

BEFORE THE  
GOVERNING BOARD OF THE  
GALT JOINT UNION ELEMENTAR SCHOOL DISTRICT  
STATE OF CALIFORNIA

In the Matter of the Reduction in Force of:

CERTAIN CERTIFICATED PERSONNEL  
EMPLOYED BY THE GALT JOINT  
UNION ELEMENTARY SCHOOL  
DISTRICT,

OAH No. 2010030049

Respondents.

**PROPOSED DECISION**

Catherine B. Frink, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter in Galt, California, on April 26, 2010.

Diana D. Halpenny, Attorney at Law, of Kronick, Moskovitz, Tiedemann & Girard, represented the Galt Joint Union Elementary School District.

Ernest W. Tuttle, IV, Attorney at Law, represented 13 respondents identified in Exhibit A (represented respondents), a copy of which is attached hereto and incorporated herein by reference.

Evidence was received, the hearing was closed, and the matter was submitted for decision on April 26, 2010.

**FACTUAL FINDINGS**

**Jurisdiction**

1. Karen Schauer, Ed.D., Superintendent of the Galt Joint Union Elementary School District (District), State of California, filed the Accusation in her official capacity as a public officer.

2. On March 3, 2010, the Board of Trustees of the Galt Joint Union Elementary School District (Board) adopted Resolution No. 12, which reduced and/or discontinued particular kinds of certificated services no later than the beginning of the 2010-2011 school year.

3. The Board further determined that it shall be necessary by reason of the reduction and/or discontinuance of services to decrease the number of permanent and/or probationary certificated employees at the close of the 2009-2010 school year by a corresponding number of full-time equivalent (FTE) positions, and directed the Superintendent or her designee to proceed accordingly by notifying the appropriate employees to implement the Board's determination.

4. On or before March 15, 2010, the District served 29 certificated employees, including respondents, with written notice, pursuant to Education Code sections 44949 and 44955, that their services would not be required for the next school year (Notice). Each Notice set forth the reasons for the recommendation. The Notice attached and incorporated by reference Resolution No. 12, which listed the services to be reduced or discontinued, resulting in a proposed reduction in the certificated staff by 29.0 FTE positions.

5. Requests for Hearing were timely filed by 21 certificated employees to determine if there is cause for not reemploying them for the next school year. Any certificated employee who failed to file a request for hearing has waived his or her right to a hearing, and may be laid off by the District.

The Superintendent made and filed Accusations against each of the certificated employees who requested a hearing. The Accusations with required accompanying documents and blank Notices of Defense (Accusation packet) were timely served on the represented respondents, and on the following additional certificated employees: Ellen Henrikson; Amy Madison; Katherine Mike; Betsy Quenga; Tracey Vitale; and James Vlcek. On March 30, 2010, the District sent Mr. Tuttle a letter which stated, in part:

Enclosed please find an Accusation Packet being served on you on behalf of your clients. Please see the attached chart that reflects the names of those individuals who received a preliminary notice of layoff, with an indication of those who requested a hearing, and of those, the names of the individuals whom you represent in this matter, and on whose behalf you are accepting service of the Accusation. Per our verbal agreement, you will accept service of one Accusation packet on their behalf, and will file one Notice of Defense on their behalf as well.

The chart listing the individuals who the District believed were represented by Mr. Tuttle included employees Neika Estey, Jill Flores, and Koren Twilla (now Koren Twilla-Hasenkamp). The District did not separately serve the Accusation packet on Ms. Estey, Ms. Flores, or Ms. Twilla-Hasenkamp, because it believed they were represented by Mr. Tuttle.

6. On April 1, 2010, Mr. Tuttle filed a Notice of Defense on behalf of the represented respondents listed on Exhibit A, with the exception of Ms. Twilla-Hasenkamp, who he did not represent as of that date. He did not file a Notice of Defense on behalf of Ms. Estey or Ms. Flores, because he did not represent them.

7. The following certificated employees who were not represented by Mr. Tuttle also filed Notices of Defense: Ellen Henrikson; Katherine Mike; and Betsy Quenga. As set forth in Finding 15, the District rescinded the layoff notices to these employees, and they did not attend the hearing.

