

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

In the Matter of the Accusation Against:

CHRISTOPHER MICHAEL TAYLOR, Respondent

Agency Case No. 1-881234846

OAH No. 2020080182

PROPOSED DECISION

Dena Coggins, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter by video conference on January 19, 2021.

Brent O. Jex, Deputy Attorney General, represented complainant Mary Vixie Sandy Ed.D, Executive Director of the California Commission on Teacher Credentialing (Commission).

Joshua F. Richtel, Attorney at Law, represented respondent Christopher Michael Taylor.

Oral and documentary evidence was received. The record remained open to allow respondent an opportunity to submit audio and video recordings that were presented during the hearing. Issues relating to admissibility of the recordings were resolved at the hearing. The record was closed and the matter was submitted for decision on January 22, 2021.

FACTUAL FINDINGS

Procedural Background

1. On April 1, 2014, the Commission issued a Clear Single Subject Teaching Credential (Credential) to respondent, authorizing him to teach math in grades twelve and below, including preschool, and in classes organized primarily for adults. The Credential was in full force and effect at all times relevant to the matter. The Credential will expire on April 1, 2024, unless renewed or revoked.

2. On March 2, 2020, complainant, acting in her official capacity, signed and subsequently filed an Accusation in this matter. The Accusation seeks to revoke all credentials, certificates, and authorizations issued to respondent, or take other appropriate adverse action against respondent based on his alleged unprofessional conduct, evident unfitness for service, immoral conduct, and acts of moral turpitude relating to an incident that occurred on June, 2, 2018.

3. Respondent timely filed a Notice of Defense. The matter was set for an evidentiary hearing before an Administrative Law Judge of the OAH, an independent adjudicative agency of the State of California, pursuant to Government Code section 11500 et seq.

June 2, 2018 Incident

4. Respondent has been a math teacher at Edison High School (Edison) in Fresno, California, since August 2014. Edison is a high school in the Fresno Unified School District (District). In June 2018, respondent was a basketball coach for Splash City Elite (SCE), a high school level summer league basketball team. Respondent's minor son was a player on SCE.

5. On June 2, 2018, SCE played in a basketball tournament at Bullard High School, another high school in the District; the game was not a school-sponsored event. At the tournament, SCE played team Evolution. N [REDACTED] S [REDACTED],¹ a 16-year old high school student, was an Evolution basketball player. Mr. S [REDACTED] was not a student at Edison.

6. An intense game between SCE and Evolution was played at the tournament; SCE ultimately lost the game. Tensions were high following the game and Mr. S [REDACTED] and respondent began taunting one another about the game.

7. Sometime after the game, but before the start of the next game, respondent got up to use the bathroom. As he did, he walked past Mr. S [REDACTED] and Mr. S [REDACTED] challenged respondent to a fight by saying they could "take it outside." Respondent then returned the challenge by stating that they could "take it to the bathroom." Respondent continued walking to the bathroom and Mr. S [REDACTED] subsequently followed him. Respondent entered the bathroom first. Before entering the bathroom behind respondent, respondent's son ran behind Mr. S [REDACTED] and punched Mr. S [REDACTED] in the back of the head. Mr. S [REDACTED] and respondent's son then entered the bathroom. The facts of what occurred in the bathroom are in dispute. As discussed more fully below, the only two individuals that testified about what occurred in the bathroom were respondent and Patrick Porfiri.

8. Shortly after entering the bathroom, Mr. S [REDACTED] was pulled from the bathroom by others. Upon exiting the bathroom, respondent's wife hit Mr. S [REDACTED]

¹ Mr. S [REDACTED] was also referred to as N [REDACTED] R [REDACTED] in the documentary evidence.

on the back of the head with a metal drinking cup. Shortly thereafter he exited the gymnasium. Respondent and his family then left the school. Mr. S [REDACTED] was taken to the emergency room of a nearby hospital by ambulance. At the emergency room, Mr. S [REDACTED] complained of a mild headache and left hip pain; his vitals were normal. The emergency room doctor diagnosed him with a mild concussion.

9. Respondent was subsequently arrested. The criminal case was later dismissed with prejudice by the Fresno Superior Court in March 2019.

