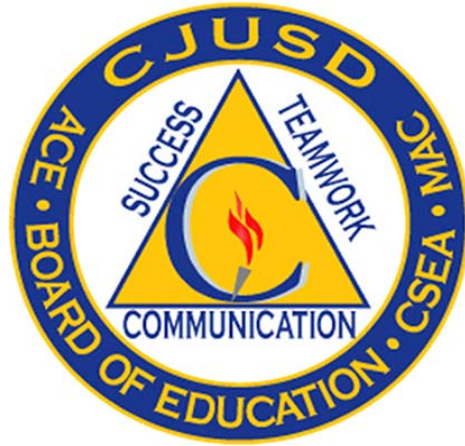


Colton Joint Unified School District

Student Services Center, Board Room, 851 South Mt. Vernon Ave., Colton, CA 92324



Board of Education Special Board Meeting Agenda

Thursday, May 5, 2011
at 5:00 p.m.

Strategic Plan – Mission Statement

The Mission of the Colton Joint Unified School District, a team of caring employees dedicated to the education of children, is to ensure each student learns the academic knowledge and skills necessary to thrive in college or in the workforce and be responsible, productive citizens by providing engaging, challenging, and enriching opportunities and specialized programs in a safe environment in partnership with students, families and our diverse communities.

1.0 OPENING

1.1 Call to Order

- Mrs. Patt Haro, *President*
- Mr. Robert D. Armenta Jr., *Vice President*
- Mr. Frank Ibarra, *Clerk*
- Mr. Randall Cenicerros
- Mr. Roger Kowalski
- Mr. Pilar Tabera
- Mr. Kent Taylor

- | | |
|----------------------------|------------------------|
| Mr. Jerry Almendarez | Mr. Todd Beal |
| Mr. Jaime R. Ayala | Mr. Brian Butler |
| Mr. James A. Downs | Mrs. Jennifer Jaime |
| Mrs. Mollie Gainey-Stanley | Ms. Sosan Schaller |
| Mrs. Ingrid Munsterman | Mr. Darryl Taylor |
| Mr. Mike Snellings | Ms. Katie Orloff |
| Mrs. Bertha Arreguín | Ms. Jennifer Rodriguez |

1.2 Renewal of the Pledge of Allegiance.

An interpreter is available for Spanish-speaking persons wanting assistance.

2.0 PUBLIC COMMENT

2.1 Announcement Regarding Public Comment for Items on the Agenda and Items Not on the Agenda (Gov. Code 54954.3[a])

The Board President clarifies the process regarding public comment and requests that the appropriate “Public Comment Card” be filled out. At the appropriate time during the Hearing Session, each speaker will be invited to the podium and should begin by stating his or her name and residing city. Board Bylaw 9323 states that *“Individual speakers shall be allowed three minutes to address the Board on each agenda or non-agenda item. The Board shall limit the total time for public input on each item to 15 minutes. With Board consent, the president may increase or decrease the time allowed for public presentation, depending on the topic and the number of persons wishing to be heard. The president may take a poll of speakers for or against a particular issue and may ask that additional persons speak only if they have something new to add.”*

Blue card—Specific Consent, Action, Study & Information or Closed Session Item: Please list the specific agenda item number and subject

White card—Items/Topics Not on the Agenda: Please list topic / subject

3.0 CLOSED SESSION

3.1 Conference with Legal Counsel—Existing Litigation

Pursuant to Gov. Code §54957 and/or 54956.9(a)

OAH Case Number: 2011030922

4.0 PUBLIC SESSION – ACTION REPORTED FROM CLOSED SESSION

5.0 ACTION SESSION

Action Item

- A-1 Adoption of Resolution No. 11-60 Terminating Services of Certificated Employees as a Result of Reduction or Discontinuation of Particular Kinds of Services (Acting on Proposed Decision of the Administrative Law Judge) for 2011-12

6.0 ADJOURNMENT

BOARD AGENDA

**SPECIAL MEETING
May 5, 2011**

ACTION ITEM

TO: **Board of Education**

PRESENTED BY: Ingrid Munsterman, Assistant Superintendent, Human Resources Division

