

BEFORE THE GOVERNING BOARD OF THE
COMPTON UNIFIED SCHOOL DISTRICT
STATE OF CALIFORNIA

In the Matter of the Reduction in Force of:

CERTIFICATED EMPLOYEES OF THE
COMPTON UNIFIED SCHOOL DISTRICT,

Respondents.

OAH Case No. 2013031106

PROPOSED DECISION

Daniel Juárez, Administrative Law Judge (ALJ), Office of Administrative Hearings, heard this matter on May 6 and 7, 2013, in Compton, California.

Dannis Woliver Kelley, and Jonathan A. Pearl, Esq. and Carly A. Dadson, Esq., represented the Compton Unified School District (District).

Schwartz, Steinsapir, Dohrmann & Sommers, and Michael R. Feinberg, Esq., represented Respondents listed in Appendix A.

California Teachers Association, and Michaela O'Neill, Esq., represented Respondents listed in Appendix B.

All Respondents in this matter are listed in Appendix C. Appendix C includes Respondents that are not in Appendices A or B. No Respondent asserted that they represented themselves or had other representation. Nevertheless, Respondent's in Appendix C that are not in Appendix A or B are deemed to have represented themselves in this matter.

This matter was originally calendared to be heard on April 29, 2013. On April 4, 2013, the parties jointly moved for a continuance. The motion was granted and the hearing was continued to May 6 and 7, 2013, seven days later than the original hearing date. Accordingly, and pursuant to Education Code section 44949, subdivision (e), the dates mandated by the Legislature, and set forth in Education Code section 44949, subdivision (c)(3), were extended by a period of time equal to the continuance.

The parties submitted the matter for decision on May 7, 2013.

FACTUAL FINDINGS

1. William W. Wu, District Chief Human Resources Officer, filed the Accusations in his official capacity.
2. Respondents are presently certificated employees of the District.
3. On March 12, 2013, the District Governing Board (Governing Board) adopted Resolution 12/13-2036 to decrease the number of certificated employees due to a reduction or elimination of particular kinds of services no later than the beginning of the 2013-2014 school year. The particular kinds of certificated services totaled 56 full time equivalent (FTE) positions, as set forth *post*.

KINDERGARTEN TO 6TH GRADE

Non-Special Education Kindergarten through 6th Grade Teachers....11.0 FTE

7TH GRADE TO 12TH GRADE

Intervention Math.....1.0 FTE
Intervention Reading Teacher.....1.0 FTE
English.....1.0 FTE
Music.....1.0 FTE
Physical Education.....1.0 FTE
Cadet Corps.....6.0 FTE

CERTIFICATED SUPPORT SERVICES

Counselors (K-12).....10.0 FTE
Student Support Specialist.....1.0 FTE
Curriculum Specialist (K-12).....2.0 FTE
EL Specialist.....2.0 FTE
Instructional Data Specialist.....1.0 FTE

ADMINISTRATIVE SERVICES

Administrator Pupil Services.....1.0 FTE
Administrator Instructional Support.....2.0 FTE
Interim Instructional Support.....1.0 FTE

ADULT EDUCATION

Program Eliminated.....14.0 FTE

TOTAL FTE REDUCTIONS IN ALL PROGRAMS.....56.0 FTE

4. The Governing Board further determined that it was necessary because of those reductions or eliminations to, among other things, decrease the number of certificated employees at the close of the present school year by a corresponding number of FTE positions and directed District staff to notify the appropriate employees to implement the Governing Board's determination.

5. On March 12, 2013, the Governing Board adopted Resolution 12/13-2032 that established tie breaking criteria for determining the order of seniority for those employees with the same date of first paid service in a probationary position. The District did not abuse its discretion in the adoption of the tie breaking criteria.

6. By March 15, 2013, and pursuant to Education Code sections 44949 and 44955, the Chief Human Resources Officer recommended to the Governing Board that it notify Respondents that Respondents' services will not be required for the ensuing school year, and inform Respondents of the underlying reasons for such notification.

