

**BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS AND THE
COMMISSION ON PROFESSIONAL COMPETENCE FOR THE
DELHI JOINT UNIFIED SCHOOL DISTRICT
STATE OF CALIFORNIA**

In the Matter of the Dismissal of:

**LESA PRINE, A Permanent Certificated Employee,
Respondent**

OAH No. 2023051012

DECISION

This matter was heard before a Commission on Professional Competence (Commission) for the Delhi Joint Unified School District (District) on October 23 through 25, 2023. The Commission included Amy Burdick, Rachel Merino-Ott, and Matthew S. Block, Administrative Law Judge, Office of Administrative Hearings, presiding from Sacramento.

Chelsea A. Tibbs, attorney at Dannis Woliver Kelley, represented the District.

Joshua F. Richtel, attorney at Tuttle & McCloskey, represented Lesa Prine (respondent), who was present throughout the hearing.

Evidence was received and the record closed on October 25, 2023. The matter was submitted for decision when the Commission concluded its deliberations on October 30, 2023.

FACTUAL FINDINGS

Background and Procedural History

1. Respondent is a permanent certificated employee of the District. She is assigned to Delhi High School in Delhi, California.

2. On November 4, 2022, respondent was placed on paid administrative leave. On April 18, 2023, District Superintendent Jose Miguel Kubes filed with the District's Board a Statement of Charges and Notice of Immediate Suspension Without Pay and Charges for Dismissal (Notice), which the Board approved the same day. The Statement of Charges alleged grounds for the termination of respondent's employment with the District based on: (1) immoral conduct; (2) evident unfitness for service; and (3) persistent violation of or refusal to obey the school laws of the state or the reasonable regulations of the State Board of Education or the District.

3. Respondent was served with the Notice on May 2, 2023. She timely filed a request for hearing, and this hearing followed. On July 25, 2023, Mr. Kubes signed and thereafter filed with the District's Board the Amended Statement of Charges, which is the operative pleading in this matter.

District's Evidence

4. Respondent has worked for the District since 2004. She presently teaches 12-grade English, Journalism/Yearbook, and Expository Writing. She previously taught English Language Development (ELD). Her immediate supervisor is Principal Ed Taylor.

5. On October 31, 2022, respondent attended a staff meeting at Delhi High School. The purpose of the meeting was to explain changes in protocol for entering

data into Aeries, which is a secure portal by which parents and students may access student information such as attendance, test scores, and grades. Several teachers in attendance, including respondent, expressed frustration that more was being asked of them when entering student data into Aeries. The teachers were particularly frustrated that the protocol was being modified for the third time in the relatively new school year.

6. Adeline Amador is a teacher at Delhi High School and testified at hearing. She was present at the staff meeting on October 31, 2022. Ms. Amador described respondent as “upset” and “a little hostile” toward Behavioral Support Counselor Veronica Sandoval, who was leading the discussion about the protocol modifications to Aeries. According to Ms. Amador, respondent abruptly walked out of the meeting before it ended. Respondent’s behavior was reported to Mr. Taylor, and she was placed on paid leave pending a District investigation into what had occurred at the meeting.

7. During the investigation into respondent’s behavior at the meeting, several individuals alleged that students reported respondent using inappropriate racial language in the classroom, specifically about African Americans and Hispanics. Students also reported that respondent was inappropriately affectionate with a particular student, Student K. The District assigned Mr. Taylor to investigate the new allegations. He testified about his investigation and findings at hearing.

8. Mr. Taylor began his investigation by having his secretary randomly select five students to interview from each of the six classes respondent taught per day and print their student profile page from the Aeries system. The District provided Mr. Taylor with a series of questions and statements to discuss with each student. They were as follows:

- (1) Tell me about your experience in Ms. Prine's class.
- (2) Do you enjoy the class? Why? Why not?
- (3) Has Ms. Prine ever made comments that make you uncomfortable? Please explain.
- (4) Have you ever heard Ms. Prine make inappropriate or racial comments? Please explain.
- (5) Have any of your friends told you about comments made by Ms. Prine? Who?
- (6) We ask that you keep this conversation confidential and do not discuss it with your friends or district employees. If Ms. Prine or any other district employee tries to talk to you about these questions, please let me know.

