

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

In the Matter of the Accusation Against:

CERTAIN CERTIFICATED EMPLOYEES

Employed By THE LONG BEACH UNIFIED
SCHOOL DISTRICT,

Respondents.

OAH Case No. 2010020244

PROPOSED DECISION

Daniel Juárez, Administrative Law Judge (ALJ) with the Office of Administrative Hearings, heard this matter on April 12, 15, May 3, 4, 24, 25, and 26, 2010, in Long Beach, California.

Atkinson, Anderson, Loya, Ruud & Romo and Anthony P. De Marco, Cathie L. Fields, and Jabari A. Willis represented the Long Beach Unified School District (LBUSD).

Reich, Adell & Cvitan and Marianne Reinhold, Carlos R. Perez, and Kent Morizawa represented the certificated employees of the Long Beach Unified School District (referred to herein as Respondents) listed in Appendix B. Respondents' counsel was assisted each day of hearing by Joe Boyd, Executive Director of the Teachers Association of Long Beach (TALB).

Other LBUSD employees who participated in the hearing and represented themselves were: Erin Boeglin (Respondent Boeglin), Hortensia Breton (Respondent Breton), Pensa Chambliss (Respondent Chambliss), Yong Jadus Chan (Respondent Chan), John Dunster (Respondent Dunster), Melissa Espinoza, Linda Gant (Respondent Gant) (represented by Jason Gant), Tracey Herrera (Respondent Herrera), Brenda Hoefs (Respondent Hoefs), Nancy Izumi (Respondent Izumi), Catherine Jones, Laurel A. Lass (Respondent Lass), Deborah Mahoney (Respondent Mahoney), Arlene Perez, Joseph Posard (Respondent Posard), Colleen Sasaki

(Respondent Sasaki), and Sopani Sun (Respondent Sun).¹ When referred to collectively herein, these self-represented individuals are referred to as “the Self-Represented Respondents.”

Trygstad, Schwab & Trygstad and Lawrence B. Trygstad did not appear, but filed a Notice of Representation of Respondent Janet L. Jones.

The Presiding Administrative Law Judge of the Office of Administrative Hearings granted a continuance from April 16 to May 3 and 4, 2010. The ALJ hearing the matter granted a continuance from May 4 to May 24, 25, and 26, 2010, and from May 26 to June 21, 2010. The ALJ held the record open until June 21, 2010, to allow the parties to file written closing argument. The parties, including Respondent Melissa Steere (Respondent Steere) (who filed a separate closing brief although she is represented by Ms. Reinhold), and four of the Self-Represented Respondents: Respondents Gant, Hoefs, Izumi, and Posard, filed closing briefs timely.² Each brief was marked for identification.

The matter was deemed submitted for decision on June 21, 2010.

Pursuant to Education Code section 44949, subdivision (e), the continuances extended the statutory deadlines for a period of time equal to the collective days continued.

FACTUAL FINDINGS

1. Ruth Perez Ashley (Ashley), LBUSD Assistant Superintendent of Human Resource Services Development, filed the Accusations in her official capacity.
2. Respondents are probationary or permanent certificated employees of LBUSD, unless otherwise noted in the Factual Findings. All Respondents at issue in this proceeding are listed in Appendix A.

¹ Where any Respondent’s name is used, followed by his or her surname in parentheses, the parentheses indicates that that Respondent is mentioned again thereafter; his or her first name is not mentioned again. Where no parentheses follows his or her name: that Respondent is only mentioned once herein, or that Respondent shares his or her surname with another Respondent, and in that circumstance, their full names are consistently used throughout to identify the proper Respondent.

² Respondents Gant and Hoefs filed closing briefs after having made oral closing arguments at hearing in lieu of written argument. Nevertheless, all closing and/or reply briefs, including those filed by Respondents Gant, Hoefs, Izumi, Posard, and Steere were marked for identification and considered in this matter.

3. On February 16, 2010, due to the State’s budget crisis and an anticipated reduction in State funding, the LBUSD Governing Board (the Governing Board) determined to reduce or discontinue certain services within LBUSD and adopted Resolution 021610 to, among other things, direct the Superintendent to notice those certificated employees that would reduce the number of certificated positions, as set forth in Factual Finding 10, effective the 2010-2011 school year.

4. On March 2, 2010, the Governing Board further considered additional information provided to LBUSD representatives, amended Resolution 021610 and adopted Resolution 021610-B.

5. By March 15, 2010, pursuant to Resolution 021610-B, the Superintendent notified the Governing Board and Respondents, in writing, that it was the Superintendent’s recommendation that Respondents be notified that Respondents’ services would no longer be required for the 2010-2011 school year. The notice stated the reasons for such notice, and informed each Respondent of his or her right to request a hearing.

6. In response to the written notice, Respondents requested a hearing to determine if there is cause to not reemploy him or her for the 2010-2011 school year. All Respondents and Self-Represented Respondents were deemed to have requested a hearing timely.

7. LBUSD served the Accusation and other required documents timely on each Respondent.

8. All jurisdictional requirements were met.

9. LBUSD dismissed the Accusations against the 238 Respondents listed in Appendix C.

10. Resolution 021610-B reduces or discontinues the following services for the 2010-2011 school year:

<u>Elementary School Services</u>	<u>FTE</u>
Elementary Classroom Instruction (K-3)	461.00
Elementary Classroom Instruction (4-5)	
Elementary Computer Instruction	2.00
Elementary Itinerant Science Instruction	5.00
Elementary Magnet Instruction (Carver Care)	1.00
Elementary Reading Specialist/Literacy	1.00
Elementary/K-8 Physical Ed Instruction	9.00
Elementary School Services Subtotal	479.00

<u>Middle School Services</u>	<u>FTE</u>
Middle School English Instruction	14.00
Middle School Foreign Language Instruction-Spanish	1.00
Middle School Humanities Core Instruction	3.00
Middle School Math Instruction	11.00
Middle School Reading Specialist/Literacy	0.475
Middle School Science Instruction	8.00
Middle School Technology Core	1.00
 Middle School Services Subtotal	 38.475
 <u>High School Services</u>	 <u>FTE</u>
High School Computer Instruction	3.00
High School English Instruction	9.00
High School Foreign Language Instruction	
-French	1.00
-Spanish	4.00
-Japanese	2.00
-Khmer	1.00
High School Graphic Arts Instruction	1.00
High School Guidance Opportunity Class	10.00
High School Health Instruction	6.00
High School Junior ROTC	5.00
High School Math Instruction	
-Algebra	15.60
-Geometry	4.00
-CAHSEE Prep	0.80
-Interactive Math	1.00
-Career Math	2.40
High School Music Instruction	1.00
High School Physical Education Instruction	10.00
High School Regional Occupational Program	21.00
High School Science Instruction	
-Biology	7.00
-Chemistry	3.50
-Earth Science	1.00
-Engineering	1.00
-Oceanography	0.50
High School Social Science Instruction	20.00
High School Visual Arts Instruction	13.00
High School Services Subtotal	143.80
 <u>Districtwide Programs</u>	 <u>FTE</u>

Counseling Services	29.80
Social Workers	11.00
Elementary and K-8 Vice Principals	15.00
Middle School Assistant Principals	25.00
Math Intervention	2.00
Intervention (AVID)	1.00
TOSA Math Coach	7.00
GEAR UP Program Facilitators	12.00
Safe & Drug Free Schools Coach	1.00
Safe & Drug Free Schools Program Facilitator	1.00
Nutrition Coach	1.00
Special Education Data Specialist	1.00
OCIPD Program Specialist - ELL	1.00
OCIPD Program Facilitator -ELL	1.00
OCIPD Student Teacher Coordinator	1.00
Districtwide Programs Subtotal	109.80
<u>Adult Education</u>	<u>FTE</u>
Adult Education - Computer Instruction	1.00
Adult Education - Long Beach School for Adults	5.00
Adult Education - Reading Specialist/Literacy	5.80
Adult Education - Dean	1.00
Adult Education Subtotal	12.00
Total FTE Reduction	783.075

11. The Governing Board, through Resolution 021610-B, determined the tiebreak criteria to be applied when certificated permanent and probationary employees share the same first date of paid service. The tiebreak criteria are:

1. Persons with preliminary or clear credentials authorizing service as a Speech Therapist.
2. Persons with preliminary or clear EL Certification with an included bilingual component (BCLAD or equivalent) who also have preliminary or clear credentials authorizing service in the areas of Special Education.
3. Persons with non-bilingual preliminary or clear EL certification (CLAD/SE 395 or equivalent) who also have preliminary or clear credentials authorizing service in the areas of Special Education.

4. Persons with preliminary or clear credentials authorizing service in the areas of Special Education.
5. Persons with preliminary or clear EL Certification with an included bilingual component (BCLAD or equivalent) who also have a preliminary or clear single subject credential.
6. Persons with non-bilingual preliminary or clear EL certification (CLAD/SB 395 or equivalent) who also have a preliminary or clear single subject credential.
7. Persons with a preliminary or clear single subject credential.
8. Persons with preliminary or clear EL Certification with an included bilingual component (BCLAD or equivalent) who also have a preliminary or clear multiple subject credential.
9. Persons with non-bilingual preliminary or clear EL certification (CLAD/SS 395 or equivalent) who also have a multiple subject credential.
10. Persons with a preliminary or clear multiple subject credential.
11. Persons with a Master's Degree.
12. Persons who have held a Board Authorization during the 2009-2010 school year.
13. Status in the following priority as a Permanent, Probationary 2, or Probationary 1.
14. Persons with credentials or certificates authorizing services in classes for limited or non-English proficient students priority listed as follows:
 - A. Bilingual Cross Cultural Language and Academic Development (BCLAD)
 - B. Cross Cultural Language and Academic Development (CLAD), or equivalent.
15. Persons with one or more of the following preliminary or clear credentials priority listed as follows:
 - A. Single Subject Credential and Special Education Credential;

- B. Multiple Subject Credential and Special Education Credential;
- C. Single Subject Credential and Supplemental Credential;
- D. Multiple Subject Credential and Supplemental Credential;
- E. Single Subject Credential and Multiple Subject Credential;

16. Persons with specialized training in reading instruction priority listed as follows:

- A. Reading Recovery Certificate
- B. Reading Specialist Certificate

17. Persons with specialized training in the following areas:

- A. Advanced Placement
- B. National Board Certification
- C. Advancement Via Individual Determination
- D. International Baccalaureate Certificate
- E. Non-violent Crisis Intervention Certificate

18. Years of total service to the District.

12. The services set forth in Factual Finding 10 are particular kinds of services that may be reduced or discontinued within the meaning of Education Code section 44955.

Tie-Breaker Arguments

13. Respondent Lisa Ware (Respondent Ware) argued that she should be credited with a tie-breaker point for possessing a reading specialist certificate. Respondent Ware possesses a clear reading certificate, issued to her on May 5, 2010. There was, however, insufficient evidence for the ALJ to find that a clear reading certificate is equivalent to a reading specialist certificate. If hereafter, it is established that these two certificates are equivalent, LBUSD shall credit Respondent Ware with a tie-breaker point for possessing a reading specialist certificate.

14. Respondent Aikaterini Sotriopoulos (Respondent Sotriopoulos) argued that she should be credited with a tie-breaker point for completing GATE professional development training. Respondent Sotriopoulos argued that GATE training should qualify for a tie-breaker point, like AVID, IB, and AP training. (See Factual Findings 16 and 17, for descriptions of the AVID, IB, and AP programs.) This argument was unpersuasive. She also argued that, in the alternative, LBUSD should skip her from layoff. This argument was also unpersuasive.

15. Respondent Jill Pait (Respondent Pait) argued that she should be credited with a particular tie-breaker point, but failed to present sufficient evidence to support her argument.

IB, AVID, AP Program Certifications

16. The Governing Board determined to exempt certain individuals from layoff, including those with particular certification and teaching experience in three programs. LBUSD incorporates specialized teaching programs into certain courses throughout the school district: the Advancement Via Individual Determination (AVID) program, the International Baccalaureate (IB) program, and Advanced Placement (AP) program. AVID is a college-readiness program designed to increase the number of students who enroll in four-year colleges. It focuses on the least served students in the academic middle. It is a fourth through twelfth grade system with rigorous standards. Typical students are those who may be first in their families to attend college and may come from low-income and/or minority families. Teachers generally go through specialized AVID training or are otherwise capacitated to teach using the AVID program; there are three levels of training. IB is an academically challenging program that fosters critical-thinking skills and international-mindedness. It consists of distinct subprograms, for the elementary, middle, and high schools. Teachers must go through specialized IB training. AP is also an academically rigorous program. The parties failed to offer evidence describing the AP program; however, as Respondents failed to contest the appropriateness of identifying the AP program for skipping, and there was no evidence establishing such a finding, LBUSD's skipping criteria for the AP program is deemed proper.

17. The AVID, IB, and AP programs are unique and valuable programs for its students and the school district that require specialized training for its teachers. LBUSD has identified those teachers who have a particular level of training in any one of these programs and who were teaching in any one of these programs during the 2009-2010 school year to be exempt from layoff (otherwise referred to herein as being "skipped"). LBUSD determined and memorialized this skipping in Resolution 021610-B.

18. LBUSD determined that to be eligible for skipping, Respondents must have completed all three levels of AVID training, or have at least one level of the three-level training and have taught an AVID course in the 2009-2010 school year. LBUSD determined to only skip IB teachers at the high school level. Such a selection limited the skipping to only two IB-trained teachers (their names are included in Appendix C). With regard to AP, LBUSD determined that to be eligible for skipping, AP-trained teachers must have taught at least one AP course in the 2009-2010 school year.

19. Respondents argued that the skipping of AVID trained individuals should include those who possess the ability to teach AVID, even if they did not teach

it during the 2009-2010 school year, as some Respondents had completed the AVID level I training, but were not teaching AVID during the 2009-2010 school year. A subset of Respondents also argued that it was inappropriate to skip any AVID teacher because they asserted that any LBUSD teacher is able to participate in the AVID training and receive AVID certification, thus contending AVID certification is not “special training and experience” as required by Education Code section 44955, subdivision (d).³ Respondents further argued that LBUSD failed to establish that AVID training is necessary to teach the AVID elective course, or that LBUSD has a specific need for the AVID program in its schools. Respondents lastly argued that if LBUSD intends to skip AVID teachers as described, it should do so for all Respondents with any level of AVID training.

20. The evidence sufficiently established that teachers incorporating the AVID and IB programs into their teaching are specially trained in the respective programs, and thus, utilize special training and experience to teach. Therefore, Respondents’ arguments, including the individual AVID-related arguments that follow were unsuccessful, unless noted otherwise. (See Legal Conclusions 4 and 5.)

AVID

21. Respondent Sandra Gutierrez argued she should be skipped. She taught an AVID class during the 2009-2010 school year, and completed AVID level I training in the summer of 2008. She completed two days of the AVID level II training in October 2009, and would have completed that training, but for the training’s cancellation. Given LBUSD’s skipping criterion regarding the AVID program, Respondent Sandra Gutierrez established cause to skip her layoff.

