

BEFORE THE
COMMISSION ON PROFESSIONAL COMPETENCE
NUVIEW UNION SCHOOL DISTRICT

In the Matter of the Proceeding to Dismiss:

JOSHUA CAMPBELL,

Respondent.

OAH No. 2018010560

DECISION

This matter was heard before the Commission on Professional Competence in Nuevo, California, on May 29, 2018, through June 1, 2018, and on June 4, 2018, through June 6, 2018. The Commission was comprised of the following members: Administrative Law Judge (ALJ) Debra D. Nye-Perkins, Ryan Gallego, and Steve Sparkman.

Dean T. Adams, Attorney at Law, Adams, Silva & McNally, LLP, represented Nuvview Union School District.

Jon Y. Vanderpool, Attorney at Law, Smith, Steiner, Vanderpool & Wax, APC, represented respondent, Joshua Campbell, who was present during the hearing.

On June 22, 2018, the Commission met to deliberate and the matter was submitted.

CONFIDENTIALITY

The names and images of all minor students referred to in this matter are confidential. Several witnesses who testified were also minor students. The documents received as evidence in this matter that contain the name of a student have been redacted to remove the student's name. No court reporter or transcription service shall transcribe the names of the student witnesses or student names mentioned in testimony, but shall instead refer to each student by that student's first and last initials.

CASE SUMMARY

Mr. Campbell was employed by the district for almost four years at Nuvview Bridge Early College High School ("the Bridge") where he taught Government and Economics beginning in the 2014-15 school year. During the time he worked at the Bridge, Mr. Campbell

was also a softball and baseball coach, and an advisor for on multiple clubs, including the Black Student Union and Solar Cup. On September 28, 2017, during a lecture in his class, Mr. Campbell used inappropriate, divisive, racially motivated language when he lectured his students about his opinions on highly-sensitive racial and social issues unrelated to the district's curriculum. His lecture on that day was recorded by a student without the district's knowledge and disseminated among students at the Bridge. During the investigation, the district discovered Mr. Campbell had engaged in similar behavior since the 2014-15 school year. Mr. Campbell's conduct was harmful to many students and created a divisive environment at the Bridge. The Commission found that Mr. Campbell's actions constituted evident unfitness for service and immoral conduct. The Commission did not find that Mr. Campbell actions constituted persistent violations or refusals to obey regulations and district policies. Based upon the evidence presented, the Commission concluded that the allegations that were sustained warranted Mr. Campbell's dismissal from the district.

FINDINGS OF FACT

Jurisdictional Matters

1. Mr. Campbell was employed by the Nuvieu Union School District as a high school teacher in the subjects of Government and Economics beginning in August 2014. During the time of the alleged incidents, he worked at the Bridge.

2. On December 19, 2018, Mr. Campbell was suspended without pay from his position at the district.

3. John Huber, the district's Assistant Superintendent of Human Resources, signed the Notice of Charges on December 19, 2017, in his official capacity. The notice set forth the facts and laws on which the district was relying and sought to immediately dismiss Mr. Campbell from employment with the district on the grounds of immoral conduct (Education Code section 44932, subdivision (a)(1)), evident unfitness for service (Education Code section 44932, subdivision (a)(6)), and persistent violation or refusal to obey regulations and district polices (Education Code section 44932, subdivision (a)(8)).

4. In the Notice of Charges, the district alleged that in February 2015 during his first year of employment at the Bridge, the district received a complaint from a parent expressing concerns about Mr. Campbell's "very political" instruction and his bias toward the student because of Mr. Campbell's political views. The district directed Mr. Campbell to present all sides when presenting political issues to students. The district further alleged that on August 29, 2017, a student's grandparent, who is also a district board member, communicated to the Bridge principal that Mr. Campbell was "very political" in his classroom. The district again directed Mr. Campbell to communicate in a neutral fashion in the future. The district further alleged that on September 28, 2017, a student recorded a lecture in Mr. Campbell's classroom and the recording was 13 minutes and 51 seconds in length. The recording showed Mr. Campbell using volatile, racially motivated language of

his opinions on highly-sensitive racial and social issues, including kneeling during the national anthem, oppression of African-Americans, the role and responsibility of “white people” in “failing” African-American communities, and racial profiling. The district alleged that Mr. Campbell’s lecture created substantially negative effects on the school and the Bridge students and his conduct constituted immoral conduct, evident unfitness for service, and persistent violation or refusal to obey regulations or district policies.

5. Mr. Campbell timely appealed the dismissal action, denying that grounds for his dismissal from employment existed, and this hearing followed.

Motions in Limine

6. The parties filed motions in limine and oppositions thereto. Tentative rulings were issued on May 24, 2018, and the parties were allowed to orally argue their positions at the start of trial. After listening to oral arguments, final rulings were issued consistent with the tentative rulings.

Mr. Campbell’s Background and District Employment

7. Prior to his career as a teacher, Mr. Campbell worked as a sales manager at a telecommunications company. After the telecommunications company went bankrupt, Mr. Campbell worked as a real estate appraiser and was licensed as a real estate broker. After the housing market crash in 2008-09, Mr. Campbell began substitute teaching and returned to school at Brandman University, earning his Social Sciences Single Subject Teaching Credential. Mr. Campbell and his wife, a teacher in a different district, live in Moreno Valley, California. Mr. Campbell’s first full-time teaching job was at the Bridge beginning in the 2014-15 school year as a Government and Economics teacher.

8. During his time teaching at the Bridge, Mr. Campbell has also been the girls’ softball coach for the school, as well as a baseball coach. Additionally, he has been an advisor to the Travel Club, Garden Club, and the Solar Cup.¹ Mr. Campbell was also the faculty leader for the Black Student Union for the Bridge.

Mr. Campbell’s Employment at the Bridge

9. Mr. Campbell began teaching at the Bridge in August 2014. The Bridge is an early college high school that has an early college grant from the Bill and Melinda Gates Foundation as of about 2004. Prior to having that grant, about eight percent of students from the Bridge attended college. Subsequent to the grant, a large percentage of students attended college and in 2017 about 88 percent of students from the Bridge attended college.

¹ The Solar Cup is a joint venture program with the Metropolitan Water District where 42 schools in California compete to race passenger boats powered by solar power. The race boats are built completely by the students with the help of faculty advisors, and are driven by a student.

Additionally, approximately 60 to 70 percent of Bridge students take college courses while in high school. About 70 percent of students from the Bridge qualify for free or reduced lunch and 72 percent of the students are low income. The racial make-up of the Bridge is approximately 70 percent Hispanic, 20 percent Caucasian, 4 percent African-American, and 6 percent “other.” The Bridge has not had a student fight on campus in over seven years, and has very little issues with drugs, and only a few issues with social media. The culture of the Bridge is one of closeness between and among the students and staff.

10. In February 2015, Dr. Jason Fowler, Principal of the Bridge, received a telephone call from a parent of a student taught by Mr. Campbell. The parent asserted that Mr. Campbell was biased and she was concerned that her son’s grade in Mr. Campbell’s class would suffer as a result of Mr. Campbell’s bias. The student had an A grade in the class, and Dr. Fowler had a conversation with Mr. Campbell regarding the telephone call. Dr. Fowler instructed Mr. Campbell verbally to remain neutral during his classes and to present both sides of any issue. According to Dr. Fowler, Mr. Campbell was conciliatory and concerned about the complaint. Dr. Fowler did not document this verbal conversation.

11. On August 29, 2017, during the “Back-to-School Night” event, Dr. Fowler was approached by a district board member, who was also the grandparent of one of Mr. Campbell’s students. The board member informed Dr. Fowler that her granddaughter thought Mr. Campbell expressed a lot of “conservative political bias” in his classroom and the granddaughter felt uncomfortable in the class. On the morning of August 30, 2017, Dr. Fowler saw Mr. Campbell walking in the door at the Bridge and spoke to him about his conversation with the board member. Dr. Fowler told Mr. Campbell that he needed to be more neutral in the way he presents information to his students. According to Dr. Fowler, Mr. Campbell was surprised and informed Dr. Fowler that he would change his practices. Dr. Fowler did not document this verbal conversation.

12. On September 28, 2017, during his fifth period Government class and after observing some students discussing the issue of NFL players kneeling during the National Anthem, Mr. Campbell gave a lecture to his students, a portion of which was recorded by one of the students. On September 29, 2017, David Pyle, District Superintendent, was informed by the same board member with the granddaughter in Mr. Campbell’s class that Mr. Campbell gave an inappropriate lecture on September 28, 2017, and the lecture was recorded by a student. Mr. Pyle asked Dr. Fowler to locate that recording and he did. The recording is 13 minutes and 51 seconds in length and was received in evidence in this matter along with a transcript of the recording. The relevant portion and majority of that recording transcript is below:

(Beginning of recording)

Respondent: I think black people can say whatever they want in this country right now. Matter of fact, they can burn stuff down and get away with it.

(Students Talking)

Respondent: But if I even say like, “Hey . . . I think we’re wrong; I don’t think black people are oppressed”, I’m gonna get in trouble. I’m gonna be scor-, I’m gonna be the scourge of CNN. I’m gonna be shamed into silence. Think about that for a second. They’re protesting to have a conversation we can’t have, because freedom of speech is dead. We can’t even have the conversation they’re protesting to have. So instead, we’re arguing about the flag. Think about that for a second. So I’m gonna challenge you right now and go have that conversation with yourself, and prove to me that black people are oppressed. I would like, I would like to see some proof that black people in America are oppressed. And if you can show me that white people are doing it, I’d be even happier. Let’s take on that challenge? . . . OK? This is what I’d like you to do. I’d like you to find every major city, every table gets one, that has predominantly black people in it.

Unidentified student: Chicago (laughter)

Unknown: Who got Chicago?

(Students talking, laughing)

Unidentified Student: L.A.

Respondent: L.A. is probably more Hispanic.

Unidentified Student: Detroit

[¶] . . . [¶]

Respondent: I’m going to throw out a theory, and I don’t want to say this without proof, ok? I don’t want to make an assumption that’s not true, but this is my assumption, and I want you guys to prove it. This is my assumption. I think Detroit . . . parts of Michigan, Flint . . . uh, Cleveland, Baltimore, Atlanta. I think these cities are mostly African-American. I think the mayor is African-American. I think the city council is African-American. I think most of the teachers in their schools are African-American. Ok? I think we have African-American communities, that are led by African-Americans, that have had an African-American president for the last eight years. And somehow, it is still white people’s fault that their communities are having a hard time. Somehow, somehow even though there’s no white people in these communities, the oppression is happening from white people. Now I don’t know why that is, but I can answer you this: Does anybody wanna move to one of those neighborhoods?

Unidentified student: No

[¶] . . . [¶]

Respondent: This is what I’m saying. In order for a community to thrive . . . people have to want to live there. In order for an economy to succeed, people have to want to start

businesses there. So, is a white person gonna be very comfortable in the worst part of Detroit? Is a white person going to mortgage their house and take the money that they've saved their whole life and go start a business in that neighborhood?

Unidentified student: No

Respondent: No. We're not. And it's not because of racism; it's because it's dangerous. And it's dangerous for our children, and it's financially risky to start a business where, if somebody comes and robs you, and then leaves, and the police shoot that person, they're gonna come and burn your store. Which is what happened, with Michael. Let's not forget his name. That's what happened. He went and robbed a store, left, the police shot him, justified or not, you make the call, they rioted and went and burned down the guy's store. Now I'm not gonna take my life savings and start a business in a neighborhood where that's gonna happen. Not gonna happen. And if I won't start my business, and nobody else will start my business, how is a neighborhood gonna become more successful? How's it gonna happen? Where are the jobs gonna come from? Where is the house appreciation gonna take place when nobody wants to live there? And if your house doesn't appreciate and you don't build equity over a lifetime, how are you gonna start a business or how are you gonna have a decent retirement? You're not. You have to increase the value of your own community, and you have to draw people in and make them safe . . . feel safe to live there. Otherwise your community fails. I live in MoVal, ok? I think the breakdown is about 50-50. Probably 40 % black, 40% hispanic, 20% white. . . . I think as a community, MoVal does very well at getting along. I do. When I drive around, I'm gonna tell you, I don't see any oppressed black people. I see black people in Escalades, convertible Camaros. I see them going to Moreno Valley college. I see 'em going to Rancho. I see successful people. My neighbors, 3,000 square foot houses. They have boats. They have cars. They're successful. They go to school with white kids. And Hispanic kids. With white teachers and Hispanic teachers. So wait a second. In schools where's there only black teachers that black people (unintelligible), they're failing. But in neighborhoods where they're (unintelligible) schools with white teachers and Hispanic teachers, and they live with white people and Hispanic people, they're doing great. That's not following the whole oppression thing very well. Because apparently when they live with us and participate with us in communities, everybody gets lifted up. That make sense? But when they're on their own, segregated,

willingly or unwilling, the neighborhoods are failing. Why is that? White people's fault? The Hispanic people's fault? You gotta decide for yourself. But the part that makes me mad, is, nobody wants to have that conversation because nobody feels safe having that conversation. And that's not what this country is about. If you don't feel safe having a conversation, then your freedom of speech is dead. And if you can't have a conversation, you can't solve the problem. So don't kneel down during my . . . star spangled banner, and claim freedom of speech, when you won't even have the conversation without calling me a racist. That's my philosophy on it. And this is not over. The NFL has, you know, they . . . Green Bay has already said they want all the fans to unite and lock their arms, and the protest goes on. And it's gonna get worse. And it's gonna be in the news. And it can keep protesting it all you want. But who's gonna have the conversation? Who's gonna open that ball? Who's gonna be the guy brave enough to say, "Alright. Let's talk about it. Are black people oppressed? Let's prove it." Because all I see right now is people saying, "We're oppressed, but we don't wanna talk about it or look at statistics, or find out why. We just want you to throw money at our communities. Give us money." Money doesn't solve problems. Period. It doesn't. When you're doing your research, I want you to find out how much money is being given to those schools. Because you know what? They're all Title IX. Which means they get more money. They get more money than us. Every single one of them. Title IX. So it's not a money problem. What's the problem? . . . It's not white people not teaching them. Because white people don't wanna work in those schools. Because it's not safe. You guys are the generation who have to answer these questions. You are the next generation. And you can't be afraid to be politically incorrect, and face things head on. What is the problem? Anybody know? Anybody want to proffer a suggestion? Is it racism? Are black people failing because white people are racist? You can say it.

Unidentified student: I feel like that black people are themselves, right now, a (unintelligible) that guy's not protesting, not focusing on the certain communities (unintelligible) . . . So the, is it Black Matters (unintelligible) need to focus on their own communities and (unintelligible) people might listen to 'em.

[¶] . . . [¶]

Respondent: Nah, I mean the . . . problem is definitely violent crime in black neighborhoods. That is a huge problem. If you look at, statistically . . . who here, I, I'm gonna say, I personally

believe that black people are treated worse than white people by police officers. I'm just gonna say that. I'm gonna throw it out there. Ok? I think black people, on whole, are treated worse than white people by police officers. But I, I think there's a reason for it. And I don't think that reason is racism. Ok? If you're a police officer, and you know that the highest crime rates are in black neighborhoods, and you get your belt on every day, and you get in your car, and your job is to solve crime, and you know that most crime is committed in black neighborhoods, and you're heading to a black neighborhood, who you gonna pull over?

Unidentified student: Not the white guy.

Respondent: Not the white guy. You're just not. Right? You're more, a white person is more likely to be killed by a black person than a white person. That's what the statistics show. A cop is more likely to be killed by a black person than a white person. That is what the statistics show. If you're a police officer, right? Then it's like the law of motion.

Something in motion stays in motion. If you're keyed upon on a certain race as a potential criminal, and a danger to you, then that's the way you're gonna respond. I can tell you right now, a police officer pulls this face over, they are not scared. There is nothing about this right here that scares a police officer. Do I look like a threat? Look at this face. Do I look like a threat?

Unidentified student: Not even.

Respondent: Not even close. And when they pull me over, both my hands are on the steering wheel. Both of 'em. My window is rolled down because it's tinted before they get there. That's the first thing I do is I roll my window down. Sometimes I'll even roll the back one down, so that they can walk up and look in my car and feel very comfortable that they got the first look. And then when they come up, I'm like "What's the problem sir? How are you today?" That's what I do. "Do you need to see my driver's license and insurance? It's in the glove box. You mind if I get it?" And I'm waiting for him to say, "Yeah, that'd be great." Ok. And I get it. And, me? I don't even put it in the glove box; it's up on the visor, where my garage door opener is. So that I don't have to open anything, there's no mistaking it. "Here's the two pieces of paper you're looking for. I'm gonna get my wallet now. Here's my driver's license. Thank you very much." Back on the steering wheel.

Unidentified student: Do you get pulled over a lot?

Respondent: I've been, I've almost lost my license. Do you know why I drive a Honda? Because if I had a fast car, my

license would be gone. . . . I'm not a slow driver. If my car has power, then I'm all like (makes driving noise).

(Students talking)

Respondent: This is the point. Those guys, I believe – and don't get me wrong. There's probably some police officers out there who are racist, ok? We took . . . I . . . there's a test out there put on by Harvard, I gave it to last year's class. We all took it, ok? And it tells you if you're a racist.

(Students talking)

Respondent: We'll take it – we'll take it – we'll go . . .

