

BEFORE THE  
GOVERNING BOARD OF THE  
TEMECULA VALLEY UNIFIED SCHOOL DISTRICT  
STATE OF CALIFORNIA

In the Matter of the Employment Status of:

OMAR ACOSTA et al.,

Respondents.

OAH No. 2012020646

**PROPOSED DECISION**

Robert Walker, Administrative Law Judge, State of California, Office of Administrative Hearings, heard this matter in Temecula, California, on April 11, 2012.

Melanie A. Petersen, Attorney at Law,<sup>1</sup> represented the complainant, the superintendent of the Temecula Valley Unified School District.

The respondents are listed in exhibit A.

Jon Y. Vanderpool, Attorney at Law,<sup>2</sup> represented those respondents who are listed in exhibit B.

No appearance was made by or on behalf of Kandra Barnett, Tamara Bremseth-Paine, Juan Castro, Michael Dunbar, Heather England, Tobi Fisher, Tammie Fuhrman, Jacquelyn Johansen, Shahrzad Khoyi, Mariah Koehle, Linda Lytle, Russ Nielson, Patricia O'Brien-Muenzer, Megan Rossi, Marie Santos, Teresa Soles, Nicole Vasile, Kimberley Willard, Timothy Woods, or Jessica Yee.

The matter was continued to permit the parties to submit briefs. In lieu of briefs, the parties submitted a "Stipulation Regarding Noel Trout" with attachments. The stipulation was marked for identification as exhibit 5. The stipulation was received on April 13, 2012. The continuance was granted for good cause pursuant to Government Code section 11524.

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<sup>1</sup>Melanie A. Petersen, Attorney at Law, 1 Civic Center Drive, San Marcos, California 92069.

<sup>2</sup> Jon Y. Vanderpool, Attorney at Law, 401 West A Street, Suite 320, San Diego, California 92101.

Thus, pursuant to Education Code section 44949, subdivision (e), “the dates prescribed in [Education Code section 44949], subdivision (c), that occur on or after the date of granting the continuance and the date prescribed in subdivision (c) of Section 44955 that occurs on or after the date of granting the continuance shall be extended for a period of time equal to the continuance.” The period of the continuance was two days.

## DEFAULT

As to Kandra Barnett, Tamara Bremseth-Paine, Juan Castro, Michael Dunbar, Heather England, Tobi Fisher, Tammie Fuhrman, Jacquelyn Johansen, Shahrzad Khoyi, Mariah Koehle, Linda Lytle, Russ Nielson, Patricia O’Brien-Muenzer, Megan Rossi, Marie Santos, Teresa Soles, Nicole Vasile, Kimberley Willard, Timothy Woods, and Jessica Yee, on proof of compliance with Government Code sections 11505 and 11509, this matter proceeded as a default pursuant to section 11520.

## FACTUAL FINDINGS

### *General Findings Concerning Statutory Requirements*

1. Education Code sections 44949 and 44955,<sup>3</sup> provide for two notices to be given in connection with terminating certificated employees. The first notice, which will be referred to as the Preliminary Layoff Notice, is given by the superintendent. It is given to the governing board and to the employees the superintendent recommends for layoff. The Preliminary Layoff Notice gives the board and the employees notice that the superintendent recommends that those employees be laid off. The superintendent must give the Preliminary Layoff Notice no later than March 15. There is no requirement that a governing board take any action in March. But while it is unnecessary, governing boards usually adopt a resolution ratifying the superintendent’s recommendations.

2. The second notice is a notice of a governing board’s decision to terminate an employee. That notice is provided for in Section 44955 and must be given before May 15. That notice advises a teacher that the district will not require his or her services for the ensuing school year. That notice will be referred to as a Termination Notice.

3. In this case, not later than March 15, the superintendent notified the governing board and the respondents that he recommended that the respondents not be retained for the ensuing school year.

4. The Preliminary Layoff Notice stated the reasons for the recommendation. The recommendation was not related to respondents’ competency.

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<sup>3</sup> All references to the Code are to the Education Code unless otherwise specified.

5. A Preliminary Layoff Notice was delivered to each respondent, either by personal delivery or by depositing the notice in the United States mail, registered, postage prepaid, and addressed to respondent's last known address.

6. The Preliminary Layoff Notice advised each respondent as follows: He or she had a right to a hearing. In order to obtain a hearing, he or she had to deliver a request for a hearing in writing to the person sending the notice. The request had to be delivered by a specified date, which was a date that was not less than seven days after the notice was served.<sup>4</sup> And the failure to request a hearing would constitute a waiver of the right to a hearing.

7. Respondents either timely filed written requests for a hearing or obtained a waiver of their failure to file. An accusation was timely served on respondents. Respondents were given notice that, if they were going to request a hearing, they were required to file a notice of defense within five days after being served with the accusation.<sup>5</sup> Respondents either filed timely notices of defense or obtained a waiver of their failure to file. All prehearing jurisdictional requirements were either met or waived.

8. The governing board of the district resolved to reduce or discontinue particular kinds of services. Within the meaning of Section 44955, the services are "particular kinds of services" that can be reduced or discontinued. The decision to reduce or discontinue these services was not arbitrary or capricious but constituted a proper exercise of discretion.

*Services the District Intends to Reduce or Discontinue*

9. The governing board of the district determined that, because particular kinds of services are to be reduced or discontinued, it is necessary to decrease the number of permanent or probationary employees in the district.

10. The particular kinds of services the governing board of the district resolved to reduce or discontinue are:

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<sup>4</sup> Employees must be given at least seven days in which to file a request for a hearing. Education Code section 44949, subdivision (b), provides that the final date for filing a request for a hearing "shall not be less than seven days after the date on which the notice is served upon the employee."

<sup>5</sup> Pursuant to Government Section 11506, a party on whom an accusation is served must file a notice of defense in order to obtain a hearing. Education Code section 44949, subdivision (c)(1), provides that, in teacher termination cases, the notice of defense must be filed within five days after service of the accusation.

