

BEFORE THE GOVERNING BOARD OF THE
CENTINELA VALLEY UNION HIGH SCHOOL DISTRICT

In the Matter of the Reduction in Force of
Certificated Staff on the Centinela Valley
Union High School District (64.6 Full Time
Equivalent Positions),

OAH No. 2011030185

Respondents.

PROPOSED DECISION

David B. Rosenman, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on April 7, 2011, at the Centinela Valley Union High School District office in Lawndale, California.

Candace M. Bandoian, attorney at law, of Miller, Brown & Dannis represented the Centinela Valley Union High School District (District). Lawrence B. Trygstad, attorney at law, of Trygstad, Schwab & Trygstad represented all Respondents.

Oral and documentary evidence was received, and argument was heard. The record was closed, and the matter was submitted for decision on April 7, 2011.

FACTUAL FINDINGS

1. Complainant Bob Cox filed the Accusations while acting in his official capacity as the Assistant Superintendent of Human Resources for the District.

2. Respondents are certificated employees of the District. The District serves students in grades 9-12 at three comprehensive high schools, a continuation school and an independent study school, and also operates an adult school.

3. On February 22, 2011, the Governing Board (Board) of the District adopted a resolution (Resolution No. 10-11/014) to reduce and discontinue the following particular kinds of services provided by the District no later than the beginning of the 2011-2012 school year:

<u>High School Services:</u>	<u>Full Time Equivalent Positions</u>
1. Assistant Principals	1.0
2. Coordinators	1.0
3. Deans	3.0

4. Counselors	3.0
5. DIS Counselors	3.0
6. Psychologists	1.0
7. Art	3.0
8. English	16.0
9. French	.6
10. Home Economics	3.0
11. Math	6.0
12. Physical Education	8.0
13. ROTC	1.0
14. Social Sciences	10.0
15. Spanish	5.0
TOTAL FTE REDUCTION	64.6

4. Resolution No. 10-11/014 also identified 10.58 Full Time Equivalent positions (FTEs) in the Adult Education Department to be eliminated. The District has withdrawn the Accusations as to the following certificated staff who held these positions: Troy Croom, Jessica Gonzalez, Vahid Hamidi, Lyle David Johnson, Carrie Lowry and Susan Lyons.

5. The Board further determined that the reduction in services necessitated a decrease in the number of certificated employees at the close of the 2010-2011 school year by a corresponding number of FTE positions, and directed Mr. Cox to notify the appropriate employees to implement the Board's determination. The main reason for the reduction was proposed budget shortfalls due to the State budget.

6. On or before March 15, 2009, the District gave notice (preliminary layoff notice) to each certificated staff member identified as related to the services to be reduced or eliminated of the potential elimination of his/her position for the 2011-2012 school year. Some certificated staff members who received the preliminary layoff notices requested a hearing, and are referred to as Respondents. Respondents are probationary or permanent certificated employees of the District. On March 14, 2011, the District served an Accusation on each Respondent.

7. Respondents timely filed Notices of Defense to determine if there was cause for not reemploying them for the 2011-2012 school year.

8. The services set forth in Factual Finding 3 are particular kinds of services which may be reduced or discontinued within the meaning of Education Code section 44955. The Board's decision to reduce or discontinue the identified particular kinds of services was neither arbitrary nor capricious, and constituted a proper exercise of discretion.

9. The reduction or discontinuation of particular kinds of services was related solely to the welfare of the District and its pupils. It was not related to the capabilities and dedication of the individuals whose services are proposed to be reduced or eliminated.

10. The Board considered all known attrition, resignations, retirements and requests for transfer in determining the actual number of necessary layoff notices to be delivered to its employees. The Board also passed a resolution (Resolution No. 10-11/015) adopting seniority lists, described more fully below, and a resolution (Resolution No. 10-11/016) determining the order of seniority for employees who shared the same date of first paid service to the District (tie-breaking criteria).

11. The District maintains a seniority list which contains employees' seniority dates, current assignments, permanency description and credential and certificate information. (Exhibits 9 and 13.)

