

CLIENT NEWS BRIEF

Deference Given to Commission on Professional Competence Findings in Teacher Termination Case

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A recent decision of the California Court of Appeal has reinforced the notion that a reviewing court is required to give a strong presumption of correctness to decisions by the Commission on Professional Competence (Commission) in certificated employee dismissal cases. This case is important for school districts because it provides useful guidance when considering whether to appeal a Commission's decision.

In *San Diego Unified School District v. Commission on Professional Competence* (2013) 214 Cal.App.4th 1120, the San Diego Unified School District (District) initiated dismissal proceedings against a teacher based on allegations that the teacher inappropriately touched a student. The student in question and her mother both testified at the hearing. The Commission unanimously decided that the District failed to prove the charges of evident unfitness to teach, immoral conduct, or persistent violation of District regulations. The Commission based its findings, in part, on concerns regarding the credibility of the student and her mother.

In response to the Commission's dismissal of the charges against the employee, the District challenged the decision in the trial court. The trial court determined the alleged student-victim's testimony was credible and vacated the Commission's decision. The teacher appealed.

The court of appeal reversed the trial court's decision. The court concluded that the trial court failed to give the necessary weight to the Commission's credibility determinations. Although the Commission's decision explained why it discredited the student and her mother, the trial court disregarded its statutory obligation to defer to the Commission's credibility findings. Additionally, the court determined that the trial court based its decision on only part of the administrative record rather than on a review of all evidence in the administrative record. Finally, the court of appeal determined that the weight of the evidence did not support the lower court's finding. The appellate court held that there was no substantial or reliable evidence to support the finding that the teacher was unfit to teach, engaged in immoral conduct, or persistently violated District regulations. The court, therefore, upheld the Commission's determination that there was insufficient evidence to terminate the teacher.

This case provides insight into a reviewing court's statutory obligation to give appropriate deference to a Commission's findings with regard to both its decision and also its determinations as to the credibility of witnesses. This decision also shows the uncertainty in predicting the outcome in a teacher dismissal case.

If you have any questions regarding this decision or employee discipline issues in general, please feel free to contact one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#), or download our [Client News Brief App](#).



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