SERVICES	# OF F.T.E.
K-6 <sup>th</sup> Grade Teacher	86
6 <sup>th</sup> – 12 <sup>th</sup> Grade P.E. Teacher	3
6 <sup>th</sup> – 8 <sup>th</sup> Grade Science Teacher	1
6 <sup>th</sup> – 8 <sup>th</sup> Grade Social Science/History Teacher	2
6 <sup>th</sup> – 8 <sup>th</sup> Grade Spanish	1
6 <sup>th</sup> – 8 <sup>th</sup> Grade Math Teacher	2
6 <sup>th</sup> – 8 <sup>th</sup> Grade English Teacher	1
9 <sup>th</sup> – 12 <sup>th</sup> Grade Math Teacher	1
9 <sup>th</sup> – 12 <sup>th</sup> Grade English Teacher	1
9 <sup>th</sup> – 12 <sup>th</sup> Grade Social Science/History Teacher	1
9 <sup>th</sup> – 12 <sup>th</sup> Grade Industrial Arts Teacher	1
9 <sup>th</sup> – 12 <sup>th</sup> Grade Counselor	5
K – 12 <sup>th</sup> Grade Special Education – Teacher On Special Assignment (TOSA)	6
K – 12 <sup>th</sup> Grade Special Education – Counselor On Special Assignment (COSA)	1
K – 5 <sup>th</sup> Grade Title I – Teacher On Special Assignment (TOSA)	7
9 <sup>th</sup> – 12 <sup>th</sup> Grade EIA-SCE – Teacher On Special Assignment (TOSA)	1.2
	<b>120.2</b>

*Notices to be Rescinded*

11. The district stipulated that it will rescind the Preliminary Layoff Notices served on the following respondents:



LAST	FIRST			
Dowling	Barbara			
Ferns	Sheryl			
Fleming	Lora			
Forberg	Laura			
Garcia	Rachel			
Grabau	Arlene			
Hajdu	Andrew			
Handzlik	David			

LAST	FIRST			
Hughes	Shannon			
Jameson	Julie			
Kizik-Guzman	Elisabeth			
Mungo	Beth			



LAST	FIRST			
Walker	Melissa			

12. In addition, the district stipulated that it will rescind a Preliminary Layoff Notice served on Celyn Miles. From the evidence, it is not clear that the district served a notice on Ms. Miles. Nevertheless, the district stipulates that it will rescind.

*Use of Tie-Breaking Criteria Based on the Current Needs of the District and Students*

13. Pursuant to Section 44955, subdivision (b), the governing board of the district adopted criteria for determining the order of termination as among employees who first rendered paid service on the same day. Section 44955, subdivision (b), requires a district to adopt such criteria and provides that the criteria are to be based on “needs of the district and the students . . . .”

14. The district’s tie-breaking criteria are as follows:

For the 2012-2013 school year only, to meet the requirements of section 44955, the Board of Education determines the needs of the District and the students by establishing the following tie-breaking criteria:

1. The Governing Board has determined that as between certificated employees who first rendered service in a probationary position to the District on the same date, the order of termination of said employees shall be determined by reference to the tiebreaker criteria and points to be assigned as follows:

**Credentials**

4 points for each valid preliminary credential on file, or 3 points for intern credential, or 2 points for Short Term Staff Permit (STSP) or Provisional Internship Permit (PIP) or Limit Assignment Permit

- a. 3 points for holding a Bilingual Cross-cultural Language and Academic Development (BCLAD) Certificate or Bilingual Certificate of Competence (BCC) on file
- b. 2 points for an authorization to teach English Language Learners on file, or: 1 point for Emergency CLAD / STSP CLAD / PIP CLAD / Intern CLAD
- c. 2 points for subject matter authorizations, or 1 point for each additional supplemental authorization appearing on the face of the credential provided that each subject will be offered in the District's instructional program in 2012-2013; 1 point for RSP certificate issued by CTC; 1 point for Autism Spectrum Disorder certificate issued by CTC.

#### Degrees

- d. 3 points for each PhD or EdD on file
- e. 2 points for each earned Master's degree and/or EdS on file

#### Others

- f. 3 points for current National Board Certification on file
  - g. 1 point for each year of step placement on salary schedule
  - h. 1 point for serving as a BTSA Support Provider within the last five (5) years
2. Individuals who are specifically exempted by resolution and individuals who do not receive a notice of layoff due to the scope of their credential with nevertheless receive point totals so that their service may be properly credited in the even of a dispute.
  3. Employees who receive a notice and who share the same date of first paid service shall be ranked by point totals. Low point totals will indicate low seniority for that hire date. For example, an individual with a point total of "1" will be laid off before an individual with a point total of "3" where both individuals share the same date, and provided layoff was not otherwise determined by virtue of credential or exemption.

4. If the above criteria do not break a tie, the District shall hold a lottery. Each group of tied employees shall have the right to attend the lottery and pick a lottery number. In the absence of the employee, the Superintendent or designee will select a lottery number on behalf of the employee.

5. These criteria have been determined to best serve the needs of the District and students thereof.

15. Application of the tie-breaking criteria resulted in determining the order of termination solely on the basis of needs of the district and the students thereof.

*District's Intention to Deviate from Seniority (Skipping)*

16. Pursuant to Section 44955, subdivision (d)(1), a district may deviate from terminating employees in the order of seniority, i.e., a district may *skip* over teachers with a particular qualification and terminate more senior teachers who do not possess that qualification. In order to skip, a district must demonstrate a specific need for personnel to teach a specific course or course of study or for personnel with a specialization in personnel services or nursing. If the need concerns a course or course of study, the district may skip a junior employee only if employees with more seniority do not possess the special training and experience necessary to teach the course and only if the junior employee does possess that special training and experience.

17. Pursuant to Section 44955, subdivision (d)(1), the governing board of the district resolved to deviate from terminating employees in the order of seniority, i.e., the board resolved to skip over teachers with a particular qualification and terminate more senior teachers who do not possess that qualification. A district may skip a junior employee only if employees with more seniority do not possess the special training and experience necessary to teach a specific course or course of study (specific course).

18. The board resolved as follows:

The Governing Board exempts from the order of certificated layoff, pursuant to Education Code section 44955 because of special training, expertise, or credential that others with more seniority do not possess:

Certificated personnel who possess a credential authorizing service in special education, including intern specialists who are presently assigned within the scope of that credential, and who will be assigned within the scope of that credential for the 2012-2013 school year.

Certificated personnel who possess a credential authorizing service in American Sign Language (ASL), French, or Physical Education with Dance authorization who are presently assigned within the scope of any of those credentials, and who will be assigned within the scope of the same credential for the 2012-2013 school year.

Certificated personnel who are presently serving as Teacher on Special Assignment (TOSA), and who will be assigned as TOSA for the 2012-2013 school year.

19. The district did not elect to skip any junior employee because of special training or experience in American Sign Language or French.

20. Lisa Brown with a seniority date of August 18, 2005, is senior to Luz Salcido, whose seniority date is September 28, 2005. The district seeks to terminate Ms. Brown's position while skipping Ms. Salcido to permit her to hold a position as a teacher on special assignment (TOSA). As noted above the board resolved to skip personnel who presently are serving as TOSA.

