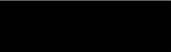




October 31, 2017



**NOTICE OF INTENTION TO RECOMMEND SUSPENSION OF
PERMANENT CLASSIFIED EMPLOYEE**

Dear 

This correspondence shall constitute written notice of my intent to recommend that the Governing Board suspend your employment as a permanent classified employee of the La Mesa-Spring Valley School District ("District") without pay for five (5) days.

Enclosed for your review is a copy of the Notice of Charges, upon which my recommendation for your suspension is based. On December 12, 2017, I will present the enclosed Notice of Charges and Recommendation for your suspension without pay to the Governing Board. At that time, the Board will consider the Charges and my Recommendation for your suspension without pay and take action thereon. You have a right to obtain, examine, and copy all written materials upon which my Recommendation for your suspension is based.

In addition, you have a right to a *Skelly* hearing. The hearing will be for the purpose of allowing you to show cause as to why you should not be suspended from your employment. The *Skelly* hearing officer will be Brian Marshall, Superintendent of the La Mesa-Spring Valley School District

You have the option to participate in the *Skelly* hearing either by filing a written response to, or by appearing and presenting oral testimony before, the *Skelly* hearing officer.

If you choose to respond in writing, you must forward your written response to Brian Marshall at 4740 Date Street, La Mesa, California 91942. The written response must be received by Brian Marshall no later than November 10, 2017 by 4:00pm.

If you choose to present oral testimony, the hearing has tentatively been scheduled to occur on November 17, 2017 in Superintendent's office at the District Office (located at 4750 Date Ave La Mesa, CA 91942). If you wish to appear at this hearing, you must please contact me at 619-668-5700 ext 6373 no later than 4:00 p.m. on November 13, 2017 to confirm the appointment. If you are unable to attend the hearing at this date or time, please contact me immediately so that an attempt can be made to



LA MESA-SPRING VALLEY SCHOOLS

4750 Date Avenue
La Mesa, CA 91942
619 668-5700
www.lmsvschools.org

reschedule the hearing. You have a right to have a representative of your choosing present at this meeting.

If the District does not receive a written response to the enclosed charges on or before November 10, 2017 and you fail to notify me of your desire to participate orally in a *Skelly* hearing on or before November 13, 2017, you will have waived your right to a *Skelly* hearing on the proposed discipline.

If you waive your right to a *Skelly* hearing or the *Skelly* determination is to pursue dismissal, I will file the enclosed Notice of Charges as a written recommendation of personnel action with the Board, in accordance with Administrative Regulation 4218.

Sincerely,

A handwritten signature in cursive script that reads "Tina Sardina".

Tina Sardina
Assistant Superintendent of Human Resources
La Mesa-Spring Valley School District

Enclosures: Notice of Charges to Suspend Permanent Classified Employee with Exhibits



October 31, 2017



**NOTICE OF CLOSED SESSION OF THE GOVERNING BOARD OF
THE LA MESA-SPRING VALLEY SCHOOL DISTRICT**

Dear 

This letter is to inform you that the Governing Board of the La Mesa-Spring Valley School District will meet in closed session on December 12, 2017, at 7:00 p.m., to hear Charges, whether cause exists to suspend you without pay from your position as a permanent classified employee. This meeting of the Governing Board will be held at 4750 Date Ave La Mesa, CA 91942.

You have the right to have this matter heard in public session. If you desire to have the matter heard in public session, please call me at 619-668-5700 ext 6373 no later than 11:00 a.m. on the morning of December 5, 2017 to inform me that you would like the matter to be heard in public session. If you do not call my office by 11:00 a.m. on December 5, 2017, you will have waived your right to have the matter heard in public session.

A copy of the Notice of Charges, and the written materials upon which they are based, is included with this Notice.

Sincerely,

Tina Sardina
Assistant Superintendent of Human Resources
La Mesa-Spring Valley School District

1 March 29, 2017 (attached as Exhibit O); Written Statement by [REDACTED] Dated March 29, 2017
2 (attached as Exhibit P); Letter of Reprimand Dated April 3, 2017 (attached as Exhibit Q); Witness
3 Statement by [REDACTED] Dated September 21, 2017 (attached as Exhibit R); Witness Statement
4 by [REDACTED] Dated September 21, 2017 (attached as Exhibit S); Second Witness Statement
5 by [REDACTED] Dated September 22, 2017 (attached as Exhibit T); Witness Statement by [REDACTED]
6 [REDACTED] Dated September 26, 2017 (attached as Exhibit U) hereby file with the Governing Board of
7 the District, the following Statement of Charges in recommendation of a five (5) day suspension
8 without pay of [REDACTED] a classified employee of the District, who is currently
9 employed by the District as a Paraprofessional – Special Education SCIA at [REDACTED]
10 School.