(End of recording)

Testimony of Students on Behalf of the District

13. I.S. is 17 years old and in the 12th grade at Heritage High School. She attended the Bridge from her freshman year up to half-way through the 12th grade when she transferred to a Heritage High School in January 2018. I.S. was in Mr. Campbell's fifth period Government class, as well as in his Economics class. I.S. is the student who recorded Mr. Campbell's lecture on September 28, 2017, by using her iPhone. I.S. transferred to Heritage High School in January 2018 in order to "get away from the situation" after students at the Bridge learned she recorded that lecture. I.S. described what happened in Mr. Campbell's class the day she recorded his lecture. She stated that on September 28, 2017, when she walked into class, there were some students talking about NFL players kneeling during the national anthem. Mr. Campbell told the students he wanted to talk about the NFL players kneeling. According to I.S., Mr. Campbell told all the students in the class to put away their mobile phones and computers because he "did not want what he said to get out." I.S. described Mr. Campbell's demeanor at the time as frustrated and agitated because he was pacing and moving his hands in the air to express himself. I.S. testified that she decided to record a portion of the class on her iPhone 7 because she had felt uncomfortable in the class before based on comments made by Mr. Campbell and she felt that he was going to say something that he should not say and that he did not want heard by others. I.S. stated that after Mr. Campbell made a statement that "he did not want to be shamed into silence," I.S. started the recording by hitting the record button on the camera on her phone and shoving her phone into her binder. Nobody asked I.S. to make the recording and she did not discuss making such a recording with anyone prior to doing so. I.S. was concerned about the content of the recording because she believed Mr. Campbell's views expressed were racist.

After she made the recording I.S. listened to the recording about one week later, and also played it for her mother and grandmother. I.S. told student A.U. she had recorded the lecture, and A.U. asked for a copy of the recording. I.S. downloaded the recording using google drive and sent it to A.U., who played it for her grandmother, a district board member. Thereafter, Dr. Fowler contacted I.S. and asked for a copy of the recording and I.S. sent the recording to Mr. Fowler. I.S. stated that she also provided a copy of the recording to another student T.B. because T.B. was going to attend a board meeting and wanted to hear the recording. According to I.S., a number of other students confronted her regarding the

recording and wanted to hear the recording. I.S. did not provide the recording to those other students because she did not want the recording to “go any further.” I.S. never uploaded the recording to any social media platform. At some point during the district’s investigation of Mr. Campbell, I.S. was interviewed by Assistant Superintendent Huber with Superintendent Pyle in the room, regarding Mr. Campbell. According to I.S., Mr. Fowler, Mr. Huber and Mr. Pyle asked I.S. to maintain confidentiality of the recording and thereafter I.S. adhered to that directive.

I.S. testified that there were a number of occasions in Mr. Campbell’s classroom when Mr. Campbell’s comments made her uncomfortable. Specifically, during a classroom lecture regarding the Unite the Right Rally in Charlottesville, West Virginia, Mr. Campbell stated that the confederate statues were a part of history and should remain standing as a reminder of how slavery was over. I.S. felt that many of Mr. Campbell’s comments regarding protesters during the Unite the Right Rally did not reflect both sides of the issue. Additionally, Mr. Campbell had made comments in class about abortion and it was clear he had a strong anti-abortion opinion. I.S. testified that Mr. Campbell had once in class made an analogy that slaves in the confederacy were treated well, like people today treat their mobile phones. He further stated in situations when the slaves were loaned out to others, the slaves were not treated as well just as if you loaned out a phone.

14. M.E. is 17 years old and in the 12th grade at the Bridge, where she has attended for four years. M.E. had Mr. Campbell as a teacher in her 12th grade Economics class and her 11th grade AVID² class. According to M.E. Mr. Campbell would frequently discuss political topics in those classes. M.E. stated that she became very concerned during Mr. Campbell’s lectures when he would begin discussing the topics of “Black Lives Matter” or Trump or Obama. She stated Mr. Campbell generally did not believe that the “Black Lives Matter” movement was justified based on his comments and never presented the topic from other points of view during his lectures. M.E. was frequently uncomfortable during these lectures and some students would speak in class in support of Mr. Campbell’s position, but other students, who may have opposed his position, never spoke up because they did not feel comfortable doing so. M.E. testified she never saw students take a position contrary to Mr. Campbell on those subjects despite the fact that many students disagreed with Mr. Campbell.

M.E. is familiar with the recording of the September 28, 2017, lecture because she learned about it from T.B., and she obtained a copy of the recording from I.S. by email from I.S.’s google drive. According to M.E., she was attempting to listen to the recording obtained by T.B. on earphones but was not able to hear it well. Accordingly, T.B. asked I.S. to send the recording to both T.B. and M.E., individually, by email, and she did. M.E. listened to the recording twice at home after school that day so that she could hear what was said. M.E. stated that the contents of the recording concerned her because Mr. Campbell was insinuating that black people could get away with anything and he was making it seem as if

² AVID is a required course at the Bridge aimed at providing additional support to students to encourage them to attend college.

black people do not allow others to have a voice. She was upset by Mr. Campbell's assertion that black people are not oppressed and his asking the class to prove to him that black people are not oppressed was not appropriate and had nothing to do with the subject matter he was supposed to be teaching. M.E. was also upset by other portions of the recording, including where Mr. Campbell asked the class to identify cities having the most black people, his assumption that black people are dangerous, and his use of "them" to describe black people and "us" to describe white people. M.E. stated that Mr. Campbell is too friendly with the students in his class who agree with his political positions, almost as if they "were among friends" because those who disagree with him are too afraid to speak up. M.E. observed Mr. Campbell in class tell students they were "too sensitive" if they expressed an opinion different than his. In October 2017, M.E. wrote a letter to the district expressing her concerns regarding Mr. Campbell's lecture. She stated that she did so because she felt she had to do something about her concerns. M.E. showed the letter to T.B., who is African-American, prior to giving it to Dr. Fowler to provide to the district board members. M.E. wanted to show the letter to T.B. because T.B. is her best friend and she wanted to show T.B. that she supported her.

During the district's investigation of Mr. Campbell, some students engaged in a conversation on Twitter, a social media platform, about the September 28, 2017, lecture. M.E. was part of the Twitter conversation. At some point, M.E. was contacted by a reporter through Twitter requesting to interview her regarding the subject of Mr. Campbell's lecture. M.E. spoke to Dr. Fowler about the reporter's request, Dr. Fowler instructed her not to meet with the reporter, and M.E. did not do so.

15. T.B. is an 18 year-old African-American student in the 12th grade at the Bridge. She has attended the Bridge for four years. She first met Mr. Campbell in her junior year because he was a chaperone in the school's mock trial team in which she participated. T.B. first learned about the recording of Mr. Campbell's lecture from friends sometime during the week it was recorded. T.B. asked I.S. for the recording through Twitter and I.S. sent it to her through private messenger on Twitter. T.B. listened to the recording about twice when she first received it so that she could understand the points made by Mr. Campbell. T.B. said she was hurt by the points Mr. Campbell made during the lecture and found it very offensive. T.B. stated that because she is black, she was particularly offended by Mr. Campbell's assertion that black people are dangerous, are criminals, and are not oppressed. T.B. believes it is wrong that Mr. Campbell tells his entire class that oppression of black people is not real, when she believes it is very real. T.B. was also upset by Mr. Campbell's comments regarding how he acts when getting pulled over by a police officer because his comments are a way of stating that black people get shot by police when they are pulled over because of the way they act and not because they are black. T.B. stated that Mr. Campbell believes that black people are dangerous and criminals and states his opinion to the class without allowing discussion on that assertion.

The week after she heard the recording, T.B. wrote a letter reflecting her feelings regarding the recording of Mr. Campbell's September 28, 2017, lecture. T.B. did so because she had heard there was a district board meeting regarding Mr. Campbell and she wanted her

opinion to be heard. She learned of the board meeting from an Instagram post by other students who supported Mr. Campbell and had the title of “Free Campbell.” T.B. told her theater instructor, Cassie Hammond, how strongly she felt about Mr. Campbell’s lecture and Ms. Hammond encouraged T.B. to write the letter to the board informing them of how she felt. T.B. stated that there was a discussion among students at the Bridge on Twitter under “#Free Campbell,” supporting Mr. Campbell and T.B. felt she had to constantly “defend herself” because she is black and some students were telling her that “black people like to stick to their own kind.” T.B. stated that she did let other students from the Theater group listen to the recording the same week she received it, but she did not transmit the recording to any other person. T.B. also encouraged three students to also write letters to the district board regarding Mr. Campbell’s lecture.

16. I.R. is an 18 year-old Mexican-American student in the 12th grade at the Bridge. She has attended the Bridge for four years. I.R. had Mr. Campbell for a teacher in the 10th and 11th grades for AVID class and also in the 12th grade in both Government and Economics classes. I.R. was in Mr. Campbell’s class during the September 28, 2017, class lecture recorded by I.S. I.R. first learned of the recording after Mr. Campbell was removed from the class and a substitute teacher was placed in the class. I.R. testified that during the September 28, 2017, lecture by Mr. Campbell, she was “bothered” by his assertions that black people are not oppressed because that differed from what she knows from the news and the experiences of some of her friends. I.R. stated that she did not feel safe to express her views on the issues during Mr. Campbell’s class because “other students in the class agreed with Mr. Campbell” and if she expressed a view that was contrary to theirs, she “would get yelled at and made fun of” by other students. She stated that students N.C. and C.G. in that class supported Mr. Campbell’s views and she had witnessed those students “yell at” and “make fun of” other students who expressed opinions different than Mr. Campbell’s. I.R. stated that while N.G. and C.G. were yelling at and making fun of other students, Mr. Campbell would “let it happen” and would not intervene. I.R. stated that “all we talked about in [Mr. Campbell’s] classes” were Mr. Campbell’s “political views.” I.R. stated that Mr. Campbell seemed biased during his classes. She stated Mr. Campbell made comments in class regarding the Unite the Right Rally in Charlottesville, West Virginia, and told the class that the Confederate monuments have great historical value and should not be removed and opined that the counter-protestors who opposed the Rally should not have been there and should leave the monuments alone. According to I.R., Mr. Campbell laughed about counter-protestors getting injured and I.R. thought his laughter regarding those injuries was “downright sadistic.” I.R. testified that during her AVID class with Mr. Campbell, he expressed his anti-abortion opinions and did not present pro-choice viewpoints. I.R. also stated that on one occasion she stayed after class to discuss the issue of Mexican drug cartels with Mr. Campbell and I.R. was offended because Mr. Campbell opined that the only way to get rid of the cartels is for the United States to “conquer Mexico” and make it part of the territory of the United States and “colonize” Mexico, but that Mexican citizens would still not be considered United States citizens. Because I.R. is Mexican-American she was particularly offended by Mr. Campbell’s comments.

I.R. testified she felt that Mr. Campbell treated his students differently and “it was always the baseball and softball players first and other students next.” She believed that Mr. Campbell would treat the baseball and softball players better than other students. In prior years, I.R. attempted to be reassigned to a teacher other than Mr. Campbell for her classes, but was informed by the school that she was unable to do so. I.R. discussed these issues with her parents but not with Mr. Campbell. She did not feel that discussions with Mr. Campbell would be productive, and she did not believe that the school administration would believe her description of Mr. Campbell’s class lectures. I.R. said that her parents believed her, but they do not speak English and would not complain.

During the district’s investigation regarding Mr. Campbell, I.R. was interviewed on two occasions, once by Dr. Fowler and Dr. Pyle in October, and again by Mr. Huber. After Mr. Campbell was removed from his classes by the district, his Government and Economic classes were assigned a substitute teacher. According to I.R., the substitute teacher has a passion for teaching and has provided multiple viewpoints to issues for the students to consider, unlike Mr. Campbell.

Testimony of Teachers on Behalf of the District

CASSANDRA SHOTT-HAMMOND

17. Cassandra Shott-Hammond is currently employed as a drama teacher at the district at both the middle school and at the Bridge. She has taught at the Bridge since 2006. She has a Master’s degree in Education with emphasis on cross-cultural education from National University, and she has a Master’s degree in Education Leadership from California State East Bay. Ms. Shott-Hammond has had a multiple subject teaching credential since 2006, a single subject English credential since 2008, an authorization to teach history in middle school, and clearance to pursue an administration credential.

Ms. Shott-Hammond has known Mr. Campbell for three years as a colleague at the Bridge. She first learned about the recording of Mr. Campbell’s September 28, 2017, lecture on the day of the recording when two of her students told her that there was a discussion in Mr. Campbell’s class that was recorded by a student. Later the same evening, Ms. Shott-Hammond was contacted by telephone by a student who sought her advice and informed her that there was a conversation happening on Twitter among students about the recording. The student told her some students were “going after” the student who recorded the lecture, and others were encouraging that student to post the recording on Twitter. Ms. Shott-Hammond told the student that the other student should not post the recording on Twitter, but rather take it to the school principal or superintendent. Ms. Shott-Hammond did not want the recording to become public, even though she had not yet heard the recording.

Ms. Shott-Hammond first heard the recording several days after the discussion with her student about the Twitter conversation. She stated she first heard the recording after she finished final rehearsals for a production and was driving one of her students home that night. She often drove that student home after a late rehearsal and the student wanted Ms.

Shott-Hammond to hear the recording, which had already been brought to the attention of school administration. The student played the recording while in Ms. Shott-Hammond's car on the drive home. After hearing the recording, Ms. Shott-Hammond was very concerned and troubled by Mr. Campbell's remarks, which she found to be racist. She was also very concerned that he presented his opinions as facts supported by statistics, when she knew that no such statistics existed, and that he put the onus on students to "prove him wrong." Ms. Shott-Hammond stated that many of her students, some of whom are African-American and Hispanic, are very articulate and knowledgeable of race issues and had expressed their concern to her about Mr. Campbell's comments. Ms. Shott-Hammond was also very concerned of the effect Mr. Campbell's comments would have on the Bridge community in light of the fact that it is a small school district and most of the students have known each other since grade school. She believes that the comments give some students with racist inclinations license to make further racists comments to students of color. Ms. Shott-Hammond has lived in the Nuevo area for 31 years and is very aware that some of the population of the town harbor white-supremacy viewpoints, and she did not want Mr. Campbell's comments to cause a divide of the community at the Bridge by normalizing racist viewpoints.

Ms. Shott-Hammond testified that many of the theater productions in her drama class are on "heavy topics" and as a result she always has "emotional check-ins" with her students. She stated that on September 28, 2017, when her students brought the recording to her attention, many of her students were very upset and some of them were so upset they were in tears. Ms. Shott-Hammond testified that those students were upset for several days after the recording. At some point later, student T.B. informed Ms. Shott-Hammond that other students from the Bridge were trying to get support for Mr. Campbell by soliciting signatures on a petition and by encouraging students to appear at a district board meeting on October 18, 2017, to express support for Mr. Campbell. Student T.B. was upset by Mr. Campbell's recording and asked Ms. Shott-Hammond what she should do. Ms. Shott-Hammond encouraged her to go to the October 18, 2017, district board meeting. When T.B. informed her she could not attend but still wanted to express her concerns, Ms. Shott-Hammond told T.B. she could write a letter to the board. T.B. later came to Ms. Shott-Hammond with about four to five letters from herself and other students requesting her to pass the letters to the board. Ms. Shott-Hammond passed those letters to Steven Smith, another teacher who also had students approach him regarding their concerns about Mr. Campbell's recorded lecture, because she knew he was going to the board meeting. Ultimately, Ms. Shott-Hammond did attend the October 18, 2017, board meeting to promote the show her drama class was producing. However, after listening to a few people at the board meeting speak in defense of Mr. Campbell, Ms. Shott-Hammond felt compelled to speak on behalf of her students who were upset by his lecture. Ms. Shott-Hammond told the board at that meeting that she has a diverse set of students, many of whom were upset by Mr. Campbell's comments. She also told the board that some of her students had been "called out" on Twitter, criticized, and "treated badly" as a result of the recording, their opinions, or their race. Some of her students of color had been taunted by other students and told to stay with "their kind." Ms. Shott-Hammond told the board that she believed that some students felt emboldened to make such racist comments as a result of Mr. Campbell's lecture. Ms. Shott-Hammond admitted

that she never observed any of Mr. Campbell's classes and he never said anything to her that would cause her concern. However, she was very concerned by the content of that recording and the fact that many of her students were so upset.

STEVEN SMITH

18. Steven Smith is currently employed at the Bridge as a science teacher where he has taught from 2007 to 2009, and again from 2013 to the present. He has a Bachelor of Science degree from University of California Davis, and a Master's degree in Teaching from Chapman University. He has held a single subject teaching credential in Biology since 2007 and a single subject teaching credential in chemistry since 2011.

Mr. Smith has known Mr. Campbell for three years and has worked with him in the classroom, as well as in extracurricular activities, such as the Solar Cup. Mr. Smith first became aware of the recording of Mr. Campbell's class by a student in Mr. Smith's applied science class who informed him that on the recording Mr. Campbell "says some bad things." Mr. Smith did not actually hear the recording until sometime prior to the October 18, 2017, district board meeting when Mr. Smith learned that there were people who had planned to speak in support of Mr. Campbell. Ms. Shott-Hammond gave Mr. Smith several letters from students to give to the school board at the meeting. Mr. Smith then asked Ms. Shott-Hammond about the recording and Ms. Shott-Hammond indicated that one of her students played the recording for her. Thereafter, Mr. Smith obtained the recording on a flash drive from that same student. Mr. Smith listened to the recording with another teacher on campus and was disturbed by its content. The other teacher was also appalled by the recording and felt it was completely inappropriate. Mr. Smith stated that there was school-wide discussion at the Bridge about the recording and he would instruct his students not to discuss the recording because it was not fair to discuss the recording without Mr. Campbell there to defend himself. Having reviewed the recording, Mr. Smith stated he was very concerned that Mr. Campbell was painting all black people with a broad brush and stereotyping black people as violent and not playing by the same rules as others. Mr. Smith believes that Mr. Campbell was perpetrating racial stereotypes and causing division within the community of the Bridge.

