

BEFORE THE
GOVERNING BOARD OF THE
JULIAN UNION HIGH SCHOOL DISTRICT
STATE OF CALIFORNIA

In the Matter of the Reduction in Force of
Five Employees of the Julian Union High
School District.

OAH No. 2016031235

PROPOSED DECISION

Mary Agnes Matyszewski, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter in Blue Jay, California, on April 25, 2016.

Jack M. Sleeth, Artiano Shinoff & Holtz, represented Julian Union High School District.

Richa Amar, Staff Attorney, California Teachers Association, represented respondents Dale Fullerton, Sonja Kodimer, Tim White, Sheryl Wolfe,¹ and Craig Peirson. Each respondent is a certificated employee of the district.

Before the record closed, respondent Craig Peirson consented to his proposed assignment next year, the district rescinded his layoff notice, and the reduction in force filed against him was dismissed.

The matter was submitted on April 25, 2016.

FACTUAL FINDINGS

1. On February 23 2016, the Governing Board of the Julian Unified School District adopted Resolution No. 151614, reducing or eliminating certain certificated services and directing the Superintendent to issue appropriate notices to certificated employees whose positions would be affected by the action. The resolution stated:

WHEREAS, it will be necessary to retain certificated employees who possess special training or experience, which other

¹ Ms. Wolfe's first name was incorrectly spelled in the exhibits as having two "l's."

certificate employees with more seniority do not possess, to teach a specific course of study. The District has experienced difficulty hiring sufficient employees in science and special education. Consequently, the District has determined that it will retain certificated employees with special training and experience, which other employees with more seniority do not possess to teach sciences and special education;

¶...¶

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Julian Union High School District:

¶...¶

10. In no event may a more senior employee displace a less senior employee unless the more senior employee is both competent and credentialed for the entire assignment of the less senior employee.

Exhibit A attached to the resolution identified the particular kinds of services and full time equivalences (FTE) that were to be discontinued in the 2016-2017 school year. The Governing Board approved eliminating 2.84 FTEs.

2. The decision to reduce or discontinue a particular kind of service is a matter reserved to the district's discretion and is not subject to second-guessing in this proceeding. (*Rutherford v. Board of Trustees of Bellflower Unified School District* (1976) 64 Cal.App.3d 167.) A school district's decision to reduce a particular kind of service must not be fraudulent, arbitrary or capricious. (*San Jose Teachers Association v. Allen* (1983) 144 Cal. App. 3d 627, 637.)

3. Consistent with the board's resolution, David Schlottman, district Superintendent/Principal, reviewed the district's list of credentialed employees, sent documentation to all teachers requesting that they confirm their seniority dates and credentials, and notified the respondents that their services would not be required for the 2016-2017 school year. Out of an abundance of caution, the district issued layoff notices that exceeded the 2.84 FTEs approved by the board.

4. On March 23, 2016, Mr. Schlottman filed the pleadings in his official capacity. All prehearing jurisdictional requirements were met. The pleadings were amended at the hearing in this matter by interlineation at paragraph III, line 24, to delete "2008" and insert "2016."

Yvonne Fleet's Testimony

5. Yvonne Fleet, the district's Chief Business Officer, testified about the Multi-Year Projections Summary Report she prepared documenting that the reserves for the next two school years are projected to be negative. In its March 10, 2016, District Certification of Interim Report, the district certified that its financial condition was "negative." Ms. Fleet testified that this means the district is not going to meet its contractual obligations for the current year and the subsequent two years. She explained that the layoff allows the district to have more funding to meet its needs, and that the district hopes it will be qualified as "non-negative" after the layoff. She explained that if the district cannot reverse its negative certification, the state will take over the district, and do what it determines is necessary to restore the district to a positive certification status.

Ms. Fleet noted that the state does not have to comply with Education Code layoff requirements or union contracts when making decisions if it takes over. Ms. Fleet acknowledged that there have been other income-raising ideas discussed, including a parcel tax, but the district lacks the funds necessary to place a parcel tax on the ballot and there were concerns that a parcel tax lacked the two-thirds community support necessary for it to pass.

