

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

In the Matter of the Accusation Against:

STACEY LEE WEATHERMAN, Respondent.

Agency Case No. 2-86026225

OAH No. 2022120780

PROPOSED DECISION

Cindy F. Forman, Administrative Law Judge (ALJ), Office of Administrative Hearings, State of California, heard this matter on May 15, and June 2, 2023, by videoconference.

Christina Thomas, Deputy Attorney General, Department of Justice, State of California, represented complainant Mary Vixie Sandy, Executive Director of the California Commission on Teacher Credentialing (Commission).

Tamra M. Smith, Esq., Equality Law LLP, represented respondent Stacey Lee Weatherman, now known as Stacey Lee Killinger. Respondent was present for portions of the hearing.

The ALJ received testimony and documentary evidence. After the hearing, the ALJ re-opened the record to order the resubmission of a video originally admitted as complainant's Exhibit 8 and to ensure respondent's Exhibit K was properly redacted.

The Order, dated and served on June 8, 2023, directed complainant to upload a new copy of the video into Case Center no later than June 16, 2023, because the original video was no longer fully viewable, and directed respondent to provide further information regarding material to be redacted on Exhibit K. Respondent complied with the Order regarding Exhibit K. Complainant did not resubmit a new copy of the video as ordered, and did not request a time extension to do so. Exhibit 8 therefore is considered in this decision only to the extent it was authenticated and its contents were described and discussed in testimony by others.

The record closed and the matter was deemed submitted on June 16, 2023.

SUMMARY

Complainant seeks to revoke respondent's teaching credential based on allegations of immoral conduct, unprofessional conduct, evident unfitness for service, and acts of moral turpitude relating to respondent's conduct during the spring and summer of 2019. Complainant proved respondent, while teaching at a continuation high school, crossed professional boundaries and exercised poor judgment by allowing students to party, consume alcohol, and smoke marijuana at her home, engaging in an inappropriate relationship with a male student, disclosing personal marital details to another student, and participating in other improper behavior.

Respondent does not dispute the allegations of the First Amended Accusation for the purposes of this proceeding. She asserts she has little recollection of what occurred during the spring and summer of 2019 because at the time she was suffering from a then-undiagnosed mental illness and any misconduct she engaged in was the result of that illness. Specifically, respondent asserts she was diagnosed with bipolar 1

disorder in the fall of 2019, and her behavior during the prior summer was a direct result of the manic phase of the disorder. Respondent's treating psychiatrist and psychologist provided persuasive evidence supporting respondent's assertion that her misconduct was caused by a psychiatric condition. Complainant offered no medical or other evidence rebutting the medical evidence presented. Accordingly, respondent proved her psychiatric issues caused her improper conduct, and she has undergone successful treatment for those issues such that her psychiatric condition is stable.

The First Amended Accusation was triggered by respondent's alleged misconduct, not her psychiatric condition. The evidence demonstrates respondent's misconduct was egregious and placed students at great risk. However, the revocation of respondent's credentials because of such misconduct would be unduly punitive considering respondent's psychological state at the time of the relevant events, her demonstrated rehabilitative efforts, and her reputation as a stellar teacher. Because public protection, not punishment, is the primary goal of these proceedings and because respondent is in a position of trust as a teacher in daily contact with a vulnerable student population, suspending respondent's credentials pending an independent psychiatric evaluation of respondent's fitness to teach is warranted and consistent with the Commission's authority as noted in California Code of Regulations, title 5 (CCR), section 80309, subdivision (c). If respondent is found mentally fit to teach, the public interest will be adequately protected by placing her credential on probation for three years with appropriate conditions to protect the educational community.

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FACTUAL FINDINGS

Jurisdiction and Parties

1. On July 1, 2009, the Commission issued a Clear Single Subject Teaching Credential (credential) to respondent. The credential was in effect at all times relevant to the charges brought in the Accusation and the First Amended Accusation. The credential is scheduled to expire on August 1, 2024. The Commission also issued respondent a Certificate of Clearance on July 12, 2005, which expired on August 1, 2010; a 30-day Substitute Teaching Credential on July 17, 2006, which expired on August 1, 2007, and a Preliminary Single Subject Credential on June 1, 2007, which expired on July 1, 2012. (Exhibit 2.)

2. On October 27, 2020, the Commission informed respondent the Committee of Credentials (Committee) found probable cause existed for an adverse action against her. Respondent sought reconsideration of the Committee's determination and also timely requested an administrative hearing.

3. Complainant, in her official capacity, served the Accusation on respondent on July 29, 2022, and then served the First Amended Accusation on respondent on May 31, 2023. The First Amended Accusation seeks the same relief and reiterates the same factual allegations in the Accusation except that the First Amended Accusation now alleges in paragraph 19 that "Respondent furnished a controlled substance, Xanax, to students L.B. and J.A. while all were in her home" and adds the phrase "and smoke marijuana" to paragraph 20, line 8. (Exhibit 10, p. A126.) The First Amended Accusation seeks to revoke all credentials, certificates, and authorizations issued to respondent or take other appropriate adverse action in response to respondent's conduct in the summer of 2019.

4. On September 10, 2022, respondent filed a timely Notice of Defense. On May 8, 2023, respondent filed an Amended Notice of Defense (Amended Notice). The Amended Notice states respondent admits certain paragraphs of the Accusation solely for the purposes of this proceeding and the Commission's evaluation of respondent's fitness to hold a credential. (The Amended Accusation had yet to be filed.) The Amended Notice also asserts that, during the times relevant to the charges in the Accusation, respondent suffered from an "acute undiagnosed mental health disability" that caused the conduct underlying the Accusation, and since that time, respondent received medical treatment and is currently stable. (Ex. Q, p. B135.) The Amended Notice further asserts complainant's efforts to discipline respondent's credentials for conduct occurring during and as a result of respondent's disability constitutes unlawful discrimination in violation of applicable laws and regulations including CCR, section 80309, subdivision (b).

5. All jurisdictional requirements were satisfied to allow this matter to proceed to hearing.

General Background

6. Respondent is 40 years old and married with three children, ages 14, 12, and 8. She has a graduate degree in education. From 2006 until October 2019, respondent was employed as a teacher in the William S. Hart Union High School District (District). At all times relevant to the allegations in the First Amended Accusation, respondent worked as a social science teacher at Bowman High School (Bowman) in the District. Bowman is a continuation school attended by at-risk students.