12. At the hearing, counsel stipulated to make the following changes to the seniority list:

- a. Tenured employee Twaunnie Busse, seniority #38 on Exhibit 9: the Accusation is dismissed as to this employee.
- b. Tenured employee Emma Jurgenson, seniority #87 on Exhibit 9: the Accusation is dismissed as to this employee.
- c. Tenured employee Marvin Jacobo, seniority #254 on Exhibit 9: seniority date was changed from August 29, 2007, to September 5, 2006.
- d. Tenured employee Nicole Price, seniority #209 on Exhibit 9: seniority date was changed from September 6, 2005, to September 7, 2004.
- e. Tenured employee Erika Magana, seniority #181 on Exhibit 9: seniority date was changed from September 7, 2004, to August 30, 2004.
- f. Tenured employee Julie Ichiroku, seniority #177 on Exhibit 9: seniority date was changed from September 7, 2004, to August 23, 2004.
- g. Tenured employee Christopher James, seniority #215 on Exhibit 9: seniority date was changed from September 20, 2006, to November 14, 2005.
- h. Probationary 1 employee Crystal Thayer, seniority #318 on Exhibit 9: added a credential in Intro to English.

13. Several Respondents contend that they are entitled to earlier seniority dates because they participated in the New Teacher Summer Institute (NTS Institute) prior to the beginning of their first school year and received payment from the District for their

attendance. These Respondents testified in support of their contention: Matt Collins (#291); Kirk Harm (#142); Scot Butwell (#223); Kyle Jennings (#321); Crystal Thayer (#323) and Gretchen Hauk (#322).¹ Respondent Nicole Price (#209) contends that she was informed by her principal that she did not need to attend the NTS Institute, but contends her seniority date should be changed as if she had attended. Respondent Hauk testified that she also attended a week of workshops prior to the NTS Institute.

14. The District established that: the NTS Institute is run by the Beginning Teacher Support Association, an organization that is not part of the District. The District's Director of Curriculum and Instruction runs the NTS Institute. The District encourages new teachers to attend, but attendance is not mandatory. The District sent a letter to new teachers each year advising them of the Institute. The six Respondents listed in Finding 13 who attended received payment from the District either based upon a "workshop rate" from the Collective Bargaining Agreement with the teachers union, or, in the case of Respondent Harm, based on a Tuition Assistance Program (TAP) grant which he considered to be financial aid. The additional pay was not at the teachers' regular salary rate. Several of these six Respondents had employment contracts, received in evidence, which set forth their first date of paid service that did not include their attendance at the NTS Institute or workshops. Likewise, the District does not count these days as part of the employees' contract year. The District also contends that: Respondent Butwell raised the same contention and presented the same evidence in layoff proceedings in April 2009; the Proposed Decision (Exhibit 17) rejected the contention; the Proposed Decision was adopted by the Board; and Respondent Butwell is therefore prevented from raising the issue again.

15. Respondents' contentions are rejected. Under the totality of the evidence submitted, Respondents Collins, Harm, Butwell, Jennings, Thayer, Hauk and Price were assigned correct seniority dates by the District, either in the seniority list or in the stipulations set forth in Finding 12. Further, as discussed more fully in the Legal Conclusions, Respondent Butwell's contention is barred by virtue of the prior layoff proceedings, to the extent he relies on the same evidence.

16. Respondent Butwell's seniority date on the seniority list is September 5, 2006. His contract (Exhibit H) states that his employment was to commence September 1, 2006. While this is not enough evidence on which to conclude that his first date of paid service was also September 1, 2006, Respondent Butwell is not prevented from presenting information to the District of paid service beginning September 1, 2006. The District is not obligated to consider any such information for these proceedings.

17. Respondent Price also contends that she has an additional two years of teaching in New Jersey that might be used to break a tie in seniority date. However, the office in New Jersey is presently closed and she would not be immediately able to obtain documentation.

¹ Respondent Harm testified to attending summer seminars. Respondent Jennings testified he attended new teacher orientation, not specifically that he attended the NTS Institute. Respondent Thayer's testimony was received by stipulation.

18. The District notified teachers in January 2011 that they could review information on the seniority list and that they had three weeks to submit relevant information for any modifications. Respondent Price did not offer evidence of any effort in that time frame, or before March 15, to either inform the District of this additional experience or obtain supporting documents. The District is entitled to rely upon the information it had as of the time the Board passed the resolution. Respondent Price may submit additional information when it is obtained, but the District is not obligated to consider it for these proceedings.

