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5 **THE BOARD OF EDUCATION OF**  
6 **THE LOS ANGELES UNIFIED SCHOOL DISTRICT**  
7

8 IN THE MATTER OF THE DISMISSAL OF  
9 RAFE ESQUITH (EN <sup>Redact</sup> ), A  
10 PERMANENT CERTIFICATED  
11 EMPLOYEE

**STATEMENT OF CHARGES**

12  
13 The undersigned herewith files the following Statement of Charges (hereinafter  
14 "Charges") against RAFE ESQUITH (hereinafter "ESQUITH"), a permanent certificated  
15 employee of the Los Angeles Unified School District (hereinafter "District") and asks for his  
16 immediate suspension without pay and dismissal for the following causes as specified in sections  
17 44932 and 44939 of the California Education Code:

18 **CAUSES**

- 19 1. Immoral conduct, including, but not limited to, egregious misconduct. (Ed. Code  
20 § 44932(a)(1).)
- 21 2. Immoral conduct. (Ed. Code § 44939.)
- 22 3. Unprofessional conduct. (Ed. Code § 44932(a)(2).)
- 23 4. Dishonesty. (Ed. Code § 44932(a)(4).)
- 24 5. Evident unfitness for service. (Ed. Code § 44932(a)(6).)
- 25 6. Persistent violation of or refusal to obey the school laws of the state or reasonable  
26 regulations prescribed for the government of the public schools by the State Board  
27 of Education or by the governing board of the school district employing him. (Ed.  
28 Code § 44932(a)(8).)

7. Willful refusal to perform regular assignments without reasonable cause, as prescribed by reasonable rules and regulations of the employing district. (Ed. Code § 44939.)

## CHARGES

At most times relevant herein, ESQUITH was a certificated, permanent employee of the District, assigned as a teacher to Hobart Boulevard Elementary School, a counselor at the Westside Jewish Community Center, and/or the First Class after school programs. The foregoing causes for dismissal exist by reason of the following Charges:

1. During the period commencing in or about 1974 and ending in or about 1975, after discovering that then 9-year-old MRedacted , a student in the Westside Jewish Community Center after school program, had plagiarized his homework, ESQUITH did the following in the presence of ESQUITH's group of students:

- a. Slapped M<sup>Re</sup> on the face;
- b. Punched M<sup>Red</sup> in the head; and
- c. Struck M<sup>Re</sup>; with the papers from the assignment.

2. During the period commencing in or about 1974 and ending in or about 1975, ESQUITH babysat for then 9 year old MRedacted while his mother was out for the evening. While ESQUITH was alone in the house with MRe ESQUITH did the following:

- Entered M<sup>Re</sup>'s bedroom after M<sup>Re</sup> had gone to bed.
- Sat down on the bed next to M<sup>Re</sup>, who was lying on his back.
- Placed his hand(s) underneath the blankets and M<sup>Re</sup>'s clothing and touched M<sup>Re</sup>'s penis, skin to skin.
- Rubbed M<sup>Re</sup>'s penis in a side to side motion for a period of time.

3. During the summer of 1974, when MRed and other students attended a sleepover at ESQUITH's residence, ESQUITH did the following:

- a. Pinned MRe down and slammed his head against the floor, hitting metal dumbbells and causing a cut on his scalp.
- b. Took MRe to ESQUITH's bedroom and punched him.

- 1 c. Refused to let M<sup>Re</sup> leave ESQUITH's bedroom and told M<sup>Red</sup> it was his  
2 fault that ESQUITH hit him.
- 3 d. After the other students' parents picked them up, ESQUITH bathed M<sup>Re</sup>.
- 4 e. Told M<sup>Re</sup>, words to the effect of, "If you tell anyone, I'll kill your  
5 mother."
- 6 4. During the summer of 1974, ESQUITH was paid by the mother of D<sup>Redacted</sup>,  
7 a then 8 year old student at Hancock Park Elementary School, whom ESQUITH knew through  
8 his work at the Westside Jewish Community Center, to stay at their home to babysit D<sup>Red</sup> while  
9 she was out of town for approximately one week. During that week, ESQUITH did the  
10 following:
- 11 a. Directed D<sup>Red</sup> that he was to sleep in the nude.
- 12 b. Awakened D<sup>Red</sup> in the middle of the night by squeezing D<sup>Red</sup>'s penis.
- 13 c. Told D<sup>Red</sup> that ESQUITH had squeezed his penis to wake him up  
14 because D<sup>Red</sup> was saying bad things about his father in his sleep.
- 15 d. Told D<sup>Red</sup> that if he told anyone about the incident, ESQUITH would tell  
16 everyone what D<sup>Red</sup> had said about his father.
- 17 5. During the time period commencing in or about 1974 and ending in or about  
18 1976, during sleepovers with the children from the Westside Jewish Community Center,  
19 ESQUITH encouraged D<sup>Red</sup> to share a bed with and fool around sexually with another student,  
20 B<sup>Redacted</sup>.
- 21 6. During the time period commencing in or about 1974 and ending in or about  
22 1976, ESQUITH was observed to be physical and lose his temper with children, by punching and  
23 hitting them.
- 24 7. During the period commencing in or about 1976 and ending in or about 1979,  
25 while serving as an after school counselor at the Westside Jewish Community Center (and later  
26 the "First Class" program), ESQUITH did the following to B<sup>Redacted</sup>, who was 9-11 years  
27 old at the time:
- 28 a. On one occasion, when B<sup>Re</sup>'s mother hired ESQUITH to babysit for B<sup>Re</sup>

1 at their home, she awakened several times to find him staring at her while  
2 she slept.

3 b. On one occasion, during a trip to Crater Lake, Oregon with ESQUITH and  
4 other children, ESQUITH climbed inside B<sup>Re</sup>'s sleeping bag, reached  
5 under her clothes, and massaged her stomach and breasts, skin to skin.

6 8. During the period commencing in or about 1976 and ending in or about 1977,  
7 ESQUITH had multiple sleepovers at his residence with former Westside Jewish Community  
8 Center and First Class Students, including B<sup>Redacted</sup>, who was then 10 or 11 years old, and  
9 ESQUITH was the only adult present.

10 a. At a sleepover B<sup>Re</sup><sub>dar</sub> wore a nightgown with buttons in the front. When  
11 she went to bed, the buttons were all buttoned, but when B<sup>Re</sup> woke up,  
12 they were all unbuttoned. Another student told B<sup>Re</sup> that, in the middle of  
13 the night, she had observed ESQUITH standing over B<sup>Re</sup> and messing  
14 with her buttons.

15 9. In or about 1976 or 1977, ESQUITH humiliated B<sup>Re</sup> in front of the entire First  
16 Class group. After learning that B<sup>Re</sup> had told a friend that she had smoked a cigarette,  
17 ESQUITH humiliated B<sup>Re</sup><sub>dar</sub> by throwing a pack of cigarettes at her and calling her a "low life," or  
18 words to that effect, in front of the other kids. After that incident ESQUITH shunned B<sup>Re</sup>.

