

BEFORE THE
COMMISSION ON PROFESSIONAL COMPETENCE
STATE OF CALIFORNIA

In the Matter of the Dismissal of:

ANTHONY LEWANDOWSKI (EN 756422),
A Permanent Certificated Employee,

Respondent.

OAH No. 2013050203

DECISION

The Commission on Professional Competence (Commission) heard this matter on December 8 through 12, 2014, in Los Angeles, California. Howard W. Cohen, Administrative Law Judge (ALJ) with the Office of Administrative Hearings, State of California, Deanna Clark, and Karen Schuett constituted the Commission. ALJ Cohen presided.

Kristine E. Kwong and Juan Torres, of Musick, Peeler, & Garrett, LLP, represented complainant Vivian K. Ekchian, Chief Human Resource Officer for the Los Angeles Unified School District (District).

Rosty G. Gore, of Trygstad, Schwab & Trygstad, represented respondent Anthony Lewandowski.

Prior to the presentation of evidence, the parties brought several motions in limine and respondent filed two motions to dismiss. The ALJ considered and ruled on those motions as well as on motions made during the course of the hearing, as reflected on the record. The District's Hearing Brief was marked as Exhibit 40. The ALJ ordered that any testimonial reference to the name of a minor student be replaced in the hearing transcript by the student's first name or first name and last initial. Counsel for the parties represented that they had redacted students' names in all exhibits so that students are identified only by first name and last initial.

Oral and documentary evidence was received and argument was heard. The record was closed and the matter was submitted for decision on December 12, 2014.

The Commission considered the entire record in executive session.

FACTUAL FINDINGS

1. On April 17, 2013, complainant filed and served on respondent a Notice of Intention to Dismiss and Placement on Immediate Unpaid Suspension, with an Accusation and Statement of Charges. On April 29, 2013, respondent timely requested a hearing.

2. On May 9, 2013, complainant, acting in her official capacity, filed and served on respondent an Accusation and Statement of Charges. Respondent timely served a Notice of Defense. On May 28, 2013, the parties stipulated to waive the statutory requirement that a hearing commence within 60 days of the date of respondent's demand for hearing.

3. Respondent is a permanent certificated employee of the District, presently on unpaid leave status.

The District's Charges Against Respondent

4. In the Accusation and Statement of Charges against respondent, the District alleged that it has cause to dismiss respondent from his employment as a permanent certificated employee of the District for:

- a. Unprofessional conduct, under Education Code section 44932, subdivision (a)(1);¹
- b. Unsatisfactory performance, under sections 44932, subdivision (a)(4);
- c. Evident unfitness for service, under section 44932, subdivision (a)(5);
- d. Persistent violation of or refusal to obey the school laws of the state or reasonable regulations prescribed for the government of public schools by the State Board of Education or by the governing board of the school district employing him, under section 44932, subdivision (a)(7); and
- e. Willful refusal to perform regular assignments without reasonable cause, as prescribed by reasonable rules and regulations of the employing school district, under section 44939.

5. In the Accusation and Statement of Charges, the District charged respondent with the following misconduct:

- a. Charge 1: On September 8, 2011, respondent allowed his students to run from the classroom to the playground without supervision.

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

b. Charge 2: From October 12 to 19, 2011, respondent failed to provide a library for students in his classroom, leaving books ordered for that purpose unopened.

c. Charge 3: On November 30, 2011, respondent failed to properly supervise many of his students, (a) 20 of whom were left unattended outside his classroom at 2:15 p.m. while respondent was in his classroom with the door closed, (b) six of whom were yelling, and (c) three of whom were running near the adjacent play field.

d. Charge 4: On January 9, 2012, respondent failed to (a) integrate access strategies into his lesson, (b) engage all students in the lesson, (c) use instructional conversations to build language development, (d) use cooperative groups, (e) post math vocabulary or an explanation of terminology, and (f) provide activity for students who finished their work early.

e. Charge 5: On February 1, 2012, respondent failed to (a) discuss the meaning of "echo read" lesson vocabulary words; (b) engage students in discussion during the "Think, Pair, Share" (TPS) portion of the lesson; (c) use instructional strategies other than TPS; (d) complete a lesson in a timely manner, taking 140 minutes to complete a 60 minute lesson; (e) pre-teach relevant vocabulary words using appropriate strategies; (f) consistently use the "popsicle method," a method of randomly choosing students to answer questions; (g) use an assessment at the end of the lesson to gauge student understanding; (h) have students assess and self-direct their own learning; and (i) integrate students' prior knowledge and life experience into the lesson.