Commission's Evidence

TESTIMONY OF PATRICK PORFIRI

10. Mr. Porfiri testified at the hearing. He was the Commission's sole witness at hearing. Mr. Porfiri has known Mr. S [REDACTED] for three years; Mr. Porfiri's girlfriend is Mr. S [REDACTED]'s sister. Mr. Porfiri describes Mr. S [REDACTED] as "like a brother" to him. Mr. Porfiri had never met respondent prior to the June 2, 2018 game. Mr. Porfiri was an adult at the time of the incident.

11. Mr. Porfiri testified about what he recalled occurring in the gymnasium and in the bathroom. Mr. Porfiri arrived at the game after he finished work. The game had already started and was in the third quarter when he arrived. During his testimony, he mistakenly recalled that the game occurred at Buchanan High School.

12. Mr. Porfiri sat behind the table where the game buzzers were located. Mr. Porfiri noticed SCE players and coaches becoming agitated and upset regarding calls that were made by the game referees during the game. He did not observe Mr. S [REDACTED] having any interactions with the SCE coaches during the game.

13. Mr. Porfiri testified he overheard banter between respondent and Mr. S [REDACTED] following the game. As respondent walked by Mr. S [REDACTED], he heard Mr. S [REDACTED] say, "we can take this outside." Then heard respondent say, "or we can take this into the bathroom."

Mr. Porfiri also testified that he saw Mr. S [REDACTED] follow respondent into the bathroom and saw respondent pull Mr. S [REDACTED] into the bathroom. He initially testified he did not observe respondent's son punch respondent in the back of the head prior to Mr. S [REDACTED] entering the bathroom. He later testified that he did see respondent's son punch Mr. S [REDACTED] in the head before they all entered the bathroom. Mr. Porfiri along with other basketball players ran in the direction of the bathroom. Despite numerous people blocking the door of the bathroom, Mr. Porfiri, purportedly because he was so much shorter than the basketball players, was able to maneuver around them and see what was occurring inside the bathroom. Mr. Porfiri estimated he was able to get two feet into the bathroom. When he entered, there were three other basketball players in the bathroom along with respondent and Mr. S [REDACTED]. He saw respondent holding Mr. S [REDACTED] by the throat and pinning him against the wall with his arm. Respondent had his right knee on Mr. S [REDACTED]'s thigh. He then saw respondent punch Mr. S [REDACTED] in the torso. The other basketball players in the bathroom were trying to break up the fight. He did not mention seeing anyone else hit Mr. S [REDACTED] in the bathroom. Mr. Porfiri pulled respondent out of the bathroom then witnessed respondent's wife hit Mr. S [REDACTED] on the head with a metal drinking cup. He estimated he was in the bathroom for four minutes.

14. Following the incident, Mr. Porfiri testified that Mr. S [REDACTED] was "shaken up" and "not making sense." He also thought Mr. S [REDACTED] seemed angry and confused. He observed Mr. S [REDACTED] leave the gymnasium by ambulance.

15. On June 7, 2018, Mr. Porfiri gave a statement to law enforcement, who provided Mr. Porfiri with a photo lineup, which included a photo of respondent. Mr. Porfiri did not select respondent in the lineup. Mr. Porfiri told law enforcement that it was respondent who first challenged Mr. S [REDACTED] to "settle this outside" not Mr. S [REDACTED].

16. Mr. Porfiri later submitted a statement to the Commission, dated June 14, 2019. In his statement, he wrote the following, in part, about the June 2, 2018 incident:

[T]he last of their banter ended when Mr. S [REDACTED] and [respondent] were or about a couple feet from each other and [respondent] had pulled [Mr. S [REDACTED]] into the bathroom entrance and as I watched I rushed into the bathroom and after getting through the first three basketball members from [respondent's] team into the bathroom and had pushed them away after they had got a hit onto [Mr. S [REDACTED]]. I saw [respondent] holding [Mr. S [REDACTED]] by his neck and [respondent] had punched [Mr. S [REDACTED]] once in torso, knee pressed up under [Mr. S [REDACTED]]'s thigh, suffocating [Mr. S [REDACTED]]. Once more people had jumped in I was able to pull [Mr. S [REDACTED]] out and started pushing him towards the door when right when we got to the door I saw [Mr. S [REDACTED]] get hit with a metal cup. . . .

RESPONDENT'S PRIOR CONVICTIONS AND COURT MARTIAL

17. In the Accusation, complainant alleged that additional incidents involving respondent should be considered for disciplinary purposes. Specifically, complainant asserts respondent's two criminal convictions and an incident wherein respondent was court martialed should be considered.

