

BEFORE THE GOVERNING BOARD OF THE  
GROSSMONT UNION HIGH SCHOOL DISTRICT  
COUNTY OF SAN DIEGO  
STATE OF CALIFORNIA

In the Matter of the Dismissal of: ) **STATEMENT OF CHARGES AND**  
JERRY HOBBS, ) **RECOMMENDATION FOR DISMISSAL AND**  
a Permanent Certificated Employee. ) **IMMEDIATE UNPAID SUSPENSION**

Pursuant to Education Code sections 44932 et seq., I, Julie Mottershaw, Assistant Superintendent of Human Resources at the Grossmont Union High School District ("District"), in the County of San Diego, hereby file with the Governing Board of the District the following Statement of Charges against Respondent Jerry Hobbs ("Respondent"), a permanent certificated employee of the District. The undersigned now recommends that Respondent be dismissed and immediately suspended, without pay, pursuant to Education Code section 44939, from District employment for the reasons set forth below.

1. Respondent is a permanent certificated employee of the District most recently assigned as a special education teacher/advocate teacher at REACH Academy. REACH Academy is a self-contained special day program at a separate educational center serving special education students who demonstrate social and emotional needs requiring highly structured and small campus setting.

2. In February and March 2018, Respondent submitted allegations complaints to the District, which were promptly and thoroughly investigated by an independent investigator. Simultaneously, the District received allegations against Respondent for immoral conduct, intimidation, harassment and bullying of others. Due to the nature of the alleged misconduct against Respondent and in order for the independent investigator to conduct a prompt and thorough investigation of Respondent's allegations and the allegations against Respondent, the

1 District placed Respondent on paid administrative leave.

2 3. As described in more detail below, the investigation revealed that from at least  
3 2014 to the present Respondent engaged in ongoing immoral conduct: persistently engaging in  
4 threatening, intimidating and aggressive behavior toward numerous employees; persistently using  
5 racist and sexist slurs; persistently making racist, sexist and grossly inappropriate comments on  
6 campus; and, subjecting employees and students to an intimidating, threatening, hostile and/or  
7 offensive work and educational environment. Respondent's conduct and behavior undermine the  
8 District's goals, fail to meet the District's fundamental expectations of teachers, evidence his  
9 persistent violation of or refusal to obey the school laws of the State or reasonable regulations  
10 prescribed for the government of the public schools by the State Board of Education or the  
11 District's Governing Board, and evidence his evident unfitness to teach. Based on the serious and  
12 egregious nature of Respondent's conduct and behavior as described herein, the District has lost  
13 all confidence in Respondent's abilities and fitness as a teacher, and as a result, brings this  
14 Statement of Charges seeking his immediate unpaid suspension and subsequent dismissal.

15 4. Respondent's conduct and behavior as described herein constitute cause for his  
16 immediate unpaid suspension and subsequent dismissal from District employment, specifically,  
17 immoral conduct, evident unfitness for service, and persistent violation of or refusal to obey the  
18 school laws of the state or reasonable regulations prescribed for the government of the public  
19 schools by the state board or by the governing board of the school district employing him, within  
20 the meaning of Education Code section 44932, subdivisions (a)(1), (6) and (8), and section  
21 44939. The District has lost all confidence in Respondent's abilities, and as a result, brings this  
22 Statement of Charges seeking his dismissal and immediate unpaid suspension.

23 5. The charges against Respondent are based on the facts set forth herein. The  
24 enumeration of these specific acts and incidents is not intended to preclude the District from  
25 alleging or establishing additional acts and incidents in support of any or all of the charges  
26 included herein.

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**EVIDENCE OF IMMORAL CONDUCT**

6. The District hereby incorporates the allegations set forth in paragraphs 1-5 above as fully set forth herein.

7. Respondent has engaged in immoral conduct, within the meaning of Education Code section 44932(a)(1), toward students and employees creating an intimidating, threatening and hostile work and educational environment.

