

**BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS AND THE
COMMISSION ON PROFESSIONAL COMPETENCE FOR THE
SHASTA UNION ELEMENTARY SCHOOL DISTRICT
STATE OF CALIFORNIA**

In the Matter of the Proceeding to Dismiss:

DIANA GROFF, Respondent

OAH No. 2022100381

DECISION

A Commission on Professional Competence (Commission) of the Shasta Union Elementary School District heard this matter by videoconference on December 12, 2022. The Commission members were Michelle Kuehl, Misti Livingston, and Administrative Law Judge Coren D. Wong, Office of Administrative Hearings, State of California, chairperson.

Dylan Marques of the law firm Lozano Smith represented the Shasta Union Elementary School District (District).

Respondent Diana Groff did not appear, and no one appeared on her behalf. Respondent's default was entered, and this matter proceeded as a default hearing pursuant to Government Code section 11520.

Evidence was received, the Commission met in Executive Session, the record was closed, and the matter was submitted for decision on December 12, 2022.

FACTUAL FINDINGS

Background

1. The District is a small school district that serves approximately 114 students in Shasta, California. It operates one elementary school, Shasta Montessori Elementary School, which serves students in kindergarten through eighth grade.

2. Due to its small size, the District contracts with nearby Redding School District for certain administrative services. For example, Robert Adams, Redding School District's Superintendent, is the District's Superintendent. Jennifer Parra, Redding School District's Human Resources Director, is the District's Human Resources Director.

3. Respondent began working for the District as a resource teacher on August 11, 2017. As of the 2021–2022 school year, she was a permanent certificated employee. She worked three days a week at Shasta Montessori Elementary School providing additional or extra help to small groups of or individual students with individualized education program plans.¹

¹ An individualized education plan is a written statement describing a special education student's present educational performance, annual goals for development, specific services to be used, dates to begin and duration of those services, criteria and schedules, and procedures for evaluating whether those objectives are being met. (Ed. Code, § 56345, subd. (a).)

The COVID-19 Pandemic

4. The COVID-19 Pandemic forced school districts across California to take the unprecedented step of closing classrooms to in-person learning and shifting to online/remote learning at the end of the 2019–2020 school year. Although many school districts remained closed to in-person learning the following school year, the District reopened under a hybrid model with students attending classes on campus three days a week and remotely the other two. On October 1, 2020, the District's students returned to campus full-time, and they remained on campus throughout the following 2021–2022 school year.

Public Health Order

5. Shortly before the start of the 2021–2022 school year, Tomas J. Aragon, M.D., Dr.PH, Director of the California Department of Public Health (CDPH) and State Public Health Officer, issued "State Public Health Officer Order of August 11, 2021" (Public Health Order). The Public Health Order provided:

California is currently experiencing the fastest increase in COVID-19 cases during the entire pandemic with 22.7 new cases per 100,000 people per day, with case rates increasing tenfold since early June. The Delta variant, which is two times more contagious than the original virus, is currently the most common variant causing new infections in California.

Unvaccinated persons are more likely to get infected and spread the virus, which is transmitted through the air. Most current hospitalizations and deaths are among

unvaccinated adults. Almost all K-6th graders are unvaccinated and will not be eligible for vaccines at the outset of the 2021-2022 school year. Additionally, although some 7-12th grade students will be fully vaccinated by the start of the school year, many will not. As of August 10, 2021, less than 41% of Californians 12 to 17 years old were fully vaccinated.

6. To prevent the spread of COVID-19, the Public Health Order required all “public and private schools serving students in transitional kindergarten through grade 12, inclusive,” to develop and implement, no later than October 15, 2021, a: (1) plan for verifying its employees’ vaccine status; (2) protocol for weekly diagnostic screening testing of those who were “unvaccinated;” and (3) system for tracking test results and conducting contact tracing. “Workers who [were] not fully vaccinated, or for whom vaccine status [was] unknown or documentation [was] not provided, [were] considered unvaccinated.”

The District’s Implementation of the Public Health Order

7. Upon receipt of the Public Health Order, Superintendent Adams immediately began developing a process for District employees to verify their vaccine status and a weekly diagnostic screening testing protocol. His goal was to bring the District into compliance with the Public Health Order as quickly as possible for the safety of its staff and students.

