BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of the Dismissal of: REGINA POUDEL, A Permanent Certificated Employee, Respondent.	OAH No. 2017090436

DECISION

Howard W. Cohen, Administrative Law Judge (ALJ), Office of Administrative Hearings, heard this matter on October 30 through November 3, and November 6 and 7, 2017, in Los Angeles, California.

My T. Huynh, Associate General Counsel, and Cherrie Moe, Assistant General Counsel, represented complainant Jose R. Cantu, Ed.D., Assistant Chief Human Resources Officer, Los Angeles Unified School District (District).

Tamra M. Smith and Julie S. Alarcón, Schwartz, Steinsapir, Dohrmann & Sommers, LLP, represented respondent Regina Poudel, who was present.

Oral and documentary evidence was received and argument was heard. The record was closed and the matter was submitted for decision on November 7, 2017.

SUMMARY

The District alleged that respondent engaged in inappropriate acts toward her students, and that each act, separately and together, constituted egregious misconduct. Respondent admitted some of the allegations and denied others, and denied that any or all of her alleged acts constituted egregious misconduct, separately or in the aggregate. The evidence supported the District's allegations with respect to two of the alleged instances, in whole or in part, but none of respondent's acts constituted egregious misconduct. Respondent's dismissal is not warranted.

FACTUAL FINDINGS

1. On August 18, 2017, complainant, in his official capacity, caused respondent to be served with a Notice of Board of Education Intention to Dismiss and Placement on Immediate Unpaid Suspension, dated August 9, 2017, accompanied by a Statement of Charges bearing the same date.

2. Respondent is a permanent certificated employee of the District. On September 14, 2017, respondent's counsel filed and served a Request for Hearing and Notice of Defense.

3. At a telephonic trial setting conference on September 18, 2017, in which counsel for both parties participated, the matter was set for hearing. On October 5, 2017, complainant, in his official capacity, filed and served an Accusation.

The District's Charge Against Respondent

4. In the Accusation against respondent, complainant claims there is cause to dismiss respondent from her employment as a permanent certificated employee of the District for egregious misconduct, and only egregious misconduct, under Education Code section 44932, subdivision (a)(1).[1]

5. Complainant's egregious misconduct charge is based on allegations of various acts and omissions occurring in the 2014-2015 and 2015-2016 school years.

Respondent's Background

6. During the 2015-2016 school year, respondent taught fourth grade for the District at Florence Griffith-Joyner Elementary School (Griffith-Joyner). For 10 years, through the 2014-2015 school year, respondent taught at the District's Aurora Elementary School (Aurora). She has a bachelor's degree from California State University, Long Beach, and a master's degree in administration leadership from California State University, Dominguez Hills. She has a clear multiple subject teaching credential.

7. Respondent was under personal stress due to her brother's illness and death in November and December 2015.

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[1] All statutory references are to the Education Code, unless otherwise specified.

The 2014-2015 School Year

8. The District alleged (Accusation, ¶ 1) but did not establish that, on November 6, 2014, respondent kicked student C[redacted] E.[2] on the foot and grabbed his arm.

a. C[redacted] did not testify at hearing, nor did any witnesses to the alleged incident. Evidence that can support a finding consists of statements respondent made to Eva Rodriguez-Chavez, the former principal at Aurora Elementary School who supervised respondent from December 2011 to June 2015, when respondent left the school, and respondent's testimony at hearing.

b. In an email to Rodriguez-Chavez on November 8, 2014, respondent wrote that, on November 6, C[redacted] and other students were reading on the floor and that she tripped over him and nearly fell when he stuck his legs out. In a conference memorandum of December 5, 2014, summarizing a conference with respondent on December 3, Rodriguez-Chavez wrote that she discussed with respondent the allegation that respondent had kicked C[redacted] and grabbed his arm. She wrote that respondent said she "had tripped and kicked his foot when she got up," that she did not think she grabbed his arm, and that she never put her hands on C[redacted], implicitly referring to the day of the alleged incident.

c. Not strictly pertinent to this allegation, respondent also wrote in her November 8 email that on November 7, when C[redacted] refused to get to the back of the lunch line after returning from the administration office, she "tried to take his hand and lead him to the back of the line. He said get my hands off of him. He fell down to the ground. I let go and he ran inside of the lunch room. . . . I went to the office . . . for hi[s] mother's phone number." (Ex. 102.) Rodriguez-Chavez wrote in her conference memorandum that respondent acknowledged taking C[redacted]'s hand on a subsequent day to lead him to the end of the line when he refused to follow her directions.

d. Testimony at hearing was largely consistent with the email and the conference memo, and on the whole does not establish that respondent engaged in the alleged conduct.