David Schlottman's Testimony

6. Mr. Schlottman testified that financial considerations were the reason for the district's layoff decision. The district is still considering fundraising ideas, including a parcel tax. Mr. Schlottman explained the process used to identify those teachers subject to layoff. Consistent with the governing board's resolution, he skipped two employees, the special education teacher and the STEM teacher,² a second year probationary employee whose first date of paid service was August 4, 2014.³

The STEM teacher holds a single subject teaching credential in foundational level general science authorizing him to teach introductory and general science, introductory life science, and introductory physical science in grades 12 and below, including preschool and classes organized primarily for adults and authorizes him to teach integrated science in grades preschool through eighth grade. The STEM teacher also holds a single subject teaching credential in mathematics, allowing him to teach math in grades 12 and below, including preschool and classes organized primarily for adults.

² STEM is the acronym for Science, Technology, Engineering and Math. For privacy reasons that individual will be referred to as "the STEM teacher" in this decision.

³ Under Education Code section 44845, a certificated employee's seniority begins with the date he or she "first rendered paid service in a probationary position."

The STEM teacher teaches biology, chemistry, physics, math 2 and math 3, and the syllabi from his courses were introduced. Mr. Schlottman explained that although the STEM teacher is not credentialed to teach biology, chemistry, or physics, he may consent to teach those courses pursuant to Education Code section 44865, subdivision (d), because Julian High School is a “small high school” as defined by Education Code section 42285, subdivision (a)(2)(B). The district believed it properly skipped the STEM teacher because of the district’s small high school designation. Mr. Schlottman explained that although Education Code section 44955, subdivision (b), mandates that “the services of 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 small school statute removes the credential/certificate issue, thereby placing the emphasis on the phrase “competent to render.” Mr. Schlottman testified that, although he had less seniority, the STEM teacher was more competent to teach the STEM course than respondents.

Mr. Schlottman also testified that the district posted two times for the STEM position, an advanced course of study, that is the “main channel” through which come “college level students,” those students who are taking classes to get into college. Mr. Schlottman stated that the posting for the STEM position went out to all the employees to review and no one wanted to take “that slew of classes” and he does not blame them because “it’s a lot to take on” as the STEM teacher teaches three science and two advanced math classes. Mr. Schlottman explained how important it is for the district to have someone teach those upper level courses, the difficulty the district had filling the STEM position, and that the STEM teacher is now in his second year of teaching that program, thereby acquiring experience in it. Mr. Schlottman added that the STEM teacher is the most qualified to teach the STEM program, that he is more qualified than any of the respondents, and that laying off the STEM teacher would jeopardize the district’s upper level instructional program for math and science. Mr. Schlottman also explained that reassigning either the math or the science part of the STEM teacher’s assignment to one of the respondents would result in the STEM teacher only working part time and would cause him to leave the district. Mr. Schlottman testified about the negative impact losing the STEM teacher would have on the students, parents, and community and that was a factor in Mr. Schlottman’s decision not to reassign any part of the STEM teacher’s courses. Mr. Schlottman testified that he believed the STEM teacher was the person who could best teach the STEM course and “maintain the confidence of our students and community.”

Mr. Schlottman testified that the special training the STEM teacher possesses involved his two years of successfully teaching the STEM program, but acknowledged those two years are the 2014-15 school year and the current the 2015-16 school year. The STEM teacher’s resume was introduced. Mr. Schlottman admitted the STEM teacher never taught biology, chemistry, or physics before teaching those subjects within the district and the STEM teacher does not have STEM certification from a university.

Mr. Schlottman stated that respondent Tim White has a single subject math credential in foundational math so he can “teach math 1 and 2, but maybe not math 3.” However, when

shown Mr. White's Commission on Teacher Credentialing (CTC) documentation, Mr. Schlottman admitted that Mr. White's credential authorized him to teach general mathematics, algebra, geometry, probability and statistics, and consumer mathematics in grades 12 and below, which would include math 2 and 3. Mr. Schlottman stated that he did not reassign the STEM teacher's math classes to Mr. White because Mr. White lacked experience teaching these classes, the STEM teacher has taught the classes, Mr. Schlottman observed the STEM teacher teaching the classes "many times," and the STEM teacher was "absolutely qualified" for the position. Mr. Schlottman did not believe there was anyone else in the district other than the STEM teacher who was qualified to teach the STEM course. Mr. Schlottman did not make the decision to lay off Mr. White lightly.