SUBJECT: **Adoption of Resolution No. 11-60 Terminating Services of Certificated Employees as a Result of Reduction or Discontinuation of Particular Kinds of Services (Acting on Proposed Decision of the Administrative Law Judge) for 2011-12**

GOAL: Human Resources Development

STRATEGIC PLAN: Strategy #1 – Communication

BACKGROUND: Pursuant to Resolution No. 11-44 for Reduction of Particular Kinds of Certificated Services which was adopted by the Board on March 3, 2011, the attached resolution approves the termination of services of certificated employees as a result of reduction or discontinuation of particular kinds of services (acting on proposed decision of the administrative law judge) for 2011-12.

BUDGET IMPLICATIONS: Decrease in general fund expenditures is estimated at \$5.1 million.

RECOMMENDATION: That the Board adopt Resolution No. 11-60 for Terminating Services of Certificated Employees as a Result of Reduction or Discontinuation of Particular Kinds of Services (Acting on Proposed Decision of the Administrative Law Judge) for 2011-12. Further, the Administration will provide the appropriate notice to the affected employees on or before May 13, 2011.

ACTION: On motion of Board Member _____ and _____, the Board approved the above recommendation.

**BEFORE THE GOVERNING BOARD OF THE
COLTON JOINT UNIFIED SCHOOL DISTRICT
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA**

RESOLUTION NO. 11-60

**RESOLUTION TERMINATING SERVICES OF CERTIFICATED
EMPLOYEES AS A RESULT OF REDUCTION OR
DISCONTINUATION OF PARTICULAR KINDS OF SERVICES**

(ACTING ON PROPOSED DECISION OF THE ADMINISTRATIVE LAW JUDGE)

WHEREAS, on March 3, 2011, the Superintendent served notice to this Board recommending that 103.11 (FTE) certificated teaching positions be reduced or eliminated, and that a corresponding number of certificated employees receive notice that their services will not be required for the ensuing 2011-12 school year, pursuant to Education Code sections 44949 and 44955;

WHEREAS, on March 3, 2011, this Board adopted Resolution No. 11-44 to reduce or discontinue 76.11 (FTE) certificated teaching positions not later than the beginning of the 2011-12 school year, as set forth therein;

WHEREAS, the particular kinds of services to be reduced or discontinued as set forth in Resolution No. 11-44 are determined to be particular kinds of services within the meaning of Education Code section 44955;

WHEREAS, the particular kinds of services referenced in Resolution No. 11-44 will be reduced or discontinued within the meaning of Education Code section 44955 not later than the beginning of the 2011-12 school year;

WHEREAS, on or before March 15, 2011, the Superintendent or the Superintendent's designee served notice to 99 certificated employees that it has been recommended that their services will not be required for the ensuing 2011-12 school year, pursuant to Education Code sections 44949 and 44955;

WHEREAS, the notices served upon the employees advised them that they may request a hearing to determine if there was cause for not reemploying them for the ensuing 2011-12 school year, and that if they failed to timely request a hearing, that failure shall constitute a waiver of their right to a hearing;

WHEREAS, certain certificated employees did not timely request a hearing and, pursuant to Education Code section 44949, they therefore waived their right to a hearing; certain other employees did timely request a hearing and, accordingly, an evidentiary hearing was scheduled for April 25, 2011, pursuant to Education Code sections 44955 and 44949 before an Administrative Law Judge;

WHEREAS, on April 28, 2011, the Administrative Law Judge submitted a proposed decision related to those proceedings which was received by the District on May 3, 2011;

WHEREAS, this Board has received and considered the proposed decision of the Administrative Law Judge, a copy of which is attached hereto, and any arguments submitted by or on behalf of the parties regarding that proposed decision;

WHEREAS, in his proposed decision, the Administrative Law Judge endorsed the layoff with respect to the 72 certificated employees named in the Final Layoff List attached hereto;

