be afforded rehire rights. (Ed. Code, §§ 44949, 44955 and 44957.) The District believes these teachers should be classified as temporary employees subject to release under Education Code section 44954. The District served respondents in this category with "precautionary" layoff notices.

Education Code section 44909 addresses the 47 categorically funded FTE situation. It relates to employment of certificated employees in categorically funded programs which are not required by federal or state statutes. Section 44909 provides: "Such persons may be employed for periods which are less than a full school year and may be terminated at the expiration of the contract or specially funded project *without regard to other requirements of this code respecting the termination of probationary or permanent employees* other than Section 44918." [Emphasis added.]

12. *Bakersfield Elementary Teachers Association, CTA/NEA v. Bakersfield City School District* (2006) 145 Cal.App.4th 1260 is also instructive. The *Bakersfield* court considered the rights of 19 employees hired under Education Code section 44909 and classified as temporary, and determined that such classification was erroneous. Although such employees are "treated like" temporary employees in certain respects (i.e., not crediting service toward permanent classification) they are presumptively probationary employees and entitled to notice and a hearing in the event of layoff under Education Code sections 44949 and 44955. (*Id.* at pp. 1285-1287.) However, the *Bakersfield* court also pointed out that these employees are not entitled to these due process layoff protections if the categorical program had expired. (*Id.* at p. 1287.) In apparent reliance upon the language of Education Code section 44909, the Fifth District Court of Appeal explained:

Thus, certificated teachers assigned to a categorically funded program may be laid off without the procedural formalities due a permanent and probationary employee *only* if the program has



expired. (*Hart Federation of Teachers, supra*, 73 Cal.App.3d at pp. 215-216; *Zalac, supra*, 98 Cal.App.4th at p. 852.) Here, so far as the record discloses, none of the programs to which the 19 laid-off employees were assigned had expired.<sup>1</sup>

13. In this case, the District Governing Board adopted a resolution that specifically identified 47 FTE of categorically funded programs for reduction/elimination. Thus, the categorical programs to which certificated teachers in 47 FTE positions have been assigned are slated to expire as a result of the Board's actions within the meaning of Education Code section 44909. As a result, respondent teachers listed as teaching in these categorically funded positions, as well as respondent teachers filling in for tenured teachers moved to categorically funded positions, are not entitled to participate in this layoff process.

These determinations notwithstanding, should the categorically funded programs be resumed next year, respondents placed in those categorically funded services have not waived any argument that they may wish to assert at that time that their status should be that of probationary employees.

#### *Stipulations*

14. Represented respondents, through counsel, and the District entered into stipulations at hearing and agreed to the matters set forth below.

15. The parties stipulated and agreed that preliminary notices and Accusations served upon the following certificated employees shall be rescinded:

#### NOTICES RESCINDED

<u>LAST</u>	<u>FIRST</u>
Adamian	Annie
Allen	Linda (0.6 FTE)
Alvistur	Jason
Anderson	Galen
Apel	Debra
Applebee	Timothy
Arn	Jennifer
Baldwin	Judy
Ball	Cynthia (0.25 FTE)
Barnes	Laurie
Battaglia	Kimberly

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<sup>1</sup> (*Ibid.* Emphasis in original.)

LAST

Battaglia  
Baxter  
Berens  
Besnard  
Bielik  
Bishop  
Blizman  
Bonifacino-Randall  
Boyer  
Bransky  
Briggs  
Brown  
Brown  
Bruggeman  
Bunch  
Bustamante  
Calhoon  
Callahan  
Calvert  
Cannon  
Carey  
Carey  
Cariss  
Cariss  
Carlisle  
Carr  
Carr  
Carroll  
Cassetta  
Castaneda  
Childs  
Christensen  
Christiansen  
Chrysler-Anderson  
Collins  
Connolly  
Cooper  
Crum  
Dane  
Daugherty  
Davis  
Denney

FIRST

William  
Pennie  
Amy  
Amy  
Rebecca  
Gregory  
Taryn  
Bernadette  
Susan  
Raymond  
Kristen  
C. Duaine  
Patricia  
Michael  
Michelle  
Rudy  
Lee-Anne  
Meghan (0.4 FTE)  
Halden  
Marilyn  
Jennifer  
Laura  
Daniel  
Jennifer  
Anthony  
Christina  
Jeffrey  
Janet  
Lourdes  
Jennifer  
Jennifer  
Joyce  
Steve  
Constance  
Don  
Cheryl  
Michael  
Julie  
Rita  
Maggie  
Cateena  
Rochelle