22. Respondent Ellen Noble (Respondent Noble) attended the AVID Summer Institute training in 2007. At the time of hearing, she was registered to attend the AVID II Summer Institute training in San Diego, California, from August 2 to 6, 2010. Respondent Noble provided further evidence to establish that, at the time of hearing, she was an AVID elective teacher. Respondent Noble argued that, due to her current and upcoming training, she is able to displace individuals who have been retained because of their AVID training or experience. Her AVID training and teaching experience is adequate to warrant her skipping from layoff, pursuant to LBUSD’s skipping criteria.

23. Respondents’ counsel highlighted evidence in the record and proffered argument regarding Respondent Veronica Williams, that she should be skipped. She did not testify, but the evidence established that Respondent Veronica Williams completed AVID level I training and taught an AVID course in the 2009-2010 school year, and therefore meets the skipping criteria. Respondent Veronica Williams should be skipped from layoff.

³ Respondents made no similar argument regarding the IB or AP programs.

24. Respondent Shannon Brizendine (Respondent Brizendine) argued that she should be skipped. Respondent Brizendine completed the level I AVID training in 2008. She does not, nor has she previously, taught an AVID course. Respondent Brizendine's argument was unpersuasive.

25. Respondent Amy Brown argued she should be skipped. She argued that she assists the AVID certified teachers sufficiently to qualify for skipping. She asserted that the use of AVID is a group effort that includes her own work with the AVID site team. She argues that LBUSD should skip whole AVID teams, like the one with which she participates. Respondent Amy Brown's argument was unpersuasive.

26. Respondent Anna Huynh argued that LBUSD should take into account her previous certification. She received AP training from the Los Angeles Unified School District (LAUSD) in July 2000, and May 29, 2003, and taught AP environmental science within the LAUSD, during the 2003-2004 school year. She received certification for completing an AP biology laboratory and course development workshop through the Southern California Advanced Placement Institute. Respondent Anna Huynh established her AP training, but there was no evidence that she taught an AP course in the 2009-2010 school year, therefore she cannot be skipped from layoff, pursuant to the skipping criteria.

27. Respondent Liseeth Ramos argued that she should be skipped. She asserted that she completed the level I AVID training in 2008, although she did not present a certificate of completion or any other evidence, other than her testimony, to establish that assertion. She uses what she learned in the AVID training in her class teachings. LBUSD has not credited her with a tie breaker point for AVID. There was inadequate evidence to establish that Respondent Liseeth Ramos completed AVID training; therefore, the absence of a tie-breaker point for AVID training is appropriate.

28. Respondent Kimberly Stubblefield (Respondent Stubblefield) asserted that she should be credited with completing IB and AVID training, however, there was insufficient evidence to establish that she completed either training.

29. Respondent Nicole Zeineddine (Respondent Zeineddine) argued that she teaches an AVID course, but that LBUSD failed to credit her with the AVID tie breaker criterion. Respondent Zeineddine has not attended the AVID Summer Institute training, she has no AVID certification, and no other outside AVID training. She asserts that she has on-the-job AVID training through her current teaching assignment. She attends meetings with AVID teachers and plans course work for AVID students. She highlighted the experience of Respondent Jennifer Ho (see directly below), as a teacher who, like her, has no formal AVID training, yet notes that, unlike her own situation, LBUSD is dismissing Respondent Ho's Accusation. Respondent Zeineddine seeks to have her Accusation dismissed like that of Respondent Ho. Respondent Zeineddine's argument was unpersuasive.

30. Respondent Ho asserted that she has not completed any AVID training through LBUSD. She does, however teach two AVID elective courses and previously received AVID training through the Los Angeles County Office of Education. These facts distinguish her from Respondent Zeineddine.

31. In their briefing, Respondents presented two lists of individuals who, they argued, had completed some level of AVID training and were potentially eligible for skipping. The evidence did not establish that any of those individuals were eligible for skipping, based on the AVID skipping criteria, with the exception of Respondents Sandra Gutierrez and Veronica Williams, discussed *ante*. These two lists included Respondents Roberta Williams, Kara Johns (Respondent Johns), Ana Allen, Brizendine (discussed *ante*), Sonia McMichael (Respondent McMichael), Michael Vecchiolla, Mary Hoang (Respondent Hoang), Danielle Salisbury (Respondent Salisbury), Kimberlie Smith, Suzanne Dobbs, Elizabeth Duty, Roxana Taboada-Peña (Respondent Taboada-Peña), Alan Sheppard, Christina Patterson, Gwenelle Warren, Liseeth Ramos (discussed *ante*), Jessica Castellanos, John Wilson, David Thornburg, Hartley Rappaport (Respondent Rappaport), David Espinosa, Ramona Glaser (Respondent Glaser), Kay Whitman (Respondent Whitman), Adrienne Doung (Respondent Doung), Kristina Babcock, Victoria Casillas (Respondent Casillas), Brandi Janda (Respondent Janda), Pamela Showley (Respondent Showley), Daniela Manole, Shawn McFarland, Amy Brown (discussed *ante*) Ling Bencie, Bryan Mahan, Catherine Hawkins, and Doris Minh (Respondent Minh) (discussed *ante*).

IB

32. Regarding the IB program, Respondents argued that LBUSD should skip all IB-certified teachers because the IB program is a continuum consisting of three subprograms: the elementary, middle, and high school subprograms. Respondents explained that if teachers implementing the IB program in the elementary and middle schools are laid off, the high school IB program will falter, as they asserted that each subprogram at the elementary and middle schools are necessary to the success of the entire IB program. This argument, and the individual IB-related arguments that follow, were unsuccessful. (See Legal Conclusions 4 and 5.)

33. Respondent Ryan Campbell (Respondent Campbell) argued that he has IB training in the elementary school subprogram and should be skipped. He asserts he is the only IB certified fourth grade teacher within LBUSD. He provided additional evidence of the specialized nature of the IB program overall. Respondent Campbell's skipping argument was unpersuasive.

34. Respondent Minh argued that she should be skipped. Respondent Minh is IB certified for teaching in the middle school subprogram. She participated

in IB training between January 22 and 25, 2010. She argued that LBUSD should skip her and all IB certified teachers. Respondent Minh's argument was unpersuasive.

35. Also in their briefing, Respondents presented a list of 25 individuals with IB certification, to support the arguments of those Respondents who argued that LBUSD should skip all IB-certified teachers, not just the two in the high school subprogram. As this argument was not credited, these 25 individuals were not skipped on this basis. The 25 individuals are: Respondents Paula Swiercz, Jennifer Mendoza, Jocelyn Carlson, Karen Hardy, Glaser, Mary Jane Alviar, Kristie Nash, Kelly Mahnken, Doung, Cindy Pitts, Giovanna Tripiano, Tia Buford, Jennifer Manwarring, Laura Hernandez, Alexis Dunning, Campbell, Katrina Martinez, Mia Mariano, Stubblefield, Michele Homiakof (Respondent Homiakof), Amanda Tritle (Respondent Tritle), Paul Mason, Catherine Hawkins, Veronica Williams, and Minh (discussed *ante*).

AP

36. The parties stipulated that Respondent Debra Boyle (Respondent Boyle) is teaching an AP course and has AP training. Therefore, it is appropriate for LBUSD to skip Respondent Boyle from layoff, as she meets the LBUSD's skipping criteria.

Bumping Arguments

37. Numerous Respondents argued that, when taking into consideration each of their credentials and teaching experiences, they were capable of teaching in the position of another teacher (also referred to herein as "bumping"). As each Respondent asserted that he or she each had greater seniority than those whom they argued they could replace, each Respondent asserted that it was appropriate to find and conclude that each should bump into another identified more junior teacher and not be laid off. In each of these cases, each Respondent provided some evidence of their credentials and experience; but their arguments were unsuccessful for the following reasons. In some cases, there was insufficient evidence establishing Respondents' credentials and/or experience. In other cases, there was inadequate evidence establishing the requirements of the teaching position(s) into which Respondents argued they could bump. And still, in other cases, the evidence presented was generally unpersuasive.

38. Therefore, the bumping arguments of Respondents Maya Oliver, Rosio Osuna, Megan Kaplinsky, Jessica Castellanos, Kathleen Vokoun, Anna Huynh, Stacey Wills (Respondent Wills), Stacey Collins, Noble, Glaser, Beverly Weigand, Francesca Marchese, Roberta D. Williams, Anna Weber, Terrence Hegamin, Melissa Mann, Stubblefield, McMichael, Jill Hoover, Teri Pearlman, Janelle Deutschman, Mark Jonas (Respondent Jonas), Katiria Hernandez, Myriam Gurba, Erica Kelley,

Crystal James (Respondent James)⁴, Hoang, David Sheek (Respondent Sheek), Homiakof, and Iyaunna Towery (Respondent Towery) were unpersuasive.

39. In its briefing, Respondents proffered bumping arguments for other Respondents who did not testify, or who did testify, but, in their testimony, proffered arguments other than bumping arguments. These respondents were: Respondents Salisbury, Amanda Gerritsen, Nancy Dalton, Pait, Johns, Erin Vaughn, Wendy Cavanaugh, William Feliciano, Eddie Cruz, Olga Galaviz, Jonas, Paul Mason, Steven Hoffman (Respondent Hoffman), Justin Gaschen, Donna Dean, Valerie Munroe, Whitman, Doung, Alma Rios, Laura You, Brizendine, Janda, Casillas, Zeineddine, Michelle Early, Mireya Valenzuela, Ware, and Alexandria Moreland. The bumping arguments of these Respondents were similarly unpersuasive.

40. Respondent Hugo Ehuan (Respondent Ehuan) also made bumping arguments, by brief. He failed to submit a request for hearing timely in this proceeding. Respondent Ehuan failed to do so, however, because he has been, and is, on active military duty. He is on a military leave of absence from LBUSD. He did not receive his notice of preliminary layoff until March 30, 2010, as a consequence of his deployment location. As soon as his military duties permitted, he submitted his request for hearing. Respondent Ehuan is deemed to have submitted his request for hearing adequately to qualify him as a Respondent in this matter. Respondents' counsel submitted a bumping argument on his behalf that is deemed a part of the record in this matter (contained in Reply Brief of Certain Respondents, marked as Exhibit 108 for identification; see Respondents' Reply Brief at 6-8). Respondent Ehuan's bumping arguments, however, are unpersuasive, as there was insufficient evidence to support his arguments.

Adult School Teachers

41. Respondent Gregory Spooner (Respondent Spooner) testified on his own behalf, and on behalf of Respondents Linda Goonetilleke (Respondent Goonetilleke), Respondent Ryan De La Vega (Respondent De La Vega), and Respondent Robert Hofius (Respondent Hofius). Respondents Goonetilleke, De La Vega, and Hofius, through and including Respondent Spooner asserted that, as adult school teachers hired by LBUSD, they have been hired as temporary employees without seniority dates. They argued that their temporary classifications are incorrect and assert that they are permanent employees, since LBUSD failed to provide them with temporary contracts during at least one year of their employment. They believe they should not be laid off because of what they assert is their permanent employee status and because of the particular and valuable services they provide to adult students within LBUSD. They asserted support in Education Code section 44916 and

⁴ The parties stipulated that Respondent James is a permanent employee.

Kavanaugh v. West Sonoma County Union High School District et al. (2003) 29 Cal.4th, 911.

42. Respondents Spooner, Goonetilleke, De La Vega, and Hofius each received, signed, and agreed to temporary employment contracts in each year they have been employed with LBUSD, but provided evidence that LBUSD failed to provide a temporary contract in one year within a string of continuous temporary employment contracts (in Respondent Goonetilleke's case, LBUSD failed to provide her two temporary contracts in two distinct years). Respondent Spooner had temporary employment contracts from 2002 through 2010, with the exception of the 2003-2004 school year. Respondent Goonetilleke had temporary employment contracts from January 1999 through 2010, with the exception of the 2001-2002 and 2005-2006 school years. Respondent De La Vega had temporary employment contracts from 2000 through 2010, with the exception of the 2001-2002 school year. Respondent Hofius had temporary employment contracts from January 2001 through 2010, with the exception of the 2001-2002 school year. Their arguments were unpersuasive. (See Legal Conclusions 7-10.)

Miscellaneous Arguments

43. Respondent Zariq Schoettler (Respondent Schoettler) argued that LBUSD failed to credit her with possession of a mathematics supplemental authorization. She provided documentary evidence to establish that authorization. At hearing, LBUSD agreed Respondent Schoettler possesses a mathematics supplemental authorization, and has possessed the same since May 2003.

44. Respondents argued LBUSD's consideration of board authorizations was inconsistent when it considered assignments and reassignments of teachers: giving weight to some teachers' authorizations that were expired or would expire at the end of the 2009-2010 school year (allowing such teachers to bump into positions), while disallowing other teachers' current authorizations or ability to obtain authorizations in the upcoming school year to direct their assignments. Respondents asserted LBUSD's alleged inconsistency resulted in employee assignments that are arbitrary and capricious. The evidence did not establish these allegations as to the specific assignments highlighted by Respondents; therefore, Respondents' argument was unpersuasive. (See Legal Conclusion 13.)

45. Respondent Stacey Benuzzi (Respondent Benuzzi) argued that LBUSD's ranking of board authorizations and supplemental credentials is inequitable and flawed. Board authorizations are authorizations issued by LBUSD, pursuant to Education Code sections 44256 and 44263. These authorizations give the holder the same ability to teach in the designated subject area as a teaching credential for one school year. The Commission on Teacher Credentialing issues supplemental credentials. Neither party proffered evidence explaining supplemental credentials. Pursuant to its tie-breaking criteria, LBUSD gives board authorizations more weight

than a supplemental credential. Respondent Benuzzi argued that, among other things, board authorizations require less course work to obtain than supplemental credentials. LBUSD's ranking of board authorizations, as more valuable than supplemental credentials, argued Respondent Benuzzi, is illogical, and does not serve the needs of LBUSD or its students. Respondent Benuzzi's argument was unpersuasive. (See Legal Conclusion 2.)

46. Respondent Jennifer Mason argued that her credentials should protect her from layoff. She argued she could bump into several more junior teachers' positions and presented evidence of her qualifications and outstanding service to LBUSD. However, the evidence was insufficient to find or conclude that LBUSD should not lay her off.

47. LBUSD intends to retain 0.6 FTE of Respondent Hoffman's position. Respondent Hoffman argued that he should be retained in total to continue teaching math at Lakewood High School. He contended that LBUSD's retention of only 0.6 FTE was illogical. The evidence and law was sufficient to find that LBUSD could retain 0.6 FTE of Respondent Hoffman's position and no authority was presented to the contrary; therefore, his argument was unpersuasive.

48. Respondent David Christensen argued that LBUSD should categorize him as a business teacher instead of a physical education teacher. He currently teaches physical education and coaches varsity soccer. His authorizations allow him to teach physical education and business classes. Given his current assignment, the evidence did not support finding or concluding that LBUSD should re-categorize Respondent David Christensen or dismiss the Accusation against him.

49. Respondent Rappaport argued that he should not be laid off, proffering provisions of the federal law, known as "No Child Left Behind." Respondent Rappaport's arguments were unpersuasive.

50. Respondent Natalia Orndoff (Respondent Orndoff) argued that she should not be laid off, as she provides particular services to LBUSD students that should be preserved, namely her work with a cross cultural language and academic development credential. Respondent Orndoff argued that such services should be viewed similarly to programs like AVID. Her argument was unpersuasive.

