

**BEFORE THE
COMMISSION ON TEACHER CREDENTIALING
STATE OF CALIFORNIA**

In the Matter of the Petition to Revoke Probation Against:

KRISTIN LAUREN MEADOWS, Respondent.

Agency Case No. 1-681352615

OAH No. 2021120041

PROPOSED DECISION

Harden Sooper, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on April 11, 2022.

Elaine Yan, Deputy Attorney General, represented complainant Mary Vixie Sandy, Executive Officer of the California Commission on Teacher Credentialing (Commission).

Jonathan C. Turner, Attorney at Law, appeared on behalf of respondent Kristin Lauren Meadows, who was also present.

The ALJ received oral and documentary evidence. The record was closed and the matter was submitted for decision on April 11, 2022.

During a review of the evidence, the ALJ redacted phone numbers and a social security number from Exhibits 8 and I for confidentiality purposes.

SUMMARY

Complainant seeks to revoke respondent's probation based on respondent's unauthorized use of alcohol in April 2021. Complainant established by a preponderance of evidence respondent drank cooking wine and subsequently tested positive for alcohol during a random alcohol and drug test, in violation of her probation terms and conditions. However, respondent demonstrated the incident was an isolated occurrence and had continued to comply with the other terms of her probation. Revocation of respondent's teaching credential therefore would be unduly punitive. A one-year extension of respondent's probation will adequately protect the public and allow the Commission to monitor respondent's conduct.

FACTUAL FINDINGS

Jurisdictional Matters and Prior Discipline

1. Respondent holds a Clear Multiple Subject Teaching Credential (credential), with authorizations in general subjects and English language. The credential was originally issued in 2013 and last renewed in 2018. The credential is scheduled to expire on June 1, 2023.
2. In a Decision and Order, effective October 4, 2019 (Decision and Order), the Commission adopted a Proposed Consent Determination and Order, dated July 15, 2019, in which respondent admitted she was convicted on June 12, 2018, of one count of violating Vehicle Code section 23152, subdivision (a), driving under the influence (DUI), a misdemeanor. Pursuant to the Decision and Order, the Commission revoked

respondent's credential but immediately stayed the revocation for a period of three years, subject to terms and conditions.

3. On August 23, 2021, complainant filed a Petition to Revoke Probation (Petition) seeking to revoke respondent's probation and reinstate the previously stayed revocation of respondent's credential. The Petition alleged three causes to revoke probation based upon the allegation respondent drank and tested positive for alcohol in April 2021.

4. On September 1, 2021, respondent timely filed a Notice of Defense, requesting a hearing.

Terms of Respondent's Probation

5. The terms and conditions of respondent's probation included compliance with the Commission's probation program, submitting written quarterly reports, obeying all laws and criminal court orders, reporting any subsequent arrest or citation, employment reporting requirements, participation in a therapy or counseling program, abstaining from possession, consumption, or use of alcohol or controlled substances, submitting to alcohol and controlled substance tests, and maintaining an active credential.

6. Condition 2 of the Decision and Order states:

COMPLIANCE WITH ALL TERMS OF PROBATION:

Respondent shall fully comply with all the terms and conditions of this Order and cooperate with the California Commission on Teacher Credentialing (Commission) and her assigned probation compliance monitor (monitor) in the

monitoring and investigation of respondent's compliance with probation terms. Respondent shall participate in a telephone or in-person review of the probation terms with respondent's assigned monitor. Respondent must participate in such review within 14 calendar days after written request is mailed by the monitor. Failure to participate in the review of probation terms within the time stated above shall be considered a probation violation.

Respondent shall also respond to all requests made by the monitor, responding to written requests sent by mail within 14 calendar days of the request, and within two business days after a telephone message or email request, unless a different time period is otherwise stated in this Order. Failure to respond within the time specified shall be considered a probation violation.

(Ex. 3, p. A51.)

7. Condition 10 of the Decision and Order states:

ABSTAIN FROM POSSESSION, CONSUMPTION, OR USE OF ALCOHOL, CANNABIS, AND CONTROLLED SUBSTANCES:
Respondent shall completely abstain from the possession, consumption, or use of alcohol, cannabis, and controlled substances, except when ordered by a health care professional legally authorized to do so as part of documented medical treatment. Respondent shall provide

documentation of prescriptions, recommendations, orders, and treatment plans of health care professionals for the use of these prohibited substances within five days following the request of the monitor. Failure to comply with these provisions shall be a violation of probation.

(Ex. 3, p. A53.)

8. Condition 11 of the Decision and Order states:

SUBMIT TO TEST AND SAMPLES: Respondent shall submit to bodily fluid testing for the presence of alcohol, cannabis, or controlled substances at the request of respondent's employer, immediate supervisor, or law enforcement.

In addition, respondent shall at her expense, fully cooperate with the Commission or any of its representatives, including the assigned compliance monitor, during the period of probation and shall, when requested, submit to such tests and samples as the Commission or the assigned monitor may require for the detection of alcohol, cannabis, or controlled substances.

