

BEFORE THE  
COMMISSION ON PROFESSIONAL COMPETENCE  
SWEETWATER UNION HIGH SCHOOL DISTRICT  
CHULA VISTA, CALIFORNIA

In the Matter of the Dismissal of:

ERENDIRA RANGEL-PALACIOS,

Respondent.

OAH No. 2014011073

**DECISION**

This matter was heard before the Commission on Professional Competence in San Diego, California on September 22, 23, 24, 25, 29, 30, and October 6, 7, 8, and 9, 2014. The Commission consisted of the following members: Administrative Law Judge Roy W. Hewitt; Ms. Tara Howell; and Ms. Pia VanMeter.

The Commission Members deliberated on this matter. Deliberations ended and the matter was deemed submitted on October 22, 2014.

The Commission members unanimously agreed to affirm respondent's dismissal from the Sweetwater Union High School District. The Commission's factual findings and legal conclusions are set forth below.

**FACTUAL FINDINGS**

*Jurisdictional Matters*

1. The Dismissal Accusation was filed by Sandra C. Huezo, while acting in her official capacity as the Assistant Superintendent of Human Resources, Sweetwater Union High School District.
2. Respondent is a permanent certificated employee of the district and, at all relevant times, was teaching Biology, Earth Science and/or Physics at Bonita Vista High School.

3. On October 31, 2012, the Governing Board of the district approved service of a Notice of Intent to Dismiss and a Statement of Charges against respondent, notifying respondent of her proposed dismissal as a certificated employee of the district.

4. The Intent to Dismiss, Statement of Charges, copies of the relevant California Education Code sections, and Request for Hearing form were served on respondent.

5. Respondent timely appealed the dismissal action by filing a Notice of Defense/Request for Hearing.

6. On July 25, 2014, an Amended Accusation was filed with the Office of Administrative Hearing and was served on respondent. By virtue of respondent's previously filed Notice of Defense/Request for Hearing, the matter was set for hearing. The instant hearing ensued.

*Incorporation by Reference of the Amended Accusation*

7. By unanimous vote, the Commission Members found that all of the factual allegations contained in the Amended Accusation were true.<sup>1</sup> The Amended Accusation consisted of 26 pages, detailing factual allegations against respondent. Rather than rewrite the Amended Accusation, Exhibit 160, it is hereby incorporated by reference in this decision, as if fully set forth herein, as allowed by Government Code section 11425.50, subdivision (b).<sup>2</sup>

*Summary of the Evidence/Facts Leading to the Decision to Uphold Respondent's Dismissal*

8. Pursuant to Government Code section 11425.50, subdivision (d),<sup>3</sup> the following factual findings will summarize the evidence/facts relied upon by the Commission as the bases for denying respondent's appeal and affirming the decision to dismiss her from her teaching position with the district.

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<sup>1</sup> In fact, the overwhelming evidence presented in this case left no doubt in the minds of the Commission Members that the allegations were true.

<sup>2</sup> Government Code section 11425.50, subdivision (b) provides, in part: "The statement of the factual basis for the decision may be in the language of, or by reference to, the pleadings."

<sup>3</sup> Government Code section 11425.50, subdivision (d) provides: "Nothing in this section limits the information that may be contained in the decision, including a summary of evidence relied on."

### *The 2011-2012 School Year*

9. Respondent joined the staff of Bonita Vista as a science teacher in October 2011. During respondent's first year at Bonita Vista, the Principal, Bettina Batista, developed concerns about respondent's performance due to numerous parent and student complaints involving lack of proper/rigorous instruction; lack of classroom management; lack of a safe learning environment; lack of efficient, effective and timely communication with parents; and not keeping accurate records regarding student grades. Following several meetings with respondent, Ms. Batista also became concerned about respondent's failure to accept recommendations regarding improvement in the classroom, to meet with parents as directed, to collaborate with other staff members regarding improving lessons, or to provide lesson plans as requested.

10. Despite the joint formulation of an assistance plan in December 2011, which was revised in February 2012, respondent did not correct her performance, and multiple issues continued to arise, resulting in several letters of reprimand, so many in fact that Ronne Pietila, an Assistant Principal at Bonita Vista, ultimately recommended that respondent be suspended for five days.