8. Respondent repeatedly made racist and sexist slurs and comments to both students and staff at REACH Academy, including, but not limited to the following:

- (a) "Are you an inhouse nigga or an outhouse nigga?" or words to that effect;
- (b) "Nigga" and/or "Nigger;"
- (c) "You are a woman, you should wash my dishes" or words to that effect;
- (d) "Now you only need to be barefoot and in the kitchen," or words to that effect;
- (e) "Now that Trump is President, I'm going to send you back to Africa" or words to that effect;
- (f) "You are my favorite black kid," or words to that effect;
- (g) "You must be smart because you are Asian" or words to that effect;
- (h) "If that bitch thinks she can run the school by herself, I'll take some time off. I'll show her," or words to that effect;
- (i) "Women belong in the kitchen, barefoot and pregnant," or words to that effect;
- (j) "You will be sent back to Mexico," or words to that effect;
- (k) "I hope Santa brings you some teeth for Christmas," or words to that effect directed toward a student who lost his teeth in an accident;
- (l) "I'm going to have my favorite black kid wash my dishes," or words to that effect;
- (m) "You are going to be cutting my lawn one day," or words to that effect;

- 1 (n) "You guys like grape soda and watermelon" or words to that effect ;  
2 (o) "You guys are going to eat up all the chicken,";  
3 (p) "You are going to end up in prison one day," or words to that effect;  
4 (q) "Bitch" or "Bitches,"  
5 (r) "If you miss school, ICE might come pick you up," or words to that effect;  
6 (s) "You better have your papers ready, immigration might send your family  
7 back to Mexico," or words to that effect;  
8 (t) "Women should be in the kitchen and wearing an apron," or words to that  
9 effect;  
10 (u) "Ladies put on your aprons, we just went back 200 years," or words to that  
11 effect;  
12 (v) "Your husband called me and he said you spent all of your money on  
13 furniture," or words to that effect;  
14 (w) "Is your boss a bitch? If she is a bitch, I'm going to take her down," or  
15 words to that effect;  
16 (x) "Is your family running a meth lab up there," or words to that effect;  
17 (y) "Women better fall in line behind a man," or words to that effect;  
18 (z) "Only let girls eat if they do the dishes; that is all they are good for," or  
19 words to that effect;  
20 (aa) "You will end up on El Cajon Blvd" or "You will end up on the Blvd," or  
21 words to that effect, insinuating female students would become prostitutes;  
22 (bb) "Ms. [REDACTED] knows about the girls involved in Commercial Sexual  
23 Exploitation of Children because she was one," or words to that effect, insinuating that  
24 Ms. [REDACTED] was a prostitute; and,  
25 (cc) "I switched panties with [female teacher]," or words to that effect.  
26 9. Students and employees reported feeling angry, upset, mistreated, and wronged by  
27 Respondent's use of the "n" word and his other racist and sexist slurs and comments. Students  
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1 and employees reported feeling fearful of reprisals if they spoke out or took action in response to  
2 Respondent's actions and misconduct. Some employees resigned their positions due to  
3 Respondent's conduct and behavior.

4 10. In addition to regularly using the "n" word and making racist and sexist comments,  
5 Respondent showed favoritism toward certain students, most often Caucasian males. Respondent  
6 encouraged and told Caucasian male students to press charges against students of color when  
7 involved in fights or arguments, but did not make such comments when only students of color  
8 were involved in fights or arguments. Respondent also wrongly suggested, in the presence of  
9 students, that he was having a romantic relationship with another REACH Academy teacher.

10 11. Respondent's use of the "n" word and other racist and sexist comments, and clear  
11 favoritism upset the students, so much so that they complained to staff, including Vista Hill's  
12 staff members. To address their concerns, the Vista Hill staff worked with Students to write an  
13 open letter to all REACH Academy staff, incorporating specific concerns, including the  
14 following:

15 **Racism**

- 16 • I don't like when staff says "I'm going to send you back to Africa," now that Trump is  
17 the president.
- 18 • I don't like when staff uses the N word.
- 19 • The racist jokes need to stop because sometimes it's not appropriate to be made fun of  
20 because of color. - Everyday racist comments are made that S\*\*\* is annoying and  
21 disrespectful.
- 22 • I don't like the N word,
- 23 • I don't like racist comments and jokes
- 24 • Staff make racist comments, students make racist comments, most of the time it's  
25 funny.

26 **Feelings about Racism** - when racist jokes are made I say F\*\*\* it and I don't, and will  
27 not do my work. , When the N word is used, I feel like staff is making fun of black people.  
28 I feel angry when racist comments are made.

12. In January or February 2017, REACH Academy administrator Lauren Basteys  
presented the letter to the REACH Academy staff during a meeting. Although the letter did not  
attribute racist comments to a specific teacher, staff and students knew and understood that the  
racist comments were attributable to Respondent.

1           13.     After the meeting, Respondent became extremely angry and stormed into  
2     Ms. Basteyns' office to yell at her about the letter. He stood between Ms. Basteyns and the door,  
3     yelling at her and blocking her ability to escape. Respondent told Ms. Basteyns that he would not  
4     allow the Vista Hill Therapists in his classroom any longer and he believed they were spies.