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7. By all accounts, respondent was an excellent teacher and a model for others while at Bowman. In addition to her regular teaching duties, respondent served as a District trainer for four years, an instructional coach for three to four years, the Bowman Associated Student Body director for three years, and a Bowman department chair for six years. Respondent was honored as Bowman Teacher of the Year for the 2010–2011 and 2018–2019 school years. (Exhibit B, pp. B11–B14.) Bowman administrators nominated respondent for a Life Changer of the Year award. (*Id.*, pp. B16–B25.) Respondent received uniformly positive teaching evaluations during her tenure at Bowman. At hearing, Bowman principal Nina Zamora testified respondent was an “outstanding teacher,” and she repeatedly brought other teachers to observe respondent in the classroom. Several teachers and a former student also submitted declarations attesting to respondent’s dedication to her students, professionalism, and effectiveness as a teacher while at Bowman. (Exhibits N, O, and P.) Respondent has no history of discipline by the District or the Commission.

8. In October 2019, the District became aware of allegations regarding an inappropriate relationship between respondent and former Bowman student J.A. (Students, parents, and non-District personnel with knowledge of the alleged misconduct are identified by their initials for privacy purposes.) From April 2021 through July 2022, Jeffrey Osborne, Special Investigator for the Commission (SI Osbourne), investigated those allegations and prepared a report of his findings. (Exhibit 3.) As part of his investigation, SI Osbourne interviewed several former Bowman students, their parents, Ms. Zamora, Bowman employee Carrie Covell, and others. SI Osbourne included memoranda of his interviews with former student L.B., V.F., Ms. Zamora, Ms. Covell, and J.A.’s mother in his report. SI Osbourne was unable to interview J.A., who passed away in February 2021 of causes not made known at the hearing. SI Osbourne was also unable to interview student T.W. (The interview

memoranda constitute administrative hearsay; thus, under Government Code section 11513, subdivision (d), their contents are considered only to the extent they supplement or explain direct evidence.)

Evidence of the Alleged Misconduct

9. The First Amended Accusation alleges that during the summer of 2019, respondent engaged in the following misconduct while teaching at Bowman:

19. Respondent furnished a controlled substance, Xanax to students L.B. and J.A. while all were in her home.

20. Respondent allowed male student J.A. and his friends to party and consume alcohol and smoke marijuana at Respondent's home. Respondent consumed alcohol with them at Respondent's home on at least one occasion.

21. A video shows student J.A. to be unconscious while holding a White Claw alcoholic beverage at Respondent's home and student J.A. "shotgunning" an alcoholic beverage at Respondent's home.

22. In addition to drinking alcohol and partying at Respondent's home, Respondent and student J.A. would often retire to the bedroom together after the party or gathering concluded. Respondent and student J.A. did not come out of the bedroom until the next morning.

23. Respondent purchased clothing for student J.A. When Respondent could not reach student J.A., Respondent

would text student J.A.'s friend(s) to contact or locate student J.A.

24. Respondent also shared personal details about her divorce and personal life with student T.W. Respondent was admonished by the District for doing so.

(Exhibit 10, p. A126.)

10. Former Bowman student L.B. confirmed in testimony at the hearing and in statements made to SI Osbourne (Exhibit 3, pp. A62–A63) that respondent had at least one party at her home in June 2019 during which he, J.A., who was his best friend, and others drank alcohol and smoked marijuana while respondent was home. Respondent also offered J.A. and him Xanax at the party. Respondent's husband was not home when the party was held, and during that time, J.A. and others slept at respondent's house.

11. The party described by L.B. was depicted in a videotape provided to Ms. Covell and Ms. Zamora in October 2019. At hearing, L.B. authenticated and described the contents of the video (admitted as Exhibit 8). The video depicts L.B. and J.A. partying at respondent's home. The video was taken by another student who was at the party. Respondent is not shown in the video. In the video, J.A. is passed out with a White Claw alcoholic beverage in his hand while sitting in a chair in what appears to be respondent's kitchen. The video also shows J.A. "shotgunning" a White Claw.

12. L.B.'s testimony was inconsistent at times, and thus not fully credible. L.B. first testified the party at respondent's home lasted three to four days; he later testified the partying lasted four to six days. Additionally, at hearing, L.B. testified he only was at respondent's house this one time and after this party, L.B. never returned

to her house. However, L.B. told SI Osbourne respondent would oftentimes invite J.A., L.B., and the other students to her home, be at home to let them inside, and stay and party with them. L.B. also told SI Osbourne on multiple occasions respondent informed L.B. and the others that a certain door at her house would remain unlocked for them to enter in the event she was not there. (Exhibit 3, pp. A63.)

13. L.B. was never respondent's student while at Bowman. He went to respondent's house at the invitation of J.A. L.B. testified he believed respondent and J.A. had more than a teacher-student relationship because respondent often texted L.B. to locate J.A. and respondent also bought J.A. expensive clothing. Although L.B. had no direct knowledge of any sexual relationship between J.A. and respondent, he assumed their relationship was physically intimate because he saw respondent and J.A. during the partying go upstairs where respondent's bedroom was located, and come downstairs in the morning. He did not testify as to how often this occurred. During his interview with SI Osbourne, L.B. told SI Osbourne everyone knew about "something was going on with J.A. and respondent, but it was sort of an understood agreement not to ask questions." (Exhibit 3, p. A63.)

14. J.A.'s mother K.A. confirmed L.B.'s testimony regarding respondent's relationship with J.A. According to her testimony at hearing, K.A. thought it odd when respondent began to befriend his son. Respondent took J.A. for lunch and went on shopping sprees where she bought him over \$1,000 worth of clothes. K.A. told SI Osbourne she understood from J.A.'s statements to her that he and respondent had more than a teacher/student relationship. However, she had no first-hand knowledge of the nature of their relationship.

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15. After the party depicted in the video and sometime before August 16, 2019, Ms. Zamora, who was Bowman's assistant principal at the time, learned from another teacher that student T.W. was sharing information regarding respondent's pending divorce and other personal subjects with other students. Ms. Zamora, who provided a statement to SI Osbourne and also testified at hearing, then met with respondent on August 16, 2019, to discuss T.W.'s statements. At the meeting, Ms. Zamora directed respondent to stop sharing her personal information with students. Respondent agreed to do so. She also told Ms. Zamora T.W. had babysat for her during the summer break but she had ended T.W.'s employment after learning while babysitting T.W. had people over the house without respondent's approval. (Exhibit 9, p. A118.) According to Ms. Zamora, the meeting ended on a positive note whereby respondent agreed not to have any further personal discussions with T.W. At the time of her discussion with respondent regarding T.W., Ms. Zamora was unaware of any Bowman students partying at respondent's home.

16. Respondent admitted to the factual allegations of the First Amended Accusation for the purpose of this proceeding because, as she credibly testified, she had no recollection of the events of the summer of 2019. Her inability to remember made it impossible to dispute or disprove some of the allegations or the testimony by L.B., Ms. Zamora, or K.A. However, the video makes clear that at least one party took place at respondent's home where students drank alcohol.