### *The 2012-2013 School Year*

11. During the 2012-2013 school year, respondent continued engaging in a pattern of highly unprofessional conduct, such as yelling at students, using profanity in front of students, behaving discourteously towards others, refusing to meet with or respond to parents, leaving campus during duty hours without permission, and disclosing sensitive student academic progress information to other students.

12. Respondent either refused or was unable to comply with her supervisors' directives. Respondent exhibited a pattern of highly unusual, irrational, and erratic behavior, which negatively impacted her relationships with her colleagues, parents and students, and demonstrated her evident unfitness for service.

13. Respondent continued demonstrating unsatisfactory performance as a teacher, despite having an assistance plan. In fact, on January 18, 2013, respondent was issued a second assistance plan. Nevertheless, respondent consistently failed to establish and/or implement current daily learning targets (DLTs), provide adequate and/or academically challenging lessons of the rigor expected of a high school science course, actively engage her students, check for student understanding throughout instruction, and/or make effective use of her instructional time.

14. On February 22, 2013, pursuant to Education Code section 44938, respondent received a Notice of Unprofessional Conduct and Unsatisfactory Performance. In the Notice, respondent was directed to refrain from engaging in discourteous, confrontational, and/or antagonizing behavior towards others; meet and

comply with any and all directives given by her supervisors; maintain positive and supportive relationships with students, parents, and colleagues; meet with parents and comply with their requests to meet in a timely manner; refrain from leaving campus during duty without prior authorization; establish and implement current DLTs to ensure student focus; design engaging, standards-based lesson plans; refrain from wasting instructional time; and provide continuous instruction throughout the entire class period. Respondent ignored the directives.

#### *The 2013-2014 School Year*

15. Respondent's misconduct continued through the 2013-2014 school year. Respondent continued to engage in unprofessional conduct and highly unusual, irrational, and erratic behavior. Respondent continued to demonstrate a consistent pattern of disobeying her supervisors' directives and undermining their authority. Additionally, Respondent continued to leave campus during duty hours without permission; refused to meet with her supervisors; treated students, parents, and colleagues in a discourteous manner; and failed to meet with and respond to parents. Respondent continued to fail to develop and implement current DLTs, plan and provide academically challenging lessons of the rigor expected of a high school science course, make effective use of her instructional time, actively engage her students, and check for student understanding throughout instruction.

#### *From 2011-2014*

16. Overall, Respondent received twelve letters of reprimand for insubordination and unprofessional conduct (November 2, 2012; November 13, 2012; November 26, 2012; January 23, 2013; February 28, 2013; March 4, 2013; April 25, 2013; May 6, 2013 (two letters); August 27, 2014 (two letters); and, September 3, 2013). In addition, she received two summaries of conference (November 19, 2012; and March 15, 2013) and nine letters containing warnings and directives (January 23, 2013; February 20, 2013 (two letters); April 25, 2013; May 6, 2013 (three letters); May 7, 2013; and August 27, 2013). The letters of reprimand, warnings, directives, and summary conference documents all arose from parent and student complaints about her behavior.

17. Respondent's erratic behavior, paranoia, disorganization and insubordinate conduct included, but were not limited to the following:

- a. Insisting that someone was following her;
- b. Insisting that she was threatened by someone, probably students, who left a dead rat near her parked car;
- c. Accusing her students of "bullying," "threatening," and "harassing" her;

- d. Accusing district administrators, staff members, parents, and students of conspiring against her;
- e. Claiming that administrators installed a listening device in her classroom and that they were conspiring against her;
- f. Inappropriate classroom management (sending e-mails during instructional time, inviting an unapproved guest speaker to lecture her class, telling the class that the administration was out to get her, accusing her class of acting dumb and confused when administrators observed the class, and telling the students that the KKK and Neo Nazi groups were constantly threatening her);
- g. Respondent's lessons and assignments were confusing, and her classroom was messy and disorganized;
- h. Students were not given any direction and repeatedly submitted assignments that were never returned;
- i. Students were perpetually confused and frustrated by respondent's inconsistent grading (At one point a student's grade was changed from an A to an F within four hours after the student's parents had confronted respondent about her grading system, or lack thereof.);
- j. Respondent's inability to provide adequate support/explanations for grades given to students;
- k. Respondent's constant failures to respond when parents and administrators tried to get her to meet with parents and address their concerns (It took one parent over four months of continuous emails to respondent and administrators before the parent's concerns were finally discussed.);
- l. At one point, the district assigned a science resource teacher to assist respondent in developing her curriculum; at another point the district assigned a co-teacher to help teach respondent's class; however, respondent's classroom conduct and teaching methods continued to deteriorate;
- m. Respondent repeatedly received unsatisfactory performance evaluations regarding her lack of instruction in the classroom and mismanagement of students, failing to leave lesson plans for substitute teachers when absent for duty, failing to plan and provide lesson plans of the rigor expected of a high school science course, failing to review or discuss given assignments with students, failing to explain her grading method, and failing to provide documentary support for any of the students' grades;