9. The District alleged (Accusation, ¶ 2) but did not establish that, on November 10, 2014, respondent kicked student R[redacted] on the foot, then grabbed him by the hand and slammed his hand on the floor. Although the District alleged this as an incident separate from that alleged in the previous charge, the evidence showed that R[redacted] and C[redacted] E. were one and the same, and that this is the same alleged incident. As set forth in Factual Finding 8, the District did not establish that the incident occurred as alleged.

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[2] Only students' first names, or first names and last initials, are used, in order to protect their privacy rights. The parties stipulated to redact all exhibits to reflect the same, and the ALJ ordered the court reporters to refer to students only by first name and last initial.

The 2015-2016 School Year

10. The District alleged (Accusation, ¶ 3) but did not establish that, during the 2015-2016 school year, respondent yelled at student I[redacted] B. I[redacted] did not testify; unsupported hearsay evidence was offered in support of the allegation.

11. The District alleged (Accusation, ¶ 4) but did not establish that, during the 2015-2016 school year, respondent gave students candy in exchange for their secrecy regarding her use of profanity in the classroom. No admissible evidence was offered to show that respondent told students she was buying their secrecy; one student, A[redacted] P., speculated in testimony that respondent may have been doing that. In light of nearly unanimous student witness testimony, supporting respondent's testimony, that respondent sometimes gave candy to children for good work or excellent behavior and not for an improper purpose, A[redacted]'s testimony, besides constituting inadmissible speculation, was not credible.

12. The District alleged (Accusation, ¶ 5) that, during the 2015-2016 school year, respondent (a) grabbed student A[redacted] P.'s wrist and pulled her out of line, causing A[redacted] pain, and (b) pushed A[redacted].

a. The District established that respondent grabbed A[redacted]'s wrist, but not that she caused A[redacted] pain. A[redacted] wrote in a statement to the school principal, and testified at hearing, that on one occasion respondent grabbed her hand or wrist, pulled her out of line, and told her to walk with her. Respondent offered inconsistent versions of what happened. A[redacted] was in the wrong place in line and was talking and did not appear to hear respondent's instructions. Respondent wrote that she did not grab A[redacted]'s wrist, but testified that she enclosed the girl's wrist in a "C-hold" to lead her out of the line. Respondent took A[redacted] to the classroom door and let her go after everyone else went in. A[redacted] claimed her wrist hurt and she told her mother about it, but she then forgot about it. In corroboration, at least one other student, F[redacted] N., testified that respondent would take students by the wrist or hand and lead them when they were misbehaving in line. He testified that, when respondent did it to him, it did not hurt; he also saw respondent do it to three other students, and they said nothing to indicate they were hurt.

b. The District did not establish that respondent pushed A[redacted]. The weight of the evidence shows that, while on a field trip, respondent inadvertently backed into A[redacted].

13. The District alleged (Accusation, ¶ 6) but did not establish that, during the 2015-2016 school year, respondent called student L[redacted] H. "stupid dumbass," or words to that effect. L[redacted] disliked respondent. She disciplined him for his frequent misbehavior in class and, based on the testimony of other children with no apparent reason to dissemble, he did not always tell the truth about respondent. He also got in trouble at home because of respondent's reports to his parents. He testified that he told other students he did not like respondent, and that he wants her to be fired. At least two students corroborated this; Z[redacted] C. testified she heard L[redacted] say he wanted to get respondent in trouble, and F[redacted] N. testified that L[redacted] told him he "fucking hates" respondent. L[redacted] told the school principal about this allegation, among other things, during the school's

investigation into another incident. His testimony about this incident was not corroborated. His reason for not reporting the name-calling earlier, nearer in time to when it happened, was not convincing. He claimed to have told his parents about the name-calling shortly before a teacher-parent conference; his mother did not mention the incident at the conference.

