

BEFORE
THE GOVERNING BOARD OF THE
SAN BERNARDINO CITY SCHOOL DISTRICT
SAN BERNARDINO COUNTY, STATE OF CALIFORNIA

In the Matter of the Proposed Reduction in
Force Proceeding Involving:

OAH No. 2013030854

Certificated Employees of the San
Bernardino City Unified School District
Who Received Preliminary Layoff Notices
for the 2013-2014 School Year,

Respondents.

PROPOSED DECISION

James Ahler, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter in San Bernardino, California, on April 18, 2013.

Todd M. Robbins and David E. Robinette, Atkinson, Andelson, Loya, Rudd & Romo, represented the San Bernardino Unified City School District.

Carlos R. Perez and Angela Serranzana, Reich, Adell & Cvitan, and Joseph Colton, CTA Attorney Emeritus, represented all respondents who appeared.

No respondent represented himself or herself.

The matter was submitted on April 18, 2013.

FACTUAL FINDINGS

The San Bernardino City School District

1. The San Bernardino City Unified School District (the District) serves the educational needs of the community within the City of San Bernardino and a portion of the City of Highland. The District provides traditional educational services and instruction to students from preschool through 12th grades, along with various alternative and adult education programs. The District operates and maintains six comprehensive high schools, 10

middle schools, 45 elementary schools, three special education schools, one adult school, and three alternative programs. Ten schools within the District offer a Dual Immersion program in which students receive instruction and practice in the core curriculum in English and Spanish. The District provides Career Technical Education and Regional Occupational Program (ROP) courses that prepares students for: (1) entry-level employment, (2) higher-level skills due to new and changing technologies, and/or (3) enrollment in more advanced training programs consistent with local employment demands.

The District currently has an enrollment of approximately 50,000 students, making it the eighth largest school district in California. Enrollment is relatively stable.

The District employs about 2,700 certificated employees. The salaries and benefits of these and other District employees comprise about 85 percent of the District's annual expenditures. The District maintains a balanced budget and does not project a shortfall for the 2013-2014 school year. However, a federal school improvement program that provided \$19 million in annual funding, a great deal of which was used to fund salaries, terminates at the end of this year, which resulted in the need for an elimination or reduction in particular kinds of services being provided by the District.

2. The District is governed by an elected seven member Board of Education. Dale Marsden, Ed.D. is the Board's Chief Executive Officer and the Superintendent of Schools. Harold J. Vollkommer, Ed.D. is the Assistant Superintendent of Human Resources.

The Fiscal Crisis

3. Public schools rely on financing from the State of California. A school district cannot determine the level of state funding it will receive from the State of California until the state budget is chaptered, an event that is supposed to occur each year in late June. Before then, a school district's governing board, which has the duty to produce and file a balanced budget with the County Office of Education, must take steps to ensure that financial ends meet if the worst-case financial scenario develops.

California's economic problems have had a crippling impact on the San Bernardino City Unified School District and on most other public school districts. If the District cannot meet its financial obligations, the San Bernardino County Office of Education has the authority to intervene and take over the District's operations.

The District's Response

4. In response to the economic crisis, District administrators reviewed expenditures, programs, services and staffing. The District embarked upon a program to reduce its budget. The District reduced expenditures for supplies, conferences and administrative and staff positions. The District reluctantly concluded that it was also necessary to further trim expenditures by reducing or eliminating particular kinds of services that were being provided by credentialed employees.

5. On March 5, 2013, following a review of the budgetary situation and financial projections for the 2013-2014 school year, Superintendent Marsden recommended to the Board of Education that preliminary notices be given to a number of certificated employees to advise them that their services would not be required in the 2013-2014 school year and to give the reason for that recommendation.

6. On March 5, 2013, the Board adopted the following resolution:

WHEREAS, the Board of Education of the San Bernardino City Unified School District has determined that it is in the best interests of the District and the welfare of the schools and the pupils thereof that the particular kinds of services set forth herein must be reduced or discontinued due to financial conditions; and

WHEREAS, it is the opinion of the Board that because of the aforementioned reason, the number of certificated employees of the District must be reduced; and

WHEREAS, this reduction of regular certificated employees is not based upon reduction of average daily attendance during the past two years; and

WHEREAS, this Board has determined that due to a significant population of English language learners with specialized educational needs, a specific and compelling need exists to employ and retain certificated employees who have formal (not emergency) authorization to teach English Learner (“EL”) students, as determined by the California Commission on Teacher Credentialing, and the special training and experience that comes therewith; and

