

BEFORE THE
COMMISSION ON PROFESSIONAL COMPETENCE
STATE OF CALIFORNIA

In the Matter of the Dismissal of:

SEGALIT SIEGEL,

Respondent.

OAH Case No. 2013030380

DECISION

On November 12-15, and 18, 2013, Daniel Juárez, Administrative Law Judge (ALJ), Office of Administrative Hearings, heard this matter, together with Karen Emerson-Roberts and Luciano Ortiz at Los Angeles, California.

Musick, Peeler & Garrett, and Kristine Kwong, Esq., represented Complainant Los Angeles Unified School District (LAUSD or Complainant).

Rosemary Ward, Esq., and Naomi Kottler Berkowitz, Esq., represented Segalit Siegel (Respondent). Respondent was present on all days of hearing.

The ALJ left the record open to allow Respondent to file Exhibit BBBB and to allow Complainant to file written opposition to Respondent's Motion for a Directed Verdict, a motion Respondent filed on the last day of hearing. Complainant had no objection to the post-hearing submission of Exhibit BBBB. Respondent filed Exhibit BBBB timely; the exhibit was admitted into the record. Complainant timely filed its Opposition to Respondent's motion. A ruling on the motion is set forth in Legal Conclusions 1-3.

The parties submitted the matter for decision on December 2, 2013.

STATEMENT OF THE CASE

Complainant seeks the dismissal of Respondent, an elementary school teacher, contending that between 2010 and April 2012, she engaged in actions that constituted unprofessional conduct, immoral conduct, the persistent violation of or refusal to obey school laws and regulations, and that she is evidently unfit for service.

Respondent denies the majority of Complainant's allegations. She contended that her actions did not warrant dismissal.

FACTUAL FINDINGS

Jurisdiction

1. Complainant originally served an Accusation and Statement of Charges on or about January 31, 2013.
2. Complainant served Respondent with a Notice of Board of Education Intention to Dismiss and Placement on Immediate Unpaid Suspension on February 15, 2013.
3. Respondent requested a hearing on February 22, 2013.
4. Complainant filed the operative Accusation and Statement of Charges on March 28, 2013.
5. Respondent filed a Notice of Defense on April 8, 2013.

Respondent's Background

6. Respondent is an elementary school teacher. Respondent began teaching in 1984. She began teaching at Selma Elementary School (Selma) within the LAUSD in the 1997-1998 school year. She is a permanent, certificated employee of LAUSD. Complainant's allegations herein all pertain to Respondent's actions while a teacher of third grade at Selma in 2010 and between September 2011 and April 2012.

The SST Referral Form

7. Complainant alleged that in April 2010, Respondent wrote "inappropriate, judgmental and racist" comments on a Student Success Team (SST) referral form for student A.R.¹ Very generally, an SST referral form is a form meant to convey information to a team of persons at the student's school who work together to support and further an at-risk student's academic success. The student's teachers and parents are part of the SST.

8. Complainant failed to offer the SST referral form on which Respondent allegedly wrote the complained-of wording. However, Respondent did not contest the quoted comments as set forth in the Accusation. Those comments were: 1) "her [A.R.'s] parents beat her up"; 2) "I [Respondent] called Children Services and filed a report"; 3) "[A.R.'s] parents are tattooed from practically head to toe and have pierced rings all over the place"; 4) "I [Respondent] don't know what living in her home looks like"; and 5) "[A.R.'s] mom is black and her father is Hispanic. I don't know if being bi-racial is an issue for her." The comments were written in a section

¹ Initials are used to preserve student privacy.

of the SST referral form entitled, "Comments about Referral/Specific Concerns Regarding Student."

9. Frank Serrato, the Assistant Principal at Selma in the 2008-2009 and 2009-2010 academic years, opined that the statements in Factual Finding 8 were inappropriate, judgmental, and racist because they were not the type of information that would assist the team in effectuating its goals. Serrato reasoned that if the information was of no value to the team, the comments could only be intended to offer judgmental or racist commentary.

10. The evidence did not support Serrato's opinion. The majority of the Commission did not find any of the statements in Factual Finding 8 to be inappropriate, judgmental, or racist.

11. Commission Member Emerson-Roberts agreed the statements in Factual Finding 8 were not judgmental or racist, but she found the statements to be inappropriate because, given Respondent's years of experience as a teacher, she should have known that such comments were not of utility to the SST. Despite Commission Member Emerson-Robert's divergent view, all three Commission Members agreed that the statements in Factual Finding 8 did not provide any cause to dismiss Respondent.

