

PLACENTIA-YORBA LINDA UNIFIED SCHOOL DISTRICT
1301 E. Orangethorpe Avenue
Placentia, CA

Minutes
Regular Meeting
Board of Education

6:00 p.m., Tuesday, May 12, 2009
District Educational Center
1301 E. Orangethorpe Avenue
Placentia, CA 92870

A Regular Meeting of the Board of Education of the Placentia-Yorba Linda Unified School District, was called to order by Mrs. Karin Freeman, President, at 6:00 p.m., Tuesday, May 12, 2009 at the District Educational Center, 1301 E. Orangethorpe Avenue, Placentia.

CLOSED SESSION

Adjourned to Closed Session for the purpose of discussing matters expressly authorized by Government Code Sections 3549.1, 54956.8, 54956.95, 54957, and 54957.6 at 6:02 p.m.

REGULAR SESSION

Reconvened to Regular Session at 7:08 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Members Present: Mrs. Karin Freeman, President
Mrs. Carol Downey, Vice President
Mrs. Janice Wagner, Clerk
Mr. Eric Padget, Trustee
Mrs. Judy Miller, Trustee
Avanti Kelkar, Student Board Representative
Dr. Dennis Smith, Secretary

PUBLIC HEARING

A Public Hearing was held relative to Intent to Dedicate Easement for public sidewalk purposes along Bastanchury Road to the City of Yorba Linda.

Action: Carried	Motion: Mrs. Janice Wagner
Ayes: 5	Second: Mr. Eric Padget
Noes: 0	

MINUTES

Approved the minutes of the Regular Meeting of April 7, 2009.

Action: Carried

Ayes: 5

Noes: 0

Motion: Mrs. Carol Downey

Second: Mr. Eric Padget

RECOGNITION/PRESENTATIONS

- Introduction of Dr. Michael Worley, Superintendent, North Orange County Regional Occupational Program
- National Merit Scholars
- Outstanding High School Seniors
- California's CIF Scholar/Athlete of the Year - Candace Wu, Valencia High School
- Classified School Employees' Week (resolution read by Meredith Castillo, 1st Vice President, CSEA)

PUBLIC COMMENT

The following individuals addressed the Board regarding high school attendance boundaries:

Gary Chase
Reeve Garrett
Susan Garrett
Vickie Wertz
Victoria Bock
Gina Lemos
Theresa Stull

STUDENT BOARD REPORT

Avanti Kelkar, Student Board Representative, provided a report relative to activities and events occurring at the district's high schools.

SUPERINTENDENT'S REPORT

- Announcement of site visitation to La Entrada High School relative to Exemplary Independent Study Recognition Award
- Brief overview of the activities at district schools in recognition of Teacher Appreciation Week
- Update on federal stabilization monies as related to the State budget
- Smart classroom update on installation and bids provided by Bob Blackney, Director, Technology

APPROVAL OF AGENDA

Approved the May 12, 2009 Board of Education agenda as amended and recommended by the Superintendent.

Action: Carried

Ayes: 5

Noes: 0

Motion: Mrs. Carol Downey

Second: Mr. Eric Padget

CONSENT CALENDAR

1. Approved/ratified purchase orders in the following amounts: **(2008/09)** – General Fund (01), \$1,307,287.11; Child Development Fund (12), \$14,317.61; Cafeteria Fund (13), \$75,901.41; Deferred Maintenance Fund (14), \$1,429.21; Building Fund Measure Y (Series A) Fund (21), \$11,626.44; Building Fund Measure Y (Series B) Fund (22), \$12,358.05; Building Fund Measure Y (Series C) Fund (23), \$19,298.90; Capital Facilities Fund (25), \$3,209.00; Building Fund Measure A (Series A) Fund (26), \$706,583.13; School Facilities Fund Prop 47 Fund (39), \$119,359.87; Insurance Property Loss Fund (70), \$2,917.79
2. Approved warrant listings and payroll register in the following amounts: Warrant Registers #823801 through 839026 and #568413 through 569913; current year expenditures (March 22, 2009, through April 25, 2009) \$11,605,680.94; total prior year expenditures, \$0 (2007-2008); and payroll register 9A, \$10,251,632.71 and 8B, \$3,624,397.22
3. Approved contractor(s) for Open Field Service Agreement(s). (See attached.)
4. Accepted as complete the project(s) listed and authorized filing Notice(s) of Completion. (See attached.)
5. Denied the general liability claim presented by Patti Klein.
6. Denied the general liability claim presented by Mr. and Mrs. Mullinax as guardians for Jack Mullinax.
7. Approved consulting agreement with Perr & Knight for actuarial report relating to the actuarial analysis of the District's workers compensation program.
8. Approved Independent Contractor Agreements – Facilities & Planning – as listed in accordance with Board Policy No. 4124, Retention of Consultants. (See attached.)
9. Approved Change Order No. 1 to Purchase Order No. 905236, Bid No. 209-06 to South Coast Pool Plastering, Inc. for Valencia High School, Swimming Pool Renovation, Project No. VHS 9224-9304-074.
10. Approved Change Order No.3 to Purchase Order No. 800839, Bid No. 207-43 to Standard Drywall, Inc. for Yorba Linda High School, Project No. YLH-9606.
11. Awarded bid to lowest responsive and responsible bidder and approved contract for Bid No. 209-12, to Pringler Inc., dba National Carport Industries, Creative Contractor Corp, and USA Shade & Fabric Structures for the Unit Price Bid District Wide Shade Structures as indicated above.

CONSENT CALENDAR, Continued

12. Approved Professional Services Agreement with F.T. Andrews, Inc. for engineering services at Mabel Paine Elementary School for the HVAC Replacement project. Contract period May 1, 2009 through December 31, 2011. Contract No. 0809-66. Project No. MP-9202-9302-031.
13. Approved Amendment No. 2 to Professional Service Agreement with TGR Geotechnical, Inc. for additional geotechnical and material inspection and testing services at Gualberto J. Valadez Middle School Academy. Contract No. 0607-19. Project No. SW-9533. Purchase Order No. 707174.
14. Approved Resolution No. 32, Intent to Dedicate Easement to City of Yorba Linda for public sidewalk purposes at the Yorba Linda High School site. (See attached.)
15. Approved Independent Contractor Agreements – Educational Services - as listed in accordance with Board Policy No. 4124, Retention of Consultants. (See attached.)
16. Approved special education master contracts, individual service contracts and related services for the 2008/2009 school year. (Individual contracts on file) (See attached.)
17. Approved contract with Transworld Systems, Inc. for the collection of delinquent child care accounts.
18. Approved Programmer Services Agreement with Quintessential School Systems for the 2009/2010 school year.
19. Approved Services and Support Agreement with Quintessential School Systems for the 2009/2010 school year.
20. Approved program agreement with Long Beach Marine Institute for extended field trip for Kraemer Middle School, May 26, 2009 to Long Beach, California.
21. Approved Melrose Elementary School to participate in the Inside the Outdoors Field Program with the Orange County Department of Education.
22. Approved Single Plan for Student Achievement for El Dorado High School.
23. Approved waiver requested by Esperanza High School student 991302 indicating that he/she has met the CAHSEE requirement for Mathematics.
24. Approved waiver requested by Esperanza High School student 3944 indicating that he/she has met the CAHSEE requirement for Mathematics.
25. Approved waiver requested by Esperanza High School student 960512 indicating that he/she has met the CAHSEE requirement for Mathematics and English Language Arts.
26. Approved waiver requested by Valencia High School student 964007 indicating that he/she has met the CAHSEE requirement for Mathematics and English Language Arts.
27. Approved waiver requested by Valencia High School student 961661 indicating that he/she has met the CAHSEE requirement for Mathematics and English Language Arts.
28. Approved waiver requested by Valencia High School student 32614 indicating that he/she has met the CAHSEE requirement for English Language Arts.

CONSENT CALENDAR, Continued

29. Approved waiver requested by Valencia High School student 45078 indicating that he/she has met the CAHSEE requirement for Mathematics and English Language Arts.
30. Approved waiver requested by Valencia High School student 971975 indicating that he/she has met the CAHSEE requirement for Mathematics.
31. Approved waiver requested by Valencia High School student 971688 indicating that he/she has met the CAHSEE requirement for Mathematics.
32. Approved waiver requested by Valencia High School student 802804 indicating that he/she has met the CAHSEE requirement for Mathematics and English Language Arts.
33. Approved waiver requested by Valencia High School student 985522 indicating that he/she has met the CAHSEE requirement for Mathematics.
34. Approved waiver requested by Valencia High School student 973471 indicating that he/she has met the CAHSEE requirement for Mathematics.
35. Approved waiver requested by Valencia High School student 962660 indicating that he/she has met the CAHSEE requirement for Mathematics and English Language Arts.
36. Approved waiver requested by Valencia High School student 962352 indicating that he/she has met the CAHSEE requirement for Mathematics and English Language Arts.
37. Approved waiver requested by Valencia High School student 63311 indicating that he/she has met the CAHSEE requirement for Mathematics and English Language Arts.
38. Approved waiver requested by Valencia High School student 983952 indicating that he/she has met the CAHSEE requirement for Mathematics and English Language Arts.
39. Approved waiver requested by Valencia High School student 974706 indicating that he/she has met the CAHSEE requirement for English Language Arts.
40. Approved waiver requested by Valencia High School student 974705 indicating that he/she has met the CAHSEE requirement for English Language Arts.
41. Approved waiver requested by Valencia High School student 42892 indicating that he/she has met the CAHSEE requirement for English Language Arts.
42. Approved waiver requested by Valencia High School student 973921 indicating that he/she has met the CAHSEE requirement for English Language Arts.
43. Approved waiver requested by Valencia High School student 63310 indicating that he/she has met the CAHSEE requirement for English Language Arts.
44. Approved waiver requested by Valencia High School student 962578 indicating that he/she has met the CAHSEE requirement for English Language Arts.
45. Approved waiver requested by Valencia High School student 14906 indicating that he/she has met the CAHSEE requirement for Mathematics.

CONSENT CALENDAR, Continued

46. Approved waiver requested by Valencia High School student 701490 indicating that he/she has met the CAHSEE requirement for Mathematics and English Language Arts.
47. Approved waiver requested by Valencia High School student 32946 indicating that he/she has met the CAHSEE requirement for Mathematics.
48. Approved waiver requested by Valencia High School student 22518 indicating that he/she has met the CAHSEE requirement for Mathematics.
49. Approved waiver requested by Valencia High School student 970372 indicating that he/she has met the CAHSEE requirement for Mathematics.
50. Approved waiver requested by Valencia High School student 64055 indicating that he/she has met the CAHSEE requirement for Mathematics.
51. Approved waiver requested by Valencia High School student 994940 indicating that he/she has met the CAHSEE requirement for Mathematics and English Language Arts.
52. Approved/ratified extended field trips as listed in accordance with Board Policy No. 6153, Field Trips.
53. Accepted gifts as listed, such action being in compliance with Education Code Section 41032, and directed the Superintendent to send letters of appreciation.
54. Approved the Stipulated Expulsion Agreement between the Placentia-Yorba Linda Unified School District and the parents of 0967A5.
55. Approved the Stipulated Expulsion Agreement between the Placentia-Yorba Linda Unified School District and the parents of 0968A2B.
56. Approved district membership in the California School Boards Association and the California School Boards Association Education Legal Alliance for the 2009-2010 school year.
57. Approved the student teaching agreement with Cal State Fullerton, Cal State Teach Program, from September 1, 2009 to December 31, 2014.
58. Approved Classified Personnel Report. (See attached.)
59. Approved Certificated Personnel Report. (See attached.)

Approved the above listed recommendations.

Action: Carried
Ayes: 5
Noes: 0

Motion: Mr. Eric Padget
Second: Mrs. Judy Miller

GENERAL FUNCTIONS

1. Adopted Resolution No. 31 designating the week of May 17 – 23 as “Classified School Employees’ Week.” (See attached.)

Action: Carried
Ayes: 5
Noes: 0

Motion: Mrs. Janice Wagner
Second: Mrs. Carol Downey

2. Revise Board Policy 6141.5, *Independent Study*, first reading. (See attached.)

Action: Carried
Ayes: 5
Noes: 0

Motion: Mrs. Carol Downey
Second: Mrs. Janice Wagner

3. Revise Board Policy 3541, *Transportation*, first reading. (See attached.)

Action: Carried
Ayes: 5
Noes: 0

Motion: Mr. Eric Padget
Second: Mrs. Judy Miller

FACILITIES & PLANNING

1. Rejected Lightwerks Communications Systems, Inc., dba CCS Presentation Systems, Inc. bid for Bid No. 209-16 Smart Classroom Infrastructure at Woodsboro Elementary School.

Action: Carried
Ayes: 5
Noes: 0

Motion: Mr. Eric Padget
Second: Mrs. Janice Wagner

2. Rejected Lightwerks Communications Systems, Inc., dba CCS Presentation Systems, Inc. bid for Bid No. 209-17 Smart Classroom Infrastructure at Tynes Elementary School.

Action: Carried
Ayes: 5
Noes: 0

Motion: Mrs. Janice Wagner
Second: Mrs. Carol Downey

3. Awarded bid to lowest responsive and responsible bidder and approved contract for Bid No. 209-16, to Digital Networks Group, Inc. for Smart Classrooms Infrastructure at Woodsboro Elementary School. Project No. WDS-9226-9304-051.

Action: Carried
Ayes: 5
Noes: 0

Motion: Mrs. Carol Downey
Second: Mr. Eric Padget

4. Awarded bid to lowest responsive and responsible bidder and approved contract for Bid No. 209-17, to Time & Alarm Systems, Inc. for Smart Classrooms Infrastructure at Tynes Elementary School. Project No. TYN-9225-9303-051.

Action: Carried
Ayes: 5
Noes: 0

Motion: Mrs. Judy Miller
Second: Mrs. Carol Downey

FACILITIES & PLANNING, Continued

5. Awarded bid to lowest responsive and responsible bidder and approved contract for Bid No. 209-18, to Lightwerks Communication Systems, Inc., dba CCS Presentation Systems, Inc. for Smart Classrooms Infrastructure at Brookhaven Elementary School. Project No. BRK-9204-9305-051.

Action: Carried
Ayes: 5
Noes: 0

Motion: Mrs. Janice Wagner
Second: Mr. Eric Padget

6. Awarded bid to lowest responsive and responsible bidder and approved contract for Bid No. 209-19, to Lightwerks Communications Systems, Inc., dba CCS Presentation Systems, Inc. for the Unit Price Bid District Wide Smart Classrooms.

Action: Carried
Ayes: 5
Noes: 0

Motion: Mr. Eric Padget
Second: Mrs. Carol Downey

7. Adopted Resolution No. 28, authorizing the use of The State of California, Department of General Services CMAS Contract #3-09-00-0493B through December 31, 2009.

Action: Carried
Ayes: 5
Noes: 0

Motion: Mrs. Carol Downey
Second: Mrs. Janice Wagner

8. Adopted Resolution No. 30, authorizing the use of The State of California, Department of General Services CMAS Contract #3-09-00-0494A through December 31, 2009.

Action: Carried
Ayes: 5
Noes: 0

Motion: Mrs. Judy Miller
Second: Mr. Eric Padget

PERSONNEL

1. Reviewed and adopted the proposed decision in the reduction-in-force hearing as modified in revised Exhibit C attached.

Action: Carried
Ayes: 5
Noes: 0

Motion: Mr. Eric Padget
Second: Mrs. Carol Downey

2. Approved layoff of certificated employees for 2009/10 as presented in modified Exhibit A attached and issuance of final layoff notices.

