

BEFORE THE
GOVERNING BOARD OF THE
EUREKA UNION SCHOOL DISTRICT
STATE OF CALIFORNIA

In the Matter of the Reduction in Force of:

CERTAIN CERTIFICATED PERSONNEL
EMPLOYED BY THE EUREKA UNION
SCHOOL DISTRICT,

Respondents.

OAH No. 2010030177

PROPOSED DECISION

This matter was heard before Karen J. Brandt, Administrative Law Judge, Office of Administrative Hearings, State of California, in Granite Bay, California, on April 8 and 9, 2010.

Terry Filliman, Attorney at Law, represented the Eureka Union School District (District).

Ernest H. Tuttle, IV, Attorney at Law, represented the respondents, who are listed on Attachment A hereto.

Evidence was received, the record was closed, and the matter was submitted for decision on April 9, 2010.

FACTUAL FINDINGS

1. On March 9, 2010, the Board of Education (Board) of the District adopted Resolution No. 09-10-09, entitled "Reduction/Elimination of Particular Kinds of Certificated Services" (PKS Resolution). Pursuant to the PKS Resolution, the Board determined that it was necessary for the District to reduce or eliminate certain particular kinds of services (sometimes referred to herein as PKS) and to decrease a corresponding number of certificated District employees at the end of the 2009-2010 school year. In the PKS Resolution, the Board directed the Superintendent to send appropriate notices to all employees to be affected by virtue of the PKS reductions and eliminations. The Board also directed the Superintendent or his designee to make assignments and reassignments of certificated employees following implementation of the PKS elimination or reduction to

ensure that each remaining certificated employee is assigned to a position for which he or she is properly credentialed to perform pursuant to Education Code section 44955.¹

2. The PKS Resolution identified the following particular kinds of services for reduction or elimination:

A. <u>Grade K-8 Instructional Services:</u>	
1. Self-Contained Classroom Teachers and Self-Contained Core Teachers	17.0 FTE ²
B. <u>Cavitt Jr. High School Instructional Services:</u>	
1. 8th Grade English	.34 FTE
2. 7th Grade Science	.34 FTE
3. 7th & 8th Grade Math (vacancy)	.34 FTE
4. Elective (Teen Advantage)	.17 FTE
C. <u>Special Education Teaching Services:</u>	
1. RSP Teachers	3.0 FTE
2. SDC Teachers	1.0 FTE
D. <u>Certificated Support Services:</u>	
1. Psychologist (vacancy)	.4 FTE
2. Nurses	.8 FTE
3. Teacher on Assignment (Technology Resource Teacher—Datawise)	1.0 FTE
4. Health Services Coordinator	Reduction of .07 FTE
E. <u>Administrative Services:</u>	
1. Assistant Principal (Olympus Jr. High)	.50 FTE
2. Assistant Principal (Cavitt Jr. High)	.17 FTE
TOTAL:	25.06 FTE

3. The PKS Resolution set forth the District's competency criteria as follows:

That "competency" for the purposes of Education Code sections 44955, 44956 and 44957 shall be met based upon (1) current possession of a preliminary or clear credential for the subject matter, grade level or pupil personnel services to which the employee will be assigned at the beginning of the 2010-2011 school year.

¹ All further statutory references are to the Education Code unless indicated otherwise.

² "FTE" stands for full-time equivalent.

4. The PKS Resolution also set forth the following skipping criteria:

The Superintendent is authorized to deviate from terminating in order of seniority for certificated employees currently assigned to the below listed program based upon their unique training, qualification and skills related to the required responsibilities for the course/job:

- A. Reading Lab Teachers (Caro McKillop, Shawna Lukasko and Beth Furdek) based upon unique responsibilities to plan and evaluate the District reading program and mentor teachers in teaching reading and language arts and requirement for the position to hold a Reading Specialist Credential of [sic] a Masters degree in reading.

5. On February 9, 2010, the Board adopted Resolution No. 09-10-08, which set forth the following tie-breaking criteria to be applied in this layoff:

As between certificated general education K-8 employees who first rendered paid service to the district on the same date, the Board of Education determines that the order of termination shall be determined based solely upon the needs of the District and its students in accordance with the following criteria. The criteria are listed in priority order with number one the highest priority. Each criteria next in order shall be applied only if the preceding criteria does not resolve all ties.

