

BEFORE THE
EDUCATION AUDIT APPEALS PANEL
STATE OF CALIFORNIA

In the Matter of:

DEL PASO HEIGHTS ELEMENTARY
SCHOOL DISTRICT,

Re: Appeal of Audit Finding 7,
Fiscal Year 2004-05, Instructional Time and
Staff Development Reform Program,

Appellant.

Case No. 06-07

OAH No. N2006080888

On May 31, 2007, the Office of Administrative Hearings (OAH) issued a Proposed Decision in this matter. On June 18, 2007, the Education Audit Appeals Panel (EAAP) issued a Notice of Rejection of Proposed Decision in order to decide the case itself under the provisions of Government Code Section 11517, subdivision (c)(2)(E). EAAP invited additional briefing by July 13, 2007, particularly with regard to substantial compliance in the context of the provisions of former Education Code Section 44579.1 and the application of former Education Code Section 44579.3 to the facts of the issue. Additional briefs were received from all parties.

FACTUAL FINDINGS

1. Perry-Smith Accountants completed and submitted an Audit Report of the general purpose and financial statements of the District as of and for the year ended June 30, 2005.¹

¹ Education Code § 41020.

2. In conducting the audit and review of the District, the auditor applied, *inter alia*, Generally Accepted Government Auditing Standards (GAGAS),² and utilized the audit guide required by the provisions of Education Code sections 14503, subdivision (a) and 41020, subdivision (g)(1)(A).³ The purpose of this audit or review is to ascertain a District's compliance with legal requirements.⁴ No audit purports to review all District documents but, consistent with GAGAS, a representative sample.⁵ When, however, a deficiency is discovered, more scrutiny is focused by an auditor in an effort to determine both the scope and extent of the deficiency.⁶

3. The Audit Report set forth Audit Finding 7, relating to the Instructional Time and Staff Development Reform Program,⁷ and concluded, "Training topics itemized on the staff development agendas included topics which do not qualify for the Staff Development Reform Program." This deficiency resulted in a corresponding fiscal impact of \$93,823 owed by the District to the State of California.⁸

4. An audit examining District compliance with the Instructional Time and Staff Development Reform Program required that the auditor, pursuant to California Code of Regulations, Title 5, Section 19823, "Review the site calendars and perform the following procedures:

"(a) Verify that the number of Instructional Time and Staff Development Reform Program staff development days claimed did not exceed three for each certificated classroom teacher and one for each classified classroom instructional aide or certificated teaching assistant.

(b) Verify that each Instructional Time and Staff Development Reform Program staff development day was intended to provide training in one or more of the following: instructional methods, including teaching strategies, classroom management and other training designed to improve pupil performance, conflict resolution, and academic content in the core curriculum areas that are provided by the local education agency. Staff development days held on or after January 1, 2004, additionally may be intended to provide training in intolerance and hatred prevention.

² OMB Circular A-133; see also Education Code § 14503, subdivision (a).

³ Standards and Procedures for Audits of California K-12 Local Education Agencies. See also Education Code § 14502.1.

⁴ Education Code § 41344.1, subdivision (c).

⁵ *Bily v. Arthur Young & Co.* (1992) 3 Cal.4th 370, 382: "[A]n audit rarely, if ever, examines every accounting transaction in the records of a business."

⁶ *Bily, supra* at p. 380.

⁷ Education Code §§ 44579 through 44579.6 (Inoperative July 1, 2005; Repealed January 1, 2006); California Code of Regulations, Title 5, § 19823.

⁸ State's Exhibit 2, pages 1-5 and 1-6.

(c) Verify that contemporaneous records support the number of Instructional Time and Staff Development Reform Program staff development days funded.

(d) Verify that no Instructional Time and Staff Development Reform Program staff development days were counted as instructional days for apportionment purposes.

¶...¶

(f) Verify that each staff development day was at least as long as the full-time instructional workday for certificated or classified instructional employees.

(g) Verify that each participant was present for a full-time instructional work day or the aggregate equivalent.

(h) If any ineligible Instructional Time and Staff Development Reform Program staff development days are identified through the foregoing procedures, prepare a schedule of the number of days audited and the number of ineligible days identified. Calculate the disallowance and estimate the dollar value, and include the schedule in the Findings and Recommendations section of the audit report.”

