

BEFORE THE  
GOVERNING BOARD  
MANHATTAN BEACH UNIFIED SCHOOL DISTRICT  
STATE OF CALIFORNIA

In the Matter of the Accusations  
Against:

JESS AMARAL and Other Certificated  
Employees of the Manhattan Beach Unified  
School District,

Respondents.

OAH Case No. 2009031189

**PROPOSED DECISION**

This matter was heard by Vincent Nafarrete, Administrative Law Judge, on April 16, 2009, at Manhattan Beach. Complainant Janet Schwabe, Deputy Superintendent, Human Resources, of the Manhattan Beach Unified School District was represented by Howard A. Friedman, Attorney at Law.

Respondents named in Exhibit B, except for those whose names are stricken, were represented by Lawrence B. Trygstad, Attorney at Law. Respondent Christopher Miko represented himself. Respondents Kiley Duncan, Karen Farris, Dawn Miles, Stephanie Mitchell, and Tracey Windes were not present or represented at the hearing.

At the conclusion of the hearing, the request of complainant's counsel to file written argument was granted. On April 29, 2009, respondents' counsel filed a Closing Brief, which was marked as Exhibit I. On April 30, 2009, complainant filed a Post-Hearing Brief which was marked as Exhibit 15.

Oral, documentary, and stipulated evidence as well as written arguments having been received, the Administrative Law Judge submitted this matter for decision on April 30, 2009, and finds as follows:

**FACTUAL FINDINGS**

1. The Administrative Law Judge takes official notice that, on March 30, 2009, the Accusations were made and filed by Janet Schwabe in her official capacity as Deputy

Superintendent, Human Resources, Manhattan Beach Unified School District, State of California (District).

2. Respondents, and each of them, are permanent or probationary certificated employees or temporary certificated employees of the District.

3. The District is a comprehensive or unified school district comprised of five elementary schools, one middle school, and one high school, Mira Costa High School, that serves and educates approximately 6,200 students.

4. (A) On March 4, 2009, in “Resolution 2009-9 of Intention to Reduce/Eliminate Particular Kinds of Certificated Service,” and based upon the recommendation of the Superintendent, the Governing Board of the District determined that it was necessary to reduce or discontinue programs and particular kinds of services in the amount of 43.17 full-time equivalent (FTE) positions at the close of the current 2008-2009 school year, and to terminate the employment of certain certificated employees as a result of the reduction or discontinuance of particular kinds of services. The Governing Board directed the Superintendent to send appropriate notices to all employees “whose services shall be terminated by virtue of this action.”

(B) One week later, on March 11, 2009, in “Resolution 2009-10 of Intention to Reduce/Eliminate Particular Kinds of Certificated Services, as Amended (Supplementary Resolution),” the Governing Board determined that it was necessary to reduce or discontinue particular kinds of services at the close of the current school year in addition to those previously determined. Under this Supplementary Resolution, the Governing Board determined to reduce or discontinue particular kinds of services by an additional 9.41 FTE positions. As established by the testimony of the Deputy Superintendent of Human Resources, the Governing Board found it necessary to adopt this Supplementary Resolution to further curtail certificated services because the District received more “bad news” about its budget. These additional reductions were adopted to guarantee a balanced budget.

5. Previously, on February 11, 2009, in Resolution 2009-7, the Governing Board adopted tie-breaking criteria to be used in determining the order of termination or layoff of certificated employees who first rendered paid service to the District on the same date. The Governing Board also adopted a tie-breaking procedure to be used in the event that certificated employees had equal standing after application of the tie-breaking criteria. The Governing Board adopted the tie-breaking criteria and procedure before resolving to reduce or discontinue particular kinds of services for the next school year to obviate the appearance of favoritism or unfairness in this layoff process.

6. On or about March 12, 2009, pursuant to the Resolution and Supplementary Resolution of the Governing Board and the provisions of Education Code sections 44949 and 44955, the Superintendent gave written notices to respondents, who are certificated employees, that the Superintendent had recommended to the Governing Board that their services will not be required for the ensuing 2009-2010 school year. The written notices

included the two resolutions of the Governing Board to reduce and/or discontinue certain services or programs of the District, the lists of particular certificated services to be reduced or eliminated, copies of Education Code sections 44949 and 44955, and a form request for hearing. It was not established that the Superintendent provided respondents with the tie-breaking criteria and procedure. Respondents timely requested a hearing to determine if there is cause for not re-employing them for the ensuing school year.