WHEREAS, Education Code section 44949, subdivision (c)(3), provides that this Board shall make the final determination as to the sufficiency of the cause and disposition of the layoff;

WHEREAS, Education Code section 44955, subdivision (c), requires final Board action and notifications to employees no later than May 14, unless that date is extended pursuant to Education Code section 44949, subdivision (e);

WHEREAS, the services of no permanent or other employee are being terminated while any probationary employee or any other employee with less seniority is being retained to render a service which the permanent or other employee is certificated and competent to render, within the meaning of, and except as permitted by, Education Code section 44955; the individuals whose employment is being terminated are not certificated and competent (within the meaning of, and except as permitted by, Education Code section 44955) to render the service being performed by any employee with less seniority who is being retained;

WHEREAS, the jurisdictional and statutory prerequisites have been satisfied as to the individuals named in the final layoff list, to the extent required by law; sufficient cause exists for such employees' termination of employment after consideration of facts including, but not limited to, the employees' seniority and scope of credentials; and that cause relates to the welfare of the schools and the pupils thereof within the meaning of Education Code section 44949, subdivision (c)(3), to the extent that provision applies; and

WHEREAS, rights to reemployment pursuant to Education Code section 44956 and/or 44957 shall be provided to the certificated employees whose services are terminated as a result of this layoff.

NOW, THEREFORE, BE IT RESOLVED that this Board accepts the proposed decision of the Administrative Law Judge and adopts as its own that proposed decision;

BE IT FURTHER RESOLVED that the employment of the 72 certificated employees named on the Final Layoff List attached hereto is hereby terminated effective upon the close of the current school year (i.e., the end of such employees' last working day prior to July 1, 2011);

BE IT FURTHER RESOLVED that this decision is effective immediately and that the certificated employees named on the Final Layoff List be given appropriate notice by the Superintendent or the Superintendent's designee(s) of the termination of their services, with said notice to be given on or before May 14, 2011, in the manner prescribed by law; and finally

BE IT FURTHER RESOLVED that reemployment rights shall be afforded in accordance with and to the extent applicable by the Education Code, if and when reemployment is available.

PASSED AND ADOPTED at the special meeting of the Board of Education held on May 5, 2011, at Colton, California.

AYES: _____
NOES: _____
ABSENT: _____
ABSTENTIONS: _____

Patricia Haro, President
Board of Education

I, Frank A. Ibarra, Clerk of the Governing Board of the Colton Joint Unified School District of San Bernardino County, California, do certify that the foregoing Resolution was introduced, passed and adopted by the Governing Board at its meeting held on May 5, 2011.

Dated: May 5, 2011

Frank A. Ibarra, Clerk
Board of Education

COLTON JOINT UNIFIED SCHOOL DISTRICT

FINAL LAYOFF LIST

The following certificated personnel will receive a final layoff notice:

- | | |
|-------------------------|----------------------------|
| 1. Adame, Cherilyn | 37. Matthews, Gerald |
| 2. Anderson, Brittany | 38. McGuffee, Adriana |
| 3. Arriaza, Melissa | 39. Miller, Rosemary |
| 4. Boone, Stephen | 40. Moore, Brandon |
| 5. Booth, Carol | 41. Morales, Liza |
| 6. Borja, Miriam | 42. Morales, Victor |
| 7. Boswell, Michelle | 43. Murillo, Maria |
| 8. Bowers, Stephanie | 44. Paez-Herrera, Azucena |
| 9. Castleman, Derek | 45. Park, Lynn |
| 10. Cervantes, Cathy | 46. Perez, Ana |
| 11. Clevinger, Faith | 47. Ramirez, Tania |
| 12. Coaston, Angela | 48. Rasouli Javaheri, Sima |
| 13. Collins, Anna | 49. Richardson, Ronald |
| 14. Davis, Jr., Anthony | 50. Rivera, Sara |
| 15. DeBord, Jason | 51. Rodriguez, Krissee |
| 16. D'Silva, Naomi | 52. Ruiz, Jesus |
| 17. Esparza, Rosalba | 53. Salazar, Celia |
| 18. Esquivel, Michael | 54. Salehpour, Yesenia |
| 19. Fraijo, Edrina | 55. Sandoval, Mark |
| 20. Galbreath, Kate | 56. Sexton, Victoria |
| 21. Garcia, Terry | 57. Sharp, Shannon |
| 22. Gaytan, Gabriel | 58. Smith, Idalia |
| 23. Gonzalez, Patricia | 59. Sotelo, Michelle |
| 24. Green, Molly | 60. Taylor, Deirdre |
| 25. Griffith, Kristin | 61. Torres, Jannet |
| 26. Harper, Laura | 62. Trapp, Desiree |
| 27. Heusterberg, Robyne | 63. Treff, Star |
| 28. Hochevar, Andrea | 64. Valencia, Lydia |
| 29. Hoss, April | 65. Vasquez, Sandra |
| 30. Hunt, Andrew | 66. Vergara, Omar |
| 31. Johnson, Matthew | 67. Vizcaino, Jeanne |
| 32. Johnston, Maybelle | 68. Walker, Katelyn |
| 33. Kennebrew, Cynthia | 69. Walling, Michael |
| 34. Leach, Geraldine J. | 70. Washburn, Benjamin |
| 35. Linek, Erin | 71. Whitmyer, Christine |
| 36. Lyles, Melinda | 72. Zumfelde, Charme |

BEFORE THE
GOVERNING BOARD
COLTON JOINT UNIFIED SCHOOL DISTRICT
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

The respondents listed in Appendix "A"

OAH No. 2011030922

PROPOSED DECISION

Roy W. Hewitt, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter in Colton, California on April 25, 2011.

John W. Dietrich, Esq. of Atkinson, Andelson, Loya, Ruud & Romo represented the Colton Joint Unified School District (the District).

All of the respondents who were present at the hearing were represented by Marianne Reinhold, Esq. of Reich, Adell & Cvitan.

All respondents who failed to appear for the hearing were properly noticed of the date, time and place of hearing.

The matter was submitted on April 25, 2011.

FACTUAL FINDINGS

1. Ingrid Munsterman, Assistant Superintendent, Human Resources made and filed the Accusation, dated March 11, 2011, on behalf of Superintendent Jerry Almendarez (the Superintendent), pursuant to delegation of authority. At all times, Ingrid Munsterman and Jerry Almendarez were acting in their official capacities as Assistant Superintendent and Superintendent of the District

2. The 99 respondents¹ slated for potential layoff are certificated District employees.

3. On March 3, 2011, the District's Governing Board (Board) adopted Resolution No. 11-44², determining that it would be necessary to reduce or discontinue particular kinds of services at the end of the current school year. The Board determined that the particular kinds of services that must be reduced for the 2011-2012 school year were the following full time equivalent (FTE) positions:

<u>Particular Kind of Service (PKS)</u>	<u>Full-Time Equivalent (FTE)</u>
Agriculture Science Teaching Services, High School	2.4
Art Teaching Services, High School	1.0
Biology Teaching Services, High School	2.0
Business Education Teaching Services, High School	1.0
Chemistry Teaching Services, High School	1.0
Counseling Services, Elementary	7.0
Counseling Services, Middle School	5.0
Driver Education Teaching Services, High School	1.0
Elementary (K-6) Classroom Teaching Services	30.0
English/Language Arts Teaching Services, Middle School	2.0
Foreign Language: French Teacher, High School	1.0
Foreign Language: German Teacher, High School	1.0
Geosciences Teaching Services, High School	2.0
Home Economics Teaching Services, High School	1.0
Infant Development (Pregnant Minors) Teaching Services	1.0
Math Teaching Services, Middle School	3.0
P.E. Teaching Services, Middle School	2.0
P.E. Teaching Services, High School	2.0
School Nursing Services	4.0
Science Teaching Services, Middle School	2.0
Social Science Teaching Services, Middle School	2.0
Social Science Teaching Services, High School	2.0
Adult Education Teaching Services	.71
<u>Total FTE's</u>	<u>76.11</u>

The services listed above are particular kinds of services, which may be reduced or discontinued within the meaning of Education Code section 44955.