f. Charge 6: On March 19, 2012, respondent's classroom desks and pencil boxes were dirty and filled with pencil shavings, and students' work was shoved into desks and textbooks.

g. Charge 7: On March 19, 2012, respondent failed to (a) use a variety of instructional strategies and resources to address diverse student needs; (b) develop or sequence instructional activities and materials; (c) use access strategies, despite having been provided professional development in this area; (d) establish and articulate goals for student learning and modify instructional plans to meet student needs; (e) provide consistent daily homework; and (f) assess student learning and check for understanding.

h. Charge 8: On April 13, 2012, respondent failed to (a) meet with instructional specialist Marissa Borden Conley to prepare lesson plans, after being directed to do so by Principal Courtney Sawyer on March 19, 2012; (b) provide support for students' diverse learning needs; (c) guide students to be able to explain their thinking; (d) utilize such access strategies as TPS, cooperative groups, and graphic organizers, and provide passages at the students' reading level; (e) write the lesson objective on the board, as directed by Sawyer on March 19, 2012; (f) organize students by achievement levels during English Language Arts (ELA) lessons, as directed by Sawyer on March 19, 2012; (g) provide small-group instruction; and (h) use Test Prep Materials strategies provided to him by Sawyer.

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i. Charge 9: On May 3, 2012, respondent "failed to properly supervise his students during class time and consequently four (4) students (D■■■■ C., M■■■■ P., D■■■■ V., and K■■■■ A.) cut themselves with blades." (Ex. 6.)

j. Charge 10: On May 3, 2012, "after having been made aware that some students were cutting themselves in the classroom, [respondent] failed to follow up or investigate after J■■■■ [sic] P., 6th grade student in his classroom, reported to [respondent] that he found an additional blade and a metal strap on the classroom floor, therefore endangering the health and safety of his students." (*Ibid.*)

Notices and Warnings Issued to Respondent

6. On several occasions during the 2011/2012 school year, including February 1, 2012, the date of the Stull observation, respondent received non-disciplinary counseling from Sawyer regarding instruction and classroom management. On several occasions in 2012, including January 11, 2012, and March 19, 2012, when Sawyer met with respondent, and April 17, 2012, when Borden Conley met with respondent, school administration issued to respondent memoranda in which they warned that disciplinary action might follow. Sawyer also issued a memorandum summarizing her conference with respondent of May 14, 2012, regarding the May 3, 2012, incident. Sawyer listed the assistance and guidance provided to respondent and the directives issued to him, and warned that disciplinary action might follow. She wrote that she would "continue to investigate this incident with the information you have provided and other information that I have gathered." (Ex. 23.) There was no evidence of any further factual investigation into the May 3, 2012, incident.

7. On May 9, 2012, Sawyer issued to respondent a below-standard-performance evaluation. Sawyer wrote that respondent demonstrated instructional deficiencies and that his failure to effectively supervise students led to injuries, referring to the incident of May 3, 2012. She recommended that respondent "would benefit from participation in the PAR program in order to improve his instruction, supervision, and classroom management."² (Ex. 22.) Respondent was removed from the classroom and "housed" at a District facility.

8. On November 8, 2012, respondent received a Notice of Unsatisfactory Act(s) regarding the May 3, 2012, incident.

9. On February 5, 2013, respondent received a Notice of Unsatisfactory Service and a Notice of Suspension.

10. An administrative review meeting or "Skelly meeting," attended by George Bartleson, then-Director of Intensive Support and Intervention, Sergio Franco, District Staff

² "PAR" is an acronym for the California Peer Assistance and Review Program, a program that a school district is authorized to develop and implement in accordance with statutorily-mandated principles. (§ 44500.)

Relations Field Director, respondent, and two union representatives, was held on February 20, 2013, to consider the November 18, 2012, Notice of Unsatisfactory Act(s) and the February 5, 2013, Notice of Unsatisfactory Service. On February 22, 2013, Bartleson informed respondent that he would ask the Board to authorize respondent's dismissal.

Factual Background

11. Respondent is 53 years old and has an educational and employment background in electrical engineering. He began teaching at Lynwood Unified School District (Lynwood) in 1997, and became employed with the District in 2000. Respondent holds a multi-subject credential.