The Stolen Apple Incident

12. Complainant alleged that on September 22, 2011, Respondent humiliated a student, S.C., by informing the whole class that he had stolen an apple from another student and therefore he could not be trusted and that the class should not talk to or play with him. The evidence established that Respondent said words similar to that alleged.

13. Respondent denied that her comments were humiliating or otherwise improper.

14. Dulce Ruiz (Ruiz), a teaching assistant at Selma during the 2011-2012 school year, heard Respondent speak to the class as set forth in Factual Finding 12. She saw S.C.'s eyes become watery during the incident. Ruiz opined that Respondent's comments were humiliating to S.C. Ruiz was unpersuasive. After hearing S.C.'s testimony, it appeared true that S.C. had indeed stolen another child's apple, although S.C. denied it.

15. S.C. asserted that he felt sad, hurt, and scared by Respondent's actions. He was not believable. During his direct examination by Complainant, S.C. testified in a manner that appeared disingenuous. During his cross-examination, he repeatedly failed to recall facts. His lack of memory appeared feigned. Taking into account

S.C.'s age (10), he still failed to explain why he felt as bad as he asserted. He was unpersuasive.

16. The evidence was insufficient to establish that Respondent's comments to the class regarding S.C. were humiliating or otherwise improper.

The Student Bathroom Use Incident

17. Complainant alleged that on September 22, 2011, Respondent prohibited a student, Anthony, from using the restroom because Respondent could not trust him to use the restroom and immediately return to class. Complainant alleged that Respondent's actions humiliated Anthony.

18. Ruiz partially observed Respondent's interaction with Anthony in the schoolyard while passing by them. Ruiz described Respondent's tone with Anthony as "aggressive" and "humiliating." It was unclear whether Ruiz was present throughout the full interaction between Respondent and the student.

19. The student did not testify.

20. Respondent denied prohibiting the student from using the restroom or from using an aggressive or humiliating tone when speaking with him.

21. Ruiz was unpersuasive. The evidence did not establish that Ruiz or anyone else actually heard Respondent prohibit Anthony from using the restroom. There was insufficient evidence to establish Ruiz's opinion that Respondent's words were aggressive or humiliating.

The Halloween Incident

22. Complainant alleged that on October 31, 2011, Respondent yelled at a student, S.F., for wearing her Halloween costume to school before the allowable time.

23. The evidence failed to establish that Respondent yelled at S.F.

24. On Halloween in 2011, Selma students were not allowed to put on their costumes until the end of the school day, just before a student costume parade. S.F. came to school with her costume on and Respondent told S.F. that she was in violation of the school's rules. According to S.F., Respondent sounded furious, but the evidence did not establish the tone of Respondent's voice or the actual words she used. Selma's Principal, Michelle Windmueller (Windmueller), sent S.F. to the nurse's office to remove her costume make-up. S.F. cried on her way to the nurse's office. S.F. was not allowed to join the costume parade at school; she was relegated to watching the parade from a designated area with other students who did not wish

to, or could not otherwise participate in the parade. S.F. felt humiliated by the episode.

25. Respondent denied yelling at S.F. She denied saying anything inappropriate or anything demeaning.

26. The evidence did not establish that any of Respondent's words directed to S.F. constituted yelling to the degree that would equate to unprofessional or immoral conduct, or evident unfitness for service.

27. S.F.'s mother testified. She asserted that Respondent should never teach again and should never be around children. Her opinion was not persuasive.

Respondent's Lost or Missing Items

28. Complainant alleged that in approximately November 2011, and in the 2010-2011 school year, Respondent lost or misplaced numerous school-issued materials, including electronic equipment.

29. Respondent lost her school-issued math computer program login information. It was issued to her on October 25, 2011, and she was instructed to keep track of her user name and password. She did not, or if she did, she lost it. Respondent informed school personnel that she lost it and school personnel re-issued her the information. There was no further evidence of losing the re-issued information.

30. Respondent lost student "health cards" that were kept in her classroom. On November 2, 2011, Respondent informed Windmueller of the absence of the health cards. Respondent also told Windmueller that she believed others were entering her classroom and taking things, like the health cards, and that someone was sabotaging her.

31. The evidence failed to establish what specific information was contained on these health cards. There was no evidence of any harm caused by the lost cards. The evidence did not establish that people were entering her classroom and taking things, or that there was any concerted effort to sabotage Respondent's classroom or her employment.