1. Possession of a current valid preliminary or clear credential wins;
2. If a tie still exists, possession of a current English Language Development Certificate (BCLAD or CLAD or SDAIE or SB 1969) wins;
3. If a tie still exists, possession of a second preliminary or clear credential wins;
4. If a tie still exists, possession of a clear credential wins;
5. If a tie still exists, the employees shall be ranked in order by total years of public school teaching experience including experience outside this district. The most years of experience shall be ranked highest;
6. If a tie still exists, the tie will be broken by lottery. In the lottery the employee drawing the lowest number shall be retained. If necessary, additional employees shall be retained in rank order of the

lowest number drawn. An officer of EUTA will be present to witness the drawing.

7. If it becomes necessary to resolve a tie between employees who lost at any level 1-4 above, the tie shall be broken by use of the lottery process described in level 5.

6. Pursuant to the PKS Resolution, on March 9, 2010, Dr. Tim McCarty, Superintendent of the District, gave notice to the Board of his recommendation that certain identified certificated employees be given written notice that their services would not be required for the 2010-2011 school year as provided in sections 44949 and 44955.

7. On or about March 10, 2010, Rick L. Schrichfield, Assistant Superintendent, Human Resources, sent preliminary layoff notices to the certificated employees identified for layoff. The preliminary layoff notices enclosed a copy of the PKS resolution and informed the certificated employees of their right to request a hearing. In response to the preliminary layoff notices, the District received 12 requests for hearing. On March 18, 2010, Mr. Schrichfield sent letters to the certificated employees who requested a layoff hearing, serving upon them the Accusation, Statement to Respondent, form Notice of Defense, Notice of Hearing and relevant statutes, and informing them of their right to file a notice of defense if they desired a hearing. On March 23, 2010, a Notice of Defense was served on behalf of the 10 certificated employees who desired a hearing, all of whom are respondents in this matter.

8. Attached hereto as Attachment A is a list of all respondents. Respondents are currently certificated employees of the District. Each respondent was properly and timely served with a preliminary layoff notice and timely requested a hearing. Each was also properly and timely served with the Accusation, Statement to Respondent, form Notice of Defense, Notice of Hearing and relevant statutes, and had filed on their behalf a timely Notice of Defense.

9. All respondents are self-contained classroom or core teachers who are being laid off pursuant to section A.1. of the PKS Resolution. (Finding 2.) Respondents raised the following arguments against the District's proposed layoff: (1) the District's reserves are too high to warrant making the proposed certificated employee cuts; (2) the District has failed to take into consideration all positively assured attrition; (3) the District failed to meet the requirements set forth in section 44955, subdivision (d)(1), to establish cause to skip Reading Lab teachers; (4) the District failed to assign and reassign certificated employees to avoid layoffs; and (5) the District is retaining junior employees to provide services that more senior employees could teach if they were granted Board authorization. These issues are addressed below.

The District's Reserves

10. Respondents argued that the District's reserves are too high to warrant the proposed layoffs. The District has the discretion to determine its financial needs and the level of proposed layoffs to meet those needs. Mr. Schrichfield testified about the financial

and cash flow reasons supporting the District's decision to pursue layoffs, notwithstanding the current level of the District's reserves. Respondents did not establish that the District's financial and cash flow reasons for pursuing the proposed layoffs were arbitrary or capricious, or an abuse of the District's discretion.

Positively Assured Attrition

11. The PKS Resolution provides that the Board "has considered all positively assured attrition including resignations, retirements, and other permanent vacancies for 2010-2011 known at this time in determining the needed services to be reduced or eliminated." There was disagreement between the parties about whether this statement in the PKS Resolution was accurate.

12. Mr. Schrichfield testified that, as of March 9, 2010, when the Board adopted its PKS Resolution, the District was aware of five retirements of certificated employees that will occur at the end of this school year. Two of these retiring teachers are currently teaching Math in a junior high school. The other three retiring certificated employees are currently self-contained classroom or core teachers. According to Mr. Schrichfield, because none of the respondents is credentialed to teach Math at the junior high school level, the District did not take into consideration the retirements of the two Math teachers when laying off respondents. This issue is addressed in Findings 33 through 36 below.

