

BEFORE THE  
GOVERNING BOARD  
WALNUT VALLEY UNIFIED SCHOOL DISTRICT  
COUNTY OF LOS ANGELES  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Paul Anthony Acosta, and other Certificated  
Employees of the Walnut Valley Unified  
School District,

Respondents.

OAH Case No. 2010030595

**PROPOSED DECISION**

Nancy Beezy Micon, Administrative Law Judge, Office of Administrative Hearings, heard this matter on April 29, 2010, in Walnut, California.

Atkinson, Andelson, Loya, Ruud & Romo, by Mark W. Thompson, Attorney at Law, represented Bryan Cole (Cole), Assistant Superintendent, Human Resources Director, Walnut Valley Unified School District (District).

Schwartz, Steinsapir, Dohrmann & Sommers, by Henry M. Willis, Attorney at Law, represented Jeffrey A. Blackstone, Irene Carter, Susan D. Chang, Crystal Dira, Laurie Eyestone, Jamie Highstreet, Jill Igarashi, Linda Kim, Christopher Ko, Bonnie P. Manuel, Kimberly McNeil, Sarah Sherman, Victoria Silcock, Valeria Suarez-Moya, Jennifer Galang Veneracion, Susan Marie Willmering, and Jana Young, collectively referred to as Respondents.

California Teachers Association, by Susana Salas, Regional Uniserv Staff, Ontario Regional Resource Center, represented Respondent Natalie Lawrence, who received a precautionary layoff notice.

The District has decided to reduce or discontinue certain educational services and has given Respondents notice of its intent not to reemploy them for the 2010-2011 school year. Respondents requested a hearing for a determination of whether cause exists for not reemploying them for the 2010-2011 school year.

Prior to the start of the hearing, the District rescinded its notices of non-reemployment issued to, and dismissed the Accusation as it pertains to, Respondents Paul Anthony Acosta, Glenda Baker, Patricia Joan Breitag, Joshua Cameron, Jennifer Carr, Daniel C. Chan, Connie

Chen, Gretchen Chung, Kimberly Dalton, Trina Marie Dreyer, Shelly Euckert, Miki Evangelista, Kathryn M. Frick, Trinidad Garcia, Mary Thibodeaux Gaxiola, Cindy Giang, Karen A. Hardin, Kasumi Hoard, Laura Ise, Sally Sonhwa Kim, Vera Korneff, Jennifer La Certe, Jessica Lee, Amy Elizabeth Leinen, Ryan Maine, Kylance J. Malveaux, Jill Courtney Marquez, John A. Martin, Darcy Faye Milam, William Monte, Norma Morales, Kelly C. Morris, Jeffrey Nicoll, Tara Noelte, Kary Marie Penzes-Alfaro, Lawrence Joseph Pinto, Kelli Seawright, Wendy Simpson, Jonathan A. St Amant, Margaret Ann Strand, Susan Tang, Brandy Thomas, Keith R. Thompson, Kenneth Neil Weeks, Lisa Welch, Michelle Yim, and Therapi Zaw-Kaplan.

Evidence was received at the hearing by way of stipulation, testimony and documents. The matter was submitted for decision at the close of the hearing on April 29, 2010.

### FACTUAL FINDINGS

1. Assistant Superintendent Cole filed the Accusation in his official capacity as the duly appointed designee of the District's Superintendent.
2. Respondents are certificated employees of the District.
3. On March 3, 2010, the Governing Board of the District (Governing Board) adopted Resolution Number 10-10, reducing or discontinuing the following services for the 2010-2011 school year:

<u>Service</u>	<u>FTE<sup>1</sup> Reduction</u>
<u>Elementary School:</u>	
Elementary k-5 teaching	45.7
Independent Studies k-8 teaching	1.0
Elementary Music teaching	3.0
Elementary Physical Education teaching	4.0
Pre-Kindergarten Teaching	1.0
<u>Middle and High School:</u>	
Special Education teaching	1.0
Independent Studies 9-12 teaching	2.0
Math teaching	3.4
Social Science teaching	4.8
Science teaching	2.0
English teaching	3.0

---

<sup>1</sup> Full-time equivalent position.