WEEKLY DIAGNOSTIC SCREENING TESTING PROTOCOL

8. On September 15, 2021, Ms. Parra distributed to all District employees Superintendent Adams’s letter confirming the District’s commitment “to supporting

the successful continuance of full in-person instruction for [its] students while protecting the safety of students and staff.” Superintendent Adams explained the District was “preparing to implement weekly COVID-19 testing protocols” for “all certificated and classified employees, substitutes, vendors and volunteers.”

9. Superintendent Adams further explained that “fully vaccinated” individuals had the option of not participating in weekly testing. He explained what it meant to be “fully vaccinated,” how one could prove his or her vaccination status, and the deadline by which he or she needed to provide verification to opt out of testing (October 1, 2021). Superintendent Adams also explained what someone should do if his or her vaccine status changed after October 1, 2021.

10. The District did not require anyone to get vaccinated or to disclose his or her vaccine status. Instead, it required all employees to participate in weekly diagnostic screening testing (weekly testing). Those who were fully vaccinated against the COVID-19 virus and willing to present evidence of their status had the option of not testing.

VERIFICATION OF VACCINE STATUS

11. Between September 15 and October 1, 2021, employees had the opportunity to verify they were fully vaccinated against the COVID-19 virus by showing the District’s Human Resources Department a COVID-19 Vaccination Record Card, a photo of the Card, documentation from a healthcare provider, a digital record that included a QR code, or documentation from other contracted employers. Staff made a list of those employees who did not present evidence of their vaccine status, and the list was provided to Superintendent Adams. Respondent did not provide proof of her vaccine status.

Superintendent Adams's Directive to Register for Weekly Testing

12. On October 12, 2021, Superintendent Adams sent an email to all District employees who did not submit proof they were fully vaccinated by the deadline, including respondent. The email notified the employees that they had been "identified for weekly testing for the 2021–2022 school year until such a time [that] the [Public Health Order] [was] canceled or rescinded." They were provided the name of the entity providing testing and directed to register for testing on the entity's website by October 15, 2021.

13. Respondent sent her school principal the following text message the week after receiving Superintendent Adams's email:

Well [*sic*] I'm feeling like Shasta has become a hostile work [*sic*] place. My mom is probably dying from the effects of the 3rd booster and when I look the children in the eyes and know that [Superintendent Adams] plans to have them all vaccinated with or without parents [*sic*] approval I am deeply grieved that I can't protect them.

14. Respondent confirmed during a subsequent telephone call with Ms. Parra that she had no intent to participate in weekly testing. At hearing, Superintendent Adams explained he never had any plans to vaccinate students or anyone else. He never told respondent or anyone else otherwise.

Ms. Parra's Directive to Test

15. Respondent did not register for testing by the specified deadline. Nor did she participate in weekly testing when it began on October 18, 2021. Ms. Parra sent

her a warning letter on October 29, 2021, notifying her that her failure to register for testing and participate in weekly testing violated the Public Health Order and Superintendent Adams's written directives and demonstrated insubordination.

16. Ms. Parra directed respondent to test by the close of business Tuesday, November 2, 2021; informed her of different places she could test, including at home, on campus, or at a location of her choice; and provided dates, times, and locations for various COVID clinics. Ms. Parra explained, "If you fail to test by the end of the working day on Tuesday, November 2, 2021, you will be placed on administrative leave and ineligible to work starting Wednesday, November 3, 2021."

Ms. Parra's Second Directive to Test

17. Respondent took personal leave and did not return to work until January 11, 2022. She did not undergo testing the week she returned, and Ms. Parra issued her a written reprimand three days later due to her "recent refusal to attend scheduled diagnostic screening for the week of January 10, 2022." Ms. Parra advised that respondent's failure to abide by the Public Health Order, Superintendent Adams's October 12, 2021 directive, and Ms. Parra's October 29, 2021 directive was unprofessional and demonstrated insubordination.

18. Ms. Parra directed respondent to test by 4:00 p.m. on Thursday, January 20, 2022; explained she could not return to work until she "completed a COVID-19 test"; informed her of different places she could test, including at home, on campus, or at a location of her choice; and provided dates, times, and locations for various COVID clinics. Ms. Parra warned that if respondent failed to test by the deadline provided, she would be "considered to be on paid administrative leave starting Friday, January 21,

2022.” Furthermore, noncompliance “will result in further disciplinary action, up to and including a recommendation for termination.”