13. At the hearing, Mr. Schrichfield asserted that he took into consideration the three retiring self-contained classroom and core teachers when determining the number of certificated employees to identify for layoff under section A.1. of the PKS Resolution (Finding 2). Mr. Schrichfield testified that he received written notification from two of the three retiring self-contained classroom or core teachers prior to March 4, 2010, and that he received the third written notification before the Board's agenda for the March 9, 2010 meeting was finalized on March 5, 2010. According to Mr. Schrichfield, if not for these resignations, he would have recommended 20, instead of 17, self-contained classroom and core teachers for layoff.

14. Respondents' witnesses all disputed Mr. Schrichfield's assertions. On February 26, 2010, at the direction of Mr. Schrichfield, Sherry Smith, Mr. Schrichfield's administrative assistant, sent an email to the 17 self-contained classroom and core teachers who were later identified for layoff pursuant to the PKS Resolution, scheduling a meeting for March 4, 2010. That email was entitled "Staffing for 2010/11." It was copied to other individuals, including Pamela Ori, president of the Eureka Union Teachers Association (EUTA).

15. Mr. Schrichfield met with respondents and Ms. Ori on March 4, 2010. At the hearing, Ms. Ori testified that, at that meeting, Mr. Schrichfield explained that the 17 certificated employees invited to the meeting by Ms. Smith's February 26, 2010 email were the 17 self-contained classroom and core teachers proposed for layoff. According to Ms. Ori, Mr. Schrichfield explained that these 17 certificated employees were being laid off for the following reasons: (1) eight were being laid off due to declining enrollment; (2) four

were being laid off because the job-sharing arrangements for four teachers were ending; (3) one was being laid off because one certificated employee was returning to teaching from her special assignment; and (4) four were being laid off as a result of “overstaffing.” Ms. Ori testified that the only number of self-contained classroom and core teachers that Mr. Schrichfield identified for layoff was 17; at no time did Mr. Schrichfield state that 20 self-contained classroom and core teachers had been identified for layoff.

16. Respondents Linda Godshall, Kristy Wallentine, Danielle Forst, and Jeff Begley all confirmed Ms. Ori’s testimony. Ms. Godshall testified that, at the March 4, 2010 meeting, Mr. Schrichfield systematically went through the Seniority List and identified the 17 self-contained classroom and core teachers identified for layoff. According to Ms. Godshall, Mr. Schrichfield stated that he expected to receive some retirement notifications from self-contained classroom and core teachers, and as those retirements were received, the District would rescind layoff notices. Ms. Wallentine testified that Mr. Schrichfield stated that, as retirement notices were received, layoff notices would be rescinded; but he had not received any retirement letters from teachers with Multiple Subject credentials; he had only received retirement letters from junior high Math teachers. Mr. Begley testified that Mr. Schrichfield stated that, as retirement letters from teachers were received and accepted by the Board, layoff notices to teachers would be rescinded. According to Mr. Begley, Mr. Schrichfield stated further that he had been in contact with some teachers about the early retirement process, and that he knew of two retirements by junior high school Math teachers and “maybe one other.”

17. Sometime after the March 4, 2010 meeting, Mr. Begley reviewed the Board’s minutes from the March 9, 2010 meeting and saw that the Board had approved five retirements. He saw that three of these retirements were by teachers holding Multiple Subject credentials. Mr. Begley testified that Mr. Schrichfield did not mention these three retirements at the March 4, 2010 meeting. Mr. Begley thought that, given his position on the Seniority List, his job would be “saved” by one of these retirements.

18. Ms. Ori testified that, on March 22, 2010, she asked Mr. Schrichfield why no layoffs had been rescinded as a result of the retirements approved by the Board at its meeting on March 9, 2010. According to Ms. Ori, Mr. Schrichfield stated that the Board may not rescind any preliminary layoff notices until after the hearing and the May 15 final notice deadline. Ms. Ori also testified that she spoke to the three teachers with Multiple Subject credentials who had submitted their resignations.³ All three of these teachers were concerned that no layoff rescissions had resulted from their retirement letters. In particular, Ms. Ori spoke to Linda Otley, one of the three retiring teachers. Ms. Otley forwarded to Ms.

³ Ms. Ori’s testimony regarding the statements made to her by the three retiring teachers was admitted as administrative hearsay under Government Code section 11513, subdivision (d), which provides:

Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but over timely objection shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. An objection is timely if made before submission of the case or on reconsideration.

