

CLIENT NEWS BRIEF

New Law Re-Names Statutorily Required Teacher Layoff Forms

In recent years, most school districts have used the certificated layoff process to reduce district expenses in difficult economic times. Until now, districts have been compelled by law to serve employees with a legal document with the undesirable title of "Accusation" even though the employees had not engaged in any wrongdoing. Likewise, the employees have been obligated to file a legal document called a "Notice of Defense" in order to challenge the layoff process.

State legislators believed that these titles incorrectly suggested that employees had done something wrong, and recently took action to correct this problem. Effective January 1, 2014, Senate Bill ("SB") 546 gives new titles to these statutorily required forms which are more appropriate and accurate in the layoff context. For purposes of certificated layoffs, SB 546 renames the "Accusation" document to the "District Statement of Reduction in Force." Likewise, SB 546 renames an employee's "Notice of Defense" to a "Notice of Participation."

SB 546 amends Education Code section 44949 and the Administrative Procedures Act, contained in Government Code section 11500, et seq. For any districts undergoing certificated layoffs in spring 2014, it will be important to ensure that these forms are renamed, and that the current versions of the relevant sections of the Education Code and Government Code are served with their layoff notices.

Lozano Smith will be updating its sample forms to reflect these changes. For more information, please feel free to contact one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#), or download our [Client News Brief App](#).

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