12. During the 13 school years from 1997/1998 through the 2009/2010 school years, respondent taught 6th grade math and science only, except in 1997/1998 at Lynwood, and in 2006/2007, when he taught in a 6th grade self-contained class at Charles Drew Middle School with assistance from his department co-chair. After the end of the 2009/2010 school year, 6th grade was eliminated at Charles Drew Middle School and its 6th grade teachers were reassigned to its feeder elementary schools. The District transferred respondent to 99th Street Elementary School in Watts and assigned him to teach a self-contained sixth-grade class in the 2010/11 school year. At respondent's request, respondent and another teacher team-taught respondent's class, with respondent responsible for teaching math and science and a few other subjects, and the other teacher responsible for teaching ELA and related subjects.

13. Despite respondent's request that he be permitted to continue teaching only math and science, the school discontinued the team-teaching arrangement and assigned respondent to teach a self-contained sixth-grade class for the 2011/12 school year.

14. All of the District's charging allegations pertain to the 2011/12 school year.

15. Sawyer provided respondent with the services of an instructional specialist and afforded respondent the opportunity to participate in various professional development training programs and activities. Respondent availed himself of those professional development opportunities. Respondent was not, however, offered an opportunity to participate in the PAR program, which he desires to do. Respondent is credentialed to teach a self-contained classroom but, after spending the vast majority of his teaching career teaching single subject math and science, respondent did not receive sufficient training to allow him to succeed in using appropriate instructional methods in a self-contained classroom. Sawyer, in her June 21, 2012, final Stull evaluation of respondent, recommended that respondent receive PAR. Respondent was housed at the time; Sawyer testified she did not know then whether he would be returning to classroom duties. Both Sawyer and then-Director of Intensive Support and Intervention Bartleson testified that the law does not allow a teacher to receive PAR unless he or she receives a negative Stull evaluation. They are incorrect.³ In any event,

³ A teacher may receive PAR either after volunteering to participate in the program or after receiving a negative evaluation. (§ 44500, subd. (b)(1).)

respondent has now received a negative evaluation. Complainant argued that respondent is not entitled to PAR because he has demonstrated unfitness to teach. Complainant, however, failed to establish that respondent demonstrated unfitness to teach. (See Legal Conclusions 6-16.) Complainant also argued that respondent acted inconsistently with his expressed desire to receive PAR by grieving and challenging suspension; the Commission finds that argument meritless.

16. No evidence was submitted of a prior history of discipline against respondent. Respondent's performance evaluations reflect that, overall, he met or exceeded the standard of performance until 2011/12.

17. Respondent submitted numerous letters of reference attesting to his professionalism, competence, and dedication to teaching at-risk students, his caring for and desire to help others, his dedication to his own children, and his commitment to positively affect the lives of his students.

Complainant's Charging Allegations 1 Through 8 (Factual Finding 5(a) through (h))

18. With respect to Charge 1, on September 8, 2011, respondent allowed his students to run from the classroom to the yard for recess without supervision. The classroom was adjacent to the yard, which was a supervised area. On September 7, 2011, Borden Conley told respondent not to allow this to recur. It did not recur.

19. With respect to Charge 2, respondent provided a "classroom library" for his students. He had a small collection of his own books in the classroom near his desk available for students who had finished their classwork, and he took his students to the school library every Monday so they could select books to read for the coming week. Sawyer ordered more books for respondent's classroom; they arrived and were delivered to respondent's classroom on September 15, 2011. Respondent arranged for them to be unwrapped and labeled, but he did not immediately make them available to his students. Rather, as Sawyer had instructed him to do, he waited to receive a lesson in "San Diego Quick," a method for determining the grade level at which each student in his class could read. That would enable him to make the appropriate books available to each student in his class. Respondent was supposed to receive the lesson on October 21, 2011, some days after the period encompassed in the charging allegation; he did not receive the lesson until October 28, 2011.

20. With respect to Charge 3, respondent briefly left his students unsupervised just outside his classroom on November 30, 2011. The school day ended at 2:19 p.m.; respondent had his students line up two by two and exit the classroom early that day, at 2:12 p.m. He planned to escort them to the school gate, as usual, where they would be placed in the care of persons picking them up from school. A few students asked to go back into the classroom to retrieve forgotten items. Respondent accompanied them, and the door closed while he was in the classroom. Within a few minutes, he and the students with him emerged from the classroom. While the door was closed, though, Sawyer had noticed that three of the students had left the line and were running near the field, and some students in line were shouting at each other.