21. Bill Behrens, Ed. D., the district's Assistant Superintendent for Human Resources Development, testified that the district is justified in skipping Ms. Salcido not only because she is serving as a TOSA this year but also because she has had substantial special training, has served in the leadership counsel, and has developed an excellent rapport with the parents at her school.

22. Both Ms. Brown and Ms. Salcido hold a multiple subject credential. Both hold an English Learner certification. Ms. Brown holds a Master of Arts degree, and Ms. Salcido holds a Bachelor of Arts degree.

23. Ms. Brown testified that she has had substantial special training, including Sheltered Observation Protocol Training. She testified that she has served in the leadership counsel, is a Student Success Team coordinator, and has experience in supporting an English Learner instructional aid. She testified that she is well liked by parents.

24. As noted above, in order to skip, a district must demonstrate a specific need for personnel to teach a specific course or course of study. A district may skip a junior employee only if employees with more seniority do not possess the special training and experience necessary to teach the course.

25. The evidence regarding Ms. Brown demonstrates that the district failed to prove that it is justified in skipping Ms. Salcido. That, however, does not necessarily mean that Ms. Brown's position is spared from termination. It may be, but it may not be. The district must retain the most senior teacher who is certificated and competent to render the

service Ms. Salcido will be rendering. That may be Ms. Brown. It may be someone more senior than she is.

*Right to be Retained According to Seniority and Qualifications – Date of Hire*

26. Job security is not inherent in seniority. The Legislature chose to provide teachers with limited job security according to their seniority.

27. The respondents did not raise any issues concerning the seniority dates the district has recorded for them.

*Right to be Retained According to Seniority and Qualifications – (Bumping)*

28. The second paragraph of Code section 44955, subdivision (c), does not add to teachers' seniority rights. It does, however, make it clear that governing boards must make assignments in such a way as to protect seniority rights. Employees must be retained to render any service their *seniority* and qualifications entitle them to render. Thus, if a senior teacher whose regular assignment is being eliminated is certificated and competent to teach a junior teacher's courses, the district must retain the senior teacher and reassign him or her to render that service. This is commonly referred to as bumping. The district must either reassign or terminate the junior employee.

29. Dana Hayes, with a seniority date of November 8, 2004, is senior to Lesley Keys, who has a seniority date of August 18, 2005. The district permitted Ms. Keys to bump into a position to teach English. Both Ms. Hayes and Ms. Keys hold a multiple subject credential with a supplemental authorization in English. Ms. Hayes questions why she was not allowed to bump into the position. The district found Ms. Hayes not to be competent to bump into the position because her authorization in English is not No-Child-Left-Behind-(NCLB)-compliant. Ms. Keys's authorization in English is NCLB compliant. The district may establish NCLB compliance as a competency standard. Thus, the district may permit Ms. Keys to bump into the position to teach English.

30. Sheryl Ferns raised issues concerning bumping and the relative seniority of a teacher whose Preliminary Layoff Notice was being rescinded. The district agreed to add Ms. Ferns's name to the list of employees whose Preliminary Layoff Notices were being rescinded.

31. Some of the respondents contend that they possess the qualifications required by Code section 44256 to receive board authorization to teach outside their multiple subject credentials in departmentalized classes. They contend that they should be granted such board authorizations and should be permitted to bump into positions held by more junior employees who are teaching in departmentalized classes. Respondents' contentions are not persuasive.

32. It is within a board's discretion to determine whether and when to grant authorization under section 44256 to teach in departmentalized classes outside of one's

credential. There was no evidence that any of the respondents had applied for or received such authorization from the board. Because respondents do not possess the credentials or board authorizations necessary to teach in departmentalized classes outside their multiple subject credentials, they have no right to bump into those positions.

33. Noel Trout originally contended that he had a right to bump into the positions held by a few teachers who are junior to him. After Mr. Trout's counsel consulted with the district's counsel, however, Mr. Trout agreed that he had been mistaken. Mr. Trout's counsel stipulated that they had not identified a position into which Mr. Trout had a right to bump.

34. Jennifer Nolte is a high school activities director. She does not provide a service that comes within the particular kinds of services the board resolved to reduce or discontinue. The district served Ms. Nolte with a precautionary Preliminary Layoff Notice in order to guard against the risk that a teacher senior to Ms. Nolte who was subject to layoff might prove a right to bump into Ms. Nolte's position.

35. Dr. Behrens testified regarding the position of a high school activities director and the competency required to bump into that position. The following is a paraphrased summary of part of his testimony: An activities director in a high school must coordinate all associated student programs, oversee the budgets of student activities and clubs, and enforce special rules regarding student fees and activity funds in compliance with recent changes in the law.

36. Robin Schenck, who is senior to Ms. Nolte, asserted that she had a right to bump into Ms. Nolte's position. Ms. Schenck, however, failed to produce sufficient evidence that she has the competency to perform the services of an activities director.

37. No one proved a right to bump into Ms. Nolte's position.

#### *Mandated Services*

38. State and federal laws mandate that certain services be provided at or above mandated levels. There was no evidence that the district is reducing those services below mandated levels.

#### *Summary of Findings Regarding Retention of Employees*

39. Pursuant to the district's stipulation, the district shall rescind the Preliminary Layoff Notices served on the respondents listed in Findings 11 and 12.

40. The district must retain the most senior teacher who is certificated and competent to render the service Ms. Salcido will be rendering.

41. The district may not serve a Termination Notice on Ms. Nolte.

42. With regard to respondents who are permanent employees, the district will not be retaining any probationary employee to render a service that such a respondent is certificated and competent to render.

43. With regard to respondents who are permanent employees, the district will not be retaining any employee with less seniority than such a respondent has to render a service that the respondent is certificated and competent to render.<sup>6</sup>

44. With regard to respondents who are either permanent or probationary employees, the district will not be retaining any employee with less seniority than such a respondent has to render a service that the respondent's qualifications entitle him or her to render.<sup>7</sup>

## LEGAL CONCLUSIONS

### *General Conclusions*

1. Jurisdiction in this matter exists under Sections 44949 and 44955. All notice and jurisdictional requirements contained in those sections were satisfied.

2. Within the terms of Sections 44949 and 44955, the district has cause to reduce or discontinue particular kinds of services and to give Termination Notices to certain respondents. The cause relates solely to the welfare of the schools and the pupils.