LAST

Dickman  
Duncan  
Egbert  
Ellis  
Ellis  
Ellsmore  
Emmons  
Erickson  
Feingold  
Finley  
Fisher  
Flynn  
Forrest  
Frisbee  
Geise  
Genasci  
Gimbal  
Ginno  
Girt  
Gregoire  
Gunderson  
Haight  
Haley  
Hammond  
Heald  
Henderson  
Hian  
Hilton  
Hobbs  
Holden  
Holen  
Holman  
Holmes  
Hopkins  
Horne  
Howell  
Ippisch  
Isern  
Jackson  
Jackson  
Jensen  
Jensen

FIRST

Mark  
Bruce  
Monica  
Amanda  
Tisha  
Elaine  
Michael  
Bonnie  
Dana  
Janet  
Christina  
Mary  
Karol  
Ken  
Elizabeth  
Tiffany  
Kim  
Cathelin  
Kevin  
Marcelle  
Scott  
Kelly  
William  
Paula  
Carol  
Donna  
Nancy  
Jill  
Larry  
Christine  
Deanna  
Laura  
Daniel  
Cynthia  
Brian  
Vicky  
Diane  
Jessica  
Jennie (0.3 FTE)  
Pamela  
Tamara  
Vallarie



LAST

Johnson  
Johnson  
Jones  
Jones  
Keating  
Kehoe  
Kemp  
Kenyon  
Klein  
Koch  
Kortie  
Kraatz  
Larrance  
Larson  
Leen  
Lewis  
Lower  
Martin  
Martini  
McCreary  
Mendez  
Metzger  
Montgomery  
Morgan  
Morgan  
Morrison  
Morrison  
Mota  
Nickerson  
Nilsson  
Odlum  
Olsen  
Paddock  
Parker  
Pasillas  
Payne  
Payton  
Peck  
Peruzzi  
Peters  
Phelan  
Phelan

FIRST

Elizabeth  
Margaret  
Liesl  
Lynette  
Timothy  
Brian  
Richard  
Melinda  
John  
Lynn  
Jill  
Maria  
Pamela  
Kristina  
Linda  
Constance  
Kristin  
Michelle L.S  
Michael  
Kathryn  
Quinn  
Elizabeth  
Anne  
Patricia  
Gale  
Jeana  
Kathleen  
Adan  
Jon  
Eric  
Rhonda  
Gayle  
Robert  
Ryan  
Amber  
Kevin  
Karen  
Michael  
Corina  
Mark  
Sherri  
Thomas

LAST

Price  
Quevedo  
Reyna  
Riley  
Rix  
Robinson  
Rollins  
Romig  
Rosenow  
Rutherford  
Salas  
Sauberan  
Schroll  
Schultz  
Serrato  
Sheridan  
Small  
Smith  
Specchierla  
Spinelli  
St. Clair  
Stadtmitter  
Stoffel  
Taylor  
Teja  
Teramoto  
Thompson, Jr.  
Topete-Tallerico  
Triplett  
Tucker  
Utterback  
Van Buskirk  
Villasenor  
Voss  
Vought  
Wahl  
Wallace  
Watson  
Weagant  
Wells  
White  
Wiegert

FIRST

Maya  
Kerry  
Salvador  
Michael  
Julie  
Jeannine  
Keith  
Mark  
Deborah  
Bridget  
Stephen  
Aaron  
Allison  
Dennis  
Linda  
Erica (0.6 FTE)  
Cathy  
Jennifer  
Michael  
Jimette  
Jannelle  
Rhonda  
Lauri  
Natalie  
David  
Nancy  
Frank  
Janet  
Vickie (0.9 FTE)  
Machell  
Richard  
Kimberly  
Sandra  
Kelli  
Michael  
Andrew  
Jennifer  
Carrie  
Darcy  
Betty (0.8 FTE)  
Clifford  
Kristen

<u>LAST</u>	<u>FIRST</u>
Williams	Amy
Williams	Korey
Wisdom	Kevin
Witt	Ernest

16. The parties <sup>2</sup> stipulated and agreed that the following certificated employees are temporary employees subject to release by the District Governing Board under Education Code section 44954:

#### TEMPORARY TEACHERS RELEASED

<u>LAST</u>	<u>FIRST</u>
Aguilar	Juan
Ball	Cynthia (0.07 FTE)
Barnum	Andrew
Bishop	Melissa
Bochi-Galli	Christine
Black	Ashley
Brunemeyer	Angie
Burton	Beth (0.2 FTE)
Campfield	Lowell Brent
Carter	Tammara
Cawthon	Brandi
Chapin	Katherine
Clarke	Kelly
Coppage	Denise
Correa	Jada
Crowe	Marsha
Curiel	Daisy
De la Torre-Escobedo	Marysol
De la Torre-Stuart	Idalia
Eller	Alisha
Elsen	Renee
Fairon	Wendy
Ford	Greg
Ford	Karen
Ford	Matthew
Foster	Olympia
Frain	Mary (Shannon) (0.2 FTE)

<sup>2</sup> The list of temporary employees includes some teachers who were not represented by counsel and who did not appear. A motion to dismiss with prejudice these teachers from the accusation proceedings was made and granted at the time of hearing.