Mr. Smith spoke at the October 18, 2017, board meeting to the board about how students of color should be treated in a fair and respectful manner and the board should take their concerns into consideration when making a decision about Mr. Campbell. Mr. Smith wore a t-shirt to the board meeting that had the words "Brown is Beautiful" on it. He stated that the shirt made reference to the Brown v. Board of Education legal case and he wore the shirt as a method of letting his students of color know he supported them and considers them to be good people.

Mr. Smith testified that he had had previous interactions with Mr. Campbell that caused him concern. Specifically, prior to the November 2016 presidential election and while Mr. Smith was in his chemistry class in a lab, Mr. Campbell came through his class and said that "when Obama is gone, people like us would be better off." Mr. Smith stated

that he understood that by “us” Mr. Campbell meant white, middle-class people. The comment made Mr. Smith very uncomfortable. On another occasion, while not on school grounds, Mr. Campbell made a comment to Mr. Smith in the context of a discussion about treating drug abuse as a societal issue. Mr. Campbell commented that people involved in the slave trade were not bad people but simply operating under the social norms of their time. Mr. Smith stated that slavery being compared to drug abuse in that way made him uncomfortable.

MICHELLE SINGLETON

19. Michelle Singleton is currently employed at the Bridge as a U.S. History teacher, as well as a Political Science teacher for the dual enrollment program, which is a program with San Jacinto Community College. She has had a teaching credential in social science since 2006. She was first hired at the Bridge in 2007 and teaches primarily 11th and 12th grade students. She has taught for over 11 years. Ms. Singleton described how she teaches political topics with her students, which requires scaffolding of the discussion. She stated she prepares for the discussion by making sure she first has a discussion regarding decorum and the use of evidence-based inquiry before delving into controversial subject matter. She does not focus on emotion or religion, but rather reference sources the class has already reviewed together prior to the discussion. Ms. Singleton uses scaffolding by being a facilitator and setting a platform for the topics and sources to make sure she is pulling information from different perspectives and viewpoints. She will give the students an open ended question for them to discuss on their own using the scaffolding. The length of time to set up the scaffolding depends on the topic. She stated that the first couple of discussions on controversial topics may take a week or two to set up the scaffolding, but as the course progresses and the students are comfortable with the scaffolding, the time may be shorter. Because of the controversial nature of the subject matter she must ensure that she introduces multiple perspectives into the discussion and let students reach their own conclusions.

Ms. Singleton has known Mr. Campbell for three years and during Mr. Campbell’s first year working at the Bridge, Ms. Singleton would lesson plan with him. She said there are three teachers at the Bridge who teach the subjects of Political Science, Government, and U.S. History. Ms. Singleton would frequently discuss similar students each had with Mr. Campbell, but in 2016 this changed a bit according to Ms. Singleton. She testified that in 2016 some of the conversations she had with Mr. Campbell made her feel uncomfortable and she started backing away from having as many conversations with him.

Ms. Singleton testified she is aware of the recording of Mr. Campbell’s September 28, 2017, lecture and has access to the recording. However, she has never listened to the recording because she feels a sense of guilt making it difficult for her to listen to it. She stated that about one year before the September 28, 2017, lecture, Ms. Singleton had been told by some of her students about statements made by Mr. Campbell in the classroom that upset the students. Specifically, some Latino students told her that Mr. Campbell was promoting president Trump’s plan for a border wall with Mexico and the students felt intimidated by Mr. Campbell. Additionally, Ms. Singleton had two female students in

January 2017 after the national Women's March tell her that Mr. Campbell made comments in his class that the people who attended that march were "baby killers." Ms. Singleton was very uncomfortable with these comments and could see the students reporting this to her were upset. Ms. Singleton felt a sense of guilt when she heard about the recording of Mr. Campbell's lecture because she knew students were uncomfortable with Mr. Campbell and because she was on the hiring committee and a big advocate for hiring Mr. Campbell at the Bridge. She felt guilty for being part of "bringing this into the classroom." Ms. Singleton feels that the comments on the recording impacted the environment at the Bridge in a very negative way and caused an immediate division between the students the week after the recording was made. She believes that because the district is very small, the division and impact caused by the recording "trickled down" to all grade levels and also caused a division among the staff and created a very tense and uneasy atmosphere. The division was between students who were highly offended by Mr. Campbell's remarks and other students who characterized those students as "too sensitive" and accused them of "throwing Mr. Campbell under the bus." Ms. Singleton characterized the Bridge as a very tight-knit school community, almost like a family, and this type of division was unusual.

At the end of the 2017 school year, school counselors at the Bridge expressed concern to Ms. Singleton regarding the type of information being taught in Mr. Campbell's Government class and the sources of information Mr. Campbell was using in his class. Ms. Singleton told the counselors she had the same concerns, and as a result, the administration switched the schedules of Ms. Singleton and Mr. Campbell so that she would teach the Government and Economics classes and Mr. Campbell would teach U.S. Government. During the summer, while Ms. Singleton was reviewing the curriculum for U.S. History class with Mr. Campbell, he made some comments to Ms. Singleton that slavery was an economic necessity, there were benefits to slavery, and some black people benefited from slavery. Ms. Singleton became very concerned about Mr. Campbell's comments and spoke to Principal Jason Fowler and a counselor regarding her concerns. Ms. Singleton requested that the class assignments be switched back, and that is what happened.

Ms. Singleton testified about numerous instances of conversations she had with Mr. Campbell involving racial topics and abortion, sometimes in front of students, that made her uncomfortable, uneasy and downright upset. She recalled one incident that changed the course of her relationship with Mr. Campbell. In late 2017, soon after the August 2017 Unite the Right Rally in Charlottesville, West Virginia, Ms. Singleton was meeting with a few of her college class students. Mr. Campbell walked into her classroom with the students present while a conversation about the Unite the Right Rally was happening. Ms. Singleton expressed her alarm about the behavior of white supremacists at the rally when Mr. Campbell became very defensive, loud, and aggressive while arguing that confederate statue need to be protected as part of our history. According to Ms. Singleton, the event ended with Mr. Campbell "storming out of the room." Ms. Singleton was rattled by the event because she had never "been talked to that way" by a colleague and certainly not in front of students. Ms. Singleton had to remove herself from the classroom for a moment to compose herself before going back in to complete the college class. Ms. Singleton stated that at some point later Mr. Campbell came back and apologized to her for the incident. Other conversations

Ms. Singleton had with Mr. Campbell regarding birth control and abortion were concerning to Ms. Singleton. Specifically, Mr. Campbell told her he believed that all young women should be put on birth control by mandate because of how frequently they trick men into getting them pregnant. With regard to abortion, Mr. Campbell asserted to Ms. Singleton that the “pro-choice argument” allowed for women to “have an abortion up to the first year after the child was born.” Ms. Singleton was concerned because such assertions were totally inaccurate and his assertions were not based on “factual scientific knowledge.”

Ms. Singleton also relayed numerous comments of a racial nature from Mr. Campbell that concerned her. Specifically, in passing Mr. Campbell made a comment to her about black-owned businesses of bar-b-que restaurants near his home, and that black business owners needed to be taught how to do business because they don’t know what they are doing. Mr. Campbell made a comment to Ms. Singleton regarding the “current refugee crisis” that “we are about to be replaced,” and “we will be the minority.” Ms. Singleton understood the “we” translated to “white people.” Mr. Campbell told her that European imperialism benefited other cultures because “they would not be as far along if it had not been for European imperialism.” During a nutrition break, Ms. Singleton, Mr. Campbell, and other teachers, including a Latino teacher, were discussing the decision that teachers can no longer use Clorox wipes in the classroom. Mr. Campbell commented to the group of teachers, “Mexicans are bringing in all this disease into the country and we need to do our due diligence to make our classrooms clean.” Ms. Singleton noted that the Latino teacher was highly offended by the comment. A student told Ms. Singleton that Mr. Campbell told him that Trump was going to pay people \$70 per hour to build the border wall with Mexico. Ms. Singleton confronted Mr. Campbell about what the student told her and Mr. Campbell laughed and said “that will get them behind building the wall.”

Ms. Singleton is currently running for office in the State Assembly as a Democrat. She testified the differences between her and Mr. Campbell’s political affiliations had no effect on her testimony and was not the reason her classes were switched with Mr. Campbell’s. Ms. Singleton also admitted that Mr. Campbell’s son is currently a student in her U.S. History class.

Testimony of Administrators on Behalf of the District

JASON FOWLER

20. Jason Fowler was, at the time of this hearing, the principal of the Bridge and has been for the past six years. Dr. Fowler submitted his resignation effective June 30, 2018, after working at the Bridge for 14 years. He began teaching at the Bridge in the subjects of Economics, Government, World History, U.S. History, and AVID in 2004 prior to becoming Principal. He first started teaching in 1996. Dr. Fowler has a Doctorate degree in Education from Argos University, a Master’s degree in Education from New Mexico State University, a Master’s degree in Anthropology from New Mexico State University, and a Bachelor’s degree in Anthropology from New Mexico State University. He received his teaching credential in History in 1996 and his Administrative credential in 2017. Dr. Fowler

described the Bridge as an early college high school. When the Bridge was first formed, it was created by teachers who were tired of bussing students from the area to Perris High School and wanted some program to keep the students in this area. The school was originally formed as a “bridge” from eighth grade to high school for one year, but the school was so popular that it became a complete high school with all four grades. At some point, the Bridge sought and gained an early college grant from the Bill and Melinda Gates Foundation for the purpose of getting the students prepared for college. After receiving the grant, the school incorporated the AVID program required for each student at the Bridge. Within a couple of years after the grant and the AVID program implementation, the Bridge saw great increases in standardized test scores. Before the grant, the Bridge had a college attendance rate for students of only eight percent, and last year the college attendance rate was 88 percent. Dr. Fowler stated that currently about 60 to 70 percent of the students at the Bridge are taking college classes while in high school. He said the Bridge has an academically rigorous program with high expectations of its students. As a result, the Bridge has had a changing impact on the community in a positive way. Dr. Fowler stated that the Bridge has a close-knit school culture where the students are connected to the school. The Bridge has not had a student fight on campus in over seven years, and has very little drug issues and few social media issues. According to Mr. Fowler, approximately 70 percent of the students at the Bridge qualify for free or reduced lunch program. The school demographics are 70 percent Hispanic, 20 percent Caucasian, four percent African-American, and six percent “other.”

Dr. Fowler explained that when controversial political topics arise in classes at the Bridge, the teaching staff is required to provide multiple perspectives of the argument and to remain politically neutral allowing the students to engage in critical thinking. While this has always been the expectation of staff at the Bridge, in early December 2016, school administration released a directive to the staff of the Bridge regarding this requirement. Dr. Fowler explained that in 2016 after the presidential election, students and staff had strong feelings on political issues and the need to reinforce the requirement came to the forefront. The directive was sent to all teachers, including Mr. Campbell, by email, as well as given to teachers during a staff meeting attended by Mr. Campbell.

21. Dr. Fowler has known Mr. Campbell since August 2014 when Mr. Campbell started working at the Bridge. Dr. Fowler has been Mr. Campbell’s evaluator for the past few years and also worked with Mr. Campbell with the Mock Trial team. Dr. Fowler explained that Mr. Campbell has always received positive evaluations for his teaching and lesson plans. Dr. Fowler observed Mr. Campbell’s classroom teaching on multiple occasions, including occasions where controversial topics were debated. Specifically, Dr. Fowler described an occasion when Dr. Fowler was observing Mr. Campbell and Ms. Singleton model a debate on a controversial topic where Mr. Campbell would take the role of devil’s advocate and give a student the opposing position to argue. Dr. Fowler stated that he debate was a good lesson that was modeled well with the students presenting multiple viewpoints on the issues. However, during the 2014-15 school year, Dr. Fowler did receive a complaint from the parent of a student in Mr. Campbell’s class asserting that Mr. Campbell was “very political” and biased, and she was concerned her son would get a bad grade as a

result of Mr. Campbell's bias. Dr. Fowler investigated and noted that the student had an A in Mr. Campbell's class and there was no indication that the student was being targeted in any way. Dr. Fowler spoke with Mr. Campbell about the complaint and the need to be more neutral and to present all sides to all issues in his class. In response, Mr. Campbell was conciliatory and told Dr. Fowler he "would work on that." At the beginning of the 2017-18 school year Dr. Fowler was approached by a district board member, who was also the grandparent of a student in Mr. Campbell's class, who told Dr. Fowler that her granddaughter was uncomfortable in Mr. Campbell's class because Mr. Campbell held strongly conservative political views and there was a lot of political bias in his class. After receiving that complaint, Dr. Fowler spoke to Mr. Campbell the next day to inform him of the complaint and the need to be politically neutral in his class. In response, Mr. Campbell was surprised and shocked because he felt he had made a good effort to be neutral in class. After this complaint, Dr. Fowler and another administrative staff member made a point of stopping by Mr. Campbell's classes the next week on about six occasions. During those visits, neither Dr. Fowler nor the other administrative staff member observed anything in Mr. Campbell's class that was of concern to them.

Dr. Fowler first learned about the September 28, 2017, recording of Mr. Campbell's lecture on the Monday after the recording was made. Superintendent Pyle informed Dr. Fowler of the recording and requested that Dr. Fowler obtain the recording. The next day Dr. Fowler obtained a copy of the recording from student I.S. who told Dr. Fowler that she did record Mr. Campbell's lecture and nobody asked or told her to do so. After receiving the recording from I.S., Dr. Fowler listened to the recording and was shocked and extremely concerned about the impact Mr. Campbell's statements had on his students. Dr. Fowler only listened to the first five or six minutes of the 13 minute recording and was so disturbed that he immediately forwarded the recording to Assistant Superintendent of Human Resources Huber. After forwarding the recording to Mr. Huber, Dr. Fowler finished listening to the entire recording. Dr. Fowler testified he had serious concerns about the recording and the racially charged statements made by Mr. Campbell, including derogatory statements towards blacks with no supporting evidence, and the effect those statements would have on students. The next day, October 4, 2017, Dr. Fowler and Mr. Huber met with Mr. Campbell during lunch and asked him about the events in his class on September 28, 2017, informed him there was a recording, asked him to go home, and placed him on administrative leave. On October 5, 2017, Dr. Fowler, Mr. Huber and Mr. Pyle pulled 14 students who were in Mr. Campbell's September 28, 2017, class and interviewed them as part of their investigation. Dr. Fowler selected the students who were interviewed and did so randomly from a roster of the class. Dr. Fowler sat in on most of the interviews but did not ask questions and Mr. Huber took notes. Dr. Fowler was concerned about a number of comments made by the students interviewed. Specifically, those students stated that Mr. Campbell frequently expressed his political views in class and some students felt "shutdown" or "uncomfortable." On October 9, 2017, Dr. Fowler had a conversation with I.S. regarding the need to refrain from circulating the recording. About one week later, Dr. Fowler was present at a meeting with Mr. Campbell, a union representative, the president of the union, and Mr. Huber and the recording was played for the first time for Mr. Campbell to hear. Dr. Fowler did not speak during that meeting.

About one week after the meeting with Mr. Campbell where the recording was played, Dr. Fowler began preparing a draft of an investigational report wherein Dr. Fowler documented his own conclusions regarding the investigation. Dr. Fowler stressed that the document was simply a draft and had not been completed. Dr. Fowler sent a copy of the incomplete draft document to Mr. Huber, who then informed him that Mr. Huber would draft the official report. Thereafter, Dr. Fowler took no steps to complete the document. In the draft report started by Dr. Fowler, he made his own recommendations for disciplinary actions for Mr. Campbell, which consisted of a letter of reprimand, putting him on a plan, and requiring sensitivity training. Dr. Fowler admitted that disciplinary actions for the district are not his responsibility and instead fall under Mr. Huber's responsibilities. Dr. Fowler also stated that he no longer believes that Mr. Campbell should receive only those disciplinary consequences he wrote in his draft report. He stressed that at the time he proposed those disciplinary actions, the content of Mr. Campbell's recording was not well known, and Dr. Fowler believed that it was possible to "groom Campbell back into the fold." However, about three weeks later after many students had heard the recording, there was a "huge division" at the Bridge and the effects of the recording were "toxic." Dr. Fowler said those effects continued for many weeks and there was a change in the environment at the Bridge, including students refusing to sit together at lunch, harsh arguments on social media, and division of staff members. Dr. Fowler received six anonymous letters from students regarding the incident, and one of those letters "broke my heart." He said that in that one letter the student expressed she had a trust relationship with Mr. Campbell and after hearing the recording she could no longer trust him or the school because she felt targeted personally. Additionally, a parent of a black student on the football team informed Dr. Fowler that the student had been called a racially charged derogatory name by another student, who happened to be one of the students in attendance at Mr. Campbell's recorded lecture. Dr. Fowler investigated the incident, confirmed it happened, and talked to the entire football team and coaches about the incident. The offending student openly apologized for the name calling afterward. Dr. Fowler was also aware of a petition being circulated at the Bridge supporting the return of Mr. Campbell. He stated some students informed him they signed that petition simply to repair relationships with other students, but did not actually want Mr. Campbell to return. At some point Dr. Fowler believed that the culture at the Bridge was so charged by the conflict that he changed his mind regarding what disciplinary action was appropriate. Specifically, he felt that releasing Mr. Campbell from his employment was the only action appropriate for the good of the students.

