

## **Supplemental Procedures for Mid-Summer Teacher Reduction in Force Proceedings Pursuant to Education Code Section 44955.5**

The Office of Administrative Hearings (OAH) is aware that some school districts are contemplating mid-summer teacher reduction in force proceedings under the authority of Education Code section 44955.5. To make the process more efficient and easier for all parties, this document supplements the procedures already found on the OAH “Teacher Reduction in Force” Webpage. Parties should consult and continue to follow the procedures in [Planning for Teacher Reduction in Force Proceedings - 2009](#), except when they conflict with this supplemental information.

### 1. Calendaring Considerations

#### A. Time Period for Calendaring Hearings

OAH will calendar mid-summer layoff hearings to take place during the period of June 29 through July 24, 2009. Hearing dates will not be calendared after July 24, 2009, in order to give the administrative law judges time to prepare and issue proposed decisions.

#### B. Requesting Hearing Dates

- Before requesting hearing dates, school districts are urged to coordinate hearing dates with the teachers’ attorneys or representatives and to include at least three alternate mutually acceptable hearing dates in the completed request to set form.
- The California Teachers Association (CTA) has offered to assist school district counsel in obtaining the name of the teachers’ attorney or representative to include on the request to set form. CTA contact information is included in [Planning for Teacher Reduction in Force Proceedings – 2009](#) on the OAH Teacher Reduction in Force Webpage.
- To request hearing dates, school districts must file a completed ["Request to Set" form \(OAH-22\)](#) with OAH **no later than June 15, 2009**. The Governing Board resolution adopting the schedule of notice and hearing pursuant to Education Code section 44955.5 must be filed with the request to set form. All other Governing Board resolutions, notices and pleadings shall be filed promptly with OAH, as they become available. If the request to set form is filed after June 15, 2009, OAH may not be able to schedule the hearing on the dates requested by the parties.
- If the requested hearing dates are not coordinated, OAH may convene a telephonic trial setting conference with the parties to schedule hearing dates.
- School districts must have a current contract in effect with OAH before hearing dates will be scheduled.

## 2. Continuances

The timelines applicable to mid-summer layoffs foreclose the possibility of continuing scheduled hearing dates. If the request to set form includes mutually acceptable hearing dates, the necessity of filing a continuance motion should be minimized.

## 3. Proposed Decisions—Due Date

- OAH's administrative law judges will endeavor to issue all proposed decisions no later than August 6, 2009, to accommodate the statutory deadline.
- OAH will mail or fax the proposed decision to the district office. The district office will serve the proposed decision on the respondents.