Action: Carried
Ayes: 5
Noes: 0

Motion: Mrs. Carol Downey
Second: Mrs. Judy Miller

COMMUNICATIONS

1. Invitation to Esperanza High School Distinguished Aztecs Academic Recognition event on May 20, 2009
2. Invitation to El Dorado High School Senior Awards Ceremony on May 21, 2009
3. Invitation to Retirement Tea honoring Lloyd Porter on May 27, 2009
4. Invitation to Placentia Library Friends Foundation Authors' Luncheon on May 16, 2009
5. Invitation to Bradford Avenue Pedestrian Bridge Dedication Ceremony on May 12, 2009
6. Letter from William Habermehl, Orange County Superintendent of Schools regarding his intent to run for re-election
7. Brochure regarding California School Boards Association Legislative Action Conference, May 17-18, 2009
8. Invitation to AVID senior recognition event on April 30, 2009
9. Invitation to Orange County Government Leaders' Prayer Breakfast on May 20, 2009
10. Invitation to Hispanic Education Endowment Fund 16th Annual Gala Celebration Apple of Gold Awards Dinner, October 16, 2009
11. Brochure regarding 2010 National Superintendent of the Year Program
12. Invitation to Placentia Yorba Linda Unified Council of PTA/PTSA's Council Installation and Honorary Service Awards Dinner on June 3, 2009
13. Information regarding California Consortium of Education Foundations' Education Foundation Fundamentals Workshop on May 15, 2009
14. National School Boards Association Enrollment Form
15. E-mail from Scott Absher regarding potential funding opportunities

BOARD REPORT

1. Mrs. Judy Miller enjoyed the tour provided by Alma Padilla of the School Readiness, CBET, and Even Start programs at Melrose, Rio Vista, and Ruby Drive Elementary Schools. The school visits included a parent potluck and opportunity to view projects created by parents which were entitled "All About Me." Mrs. Miller was also provided a booklet of information regarding these district programs. Mrs. Miller inquired about the future funding for these programs.
2. Mr. Eric Padget attended the Orange County School Board Association dinner meeting and spoke briefly about the presentation made by featured speaker Paula Campbell, President of CSBA, regarding the implications of the May 19, 2009 ballot measures. Mr. Padget commended the efforts of Personnel staff and Beth Berndt, Assistant Superintendent of Personnel Services, on their recent perfect County credential audit.
3. Mrs. Janice Wagner had the pleasure of attending the Yorba Linda Veterans' Memorial dedication ceremony. She mentioned that a PYLUSD student had designed the memorial. She was also pleased to have attended Valencia High School's Distinguished Scholar Night and shared her delight in seeing the development of the programs offered at the school as well as the achievement of the students. Mrs. Wagner expressed appreciation for the End-of-the-Year Activities chart provided by Educational Services.
4. Mrs. Carol Downey greatly enjoyed El Dorado High School's Distinguished Scholars event.
5. Mrs. Karin Freeman was pleased to have attended El Dorado High School's Distinguished Scholars event. She also attended Assemblyman Mike Duvall's Breakfast Club Meeting and shared briefly regarding the presentation of featured speaker Professor Richard McKenzie from the Paul Merage School of Business, UCI. Mrs. Freeman shared a news article from the *Los Angeles Times* regarding former PYLUSD student John Freese. She also enjoyed her tour of Topaz Elementary School with Principal Rafael Plascencia and commented briefly on the great things going on at that school. She was also pleased to have participated in El Dorado High School's Senior Project event. Mrs. Freeman indicated the Yorba Linda Chamber of Commerce's Student Scholarship Breakfast is scheduled for May 27, 2009; a number of PYLUSD students will be scholarship recipients. PYLUSD students were also recognized at the North Orange County Regional Occupational Program's Celebration of Students.

ADJOURNMENT

Time: 9:31 p.m.

Mrs. Karin Freeman, President, adjourned the May 12, 2009, Board of Education meeting at 9:31 p.m.

Action: Carried

Ayes: 5

Noes: 0

Motion: Mr. Eric Padget

Second: Mrs. Judy Miller

NEXT SCHEDULED MEETING

May 26, 2009

OPEN FIELD SERVICE AGREEMENT FOR UNDER \$15,000

<u>Vendor Name</u>	<u>Contract #</u>	<u>Services Provided</u>
Logical Choice Technologies, Inc.	OA-432051214	Installation of Smart Classrooms throughout the district as needed.

NOTICES OF COMPLETION

<u>P.O. Number</u>	<u>Contractor</u>	<u>Project</u>
903244	Hardy & Hardy, Inc.	Yorba Linda Middle School Bid 208-6 Concrete/Masonry/Earth Moving/Grading
906422	Painting and Décor, LTD	Tuffree Middle School Recurring Maintenance
906421	Painting and Décor, LTD	Tuffree Middle School Recurring Maintenance
907291	Adele Construction, Inc.	Tuffree Middle School Roofing Project
907290	Adele Construction, Inc.	Tuffree Middle School Roofing Project
905236	South Coast Pool Plastering, Inc.	Valencia High School Bid No. 209-6 Swimming Pool Renovation Project

INDEPENDENT CONTRACTOR AGREEMENT – FACILITIES & PLANNING

Knowland Construction
Services

Approve Independent Contractor Agreement to provide DSA Inspection Services for the closeout of Rio Vista Elementary School (DSA# 101834), Topaz Elementary School (DSA# 101845) and various other projects as needed. Contract period May 1, 2009 – December 31, 2009. Contract No. 0809-65.

Capital Facilities Fund (25)

\$ 15,000.00

School Facilities Fund Prop 47 Fund (39)

RESOLUTION NO. 32
PLACENTIA-YORBA LINDA UNIFIED SCHOOL DISTRICT
RESOLUTION OF INTENT TO DEDICATE EASEMENT TO
CITY OF YORBA LINDA

WHEREAS, City of Yorba Linda ("City") has requested that Placentia-Yorba Linda Unified School District ("School District") dedicate an easement for public sidewalk access ("Easement") upon a portion of the Yorba Linda High School site. A legal description and a map depicting the location of the Easement are attached hereto as Exhibits "A" and "B," respectively, and are incorporated by reference herein; and

WHEREAS, pursuant to Education Code section 17556, the governing board of a school district (Board) may convey to a municipal corporation or political subdivision of the state any real property belonging to such school district; and

WHEREAS, pursuant to Education Section 17557, the Board must, prior to dedicating an easement, adopt a resolution declaring its intention to dedicate such easement in a regular open meeting by two-thirds (2/3) vote of its members; and

WHEREAS, pursuant to Education Code Section 17557, the Board must fix a time at its regular place of meeting for a public hearing upon the question of making the dedication of Easement to City of Yorba Linda; and

WHEREAS, pursuant to Education Code Section 17558, the District is required to post copies of this Resolution, signed by the Board, in three (3) public places within the School District's boundaries not less than ten (10) days before the Public Hearing, and published notice once, not less than five days before the Public Hearing, in a local newspaper; and

NOW, THEREFORE, THE BOARD DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the above recitals are all true and correct.

Section 2. That the Board declares its intent to dedicate the Easement to City of Yorba Linda upon the terms and conditions set forth in the Resolution.

Section 3. That the Board establishes May 26, 2009 for a public hearing on the question of the District's intent to dedicate the Easement to City of Yorba Linda.

Section 4. That District staff shall post Resolution No 32 in three (3) public places within the District's boundaries and publish notice of the adoption of this Resolution in compliance with Education Code Section 17558.

Passed and adopted by the Governing Board of Placentia-Yorba Linda Unified School District on May 12, 2009.

Karin Freeman
President of the Board of Education
Placentia-Yorba Linda Unified School District

Janice Wagner
Clerk of the Board of Education
Placentia-Yorba Linda Unified School District

EXHIBIT "A"**LEGAL DESCRIPTION**

In the City of Yorba Linda, County of Orange, State of California, being those portions of Section 23, Township 3 South, Range 9 West, of the San Bernardino Meridian, according to the Official Plat of said land filed in the District Land Office, as shown on Record of Survey filed in Book 74, Page 37 of Records of Surveys in the Office of the County Recorder of said county, described as follows:

Parcel 1:

A strip of land 5.00 feet wide, described as follows:

Beginning at a point on the southerly boundary of Tract No. 16913 filed in Book 897, Pages 22 through 25, inclusive of Miscellaneous Maps in the office of said County Recorder, also shown on said map as being on that curve concave southerly having a central angle of $06^{\circ}20'00''$, a radius of 1958.00 feet and an arc length of 216.43 feet, said point lying easterly 22.47 feet through a central angle of $00^{\circ}39'27''$ along said curve from the westerly terminus thereof, a radial line to said point bears North $01^{\circ}39'27''$ East; thence easterly 73.14 feet along said curve and said southerly boundary through a central angle of $02^{\circ}08'25''$ to a non-tangent curve concave southeasterly having a radius of 15.00 feet, a radial line to the beginning of said curve bears North $44^{\circ}13'40''$ West; thence southwesterly 5.86 feet along said curve through a central angle of $22^{\circ}22'58''$ to a non-tangent curve concentric with and 5.00 feet southerly from said southerly boundary, having a radius of 1953.00 feet, a radial line to the beginning of said curve bears North $03^{\circ}42'38''$ East; thence westerly 65.86 feet along said concentric curve through a central angle of $01^{\circ}55'56''$ to a non-tangent curve concave southwesterly having a radius of 20.00 feet, a radial line to the beginning of said curve bears North $61^{\circ}31'27''$ East; thence northwesterly 6.51 feet along said curve through a central angle of $18^{\circ}39'03''$ to the Point of Beginning.

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By: L. Gaston
Checked By R. Williams/jl

EXHIBIT "A"
LEGAL DESCRIPTION

Parcel 2:

A strip of land 7.00 feet wide, the northerly line thereof described as follows:

Beginning at a point on said southerly boundary of Tract No. 16913 lying South 89°00'00" East 217.27 feet from the westerly terminus of that line shown on said map as "N 89°00'00" W 570.00''"; thence along said southerly boundary, South 89°00'00" East 42.00 feet.

Parcel 3:

A strip of land 6.00 feet wide, described as follows:

Beginning at a point on said southerly boundary of Tract No. 16913 also being on that curve concave northerly having a central angle of 14°30'00", a radius of 1542.00 feet and an arc length of 390.24 feet, said point lying westerly 102.65 feet through a central angle of 03°48'51" along said curve from the easterly terminus thereof, a radial line to said point bears South 04°48'51" West; thence westerly 38.17 feet along said curve and said southerly boundary through a central angle of 01°25'06"; thence non-tangent from said curve South 00°06'19" West 6.03 feet to a point on a non-tangent curve concentric with and 6.00 feet southerly from said southerly boundary, having a radius of 1548.00 feet, a radial line to the beginning of said curve bears South 06°12'31" West; thence easterly 38.17 feet along said concentric curve through a central angle of 01°24'46"; thence non-tangent from said curve North 00°07'03" East 6.02 feet to the Point of Beginning.

Parcel 4:

A strip of land 5.00 feet wide, described as follows:

Beginning at a point on said southerly boundary of Tract No. 16913 lying South 74°30'00" East 323.17 feet from the westerly terminus of that line shown on said map as " N 74°30'00" W 400.00' "; thence along said southerly boundary, South 74°30'00" East 76.83 feet to a

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Checked By R. Williams/jl

EXHIBIT "A"**LEGAL DESCRIPTION**

curve concave northerly having a radius of 1542.00 feet; thence easterly 14.21 feet along said curve and said southerly boundary through a central angle of $00^{\circ}31'41''$ to a non-tangent curve concave southeasterly having a radius of 44.00 feet, a radial line to the beginning of said curve bears North $09^{\circ}59'11''$ West; thence westerly 9.62 feet along said curve through a central angle of $12^{\circ}31'49''$ to a non-tangent curve concentric with and 5.00 feet southerly from said southerly boundary; having a radius of 1547.00 feet, a radial line to the beginning of said curve bears South $15^{\circ}16'34''$ West; thence westerly 6.05 feet along said concentric curve, through a central angle of $0^{\circ}13'26''$ to a line parallel with and 5.00 feet southerly from said southerly boundary, thence along said parallel line, North $74^{\circ}30'00''$ West 69.16 feet to a non-tangent curve concave southwesterly having a radius of 45.00 feet, a radial line to the beginning of said curve bears North $54^{\circ}26'33''$ East; thence northwesterly 9.17 feet along said curve through a central angle of $11^{\circ}40'35''$ to the Point of Beginning.

Parcel 5:

Beginning at the easterly terminus of that curve shown as concave southerly having a central angle of $05^{\circ}31'36''$, a radius of 1653.00 feet and an arc length of 159.44 feet, on said southerly boundary of Tract No. 16913, a radial line to the beginning of said curve bears North $11^{\circ}15'09''$ East; thence westerly 36.53 feet along said curve and said southerly boundary, through a central angle of $1^{\circ}15'58''$; thence non-tangent from said curve South $11^{\circ}15'10''$ West 5.00 feet to a non-tangent curve concentric with and 5.00 feet southerly from said southerly boundary, having a radius of 1648.00 feet, a radial line to the beginning of said curve bears North $9^{\circ}58'57''$ East; thence easterly 38.00 feet along said concentric curve, through a central angle of $1^{\circ}19'16''$; thence non-tangent from said curve North $11^{\circ}15'10''$ East 4.96 feet to a curve concave southeasterly having a radius of 10.00 feet; thence northeasterly 5.28 feet along said curve through a central angle of $30^{\circ}14'44''$ to said southerly boundary, also being a point on a curve concave southerly having a radius of 1658.00 feet, a radial line to said point bears North $11^{\circ}21'02''$ East; thence westerly 2.84 feet along said

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Checked By R. Williams/jl

EXHIBIT "A"

LEGAL DESCRIPTION

curve through a central angle of 0°05'53"; thence continuing along said southerly boundary, South 11°15'09" West 5.00 feet to the Point of Beginning.

All as shown on Exhibit "B" attached hereto and by this reference made a part hereof.


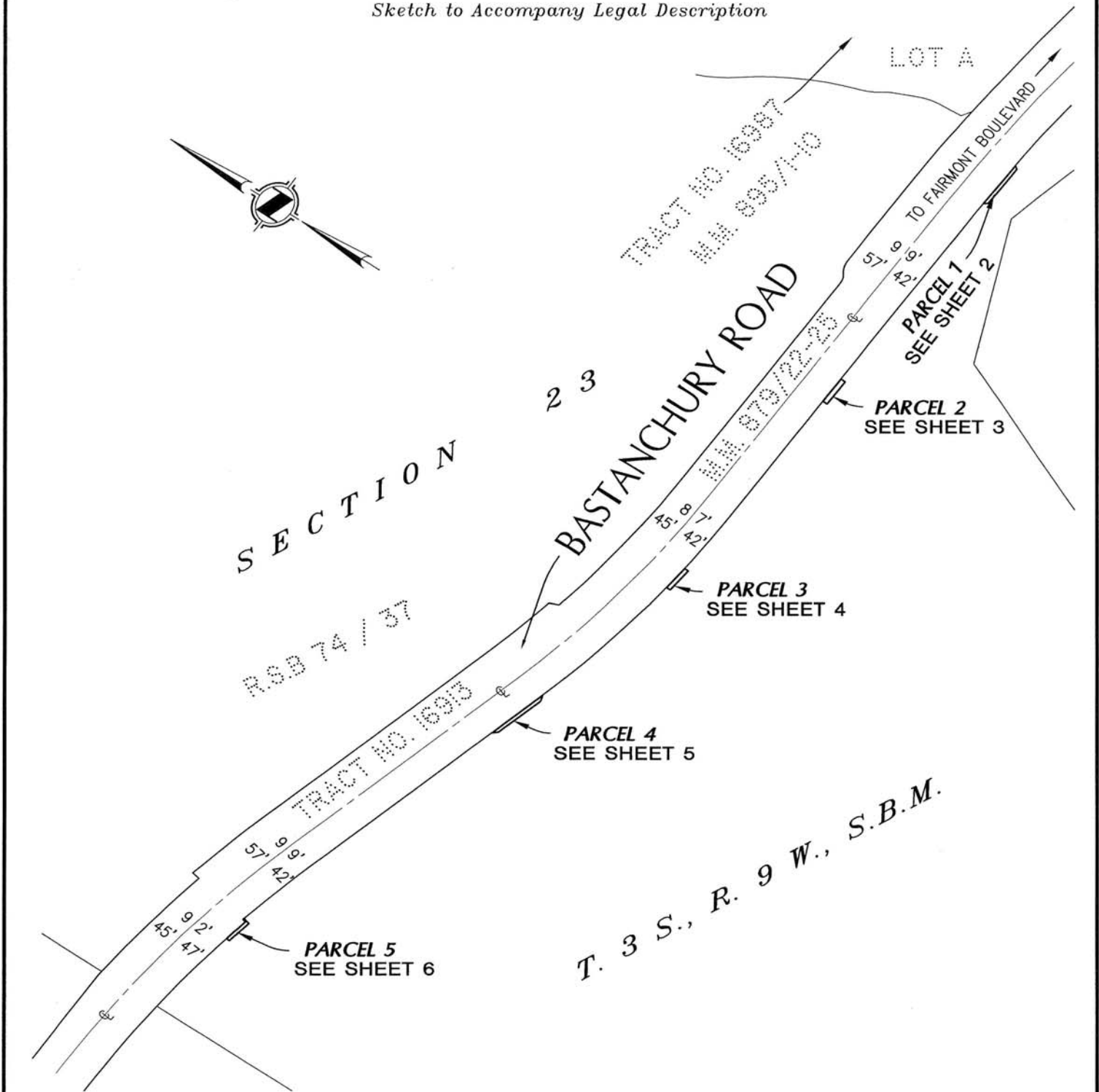

Rory S. Williams, L.S. No. 6654
License Expires: December 31, 2009
Date: 4/27/09



EXHIBIT "B"*Sketch to Accompany Legal Description*

HUNSAKER & ASSOCIATES
 IRVINE, INC.
 PLANNING ■ ENGINEERING ■ SURVEYING
 Three Hughes • Irvine, CA 92618 • PH: (949) 583-1010 • FX: (949) 583-0759