21. With respect to Charge 4, the evidence established that the charged acts (see Factual Finding 5d) occurred. Respondent failed to engage some of the students that day, and failed to post math vocabulary and terminology. Respondent also failed to use instructional techniques identified in the charging allegations. The evidence also established, however, that January 9, 2012, the day Borden Conley chose to conduct an unannounced observation of respondent's class, was the first day of school after winter break, and she entered at 8:45 a.m., shortly after class began. Respondent was engaging his students in a warm-up exercise, for which the instructional techniques referred to in Charge 4 would have been inappropriate. Though the warm-up exercise was overly lengthy, lasting 40 minutes, that was not included in the charging allegations. Respondent was also inquiring into how his students had spent their holiday, reminding them of the classroom rules, and generally re-acclimating them to their classroom routine. Early morning on the first day back from vacation was not established to be representative of the conduct of respondent's class or of his methods of instruction. Some minor discipline problems were to be expected before the students readjusted to school routine after being on vacation in what complainant's witnesses testified was often a chaotic and even dangerous home and community environment.

22. With respect to Charge 5, the evidence did not establish that respondent inappropriately failed to discuss the meaning of "echo read" lesson vocabulary words or to pre-teach relevant vocabulary words. Rather, uncontroverted testimony establishes that respondent engaged in these instructional techniques for this lesson on Monday and Tuesday, before Sawyer's Stull observation on Wednesday, and that he used an assessment at the end of the lesson on Friday, again, when Sawyer was not present to observe. The evidence did not establish that respondent failed to use instructional strategies other than TPS; respondent used a theme chart worksheet, sentence strip, sentence stems, and read-aloud styles. The evidence did, however, establish that, on February 1, 2012, respondent used TPS incorrectly, took 140 minutes to complete a 60-minute lesson, inconsistently used the popsicle method of choosing students to answer questions, failed to have students assess and self-direct their own learning, and failed to integrate students' prior knowledge and life experiences into the lesson. It was respondent's responsibility to manage classroom time, keep the lesson flowing, and finish in 60 minutes. Respondent should have been prepared to do so, knowing that he was to have his Stull evaluation that day. He allowed the lesson to go too long, and he used too many instructional techniques, some incorrectly, during the lesson.

23. With respect to Charge 6, on March 19, 2012, respondent's classroom desks and pencil boxes had pencil shavings on them and student work was shoved into the students' desks or inside notebooks.

24. With respect to Charge 7, on March 19, 2012, Sawyer conducted an informal observation of respondent's class; the evidence does not establish how much time she spent there. Complainant offered no evidence to contradict respondent's testimony that the lesson plan was supposed to be test preparation, or evidence to show whether Sawyer understood that. Because respondent was preparing his students for a sixth grade level examination, tailoring the lesson to each student's reading level by providing instructional strategies to respond to the students' diverse needs was not possible. Nor was it possible to develop or

sequence instructional activities and materials, provide evidence of access strategies used to meet the needs of diverse learners, or establish goals and modify instructional plans to meet student needs. The evidence shows that respondent assigned homework to his students Monday through Thursday, and allowed the students to do the homework in class if time permitted after they had completed their classwork. Sawyer did not direct respondent not to allow homework to be done in class until she met with respondent after class on March 19, 2012. Complainant did not establish that respondent failed to provide evidence of assessing student learning or checks for understanding.

25. With respect to Charge 8, respondent failed to meet with Borden-Conley, as Sawyer had directed on March 19, 2012, to prepare lesson plans. The evidence did not establish any of the other subparts of this charging allegation. Rather, the evidence established that respondent was doing test preparation, using "GREAT" and other appropriate instructional strategies. The instructional strategies in the charging allegations are, at least for the most part, not appropriate for the lesson respondent was teaching that day. Sawyer allegedly provided strategies in a document or documents entitled "Test Prep Materials" on March 27, 2010; that allegation was not supported by documentary evidence in the record.

Complainant's Charging Allegations 9 and 10 (Factual Finding 5(i) and (j))

26. On May 3, 2012, several students, while in respondent's class, cut or marked their arms with blades removed from plastic pencil sharpeners. The students deliberately concealed their actions from respondent, putting their arms under their desks and performing the cutting when they were sure respondent was looking elsewhere; they all wore long-sleeved shirts or sweaters, and used their sleeves to cover the marks on their arms. The cuts were not deep, but they caused red marks and some drew a little blood.⁴

27. The evidence did not establish that the students in respondent's class were able to cut themselves due to a failure of respondent to provide proper supervision, or that a teacher properly supervising the class would have observed the cutting. Nor did the evidence establish that respondent improperly failed to investigate the matter.