8. On Sunday, April 25, 2010, the District realized that Mr. Tuttle had not filed a Notice of Defense on behalf of Ms. Estey, Ms. Flores, or Ms. Twilla-Hasenkamp, and that he had not accepted service of the Accusation packet on their behalf. On Monday, April 26, 2010, prior to the commencement of the hearing, the District contacted Ms. Estey, Ms. Flores, and Ms. Twilla-Hasenkamp, to inform them of their right to be present at the hearing. Ms. Estey sent an e-mail to the District office which stated, "I do not wish to be at the hearing today April 26, 2010." Having waived her right to a hearing, Ms. Estey may be laid off by the District. The layoff notice to Ms. Flores was rescinded by the District, as set forth in Finding 15, and she did not attend the hearing. Ms. Twilla-Hasenkamp was present at the hearing, and was represented by Mr. Tuttle; she is listed as one of the represented respondents on Exhibit A.

9. The following individuals did not file Notices of Defense, and did not attend the hearing: Amy Madison, Tracey Vitale, and James Vlcek. As set forth in Finding 15, Mr. Vlcek's layoff notice was rescinded by the District. Ms. Madison and Ms. Vitale waived their right to a hearing, and may be laid off by the District.

10. Each respondent is presently a certificated permanent or probationary employee of the District.

11. Jurisdiction for the subject proceeding exists pursuant to Education Code sections 44949 and 44955.

### **Services to be Reduced or Eliminated**

12. The District provides educational services to approximately 4,100 students from kindergarten through the eighth grade (K-8) at six school sites. The District employs approximately 236 certificated employees. Approximately 60 percent of the District's students receive free or reduced-price lunches. Twenty-four percent of the students are English language learners (ELL), and all of the District's schools are Title 1 schools. The District is in its first year of Program Improvement, relating to its need to meet targets for academic achievement. In addition to other funding cuts, the District has experienced a decline in student enrollment during the 2009-2010 school year, which has resulted in loss of revenue to the District. The District is facing a budget deficit of \$1.5 million for the 2010-2011 school year, out of a total operating budget of approximately \$30 million. The salary and benefits of certificated staff account for more than 80 percent of the District's budget. To accomplish the necessary budget reduction, the District must reduce services for the next school year.

13. Attachment A to Resolution No. 12 called for the reduction or discontinuance of the following particular kinds of services for the 2010-2011 school year:

<b>Service</b>	<b>FTE</b>
K-6 Multiple Subject Instruction	14.0
GATE (Gifted and Talented Education) Resource Teacher	0.5
Curriculum Coaches	3.0
K-6 Music	4.0
K-6 Physical Education (P.E.)	5.0
7 <sup>th</sup> /8 <sup>th</sup> Newcomer Teacher	0.5
7 <sup>th</sup> /8 <sup>th</sup> General Science Teacher	0.4
7 <sup>th</sup> /8 <sup>th</sup> Study Skills Teacher	0.6
7 <sup>th</sup> /8 <sup>th</sup> Opportunity Teacher	1.0
Total	29.0

14. The above-described services are “particular kinds of services” that can be reduced or discontinued within the meaning of Education Code section 44955.

15. At the commencement of the hearing, the District rescinded the layoff notices to the following employees: Jamie Mangonon; Jill Flores; Betsy Quenga; Katherine Mike; Kevin Tarrant; James Vlcek; William Fagan; Ellen Henrikson; and Terry Glenn.

16. In arriving at the number of certificated employees to be noticed for layoff, the District considered all “positively assured attrition” which had occurred as of the date the Notices were sent to certificated employees, i.e. resignations, retirements, and other permanent vacancies and leaves of absence.

**Bumping and Skipping**

17. Economic layoffs are generally to be carried out on the basis of seniority. A teacher with more seniority typically has greater rights to retain employment than a junior teacher. A senior teacher whose position is discontinued has the right to a position held by a junior teacher if the senior teacher is properly credentialed. That displacement of a junior teacher is known as “bumping.” In general, the District has an affirmative obligation to reassign senior teachers who are losing their positions into positions held by junior teachers

if the senior teacher has both the credentials and competence to occupy such positions. The seniority rule is not absolute, and a junior teacher with a needed credential or skills may be retained even if a more senior teacher is terminated. Such “skipping” is recognized by statute (Education Code section 44955, subdivision (d)(1)) and appellate law (*Santa Clara Federation of Teachers, Local 2393 v. Governing Board of the Santa Clara Unified School District* (1981) 116 Cal.App.3d 831). In order to depart from a seniority-based economic layoff, Education Code section 44955, subdivision (d)(1), requires the District to “demonstrate a specific need for personnel to teach a specific course or course of study... and that the certificated employee [to be skipped] has special training and experience necessary to teach that course or course of study...which others with more seniority do not possess.”