Mr. Schlottman testified respondent Sheryl Wolfe possessed a multi-subject teaching credential with supplementary authorizations in business and English language that authorized her to teach high school science and math with consent. However, he determined she was not qualified to teach those courses because she taught at Ray Redding, a continuation high school. Ray Redding is a school for students "who for one reason or another" cannot attend the regular high school. Ray Redding primarily serves non-college-bound students, unlike the STEM program which is designed for college-bound students. The district recently began using the Common Core approach, and Mr. Schlottman believed Ms. Wolfe's experience teaching science predated the Common Core, thereby rendering her less qualified to teach science than the STEM teacher. Ray Redding does not have the new science labs available at the high school for the STEM science courses, the Ray Redding labs are much different than those at the high school and, in fact, Mr. Schlottman did not believe that science labs were even offered at Ray Redding. Mr. Schlottman concluded Ms. Wolfe was not qualified to teach the STEM program.

Testimony of Respondent Dale Fullerton

7. Mr. Fullerton possesses a single subject credential in agriculture. His first date of paid service was February 22, 2005. Ms. Fullerton's certificates of compliance with No Child Left Behind teacher requirements for science established that he is highly qualified in science.

Mr. Fullerton is credentialed to teach biology and taught that program for three years before the STEM teacher arrived. When the STEM teacher was hired, Mr. Fullerton was not given the opportunity to take the biology classes back.⁴ Mr. Fullerton testified that he is highly qualified to teach biology and consented to teach that course in the past. Mr. Fullerton admitted that he is not qualified to teach physics or chemistry. Mr. Fullerton's agriculture courses are also approved pre-requisite courses for college and "have the same value" as the biology class taught by the STEM teacher. Mr. Fullerton testified that by providing the agriculture class, the district qualifies for funding not otherwise available to it, and that there are various grants currently available that the district will not receive or for

⁴ No evidence was offered indicating why Mr. Fullerton did not apply for the STEM teaching position.

which it cannot apply if he is laid off. Mr. Fullerton testified that the agriculture course is the one opportunity that “offers students outstanding leadership opportunities outside of school” and “ways to have a career and work towards a pathway that offers something not found anywhere else” on Julian High School’s campus.

Mr. Fullerton introduced a February 17, 2016, letter from Jack Havens, Consultant with the California Department of Education, advising Mr. Fullerton that his agriculture credentials qualify him to teach agricultural life science, agriculture biology and agriculture earth science that receive high school graduation credits for science, and agriculture economics course that receive high school graduation credits for economics. The letter discussed prior legislation intended to provide “an alternative method for meeting graduation requirements” and that Mr. Fullerton’s course “appears” to meet the spirit and intent of that legislation. The letter noted that the California Department of Education and the CTC⁵ “have determined that agriculture teachers possessing a single subject agriculture credential are highly qualified to teach an agriculture course that meet [sic] high school graduation credit.” Additionally, the letter noted that, “In order for the course to be eligible for [funds], it must be taught by an instructor who is properly credentialed in Agriculture.”

Testimony of Respondent Sheryl Wolfe

8. Ms. Wolfe holds a multiple subject credential with a supplemental authorization in business with an English language learner authorization. Her first date of paid service was August 27, 2001.

Ms. Wolfe’s certificates of compliance with No Child Left Behind teacher requirements for history, arts, economics, civics and government, science, mathematics, and English were introduced, demonstrating she is highly qualified in those subjects. The district superintendent required her to obtain those No Child Left Behind certifications. A March 2004 printout from the U.S. Department of Education entitled, “New No Child Left Behind Flexibility: Highly Qualified Teachers,” discussed the then-impending 2005-2006 deadline for ensuring that all teachers were highly qualified. The article reported that the “three new areas of flexibility for teachers to demonstrate that they are highly qualified” were rural teachers, science teachers, and current multi-subject teachers.

When Ms. Wolfe was initially hired, she taught on the high school campus; thereafter she started teaching at Ray Redding. When she started at Ray Redding, the state standards were not being taught, so part of her job was to create rubrics, classes and courses for the continuation high school. She has continued to update the continuation high school’s instructional program to ensure it complies with new requirements and Common Core. Throughout her 15 years with the district, she has taught courses at both Ray Redding and Julian High School, with one year only teaching at the latter. During that school year that she taught at the high school, the district could not find a teacher to teach the math courses and she agreed to teach those classes. At the end of that school year she was given a choice

⁵ Erroneously referred to as the California Credential Commissions in the letter.

and elected to return to Ray Redding because she thought she would be more effective there; in fact, she felt she was the most qualified teacher in the district to teach that program. Ms. Wolfe did not apply for the STEM job because her job “was not at risk” and it “seemed unimportant to apply, but hindsight is 20/20.”