18. On April 2, 2007, in the Kings County Superior Court, Case No. 07CM0734, respondent, on his plea of nolo contendere, was convicted of violating Vehicle Code section 23103.5, reckless driving involving alcohol, a misdemeanor. The court suspended imposition of sentence and placed respondent on three years' probation. The court ordered respondent to serve one day in county jail, enroll and complete a driving under the influence program, and pay fines and fees in the amount of \$749.

19. On February 4, 1997, in the Kings County Superior Court, Case No. L965930, respondent, on his plea of no contest, was convicted of violating Penal Code section 242, battery against his spouse, a misdemeanor. The Court placed respondent on three years' probation and ordered him to pay \$500 in court fines and fees.

20. Respondent submitted a statement to the Commission in 2009, wherein he explained the following:

In 1991, while serving in the United States Air Force, some friends and I had a party with some girls in my dormitory room. . . . Alcohol became involved and the mood switched from rated G to rated R really fast. This switch led me to being convicted by the [United States Air Force] in a 1992 Special Court Martial Hearing: Indecent acts with another

and disobeying an order. I was sentenced to three months confinement, rank reduction, and pay withholdings.

The indecent acts involved two 16-year old females.

21. Respondent does not deny the convictions or being court martialed, all of which the Commission was aware of prior to the issuance of his Credential.

Respondent's Evidence

RESPONDENT'S TESTIMONY

22. Respondent's Credential has not been previously disciplined. He was not disciplined by the District relating to the events that occurred on June 2, 2018.

23. Regarding the June 2, 2018 incident, respondent recalled there being a highly contested basketball game. After the game, he prepared his team to shake hands with the opposing team. During the hand shake, he recalled Mr. S [REDACTED] telling respondent he needed to learn to respect Mr. S [REDACTED]. Respondent then began to "banter" with Mr. S [REDACTED]; respondent verbally "discredited" Mr. S [REDACTED]'s basketball skills. For example, he admitted telling Mr. S [REDACTED] his "basketball game sucked" and that he was not "that good" at basketball.

24. Respondent began getting his team ready for the next game and realized he needed to use the bathroom. Mr. S [REDACTED] told respondent they could "finish this outside" and respondent, without "thinking" or "using [his] best judgment" responded that they did not have to wait to go outside, they could go to the bathroom instead. Respondent, however, denied that his comment implied he was going to have a physical altercation with Mr. S [REDACTED] or was inviting a fight. Respondent denied getting into a physical altercation with Mr. S [REDACTED] in the bathroom; the only

physical combatants were Mr. S [REDACTED] and respondent's son who fought in the bathroom before Mr. S [REDACTED] was pulled out. Respondent denied ever touching Mr. S [REDACTED].

25. Following the incident, respondent learned that as an educator you have to learn to take into account other people's perspectives and characteristics. He did not previously take into account that his words might make another person upset. He acknowledged that he should have spoken to Mr. S [REDACTED] in a more positive tone. Respondent no longer coaches basketball. He completed an anger management class in fall 2018, and he was able to explain at the hearing what he learned in the class.

VIDEO OF INCIDENT

26. Respondent submitted a video capturing one minute of the incident. The video depicts numerous individuals surrounding the front of the bathroom in the gym and pushing towards the open bathroom door. Mr. Porfiri is visible several times on the video; he is seen pushing through the crowd but never being inside of the bathroom. Also, Mr. S [REDACTED] is seen being pulled away from the bathroom and pushed out of the gym. Although Mr. Porfiri does push Mr. S [REDACTED] towards the door leading outside of the gym once Mr. S [REDACTED] is out of the bathroom, Mr. Porfiri is not seen inside of the bathroom pulling Mr. S [REDACTED].

TESTIMONY OF MARIA MAZZONI

27. Maria Mazzoni, Administrator with the District's Human Resources Department, testified at the hearing. Ms. Mazzoni has been employed by the District for 32 years, and has been in her current position for 13 years. She previously taught for 11 years. Her duties include investigating alleged misconduct of certificated staff. Once the District was notified of respondent's arrest, he was placed on administrative

leave. She was tasked with investigating the incident. She reviewed video surveillance of the incident recorded by security cameras in the gym, but she subsequently “misplaced” the recording and it was not made available at hearing. She did not see respondent being aggressive toward Mr. S [REDACTED] in the video and found Mr. S [REDACTED] to be the aggressor. However, she acknowledged that the security camera was located “far away” from where the incident occurred. Following her investigation, which included viewing the video surveillance and interviewing respondent and one Edison student, the District returned respondent to work prior to the resolution of the criminal matter.