9. Mr. Taylor met with each student individually and asked the District's questions. If a student answered a question in the affirmative, Mr. Taylor wrote the number of the question and the student's answer on their profile page. If the student answered all questions in the negative, Mr. Taylor discarded the printed profile page. He did not keep a record or note the identity of the students who had nothing bad to report about respondent. At hearing, he admitted he has no training in conducting interviews of this nature. He also felt he had a conflict of interest in the matter, and that an independent third party should have conducted the investigation.

INITIAL STUDENT INTERVIEWS

10. One of the students who reported hearing respondent use offensive language was Student A. Student A was in respondent's ELD class during the

2021/2022 school year, and in her English class during the 2022/2023 school year.

Student A told Mr. Taylor that during the 2021/2022 school year, respondent used the racially derogatory slur "nigger," hereafter referred to as the N word, while teaching a lesson on the book *To Kill a Mockingbird*. Student A also told Mr. Taylor that respondent frequently used the word in class, including during the 2022/2023 school year.

11. Student B was in respondent's English class during the 2022/2023 school year. She told Mr. Taylor that respondent made racist jokes about Mexicans and African Americans, though she was unable to provide any details about the substance of the jokes. She said respondent used the N word during the 2022/2023 school year while joking about "a trend." She also said that immediately after saying it, respondent had a look on her face suggesting she knew "she messed up." Finally, Student B told Mr. Taylor that respondent is very "flirty" and "touchy" with the students in her classes.

12. Student C was in respondent's English class during the 2022/2023 school year. She told Mr. Taylor that respondent routinely used rude and disrespectful foul language, and that she had a bad attitude with students. She recalled respondent using the N word while discussing a "silly video." She also told him respondent is "very touchy" with students and pushed her hand up the shirt sleeve of a male student, Student K.

13. Students D, E, F, G, H, I, J, K, and L were all in various periods of respondent's Expository Writing class during the 2022/2023 school year. Student D told Mr. Taylor she heard from another person that respondent used the N word, but she could not remember who she heard it from. Student E heard from friends that respondent used the N word but had no personal knowledge of it. Students F and G told Mr. Taylor that respondent discussed her personal life in class. They also told him

their friends said she used the N word in class, but neither had personal knowledge of it. Similarly, Student H told Mr. Taylor that respondent discussed her personal life in class, and that she heard from friends that respondent used the N word. However, Student H never personally heard respondent use the N word.

14. Students I and J told Mr. Taylor that they personally heard respondent use the N word in class. Student K did not hear respondent use any inappropriate racial language, but he told Mr. Taylor that respondent would occasionally touch him and make comments about his appearance that made him uncomfortable. Student L dated Student K during the 2022/2023 school year. Student L told Mr. Taylor respondent acted “weird” toward Student K. Specifically, she said respondent hugged Student K in class, held his hand, and said he looked “handsome.”

15. Students N and O were in respondent’s Journalism/Yearbook class during the 2022/2023 school year. Student N told Mr. Taylor that on one occasion, respondent showed the class a Taco Bell commercial and drew a correlation between the commercial and illegal immigration. Student O also said respondent showed the commercial in class but did not elaborate on the context in which it was shown.

FOLLOW-UP STUDENT INTERVIEWS

16. For reasons that were unclear at hearing, Mr. Taylor interviewed several of the students a second time in February 2023, one of whom was Student A. Student A told him that when respondent used the N word during the 2021/2022 school year, she told the class she was only going to do so because it was in the novel. Student A also told Mr. Taylor that respondent used the N word during the 2022/2023 school year while teaching a lesson because it was printed in a journal or a novel the class was reading.

17. Mr. Taylor reinterviewed Student B. She told him that when respondent used the N word it was during the last five minutes of class. Student B could not recall what, if anything, respondent was teaching at the time. She said respondent would occasionally make "kinda racist" comments about immigrants and the United States Immigration and Customs Enforcement (ICE). Student B also told Mr. Taylor that respondent flirted with Student K, but she could not remember anything specific that respondent ever said to him.

18. Mr. Taylor reinterviewed Student C. She told him that respondent used the N word in class after a "happy birthday video" was played. She said it was the only time respondent used the word, but "[respondent] would tell jokes about that." Student C also said that on one occasion, respondent placed her hand under the shirt sleeve of Student K. When Student C said this, she pointed at the top of her wrist.

19. Mr. Taylor reinterviewed Students I and J. They both previously told him they personally heard respondent use the N word. However, in the second interview, Student I told Mr. Taylor that respondent's alleged use of the N word was just a rumor that students were spreading on campus. Student J admitted he was not even in respondent's class the day she was alleged to have used the N word.

