

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

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

VERONICA PEREZ, a Permanent Certificated Employee,

v.

LONG BEACH UNIFIED SCHOOL DISTRICT

OAH No. 2024040623

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

(Ed. Code, § 44939, subd. (c)(4))

Administrative Law Judge Karen Reichmann, State of California, Office of
Administrative Hearings, heard this motion by videoconference on May 3, 2024.

Attorney Ilissa B. Gold appeared on behalf of Veronica Perez, the moving party.

Attorney Anthony P. DeMarco appeared on behalf of the Long Beach Unified
School District (District).

PROCEDURAL HISTORY

On March 6, 2024, a statement of charges was filed and served against Veronica Perez, pursuant to Education Code sections 44932 and 44939, alleging a total of five causes for dismissal, including willful refusal to perform regular assignments without reasonable cause, as prescribed by reasonable rules and regulations of the District (willful refusal). The District placed Perez on immediate suspension without pay, pursuant to Education Code section 44939, based upon the willful refusal allegation.

Perez filed a motion for immediate reversal of her suspension without pay, pursuant to Education Code section 44939, subdivision (c)(1). She argues that the District has not alleged a sufficient basis to place her on immediate unpaid status because the factual allegations in the statement of charges do not establish willful refusal. The District opposes the motion.

DISCUSSION

Education Code section 44939, subdivision (b), provides that a school district may immediately suspend a permanent certificated employee who has been charged “with willful refusal to perform regular assignments without reasonable cause, as prescribed by reasonable rules and regulations” of the District.

Pursuant to Education Code section 44939, subdivision (c)(1), “review of a motion filed pursuant to this section shall be limited 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.”

The written submissions and oral argument of the parties have been considered. The statement of charges contains numerous allegations that Perez repeatedly failed

to perform assigned duties despite directives and corrective memoranda. These acts, if proven, establish cause for discipline for willful refusal.

Based upon a review of the statement of charges, the District has alleged facts sufficient to constitute a basis for immediate suspension under Education Code section 44939, subdivision (b).

ORDER

Veronica Perez's motion for immediate reversal of suspension is DENIED. The District's immediate suspension of Veronica Perez is upheld.

DATE: 05/08/2024

Karen Reichmann

KAREN REICHMANN

Administrative Law Judge

Office of Administrative Hearings