22. On October 24, 2017, Dr. Fowler held an emergency staff meeting with teachers to discuss the students' concerns regarding the recording and to address Mr. Campbell's absence. In that meeting Dr. Fowler instructed teachers not to talk about Mr. Campbell with the students and to be aware of the divide among students on the issue. Dr. Fowler also addressed the entire student body regarding racism in general at the homecoming assembly in order to get students "back on the same page." Dr. Fowler stressed a tone of acceptance and mutual understanding rather than hateful divisiveness.

Dr. Fowler's testimony was consistent with the documents introduced at hearing and his testimony was credible.

JOHN HUBER

23. John Huber, Assistant Superintendent of Human Resources at the district, has held this position for the past four years. Prior to that position, he worked for one year at the district as Chief Personnel Officer. Prior to working at the district, Mr. Huber worked for one year as the Director of Human Resources for the Hemet Unified School District. Prior to that position he worked for nine years at Acacia Middle School as Principal. Prior to that position he was the Assistant Principal for the 2003-04 school year at a middle school in Westminster, where he previously taught from 1997 to 2003. Mr. Huber received his teaching credential in History in 1998. He has a Bachelor's degree in History from California State University Long Beach, and a Master's degree in Education from California State University Fullerton. In addition to his position at the district, Mr. Huber also works as an adjunct professor at Concordia University providing instruction in teacher credentialing and education administration and has done so since 2007.

Mr. Huber explained that the district consists of four schools: two elementary schools, one middle school, and one high school. The district serves approximately 2,200 students and has about 100 certified staff and 120 classified staff members. The student demographics for the district are 82 percent of students qualify for free or reduced lunch, and 75 percent of students are Hispanic, 13 percent are Caucasian, and the remainder is a mix of various races. Mr. Huber explained that the district has an expectation of teachers who engage students in political discussions. Specifically, the teachers are required to use a framework to guide the discussion and must present all viewpoints to be evenly balanced. These requirements are communicated to the teachers through the expectation that the teaching standards drive the instruction.

24. Mr. Huber has known Mr. Campbell for about four years when he started working at the district in August 2014. He first learned of the recording of Mr. Campbell's September 28, 2017, lecture on or about October 3 or 4, 2017, when he was contacted by Mr. Pyle informing him of its existence. Mr. Huber received the recording via email on or about October 4, 2017, and he immediately listened to it. He was appalled and shocked by what he heard in the recording and the impact he anticipated it would have on students. Specifically, he said Mr. Campbell's statements were racist, demeaning to black people, and unsupported by factual data. Mr. Huber was particularly disturbed by Mr. Campbell's blind assertion that black people are not oppressed and asking the students to "prove him wrong." Mr. Huber was very concerned at the impact Mr. Campbell's statements would have on students, particularly given the position of authority, influence and power teachers have over students. Mr. Huber was disturbed by Mr. Campbell's tone in the recording, as well as the "us" versus "them" discussion meaning "whites" versus "blacks," which Mr. Huber anticipated would cause a divide among students.

After listening to the recording two times, Mr. Huber met with Mr. Campbell on October 4, 2017, with Dr. Fowler present. At the beginning of this meeting, Mr. Huber told Mr. Campbell there was a concern about statements he made in the September 28, 2017, class regarding a conversation regarding NFL players and the national anthem. Mr. Huber

asked Mr. Campbell to respond to the allegation that Mr. Campbell stated that “black people can get away with whatever they want and can burn stuff down.” In response to this question, Mr. Campbell immediately denied making any such statement, and replied that if he did it was taken out of context. Mr. Huber then informed Mr. Campbell that the class had been recorded and the district was in the process of opening an investigation. According to Mr. Huber, Mr. Campbell became defensive, seemed worried, and expressed that he did not think that having such a recording “was legal.” Mr. Huber then informed Mr. Campbell he was being placed on administrative leave and he was not to contact any students during the investigation. Mr. Huber asked Mr. Campbell about his lesson plan for September 28, 2017, and he responded that he was “doing a statistical study” but provided no further information. Mr. Huber kept notes of this meeting with Mr. Campbell, which were received into evidence.

25. On October 5, 2017, Mr. Huber began interviewing students from Mr. Campbell’s September 28, 2017, class along with Dr. Fowler and Mr. Pyle. Mr. Huber stated that he purposely avoided interviewing the granddaughter of the district board member who had previously complained about Mr. Campbell so as to avoid the perception that she would be treated differently than other students. Mr. Huber testified that he interviewed about 13 students and asked the students if they recalled the lecture, if they had any concerns or were uncomfortable in class, and if a student stated that they either did not recall the lecture or had no concerns, then Mr. Huber did not ask follow-up questions. Mr. Huber stated he also asked all students to maintain confidentiality of the interview or the lecture and not talk to their friends about it. Mr. Huber clarified with the students that it was ok to talk to their parents about it, and their parents were welcome to call with any questions. Mr. Huber took notes during those interviews, which were received into evidence. Mr. Huber was extremely concerned about some of the comments made by students during these interviews. Specifically, some students felt very uncomfortable about Mr. Campbell’s comments and also unsafe to speak out about it. Other students supported Mr. Campbell, but Mr. Huber was also concerned about those students because one student stated that while Mr. Campbell is very opinionated they did not believe he was a racist, but the same student would also make the unsupported assertion that black people were more dangerous than white people.

Mr. Huber met again with Mr. Campbell on October 6, 2017, along with Dr. Fowler, Ken Johnson, Mr. Campbell’s union representative, and Laura Dimeo, the union president. Mr. Huber held this meeting to allow Mr. Campbell to respond to the recording. During the Meeting Mr. Huber played the recording for Mr. Campbell to hear it and would stop the recording at various spots to allow Mr. Campbell to respond. Mr. Huber played the first 15 seconds of the recording and stopped it and asked Mr. Campbell to respond. Mr. Campbell stated that he tried to give the students a voice by doing Socratic seminars and that comments had been made that were “critical of white people” and he wanted to investigate it, but that he “did not like the way he presented it,” and he “fully recognizes that it was an inappropriate tangent” that “lacked factual data.” Mr. Huber asked Mr. Campbell about his statement that “black people are not oppressed” and Mr. Campbell admitted that his statement was not appropriate. Mr. Campbell and his union representative then stepped out of the room for a caucus and returned to listen to more of the recording. According to Mr. Huber, Mr. Campbell’s responses to questions after that point were much more short. Mr.

Huber asked Mr. Campbell to respond to his statement in the recording regarding “throwing money at the problem,” and Mr. Campbell responded that he wanted his students to look at budgets. Mr. Huber asked Mr. Campbell if his comments during the recording were tied to an instruction, and Mr. Campbell responded that they were tied to bias instruction, which is in the teaching standard. According to Mr. Huber, Mr. Campbell acknowledged in the meeting that he “made a mistake” and “should have shut his mouth before he ever opened it.” Mr. Huber asked Mr. Campbell if he could see how his comments could be perceived as racist, and Mr. Campbell responded with an emphatic tone “absolutely.” Mr. Huber testified that during this meeting Mr. Campbell never apologized for his remarks, nor did he indicate he was remorseful. According to Mr. Huber, Mr. Campbell told him during this meeting “this is the longest 14 minutes of my life.” Mr. Huber also testified that at no time during either the October 4 or October 6 meetings with Mr. Campbell did Mr. Campbell request that Mr. Huber “secure the recording” from I.S. or others to prevent its dissemination.

Mr. Huber stated that immediately prior to the October 18, 2017, district board meeting, he received six anonymous letters from students expressing their concerns about Mr. Campbell’s lecture, as well as their concerns about students who support Mr. Campbell, characterizing those offended as “being too sensitive” as a mechanism to normalize racist comments. Some of the letters were from students not in Mr. Campbell’s class, indicating to Mr. Huber that Mr. Campbell’s lecture was affecting the entire school community. Mr. Huber also received letters from students and parents who supported Mr. Campbell, but those letters further verified the statements made by students who were uncomfortable with Mr. Campbell’s lecture because those letters also stated that some students were “too sensitive” and Mr. Campbell supported “freedom of speech” so that students “could say whatever they wanted in class without reservation,” and during the lecture Mr. Campbell was “stating true facts.” Mr. Huber was very concerned about those letters because they further verified that some students would say whatever they wanted, including statements that hurt other students without concern.

Mr. Huber testified that he never directed Dr. Fowler to create a report regarding the investigation of the recording, and never instructed Dr. Fowler to create a disciplinary recommendation for Mr. Campbell. Mr. Huber was surprised when he learned that Dr. Fowler did so. Additionally, Mr. Huber stated he was the person in the district responsible for issuing such disciplinary reports, and he was shocked when he learned Dr. Fowler had recommended a lesser discipline than termination. Mr. Huber testified that ultimately the district decided that the best course of action was to terminate the employment of Mr. Campbell based upon the racist comments he made in the classroom, and the impact those comments had on students and the Bridge community. Mr. Huber stated that the ultimate decision was made by Superintendent Pyle, after the investigation was complete and based on all information obtained from the investigation. Mr. Huber stated that the district did consider lesser forms of discipline but ultimately determined that those were not appropriate under these circumstances.

Mr. Huber testified that the district board met in closed session on December 19, 2017, to listen to the recording and also consider the evidence from the investigation and

consider whether dismissal charges should be filed against Mr. Campbell. Ultimately the district board confirmed that dismissal charges would be filed and Mr. Campbell's pay and benefits were terminated on December 20, 2017.

Mr. Huber's testimony was consistent with the documents introduced at hearing and his testimony was credible.

JEFFREY DAVID SIMMONS

26. Jeffrey David Simmons is the Chief Business Official for the district and has held that position since February 2015. Prior to this position, Mr. Simmons was the Principal of the Bridge for one year, and prior to that was the Assistant Principal. Mr. Simmons has worked for the district since 2005 when he was a teacher at the middle school, as well as the Assistant Principal of the middle school. Mr. Simmons has had a single subject teaching credential in math since 2001, and he first taught as a teacher in 1999. He also holds an administration credential. Mr. Simmons holds a Master's degree in Administration from National University, as well as a Master's degree in Cross-Cultural Teaching from National University.

Mr. Simmons described the Bridge as a "school of choice" focused on early college education. He stated that only about half of the students located in this district attend the Bridge. He characterized it as an excellent and safe school where students can get some college classes and even college degrees depending on how hard they work.

Mr. Simmons has known Mr. Campbell since August 2014 when Mr. Campbell was hired at the Bridge, and has worked with or observed Mr. Campbell teaching. Mr. Simmons was also the *Skelly* Hearing Officer³ for this matter and his role was to either uphold the district's decision, to reverse it, or to issue a lesser consequence to Mr. Campbell. He testified that the *Skelly* hearing convened on December 6, 2017. During the hearing Mr. Campbell presented framework standards for his class, which were from 1998 and Mr. Simmons testified those standards had been updated since that time and were not applicable on September 28, 2017. Mr. Simmons stated he reviewed the applicable framework standards for that date and they required that the teacher provide multiple sources for the instruction and citation to those sources is required. Mr. Simmons listened to the recording of the lecture after the hearing and noted that Mr. Campbell's lecture did not follow the applicable framework standards for that class. Mr. Simmons also noted that this particular

³ In *Skelly v. State Personnel Board* (1975) 15 Cal.3d 194, 215, the California Supreme Court held that in order to satisfy due process, an agency considering disciplinary action against a public employee must accord the employee certain "pre-removal safeguards," including "notice of the proposed action, the reasons therefor, a copy of the charges and materials upon which the action is based, and the right to respond, either orally or in writing, to the authority initially imposing discipline." The Supreme Court's directive gave rise to an administrative procedure known as a *Skelly* hearing, in which an employee has the opportunity to respond to the charges upon which the proposed discipline is based.

lesson that day was supposed to be regarding the legislative branch of government and the comments on the recording did not relate to that lesson.

Mr. Simmons testified that Mr. Campbell also presented evidence at the hearing of efforts he did to address his conduct. Specifically, Mr. Campbell attended a total of 1.5 hours of webinars he attended the day before the *Skelly* hearing. Mr. Simmons also reviewed Mr. Campbell's personnel file and noted that Mr. Campbell had great reviews for setting up lessons well. However, those reviews did not match what Mr. Simmons heard on that recording, which he characterized as a one-sided racial rant that did not appear to be part of any lesson. Ultimately, Mr. Simmons made the decision after his review of all the evidence, to uphold the district's decision regarding the charges against Mr. Campbell.

Ms. Simmons's testimony was consistent with the other evidence introduced at hearing and his testimony was credible.

DAVID ROSS PYLE

27. David Ross Pyle is currently the Superintendent of the district and has held that position for the past six or seven years. Dr. Pyle recently completed his Ph.D. degree from Azusa Pacific University. He holds both a teaching credential and an administrative credential. Prior to his current position he worked as the Principal of an elementary school in the district, and prior to that he worked as a teacher for eight years in other districts.

28. Dr. Pyle hired Mr. Campbell as a teacher in August 2014 and has observed his teaching on few occasions. Dr. Pyle never had any concerns regarding Mr. Campbell's teaching from those observations. Dr. Pyle first learned of the recording of Mr. Campbell's September 28, 2017, lecture from a telephone call on September 29, 2017, from a district board member who informed him that her granddaughter, who was in Mr. Campbell's class, informed her that Mr. Campbell went on a "racial rant" in class and she was concerned that there may be an audio recording of the rant taken by a student. According to Dr. Pyle the district board member did not direct him to the recording, but instead Dr. Pyle called Mr. Huber and passed on the information the district board member gave him. Dr. Pyle first heard the recording the following week after Mr. Huber had obtained the recording. Dr. Pyle stated that he ultimately obtained the recording from three different sources: Mr. Huber, Dr. Fowler, and student T.B. After receiving the recording, Dr. Pyle listened to it in its entirety and was appalled. Dr. Pyle listened to the recording three times that day because he could not believe what he heard and he was overwhelmed by it and wanted to make sure his judgment was not clouded. Dr. Pyle testified that Mr. Campbell's voice on the recording was harsh and accusatory and not the tone of voice you would have for a class lesson. Furthermore, Dr. Pyle stated that Mr. Campbell made multiple offensive, unsupported comments of a racial nature, which Dr. Pyle characterized as degrading to black people.

29. Dr. Pyle also participated in student interviews during the investigation of this matter. He was very concerned about the statements made by students. Some students who were uncomfortable regarding Mr. Campbell's comments also indicated that Mr. Campbell

had made many similar comments in the past. Dr. Pyle was most concerned by comments from students who supported Mr. Campbell and who were in the class at issue and stated that they were “not concerned” about the comments. Dr. Pyle had difficulty believing that any student could sit through those comments and not be concerned. Dr. Pyle also reviewed student letters that mirrored the information he obtained from the student interviews.

30. Dr. Pyle testified that Mr. Campbell’s actions as recorded on September 28, 2017, directly conflicted with multiple district policies and administrative regulations. Specifically, Mr. Campbell’s comments on that recording violated a nondiscrimination policy for district programs and activities, professional standards and code of ethics, and nondiscrimination and harassment in the school environment.

Dr. Pyle stated that he reviewed Dr. Fowler’s draft document where he made disciplinary recommendations and conclusions regarding the investigation of Mr. Campbell. Dr. Pyle stated that Dr. Fowler had no authority or capacity in his position to make any such disciplinary recommendations or investigational conclusions. Dr. Pyle testified that he made the decision to recommend to the district board that Mr. Campbell be dismissed from his position. Dr. Pyle also testified that he made efforts to prevent the disclosure of the recording, and he did so by instructing Dr. Fowler and others to inform students to keep the recording confidential.

31. Dr. Pyle also testified as a rebuttal witness in this matter after Mr. Campbell’s testimony regarding his membership to racists or xenophobic groups. Dr. Pyle testified that on December 6, 2017, after hearing from Dr. Fowler that Mr. Campbell had posted things on his Facebook page of an inappropriate nature, he logged onto Facebook under his daughter’s account. After doing so, he looked up Mr. Campbell’s Facebook page and discovered that Mr. Campbell was listed as a member of a Facebook group called “We the People.” Dr. Pyle then reviewed postings of the group, which he characterized as racist and xenophobic in nature. Dr. Pyle took screen shots of those postings and printed those documents, which were received into evidence. Dr. Pyle testified that while he had these documents and this information prior to the district board’s closed meeting regarding Mr. Campbell, he never provided this information or those documents to the board.

Ms. Pyle’s testimony was consistent with other evidence introduced at hearing and his testimony was credible.

Expert Testimony on Behalf of the District

32. Dr. Jeffrey Duncan-Andrade is an Associate Professor of Latina/o Studies and Equity, Leadership Studies, and Instructional Technologies at San Francisco State University. He received his Ph.D. in Education with an emphasis in social and cultural studies from the University of California, Berkley. He also received his Master’s degree in Education with emphasis in Language and Literacy, as well as his Bachelor’s degree in English Literature from the University of California, Berkley. Dr. Duncan-Andrade focused his research for his Ph.D. degree on community responsiveness and school classroom

cultures and climates for urban youth, which he testified was an “outdated” term meant to capture “students of color and students living in poverty, but may not be in an urban context.” Dr. Duncan-Andrade stated that his Master’s degree program focused more on his classroom practice as a literature teacher focused on literacy, whereas his Ph.D. program focused on how you scale the classroom practice into climate and culture. Dr. Duncan-Andrade holds a single subject teaching credential in English Literature in California, which he has held since 1996.