Notice of Intent to Dismiss and Statement of Charges

19. Respondent continued to ignore the repeated directives to undergo weekly testing. On June 15, 2022, the District’s Board of Education (Board) approved charges seeking her termination and placing her on immediate unpaid suspension. The Board charged her with immoral conduct, dishonesty, evident unfitness for service, and persistent violation of or refusal to obey reasonable regulations prescribed by the Board.² The Notice of Intent to Dismiss and Statement of Charges (Notice of Intent to Dismiss) alleged:

As of the date of this Notice, you have not submitted proof of vaccination nor agreed to participate in weekly COVID-19 testing. In fact, you have communicated to the District that you will continue to refuse to be tested, and you have not offered any valid reason for your refusal.

² The Board alleged her willful refusal to perform regular assignments without reasonable cause only as a basis for immediate suspension. Her immediate suspension is not an issue. (See Ed. Code, § 44939, subd. (c)(1) [a certificated employee who has been immediately suspended may file and serve “a motion for immediate reversal of suspension”], (2) [such motion must be filed “within 30 days after service . . . of the initial pleading in the matter”], & (6) [the motion “shall be the exclusive means of obtaining interlocutory review of suspension pending dismissal”].)

20. Superintendent Adams caused the Notice of Intent to Dismiss to be personally served on respondent on June 16, 2022. An accompanying cover letter informed her that she was "suspended without pay pending the outcome of the dismissal process." The letter notified respondent of her right to challenge the Notice of Intent to Dismiss.

Request for Hearing and Notice of Hearing

21. Respondent signed a Request for Hearing on July 15, 2022, and returned it to Ms. Parra by email. A Notice of Hearing specifying the date and time of hearing was sent to respondent at the email address from which she sent her Request. The Notice of Hearing provided: "The hearing will be held via videoconference. Remote appearance instruction to follow." Instructions were sent to respondent on November 28, 2022, at the same email address as the Notice of Hearing.

22. Respondent did not appear at hearing, and no one appeared on her behalf. She submitted no evidence, and none was submitted on her behalf. She never provided the District an explanation for not registering for or participating in weekly testing.

Applicable Board Policies and Administrative Regulations

23. The Board enacted Administrative Regulation (AR) 4112 requiring all certificated employees to comply with all applicable laws, Board policies (BP), ARs, and collective bargaining agreements. AR 4112.3 requires certificated employees to swear or affirm that they will "support and defend the Constitution of the United States and the Constitution of the State of California" and "will well and faithfully discharge" their duties as a certificated employee.

24. The Board adopted a professional standards policy. (BP 4119.21.) This policy requires employees to “engage in conduct that . . . contributes to a positive school climate” and to “make reasonable effort to protect the students from conditions harmful to learning or to health and safety.” Employees are prohibited from engaging in inappropriate conduct. “Inappropriate conduct” includes “any conduct that endangered students, staff, or others.”

25. The Board also adopted a positive school climate policy reflecting its commitment to “providing an orderly, caring, and nurturing educational and social environment in which all students can feel safe and take pride in their school and their achievements.” (BP 5137.) The policy outlines the expectation that all employees “serve as role models for students by demonstrating positive, professional attitudes and respect toward each student and other staff members.”

26. To carry out the positive school climate policy, the Board directs that “appropriate measures shall be implemented to minimize the risk of harm to students, including, but not limited to, protocols for maintaining safe conditions on school grounds, promoting safe use of school facilities and equipment, and guiding student participation in educational programs and school-sponsored activities.” (BP 5142.) Additionally, “school staff shall be responsible for the proper supervision of students at all times.” (*Ibid.*)

27. The Board desires “to promote the health of district students and staff in order to reduce absenteeism and enhance employee and student performance.” (BP 4119.41.) Therefore, “the Superintendent or designee shall develop strategies to prevent the outbreak or spread of infectious diseases at district schools.” (*Ibid.*)

28. The Board also wants to promote “the safety of students, staff, and the public” while also protecting District resources.” (BP 3530.) The District is required to “keep its liability at a minimum and its insurance premiums as low as possible while maintaining adequate protection” against potential losses. (*Ibid.*) Administrative Regulation 3530 provides that “employees may be held responsible for recurring damage or losses that occur due to their negligence or lack of supervision.”