5           14.     Throughout her relationship with Respondent at REACH, Ms. [REDACTED] feared  
6     verbal threats and assault by Respondent. She found herself anxious and uncomfortable about  
7     what issue(s) might cause Respondent to erupt. When Respondent erupted, on multiple  
8     occasions, he would storm into Ms. [REDACTED] office, stand over Ms. [REDACTED], yell angrily and  
9     disrespectfully at her, bang on her desk or on tables in her office, and turn red in the face. Ms.  
10    [REDACTED] feared for her safety and believed Respondent would act against her if she took any  
11    action to address his behavior and misconduct.

12          15.     Respondent did not change his behavior after hearing the referenced letter. He  
13     continued using the "n" word and made other racist and sexist slurs and comments.

14          16.     During a different meeting with staff and students, Ms. Basteyns encouraged the  
15     students to use appropriate language and to stop using profanity and racial slurs when speaking  
16     with one another. In response, one of the students yelled out, "What about Hobbs?" The student  
17     questioned why Respondent Hobbs' use of racial slurs and racist comments was not being  
18     addressed. Students continued to express their hurt and anger about Respondent's continued use  
19     of racial and sexist comments even after the letter.

20           **EVIDENCE OF PERSISTENT VIOLATION OF OR REFUSAL TO OBEY THE RULES**  
21           **GOVERNING RESPONDENT'S EMPLOYMENT**

22          17.     The District incorporates the allegations set forth in paragraphs 1-16 above as  
23     though fully set forth herein.

24          18.     Respondent's conduct and/or behavior demonstrate persistent violation of or  
25     refusal to obey the school laws of the state or reasonable regulations prescribed for the  
26     government of the public schools by the state board of education or by the governing board of the  
27     school district employing him, pursuant to Education Code section 44932, subdivision (a)(8) as  
28     described below.

1           19.     Based on the actions described herein, Respondent has persistently violated or  
2 willfully refused to obey the laws or reasonable regulations of the State or District; failed to  
3 provide proper moral direction and role modeling for students, and maintain the highest ethical  
4 standards; and has failed to meet District fundamental expectations and standards of its  
5 certificated employees. The actions described herein persistently violated or were a willful  
6 refusal to obey the laws or regulations of the State and District including, but not limited to:  
7 District Board Policy Nos. 0410, 4119.11, 4119.21, 5131.2, 5137, 5145.3, AR5145.3, 5145.7,  
8 4119.26, 6144, 6141.6 and Education Code sections 201 and 220.

9           20.     District Board Policy No. 4119.21 sets forth the District's fundamental  
10 expectations of its certificated employees and provides, "The Governing Board expects District  
11 employees to maintain the highest ethical standards, to follow District policies and regulations,  
12 and to abide by state and national laws. Employee conduct should enhance the integrity of the  
13 District and the goals of the educational program."

14           21.     The District also has policies prohibiting discrimination, intimidation, harassment,  
15 and bullying in all of its educational programs and activities including Board Policy Nos. 0410,  
16 4119.11, 5131.2, 5145.3, AR5145.3, and 5145.7. For example, District Board  
17 Policy/Administrative Regulation No. 4119.11 "Sexual Harassment" states, "The Grossmont  
18 Union High School District is committed to having a positive learning and working environment  
19 for its students ... [and employees and] prohibits sexual harassment of ... District employees... or  
20 students by any employee." Moreover District Policy provides relevant examples of sexual  
21 harassment specifically violated by Respondent including "[u]nwelcome sexual or gender-based  
22 slurs, [u]nwelcome sexual or gender-based comments, stories, innuendoes... [s]preading of  
23 sexual rumors... [c]ornering or blocking of normal movements,...[n]ame calling, denigrating an  
24 individual because of gender...[, and] [s]exist or stereotyped comments."

25           22.     District Board Policy/Administrative Regulation No. 5145.3  
26 "Nondiscrimination/Harassment" states the Board "prohibits, at any district school or school  
27 activity, unlawful discrimination, including discriminatory harassment, intimidation, and  
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1 bullying, targeted at any student by anyone, based on the student's actual or perceived race, color,  
2 ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital  
3 or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or  
4 gender expression or association with a person or group with one or more of these actual or  
5 perceived characteristics."

6 23. Respondent's conduct violates District Board Policy No. 4119.26 which prohibits  
7 certain student and employee interactions such as making or participating in sexual comments,  
8 giving gifts to students that are of a person nature, non-educational attention toward a particular  
9 student.