19 10. During or about the 1994-1995 school year, ESQUITH, fifth grade teacher at  
20 Hobart Boulevard Elementary School, did the following to M<sup>Redacted</sup>, who was one of  
21 ESQUITH's fifth grade students at that time:

22 a. Motioned to her to sit in ESQUITH's lap.  
23 b. Placed ESQUITH's right hand on her right hip area and pulled her toward  
24 ESQUITH body until she was sitting on ESQUITH's lap.  
25 c. Touched and groped her buttocks with his hand, causing her to jump up  
26 and move away from ESQUITH.

27 11. During the period commencing in or about the 1994-1995 school year and ending  
28 in or about the 1995-1996 school year, M<sup>Redacted</sup><sub>ad</sub> observed that ESQUITH engaged in the

1 following inappropriate conduct with students:

- 2 a. Asked female students, "With a show of hands, how many of you have
- 3 started your period?" or words to that effect.
- 4 b. On multiple occasions, talked about female students' "boobs," or words to
- 5 that effect.
- 6 c. Said to female students who had large breasts, "You're going to have back
- 7 problems because you're heavy on top," or words to that effect.
- 8 d. Unzipped his pants in class while making reference to someone urinating.
- 9 e. Placed female students across his lap and spanked them.
- 10 f. During a discussion of the musical scale during guitar lesson(s),
- 11 commented about a girl(s) in G-string(s).
- 12 g. Spoke with students about a "merkin," explaining that it was a wig for
- 13 female genitalia.

14 12. During the period commencing on or about July 1, 2003, and ending on or about  
15 October 1, 2005, 4th grade teacher Jay Gowan observed ESQUITH do the following:

- 16 a. On one occasion, Mr. Gowan approached ESQUITH's classroom at
- 17 approximately 5:00 pm to ask ESQUITH a question. ESQUITH's
- 18 classroom door was closed, and when Mr. Gowan opened it and entered,
- 19 he saw ESQUITH bent over tickling ESQUITH's female student(s).
- 20 When ESQUITH saw Mr. Gowan come in, ESQUITH stopped touching
- 21 the student(s).
- 22 b. ESQUITH pointed at one of ESQUITH's female students, and said that
- 23 the student loved green M&Ms because they made her horny.

24 13. In or about 2005, ESQUITH took a group of approximately 30 students who were  
25 members of the "Hobart Shakespeareans" on a trip to Washington DC. ESQUITH and his wife  
26 were the only chaperones. One of the participants on the trip was E<sup>Redact</sup>., a fifth grade student  
27 at the time who was not in ESQUITH's class, but who had signed a "contract" to be a member of  
28 the Hobart Shakespeareans. During the trip, ESQUITH did the following to E<sup>Redact</sup> .:

- a. Became upset with E<sup>Redact</sup> . for jumping around in her hotel room.
- b. Left E<sup>Redact</sup> . alone in the room with no food for the entire next day while ESQUITH and ESQUITH's wife took the other students sightseeing.
- c. When, following the trip, E<sup>Redact</sup> . told ESQUITH privately that she no longer wanted to be a member of the group, ESQUITH took her into his classroom full of students, berated her, and called her a loser, or words to that effect.

14. ESQUITH improperly and without authorization used District resources and Hobart Boulevard Elementary School's address for his alleged "non-profit" the "Hobart Shakespeareans." The "Hobart Shakespeareans" website could be accessed directly from the Hobart Boulevard Elementary School website.

15. In or about 2005, ESQUITH did the following to Hobart Elementary School Teacher Lisa Newman:

- a. Offered to show her why ESQUITH's wife had married him; and
- b. Gestured at the zipper of his pants.

16. During the period commencing in or about the 2004-2005 school year and ending in or about the 2014-2015 school year, at Hobart Boulevard Elementary School, ESQUITH caused 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> grade student(s) of the District, who were then or formerly in ESQUITH's 5<sup>th</sup> grade class, to participate in trips with ESQUITH and other students to Disneyland, Washington DC, Monterey, and Oregon.

17. During the period commencing in or about the 2004-2005 school year and ending in or about the 2014-2015 school year, ESQUITH conducted Saturday classes at Hobart Boulevard Elementary School for the "Hobart Shakespeareans." ESQUITH charged \$100 per month for student(s) to attend the class, which student(s) paid directly to ESQUITH each month, and did not receive a receipt. ESQUITH advised the student(s) that the money for the Saturday classes was to help pay for airfare, lodging, and watching plays on their trip to Oregon.

18. During the period commencing in or about the 2004-2005 school year and ending in or about the 2014-2015 school year, ESQUITH failed to provide appropriate supervision

1 during trips with student(s) as follows:

- 2 a. ESQUITH and his wife, Barbara, were the only chaperones for groups of
- 3 30-40 students.
- 4 b. Students were free to explore on their own, without any adult chaperones.
- 5 c. ESQUITH would provide money to the students to purchase items.

6 19. During or about the 2010-2011 school year, following a trip to Ashland Oregon,  
7 during which two hairdryers had been stolen from the hotel bathrooms, ESQUITH did the  
8 following to 7<sup>th</sup> grade student J<sup>Redact</sup> .:

- 9 a. Called her on her cell phone and told her that he wanted to meet with her
- 10 and her mother.
- 11 b. Told J<sup>Redact</sup> over the phone that he could have her family deported back to
- 12 Korea.
- 13 c. Continued to call and email J<sup>Redact</sup>, telling her that the police had called
- 14 him about the incident and that he might have to give them her name,
- 15 despite the fact that the police were never involved or contacted regarding
- 16 this incident.

17 20. During or about the 2010-2011 school year, following a trip to Ashland Oregon  
18 during which two hairdryers had been stolen from the hotel bathrooms, ESQUITH did the  
19 following to 7<sup>th</sup> grade student S<sup>Redact</sup> .:

- 20 a. Repeatedly questioned S<sup>Redact</sup> about who had taken the hairdryers.
- 21 b. Sent her 4-5 emails within a week, threatening that he would have to
- 22 divulge her name to the Oregon police if she did not respond to him,
- 23 despite the fact that the police were never involved or contacted regarding
- 24 this incident.

25 21. During the period commencing in or about 2008 and ending in or about 2015,  
26 ESQUITH did the following to current and former District student(s), in violation of District  
27 policies and procedures:

- 28 a. Hugged female student(s).