n. On February 26, 2013, respondent required students to purchase clay for an educational activity and was directed by her supervisor not to do so because it violated the Education Code and the school's policies and procedures. Nevertheless, on April 26, 2013, respondent again required students to purchase clay to participate in a classroom activity.

18. Respondent's intransigent defiance and poor attitude, as demonstrated by the numerous disciplinary warnings, reprimands, and directives, were well known around the high school campus, the district as a whole, and the community in general. Ultimately, the district was compelled to recommend that respondent be dismissed.

### *Respondent's Evidence*

19. Respondent testified that she has been teaching for 26 years and is an excellent teacher. She steadfastly denied all of the allegations against her and testified that district personnel (teachers, administrators, and classroom assistants) conspired with students and parents to fabricate complaints. This vast conspiracy, designed to get respondent fired, worked as follows: whenever respondent sought to discipline students by writing referrals and sending the students to the office, administrators would contact the students' parents, and, the administrators, students, and the students' parents would concoct/fabricate stories designed to reflect poorly on respondent. For example, respondent sends student A to the office for misbehavior or failure to do his/her work; student A reports to the office and one of the assistant principals (AP) contacts student A's parents; the AP tells the parents to make up a story about respondent and file a complaint; from that point on, respondent becomes the victim, and adverse actions are taken against her. Additionally, the students conspired to act as if they did not understand what was going on in class whenever an administrator conducted a classroom observation. Respondent referred to this scheme as "the victim game." (Exh. K-1)

### *The Request for Admissions*

20. On March 21, 2014, respondent was served with the district's Amended Request for Admissions.

21. Respondent failed to respond to the Amended Request for Admissions.

22. The district filed a motion for Deemed Admissions and Request for Sanctions with the San Diego County Superior Court. The motion was heard on September 19, 2014. An order granting the district's motion issued that same day. The order stated, in part: "the truth of any matters specified in the District's Amended Requests for Admissions . . . are deemed admitted. . . ." (Exh. 160)

23. Pursuant to the September 19, 2014, superior court order, respondent is deemed to have made the following admissions: she has yelled at students in her class; she used profanity in front of students in her class; she refused to meet with parents or to respond to parents of students in her class; she left campus during the duty day without permission; she disclosed sensitive and personal information about students and their academic progress; she failed to meet with her supervisors when directed; and she failed to establish and/or implement Daily Learning Targets, even after being instructed to do so by her supervisors.

#### *Credibility Determinations*

24. Respondent completely lacked credibility. First and foremost, respondent made direct misrepresentations to the Commission during the hearing. Those misrepresentations are summarized as follows: on the first day of the hearing respondent told the Commission that she had never seen a copy of the Amended Accusation prior to the first day of hearing; the proof of service for the Amended Accusation indicated service on July 25, 2014. During the second day of hearing respondent told the Commission that she had just received the Amended Accusation via mail; respondent claimed to still have the envelope that contained the Amended Accusation so, she was directed to bring it to the hearing; the next day, respondent was asked about the envelope; respondent said she had it with her so she was asked to produce it; respondent looked at her purse and then said, “Oh, I think I left it in my car”; respondent indicated she parked about two blocks from the hearing site so the Administrative Law Judge told respondent that the hearing would be recessed so that she could go to her car and get the envelope; respondent briefly looked at her purse again and then admitted to the Commission that she had not been honest with the Commission and that she did not have the envelope with her that day; respondent was told to produce the envelope the next day; the next day respondent produced an envelope that she claimed contained the Amended Accusation; however, in reality, the envelope had contained the district’s trial brief, not the Amended Accusation.

Secondly, respondent’s testimony was belied by the documentary evidence and the testimony of the credible witnesses who testified against her during the hearing.