<u>LAST</u>	<u>FIRST</u>
Gephart	Heather
Gallivan	Lois
Gilliam	Jon
Gilmore	Allison
Hamilton	Ellen
Hankins	Elizabeth
Hansen	Annalisa
Happ	Jaime (0.2 FTE)
Harris	Catherine (Caty)
Hass	Judy
Harris	Catherine
Hollie	Karin (0.2 FTE)
Huck	Melissa
Huck	Sophy
Jackson	Jennie (0.7 FTE)
Jarmush	Nicole
Joiner	Gerald
Kelly	William
King	Kelly
Knox	Marlo
Lashbrook	Cassandra
Lee	Amy
Lourenco	Vickie (0.2 FTE)
Matthews	Rebecca
Mayr	Martha
McCoy	Susan
McMahon	Heather
Moretti	Susan
Myers	Carie
Netherton	Danielle
Netterville	Karen
Nevens	Gretchen
O'Laughlin	Paula
Olson	Malina
Payne	Shanon
Phillips	Lori
Presnall	DeAnne
Pulgarin	Alma
Reggi-Bruchler	Gina
Reginelli	Peter
Resendez, Jr.	Roland
Riedlinger	Katherine

<u>LAST</u>	<u>FIRST</u>
Roberts	Cathleen
Sasaki	Joshua
Schwarz	Gwen
Sheridan	Erica (0.15 FTE)
Sherwin	Rachel
Simmons	Abraham
Simone-Letcher	Victoria
Smyth	Mary
Snyder	Charles
Sunderland	Janice
Tefs	Suzanne
Telegan	Jessica
Thayer	Kathyleen
Triplett	Vickie (0.1 FTE)
Umpleby	Abby
Vandewater	Diane (0.1 FTE)
Vandover-Bruch	Mary (0.2 FTE)
Vang	Sheng
Vang	Shoua
Waddell	Amy
Whipple	Bonnie
Whittaker	Shelley
Xiong	Ja Pao
Zweigle	Sheena

17. The parties stipulated and agreed that the seniority dates of the following certificated employees shall be modified as follows:

<u>Name</u>	<u>Original Date</u>	<u>New Date</u>
Alvistur, Jason	08/21/97	08/30/96
Battaglia, William	08/18/98	08/22/96
Connolly, Cheryl	08/16/02	08/17/01
Friedman, Mark	08/14/06	08/30/05
Lewis, Constance	08/17/01	08/23/00
Voss, Kelli	08/17/01	08/23/00
Kinslow, Leticia	08/14/06	08/17/05
Bransky, Raymond	08/16/03	08/16/02
Brown, Mary	08/05/05	09/01/04
Sanford, Jessica	08/15/05	03/18/04

18. The parties stipulated and agreed that the following certificated employees, who were replacing teachers on leave, shall have their status changed from that of temporary to probationary teachers:

<u>Name</u>	<u>FTE</u>	<u>Seniority Date</u>
Armstrong, Douglas	1.00	08/14/06
Keene, Kristine	1.00	07/29/05
Sullivan, Kelly	1.00	08/14/06
Von der Mehden, Alan	1.00	08/14/06
LaFollette, Corrine	0.80	08/14/06
Dunsmoor, Jeanine	0.20	08/16/04
LaGrave, Nicole	1.00	08/14/06
Camy, Loyce	0.20	08/23/95
Stoffel, Lauri	0.40	08/16/02

19. The parties stipulated and agreed the following certificated employees of the District shall be laid off from employment with the District as of the close of the 2007/2008 school year, in the amount of the FTE set forth below:

<u>LAST</u>	<u>FIRST</u>	<u>FTE</u>
Allen,	Chad	1.0
Allen,	Linda	0.4
Allen,	Michael	1.0
Allspaugh,	Tamara	1.0
Andes,	Stephen	1.0
Armstrong,	Douglas B.	1.0
Becker,	Jason	1.0
Bettencourt,	Joann	1.0
Brooks,	Michael	1.0
Brown,	Mary	1.0
Burton,	Beth	0.8
Butler,	Janette	0.6
Calderon,	Stacy	1.0
Callas	Christine	1.0
Castaldo,	Lori	1.0
Cockrell,	Ronnie	1.0
Cook,	Lori	1.0
Dunsmoor,	Jeanine	1.0
Flory,	Jennifer	1.0
Frain,	Mary (Shannon)	0.8
Franzella-Chiem,	Evelyn	1.0
Friedman,	Mark	1.0
Gale,	Samantha	1.0
Gervasi,	Katy	1.0
Gilliam,	Amanda	1.0
Girt,	Kerrie	1.0
Gulbrandsen,	Erinn	1.0