Events Of October 2019

17. On October 9, 2019, Carrie Covell, Bowman's office manager at the time, received a telephone call from V.F. discussing her concerns about respondent's relationship with J.A. It was not made known in the record whether V.F. was a Bowman student at the time or a former Bowman student. Ms. Covell transferred the call to Ms.

Zamora. After reiterating her concerns to Ms. Zamora, V.F. then emailed Ms. Zamora the video file discussed above. On October 10, 2019, Ms. Zamora alerted District Deputy Superintendent Michael Vierra of the call and the video. (Exhibit 9, p. A117.)

18. On October 14, 2019, District personnel informed respondent at an in-person meeting she was being placed on administrative leave pending an investigation of her interactions with students. Ms. Zamora was present at the meeting. The District did not provide any details to respondent about the investigation or the alleged interactions that were cause for concern. The District did not show respondent the video taken at her home.

Respondent's Evidence

19. Respondent submitted a declaration, declarations from her parents, husband, psychologist, friends, and colleagues, and letters from her psychologist and psychiatrist as well as her medical records to support her contention that her misconduct was a result of a manic episode caused by bipolar 1 disorder. Respondent, her husband, her best friend, her psychologist, and her psychiatrist testified to her psychiatric condition before, during, and after the events of the summer of 2019. The testimony by respondent and by the other witnesses was credible and persuasive.

EVENTS LEADING UP TO THE INCIDENTS ALLEGED IN THE FIRST AMENDED ACCUSATION

20. Respondent first experienced depression and occasional panic attacks after the birth of her second child. She was prescribed anti-depressants to treat the depression and Xanax as needed for the panic attacks.

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21. In May and then in early June 2019, respondent sought medical help because she was experiencing more frequent and more crippling panic attacks and her medication was no longer effective to address these attacks. Medical records indicate her physician diagnosed respondent with generalized anxiety disorder and severe major depressive disorder and switched her medication. (Exhibit B, pp. B85, B88.) The new medication adversely affected respondent. She had trouble concentrating, no longer cared what people thought, and stopped censoring her language.

22. Respondent asserts she has little memory of what she did or said during the summer and fall of 2019. She has pieced together some of what occurred by reviewing her credit card statements and listening to others who spent time with her during that period. Respondent does not recollect she spent three weeks on a Hawaii vacation with her parents and daughters in June 2019. She has no memory of teaching summer school in the District in July 2019; she only knows she did so because she has paystubs for her work. Respondent has spotty memories of waking up in her car at random remote locations, but she does not recall how she got there. Her credit card statements showing gas station charges at these remote locations are the only confirmations her spotty memories are true. Her credit card statements also reflect shopping sprees totaling \$25,000, although she does not remember such shopping trips. Respondent also has no memory of conducting professional development training in August 2019. Although respondent remembers discussing student T.W. with Ms. Zamora, respondent does not recall telling T.W. anything about respondent's personal life.

23. Respondent's husband, Michael Killinger, both in testimony and a declaration (Exhibit H), confirmed something was amiss with respondent starting in June 2019. Respondent told him she wanted a divorce, which according to Mr. Killinger

"came out of nowhere." Mr. Killinger described respondent's behavior during the summer and fall of 2019 as irresponsible and baffling. Respondent often left the house in the middle of the night or disappeared for the weekend. Respondent spent time with people he did not know well and was secretive about her phone and her whereabouts. Respondent appeared to only care for herself and was inattentive to their children and their friends. The situation deteriorated as the summer progressed, and Mr. Killinger considered taking his children and leaving the house. According to Mr. Killinger, respondent's conduct was completely out of character, and at the time, neither he, their friends, nor their family were aware of the cause. Mr. Killinger and respondent attended marriage counseling to address the chaos but the therapy was unsuccessful.

24. Respondent's long-time best friend Amy Archie, who testified at the hearing, also observed marked changes in respondent's behavior during the summer and fall of 2019. Before that time, Ms. Archie described respondent as an "awesome mom and woman" and a teacher who was dedicated to her students. Ms. Archie found respondent started to act "weird" during the summer and fall of 2019. She noticed students visiting respondent's home, which Ms. Archie thought was unusual, and Ms. Archie was shocked when respondent told her she wanted to divorce her husband. According to Ms. Archie, respondent made "questionable" choices over the summer. Respondent drove at night to the beach by herself, stopped eating, and was "completely different."

25. Respondent's mother and father also noted respondent's change in behavior at this time. (Exhibits I, J.) Respondent's mother noted respondent was acting strange on the June Hawaii trip, including driving fast and going out alone at night. She observed respondent continued to act strangely when they returned home.

According to respondent's mother, respondent was ordinarily highly organized and meticulous, but by July 2019 respondent's home and car were messy and disorganized. Respondent also told her during this time she hated teaching.

EVENTS OF OCTOBER 2019

26. Respondent was unaware anything was remiss with her teaching until she attended the October 2019 meeting where District representatives placed her on administrative leave. Upon leaving the meeting, respondent had a panic attack and felt suicidal. According to Ms. Zamora's notes regarding the events of October 14, 2019, prepared soon after those events, respondent told Ms. Zamora she wanted to die and she was spinning out of control. (Exhibit T.) Ms. Zamora believed respondent thought she was placed on administrative leave because student T.W. babysat for her during the summer; respondent made no mention of any partying or other inappropriate relationships. Respondent told Ms. Zamora she wanted to check herself into the hospital and insisted on driving herself to the emergency room. After respondent crashed her car on the way to the hospital and called Ms. Zamora to pick her up, respondent told Ms. Zamora she had moved out of the family home, had nowhere to live, and repeated she wanted to end her life. Ms. Zamora further noted when she arrived at the Henry Mayo Hospital (Mayo) with respondent, respondent's husband also arrived and confirmed they were going through a divorce, respondent had moved out, and respondent has been dishonest and deceitful with him. He also shared she was disappearing for days at a time. (*Id.* at p. B152.)

27. At Mayo, respondent was admitted for a 5250 hold (a 72-hour hospitalization for a person deemed to be a danger to herself or others) under Welfare and Institutions Code section 5150. Respondent remained at Mayo until October 17, 2019. (Exhibit B, pp. B28–B61.) Upon her release, the Mayo doctors directed

respondent to seek care from a psychiatrist as well as a therapist at New U Therapy Center (New U). (*Id.*, p. B34.) On October 21, 2019, respondent met with a New U therapist, and on October 22, 2019, a New U psychiatrist diagnosed respondent with bipolar 1 disorder and prescribed her new medications. (*Id.*, p. B64.) This was the first time respondent learned she had bipolar 1 disorder.