Finally, respondent’s demeanor and body language during the hearing was bizarre and caused the Commission members great concern about her mental state/status. Moreover, respondent made some disturbing statements during this hearing. For example respondent claimed that some of the parents who testified against her were not “actual parents”; rather, they were “made-up parents” whom she had never seen or communicated with before.

25. The witnesses who testified against respondent were entirely credible. None of the witnesses had anything to gain by testifying against respondent, and their testimony was consistent with the independent documentation and the accounts of

others. Their demeanor indicated that they were respectful of the process, thoughtful about their answers, fair in their assessments of what had occurred, and that they understood and appreciated the magnitude and importance of their testimony.

## LEGAL CONCLUSIONS

1. Education Code section 44932, subdivision (a), sets forth cause(s) for dismissal. The causes that are applicable here are immoral or unprofessional conduct, specifically in regards to respondent's discourteous treatment of staff members, students, and parents and her insubordination; dishonesty; unsatisfactory performance, also in regards to interaction with staff members, students, and parents, as well as her conduct in the classroom; evident unfitness for service; and, persistent violation of or refusal to obey the school laws of the state or reasonable regulations prescribed for the government of the public schools by the State Board of Education or by the governing board of the school district, to wit: the secondary classroom teacher job description; Board Policy (BP) 4119.21 - "Professional Standards"; BP 4119.24 - "Code of Ethics"; Administrative Regulation (AR) 5020 - "Parent Rights and Responsibilities"; and, Education Code section 49011.

### *Unprofessional Conduct*

2. Cause for dismissal exists based on respondent's unprofessional conduct.

The definition of unprofessional conduct is considered in conjunction with the unique position of public school teachers, who have "responsibilities and limitations on freedom of action which do not exist in regard to other callings." (*San Diego Unified Sch. Dist. v. Commission on Professional Competence* (2011) 194 Cal.App.4th 1454, 1466, citing *Board of Trustees v. Stubblefield* (1971) 16 Cal.App.3d 820, 824.) The California Supreme Court's decision in *Morrison v. State Board of Education* (1969) 1 Cal.3d 214, provided the following factors in considering unprofessional conduct:

- 1) The likelihood that the conduct may have adversely affected students or fellow teachers and the degree of such adversity anticipated;
- 2) The proximity or remoteness in time of the conduct;
- 3) The type of teaching certificate held by the party involved;
- 4) The extenuating or aggravating circumstances, if any, 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; and,
- 7) The extent to which disciplinary action may inflict an adverse impact or chilling effect upon the constitutional rights of the teacher involved or other teachers. (*Morrison v. State Board of Education* (1969) 1 Cal.3d 214, 229; *Fontana Unified Sch. Dist. v. Burman* (1988) 45 Cal.3d 208, 219-220.)

The *Morrison* factors may be considered in the aggregate: “[A]lthough no individual finding was sufficient in itself to authorize [the teacher’s] dismissal, the cumulative effect of the findings showed a pattern and course of misconduct justifying the additional finding that [the teacher’s] continued employment ‘posed substantial danger to faculty, administrators, students, and parents of the district.’ ” (*Woodland Joint Unified Sch. Dist. v. Commission of Professional Competence* (1992) 2 Cal.App.4th 1429, 1440 - 1441.) A district need not prove all of the *Morrison* factors, but only those that are “pertinent” to be examined in the case of an individual teacher’s conduct. (*West Valley-Mission Comm. College Dist. v. Concepcion* (1993) 16 Cal.App.4th 1766, 1777.)

Here, Respondent exhibited an ongoing pattern of behavior that was both likely to, and did, *significantly* impact the students enrolled in her class, their parents, and the Bonita Vista staff and administration. Respondent’s lessons, and classroom, were extremely disorganized; students were not given any direction; students repeatedly submitted assignments that were never returned; and, students were perpetually confused and frustrated by respondent’s inconsistent grading. Parents were frustrated in their attempts to contact and/or meet with respondent. Moreover, respondent’s grading was erratic, and respondent was unable to produce any support for the grades she distributed.