Physical Education teaching	1.6
Art teaching	2.0
Designed Based Learning teaching	4.0
Student Staff Resource Advisor	3.0
Computer teaching	0.2
Alt. Ed. Photo teaching	0.6
Athletic Director – Walnut High	0.2
Athletic Director – Diamond Bar High	0.2
I.B. Coordinator – Walnut High	0.2
I.B. Coordinator – Diamond Bar High	0.2
Alt. Ed. Physical Education teaching	0.4

Educational Services:

Psychologist	1.0
Full-time permanent teacher providing substitute teaching	1.0
Adapted Physical Education teaching	0.2
Elementary Teacher Technology Support	1.5

Administrative Services:

Instructional Dean	2.0
Alternative Education Principal	<u>1.0</u>

Total	90.2
-------	------

4. On March 8, 2010, District Superintendent Cynthia S. Simms, Ph.D. (Simms) provided written notice to the Governing Board and to Respondents that she recommended the termination of Respondents' services for the 2010-2011 school year due to the reduction of particular kinds of services.

5. Between March 8 and March 12, 2010, the District provided notice to Respondents that their services will not be required for the 2010-2011 school year due to the reduction of particular kinds of services. Respondents filed timely requests for hearing.

6. The District timely filed and served the Accusation and other required documents on Respondents. Respondents thereafter timely filed Notices of Defense, seeking a determination of whether cause exists for not reemploying them for the 2010-2011 school year.

7. All prehearing jurisdictional requirements have been met.

///

8. The services set forth in factual finding number 3 are particular kinds of services

which may be reduced or discontinued within the meaning of Education Code section 44955.<sup>2</sup>

9. The Governing Board took action to reduce the services set forth in factual finding number 3 because of an anticipated decline in State funding. The decision to reduce or discontinue the particular kinds of services is neither arbitrary nor capricious but is rather a proper exercise of the District's discretion.

10. The reduction of services set forth in factual finding number 3, given the anticipated reduction in State funding, is related to the welfare of the District and its students, and it has become necessary to decrease the number of certificated employees as determined by the Governing Board. The reduction or elimination of the FTE positions will not reduce services below mandated levels.

11. The Governing Board considered all known attrition, resignations, retirements and requests for transfer in determining the actual number of necessary layoff notices to be delivered to its employees.

12. The District maintains a Seniority List which contains employees' seniority dates, current assignments, probationary or tenured status, and credential and certificate information.

13. The District used the Seniority List with seniority dates to develop a proposed layoff list of the least senior employees currently assigned in the various services being reduced. The District also considered each teacher's credentials and certifications. The District determined that nobody less senior than Respondents was being retained to render services Respondents are certificated and competent to render.

14. On March 3, 2010, the Governing Board set forth in Resolution Number 10-11 criteria for determining the relative seniority of certificated employees who first rendered paid service on the same date. It provided that the order of termination shall be based solely on the needs of the District and its students. The criteria are reasonable as they relate to the skills and qualifications of certificated employees.

*Respondents Susan Chang and Jill Igarashi*

15. Respondent Susan Chang (Chang) is an elementary classroom teacher (0.5 FTE). She disputes her seniority date of August 22, 2006. She was first employed by the District during the 2005-2006 school year as a temporary teacher. She acknowledges that she signed a temporary contract for the 2005-2006 school year. Chang returned to teach for the District

---

<sup>2</sup> All further statutory references are to the Education Code.

during the 2006-2007 school year. She acknowledges that she again signed a temporary contract. Chang was hired by District as a probationary employee for the 2007-2008 school year and has since continued to teach for the District without a break in service.

16. Respondent Jill Igarashi (Igarashi) is an elementary classroom teacher (0.2 FTE) currently assigned to teach second grade. She disputes her seniority date of August 22, 2006. Igarashi was first employed by the District in 2004 as a substitute teacher on an on-call status. She returned to the District during the 2005-2006 school year as a temporary teacher. She acknowledges that she signed a contract to work for the District as a temporary employee. She continued teaching for the District during the 2006-2007 school year as a temporary teacher under a written temporary employment contract. Igarashi was hired by District as a probationary employee for the 2007-2008 school year. She has continued to teach for the District without a break in service.

17. On January 15, 2010, both Chang and Igarashi signed a form verifying their personnel information, which included verification of the August 22, 2006 date as the date of their first paid service in a probationary position in the District. Respondents Chang and Igarashi also participated as Respondents in the reduction in force proceedings that took place in 2009. In the 2009 proceeding, Respondents Chang and Igarashi were also assigned the seniority date of August 22, 2006. Respondents Chang and Igarashi did not challenge their seniority dates during the 2009 action.

