

BEFORE THE
GOVERNING BOARD OF THE
ARCATA SCHOOL DISTRICT

In the Matter of the Accusation Against:

WENDY BRANCA, CHRISTINE GOODIN,
JASON PAYTAS, AMY HUBBARD,

Respondents.

OAH No. N2007030985

PROPOSED DECISION

On April 19, 2007, in Eureka, California, within the facilities of the Humboldt County Office of Education at 901 Myrtle Avenue, Eureka, California, Perry O. Johnson, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter.

Stephen L. Hartsell, Attorney at Law of School and College Legal Services of California, 901 Myrtle Avenue, Eureka, California 95501-1219, represented Superintendent Douglas White.

Paul Hagan, Attorney at Law of Bragg, Perlman, Russ, Stunich, Rudolph & Eads LLP, 434 Seventh Street, P. O. Box 1248, Eureka, California 95502-1248, represented respondents Wendy Branca, Christine Goodin, Jason Paytas, and Amy Hubbard.

On April 19, 2007, the parties submitted the matter and the record closed.

FACTUAL FINDINGS

1. On April 6, 2007, in his official capacity, Douglas White, Superintendent (the Superintendent), Arcata School District (the District), made and filed the Accusation regarding Respondents Wendy Branca, Christine Goodin, Jason Paytas, and Amy Hubbard (respondents).

2. Respondents are fully credentialed and certificated employees of the District. The District extends designation to each respondent as a permanent teacher.

3. On February 12, 2007, the Superintendent presented the District's Board of Trustees a recommendation that the District give notice that particular kinds of services (PKS), then offered through the District, be reduced or eliminated by the District for the ensuing school year (2007-2008).

4. On February 12, 2007, the District's Governing Board unanimously adopted Resolution No. 06/07-7.

The resolution recites that, pursuant to Education Code sections 44949 and 44955, it has become necessary for the District to reduce and/or to eliminate, no later than the beginning of the 2007-2008 school year, particular kinds of services in the form of full time equivalent (FTE) certificated positions as follows:

4.0 FTE Certificated Teacher positions.

5. By individual letters, dated March 8, 2007, the District's Superintendent dispatched preliminary notices to a number of FTE position holders, including each respondent, that the District's Board of Trustees had an intention to reduce or to eliminate the particular kinds of service provided by each person who received the notice. Hence, due to the prospective elimination or reduction of the particular kinds of service now rendered to the District, each of the respondents learned the District would not reemploy the named individuals in the certificated positions each had worked in over the past school year.

Also the letter, dated March 8, 2007, which had attached to it the Board's resolution and other pertinent documents, conveyed to each respondent that no certificated employee of the District having less seniority than each respective respondent would be retained for the 2007-2008 school year to render a service that each respondent was credentialed and competent to render to students under the District's competency criteria.

6. The written preliminary notice to Respondents from the Superintendent and the Governing Board's resolution set out legally sufficient reasons of the District's Board's intent to eliminate the particular kinds of services provided by respondents.

7. Respondents each timely requested in writing a hearing to determine whether or not cause exists for not reemploying each respondent for the ensuing school year.

8. The Superintendent timely served upon each respondent the Accusation, dated April 6, 2007, and related documents. Each respondent filed timely notices of defense.

9. All pre-hearing jurisdictional requirements were met.

10. Douglas White, in his capacity as the Superintendent, appeared at the hearing. He provided credible and persuasive evidence.

The prospective elimination of particular kinds of services for the 2007-2008 school year directly results from a prospective shortfall in money for the District's budget. Also, the prospective elimination of particular kinds of service is due to the declining pupil census for the District for the ensuing school year. (The declining enrollment is reflected in a drop of over 100 pupils in the District over the past year.) In order to partially aid the District in crafting a reasonable budget for the ensuing school year, the District's Superintendent recommended that certain certificated positions be eliminated due to lack of funds as well as lack of teachers' work within District schools. However, none of the eliminated positions involve teachers who offer mandated services.

11. The Superintendent further established that on learning that the District was required to initiate layoff proceedings for teacher employees of the District, the Superintendent, with his staff, took reasonable and lawful steps to develop the District's seniority list for the District's teachers.

The Superintendent accurately attended to identifying the District's teachers who were properly designated as District teachers. He studied and set forth on the District's seniority list dates calculated as the hire dates or first date of paid service for each teacher of the District.