32. Windmueller described Respondent as disorganized and irresponsible in maintaining her office supplies and work-related documents. Windmueller's opinion on this was the only evidence to support her descriptions. Such evidence was insufficient to establish that opinion.

Respondent's Discussions with Other LAUSD Staff

33. Complainant alleged Respondent wrote to, and spoke to, Theresa Wedaa (Wedaa), Selma's Coordinator at the time, about matters that Respondent had discussed in conferences with Windmueller, and thereby violated Windmueller's prior written directives to Respondent that she refrain from discussing such issues with staff members or students.

34. By written memorandum, Windmueller directed Respondent to refrain from discussing the topics of their formal conferences. Respondent disclosed some of those topics to Wedaa in approximately January 2012, including teaching assistant complaints against Respondent and missing items from Respondent's classroom.

35. Respondent violated Windmueller's directives, as set forth in Factual Finding 34.

Respondent's Alleged Harassing Emails and Other Communications

36. Complainant alleged Respondent's 12 requests for technology assistance had an "accusatory, negative" tone and intimated that Wedaa was unresponsive to the requests. The evidence did not establish Complainant's allegation.

37. Between September 7, 2011, and November 28, 2011, Respondent filled out 12 "Tech Support" forms requesting assistance with various computer and electronic equipment or noting the lack of equipment. Several of the request forms are repetitive. For example, Respondent requested that her "smart board" be connected on September 21, 2011, October 18, 2011, and October 31, 2011. None of the requests were improper in tone. They were not accusatory or unreasonably negative.

38. Complainant alleged that Respondent sent harassing electronic mail messages (emails) to Wedaa in the 2011-2012 school year. Wedaa claimed that Respondent's emails were harassing, threatening, and made her feel uncomfortable and unsafe. Wedaa explained that this was due as much to the substance of the emails as to the volume and frequency of emails. In Wedaa's view, Respondent's emails felt like one complaint after another and a "laundry list" of problems, some that she could address, but many that she could not. Wedaa felt that several of Respondent's emails were excessively long. She felt the emails intimated that Wedaa was not doing her job. As a result of the emails, Wedaa felt anxious and on at least one occasion, Wedaa was driven to tears.

39. Complainant offered copies of approximately 41 emails between Respondent and Wedaa, between October 4, 2011, and February 12, 2012.²

40. The email discussions between Respondent and Wedaa contain Respondent's requests for information, requests for slots of time in the school computer laboratory for her students, or other technology and other educational support assistance. Respondent's tone is generally appropriate, as is Wedaa's tone. In several emails, it is fair to conclude that Respondent was frustrated with what she perceived to be a lack of response or unsatisfactory responses from Wedaa and/or the school administration. Additionally, several of Respondent's emails appeared to unnecessarily detail her requests and unnecessarily explain the effects of not granting her requests upon her students. Wedaa's responses in all instances were appropriate.

41. It appears clear that Wedaa found Respondent's emails persistent and annoying. The evidence, however, did not establish that Respondent's emails to Wedaa were harassing or threatening. It was not reasonable for Wedaa to feel unsafe due to the content, volume, or length of Respondent's emails to her. The evidence did not establish Complainant's allegations.

Respondent's Mathematics Instruction Time

42. Complainant alleged that on February 9, 2012, Respondent was discussing the student of the month award and circulating flyers at 8:32 a.m., when she was expected to instruct her class in mathematics.

43. Complainant provided insufficient evidence to establish what Respondent was discussing at the indicated time and day. There was no evidence of any flyers.

The Blood Glucose Testing Incident

44. Respondent has diabetes. On February 24, 2012, in her third grade class, Respondent talked to the children about how and why she checked her blood sugar content and discussed diabetes generally. She asked the class if anyone was interested in having their blood glucose level checked. Four children expressed interest by raising their hands.

45. Without school or parental knowledge or approval, Respondent used a separate sterile lancet on each of the four students and poked each student's finger to draw a small sample of blood. She used a separate sterile testing strip and her testing meter and measured each of the four children's blood glucose level. Respondent cleaned each child's poked finger with a tissue and placed the used lancet, testing strip, and tissue in the classroom trashcan.

² Several of the offered email messages were duplicates.

46. Thereafter, once LAUSD became aware of this event, LAUSD removed Respondent from the classroom.

47. All four children were willing participants. None of the four children asserted any significant discomfort, pain, or problem with the testing on the day of the testing or thereafter (excepting S.C., as discussed *post*).