20. Mr. Taylor reinterviewed Student L. She told him respondent would tell Student K he was her favorite and was "touchy" with him. She said this would make other students in the class uncomfortable. However, she also told him she only saw respondent being affectionate with Student K on one occasion.

STUDENT TESTIMONY

21. Student A testified at hearing. She admitted she does not care for respondent. She described her relationship with respondent as "strained" and said

they didn't "click." She denied hearing respondent use the N word at any time other than when teaching the lesson on *To Kill a Mockingbird* during her junior year. She also testified she told Mr. Taylor she heard from friends that respondent used it during the 2022/2023 school year, but that she never personally heard respondent use it.

22. Student B testified at hearing. She explained that she suffers from an auditory processing disorder, and that she tends to be forgetful and to hear and interpret things incorrectly. According to Student B, when respondent used the N word it was during the last five minutes of her seventh period English class. She cannot remember what other students in the class were doing at the time, but she does not believe respondent was teaching a lesson. Student B heard the word but did not actually see respondent say it because respondent was behind Student B at the time. Student B believes respondent made a comment about immigrants on one other occasion, but she cannot remember when or what was said. Student B observed respondent rub Student K's shoulder on one occasion. She observed respondent speaking to Student K but never heard what respondent said to him.

23. Student C testified at hearing. She heard respondent use the N word during the same class as Student B. However, Student C has a different recollection of when and how the word was used. According to Student C, when students entered the classroom, respondent had a video projected onto a screen to celebrate the birthday of a male student in the class. Student C does not remember anything about the video, but said that after it was played, the student asked respondent to play another video in front of the class. Respondent replied that the video better not feature drinking or drugs. Moments later, Student C believes she heard respondent use the N word. Student C recalls this occurring during the first 10 minutes of class, and said respondent used the word loud enough for the entire class to hear.

24. Student L testified at hearing. She admitted she never personally observed respondent act inappropriately toward Student K, and that her knowledge was limited to what Student K told her. She acknowledged respondent would talk about immigration on occasion but never in a way that was derogatory or inappropriate. In fact, Student L testified that respondent was compassionate about the struggles that immigrants face.

25. Student M testified at hearing. She confirmed that respondent made a comment comparing immigration to moving away to college but was unable to describe the circumstances under which the comparison was made or what specifically was said.

26. Student N testified at hearing. She feels she and respondent had a "normal" student-teacher relationship. She recalls respondent showing students the Taco Bell commercial during class but does not remember the context or whether the video was shown during a lesson. She testified respondent did not draw any connection between the commercial and illegal immigration.

27. Student O testified at hearing. He and his friends did not get along with respondent. On one prior occasion, respondent sent him out of class for behavioral issues. Student O's friends told him respondent said the entire class "should run for the border." However, Student O did not personally hear respondent make the comment.

28. Students D, E, F, G, H, I, and J did not testify at hearing. Student K also did not testify at hearing. Mr. Kubes testified that the District made multiple unsuccessful attempts to serve Student K with a subpoena to ensure his appearance.

Respondent's Evidence

CHARACTER WITNESS TESTIMONY

29. Respondent called two character witnesses to testify on her behalf at hearing. The first was Estela Ramos. Ms. Ramos has been an academic counselor with the District for 21 years. She was present at the staff meeting on October 31, 2022. Ms. Ramos admitted that respondent and other teachers were frustrated during the meeting. However, respondent did not use verbally abusive language, and she did not walk out of the meeting before it was over. Ms. Ramos has known respondent for approximately 20 years and believes her to be a very good teacher who is well-regarded by students.

30. Christine Abraham also testified on respondent's behalf. Ms. Abraham was a special education teacher at Delhi High School before she retired. According to Ms. Abraham, respondent was extremely well-regarded by students, who nicknamed her "Mama Prine."

RESPONDENT'S TESTIMONY

31. Respondent testified at hearing. She has worked for the District since 2004. During her time at Delhi High School, she has taught English, English Language Development, Journalism/Yearbook, and Expository Writing. She has also volunteered as a basketball and cheerleading coach.

32. Respondent admits she was frustrated at the staff meeting on October 31, 2022, and that she may have appeared unprofessional to those in attendance. However, she denies leaving the meeting before it was over, and she does not believe her behavior was abusive or harassing.

33. When respondent taught *To Kill a Mockingbird* during the 2021/2022 school year, she played a recording of actress Sissy Spacek reciting the novel using different voices for the various characters. Respondent admits that the N word was used in the recording, but adamantly denies ever using the word herself, in a classroom or otherwise.