51. Respondents Kathy Jo McMillin (Respondent McMillin) and Rose Vadakan (Respondent Vadakan) argued that LBUSD should skip them because of their special training and experience working with high-risk students. Respondents McMillin and Vadakan teach at a middle school through the Guidance Opportunity Program, teaching students with disruptive behaviors, drug and/or alcohol problems, and gang affiliations, among other problems. They argued that LBUSD should skip them for providing services for this student population and that their special experience should be equivalent to that of AVID training. Despite their valuable

services, Respondents McMillin's and Vadakan's arguments were unpersuasive. Respondent McMillin further asserted that she should have a seniority date in August 2005, instead of her current date of September 6, 2005; however, the evidence was insufficient to establish a specific earlier date.

52. Respondent Erin Clark (Respondent Clark) argued that another employee's seniority date appeared to her to be inaccurate. The evidence was inadequate to establish Respondent Clark's argument.

53. Respondent Darin O'Connell (Respondent O'Connell) argued that, as the sole male physical education teacher at Avalon High School/Middle School, Catalina Island, he is the only physical education teacher qualified to supervise the male locker room. On this basis, LBUSD should not lay him off. The evidence was insufficient to establish that Respondent O'Connell would be the only qualified person to supervise the male locker room at his school, as it was not established that such supervision required a teacher, nor was there conclusive evidence that no one else at Avalon High School/Middle School could supervise the male locker room.

54. Respondent Gerard Miller (Respondent Miller) argued that he should be skipped. Respondent Miller argued that he teaches a unique program (a guidance opportunity class) for children with extreme behaviors. He possesses a non-violent crisis intervention certificate. However, Respondent Miller's skipping argument was unpersuasive.

55. At hearing, the parties agreed that Respondent Lori Weilandt's September 1, 2004 seniority date should be October 21, 2003, and consequently, her seniority number was changed to 894W.

Respondents' Overall Arguments

56. Respondents argued that LBUSD over-noticed its employees for this proceeding. That is, LBUSD issued precautionary notices of potential layoff to LBUSD employees that it had no intention of serving with a final layoff notice. Furthermore, Respondents argued that LBUSD failed to rescind those precautionary notices timely and thus failed to consistently and properly identify those Respondents LBUSD was seeking to layoff. In doing so, Respondents argued that LBUSD deprived them of their due process right to properly present their defenses. This argument was unsuccessful. (See Legal Conclusion 14.)

57. Respondents argued that LBUSD failed to serve a number of employees with preliminary layoff notices whose seniority is junior to employees who were served with such notices. Respondents proffered a list of 17 employees whom LBUSD failed to serve with preliminary notices of layoff (and are therefore not subject to layoff), or whose layoff notices LBUSD erroneously rescinded. These individuals are listed in Appendix D. Respondents argued that this predicament

requires the dismissal of the Accusations of all Respondents with more seniority than any mistakenly retained junior employee. LBUSD conceded that it indeed failed to serve a number of employees, as Respondents asserted. However, Respondents' argument that, as a consequence, LBUSD must dismiss wholesale the Accusations of all Respondents with more seniority than any mistakenly retained junior employee was unsuccessful. (See Legal Conclusion 16.)

58. The parties made two stipulations related to this issue. First, the parties agreed that LBUSD will identify the most senior individual who is competent and qualified to bump into the assignment held by Respondent Matthew Michaelson (Respondent Michaelson)⁵, had he received a layoff notice, and will not issue a final layoff notice to that most senior respondent. Second, the parties agreed that LBUSD will identify the most senior respondent who is competent and qualified to bump into the assignment held by any less senior employee who did not receive a layoff notice, and will not issue a final layoff notice to that most senior individual.

59. Respondents argued that LBUSD should allow employees holding a multiple subject credential to bump into middle school positions that consist of a core assignment. This argument was unsuccessful. (See Legal Conclusion 15.)

The Self-Represented Respondents

60. Respondent Boeglin argued that her seniority date of August 28, 2002, should be changed to June 24, 2002, because she began teaching summer school for LBUSD on that earlier date. Respondent Boeglin argued that LBUSD paid her to teach summer school, and that the first date of payment was her first date of paid service, for purposes of seniority calculation. Respondent Boeglin's argument was unpersuasive by virtue of Education Code section 44913. (See Legal Conclusions 17 and 27.) She further asserted that she had participated in the New Teacher Institute training around the same time as when she began teaching summer school, but she provided insufficient evidence to establish that assertion. (See Factual Findings 69 and 70, for an explanation of the New Teacher Institute training.)

61. Respondent Melissa Espinoza argued that she should be retained. She argued that LBUSD failed to inform her that working part-time, as she has been doing, would limit the rate at which she would acquire service credit. She argued that she had detrimentally relied on LBUSD's information, and was not accurately informed that working part-time would impair her ability to acquire permanent status, a status she does not currently have (she remains a probationary employee, as she has not worked two consecutive school years). She further argued that, based on

⁵ LBUSD mistakenly rescinded Respondent Michaelson's notice of layoff on May 13, 2010. Respondent Michaelson possesses the least seniority of those employees included on the two lists Respondents proffered, as noted in Factual Finding 57.

LBUSD's communications with her, LBUSD has acted unfairly and in bad faith. Consequently, argues Respondent Melissa Espinoza, these actions have caused her to make uninformed decisions, namely choosing to work at a 50 percent position, instead of a full-time position, and thereby precluding her from attaining permanent employee status. Respondent Melissa Espinoza's argument was unpersuasive. (See Legal Conclusion 18.) She additionally argued that she should be skipped due to having completed AVID training. She participated in AVID training from July 29 to August 2, 2002; however, there was no evidence that she ever taught an AVID course. Therefore, she did not establish cause to be skipped. Lastly, Respondent Melissa Espinoza argued that LBUSD should waive a portion of Education Code section 44908 to grant her permanent status. She provided evidence that, in January 2010, the California State Board of Education gave approval, with conditions, for such a waiver, to the Chino Valley Unified School District for 12 employees within that school district. That argument was unavailing. (*Ibid.*)

62. Respondent Gant argued that she should be retained because she is a well-qualified teacher who specializes in teaching English-language learners. Respondent Gant teaches in the City of Avalon, on Catalina Island. Although LBUSD identifies her classroom as an English-only class, Respondent Gant's classroom includes a large number of primarily Spanish-speaking, limited English-speaking students. She uses Spanish daily in class and believes her language skills and her ability to relate to these bicultural students is a necessity to teaching the students. Respondent Gant established her qualifications to teach English Language Learners. Further, Respondent Gant submitted numerous letters of recommendation from the families of students, describing her excellent teaching skills, her effective methods, and each asking that Respondent Gant be retained as an essential teacher in Avalon. Respondent Gant additionally provided evidence that the student population in Avalon is properly described as consisting of a high percentage of Spanish-speaking students of low income who require the kinds of teaching skills she possesses and the methodologies she employs. Respondent Gant argues that her overall qualifications constitute special training and experience, as contained in Education Code section 44955, subdivision (d)(1). Respondent Gant's arguments were unpersuasive. (See Legal Conclusion 19.)

63. Respondent Hoefs argued that she should be retained because she lost an earlier obtained seniority date due to her inability to work on the mainland. Like Respondent Gant, Respondent Hoefs resides and teaches in Avalon, Catalina Island. After having taken a leave of absence related to childcare, on June 30, 2006, Respondent Hoefs tendered her resignation to LBUSD. She had taught within the District since approximately September 1998. Upon attempting to return to work, Respondent Hoefs had been displaced from her previous position. LBUSD then offered her a position within the District in Long Beach. As she lives on the Catalina Island with her husband and children, and there was no transportation that would allow her to commute to Long Beach during school hours, she could not accept a position there. She understood that if she did not accept a position in Long Beach,

LBUSD would terminate her. Respondent Hoefs did not want to have an employment termination on her record; therefore she chose to resign. Respondent Hoefs feels her resignation was forced due to these circumstances. She made several attempts thereafter to address LBUSD, explain her situation, and find a way to continue to teach for LBUSD. Respondent Hoefs is a dedicated teacher, whom LBUSD considers an outstanding employee. LBUSD contracted with Respondent Hoefs to substitute teach for the 2006-2007, and 2007-2008 school years. LBUSD rehired Respondent Hoefs on approximately November 25, 2008; her seniority date comports with this rehire date. Despite Respondent Hoefs's established commitment to LBUSD students on Catalina Island, her argument was unpersuasive, given the Legislature's mandate in Education Code section 44848. (See Legal Conclusion 20.)

64. Respondent Izumi argued that she should be retained. She first began working for LBUSD on August 27, 1984, as a counselor. She worked as a counselor for LBUSD for 17 years and then worked as a social worker from 2000 to the present. She argued that, given her years with the District, and qualifications, LBUSD should not lay her off. Respondent Izumi's argument was unpersuasive.

65. Like Respondent Izumi, Respondents Breton, Lass, Mahoney, and Arlene Perez are all social workers for LBUSD. Each of them presented documentary evidence to support their positions. Each argued that she should be retained because they provide unique, valuable, and necessary services to the LBUSD student body. Each of these Respondents described their varied and outstanding accomplishments as social workers and described their passion and desire to do social work for LBUSD students. They established that they are individually qualified to do social work for LBUSD and provide a valuable service, however their arguments that they should not be laid off were unpersuasive.

66. Respondent Posard⁶ argued that he should be retained. He began employment with LBUSD in approximately 2002. In 2009, Respondent Posard was laid off. He was hired thereafter as a temporary employee for the 2009-2010 school year. Based, at least in part, upon communications between Respondent Posard and Ashley, Respondent Posard took the necessary steps to acquire a counseling credential. In approximately April 2009, Ashley mistakenly told Respondent Posard that his counseling credential would entitle him to bump into a counseling position during the current layoff season. Respondent Posard argued that he relied on Ashley's comments, he signed a special contract, and such a contract is distinct from

⁶ At hearing, Respondent Posard, citing Education Code section 44944.1, requested to be heard in a private session, apart from the numerous respondents assembled during the instant proceeding. LBUSD opposed the motion. Respondent Posard's request was denied, as Education Code section 44944.1 is not applicable to the instant proceeding and thus there was no authority to provide him a private session during his testimony and argument.

a temporary contract (therefore, he is not a temporary employee), and he should retain August 26, 2002 (when he first began with LBUSD), as his seniority date, a date that would allow him to take the position of another social worker or counselor within the school district. Respondent Posard's arguments were unpersuasive. The evidence established that he is a temporary employee, and his employment may be discontinued on that basis. (See Legal Conclusion 22.)

67. Respondents Chambliss, Chan, Dunster, Herrera, Sasaki, and Sun did not testify or otherwise offer evidence on their behalves.

68. Respondent Catherine Jones argued that she should be skipped. She participated in AP training from July 7 to July 11, 2008, and taught AP Art History in the 2009-2010 school year. As such, Respondent Catherine Jones established cause to be exempt from layoff, pursuant to LBUSD's skipping criteria.

Seniority Date Amendments—Based on Mandatory Trainings

69. At issue in this hearing, was the contention that LBUSD required Respondents to attend, and that it paid them to attend, a number of teacher trainings prior to the start of their first day in class. Those trainings included the New Teacher Institute (NTI) training; the Open Court/Reading First (Open Court) training; a particular training in Dallas, Texas (hereafter referred to as "the Dallas training"); the Linda Mood Bell (LMB) training; the "Language !" training; the High Point training; and the PEACE Academy training. Where Respondents were able to establish that LBUSD required them to attend these trainings and paid them for attendance, whether by stipend, regular pay rate, or otherwise, their seniority dates were herein found to be the first date they attended the particular training at issue. (See Legal Conclusions 25 and 26.)

70. The parties stipulated that LBUSD would recognize attendance at NTI as the first date of paid service in a probationary position for purposes of calculating seniority. LBUSD will review records to determine which employees attended NTI in various years and will accordingly adjust the seniority dates of all those employees it confirms attended that training.

71. Respondent Melissa Steere (Respondent Steere)⁷ argued that her September 3, 2002 seniority date should be August 2, 2002. She attended the Dallas training between August 2 and 9, 2002. LBUSD paid for her attendance and required her to attend. She asserted that LBUSD also required her to participate in the NTI training in August 2002, but provided insufficient evidence to establish the dates of that training. Respondent Steere's first date of paid service, and consequently her seniority date, is properly August 2, 2002.

72. Respondent Alina Herrera-Gonzalez (Respondent Herrera-Gonzalez) argued that her September 3, 2002 seniority date should be August 2, 2002. Respondent Herrera-Gonzalez attended the Dallas training between August 2 and 9, 2002. LBUSD paid for her attendance and required her to attend. Her first date of paid service, and consequently her seniority date, is properly August 2, 2002.

73. Respondent Cheryl Huber (Respondent Huber) argued that her September 30, 2002 seniority date should be August 9, 2002. Respondent Huber attended the Dallas training between August 2 and 9, 2002. LBUSD paid for her attendance and required her to attend. Her first date of paid service, and consequently her seniority date, is properly August 2, 2002.

74. Respondent Luz Ochoa (Respondent Ochoa) argued that her September 3, 2002 seniority date should be August 3, 2002. Respondent Ochoa attended the Dallas training between August 3 and 9, 2002. LBUSD paid for her attendance and required her to attend. Her first date of paid service, and consequently her seniority date, is properly August 3, 2002.

75. Respondent Victoria Joo (Respondent Joo) argued that her September 3, 2002 seniority date should be August 2, 2002. Respondent Joo attended the Dallas training between August 2 and 9, 2002. LBUSD paid for her attendance and required her to attend. Her first date of paid service, and consequently her seniority date, is properly August 2, 2002.

⁷ Respondent Steere submitted an "Opening Brief" at the time Respondents were required to file closing briefs. The brief was prepared by Martin E. Steere, Esq. identified as "Associated Counsel appearing on behalf of Melissa Steere." Mr. Steere did not appear on the record or file any document identifying himself as associated counsel, although LBUSD's and Respondents' counsel informed the ALJ that Mr. Steere made himself known to them during the hearing and informed them that he would be filing a brief on behalf of Respondent Steere. The pleadings in this matter establish that Ms. Reinhold represents Respondent Steere. There was no objection to Respondent Steere's closing brief. Respondent Steere's brief was accepted and marked for identification. The brief included one attachment that was not offered at hearing, namely a photocopy of OAH Proposed Decision in case number 2010030980, another and unrelated matter. That attachment was not admitted, and consequently, not considered in this matter.

76. Respondent Irma AyapantecatI (Respondent AyapantecatI) argued that her September 1, 2004 seniority should be August 23, 2004. Respondent AyapantecatI attended the NTI training between August 23 and 26, 2004. LBUSD paid for her attendance and required her to attend. Her first date of paid service, and consequently her seniority date, is properly August 23, 2004.

77. Respondent Lee Kolsky (Respondent Kolsky) argued that his September 2, 2003 seniority date should be August 18, 2003. Respondent Kolsky attended the NTI training between August 18 and 22, 2003. LBUSD paid for his attendance and required him to attend. His first date of paid service, and consequently his seniority date, is properly August 18, 2003.