Respondent’s unprofessional conduct was ongoing despite repeated efforts by the administration to remediate her actions. Bonita Vista and district administrators engaged in countless efforts to improve respondent’s conduct, to no avail. The district assigned a science resource teacher to assist respondent in developing her curriculum; however, respondent’s classroom conduct and teaching methods only continued to deteriorate. No extenuating or aggravating circumstances existed here. Since respondent joined Bonita Vista, the district received *repeated* complaints from parents, students and staff about her behavior, poor performance in the classroom, and refusal to communicate. This was not a single or limited circumstance but an ongoing problem. Respondent’s misconduct continued from 2011 until she was placed on paid administrative leave in 2014.

There is nothing praiseworthy about respondent’s conduct. On the contrary, with the amount of attempted remediation and directives extended by the district, there

is no other conclusion but that respondent simply refuses to correct her behavior and is, in fact, solely responsible for her continued misconduct.

Respondent's conduct, as her history reflects, is likely to recur. Respondent demonstrated complete disregard for her supervisors' requests and directives. There is absolutely no evidence that respondent's conduct will ever improve. In fact, respondent's conduct progressively worsened. Respondent was, and currently is, either unaware or unconcerned about her conduct. She blindly denies all of the allegations against her. As such, there is no evidence that she will – or is even able to – improve.

Respondent's dismissal would have no adverse impact or chilling effect on respondent's constitutional rights or the constitutional rights of any other teachers.

The *Morrison* factors, taken together, firmly support respondent's dismissal.

### *Dishonesty*

3. Cause for dismissal exists pursuant to Education Code section 44932, subdivision (a)(3), based on respondent's dishonesty and complete disregard of her supervisors' directives, the unusual nature of her behavior, and its effect on Bonita Vista students, parents, and staff.

“Public service provides no hiding place for the dishonest and those lacking integrity.” (*Brewer v. Department of Motor Vehicles* (1979) 93 Cal.App.3d 358, 364.)

A teacher is regarded as a role model for students:

As between a teacher and his student, “(a)n important part of the education . . . is the instilling of a proper respect for authority and obedience to necessary discipline. Lessons are learned from example as well as from precept.” (*Johnson v. Taft School Dist.*, 19 Cal.App.2d 405, 408.) And as our Supreme Court said in *Board of Education v. Swan*, 41 Cal.2d 546, at 552, “A teacher . . . in the public school system is regarded by the public and pupils in the light of an exemplar, whose words and actions are likely to be followed by the [students] coming under his care and protection.” (*Board of Trustees v. Stubblefield* (1971) 16 Cal.App.3d 820, 824-825; *see also San Diego Unified School Dist. v. Commission on Professional Competence* (2011) 194 Cal.App.4th 1454, 1463-1464.)

Respondent showed no concern or remorse for her misconduct. Rather, when each incident of concern was brought to light, respondent routinely put forth only a

vague denial (in blatant contradiction of the evidence) and did not provide any valid explanation or support for her position or take any responsibility. Indeed, when challenged with concerns from the district, respondent repeatedly gave entirely different (and baseless) versions of events; versions that were repeatedly disproven by the facts. Respondent's actions and subsequent dishonesty to district administrators are the opposite of what is expected from a role model for students and constitute cause for dismissal.

#### *Unsatisfactory Performance*

4. Cause for dismissal exists because respondent's actions, as alleged in the Amended Accusation, constituted unsatisfactory performance.

"Unsatisfactory performance" was added to Education Code section 44932, subdivision (a)(4), in place of "incompetency" as a ground for dismissal. (*See* Assem. Bill No. 729 (1995); Ed. Code, § 44932, subd. (a)(4).) The purpose of the 1995 amendment to Education Code section 44932, according to its author, was to enable school district governing boards to dismiss teachers based on a determination of unsatisfactory performance. (Assem. Com. on Education, Rep. on Assem. Bill No. 729 (1995-1996 Reg. Sess.) April 26, 1995, p.1.) In determining whether an employee's performance was unsatisfactory, the Legislature noted that the district may look to the governing board's adopted standards. (Assem. Com. on Education, Rep. on Assem. Bill No. 729 (1995-1996 Reg. Sess.) April 26, 1995, p. 1.)