28. On October 22, 2019, respondent resigned from her position as a social science teacher at Bowman. (Exhibit 7.) Respondent remained unaware of the subject of the District's investigation at the time of her resignation. At hearing, respondent characterized her resignation as "impulsive." She was depressed and spiraling downward at the time. Respondent had consulted a lawyer regarding disability retirement before sending her resignation email, but she has no recollection of doing so; she only knows because of an email she received from the lawyer confirming their conversation.

RESPONDENT'S RECOVERY

29. Although respondent was compliant with her medication and therapy offered at New U, she did not feel she was improving, and on November 8, 2019, she checked herself into Resilience Treatment Center (Resilience), a residential treatment center in Beverly Hills. She resided at Resilience for 24 days. At Resilience, the doctors changed her medication, and she began to feel better. Respondent was released from Resilience on December 2, 2019.

30. Respondent found Resilience helpful in ameliorating her condition. However, respondent believed she needed further treatment. On December 3, 2019, the day after her release from Resilience, respondent began treatment at the Intensive Outpatient Program at Northridge Hospital (Northridge Outpatient). That program

required five days of outpatient therapy each week for six hours each day. As respondent progressed in the program, she was able to reduce her required therapy to three days a week for four hours each day. She continued in the program until March 2020.

31. While participating in the Northridge Outpatient program, respondent returned to New U for treatment. In early January 2020, her New U psychiatrist prescribed respondent lithium, which has since been effective. A note by her treating psychiatrist dated January 22, 2020, assessed respondent as "Much improved from previous visit." (Exhibit B, p. B80.) In late January 2020, respondent was forced to find new healthcare providers because New U no longer accepted her insurance. She then began seeing a new therapist, Helen G. Meek, LMFT, and a new psychiatrist, Dr. Michael Golder. She also participated in couples therapy and had her children see a therapist as well.

32. Respondent continues to see Ms. Meek to this day. She had to change her psychiatrist again in August 2021 because of insurance reasons and now sees Vasudha Ahuja, M.D., to manage her medication, which includes mood stabilizers. Respondent reports she is stable. She no longer experiences panic attacks, breakdowns, or depression. She sleeps better and has better control over her impulses. Respondent keeps all her medical appointments, sets her alarm to take her medication, pays attention to what she eats, and wears a Fitbit bracelet to monitor her heart rate and sleep schedule. She keeps her medical team well-apprised of any changes in her medical condition.

33. Mr. Killinger and Ms. Armev, as well as respondent's parents, believe respondent has returned to normal. (Exhibits H, I, J.) They confirmed respondent takes her medication without issue and regularly attends her therapy. Mr. Killinger also

underwent therapy with respondent where he learned more about respondent's condition and the symptoms and signs of a manic episode.

34. Although Mr. Killinger and Ms. Arney initially had doubts regarding respondent's inability to recall the events of the summer of 2019, they both now believe respondent does not remember her conduct during this time. Ms. Arney testified respondent has had many opportunities to discuss with her what happened with her students, but respondent has never done so. Although respondent acknowledged what she is accused of was wrong, she has repeatedly told Ms. Arney she has no recollection of sleeping with a student or any of the other alleged misconduct. Mr. Killinger and Ms. Arney also no longer have concerns regarding respondent's ability to care for children safely and teach. Ms. Arney regularly leaves her children in respondent's care. And Mr. Killinger is comfortable leaving his three daughters with respondent, who remains his wife.

RESPONDENT'S CURRENT EMPLOYMENT

35. In August 2020, respondent began working for an online school. (The online school has not been identified at the request of the school.) She teaches social studies remotely to students in the sixth through twelfth grades. She is happy working in an online environment and has received uniform praise for her work.

36. Maggie Champlin-Alexander, known as Maggie Champlin, submitted a declaration and testified regarding respondent's current employment. Ms. Champlin has been the content specialist at the online school for 14 years. According to Ms. Alexander, respondent is an effective educator. Ms. Champlin interviewed respondent for the job and was her mentor for the 2020 to 2021 school year. Ms. Champlin observed respondent's interactions with students, and she was never concerned about

their safety. After respondent completed the mentor program, Ms. Champlin supervised and interacted with respondent as the school's department head. Ms. Champlin never witnessed respondent exhibit any alarming behavior.

37. Respondent disclosed her bipolar 1 disorder diagnosis to Ms. Champlin in the summer of 2022. Respondent indicated in that discussion a strong desire to continue with her treatment. Ms. Champlin is familiar with bipolar 1 disorder because she has a close family relative with the same diagnosis. She has been trained to identify signs of someone suffering from mental health episodes, and she has never seen respondent demonstrate these behaviors. Respondent's appearance, behavior, and the appearance of her home, all visible via the classroom videoconference, have not triggered any red flags. Ms. Champlin described respondent as "one of the most vital teachers" in her department.

38. Ms. Champlin is aware of the allegations in the Accusation. Based on her present knowledge of respondent, she cannot believe the allegations are true. However, even if proven, Ms. Champlin is interested in respondent's current qualities and believes she is fit to teach. Ms. Champlin wrote the following:

If [respondent] loses [sp] her California teaching certificate, education is losing out on an incredible teacher. She impacts the lives of her students and the teachers around her daily. She is vital to the education profession for her teaching abilities and the support she offers to the educators around her. She has a natural ability to support others, which can be seen in her leadership and problem-solving qualities in her department. She is always offering a lending hand or is someone teachers can bounce ideas

with. Education as a whole will miss out if [respondent] is no longer allowed to hold a teaching certificate.

(Exhibit K, p. B138.)

MEDICAL EVIDENCE

Helen G. Meek MFT

39. Helen G. Meek has been a licensed marriage and family therapist in private practice since 1987. Before then, she held a pupil personnel services credential and worked as a school counselor for 10 years and as a high school English teacher for 12 years. Ms. Meek has treated several patients with bipolar 1 disorder in her practice. Ms. Meek submitted a letter and declaration and provided testimony at hearing confirming respondent's medical condition and her fitness to teach. (Exhibits D, E.)

40. Since January 4, 2020, Ms. Meek has seen respondent for therapy once a week as part of respondent's bipolar 1 disorder treatment. Based on her conversations with respondent, her review of respondent's medical history, and her knowledge and expertise as a therapist, Ms. Meek believes respondent's 2019 conduct was caused by undiagnosed bipolar disorder, and the conduct constituted a manic episode lasting several months. At the time, respondent was taking anti-depressants and anti-anxiety medication that may have exacerbated respondent's undiagnosed bipolar disorder condition.

41. Ms. Meek describes respondent as "very intelligent and highly functional." Based on her discussions with respondent, she believes respondent does not remember much about the June through August 2019 period. She reports respondent was "completely mystified" about where her credit card statements from

this period indicated she had been. Ms. Meek believes when respondent was manic, her mind was racing so quickly memories were unable to set in. Ms. Meek also reported respondent exhibits a sense of shame over what occurred and is very motivated to avoid a relapse.