7. By March 15, 2013, the Governing Board notified Respondents of its determination to terminate Respondents' services for the ensuing school year and the underlying reasons for termination, in accordance with Education Code sections 44949 and 44955.

8. The Governing Board considered all known attrition, resignations, and retirements, at the time, in determining the actual number of necessary layoff notices to be delivered to its employees.

9. In response to the written notice, each Respondent timely requested a hearing to determine if there is cause to not reemploy him or her for the 2013-2014 school year.

10(a). The District served the Accusation and other required documents timely on each Respondent. There was one issue with the District's service of the Accusation packet, involving Respondent Ernesto Palomino.

10(b). At the time the District served all other Respondents with the Accusation packet, the District failed to serve Respondent Palomino with the same packet (that included, among other things, the Accusation, a notice of defense, and the amended notice of hearing) because it originally thought Respondent Palomino had not requested a hearing. In fact, Respondent Palomino had requested a hearing and the District was required to serve him with the Accusation packet. The District attempted to serve Respondent Palomino by hand delivery on May 3, 2013. That attempt was unsuccessful. The District then served Respondent Palomino with the Accusation packet by certified mail on May 3, 2013, the last weekday before the instant matter. Michael R. Feinberg, Esq. (Mr. Feinberg), represented Respondent Palomino in this matter. Through Mr. Feinberg, Respondent Palomino argued that he was prejudiced by the late service in that he was unable to conduct discovery and otherwise properly prepare for hearing.

10(c). Respondent Palomino did not testify. There was no evidence that Respondent Palomino was unable to attend the hearing due to the District's late service of the Accusation packet. Neither Respondent Palomino nor Mr. Feinberg offered any evidence to support the argument of prejudice by late service. There was no evidence establishing any intended or necessary discovery requests relevant to Respondent Palomino. There was no evidence that he was unaware of the time and place of the instant proceeding. There was no evidence that Respondent Palomino intended to make or could have made an argument relevant to his proposed layoff that would have or could have affected his proposed layoff. Mr. Feinberg fully and competently represented Respondent Palomino. As such, the District's late service of the Accusation packet did not prejudice Respondent Palomino. The District's late service of the Accusation packet does not warrant the dismissal of the Accusation against him. "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." (Ed. Code, § 44949, subd. (c)(3).)

11. All jurisdictional requirements were met.

12. The 56 FTE positions at issue in this matter are particular kinds of services that may be reduced or eliminated within the meaning of Education Code section 44955.

13. The Governing Board's decision to reduce or eliminate the particular kinds of services at issue in this matter 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 its discretion.

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

15. The District identified the certificated employees providing the particular kinds of services that the Governing Board directed to be reduced or eliminated.

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

17. At hearing, the District rescinded the layoff notices of Respondents Kim Cao, Cheryl Chen, Agbo-Ola Dada, Kenneth Dawkins, Heather Hodgson, Alton Jimmerson, Elias Montano, Kelley McCollough, Loretta Simmerman, Leslie Walker, and LaShawn Willis.

18. Respondent Tonika Haywood has a seniority date of October 5, 2009. She teaches 7th and 8th grade English and AVID at Enterprise Middle School (Enterprise). Respondent Haywood is being bumped out of her position, firstly by a District employee with a seniority date of March 2, 2009, who in turn, is being bumped by a District employee with a seniority date of January 22, 1991. Each of the more senior employees has the

necessary credentials to bump Respondent Haywood. Respondent Haywood argued that, in informal discussions with the principal at Enterprise, Respondent Haywood believes the school's course offerings will change for the 2013-2014 school year, such that the District's proposed bumping is unnecessary. However, Respondent Haywood conceded that the District has not set Enterprise's class offerings and class assignments at the present. The District will make those determinations well after this proceeding. The District cannot be required to make layoff decisions now on the presumed, that is, speculative, course offerings and course designs of the near future. There was no persuasive argument offered to save Respondent Haywood from layoff.

