

Fourth District Legislative Advocacy Communicator



FOURTH DISTRICT PTA ADVOCACY TEAM

MAY 2014

Legislative bills, court case and initiative tackle teacher dismissals

Teacher dismissal, evaluation and seniority have been hot topics in California during the past few years. Attempts to change the way teachers can be dismissed or laid off are underway in the state legislature, in the courts and through the initiative process.

This is a difficult and contentious issue. On the one hand, school boards and administrators are anxious to streamline the lengthy and very expensive process for removing a teacher from the classroom. On the other hand, teachers and their unions want assurances that teachers will not be dismissed without due process and appropriate workplace protections.

California State PTA is watching three current bills that deal with these issues. A “watch” position means PTA considers the legislation important, but is waiting for lawmakers to complete, amend or review the bill.

Two of the bills, **AB 215 (Buchanan)** and **SB 843 (Correa)** are similar. Both would streamline the dismissal process only for teachers accused of egregious behavior (as opposed to unsatisfactory performance). Charges for egregious conduct could be filed at any time during the year, including during the summer. AB 215 would allow and SB 843 would require that the teacher’s hearing be held before an administrative law judge, rather than a three-person commission. The two bills differ on the timeline of the hearings and the rules of evidence. Both bills would allow the introduction of evidence that is more than four years old and would prohibit a district from removing evidence of egregious conduct from personnel files.

SB 1185 (Huff) would protect specialized teachers in career pathway programs from layoffs. It allows schools to exempt these teachers from seniority-based rules. CAPTA supports career pathway programs and the concept of this bill, and is watching it for future amendments.

The issue of teacher dismissal was also taken on by Students Matter, a nonprofit founded by Silicon Valley businessman David Welch. This organization filed a lawsuit two years ago on behalf of nine students from five California school districts. **Vergara v. California** claims the laws that provide job protections for teachers, specifi-

cally tenure, “last in first out” practices, and the complex, lengthy and expensive dismissal process, are to blame for the achievement gap. The plaintiffs contended that schools should reward and retain the best teachers, not the ones who have been teaching the longest, and that shielding ineffective teachers from dismissal violates the rights of students, especially those from poorer areas.

Defense attorneys argued that multiple measures should be used to evaluate teachers and that in well-managed districts ineffective teachers agree to resign, retire or settle for small amounts. Eliminating the laws in question would create a less stable workforce for schools, they said.

The case was heard in Los Angeles County Superior Court, with closing arguments presented at the end of March. Judge Rolf Treu can choose to strike down none, all, or some of the laws involved in the case. Both sides have said they will appeal if they lose.

Meanwhile, an initiative titled **Stop Child Molesters, Sexual Abusers and Drug Dealers from Working in California Schools Act** has been cleared by the California Secretary of State for signature gathering to qualify for the November ballot. Sponsored by EdVoice, this proposal would speed the dismissal process and eliminate the four-year statute of limitations to dismiss or suspend school employees accused of egregious misconduct. Dismissal hearings would take place before an administrative law judge, instead of three-person panel. Agreements to remove evidence of egregious misconduct from employee’s personnel records or not report employee’s misconduct to law enforcement or teacher credentialing officials would be prohibited. If employee is dismissed, school districts could recover salary paid. CAPTA has not taken a position on this initiative.

A second initiative, **The High Quality Teachers Act of 2014**, filed on behalf of StudentsFirst, was approved for signature gathering but then withdrawn by the author Matt David, who said he may resubmit it for 2016. This measure would require annual teacher and administrator evaluations based on multiple measures and would eliminate tenure as a protection from layoffs.

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Districts may use LCFF revenue to repair and upgrade facilities

During the recent years of severe budget cuts, many California school districts postponed repairing their facilities and instead used funding to maintain educational programs. As a result, school buildings throughout the state are in desperate need of repair and upgrades.

Since school districts have more funding flexibility under the new Local Control Funding Formula, many are looking for ways to use their state revenues to improve their facilities.

In creating their Local Control and Accountability Plans for how they will spend state funding, school districts must address the eight state priorities areas, one of which mentions “safe facilities.” The question becomes how much of the base grant designated for all students can a district use for this purpose? Can supplemental funding for high needs students also be used?

According to Brooks Allen, deputy policy director and assistant legal counsel to the State Board of Education, if a district’s enrollment of high-needs students is below 55 percent, it would need to describe how the proposed district-wide use of funds is the “most effective” way to meet the district’s goals for those students. A district with more than 55 percent high needs students would be required to demonstrate that the funds will help meet a specific goal for those students.

These requirements are based on the temporary regulations approved by the State Board of Education in January. The board is monitoring how school districts respond to these rules and will revise them by the end of the year.

For more information, see the article “Districts may have funding flexibility to repair and improve school facilities,” by Karla Scoon Reid, at EdSource.org.

Legislators show renewed interest in early childhood education

Numerous studies have shown that children who receive quality learning experiences in their first years are more successful in school and later in their careers. This year there has been a renewed interest in early childhood education, both in Sacramento and in Washington D.C.

In California SB 837, the Kindergarten Readiness Act of 2014, was introduced by Senator Darrell Steinberg. It would require school districts that offer kindergarten to provide a year-long half-day Transitional Kindergarten (TK) program for children who are four years old by September 1. In effect, it would create a new grade level for California. TK teachers would be required to have a credential and assistant teachers to have training in early education. School districts would receive two-thirds of the per-pupil base grant under the Local Control Funding Formula for TK students. Districts could contract with private providers to offer the TK programs. Funding for the program would come through Prop. 98.

California State PTA originally had concerns about the source of funding for this new program and about sufficient classroom space, and took a “support if amended” position on SB 837. Recent amendments by the author have allowed CAPTA to change its position to “support.” The Senate Education Committee approved SB 837 in April. Additional debate and amendments are expected as the bill makes its way through the legislative process.

Governor Brown’s proposed 2014-15 budget did not include funding for transitional kindergarten or any other early education program. That may or may not change when he issues his revised budget proposal in May.

At the federal level the Strong Start for Children Act was introduced in both houses of Congress in November. It would create a federal grant program for states to create or expand publicly funded high-quality preschool programs. It would also provide funding for infant through age three child care and training for child care workers.

National PTA supports this legislation and urges members to tell their lawmakers that “PTA supports high-quality child care and preschool programs for all children that are affordable, accessible, and coordinated at all levels.”

CAPTA’s Legislative Program

During each session of the state legislature, California PTA searches through proposed bills to identify those that affect children, families and public schools. CAPTA takes positions on bills based on PTA’s mission and general principles, position statements, resolutions passed by members at convention and legislation planks. Subject area commissions work with CAPTA advocates to recommend appropriate action on bills. Selected bills are sent to members of the Legislation Action Committee for detailed study. The Legislation Action Committee meets several times during each legislative session to discuss the bills and commission recommendations and to determine positions to be taken on each of the selected bills.

For more information about CAPTA’s legislative program, and to see the positions taken on current bills, go to capta.org under Advocacy.