33. Dr. Duncan-Andrade began working in 1992 as a substitute public school teacher and taught at Garfield High School in East Los Angeles while pursuing his teaching credential. He worked there for three years teaching English Literature and coaching basketball. Thereafter, he taught at Oakland High School teaching English Literature and coaching a number of different sports. He taught there for six to seven years. Dr. Duncan-Andrade then finished his Ph.D. degree and began his post-doctorate fellowship for three years at the University of California Los Angeles where he studied the effectiveness of five different teachers in elementary secondary schools located in South Central Los Angeles. Dr. Duncan-Andrade completed his post-doctorate fellowship in 2005 in the Sociology of Urban Education. His resulting study was published, and he then went back to Oakland to open a district high school in East Oakland. After spending one year opening that high school, Dr. Duncan-Andrade then started teaching Sociology at East Oakland Community High School, where he taught for seven years. During that time he started a program called “East Oakland Step to College Program.” Thereafter, Dr. Duncan-Andrade was hired as a tenured-track professor at San Francisco State University, where he still works. He also still works at Oakland Community High School. He stated that he currently “straddles those two worlds.” Dr. Duncan-Andrade has received a number of honors and awards, including the White House Distinguished Educator Commendation in 2016. He has published three books including one titled “Effective Teachers in Urban Schools: The Gangsta, Wanksta, Rida Paradigm,” which explores the teaching and curriculum in high schools serving vulnerable students.

34. Dr. Duncan-Andrade testified that the most vulnerable students are those who sit outside of the social, political and economic center of society, which include students of color, those who live in poverty, girls, and those with special needs. He testified that there is a highly accepted sociological construct called the “hierarchy of needs,” which is a foundation of needs that must be met for a person to reach his or her potential. The bases of the hierarchy are the basic needs of food, clothing, shelter, and safety. Safety consists of both physical safety and identity safety, which means “are you safe being who you are” either racially, culturally, linguistically, gender identity, etc. If the base tier is under threat, then anything above that tier is unstable. Above the first tier on the hierarchy of needs is love and belonging, in other words do you feel loved and that you belong. The third tier is self-esteem, or do you love yourself for who you are. The fourth tier is self-actualization. Dr. Duncan-Andrade stated that teachers play a “massive” role in this hierarchy of needs, particularly given the influence they have on the development of young people as a person in a position of authority. Dr. Duncan-Andrade stated that neuroscience also plays a role in the ability of a student to reach their potential. Specifically, the impact of inequality on the brain

causes what is defined as “toxic stress,” which is defined as the accumulation of multiple negative stressors without the resources to cope causing a detrimental effect to the body. He explained that if your educational environment interrupts your base needs on the hierarchy of needs, then toxic stress can result. Toxic stress can result from a socially toxic environment and/or a racially hostile environment. Dr. Duncan-Andrade stated that it is well known that a racially hostile environment can trigger toxic stress in young people.

35. Dr. Duncan-Andrade testified that he listened to the recording of the September 28, 2017, lecture in Mr. Campbell’s class and reviewed the transcript of that lecture, as well. He was retained by the district to opine on how the information he heard on the recording may impact young people in the class, as well as students at the Bridge school at large. Dr. Duncan-Andrade testified he was very troubled by what he heard on the recording, and his research tells him that what he heard on that recording will have a negative impact on the students at the Bridge. Specifically, he stated that the first lines of the recording where Mr. Campbell states his belief that “black people can say whatever they want” and “burn stuff down and get away with it” is not only false, but paints an entire group of people in a singular stroke as violent, disruptive, and unchecked. This language used by a teacher creates a racially hostile environment for a group of young people, who already experience a lot of racial hostility. He opined that it also creates a socially toxic environment for those non-black students who want to tackle racism in this country, as well as creating an entitlement in those students with racist sensibilities to feel emboldened and entitled to do racist things inside and outside of class. Dr. Duncan-Andrade further opined that Mr. Campbell’s statement of his opinion that “black people are not oppressed” is not only factually inaccurate based upon all available national health and wellness data, but Mr. Campbell placed the onus on the students to “prove him wrong.” Dr. Duncan-Andrade explained that if Mr. Campbell was going to reasonably discuss the topic of racial inequities with the class, he failed to properly scaffold that discussion as is required by all teachers. In order to properly scaffold a debate with students, a teacher must first set up such a debate that would need to be connected to a unit of study from the curriculum and Mr. Campbell would need to describe the different parts of the debate and describe the part he is going to play in that debate prior to the discussion. None of those steps were taken and instead Mr. Campbell simply expressed his opinion in a unilateral way. Dr. Duncan-Andrade also stressed that there is a power dynamic in the classroom and the teacher has significant power in the class and is able to determine a student’s grade. The context Mr. Campbell created in this class lecture was one where if a student disagreed with Mr. Campbell’s opinion, the student would not feel safe challenging his assertions because there is a significant cost to the student for doing so.

Furthermore, Dr. Duncan-Andrade testified Mr. Campbell’s September 28, 2017, lecture, as recorded, included multiple instances of Mr. Campbell asserting that cities and communities with a predominately black population are dysfunctional, and left to their own devices will destroy themselves because the population is black, and that “white people” are blamed for the destruction. Mr. Campbell asserts a causal relationship that because a city has a black population it will destroy itself. Dr. Duncan-Andrade stated he is deeply disturbed by these statements as they are not only factually inaccurate, but also racist, and very toxic to

the students in the class and to society as a whole. He stated that Mr. Campbell asserts that black communities are disinvested in businesses because there are black people in the community, and that white people are needed to open businesses. Dr. Duncan-Andrade stated this assertion is “historically, egregiously inaccurate” and troubling because the students are learning factually inaccurate information that will perpetuate a set of racial stereotypes and insensitivities toxic to the class and society. Mr. Campbell’s lecture also included the use of pronouns such as “us,” “we,” and “them” implying that he is aligning himself with one community, namely the white community, directly in opposition to another community, namely the black community that he paints as violent, dangerous, reactionary, and a threat to white people. Dr. Duncan-Andrade opined that not only are Mr. Campbell’s statements racist, but he is normalizing a racist conversation and encouraging his students to say racist things. Dr. Duncan-Andrade stressed that for an educator to teach that race is definitive of the quality of a person is racially toxic to students and creates a very divisive environment. Dr. Duncan-Andrade also opined that during this lecture Mr. Campbell occasionally asks a question of the students, but the question is blatantly rhetorical because he does not pause for a response but instead continues with his monologue. Also, when students try to come into the conversation, Mr. Campbell does not receive them but continues with his lecture, showing that Mr. Campbell is not interested in a debate but simply wants to lecture.

Dr. Duncan-Andrade also notes that during the lecture Mr. Campbell makes assertions including “a white person is more likely to be killed by a black person than a white person . . . [t]hat is what the statistics show,” but in reality this statement is factually inaccurate and there are no such statistics. Instead, Mr. Campbell is characterizing his own opinion as fact with an assertion that data supports that position, but he provides no data. Furthermore, Mr. Campbell’s lecture regarding how black people act when pulled over by police versus how white people act is disturbing. Mr. Campbell’s subtext is that when black people are pulled over by police they act badly and if they acted like white people they would not get shot, which fails to recognize any structural or individualized racism and rationalizes the mistreatment of an entire group of people in society. Another subtext of this part of the lecture is “don’t challenge authority,” but Mr. Campbell then goes on to challenge the students to debate him on it, and no student would take that bait because they would not feel safe to do so. Dr. Duncan-Andrade stressed that this is not a healthy and safe learning environment for those students.

Dr. Duncan-Andrade stated that when listening to the recording, he notes that the tone of Mr. Campbell’ voice was generally not one that is inviting of dialogue, critique or analysis. Instead, the tone was authoritative and Mr. Campbell did not set up the conditions necessary for a classroom to have an authentic debate. The tone of the lecture failed to acknowledge the teacher/student power dynamic. Dr. Duncan-Andrade also noted that it would be highly unlikely that any student who disagreed with Mr. Campbell’s opinions would feel safe challenging Mr. Campbell or leaving the classroom, but would instead feel silenced and threatened. Dr. Duncan-Andrade stated that there would be three groups of students in the classroom: (1) those students who agreed with Mr. Campbell’s opinions, (2) those students who disagreed, and (3) those students who were trying to “figure it out.” Dr.

Duncan-Andrade stated he is concerned about all three groups of students because of the socially and racially toxic environment created. Additionally, once the students leave the classroom and go into the broader school environment without adults present, students in group (1) may feel emboldened to make racists comments that they otherwise would not have made, and students in group (2) have a stressor that at any moment another student may make racists comments, which have been normalized by the lecture. Accordingly, the toxic effect of the lecture is not confined to the classroom.

Dr. Duncan-Andrade's testimony was consistent with other testimony from students introduced at the hearing, he demonstrated a vast knowledge of the issues at hand, and his testimony was credible.

Testimony of Students on Behalf of Respondent

36. During the hearing 11 students testified on behalf of Mr. Campbell in support of his character. Some of those students were in his September 28, 2017, recorded class lecture. The first student to testify was B.L., a 17-year-old current 12th grade student at the Bridge. B.L. has attended the Bridge for the past four years and has had three classes with Mr. Campbell, including AVID in the 10th grade and Economics and Solar Cup in the 12th grade. B.L. was not a student in Mr. Campbell's September 28, 2017, class that was recorded. B.L. testified that in Economics class Mr. Campbell would frequently mediate current event discussions because students had "powerful opinions." B.L. testified that he put together a petition for the collection of student signatures in an effort to bring back Mr. Campbell after he was placed on administrative leave and he collected about 120 signatures. B.L. also collected letters from students who supported the return of Mr. Campbell to the Bridge and provided that to the district board at the October 18, 2017, meeting. B.L. stated that he first heard about the recording one week before the October 18, 2017, board meeting and had requested a copy of the recording from another student in the theater group and was told "no." B.L. testified that Mr. Campbell was very engaging in class, allowed students to share their opinions. B.L. also wrote a letter on November 17, 2017, which was provided to the board and received into evidence where he wrote that Mr. Campbell "made it very clear to all students that they can share and discuss their opinions and ideas on many political topics . . . he created an open forum where anyone could share their opinions about any topic." B.L. testified that he had since reviewed the transcript of the recording at issue and he feels no differently about Mr. Campbell after his review and "feels like what was said was something that needed to be said." B.L. stated that he believes that Mr. Campbell's comments on the recording were appropriate and the district should take no steps to limit such discussions. B.L. testified that his mother was friends with Mr. Campbell's wife through their work and he had Mr. Campbell's mobile phone number but never texted Mr. Campbell. However, on cross-examination B.L. was shown printed text exchanges he had with Mr. Campbell on March 8, 2018, and admitted he had texted Mr. Campbell.

37. The second student to testify was J.L., a 17-year-old student in the 12th grade at the Bridge, who has attended the Bridge for four years. J.L. had Mr. Campbell for AVID class, as a softball coach, and for Government. J.L. was in Mr. Campbell's recorded

September 28, 2017, class. She testified Mr. Campbell never said anything inappropriate during her AVID class and was respectful. J.L. testified that while she was in the September 28, 2017, class she was working on other assignments for other classes, specifically writing an essay for her Communications class, and was “only hearing bits and pieces” of Mr. Campbell’s lecture. She stated that during the class Mr. Campbell invited students to share differing opinions and never criticized students for their opinion. She did recall students being “shouted down” by other students in Mr. Campbell’s AVID class. J.L. testified that while in the September 28, 2018, class she and other students “took on the challenge” presented by Mr. Campbell to show “proof that black people are oppressed” by researching information from one of the cities listed during the class. J.L. stated that she had reviewed the transcript of the recording and at some point listened to the recording. When she listened to the recording she was confused because she was not focusing on what Mr. Campbell was saying at that time because she was working on her Communication’s class essay. She stated that prior to the recording there had been a discussion about NFL players kneeling during the national anthem and “someone asked Mr. Campbell his opinion on it.” J.L. testified that after Mr. Campbell was removed from his classroom, some students were characterizing him as racist. J.L. believes that those students were “being overly sensitive.” She stated that the September 28, 2017, lecture was a typical one from Mr. Campbell’s classroom.

38. The third student to testify was J.O., a 17-year-old 12th grade student at the Bridge, who has attended the Bridge for three years. J.O. was a baseball player coached by Mr. Campbell. J.O. also had Mr. Campbell as his AVID teacher his junior year, as well as Government class his senior year. J.O. was in Mr. Campbell’s class during the recorded September 28, 2017, class lecture. He recalled a discussion in the class regarding NFL players and the national anthem before the recording began. J.O. has also reviewed the transcript of the recording with his father. J.O. testified that Mr. Campbell never did or said anything in his junior year or during his baseball coaching that J.O. felt was inappropriate. J.O. testified that Mr. Campbell allowed his students to express their views and “say freely whatever was on their mind.” J.O. stated that Mr. Campbell never did or said anything that was racist. After reviewing the transcript of the recording J.O. stated that he “felt like what Mr. Campbell was saying was true” and J.O. was not offended by what Mr. Campbell said and he did not see any other students being offended. J.O. stated that no student openly stated that what Mr. Campbell said was biased or that they were offended. J.O. always felt safe in Mr. Campbell’s class and believes Mr. Campbell was always neutral and “everyone got to express their feelings.” J.O. testified that when Mr. Campbell was removed from his class, he was surprised, and he had heard about the recording and the student who recorded the lecture. J.O. believes that the student who recorded the lecture “did not like Mr. Campbell.” J.O. wrote a letter of support for Mr. Campbell to provide to the district board. In his letter J.O. wrote that Mr. Campbell “stated his opinion on what he felt was wrong to [sic] the United States . . . [he] did not mean to offend anyone but just stated a true fact in a situation in a certain location.” J.O. testified that what he meant by “true fact” was the “statistical fact that there are certain areas that have more crime than others” and that “there are more crime infested areas with black people.” J.O. testified that he read the transcript with his father and discussed it with his father. J.O. stated he agreed with his father, who told him that Mr. Campbell “was provoked or baited into saying what they wanted to hear.”

J.O. further stated that nothing was unusual about Mr. Campbell's September 28, 2017, class and it was "like any other day in Mr. Campbell's class." J.O. believes Mr. Campbell was neutral in his lecture that day. J.O. further testified that having read the transcript of the lecture, he believes that what Mr. Campbell said was completely appropriate and J.O. had no problem with it.

39. The fourth student to testify was A.C., a 20-year-old African-American graduate of the Bridge, who graduated in 2016. She is currently a college student. A.C. had one class with Mr. Campbell when she attended the Bridge, an Economics class. She testified that Mr. Campbell was her favorite teacher at the Bridge and if she needed help with her speech and debate class, she always went to him for help. A.C. considers Mr. Campbell to be an influential person in her life, and described him as a good person who is passionate about teaching. A.C. testified that when she was his student at the Bridge, she did have class discussions about controversial issues, but did not recall any specific issue. She stated he was receptive to hearing all student viewpoints in class and was neutral. A.C. had heard about the recording of Mr. Campbell's class because some of her friends have siblings currently attending the Bridge. Additionally, Mr. Campbell called her on the telephone to explain to her that there was a recording of his class that others deemed to be racist. A.C. stated she never thought Mr. Campbell was racist. A.C. never heard the recording but did review the transcript of the recording about four to five days before testifying at this hearing. A.C. testified that she did not feel the comments made by Mr. Campbell on the transcript were racist and did not understand how someone else could think his comments were racist. A.C. testified that she believed the first few lines of the transcript were "true statements."

40. The fifth student to testify was J.S., a 20-year-old graduate of the Bridge, who graduated in 2016. She is currently a college student. J.S. had Mr. Campbell as a teacher her senior year for one semester of Government and one semester of Economics. In addition, in her senior year she also worked as Mr. Campbell's teaching assistant for his AVID class. As a teaching assistant, she regularly met with Mr. Campbell to prepare for the AVID class and to prepare lesson plans. J.S. stated that it was a regular occurrence in Mr. Campbell's Government class to have current event discussions on controversial topics. She testified that Mr. Campbell always let the students express their feelings in a safe environment. J.S. described Mr. Campbell as a "good guy and good teacher," charismatic and friendly, and "as the Chandler character" from the television show "Friends." She said he "tried his hardest to be unbiased" and to "hear both sides of an issue." J.S. was provided the transcript of the recording by counsel for Mr. Campbell and read the transcript in its entirety. She stated that the transcript did not change her mind about Mr. Campbell, and she could see how some people would feel his comments in the transcript were racist, but she "does not share that point of view." She also stated that she would characterize those people who see the transcript as racist to be "overly sensitive."

41. The sixth student to testify was P.G., a 17-year-old Hispanic student in the 12th grade at the Bridge where he has attended for the past four years. P.G. had Mr. Campbell for his AVID class his junior year and Government his senior year. P.G. was in the September 28, 2017, class lecture that was recorded. P.G. stated that during his time in

Mr. Campbell's AVID class, he never heard Mr. Campbell say or do anything that he considered inappropriate and he never used racially charged language. P.G. had received the transcript of the recording from Mr. Campbell's counsel and had read through it prior to testifying at this hearing. Reading the transcript reminded him of the lecture that took place in Mr. Campbell's class on September 28, 2017. He said when class started there were students talking about the NFL players kneeling during the national anthem and this "sparked a debate." P.G. testified that his reaction to the class lecture, as well as reading the transcript of the recording, was that everything Mr. Campbell said that day was appropriate, he found no offense to the statements, and no other student expressed that they were upset by Mr. Campbell's comments. P.G. stated that he had had other classes at the Bridge, specifically an English class, where he felt his teacher "pushed" her very liberal views on him and he felt that was inappropriate. However, he never reported his concerns to the administration of the Bridge.