WHEREAS, State law mandates that each failure to staff a classroom containing one or more EL students with a certificated employee possessing an appropriate EL authorization is “misassignment” subject to sanction by the County Superintendent of Schools; and

WHEREAS, compliance with the provisions of the No Child Left Behind Act (“NCLB”), the Williams Settlement, and Education Code section 44253.1 require that students be served by certificated employees with appropriate EL authorizations; and

WHEREAS, the needs of the District and the students thereof should not and cannot be adequately served by concentrating EL students in particular classrooms in such a manner as to lessen the need for certificated employees with EL authorizations; and

WHEREAS, EL authorizations are not required for school counselors, nurses, psychologists; and

WHEREAS, Education Code section 44955(d) authorizes this Board to deviate from terminating a certificated employee in order of seniority for the above reasons, if necessary.

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the San Bernardino City Unified School District as follows:

A. That the particular kinds of services set forth below be reduced or eliminated commencing in the 2013-2014 school year:

Elementary (Trans. Kindergarten – 6) Teaching Services	98	F.T.E.
High School Counselor Services	6	F.T.E.
High School Math Teaching Services	10	F.T.E.
High School English Teaching Services	17	F.T.E.
High School Social Studies Teaching Services	6	F.T.E.
High School Physical Science Teaching Services	1	F.T.E.
High School Biology Teaching Services	4	F.T.E.
High School Chemistry Teaching Services	2	F.T.E.
High School Physical Education Teaching Services	2	F.T.E.
High School Spanish Teaching Services	1	F.T.E.
High School Construction/Trades Building Teaching Services	1	F.T.E.
Secondary Music Teaching Services	1	F.T.E.
Middle School Math Teaching Services	3	F.T.E.
Middle School English Teaching Services	5	F.T.E.
Middle School Social Studies Teaching Services	3	F.T.E.
Middle School Science Teaching Services	2	F.T.E.
Middle School Spanish Teaching Services	1	F.T.E.
Middle School Physical Education Teaching Services	3	F.T.E.
Total Certificated Positions	166	F.T.E.

B. That due to the reduction or elimination of particular kinds of services, the corresponding number of certificated employees of the District shall be terminated pursuant to Education Code section 44955.

C. That the reduction of certificated staff be achieved by the termination of regular employees and not by terminating temporary and substitute employees.

D. That “competency” as described in Education Code section 44955(b) for the purposes of bumping shall necessarily include: (1) possession of a valid credential in the relevant subject matter area; (2) for bumping a holder of a Single Subject credential in a departmentalized course in grades 7-12, an equivalent Single Subject credential authorizing service in all grades 7-12; (3) “highly qualified” status under the No Child Left Behind Act in the area to be assigned (if required by the position); and (4) an appropriate (not emergency) EL authorization (if required by the position).

E. That, as between certificated employees, with the same seniority date, the order of termination shall be determined solely by Board-adopted criteria.

F. That the District Superintendent or designee is directed to initiate layoff procedures and give appropriate notice pursuant to Education Code sections 44955 and 44949.

The Particular Kinds of Services

7. The services identified in this resolution were the kinds of services that could be reduced under the Education Code.

The Board’s passing of the resolution was neither arbitrary nor capricious. Its enactment was well within the Board’s discretion; no particular kind of service was lowered to a level below that mandated by state or federal law and the enactment of the resolution related solely to the economic situation and the Board’s duty to balance the budget. It was, to that extent, in the best interest of the District and the students thereof.

The District’s Seniority List

8. The District maintains a seniority list, a constantly evolving document that is updated as new certificated employees are hired and as other certificated employees retire,

resign or otherwise become separated from District service. The District's seniority list is a spreadsheet that is organized from the District's most senior certificated employee to the most recently hired certificated employee. The list contains each employee's seniority number, name, seniority date, tie-breaking number when appropriate, contract status (tenured, probationary, or intern), position, subject matter taught, type(s) of credential, credential status, and the date of the credential's expiration.