EASEMENT EXHIBIT
FOR PUBLIC SIDEWALK PURPOSES

CITY OF YORBA LINDA, COUNTY OF ORANGE, STATE OF CALIFORNIA

DATE: 4-24-09 REV. DATE: None DWG By: L. GASTON

CK'd By: R. WILLIAMS

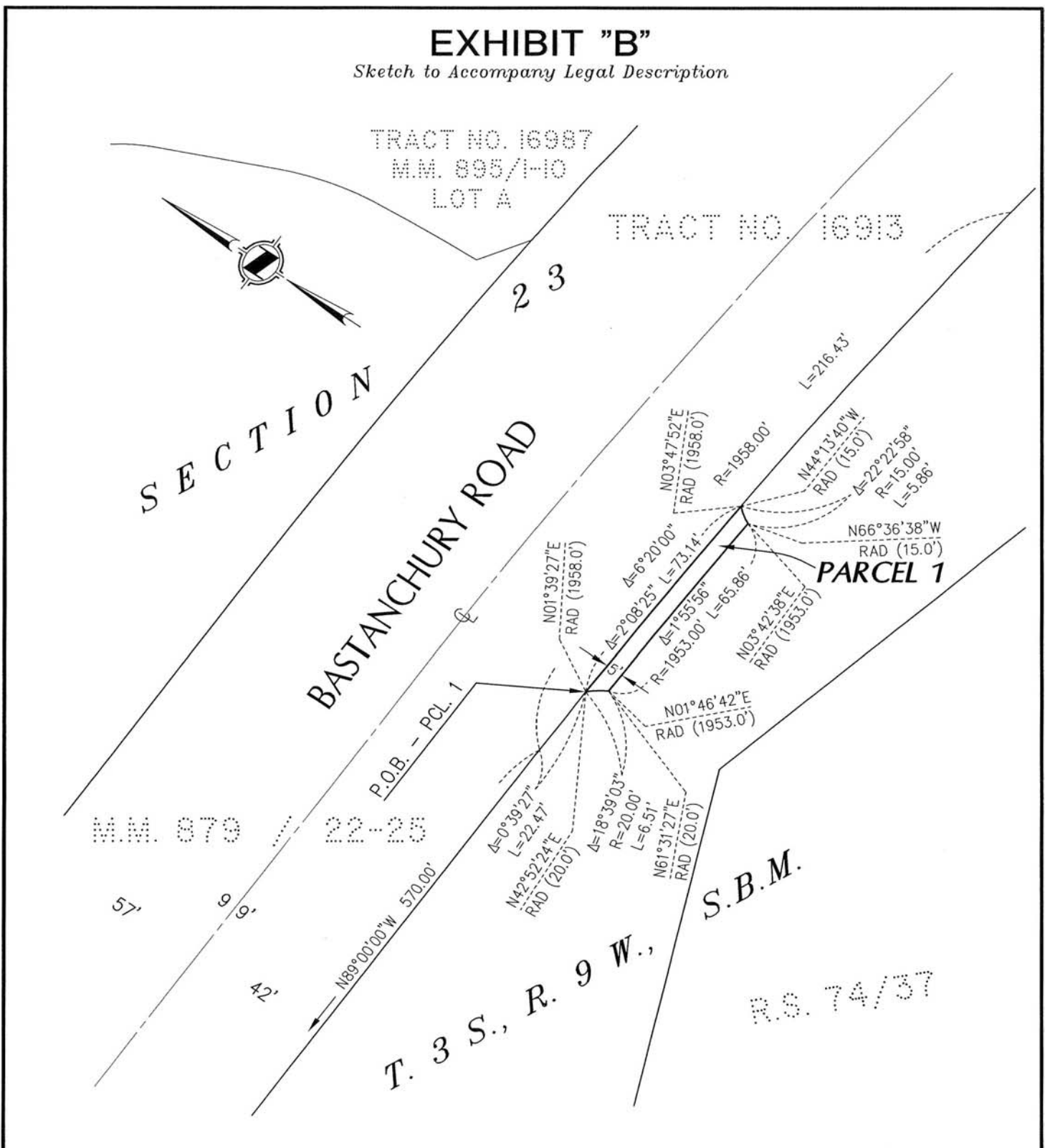
SCALE: 1"=200'

W.O. 3607-1

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H&A LEGAL No. 7446

SHEET 1 OF 6

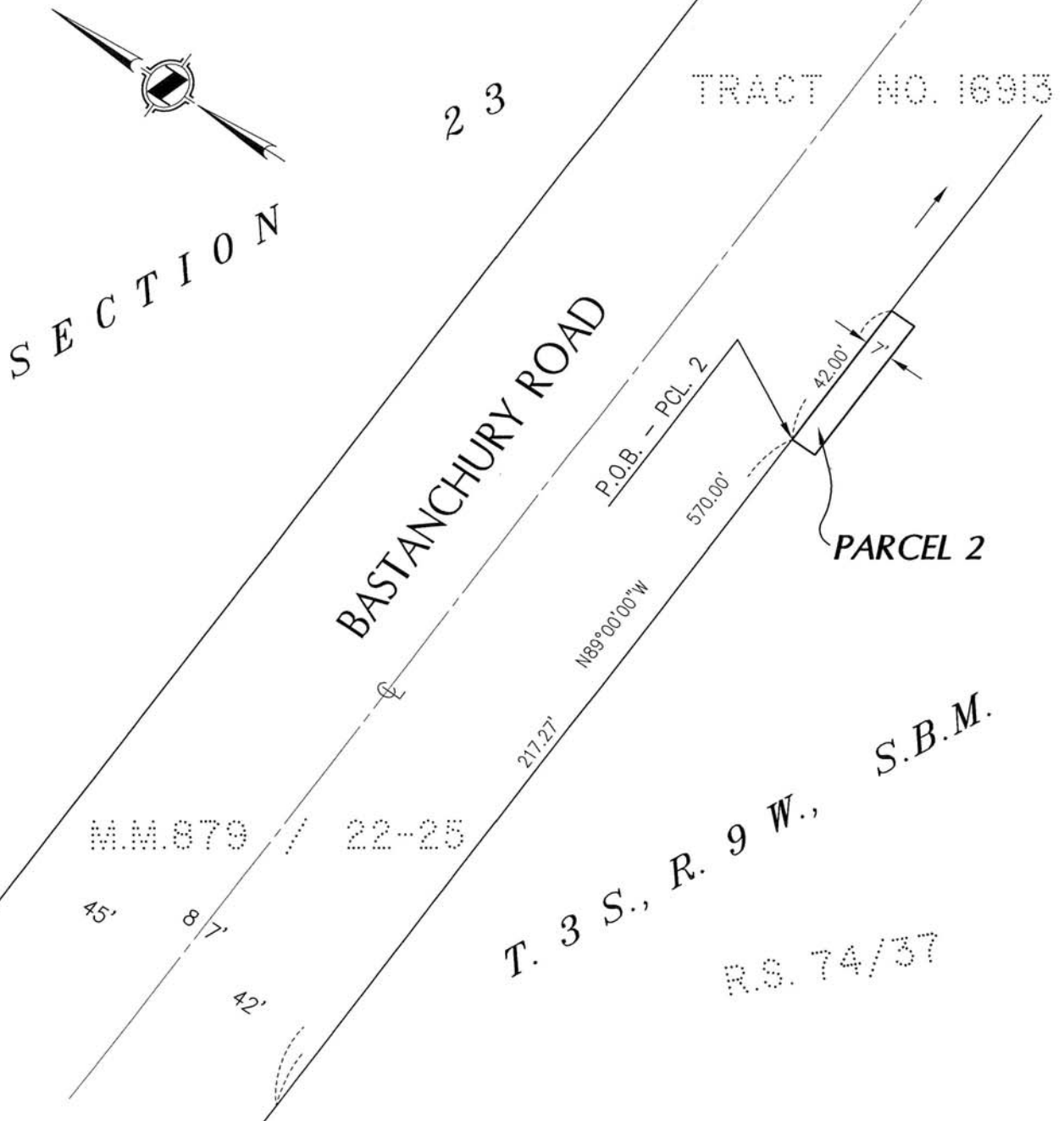
EXHIBIT "B"*Sketch to Accompany Legal Description*

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**EASEMENT EXHIBIT
FOR PUBLIC SIDEWALK PURPOSES**

CITY OF YORBA LINDA, COUNTY OF ORANGE, STATE OF CALIFORNIA

DATE: 4-24-09	REV. DATE: None	DWG. By: L. GASTON	CK'd By: R. WILLIAMS	SCALE: 1"=40'	W.O. 3607-1
I:\YLCollge\ld\7446\sht02.dwg				H&A LEGAL No. 7446	SHEET 2 OF 6

EXHIBIT "B"*Sketch to Accompany Legal Description*

HUNSAKER & ASSOCIATES
 IRVINE, INC.
 PLANNING ■ ENGINEERING ■ SURVEYING
 Three Hughes ■ Irvine, CA 92618 ■ PH: (949) 583-1010 ■ FX: (949) 583-0759

EASEMENT EXHIBIT
FOR PUBLIC SIDEWALK PURPOSES

CITY OF YORBA LINDA, COUNTY OF ORANGE, STATE OF CALIFORNIA

DATE: 4-24-09 REV. DATE: None DWG By: L. GASTON

CK'd By: R. WILLIAMS

SCALE: 1"=40'

W.O. 3607-1

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H&A LEGAL No. 7446

SHEET 3 OF 6

Sketch to Accompany Legal Description



S E C T I O N

TRACT / NO. 16913

 2^3

BASTANCHURY ROAD

WM.879

22-25

- PARCEL 3

S.B.M.

T. 3 S., R. 9 W.,

R.S. 74/37



HUNSAKER & ASSOCIATES
I R V I N E , I N C .
PLANNING ■ ENGINEERING ■ SURVEYING
s Irvine, CA 92618 ■ PH: (949) 583-1010 ■ FX: (949) 583-0759

**EASEMENT EXHIBIT
FOR PUBLIC SIDEWALK PURPOSES**

CITY OF YORBA LINDA, COUNTY OF ORANGE, STATE OF CALIFORNIA

DATE: 4-24-09	REV. DATE None	.DWG By: L. GASTON
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CK'd By: R. WILLIAMS

SCALE: 1"=40'

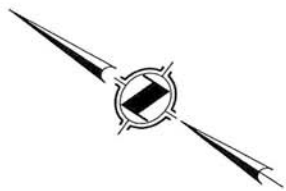
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H&A LEGAL No. 7446

SHEET 4 OF 6

Sketch to Accompany Legal Description



SECTION

 2^3

BASTANCHURY ROAD

TRACT NO.

PARCEL 4

S.B.M.

T. 3 S., R. 9 W.,

R.S. 74/37



HUNSAKER & ASSOCIATES
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■ Irvine, CA 92618 ■ PH: (949) 583-1010 ■ FX: (949) 583-0759

**EASEMENT EXHIBIT
FOR PUBLIC SIDEWALK PURPOSES**

CITY OF YORBA LINDA, COUNTY OF ORANGE, STATE OF CALIFORNIA

DATE: 4-24-09	REV. DATE: None	.DWG BY: L. GASTON
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CK'd R. WILLIAMS
By

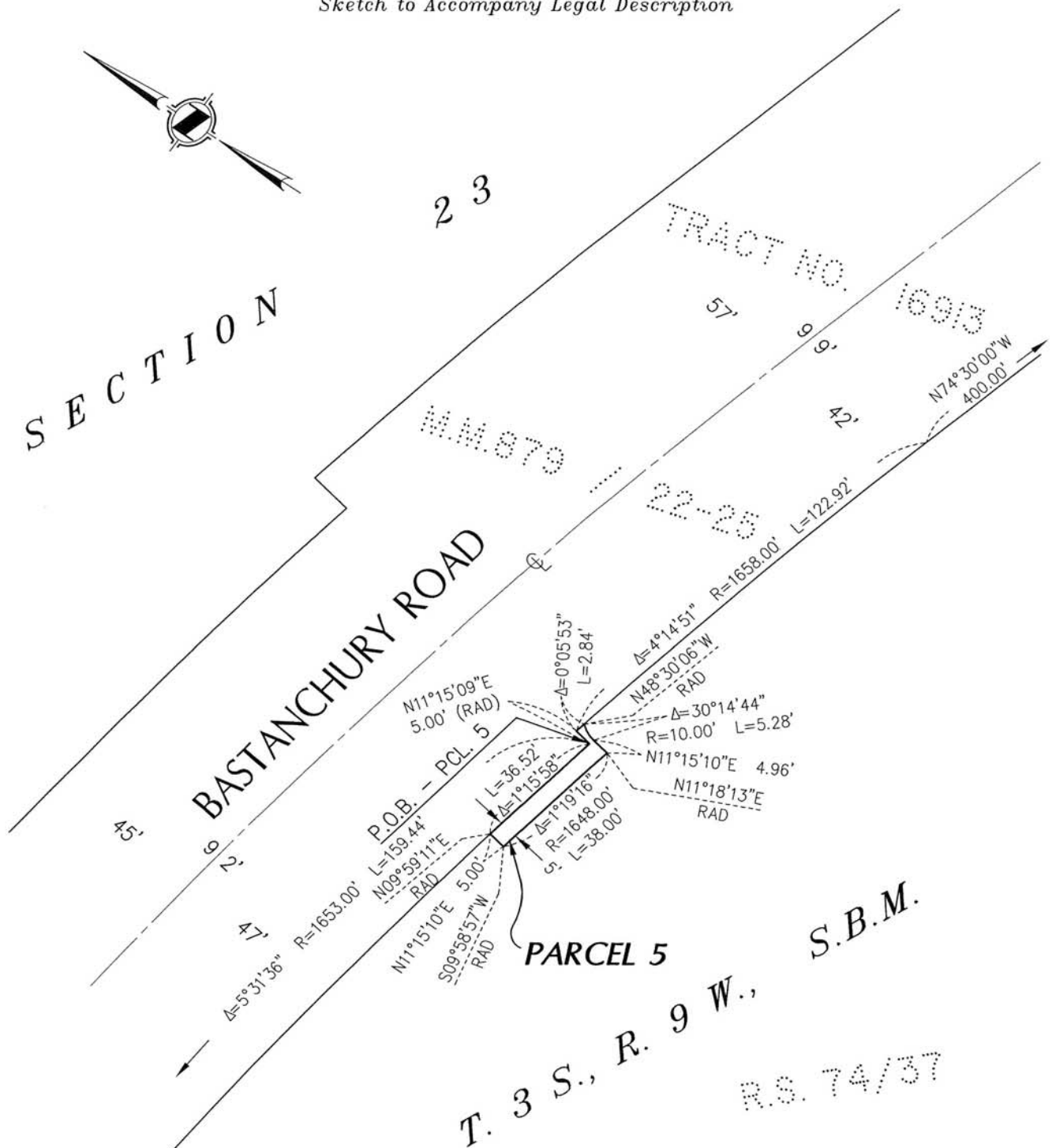
SCALE: 1"=40'

W.O. 3607-1

I:\YLCollege\ld\7446\sht05.dwg

H&A LEGAL No. 7446

SHEET 5 OF 6

EXHIBIT "B"*Sketch to Accompany Legal Description*

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EASEMENT EXHIBIT
FOR PUBLIC SIDEWALK PURPOSES

CITY OF YORBA LINDA, COUNTY OF ORANGE, STATE OF CALIFORNIA

DATE: 4-24-09	REV. DATE: None	DWG By: L. GASTON	CK'd By: R. WILLIAMS	SCALE: 1"=40'	W.O. 3607-1
I:\YLCollge\ld\7446\sht06.dwg				H&A LEGAL No. 7446	SHEET 6 OF 6

INDEPENDENT CONTRACTOR AGREEMENTS – EDUCATIONAL SERVICES

1. Bubble Rock Productions
Presenter of science assemblies for the Even Start program, April 7, 2009; budgeted categorical funds, NTE \$300.
2. Kimberly J. Hiddleston, M.A., CCC-SLP-Cert. AVT
Provider of speech and language services for special education student, January 8 to June 30, 2009; budgeted special education funds, NTE \$7,500.
3. Wild Wonders
Presenter of animal/science assemblies at Mabel Paine Elementary School, June 4, 2009; budgeted gift funds, NTE \$585.
4. Caryn Lewis
Provider of coaching and consulting for Program Improvement at Ruby Drive Elementary School, March 2 to June 30, 2009; previously board approved on April 7, 2009, approval for increase of budgeted categorical funds in the amount of \$1,200 for a revised total NTE \$4,800.
5. Sandra Kurland
Presenter of At-Risk Personal Leadership Development Days assemblies at Kraemer Middle School, April 29-30, 2009; budgeted categorical funds, NTE \$3,000.
6. Jannine Perkins
Provider of staff development regarding data analysis of CST proficiency levels, alignment of standards, assessment, and differentiation of instruction for Valadez Middle School Academy, June 16 to November 30, 2009; budgeted categorical funds, NTE \$5,250.
7. The Imagination Machine
Presenter of language arts assembly at Golden Elementary School, May 14, 2009; budgeted gift funds, NTE \$585.
8. United Cerebral Palsy
Provider of specialized academic instruction for special education student, April 20 to June 5, 2009; budgeted special education funds, NTE \$11,340.
9. Michelle Price/Science on the Go, Inc.
Presenter of science assemblies at Woodsboro Elementary School, May 12, 2009; budgeted gift funds, NTE \$550.
10. Chris Rubio Productions
Presenter of music assemblies at Rose Drive Elementary School, April 24, 2009; budgeted gift funds, NTE \$899.