34. Respondent has known Student K since he was in kindergarten because he was in the same grade level as respondent's son. She described Student K as an attention seeker, who would frequently ask her if he was her favorite student. In reply, respondent would say that all the students were her favorites. She admits she probably touched Student K on the shoulder at some point, and that she has touched other students in similar fashion over the course of her career. However, she denies rubbing Student K's shoulders or placing her hand up the sleeve of his shirt. She also denies hugging Student K or flirting with him.

35. The student body at Delhi High School is predominantly Hispanic. Respondent is aware that some of her students have had to deal with immigration issues within their families. She is particularly sensitive to issues involving immigration, and she has always tried to show genuine compassion when discussing it in class. As a result, she "doesn't know what to make" of the allegations that she made derogatory or insensitive statements about immigrants, and adamantly denies doing so.

36. Respondent admits showing a Taco Bell commercial from the 1990s in her Journalism/Yearbook class during the 2022/2023 school year. That particular year was the 25th anniversary of Delhi High School's opening. The students were interested in using a retrospective theme for the yearbook which incorporated cultural elements from the 1990s. That interest prompted a class discussion about how what was once thought to be funny can be deemed offensive. Following the discussion, respondent

researched commercials from the 1990s which may no longer be deemed culturally acceptable. She found a recording of multiple different commercials on YouTube, including the Taco Bell commercial, and played it in class the next day to illustrate her point. She did not attempt to draw a correlation between the commercial and illegal immigration, and she did not tell the students that they all needed to run for the border.

37. Respondent never compared immigration to going away to college. However, she frequently began her classes with a discussion about life after high school, which involved the topic of leaving home to attend college.

Analysis

38. The Commission must resolve two issues in this case. First, it must determine whether respondent engaged in the conduct alleged in the Amended Statement of Charges. If so, it must determine whether that conduct indicates that respondent is unfit to teach.

39. The District called multiple past and present student witnesses to prove the allegations in the Amended Statement of Charges. Evidence Code section 780 sets forth various factors to consider when determining the credibility of a witness. Relevant factors include: (1) the witness's demeanor while testifying; (2) the character of the witness's testimony; (3) the witness's capacity to perceive and recollect; (4) the existence or nonexistence of bias; (5) prior statements of the witness that are consistent or inconsistent with their testimony at hearing; (6) the existence or non-existence of a fact testified to by the witness; and (7) the witness's attitude toward the action in which he or she testifies. The Amended Statement of Charges alleges three

categories of behavior that constitute cause for dismissal, each of which will be addressed in turn below.

USE OF THE N WORD

40. It is alleged that respondent used the N word while teaching a lesson about the novel *To Kill a Mockingbird* during the 2021/2022 school year. The District failed to prove the allegation by a preponderance of the evidence.

41. Out of an entire classroom of students, the District called only Student A to testify she heard respondent use the N word. Student A admitted at hearing that she does not care for respondent and described their relationship as “strained.”

42. When Mr. Taylor first interviewed Student A, she told him respondent “frequently” used the N word, including during the 2022/2023 school year. When Mr. Taylor reinterviewed Student A in February 2023, she maintained that respondent used the N word during the 2021/2022 school year. However, she told him respondent qualified her use of the word by telling the class she was only going to use it because it appeared in the text of the novel. She was unsure of the context in which respondent used the word during the 2022/2023 school year but believed it to be when the class was reading a journal or novel because she recalls the word being printed in the document the class was reading.

43. In her testimony at hearing, Student A said she only heard respondent use the N word on one occasion during the 2021/2022 school year when the class was reading *To Kill a Mockingbird*. She said she told Mr. Taylor she heard from friends that respondent used the N word during the 2022/2023 school year, but she never personally heard respondent do so.

44. Given the inconsistencies in Student A's multiple statements and her bias against respondent, the Commission afforded her testimony minimal weight. As such, when all the evidence is considered, the District failed to prove it is more likely than not that respondent used the N word while teaching *To Kill a Mockingbird*.

45. It is alleged that respondent used the N word during the 2022/2023 school year when students were discussing a video they were watching, and also while discussing a trending YouTube video. It was unclear at hearing whether the District alleges these to be the same or separate incidents. In either case, the District failed to prove the allegations by a preponderance of the evidence.