TESTIMONY OF JOSE MUNOZ

28. Jose Munoz, Principal of Edison, testified at the hearing. He has been in his current position for over three years, and was the Vice Principal of Edison for over seven years. Mr. Munoz opined that a revocation of respondent’s Credential would be a “travesty to education in general.” He described respondent as relatable, going above and beyond, and frequently volunteering to provide supplemental education to students. He has not observed respondent being aggressive or inappropriate with students, and he has never witnessed respondent in a confrontation with students. He stated that respondent has a “fine ability to create a positive learning environment” for his students. He described respondent as a “role model” for students. He found respondent to be forthcoming when discussing the June 2, 2018 incident.

29. Mr. Munoz wrote a support letter that was submitted at hearing. In the letter, Mr. Munoz wrote that respondent is “professional, motivational, and is a proficient math teacher.” He further wrote that respondent “spends countless hours planning learning experiences that make mathematics understandable for all students” and “possess the ability to relate to all types of students with diverse backgrounds as

he uses his interpersonal skills to build relationships with students, teachers and administrators.” He further described respondent as a “dedicated educator [who] impacts his students in a positive manner on a daily basis.”

LETTERS OF SUPPORT AND PERFORMANCE EVALUATION

30. In addition to Mr. Munoz’s letter, respondent submitted eight letters of support from coworkers, his pastor, students’ parents, and students. Seven of the letters were written in 2018; one letter is undated. The letters were written in connection with the criminal matter relating to the June 2, 2018 incident. The letter writers described respondent as being “fair,” “having integrity,” “caring,” “an asset to Edison High School and the teaching community as a whole,” and “a great teacher.” His students commented, “he had confidence in me, even when I doubted myself,” and “he emphasized the importance of working hard, getting good grades, being respectable, having a good attitude, and going to college.”

31. In respondent’s most recent Summative Evaluation Ratings based upon an assessment on May 8, 2018, respondent met or demonstrated expertise in all measured standards. Respondent received a rating of “demonstrates expertise” in Standard 2, creating and maintaining effective environments for student learning, and Standard 3, understanding and organizing subject matter for student learning.

Morrison Factors

32. In *Morrison v. State Board of Education* (1969) 1 Cal.3d 214, the California Supreme Court concluded that a teaching credential cannot be disciplined for immoral conduct, unprofessional conduct, or conduct involving moral turpitude “unless that conduct indicates that the [educator] is unfit to teach.” (*Id.* at p. 229.) The Court outlined factors for consideration when determining whether an educator’s conduct

demonstrates his unfitness to teach (*Ibid.*), and the Commission adopted those factors by enacting California Code of Regulations, title 5, section 80302.

LIKELIHOOD OF ADVERSE EFFECT ON STUDENTS OR FELLOW TEACHERS

33. Respondent has a teaching credential that permits him to teach a wide array of students from diverse backgrounds. Teachers are expected to be role models and to be positive and uplifting to students. Here, respondent admitted taunting a high school student following a basketball game and calling into question the student's basketball skills. The evidence established that respondent eventually challenged Mr. S [REDACTED] to a fight. As discussed more fully below, although the evidence was not sufficient to establish that respondent assaulted Mr. S [REDACTED] in the bathroom, the incident led to Mr. S [REDACTED] being transported to an emergency room by ambulance and suffering a mild concussion. There is no question that Mr. S [REDACTED] was affected by respondent's words based upon his decision to follow respondent into the bathroom. It was clear that respondent's words and failure to act as a role model in an intense basketball game involving students adversely affected not only Mr. S [REDACTED], who was injured, but all those who attended the basketball game.

PROXIMITY OR REMOTENESS IN TIME OF THE CONDUCT

34. The incident at issue took place only two years ago, in 2018. The conduct at issue is not remote in time.

CREDENTIAL HELD

35. Respondent is a single-subject credentialed teacher with over six years of experience.

EXTENUATING OR AGGRAVATING CIRCUMSTANCES

36. Neither the Education Code nor the regulations adopted by the Commission specify what constitutes "extenuating circumstances." However, California Code of Regulations, title 5, section 80300, subdivision (m), defines "mitigating factor" as "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."

