

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

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

**CAMILLE PIPER, A Permanent Certificated Employee,
Moving Party,**

v.

ELK GROVE UNIFIED SCHOOL DISTRICT, Responding Party.

OAH No. 2019080592

(Related to OAH No. 2019080824)

**ORDER GRANTING 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 September 6, 2019, from
Oakland, California.

Attorney Michael N. McCallum represented respondent and moving party
Camille Piper.

Attorney Steve Ngo represented the Elk Grove Unified School District.

PROCEDURAL HISTORY

On July 25, 2019, a representative of the Elk Grove Unified School District (District) served a statement of charges alleging cause to dismiss Camille Piper from employment with the District as a teacher. The charges include immoral conduct and willful refusal to perform regular assignments without reasonable cause. In reliance on these charges, the District has suspended respondent from employment without pay.

On August 16, 2019, 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 describe neither immoral conduct nor 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 "immoral conduct" or "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).)

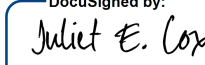
DISCUSSION

The statement of charges has been considered in light of the parties' written and oral arguments. The District has not alleged facts which, even if true, would establish either immoral conduct or willful refusal to perform regular assignments without reasonable cause. The District's allegations do not constitute a basis for immediate suspension under Education Code section 44939, subdivision (b).

ORDER

The motion by respondent and moving party Camille Piper for immediate reversal of suspension and for reimbursement of pay and benefits during the period of suspension is granted. The District's immediate suspension of respondent is reversed. The District immediately shall return respondent to paid status, and shall make her whole for any lost wages, benefits, and other compensation within 14 days after service of this order. (Ed. Code, § 44939, subd. (c)(5).)

DATE: September 12, 2019

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JULIET E. COX

Administrative Law Judge
Office of Administrative Hearings