14. The District alleged (Accusation, ¶ 7) but did not establish that, during the 2015-2016 school year, respondent grabbed and choked student F[redacted] N. The District offered only unsupported hearsay, the testimony of L[redacted] H., who claims that F[redacted] told him respondent choked him. F[redacted] testified at hearing, denied that respondent grabbed and choked him, and denied telling L[redacted] that respondent had done so. F[redacted] wrote a statement to the principal during an investigation into another incident; the statement made no reference to grabbing and choking. Other student witnesses testified that they never saw respondent choke anyone, and respondent denied ever choking any student.

15. The District alleged (Accusation, ¶ 8) but did not establish that, during the 2015-2016 school year, respondent hit at least one student on the head with a book. L[redacted] H. testified that respondent hit him on the head with a book and hurt him a little (contradicting his deposition testimony, wherein he testified that it did not hurt), and that the class saw it. He also claimed that respondent hit F[redacted] N. on the head with a book.

a. None of the student witnesses corroborated L[redacted]'s claim, except S[redacted] F. S[redacted], a friend of L[redacted]'s who did not like respondent and in class threatened to get respondent in trouble, testified that she saw respondent hit L[redacted] with a book, and that respondent tapped her on the head with a book while saying "shh." S[redacted] was, however, uncertain whether the tap was intentional or accidental. When it happened, she said "ow," though she admitted it did not hurt. In a statement she wrote to the principal, she did not mention the tap on the head.

b. F[redacted] N. denied that respondent had hit him with a book and testified that he never saw respondent hit anyone on the head with a book. The other student witnesses testified that respondent never hit them with a book and that they never saw her hit anyone else. Z[redacted] C., who sat near S[redacted], never saw respondent hit S[redacted] or L[redacted] on the head.

16. The District alleged (Accusation, ¶ 9) but did not establish that, during the 2015-2016 school year, respondent made the following comments regarding students in her class: (a) "This class is garbage," and (b) "This class is a piece of shit." The weight of the evidence shows that respondent said those or similar words, not about the students, but about the unkempt condition of the classroom. Only L[redacted] H. testified in support of this allegation, saying that respondent made these comments to the whole class. No other students corroborated it, however, either in testimony or in written statements to the principal. For example, student J[redacted] V. testified that respondent would ask the students to make sure there was no trash on the floor when they left the classroom; he never heard respondent say that the class was a piece of shit. Neither did student J[redacted] T. Student Z[redacted] C. testified that respondent would tell the students to clean the classroom because it was messy;

she does not remember respondent ever calling the class garbage or a piece of shit. Even L[redacted], who wants respondent fired, testified that respondent was talking, not about students, but about the classroom being dirty. In his statement to the principal, he wrote that respondent said, "You leave this class like [a] piece of shit." (Ex. 28.)

17. The District alleged (Accusation, ¶ 10) but did not establish that, during the 2015-2016 school year, respondent ripped up student work and threw it in the trash. There is little or no support in the evidence for this allegation; students who testified on the subject said they never saw respondent engage in this activity.

18. The District alleged (Accusation, ¶ 11) and established that, during the 2015-2016 school year, respondent said the following words and phrases in the presence of students: fuck, crap, shit, stupid, and damn. The District alleged but did not establish that, during the 2015-2016 school year, respondent said the following words and phrases in the presence of students: retarded, shut up, dumbass.

a. The weight of student testimony and other evidence sufficiently demonstrates that, at various times during the 2015-2016 school year, respondent said fuck, crap, shit, stupid, and damn in class. Respondent admitted to using some of these terms; she testified, and students largely corroborated, that she generally apologized to the class after doing so.

b. No admissible evidence was offered to establish that respondent ever said the word "retarded" in the presence of students or told students to "shut up." The evidence, on the whole, did not establish that respondent said "dumbass." L[redacted] H. and J[redacted] M. testified that respondent called J[redacted] M. a "dumbass" during the teapot incident (see Factual Finding 19), and L[redacted] testified that respondent called him a "dumbass" on another occasion. (Factual Finding 22.) L[redacted]'s testimony regarding the teapot incident is given no weight, as he was not present at the time; his testimony about the other occasion was uncorroborated and lacks credibility. E[redacted] B., who was present at the teapot incident, heard respondent say "damn," not "dumbass," and saw her silently mouth the word "fuck." J[redacted] M. thought respondent said "dumbass;" he, however, was understandably upset during the incident and not as reliable as the more disinterested E[redacted] B. Respondent denied ever calling anyone "dumbass."