42. Ms. Meek has no reservations about respondent's fitness to teach or associate with children. Ms. Meek is aware of the allegations against respondent and finds them inconsistent with the person she knows through therapy. Respondent has not suffered any manic episodes since respondent began treatment with Ms. Meek. Respondent is fully medication compliant, open to self-reflection, and motivated to remain in treatment to preserve her family and her career. Ms. Meek acknowledges there is always a risk of relapse but she does not expect respondent to do so.

Vasudha Ahuja, M.D.

43. Dr. Ahuja, a board-certified psychiatrist, testified at the hearing and submitted a letter vouching for respondent's fitness to teach. (Exhibit G.) Dr. Ahuja has treated patients with bipolar 1 disorder since 2003, and she has treated respondent since August 11, 2020. According to Dr. Ahuja, bipolar 1 disorder is a condition with separate or sometimes mixed episodes of mania or depression. Patients with bipolar 1 disorder return to good functionality between episodes. The mania is characterized by racing thoughts, decreased need for sleep, grandiose conduct, recklessness, and psychotic conduct. A manic episode can last between a week to nine months without treatment. An individual in a manic period typically has no control over their thoughts or actions and acts completely out of character. Dr. Ahuja further explained mania is treated primarily with mood stabilizers and antipsychotics. Oftentimes, people with bipolar 1 disorder only have one manic episode because controlling mania is easily done through medication.

44. Dr. Ahuja too does not doubt respondent's inability to remember the events of the summer of 2019. She believes respondent had a manic episode that summer based on descriptions provided by Mr. Killinger and respondent's eldest daughter. Dr. Ahuja explained memory loss of the kind respondent complains of is commonly associated with a manic episode. When an individual is in a state of psychosis, the process of storing memory is disturbed; additionally, a person may repress memories because they are so disturbing.

45. Dr. Ahuja sees respondent for medication management and psychotherapy every one to two months. She is confident of respondent's bipolar 1 disorder diagnosis because of respondent's historic reactions to the medications prescribed, her current reaction to those medications, and respondent's recounting of her medical history. She agrees with Ms. Meek respondent's change in medication in early 2019 may have triggered respondent's manic episode. Dr. Ahuja finds respondent's medical condition to be currently stable. Although there is always a risk respondent's condition may change, Dr. Ahuja believes respondent's prognosis is good considering respondent's punctual and regular attendance at all her appointments with Dr. Ahuja, respondent's investment in staying mentally stable, her compliance with her medication regime, even when it initially caused significant weight gain, and the support respondent receives from her family and friends. According to Dr. Ahuja, respondent and her family members would now know immediately if she began to destabilize, and any mania could be easily addressed with a change of medication. Dr. Ahuja has no concerns about respondent's current fitness to be with children or to teach.

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OTHER EVIDENCE

46. Respondent expressed horror and embarrassment in response to complainant's charges. Respondent testified not knowing what she did and whether she hurt anyone during the time she was in a manic episode "drives her crazy." To this day, respondent cannot understand why she told people she wanted to divorce her husband when they have always been good friends who never fought. She does not consider herself someone who would leave her home in the middle of the night to see a student or go to a remote location. She would never send personal or inappropriate texts to a student, give a student Xanax, allow students to smoke or drink in her home or talk about her personal life in detail with students. She is mortified by the suggestion she pursued a student. Respondent acknowledges she sometimes bought food, clothing, and other necessities for some Bowman students but she did not do so for inappropriate purposes. Ms. Zamora, Ms. Covell, other Bowman educators, and a Bowman student all confirmed respondent's conduct during the summer of 2019 was not consistent with respondent's character or her prior behavior. (Exhibit 3, p. A46; Exhibits L, O, P.)

47. Respondent was candid with the Commission regarding her conduct and her medical treatment. She was "shocked and devastated" when she first learned of the findings of the Committee of Credentials (Committee) on October 27, 2020. In her November 9, 2020 response, respondent explained any misconduct that occurred during the summer of 2019 was a result of a mental disability and that disability was now under control (Exhibit R.) Respondent offered to submit to a medical examination under CCR section 80309, subdivision (c), to confirm her fitness to teach. (Exhibit A.) On January 11, 2023, respondent wrote again to the Committee to inform them of developments in her medical condition. (Exhibit C.) The Committee's responses to the

November 9, and 30, 2020, and January 11, 2023 letters were not made part of the record. The record also does not include any request by the Commission that respondent submit to a medical examination.

48. Respondent's testimony was open and direct. Respondent wants to keep her credential so she can keep working with kids. She has worked with children her entire life and loves teaching. Respondent is not in a rush to return to classroom teaching but is confident in her capability to do so because of her medications and the stability of her condition.

LEGAL CONCLUSIONS

Legal Standards

1. Complainant bears the burden of proving the alleged grounds for discipline by clear and convincing evidence to a reasonable certainty. (See *Gardner v. Commission on Professional Competence* (1985) 164 Cal.App.3d 1035, 1039–1040; *Ettinger v. Board of Medical Quality Assurance* (1982) 135 Cal.App.3d 853, 856.) Clear and convincing evidence "requires a finding of high probability," and has been described as "requiring that the evidence be "so clear as to leave no substantial doubt"; "sufficiently strong to command the unhesitating assent of every reasonable mind."" [Citation.] (*In re Angelia P.* (1981) 28 Cal.3d 908, 919.)

2. The Commission is authorized to "privately admonish, publicly reprove, revoke or suspend" the credential of a teacher for "immoral or unprofessional conduct . . . or for any cause that would have warranted the denial of an application for a credential or the renewal thereof, or for evident unfitness for service." (Code, § 44421.) The Commission may also place a teacher on probation subject to appropriate terms.

(CCR, section 80300, subd. (t) [a suspension may be stayed "on condition of probation"].)

3. "The term 'immoral' has been defined generally as that which is hostile to the welfare of the general public and contrary to good morals. Immorality has not been confined to sexual matters, but includes conduct inconsistent with rectitude, or indicative of corruption, indecency, depravity, dissoluteness, or as wilful, flagrant, or shameless conduct showing moral indifference to the opinions of respectable members of the community, and as an inconsiderate attitude toward good order and the public welfare. [Citation.]" (*Orloff v. Los Angeles Turf Club* (1951) 36 Cal.2d 734, 740; see also *Board of Ed. of San Francisco Unified School Dist. v. Weiland* (1960) 179 Cal.App.2d 808, 811.)