Respondent's conduct rose to the level of unsatisfactory performance. On December 14, 2011, the district developed an assistance plan with respondent to help her establish DLTs and apply appropriate classroom management strategies. The assistance plan was revised in February of 2012. Due to respondent's failure to comply with the first assistance plan, a second assistance plan was developed for respondent on January 18, 2013. Respondent continually refused to comply with any of the provided assistance plans or any of the other directives from her supervisors. In addition, respondent was given a Notice on February 22, 2013, regarding her difficulty maintaining positive and supportive relationships with her colleagues and parents, and providing adequate instruction to her students. Moreover, respondent continued to engage in behavior and conduct reflecting a general lack of motivation to improve as a teacher. Indeed, respondent has repeatedly received unsatisfactory performance evaluations regarding her lack of instruction in the classroom and mismanagement of students. Likewise, the district has received repeated complaints, and both parents and students testified about respondent's lack of proper instruction; lack of classroom management; lack of efficient, effective and timely communication with parents; and failures to keep accurate records regarding student grades.

Respondent has demonstrated a complete lack of interest in improving her performance. For example, district administrators testified that their investigation(s) of

parent and student complaints revealed the following unsatisfactory performance by respondent: failing to implement adequate lesson plans or DLTs on a regular basis; failing to leave lesson plans for substitute teachers when absent from duty; failing to plan and provide lesson plans of the rigor expected of a high school science course; failing to review or discuss given assignments with students; and, failing to explain her grading method, if any, or provide support for students' grades.

Respondent's actions and complete failure or refusal to remediate render her performance unsatisfactory.

#### *Evident Unfitness for Service*

5. Cause exists for respondent's dismissal based on her evident unfitness for service.

In *Woodland, supra*, 2 Cal.App.4th at 1444, the Court of Appeal defined Education Code section 44932, subdivision (a)(5), "evident unfitness for service," as: "[C]learly not fit, not adapted to or unsuitable for teaching, ordinarily by reason of temperamental defects or inadequacies. Unlike "unprofessional conduct," "evident unfitness for service" connotes a fixed character trait, presumably not remediable merely on receipt of notice that one's conduct fails to meet the expectation of the employing school district." (*Id.* at 1444 [quoting *Fresno City High Sch. Dist. v. De Caristo* (1939) 33 Cal.App.2d 666; *Palo Verde Sch. Dist. v. Hensey*, (1970) 9 Cal.App.3d 967].) The criteria set forth in *Morrison* must be analyzed to determine, as a threshold matter, whether respondent's conduct indicates unfitness for service. (*Woodland, supra*, 2 Cal.App.4th at 1445; *Board of Education v. Jack M.* (1977) 19 Cal.3d 691, 696) "If the *Morrison* criteria are satisfied, the next step is to determine whether the 'unfitness' is 'evident'; i.e., whether the offensive conduct is caused by a defect in temperament." (*Woodland, supra*, 2 Cal.App.4th at 1445.) As previously concluded, respondent's conduct clearly meets the criteria set forth in *Morrison*.

As parents, students, and district staff testified, respondent engaged in behavior which, as a professional educator with nearly three decades of experience she was expected to know was indicative of unfitness to teach. Moreover, respondent engaged in continued erratic behavior, including: accusing students of threatening her; alleging that a student, or students, placed a dead rat behind her car; persistently claiming that "someone" was following her; accusing the district of planting a listening device in her classroom; accusing her students of "bullying," "threatening," and "harassing" her; and, accusing district staff members, parents, and students of conspiring against her.

Due to the severe and continuous nature of her misconduct, it is evident that respondent is unfit to teach.

#### *Persistent Violations of and Refusal to Obey School Laws and Regulations*

6. Cause exists for dismissal pursuant to Education Code section 44932, subdivision (a)(7).

Education Code section 44932 subdivision (a)(7), provides that a teacher may be dismissed for:

Persistent violation of or refusal to obey the school laws of the State or reasonable regulations prescribed for the government of the public schools by the State Board of Education or by the governing board of the school district employing him.

A school district has a right to adopt rules governing the conduct of its employees and to require the employees to observe the rules. (*Oakdale Union Sch. Dist. v. Seaman* (1972) 28 Cal.App.3d 77, 84.)

#### Respondent Refused to Comply with the Education Code

Respondent's conduct violated Education Code section 49011, which prohibits the imposition of pupil fees for participation in educational activities. Respondent required students to purchase clay for a classroom project, in direct violation of the Education Code. Specifically, on February 26, 2013, Respondent required students to purchase clay for an educational activity and was directed by a supervisor not to do so. Nevertheless, on April 26, 2013, respondent again required students to purchase clay to participate in a classroom activity in violation of the Education Code, as well as her supervisor's directive.