19. The District alleged (Accusation, ¶ 12) but did not establish that, on June 3, 2016, respondent, after student J[redacted] M. dropped and broke a teapot, pushed J[redacted] in the chest, causing him to stumble backwards, hit a table, and fall on the floor, and called him a "fuckin' dumbass" or words to that effect. This allegation was the focus of a significant portion of the evidence at hearing.

a. On Friday, June 3, 2016, though on family leave to care for her mother, respondent came to school for part of the day to help with the school play and to administer a reading test to J[redacted] M. She helped with the two morning performances of the play. After eating lunch, respondent fetched J[redacted] from the playground so she could administer the test to

him; two other students came back to the classroom with her and J[redacted]; the other students were with the substitute teacher at the afternoon performance of the play.

b. Respondent began administering the test to J[redacted]. Two boys entered the room carrying some props when the play ended. The boys asked to play with some pool noodles (soft, flexible foam sticks used primarily by children as a swimming aid) they saw in the classroom; respondent allowed it, thinking the boys would take the noodles outside. Instead, they started play fighting with the noodles. Meanwhile, E[redacted] B. and another student entered the classroom. Respondent left J[redacted] to attend to the two boys.

c. Respondent's deceased brother had given her the teapot, which she allowed to be used as a prop in the school play performed that day. She asked J[redacted] to hold the teapot when she approached the two boys, fearing that they would hit the teapot with the noodles. While respondent talked to the boys and took the noodles, J[redacted] accidentally dropped the teapot, and it broke on the floor. Respondent turned around and saw the shattered teapot.

d. Respondent said "damn," mouthed the word "fuck," and began quietly crying, with her hands covering her face. She hit or tapped J[redacted] with the noodle, and said "J[redacted], how could you do that?" or words to that effect.

e. J[redacted] felt bad about breaking the teapot and causing respondent to cry. He tried to sweep the teapot up with a broom; respondent told him to leave it and to tell the substitute to summon the janitor to sweep the classroom. At some point, respondent made physical contact with J[redacted], causing him to bump into a desk with his leg. The contact was accidental. J[redacted] did not fall; he continued walking and left the classroom.

f. The evidence did not establish the truth of the allegation that respondent pushed J[redacted] in the chest, causing him to stumble backwards, hit a table, and fall on the floor, and that respondent called him a "fuckin' dumbass" or words to that effect. J[redacted] himself provided contradictory versions of his story. Respondent, student witnesses, and the principal who took student reports about the incident testified at hearing; there were numerous conflicts in their testimony. Some but not all of those conflicts are as follows:

i. J[redacted] testified at hearing that respondent pushed him, deliberately, with both hands on his shoulders. When he reported the incident to the principal three days after it occurred, however, he did not say respondent put her hands on his shoulders and pushed him; he said she hit him in the stomach with the noodle. On June 6, Elizabeth Martin, the school's Community Program Coordinator, overheard J[redacted] telling friends that respondent had hit him with a noodle. Ms. Martin told Akida Kissane-Long, Ph.D., the school principal, who summoned J[redacted] to her office. J[redacted] told her respondent had hit him in the belly with the noodle.

ii. L[redacted] testified that he viewed the incident from a hallway, looking through a classroom door. He testified that no other students were present, that respondent screamed "my vase!" when J[redacted] dropped the teapot, that respondent pushed J[redacted]

with both hands into a desk while J[redacted] was sweeping the broken glass under a carpet, that J[redacted] left the room crying, and that J[redacted] told him about the incident before leaving school that day and showed him a blue and purple bruise on his side. L[redacted]'s testimony is not credited; the weight of the evidence established that L[redacted] was not present during the incident. J[redacted]'s testimony contradicts L[redacted]'s on important points, including, among other things, J[redacted]'s testimony that he got up off the floor, left the room, and went home without talking to anyone.

iii. J[redacted] testified that, when respondent pushed him, he fell against a desk, hurting his side, and then fell onto the floor. But he also testified that his father picked him up right after the incident and that he did not mention the incident to his father or mention being hurt. E[redacted] testified respondent accidentally touched the back of J[redacted]'s shoulder as they passed each other, and J[redacted]'s leg hit a chair but he did not fall on the floor. E[redacted] testified that respondent did not appear to be looking at J[redacted] and the contact was probably accidental.