- 1 b. Put his arms around female student(s)' waists.
- 2 c. Touched female student(s)' buttocks.
- 3 d. Gave student(s) gifts, rewards, or incentives that were not school-
- 4 related.
- 5 e. Made specific statements in class about alcohol, sex, and partying.
- 6 f. Told students, "Sex feels good," or words to that effect.
- 7 g. Told students, "When a man's penis goes inside a woman's vagina, a
- 8 white sperm comes out that makes the woman go crazy," or words to that
- 9 effect.
- 10 h. On multiple occasions, kept students after school to watch movies that
- 11 depicted inappropriate content, including but not limited to, complete
- 12 nudity, a male and a female engaging in sex, female breasts, male and
- 13 female buttocks, and groaning.
- 14 i. Made inappropriate sexual jokes to students.
- 15 j. Physically touched student(s) inappropriately.
- 16 k. Made inappropriate comment(s) to student(s).
- 17 22. During the 2011-2012 school year, ESQUITH did the following to M<sup>Redacted</sup>., a
- 18 5<sup>th</sup> grade student in his class:
- 19 a. After finding out that M<sup>Redact</sup> had been involved in a physical altercation
- 20 with another student, took him alone to room 57 (a storage room which
- 21 adjoined the classroom) in the morning before school.
- 22 b. While alone in room 57, asked M<sup>Redac</sup> why he had kicked A<sup>Redact</sup>.
- 23 c. When M<sup>Redacte</sup> replied, "Because I was mad," ESQUITH grabbed
- 24 M<sup>Redact</sup>'s neck with his hand and slammed him against the wall, causing
- 25 M<sup>Redact</sup> to strike the back of his head.
- 26 d. Stated, "It wasn't a good reason to kick A<sup>Redac</sup>," or words to that effect.
- 27 e. Continued to use his hand around M<sup>Redac</sup>'s neck to force him against the
- 28 wall for approximately a minute, then returned to the classroom next door.

1 f. Spoke with M<sup>Redact</sup><sub>ed</sub> on the phone and engaged in multiple non-school-  
2 related conversations with him in the evenings, outside of school.

3 23. During the 2010-2011 school year, ESQUITH engaged in the following  
4 inappropriate behaviors, in relation to E<sup>Redact</sup><sub>ed</sub>, a 5th grade student in ESQUITH's class, by  
5 doing the following:

- 6 a. Paid for music lessons for E<sup>Redact</sup><sub>ed</sub>.
- 7 b. Transported E<sup>Redac</sup><sub>ted</sub> in his personal vehicle without proper authorization  
8 to and from music lessons at Charles Music in Glendale, at least one time  
9 per week.
- 10 c. On multiple occasions, took E<sup>Redac</sup><sub>ted</sub> to his house, both alone and with  
11 other students.
- 12 d. Invited E<sup>Redact</sup><sub>ed</sub> and other student(s) to his home to watch a movie and  
13 receive cooking lessons from his wife.

14 24. During the 2010-2011 school year ESQUITH demonstrated inappropriate  
15 behaviors, such as:

- 16 a. Got upset or mad at students.
- 17 b. Used the F-word when he was upset or mad.
- 18 c. Took students he was mad at to another room.

19 25. During the period commencing on or about March 1, 2015, and ending on or  
20 about March 30, 2015, ESQUITH did the following in the computer lab, in the presence of  
21 Barbara Hayden, Hobart Boulevard Elementary School Teacher, causing Ms. Hayden to be  
22 uncomfortable:

- 23 a. In the presence of a class full of students, in response to student K<sup>Reda</sup><sub>cted</sub>  
24 <sup>Re</sup><sub>da</sub>'s question about what he should do after he finished his work, stated,  
25 "Surf the net for porn. That's what we do in our spare time," or words to  
26 that effect, and pointed to Ms. Hayden as he spoke, then laughed and said,  
27 "I'm just kidding. It's a joke," or words to that effect.
- 28 b. Stated in the presence of and regarding student J<sup>Redact</sup><sub>ed</sub>, who was

1 appearing in an upcoming play, "If the audience doesn't like his  
2 performance, he can perform while nude, or at least wear a fig leaf. And,  
3 from what I've heard, it would be a small fig leaf," or words to that effect.

4 26. On or about April 15, 2015, a scan of ESQUITH's District's issued computer,  
5 serial # 825HP1GGDHJF, revealed multiple inappropriate images and videos including but not  
6 limited to, the following:

- 7 a. A picture of a man and two young boys wearing only fig leaves covering  
8 their genital areas and red and white Santa hats on their heads, and a  
9 woman wearing only a fig leaf covering her genitals, coconut shells  
10 covering her breasts, and a red and white Santa hat on her head.
- 11 b. A picture of a young dark-haired woman lying on her side with her eyes  
12 closed, wearing only a red bra and red panties
- 13 c. A picture of a dark-haired woman, sitting on a brown chair or sofa, naked  
14 with her breasts and nipples exposed
- 15 d. A picture, with a Playboy logo in the bottom right corner, of a blond  
16 woman in a black bikini, pulling down the bikini bottom with her thumbs
- 17 e. A picture of a topless blond woman in what appears to be a hot tub,  
18 wearing a blue bikini bottom, exposing her breasts and nipples
- 19 f. Multiple images of what appears to be a red-haired woman, in a sitting  
20 position with her buttocks exposed, on top of the pelvic area of what  
21 appears to be a man lying face-up underneath her
- 22 g. One 50-second video clip of a woman performing a full strip-tease  
23 resulting in her being completely nude in front of a closed door, which is  
24 ultimately opened by an elderly couple
- 25 h. One 56 image animated GIF video of a woman (whose face is not shown),  
26 wearing denim shorts and a t-shirt. In the video, the woman's t-shirt is  
27 removed by someone approaching her from behind, resulting in her  
28 breasts and nipples being fully exposed.

1           27. During the period of time that ESQUITH had use and/or possession of District  
2 issued computer, SN 825HP1GGDHJF, ESQUITH used a personal email address,  
3 Redacted , to send and receive personal and inappropriate non-school related emails  
4 to minors who were current and former District students.

5           28. During the period commencing on or about March 10, 2012 and ending on or  
6 about December 29, 2013, , ESQUITH using a District issued computer, SN 825HP1GGDHJF,  
7 and a personal email address, Redacted , sent the following statements through  
8 emails to 14-year old E Reda ., a former student from his 5<sup>th</sup> grade class at Hobart Boulevard  
9 Elementary School to the email address Redacted :

- 10           a. On December 29, 2013, ESQUITH sent her the following question:
- 11               i. “Are you married yet?”
- 12           b. On December 28, 2013, ESQUITH sent her the following statements:
- 13               i. “Hope you have had a wonderful holiday with lots of beer and  
14 men.”
- 15           c. On December 3rd and 4th of 2013, ESQUITH sent her the following  
16 statements:
- 17               i. “You’re sooooooooooooooooo fine.”
- 18               ii. To which she replied “noooooooooooooooooo”
- 19               iii. To which, on December 4th, ESQUITH replied, “Pretty woman,  
20 walking down the street...”
- 21           d. On July 28, 2013, ESQUITH sent her the following statements:
- 22               i. “Me too, oh beautiful bunny of all men.”
- 23               ii. “Or you can go naked. Nothing to wash and many boyfriends!”
- 24               iii. “You are stuck with me forever!”
- 25           e. On July 10, 2013, ESQUITH sent her the following statements:
- 26               i. “Hey beautiful...another terrific day...hope you are well and are  
27 getting ready for a sleepover”
- 28           f. On June 14, 2013, ESQUITH sent her the following statements:

- 1 i. "O goodie!!! Let's have a sleepover!!!"
- 2 g. On May 18th and 19th of 2013, ESQUITH had the following electronic
- 3 communication with her:
- 4 i. She sent, "First of all thank you for the lunch money!...Thank you
- 5 for the hundreds and hundreds you have given me."
- 6 ii. ESQUITH wrote, "You, however, have finals coming up and lots
- 7 of men to see. REST!!!!!! (you looked specially pretty today!)"
- 8 iii. She replied, "I don't have any males to see anytime soon."
- 9 iv. ESQUITH wrote, "Sure you do, you just haven't noticed how
- 10 many guys stare at you!"
- 11 v. She replied, "Uh.....what? I don't have any contact with guys
- 12 except P<sup>Re</sup> and V<sup>Red</sup>, the kids at Hobart.
- 13 vi. ESQUITH wrote, "There are more things in heaven and earth than
- 14 are dreamt of in your philosophy, Horatio... (that means there are
- 15 things you don't understand!!!)
- 16 vii. She replied, "Haha. I'm not going to look at guys until like college
- 17 or after."
- 18 viii. ESQUITH wrote, "Maybe. Maybe Not. I never realized what a
- 19 kiss could be!"
- 20 ix. She replied, "Haha but I don't like anybody."
- 21 x. ESQUITH wrote, "Well, some like YOU."
- 22 xi. She replied, "I doubt that A LOT!"
- 23 xii. ESQUITH wrote, "I know at least one man who dreams about you.
- 24 Every night (and sometimes in the day!)
- 25 xiii. She replied, "Oh my gosh!!! Who?!?!?!?!?!?!?!?"
- 26 xiv. ESQUITH wrote, "Sorry. You said you are not interested until
- 27 you are in college or older. You can wait."
- 28 xv. She replied, "Yes, but this changes things. I just want to know who

- 1 the person is.”
- 2 xvi. ESQUITH wrote, “Sorry, my dear, you have made it clear that you
- 3 are “above” such absurd topics as lust!”
- 4 xvii. She replied, “I’m not lusting”
- 5 xviii. ESQUITH wrote, “I know that, which is why you would have no
- 6 interest in men who list (sic) after you ...”
- 7 xix. She replied, “I’m not interested IN the person, I’m interested in
- 8 who the person IS”
- 9 xx. ESQUITH wrote, “And there are many guys....”
- 10 xxi. She replied, “No, I just want to know who it is, so I can KNOW.”
- 11 xxii. ESQUITH wrote, “Either you are interested in such matters or
- 12 not.... you should not feed (sic) dad (sic) about being a wild
- 13 teenager!”
- 14 xxiii. She replied, “But I’m Not.”
- 15 h. On May 16, 2013, ESQUITH sent her the following statements:
- 16 i. “Just do your homework. I felt TERRIBLE for you today. If you
- 17 need to sleep at Hobart I can get you a bed...no kidding.”
- 18 i. On April 28, 2013, ESQUITH had the following electronic
- 19 communication with her:
- 20 i. ESQUITH wrote, “When I see you Tuesday, I have your money to
- 21 pay for next year of Immaculate Heart. I will also have a check to
- 22 C<sup>Redac</sup> to get her braces started.”
- 23 ii. ESQUITH wrote, “I know you already do this, but when you get
- 24 the check, make sure you thank H<sup>Red</sup> and give her a big juicy kiss
- 25 on the lips.”
- 26 iii. ESQUITH wrote, “You are one of the most beautiful women I
- 27 have ever seen, and H<sup>Red</sup> saw it right away. You are a Goddess.”
- 28 iv. She replied, “That’s so weird”

- 1 v. ESQUITH wrote, "Not weird at all. You know many things, and  
2 are a fabulous student. But you do not understand men and their  
3 wants and desires. You are their dream come true."
- 4 vi. She replied, "Oh my....I totally doubt that"
- 5 vii. ESQUITH wrote, "Doubt all you like. I know a LOT about such  
6 things!!!! Years of practice, practice, practice!!!!!"
- 7 viii. She replied, "Oh my"
- 8 ix. ESQUITH wrote, "You need to do things a LOT to get good, don't  
9 you agree?"
- 10 x. She replied, "I don't know, I haven't had any experience"
- 11 xi. ESQUITH wrote, "I know. But soon you will begin, and I so  
12 admire your work ethic. Once you begin practicing, you will want  
13 to practice every day and every night!!!!"
- 14 xii. She replied, "Oh my....that's so disturbing"
- 15 xiii. ESQUITH wrote, "Not disturbing...FUN!!!! you'll see!"
- 16 xiv. She replied, "I don't want to see"
- 17 xv. ESQUITH wrote, "Things change, E<sup>Re</sup>. Trust me. Take your  
18 time, but you are going to love it!!!!"
- 19 xvi. She replied, "It doesn't sound like something loving"
- 20 xvii. ESQUITH wrote, "It is when you find the right person!!! LOTS of  
21 people LOVE you!!!! All you need is love!"
- 22 xviii. She replied, "It's too weird"
- 23 xix. you wrote, "It can't be THAT weird. How do you think you got  
24 here!!!!"
- 25 xx. She replied, "For the time being they are weird"
- 26 xxi. ESQUITH wrote, "No, they are fine. You are young. That does  
27 not make them weird!"
- 28 xxii. She replied, "Just the whole concept and idea of love and stuff just

- 1 seems so distant and almost impossible.”
- 2 xxiii. ESQUITH wrote, “Are you saying you are unlovable????!! I love
- 3 you more than life itself!”
- 4 j. On April 19th and 20th of 2013, ESQUITH sent her the following
- 5 statements:
- 6 i. On the 20th, ESQUITH sent her, “Don’t neglect your boyfriends!”
- 7 ii. To which she replied, “Why would I have a boyfriend?”
- 8 iii. To which ESQUITH responded on the 20th, “Because you are so
- 9 hot and brilliant and exciting and special... Have a wonderful day,
- 10 beautiful girl.”
- 11 k. On March 29, 2013, ESQUITH sent her the following statements:
- 12 i. “You are the greatest girl on the planet, and the hottest chick too!”
- 13 ii. “Is it okay if I come to your house at 1:30? I will call you from my
- 14 house. Please send your phone number.”
- 15 iii. When she sent ESQUITH her home number, ESQUITH responded
- 16 with, “Thank you, o hot one!”
- 17 iv. When she responded to that statement with, “Uh WHAT?”,
- 18 ESQUITH sent, “You are hotter than the sun and brighter than the
- 19 brightest star”
- 20 l. On February 18, 2013, ESQUITH sent her the following statements:
- 21 i. “You’re pretty.”
- 22 ii. “It’s part of you r amazing self. And a very amazing self it is!”
- 23 iii. “You got even prettier.”
- 24 iv. “And even more pretty. Beautiful. Elegant. Dazzling. Sexy.
- 25 Gorgeous. You are all of that and much much more.”
- 26 v. “Don’t argue, hottie.”
- 27 m. On November 18, 2012, ESQUITH sent her the following statements:
- 28 i. “If you can, let me know if the afternoon or evening would be

1 good. Also, remind me the person I make the check out to. It will  
2 only be for 250, but this should keep him happy for a week or so.  
3 Bigger check coming in December or January.”