78. Respondent Rattana Khiev (Respondent Khiev) argued her September 1, 2004 seniority date should be August 23, 2004. Respondent Khiev attended the NTI training between August 23 and 27, 2004. LBUSD paid for her attendance and required her to attend. Her first date of paid service, and consequently her seniority date, is properly August 23, 2004.

79. Respondent Julianne Beebe (Respondent Beebe) argued her September 5, 2006 seniority date should be August 21, 2006. Respondent Beebe attended the NTI training between August 21 and 25, 2006. LBUSD paid for her attendance and required her to attend. Her first date of paid service, and consequently her seniority date, is properly August 21, 2006.

80. Respondent Holly Camarillo (Respondent Camarillo) argued that her September 2, 2003 seniority date should be July 7, 2003, based on when she began preparing herself and classroom for the upcoming school year. Respondent Camarillo attended the Open Court training between July 14 and 18, 2003, and the NTI training between August 18 and 22, 2003. LBUSD paid for her attendance at both trainings and required her to attend both. Her first date of paid service, and consequently her seniority date, is properly July 14, 2003.

81. Respondent Romi Trutanich (Respondent Trutanich) argued that her September 1, 2004 seniority date should be July 7, 2004. Respondent Trutanich attended the Open Court training between July 7 and 13, 2004. LBUSD paid for her attendance and required her to attend. She further argued that she attended the NTI training, however, there was insufficient evidence to establish when she attended the NTI training. Her first date of paid service, and consequently her seniority date, is properly July 7, 2004.

82. Linda Varnell (Respondent Varnell) argued that her September 1, 2004 seniority date should be August 9, 2004. Respondent Varnell attended the Open Court training between August 9 and 13, 2004. LBUSD paid for her attendance and required her to attend. She also completed the NTI training on August 27, 2004. Her

first date of paid service, and consequently her seniority date, is properly August 9, 2004.

83. Respondent Deborah Brown argued that her September 1, 2004 seniority date should be August 16, 2004. Respondent Brown attended the Open Court training between August 16 and 20, 2004. LBUSD paid for her attendance and required her to attend. She further argued that she attended the NTI training, however, there was insufficient evidence to establish when she attended the NTI training. Her first date of paid service, and consequently her seniority date, is properly August 16, 2004.

84. Respondent Sheek argued that his September 1, 2004 seniority date should be August 16, 2004. Respondent Sheek attended the “Language!” training between August 16 and 20, 2004, and the NTI training between August 23 and 27, 2004. LBUSD paid for his attendance at both trainings and required him to attend both. His first date of paid service, and consequently his seniority date, is properly August 16, 2004.

85. Respondent Nancy Avila (Respondent Avila) argued that her September 2, 2003 seniority date should be August 4, 2003. Respondent Avila attended the Dallas training between August 4 and 8, 2003, and August 11 through 12, 2003. LBUSD paid for her attendance and required her to attend. Her first date of paid service, and consequently her seniority date, is properly August 4, 2003.

86. Respondent Melanie Coleman (Respondent Coleman) argued that her September 2, 2003 seniority date should be August 13, 2003. Respondent Coleman attended the NTI training for special education teachers between August 13 and 14, 2003. Respondent Coleman asserted LBUSD paid her to attend, however, she could not recall clearly. Respondent Coleman’s testimony as to this training and payment was clear and similar to other similarly situated Respondents (without appearing to merely repeat the testimony of others). Therefore, Respondent Coleman’s testimony in this case is sufficient to establish by a preponderance of the evidence that she attended the NTI training for special education teachers, that LBUSD paid for her attendance, and that the training was mandatory. Her first date of paid service, and consequently her seniority date, is properly August 13, 2003.

87. Respondent Diane Wenrick (Respondent Wenrick) argued that her September 2, 2003 seniority date should be August 1, 2003, based on training and work she undertook beginning August 1, 2003. Respondent Wenrick attended the NTI training between August 18 and 22, 2003. LBUSD paid for her attendance and required her to attend. She also asserted that she substitute taught on August 1 and 4, 2003, and was required to make up 23 days for retirement purposes, known as “make-up days.” (See Factual Finding 94, for an explanation of “make-up days.”) Her work on August 1 and 4, 2003 are insufficient to qualify as her first dates of paid service,

based on Education Code section 44918, subdivision (a). Her first date of paid service, and consequently her seniority date, is properly August 18, 2003.

88. Respondent Jisun Gale (Respondent Gale) argued that her September 20, 2003 seniority date should be August 4, 2003. Respondent Gale attended the Linda Mood Bell (LMB) training between August 4 and 8, 2003. LBUSD paid for her attendance and required her to attend. Her first date of paid service, and consequently her seniority date, is properly August 4, 2003.

89. Respondent Marisa Torrez-Chavez (Respondent Torrez-Chavez) argued that her September 1, 2004 seniority date should be August 2, 2004. Respondent Torrez-Chavez attended the LMB training between August 2 and 6, 2004, although she left the training one day early (August 5, 2004). She testified she was told her attendance on the last day was allowable, given the training schedule. There was no evidence that her absence nullified her training. She attended the High Point training between August 11 and 12, 2004. She does not recall what she was paid for either training, but asserted that she was paid by LBUSD. Respondent Torrez-Chavez's testimony as to these trainings was clear and similar to other similarly situated Respondents (without appearing to merely repeat the testimony of others). Therefore, Respondent Torrez-Chavez's testimony in this case is sufficient to establish by a preponderance of the evidence that: she attended the LMB and High Point trainings, that LBUSD paid for her attendance at both, and that the trainings were mandatory. Her first date of paid service, and consequently her seniority date, is properly August 2, 2004.

90. Respondent Emily Warner (Respondent Warner) argued that her September 4, 2007 seniority date should be June 21, 2007. Respondent Warner attended the AP Institute between July 9 and 13, 2007. Respondent Warner's testimony was sufficient to establish by a preponderance of the evidence that LBUSD paid her to attend the AP Institute, despite the absence of documentary evidence. She asserted she also attended the "PEACE Academy" training, but had insufficient evidence to establish that assertion. Given her AP Institute attendance, her first date of paid service, and consequently her seniority date, is properly July 9, 2007.

91. Respondent Vanessa Quamma (Respondent Quamma) argued her September 1, 2004 seniority date should be August 11, 2004. Respondent Quamma attended the mandatory High Point Training between August 11 and 12, 2004. LBUSD paid for her attendance. Therefore, Respondent Quamma's first date of paid service, and consequently her seniority date, is properly August 11, 2004.

92. Respondent Schoettler argued that her September 2, 2003 seniority date should be August 13, 2003, because she began substitute teaching and engaged in other duties to ready herself for the coming school year. She further explained that she engaged in make-up days (40 days) while school was not in session, and chose to do so beginning August 13, 2003. Respondent Schoettler also asserted that she

participated in mandatory trainings starting August 25, 2003; however, the evidence was insufficient to establish her training participation. Her substitute teaching did not qualify her for an earlier seniority date. (See Legal Conclusion 29.) Respondent Schoettler's first date of paid service therefore remains September 2, 2003.

93. Respondent Towery argued that her September 3, 2002 seniority date should be July 1, 2002, because she began substitute teaching and shadowing other teachers on that date. She asserted the work she began on July 1, 2002, was required by LBUSD. There was insufficient evidence to establish her assertions that she began paid work on July 1, 2002, or that any work she engaged in on July 1, 2002, was required by LBUSD. The documentary evidence established that she attended the NTI training in August 2002, but there was insufficient evidence to establish a specific date. Without such evidence, a seniority date in August 2002 could not be established. The parties may meet hereafter and agree on the appropriate date in August 2002, if they can establish a specific date; however, with the evidence in the record, the ALJ could not make such a factual finding. Therefore, Respondent Towery's September 3, 2002 seniority date remains appropriate.

Seniority Date Amendments—Based on Make-up Days

94. Respondents Wills, Wenrick, and Nikki Dunnicliffe (Respondent Dunnicliffe) each made arguments that their seniority dates (September 2, 2003, for Respondents Wills and Wenrick; and July 23, 2004, for Respondent Dunnicliffe), should be earlier (July 21, 2003, for Respondent Wills; August 1, 2003, for Respondent Wenrick; and July 8, 2004, for Respondent Dunnicliffe). They each based their individual arguments on their assertions that LBUSD informed each that they were required to work days before the start of the school year to maximize their retirement credits during their first year of employment. The evidence established that these "make-up days" were optional; Respondents were able to complete these days at any point during the first year, including any days school was not in session. Therefore, it cannot be concluded that the make-up days were mandatory, or that LBUSD required Respondents Wills, Wenrick or Dunnicliffe to engage in "make-up days" prior to the start of the school year. Furthermore, the testimony of Respondents Wills, Wenrick, and Dunnicliffe established that each mostly substitute taught during the "make-up days." Their testimony left it unclear as to when they specifically engaged in substitute teaching versus other tasks. The evidence was also inconclusive as to the substance of the tasks other than substitute teaching. Thus, based partially on Education Code section 44918, and otherwise on the lack of conclusive evidence as to the tasks engaged in by each Respondent and when each Respondent engaged in those tasks, Respondents Wills's, Wenrick's, and Dunnicliffe's arguments to amend their seniority dates, based on "make-up days" were unpersuasive. (See Legal Conclusion 29.)

Seniority Date Amendments—Miscellaneous

95. Respondent Showley argued her September 7, 2004 seniority date should be a date in January 2004. She argued that she began substitute teaching fourth and fifth grade classes in January 2004, before the school principal offered her a permanent position. Respondent Showley was unable to provide evidence of a specific date in January 2004, when she began substitute teaching. Without such evidence, and in consideration of Education Code section 44918, a change in seniority date is not warranted. Respondent Showley's first date of paid service therefore remains September 7, 2004.

96. Respondent Lori Primrose (Respondent Primrose) argued that her February 13, 2004 seniority date should be September 3, 2003. Respondent Primrose filled a long-term substitute teaching position for a fifth grade classroom teacher who was out on medical leave. She taught the class with no break in service through the school year, but LBUSD converted her into a probationary employee in February 2004. Therefore, her substitute teaching does not establish an earlier seniority date. (See Legal Conclusion 29.)

97. Respondent Jennifer Kim-Clinton (Respondent Kim-Clinton) argued her September 3, 2002 seniority date should be August 27, 2002. The evidence was insufficient to establish the earlier seniority date.

98. Respondent Taobada-Peña argued her September 6, 2006 seniority date should be September 5, 2006. Respondent Taobada-Peña argued that she, in fact, was required to begin teaching on September 5, 2006. The evidence was insufficient to establish the earlier seniority date.

99. Respondent Tritle argued her September 5, 2006 seniority date should be in the fall of 1997. She asserted that she worked for LBUSD between 1997 and 2001, but failed to provide sufficient evidence of that assertion. There was insufficient evidence to establish an earlier seniority date. Respondent Tritle further argued that she should be skipped for having IB certification. She does not teach the IB high school subprogram course. Her argument was unpersuasive, given LBUSD's determination to only skip the high school IB certified teachers.

100. Respondent Kristina Cuevas (Respondent Cuevas) argued that her September 6, 2005 seniority date should be August 31, 2005. Respondent Cuevas attended a training described as a "buy back" training on August 31, 2005. There was insufficient evidence to establish that the "buy back" training was mandatory or that LBUSD paid her to attend the training. Therefore, Respondent Cuevas's seniority date remains September 6, 2005.

101. Respondent Ingrid Guntner (Respondent Guntner) argued that her February 8, 2005 seniority date should be September 27, 2004. Respondent Guntner

argued that she first began working with students, substitute teaching for a teacher on an extended leave of absence on the earlier date. There was insufficient evidence to establish Respondent Guntner's argument. Therefore, her seniority date remains February 8, 2005.

102. Respondent Guntner testified a second time, arguing that another employee's seniority date appeared to her to be inaccurate. The evidence was inadequate to establish Respondent Guntner's argument.

103. Respondent Erin Triplett-Jackson (Respondent Triplett-Jackson) argued that her November 4, 2004 seniority date should be September 12, 2004. Respondent Triplett-Jackson argued that she began teaching as a long-term substitute on the earlier date. There was insufficient evidence to establish Respondent Triplett-Jackson's argument.

104. Any other arguments proffered by Respondents or the Self-Represented Respondents that were not specifically mentioned in the Factual Findings were determined to be unpersuasive or insufficient to warrant an exemption from layoff, a dismissal of the Accusation, or a change in seniority date.

Other Factual Findings

105. LBUSD identified the certificated employees providing the particular kinds of services that the Governing Board directed to be reduced or discontinued.

106. The Governing Board's decision to reduce or discontinue the particular kinds of services set forth in Factual Finding 10 was due to the anticipated decline in State funding; the Governing Board's decision was not arbitrary or capricious, but constituted a proper exercise of discretion.

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

108. The recommendation that Respondents be terminated from employment was not related to their competency as teachers.

109. No certificated employee junior to any Respondent was retained to render a service that any Respondent is certificated and competent to render.

LEGAL CONCLUSIONS

1. The parties met all notice and jurisdictional requirements set forth in Education Code sections 44949 and 44955, including Respondent Ehuan. (See Factual Finding 40.)

Tie-Breaker Arguments

2. Education Code section 44955, subdivision (b) states in pertinent part, “[a]s 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.” The evidence established LBUSD’s tie-breaker criteria are not arbitrary in nature and reasonably based on the needs of the school district and its students.

3. There was insufficient evidence to establish the assertions of those Respondents who sought additional tie-breaker points. As noted in Factual Finding 13, as to Respondent Ware, if the parties agree a clear reading certificate is equivalent to a reading specialist certificate (a conclusion that could not be reached by the evidence presented by either party), then it would be appropriate for LBUSD to credit Respondent Ware with a tie-breaker point for possessing a reading specialist certificate.

IB, AVID, AP Program Certifications

4. Education Code section 44955, subdivision (d) states in pertinent part, “a school district may deviate from terminating a certificated employee in order of seniority [if] . . . [t]he district demonstrates a specific need for personnel to teach a specific course or course of study . . . and that the certificated employee has special training and experience necessary to teach that course of study or to provide those services, which others with more seniority do not possess.”

5. LBUSD exercised its discretion in developing its skipping criteria. LBUSD acted appropriately and within its purview when it identified AVID, IB, and AP programs as programs that meet the requirements for exempting certain junior employees from layoff, who were trained and/or teaching AVID, IB, and AP programs, as determined. Requiring employees to have taught AVID and AP courses in the most recent school year is a reasonable criterion and falls within the Legislature’s parameters of skipping those with “special training *and experience*.” (Educ. Code, § 44955, subd. (d), italics added.) Respondents did not conclusively establish that AVID training was or is available to all teachers, as they argued; however, even if it were, not all teachers did or could become AVID trained, and not all teachers taught AVID during the most recent school year. LBUSD’s criterion is appropriate. Regarding the IB arguments, nothing in the law would require LBUSD to exempt from layoff all IB certified teachers simply because it determined to skip

those from the high school subprogram. Thus, LBUSD's skipping of only the two IB-certified high school teachers is an appropriate action allowable by law. (*Ibid.*)

Bumping Arguments

6. As found in this matter, there were several reasons why Respondents' bumping arguments were unsuccessful: there was insufficient evidence establishing Respondents' credentials and/or experience; there was inadequate evidence establishing the requirements of the teaching position(s) into which Respondents argued they could bump; and the evidence presented was unpersuasive.