### *Distinguishing Between the Burden of Proof and the Burden of Producing Evidence*

3. The burden of proof remains throughout a trial with the party who has that burden. There is a second burden, however, that can shift from one party to another – the burden of producing evidence. After the party who has the burden of proof introduces sufficient evidence to make a prima facie case, the burden of producing evidence shifts to the other party. If the other party introduces evidence sufficient to avoid a ruling against him or her on an issue, the burden of producing evidence regarding that issue shifts back to the party with the burden of proof.

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<sup>6</sup> Section 44955, subdivision (b), provides seniority protection for a permanent employee in terms of the services *the employee is "certificated and competent to render."*

<sup>7</sup> Section 44955, subdivision (c), provides seniority protection for both permanent and probationary employees in terms of the services *an employee's "qualifications entitle [him or her] to render."*

4. Evidence Code section 110 provides: “ ‘Burden of producing evidence’ means the obligation of a party to introduce evidence sufficient to avoid a ruling against him on the issue.”

5. Evidence Code section 115 provides: “ ‘Burden of proof’ means the obligation of a party to establish by evidence a requisite degree of belief concerning a fact in the mind of the trier of fact or the court.” Section 115 goes on to refer to various standards of proof required to prove a fact.

6. A comment by the Assembly Committee on the Judiciary notes that “the phrases defined in Sections 110 and 115 provide a convenient means of distinguishing between the *burden of proving a fact* and the burden of *going forward* with the evidence.”

7. Evidence Code section 500 provides: “Except as otherwise provided by law, a party has the burden of proof as to each fact the existence or nonexistence of which is essential to the claim for relief or defense that he is asserting.”

8. Evidence Code section 550, subdivision (a), provides: “The burden of producing evidence as to a particular fact is on the party against whom a finding on the fact would be required in the absence of further evidence.” Subdivision (b) provides: “The burden of producing evidence as to a particular fact is initially on the party with the burden of proof as to that fact.”

### *Skipping*

9. In teacher layoff cases, a school district has the burden of proving every fact that is required to justify terminating a senior teacher while retaining a junior teacher to render a service the senior teacher is certificated and competent to render. With regard to skipping, Code section 44955, subdivision (d), specifies three matters – some involving multiple facts – that a district must prove. They are as follows: First, a district must prove that the district has a “specific need for personnel to teach a specific course or course of study.” As part of the proof of this matter, a district must prove: There is a *need*. The need concerns *teaching*. The need concerns a *course or course of study*. Second, a district must prove that a senior teacher does not possess “special training and experience necessary to teach that course or course of study.” As part of the proof of this second matter, a district must prove that special training and experience *are necessary* and that no senior teacher possesses that training and experience. The focus here is on the *position* and what is *necessary* to render the service required. If a senior teacher has the training and experience necessary to teach the course or course of study, no issue arises concerning a junior teacher’s training and experience.

10. The third matter a district must prove to justify a skip comes up only if the district first proves all of the facts required by the first two matters. If a district proves all of those facts, an issue then arises concerning a junior teacher’s training and experience. Unless

a district has proven all of those facts, however, there is no issue concerning a junior teacher's training and experience.

11. With regard to a district's burden to produce evidence to establish that no senior teacher possesses the necessary training and experience, it usually is sufficient for the district to elicit testimony to that effect. At that point, the burden of producing evidence shifts to any senior teacher who disagrees with that testimony, i.e., the burden shifts to a senior teacher who contends that he or she has the necessary training and experience. If a senior teacher presents evidence sufficient to avoid a finding that he or she does not have the necessary training and experience, the burden of producing evidence shifts back to the district.

12. Through the entire proceeding, however, the district has the burden of proof.

13. In *Bledsoe v. Biggs* (2008) 170 Cal.App.4th 127, the third appellate district dealt with a skipping issue. Bledsoe was senior to teachers who were skipped. Bledsoe contended he had the special training and experience necessary to teach the course for which the junior teachers were retained. The court did not read Section 44955, subdivision (d)(1), as requiring one to first dispose of the issue of whether a senior teacher has the special training and experience necessary. The court first found that Bledsoe had, at least, the minimal training and experience necessary to teach the course. The court then reviewed the junior teachers' *special* training and experience and found that the junior teachers had special training and experience necessary to teach the course. Finally, the court reviewed Bledsoe's *special* training and experience and found that he did not have the special training and experience *that the junior teachers had*. The court said, "This evidence supports the finding that Bledsoe does not possess the special training and experience that Gates and Sormano possess." (*Bledsoe, supra*, 170 Cal.App.4th at pp. 135 - 142.)

14. There is an ambiguity in the court's conclusion that "Bledsoe does not possess the special training and experience that Gates and Sormano possess." Immediately prior to that, the court found that "Gates and Sormano have the 'special training and experience necessary to teach' [the course.]" (*Bledsoe, supra*, 170 Cal.App.4th at p. 142.) Thus, the court's conclusion concerning Bledsoe could be taken to mean that he did not possess the special training and experience necessary to teach the course. And if the conclusion concerning Bledsoe is read that way, it is perfectly consistent with the requirements of Section 44955, subdivision (d)(1).

15. If, on the other hand, one reads the court's conclusion concerning Bledsoe as meaning only that he did not have as much special training and experience as Gates and Sormano had, the court failed to make an essential finding. Before a district may skip a junior teacher, section 44955, subdivision (d)(1), requires the district to demonstrate that personnel "with more seniority do not possess" the "special training and experience necessary to teach [the] course . . . ."

16. Layoffs must proceed in accordance with the procedures prescribed by statute, which are to be strictly followed. (*Greer v. Board of Education* (1975) 47 Cal.App.3d 98, 105.)

17. Because subdivision (b) of section 44955 mandates that “the services of no permanent employee may be terminated . . . while any probationary employee, or any other employee with less seniority, is retained to render a service which said permanent employee is certificated and competent to render,” junior employees may be given retention priority pursuant to section 44955, subdivision (d)(1), only if they possess special training and experience that their more senior counterparts lack. (*Alexander v. Board of Trustees* (1983) 139 Cal.App.3d 567, 571; *Moreland Teachers Assn. v. Kurze* (1980) 109 Cal.App.3d 648, 655.)

18. In interpreting the meaning of a statute, words must be given the meaning they bear in ordinary usage. (*In re Rojas* (1979) 23 Cal.3d 152, 155.) The meaning of an enactment should not be determined from a single word or sentence; the words must be construed in context, and provisions relating to the same subject matter must be harmonized to the extent possible. (*Dyna-Med, Inc. v. Fair Employment & Housing Com.* (1987) 43 Cal.3d 1379, 1386-1387; *Title Ins. & Trust Co. v. County of Riverside* (1989) 48 Cal.3d 84, 91.)