18. The District maintains a seniority list which contains pertinent information such as employees’ date of first paid service, current assignment, and credentials on file. The District used the seniority list to develop a proposed layoff list. The District considered whether senior employees currently assigned in the various services being reduced or eliminated could bump more junior employees. In determining who would be laid off for each kind of service reduced or eliminated, the District first applied known vacancies and then applied in progressive sequence the seniority list in inverse order, from least to most senior. Employees with the same date of hire were laid off according to the needs of the District and its students.<sup>1</sup>

19. The District skipped all special education teachers, nurses, and psychologists (with the exception of one special education teacher who was nonreelected), due to the fact that these individuals possess special credentials, training and experience that more senior certificated employees who were identified for layoff do not possess, and the District will have a need for these services in the 2010-2011 school year.

20. The District adopted competency criteria that teachers must satisfy in order to bump into a position held by another teacher. As set forth in Resolution No. 12, the competency criteria states:

For purposes of this resolution, the Governing Board has determined that “competency” for the purposes of displacement rights shall mean that a certificated employee shall be deemed to be competent or qualified to perform certificated services if:

- a. he or she has a credential or supplementary or subject matter authorization for the service, and a CLAD or equivalent certification (LDS, SB1969), BCLAD or equivalent certification

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<sup>1</sup> Resolution No. 12 contains a list of criteria to be used to determine the order of termination of certificated employees who first rendered paid service to the District in a probationary position on the same date (tiebreaking criteria). There were no disputes between the parties concerning the application of the tiebreaking criteria to certificated employees in this matter.

(LDS, SB1969), and meets No Child Left Behind status of Highly Qualified Teacher (for Title I schools), and if that credential or supplementary authorization has been obtained within five years of the date of this resolution; or

- b. if the credential or supplementary or subject authorization was obtained more than five years prior to this resolution, the employee has performed services for this District within the credential or supplementary authorization for at least one semester within the last five years, and
- c. if the assignment into which the senior employee is being assigned to displace a junior employee is in a 7-8 grade assignment, the senior employee has at least one (1) semester actual teaching experience in grades 7-8.

### **Application of the Competency Criteria to Marlene Pacheco**

21. Marlene Pacheco (8/14/06) holds a clear Multiple Subject (MS) credential, with a supplemental authorization in Social Science, and a subject matter authorization in Introductory English. She teaches a second/third grade combination class. She is received a notice of layoff as a result of the reduction in K-6 multiple subject instruction.

22. Juan Mejia (8/14/06) holds a clear single subject credential in Social Science. He teaches social science/AVID.

23. Ms. Pacheco has greater seniority than Mr. Mejia due to the application of the District's tiebreaking criteria. Respondents contend that Ms. Pacheco is able to bump Mr. Mejia from his social science position. The District contends that Ms. Pacheco is not qualified to displace Mr. Mejia because she does not meet the District's competency criteria.

24. Ms. Pacheco holds a supplementary authorization for the service (social science), which she obtained within five years of the date of Resolution No. 12, and she holds a required ELL authorization. However, she does not meet the No Child Left Behind (NCLB) status of Highly Qualified teacher.<sup>2</sup> In order to be deemed highly qualified for purposes of NCLB, a teacher must have either the equivalent of a bachelor's degree in the subject area (32 semester units), or take and pass the California Subject Examinations for Teachers (CSET) in the pertinent subject area. In February of 2009, Ms. Pacheco met with District personnel technician Kim Floyd, in order to discuss her credential status. At that time, Ms. Pacheco established that she qualified for a supplemental authorization in social science, because she had 22 semester units in the subject area of social science. She has not provided information to the District after February 2009 to indicate that she has obtained the required units to be deemed highly qualified in social science.

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<sup>2</sup> As noted in Finding 12, all of the District's schools are Title 1 schools.

25. According to Ms. Floyd, the District is legally required to have highly qualified teachers teaching academic subjects. The District is monitored for compliance with NCLB by both the county and the state Department of Education. All of the District's teachers, including Ms. Pacheco and Mr. Mejia, are highly qualified under NCLB to teach the subjects to which they are currently assigned for the 2009-2010 school year.