37. Mr. Munoz testified credibly about the contributions respondent makes to the student community at Edison. There was no evidence to show that respondent has acted aggressively or been confrontational with his students at Edison. To the contrary, he appears likeable and dedicated to his student's mathematical education. The evidence did not establish that respondent has engaged in other questionable behavior as a teacher. Respondent recognizes his wrongdoing and showed remorse at the hearing. There is no prior record of adverse action over respondent's years of educational service. These facts provide support that the public, students, and the profession would be adequately protected by a more lenient degree of adverse action against respondent's Credential.

38. The Commission's regulations also define "aggravating factor." California Code of Regulations, title 5, section 80300, subdivision (b), defines that term as "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." The aggravating factors alleged by complainant include that his conduct significantly harmed a child trusted to his care; significantly harmed the public or educational system; was surrounded by bad faith, dishonesty or

other violation of the laws governing educators; and he had prior notice, warning or reprimands for similar conduct. These factors were considered.

39. As additional factors for disciplinary consideration, the evidence established that respondent received a 2007 conviction for reckless driving, 1997 conviction for battery, and was court martialed in 1992 for indecent acts. Respondent's acts underlying these convictions and incidents are undoubtedly concerning. However, they occurred between 13 and 28 years ago, and there is no evidence respondent has received any other criminal convictions since that time.

PRAISEWORTHINESS OR BLAMEWORTHINESS OF MOTIVES RESULTING IN THE MISCONDUCT

40. Respondent's conduct at the June 2, 2018 basketball game was not praiseworthy. Respondent was to blame for not deescalating the situation. As a credentialed teacher and an adult, he should not have participated in the taunting and banter with a high school student and should have walked away. Instead, he challenged the student to a fight and attempted to demoralize the student.

LIKELIHOOD OF RECURRENCE

41. As discussed above, there was no evidence that respondent has been aggressive or involved in confrontation with any other students or that he has any other criminal convictions. Additionally, respondent showed an appropriate level of remorse for his conduct at the June 2, 2018 incident. Accordingly, the likelihood of recurrence of his misconduct appears minimal.

**EXTENT TO WHICH DISCIPLINARY ACTION MAY INFLICT AN ADVERSE IMPACT
OR CHILLING EFFECT UPON CONSTITUTIONAL RIGHTS OF PERSON INVOLVED
OR OTHER CERTIFIED PERSONS**

42. No evidence was presented to indicate the disciplinary action may inflict an adverse impact or chilling effect upon the constitutional rights of person involved or other certified persons.

PUBLICITY OR NOTORIETY OF MISCONDUCT

43. No evidence was presented to indicate the notoriety or publicity accorded to respondent's misconduct.

Analysis

44. The evidence established that while coaching a summer league high school basketball game, respondent became involved in taunting a high school player on the opposing team. Respondent admitted to speaking negatively to Mr. S [REDACTED], and when challenged to go outside to settle the issue by Mr. S [REDACTED], respondent responded to the challenge by inviting Mr. S [REDACTED] to the bathroom. Although respondent denies that he was challenging him to a fight, the only reasonable explanation for his invitation was that he was not backing down from Mr. S [REDACTED]'s challenge. As a credentialed teacher and adult, respondent should not have participated in a verbal altercation with a high school student nor challenged him to a fight. Respondent's conduct calls into serious question his judgment as an educator.

45. However, the evidence did not establish that respondent assaulted or fought Mr. S [REDACTED] at the June 2, 2018 basketball game. Respondent adamantly denied touching Mr. S [REDACTED] in the bathroom. The only witness that testified that

respondent choked and punched Mr. S [REDACTED] was Mr. Porfiri. Mr. Porfiri's testimony was not persuasive. During his testimony, he was inconsistent about that events he witnessed, including whether or not respondent's son punched Mr. S [REDACTED] in the head. Additionally, his recollection of the events that occurred at the basketball game was inconsistent over time and not corroborated by the short video of the incident submitted in evidence. The video showed Mr. Porfiri was not two feet in the bathroom or in the bathroom at all. The video also did not show Mr. Porfiri pulling Mr. S [REDACTED] out of the bathroom. During his hearing testimony, he did not mention that he saw anyone hit Mr. S [REDACTED] other than respondent and respondent's son, but in his statement submitted to the Commission, he stated that he pushed three basketball players from respondent's team after they got "a hit onto [Mr. S [REDACTED]]." Also, based upon the evidence, it was unlikely the bathroom incident occurred for four minutes as Mr. Porfiri testified. Mr. Porfiri's testimony did not have the credibility necessary to establish what occurred in the bathroom.