5. The District filed a timely appeal to Audit Finding 7.

6. On June 22, 2004, the District’s Governing Board approved the 2004–2005 Academic Calendar with 181 instructional days, of which 11 days were “minimum days” – November 15 – 19, 2004, and March 14 – 18, 2005 (both denominated “Parent Conference”); and June 10, 2005. That calendar provided for Staff Development days on August 19, 20, and 23, 2004. On August 24, 2004, classes would commence for Grades K through 6.⁹

7. On August 19, 20, and 23, 2004, District staff required faculty to attend Staff Development training at Del Paso Elementary School. Staff created an Agenda¹⁰ that provided, over the three days, the following:

⁹ Appellant’s Exhibit* H.

¹⁰ Appellant’s Exhibit* I.

*Mislabeled “Respondent’s Exhibit.”

Thursday, August 19:

7:45 – 8:15 a.m.	Refreshments, Meet, Greet and Mingle
8:20 – 11:55 a.m.	District General Meeting/Welcome Back and Mandated In-service (sic) Training
11:55 a.m. – 12:30 p.m.	Lunch
12:30 – 3:00 p.m.	Report to Respective Sites. Further direction will be given by site administrators. (Most of this time will be set aside for preparation of classroom)

Friday, August 20:

8:20 a.m. – 11:55 a.m.	Faculty Meetings
11:55 a.m. – 12:30 p.m.	Lunch
12:30 – 3:00 p.m.	Report to Respective Sites. Further direction will be given by site administrators. (Most of this time will be set aside for preparation of classroom)

Monday, August 23:

8:20 – 11:55 a.m.	Staff Development (Topic TBA)
11:55 a.m. – 12:30 p.m.	Lunch
12:30 – 3:00 p.m.	Final Faculty Meeting. Further direction to be given by site administrators.

8. The District, incident to the audit, provided the District's Agenda for August 19, 20, and 23, 2004.¹¹ The auditor, reviewing the Agenda,¹² concluded that "the District did not comply with the proper training topics."¹³ No site administrator certified teacher attendance at any site.¹⁴

¹¹ State's Exhibit 4.

¹² California Code of Regulations, Title 5, § 19823, subdivision (a).

¹³ State's Exhibit 4; California Code of Regulations, Title 5, § 19823, subdivision (b); and Education Code § 44579.1, subdivision (c).

¹⁴ California Code of Regulations, Title 5, § 6001.

9. The District, at hearing, provided personnel who attested that training at the Del Paso campus was conducted on August 19, 2004, and included training in sexual harassment, mandated reporting, and health issues.¹⁵ Although lacking Agenda specificity, the training on August 23, 2004, involved additional instructional training.¹⁶

10. Other evidence in the form of PowerPoint slides or agendas was presented that indicated that on the afternoons of August 19 and 20, 2004, the District's schools' administrators conducted further in-service training with and for their certificated personnel in subjects germane to each campus. Following that training, teachers remained at the sites to prepare their classrooms for the academic year. The District, aligned for the delivery of certain administrative services with an adjoining district, Grant Unified, acknowledges that neither the site slides nor agendas were provided to the auditor.

A. Del Paso Elementary School¹⁷

(1) August 19, 2004 – no agenda or other documentation was provided that set forth what, if any, training was conducted at the campus that afternoon.

(2) August 20, 2004 – the District introduced two agendas:

(a) Commencing at 8:20 a.m., the morning Agenda, without setting forth time involved in each matter, provided:

1. Arrive, Mingle, Welcome
2. Wows & Celebrations
3. High Point/Houghton Mifflin
4. Emergency Procedures
5. Handbooks
6. School Plan
7. Committees

¹⁵ Reporter's Transcript of Proceedings on March 30, 2007 ("RT") 48:10-16.

¹⁶ RT 51:3-6.

¹⁷ Appellant's Exhibit* J.

*Misabeled "Respondent's Exhibit."

8. Outcomes for Monday's mtg.
- (b) Commencing at 2:45 p.m., the afternoon Agenda, also without setting forth time involved in each matter, provided:
1. Wows & Celebrations
 2. BTSN
 3. Handbook Info
 4. Sunshine Cmte./\$/Committees
 5. SLT @ SCOE Sept. 9
 6. GATE
 7. Cert Evals
 8. Kim Wilson – Staff Development, Computers and Houghton Mifflin
 9. Student Data
- (3) August 23, 2004 – no agenda or other documentation was provided that set forth what, if any, training was conducted at the campus that afternoon.