*Respondents Valeria Suarez-Moya and Natalie Lawrence*

18. Respondent Valeria Suarez-Moya (Suarez-Moya) testified that she can teach the courses that Natalie Lawrence (Lawrence), a less senior employee, was retained to teach. Lawrence holds a multiple subject credential with a bilingual, cross-cultural, language and academic development (BCLAD) certificate. Lawrence teaches elementary school Spanish. Lawrence has an education code authorization, which authorizes her to teach the Spanish course. Although Respondent Suarez-Moya has taken courses in Spanish, her credential only authorizes her to teach elementary school. Therefore, she is not certificated to teach Lawrence's assignment.

*Respondent Jeffrey A. Blackstone*

19. a. Judy L. Brunelle (Brunelle), who has a seniority date of August 27, 1996, provides services teaching elementary music. Her position is one of the three being eliminated due to the reduction in elementary music teaching services. Brunelle holds a standard life elementary credential with authorization to teach music from kindergarten through ninth grade. Brunelle is "highly qualified" to teach music under the No Child Left Behind Act. She contends, however, that she is not qualified to teach classes in band or orchestration.

b. The District determined that Brunelle is certificated and competent to render the services performed by Respondent Jeffrey A. Blackstone (Blackstone), a middle school music teacher whose assignment includes teaching band. The District determined Blackstone was the least senior employee that held a position that Brunelle was certificated and competent to render. Brunelle was therefore not served with a layoff notice.

c. Brunelle testified at the hearing in support of the retention of Respondent Blackstone. Brunelle believe she is not qualified to teach band. Brunelle received a Bachelor of Arts degree in 1967 with a focus on piano and choral. She received a Master's Degree in Education in 2006. Brunelle has taught at the elementary school level for the past approximately 11 years. She teaches at nine elementary school campuses, working with elementary school students in choral music, music appreciation, and general music studies. Brunelle has no education in band, has never taught a course in band, does not play any of the band instruments, and cannot read a band score. Brunelle informed the District she is not comfortable teaching band.

d. Respondent Blackstone, who has a seniority date of August 21, 2007, holds a single subject (music) credential. He is "highly qualified" in music under the No Child Left Behind Act. There is no dispute that Blackstone is exceptionally qualified to teach in his assignment. He holds a Master's degree in music from the University of Southern California (USC), with a focus on trumpet performance and brass pedagogy, and is on track to receive his doctorate degree from USC in August, 2010. Blackstone has 15 years of experience as a professional musician (trumpet). He is the brass and wind coach as well as a substitute conductor for the Los Angeles Youth Orchestra. He can demonstrate all instruments used in a performing band, including string instruments. He has taught conducting at the college level. Blackstone's current teaching assignment for the District includes one period of teaching choir, one period of teaching an enrichment "wheel" (beginning brass and band instruments), and three periods of teaching band.

e. The District has not yet finalized its schedule for music teaching assignments at the middle school level. There are four middle school music teacher positions remaining after the FTE reductions.

20. In making the determination to "bump" Respondent Blackstone, the District applied the legal competence standard adopted by the Board in Resolution Number 10-10, as follows:

That "competency" as described in Education Code section 44955(b) for the purposes of bumping shall necessarily include (1) possession of a valid credential in the relevant subject matter area, (2) "highly qualified" status under the No Child Left Behind Act, (3) an appropriate EL authorization (if required by the position), and (4) for the TOSA [teacher on special

assignment] ELD Program Specialist position, the training and experience related to that position, including at least one year of District experience within the last five years.

21. The District did not retain any certificated employee junior to any Respondent to render a service which any Respondent is certificated and competent to render.

### LEGAL CONCLUSIONS

1. Jurisdiction for the subject proceeding exists pursuant to sections 44949 and 44955, by reason of factual finding numbers 1 through 7.

2. The services listed in factual finding number 3 are determined to be particular kinds of services within the meaning of section 44955, by reason of factual finding numbers 3 and 8.

3. Cause exists under sections 44949 and 44955 for the reduction of the particular kinds of services set forth in factual finding number 3, which cause relates solely to the welfare of the District's schools and students, by reason of factual finding numbers 1 through 21.