28. J■■■■, a student in respondent's class, reported the classroom cutting to Sawyer. He did not report it to respondent. He asked respondent for permission to go to the principal's office without giving respondent a reason; respondent granted permission, in accordance with school policy. J■■■■ brought Sawyer some of the blades, which he had picked up from the floor and wrapped in paper. (Sawyer's testimony, that J■■■■ was carrying sharp blades in his bare hands, was credibly refuted by J■■■■.) J■■■■ returned to respondent's classroom. J■■■■ found more blades and, shortly before class ended, he again asked

⁴ The same students, and other students, also cut their arms while at recess in the yard and while at lunch in the lunch area; those areas were supervised by school personnel other than respondent. Some of the students also cut their arms while at home.

respondent for permission to visit Sawyer. Respondent told J ■ he could go at the end of class, which Jaren did. On neither occasion did J ■ refer to or show any blades to respondent or tell respondent why he wanted to visit Sawyer.

29. At lunchtime, while respondent watched, Sawyer and other members of the school administration inspected the arms of the students from respondent's class and found that some students had cut themselves. This was when respondent first learned that students' arms had been cut. Sawyer instructed respondent not to investigate the incident and, specifically, not to talk to anyone about it; respondent complied with those instructions. Respondent returned to his classroom while Sawyer and other members of the school administration interviewed the students. Those students whose arms were not cut were sent back to respondent's class, and respondent recommenced teaching.

LEGAL CONCLUSIONS

Jurisdiction

1. The Commission has jurisdiction to proceed in this matter under section 44944. (Factual Findings 1 through 3.)

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 Grounds 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), or 44939 are established. In the Accusation and Statement of Charges, the District alleged five of those causes: unprofessional conduct, unsatisfactory performance, evident unfitness for service, persistent violation of school laws or regulations, and willful refusal to perform regular assignments without reasonable cause. (Factual Finding 4.)

4. The District's Accusation and Statement of Charges charged respondent with various acts to support the five statutory grounds for dismissal. (Factual Finding 5.) The Commission examined each charged act to determine whether it was proven; for each charged act proven, the Commission considered whether the charged acts violated one or more of the statutory bases for dismissal, as alleged.

5. The Commission determined that the District established that the following charged acts occurred:

Charge 1 (see Factual Findings 5a, 18);

Charge 3, subparts a through c (see Factual Findings 5c, 20);

Charge 4 (see Factual Findings 5d, 21);

Charge 5, subparts b, d, f, h, and i (see Factual Findings 5e, 22);

Charge 6 (see Factual Findings 5f, 23); and

Charge 8, subpart a (see Factual Findings 5h, 25).

The District did not establish that the other acts occurred as alleged.

6. Cause for dismissal of respondent does not exist under section 44932, subdivision (a)(1), based on unprofessional conduct, as set forth in Factual Findings 11 through 29 and Legal Conclusions 3 through 5.

7. Cause for dismissal of respondent exists under section 44932, subdivision (a)(4), based on unsatisfactory performance, as set forth in Factual Findings 11 through 17, 19 through 22, and 24, and Legal Conclusions 3 through 5.

8. Cause for dismissal of respondent does not exist under section 44932, subdivision (a)(5), based on evident unfitness for service, as set forth in Factual Findings 17 through 28 and Legal Conclusions 3 through 5.

9. Cause for dismissal of respondent does not exist under section 44939, based on willful refusal to perform regular assignments without reasonable cause, as set forth in Factual Finding 24 and Legal Conclusions 3 through 5.

10. Cause for dismissal of respondent does not exist under section 44932, subdivision (a)(7), based on persistent violation of or refusal to obey the school laws of the state or reasonable regulations prescribed for the government of the public schools by the State Board of Education or by the governing board of the school district employing her, as set forth in Factual Findings 17 through 28 and Legal Conclusions 3 through 5.

Analysis of the Morrison Factors

11. 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 set forth factors to consider in determining whether a teacher's conduct indicated unfitness.

12. The *Morrison* analysis applies to causes for dismissal for unprofessional conduct and for evident unfitness for service. It does not apply to causes for dismissal for unsatisfactory performance or for persistent violation of laws and regulations (*Morrison, supra*, 1 Cal.3d at pp. 227-230); it is presumed that such conduct is related to fitness to teach.