- | | |
|---------------------------------|--|
| 11. Meet the Masters | Presenter of art assemblies at Linda Vista Elementary School, September 8, 2009 to June 17, 2010; budgeted gift funds, NTE \$4,212.50. |
| 12. Dairy Council of California | Presenter of science assembly at Tynes Elementary School, May 8, 2009; no cost to district. |
| 13. Acme Balloon | Presenter of balloon/science assemblies at Lakeview Elementary School, May 22 to June 9, 2009; budgeted gift funds, NTE \$750. |
| 14. John Abrams | Presenter of "The Bully Game" assemblies at Rose Drive Elementary School, June 5, 2009; budgeted gift funds, NTE \$700. |

SPECIAL EDUCATION CONTRACTS

Parents of SPED #1338

Travel expenses, March 1 to July 1, 2008;
budgeted special education funds, NTE
\$2,206.51.

EXTENDED FIELD TRIPS

1. Esperanza High School Student Body Presidents' Workshop, May 19-20, 2009 in Orange, California.
2. Esperanza High School California Association of Directors of Activities Leadership Camp, July 18-21, 2009 in Santa Barbara, California.
3. Esperanza High School Associated Student Body Camp, August 22-23, 2009 in Angelus Oaks, California.

GIFTS

1. Checks totaling \$11,288.65 from Bryant Ranch PTA to be used for computer workstations, field trips and transportation costs for Bryant Ranch School.
2. Check in the amount of \$500 from BP Fabric of America Fund to be used for instructional purposes at El Camino Real High School.
3. Check in the amount of \$2,000 from Wells Fargo Foundation to be used for instructional purposes at El Dorado High School.
4. Two design/blueprint plotters from Cardinal Health to be used for instructional purposes at Esperanza High School.
5. Checks totaling \$2,920.25 from Fairmont PTA to be used for field trips and transportation costs for Fairmont Elementary School.
6. Check in the amount of \$76.92 from United Way, Inc. to be used for instructional purposes at Fairmont Elementary School.
7. Check in the amount of \$707.56 from Target to be used for instructional purposes at Fairmont Elementary School.
8. Check in the amount of \$396.89 from Target Take Charge of Education Program to be used for instructional purposes at Glenknoll Elementary School.
9. Checks totaling \$2,738.75 from Golden PTA to be used for field trips and for the school website for Golden Elementary School.
10. Check in the amount of \$82 from Holiday Skate Center to be used for instructional purposes at Glenview Elementary School.
11. Check in the amount of \$90.32 from Washington Mutual to be used for field trip transportation for Glenview Elementary School.
12. Check in the amount of \$198.80 from Target Take Charge of Education to be used for instructional purposes at Glenview Elementary School.
13. Check in the amount of \$100 from the California Association for the Gifted to be used for instructional purposes at Golden Elementary School.
14. Checks totaling \$1,119.63 from Golden PTA to be used for assemblies and instructional purposes at Golden Elementary School.
15. Proscan LCD HDTV, Sony DVD/VCR and check in the amount of \$989.89 from Lakeview PTA to be used for instructional purposes at Lakeview Elementary School.
16. Sand toys from Amada Gaskin to be used for Linda Vista Preschool.
17. Checks totaling \$1,320.21 from Linda Vista PTA to be used for student scholarships for field trips, assemblies and instructional purposes at Linda Vista Elementary School.
18. Check in the amount of \$83.34 from Washington Mutual to be used for instructional purposes at Linda Vista Elementary School.
19. Check in the amount of \$71.94 from WaMu to be used for instructional purposes at Mabel Paine Elementary School.
20. Check in the amount of \$1,515 from Rio Vista PTA to be used for assemblies at Rio Vista Elementary School.
21. Check in the amount of \$608.07 from Rose Drive PTA to be used to purchase student planners for Rose Drive Elementary School.
22. Check in the amount of \$800 from Target Field Trips Scholarship America to be used for field trips for Ruby Drive Elementary School.
23. Check in the amount of \$370 from Travis Ranch PTA to be used for field trips for Travis Ranch School.
24. Check in the amount of \$2,500 from The Robinson Foundation to be used for instructional purposes at Travis Ranch School.
25. Check in the amount of \$83.34 from Washington Mutual Giving Program to be used for instructional purposes at Travis Ranch School.
26. Violin, viola and trumpet from Julie Nibali to be used for the music program at Travis Ranch School.

27. Check in the amount of \$464.86 from Washington Mutual to be used for instructional purposes at Tynes Elementary School.
28. Check in the amount of \$163.94 from Target to be used for instructional purposes at Tynes Elementary School.
29. Check in the amount of \$500 from Young Salo to be used for student uniforms for Valadez Middle School Academy.
30. Check in the amount of \$200 from Valadez Middle School Academy PTA to be used for student incentive awards for Valadez Middle School Academy.
31. \$100 cash from Doug Domene to be used for the Academic Decathlon trip for Valencia High School.
32. Check in the amount of \$1,000 from Yorba Linda Sunrise Rotary to be used for the Academic Decathlon trip for Valencia High School.
33. Check in the amount of \$536.86 from Target Take Charge of Education Program to be used for instructional purposes at Valencia High School.
34. Canon Imagerunner and Sony video camera from Valencia High School ASB to be used for instructional purposes at Valencia High School.
35. Check in the amount of \$2,000 from Orange County Academic Decathlon Association c/o AXA Advisors to be used for the Academic Decathlon trip for Valencia High School.
36. Check in the amount of \$250 from BP Fabric of America Fund (Thomas Newcomer) to be used for instructional purposes at Yorba Linda Middle School.

CLASSIFIED PERSONNEL REPORT**Employ**

Elizabeth Classen, Spec. Educ. Aide III, Mabel Paine, 03/20/09
Leslie Lukach, Spec. Educ. Aide II, Yorba Linda Middle, 04/08/09
Lynda Robinson, Spec. Educ. Aide II, Lakeview, 04/27/09
Dawn Tagaloo, Spec. Educ. Aide II, Tynes, 04/28/09
John Truong, Spec. Educ. Aide II, Tynes, 04/21/09

Short Term

Andrew Adamik, Facilities Maintenance Worker, Various, Maintenance & Operations, NTE 200 hrs., 03/16/09
Lindsay Aguilar, Spec. Educ. Aide II, Tynes, NTE 40 hrs., 04/20/09 – 06/30/09
Leanabeth Arauz, Academy Tutor, Valadez Middle, NTE 40 hrs., 04/06/09 – 06/11/09
Laura Bandera, Noon Supv., Valadez Middle, 04/22/09 – 05/22/09
Laura Bandera, Noon Supv., Valadez Middle, NTE 2.5 hrs/day, 04/22/09 – 05/22/09
Alvaro Banuelos, Saturday Work Detail, Valadez Middle, NTE 4 hrs., 11/01/08
Aliria Barawid, Noon Supv., Valadez Middle, NTE 2.5 hrs., 04/22/09 – 05/22/09
Aliria Barawid, Noon Supv., Valadez Middle, NTE 2.5 hrs., 03/31/09 – 06/11/09
Shilpa Bhayya, Spec. Educ. Aide II, George Key, NTE 25 hrs., 04/01/09 – 06/11/09
Linda Buehler, Spec. Educ. Aide III, Special Education, NTE 20 hrs., 03/20/09 – 06/30/09
Renee Castro, Noon Supv., Glenknoll, 03/25/09 – 06/12/09
Norma Ceballos, Child Care Infant Aide, Melrose, NTE 8 hrs., 03/13/09 – 06/12/09
Pam Chavez, Spec. Educ. Aide II, George Key, NTE 35 hrs., 03/18/09 – 06/11/09
Gabrielle Coughran, Noon Supv., Brookhaven, 04/09/09 – 06/11/09
Andrew Croce, Auditorium Technician, Forum Theatre, NOCCCD, 04/10/09 – 06/30/09
Andrew Croce, Auditorium Technician, Forum Theatre, NOCCCD, 04/10/09 – 06/30/09
Adrianna Diaz, Child Care/Infant Aide, Topaz, 03/03/09 – 06/30/09
Steven Erickson, Noon Supv., Tuffree Middle, NTE 6 hrs., 04/20/09 – 06/11/09
Becky Figerell, Noon Supv., Wagner, 04/20/09 – 06/11/09
Dorina Fregoso, Spec. Educ. Aide I, Rose Drive, NTE 56 hrs., 03/23/09 – 04/06/09
Silvia Gomez, Child Care/Infant Aide, Topaz, 03/03/09 – 06/30/09
Caroline Hernandez, Clerk I, Topaz, NTE 60 hrs., 04/06/09 – 06/30/09
Jackie Hurtado, Spec. Educ. Aide II, Special Education, NTE 1 hr., 03/03/09 – 03/03/09
Sharon Hutchinson, Spec. Educ. Aide III, Special Education, NTE 20 hrs., 03/20/09 – 06/30/09
Mary Kim, Spec. Educ. Aide II, George Key, NTE 35 hrs., 03/16/09 – 06/11/09
Elisa Ketelsleger, Clerk I, Esperanza, NTE 48 hrs., 01/01/09 – 06/30/09
Gail Knisley, Instructional Aide/P.E., All Sites, NOCCCD, NTE 25 hrs., 03/01/09 – 06/30/09
Mercedes Martinez-Herrejon, Noon Supv., Glenknoll, 03/13/09 – 06/11/09
Midge Martinez, Clerk I, Bernardo Yorba Middle, NTE 24 hrs., 01/01/09 – 06/30/09
Elaine Miles, Student Activities Finance Clerk, El Dorado, NTE 20 hrs., 04/10/09 – 05/11/09
Maureen Miller, Clerk I, Esperanza, NTE 2 hrs., 03/12/09
Lizethe Molina, Spec. Educ. Aide II, George Key, NTE 65 hrs., 04/08/09 – 06/11/09
Alma Morrison, Clerk I, School Readiness, NTE 150 hrs., 04/01/09 – 06/30/09
Nancy K. Mullen, Clerk I, Esperanza, NTE 3.75 hrs., 03/23/09 – 03/27/09
Ileana Nielsen, Clerk I, El Dorado, NTE 20 hrs., 04/10/09 – 05/11/09
Christy Norys, Spec. Educ. Aide I, Linda Vista, NTE .25 hr., 03/31/09 – 03/31/09
Kimberly O'Connell, Spec. Educ. Aide III, Tynes, NTE 40 hrs., 04/29/09 – 06/11/09
Joseph Olea, Maintenance Worker, Various, Maintenance & Operations, NTE 200 hrs., 04/15/09 – 06/30/09
Blake Onishi, Spec. Educ. Aide II, Valencia, NTE 12 hrs., 01/23/09 – 01/30/09
Anthony Ortega, Groundskeeper, Various, Maintenance & Operations, NTE 200 hrs., 04/15/09 – 06/30/09
Andrew Ostergaard, Spec. Educ. Aide III, Glenknoll, NTE 30 hrs., 04/07/09 – 06/10/09

Short Term, Continued

Lorena Perfecto, School Secretary I, Summer School, Enrichment Program, NTE 6 hrs./day, 30 hrs., 05/20/09 – 08/01/09

Alexandra Salguero, Spec. Educ. Aide I, Linda Vista, NTE 3 hrs., 03/31/09 – 03/31/09

Leimoni Simpson, Spec. Educ. Aide II, George Key, NTE 30 hrs., 04/08/09 – 06/11/09

Matt Slusser, Facilities Maintenance Worker, Various, Maintenance & Operations, NTE 40 hrs., 04/13/09 – 04/17/09

Tracy Stull, School Secretary I, Summer School, Enrichment Program, NTE 6 hrs./day, 05/20/09 – 08/01/09

Karen Tapia, Spec. Educ. Aide III, Tynes, NTE 40 hrs., 08/17/09 – 08/21/09

Delen Thomas, Facilities Maintenance Worker, Various, Maintenance & Operations, NTE 200 hrs., 03/09/09 – 06/30/09

Casey Valdez, Spec. Educ. Aide II, George Key, NTE 24 hrs., 04/08/09 – 06/11/09

Casey Valdez, Spec. Educ. Aide II, George Key, NTE 24.5 hrs., 04/02/09 – 04/11/09

Maria Vasquez, Child Care Infant Aide, Melrose, NTE 8 hrs., 03/13/09 – 06/12/09

Ian Volker, Spec. Educ. Aide II, George Key, NTE 6 hrs., 04/08/09 – 06/11/09

Steven Wallace, Clerk I, Educational Services Center, NTE 25 hrs., 05/12/09 – 06/30/09

Substitutes

Andrew Adamik, Facilities Maintenance Worker, Various, Maintenance & Operations, 03/16/09

Dora Almeida, Instructional Aide/Music, NOCCCD, 09/02/08

Laura Bandera, Noon Supv., Valadez Middle, 04/22/09

Aliria Barawid, Noon Supv., Valadez Middle, 04/22/09

Denise Broadwater, Clerk I, Brookhaven, 03/30/09

Deborah Clark, Spec. Educ. Aide, 03/13/09

Becky Fegerell, Noon Supv., Wagner, 04/20/09

Dorina Fregoso, Instructional Aide, Rose Drive, 09/02/08

Michael Godby, Spec. Educ. Aide I/II, All Sites, 03/16/09

Sandra Hernandez, Spec. Educ. Aide I/II, All Sites, 03/16/09

Fei Kanoholani, School Secretary I, George Key, 04/02/09

Shannon Little-Berzines, Instructional Aide/P.E., NOCCCD, 04/09/09

Morgan Maguire, Noon Supv., Van Buren, 03/30/09

Barbara Ohail, School Secretary I, Woodsboro, 04/21/09

Armando Perez, Language Development Aide, El Camino, 10/01/08

Michael Rosenbaum, Noon Supv., Bryant Ranch, 04/02/09

Cynthia Shepard, Noon Supv., Lakeview, 04/28/09

Matt Slusser, Facilities Maintenance Worker, Various, Maintenance & Operations, 04/13/09

Sarah Soberanes, Health Clerk, Valadez Middle, 04/01/09

Anna Sotelo, Spec. Educ. Aide I/II, All Sites, 03/16/09

Tracy Stull, Clerk II, Tuffree Middle, 04/11/09

Delen Thomas, Facilities Maintenance Worker, Various, Maintenance & Operations, 03/09/09

Pamela Welling, Food Service Worker, Food Services, 03/16/09

Correction

Sandra Minter, School Bus Driver, Transportation, 06/23/09 (retirement date of 07/01/09 originally board approved on 04/07/09)

Short Term/Substitutes

Child Care Program; Child Care Teacher I; Student Mother Program Aide, All Sites

Short Term: NTE 250 hrs.; Substitute, NTE 8 hrs., All Sites

Mary Ellen Gordon, 04/27/09 – 06/30/09

Christina Hanna, 04/23/09 – 06/30/09

Shelly Hernandez, 04/27/09 – 06/30/09

Child Care Program; Child Care Teacher I; Student Mother Program Aide, All Sites
Short Term: NTE 250 hrs.; Substitute, NTE 8 hrs., All Sites, Continued

Tim Lu, 04/28/09 – 06/30/09

Kyle Memole, 04/09/09 – 06/30/09

Noel Miller, 04/16/09 – 06/30/09

Scott Wilson, 03/13/09 – 06/30/09

Change of Status

Odalys Laborde, Bilingual Clerk II, Valencia, 04/01/09

Robert Larsen, Crew Chief, Warehouse, 02/19/09 – 04/17/09

Ashley Morton, Child Care Teacher I, Travis Ranch CCC, 05/01/09

Nancy Mullen, Clerk I, Esperanza, 03/30/09

Estrella Romero, Bilingual Clerk II, Tynes, 04/20/09

Craig Wood, Spec. Educ. Aide II, Yorba Linda Middle, 04/08/09

Student Aides

Chris Gonzales, Technology, NTE 25 hrs./wk., 06/01/09 – 06/30/09

Chris Gonzales, Technology, NTE 25 hrs./wk., 07/01/09 – 09/05/09

Steven Watts, Educational Services Center, NTE 50 hrs., 04/08/09 – 06/12/09

Walk on Coaches

Susan Bringhurst, Accompanist, Vocal, Bernardo Yorba Middle, 03/15/09*

Ted Dickenson, Softball, Asst., Esperanza, 02/16/09 – 05/15/09*

Megan Elwood-Miranda, Lacrosse, Head, Women, Esperanza, 02/16/09 – 05/15/09*

Tim Jones, Baseball, Asst., Esperanza, 02/16/09 – 05/15/09*

Alicia Kercheville, Summer School Enrichment Program, Yorba Linda Middle, 06/01/09 – 08/01/09