19(a). Respondent Tammy Raphael has a seniority date of August 25, 2009. She teaches six periods of physical education (P.E.) at Dominguez High School (Dominguez). P.E. students use the school locker rooms daily to, among other things, change clothes. The locker rooms are segregated by gender. Together with a full-time, non-certificated, female locker room attendant, Respondent Raphael helps oversee the girls' locker room daily. At times, there are physical fights in the locker rooms that Respondent Raphael and the locker room attendant must stop. Male employees cannot oversee the girls' locker room. Respondent Raphael is the only female P.E. teacher at Dominguez. In teaching her P.E. classes, Respondent Raphael often demonstrates athletic movements and skills that are particular to females. Often, female students seek out Respondent Raphael to discuss feminine issues, including issues relating to menstruation, pregnancy, and injuries to the female anatomy. With regard to other District high schools, Respondent Raphael knows that there are two female P.E. teachers at Compton High School, and five male P.E. teachers and no female P.E. teachers at Centennial High School.

19(b). Respondent Raphael conceded that it was possible that the District could find ways to monitor the girls' locker room at Dominguez other than through Respondent Raphael, including using other classified or certificated employees to monitor the girls' locker room. She further conceded that there were other female District employees, including other teachers, who female students could speak with regarding female-specific issues. The District may use its District-wide resources to meet its students' needs. Respondents did not cite to any law that would require the District to employ a female P.E. teacher. Respondents made a general reference to a possible violation of federal anti-discrimination statutes, presumably based on gender. They offered no case law or specific argument to support their general reference. The argument was specious. Despite being the sole female P.E. teacher at Dominguez, and despite establishing the significant value of her services to the District, Respondent Raphael is subject to layoff.

20(a). Respondent Edward Boynton has a seniority date of March 3, 2011. He teaches one period of intervention math, five periods of math (four periods of pre-algebra, and one period of algebra) at Whaley Middle School (Whaley). There was no dispute that intervention math and math are distinct courses. The District argued that it was appropriate to layoff Respondent Boynton, although Respondent Boynton only teaches one-sixth of one FTE of intervention math and even though Resolution 12/13-2036 only authorizes it to layoff one FTE of intervention math. Resolution 12/13-2036 does not authorize the reduction of

any FTE positions for math. The District reasoned that all other teachers who teach intervention math are senior to Boynton. Those more senior teachers, like Respondent Boynton, teach only a fraction of their day (one or two periods) of intervention math, and teach the remainder of their periods in math or other courses. No one teacher teaches intervention math for the equivalent of one FTE position. The District asserted that the other more senior teachers who teach periods of intervention math could absorb the five periods of math that Boynton's layoff would leave. The District argued that laying off Boynton allows the District to respect all Respondents' seniority. The District conceded that, in order to make up one FTE in intervention math, the District could have reduced the fractional portions of several intervention math teachers to equal one FTE, and it could have revised and rearranged each of those teachers' course assignments to account for each teacher's fractional reduction.

20(b). Respondents argued that, as Resolution 12/13-2036 only authorizes the reduction of one FTE of intervention math, it is improper for the District to layoff Respondent Boynton completely where only one-sixth of his position relates to the Resolution's targeted reduction. The District failed to notice any other employees who teach intervention math. Respondents represented by Mr. Feinberg argued that, ultimately, another teacher, Respondent Clifton Aska, with a seniority date of September 11, 2009, could bump Respondent Boynton, and Respondent Aska could teach the other five periods of algebra currently taught by Respondent Boynton.

20(c). Respondent Boynton's counsel, Michaela O'Neill (Ms. O'Neill), argued that the District could only reduce that portion of Respondent Boynton's position that corresponds to Resolution 12/13-2036: that is, one-sixth of one FTE of intervention math. Ms. O'Neill's argument was persuasive; the District may only layoff Respondent Boynton by one sixth of his one whole FTE position. That is all that Resolution 12/13-2036 authorizes the District to do.