7. The District’s “Notice to Employee of Intent Not to Reemploy” dated on or about March 12, 2009, was sufficient in providing notice to respondents under Education Code sections 44949 and 44955. Respondents were not prejudiced by errors in the notice, if any, with respect to the description of their employment status, home addresses, particular kinds of services to be reduced, or any other matters. No claims were raised in the hearing that the notice was, in fact, deficient in any respect.

8. (A) On or about March 18, 2009, the District properly served by personal service respondents, who are permanent or probationary certificated employees or temporary certificated employees of the District, and each of them, with an Accusation, Statement to Respondent, copies of Education Code sections 44949 and 44955 and Government Code sections 11506, 11507.5-11507.7, 11509, and 11520, Notice of Defense form, and Notice of Hearing.

(B) On or about March 17, 2009, respondents by their counsel filed a Joint Notice of Defense and Request for Discovery with the District. Beginning on or about March 30, 2009, respondents timely filed individual Notices of Defense, requesting a hearing to present their defenses to the charges in the Accusations. All of the respondents filed timely notices of defenses, requesting a hearing to determine if there is cause not to employ them for the ensuing school year and objecting to the Accusation. All prehearing jurisdictional requirements have been met by the parties.

9. On March 4, 2009, pursuant to Resolution 2009-9, the Governing Board resolved and took action to reduce or discontinue certain services or programs offered by the District for the 2009-2010 school year in the following FTE positions:

<u>Certificated Services</u>	<u>Full-Time Equivalent Positions</u>
Math, Secondary (nine sections)	1.8
Social Studies, Secondary (five sections)	1.0
Spanish, Secondary (one section)	0.2
English, Secondary (sixteen sections)	3.2
Art, Secondary (three sections)	0.6
MCHS AVID Program (four sections)	0.8
Athletic Director, Secondary (three sections)	0.6
Student Intervention Advisor, Secondary (two sections)	0.4

Itinerant District Substitute, Secondary	1.0
MBMS Student Advisor (Counselor)	1.0
District Nurse	1.0
District-Wide English Learner Support	1.57
Special Education RSP Second Pupil-Free Period (not preparation period)	1.0
Special Education Program Specialist	0.6
District-Wide GATE Specialist	0.6
Elementary Reading Specialists	2.5
Elementary Physical Education Specialists	5.0
Elementary Support Specialists	3.3
Elementary Class Size Reduction	17.0

The reduction or discontinuance of the services set forth hereinabove constitute a total of 43.17 FTE positions.

10. On March 11, 2009, pursuant to the Supplementary Resolution, the Governing Board resolved and took additional action to reduce or discontinue certain services or programs offered by the District for the 2009-2010 school year in the following FTE positions:

<u>Certificated Services</u>	<u>Full-Time Equivalent Positions</u>
Classroom Positions, Elementary	3.0
Categorical At-Risk Counseling, Secondary	1.6
Science Specialists, Elementary	2.81
Librarian, High School	1.0
Counselor, High School	1.0

This additional reduction or discontinuance of services constitutes a total of 9.41 FTE positions.

11. As set forth in Findings 9 and 10 above, the total amount of services resolved to be reduced or discontinued by the Governing Board under both Resolution 2009-09 and the Supplementary Resolution constitutes a grand total of 52.58 FTE positions.

12. The services set forth in Findings 9 – 11 above are particular kinds of services performed by certificated employees of the District which may be reduced or discontinued within the meaning of Education Code section 44955. The District demonstrated that the reduction or discontinuance of these particular kinds of services is necessary for the District to have a balanced budget and therefore related to the welfare of the District and its pupils. As such, the determination of the Governing Board to reduce or discontinue these services is within its discretion and not arbitrary or capricious.

13. Further, the District has obviated the need to reduce or discontinue all of the particular kinds of services described in Finding 9 – 11 above and to terminate the employment of all respondents by taking into account the personnel changes due to resignations or permanent departures, temporary leaves of absence, and/or reassignments of individual employees, if any, within the District. The District has determined that there are or will be six certificated employees who will resign from their employment and the District has decreased the number of FTE positions to be reduced accordingly. The District is not aware of any other resignations or prospective resignations. The District also employs approximately 37 temporary employees or teachers and an undetermined number of retired teachers who will be or have been released from their temporary contracts.