Ori an email she had sent to Mr. Schrichfield on March 1, 2010, which, in relevant part, stated:

I have a question regarding the pink slipping of teachers and how it is effected [sic] by a letter of resignation. [¶] Is the number of pink slipped teachers effected [sic] by the letters of resignation that are sent to you before the board meeting on next Tues? Or does it matter. It is not clear to people who are considering this. [¶] I have heard different takes on this and would like to know. Some people believe that May 1st is the important deadline.

In response to Ms. Ori's question about how Mr. Schrichfield responded to this email, Ms. Otley replied:

I received a phone call after school, I believe.
He answered my question about it effecting [sic] people's jobs.
He said it would effect [sic] those being pink slipped.
He said they needed to have 4 people retire, as was a requirement for the Retirement incentive. Then they could begin to remove names.
I believe I would have at the time made number three or four.
So I went ahead and put in my resignation, hoping that it would help save peoples [sic] jobs.
I was very disappointed when I found it made NO difference for those pink slipped. (Capitalization in original.)

19. The testimony of respondents' witnesses, as supported by the administrative hearsay evidence, casts doubt upon Mr. Schrichfield's testimony that the three retirements of teachers with Multiple Subject credentials approved at the March 9, 2010 Board meeting were taken into consideration when determining the number of self-contained classroom and core teachers to be eliminated, as required by the PKS Resolution. Consequently, before any final layoff notices are issued to self-contained classroom and core teachers, the Board must assure itself that these three retirements have been fully taken into consideration.

Reading Lab Teachers

20. The District currently employs three certificated employees as Reading Lab Teachers for grades one to six. These teachers are Caro McKillop, Shawna Lukasko, and Beth Furdek.

Ms. McKillop has a seniority date of August 15, 2001. She holds a professional clear Multiple Subject credential and a Reading/Language Art Specialist credential.

Ms. Lukasko has a seniority date of July 15, 2002. She holds a professional clear Multiple Subject teaching credential. She also has a master's degree with a Reading emphasis and a Temporary County Certificate for a Reading Specialist credential.

Ms. Furdek has a seniority date of August 17, 2005. She holds a clear Multiple Subject credential and a professional clear Specialist Instruction credential in Reading and Language Arts.

21. In May 2009, the Board adopted a revised job description for a Reading Lab Teacher. That revised job description added the following education and experience criteria to the prior job description:

Education and Experience:

1. Bachelor's Degree with valid California Teaching Credential authorizing service in assigned grade and subject matter, and
2. Reading Specialist Credential, or
3. Master's Degree with Reading/Early Literacy emphasis or;
4. Miller Unruh Reading Specialist Credential.

22. Although the education and experience requirements set forth in the revised job description were not included in the job description when the three current Reading Lab Teachers were hired, all three of these teachers meet the current education and experience requirements. Heidi Dettwiller, the Assistant Superintendent, Curriculum and Instruction, testified that the additional education and experience requirements included in the revised job description reflect the credentials and degrees the District has looked for in the past when hiring Reading Lab Teachers to ensure that those teachers would have the education and experience necessary to perform the functions of the position. Ms. Dettwiller's testimony established that the Reading Lab Teacher job description was revised to reflect the legitimate education needs of the District and not for the purposes of this layoff.

23. Ms. Furdek is junior to all respondents. Ms. Lukasko is junior to five respondents (Jeff Begley, Danielle Forst, Linda Godshall, Eric Lee, and Kristie Shaw), and has the same seniority date as two respondents (Christy Goldthwaite and Melody Tuttle). Ms. McKillop has the same seniority date as five respondents (Jeff Begley, Danielle Forst, Linda Godshall, Eric Lee, and Kristie Shaw). At the hearing, respondents argued that, as elementary school teachers with Multiple Subject credentials, they currently perform and are capable of performing all the assessments and interventions performed by the Reading Lab Teachers. Respondents therefore argued that the District could not "skip" these Reading Lab Teachers under section 44955, subdivision (d)(1),⁴ when selecting certificated employees for layoff.

⁴ Section 44955, subdivision (d)(1), provides:

24. Respondents' argument is not persuasive. The District did not "skip" the Reading Lab Teachers. The concept of "skipping" applies when a school district chooses to retain junior certificated employees over more senior employees to teach a particular kind of service identified for reduction in a layoff. The District did not identify Reading Lab Teachers as a particular kind of service to be reduced in this layoff. Thus, the District did not "skip" any Reading Lab Teachers under section 44955, subdivision (d)(1).