46. The District called two witnesses, Students B and C, to testify that they heard respondent use the N word at or around the time that students were watching a video. Student B suffers from an auditory processing disorder. While she alleged to have heard the word spoken, she was not looking at respondent at the time she heard it. Student C testified that she both heard and saw respondent speak the word. However, her account of how and when the incident occurred was markedly different than Student B's. It was also noteworthy that the District called only two students from the entire class, particularly given Student C's belief that the word was spoken loudly enough for the entire class to hear it. Given Student B's admitted issues with perception and recollection, and the stark inconsistencies between her testimony and that of Student C, the District failed to prove it is more likely than not that respondent used the N word during the 2022/2023 school year.

47. It is alleged that multiple students and staff members "credibly reported" hearing second-hand that respondent used the N word. Whether true or not, students and staff members hearing something second-hand is not evidence that what they heard in fact occurred and is not a ground for dismissal.

INAPPROPRIATE INTERACTIONS WITH STUDENT K

48. It is alleged that respondent told Student K he looked “good,” “cute,” and “handsome,” that she hugged him when he indicated he wanted a handshake, and that she “flirted” with Student K in class. The District failed to prove these allegations by a preponderance of the evidence. Student K failed to appear at hearing to testify to any statements respondent allegedly made regarding his appearance or her behavior toward him. The only evidence of the comments was the testimony of Student L, who admitted she has no independent personal knowledge of what respondent said to Student K.

49. Student M testified she heard rumors about respondent rubbing Student K’s shoulders, and that she personally saw respondent touch his shoulder on one occasion. She also saw respondent shake Student K’s hand for what she believed to be too long. Student M never heard anything respondent ever said to Student K.

50. Student C testified respondent frequently rubbed Student K’s shoulders. However, she was unable to provide any significant detail regarding the context in which respondent would do so, or how long each encounter lasted. Additionally, Student C told Mr. Taylor in her initial interview that respondent was “touchy” with multiple students regardless of gender. She testified she saw respondent touch Student K inappropriately under his clothing. However, including her testimony at hearing, Student C has now provided different accounts of what the touching consisted of. In her initial interview with Mr. Taylor, Student C said she saw respondent push up the sleeve on Student K’s shirt. In her follow-up interview with Mr. Taylor, she said respondent placed her hand up Student K’s sleeve and pointed to the top of her wrist. At hearing, she testified that respondent pushed her hand all the way up Student K’s sleeve to his bicep and left it there for 40 seconds. Given the inconsistencies in

Student C's multiple statements, her testimony in this regard was afforded minimal weight.

51. Respondent admitted in her testimony that she very likely touched Student K on the shoulders, as well as other students in her classes throughout her career. However, that admission is insufficient to establish that the allegations of inappropriate behavior toward Student K are true. When all the evidence is considered, the District failed to prove it is more likely than not that respondent engaged in inappropriate interactions with Student K.

DEROGATORY COMMENTS ABOUT IMMIGRANTS AND HISPANICS

52. It is alleged that respondent made an offensive remark about immigrants going to college. The District failed to prove the allegation by a preponderance of the evidence. During her interview, Student M told Mr. Taylor respondent compared immigration to moving to college. She testified respondent said that moving away to college was like saying goodbye to one's family. Absent further context or explanation, the Commission failed to find that the comparison, even if it were made, is offensive.

53. It is alleged that respondent made a comment about Taco Bell and immigrants running to the border. The District failed to prove the allegation by a preponderance of the evidence. Mr. Taylor testified that when he first spoke to Student N, she told him respondent showed her Journalism/Yearbook class a Taco Bell commercial and made some sort of comparison to illegal immigration. Student N testified at hearing that respondent did show her class a Taco Bell commercial during the 2022/2023 school year. While she could not recall the specific context in which it was shown, she does not recall respondent making or attempting to make any

comparison between the commercial and illegal immigration, and she does not recall telling Mr. Taylor that respondent did so.

54. Student O told Mr. Taylor that respondent made a comment about running to the border, but he was unable to provide any specifics or the context in which the statement was made. At hearing, Student O admitted he and his friends did not get along with respondent. He testified respondent told his entire class they should “run for the border.” However, he admitted he did not actually hear the comment, and it was only something his friends told him about.

