

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

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

**KELLI ADAME,**

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

**and**

**BAKERSFIELD CITY SCHOOL DISTRICT, Responding Party.**

**OAH No. 2020061037**

**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 telephonically on July 24, 2020.

Craig R. Meredith, Tuttle & McCloskey, represented moving party Kelli Adame.

Bryan J. Park, Dannis Woliver Kelley, represented responding party Bakersfield  
City School District (District).

## **Procedural History**

On May 26, 2020, the District filed a statement of charges against moving party Kelli Adame,<sup>1</sup> alleging multiple causes for dismissal, including immoral conduct and willful refusal to perform regular assignments without reasonable cause, as prescribed by reasonable rules and regulations of the employing school district (willful refusal). The District placed Adame on immediate suspension without pay pending hearing, pursuant to Education Code section 44939, based upon the charges of immoral conduct and willful refusal.

On June 25, 2020, Adame timely filed a motion for immediate reversal of her suspension without pay pursuant to Education Code section 44939, subdivision (c), arguing that the District has not alleged a sufficient basis to put her on immediate unpaid status because the allegations in the statement of charges do not state sufficient facts to constitute immoral conduct or willful refusal. In her motion, Adame requests an order reversing her 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

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<sup>1</sup> The statement of charges was served on Adame on May 27, 2020.

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 and willful refusal.

## **ORDER**

The motion for immediate reversal of the suspension of Kelli Adame by Bakersfield City School District is denied.

DATE: July 27, 2020

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HOLLY M. BALDWIN

Administrative Law Judge

Office of Administrative Hearings