19. The “*special training and experience necessary*” language in Code section 44955, subdivision (d)(1), must be read in context with Code section 44955, subdivision (b). When one does that, it appears that the word “necessary” substantially limits Code section 44955, subdivision (d)(1). A district may require special training and special experience, but a district cannot require more of either than is “necessary” to teach the course. If “necessary” were not read in that limiting way, Code section 44955, subdivision (d)(1), could be used to circumvent the seniority rights secured by Code section 44955, subdivision (b). On the other hand, reading “necessary” in that limiting way harmonizes the language of the two subdivisions.

20. Thus, a district may not use skipping criteria that are not “necessary” to teach a course. Requiring a certain type of experience or a certain length of experience may be appropriate but only if it is shown to be “necessary.” There are a few decisions in which courts have approved of a requirement of prior experience. *Martin v. Kingfield School District* (1983) 35 Cal.3d 294, is an example. The case concerned the section 44956 preferred right of reappointment. An elementary school teacher who had been terminated asserted her right to be rehired to fill a new position as a middle school science teacher, a position for which she was credentialed. The district established a requirement of prior experience as a middle school teacher and did not rehire Martin for the position. The case stands for the proposition that a district, in requiring prior middle school experience for a middle school science position, did not abuse its discretion.

21. Skipping a junior teacher and terminating a senior teacher instead of terminating the junior teacher is such a fundamental departure from the tenure system that the legislature's limitation of "necessary" should be strictly respected. A district should be allowed to terminate a senior teacher for not having "necessary" experience only if the experience actually is "necessary."

22. Dr. Behrens's testimony provided little information about special training and experience necessary to teach TOSA. As noted above, in order to justify skipping, a district must prove what special training and experience are necessary in order to teach a specific course or course of study. That, however, was not the focus of Dr. Behrens's testimony. His testimony focused on Ms. Salcido's training and experience and the advantage to the district of keeping her in her position. From Dr. Behrens's testimony about Ms. Salcido, one might infer something about the training and experience necessary to teach TOSA, but the inferences one might draw fall far short of what a district must establish regarding necessary training and experience. Code section 44955, subdivision (d), does not permit *a comparison of the training and experience of a senior teacher with the training and experience of a junior teacher*. What is required is *a comparison of the training and experience necessary to teach a course or course of study with the training and experience of a senior teacher*.

23. With regard to Dr. Behrens's testimony that Ms. Salcido has developed an excellent rapport with the parents and with regard to Ms. Brown's testimony that she is well liked by parents, it is important to note that Code section 44955, subdivision (d), speaks in terms of "special training and experience." Nothing about that subdivision suggests that the Legislature had in mind a popularity contest. The fact that a junior teacher is popular may explain why a district wants to skip him or her, but it in no way justifies skipping.

24. No doubt Ms. Salcido is very well qualified for what she does, but Ms. Salcido's qualifications are not relevant unless the district proves a few preliminary facts. Before one comes to the issue of Ms. Salcido's qualifications, the district must prove three things that are essential to upholding a skip. The district failed to prove that TOSA is a course or course of study, failed to prove that special training and experience are necessary to teach TOSA, and failed to prove that Ms. Brown does not have the training and experience necessary to teach TOSA.

25. Ms. Brown asserts that she has the training and experience necessary to teach TOSA in the position Ms. Salcido is expected to hold next year. By reason of the matters set forth in Findings 20 through 25, it is determined that Ms. Brown produced sufficient evidence to cause the burden of producing evidence to shift back to the district, and the district failed to prove that Ms. Brown does not have the training and experience necessary to teach TOSA. Thus, it is determined that Ms. Brown has the training and experience necessary to teach TOSA.

*Conclusions Regarding Ms. Keys*

26. By reason of the matters set forth in Finding 29, it is determined that the district may permit Ms. Keys rather than Ms. Hayes to bump onto a position to teach English.

*Conclusions Regarding Ms. Schenck*

27. Ms. Schenck asserted that she is competent to bump into the position of activities director that Ms. Nolte now holds. By reason of the matters set forth in Findings 34 through 36, it is determined that Ms. Schenck failed to produce sufficient evidence to cause the burden of producing evidence to shift back to the district.

*Conclusions Regarding Ms. Nolte*

28. Ms. Nolte is a high school activities director. She does not provide a service that comes within the particular kinds of services the board resolved to reduce or discontinue. The district served Ms. Nolte with a precautionary notice. By reason of the matters set forth in Findings 34 through 37, it is determined that no one proved a right to bump into Ms. Nolte's position. Thus, the district may not serve a Termination Notice on Ms. Nolte.

*Conclusions Regarding Board Authorization*

29. It is within a board's discretion to determine whether and when to grant authorization under Code section 44256 to teach in departmentalized classes outside of one's credential. There was no evidence that any of the respondents had applied for or received such authorization from the board. Because respondents do not possess the credentials or board authorizations necessary to teach in departmentalized classes outside their multiple subject credentials, they have no right to bump into those positions.

*Cause Exists to Terminate Certain Respondents*

30. Cause does not exist to terminate the following: The respondents listed in Findings 11 and 12; the most senior teacher who is certificated and competent to render the service Ms. Salcido will be rendering; and Ms. Nolte.

31. With those exceptions, cause exists to give notice to the respondents that their services will not be required for the ensuing school year.

**ORDER**

1. Pursuant to stipulation, the district shall rescind the Preliminary Layoff Notices served on the respondents listed in Findings 11 and 12, and the district shall not give Termination Notices to them. As to those respondents, the accusation is dismissed.

2. The district shall retain the most senior teacher who is certificated and competent to render the service Ms. Salcido will be rendering. The district shall not serve a Termination Notice on that teacher. As to that teacher, the accusation is dismissed.