14. For this reduction in force for the ensuing school year, the District prepared a seniority list and published the seniority list in order of seniority date (Exh. 1) and in alphabetical order (Exh. 2). The seniority list contains information about seniority dates, work site assignments, and credentials of certificated employees. The District shared information for the seniority list with the certificated employees by sending the information to schools and soliciting information from the employees to verify their seniority dates, credentials, and other personnel information. During the winter break, the District reviewed the employees' comments and information and made changes to the seniority list. Thereafter, the District identified the least senior certificated employees, examined credentials for purposes of conducting bumping, applied the tie-breaking criteria to certificated employees with the same first date of paid service, identified teachers who will be on leaves of absence next school year, and determined positively assured attrition.

#### Individual Respondents

15. Respondent Shannon Henderson, formerly known as Saenz (Henderson-Saenz), is a second-year probationary, certificated employee of the District who teaches second grade at Robinson Elementary School. The District initially determined that her first date of paid service, or seniority date, was August 28, 2007, and served her with a notice of intent not to re-employ for the ensuing school year pursuant to the reduction or discontinuance of particular kinds of services. Henderson-Saenz was employed as a temporary employee during the 2006-2007 school year. She began working as a temporary employee effective on January 22, 2007, and then signed her temporary employment contract later on February 5, 2007. During the hearing in this proceeding, the District stipulated that Henderson-Saenz's seniority date should be changed to January 22, 2007.

16. Respondent Christopher Miko is a second-year probationary, certificated employee of the District. His first date of paid service with the District is August 28, 2007. He holds a preliminary multiple subject credential and is a fifth grade teacher at Meadows Elementary School. Like the other respondents in this matter, Miko is a hard-working teacher and cares about the students. He has devoted his time and effort to raise the students' knowledge and interest in science by organizing an after-school science club for fifth and sixth grade students. One of their activities was a visit to the Ballona Wetlands where the

students learned about and helped to restore the wetlands environment. Miko believes he is a highly qualified teacher who should be retained regardless of his seniority date. Miko's contentions do not constitute grounds for invalidating the District's notice of layoff or accusation and his employment may be terminated by the District pursuant to the current reduction or discontinuance of particular kinds of services.

17. Respondent Mars Brownsen is a first-year probationary, certificated employee who teaches science at the District's middle school pursuant to his preliminary single subject credential in biology. Brownsen asserts that the District must retain him and other science teachers because there are many students who take science classes and the science laboratories and/or classrooms at the middle school and high school are over-crowded and unsafe under occupancy, fire, and other regulatory requirements and safety recommendations for schools and science classrooms. Despite his concerns, Brownsen's employment with the District may nevertheless be terminated pursuant to the reduction or discontinuance of particular kinds of services.

18. Respondent Megan Brown is a permanent certificated employee of the District who holds a preliminary multiple subject credential and Gifted and Talented Education certificate and teaches a fourth grade classroom at Pacific Elementary School. Her seniority date is August 29, 2006, which she shares with a number of other permanent certificated employees. Brown does not dispute her seniority date but argues that the tie-breaking criteria was not applied correctly to her because she was not credited for having earned a CLAD certificate to teach English learners. Brown's argument is not persuasive. In or about August 2008, she advised the District that she was starting coursework for a CLAD certificate. On March 10, 2009, she earned a professional certificate from the University of Phoenix for completing coursework in "California Teachers of English Learners" and notified the District of her receipt of a CLAD certificate. Although she earned her CLAD certificate before the District issued preliminary layoff notices to her and other certificated employees on or about March 11, 2009, the District's tie-breaking criteria, as adopted by the Governing Board, provides that, to receive a tie-breaking point, a subject employee must have "earned currently valid and properly filed CLAD (non emergency) or equivalent EL authorization." Here, it was not established that Brown properly filed her CLAD certificate of authorization at any relevant time with the District or the Los Angeles County Office of Education. As such, respondent Brown is not entitled to receive a tie-breaking point for receiving her CLAD certificate last month and her employment may be discontinued pursuant to this reduction in force proceeding.