21(a). Respondent Christopher Ciampa has a seniority date of March 1, 2010. He teaches English at Chavez/Tubman High School. Respondent Ciampa has a single subject English credential; the District has assigned him as an English teacher. Respondent Ciampa explained that, in addition to English and yearbook, he oversees a "credit recovery laboratory," commonly referred to as the "Einstein Lab." Respondent Ciampa oversees the Einstein Lab for three periods and teaches three periods of English. The Einstein Lab is a computer-driven class that allows students to make up needed school course credit. Respondent Ciampa does not lecture or "teach" the Einstein Lab. Instead, the students use computers to complete various subject matter examinations. Respondent Ciampa oversees the students; he answers student questions, and assists them in mastering the particular subject matters required to gain course credit. According to the high school staff schedule, the Einstein Lab covers a significantly diverse number of courses for credit recovery, such as health, economics, earth science, government, U.S. history, English, and biology, among others. Respondent Ciampa is not credentialed in all of these subjects since he only oversees the Einstein Lab and is not teaching every course that students are taking for credit recovery.

21(b). Respondents argued that the District should only be allowed to layoff Respondent Ciampa by three-sixths of an English FTE position because for the remainder of his employment, Respondent Ciampa oversees the Einstein Lab or oversees yearbook. Respondents' argument is somewhat similar to that of Respondent Boynton. However, unlike Respondent Boynton, whom the District has identified and assigned as teaching both intervention math and algebra, the District has identified and assigned Respondent Ciampa as solely teaching English, a designation that Respondent Ciampa did not directly challenge. Respondent Ciampa is not credentialed to teach any subject other than English. Respondent Ciampa's work with the Einstein Lab, while undoubtedly valuable, is not the same as a teacher who would teach each of the various subjects within the Einstein Lab available for credit recovery. Thus, Respondent Ciampa's position with the District fulfills the District's one FTE position in English, despite his other duties. As such, the District has properly identified Respondent Ciampa as one FTE position in 7th to 12th grade English, and thus, properly identified Respondent Ciampa for layoff.

22. Respondent Wanetta Miles has a seniority date of July 3, 1995. She is a student advisor at the Compton Adult School (CAS), a District adult school program. The CAS serves between approximately 1,500 and 1,800 students who range in age from 16 to 95. CAS has 13 instructors and one administrator. She asserted that each instructor teaches a distinct variety of courses. Respondent Miles' position functions similar to that of a school counselor. Respondent Miles explained that CAS offers, among other courses, a citizenship course for immigrants seeking to take the United States citizenship test. Respondent Miles is unaware of any other citizenship course offerings within the District. By eliminating the adult school program, Respondent Miles asserted that the District would essentially end the offering of the citizenship course, among other valuable courses for adults.

23. Respondent Renee Pitman-Bradshaw has a seniority date of July 1, 1982. She is a resource teacher at the Exceptional Adult Center (EAC), a District adult school program. According to Respondent Bradshaw, the EAC is made up of 70 students who have developmental disabilities. As part of her many duties, Respondent Bradshaw sets up the EAC classrooms, facilitates student transportation, and facilitates students' individual program plans with the students' regional centers (a service coordinating entity under the California Department of Developmental Services), and special education plans with the District. Respondent Bradshaw asserted that each adult education teacher performs different tasks and course work within the adult education program. She further asserted that the EAC, in particular, provides essential services for its adult students with developmental disabilities. EAC supports students at the local, annual Special Olympics and it assists students in obtaining part-time employment at the EAC cafeteria. Respondent Bradshaw asserted that by eliminating the EAC, adult students with developmental disabilities would have no similar program available to them.