4. "Unprofessional conduct" has been described as "'that which violates the rules or ethical code of a profession or such conduct which is unbecoming a member of a profession in good standing.'" (*Board of Educ. of the City of Los Angeles v. Swan* (1953) 41 Cal.2d 546, 553, overruled in part on other grounds in *Bekiaris v. Board of Education* (1972) 6 Cal.3d 575.) "[T]he definition of immoral or unprofessional conduct must be considered in conjunction with the unique position of public school teachers, upon whom are imposed 'responsibilities and limitations on freedom of action which do not exist in regard to other callings.' [Citation.]" (*San Diego Unified School Dist. v. Commission on Professional Competence* (2011) 194 Cal.App.4th 1454, 1466.)

5. "Moral turpitude is a concept that 'defies exact description' [citation] and 'cannot be defined with precision' [citation]." (*In re Grant* (2014) 58 Cal.4th 469, 475–476.) "Our Supreme Court has defined moral turpitude as 'an act of baseness, vileness or depravity in the private and social duties which a man owes to his fellowmen, or to society in general, contrary to the accepted and customary rule of right and duty

between man and man.’ [Citation.] Moral turpitude has also been described as any crime or misconduct committed without excuse, or any ‘dishonest or immoral’ act not necessarily a crime. [Citation.] The definition depends on the state of public morals and may vary according to the community or the times, as well as on the degree of public harm produced by the act in question. [Citation.]” (*Clerici v. Department of Motor Vehicles* (1990) 224 Cal.App.3d 1016, 1027.) Moral turpitude has also been described as the “‘general readiness to do evil.’ [Citation.]” (*Donley v. Davi* (2009) 180 Cal.App.4th 447, 458.)

6. “Evident unfitness for service” is a term that “connotes a fixed character trait, presumably not remediable merely on receipt of notice that one’s conduct fails to meet the expectations of the employing school district.” (*Woodland Joint Unified School Dist. v. Commission on Professional Competence* (1992) 2 Cal.App.4th 1429, 1444.) A teacher who is evidently unfit for service has a “flaw of temperament” resulting in misconduct, and there is no reasonable likelihood the temperament can be reformed to ensure the bad conduct will not recur. (*Id.*, p. 1445.)

7. To discipline a teacher’s credential on grounds of immoral conduct, unprofessional conduct, or evident unfitness for service, it must also be established the conduct renders the teacher unfit to teach. (*Morrison v. State Board of Education* (1969) 1 Cal.3d 214, 229–230 (*Morrison*).) “[A]n individual can be removed from the teaching profession only upon a showing that his retention in the profession poses a significant danger of harm to either students, school employees, or others who might be affected by his actions as a teacher.” (*Id.*, at p. 235.)

8. The inquiry regarding a teacher’s fitness to teach rests on “whether any adverse inferences can be drawn from [the individual’s] past conduct as to [his or her] teaching ability, or as to the possibility that publicity surrounding past conduct may in

and of itself substantially impair [the individual's] function as a teacher." (*Morrison, supra*, 1 Cal.3d at p. 235.) In evaluating the teacher's fitness, the Commission may consider such matters, commonly known as the *Morrison* factors, as: "(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; [¶] (7) The extent to which disciplinary action may inflict an adverse impact or chilling effect upon the constitutional rights of the person involved, or other certified persons; [¶] (8) The publicity or notoriety given to the conduct." (*Id.*, at p. 229; CCR, § 80302, subd. (a).) Not all *Morrison* factors need to be examined, only the pertinent ones. (*West Valley-Mission Comm. College Dist. v. Concepcion* (1993) 16 Cal.App.4th 1766, 1777.)

9. The Commission has promulgated regulations to address circumstances where a licensee suffers from a mental defect or disability. According to those regulations, the Commission cannot institute an administrative hearing solely because a licensee is suffering from a "defect of mind" unless there is probable cause to conclude the licensee's condition constitutes a health hazard to students or colleagues or the disease or defect prevents the licensee from performing the duties authorized by her credential. (CCR, § 80309, subd. (a).) If adverse action is taken because of the disability, such adverse action is limited to the duration of the actual disability. (*Id.*, subd. (b).) If the evidence shows a licensee committed acts or omissions which, but for the reasonably probable existence of some mental defect or disability, demonstrate unfitness to teach, the Committee may require and the licensee must agree to submit

to an examination by a designated board certified licensed psychiatrist. The examining psychiatrist is responsible for submitting an expert report as to whether "the licensee is able to perform the duties authorized by the credential held; and if not so able, the probable duration of and severity of the disability." (*Id.*, subd. (c).)

Analysis

CAUSES FOR ADVERSE ACTION

10. Complainant proved by clear and convincing evidence respondent allowed students to drink alcohol and smoke marijuana at her home, engaged in an inappropriate relationship with a student, and crossed professional boundaries in her social relations with students. (Factual Findings 9–16.) Such conduct constitutes unprofessional conduct, immoral conduct, and acts of moral turpitude under Code sections 44421 and 44345 as alleged in the First, Second, and Fourth Causes for Discipline in the First Amended Accusation. (Legal Conclusions 1–5.)

11. Complainant did not prove by clear and convincing evidence respondent is not fit, not adapted to, or unsuitable for teaching because of temperamental defects or inadequacies as alleged in the Third Cause for Discipline in the First Amended Accusation. Respondent established by clear and convincing evidence her misconduct was caused by a mental illness that she has since brought under control. (Factual Findings 17–48; Legal Conclusions 1, 6.)

FITNESS TO TEACH

12. Discipline of a teacher's credential on the grounds of unprofessional conduct, immoral conduct, or conduct involving moral turpitude requires proof the

misconduct renders the teacher unfit to teach. (*Morrison, supra*, 1 Cal.3d at pp. 229–230.) The *Morrison* factors apply to respondent as follows:

A. The likelihood the conduct may have adversely affected students, fellow teachers, or the educational community, and the degree of such adversity anticipated. Students L.B., J.A., T.W., and the other students who were permitted to drink alcohol and smoke marijuana at respondent’s home were directly and adversely affected by respondent’s conduct during the summer of 2019. Respondent acted irresponsibly, exercised poor judgment, crossed professional boundaries intended to protect her students, encouraged unsafe conduct, and conducted an inappropriate relationship with a student. (Factual Findings 9–16.) Respondent’s conduct also potentially adversely affected classroom teaching by causing distracting conversations as well as distrust and disrespect for the teaching process. Respondent’s conduct was particularly egregious considering the high-risk status of many of her students and their already precarious relationship with the educational community. However, it is difficult to gauge the degree of such adversity. The students involved all appeared to be graduating or super seniors, there is no evidence the video was widely circulated, no parents complained, the only teacher complaint concerned student T.W.’s conversations about respondent’s personal information, and respondent quickly resigned after being placed on administrative leave, minimizing the impact of her actions on the Bowman community.

B. The proximity or remoteness in time of the conduct. Respondent’s misconduct occurred during summer school of 2019, four years ago. Four years is not so remote in time that the conduct in question should be dismissed or excused.