On March 8, 2007, the Superintendent caused to be delivered to teachers, who were affected by the Board's resolution, notices to affected permanent and probationary teachers that their services would not be needed by the District for the next school year.

12. The Superintendent identified that for the ensuing year District will retain Ms. Gahm as a speech therapist, although she is the most junior certificated employee with the District and is now in a probation-one status because of her first day of paid service is August 29, 2006. The District has a need for the services of a speech therapist, and none of the respondents possess the education, training or credential to provide speech therapist services. Ms. Gahm has a credential that is characterized as "Language, Speech and Hearing." The Superintendent notes that Ms. Gahm came to the District with past experience through work at senior resource facilities in language skills.

13. The Superintendent noted that Ms. Howatt, who occupies the penultimate position on the District's seniority list, has resigned her certificated position with the District. Ms. Howatt was a half-time physical education teacher, who held a single subject credential in physical education. The District has an intention to hire a credentialed employee to hold a half-time physical education teacher position for the

next school year. However, none of the respondents in this matter have a physical education credential.

Superintendent's Position Regarding Respondent Hubbard

14. The Superintendent noted that Respondent Hubbard for the current school year has assignments of teaching: eighth grade algebra; one period of seventh grade advanced pre-algebra; geometry; and, one period of Spanish. Also she teaches the eighth grade algebra lab that pertains to aiding student who have difficulty with mathematics. Respondent coaches and teaches a team of students who participate in the "Math Counts" state-wide competition held at the University of California, Davis campus.

The Superintendent noted that in August 2003 the District disseminated a job announcement to fill a vacant teacher position described as full-time "Math Teacher/8th Grade." The specified qualifications involved candidates for the position to have a single subject math teaching credential. The District hired Respondent Hubbard to fill the position. Ms. Hubbard has a first day of paid service to the District being September 2, 2003.

The Superintendent seeks to retain Respondent Hubbard to teach mathematics as a District certificated employee for the ensuing school year, and to dismiss the accusation against her.

None of the other respondents have a single subject credential in mathematics. Nor do any of the other respondents have the level of experience in teaching mathematics as does Respondent Hubbard.

Respondents' Contentions and Arguments

15. Respondents contend the District's action is procedurally defective and improper insofar as the prospective layoff of the subject credentialed employees does not fully account for seniority of those persons in light of the District's retention of credentialed employees who are being retained to teach subjects that are "outside the credentials" of those other teachers who will be retained by the District. Respondent Paytas proclaimed that seventh grade mathematics classes at Sunny Brae Middle School are being taught by two teachers¹ who do not hold a single-subject credential in mathematics. Respondents advance that the District hold as sacrosanct the seniority

¹ The two teachers are: Greg Ennes (who has a first day of paid service to the District as August 29, 1985, and who holds a multiple subject credential, a Life Science credential and a CLAD. He is a science teacher) and David Labolle (who has a first day of paid service to the District as August 29, 1985, and who holds a multiple subject credential, a Life Science credential and a CLAD. Like Mr. Ennes, Mr. Labolle is a science teacher.)

system so as to retain them notwithstanding an articulated need to retain a junior teacher who has a single subject credential in mathematics.

Respondents' contentions and arguments are without merit and are rejected as bases to dismiss any aspect of the accusations.

Individual Respondents

Jason Paytas

16. Respondent Jason Paytas (Respondent Paytas) has a first date of paid service with the District as a teacher as of October 2, 1995. He now holds a clear, multiple subject credential with a supplemental credential in English as well as a CLAD certificate.

Respondent Paytas teaches District pupils in the fourth grade. He has had that assignment for two consecutive school years. In the past, Respondent has taught a combination first and second grade class over a span of ten years.

Respondent Paytas has held a role of "teacher in-charge," which is a quasi-administrator's position that entails supervisory functions when the designated principal was absent from the school site.

Respondent Paytas asserted that as a multiple subject credential holder he has had experience in teaching all subjects at the elementary school level including mathematics. He believes that as an experienced, skilled teacher he can create curricula for an array of settings, including mathematics. He has not found an area that he can not teach at elementary school levels. And because he has taught mathematics to pupils his entire career, he views himself as being capable to teach the classes now taught by Messrs. Ennes and Labolle, who do not hold single-subject credentials in mathematics.