Brianne Konrath, Instructional Assistant, Choir, Esperanza, 02/01/09 – 05/30/09

Christina Licata, Summer School Enrichment Program, Yorba Linda Middle, 06/01/09 – 08/01/09

Mark Lovein, Volleyball, Asst., Men, Esperanza, 02/16/09 – 05/08/09*

Josh McLeish, Soccer, Asst., Esperanza, 03/10/09 – 05/15/09*

Jeoff Meek, Baseball, Asst., Esperanza, 02/16/09 – 05/15/09*

Michael Melgren, Tennis, Asst., Men, Esperanza, 04/18/09 – 05/08/09

Bill Smolenski, Softball, Asst., Esperanza, 02/16/09 – 05/15/09

Paulo Sunia, Softball, Asst., Valencia, 02/16/09 – 05/15/09*

Richard Poletick, Accompanist, Vocal, Bernardo Yorba Middle, 03/15/09*

Ed Tunstall, Softball, Head, Esperanza, 02/16/09 – 05/15/09

Leaves of Absence

Cynthia Connally, Spec. Educ. Aide II, Fairmont, 04/08/09 – 06/11/09

Sharilyn Garner, Buyer, Purchasing, 03/02/09 – 05/26/09

Jennifer Lopez, Clerk II, Tuffree Middle, 04/13/09 – 07/07/09

Retirement

Sharon Meek, Account Technician II, Accounting, 06/01/09

Resignations

Gail Gerhard, Child Care Teacher, Travis Ranch CCC, 04/11/09

Noel Miller, Child Care Teacher, Rose Drive CCC, 04/16/09

Melissa Saxon, Spec. Educ. Aide I, Tynes, 04/01/09

Amanda Wright, Child Care Teacher I, Wagner CCC, 04/11/09

Theresa Wright, Elementary Library/Media Technician, Morse, 04/20/09

*REIMBURSABLE

CERTIFICATED PERSONNEL REPORT

Retirement

Ava Carrothers, Valencia, Teacher, 06/13/09

Frank Weidler, Bernardo Yorba, Teacher, 06/13/09

Resignation

Niesha Clary, Special Ed., Speech Lang. Spec., 06/13/09

Deirdre Hunt, Kraemer, Teacher, 06/13/09

Leave of Absence

Melanie Carmona, Yorba Linda MS, Teacher, (FMLA) Maternity Leave, 04/09/09-07/06/09

Amanda Cerda, Lakeview, Teacher, (FMLA) Maternity Leave, 05/11/09-06/12/09

Tracy Chung, Woodsboro, Teacher, (FMLA) Maternity Leave, 04/11/09-06/12/09

Ticiana Doty, Special Ed., Teacher, (FMLA-PDL) Medical Leave, 06/06/09-07/22/09

Tracy Downey, Special Education, Teacher, (FMLA) Maternity Leave, 04/23/09-06/12/09

Brenda Fisher, Lakeview, Teacher, (FMLA) Maternity Leave, 04/20/09-07/03/09

Traci La Rue, Woodsboro, Teacher, Unpaid Personal Leave, 04/21/09-06/12/09

Carmen Linares, Esperanza, (FMLA) Maternity Leave, 03/23/09-07/06/09

Hanh Nguyen, Tuffree, Teacher, PDL/FMLA Leave, 05/18/09-09/01/09

Genevieve Olson, Lakeview, Teacher, (FMLA) Maternity Leave, 03/23/09-06/08/09

Danielle Paris, El Dorado, Counselor, (FMLA) Maternity Leave, 05/04/09-06/22/09

Sarah Shay, Travis Ranch, Teacher, (FMLA) Maternity Leave, 05/02/09-07/03/09

Jamie Shipe, Van Buren, Teacher, (FMLA) (CFRA) Unpaid Child Rearing Leave, 04/20/09-06/11/09

Julie Young, Esperanza, Teacher, (FMLA) Maternity Leave, 04/20/09-06/11/09

Employ

Caryn Lewis, Principal, 07/01/09

Hourly Positions

Steven Picht, Educational Services, Home/Hospital Instructor, \$27/Hr., Prep., \$25/Hr., 06/11/09-07/24/09

Gabrielle Stephenson, Educational Services, Home/Hospital Instructor, \$27/Hr., Prep., \$25/Hr., 02/01/09-06/11/09

Summer School Assignments

Educational Services, Enrichment Summer School, Instruction, \$30/Hr., NTE 5 Hrs./Day, NTE 19 Days, Preparation, \$25/Hr., NTE 8 Hrs., 06/01/09-08/01/09

Angelina Avila-Perez

Kimberly Carlos

Shelly Freeland

Janmarie Halliday

Lynn Magnin

Brendan Newberry

Joy Okada

Sara Ray

Audra Ross

Anita Schuber

Martha Tripp

Robert Wilson

Extra Duty Assignments

Susan Cram, Educational Services, School Readiness Support, \$25/Hr., NTE 20 Hrs., 04/01/09-06/30/09

Lisa Ogan, Educational Services, STAR Site Coordinator, \$25/Hr., NTE 24 Hrs., 01/01/09-06/30/09

Cameron Paulin, Educational Services, BTSA/PAR Consultant, \$25/Hr., NTE 25 Hrs., 04/08/09-06/12/09

Diana Rincon, Special Education, Classroom Move, \$25/Hr., NTE 8 Hrs., 07/01/08-09/30/08

Hilda Rivera, Educational Services, ESL Classes, \$27/Hr., NTE 60 Hrs., 04/01/09-06/30/09 *

Michelle Steuber, Educational Services, CAHSEE Administrator, \$27/Hr., NTE 20 Hrs., 05/12/09-05/13/09

Stephanie Valdez-Schrader, Educational Services, STAR Site Coordinator, \$25/Hr., NTE 8 Hrs., 02/01/09-06/30/09

Candice Wynn, Educational Services, After School Club, \$27/Hr., NTE 6 Hrs., 03/09/09-04/09/09

Topaz, After School Program, \$27/Hr., NTE 10 Hrs., 04/20/09-05/30/09

Elvira Bermudez

Heather Collard

Blanca Gibbons

Lisette Guevara

Stacy Keen

Rossana La Vigne

Leanne Olson

Minerva Pena

Erin Pon

Carol Purga

Norma Zamora

Administrative Services, Assault Training & Certification, \$25/Hr., NTE 40 Hrs., 08/17/09-08/21/09

Kamari Guinn

Kelly Moreno

Health Services, Employee TB Testing, \$25/Hr., NTE 13 Hrs., 04/01/09-06/30/09

Suzanne Afram

Michelle De Haven

Carol Edkins

Lori Kaddoura

Sofia Meier

Kim Nguyen

Patricia Nitzel

Deborah Sintov

Stipends

Jeffrey Bailey, Yorba Linda HS, Football Coach, NTE \$2700.00, 03/01/09-06/13/09

Nadine Elwood, Yorba Linda HS, WASC Coordinator, NTE \$2700.00, 12/01/08-06/13/09

Bincins Garcia, Yorba Linda HS, Band Director, NTE \$2700.00, 02/13/09-06/13/09

Jennifer Graves, Yorba Linda HS, Curriculum Development, NTE \$2700.00, 12/01/08-06/13/09

Charles Hunter, Educational Services, Practicum Supervisor, NTE \$1500.00, Per Diem, 04/01/09-06/30/09

Roseann Kosulandich, Yorba Linda HS, Set-up Library, NTE \$2700.00, 12/15/08-06/15/09

Mike Lorge, Valencia, Coach Longevity Stipend, NTE \$250.00, 09/02/09-06/12/09

Robert J. Platt, Yorba Linda HS, Athletic Dept. Coordinator, NTE \$2700.00, 01/26/09-06/12/09

El Dorado, Off Season Coaching, 05/01/09-06/11/09

Donald Bladow, Asst. Football, NTE \$1000.00 *

Shawn Racobs, Head Football, NTE \$2500.00 *

Valencia, Event Staff, NTE \$1800.00, 02/01/09-06/30/09

Barry Gardner

Gerardo Rodriguez

Valencia, OCAD Coaches, 02/13/09-03/16/09

Alyson Dixon, NTE \$240.00

Melinda Foote, NTE \$240.00

Frederick Jenkins, NTE \$480.00

Kay Kerby, NTE \$480.00

Samuel Myovich, NTE \$240.00

Valencia, Science Olympiad Coach, 02/28/09-04/18/09

Erica Aronson, NTE \$352.00

Brady Bilhartz, NTE \$420.00

Linda Leonard, NTE \$352.00

Valencia, Science Olympiad Coach, 02/28/09-04/18/09, Continued

Rita Phillips, NTE \$844.00

Brent Shenton, NTE \$420.00

Yorba Linda HS, Dept. Chair, NTE \$2700.00, 12/15/08-06/15/09

Angelina Atmadja, Mathematics

John Baughman, Physical Education

Daniel Dupont, Foreign Language

Nicholas Gerasimou, Health/Careers

Brent Hendry, Fine Arts

Marcus Hill, Science

Jason Kaylor, Activities

Michael Moore, Social Science

Stacy Shube, Language Arts

Matthew Stine, Special Education

Yorba Linda HS, Curriculum Development, NTE \$2700.00, 12/01/08-06/13/09

Nancy Coulter

Lorrie Walls

Board Approvals

<u>Name</u>	<u>Site</u>	<u>Subject</u>	<u>Education Code</u>
Rick Jones	El Dorado	Physical Education	44263

Substitutes

Kristin R. Bentley

Kari Boeglin

Angela Comey

Ligia Kahn

Shayla Sabin

Frank Weidler

Rachel Whittle

*Reimbursable

PLACENTIA-YORBA LINDA UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 31

Classified School Employees Week Resolution

WHEREAS, the PYLUSD has a cadre of top-notch, exceptional school secretaries, clerical staff, teachers' aides, maintenance personnel, custodians, bus drivers, office support personnel and other classified professionals who are extraordinary workers and provide essential services; and

WHEREAS, classified school employees are often the first friendly faces that students and visitors see each school day; and

WHEREAS, classified employees are caring individuals who strive for excellence and are important members of our PYLUSD team; and

WHEREAS, classified staff keep our District operations running smoothly while performing their jobs with a caring heart and always in the best interest of schoolchildren.

Now, therefore, be it resolved that the Placentia-Yorba Linda Unified School District Board of Education designates the week of May 17-23 as "Classified School Employees Week." The Board encourages the community to thank each and every one of our classified employees for being extraordinary workers who provide essential work and make the PYLUSD an enjoyable place to go to school.

Ayes: Karin Freeman, Carol Downey, Janice Wagner, Eric Padget, Judy Miller

Noes: None

Absent: None

State of California)

)

County of Orange)

Approved by the Governing Board of the Placentia-Yorba Linda Unified School District on May 12, 2009.

Karin Freeman
President, Board of Education

Dennis M. Smith, Ed.D.
Secretary, Board of Education

Instruction

6141.5-BP

INDEPENDENT STUDY

The Placentia-Yorba Linda Unified School District Board of Education authorizes Independent Study as a voluntary instructional strategy for students in all grade levels including adult education whose educational needs may be best met outside the regular classroom. The Board emphasizes that the Independent Study option shall be substantially equivalent in quality and quantity to classroom instruction and that students, parents and caregivers requesting Independent Study understand that there shall be a major commitment to assist and support the student with their assignments. Independent Study is continuously voluntary; students cannot be assigned to Independent Study or restricted from returning to a general education classroom. A classroom within the district shall always be available to a student who wishes to return to a regular classroom instructional program. Additionally students in Independent Study shall have the same access to existing services and resources that are available to all other students in the district. However, no provision shall be made for funds or things of value to student, parents, caregivers or guardians that are not provided for student engaged in the regular classroom based instruction.

Only students who reside in Orange County or the adjoining counties may enroll in the Placentia-Yorba Linda Unified School District Independent Study program. Students must enroll for a minimum of 5 or more consecutive days of Independent Study. Every student enrolled in Independent Study must have a current written agreement between the teacher, the student and the parent(s), or guardian/caregiver that has been signed and dated. To facilitate each student's success in an Independent Study program, the Board establishes that the maximum length of time that may elapse before an Independent Study assignment is due will be 20 school days or 4 school weeks for all grade levels and programs. When the circumstances justify a longer time, the Superintendent or designee may honor the request of a student or parent/guardian/caregiver to extend the maximum length of an assignment. When any student has missed two Independent Study assignments in a semester, the Superintendent or designee shall conduct an evaluation to determine if it is in the best interest of the student to remain in Independent Study. Findings of the evaluation shall be maintained in the student's permanent records for three fiscal years, excluding the current year.

Home and Hospital Instruction may not be provided through Independent Study. No temporarily disabled student may receive individual instruction by means of independent study unless the temporarily disabled student, parent/guardian/caregiver and Superintendent or designee agrees that Independent Study is an appropriate alternative to Home and Hospital Instruction. A student identified as having a disability may participate in independent study when the Individualized Educational Planning (IEP) Team agrees that Independent Study is an appropriate educational program for the student and documents this on the Individualized Educational Plan (IEP) of the student.

The Superintendent or designee shall establish administrative regulations and procedures to implement this policy in accordance with the California Education Code, Section 51747.

Legal Reference: <u>Education Code</u>	Sections	11701, 11701.5, 11703
	Sections	46300, 46300.2, 46300.3, 46300.6, 48206.3
	Sections	51747, 51747.3, 56026, 57145

Sections 51745, 51749.3, 46300 (e), and
46300.4 - 46300.7

Title V

Division I, Chapter II, Subchapter 13 (sections 11700-
11703)

Policy adopted: 11/14/88

Policy revised: 7/28/92

Policy revised: 7/11/95

Policy revised: 2/22/00

Policy revised: 6/18/02

Policy revised: 10/9/07

Business & Non-Instructional Operations

3541-BP

TRANSPORTATION

The Placentia-Yorba Linda Unified School District ~~will~~ may provide home-to-school transportation for students living beyond the distance established by the Board of Education. Distance is measured from the entrance of the school to points around the school forming a circle with the established distance being the radius of the circle.

The following guidelines shall be used in providing home-to-school transportation for students who live beyond the following distance to/from their school of attendance:

Elementary Schools	K-3	1.00 miles	(Effective September 1998)
Elementary Schools	4-6	1.25 miles	(Effective September 1998)
Middle Schools	6-8 or 7/8	1.75 miles	(Effective January 1998)
High Schools	9-12	2.75 miles	(Effective January 1998)

Transportation ~~will~~ may be provided in the event that a student's actual walking distance is 3/4 mile in excess of the radius distance from their school.

Transportation shall be provided to elementary school students who would otherwise have to cross railroad tracks to walk to school/home.

Routes shall be established in a manner that maximizes efficiency and utilization of the district's resources. The district will not provide transportation services in instances where insufficient riders exist to maintain at least a 10% of bus capacity efficiency.

Transportation may be provided on a space available basis to those students ~~who live too close to the school to qualify for busing~~ not eligible for busing per the guidelines above. "Space available" is determined after students who are eligible for transportation services have obtained bus passes and all routes have been made as efficient as possible. Following the notification of parents, applications will be accepted for seats which are empty and in excess of approximately 15% of the seating capacity which will be left open for growth. In the event that more applications are received than there are seats available, applications will be selected at random by lottery. The parent/guardian will be required to agree that seats will be forfeited if space is no longer available. Fees will be refunded on a pro-rated basis upon forfeiture of seats.

Transportation shall be provided for students with disabilities as specified in their individualized education program (IEP) or accommodation plan. The Superintendent/designee shall establish criteria and procedures for determining the most appropriate mode of transportation for an individual student based on identified needs as determined in the IEP or accommodation plan.

Transportation schedules shall be arranged so that students with disabilities do not spend an excessive amount of time on buses compared to other students. Arrivals and departures shall not reduce the length of the school day for these students except as may be prescribed on an individual basis. The superintendent/designee shall establish and evaluate procedures to provide consistent pick-up and drop-off times for students with disabilities.

The superintendent/designee shall establish procedures to ensure compatibility between mobile seating devices and bus securement systems.

Transportation may be provided when the Superintendent finds an exceptional circumstance exists resulting from adverse community relationships which have a potential negative impact at a school.