4. The Education Code (Code) permits certificated employees to be classified in one of four ways: permanent, probationary, substitute, or temporary. (*Kavanaugh v. West Sonoma County Union High School District* (2003) 29 Cal.4th 911, 916 (*Kavanaugh*).) A certificated employee is classified as permanent, i.e., acquires tenure, if, after having been employed for two complete successive school years in a position requiring certification qualifications, he or she is reelected for the following year. (§ 44929.21, subd. (b); *Bakersfield Elementary Teachers Association v. Bakersfield City School District* (2006) 145 Cal.App.4th 1260, 1278-1279 (*Bakersfield*).) Probationary employees are “those persons employed in positions requiring certification qualifications for the school year, who have not been classified as permanent employees or as substitute employees.” (§ 44915.) “[S]ection 44915 has been understood to make probationary status the default classification for certificated employees who are not otherwise required by the Code to be classified as permanent, substitute, or temporary employees. [Citations].” (*Bakersfield, supra*, 145 Cal.App.4th at p. 1281.) Substitutes are “those persons employed in positions requiring certification qualifications, to fill positions of regularly employed persons absent from service. . . .” (§ 44917.) Temporary employees are those requiring certification qualifications, other than substitute employees, who are employed for limited assignments, as defined in the Code. (*California Teachers Association v. Vallejo City Unified School District* (2007) 149 Cal.App.4th 135, 146 (*Vallejo*).)

Employment as a substitute or other temporary status may become employment in a probationary capacity in some circumstances. “A year of employment as a temporary teacher may, in some cases, be treated as a year of probationary service for purposes of attaining

permanent status if the employee is rehired for the following year ‘as a probationary employee in a position requiring certification qualifications’ (§ 44909); ‘in a position requiring certification qualifications’ (§ 44917); ‘as a probationary employee’ (§ 44918); or ‘in a vacant position requiring certification qualifications’ (§ 44920). . . .” (*Bakersfield, supra*, 145 Cal.App.4th at p. 1279, fn 11.)

Section 44918, subdivision (a), provides: “Any employee classified as a substitute or temporary employee, who serves during one school year for at least 75 percent of the number of days the regular schools of the district were maintained in that school year and has performed the duties normally required of a certificated employee of the school district, shall be deemed to have served a complete school year as a probationary employee if employed as a probationary employee for the following year.” Section 44918, subdivision (d), provides an exception to the rule, as follows: “Those employees classified as substitutes, and who are employed to serve in an on-call status to replace absent regular employees on a day-to-day basis shall not be entitled to the benefits of this section.”

In the case of Respondents Susan Chang and Jill Igarashi, the District established that they were serving as temporary employees for both the 2005-2006 school year and the 2006-2007 school year. They were informed in writing of their temporary status. Respondents Chang and Igarashi were hired as probationary employees during the 2007-2008 school year and given a seniority date, pursuant to section 44918, subdivision (a), of August 22, 2006, which provided seniority credit for the preceding year of temporary employment. Respondents Chang and Igarashi did not present evidence to refute their temporary status during the 2005-2006 and the 2006-2007 school years. The seniority date for Respondents Chang and Igarashi was correctly determined to be August 22, 2006, as set forth in factual finding numbers 15, 16, and 17.

In reaching this decision, the District’s argument that Chang and Igarashi were precluded from raising the issue under the legal doctrine of collateral estoppel is rejected. In order to establish collateral estoppel, several threshold requirements must be met. First, the issue sought to be precluded from litigation must be identical to that decided in a former proceeding. Second, this issue must have been actually litigated in the earlier action. Third, it must have been necessarily decided in the earlier action. Fourth, the decision in the former proceeding must be final and on the merits. Finally, the party against whom preclusion is sought must be the same as, or in privity with, the party to the former proceeding. (See, *Zapata v. Department of Motor Vehicles* (1991) 2 Cal.App.4th 108, 112.) Chang and Igarashi did not litigate the issue in the 2009 proceeding. No decision was therefore made in that proceeding on the issue of the validity of their seniority date. Chang and Igarashi were not estopped from raising the issue in this proceeding. They failed, however, to present convincing evidence to establish an error in the assignment of their seniority dates.