Respondent Paytas claimed that while he was a student at Humboldt State University he taught during two or three college years (1993 to 1995) various mathematics courses to candidates for the math portions of the CBest examination. While in college he was at one time a mathematics major and he has a comfort with algebra, trigonometry, calculus and pre-algebra subjects. He believes that he has about 15 semester units in mathematics from his undergraduate college coursework. He represents that he has about six hours of coursework in mathematics at the graduate school level.

On cross-examination, Respondent Paytas acknowledged that he has never taught mathematics at the seventh grade or eighth grade levels. Nor has he taught algebra as a separate class. He did not graduate from college with a major in mathematics. And he offered no documentary proof that he holds a certificate of proficiency or other

document that attests to his experience in teaching mathematics at the middle school level.

Respondent Paytas provided no competent evidence that the District has retained any teacher junior to him for which Mr. Paytas possesses a credential and is currently competent to teach. Nor did Respondent Paytas establish that the Superintendent committed a procedural error in the initiation of the layoff action that adversely affects his teacher position with the District.

Wendy Branca

17. Respondent Wendy Branca (Respondent Branca) has a first date of paid service with the District as a teacher as of August 22, 1996. She holds a clear, multiple-subject credential and a CLAD credential.

Respondent Branca teaches at the Arcata Elementary School, where she instructs pupils in the second grade. She has taught at the second grade level for nine consecutive years. Before beginning her eleven-year employment history as a certificated teacher with the District, for five years Respondent Branca was a substitute teacher for the District as well as for the McKinleyville Union School District, the Blue Lake School District and Eureka School District, which are all located in Humboldt County.

Respondent Branca has a Liberal Arts degree. She has a college record that reflects, at least, twelve semester units in mathematics.

However, Respondent Branca provided no competent evidence that the District has retained any teacher junior to her for which Ms. Branca possesses a credential and is currently competent to teach. Nor did Respondent Branca establish that the Superintendent committed a procedural error in the initiation of the layoff action that adversely affects her teaching position with the District.

Christine Goodin

18. Respondent Christine Goodin (Respondent Goodin) has a first date of paid service with the District as a teacher as of August 21, 1997. She holds a clear, multiple-subject credential and a CLAD credential.

Currently Respondent Goodin teaches pupils at the sixth grade level at the Sunny Brae School. She has taught over the past ten years at the kindergarten through sixth grade levels.

While she was an undergraduate college student Respondent Goodin took the requisite number of mathematics courses that are required of a candidate for the teaching profession.

Respondent Goodin added that she is aware that there are teachers who provide teaching services at the middle school in social studies and "lower-level" mathematics although such teachers do not hold specific credentials to teach in those areas.

However, Respondent Goodin provided no competent evidence that the District has retained any teacher junior to her for which Ms. Goodin possesses a credential and is currently competent to teach. Nor did Respondent Goodin establish that the Superintendent committed a procedural error in the initiation of the layoff action that adversely affects her teaching position with the District.

Respondent Amy Hubbard

19. Respondent Amy Hubbard (Respondent Hubbard) has a first date of paid service with the District as a teacher as of September 2, 2003. She holds a single-subject credential in mathematics and a CLAD emphasis certificate.

Respondent teaches three eighth grade mathematics classes, one seventh grade mathematics, and a geometry class in high school. Respondent Hubbard teaches an algebra lab for eighth grade students who have difficulty in mathematics. She also teaches a Spanish class.

Respondent Hubbard has an undergraduate major in mathematics. As a student teacher she taught geometry, Algebra One, and Algebra Two. And while in college she was a mathematics tutor.

Respondent Hubbard spends after-school time to coach students for participation in the "Math Counts" competition which is a state-wide contest. Respondent Hubbard is the District's athletic director and she coaches soccer and basketball. Also she has charge of the Dance Committee.

20. Respondent Hubbard advanced that at the Sunny Brae School two teachers, who are science teachers, serve as pre-algebra teachers. She questions whether those teachers can be viewed as being Highly Qualified Teachers under the No Child Left Behind law because they spend only twenty-five percent of their teaching time in the provision of instructing pupils in mathematics. Moreover, she has concerns that the two teachers do not have a single subject credential to teach mathematics.

