

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

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

**CHRISTOPHER BRABANT, a Permanent Certificated
Employee, Moving Party,**

and

SALINAS UNION HIGH SCHOOL DISTRICT, Responding Party.

OAH No. 2024070160

**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 July 26, 2024, by videoconference.

Attorney Melissa Yoest represented moving party Christopher Brabant.

Attorneys Gabriela D. Flowers and Selina Ayala-Patlán represented responding
party Salinas Union High School District (District).

Procedural History

On June 25, 2024, the District filed a statement of charges against moving party Christopher Brabant,¹ alleging multiple causes for dismissal, including immoral conduct. The District placed Brabant on immediate suspension without pay pending hearing, pursuant to Education Code section 44939, based upon the charges of immoral conduct.

On July 3, 2024, Brabant timely filed a motion for immediate reversal of his suspension without pay, pursuant to Education Code section 44939, subdivision (c). Brabant requests an order reversing his suspension without pay.

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

¹ The statement of charges was served on Brabant on June 26, 2024.

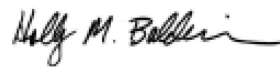
statement of charges, if true, are sufficient to constitute a basis for immediate suspension under this section." (*Ibid.*)

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.

ORDER

Christopher Brabant's motion for immediate reversal of the suspension by Salinas Union High School District is denied.

DATE: 08/01/2024



HOLLY M. BALDWIN

Administrative Law Judge

Office of Administrative Hearings