B. Fairbanks Elementary School¹⁸

- (1) August 19, 2004 – the single Agenda entitled "Fairbanks Preservice Week" covered four days: August 19, 20, 21 and 23. The August 19 references set forth that at 7:45 a.m., "Mandated District Inservice" training would be conducted at Del Paso Elementary. At 1:00 p.m., staff were directed, "Please go to Ms. Hanna's classroom...for a brief meeting with Mrs. Johnson. Then, the remainder of the day will be spent on grade level collaboration on effective classroom environments."

¹⁸ Appellant's Exhibit* K.

*Mislabeled "Respondent's Exhibit."

- (2) August 20, 2004 – the Agenda directs faculty to “meet in the cafeteria for Partnership discussions” at 8:20 a.m. Anticipating that discussions relating to a broad range of listed areas might not be completed that morning, the Agenda references that further discussions will resume on Monday. From 11:00 until noon, instructors would engage in “collaboration on effective classroom environments.” At noon, a barbecue lunch was scheduled.
- (3) August 21, 2004 – the Agenda provided an opportunity from 9:00 a.m. to 2:00 p.m. “for teachers who wish to work in their classrooms.”¹⁹
- (4) August 23, 2004 – the District Mandated Inservice (sic) resumed at Del Paso. From 12:30 to 3:00 p.m., the Agenda provided for, if necessary, “a final staff meeting.” If the staff meeting did not take place, “time will be spent on collaboration for effective classroom environments.”

C. Garden Valley School²⁰

- (1) August 19 and 20, 2004 – the Agenda for this period included 16 PowerPoint slides that purportedly involved two days of training on “The Positive Supported Learning Community.” The Agenda, without providing for any time periods, included:
 - Welcome and Introductions
 - Emotional Intelligence – presentation/video
 - FISH for schools – instructional tool/video
 - Leadership Team/Positive School Climate Team
 - School Office Procedures
 - District Procedures
 - Other
- (2) August 23, 2004 - no agenda or other documentation was provided that set forth what, if any, training was conducted at the campus that afternoon.

¹⁹ The District did not present any evidence that any teachers availed themselves of the Saturday opportunity for classroom preparation.

²⁰ Appellant’s Exhibit* L.

*Mislabeled “Respondent’s Exhibit.”

D. North Avenue School²¹

- (1) August 19, 2004 – no agenda or other documentation was provided that set forth what, if any, training was conducted at the campus that afternoon.
- (2) August 20, 2004 – the school’s Agenda set forth various instructional areas. A lunch break was provided at 11:45 for 35 minutes.
- (3) August 23, 2004 – no agenda or other documentation was provided that set forth what, if any, training was conducted at the campus that afternoon.

E. Morey Avenue School²²

- (1) August 19, 2004 – no agenda or other documentation was provided that set forth what, if any, training was conducted at the campus that afternoon.
- (2) August 20, 2004 – the school’s Agenda provided for “In-service” training from 8:30 – 10:30 a.m. on “Team Building.” From 10:30 – noon, the Agenda provided for “Work in Rooms.” Lunch was scheduled between 12:00 and 1:00 p.m. At 1:05 p.m., a Staff Meeting was scheduled.
- (3) August 23, 2004 – no agenda or other documentation was provided that set forth what, if any, training was conducted at the campus that afternoon.

11. The District, at hearing, presented a staff member and four teachers, Sylvia Hanna, a Fairbanks Elementary School instructor, Jill Renee Maxwell, a Garden Valley instructor, Walter Ulrich, a North Avenue instructor, and Elizabeth Tran, a Morey Avenue instructor. The teachers attended all District and school staff development training on August 19, 20, and 23, 2004. Each teacher acknowledged that some of the time scheduled for school site training periods was spent in grade-level collaboration, and some in preparing his or her classroom for student instruction. The teachers testified that time devoted to class preparation during the “in-service” period allowed teachers to be competently and professionally prepared, possess the appropriate materials, and engage in teaching without distraction when classes commenced.²³

²¹ Appellant’s Exhibit* M.

²² Appellant’s Exhibit* N.

²³ RT 138:1 – 195:25, passim.

*Mislabeled “Respondent’s Exhibit.”