Respondent's failure or refusal to submit to testing as required above shall constitute a probation violation. In addition, any positive test for alcohol, cannabis, or a controlled substance, not lawfully prescribed by a licensed health care professional as part of documented medical treatment, shall constitute a probation violation. Two

diluted test results during the period of probation shall also constitute a violation of probation.

(Ex. 3, p. A54.)

9. On October 18, 2019, the Commission mailed respondent a copy of the Decision and Order, describing all the conditions of respondent's probation. (Ex. 4.) On October 31, 2019, respondent met with Zach Dyer, her probation compliance monitor, to review the terms of probation. Respondent told Mr. Dyer she understood each term of probation.

Respondent's April 2021 Use of Alcohol

10. On April 7, 2021, Mr. Dyer directed respondent to submit to a random alcohol and drug test in accordance with respondent's probation terms. The same day, respondent submitted a urine sample for alcohol and drug testing.

11. Respondent's April 7 urine sample tested positive for alcohol, as documented in a laboratory report issued on April 14, 2021. (Ex. 6.) Specifically, respondent tested positive for Ethyl Glucuronide and Ethyl Sulfate, the presence of which signifies alcohol use. On April 21, 2021, the Commission sent respondent a letter, notifying her she violated her probation by receiving a positive test for alcohol. (Ex. 7.)

12. In a quarterly report dated July 14, 2021, covering the period of April 5, 2021 through July 4, 2021, respondent admitted she did not fully abstain from alcohol during the previous quarter. She wrote, "I made a mistake by drinking some cooking wine while preparing dinner." (Ex. 8, p. A83.)

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13. At hearing, respondent explained the circumstances of her alcohol use. Respondent testified she used a recipe calling for cooking wine while preparing dinner on April 6, 2021, the night before her positive test. Respondent testified the cooking wine was in her refrigerator for a long time. She wanted to ensure it was not spoiled so she drank an unspecified amount of it. Respondent admitted she was not thinking about the terms of her probation at the time and her decision to drink the wine was "careless." She testified she did not feel intoxicated and did not drive after drinking the wine. Respondent took full responsibility for violating her probation and drinking alcohol that night. Respondent's testimony was clear, candid, and non-defensive.

Respondent's Rehabilitation Evidence

14. Respondent is 41 years old and has an 11-year-old son. She has worked for the Snow Line Unified School District (Snow Line) since 2013, teaching kindergarten at Vista Verde Elementary School (Vista Verde).

15. Respondent has not been disciplined while working at Snow Line, either before or after the Commission placed her credential on probation. Respondent received positive performance reviews for her teaching in 2014 and 2018. (Exs. G and H.)

16. Complainant offered no evidence of respondent's alcohol use other than the single positive test on April 7, 2021. Since that test, the Commission has informed respondent she tested negative for alcohol use at least four times. (Exs. C–F.) Respondent has also satisfied the other probation terms intended to address her alcohol use. She has regularly attended Alcoholics Anonymous (AA) meetings since late 2021, and since May 2021, she has also attended counseling through ACT Family Counseling. Through her participation in AA and counseling, respondent has learned

various stress management strategies, such as playing the piano and listening to music, to replace her desire to drink alcohol.

17. Complainant offered no evidence respondent's alcohol use harmed her students or impacted her job performance. Respondent testified she has never been under the influence of alcohol while at work and has never come to work hung over from alcohol. Deborah Barbour, Vista Verde assistant principal, testified she has observed respondent in the classroom on many occasions and always found respondent to be professional, appropriate, and a good role model for students.

18. In her testimony, Ms. Barbour further vouched for respondent's character and skill as a teacher. Ms. Barbour testified she "couldn't ask for a better teacher than [respondent]" and described respondent as genuine, caring, and loving. She added it would be difficult to lose respondent because she is an integral, dedicated member of the kindergarten teaching team. Ms. Barbour was aware of respondent's probation and her April 2021 positive test for alcohol. Ms. Barbour also submitted a letter in support of respondent, stating "[respondent] is a great teacher and an important person to Vista Verde and I would hire her over and over again." (Ex. B.)

19. In a letter dated March 15, 2022, Vista Verde principal Shad Grijalva also vouched for respondent's character and professionalism. Mr. Grijalva stated, "[respondent] is a wonderful teacher and human being" and "represents all of the qualities that are needed within the teaching profession today." (Ex. A.) Mr. Grijalva's letter does not indicate whether he was aware of respondent's April 2021 positive alcohol test, but Ms. Barbour testified she discussed respondent's probation with Mr. Grijalva.

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20. Respondent's explanation of her probation violation was credible, particularly considering her compliance with all the other probation conditions pertaining to alcohol and the letters and testimony by her workplace supervisors. Respondent expressed a willingness to comply with any requirements imposed by the Commission to maintain her credential, including an extension of her probation period. She testified she loves her job and "would do whatever I have to do" to continue teaching children.

