

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

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

NEWTON OKEWOYE,

a Permanent Certificated Employee, Moving Party,

and

LOS ANGELES UNIFIED SCHOOL DISTRICT, Responding Party.

OAH No. 2024060252

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

(Ed. Code, § 44939, subd. (c)(4))

Administrative Law Judge Frances M. Valdez, State of California, Office of
Administrative Hearings, heard this matter on June 28, 2024, by videoconference.

Shirley A. Lee, Attorney at Law, Equality Law, LLP, represented moving party
Newton Okewoye.

M. Christina Cruz, Associate General Counsel I, Office of the General Counsel, Los Angeles Unified School District, represented responding party Los Angeles Unified School District (District).

Procedural History

On April 16, 2024, the District filed a statement of charges against moving party Okewoye¹ pursuant to Education Code section 44932, alleging four causes for dismissal: 1) egregious misconduct, 2) unprofessional conduct, 3) immoral conduct, and 4) persistent violation of or refusal to obey school laws of the state or regulations established by the District or state. The District placed Okewoye on immediate suspension without pay pursuant to Education Code section 44939, based upon the charges of egregious misconduct and immoral conduct.

On June 7, 2024, Okewoye timely filed a motion for immediate reversal of his suspension without pay, pursuant to Education Code section 44939, subdivision (c). He argues that the District has not alleged a sufficient basis to place him on immediate unpaid status because the allegations in the statement of charges do not state sufficient facts to constitute egregious misconduct or immoral conduct. In his motion, Okewoye requests an order reversing the suspension without pay and reimbursing him for lost wages, benefits, and compensation.

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

¹ The statement of charges was served on Okewoye on May 17, 2024.

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."

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. However, the alleged facts do not describe egregious misconduct within the meaning of Education Code sections 44932, subdivision (a)(1), and 44010.

ORDER

The motion for reversal of the immediate suspension of Newton Okewoye by Los Angeles Unified School District is denied.

DATE: 07/03/2024



FRANCES M. VALDEZ

Administrative Law Judge

Office of Administrative Hearings