<u>LAST</u>	<u>FIRST</u>	<u>FTE</u>
Happ,	Jaime	0.75
Hislop,	April	1.0
Keene,	Kristine	1.0
Kidd,	Debra	1.0
Kinslow,	Leticia	1.0
Lafaix,	Leanna	1.0
LaFolette	Corrine	1.0
LaGrave	Nicole	1.0
Leen,	Candais	1.0
Lim,	Mary Lou	0.8
Linville,	Daniel	1.0
Lourenco,	Vickie	0.6
Manuel,	Brent	1.0
McGuire,	Matthew	1.0
Mitchell,	John	1.0
O'Laughlin,	Zane	1.0
Palmer,	Lisa	1.0
Parker,	Julie	1.0
Peacock,	Miles	1.0
Phillips,	Katherine	1.0
Purl,	Kamala	1.0
Ritcher,	Nancy	0.6
Rollins,	Rahlna	1.0
Salado,	Randi	1.0
Salas,	Jennifer	1.0
Sanford,	Jessica	1.0
Schoenthaler,	Mary	1.0
Smith,	Julia	1.0
Sullivan,	Kelly	1.0
Sylvester,	Carol	1.0
Tellechea,	Ulises	1.0
Vandover-Bruch,	Mary	0.8
Von Der Mehden,	Alan	1.0
Webb,	Daniel	1.0
Wells,	Betty	0.2
Williams,	Doneld	1.0
Wolfsberger,	Janelle	1.0

20. The parties stipulated and agreed to the above matters, and requested that a Decision and Order as set forth here be entered, without the need for further evidentiary hearing. In doing so, the parties by implication agree that:

- a. Each respondent is the proper subject of receipt of a preliminary notice of layoff, except as otherwise set forth in this Decision;
- b. Factual and legal cause exists to lay off each respondent, except as set forth in this Decision; and
- c. Each respondent, except as otherwise set forth in this Decision, waives and relinquishes his or her right to an evidentiary hearing as set forth in Education Code sections 44949 and 44955, and Government Code section 11500, et.seq.
- d. All prehearing jurisdictional requirements for the evidentiary hearing and the layoff process were met.
- e. Each of the parties freely and voluntarily entered into the stipulation, and each thereupon waived the right to any additional evidentiary hearing on any of the matters raised by this action.

21. With due consideration and adjustments made for the matters noted above, no permanent or probationary certificated employees junior to respondents are being retained to perform a service which respondents are certificated and competent to render. Those certificated employees junior to respondents being retained will provide services which respondents are not certificated and competent to perform.

### LEGAL CONCLUSIONS

1. Jurisdiction in this matter exists pursuant to Education Code sections 44949 and 44955. All notices and jurisdictional prerequisites required by those sections were satisfied. The District has the burden of proving by a preponderance of the evidence that the proposed reduction or elimination of particular kinds of services and the preliminary notices of layoff served on respondents is factually and legally appropriate. (Ed. Code, §§ 444949 and 44955.)

2. The services the District seeks to eliminate in this matter, as set forth in Resolution No. 1011-08, are "particular kinds of services" that may be reduced or discontinued within the meaning of Education Code section 44955. Legal cause exists pursuant to Education Code sections 44949 and 44955 for the Chico Unified School District to reduce or discontinue 221.0055 FTE of particular kinds of services, as set forth in the District's Resolution and identified in the Factual Findings. The reduction or discontinuation of these identified particular kinds of services relates solely to the welfare of the District and its pupils.

3. Legal cause exists pursuant to Education Code sections 44949 and 44955 to give respondents identified in Paragraph 19 of the Factual Findings final notice that their services will not be required for school year 2008/2009. Legal cause exists to sustain the Accusations. The Board may give the Paragraph 19 respondents final notices that their services will not be required by the District in the upcoming school year, in inverse order of seniority.

#### ORDER

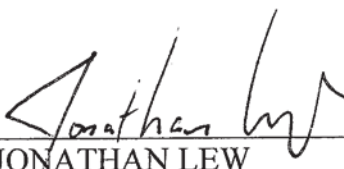
1. The Chico Unified School District action to reduce or eliminate 221.0055 FTE of particular kinds of services for the 2008/2009 school year is **AFFIRMED**.

2. The Accusations with respect to those respondent certificated employees of the Chico Unified School District identified in paragraph 15 of the Factual Findings above are **DISMISSED**.

3. The certificated employees identified in paragraph 18 shall have their status changed from that of temporary to probationary teachers.