20. The District alleged (Accusation, ¶ 13) but did not establish that, on June 3, 2016, respondent grabbed student L[redacted] H.'s hand and twisted it, causing him pain, and hit L[redacted] on his head. L[redacted] first reported this alleged hand-twisting incident on Wednesday, June 8, in a written statement he provided to Dr. Long; he made no mention of it when he gave a statement to Dr. Long on Monday, June 6. In the June 8 statement, L[redacted] made other allegations against respondent, such as that she choked F[redacted] and called the class "stupid," that are contradicted or not corroborated by other witnesses. As for the charge that respondent hit L[redacted] on the head, again, none of the student witnesses corroborated L[redacted]'s claim except S[redacted] F., a friend of L[redacted]'s who did not like respondent. (See Factual Finding 15.)

21. The District alleged (Accusation, ¶ 14) that respondent, when she engaged in acts established by the evidence, violated District policies, including the District's Code of Conduct with Students, Child Abuse Policy, Policy on Abolition of Corporal Punishment, and Employee Code of Ethics, despite having received training about those policies and having been directed by school administrators on December 3, 2014, April 25, 2016, and December 8, 2016, to comply with those policies. Because violation of District policies is not relevant to a charge of egregious misconduct, which is defined by statute without reference to such policies (see Legal Conclusions 6 through 11), no determination is made as to whether the evidence established this allegation.

22. The District alleged (Accusation, ¶ 15) as fact what is, instead, a legal conclusion, that the alleged acts, separately and in any combination, constitute cause for respondent's dismissal.

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LEGAL CONCLUSIONS

Jurisdiction

1. The ALJ has jurisdiction to proceed in this matter under section 44944.1. (Factual Findings 1 through 5.)

Burden of Proof

2. The District has the burden of proof in this matter, since it is seeking to dismiss respondent from employment as a certificated employee. The District must prove its case by a preponderance of the evidence. (*Gardiner v. Commission on Prof. Competence* (1985) 164 Cal.App.3d 1035, 1040.)

Statutory Ground for Dismissal

3. The governing board of a school district may dismiss a permanent certificated employee if one or more of the causes enumerated in section 44932, subdivision (a), are established. In the Accusation, the District alleged one, and only one, of those enumerated causes: egregious misconduct. (Factual Findings 4 & 5.)

4. The Accusation charged that various alleged acts and omissions, separately and together, support an egregious misconduct cause for dismissal. By electing to charge respondent with egregious misconduct only, the District has waived any right to charge respondent with other causes for discipline, such as unprofessional conduct, evident unfitness for service, or persistent violation of school laws or regulations, based on the same acts. (§§ 44934.1, 44944.1, subd. (b).)

5. The ALJ has examined each allegation to determine whether it was proven, and for those proven has determined, as set forth below, whether the acts, considered separately and together, constituted egregious misconduct.

Egregious Misconduct

6. "Egregious misconduct," a subset of the "immoral conduct" statutory ground for dismissal, "is defined exclusively as immoral conduct that is the basis for an offense described in Section 44010 or 44011 of this code, or in Sections 11165.2 to 11165.6, inclusive, of the Penal Code." (§ 44932, subd. (a)(1).)

7. Section 44010 lists various criminal sex offenses. Section 44011 lists criminal controlled substance offenses. The District did not allege either of those types of offenses.

8. Penal Code sections 11165.2 through 11165.6 are part of the Child Abuse and Neglect Reporting Act (CANRA). (Pen. Code, § 11164, subd. (a).) Penal Code section 11165.2 defines "neglect" as the "negligent treatment or maltreatment of a child . . . under circumstances indicating harm or threatened harm to the child's health or welfare." Penal Code section 11165.3 refers to situations in which a person "willfully causes or permits any

child to suffer, or inflicts thereon, unjustifiable physical pain or mental suffering" or "willfully causes or permits the person or health of the child to be placed in a situation in which his or her person or health is endangered." Penal Code section 11165.4 pertains to "situation[s] where any person willfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition." Penal Code sections 11165.5 and 11165.6 encompass the preceding offenses to the extent they result in "physical injury or death by other than accidental means."

9. Cases decided under Penal Code sections 273a and 273d, which are criminal child abuse statutes, guide the interpretation of the pertinent CANRA statutes, as the CANRA language was borrowed from those child abuse statutes.