Ms. Wolfe has taught the math courses currently being taught by the STEM teacher. Before the STEM teacher arrived, there were no experienced teachers who taught physics, chemistry or biology, and she believes the district erred in not offering her those STEM classes. She believes the district improperly skipped the STEM teacher. Ms. Wolfe disputed Mr. Schlottman’s testimony, stating that she has taught college-bound students at both Julian High School and Ray Redding and that one of her former Ray Redding students is a University of California, Davis graduate. Ms. Wolfe testified she is qualified to teach chemistry and taught chemistry at Ray Redding, but admitted she does not teach chemistry labs at that campus. She testified there was a physics lab and other labs on campus that were similar to those at Julian High School, although there are no microscopes at Ray Redding because she gave them back to Julian High School.

Testimony of Respondent Tim White

9. Mr. White possesses a single subject credential in foundational level math. His certificate of compliance with No Child Left Behind teacher requirements for mathematics established that he is highly qualified in mathematics. According to the district, his first day of paid service was August 8, 2007. While Mr. White did not challenge that seniority date when Mr. Schlottman circulated the employee list to all teachers, he challenged that date in this hearing.

Mr. White questioned the STEM teacher skip. Mr. White was not offered the same opportunity to teach science that the STEM teacher was offered. If Mr. White had been offered the STEM program, he “would gladly have taken on the challenge.” However, no testimony was offered as to why he did not apply for the STEM program when that position was posted twice. Mr. White testified that his credential authorizes him to teach the math courses that the STEM teacher teaches and he previously taught those courses in the district and at another high school. Mr. White helped develop the district’s math curriculum with his math group and with the County Office of Education’s math coordinator. Mr. White has been working with the County Office of Education to get college approval for the district’s math programs which include offering pre-calculus through math 3 and calculus. He stated that he was “disappointed that the district did not understand” that his credential allows him to teach math 2 and 3.

In addition to teaching, Mr. White is also the district’s athletic director. He believes his correct hiring date should be August 1, 2007, the date he reported for work to perform student athlete registration. Mr. White’s teaching assignment includes one period for his athletic director duties, thereby making twenty percent of his paycheck related to those duties. It is found that when he reported for work on August 1, 2007, he performed duties

for which he was paid. There was no evidence to the contrary. Mr. White's first date of paid service with the district was August 1, 2007.

Mr. White testified that this is a particularly difficult process for him because he was recruited and hired to return to teach at his alma mater, Julian High School. He testified about the significant impact the school had on his life, how his family grew up in this community, how he is raising his children in it, and that his wife is a special education teacher's assistant in the district. His goal in returning to the district was to rebuild the community after the devastating wildfire fires through math and athletics. He feels he has done great work but that there is still much to do. Mr. White also testified about his family's history in the district: his mother taught in the district for over 40 years, his parents were involved in extensive fundraising for the district, with one event alone raising more than \$200,000 for the district. He noted that he and his family remain active in the community.

Mr. White asserted his layoff would have a huge impact on the community. The school is in a budget crisis and he is the athletic director, a job he has held for nine years, and he was just re-elected as president of the Southern Conference of Athletic Directors where he oversees 16 athletic directors and their schools. Mr. White testified that eighty percent of the district's student body plays sports, with most students playing two or three sports. He testified that a recent survey indicated that the greatest thing students look forward to at school is athletics and he is fearful for the future of athletics in the district if he is laid off. Mr. White has also served as the principal's designee for seven years, he is the acting principal when the Mr. Schlottman is not available and he handles disciplinary and employment issues. Mr. White has never "asked for one penny" to perform those additional services. Mr. White said that Mr. Schlottman offered him "prep points for five years" for those services which, although gracious, also "felt like a backhanded slap in the face."

Testimony of Respondent Sonja Kodimer

10. Ms. Kodimer possesses a single subject credential in art with supplementary authorizations in introductory business and marketing/entrepreneurship and an English language learner authorization. Her first date of paid service was August 8, 2011.