#### Respondent Refused to Comply with the District Board's Policies

Respondent's conduct violated BP 4119.21 - "Professional Standards," which provides that the Board "expects district employees to maintain the highest ethical standards, follow district policies and regulations, and abide by state and federal laws," and that employee's conduct should "enhance the integrity of the district and advance the goals of the educational program." Respondent's actions entirely contravened this policy. Moreover, respondent repeatedly failed to effectively perform her job as a classroom teacher which harmed the district's integrity and directly conflicted with the goals of the district's educational program.

Respondent's conduct violated BP 4119.24- "Code of Ethics of the Education Profession," which provides that "[t]he educator accepts the responsibility to adhere to the highest ethical standards" and that "[t]he desire for the respect and confidence of one's colleagues, of students, of parents, and of the members of the community provides the incentive to attain and maintain the highest possible degree of ethical conduct." Respondent's inappropriate and discourteous interactions with district staff, students,

and parents, as well as her blanket denial of any responsibility for her conduct violated this policy.

Respondent's conduct violated BP 4119.24 - "Code of Ethics," which provides that employees have a responsibility for creating a positive work environment; employees are expected to act responsibly and conscientiously with honesty and integrity; and that employee actions must reflect good judgment, due care, competence, and diligence. Once again, respondent's inappropriate and discourteous interactions with district staff, students, and parents violated this policy.

Respondent's conduct violated AR 5020 - "Parent Rights and Responsibilities," which provides that the rights of parents and guardians of district students include the right to be informed of their child's progress in school, to have a school environment for their child that is supportive of learning, and to meet with their child's teacher within a reasonable time after a request. Respondent's persistent refusal to meet with parents and/or appropriately address their complaints directly violated this policy's requirements.

Respondent's conduct violated BP 4119.23(a) - "Unauthorized Release of Confidential/Privileged Information," which prohibits the disclosure of confidential information acquired in the course of performing duties. Respondent's display of a student's grade information in front of his classmates violated this policy.

Respondent's conduct and/or behavior violated the district's job description for a secondary teacher, which requires secondary teachers to cooperate with other staff members and the administration for the general welfare of the school; maintain a professional relationship with students, staff members, and parents; communicate with parents to further pupil progress; attend school appointments in a punctual manner; and provide instruction and a classroom environment necessary to ensure that students meet their academic goals. Respondent's conduct contravened those requirements.

#### Respondent Persistently Violated District Directives

Throughout her tenure, respondent repeatedly failed or refused to abide by directives from her supervisors and/or the district.

#### *Respondent's Overall Misconduct*

7. It is not the district's burden to establish that respondent could have been dismissed for any one of the acts in isolation. As the *Woodland* court held in a permanent certificated employee dismissal case: "When a camel's back is broken, we need not weigh each straw in its load to see which one could have done the deed." (*Woodland, supra*, 2 Cal.App.4th at p. 1457.)

The totality of the evidence in this case overwhelmingly supports the district's decision to dismiss respondent from permanent certificated employment as a classroom teacher.

Respondent's unsubstantiated denials are no match for the multiple written complaints from parents, multiple complaints from students, multiple accounts from administrators, and the stark inconsistencies in her own statements that support the district's action in this case. There can be no doubt here that the numerous instances of misconduct described in this decision constitute "good cause" for dismissal. Nor can there be any doubt that dismissal is reasonable in light of the number and frequency of events and the seriousness of the situation. Respondent's behavior has been unprofessional, dishonest, unsatisfactory, and in violation of school rules and district policies. Instead of correcting her behavior, respondent steadfastly ignored her principal and assistant principals and continued to mistreat students, parents, and staff members around her. The district has overwhelmingly proven that dismissal is appropriate.

#### ORDER

Respondent's dismissal from employment with the Sweetwater Union High School District is affirmed.

Dated: November 24, 2014.

\_\_\_\_\_/s/\_\_\_\_\_  
Roy W. Hewitt  
Administrative Law Judge  
Office of Administrative Hearings

Dated: November 20, 2014.

\_\_\_\_\_/s/\_\_\_\_\_  
Ms. Tara Howell  
Commission Member

Dated: November 21, 2014.

\_\_\_\_\_/s/\_\_\_\_\_  
Ms. Pia VanMeter  
Commission Member