Analysis

29. “[A] statute can constitutionally bar a person from practicing a lawful profession only for reasons related to [her] fitness to practice that profession.” (*Board of Education of Long Beach Unified School District of Los Angeles County v. Jack M.* (1977) 19 Cal.3d 691, 697 [rejecting board’s argument that teacher’s uncharged criminal conduct constituted a per se unfitness to teach].) The California Supreme Court previously observed that the terms “immoral conduct,” “unprofessional conduct,” and “conduct involving moral turpitude” are too broad and vague to constitute a basis for discipline without a showing of unfitness to teach. (*Morrison v. State Board of Education* (1969) 1 Cal.3d 214, 229 [outlining eight factors for demonstrating an unfitness to teach].) An analysis of the *Morrison* factors is required in proceedings to revoke a teaching credential and to terminate a permanent certificated employee. (*Board of Education of Long Beach Unified School District of Los Angeles County v. Jack M., supra*, 19 Cal.3d at p. 697, fn. 2.) “Only the pertinent *Morrison* factors need to be analyzed.” (*Broney v. California Commission on Teacher Credentialing* (2010) 184 Cal.App.4th 462, 476.)

30. The Public Health Order was issued shortly before the beginning of the 2021–2022 school year. To prevent the spread of COVID-19, school districts were required to verify their employees’ vaccine status and implement weekly testing of

those who were unvaccinated. Any employee who did not provide evidence of his or her vaccine status was considered “unvaccinated.”

31. The District required all employees to undergo weekly testing. However, those who were fully vaccinated had the option of presenting proof of their status and opting out of weekly testing.

32. Respondent did not submit evidence of her vaccine status. Therefore, she was directed to register for weekly testing. She was subsequently directed to submit to testing, twice. Respondent ignored those directives. Indeed, she told Ms. Parra she would not participate in weekly testing. She never provided a reason for her refusal.

LIKELIHOOD OF ADVERSE EFFECT ON STUDENTS OR OTHER TEACHERS

33. Respondent created an unsafe environment at Shasta Montessori Elementary School by potentially exposing her colleagues, the students, and their families to COVID-19 by refusing to provide evidence of her vaccine status or test weekly. As a health and safety precaution, she was placed on paid administrative leave and prohibited from entering her workplace, effective January 21, 2022. Her leave was changed to unpaid leave five months later.

34. Respondent’s absence from the classroom increased her colleagues’ workload. It also required the District to pay a substitute to perform services respondent was being paid to provide. Her students were required to adapt to a new teacher after starting the school year with respondent.

DEGREE OF ADVERSITY

35. The degree of adversity caused by respondent’s actions was great. As the Public Health Order noted, “unvaccinated persons are more likely to get infected and

spread the [COVID-19] virus.” Additionally, she taught at a school serving kindergartners through eighth graders, and none of her students in the sixth grade or below were eligible for vaccines at the beginning of the 2021–2022 school year.

36. Furthermore, many students struggled after schools closed to in-person instruction, so the District brought them back to campus the following year to minimize the effects of the pandemic on them. Respondent’s absence from the classroom for most of the 2021–2022 school year interfered with the District’s efforts.

PROXIMITY OR REMOTENESS IN TIME OF CONDUCT

37. Respondent’s misconduct was recent in time, occurring last school year.

TYPE OF CREDENTIAL HELD

38. Respondent’s teaching credential authorizes her to teach students with special needs. Such students often achieve greater success in the classroom when their time is structured, they develop a routine, and they develop a rapport with their teacher. The pandemic had already created disorganization and uncertainty in respondent’s students’ education and interfered with any rapport she had developed with them when in-person learning ended. Her absence for much of the 2021–2022 school year caused even more chaos.

EXTENUATING OR AGGRAVATING CIRCUMSTANCES

39. An “‘aggravating factor’ is an event or circumstance which demonstrates that a greater degree of adverse action for an act of professional misconduct is needed to adequately protect the public, schoolchildren or the profession.” (Cal. Code Regs., tit. 5, § 80300, subd. (b).) Examples of aggravating factors include: (1) multiple acts of misconduct or conduct that demonstrates a pattern of misconduct;

(2) misconduct that demonstrates bad faith; (3) showing an indifference to the consequences of misconduct; and (4) prior warnings or reprimands. (*Id.*, subd. (b)(2), (3), (5), & (6).)

40. The Public Health Order outlined the dangers of the COVID-19 Pandemic. To stop the virus from spreading, the District was required to implement weekly for unvaccinated employees testing. Respondent ignored the Public Health Order, the District's attempt to verify her vaccine status, and multiple directives to register for and participate in weekly testing. She engaged in a pattern of misconduct and demonstrated bad faith and indifference toward the significant risk of harm she posed to her colleagues, students, and their families.