11 CHARGES

12 There exists cause to suspend [REDACTED] five (5) days without pay as a classified employee of
13 the District for the following causes: (1) insubordination; (2) willful or persistent violation of the
14 Education Code, or rules of the Personnel Commission or of the Governing Board; and (3)
15 discourteous, offensive, or abusive conduct or language toward other employees and students. (AR
16 4218; PC 60.700.1.)

17 [REDACTED] has exhibited persistent failure to maintain appropriate professional boundaries
18 between himself and other District employees despite repeated direction and warnings from District
19 administration personnel. [REDACTED]

20 [REDACTED] failure to heed concerns and directives has not only led to a loss in confidence in
21 his ability to carry out his duties and responsibilities as a Special Education Paraprofessional, but has
22 also created an uncomfortable and unprofessional environment for other District employees.

23 STATEMENT OF FACTS

24 [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]
28 [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]

4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]

9 3. When the District hired [REDACTED] on April 11, 2016, it gave him information
10 regarding sexual harassment. (Exhibit G.) The “Sexual Harassment” handout explained that sexual
11 harassment included making or using derogatory comment, epithets, slurs, or jokes.

12 4. On March 6, 2017, Sardina, Cotter, and [REDACTED] met again to discuss [REDACTED]
13 behavior during a staff meeting that occurred on February 28, 2017. (Exhibit H.) Cotter also
14 addressed [REDACTED] behavior in an improvement plan. (Exhibit I.)

15 5. Sardina and Cotter explained to [REDACTED] that the February 28 staff meeting was a
16 training session set-up to support [REDACTED] (Exhibit I.) Throughout the training, [REDACTED] was on his
17 phone. Furthermore, several staff members reported that [REDACTED] made sexually charged comments
18 and gestures during the meeting.

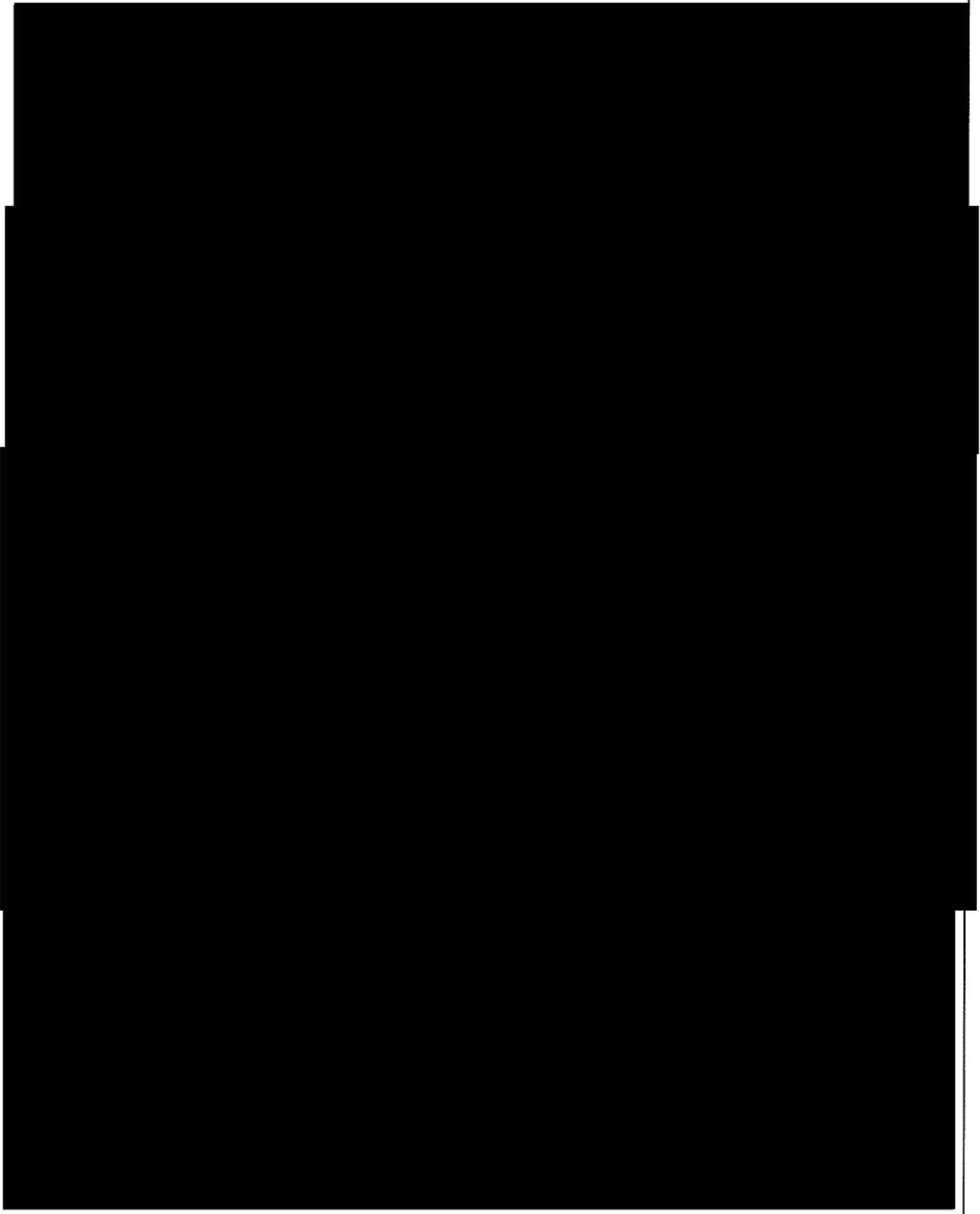
19 6. The improvement plan also addressed concerns raised by staff members, who said
20 [REDACTED] made sexual innuendos in the workplace that made them feel uncomfortable. (Exhibit I.)
21 For example, one employee reported that [REDACTED] said, “Ohhh touch me again,” after a program
22 psychologist touched his arm. Another employee reported that [REDACTED] wiped down a microphone in
23 a sexually suggestive manner. Cotter directed [REDACTED] to stop making sexual remarks or provocative
24 statements or gestures while at any District site.