48. At hearing, Respondent explained that, about three days earlier, she was thinking about talking to the children about diabetes and blood glucose testing to educate them about controlling their blood sugar levels. She had thought about how to do so and considered testing student volunteers as she did. In hindsight, she recognizes that testing the children was wrong. She would not test them again. She explained her intention as wishing to educate children about controlling their blood sugar levels, general health, and the consequences that result from diabetes.

49. Several of the students who were tested testified. Z.C., a student, volunteered to be tested. She described Respondent as creative. She liked Respondent and was sad when she did not return to the classroom on that day. Z.C. stated that Respondent would yell in class every day.

50. Z.C.'s mother was upset about the testing, yet she described Respondent as a "really good teacher."

51. S.C. volunteered to be tested (the same student discussed in Factual Findings 12-16). He claimed that the testing hurt "a little." S.C. further claimed that he did not mean to volunteer for the glucose testing. S.C. stated he was raising his hand to go to the bathroom but Respondent mistook his raised hand as his volunteering. S.C. was not credible. There was no persuasive evidence that Respondent forced any student to be tested. There was no evidence that she tested the students so quickly as to prevent a student from refusing to be tested.

52. S.C. stated that Respondent yelled in class all of the time and that Respondent's yelling scared him.

53. S.C.'s grandmother was irritated and angry about the glucose testing because she feared the possible contraction of blood-borne diseases. She asserted that S.C., who has attention-deficit, hyperactivity disorder (ADHD), now has post-traumatic stress disorder (PTSD) because of Respondent's abusive nature toward him and her yelling at him.

54. The evidence established that S.C. was behaviorally difficult in Respondent's classroom. The evidence did not establish S.C.'s asserted diagnoses. The evidence did not establish that any of Respondent's actions caused S.C. to have PTSD or any other condition.

55. D.D-C volunteered to be tested because she wanted to see if she had diabetes. The testing did not upset her. She described Respondent as an “awesome teacher.”

56. Respondent described her testing of the students as a “big mistake.” She realizes that she “crossed the line.” She agrees she should have gotten permission from the parents and the school administration. She asserted that she would never do it again. Respondent’s remorse was credible.

57. N [REDACTED] H., the father of a child with autism in Respondent’s class, described Respondent as a good teacher who helped her son. He agreed that the glucose testing showed poor judgment, but he does not believe Respondent should be fired for it. That opinion was also stated by R [REDACTED] A., the mother of another student in Respondent’s class.

58. M [REDACTED] C., the mother of a gifted child in Respondent’s class, did not find the glucose testing problematic as long as she used a distinct, clean lancet for each child. She described Respondent as caring and helpful.

Other Factual Findings

59. Respondent has a loud voice. The evidence did not establish that she yelled at her students in any way that would constitute cause for dismissal.

60. In November 2012, Respondent filed a claim against LAUSD for employment discrimination on the basis of race, gender, age, national origin, religion, retaliation, and medical condition. There was no evidence of the results of her claim. There was no evidence that LAUSD has discriminated against Respondent on any basis, including race, gender, age, national origin, religion, retaliation, or medical condition.

61. Respondent had satisfactory evaluations with LAUSD in the 2008-2009, 2009-2010, and 2010-2011 school years.

LEGAL CONCLUSIONS

Respondent’s Motion for Directed Verdict on Charge of Unprofessional Conduct

1. Respondent argued that LAUSD failed to give Respondent an opportunity to correct her alleged unprofessional conduct. Respondent based her argument on Education Code section 44938, subdivision (a).

2. Education Code section 44938, subdivision (a), states in part:

The governing board of any school district shall not act upon any charges of unprofessional conduct unless at least 45 calendar days prior to the date of the filing, the board or its authorized representative has given the employee against whom the charge is filed, written notice of the unprofessional conduct, specifying the nature thereof with such specific instances of behavior and with such particularity as to furnish the employee an opportunity to correct his or her faults and overcome the grounds for the charge

3. Complainant served Respondent with written warnings regarding the allegations of unprofessional conduct as alleged in the instant Accusation by letters and memorandums dated April 19, 2010, October 4, 2011, November 4, 2011, January 20, 2012, February 9, 2012, and February 29, 2012. Complainant served Respondent with a Notice of Unsatisfactory Service of Acts and Notice of 15-Day Suspension on April 18, 2012. That notice referenced Education Code section 44938 and specifically described the intention of that notice as providing Respondent an opportunity to correct the deficiencies noted that included the allegations set forth in the Accusation underlying this action. These documents, collectively, establish Complainant's compliance with Education Code section 44938. Complainant did not act on its charges of unprofessional conduct until more than 45 calendar days passed from the date of its last written warning, in concert with the law. Respondent's motion for a directed verdict is therefore denied.