46. Nonetheless, the evidence established respondent engaged in unprofessional conduct on June 2, 2018. The evidence did not establish that respondent engaged in conduct that was hostile to the welfare of the general public and contrary to good morals or that he is clearly not fit, not adapted to or unsuitable for teaching, or possessed of temperamental defects or inadequacies. When all of the evidence is weighed and considered, respondent's actions on June 2, 2018, support disciplining his Credential. However, respondent took full responsibility for his misconduct and showed sufficient remorse and insight to demonstrate substantial rehabilitation. Based on the evidence as a whole, it is consistent with the public safety to allow him to maintain his Credential on a probationary basis.

LEGAL CONCLUSIONS

1. In an administrative proceeding in which a licensing agency seeks the suspension or revocation of an existing, professional license, the standard of proof is clear and convincing proof to a reasonable certainty. (*Ettinger v. Bd. of Medical Quality Assurance* (1982) 135 Cal.App.3d 853.) Clear and convincing evidence requires proof that is so clear as to leave no substantial doubt and that is sufficiently strong to command the unhesitating assent of every reasonable mind. (*In re Marriage of Brooks* (2008) 169 Cal.App.4th 176, 190.) The burden of proving the charges rests upon the party making the charges. (*Lopez v. Imperial County Sheriff's Office* (2008) 165 Cal.App.4th 1, 4.) Therefore, complainant has the burden of establishing by clear and convincing evidence that grounds exist to impose administrative discipline against respondent's Credential.

2. Education Code section 44421 provides, in part:

The Commission on Teacher Credentialing shall privately admonish, publicly reprove, revoke or suspend 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.

3. Terms describing conduct as immoral, unprofessional, or involving moral turpitude are so general that they must be given meaning in relation to the particular profession involved. Although a teacher may have committed an immoral act or was involved in unprofessional conduct, unless it indicates his unfitness to teach, it is not an appropriate basis for his discipline. (*Morrison v. State Bd. of Education* (1969) 1 Cal.3d 214, 220 (*Morrison*)). The determinative test of a charge of immoral or

unprofessional conduct is fitness to teach, a question of ultimate fact. (*Bd. of Education v. Jack M.* (1977) 19 Cal.3d 691.).

4. The term "immoral" has been defined generally as conduct that is willful, flagrant, or shameless, showing moral indifference to the opinions of respectable members of the community, and an inconsiderate attitude toward good order and the public welfare. (*Orloff v. Los Angeles Turf Club* (1951) 36 Cal.2d 734, 740.) Immoral is that which is "hostile to the welfare of the general public and contrary to good morals." (*Ibid.*) The phrase "unprofessional conduct" is conduct such as to indicate unfitness to teach. (*Perez v. Com. on Professional Competence* (1983) 149 Cal.App.3d 1167, 1174.)

5. "Evident unfitness for service" has been defined to mean clearly not fit or adapted to teach, ordinarily by reason of temperamental defects or inadequacies. "Unlike 'unprofessional conduct,' 'evident unfitness for service' connotes a fixed character trait, presumably not remediable merely on receipt of notice that one's conduct fails to meet the expectations of the employing school district." (*Woodland Joint Unified School Dist. v. Com. on Professional Competence, supra*, 2 Cal.App.4th 1444.)

6. The Commission may discipline a credential for unprofessional conduct. (Ed. Code, § 44421.) As set forth in Factual Findings 32 through 46, the clear and convincing evidence established respondent engaged in unprofessional conduct indicating an unfitness to teach when he entered into a verbal altercation with a high school student and challenged him to a fight. Therefore, cause exists to discipline his Credential pursuant to Education Code section 44421.

7. The Commission may discipline a credential for immoral conduct. (Ed. Code, § 44421.) However, as set forth in Factual Findings 32 through 46, the clear and convincing evidence did not establish respondent engaged in immoral conduct indicating an unfitness to teach. Therefore, cause does not exist to discipline each of his Credential pursuant to Education Code section 44421.