10 24. District Board Policy/Administrative Regulation 6144 "Controversial Issues"  
11 provides that controversial issues may be discussed in the classroom provided that the principal is  
12 informed and certain conditions are met, including, but not limited to "[t]he issue is related to the  
13 course of study and provides opportunities for critical thinking, for developing tolerance, and for  
14 understanding conflicting points of view... [t]he teacher does not use his/her position to forward  
15 his/her own religious, political, economic, or social bias... [t]he discussion does not reflect  
16 adversely upon persons because of their race, sex, color, creed, national origin, ancestry,  
17 handicap, or occupation."

18 25. District Board Policy No. 5137 "Positive School Climate" also explains that, "The  
19 Governing Board desires to enhance student learning by providing an orderly, caring, and  
20 nurturing educational and social environment in which all students can feel safe and take pride in  
21 their school and their achievements. The school environment should be characterized by positive  
22 interpersonal relationships among students and between students and staff."

23 26. Board Policy No. 6141.6 "Multicultural Education" provides that the District seeks  
24 to "foster an educational climate that will bring about the elimination of institutional and personal  
25 practices which foster attitudes and/or actions leading to discrimination against students,  
26 parents/guardians, or school personnel on the basis of race, creed, color, language, national origin,  
27  
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1 citizenship status, gender, age, sexual orientation, whether actual or perceived, and/or  
2 handicapping condition."

3 27. Respondent's conduct violates Education Code section 201, "Educational Equity"  
4 which provides that "[a]ll pupils have the right to participate fully in the educational process, free  
5 from discrimination and harassment" and "[h]arassment on school grounds directed at an  
6 individual on the basis of personal characteristics or status creates a hostile environment and  
7 jeopardizes equal educational opportunity as guaranteed by the California Constitution and the  
8 United States Constitution." Respondent's conduct further violates Education Code section 220,  
9 et seq. which prohibits "discrimination on the basis of disability, gender, gender identity, gender  
10 expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic  
11 that is contained in the definition of hate crimes ... including immigration status, in any program  
12 or activity conducted by an educational institution that receives, or benefits from, state financial  
13 assistance, or enrolls pupils who receive state student financial aid."

14 28. Similarly, Respondent's job description requires him to "show respect for  
15 students," establish "appropriate relationships with students" and maintain "cooperative,  
16 professional attitudes with peers and supervisors." REACH Academy's Mission Statement states  
17 in relevant part, REACH Academy "provide[s] our students with a caring, consistent  
18 environment, opportunity to access a diverse network of services and the ability to identify their  
19 potential."

20 29. Respondent is aware of the State and District rules, regulations and policies, and of  
21 the District's expectations of his conduct, but has persistently disregarded them, indicating the  
22 willfulness of his conduct. Furthermore, Respondent's conduct is persistent as evidenced by the  
23 multiple incidents and failure to comprehend that his conduct manner violates any State or  
24 District rule, regulation or policy. The District is unable to rely on Respondent as a teacher, and  
25 students have suffered due to his wrongful conduct. As a result, Respondent should be dismissed  
26 from his position as a certificated employee.

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**EVIDENCE OF EVIDENT UNFITNESS FOR SERVICE**

30. The District incorporates the allegations in paragraphs 1-29 above as though fully set forth herein.

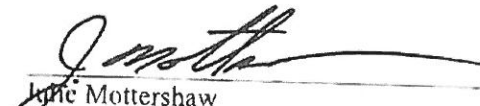
31. Respondent is not fit to teach and his unfitness to teach is evident based on his conduct and behavior described in paragraphs 1 through 16 above.

**RECOMMENDATION FOR DISMISSAL AND IMMEDIATE SUSPENSION**

Based upon the foregoing reasons, I charge that there exists cause for the dismissal of Respondent Jerry Hobbs in that his conduct and behavior constitute immoral conduct, evident unfitness for service, and 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 or by the governing board of the school district employing him, within the meaning of Education Code section 44932, subdivisions (a)(1), (6) and (8), and section 44939. Respondent's immoral conduct also supports his immediate unpaid suspension under Education Code section 44939 pending resolution of this matter.

I, Julie Mottershaw, am informed and believe, and allege upon such information and belief under penalty of perjury, that the foregoing allegations are true and correct. On that basis, I recommend to the Governing Board of the Grossmont Union High School District that it dismiss Respondent from service pursuant to Education Code section 44932 *et seq.*, and that it immediately suspend Respondent from service without pay pursuant to Education Code section 44939 pending resolution of this matter.

Executed this 15th day of May 2018, in the City of El Cajon, County of San Diego, California.

  
Julie Mottershaw  
Assistant Superintendent, Human Resources  
Grossmont Union High School District