4 n. On November 7, 2012 ESQUITH sent her the following statements:

5 i. “You’re pretty.”

6 ii. Hey beautiful!”

7 iii. “xxx”

8 o. On October 3, 2012, ESQUITH sent her the following statements:

9 i. “All kidding aside, E<sup>Re</sup>. You are the highlight of my week. I  
10 hope we can have dinner soon when you have time. Miss you.”

11 ii. “How are you? Are you married yet or still doing lots of drugs?  
12 Has H<sup>Redac</sup> kicked her cocaine habit?”

13 p. On April 26, 2012, ESQUITH sent her the following statements:

14 i. “There are always seats for you! (in O<sup>Red</sup>’s lap!!!)”

15 ii. To which she replied, “I would NEVER sit on his lap....”

16 iii. To which ESQUITH replied, “Never is LONG time. I know (for  
17 real) one guy who has a major crush on you and would LOVE you  
18 on his lap! But I am sworn to secrecy!”

19 q. On April 19, 2012, ESQUITH sent her the following statements:

20 i. “You are very good natured to let us kid with you.”

21 ii. “You are so frigging beautiful and talented and fun and loving and  
22 smart and dazzling that you belong at a dance. And I am so  
23 jealous of O<sup>Red</sup> and P<sup>Re</sup>!”

24 r. On March 10, 2012, ESQUITH sent her the following statements:

25 i. “Those idiot girls need to go fuck themselves!”

26 29. During the period commencing on or about December 21, 2010, and ending on or  
27 about February 3, 2013, ESQUITH, using a District issued computer, SN 825HP1GGDHJF, and  
28 a personal email address, <sup>Redacted</sup>, sent the following statements through emails to

1 13-year old E<sup>Redacted</sup>, a former student from his 5<sup>th</sup> grade class at Hobart Boulevard Elementary  
2 School to the following email address<sup>Redacted</sup>:

3 a. On February 3, 2013, ESQUITH sent her the following statements:

- 4 i. "I thought of you all day today, but didn't want to write because I  
5 knew you were being put through the ringer. Bravo, E<sup>Reda</sup> the  
6 medals are nice, but a picture of you would be even better."  
7 ii. "In addition to you being a babe and a brilliant one at that, you are  
8 courageous."  
9 iii. "You made it clear to me in the Summer of 2011 that you really  
10 don't want my opinions or company..."

11 b. On November 21, 2012, ESQUITH sent her the following statements:

- 12 i. "E<sup>Reda</sup>, you did not "screw up" our relationship. You did not  
13 make mistakes! None. In the Summer of 2011, you and your  
14 friends told me the truth...I hope during the holiday season you get  
15 to do some outrageous awful things that would shock the world.  
16 Don't save any room for Jesus and have fun. You deserve it!!"

17 c. On February 28, 2012, ESQUITH sent her the following statements:

- 18 i. "Your brilliant, a total hottie, and have a great personality"  
19 ii. To which she responded, "I think it's really weird that you find me  
20 the opposite of what I look at myself as. I never thought I was  
21 pretty while looking in the mirror, always think I have extra fat  
22 here and there, but if you say so..."  
23 iii. To which ESQUITH responded, "Hot chicks never think they are.  
24 Trust me on that one!"  
25 iv. "Please NEVER apologize for not coming to class. I really do not  
26 like it when you come. It is too complicated for reasons you do  
27 not understand (and don't need to!)"  
28 v. He closed the email with, "Your favorite ATM. Rafe"

- 1 d. On January 1, 2012, ESQUITH sent her the following statements:
- 2 i. "Your next one will probably be spent fighting off boys who want
- 3 to marry you"
- 4 ii. "I think 2012 will be your best year ever. Please stay in touch with
- 5 me about your school programs, uniforms, supplies, and tuitions.
- 6 Your friendly ATM will always be open for business."
- 7 e. On December 25, 2011, ESQUITH sent her the following statements:
- 8 i. "I am so glad you are in the middle of an amazing Christmas. You
- 9 deserve lots of love, family, and of course, sex/drugs/rock n roll."
- 10 f. On November 3, 2011, ESQUITH sent her the following statements:
- 11 i. "You put me in an impossible situation. After you and your
- 12 friends told me to back off this last summer, I try to stay
- 13 impersonal with you."
- 14 g. On November 2, 2011, ESQUITH sent her the following statements:
- 15 i. "...please go home on Friday and put your feet up and have a
- 16 beer."
- 17 h. On September 15, 2011, ESQUITH sent her the following statements:
- 18 i. "Hey sweetie... I really don't deserve you. Things are so weird
- 19 these days. In some ways they couldn't be better, and in some
- 20 ways they suck!"
- 21 i. On August 12, 2011, ESQUITH sent her the following statements:
- 22 i. "I will cover the uniforms (don't get used—you deserve better) and
- 23 additional classes you want to take. You are there to take
- 24 advantage of the opprotunities (sic) they offer. I wrote S<sup>Redact</sup>
- 25 twice today. One note is about my leaving him money tomorrow
- 26 at his drum lesson to give to you. Here is the good news and bad
- 27 news. It sounds like books/uniforms/classes will run about 1800. I
- 28 can do this, but not by Monday. I have money clearing my bank

1 on Thursday and can get you more money then. My guess is I  
2 have given you 600 so far and another 400 tomorrow. That's  
3 1000. I can do 500 more Thursday/Friday and the final 300  
4 Saturday the 20<sup>th</sup>."

5 j. On May 2<sup>nd</sup> and 3<sup>rd</sup> of 2011, ESQUITH sent her the following statements:

- 6 i. "Hey Supermodel..."  
7 ii. "I don't get to relax, but seeing your pretty face is even better!"  
8 iii. "Do not worry about movies and giving them back. Just enjoy and  
9 know I love you. I am working on Twain, and cannot promise  
10 anything yet, Money is a big problem, but we will see.

11 k. On April 24, 2011, ESQUITH sent her the following statements:

- 12 i. "You're pretty."

13 l. On April 19, 2011, ESQUITH sent her the following statements:

- 14 i. "How is my favorite Hottie?"

15 m. On February 24, 2011, ESQUITH sent her the following statements:

- 16 i. "What happened? Have you been expelled? Running away from  
17 one of your lovers? I love you E<sup>Reda</sup>."