Transportation shall be provided for budgeted educational and athletic field trips which have been approved by the superintendent or designee. Cocurricular transportation fees are charged in accordance with Policy 6145.8.

Because the cost of providing student transportation exceeds funding provided by the state, the Board of Education finds it necessary to charge student transportation fees.

The total amount received for transportation from the state and parent/guardian fees shall not exceed the actual operating cost of home-to-school transportation during the school year.

All students riding school buses, home-to-school and/or school-to-home shall pay fees as set forth by the Board of Education.

	ANNUAL	SEMESTER	ANNUAL ONE-WAY	SEMESTER ONE-WAY
1st Child	\$396	\$198	\$198	\$99
2nd Child	\$396	\$198	\$198	\$99
3rd Child	\$198	\$99	\$99	\$50
*				

- * The first three children in a family will be charged according to the above fee schedule. The fourth and any additional children will be provided transportation at no additional charge.

The following shall be exempt from fees:

- A. Students with a disability whose Individual Education Plans (IEP) specify home-to-school transportation.
- B. Families who qualify under state laws and regulations for free or reduced-cost transportation.

Legal Reference: Title V Section 15241

Education Code 35330

39800 - 29860

39807.5

41850

49557

49558

56026

Policy adopted:	9/24/73
Policy revised:	9/28/81
Policy revised:	6/23/92
Policy revised:	5/10/94
Policy revised:	8/26/97
Policy revised:	12/9/97
Policy revised:	4/28/98
Policy revised:	9/8/98
Policy revised:	11/17/98
Policy revised:	8/26/03
Policy revised:	5/25/04
Policy revised:	6/11/07

**RESOLUTION OF THE BOARD OF EDUCATION
OF THE PLACENTIA-YORBA LINDA UNIFIED SCHOOL DISTRICT
OF ORANGE COUNTY, STATE OF CALIFORNIA**

RESOLUTION NO. 28

May 12, 2009

On motion of Trustee, Mrs. Carol Downey, duly seconded and carried, the following resolution was adopted:

WHEREAS, the State of California awarded CMAS Contract No. 3-09-00-0493B to Logical Choice Technologies, Inc. for the purchase of Smart Classroom Equipment.

WHEREAS, this agreement is extended to other county agencies/departments within the County of Orange California; and

WHEREAS, the Public Contract Code Section 20118 provides for purchasing through another public entity as a viable and useful tool, and

WHEREAS, the Placentia-Yorba Linda Unified School District Board of Education determines that it is in the best interest of the District to purchase Smart Classroom Equipment under the same terms and conditions as The State of California CMAS Contract No. 3-09-00-0493B awarded to Logical Choice Technologies, Inc., pursuant to the provisions of Public Contract code Section 20118.

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Placentia-Yorba Linda Unified School District authorizes purchase of Smart Classroom Equipment under the same terms and conditions as The State of California awarded CMAS Contract No. 3-09-00-0493B, under the same terms and conditions as specified in the bid.

AYES: Karin Freeman, Carol Downey, Janice Wagner, Eric Padget, Judy Miller
NOES: None
ABSENT: None

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

I, Dennis M. Smith, Secretary to the Board of Education of the Placentia-Yorba Linda Unified School District of Orange County, California, hereby certify that the above and foregoing Resolution No. 28 as duly and regularly adopted by said Board at a regular meeting thereof held on the 12th day of May, 2009, and passed by a unanimous vote of said Board.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 12th day of May, 2009.

Dennis M. Smith, Secretary to Board of Education

**RESOLUTION OF THE BOARD OF EDUCATION
OF THE PLACENTIA-YORBA LINDA UNIFIED SCHOOL DISTRICT
OF ORANGE COUNTY, STATE OF CALIFORNIA**

RESOLUTION NO. 30

May 12, 2009

On motion of Trustee, Mrs. Judy Miller, duly seconded and carried, the following resolution was adopted:

WHEREAS, The State of California awarded CMAS Contract No. 3-09-00-0494A to Promethean, Inc. for the purchase of Audio and Visual Equipment.

WHEREAS, this agreement is extended to other county agencies/departments within the County of Orange California; and

WHEREAS, the Public Contract Code Section 20118 provides for purchasing through another public entity as a viable and useful tool, and

WHEREAS, the Placentia-Yorba Linda Unified School District Board of Education determines that it is in the best interest of the District to purchase Audio and Visual equipment under the same terms and conditions as The State of California CMAS Contract No. 3-09-00-0494A awarded to Promethean, Inc. dba Promethean World pursuant to the provisions of Public Contract code Section 20118.

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Placentia-Yorba Linda Unified School District authorizes purchase of Audio and Visual Equipment under the same terms and conditions as The State of California awarded CMAS Contract No. 3-09-00-0494A, under the same terms and conditions as specified in the bid.

AYES: Karin Freeman, Carol Downey, Janice Wagner, Eric Padget, Carol Downey
NOES: None
ABSENT: None

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

I, Dennis M. Smith, Secretary to the Board of Education of the Placentia-Yorba Linda Unified School District of Orange County, California, hereby certify that the above and foregoing Resolution No. 30 as duly and regularly adopted by said Board at a regular meeting thereof held on the 12th day of May, 2009, and passed by a unanimous vote of said Board.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 12th day of May, 2009.

Dennis M. Smith, Secretary to Board of Education

TO: Dennis Smith, Superintendent

FROM: Beth Berndt, Assistant Superintendent, Personnel Services

DATE: May 12, 2009

SUBJECT: REVIEW AND MODIFY PROPOSED DECISION IN REDUCTION-IN-FORCE (RIF) HEARING

BACKGROUND: In order to maintain a balanced budget and provide essential services, the Board of Education approved Resolution No. 22 on March 10, 2009. The resolution authorized a reduction in force of 91.1 full time equivalent certificated employees. Pursuant to Education Code section 44949, employees receiving the notice have the right to request a hearing to determine if there is cause for not reemploying them for the ensuing year. In accordance with Education Code section 44949, the hearing was conducted in accordance with the Administrative Procedure Act, Government Code sections 11500 *et seq.* The reduction-in-force (RIF) hearing was held on April 23, 2009 before Administrative Law Judge David B. Rosenman. A decision must also be rendered in accordance with the provisions of the Administrative Procedure Act. (Ed. Code, § 44949.)

The Administrative Law Judge rendered a proposed decision in the matter attached as Exhibit A. The decision contains a determination of the sufficiency of the cause and a recommendation as to disposition. According to Section 44949 of the Education Code, the Administrative Law Judge's findings, recommendations, or determinations as reflected in the proposed decision are not binding on the governing board. Government Code section 11517(c)(2) provides, in part, that the board may adopt the proposed decision entirely, reduce the proposed result and adopt the balance of the decision, or "reject the proposed decision, and decide the case upon the record, including the transcript, or upon an agreed statement of the parties, with or without taking additional evidence. By stipulation of the parties, the agency may decide the case upon the record without including the transcript." (Gov. Code, § 11517(c)(2)(E).) Further information regarding the process by which the Board may reject the proposed decision and decide the matter upon the record are detailed in the Notice Re Hearing on Proposed Decision served on the representatives for the District and the Respondents on May 5, a copy of which notice is attached as Exhibit B. Since the Notice (Exhibit B) was issued, counsel for the District and Respondents have agreed to appropriate modifications.

RATIONALE: Upon review of the Administrative Law Judge's proposed decision, staff believes that it should be corrected because it does not reflect the evidence taken in the matter. In particular, staff notes that although the proposed decision indicates that the District withdrew/rescinded layoff notices and Accusations against Leslie Alexander and Jessica Cuellar, the transcript and exhibits from the hearing in the matter confirm that the

District only stipulated to reclassify them from temporary to probationary. Further, because both teachers were given layoff notices and Accusations, they too must be given final layoff notices because of the reduction and discontinuance of particular kinds of services. (See Exhibit 2 to the hearing transcript, which contains jurisdictional documents for each of the Respondents in the matter, including Ms. Alexander and Ms. Cuellar. Copies of both teachers' layoff notices and Accusations are contained within Exhibit 2.) A copy of that stipulation is attached as a revised Exhibit C.

Accordingly, staff recommends that the attached proposed decision be modified to correct the errors and to be consistent with the evidence in the matter as set forth in the attached stipulation and revised Exhibit C. Staff recommends that the Board approve the proposed decision as modified in revised Exhibit C with respect to the certificated layoffs.

FUNDING:

N/A.

BOARD GOAL:

This board agenda item supports **Guiding Principal #6, *High Achieving Organizations*** – “We effectively manage resources in order to achieve the district’s mission.

RECOMMENDATION:

Review and adopt the proposed decision in the reduction-in-force hearing as modified in revised Exhibit C attached.

**Prepared and
Submitted by:**

Beth Berndt, Personnel Services.

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BEFORE THE
GOVERNING BOARD OF THE
PLACENTIA-YORBA LINDA UNIFIED SCHOOL DISTRICT
STATE OF CALIFORNIA

In the Matter of the Accusations Against:

OAH No. 2009030040

Certificated Employees of the Placentia-
Yorba Linda Unified School District,

Respondents.

PROPOSED DECISION

David B. Rosenman, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on April 23, 2009, at the Placentia-Yorba Linda Unified School District, in Placentia, California.

Rutan & Tucker, by David C. Larsen and Denise L. Mester, Attorneys at Law, represented the Placentia-Yorba Linda Unified School District (District).

Trygstad, Schwab & Trygstad, by Richard J. Schwab, Attorney at Law, represented Respondent teachers. A list of Respondents is attached as Attachment A, which indicates which Respondents were present at the hearing. Mr. Schwab did not represent counselors Corinne Bodnar, Kimberly Houg, Paul Juarez and Jason Pike, who were not present at the hearing and whose defaults were taken.

Evidence was received by way of stipulation, testimony and documents. The record was closed and the matter was submitted for decision on April 23, 2009.

SUMMARY OF PROPOSED DECISION

The Governing Board of the District (Board) determined to reduce or discontinue particular kinds of services provided by certificated teachers for budgetary reasons. The decision was not related to the competency and dedication of the individuals whose services are proposed to be reduced or eliminated.

District staff carried out the Board's decision by using a selection process involving review of credentials and seniority. The selection process was in accordance with the requirements of the Education Code, except as indicated herein. The Board may proceed as indicated herein.

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FACTUAL FINDINGS

Jurisdiction and Parties

1. The District provides educational services for students in grades kindergarten through 12. The District employs certificated staff in permanent or probationary positions.
2. Dennis M. Smith is the Superintendent of the District and Beth Berndt is the Assistant Superintendent of Personnel Services of the District. Their actions were taken in those official capacities. Ms. Berndt and her staff were responsible for implementation of the technical aspects of the layoff.
3. Before March 15, 2009, the District served 37 teachers and counselors, including Respondents, by personal service and/or certified mail, with a written notice (layoff notice) that it had been recommended that notice be given to them pursuant to Education Code sections 44949 and 44955 that their services would not be required for the next school year. Each layoff notice set forth the reasons for the recommendation and noted that the Board had passed a resolution reducing the certificated staff by 91.1 full-time equivalent (FTE) positions.¹
4. Thirty-one certificated employees, referred to as Respondents, submitted timely written requests for a hearing to determine if there is cause for not reemploying them for the ensuing school year.
5. The Superintendent, by his designee, made and filed Accusations against each of the Respondents. On March 26, 2009, the District served Respondents either in person or by certified mail with an Accusation along with required accompanying documents and blank Notices of Defense.
6. Several Respondents completed Notices of Defense that were served on the District.
7. Attachment A is incorporated by reference. Thirty-three names are listed. Thirty-one (not including Ms. Alexander and Ms. Cuellar; see Factual Finding 19) were served with layoff notices. All thirty-three served requests for hearing with the District. On Attachment A, the letter "a" indicates Respondents who submitted a Notice of Defense after being served with the Accusation package. The District stipulated that its notices and Accusations were

¹ With respect to the discrepancy between the number of FTE positions (91.1) and the number of employees served (37), as noted in Factual Findings 3, 8 and 10, although the Board authorized the reduction of many kinds of services, this proceeding relates only to elementary school teachers and middle and high school counselors. Nevertheless, there was insufficient evidence to explain the difference between FTEs in those categories (64.5) and the number of employees served (37).

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rescinded as to all names with the designation "b." The letter "c" indicates Respondents, and Ms. Alexander, who were present at the hearing.

8. Respondents in this proceeding are probationary or permanent certificated employees of the District. This proceeding included issues relating only to reductions in services of elementary school teachers and middle and high school counselors.

The Board and the Layoff Resolution

9. On March 10, 2009, the Board was given notice of the Superintendent's recommendation that certificated employees in 91.1 FTE positions be given notice that their services would not be required for the next school year and stating the reasons therefore.

10. Board Resolution number 22, adopted on March 10, 2009 (Resolution), proposed a layoff of certificated employees in 91.1 FTE positions. Specifically, the Resolution provided for the reduction or elimination of the following particular kinds of services:

SERVICES OR PROGRAMS TO BE ELIMINATED OR REDUCED	POSITIONS (FTE)
Class-size reduction for grades 1 and 2	58.0
Teachers on Special Assignment (TOSAs)	5.0
Counselors (7-12)	6.5
School Psychologists	1.6
Single-subject course offerings (7-12):	
Language Arts	6.0
Art	2.0
Math	3.0
Physical Education	3.0
Social Science	4.0
Science	2.0
TOTAL	91.1

11. The Resolution also established tie-breaker criteria for determining the relative seniority of certificated employees who first rendered paid service on the same date. It provided that the order of termination shall be based on the needs of the District and the students in accordance with the criteria stated therein. More specifically, the tie-breaker criteria provide for a priority order for, among other things, certain certifications, degrees, credentials, certificates, positions and services, to establish seniority within the shared date of first paid service. In the event of a tie after reference to all listed criteria, a lottery would be held.

12. The Resolution was required by the District's fiscal crisis and need to reduce services to balance its budget for the welfare of students. More specifically, for school year

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2009-2010, the Board needed to reduce the budget by approximately \$14 million to cover its costs and to maintain the legally required reserve fund.

13. The decision to reduce services was not related to the competency and dedication of the individuals whose services are proposed to be reduced or eliminated.

The Seniority List and the Layoffs

14. The District maintains a seniority list which contains employees' seniority dates (first date of paid service), current assignments and credentials.

15. The District used the seniority list to develop a proposed layoff list of the least senior employees currently assigned in the various services being reduced. In determining who would be laid off for each kind of service reduced, the District counted the number of reductions not covered by the known vacancies, and determined the impact on incumbent staff in inverse order of seniority.

16. The District used information from the seniority list and personnel files to apply the tie-breaker criteria of the Resolution.

17. The services identified in the Resolution are particular kinds of services that could be reduced or discontinued under Education Code section 44955. The Board's decisions to reduce or discontinue the identified services were neither arbitrary nor capricious, and were a proper exercise of its discretion. The decisions were based on the welfare of the District and its pupils.

18. The District identified the certificated employees providing the particular kinds of services that the Board directed be reduced or discontinued. No junior certificated employee is scheduled to be retained to perform services which a more senior employee is certificated and competent to render, except as set forth below.

19. The District withdrew/rescinded layoff notices and Accusations against Respondents Xochitl Dachenhausen, Stephanie Dey, Natali Drake-Riggio, Robin Dudnick, Stacy Keen and Jodi Veraldi. These withdrawals were based on the District's decision to implement a smaller increase in class size for first grade than first anticipated, resulting in the need for six more teachers. These six Respondents had the most seniority of employees with the appropriate teaching credential. The District determined that Leslie Alexander and Jessica Cuellar, who had been hired as temporary employees, should have been classified as probationary employees with the seniority date of August 25, 2008, because their contracts were not signed until after their first date of paid service. Therefore, the District withdrew/rescinded layoff notices and Accusations against them. No layoff notices had been sent to Ms. Alexander and Ms. Cuellar.

Respondents' Contentions and Other Relevant Information

20. Due to the retention of Ms. Alexander and Ms. Cuellar, credentialed as elementary school teachers (multiple subject credential) with seniority dates of August 25, 2008, the Accusations against the two remaining Respondents who are most senior to Ms. Alexander and Ms. Cuellar, and hold a multiple subject credential, should be dismissed. Those Respondents are Debra Occhipinti-DeSpenza and Brenda Dimopoulos, whose seniority date is August 29, 2005, and are more senior to others with the same date due to the tie-breaking criteria (see Exhibit 11).

21. Respondents contend that the seniority list contains errors, that several Respondents are qualified to teach in positions held by someone with less seniority, and that the District's process of hiring temporary teachers, and then converting some temporary teachers to probationary, was unlawful.