25 7. During [REDACTED] scheduled evaluation on April 3, 2017, the District addressed several
26 incidents that had occurred in March involving [REDACTED] inadequacies in the classroom and conduct
27 towards other employees in the workplace. (Exhibit J.) The evaluation specifically addressed the
28

1 following incidents:

2 ///

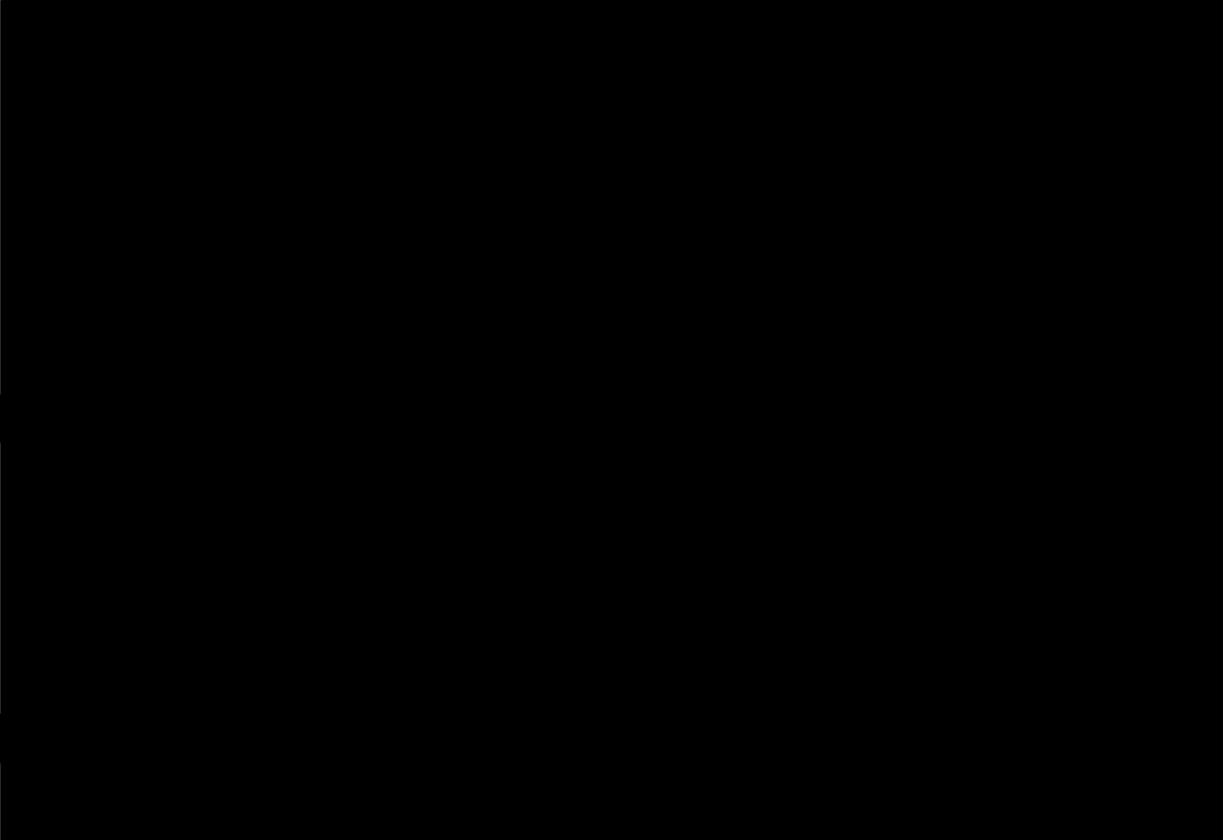
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27 e. Paraprofessional Ms. [REDACTED] reported an uncomfortable exchange with