26. Under the circumstances set forth above, the District properly exercised its discretion to establish and apply its competency criteria. In *Martin v. Kentfield School Dist.* (1983) 35 Cal.3d 294, the Supreme Court considered the "certificated and competent" standard embodied in Education Code section 44956, concerning the reemployment rights of teachers who have been laid off under Education Code section 44955. As the court wrote, "[s]uch determinations, it has been held, involve 'discretionary decisions' which are within the 'special competence' of the school districts." (*Id.* at p. 299.) (See also, *King v. Berkeley Unified School Dist.* (1979) 89 Cal.App.3d 1016, 1023.) Ms. Pacheco is not qualified under the Board's competency criteria to teach social science. Thus, she cannot bump Mr. Mejia, and has been properly identified for layoff.

### **Curriculum Coach Positions**

27. For the 2009-2010 school year, the District had 11 certificated employees occupying the position of Curriculum Coach. These positions were filled through an interview process, and were open to current District teachers. During the spring of 2009, the issue arose concerning whether teachers identified for potential layoff at the end of the 2008-2009 school year could apply for Curriculum Coach positions for the 2009-2010 school year. Brian Meddings is the president of the Galt Educators Faculty Association (GEFA). He attended a "GEFA District Communications" meeting on May 7, 2009, at which the position of Curriculum Coach was discussed. Dr. Schauer was present at the meeting, as was Judy Bullard, the District's Director of Curriculum. The minutes from the meeting state, in part:

Concern that potentially RIFed teachers [teachers subject to a reduction in force] were encourage[d] to apply for these positions. These people cannot apply until they are officially off the RIF [layoff] list. But they can tell Kim Floyd that they have interest in the jobs should that be an option.

Based on his understanding of the discussion, Mr. Meddings sent out an e-mail to all GEFA members in May of 2009, stating that individuals then on the layoff list could not apply for the Curriculum Coach position.

28. Appointment as a Curriculum Coach is for a one-year period, and teachers must re-apply each year for the ensuing school year.

29. Mr. Meddings attended a meeting with District personnel in early 2010, on an exact date not established by the evidence. At that meeting, the reduction in Curriculum Coach positions from 11 to seven was discussed. Mr. Meddings was told that "the procedure

[for selection of the Curriculum Coaches] would be the same as last year,” i.e., that interviews would be held. The specific issue of whether employees identified for potential layoff could apply was not discussed. However, Mr. Meddings assumed that, if the procedure was the same as for the 2009-2010 school year, teachers who had received Notices would not be eligible to apply for the Curriculum Coach positions, until they were “cleared” from the layoff list. Mr. Meddings did not discuss his belief with anyone.

30. On March 10, 2010, the District published a Notice of Vacancy for the 2010-2011 Curriculum Coach positions. The Notice of Vacancy described the Curriculum Coach program as follows: “The District Curriculum Coach will serve to improve classroom instruction at all schools in the district through coaching, modeling, mentoring and training in successful, research based instructional practices that increase student achievement.” The Curriculum Coach positions are under the direct supervision of the Director of Curriculum.

31. The Notice of Vacancy listed the number of positions available as “7-8.” Under “Who May Apply,” the Notice of Vacancy stated: “Current district teachers who meet the essential qualifications of the District Curriculum Coach job descriptions (attached.) This position requires an application and interview process (see below).” The job description for Curriculum Coach states that the individual must hold a valid teaching credential; no particular type of credential is specified.

32. The Notice of Vacancy set an application deadline of March 23, 2010, with interviews to be scheduled for March 24-25, 2010.

33. Kim Floyd prepared the Notice of Vacancy. She stated that the reference in the Notice of Vacancy to “current district teachers” included teachers who had received layoff notices, and it was not the District’s intention to limit applications from any current employee.

34. As of the date of hearing, the District had completed interviews and selected the following seven teachers to fill Curriculum Coach positions for the 2010-2011 school year: Stephanie Simonich (8/23/93); Linda Ekstrom (8/17/95); Donna Tabaie ((8/19/97); Kimberly Frizzi (8/19/97); Sunshine Umeda (4/25/00); Laura Marquez (8/14/01); and Gerardo Martinez (8/18/03). According to Dr. Schauer, the District is considering whether or not to fill the eighth Curriculum Coach position. Dr. Schauer did not know whether the vacancy would be re-posted, or whether the selection of an additional Curriculum Coach would be made from the existing pool of applicants.