Adult School Teachers

7. Respondents Spooner, Goonetilleke, De La Vega, and Hofius rely on Education Code section 44916 and *Kavanaugh v. West Sonoma County Union High School District, et al.* (2003) 29 Cal.4th 911.

8. Education Code section 44916 states in pertinent part:

At the time of initial employment during each academic year, each new certificated employee of the school district shall receive a written statement indicating his employment status and the salary that he is to be paid. If a school district hires a certificated person as a temporary employee, the written statement shall clearly indicate the temporary nature of the employment and the length of time for which the person is being employed. If a written statement does not indicate the temporary nature of the employment, the certificated employee shall be deemed to be a probationary employee of the school district, unless employed with permanent status.

9. In the case of Respondents Spooner, Goonetilleke, De La Vega, and Hofius, the year in which LBUSD failed to provide them a contract for temporary employment was one year within a string of otherwise continuous contracted temporary employment. For each, several years of temporary employment continued well after the year without such a contract. There was no evidence that any of the Respondents were surprised, confused, or uncertain about being employed as temporary employees the year of, or the year following, the year with no contract. There was no evidence that Respondents were led to believe they were being employed as probationary employees, or that there was any confusion on the part of Respondents, or assertions by LBUSD that it was offering Respondents anything other than temporary employment.

10. Given these facts, the case of *Kavanaugh, supra*, does not support Respondents' argument. In that case, the teacher at issue, a high school English teacher, argued she was told by the principal that the position she applied for and

acquired was one that would lead to a permanent position. The principal denied making such an assertion. This factual dispute was central to the California Supreme Court’s analysis. The Court stated, “A requirement that employing districts inform applicants for certificated positions of their proposed employment status (permanent, probationary, temporary, substitute) before they actually begin working avoids the kind of bait-and-switch scenario in which a teacher begins the school year believing his or her status is probationary (with the accompanying level of job protection) only to discover after the year has started—when it is too late to find another position—that the position is only temporary.” (*Kavanaugh v. West Sonoma County Union High School District, et al., supra*, 29 Cal.4th at 921-922). There was no such “bait-and-switch” tactics in the instant matter. The relevant statute and the manner in which the State’s High Court applied it to *Kavanaugh* makes clear that teachers should find protection in Education Code section 44916 when school districts make assertions or take actions that may reasonably lead employees to presume they are being employed as probationary employees. In the instant matter, the continuous string of temporary employment contracts, before and after the one year without a contract, distinguish such a scenario. Furthermore, Respondents’ argument in this case is stale, as argued by LBUSD.

Miscellaneous Arguments

11. LBUSD’s ranking of its tie-breaker criteria, including its ranking of board authorizations and supplemental credentials, was an appropriate exercise of its discretion, as set forth in Legal Conclusion 2.

12. Respondents’ other arguments, set forth in Factual Findings 46 through 54, lacked factual support and/or legal merit, and therefore were not credited.

Respondents’ Overall Arguments

13. Respondents’ argument that LBUSD’s consideration of board authorizations was inconsistent in its assignments and reassignments of employees is unavailing. There was insufficient evidence to establish Respondent’s assertions. In cases Respondents highlighted, there were adequate, lawful reasons why LBUSD assigned or reassigned those particular Respondents.

14. Respondents’ argument that LBUSD overnoticed employees was unsuccessful. All Respondents were given an opportunity to testify and present evidence on their own behalves. There was no evidence that, based on the preliminary notices sent by LBUSD, and the manner in which the school district proceeded at hearing, any Respondent was unaware of the basis(es) for his or her potential layoff, or was somehow precluded from presenting a full defense. Consequently, there was no evidence that Respondents suffered a deprivation of their due process rights.

15. Respondents' argument that LBUSD must allow particular Respondents holding a multiple subject credential to bump into middle school positions that consist of a core assignment was unavailing. LBUSD argued in this matter, a teacher must be able to bump into a junior teacher's entire assignment, not only the core portion, as LBUSD is not engaging in what it refers to as "partial bumping." That argument is reasonable and Respondents provided no legal authority supporting its argument or authority to otherwise require LBUSD to perform such bumping.

16. Respondents argued that LBUSD's failure to serve some junior employees with preliminary layoff notices requires the dismissal of all Accusations against more senior employees. This argument is referred to as "the domino theory." This theory is unavailing. The parties stipulated that LBUSD would dismiss a corresponding number of Accusations against Respondents, corresponding to the number of individuals it failed to serve with layoff notices. (Factual Finding 58.) Such an act is an appropriate cure for the school district's failure, and such a cure has been recognized by the courts, as LBUSD argued. (See *Alexander v. Board of Trustees* (1983) 139 Cal.App.3d 567, 576-577.) Furthermore, it stands to reason that this predicament should not lead to the dismissal of the Accusations against all employees with more seniority than any retained junior employee. Such a result would unreasonably frustrate the legislatively constructed layoff process within the Education Code, while a reasonable cure exists that would protect Respondents' rights and allow the school district to pursue its layoff. Indeed, the parties have agreed to this more reasonable course of action, and such an action promotes the Legislature's statutory purpose while curing the defects created by LBUSD.

The Self-Represented Respondents

17. Respondent Erin Boeglin's argument for an earlier seniority date was unpersuasive, in light of the Legislature's mandate in Education Code section 44913. (See Legal Conclusion 27, *post*.)

18. Respondent Melissa Espinoza failed to establish that LBUSD had any legal obligation to inform her that her decision to reduce employment to half-time employment would curtail her ability to acquire service credit. She similarly failed to establish evidence of actionable unfairness or bad faith on the part of LBUSD. She is not eligible to be skipped on the basis of AVID training, as noted in Factual Finding 61. Lastly, as to the State Board of Education's waiver, the evidence failed to establish the circumstances involved with the Chino Valley Unified School District, and its 12 employees. With the evidence in the record, it could not be found or concluded that the circumstances in the Chino Valley matter, whatever those may be, were similar to the circumstances in the instant case, as it relates to Respondent Melissa Espinoza.

19. Respondent Linda Gant established that she is a well-qualified teacher to teach her students: largely English language learners from Spanish-speaking households in Avalon, Catalina Island. Despite her qualifications, the generally disadvantaged nature of the student body she teaches, and the letters of support from her students' families, Respondent Gant could not establish cause to exempt her from layoff or dismiss the Accusation against her. LBUSD set forth its skipping criteria and did not add criteria similar to Respondent Gant's qualifications to qualify her for exemption on the bases she advocates.

20. Respondent Brenda Hoefs is a well-regarded teacher who established that she felt she had no other option but to resign from employment with the school district because there was no viable transportation for school teaching assignments between Avalon, Catalina Island and Long Beach. While Respondent Hoefs's circumstances are unfortunate, the law is nonetheless clear. Education Code section 44848 states in pertinent part, "[w]hen any certificated employee shall have resigned . . . and shall thereafter have been reemployed by the board, his date of employment shall be deemed to be the date on which he . . . rendered paid service after his reemployment." The Legislature made no provision for when certificated employees resign under what the employee feels is a forced decision. The evidence did not establish that Respondent Hoefs's decision to resign was subject to reversal or that LBUSD should reinstate her previous seniority date.

21. Respondents Izumi, Breton, Lass, Mahoney, and Arlene Perez presented evidence of their excellent work as social workers. Their services are indeed valuable to LBUSD. Nonetheless, they provided no evidence to warrant the dismissal of the Accusations against them, or their skipping, pursuant to LBUSD's criteria.

22. Respondent Posard is a temporary employee. There was insufficient evidence to establish his assertion that the special contract he signed was distinct from a temporary contract. His reliance on Ashley in obtaining a counseling credential does not shield him from layoff. Temporary employees may be dismissed "at the pleasure of the [governing] board . . . so long as the temporary employee is notified before the end of the school year." (*Kavanaugh v. West Sonoma County Union High School District, et al.* (2003) 29 Cal.4th 911, 917-918 [citing *Taylor v. Board of Trustees* (1984) 36 Cal.3d 500, 505].) Respondent Posard provided no persuasive evidence that he was unaware he was agreeing to temporary employment, or that LBUSD did anything to make him believe he was agreeing to anything other than temporary employment. Thus, Respondent Posard can be laid off. The remainder of Respondent Posard's arguments lacked merit and/or were otherwise unpersuasive.

23. Respondents Chambliss, Chan, Dunster, Herrera, Sasaki, and Sun did not testify and no other evidence was presented on their behalf to warrant retention.

24. Respondent Catherine Jones established that she should be skipped from layoff due to meeting the skipping criteria for AP training and teaching. (Factual Finding 68.)

Seniority Dates

25. Education Code section 44845 states in pertinent part, “[e]very probationary or permanent employee . . . shall be deemed to have been employed on the date upon which he first rendered paid service in a probationary position.”

26. Respondents correctly argued that if LBUSD required and paid Respondents to attend the various trainings (NTI, Open Court, etc.) before the start of the school year, the first day of training attended by each Respondent, where payment and attendance were established by competent evidence, would be the first date of paid service and his or her seniority date. It is appropriate in those circumstances, as reflected in the Factual Findings, *ante*, to amend each Respondent’s seniority date accordingly.

27. The Legislature has disallowed summer school employment in computing permanent employment status. Education Code section 44913 states in pertinent part, “Nothing in Sections 44882 to 44887, inclusive, Sections 44890, 44891, Sections 44893 to 44906, inclusive, and Sections 44908 to 44919, inclusive, shall be construed as permitting a certificated employee to acquire permanent classification with respect to employment in a summer school maintained by a school district, and service in connection with any such employment shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of the district. The provisions of this section do not constitute a change in, but are declaratory of, the preexisting law.” This mandate relating to credit for permanent status, supports LBUSD’s argument that summer school employment does not establish an earlier seniority date. Therefore, where Respondents argued a change in their seniority date, based on summer school teaching, those arguments were not credited.

28. Regarding “make-up days,” the evidence established that these days were days Respondents could choose when to work, and were altogether optional. LBUSD argues that this, in part, should disallow the counting of such days to determine seniority dates. However, in determining when an employee first rendered paid service in a probationary position, the statute is unambiguous. The first date of paid service in a probationary position qualifies, even if a “make-up day,” provided that the paid service does not run afoul of the Legislature’s other mandates, for example, and saliently, Education Code sections 44913 and 44918. (See Legal Conclusions 27 and 29.) While LBUSD did not require employees to begin “make-up days” before the start of the school year, LBUSD allowed many to do just that. LBUSD argues that allowing these days to count toward seniority, given the optional nature and unstructured choosing of days, by both teachers and the school district,

would lead to unfair changes in seniority dates. Be that as it may, there is no authority to support LBUSD's argument. Therefore, "make-up days" worked before the start of the school year can qualify as the dates upon which an employee first rendered paid service in a probationary position. However, in this case, those Respondents asserting such arguments failed to provide conclusive evidence that they engaged in employment that would qualify as countable service for purposes of determining seniority.

29. Regarding substitute teaching, Education Code section 44918, subdivision (a), states in pertinent part, "Any employee classified as a substitute . . . employee, who serves during one school year for at least 75 percent of the number of days the regular schools of the district were maintained in that school year and has performed the duties normally required of a certificated employee of the school district, shall be deemed to have served a complete school year as a probationary employee if employed as a probationary employee for the following school year." LBUSD correctly argues that, given this provision, if an employee begins substitute teaching, but is then offered a probationary position before serving 75 percent of the school year he or she began substitute teaching, that employee may not use that substitute service to calculate seniority. Accordingly, Respondents' claims were assessed within this analysis, as reflected in the factual findings.

Additional Legal Conclusions

30. With the exception of Respondents Debra Boyle, Sandra Gutierrez, Ellen Noble, Veronica Williams, Catherine Jones, and those Respondents listed in Appendix C, cause exists to sustain LBUSD's action to reduce or discontinue the full-time equivalent positions set forth in LBUSD's Resolution 021610-B, and to permit LBUSD to give notice to all other Respondents that their services will not be required for the 2010-2011 school year, pursuant to Education Code sections 44949 and 44955, as set forth in Factual Findings 1-109, and Legal Conclusions 1-29, and 31-35.

31. The services identified in the Governing Board's resolution number 021610-B are particular kinds of services that the Governing Board can reduce or discontinue under Education Code section 44955. The Governing Board's decision to reduce or discontinue the identified services was not arbitrary or capricious, and was a proper exercise of its discretion. Cause for the reduction or discontinuation of services relates solely to the welfare of LBUSD's schools and pupils within the meaning of Education Code section 44949.

32. LBUSD properly identified the certificated employees providing the particular kinds of services that the Governing Board directed to be reduced or discontinued.

33. A school district may reduce services within the meaning of Education Code 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.)

34. LBUSD established cause to not reemploy Respondents for the 2010-2011 school year, except for Respondents Debra Boyle, Sandra Gutierrez, Ellen Noble, Veronica Williams, Catherine Jones, and those Respondents listed in Appendix C.

35. No junior certificated employee is scheduled to be retained to perform services that a more senior employee is certificated and competent to render.

ORDER

1. Except as provided in Order 2(a) and 2(b) below, and except for Respondents Debra Boyle, Sandra Gutierrez, Ellen Noble, Veronica Williams, Catherine Jones, and those Respondents listed in Appendix C, the Accusations served on all other Respondents in this matter, providing the particular kinds of services that the Governing Board directed to be reduced or discontinued, are sustained.

2(a). Notwithstanding Order 1 above, the Long Beach Unified School District shall identify the most senior Respondent who is competent and qualified to bump into the assignment held by Respondent Matthew Michaelson and shall not issue that most senior Respondent a final layoff notice.

2(b). Notwithstanding Order 1 above, the Long Beach Unified School District shall identify the most senior Respondents who are competent and qualified to bump into the assignment held by any less senior employee who did not receive a layoff notice (those listed in Appendix D), and shall not issue a final layoff notice to a corresponding number of those most senior Respondents.

3. Notice shall be given to all Respondents, other than those excluded by Orders 1, 2(a), and 2(b), that their services will be terminated at the close of the 2009-2010 school year.

4. The Accusations served on Respondents Debra Boyle, Sandra Gutierrez, Ellen Noble, Veronica Williams, Catherine Jones, those Respondents listed in Appendix C, and those Respondents to be identified pursuant to Orders 2(a) and 2(b), are dismissed.