LEGAL CONCLUSIONS

Burden and Standard of Proof

1. Complainant has the burden of proving each of the causes to revoke probation alleged in the Petition, and must do so by a preponderance of the evidence. (*Lone Star Security & Video, Inc., v. Bur. of Security and Investigative Services* (2012) 209 Cal.App.4th 445, 454 ["While the board is required to prove the allegations in an accusation by clear and convincing evidence, it is only required to prove the allegations in a petition to revoke probation by a preponderance of the evidence' [citation]"]; quoting *Sandarg v. Dental Bd. of Cal.* (2010) 184 Cal.App.4th 1434, 1441.) Evidence deemed to preponderate must amount to "substantial evidence." (*Weiser v. Bd. of Retirement* (1984) 152 Cal.App.3d 775, 783.) And to be "substantial," evidence must be reasonable in nature, credible, and of solid value. (*In re Teed's Estate* (1952) 112 Cal.App.2d 638, 644.)

Applicable Law

2. Under Education Code (Code) section 44000 et seq., and California Code of Regulations, title 5 (CCR), section 80000 et seq., the Commission is responsible for

credentialing teachers in public schools in California, including issuing credentials and taking adverse action against applicants and credential holders. "Adverse action" includes the suspension or revocation of a credential. (Code, § 44000.5; CCR, § 80300, subd. (a).)

3. Condition 14 of the Decision and Order provides that if respondent violates any probationary term, after notice and opportunity to be heard, the Commission may set aside the stay order and impose the stayed discipline of revocation. (Ex. 3.)

First Cause to Revoke Probation

4. Complainant established by a preponderance of evidence respondent drank alcohol on or about April 6, 2021. Both in a quarterly report and in testimony, respondent admitted she drank cooking wine the night before she submitted to an alcohol and drug test. (Factual Findings 12–13.) Respondent also tested positive for Ethyl Glucuronide and Ethyl Sulfate, signifying alcohol usage. Cause therefore exists to revoke respondent's probation under Condition 14 of the Decision and Order based on respondent's failure to abstain from consuming and using alcohol in violation of Condition 10 of the Decision and Order.

Second Cause to Revoke Probation

5. Complainant established by a preponderance of evidence respondent tested positive for alcohol on April 7, 2021. Respondent's urine sample, submitted April 7, 2021, tested positive for Ethyl Glucuronide and Ethyl Sulfate, as documented in a laboratory report later received by the Commission. (Factual Findings 10–11.) Cause therefore exists to revoke respondent's probation under Condition 14 of the Decision

and Order based on respondent's positive test for alcohol use in violation of Condition 11 of the Decision and Order.

Third Cause to Revoke Probation

6. Complainant established by a preponderance of evidence respondent did not fully comply with the terms and conditions of the Decision and Order. Respondent drank cooking wine on or about April 6, 2021, and subsequently tested positive for alcohol. (Factual Findings 10–13.) Cause therefore exists to revoke respondent's probation under Condition 14 of the Decision and Order based on respondent's failure to comply Condition 2 of the Decision and Order.

Disposition

7. The Commission set forth factors to consider in determining the relationship between a credential holder's misconduct and their fitness, competence, or ability to perform the duties authorized by the credential. The following are the factors pertinent to this matter:

- (1) The likelihood that the conduct may have adversely affected students, fellow teachers, or the educational community, and the degree of such adversity anticipated.
- (2) The proximity or remoteness in time of the conduct.
- (3) The type of credential held or applied for by the person involved.
- (4) The extenuating or aggravating circumstances surrounding the conduct.

(5) The praiseworthiness or blameworthiness of the motives resulting in the conduct.

(6) The likelihood of the recurrence of the questioned conduct.

(CCR, § 80302; see also *Morrison v. State Board of Education* (1969) 1 Cal.3d 214, 224–225.)

8. Consideration of these factors does not support revocation of either respondent's probation or her credential. The evidence did not demonstrate respondent's failure to abstain from drinking on one occasion has rendered her unfit to teach. Although respondent's use of alcohol was only one year ago and her credential allows her to serve as a role model to young students, the evidence did not establish respondent's probation violations adversely affected her students, fellow teachers, or the educational community. Both respondent's principal and assistant principal vouched for her professionalism and skill as a teacher. Her use of alcohol in April 2021 was a one-time lapse in judgment; complainant presented no evidence of aggravating circumstances surrounding the incident. To mitigate the risk of recurrence, respondent attends AA meetings and counseling, and has established healthy stress management strategies to avoid further temptation to drink alcohol. An additional year of probation will allow the Commission to monitor respondent's conduct to ensure she is fit, competent, and able to perform the duties authorized by her credential.

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ORDER

The Petition to Revoke Probation Against Kristin Lauren Meadows is denied.

The probation granted by the California Commission on Teacher Credentialing in Case No. 1-681352615 is extended until October 4, 2023, under the same terms and conditions set forth in the Commission's Decision and Order, effective October 4, 2019.

DATE: 05/05/2022

Harden Sooper

HARDEN SOOPER

Administrative Law Judge

Office of Administrative Hearings