1 72 respondents were served with lay off notices and 27 were served with "precautionary" layoff notices.

2 The original resolution called for a 103.11 FTE reduction. Ultimately, the Board amended the resolution reducing the FTE cuts to the 76.11 listed herein.

4. The Board's decision to reduce or discontinue the services listed in Finding 3, above, is neither arbitrary nor capricious; rather, it is due to substantial decreases in the operating budget, and is, therefore, a proper exercise of the Board's discretion. The reduction and discontinuation of services is related to the welfare of the District and its pupils, and it has become necessary to decrease the number of certificated employees as determined by the Board. No particular kinds of services were lowered to levels less than those levels mandated by state or federal law.

5. The Superintendent and District considered all positively assured attrition, including resignations, retirements and requests for transfer, in determining the actual number of necessary layoff notices to be delivered to its employees.

6. On March 11, 2011, the Superintendent timely notified all respondents listed in Appendix "A", except for Heather Sieger (Sieger), pursuant to California Education Code sections 44949 and 44955, of the District's intent not to reemploy them for the upcoming school year. Accordingly, except for Sieger, respondents received written notice, on or before March 15, 2011, notifying them that the Board had recommended they not be re-employed in the upcoming, 2011-2012 school year.

7. On March 11, 2011, except for Sieger³, the respondents listed in Appendix "A" were properly served with a copy of the Accusation, a blank Notice of Defense, a Notice of Hearing and other related materials.

8. Of the 99 respondents served with layoff notices and "precautionary" layoff notices, 70 respondents timely requested a hearing, 11 respondents did not timely request a hearing, and 18 respondents failed to request a hearing. The instant hearing for the 70 respondents who timely requested a hearing ensued.

9. All of the respondents were properly noticed of the date, time and place of the instant hearing.

10. All prehearing jurisdictional requirements have been met.

11. Respondents have been selected for notice of layoff pursuant to their seniority date, which is based on the first day of paid service of each respondent in a probationary position. Respondents were ranked for layoff in the inverse order of their seniority dates.

12. The uncontested testimony of the Coordinator for Human Resources, Susan Reed, established that two teachers, Victoria Sexton and Idalia Smith should appear on the "regular RIF list, not the precautionary list." Those names have been added to Appendix "B."

³ The District dismissed the Accusation as to Sieger during the hearing.

ISSUES RAISED DURING THE HEARING

13. Respondent Michael Walling (Walling) testified that he believes he has the qualifications to teach English and Geography because he taught English and Geography at "Options for You." Therefore, he should be able to "bump" less senior teachers in areas where his English and Geography teaching experience allow. In pertinent part, the "competency" criteria established by the Board for purposes of bumping require "one year of full-time experience in the relevant subject matter area. Walling's English and Geography teaching experience is not reflected in his personnel file and Walling failed to notify the District of that experience in a pre-layoff "Verification of Personnel Information" form he signed on January 18, 2011. The form informed Walling, "In the event of a layoff, the foregoing information may be used by the District to determine which employees are affected." In the form Walling checked the "No" answer to the following question: "Have you completed academic training *and* one year of full-time experience in another specialized (subject) area to which the District would be able to assign you?" The District relied on the information Walling provided in the form in designating teachers for potential layoff and Walling is now estopped from arguing that his undisclosed English and Geography teaching experience qualify him to bump a less senior teacher.

14. Respondent Molly Green (Green) testified that she has student teaching experience teaching Social Science and that over the past couple years she has requested to be assigned to teach Social Science. However, due to the need of the District for French teachers the District has not been able to assign her to teach Social Science. Consequently, Green does not have the requisite "one year of full-time experience" teaching Social Science necessary to qualify her to bump into a Social Science teaching position.