Dated: July 6, 2010

DANIEL JUAREZ
Administrative Law Judge
Office of Administrative Hearings

Appendix A

Respondents In Case Number 2010020244

Employee Name

1	Abbott, Patricia D
2	Acosta, Diana A
3	Ahmadi, Kathryn E
4	Alberto, Natasha
5	Alcala, Jisela G
6	Allen, Ana R
7	Allen, Timothy S
8	Alvarez, Davealyn H
9	Alvarez, Maria P
10	Alviar, Mary Jane D
11	Anaya, Maria D
12	Anderson, Audra L
13	Anderson, La Vida M
14	Anderson, Sedelia M
15	Antonio, Kathyrine E
16	Appell, Christine E
17	Aranda, John F
18	Araya, Andrea
19	Arca-San, Jennifer J
20	Arce, Gabriela G
21	Arzate Jr, Manuel A
22	Arzuman, Allison S
23	Aslan, Rita A
24	Avila, Nancy P
25	Ayapantecatl, Irma
26	Babcock, Kristina K
27	Bahr, Victoria F
28	Balbuena, Blanca
29	Baltazar, Eleanor C
30	Banda, Tiffany A
31	Barba, Elizabeth
32	Barrientos, Maria E
33	Baskin, Tabatha L
34	Bates, Julie A
35	Baumbach, Jeffrey D
36	Beck, Paul B

37 Becker-Bermudez, Alicia Y
38 Beebe, Julianne
39 Belayachi, Gabriella
40 Beltran, Carrie C
41 Bencie, Ling G
42 Benuzzi, Stacey M
43 Bergh, Rebecca A
44 Bessolo, Lauren J
45 Blackburn, Gloria F
46 Boeglin, Erin L
47 Boese, Lisa A
48 Bolanos, Reyes
49 Boone, Angela R
50 Borchardt, Kelly B
51 Bourne, Laurie E
52 Boyd, Brie A
53 Boyle, Debra L
54 Bradfield, Christine S
55 Branda, Timothy C
56 Braun, Dolores
57 Breceda, Amy C
58 Breton, Hortensia T
59 Brizendine, Shannon P
60 Brown, Amy W
61 Brown, Deborah R
62 Brown, Robert P
63 Brown, Toya M
64 Bruton, Stephanie J
65 Bucko, Elizabeth G
66 Buffington, Jessica D
67 Buford, Tia M
68 Bulat, Christina C
69 Burg, Gary G
70 Burgess, Bruce M
71 Callier, Joseph L
72 Camarillo, Holly M
73 Campbell, Ryan R
74 Campion, Janette
75 Cancino, Christina M
76 Cantu-Pacheco, Elaine Y
77 Capparelli, Eva G
78 Carlson, Jocelyn C

79	Carr, Laura C
80	Carr, Tiffany J
81	Carroll, Michael J
82	Carungcong, Meghan M
83	Casillas, Victoria
84	Cassara, Janet
85	Castellanos, Jessica K
86	Cavanaugh, Wendy R
87	Celestial, Julie L
88	Centurion, Cynthia K
89	Cernok, Laura C
90	Chambliss, Pensa M
91	Chan-Jadus, Yong Y
92	Chao, Alex L
93	Chavez, Monica M
94	Christensen, Barbara C
95	Christensen, David B
96	Chu, Jennifer M
97	Church, Michelle L
98	Clare, Melinda A
99	Clark, Erin L
100	Cline, Laurie D
101	Coleman, Melanie C
102	Collins, Stacey L
103	Conrrad, Jessica
104	Cordero, Rickeenah K
105	Cortes, Erica
106	Costanza, Shelly A
107	Coster, Trinette L
108	Croft, Karen S
109	Cross, Kristy L
110	Cruz, Eddie
111	Ctvrtlik, Joyce A
112	Cuaxiloa De Shivers, Gloria E
113	Cuevas, Kristina J
114	Da Silva, Kelly A
115	Daley, Kathleen A
116	Dalton, Nancy M
117	Dau, Erin M
118	Davenport, Carrie M
119	Davis, Jennifer E
120	Davis, Monica G

121	Davis-Foster, Erin J
122	Day, Jennifer L
123	De Koekkoek, Patricia L
124	De La Vega, Ryan A
125	De Rosier, Hilda P
126	Dean, Donna J
127	Deutschman, Janelle Y
128	Diaz, Elizabeth
129	Diaz, Olga F
130	Dines, Michelle A
131	Dobbs, Suzanne M
132	Dody, Vanessa A
133	Domingo, Maria Elena S
134	Dominguez, Brenda
135	Donnelly, Mary E
136	Doon-Samaniego, Heidi-Lynn
137	Doung, Adrienne L
138	Dulce, Arlene S
139	Dunncliffe, Nikki N
140	Dunning, Alexis A
141	Dunster, John B
142	Duty, Elizabeth A
143	Early, Michele L
144	Ebo, Obiorah O
145	Eckert, Christopher B
146	Eisman, Kelli D
147	Elia, Karla L
148	Ellis, Robyn W
149	Enriquez, Ramon P
150	Eomurian, Mark A
151	Erskine, Ann M
152	Espinoza, David O
153	Espinoza, Melissa M
154	Estrada, Ann M
155	Estrada, Arnold
156	Fakes, Damien
157	Faris, Robert L
158	Farmer, Paul G
159	Fawcett, Brendan A
160	Federici, Ovidio
161	Feliciano, William C
162	Ferguson, Ashleigh S

163	Ferrer, Michelle M
164	Fidel, Jodee D
165	Fideler, Tracy L
166	Figueroa, Lucy A
167	Flint, Summer L
168	Flores, Guillermo J
169	Fox, Brent L
170	Fox, John T
171	Franco, Michelle B
172	Fredericksen, Timothy R
173	Freeman, Josh M
174	Freer, Nichole L
175	Frost, Amanda D
176	Frushour, Nora H
177	Fukushima, Teri
178	Gagnon, Diane L
179	Galaviz, Olga L
180	Gale, Jisun
181	Galindo, Esperanza V
182	Gallagher, Tracie L
183	Gallo, Veronica L
184	Gant, Linda J
185	Garcia, Lupe
186	Garcia, Maria D
187	Garcia, Nicole M
188	Garcia Vasquez, Erik G
189	Gardea, Danielle M
190	Garza, Mayra C
191	Gaschen, Justin M
192	Gastelum, Mayra A
193	Gegenworth, Georgia S
194	Geib, Joyce E
195	Gentle, Diane D
196	George, Kathy D
197	Gerritsen, Amanda R
198	Gerson, Victoria
199	Ghareeb, Jessica E
200	Ghavimi, Shawdee
201	Gibbons, Megan E
202	Gladinus, Elizabeth R
203	Glaser, Ramona R
204	Glasser, Scott R

205 Glidden, Jessica R
206 Goettsch, Katie R
207 Goldman, Jennifer L
208 Gomes, Whitney
209 Goncalves, Ammie M
210 Gonser, Wendy R
211 Gonzalez, Cindy A
212 Gonzalez, Lori M
213 Goonetilleke, Linda J
214 Gordon, Alyssa J
215 Granado, Deborah B
216 Grant-Burton, Sharron D
217 Grantham, Denise L
218 Greciasmith, Josephine M
219 Grunzweig, Joan A
220 Guerrero, Mirna E
221 Guillen, Mario
222 Guntner, Ingrid H
223 Gurba, Myriam K
224 Gutierrez, Brandi N
225 Gutierrez, Jill M
226 Gutierrez, Sandra C
227 Guy, Amy E
228 Hackney, Lewis W
229 Haggerty, Petra M
230 Hall, Elisa J
231 Hardy, Karen J
232 Harrison, Karen
233 Hartman, Erika E
234 Hatch, Julie C
235 Hawkins, Catherine V
236 Hawkins, Michelle R
237 Hazel, Jason L
238 Hebert Jr, Patrick P
239 Hegamin, Terrence
240 Heilemann, Ralph P
241 Hellerud, Jennifer A
242 Hemminger, Andrew M
243 Henry, Rasheka L
244 Hernandez, Katiria
245 Hernandez, Laura
246 Herrera, Julie Ann

247 Herrera, Tracey A
248 Herrera-Gonzalez, Alina I
249 Hess, Toby M
250 Hickox, Catherine S
251 Higginbotham, Jeannette M
252 Higgins, Phillip E
253 Higuera, Laura
254 Hilgenberg, Richard W
255 Hines, Angela N
256 Ho, Jennifer C
257 Hoang, Mary
258 Hodge, Kellie P
259 Hoefs, Brenda
260 Hoffman, Steven A
261 Hofius, Robert D
262 Holt, Drew K
263 Holt, Jeanne M
264 Homiakof, Michele A
265 Hoover, Jill I
266 Horton, Elizabeth A
267 Hryze, Gina L
268 Hubbard, Anastasia J
269 Huber, Cheryl P
270 Huff, Libby C
271 Huffman, Mark A
272 Huizar, Alicia
273 Humphries, Michael J
274 Hutchinson, Shauna R
275 Huynh, Anna S
276 Huynh, Crystal
277 Ibarra, Rosalinda B
278 Ibarra, Veronica G
279 Ing, Puthea
280 Iose, Meaalofa
281 Irwin, Sandra L
282 Ishida, Rika
283 Ito, Jennifer K
284 Ivemeyer, Jennifer M
285 Izumi, Nancy C
286 Jackson, Diane C
287 Jackson, Mary C
288 James, Annitta L

289	James, Crystal C
290	Janda, Brandi E
291	Jasprica, Mandy N
292	Jeffers, Jennefer L
293	Jeffery, Jake S
294	Jernigan, Nicole M
295	Johns, Kara D
296	Johnson, Geri A
297	Johnson-Lichfield, Janice E
298	Jonas, Mark A
299	Jones, Catherine E
300	Jones, Janet L
301	Jones, Rodney S
302	Joo, Victoria I
303	Jorda, Anna M
304	Joseph, Victoria A
305	Junier, Darren E
306	Kane, Mary G
307	Kang, Hannah L
308	Kaplinsky, Megan D
309	Kawai, Lisa Y
310	Keester, Ronald W
311	Kelly, Erica J
312	Kep, Tevy
313	Keys, Cheryl M
314	Khiev, Rattana S
315	Kim-Clinton, Jennifer I
316	Kittleson, Kimberly D
317	Knapp, Diane M
318	Kobaissi, Fatima S
319	Kogen, Barry A
320	Kolb, Jennifer N
321	Kolodny, Harper W
322	Kolsky, Lee R
323	Kompleski, Gerald
324	Kong, Sophak P
325	Konyalian, Lizbeth
326	Krause, Veronica C
327	Kroneberger, Yvonne M
328	Kutsunai, Miki
329	Landeros, Esmeralda M
330	Larsen, Gwendolyn

331 Larsen, Peder O
332 Lass, Laurel A
333 Lauriano, Lisa A
334 Lausch, Yvonne K
335 Lawrence, Dana L
336 Ledesma, Meegan N
337 Lee, Sheila M
338 Lefkowitz, Derek J
339 Leonard, Katherine C
340 Leonard, Marnelle M
341 Leonardo, Tina M
342 Leone, Anetta C
343 Levy, Nancy L
344 Lim, Anna L
345 Lim, Theavy
346 Lindstrom, Brett C
347 Littleworth, Bradley J
348 Livingston, Jody Sun
349 Lockwood, Debra M
350 Lofstrom, Linda J
351 Lopez, Claudia
352 Lopez Sheldon, Maria I
353 Lopez-Hernandez, Nancy
354 Lourenco, Karrie D
355 Lourenco, Sonia R
356 Lubner, Mary E
357 Lucchese, Dawn D
358 Lujan, Vicki L
359 Lund, Elieth E
360 Luu, Rebeka Q
361 Lytle, Angela
362 Maben, Anne F
363 Macander, David A
364 Mackey, Dawn M
365 Maestas, Aline A
366 Mahan, Bryan L
367 Mahnken, Kelly G
368 Makridis, Paula S
369 Mamnoon, Farahnaz
370 Maners, Courtney M
371 Manion, Stephanie M
372 Manipon, Monica O

373 Mank, Linda J
374 Mann, Melissa V
375 Manole, Daniela
376 Manwarring, Jennifer L
377 Marasigan, Maria C
378 Marchese, Francesca L
379 Mariano, Marinelle J
380 Mariano, Mia G
381 Markovitz-Troncoso, Stacy L
382 Martin, Chau T
383 Martin, Jeffrey W
384 Martin, Jennifer
385 Martinez, Christina M
386 Martinez, Katrina R
387 Mason, Jennifer L
388 Mason, Paul
389 Mathews, Candice N
390 Matto, Emily M
391 Mc Carty, Sunday
392 Mc Craw-Harrison, Ashley M
393 Mc Farland, Shawn
394 Mc Grath, Leland
395 Mc Michael, Sonia X
396 Mc Millin, Kathy Jo
397 Medina, Claudia
398 Meiers, Cindy D
399 Melendez, Martha C
400 Mena, Elizabeth
401 Mendenhall, Joy M
402 Mendez, Anicia M
403 Mendoza, Jennifer A
404 Miles, Nicole A
405 Miller Jr, Gerard C
406 Minh, Doris Y
407 Mocsary, Tiffaney S
408 Montemayor-Duncan, Marsha G
409 Montoya, Carolyn E
410 Morales, Hilda C
411 Morales, Maribel
412 Moreland, Alexandria M
413 Morris, Julia L
414 Mostert, Terri S

415 Munro, Valerie M
416 Mynar, Kimberly A
417 Najera, Enrique R
418 Nash, Kristie L
419 Nathan, Devi K
420 Navarro, Vilomar
421 Nervo, Regina M
422 Newell, Barbara S
423 Newhard, Christina L
424 Newman, Susan E
425 Nielsen, James J
426 Nixon, Cassandra E
427 Noble, Ellen P
428 Nuez, Matthew
429 O'Connell, Darin J
430 Obeji, Jeanne M
431 Ochoa, Luz E
432 Oduwole, Bola
433 Olguin, Zuzuky M
434 Oliver, Lisa M
435 Oliver, Maya C
436 Ono, Alisia L
437 Orndoff, Natalia L
438 Ortloff, Patricia L
439 Osuna, Rosio
440 Owens, Kenneth W
441 Ozimok, Carolyn
442 Paimany, Davy
443 Pait, Jill E
444 Paluska, Annette S
445 Papale, Alicia K
446 Patterson, Christina M
447 Patterson, Eric J
448 Patterson, Kimetha W
449 Paus, Charles P
450 Pearlman, Teri E
451 Pech, Puch
452 Perez, Arlene
453 Perez, Leoner J
454 Perez, Nathan T
455 Pham, Tram Anh M
456 Phillips, Andrea T

457 Pineiro, Paula
458 Pitts, Cindy L
459 Pravednikov, Christy R
460 Pravednikov, Victor
461 Primrose, Lori A
462 Primrose, Scott A
463 Prom, Linaryomy
464 Puentes, Marilu
465 Quamma, Vanessa V
466 Quiaot, Gertrude M
467 Quintanar, Wendy
468 Rachal, Tiffany P
469 Rafkin, Jennifer M
470 Ramirez, Elizabeth
471 Ramirez Jr, Antonio
472 Ramirez Jr, Jose
473 Ramos, Esmeralda
474 Ramos, Liseeth
475 Rangel, Elida
476 Rappaport, Hartley A
477 Rash, Kelly M
478 Rasmusson, Florinda L
479 Ratliff, Janique L
480 Reagan, Caprice J
481 Reese, Katherine M
482 Reger, Mandi M
483 Reyes Jr, Alfred L
484 Rice, Kelley I
485 Richardson, Patricia S
486 Richardt, Steven T
487 Riede, Cynthia D
488 Rios, Alma L
489 Ritt-Caban, Mary C
490 Rivera, Terri
491 Roberts, Wendy L
492 Robinson, Patricia M
493 Robles, Elizabeth S
494 Rock, Charity D
495 Rockwood, Alison E
496 Rodriguez, Diana C
497 Rodriguez, Griselda G
498 Roe, Rebecca A