9. In December 2012, the District's staff began a laborious review of the seniority list to make certain it was correct. A copy of the list was sent to the San Bernardino Teachers Association with a request that the list be provided to all members for review. During the course of the review, it was discovered that the seniority list provided an original seniority date for several employees who had resigned from employment with the District and thereafter returned to employment following their resignation, rather than setting forth a new seniority date based on the date of their return to employment. The seniority list was amended to provide these employees with a seniority date consistent with their most recent date of hire, as required under Education Code section 44848. The employment status of those employees whose seniority date were changed as a result of the discovery of this error is not affected in this reduction in force proceeding. Whenever any error was discovered and whenever any new information came to light that affected the seniority list, the seniority list was revised. The updated seniority list was used thereafter to determine who should and should not receive a preliminary layoff notice.

Tie-Breaking Criteria

10. On March 5, 2013, the Board also adopted the following tie-breaking resolution:

WHEREAS, Education Code section 44955, subsection (b), related to certificated layoffs, provides in relevant 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 need of the district and the students thereof;"

NOW, THEREFORE, BE IT RESOLVED that based upon the needs of the District and the students thereof, in the event of a certificated layoff the following criteria shall be applied in order based on information on file as of February 1, one step at a time until the tie is broken, to resolve ties in seniority between certificated employees:

1. Highly Qualified Status under NCLB in area of assignment.

2. Total number of Clear, Preliminary, and Intern credentials.
3. Possession of a Clear Single Subject credential in the following areas, in order of priority:
 - a. Special Education
 - b. Math
 - c. Science
 - d. Social Science
 - e. English
 - f. Other
4. Possession of a Preliminary Single Subject credential in the following areas, in order of priority:
 - a. Special Education
 - b. Math
 - c. Science
 - d. Social Science
 - e. English
 - f. Other
5. Possession of Clear Credentials and EL certification in the following order of priority:
 - A. BCLAD
 - B. CLAD/SB 395 or equivalent
6. Persons with Preliminary Credentials and EL certification in the following order of priority:
 - A. BCLAD
 - B. CLAD/SB 395 or equivalent
7. Possession of Clear Credential and a supplemental authorization to teach in the following areas, in order of priority:
 - a. Math
 - b. Science
 - c. Social Science
 - d. English

e. Other

8. Possession of a Preliminary Credential and a supplemental authorization to teach in the following areas, in order of priority:

- a. Math
- b. Science
- c. Social Science
- d. English
- e. Other

9. Credential status in area of assignment, in order of priority:

- a. Clear, Life, Standard Secondary, etc.
- b. Preliminary
- c. Intern
- d. Provisional, STC, other

10. Total number of supplementary authorizations in different subject areas.

11. Number of years of credentialed teaching experience prior to employment with District, as indicated by initial salary schedule placement.

12. Possession of a Masters Degree, earliest date prevails.

13. Total number of post-secondary credits on file with the District by February 1.

14. If ties cannot be broken by using the above criteria then order of seniority shall be determined by a random drawing among employees in the individual tie.

The Issuance of Preliminary Layoff Notices/Jurisdictional Documents

11. Using the updated seniority list, the aforementioned resolution related to the termination or reduction of particular kinds of services, the tie-breaking resolution, and considering all positive attrition, the District's administrative staff identified those employees who should receive preliminary layoff notices and those who should not. Whenever an employee providing a particular kind of service that was being eliminated or reduced was identified as being in line to receive a preliminary layoff notice due to a lack of seniority, that

employee's seniority and credentials were carefully examined to determine whether that employee had the seniority and credentials to "bump" a junior employee and assume the position that was being held by the more junior employee.

Bumping

12. The District prepared a "bump analysis" and a tie-breaker matrix to confirm that an employee believed to be subject to receipt of a preliminary layoff notice as a result of the elimination or reduction of the particular kind of service that employee was providing could not bump a more junior employee. If the employee held the seniority, credential and competency to bump into a position being held by another, that employee "bumped" the more junior employee. Thereafter, the more junior employee's seniority, credential and competency were evaluated to determine if that employee could, in the same fashion, "bump" into a position that was being held by an employee who was even less senior.

Service of Preliminary Layoff Notices and Notices of Hearing

13. The District timely served preliminary layoff notices on 161 certificated employees and precautionary layoff notices on seven other certificated employees, each of whom was served with an Accusation, Statement to Respondent, blank Notice of Defense forms, and relevant sections of the Education Code and Government Code.

Thereafter, the District timely served all respondents with a Notice of Hearing, setting the hearing in the reduction in force proceeding for April 18, 2013, to commence at 9:00 a.m., at the San Bernardino High School auditorium in San Bernardino, California.