42. The seventh student to testify was C.P., an 18-year-old student in the 12th grade at the Bridge. She had Mr. Campbell as a softball coach, as well as for AVID class her sophomore year, and for Government and Economics her senior year. C.P. was in the September 28, 2017, class lecture that was recorded. She stated that she was sick the day of the September 28, 2017, class and did not remember the lecture. C.P. stated that she received a copy of the recording of the lecture from another student and she could be heard on the recording coughing because she was sick. C.P. did not remember having a reaction to Mr. Campbell's lecture while she was in the class because she did not remember the lecture due to her illness. C.P. did review the transcript of the recording prior to her testimony at the hearing. She testified that after reading the transcript she was surprised by some of its content, but not shocked. She described Mr. Campbell as "trusting and motivational" and stated that her opinion in that regard did not change after reading the transcript. C.P. believes that Mr. Campbell made positive contributions to her education. C.P. testified that she was surprised by some of the statements made by Mr. Campbell in the transcript, such as "how bluntly" he said that "black people are not oppressed." She stated that she could understand how some students would characterize Mr. Campbell's comments as a "racial rant" and she "agrees somewhat with that characterization." When she listened to the recording, C.P. admitted that she felt "uneasy" at those parts.

43. The eighth student to testify was B.R., a 17-year-old student in the 12th grade at the Bridge. B.R. had Mr. Campbell as a teacher for Economics and Government her senior year and was in the recorded September 28, 2017, class. B.R. liked Mr. Campbell as a teacher and felt that he took the time to know and connect with his students. B.R. testified that in addition to being in the class that day, she also read the transcript of the recording. She stated that the recording was made toward the beginning of the class and after there was a conversation about NFL players kneeling for the national anthem. B.R. said Mr. Campbell expressed his viewpoint that he found it disrespectful for someone to not stand for the pledge of allegiance. According to B.R., at least one student openly disagreed with Mr. Campbell's viewpoint. She said after the class was completed at least two students expressed that they felt Mr. Campbell's comments were inappropriate. B.R. added that those two students are "disrespectful to teachers and have their own opinions and something to say about

everything.” B.R. also testified that she was aware of discussion on social media among students about Mr. Campbell’s recorded lecture and there was some “name calling” by students and it was heated. She also said that there were times in Mr. Campbell’s class when students with strong opinions would “talk over each other.” B.R. testified that having been in the class and after reading the transcript, she believes everything Mr. Campbell said in that class was appropriate.

44. The ninth student to testify was M.W., an 18-year-old senior at the Bridge, who has attended the Bridge for four years. He first met Mr. Campbell his senior year when he was in Mr. Campbell’s Government class. M.W. was in the September 28, 2017, class which was recorded. Additionally, M.W. reviewed the transcript of the recording the day before he testified at this hearing. M.W. stated that Mr. Campbell was a good teacher who “always gave room for both sides of an issue” and allowed students to express their viewpoint. M.W. recalled the subject of the Unite the Right Rally being discussed in Mr. Campbell’s class at some point and according to M.W., Mr. Campbell told the students “there were bad people on both sides and in the end nobody came out looking good.” M.W. stated that prior to Mr. Campbell’s removal from the class, M.W. was aware that some students disagreed with Mr. Campbell’s viewpoints, but “nobody seemed uncomfortable.” M.W. stated that before the recording started in the September 28, 2017, class, students were talking about the NFL players kneeling for the national anthem and Mr. Campbell “opened up the floor to people who wanted to talk.” With regard to Mr. Campbell’s comments regarding “black oppression,” M.W. stated that he did not think Mr. Campbell’s comments “were eloquent” but the comments “were not mean spirited.” M.W. clarified that during that class “it was a comfortable class setting and everyone said what they wanted, how they wanted, without being judged.” M.W. testified that he “would imagine that [Mr. Campbell] would have said things differently if he knew he would be judged.” M.W. stated that the September 28, 2017, lecture was not unusual from other classes with Mr. Campbell and the discussion was civil. M.W. testified that the viewpoints expressed in classes at the Bridge generally “tend to be only a singular viewpoint” and he felt that Mr. Campbell “was representing both sides in the recording and transcript.”

45. The 10th student to testify was S.L., a 19-year-old who graduated from the Bridge in 2016. S.L. had Mr. Campbell for Government and Economics during her senior year at the Bridge. S.L. testified that Mr. Campbell had an impact on her life, was her role model, and he took the time to know her as a student. S.L. stated that because of how much she liked Mr. Campbell’s class, she decided to major in political science in college. She stated Mr. Campbell was professional and “never expressed his personal views” on issues and solicited multiple perspectives. S.L. said that during her Government class with Mr. Campbell, every Friday the class would pick a “hot topic” to debate with another class. She stated at no time did Mr. Campbell “cross the line” during those debates and he never expressed “racial views” in her class. S.L. had read the transcript of the recording prior to her testimony at the hearing. She stated that the transcript was reflective of what she considered to be a “standard lecture” in Mr. Campbell’s class. She said Mr. Campbell’s teaching was “from his heart” and he “did not sugar coat” things and he gave “real world

information.” S.L. testified that after reviewing the transcript, she saw no evidence that Mr. Campbell’s comments were racist.

46. The final student to testify was R.Q., an 18-year-old who graduated from the Bridge in 2017. R.Q. is a local real estate investor and realtor and received his real estate license about one month prior to the hearing in this matter. He purchased his first investment home on his 18th birthday. R.Q. credits the Bridge for his success, as well as Mr. Campbell, who has a background in real estate and spent time with R.Q. discussing real estate. R.Q. first met Mr. Campbell in the Mock Trial program, and also had him as a teacher for Government and Economics his senior year. R.Q. stated that in Mr. Campbell’s class there would regularly be discussion on controversial topics, such as abortion, and immigration, but those topics were always discussed in a respectful way. R.Q. stated that during the presidential election it was common for teachers at the Bridge, including Mr. Campbell, to express their own views. R.Q. said that it was common for Mr. Campbell to discuss topics of racism in class and “it was common for Mr. Campbell to ask the students to give their perspectives so we could feel we had a voice.” R.Q. learned of Mr. Campbell’s removal from his class from other students still attending the Bridge. In December 2017, R.Q. met with Dr. Pyle and gave him a letter written by R.Q. in support of Mr. Campbell. R.Q. stated he knows Mr. Campbell is a “good guy” and has helped him and he wanted to support Mr. Campbell. R.Q. never heard the recording but has read the transcript of the recording. He testified that the transcript did not change his opinions about Mr. Campbell and the transcript was “not out of the ordinary” for Mr. Campbell’s class.

Testimony of Teachers, Administrators, and a Counselor on Behalf of Respondent

SHERRY ASBERRY

47. Sherry Asberry is an African-American math teacher at the Bridge and has held that position for 12 years. She teaches 9th, 10th and 11th grade math classes at the Bridge, as well as the “Scholars” class previously known as AVID. She has been a teacher for 20 years and has a single subject math teaching credential, as well as a credential to teach students of different languages. Before teaching at the Bridge, she taught both middle school and high school classes at other school districts.

Ms. Asberry has known Mr. Campbell since August 2014 when he began teaching at the Bridge. She stated he has been to her church on one occasion, and he attended a 2016 personal and professional development program, which was a weekend seminar at her friend’s house, that Ms. Asberry also attended. Ms. Asberry considers herself to be Mr. Campbell’s friend, but has never been to his home. She has never been in Mr. Campbell’s classroom when he was giving a lesson. Ms. Asberry used to be the faculty advisor for the Black Student Union (BSU) about five years ago. After she gave up that role, Mr. Campbell became the faculty advisor for BSU and she did have some discussions with Mr. Campbell about that role. Ms. Asberry testified that during the 2017-18 school year, she had no knowledge that Mr. Campbell was expressing personal views in his classroom, but she did have knowledge that other teachers were doing so. She stated she had that knowledge because she heard her students in her Scholars class discussing other classes and the topics

discussed in those other classes. Ms. Asberry stated that she has never heard Mr. Campbell ever express or advocate racist views. She said that after Mr. Campbell was removed from his class, she did not recall any students expressing any sentiments about Mr. Campbell to her.

Ms. Asberry reviewed the transcript of the recording of Mr. Campbell's September 28, 2017, class lecture prior to her testimony at this hearing. She was not shocked by Mr. Campbell's comments and does not believe that his comments were racist. Ms. Asberry testified that there "was something behind what [Mr. Campbell] was saying" and that she "interpreted" the transcript such that Mr. Campbell was not necessarily expressing his views, but instead bringing up a topic "people don't want to talk about." Ms. Asberry stated that with regard to the question of "why aren't cities that are primarily black thriving?", she wanted to know the answer to that question, as well. Ms. Asberry testified that she believes that Mr. Campbell's comments on the transcript were "provocative rather than racist." However, she admitted it is reasonable and possible for others to characterize his comments as racist. She stated that after reading the transcript her opinions of, and friendship with, Mr. Campbell have not changed.

Ms. Asberry testified that she is familiar with the concept of "scaffolding" by a teacher, and that when provocative subjects are discussed in class by a teacher, there should be sufficient scaffolding to prepare the students for the discussion. Ms. Asberry testified she believes that Mr. Campbell "needs to be taught how use scaffolding" to properly prepare a class for such a discussion as that of the transcript.

ERIC PEARCY

48. Eric Pearcy is a teacher and athletic director at the Bridge, where he has taught for the past 12 years. Mr. Pearcy teaches physical education and AVID. He stated that the Bridge offers 15 different sports to students. Mr. Pearcy's classroom was located in the same building as Mr. Campbell's approximately four doors down the hallway. Mr. Pearcy has known Mr. Campbell since August 2014 when he started teaching at the Bridge. Mr. Pearcy considers himself to be a friend of Mr. Campbell, but he has never vacationed or dined with Mr. Campbell. Mr. Pearcy had a casual friendly relationship with Mr. Campbell and they would talk in the hallways, at lunch during work and also worked together on athletic matters for the school. Mr. Campbell was a softball and baseball coach while he was at the Bridge, and, as a result, Mr. Pearcy would observe Mr. Campbell talking to students on a daily basis. Mr. Pearcy described Mr. Campbell as hard-working, fair and friendly. Mr. Pearcy stated that he never heard Mr. Campbell use racist terms or words and never heard Mr. Campbell advocate his beliefs on subjects of race.

Mr. Pearcy testified that he first learned that Mr. Campbell was removed from his classroom a few days after October 4, 2017, and when he learned this, he was shocked. Mr. Pearcy spoke in support of Mr. Campbell at the October 18, 2017, district board meeting. At that meeting he told the board that Mr. Campbell has had a positive impact on the students he has taught and coached. Mr. Pearcy testified that, as he told the board, "it is ok to be

offended” and when students get offended it is the educator’s job to “understand the offense and deal with it.” However, Mr. Pearcy believes it is not acceptable for the educators “to empower” the offended students “to get Mr. Campbell fired” and “crush his life.” Mr. Pearcy stated that any offended students in Mr. Campbell’s class “had the opportunity to ask questions or challenge him” and those students were not “hurt physically.” Mr. Pearcy was also involved in the incident involving the African-American student on the football team and stated that the incident was not related to Mr. Campbell’s September 28, 2017, lecture.

Mr. Pearcy has not heard the recording of the lecture, but was provided with a copy of the transcript of the lecture and reviewed that transcript prior to his testimony at the hearing. Mr. Pearcy stated that after he read the transcript, “I felt proud to be [Mr. Campbell’s] colleague,” and he “wished his classes were as engaged” as this one. Mr. Pearcy believes that the discussion on the transcript “seemed like a positive and engaging classroom topic.” Mr. Pearcy stated that in no way were Mr. Campbell’s comments on the transcript racist, and he cannot see how a reasonable person could see those comments as racist.

TINA FREY

49. Tina Frey is a high school counselor at the Bridge and has held that position for 13 years. Ms. Frey testified that the Bridge has a total of three counselors on staff. In her position as a counselor she is assigned a case load of students for which she will monitor their academics, assist with college choices and admissions or post-secondary plans, as well as work with them on any social issues they may have. In addition to those roles, she also participates with the preparation of the master schedule of teacher assignments to students based on student needs. Ms. Frey does not hold any teaching credentials, but does have a counseling credential in California. She has known Mr. Campbell since August 2014 when he began working at the Bridge. She stated that she is a friend of Mr. Campbell but doesn’t “hang out” with him in a social context.

Ms. Frey has never heard the recording of Mr. Campbell’s September 28, 2017, class lecture. However, she was provided with a transcript of the recording a couple of days prior to her testimony at this hearing and reviewed that document prior to her testimony. Ms. Frey wrote a letter in support of Mr. Campbell’s character at the request of Mr. Campbell for this hearing. She stated that she wrote the letter before she had read the transcript of the recording or had any other knowledge regarding the content of the recording. She wrote that she had been in Mr. Campbell’s classroom “on many occasions” to provide guidance lessons. During those visits Ms. Frey noted that students respected Mr. Campbell and were prepared for her visit. Ms. Frey testified that she did not visit Mr. Campbell’s classroom in the 2017-18 school year. She said that she never received any complaints from parents about Mr. Campbell and only had positive feedback from parents. She believes that Mr. Campbell loves the Bridge and is a passionate, caring teacher. After Mr. Campbell was removed from his class, some students approached Ms. Frey to convey that they were upset by his removal and believed it to be unfair. Ms. Frey testified that no students informed her they were upset by Mr. Campbell’s comments on September 28, 2017. Ms. Frey attended the October 18, 2017, board meeting where Ms. Shott-Hammond spoke to the board regarding how some of

her students were upset by Mr. Campbell's comments. After the meeting, Ms. Frey approached Ms. Shott-Hammond and told her if her students were upset, she should advise those students to come speak to Ms. Frey because counseling students is her job and she asked Ms. Shott-Hammond for the names of the students. Ms. Frey stated that Ms. Shott-Hammond did not provide her with the names of those students and no students ever came to her to express that they were upset by Mr. Campbell's comments.

Ms. Frey testified that after she reviewed the transcript of the recording of Mr. Campbell's lecture, she believes that Mr. Campbell's comments were appropriate and he was getting the students to critically think about "hot topics."

AIMEE HOWMAN

50. Aimee Howman is currently the Interim Assistant Principal at the Bridge and has held that position since March 2018 and has worked for the district since 2009. From 2009 until March 2018 she worked as an English teacher at the Bridge. Additionally, Ms. Howman was the faculty advisor for the Associated Student Body (ASB), also known as the student council. Students in ASB are elected to their positions. Ms. Howman holds a single subject teaching credential in English. During the 2017-18 school year she taught 11th and 12th grade English.

Ms. Howman has known Mr. Campbell since he began working at the Bridge in August 2014. During Mr. Campbell's first year at the Bridge, Ms. Howman was his mentor and interacted with him on a regular basis once a week to discuss lesson plans and conduct formal observations of Mr. Campbell, not for evaluation purposes but for support. Ms. Howman observed Mr. Campbell's classes for about one and one-half hours per year. Based on her observations, she had no concerns regarding Mr. Campbell's conduct in classes. Ms. Howman stated that she considers Mr. Campbell to be a friend of hers. She testified that she has "hung out" with Mr. Campbell, and Mr. Campbell and his family have been to her home.

Ms. Howman first learned that Mr. Campbell was removed from his classes from Mr. Pearcy in early October 2017. Additionally, in early October 2017, there was discussion among students in her English class about Mr. Campbell being removed from his class. Some students told Ms. Howman they were sad Mr. Campbell was placed on leave and one student asked her after class if there was anything he could do to bring him back. Ms. Howman learned that Mr. Campbell was placed on leave because of a recording of his class, but she does not recall exactly how she learned that information. Ms. Howman stated that at least 20 people, students and staff, told her about the recording. Ms. Howman did not have access to the recording and never listened to it. Ms. Howman was aware that other teachers had access to the recording. Ms. Howman never heard the recording of Mr. Campbell's class, but did receive the transcript of the recording and reviewed it prior to her testimony.

Ms. Howman stated that she believes Mr. Campbell is a good teacher who loves his job and cared about the well-being of his students. She knows that based upon personal stories she has heard from students, as well as communication with Mr. Campbell. Ms.

Howman stated that Mr. Campbell had never demonstrated to her that he would injure a student by what he said or did. She stated she never heard from students who were upset by Mr. Campbell's comments, but she was aware of students who were upset that Mr. Campbell was removed from the classroom. Ms. Howman never heard Mr. Campbell use racist terms and believes it would be inconsistent with Mr. Campbell's character to use racially motivated language.

After her review of the transcript, Ms. Howman testified that there are parts of the transcript that "are not tasteful" but she does not want to use the word "racist" because she believes Mr. Campbell "was frustrated" and said things in a way "that could have been said better." Ms. Howman said that she personally knows Mr. Campbell and he is not a racist. However, she admitted that not all students in his class knew Mr. Campbell personally and could have viewed those statements through a different lens. Ms. Howman further stated that "some students are more sensitive than others."