4. The Accusations with respect to those respondent certificated employees of the Chico Unified School District identified in paragraph 19 of the Factual Findings above are **SUSTAINED**. Final notice may be given to the paragraph 19 identified respondents by the District that their services will not be required for the upcoming school year. Notice shall be given in inverse order of seniority.

DATED: May 1, 2008

  
\_\_\_\_\_  
JONATHAN LEW  
Administrative Law Judge  
Office of Administrative Hearings



# ATTACHMENT A

Chico Unified School District  
OAH No. 2008030189

## *Employees Who Received Notice of Reduction in Force*

Adamian	Calvert
Allen, C.	Cannon
Allen, L.	Carey, J.
Allen, M.	Carey, L.
Allspaugh	Cariss
Alvistur	Carlisle
Anderson	Caroll
Andes	Carriss
Apel	Cassetta
Applebee	Castaldo
Arn	Castaneda
Baldwin	Childs
Ball	Christensen
Barnes	Christiansen
Battaglia, K.	Chrysler-Anderson
Battaglia, W.	Cockrell
Baxter	Collins
Becker	Connolly
Besnard	Cook
Bettencourt	Cooper
Bishop	Crum
Bonifacino-Randall	Dane
Boyer	Davis
Bransky	Denney
Briggs	Dickman.
Brooks	Duncan
Brown, C. D.	Dunsmoor
Brown, M.	Egbert
Brown, P.	Ellis, A.
Bruggeman	Ellis, T.
Bunch.	Ellsmore
Burton	Emmons
Bustamante	Feingold
Butler	Finley
Calderon	Fisher
Calhoun	Flory
Callahan	Flynn
Callas	Forrest

DISTRICT EXHIBIT B

Frain  
Franzella-Chiem  
Friedman  
Frisbee  
Gale  
Geise  
Genasci  
Gervasi  
Gilliam  
Gimbal  
Ginno  
Girt, Kerrie  
Girt, Kevin  
Gregoire  
Gulbrandsen  
Gunderson  
Haight  
Haley  
Hammond  
Happ  
Heald  
Henderson  
Hian  
Hislop  
Hobbs  
Holden  
Holen  
Holman  
Holmes  
Hopkins  
Horne  
Howell  
Ippisch  
Isern  
Jackson, J.  
Jackson, P.  
Jensen, T.  
Jensen, V.  
Johnson, E.  
Johnson, M.  
Jones  
Keating  
Kehoe  
Kemp

Kenyon  
Kidd  
Kinslow  
Klein  
Kortie  
Kraatz  
Lafaix  
Larrance  
Larsen  
Leen, C.  
Leen, L.  
Lewis  
Lim  
Linville  
Lourenco  
Lower  
Manuel  
Martin  
McCreary  
McGuire  
Mendez  
Metzger  
Mitchell  
Montgomery  
Morgan  
Morrison, J.  
Morrison, K.  
Mota  
Nickerson  
Nilsson  
O'Laughlin  
Odlum  
Olsen  
Paddock  
Palmer  
Parker  
Parker  
Pasillas  
Payne  
Payton  
Peacock  
Peck  
Peruzzi  
Peters

DISTRICT EXHIBIT B

Phelan, S.  
Phelan, T.  
Phillips  
Price  
Purl  
Quevedo  
Reyna  
Riley  
Ritcher  
Rix  
Robinson  
Rollins, K.  
Rollins, R.  
Romig  
Rosenow  
Rutherford  
Salado  
Salas, J.  
Salas, S.  
Sanford  
Sauberan  
Schoenthaler  
Schroll  
Schultz  
Sehorn  
Serrato  
Sheridan  
Small  
Smith, Jennifer  
Smith, Julia  
Spinelli  
St. Clair  
Stadtmiller  
Stoffel  
Sylvester  
Taylor  
Teja  
Tellechea  
Teramoto  
Thompson  
Topete-Tallerico  
Triplett  
Tucker  
Van Buskirk

Vandover-Bruch  
Villa-Senor  
Voss  
Vought  
Wahl  
Wallace  
Watson  
Weagant  
Webb  
Wells  
White  
Wiegert  
Williams, A.  
Williams, D.  
Williams, K.  
Wisdom  
Wolfsberger