18 n. On January 9, 2011, ESQUITH sent her the following statements:

- 19 i. "I love you." Happy Birthday!" to an email where she thanked him  
20 for sending someone to pick her up from Harvard Westlake to take  
21 her to Disneyland.

22 o. On December 21, 2010, ESQUITH sent her the following statements:

- 23 i. "If you can come, I am taking Y<sup>Red</sup> to my house tomorrow at  
24 12:30 after Covenant House to help you on line with financial (sic)  
25 aide. Let me know if that will help."  
26 ii. "Do your parents do taxes? I am NOT trying to pry, but if they do,  
27 bring copies of the forms."  
28 iii. "I have it, pretty woman."

iv. (sic) "xxx"

30. During the period commencing on or about April 26, 2010, and ending on or about February 18, 2013, ESQUITH, using a District issued computer, SN 825HP1GGDHJF, and a personal email address, Redacted, sent the following statements through emails to 14-year old H. Redacted, a former student from his 5<sup>th</sup> grade class at Hobart Boulevard Elementary School to the following email address Redacted.

a. On February 18, 2013, ESQUITH sent her the following statements:

- i. "I was taking trash out to the dumpster. I saw J. Redacted walking down Harvard with H. Redacted. J. Redacted, who... I got a full scholarship to Willows. Paid her hospital bill when she was hurt. Paid for 2 years of drum lessons. Took to Ashland, Washington DC, and Idaho. Spent two years of Saturdays teaching her. Took to the Magic Castle. Took to Disneyland twice for 3 days. I called out, 'Hi J. Redacted!' And she ran away."
- ii. "I cannot imagine how many guys you have to push away!"
- iii. "Church the whole weekend? Oo la la!!! Heh Heh....I wonder what stuff went down!!!! (but they didn't give you special suckers!!!!)"

b. On December 22, 2012, ESQUITH sent her the following statements in response to an email she sent thanking him for an IPAD he gave her as a gift:

- i. "Hey Beautiful, I am so glad you like it. I think it will really help you in so many ways. And you DO deserve this. As long as you can stand it, you are stuck with me. I love you so much and am always VERY proud of you. I hope to see you soon in 2013. I am still in (sic) NZ but will be on (sic) OZ in a couple of days. Miss you always."

c. On November 27, 2012, ESQUITH sent her the following statements in

1 response to an email from H<sup>Reda</sup> ; where she thanked him for a check:

2 i. "I know you are usually busy on Saturday nights (wink wink) but  
3 if you want to save Saturday December 15<sup>th</sup>, I have reserved seats  
4 for The Hobbit in 3d. Can you let me know when your next  
5 orthodontist appointment is? I will definitely be able to get you a  
6 small check, and maybe even a bigger one."

7 d. On September 1, 2012, ESQUITH sent her the following statements:

8 i. "I miss you too, oh beautiful one!"

9 ii. "I thought of you yesterday. I was in Barnes and Noble buying  
10 books for the class, and saw the DVD section of Romantic  
11 Comedy. None of the actresses on the covers are as dazzling as  
12 YOU."

13 iii. "Try to go easy on the beer during Labor Day because you don't  
14 want to ruin your figure!"

15 iv. "Much love and always miss you."

16 e. On April 28, 2012, ESQUITH sent her the following statements:

17 i. "My dearest H<sup>Redac</sup>... You are beautiful (your hair looked  
18 fantastic today!) You are real. You glow. You are spectacular,  
19 and have character off the charts."

20 ii. "You, H<sup>Redact</sup>, are the fuel that lights my fire... Truth be told, you  
21 don't really need me that much. But when you do, I will drop  
22 everything for you. Everything. Forever and always. I love and  
23 admire you. You teach the torches to burn bright (Romeo and  
24 Juliet) Sorry, but Juliet has NOTHING on you!"

25 f. On April 6, 2012, ESQUITH sent her the following statements:

26 i. "I will have 1000 for S<sup>Redacted</sup> on Monday and give it to your  
27 brother. This will take care of your next few visits. On Friday, we  
28 can wait at school or I could pick you up at his office. However,

1                   you might be in some discomfort after a visit and not feel like a  
2                   movie. I totally understand, so let me know either way. Do not  
3                   worry about the teeth. I will take care of you. Always. Forever.  
4                   Those words mean something to me. And so do you.”

5           g.       On March 6, 2012, ESQUITH sent her the following statements:

6                   i.       “It means so much to hear from you... Miss you a LOT!”

7                   ii.       “You are the greatest!!! Try not to kiss too many guys...”

8           h.       On March 3, 2012, ESQUITH sent her the following statements:

9                   i.       “You are unreal. I guess people see in you what I always knew.

10                   YOU are one in a million. A dazzling, brilliant, and gorgeous

11                   young woman of real substance....Meanwhile, I miss you already.

12                   There are no words to describe how important you are. You are

13                   Faith. You are real. You are H<sup>Redac</sup>....I don’t think I even need a

14                   plane to get to China. You have me flying.”

15           i.       On February 12, 2012, ESQUITH sent her the following statements:

16                   i.       So you want diamond earrings? I will start saving (really!)

17                   Nothing is too good for the girl who teaches the torches to burn  
18                   bright. And by the way, do you have a favorite gem?

19                   ii.       To which she responded, “No no! my ears aren’t even pierced.  
20                   Hahaha.:)”

21                   iii.       To which you replied, “I wasn’t thinking of your ears! I figured  
22                   you for the belly button piercing type!”

23           j.       On February 10<sup>th</sup> and 11<sup>th</sup> of 2012, ESQUITH sent her the following  
24                   statements:

25                   i.       ESQUITH sent, “I know several guys who wish they were Number  
26                   One in your heart. You are such a hottie (I know you don’t  
27                   believe that, and it makes you even hotter!) You SIZZLE!!!”  
28

- ii. To which she replied, “Thank you, but no... there are no guys going after me, and I am so not “hot”!!! I’m serious!!!!”
- iii. To which ESQUITH replied, “There ARE, and I know for a fact. You are very smart, but there are still some things you do not know (and I do, heh heh!!!) I looked up “amazing” in the dictionary and they had a picture of YOU.”
- k. On February 5, 2012, ESQUITH sent her the following statements:
  - i. “Your ears should have been burning today. LOTS to tell you about when I see you. But the adults are all in love with you who met you last night. But I won’t let them near you. I saw you first!!!!”
- l. On January 24<sup>th</sup> and 25<sup>th</sup> of 2012, ESQUITH sent her the following statements:
  - i. “Top Ten reasons you are NOT coming this Saturday. 1. I spank really hard!!! Your bottom will hurt for months...”
  - ii. To which she responded on the 25<sup>th</sup>, “I just feel like we haven’t seen each other in (sic) awhile!!!! So don’t jump to any conclusions! Hahaha!”
  - iii. To which you replied, “I’d love to see you tomorrow, and maybe even try that spanking!”
- m. On December 13, 2011, ESQUITH sent her the following statements:
  - i. “I want you. YOU are the best present ever.”
  - ii. “But you, H<sup>Redac</sup>, are the best medicine. You are so beautiful and bright and fun and kind and thoughtful and gentle and REAL. You are an angel on my shoulders.”
- n. On November 7, 2011, ESQUITH sent her the following statements:
  - i. “You should be cuddling up with you know who!”
  - ii. “You’re prettier!”