41. Superintendent Adams persuasively explained why respondent's misconduct was sufficiently egregious to justify termination of employment. Respondent took an oath to "support . . . the laws of the . . . State of California" when she was issued her teaching credential and each time she renewed it. (Ed. Code, § 44334.) She ignored that oath and placed herself before the health, safety, and welfare of her colleagues and students, the people she chose and was paid to serve.

42. Moreover, respondent agreed to abide by all applicable laws, collective bargaining agreements, BPs, and ARs when she accepted employment with the District, including those BPs and ARs discussed above. For instance, she committed to making reasonable efforts to protect students' health and safety. She was "expected to serve as [a] role model[] for students by demonstrating positive, professional attitudes and respect toward each student and other staff members." Respondent fell woefully short of meeting those policies.

43. A "'mitigating factor' is an event or circumstance which demonstrates that the public, schoolchildren and the profession would be adequately protected by a more lenient degree of adverse action or no adverse action whatsoever." (Cal. Code Regs., tit. 5, § 80300, subd. (m).) Examples of mitigating factors include: (1) absence of prior discipline; (2) lack of harm; (3) emotional or physical conditions that caused or led to the misconduct; (4) evidence of good character; (5) evidence of insight into the misconduct and subsequent remedial actions; and (6) evidence of rehabilitation. (*Id.*, subd. (m)(1)–(5) & (7).)

44. Respondent did not introduce any evidence, and none was introduced on her behalf. Therefore, there was no evidence of any mitigating factors.

PRAISEWORTHINESS OR BLAMEWORTHINESS OF MOTIVES

45. Respondent never provided an explanation for not verifying her vaccine status or participating in weekly testing. Though a reasonable inference that she had concerns over the safety of the COVID-19 vaccine may be drawn from the text message she sent her principal, respondent was never asked or required to get vaccinated. The praiseworthiness or blameworthiness of respondent's motives cannot be accurately evaluated.

LIKELIHOOD OF RECURRENCE

46. Between August and November 2021, respondent ignored the Public Health Order and three letters from District administrators directing her to verify her vaccine status or participate in weekly testing. She continues to ignore those instructions more than one year later. Respondent's conduct demonstrates a strong likelihood of recurrence.

EXTENT TO WHICH DISCIPLINE MAY INFLICT ADVERSE IMPACT OR CHILLING EFFECT ON CONSTITUTIONAL RIGHTS

47. Neither the Public Health Order nor the District's weekly testing protocol required respondent to get vaccinated or disclose her vaccine status. She was required to disclose her vaccine status only if she wanted to opt out of testing. She could have instead chosen not to disclose her status and to test. In other words, no one could accurately determine respondent's vaccine status simply from her participation in weekly testing. Therefore, there was no evidence that terminating respondent may adversely impact or have a chilling effect on her constitutional rights.

Summary

48. Respondent's actions constitute immoral conduct and demonstrate her evident unfitness for service. She agreed to abide by applicable laws, rules, and regulations when she accepted employment with the District. Her violation of the Public Health Order, the oath she took when issued her credential and each time it was renewed, and the BPs and ARs discussed above constitute dishonesty and a persistent violation of rules. She provided no explanation for her refusal to verify her vaccine status or undergo weekly testing.

LEGAL CONCLUSIONS

Applicable Burden/Standard of Proof

1. The District has the burden of proving the allegations in the Notice of Intent to Dismiss by a preponderance of the evidence. (*Gardener v. Commission on Professional Competence* (1985) 164 Cal.App.3d 1035, 1040 [the preponderance of the

evidence standard applies in proceedings before a Commission on Professional Competence]; *Parker v. City of Fountain Valley* (1981) 127 Cal.App.3d 99, 113 ["It is axiomatic, in disciplinary administrative proceedings, that the burden of proving the charges rests upon the party making the charges"].) This evidentiary standard requires the District to produce evidence of such weight that, when balanced against evidence to the contrary, is more persuasive. (*People ex rel. Brown v. Tri-Union Seafoods, LLC* (2009) 171 Cal.App.4th 1549, 1567.) In other words, the District need only prove it is more likely than not that the allegations in the Notice of Intent to Dismiss are true. (*Lillian F. v. Superior Court* (1984) 160 Cal. App.3d 314, 320.)