District's Reasonable Basis to Proceed

21. During the immediate past school year, the Board has found that the District faces a prospective budget shortfall in that the amount of funding from the State of California may be markedly reduced for the upcoming school year. Hence, the Board has determined that sufficient money is not available to operate the same number of

teacher and administrator positions and programs during the ensuing school year so that the District must prospectively reduce or eliminate a number of FTE of particular kinds of services, including the positions held by respondents, except for Respondent Hubbard.

Three years ago, the District placed a notice that sought the hiring of a teacher with a mathematics credential. The District hired Respondent Hubbard to fill the position as of September 2, 2003. Respondent Hubbard has demonstrated dedication, skill and highly commendable additional services to the District and its students. The Superintendent declared the District's need to retain Respondent Hubbard because of her education, experience, training and skill as a mathematics teacher and to "skip" her over teachers who have a higher placement on the District's seniority list.

22. No competent and credible evidence establishes that as a result of the proposed elimination of the full time equivalent positions respectively held by respondents, the District will retain any teacher who is junior to respondents to perform services for which respondents have been certificated or found to be competent to teach in such FTE positions for the next school year.

23. The recommendation of the Superintendent and the Board's decision to eliminate or discontinue a total of 4.0 FTE positions, including the positions held by each respondent, were neither arbitrary nor capricious. Rather, the Superintendent's recommendation and the Board's decision were within the proper exercise of the District's discretion.

24. The District's proposed elimination or discontinuation of a number of FTE positions, including the positions respectively held by Respondent Paytas, Respondent Branca and Respondent Goodin, for the ensuing school year is related to the welfare of the District and its overall student population. Similarly, the District's exercise of discretion to "skip" Respondent Hubbard so as to retain her services as a mathematics teacher for the ensuing school year relates to the welfare of the District and its overall student population.

25. The Board determined that it will be necessary, due to the elimination of particular kinds of services, to decrease the number of teachers before the beginning of the next academic year. The Board lawfully directed the notification to respondents of the elimination of the certificated positions held by each respondent, except for Respondent Hubbard.

LEGAL CONCLUSIONS

1. Jurisdiction for this proceeding exists pursuant to Education Code sections 44949 and 44955.

2. The District provided all notices and other requirements of Education Code sections 44949 and 44955. This conclusion of law is made by reason of the matters set forth in Factual Findings 1 through 9, inclusive.

3. Evidence Code section 664 establishes a presumption that the action or official duties of a public entity, such as the District and its governing board, have been regularly performed. Respondents offer no evidence to rebut the presumption that the District has properly performed actions related to the procedures that seek the non-reemployment of respondents.

4. Respondents argue that the District is retaining for the ensuing school year other teachers who provide instruction in departmentalized seventh grade and eighth grade who are teaching "outside" credentials held by them. However, respondents' contentions are not persuasive so as to lead to dismissal of the accusations. Education Code section 44256² permits a school district to allow teachers to offer instruction to a

² Education Code section 44256 establishes:

Authorization for teaching credentials shall be of four basic kinds, as defined below:

(a) "Single subject instruction" means the practice of assignment of teachers and students to specified subject matter courses, as is commonly practiced in California high schools and most California junior high schools. The holder of a single subject teaching credential or a standard secondary credential or a special secondary teaching credential, as defined in this subdivision, who has completed 20 semester hours of coursework or 10 semester hours of upper division or graduate coursework approved by the commission at an accredited institution in any subject commonly taught in grades 7 to 12, inclusive, other than the subject for which he or she is already certificated to teach, shall be eligible to have this subject appear on the credential as an authorization to teach this subject. The commission, by regulation, may require that evidence of additional competence is a condition for instruction in particular subjects, including, but not limited to, foreign languages. The commission may establish and implement alternative requirements for additional authorizations to the single subject credential on the basis of specialized needs. For purposes of this subdivision, a special secondary teaching credential means a special secondary teaching credential issued on the basis of at least a baccalaureate degree, a student teaching requirement, and 24 semester units of coursework in the subject specialty of the credential.

(b) "Multiple subject instruction" means the practice of assignment of teachers and students for multiple subject matter instruction, as is commonly practiced in California elementary schools and as is commonly practiced in early childhood education.