- 1 i. "Hey Beautiful...I know you have no time to watch them with  
2 boys, school, boys, after-school, Saturdays, boys, boys, and boys."  
3 ii. "I love you H<sup>Redac</sup> and I am so very proud of you."

4 31. On or about July 11, 2011, ESQUITH, using a District issued computer SN  
5 825HP1GGDHJF, and a personal email address, <sup>Redacted</sup>, sent the following  
6 threatening and/or extorting statements through emails to 19-year old Dulce V., a former student  
7 from his 5<sup>th</sup> grade class at Hobart Boulevard Elementary School to the following email address  
8 <sup>Redacted</sup> email address, about her sister D<sup>Redact</sup>, 14-year old former student  
9 from his 5<sup>th</sup> grade class at Hobart:

- 10 a. "You are right. D<sup>Red</sup> is going to have to do much more than apologize."  
11 b. "Your family is going to have to pay me for the damages caused to the  
12 hotel. Her damaging the hotel cost me over \$1000. And D<sup>Red</sup> is going to  
13 have to do at least 100 hours of community service. At the VERY least."  
14 c. ESQUITH sent these statements to Dulce despite the fact that on July 27,  
15 2011, he received an email from Linda, hotel Sales Manager from  
16 salesmanager@plazainnashlald.com, that stated:  
17 i. "Hi Rafe- We received your check (last week). Thank you,  
18 however I am very confused by the amount. The hair dryer was  
19 \$40.00 and you sent \$200.00. I can apply the balance to your next  
20 trip. Please let me know if you had another purpose for the  
21 additional money. Thank you, Linda"

22 32. During the period commencing on or about July 16, 2011, and ending on or about  
23 July 18, 2011, ESQUITH, using a District issued laptop SN 825HP1GGDHJF, and a personal  
24 email address, <sup>Redacted</sup>, sent the following statements through emails to David  
25 Bryan, President and Head of School of New Roads School in Santa Monica, regarding 14-year  
26 old D<sup>Redact</sup>, a former student from his 5<sup>th</sup> grade class at Hobart Boulevard Elementary School:

- 27 a. On July 18, 2011, ESQUITH sent him the following statements:  
28

- 1 i. "David...Is there a time I could call you on Wednesday,  
2 Thursday, or Friday to give you the details on D<sup>Red</sup>?..."
- 3 b. On July 16, 2011, ESQUITH sent him the following statements:
- 4 i. "...One of my former students, entering New Roads High School,  
5 did (to my way of thinking) something quite awful."
- 6 ii. "This student has been treated WELL by New Roads, and has  
7 received tens of thousands of dollars in financial assistance. This  
8 kid did not simply do something at the spur of the moment. She  
9 stole things out of a hotel, and knew the wrong she was doing. She  
10 has shown absolutely no remorse."
- 11 iii. "In my opinion...this goes beyond a reprimand. She has been alive  
12 long enough to have figured out that you don't steal things."
- 13 iv. "If you are still reading, and want to know who it is, I will send  
14 you the student's name."
- 15 v. "...This was serious, and it is my hope that New Roads does not  
16 tolerate this sort of behavior. This student has severely damaged  
17 her family and friends through her actions, and does not care.  
18 Perhaps if she lost her scholarship she might see the light. I am  
19 sure there are many honest students who would appreciate the  
20 chance to go to New Roads."
- 21 c. On August 16, 2011, after David informed him through email that New  
22 Roads had decided that dropping D<sup>Red</sup> from their school would not be in  
23 her or her family's best interest, ESQUITH sent her the following  
24 statements:
- 25 i. "Yesterday Barbara and I were driving....Dulce and D<sup>Red</sup> were  
26 there. We offered them a ride home but were refused.... I believe  
27 D<sup>Red</sup> is only upset because she has been caught..."
- 28 33. On or about January 2, 2011, ESQUITH, using a District issued computer SN

1 825HP1GGDHJF, and a personal email address, Redacted sent the following  
2 statements through emails to the following email address Redacted with the  
3 subject "Disneyland Change!!!!":

- 4 a. "This is particularly important for New Roads and Willows Disneyland  
5 kids."
- 6 b. "Willows—think about your Friday schedule. Is it possible your parents  
7 would allow you to leave school around 11:30 a.m... I would like to pick  
8 you up around then this Friday."
- 9 c. "S<sup>Red</sup>—you are VERY far away at New Roads. Can anyone get you out  
10 around 11 and back to Hobart?"
- 11 d. "Public School Kids: Can you get to Hobart (sic) some time between 9  
12 and 11 this Friday morning?"

13 34. On or about September 13, 2011, ESQUITH, using a District issued computer, SN  
14 825HP1GGDHJF, and a personal email address, Redacted, sent the following  
15 intimidating statements through emails to the following email address  
16 Redacted with the subject "update on Oregon police report on you":

- 17 a. "Dear girls... I hope you are well and read this carefully. This Saturday I  
18 have to meet again with detectives from the police department. I am sorry  
19 you have chosen not to keep in touch. I hope you know I have protected  
20 you by withholding your names and taking the blame for what you did this  
21 summer. I hope you will choose to stay in touch and have the  
22 COURTESY to respond when I write to you. The fact that you do not  
23 respond tells me you don't think you did anything that bad this summer. I  
24 hope I am wrong, but time will tell. Many people are telling me to turn  
25 you all in. So far I still hope you will see the light."

26 35. On or about September 14, 2011, ESQUITH, using a District issued computer, SN  
27 825HP1GGDHJF, and a personal email address, Redacted sent the following  
28 statements through emails to 13-year old S<sup>Redact</sup>, a former student from his 5<sup>th</sup> grade class at

1 Hobart Boulevard Elementary School to the following email address Redacted

2 a. On September 14, 2011, S<sup>Red</sup><sub>acto</sub> sent him the following statements:

3 i. "Dear Rafe, I have told you specifically that I was not involved in  
4 the stealing this summer and I thought you told me that you  
5 believed me. My mom knows of this matter and she wants you to  
6 contact her if I have done anything wrong. My mom said that she  
7 will get the punishment because I am under the age of 18. If you  
8 want to have a meeting with my mom, please email..."

9 ii. "Please don't email me anymore. This affects my school life  
10 because of stress. My mom doesn't want you to email these kinds  
11 of email to me anymore."

