

CLIENT NEWS BRIEF

AB 449 Clarifies a District's Obligation to Report Certificated Employee Misconduct

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Governor Brown recently signed Assembly Bill (AB) 449, a bill adding to and amending sections of the Education Code regarding reporting certificated employee misconduct. AB 449 adds section 44030.5 to the Education Code to clarify a school district superintendent's obligation to report a certificated employee's misconduct to the California Commission on Teacher Credentialing (CTC) as well as the potential penalties for failing to timely submit the report.

Under existing regulations set forth in section 80303 of Title 5 of the California Code of Regulations, a superintendent is required to notify the CTC when a credential holder working in a position requiring a credential was subject to one of the following actions as a result of an allegation of misconduct, or while an allegation of misconduct was pending:

- (1) Dismissal or non-reelection;
- (2) Resignation;
- (3) Suspension or unpaid administrative leave as a final disciplinary action for more than ten days;
- (4) Retirement; or
- (5) Termination.

The regulation requires the superintendent to report the change in employment status to the CTC no later than thirty days after the change occurred. Under AB 449, the newly added Education Code section 44242.5 reinforces the regulation requirements and clarifies the definition of a "change in employment status." Pursuant to Education Code section 44030.5, it is now clear that a change in employment status solely due to unsatisfactory performance or a reduction in force is not an "allegation of misconduct" and, therefore, it does not need to be reported to the CTC.

Amended Education Code section 44254.5 also stiffens the penalties set forth in the regulations if a failure to report occurs. Previously, a failure to report a change in employment status constituted unprofessional conduct, and this potentially resulted in an investigation of the superintendent and a \$100 misdemeanor fine. AB 449 increases the misdemeanor fine to be an amount between \$500 and \$1,000, and also identifies the superintendent (or other reporting authority in the case of a charter school or county office of education) as personally responsible for paying the fine. Under AB 449, public funds may not be used to pay such a fine.

AB 449 reminds superintendents and human resource officers of the importance of reporting any changes in employment status for certificated employees when an allegation of misconduct is involved. To avoid an investigation of the superintendent's credential status and/or a criminal fine, district administrators should remain vigilant in submitting timely reports.

If you have any questions regarding these reporting requirements, 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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