The holder of a multiple subject teaching credential or a standard elementary credential who has completed 20 semester hours of coursework or 10

school district's pupils even though such teachers do not possess precise credentials to teach certain subjects that are being taught. And, Education Code section 44258.2³ provides that single subject credentialed teacher may offer instruction outside a credential at pre-high school levels. The statutory provisions contemplate the exercise of discretion by a school district to assign a teacher. And the law allows the District's utilization and assignment of a teacher, with the consent of the affected teacher, to provide instruction beyond the confines of a credential so long as the teacher has, at least, twelve semester units at the undergraduate level or six units, at least, at the graduate level in the subject area that is to be taught by the teacher.

In this matter, respondents are seeking to require or to force the District to take action that contemplates the assignment of a teacher to instruct in an area where the

semester hours of upper division or graduate coursework approved by the commission at an accredited institution in any subject commonly taught in grades 9 and below shall be eligible to have that subject appear on the credential as authorization to teach the subject in departmentalized classes in grades 9 and below. 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. However, the commission, by regulation, may provide that evidence of additional competence is necessary for instruction in particular subjects, including, but not limited to, foreign languages. The commission may establish and implement alternative requirements for additional authorizations to the multiple subject credential on the basis of specialized needs.

(c) "Specialist instruction" means any specialty requiring advanced preparation or special competence including, but not limited to, reading specialist, mathematics specialist, specialist in special education, or early childhood education, and such other specialties as the commission may determine.

(d) "Designated subjects" means the practice of assignment of teachers and students to designated technical, trade, or vocational courses which courses may be part of a program of trade, technical, or vocational education.

³ Education Code section 44258.2 establishes:

The holder of a single subject teaching credential or a standard secondary teaching credential may, with his or her consent, be assigned by action of the governing board to teach classes in grades 5 to 8, inclusive, in a middle school, if he or she has a minimum of 12 semester units, or six upper division or graduate units, of coursework at an accredited institution in the subject to which he or she is assigned.

teacher, who is subject to layoff, may have twelve or more semester units in place of a credentialed teacher, such as Respondent Hubbard, who has a specialized degree in the subject area that the District seeks to attract a competent teacher to instruct in that particularized subject area, such as mathematics.

The position of respondents regarding the District's use of two senior teachers to provide services "outside" of the respective credential brings into play the situation described in *Duax v. Kern Community College Dist.* (1987) 196 Cal.App.3d 555. The *Duax* court said "what [the affected teacher] proposes is the reassignment of a senior employee, employee A, to a position held by a junior employee, employee B, to open up a position for [the affected teacher]. Clearly [the affected teacher] could 'bump' employee B and just as clearly cannot 'bump' employee A. [The affected teacher's] proposal is known as 'inverse bumping.' [The affected teacher] cites no authority to support his argument that he has any inverse bumping rights. We conclude that [the controlling statutory provision] does not contemplate 'inverse bumping rights.' Such 'rights' would allow a junior employee to affect the employment of senior employees, 'bumping' them out of their classroom positions and compelling their transfers to other classrooms or other types of assignments. Respondent's obligation to make assignments and reassignments as provided in section [the controlling statutory provision] is limited to attempting to place an employee who would otherwise be terminated in a position being held by another employee with less seniority." (*Duax v. Kern Community College Dist.*, *supra*, 196 Cal.App.3d at pp. 568-569.) The argument by respondents is not binding on the District.

5. Board Resolution 06/07-7, as adopted on February 12, 2007, stated that it was the Board's determination that it was necessary to reduce or eliminate particular kinds of services for the 2007-2008 school year. A decline in average daily attendance was not cited as a basis for eliminating 4.0 full-time equivalent certificated positions in the District's corps of teacher positions.

The preliminary layoff notice, dated March 8, 2007, stated that the reason for the notice was due to a decision "to reduce particular kinds of services in the District beginning not later than at the commencement of the 2007-2008 school year. In the opinion of the Governing Board, it therefore will be necessary to decrease the number of full-time equivalent (FTE) certificated employees in the District." The preliminary notice did not mention a decline in average daily attendance.

Education Code section 44955, subdivision (b), authorizes a district's governing board to terminate the services of not more than a corresponding percentage of employees whenever in any school year the average daily attendance for all schools in the first six months has declined below the corresponding period of either of the previous school year or whenever a particular kind of service is to be reduced or discontinued not later than the beginning of the following school year.