24. Respondents argued that the District's identification of the adult education program as a whole is legally insufficient to establish the layoff of all of the adult education teachers because each teacher provides distinct services. Respondents argued that the wholesale identification of "adult education" within Resolution 12/13-2036 was not a valid

particular kind of service designation and that the District would have to identify the specific courses and services offered at the adult schools to meet its legal obligation to lay off Respondents Miles and Bradshaw, and all adult education teacher respondents. Additionally, Respondents argued that the elimination of adult education is not in the general interest of the District's students. While the evidence established the tremendous value of the adult education program, the District acted within its proper authority and discretion in determining to eliminate the adult education program. The District's action was not arbitrary or capricious. Its identification as "adult education" on Resolution 12/13-2036 was lawful. The District's complete elimination of its adult education program should be sustained.

25(a). Deanna Price has a seniority date of February 6, 2008. Price is not a respondent in this matter; the District did not notice her for layoff. Her teaching assignment is alternative education teaching, among other things, CAHSEE (the California high school exit examination) preparation, at Chavez/Tubman High School. Price has a clear, multi-subject credential. The District conceded that it had erroneously assigned Price to her current position. That is, with her credentials and background, Price should not be in her current position; she is not qualified for that position. The District conceded that with her credentials and seniority date, and had the District not wrongly assigned Price, Price would have been identified for layoff. There is at least one teacher more senior to Price whom the District has identified for layoff. The District argued that the issue related to Price was outside the jurisdiction of this proceeding and that the District would take steps to correct Price's erroneous assignment outside of the instant proceeding with its later reassignments and rehiring process for the ensuing school year. The evidence did not establish what position Price can properly hold based on her credentials.

25(b). Respondents argued that Price's erroneous assignment by the District improperly saved her from layoff at the expense of at least one other Respondent who has more seniority than Price. Respondents argued the senior most Respondent with the same credential as Price should be saved from layoff. Respondents identified Respondent Mary Jane Van Der Weyde, with a seniority date of January 8, 2008, as that senior most Respondent with the same credential as Price. Respondents' argument was persuasive. Respondents need not suffer one additional layoff due to the District's erroneous assignment of Price. If the District's argument were accepted, Price would be retained to render a service that a laid-off but more senior Respondent (more senior to Price) is certificated and competent to render. Such a result cannot stand if the statutes applicable here are to be followed. To address Price's improper shielding from layoff, it is appropriate to dismiss the Accusation against Respondent Mary Jane Van Der Weyde.

26(a). Respondent Jordan Littlejohn has a seniority date of January 22, 2008. He teaches reading intervention at Dominguez. Respondent Littlejohn has a clear, multi-subject credential; a preliminary level one, education specialist instruction credential; and a special education authorization for mild to moderate disabilities.

26(b). On January 15, 2013, the District sent Respondent Littlejohn, and all Respondents, a letter entitled, "Credential and Seniority Date Verification." Each letter to

Respondents showed, among other things, each Respondent's seniority date, credentials, and authorizations, if any. Respondent Littlejohn's letter from the District showed that he had a "Clear MS" [multi-subject] credential, and a "CLAD" [cross-cultural, language, and academic development certificate] authorization. It failed to show his special education authorization. Respondent Littlejohn's letter, like all Respondents' letters, stated, "If you believe the credential and/or authorization information is not accurate or complete, then please check Box #3 below and attach supporting documentation." Respondent Littlejohn failed to dispute the District's listing of his authorizations and checked Box #1 instead. Box #1 stated, "I believe the seniority date, credential, and authorization information is correct."

26(c). Before the District offered his verification letter response in evidence, Respondent Littlejohn testified at hearing that, when he received the January 15, 2013 letter from the District, he checked Box #3 to dispute the absence of his special education authorization. That was incorrect; he had checked Box #1. Respondent Littlejohn also testified that, in approximately February 2013, while at the District offices on an unrelated matter, Respondent Littlejohn discussed his special education authorization with an unidentified District employee who acknowledged verbally that his special education authorization was noted within the District's computer database. Given Respondent Littlejohn's inaccurate testimony regarding his verification letter response, his other assertions were not credible.