3. The district shall not serve a Termination Notice on Ms. Nolte. As to Ms. Nolte, the accusation is dismissed.

4. The district may serve Termination Notices on the remaining respondents.

Dated: May 4, 2012

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ROBERT WALKER  
Administrative Law Judge  
Office of Administrative Hearings

EXHIBIT A  
 RESPONDENTS  
 TEMECULA VALLEY UNIFIED SCHOOL DISTRICT  
 2012

	LAST	FIRST	SENIORITY DATE	SITE	GRADE/SUBJECTS TAUGHT
1	Acosta	Omar	9/17/07	DO Sp Ed	Counselor on Special Assignment
2	Aguilera	Jesus	8/23/04	MMS	ELD
4	Applebach	Nicole	8/20/04	NVES	4th
6	Barnett	Kandera	8/16/07	LES	TOSA - Title I Literacy Specialist
8	Barret	Aaron	8/9/10	GOHS	PE
9	Bayaca	Rodney	1/17/07	CHS	Counselor
10	Beato	Dennis	8/9/07	TVHS	Counselor
11	Benham	Dane	8/13/09	GOHS	Social Sci - History/Geography
13	Bondoc Belisario	Shauna	8/20/04	AES	Kindergarten
14	Bremseth-Paine	Tamara	8/20/04	TTES	5th - 50% - Shared
16	Brown	Christina	12/5/05	BES	1st
17	Brown	Jodie	8/16/07	RVHS	English
18	Brown	Lisa	8/18/05	LES	TOSA - Title I Literacy Specialist
19	Bush	Leanna	1/3/05	CHES	5th
20	Carbajal	Edward	8/16/07	TMS	Math - 6-8
22	Carlton	Kimberly	9/20/04	CHES	Kindergarten
23	Carrillo	Julia	11/12/04	TLES	Kindergarten
24	Cast	Mary	8/20/04	FVES	1st

	<b>LAST</b>	<b>FIRST</b>	<b>SENIORITY DATE</b>	<b>SITE</b>	<b>GRADE/SUBJECTS TAUGHT</b>
25	Castro	Juan	9/18/06	CHS	Spanish
	Cato-				2nd
26	Sorensen	Holly	8/19/05	TTES	
27	Cerny	Sandra	8/9/10	RVHS	English/ELD
28	Constein	Troy	8/17/06	TVCS	2nd
29	Cortez	Sharill	8/16/07	GOHS	English/ELD
30	Crabtree	Vicki	1/30/06	FVES	4th
31	Craite	Christina	9/23/04	TTES	4th
33	Cruz	Alexander	1/24/06	FVES	2nd
				DO Sp	TOSA - SPED
34	Cueva	Angela	10/18/06	Ed	
35	Cunningham	Amber	1/9/06	LES	3rd
					TOSA - Title I Literacy Specialist
37	Dela Cruz	Patrick	8/17/06	TES	
38	Dixon	Stacie	1/3/06	TTES	3rd
39	Dormanen	Darlene	8/23/04	TES	1st
41	Drago	Darren	12/19/08	TVCS	Spanish
42	Dunbar	Michael	8/17/06	TMS	Social Sci - History
43	Duncan	Brian	8/13/09	MMS	Math - 6-8
					Health/Child Dev./Computer Essential
44	Eliaba	Jolene	8/13/09	RVHS	
45	Ellinger	Cristin	10/3/05	TTES	Kindergarten
46	England	Heather	8/20/04	FVES	3rd - 60% - Shared
48	Farmer	Kristin	1/3/06	LES	3rd
49	Ferns	Sheryl	8/17/06	GMS	Math/Explore - Careers
50	Ferrera	Kim	8/17/06	FVES	3rd
51	Fisher	Jacob	9/19/05	TES	3/4 Combo
52	Fisher	Tobi	8/18/05	LOA	2nd - 40% - Shared @ LES
55	Forberg	Laura	8/20/04	RES	2nd - 50% - Shared
57	Fox	Andrew	9/13/05	BES	5th
58	Fox	Tiana	8/17/06	BES	3rd
59	Fuhrman	Tammie	8/18/05	LES	2nd

	<b>LAST</b>	<b>FIRST</b>	<b>SENIORITY DATE</b>	<b>SITE</b>	<b>GRADE/SUBJECTS TAUGHT</b>
60	Garcia	Aliah	8/29/11	RVHS	PE/Science - Biology
61	Garcia	Rachel	8/17/06	BVMS	Language Arts 6-8
62	Gomez	Delfina	1/29/07	CHS	Counselor
63	Grabau	Arlene	8/20/04	TTES	2nd
64	Grant	Christine	8/18/05	CHES	1st
65	Griffis	Marissa	1/24/06	TLES	1st
66	Grover	Sonja	8/17/06	RES	2/3 Combo
67	Hagenbuch	Tanya	9/17/07	DO Sp Ed	TOSA - SPED
68	Hajdu	Andrew	8/17/06	FVES	4th
70	Hall	Jennifer	7/1/06	FVES	1st
71	Hall	Vickie	8/30/04	TTES	1st
72	Han	Lisa	8/18/05	TTES	1st
74	Hanyak	Alisha	8/18/05	NVES	1st
75	Hayes	Dana	11/8/04	PVES	5th
76	Heeren	Bridget	8/17/06	BES	1st
79	Hernandez	Darcy	8/17/06	FVES	Kindergarten
81	Hughes	Shannon	8/20/04	TVCS	1st
82	Jackson	Dalise	8/18/05	AES	1st
83	Jackson	Tonia	8/17/06	TVCS	1st
84	Jaimes	Rosalinda	9/19/05	FVES	5th
86	Janis	Heidi	8/9/07	MMS	Counselor
88	Johansen	Jacquelyn	9/15/08	LOA	Science @ VRMS
89	Johnson	Andrea	8/20/04	FVES	Kindergarten - 80% - Shared
90	Johnson	Shannon	8/20/04	LES	1st
92	Kanawi	Beverly	8/14/08	GOHS	English
93	Khoyi	Shahzad	3/6/06	LOA	5th @ TLES
94	Kimbrell	Lisa	8/18/05	NVES	2nd
					2nd
95	Kizik-Guzman	Elisabeth	8/20/04	TES	
96	Knight	Michael	8/17/06	TES	2nd