LUKE NIEBLING

51. Luke Niebling is currently employed as a high school teacher for business and technology in the Lake Elsinore Unified School District. Prior to this position, and from August 2016 to January 2018, he worked as the Assistant Principal of the Bridge. Mr. Niebling testified that he resigned his position at the Bridge voluntarily. Prior to that position he worked for two years as an Assistant Principal and Athletic Director at a high school in Oregon. He holds a technical education credential in California, and an administrative credential in Oregon and Arizona. When he worked at the Bridge as Assistant Principal, he oversaw all student discipline, as well as athletics and academic probation. He supervised three to five teachers per semester, including performing formal observations. Mr. Niebling did not supervise Mr. Campbell. As part of his position, he would field parent complaints about teachers. Mr. Niebling does not recall any complaints about Mr. Campbell. Mr. Niebling interacted with Mr. Campbell on a regular basis while he worked at the Bridge and would walk through Mr. Campbell's classroom to observe his class on occasion. He stated that when he did observe Mr. Campbell's class, the students were engaged. Mr. Niebling considers himself a friend of Mr. Campbell, but does not "hang out" with him outside of school. Mr. Niebling said that Mr. Campbell's work ethic is strong and he spent countless hours with students coaching, in Solar Cup, and teaching. Mr. Niebling testified that he never heard Mr. Campbell say or do anything inappropriate, and Mr. Campbell's students really liked him. Mr. Niebling stated that he believes that Mr. Campbell cares about his students' well-being.

Mr. Niebling first became aware of the recording of Mr. Campbell's September 28, 2017, lecture when Dr. Fowler played the first few minutes of the recording for him about one day after Dr. Fowler learned of the recording. According to Mr. Niebling, Dr. Fowler stopped the recording after a few minutes so that they could discuss the next steps and he wanted Mr. Niebling to be aware of the recording. Thereafter, Mr. Niebling was aware that Mr. Campbell was removed from his class, and some students approached him asking why. Mr. Niebling did not provide any information to those students. Mr. Niebling became aware

that the recording was being circulated among students from either Dr. Fowler telling him, or from “student chatter.” Mr. Niebling explained that because he was an athletic person and Mr. Campbell was a coach, some students would approach him and speak highly of Mr. Campbell. However, Mr. Niebling admitted that other students would likely not speak to him about how the recording made them feel.

Mr. Niebling received the transcript of the recording of Mr. Campbell’s lecture the day before testifying in this hearing. He stated that after reading the transcript, he was concerned that there were things Mr. Campbell said that were inappropriate and could come off as racist or offensive. Mr. Niebling stated that part of the transcript could be characterized as a rant, and in other parts there was dialogue from students. Mr. Niebling acknowledged that he could see how the lecture could make students feel uncomfortable and discouraged from disagreeing with Mr. Campbell. Mr. Niebling admitted that Mr. Campbell’s “classification of a race into categories” was offensive and inappropriate. Mr. Niebling testified that he felt this recording was “out of character” for Mr. Campbell.

Testimony of Parents on Behalf of Respondent

DIANA HALL

52. Diana Hall is the mother of a 12th grade student at the Bridge. Ms. Hall’s son had Mr. Campbell as a teacher for Economics and another class. Ms. Hall is also a teacher in the Moreno Valley Unified School District for first grade and kindergarten students. She has held that position for 18 years. She holds a multi-subject teaching credential. Ms. Hall first learned about Mr. Campbell’s removal from the classroom from her son, who told her that Mr. Campbell had been recorded in his class and, as a result of the recording, he was removed from the classroom. According to Ms. Hall, her son was upset because Mr. Campbell was removed from the classroom. She stated her son was sad and upset to lose a teacher he found fun and interesting.

Ms. Hall attended two district board meetings to speak on behalf of Mr. Campbell. Specifically, she attended a December 13, 2017, board meeting and a December 19, 2017, board meeting. Ms. Hall had not heard the recording or read the transcript of the recording at the time of those board meetings. At the December 13, 2017, meeting Ms. Hall spoke to the board and stated that she was “disappointed in the way the situation was handled” and she “is not aware of any professional development for staff members taking place” at the Bridge. She said that Mr. Campbell’s absence is having an impact on the students, community and the school and believes Mr. Campbell should be “given a second chance.” Ms. Hall testified at this hearing that her district provides bias training and she believes Mr. Campbell did not receive adequate professional development as a teacher. However, on cross-examination she admitted that she has no idea what training is offered to teachers at the Bridge or what training Mr. Campbell has had. At the December 19, 2017, board meeting Ms. Hall again stated she believes that Mr. Campbell should be given a second chance and she quoted a part of the Education Code. Ms. Hall testified at the hearing that she “googled” the Education Code, as well as some case law, which she quoted to the board on December 19, 2017. She

stated that her understanding of that case law was that if a student recorded a teacher in the classroom without the teacher's knowledge that the recording cannot be used against the teacher in any way. She believes that, accordingly, the recording in this matter cannot be used against Mr. Campbell in any way.

Ms. Hall received a copy of the transcript of the recording from Mr. Campbell's attorney the week before this hearing and reviewed it before she testified at this hearing. She stated that after reading it she "really doesn't know how she feels about it" but feels that Mr. Campbell's comments were taken out of context of a bigger conversation. After reading the transcript, she stands by her comments to the board and feels strongly that "the class should not have been recorded." She admitted that she can see how some people can view Mr. Campbell's comments on the transcript as racist, but believes that if Mr. Campbell had sufficient bias training then this likely would not have happened. Ms. Hall stands by her opinion that Mr. Campbell should be given a second chance.

ELEAZAR JAIME OCHOA

53. Eleazar Jaime Ochoa is the father of a 12th grade student at the Bridge. His son plays baseball at the Bridge and Mr. Campbell was his son's baseball coach, teacher and tutor. Mr. Ochoa is a classified administrator at another school district where he has worked for 25 years. Mr. Ochoa has four children, two of whom attend the Bridge. Mr. Ochoa's work involves drop-out prevention for students who are not on track to graduate high school. As part of his work, he works with the local police department and is familiar with gang activity in his community. Mr. Ochoa is trained in cultural sensitivity and goes to different schools with racial tensions between Hispanic and African-American students to teach similarities in the cultures. Mr. Ochoa stated he is very familiar with racism, and as a Mexican-American he faces it every day himself.

Mr. Ochoa testified that Mr. Campbell has been a positive influence on both of his sons and has helped them tremendously with their academics. Mr. Ochoa's sons are good baseball players, but when their academics slipped it was Mr. Campbell who tutored them and helped. Mr. Campbell would tutor one of his sons two to three times per week after school and during lunch. Mr. Ochoa stated that Mr. Campbell helped "mold" his son. He said Mr. Campbell has never done or said anything that he felt was inappropriate or racist.

Mr. Ochoa has never heard the recording of Mr. Campbell's September 28, 2017, class, but did receive the transcript of the recording from Mr. Campbell's attorney and reviewed it prior to his testimony at the hearing. Mr. Ochoa does not believe that Mr. Campbell's comments on the transcript are offensive, but can understand how others may find the comments to be offensive and that "choice is in the eye of the beholder."

Mr. Campbell's Testimony

54. Joshua Campbell is married and has three sons, ages 25, 16, and 11. His 16-year-old son is a student at the Bridge and his youngest son attends middle school in Moreno

Valley. Mr. Campbell's wife is a teacher and instructional coach employed by the Valle Verde School District where she has taught for the last 15 years. He and his wife live in Moreno Valley. In 2008 Mr. Campbell was working as a real estate appraiser and broker, but most of his income came from his appraisal business. Because of new legislation that required mortgage brokers to use an appraisal company instead of an individual, Mr. Campbell's appraisal business disappeared overnight. After that, Mr. Campbell decided to work as a substitute teacher after he obtained a temporary credential to work as a substitute teacher in 2010. He did so because his wife worked in that profession, and after he tried it, he decided he loved it. At that point Mr. Campbell made the choice to go back to school and become a teacher. During the time he worked as a substitute teacher, Mr. Campbell worked for the Valle Verde School District on an as needed basis. He explained that as he worked as a substitute teacher the district would frequently call those substitute teachers they wanted and as a result he was called daily for work and was very busy. At that time he taught Kindergarten through 12th grades. Soon thereafter he was allowed to select the grades he wanted to substitute for and he narrowed that range to the 2nd to 12th grades. Mr. Campbell attended Brandman University in a Master's program and is six classes away from finishing that program. He completed his student teaching in 2012 and has a teaching credential in social science. As part of his credentialing, he attained "highly qualified status" from the California Teacher Induction. Mr. Campbell has a business degree from Montana State University and a California real estate broker license he still maintains. His first teaching job, other than as a substitute teacher, was at the Bridge beginning in August 2014 for the 2014-15 school year. During his time at the Bridge, Mr. Campbell taught Government, Economics and AVID. In addition to teaching those classes, he has coached softball and baseball, and was involved in the Solar Cup program, mock trial program, and was a faculty advisor for the Black Student Union.

He never taught U.S. History at the Bridge. However, he did prepare to teach U.S. History prior to the 2017-18 school year because Ms. Singleton requested that she switch classes with Mr. Campbell. According to Mr. Campbell, Ms. Singleton told him that the reason she requested a switch in the classes was because she was running for district assembly office and needed to take time off for campaigning and a single semester class of Government and Economics would be better for that. On the first day of the 2017-18 school year, Ms. Frey called Mr. Campbell into her office and informed him he would not be teaching U.S. History because Ms. Singleton had a change of heart because she realized that teaching Government and Economics would be harder. Mr. Campbell testified that he never contacted Ms. Singleton to discuss the matter because he did not want her to feel bad about it. According to Mr. Campbell, neither Ms. Singleton nor Ms. Frey told him that Ms. Singleton had concerns about him teaching U.S. History.

55. Mr. Campbell testified he utilizes the California standards for the teaching profession, including the content standards for 11th and 12th grades adopted in 1998. Mr. Campbell stated that these were the current teaching standards despite Mr. Simmons testimony otherwise, because the common core standards were adopted in 2015, and the common core standards were to be adapted to these content standards to develop a curriculum. Mr. Campbell utilized these standards to create his syllabus for his 12th grade

Government class. Mr. Campbell has a “phone policy” in his syllabus and would remind students from time to time to “put their phones away.” Mr. Campbell admitted that at the beginning of his September 28, 2017, lecture that he told the students to put away their cell phones, but claims he told them to make sure their laptops were out. However, in his deposition testimony Mr. Campbell stated he directed his students to put away their laptops. Mr. Campbell claimed that he missed this deposition testimony and accidentally failed to correct it.

Mr. Campbell endeavored to ensure a “comfortable learning space” for his students in his classes by first building individual relationships with his students to understand their needs. He stressed to his students to respect each other and at the beginning of each year he reminds his students not to engage in “ad hominem” attacks, meaning attacks on the person rather than the issue being debated. He also stressed that individual criticisms of people by his students is not acceptable in his class. Mr. Campbell testified he lets everyone in his class know that everyone is safe and their opinions are welcome in his classroom. He allows his students to sit with the people they get along with under the condition that the students do their work. Mr. Campbell said he frequently plays “Devil’s advocate” in his classroom when mediating debates and he sees his role as teaching the students to negotiate and come to their own conclusions. He has scaffolded conversations in his classroom on the topic of abortion and collaborated with Ms. Singleton for a debate on the issue. He stated the only personal opinion he has ever expressed to his class on the issue of abortion is “how serious it is.” He stated he never told his students that rape victims should not have access to abortion, but he admitted he did say “what if a rape victim had to go to a hospital?” to add to the discussion. He asserted he never used the term “baby killers” and “nobody ever reported to me that I said that or was offended.” Mr. Campbell testified he did address the issue of slavery in his Government class “as an underlying cause of oppression in America” because “when we talk about social justice we are really talking about a hangover from slavery.” Mr. Campbell stated he has never compared slaves to cell phones, but then admitted he has used an analogy to help his students understand that slaves were valuable property. He claimed he was not trying to minimize slavery, but was trying to teach his students that slaves were valuable and he used an analogy of the cell phone because it is something students treat with care.

56. Mr. Campbell admitted that in March 2015, Dr. Fowler directed him to make sure he presents all sides of all issues in his class. He stated that Dr. Fowler coached him to present all sides of an issue and he understood that to be what was expected of him during his entire time at the Bridge.

Mr. Campbell admitted that on October 4, 2017, when he met with Dr. Fowler and Mr. Huber that he did not say “black people are not oppressed” in the lecture and if he did it was taken out of context. On October 6, 2017, Mr. Campbell was called in to meet with Mr. Huber, Dr. Fowler, and Dr. Pyle and Mr. Campbell was asked about his lecture in his September 28, 2017, Government class. According to Mr. Campbell, he did not try to defend his comments from the September 28, 2017, class during that October 6, 2017, meeting. Instead, he claims he recognized the divisive and non-inclusive language and pronouns he used, including “the black and white” words and “turning it into an issue that was not

encompassing the entire situation.” Mr. Campbell stated he admitted his mistake and apologized for his lack of professionalism during that October 6, 2017, meeting. He also admitted that his comments lacked factual data. Mr. Campbell also stated that he admitted during that meeting that his comments could be viewed as racist. After the meeting he was placed on paid administrative leave and remained on that paid leave until December 19, 2017, when his leave became unpaid and the charges were presented to him. Mr. Campbell stated that he still received district emails “on and off” until November 3, 2017. He received an email on October 17, 2017, sent to all teachers at the Bridge regarding the October 18, 2017, district board meeting and it made reference to a discussion about Mr. Campbell to be conducted at that district board meeting. Mr. Campbell stated he was very concerned by this and had never been invited to speak at that district board meeting. As a result, Mr. Campbell felt his due process rights had been compromised. Additionally, he had been assured of confidentiality and he was concerned that staff and other people were listening to the recording.

Mr. Campbell admitted during his testimony that he failed to properly prepare to discuss the issue of the NFL players’ protest of kneeling for the national anthem, and that he had an emotional connection to that issue and knew he would be upset by it. He admitted he needed to recognize his feelings about the issue and prepare more prior to having the discussion with his students. He stated he did not plan to discuss the NFL issue on September 28, 2017, and admitted he did not scaffold that lesson, but in his opinion there was some previous scaffolding that took place in previous conversations. Mr. Campbell received emails from Dr. Fowler on October 19, 2017, and thereafter, which were circulated to all teachers at the Bridge, and contained links to articles about teaching controversial topics. Mr. Campbell read each of the articles in those links provided and recognized they were directly related to his situation. During his administrative leave, Mr. Campbell has completed a one-hour webinar on discussing race and other difficult topics with students, as well as other courses related to racial disparities and teaching tolerance. Mr. Campbell has reflected on what happened in the September 28, 2017, class and stated he has learned valuable lessons. He believes he should be punished for his actions, but that punishment should not include losing his job because teaching is his life. He feels he should have an opportunity to apologize to all the students at the Bridge.

57. Mr. Campbell testified that he gave a deposition in this matter on May 2, 2018, and thereafter reviewed the transcript and revised some of his answers before signing it. Specifically, in response to a series of questions regarding whether he had been a member of a group or organization, including on-line, that promoted prejudice against certain races, ethnicities, sexual orientation or identity, or religious groups, Mr. Campbell answered “no” to those questions during his deposition. However, he revised those answers before signing the deposition to “not that I am aware of.” He stated he did so because he realized his ability to accurately know what he “liked” or “posted” on his social media sights was “more accurately reflected by the changed answers. During cross-examination Mr. Campbell admitted to having a Facebook account and being a member of the “We the People” group on Facebook. He claims he does not know much about the group, and he may have liked an

image from the “We the People” Facebook group but does not have any specific memory of any of the images from that Facebook group.

Allegations and Findings Re: Directives to Mr. Campbell Prior to September 28, 2017.

58. The district alleged that in February 2015, the district received a complaint of bias in Mr. Campbell’s classroom from a parent. After receiving the complaint Dr. Fowler directed Mr. Campbell to present all sides when he presented political issues to his students.

The district further alleged that on August 29, 2017, a district board member who is the grandparent of a student of Mr. Campbell complained to the district that Mr. Campbell was “very political” in the classroom. Dr. Fowler communicated those concerns to Mr. Campbell and directed him to present all sides of a political issue. The district alleged that Mr. Campbell’s conduct constituted a persistent violation or refusal to obey the school laws of the state or reasonable regulations prescribed by the government of the public schools by the state board or by the governing board of the school district employing him.

The Commission concluded that the evidence did establish that Dr. Fowler had given oral directives to Mr. Campbell on those two occasions, but the evidence was not sufficient to establish that Mr. Campbell’s conduct was a persistent violation or refusal to obey the school laws of the state or reasonable regulations prescribed by the government of the public schools by the state board or by the governing board of the school district employing him.

Allegations and Findings Re: The September 28, 2017, Lecture and Other Lectures

59. The district alleged that Mr. Campbell’s recorded September 28, 2017, lecture contained substantial racially motivated content that was based solely on Mr. Campbell’s opinion and lacked factual support. Furthermore, the district alleged other lectures in Mr. Campbell’s Government class involved controversial topics such as abortion, and the Unite the Right Rally where Mr. Campbell expressed his own opinions with extreme political bias and denied some students adequate opportunities to be heard or respond in meaningful ways. The district further alleged that Mr. Campbell’s comments and instruction, as alleged, resulted in discriminatory racially-motivated comments and tensions within the school environment and were detrimental to the district’s mission and function, as well as created a deeply-divisive, toxic environment that adversely affected students emotionally, socially, and psychologically. The district alleged that Mr. Campbell’s conduct was immoral and demonstrated an evident unfitness for service.