5. Section 44955, subdivision (c), provides, in pertinent part: “[t]he governing board



shall make assignments and reassignments in such manner that employees shall be retained to render any service which their seniority and qualifications entitle them to render.” Section 44955, subdivision (b), provides, in pertinent part: “[t]he services of no permanent employee may be terminated under the provisions of this section 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.” (Emphasis added.) “Certificated” is defined by the provisions of the Education Code pertaining to credentials, but “competent” is not specifically defined. In *Forker v. Board of Trustees* (1994) 160 Cal.App.3d 13, 19, the Court defined the term in a reemployment proceeding under section 44956, in terms of the teachers’ skills and qualifications, specifically, as “relating to special qualifications for a vacant position, rather than relating to the on-the-job performance of the laid-off permanent employee.” In doing so, the Court noted that courts in reduction in force cases, namely *Brough v. Governing Board* (1981) 118 Cal.App.3d 702, 714-15, and *Moreland Teachers Association v. Kurze* (1980) 109 Cal.App.3d 648, 654-55, had interpreted the term in a similar manner.

Sections 44949 and 44955 set forth the process through which certificated employees may be laid off following reduction or discontinuation of particular kinds of services. The statutes embody a legislative choice for seniority-based layoffs, subject to specific limitations set forth in the statutes. Section 44955 plainly requires examination of both certification and competence in reduction in force decisions.

The District established that Respondent Valeria Suarez-Moya, an elementary school teacher with a seniority date of August 22, 2006, whose position is being eliminated, is not certificated to render the services currently being rendered by Respondent Natalie Lawrence, an elementary Spanish teacher with a seniority date of August 21, 2007. Lawrence holds an education code authorization which authorizes her to teach elementary Spanish. Suarez-Moya does not possess such a credential or authorization. Respondent Lawrence may therefore be retained to render this service, which was not eliminated as part of the reduction in services.

Unlike Suarez-Moya, witness Judy Brunelle (Brunelle), an elementary school music teacher with a seniority date of August 27, 1996, whose position was eliminated, is both certificated and competent to render the services of Jeffrey Blackstone, a middle school music teacher with a seniority date of August 21, 2007, whose position was not eliminated. Brunelle was therefore retained to render the middle school music teaching services.

Brunelle, who was not served with a layoff notice, contends she is not qualified to teach the band courses currently assigned to Blackstone. Blackstone would like to be retained for this assignment. There is no dispute that Blackstone is eminently qualified for the music teaching position he holds. A senior teacher, however, has a right to have a competency determination focused on his or her specific training and experience as they relate to the duties of a

position.<sup>3</sup> A school district may not, in the guise of determining whether a teacher is competent, promote some policy that is not focused on that question.

If a senior teacher is competent, that is the end of the inquiry, and a district may not change the focus of the inquiry in order to pursue a policy of retaining the *most* competent teacher. In *Martin v. Kentfield School District* (1983) 35 Cal.3d 294, a former elementary school teacher who had been terminated pursuant to Code sections 44949 and 44955 asserted the teacher's preferred right of reappointment pursuant to Code section 44956. The Court observed that employers have adopted a broad spectrum of policies regarding the weight to be given to seniority in making personnel decisions. The Court said, however, that the California Legislature has clearly articulated the preferred right of reappointment of teachers on lay-off status.

[T]he Legislature has made seniority the *sole* determinant as to which tenured teachers on lay-off status should be appointed to a vacant position. The only limitation is that the teacher selected be "certificated and competent" to render the service required by the vacant position. *Among the employees who met this threshold limitation, there is not room in the statutory scheme for comparative evaluation. Thus, . . . which of the two employees under consideration . . . was "better" qualified for the job is not the question* here, nor was it properly the question before the board. The question for the board's determination was simply whether Martin, the senior tenured teacher on layoff status, was "certificated and competent" to render the required service.

Such determinations, it has been held, involve "discretionary decisions" which are within the "special competence" of the school districts.<sup>4</sup> (Italics added.)

Brunelle holds a credential which authorizes her to teach music at the middle school level. She has the knowledge and experience necessary to teach music. She has

---

<sup>3</sup> In *King v. Berkeley Unified School District* (1979) 89 Cal.App.3d 1016, 1019, note 2, the Court of Appeal noted the trial court's conclusions of law – one of which was that competence has to do with "the correlation between [a teacher's] specific training and experience and the duties of the available position."

<sup>4</sup> *Id.* at p. 299.

approximately 11 years of music teaching experience in the District with a demonstrated expertise in choral music. There are four music teaching positions remaining at the middle school level. The District established that it has not yet finalized its schedule concerning which middle school music teachers will be teaching which courses. Brunelle is competent in terms of her certificated-based and experience-based criteria to establish competence for teaching music at the middle school level. Respondent Blackstone, a middle school music teacher, is the least senior employee who holds a position that Brunelle is certificated and competent to teach. Section 44955 plainly requires the District to examine both certification and competence in reduction in force decisions. It was not unreasonable for the District, in exercising its discretion, to decide to retain Brunelle to render the services of a middle school music teacher.