19. Respondent David Yancy (#242) is a Naval science instructor who teaches in the NJROTC program. Respondent Yancy is the second of two instructors, and contends that, based on the number of cadets enrolled in the NJROTC program there must be at least two, and possibly three, Naval science instructors. He presented a copy of portions of a Unit Inspection Report (Exhibit L) which references a contract, with the host school, referring to the requirement for a second instructor and recommending that Respondent Yancy be retained. There was no other evidence of the nature of the contract provisions requiring a certain ratio of instructors to students.

20. As noted more specifically in Legal Conclusion 5, the District may not reduce services below any statutorily mandated level. This restriction, however, does not apply to a contract, which was not offered in evidence at the hearing.

21. The District used the seniority list to develop a proposed layoff list of the least senior employees currently assigned in the services being reduced. The District then determined whether the least senior employees held credentials in another area and were entitled to displace, or “bump,” other employees. In determining who would be laid off for each kind of service reduced, the District counted the number of reductions not covered by the known vacancies, and determined the impact on incumbent staff in inverse order of seniority.

22. At the hearing, Assistant Superintendent Cox testified that eight teachers were sent precautionary layoff notices, based on experience that there may be some Respondents who will be required to be retained and that the District will need flexibility to attain budget savings. Absent such circumstances, the District wishes to retain these teachers. Given the testimony that the District wishes to retain these eight teachers and the totality of the evidence at the hearing, they should be retained. They were identified as: Erica Harbison (#195 on Exhibit 9); Emma Jurgensen (#87 on Exhibit 9); Kathleen Kondo (#249 on Exhibit 9); Erika Magana (#181 on Exhibit 9); Andrew McGregor (#246 on Exhibit 9); Cindy Nguyen (#158 on Exhibit 9); Joshua Schlener (#196 on Exhibit 9); and Candace Vidaurrazaga (#253 on Exhibit 9).

23. Resolution 10-11/014 also included a provision that the District would retain certificated employees, regardless of seniority, “who possess specific credentials and qualifications needed for the following subject matters: Special Education and Sciences including but not limited to natural, physical and life sciences.” (Exhibit 1.) This is

commonly referred to as “skipping.” Other than information in the seniority lists (Exhibit 9 and 13), there was no evidence identifying the specific teachers which the District proposed to skip or of their special training and experience. Nor was there any evidence or argument from Respondents that the skipping process was improperly performed.

24. No certificated employee junior to any Respondent was retained to perform any services which any Respondent was certificated and competent to render.

25. Respondents raised several contentions at the hearing, some of which are discussed herein. Except as specifically set forth herein, these contentions were not supported by sufficient evidence or the law and, therefore, are rejected.

26. Manoj Choudhary (#334 on Exhibit 9) started with the District after the beginning of the present school year, and his seniority date is November 8, 2010. Respondents contend that, if he is not a Respondent, then the most junior employee was not noticed and the Accusations must be dismissed. However, it was established by the evidence that Manoj Choudhary was sent a preliminary layoff notice (he is listed in Exhibit 5 and his name is highlighted in blue in Exhibit 13, indicating he received notice), and he is not a Respondent because he did not submit a Notice of Defense. This contention is rejected.

27. Several teachers participate in a District program titled “e2020” for students who are deficient in credits. Teachers with any credential can teach in the program. The nine teachers presently assigned to the e2020 program have the following seniority numbers: 43, 44, 53, 92, 98, 108, 177, 187 and 317. Number 187, Tali Sherman, was not sent a layoff notice. Respondents contend that all of them with more seniority than Tali Sherman can teach in her position and should be retained. These Respondents have the following seniority numbers: 25, 132, 140, 142, 153, 154, 159, 160 and 177. The District contends that the e2020 program is not relevant to these proceedings and that, in the alternative, only one Respondent, the most senior, can potentially benefit from the failure to send a layoff notice to Tali Sherman.

28. Tali Sherman holds a credential in English. The 16.00 FTEs in English identified for reduction in the resolution are comprised of other teachers with an English credential who are assigned to teach English and have less seniority than Tali Sherman. There was insufficient evidence that teachers assigned to the e2020 program are doing anything other than teaching their credentialed subject to a particularly identified status of students; i.e., students that are deficient in credits. Therefore, there was insufficient evidence to support the contention that Tali Sherman should have been noticed for layoff, or that any Respondent more senior to her should be retained.

