



July 21, 2015

Kevin Sharp
[REDACTED]

Re: 45-Day Notice of Unprofessional Conduct

Dear Mr. Sharp:

Pursuant to Education Code Section 44938 (Exhibit A), you are hereby notified that you have engaged in unprofessional conduct as a certificated employee of the Palo Alto Unified School District (District). This Notice is designed to furnish you with specific information concerning those areas where you have exhibited unprofessional conduct and to provide you with the opportunity to correct these deficiencies.

Incident of Unprofessional Conduct

The District was informed by the parents of a former student at Palo Alto High School that you engaged in a sexual/romantic relationship with their daughter shortly after her graduation from the High School in June, 2014. A friend of the former student also informed the District that you may have engaged in "grooming" activities when this young woman was a student at Palo Alto High School and that your behavior facilitated the consummation of a sexual relationship soon after graduation. While an investigation did not establish sufficient evidence to sustain a termination action against you, we believe that the evidence leads us to conclude that the allegations have greater credibility than your denial. Therefore, we are issuing this Notice of Unprofessional Conduct to provide you with a written warning and Notice that any such conduct in the future will lead to disciplinary action including the possibility of the termination of your employment with the District.

Directives

Your actions constitute unprofessional conduct as a District teacher. You have failed to meet your obligations to provide students with a safe educational environment and have exploited your position of power as a teacher to establish the basis for a sexual/romantic relationship with a former student. Moreover, your behavior may have created a hostile environment for this and other students, negatively impacting students and may constitute a violation of the District's prohibition of sexual harassment including board policies (BP), procedures and administrative regulations (AR) and directives, including BP's and AR's 4119.11, 4219.11 and 4319.11.

You are directed to cease this conduct and comply with the following directives:

1. Behave professionally when interacting with students, staff and members of the school community.
2. Be mindful of your position as a teacher when interacting with all students in order to maintain your professional distance.
3. Do not meet with female students off-campus. Meetings with female students on campus should occur in visible settings (e.g. classroom with the door open).
4. Do not engage in inappropriate relationships with students and/or former students.
5. Board Policies and Administrative Regulations 4119.11, 4219.11 and 4319.11, copies of which are attached for your convenience as Exhibit B.

Your principal and I are available to assist you in addressing these directives upon your request. If you have any questions concerning the above directives or require assistance, please contact your principal or me directly. Should you fail to comply fully with the directives detailed above, the District may take other disciplinary actions against you, up to and including dismissal.

A copy of this Notice will be placed in your personnel file after ten (10) days following your receipt of this Notice. You have the right to prepare a written response to this Notice, and any response you submit will be attached hereto before placement in your file. Enclosed, please find a copy your last performance evaluation as Exhibit C.

Sincerely,

PALO ALTO UNIFIED SCHOOL DISTRICT

Scott Bowers, Ed. D.
Assistant Superintendent
Human Resources

Enclosures: Exhibits A, B, C

Exhibit A

Education Code Section: 44938.

(a) The governing board of any school district shall not act upon any charges of unprofessional conduct unless at least 45 calendar days prior to the date of the filing, the board or its authorized representative has given the employee against whom the charge is filed, written notice of the unprofessional conduct, specifying the nature thereof with such specific instances of behavior and with such particularity as to furnish the employee an opportunity to correct his or her faults and overcome the grounds for the charge. The written notice shall include the evaluation made pursuant to Article 11 (commencing with Section 44660) of Chapter 3, if applicable to the employee.

(b) The governing board of any school district shall not act upon any charges of unsatisfactory performance unless it acts in accordance with the provisions of paragraph (1) or (2):

- (1) At least 90 calendar days prior to the date of the filing, the board or its authorized representative has given the employee against whom the charge is filed, written notice of the unsatisfactory performance, specifying the nature thereof with such specific instances of behavior and with such particularity as to furnish the employee an opportunity to correct his or her faults and overcome the grounds for the charge. The written notice shall include the evaluation made pursuant to Article 11 (commencing with Section 44660) of Chapter 3, if applicable to the employee.
- (2) The governing board may act during the time period composed of the last one-fourth of the schooldays it has scheduled for purposes of computing apportionments in any fiscal year if, prior to the beginning of that time period, the board or its authorized representative has given the employee against whom the charge is filed, written notice of the unsatisfactory performance, specifying the nature thereof with such specific instances of behavior and with such particularity as to furnish the employee an opportunity to correct his or her faults and overcome the grounds for the charge. The written notice shall include the evaluation made pursuant to Article 11 (commencing with Section 44660) of Chapter 3, if applicable to the employee.

(c) "Unsatisfactory performance" as used in this section means, and refers only to, the unsatisfactory performance particularly specified as a cause for dismissal in Section 44932 and does not include any other cause for dismissal specified in Section 44932.

"Unprofessional conduct" as used in this section means, and refers to, the unprofessional conduct particularly specified as a cause for dismissal or suspension in Sections 44932 and 44933 and does not include any other cause for dismissal specified in Section 44932.

(Amended by Stats. 1995, Ch. 392, Sec. 4. Effective January 1, 1996.)