15. The District has an "Opportunity Program" at Washington High School, an alternative high school where alternative education programs are provided to students with social and emotional issues. The Opportunity Program teachers receive specialized, ongoing/continuous training in the "Boys Town Behavioral Modification" methodology used to teach the challenging youths participating in the Opportunity Program. Two respondents, Steven Boone (Boone) and Elizabeth Elliott (Elliott) testified that they wished to bump into an Opportunity Program position. The evidence revealed that Boone lacked the necessary one-year experience criterion to bump into an Opportunity Program position; however, Elliott does possess the necessary teaching experience. Elliott has been teaching students who have "aged out" of the District's Opportunity Program⁴ at Slover Mountain High School. He has over two years of full-time teaching of the alternative program at Slover. Elliott has taught approximately "80 'challenging' students" who "aged out" of the District's Opportunity Program. Consequently, Elliott should have been allowed to bump one of

³ Once youths turn 16 years of age they are transferred out of the Washington Opportunity Program into a similar program at Slover High School.

the less senior Opportunity Program teachers⁵; thus, the Accusation is dismissed as to Elliott.

16. Two School Nurses, respondent Christine Whitmyer (Whitmyer) and respondent Angela Coaston (Coaston) testified that they were concerned about the District's ability to provide necessary nursing services if Nursing Services are cut by 4.0 FTE's. While their concern is understandable, it is not within the jurisdiction of the Office of Administrative Hearings to second guess the wisdom of the District's choice of programs to cut or eliminate as long as the District can continue to operate pursuant to Federal and State minimum education requirements. Cutting 4.0 FTE's out of the 8.0 FTE's of Nursing Services provided by the District does not violate any Federal or State educational requirements and is not fraudulent or so palpably unreasonable and arbitrary as to indicate an abuse of discretion as a matter of law. Accordingly, the District's decision to cut Nursing Services by 4.0 FTE's was an appropriate exercise of the District's discretion.

17. Respondent Elizabeth Talbert (Talbert) was served with a precautionary layoff notice and testified that due to her English Language Development (ELD) teaching experience, *if she is chosen for layoff*, she should be allowed to bump a less senior ELD teacher. Talbert teaches in the Opportunity Program and has a seniority date of 8/23/2004. There is no indication she will be subjected to layoff in these proceedings or that the District will not allow her to bump into an ELD position if she is considered for layoff; therefore, her argument is not ripe for consideration.

18. Respondent Edrina Fraijo (Fraijo), a Physical Education (PE) teacher believes she should be allowed to bump into the Athletic Director (AD) position. The evidence, however, established that the AD position differs from that of a PE teacher and that Fraijo does not have the requisite one-year experience necessary to bump into the AD position.

19. Respondent Shannon Sharp (Sharp) would like to bump into an ELD assignment; however, the Certificated Employee Coordinator for Human Resources testified that even if Sharp met the bumping criteria there is no less senior teacher teaching in an ELD position.

20. Except for Elliott, no certificated employee junior to any respondent was retained to perform any services which any respondent was certificated and competent to render.

4 Elliott testified that she is ready and willing to sign the consent form necessary to teach the Opportunity Program.

LEGAL CONCLUSIONS

1. Jurisdiction in this matter exists under Education Code sections 44949 and 44955. All notices and jurisdictional requirements contained in those sections were satisfied.

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.)

3. Pursuant to section 44995, a senior teacher whose position is discontinued has the right to transfer to a continuing position which he or she is certificated and competent to fill. In doing so, the senior employee may displace or "bump" a junior employee who is filling that position. (*Lacy v. Richmond Unified School District* (1975) 13 Cal.3d 469)

The District has an obligation under section 44955, subdivision (b), to determine whether any permanent employee whose employment is to be terminated in an economic layoff possesses the seniority and qualifications which would entitle him/her to be assigned to another position. (*Bledsoe v. Biggs Unified School Dist.*, *supra.* at 136-137.)

4. The decision to reduce or discontinue a particular kind of service is not tied in with any statistical computation. It is within the governing authority's discretion to determine the amount by which a particular kind of service will be reduced or discontinued as long as the District does not reduce a service below the level required by law. (*San Jose Teachers Assn. v. Allen* (1983) 144 Cal.App.3d 627, 635-636.) A school district has wide discretion in setting its budget and a layoff decision will be upheld unless it was fraudulent or so palpably unreasonable and arbitrary as to indicate an abuse of discretion as a matter of law. (*California Sch. Employees Assn. v. Pasadena Unified Sch. Dist.* (1977) 71 Cal.App.3d 318, 322.)