Ms. Kodimer testified that she understood the technical process of the layoffs but questioned how the district could decide what classes highly qualified teachers and why the district gave so much needed credit to some courses and so little to art courses. It saddened her to see that on next year's master schedule a teacher who was not qualified in art had been assigned to teach the art courses and she questioned why her art class was something that could be "handed off to just anyone." Ms. Kodimer testified about the important role of art in students' lives. She felt that art education is disregarded in a process such as this one. Ms. Kodimer testified about all the wonderful experiences she has provided students, how art has exposed them to things they otherwise would not receive, how she created artists out of students, and the importance of art in this small school district because her class is likely the only time these students will ever be exposed to art or their only opportunity to participate in an art program.

While Ms. Kodimer's testimony was heartfelt and sincere, and she raised very valid concerns, the decision to reduce or discontinue a particular kind of service is matter reserved to the district's discretion and is not subject to second-guessing in this proceeding. (*Rutherford v. Board of Trustees of Bellflower Unified School District* (1976) 64 Cal.App.3d 167.) The evidence did not demonstrate that the district's decision to eliminate the art program was fraudulent, arbitrary or capricious. (*San Jose Teachers Association v. Allen* (1983) 144 Cal. App. 3d 627, 637.)

LEGAL CONCLUSIONS

1. Jurisdiction for this proceeding exists pursuant to Education Code sections 44949 and 44955, and all notices and other requirements of those sections were provided as required. In the absence of a statute to the contrary, the standard of proof is a preponderance of the evidence. (Evid. Code, § 115.)

2. A district may reduce services within the meaning of section 44955, subdivision (b), "either by determining that a certain type of service to students shall not, thereafter, be performed at all by anyone, or it may 'reduce services' by determining that proffered services shall be reduced in extent because fewer employees are made available to deal with the pupils involved." (*Rutherford v. Board of Trustees* (1976) 64 Cal.App.3d 167, 178-179.)

Skipping Code Sections and Case Law

3. Education Code section 44955, subdivisions (b) and (c), set forth a general rule requiring school districts to retain senior employees over more junior employees and to retain permanent employees over temporary employees. Education Code section 44955, subdivision (d) provides:

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.

(2) For purposes of maintaining or achieving compliance with constitutional requirements related to equal protection of the laws.

4. Because subdivision (b) of section 44955 mandates that “the services of 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,” junior employees may be given retention priority pursuant to section 44955, subdivision (d)(1), only if they possess special training and experience that their more senior counterparts lack. (*Alexander v. Board of Trustees* (1983) 139 Cal.App.3d 567, 571; *Moreland Teachers Assn. v. Kurze* (1980) 109 Cal.App.3d 648, 655.)

5. Junior teachers may be given retention priority over senior teachers only if the junior teachers possess superior skills or capabilities which their more senior counterparts lack. (*Santa Clara Federation of Teachers, Local 2393, v. Governing Board of Santa Clara Unified School District* (1981) 116 Cal.App.3d 831, 842-843.)

6. The seminal case for the retention of less senior employees, *Bledsoe v. Biggs Unified School District* (2008) 170 Cal.App.4th 127, requires a district to not only establish a specific need for personnel to teach a specific course of study, but to also establish that the certificated employee it proposes to retain has special training and experience necessary to teach that course or course of study or to provide those services. (*Id.* at p.138.) Prior administrative law decisions may be relied upon when making those determinations. (*Id.* at 137-142.)

7. The Education Code leaves to a school board’s discretion the determination of whether in addition to possessing seniority an employee is also “certificated and competent” to be employed in a vacant position. The term “competent” relates to an individual’s specific skills or qualifications including academic background, training, credentials, and experience, but it does not include evidence related to on-the-job performance. (*Forker v. Board of Trustees* (1984) 160 Cal.App.3d 13, 18-19.)

8. In addition to seniority, the only limitation in placing a teacher in a vacant position is that the teacher selected be “certificated and competent” to render the service required by the vacant position. Among employees who meet this threshold limitation, there is no room in the statutory scheme for comparative evaluation. (*Martin v. Kentfield School Dist.* (1983) 35 Cal.3d 294, 299.)

9. An employee holding a special credential or needed skill, if such credentials or competence are not shared by a more senior employee, may be retained even though it results in termination of a senior employee. (*Moreland Teachers Assn. v. Kurze* (1980) 109 Cal.App.3d 648, 655.)