29. Respondents contend that, by operation of Education Code section 44916, the District must notify a teacher in writing of the classification of their assignment/position (substitute, temporary, probationary or permanent), and that if not properly designated, the employee is deemed probationary. While this contention is a correct statement of the law, Respondents did not submit sufficient evidence that any of them were not properly notified

in writing. To the extent Respondents contend that this issue relates to their attendance at the NTS Institute or summer workshops, it was not supported by the facts or the law and is rejected.

30. Respondents contend that, by operation of Education Code section 44956.5, Bob Cox and other administrators should not have been placed on the seniority list. That section states that under certain circumstances some administrators may not accrue seniority, or may accrue a limited amount of seniority. There was insufficient evidence that administrators were improperly placed on the seniority list, and no evidence that such placement affected the aspects of the layoff process that were otherwise properly performed.

31. Respondents contend that some teachers have extra duty assignments which, if eliminated, would result in fewer layoffs being necessary and/or that they could bump into the positions and therefore not face layoff. These assignments, usually for the sixth period after the regular five periods of teaching, are not regular teaching assignments, are entirely discretionary and may not be continued by the District. This contention was not supported by sufficient evidence or the law and, therefore, is rejected.

32. Respondents contend that, to the extent that thirteen probationary teachers (who are not Respondents in this matter) received notices that they were not being re-elected for the next school year, this represents attrition which must be considered by the District to reduce the number of FTEs in the particular kinds of services identified for reduction. Non-re-election of probationary employees is a separate process that this layoff proceeding.² This contention was not supported by sufficient evidence or the law and, therefore, is rejected.

33. The District maintains a budget reserve in excess of the amount required by law. Respondents contend that it is therefore unnecessary for the District to proceed with layoffs. This contention was not supported by sufficient evidence or the law and, therefore, is rejected.

34. Respondents filed a Motion to Dismiss All Precautionary Notices (Exhibit A). The District filed opposition to the Motion and the Declaration of Bob Cox (Exhibits 11 and 12). Respondents' contention that there is no legal authority to send layoff notices to more than the exact percentage of teachers that corresponds to the FTEs identified for reduction is not supported by the law. As set forth in more detail in Conclusion 6, school districts are permitted some flexibility and discretion in pursuing the layoff process. The final decision by the governing board follows the giving of layoff notices, the administrative hearing and the rendering of a proposed decision. While there is sufficient authority to "over-notice" by sending some so-called precautionary notices, as of the time of the administrative hearing, the District did not establish that it was necessary for those receiving the precautionary notices to be laid off. Therefore, the motion is granted and the Accusations against those Respondents (see Finding 22) will be dismissed.

² See, for example, Education Code section 44929.21.

35. Respondents raised several additional contentions in their brief (Exhibit B), including, but not limited to: improper classification as temporary or substitute employees; violation of the rights of probationary employees to notice and an opportunity to be heard; improper reduction in teaching in general; improper skipping by the District; failure to permit employees to bump into another position; and failure to assign correct seniority dates. Except as specifically set forth herein, these contentions were not supported by sufficient evidence or the law and, therefore, are rejected.

LEGAL CONCLUSIONS

1. Education Code³ section 44949, subdivision (a), states in pertinent part:

“No later than March 15 and before an employee is given notice by the governing board that his or her services will not be required for the ensuing year for the reasons specified in Section 44955, the governing board and the employee shall be given written notice by the superintendent of the district or his or her designee . . . that it has been recommended that the notice be given to the employee, and stating the reasons therefor.”

Section 44949, subdivision (c)(3), states in pertinent part:

“The hearing shall be conducted by an administrative law judge who shall prepare a proposed decision, containing findings of fact and a determination as to whether the charges sustained by the evidence are related to the welfare of the schools and the pupils thereof. . . . Nonsubstantive procedural errors committed by the school district or governing board of the school district shall not constitute cause for dismissing the charges unless the errors are prejudicial errors.”