The Commission concluded that the evidence established Mr. Campbell’s comments in his recorded September 28, 2017, class, as well as other classes discussing the topics of the Unite the Right Rally and abortion were his own opinions demonstrating a political bias and lacking factual support, and those comments created a divisive, toxic school environment and adversely affected students emotionally, socially and psychologically. The Commission found that Mr. Campbell’s conduct was immoral and demonstrated an evident unfitness for service.

LEGAL CONCLUSIONS

Applicable Code Sections Regarding Dismissal Actions

1. A permanent employee may be dismissed for cause only after a dismissal hearing. (Ed. Code, §§ 44934 and 44944.)
2. Education Code section 44932 provides the grounds for dismissing a permanent employee. Subdivision (a)(1) authorizes dismissal for immoral conduct. Subdivision (a)(6) authorizes dismissal for evident unfitness for service. Subdivision (a)(8) authorizes dismissal for persistent violation or refusal to obey regulations and district policies.
3. Education Code section 44944 establishes the right to a hearing, the process for selecting the three-member Commission on Professional Competence, and sets forth the Commissions' authority regarding its final decision.
4. Education Code section 44938 outlines the procedures the governing board must follow before acting on any charges brought against a permanent employee.

Burden and Standard of Proof

5. The “burden of proof” means the obligation of a party, to convince the trier of fact that the existence of a fact sought to be proved is more probable than its nonexistence. (*Redevelopment Agency v. Norm's Slauson* (1985) 173 Cal.App.3d 1121, 1128.) The district has the burden of proof to establish cause to dismiss its employee.

6. The standard of proof in a teacher dismissal proceeding is a preponderance of the evidence. (*Gardner v. Commission on Professional Competence* (1985) 164 Cal.App.3d 1035, 1039-1040.) A preponderance of the evidence means that the evidence on one side of an issue outweighs, preponderates over, and is more than, the evidence on the other side of the issue, not necessarily in number of witnesses or quantity, but in the convincing effect the evidence has on those to whom it is addressed. In other words, the term refers to evidence that has more convincing force than that opposed to it. (*People ex rel. Brown v. Tri-Union Seafoods, LLC* (2009) 171 Cal.App.4th 1549, 1567.)

Board Policy and Administrative Regulation

7. District Board Policies 0410, 4119.21, and 5145.3, set forth the professional standards the board expects of its employees. As noted, the board expects district employees to “provide equal opportunity for all individuals in education,” “to maintain the highest ethical standards, exhibit professional behavior, follow district policies and procedures, abide by state and federal laws, and exercise good judgment when interacting with students,” and “provide a safe school environment that allows all students equal access and opportunities in the district’s academic and other educational support programs, services, and activities.” The board “prohibits, at any district school or school activity, unlawful discrimination,

harassment, intimidation, and bullying of any student based on the student's actual race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression." The Code of Ethics of the Education Profession section 4119.21 sets out ethical standards of educators as adopted by the District.

Relevant Judicial Authority

IMMORAL CONDUCT

8. The seminal case for teacher dismissals is *Morrison v. State Board of Education* (1969) 1 Cal.3d 214. There the Supreme Court held that where charges of immoral conduct, unprofessional conduct or evidence unfitness for service are raised in teacher dismissal cases, the applicable standard is whether the person is fit to teach. The factors outlined in *Morrison* must be analyzed to determine, as a threshold matter, whether the cited conduct indicates unfitness for service. (*Id.* at p.229.)

9. Immoral conduct has been defined to mean that which is hostile to the welfare of the general public and contrary to good morals. It includes conduct inconsistent with rectitude, or indicative of corruption, indecency, depravity, and dissoluteness. Or, it can be conduct that is 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. (*Board of Education of the San Francisco Unified School District v. Weiland* (1960) 179 Cal.App.2d 808, 811.)

EVIDENT UNFITNESS FOR SERVICE

10. The applicable standard or determinative test in teacher dismissal cases is whether the person is fit to teach. "Fitness to teach" is a question of ultimate fact. (*Board of Education v. Commission on Professional Competence* (1980) 102 Cal.App.3d 555, 560-561.)

11. "Evident" is defined as "clear to the vision and understanding." "Unfit" is defined as "not fit; not adapted to a purpose, unsuitable; incapable; incompetent; and physically or mentally unsound" and "unsuitable, incompetent and not adapted for a particular use or service." (*Palo Verde Unified School District of Riverside County v. Hensey* (1970) 9 Cal.App.3d 967, 972.)

12. In *Woodland Joint Unified School Dist. v. Commission on Professional Competence* (1992) 2 Cal.App.4th 1429, the court noted the two parallel, yet contradictory, lines of cases regarding "unfit for service." One line of cases equated that term with "unprofessional conduct" and the other line of cases distinguished the two definitions. In deciding that the latter line of cases was the correct way to evaluate "unfit to serve," and complied with the rules of statutory construction. The *Woodland* court concluded that "unprofessional conduct" and "evident unfitness for service" do not mean precisely the same

thing. Although conduct constituting “evident unfitness for service” will often constitute “unprofessional conduct,” the converse is not always true. Evident unfitness for service requires that unfitness for service be attributable to defect in temperament, which is not necessary for a finding of unprofessional conduct. Nevertheless, lower courts may not disregard the criteria for unfitness set out in *Morrison* where that court concluded that “unprofessional conduct” meant conduct showing a teacher was unfit to teach. These criteria must be analyzed to determine, as a threshold matter, whether the conduct indicates unfitness for service. If it does, the next step is to determine whether the “unfitness” is “evident”; i.e., whether the offensive conduct is caused by a defect in temperament. (*Id.* at pp.1442-1445.) A finding of “unfit to serve” can be made if the evidence, taken in the aggregate, shows that retaining the employee would pose a significant danger of psychological harm to students and fellow teachers. (*Id.* at p.1456.)

13. An employee can be dismissed from the teaching profession only upon a showing that his retention in the profession poses a significant danger of harm to either students, school employees, or others who might be affected by his actions as a teacher. The inquiry is whether any adverse inferences can be drawn from the teacher’s conduct as to his teaching ability, or as to the possibility that publicity surrounding the past conduct may in and of itself substantially impair his function as a teacher. (*Morrison, supra*, at p. 235.)

14. To establish a teacher is unfit to teach, *Morrison* requires a nexus between government employment and alleged employee misconduct stemming from the principle that “[n]o person can be denied government employment because of factors unconnected with the responsibilities of that employment.” (*San Diego Unified School District v. Commission on Professional Competence* (2011) 194 Cal.App.4th 1454, 1463.)

15. “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 expectation of the employing school district.” (*San Diego Unified School District v. Commission on Professional Competence* (2013) 214 Cal.App.4th 1120, 1142-43.)

16. An employee’s actions on a given day may suggest a lack of judgment and discretion, or may be an isolated act precipitated by an unusual accumulation of pressure and stress. An absence of any other incidents in the employee’s teaching career suggestive of lack of judgment or discretion can further distinguish the aberrant character of the act at issue. In such a case, a fact finder could reasonably conclude that the isolated incident of poor judgment was outweighed by years of demonstrated teaching competence, and that on balance the employee possessed the qualities of character necessary for teaching fitness. (*Board of Education v. Jack M.* (1977) 19 Cal. 3d 691, 696-701.)

17. In determining whether the teacher’s conduct indicated unfitness to teach, such matters as (1) the likelihood that the conduct may have adversely affected students or fellow teachers, (2) the degree of such adversity anticipated, (3) the proximity or remoteness in time of the conduct, (4) the extenuating or aggravating circumstances, if any, surrounding the

conduct, (5) the likelihood of the recurrence of the questioned conduct, and (6) the notoriety and publicity accorded the teacher's conduct may be considered. (*Jack M.*, *supra*., at p.702, fn. 5.)

18. The nexus between an employee's conduct and his fitness to teach is established when the conduct is detrimental to the mission and functions of the employer. Factors to consider are whether the acts demonstrate a serious lapse in good judgment, the teacher failed to recognize the seriousness of his misconduct, the teacher attempted to shift blame to parents and students, his principal had lost confidence in his ability to serve as a role model based upon his actions, or, most noteworthy, the teacher's testimony that he did not think his actions would have any impact on his ability to teach his students if any of them had viewed his actions as immoral. The conduct itself, together with the teacher's failure to accept responsibility or recognize the seriousness of it, given his position as a teacher and role model, demonstrates evident unfitness to teach. (*San Diego Unified School Dist. v. Commission on Professional Competence* (2011) 194 Cal.App.4th 1454, 1465-66.)

19. One act does not alone demonstrate the unfitness of the teacher, but is simply one of the factors to be considered. (*Board of Education v. Commission on Professional Competence* (1980) 102 Cal. App.3d 555, 561-62.)

20. There must be a nexus between the teacher's conduct and his usefulness to the school district and only when so construed can grounds to dismiss for immoral conduct or unfitness to serve be constitutionally applied. (*Board of Trustees v. Judge* (1975) 50 Cal. App. 3d 920, 929.)

PERSISTENT VIOLATION OF OR REFUSAL TO OBEY LAWS

21. A violation of Education Code section 44932, subdivision (a)(8), must also be established by reference to the *Morrison* factors. If unfitness to teach is shown, then the district must further establish that the employee's refusal to follow the laws or regulations was "persistent," i.e., "stubborn and continuing." (*San Dieguito Union High School District v. Commission on Professional Competence* (1985) 174 Cal.App.3d 1176, 1183.) Isolated incidents or incidents involving an issue unresolved over a period of time are not generally considered "persistent." (*Bourland v. Commission on Professional Competence* (1985) 174 Cal.App.3d 317.)

22. The word "persistent" is defined by lexicographers as "refusing to relent; continuing, especially in the face of opposition . . . stubborn; persevering . . . constantly repeated." (*Governing Board of the Oakdale Union School District v. Seaman* (1972) 28 Cal.App.3d 77, 82.) Education Codes section 44932, subdivision (8) pertains to unintentional as well as intentional transgressions, and hence the Legislature has decreed that a single violation is not sufficient to warrant dismissal, apparently to allow for correction; "it is the persistent disregard" of school rules that the subdivision is designed to regulate. (*Id.* at p.84.)

Morrison Factors

23. In *Morrison, supra*, the Supreme Court suggested seven factors to consider when evaluating whether the school employee should be dismissed: (1) the likelihood that the conduct adversely affected students or fellow teachers and the degree of such adversity; (2) the proximity or remoteness in time of the conduct; (3) the type of teaching certificate held by the teacher; (4) the existence of extenuating or aggravating circumstances and publicity, if any, surrounding the conduct; (5) the praiseworthiness or blameworthiness of the motives resulting in the conduct; (6) the likelihood of recurrence of the questioned conduct; and (7) the extent that the discipline may adversely impact or have a chilling effect on the constitutional rights of the teacher.

24. The *Morrison* factors may be applied to the charges in the aggregate. When a camel's back is broken, the trier of fact need not weigh each straw in its load to see which one could have done the deed. A trier of fact is entitled to consider the totality of the offensive conduct. (*Woodland Joint Unified School District v. Commission on Professional Competence* (1992) 2 Cal.App.4th 1429, 1456-1457.)

25. Only the pertinent *Morrison* factors need to be analyzed. (*Broney v. California Commission on Teacher Credentialing* (2010) 184 Cal.App.4th 462, 476.)

Other Disciplinary Considerations

26. An administrator's loss of confidence in the educator and doubt regarding the educator's ability to serve as a role model for students are factors that may be considered. (*San Diego Unified School District v. Commission on Professional Competence* (2011) 194 Cal.App.4th 1454, 1460.)

27. The Commission is vested with discretion not to dismiss an employee even if grounds for discipline exist. (*Fontana Unified School District v. Burman* (1988) 45 Cal.3d 209.)

Evaluation of the Charges

28. Mr. Campbell was employed as a teacher in the district for only four years beginning in the 2014-15 school year. Based upon the evidence introduced at hearing, Mr. Campbell's issues seemed to begin during the 2014-15 school year when a parent of a student in Mr. Campbell's class complained to Dr. Fowler that Mr. Campbell was being "very political" and "biased" in his classroom. Both Dr. Fowler and Mr. Campbell testified that in early 2015, as a result of the parent's complaint, Dr. Fowler instructed Mr. Campbell to be more neutral and to present all sides to all issues in his classes, but this instruction was never reduced to writing. Again in August 2017 a district board member, and grandmother of a student in Mr. Campbell's class, complained to Dr. Fowler that Mr. Campbell was "very political" in the classroom. Both Dr. Fowler and Mr. Campbell testified that while Dr. Fowler was walking with Mr. Campbell he told him of the board member's complaint and

again instructed Mr. Campbell to present all sides of issues in his class and remain neutral. Again, this instruction was never reduced to writing. At least two teachers, Mr. Smith and Ms. Singleton, provided credible testimony of multiple interactions with Mr. Campbell that caused them concern or made them uncomfortable. Mr. Smith testified that prior to November 2016, Mr. Campbell made racially charged statements to him regarding the presidential election, as well as discussions regarding slavery. Ms. Singleton described numerous incidents where students complained to her about Mr. Campbell's statements in class related to abortion and racial issues that made them uncomfortable. She also testified about one incident in August 2017 that "rattled" her when Mr. Campbell came into her classroom to discuss the Unite the Right Rally and the discussion ended with him aggressively arguing and storming out of her class while students were present. A preponderance of the evidence demonstrates that Mr. Campbell has a propensity to express racially-charged and politically divisive comments to students and staff at the Bridge, as he has done so since his first school year there. Mr. Campbell himself admitted during his testimony that his comments made during the September 28, 2017, class, can be viewed as racist, were an inappropriate tangent, and lacked factual data.

Additionally, a preponderance of the evidence demonstrated that multiple students experienced emotional, social, and psychological harm as a result of Mr. Campbell's behavior. Specifically, Dr. Duncan-Andrade provided credible and persuasive testimony regarding the negative impact Mr. Campbell's comments had on all of the students at the Bridge. Multiple students from Mr. Campbell's class testified that they did not feel safe expressing their opinion in his class and would be "shouted down" if they did so. The environment created at the Bridge after September 28, 2017, became deeply divisive as a result of Mr. Campbell's lecture, for which he admitted he failed to properly prepare, and was viewed as racist by many students and staff. The degree of adversity anticipated from such comments in a classroom from an authority figure, such as a teacher, is very high. Given that Mr. Campbell's teaching credential is in social sciences, he must be particularly sensitive to properly scaffolding any lesson involving controversial topics, such as race, but he failed to do so. The evidence shows that Mr. Campbell manipulated his position of authority as a teacher to push his political agenda on his students. In light of the fact that Mr. Campbell has engaged in this conduct during the entire time he has been employed at the Bridge, there is a high likelihood he will repeat this conduct in the future, despite his assertions otherwise.

After consideration of all the evidence, the Commission found that Mr. Campbell's conduct during the September 28, 2017, class lecture, as well as prior to that date as discussed above, constitutes immoral conduct and violates multiple district policies regarding professional standards, code of ethics, and prohibition against discrimination or harassment based on race and national origin.

The Commission also found that Mr. Campbell's conduct in pushing racially-charged, one-sided, political views in his classroom is a fixed character trait or a temperamental defect rendering him not fit or unsuitable for teaching altogether. The evidence established Mr. Campbell has repeatedly engaged in this conduct and has alienated students, staff and caused a deep divide in the students at the Bridge.

The Commission did not find Mr. Campbell persistently violated district policies, regulations and school directives. Specifically, insufficient evidence was provided to establish Mr. Campbell's failure to abide by district policies was "stubborn and continuing." The evidence demonstrated that only two instructional directives were given to Mr. Campbell regarding his conduct, and both were very casual conversations never reduced to writing. The evidence failed to establish that the district provided any written directives to Mr. Campbell to address his conduct.

Cause Exists to Dismiss Ms. Campbell

29. Cause exists to dismiss Mr. Campbell pursuant to Education Code section 44932, subdivision (a)(1), because the evidence established that Mr. Campbell engaged in immoral conduct.

30. Cause exists to dismiss Mr. Campbell pursuant to Education Code section 44932, subdivision (a)(6), because the evidence established that Mr. Campbell was evidently unfit for service.

Cause Does Not Exist to Dismiss Mr. Campbell for Persistent Violation of District Policies, Regulations and School Directives.

31. Cause does not exist to dismiss Mr. Campbell pursuant to Education Code section 44932, subdivision (a)(8), because the evidence did not establish that Mr. Campbell persistently violated district policies, regulations and school directives.

///

///

///

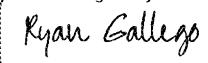
///

///

ORDER

Mr. Campbell's appeal of his dismissal from employment with the Nuvview Union School District is denied. The district's request to dismiss Mr. Campbell is granted. Mr. Campbell shall be dismissed from the district.

DATED: September 28, 2018

.....DocuSigned by:


.....624EA3D300DC45E.....
RYAN GALLEG
Commission Member

DATED: September 28, 2018

.....DocuSigned by:


.....C17A8A17C010486.....
STEVE SPARKMAN
Commission Member

DATED: September 28, 2018

.....DocuSigned by:


.....73A08C62D0DE42D.....
DEBRA D. NYE-PERKINS
Administrative Law Judge
Office of Administrative Hearings