22. With respect to these contentions, the following evidence was submitted and findings are made.

(a) Several Respondents served in positions with the District, such as long-term substitute teacher or day-to-day substitute teacher, prior to their first date of paid service as depicted on the seniority list. However, insufficient evidence was submitted to establish that the seniority list should be changed. Such earlier service was not entitled to be treated as service in a probationary position or otherwise entitle any Respondent to an earlier seniority date. Another Respondent who challenged her seniority date (Elaine Hudson, August 28, 2006) did not submit sufficient evidence to conclude that she was entitled to any specific earlier seniority date.

(b) Several Respondents contend that they have additional credentials that would entitle them to displace more junior teachers. However, the evidence did not support these claims. For example, Ms. Vanderhook holds a Board authorization to teach science at the middle school level, which authorization is based upon college credits she has earned but lasts for only one year at a time. She did not establish that she would qualify for a Board authorization to teach the high school chemistry or biology classes that were identified as being taught by more junior employees. Ms. Paniagua holds a supplemental credential in history that permits her to teach students through ninth grade. However, the more junior history teachers that were identified teach higher grades or a combined class including higher grades, which Ms. Paniagua would not be able to teach with her credential. Ms. Flores-Magana has a supplemental credential in Spanish and could teach in the assignment of Mirko Lopez, a more junior employee, except that Ms. Flores-Magana presently teaches a part-time assignment, 0.47 FTE, while Mr. Lopez teaches a full-time assignment, 1.0 FTE.

(c) Ms. Paniagua received her BCLAD certification on April 21, 2009, after layoff notices were served. The District should consider updating its records accordingly. Even if Ms. Paniagua receives benefit due to this certification in the application of tie-breaking criteria, she would still be included in these proceedings.

A

(d) All 18 Respondents who testified hold multiple subject credentials and stated that, if it were offered to them, they would take the assignment of Kimberly Peck, who teaches Language Arts in the Elementary Independent Studies Program at the Parkview school site. Ms. Peck has less seniority than these 18 Respondents. The District seeks to exempt Ms. Peck from layoff, or "skip" her, due to her special training and experience. There was insufficient evidence to conclude that these 18 Respondents hold the appropriate credential to bump Ms. Peck from her position based on the nature of the position held by Ms. Peck, and the District established grounds to skip her.

(e) Several times in the months of February and March 2009, the Board changed the classification of teachers that had been hired in temporary positions to probationary. Many, and perhaps all, of these conversions occurred after the District determined the number of temporary teachers exceeded the number of certificated employees that were granted leaves of absence (including job shares and teachers on special assignments). The only teachers included within these layoff proceedings that were subject to this conversion were Ms. Alexander and Ms. Cuellar, and the District has withdrawn the Accusations as to them. Some of the "converted" probationary teachers are elementary school teachers with multiple subject credentials, others teach in the special education program, and there was no evidence of the credentials or assignments of others.

LEGAL CONCLUSIONS AND DISCUSSION

1. Education Code² section 44949, subdivision (a), states in pertinent part:

"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."

2. Section 44955 provides, in pertinent part:

"(a) No permanent employee shall be deprived of his or her position for causes other than those specified in Sections 44907 and 44923, and Sections 44932 to 44947, inclusive, and no probationary employee shall be deprived of his or her position for cause other than as specified in Sections 44948 to 44949, inclusive.

"(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

² All citations are to the Education Code.

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 . . . 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. . . .

"(c) [S]ervices of such employees shall be shall be terminated in the reverse order in which they were employed, as determined by the board in accordance with 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. . . .

"(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 . . . 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."

3. Sections 44949 and 44955 establish jurisdiction for this proceeding, and the notice and jurisdictional requirements set forth therein were met. (Factual Findings 3 through 8.)

4. A District may reduce services within the meaning of 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.)

5. Cause exists to reduce the number of certificated employees of the District due to the reduction and discontinuation of particular kinds of services. Cause for the reduction or discontinuation of services relates solely to the welfare of the District's schools and pupils within the meaning of section 44949. (Factual Findings 9 through 13.)

A

6. The services at issue, elementary school teaching reduced due to class size adjustment and school counselors, have been recognized as particular kinds of services subject to layoff proceedings. (*San Jose Teachers Association v. Allen* (1983) 144 Cal.App.3d 627; *Campbell v. Abbott* (1978) Cal.App.3d 796; *Zalac v. Governing Board of the Ferndale Unified School District* (2002) 98 Cal.App.4th 838.)

7. A senior teacher whose position is discontinued has the right to transfer to a continuing position which he or she is certificated and competent to fill. In doing so, the senior employee may displace or "bump" a junior employee who is filling that position. (*Lacy v. Richmond Unified School District* (1975) 13 Cal.3d 469.) Junior teachers may be given retention priority over senior teachers if the junior teachers possess superior skills or capabilities which their more senior counterparts lack. (*Poppers v. Tamalpais Union High School District* (1986) 184 Cal.App.3d 399; *Santa Clara Federation of Teachers v. Governing Board* (1981) 116 Cal.App.3d 831.)

8. No Respondent can bump Kimberly Peck from her position, and she was properly skipped by the District. (Factual Finding 22(d).)

9. Ms. Vanderhook's authorization from the Board, under section 44263, is an annual authorization that must be renewed and, even if so, would not permit her to teach grades ten through twelve. She cannot bump the more junior teachers teaching those grades. Similarly, Ms. Paniagua's supplemental history credential is limited to teaching up to ninth grade under California Code of Regulations, title 5, section 80057.5, and she cannot bump the more junior history teachers who teach grades ten through twelve. Ms. Flores-Magana, as a part-time employee, cannot bump Mr. Flores, who is a more junior, but full-time, employee that the District has the discretion to retain. (*Hildebrandt v. St. Helena Unified School Dist.* (2009) 172 Cal.App.4th 334.) (Factual Finding 22.)

10. Leslie Alexander and Jessica Cuellar were converted to probationary pursuant to section 44916, which, as pertinent here, provides that an employee is probationary unless she receives a written statement at the time of employment indicating her status as a temporary employee. When no such written statement is given, the employee is probationary. (*Kavanaugh v. West Sonoma County Union High School District* (2003) 29 Cal.4th 911.) Their status as more junior to other holders of a multiple subject credential means layoff notices must be rescinded as to the two most senior holders of that same credential, by operation of section 44955, subdivision (b). (Factual Findings 19 and 20.)

11. Respondents' contention that the District should be ordered to retain Respondents due to the process whereby it hired more temporary teachers than was allowed by law is rejected. Initially, these proceedings relate to the rights of teachers in the status of probationary and permanent employees under section 44955, and not to temporary employees. There is no jurisdiction here to address the issue raised by Respondents in the manner they suggest. Temporary employees who feel they have been categorized incorrectly may bring writ proceedings in the courts of appropriate jurisdiction. Further, because the substitute and temporary teacher classifications are not guaranteed procedural due process by

statute, they are narrowly defined by the Legislature and should be strictly interpreted. (*Bakersfield Elementary Teachers Ass'n v. Bakersfield City School Dist.* (2006) 145 Cal.App.4th 1260.)

12. The District rescinded its notices to Respondents on Attachment A designated with the letter "b" and, therefore, those Respondents must have the Accusations against them dismissed.

13. Due to the failure of the counselor Respondents to appear at the hearing, their defaults are noted and the District may proceed against them by issuing final layoff notices.

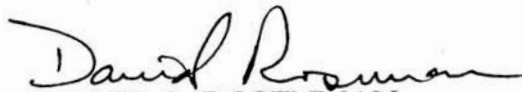
ORDER

1. Notice may be given to employees occupying 91.1 full-time equivalent certificated positions that their services will not be required for the 2009-2010 school year because of the reduction and discontinuance of particular kinds of services, except as set forth below. Such notices may be given to the Respondents listed in Attachment A, except for those designated with the letter "b" for whom the District has rescinded its notice of intent of non-reemployment, and except for Respondents Debra Occhipinti-DeSpenza and Brenda Dimopoulos.

2. Notice shall be given in inverse order of seniority.

3. The Accusations are dismissed as to the Respondents listed in Attachment A designated with the letter "b" for whom the District has rescinded its notice of intent of non-reemployment, and except for Respondents Debra Occhipinti-DeSpenza and Brenda Dimopoulos, and no final layoff notices may be sent to them.

DATED: May 1, 2009.


DAVID B. ROSENMAN
Administrative Law Judge
Office of Administrative Hearings

A

PLACENTIA-YORBA LINDA UNIFIED SCHOOL DISTRICT
LAY OFF NOTICE LIST

(a, c) Angeles-Dizon, Joan
(a, c) Boydston, Tammy
(a, c) Cerda, Amanda
(b) Dachenhausen, Xochitl
(b) Dey, Stephanie
(a, c) Dimopoulos, Brenda
(b) Drake-Riggio, Natali
(b) Dudnick, Robin
(a, c) Estep, Jennifer
(a, c) Flores-Magana, Guillermina
(a, c) Guzman, Monica
(a, c) Horton, Janet
(a, c) Hudson, Elaine
(b) Keen, Stacy
(a, c) Malner, Erin
(a, c) McElwee, Sarah
(a, c) Miller, Joanne
(a, c) Naval, Jana
(a, c) Occhipinti-DeSpenza, Debra
(a, c) Olson, Leanne
(a, c) Paniagua, Katherine
(a) Saadat, Ramin
(a) Samson, Melissa
(a, c) Thompson, Kristen
(a, c) Vanderhook, April
(b) Veraldi, Jodi
(a, c) Yamamoto, Susan

KEY: a = submitted Notice of Defense
b = District rescinded Accusation
c = present at the hearing

Claims To Be Probationary Status
(a, b, c) Alexander, Leslie
(a, b) Cuellar, Jessica

Management: School Counselors
(a) Bodnar, Corinne
(a) Houg, Kimberly
(a) Juarez, Paul
(a) Pike, Jason

ATTACHMENT A

B

1 **BEFORE THE HEARING OFFICER**
2 **ACTING FOR AND ON BEHALF OF THE BOARD OF EDUCATION OF THE**
3 **PLACENTIA-YORBA LINDA UNIFIED SCHOOL DISTRICT**
4

5 **In the Matter of the**
6 **Accusation Against**

7 Certificated Employees of the Placentia-
8 Yorba Linda Unified School District,

9 Respondents.

OAH Case No. 2009030040

NOTICE RE HEARING ON
PROPOSED DECISION

10 PLEASE BE ADVISED that on Tuesday, May 12, 2009, pursuant to Government
11 Code section 11517, the Board of Education ("the Board") of the Placentia-Yorba Linda
12 Unified School District ("the District") will consider the proposed decision in the above-
13 entitled matter, which proposed decision is attached.

14 PLEASE BE FURTHER ADVISED that, in accordance with Government Code
15 section 11517(c)(2)(E), District representatives will recommend that the Board reject the
16 proposed decision, and decide the case upon the record, including the transcript, or upon
17 an agreed statement of the parties, with or without taking additional evidence.
18 Alternatively, by stipulation of the parties, the Board may decide the case upon the record
19 without including the transcript.

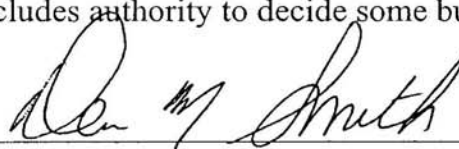
20 PLEASE TAKE NOTICE that, in accordance with Government Code section
21 11517(c)(2)(E), the parties will have an opportunity to present either oral or written
22 argument before the Board regarding the proposed decision and any proposed
23 modifications thereof. Any written argument must be submitted to the Board no later than
24 12:00 p.m. on May 8, 2009, by delivering a copy of such argument to the office of Dennis
25 M. Smith, Superintendent and Secretary to the Board, at 1301 E. Orangethorpe Ave.,
26 Placentia, CA 92870. Copies of such argument must also be submitted to the
27 representatives of the opposing party. An opportunity for oral argument will also be
28 provided during the Board meeting of May 12, 2009, beginning at 7:00 p.m.

B

1 Pursuant to Government Code section 11517(c)(2)(E), a copy of the record shall be
2 made available to the parties upon request. The District may require payment of fees
3 covering direct costs of making copies of such record.

4 The Board's authority to decide the matter includes authority to decide some but not
5 all issues in the case.

6 Dated: May 5, 2009


Dennis M. Smith, Ed.D.,
Superintendent

REVISED EXHIBIT C

1 **BEFORE THE HEARING OFFICER**
2 **ACTING FOR AND ON BEHALF OF THE BOARD OF EDUCATION OF THE**
3 **PLACENTIA-YORBA LINDA UNIFIED SCHOOL DISTRICT**

5 **In the Matter of the**
6 **Accusation Against**

7 Certificated Employees of the Placentia-
8 Yorba Linda Unified School District,
9 Respondents.

OAH Case No. 2009030040

STIPULATION OF PARTIES RE
PROPOSED DECISION

10 This Stipulation is entered into by and between Placentia-Yorba Linda Unified
11 School District ("District"), by and through its attorneys, Rutan & Tucker, LLP, and
12 Respondents, by and through their attorneys, Law Offices of Trygstad, Schwab &
13 Trygstad, and is made with reference to the following:

14 WHEREAS, in accordance with Education Code section 44949, a reduction-in-force
15 hearing was conducted on April 23, 2009 to consider the District's reduction in force as
16 approved in Resolution No. 22, adopted March 10, 2009;

17 WHEREAS the reduction-in-force hearing was held before an administrative law
18 judge in accordance with the Administrative Procedure Act, Government Code sections
19 11500 et seq.;

20 WHEREAS the administrative law judge rendered a proposed decision in the
21 matter, the findings, recommendations, and determinations of which are not binding on the
22 District's governing board;

23 WHEREAS Government Code section 11517(c)(2) provides, in part, that the
24 governing board may reject the proposed decision, and decide the case upon the record,
25 including the transcript, or upon an agreed statement of the parties, with or without taking
26 additional evidence; and

27 WHEREAS Government Code section 11517(c)(2) further provides that by
28 stipulation of the parties, the District may decide the case upon the record without

REVISED EXHIBIT C

MAY-08-2009 16:48

TRYGSTAD, SCHWAB, TRYGSTAD

1 including the transcript.

2 NOW THEREFORE IT IS HEREBY STIPULATED by and between the parties as
3 follows:

4 1. The record and transcript of the hearing in the above-entitled will reflect that the
5 proposed decision ought to be modified as indicated in the accompanying attachment to
6 comport with the evidence received and stipulations reached during the hearing in the
7 above-entitled matter.

8
9 2. The District's governing board has the discretion to adopt the proposed decision
10 as modified in the accompanying attachment as its final decision in the above-entitled
11 matter, without further record review and/or argument.

12 3. The parties hereby waive their respective rights to present further oral and/or
13 written argument with respect to any other changes or modifications of the proposed order.

14 Dated: _____

RUTAN & TUCKER, LLP

15 By: _____
16 Denise L. Mester
17 Attorneys for PLACENTIA-YORBA
18 LINDA UNIFIED SCHOOL DISTRICT
19

20
21 Dated: 5/8/09

LAW OFFICES OF TRYGSTAD, SCHWAB
& TRYGSTAD

22 By: Richard J Schwab
23 Richard J. Schwab
24 Attorneys for RESPONDENTS
25
26
27
28

REVISED EXHIBIT C

1 including the transcript.

2 NOW THEREFORE IT IS HEREBY STIPULATED by and between the parties as
3 follows:

4 1. The record and transcript of the hearing in the above-entitled will reflect that the
5 proposed decision ought to be modified as indicated in the accompanying attachment to
6 comport with the evidence received and stipulations reached during the hearing in the
7 above-entitled matter.
8

9 2. The District's governing board has the discretion to adopt the proposed decision
10 as modified in the accompanying attachment as its final decision in the above-entitled
11 matter, without further record review and/or argument.
12

13 3. The parties hereby waive their respective rights to present further oral and/or
14 written argument with respect to any other changes or modifications of the proposed order.
15

16 Dated: MAY 8, 2009

RUTAN & TUCKER, LLP

17 By: Denise L. Mester
18 Denise L. Mester
19 Attorneys for PLACENTIA-YORBA
20 LINDA UNIFIED SCHOOL DISTRICT

21 Dated: _____

LAW OFFICES OF TRYGSTAD, SCHWAB
& TRYGSTAD

23 By: _____
24 Richard J. Schwab
25 Attorneys for RESPONDENTS
26
27
28

REVISED EXHIBIT C

BEFORE THE
GOVERNING BOARD OF THE
PLACENTIA-YORBA LINDA UNIFIED SCHOOL DISTRICT
STATE OF CALIFORNIA

In the Matter of the Accusations Against:

OAH No. 2009030040

Certificated Employees of the Placentia-
Yorba Linda Unified School District,

Respondents.

PROPOSED DECISION

David B. Rosenman, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on April 23, 2009, at the Placentia-Yorba Linda Unified School District, in Placentia, California.

Rutan & Tucker, by David C. Larsen and Denise L. Mester, Attorneys at Law, represented the Placentia-Yorba Linda Unified School District (District).