5. With regard to the well-established doctrine of equitable estoppel, "The vital principle is that he who by his language or conduct leads another to do what he would not otherwise have done shall not subject such person to loss or injury by disappointing the expectations upon which he acted. Such a change of position is sternly forbidden. It involves fraud and falsehood, and the law abhors both." (*Seymour v. Oelrichs* (1909) 156 Cal. 782, 795, quoted in *City of Long Beach v. Mansell* (1970) 3 Cal.3d 462, 488.)

6. "Generally speaking, four elements must be present in order to apply the doctrine of equitable estoppel: (1) the party to be estopped must be apprised of the

facts; (2) he must intend that his conduct shall be acted upon, or must so act that the party asserting the estoppel had a right to believe it was so intended; (3) the other party must be ignorant of the true state of facts; and (4) he must rely upon the conduct to his injury" (*Driscoll v. City of Los Angeles* (1967) 67 Cal.2d 297, 305-306.)

7. The services listed in Factual Finding 3 are each determined to be a particular kind of service within the meaning of Education Code section 44955.

8. Based on the Factual Findings, considered in their entirety, cause exists to reduce the number of certified employees of the District for budgetary reasons.

9. Cause to reduce or discontinue services relates solely to the welfare of the District and its pupils within the meaning of Education Code section 44949.

10. "Precautionary" respondents Victoria Sexton and Idalia Smith are added to Appendix "B."

11. Cause exists to give all respondents listed in Appendix "B" that their services are not needed for the ensuing, 2011-2012, school year.

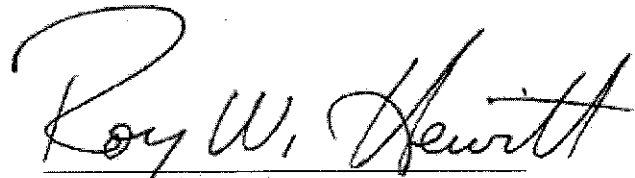
ADVISORY DETERMINATION

The following advisory determination is made:

Prior to May 15, 2011, notice shall be given to the respondents listed in Appendix "B" that their services will not be required for the ensuing school year due to the budget deficit and the resulting need to reduce and/or discontinue certain services.

The Accusation is dismissed as to respondents Heather Sieger and Elizabeth Elliott and the layoff notices are rescinded.

DATED: April 28, 2011.



ROY W. HEWITT
Administrative Law Judge
Office of Administrative Hearings

APPENDIX "A"

1. Adame, Cherilyn
2. Anderson, Brittany
3. Arriaza, Melissa
4. Boone, Stephen
5. Booth, Carol
6. Borja, Miriam
7. Boswell, Michelle
8. Bowers, Stephanie
9. Castleman, Derek
10. Cervantes, Cathy
11. Clevinger, Faith
12. Coaston, Angela
13. Collins, Anna
14. Davis, Jr., Anthony
15. DeBord, Jason
16. D'Silva, Naomi
17. Elliott, Elizabeth
18. Esparza, Rosalba
19. Esquivel, Michael
20. Fraijo, Edrina
21. Galbreath, Kate
22. Garcia, Terry
23. Gaytan, Gabriel
24. Gonzalez, Patricia
25. Green, Molly
26. Griffith, Kristin
27. Harper, Laura
28. Heusterberg, Robyne
29. Hochevar, Andrea
30. Hoss, April
31. Hunt, Andrew
32. Johnson, Matthew
33. Johnston, Maybelle
34. Kennebrew, Cynthia
35. Leach, Geraldine J.
36. Linek, Erin
37. Lyles, Melinda
38. Matthews, Gerald
39. McGuffee, Adriana
40. Miller, Rosemary
41. Moore, Brandon
42. Morales, Liza
43. Morales, Victor
44. Murillo, Maria
45. Paez-Herrera, Azucena
46. Park, Lynn
47. Perez, Ana
48. Ramirez, Tania
49. Rasouli Javaheri, Sima
50. Richardson, Ronald
51. Rivera, Sara
52. Rodriguez, Krissee
53. Ruiz, Jesus
54. Salazar, Celia
55. Salehpour, Yesenia
56. Sandoval, Mark
57. Sharp, Shannon
58. Sieger, Heather
59. Sotelo, Michelle
60. Taylor, Deirdre
61. Torres, Jannet
62. Trapp, Desiree
63. Treff, Star
64. Valencia, Lydia
65. Vasquez, Sandra
66. Vergara, Omar
67. Vizcaino, Jeanne
68. Walker, Katelyn
69. Walling, Michael
70. Washburn, Benjamin
71. Whitmyer, Christine
72. Zumfelde, Charme

