

**BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA**

**In the Matter of the Motion for Immediate Reversal of
Suspension of:**

**JENNIFER HUMPHREYS, A Permanent Certificated Employee,
Moving Party,**

v.

**FALLBROOK UNION ELEMENTARY SCHOOL DISTRICT,
Responding Party.**

OAH No. 2021110460

(Related to OAH No. 2021110369)

**ORDER DENYING MOTION
FOR IMMEDIATE REVERSAL OF SUSPENSION
(Ed. Code, § 44939, subd. (c)(4))**

Administrative Law Judge Juliet E. Cox, State of California, Office of
Administrative Hearings, heard this matter telephonically on December 10, 2021, from
Oakland, California.

Attorney Jon Y. Vanderpool represented respondent and moving party Jennifer Humphreys.

Attorney Jonathan Pearl represented the Fallbrook Union Elementary School District.

PROCEDURAL HISTORY

On October 11, 2021, a representative of the Fallbrook Union Elementary School District (District) served a statement of charges alleging cause to dismiss Jennifer Humphreys from employment with the District as a teacher. The charges include willful refusal to perform regular assignments without reasonable cause. In reliance on these charges, the District has suspended respondent from employment without pay.

On November 10, 2021, respondent timely filed a motion seeking immediate reversal of her suspension and reinstating her salary and benefits pending resolution of the charges against her. Respondent argues that the District has not alleged an adequate basis to suspend her from employment without pay before resolution of these charges, because the allegations do not describe her willful refusal to perform regular assignments without reasonable cause. The District opposes respondent's motion.

APPLICABLE STATUTES

Education Code section 44939 permits the District to suspend immediately, without pay, a permanent employee who the District alleges to have committed "willful refusal to perform regular assignments without reasonable cause." (Ed. Code,

§ 44939, subd. (b).) Administrative review of an order for immediate suspension is available, "limited to a determination as to whether the facts alleged in the statement of charges, if true, are sufficient to constitute a basis for immediate suspension under this section." (*Id.*, subd. (c)(1).)

DISCUSSION

The statement of charges has been considered in light of the parties' written and oral arguments. The District has alleged facts which, if true, would establish willful refusal to perform regular assignments without reasonable cause. The District's allegations justify respondent's immediate suspension under Education Code section 44939, subdivision (b).

ORDER

The motion by respondent and moving party Jennifer Humphreys for immediate reversal of suspension and for reimbursement of pay and benefits during the period of suspension is denied.

DATE: 12/14/2021

Juliet E. Cox

JULIET E. COX

Administrative Law Judge

Office of Administrative Hearings