C. The type of credential held by the person involved. Respondent’s credentials authorize her to teach students in grades 12 and below. Courts have found

that elementary and middle school students are particularly impressionable. (*Broney v. California Com. on Teacher Credentialing* (2010) 184 Cal.App.4th 462.) In *Broney*, the court found “[G]iven the impressionable nature of elementary school students, and their need for appropriate adult role models, this factor weighs in favor of finding of unfitness to teach.” (*Id.* at p. 477.)

D. The extenuating or aggravating circumstances surrounding the conduct. There are both aggravating and extenuating circumstances surrounding respondent’s conduct. In aggravation, respondent engaged in multiple acts of wrongdoing and her conduct endangered her students’ well-being. (Factual Findings 9–16; CCR, § 80300, subd. (b)(2), (b)(4).) In mitigation, respondent’s misconduct was entirely due to a then-undiagnosed physical condition, which she has now successfully controlled with medication and therapy as affirmed by her medical team. (Factual Findings 17–48; CCR, § 80300, subd. (m)(3).) Respondent’s commitment to her treatment, her network of family support, and praise for her good character from her colleagues and current employer are additional factors in her favor. (CCR, § 80300, subd. (m)(4).)

E. The praiseworthiness or blameworthiness of the motives resulting in the conduct. There is nothing praiseworthy about respondent’s misconduct.

F. The likelihood of the recurrence of the questioned conduct. Respondent provided convincing evidence her prognosis is good and that the likelihood of recurrence of a future manic episode is low. Respondent has actively addressed the mental health issues that triggered the conduct. She is medication compliant, sees her medical team regularly, has a good support network consisting of family, friends, and medical personnel who are sensitive to any abnormal symptoms, and is vigilant regarding her health.

G. The extent to which disciplinary action may inflict an adverse impact or chilling effect upon the constitutional rights of the person involved, or other certified persons. Not applicable.

H. The publicity or notoriety given to the conduct. No evidence was presented on the publicity or notoriety given to respondent's misconduct. SI Osbourne's report identified only four involved students. One teacher in her declaration referred to rumors regarding respondent's conduct, but she did not discuss the extent, timing, or nature of the rumors. (Exhibit O, p. B131.) There is no evidence respondent's conduct was reported in the media. The video of partying at respondent's home did not depict respondent. It was also not made known how widely the video was disseminated.

13. The foregoing factors show respondent engaged in egregious conduct that caused harm to her students and the educational community and demonstrate an unfitness to teach. Teachers are expected to exercise good judgment, respect professional boundaries, and keep their students safe. Respondent did not do that in the spring and summer of 2019. Cause for adverse action against respondent's teaching credentials therefore exists under Code sections 44421 and 44345.

14. The circumstances surrounding respondent's misconduct, however, do not compel the revocation of respondent's credentials to protect the public interest. The evidence convincingly demonstrated respondent's misconduct was caused by a mental disability that for the past three years she has successfully addressed. And by all accounts, respondent is a dedicated and competent teacher who is functioning well teaching in a remote classroom. Respondent has shown meaningful rehabilitation by taking the necessary steps to ensure continued management and monitoring of her psychiatric condition.

15. However, the seriousness of respondent's misconduct and the recency of respondent's psychiatric illness demands further monitoring. While respondent has excelled in teaching remotely, respondent's entry into a regular classroom setting has not been tested. Nor has respondent been the subject of an objective and independent psychological evaluation assessing her fitness to teach. Accordingly, the facts established by clear and convincing evidence warrant placing respondent's credentials on suspension, with the suspension to be removed only upon presentation to the Commission of satisfactory evidence that respondent is mentally fit to teach, in conformity with CCR section 80309, subdivision (c). (Legal Conclusion 9.) If respondent is found mentally fit to teach, the public interest will be adequately protected by the issuance of a properly conditioned probationary teaching credential.

16. Complainant contended at hearing that respondent's credential should be revoked because of the nature of her misconduct and the possibility respondent may experience a manic episode in the future. As noted above, while respondent's conduct was harmful to her students, respondent's evidence of mitigation and rehabilitation demonstrates revocation would be unduly punitive and unnecessary to protect the public. Regarding complainant's second argument, complainant offered no medical, psychological, or scientific evidence demonstrating the recurrence of the kind of manic episode that triggered respondent's misconduct is likely. Prediction of future conduct cannot be based only on "uninformed conjecture or speculation." (*Morrison, supra*, 1 Cal.3d at 237; see also *Bragdon v. Abbott* (1998) 524 U.S. 624, 649 ["Risk assessment must be based on medical or other objective evidence."].) Moreover, nothing in the Code states that persons with mental illnesses adequately controlled with medication are ineligible to teach. (See also California Code of Regulations, title 2, section 11067 [I]t is no defense [to a discrimination claim] that an individual with a disability has a condition or a disease with a future risk, so long as the condition or

disease does not presently interfere with his or her ability to perform the job in a manner that will not endanger the individual with a disability or others.”)]

17. Respondent’s assertion that any discipline imposed against respondent’s credentials based on her misconduct constitutes unlawful discrimination under Code sections 44337 and 44338 as well as under Government Code section 11135 and CCR section 80309, is similarly unavailing. Code section 44337 and Government Code section 11135, prohibit discrimination against any teacher based on a disability; Code section 44338 prohibits denying a teacher the right to teach because of a disability, as long as the teacher “does not pose a direct threat of substantial harm to the health or safety of other individuals.” CCR section 80309 prohibits commencing an administrative action against a teacher based solely on a disability. Thus, under these statutes and regulations, the prohibited discrimination is based on the individual’s disability and not on the individual’s conduct.

18. Here, however, complainant seeks to discipline respondent based on her misconduct, not on her disability. Indeed, it was not made clear whether the Committee was even aware of respondent’s bipolar 1 disorder diagnosis before making its findings. Except in the case of violence, California courts are silent on whether conduct resulting from a disability is considered to be part of the disability rather than a separate basis for termination. (See *Wills v. Superior Court* (2011) 195 Cal.App.4th 143, 161–166 [acknowledging “no reported California case addresses whether [the Fair Employment and Housing Act] equates disability-caused misconduct with the disability itself” but finding an employer is not required to retain an employee who threatens or commits acts of violence even if such conduct results from a disability].) Thus, taking adverse action against respondent’s credentials for her misconduct does not constitute unlawful discrimination.

19. Based on the circumstances of this case, the order below is consistent with the statutes and regulations governing respondent's conduct and sufficient to protect the educational community.