19. Respondent Shawn Genut is a permanent certificated employee and teaches physical education at the District's middle school under the authority of his clear single subject physical education credential. His seniority date is September 7, 1999. Genut received a preliminary layoff notice as he is apparently being bumped by a more senior permanent certificated employee due to the District's reduction of the particular kind of service in elementary physical education specialists by 5.0 FTE. In this proceeding, Genut contends that, because he has a supplemental authorization in speech, he should be able to bump David Levy, a permanent certificated employee with less seniority who teaches public

speaking and/or debate in addition to English at the middle school. However, it was not established that, while he possesses a supplemental speech authorization, Genut is competent as well as qualified to teach public speaking and/or debate or that the District offers speech at its secondary schools. In addition, Genut's credential is valid only until May 1, 2009, and he did not demonstrate that he has completed at least 150 hours of "planned and approved professional growth activities and one-half of experience as specified in 'The California Professional Growth Manual' (Exh. G)" Based on the evidence, respondent Genut is not entitled to bump fellow certificated employee David Levy and he may be given notice of his layoff from employment due to the reduction of particular kinds of services.

20. (A) Respondent Don Braunecker is a permanent certificated employee who holds a clear single subject credential in physical education and teaches physical education at Mira Costa High School. He is one of two full-time physical education teachers at the high school and he also coaches the girls' varsity basketball team. While his seniority date is September 7, 1999, Braunecker is being bumped by a more senior permanent certificated employee due to the reduction of elementary physical education specialists.

(B) In this proceeding, Braunecker first asserts that the District should retain him as a physical education teacher because students receive physical education credit for participating in team sports during sixth period and there are not enough credentialed teachers to coach or supervise the students. However, teachers without physical education credentials are allowed to coach high school sports teams under Education Code section 44258.7, subdivision (b). In addition, students can receive physical education credit for participating on high school athletic teams as long as a credentialed teacher is the teacher of record and supervises the team and the walk-on coach. Second, respondent Braunecker contends that he should be reassigned to the middle school physical education position held by Joanne Arrasmith, who is more senior, on the basis that Arrasmith has a sociology and/or social science credential and she can be reassigned to a social science position. Education Code section 44955, subdivision (c), however, does not require the District to reassign a permanent certificated employee with higher seniority, like Arrasmith, who is not subject to layoff due to the reduction of particular kinds of services.<sup>1</sup>

21. Respondent David Henderson is the librarian at Mira Costa High School and performs his job duties by authority of his clear library media services credential. He is a first-year probationary certificated employee with a seniority date of August 26, 2008, and was served with a preliminary layoff notice and accusation due to the District's reduction of the particular kind of service for 1.0 FTE of high school librarian. As the high school librarian for this school year, Henderson has taught information technology and literacy skills to many students without the assistance of classified staff. He laments that, if he is terminated from his position, there will be no one to teach these skills and to provide library

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<sup>1</sup> Respondent Braunecker relies upon the following language of Education Code section 44955, subdivision (c): "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."

services to students and teachers. However, the District plans to keep the library open and allow students and teachers to use the library next year. Henderson also claims that the District has received funding for three years from the Manhattan Beach Foundation to pay for his salary but presented no proof of such continued funding. Respondent may be given notice that his services as high school librarian will not be required next school year due to this discontinuance of particular kinds of services.

22. Respondent Dawn Fulton is a second-year probationary certificated employee with a seniority date of August 28, 2007. She has a clear multiple subject credential and a supplemental authorization in English and teaches developmental kindergarten at Pennekamp Elementary School. Fulton asserts that she should have an earlier seniority date inasmuch as she taught for the District from in or about August 1996 through May 2002 and then took a leave of absence to care for her daughter but then returned to the District in August 2007. Fulton's claims were not persuasive, for she resigned her position in May 2003 when the District did not grant her request for extension of her leave of absence. She was then re-employed by the District on August 28, 2007, which is deemed her seniority date upon re-employment under Education Code section 44848. The evidence did not show that she was required to commence working for the District any sooner than August 28, 2007. Respondent Fulton may be given notice that her services will not be required for the next school year.