In reaching this outcome, it was not necessary to address the District's "competency" resolution factors, which were not determinative in the cases at issue here.

6. Cause exists to terminate the services of Respondents Jeffrey A. Blackstone, Irene Carter, Susan D. Chang, Crystal Dira, Laurie Eyestone, Jamie Highstreet, Jill Igarashi, Linda Kim, Christopher Ko, Bonnie P. Manuel, Kimberly McNeil, Sarah Sherman, Victoria Silcock, Valeria Suarez-Moya, Jennifer Galang Veneracion, Susan Marie Willmering, and Jana Young, by reason of factual finding numbers 1 through 21, and legal conclusion numbers 1 through 5.

7. Cause does not exist to terminate the services of Respondents Paul Anthony Acosta, Glenda Baker, Patricia Joan Breitag, Joshua Cameron, Jennifer Carr, Daniel C. Chan, Connie Chen, Gretchen Chung, Kimberly Dalton, Trina Marie Dreyer, Shelly Euckert, Miki Evangelista, Kathryn M. Frick, Trinidad Garcia, Mary Thibodeaux Gaxiola, Cindy Giang, Karen A. Hardin, Kasumi Hoard, Laura Ise, Sally Sonhwa Kim, Vera Korneff, Jennifer La Certe, Natalie Lawrence, Jessica Lee, Amy Elizabeth Leinen, Ryan Maine, Kylance J. Malveaux, Jill Courtney Marquez, John A. Martin, Darcy Faye Milam, William Monte, Norma Morales, Kelly C. Morris, Jeffrey Nicoll, Tara Noelte, Kary Marie Penzes-Alfaro, Lawrence Joseph Pinto, Kelli Seawright, Wendy Simpson, Jonathan A. St Amant, Margaret Ann Strand, Susan Tang, Brandy Thomas, Keith R. Thompson, Kenneth Neil Weeks, Lisa Welch, Michelle Yim, and Therapi Zaw-Kaplan, by reason of factual finding numbers 1 through 21, and legal conclusion numbers 1 through 5.

### RECOMMENDATION

1. It is recommended that the Accusation be dismissed as to Respondents Paul Anthony Acosta, Glenda Baker, Patricia Joan Breitag, Joshua Cameron, Jennifer Carr, Daniel C. Chan, Connie Chen, Gretchen Chung, Kimberly Dalton, Trina Marie Dreyer, Shelly Euckert, Miki Evangelista, Kathryn M. Frick, Trinidad Garcia, Mary Thibodeaux Gaxiola, Cindy Giang, Karen A. Hardin, Kasumi Hoard, Laura Ise, Sally Sonhwa Kim, Vera Korneff, Jennifer La Certe, Natalie Lawrence, Jessica Lee, Amy Elizabeth Leinen, Ryan Maine, Kylance J. Malveaux, Jill Courtney Marquez, John A. Martin, Darcy Faye Milam, William Monte, Norma

Morales, Kelly C. Morris, Jeffrey Nicoll, Tara Noelte, Kary Marie Penzes-Alfaro, Lawrence Joseph Pinto, Kelli Seawright, Wendy Simpson, Jonathan A. St Amant, Margaret Ann Strand, Susan Tang, Brandy Thomas, Keith R. Thompson, Kenneth Neil Weeks, Lisa Welch, Michelle Yim, and Therapi Zaw-Kaplan.

2. It is recommended that the Accusation be sustained, and the District may notify Respondents Jeffrey A. Blackstone, Irene Carter, Susan D. Chang, Crystal Dira, Laurie Eyestone, Jamie Highstreet, Jill Igarashi, Linda Kim, Christopher Ko, Bonnie P. Manuel, Kimberly McNeil, Sarah Sherman, Victoria Silcock, Valeria Suarez-Moya, Jennifer Galang Veneracion, Susan Marie Willmering, and Jana Young that their services will not be needed during the 2010-2011 school year, due to the reduction of particular kinds of services.

DATED: May 6, 2010

---

Nancy Beezy Micon  
Administrative Law Judge  
Office of Administrative Hearings