The Burden and Standard of Proof

4. The District has the burden of proving its allegations by a preponderance of the evidence. (*Gardner v. Commission on Professional Competence* (1985) 164 Cal.App.3d 1035, 1038-1039.)

Relevant Statutory and Case Law

5. Education Code section 44932, subdivision (a)(1) states, in part, that "no permanent employee shall be dismissed except for one or more of the following causes . . . (1) [i]mmoral or unprofessional conduct. [¶] (5). Evident unfitness for service."

6. "Immoral conduct" means conduct that is hostile to the public welfare and contrary to good morals. It includes conduct inconsistent with rectitude, or indicative of corruption, indecency, depravity, and dissoluteness. It can be conduct that is willful, flagrant, or shameless, or conduct showing moral indifference to the opinions of respectable members of the community or as an inconsiderate attitude toward good order and the public welfare." (*Board of Education v. Weiland* (1960) 179 Cal.App.2d 808, 811.)

7. Evident unfitness for service “means ‘clearly not fit, not adapted to or unsuitable for teaching, ordinarily by reason of temperamental defects or inadequacies.’” (*Woodland Joint Unified School District v. Commission on Professional Competence [Zuber]* (1992) 2 Cal.App.4th 1429, 1444.) “‘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.” (*Ibid.*)

8. In analyzing the relevant Education Code provisions in teacher dismissal matters, the California Supreme Court noted that even where cause for discipline is found to exist, a commission on professional competence is vested with discretion to decide the appropriateness of a given sanction, including dismissal. (*Fontana Unified School District v. Burman* (1988) 45 Cal.3d 208, 219-223.) The State Supreme Court reasoned that even where cause for discipline is found to exist, “a commission on professional competence is empowered to exercise its collective wisdom and discretion to determine that dismissal is not appropriate in a given case.” (*Fontana Unified School District v. Burman, supra*, 45 Cal.3d. at 222.)

9. It is settled that the trier of fact may “accept part of the testimony of a witness and reject another part even though the latter contradicts the part accepted.” (*Stevens v. Parke Davis & Co.* (1973) 9 Cal.3d 51, 67.) The trier of fact may also “reject part of the testimony of a witness, though not directly contradicted, and combine the accepted portions with bits of testimony or inferences from the testimony of other witnesses thus weaving a cloth of truth out of the selected material.” (*Stevens v. Parke Davis & Co., supra*, 9 Cal.3d at 67-68 [quoting *Neverov v. Caldwell* (1958) 161 Cal.App.2d 762, 767].) Further, the fact finder may reject the testimony of a witness although not contradicted. (*Foreman & Clark Corp. v. Fallon* (1971) 3 Cal.3d 875, 890.)

Discussion

10. None of Respondent’s actions warranted dismissal. The only action of true concern to the Commission was the blood glucose testing of the students. That action was imprudent, inappropriate, and showed poor judgment. It could have had dangerous consequences for the students involved and the janitorial staff cleaning the classrooms. However, it did not. It was an isolated incident. Further, the facts do not support a conclusion that Respondent would, in the future, act as imprudently as she did in this instance. Indeed, the Commission believes Respondent grasps the gravity of her actions and will not act similarly in the future.

11. None of Respondent’s actions constituted immoral conduct or evident unfitness for service. Her blood glucose testing of the students constituted unprofessional conduct and her failing to comply with her Principal’s directive to refrain from speaking to others about matters discussed in formal conferences

constituted unprofessional conduct and a violation of District rules. However, this Commission is vested with the discretion to weigh the appropriateness of any given sanction against Respondent's misconduct and find a result that is in proportion to the gravity of the misconduct established by the evidence. (*Fontana Unified School District v. Burman, supra*, 45 Cal.3d. at 222.) Sampling a student's blood for its glucose level without parental and school administration consent and approval is undoubtedly inappropriate and wrong. However, when Respondent's action is viewed within the totality of the circumstances, including the fact that it was her only transgression of this type, no one was harmed, and Respondent expressed sincere remorse and an understanding that her actions were unacceptable and should never happen again, her misconduct need not result in her dismissal.