	<b>LAST</b>	<b>FIRST</b>	<b>SENIORITY DATE</b>	<b>SITE</b>	<b>GRADE/SUBJECTS TAUGHT</b>
97	Koehle	Mariah	8/19/05	BES	3rd
98	Larrabee	Diana	9/14/05	BES	Kindergarten
99	Lingos	Alisa	1/3/05	CHES	1st
100	Linn Bates	Marcie	9/13/04	TLES	Kindergarten
101	Lipka	Beverly	8/18/05	TTES	Kindergarten
102	Love	Catarina	9/28/04	AES	2nd
103	Lytle	Linda	1/20/09	LOA	English - 80% @ GOHS
104	Macur	Michael	8/18/05	FVES	1st
106	Marble	Zsanna	8/17/06	BES	Kindergarten - 40% - Shared
107	Mason	Lindsey	9/22/05	MMS	6th Core - Math/Science
109	Maxey	Kelly	8/18/05	CHES	5th
110	McGuire	Traci	8/18/05	NVES	4th
111	Molstre	Gail	8/17/06	LES	2nd
					Social Sci -
112	Moore	Evan	8/16/07	GOHS	History/Sociology
113	Morales	Kristan	10/1/07	CHS	Math
114	Moser	Megan	1/25/06	LES	2nd
116	Mungo	Beth	8/20/04	CHES	2nd
					Social Sci -
117	Myers	Susan	8/16/07	CHS	History/Economics
118	Newton	Dana	11/14/05	AES	2nd
119	Nielsen	Russ	8/14/08	MMS	Math
					Activities
120	Nolte	Jennifer	8/16/07	TVHS	Director/Leadership
121	Novello	Chelsea	1/3/05	AES	1st
					6th CORE - Math/Science @
122	O'Brien Muenzer	Patricia	9/19/05	LOA	TMS
123	Pace	Heather	9/4/08	CHS	English
124	Paino	Jacob	8/16/07	CHS	Math
125	Patino	Destiny	8/17/06	FVES	3rd
126	Paul	Tarvinder	8/14/08	MMS	Language Arts
127	Paulsen	Matt	8/20/04	NVES	5th
128	Perales	Jeniffer	8/20/04	TVCS	4th
129	Peterson	Jeannette	1/3/05	BES	1st
131	Randall	Kimberly	8/18/05	CHES	1st

	<b>LAST</b>	<b>FIRST</b>	<b>SENIORITY DATE</b>	<b>SITE</b>	<b>GRADE/SUBJECTS TAUGHT</b>
132	Rascon	Ashley	8/17/06	LES	1st
133	Rossi	Megan	1/3/05	LOA	3rd - 20% - Shared @ LES
135	Russ	Carmen	8/20/04	AES	2nd
					TOSA - Title I Literacy Specialist
137	Salcido	Luz	9/28/05	NVES	
138	Sampson	Susan	8/20/04	AES	1st
139	Santone	John	9/28/09	GOHS	Soc Sci - History/Geography
140	Santos	Marie	8/18/05	LOA	2nd @ CHES
					50% 8th Core - Lang Art/Soc Sci
141	Schaufele	Scott	7/1/05	BVMS	
142	Schenck	Robin	8/16/07	GMS	Language Arts
143	Scholz	Jennifer	9/18/06	LES	Kindergarten - 50% Shared
144	Scofield	Linda	8/17/06	AES	2nd
146	Simon	Felicia	9/15/05	TLES	1st
147	Slocum	Dana	8/18/05	CHES	2nd
148	Soles	Teresa	8/20/04	LOA	2nd @ PES
					Math - Algebra
149	Southavilay	Phoutsakhone	8/16/07	TVHS	
150	Stevens	Michelle	8/17/06	BES	Kindergarten
151	Strang	Wendy	8/18/05	FVES	4/5 Combo
152	Strehorn	Susan	8/18/05	TLES	2nd
154	Tarantino	Debra	8/17/06	TLES	5th
				DO Sp Ed	TOSA - SPED
155	Thyfault	Wendy	8/17/06		
156	Tostado	Sarah	8/20/04	NVES	1st
158	Trierweiler	Emily	8/19/05	TVCS	6th Grade - 60% - Shared
					Social Sci - Economics/Government
159	Trout	Noel	8/16/07	RVHS	
160	Vasile	Nicole	8/20/04	LOA	4th @ AES
				DO Sp Ed	TOSA - SPED
161	Waddell	Natalie	8/17/06		
162	Walker	Melissa	8/20/04	TTES	3rd

	<b>LAST</b>	<b>FIRST</b>	<b>SENIORITY DATE</b>	<b>SITE</b>	<b>GRADE/SUBJECTS TAUGHT</b>
165	Weir	Christine	8/17/06	BES	1st - 50% - Shared
167	Wertz	Malissa	8/18/05	TLES	1st
168	Willard	Kimberley	8/20/04	LOA	1st @ FVES
170	Woods	Timothy	3/1/07	VRMS	PE
171	Yee	Jessica	8/18/05	LOA	Kindergarten - 40% - Shared @ LES

EXHIBIT B

RESPONDENTS REPRESENTED BY MR. VANDERPOOL

TEMECULA VALLEY UNIFIED SCHOOL DISTRICT

2012

	LAST	FIRST	SENIORITY DATE	SITE	GRADE/SUBJECTS TAUGHT
1	Acosta	Omar	9/17/07	DO Sp Ed	Counselor on Special Assignment
2	Aguilera	Jesus	8/23/04	MMS	ELD
4	Applebach	Nicole	8/20/04	NVES	4th
8	Barret	Aaron	8/9/10	GOHS	PE
9	Bayaca	Rodney	1/17/07	CHS	Counselor
10	Beato	Dennis	8/9/07	TVHS	Counselor
11	Benham	Dane	8/13/09	GOHS	Social Sci - History/Geography
13	Bondoc Belisario	Shauna	8/20/04	AES	Kindergarten
16	Brown	Christina	12/5/05	BES	1st
17	Brown	Jodie	8/16/07	RVHS	English
18	Brown	Lisa	8/18/05	LES	TOSA - Title I Literacy Specialist
19	Bush	Leanna	1/3/05	CHES	5th
20	Carbajal	Edward	8/16/07	TMS	Math - 6-8
22	Carlton	Kimberly	9/20/04	CHES	Kindergarten
23	Carrillo	Julia	11/12/04	TLES	Kindergarten
24	Cast	Mary	8/20/04	FVES	1st
26	Cato-	Holly	8/19/05	TTES	2nd

	<b>LAST</b>	<b>FIRST</b>	<b>SENIORITY DATE</b>	<b>SITE</b>	<b>GRADE/SUBJECTS TAUGHT</b>
	Sorensen				
27	Cerny	Sandra	8/9/10	RVHS	English/ELD
28	Constein	Troy	8/17/06	TVCS	2nd
29	Cortez	Sharill	8/16/07	GOHS	English/ELD
30	Crabtree	Vicki	1/30/06	FVES	4th
31	Craite	Christina	9/23/04	TTES	4th
33	Cruz	Alexander	1/24/06	FVES	2nd
34	Cueva	Angela	10/18/06	DO Sp Ed	TOSA - SPED
35	Cunningham	Amber	1/9/06	LES	3rd
37	Dela Cruz	Patrick	8/17/06	TES	TOSA - Title I Literacy Specialist
38	Dixon	Stacie	1/3/06	TTES	3rd
39	Dormanen	Darlene	8/23/04	TES	1st
41	Drago	Darren	12/19/08	TVCS	Spanish
43	Duncan	Brian	8/13/09	MMS	Math - 6-8
44	Eliaba	Jolene	8/13/09	RVHS	Health/Child Dev./Computer Essential
45	Ellinger	Cristin	10/3/05	TTES	Kindergarten
48	Farmer	Kristin	1/3/06	LES	3rd
49	Ferns	Sheryl	8/17/06	GMS	Math/Explore - Careers
50	Ferrera	Kim	8/17/06	FVES	3rd
51	Fisher	Jacob	9/19/05	TES	3/4 Combo
55	Forberg	Laura	8/20/04	RES	2nd - 50% - Shared
57	Fox	Andrew	9/13/05	BES	5th
58	Fox	Tiana	8/17/06	BES	3rd
60	Garcia	Aliah	8/29/11	RVHS	PE/Science - Biology
61	Garcia	Rachel	8/17/06	BVMS	Language Arts 6-8