Trygstad, Schwab & Trygstad, by Richard J. Schwab, Attorney at Law, represented Respondent teachers. A list of Respondents is attached as Attachment A, which indicates which Respondents were present at the hearing. Mr. Schwab did not represent counselors Corinne Bodnar, Kimberly Houg, Paul Juarez and Jason Pike, who were not present at the hearing and whose defaults were taken.

Evidence was received by way of stipulation, testimony and documents. The record was closed and the matter was submitted for decision on April 23, 2009.

SUMMARY OF PROPOSED DECISION

The Governing Board of the District (Board) determined to reduce or discontinue particular kinds of services provided by certificated teachers for budgetary reasons. The decision was not related to the competency and dedication of the individuals whose services are proposed to be reduced or eliminated.

District staff carried out the Board's decision by using a selection process involving review of credentials and seniority. The selection process was in accordance with the requirements of the Education Code, except as indicated herein. The Board may proceed as indicated herein.

REVISED EXHIBIT C

FACTUAL FINDINGSJurisdiction and Parties

1. The District provides educational services for students in grades kindergarten through 12. The District employs certificated staff in permanent or probationary positions.
2. Dennis M. Smith is the Superintendent of the District and Beth Berndt is the Assistant Superintendent of Personnel Services of the District. Their actions were taken in those official capacities. Ms. Berndt and her staff were responsible for implementation of the technical aspects of the layoff.
3. Before March 15, 2009, the District served 37 teachers and counselors, including Respondents, by personal service and/or certified mail, with a written notice (layoff notice) that it had been recommended that notice be given to them pursuant to Education Code sections 44949 and 44955 that their services would not be required for the next school year. Each layoff notice set forth the reasons for the recommendation and noted that the Board had passed a resolution reducing the certificated staff by 91.1 full-time equivalent (FTE) positions.¹
4. Thirty-one certificated employees, referred to as Respondents, submitted timely written requests for a hearing to determine if there is cause for not reemploying them for the ensuing school year.
5. The Superintendent, by his designee, made and filed Accusations against each of the Respondents. On March 26, 2009, the District served Respondents either in person or by certified mail with an Accusation along with required accompanying documents and blank Notices of Defense.
6. Several Respondents completed Notices of Defense that were served on the District.
7. Attachment A is incorporated by reference. Thirty-three names are listed. Thirty-one (not including Ms. Alexander and Ms. Cuellar; see Factual Finding 19) were served with layoff notices. All thirty-three served requests for hearing with the District. On Attachment A, the letter "a" indicates Respondents who submitted a Notice of Defense after being served with the Accusation package. The District stipulated that its notices and Accusations were

¹ With respect to the discrepancy between the number of FTE positions (91.1) and the number of employees served (37), as noted in Factual Findings 3, 8 and 10, although the Board authorized the reduction of many kinds of services, this proceeding relates only to elementary school teachers and middle and high school counselors. Nevertheless, there was insufficient evidence to explain the difference between FTEs in those categories (64.5) and the number of employees served (37).

REVISED EXHIBIT C

rescinded as to all names with the designation "b." The letter "c" indicates Respondents, and Ms. Alexander, who were present at the hearing.

8. Respondents in this proceeding are probationary or permanent certificated employees of the District. This proceeding included issues relating only to reductions in services of elementary school teachers and middle and high school counselors.

The Board and the Layoff Resolution

9. On March 10, 2009, the Board was given notice of the Superintendent's recommendation that certificated employees in 91.1 FTE positions be given notice that their services would not be required for the next school year and stating the reasons therefore.

10. Board Resolution number 22, adopted on March 10, 2009 (Resolution), proposed a layoff of certificated employees in 91.1 FTE positions. Specifically, the Resolution provided for the reduction or elimination of the following particular kinds of services:

<u>SERVICES OR PROGRAMS TO BE ELIMINATED OR REDUCED</u>	<u>POSITIONS (FTE)</u>
Class-size reduction for grades 1 and 2	58.0
Teachers on Special Assignment (TOSAs)	5.0
Counselors (7-12)	6.5
School Psychologists	1.6
Single-subject course offerings (7-12):	
Language Arts	6.0
Art	2.0
Math	3.0
Physical Education	3.0
Social Science	4.0
Science	2.0
TOTAL	91.1

11. The Resolution also established tie-breaker criteria for determining the relative seniority of certificated employees who first rendered paid service on the same date. It provided that the order of termination shall be based on the needs of the District and the students in accordance with the criteria stated therein. More specifically, the tie-breaker criteria provide for a priority order for, among other things, certain certifications, degrees, credentials, certificates, positions and services, to establish seniority within the shared date of first paid service. In the event of a tie after reference to all listed criteria, a lottery would be held.

12. The Resolution was required by the District's fiscal crisis and need to reduce services to balance its budget for the welfare of students. More specifically, for school year

REVISED EXHIBIT C

2009-2010, the Board needed to reduce the budget by approximately \$14 million to cover its costs and to maintain the legally required reserve fund.

13. The decision to reduce services was not related to the competency and dedication of the individuals whose services are proposed to be reduced or eliminated.

The Seniority List and the Layoffs

14. The District maintains a seniority list which contains employees' seniority dates (first date of paid service), current assignments and credentials.

15. The District used the seniority list to develop a proposed layoff list of the least senior employees currently assigned in the various services being reduced. In determining who would be laid off for each kind of service reduced, the District counted the number of reductions not covered by the known vacancies, and determined the impact on incumbent staff in inverse order of seniority.

16. The District used information from the seniority list and personnel files to apply the tie-breaker criteria of the Resolution.

17. The services identified in the Resolution are particular kinds of services that could be reduced or discontinued under Education Code section 44955. The Board's decisions to reduce or discontinue the identified services were neither arbitrary nor capricious, and were a proper exercise of its discretion. The decisions were based on the welfare of the District and its pupils.

18. The District identified the certificated employees providing the particular kinds of services that the Board directed be reduced or discontinued. No junior certificated employee is scheduled to be retained to perform services which a more senior employee is certificated and competent to render, except as set forth below.

19. The District withdrew/rescinded layoff notices and Accusations against Respondents Xochitl Dachenhausen, Stephanie Dey, Natali Drake-Riggio, Robin Dudnick, Stacy Keen and Jodi Veraldi. These withdrawals were based on the District's decision to implement a smaller increase in class size for first grade than first anticipated, resulting in the need for six more teachers. These six Respondents had the most seniority of employees with the appropriate teaching credential. The District determined that Leslie Alexander and Jessica Cuellar, who had been hired as temporary employees, should have been classified as probationary employees with the seniority date of August 25, 2008, because their contracts were not signed until after their first date of paid service. [REDACTED]

REVISED EXHIBIT C

Respondents' Contentions and Other Relevant Information

20

21. Respondents contend that the seniority list contains errors, that several Respondents are qualified to teach in positions held by someone with less seniority, and that the District's process of hiring temporary teachers, and then converting some temporary teachers to probationary, was unlawful.

22. With respect to these contentions, the following evidence was submitted and findings are made.

(a) Several Respondents served in positions with the District, such as long-term substitute teacher or day-to-day substitute teacher, prior to their first date of paid service as depicted on the seniority list. However, insufficient evidence was submitted to establish that the seniority list should be changed. Such earlier service was not entitled to be treated as service in a probationary position or otherwise entitle any Respondent to an earlier seniority date. Another Respondent who challenged her seniority date (Elaine Hudson, August 28, 2006) did not submit sufficient evidence to conclude that she was entitled to any specific earlier seniority date.

(b) Several Respondents contend that they have additional credentials that would entitle them to displace more junior teachers. However, the evidence did not support these claims. For example, Ms. Vanderhook holds a Board authorization to teach science at the middle school level, which authorization is based upon college credits she has earned but lasts for only one year at a time. She did not establish that she would qualify for a Board authorization to teach the high school chemistry or biology classes that were identified as being taught by more junior employees. Ms. Paniagua holds a supplemental credential in history that permits her to teach students through ninth grade. However, the more junior history teachers that were identified teach higher grades or a combined class including higher grades, which Ms. Paniagua would not be able to teach with her credential. Ms. Flores-Magana has a supplemental credential in Spanish and could teach in the assignment of Mirko Lopez, a more junior employee, except that Ms. Flores-Magana presently teaches a part-time assignment, 0.47 FTE, while Mr. Lopez teaches a full-time assignment, 1.0 FTE.

(c) Ms. Paniagua received her BCLAD certification on April 21, 2009, after layoff notices were served. The District should consider updating its records accordingly. Even if Ms. Paniagua receives benefit due to this certification in the application of tie-breaking criteria, she would still be included in these proceedings.

REVISED EXHIBIT C

(d) All 18 Respondents who testified hold multiple subject credentials and stated that, if it were offered to them, they would take the assignment of Kimberly Peck, who teaches Language Arts in the Elementary Independent Studies Program at the Parkview school site. Ms. Peck has less seniority than these 18 Respondents. The District seeks to exempt Ms. Peck from layoff, or "skip" her, due to her special training and experience. There was insufficient evidence to conclude that these 18 Respondents hold the appropriate credential to bump Ms. Peck from her position based on the nature of the position held by Ms. Peck, and the District established grounds to skip her.

(e) Several times in the months of February and March 2009, the Board changed the classification of teachers that had been hired in temporary positions to probationary. Many, and perhaps all, of these conversions occurred after the District determined the number of temporary teachers exceeded the number of certificated employees that were granted leaves of absence (including job shares and teachers on special assignments).

Some of the "converted" probationary teachers are elementary school teachers with multiple subject credentials, others teach in the special education program, and there was no evidence of the credentials or assignments of others.

LEGAL CONCLUSIONS AND DISCUSSION

1. Education Code² section 44949, subdivision (a), states in pertinent part:

"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."

2. Section 44955 provides, in pertinent part:

"(a) No permanent employee shall be deprived of his or her position for causes other than those specified in Sections 44907 and 44923, and Sections 44932 to 44947, inclusive, and no probationary employee shall be deprived of his or her position for cause other than as specified in Sections 44948 to 44949, inclusive.

"(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

² All citations are to the Education Code.

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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 . . . 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. . . .

"(c) [S]ervices of such employees shall be terminated in the reverse order in which they were employed, as determined by the board in accordance with 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. . . .

"(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 . . . 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."

3. Sections 44949 and 44955 establish jurisdiction for this proceeding, and the notice and jurisdictional requirements set forth therein were met. (Factual Findings 3 through 8.)

4. A District may reduce services within the meaning of 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.)

5. Cause exists to reduce the number of certificated employees of the District due to the reduction and discontinuation of particular kinds of services. Cause for the reduction or discontinuation of services relates solely to the welfare of the District's schools and pupils within the meaning of section 44949. (Factual Findings 9 through 13.)

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6. The services at issue, elementary school teaching reduced due to class size adjustment and school counselors, have been recognized as particular kinds of services subject to layoff proceedings. (*San Jose Teachers Association v. Allen* (1983) 144 Cal.App.3d 627; *Campbell v. Abbott* (1978) Cal.App.3d 796; *Zalac v. Governing Board of the Ferndale Unified School District* (2002) 98 Cal.App.4th 838.)

7. A senior teacher whose position is discontinued has the right to transfer to a continuing position which he or she is certificated and competent to fill. In doing so, the senior employee may displace or "bump" a junior employee who is filling that position. (*Lacy v. Richmond Unified School District* (1975) 13 Cal.3d 469.) Junior teachers may be given retention priority over senior teachers if the junior teachers possess superior skills or capabilities which their more senior counterparts lack. (*Poppers v. Tamalpais Union High School District* (1986) 184 Cal.App.3d 399; *Santa Clara Federation of Teachers v. Governing Board* (1981) 116 Cal.App.3d 831.)

8. No Respondent can bump Kimberly Peck from her position, and she was properly skipped by the District. (Factual Finding 22(d).)

9. Ms. Vanderhook's authorization from the Board, under section 44263, is an annual authorization that must be renewed and, even if so, would not permit her to teach grades ten through twelve. She cannot bump the more junior teachers teaching those grades. Similarly, Ms. Paniagua's supplemental history credential is limited to teaching up to ninth grade under California Code of Regulations, title 5, section 80057.5, and she cannot bump the more junior history teachers who teach grades ten through twelve. Ms. Flores-Magana, as a part-time employee, cannot bump Mr. Flores, who is a more junior, but full-time, employee that the District has the discretion to retain. (*Hildebrandt v. St. Helena Unified School Dist.* (2009) 172 Cal.App.4th 334.) (Factual Finding 22.)

10. [REDACTED]

11. Respondents' contention that the District should be ordered to retain Respondents due to the process whereby it hired more temporary teachers than was allowed by law is rejected. Initially, these proceedings relate to the rights of teachers in the status of probationary and permanent employees under section 44955, and not to temporary employees. There is no jurisdiction here to address the issue raised by Respondents in the manner they suggest. Temporary employees who feel they have been categorized incorrectly may bring writ proceedings in the courts of appropriate jurisdiction. Further, because the substitute and temporary teacher classifications are not guaranteed procedural due process by

REVISED EXHIBIT C

statute, they are narrowly defined by the Legislature and should be strictly interpreted. (*Bakersfield Elementary Teachers Ass'n v. Bakersfield City School Dist.* (2006) 145 Cal.App.4th 1260.)

12. The District rescinded its notices to Respondents on Attachment A designated with the letter "b" and, therefore, those Respondents must have the Accusations against them dismissed.

13. Due to the failure of the counselor Respondents to appear at the hearing, their defaults are noted and the District may proceed against them by issuing final layoff notices.


ORDER

1. Notice may be given to employees occupying 91.1 full-time equivalent certificated positions that their services will not be required for the 2009-2010 school year because of the reduction and discontinuance of particular kinds of services, except as set forth below. Such notices may be given to the Respondents listed in Attachment A, except for those designated with the letter "b" for whom the District has rescinded its notice of intent of non-reemployment, and except for Respondents Debra Occhipinti-DeSpenza and Brenda Dimopoulos.

2. Notice shall be given in inverse order of seniority.

3. The Accusations are dismissed as to the Respondents listed in Attachment A designated with the letter "b" for whom the District has rescinded its notice of intent of non-reemployment, and except for Respondents Debra Occhipinti-DeSpenza and Brenda Dimopoulos, and no final layoff notices may be sent to them.

DATED: May 1, 2009.


DAVID B. ROSENMAN
Administrative Law Judge
Office of Administrative Hearings

REVISED EXHIBIT C

PLACENTIA-YORBA LINDA UNIFIED SCHOOL DISTRICT
LAY OFF NOTICE LIST

(a, c) Angeles-Dizon, Joan
 (a, c) Boydston, Tammy
 (a, c) Cerda, Amanda
 (b) Dachenhansen, Xochitl
 (b) Dey, Stephanie
 (a, c) Dimopoulos, Brenda
 (b) Drake-Riggio, Natali
 (b) Dudnick, Robin
 (a, c) Estep, Jennifer
 (a, c) Flores-Magana, Guillermina
 (a, c) Guzman, Monica
 (a, c) Horton, Janet
 (a, c) Hudson, Elaine
 (b) Keen, Stacy
 (a, c) Malnor, Erin
 (a, c) McElwee, Sarah
 (a, c) Miller, Joanne
 (a, c) Naval, Jana
 (a, c) Occhipinti-DeSpenza, Debra
 (a, c) Olson, Leanne
 (a, c) Paniagua, Katherine
 (a) Saadat, Ramin
 (a) Samson, Melissa
 (a, c) Thompson, Kristen
 (a, c) Vanderhook, April
 (b) Veraldi, Jodi
 (a, c) Yamamoto, Susan

KEY: a = submitted Notice of Defense
 b = District rescinded Accusation
 c = present at the hearing

Claims To Be Probationary Status

(a, c) Alexander, Leslie
 (a) Cuellar, Jessica

Management: School Counselors

(a) Bodnar, Corinne
 (a) Houg, Kimberly
 (a) Juarez, Paul
 (a) Pike, Jason

ATTACHMENT A

**PLACENTIA-YORBA LINDA UNIFIED SCHOOL DISTRICT
LAY OFF NOTICE LIST**

**MODIFIED
EXHIBIT A**

Angeles-Dizon, Joan
Boydston, Tammy
Cerde, Amanda
Estep, Jennifer
Flores-Magana, Guillermina
Guzman, Monica
Horton, Janet
Hudson, Elaine
Malner, Erin
McElwee, Sarah
Miller, Joanne
Naval, Jana
Olson, Leanne
Paniagua, Katherine
Saadat, Ramin
Samson, Melissa
Thompson, Kristen
Vanderhook, April
Yamamoto, Susan
Alexander, Leslie
Cuellar, Jessica
Bodnar, Corinne
Houg, Kimberly
Pike, Jason
Juarez, Paul