26(d). The District asserted that it relied on Respondent Littlejohn's failure to dispute the absence of his special education authorization in his verification letter to then notice him for layoff. At hearing, the District conceded that if it had been aware of Respondent Littlejohn's special education authorization at the time that it was identifying Respondents, Respondent Littlejohn would not have been laid off because Respondent Littlejohn would have been able to bump another less senior teacher with similar special education qualifications. Respondent Littlejohn identified the next less senior teacher to him with special education qualifications, Andrea Trujillo, a special day class elementary school teacher with a seniority date of January 3, 2012. The District did not notice Trujillo for layoff. The evidence failed to identify a specific Respondent position less senior to Respondent Littlejohn that Respondent Littlejohn could bump into based on his special education authorization.

26(e). The District argued that it took action to identify Respondent Littlejohn for layoff diligently and in good faith, relying on Respondent Littlejohn's response to its January 15, 2013 letter. The District argued that Respondent Littlejohn's layoff was warranted, based on the information it elicited and obtained during the layoff planning process. The District asserted that, if Respondent Littlejohn is laid off, and thereafter a vacancy presents, it was likely that, through the reemployment process, the District would recall Respondent Littlejohn into a position that would utilize his special education authorization.

26(f). The District's argument was unpersuasive. Although the District relied on Respondent Littlejohn's assertion that he had no authorizations at the time that the District was determining respondents for layoff, if he is laid off, a certificated employee junior to

Respondent Littlejohn would be retained to render a service that Respondent Littlejohn is certificated and competent to render. The instant proceeding's purpose is to disallow such results. Therefore, the Accusation against Respondent Littlejohn should be dismissed.

27. Respondent Andrew Barajas has a seniority date of November 13, 2002. He teaches in the Cadet Corps program (CC) at Whaley. CC is a military-sponsored, military-style program generally similar to a junior R.O.T.C. program, if such a program were in a middle school. Respondent Barajas explained that some people hold the misconception that CC seeks to indoctrinate middle school students into the military, but in fact, while military-sponsored, CC emphasizes academics, while instilling discipline, responsibility, respect, and leadership skills into the student cadets. Respondent Barajas opines that CC serves a valuable function in light of the rise in criminal activity among the general population. Several middle schools have a high number of CC enrollees. In at least one middle school, student enrollment in CC is greater than 50 percent of that school's total student population. At Whaley, greater than 30 percent of the student population is enrolled in CC. The District's proposed reduction of six FTEs in CC equals the total FTEs that make up CC within the District. Despite its value to the District, there was no persuasive evidence to shield the six FTE positions in CC from layoff.

28. Respondent Marcelo Martinez has a seniority date of November 22, 2010. He teaches music at the Vanguard Learning Center, a middle school. Respondent Martinez teaches music, choir, and band. He teaches many and varied instruments, as well as how to read music. All music classes are electives. Respondent Martinez argued that the federal No Child Left Behind Act of 2001 defines music as an academic course, and that music is and should be a standard part of a liberal arts education. There was no persuasive evidence to bar Respondent Martinez's layoff as the one FTE position in 7th to 12th grade music.

29. Respondents argued that the reduction of 11 FTEs in kindergarten to sixth grade teachers is not in the general interest of the District's students, as such a reduction will likely result in increased classroom sizes, among other negative consequences for the District's youngest students. All of the District's reductions and eliminations will undoubtedly have a negative impact on the District's students, but the pertinent question on this point is whether the District can continue to provide all legally mandated educational services after the proposed reductions and eliminations are taken into consideration. The evidence established that the District can provide all such services. Thus, all of the District's proposed reductions and eliminations are within its authority and discretion, and therefore, allowable.

30. 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 District bore the burden of proof by a preponderance of the evidence.

2. The parties met all notice and jurisdictional requirements set forth in Education Code sections 44949 and 44955.

3. 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.)

4. The services identified in Resolution 12/13-2036 are particular kinds of services that the Governing Board can reduce or eliminate under Education Code section 44955. The Governing Board’s decision to reduce or eliminate the identified services was not arbitrary or capricious; it was a proper exercise of its discretion. Cause for the reduction or elimination of services relates solely to the welfare of the District’s schools and pupils within the meaning of Education Code section 44949.