23. (A) Respondent Michael Hernandez is a permanent certificated employee with a seniority date of September 7, 1999. He holds a clear single subject credential in art and a CLAD certificate. He attained a bachelor of arts in communication with a minor in studio art and a master of arts in film production. Hernandez is the sole video production teacher at Mira Costa High School where he is also co-chairperson of the video and performing arts department. He supervises students to produce and present news broadcasts for the high school and local community, has helped students to continue their education in broadcast journalism and film in college and obtain jobs in the film and media industry, and was named an Apple Distinguished Educator for his innovative use of technology in the classroom. As the least senior of art teachers at the high school, he received a preliminary layoff notice and accusation due to the District's reduction of 0.6 FTE, or three sections, of secondary level art.

(B) In this proceeding, respondent Hernandez contends that he should be retained for full employment because he is the only qualified teacher to teach video production at the high school and the District will not be able to offer video productions, or classes therein, if he is not retained. Hernandez also asserts that he should be reassigned to art positions held by other teachers who hold industrial arts credentials and are not qualified to teach art. Hernandez's contentions are not persuasive. It was not shown that video production is a service or class mandated by law such that the District is barred from reducing this particular kind of service for the ensuing school year. Moreover, the two high school teachers that Hernandez complains are not properly credentialed to teach art both hold career technical education credentials and are thus qualified to teach their classes, including photography, in the Regional Occupational Program at the high school. As such,

Hernandez's employment may be reduced by 0.6 FTE due to the District's reduction in secondary art.

### Temporary Certificated Employees

24. (A) Annie Choi is a temporary certificated employee of the District. She holds a single subject credential in social science. For the current 2008-2009 school year, she teaches social science on a full-time basis following her signing of two temporary contracts. First, effective on August 26, 2008, Choi began teaching in a 40 percent position or schedule, replacing a teacher who was on a leave of absence. Prior to starting work, she signed this initial temporary contract on July 22, 2008. Second, effective on September 15, 2008, Choi began teaching on a 100 percent or full-time basis. She signed this second temporary contract adding to her temporary position on September 24, 2008.

(B) Leticia Navarro is a temporary certificated employee of the District. She holds a single subject credential in physical education. For the current 2008-2009 school year, she is serving as a middle school teacher in a 66.64 percent basis or position following her signing of two temporary contracts. First, effective on August 26, 2008, Navarro began teaching in a 33.32 percent position or schedule, replacing a teacher who was on a leave of absence. She signed this initial temporary contract beforehand on July 1, 2008. Second, effective on August 26, 2008, Navarro began teaching in a 66.64 percent basis. She signed this second temporary contract adding to her temporary position or hours on August 28, 2008.

(C) Although both signed their second temporary contracts after beginning work with the District in the fall 2008, certificated employees Choi and Navarro also signed initial temporary contracts in July 2008. As such, at all times relevant herein, Choi and Navarro had prior notice from the District that their employment was temporary in nature. Choi and Navarro are not entitled to probationary employment status under Education Code section 44916 and *Kavanaugh v. West Sonoma County Union High School Dist.* (2003) 29 Cal.App. 4th 911.

25. (A) Grisel Hands is a temporary certificated employee who holds a single subject credential in Spanish. She teaches Spanish in an 80 percent position in place of a teacher who is on a leave of absence from the District this school year. Effective on October 6, 2008, Hands began teaching for the District. She signed her temporary contract ten days later on October 16, 2008. The District has resolved and given notice of its intention to reduce secondary Spanish by 0.2 FTE.

(B) Ian Uhalt is a temporary certificated employee of the District who holds a social science credential and teaches social science in a 40 percent position. He began teaching on October 6, 2008, under a temporary contract that ends this school year. Uhalt signed his temporary contract on October 10, 2008, four days after beginning his temporary teaching duties.

(C) Because they both began working for the District before signing their temporary contracts and it was not shown that they had notice of the temporary nature of their jobs, certificated employees Hands and Uhalt are entitled to probationary employment status under Education Code section 44916 and *Kavanaugh v. West Sonoma County Union High School Dist.*, supra.

26. In this proceeding, respondents' counsel contends that there is no jurisdiction for the District's reduction or discontinuance of particular kinds of services under Education Code section 44955, subdivision (b), because the Governing Board did not express any opinion that it was necessary to decrease the number of permanent employees in the District. The argument is not persuasive. On March 4, 2009, in Resolution 2009-9, the Governing Board stated that it "has determined that it shall be necessary to reduce or discontinue the particular kinds of services of the District" as itemized in the Superintendent's recommendation for reduction. The Superintendent had recommended that the Governing Board adopt a resolution reducing programs and particular kinds of services for the next school year. As such, it can be inferred from adoption of its resolution that the Governing Board did, in fact, form the opinion that it was necessary to reduce or discontinue particular kinds of services.<sup>2</sup> Accordingly, the resolution of the Governing Board to reduce or discontinue particular kinds of services was in accordance with the requirements Education Code sections 44955 and 44949 and was not unreasonable or arbitrary or capricious but rather a sound exercise of its discretion. Jurisdiction exists in this matter.