499 Romano, Gary L
500 Rosenthal, Heather B
501 Ruiz, Ashley E
502 Saikley, Jessica L
503 Salaya, Wendy J
504 Salazar, Jennie Y
505 Salisbury, Danielle C
506 Salzman, Antonia M
507 Sanchez, Maria T
508 Sanders, Emily
509 Sandocal, Francisco S
510 Sands, Erica L
511 Sarabakhsh, Nooshin
512 Sarabia, Edith I
513 Sarabia, Erica
514 Sarantakis Jr, Stephen D
515 Sarmiento, Christopher P
516 Sasaki, Colleen M
517 Schmidt, David A
518 Schoettler, Zariq
519 Schultz, Cory D
520 Schwenzfeier, Dominique V
521 Sedillo, Carla D
522 Segovia, Jose Luis
523 Seo, Tina M
524 Serna, Margarita F
525 Serrano, Karen L
526 Sheek, David G
527 Sheets, Michael S
528 Sheppard, Alan T
529 Shihady, Megan H
530 Shipman, Renee M
531 Shiraki, Nicole
532 Showley, Pamela K
533 Sicaeros Jr, Porfirio H
534 Siddiqui, Hajra S
535 Sigur, Latesha A
536 Silva, Danielle A
537 Sipowicz, Melissa M
538 Smith, Kimberlie L
539 Smith, Wendy
540 Soldan, Jennifer M

541 Sotiropoulos, Aikaterini A
542 Soto, Erma
543 Sparks, Julie A
544 Spooner, Gregory K
545 Steele, Jennifer A
546 Steere, Melissa M
547 Steider-Brady, Lorian
548 Stevens, Tia L
549 Stranahan, Lisa D
550 Stringer, Laura
551 Stubblefield, Kimberly D
552 Suarez, Kathleen
553 Sue, Stacy
554 Sugimoto, Kristin K
555 Sula, Kenireta F
556 Summers, David R
557 Sun, Sopani T
558 Sutton, Sarabeth
559 Swiercz, Paula P
560 Tablada, Gabriel L
561 Taboada-Pena, Roxana
562 Tait, Howard L
563 Thayer, Lance F
564 Thibeau, Nicole D
565 Thornburg, David
566 Thue, James J
567 Thuney, David E
568 Thurmond, Kitalie N
569 Tierney, Kirsten H
570 Torrez-Chavez, Marisa R
571 Towery, Iyaunna K
572 Trecker, Cynthia E
573 Tripiano, Giovanna F
574 Triplett-Jackson, Erin R
575 Tritle, Amanda R
576 Trutanich, Romina S
577 Tunncliff, Wendy M
578 Turner, Janet J
579 Turner, Marcus J
580 Un-Maciel, Dinna
581 Underwood, Lee R
582 Ung, Darith

583 Urias, Cristina L
584 Ussery, Erica M
585 Uy, Vanessa A
586 Vadakan, Rose G
587 Valadez, Patricia
588 Valenzuela, Mireya
589 Valenzuela, Richard T
590 Vandezande, Laura A
591 Vansteenwyk, Michelle L
592 Vargas, Alina D
593 Varnell, Linda W
594 Vaughn, Erin E
595 Vecchiolla, Michael S
596 Vega, Sara C
597 Velasquez, Karen
598 Velazquez, Beatriz
599 Verduzco, Bianca
600 Verduzco, Rene
601 Viola, Anthony
602 Vogel-Zuiderweg, Lynn C
603 Vokoun, Kathleen M
604 Volkoff, Cora M
605 Wade, Edina N
606 Ward, Lea H
607 Ware, Lisa A
608 Ware, Wendy D
609 Warner, Emily A
610 Warren, Gwenelle D
611 Warshauer, Michelle P
612 Waterman, Bradford H
613 Waterman, Edward A
614 Watson, Susan E
615 Watts, Geoffrey C
616 Webb, Kelly L
617 Webb, Monica J
618 Weber, Anna B
619 Weeks, Shannan D
620 Wells, Scott J
621 Wells, Teresa P
622 Wenrick, Diane M
623 Westermeyer, Linda H
624 Weston, Monica J

625 Whelan, Kristin M
626 White, Davion E
627 Whitesell, Elizabeth A
628 Whitman, Kay F
629 Wiegand, Beverly F
630 Wielandt, Lori J
631 Wilcox, Laura M
632 Wilder, Krista D
633 Wilhelmi, Danielle C
634 Williams, Katherine A
635 Williams, Michelle
636 Williams, Nadia V
637 Williams, Roberta D
638 Williams, Robyn M
639 Williams, Veronica A
640 Williams-Davis, Monica D
641 Wills, Stacey R
642 Wilson, John R
643 Winston, Denise M
644 Wohlgezogen, Lorena
645 Yaeger, Daniel S
646 Yell Ii, David M
647 Yim, Eugene H
648 You, Laura G
649 Zavala, Damaris D
650 Zeineddine, Nicole S
651 Zelaya, Doris E
652 Zeoli, Jeanine M
653 Zuluaga, Kelly L

Appendix B

Respondents Represented by Reich, Adell & Cvitan In Case Number 2010020244

- | | |
|-----------------------------|---------------------------------|
| 1. Abbot, Patricia | 42. Carr, Tiffany |
| 2. Acosta, Diana | 43. Carungong, Meghan |
| 3. Ahmadi Kathryn | 44. Casillas, Victoria |
| 4. Alberto, Natasha | 45. Cassara, Janette |
| 5. Alcala, Jisela | 46. Castellanos, Jessica |
| 6. Allen, Ana | 47. Cavanaugh, Wendy |
| 7. Allen, Timothy | 48. Chao, Alex |
| 8. Alvarez, Davealyn | 49. Chavez, Monica |
| 9. Alviar, Mary Jane | 50. Christensen, David |
| 10. Anderson, Audra | 51. Church, Jennifer |
| 11. Apell, Christine | 52. Clare, Melinda A. |
| 12. Aranda, John | 53. Clark, Erin |
| 13. Araya, Andrea | 54. Cline, Laurie |
| 14. Arca-San, Jennifer | 55. Coleman, Melanie |
| 15. Arce, Gabriela | 56. Collins, Stacy |
| 16. Avila, Nancy | 57. Cordero, Rickeenah |
| 17. Ayapantecatl, Irma | 58. Costanza, Shelly |
| 18. Banda, Tiffany | 59. Coster, Trinette |
| 19. Becker-Bermudez, Alicia | 60. Cuaxiloa De Shivers, Gloria |
| 20. Beebe, Julianne | 61. Cuevas, Kristina |
| 21. Bensie, Ling | 62. Daley, Kathleen |
| 22. Benuzzi, Stacie | 63. Dalton, Nancy |
| 23. Blackburn, Gloria | 64. Davenport, Carrie |
| 24. Bolanos, Reyes | 65. Day, Jennifer |
| 25. Boyd, Brie | 66. De La Vega, Ryan |
| 26. Boyle, Debra | 67. Dean, Donna |
| 27. Bradfield, Christine | 68. Deutschman, Janelle |
| 28. Braun, Dolores | 69. Diaz, Elizabeth |
| 29. Brizendine, Shannon | 70. Diaz, Olga |
| 30. Brown, Amy | 71. Dody, Vanessa |
| 31. Brown, Deborah | 72. Domingo, Elena |
| 32. Brown, Robert | 73. Donnelly, Mary E. |
| 33. Bucko, Elizabeth | 74. Doung, Adrienne |
| 34. Buffington, Jessica | 75. Dulce, Arlene |
| 35. Bufford, Tia | 76. Dunncliffe, Nikki |
| 36. Callier, Joseph | 77. Dunning, Alexis |
| 37. Camarillo, Holly | 78. Duty, Elizabeth |
| 38. Campbell, Ryan | 79. Early, Michele |
| 39. Capparelli, Eva G. | 80. Ebo, Obiorah |
| 40. Carlson, Jocelyn | 81. Eisman, Kellie |
| 41. Carr, Laura | 82. Ellis, Robyn |

- | | | | |
|------|-----------------------|------|---------------------------|
| 83. | Enriquez, Ramon | 128. | Harrison, Karen |
| 84. | Eomurian, Mark | 129. | Hartman, Erika |
| 85. | Espinoza, David | 130. | Hazel, Jason |
| 86. | Estrada, Ann Marie | 131. | Hegamin, Terrence |
| 87. | Estrada, Arnold | 132. | Heileman, Ralph |
| 88. | Fakes, Damien | 133. | Hellerud, Jennifer |
| 89. | Robert Faris | 134. | Hernandez, Laura |
| 90. | Farmer, Paul | 135. | Herrera-Gonzalez, Alina |
| 91. | Federici, Ovidio | 136. | Hess, Toby |
| 92. | Feliciano, William | 137. | Hickox, Catherine |
| 93. | Fredericksen, Timothy | 138. | Higginbotham, Jeannette |
| 94. | Freeman, Josh | 139. | Hoang, Mary E. |
| 95. | Freer, Nichole | 140. | Hodge, Kellie |
| 96. | Frost, Amanda | 141. | Hoffman, Steven |
| 97. | Frushour, Amanda | 142. | Holt, Drew |
| 98. | Fukushima, Teri | 143. | Homiakof, Michele |
| 99. | Gagnon, Diane | 144. | Hoover, Jill |
| 100. | Galaviz, Olga | 145. | Hryze, Gina |
| 101. | Gale, Jisun | 146. | Hubbard, Anastasia |
| 102. | Gallagher, Tracie | 147. | Huber, Cheryl |
| 103. | Gallo, Veronica | 148. | Huff, Libby |
| 104. | Garcia, Lupe | 149. | Huffman, Mark |
| 105. | Garcia, Maria | 150. | Humphries, Michael |
| 106. | Garza, Mayra | 151. | Hutchinson, Shauna |
| 107. | Gaschen, Justin | 152. | Huynh, Anna |
| 108. | Gastelum, Mayra | 153. | Huynh, Crystal |
| 109. | Gentle, Diane | 154. | Ibarra, Rosalinda |
| 110. | Gerson, Victoria | 155. | Irwin, Sandra |
| 111. | Ghavmi, Shawdee | 156. | Ishida, Rika |
| 112. | Glaser, Ramona | 157. | James, Crystal |
| 113. | Glasser, Scott | 158. | Janda, Brandi |
| 114. | Goldman, Jennifer | 159. | Jasprica, Mandy |
| 115. | Gomes, Whitney | 160. | Jeffers, Jennefer |
| 116. | Granado, Deborah | 161. | Johns, Kara |
| 117. | Grunzweig, Joan | 162. | Johnson, Geri |
| 118. | Guerrero, Mirna | 163. | Johnson-Lichfield, Janice |
| 119. | Guillen, Mario | 164. | Jonas, Mark |
| 120. | Guntner, Ingrid | 165. | Jones, Rodney |
| 121. | Gurba, Myriam | 166. | Joo, Victoria |
| 122. | Gutierrez, Brandi | 167. | Junier, Darren |
| 123. | Gutierrez, Sandra | 168. | Kaplinsky, Megan |
| 124. | Guy, Amy | 169. | Keester, Ronald |
| 125. | Hackney, Lewis | 170. | Kelly, Erica |
| 126. | Haggerty, Petra | 171. | Kep, Tevy |
| 127. | Hardy, Karen | 172. | Khiev, Rattana |

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|----------------------------|---------------------------|
| 173. Kim-Clinton, Jennifer | 218. Melendez, Martha |
| 174. Kittleson, Kimberly | 219. Mendenhall, Joy |
| 175. Knapp, Diane | 220. Mendez, Anicia |
| 176. Kobaissi, Fatima | 221. Mendoza, Jennifer |
| 177. Kolsky, Lee | 222. Miles, Nicole |
| 178. Konyaliam, Lizbeth | 223. Miller, Gerard Jr. |
| 179. Kroneberger, Yvonne | 224. Montoya, Carolyn |
| 180. Kutsunai, Miki | 225. Moreland, Alexandria |
| 181. Larsen, Peder | 226. Morris, Julia |
| 182. Lauriano, Lisa | 227. Munro, Valerie |
| 183. Lefkowitz, Derek | 228. Mynar, Kimberly |
| 184. Levy, Nancy | 229. Najera, Enrique |
| 185. Lim, Anna | 230. Nash, Kristie |
| 186. Livingston, Jody Sun | 231. Nathan, Devi |
| 187. Lockwood, Debra | 232. Newhard, Christina |
| 188. Lopez-Sheldon, Maria | 233. Nixon, Cassandra |
| 189. Lourenco, Sonia | 234. Noble, Ellen |
| 190. Lucchese, Dawn | 235. Nuez, Matthew |
| 191. Luu, Rebeka | 236. Obeji, Jeanne |
| 192. Lytle, Angela | 237. Ochoa, Luz |
| 193. Maben, Anne | 238. O'Connel, Darin |
| 194. Macander, David | 239. Oduwole, Bola |
| 195. Mackey, Dawn | 240. Olguin, Zuzuky |
| 196. Maestas, Aline | 241. Oliver, Maya |
| 197. Mahan, Bryan | 242. Oliver, Lisa |
| 198. Mahnken, Kelly | 243. Orndoff, Natalia |
| 199. Makridis, Paula | 244. Ortloff, Patricia |
| 200. Mamnoon, Farahnaz | 245. Osuna, Rocio |
| 201. Maners, Courtney | 246. Ozimok, Carolyn |
| 202. Manion, Stephanie | 247. Paimany, Davy |
| 203. Manipon, Monica | 248. Papale, Aliciaq |
| 204. Mann, Melissa | 249. Patterson, Christina |
| 205. Manole, Daniela | 250. Patterson, Eric |
| 206. Marasigan, Maria | 251. Pearlman, Teri |
| 207. Marchese, Francesca | 252. Perez, Leoner |
| 208. Mariano, Marinelle | 253. Pineiro, Paula |
| 209. Mariano, Mia | 254. Pitts, Cindy |
| 210. Martin, Chau | 255. Primrose, Lori |
| 211. Martinez, Katrina | 256. Primrose, Scott |
| 212. Mason, Jennifer | 257. Puentes, Marilu |
| 213. Matthews, Candice | 258. Quamma, Vanessa |
| 214. McCarty, Sunday | 259. Quiaot, Gertrude |
| 215. McCraw, Ashley | 260. Quintanar, Wendy |
| 216. McGrath, Leland | 261. Rafkin, Jennifer |
| 217. McMichael, Sonia | 262. Ramirez, Antonio |