ORDER

The credentials issued to respondent Stacey Lee Weatherman are revoked. However, the revocation is stayed and respondent is placed on probation for three years subject to the following terms and conditions:

1. Severability Clause: Each condition of probation contained herein is a separate and distinct condition. If any condition of probation, or part thereof, or any application thereof, is declared by a court of competent jurisdiction to be unenforceable in whole or in part, or to any extent, the remaining conditions of probation, and each of them, and all other applications thereof, shall not be affected. Each condition of probation herein shall be separately valid and enforceable to the fullest extent permitted by law.

2. Suspension: Respondent's teaching credential shall be suspended for a period of 60 days beginning on the effective date of this decision.

3. Psychiatric Examination: Within 60 days of the effective date of this Decision, and on whatever periodic basis thereafter as may be required by the Commission or its designee, respondent shall undergo and complete a psychiatric evaluation (and psychological testing, if deemed necessary) by a Commission-appointed board certified psychiatrist. The psychiatrist shall furnish a written report to the Commission or its designee regarding respondent's judgment and ability to function independently and safely as a teacher and such other information as the

Commission may require. Respondent shall pay the cost of such evaluation. Respondent shall execute a Release of Information authorizing the evaluator to release all information to the Commission. Respondent shall comply with all restrictions or conditions recommended by the evaluating psychiatrist.

Respondent shall not work as a credentialed teacher until notified by the Commission or its designee that respondent is fit to teach safely.

4. New Credentials Subject to Order: Any new credential issued by the Commission to respondent during the period of probation shall be subject to this order, and respondent shall be subject to the same terms and conditions of probation with respect to any such new credentials, as set forth herein.

5. Compliance with Probation: Respondent shall fully comply with each and every term and condition of probation. During the entire period of probation, Respondent shall submit quarterly declarations under penalty of perjury, on forms provided by the Commission, stating whether there has been full compliance with the terms and conditions of probation. Respondent shall submit a full and detailed description of any violation of any term or condition of probation on the quarterly declaration. Respondent shall submit the quarterly declarations not later than 10 days after the end of each quarter which, for purposes of this term and condition, are: March 31st, June 30th, September 30th, and December 31st.

6. Cooperation with Commission: During the entire period of probation, respondent shall fully cooperate with the Commission in its monitoring and investigation of respondent's compliance with probation.

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7. Interviews with Commission: During the entire period of probation, respondent shall be available for interviews either in person or by telephone, with or without prior notice, with the Commission.

8. Notification: Within five days of the effective date of this order, respondent shall provide a true and correct copy of this decision, together with a true and correct copy of the First Amended Accusation, to respondent's employer as defined by the California Code of Regulations, title 5, section 80300, subdivision (j), if any, and to respondent's immediate supervisor at that employer. Within five days of complying with this notification requirement, respondent shall submit proof of compliance to the Commission.

If respondent changes employment at any time during probation, respondent shall again comply with this notification requirement within seven days of accepting new employment and shall again submit proof of compliance to the Commission, as required herein, within five days of complying with this notification requirement. Respondent shall comply with this notification requirement, and proof of compliance, as described herein, each and every time respondent changes employment during the probationary period.

Within seven days of this order, respondent shall also notify the Commission in writing of the name and address of the current employer with whom respondent has contracted or is otherwise engaged to perform education services. Respondent shall provide this same information to the Commission within seven days of any change in employment and, in addition, shall also provide a full and complete explanation of the facts and circumstances surrounding the cessation of employment with the former employer.

9. Maintain Active, Current Credentials: During the entire period of probation, respondent shall maintain active, current credentials with the Commission, including during any period of suspension.

10. Maintain Current Contact Information: Within seven days of the effective date of this order, respondent shall notify the Commission of a current mailing address, current email address, and current telephone number where voicemail or text messages may be left. Within 72 hours of any change of mailing address, email address, or telephone number, respondent shall notify the Commission of the new mailing address, email address, and telephone number.

11. Obey All Laws: Respondent shall obey all federal, state, and local laws, including all laws governing the education profession in California, and shall remain in full compliance with all court orders, criminal probation, or parole, and shall make all court-ordered payments.

Except for minor traffic infractions, within 72 hours of any incident resulting in respondent's arrest, the filing of any criminal charges, or citation issued, respondent shall submit a full and detailed description of the incident to the Commission. For purposes of this condition, a "minor traffic infraction" includes only traffic violations which are punishable by a maximum fine of \$250, and do not subject the offender to incarceration or probation. (See Veh. Code, § 42001; Pen. Code, §§ 17, subd. (d), 19.6, and 19.8.)

Within 72 hours of receiving notice of any violation of any court order, criminal probation or parole, or failure to make any court-ordered payment, respondent shall submit a full and detailed description of the incident to the Commission.

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To permit monitoring of respondent's compliance with this condition, respondent shall ensure that fingerprints are on file with the Commission. Respondents residing outside of California can also comply with this fingerprint requirement by submitting, within 30 days of the effective date of this order, two fingerprint cards (FD-258) and payment of the additional applicable fingerprint fee.

12. Violation of Probation: Failure to fully comply with any term or condition of probation, or any part thereof, shall constitute a violation of probation. If respondent violates any term or condition of probation, or any part thereof, in any respect, the matter will be referred to the Office of the Attorney General for preparation of a Petition to Revoke Probation. After giving respondent notice and an opportunity to be heard, the Commission may revoke probation and impose the order that was stayed, i.e., revocation of respondent's credentials. If a Petition to Revoke Probation is filed against respondent during probation, or the Attorney General's Office has been asked to prepare a Petition to Revoke Probation against respondent, the Commission shall have continuing jurisdiction until the matter is final, and the period of probation shall be automatically extended until the matter is final.

Respondent's credentials may also be subject to immediate suspension for any specified violation of probation as provided in this order. If respondent does not comply with any part of a probation condition that includes a consequence of suspension for failure to comply, the Commission will notify respondent in writing that respondent's credentials are immediately suspended. Thereafter, the suspension of respondent's credentials shall not be lifted until the effective date of a final decision of the Commission on a Petition to Revoke Probation to be filed against respondent.

If a Petition to Revoke Probation is not filed against respondent within 30 days of issuance of the written notification from the Commission to respondent that

respondent's credentials are immediately suspended, or respondent is not provided with an administrative hearing within 30 days of a written request for a hearing, unless respondent stipulates to a later hearing, the suspension shall be dissolved. The deadlines established herein shall be computed pursuant to the provisions of sections 12 through 12c of the Code of Civil Procedure. Where an original suspension has dissolved, nothing shall prohibit issuance of another suspension for any additional or subsequent violation by respondent as a condition of probation.

13. Completion of Probation: Upon completion of probation, respondent's credentials shall be fully restored.

DATE: 06/30/2023

A handwritten signature in black ink, appearing to read "Cindy F. Forman", with a stylized, cursive script.

CINDY F. FORMAN

Administrative Law Judge

Office of Administrative Hearings