8. The Commission may discipline a credential for evident unfitness for service. (Ed. Code, § 44421.) However, as set forth in Factual Findings 32 through 46, the evidence did not establish respondent is clearly not fit, not adapted to or unsuitable for teaching, or possessed of temperamental defects or inadequacies, as respondent's misconduct stemmed from one incident, which showed respondent exercised poor judgment, but appeared to be out of character for respondent. Therefore, cause does not exist to discipline his Credential pursuant to Education Code section 44421 for evident unfitness for service.

9. Although cause for discipline exists to discipline respondent's Credential, respondent provided sufficient evidence of rehabilitation to permit him to maintain his Credential on a probationary basis.

ORDER

The Clear Single Subject Teaching Credential issued to respondent Christopher Michael Taylor is revoked, the revocation is stayed, and respondent is placed on probation for three (3) years, subject to terms 1-11 below.

1. **Severability Clause.** Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of

this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

2. **Notification of Current Mailing Address, Email Address and Telephone Number.** Respondent shall notify the monitor of his current mailing address, email address, and telephone number where voicemail or text message may be left. Respondent shall notify the monitor, in writing, within 72 hours, of any change of mailing address, email address, or telephone number. Failure to notify the monitor within the specified time period stated above shall be considered a probation violation.

3. **Submit Written Reports.** Respondent shall report to the Commission quarterly, on a schedule designated by the Commission or the monitor. Reports shall be made either in person or in writing, as directed. Among other requirements as determined by the Commission, respondent shall state in each report under penalty of perjury whether he has complied with all the terms and conditions of probation. Failure to submit timely reports as directed shall be considered a probation violation.

4. **Obey All Law.** Respondent shall obey all federal, state and local laws, including all provisions of the California Education Code. To permit monitoring of compliance with this condition, respondent shall submit completed fingerprint forms and fingerprint fees within 30 days of the effective date of the decision, unless previously submitted as part of the teaching credential application process as determined by the monitor. Failure to comply with these provisions shall be considered a probation violation.

5. **Criminal Court Orders.** If respondent is under criminal court orders, including probation or parole, he shall comply with all terms and conditions of such orders. Respondent shall report any alleged violation of a court order to his monitor within 72 hours of receipt of notice alleging such violation. Failure to comply with these provisions shall be considered a probation violation.

6. **Report Any Arrest or Citation.** Respondent shall submit to the monitor a full and detailed written account of any and all arrests and citations for any violation of law in California or any other state (except minor traffic offenses) within three business days of the arrest or citation. Failure to notify the monitor within the specified time period stated above shall be considered a probation violation.

7. **Employment Reporting Requirements.** If respondent is currently employed in a position that requires him to have a California teaching credential, respondent shall provide a copy of this Decision and Accusation to his employer (as defined in California Code of Regulations, title 5, section 80300) and immediate supervisor within five days after its effective date. If, during the probation period, respondent obtains new employment that requires him to have a California teaching credential, respondent shall provide a copy of this Decision and Accusation to his employer and immediate supervisor before commencing work. Failure to comply with these provisions shall be considered a probation violation.

8. **Maintenance of Active Credential.** Respondent shall at all times maintain an active, current credential with the Commission, including during any period of suspension. Failure to do so shall be considered a probation violation.

9. **Compliance with All Terms of Probation.** Respondent shall fully comply with all terms and conditions of this Decision and cooperate with the

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

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


10. **Violation of Probation.** If respondent violates any term or condition of probation, the Commission may refer the matter to the Attorney General's Office to file a Petition to Revoke Probation, and after giving respondent notice and opportunity to be heard, may set aside the stay order and impose the stayed discipline. If during the period of probation, a Petition to Revoke Probation has been filed against respondent's Credential, or the Attorney General's Office has been asked to prepare a Petition to Revoke Probation against respondent's Credential, the probationary period shall automatically be extended and shall not expire until final action is taken on the Petition by the Commission.

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11. **Completion of Probation.** Upon successful completion of probation, respondent's Credential shall be fully restored.

DATE: February 22, 2021


Dena Coggins (Feb 22, 2021 15:31 PST)

DENA COGGINS

Administrative Law Judge

Office of Administrative Hearings