27. All other claims and defenses of respondents for which there are no findings herein are deemed unproven or considered surplussage.

28. (A) The District may take action against any certificated employee, who was duly served with preliminary notices of layoff but then did not request a hearing, pursuant to Education Code sections 44949 and 44955.

(B) The District may likewise take action against any respondent, who was duly served with a preliminary notice of layoff and an accusation but then did not file a notice of defense or make an appearance at the hearing after filing a notice of defense, pursuant to Government Code section 11520, subdivision (a), and Education Code sections 44949 and 44955.

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<sup>2</sup> It is observed that the Governing Board did not express an opinion in its resolution why it was necessary to reduce certificated services. Still, while many resolutions of governing boards in reducing particular kinds of services under section 44955 do state that financial constraints or budgetary problems of the school district as the reason for its PKS reduction, section 44955, subdivision (b), does not specifically require the Governing Board express an opinion as to the reason for its PKS reduction.

29. It was not established there is any certificated employee with less seniority than those respondents or certificated employees, who is being retained by the District to provide services that respondents or certificated employees are certificated and competent to render.

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Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

LEGAL CONCLUSIONS

1. Jurisdiction exists for the subject proceedings pursuant to Education Code sections 44949 and 44955, based on Findings 1 – 14 and 26 above. All notices, accusations, and other related papers and reports required by these Education Code sections have been provided in timely manner and, as such, the parties have complied with the statutory requirements.

2. Cause exists pursuant to Education Code sections 44949 and 44955 to reduce by 52.58 full-time equivalent positions the concomitant number of certificated employees of the District due to the reduction or discontinuance of particular kinds of services, as set forth in Findings 1 – 14 and 26 – 29 above. With respect to those respondents whose employment have been found to be terminable by the District and any other certificated employees who received notices but did not request a hearing, the causes set forth in the Accusations relate solely to the welfare of the District's schools and pupils within the meaning of Education Code section 44949.

3. Based on Findings 1 – 29 above, there is no certificated probationary or permanent employee with less seniority than any one of respondents or the certificated employees who is being retained by the District for the 2009-2010 school year to render services which any one of respondents or certificated employees is certificated and competent to render.

4. Cause exists to change the employment status of certificated employees Hands and Uhalt from temporary to probationary pursuant to Education Code section 44916, based on Finding 25 above.

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WHEREFORE, the Administrative Law Judge makes the following Order:

ORDER

1. The Accusations issued against respondents are sustained, based on Conclusions of Law nos. 1 – 3 above. The Manhattan Beach Unified School District may give notice to respondents, and each of them, in the inverse order of seniority that their services will not be required for the ensuing 2009-2010 school year because of the reduction or discontinuance of particular kinds of services pursuant to Education Code section 44955.

2. The Manhattan Beach Unified School District may give notice to those certificated employees, who were served with notices that their services will not be needed next year but did not file requests for hearing, that their services will not be required for the ensuing 200-2010 school year because of the reduction or discontinuance of particular kinds of services pursuant to Education Code sections 44949 and 44955.

3. The Manhattan Beach Unified School District shall determine the first dates of paid service as probationary employees for certificated employees Grisel Hands and Ian Uhalt and place them on the seniority list to determine their status under the current reduction or discontinuance of particular kinds of services for the next school year. The District may give notice to Hands and Uhalt that their services will not be required for the next school year as long as their employment is found subject to reduction or discontinuance after completion of its layoff analysis.

4. Before giving notice to respondents and the other certificated employees who did not request a hearing, the Manhattan Beach Unified School District shall continue to determine and take into account any additional positively assured attrition among certificated employees in deciding how many and when certificated employees should be terminated before the ensuing 2009-2010 school year.

Dated:

Vincent Nafarrete  
Administrative Law Judge  
Office of Administrative Hearings