263. Ramirez, Elizabeth
264. Ramos, Liseeth
265. Rash, Kelly M.
266. Reagan, Caprice
267. Reese, Katherine
268. Reger, Mandi
269. Reyes, Alfred
270. Richardson, Patricia
271. Richardt, Steven
272. Riede, Cynthia
273. Roberts, Wendy
274. Rockwood, Alison
275. Roe, Rebecca
276. Rosenthal, Heather
277. Salaya, Wendy
278. Salazar, Jennie
279. Sanders, Emily
280. Sarabia, Edith
281. Sarabia, Erica
282. Schmidt, David
283. Schoettler, Zariq
284. Schwenzfeier, Dominique
285. Sedillo, Carla
286. Seo, Tina
287. Sheek, David
288. Sheets, Michael
290. Shiraki, Nicole
291. Showley, Pamela
292. Sicaeros, Porfirio
293. Siddiqui, Hajra
294. Silva, Danielle
295. Smith, Kimberlie
296. Sotiropoulos, Aikaterini
297. Sparks, Julie
298. Spooner, Gregory
299. Steere, Melissa
300. Stevens, Tia
301. Stringer, Laura
302. Suarez, Kathleen
303. Sue, Stacy
304. Sugimoto, Kristina
305. Summers, David
306. Swiercz, Paula
307. Taboada-Pena, Roxana
308. Thibau, Nicole
309. Thue, James
310. Thuney, David
311. Torrez-Chavez, Marisa
312. Towery, Iyaunna
313. Tripiano, Giovanna
314. Triplett Jackson, Erin
315. Trittle, Amanda
316. Trutanich, Romina
317. Tunnicliff, Wendy
318. Turner, Janet
319. Un-Maciel, Dinna
320. Vadakan, Rose
321. Valadez, Patricia
322. Valenzuela, Mireya
323. Van Steenwyk, Michelle
324. Vandezande, Laura
325. Vargas, Alina
326. Varnell, Linda
327. Vaughn, Erin
328. Vecchiolla, Michael
329. Velazquez, Karen
330. Velazquez, Beatriz
331. Verduzco, Bianca
332. Verduzco, Rene
333. Vogel-Zuiderweg, Lynn C.
334. Vokoun, Kathleen
335. Ware, Lisa
336. Warner, Emily
337. Warshauer, Michelle
338. Watson, Susan
339. Watts, Geoffrey
340. Webb, Monica
341. Weber, Anna
342. Weeks, Shannan
343. Wells, Teresa P.
344. Wenrick, Diane
345. Weston, Monica
346. Whelan, Kristina
347. White, Davion
348. Whitesell, Elizabeth
349. Whitman, Kay
350. Wiegand, Beverly
351. Wielandt, Lori
352. Williams, Katherine
353. Williams, Nadia

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|-----------------------------|-----------------------------|
| 354. Williams, Robyn | 399. Carroll, Michael |
| 355. Williams, Veronica | 400. Wilder, Krista |
| 356. Williams, Roberta | 401. Shihady, Megan |
| 357. Wills, Stacey | 402. Rappaport, Hartley |
| 358. Wilson, John | 403. Goonetilleke, Linda |
| 359. You, Laura | 404. Thayer, Lance |
| 360. Zavala, Damaris | 405. Lopez-Hernandez, Nancy |
| 361. Zeineddine, Nicole | 406. Baumbach, Jeff |
| 362. Zelaya, Doris | 407. Gonser, Wendy |
| 363. Zeoli, Jeanine | 408. Fox, Brent |
| 364. Zuluaga, Kelly | 409. Vega, Sara |
| 365. Navarro, Vilomar | 410. Breceda, Amy |
| 366. Pait, Jill | 411. Cernok, Laura |
| 367. Uy, Vanessa | 412. Morales, Maribel |
| 368. Davis, Jennifer | 413. McMillin, Kathy Jo |
| 369. Ferguson, Ashleigh | 414. Hall, Elisa |
| 370. Ono, Alisa | 415. Salisbury, Danielle |
| 371. Mocsary, Tiffany | 416. Huizar, Alicia |
| 372. Mannwarring, Jennifer | 417. Sula, Kenireta |
| 373. Gerritsen, Amanda | 418. Rios, Alma |
| 374. Derosier, Hilda | 419. Flint, Summer |
| 375. Gonzalez, Lori | 420. Arzate, Anthony M. |
| 376. Kolodny, Harper | 421. Wohlgezogen, Lorena |
| 377. Iose, Meaalofa | 422. Thornburg, David |
| 378. Soto, Erma | 423. Nielsen, James |
| 379. Krause, Veronica | 424. McFarland, Shawn |
| 380. Cruz, Eddie | 425. Sarmiento, Christopher |
| 381. Perez, Nathan | 426. Nervo, Regina |
| 382. Mason, Paul | 427. Smith, Wendy |
| 383. Dobbs, Suzanne | 428. Geib, Joyce |
| 384. Saikely, Parker J. | 429. James, Annitta |
| 385. Saikely, Jessica | 430. Prom, Linaromy |
| 386. Stubblefield, Kimberly | 431. Hemminger, Andrew |
| 387. Martin, Jennifer | 432. Tait, Howard |
| 388. Lund, Elieth | 433. Warren Gwenelle |
| 389. Romano, Gary | 434. Barrientos, Maria |
| 390. Babcock, Kristina | 435. Sheppard, Alan |
| 391. Sands, Erica | 436. Dominguez, Brenda |
| 392. Ho, Jennifer | 437. Ibarra, Veronica |
| 393. Jeffrey, Jake | 438. Belayachi, Gabriela |
| 394. Phillips, Andrea | 439. Croft, Karen |
| 395. Hernandez, Katiria | 440. Balbuena, Blanca |
| 396. Galindo, Esperanza | 441. Underwood, Lee |
| 397. Bulat, Christina | 442. Hofius, Robert |
| 398. Davis, Monica | 443. Garcia-Vasquez, Erik |

- 444. Flores, Guillermo
- 445. Crowson, Daniel
- 446. Hawkins, Catherine
- 447. Minh, Doris
- 448. Beltran, Carrie
- 449. Larsen Gwendolyn
- 450. Martin, Jeffrey
- 451. Gamboa, Alissa
- 452. Rock, Charity

Appendix C

Respondents Against Whom the Accusations Were Dismissed
In Case Number 2010020244

<u>Name</u>	<u>Seniority Number</u>
1. Acarbonara, Diana	352
2. Alcala, Jisela G	1589
3. Ali, Hend	425
4. Allen, Timothy	609
5. Alvarez, Maria P	1484
6. Anaya, Maria D	1411
7. Appell, Christine	1211
8. Arca-San, Jennifer J	1361
9. Arzuman, Allison S	1617
10. Ashbran, Meredith	15
11. Aslaya, Wendy	503
12. Bahr, Victoria F	1708
13. Baltazar, Eleanor	348
14. Barba, Elizabeth	1337
15. Bates, Julie A	1768
16. Beck, Paul B	1478
17. Becker-Bermudez, Alicia Y	1296
18. Beebe, Julian	351
19. Belayachi, Gabriella	1261
20. Bergh, Rebecca A	1623
21. Boese, Lisa A	1696
22. Boone, Angela R	1583
23. Bourne, Laurie E	1608
24. Bowker, Jacob	30
25. Boyd, Brie	602
26. Boyle, Debra	340
27. Branda, Timothy C	1722
28. Braun, Dolores	1308
29. Brown, Jennifer	357
30. Brown, Toya M	1461
31. Bruton, Stephanie J	1577
32. Bucko, Elizabeth	331
33. Burg, Gary G	1618
34. Camarena, Santiago	329
35. Cancino, Christina M	1616
36. Cantu-Pacheco, Elaine Y	1437
37. Carbone, Cinnamon	55

38. Carr, Tiffany J	1316
39. Celestial, Julie L	1369
40. Cernok, Laura C	1265
41. Chahal, Jenny	278
42. Christensen, Barbara C	1474
43. Chu, Jennifer M	1324
44. Church, Michelle L	1709
45. Conrrad, Jessica	1730
46. Cortes, Erica	1710
47. Costanza, Shelly A	1354
48. Coster, Trinetta L	1357
49. Crowder-Jones, Michael	412
50. Crowson, Danielle	632
51. Da Silva, Kelly A	1585
52. Daley, Kathleen A	1267
53. Dau, Erin M	1441
54. De Koekkoek, Patricia L	1412
55. De Santiago, Javier	913
56. Diaz, Olga	174
57. Domingo, Maria	350
58. Donnelly, Mary E	1295
59. Doon-Samaniego, Heidi-Lynn	1732
60. Eckert, Christopher B	1750
61. Erskine, Ann M	1713
62. Fawcett, Brendan A	1714
63. Federici, Ovidio	524
64. Ferguson, Ashleigh	427
65. Ferrer, Michelle M	1487
66. Fidel, Jodee D	1277
67. Fideler, Tracy L	1715
68. Figueroa, Lucy A	1444
69. Flint, Summer L	1274
70. Flores, Adriana	505
71. Fox, John T	1548
72. Franco, Michelle B	1753
73. Freeman, Josh	451
74. Frost, Amanda	1008
75. Gallagher, Tracie	440
76. Garcia, Nicole M	1620
77. Gardea, Danielle M	1646
78. Gegenworth, Georgia S	1392
79. George, Kathy D	1578
80. Ghareeb, Jessica E	1716
81. Gladinus, Elizabeth R	1640
82. Glasser, Scott	906

83. Glidden, Jessica R	1576
84. Goettsch, Katie R	1755
85. Gomes, Whitney	332
86. Gordon, Alyssa J	1271
87. Grant Burton, Sharron D	1661
88. Grantham, Denise L	1638
89. Greciasmith, Josephine M	1733
90. Gutierrez, Jill M	1393
91. Guy, Amy E	1346
92. Hall, Elisa	392
93. Henry, Rasheka L	1447
94. Herrera, Julie Ann	1734
95. Hickox, Catherine	1190
96. Higginbotham, Jeanette	530
97. Higgins, Phillip E	1706
98. Higuera, Laura	1448
99. Hines, Angela N	1767
100. Ho, Jennifer	698
101. Holt, Jeanne M	1398
102. Huff, Libby	1022
103. Humphries, Mike	336
104. Hutchinson, Shauna	259
105. Huynh, Crystal	1345
106. Ibarra, Veronica G	1270
107. Ing, Puthea	1668
108. Ito, Jennifer K	1662
109. Ivemeyer, Jennifer M	1430
110. Jasprica, Mandy N	1352
111. Jeffery, Jake	1174
112. Jones, Janet L	589
113. Jorda, Anna M	1282
114. Joseph, Victoria A	1681
115. Kawai, Lisa Y	1415
116. Kep, Tevy	1333
117. Keys, Cheryl M	1449
118. Kittleson, Kimberly D	1349
119. Kogen, Barry A	1975
120. Kolb, Jennifer N	1736
121. Kong, Sophak P	1672
122. Kutsunai, Miki	1259
123. Landeros, Esmeralda M	1587
124. Lawrence, Dana L	1682
125. Ledesma, Meegan N	1717
126. Lee, Sheila M	1395
127. Leonard, Katherine C	1657

128. Leonard, Marnelle M	1621
129. Leonardo, Tina M	1450
130. Lim, Theavy	1685
131. Lindstrom, Brett C	1999
132. Littleworth, Bradley J	1666
133. Lofstrom, Linda J	1721
134. Lopez-Sheldon, Maria	156
135. Lourenco, Karrie D	1451
136. Lubner, Mary E	1737
137. Lucchese, Dawn	763
138. Lujan, Vicki L	1718
139. Maben, Anne	31
140. MacAnder, David	1256T
141. Manion, Stephanie	131
142. Mank, Linda J	1626
143. Mariano, Marinelle J	1268
144. Markovitz-Troncoso, Stacy L	1658
145. Martin, Chau T	1355
146. Martinez, Christina M	1607
147. Matto, Emily M	1738
148. McCormick, Chelsea	166
149. Medina, Claudia	1394
150. Meiers, Cindy D	1452
151. Mendenhell, Joy	114
152. Montemayor-Duncan, Marsha G	1740
153. Moorhouse, Jennifer	38
154. Morales, Hilda C	1365
155. Morris, Julia	144
156. Mocsary, Tiffaney	628
157. Mostert, Terri S	1705
158. Neimeyer, Mary	262
159. Newell, Barbara S	1480
160. Newman, Susan E	1454
161. Obeji, Jean	497
162. Oliver, Lisa M	1290
163. Ono, Alisia L	1159
164. Owens, Kenneth W	623
165. Padilla, Armando	499
166. Paluska, Annette S	1741
167. Papale, Alicia K	1347
168. Patterson, Kimetha W	1724
169. Paus, Charles P	2523
170. Pech, Puch	1391
171. Pham, Tram Anh M	1457
172. Pravednikov, Christy R	1742

173. Pravednikov, Victor	1743
174. Quintanar, Wendy	438
175. Ramirez Jr., Jose	1426
176. Ramos, Esmeralda	1396
177. Rangel, Elida	1417
178. Ratliff, Janique L	1418
179. Rice, Kelley I	1473
180. Ritt-Caban, Mary C	1443
181. Rivera, Terri	1756
182. Robinson, Patricia M	1643
183. Robles, Elizabeth S	1707
184. Rockwood, Allison	5012
185. Rodriguez, Diana C	1960
186. Rodriguez, Griselda G	1624
187. Rosenthal, Heather	300
188. Rulo, Dithmar	525
189. Saikley, Jessica L	1292
190. Salazar, Jennie Y	1311
191. Salzman, Antonia M	1419
192. Sanchez, Maria T	1667
193. Schmidt, David	334
194. Schultz, Cory D	1745
195. Serna, Margarita F	1486
196. Serrano, Karen L	1746
197. Sheets, Michael S	1287
198. Shipman, Renee	526
199. Silva, Danielle A	1293
200. Sipowicz, Melissa M	1686
201. Soldan, Jennifer M	1381
202. Sparks, Julie	952
203. Stephenson, Jolena	76
204. Stevens, Tia L	1269
205. Stranahan, Lisa D	1747
206. Suarez, Kathleen	1351
207. Summers, David	631
208. Tablada, Gabriel L	1399
209. Thurman, Ashley	1095
210. Tierney, Kirsten H	1580
211. Trecker, Cynthia E	1459
212. Turner, Janet	764
213. Underwood, Lee	259
214. Urias, Christina L	1625
215. Valenzuela, Richard T	1680
216. Velasquez, Karen	1366
217. Viola, Anthony	1421

218. Volkoff, Cora M	1545
219. Wade, Edina N	1410
220. Ward, Lea H	1659
221. Warner, Emily	148
222. Waterman, Bradford H	1550
223. Waterman, Edward A	1422
224. Webb, Kelly L	1423
225. Webb, Monica J	1332
226. Wells, Teresa	973
227. Westermeyer, Linda H	1748
228. Whitesell, Elizabeth	887
229. Wilcox, Laura M	1720
230. Wilhelmi, Danielle C	1434
231. Williams, Katherine	333
232. Williams, Michelle	1703
233. Winston, Denise M	1424
234. Wright, Donald	37
235. Yaeger, Daniel S	1425
236. Yim, Eugene H	1749
237. Zarate, Manuel	335
238. Zelaya, Delores	122

Appendix D

LBUSD Employees whom LBUSD Did Not Serve with Layoff Notices but Should
Have or Whose Notices were Erroneously Dismissed
Case Number 2010020244⁸

1. Horatio Gomez
2. Jeremy Bucko
3. Gerlynn Montiel
4. Monique Robertson
5. Matthew Gold
6. Lisa Marie Weyh
7. Keira Malkus
8. Cory Clarke
9. Marsha Swinford
10. Angel Luna
11. Alison Bestelmeyer
12. Kristy Freund-McFeggan
13. Maria Andersen
14. Teresa Wells
15. Marie Richelle Bergman
16. David Costa
17. Maria Perossio

⁸ These 17 individuals cannot be laid off, pursuant to this proceeding.