35. Resolution No. 12 lists a reduction in the number of Curriculum Coach positions for the 2010-2011 school year of 3.0 FTE. The District initially believed that any of the teachers currently occupying Curriculum Coach positions would be able to bump less senior teachers with MS credentials, based on the assumption that all of the Curriculum Coach teachers held MS or standard elementary credentials that would allow them to teach K-6 multiple subject instruction. Thus, the District issued Notices to three junior teachers

with MS credentials to effectuate the reduction of 3.0 FTE Curriculum Coach positions: Marlene Pacheco (8/14/06); Debra Spector (8/14/06); and Debra Novak (8/14/06).<sup>3</sup>

### **Lourdes Sanchez-Anton**

36. Lourdes Sanchez-Anton (9/11/90) holds a clear single subject Spanish credential and a BCLAD certificate. Her teaching assignment for the 2009-2010 school year was Newcomer Teacher (0.5 FTE) and Curriculum Coach (0.5 FTE). During her tenure with the District, Ms. Sanchez-Anton has occupied several positions, including bilingual resource specialist; kindergarten teacher; middle school teacher (history); newcomer teacher; and curriculum coach. Between 1996 and 2004, Ms. Sanchez-Anton taught kindergarten pursuant to a Board “waiver” (authorization). After the 2003-2004 school year, Ms. Sanchez-Anton was told that she would not longer be issued a Board authorization to teach kindergarten. Ms. Sanchez-Anton occupied the position of bilingual/English language resource teacher for the 2004-2005 school year through the 2008-2009 school year. The District eliminated that position at the end of the 2008-2009 school year. Respondent was able to serve as a curriculum coach for the 2009-2010 school year because the position only requires that the individual possess any “valid teaching credential.”

37. Ms. Sanchez-Anton did not interview for the Curriculum Coach position for 2010-2011. The Notice of Vacancy was posted on March 10, 2010, the day after she received her Notice. She believed that she was not eligible to apply for the Curriculum Coach position because “it was [her] understanding that people who were RIFed could not apply for any jobs” for the coming year “until they were off the RIF list.” Her understanding was based on “teachers talking,” and “people in the conference room.” She acknowledged that she did not ask anyone at the District office whether or not she could apply, and was not told by any District administrator that she could not apply. She admitted receiving an email from Judy Bullard, dated March 10, 2010, which stated:

Coaches,

We will be interviewing for coaches earlier than I told you at the last coach meeting. The title will be District Curriculum Coach. Look for the posting today or tomorrow. If you have questions, please ask. Judy.

38. Ms. Bullard and Ms. Sanchez-Anton met on February 26, 2010 to discuss Ms. Sanchez-Anton’s performance evaluation and other matters. Ms. Bullard mentioned the fact that the Curriculum Coach position interviews “were coming up.” They also discussed the status of Ms. Sanchez-Anton’s credentials. In that meeting, Ms. Sanchez-Anton stated that she had a single subject credential, but was studying for the CSET in order to obtain an MS

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<sup>3</sup> Based upon the District’s application of its tiebreaking criteria Ms. Novak (#213) has greater seniority than Ms. Spector (#216) or Ms. Pacheco (#218).

credential. As of the date of hearing, Ms. Sanchez-Anton had not passed the tests necessary to obtain an MS credential.

39. The District does not offer Spanish as an elective at the junior high school.

40. Respondents contend that Ms. Sanchez-Anton has greater senior than all seven of the teachers who have been selected as curriculum coaches for the 2010-2011 school year, and that the District is retaining junior teachers in positions for which Ms. Sanchez-Anton is certificated and qualified. This contention is not persuasive. Ms. Sanchez did not apply for the position of Curriculum Coach. Although she mistakenly believed she could not apply for the position, her misperception is not the fault of the District. Even if she had applied, there was no guarantee that she would have been selected for one of the Curriculum Coach positions. There is no position available for which Ms. Sanchez-Anton is credentialed and qualified.

41. Respondents contend that the District has acted unfairly in refusing to request a Board authorization for Ms. Sanchez-Anton to teach kindergarten, when the District obtained Board authorization for another teacher, Ellen Henrikson, to teach music for the 2009-2010 school year. This contention is without merit. Ms. Henrikson holds a general elementary life credential; she is certificated and competent to teach in a K-6 multiple subjects position for the 2010-2011 school year; and she has greater seniority than respondents who hold MS credentials. If the District has a need for music teachers for the 2010-2011 school year, it is within the District's discretion to seek a Board authorization for Ms. Henrikson. The District is reducing the number of teachers with MS credentials. It is not an abuse of discretion for the District to decline to seek Board authorization for Ms. Sanchez-Anton to teach a subject for which credentialed teachers are being laid off.