2. Section 44955 provides, in pertinent part:

“(a) No permanent employee shall be deprived of his or her position for causes other than those specified in Sections 44907 and 44923, and Sections 44932 to 44947, inclusive, and no probationary employee shall be deprived of his or her position for cause other than as specified in Sections 44948 to 44949, inclusive.

“(b) Whenever . . . a particular kind of service is to be reduced or discontinued not later than the beginning of the following school year, . . . and when in the opinion of the governing board of the district it shall have become necessary by reason of any of these conditions to decrease the number of permanent employees in the district, the governing board may terminate the services of not more than a corresponding percentage of the certificated employees of the district, permanent as well as probationary, at the close of the school year. Except as otherwise provided by statute, the services of no permanent employee may be terminated under the provisions of this section while any probationary employee, or

³ All citations are to the Education Code.

any other employee with less seniority, is retained to render a service which said permanent employee is certificated and competent to render.

“As between employees who first rendered paid service to the district on the same date, the governing board shall determine the order of termination solely on the basis of needs of the district and the students thereof. . . .

“(c) . . . [S]ervices of such employees shall be shall be terminated in the reverse order in which they were employed, as determined by the board in accordance with Sections 44844 and 44845. In the event that a permanent or probationary employee is not given the notices and a right to a hearing as provided for in Section 44949, he or she shall be deemed reemployed for the ensuing school year.

“The governing board shall make assignments and reassignments in such a manner that employees shall be retained to render any service which their seniority and qualifications entitle them to render. . . .

“(d) Notwithstanding subdivision (b), a school district may deviate from terminating a certificated employee in order of seniority for either of the following reasons:

“(1) The district demonstrates a specific need for personnel to teach a specific course or course of study, or to provide services authorized by a services credential with a specialization in either pupil personnel services or health for a school nurse, and that the certificated employee has special training and experience necessary to teach that course or course of study or to provide those services, which others with more seniority do not possess.”

3. Sections 44949 and 44955 establish jurisdiction for this proceeding. The notice and jurisdictional requirements set forth in sections 44949 and 44945 were met. (Factual Findings 1 through 8.)

4. A school 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. The District must be solvent to provide educational services, and cost savings are necessary to resolve projected District budget reductions, to insure that its schools provide, and students receive, required instruction in an effective and efficient manner. Such financial circumstances can dictate a reduction in certificated staff, and “section 44955 is the only statutory authority available to school districts to effectuate that reduction.” (*San Jose Teachers Assn. v. Allen* (1983) 144 Cal.App.3d 627, 639.) The Board’s decision to reduce services in light of its budget does address the welfare of students, and was a proper exercise

of the Board's discretion. Respondents did not establish that the proposed reductions in services would violate any statutory or regulatory requirement governing the District.

6. Boards of education hold significant discretion in determining the need to reduce or discontinue particular kinds of services, which is not open to second-guessing in this proceeding. (*Rutherford v. Board of Trustees, supra*, 64 Cal.App.3d 167.) Such policy-making decisions are not subject to arguments as to the wisdom of their enactment, their necessity, or the motivations for the decisions. (*California Teachers Assn. v. Huff* (1992) 5 Cal.App.4th 1513, 1529.) Such decisions and action must be reasonable under the circumstances, with the understanding that "such a standard may permit a difference of opinion." (*Santa Clara Federation of Teachers v. Governing Board* (1981) 116 Cal.App.3d 831.)

Numerous cases stand for the proposition that the process of implementing layoffs is a very flexible one and that school districts retain great flexibility in carrying out the process. (See, for example, *Campbell Elementary Teachers Assn., Inc. v. Abbott* (1978) 76 Cal.App.3d 796.)

7. Cause exists to reduce the number of certificated employees of the District due to the reduction and discontinuation of particular kinds of services. Cause for the reduction or discontinuation of services relates solely to the welfare of the District's schools and pupils within the meaning of section 44949.

8. 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.) A school district may give junior teachers retention priority over senior teachers to teach a specific course, or "skip" the junior over the more senior, if the junior teachers possess special training and experience which their more senior counterparts lack. (*Poppers v. Tamalpais Union High School District* (1986) 184 Cal.App.3d 399; *Santa Clara Federation of Teachers v. Governing Board, supra*, 116 Cal.App.3d 831.)