LEGAL CONCLUSIONS

1. This appeal arises pursuant to Education Code Section 41344.1. The Panel hears appeals filed pursuant to Education Code Section 41344. The claimed deficiency arose from the District's failure to provide documentation that set forth what subjects constituted staff development training on August 19, 20, and 23, 2004. Notwithstanding District efforts to obtain documentation that would set forth written documentation reflecting both subjects covered during the August 2004 training and the time devoted to such material, the following emerged:

School	August 19 a.m.	August 19 p.m.	August 20	August 23 a.m.	August 23 p.m.
Del Paso	District Training	No Agenda	Agenda	District Training	No Agenda
Fairbanks	District Training	Agenda	Agenda	District Training	Agenda
Garden Valley	District Training	Agenda	Agenda	District Training	No Agenda
North Avenue	District Training	No Agenda	Agenda	District Training	No Agenda
Morey Avenue	District Training	No Agenda	Agenda	District Training	No Agenda

2. In reaching a final determination in this matter, we are compelled to consider two issues: First, whether all District certificated personnel attended the sessions scheduled by the District for "in-service" training on August 19, 20, and 23, 2004, and second, whether the content and length of training substantially met the requirements of the Instructional Time and Staff Development Reform Program.

3. In an administrative proceeding, the hearing does not need to "be conducted according to technical rules relating to evidence and witnesses."²⁴ In balancing the respective evidence provided by each party, the administrative law judge asserted that he applied, in part, the criteria set forth at Evidence Code sections 412,²⁵ 413,²⁶ 780,²⁷ 786,²⁸

²⁴ Government Code § 11512, subdivision (c).

²⁵ Evidence Code § 412 provides, "If weaker and less satisfactory evidence is offered when it was within the power of the party to produce stronger and more satisfactory evidence, the evidence offered should be viewed with distrust."

²⁶ Evidence Code § 413 provides, "In determining what inferences to draw from the evidence or facts in the case against a party, the trier of fact may consider, among other things, the party's failure to explain or to deny by his testimony such evidence or facts in the case against him, or his willful suppression of evidence relating thereto, if such be the case."

²⁷ Evidence Code § 780 provides, in pertinent part: "Except as otherwise provided by statute, the court may consider in determining the credibility of a witness any matter that has any tendency in reason to prove or disprove the truthfulness of his testimony at the hearing, including but not limited to any of the following: (a) His

790²⁹ and 791³⁰ in ascertaining the relative convincing force of presented evidence, and thereby established that District teachers attended the sessions scheduled on August 19, 20, and 23, 2004, both at the District's site and at each teacher's campus.

4. The auditor, lacking sufficient information that documented the scope and extent of topics discussed during the District's August 2004 staff development training, disallowed State funding in the sum of \$93,823.

5. Education Code Section 44579.1, subdivision (c), provided, in pertinent part: "the Superintendent of Public Instruction shall provide each eligible school district...applying for a grant...with a staff development allowance...for up to three days, for each certificated classroom teacher...who participates in staff development instructional methods, including teaching strategies, classroom management and other training designed to improve pupil performance, conflict resolution, intolerance and hatred prevention, and academic content in the core curriculum areas that are provided by the school district...."

6. The Instructional Time and Staff Development Reform Program was intended by the Legislature to "enhance staff development opportunities for classroom personnel."³¹

7. A "single staff development day may be conducted over several calendar days"³² and is compensable.

8. In reviewing the evidence presented, it would, at first glance, appear that the District's training as conducted on the mornings of August 19 and 23, 2004, might

demeanor while testifying and the manner in which he testifies. (b) The character of his testimony. (c) The extent of his capacity to perceive, to recollect, or to communicate any matter about which he testifies. (d) The extent of his opportunity to perceive any matter about which he testifies. (e) His character for honesty or veracity or their opposites. (f) The existence or nonexistence of a bias, interest, or other motive. (g) A statement previously made by him that is consistent with his testimony at the hearing. (h) A statement made by him that is inconsistent with any part of his testimony at the hearing. (i) The existence or nonexistence of any fact testified to by him. (j) His attitude toward the action in which he testifies or toward the giving of testimony. (k) His admission of untruthfulness."

²⁸ Evidence Code § 786 provides: "Evidence of traits of his character other than honesty or veracity, or their opposites, is inadmissible to attack or support the credibility of a witness."

²⁹ Evidence Code § 790 provides: "Evidence of the good character of a witness is inadmissible to support his credibility unless evidence of his bad character has been admitted for the purpose of attacking his credibility."