The Administrative Hearing

14. On April 18, 2013, the record in the reduction in force proceeding was opened.

Jurisdictional documents were introduced; the caption was amended to delete any reference to an accusation; opening comments were waived; a written stipulation concerning jurisdictional and evidentiary matters was received and marked as ALJ 1; a stipulation regarding the receipt of the District's exhibits was received; sworn testimony related to the District's operations and the reduction in force proceeding was given by Assistant Superintendent Vollkommer; and documentary evidence was provided. Among other matters, Dr. Vollkommer testified that the District made an error by failing to serve one probationary employee with a preliminary layoff notice due to District staff's mistaken belief that the employee would receive a notice of non-election, an event that did not occur. To correct this mistake and preserve the right of the most senior employee impacted by this mistake to retain employment, the District rescinded and withdrew the preliminarily layoff notices served upon Mary Bell Van Der Noord and others be dismissed, to which there was no objection. The rescission of these notices was based on each individual's right to employment based upon that employee's seniority, credentials and competence as defined in the resolution. These employees were not included in the final layoff list that is set forth in the recommendation that follows. Following the taking of

evidence, closing comments were given; the record was closed; and the matter was submitted.

The Reduction in Force Proceeding

15. The Board of Education’s enactment of the resolution related to the termination or reduction of particular kinds of services was the result of a budgetary situation; it was enacted in good faith; the tie-breaking criteria were reasonable and were applied in an evenhanded manner; and enacting the resolution was in the best interest of the District and its students based on all the circumstances. The District used seniority and credentials as the basis for “bumping” and retaining the services of the most senior, appropriately credentialed employees. No junior employee was retained to provide services that a more senior, competent employee could provide. The District complied with all jurisdictional requirements.

LEGAL CONCLUSIONS

Statutory Authority - Reduction in Force Proceedings

1. Education Code section 44949 provides in part:

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

[¶] . . . [¶]

(b) The employee may request a hearing to determine if there is cause for not reemploying him or her for the ensuing year. A request for a hearing shall be in writing and shall be delivered to the person who sent the notice pursuant to subdivision (a), on or before a date specified in that subdivision, which shall not be less than seven days after the date on which the notice is served upon the employee. If an employee fails to request a hearing on or before the date specified, his or her failure to do so shall constitute his or her waiver of his or her right to a hearing . . .

(c) In the event a hearing is requested by the employee, the proceeding shall be conducted and a decision made in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code and the

governing board shall have all the power granted to an agency therein, except that all of the following shall apply:

(1) The respondent shall file his or her notice of defense, if any, within five days after service upon him or her of the accusation and he or she shall be notified of this five-day period for filing in the accusation.

(2) The discovery authorized by Section 11507.6 of the Government Code shall be available only if request is made therefor within 15 days after service of the accusation, and the notice required by Section 11505 of the Government Code shall so indicate.

(3) The hearing shall be conducted by an administrative law judge who shall prepare a proposed decision, containing findings of fact and a determination as to whether the charges sustained by the evidence are related to the welfare of the schools and the pupils thereof. The proposed decision shall be prepared for the governing board and shall contain a determination as to the sufficiency of the cause and a recommendation as to disposition. However, the governing board shall make the final determination as to the sufficiency of the cause and disposition. None of the findings, recommendations, or determinations contained in the proposed decision prepared by the administrative law judge shall be binding on the governing board. Nonsubstantive procedural errors committed by the school district or governing board of the school district shall not constitute cause for dismissing the charges unless the errors are prejudicial errors. Copies of the proposed decision shall be submitted to the governing board and to the employee on or before May 7 of the year in which the proceeding is commenced. All expenses of the hearing, including the cost of the administrative law judge, shall be paid by the governing board from the district funds . . .

(d) Any notice or request shall be deemed sufficient when it is delivered in person to the employee to whom it is directed, or when it is deposited in the United States registered mail, postage prepaid and addressed to the last known address of the employee. . . .

(e) If after request for hearing pursuant to subdivision (b) any continuance is granted pursuant to Section 11524 of the Government Code, the dates prescribed in subdivision (c) which

occur on or after the date of granting the continuance and the date prescribed in subdivision (c) of Section 44955 which occurs after the date of granting the continuance shall be extended for a period of time equal to the continuance.

2. Education Code section 44955 provides in part:

(a) No permanent employee shall be deprived of his or her position for causes other than those specified . . . and no probationary employee shall be deprived of his or her position for cause other than as specified . . .