55. Respondent admitted showing her Journalism class an old Taco Bell commercial from the 1990s. The class was interested in the 1990s because that was the decade in which Delhi High School opened and they were interested in a 1990s theme for the yearbook. Respondent credibly testified that she showed the Taco Bell commercial, along with several others, to illustrate her point from a class discussion the day prior that what was once considered amusing or socially acceptable may be considered offensive in the present. Given the testimony of respondent and Student N, and Student O’s bias against respondent, the District failed to prove it is more likely than not that respondent likened the Taco Bell commercial to illegal immigration or told her students they should all “run for the border”.

56. It is alleged that Student O reported that respondent made offensive jokes about immigration control and about “ICE” coming to take immigrants. The District failed to prove the allegation by a preponderance of the evidence. There is no indication Student O reported this comment in his interview with Mr. Taylor. Moreover, Student O did not testify at hearing that respondent made the comment. Thus, in the absence of any evidence in support of the allegation, the District failed to prove it is more likely than not that respondent made jokes about ICE taking immigrants away.

57. It is alleged that staff members “credibly reported” hearing second-hand that respondent made racist comments about Mexicans and African Americans. Whether true or not, staff members hearing something second-hand is not evidence that what they heard in fact occurred and is not a ground for dismissal.

Conclusion

58. The District failed to prove respondent engaged in the conduct alleged in the Amended Statement of Charges. Thus, it is unnecessary for the Commission to consider whether the conduct indicates she is unfit to teach.

LEGAL CONCLUSIONS

Burden and Standard of Proof

1. A school district seeking to dismiss a permanent certificated employee from employment bears the burden of proof by a preponderance of the evidence. (*Gardner v. Comm’n on Professional Competence* (1985) 164 Cal.App.3d 1035; *Bevli v. Brisco* (1989) 211 Cal.App.3d 986.) The term preponderance of the evidence means “more likely than not.” (*Sandoval v. Bank of Am.* (2002) 94 Cal.App.4th 1378, 1388.)

Applicable Law

2. A school district may dismiss a permanent certificated employee for immoral conduct. (Ed. Code, § 44932, subd. (a)(1).) In describing what constitutes immoral conduct within the context of the Education Code, the court in *Board of Education of San Francisco Unified School District v. Weiland* (1960) 179 Cal.App.2d 808 said:

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 willful, 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, quoting *Orloff v. Los Angeles Turf Club* (1951) 36 Cal.2d 734,740.)

3. A school district may dismiss a permanent certificated employee for evident unfitness for service. (Ed. Code, § 44932, subd. (a)(6).) That term means "clearly not fit, not adapted to or unsuitable for teaching, ordinarily by reason of temperamental defects or inadequacies." (*Woodland Joint Unified School Dist. v. Comm'n on Professional Competence* (1992) 2 Cal.App.4th 1429, 1444.) The term "connotes a fixed character trait, presumably not remediable merely on receipt of notice that one's conduct fails to meet the expectations of the school district." (*Ibid.*) The court held that the *Morrison* factors "must be analyzed to determine, as a threshold matter, whether the cited conduct indicates unfitness for service." (*Id.* at p. 1445.) As the *Woodland* court explained, "[i]f the *Morrison* criteria are satisfied, the next step is to determine whether the 'unfitness' is 'evident,' i.e., whether the offensive conduct is caused by a defect in temperament." (*Ibid.*)

4. A school district may dismiss a permanent certificated employee for persistent violation of or refusal to obey the school laws of the state or reasonable regulations prescribed for the government of the public schools by the state board or

by the governing board of the school district employing her. (Ed. Code, § 44932, subd. (a)(8).

Causes for Dismissal

5. Based on the Factual Findings and Legal Conclusions as a whole, cause does not exist to dismiss respondent for immoral conduct.

6. Based on the Factual Findings and Legal Conclusions as a whole, cause does not exist to dismiss respondent for evident unfitness for service.

7. Based on the Factual Findings and Legal Conclusions as a whole, cause does not exist to dismiss respondent for persistent violation of or refusal to obey the school laws of the state or reasonable regulations prescribed for the government of the public schools by the state board or the governing board of the District.

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ORDER

The Amended Statement of Charges is DISMISSED. There is no legal basis for dismissing respondent Lesa Prine from her employment with the Delhi Joint Unified School District.

DATE: 11/20/2023


Amy Burdick (Nov 20, 2023 11:33 MST)

AMY BURDICK

Member

Commission on Professional Competence

DATE: 11/20/2023

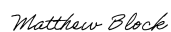


RACHEL MERINO-OTT

Member

Commission on Professional Competence

DATE: 11/21/2023



MATTHEW S. BLOCK

Administrative Law Judge, Chair

Commission on Professional Competence