³⁰ Evidence Code § 791 provides: "Evidence of a statement previously made by a witness that is consistent with his testimony at the hearing is inadmissible to support his credibility unless it is offered after: (a) Evidence of a statement made by him that is inconsistent with any part of his testimony at the hearing has been admitted for the purpose of attacking his credibility, and the statement was made before the alleged inconsistent statement; or (b) An express or implied charge has been made that his testimony at the hearing is recently fabricated or is influenced by bias or other improper motive, and the statement was made before the bias, motive for fabrication, or other improper motive is alleged to have arisen."

³¹ Education Code § 44579.1, subdivision (a).

³² Education Code § 44579.1, subdivision (e); California Code of Regulations, Title 5, § 6001.

properly constitute a “single development day” and be compensable pursuant to Education Code Section 44579.1. On the other hand, while teachers were compelled to sign in for the District training³³ that was to commence at, ostensibly, 7:45 a.m., with didactic material delivered from 8:20 a.m. until 11:55 a.m., other records from school sites have personnel signing in at such times as:

- A. 11:00 a.m., 11:15 a.m., 11:30 a.m., and thereafter, at Fairbanks Elementary School, on August 19, 2004.
- B. 11:00 a.m., 11:15 a.m., 11:30 a.m., and thereafter, at Garden Valley School, on August 19, 2004.

9. Education Code Section 44579.1, subdivision (e), required, “Each staff development day shall be at least as long as the full-time instructional workday for certificated or classified instructional employees of the school district.” Mindful that the didactic training did not reportedly commence until 8:20 a.m., on August 19, 2004, it is evident that teachers were excused to their school sites approximately two hours later.

10. Records from Fairbanks Elementary School for August 23, 2004, reflect that personnel were signing in at 10:47 a.m., 10:55 a.m., 11:00 a.m., and thereafter. The District agenda reflects that didactic material was to be disseminated from 8:20 a.m. until 11:55 a.m. While Fairbanks’ records were the only records provided, they would appear to support a determination that personnel were again excused to their school sites from the District training approximately two hours later.

11. With regard to the possible merger of the two two-hour periods for the August 19 and 23 a.m. sessions with other periods to constitute a single staff development day, what remains particularly difficult is measuring not only the quantitative periods of instruction but also the content of instruction provided by each site, from a record lacking sufficient documentation. While some materials were provided reflecting the scope of staff development training, no site principal or training facilitator testified or provided his or her syllabi or materials setting forth the extent of such training at any District school during August 2004. The testifying teachers attested to training at their school sites, but it emerged that substantial time was devoted to classroom preparation.

12. The various schools’ agendas provided to indicate the subject matter of staff development training on the afternoons of August 19 and 23, or the day of August 20, were not particularly helpful or dispositive in determining either the content of training or how long such training involved the teachers.

³³ California Code of Regulations, Title 5, § 6001.

A. Del Paso Elementary School

(1) As previously indicated, the District provided no agenda for the afternoon of August 19, 2004 setting forth what, if any, training was conducted at the campus. But for August 20, 2004, the District provided two agendas. In attempting to determine what constituted appropriate training within the meaning of the Instructional Time and Staff Development Reform Program, there exist only two references – one in the morning and one in the afternoon – that might properly be considered training that compels compensation:

(a) High Point/Houghton Mifflin

(b) Kim Wilson – Staff Development, Computers and Houghton Mifflin

The other agenda items are either clearly not appropriate items for State funding as training (e.g., “Wows & Celebrations”) or, in the absence of specificity or other cogent evidence, would compel an impermissibly expansive application of the Instructional Time and Staff Development Reform Program.

(2) Lacking an agenda for August 23, 2004, or other competent evidence, we cannot properly conclude that any reimbursable training occurred within the meaning of the Instructional Time and Staff Development Reform Program on that date.

B. Fairbanks Elementary School

(1) Ms. Hanna acknowledged that a brief meeting took place with Mrs. Johnson on the afternoon of August 19, 2004. Following that meeting, the teachers broke into grade level groups to discuss how to arrange their classrooms for instruction, and then were permitted to proceed to their classrooms to prepare them for the forthcoming commencement of education. While we are mindful of the importance of such collaboration and preparation, it is equally apparent that these activities are not compensable pursuant to the Instructional Time and Staff Development Reform Program.