	<b>LAST</b>	<b>FIRST</b>	<b>SENIORITY DATE</b>	<b>SITE</b>	<b>GRADE/SUBJECTS TAUGHT</b>
62	Gomez	Delfina	1/29/07	CHS	Counselor
63	Grabau	Arlene	8/20/04	TTES	2nd
64	Grant	Christine	8/18/05	CHES	1st
65	Griffis	Marissa	1/24/06	TLES	1st
66	Grover	Sonja	8/17/06	RES	2/3 Combo
67	Hagenbuch	Tanya	9/17/07	DO Sp Ed	TOSA - SPED
68	Hajdu	Andrew	8/17/06	FVES	4th
70	Hall	Jennifer	7/1/06	FVES	1st
71	Hall	Vickie	8/30/04	TTES	1st
72	Han	Lisa	8/18/05	TTES	1st
74	Hanyak	Alisha	8/18/05	NVES	1st
75	Hayes	Dana	11/8/04	PVES	5th
76	Heeren	Bridget	8/17/06	BES	1st
79	Hernandez	Darcy	8/17/06	FVES	Kindergarten
81	Hughes	Shannon	8/20/04	TVCS	1st
82	Jackson	Dalise	8/18/05	AES	1st
83	Jackson	Tonia	8/17/06	TVCS	1st
84	Jaimes	Rosalinda	9/19/05	FVES	5th
86	Janis	Heidi	8/9/07	MMS	Counselor
89	Johnson	Andrea	8/20/04	FVES	Kingergarten - 80% - Shared
90	Johnson	Shannon	8/20/04	LES	1st
92	Kanawi	Beverly	8/14/08	GOHS	English
94	Kimbrell	Lisa	8/18/05	NVES	2nd
					2nd
95	Kizik-Guzman	Elisabeth	8/20/04	TES	
96	Knight	Michael	8/17/06	TES	2nd
98	Larrabee	Diana	9/14/05	BES	Kindergarten

	<b>LAST</b>	<b>FIRST</b>	<b>SENIORITY DATE</b>	<b>SITE</b>	<b>GRADE/SUBJECTS TAUGHT</b>
99	Lingos	Alisa	1/3/05	CHES	1st
100	Linn Bates	Marcie	9/13/04	TLES	Kindergarten
101	Lipka	Beverly	8/18/05	TTES	Kindergarten
102	Love	Catarina	9/28/04	AES	2nd
104	Macur	Michael	8/18/05	FVES	1st
106	Marble	Zsanna	8/17/06	BES	Kindergarten - 40% - Shared
107	Mason	Lindsey	9/22/05	MMS	6th Core - Math/Science
109	Maxey	Kelly	8/18/05	CHES	5th
110	McGuire	Traci	8/18/05	NVES	4th
111	Molstre	Gail	8/17/06	LES	2nd
					Social Sci -
112	Moore	Evan	8/16/07	GOHS	History/Sociology
113	Morales	Kristan	10/1/07	CHS	Math
114	Moser	Megan	1/25/06	LES	2nd
116	Mungo	Beth	8/20/04	CHES	2nd
					Social Sci -
117	Myers	Susan	8/16/07	CHS	History/Economics
118	Newton	Dana	11/14/05	AES	2nd
					Activities
120	Nolte	Jennifer	8/16/07	TVHS	Director/Leadership
121	Novello	Chelsea	1/3/05	AES	1st
123	Pace	Heather	9/4/08	CHS	English
124	Paino	Jacob	8/16/07	CHS	Math
125	Patino	Destiny	8/17/06	FVES	3rd
126	Paul	Tarvinder	8/14/08	MMS	Language Arts
127	Paulsen	Matt	8/20/04	NVES	5th
128	Perales	Jeniffer	8/20/04	TVCS	4th
129	Peterson	Jeannette	1/3/05	BES	1st
131	Randall	Kimberly	8/18/05	CHES	1st
132	Rascon	Ashley	8/17/06	LES	1st

	<b>LAST</b>	<b>FIRST</b>	<b>SENIORITY DATE</b>	<b>SITE</b>	<b>GRADE/SUBJECTS TAUGHT</b>
135	Russ	Carmen	8/20/04	AES	2nd
137	Salcido	Luz	9/28/05	NVES	TOSA - Title I Literacy Specialist
138	Sampson	Susan	8/20/04	AES	1st
139	Santone	John	9/28/09	GOHS	Soc Sci - History/Geography
141	Schaufele	Scott	7/1/05	BVMS	50% 8th Core - Lang Art/Soc Sci
142	Schenck	Robin	8/16/07	GMS	Language Arts
143	Scholz	Jennifer	9/18/06	LES	Kindergarten - 50% Shared
144	Scofield	Linda	8/17/06	AES	2nd
146	Simon	Felicia	9/15/05	TLES	1st
147	Slocum	Dana	8/18/05	CHES	2nd
149	Southavilay	Phoutsakhone	8/16/07	TVHS	Math - Algebra
150	Stevens	Michelle	8/17/06	BES	Kindergarten
151	Strang	Wendy	8/18/05	FVES	4/5 Combo
152	Strehorn	Susan	8/18/05	TLES	2nd
154	Tarantino	Debra	8/17/06	TLES	5th
				DO Sp Ed	TOSA - SPED
155	Thyfault	Wendy	8/17/06		
156	Tostado	Sarah	8/20/04	NVES	1st
158	Trierweiler	Emily	8/19/05	TVCS	6th Grade - 60% - Shared
					Social Sci -
159	Trout	Noel	8/16/07	RVHS	Economics/Government
161	Waddell	Natalie	8/17/06	DO Sp Ed	TOSA - SPED
162	Walker	Melissa	8/20/04	TTES	3rd
165	Weir	Christine	8/17/06	BES	1st - 50% - Shared
167	Wertz	Malissa	8/18/05	TLES	1st