5. The District’s rescinding of the notices of layoff for the employees noted in Factual Finding 17 is appropriate.

6. All remaining arguments by the parties not already discussed were unpersuasive.

7. The District properly identified the certificated employees providing the particular kinds of services that the Governing Board directed to be reduced or eliminated.

8. The District established cause to not reemploy Respondents listed in Appendix D for the 2013-2014 school year.

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

10. Cause exists to sustain the District’s action to reduce or discontinue the full-time equivalent positions set forth in Resolution 12/13-2036 for the 2013-2014 school year, pursuant to Education Code sections 44949 and 44955, as set forth in Factual Findings 1-30, and Legal Conclusions 1-9.

ORDER

1. The particular kinds of services that the Governing Board of the Compton Unified School District directed to be reduced or eliminated are sustained.

2. Notice shall be given to Respondents in Appendix D that their services will be terminated at the close of the 2012-2013 school year.

3. The District may only layoff Respondent Edward Boynton by one-sixth of his FTE position of intervention math. The remainder of his position, teaching math (pre-algebra and algebra), is retained.

4. The Accusations against Respondents Kim Cao, Cheryl Chen, Agbo-Ola Dada, Kenneth Dawkins, Heather Hodgson, Alton Jimmerson, Jordan Littlejohn, Elias Montano, Kelley McCollough, Loretta Simmerman, Mary Jane Van Der Weyde, Leslie Walker, and LaShawn Willis are dismissed. The District shall retain these 13 Respondents.

Dated: May 13, 2013

DANIEL JUAREZ
Administrative Law Judge
Office of Administrative Hearings

Appendix A
OAH Case No. 2013031106
Respondents Represented by Schwartz, Steinsapir, Dohrmann & Sommers

1. Aska, Clifton
2. Ball, Juan
3. Barajas, Andrew
4. Bowie, Michael
5. Buycks, Monique
6. Cao, Kim
7. Ciampa, Christopher
8. Consuegra, Silvana
9. Dada, Agbo-Ola
10. Dawkins, Kenneth
11. Garbutt, Dorothea
12. Garcia, Mireya
13. Gideon, Darryl
14. Gomez, Ana
15. Gomez-Rangel, Jorge
16. Gudino, Cristina
17. Gutierrez, Jason
18. Haywood, Tonika
19. Herring, Lartaria
20. Inge, Regis
21. Littlejohn, Jordan
22. Lopez-Olivar, Maria
23. Marroquin, Vanessa
24. Martinez, Marcelo
25. Mercado, Ana
26. Milligan, Cassandra
27. Miranda, Herman
28. Montano, Elias
29. Munley, Sean
30. Nash, Tanekia
31. Palomino, Ernesto
32. Raphael, Tammy
33. Sassi, Lamyaa
34. Simonette, Marcus
35. Simonette, Sandra
36. Skeete, Rudolph
37. Solis, Magdalena
38. Sreshta, Kenneth
39. Stewart-Guillory, Joey Maureen
40. Torres, Carmen

Appendix A—continued
OAH Case No. 2013031106

Respondents Represented by Schwartz, Steinsapir, Dohrmann & Sommers

41. Turner, Jeannice
42. Van Der Weyde, Mary Jane
43. Buchanan, Pauline
44. Chiappe, Mario
45. Hernandez, Laura
46. Leandro, Maricela
47. Miles, Wanetta
48. Navarrete, Eva
49. (Pittman) Bradshaw, Renee
50. Sanchez, Patricia
51. Smock, Delores
52. Spears, Lionel

Appendix B
OAH Case No. 2013031106
Respondents Represented by California Teachers Association/Michaela O'Neill

1. Boynton, Edward
2. Hodgson, Heather
3. Jimmerson, Alton
4. McCollough, Kelley
5. McIntosh, Larry
6. Simmerman, Loretta
7. Walker, Leslie