(2) The difficulty with the training referenced in the “Staff Meeting Agenda” for August 20 lies in the mixing of

reimbursable subject areas (e.g., “What should schools be doing? What do standardized tests measure? What’s the relationship between the two? What info do we need on lesson plans?”) with non-reimbursable subject areas (e.g., Group Pictures). Even with discrete areas of proper training, the agenda does not set forth the amount of time devoted to any subject.

- (3) Although the school agenda for August 23, 2004, provided for “a final staff meeting,” it also warned that if that meeting did not take place, “time will be spent on collaboration for effective classroom environments[,]” thereby permitting teachers to make final preparatory arrangements in and for their classrooms.

C. Garden Valley School

- (1) While the school provided an agenda that purported to address two days of training for August 19 and 20, 2004, and although testimony indicated that the slides presented could constitute two days of training, that evidence alone, given the lack of a syllabus and the failure of the facilitator, moderator, or instructor of such training to testify or provide other competent evidence, does not satisfy the District’s obligation to establish not only the nature of the material but also the time devoted to such training.
- (2) Lacking an agenda for August 23, 2004, or other competent evidence, we cannot properly conclude that any reimbursable training occurred within the meaning of the Instructional Time and Staff Development Reform Program on that date.

D. North Avenue School

- (1) Lacking an agenda for August 19 and 23, 2004, or other particularly competent evidence, we cannot properly conclude that any reimbursable training occurred within the meaning of the Instructional Time and Staff Development Reform Program on that date.
- (2) The documentation and testimony for August 20, 2004, also lacks any quantitative reference to the time actually devoted to the material reflected in the Agenda; and that deficiency once again fails to satisfy the District’s obligation to establish

not only the nature of the material but also the time devoted to such training.

E. Morey Avenue School

- (1) Lacking an agenda for August 19 and 23, 2004, or other particularly competent evidence, we cannot properly conclude that any reimbursable training occurred within the meaning of the Instructional Time and Staff Development Reform Program on that date.
- (2) The agenda on August 20, 2004, reflects with particular specificity what appeared to occur in the other District school sites. Some training occurred, followed by time for teacher classroom preparation. However, the "Team Building" session from 8:30 to 10:30 a.m. did not qualify.³⁴ Thereafter, time was expressly set aside for "Work in Rooms," lunch, and a Staff Meeting.

13. The District failed to provide a competent and credible quantitative value for the amount of time devoted to particular subject areas in each school's staff development training. The testifying teachers competently attested that some training relating to instructional methods, teaching strategies, classroom management and collaborative meetings designed to improve pupil performance, conflict resolution, and academic content in the core curriculum areas occurred over the three days of training in August 2004 at their respective school sites. It was not, however, competently demonstrated by the District or its teachers how *much* time was spent at each site in training that was staff development. In the absence of that specificity, we cannot conclude training time aggregating to a full instructional day occurred.

14. The District elicited a stipulation that its 2004-2005 school year comprised 181 days of instruction, and seeks to substitute a day of instruction for a day of qualifying staff development activities in order to be eligible for a specified one-day amount of staff development funding. Former Education Code Section 44579.3, subdivision (a), provided that "a school district may provide additional days of pupil instruction that are in excess of 180 days of instruction...instead of the qualifying staff development activities set forth in this article" – but further specified that "the additional instructional days shall be at least as long as the average length of the instructional day that the district is required to provide...."

In order to measure whether the District met the average-length requirement, it is of course necessary to identify which day was its "additional" one. The District, which bears

³⁴ RT 188:21 – 189:5; Education Code § 44579.1, subdivision (c).

the burden of proof in this proceeding,³⁵ presented no evidence that its 181st day of instruction was any other than the last day of its year – the Friday of its final week that, in the absence of evidence to the contrary, simple logic would indicate was the “additional” day, and which, as a minimum day, failed to meet the average-length requirement.

15. Accordingly, cause exists to deny the appeal of the District pursuant to the provisions of Education Code sections 41344.1, subdivision (c); 44579.1; and 44579.3, subdivision (a); Factual Findings 1 through 11; and Legal Conclusions 1 through 14.

ORDER

The appeal of appellant Del Paso Heights Elementary School District from Finding 7 is DENIED, effective July 30, 2007.

Date: July 30, 2007

(Original Signed)

Thomas E. Dithridge, Chairperson
for Education Audit Appeals Panel

³⁵ Education Code § 41344, subdivision (d); *In the Matter of the Statement of Issues Against: Fresno County Office of Education*, (2001) EAAP Case No. 00-03; OAH Case No. N2000050273.