12. In *Morrison v. State Board of Education* (1969) 1 Cal.3d 214, the California Supreme Court held that for purposes of teacher dismissal, conduct characterized as "immoral," "unprofessional," or "involving moral turpitude" must be limited to conduct indicating that a teacher is "unfit to teach"; otherwise, these terms would be unconstitutionally vague and overbroad. (*Morrison v. State Bd. of Ed., supra*, 1 Cal.3d at 229.) The *Morrison* Court listed factors relevant to determining whether a teacher's conduct indicates unfitness to teach:

[T]he likelihood that the conduct may have adversely affected students or fellow teachers, the degree of such adversity anticipated, the proximity or remoteness in time of the conduct, the type of teaching certificate held by the party involved, the extenuating or aggravating circumstances, if any, surrounding the conduct, the praiseworthiness or blameworthiness of the motives resulting in the conduct, the likelihood of the recurrence of the questioned conduct, and the extent to which disciplinary action may inflict an adverse impact or chilling effect upon the constitutional rights of the teacher involved or other teachers.

(*Id.*, at 229-230.)

13. Respondent's conduct did not adversely affect students and fellow teachers in any substantial way. The degree of such adversity anticipated is of no consequence here, where Respondent's conduct did not adversely affect students or teachers in any significant way. The alleged and actual acts by Respondent are relatively recent. Respondent holds teaching credentials that allow her to be employed as an elementary school teacher. It appears that Respondent could be and was annoying toward other school staff. This trait aggravated the personality clashes and disputes in which Respondent found herself with Wedaa and Selma's Principal. None of Respondent's actions, however, rose to the level of dismissal. Regarding Respondent's blood glucose testing of students, while imprudent and inappropriate, Respondent's actions were motivated by her desire to educate the students about their health. At the same time, it is noted that her testing of the students showed poor judgment. There was no evidence to support a finding that Respondent would do

something similar in the future if she returned to teaching in a classroom. It is reasonable to conclude that there is a low likelihood that Respondent would engage in similar conduct in the future. As no disciplinary action is to be imposed against Respondent, an analysis of the extent to which such action may inflict a chilling effect on teachers' constitutional rights is unnecessary.

14. Analysis of the *Morrison* factors further establishes that there is insufficient evidence to conclude that Respondent is unfit to teach.

15. Cause does not exist to dismiss Respondent for unprofessional conduct, pursuant to Education Code section 44932, subdivision (a)(1), as set forth in Factual Findings 1-61, and Legal Conclusions 1-14.

16. Cause does not exist to dismiss Respondent for immoral conduct, pursuant to Education Code sections 44932, subdivision (a)(1), or 44939, as set forth in Factual Findings 1-61, and Legal Conclusions 1-14.

17. Cause does not exist to dismiss Respondent for being evidently unfit for service, pursuant to Education Code section 44932, subdivision (a)(5), as set forth in Factual Findings 1-61, and Legal Conclusions 1-14.

18. Cause does not exist to dismiss Respondent for the persistent violation of or refusal to obey the school laws or regulations of the state or rules of the school district, as set forth in Education Code section 44932, subdivision (a)(7), as set forth in Factual Findings 1-61, and Legal Conclusions 1-14.

ORDER

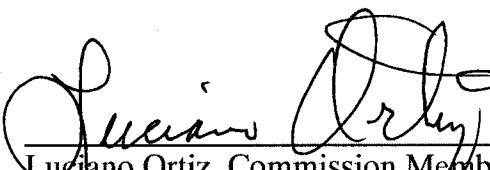
The Accusation and Statement of Charges against Respondent Segalit Siegel are overruled. The Los Angeles Unified School District shall not dismiss Respondent Segalit Siegel from employment.

Date: 3 JANUARY 2014



Daniel Juárez, Administrative Law Judge
and Commission Member

Date: 1/3/2014




Luciano Ortiz, Commission Member

DISSENT

Commission Member Emerson-Roberts respectfully dissents from the majority. Commission Member Emerson-Roberts joins in all of the factual findings and legal conclusions herein but would conclude that Respondent's glucose testing of the students constituted unprofessional conduct and evident unfitness for service. For these reasons, Commission Member Emerson-Roberts would sustain LAUSD's Accusation and Statement of Charges and dismiss Respondent from employment with the Los Angeles Unified School District.

Date:

1-3-14

A handwritten signature in cursive script that reads "Karen Emerson-Roberts". The signature is written in dark ink and is positioned above the printed name.

Karen Emerson-Roberts,
Commission Member