# ATTACHMENT B

Chico Unified School District  
OAH No. 2008030189

## *Employees Who Filed Timely Request for Hearing*

Adamian, Annie  
Allen, Chad  
Allen, Michael  
Allspaugh, Tamara  
Alvistur, Jason  
Anderson, Galen  
Andes, Stephen  
Apel, Debra  
Applebee, Timothy  
Armstrong, Douglas  
Arn, Jennifer  
Baldwin, Judy  
Ball, Cynthia  
Barnes, Laurie  
Battaglia, Kimberly  
Battaglia, William  
Baxter, Pennie  
Becker, Jason  
Besnard, Amy  
Bettencourt, Joann  
Bishop, Gregory  
Black, Ashley  
Bonifaciono-Randall, Bernadette  
Boyer, Susan  
Bransky, Raymond  
Briggs, Kristen  
Brooks, Michael  
Brown, C. Duaine  
Brown, Mary  
Brown, Patricia  
Bruggeman, Michael  
Bunch, Michelle  
Burton, Beth  
Bustamante, Rudy  
Calderon, Stacy  
Calhoon, Lee-Anne  
Callas, Christine  
Calvert, Halden  
Camy, Loyce  
Cannon, Marilyn  
Carey, Jennifer  
Carey, Laura

Cariss, Daniel  
Cariss, Jennifer  
Carlisle, Anthony  
Carroll, Janet R.  
Carter, Tammara  
Cassetta, Lourdes  
Castaldo, Lori  
Castaneda, Jennifer  
Cawthon, Brandi  
Chapin, Katherine  
Childs, Jennifer  
Christensen, Joyce  
Christiansen, Steven  
Chrysler-Anderson, Constance  
Clarke, Kelly  
Cockrell, Ronnie  
Collins, Don  
Connolly, Cheryl  
Cook, Lori  
Cooper, Michael  
Coppage, Denise  
Correa, Jada  
Crum, Julie  
Dane, Rita  
Davis, Cateena  
De La Torre, Marysol  
de la Torre-Stuart, Idalia  
Dickman, Mark  
Duncan, Bruce  
Dunsmoor, Jeanine  
Egbert, Monica  
Eller, Alisha  
Ellis, Amanda  
Ellis, Tisha  
Ellsmore, Elaine  
Emmons, Michael  
Fairon, Wendy  
Feingold, Dana  
Finley, Janet  
Flory, Jennifer  
Flynn, Mary  
Ford, Greg

Ford, Karen  
Forrest, Karol  
Foster, Olympia  
Frain, Mary  
Franzella-Chiem, Evelyn  
Friedman, Mark  
Frisbee, Ken III  
Gale, Samantha  
Geise, Elizabeth  
Genasci, Tiffany  
Gephart, Heather  
Gilliam, Amanda  
Gilliam, Jon  
Gimbal, Kim  
Ginno, Cathelin  
Girt, Kerrie  
Girt, Kevin  
Gregoire, Marcelle  
Gulbrandsen, Erinn  
Gunderson, Scott  
Haley, William  
Hamilton, Ellen  
Hammond, Paula  
Hankins, Elizabeth  
Hansen, Annalisa  
Happ, Jaime  
Harris, Catherine  
Heald, Carol  
Henderson, Donna  
Hian, Nancy  
Hislop, April  
Hobbs, Larry  
Holden, Christine  
Holen, Deanna  
Hollie, Karin  
Holman, Laura  
Holmes, Daniel  
Hopkins, Cynthia  
Horne, Brian  
Howell, Vicky  
Ippisch, Diane  
Isern, Jessica

Jackson, Jennie  
 Jackson, Pamela  
 Jensen, Tamara  
 Jensen, Vallerie  
 Johnson, Elizabeth  
 Johnson, Margaret  
 Joiner, Gerald  
 Jones, Lynette  
 Keating, Timothy  
 Keene, Kristine  
 Kehoe, Brian  
 Kemp, Richard  
 Kenyon, Melinda  
 Kidd, Debra  
 King, Kelly  
 Kinslow, Leticia  
 Klein, John  
 Kortie, Jill  
 Kraatz, Maria  
 Lafaix, Leanna  
 LaGrave, Nicole  
 Larrance, Pamela  
 Larson, Kristina  
 Lee, Amy  
 Leen, Candais  
 Leen, Linda  
 Lewis, Constance  
 Linville, Daniel  
 Lourenco, Vickie  
 Manuel, Brent  
 Martin, Michelle  
 Mayr, Martha  
 McCoy, Susan  
 McCreary, Kathryn  
 McGuire, Matthew  
 Mendez, Quinn  
 Metzger, Elizabeth  
 Mitchell, John  
 Montgomery, Anne  
 Moretti, Susan  
 Morgan, Patricia  
 Morrison, Jeana  
 Morrison, Kathleen  
 Mota, Adan  
 Myers, Carie  
 Netherton, Danielle  
 Netterville, Karen  
 Nickerson, Jon  
 Nilsson, Eric  
 Odlum, Rhonda

