

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

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

**BRUCE FARNSWORTH, a Permanent Certificated Employee,
Moving Party,
and
FAIRFIELD-SUISUN UNIFIED SCHOOL DISTRICT,
Responding Party.**

OAH No. 2024100682

**ORDER DENYING MOTION FOR
IMMEDIATE REVERSAL OF SUSPENSION**

(Ed. Code, § 44939, subd. (c)(4))

Administrative Law Judge Holly M. Baldwin, State of California, Office of
Administrative Hearings, heard this matter on November 15, 2024, by videoconference.

Attorney Joshua Richtel appeared for moving party Bruce Farnsworth.

Attorney Marleen Sacks appeared for responding party Fairfield-Suisun Unified
School District (District).

Procedural History

On September 19, 2024, the District issued a statement of charges against moving party Bruce Farnsworth, alleging multiple causes for dismissal, including immoral conduct 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. (Ed. Code, § 44932, subd. (a)(1) & (a)(8).) The District placed Farnsworth on immediate suspension without pay pending hearing, pursuant to Education Code section 44939, based upon the charges of immoral conduct, and also upon an allegation that the alleged conduct constitutes willful refusal to perform regular assignments without reasonable cause, as prescribed by the reasonable rules and regulations of the employing school district.

On October 18, 2024, Farnsworth timely filed a motion for immediate reversal of his suspension without pay, pursuant to Education Code section 44939, subdivision (c). The District opposes the motion.

Discussion

Education Code section 44939, subdivision (b), provides, in relevant part, that a school district may immediately suspend a permanent employee of the school district who has been charged “with immoral conduct, conviction of a felony or of any crime involving moral turpitude, with incompetency due to mental disability, with willful refusal to perform regular assignments without reasonable cause, as prescribed by reasonable rules and regulations of the employing school district, or with violation of [Education Code] Section 51530”

Education Code section 44939, subdivision (c)(1), authorizes the permanent employee to seek review of the order of suspension by motion to the Office of

Administrative Hearings. This section limits the review of a motion to immediately reverse a suspension to “a determination as to whether the facts as alleged in the statement of charges, if true, are sufficient to constitute a basis for immediate suspension under this section.” (*Ibid.*)

Immoral conduct is defined as conduct that is “hostile to the welfare of the general public and contrary to good morals” and includes conduct “inconsistent with rectitude, or indicative of corruption, indecency, depravity, dissoluteness; or as willful, flagrant, or shameless conduct showing moral indifference to the opinions of respectable members of the community.” (*Board of Education v. Weiland* (1960) 197 Cal.App.2d 808, 811; see also *Crawford v. Commission on Professional Competence* (2020) 53 Cal.App.5th 327, 337.)

Farnsworth taught photography to seventh through twelfth grade students. The statement of charges alleges, among other things, that Farnsworth lied on his job application about the circumstances of his separation from prior employment; used sexually inappropriate language about a 14-year-old girl that was recorded via a speech-to-text function on his phone and mistakenly included in a “Google classroom” assignment displayed to his students; lied repeatedly to students, administrators, and an investigator when questioned about how that language came to appear in the assignment; attempted to blame a student after Farnsworth negligently allowed that student to access pornography on Farnsworth’s phone; and lied about the quantity of pornography on the phone. The statement of charges also includes allegations that after previously being directed not to touch students, lean in toward them, or stare at them, Farnsworth continued to invade students’ physical space, making them feel uncomfortable, and that this constituted insubordination.

The District contends that the factual allegations in the statement of charges constitute immoral conduct. The District also contends that the allegations in the statement of charges that Farnsworth violated school policies and regulations constitute "willful refusal to perform regular assignments without reasonable cause," sufficient to constitute a basis for immediate suspension.

The written submissions of the parties and their oral argument have been considered. Based upon a review of the charges, the District has alleged facts which, if true, are sufficient to constitute a basis for immediate suspension under Education Code section 44939, subdivision (b), on the grounds of immoral conduct.

Whether the allegations are sufficient to constitute "willful refusal to perform regular assignments without reasonable cause" need not be resolved in this order, because the allegations of immoral conduct are sufficient to sustain the immediate suspension.

ORDER

Bruce Farnsworth's motion for immediate reversal of the suspension by Fairfield-Suisun Unified School District is denied.

DATE: 11/18/2024



HOLLY M. BALDWIN

Administrative Law Judge

Office of Administrative Hearings