25. Respondents also argued that they should be allowed to "bump" into the Reading Lab Teacher positions currently occupied by more junior certificated employees. The only respondent who fulfills the education and experience requirements currently set forth in the revised Reading Lab Teacher job description is Mr. Lee.⁵ Mr. Lee's seniority date is August 15, 2001. At the hearing, the District conceded that Mr. Lee should be allowed to bump into the Reading Lab Teacher assignment currently held by Ms. Furdek.

26. The other respondents argued that they should also be allowed to bump into a Reading Lab Teacher assignment. According to these respondents, in the past, the District assigned certificated employees as Reading Lab Teachers who had only a Multiple Subject credential, and did not possess the additional education and experience currently required by the revised Reading Lab Teacher job description.

27. Respondents' argument is not persuasive. The fact that the District, in the past, may have permitted teachers without the currently-required education and experience to be Reading Lab Teachers is not binding. The District has the discretion to determine the education and experience requirements necessary to teach in a particular assignment. The evidence did not establish that the District acted arbitrarily or capriciously, or abused its discretion when it revised the Reading Lab Teacher job description to include additional education and experience requirements. Other than Mr. Lee, none of the respondents established that they meet the current education and experience requirements to bump into a Reading Lab Teacher assignment.

Inverse Bumping

28. Ms. Ori is currently a third grade teacher in a self-contained classroom. Her seniority date is August 21, 1989. She was not identified for layoff or given a preliminary

(d) Notwithstanding subdivision (b), a school district may deviate from terminating a certificated employee in order of seniority for either of the following reasons:

(1) The district demonstrates a specific need for personnel to teach a specific course or course of study, or to provide services authorized by a services credential with a specialization in either pupil personnel services or health for a school nurse, and that the certificated employee has special training and experience necessary to teach that course or course of study or to provide those services, which others with more seniority do not possess.

⁵ The Seniority List shows only that Mr. Lee holds a professional clear Multiple Subject credential, and a CLAD. At the hearing, the District conceded that Mr. Lee holds an additional credential that meets the education and experience requirements set forth in the revised Reading Lab Teacher job description.

layoff notice. She meets the education and experience requirements set forth in the revised job description to be a Reading Lab Teacher.

29. According to Ms. Ori, she told Mr. Schrichfield that she would be willing to transfer to a Reading Lab Teacher assignment to “save” one of the respondents from layoff. Mr. Schrichfield disputed that Ms. Ori applied for a transfer to a Reading Lab Teacher assignment.

30. Even if Ms. Ori’s testimony is accepted over Mr. Schrichfield’s, respondents did not establish that the District was required to accept Ms. Ori’s transfer offer. As the District pointed out, if it had allowed Ms. Ori to transfer into a Reading Lab Teacher assignment, her transfer would not have “saved” a teacher from layoff; it would only have caused the layoff of a teacher other than one of the respondents.

31. The offer that Ms. Ori made is sometimes described as “inverse bumping.” As the court in *Duax v. Kern Community College District* (1987) 196 Cal.App.3d 555, 568-569, explained, “inverse bumping” occurs when a senior employee is reassigned to a position held by a junior employee in order to open up a position for another employee. The court in *Duax* held that the law does not contemplate “inverse bumping rights.” Instead, a school district’s obligations to make assignments and reassignments under the law is “limited to attempting to place an employee who would otherwise be terminated in a position being held by another employee with less seniority.” (*Id.* at p. 569.)

32. Because Ms. Ori was not identified for layoff, the District was not required to accept Ms. Ori’s offer to transfer into a Reading Lab Teacher assignment. Respondents did not establish that the District’s refusal to allow Ms. Ori to “inversely bump” a Reading Lab Teacher was arbitrary or capricious, or an abuse of its discretion.

Board Authorization to Teach Outside a Credential

33. Approximately 35 certificated employees are currently teaching outside their credentials. The District asserted that the Board has properly granted these teachers Board authorizations to teach in these assignments.