O'Laughlin, Zane  
 Olsen, Gayle  
 Olson, Malina  
 Paddock, Robert  
 Palmer, Lisa  
 Parker, Julie  
 Parker, Ryan  
 Pasillas, Amber  
 Payne, Shanon  
 Payton, Karen  
 Peacock, Miles  
 Peck, Michael  
 Peruzzi, Corina  
 Peters, Mark  
 Phelan, Sherri  
 Phelan, Thomas  
 Phillips, Katherine  
 Presnall, DeAnne  
 Price, Maya  
 Pulgarin, Alma  
 Quevado, Kerry  
 Reggi-Bruchler, Gina  
 Resendez, Roland  
 Reyna, Salvador  
 Riedlinger, Katherine  
 Riley, Michael  
 Ritcher, Nancy  
 Rix, Julie  
 Roberts, Cathleen  
 Robinson, Jeannine  
 Rollins, Keith  
 Rollins, Rahlma  
 Romig, Mark  
 Rosenow, Deborah  
 Rutherford, Bridget  
 Salado, Randi  
 Salas, Jennifer  
 Salas, Stephen  
 Sanford, Jessica  
 Sasaki, Joshua  
 Sauberan, Aaron  
 Schoenthaler, Mary  
 Schroll, Allison  
 Schultz, Dennis  
 Schwarz, Gwen  
 Serrato, Linda  
 Sherwin, Rachel  
 Simone-Letcher, Victoria  
 Small, Cathy  
 Smith, Jennifer

# DISTRICT EXHIBIT C

Smith, Julia C.  
 Spinelli, Jimette  
 St. Clair, Jannelle  
 Stadmiller, Rhonda  
 Stoffel, Lauri  
 Sullivan, Kelly  
 Sunderland, Janice  
 Taylor, Natalie  
 Teja, David  
 Telegan, Jessica  
 Tellechea, Ulises  
 Teramoto, Nancy  
 Thayer, Kathyleen  
 Thompson, Jr., Frank  
 Topete-Tallerico, Janet  
 Triplett, Vickie  
 Tucker, Machell  
 Umpleby, Abby  
 Van Buskirk, Kimberly  
 Vandover-Bruch, Mary  
 Vang, Shoua  
 Villasenor, Sandra  
 von der Mehden, Alan  
 Voss, Kelli  
 Vought, Michael  
 Waddall, Amy  
 Wahl, Andrew  
 Wallace, Jennifer  
 Watson, Carrie  
 Weagant, Darcy  
 Wells, Betty  
 White, Clifford  
 Wiegert, Kristen  
 Williams, Amy  
 Williams, Doneld  
 Wisdom, Kevin  
 Wolfsberger, Janelle  
 Zweigle, Sheena



# ATTACHMENT C

Chico Unified School District  
OAH No. 2008030189

## *Employees Who Filed Notice of Defense*

Adamian, Annie  
Allen, Chad  
Allen, Michael  
Allspaugh, Tamara  
Alvistur, Jason  
Anderson, Galen  
Andes, Stephen  
Apel, Debra  
Applebee, Timothy  
Armstrong, Douglas  
Arn, Jennifer  
Baldwin, Judy  
Ball, Cynthia  
Barnes, Laurie  
Battaglia, Kimberly  
Battaglia, William  
Baxter, Pennie  
Becker, Jason  
Besnard, Amy  
Bettencourt, Joann  
Bishop, Gregory  
Black, Ashley  
Bonifaciono-Randall, Bernadette  
Boyer, Susan  
Bransky, Raymond  
Briggs, Kristen  
Brooks, Michael  
Brown, C. Duaine  
Brown, Mary  
Brown, Patricia  
Bruggeman, Michael  
Bunch, Michelle  
Burton, Beth  
Bustamante, Rudy  
Calderon, Stacy  
Calhoon, Lee-Anne  
Callas, Christine  
Calvert, Halden  
Camy, Loyce  
Cannon, Marilyn  
Carey, Jennifer  
Carey, Laura  
Cariss, Daniel

Cariss, Jennifer  
Carlisle, Anthony  
Carroll, Janet R.  
Carter, Tammara  
Cassetta, Lourdes  
Castaldo, Lori  
Castaneda, Jennifer  
Cawthon, Brandi  
Chapin, Katherine  
Childs, Jennifer  
Christensen, Joyce  
Christiansen, Steven  
Chrysler-Anderson, Constance  
Clarke, Kelly  
Cockrell, Ronnie  
Collins, Don  
Connolly, Cheryl  
Cook, Lori  
Coppage, Denise  
Correa, Jada  
Crum, Julie  
Dane, Rita  
Davis, Cateena  
De La Torre, Marysol  
de la Torre-Stuart, Idalia  
Dickman, Mark  
Duncan, Bruce  
Dunsmoor, Jeanine  
Egbert, Monica  
Eller, Alisha  
Ellis, Tisha  
Ellsmore, Elaine  
Emmons, Michael  
Fairon, Wendy  
Feingold, Dana  
Finley, Janet  
Flory, Jennifer  
Ford, Greg  
Ford, Karen  
Forrest, Karol  
Foster, Olympia  
Frain, Mary  
Franzella-Chiem, Evelyn