Applicable Law

2. Education Code section 44932, subdivision (a), authorizes termination of a permanent certificated employee as follows: "A permanent employee shall not be dismissed except for one or more of the following causes: [¶] (1) Immoral conduct [¶] . . . [¶] (4) Dishonesty. [¶] . . . [¶] (6) Evident unfitness for service. [¶] . . . [¶] (8) 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 or by the governing board of the school district employing him or her."

3. The court in *Board of Education of San Francisco Unified School District v. Weiland* (1960) 179 Cal.App.2d 808, said the following about immoral conduct in the context of the Education Code:

In *Orloff v. Los Angeles Turf Club*, 36 Cal.2d 734, at page 740 [227 P.2d 449], the Supreme Court quotes with approval the following statement from Words and Phrases, permanent edition, volume 20, pages 159-160: "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 wil[l]ful, 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."

(*Id.*, at p. 811.)

4. "[T]he definition of immoral . . . 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 District v. Commission on Professional Competence* (2011) 194 Cal.App.4th 1454, 1466.)

5. A charge of "evident unfitness for service" requires proof that the teacher is "clearly not fit, not adapted to or unsuitable for teaching, ordinarily by reason of temperamental defects or inadequacies. [It] 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 District v. Commission on Professional Competence* (1992) 2 Cal.App.4th 1429, 1444.) When considering such a charge, the *Morrison* factors "must be analyzed to determine, as a threshold matter, whether the cited conduct indicates unfitness for service." (*Id.*, at p. 1445.) Only if the conduct demonstrates an unfitness for service

does one proceed to the next step of determining “whether the ‘unfitness’ is ‘evident’; i.e., whether the offensive conduct is caused by a defect in temperament.” (*Ibid.*)

6. A charge of persistent violation of or refusal to obey requires a showing of insubordination. (*Midway School District of Kern County v. Griffeath* (1946) 29 Cal.2d 13, 18–19.) Furthermore, “persistence” requires a showing of “continuing or constant” behavior. (*Governing Board of the Oakdale Union School District v. Seaman* (1972) 27 Cal.App.3d 77, 82.) “Persistence, in the sense intended, is referable to past conduct. The Legislature undoubtedly intended that opportunity for correction be available and refrained from providing for dismissal for a single violation of regulations, or until repeated violations could be considered persistent.” (*Midway School District of Kern County v. Griffeath, supra*, 29 Cal.2d at p. 18.)

7. Courts have said the following about evaluating whether a teacher’s conduct warrants discipline:

Goldsmith v. Board of Education, 66 Cal.App. 157, 168 [225 P. 783], quoted in *Board of Education v. Swan*, 41 Cal.2d 546, 553-554 [261 P.2d 261], found that the standards for judging the propriety of a teacher’s conduct, and the extent to which that conduct may be the basis for the revocation of a credential, involves many aspects.”. . . [*sic*] the teacher is entrusted with the custody of children and their high preparation for useful life. [Her] habits, [her] speech, [her] good name, [her] cleanliness, the wisdom and propriety of [her] unofficial utterances, [her] associations, all are involved. [Her] ability to inspire children and to govern them, [her] power as a teacher, and the character for which

[s]he stands are matters of major concern in a teacher's selection and retention."

(Moser v. State Board of Education (1972) 22 Cal.App.3d 988, 991.)

Conclusion

8. Respondent's decision not to abide by the Public Health Order and District administrators' repeated directives to verify her vaccine status or participate in weekly testing constituted immoral conduct, dishonesty, and a persistent violation of or refusal to obey reasonable regulations prescribed by the Board. Her conduct also demonstrated an evident unfitness for service. Therefore, cause exists to terminate her employment with the District pursuant to Education Code section 44932, subdivision (a)(1), (4), (6), and (8), individually and collectively. Respondent presented no evidence why she should be allowed to remain employed with the District.

ORDER

Respondent Diana Groff is DISMISSED as a permanent certificated employee of the Shasta Union Elementary School District.

DATE: 01/10/2023


Misti Livingston (Jan 10, 2023 14:06 PST)

MISTI LIVINGSTON

Commissioner

Commission on Professional Competence

DATE: 01/10/2023

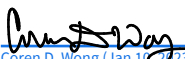
Michelle Kuehl

MICHELLE KUEHL

Commissioner

Commission on Professional Competence

DATE: 01/10/2023


Coren D. Wong (Jan 10, 2023 14:42 PST)

COREN D. WONG

Administrative Law Judge, Chair

Commission on Professional Competence