### **Debra Novak**

42. As set forth in Finding 35, Ms. Novak was issued a Notice as a result of the 3.0 FTE reduction in Curriculum Coach positions. Ms. Novak was issued the Notice as a precaution, in the event it was determined that Ms. Sanchez-Anton was to be retained. In light of the matters set forth in Findings 40 and 41, the Notice to Ms. Novak should be rescinded.

### **Welfare of the District and Its Students**

43. The Board's decision to reduce or discontinue the particular kinds of services identified in Resolution No. 12 was not arbitrary or capricious, but constituted a proper exercise of discretion.

44. The reduction or discontinuation of particular kinds of services related to the welfare of the District and its pupils. The reduction or discontinuation of particular kinds of services was necessary to decrease the number of certificated employees of the District as determined by the Board.

45. No certificated employee junior to any respondent was retained to perform any services which any respondent was certificated and competent to render.

## 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. The anticipation of receiving less money from the state for the next school year is an appropriate basis for a reduction in services under Education Code section 44955. As stated in *San Jose Teachers Association v. Allen* (1983) 144 Cal.App.3d 627, 638-639, the reduction of particular kinds of services on the basis of financial considerations is authorized under that section, and, “in fact, when adverse financial circumstances dictate a reduction in certificated staff, section 44955 is the only statutory authority available to school districts to effectuate that reduction.” The District must be solvent to provide educational services, and cost savings are necessary to resolve its financial crisis. The Board’s decisions were a proper exercise of its discretion.

3. The services identified in Resolution No. 12 are particular kinds of services that could be reduced or discontinued under section Education Code section 44955. Cause exists to reduce the number of certificated employees of the District due to the reduction or discontinuance of particular kinds of services. Cause for the reduction or discontinuance of services relates solely to the welfare of the District’s schools and pupils within the meaning of Education Code section 44949.

4. 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.)

5. As set forth in Findings 21 through 26, the District properly identified Marlene Pacheco as a certificated employee subject to layoff.

6. As set forth in Findings 27 through 41, the District properly identified Lourdes Sanchez-Anton as a certificated employee subject to layoff.

7. As set forth in Finding 15, the District has rescinded the layoff notices to Jamie Mangonon; Jill Flores; Betsy Quenga; Katherine Mike; Kevin Tarrant; James Vlcek; William Fagan; Ellen Henrikson; and Terry Glenn.

8. As set forth in Finding 42, the District shall rescind the layoff notice to Debra Novak.

9. No employee with less seniority than any named respondent is being retained to render a service which any named respondent is certificated and competent to render. Except as set forth in Legal Conclusions 7 and 8, the Board may give respondents final notice before May 15, 2010, that their services will not be required for the ensuing school year, 2010-2011.

#### ORDER

1. The District shall comply with Legal Conclusions 7 and 8.

2. Except as set forth in Legal Conclusions 7 and 8, the Accusations served on respondents are sustained. Notices of layoff shall be rescinded as to Jamie Mangonon; Jill Flores; Betsy Quenga; Katherine Mike; Kevin Tarrant; James Vlcek; William Fagan; Ellen Henrikson; Terry Glenn; and Debra Novak. Notices shall be given to the remaining respondents identified in attached Exhibit A that their services will not be required for the 2010-2011 school year because of the reduction or discontinuation of particular kinds of services. Notice shall be given to respondents in inverse order of seniority.

Dated: \_\_\_\_\_

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CATHERINE B. FRINK  
Administrative Law Judge  
Office of Administrative Hearings

EXHIBIT A  
REDDING SCHOOL DISTRICT  
RESPONDENTS REPRESENTED BY  
ERNEST H. TUTTLE, IV, ATTORNEY AT LAW

1. William Fagan
2. Terry Glenn
3. Jaime Mangonon
4. Debra Novak
5. Marcos Ornelas
6. Marlene Pacheco
7. Nikole Salinas
8. Lourdes Sanchez-Anton
9. Debra Spector
10. Kevin Tarrant
11. Lonnee West
12. Leah Wheeler
13. Koren Twilla-Hasenkamp