Friedman, Mark  
Frisbee, Ken III  
Gale, Samantha  
Geise, Elizabeth  
Genasci, Tiffany  
Gephart, Heather  
Gervasi, Katy  
Gilliam, Amanda  
Gilliam, Jon  
Gimbal, Kim  
Ginno, Cathelin  
Girt, Kerrie  
Girt, Kevin  
Gregoire, Marcelle  
Gulbrandsen, Erinn  
Gunderson, Scott  
Haley, William  
Hamilton, Ellen  
Hammond, Paula  
Hankins, Elizabeth  
Hansen, Annalisa  
Happ, Jaime  
Harris, Catherine  
Heald, Carol  
Henderson, Donna  
Hian, Nancy  
Hislop, April  
Hobbs, Larry  
Holden, Christine  
Holen, Deanna  
Holman, Laura  
Holmes, Daniel  
Hopkins, Cynthia  
Horne, Brian  
Howell, Vicky  
Ippisch, Diane  
Isern, Jessica  
Jackson, Jennie  
Jackson, Pamela  
Jensen, Tamara  
Jensen, Vallerie  
Johnson, Margaret  
Joiner, Gerald



## DISTRICT EXHIBIT F

Jones, Lynette  
Keating, Timothy  
Keene, Kristine  
Kemp, Richard  
Kenyon, Melinda  
King, Kelly  
Kinslow, Leticia  
Klein, John  
Kortie, Jill  
Kraatz, Maria  
Lafaix, Leanna  
LaGrave, Nicole  
Larrance, Pamela  
Larson, Kristina  
Leen, Candais  
Leen, Linda  
Lewis, Constance  
Linville, Daniel  
Lourenco, Vickie  
Manuel, Brent  
Martin, Michelle  
Mayr, Martha  
McCoy, Susan  
McCreary, Kathryn  
Mendez, Quinn  
Metzger, Elizabeth  
Mitchell, John  
Moretti, Susan  
Morrison, Jeana  
Morrison, Kathleen  
Mota, Adan  
Myers, Carie  
Netherton, Danielle  
Netterville, Karen  
Nickerson, Jon  
Nilsson, Eric  
Odlum, Rhonda  
O'Laughlin, Zane  
Olsen, Gayle  
Olson, Malina  
Paddock, Robert  
Palmer, Lisa  
Parker, Julie  
Parker, Ryan  
Pasillas, Amber  
Payne, Shanon  
Payton, Karen  
Peacock, Miles  
Peck, Michael  
Peruzzi, Corina

Peters, Mark  
Phelan, Sherri  
Phelan, Thomas  
Phillips, Katherine  
Presnall, DeAnne  
Price, Maya  
Quevado, Kerry  
Reggi-Bruchler, Gina  
Resendez, Roland  
Reyna, Salvador  
Riedlinger, Katherine  
Riley, Michael  
Ritcher, Nancy  
Rix, Julie  
Roberts, Cathleen  
Robinson, Jeannine  
Rollins, Keith  
Rollins, Rahlma  
Romig, Mark  
Rosenow, Deborah  
Rutherford, Bridget  
Salas, Jennifer  
Salas, Stephen  
Sanford, Jessica  
Sasaki, Joshua  
Sauberan, Aaron  
Schoenthaler, Mary  
Schroll, Allison  
Schultz, Dennis  
Schwarz, Gwen  
Serrato, Linda  
Sherwin, Rachel  
Simone-Letcher, Victoria  
Small, Cathy  
Smith, Jennifer  
Smith, Julia C.  
Spinelli, Jimette  
St. Clair, Jannelle  
Stadtmiller, Rhonda  
Stoffel, Lauri  
Sullivan, Kelly  
Sunderland, Janice  
Taylor, Natalie  
Teja, David  
Telegan, Jessica  
Tellechea, Ulises  
Teramoto, Nancy

Thayer, Kathyleen  
Thompson, Jr., Frank  
Topete-Tallerico, Janet  
Triplett, Vickie  
Tucker, Machell  
Umpleby, Abby  
Van Buskirk, Kimberly  
Vandover-Bruch, Mary  
Vang, Shoua  
Villasenor, Sandra  
von der Mehden, Alan  
Voss, Kelli  
Vought, Michael  
Waddall, Amy  
Wahl, Andrew  
Watson, Carrie  
Weagant, Darcy  
Wells, Betty  
White, Clifford  
Wiegert, Kristen  
Williams, Amy  
Williams, Doneld  
Wisdom, Kevin  
Wolfsberger, Janelle  
Zweigle, Sheena