13. None of respondent's acts constituted unprofessional conduct, evident unfitness for service, persistent violation of or refusal to obey the school laws of the state or reasonable regulations prescribed for the government of public schools by the State Board of Education or by the governing board of the school district employing him, or willful refusal to perform regular assignments without reasonable cause. (See, e.g., *Bd. of Ed. v. Swan* (1953) 41 Cal.2d 546, 553 (unprofessional conduct); *Woodland Joint Unified School Dist. v. Com. on Prof. Competence* (1992) 2 Cal.App.4th 1429 (evident unfitness); *Governing Bd. of Oakdale Union School Dist. v. Seaman* (1972) 28 Cal.App.3d 77 (violation of school laws); *Cal. Teachers Assn. v. State of Cal.* (1999) 20 Cal.4th 327 (Commission has broad discretion).) With respect to Charge 1, although there was a violation of school law, the evidence does not establish a persistent violation, and the violation was not repeated. (Factual Finding 18.) With respect to Charge 8, although respondent refused to meet with Borden Conley for a month without adequate justification, respondent's failure was not part of a pattern and did not constitute a willful refusal to perform regular assignments. (Factual Finding 25.)

14. Some of respondent's acts, alleged in Charge 4 and Charge 5, subparts b, d, f, h, and i, constituted unsatisfactory performance. (Factual Findings 5d, 5e, 21, 22.) Other charged acts, though proven, did not constitute unsatisfactory performance. Specifically, with respect to Charge 3, subparts a through c, the evidence is insufficient to support a finding of unsatisfactory performance. (Factual Finding 20.) With respect to Charge 6, the facts are insufficiently significant to constitute unsatisfactory performance as a cause for discipline. (Factual Finding 23.)

Disposition

15. Even where cause for dismissal has been established, the Commission has broad discretion to determine whether such discipline is actually warranted. (*Fontana Unified School Dist. v. Burman* (Fontana) (1988) 45 Cal.3d 208, 220-222.) "The Commission has broad discretion in determining what constitutes unfitness to teach . . . , and whether dismissal or suspension is the appropriate sanction. [Citing *Fontana, supra*, 45 Cal.3d at pp. 220-222.] '[A] disciplinary discharge often involves complex facts and may require a sensitive evaluation of the nature and seriousness of the misconduct and whether it warrants the grave sanction of dismissal.' [Citation]." (*Cal. Teachers Assn. v. State of Cal.* (1999) 20 Cal.4th 327, 343-344.)

16. The Commission determined that instances of unsatisfactory performance set forth in parts of Charges 4 and 5, although constituting cause for dismissal under section 44932, subdivision (a)(4), were insufficient, separately and in the aggregate, to warrant dismissal or to demonstrate that respondent is unfit to serve as a teacher. The Commission members agree unanimously. Respondent has no other disciplinary history with the District. The Commission does not believe that dismissal is necessary to protect students, school employees, or others or to further deter him from engaging in similar conduct in the future.

ORDER

The Accusation and Statement of Charges against respondent Anthony Lewandowski are dismissed.

DATED: January 16, 2015



HOWARD W. COHEN
Administrative Law Judge
Office of Administrative Hearings

I concur with the Decision and Order set forth above:

DATED: January __, 2015

KAREN SCHUETT
Commission Member

I concur with the Decision and Order set forth above:

DATED: January __, 2015

DEANNA CLARK
Commission Member

ORDER

The Accusation and Statement of Charges against respondent Anthony Lewandowski are dismissed.

DATED: January __, 2015

HOWARD W. COHEN
Administrative Law Judge
Office of Administrative Hearings

I concur with the Decision and Order set forth above:

DATED: January 19, 2015



KAREN SCHUETT
Commission Member

I concur with the Decision and Order set forth above:

DATED: January __, 2015

DEANNA CLARK
Commission Member

ORDER

The Accusation and Statement of Charges against respondent Anthony Lewandowski are dismissed.

DATED: January __, 2015

HOWARD W. COHEN
Administrative Law Judge
Office of Administrative Hearings

I concur with the Decision and Order set forth above:

DATED: January __, 2015

KAREN SCHUETT
Commission Member

I concur with the Decision and Order set forth above:

DATED: January 21, 2015



DEANNA CLARK
Commission Member