PRECAUTIONARY NOTICES

1. Benavente-Barrera, Christine
2. Bihlmeier, Sharon
3. Boyd, Amanda
4. Castro, Benjamin
5. Crow, Joei
6. Davila, Gabriel
7. DeJongh, Yvonne
8. Dumke, Patricia
9. Hoang, John
10. Jensen, Andrea
11. Junio, Sherwin
12. Ladd, Sarah
13. Martinez, Jr., Jose
14. Martinez, Mark
15. Portillo, Lucy
16. Ramos, Michelle
17. Sanchez, Jr., Rodolfo
18. Schmitt, Hillary
19. Scribner, Michelle
20. Sexton, Victoria
21. Sivertsen, Francesca
22. Smith, Idalia
23. Sutherland, Seth
24. Talbert, Elizabeth
25. Wang, David
26. Ward, Wendy
27. Yang, Sharon

APPENDIX "B"

1. Adame, Cherilyn
2. Anderson, Brittany
3. Arriaza, Melissa
4. Boone, Stephen
5. Booth, Carol
6. Borja, Miriam
7. Boswell, Michelle
8. Bowers, Stephanie
9. Castleman, Derek
10. Cervantes, Cathy
11. Clevinger, Faith
12. Coaston, Angela
13. Collins, Anna
14. Davis, Jr., Anthony
15. DeBord, Jason
16. D'Silva, Naomi
17. Esparza, Rosalba
18. Esquivel, Michael
19. Fraijo, Edrina
20. Galbreath, Kate
21. Garcia, Terry
22. Gaytan, Gabriel
23. Gonzalez, Patricia
24. Green, Molly
25. Griffith, Kristin
26. Harper, Laura
27. Heusterberg, Robyne
28. Hochevar, Andrea
29. Hoss, April
30. Hunt, Andrew
31. Johnson, Matthew
32. Johnston, Maybelle
33. Kennebrew, Cynthia
34. Leach, Geraldine J.
35. Linek, Erin
36. Lyles, Melinda
37. Matthews, Gerald
38. McGuffee, Adriana
39. Miller, Rosemary
40. Moore, Brandon
41. Morales, Liza
42. Morales, Victor
43. Murillo, Maria
44. Paez-Herrera, Azucena
45. Park, Lynn
46. Perez, Ana
47. Ramirez, Tania
48. Rasouli Javaheri, Sima
49. Richardson, Ronald
50. Rivera, Sara
51. Rodriguez, Krissee
52. Ruiz, Jesus
53. Salazar, Celia
54. Salehpour, Yesenia
55. Sandoval, Mark
56. Sexton, Victoria
57. Sharp, Shannon
58. Smith, Idalia
59. Sotelo, Michelle
60. Taylor, Deirdre
61. Torres, Jannet
62. Trapp, Desiree
63. Treff, Star
64. Valencia, Lydia
65. Vasquez, Sandra
66. Vergara, Omar
67. Vizcaino, Jeanne
68. Walker, Katelyn
69. Walling, Michael
70. Washburn, Benjamin
71. Whitmyer, Christine
72. Zumfelde, Charme