9. Stipulations were reached in instances where the seniority list was incorrect, and the District agreed to reconfigure the seniority list, as set forth in Factual Finding 12. Except as set forth in Factual Finding 12, where the Accusation was to be dismissed to two Respondents, this will not have an affect on the order of layoff. It may affect possible rehiring rights, which are not subject to the jurisdiction of this hearing and are covered in other statutory provisions such as sections 44956 and 44957.

10. None of the errors in the seniority list are prejudicial to Respondents in the context of this proceeding. Therefore, they are deemed "nonsubstantive procedural errors" under section 44949, subdivision (c), and are not cause for dismissing the charges.

11. The District argued that Respondent Butwell raised the same claim in the 2009 layoff proceedings concerning attendance at the NTS Institute affecting his seniority date, that the Administrative Law Judge decided the issue in the District's favor at that time, that the District adopted the Administrative Law Judge's Proposed Decision, and that Respondents did not contest the decision in a higher court. (See Proposed Decision from 2009 (Exhibit 17), Factual Findings 16(a) and (b).) Therefore, the District argued, Respondent Butwell is collaterally estopped from raising the issue again this year. Secondly, the District asserted that, even if collateral estoppel does not preclude the issue, the rationale of the Administrative Law Judge last year was sound and is applicable to this year's proceeding. The District is correct.

12. In order to establish collateral estoppel, five threshold requirements must be met. First, the issue sought to be precluded from litigation must be identical to that decided in a former proceeding. Second, this issue must have been actually litigated in the earlier action. Third, it must have been necessarily decided in the earlier action. Fourth, the decision in the former proceeding must be final and on the merits. Finally, the party against whom preclusion is sought must be the same as, or in privity with, the party to the former proceeding. (See *Zapata v. Department of Motor Vehicles* (1991) 2 Cal.App.4th 108, 112.)

13. Collateral estoppel may be applied to prior decisions made by administrative agencies when the agency acts in a judicial capacity and resolves disputed issues of fact properly before it. The prior proceeding should possess a judicial character, be conducted in an impartial manner, provide the parties with the opportunity to examine and cross-examine witnesses under oath and offer other evidence and argument. A record of the proceedings should be maintained. The resulting decision should be adjudicatory in nature. (*People v. Sims* (1982) 32 Cal.3d 468.)

14. The elements of collateral estoppel are met in this case, and Respondent Butwell is precluded from raising the issue again by use of the same evidence. Even in the absence of collateral estoppel, the reasoning of the Administrative Law Judge in the 2009 hearing is applicable to this year's hearing. Prior Proposed Decisions in layoff proceedings may be relevant and can be considered in subsequent layoff proceedings. (*Beldsoe v. Biggs Unified School Dist.* (2008) 170 Cal.App.4th 127, 140.)

15. Except for Respondents Twaunnie Busse, Troy Croom, Jessica Gonzalez, Vahid Hamidi, Erica Harbison, Lyle David Johnson, Emma Jurgensen, Kathleen Kondo, Carrie Lowry, Susan Lyons, Erika Magana, Andrew McGregor, Cindy Nguyen, Joshua Schlener, and Candace Vidaurrazaga, the Accusations against whom should be dismissed, no certificated employee junior to any Respondent was retained to perform any services which any Respondent was certificated and competent to render.

16. Except as provided in Legal Conclusion 15, cause exists within the meaning of section 44955 for reducing or terminating Respondents' employment for the 2011-2012 school year, as set forth in Factual Findings 1 through 35.

ORDERS

WHEREFORE, THE FOLLOWING ORDERS are hereby made:

1. The Accusations served on Respondents Twaunnie Busse, Troy Croom, Jessica Gonzalez, Vahid Hamidi, Erica Harbison, Lyle David Johnson, Emma Jurgensen, Kathleen Kondo, Carrie Lowry, Susan Lyons, Erika Magana, Andrew McGregor, Cindy Nguyen, Joshua Schlener, and Candace Vidaurrazaga are dismissed.

2. The Accusations served on all other Respondents are sustained. Notice may be given to those Respondents before May 15, 2011, that their services will be reduced or terminated for the 2011-2012 school year.

Dated: April 13, 2011.

DAVID B. ROSENMAN
Administrative Law Judge
Office of Administrative Hearings