

OPEN LETTER: * Court Reaches Decision *
*** CUSD ordered to Reinstate Union [CAUSE] President, Jay Hotchner ***

Jan. 6, 2024

Dear CUSD Faculty, Support Staff, Parents, and Community Partners,

The court has ruled.

In summary, the Union wins another important legal battle. Carpinteria Unified School District [*hereafter* CUSD] is required to reinstate employee Union President, Jay Hotchner !

Employee Union Leadership is pleased to announce the decision from the Commission on Professional Competence. After being unfairly and illegally placed on unpaid administrative leave for the last two school years, the Commission has fully reversed the District's actions and directed the CUSD to make our CAUSE President, Mr. Hotchner, whole.

Some details that stand out:

* Even though the District was only required to meet the legal standard of a "preponderance of evidence," the District did not provide sufficient evidence to justify its actions. The Commission found the dismissal not warranted.

* The decision by the three-member Commission (made up of an administrative law judge from the state's Office of Administrative Hearings, and two certificated persons employed by other school districts; one chosen by Mr. Hotchner and one by CUSD) was unanimous.

* Although the District charged and continues to publicly make unfounded accusations of salacious and immoral conduct by Mr. Hotchner, the Commission determined that CUSD did not establish that Mr. Hotchner's actions were indecent or immoral; finding that there was no improper motive for Mr. Hotchner's behavior.

* Although the District charged and continues to publicly make unfounded accusations of dishonest conduct by Mr. Hotchner, the Commission determined that CUSD did not establish that Mr. Hotchner engaged in acts of dishonesty.

* The Commission determined that dismissal is not warranted, because the District failed to establish that Mr. Hotchner is unfit to teach.

* The Commission ordered, "The Statement of Charges against Respondent John Hotchner is hereby dismissed, and he shall not be terminated as a permanent certificated employee of Carpinteria Unified School District."

* After already spending approximately \$2,500,000 to discredit and malign Mr. Hotchner's performance and efficacy (*i.e. monies that could and should have been spent on students and District families*), the CUSD is now:

1. Required to compensate Mr. Hotchner for all lost wages, lost leave, STRS contributions, and monies spent as a result of denying his access to healthcare, with interest.
2. Required to reimburse all Mr. Hotchner's legal fees, which the Union has been paying, at market rate.
3. Responsible for the costs of the 20 days of hearing, including the cost of the administrative law judge.

How does the decision protect District employees, students, and families?

This is not the first time Union Leadership has been attacked and maligned by current District Leadership (*Case No. LA-CE-6522-E PERB Decision No. 2797 - November 16, 2021*). In 2021, the District was found guilty of "retaliation" & "discrimination" against Mr. Hotchner. Even under appeal, that decision was upheld, and the District was ordered to "cease & desist" engaging in said behavior.

To be clear, the Union understands the District's more recent action to remove Mr. Hotchner as further retaliation against Union Leadership; primarily for Mr. Hotchner's advocacy on the behalf of District employees and the families they serve. The District is likely well aware that such actions send waves of concern, fear, confusion, misinformation, and incendiary rumors around both the District and our small community. It is not difficult to understand how the District's attacks on Union Leadership could clearly limit the voice, participation, and rights of employees, or how the District's attacks silence District employees and community members who wish to contribute their professional and/or families' experiences, insights, concerns, and suggestions.

Fortunately, the Commission's decision further protects the rights and opportunities of CUSD employees and District families to fully participate and have influence on critical decision-making processes in the District.

Moving forward.

The Union is awaiting the District's decision as to whether they will spend even more of the public's money on an appeal. Meanwhile, Union Leadership will continue to coordinate the high-quality advocacy we were elected to provide District employees; advocacy we are known for delivering and our members have come to rely upon.

We wish to express our appreciation to our colleagues, counsel, family & community members, the leadership of both the California Federations of Teachers [CFT] & the American Federation of Teachers [AFT], and others who supported Union Leadership throughout this process. Your trust and confidence remain of enormous value.

If Union leadership can be of any support to you, regarding workplace conditions, workplace environment, contractual matters of any kind, and/or issues of employee or student health & safety, you are welcome to contact us directly: cause.cusd@gmail.com .