10. To constitute child abuse under Penal Code section 273a, the conduct must be willful and "committed 'under circumstances or conditions likely to produce great bodily harm or death.'" (*People v. Odom (*1991) 226 Cal.App.3d 1028, 1032.) The statute is "intended to protect a child from an abusive situation in which the probability of serious injury is great." (*People v. Cockburn* (2003) 109 Cal.App.4th 1151, 1160.) Child abuse under Penal Code 273d "requires the defendant to inflict a cruel or inhuman corporal punishment or injury upon a child" where "the actual result is an injury resulting in a traumatic condition." (*Id.* at p. 1160.)

11. In contrast, certain touching is exempt from liability under Penal Code section 11165.3. "A teacher shall not be subject to criminal prosecution or criminal penalties for the exercise, during the performance of his duties, of the same degree of physical control over a pupil that a parent would be legally privileged to exercise but which in no event shall exceed the amount of physical control reasonably necessary to maintain order, protect property, or protect the health and safety of pupils, or to maintain proper and appropriate conditions conducive to learning." (§ 44807; see *Austin B. v. Escondido Union School Dist.* (2007) 149 Cal.App.4th 860, 874-875.) This does not permit corporal punishment, an element of which is the willful inflicting of physical pain. (*Id.* at p. 875.) The CANRA does not define corporal punishment, but the term is defined in section 49001, subdivision (a), to mean "the willful infliction of, or willfully causing the infliction of, physical pain on a pupil." Section 49001 was enacted in 1986. Penal Code section 11165.4, was enacted one year later, in 1987, and refers to section 49001. It may be assumed that the Legislature, when enacting a statute, was aware of existing related laws and intended to maintain a consistent body of rule. (*Apartment Ass'n of Los Angeles County, Inc. v. City of Los Angeles* (2009) 173 Cal.App.4th 13, 21.) Based on this general principle of statutory construction, it may be assumed that the definition of corporal punishment contained in section 49001 is similarly used in Penal Code section 11165.4, including "the infliction of . . . physical pain." Interestingly, the same definition is used in the District's policy against corporal punishment.

12. Of the alleged acts, the ALJ found that respondent grabbed A[redacted] P.'s wrist (though not that she caused A[redacted] pain), and said the following words and phrases in the presence of students: fuck, crap, shit, stupid, and damn. (Factual Findings 12a & 18.)

13. The District did not meet its burden of proof by a preponderance of the evidence that these acts, separately or in combination, constitute egregious misconduct within the meaning of section 44932, subdivision (a)(1). (See Legal Conclusions 6-11.)

Analysis of the Morrison Factors

14. In *Morrison v. State Board of Education* (1969) 1 Cal.3d 214, 235 (*Morrison*), the California Supreme Court held that "an individual can be removed 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 Court concluded that a teacher's conduct cannot abstractly be characterized as "unprofessional" unless the conduct indicated that a teacher is unfit to teach. (*Id.* at p. 229.) The court set forth factors to consider in determining whether the conduct in question indicated unfitness.

15. It is only necessary to discuss the "*Morrison* factors" as they relate to acts that the ALJ has found occurred and constituted egregious misconduct. Because there was no finding of egregious misconduct, there is no ground for considering the *Morrison* factors.

DISPOSITION

16. Complainant did not establish that respondent's dismissal is warranted based on a charge of egregious misconduct only. (Factual Findings 4-22 and Legal Conclusions 1-16.) The ALJ finds that respondent engaged in acts that do not, separately or together, constitute egregious misconduct as that term is defined in the Education Code. Whether respondent's acts were inconsistent with the reasonable expectations society places upon teachers to act as exemplars who model proper adult conduct to the students they teach, and whether her acts constitute immoral conduct other than egregious misconduct, or unprofessional conduct, or persistent violation of District policies, are matters beyond the scope of the ALJ's jurisdiction, which is limited by the single charge in the Accusation. Within the scope of the District's pleading, grounds do not exist to dismiss respondent.

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ORDER

The Accusation and Statement of Charges against respondent Regina Poudel are dismissed. Respondent's employment with the Los Angeles Unified School District is not terminated.

DATED: February 7, 2018

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Howard W. Cohen
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HOWARD W. COHEN
Administrative Law Judge
Office of Administrative Hearings