34. Some of the respondents asserted that they possess the qualifications required by section 44256 to receive Board authorization to teach outside their Multiple Subject credentials in departmentalized classes.⁶ They argued that they should be granted such

⁶ Section 44256, in relevant part, provides:

The governing board of a school district by resolution may authorize the holder of a multiple subject teaching credential or a standard elementary credential to teach any subject in departmentalized classes to a given class or group of students below grade 9, provided that the teacher has completed at least 12 semester units, or six upper division or graduate units, of coursework at an accredited institution in each subject to be taught. The authorization shall be with the teacher’s consent.

Board authorizations and either bump more junior certificated employees who are teaching in departmentalized classes or be assigned to the Math positions being vacated by the retirements of two junior high school Math teachers. Respondents' arguments are not persuasive.

35. It is within the Board's discretion to determine whether and when to grant certificated employees with Multiple Subject credentials authorization under section 44256 to teach in departmentalized classes outside their credentials. There was no evidence to establish that any of the respondents had applied for or received such authorization from the Board. Because respondents do not currently possess the credentials or Board authorizations necessary to teach in departmentalized classes outside their Multiple Subject credentials, they did not establish that they meet the competency criteria set forth in the PKS Resolution (Finding 3) either to bump more junior employees or be assigned to the junior high school Math positions that will be vacated by retiring teachers.

36. Respondents argued that, because the Board had acted arbitrarily by authorizing so many certificated employees to teach outside their credentials, it could not deny Board authorizations to respondents. Respondents' argument is not persuasive. Respondents did not establish that the Board has issued an excessive number of Board authorizations. Respondents also did not offer any evidence of the facts and circumstances underlying the existing Board authorizations to establish that such authorizations were arbitrary or capricious, or constituted an abuse of Board discretion. Given respondents' failure to offer sufficient proof of arbitrary or capricious Board action, respondents did not establish that they were entitled to receive Board authorization to teach in departmentalized classes outside their Multiple Subject teaching credentials.

37. There was no evidence that the District proposes to eliminate any services that are mandated by state or federal laws or regulations.

38. Any other assertions put forth by respondents at the hearing and not addressed above are found to be without merit and are rejected.

39. No junior employees are being retained to render services that more senior respondents are certificated and competent to perform.

40. The District's reductions and eliminations of particular kinds of services relate solely to the welfare of the District's schools and pupils.

LEGAL CONCLUSIONS

1. The District complied with all notice and jurisdictional requirements set forth in sections 44949 and 44955.

2. The services identified in the PKS Resolution are particular kinds of services that may be reduced or eliminated under section 44955. The Board's decision to reduce or

eliminate the identified services was neither arbitrary nor capricious, and was a proper exercise of its discretion. Cause for the reduction or elimination of services relates solely to the welfare of the District's schools and pupils within the meaning of section 44949.

3. As set forth in Finding 19, before the Board issues any final layoff notices, it shall assure itself that the three retirements of self-contained classroom and core teachers approved on March 9, 2010, have been fully taken into consideration.

4. As set forth in Finding 25, the District shall rescind the preliminary layoff notice served upon respondent Eric Lee and permit Mr. Lee to bump into the Reading Lab Teacher position currently assigned to Beth Furdek.

5. Except as set forth in Legal Conclusions 3 and 4, cause exists to reduce certificated employees of the District due to the reduction or elimination of particular kinds of services. Except as set forth in Legal Conclusions 3 and 4, the District properly identified the certificated employees to be laid off as directed by the Board.

6. Except as set forth in Legal Conclusion 4, no junior certificated employee is scheduled to be retained to perform services that a more senior respondent is certificated and competent to render.

7. Other than for Mr. Lee and as set forth in Legal Conclusion 3, cause exists to give notice to respondents that their services will be reduced or will not be required for the 2010-2011 school year because of the reduction or elimination of particular kinds of services.

RECOMMENDATION

1. Pursuant to Legal Conclusion 3, before the District issues any final layoff notices, the Board shall assure itself that the three retirements of self-contained classroom and core teachers approved on March 9, 2010, have been fully taken into consideration.

2. Pursuant to Legal Conclusion 4, the District shall rescind the preliminary layoff notice served upon Eric Lee and permit Mr. Lee to bump into the Reading Lab Teacher assignment currently held by Beth Furdek.

3. Except as provided in Recommendations 1 and 2, notice may be given to respondents that their services will be reduced or will not be required for the 2010-2011 school year. Notice shall be given in inverse order of seniority.

DATED: April 21, 2010

KAREN J. BRANDT
Administrative Law Judge
Office of Administrative Hearings