Appendix C
OAH Case No. 2013031106
All Respondents

1. Aska, Clifton
2. Ball, Juan
3. Barajas, Andrew
4. Bowie, Michael
5. Boynton, Edward
6. Braden, Sharon
7. Brashears, Marian
8. Buchanan, Pauline
9. Buycks, Monique
10. Cao, Kim
11. Chen, Cheryl
12. Chiappe, Mario
13. Ciampa, Christopher
14. Connor, Melinda
15. Consuegra, Silvana
16. Dada, Agbo-Ola
17. Dawkins, Kenneth
18. Garbutt, Dorothea
19. Garcia, Mireya
20. Gideon, Darryl
21. Gomez, Ana
22. Gomez-Rangel, Jorge
23. Gudino, Cristina
24. Gutierrez, Jason
25. Haywood, Tonika
26. Hernandez, Laura
27. Herring, Lartaria
28. Hodgson, Heather
29. Inge, Regis
30. Jimmerson, Alton
31. Leandro, Maricela
32. Littlejohn, Jordan
33. Lopez-Olivar, Maria
34. Marroquin, Vanessa
35. Martinez, Marcelo
36. McCullough, Kelley
37. McIntosh, Larry
38. Mercado, Ana
39. Miles, Wanetta
40. Milligan, Casandra

Appendix C—continued
OAH Case No. 2013031106
All Respondents

41. Miranda, Herman
42. Montano, Elias
43. Munley, Sean
44. Nash, Tanekia
45. Navarrete, Eva
46. Palomino, Ernesto
47. Pittman, Renee
48. Prince, Melanie
49. Raphael, Tammy
50. Sanchez, Patricia
51. Sassi, Lamyaa
52. Simmerman, Loretta
53. Simonette, Sandra
54. Simonette, Sandra
55. Skeete, Rudolph
56. Smock, Delores
57. Solis, Magdalena
58. Spears, Lionel
59. Sreshta, Kenneth
60. Stewart-Guillory, Joey Maureen
61. Strickland, Anne
62. Torres, Carmen
63. Turner, Jeannice
64. Van Der Weyde, Mary Jane
65. Walker, Leslie
66. Willis, LaShawn

Appendix D
OAH Case No. 2013031106
All Respondents To Receive Final Layoff Notices

1. Aska, Clifton
2. Ball, Juan
3. Barajas, Andrew
4. Bowie, Michael
5. Boynton, Edward
6. Braden, Sharon
7. Brashears, Marian
8. Buchanan, Pauline
9. Buycks, Monique
10. Chiappe, Mario
11. Ciampa, Christoper
12. Connor, Melinda
13. Consuegra, Silvana
14. Garbutt, Dorothea
15. Garcia, Mireya
16. Gideon, Darryl
17. Gomez, Ana
18. Gomez-Rangel, Jorge
19. Gudino, Christina
20. Gutierrez, Jason
21. Haywood, Tonika
22. Hernandez, Laura
23. Herring, Lartaria
24. Inge, Regis
25. Leandro, Maricela
26. Lopez-Olivar, Maria
27. Marroquin, Vanessa
28. Martinez, Marcelo
29. Mercado, Ana
30. McIntosh, Larry
31. Miles, Wanetta
32. Milligan, Casandra
33. Miranda, Herman
34. Munley, Sean
35. Nash, Tanekia
36. Navarette, Eva
37. Palomino, Ernesto
38. Pittman, Renee
39. Prince, Melanie
40. Raphael, Tammy

Appendix D—continued
OAH Case No. 2013031106
All Respondents To Receive Final Layoff Notices

41. Sassi, Lamyaa
42. Sanchez, Patricia
43. Simonette, Sandra
44. Simonette, Marcus
45. Skeete, Rudolph
46. Smock, Delores
47. Solis, Magdalena
48. Spears, Lionel
49. Sreshta, Kenneth
50. Stewart-Guillory, Joey Maureen
51. Strickland, Anne
52. Torres, Carmen
53. Turner, Jeannice