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1 [REDACTED] that occurred on March 9, 2017, a week after [REDACTED] returned to the school site.
2 (*See also Exhibit N.*) [REDACTED] reported that while she was providing instructions to a student
3 about the student's behavior, [REDACTED] approached her and initiated an off-topic conversation.
4 [REDACTED] said, "Smile." [REDACTED] responded that she needed to focus on her student. [REDACTED] then
5 said, "You look like you missed me." [REDACTED] repeated to [REDACTED] that she needed to focus on
6 her student, whereby [REDACTED] left the area. [REDACTED] reported this incident to [REDACTED] saying
7 that it made her feel uncomfortable. [REDACTED] also reported that she did not initiate any personal
8 conversation with [REDACTED] upon his return to the school site. Her few conversations with him
9 have been regarding work and the students. The District directed [REDACTED] to keep
10 conversations with colleagues professional and non-confrontational or goading. (*Exhibit J.*)



11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 8. The District addressed several of these incidents in a Letter of Reprimand issued to
25 [REDACTED] on April 3, 2017. (*Exhibit P.*) The letter stated that [REDACTED] would have 30 days to show
26 improvement in performance and personal factors. Should he not show improvement, the District
27 could take further action.
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1 ///

2 ///

3 9. During the following school year, on September 21, 2017, ██████████
4 reported two incidents involving inappropriate comments made by ██████████ (Exhibit Q.) The first
5 incident occurred on August 30, 2017. ██████████ reported that during a conversation about items to
6 bring to a baby shower, ██████████ asked who was bringing meatballs. After ██████████ responded that
7 Principal ██████████ was bringing the meatballs, ██████████ stated, "My balls are better than her
8 balls."

9 10. The second incident occurred on September 19, 2017. (Exhibit Q.) During a
10 Tuesday morning meeting between ██████████, ██████████,
11 (██████████ and ██████████ was eating beef jerky. ██████████
12 offered beef jerky to his colleagues stating: "Want to try my meat[?] [I]t will be good in your
13 mouth." ██████████ and ██████████ tried some beef jerky. ██████████ then said to ██████████ "is my meat good
14 in your mouth."

15 11. ██████████ who was still present at the meeting, also heard ██████████ ask, "Who wants
16 a piece of my meat?" (Exhibit R.) ██████████ was holding a bag of beef jerky when he asked the
17 question. ██████████ heard ██████████ say to another colleague, "How was it having a piece of my
18 meat in your mouth?"

19 12. On September 22, 2017, while the District was conducting its investigation, ██████████
20 approached ██████████ to apologize for making statements that may have offended her. (Exhibit S.)
21 ██████████ was upset that ██████████ approached her, especially in light of the fact that an investigation was
22 underway.

23 13. On September 26, 2017, ██████████ submitted a written response to the District
24 regarding his conduct on August 30 and September 19, 2017. (Exhibit T.) Based on that statement,
25 ██████████ does not understand the severity of the comments made towards others and the effects of
26 those statements in the workplace. ██████████ does not unequivocally admit or deny making those
27 statements, but instead offers excuses as to what he meant. ██████████ wrote that he was "simply
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1 looking for feedback on [his homemade] jerky.” He also wrote, “In regards to me saying my balls
2 are better, I was simply talking about the turkey meatballs I wanted to make for the baby shower.”

3 ///

4 **RECOMMENDATION**

5 Based on the foregoing, I recommend that the Governing Board notify [REDACTED] of the
6 District’s intention to suspend him five (5) days without pay as a Classified Employee of the District
7 for his violations of District Rules and Regulations for the Classified Service.

8 Upon determination by the Board that cause exists to suspend without pay, [REDACTED] will be
9 sent Notice that he has fourteen (14) days to demand a hearing before the Personnel Commission. If
10 [REDACTED] does not demand a hearing, the Board’s decision will become final and take effect.

11 I verify that this statement is true of my own knowledge, except as to those matters of which
12 I do not have direct knowledge, and as to those matters, I am informed and believe them to be true.

13 Dated: _____
14

By: _____
15 Tina Sardina
16 Associate Superintendent of Human Resources
17 La-Mesa Spring Valley School District
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