Evaluation of the Skipping Issue

10. The well-established rule is that a junior teacher cannot be retained to teach classes a senior teacher is “certificated and competent” to teach. However, the small school exception throws an interesting monkey wrench in the layoff process because consenting

teachers are permitted to teach courses for which they are not credentialed. Thus, come layoff time there may very well be senior teachers noticed for layoff who are credentialed to teach the classes the junior teacher consented to teach. In those circumstances, the case law is silent on what to do.

It would be easy to simply conclude that nothing in the small school statutes allows the district to deviate from the well-established layoff procedures set forth in the Education Code and the case law. However, the small school statutes were enacted to assist rural communities who have difficulty hiring properly credentialed teachers, as is the case in this matter. Since credentialing in small schools becomes a “non-issue,” the focus shifts to competence. Thus, the prime issue here is whether the STEM teacher is more competent than the senior teachers slated for layoff. When evaluating the teachers’ respective competence, their specific skills or qualifications including academic background, training, credentials, and experience, may be considered, but not evidence regarding classroom performance. Only if the STEM teacher possesses credentials or competence not shared by the more senior respondents, can he be retained. Testimony that the STEM teacher is doing a great job cannot be considered. Also, concern that the teacher may leave the district is also not a factor relevant to a teacher’s competence.

The STEM teacher (2014) is a second year probationary employee who holds a single subject teaching credential in foundational level general science and a single subject teaching credential in mathematics.

In order of seniority, Ms. Wolfe (2001) holds a multiple subject credential and is highly qualified in history, arts, economics, civics and government, science, mathematics, and English. Ms. Wolfe has taught at Julian High School, obtained certification in seven subjects, an extremely impressive feat, teaches using Common Core rubrics, and has taught college bound students. The issue of having labs seemed due to the fact that labs are not available at Ray Redding, and not that she is incapable of teaching courses that use labs. As compared to the STEM teacher, the evidence did not establish that he was more competent to teach the STEM program than Ms. Wolfe. Thus, skipping him and noticing her for layoff was improper.

Mr. Fullerton (2005) possesses a single subject credential in agriculture and is highly qualified in science. Mr. Fullerton is highly qualified to teach biology, consented to teach that course in the past, but is not qualified to teach physics or chemistry. Thus, the evidence did not establish he is more competent to teach the STEM science courses than the STEM teacher, making the skip of the STEM teacher and providing a layoff notice to Mr. Fullerton neither arbitrary nor capricious.

Mr. White (2007) possesses a single subject credential in foundational level math, is highly qualified in mathematics, and previously taught the course. Mr. White worked with the County Office of Education to develop math curricula. The evidence did not establish the STEM teacher was more competent than Mr. White to teach math. Thus, skipping the STEM teacher for math purposes and noticing Mr. White for layoff was improper. But that

does not end the analysis, because Ms. Wolfe is senior to Mr. White, and she is competent to teach the entire STEM program. She must be retained over Mr. White by reason of her seniority and competence.

Final Layoff Notice

11. The services identified in Resolution 151614 are particular kinds of services that may be reduced or discontinued within the meaning of Education Code section 44955. The reduction and discontinuation of services was related to the welfare of the district and its pupils, and it became necessary to decrease the number of certificated employees as determined by the governing board.

The resolution to skip the STEM teacher was arbitrary and capricious because there were more senior teachers in the district who were credentialed and competent to perform that service. Based upon the evidence presented, cause exists pursuant to Education Code section 44955 to give notice to those respondents listed below that their services will not be required for the 2016-2017 school year and to rescind the notices of other respondents consistent with this decision.

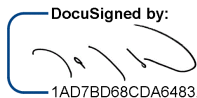
RECOMMENDATIONS

It is recommended that respondent Tim White's first date of paid service be changed from August 7, 2007, to August 1, 2007.

It is recommended that before May 15, 2016, the Governing Board give notice to respondents Dale Fullerton, Sonja Kodimer, and Tim White that their employment will be terminated at the close of the current school year and that their services will not be needed for the 2016-2017 school year.

It is recommended that the layoff notice issued to Sheryl Wolfe be rescinded.

DATED: May 6, 2016

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MARY AGNES MATYSZEWSKI
Administrative Law Judge
Office of Administrative Hearings