Education Code section 44949, subdivision (a) requires that no later than March 15 and before an employee is given notice that his or her services will not be required for the ensuing year, the governing board and the employee will be given notice by the superintendent that it has been recommended that preliminary notices be given to employees and the reason for that recommendation.

The preliminary notice is intended to insure that affected employees are informed of the facts upon which they can reasonably assess the probability that they will not be reemployed. The preliminary notice must state the reasons for the recommendation. (*Karbach v. Bd. of Education* (1974) 39 Cal.App.3d 355.)

A notice that specifies both grounds, that is PKS reduction/elimination and declining average daily attendance, is suspect. (See *Moreland Teachers Assn. v. Kurze* (1980) 109 Cal.App.3d 648.) And, where a notice specifies one of the two statutory reasons for a teacher layoff, a governing board may not later attempt to justify dismissal on the other ground. (*Karbach v. Bd. of Education, supra*, 39 Cal.App.3d 355.⁴)

A governing board's decision to reduce or eliminate particular kinds of services need not be tied to any statistical computation, such as a projected decline in the number of students in the affected district. The number of terminations by a PKS reduction of certificated employees depends entirely on the district's governing board's decision regarding how many, or which, services to reduce or to eliminate. It is wholly within the Board's discretion to determine the numbers by which the District will reduce a particular service. (*San Jose Teachers Assn. v. Allen, supra*, 144 Cal.App.3d 627.)

The District's Governing Board did not propose layoffs for any reason not specified in the preliminary notice as sent to certificated employees. The projection of declining pupil attendance or enrollment, as offered in evidence by the Superintendent, was one of a few reasons for consideration by that professional education administrator offered as the ground for teacher layoff to the subject governing board for its decision to eliminate particular kinds of services. In this matter, the reduction of particular kinds of services was not a fraudulent, arbitrary or capricious action. (*Campbell Elementary Teachers Assn. v. Abbott* (1978) 76 Cal.App.3d 796.)

The Arcata School District Governing Board's decision to eliminate 4.0 FTE positions for the 2007-2008 school (which may have been based in some measure

⁴ In *Karbach*, the governing board gave notice to probationary teachers that such employees would not be reemployed for the ensuing school year on the ground of a decline in average daily attendance. But, at the administrative adjudication hearing, the presiding officer allowed the board to present evidence justifying the decision to eliminate positions of the affected probationary teachers on the new theory of reduction in particular services. The Court of Appeal held that the governing board had no authority to terminate the teachers for any reason not specified in the original preliminary notice and that the proposed terminations on the ground of reduction in services were not valid.

on a projected decline in enrollment of pupils for the 2006-2007 school year) was a discretionary decision that constituted a valid basis for reduction in particular kinds of service under the Education Code.

6. Pursuant to Education Code sections 44949 and 44955 cause exists to give Respondents Wendy Branca, Christine Goodin, Jason Paytas notice of the discontinuation of full-time equivalent positions in the particular kinds of services rendered by those respondents, by reason of the matters set out in Factual Findings 10 to 14 inclusive, 19, 21 to 23 inclusive, and 25.

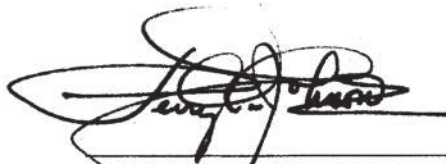
7. Cause does not exist to give Respondent Amy Hubbard notice of the position held by her in the provision of particular kinds of services rendered to the District and its students, by reason of the matters set out in Factual Findings 14, 19 and 24.

8. The discontinuation of the subject particular kinds of service provided by Respondents Wendy Branca, Christine Goodin, Jason Paytas, and the skipping of Respondent Hubbard so that she is retained for the ensuing school year, relate solely to the welfare of the District and its students within the meaning of Education Code sections 44949 and 44955, by reason of the matters in Factual Finding 24.

ORDER

1. The accusation against Respondent Amy Hubbard is dismissed.
2. The accusations served on Respondents Wendy Branca, Christine Goodin, and Jason Paytas are sustained.
3. Final notice may be given to Respondents Wendy Branca, Christine Goodin, and Jason Paytas that their respective services will not be required for the 2007-2008 school year because of the reduction or discontinuance of the particular kinds of services by the District.

DATED: May 3, 2006



PERRY O. JOHNSON
Administrative Law Judge
Office of Administrative Hearings