12 b. In response to S<sup>Red</sup>'s email, on September 14, 2011, he sent her the  
13 following statements:

14 i. On "S<sup>Red</sup>... I had no choice. I have emailed you many times and  
15 you did not even respond. Since you did not have the courtesy to  
16 write back, I was forced to listen to others. Thank you for taking  
17 time to write."

18 ii. "I think you are great! That's why I took you so many places and  
19 spent enormous amounts of time and money on you. I know you  
20 are going to have a fantastic future. I hope you are being honest  
21 with me, and I hope you will stay in touch."

22 36. On or about April 15, 2015, when questioned regarding ESQUITH's District-  
23 issued iPad (Serial # DVPHNCZ8DFHN), ESQUITH stated that he was never issued an iPad.  
24 However, when shown his signature, ESQUITH admitted he had been issued the iPad.  
25 ESQUITH then stated that his classroom had been burglarized and the iPad had been stolen,  
26 along with other personal electronic items. When asked if he had reported the theft to LAPD,  
27 Los Angeles School Police, the Principal, or the District, ESQUITH stated that he had not  
28 reported the theft.

1           37.     On or about May 27, 2015, when ESQUITH was interviewed in connection with  
2     allegations made against him, ESQUITH was not honest in his responses to the District.

3           38.     While a District employee, ESQUITH improperly used his public position for  
4     personal and/or monetary gain related to the Hobart Shakespeareans.

5           39.     During the period commencing on or about August 11, 2014, and ending on or  
6     about April 9, 2015, ESQUITH failed to follow District policy when he was absent without  
7     authorization (unpaid) 17 times on the following dates:

8/11/14	9/22/14	10/9/14	12/4/14	4/9/15
8/14/14	9/23/14	10/10/14	2/26/15	
8/28/14	9/24/14	11/4/14	2/27/15	
9/02/14	9/26/14	12/3/14	3/4/15	

13           40.     During the period commencing on or about August 13, 2013, and ending on or  
14     about April 24, 2014, ESQUITH failed to follow District policy when he was absent without  
15     authorization (unpaid) 20 times on the following dates:

8/13/13	11/1/13	12/5/13	2/13/14	3/20/14
8/19/13	11/8/13	2/10/14	2/14/14	3/21/14
8/20/13	11/12/13	2/11/14	2/27/14	3/28/14
9/19/13	12/4/13	2/12/14	2/28/14	4/24/14

21           41.     During the period commencing on or about August 15, 2012 and ending on or  
22     about May 24, 2013 ESQUITH failed to follow District policy when he was absent without  
23     authorization (unpaid) 14 times on the following dates:

8/15/12	11/5/12	3/6/13	4/19/13	
8/16/12	11/6/12	3/8/13	5/24/13	
10/16/12	2/26/13	4/8/13		
10/17/12	2/27/13	4/9/13		

1           42. Since ESQUITH's removal from teaching at Hobart Boulevard Elementary  
2 School, ESQUITH has repeatedly failed to follow the District's policy regarding time-reporting  
3 and/or attendance for reassigned employees.

4           43. ESQUITH has received training at least annually regarding the reasonable rules  
5 and regulations of the District with respect to the treatment of students. ESQUITH was  
6 specifically instructed on numerous occasions that his conduct described above violated the  
7 reasonable rules and regulations of the District and ESQUITH was directed to refrain from such  
8 conduct. When ESQUITH engaged in the conduct described in the paragraphs above, he was  
9 aware of the District's reasonable rules and regulations and that his conduct violated these  
10 reasonable rules and regulations. Accordingly, ESQUITH has willfully refused to perform  
11 regular assignments without reasonable cause, as prescribed by reasonable rules and regulations  
12 of the employing district.

13           44. The conduct described above violated the reasonable rules and regulations of the  
14 District, including, but not limited to:

- 15           a. Code of Ethics Policy
- 16           b. Code of Conduct with Students
- 17           c. Sexual Harassment Policy (Employee to Student and Employee to  
18 Employee)
- 19           d. Child Abuse and Neglect Reporting Policy
- 20           e. Abolition of Corporal Punishment Bulletin
- 21           f. Bullying and Hazing Policy
- 22           g. Workplace Violence, Bullying and Threats
- 23           h. Board Resolution To Enforce the Respectful Treatment of all Persons
- 24           i. Employee Attendance Policy
- 25           j. Acceptable Use Policy (and subsequent Acceptable and Responsible Use  
26 Policy and Responsible Use Policy)
- 27           k. Field Trip Handbook Policy
- 28           l. Leave and Accommodation Policies (including the Family Medical Leave

and Family Rights Act)

m. California Standards for the Teaching Profession

n. Discipline Foundation Policy: School-Wide Positive Behavior Support

o. Daily Attendance Policy for Reassigned Employees

45. The conduct described above in paragraphs 1 through 23 constitute allegations of act(s) described in California Education code section 44010 or Penal Code sections 11165.2 to 11165.6, inclusive, and are not subject to any evidentiary bar.

46. The conduct described in paragraphs 4 through 23, with the exception of paragraph 21, was not reported to the District until 2015. ESQUITH did not report such conduct and concealed it from the District. The District, thus, had no way to know that ESQUITH was engaging in such conduct described in paragraphs 4 through 23, with the exception of paragraph 21, and ESQUITH acted to conceal his inappropriate behavior from the District.

47. The above charges, separately, and in any combination, support ESQUITH's dismissal from the District.

#### **DISCIPLINE & DIRECTIVES**

Despite repeated assistance, guidance, counseling and warnings, ESQUITH has failed to comport himself to an acceptable level of professional conduct. Therefore, the District issued the following discipline and/or directives to ESQUITH:

<u>DATE</u>	<u>DISCIPLINE/DIRECTIVES</u>
April 27, 2013	Inter-Office Correspondence Memorandum
March 17, 2015	Inter-Office Correspondence Memorandum
September 17, 2015	Inter-Office Correspondence Memorandum
September 28, 2015	Notice of Unsatisfactory Service/Act(s)
September 28, 2015	Notice of Suspension (15 Days)

WHEREFORE, under the provisions of Education Code section 44934 and 44939, the undersigned asks that the Board of Education give notice to ESQUITH of its intention to immediately suspend without pay and dismiss him at the expiration of thirty (30) days from the date of service of this notice, and that he be dismissed at the expiration of those thirty (30) days

1 unless he demands a hearing as provided under Education Code section 44937 and 44939, and  
2 that the Board attach to this notice, under Education Code sections 44936 and 44939, a copy of  
3 these Charges together with a copy of sections 44930 through 44988 of the Education Code, and  
4 copies of Government Code sections 11507.5, 11507.6 and 11507.7.

5 The undersigned also asks that, if ESQUITH does demand such hearing as thus provided,  
6 the Board schedule a hearing under the applicable statutory provisions.

7 The undersigned verifies on information and belief that the foregoing Charges are true  
8 and correct.

9 Respectfully submitted,

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11 Dated: 9/30, 2015

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13 Justo H. Avila  
14 Chief Human Resources Officer  
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