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

As between employees who first rendered paid service to the district on the same date, the governing board shall determine the order of termination solely on the basis of needs of the district and the students thereof. Upon the request of any employee whose order of termination is so determined, the governing board shall furnish in writing no later than five days prior to the commencement of the hearing held in accordance with Section 44949, a statement of the specific criteria used in determining the order of termination and the application of the criteria in ranking each employee relative to the other employees in the group. This requirement that the governing board provide, on request, a written statement of reasons for determining the order of termination shall not be interpreted to give affected employees any legal right or interest that would not exist without such a requirement.

(c) Notice of such termination of services shall be given before the 15th of May in the manner prescribed in Section 44949, and

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

The governing board shall make assignments and reassignments in such a manner that employees shall be retained to render any service which their seniority and qualifications entitle them to render. However, prior to assigning or reassigning any certificated employee to teach a subject which he or she has not previously taught, and for which he or she does not have a teaching credential or which is not within the employee's major area of postsecondary study or the equivalent thereof, the governing board shall require the employee to pass a subject matter competency test in the appropriate subject.

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

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

(2) For purposes of maintaining or achieving compliance with constitutional requirements related to equal protection of the laws.

Jurisdiction

3. Jurisdiction in this matter exists under Education Code sections 44949 and 44955. All notices and jurisdictional requirements contained in those sections were satisfied as to all respondents.

The Reduction of Particular Kinds of Services

4. A school board may determine whether a particular kind of service should be reduced or discontinued, and it cannot be concluded that the governing board acted unfairly

or improperly simply because it made a decision it was empowered to make. (*Rutherford v. Board of Trustees* (1976) 64 Cal.App.3d 167, 174.) A school board's decision to reduce or discontinue a particular kind of service need not be tied in with any statistical computation. It is within the discretion of a school board to determine the amount by which it will reduce or discontinue a particular kind of service as long as the school district does not reduce a service below the level required by law. (*San Jose Teachers Assn. v. Allen* (1983) 144 Cal.App.3d 627, 635-636.)

5. A preliminary notice that provides designations of categories of services that are to be reduced or eliminated but does not identify the specific positions subject to the notice is sufficient if it specifies the statutory grounds. The failure to identify specific positions subject to reduction or elimination is not fatal. Since the March 15 notice is only the initial step in the termination process, it is not required that it specify the precise number of teachers to be terminated or the specific positions to be eliminated. The specific positions to be eliminated need not be identified. (*San Jose Teachers Assn. v. Allen, supra*, at p. 632.)

Seniority, Bumping, Skipping

6. Seniority: Under Education Code section 44845, seniority is determined by the date a certificated employee "first rendered paid service in a probationary position."

7. Education Code section 44846 provides in part: "The governing board shall have power and it shall be its duty to correct any errors discovered from time to time in its records showing the order of employment."

8. The Statutory Scheme: Education Code section 44955, the economic layoff statute, provides in subdivision (b), in part:

Except as otherwise provided by statute, the services of no permanent employee may be terminated under the provisions of this section while . . . any other employee with less seniority, is retained to render a service which said permanent employee is certificated and competent to render.

Essentially this statutory language provides "bumping" rights for senior certificated and competent employees, and "skipping" authority to retain junior employees who are certificated and competent to render services which more senior employees are not.

9. Bumping: The district has an obligation under Section 44955, subdivision (b), to determine whether any permanent employee whose employment is to be terminated in an economic layoff possesses the seniority and qualifications which would entitle him/her to be assigned to another position. (*Bledsoe v. Biggs Unified School Dist.* (2008) 170 Cal.App.4th 127, 136-137.)

Cause Exists to Give Notice to Certain Employees

10. As a result of the Board of Education's lawful elimination and reduction of particular kinds of service, cause exists under the Education Code to authorize the District to give final notice to those respondents who are identified hereafter that their employment will be terminated at the close of the current school year and that their services will not be needed by the District for the 2013-2014 school year.

Determination

11. The charges that were alleged in this layoff proceeding were sustained by a preponderance of the evidence. The District's rescission and withdrawal of the preliminary layoff notices served on several employees who were entitled to retain their employment status as a result of their seniority, credentials and competence under the applicable resolutions was ratified. The Board of Education's enactment of the resolutions applicable in this reduction in force proceeding was related to the welfare of the District and its pupils as a result of budgetary circumstances. The District made necessary assignments and reassignments in such a manner that the most senior credentialed employees were retained to render services that their seniority and qualifications entitled them to provide.

RECOMMENDATION

It is recommended that the Board of Trustees of the San Bernardino City Unified School District issue final layoff notices to the following certificated employees:

Melissa Abbot; Marisela Alas-Negri; Maribel Alba; Esmeralda Alcantar; Clarissa Amaya; Elizabeth Angulo; Valerie Applegate; Sarahi Arreguin-Fuentes; Francisco Banchon; Jennie Barranco; Orlando Luis Beltran; Joyella Jane Beuler; Sarah E. Beyer; Clinton Black; Kristina Blacksher; Tamara V. Bonn; Andrea Bothum; Liliana Brito; Eboni Brown; Veronica C. Camargo; Kimberly Leanne Campbell; Victoria Carlstrom; Amber Carney; Wendi Carson; Heidi F. Cartwright; Belinda Casanova; Rob J. Clobes; Janett Corral Cabral; Michael Corse; Sharon M. Cowley; Joelle Imauni Crockett; Anthony Sean Davis, Jr.; Cassandra Dean; Kristen M. Dean; Quinton D. Doswell III; Stephanie Downing; Desiree M. Dragna; Kent A. Drinkwater; Sonia D'Souza; Elaine Duag; Andrea DuMoulin; Samuel Duran; Diana Enciso; Angel Escalante Butterfield; Francisco Escobedo; Robyn Esparza; Irena A. Esqueda; Malissa Esquibel; Stephanie Estrada; Frank Fabela III; Magda A. Gadsby; Diana Garcia; Helen Garcia; Daisy Glass; Erika Gonzalez; Melody Gonzalez; Stephanie Gonzalez; Laura Gordon; David Guy; Yosan Hailemariam; Debra L. Hamilton; JoAnne C. Hammer; Norma Hernandez-Duarte; Neil R. Hicken; Talena Hill Jackson; Brian L. Hoehn; Ashley Holeman; Jamie Hose; Marisela Huerta; Precious Ighodaro; Maria Jimenez-Garcia; Jennifer Jones; Ileana Juarez; Sheena Kane; Kyle Klimenko; Erica Zepeda Korzonek; Gregory Kuld; Nicole D. Ladson; Cindy Lieu; Tina Lingenfelter; Yvette Yamille Lopez; Amanda Lower; Kimberly L. Ludwig; Julia Macias; Vergine Makhmudyan; Sandra Mancha; Stefanie Marin; Renita

Marshall; Marrina R. Martin; Oliver Martinez; Oana Matei; Marisol Meaca; Cynthia S. Medina; Suyapa Melendez; Nancy Lisella Mena; Katie Moneta; Daniel Montejano; Viridiana Mora; Denise Moreno; Kimberly Muller; Thomas St. Francis Muller; Judy Nava; Charles James Neighbours; Thai Phi Nguyen; Nicole R. Ocasio; Diana V. Olivo; Paulette Ortega; Meghan Palazewski; Candace N. Parks; Janet Parrish; Clynton H. Parsons; Sarah Perez; Kristina Pinedo; Allison Plebani; Julie A. Quintana; Yeraldin Quintero Lopez; Chelsea P. Ramirez; Melissa Yong Ramirez; Nancy V. Reyes; Cassandra Ries; Erika Rios; Stephanie Patrice Robinson; Beatriz Rodriguez; Kimberly Rodriguez; Sonia Rodriguez; Ana Ruvalcaba; Phillip Anthony San Angelo; Sandra Sassaman; Jeremy Sauer; Brice Scott; Diana L. Serna; Chelse Serrano; Aimee Slowinski; Kelsey Smith; Trudy L. Smith; Vanee Smith; Jessica M. Solis; Marcus B. Soward; Valerie A. Spencer; Sarah M. Stottlemeyer; Kristin N. Terrazas; NeChe Thompson; Oscar Torres; Rachel Torres; Cecilia Torres-Escobedo; Linda Tran; Mariana Trujillo; Laura Vega; Sara Veronick; Maria Villalobos; Vanessa Villegas; Kelly Walters; Nyesha Danielle Williams; Kindra Wilson; Jennifer Lynn Yates; and Liset Zavala.

Dated: April 23, 2013

JAMES AHLER
Administrative Law Judge
Office of Administrative Hearings